



Dignity for All: Realizing Social Rights in the EU



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Foreword

The Covid-19 pandemic – and the measures taken to combat it – have upended many lives. For millions of people around the world, the pandemic has brought about a protracted period of uncertainty, isolation, and hardship, with an end not yet in clear view. And those already in a precarious situation before the crisis have been hit the hardest, with women particularly afflicted.

We have learned the hard way that no one is safe until everybody is safe. In Europe, the detrimental impact of the pandemic on the right to physical and mental health has been compounded by an overreliance on the institutional care of older persons and persons with disabilities. The right to education has come under threat. Unemployment has soared, dealing an additional blow to housing rights.



But the pandemic has also created an unprecedented opportunity to make things right. The recovery effort must address structural inequalities head-on as well as operational deficiencies in the enjoyment of social rights. An approach that places people and their rights at its centre – not as passive recipients of services, but as rights-holders with agency – is the only way to guarantee a sustainable recovery.

While States carry the main responsibility to respect, protect, and fulfil social rights, the role of the EU institutions and local authorities cannot be underestimated. Indeed, the upcoming Action Plan to implement the European Pillar of Social Rights has the potential to trigger a seismic shift.

The Action Plan presents a powerful opportunity for the EU to strengthen its commitment to a truly global system for human rights. This publication calls on the European Commission to situate its efforts within the broader human rights framework, building on the EU's stated commitment to lead the way in supporting the rules-based international order. The commitment to multilateralism must start at home, with a human rights-based approach to the Action Plan for the Social Pillar.

Accountability, transparency, participation, and non-discrimination should be cornerstones of the Action Plan and its implementation. Human rights are not just normative requirements; they are practical tools that can sharpen the effectiveness of policy interventions. In addition to the EU's own tools (such as the Social Scoreboard), the findings of international human rights mechanisms can also establish a useful baseline for where States stand with respect to protecting and promoting social rights. As States parties to international human rights treaties, EU member States are, after all, bound to implement these norms. Furthermore, the human rights indicators developed by the UN Human Rights Office, together with the global Sustainable Development indicators, can provide a useful framework for tracking and monitoring the implementation of the Social Pillar.

We have before us a chance to close serious gaps in the enjoyment of social rights across the region. If this opportunity is seized, it will lead to better and tangible outcomes in the Covid-19 recovery and – most importantly – will guarantee a life of greater dignity for all.

Birgit Van Hout

Regional Representative for Europe
Office of the UN High Commissioner for Human Rights

Introduction

The European Parliament, the Council, and the Commission proclaimed the European Pillar of Social Rights (the “Pillar” or “Social Pillar”) at the Social Summit for Fair Jobs and Growth in Gothenburg, Sweden, on 17 November 2017. The Pillar is the first set of social rights proclaimed by EU institutions since the Charter of Fundamental Rights was declared in 2000. It sets out 20 key principles and rights structured around three chapters:

- Equal opportunities and access to the labour market,
- Fair working conditions, and
- Social protection and inclusion.

The President of the European Commission, Ursula von der Leyen, has expressed her commitment to the Pillar, including it in her political guidelines for the European Commission’s mandate. While the realization of social rights is a competence of EU Member States, the European Union institutions – and the European Commission in particular – can help by providing a framework.

The UN Human Rights Regional Office for Europe welcomes the consultation process for an Action Plan to Implement the European Pillar of Social Rights (the “Social Pillar Action Plan” or “Action Plan”). This paper sets out key considerations that will enable an implementation of the Social Pillar in compliance with international human rights.

The COVID-19 pandemic has highlighted the importance of designing and implementing sustainable socio-economic responses, and putting people at the core of such measures.¹ The crisis has exposed the need to accelerate action toward realizing social rights and preventing regressive measures. The UN Secretary-General has called on us all “to learn from this crisis and build back better.”² There is also increasing evidence that violations of economic, social, and cultural rights are causes, consequences – and often even predictors – of social unrest and conflict.³

The Social Pillar is therefore a critical tool for strengthening social rights in the EU, particularly as EU Member States develop COVID-19 national recovery programs and plans. With its view to ensuring the effective implementation of the Social Pillar, the Action Plan offers an opportunity to achieve two objectives:

- (1) Strengthen the protection of people living in the EU by identifying areas requiring particular attention; and
- (2) Ensure broad and meaningful participation of key actors in the design, implementation, and evaluation of the Social Pillar, its Action Plan, and related measures.

In this paper the UN Human Rights Regional Office for Europe submits that this challenging endeavor can be situated in the broader context of international human rights principles, instruments, and mechanisms. Doing so can provide direction for the scope, content, and methodology of the Action Plan and can bolster the European Union’s effort to close gaps in the enjoyment of social rights across the region, while leaving no one behind.

The paper subsequently zooms in on social protection, and housing and assistance for the homeless – principles 12⁴ and 19⁵ respectively of the Social Pillar – and outlines how the content of these rights under international human rights law can meaningfully inform EU policy action and EU member State implementation towards more optimal and sustainable outcomes that guarantee dignity for all.

1. Anchoring the Action Plan in international human rights instruments and recommendations, and in the 2030 Sustainable Development Agenda

The Action Plan should be guided and underpinned by international human rights instruments, recommendations, and standards, as well as the 2030 Sustainable Development Agenda. International human rights are universal, binding standards that – in addition to relevant EU law – can serve as a helpful guide and framework for an effective Action Plan.

All EU member States are party to the core international human rights treaties,⁶ with the exception of the International Convention on the Protection of the Rights of Migrant Workers. The EU itself has ratified the UN Convention on the Rights of Persons with Disabilities. The most relevant international human rights instruments and standards for the Action Plan are listed in Annex I.

Preamble 16 of the Social Pillar refers to “international agreements to which the Union or all the Member States are party”, but regrettably does not explicitly mention international human rights treaties.

When it comes to social and economic rights, international law obliges States to devote the maximum available resources to ensure their progressive and full realization. States must guarantee, even during adverse economic circumstances, the enjoyment of at least essential levels of these rights by all, without discrimination. While some dimensions of economic, social, and cultural rights are to be realized progressively, States have an immediate obligation to ensure equality and non-discrimination in law and practice⁷, to ensure a pattern of improvement in the enjoyment of these rights, and to refrain from any action that could result in a retrogression in the enjoyment of these rights.⁸

While the Social Pillar is not a legally binding document, its 20 principles reflect to some extent the social rights enshrined in international human rights instruments to which EU member States are parties. Yet, the Social Pillar does not reflect the entire scope or content of social rights as contained in international human rights law. For instance, Principle 19 of the Social Pillar, on housing and assistance for the homeless⁹, reflects some, but not all, of the important elements of the right to adequate housing outlined in the Universal Declaration of Human Rights (article 25.1)¹⁰ and the International Covenant on Economic, Social and Cultural Rights (article 11.1)¹¹. The right to adequate housing, as a component of the right to an adequate standard of living, is broader in scope¹² (see below) and, by extension, so are EU member States’ legal obligations in this area. The UN Committee on Economic, Social and Cultural Rights, the UN Committee on the Rights of the Child, and the UN Special Rapporteur on the right to adequate housing have also provided additional guidance on the interpretation and scope of this right to adequate housing.¹³

The international human rights protection system is comprised of the human rights Treaty Bodies, the Special Procedures, and the Universal Periodic Review (UPR) of the UN Human Rights Council. All these mechanisms review States’ progress in implementing the economic and social rights enshrined in international human rights treaties. Both the Treaty Bodies and the Universal Periodic Review monitor States’ records with certain periodicity. The UN Treaty Bodies also issue general comments to guide the interpretation of certain rights in the treaties or to detail State obligations. Special Procedure mandate-holders also issue thematic reports, which would be relevant in preparing the Action Plan (See Annex I).

