

Chapter 1

Towards an Anticipatory and Transformative Social Protection Agenda

1.1 Background

Social protection is now established as a central aspect of the international development discourse. It gained traction in the aftermath of the financial and fiscal crisis that has gripped much of the world since late 2007. With the 2015 endpoint of the Millennium Development Goals (MDGs) agenda fast approaching, the discussion on social protection is juxtaposed with that of a long-term development paradigm drawing upon the lessons learned over the last decade and a half. Social protection could form the core of a future global strategy to eliminate all forms of inequity in the post-2015 world.

It is therefore imperative that a concerted effort is made to clarify and refine the tenets, objectives, shortcomings and challenges of the policy and implementation of social protection as it stands in 2013. In this ‘think piece’ we argue that social protection, as it is envisaged in policy documents and implementation guidelines, is premised upon a reactive and static system. In practice there is confusion in this approach between what social protection is supposed to address and the means by which it should be put into practice.

The social protection agenda of the future should instead be anticipatory and transformative, based on a continuum of protection and redressing of inequities. It should be anticipatory in terms of identifying potential threats to the enjoyment of life and livelihood for all, and have the ability to make a substantive difference to people’s lives, especially the most vulnerable sections of the population. We propose a social protection system wherein the underlying inequities of gender, marginalisation and discrimination are addressed through the application of human rights principles.

Policy-making in relation to social protection programmes suffers from inefficient design in which the political, economic and social objectives compete and are often in conflict with each other. This lack of coherence is translated into implementation challenges whereby programmes suffer from lack of accountability, inadequate coverage and flawed targeting. As opposed to the current discourse of ‘designing for results’, we put forward a proposal in which different types of social protection programmes would seek to ensure the participation and accountability of the state, the community and the individual.

It is through the allocation of rights and duties of social protection to these main stakeholders that the success or failure of the system is determined. We argue that putting gender and inequity at the core of the social protection agenda has the potential to shift the development paradigm to maximise impact and transformative outcomes.

1.2 Setting the social protection agenda

At the international level, donor countries and agencies have been driving the social protection agenda. Each donor agency or multilateral organisation has its own definition of social protection (Gross 2007). Conceptually there is little difference between them; most focus on 'labour markets', 'income risk' and 'benefits'.

The World Bank for example, views social protection as 'a collection of measures to improve or protect human capital, ranging from labour market interventions, publicly mandated unemployment or old-age insurance to targeted income support' and as a coping mechanism to 'assist individuals, households, and communities to better manage the income risks that leave people vulnerable' during crisis periods (World Bank 2009).

Similarly, the Asian Development Bank (ADB) links social protection with 'policies and programmes designed to reduce poverty and vulnerability by promoting efficient labor markets, diminishing people's exposure to risks, and enhancing their capacity to protect themselves against hazards and interruption/loss of income'. Here the focus is on better managing income risks that leave people vulnerable (ABD 2013).

The International Labour Organization (ILO) focuses on income security, so the emphasis is on workforce and working conditions, the same argument it uses to promote its Decent Work Agenda programme. It defines social protection as 'the provision of benefits to households and individuals [...] to protect against low or declining living standards' (van Ginneken 1999).

These three definitions refer to the formal employment sector. However, given the complex and nuanced contexts of social protection, this is clearly inadequate. Social protection is much more than protecting incomes and enhancing labour market outcomes (Devereux and Sabates-Wheeler 2004). Social protection must address the vulnerabilities associated with 'being poor', including the risks of 'becoming poor', particularly during periods of economic crisis. It should also address the social injustices arising from prevailing inequalities in the society and the law.

The term 'social protection' has become a catchall phrase for multiple programmes targeted at multiple stakeholders addressing multiple objectives. The United Nations Research Institute for Social Development (UNRISD) broadens the scope of social protection to include situations that adversely affect people's well-being. UNICEF, the UN Children's Fund, has recently articulated its vision of social protection, which

recognises children's capacity to be individuals in their own right. There is a pressing need for rethinking the social protection paradigm.

Devereux and Sabates-Wheeler (2004) have distinguished between a conceptual and an operational definition of social protection that has been widely used in the literature.

