

ACCESS TO SOCIAL RIGHTS IN EUROPE

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with the assistance of the Editorial Group
for the Report on Access to Social Rights (CS-ASR)

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Foreword

Social rights are one of the foundations on which Europe was built over the course of the last century. And yet, despite the significant progress made in this sphere on our continent, social rights are far from being fully guaranteed in practice for all Europeans. As this report clearly demonstrates, access to the right to social protection, to health, to employment, to housing and to education comes up against many and varied obstacles. Ultimately, what is the value of a right that cannot be exercised in practice?

This report outlines the main challenges to be addressed if we are to secure the enjoyment of social rights in the Europe of today. It stresses the need to strengthen these rights and to see them as a means of reducing the vulnerability of individuals in the face of structural changes. Social rights also help people to adapt to these changes; they contribute to overcoming the obstacles that hinder the most vulnerable members of society from exercising their rights.

By emphasising the interdependence of social rights, the report makes a valuable contribution to reflection and action to improve access to these rights. It calls for integrated approaches taking account of the diverse needs of each individual.

Above and beyond their ethical justification, the proposed policy guidelines for improving access to social rights also offer answers to some of the fundamental questions inherent in the fight against poverty and social exclusion.

The report reaffirms the relevance of social rights in Europe and the need to promote a sustainable development approach based on human rights, as advocated by the Council of Europe through its legal instruments and activities.

I should like to express my gratitude to the author of this report and the members of the drafting group who contributed to the very high quality of the document.

I hope that by placing the emphasis on the necessary process of implementing social rights, this study will be a timely reminder that the long road leading out of exclusion is still an extremely difficult one for many individuals to traverse. It is our task to help provide them with the ways and means of successfully negotiating this path.

Social rights are always a topical issue. Enabling European citizens to enjoy these rights cannot but help consolidate democracy and implement structural reform in Europe, in a climate of confidence.

Accordingly, guaranteed social rights, as shown by this report, are a key factor in the success of the economic, political and social reforms currently under way in Europe.

A handwritten signature in black ink, appearing to read 'G. Battaini-Dragoni'.

Gabriella Battaini-Dragoni
Director General of Social Cohesion

Preface

The heads of state and the governments of the member states of the Council of Europe, when they met in October 1997 in Strasbourg for the Organisation's Second Summit, identified social cohesion as *"one of the foremost needs of the wider Europe and ... an essential complement to the promotion of human rights and dignity"* (Final Declaration). They went on to instruct the Committee of Ministers to define a social cohesion strategy to respond to the challenges in society and to carry out the appropriate structural reforms within the Council of Europe.

The first step taken by the Committee of Ministers was to set up a new inter-governmental steering committee, the European Committee for Social Cohesion (CDCS), bringing together several formerly separate areas of work, namely social policy, social security, and employment. Work on social cohesion is, therefore, based on a multidisciplinary approach. As set out in its terms of reference the first task of the Committee was to prepare a Social Cohesion Strategy, which was approved by the Committee of Ministers in 2001. This strategy contains a programme of work for the medium term.

One of the main components of the Council of Europe's social cohesion strategy is promoting effective access to social rights, paying particular attention to the most vulnerable people; those who find it difficult to assert their rights.

The desire to tackle the question of access to social rights from a multidisciplinary angle was reflected in both the terms of reference and the membership of the expert groups which were set up. Working from 1999 to 2001, the Group of Specialists on Access to Social Protection (CS-PS), the Group of Specialists on Access to Housing (CS-LO) and the Committee of Experts on Promoting Access to Employment (CS-EM) were composed of national experts from several Council of Europe member states, representatives of non-governmental organisations and researchers in the social field.

The Report on access to social rights brings together the conclusions of these groups of specialists¹ as well as of other activities carried out within the Council of Europe in the fields of health and education. In addition, the report emphasises the interdependence of social rights by bringing out the common ground between the conclusions of the different committees.

1. Appendices II to V to this report.

Mary Daly, Professor of Sociology at Queen's University, Belfast (Northern Ireland), was appointed by the Council of Europe to prepare a report on Access to social rights in Europe with the assistance of an editorial group. Governmental experts, representatives from non-governmental organisations and researchers in the social field¹ took part in the work of the editorial group.

The European Committee for Social Cohesion (CDCS) adopted the Report on Access to social rights in Europe during its 8th meeting on 28-30 May 2002. Aware of the importance of the conclusions and recommendations set out in the report, experts from the forty-four member states in addition to several non-member states have been invited to assemble in Malta in November 2002 for a conference planned to delve deeper into the policy guidelines proposed by the report.

1. Appendix VI to this report.

List of abbreviations

CDCS = European Committee for Social Cohesion

CECODHAS = European Liaison Committee for Social Housing

CLRAE = Congress of Local and Regional Authorities of Europe

CS-ASR = Editorial Group for the Report on Access to Social Rights

CS-EM = Committee of Experts on Promoting Access to Employment

CS-LO = Group of Specialists on Access to Housing

CS-PS = Group of Specialists on Access to Social Protection

E2C = Second Chance Schools

EAPN = European Anti-Poverty Network

ETUC = European Trade Union Confederation

FEANTSA = European Federation of National Organisations Working with the Homeless

HDSE = Project on Human Dignity and Social Exclusion

NAPs/incl = National Action Plan against Poverty and Social Exclusion

PRAPS = Regional Programmes for Access to Prevention and Care

SP-SPM = Group of Specialists on the Adaptation of Health Care Services to the Demand for Health Care and Health Care Services of People in Marginal Situations

UNDP = United Nations Development Programme

UNECE = United Nations Economic Commission for Europe

UNHCHR = United Nations High Commissioner for Human Rights

UNIRMET = National Union for the Re-training of Metalworkers

WHO = World Health Organisation

Introduction

Social rights have played a very prominent role in European development and, in a comparative context, mark Europe out as distinct from other world regions. The European model of social rights has served to generate and at the same time preserve social cohesion and social solidarity. However economic and other developments are putting Europe's model of social rights under pressure. The ending of the golden age of economic growth in Europe, the difficulties involved for the countries of central and eastern Europe in transforming from command to market economies and the intensification of internationalisation in the global economy have altered the relationship between states, politics and markets. The emerging fragmented society, with many people either excluded from full participation or reliant on benefits and public services to gain a foothold in society, poses one of the greatest challenges so far to social cohesion in Europe. Questions about the accessibility, content and sustainability of social rights assume great urgency in this climate.

The Council of Europe is at the forefront in developing a renewed understanding of social citizenship and working for the betterment of the lives of vulnerable and excluded groups and individuals. It recognises that the balance between individual responsibility and social solidarity needs to be revisited and that people's access to social rights must receive attention in a context of democratic renewal. Towards these ends, this report undertakes an analysis and review of access to social rights in today's Europe, bringing together a number of different Council of Europe activities over the last years on access to housing, social protection, employment, health and education. Of special concern are questions about how to ensure access to social rights in a situation characterised by rapid social and economic change.

The background to the report is the Council of Europe's Strategy for Social Cohesion, one originating impulse of which is to integrate fields of the Council's work which were formerly treated separately. As developed in the Strategy, social cohesion speaks to both the state of society as a whole and the role and place of vulnerable groups and individuals within it. Improving access to social rights is a strategic objective of the European Committee for Social Cohesion (CDCS) and a major component of the Strategy for Social Cohesion. The focus on access to social rights as part of the programme of the CDCS was conceived as a follow-up to the earlier Council of Europe Project on Human Dignity and Social Exclusion (HDSE) (Duffy 1998) which demonstrated the case for access to housing, social protection, employment, health and education as essential in combating poverty and social exclusion.

Social cohesion and social rights are, therefore, conceived of in a multi-dimensional way. This report should be seen as a further step towards embedding social citizenship and social rights in Europe.

The report is based mainly on the work of the Group of Specialists on Access to Housing (CS-LO), the Group of Specialists on Access to Social Protection (CS-PS), the Committee of Experts on Promoting Access to Employment (CS-EM), the Group of Specialists on the Adaptation of Health Care Services to the Demand for Health Care and Health Care Services of People in Marginal Situations (SP-SPM) and relevant work in the field of education.¹ Each has made an important contribution to advancing understanding of the reality of social rights in the member states and the factors that obstruct access. They have not only gathered new empirical information but have carried out significant analyses of existing policy and practice. The approach and methodology adopted by the different Access Committees are outlined in Appendix I.

The specific objectives of this report are to:

- analyse the obstacles impeding access to different social rights within and across a range of fields;
- give examples of how obstacles are being overcome and identify general principles for integrated approaches to improving access to social rights;
- make cross-sectoral policy guidelines on access to social rights, including means of integrating different areas of social policy.

The report especially seeks to draw out the significance of access to social rights for the democratic processes associated with active citizenship, for reducing vulnerability to structural change and increasing institutional capacity to deal with change. The case is made for social rights as a key factor in improving the capacity to solve problems, whether on the part of individuals, groups, organisations, regions, governments or societies.

The report has two main themes. In the first instance, it emphasises the interdependence of social rights. Following the work of the different Access Committees on social rights and other developments by the Council of Europe, it is now generally agreed that lack of access to one basic social right has a spill-over effect, in that it can make it harder for the persons concerned to gain access to other social rights. In other words, there is a risk of multiple exclusion. One notable feature of the report is, therefore, that it seeks to make linkages across the different domains of social rights (rather than treating them in isolation). In the second case, the report underlines that the question of access needs to be the subject of attention in its own right. Studies such as the present one that focus on the implementation or

1. When referred to in the generic throughout the report, the three groups of specialists and the one committee of experts will be known as Access Committees.

practice of social rights are very different from those seeking to define or survey the legal rights available or to identify their philosophical foundations. This report focuses on the relationship between design and implementation and seeks to open up and examine the gap between putting legal and other provisions in place and achieving access to social rights in practice.

Definitions and scope

Although there are different ways of defining and interpreting social rights, the present report understands social rights as having reference both to individual needs and societal cohesion. Social rights, then, are those provisions, expressed in legal and other forms, which are necessary for the fulfilment of people's social needs and for the promotion of social cohesion and solidarity. In terms of specifying the content of social rights, this report follows the approach of the European Social Charter, in its original and revised versions, to identify the different domains of social rights specified in the terms of reference of this activity. Hence, it interprets social rights as covering housing, social protection, employment, health and education.

Methodology and approach

The report uses documentary analysis as its methodology. As well as a general review of relevant literature, the report is based on an analysis of all written and other material available from CS-LO, CS-PS, CS-EM and SP-SPM as well as other sources within the Council of Europe. Hence, the main empirical base of the report is the work of the four Access Committees, the empirical material (including examples of good practice) gathered by them in the course of their work and other relevant work done under the auspices of the Council of Europe.

Europe is a heterogeneous place. The Council of Europe organises co-operation among forty-four member states¹ that span the continent. Social and economic diversity is widespread. Dealing with variation is therefore a major challenge of this report. Rather than dividing up the continent into regions or sub-regions, the report acknowledges that, while there are different points of departure for social rights in Europe, there are many common practices and these are best revealed and built upon by a broad and shared understanding of the concept of social rights.

The report consists of five main parts. The first chapter focuses on social rights, outlining how they developed in Europe and their place in today's world. The second chapter presents the framework of analysis used in the

1. Albania, Andorra, Armenia, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Moldova, Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, San Marino, Slovak Republic, Slovenia, Spain, Sweden, Switzerland, "the former Yugoslav Republic of Macedonia", Turkey, Ukraine, United Kingdom.

report. The third chapter reports on the results of a range of research undertaken under the auspices of CDCS on obstacles to the realisation of and access to social rights. The fourth chapter moves on to discuss and document what could be considered as “good social rights practice”. As well as setting out principles for an integrated approach, it also includes examples of good practice from Council of Europe member states. The fifth and final chapter develops policy guidelines arising from the analysis of the situation on the ground, across different domains of social rights.

1. Trends and developments in social rights in today's Europe

This chapter discusses the original impulse behind social rights and demonstrates the continuing significance of social rights even as some of their founding values are being challenged or eroded. The discussion is organised into three parts. The first considers and examines the principles, procedures and policies that made possible the growth of social rights in Europe. The second focuses on the changes (in economic and social values and political practices within and across countries) that may act to alter the support for social rights. The benefits of a social rights approach and the costs of the non-application of rights provide the third focus of discussion.

1.1. The growth of social rights in Europe

A strong heritage of social rights is integral to the European social model. As European societies developed, the introduction of social rights came to be seen as closely associated with citizenship and progress. Public authorities agreed to provide a minimum set of rights to all citizens regardless of their position in the market so that people's welfare was to be no longer dependent on their capacity to support themselves or on charity. Social programmes served not just to enhance the well-being of individuals but also to forge a political community and a sense of collective identity. Hence, the gradual expansion of social rights was part of the project of nation state building in Europe.

There have been two foundation stones of social rights in Europe. The first is at the national level where social development was defined and occasioned by the growth of the welfare state: the Keynesian model in the West, and the centralised party states in central and eastern Europe. Whether enshrined in the national constitution or granted by social provision, a core set of social and economic rights was put in place before and after the second world war to affect the distribution of power, participation, income and life chances. Social and economic rights in European countries tend to be achieved by a linked set of policies. While there is much variation, social rights are customarily put in place by three different pillars of policy. In the first instance, social rights are embodied in a set of social security and taxation programmes designed for the purposes of income security, income redistribution and poverty alleviation. Minimum income, pensions, unemployment benefits, maternity and family provisions are the mainstays here, funded to varying degrees by employers, employees and the public authorities. A second typical pillar of the national social rights architecture consists

of a network of social services. While health, education and housing are fundamental, most European countries also provide a set of social services designed to improve quality of life. These public services have the added function of giving employment to those working in them. They also served in the past to effect public ownership and control of fundamental services but changes in the funding and organisation of services in the last decades have blurred the distinction between “public” and “private”. Finally, regulation in relation to the labour market is another important social rights-related pillar, conferring and protecting certain employment-related rights. Here, there is a dual emphasis on exerting control over the conditions of work and on measures to activate individuals’ participation in employment.

The second foundation stone of social rights exists at the international level where a set of norms and legal instruments, as embodied in the resolutions and recommendations of the Council of Europe, the United Nations and latterly the European Union (EU), serve to establish international standards and procedures for social rights and social cohesion. The Council of Europe is especially significant in promoting social development and in working to establish a political, economic and social climate favourable to social cohesion in Europe. This is true both historically and today. Social rights have figured prominently in the Council of Europe’s approach.

With the opening of the European Social Charter for signature in 1961 and its coming into force in 1965, the Council of Europe led the way in establishing a comprehensive code of economic and social rights. Economic rights as defined in the Charter mainly refer to rights *vis-à-vis* employment and the labour market while social rights are primarily of a health and welfare nature. The Charter contains nineteen substantive articles, the first ten pertaining primarily to employment, labour market and industrial relations matters and the remainder dealing with social rights more broadly. Some of the articles are regarded as “core”¹ and contracting parties must accept a certain number of these core articles. Compliance with the undertakings of the Charter is assessed by an international supervisory mechanism on the basis of reports submitted by ratifying states on a two-year cycle.² The introduction of a collective complaints mechanism which entered into force in 1998 has, according to Fitzpatrick (2001), revolutionised the enforcement procedures for the European Social Charter. The European Trade Union Confederation (ETUC), European level (and if ratifying states agree, national level) NGOs and national confederations of trade unions are now allowed to bring complaints directly to the European Committee of Social Rights.

Employment (the right to work) could be said to be the centrepiece of the Charter in that about half of the rights relate to or derive from paid work.

1. These are the right to work, the right to organise, the right to bargain collectively, the right to social security, the right to social and medical assistance, the right of the family to social, legal and economic provision, the right of migrant workers and their families to protection and assistance.

2. The core articles are reviewed in every cycle and the other articles in alternate cycles.

Among such rights are the right to earn one's living in an occupation freely entered into as well as the right to just, safe and healthy conditions of work and to fair remuneration and social protection. Workers are also accorded political rights, such as freedom of association in pursuit of the protection of their economic and social interests and the right to bargain collectively. The European Social Charter also enshrines a set of rights around vocational development, including the right to vocational guidance and vocational training. Among the more general rights established are the right to health protection, the right to social security, the right to social and medical assistance and to social welfare services. Apart from workers, a number of specific groups are singled out for protection. These include people with disabilities, mothers, children, and migrant workers and their families.

The protection of the social rights of migrant workers and their families has been a priority for the Council of Europe. The European Convention on the Legal Status of Migrant Workers (1977) regulates, on the one hand, the legal status of migrant workers with a view to ensuring that they are treated no less favourably than workers who are nationals of the host state in all aspects of living and working conditions and, on the other hand, the social advancement of migrant workers and their families. The convention calls for the equal treatment of migrant workers with national workers in, amongst others, the following areas: housing, education, social security, social and medical assistance. Other provisions call for equality of treatment as far as vocational training, the use of employment services and working conditions are concerned. The aim of the legal instruments of the Council of Europe in the field of social security co-ordination, in particular the European Convention on Social Security (1972), is to facilitate access on the part of migrant workers and members of their families to social security. These instruments involve the elimination of discriminatory provisions based on nationality through the application of the principle of equality of treatment and the neutralisation of restrictions based on the territorial scope of legislation. In addition, the European Convention on Social and Medical Assistance (1953) has the objective of ensuring a degree of reciprocity of rights (whereby nationals of contracting parties lawfully present in the territory of another contracting party, and who are without sufficient resources, are entitled to social and medical assistance on the same basis as nationals).

In 1996, the revised European Social Charter opened for signature, entering into force in 1999. This brings together in a single instrument the rights contained in the original Social Charter, as amended, by the rights specified in the Additional Protocol of 1988¹ as well as a series of new rights. The revised

1. This set out the following: the right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of gender, the right to information and consultation, the right to take part in the determination and improvement of working conditions and working environment and the right of elderly persons to social protection.

Charter was intended both to take account of and reflect changing social conditions and values. It is underpinned by the principle of the indivisibility of all human rights and reiterates the importance of non-discrimination as a fundamental principle, specifically that the enjoyment of the rights is to be secured without discrimination on any ground such as racial origin, colour, gender, language, religion, political or other opinion, national extraction or social origin, state of health, association with a national minority, birth or other status. Employment-related rights again figure prominently. In addition to the rights contained in the 1988 Additional Protocol, they include the following: the right to protection in cases of termination of employment and insolvency of the employer, the right to dignity at work.

Workers' representatives are also given protection against acts prejudicial to them, and the right to be afforded appropriate facilities in order to carry out their functions. Apart from these employment-based rights, the revised European Social Charter also affirms elderly people's right to social protection and the right of workers or potential workers with family responsibilities to engage in employment without being subject to discrimination and as far as possible without conflict between their employment and family responsibilities. Two new social rights are added by the revised Charter: the right to protection against poverty and social exclusion, and the right to decent housing at a reasonable price. Reflecting the changing nature of risk in society, these are significant in broadening the scope of the Charter and in enhancing its role as an international standard with regard to social rights.

Examination of the approach taken by the Charter, in its original and revised versions, is revealing about the nature of social rights. Such rights are framed in the Charter in terms of undertakings by states rather than, say, as rights of individuals. The Charter, therefore, sets out an institutional and legal framework. This is in many ways a template for good practice, pertaining mainly to social policy and provision, specifying a range of undertakings regarding policy. The Charter extends beyond provision, though, because it aims also to set standards and to promote certain practices and values (such as consultation and, in the case of social welfare services, the participation of individuals and voluntary or other organisations). A further significant aspect of the European Social Charter approach is not just that it guarantees fundamental social rights by way of undertakings by national states, but that it allows for an improvement in standards over time. A review process operates whereby governments are required to check periodically which new obligations they could accept. Non-acceptance of provisions is therefore conceived of as temporary. In other words, the dynamic rather than the static nature of rights is emphasised. In addition, the Charter is based not on a uniform model but on shared values. The principle of moving harmoniously towards a common set of standards prevails over uniformity.

Social rights have been developed in other fora as well. For example, the UN's International Covenant on Economic, Social and Cultural Rights came into force in 1976, having been adopted and opened for signature ten years earlier. Some of the rights proclaimed by this instrument overlap with those in the European Social Charter, especially the case for employment-related rights.

