Check for updates

Improving the protection of migrant workers with work histories in the European Union and Ibero-America: Enhancing the coordination of international social security instruments

Daniela Zavando Cerda and Laura Gómez Urquijo

University of Deusto, Bilbao, Spain

Abstract Migration affects almost every nation, emphasizing the need to guarantee social security rights for all migrants and their families. This article focuses on the rights of workers who migrate between the countries of the European Union (EU) and the Ibero-American community. In the EU, social security systems are increasingly coordinated through Regulation No. 883/2004 and its Implementing Regulation No. 987/2009. In the Ibero-American community, coordination is sought through the Ibero-American Social Security Convention. Despite convergence between these two international instruments, coordination is still lacking between them. This article presents a comparative analysis to articulate the necessary mechanisms to guarantee coordination, to respect the social security rights of migrant workers. We focus on the cooperation and coordination between regional as well as national systems, specifically looking at the need for and aims of a rapprochement between these two major international coordination instruments to provide greater EU-Ibero-American

Addresses for correspondence: Daniela Zavando Cerda, Researcher, Social Development, Economy and Innovation for People, University of Deusto, University Avenue 24, Bilbao 48007, Spain, email: d.zavando@deusto.es. Laura Gómez Urquijo, Professor of Economics of the EU, Faculty of Law, University of Deusto, University Avenue 24, Bilbao 48007, Spain, email: laura.gomez@deusto.es.
This research has been conducted with the support of the Programme for the Training of Research Staff of the University of Deusto, Bibao, Spain.

International Social Security Review, Vol. 76, 3/2023

© 2023 The Authors. International Social Security Review published by John Wiley & Sons Ltd on behalf of International Social Security Association.

This is an open access article under the terms of the Creative Commons Attribution-NonCommercial-NoDerivs License, which permits use and distribution in any medium, provided the original work is properly cited, the use is non-commercial and no modifications or adaptations are made.

cooperation. Finally, the importance of promoting greater international cooperation in social security policy and administration is highlighted, to engender the adequate protection of the rights as well as the free movement of migrant workers.

Keywords migrant worker, social security administration, ILO Convention, social security legislation, European Union, Latin America, international

Introduction

Globalization, cooperation and integration between States feed the constant and growing mobility of people between countries, particularly within regional common market and economic integration spaces. Migration dynamics have greatly impacted the labour force and raised challenges for migrant workers' enrolment and participation in different social security systems and the transnational portability of their contributions and benefits. Although migration is an economic and social imperative for many people and for the viability of many national economies, the reasons for making such a decision are varied. Regardless, each State must have systems that protect the human and labour rights, including the right to social security, of its citizens, nationals and foreigners (Chaves, 2020, p. 52).

Currently, across the Member countries of the Organisation for Economic Co-operation and Development (OECD), 13 per cent of populations and a higher proportion of workforces are foreign born – in other words, they are international migrants. These figures are higher for Western European countries, including Portugal and Spain, while the proportions of foreign-born workers are substantial and growing in most Latin American and Caribbean countries.

The development and opening of markets lead to a rapprochement of the borders of economic, legal and social relations. It is therefore essential that migrants can enter the labour market of the destination country and receive equal treatment, not least because enterprises increasingly have a transnational presence requiring a workforce around the world (D'Addioy and Cavalleri, 2014, pp. 346–349). Of course, workers shape their work histories through employment and this may also shape their retirement benefits after having worked in different countries. This infers i) that they have full rights to join and contribute to the social security system in each country, ii) that contributions

© 2023 The Authors. International Social Security Review published by John Wiley & Sons Ltd on behalf of International Social Security Association.

1468246x, 2023, 3, Downloaded from https://onlinelibrary.wiley.com/doi/10.1111/issr.12338 by Biblioteca Universitaria De De, Wiley Online Library on [28/07/2025]. See the Terms and Conditions (https://onlinelibrary.wiley.com/terms-and-conditions) on Wiley Online Library for rules of use; OA articles are governed by the applicable Creative Commons License

and benefits are transferable and iii) that there are regional and international standards and mechanisms that recognize and accumulate contributions in those different countries. It is therefore imperative to strengthen national and international/regional legal systems concerning the right to social security (Vinci, Gassmann and Mohnen, 2022), to provide certainty and the protection of economic, social and cultural human rights (Esponda, 2018, pp. 65–72).

Social security is defined as a universal human right in the Conventions and Recommendations of the International Labour Organization (ILO) and in United Nations (UN) legal instruments. The ILO considers social security to be the protection that a society ensures to its individuals through a series of public measures, such as social insurance, social assistance or social assistance and universal systems (ILO, 2000, p. 29).[1]

Migrant workers face three main risks that may violate the continuity of their social rights (Hunt and Wallace, 2006, pp. 96–98): i) loss or absence of coverage in their country of origin; ii) lack of access to affiliation and participation in the social security systems of the countries of employment (Mesa-Lago, Cruz Saco and Gil, 2021) and iii) lack of portability of contributions and benefits accrued when migrating to another country or to their country of origin.

Given the lack of social and labour protection in which workers may find themselves when migrating, together with the dynamism of the migratory phenomenon in recent decades, the social rights of migrants and their families must be guaranteed through the articulation of legal mechanisms regulating the coordination of social security systems in different States. To this end, the international coordination instruments implemented in the European Union (EU) and Ibero-America[2] deserve attention regarding their ambition to contribute as part of the solution to this challenge (Camacho, 2013, pp. 200–202).

In the remainder of this article, we set out an overview and provide a comparative analysis of international social security instruments in the EU and Ibero-America. We then discuss the challenges of improving cooperation and coordination between regional and national systems, specifically looking at the need for greater EU–Ibero-American cooperation. Finally, we offer conclusions concerning the need for greater international cooperation in social security policy and administration and for protecting the rights of migrant workers.

1. The ILO Social Security (Minimum Standards) Convention, 1952 (No. 102) (ILO, 1952) defines nine branches of social security, namely: medical care; illness; unemployment; old-age, invalidity and survivors' pensions; occupational accidents and diseases; family benefits and maternity.

2. Ibero-America refers to the countries or territories region in the Americas where Spanish or Portuguese are predominant languages.

© 2023 The Authors. International Social Security Review published by John Wiley & Sons Ltd on behalf of International Social Security Association.

1468246x, 2023, 3, Downloaded from https://onlinelibrary.wiley.com/doi/10.1111/issr.12338 by Biblioteca Universitaria De De, Wiley Online Library on [28/07/2025]. See the Terms and Conditions (https://onlinelibrary.wiley.com/terms-and-conditions) on Wiley Online Library for rules of use; OA articles are governed by the applicable Creative Commons License

International instruments: The EU and Ibero-America

To contextualize the comparative analysis, we first offer a brief review of the social security regulation of migrant workers at the international level.