- *Conceptual* social protection describes all public and private initiatives that provide income or consumption transfers to the poor, protect the vulnerable against livelihood risks, and enhance the social status and rights of the marginalised with the objective of reducing the economic and social vulnerability of poor, vulnerable and marginalised groups.
- *Operational* social protection covers all formal and informal initiatives that provide social assistance to extremely poor individuals and households, social services to groups that need special care or would otherwise be denied access to basic services, social insurance to protect people against the risks and consequences of livelihood shocks, and social equity to protect people against social risks such as discrimination or abuse.

Under this characterisation, social protection includes a range of policy interventions that protect the vulnerable against livelihood risks, such as poverty, lack of access to basic services and discriminatory treatments. Consequently, social protection promotes the human rights of marginalised groups and individuals, particularly women, children, the elderly and persons with disabilities.

Social protection policy has four distinct but interconnected roles – protection, prevention, promotion and transformation (Davies and McGregor 2009). While each of these roles entails a certain set of actions (such as disability benefit, pension schemes, cash or in-kind transfers, amendment of legal provisions), they are mutually reinforcing. Each has a multiplier effect on the impact of social protection policies.

- *Protection* measures provide relief from deprivation and include traditional safety net instruments, social assistance and social services for poor individuals or groups in need of special care, for example old age or widow pensions.
- *Preventive* measures seek to avert deprivation through poverty alleviation. They include social insurance for people who have fallen, or might fall, into poverty as well as formal systems and informal mechanisms such as women's self-help groups and co-operative microcredit societies.
- *Promotive* measures address the longer-term dimensions of social policy by enhancing livelihood strategies through asset protection and access to common property resources. Examples include employment guarantee schemes such as the National Rural Employment Guarantee Scheme (NREGS) in India and South Africa's Extended Public Works Programme.

- *Transformative* forms of social protection are designed to address the underlying social structures that are at the root of social vulnerabilities. More than a programmatic approach, transformative social protection entails changing the regulatory framework to protect socially vulnerable groups, such as women and children affected by HIV, against discrimination and abuse. The Grassroots Organizations Operating Together in Sisterhood (GROOTS) initiative in Kenya, which protects women's land rights, is an example. Policies targeted at protection and prevention will have limited economic outcomes without addressing access to assets and property and other transformative policy measures for the dispossessed and disenfranchised.

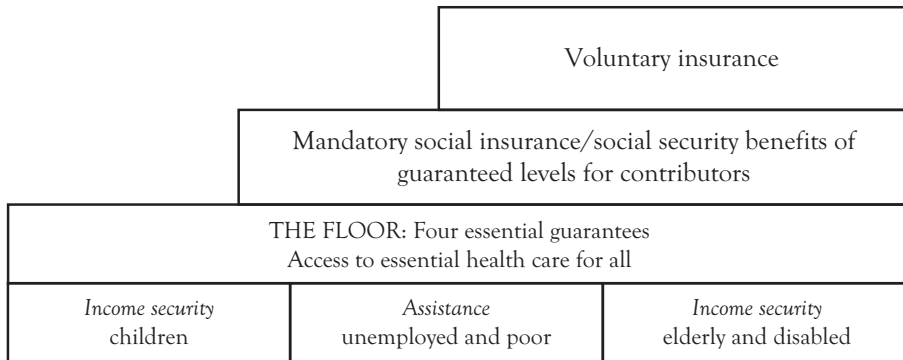
This delineation of objectives leaves open the question as to whether such a complex system is actually feasible to implement, and more importantly, to sustain. The logic of a social protection framework is intuitively easy to comprehend; a just society is one where nobody is denied the right to live a life of dignity and which calls for the state to allocate and distribute resources to those that need it most. In aiming to reduce poverty, establish basic social services and meet individual adversity, countries of the Organisation for Economic Co-operation and Development (OECD) now spend an average of one eighth (12.6%) of their gross domestic product (GDP) on public social security cash benefits, and altogether more than one fifth (20.9%) on public social services and social security, excluding education (Townsend 2007). For the three principal social groups that benefit – children, the disabled and the elderly – these can therefore be regarded as the 'bedrock' measures in social security systems everywhere (Townsend 2007).

Recent OECD data suggests that this spending has increased to nearly 22 per cent of GDP in 2012. However, in 11 out of 32 countries, social spending actually declined by at least 5 per cent (OECD 2012). It is not surprising that this set of countries are most affected by the ongoing crisis in the Eurozone, including Greece, Iceland, Ireland, Portugal, Slovenia, Spain and the United Kingdom. It seems obvious that the current paradigm of austerity in countries hit by economic crisis is leading to significantly fewer resources for social protection, precisely when demand is increasing for the same reasons (OECD 2012).