Another major development in the field of social rights in Europe was the introduction in 2000 of the Charter of Fundamental Rights of the European Union (Council of the European Union 2000). The approach here is different again as the use of the words "fundamental rights" implies. Rights and principles sit alongside each other in a document that sets out rights and principles which must be respected by the European Union and its member states when applying Community law. Six fundamental values are promoted by the Union: dignity, freedom, equality, solidarity, citizens' rights and justice. The rights accorded by the Charter of Fundamental Rights are closely related to these principles and, following the opinion of the Council of the European Union (2001a), can be grouped into four basic categories:

- *rights and freedoms and procedural guarantees*: The rights in question here are civil and political rights such as the principles of equality and respect for private life; and rights stemming from public freedoms such as the freedom of the press, freedom of conscience and freedom of assembly and association;
- *rights reserved for citizens of the European Union*: These rights, which are encoded in the Treaty establishing the European Community, include electoral rights, common diplomatic protection as well as the right to petition the European Parliament and to refer cases to the European Ombudsman;
- *economic and social rights*: These include provisions on labour law, such as the right to join a trade union, to strike, and to minimum pay. Other rights are also covered such as those of people with disabilities to occupational integration, the rights of children and the elderly, and provisions of social law such as social protection or the right to health care;
- *modern rights*: These include rights such as the protection of personal data or rights connected with bio-ethics. The Charter also seeks greater transparency and impartiality in the Community institutions by incorporating the right of access to administrative documents and the right to good administration.

By way of overview, one can say that social rights have been part of the European order for more than forty years now. In this, the Council of Europe has taken a leading role. When looked at from a comparative point of view, Europe has a strong model of social rights. In addition, the European order of social rights is one in which national and international developments and standards are intertwined and interdependent. It is important to remind ourselves in today's increasingly global order of the role played by European

countries, individually and collectively, in championing a social rights approach to development.

1.2. Social rights and changing European societies

European societies are changing rapidly. Against this backdrop, this section turns its attention to how social rights have fared as economic, political and social developments have proceeded.

The past two decades were probably one of the most challenging periods ever for social policy and social rights. The developments raise huge questions about how well suited a strong model of social rights is to today's economy and society. Conceived for a society based on production, the post-war European welfare state viewed unemployment as a temporary phase (Béland and Hansen 2000: 56) and assumed that women and children were best supported within the family. This situation no longer exists and today's social planners are faced with a very different situation. Developments have acted both to undermine the welfare activities of the public authorities at both national and local levels and to bring into question the extent to which social citizenship is either desirable or necessary. A range of factors are making for change. They include globalisation, especially in terms of the economic practices and social values which it endorses, political and economic developments in central and eastern Europe, the altered understanding of the function of social protection and changing beliefs in relation to the appropriate role of the state and the relationship between the state, the individual and society. Each will be briefly discussed.

While there are different views about what the phenomenon of globalisation involves, it is, at its core, a process bringing about heightened economic competitiveness in a world where technological development is rapid and where borders no longer operate in the way they once did to keep out unwanted developments and influences. Increased cross-national competitiveness (including that between different social models) is matched by more competitiveness within countries and also among regions. Greater flexibility is encouraged not just for national economies but also at the local level and even for individuals and families. In the kind of ideological climate that has accompanied globalisation, economic concerns are given pre-eminence so that the needs of the economy tend to take precedence over those of society.

Opinions about globalisation are very diverse but could be summarised by saying that globalisation involves risks, opportunities and challenges. Despite the economic benefits of globalisation and the way that it has been a motor for economic and employment growth, there is cause to worry about the implications of globalisation for access to social rights. Globalisation places the spotlight on the costs of funding social security and can be associated with a pressure to weaken entitlement to social protection. In a context

where governments feel the need for flexibility in how they respond to risks and are increasingly pressurised over wages, costs and competitiveness, social rights may be portrayed in a negative light, along the lines of an optional extra or as being too costly. Such views have taken hold more strongly in some countries than in others. Hence, the effects of globalisation are in some ways dependent on how it is regarded and responded to at national level. Rather than a totally negative portrayal, however, it is important to point out that some social protection moves have been taken to counteract negative developments associated with globalisation. Pillinger (2001: 7) identifies a general shift towards more individualised rights characterised by a move away from universal services to selective services that tackle multi-faceted needs in more co-ordinated ways. However, while globalisation enables greater flexibility, it can also go hand in hand with new forms of exclusion.

Those who are already well-placed are most likely to be able to take advantage of the opportunities offered by globalisation. In this context, it is important to ensure the capacity of everyone to engage with new technologies and the mass media as well as opportunities for life-long learning. Overall, there are three important points to be made about globalisation. The first is that it is not appropriate to see it in a one-dimensional or homogeneous manner; its manifestations and effects vary from place to place. Second, the response taken to globalisation, whether on the part of supra-national bodies, states, regions or even at local level, is crucial in determining its effects and likely outcomes. Third, both the extent of regional differences and inequalities within Europe and the pace at which they are growing have increased as the process of globalisation has unfolded.

The fall of the command states in central and eastern Europe has also been very significant for social rights. Not only did it launch the countries involved on a difficult transition process but, on the broader European stage, it heightened concern about the dangers of centralised state provision, especially in relation to the perceived negative effects on both the market and individual autonomy. A related factor which may have acted to undermine the legitimacy of a social rights framework for Europe is the growth of regional differences within and across countries. When one compares the countries that span the continent, the disparities are very striking. The effects of changing economics, politics and values have had a huge impact, especially in central and eastern European countries. While political developments played a major role in the construction and breakdown of the former systems in these countries, economic-related matters and interests appear to be to the fore in reconstructing them (Deacon 2000). All the indications are that reform has had very high social and economic costs (World Bank 1996; Milanovic 1998; Standing 1998; UNDP 1998). Increasing differences and inequality may make the task of applying and legitimising a social rights approach more difficult.

Other political changes have implications for social rights as well. Within and across countries, politics are increasingly being shaped by a politics of difference and/or recognition (Phillips 1999). In a context of increasing individualism, governments are exercised by the need to recognise on the one hand differences among groups (on grounds such as gender, ethnicity, racial origin, language and culture) and on the other hand the group affiliations of individuals. In this context, the meaning of political equality among individuals and groups becomes an issue. A related challenge is posed by the growth of nationalism which, in its most exclusive and aggressive versions, can be opposed to the principle of universality which underlies a rights-based approach. As well as economic and political transformations, changes in values also affect social rights. The traditional ethos of public service provision is being challenged, especially by deregulation. This is a development that again contains both risks and opportunities. Choice is coming to be seen as an important public good, thereby creating the demand for services that are more responsive to users' needs. The possibility of a greater role for NGOs and other civil society actors may also be opened up. One major risk in a climate of choice, however, is that the access of vulnerable groups to services and benefits may be impeded. There is also the risk of a change in public opinion and public support for social rights whereby, out of self-interest or for other reasons, some sections of the community are no longer willing to pay the taxes necessary for a comprehensive set of social benefits and rights.

In sum, globalisation, the overthrow of the centralised command states in central and eastern Europe and changing politics and values have forced a rethink of the existing bases of solidarity and social co-operation. There is no doubt, therefore, that the context which facilitated the generalisation of a set of social, political and economic rights in Europe is changing. This, however, should not be taken to mean that the commitment to social rights in Europe has been undermined. Indeed, the reforms that have been implemented indicate that the majority of European countries are not abandoning their attachment to social rights. This is not to deny that moves have been made towards greater targeting of benefits and services, more individual responsibility and a transfer of risks from the public to the private and market sectors. However, social provisions and rights are proving to be quite resilient. Limitations of space preclude a detailed discussion here but there is, as Ferrera and Rhodes (2000: 258) and others' point out, reason to suggest that the overall impact of globalisation and other forces for change may have been exaggerated. While there is no doubt that the countries of central and eastern Europe have seen fundamental changes, they are moving in the general direction of a social rights-based approach, rather than away

1. See, for example, Borchert (1995), Daly (1997) and Sykes, Palier and Prior (2001).

from it. Indeed, social rights have been re-affirmed as essential components of the market economy. To sum up, social rights are a prominent feature of European society today.

1.3. Implications of a non-rights approach

Here we turn to questions about the relevance of social rights in today's world and whether the conception of social rights needs to be altered in order to take account of social, economic and political realities in contemporary Europe.

Given that there is greater questioning now than there was in the past of the social rights basis of the European social model, the case has to be made for the continuing relevance of social rights in a multiply-divided and globalising world.

There are only two ways of arguing that social rights are no longer relevant. The first argument against the relevance of social rights centres on a possible change in solidaristic values (among individuals and governments). If the basic values underpinning social rights are no longer widely supported, the legitimacy of social rights is undermined. In this regard, the political significance of social rights should not be underestimated. Because they involve a claim on resources, they are a significant challenge to the assumption that citizenship is mainly a question of political and civil status (Plant 1992: 16). Social rights are intended to give the status of citizen a material foundation. T.H. Marshall (1965) defined them as comprising the right to a modicum of economic welfare and security, the right to share to the full in the social heritage, and to live the life of a civilised person according to the standards prevailing in one's society. As Plant points out, social rights mean that citizens' obligations do not stop at mutual non-interference; they involve positive obligations to provide resources for the general, collective welfare. There is little evidence of a huge decline in solidaristic values. In fact, people in Europe today speak in favour of what might be called traditional values and principles – such as trust, community and solidarity (European Commission 2001).

The second argument against social rights is that the nature of basic needs has changed. There are no grounds for this claim either. Indeed, the need for protection with regard to employment, health, housing, income, welfare and education is stronger than ever. That is, new needs or rights have not supplanted the basic social, economic and cultural needs which led to the institutionalisation of social rights in the first instance. If anything, one has to argue for an expansion in the domains to be considered as basic needs. Consider the technological and knowledge-based society of today and how easily people get left behind if they are not connected to the mass media and new technology. Life-long learning becomes essential in this changing environment. The need for new categories of social rights has been recognised

by the EU in its recently introduced Charter of Fundamental Rights. As outlined above, it makes reference to modern rights in relation to both bioethics and the protection of personal information.

The question of whether we need to be talking in terms of new social rights is a valid and important one. Among the rights which arise in this regard are cultural rights, global and ecological citizenship rights and children's rights.¹ A discussion of cultural rights raises important issues about respect for variations in cultural values and also recognition of the right of groups and individuals within a country to their own cultural identity and to be able to preserve and develop this identity and culture. The coming into force of both the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages in 1998 is of importance here in allowing minorities covered by these instruments to claim their social rights. Global and ecological citizenship rights include the right to a social order in which there is environmental protection and a recognition of the need to give individuals access to information and resources which allow them to challenge environmental degradation. With regard to children's rights, concerted moves have been made in the last decade or so to grant children human rights as well as economic and social rights.

The 1989 UN Convention on the Rights of the Child, for example, makes children the beneficiaries of a whole range of rights including rights which at the time were innovative, such as the right to survival, protection and development as well as the right to participation. The European Convention on the Exercise of Children's Rights (1996), which has recently come into force, aims at the protection of the interests and rights of children. It contains a number of procedural measures designed to ensure that children's rights are respected and sets up a standing committee to deal with matters arising from the convention. Children may exercise their rights – for example to be informed and to express their views – either themselves or through other persons or bodies. This new European legal instrument will, furthermore, help states to implement the UN Convention on the Rights of the Child.

It seems indisputable that we cannot operate today with closed categories of rights. For example, a strong argument can be made for development and progress as fundamental human needs in the kind of society that is emerging today. Adaptation and change are essential in a world where skills quickly become outdated and where a premium is placed on knowledge, innovation and risk-taking. Access to education and learning on a more or less continuous basis has a great significance in this context. Indeed, one could argue that education and development with regard to knowledge and technology are vital to prevent the growth of marginalisation and exclusion. Everyone

1. These and other new rights are considered in the collections edited by Van Steenberghe (1994) and Eide, Krause and Rosas (1995).

should have the right to progress and development whether on a cognitive, social, cultural or emotional level.

One could also make the case for social rights in terms of the costs of not implementing a rights-based approach. The figures on poverty and social exclusion are a powerful argument about people's inability to obtain access to social rights. The latest information available on the EU member states suggests that 18% of the EU population was living in poor households¹ in 1997 and that a similar proportion (17%) of people faced multiple disadvantages with regard to their financial situation, basic needs and housing (Council of the European Union 2001b: 16). According to the information available on poverty in the post-socialist countries, in the central European countries between 9% and 45% of the population were considered as being poor in 2000 (Romania: 45%, Poland: 18%, Hungary: 9%), while the rate was between 40% and 75% in some of the countries of the former Soviet Union² (<http://www.odci.gov>). All of this can be taken as an argument to intensify the push towards social rights in Europe and to increase the political will and capacity to mobilise resources to address social issues through a rights-based approach.

Recent developments in the approach taken by the EU to poverty and social exclusion are relevant in this regard. The social inclusion process, as it is known, was launched in December 2000, with the Nice European Council. It is based on four wide-ranging objectives. The first is to facilitate people's participation in employment and access by all to the resources, rights, goods and services necessary for such participation. The second stated objective is to prevent the risk of social exclusion and the third is to help the most vulnerable. In these regards, the strategy mentions specifically "guaranteeing that everyone has the resources necessary to live in accordance with human dignity". Finally, the strategy has the objective of involving a range of what are called "relevant actors". This refers to those bodies, groups and individuals who are actively involved in either making policy in this area or who are in community and other work, and allows them to address the different problems that are seen to exist. People who are themselves poor or excluded are also listed as potential participants. The social inclusion process consists of two parts. The first is the submission of national action plans (NAPs/incl)³ by the member states to the Commission and their assessment by the Commission and the European Council. The second part of the social inclusion process consists of a multi-national action programme designed to

1. Defined in terms of income below 60% of the national, equivalised median income.

2. The rates were as follows: Russia: 40%, Armenia: 45%, Ukraine: 50%, Azerbaijan: 60%, Georgia: 60%, Moldova: 75%.

3. NAPs/incl stands for National Action Plans against Poverty and Social Exclusion. In the first round of the social inclusion process, each member state presented its proposed priorities and measures for two years (July 2001-June 2003) in the form of a plan for promoting social inclusion and combating poverty and social exclusion. The next round of national action plans will be in 2003.

encourage co-operation among member states in the fight against social exclusion. This five-year programme, which commenced in January 2002, has a budget of €75 million and will provide funding for activities within and across member states.

The human costs of a non-rights approach also need to be emphasised. All of the changes discussed so far have affected individuals, families and communities as well as societies as a whole. In fact, one could argue that vulnerable groups bear some of the heaviest costs of adjustment and change. Such costs involve a host of lost opportunities, whether in relation to people's own development and well-being or the chance to contribute positively to their community and country. Social safety nets are, therefore, essential if the costs of development are to fall where they can most easily be met. They also serve another important function in that they have the advantage of enabling people to take risks.

Finally, we can read the expansion of social rights that has taken place in Europe, under the auspices of both the Council of Europe and the EU, as evidence of the continuing significance of a rights-based approach. A feature of the EU's approach now is to emphasise social policy as both a factor in production and as a productive factor. Economies cannot function in a social vacuum and the strengthening of social rights serves, *inter alia*, to reduce the risk of future social and political disruption. Looked at in this light, social rights serve to reduce social tensions and to contribute to economic development. They also work for sustainable societies and sustainable societies are a necessary condition for sustainable economic development and for sustainable democracies. In this and other ways, social rights have added social value. This is a situation that has not been altered by globalisation and other developments.

The response, therefore, should be one which draws on the pattern that has become classic in Europe over the last half-century – whereby problems are not seen to be unique to the national level. In this perspective, supranational as well as national, regional and local resources and instruments are combined in recognition that Europe needs to act collectively to be truly “social”.

2. Framework for analysing access to social rights

This chapter focuses on defining and clarifying the report's scope and setting out the framework of analysis.

2.1. Defining social rights and specifying their scope

There is no readily available definition of social rights. It has been common, in legal texts as well as in research on rights, to distinguish between two overarching categories of human rights: civil and political rights, and economic and social rights. There are a number of reasons for this differentiation, central to which has been the assumption that the two sets of rights differ in nature. A first source of distinction relates to the role of the state. Civil and political rights are usually framed in terms of freedom from state interference whereas social rights are more likely to involve a claim on the state for protection and assistance. Social rights therefore imply an active (even interventionist) state and are grounded in a philosophy relating to what constitutes a "good society" and how the state can contribute to that. This leads to a further distinctive feature of social rights. Civil and political rights are more often "justiciable" in nature (stated in law and applied by the courts and judicial bodies) whereas social rights are more likely to be realised through policy and social provision. Furthermore, civil and political rights have been considered to be "absolute" and "immediate", whereas social rights were held to be programmatic and to be realised gradually (Eide 1995a: 22).

It now appears that many of these assumed differences are overstated. Social rights can also be justiciable and the "immediacy" or "absoluteness" of civil and political rights is not above question. Moreover, evolution over time has been in the direction of greater integration between civil/political rights and social rights (Eide 1995a). This is evidenced not just in the UN Convention on the Rights of the Child but also in the recent Charter of Fundamental Rights of the European Union. Both have taken an encompassing approach and include the different sets of rights side by side. The approach taken by the Council of Europe is to emphasise the complementarity among the different categories of rights. Human rights are the inalienable rights which guarantee the respect of fundamental dignity of the individual. With this as the frame, the European Convention on Human Rights guarantees civil and political human rights; the social rights guaranteed by the European Social Charter and the Revised European Social Charter are the natural counterpart to these human rights. Such social rights

embrace the right to employment, social protection, housing, health, education and to non-discrimination.

There are some significant features of social rights, though, which need to be drawn out. First, it is important to reiterate that law is not the only reference point for social rights. They are a blend of law and social provision. Indeed, Bubnov-Skoberne (2001: 27) points out that the type and scope of social rights in a particular state, as well as the circle of people who can enjoy them, is far more influenced by the economic and political situation of the country than by international and constitutional legal regulation. There is, then, a primary role in social rights for positive state obligations and provision – in the sense of taking steps to make resources available and putting social services and benefits in place – in the realisation of social rights. Access to social rights, the focus of this report, is critically influenced by what we might call the architecture of social provision. A key question for social rights is: how is entitlement constructed? Is it legally enshrined or is it, instead, something that is given expression by a general set of policy objectives?

Another way of understanding social rights is in terms of the values and benchmarks that they imply in relation to society and societal well-being. That is, social rights also acquire their meaning by reference to what it is to be a participant in or member of society. In this regard, they imply a commitment to social cohesion, solidarity, equality and inclusion. They also mean a major concern with the protection of vulnerable groups.

Although there are different ways of defining and interpreting social rights, the present report, taking account of the points made above, emphasises social rights as having reference both to individual needs and societal cohesion. Social rights, then, are those provisions, expressed in legal and other forms, which are necessary for the fulfilment of people's social needs and for the promotion of social cohesion and solidarity. In terms of the content of social rights, this report follows the approach of the European Social Charter, in its original and revised versions, to identify the different domains of social rights specified in the terms of reference of this activity. Hence, it interprets social rights as referring to social protection, housing, employment, health and education.

2.2. Framework of analysis for studying access to social rights

Access to social rights is here developed as part of an integrated analysis. Hence, accessing rights is part of a process and certain conditions have to prevail in order for a social right to be realised or accessed.

This directs attention to the range of barriers or obstacles that act to impede the realisation of social rights. It is not unusual to focus on the deficiencies or shortcomings of particular individuals or groups when discussing problems in relation to the realisation of social rights. Portrayed in a negative light, the

impression is often given that, to the extent that problems exist in accessing social rights, they are due to some inadequacy or fault on the part of individuals and groups themselves. This is not only to misunderstand the very nature of social rights, but it also serves to exonerate or vindicate provision and at the same time fails to recognise that certain conditions have to be met if people are to be able to exercise their social rights. There are different factors involved in realising rights, just as there are different actors. Law, procedure and provision are each involved and each (or all) may either be inadequate or be organised in such a way as to make difficulties in the realisation of social rights. A whole range of actors are involved, including government, state agencies, social partners and NGOs, at national, regional and local level, as well as right claimants or those seeking to exercise their rights. Access to social rights, therefore, depends upon:

- the declaration, framing or form of the right;
- the process and procedures instituted and the resources made available to give effect to the right;
- the situation of, including the capacities and resources available to, the potential rights claimants.

These are treated in this analysis as being closely related. The underlying view is that access to social rights forms a chain whereby the declaration and framing of the right, the process whereby it is to be realised and the activities and resources necessary to realise it, especially on the part of the potential rights claimants or users, are all interconnected.

In relation to the first, the framing or form of a right includes its legal character, and the structural and other aspects of social provision that give it effect. It is important to point out in this regard that access to social rights cannot be read off from the legal framing or status of the right (even where a right is established by legislation). Furthermore, there is no direct correlation between the extent to which social rights are regulated by the national constitution and the extent of individual rights stipulated by law or the social position of the population (Bubnov-Skoberne 2001: 36). Hence, the legal position has to be looked at side by side with key aspects of the structure and design of programmes.

