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# Social Security as a Human Right

Drafting a General Comment  
on Article 9 ICESCR - Some Challenges

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## Preface

This book emerged from presentations made at the International Expert Workshop on Right to Social Security in Berlin, Germany, 6-7 April 2005. Hosted by the German Institute for Human Rights in cooperation with the Friedrich Ebert Foundation, University of Mannheim and the Centre on Housing Rights and Evictions (COHRE), the workshop brought together academics and practitioners from the fields of social security and human rights and offered a unique opportunity for an inter-disciplinary dialogue on the content and scope of the right to social security.

Discussions were particularly focused on the right to social security in Article 9 of the International Covenant on Economic, Social and Cultural Rights. It is the shortest provision in the Covenant and one that has attracted less than its fair share of attention in scholarly literature and amongst the deliberations of the Committee on Economic, Social and Cultural Rights. But experience has demonstrated that the quality of the State reporting to the Committee improves greatly after the adoption of a General Comment, and with the recent decision by the Committee to adopt a comment on the subject, it seems desirable to help close the gap with some considered reflections on the topic.

The opening chapters of the book by *Reynaud, Riedel* and *Langford* map out the practical and legal challenges in recognising and implementing the right and the value-added in taking a rights-based approach to social security. This legal analysis is complemented by *Liebenberg*, who explores the innovative judicial enforcement of the right to social security in South Africa, and *Kulke, López-Morales* and *Nußberger* who chart the contribution that the ILO framework on social security could make to our conceptual understanding of the right. The remaining chapters take up various practical and conceptual challenges. *Mueller* and *Bakvis* analyse the push for privatisation of social security schemes, *Sinha* considers the rights of women to social security in India, *Bolderson* takes up the rights of asylum seekers to equal access to social security in the United Kingdom while *McGillivray* analyses the nature and reasonableness of cutbacks to social security schemes. The book concludes with an overview of the rich and lively workshop discussion by *Bierweiler*.

I am indebted to the German Institute for Human Rights, and in particular to Heiner Bielefeldt, Frauke Seidensticker and Valentin Aichele, for coordinating the workshop. I am most grateful for the generous support of the Friedrich-Ebert Foundation and to Erfried Adam for his personal involvement and encouragement. Special thanks must go to Malcolm Langford of COHRE for his competent and energetic assistance in the planning and organisation of the workshop and in the editing of this volume.

At the University of Mannheim, my warmest gratitude is extended to Alexia Bierweiler (Senior Research Assistant), who worked untiringly and diligently in editing and preparing this volume. She was ably assisted by Lukas Metzger, Dr. Dirk Hanschel, Jan Arend, Dr. Sebastian Graf Kielmansegg and Christel Selzer. I also wish to thank the Springer Verlag, Heidelberg, and Ms. Brigitte Reschke for her supervision of the publication.

Mannheim, September 2006

Eibe Riedel

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