1.3 The Social Protection Floor initiative

The Social Protection Floor is conceptualised as an integrated set of social policies designed to guarantee income security and access to social services for all, paying special attention to vulnerable groups and protecting and empowering people across the life cycle.

The World Health Organization (WHO) and ILO formulated the concept as co-leaders of this United Nations initiative. The Social Protection Floor outlines an adaptable policy approach to social protection and is anchored in the principal of social justice. It is promoted not as an alternative, but rather as a complement to social insurance

Figure 1.1 The Social Protection Floor

Source: Prasad 2011

institutions where these exist, and hence as a component of a comprehensive and pluralistic social protection system.

In the recent thinking on international development paradigms, it is widely perceived that the two rights – to social security and to an adequate standard of living – are the guiding principles on which any social protection system would have to be based. WHO and ILO convened the Social Protection Floor Initiative Advisory Group in 2010 to formalise this concept, under the guidance of Michelle Bachelet, who was then UN Women’s Executive Director. The Advisory Group presented its report (hereinafter the Bachelet Report) in October 2011. The report states that ‘The notion of the social protection floor is anchored in the fundamental principle of social justice, and in the specific universal right of everyone to social security and to a standard of living adequate for the health and well-being of themselves and their families. ... The core idea is that no one should live below a certain income level and everyone should at least have access to basic social services’ (ILO and WHO 2011: xxiv).

The Bachelet Report conceptualises the social protection floor as an integrated set of social policies that guarantees:

- basic income security in the form of various social transfers (in cash or in-kind), such as pensions for the elderly and persons with disabilities, child benefits, income support benefits and/or employment guarantees and services for the unemployed and working poor;
- universal access to essential affordable social services in the areas of health, water and sanitation, education, food security, housing, and others defined according to national priorities (ILO and WHO 2011: xxii).

While this is an exposition of an indicative structure of social protection, countries are free to design their policies in a sequential manner, keeping in view their

existing social protection framework, needs and capabilities. This, however, dilutes the force of the recommendations especially when it comes to implementation of socially and fiscally difficult measures, such as reforming asset ownership laws to address gender inequities or moving from a targeted to a universal system of health care benefits.

There is also an over-emphasis on cash (or benefit) transfer programmes without much discussion on addressing underlying inequities of gender, social group and geography in these interventions. As suggested in the recent literature on gender and conditional cash transfer (CCT) programmes, women are the ‘operative beneficiaries’ who are also responsible for fulfilling the conditionalities associated with them. In general, CCT programmes fail to challenge and transform the gender division of labour or the unequal distribution of opportunities for productive work, while reinforcing the role of women as caregivers (Rodriguez Enriquez 2011).

The multi-sectoral and multidimensional approach of the Social Protection Floor focuses on complementarities between income security, investment in human capital, employment and access to social services. However, it does not explicitly embrace a rights approach, although the Bachelet Report claims that the ‘provisions made within the framework of the floor relate to a range of rights listed in the Universal Declaration of Human Rights’ (ILO and WHO 2011: xxiv). Nor does it address the issues of unpaid work in the care and subsistence economies and the impediments, such as stigma and discrimination, which prevent marginalised populations from accessing services.

Since the approach is supply driven, the onus is on countries to design and implement appropriate systems that would be consistent with the Social Protection Floor.

Thus the rights-based approach that the Floor imputes to itself is limited. Universal access to those essential services would certainly be transformative, but there is much that is missing, particularly civil and political rights, including rights to dignity, equality and to be free from discriminatory outcomes on the grounds of sex. Advocates of the Social Protection Floor are silent on the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the rights of women to land, natural resources, inheritance, safety and property.

