



EuroMed Rights
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EuroMed Rights submission to the UN Special Rapporteur on extreme poverty and human rights ahead of his visit to the European Union

1. The added value of the European Pillar of Social Rights for addressing poverty, inequality, and social exclusion:

The European Pillar of Social Rights (EPSR) is the only instrument within the EU framework that specifically entails, and aims to strengthen, social rights. Albeit a policy instrument, the EPSR constitutes a tool developed by the EU to implement existing binding human rights obligations. It shows a strong political commitment to putting social rights higher on the political agenda, and to interpret and put in practice these obligations, the implementation and justiciability of which within the EU framework have been extremely weak so far. As such, the EPSR provides useful guidance, but it does not create legal guarantees/entitlements enforceable before courts or other independent bodies.

Moreover, the EPSR has a number of **substantive shortcomings**:

- It makes reference to **social protection** only for workers. Yet, the right to social protection and security in international human rights law (and also in the EU Charter of Fundamental Rights, art. 34) is not restricted to those in employment but covers everyone living in a given territory. The **narrow scope** in the EPSR – depending how it is interpreted and applied in practice – appears to leave asylum-seekers and refugees, migrants in an irregular situation, unemployed people, and people who are not of working age in a protection gap.
- **Tackling wealth and income inequality** is essential to increase the resilience of, and justice within, our societies, but also of the EU as a whole. This aspect is not enshrined in the EPSR although it would directly serve its stated aims. Thus, strong redistribution mechanisms, for example through rights aligned fiscal policies and budgeting, including social spending, should be promoted by a future action plan on the EPSR.
- The EPSR's principles are currently neither considered in, respectively, sustainability or human rights impact assessments carried out within the EU framework, nor in judicial proceedings. See our recommendation to the European Commission to **systematically carry out human rights impact assessments of the EU's policy initiatives and instruments**, and to avoid conflicting policy objectives:
<https://euomedrights.org/publication/towards-an-action-plan-to-implement-the-european-pillar-of-social-rights/>.
- A future action plan to implement the EPSR needs to be underpinned by a **robust monitoring mechanism**, based on clear benchmarks, a timetable, setting out the responsibilities for implementation (at EU and member state level) to **ensure accountability**. The Social Scoreboard developed by the EU serves as a useful starting point in terms of indicators to monitor progress but does not set out the way forward to improve implementation and guarantee accountability against the agreed benchmarks.



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In conclusion, efforts to strengthen the protection of social and economic rights as enforceable entitlements within the EU legal order should be increased. EuroMed Rights strongly recommends that **the action plan that is being developed to implement the EPSR, as well as the indicators of the [Social Scoreboard](#), be firmly rooted in international human rights standards and the authoritative interpretation by the relevant UN and Council of Europe bodies** (through General Comments, Concluding Observations/ Conclusions on country reviews, and Views issued under the communication procedures). **The wording and nature of state obligations should be at least as strong as in the legally binding international human rights treaties** that all EU member states have ratified, including the International Covenant on Economic, Social and Cultural Rights (ICESCR) but also the European Social Charter. An alternative avenue to strengthen social rights within the EU framework would be for the EU to accede to the European Social Charter and/or the ICESCR.

2. Double standards in the EU's external and internal action

The same standards and principles that are applicable within the EU, set out in the EPSR and binding international treaties, should guide all policy areas, including the EU's external action.

International human rights law, and in particular the ICESCR, which binds all EU member states, requires that the EU and its members ensure that social services essential for the realisation of economic, social and cultural rights, such as health care and education, be provided in a democratic and non-commercial way, with public control for the public good. This entails the requirement that public services must be accessible to all, without discrimination, of a sufficient quality, responsive to the needs of those they serve, accountable, and adequately funded.¹

In accordance with their extraterritorial obligations under international human rights law,² the European Union and its members must apply the same principles beyond their borders, be it as a member of international organisations or through development cooperation and budgetary assistance. Development interventions should aim at advancing human rights as a whole, including by strengthening public services.

The Global Initiative for Economic, Social and Cultural Rights (GI-ESCR) has highlighted this in the past, and proposed that the European Commission, in line with the European Parliament

¹ See UN Committee on Economic, Social and Cultural Rights, General Comments on, e.g., the rights to social security, water and health:

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=9&DocTypeID=11.

