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**DREPT INTERNAȚIONAL PUBLIC
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МЕЖДУНАРОДНОЕ ПУБЛИЧНОЕ ПРАВО**

**INTERNATIONAL LEGAL PRINCIPLES OF COOPERATION
IN THE FIELD OF SOCIAL SECURITY**

**PRINCIPIILE JURIDICE INTERNAȚIONALE ALE COOPERĂRII
ÎN DOMENIUL SECURITĂȚII SOCIALE**

**МЕЖДУНАРОДНО-ПРАВОВЫЕ ПРИНЦИПЫ СОТРУДНИЧЕСТВА
В СФЕРЕ СОЦИАЛЬНОГО ОБЕСПЕЧЕНИЯ**

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ABSTRACT:

**INTERNATIONAL LEGAL PRINCIPLES OF COOPERATION
IN THE FIELD OF SOCIAL SECURITY**

The research deals with the issues of cooperation between states in the field of legal regulation of social security. In the context of globalization, the emergence of new social challenges, such as the coronavirus pandemic, international migration, the activities of transnational corporations, joint measures are needed to ensure that all states ensure minimum standards of social security. Issues of international legal regulation of social security are considered in relation to the Millennium Sustainable Development Goals, as well as in relation to the standards and norms established at the UN and ILO levels.

International social security standards are researched and reviewed within the framework of our proposed classification. It is proposed to base the classification on social relations governed by the corresponding numbers of law. Legal measures are proposed to improve the efficiency of legal regulation of social security at the national level.

Keywords: social security; social security standards; legal regulation; international cooperation.

JEL Classification: K33

Universal Decimal Classification: 341.1/8

РЕЗЮМЕ:

**МЕЖДУНАРОДНО-ПРАВОВЫЕ ПРИНЦИПЫ СОТРУДНИЧЕСТВА В СФЕРЕ
СОЦИАЛЬНОГО ОБЕСПЕЧЕНИЯ**

Вопросы сотрудничества государств в сфере правового регулирования социального обеспечения в статье рассматриваются с учетом международных стандартов и принципов. В условиях глобализации, появления новых социальных вызовов, таких как пандемия коронавируса,

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международная миграция, деятельность транснациональных корпораций, необходимы общие меры для обеспечения всеми государствами минимальных стандартов социального обеспечения.

Вопросы международно-правового регулирования социального обеспечения рассматриваются применительно к Целям устойчивого развития тысячелетия, а также применительно к стандартам и нормам, установленным на уровне ООН и МОТ. Международные стандарты социального обеспечения исследуются и анализируются в рамках предлагаемой нами классификации. В основу классификации предлагается положить общественные отношения, регулируемые соответствующими юридическими цифрами.

Предложены правовые меры по повышению эффективности правового регулирования социального обеспечения на национальном уровне.

Ключевые слова: *социальное обеспечение; стандарты социального обеспечения; правовое регулирование; международное сотрудничество.*

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REZUMAT:

PRINCIPIILE JURIDICE INTERNAȚIONALE ALE COOPERĂRII ÎN DOMENIUL SECURITĂȚII SOCIALE

Cercetarea tratează problemele cooperării între state în domeniul reglementării juridice a securității sociale. În contextul globalizării, apariția unor noi provocări sociale, precum pandemia de coronavirus, migrația internațională, activitățile corporațiilor transnaționale, sunt necesare măsuri comune pentru a se asigura că toate statele asigură standarde minime de securitate socială.

Probleme de reglementare juridică internațională a securitatea socială sunt considerate în raport cu Obiectivele de Dezvoltare Durabilă ale Mileniului, precum și în raport cu standardele și normele stabilite la nivelul ONU și OIM. Standardele internaționale de securitate socială sunt cercetate și revizuite în cadrul clasificării propuse de noi.

Se propune să se bazeze clasificarea pe relațiile sociale guvernate de numerele de drept corespunzătoare. Sunt propuse măsuri legale pentru îmbunătățirea eficienței reglementării legale a securității sociale la nivel național.