In the Universal Periodic Review, States “accept” or “note” any recommendations they receive from other States on a range of human rights issues. The fact that States are given three months to reflect, hold internal consultations, and reach a sovereign decision on accepting recommendations creates a legitimate expectation that, if a State does accept certain recommendations, it intends to act on them within the next five years. The “buy-in” from the Government thus makes UPR recommendations useful entry points for engagement. In February 2020, UN Secretary-General Guterres called on the UN to make fuller and better use of Universal Periodic Review outcomes as a basis for meeting the challenges, opportunities, and needs of the 21st century.¹⁴

Anchoring the Action Plan in international human rights norms and standards will lead EU member States to implement it in accordance with their binding obligations under international law. Not only will such an approach strengthen human rights protections for people living in Europe; it will also enhance legal certainty for member States and domestic courts.¹⁵

The Action Plan should take into account the findings and recommendations of the international human rights mechanisms. These, along with the EU's own tools, such as the Social Scoreboard,¹⁶ can establish a useful baseline for where States currently stand with respect to protecting and promoting the social rights reflected in the Social Pillar. The findings, recommendations, and jurisprudence of international mechanisms are searchable through the Universal Human Rights Index¹⁷ and the EU Fundamental Rights Information System (EFRIS), the human rights gateway of the EU Agency for Fundamental Rights.¹⁸ A more consistent and systematic reflection of these findings and recommendations in the European Semester, which provides a framework for the coordination of economic policies across the European Union, is equally recommended (see below).

Implementing the Social Pillar should also contribute to achieving the 2030 Sustainable Development Agenda, which represents an agreed roadmap to eradicating poverty and improving the quality of people's lives. Specifically, the Sustainable Development Goals (SDGs) and targets should guide the Social Pillar Action Plan. The EU has already committed to the SDGs, in both its internal and external policies.¹⁹ The SDGs correspond overwhelmingly to existing international human rights commitments, and several SDGs are relevant to the Social Pillar (see Annex II).²⁰

2. Adopting a human rights-based approach to policy-making, implementation, and monitoring

Whether explicit or implicit, norms and values shape policies and institutions.²¹ A human rights-based approach should guide the design, implementation, and monitoring of the Action Plan. The human rights-based approach to policy-making presents a conceptual framework for protecting and promoting human rights based on international human rights law, standards, and principles. This approach identifies who has rights (rights-holders) and what freedoms and entitlements they have under international human rights law, as well as the obligations of those responsible for respecting, protecting, and fulfilling these rights (duty-bearers).

The human rights-based approach empowers rights-holders to claim their rights and supports duty-bearers in meeting their obligations. It further calls for analyzing legislation, policies, and programmes through the lens of the human rights principles of non-discrimination, participation, transparency, and accountability.²²

a. Non-discrimination, with a focus on those most left behind

Discrimination – whether in law or practice, direct or indirect, intentional or not – is often at the root of exclusion and marginalization. The central principle of the Sustainable Development Agenda is to leave no one behind and to start with those most behind.²³

The measures foreseen in the Action Plan should therefore ensure that the most marginalized are able to access and claim the rights described in the Social Pillar. A human rights-based approach requires that decision-makers identify the most disadvantaged, using data disaggregated according to the prohibited grounds of discrimination as reflected in international human rights instruments, e.g., race, colour, sex, and national or geographic origin.

The COVID-19 health emergency has triggered an economic and social crisis that is hitting individuals, families, and communities hard. And yet, it is well documented that the COVID-19 pandemic has not affected everybody equally. The pandemic itself, and the restrictive measures taken to combat it, have exacerbated inequalities and exposed deficiencies in social protection systems.²⁴ Most affected are persons living in poverty and individuals who were already experiencing multiple and intersecting forms of discrimination before the crisis hit. These include older persons, persons with disabilities, minorities, young persons, homeless persons, persons living in informal settlements, migrants (including those working in the informal and agricultural sectors), and refugees.

The COVID-19 crisis is also heavily gendered, both in impact and response. Women do more unpaid care work than men and more frequently find themselves in the informal economy, which has received much less State attention than the formal economy.²⁵

While not all persons or groups disproportionately affected by the impact of the Covid-19 pandemic were also suffering pre-existing discrimination, and vice versa, empirical evidence nevertheless appears to point to a significant overlap.²⁶ An intersectional analysis would further reveal that persons who cumulate various of the

grounds listed, such as older persons with disabilities living in institutional care, have paid an even higher price and would thus warrant priority attention in implementing the European Pillar of Social Rights.

A human rights-based Social Pillar Action Plan should therefore require States to map those most left behind with respect to their socio-economic status, disaggregated by age, sex, geographic region, race, ethnicity, national origin, physical or intellectual disability, education, property, or other criteria as nationally relevant.²⁷ This mapping could be supported by the EU Agency for Fundamental Rights, national human rights institutions, and equality bodies.

b. Participation

The Action Plan should foresee mechanisms for the systematic participation of rights-holders – and organizations representing them – in its development, implementation, monitoring, evaluation, and review. The process for developing the EU Roma Strategic Framework for Equality, Inclusion and Participation (2020-2030) could serve as a model in this regard.

Participation makes policy-making more informed and sustainable and helps build more effective, accountable, and transparent public institutions. This in turn enhances the legitimacy of authorities' decisions and promotes a sense of ownership in all members of society. Stakeholders to consult could include international and regional organizations, local authorities, national human rights institutions, equality bodies, social partners, civil society organizations, academic institutions, and human rights defenders, with a particular emphasis on representatives of those groups currently most marginalized in the European Union.

The right of all to participate in public affairs is recognized in article 25 of the International Covenant on Civil and Political Rights and includes the following three elements: (a) the right to take part in the conduct of public affairs; (b) the right to vote and to be elected; and (c) the right to have access to public service. Participation in the conduct of public affairs can be realized by exerting influence through public debate and dialogue with elected representatives or through the capacity of rights-holders to organize.²⁸

At the request of the Human Rights Council, and following a global consultation, the UN Human Rights Office issued **Guidelines for States on the effective implementation of the right to participate in public affairs**,²⁹ outlining the basic principles of that right. Realizing the right to participate requires promoting transparency in all aspects of decision-making and holding public authorities accountable.

The Guidelines could inform the preparation of the Action Plan, as well as its implementation. In particular, the following elements could be of interest:

- Participation should be secured at all stages of the decision-making cycle, even though no specific set of modalities needs to be followed; and
- Information and communication technology participation tools should be human rights compliant by design, and participation through such tools should follow the same principles as offline participation.

c. Transparency

Transparency is also a cornerstone of the human rights-based approach and should be integral to developing, implementing, and evaluating the Action Plan.

Information should be available, accessible, and disseminated to the population. The right to access and impart information is a component of freedom of expression guaranteed in article 19 of the International Covenant on Civil and Political Rights. Freedom of expression is a “necessary condition for the realization of the principles of transparency and accountability.”³⁰

The Action Plan should also foresee the establishment of transparent and publicly accessible tools to track financial allocations and expenditures linked to measures under the Action Plan.

d. Accountability, including monitoring implementation of the Social Pillar

Accountability of the EU and its member States for implementing the Social Pillar should be a critical component of the Action Plan. Accountability should be ensured at all stages of the policy cycle, including the design, implementation, monitoring, and review of the Action Plan. Accountability is also linked to transparency in programme implementation and in the use of EU financial resources.

In terms of monitoring, observers have noted that the European Semester process has, to some extent, increased analysis of some rights and principles contained in the Social Pillar. For instance, FEANTSA reports that the Semester contained more frequent and detailed attention to homelessness and housing exclusion in Member States, which fed through to Country Specific Recommendations in two cases.³¹

Yet, more can be done to strengthen integration of the principles of the Social Pillar³² and the SDGs in the European Semester process. Despite some positive contributions of the Social Scoreboard, observers have noted that it uses indicators that are either inadequate (e.g. on homelessness)³³ or insufficient (e.g. not all 20 principles are covered).

The human rights indicators developed by the UN Human Rights Office at the request of the UN Treaty Bodies can provide a useful framework for monitoring the implementation of the principles and rights contained in the Social Pillar.³⁴ Structural, process, and outcome indicators measure the implementation of a right. Illustrative indicators are available on the right to work; on the right to participate in public affairs; on the right to non-discrimination and equality; and on the right to health. The indicators on the right to social protection and on the right to housing are included in Annex III and Annex IV, respectively.

