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الأورو-متوسطية للحقوق

*Towards an Action Plan  
to implement the*

## European Pillar of Social Rights

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In this document, EuroMed Rights sets out proposals for an **Action Plan to implement the [European Pillar of Social Rights \(EPSR\)](#)** in response to the European Commission's public [consultation](#).

We commend the initiative of developing an implementation plan for the EPSR, the priority that finally seems to be given to strengthening social rights at EU level, and the opportunity for civil society to feed into this process.

EuroMed Rights main concerns and recommendations for a future action plan to implement the European Pillar of Social Rights are as follows:

## 1. Embed the European Pillar of Social Rights in the existing binding international human rights framework

- The EPSR is a mere policy instrument. As such, it provides useful guidance, but it does not create legal guarantees/entitlements enforceable before courts or other independent bodies. Efforts to strengthen the protection of social and economic rights as enforceable entitlements within the EU legal order should be increased. Against this background, we strongly recommend that **the EPSR, as well as the indicators of the [Social Scoreboard](#), be firmly rooted in international human rights standards and the authoritative interpretation by the relevant UN and Council of Europe bodies** (through General Comments, Concluding Observations/ Conclusions on country reviews, and Views issued under the communication procedures). **The wording and nature of state obligations should be at least as strong as in the legally binding international human rights treaties** that all EU member states have ratified. Most importantly in this context, this will be the International Covenant on Economic, Social and Cultural Rights (ICESCR) but also the European Social Charter.<sup>1</sup>
  - For example, the EPSR makes reference to social protection only for workers. Yet, the right to social protection and security in international human rights law (and also in the EU Charter of Fundamental Rights, art. 34) is not restricted to those in employment but covers everyone living in a given territory. The narrow scope in the EPSR appears to leave asylum-seekers and refugees, migrants in an irregular situation, unemployed people, and people who are not of working age in a protection gap.

## 2. Systematically carry out human rights impact assessments of the EU's policy initiatives and instruments, and avoid conflicting policy objectives

- There are at times clear contradictions between different EU policies. By way of example, certain impacts of adjustment programmes and the budgetary discipline imposed under the EU's Fiscal Compact have been found in contravention to social rights enshrined in the European Social Charter (for example, by the Council of Europe's European Committee of Social Rights in relation to Greece<sup>2</sup>). The same tensions would arise between fiscal consolidation measures and the EPSR – if there were a monitoring and accountability mechanism attached to it. This **lack of policy coherence** and depriorisation of human rights considerations severely undermines the EU's respect for human rights, and its claim to be a human rights leader in the world.
  - Therefore, **due account needs to be taken of EPSR (and international human rights) standards when taking decisions relating to the EU's economic and social governance frameworks**. This is the only way to ensure that EU member states do not end up facing conflicting obligations under the different regimes. We suggest, echoing previous

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<sup>1</sup> See also the [study](#) 'The European Pillar of Social Rights and the role of the European Social Charter in the European Union legal order' on the matter produced by Professor Olivier de Schutter.

The other core international human rights instruments are listed [here](#).

<sup>2</sup> See [study](#) by the FIDH, 'Downgrading rights: the cost of austerity in Greece'.

recommendations voiced by Olivier de Schutter,<sup>3</sup> **incorporating the EPSR, and ideally the full range of international social rights, in the impact assessments<sup>4</sup> prepared in the context of legislative proposals and policy initiatives** put forward by the European Commission (fiscal consolidation measures should be included here given their at times significant detrimental social impacts). Such impact assessments should be carried out systematically. This way, the assessment of the compatibility of any such measures with the requirements of the EPSR would become compulsory and could reduce the risks of conflicts.

### 3. Avoid double standards in the EU's external and internal action

- Similarly, the same standards and principles that are applicable within the EU, set out in the EPSR and binding international treaties, should guide all policy areas, including the EU's external action. In the European Neighbourhood Policy, for example, economic and social rights remain largely neglected as a result of the prioritisation of economic growth and the creation of low-paid jobs with little attention paid to fair working conditions and social protection. The opposite should be the case: these standards and principles should be actively promoted through the EU's foreign and development policies.<sup>5</sup> Taking Egypt as an example, where EU cooperation has put a strong focus on economic development and private sector growth, amongst others, through foreign direct investments, the bulk of investments occur in low added value sectors with poor, exploitative working conditions (e.g., in the oil industry).<sup>6</sup>

### 4. Develop clear regional frameworks and guidance for member states on the implementation of economic and social rights

- In the interest of policy harmonisation across the EU, it should develop, where within its competencies, regulatory frameworks and guidance for member states to implement EPSR such as the rights to social protection or to adequate housing (including regarding a sufficient social housing stock) to underline their nature as public goods and rights rather than commodities.

### 5. Tackle inequality within the EPSR framework

- Tackling **wealth and income inequality** is essential to increase the resilience of, and justice within, our societies, but also of the EU as a whole. This aspect is not enshrined in the EPSR although it would directly serve its stated aims. However, it is explicitly required by international human rights law as well as by Sustainable Development Goal 10. Thus, **strong redistribution mechanisms, for example through rights aligned fiscal policies and budgeting, including social spending, should be by a future action plan on the EPSR.**

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<sup>3</sup> See the [study](#) 'The European Pillar of Social Rights and the role of the European Social Charter in the European Union legal order' on the matter produced by Professor Olivier de Schutter.

<sup>4</sup> Important guidance has been developed by the UN Independent Expert on foreign debt in 2018: '[Guiding Principles on Human Rights Impact Assessments of Economic Reforms](#)'.

<sup>5</sup> See also Euromed Rights' [article](#) on policy coherence. [See also Oxfam International, 'Incoherent at heart: the EU's economic and migration policies towards North Africa'](#).

<sup>6</sup> [https://euromedrights.org/wp-content/uploads/2020/11/Barcelona-Declaration-25\\_final-report.pdf](https://euromedrights.org/wp-content/uploads/2020/11/Barcelona-Declaration-25_final-report.pdf)

## 6. Monitor progress

- A future action plan needs to be underpinned by a **robust monitoring mechanism**, based on clear benchmarks, a timetable, setting out the responsibilities for implementation (at EU and member state level) to ensure accountability. The Social Scoreboard already serves as a useful starting point in terms of indicators to monitor progress but does not set out the way forward to improve implementation.

## 7. Consult independent civil society organisations

- The future implementation of the EPSR should happen in close **consultation with civil society**. In order for this to happen systematically, procedures should be established to ensure meaningful participation of civil society and social partners on an ongoing basis and in a transparent manner. The role of civil society in monitoring impacts of policies on human, specifically social, rights and holding decision-makers to account is crucial.