Cuvinte cheie: *securitate socială; standardele de securitate socială; reglementare legală; cooperare internațională.*

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International cooperation of states in the social sphere in modern socio-economic conditions is acquiring new characteristics and forms. The conclusion of interstate agreements, the strengthening of cooperation in various areas of activity of some entities and the severance of once close and productive contacts between other countries certainly give rise to new realities of people's realization of rights in the social sphere. In the Declaration of Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, adopted in 1970 by resolution 2625 of the UN General Assembly on 24 October¹ along with other important principles aimed at achieving the basic purposes of the UN – maintaining international peace and security and developing friendly relations and cooperation between states, important attention is paid to the obligations of cooperation of states, including cooperation in the social sphere. The specification of the principle “The obligation of states to cooperate with each other in accordance with the Charter” in the text of the Declaration contains an indication of the presence of differences in social systems, and confirmation that states carry out their international relations in the field of social relations in accordance with the principles of sovereign equality and non-interference (p. c). Indication of the obligations of states to cooperate involves specifying the relevant agreements at the level of bilateral

¹ Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations. In: Resolutions adopted by the General Assembly during its 25th session, 15 September-17 December 1970. - A/8028. - 1971. - p. 121-124. - (GAOR, 25th sess., Suppl. no. 28). [Online]:URL:<https://digitallibrary.un.org/record/202170> (Date of visit:28.10.2023).

and multilateral agreements, as well as joining or participating in the development of new international legal norms in the field of regulating relations in the social sphere. This international declaration, like many other international documents, based on the provisions of the UN Charter, refers the social sphere and social relations to the exclusive competence of the state and imposes obligations of non-interference in the regulation of this sphere of social relations. Indeed, the close connection and dependence of the social sphere and, in particular, social benefits with the economic capabilities of the state is obvious.

However, international standards in the field of social security, labor and employment are based on generally accepted principles and norms of international law and include the basic basis for the convergence and harmonization of national legislations. "International legal regulation of social security is understood as the development of international standards in the field of social security, harmonization and coordination of national legislation when citizens move from one state to another in the process of work, when changing the country of permanent residence and such a person retains rights to pensions, or benefits, as well as the establishment of social security guarantees in cases of loss of livelihood due to circumstances beyond his control".¹

As we can see, freedom of movement, the realization of a person's right to work, choice of place of residence, as well as those negative processes in the economy of some states with which forced labor migration is associated, predetermine the need for a comprehensive and interstate approach to resolving issues in the social sphere.

International cooperation and partnership in the social sphere are considered as one of the elements of the global partnership for the Sustainable Development Goals. If we consider the UN Sustainable Development Goals and the tasks outlined for their achievement, then it is obvious that most of the SDGs, to one degree or another, affect the social sphere, and that means the sphere of social protection and social security. This circumstance once again confirms the need to build state policies in the social sphere taking into account and on the basis of international principles and based on international standards in the social sphere. The international community's commitment to intensifying efforts to achieve universal social protection will contribute to increased efforts to achieve SDG 1 - End Poverty, SDG 3 - Good Health and Well-Being, and SDG 10 - Reduce Inequalities.

UN states participating in an international conference organized by the International Labor Office in Geneva in 2019 committed to "implementing nationally appropriate social protection systems and measures for all, including minimum levels, and achieving substantial coverage of the poor and vulnerable by 2030."² Problems of social protection and the importance of their consideration and solution, taking into account international experience and practice, predetermine the need for cooperation between states.³ Therefore, it is obvious that in addition to the SDGs mentioned above, issues of ensuring social well-being and the implementation of social rights to a certain extent depend on responsible consumption (SDG 12), climate change (SDG 13), and maintaining peace (SDG 16).

The issues of legal regulation of relations on social security and social support are the subject of interstate agreements and treaties. International agreements are based on international legal norms and social security standards. At the international level, minimum social standards are established, the maintenance of which is an obligation of the state. International legal standards in the field of social security, being a form of expression of generally recognized principles and norms of international law, occupy a special place in the legal system of any state. The right to social security in international legal instruments is one of the most important human and civil rights and is exercised in accordance with the principles enshrined in these documents. However, questions of the structure and system of social security cannot be the subject of such acts, since it is the sovereign rights of the country itself. The social security system of each state is national and is established taking into account its historical, political and economic nature. Since the state is the leading subject of social security, it must establish minimum guarantees for the rights of citizens in the field of social security.