In addition, relevant indicators under the Sustainable Development Goals (see Annex II) and the COVID-19 Human Rights Indicators Framework³⁵ of the UN should be used to measure progress by EU member States in implementing the Social Pillar, including in the current pandemic context. Data for these indicators are to be collected through a human rights-based approach, ensuring meaningful participation, especially by persons in vulnerable situations, in all stages of the data life cycle. This approach improves visibility around groups left behind and reinforces equality and non-discrimination by espousing the key principles of participation, self-identification, data disaggregation, privacy, transparency, and accountability.³⁶

Independent national human rights institutions should be explicitly encouraged to monitor the implementation of the Action Plan at national level, in cooperation with the European Network of National Human Rights Institutions (ENNHRI). Their role in the various stages of the European Semester process should also be strengthened. National human rights institutions and ENNHRI can provide feedback to the European Commission on Country Reports and Country Specific Recommendations, and their input should be considered when preparing these documents. National Human Rights Institutions can further provide advice to the European Commission, tailored to the situation of each individual Member State. Sufficient resources should be provided in order for national human rights institutions to effectively execute this part of their mandate.

3. Policy coherence

The Action Plan on the Implementation of the European Pillar of Social Rights should also be aligned with other EU policies seeking to advance the realization of economic and social rights, such as the EU Disability Strategy, the EU Anti-Racism Action Plan, the EU Gender Equality Strategy, the Child Guarantee, the Youth Guarantee, the EU Strategic Framework on Roma Equality and Inclusion, and the LGBTI+ Equality Strategy.

4. The right to social protection

Social protection is a key right in tackling poverty and improving social inclusion. The Action Plan should propose ambitious targets for the EU and its Member States to ensure social protection for all based on human dignity and non-discrimination. Human rights-based social protection is also a critical tool for facilitating access to health care, protecting people against poverty, and ensuring the satisfaction of basic economic and social rights, including food, water, housing, health, and education.

The right to social security, including social insurance, is provided for in articles 22 and 25(1) of the Universal Declaration of Human Rights, and article 9 of the International Covenant on Economic, Social and Cultural Rights. Several SDGs are relevant for social protection, including SDG 1 (including target 1.3 on social protection floors), SDG 3, SDG 5 (including target 5.4 on social protection), SDG 8, and SDG 10 (including target 10.4 on social protection).

EU member States, which are all bound by the International Covenant on Economic, Social and Cultural Rights, have an obligation to ensure the protection of the right to social security³⁷ and to comply with an adequate framework of non-discrimination and equality, participation, transparency, and accountability.³⁸

The 2019 Council of the EU Recommendation on Access to Social Protection³⁹ and the Council of the EU Conclusions on Minimum Income⁴⁰ constitute positive measures on which to build further initiatives.

In line with international human rights standards, legislative or policy measures proposed in the area of social protection under the Action Plan should encompass the right to access and maintain benefits without discrimination and to secure protection from the lack of work-related income due to sickness, disability, maternity, employment injury, unemployment, old age, or death of a family member. Such measures should also address unaffordable access to health care or insufficient family support, particularly for children and adult dependents.⁴¹ Furthermore, the measures should reflect and integrate the following criteria elaborated by the international human rights system:⁴²

- **Availability.** A social security system needs to be in place under domestic law to ensure that benefits are effectively administered and supervised, and that they cover the relevant social risks and contingencies.
- **Adequacy.** Benefits must be sufficient in quantity and duration so that everyone may realize his or her rights to family protection and assistance, a reasonable standard of living, and access to health care. The adequacy criteria should be monitored regularly to ensure that beneficiaries are able to afford the goods and services they require to realize their Covenant rights.
- **Affordability.** This means that the direct and indirect costs associated with making contributions must be affordable for all and must not compromise the realization of other economic and social rights. This also requires sustainable and equitable financing, including progressive taxation systems and measures to counter tax evasion and corruption. Equitable financing is one of the main ways to ensure universality of protection, based on social solidarity, as noted in the International Labour Organization Social Protection Floors Recommendation No. 202⁴³.
- **Accessibility.** Systems should cover all persons, including those belonging to the most disadvantaged and marginalized groups, without discrimination. In order to ensure universal coverage, non-contributory schemes are necessary. In terms of eligibility, qualifying conditions for benefits must be reasonable, proportionate, and transparent. The withdrawal, reduction, or suspension of benefits should be circumscribed, based on grounds that are reasonable, subject to due process, and provided for in national law. Benefits should also be physically accessible.

In a recent report examining the impact of COVID-19 on poverty and the effectiveness of existing social protection schemes, Olivier De Schutter, UN Special Rapporteur on extreme poverty, laid out the benefits of a rights-based approach to social protection programmes to improve the resilience of societies in the face of shocks:

“This means defining social protection neither as an emergency response to a situation of crisis, nor as charity – but rather as a set of permanent entitlements prescribed by domestic legislation, defining individuals as rights-holders, and guaranteeing them access to independent claims mechanisms if they are denied the benefits for which they qualify. Both the mobilization of domestic resources and international solidarity should be placed in the service of this objective.”⁴⁴

The UN Committee on Economic, Social and Cultural Rights has also issued decisions on the right to social security, for instance in cases of discriminatory treatment of unpaid female domestic workers.⁴⁵ Furthermore, as described above, the indicators framework of the UN Human Rights Office can be included in the Action Plan as a useful methodology to measure the extent to which the right to social protection is being implemented (see Annex III).⁴⁶

5. The right to housing

Several EU member States have taken measures to provide temporary housing solutions for various groups during the COVID-19 pandemic. The Social Pillar Action Plan is an opportunity to ensure permanent and adequate housing solutions for those left behind, in line with EU member States' international human rights obligations, the SDGs, and the New Urban Agenda.⁴⁷

The right to housing is provided for in article 25 of the Universal Declaration of Human Rights as part of the right to an adequate standard of living, and article 11(1) of the International Covenant on Economic, Social and Cultural Rights. Relevant SDGs include SDG 1 (including indicator 1.4.2), SDG 10, and SDG 11 (including target 11.1).⁴⁸

The COVID-19 pandemic has also highlighted how critical adequate housing is for the realization of other rights, such as the right to health. The right to adequate housing includes the following elements⁴⁹:

- **Legal security of tenure.** Regardless of the type of tenure, all persons should possess a degree of security of tenure, which guarantees legal protection against forced eviction, harassment, and other threats.
- **Affordability.** Personal or household financial costs associated with housing should not threaten or compromise the attainment and satisfaction of other basic needs (for example, food, education, or access to health care).
- **Habitability.** Adequate housing should provide for elements such as adequate space; protection from cold, damp, heat, rain, wind, or other threats to health; structural hazards; and disease vectors.
- **Availability of services, materials, facilities, and infrastructure.** Housing is not adequate if its occupants do not have safe drinking water; adequate sanitation; energy for cooking, heating and lighting; sanitation and washing facilities; and means of food storage, refuse disposal, etc.
- **Accessibility.** Housing is not adequate if the specific needs of disadvantaged and marginalized groups are not taken into account (such as the needs of the poor, people facing discrimination, persons with disabilities, and victims of natural disasters).
- **Location.** Adequate housing must allow access to employment options, healthcare services, schools, childcare centres, and other social facilities, and should not be built on polluted sites or in immediate proximity to pollution sources.

The Action Plan should include EU legislative or policy measures to promote adequate housing for all, by explicitly recognizing it as a human right and not a commodity, and to value its social function. This would go a long way toward strengthening housing protection for all. Elements to be addressed include an increasing unaffordability of housing; overreliance on the private market and the lack of available housing stock; lack or inadequate protection of various forms of tenure; tackling various kinds of homelessness (including taking stock of good practices in the region); and protection against evictions and the discontinuation of utilities, including for people living in informal settlements.⁵⁰

Furthermore, the European Committee of Social Rights has concluded that effective enforcement of the right to housing requires sufficient legal remedies.⁵¹ The UN Committee on Economic, Social and Cultural Rights has also issued decisions on the right to housing, including the legality of evictions and the criteria for social housing,⁵² and in cases where retrogressive measures may constitute a violation of the International Covenant on Economic, Social and Cultural Rights.⁵³

In this regard, the Guidelines for the Implementation of the Right to Housing as well as the Basic Principles and Guidelines on Development-based Evictions and Displacement, prepared by former UN Special Rapporteurs on the right to adequate housing, could meaningfully inform the preparation and implementation of the Social Pillar Action Plan.⁵⁴

As stated above, the indicators framework of the UN Human Rights Office can be referenced in the Action Plan, and thus serve as a useful methodology for measuring the extent to which the right to adequate housing is being implemented (see Annex IV).⁵⁵

Conclusion and Recommendations

In reference to COVID-19, the UN Secretary-General remarked that “[h]ad we been further advanced in meeting the Sustainable Development Goals and the Paris Agreement on Climate Change, we could better face this challenge – with stronger health systems, fewer people living in extreme poverty, less gender inequality, a healthier natural environment, and more resilient societies.”⁵⁶

The Social Pillar Action Plan represents an opportunity to commit to the design and implementation of socio-economic measures that truly put people at the centre. It is an opportunity to recommit to the universal standards contained in international human rights law and to strengthen equality and inclusion in the EU.