The framework is also silent on gender-responsive social protection in respect of third gender persons. In Asia and the Pacific, there is a rich diversity of cultural and social expression of other gender identities, such as *hijra* and *kothi* in India and *fa’afafine*, *akava’ine*, *fakaleiti*, and *mahu vahine* in the Pacific region. The term ‘third gender’ is currently used to describe individuals who are neither male nor female, those who have or who are sexually transitioning, those who are both or neither, those who are transgender, and those who cross or swap genders. The ‘third gender’ is officially recognised in India, Nepal and Pakistan. The third gender is about gender identity – a person’s deeply felt sense of being male or female or as one or other of the categories

falling under 'transgender'. A person's gender identity may or may not correspond with their sex (including their indeterminate sex). In our case studies of the Women in Prostitution Confront AIDS (VAMP) network in India and the Serendipity Education Endowment Fund (SEEF) in Papua New Guinea, we see civil society working with third gender persons in social protection programmes.

In addition, the framework does not acknowledge the prevalence of indigenous or traditional forms of social protection in some Pacific islands and countries in Africa, where traditional authority, the community – in particular women – and the Church draw on the strength of kinship structures and social relationships for the provision of social protection. It has been observed that traditional forms of social protection often complement the more formal forms of social protection provided by the state, particularly in Vanuatu and Botswana, and that lessons can be drawn from these experiences to enhance state provision of social protection (Ratuva 2010; Mupedziswa and Ntseane 2013). It has also been noted that traditional forms of social protection have buttressed Pacific island communities in the aftermath of the 2007 global financial crisis (Regenvanu 2011).

If nation states support the current conception of the Social Protection Floor then they commit themselves to maintaining the invisibility of these issues – all of which were first raised decades ago at the first International Conference on Women in Mexico City in 1975, and are yet to be recognised.

1.4 Human rights framework with women at the centre

The clearest enunciations of a human rights approach to social protection are to be found in reports prepared by the United Nations Special Rapporteur on extreme poverty and human rights for the Human Rights Council and General Assembly.¹ These reports are on human rights and cash transfer programmes (A/HRC/11/9); the role of social protection in the face of the 2008–2009 global financial crisis (A/64/279); a human rights framework for non-contributory pensions (A/HRC/13/31); the importance of social protection measures in achieving the MDGs, with a particular focus on gender-related concerns (A/65/259); and the human rights approach to recovery from the global economic and financial crises (A/HRC/17/34), which includes an analysis of the important role played by social protection programmes during times of crisis and recovery (Sepulveda and Nyst 2012).

The approach of the Special Rapporteur involves the application of the central principles of the human rights framework – equality and non-discrimination (including accessibility, adaptability, acceptability, adequacy and incorporation of the gender perspective), participation, transparency and accountability – to the design, implementation, monitoring and evaluation of social protection systems. One of the key messages of the Special Rapporteur's analysis is that human rights obligations

relate not only to the final outcome of social protection programmes, but also to the process through which such programmes are designed and implemented.

There is strong evidence that social protection systems can assist governments in fulfilling their obligations under national, regional and international human rights law to ensure the enjoyment of at least minimum essential levels of economic, social and cultural rights. In particular, social protection systems have the potential to assist in the realisation of the right to an adequate standard of living (including the right to adequate food and housing), the right to social security, the right to education and the right to the highest attainable standard of health (including the right to sanitation and safe drinking water).

This conceptual advance creates the space for putting dignity, social justice and unpaid work more firmly in the policy-making domain. Research on women's care work in the context of HIV conducted across 11 countries – both developing and developed – shows that very often, policy outcomes do not achieve the intended benefit due to the fact that 'designing for results' did not address underlying violations of human rights. For example, a programme to distribute food baskets to children who cared for HIV parents in Botswana ended up stigmatising them when the baskets quickly became known as 'AIDS food' (Waring et al. 2011), and the extent of requirements to access education and health services in some CCT schemes often increases the time and burden of care for women (Rodriguez Enriquez 2011). Devolution of social protection programme administration and delivery to local self-governments often reinforces traditional patriarchal power structures, exacerbating the inequities against women to the detriment of their capability and freedom to lead a life of their choice. There have been several instances in the recent past in India where 'Khap Panchayats' (traditional village councils of elder men) have misused the power devolved under the law to prohibit inter-caste marriages and to restrict women's employment and mobility (Kaur 2010).

The examples cited above point to the missing link in the human rights discourse on social protection: the right to live a life of dignity. While the right to dignity is universal, it is the right most often denied to the poor and most marginalised sections of the population – as clearly seen in the stigmatisation of 'AIDS food', women's burden of compliance for CCTs, and reinforced patriarchy through gendered distribution of devolved administrative power. In many societies, the most intrinsic form of violation of dignity comes from the fact of being born a girl (Sen 1990).