¹ Lutovinova N., Ovsyannikova A. International legal standards in the field of social security // Socio-political sciences. 2017. No. 2. [Online]: <https://cyberleninka.ru/article/n/mezhdunarodno-pravovye-standarty-v-oblasti-sotsialnogo-obespecheniya> (Date of visit: 28.10.2023).

² Official website of the International Social Security Association (ISSA). [Online]: <https://www.issa.int/ru/news/achieving-universal-social-protection-2030> 2017. № 2. [Online]: (Date of visit: 27.10.2023).

³ Sciuchina N. Social protection of migrant workers and UN sustainable development goals. // Economic, political and legal issues of international relations (Bratislava, Slovak Republic). 2018, № 1, p. 386-398.

Issues of international cooperation in the field of social security are the subject of negotiation processes on different levels and for the Republic of Moldova, which is one of the states for which migration is an urgent problem. According to preliminary data from the National Bureau of Statistics, at the beginning of 2022, about three million people lived in the Republic of Moldova.¹ In recent years, the inhabitants of the country have been actively involved in international migration, and according to statistics, about 1 million Moldovan citizens were outside the country before the pandemic began.

The right to social security is seen as one of the main basic human rights. Therefore, speaking of international cooperation, it is necessary to mention the basic international acts beginning from Universal Declaration of Human Rights (1948): Art. 22: “Everyone as a member of society has the right to social security...” Art. 25 para.1: “Everyone has the right to ...security in the event of unemployment, sickness, disability, widowhood, old-age or other lack of livelihood in circumstances beyond his control.”²

International Covenant on Economic, Social and Cultural Rights (1966) where in Art. 9 is written the following: “The State Parties to the present Covenant recognize the right of everyone to social security, including social insurance.”³ It should be noted that the ILO, like the International Social Security Association, are the main players in the process of international regulation of the right to social security. ILO Constitution (1919)⁴, Social Security (Minimum Standards) Convention, 1952, No. 102,⁵ Equality of Treatment (Social Security) Convention, 1962, No. 118⁶ perform the basic foundation for the negotiation and conclusion of international agreements in the field of social security.

These international acts as a legal basis for interstate agreements have been actively applied by the Republic of Moldova when concluding agreements on cooperation in the field of social security. In this regard, there are two main, in my opinion, gaps in the field of social security: the first is to provide for migrants returning to the country who do not have social insurance as a basis for receiving a decent level of assistance. Secondly, it is the existence of really valid and enforceable agreements in the field of social security. On the basis of these international acts, citizens can exercise their right to social security if they were legally employed in another state. According to ILO data “the authorities of the Republic of Moldova have taken steps to conclude bilateral agreements on social security with the main destination states of Moldovan citizens working abroad. Moldova signed the first social security agreement with Bulgaria in 2008 and the second one with Portugal in 2009. In 2010, Moldova signed social security agreements with Romania and Luxembourg, and negotiations are underway with Poland, Austria and Belgium.”⁷ The practical significance of these agreements is quite large, first of all, for citizens who, during their active labor activity, were outside the state and were legally employed in the states with which agreements were concluded. At the same time, the legal protection of migrant workers is only one of the areas of international cooperation in the field of social protection. Such cooperation is necessary in all areas related to the realization of the human right to social security.

¹ Численность населения с обычным местом жительства в Республике Молдова по полу и возрастным группам на 1 января 2022 года. – Текст: электронный. [Online]: URL: https://statistica.gov.md/ru/cislennost-naseleniya-s-obycnym-mestom-zitelstva-v-respublike-moldova-po-9578_59433.html (Date of visit:28.10.2023).

² Universal Declaration of Human Rights (1948). [Online]: URL: <https://www.un.org/en/about-us/universal-declaration-of-human-rights>. (Date of visit:28.10.2023).

³ International Covenant on Economic, Social and cultural rights [Online]:URL: <https://www.ohchr.org> > CESCR

⁴ Information System on International Labour Standards. [Online]:URL: https://www.ilo.org/dyn/normlex/en/f?p=1000:62:0::NO:62:P62_LIST_ENTRIE_ID:2453907:NO(Date of visit:28.10.2023).