Process is the second element involved in accessing rights. This directs attention to public social provision and whether it provides the programmes, conditions and resources necessary for social rights to be realised or exercised. Services and benefits, as they are resourced and delivered to people, are to the forefront in this regard. So too are the responsibilities of governments and public authorities not just to make the resources available but also to utilise them in the most effective way. Factors which are relevant include the procedures for accessing and claiming rights and benefits, the manner in

which services are managed, organised and delivered, the degree of enforcement and how the communication about benefits, services and procedures is arranged. Matters relating to the training of staff and the provision of information to potential rights holders are also relevant issues here.

Turning to the third link in the chain – the potential rights claimant – it is important to remember that human rights are fundamentally non-majoritarian (Donnelly 1994: 19). Non-majoritarian means that they are concerned with each rather than all and aim to protect every individual, not just most people thereby leaving some excluded. In a nutshell, they are rights that apply to people by virtue of their humanity. Against this background, the experience and situation of the individual (potential) rights claimant is central. Claiming or asserting a right depends not just on the individual's legal position but also on the resources and capabilities that he or she has available. As well as financial resources, intellectual, social and cultural capabilities may be involved. Linguistic facility, information and knowledge, economic resources, social skills, psychological and socio-cultural resources as well as social contacts (including with NGOs) may all need to be mobilised to gain access to social rights. Given the unequal distribution of resources within and across societies, the experience of those who lack one or more of these resources is crucial. These may be vulnerable groups but they are not always so, as many people who are not typically defined as "vulnerable" may find themselves unable to fulfil conditions of entitlement. This may occur, for example, when people are changing their employment situation or if there is a major change in their family situation (such as divorce). The Council of Europe has always based its work on the dignity of the individual and has seen this as implying a respect and special concern for the more vulnerable members of society. Focusing on people is an additional check on the adequacy of provision because the litmus test of any framework of social rights is the extent to which such a framework grants access to "vulnerable" or "excluded" groups. A key analytical question in this regard is: what resources are needed to assert one's social rights and do people in general, and especially vulnerable groups, have a sufficiency of such resources?

3. Access to social rights in Europe – the reality

There is compelling evidence, from the work of the Access Committees as well as the Human Dignity and Social Exclusion (HDSE) project (Duffy 1998) among other sources, that formal entitlement to a social right is no guarantee that a right will or can be realised in practice. In other words, a range of obstacles to the realisation of social rights exists. Rather than taking for granted the accessibility of rights, the results of the research undertaken by the different Access Committees indicate that access to social rights must be problematised. Obstacles extend across the chain of social rights, that is from the form or declaration of the right, to the processes, procedures and resources made available to effect social rights, to the situation of the user or potential user when trying to realise them. A stocktaking of such barriers is worthwhile.

Obstacles are of various kinds and are not unique to any one domain. This report suggests that they can be organised on the basis of broad types, of which there are seven. Table 1 sets these out along with their most common manifestations. It should be noted that they are treated individually only for the purpose of analysis and discussion. In practice, they are interdependent and overlapping and hence to be thought of in terms of a chain of obstacles. In other words, one has to think of a spiral of exclusion from social rights.

The chain of obstacles to social rights

The prevalence and significance of these obstacles varies across countries and within them in terms of the particular groups or domains of rights for which they are most intense. Reference will, therefore, be made to regional and sub-group variations as appropriate. However, in line with the general framework of analysis adopted for the report, the main focus will be on common patterns across the member states.

3.1. Obstacles arising from the form of the right and the adequacy of legal and other provision

At issue here is the framework, both legal and in terms of structure and form of provision, whereby the social right is legally codified and organised. The kind of obstacles that arise have the effect not just of creating difficulties for the realisation of rights but of actually excluding some people from entitlement. The first possible type of obstacle in this regard pertains to where and how the right is specified, and in particular the degree of precision in its specification. A second obstacle arises when rights are limited to particular

sectors of the population. Gaps in the social safety net pose a third obstacle to the realisation of social rights. Fourth, there is the matter of the lack of specification of a basic threshold or minimum standard (of services and benefits). A fifth possible obstacle relates to the design of entitlement or eligibility, especially in terms of how this can serve to exclude people. Sixth, a further source of exclusion or difficulty occurs when there is a mismatch between the structure of provision and the nature of demand or need.

3.1.1. *Lack of precision in the specification of the right or entitlement*

Both the manner and extent to which social rights are specified in national legislation vary widely. This variation ranges from a clear specification of social rights in law to general objectives or basic principles to be achieved in and through policy. The role of the state varies along a continuum from simply respecting rights, to protecting them, to actively fulfilling them (Eide 1995b: 233). A recent survey of housing (BIPE 2000) is helpful in differentiating between four levels (of specification) of rights:

- a right enshrined in the constitution;
- a right established by legislation;
- the existence of a policy which seeks to realise a right;
- a right guaranteed in practice.

There is little information available on the significance of these and other variations in the form of legal recognition of rights for the accessibility of rights in practice. Certainly, justiciability matters but other forms of entitlement can be powerful also. In relation to housing-related rights for example, the research just cited suggested that the chances of the right to housing being realised in practice increase as one progresses from the first to the fourth type of specification of entitlement. In other words, there is quite a long road between stating a right in the constitution or in other law and the realisation of the right in practice. Furthermore, to be realised in practice, social rights require a policy which is actively oriented to fulfilling them. Another piece of empirical information relevant in this context is that of the CS-LO to the effect that the acknowledgement of the existence of a right to housing is inversely proportionate to the relative level of housing standards prevailing in a country. That is, countries in western Europe are much less likely than those in central and eastern Europe to recognise formally a right to housing, even though their standard of housing provision is higher.

Not only is there cross-national variation in the mode of recognition but there is also variation among the different social rights considered in this report. Housing and the right to employment-related resources, such as training, skills development and life-long learning, are much less developed as social rights as compared with, say, access to income support and basic medical care.

Table 1. The main types of factors impeding access to social rights

Type	Obstacles
Specification of right and adequacy of legal and other provision	Lack of precision in the specification of the right or entitlement Rights limited to particular sectors of the population Gaps in the social safety net Lack of specification of a basic threshold or minimum standard Exclusive conditions of access or entitlement Mismatches between the nature of provision and need
Inadequate monitoring and enforcement	Inadequate monitoring Inadequate protection against the non-realisation of rights Discrimination and/or differential treatment Inadequate responsibility to users
Resource shortages	<i>For providers:</i> Insufficiency of a range of resources (funding, staffing, facilities, equipment) Failure to guarantee or provide resources on a long-term basis Imbalance in resources between levels of administration <i>For users or rights claimants:</i> Insufficiency of a range of resources and capacities including financial resources, educational capacities, personal resources, social skills and contacts
Management and procedural	Fragmentation between levels of administration and among services Inadequate integration of and consultation with NGOs and users Complexity of procedures Obstacles arising from the mode and practice of service delivery
Information and communication	Insufficient stock and flow of high-quality information Inappropriate form and nature of information provided Underuse of “new” or alternative channels
Psychological and socio-cultural obstacles	<i>On the part of providers:</i> Negative expectations of and predisposition towards certain groups Stigmatisation of certain groups Lack of understanding of minority cultures <i>On the part of users or right claimants:</i> Fear and insecurity induced in and by public procedures and settings Low self-esteem Cultural obstacles
Inadequate attention to vulnerable groups and regions	<i>Vulnerable groups:</i> The existence of vulnerable groups which may lack the “resources” to claim benefits and services The existence of overlapping difficulties among these sectors of the population <i>Vulnerable regions:</i> The existence of regions or localities which are multiply-deprived Lack of investment in certain communities and localities Climatic and geographical obstacles which act to cut off areas or regions

3.1.2. *Rights limited to particular sectors of the population and to particular situations*

Rights may be limited to some categories of the population thereby excluding others. For example, tax benefits are applicable only to those who are paying taxes. To take a further example: housing-related rights sometimes apply only to nationals. Hence, foreigners with a legal status as well as illegal residents are excluded. According to the CS-LO, it is the central and eastern European countries which operate the most inclusive formal framework of rights in regard to housing. However, one must put this in the context of the information presented in section 3.1.1 to the effect that countries with the most expansive recognition of housing rights have the poorest housing provision in practice. There is also the fact that particular situations may not only be uncovered by social rights but may actually debar people from claiming their rights. The classic example of this is the lack of a permanent address. This is a precondition of receiving practically all benefits and services. A transient situation, whether pertaining to a change of job, location or family situation, may also sometimes place one outside the realm of social rights. So too does a situation where one's level of resources varies significantly over a short period. Age barriers may also exist. A key underlying point here is that inequality with regard to access to social rights may not be due only to general inequalities or recognised sources of social vulnerability.

The CS-PS provides an example of what appears to be an emerging form of exclusion – the practice whereby countries use their immigration and social welfare laws to exclude immigrants and/or asylum seekers from access to social benefits and services or to justify their separate treatment. The result is a two-tier set of rights, with a generally inferior set of provisions for immigrants and/or asylum seekers. Hence, these groups may have no or reduced access to employment, training and educational opportunities. Where this is the case, they and their families are not only condemned to an impoverished existence but are effectively excluded from playing any positive role in their adopted communities. It has to be reiterated here that it goes against the spirit and logic of human rights to exclude anyone present on the territory.

3.1.3. *Gaps in the social safety net*

Another form of exclusion arises from gaps in the social safety net. There are a number of identifiable gaps in the social safety net in the member states that have the effect of impeding people's ability to claim their social rights or of excluding them altogether. The CS-PS reports that, because of these, it is impossible in some countries to realise some rights that have been stated in legislation. Although almost all of the transition countries have established a set of minimum state guarantees for social protection, problems are often encountered in their realisation. Difficulties may occur, for example in the form of irregular payment of benefits due to lack of state funds, understaffing or

long delays in processing claims. The bigger the gaps, the greater is the likelihood of refusals or exclusion. Whether occasioned by fragmentation in provision, lack of coverage or resource shortcomings, the reality is that there are in some parts of Europe gaps in the social safety net. Another factor leading to such gaps is the absence of a coherent vision of health and social well-being. Countries that have had to make major transitions over a short period are especially challenged in this regard. The pressures on some countries have been intense and they have had to develop an entirely new social model.

The level of political will may also lead to gaps. Sometimes the courage needed to take unpopular decisions is missing. This is one reason for the lack of support for measures to counter discriminatory treatment of non-nationals in relation to employment. The CS-EM points out in general terms that such a lack of commitment or political will can occur at any level of government or administration.

3.1.4. Lack of specification of a basic threshold or minimum standard

In some areas of basic needs, for example income and housing, a minimum acceptable standard has either not been established or is set at too low a level. This is a problem that is more extreme in some countries than in others. A related matter is the absence of a clear definition of public authorities' responsibilities with regard to the provision of services or resources to meet basic needs. For example, having examined the situation on the ground, the CS-LO made the recommendation that countries should define in their legislation the concept of "adequate housing" and assign clear responsibility for ensuring that such adequacy exists in practice.

3.1.5. Exclusive conditions of access or entitlement

Another possible obstacle relates to the design or framing of the right. One of the most important issues here is how the conditions of entitlement are arranged. These may require the fulfilment of norms which some groups or sectors of the population find impossible to meet. The necessity to have a fixed address is a classic example here also. A further possible problem in the design of programmes and benefits is when failure to qualify for one benefit or service leads to a series of refusals or exclusion. There is some evidence of this happening in member states. Another related issue concerns take-up and the fact that taking up a benefit may actually close down other opportunities. In some countries, for example, participation in a job is made impossible when claiming means-tested benefits. While it is recognised that access has to be governed and that it is therefore necessary to set conditions, the conditions of entitlement sometimes appear as if they are designed to be exclusive rather than inclusive. The work of the CS-PS reveals this kind of problem in certain areas of social protection, especially social assistance and

other benefits that depend on the discretion of public officials. It can be the case that the design of programmes and benefits is such that those who need them most have the greatest difficulty in accessing them.

3.1.6. *Mismatches between the nature of provision and need*

Social provision is always inclined to be somewhat out of date given the degree to which societies are changing. Demographic and other developments are so rapid and far-reaching that they necessitate a predisposition towards regular review of services and benefits. If not, a mismatch develops between provision and the demands or needs which it seeks to fulfil. This may also act to exclude people. It is especially important with regard to housing. For instance, the work of the CS-LO points to shortages and mismatches in the size, type and location of accommodation. It characterises the insufficient supply of affordable housing for vulnerable persons as a universal problem, existing especially in urban areas but also in significant parts of rural areas. The CS-LO and other Access Committees draw attention to the need for preparedness on the part of policy makers to identify and correct shortcomings, especially in relation to the distribution and provision of housing. In the current climate, policy-making itself needs to be modernised, in particular to manage and control the effects of privatisation.

A somewhat different type of mismatch was identified in relation to the central and eastern European countries by the CS-EM. It found that a significant barrier to combating long-term unemployment, and a factor diminishing the success of local projects in this regard, was the pervasive scale of the black or grey economy and the lack of a coherent approach to address the interlinked problems of the black economy, low wages and poorly targeted social benefits.

3.2. Obstacles arising from inadequate monitoring and enforcement

It is not enough to have good laws and provision; they must be monitored and enforced. Another set of factors that acts to block access to social rights is related to a failure to monitor whether and how provisions work in practice and to ensure that the law is enforced. There are a number of related obstacles here, including the lack of monitoring, the existence and adequacy of systems to guard against non-realisation of rights, the existence of discrimination and differential treatment in practice and a lack of responsibility to service users.

3.2.1. *Inadequate monitoring*

There is too little monitoring of how benefits and services work in practice. Given this, the extent to which services meet their own objectives is often unknown. Moreover, their contribution to meeting the needs of users or potential users also remains relatively obscure. It may also be the case that

the effectiveness of provision is hampered by the absence of other provisions, such as mediation, for example. Monitoring should be part of the design of programmes and provisions. As pointed out by the CS-EM, monitoring and evaluation provide the opportunity to take a detached look at the objectives and how they are being or have been met. Service users are among the experts with regard to whether programmes meet their objectives or not.

3.2.2. *Inadequate protection against the non-realisation of rights*

Inadequate protection against the non-realisation of rights leads to difficulties in practice. In the first instance this raises the matter of the existence and nature of procedures for appeal and for remedy. In this regard, it is important to note that the CS-PS reports that in some countries no appeals procedure exists for discretionary benefits, despite this being a clear principle of Social Charter case law on Article 13 on the right to social and medical assistance. As well as a means of redress, appeals procedures serve important functions in relation to providing feedback on how a service or benefit is working. The absence of appeals procedure also signifies, therefore, a certain devaluing of the monitoring of provision.

As well as their absence, there is also evidence to suggest that the effectiveness of appeals procedures is hampered by a number of factors. One of these is the existence of departmental and divisional boundaries. Another possible obstacle to the proper use of appeals procedures is the failure to facilitate users to make the best use of appeals mechanisms. Even if the procedures for appeal or redress are considered adequate on paper, many users will have to be facilitated to utilise them. For the purpose of appeals, the quality of the service and treatment received may be as important as the actual decision reached.

Apart from appeals, protection against the non-realisation of rights implies a set of preventive measures and a preparedness to deal with emergencies. The case of eviction is relevant here, for example, as is that of housing and other types of emergencies. The work of the CS-LO and that of the other Access Committees found a great deal of variation in the degree to which countries have in place protective mechanisms for this and other types of emergency situation.

3.2.3. *Differential treatment and/or discrimination*

Another relative failure relevant in this regard is the existence of differential treatment and discrimination. Both appear to be widespread. While they may be due to legislative failures or gaps, it is more likely that differential treatment and discrimination exist either because of a failure in monitoring and enforcement or because a policy of segregation, as against one of integration, has been followed. The research carried out by the CS-PS, for

example, indicates that there is evidence of differential treatment with regard to access to social protection in many countries. Racial and ethnic origin along with gender appear to be the most widespread grounds of differential treatment. The CS-EM reports the presence of overt racism towards migrants and/or ethnic minorities and direct exclusion on grounds of racial origin from employment opportunities. In relation to gender, the work of each of the Access Committees highlights how women as users of services tend to be differently circumstanced from men and so, to the extent that services operate according to a male norm, women can encounter formidable barriers.

3.2.4. *Inadequate responsibility to service users*

The work of all the Access Committees emphasises that the functioning of social protection agencies and public services more generally has to centre around the needs of users and that there need to be procedures in place to assess and monitor service performance on this basis. This is not widely the case at present and there is little evidence that an approach which prioritises the needs of entitled persons is widespread. A change of perspective on the part of many service providers is therefore required. This would involve moves to increase information on the needs of users and the extent to which such needs are met, and putting measures in place which act on this information. In particular, to the extent that benchmarks are provided for the performance of services and benefits, they should be constructed around the needs of users. For the purposes of enforcement, it is very important that staff in public agencies are familiar with the law and fully aware of their own obligations as service providers.

3.3. Resource obstacles

Adequate resources are a *sine qua non* of social rights. When conceiving of them as possible obstacles to the realisation of social rights, it is important to view resources in a way that also takes account of people's capabilities. They include financial resources as well as inadequacies or insufficiency in the availability or provision of human resources and personal capacities. Resource obstacles affect both providers and recipients (or potential recipients).

3.3.1. *Resource obstacles on the part of providers*

With regard to providers and their services, among the most important resources are qualified and suitably trained personnel. This is a matter that was strongly emphasised by the SP-SPM. It is not just professional qualifications that are relevant here but also the capacity and willingness of staff to

treat people with dignity and respect and to take as their departure point the needs of users or right claimants. Premises and facilities (including technology and equipment) constitute other important resources.

There is evidence of shortages in respect of finances, premises and facilities. It need hardly be pointed out that the nature and generosity of social programmes depend on the level of resources made available. Insufficient financial resources affect not just the supply of benefits and services but also quality and effectiveness (for those working in the services as well as those using them). For example, understaffing is likely to lead to lower standards as is the lack of qualified personnel trained in human relations, especially at key points (such as reception and assessment). As emphasised by all Access Committees, public authorities across levels of administration need to be provided with sufficient resources in order to exercise their functions just as programmes need to have security of funding over time.

Housing provides a very pressing example with regard to insufficiency of resources among providers. As the CS-LO points out, the insufficient supply of affordable housing frustrates the realisation of housing as a social right. In the context of insufficient supply, housing allowances are an important means of resourcing people to be in a position to realise their housing-related rights. However, in some countries the public resources devoted to affordable housing, whether oriented to the supply of housing or to housing allowances, are inadequate. It is important to draw attention to the existence of an absolute housing shortage in some of the transition countries. In some national settings, the problem of supply has been exacerbated by massive privatisation; in others migration and population inflow have placed the stock of housing under pressure. There is a long-term as well as a short-term dimension to supply and the provision of financial resources. Moreover, the consequences of a shortage of housing spill over into employment since they reduce the opportunity for workers to move to areas where jobs suitable to their qualifications and experience might exist. In the countries of central and eastern Europe in particular, people are reluctant to move from their present accommodation in search of better employment prospects because of uncertainty connected with finding suitable accommodation, especially for families, in a new location.

Another relevant obstacle to social rights arises from imbalances in resources between national and sub-national levels. The CS-LO points out how in the post-socialist countries the tasks and activities of regional and local government are under-resourced. Most of the local governments in central and eastern European countries are too small to be able to fulfil all their designated tasks and functions even where their responsibility for services is prescribed by law.

3.3.2. *Resource obstacles affecting potential right claimants*

With regard to rights claimants, all the work undertaken on access to social rights shows that people need to be provided with or have resources so as to be in a position to realise a right. This is true as a general statement. For those who find themselves without the necessary type or level of resources, serious barriers are posed in relation to claiming their social rights. Among the different types of obstacles that vulnerable groups face in access to housing, for example, the CS-LO reports that financial obstacles are the most severe. But resourcing people extends far beyond financial resources. The CS-EM points to the virtual absence among some sectors of the population of basic job search and job application skills. These, together with such skills or facilities as being able to process information, are taken for granted by most forms of social provision. The CS-EM is convinced of the importance of resources such as personal and social skills and that education, training and life-long learning have a key role to play in efforts to increase employment.

To underline this point, some people manage to claim their rights only if they also have access to counselling and personal support. Most of the NGOs in their responses to the questionnaire issued by the CS-PS pointed out that a large proportion of their resources is devoted to assisting potential rights claimants to access their rights, since some people, for a variety of reasons, cannot accomplish this alone. The French concept “*accompagnement*” captures the practice (and the need) of providing personalised support which takes as its starting point the reason for the person’s difficulties and exclusion. It can take diverse forms: administrative, psychological or housing related and it can also be a means of empowering homeless people. Mediation may also be necessary, as the concept of “*accompagnement*” implies. Government sources also acknowledged that support and even mediation might be necessary when claiming some benefits and services.

