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**LEGAL COOPERATION OF STATES IN THE FIELD OF  
SOCIAL SECURITY IN ORDER TO ACHIEVE THE UN SDGs**

**COOPERAREA JURIDICĂ A STATELOR ÎN DOMENIUL  
SECURITĂȚII SOCIALE PENTRU REALIZAREA ODD-urile ONU**

**ПРАВОВОЕ СОТРУДНИЧЕСТВО ГОСУДАРСТВ  
В ОБЛАСТИ СОЦИАЛЬНОГО ОБЕСПЕЧЕНИЯ  
В ЦЕЛЯХ ДОСТИЖЕНИЯ ЦУР ООН**

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ABSTRACT:

**LEGAL COOPERATION OF STATES IN THE FIELD OF SOCIAL SECURITY  
IN ORDER TO ACHIEVE THE UN SDGs**

*The article examines some areas and forms of cooperation between states in the legal sphere of regulating relations in the field of social security and social protection. Considering the implementation by states of comprehensive social policy measures aimed at achieving the UN Sustainable Development Goals, we can talk about the presence of common vectors and general trends both at the international and regional levels to improve the level of social protection. The most urgent is the adoption of measures, mainly legal, to ensure that all states provide minimum standards of social security to ensure a decent standard of living and quality of life. Issues of international legal cooperation in the regulation of social security are considered in relation to the Sustainable Development Goals, as well as in relation to the standards and norms established at the UN and ILO levels. Proposals have been formulated for taking legal measures to improve the efficiency of social security regulation at the national and international levels.*

**Keywords:** social security; cooperation between states; effective legal regulation.

**JEL Classification:** K 1; K 33

**Universal Decimal Classification:** 349.3(4/9)

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REZUMAT:

**COOPERAREA JURIDICĂ A STATELOR ÎN DOMENIUL SECURITĂȚII SOCIALE  
PENTRU REALIZAREA ODD-urile ONU**

*Lucrarea examinează unele domenii și forme de cooperare între state în sfera juridică a reglementării relațiilor în domeniul securității sociale și protecției sociale. Având în vedere implementarea de către state a măsurilor cuprinzătoare de politică socială care vizează atingerea*

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*Obiectivelor ONU de Dezvoltare Durabilă, se poate vorbi despre prezența vectorilor comuni și a tendințelor generale atât la nivel internațional, cât și regional pentru îmbunătățirea nivelului de protecție socială. Cea mai urgentă este adoptarea unor măsuri, în principal legale, pentru a se asigura că toate statele asigură standarde minime de securitate socială care să asigure un nivel de trai decent și o calitate a vieții. Problemele cooperării juridice internaționale în reglementarea securității sociale sunt luate în considerare în raport cu Obiectivele de Dezvoltare Durabilă, precum și în raport cu standardele și normele stabilite la nivelul ONU și OIM. Au fost formulate propuneri pentru luarea de măsuri legale pentru îmbunătățirea eficienței reglementării securității sociale la nivel național și internațional.*

**Cuvinte cheie:** securitate socială; cooperarea între state; reglementare legală efectivă.

**JEL Classification:** K 1; K 33

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РЕЗЮМЕ:

### ПРАВОВОЕ СОТРУДНИЧЕСТВО ГОСУДАРСТВ В ОБЛАСТИ СОЦИАЛЬНОГО ОБЕСПЕЧЕНИЯ В ЦЕЛЯХ ДОСТИЖЕНИЯ ЦУР ООН

*В статье рассматриваются некоторые направления и формы сотрудничества между государствами в правовой сфере регулирования отношений в области социального обеспечения и социальной защиты. Учитывая реализацию государствами комплексных мер социальной политики, направленных на достижение Целей устойчивого развития ООН, можно говорить о наличии общих векторов и общих тенденций как на международном, так и на региональном уровне для улучшения уровня социальной защиты. Наиболее актуальным является принятие мер, в основном правовых, по обеспечению всеми государствами минимальных стандартов социального обеспечения для обеспечения достойного уровня жизни и качества жизни. Вопросы международно-правового сотрудничества в регулировании социального обеспечения рассматриваются применительно к Целям устойчивого развития, а также применительно к стандартам и нормам, установленным на уровнях ООН и МОТ. Сформулированы предложения по принятию правовых мер по повышению эффективности регулирования социального обеспечения на национальном и международном уровнях.*