At the international level, there has been a constant concern to establish mechanisms that allow migrant workers, and their families, to enjoy social security benefits on the same terms as national workers. The absence of adequate protection has negative socioeconomic repercussions, not only for migrants but for the host community, including an adverse impact on income security, poverty, inequality and social integration (ILO, 2021).

In this context, the keystones for ensuring protection are the following international instruments: i) International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (UN, 1990); ii) ILO Migration for Employment Convention (Revised), 1949 (No. 97) (ILO, 1949a), and ILO Migration for Employment Recommendation (Revised), 1949 (No. 86) (ILO, 1949b); and iii) Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) (ILO, 1975a) and Migrant Workers Recommendation, 1975 (No. 151) (ILO, 1975b).

As pointed out by Taran and Geronimi (2003, p. 16), these instruments, together, provide a definition and are an ethical-legal basis for national policies in relation to migrant workers and their families. Also, they are tools to encourage States to adopt and improve national legislation according to these regulations.

In addition to these instruments, which provide the general framework, the EU and Ibero-American instruments which are our focus, derive from the principles and parameters established in other specific ILO Conventions related to social security.

The Equal Treatment (Accidents at Work) Convention, 1925 (No. 19) (ILO, 1925), and the Equal Treatment (Social Security) Convention, 1962 (No. 118) (ILO, 1962), establish provisions enshrining the principle of reciprocity in relation to social security benefits for migrant workers and ensuring equal treatment with nationals.

Likewise, the Social Security (Minimum Standards) Convention, 1952 (No. 102) (ILO, 1952), prescribes special anti-discrimination clauses. Furthermore, the Maintenance of Social Security Rights Convention, 1982 (No. 157) (ILO, 1982), and the Maintenance of Social Security Rights Recommendation, 1983 (No. 167) (ILO, 1983), constitute an international system for the maintenance of rights acquired and rights in the process of being acquired by workers to ensure the preservation of benefits acquired abroad, through bilateral or multilateral mechanisms.

The Social Protection Floors Recommendation, 2012 (No. 202) (ILO, 2012), provides guidelines for establishing and maintaining social security floors and for

© 2023 The Authors. International Social Security Review published by John Wiley & Sons Ltd on behalf of International Social Security Association.

1468246x, 2023, 3, Downloaded from https://onlinelibrary.wiley.com/doi/10.1111/issr.12338 by Biblioteca Universitaria De De, Wiley Online Library on [28/07/2025]. See the Terms and Conditions (https://onlinelibrary.wiley.com/terms-and-conditions) on Wiley Online Library for rules of use; OA articles are governed by the applicable Creative Commons License

implementing social protection floors as part of strategies to extend social security to higher levels for as many people as possible, as guided by ILO social security standards.

Additionally, at its International Labour Conference (92nd Session) (ILC, 2004, p. 88), the ILO noted that it is particularly important for migrant workers to: i) have the same access to coverage and the same right to benefits as nationals; ii) retain rights acquired on leaving the country (including the export of benefits); iii) be able to accumulate rights acquired in different countries. In this way, the various international standards of the ILO seek to respond to migrants in relation to these three aspects.

Indeed, it is important to review the existing mechanisms for coordinating social security systems, since they are the means of achieving continuity in social security benefits. With this aim, the process of genesis of two specific international instruments governing the EU and Ibero-America in the coordination of social security standards will be reviewed below. Both seek to safeguard the rights acquired or rights in the process of being acquired by migrant workers to achieve the continuity of their social benefits through the principle of coordination.

European Union (EU)

In the EU, the coordination of social security legislation is enforced through Regulation No. 883/2004 of the European Parliament[3] and of the Council of the EU on the Coordination of Social Security Systems and its Implementing Regulation No. 987/2009.[4] Through the principle of coordination, this Regulation aims to safeguard the acquired and in-process social security rights of migrant workers, ensuring freedom of movement and equal treatment. However, the incompatibility between some national systems has been and continues to be a challenge, as it restricts coordination.

The existing EU rules are long-standing and have been repeatedly adapted, developed, and improved. The first historical antecedents date back to Regulation 3/58 of 25 September 1958 on social security for migrants and its implementing instrument, Regulation 4/58 of 3 December 1959. Both corresponded to the European Coal and Steel Community, whose purpose was to guarantee the social protection of coal and steel workers who moved to other countries. These Regulations were in force from 1 January 1959 until 1 October 1972, when two other Regulations replaced them. The first was Council Regulation 1408/71 of 14 June 1971 on applying social security schemes to employed or self-employed persons and their families moving within the Community. The second was

3. See the full text.
4. See the full text.

© 2023 The Authors. International Social Security Review published by John Wiley & Sons Ltd on behalf of International Social Security Association.

1468246x, 2023, 3, Downloaded from https://onlinelibrary.wiley.com/doi/10.1111/issr.12338 by Biblioteca Universitaria De De, Wiley Online Library on [28/07/2025]. See the Terms and Conditions (https://onlinelibrary.wiley.com/terms-and-conditions) on Wiley Online Library for rules of use; OA articles are governed by the applicable Creative Commons License

Council Regulation 574/72 of 21 March 1972, laying down detailed rules for applying Regulation 1408/71.

Several factors meant that these regulations were, in practice, too extensive and difficult to understand when trying to adjust to new realities owing to their successive and frequent reform. Therefore, updating to simplify the system became unavoidable to achieve effective freedom of movement in the EU. At the Edinburgh Council in 1992, the revision and simplification of these rules was enhanced through the 1997 Communication entitled "*Action plan for the free movement of workers*" (see Weiler, 1998); this European Commission Communication emphasized the urgent need to modernize the rules for coordinating social security systems.[5]

In 1998, the EU Council presented a proposal for a Regulation to overcome those needs. That proposal was the basis for the current Regulations 883/2004 and 987/2009 of the European Parliament and the Council. These Regulations replace the old Regulations 1408/71 and 574/72, as of 1 May 2010. Without prejudice to Article 90 of Regulation 883/2004, Article 90 repeals Regulation 1408/71 from the date of application, providing that the latter will remain in force and preserve its legal effects for certain acts.

Since the coordination and integration guaranteed by these rules are a model of good legal practices, it is essential to study the EU's international instruments. Their detail and scope of application deliver continuity to the social security benefits of different Welfare State models within the EU. They also allow any person who wishes to exercise their right to free movement and residence not to be discriminated against.

Ibero-America

While the proportion of international migrants varies considerably between different parts of the world, migration in Latin America and the Caribbean (LAC) has become a concern for different governments. According to data from the United Nations Department of Economic and Social Affairs (UNDESA, 2020) migration patterns in the LAC region have witnessed unprecedented changes between 2010 and 2020; the total number of migrants in LAC grew from 34.6 million in 2010 to 42.0 million in 2020. The most radical change observed concerns the destination of migrants – across the decade, migration within the LAC region experienced a dramatic increase of 83.2 per cent, from 5.3 million to 11.3 million.