The European Commission is therefore encouraged to consider the following recommendations in designing, implementing, and monitoring the Action Plan on the Implementation of the European Pillar of Social Rights:

- International human rights law and the SDGs should constitute the overarching framework of the Action Plan.
- The Action Plan should include the stated objective that implementing the Social Pillar should contribute to achieving the SDGs and their targets, with the SDG indicators as a resource for monitoring implementation.
- The European Commission should take into account the findings of the international human rights mechanisms which, in addition to the EU’s own tools, such as the Social Scoreboard, establish a useful baseline for where States currently stand with respect to the protection and promotion of the social rights reflected in the Social Pillar.
- The findings and recommendations of the international human rights mechanisms should be more consistently and systematically referred to in the European Semester process.
- The Action Plan should foresee a mapping of those most left behind with respect to their socio-economic status, disaggregated by age, sex, geographic region, race, ethnicity, national origin, physical or intellectual disability, education, property, or other criteria as nationally relevant.
- The European Commission should ensure coherence with current and future EU policies relevant to the principles in the Social Pillar, in particular the Child Guarantee, the EU Anti-Racism Action Plan, and the EU Roma Strategy for Inclusion and Equality.
- The Action Plan should foresee mechanisms for the systematic participation of rights-holders and other key actors in the development, implementation, evaluation, and eventual review of the Action Plan. Stakeholders to be consulted should include international and regional organizations, local authorities, national human rights institutions, equality bodies, social partners, civil society organizations, academics, and human rights defenders, with particular emphasis on representatives of the groups currently most marginalized in the European Union.
- The Action Plan should foresee the establishment of transparent and publicly accessible tools to track financial allocations and expenditures linked to measures under the Action Plan.
- The European Commission should involve independent national human rights institutions in monitoring the implementation of the Social Pillar and its Action Plan, including through strengthened involvement in the European Semester process.
- The European Commission should consider the human rights indicators and the human rights-based approach to data developed by the UN Human Rights Office as a useful framework for monitoring the implementation of the principles and rights contained in the Social Pillar.
- The Action Plan should explicitly recognize adequate housing as a right and not a commodity.

The UN Human Rights Regional Office for Europe stands ready to support the European Commission with information and expertise from the international human rights system.

ANNEX I: Relevant United Nations Sources for the Implementation of the Social Pillar

I. International Human Rights Treaties

Universal Declaration of Human Rights

- Article 2 – Non-discrimination
- Article 7 – Equality before the law
- Article 19 – Freedom of expression
- Article 22 – Social security
- Article 23 – Employment
- Article 25 – Adequate standard of living including food, clothing, housing, medical care, necessary social services, and social protection
- Article 26 – Education

International Covenant on Economic, Social, and Cultural Rights

International Covenant on Civil and Political Rights

- Article 2 – Effective remedy
- Article 19 – Freedom of expression
- Article 25 – Right to participate in public affairs

International Convention on Elimination of All Forms of Racial Discrimination

- Article 5 (e) – Prohibition of discrimination, and equality before the law, in the enjoyment of economic, social, and cultural rights

Convention on the Elimination of All Forms of Discrimination against Women

- Article 2 – Prohibition of discrimination, and equality before the law
- Article 10 – Education
- Article 11 – Employment
- Article 12 – Health Care
- Article 13 – Other areas of economic and social life
- Article 14 – Rights of women in rural areas
- Article 15 – Equality before the law

Convention on the Rights of the Child

- Article 2 – Non-discrimination
- Article 6 – Survival and development of the child
- Article 23 – Children with disabilities
- Article 24 – Health
- Article 26 – Social Security
- Article 27 – Adequate standard of living, including nutrition, clothing, and housing
- Articles 28 and 29 – Education
- Article 32 – Economic exploitation

Convention on the Rights of Persons with Disabilities

- Article 5 – Equality and non-discrimination
- Article 19 – Living independently and being included in the community
- Article 24 – Education
- Article 25 – Health
- Article 26 – Habilitation and Rehabilitation
- Article 27 – Work and Employment
- Article 28 – Adequate standard of living and social protection
- Article 29 – Participation in public and political life

II. International Human Rights Standards

UN Committee on Economic, Social and Cultural Rights

- General Comment No. 4 on the right to adequate housing (1991), contained in document E/1992/23
- General comment 10 on the role of national human rights institutions in the protection of economic, social, and cultural rights, E/C.12/1998/25
- General Comment No. 13 on the right to education, E/C.12/1999/10
- General comment No. 14 on the right to the highest attainable standard of health, E/C.12/2000/4
- General Comment No. 19 on the right to social security, E/C.12/GC/19
- General Comment No. 20 on non-discrimination in economic, social, and cultural rights, E/C.12/GC/20
- General comment No. 23 on the right to just and favourable conditions of work, E/C.12/GC/23

See also

- UN Committee on Economic, Social and Cultural Rights, Statement on the coronavirus disease (COVID-19) pandemic and economic, social, and cultural rights, E/C.12/2020/1
- UN Committee on Economic, Social and Cultural Rights, Statement on Social protection floors: an essential element of the right to social security and of the sustainable development goals, E/C.12/2015/1
- UN Committee on Economic, Social and Cultural Rights, Statement on Poverty and the International Covenant on Economic, Social and Cultural Rights, E/C.12/2001/10

Human Rights Committee

- General Comment No. 25 on Article 25: The right to participate in public affairs, voting rights, and the right of equal access to public service, 1996

UN Committee on the Elimination of All Forms of Racial Discrimination

- General recommendation No. 27 on discrimination against Roma

UN Committee on the Rights of the Child

- General Comment No. 21 (2017) on children in street situations

UN Committee on the Elimination of Discrimination against Women

- General recommendation No. 23 – sixteenth session, 1997 - women in political and public life
- General recommendation No. 24 – twentieth session, 1999 article 12 - women and health
- General recommendation No. 34 – sixty-third session, 2016 - rights of rural women

III. Special Procedures of the UN Human Rights Council

Special Rapporteur on the right to adequate housing as a component of the right to an adequate standard of living

- Report: COVID-19 on the right to adequate housing: impacts and way forward, ([A/75/148](#))
- COVID-19 Guidance Notes for States, local Governments, and other actors, available here: <https://www.ohchr.org/EN/Issues/Housing/Pages/COVID19RightToHousing.aspx>
- Guidelines for the Implementation of the Right to Housing, [A/HRC/43/43](#)
- Report of mission to France, [A/HRC/43/43/Add.2](#)
- Report on access to justice for the right to housing, [A/HRC/40/61](#)
- Report on human rights-based national housing strategies, [A/HRC/37/53](#)
- Report on financialization of housing and the right to adequate housing, [A/HRC/34/51](#)
- Report on homelessness and the right to housing, [A/HRC/31/54](#)
- Report on the right to housing for residents of informal settlements, [A/73/310/Rev.1](#)
- Guiding Principles on Security of Tenure, [A/HRC/22/46](#)
- Report on obstacles to the realization of the right to adequate housing, [A/HRC/7/16](#)
- Report of mission to Spain, [A/HRC/7/16/Add.2](#)
- Basic Principles and Guidelines on Development-based Evictions and Displacement, [A/HRC/4/18](#)
- Reports on Women and Right to Adequate Housing, [E/CN.4/2006/118](#); [E/CN.4/2005/43](#); [E/CN.4/2003/55](#)
- Report of mission to Romania, [E/CN.4/2003/5/Add.2](#)
- Guidelines on Segregation and Discrimination, [E/CN.4/2002/59](#)