Moreover, as the Special Rapporteur for extreme poverty and human rights notes in her report on access to justice, 'the inability of the poor to pursue justice remedies through the existing systems increases their vulnerability to poverty and violation of their rights. In turn, their increased vulnerability and exclusion further hamper their ability to use justice systems. This vicious cycle impairs the enjoyment of several human rights' (UNHRC 2012: 3–4). Any framework for rights-based social protection that takes into account these vulnerabilities, especially for poor and marginalised women, will therefore have to incorporate protection from social, economic and cultural biases and discrimination.

1.5 Transformative social protection

In light of the above, we propose a social protection framework with three interlinked sets of rights that enable individuals – especially women, children, and persons with disabilities and HIV – to enjoy a life of dignity (Figure 1.2). These rights are not conceived to be hierarchical. Rather, we propose that social protection frameworks should put rights at the centre of the discourse to have a transformative impact. This impact would be the greatest for poor and disadvantaged women, children, the elderly and the physically and socially marginalised communities.

This formulation brings out clearly the fact that protecting the right of individuals and marginalised communities (for example, sex workers, third gender persons, *dalit* and aboriginal groups) to enjoyment of life with dignity is a multi-dimensional objective that encompasses the three broad sets of rights.

The first set comprises the right to adequate food, housing and decent work, linking up to the right to social security as enshrined in the Universal Declaration of Human Rights (UDHR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). This set is relatively heavy with individual rights and corresponds to a social protection system that incorporates policies designed to transfer and redistribute resources by the state, either in cash or in kind. However, in our gendered framework, the notion of social security is broader: it encompasses both economic and personal security. Without the latter, the former could not be fulfilled, as noted in a

Figure 1.2 Human rights linkages in social protection: Ensuring a life of dignity



recent report by a judicial commission on incidences of sexual violence against women (VAW) in India (Verma 2013). The report also notes public spaces should be safe for women so that they can live a life without threat and intimidation, overt or covert, which may prevent them from pursuing their profession or occupation (Verma 2013).

The second set of rights is more collective in nature, comprising rights to education, highest attainable standards of health, as well as other civic amenities such as safe drinking water, adequate sanitation and care services for children, the elderly and the disabled. Fulfilment of this set of rights calls for significant state investment in systemic measures such as public health and education services, as well as co-ordination with the social security system mentioned above. Most CCTs aim to address either one or a combination of these rights – for example, health and education as in the case of Oportunidades in Mexico or South Africa's old age pension scheme (see Box 2.1), which is complemented by childcare, disability and care dependency grants. As the report of the Special Rapporteur points out, however, 'CTPs are not necessarily the most appropriate and effective means of tackling extreme poverty and protecting human rights in all contexts. CTPs should be seen as only one component of social assistance policies. As such, they must be integrated within social protection systems and grounded by solid legal and institutional frameworks framed by human rights standards and principles' (UNHRC 2009: 2).

International research accumulated over the years shows a significant correlation between lack of civic facilities such as drinking water and the incidence of time poverty among women and girl children. This is particularly true when women are responsible for home-based care of persons infected by HIV, persons with disabilities and those with terminal medical conditions. Our previous research has thrown light on how the burden of care for women pushes them into 'capability servitude',² which is often characterised by indignity and hopelessness (Waring et al. 2011). Our proposed framework focuses on the right to access adequate standards of health, civic amenities and social assistance as the core elements for reducing women's care burden and alleviating time and capability poverty.

Finally, the third set of rights corresponds to redressing the underlying structural inequities vis-à-vis the most marginalised, especially poor women. As noted by the Special Rapporteur, legal redress, while enshrined in the international human rights instruments, remains out of reach of the poor (UNHRC 2012). Moreover, public mobilisation and action are needed to modify and/or enact legislation related to marriage, inheritance, asset ownership, use of common property and communal resources. This is often the most difficult step, requiring strong political will, public pressure through political participation and a strong civil society.

The human rights approach to social protection that puts women at the centre is a transformative system wherein individual and collective rights are advanced by addressing the causes of inequity and disempowerment, ensuring an adequate standard of living, and increasing accountability and transparency.