Indeed, these dynamics of migration have had a high impact on the workforce, as well as on the different social security systems. Migrants have become a major

5. See the full text.

© 2023 The Authors. International Social Security Review published by John Wiley & Sons Ltd on behalf of International Social Security Association.

1468246x, 2023, 3, Downloaded from https://onlinelibrary.wiley.com/doi/10.1111/issr.12338 by Biblioteca Universitaria De De, Wiley Online Library on [28/07/2025]. See the Terms and Conditions (https://onlinelibrary.wiley.com/terms-and-conditions) on Wiley Online Library for rules of use; OA articles are governed by the applicable Creative Commons License

challenge for governments and host communities while presenting an enormous opportunity for the development of the region, especially for labour markets. For this reason, the Ibero-American community has promoted different efforts to provide continuity to social security benefits for migrants from the American continent. Highlighting the regional instrument of the Ibero-American Social Security Agreement (*Convenio Multilateral Iberoamericano de Seguridad Social* – CMISS) that was created by the Ibero-American Social Security Organization (*Organización Iberoamericana de Seguridad Social* – OISS). This mechanism is the closest and most similar international instrument to EU Regulations and is currently effectively applied in 15 states.

Its genesis goes back to various international pacts of a bilateral and multilateral nature. The Ibero-American Social Security Agreement (1978), signed in Quito, Ecuador, is noteworthy as a multilateral agreement that required adherents to sign a supplementary Implementation Agreement to produce legal effects between the two countries – which in practice slowed down its implementation. Likewise, there are historical precedents in the signing of bilateral agreements between the countries of the Ibero-American community, as well as multilateral agreements, such as the Multilateral Agreement on Social Security of MERCOSUR (in effect since 2008); Decision 456 of the Andean Community approving the Andean Social Security Instrument; and European Regulations 1408/71 and 574/72 (now Regulations 883/2004 and 987/2009).

Representatives at the Fifth Ibero-American Conference of Ministers and Heads of Social Security, held in September 2005 in Segovia, Spain, agreed to begin the process of drawing up a Multilateral Agreement of the Ibero-American Community. This would allow a single instrument to coordinate national pension legislation, guaranteeing the rights of migrant workers and their families with full legal certainty. Following this Conference, the decision to draft a Multilateral Agreement on Social Security was raised by the OISS at the XV Ibero-American Summit of Heads of State and Government held the same year in Salamanca, Spain. The delegates decided to "initiate the process of drafting an Ibero-American Social Security Convention to guarantee the social security rights of migrant workers and their families" (SEGIB, 2005, p. 5).

To build this instrument, the content of the agreement was widely debated and negotiated for months through numerous exchanges of documents with the technical services of State parties. The elaboration process was complex since, unlike EU Member States, these States were not politically or economically linked by any mandate. The task of unifying and integrating countries was, thus, more challenging as it came on account of each State's voluntary acts, e.g., the Declarations of the Summits and Conferences to reach this objective.

The OISS created the "Preliminary Draft of the Ibero-American Agreement on Social Security. Preliminary aspects", which was sent to the Ibero-American

© 2023 The Authors. International Social Security Review published by John Wiley & Sons Ltd on behalf of International Social Security Association.

1468246x, 2023, 3, Downloaded from https://onlinelibrary.wiley.com/doi/10.1111/issr.12338 by Biblioteca Universitaria De De, Wiley Online Library on [28/07/2025]. See the Terms and Conditions (https://onlinelibrary.wiley.com/terms-and-conditions) on Wiley Online Library for rules of use; OA articles are governed by the applicable Creative Commons License

1468246x, 2023, 3, Downloaded from https://onlinelibrary.wiley.com/doi/10.1111/issr.12338 by Biblioteca Universitaria De De, Wiley Online Library on [28/07/2025]. See the Terms and Conditions (https://onlinelibrary.wiley.com/terms-and-conditions) on Wiley Online Library for rules of use; OA articles are governed by the applicable Creative Commons License

countries between March and July 2006. Each State revised the document and shared its comments and suggestions, which were reflected in four drafts. Finally, the Draft of the Ibero-American Multilateral Security Agreement was approved at the Sixth Ministerial Conference, held in Iquique, Chile, in July 2007. The approved project was submitted to the XVII Ibero-American Summit in Santiago de Chile in November 2007, where it was approved and signed by 12 countries (Argentina, the Plurinational State of Bolivia, Brazil, Chile, Costa Rica, El Salvador, Spain, Paraguay, Peru, Portugal, Uruguay and Venezuela). On 26 November 2008, Colombia and Ecuador joined the agreement, and the Dominican Republic became a signatory on 7 October 2011, arriving at the current 15 State signatories of the CMISS.

Thus, in a relatively short period, by 10 November 2007, the first phase for the implementation of the CMISS was completed, and the negotiation phase of its Implementation Agreement began. To this end, five drafts were prepared and submitted to the State Parties for observations and suggestions, and the text of the CMISS Implementation Agreement was agreed upon at the Seventh Ibero-American Conference of Ministers and Heads of Social Security in September 2009.

Consequently, the process of the creation of the CMISS was expeditious, despite involving a great deal of legal work and coordination between States and the OISS. Tangible results were achieved in less than two years following the decision to undertake the project, which is very rapid compared with the process for the development of other instruments for the coordination of social security legislation.

Comparative analysis of international instruments

Having set out the main characteristics of the international instruments for the coordination of security systems used in the EU and Ibero-America, we will apply a comparative methodology to analyse both instruments. The aim is to achieve an all-encompassing view of the legal framework that facilitates the continuity of acquired or in-process social rights of migrant workers and their families, regardless of the country in which they have worked. To this end, the following subsections discuss the identified criteria.

Coordination technique

The primary objective pursued by the international instruments under consideration is to establish rules and principles for coordinating social security legislation. Although geographical areas are different, these always converge in

© 2023 The Authors. International Social Security Review published by John Wiley & Sons Ltd on behalf of International Social Security Association.

their purpose. In this sense, the rules on coordination are part of the framework of the free movement of persons and should therefore aim to improve people's standard of living and conditions of employment (Del Sol and Rocca, 2017, pp. 143–144).

The coordination technique is based on maintaining each State's competencies without repealing, modifying or replacing the national laws prevailing in each country. Thus, each State preserves its legislative autonomy. As explained by Martínez, the coordination of social security systems "favours the respect and enforceability of social benefits, in addition to distributing the burdens among the different national regimes" (Martínez, 2017, p. 182). In this regard, doctrinal coordination means to establish mechanisms through which social security systems in different countries can work together to jointly achieve agreed goals – in particular, to ensure that migrant workers and their family members have as comprehensive and ongoing protection as possible – while, at the same time, maintaining and respecting the definitions and rules of each system separately (Hirose, Nikac and Tamagno, 2011, p. 24).