**Ключевые слова:** социальное обеспечение; сотрудничество государств; эффективное правовое регулирование.

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### Introduction

In today conditions, the Republic of Moldova, as a candidate for membership of the European Union, a full member of the UN, is taking measures to improve the quality of legal and social support for the population. Such measures are based on constitutional provisions<sup>1</sup> on the priority of respect and protection of human rights, as well as international norms and standards implemented in national legislation or otherwise recognized as part of the legal system of our state. As noted in scientific studies conducted by international organizations "...the recognition of the right to social security has been developed through universally negotiated and accepted instruments that establish social security as a basic social right to which every human being is entitled. In this way, the right to social security has been enshrined in several human rights instruments adopted by the United Nations, and is expressly formulated

<sup>1</sup> Constitution of the Republic of Moldova (1994). [Online]: URL: [https://www.legis.md/cautare/getResults?doc\\_id=17055&lang=ro#](https://www.legis.md/cautare/getResults?doc_id=17055&lang=ro#) (Date of visit: 14.04.2024).

as such in fundamental human rights instruments, namely the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights (ICESCR)”<sup>1</sup>

As indicated by the Office of the United Nations High Commissioner for Human Rights, the main basic elements of the right to social security are the following<sup>2</sup>: Accessibility, which implies the ability to exercise one’s right in the event of a difficult life situation, need, social risk, outside help and support. At the same time, in our opinion, when talking about accessibility, attention should be paid to the person’s awareness of the possibility of receiving help and support. At the same time, in our opinion, when talking about accessibility, attention should be paid to the person’s awareness of the possibility of receiving help and support. Also, considering accessibility as a principle of social security, we should talk about the possibility of realizing one’s rights both within the framework of social insurance relations and in the absence of it. Article 47 of the Constitution of the Republic of Moldova “Right to social security and protection” enshrines the duty of the state to take measures to ensure that every person has a decent standard of living necessary to maintain the health and well-being of himself and his family, including food, clothing, housing, medical care and necessary social services (Part 1).<sup>3</sup>The constitutional right to social security is not conditioned by the fact of insurance. It is obvious that there is a fair differentiation of the volume of social security depending on the fact of insurance.

### **Legal cooperation of states in the field of social security**

An aspect of social security such as adequacy deserves attention. We are talking about the ratio of the size of cash payments - pensions, benefits, compensation in cash or in kind, and the standard of living in the state. In addition to the size, the duration of social payments is indicated.

The social security criterion of accessibility presupposes, first, coverage: all people should be covered by the social security system, especially the most disadvantaged and marginalized groups, without discrimination<sup>4</sup>. To achieve universal coverage, non-contributory schemes are needed. This is the position of international structures, which is reflected in the national legislation of the Republic of Moldova.

However, the principle of differentiation of social security presupposes the unconditional consideration of one’s own contribution to the financing of social security. And for persons who are not subject to the general provisions of the Law of the Republic of Moldova No. 419/2023 on the budget state social insurance for 2024, it is possible to be insured on the basis of an individual agreement concluded with the National Social Insurance Office<sup>5</sup>. Another criterion of accessibility, along with coverage, is “eligibility for benefits.” The international legal approach in this case implies the reasonableness of the conditions for receiving benefits. Obviously, in relation to this right, we mean proportionality and transparency, and we are talking about clear legislative regulation of the amounts, timing and procedure for paying benefits and other social payments. At the same time, it should be noted that the international norm delineates the boundaries - i.e. There are no minimum guarantees, but the norms of national legislation determine the specific conditions for the implementation of rights to the corresponding type of social security. Affordability, as interpreted by the UN OHCHR, implies