⁵ The ILO Social Security (Minimum Standards) Convention, 1952 (No. 102) [Online]: URL: <https://www.ilo.org/secsoc/areas-of-work/legal-advice> (Date of visit: 21.10.2023).

⁶ The Equality of Treatment (Social Security) Convention, 1962 (No.118). [Online]:URL: [https://www.social-protection.org/gimi/ShowResource.action?ressource.ressourceId=936&longTitle=C118#:~:text=The%20Equality%20of%20Treatment%20\(Social,countries%20have%20ratified%20the%20Convention](https://www.social-protection.org/gimi/ShowResource.action?ressource.ressourceId=936&longTitle=C118#:~:text=The%20Equality%20of%20Treatment%20(Social,countries%20have%20ratified%20the%20Convention). (Date of visit:28.10.2023).

⁷ Coordination of social security: training modules / International Labour Organization, ILO Decent Work Technical Support Team and Country Office for Central and Eastern Europe. - Budapest: ILO, 2010.

There are many definitions of social security in the legal literature. Investigating the legal aspects of social security, in our opinion, the following definition of social security may be successful: “The protection which society provides for its members, through a series of public measures, against the economic and social distress that otherwise would be caused by the stoppage or substantial reduction of earnings resulting from sickness, maternity, reduction of earnings resulting from sickness, maternity, employment injury, unemployment, invalidity old-age and death; the provision of medical care; and the provision of subsidies for families with children”.¹ When considering social security standards, the ILO defines the concept as follows: “Social security is a human right which responds to the universal need for protection against certain life risks and social needs”.²

Speaking about the results of international cooperation, we mean international agreements. These agreements are considered as sources of law and have practical importance. We can name several reasons for the importance of international agreements in social security and advantages for international legal framework for social security: to fix the rights and obligations of all concerned parties to guarantee and improve a proper functioning of the scheme - e.g., in the absence of proper administrative rules you may provide a benefit to a dead person (if you do not check every year if that person is still alive); to guarantee and improve the sustainability of the scheme (e.g. prudential rules, sustainable financing, minimum reserves to safeguard the solvency and use of the funds/reserves/how they may be invested); to guarantee equal treatment (same rules for everybody); to improve transparency and prevent willful and un-willful abuses and corruption: to increase confidence in the State; to legalize the rights and the possibilities to react against possible non-legal treatment to improve coordination between schemes, e.g., avoid double benefits.³

International social security agreements establish a legal framework to coordinate social security schemes between countries. They provide the legal context to protect for example, migrant workers’ rights, and close gaps in social security coverage. The agreements ensure that periods of employment in other signatory countries are taken into account in granting the right to social benefits for migrant workers, dependant on the completion of a qualifying period.

Effective implementation of these agreements depends on concrete operational mechanisms, in particular for data exchanges between participating countries. In order to respond to a growing number of international agreements on social security and an increasing number of covered migrant workers, there is a need to improve the efficiency and scalability of implementation.

With increased international mobility in recent decades, a growing number of countries have been developing such agreements. Nevertheless, more work is needed on the implementation of effective mechanisms to protect the social rights of migrant workers.

But this is not the only prerequisite for international cooperation. We propose to designate a few more: historical ties and contacts of states; globalization and related processes; population migration; approximation of the legislation of states; membership in international organizations; social security systems are one of the most powerful institutional expressions of social solidarity.

The SDGs can only be achieved through strong global partnerships and collaboration. A successful implementation of the sustainable development agenda is impossible without forging

¹ Zakharov, M. L., Tuchkova, E. G. *Obshchaya chast'. Glava 2. §1. Ponyatiye prava sotsial'nogo obespecheniya kak otrasli prava // Pravo sotsial'nogo obespecheniya Rossii. 3-ye izd. M.: Volters Kluver (WoltersKluwer), 2004. S. 71-77. 582 s. ISBN 5-466-00004-3. мои статьи и выступления/Венгрия26-28апреля2021/International Labour standards on Social Security. <https://www.ilo.org/global/standards/subjects-covered-by-international-labour-standards/social-security/lang-en/index.htm> (Date of visit: 28.10.2023).*

² International Labour standards on Social Security. [Online]:URL:<https://www.ilo.org/global/standards/subjects-covered-by-international-labour-standards/social-security/lang-en/index.htm>. (Date of visit: 28.10.2023).