Therefore, coordination allows two or more pieces of legislation to communicate with each other, creating an indispensable legal bridge between the different social security schemes (Sánchez-Rodas, 2011, p. 205). The purpose of coordination is to structure and articulate procedures that ensure equal treatment for migrant workers and their families with country nationals, safeguarding their rights or expectations of social rights and granting them the possibility of invoking these within the framework of another national system.

Arellano emphasizes that "each country retains its autonomy in the way it is going to protect but, to protect the migrant, connection points will be created" (Arellano, 2015a, p. 50). Consequently, it is through the coordination of social security systems that we can set the criteria to connect national legislation so that the social rights of migrant workers are not violated due to their place of residence (Domínguez, 2020, p. 5).

Key principles underpin the rules for the coordination of social security systems by the international instruments under consideration in the present study. While the number of principles can vary according to the literature, the doctrine agrees on the following inspiring principles (Arellano, 2015b, pp. 77–80):

Single applicable legislation. Migrant workers and their families shall be subject to single legislation regardless of the countries in which they have worked. The general rule is to apply the social security legislation of the State party in whose territory the activity, dependent or non-dependent, is taking place. The principle *lex locis laboris* is pursued. The inclusion of this principle avoids, on the one hand, disputes that

© 2023 The Authors. International Social Security Review published by John Wiley & Sons Ltd on behalf of International Social Security Association.

1468246x, 2023, 3, Downloaded from https://onlinelibrary.wiley.com/doi/10.1111/issr.12338 by Biblioteca Universitaria De De, Wiley Online Library on [28/07/2025]. See the Terms and Conditions (https://onlinelibrary.wiley.com/terms-and-conditions) on Wiley Online Library for rules of use; OA articles are governed by the applicable Creative Commons License

1468246x, 2023, 3, Downloaded from https://onlinelibrary.wiley.com/doi/10.1111/issr.12338 by Biblioteca Universitaria De De, Wiley Online Library on [28/07/2025]. See the Terms and Conditions (https://onlinelibrary.wiley.com/terms-and-conditions) on Wiley Online Library for rules of use; OA articles are governed by the applicable Creative Commons License

would involve the simultaneous concurrence of several applicable national laws; and, on the other hand, the lack of applicable legislation, thus providing legal instruments with legal certainty.

Equal treatment. It is an inherent pillar of coordination since its application avoids discrimination based on nationality, ensuring that migrant workers are subject to the legislation of the host State under the same conditions as native workers. The ILO Equality of Treatment (Social Security) Convention, 1962 (No. 118) (ILO, 1962), on equal treatment of nationals and foreigners in matters of social security, establishes the rule of equal treatment in access to benefits regardless of residence.[6]

Totalization of periods. Each State must consider those periods completed not only in its territory but also in other countries, considering the periods completed by the migrant in each State, including or adding the periods of contribution, residence or affiliation to obtain the benefit. In this way, access, conservation and, where appropriate, the recovery of the rights of persons or their successors in title who have been subject to the legislation of different States is favoured.

Export of benefits. This ensures that benefits payable under the legislation of one or more States are not reduced, suspended, modified, withheld, withdrawn or confiscated because the recipient takes up residence in a State other than that in which the paying institution is situated. Therefore, workers and their families are protected against the damages they may suffer from moving to another country, fully guaranteeing the acquired rights and those to be acquired. Consequently, this principle supposes a guarantee of intangibility and full perception of the benefits caused (García, 2016, pp. 70–71).

Maturity

The state of maturity of both international instruments is different. The CMISS, in application since 2011, is a recent legal text whose origin is based on regulating the social benefits that will be coordinated. A *contrario sensu*, the EU Regulations have a long significance that aims to improve coordination rules.

6. Article 4: “As far as benefits are concerned, equal treatment shall be guaranteed without condition of residence”. (ILO, 1962).

© 2023 The Authors. International Social Security Review published by John Wiley & Sons Ltd on behalf of International Social Security Association.

The CMISS is the first international instrument at the Ibero-American level that protects the rights of migrant workers and their families concerning cash benefits, through the coordination of national legislation on pensions. The drafting of this instrument is an achievement for the Ibero-American community. On the one hand, it contributes to avoiding the loss of rights acquired or in the process of being acquired. On the other hand, it instils a sense of belonging and constitutes an unprecedented approach to citizenship in the Ibero-American region. Indeed, the CMISS is original as it is a new text with no predecessors. As Jiménez asserts, it is a pioneering experience since, for the first time, a social security agreement is reached in a space in which no prior political association facilitates the legal substrate that could support it (Jiménez, 2010, p. 375).

By contrast, there is a solid and vast experience in the coordination of social security systems in the EU, where there are several historical legal antecedents, unlike in the Ibero-American community. Therefore, current regulations aim to improve the rules of social security coordination, seeking clarity and simplifying regulations.

In García Viña's view (García, 2006), the goal of Regulation 883/2004 is to rationalize the concepts, rules and procedures for coordinating Member States' social security systems. To this end, it contemplates various changes to its predecessor (Regulation 1408/71). It highlights the improvement of beneficiaries' rights by extending material and personal scope, and the provisions apply to all Member States' nationals and not only to those who are part of the labour force. Equally, it reviews the extension to early retirement and changes in unemployment. The general principles of equal treatment and the export of benefits are strengthened too. The principle of good administration is also introduced to implement more efficient procedures, strengthen cooperation and to streamline the exchange of information between the different administrations (García, 2006, pp. 65–66).

Sources of law

The difference in the sources of law of both international instruments regarding the diversity of the sources that originated these must be emphasized.

European regulations are unilateral acts that correspond to rules of secondary law from the EU institutions, which enjoy normative primacy and direct effectiveness. In this respect, regulations constitute – by their binding nature and effectiveness – an instrument for the unification of rules imposing a single right on States. Consequently, as Martínez argues, because the regulation prevails over the legal systems of each Member State, its compliance is immediate by all

© 2023 The Authors. International Social Security Review published by John Wiley & Sons Ltd on behalf of International Social Security Association.

1468246x, 2023, 3, Downloaded from https://onlinelibrary.wiley.com/doi/10.1111/issr.12338 by Biblioteca Universitaria De De, Wiley Online Library on [28/07/2025]. See the Terms and Conditions (https://onlinelibrary.wiley.com/terms-and-conditions) on Wiley Online Library for rules of use; OA articles are governed by the applicable Creative Commons License

national authorities, without the need for prior incorporation into national legal systems (Martínez, 2017, pp. 197–198).