² For further detail see the Maastricht Principles on the Extraterritorial Obligations of States in the Area of Economic, Social and Cultural Rights (2011): https://www.fidh.org/IMG/pdf/maastricht-eto-principles-uk_web.pdf.



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resolution of 13 November 2018 on EU development assistance in the field of education,³ commit not to use development assistance to fund commercial for-profit providers of public services; and stop promoting and financing public-private partnerships in public services.⁴

Moreover, in the **European Neighbourhood Policy** (ENP), economic, social and cultural rights remain largely neglected as a result of the prioritisation of economic growth and the creation of low-paid jobs with little attention paid to fair working conditions and social protection. The opposite should be the case: these standards and principles should be actively promoted through the EU's foreign and development policies. Taking Egypt as an example, where EU cooperation has put a strong focus on economic development and private sector growth, amongst others, through foreign direct investments, the bulk of investments occur in low added value sectors with poor, exploitative working conditions (e.g., in the oil industry).⁵

The ENP's general human rights references are often understood as entailing mostly civil and political rights only. Economic, social and cultural rights are rarely mentioned; instead, references are made to 'sustainable development'. While sustainable development might, broadly speaking, aim towards similar objectives as economic and social rights, it provides a much softer (non-binding) framework and does not acknowledge citizens as rights-holders. Moreover, a recent study⁶ shows how the EU intends to support democratic transitions in South Mediterranean countries, though without including the elements that made European democracies sustainable and resilient: the development of social welfare states, comprising the progressive implementation of ESR (albeit these have been eroded in many European countries in recent decades).

3. The crucial role of independent civil society organisations

All efforts to strengthen social (and other) rights at EU level should be undertaken in close **consultation with civil society**. In order for this to happen systematically, procedures should be established to ensure meaningful participation of civil society and social partners on an ongoing basis and in a transparent manner. The role of civil society in monitoring impacts of

³ European Parliament resolution on EU development assistance in the field of education, 13 November 2018, P8_TA(2018)0441.

⁴ Sylvain Aubry and Sarah Jameson/ Global Initiative for Economic, Social and Cultural Rights (2020), 'States' Human Rights Obligations Regarding Public Services: The United Nations Normative Framework', <https://bit.ly/38HpM7g>.

⁵ See EuroMed Rights' report '25 years of the Barcelona process – where are economic and social rights': <https://euomedrights.org/publication/barcelona-declaration25-from-good-neighbours-to-strong-fences/>, as well as EuroMed Rights' mapping study 'Economic and Social Rights in the European Union and in Euro-Mediterranean Relations': <https://euomedrights.org/theme/economic-social-rights/>.

⁶ Oxfam International (2019); 'Counting on women's work without counting women's work': <https://oxfamilibrary.openrepository.com/bitstream/handle/10546/620811/rr-counting-womens-work-unpaid-care-mena-region-030619-en.pdf?sequence=1&isAllowed=y>.



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policies on human, specifically social, rights and in holding decision-makers to account is crucial.

As it stands, involvement of civil society especially on social rights-related concerns is marginal. The ENP, for example, remains rather vague on any meaningful participation of civil society, for example in the negotiations of the strategic priorities with partner countries. In some instances, non-Europe-based civil society organisations are excluded from EU consultations. What's more, consultations on trade evaluations have appeared to be primarily directed to the private sector, not to civil society and affected communities. Other times, civil society dialogues and consultations are not public, but take place 'by invitation only' (for example, ahead of EU sub-committee meetings), at times on very short notice, which makes the consultations appear opaque and much more difficult to access for small, local organisations in partner countries.⁷ Also, there is an evident lack of involvement of experts on economic and social rights and on social justice matters, such as trade unions, which reflects the very narrow and inconsistent approach the ENP takes to human rights, as outlined above.

EuroMed Rights was founded in January 1997 in response to the Barcelona Declaration of November 1995 and the establishment of the Euro Mediterranean Partnership. It is the coordinating body of about 80 human rights organisations and institutions as well as individuals from over 30 countries. Rooted in civil society, EuroMed Rights seeks to develop and strengthen partnerships between NGOs in the EuroMed region, i.e. networking aimed at strengthening the capacity of members to act and interact within the context of the region and the Barcelona process and other EU-Arab cooperation frameworks.

For further information please consult our website: <https://euromedrights.org/>.

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⁷ See further detail in the report referred to in FN 1.