3.4. Management and procedural obstacles

Obstacles also arise from how programmes and provision are organised and run. These are also of a number of types and include such matters as fragmentation in responsibilities between levels of administration and across services, insufficient consultation and joint working with NGOs and users, complexity in procedures and obstacles relating to service delivery and physical access.

3.4.1. *Fragmentation between levels of administration and among services*

Provision in relation to social rights is generally implemented at different levels of government and administration. It is, as the CS-PS points out, widely assumed that a decentralised system allows for more flexibility and a greater capacity to adapt to regional and local needs. This is the ideal rather than the reality, however. Decentralisation is more likely to be a positive

development when: (a) it is backed at national level by a commitment to a policy of decentralisation; and (b) sufficient resourcing and capacity building is given to the local level to develop programmes and services. The work of the CS-EM found that the chances of success of local employment programmes were greatly enhanced when decision making and control of funding were delegated to the local level. However, this must take place within a policy framework at national level. Another key barrier to local employment initiatives identified by the CS-EM was the lack of joined-up policies across all levels of administration.

Lack of clarity in the definition and distribution of powers and responsibilities is, therefore, a major barrier to people being able to access their social rights. This was also mentioned with regard to health care. It may be a matter of service organisation or it may result from a lack of co-ordination and networking among different professions in the field. The following are some fragmentation-related issues identified in relation to health and other domains of social rights:

- a lack of co-ordination across policy spheres;
- insufficient information and detail about the responsibilities of and division of functions between national, regional and local levels. This is especially the case for social services and social assistance and can also occur in relation to health, employment and housing services;
- insufficient autonomy being allowed to the local level, especially in the use of resources but also as regards participation in decision making, implementation and resource mobilisation;
- insufficient enforcement and monitoring from the national level in order to ensure equity of provision across the country.

While these kinds of problems are not confined to any one set of countries, it is important to point out that the transition countries experience a particular series of difficulties with regard to them. The work of the CS-PS indicates that in these countries frictions arise in relation to social assistance benefits and social services due to a lack of a clearly defined distribution of power and responsibilities, mainly at district and local levels. In several of these countries, a devolution process has been initiated whereby the local authorities have been given new responsibilities but this is not always accompanied by the requisite funding and guidance on discharging these responsibilities.

As well as fragmentation among levels of administration, there may also be fragmentation among services themselves. It is very rare for services and benefits to be organised as a seamless or integrated whole. Rather, organisational and other divisions often act to fragment the service with the result that users are rarely enabled to access a range of possible services from one location or bureau or indeed an integrated service.

3.4.2. *Inadequate integration of and consultation with NGOs and users*

NGOs are often very close to the users of public services and benefits. In this and other ways, they have an important role in the chain of accessing social rights. NGOs constitute, therefore, an important, even vital, resource for public service providers, public policy making and users. And yet the work of the different Access Committees indicates that real co-operation between the public authorities and actors in civil society is all too rare. NGOs, the social partners and other actors in civil society often tend to be excluded or their contribution minimised. CS-LO, for example, found that in the domain of housing, while the NGOs can exert an influence on general policies and on functions in relation to the physical environment, they have little influence on financial matters. One could not, therefore, say that policy has been opened up to NGOs. However, the degree of consultation with NGOs varies cross-nationally. It appears to be more developed in western Europe with possibly less attention being given to NGOs in central and eastern European countries. Historically, NGOs were not prominent in the latter countries.

The importance of a “partnership approach”, emphasised and developed especially by the CS-EM, deserves attention in this regard.¹ This has implications not just for the identity of the partners but also for the extent to which they are integrated into the policy process. Relating to the former, all of the Access Committees make the case for a broad type of partnership, one that includes as wide a range of organisations and interests as possible. They also point out that NGOs must receive adequate funding and support from central and local authorities (including delegation of responsibility) for this purpose. Furthermore, partnership means integration into the policy process from the design stage onwards. It is essentially a relation of equality. The matter of the legal recognition of NGOs is relevant in this context and, as pointed out by the CS-PS, full legal recognition is essential if NGOs are to function on an equal basis with statutory and other bodies. This can also serve to enhance monitoring and enforcement. However, it is important that NGOs are and remain close to service users and potential rights claimants.

There is no substitute for the direct involvement of users or potential users, however. They are experts also and failing to involve them in consultations and decisions can result in the establishment or perpetuation of barriers. Sometimes users are represented by NGOs but this is not always the case. Nor is it always necessarily desirable. Hence, users need to be considered as partners in their own right in a broad-based partnership approach. For this, they have to be viewed as responsible and able persons, the polar opposite of the notion of “dependent clients”.

1. See also OECD (2001).

3.4.3. *Complexity of procedures*

As reported by the CS-PS, there was unanimity among the different governmental and non-governmental sources consulted that “benefits should be easy to claim and easy to administer”. This, however, is not always the reality. For example, in responding to the CS-PS, several NGOs reported that frequent amendments, temporary rulings or different versions of the same ruling cause considerable confusion and may lead to delays in the application procedure or a failure to claim at all. Other problems referred to include lengthy and often complicated forms and the need for users to work through a number of agencies or offices. It is recognised that some complexity is essential (not least because of the complex needs which the public providers have to meet). However, the degree to which this complexity has to be passed on to users needs to be revisited. There is evidence of considerable bureaucracy and unnecessary red tape in the rules and procedures governing the application by users for certain benefits and services. It can be very difficult for potential applicants to understand legal texts and complicated application procedures. As well as leading to non-take up of benefits and services, this can also create extra work for public officials and for NGOs. In addition, as pointed out by the CS-PS, the more complex a service or benefit, the more difficult it is to communicate information effectively about it.

A lack of transparency in rights and entitlements, another potential barrier to accessing social rights, may result from complexity. The more visible the right, the more likely is it to be realised (European Commission 1999). Lack of transparency may arise from a number of sources. Among these are complexity, either as regards the structure of benefits and services or the entitlement and application procedures. Fragmentation and lack of harmonisation across benefits and services may also act to reduce transparency.

3.4.4. *Obstacles arising from the mode and practice of service delivery*

The quality of the reception given to the applicant and the general conditions prevailing in public offices¹ may, if they are of a poor quality, result in a negative experience for the claimant and act to hinder or discourage them from claiming. A wide range of obstacles of this nature were reported. They include, for example, a lack of privacy, long waiting times, poor reception facilities, the unsuitability of the premises and the lack of emergency exits, complicated and intrusive application procedures and duplication in the information required to be provided. All of these of course also exacerbate the working conditions of staff. If it is used, information technology may lead to an improvement in service delivery. A Swedish Government source (in the research carried out by the CS-PS) pointed out that one of the benefits of technology is that it may be used to identify people who have not claimed

1. Everything that is said here pertains also to services offered by other agencies.

benefits to which they are entitled. Yet, there are ethical issues involved in the use of technology raised by such matters as confidentiality and the ethical use of personal information. There is also the matter of cost and the fact that technology is still a scarce resource – something which acts to reduce access to it by governments in the poorer countries and within all countries by the poorer sections of the population. There is also the possibility that the use of new technologies is causing problems for certain beneficiaries because of the way in which benefits are now granted or claims made (for example, computerisation of payments, direct reimbursement to a bank or postal account, and so forth).

It is for these reasons that many of the examples of good practice identified by the different Access Committees concern integrated projects. People's needs are not as a rule fragmented; rather they are dealt with in a fragmented way. Hence, programmes that deal with the person in a holistic way, taking as their departure point the whole person and his or her needs, are essential.

Another set of factors which can act to impede the realisation of a social right relates to more practical matters such as access for those who suffer from disabilities or are elderly, as well as those living in remote areas. It is important to underline the situation of people with disabilities for, as the CS-EM points out, they experience multiple disadvantages. Difficulties associated with gaining physical access, with regard, for example, to the use of public transport and accessing office buildings which are not appropriately equipped to receive people with impaired mobility, are but one type of difficulty. People with disabilities tend to suffer a combination of labour market-related disadvantages. These arise from disadvantages associated with age, education and geographic location.

It is regrettable that access is generally regarded by the service providers as being in one direction only; users or potential users have to come to them. The scarcity of outreach services which seek to meet and provide for people in their own area of residence or as close as possible thereto is notable in this context.

With many kinds of problems being reported across a range of countries, people's mobility is curtailed not just in relation to claiming social benefits but also in regard to jobs, housing and education. Particular difficulties are reported by mothers with small children in accessing social rights. Along with physical access, relevant concerns include support facilities such as childcare, the provision of which may be essential if certain categories of people, lone and other mothers for example, are to be able to exercise their social rights. A further reported difficulty concerned the failure to co-ordinate office hours with users' working hours.

3.5. Obstacles relating to information and communication

Citizens do not always know their rights. Information and education are the starting point of each and every support and benefit measure. It is therefore crucial that information about social rights is easily accessible to users and potential users and that the views of right holders are taken account of. There is evidence that people continue to be underinformed about their entitlements, that lack of information may lead to loss of or delay in benefits and that the views of rights holders do not sufficiently inform service provision. Three general types of communication or information problems were identified:

- insufficient stock and flow of high-quality information;
- inappropriate form and nature of the information provided;
- underuse of “new” or alternative channels of information and of the views of users and/or potential users.

3.5.1. *Insufficient stock and flow of high-quality information*

The flow of information needs to be carefully monitored because, while there were reports from some countries of an excess of information on some types of services, a scarcity of information on services and benefits is far more common. In any case, the inconsistencies across services and benefits regarding the amount and nature of information available about them is another problem. A further issue pertaining to the stock and flow of information concerns fragmentation of information across different administrative levels: national, regional and local. Rather than producing and making available information on a range of benefits, each provider tends to give information only on their own services or benefits. Problems regarding the stock and flow of information may also arise from a failure to assign clearly responsibility for the production of information. A further possible problem is the scarcity of information produced by and made available through independent sources.

Another issue raised concerned instances where officials do not pass on information to users and potential users about other services that might be useful to or suitable for them. It may be the case that officials do not have such information or it may just be that they do not regard passing on information on services offered by other agencies as part of their function. In situations where the latter is the case, treating “information” as a specialised set of tasks or functions would exacerbate the problem since it would tend to “bureaucratise” the flow of information and therefore impede it.

All of this, of course, presumes that officials have access to all relevant information. In this regard, it is important to draw attention to the fact that in the research of the CS-LO a lack of information was reported among staff about the content of international agreements and their significance for national

housing policies. It appears that this kind of information is not always disseminated to public officials, or indeed to the public itself. This can lead to a lack of implementation of international standards at national and local levels.

3.5.2. *Inappropriate form and nature of information*

“Quality” is another relevant matter, understood to refer not just to the accuracy of information but also to style and comprehensibility. The use of accessible and non-bureaucratic language and style are very important. Many of those responding to the research carried out by the CS-PS were of the view that the language used in information leaflets and so forth can be understood only by policy makers and lawyers. With regard to the form in which the information is provided, it is a common theme in the reports of the different Access Committees that an effective public information strategy needs to contain information which is not only comprehensive and of high quality but is tailored or adapted to the needs of particular groups and sections of the community. It must be both comprehensible and useful to them. Minorities (including ethnic and language minorities) and those with special needs (especially those with comprehension difficulties) are to the fore among groups requiring tailored information. When NGOs made critical responses in the research carried out by the CS-PS regarding the information on social benefits distributed by official sources, they explicitly mentioned the lack of adaptation to levels of education or language capacity of different groups, including migrants and people with visual disabilities. They also drew attention to the relative scarcity of information outreach to disadvantaged groups.

3.5.3. *Underuse of “new” or alternative channels of information and of the views of rights holders*

The third factor relevant to information is the channels used for dissemination and exchange. Written information is by far the most predominant (and in some cases only) form of information disseminated by member states. By comparison, oral channels (as in radio and TV advertisements, free telephone call-lines) and technology (as in mobile phones and the the Internet) are much more rarely utilised. The huge educative and informative potential of these channels, as well as their diversity, is at present underused. However, it is important to remember in this context that human contact is the best means of information exchange. The fact that access to information and other technologies is still not the norm among vulnerable groups underlines the necessity for interpersonal forms of information exchange.

Information has to be seen as two-way. The idea of information exchange is a helpful way of framing how information should be organised. Working against the preconceived view of people as the passive recipients of information, it captures the idea that they should also have the opportunity to

question the information provided and to make their own information needs known.

Each of these information-related factors contributes to reduce the level of awareness and knowledge of rights among the population at large. As one NGO commented to the CS-PS: lack of information is lack of power.

3.6. Psychological and socio-cultural obstacles

These kinds of obstacles are to be found on the part of both service providers and users.

3.6.1. Psychological and socio-cultural obstacles on the part of providers

The first matter here relates to the treatment of applicants or potential applicants. The attitudes of officials to and the way they treat people can crucially affect whether and how people gain access to their social rights. According to the research carried out by the different Access Committees, stigmatisation of beneficiaries appears to be quite common. Among the groups mentioned in this context are social assistance recipients, lone-parent families, Aids patients, those being treated for HIV infection, drug users, people with disabilities, refugees and asylum seekers. Negative attitudes to women and to other sectors of the population, especially as regards their perceived right to have access to certain public resources, may also be operating. It is important to point out that stigmatisation is a societal phenomenon and is, therefore, unlikely to originate in service provision. However, stigma can be intentional and when it occurs in a context of service provision it can lead to people not being able to access their social rights. It may, especially, be perpetuated by the way the public services are organised and the attitudes and behaviour of staff. Labelling people is a practice that contributes to stigmatisation. When services and benefits are means-tested, for example, they are much more likely to give rise to feelings and practices of stigmatisation than when they are based on a right of entitlement. The importance of dialogue and of partnership with rights holders cannot be overemphasised in this respect.

A further culture-related problem is the failure, on the part of officials and others, to appreciate that applicants or potential applicants may subscribe to a particular sub-culture which is different from mainstream culture. Thus, it may be important for people to live close to their relatives or in the vicinity of others from their own community of origin. Socio-cultural obstacles derive not just from difficulties in communicating with people but also from an inadequate knowledge and understanding of minority cultures on the part of officials. Such knowledge and recognition of diversity is ever more important as societies become increasingly diverse.

3.6.2. *Psychological and socio-cultural obstacles on the part of users*

Lack of self-confidence and unfamiliarity with official procedures must first be mentioned as potential obstacles affecting users. Official settings may induce fear and insecurity. The physical layout of offices can be intimidating. Consider, for example, the separation of staff by security devices such as glass screens and alarms and the lack of privacy for interviews. An institutional atmosphere, the particular ways in which members of certain professions communicate with each other and with the users of their services as well as bureaucratic procedures can be experienced as intimidating and off-putting. In addition, if facilities are poor they may act to reinforce feelings of low self-esteem. Moreover, if one has had a negative experience, such as for example during the period spent in compulsory education, it makes it that much more difficult to approach public services again. Other psychological obstacles are generated by the feelings of isolation, marginalisation and low self-esteem which typify the life situation of some potential beneficiaries. Many of these people have little confidence in themselves and in their own abilities.

There are other reasons also why users or potential users of services may feel intimidated. These relate to the power of officials and the fact that they are authorised to make decisions which have a huge impact on the lives of service users and their families. If an official has the power to take away one's children, for example, or indeed to have one deported, then feelings of insecurity on the part of users are heightened.

Against this background, most government sources and NGOs responding to the questionnaire issued by the CS-PS see one of their main functions as counselling and assisting claimants with application procedures since many of them appear unable to cope alone. This and other information makes it crystal clear that many people need to be empowered so as to be able to claim their rights. The CS-EM speaks of a number of linked barriers to getting work and taking up training opportunities. These include a lack of self-confidence which, if associated with literacy problems, makes a person reluctant to participate in active labour market training and employment programmes, to take up an offer of or seek out employment.

Low educational levels, poor educational experiences and different values and expectations among certain people or groups can impact negatively on their access to benefits or services as well as employment. At the minimum, they affect how people view their own entitlement to social rights and their place in the broader system. There are many aspects of social rights which are cultural and are culturally constructed. For example, making recourse to assistance outside the family or community may have different connotations across cultures. This is especially the case for women and children who in many cultures are seen to be most appropriately taken care of by their families. These and other kinds of beliefs may make some people reluctant

to claim their rights or to take up employment, or the beliefs may render the experience of doing so different as compared with the population at large. Cultural factors may also lead to feelings of dependence among certain sectors of the population or make them dependent on others to exercise their rights. Stigmatisation and other negative aspects of treatment have the effect of engendering self-censorship on the part of beneficiaries, many of whom may have little or no sense of “entitlement” anyway. This can result in their curtailing claims for benefits or services or indeed not claiming at all. Education and life-long learning have a large role to play, especially in combating stigmatisation and making it apparent.

3.7. Obstacles due to inadequate attention to vulnerable groups and regions

While each of the obstacles identified to date may affect all sectors of the population, a further set of obstacles is created by the failure to give due attention to the particular situation and needs of vulnerable groups and regions.

3.7.1. Vulnerable groups

One of the most consistent findings to emerge from the work on the different fields of social rights is the existence of a range of vulnerable groups in every society. While the identity of these varied across the member states, certain categories of people figure more or less universally. These include refugees, the aged, ethnic and racial minorities, people with disabilities, people released from institutions or prison, the sick or those suffering from ill-health, the homeless and people in poor housing, asylum seekers, lone-parent families, other women with family and caring responsibilities, the long-term unemployed, older workers, economically vulnerable women, young people and children. Many of these, of course, are not vulnerable per se. Rather, their vulnerability has been generated or exacerbated by the system of social provision as well as by practices and values prevailing in society as a whole.

There is some regional variation in the identity of the most vulnerable groups. While it varies from country to country, indigenous minority groups (especially Roma/Gypsies and Travellers) are more or less universally vulnerable and subject to differential treatment. Furthermore, it is important to point out along with the CS-PS that, by comparison with western countries, the situation of individuals and groups at risk in the transition economies is especially difficult (given the extent and depth of gaps in the social safety net). In these countries, the poor constitute a sizeable sector of the population. Yet their composition is sometimes surprising. For example, formerly fairly secure groups are now seeking social protection because the costs of transition bear heavily on them. One such group now threatened with poverty in

some eastern European countries is scientific and technical personnel who currently or formerly worked in the military and industrial complexes.

The growth of the concept of social exclusion (which has achieved a wide currency in western Europe in a relatively short period of time) reflects the growing recognition that marginalisation and disadvantage occur systematically and are deeply embedded (Castel 1995; Paugam 1996). This concept also embraces the idea of overlapping difficulties; the fact that vulnerable groups experience a set of disadvantages which are often multiple. In relation to the long-term unemployed for example, the CS-EM draws attention to a spiral of disadvantage whereby factors such as early school leaving, literacy and educational problems, low self-esteem, and the absence of skills such as time management, the ability to work with others and to take direction or make decisions combine to place many services and benefits beyond the reach of those who need them most. Added to this are problems associated with accommodation and inadequate income levels. The SP-SPM points out that the situation of insecurity, which is more or less a permanent feature of the lives of vulnerable groups, is a major cause of deterioration in health.

3.7.2. *Vulnerable regions*

All the work pertaining to access to social rights draws attention to the existence of regions and localities that are disadvantaged. This is the case in every member state. The factors causing disadvantage vary. In many cases they are infrastructural – involving poor provision of services, utilities and other facilities as well as a lack of jobs – and may lead to environmental and social problems. Climatic conditions (such as long and severe winters) and distance/peripherality (often together with poor transport facilities) comprise another set of factors as to why regions may be vulnerable. While some countries have managed to counter these obstacles through dense and diversified networks of service provision, there is evidence in others that people in remote settlements are not being provided with certain services all year round.

A second form of spatial disadvantage pertains to the matter of multiply-deprived communities. The work of both the CS-EM and CS-LO places great focus on the local level, demonstrating how problems and inadequacies can layer one upon another to form localities which are not just composed of vulnerable people but for this and other reasons are themselves vulnerable. The absence of capital investment, whether local, national or foreign in these areas, compounds the disadvantage. The underlying point is that entire areas are disadvantaged so that, without area-based policies, it is not just individuals who lose out but entire communities.

3.8. Summary of main challenges facing access to social rights in Europe

On the basis of all of this information together, we are now in a position to identify the main challenges in regard to access to social rights in today's Europe. There are seven core challenges:

- to strengthen the entitlement to social rights and improve relevant provision;
- to strengthen monitoring and enforcement in relation to social rights;
- to increase the resources made available to realise social rights;
- to modify and improve the procedures and management of services and benefits which are intended to give effect to social rights;
- to improve information and communication about social rights and related benefits and services;
- to combat psychological and socio-cultural obstacles which hinder access to social rights and affect both service providers and users;
- to specifically target vulnerable groups and vulnerable regions for the purpose of improving access to social rights.