In contrast, the CMISS is a legal norm of an international nature with a multilateral character. In this sense, doctrine defines an international treaty as a "written agreement between two or more subjects of international law intended to produce legal effects between the parties according to the norms of international law, whatever the denomination it receives" (Remiro, 2010, p. 183). The Vienna Convention prescribes in Article 11 that the consent of a State to be bound by a treaty may be expressed by signature, exchange of instruments constituting a treaty, ratification, acceptance, approval or accession, or in any other manner that may have been agreed. In turn, Article 2(b) defines ratification, acceptance, approval and accession, as the case may be, as the international act by which a State establishes its consent to be internationally bound by a treaty (UN, 1969).

Therefore, an international agreement will constitute a source of law of a State to the extent that a procedure for signing and its subsequent ratification is complied with. However, each State must officially publish and integrate it into its internal legal system for its correct application and execution. Consequently, this legal norm of an international nature will only be binding and compulsory for the States that ratify it, unlike what happens with the European Union Regulations.

This significant difference in the entry into force of both instruments is due to the lack of a legal entity binding the Ibero-American community, as is the case in the EU. Therefore, the enforcement of the CMISS will be subject to the internal procedures of each State party, which makes its effective application uncertain.

Geographical scope of application

The geographical scope of these two international agreements and the protection they offer is different, as is the number of States they cover. The CMISS entered into force on 1 May 2011, the first day of the third month following the date of the seventh deposit of the Instrument of Ratification made by the Plurinational State of Bolivia (hereafter, Bolivia). Currently, the CMISS has 15 signatories among the Ibero-American countries, which according to signature order, are: Argentina (10/11/2007); Bolivia (10/11/2007); Brazil (10/11/2007); Chile (10/11/2007); Costa Rica (10/11/2007); El Salvador (10/11/2007); Spain (10/11/2007); Paraguay (10/11/2007); Peru (10/11/2007); Portugal (10/11/2007); Uruguay (10/11/2007); Venezuela (10/11/2007); Ecuador (07/04/2008); Colombia (26/11/2008); and the Dominican Republic (07/10/2011).[7]

7. For information concerning the signatories, see OISS *Estado de situación* (in Spanish).

© 2023 The Authors. International Social Security Review published by John Wiley & Sons Ltd on behalf of International Social Security Association.

1468246x, 2023, 3, Downloaded from https://onlinelibrary.wiley.com/doi/10.1111/issr.12338 by Biblioteca Universitaria De De, Wiley Online Library on [28/07/2025]. See the Terms and Conditions (https://onlinelibrary.wiley.com/terms-and-conditions) on Wiley Online Library for rules of use; OA articles are governed by the applicable Creative Commons License

However, this international instrument is only effectively applicable in 12 of these countries. Costa Rica is still pending parliamentary ratification. The situation in Colombia and Venezuela is similar because, although both have ratified the Convention – Colombia on 15 July 2021, and Venezuela on 16 February 2009 – they have not yet deposited the Instrument of Ratification with the Ibero-American General Secretariat (SEGIB) of the OISS. In addition to the pending procedures, signing the Agreement on the Application of the CMISS would be lacking for its correct application and effectiveness in these three nations.

For their part, Regulations 883/04 and 987/09 have been applied since 1 May 2010 to the EU Member States, which are: Austria, Belgium, Bulgaria, Czechia, Croatia, Cyprus (01/07/2013), Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain and Sweden (and United Kingdom[8]). Furthermore, these Regulations are applicable in relation to the European Economic Area (EEA) member countries, adding Iceland, Liechtenstein and Norway (01/06/2012) to the list. They also apply to relations with Switzerland (01/04/2012).

The United Kingdom's particular position in this matter should be noted. As of 1 January 2021, European Regulations continue to apply in Member States' relations with the United Kingdom under the Agreement on the Withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, of 31 January 2020, to persons who, on 31 December 2020, were in an EU–United Kingdom cross-border situation; in particular: (a) EU nationals who on that date were subject to United Kingdom law, or were not subject to United Kingdom law but were residing or working in the United Kingdom, as well as the members of their families; (b) United Kingdom nationals who on that date were subject to the legislation of one or more Member States or those who resided or worked in the territory of one of them, as well as the members of their families; (c) third-country nationals, refugees, and stateless persons who were in one of the situations before 31 December 2020. The Regulations also apply when the interested person had completed insurance periods in either a Member State or the United Kingdom before 31 December 2020.

For situations arising from 1 January 2021 between one or more EU Member States and the United Kingdom, the Protocol on Social Security Coordination to the Agreement on Trade and Cooperation between the European Union and the European Atomic Energy Community shall provisionally apply on the one side and the United Kingdom of Great Britain and Northern Ireland, on the other side, pending ratification by the European Parliament.

8. The United Kingdom ceased to be an EU Member State on 1 February 2020.

© 2023 The Authors. International Social Security Review published by John Wiley & Sons Ltd on behalf of International Social Security Association.

1468246x, 2023, 3, Downloaded from https://onlinelibrary.wiley.com/doi/10.1111/issr.12338 by Biblioteca Universitaria De De, Wiley Online Library on [28/07/2025]. See the Terms and Conditions (https://onlinelibrary.wiley.com/terms-and-conditions) on Wiley Online Library for rules of use; OA articles are governed by the applicable Creative Commons License

Certainly, both the international instruments under discussion are fundamental pillars that allow the free movement of workers within their geographical territories, which consider the needs of access and equal treatment.

While the CMISS regulates countries belonging to the Ibero-American community, European Regulations have a spatial application that corresponds to the EU Member States, the EEA countries, Switzerland, and the particular situation of the United Kingdom. When comparing the regulated countries, it is to be remarked that both pacts cover the geographical territories of Spain and Portugal, as they are countries that are part of the EU and the Ibero-American Community. Indeed, the membership of these two countries leads to a broad scope of application of the instruments for the protection of the social rights of migrant workers and members of their families. Their application in these two countries achieves continuity of social security benefits on both continents, thus, breaking down traditional national boundaries and thereby contributing to legal integration and cooperation between States.

Formal aspects

Concerning the structure and drafting of both international instruments, specific characteristics can be distinguished. The text of the CMISS is written in two languages, Spanish and Portuguese, following the official languages of the countries that constitute the Ibero-American space. Its normative structure is arranged in 35 articles, which are grouped into six titles and five annexes. Likewise, this Convention for its application consists of an Implementation Agreement, which contains 38 provisions ordered in five titles and five annexes.

Regulation No. 883/2004 consists of 91 provisions distributed in six titles and eleven annexes. Likewise, its Implementing Regulation No. 987/2009 has 97 provisions segmented into five titles and five annexes. As regards language, both Regulations are available in multiple languages.

Regarding the length and normative distribution, the wording structure is similar both in the organization of their provisions (articles, titles and annexes) and in the topics addressed. Indeed, an analysis of the precepts of both texts shows that many of their articles are analogous in form and substance. In this regard, in Sánchez-Rodas' opinion, the quality of the CMISS far exceeds that of Regulation 883/2004. Despite the efforts made by the EU to simplify its rules, this Regulation remains cumbersome; contrary to what happens with the CMISS, which is characterized by its clarity and conciseness, which, according to the author, will facilitate its application by legal operators (Sánchez-Rodas, 2011, p. 206).