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<sup>1</sup> Quoted from: Building social protection systems: International standards and human rights instruments International Labour Office – Geneva: ILO, 2021. [Online]: URL: [https://www.ilo.org/wcmsp5/groups/public/---ed\\_protect/---soc\\_sec/documents/publication/wcms\\_651219.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---soc_sec/documents/publication/wcms_651219.pdf) (Date of visit: 14.04.2024).

<sup>2</sup> УВКПЧ и право на социальное обеспечение. [Online]: URL: <https://www.ohchr.org/ru/social-security> (Date of visit: 14.04.2024).

<sup>3</sup> Constitution of the Republic of Moldova (1994). [Online]: URL: [https://www.legis.md/cautare/getResults?doc\\_id=17055&lang=ro#](https://www.legis.md/cautare/getResults?doc_id=17055&lang=ro#) (Date of visit: 14.04.2024).

<sup>4</sup> УВКПЧ и право на социальное обеспечение. [Online]: URL: <https://www.ohchr.org/ru/social-security> (Date of visit: 14.04.2024).

<sup>5</sup> П. 23 разд. III Приложения к Приказу НКСС РМ №17-А от 05.02.2024 Особенности начисления и перечисления взносов обязательного государственного социального страхования в 2024 году. [Online]: URL: <https://cnas.gov.md/?l=ru>. (Date of visit: 15.04.2024).

that the direct and indirect costs associated with making contributions should be affordable for everyone and should not jeopardize the enjoyment of other economic and social rights.

In relation to this characteristic of social security, we will give an example of its manifestation in the legislation of the Republic of Moldova. We are talking about the opportunity and right to social security for foreign citizens, in particular, enterprises/employers have the right to transfer state social insurance contributions only for those foreign workers who have expressed a desire to benefit from social security in the Republic of Moldova (clause 22).<sup>1</sup> In this case, a manifestation of cooperation between states can be called the presence in the Law of the Republic of Moldova 81/2004 on investments in business activities<sup>2</sup>, article 20, which provides for social insurance and social security for employees of enterprises with foreign investment in accordance with legislation of the Republic of Moldova. This legislative provision meets another international legal criterion, that of “participation and information”: beneficiaries of social security programs must be able to participate in the administration of the social security system. “This system should be established in accordance with national legislation and ensure the right of individuals and organizations to seek, receive and disseminate information about all social security rights in a clear and transparent manner.”<sup>3</sup>

As we noted earlier, in modern conditions of globalization and strengthening ties between states, “... the legal basis in the field of social security is bilateral and multilateral international agreements, as well as social standards”<sup>4</sup>. When talking about minimum standards in the field of social security, first of all, it is necessary to note the acts of a specialized UN organization, the International Labor Organization. However, speaking about standards in the area under consideration, it is impossible not to note that the SDGs play a decisive role in the issue of unification of the legal regulation of social security.

In recent years, the legal basis for relations between the Republic of Moldova and foreign countries has been actively formed, including, most actively, with the European Union. The document defining the basis of relations with external entities and the main directions of the country’s development, including in the field of social security of citizens and social protection of the population, is the National Development Strategy “European Moldova - 2030”<sup>5</sup>. as stated in this document, it “adapts to the national context the priorities, goals, indicators and targets of the international obligations assumed by the Republic of Moldova, in particular the Association Agreement between the Republic of Moldova, on the one hand, and the European Union and the European Atomic Energy Community and their Member States, on the other, and the obligations arising from the status of a candidate country for accession to the European Union, including the 2030 Agenda for Sustainable Development”<sup>6</sup>.