The next chapter will discuss some principles and practices that help to overcome existing obstacles.

4. Good practice in promoting access to social rights

Against the backdrop of challenges and a wide-ranging set of barriers impeding the realisation of social rights, this chapter turns to “good rights practice”. This is interpreted in terms of a linked set of principles that together create a culture conducive to social rights and public accountability. While some of the principles link quite closely to one or more of the types of obstacle identified in the previous chapter, they are going to be discussed and elaborated in a general way here. This is because a culture of rights has to be thought of as an overall approach, the principles linking together to form a set of universal values and a general way of proceeding. The work of the different Access Committees amassed a considerable volume of information on the factors critical to making social rights a reality (as well as the information on obstacles and barriers which was presented in Chapter 3). Here we utilise this and other information, in the first part of this chapter, to develop a set of principles and procedures for the realisation of social rights and, in the second part, to give some examples of good practice in action. The idea behind choosing good practice examples is their potential for transferability to other countries, while recognising that measures may have to be adjusted to fit the national setting.

4.1. Principles and practices

As pointed out in the Strategy for Social Cohesion, guaranteeing that all members of the population benefit from their rights requires varied and imaginative policies and programmes. We develop this further here by suggesting that eight principles are integral to good rights practice. These do not relate in a linear way to the challenges identified in the previous chapter but, rather, cross-cut them. Furthermore, they should be seen to be in a complementary rather than a hierarchical relationship with one another. None takes precedence over the other but, having said this, the point of departure must be the user or potential user of benefits and services.

4.1.1. *User-oriented service delivery*

The ideal is that people feel a sense of ownership with regard to public services. For this to be achieved, services must be designed as closely as possible to people. User-oriented services can be achieved in different ways but key to them are the removal of obstacles to take-up and participation that arise from procedural and other barriers. These are created ultimately by a failure to take a “user first” perspective with the needs of the organisation predominating. One finds in practice a whole series of organisational barriers to

social rights created, by fragmentation and compartmentalisation, inadequate or insufficient links across national, regional and local levels, complexity, inadequate and inappropriate information and a failure to involve users and NGOs sufficiently.

There is now a great deal of information available on what constitutes good user-oriented practice. As social service delivery has matured in Europe, there is a growing recognition not just that many people face multiple problems but that these problems are connected. Hence, one sees the emergence of integrated and holistic forms of education and support. One type of development in this regard is “personalised programmes of support”. The underlying idea is that services need to be tailored to meet particular needs, especially in the case of vulnerable people. Some examples of provision informed by a holistic approach, the IGLOO project and Family Services Project, are given in the next section. The provision of support in a flexible way as well as the creation of a single point of access are other important elements in the development of user-oriented approaches. Pillinger’s (2001: 42) study of public service provision in the member states of the EU makes reference to a problem-solving triangle of user, organisation and worker.

Part of being user-oriented involves paying attention to the needs and circumstances of vulnerable groups. These are special from a social rights perspective, not least because the difficulties of vulnerable groups have serious consequences for their capacity to exercise social rights (in the case of vulnerable groups) or the extent to which conditions prevailing locally are conducive to the exercise of social rights (in the case of disadvantaged regions). As will be developed in the next section, vulnerable people need to be empowered to claim their rights, just as vulnerable regions or localities must be seen to be affected by cumulative deprivations that are inimical to the exercise of social rights. Indeed, there is a necessity to discriminate sometimes in favour of certain groups and regions by the use of targeted programmes.

4.1.2. *Enabling, empowerment and development*

Many of the obstacles identified and discussed in the previous chapter derive from a static view of provision. In considerable contrast, an enabling approach focuses on meeting need while increasing capacity and bringing about empowerment. One of the themes to emerge most consistently from the work of the different Access Committees was that many people need support and assistance so as to be in a position to claim their rights. People call on the NGOs especially in this context. Intervention on behalf of people is not ideal as a long-term goal, however. Rather, people and communities should be empowered so that they are the authors of their own situation. Empowerment results in direct participation. Capacity building is integral to

it, the goal being to enhance the capacity of the person (or region/community/locality) to act, especially in the context of realising his or her social rights. Empowerment, then, involves both work with specific groups or regions considered vulnerable as well as general programmes to relieve poverty and social exclusion.

Viewed in this light, work that improves access to social rights represents a form of social investment. A related way of framing it is in terms of the development of human capital and social capital; improving access to social rights contributes to building up people's human capital. It also serves to augment the social capital of communities and societies by increasing autonomy, trust and the general resources for social organisation.

One hallmark of policy and provision when it is working in line with an enabling approach is that it involves proactive rather than passive measures. Benefits and services are tied to activity rather than status alone. For example, it should be possible to gain access to a benefit or service not just because one has the status of lone mother but because one is engaged in providing care as a parent alone. This kind of orientation means taking a preventive and promotional approach while ensuring that people are adequately protected. One example of an enabling framework is that of the UN Habitat Agenda which suggests a variety of ways in which housing policies should involve the full and progressive realisation of the right to housing. A second hallmark of an enabling approach is that change is itself regarded as a goal – indeed one could say that an enabling strategy is oriented to a new start or new starts. An enabling approach takes as its challenge the transformation of risk into opportunity. The risk of income loss, for example, is treated as an opportunity to engage in a new activity or set of behaviours. Against this kind of setting, the importance of entrepreneurship, an approach very much emphasised by the CS-EM, shines through. The CS-EM framed entrepreneurship in terms of creating a “new environment”, one which provides incentives and opportunities to unemployed people to set up their own businesses and rewards leadership but also makes available some safety net features so as to ensure protection for risk-taking. The CS-EM also found an important link between leadership and innovation in the creation of employment and considered this to be particularly relevant to central and eastern Europe where privatisation provides many opportunities to fill gaps in the provision of goods and services.

In this kind of dynamic approach, change is not desired for its own sake but rather because it implies development. Much of the discussion undertaken in the earlier sections of this report underline the changing nature of need, social provision and social life in general. Development is, therefore, an ever-present requirement. Sano (1999: 751) has said that what rights (should) achieve is the creation of a space of protection and dignity around the human person from where development can move forward. In the work of

the Social Cohesion Development Division of the Council of Europe, the term “progress” is used, referring to the capacity to make full use of new opportunities. This means conceiving of development as the right to grow and brings to mind such processes as personal development, educational development and opportunities for life-long learning.

4.1.3. *Quality*

Quality is a theme growing in importance in western Europe. One of the advantages of quality as a principle is that it is a relatively open-ended concept, its meaning can and does vary with the context. Quality can be both a general and specific value. The HDSE project sought to concretise the meaning of quality (Duffy 1998). It developed the standard of “triple A” provision. The departure point of this standard is that state provision should fulfil as much as possible the criteria of universality and security. The “triple A” reference is to:

- Adequacy: the minimum standard offered should be sufficiently high and a high proportion of the population in need should be covered;
- Accessibility: there should be less complexity in regulations governing access to social rights, clear eligibility procedures and full implementation of provision;
- Affordability: the ability of individuals and households to purchase goods and services should be a priority for policy as should the cost of provision.

It is noteworthy that the “triple A” standard has a quantitative as well as a qualitative dimension. Guaranteeing sufficiency of income and other resources, for both providers and users, is an important component of it. In a general quality initiative, the “triple A” standard could form a basis for benchmarking or standard setting.

Quality is already quite widely used in relation to service provision. From her research on ten¹ EU member states, Pillinger (2001) reports a massive growth of this kind of activity in the public social services. Quality-oriented measures range from simple quality statements to more sophisticated quality assurance mechanisms. According to Pillinger, one of the most important achievements of the quality improvement process in the social public services across the member states of the EU has been the identification of unmet needs. Some quality initiatives have resulted in new services while others have improved, reoriented and developed the quality of existing services.

Among the best practices on quality development identified by Pillinger (2001: 118) are:

- participative approaches where quality is linked to choice and autonomy for users;

1. Austria, Belgium, Denmark, Finland, France, Germany, Greece, Italy, Spain and the United Kingdom.

- user empowerment and involvement in planning;
- improvements that include meaningful and practical methods of assessment implemented with the participation of both users and front-line staff;
- quality objectives that are relevant and adaptable to local settings;
- quality standards developed in partnership with staff, management and users.

It should be pointed out that quality essentially implies the promotion of effective and high quality services and that the available resources are used for that purpose.

4.1.4. *Integration of services and benefits*

“Integration” is a term that is widely used nowadays but its meaning is rarely specified. As a principle, integration recognises the interconnected nature of social rights. It rests on the recognition that lack of access to one basic social right makes it harder for those concerned to have or gain access to other social and human rights, thus increasing the risk of multiple exclusion. Health, for example, is fundamentally dependent on the extent to which one has access to adequate housing, income and employment.

To be translated into practice, integration requires the removal of administrative and other boundaries (Pillinger 2001). While integration involves co-ordination – linking provision together by administrative and organisational structures – it is also more radical than co-ordination. It means taking a holistic approach based, on the one hand, on a recognition of the multi-dimensional nature of need and, on the other, on the interconnectedness of people’s lives. Rather than compartmentalising, the emphasis is on the connected whole. Factors which act against integration in social provisions include established professional cultures, gatekeeping within departmental or agency boundaries, different funding bases and bureaucratic regimes, hierarchical structures and a range of other organisational complexities (Pillinger 2001: 66).

Integration can and should be regarded as both a means and an end. As a means, it involves a particular way of proceeding, one emphasising participation and partnership (to be discussed below). As an end, it can be conceived of in two ways. The first is in terms of the whole service, the outcome of which could be a comprehensive service. The idea of “one-stop shops” is often mentioned in this context. However, this probably oversimplifies the complex nature of need as well as placing public services in a consumerist framework. An “integrated gateway” to services or a “service platform” are preferable concepts. These, while recognising that it is impossible to provide for complex needs through one service, emphasise that people need to be

guided to the appropriate set of services and that this needs to be done in an integrated fashion. In its second meaning, integration involves thinking in terms of the whole person. With this as the framework, projects or programmes that seek to meet all needs in an integrated way receive priority. These two interpretations of integration are not mutually exclusive – indeed they are closely related – and ideally both should be sought-after goals.

4.1.5. *Partnership and inclusion*

Partnership is the process side of integration, a medium whereby integration is brought about.

Social partnership, the coming together of different interests especially for the purpose of economic and social planning, was invented in Europe. Its benefits are legion. A recent OECD (2001) study, for example, reported that partnerships at local level have had success in improving local governance and in identifying synergies between government programmes and local initiatives in meeting unmet needs. The work of both the CS-EM and CS-PS makes a further convincing case for partnership, showing how it acts to improve effectiveness and quality. However, as pointed out by the NGOs at the World Summit for Social Development in Geneva in 2000, a new conscious approach to co-operation and partnership between state structures and civil society organisations is necessary (Irish Presidency/Council of Europe 2000: 61). In other words, partnership is not necessarily spontaneous. Nor indeed is the culture in all European countries conducive to partnership. For these and other reasons, therefore, it will be necessary to give attention to the conditions whereby partnership may emerge and flourish.

Part of the philosophy underlying partnership is of renewing and strengthening democracy. Hence, partnership has to take the form of inclusion of all stakeholders. Partnership, as well as being inclusive, also implies a readiness to motivate all those who should be involved. With regard to the extent or scope of partnership, both the CS-EM and CS-PS recommend that partnerships should involve as wide a range of organisations and actors as possible and all stakeholders should benefit from it. Those mentioned include central, local and regional governments, bodies responsible for paying social benefits, employer and business organisations, trade unions, NGOs and other actors in civil society and those representing the unemployed, women and ethnic minorities. Partnership also speaks to the type of relations involved. It is inconsistent with hierarchy because it implies a set of co-operative and non-hierarchical relations wherein all are more or less equal participants. It, therefore, requires a bottom-up rather than a top-down approach.

Partnerships can take a number of forms and operate at different levels. One type of partnership occurs among provider organisations across policy

domains. For example, the providers of health, education, social services and benefits as well as housing and employment services, including the NGOs, come together for the purposes of planning and delivering services. A second form of partnership acts to link different administrative and geographical levels. In this context, note should be taken of the point made by the Congress of Local and Regional Authorities in Europe (CLRAE) in its Recommendation 52 (1998) to the effect that the region should, in their view, be the appropriate level for partnership between public and private organisations. The work of the CS-EM supports a strong local dimension to partnership, pointing out that it is at the local level that vulnerable groups live their lives and actually seek to exercise their rights. Both the CS-EM and CS-LO draw attention to the local nature of many labour and housing markets. In its most inclusive form, partnership gives the opportunity to those who are themselves affected to have their voices heard and to influence the planning process. As pointed out by the Council of Europe in the Strategy for Social Cohesion, NGOs have shown how the voice of the powerless can contribute ideas of real value to the policy making process.

4.1.6. *Transparency and openness*

Secrecy and lack of information are the opposites of transparency and are real enemies of social rights. There prevails in many domains of public policy an internal-external or insider-outsider philosophy. This serves to erect divisions, not just between staff and users of services (or their advocates) but also within services and agencies in terms of fragmentation into different units, divisions and so forth. It leads to rigidity and may in its more extreme form engender a perceived conflict of interest between “us” and “them”. In this kind of setting, accountability, information exchange and other aspects of procedural good practice are primarily represented as internal matters. The users of services tend to be seen not just as separate and “out there” but somehow as an undifferentiated mass. This is both cause and consequence of a low priority being given to enforcement, service delivery and the monitoring of user satisfaction. In addition, communication and information exchange is neither prioritised nor problematised. We have seen in section 3.5 above that the stock and flow of information, the quality of the information provided as well as the channels through which it is directed could all benefit from improvement. A policy of transparency and openness implies that organisations have a strategy of communication. It also suggests that this strategy should be multi-tiered and sophisticated (in the sense of targeting different “audiences” and different channels) and should also include the opportunity for people to respond. Furthermore, elements essential to an open approach – for example, ombudsmen, appeals procedures, clarity in responsibility across providers and sectors, and openness about how decisions are made – have to be in place. This is, however, all too rarely the case at the present time.

4.1.7. *Equality*

There can be no differentiations when it comes to social rights. They are by their nature applicable to all. However, given the deep-seated nature of social divisions, societal inequalities translate into a lack of access for some to social rights. Inequality crosses into the domain of social rights so that people who are affected or rendered vulnerable by general social inequality have particular difficulty in relation to social rights. Gender is one fairly universal source of inequality which is to be seen in women generally experiencing greater difficulty than men in exercising their social rights. Equality is very complex, however, which means that different sources of inequality are often found together. Alongside gender, then, are inequalities grounded in racial group, ethnic origin and socio-economic background. The work of the different Access Committees demonstrated not only the existence of vulnerable groups in all countries but a strikingly consistent similarity in the identity of such groups across national frontiers.

It seems timely, therefore, to reiterate equality as a principle of good rights practice. The procedures for realising equality are at their most developed in relation to gender. The EU especially is a world leader in gender equality policy, having spearheaded in the last decade or so the gender mainstreaming approach. The thinking in relation to gender equality now appears to be that the formal legal approach should be complemented by active measures that integrate gender equality into policy procedures and practices. The goal, then, is to universalise a general concern with gender equality in all policy making by requiring that it should be incorporated as a goal into all policies, at all levels and at all stages of the policy-making process. This kind of double-pronged approach could be developed in relation to other sources of inequality. The CS-EM, for example, considered the equality issue in access to employment and training from the viewpoint of other economically disadvantaged groups; in particular people with disabilities, ethnic minorities and discrimination based on age (of both the young and the old). All these groups were recognised as having different needs and should be covered by equal opportunities policies, including in local partnerships.

4.1.8. *Monitoring and review of implementation*

A theme that emerged consistently from the analysis of barriers or obstacles to social rights is that gaps exist in entitlement and, even when entitlement is clearly and precisely specified, between the formal statement of the right or provision and implementation in practice. In this situation, the potential contribution of monitoring, review and enforcement as a common set of practices is immense. It is important for the future of social rights to put in place a process which is open on the one hand to identifying shortcomings in existing provision and on the other to emerging needs.

Information shortages are a major handicap at present. We refer here, in the first instance, to the lack of information at member state level (and also at regional and local levels) in relation to the realisation of social rights in practice. A shortage of information exists not just for the country as a whole but also with regard to variation in the accessibility of social rights from place to place within countries. There is also the matter of the absence of a European-wide comparable database on social rights-related issues. The fact that each of the Access Committees was forced to collect new empirical information is a significant statement about the dearth of cross-nationally comparable information. Work must continue at member state level to improve the comparability of statistics with a view to their ultimate standardisation on the basis of common European criteria. The selection of indicators is very important, especially qualitative indicators. This has already been recognised by the Council of Europe, where work is proceeding on producing a set of Social Cohesion Indicators under the auspices of the Social Cohesion Development Division. The importance of having studies on social exclusion and inequality in all countries is also to be emphasised in this context.

The recommendation of the CS-LO for National Housing Observatories is persuasive as a form of monitoring at national level. This could be developed in terms of National Social Rights Observatories which, in collecting and making available information, would have a number of advantages. They would, first, represent an integrated approach to social rights at national level. Second, observatories would complement the work of the European Committee on Social Rights (which monitors compliance with the European Social Charter and the Revised European Social Charter). Third, National Social Rights Observatories would serve the function of gathering and making available information. Monitoring should occur at other levels as well and should include surveys to establish user satisfaction with a range of aspects of provision. All of this information gathering would have spin-offs in terms of providing data, encouraging analysis and giving feedback for the purpose of programme and policy design.

4.2. Some examples of good practice in action

This section presents a small number of examples of existing projects and initiatives, chosen from a range of countries, to highlight practical ways in which problems or obstacles to social rights are being identified and overcome. It is important to point out that many of these examples involve extensions and/or modifications to existing practice and that they all rely in one way or another on the continuation of the broad social support systems which are already in place.

These examples, many of them new, were selected on a number of grounds. In the first instance, we looked for initiatives that reveal aspects of an integrated approach in action. These kinds of activities provide a link with the

preceding discussion on principles to promote access to social rights by demonstrating that people's social rights and their needs (and the responses to them) are indivisible. Second, we were interested in practices that originate with service providers themselves, thereby demonstrating an internal dynamic of change. Third, projects that spring from or give effect to an ethos of partnership, whether between different providers and sectors or across levels (local, regional, national and international) were also deemed to be of interest. A fourth criterion related to how users are involved and whether, indeed, they instigated the project or initiative or it sprang from their needs.

This first activity chosen is one of the best examples available of an approach which on the one hand targets a range of social rights and on the other does so in a manner which is integrated and builds partnerships. People's needs are recognised as being multi-dimensional and the response, accordingly, seeks to meet the need for secure and appropriate accommodation by also giving people access to training and paid employment. The people who are seen to require help are directly involved in meeting their own needs. The fact that IGLOO projects exist in many countries of the EU and some non-EU countries gives them a European as well as a national and local focus.

IGLOO (in the European Union and beyond)

This is a joint initiative between the European Liaison Committee for Social Housing (CECODHAS), the European Trade Union Confederation (ETUC) and the European Federation of National Organisations Working with the Homeless (FEANTSA). Based on an integrated approach to accommodation and employment, one key objective is to provide a resource on a local basis to those working on the accommodation, training and access to employment of vulnerable people.

Begun in 1995, it involves establishing a platform at European level, as well as platforms at national and regional levels, to find practical solutions towards integration through housing and jobs at local level. Partnership, across a range of organisations and levels, is a key principle and *modus operandi*. So too is integration since the whole model operates on an integrated "housing-jobs-training-services" philosophy. The objective of the IGLOO partnership is to enable people to gain access to appropriate accommodation and to secure employment through training. The immediate vehicle for this is participation in the construction or refurbishment of their own accommodation. Such projects result in permanent dwellings being created and adapted to the needs of the target groups, the development of sustainable jobs and/or the development of systems of social support. The target groups involved are those at the margins of society such as homeless people, those living in bad housing or those facing the risk of losing their accommodation. Many of the IGLOO projects depend on housing renovation or construction projects initiated by local authorities.

IGLOO, the European activities of which receive some funding from the EU (as a pilot project under the European Social Fund), is not confined to any one country. In fact, national and regional members of the different organisations have signed co-operation protocols in fourteen member states of the EU and over 100 projects have now been analysed. As well as the projects, IGLOO also enables a systematic exchange of information

For further information: <http://www.feantsa.org>

This next example, from Ireland, is a pilot project that was established by the ministry responsible for social security to take an integrated approach to meeting the many needs of at-risk families. It is interesting, first, by virtue of the fact that it was originated by the public service providers. And yet in its functioning it involves co-operation among a range of agencies and services. Furthermore, it recognises that people have multiple needs and seeks to respond to these needs in a co-ordinated manner. The focus on providing information and taking an integrated approach to information is also noteworthy. Finally, the importance of an outreach approach is also illustrated by the Family Services Project, which involves a concerted effort to provide services to people in proximity to where they live.

