

Check against delivery



Oral Statement by Mr. Olivier De Schutter
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and human rights

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Excellencies,
Ladies and Gentlemen,

It is as always an honour and a pleasure to present before you my annual thematic report.

This is the second such report since I took up my mandate in May 2020.

The report is intended as a reality check of social protection: it asks whether people in poverty effectively benefit from the social programmes that are intended to support them, in a life cycle perspective -- from maternity benefits and child allowances to unemployment benefits and old age pension, and including disability or sickness allowances, as well as minimum income schemes.

What we found is a considerable gap between the rights that are guaranteed on paper and the effective enjoyment of such rights by the intended beneficiaries. This is what social policy scholarship calls the "non-take-up" of rights. Many people do not claim benefits they are entitled to, or they don't finalize the process of application; or even if they do, but then are denied the benefit, they don't challenge that exclusion. The result is that significant percentages of the people theoretically eligible for a benefit end up not receiving it. There is considerable leakage in the system.

In order to understand the causes for non-take-up, we conducted a comparative survey on the phenomenon. The survey covered 36 countries from all world regions. It showed that lack of proper information about the benefits is the main reason for non-take-up. Other reasons, which appear in the survey or from other sources, include the complexity of the procedures; the costs of collecting the documentation required; the stigma and shame associated with seeking support; and the lack of trust in social services: parents may not dare to apply for certain benefits, for instance, because of the fear that their children may be removed from the home if considered at risk.

Non-take-up significantly reduces the ability for social protection schemes to reduce poverty and inequalities. Indeed, it is the poorest individuals and households that experience the greatest difficulties in having access to information about social programmes, or in understanding whatever information they have access to; in filling in online forms; in collecting the documentation proving income levels, family situation, or residency; and it is the poorest that may have experienced such discrimination and institutional abuse from service providers that they fear further contact with them -- effectively hiding from such services, instead of seeking from them advice and support.

Undocumented migrants fearing arrest and deportation, and informal workers fearing that they will have to pay arrears in taxes and social contributions, are also among those most affected by non-take-up: even when domestic legislation guarantees them certain rights to protect them from extreme destitution, they may fear to contact social services or labour inspectorates, given the huge costs potentially involved in doing so.

It would be wrong, however, to address non-take-up by focusing exclusively or even primarily on the individual. The reality is that high rates of non-take-up are explained by developments of a more systemic nature: a discourse on poverty that blames people in poverty for their condition, leading those who seek support to experience shame and stigmatisation; social protection schemes that increasingly aim at a narrow targeting of beneficiaries, relying on proxy-means-testing to identify people below certain poverty lines, creating not only a considerable risk of under-inclusion, but leading also to the imposition of more bureaucratic hurdles as a condition for acceding to social protection; and finally, a conception of social protection that sees it as a cost, or a burden on public finance, rather than as an investment

in people, creating the conditions for inclusive recovery and for improved resilience against shocks, in the interest not of people in poverty only but of society as a whole.

It is this discourse about poverty and it is this view of social protection that transform social workers and administrators into gatekeepers of the system, tasked with avoiding fraud by 'undeserving' applicants. They would like to help, but they end up enforcing increasingly heavy and often absurd bureaucratic requirements, which, when prompted, they are quick to denounce.

To reduce non-take-up and ensure social protection works for all -- and particularly for low-income households --, information should be improved, provided in simple language, in language people understand. What people have a right to and under which conditions should be explained clearly. Claims mechanisms to which they may turn in cases of exclusion should be properly identified.

Many also see the automation of benefits as a strong tool to reduce rates of non-take-up. And it is true that such automation can reduce the administrative complexity for potential recipients and increase take-up, especially if it means that public administrations will identify whom is eligible to a particular benefit and provide such benefit automatically without the individual having to file a claim. Yet, the social registries or databases on which such systems rely are costly to establish and to keep up-to-date. Those not legally registered due to their administrative situation may not benefit from this automation: this results in a paradoxical situation in which the most vulnerable groups -- people unregistered at birth, undocumented migrants, homeless people, or informal workers, among others -- run the highest risk of being excluded. Moreover, poverty is a dynamic condition, and administrative registries may not always provide fully up-to-date information taking into account certain life events leading to destitution. Automation is therefore desirable, provided specific care is taken that it does not lead to such exclusions, and that claimants can demonstrate their eligibility through means other than their inclusion in certain databanks.