For most EU member states, the most pressing issue that determines the direction of development of legislation and policy in the field of social security is the problem of population aging. Along with the ongoing migration of the economically active population, aging and, consequently, a decrease in the number of economically active population are serious challenges for the social protection system. The ratio between the number of people making contributions to the pension system and the number of pension recipients is decreasing. For the period 2010–2020 the number of insured persons increased by only 4 percent, and the number

<sup>1</sup> Приложение к Приказу НКСС РМ №17-А от 05.02.2024 Особенности начисления и перечисления взносов обязательного государственного социального страхования в 2024 году. [Online]: URL: <https://cnas.gov.md/?l=ru>. (Date of visit: 15.04.2024).

<sup>2</sup> Закон Неспублики Молдова Nr. 81от 18.03.2004 об инвестициях в предпринимательскую деятельность Опубликован : 23.04.2004 в Monitorul Oficial Nr. 64-66, статья № : 344. [Online]: URL: [http://lex.justice.md/document\\_rus.php?id=3945BA41:F4D9D4AE](http://lex.justice.md/document_rus.php?id=3945BA41:F4D9D4AE) . (Date of visit: 15.04.2024).

<sup>3</sup> УВКПЧ и право на социальное обеспечение. [Online]: URL: <https://www.ohchr.org/ru/social-security> (Date of visit: 14.04.2024).

<sup>4</sup> Sciuchina N. International Legal Principles Of Cooperation In The Field Of Social Security. In: Moldavian Journal of International Law and International Relations. Nr. 1 (Vol. 18), 2023. p. 11.

<sup>5</sup> Law of the Republic of Moldova No. 315 of 11/17/2022 on the approval of the National Development Strategy “European Moldova – 2030”. Published: 21-12-2022 in Monitorul Oficial No. 409-410 article No. 758

<sup>6</sup> Section 1 of the National Development Strategy “European Moldova – 2030”. Published: 21-12-2022 in Monitorul Oficial No. 409-410 article No. 758

of recipients of old-age pensions by 15 percent. In the context of a decline in the real income base that forms the resources of the pension system, the level of pensions remains low<sup>1</sup>.

As is known, the social security system in the Republic of Moldova is based on the principles of social and health insurance, along with social assistance. At the same time, it is obvious that a decrease in the number of economically active population in the labor market inevitably leads to a reduction in the receipt of funds for social payments, mainly pension payments - labor and social pensions. In these conditions, the experience of foreign countries in providing social benefits and maintaining social protection at a decent level acquires practical interest and importance. In this regard, it should be noted, firstly, the existence of existing agreements on legal support on social security issues. The Republic of Moldova is a party to more than 20 bilateral agreements and a signatory to more than 10 Protocols on cooperation in the field of social insurance.<sup>2</sup>

Considering the current situation in the field of social security through the prism of achieving the Sustainable Development Goals, it should be noted, along with the interdependence and interconnection of practically all SDGs and the target for their achievement, a number of other points. Taking into account the above about the threats to the social security system, it is necessary to concentrate the state's efforts on measures of economic support for business entities. Today, enough programs are aimed at activating the sphere of small business, developing individual entrepreneurship, social entrepreneurs are emerging as a qualitatively new type of participant in economic processes. Below we show some data from Progress report on the implementation of the 2030 Agenda for Sustainable Development in the Republic of Moldova in 2023. The Republic of Moldova has taken steps to improve sustainable economic development and growth decent jobs. Through the Ministry of Economic Development and Digitalization (MDED), the government has committed to supporting economic growth per capita to stimulate an annual GDP growth of cellittle more than 3% per year, in line with target 8.1. The national objective is to achieve an annual growth rate of GDP per capita of 7.5% by 2030. The measures adopted involved updating and approving some programs aimed at simplifying the regulatory framework to improve the business climate, creating multifunctional platforms for attracting investments, supporting businesses and start-ups with high potential for growth, development and digital transformation of small and medium-sized enterprises, upgrading and increasing their energy efficiency, as well as supporting young people through the Program Start for young people. The existence of safe financial services and of quality is important for attracting investment, including from Moldovan migrants, in view capitalizing on remittances for the development of the country.<sup>3</sup>

