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ABSTRACT

From an international legal perspective, real internationalization of social security law and closing its coverage gap has been considered by many international law players. Universality and progressiveness are some principles for the extension of social security. At the national level, the right social security has also been recognized in the national constitution of some countries, but constitutional protection of the right to social security is one matter and its realization is another.

The general aim of this research is to increase knowledge about the effectiveness of international social security standards in contributing to a progressive development of national social security systems and in establishing a minimum level of social security in the international context. The trouble is that assessments of global extension of social security are parochial and ignore the deeper factors that influence on internationalization of social security law. In spite of programs of minimum income and benefits of wages because of incomprehensiveness of them, there is still inadequate or no coverage of social security, based on the reality of global society. The methodology engaged in this study is doctrinal and analytical. This approach makes the opportunity to collate, process, present and analyse data from International and regional organizations and authors related to social security law. This study is based on legal, contextual and policy analysis.

The findings reveal that ILO social security Conventions operate as a means for preventing the levelling down of social security systems globally as they establish measures for assessing whether their requirements have been reached and contribute to the creation of an international level playing field for social conditions. The findings regarding social security instruments indicate that in the next years, international social security standard – setting activities, mainly by ILO, contain a two – dimension of approach, aiming at higher levels of social protection on the basis of convention No. 102 on the one hand, and an extension of coverage on the basis of Recommendation No. 202, on the other. According to the lack of efficient written standards regarding social security and in the absence of ratification of the relevant Conventions, the best solution is to give effective interpretive resources concerning some complicated and technical subjects or intended conventions in this field, so that in this way, the standards of these conventions containing valuable legal rights become practical and to be provided for public access. Supplementary social security schemes are very effective in poverty alleviation and encouragement of sustainable development. Because lack of universal progress in some developing countries like India, international standards are not helpful for these countries, so programs like microfinance and microcredit schemes are good instruments for the achievement of the related goals in these countries.

In the light of significant issues in this study regarding internationalization of social security law, such as the poverty problem, long-term care, HIV/ AIDS, health care, migration, informal sector and improvement of supervision and interpretation mechanisms, this thesis provides valuable and practical suggestions on the necessary reforms to achieve more effective improvement in global extension of social security in the future.