These are some of the highlights of the report. The key message is very simple: guaranteeing social protection on paper is not enough. Combating non-take-up should be central to all efforts to guarantee the right to social security. For many who lack the information needed, who cannot fill online forms, or who are not included in social registries, this right will remain theoretical, unless specific care is taken to reach them. And while social protection systems will be put in place, poverty and inequalities will not recede.

Excellencies, Ladies and Gentlemen,

I am also presenting today the reports from my country visits, respectively to Lebanon and to Nepal, in November and December 2021.

I am grateful that Lebanon, despite the extraordinarily tough circumstances it faces, continues to cooperate with the UN human rights system. Lebanon has been through a number of crises, including the massive influx of refugees from Syria since 2011, the fall of the local currency since 2019, the blast in the port of Beirut in August 2020, and now the rise in the fuel and food import bills. But the reason why Lebanon is finding it so difficult to cope is because it is a country of extreme inequalities. This can be traced back to the [dramatic lowering of income and corporate taxes in the 1990s](#), which benefited higher-income and wealthy individuals, and a corresponding increase in consumption and other taxes, which in turn punished the poor most. These decisions, together with high levels of tax evasion and [misplaced investments over decades](#), effectively turned Lebanon into a textbook example of a country made for the wealthy – a tax haven with privatized public services, including education and healthcare, that only a few can afford, and where the political establishment and its affiliates enjoy legal impunity while the rest of the population suffers. There is no

social protection system worthy of the name: whatever limited protection there is has a limited impact on poverty reduction, a minimal impact on inequality, and is largely skewed towards protecting those on high incomes - e.g., less than 20% of people on low incomes are affiliated to the social insurance system, compared to 65% of people in top income deciles.

I am continuing to monitor the situation in Lebanon. On 7 April, a staff-level agreement was found with the IMF, which could provide 3 billion USD in support, to help the country meet its urgent liquidity problems, provided adequate reforms are adopted.

On 17 May, I wrote to the IMF to insist that the establishment of a progressive taxation system, improvements in tax collection and the fight against tax evasion, and social protection, should be at the very top of the list of such reforms. Lebanon must ensure that any tax policies introduced to generate State revenue set its tax system on a path towards greater progressivity and avoid any regressive taxation measures that can disproportionately impact the poor, which would further contract demand and could prima facie constitute a violation of its international human rights obligations. Adopting rights-based social protection floors in Lebanon, as UNICEF and the ILO have [estimated](#), is financially doable. With the support of the IMF, they would become politically doable as well.

I regret that, more than a month after I wrote to the IMF, I am still awaiting an answer.

My visit to Nepal took place under less dramatic circumstances. Nepal has made significant progress in the fight against poverty in recent decades. But the economy remains highly dependent on remittances from migrant workers and on donor support, and progress is unevenly spread across different groups in society.

Nepal can boast one of the most progressive Constitutions in the world, guaranteeing many socioeconomic rights, but its promises remain unfulfilled for far too many. Pervasive landlessness and bonded labour continue to affect the poorest, who often remain trapped in life-time debt. Widespread discrimination against Dalit, Indigenous, Madhesi, and other minorities continues rampant. Women, children, migrants and people with disabilities experience disproportionate rates of poverty yet they remain invisibilized in data and in policy. Nepal's patchwork of social protection programmes is characterized by low levels of coverage and high levels of legal exclusion and non-take-up.

In the report, finalized following my visit to Nepal, I identify a set of recommendations which, I hope, can help guide and improve progress towards SDG1 and SDG10. I would like to commend the government of Nepal for the excellent dialogue we had during and after the visit.

Excellencies,
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In closing, I would like to thank the staff of the Office of the High Commissioner for Human Rights and my external consultants for their support; Belgium, Finland and Luxembourg for their budgetary contributions to the mandate, without which we would be unable to make an impact; and governments of all world regions which, part of the informal "Friends of the mandate", allow me to maintain close links with the different regional groups of the Human Rights Council.

I look forward to our interactive dialogue.