Special Rapporteur on extreme poverty and human rights

- [Looking back to look ahead: A rights-based approach to social protection in the post-COVID-19 economic recovery](#)
- The “just transition” in the economic recovery: Eradicating poverty within planetary boundaries, [A/75/181/REV.1](#)
- Report of Mission to Spain, (27 January to 7 February 2020), [A/HRC/44/40/Add.2](#)
- Report on Universal Basic Income, [A/HRC/35/26](#)

Other Special Procedures mandates relevant to the Social Pillar:

- Special Rapporteur on violence against women
- Special Rapporteur on the rights of persons with disabilities
- Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health
- Special Rapporteur on the right to food
- Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy, and sustainable environment
- Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social, and cultural rights

ANNEX II: Table of Relevant SDGs and Global Indicators

| European Pillar of Social Rights | Sustainable Development Goals | Indicators |
|----------------------------------|-------------------------------|------------|
|----------------------------------|-------------------------------|------------|

Chapter I: Equal opportunities and access to the labour market

| | | |
|---|--|--|
| <p>1. Education, training, and lifelong learning</p> | <p>SDG 1: End poverty in all its forms everywhere</p> <p>SDG 4: Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all</p> | <p>1.a.2 Proportion of total government spending on essential services (education, health, and social protection)</p> |
| <p>2. Gender equality</p> | <p>SDG 1</p> <p>SDG 5: Achieve gender equality and empower all women and girls</p> | <p>1.1.1 Proportion of the population living below the international poverty line by sex, age, employment status, and geographic location (urban/rural)</p> <p>1.2.1 Proportion of population living below the national poverty line, by sex and age</p> <p>1.2.2 Proportion of men, women and children of all ages living in poverty in all its dimensions according to national definitions</p> |
| <p>3. Equal opportunities</p> | <p>SDG 1</p> <p>SDG 10: Reduce inequality within and among countries</p> | <p>1.a.2 Proportion of total government spending on essential services (education, health, and social protection)</p> |
| <p>4. Active support to employment</p> | <p>SDG 1</p> <p>SDG 8: Promote sustained, inclusive, and sustainable economic growth; full and productive employment; and decent work for all</p> <p>Target 8.3: Promote development-oriented policies that support decent job creation</p> | <p>8.3.1: Proportion of informal employment in employment, by sex</p> <p>8.5.1: Average hourly earnings of female and male employees, by occupation, age, and persons with disabilities</p> <p>8.5.2: Unemployment rate, by sex, age, and persons with disabilities</p> <p>8.6.1: Proportion of youth (aged 15–24 years) not in education, employment or training</p> |

| European Pillar of Social Rights | Sustainable Development Goals | Indicators |
|----------------------------------|-------------------------------|------------|
|----------------------------------|-------------------------------|------------|

Chapter I: Equal opportunities and access to the labour market

| | | |
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| <p>4. Active support to employment</p> | <p>Target 8.5: Achieve full and productive employment and decent work for all women and men</p> <p>Target 8.6: By 2020, substantially reduce the proportion of youth not in employment, education, or training</p> | |
|---|--|--|

Chapter II: Fair working conditions

| | | |
|--|--|---|
| <p>5. Secure and adaptable employment</p> | <p>SDG 1</p> <p>SDG 8</p> <p>Target 8.3: Promote development-oriented policies that support decent job creation</p> <p>Target 8.5: Achieve full and productive employment and decent work for all women and men</p> <p>SDG 10</p> | <p>8.3.1 (See above)</p> <p>8.5.1</p> <p>8.5.2</p> <p>10.4.1: Labour share of GDP, comprising wages and social protection transfers</p> |
| <p>6. Wages</p> | <p>SDG 1</p> <p>SDG 2: End hunger, achieve food security and improved nutrition, and promote sustainable agriculture</p> <p>SDG 8</p> <p>Target 8.5: Achieve full and productive employment and decent work for all women and men</p> | <p>8.5.1</p> <p>8.5.2</p> |

Chapter II: Fair working conditions

| | | |
|--|---|--|
| 7. Information about employment conditions and protection in case of dismissals | SDG 1 SDG 8 Target 8.8: Protect labour rights and promote safe and secure working environments for all workers | 8.8.1: Frequency rates of fatal and non-fatal occupational injuries, by sex and migrant status 8.8.2: Level of national compliance with labour rights (freedom of association and collective bargaining) based on International Labour Organization (ILO) textual sources and national legislation, by sex and migrant status |
| 8. Social dialogue and involvement of workers | SDG 1 SDG 8 Target 8.8: Protect labour rights and promote safe and secure working environments for all workers | 8.8.2 (see above) |
| 9. Work-life balance | SDG 8 | |
| 10. Healthy, safe, and well-adapted work environment and data protection | SDG 3: Ensure healthy lives and promote wellbeing for all at all ages SDG 8 Target 8.7: Eradicate forced labour, end modern slavery and human trafficking, and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms Target 8.8: Protect labour rights, and promote safe and secure working environments for all workers | 8.7.1: Proportion and number of children aged 5–17 years engaged in child labour, by sex and age 8.8.1 (see above) 8.8.2 |

Chapter III: Social protection and inclusion

11. Childcare
and support to
children

SDG 1

Target 1.2: Reduce by at least half the proportion of men, women, and children of all ages living in poverty in all its dimensions

1.3 Social protection floors

1.2.2: Proportion of men, women, and children of all ages living in poverty in all its dimensions according to national definitions

1.3.1: Proportion of population covered by social protection floors/systems, by sex, distinguishing children, unemployed persons, older persons, persons with disabilities, pregnant women, newborns, work-injury victims, and the poor and vulnerable

12. Social
protection

SDG 1

Target 1.3: Social protection floors

SDG 3

SDG 5

Target 5.4: Recognize and value unpaid care and domestic work through the provision of public services, infrastructure, and social protection policies and the promotion of shared responsibility within the household and the family, as nationally appropriate

SDG 8

SDG 10

Target 10.4: Adopt policies, especially fiscal, wage, and social protection policies, and progressively achieve greater equality

1.3.1

1.a.2 Proportion of total government spending on essential services (education, health, and social protection)

5.4.1: Proportion of time spent on unpaid domestic and care work, by sex, age, and location

10.4.1: Labour share of GDP, comprising wages and social protection transfers

10.4.2 Redistributive impact of fiscal policies

| European Pillar of Social Rights | Sustainable Development Goals | Indicators |
|----------------------------------|-------------------------------|------------|
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Chapter III: Social protection and inclusion

| | | |
|---|---|--|
| <p>13. Unemployment benefits</p> | <p>SDG 1 SDG 8 Target 8.5: Achieve full and productive employment and decent work for all women and men</p> | <p>11.3.1 8.5.2</p> |
| <p>14. Minimum income</p> | <p>SDG 1 SDG 2 SDG 10 Target 10.4 Adopt policies, especially fiscal, wage, and social protection policies, and progressively achieve greater equality</p> | <p>10.4.2 Redistributive impact of fiscal policies</p> |
| <p>15. Old age income and pensions</p> | <p>SDG 1 SDG 3 SDG 8 SDG 10</p> | <p>1.3.1</p> |
| <p>16. Health care</p> | <p>SDG 1 SDG 3 Target 3.8: Universal health coverage</p> | <p>3.8.1: Coverage of essential health services (defined as the average coverage of essential services based on tracer interventions that include reproductive, maternal, newborn, and child health; infectious diseases; non-communicable diseases; and service capacity and access, among the general and the most disadvantaged population) 3.8.2: Proportion of population with large household expenditures on health as a share of total household expenditure or income</p> |

| European Pillar of Social Rights | Sustainable Development Goals | Indicators |
|----------------------------------|-------------------------------|------------|
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Chapter III: Social protection and inclusion