1.6 Anticipatory social protection

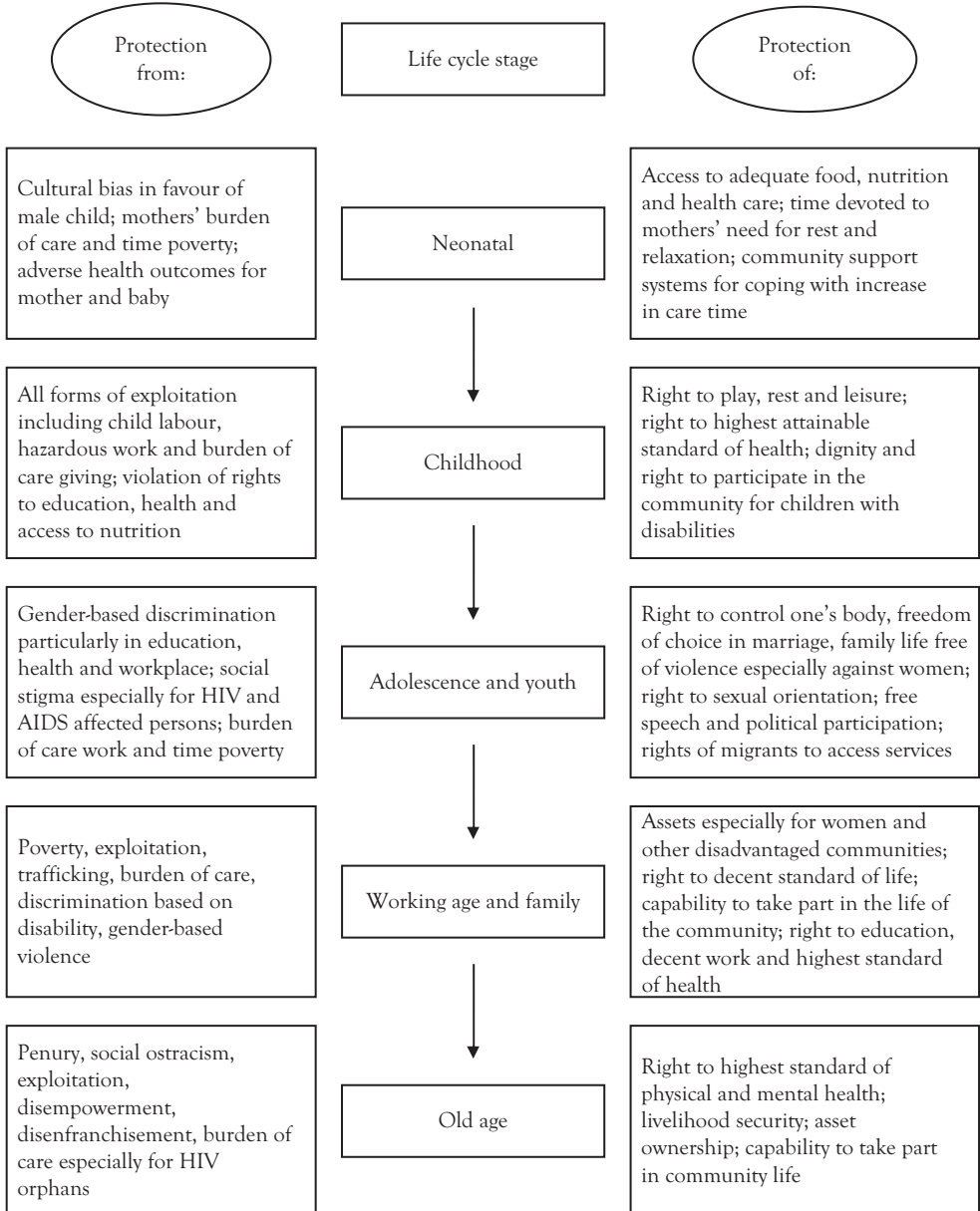
Most of the existing social protection systems are static – there is a set of rights that are guaranteed by the state, with a set of programmes designed to further those commitments. Often, neither the set of rights nor the set of programmes correspond to the state’s obligations under international human rights instruments, especially in developing countries. Even when rights are not violated, the political will and/or budgetary resources needed to enhance the existing social protection framework may be absent, as in many European countries after the global financial crisis.