Family Services Project (Ireland)

This Irish project, which is still in a pilot phase and operates only in a relatively small number of deprived urban areas, aims to provide integrated access to information and services for at-risk families in their local area. It was initiated by the ministry responsible for social security and social welfare, the Department of Social, Community and Family Affairs. The development of a “one-stop shop concept” – whereby people have as many of their needs as possible met in one place and/or by one service – is integral to the project which has the overall goal of improving the personal circumstances of individuals and families.

The philosophy of the project is based on the recognition that community involvement and a local presence are key to delivering successfully support to families. An interagency approach is emphasised, involving close working relationships between a range of government organisations and voluntary agencies. A personalised programme of support is made available to a small group of families with complex needs. Hence, the particular needs of the individual or family are to the fore. This includes a single point of contact and receipt for information and services. The families targeted include lone mother and other one-parent families and those dependent on social welfare as well as families headed by carers. The project involves working with people on an individual basis to enhance their capacity to improve their personal and family circumstances and to access opportunities for education and employment.

The pilot projects have been subject to ongoing evaluation and a recent report recommends mainstreaming of the projects on a nationwide basis.

For further information: <http://www.dscfa.ie>

The next example, from Hungary, is powerful in a number of respects. It first demonstrates not only how people need to be supported in meeting their needs but shows that when they are provided with resources they can become self-sufficient. Sometimes people need to be shown the way. A second element of good practice in this project is the multi-dimensional nature of the response. Land or equipment alone are not sufficient; rather people are provided with training and given help to become independent producers or entrepreneurs. This project is, thirdly, a good example of the fruits yielded by co-operation between the public, private and voluntary sectors. It also focuses on a particularly disadvantaged group in terms of access to social rights and employment, particularly in central and eastern Europe: Roma/Gypsies.

A Social land programme to provide entrepreneurial opportunities (Hungary)

Sarkad, Hungary, is an agricultural area near the Romanian border. In 1992, the unemployment rate was 25%. Amongst the local Roma, who constituted some 12% of the local population, it was 100%.

This project, which began in 1993, was designed to assist families with members who are long-term unemployed or those with more than three children, or, below the average income. It was initiated by the local Family Support and Assistance Social Centre and supported by the CERES Foundation and the Békés County Employment Service. The Békés County Enterprise Development Foundation provided advice while the then Ministry of Public Welfare provided funds and the National Savings Bank made production credit available to interested participants.

The programme dealt with a mix of economic, employment and social policy issues. It operated an employment assistance programme and provided the participants with training in innovative forms of agricultural production, entrepreneurial skills, job-seeking skills and personal empowerment. Materials and tools – seed, chemicals and equipment – as well as land were provided. The objective was to “enable families to work for their own financial benefit and to help them become independent producers and entrepreneurs”. By 1996, some 300 families had taken part in the project.

The programme has been extended to some 300 other municipalities, villages and settlements, with more than 12 000 families now taking part across Hungary.

The next example originated in the statutory sector in France and involves a series of co-ordinated measures to give effect to the principle of equal dignity of all in relation to health services. The initiative treats health services as a gateway for other social rights and seeks to remove barriers between the health service and other social services. Regional level services are especially targeted. The regional programmes not only operate on an understanding

that people's difficulties and needs are interconnected, but they seek to respond in a multi-dimensional and co-ordinated manner to those needs. Health is seen to be a core, rather than a parallel, right. A wide-ranging partnership, including with the users of services, is the *modus operandi*.

Regional programmes for access to prevention and care (France)

The French Social Exclusion Act of 29 July 1998, which is based on the principle that all people have equal dignity, is concerned with both fundamental rights and the co-ordination of policies facilitating take-up of entitlement.

The health dimension of this integrated approach is based on mandatory regional access to prevention and care programmes (PRAPS). The aim is to improve the health of persons in difficulty but the programmes also open up entitlement to other social provision and help to break down barriers between health services and social services and other types of public provision with a direct impact on health.

Activities launched under the auspices of these PRAPS include:

setting up centres to monitor the implementation of the universal health coverage scheme, with the involvement of health insurance organisations and associations representing beneficiaries;

- requiring public hospitals to update health insurance rights and ensure that persons leaving hospital have satisfactory housing conditions for their continuing care;
- arranging for non-employed persons to receive medical follow up from the occupational health service with a view to their re-employment or continued care if this is necessitated by their disability or ill-health;
- enhanced identification of people with linguistic difficulties, to improve their access to education;
- making contact with those concerned with improving housing conditions and identifying unfit accommodation;
- organising multi-disciplinary training in partnership with those facing major difficulties.

Central government has a major contribution to make to breaking down barriers, establishing links and co-ordinating activities, both within its own spheres of activity concerned with social exclusion – health, social security, education, housing and employment – and in its relations with local authorities, health professionals and establishments, and voluntary associations. Under the 1998 Act, these potential partners should be jointly responsible for assessing the situation within their relevant *départements*, and drawing up, implementing and monitoring their PRAPS.

Establishing such partnerships in each region will call for a shared awareness of the needs and aspirations of all those in difficulty. The groups concerned must therefore be involved in the process of stimulating such awareness, and motivating and educating the relevant institutions and professionals.

For more information: <http://www.sante.gouv.fr> (under PRAPS)

This next initiative is an example of a multi-dimensional and innovative approach to retraining and integrating workers whose skills have become obsolete. It is, therefore, of relevance to all those communities, towns, cities and regions in Europe that have experienced a transformation in their economic base and to the many people and occupational groups whose skills have become redundant or have been downgraded. It is especially an example of people taking action to determine their own future and of using an established structure – a trade union – in an innovative way. Partnership between the trade union, management and workers is an essential element to the success of this project.

**Improving employability of redundant steelworkers
(Romania)**

Because of the restructuring of the metalworking industry in Romania, some 40 000 steelworkers were made redundant. The restructuring programme was accompanied by an agreement to provide support for the redundant workers to find steady employment as soon as possible through retraining, temporary recruitment of redundant workers for community projects, the encouragement of small business start-ups and the encouragement of mobility to other areas where jobs were available.

A national union for the retraining of metalworkers (UNIRMET) was established. It is a tripartite body with representatives of management, workers and the regional training centres. A national metalworkers' solidarity fund, to finance these support measures, was also set up. The income of this fund was made up of contributions from firms that had signed the agreement and from employees, as well as donations from a range of other sources.

Redundant workers signed a one-year contract with UNIRMET to participate in the programmes, which consisted of:

- free vocational training in an alternative skill, with the possibility of a subsequent job offer;
- participation in community projects while UNIRMET identified suitable employment for those involved;
- advice on starting a business, supported with a non-repayable grant for the start-up phase;
- removal expenses for a participant who has an offer of permanent employment in another region.

These measures, implemented with the active involvement of the trade unions and management, made it easier for those who had lost their jobs to find new employment or to start their own small businesses.

The Belgian Charter on social insurance shows how a set of principles to improve people's social rights was put in place through a legislative approach. All providers of social security and social assistance are governed by the charter and are effectively rendered accountable for the quality of

their services to rights claimants or beneficiaries. Information about rights figures very prominently in the charter which not only obliges the social security institutions to provide beneficiaries with all the necessary information about their rights but also enables beneficiaries to seek information about the service-providing organisation. Providers are also obliged to respond as quickly as possible to requests for services and, if they cannot assist, must direct the person to the appropriate agency. By emphasising providers' responsibilities, it aims to make them more aware of their role and more respectful of beneficiaries. In sum, the charter seeks to modify the situation of beneficiaries by strengthening the effectiveness of their social rights. For this purpose, it takes the needs of rights holders as the departure point for the organisation of social security and social services.

Insured person's charter (Belgium)

The Belgian federal law of 11 April 1995, which came into force in January 1997 under the name of "Insured Person's Charter", sets out a number of important principles concerning the rights of the public (insured persons) vis-à-vis the social security institutions.

Its main purpose is to protect the public by establishing a set of measures with which all social security institutions must comply. Numerous provisions are designed, directly or indirectly, to ensure effective access to social security benefits and social assistance. All social security institutions, that is quasi-state institutions for employees or the self-employed and civil servants and also social welfare institutions, are covered.

The basic measures set out in the law are as follows:

1. The social security institution is obliged to inform beneficiaries as clearly as possible of their rights on request or even on its own initiative. On the one hand, an insured person may put specific questions to an institution; on the other, the institution is obliged to take steps of its own to inform the public. The charter holds the social security institution responsible for achieving results as regards the provision of information within a set period of time.
2. Social security institutions must forward applications for benefits wrongly addressed to them by insured persons to the competent body and inform the persons in question that they have done so.
3. If someone is entitled to a benefit, in certain circumstances the institution is obliged to provide that benefit even if it has not received an express application from the person concerned (as yet, however, there is no implementing decree concerning this obligation).
4. The social security institution must reply promptly to any application for benefit. The applicant must be informed of the decision within a maximum period of four months and the benefit must be paid within the following four months. In the event of a delay, the institution must pay interest to the beneficiary.

5. The institution must append to any decision sent to an insured person the conditions of appeal, the reasons for the decision, the file references, the people responsible for the file and how to contact them.

6. If it is discovered that a decision is incorrect, a fresh decision must be taken. Once the appeal deadline has passed, any adverse consequences are not borne by the claimant (if, for example, the revised benefit is less favourable to the insured person than the original benefit). It is only if the initial, more advantageous decision was the result of fraud or deceit on the part of the insured person that the latter must refund the benefits to which he or she was not entitled, plus interest.

For further information: <http://securitesociale.fgov.be>
<http://securitesociale.fgov.be/lex/francais/charte/19950411.htm>

Job creation is the focus of this next example. It describes a broad-ranging series of measures, initiated by the government in Lithuania, implemented at local level to combat unemployment. These programmes have a strong local dimension. Not only are they closely targeted to the needs of local areas but they also require a significant amount of support from the municipality and are organised by the local labour exchange. Quite strict assessment criteria are applied. Innovation and transferability to other areas are other important principles of these initiatives.

Local employment initiatives (Lithuania)

Conscious of the need to stimulate greater employment at local level, in 2001 the Lithuanian Government introduced a range of legislative incentives to promote the creation of new jobs. The aim of these policies is to provide local communities with opportunities to participate in economic activities and, by so doing, address their socio-economic problems. Other objectives are to lessen the impact of structural change on vulnerable areas and to contribute to the development of more active, self-reliant and mature communities.

The programme is specifically aimed at marginalised groups, such as the unemployed (particularly the long-term unemployed), young people, women with family responsibilities and other groups identified by the local labour offices in co-operation with the social partners.

Labour offices are responsible for the organisation of local employment initiatives. Project implementation boards, comprised of local social and economic partners and established under the local labour offices, assess projects according to a number of assessment criteria. To be approved, the project must meet a number of criteria. The first of these is that the local municipality should support the project, through funding the provision of premises, equipment, and so forth. A second criterion is that the project should meet key needs in the local labour market and reduce the numbers in receipt of social benefits. There should also be the possibility of a broader application to other communities. In addition,

new opportunities to increase employment should result from the project through, for example, a focus on new economic activities and/or social services.

The programme is supported by state funding and it is envisaged that the cost of creating one job should not exceed the sum of forty minimum monthly wages (€125 per month). Moreover, the organisers of an approved project must provide at least 35% of the total project cost between them. Under this arrangement, the Lithuanian government provided the equivalent of €359 420 from the state budget during 2001.

The projects were focused on the ten municipalities with the highest rates of unemployment. Eighty-six projects have been prepared thus far. However, due to limited resources, only sixteen projects were selected and implemented.

A key result of the success of the programme during 2001 is that training curricula and materials for participants and for staff working on the projects, including evaluation, finance, supervision and reporting methodologies, will be used in the design, preparation and running of new projects. Furthermore, recognising the success of this programme, the Lithuanian Government is allocating a further €724 638 for new projects during 2002.

For more information: <http://www.ldb.lt>

The final example is also a cross-national one. Second Chance Schools provide a second opportunity for education to vulnerable young people. One of the most important features of these schools is that they offer a course of study that is adapted to the needs of the person taking into account cultural background, especially if they are from a minority group. This person-centred approach is augmented by the use of a mentoring system when it comes to training and employment. A further notable feature of the Second Chance Schools is that they combine education and training with work experience and placement.

Second Chance Schools (in the European Union and beyond)

The White Paper, “Teaching and Learning: Towards the Learning Society”, adopted by the European Commission on 29 November 1995 was the starting point of the Second Chance Schools initiative. Through experimental schools, young people who have insufficient skills or qualifications to successfully gain access to higher education programmes or to the labour market, and who are no longer subject to compulsory schooling, are offered a new opportunity through education and training.

Approximately twenty Second Chance Schools now exist across eleven EU member states and two candidate countries (Bulgaria and Latvia). A partnership network exists between the Second Chance Schools from various countries (known as “E2C”).

The Second Chance Schools concept is based on co-operation between schools and local industry and it offers a mix of study and practical work. Imparting knowledge about society and its functions is a crucial part of the education given. The aim is to help young people with social problems and with a lack of education to find a job and an income through individually adapted studies and practice.

European Second Chance Schools differ from each other when it comes to teaching methods, intake and age groups. In Sweden, the Second Chance Schools target young people between 16 and 20 years old. At the first Swedish Second Chance School in Norrköping, a new way of working to combat social maladjustment by combining education and vocational training is being tried. For that reason, priority is given to young people with psycho-social problems, students from immigrant backgrounds (including Roma) and those with learning disabilities.

The Norrköping school has established close co-operation with local businesses, in particular small and medium-sized enterprises. Other partners which have offered training places include a government agency, a local pre-school and an adult educational association. The education is tailor-made to be adapted to students' needs and wishes. Each student gets a mentor from a suitable business and a contract is established between the student and the mentor in which their respective obligations are explicitly described.

The Second Chance Schools project was evaluated and in July 2000 a final report was adopted, with about fourteen pilot projects investigated. Among the countries involved were Denmark, Finland, France, Greece, Italy, Portugal, Spain and the United Kingdom in addition to Sweden.

For further information: <http://europa.eu.int/comm/education/2chance>

5. Policy guidelines

It is important to point out at the outset that most of the architecture necessary for the achievement of social rights is already in place in Europe. While there are some gaps, problems, where they exist, derive in many cases from shortcomings in the operation or functioning of existing provision or from a lack of precision in the legal specification of rights. It may be, for example, that provision has failed to adapt to the changing needs with which it has to deal or that it was never adequately attuned to the particular and complex situations governing the realisation of social rights. Given this, service providers need to be more aware that problems may exist in the functioning of their services and institutions and they should be more open to both monitoring them and engaging on a regular basis with service users and NGOs in debate and discussion about good practice. The opportunity and readiness to exchange good practice among countries and also between different regions in Europe is also to be emphasised in this context. In addition, the users of services and benefits have to be regarded as citizens. That is, they have to be treated as rights' holders.

Having set out the general principles, we now look towards developing specific guidelines. This chapter will develop a series of cross-sectoral guidelines organised on the basis of the seven challenges identified in Chapter 3, drawing in addition on the principles and practices to promote access as discussed in Chapter 4. Priorities for future activity, both immediate and long-term, are central. The concept of "a pan-European and national social rights policy framework" is to the forefront. Table 2 sets out the main policy guidelines.

5.1. Strengthening entitlement to social rights and improving provision

Goal: an explicit, interpretable and inclusive framing of social rights.

5.1.1. *Making entitlement comprehensive and explicit*

There has to be a comprehensive legal and policy framework which gives a legal basis to entitlement and makes a commitment to putting in place the appropriate mechanisms for giving effect to rights. The legal framework is critical. There is an urgent need for greater precision in the framing of rights as entitlements. As well as being as explicit as possible, rights must be framed in a manner which is interpretable in judicial and other settings.

Towards these ends, there is a particular need to define and specify the meaning for the purposes of legislation, policy and provision of the concept

and content of social rights. This is especially the case for those rights that are relatively new, such as the rights to protection against poverty and social exclusion and to adequate housing, contained in Articles 30 and 31 respectively of the Revised European Social Charter.

Notwithstanding the need for a comprehensive legal framework, legal and other definitions and practices that currently act to exclude, or enable the exclusion of, certain categories of persons and situations from social benefits and services have to be eliminated. Since legislative provisions cannot cover all situations, the framing of legislation should be in a manner which allows enough flexibility to deal with unforeseen and unintended situations of exclusion occurring through legal rigidities and changing situations. In other words, a *marge de manoeuvre* in the interpretation of legal provisions has to be foreseen.

In this regard, the European Social Charter and the revised European Social Charter are the starting points. All member states which have not already done so should ratify the Charter or revised Charter, and consider accepting in particular Article 30 on the right to protection against poverty and social exclusion (which is a unique right of this type in international legal instruments) and Article 31 which concerns the right to housing.

In addition, all Council of Europe member states should, as a matter of priority, consider ratification of the Council of Europe instruments in the social field which contribute to improving access to certain social rights for all or for certain vulnerable categories of persons. These include the European Convention on the Legal Status of Migrant Workers (1997) and the legal instruments on social security co-ordination (in particular the European Convention on Social Security, 1972). In addition, in the context of a general drive to strengthening the entitlement to social rights, member state ratification of those legal instruments setting social security standards (such as the European Code of Social Security and the Protocol to the European Code of Social Security) is also to be recommended as a priority. Member states should also be encouraged to implement other international legal instruments relating to social rights, including the recommendations adopted by the Committee of Ministers of the Council of Europe and by other international organisations. They should also make efforts to ratify and implement recommendations made by international bodies such as the Council of Europe as regards compliance with international legal instruments in the social rights area. A mechanism to monitor implementation of these legal instruments is recommended for this purpose.

Governments should, furthermore, work to identify and take action to develop, strengthen and implement their national legislation in order to address critical gaps in the social safety net and also to specify a basic or minimum threshold of income and level of living where it does not already exist. It is important that this basic threshold is not set at too low a level.

Table 2: Main policy guidelines: eliminating barriers impeding access to social rights

Type	Policy guidelines
Specification of right and adequacy of legal and other provision	Make entitlement comprehensive and explicit A programme of measures to improve the adequacy of provision
Inadequate monitoring and enforcement	Better monitoring of provision Rights proofing of all policies and proposals A charter for users Action to counter discrimination and/or differential treatment The establishment of a National Social Rights Observatory
Resources	<i>Resourcing providers:</i> Improve adequacy and continuity of resources (funding, staffing, facilities, equipment) Minimise imbalances in resources between levels of administration <i>Resourcing rights claimants:</i> Inform and empower people to be able to claim their social rights Provide adequate mediation and support
Management and procedural	Reduce fragmentation between levels of administration and services Involve NGOs, users and other actors in civil society Reduce complexity of procedures and problems of access
Information and communication	Communication and information exchange should be a priority "New" and alternative channels as well as mobile services should be used Tailor the information to different sectors of the population The quality of information and the effectiveness of the communication strategy should be regularly reviewed
Psychological and socio-cultural obstacles	<i>On the part of providers:</i> Counter stigmatisation of and negative predisposition to certain groups through training and behaviour change <i>On the part of users or rights claimants:</i> Better reception of, facilities for and recognition of the situation of users
Inadequate attention to vulnerable groups and regions	<i>Vulnerable groups:</i> Resource (understood in the broadest sense) these sectors of the population so that they can claim their social rights <i>Vulnerable regions:</i> Target policies specifically on vulnerable regions and localities

5.1.2. *Towards more adequate provision*

The following should serve to improve the adequacy of provision by complementing the formalisation and greater precision of entitlement:

- a transparent system of social rights and satisfactory administrative procedures and resources to give them effect should exist in all member states;
- all services and benefits should operate on the basis of recognition of the interconnected nature of need and social rights and should strive to offer an integrated set of services;
- public authorities at all levels and relevant international bodies are, therefore, encouraged to promote and develop approaches which integrate education, employment, health, housing and social protection services and benefits. In addition, objectives in relation to these areas should be taken into account when such policies as taxation and matters relating to property and land use are being decided.

National authorities should provide information on all legal frameworks (whether international, national or sub-national) to public officials with responsibilities in any of the fields of social rights and also to civil society organisations and the public. This should include information not just on the actual standard but on how it is to be attained and implemented in the national or sub-national context and the contribution which civil society organisations can make to this.

5.2. Strengthening monitoring and enforcement

Goal: to ensure the implementation and satisfactory functioning of legal rights, means of redress and other provision relevant to social rights.