© 2023 The Authors. International Social Security Review published by John Wiley & Sons Ltd on behalf of International Social Security Association.

1468246x, 2023, 3, Downloaded from https://onlinelibrary.wiley.com/doi/10.1111/issr.12338 by Biblioteca Universitaria De De, Wiley Online Library on [28/07/2025]. See the Terms and Conditions (https://onlinelibrary.wiley.com/terms-and-conditions) on Wiley Online Library for rules of use; OA articles are governed by the applicable Creative Commons License

In this aspect, it is understood, as is logical, that those who drafted the CMISS had the EU Regulations as a reference; since, as analysed in the historical background, the technique of the coordination of social security legislation in Community Law consists of an extensive and fruitful trajectory that dates to Regulation 3 of 1958, and, therefore, its application has a considerable track record.

Protected subjects

Both instruments delimit the scope of application of their rules in a similar way in their articles. We presume that those who drafted the CMISS used the EU Regulations as a reference since both include the term "person" instead of "worker". This constitutes an innovative advance of the current Regulation in contrast to its predecessors; it is the result of a long jurisprudential and doctrinal debate through which it was concluded that for the Regulations, the fundamental element is that a person is or has been subject to a coordinated social security scheme. Sánchez-Rodas argues that what justifies the application of the Regulations is the submission to coordinated social security legislation of a Member State and that according to the jurisprudence of the Court of Justice of the EU, "a person has the status of a person protected by the Regulations for being insured, even if only against one contingency, under a coordinated social security scheme" (Sánchez-Rodas, 2011, p. 213).

The Regulation adds the requirement that beneficiaries must be nationals, limiting the personal scope to citizens of an EU Member State, of an EEA State Party, Switzerland, to stateless persons or refugees residing in one of the EU Member States, in a State Party to the EEA or Switzerland, as well as their family members and survivors. Under Regulation 1231/2010, Regulations 883/2004 and 987/2009 also apply to third-country nationals and their family members, but they must prove the legality of their residence in a Member State of the European Union.

The issue of nationality is not mentioned in the CMISS. Therefore, one can conclude that its application extends not only to citizens of the signatory States but also foreigners who are third State nationals, refugees, and stateless persons who are or have been subject to the legislation of one or more of the State parties. It should also be considered as a prerequisite that such migrant workers are in a legal situation, an issue that is fundamental to be protected by the contributory social security schemes of the States in which the CMISS applies. Consequently, and as López and Martin report, for the Regulations and the CMISS, the nationality requirement is not considered for its effective application,

© 2023 The Authors. International Social Security Review published by John Wiley & Sons Ltd on behalf of International Social Security Association.

1468246x, 2023, 3, Downloaded from https://onlinelibrary.wiley.com/doi/10.1111/issr.12338 by Biblioteca Universitaria De De, Wiley Online Library on [28/07/2025]. See the Terms and Conditions (https://onlinelibrary.wiley.com/terms-and-conditions) on Wiley Online Library for rules of use; OA articles are governed by the applicable Creative Commons License

but it is necessary that the protected subjects hold the status of migrants in a regular or legal situation (López and Martín, 2016, p. 27).

Covered benefits

Both instruments circumscribe their material scope in their respective Article 3, through a list of covered benefits. However, the material field of the Regulations is much broader than the CMISS.

The CMISS provides for cash benefits for those in conditions of disability; old age; survivorship; and occupational accidents and diseases. For their part, the EU Regulations provide for: sickness benefits; assimilated maternity and paternity; disability; old age; survivorship; accidents at work and occupational disease; unemployment; early retirement; death grants; and family benefits.

Consequently, when contrasting both instruments, the Regulation evidences a broader and more complete basket of benefits than the limited coverage of the CMISS. The latter only contemplates two social contingencies, versus the nine branches of social security protected by European Regulations. This better meets the needs of subjects of law and is consistent with the ILO Social Security Minimum Standards (ILO, 1952). Similarly, the protection provided by the Regulations is more comprehensive for migrant workers and their families, since they cover a greater number of people by territorial area.

In addition, the benefits covered by the CMISS only apply to contributory, general and special social security schemes. By contrast, the Regulation coordinates both contributory and non-contributory benefits. Likewise, the contingencies coordinated by the CMISS only constitute replacement income, limiting their scope only to cash benefits. This question differs from the material scope of the Regulations, which covers financial benefits but also benefits in kind.

Discussion and conclusions

The approach on which the EU Regulations and the CMISS are based has managed to overcome bilateralism as a legal mechanism for solving the problems of continuity of social security rights acquired or in the process of being acquired by migrant workers and their families. In fact, bilateralism has become obsolete given the regional integration of States in different spheres, the phenomenon of globalization and migratory dynamics that move away from the classical concepts of stability and fixity in the new country of employment.

In this sense, the international instruments analysed have managed to give the coordination of social security benefits a multilateral context based on political, social, legal and economic integration, in addition to considering belonging to a

© 2023 The Authors. International Social Security Review published by John Wiley & Sons Ltd on behalf of International Social Security Association.

1468246x, 2023, 3, Downloaded from https://onlinelibrary.wiley.com/doi/10.1111/issr.12338 by Biblioteca Universitaria De De, Wiley Online Library on [28/07/2025]. See the Terms and Conditions (https://onlinelibrary.wiley.com/terms-and-conditions) on Wiley Online Library for rules of use; OA articles are governed by the applicable Creative Commons License

culture or identity. However, this new approach has shown signs of inadequacy since it fails to regulate the variety of situations in which workers develop their professional careers on the American and European continents.

This situation means that if workers migrate to other continents or countries that are not covered by the Regulations or by the CMISS, they will not have protection unless a bilateral agreement between countries is applied. In any case, this is a weak, limited and fickle solution (Maldonado, 2019, pp. 128–130). Therefore, it is important to begin to reflect on appropriate legal mechanisms capable of overcoming the territorial and personal limitations of these international coordination instruments, enhancing their internationalization, a process which refers to the external dimension of coordination rules (López and Martin, 2017, pp. 187–188).

There is currently a strong trend towards the implementation of regional coordination mechanisms that allow greater social security integration. In Latin America, the coordination mechanisms present in MERCOSUR, CARICOM and the Andean Community stand out. In Africa, the CIPRES Multilateral Agreement on Social Security, which, although it has not yet entered into force due to a lack of ratifications, is a step forward for the region. The South African Development Community (SADC) is also considering the adoption of a coordination instrument (Arellano, 2025a, pp. 83–86).

