



Access to social and medico-social services for ALL: a springboard out of poverty

International day for the eradication of poverty
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Statement by

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[Ambassador Panayiotis Beglitis, Permanent Representative of Greece to the Council of Europe and Chairperson of the Committee of Ministers,

Ms Gabriella Battaini-Dragoni, Deputy Secretary General of the Council of Europe,

Ms Anna Rurka, President of the Conference of International Non-Governmental Organisations of the Council of Europe,

Ladies and gentlemen, remote participants and viewers,]

When I think about the topic proposed for our reflection and discussion today, concerning access to social and medico-social services as a springboard out of poverty, I see in it a truism, a challenge and a conundrum.

The truism is the failure by the duty bearers to eradicate poverty, and their procrastination in taking action – or taking truly effective action – to make good the fundamental human right protected under Article 30 of the European Social Charter: namely the right to protection against poverty and social exclusion.

This is, I think, the fourth or fifth time that I take part, as President of the ECSR, in an event on the occasion of the international day for the eradication of poverty. The perseverance of the Conference of INGOs in organising these events and my presence here are witness to that failure. In fact, over three decades after the historical gathering in Trocadero around Father Wresinski (in 1987) and almost as much, since (in 1992) the UN declared 17 October international day for the eradication of poverty, we are still looking for a springboard out of poverty.

Poverty has not been eradicated, nor is it going to be eradicated, in Europe. And this clearly poses a human rights problem not only for the 18 States that are formally “bound” by Article

30 of the Revised Charter and are under a treaty obligation in this respect, but for all European States, independently of their ratification (or not) of the Charter or the Revised Charter.

In this respect, I take the liberty to read a few lines from the questionnaire sent earlier this year by the European Committee of Social Rights to States parties to the Charter, for Conclusions 2021:

Living in a situation of poverty and social exclusion violates the dignity of human beings. Living at risk of falling into poverty and exclusion is damaging for the person, not only as regards dignity, but it also entails suffering, loss in cognitive function and social abilities. Risk of poverty and actual poverty and exclusion also compromise the exercise of a range of other rights, both social and economic (employment, health, education, housing, etc.) and civil and political (...) and ultimately involves total disenfranchisement.

Let me add that in the last months, despite the legal obligation or moral duty of States to ensure for all an effective protection against poverty, the lack of preparedness for the Covid-19 pandemic and the absence of suitable responses to the current crisis, have brought about vast increases in poverty.

But let me stop here on the truism and move to the challenge. The challenge is precisely the eradication of poverty. But let me say that this challenge should not be such.

Philip Alston, former United Nations Special Rapporteur on extreme poverty and human rights, stated that “Poverty is ultimately a political choice, and governments can, if they wish, opt to overcome it.”

In fact, availability of resources, enough to eradicate poverty, is indeed a matter of political choice. Apart from choices about allocation of existing resources – for example to medical and social services for all –, there is evidence of spare capacity by looking, for example, at the dimension of tax and capital evasion, as well as the magnitude of corruption, especially in the countries where there is more want. If not more, recouping those resources would go a long way towards funding effective anti-poverty schemes and policies.

Regarding this issue of political choices and priorities, let me just recall that human rights law (in general) and the European Social Charter (in particular) entail legal obligations for European and other states. The Chairperson of the Parliamentary Assembly’s Sub-Committee on the European Social Charter recently evoked a “disconnect” between rights – social rights – and policies. But this question is answered in both constitutional and international human rights law.

There is a hierarchy which is topped by *ius cogens* and international human rights law, and national constitutions, which include universal, indivisible and interconnected human and social rights. That is where Article 30 of the European Social Charter, and the right to protection against poverty are situated, beyond the Charter. Other laws must be aligned to, and respect what is higher up in the hierarchy. Subject to the hierarchical downward percolation, or trickle, policies must therefore be designed to implement the laws; and the services – in particular social and medical services – become the frontline delivery of the whole lot. It cannot be the other way around. It is not acceptable that services are arbitrarily chosen or terminated by decision of the politicians or administrators in office, which in turn shape policies and laws, disregarding the rights guaranteed by human rights and international law and by national constitutions. Legally speaking, this wrongful approach might well amount to “*détournement de pouvoir*” (or misuse of power).