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|---|---|--|
| <p>17. Inclusion of people with disabilities</p> | <p>SDG 1 SDG 10 SDG 11</p> | <p>1.3.1 11.2.1 Proportion of population that has convenient access to public transport, by sex, age, and persons with disabilities</p> |
| <p>18. Long-term care</p> | <p>SDG 3 E.g. 3.8: Universal health coverage</p> | <p>3.8.1 3.8.2</p> |
| <p>19. Housing and assistance for the homeless</p> | <p>SDG 1 SDG 10 SDG 11: Make cities and human settlements inclusive, safe, resilient, and sustainable Target 11.1: Access for all to adequate, safe, and affordable housing and basic services, and upgrade slums</p> | <p>1.4.2 Proportion of total adult population with secure tenure rights to land, (a) with legally recognized documentation, and (b) who perceive their rights to land as secure, by sex and type of tenure 11.1.1: Proportion of urban population living in slums, informal settlements, or inadequate housing</p> |
| <p>20. Access to essential services</p> | <p>SDG 1 Target 1.4 By 2030, ensure that all men and women, in particular the poor and the vulnerable, have equal rights to economic resources, as well as access to basic services, ownership and control over land and other forms of property, inheritance, natural resources, appropriate new technology, and financial services, including microfinance SDG 2 SDG6: Ensure availability and sustainable management of water and sanitation for all</p> | <p>1.4.1 Proportion of population living in households with access to basic services</p> |

ANNEX III: Illustrative Indicators on the Right to Adequate Housing

| | Habitability | Accessibility to services | Housing affordability | Security of tenure |
|-------------------|---|---|--|---|
| Structural | <ul style="list-style-type: none"> International human rights treaties relevant to the right to adequate housing ratified by the State Date of entry into force and coverage of the right to adequate housing in the constitution or other forms of superior law Date of entry into force and coverage of domestic laws for implementing the right to adequate housing Type of accreditation of national human rights institutions by the rules of procedure of the International Coordinating Committee of National Institutions Number of registered and/or active NGOs (per 100,000 persons) involved in the promotion and protection of the right to adequate housing | | | |
| | <ul style="list-style-type: none"> Time frame and coverage of national housing policy or strategy for the progressive implementation of measures, including special measures for target groups, for the right to adequate housing at different levels of government Time frame and coverage of national policy on rehabilitation, resettlement and management of natural disasters | | | <ul style="list-style-type: none"> Date of entry into force and coverage of legislation on security of tenure, equal inheritance and protection against forced eviction |
| Process | <ul style="list-style-type: none"> Proportion of received complaints on the right to adequate housing investigated and adjudicated by the national human rights institution, human rights ombudsperson or other mechanisms and the proportion of these responded effectively to by the Government Number of and total public expenditures on housing reconstruction and rehabilitation by evicted/displaced persons during the reporting period Net official development assistance for housing (including land and basic services) received or provided as proportion of public expenditure on housing or gross national income* Proportion of targeted residents reporting satisfaction with how involved they feel in decision-making affecting their enjoyment of the right to adequate housing | | | |
| | <ul style="list-style-type: none"> Proportion of homes (cities, towns and villages) brought under the provisions of building codes and by-laws in the reporting period Share of public expenditure on social or community housing Habitable area (sq. m.) added through reclamation, including of hazardous sites and change in land-use pattern, in the reporting period Habitable area (sq. m. per capita) earmarked for social or community housing during the reporting period | <ul style="list-style-type: none"> Share of public expenditure on provision and maintenance of sanitation, water supply, electricity and other services of homes Proportion of targeted population that was extended sustainable access to an improved water source,* improved sanitation,* electricity and waste disposal in the reporting period | <ul style="list-style-type: none"> Proportion of households that receive public housing assistance, including those living in subsidized rental and subsidized owner-occupied housing Proportion of targeted households living in squatter settlements rehabilitated in the reporting period Proportion of homeless population that used public or community-based shelters in the reporting period | <ul style="list-style-type: none"> Average time taken to settle disputes related to housing and land rights in courts and tribunals Number/proportion of legal appeals aimed at preventing planned evictions or demolitions ordered by courts in the reporting period Number/proportion of legal procedures seeking compensation following evictions in the reporting period, by result after adjudication Number and proportion of displaced or evicted persons rehabilitated or resettled in the reporting period |
| Outcome | <ul style="list-style-type: none"> Proportion of population with sufficient living space (persons per room or rooms per household) or average number of persons per room among target households Proportion of households living in permanent structure in compliance with building codes and by-laws Proportion of households living in or near hazardous conditions | <ul style="list-style-type: none"> Proportion of urban population living in slums* Proportion of population using an improved drinking water (public / private) source, sanitation facility, electricity and waste disposal Proportion of household budget of target population groups spent on water supply, sanitation, electricity and waste disposal | <ul style="list-style-type: none"> Proportion of households spending more than "X" per cent of their monthly income or expenditure on housing or average rent of bottom three income deciles as a proportion of the top three Annual average of homeless persons per 100,000 population <p>("X" being defined normatively for the national context)</p> | <ul style="list-style-type: none"> Reported cases of "forced evictions" (e.g., as reported to the special procedures), in the reporting period Proportion of households with legally enforceable, contractual, statutory or other protection providing security of tenure or proportion of households with access to secure tenure Proportion of women with title to land or property |

All indicators should be disaggregated by prohibited grounds of discrimination, as applicable and reflected in metadata sheets

* MDG-related indicators

ANNEX IV: Illustrative Indicators on the Right to Social Security

| | Income security for workers | Affordable access to health care | Family, child and dependent-adult support | Targeted social assistance schemes |
|--|---|---|---|---|
| Structural | <ul style="list-style-type: none"> International human rights and ILO treaties relevant to the right to social security ratified by the State Date of entry into force and coverage of the right to social security in the constitution or other forms of superior law Date of entry into force and coverage of domestic laws for implementing the right to social security, including in the event of sickness, old age, unemployment, employment-related injury, maternity, paternity, disability or invalidity, survivors and orphans, health care (including reproductive health care), and family and child support Time frame and coverage of policy for universal implementation of the right to social security | | | |
| | <ul style="list-style-type: none"> Date of entry into force and coverage of insurance or tax-based social security scheme Legally prescribed qualifying period, rate of contribution, duration (e.g., length of maternity leave) and rate of benefits under different schemes Date of entry into force and coverage of international agreements on export of social security benefits (including on double taxation) to country of origin for migrant workers and families | <ul style="list-style-type: none"> Date of entry into force and coverage of regulation on mandatory health insurance Time frame and coverage of national policy on health and access to health care, including for reproductive health and for persons with disabilities Time frame and coverage of national policy on drugs, including on generic drugs | <ul style="list-style-type: none"> Date of entry into force and coverage of public support for families, including single-parent families, children and dependent adults Legally prescribed qualifying period, rate of contribution, duration and rate of allowances | <ul style="list-style-type: none"> Time frame and coverage of social assistance programmes and non-contributory schemes for persons in specific situations of need (e.g., IDPs, refugees, war victims, long-term unemployed persons, homeless persons) Time frame and coverage of national policy on unemployment |
| Process | <ul style="list-style-type: none"> Proportion of received complaints on the right to social security investigated and adjudicated by the national human rights institution, human rights ombudsperson or other relevant mechanisms and the proportion of these responded to effectively by the Government Proportion of targeted population appropriately informed of its entitlements and benefits (in cash or in kind) under the applicable social security schemes Net official development assistance for implementing this right, received or provided as a proportion of public expenditure on social security and gross national income | | | |
| | <ul style="list-style-type: none"> Number of workers newly registered as participant in the social security scheme in the reporting period Proportion of requests for benefits (e.g., unemployment benefit, pension) reviewed and met in the reporting period Proportion of cases or complaints concerning social security obligations of enterprises effectively responded to by Government or relevant social security agency Proportion of enterprises covered under domestic social security regulations and proportion thereof subjected to administrative action or prosecution | <ul style="list-style-type: none"> Per capita public expenditure on primary health facilities (including for reproductive health care) and essential medicines Number of targeted individuals newly registered as participant in the health insurance system in the reporting period Proportion of household expenditures on health goods and services covered by health insurance / public support Proportion of births attended by skilled health personnel* Proportion of target population within X hour(s) of medical and paramedical personnel and relevant health-care facilities | <ul style="list-style-type: none"> Public expenditure on family, children and dependent-adult allowance or benefit schemes per beneficiary Proportion of household expenditure (food, health, day care, education, housing) on children and dependent adults covered by public support (Improvement in) Density of nursery/ childcare centres and nursing homes for the targeted population or regions in the reporting period | <ul style="list-style-type: none"> Public expenditures for targeted social assistance schemes per beneficiary (Improvement in) Density of administrative offices and personnel providing targeted social assistance Proportion of requests for social assistance (e.g., income transfer, subsidized housing, disaster relief) reviewed and met |
| Outcome | <ul style="list-style-type: none"> Proportion of labour force participating in social security scheme(s) Proportion of workers covered under social security who requested and received social security benefits in the reporting period | <ul style="list-style-type: none"> Proportion of population covered by health insurance (public or private) Proportion of population that renounced health-care services during the past 12 months for economic reasons, by service (e.g., dental care, medical consultation, drugs, surgery) | <ul style="list-style-type: none"> Proportions of entitled families, children and dependent adults receiving public support | <ul style="list-style-type: none"> Proportion of population in specific situations of need receiving social assistance for food, housing, health care, education, emergency or relief services |
| | <ul style="list-style-type: none"> Proportion of individuals in the formal or informal economy below national poverty line before and after social transfers* | | | |
| <p><i>All indicators should be disaggregated by prohibited grounds of discrimination, as applicable and reflected in metadata sheets</i></p> | | | | |