Monitoring of provision must receive greater attention. As part of the design of new programmes (and the redesign of existing ones where necessary), an agreed monitoring procedure should be put in place. Surveys should be carried out on a periodic basis to determine the extent of satisfaction among potentially entitled persons and recipients. Such surveys should also take account of the opinion of staff. A process of benchmarking, especially in terms of service objectives, should be associated with monitoring.

“Rights proofing” of all policies and proposals is recommended. This should take the form of a formal process to assess the extent to which existing policy and all new policy proposals are conducive to furthering access to social rights. This is equivalent to mainstreaming rights into all policies and has a precedent in gender and poverty proofing. Among the criteria which could be used for rights proofing are the elimination of all the obstacles and

barriers identified in Chapter 3 as well as equality of access (interpreted in a broad way).

In order to ensure enforcement, there must be adequate and transparent systems of appeal or of obtaining redress where rights are refused. These should apply not only to social security and social assistance payments, on which there is well-established case law under the European Social Charter, but also to health care, housing, access to active labour market programmes, training, and life-long learning. Such systems of appeal should provide free or easily affordable accessible means of redress within reasonable timescales.

To enhance transparency and openness further, a charter for users should be considered. This would set out clearly the standards which public social service agencies aim to achieve in dealing with applications for benefits or services. Among the standards covered here should be those relating to courtesy, time to process and make a decision on applications for benefits or services, avenues of complaint and channels through which suggestions for improvement by users can be made.

Actions must also be taken to guard against and counter discrimination and differential treatment in practice. Equalising access may require positive discrimination, in the form of well-targeted outreach measures, for example. It also requires the elimination of discriminatory attitudes and practices, where they exist, on the part of service providers.

It is also vital that the monitoring of rights be organised through a standardised and formalised mechanism, especially at national level. In this regard, the establishment of a National Social Rights Observatory at member state level is recommended. The purpose of such an observatory should be to: (a) monitor the real situation regarding social rights in the member state; (b) provide a standard set of information which could be used by the European Committee on Social Rights, the European Committee on Social Cohesion and other bodies for the purposes of their work and for European-wide research and monitoring.

However, such an observatory would not be sufficient on its own. There is no substitute for adequate enforcement bodies such as labour and social services inspectorates of high professional quality to ensure healthy and safe working environments, observation of minimum and equal wage conditions, adequate protection of children, people with disabilities and mental health difficulties and adequate housing. Regulation of standards of services and accountability are important also for sustainable services of a high quality.

All of these measures would also help to promote the transfer of good practice.

5.3. Increasing the resources for social rights

Goal: to ensure a sufficiency of resources and capacities on the part of providers and users.

The member states must take measures to overcome the obstacles which insufficiency of resources, on the part of both service providers and those seeking to obtain their social rights, places on the exercise of social rights.

5.3.1. *Resourcing providers*

While recognising the severe restrictions on resources in some countries, member states should make available sufficient resources to ensure adequate and equitable access to social rights for all and in particular for those most in need. Such resources should include funding, staffing, facilities and equipment. A sufficiency of resources for ensuring access to social rights need not always mean an increase in costs. National, regional and local budgetary management should try to ensure continuity in the provision of resources as well as adequate funding for social security and social assistance funds, public employment services and services relating to health, housing, education and training. Good governance is inextricably linked to adequate and sustained resource provision.

Governments at national, regional and local levels should work in partnership to minimise imbalances in funding between the different levels and services, to ensure as far as possible equity across regions and that differences between regions reflect variations in real need. National governments should ensure subsidiarity through a degree of autonomy to the lower levels in the provision of community-based services. This is essential in order to respond to the particular needs of vulnerable groups at local level. They should also seek to ensure continuity in funding and minimise funding delays. While these are important as general principles, they are vital in the case of essential benefits and services, including health, housing and ongoing vocational training and retraining.

Addressing resource inadequacies is not just a question of adequate funding and good and transparent budgetary management, vitally important as these are. It also involves devoting attention to intellectual and educational resources and capacities, for example in ensuring staff of adequate professional calibre are recruited and that they are adequately trained and equipped to deal with the challenges they face in carrying out their work. The experience and knowledge of users themselves may also be regarded as a resource for service providers.

5.3.2. *Resourcing and empowering claimants*

Knowledge of a right is a prerequisite for claiming that right. This means that people must have full information on what is available and how they can gain access to it. There is a responsibility on public officials in this respect. Hence, they must undertake to provide full information on the services provided by their own organisation as well as by other relevant providers. However, information is only one resource. To claim their social rights, people also require access to an appropriate set of services and benefits. Those seeking sustainable employment, for example, need to be empowered to seek employment through adequate job search and job application skills and to have access to services, including education and training services, that provide help in acquiring skills relevant to the local/regional labour markets. In connection with this, Article 1 of the European Social Charter on the right to work (and particularly Article 1, paragraph 3 on establishing or maintaining free employment services for all workers) and Articles 9 and 10 on the rights to vocational guidance and vocational training are particularly relevant. A similar need to empower claimants exists in the other domains of social rights.

In facilitating access to social benefits, governments should ensure that all those who need it receive help in completing forms and procedures and negotiating the process of claiming their rights. In many cases this will necessitate providing resources to NGOs and other supportive service providers so that they can offer people the personalised support and counselling necessary to enable them to claim their social rights. The special needs of people with disabilities, whether mobility-related or sensory, in accessing their social rights should also be responded to. As a general principle, a lack of ability or confidence in literacy or other skills or facilities, which are themselves evidence of a lack of access to social rights, should not constitute barriers to accessing a social right.

5.4. **Modifying and improving management and procedures**

Goal: to significantly improve accessibility through better management and procedures.

5.4.1. *Reducing fragmentation*

The objective in this regard should be to develop comprehensive, effective and efficient services which make the best use of resources and deliver the best and most appropriate service to the user. To avoid fragmentation:

- the allocation of responsibilities between different levels of government and services should be clearly established. This needs to be communicated to all bodies and services concerned;

- the different bodies and services should co-operate with each other in dealing with entitled persons claims, while respecting personal data protection standards;
- an integrated set of services should be actively promoted. For this purpose, the potential of service platforms or gateways to services should be recognised. These go beyond “one-stop shops” in recognising that the person’s needs should be responded to in an integrated way but that this does not necessarily mean that only one type of service is necessary.

5.4.2. *Involving NGOs, users and other actors in civil society*

The role of NGOs, the social partners, users and other actors in civil society should be recognised and their actions towards promoting access to social rights and social cohesion should be supported. Towards these ends:

- the existence of NGOs should be legally recognised and their legal and fiscal status, or exemption from fiscal/tax obligations if appropriate (charitable or “not for profit” status), clearly established in law;
- the activities of NGOs and other actors should be encouraged and fostered, especially in relation to training and capacity building;
- participation by NGOs in providing social services should be by mutual agreement with government, and NGOs should not be forced to make up for the shortcomings of social provision by government bodies whether at national, regional or local levels;
- the experience of NGOs and other actors in civil society, particularly their “alarm signal” function and knowledge of people in situations of vulnerability or disadvantage, should be called upon and taken into account in the framing of policies aimed at ensuring access to social rights;
- partnership between bodies providing social services and benefits on the one hand and NGOs and other actors on the other hand should be promoted, thus fostering interaction between all areas of social provision and the voluntary sector in a framework of partnership;
- the potential contribution of employer and employee organisations at local, regional and national levels to promoting employment and to providing vocational training and work experience should be recognised through an inclusive process of social dialogue;
- the contribution of rights holders should also be recognised and use should be made of their experience and expertise.

The long-term success of policies and provision is dependent not only on the involvement of NGOs but also on the participation and support of vulnerable people themselves. Given this, vulnerable people and all users of social services and benefits should be facilitated to be involved autonomously as much as possible in the decision-making process. This should extend not

only to action being taken to improve people's personal situation but also to influence the design of social services, life-long learning, education and training or other support measures providing pathways out of poverty and exclusion and into decent employment.

5.4.3. *Reducing complexity and problems of access*

As well as enshrining the right in legislation, appropriate mechanisms to give effect to the relevant rights involved should be put in place. The twin objectives in this regard are for social rights to be easily exercisable and for public bodies and social services to operate for the benefit of entitled persons and encourage participation of users. Towards these ends:

- claim forms and application procedures should be concise, appropriate to claimants, written in plain, comprehensible language and easy to complete;
- the public authorities should undertake to provide full information on their own service(s) and they should ensure that applicants or potential applicants have knowledge of other relevant services as well;
- the advisory role of social bodies should be promoted, particularly for the completion of and processing of claims, if necessary, through the adoption of proactive and empowering approaches (free call services, free drop-in centres, mobile services, and so forth);
- any refusal to grant a benefit or service should always be accompanied by reasons given in writing, expressed straightforwardly and comprehensibly. Any such refusal should indicate the channels of appeal;
- the possibility of an oral explanation should be available;
- premises of all social services should be accessible and user-friendly to all (for example the elderly, persons with disabilities, persons with young children, and children themselves);
- opening hours should be arranged to take account of the various needs and caring responsibilities of entitled persons;
- “mobile services”, accessible to all potential users, should be set up and made available as and when they are necessary;
- information technology (the Internet and mobile phone) should be made available and/or utilised in order to facilitate access to social benefits and services, in particular for persons living in areas which are not easily accessible (geographically isolated areas, rural areas) and to reduce the time needed to deal with claims.

5.5. Improving information and communication

Goal: to maximise the flow, use and exchange of information.

Communication and information exchange should be a priority. A multi-dimensional communication strategy is needed, all elements of which should be informed by the fundamental recognition that the dissemination of information is essential to the conception and realisation of an effective set of public services. Towards this end:

- the dissemination of information should be aimed at all entitled persons and utilise as many channels of information as possible (brochures sent out to the entire population, television, radio and other advertisements, provision of brochures in certain public places, free-phone numbers, open days, the Internet, and so forth);
- mobile information centres should be available;
- information should, as far as possible, be accessible in minority languages and languages used by migrant groups;
- information should be tailored to the needs of persons with disabilities (especially those with mobility and sensory difficulties);
- when information is disseminated in the form of brochures (literature), it should be written in clear, straightforward, comprehensible and accurate language;
- all information should be regularly updated;
- some information should also be targeted at those who live in the same household or in close proximity to potential beneficiaries.

Entitled persons should be made aware of the existence of social protection bodies and employment and other services and their respective functions, where necessary through the introduction of platforms or gateways for benefits, services and other provisions aimed at facilitating integrated access to social benefits and services as well as activities such as leafleting campaigns, media slots or advertisements. The role and contribution of information that has been independently produced and disseminated is emphasised in this respect.

In addition, public authorities should pay constant attention to the quality of the information disseminated and the effectiveness of their information strategy:

- surveys should be carried out on a periodic basis across levels of government to determine the extent of information penetration;
- checks should be made to ensure that potential beneficiaries have had access to benefits, for example by comparing budgetary estimates and the payments made;

- specific outreach work should be targeted at persons or groups identified as not fully exercising their rights.

The communication function should not be limited to disseminating information. The idea of information exchange – whereby communication is seen to be a two-way process – is important in this respect. Communication should also include the obtaining and evaluation of information. Hence, public authorities should ensure the regular collection and publication of relevant statistical, standardised information at national and sub-national levels.

5.6. Overcoming psychological and socio-cultural obstacles

Goal: to eliminate psychological and socio-cultural obstacles on the part of both service providers and users.

The functioning of all services and benefits relevant to social rights should be geared to the needs of entitled persons, empowering and enabling them to take action and recognising that psychological difficulties might reduce people's capacity to realise their social rights, particularly those from vulnerable or disadvantaged groups. Hence:

- human relations training should be given to service providers for the purpose of improving how they respond to the needs of rights holders;
- the way in which the most vulnerable persons are received, especially on their first visit, is crucial since their perception of and trust in the institution often depends on the first visit. For that reason, offices and facilities should be designed to be welcoming, with a clearly demarcated reception point, seating for those waiting, and, as far as is consistent with safety, a lack of barriers between the public and employees of the organisation providing services or benefits. Privacy for interviews should also be a priority. Staff should be trained in the necessary professional and interpersonal skills and should be provided with a broad knowledge of the services and benefits beyond what is provided by their agency.

Cultural matters also require attention. In an effort to overcome socio-cultural obstacles, provision should aim to be sensitive to a range of cultures and existing practices should be examined for any bias towards or against particular sectors of the population. In addition:

- training of staff dealing with the public should include training on the avoidance of discrimination and overcoming negative stereotypes. Staff dealing with the public should be given information, and if necessary training, to make them fully aware of and sensitive to the situation of vulnerable people. Staff should also receive cultural-awareness training relating to migrants and minorities, especially in terms of religious and cultural norms;

- employment, health, education, housing and social protection agencies and services should enlist the services of interpreters and mediators and, as appropriate, people from minority backgrounds or the country of origin of migrants with which they are in contact, in order to assist such persons to access their rights.

5.7. Specifically targeting vulnerable groups and regions

Goal: to eliminate vulnerability as an obstacle to social rights.

5.7.1. *Vulnerable groups*

Countries that have not already done so are encouraged to develop comprehensive legal frameworks and policy strategies for access to social rights for all. A universal response will especially help disadvantaged categories of persons. However, the creation of a supportive environment for the social integration of persons living in marginal situations or in insecure conditions should also receive specific attention. All services should be developed as part of a general and wide-ranging strategy of enabling access to housing, health, education and vocational training, decent employment and social protection and other basic rights for vulnerable persons. Such a strategy should have well-defined objectives and set out standards and procedures for monitoring implementation and progress towards the full realisation of their social rights for these sectors of the population. Developing such frameworks and strategies for vulnerable groups is particularly relevant to Article 30 of the revised European Social Charter on the right to protection against poverty and social exclusion.

The exercise of a right presupposes certain resources and capacities on the part of the individual and that certain conditions surround provision. It should not be the case that people cannot claim their rights because of an insufficiency of resources or capacities or because the conditions for claiming them are exclusive. Empowerment and enablement have a role to play in this respect and serve to guarantee rights in practice. Both tangible and intangible resources are involved. The following are among the most essential:

- knowledge of the right and awareness of the entitlement to hold and exercise the right;
- the capacity to make an application for and to claim the right.

When applied in practice, the dynamic approach of enabling and empowerment is realised by programmes and measures which mobilise and activate people on both an individual and group level. For this purpose, a long-term view is essential as is the development of pathways of change (for individuals, groups and localities). Instead of viewing people and places *in situ* or in terms of the status quo, they have to be seen in dynamic terms, that is what they can achieve and how they can be empowered to change their life or

community situation. To maximise the effectiveness of such empowerment, as far as possible social rights-related services should be organised at local level. This enables:

- effective and comprehensive geographical coverage (using mobile services to extend coverage as appropriate in isolated areas);
- visibility at local level and the creation of a sense of ownership by users of the local service;
- decisions on the scale of provision and access to services to be made at local level as far as possible but following clear international, European and national standards in relation to access in a non-discriminatory manner.

There should be a particular emphasis on outreach activities, that is measures that provide for people in their own communities or areas of residence.

5.7.2. Vulnerable regions – the territorial dimension

Policies focusing on vulnerable groups must be complemented by those that give attention to territorial or area-based issues. Access should be guaranteed over space as well and place of residence should not be, per se, an obstacle to social rights. The objective, therefore, is to avoid imbalances across areas and to ensure that particularly disadvantaged areas are adequately catered for. In this regard, local initiatives have a major role to play. Furthermore initiatives aimed at the social regeneration of run-down and impoverished localities or housing areas must be seen to have the potential to make a major contribution to the social rights of people living in these areas. Thus, it is not only an issue of investing in physical infrastructure, of ensuring access to services such as sewerage, basic utilities, roads and public transport and having housing of a reasonable standard but, also, of emphasising the rebuilding of the social and community infrastructure of these areas.

Employment is especially important in overcoming area-based disadvantage. Locally available employment serves to reduce poverty, promote social inclusion and increase the self-esteem, self-confidence and resources of those who suffer exclusion from society. It also serves to augment the financial and other resources available locally. The participation by communities in these and other types of initiatives is very important.

Appendix I

Empirical material gathered by CS-LO, CS-PS, CS-EM and SP-SPM

CS-LO (Group of Specialists on Access to Housing)

The CS-LO collected empirical information directly from all member states of the Council of Europe and three Observer states and also local governments and NGOs active in the field of housing policy. The focus was on vulnerable groups based on social criteria, as the group of homeless persons was already thoroughly surveyed in other empirical projects. The structure of the questionnaire was as follows:

Section:

- Housing situation in the country
- Vulnerable categories of persons in the area of housing
- Access to housing for vulnerable categories of persons
- Legal instruments and constitutional provisions in the field of access to housing
- Eviction
- Emergencies

Sections A and B served the purpose of defining and quantifying the categories of the housing stock and those population groups which were considered as vulnerable in the given country. The purpose of sections C and D was to assess the legal background and the actual practice of access to housing for vulnerable groups, while sections E and F concentrated on the two main types of situations when access to housing becomes an important issue, that is evictions and housing emergencies. The second part of the questionnaire requested examples of policy practice for the topics of C, E and F and also that of the supply of affordable housing.

Of a total of 264 circulated questionnaires, 77 were returned completed, giving a response rate of 29%.

CS-PS (Group of Specialists on Access to Social Protection)

The CS-PS issued a questionnaire to obtain information on: (a) all existing social security and social assistance benefits as well as benefits provided by social services, whether at national, regional or local level; and (b) obstacles which hinder access to social protection.

The members of the CS-PS and – for states not represented within the group – members of the CDCS co-operated in distributing the questionnaire within their countries, to bodies responsible for managing social benefits and social services at national, regional and local level and also to non-governmental organisations operating at national level. The questionnaire was also sent to non-governmental organisations represented at international level, notably via the European Anti-Poverty Network (EAPN) and the ATD-Fourth World organisation.

In reply to the questionnaire, 170 contributions were received from official bodies and NGOs including thirty Council of Europe member states.

CS-EM (Committee of Experts on Promoting Access to Employment)

The main empirical material gathered by this Committee of Experts consisted of examples of "good practice" on how development initiatives at local level can combat and prevent the problem of long-term unemployment through a horizontal and co-ordinated approach. Each member country represented on CS-EM undertook to submit at least two examples of cases of "good practice", with a view to sharing experiences that could be used to combat long-term unemployment.

It was agreed that the cases should concentrate on local community employment programmes, socio-economic projects or projects to assist in self-employment and to encourage the setting up of micro-firms. Some emphasis could be placed on a number of disadvantaged groups, such as the long-term unemployed, people with disabilities, ethnic minorities, economically vulnerable women or young people. Older workers were subsequently added to this list. In the case of long-term unemployment, this was defined as any person who was without work and seeking employment for twelve months or more.

In all twenty-one papers were submitted by member states, observer organisations and countries. This meant that the CS-EM had available to it almost sixty examples of programmes and initiatives designed to stimulate employment.

SP-SPM (Group of Specialists on the Adaptation of Health Care Services to the Demand for Health Care and Health Care Services of People in Marginal Situations)

The experts of the SP-SPM were asked to prepare country reports on the basis of a questionnaire prepared by the consultant. The objective was to give an overview of the problems relating to access of persons in marginal situations to health services in each country. The reports covered the following themes:

- general information about the health and social systems;
- the growth of poverty and the existence of marginal groups;
- health indicators;
- social protection and the health systems;
- responses to health inequalities;
- relevant measures taken or considered.

The opinion from the ATD-Fourth World organisation was received through its representative on the committee.

This work of this Group of Specialists resulted in Recommendation Rec(2001)12 on the adaptation of health care services to the demand for health care and health care services of people in marginal situations. The essence of the recommendation is: "no poor medicine for poor people". The constant rise in the number of people living in marginal situations and in insecure conditions, and its serious health, social and economic consequences, call for the development of a coherent and comprehensive policy framework, based on the principles of equity, human dignity and participation. To protect and improve the health of people in marginal situations, the recommendation proposes a multi-sectoral approach, relying on preventive action and the creation of supportive environments for social reintegration, avoiding stigmatisation and increasing knowledge. Measures adopted to improve access for the vulnerable serve also the general population, rather than creating "poor medicine for poor people".

Appendix II

Policy guidelines on access to housing for disadvantaged categories of persons

I. Introduction

1. It emerged from the work done in the framework of the Council of Europe's Project on Human Dignity and Social Exclusion (HDSE) that giving disadvantaged groups access to housing, employment, social protection, health and education is a challenge facing all Council of Europe member states. While there is usually a legal entitlement to social rights, there are various obstacles to their realisation for many persons in practice. The Council of Europe has therefore initiated a series of activities on the promotion of access to social rights for all.