From a feminist perspective, social protection has often been equated with exclusion from occupations deemed unsuitable for women (mining, for example) or from working on more remunerative night shifts in commercial establishments. This reflected the view of policy-makers on what is ‘appropriate for women’ rather than being an outcome of any consultative process. The predominant question for policy discourse seems to be, ‘What do women and children need to protect them from adversity?’. In contrast, our anticipatory framework asks the question, ‘What would make women’s lives easier, safer and freer, and what would make women more valued, productive, have more life opportunities, have more power?’ (Reid et al. 2012). The life cycle approach elaborated in Figure 1.3 provides a pointer to what a gender centric social protection framework would entail if adversity were replaced by opportunity in designing such a scheme.

The life cycle approach is an integrated system of analysis that provides a list of rights and freedoms every individual (including persons of third gender) must enjoy. These rights and freedoms are enshrined in various international agreements, declarations, covenants and conventions, including the aforementioned UDHR, ICESCR and CEDAW as well as the International Covenant on Civil and Political Rights (ICCPR), UN Convention on the Rights of the Child (UNCRC) and the Beijing Declaration and Platform for Action, which was adopted by governments at the UN’s Fourth World Conference on Women in 1995. We have listed them against matching stages in the broad life cycle: neonatal, childhood, adolescence and youth, working age and family, and old age (Figure 1.3). The list can be modified to incorporate specific country contexts and future advances in the international discourse on human rights.

Our framework also disaggregates the operative aspect of this life cycle approach into two distinct but interconnected processes. Policy-making often takes place with an imperfect understanding of the difference between the terms ‘protection from’ violations and ‘protection of’ rights. The former refers to the set of rights that address underlying inequities and discrimination, especially against women and vulnerable sections of the population. The latter is the set of rights guaranteed under the international human rights conventions and other instruments. Listing these core rights against each stage of life will provide an integrated picture to enable policy-makers to identify key areas of social protection and to anticipate which components of a comprehensive social protection policy to put in place from a human rights perspective.

Figure 1.3 Anticipatory social protection framework using the life cycle approach



One significant inference from our anticipatory scheme is that gender-based discrimination is the one common area of protection at each stage of the life cycle. This may take several forms, from male child preference to education and health inequities, workplace discrimination, trafficking and old age penury. Similarly, at each stage of the life cycle, the common thread that binds the rights together combines alleviation of women's unpaid work and care burden with enhancement of their capabilities and freedoms. This calls for an integrated approach under social protection that anticipates the needs of women at each life stage, with the purpose of ensuring they can have a life of dignity with the ability to take part in the life of the community, and to live a life without 'capability servitude' arising from the burden of unpaid care work (Waring et al. 2011).