* MDG-related indicators

Endnotes

- 1 OHCHR guidance notes and the High Commissioner's statements on the COVID-19 crisis and its human rights dimensions, available at: <https://www.ohchr.org/EN/NewsEvents/Pages/COVID-19.aspx>.
- 2 Shared Responsibility, Global Solidarity: Responding to the socio-economic impacts of COVID-19, (March 2020), United Nations Secretary-General, available at: <https://unsdg.un.org/sites/default/files/2020-03/SG-Report-Socio-Economic-Impact-of-Covid19.pdf>, p. 2.
- 3 Report of the UN Human Rights Office, Early warning and economic, social and cultural rights, 2016, available at: https://www.ohchr.org/Documents/Issues/ESCR/EarlyWarning_ESCR_2016_en.pdf.
- 4 “Regardless of the type and duration of their employment relationship, workers, and, under comparable conditions, the self-employed, have the right to adequate social protection.”
- 5 “a. Access to social housing or housing assistance of good quality shall be provided for those in need; b. Vulnerable people have the right to appropriate assistance and protection against forced eviction; c. Adequate shelter and services shall be provided to the homeless in order to promote their social inclusion.”
- 6 Covenant on Civil and Political Rights; International Covenant on Economic, Social and Cultural Rights; International Convention on the Elimination of all Forms of Racial Discrimination; International Convention on the Elimination of all Forms of Discrimination against Women; Convention against Torture and other Cruel, Inhuman or Degrading Treatment; Convention on the Rights of the Child; Convention on the Rights of Persons with Disabilities; International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; International Convention for the Protection of All Persons from Enforced Disappearance.
- 7 UN Committee on Economic, Social and Cultural Rights, General Comment No. 20 on non-discrimination in economic, social and cultural rights, E/C.12/GC/20.
- 8 Office of the United Nations High Commissioner for Human Rights, Fact Sheet No. 33, Frequently Asked Questions on Economic, Social and Cultural Rights, pp. 14-16.
- 9 “Housing and assistance for the homeless: a. Access to social housing or housing assistance of good quality shall be provided for those in need. b. Vulnerable people have the right to appropriate assistance and protection against forced eviction. c. Adequate shelter and services shall be provided to the homeless in order to promote their social inclusion.”
- 10 “Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.”
- 11 “The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.”
- 12 Office of the UN High Commissioner for Human Rights and UN Habitat, Fact Sheet No. 21, The right to adequate housing, available at: https://www.ohchr.org/Documents/Publications/FS21_rev_1_Housing_en.pdf.
- 13 UN Committee on Economic, Social and Cultural Rights, General comment No. 4: The right to adequate housing, (art. 11 (1) of the Covenant), available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCESCR%2fGEC%2f4759&Lang=en; UN Committee on the Rights of the Child, General Comment No. 21 (2017) on children in street situations; For resources produced by the UN Special Rapporteur on the right to adequate housing, see: <https://www.ohchr.org/EN/Issues/Housing/Pages/HousingIndex.aspx>.
- 14 See The Highest Aspiration, A Call to Action for Human Rights, by António Guterres, UN Secretary-General, available at: https://www.un.org/sg/sites/www.un.org.sg/files/atoms/files/The_Highest_Aspiration_A_Call_To_Action_For_Human_Right_English.pdf.

- 15** Future of Europe: International Human Rights in European Integration, Study Commissioned by the UN Human Rights Regional Office for Europe, authored by Olivier De Schutter (2020), available at: <https://europe.ohchr.org/Documents/Publications/FutureOfEurope.pdf>.
- 16** <https://composite-indicators.jrc.ec.europa.eu/social-scoreboard/>.
- 17** Universal Human Rights Index, Office of the UN High Commissioner for Human Rights: <https://uhri.ohchr.org/en/>.
- 18** <https://fra.europa.eu/en/databases/efris/>.
- 19** Delivering on the UN’s Sustainable Development Goals – A comprehensive approach, Commission Staff Working Document, SWD (2020) 400 final. See also Council of the European Union conclusions on the EU Priorities in UN Human Rights Fora 2020, 17 February 2020 (5982/20). Furthermore, each European Commissioner was tasked by European Commission President Ursula Von der Leyen to “ensure the delivery of the United Nations Sustainable Development Goals within their policy area. The College as a whole will be responsible for the overall implementation of the Goals.” See, for example, Mission Letter to Nicolas Schmit available at: https://ec.europa.eu/commission/sites/beta-political/files/mission-letter-nicolas-schmit_en.pdf.
- 20** See also table prepared by the European Anti-Poverty Network, available at: <https://www.eapn.eu/wp-content/uploads/2019/06/EAPN-2019-06-13-EU-Post2020-Strategy-EAPN-draft-position-S-Jones-3675.pdf>.
- 21** Office of the UN High Commissioner for Human Rights, Principles and Guidelines for a Human Rights Approach to Poverty Reduction Strategies (2006), available at <https://www.ohchr.org/Documents/Publications/PovertyStrategiesen.pdf>.
- 22** See United Nations Sustainable Development Group, The Human Rights Based Approach to Development Cooperation Towards a Common Understanding Among UN Agencies, available at <https://unsdg.un.org/resources/human-rights-based-approach-development-cooperation-towards-common-understanding-among-un>; Office of the UN High Commissioner for Human Rights, Frequently Asked Questions on a Human Rights-based Approach to Development Cooperation (New York and Geneva, United Nations, 2006).
- 23** Transforming Our World: The 2030 Sustainable Development Agenda, 21 October 2015 (A/RES/70/1).
- 24** OHCHR guidance notes and the High Commissioner’s statements on the COVID-19 crisis and its human rights dimensions, available at: <https://www.ohchr.org/EN/NewsEvents/Pages/COVID-19.aspx>.
- 25** UN Women, From Impact to Action: Gender Equality in the Wake of COVID-19, May 2020, available at <https://www.unwomen.org/en/digital-library/publications/2020/09/gender-equality-in-the-wake-of-covid-19>. See also: <https://eige.europa.eu/topics/health/covid-19-and-gender-equality>.
- 26** See for instance, OECD Report, What is the impact of the COVID-19 pandemic on immigrants and their children?, October 2020, available at <https://www.oecd.org/coronavirus/policy-responses/what-is-the-impact-of-the-covid-19-pandemic-on-immigrants-and-their-children-e7cbb7de/>; Research by the European Network Against Racism, May 2020, available at: <https://www.enar-eu.org/Evidence-of-the-impact-of-Covid-19-on-racialised-communities-exposes-need-to>.
- 27** See Checklist for a Human Rights Based Approach to Socio-Economic Country Responses to COVID-19, available at https://www.undp.org/content/undp/en/home/librarypage/democratic-governance/human_rights/checklist-for-a-human-rights-based-approach-to-socio-economic-co.html. See also UN Committee on Economic, Social and Cultural Rights General Comment No. 20 on Non-discrimination in economic, social, and cultural rights.
- 28** UN Human Rights Committee, General Comment No. 25 (CCPR/C/21/Rev.1/Add.7).
- 29** https://www.ohchr.org/Documents/Issues/PublicAffairs/GuidelinesRightParticipatePublicAffairs_web.pdf
- 30** UN Human Rights Committee, General Comment No. 34 (CCPR/C/GC/34), para. 3.
- 31** FEANTSA, 2019 Semester: Homelessness and Housing Exclusion on the European Commission’s Radar (2019), available at https://www.feantsa.org/public/user/Resources/Position_papers/2019_Semester-Homelessness_and_Housing_Exclusion_on_the_European_Commission%E2%80%99s_Radar.pdf.
- 32** S. Clauwaert, R. Al-Kadi, Socialising the European Semester? Measuring Member States’ implementation

of country-specific recommendations in the social policy field (2019), available at: <https://www.socialplatform.org/wp-content/uploads/2019/11/Socialising-the-European-Semester-Social-Platform-analysis-of-the-2019-Semester-process-with-recommendations-for-the-2020-cycle.pdf>.

