



CONFERENCE OF INGOs
OF THE COUNCIL OF EUROPE
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CONSEIL DE L'EUROPE



17 OCTOBER 2022
International Day for the
Eradication of Poverty
on the subject:

PUTTING AN END TO NON-TAKE-UP OF RIGHTS :
For effective Access by everyone to Rights and Services

Concept Note

On the occasion of the World Day for the Eradication of Poverty, 17 October 2022, on the global theme of "Dignity for all in practice: the commitments we make together for social justice, peace and the planet", the Conference of INGOs of the Council of Europe, particularly through its "Social Rights Action Committee", is mobilising to ensure that all people have full access to all human rights.

10 years after the Joint Declaration "Acting to eradicate poverty in Europe" signed on 17 October 2012 by the Council of Europe bodies - the Committee of Ministers, the Parliamentary Assembly, the Congress of Local and Regional Authorities and the Conference of INGOs – are Social Rights, which are recognised by the Universal Declaration of Human Rights and guaranteed by the European Social Charter, effective for all people, in particular the most vulnerable?

On 17 October 2020, the Conference of INGOs organised a seminar on access for all to social rights and services, and the application of Articles 12¹, 13², 14³, 16⁴ and 17⁵ of the Revised Social Charter.

A Recommendation on this subject was subsequently adopted in 2021 by the Conference of INGOs⁶. In reality, the issue of non-access to administrative and social services is very

¹ Art 12: All workers and their dependents have the right to social security.

² Art 13: All persons without sufficient resources have the right to social and medical assistance.

³ Art 14: Everyone has the right to benefit from qualified social services.

⁴ Art 16: With a view to achieving the conditions of life which are essential for the full development of the family as a fundamental unit of society, the Parties undertake to promote the economic, legal and social protection of family life, in particular by means of social and family benefits, fiscal provisions, encouragement of the construction of housing adapted to the needs of families, assistance to young households, or any other appropriate measures.

⁵ Art 17: Children and adolescents have the right to appropriate social, legal and economic protection.

⁶ CONF/AG(2021)REC1: Recommendation on Access for all to social and medico-social services: a springboard to get out of poverty - adopted by the General Assembly on 27 April 2021

serious. It particularly affects the most precarious people, and further increases their precariousness and social inequalities.

For the European Committee of Social Rights, "The rights of the revised European Social Charter must be concrete and effective, not theoretical". Addressing obstacles to the non-take-up is essential in achieving dignity for all in practice.

The issue of non-take-up of rights was developed most recently in the report by Olivier De Schutter⁷, UN Special Rapporteur on Human Rights and Extreme Poverty, drawing on the experience of people living in situations of extreme poverty on different continents, including Europe. He urges States to make non-take-up an urgent priority : "*The reduction of non-take-up is within reach: it implies a review of social protection as a human right rather than an act of charity*". It stresses the importance of "*involving people living in poverty in the design, monitoring and evaluation of social protection schemes*".

Some information from the report, by way of example, speak for themselves:

- In Spain, the recently introduced national minimum income was granted to only 23% of applicants. Almost 20% of the rejections were due to incomplete applications, what suggests that overly complicated procedures lead to a high rate of non-taking-up of rights.
- In Belgium, a system for the homeless has been introduced. Concerned people can give the address of a social service. The number of such reference addresses quadrupled between 2006 and 2016.

The Caritas France report⁸, carried out with ODENOR (Observatoire des non-recours aux droits et services), entitled " Non-take-up of rights: a social debt that obliges us" (2021) indicates that 29 to 39% of people in care do not use benefits to which they are entitled.

In a study⁹ carried out by ATD Fourth World and the University of Oxford, based on the intersection of the knowledge from those who have known poverty, in 6 countries including France and the United Kingdom, "institutional abuse" was identified as a dimension of poverty, with the suffering, shame, and fear of stigmatisation that can result from it, and which are all obstacles to fighting to access one's rights.

Non-take-up of rights is generally linked to excessive difficulties or impossibilities in accessing public or social services:

- The complexity of administrative procedures and, most often, their dematerialisation;
- A low level of literacy among some populations (understanding of the written as well as of the spoken language);

⁷ [Presentation to the UN Human Rights Council on non-take-up - Extreme Poverty and Human Rights \(srpoverty.org\)](https://www.srpoverty.org)

⁸ https://www.secours-catholique.org/sites/scinternet/files/publications/rap-nonrecours_-_def.pdf

⁹ The hidden dimensions of poverty: the ATD Fourth World report [The hidden dimensions of poverty: the ATD Fourth World report \(edc-online.org\)](https://www.edc-online.org)

- The lack of access to computer and/or internet facilities; the lack of access to face-to-face support (the issue of digital and territorial divides);
- Lack of trained staff to welcome and guide, digital support, lack of social workers, medical workers, etc. Lack of support for these staff;
- Lack of knowledge of rights and/or services, lack of availability of information;
- Accumulation of non-rights (e.g. no permission to live on the territory, disability, living on the street, no decent work...);

The seminar/webinar will aim to highlight the issue of non-take-up or non-access to rights and services, based on various studies or reports, and the testimonies of people excluded from rights.

They will provide ideas for action to ensure that everyone has access to rights and services, based on the experience of various actors (associations, municipalities, etc.).