
Draft Recommendation on the right to social protection as a human right. The need to act against the non-taking up of rights.

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Reasons and context

Non-take up of rights is a situation in which a person who is eligible for rights and benefits does not apply for them or does not use them. According to the report published by the UN Special Rapporteur on Human Rights and Extreme Poverty¹, non-take up of rights and services is a phenomenon that is still little known by public and private institutions. Estimates of non-use as an indicator of the ineffectiveness of public policies are rare and concern mainly developed countries. Governments do not regularly collect these data. According to Eurofound², the rate of non-use in the European Union is over 40% among the public concerned.

Among the promising practices that act effectively and structurally against the non-take-up of rights, we can mention the job of the Experience Expert, created in Belgium by the Federal public planning service for social integration (PPS SI). This service, created almost 20 years ago, is part of the policy of prevention and the fight against poverty. Experienced experts are employed as federal civil servants through a selection process organised by the PPS SI and the civil service recruitment agency. They are people who have personally experienced poverty and/or social exclusion and who are willing to put their experience, knowledge and skills at the service of the Experience Experts. In 2021, the service had 57 staff in 23 locations, with four different funding sources. Since then, the Experience Experts have issued 83 alerts, 37 projects have been initiated.

¹ Olivier De Schutter (2022), Non-take-up of rights in the context of social protection - Report of the Special Rapporteur on extreme poverty and human rights. UN General Assembly.

² Eurofound, Access to social benefits: reducing the lack of coverage (Luxembourg, Publications Office of the European Union, 2015), p. 13.

The expertise of the people concerned is beginning to be recognised within public institutions, as one of the measures to remedy the non-take up of rights and services.

In Scotland, an Expert by Experience Panel operates within the Poverty and Inequality Commission. The latter, as a public institution, created on July 1, 2019, provides Scottish ministers with advice and independent monitoring on policies related to the fight against poverty and inequality. In France, the Minister of Solidarity, Autonomy and the Disabled announced on January 30, 2023, the launch in ten territories of the "zero non-take up territories" (TZNR) experiment, with the objective of promoting access to rights.

The Committee "Action for Social Rights" of the Conference of INGOs has analysed the phenomenon of non-take up, with the stakeholders gathered on October 17, 2022, on the occasion of the International Day for the Eradication of Poverty. Based on this analysis, it proposes this draft Recommendation.

Recalling:

- Article 14 of the ECHR,
- Article 30 of the revised European Social Charter,
- Article E (non-discrimination) of the Social Charter, in combination with Article 30,
- The report on access to social rights adopted by the European Committee for Social Cohesion (CDCS) at its 8th meeting 28-30 May 2002³,
- The Resolution adopted by the Conference of INGOs on 16 October 2020 on "Digital access in Europe and the responsibility of Member States,
- The Recommendation adopted by the Conference of INGOs on 27 April 2021 on Access for all to social and medico-social services: a springboard out of poverty,
- The Recommendation adopted by the Conference of INGOs on 10 April 2019 on student poverty and precariousness in Europe.

The Conference of INGOs, on the proposal of the "Action for Social Rights" Committee

Notes that the non-take up of social rights is a serious problem in the lives of millions of people in Europe. Paradoxically and above all it is widespread among the most marginalised people, those who are most in need of social protection, because the overly complex procedures is the source of discrimination and non-take-up of social rights and services.

Recalls that living in poverty or social exclusion is an affront to the human dignity of the person.

³ Report prepared by Mary Daly, Queen's University, Belfast, with the assistance of the Social Rights Access Report on Access to Social Rights (CS-ASR)

Underlines that the ratification of Article 30 of the revised European Social Charter must be promoted in many countries of the Council of Europe.

Notes that the reasons why people do not make use of their rights can be multiple and complex. They may be linked to a lack of knowledge of rights, administrative or language barriers, fear of stigmatisation and social exclusion or the complexity of the benefit system and application procedures.

Stresses that the non-take of social rights is worrying, as it can lead to social and economic exclusion of the most vulnerable people. For families, it can also have serious repercussions on the future of their children. To remedy this, it is important to put in place effective public policies aimed at informing citizens about their rights and simplifying administrative procedures to facilitate take-up of social rights.

Reiterates its concern about the increased digitalisation of procedures for accessing rights, the lack of an alternative approach to provide personalised support⁴ for filling out applications and accessing benefits and services.

Calls for increased automation of benefits, while ensuring that groups that may be excluded have easy access to benefits and can be accompanied in their application by qualified persons.

Insists on the primary responsibility of the States, in collaboration with the various stakeholders, including local and regional authorities, to simplify administrative procedures to facilitate take-up of social rights. Administrations should continue set up single desks to facilitate processes.

Calls for the strengthening of cooperation between the different stakeholders involved in the implementation of social policies (administrations, associations, social partners, etc.) in order to facilitate access to rights and reduce non-take up.

Calls on the Member States of the Council of Europe, their public institutions and organized civil society, to carry out information and awareness-raising campaigns, especially for the most marginalized people, those who are furthest from the institutions and the victims of discrimination, on the rights they may have and the services they can benefit from.

Insists on the need to regularly evaluate the impact of policies put in place to combat non-take-up of rights and to adjust them according to the results obtained.

Urges intergovernmental institutions to identify best practices and effective approaches to reduce this phenomenon.

Calls on intergovernmental institutions to offer technical and financial assistance to Member States and their public administrations to help them implement policies and programs aimed at reducing the non-take up of rights.

⁴ Here we can mention all the practices aiming to reach out to the public most distant from institutions, services and benefits, for example Emmaus Connect (emmaus-connect.org)

Urges intergovernmental institutions to promote Article 30 and Article E of the revised European Social Charter and in this context, to evaluate the policies and programs put in place by Member States to combat poverty and the non-take up of rights. Such an evaluation should include the consultation and involvement of people with experiences of poverty.

Insists on the need to redefine social protection as a human right. Such a redefinition could help rethink the relationship between service providers and service-users, to emphasize the accountability of the former and empower the latter. This will reduce the risk of corruption and discrimination, reduce shame and/or stigmatization of claimants, and ensure access to effective and independent redress mechanisms at an affordable cost when benefits are denied.

Undertakes to follow up on the technical aspects of this recommendation on a periodic basis, every 3 to 5 years, as determined by the Standing Committee of the Conference of INGOs.