³ Ursula Kulke, Emmanuelle St-Pierre Guilbault The importance of legislation in the process of extension of social security. [Online]: URL:<https://www.social-protection.org/gimi/ShowTheme.action?id=6> (Date of visit: 21.10.2023).

inclusive partnerships at the global, regional and local levels, built on principles and values, a common vision and common goals, focused on meeting the interests of people and the planet. Many countries require official development assistance to stimulate growth and trade. Nonetheless, aid levels are declining and donor countries have not delivered on their pledge to increase financing for development. Due to the COVID-19 pandemic, the global economy was projected to contract sharply by 3% in 2020, experiencing the worst recession since the Great Depression.¹ The International Monetary Fund estimates that there will be about 70 million more people living in extreme poverty in 2022 than there would have been in 2021 if pre-pandemic trends had continued, setting back progress on poverty reduction by several years.² More than ever, close international cooperation is needed to ensure that countries have the means to recover from a pandemic, recover more effectively and achieve the Sustainable Development Goals.³

Framed by the international objectives of the United Nations Sustainable Development Goals for 2030, and despite improvements in legal coverage in a great many countries, some population groups still do not have effective access to adequate coverage. The needs of young workers in the transition from education to the world of work is a difficult challenge. Responses require coordination across labour market institutions, education and vocational training bodies, as well as social security institutions. Continuous skills development and the need for gendered responses should be considered, and to deal with the needs of formal migrant workers, social security systems have different unilateral, bilateral and multilateral responses at their disposal. Globally, the heightened risk of external shocks and extreme events is leading social security systems to adjust to consider risk more broadly.

Taking into account the above information and the analysis carried out, several measures are proposed aimed at improving international legislation on social security: highest priority should go to policies and initiatives to extend social security to those who have none; not only is security very important for the well-being of workers, their families and the community as a whole, but – if properly managed – it also enhances productivity and supports economic development; the ageing of the population affects both funded and pay-as-you-go pension systems: solutions are to be sought above all through measures to increase employment rates; the social partners have a strong role to play in the management of social security; conclusion of bilateral agreements on social security issues; ensuring a real mechanism for the implementation of international agreements in the field of social security; revision of international instruments taking into account the Covid-19 pandemic – in terms of maintaining the level of guarantees and benefits.

A human rights-based approach should be considered as a basis for changing legislation, including ratification and accession to international agreements and also For national legislation is an important issue of ratification and accession to international agreements in order to protect the human rights; for a correct assessment of the situation in the field of social security, reliable data on the amounts and types of payments are needed by states; financial assistance and support to countries in the process of legal regulation of social security. Major recent progress shows that national coverage gaps are being bridged, but important challenges remain. To this end, the extension of coverage is an obligation for all nations, as acknowledged in the United Nations Sustainable Development Goals for 2030, and as seen in the ILO's promotion of national floors of social protection.

¹ Sciuchina N. Social Human Rights' Protection In The Conditions Of The Covid-19 Pandemic. The First International Congress On Mediterranean Scientific Research & Innovation (Mesric – 2021). 4-5 December 2021. p. 367-372. [Online]: URL: https://b3b7dd1a-d8cb-4579-8cfc-f21897e0f1ee.filesusr.com/ugd/6dc816_174a6daa9b04495c9effcb515afabc24.pdf (Date of visit: 18.10.2023).

² Gopinath G. Violation of the economic recovery process. [Online]: URL: <https://www.imf.org/ru/Blogs/Articles/2022/01/25/blog-a-disrupted-global-recovery> (Date of visit: 28.10.2023).

³ Social protection responses to COVID-19 in Asia and the Pacific: The story so far and future considerations. [Online]: URL: https://www.ilo.org/asia/publications/WCMS_753550/lang-en/index.htm (Date of visit: 18.10.2023).

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