The labor market and the increase in jobs, primarily for young people, is an area of activity in the context of the SDGs, within the framework of which close cooperation between states is carried out. Traditional mechanisms of cooperation since the mid-20th century have been transnational companies, investments, and in the last decade, global supply chains. Along with the positive impact on the economy, current trends in the labor market are particularly worrying. As noted in research conducted by the International Labor Organization, "... there is reason to believe that the dynamics of labor and industrial relations within the global economy and individual systems of this kind may undermine decent working conditions."<sup>4</sup> In the ILO Resolution, adopted in 2016, concerning decent work in global supply chains, is mentioned

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<sup>1</sup> Section 2.8 of the Application to National Development Strategy "European Moldova – 2030". Published: 21-12-2022 in Monitorul Oficial No. 409-410 article No. 758

<sup>2</sup> According to the National Social Insurance Fund of the Republic of Moldova. [Online]: URL: <https://cnas.md/slidepageview.php?l=ru&idc=525&t=/mejdunarodnie-otnoseniea/cotrudnicectvo-c-mejdunarodnimi-organizatieami&> (Date of visit: 14.04.2024).

<sup>3</sup> Raport de progres privind implementarea Agendei 2030 pentru Dezvoltare Durabilă în Republica Moldova, 2023. [Online]: URL: [https://cancelaria.gov.md/sites/default/files/raport\\_de\\_progres\\_odd\\_2023\\_vf\\_15\\_09\\_2023\\_final.pdf](https://cancelaria.gov.md/sites/default/files/raport_de_progres_odd_2023_vf_15_09_2023_final.pdf) (Date of visit: 14.04.2024).

<sup>4</sup> Глобальные цепочки поставок. [Online]: URL: <https://www.ilo.org/w4sd/themes/supply-chains/lang-ru/index.htm> (Date of visit: 14.04.2024).

about areas of government cooperation to preserve decent work and ensure rights in the world of work. In particular, paragraph 1 of Article 23 talks about strengthening capacity building and providing technical assistance to members states on labor administration and inspection systems. These actions should also ensure that workers have access to legal remedies, also social security, including social benefits.<sup>1</sup>

Internationalization in the labor market is intensifying the need to modernize approaches to collective bargaining and the involvement of workers in decision-making processes at work. In relation to the tasks of achieving SDG No. 8, for example, the opinion regarding the possibility of active use of technologies for interaction between workers and employers deserves attention. “While ILO and UN human rights instruments and institutions inform and promote this approach to SDG 8, international economic and investment law as well as financial institutions have the capacity to limit its potential. There are, however, positive shifts on the horizon, which include transnational collective bargaining and policy initiatives encompassing state and non-state actors.”<sup>2</sup> Of course, we cannot downplay the importance of worker associations, primarily trade unions at various levels, in the process of cooperation to achieve the SDGs. However, unfortunately, after the economic fallout caused by the pandemic, the labor market has not fully recovered. An alarming trend is the reduction of jobs and the transfer of performers to remote work in the format of distance employment or other formats. ILO statistics predict that the number of unemployed people in the world will increase by two million in 2024, pushing the global unemployment rate to 5.2 percent<sup>3</sup>. According to experts, the poverty rate among the working population will increase. As the Report notes, the number of workers living in moderate poverty (earning less than \$3.65 per person per day at purchasing power parity) increased by 8.4 million.<sup>4</sup> It is these indicators that cause concern from the point of view of the possibility of realizing the right to social security. The direct dependence of the amount of wages and social contributions, which form the volume of social support in the case of social risk, shows the threat of reducing the level of social protection of workers under the terms of employment contracts.