The Gulf Cooperation Council (GCC) has adopted a unified Law on Insurance to extend the protection of Gulf Cooperation Council citizens working outside their countries and in any of the member States of the Council. However, it does not have the characteristics of a coordination mechanism that allows the continuity of the coverage of workers in this region (Hirose, Nikac and Tamagno, 2011, p. 55). Finally, in Asia and Oceania there are no regional agreements, but the unilateral initiatives of Philippines are remarkable;[9] likewise, in the Eurasian Economic Union (EAEU), work is afoot concerning the coordination of social security.

The OISS exemplifies the problem to be addressed: a Bolivian national has a career providing services in France for 6 years and then in Bolivia and Spain for 7 years each. The Bolivian national wishes to retire in Spain, where the local legislation requires 15 years of employment as a minimum period to be entitled to a retirement pension. According to the instruments analysed, the contribution periods carried out in France and Spain may be totalled (13 years) under the EU Regulations, while the working periods in the Bolivia and Spain would add up to 14 years through the CMISS. However, the Spanish Administration does not

9. This is relevant because there are no regional coordination mechanisms on the Asian continent, and the unilateral mechanisms, although limited, are a first step in the creation of more complex regional instruments for the coordination of social security legislation.

© 2023 The Authors. International Social Security Review published by John Wiley & Sons Ltd on behalf of International Social Security Association.

1468246x, 2023, 3, Downloaded from https://onlinelibrary.wiley.com/doi/10.1111/issr.12338 by Biblioteca Universitaria De De, Wiley Online Library on [28/07/2025]. See the Terms and Conditions (https://onlinelibrary.wiley.com/terms-and-conditions) on Wiley Online Library for rules of use; OA articles are governed by the applicable Creative Commons License

allow the multiple calculations of insurance periods (France, Spain, Bolivia) since it understands that these are two separate, independent, and incommunicado instruments that do not allow interrelation and interconnection. Therefore, the worker, originally from Bolivia, will not be able to prove their right to access a retirement pension in Spain. The same result would occur if the interested party was French or Spanish (OISS, 2013; see also Hirose, Nikac and Tamagno, 2011, p. 55).

In this sense, the OISS proposes an exercise to open both instruments to make them more permeable, initiating a process of fusion and communication that allows greater protection for migrant workers on both sides of the Atlantic. To this end, it supports a number of proposals. The first consists of a technical-political meeting between the European Commission and the OISS to deepen the external dimension of the coordination rules. The second is based on extending the field of application of the CMISS to EU Member States that request it; it is proposed to open the Convention, unlike the EU Regulation, given that the first has greater flexibility as it is not based on the free movement of workers and does not depend on, or is subordinated to, political economic or regional structures. A third proposal that objectively is the best to solve the problem raised in this research, is the elaboration of an ad hoc "Social Security Convention" that binds the EU and the OISS. This is an alternative that is difficult to accept and execute for political rather than technical reasons since, as has been studied, the Regulations and the CMISS are homologate and quasi-interchangeable instruments, which would be the perfect substrate for the new Convention (Hirose, Nikac and Tamagno, 2011, pp. 40–47).

After analysing the most significant criteria of the two international coordination instruments, we conclude that both are more similar than dissimilar, albeit that the Regulations cover a greater number of social security branches and a broader field of application. Each, in its scope, constitutes a fundamental element for protecting the social rights of migrant workers and their families. It is also true that both cannot cover all cases or guarantee full protection of social contingencies to migrant workers since their application is geographically limited to the areas of the EU or Ibero-America. This fact reduces their efficiency because each instrument is applied separately, and they only converge in the countries of Spain and Portugal (Guardiancich and Natali, 2012, pp. 302–304).

In this regard, the importance of bilateral and multilateral agreements (Holzmann, 2016a, pp. 23–28) in coordinating social security legislation is unquestionable. However, these have not managed to reach their full potential (OEA and CISS, 2015, p. 19). It is, therefore, necessary to warn of the danger of considering these two instruments as watertight vessels without any interrelation (Holzmann, 2016b, pp. 30–32). Europe and Ibero-America share the concern for

© 2023 The Authors. International Social Security Review published by John Wiley & Sons Ltd on behalf of International Social Security Association.

1468246x, 2023, 3, Downloaded from https://onlinelibrary.wiley.com/doi/10.1111/issr.12338 by Biblioteca Universitaria De De, Wiley Online Library on [28/07/2025]. See the Terms and Conditions (https://onlinelibrary.wiley.com/terms-and-conditions) on Wiley Online Library for rules of use; OA articles are governed by the applicable Creative Commons License

the social protection of migrant workers and their families, agreeing on their points of view, approaches, positions and general principles. It is, therefore, necessary to examine objectively the mutual needs and common interests that could lead to a rapprochement between the two major international coordination instruments that have been analysed, aiming to bring social security systems closer and provide greater EU-Ibero-American cooperation. The objective is for cooperation that creates ties and eliminates geographical borders, to move towards flexible coordination of social security that covers the rights of migrant workers and their families effectively, regardless of the country of residence.

Bibliography

Arellano, P. 2015a. *Marco teórico de la coordinación de seguridad social: comparación Unión Europea e Iberoamérica* (First edition). Santiago de Chile, Legal Publishing.

Arellano, P. 2015b. "Coordinación: Una construcción jurídica que va más allá de principios inspiradores", in P. Arellano (ed.), *Trabajadores migrantes y seguridad social*. Santiago de Chile, Librotecnia.

Camacho, J. 2013. "Los derechos de los trabajadores migrantes", in *Revista Latinoamericana de Derecho Social*, No. 17.

Chaves, M. 2020. "Incertidumbre ante los nuevos escenarios migratorios: transformaciones recientes en la migración en tránsito en Costa Rica", in *Si Somos Americanos*, Vol. 20, No. 1.

D'Addioy, A.; Cavalleri, M. 2014. "Labour mobility and the portability of social rights in the EU", in *CESifo Economic Studies*, Vol. 61, No. 2.

Del Sol, M.; Rocca, M. 2017. "Free movement of workers in the EU and occupational pensions: Conflicting priorities? Between case law and legislative intervention", in *European Journal of Social Security*, Vol. 19, No. 2.

Domínguez, M. 2020. "La coordinación de los sistemas de seguridad social y el desplazamiento de trabajadores en la unión europea: Derecho aplicable, tutela y colaboración administrativa", in *Revista General de Derecho Administrativo*, Vol. 54.

Esponda, J. 2018. "Migración y Trabajo: Desde el punto de vista del contexto y la normativa internacional", in P. Arellano (ed.), *Migración y trabajo: miradas desde el derecho nacional e internacional*. Santiago de Chile, Librotecnia.

García, B. 2016. "Articulo 6", in *E-Revista Internacional de la Protección Social*, Vol. 1, No. 2.

García, J. 2006. "Algunas reflexiones sobre el campo de aplicación del Reglamento (CE) 883/2004, de 29 de abril", in *Revista del Ministerio de Trabajo y Asuntos Sociales*, No. 64.