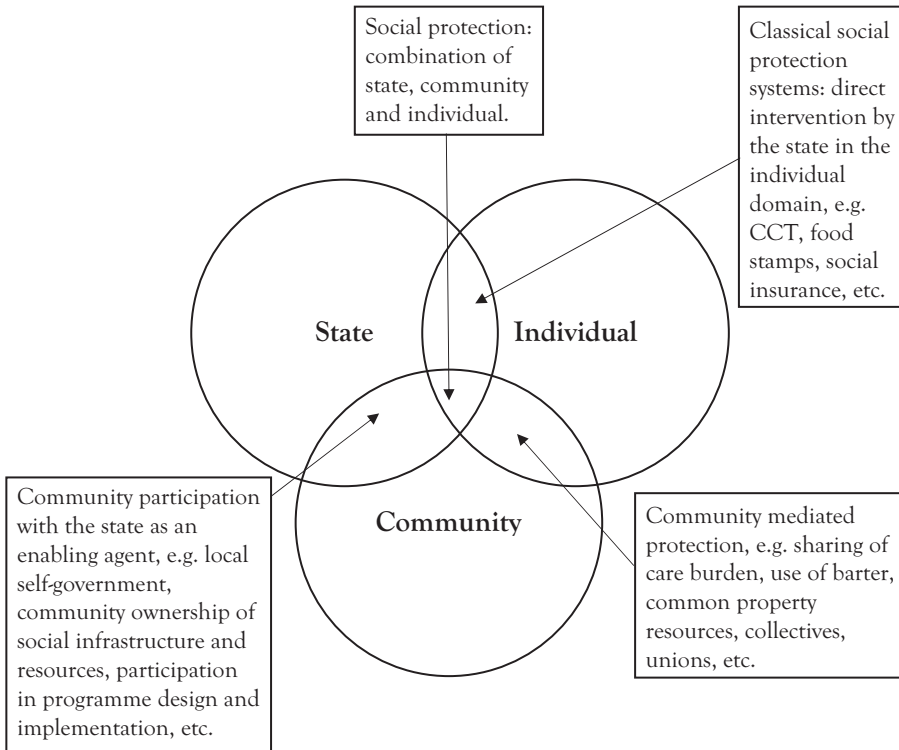
1.7 Programme design and implementation

What approach could be adopted to bring about an effective implementation scheme for a rights-based, gender sensitive, transformative and anticipatory social protection agenda? We propose that a truly social system of protection would have to involve all three key rights holders and duty bearers – the state, the community and the individual. That is, the set of interventions under social protection has to fall in the space where these domains intersect. Moreover, as we can see from Figure 1.4, the area of the intersection implies that the set of programmes currently falling under social protection is not very large. This is seen more clearly when we categorise the existing schemes under the three domains of interaction: state–individual, state–community and community–individual.

The dominant relationship in existing social protection systems is between the state and the individual. Social protection is viewed as an umbrella encompassing different schemes. Most social protection frameworks would include programmes designed to meet targets such as the MDGs, or to reach certain target population such as children and elders, the chronically sick and the disabled. Few, if any, social protection systems provide compensation for the care work undertaken by these categories of persons. Women are particularly disadvantaged since it is they who perform most unpaid care work (childcare, looking after the sick and infirm, etc.).

This stems from a lack of understanding of the human rights foundations that an effective social protection system must have. As noted by the Special Rapporteur on extreme poverty and human rights, grounding the programme design and delivery on human rights principles would provide the necessary anchor for effective implementation. Moreover, as rights-based programmes get off the ground, complementarities with other similarly designed programmes would ensue, for example using the right to information in the monitoring of NREGS in India. The human rights framework therefore provides an operational guideline for an effective social protection system and changes the dynamic between the state and the individual. It transforms beneficiaries from passive receivers to active participants in the system.

Figure 1.4 Operational framework for a rights-based social protection approach



There is, however, significant confusion regarding what the ‘social’ in social protection stands for in different contexts. In societies where the norm is still communal sharing of production and use of natural resources, such as land and water, the state plays a minimal role in determining the social protection framework. Traditional and community practices shape daily life; customary laws handed down through generations or mediated through solidarity societies, non-government organisations (NGOs) and private philanthropic initiatives determine the interaction between individuals and the social protection system. In times of crisis, the community ensures that the rights of each vulnerable individual are protected. While different mechanisms have been tried in many countries, the main outcome is to strengthen community ties and make these an effective instrument for social protection.

The third arm of this system is the interaction between the community and the state. In our proposed framework this is interesting for several reasons. First, the recent paradigm of decentralisation in some programmes has, in spite of all its flaws, devolved some power to lower tiers of governments, be it provincial or local. This has provided space for communities to mobilise and demand more locally relevant rights that were hitherto ignored. The overarching framework of a rights-based approach to development has transformed the benefits of public programmes into entitlements

that are legally enforceable and justifiable. In most cases the special status of women is built into the design and thus the existing gender imbalances in access to services and decent employment are taken into account. The state, on the other hand, has used communities as agents for implementation and monitoring – for example, the ‘social audit’ system in the NREGS in India is used to ensure malpractices are made public.

CCT schemes, like the Livelihood Empowerment Against Poverty (LEAP) programme in Ghana, have sought to engage communities in identifying beneficiaries in order to minimise exclusion errors. While the benefits of this framework have been well documented, less is known about its impact in addressing underlying inequities, especially those of gender, disability and HIV. But, as demonstrated above in the case of the food basket for children in Botswana that quickly became a stigmatising ‘AIDS basket’, existing discrimination and inequality may be persistent even with a concerted effort to implement a human rights framework for social protection.

Our proposal for a rights approach to social protection, which takes into account the structural inequities of gender and marginalisation, will help to expand the ambit of the state–community–individual interaction. The power of the transformative and anticipatory agenda can be harnessed to identify the continuum of rights that have to be protected, discrimination on the basis of gender and marginalisation that need redressing, and the roles of the state, community and individual in the establishment of a social protection mechanism that is truly social.