Returning to the role of the SDGs, let us present a statement regarding the relationship between global goals, recognizing the significance of each of them. “While all 17 SDGs set out in the 2030 Agenda are equally important, SDG 8, focusing on decent work and sustainable economic growth, is particularly important as it acts as a catalyst for progress on all other SDGs, and especially on targets related to with to innovation, production diversification and environmental sustainability”.<sup>5</sup> Confirming the importance of international workers' associations, the author also notes the importance of such a tool as the Global Monitoring of SDG 8. This tool assesses the status of Goal 8 around the world and focuses on four key aspects: economic well-being, job quality, labor vulnerability and labor rights.<sup>6</sup>

## Conclusions

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<sup>1</sup> ILO Resolution concerning decent work in global supply chains. Adopted on 10 June 2016. [Online]: URL: [https://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---relconf/documents/meetingdocument/wcms\\_497555.pdf/](https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_497555.pdf/) (Date of visit: 14.04.2024).

<sup>2</sup> Novitz T. SDG 8: Promote Sustained, Inclusive and Sustainable Economic Growth, Full and Productive Employment and Decent Work for All. In: Ebbesson J, Hey E, eds. The Cambridge Handbook of the Sustainable Development Goals and International Law. Cambridge Law Handbooks. Cambridge University Press; 2022:208-230. [Online]: URL: <https://www.cambridge.org/core/books/abs/cambridge-handbook-of-the-sustainable-development-goals-and-international-law/sdg-8-promote-sustained-inclusive-and-sustainable-economic-growth-full-and-productive-employment-and-decent-work-for-all/6B8F4265C457996B2A1A5468F1B4D506> (Date of visit: 14.04.2024).

<sup>3</sup> International Labor Organization (ILO) report “Global Employment and Social Outlook”. [Online]: URL: [https://www.ilo.org/moscow/news/WCMS\\_908260/lang--ru/index.htm](https://www.ilo.org/moscow/news/WCMS_908260/lang--ru/index.htm) (Date of visit: 14.04.2024).

<sup>4</sup> Ibid.

<sup>5</sup> Giulia Massobrio Alain Rodríguez. The world is failing to meet SDG 8: how to achieve decent work for all by 2030? [Online]: URL: <https://www.equalltimes.org/the-world-is-failing-to-meet-sdg-8?lang=en> (Date of visit: 14.04.2024).

<sup>6</sup> Ibid.

In conclusion, considering the prospects for legal cooperation between states to achieve the SDGs in terms of increasing the level of social protection, ensuring the implementation of social rights, and guaranteeing social security, the following should be noted. The difficulties in achieving the SDGs today are especially noticeable, since the economic component of ensuring the right to social security is under difficulties. This is due, first of all, to the protracted global economic crisis, political instability, unilateral revision of international norms and standards, including the withdrawal of states from previously concluded treaties and agreements. States, due to objective reasons, do not fulfill their obligations regarding social protection and social security. Also causing dissatisfaction among those working is the increase in the number of people in need of social support - refugees, people injured as a result of hostilities, etc. Today, artificial intelligence can be called an objective factor influencing the level of social protection. Legal science has not answered the question of whether artificial intelligence is a subject or an object of law, although the UN General Assembly Resolution “Using the capabilities of safe, secure and reliable artificial intelligence systems for sustainable development” was adopted at the international level.<sup>1</sup> In relation to the implementation of social rights, concerns may be caused by an excessive expansion of the use of resources and potential of artificial intelligence in the social sphere, for example, the creation of databases, the development of social indexes, which would limit a person in the implementation of his rights. The reality today is also the replacement of humans in production processes with new technologies. Concerns in this regard are associated with the unpreparedness of many national labor markets to reorient large flows of labor and develop in-demand areas that require human labor.

However, despite the numerous difficulties and threats to achieving the SDGs, the need for joint action and continued joint efforts to achieve them is obvious. International agreements and other options for cooperation still remain relevant, which make it possible to comprehensively analyze existing challenges and develop ways to overcome them.

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