33 According to FEANTSA, “The only housing indicator [in the scoreboard] is severe housing deprivation. This misses housing affordability, which could easily be captured through the housing cost overburden rate (EUSILC). The scoreboard is unable to capture the reality of growing homelessness and extreme poverty because it relies entirely on EUSILC, a household survey.” Supra, note 31.

34 UN Human Rights (OHCHR), Human Rights Indicators Tables, Updated with the Sustainable Development Goals (SDG) Indicators, 2012, available at: https://www.ohchr.org/Documents/Issues/HRIndicators/SDG_Indicators_Tables.pdf.

35 A UN Framework for the Immediate Socio-Economic Response to COVID-19, Annex A, available at: <https://unsdg.un.org/resources/un-framework-immediate-socio-economic-response-covid-19>.

36 UN Human Rights, 2018. A Human Rights-Based Approach to Data: Leaving No One Behind in the 2030 Agenda for Sustainable Development, available at <https://ohchr.org/Documents/Issues/HRIndicators/GuidanceNoteonApproachtoData.pdf>.

37 Articles 2(1) and 9, International Covenant on Economic, Social and Cultural Rights.

38 UN Committee on Economic, Social and Cultural Rights, General Comment No. 19 on the right to social security, E/C.12/GC/19, paras.24, 26, 42, 46, 63, 69-70, 77-81.

39 Council of the European Union, Council Recommendation of 8 November 2019 on “access to social protection for workers and the self-employed” (2019/C 387/01), available at: [https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32019H1115\(01\)&from=EN](https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32019H1115(01)&from=EN).

40 Council of the European Union, Council Conclusions on “Strengthening Minimum Income Protection to Combat Poverty and Social Exclusion in the COVID-19 Pandemic and Beyond,” 9 October 2020 (11721/20), available at: <https://data.consilium.europa.eu/doc/document/ST-11721-2020-INIT/en/pdf>.

41 UN Committee on Economic, Social and Cultural Rights, General Comment No. 19 on the right to social security, E/C.12/GC/19.

42 See also Report of the Office of the UN High Commissioner for Human Rights, Social Protection Floors and Economic and Social Rights, available at: <https://www.ohchr.org/Documents/Issues/SocialSecurity/ReportSocialProtectionFloors.pdf>.

43 Report of the UN Special Rapporteur on extreme poverty and human rights, prepared in response to the invitation to prepare a report on Covid-19’s impacts on poverty contained in HRC Res. 44/13: Looking back to look ahead: A rights-based approach to social protection in the post-COVID-19 economic recovery (September 2020), available at: <https://www.ohchr.org/EN/Issues/Poverty/Pages/Covid19.aspx>.

44 Ibid.

45 In *Trujillo Calero v. Ecuador*, the Committee considers that the conditions of voluntary affiliation imposed on the author, as an unpaid female domestic worker, on the basis of which it was determined that her affiliation and contributions were invalid, constituted discriminatory treatment. Views adopted by the Committee under the Optional Protocol to the Covenant concerning communication No. 10/2015, E/C.12/63/D/10/2015.

46 See Table 9: https://www.ohchr.org/Documents/Issues/HRIndicators/SDG_Indicators_Tables.pdf.

47 New Urban Agenda, United Nations publication (2017), in particular, articles 13, 31, 33, 105, 107, 111, and 158 (on monitoring). New Urban Agenda is an action-oriented document that mobilizes Member States and other key stakeholders to drive sustainable urban development at the local level. It was adopted at the UN Conference on Housing and Sustainable Urban Development (Habitat III) in Quito, Ecuador, on 20 October 2016. It was endorsed by the UN General Assembly at its sixty-eighth plenary meeting of the seventy-first session on 23 December 2016. See also the Report of the UN Special Rapporteur on the right to adequate housing (2020), A/75/148, para. 14.

48 The right to housing is also enshrined in article 5(e)(iii) of the International Convention on the Elimination of All Forms of Racial Discrimination; articles 14(2) and 15(2) of the Convention on the Elimination of All

Forms of Discrimination Against Women and articles 16(1) and 27(3) of the Convention on the Rights of the Child.

49 UN Committee on Economic, Social and Cultural Rights, General Comment No. 4: The Right to Adequate Housing (1991), contained in document E/1992/23. See also UN Special Rapporteur on the right to adequate housing: Housing is key to COVID-19 response and recovery, available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26406&LangID=E>; Guidelines for the Implementation of the Right to Adequate Housing: <https://undocs.org/en/A/HRC/43/43>. See also Report of the UN Special Rapporteur on the right to adequate housing, A/HRC/7/16, para. 5, for an expanded set of essential elements.

50 For the COVID-19 pandemic in particular, see Guidance Notes of the UN Special Rapporteur on adequate housing on COVID-19, available at: <https://www.ohchr.org/EN/Issues/Housing/Pages/COVID19RightToHousing.aspx>.

51 “The European Committee of Social Rights has also issued a number of decisions where it found that forced evictions had taken place and amounted to violations of different provisions of the European Social Charter. For instance, the Committee found violations of the housing rights of Roma communities, both by action and by omission. In the cases of European Roma Rights Center v. Greece, European Roma Rights Center v. Italy and European Roma Rights Center v. Bulgaria, the Committee considered, inter alia, that the practices of forced evictions and the lack of policies in place to accommodate the specific housing demands of the Roma groups amounted to violations of the rights to housing and social protection, in relation to the prohibition of discrimination.” Report of the UN Special Rapporteur on the Right to Adequate Housing, A/63/275, para. 58. See also Recommendation of the Commissioner for Human Rights of the Council of Europe on the Implementation of the Right to Housing, CommDH (2009) 5, p. 7; Report on the UN Special Rapporteur on the right to adequate housing on Access to Justice for the Right to Housing, A/HRC/40/61. See also Joint Statement of the Commissioner for Human Rights of the Council of Europe and the UN Special Rapporteur on the right to adequate housing, Governments should take positive steps to protect housing rights of Roma in Europe, UN and Council of Europe experts say, available at: <https://reliefweb.int/report/albania/governments-should-take-positive-steps-protect-housing-rights-roma-europe-un-and>.

52 Views adopted by the Committee under the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, concerning communication No. 37/2018, López Albán v. Spain, E/C.12/66/D/37/2018.

53 Views adopted by the Committee under the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights with regard to communication No. 5/2015, Ben Djazia and Bellili v. Spain, E/C.12/61/D/5/2015.

54 Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to nondiscrimination in this context, Guidelines for the Implementation of the Right to Adequate Housing, A/HRC/43/43. See also Basic Principles and Guidelines on Development-based Evictions and Displacement, Annex I to Report of the UN Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, A/HRC/4/18.

55 <https://www.ohchr.org/Documents/Issues/Housing/RightadequateHousing.pdf>.

56 United Nations Secretary-General, Shared Responsibility, Global Solidarity: Responding to the socio-economic impacts of COVID-19 (March 2020), available at: <https://unsdg.un.org/sites/default/files/2020-03/SG-Report-Socio-Economic-Impact-of-Covid19.pdf>.



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