The fact that the eradication of poverty should not be a challenge, but seems to be one, brings me to the conundrum.

In view of the persistent failure to make good the right to protection against poverty and the apparent difficulties in making meaningful progress, we are asked to turn the process upside down. We are invited to explore access to social and medico-social services as “a springboard out of poverty”.

Of course, ensuring the enjoyment of other social rights would, by and large, overcome poverty, or at least provide for a good enough protection against poverty. Borrowing the words from Article 30 of the Charter, “with a view to ensuring the effective exercise of the right to protection against poverty”, every country is under a duty “to promote the effective access of persons who live or risk living in a situation of social exclusion or poverty ... to, in particular, employment, housing, training, education, culture and social and medical assistance”.

So, this wording and the proposition in the title of our event, today, clearly reaffirm the close interdependence between the right to protection against poverty and the enjoyment of many other rights, including those concerning medical and social services.

Just to give you an example of this, let me refer again to the questionnaire sent earlier this year by the European Committee of Social Rights to States parties to the Charter, for Conclusions 2021:

The Committee wishes to emphasise the very close link between the effectiveness of the right recognised by Article 30 of the Charter and the enjoyment of the rights recognised by other provisions, such as the right to work (Article 1), access to health care (Article 11), social security allowances (Article 12), social and medical assistance (Article 13), the benefit from social welfare services (Article 14), the rights of persons with disabilities (Article 15), the social, legal and economic protection of the family (Article 16) as well as of children and young persons (Article 17), right to equal opportunities and equal treatment in employment and occupation without sex discrimination (Article 20), the rights of the elderly (Article 23) or the right to housing (Article 31).

Furthermore, the group of provisions that will be examined in the Conclusions 2021 concerns, as you know, not only social security and social protection, but also protection of health.

So, also as regards the right to health, in the questionnaire, the European Committee of Social Rights made a clear link to poverty. It stated:

It is well known that members of certain groups enjoy poorer health and have shorter life expectancy, especially the poor, homeless, jobless or other underprivileged communities and also underprivileged ethnicities.

The opposite is also true. Making good on the right to health (and other social rights) can be a springboard out of poverty or a safety net protecting against poverty. In this connection, the questionnaire for Conclusions 2021 indicated, for example:

Mental health is an integral part of the right to health. [... As a result of], poorly implemented or insufficient resource[d community-based mental health care,] some persons in need of mental health care [are] neglected, drifting towards unemployment and poverty, homelessness or petty crime, and ultimately towards prison.

It follows that, for many persons (and we may be talking about several hundred thousand across Europe) poverty and exclusion could have been avoided should primary mental health care have been readily available in the community.

Let me conclude by saying that the answer to the conundrum is of course for States to take seriously their social rights responsibility and their obligations under the European Social Charter. There is also a case for States broadening their commitments under the Charter, to accept more provisions (preferably all of them), including in particular Article 30. In fact, the monitoring procedures under the Charter offer many opportunities for States to identify areas where further progress is needed.

But, as you know, in such procedures, the social partners, including you – the members of the Conference of INGOs – also have an important role to play.

As regards more particularly the reporting procedure, it is hardly necessary to remind you that the Secretariat of the Council of Europe forwards a copy of the national reports of the Contracting Parties to the international NGOs which have consultative status with the Council of Europe and have a particular competence in the matters governed by the Charter. And the ECSR is really eager to receive your comments on such reports.

So, as regards the preparation towards Conclusions 2021 on health, social security and social protection, including Article 30 and the right to protection against poverty, I would just invite you to examine closely the questionnaire I have been referring to, which signals the issues on which the European Committee of Social Rights will focus. I would venture that, given the nature of the questions and issues raised which have not, in some cases, been addressed by the Committee until now, civil society organisations might wish to start considering at an early stage what information they will wish to submit and, if the state report is delayed, transmit them to the Secretariat without waiting (perhaps by end of April 2021).

Thank you,