Guardiancich, I.; Natali, D. 2012. "The cross-border portability of supplementary pensions: Lessons from the European Union", in *Global Social Policy*, Vol. 12, No. 3.

Hirose, K.; Nikac, M.; Tamagno, E. 2011. *Social security for migrant workers: A right-based approach*. Budapest, International Labour Organization – Country Office for Central and Eastern Europe – Decent Work Technical Support Team.

© 2023 The Authors. International Social Security Review published by John Wiley & Sons Ltd on behalf of International Social Security Association.

1468246x, 2023, 3, Downloaded from https://onlinelibrary.wiley.com/doi/10.1111/issr.12338 by Biblioteca Universitaria De De, Wiley Online Library on [28/07/2025]. See the Terms and Conditions (https://onlinelibrary.wiley.com/terms-and-conditions) on Wiley Online Library for rules of use; OA articles are governed by the applicable Creative Commons License

Holzmann, R. 2016a. *Do bilateral social security agreements deliver on the portability of pensions and health care benefits? A summary policy paper on four migration corridors between EU and non-EU Member States* (Social protection and labor discussion paper, No. 1605). Washington, DC, World Bank.

Holzmann, R. 2016b. "Do bilateral social security agreements deliver on the portability of pensions and health care benefits? A summary policy paper on four migration corridors between EU and non-EU Member States", in *IZA Journal of European Labor Studies*, Vol. 5, No. 17.

Hunt, J.; Wallace, C. 2006. "Improving the portability of supplementary pension rights", in *Journal of Social Welfare and Family Law*, Vol. 28, No. 1.

ILC. 2004. *Towards a fair deal for migrant workers in the global economy* (International Labour Conference, 92nd Session, Report VI). Geneva, International Labour Office.

ILO. 1925. *Equal treatment (accidents at work) Convention, No. 19*. Geneva, International Labour Office.

ILO. 1949a. *Migration for employment Convention (revised), No. 97*. Geneva, International Labour Office.

ILO. 1949b. *Migration for employment Recommendation (revised), No. 86*. Geneva, International Labour Office.

ILO. 1952. *Social security (minimum standards) Convention, No. 102*. Geneva, International Labour Office.

ILO. 1962. *Equality of treatment (social security) Convention, No. 118*. Geneva, International Labour Office.

ILO. 1975a. *Migrant workers (supplementary provisions) Convention, No. 143*. Geneva, International Labour Office.

ILO. 1975b. *Migration for employment Recommendation, No. 151*. Geneva, International Labour Office.

ILO. 1982. *Maintenance of social security rights Convention, No. 157*. Geneva, International Labour Office.

ILO. 1983. *Maintenance of social security rights Recommendation, No. 167*. Geneva, International Labour Office.

ILO. 2012. *Social Protection Floors Recommendation No. 202*. Geneva, International Labour Office.

ILO. 2000. *World labour report 2000 Income security and social protection in a changing world*. Geneva, International Labour Office.

ILO. 2021. *Extending social protection to migrant workers, refugees and their families: A guide for policymakers and practitioners*. Geneva, International Labour Office.

Jiménez, A. 2010. "Convenio Multilateral Iberoamericano de Seguridad Social", in J. D. Murcia (ed.), *El futuro europeo de la protección social*. Madrid, Laborum.

López, E.; Martín, R. 2016. "Artículo 2", in *E-Revista Internacional de la Protección Social*, Vol. 1, No. 2.

© 2023 The Authors. International Social Security Review published by John Wiley & Sons Ltd on behalf of International Social Security Association.

1468246x, 2023, 3, Downloaded from https://onlinelibrary.wiley.com/doi/10.1111/issr.12338 by Biblioteca Universitaria De De, Wiley Online Library on [28/07/2025]. See the Terms and Conditions (https://onlinelibrary.wiley.com/terms-and-conditions) on Wiley Online Library for rules of use; OA articles are governed by the applicable Creative Commons License

López, E.; Martín, R. 2017. "Coordinación de los sistemas de protección social de los trabajadores migrantes de España e Iberoamérica", in *Revista Economía Española y Protección Social*, Vol. 9.

Maldonado, G. 2019. "La seguridad social en el derecho de integración subregional de América Latina y el Caribe", in *Revista Latinoamericana de Derecho Social*, No. 28.

Martínez, V. 2017. "La coordinación de los sistemas de seguridad social en la Unión Europea", in *Estudios de Deusto*, Vol. 65, No. 2.

Mesa-Lago, C.; Cruz Saco, M. A.; Gil, M. 2021. "Pension coverage in Latin America: Trends and inequalities", in *International Social Security Review*, Vol. 74, No. 2.

OEA; CISS. 2015. *Analysis of bilateral and multilateral social security agreements as they relate to pensions*. Washington, DC, Organización de los Estados Americanos; Mexico, Conferencia Interamericana de Seguridad Social.

OISS. 2013. *El Reglamento 883/04 y el Convenio iberoamericano de seguridad social: encuentros en el camino*. Madrid, Organización Internacional de Seguridad Social.

Remiro, A. 2010. *Derecho internacional: Curso general* (First edition). Valencia, Tirant lo Blanch.

Sánchez-Rodas, C. 2011. "El Convenio multilateral iberoamericano de seguridad social", in *Revista General de Derecho del Trabajo y de la Seguridad Social*, No. 26.

SEGIB. 2005. *Declaración de Salamanca*. Salamanca, Secretaría General Iberoamericana.

Taran, P.; Geronimi, E. 2003. *Globalization, labour and migration: Protection is paramount* (Perspectives on Labour Migration, No. 3). Geneva, International Labour Office.

UN. 1969. *Vienna Convention on the Law of Treaties*. New York, NY, United Nations.

UN. 1990. *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families*. New York, NY, United Nations.

UNDESA. 2020. *International migrant stock 2020*. New York, NY, United Nations – Department for Economic and Social Affairs.

Vinci, V.; Gassmann, F.; Mohnen, P. 2022. "The effect of institutional factors and people's preferences on expenditure for social protection", in *International Social Security Review*, Vol. 75, No. 1.

Weiler, B. 1998. *Report on the Communication from the Commission entitled An action plan for free movement of workers* (COM(97)0586 – C4-0650/97). Strasbourg, European Parliament – Committee on Employment and Social Affairs.

© 2023 The Authors. International Social Security Review published by John Wiley & Sons Ltd on behalf of International Social Security Association.

1468246x, 2023, 3, Downloaded from https://onlinelibrary.wiley.com/doi/10.1111/issr.12338 by Biblioteca Universitaria De De, Wiley Online Library on [28/07/2025]. See the Terms and Conditions (https://onlinelibrary.wiley.com/terms-and-conditions) on Wiley Online Library for rules of use; OA articles are governed by the applicable Creative Commons License