2. In this context, the Group of Specialists on Access to Housing (CS-LO) started its work in June 1999. As the first Council of Europe committee to systematically address housing policy issues, the CS-LO provided an opportunity for an intensive exchange of experience among its members and for launching a large-scale and empirical pan-European data collection from Council of Europe member and Observer states about national policies on access to housing for disadvantaged categories of persons.¹

3. The present policy guidelines are based on the findings from the research work (which are presented in separate reports) and the proposals of the CS-LO Group.

II. General principles of policies on access to housing for disadvantaged categories of persons

4. The significance of housing and the corresponding responsibilities of national governments have been recognised in a number of international documents. These include the Council of Europe's European Social Charter of 1961 (Art. 16), its additional Protocol of 1988 (Art. 4), and the revised European Social Charter of 1996 (Art. 31), the UN Habitat Agenda adopted at Istanbul in 1996, and the "Declaration on cities and other human settlements in the new millennium" adopted by the Special session of the UN General Assembly for an overall review and appraisal of the implementation of the Habitat Agenda (New York, 6-8 June 2001).

5. In the context of housing policies, the basic human rights covered by the European Convention on Human Rights concerning the right to respect for private and family life and the home (Article 8) and the right to peaceful enjoyment of possessions (Article 1 of Protocol No.1), must be particularly respected and protected. In the UN Habitat Agenda, governments reaffirm their commitment to ensuring the full realisation of the human rights set out in international instruments and in particular, in this context, the right to adequate housing as set forth in the Universal Declaration of Human Rights and provided for in the International Covenant on Economic, Social and Cultural Rights, taking into account that the right to adequate housing shall be realised progressively.

1. In the present policy guidelines, the term "disadvantaged categories of persons" means all persons or groups of persons who are disadvantaged on the housing market due to economic, social, psychological and/or other reasons and who consequently require appropriate assistance to facilitate their access to housing.

6. Council of Europe member states should give particular attention to developing an “enabling” framework for their housing policies, in accordance with the recommendations of the UN Habitat Agenda. Within the overall context of such an enabling approach, member states should, in accordance with Article 61 of the UN Habitat Agenda, take appropriate action in order to promote, protect and ensure the full and progressive realisation of the right to adequate housing and access to adequate housing for disadvantaged categories of persons.
7. To ensure the provision of affordable housing to disadvantaged categories of persons, the public authorities must create an appropriate legal framework for housing markets with regard to property rights, security of tenure and consumer protection, to make the necessary institutional arrangements, to adopt policies to expand the supply of affordable housing and provide better legal security of tenure and non-discriminatory access to housing for all.
8. The provision of housing for disadvantaged categories of persons requires action not only by public authorities at all levels, but by all sectors of society, including the private sector and non-governmental organisations, as well as by partner organisations and entities of the international community. Disadvantaged categories of persons themselves and civil society organisations should be enabled to play a proactive role through agenda-setting participatory mechanisms.
9. The public sector’s contribution to correcting imperfections in the market continues to be necessary, as it helps implement the different types of measures essential to enable disadvantaged categories of persons, whose problems cannot be solved by the market or even by the social housing sector, to gain access to adequate and financially affordable housing and basic services.
10. There is a strong interdependence between housing policy and other policies concerning access to social rights such as social protection, employment, health, and education. Public authorities at all levels and relevant international bodies are therefore encouraged to promote and develop integrated approaches concerning access to social rights by disadvantaged categories of persons.
11. Housing policy objectives should be taken into account in all political decisions and legislative matters which have direct or indirect impact on supply and demand on the housing market and affect housing production and housing provision. Important fields in this respect include fiscal and tax policy, civil code legislation as well as legal conditions for finance and property markets and land use planning.
12. Housing policies at all levels should meet the needs and requirements of disadvantaged categories of persons. National authorities should therefore have or develop a strategy on access to housing for disadvantaged categories of persons with well-defined objectives, standards, procedures for monitoring policy outcomes, and taking into account the above-mentioned interdependence with other policy fields.
13. Each member state should have and effectively enforce laws and regulations to prevent any discrimination in access to housing.
14. Multiply disadvantaged persons and persons in need of care should receive specific support to satisfy their special housing requirements and should be entitled to appropriate social services and social support.

15. In countries that have privatised considerable parts of their public housing stock in recent years, appropriate housing policy measures should be introduced which counteract undesirable consequences of housing privatisation, and restitution for disadvantaged categories of persons. For example, in countries with a high rate of “poor owner-occupiers”, more emphasis should be given to a general housing allowance system and to public support for the renewal of housing units, for the benefit of both owners and tenants in restituted dwellings.

16. Public authorities should ensure regular collection of relevant statistical information in the whole country on the housing situation of disadvantaged categories of persons, as such information is of crucial importance for developing, targeting, implementing and monitoring specific policy measures and assistance programmes. The collection of such information should be standardised on the basis of common European criteria.

III. Legal framework

17. All Council of Europe member states should consider to ratify and implement international legal instruments relating to housing policy, including, in particular, Article 31 of the revised European Social Charter (the right to housing).

18. Countries which have not yet done so are encouraged to develop a comprehensive legal framework on access to housing for disadvantaged categories of persons, taking account of market constraints and opportunities, and respecting international standards, to support national housing policies.

19. In addition to enshrining the right to housing in legislation, care should be taken that there are appropriate mechanisms for giving effect to that right for all legal residents.

20. For persons in situations of extreme hardship, and in accordance with Recommendation No. R (2000) 3 of the Committee of Ministers of the Council of Europe to member states, the governments of all Council of Europe member states should recognise, where this is not already being done, the existence of an individual, universal and enforceable right to the satisfaction of basic human material needs. This right should contain as a minimum the right to food, clothing, shelter and basic medical care, and be open to all citizens and foreigners, whatever the latter's position under national rules on the status of foreigners, and in the manner determined by national authorities.

21. Each country should define in its legislation the concept of “adequate housing”, taking account of the human rights dimension and paragraph 60 of the Habitat Agenda¹, and the economic means and cultural aspects of the country.

22. Standards of adequate housing should be applied not only to new construction, but also gradually to the renovation of existing housing stock.

1. Paragraph 60 of the Habitat Agenda: Adequate housing “... means .. a roof over one's head, ... adequate privacy; adequate space; physical accessibility; adequate security; security of tenure; structural stability and durability; adequate lighting, heating and ventilation; adequate basic infrastructure...; suitable environmental quality and health-related factors, ..., all of which should be available at an affordable cost.

23. A transparent system of property rights and adequate administrative implementation of property legislation should exist in all member states.

24. National authorities should provide information on the legal framework to public officials with responsibilities in the housing field at the national, regional and local level, and to civil society organisations.

IV. Institutional framework and co-operation between public authorities and civil society

25. Member states should, where necessary, develop or continue to develop an appropriate and effective institutional structure to ensure co-operation between the public authorities and other actors in the field of housing policy, including relevant civil society organisations working in this sector.

26. Within a national housing policy framework which provides, inter alia, for the necessary allocation of resources required by local authorities to fulfil their functions, there should be a significant degree of local autonomy and participation in decision-making, implementation, and resource mobilisation and use.

27. The role and responsibilities of local authorities and civil society organisations in housing policy and the distribution of tasks between them should be clearly and legally defined.

28. Public authorities should promote, facilitate and support the establishment of civil society organisations at all levels to participate in the provision of housing for disadvantaged categories of persons, and provide resources for their operation as appropriate.

29. Representatives of civil society should participate in the development of housing policy and in decision-making so as to ensure that the needs and priorities of the disadvantaged are identified and met.

30. Governments should facilitate access by disadvantaged categories of persons to decision-making and planning structures and legal services through the provision of such facilities as legal aid and free legal and citizen's advice centres.

V. Improving the supply and the financing of affordable housing for disadvantaged categories of persons

31. The supply of affordable housing should be increased, including through encouraging and promoting affordable home ownership and increasing the supply of affordable public, co-operative and private housing through partnerships among public and private initiatives, creating and promoting market-based incentives while giving due respect to the legal rights and obligations of both tenants and owners.

32. The market should offer a variety of different types of dwellings, including housing which is suitable and affordable for people with low incomes. The public authorities should establish a legal framework, together with an effective system of housing allowances or other appropriate measures designed for people with low incomes and/or access problems, particularly in local housing markets where affordable housing is in short supply.

33. To ensure an adequate supply of serviceable land, and particularly to make land available for social housing construction, governments should consider fiscal incentives and other measures, as appropriate, to promote the efficient functioning of the market for vacant land with a view to facilitating the construction of affordable housing.
34. In situations of housing shortage, measures should be taken that create incentives to the private rental market to let vacant dwellings where there is no legal impediment to their rental.
35. To facilitate access to land and security of tenure, particularly for disadvantaged categories of persons, governments at the appropriate levels, including local authorities, should provide institutional support, accountability and transparency of land management, and accurate information on land ownership, land transactions and current and planned land use.
36. There is a great demand for housing finance. Governments should therefore create a framework for a variety of possibilities for disadvantaged categories of persons to gain access to housing finance where appropriate. In order to make tenure or home ownership affordable, governments should subsidise the finance of housing provision or housing production for these groups. Such subsidised housing should be allocated on the basis of transparent and objective criteria.
37. As an alternative or in addition to subsidising housing finance, a system of means-tested housing allowances should be established where appropriate. Housing allowances can be an effective and well-targeted instrument to make housing affordable for low income groups.
38. In order to increase the affordability of housing for low income households, governments should consider introducing savings schemes and credit facilities such as low interest-rate or zero-interest loans, including micro-credit schemes.
39. Providers of housing for disadvantaged categories of persons should be eligible for preferential financing measures.

VI. The importance of area-based housing policies

40. Special care needs to be taken to promote a social mix so as to avoid housing-based segregation and ghettoisation of the poor, and geographical imbalances between supply and demand, all of which would inevitably create even worse access to housing for the disadvantaged.
41. In order to address the large-scale deterioration of the existing housing stock, countries concerned should develop policies and incentives for a mixed approach combining repair and renovation schemes, with new construction only where appropriate.
42. In order to prevent or reduce the problems of concentration of stigmatised housing stock in urban areas, measures should be taken to conceive housing development programmes in such a way as to offer real opportunities to disadvantaged persons to integrate with communities, *inter alia*, through the rehabilitation or construction of residential housing in town centres.
43. Local initiatives should be developed which are aimed at the social regeneration of run-down housing estates and impoverished housing areas. Emphasis should be placed on rebuilding the social and community infrastructure of these areas and improving the quality of life of their residents.

44. At the local level, participation by residents is an important component of housing, habitat and social regeneration schemes. Initiatives should be taken to support such participation by, for example:

- promoting participation by residents and owners in the management, repair and renovation of their homes,
- giving support to the forming of residents' associations, e.g. through advice on their operation and management,
- supporting the establishment and running of national networks of local neighbourhood housing schemes in order to promote co-operation and to develop and share good practice.

VII. Reducing the risk and the negative consequences of evictions for disadvantaged persons

45. To reduce vulnerability, governments at the appropriate levels, including local authorities, should protect all people from and provide legal protection and redress for forced evictions that are contrary to the law.

46. Avoiding evictions should take precedence over re-housing.

47. Legislation on evictions should clearly set out the procedure of evictions and include a timeframe within which tenants must be informed about a pending eviction.

48. Local authorities and appropriate civil society organisations should be informed of pending evictions to enable them to provide counselling and mediation services and/or assistance to persons at risk of eviction.

49. There should be clear national legislation concerning foreclosure and evictions, with legal assistance according to legally defined conditions for re-housing/re-settling in case of unavoidable eviction and particular protection for households with children and persons in need of care.

50. In the case of households at risk of eviction, all appropriate measures should be taken to ensure access to essential services that are necessary for a dignified and normal existence must be guaranteed (e.g. electricity, drinking water, and heating where necessary).

51. In the case of unavoidable evictions, housing authorities or other legally mandated authorities, in co-operation with social services and other appropriate bodies, should seek, under legally defined conditions, an alternative suitable solution which treats the person concerned with respect so as to facilitate his or her social integration.

52. Where necessary, a strategy should be adopted to reshape the informal housing market, to regularise or find alternatives to illegal settlements, and establish non-profit and participatory bodies.

VIII. Dealing with emergency situations

53. All governments should promote shelter and support basic services and facilities for education and health for the homeless, displaced persons, women and children who are survivors of family violence, persons with disabilities, older persons, victims

of natural and human-made disasters and people belonging to vulnerable and disadvantaged groups, including temporary shelter and basic services for refugees.

54. Governments should develop, adopt and enforce appropriate norms and by-laws for land-use building, and planning standards that are based on professionally established risk and vulnerability assessments.

55. Governments should enable the participation in disaster planning and management of all disadvantaged categories of persons, in recognition of their particular vulnerability to human-made and natural disasters.

56. In areas of potential emergency, governments should encourage, promote and support effective solutions, innovative approaches and appropriate building standards to address critical risks of vulnerable communities, through, *inter alia*, risk-mapping and community-focused vulnerability reduction programmes.

57. Governments or other appropriate administrative bodies need to be able to quickly provide the financial resources necessary to implement emergency policy and rehabilitation measures, ensuring that the particular needs of women, children, persons with disabilities and disadvantaged categories of persons are considered in all communications, rescue efforts, relocation, rehabilitation and reconstruction.

58. Governments should identify and support approaches to cope with the urgent shelter requirements of returnees, internally displaced persons, and victims of natural disasters, including as appropriate, the construction of temporary housing with basic facilities, taking into account gender-specific needs.

59. There should be procedures to monitor how, when emergencies occur, legal and administrative procedures are followed by regional and local authorities.

IX. Recommendations for future work of the Council of Europe on housing

60. The CS-LO welcomes the decision of the CDCS to set up a new Group of Specialists in 2002 on the contribution of housing policies to social cohesion. Based on the findings of the CS-LO, the work of the new Group of Specialists might include the following tasks:

- prepare a glossary of the main terms used in discussing the social aspects of housing policies in Europe;
- provide appropriate background information to the monitoring process of Article 31 of the revised European Social Charter on “The Right to Housing”;
- give particular attention to the sub-regional level, as important lessons could be drawn from a comparison of policies, practice and assistance activities in a smaller group of neighbouring countries;
- consider organising in the medium term joint activities with the United Nations Economic Commission for Europe (UNECE) (cf. paragraph 66 below), with a view to increasing the visibility and impact of the two organisations as two of the main European actors in the field of housing policies;
- explore the scope for co-operation with the EU “National Housing Focal Points”, in particular on EU Housing Statistics with a view to including social cohesion indicators into these statistics;

- devise a framework for monitoring and evaluating the implementation and impact of the guidelines adopted by the CS-LO.

61. During its work, the CS-LO found many examples which showed that there is a strong interdependence between housing policy and other policies concerning access to social rights such as social protection, employment, health, and education. It therefore advises the Editorial Group for the Report on Access to Social Rights (CS-ASR) that the Report on Access to Social Rights should promote the development by public authorities, at all levels, of integrated approaches concerning access to social rights by disadvantaged categories of persons, and make recommendations to that effect.

62. The involvement of NGO representatives in the work of the CS-LO was highly valued by all its members and should be continued in all future activities on access to social rights.

63. The Social Cohesion Indicators, currently being developed by the Social Cohesion Development Division of the Council of Europe, should include indicators that take into account the housing situation in member states.

64. The Council of Europe, where possible in co-operation with the Council of Europe Development Bank, should continue its assistance activities in the housing field at member state and sub-regional level, particularly with regard to improving social infrastructure, reducing discrimination and housing segregation, and addressing the housing situation of minorities, refugees and displaced persons.

65. The Council of Europe's Congress of Local and Regional Authorities of Europe, in particular through the local and regional chambers of its Commission on Social Cohesion, should consider initiating activities on the local and regional aspects of housing policies.

66. The results of the CS-LO's work should be communicated to the UNECE Commission on Human Settlements in order to follow up the very useful contacts established by the CS-LO. The UNECE Commission on Human Settlements does highly relevant work on the economic and technical aspects of housing policies, which is complementary to the Council of Europe's work on the social aspects of housing policies.

67. The Council of Europe should also explore the scope for co-operation with the Special Rapporteur on the Right to Housing who has recently been appointed by the Office of the United Nations High Commissioner for Human Rights (UNHCHR).

68. As far as information on the housing situation in European countries is concerned, the CS-LO recommends that Council of Europe member states consider to

- improve the comparability of housing statistics with a view to their ultimate standardisation on the basis of common European criteria;
- find ways, where necessary, to better inform public officials and the general public on international agreements in the housing field to which their countries are contracting parties (in particular Article 31 of the revised European Social Charter).

Appendix III

Guidelines for improving access to social protection

The following guidelines were agreed by the Group of Specialists on Access to Social Protection (CS-PS). Their purpose is to facilitate access to social benefits for those persons fulfilling the conditions of entitlement to these benefits but being confronted with difficulties in asserting their rights. They also aim to facilitate access to social services. They are based on the following general principles:

- the exercise of a right presupposes knowledge of that right and awareness of the entitlement to hold and exercise that right;
- effective access to social protection must be guaranteed to all those entitled to such protection;
- social protection bodies and social services must operate for the benefit of entitled persons;
- particular attention must be paid to the most vulnerable entitled persons;
- real partnership between social protection bodies and services on the one hand and the different actors of civil society on the other hand is essential in order to improve access to social protection;
- a systematic evaluation of the impact on the fight against poverty should be undertaken when significant amendments are made to the legislation in force or when new benefits are introduced.

I. Improving communication and information about rights, benefits and services

1. The public should have all the necessary information available about social benefits and social services; the dissemination of information should be part of the conception of an effective public information policy and of a national information strategy:

- the dissemination of information should be aimed at all entitled persons and use as many channels of information as possible (brochures sent out to the entire population, television advertisements, provision of brochures in certain public places, free-phone numbers, open days, Internet, etc);
- such information should be accessible in several languages (national minorities, migrant workers);
- such information should be tailored to persons with disabilities (those with mobility difficulties, the hard of hearing and persons with poor sight);
- when information is disseminated in the form of brochures (literature), it should be written in straightforward and accurate language and regularly updated;
- information should be targeted at those who are in proximity to potential beneficiaries.

2. Entitled persons should be able to exercise their rights easily:

- benefits claim forms should be concise, appropriate to claimants and easy to complete;

- the advisory role of social protection bodies should be promoted, particularly for the completion of benefits claim forms, if necessary, through the adoption of proactive approaches (free call centres, mobile services);
- any refusal to grant a benefit shall always be accompanied by reasons, expressed straightforwardly and comprehensibly, and indicate the channels of appeal;
- the possibility of an oral explanation should be available.

3. The public authorities should pay constant attention to the quality and effectiveness of information:

- human relations training should be given to service providers;
- surveys should be carried out on a periodic basis to determine the extent of information penetration;
- surveys should be carried out on a periodic basis to determine the extent of satisfaction among entitled persons;
- checks should be made that potential beneficiaries have had access to benefits, for example by comparing budgetary estimates and the payments made;
- specific outreach work should be organised for persons identified as not exercising their rights.

II. Improving the management and organisation of benefit providers and social services

1. The setting up of social protection bodies and social services should be geared to the needs of the entitled persons:

- the allocation of responsibilities between different bodies and services should be clearly established. This needs to be communicated to all bodies and services concerned;
- entitled persons should be aware of the existence of social protection bodies and social services and their respective functions, where necessary through the introduction of one-stop-shops for benefits and social services or other provisions aimed at facilitating access to social benefits and services;
- social protection bodies and social services should be tailored in particular to the needs of persons in a situation of exclusion;
- premises of social protection bodies and services should be accessible to all (the elderly, persons with disabilities, persons with young children);
- opening hours should be arranged to take account of the various needs of entitled persons;
- “mobile social welfare offices” should be set up where necessary;
- information technology, in particular new technology (Internet) should be made available or utilised in order to facilitate access to social benefits and services in particular for persons living in not easily accessible areas (geographically isolated areas, rural areas).

2. The functioning of social protection bodies and social services should be geared to the needs of the entitled persons:

- the different bodies and services should co-operate with each other in dealing with entitled persons' files, while respecting personal data protection;
- the way in which the most vulnerable persons are received, specially on their first visit, is crucial since their trust in the institution depends on this visit; for that reason, staff should be trained in the necessary professional and inter-personal skills;
- training of staff dealing with the public should focus in particular on the avoidance of discrimination; staff dealing with the public should be made particularly aware of the needs of persons in a situation of exclusion. Staff should receive cultural awareness training relating to the migrants and minorities with which they deal;
- social protection bodies and social services should enlist the services of interpreters and mediators and, possibly, call upon people from the minority backgrounds or from the country of origin of migrants with which they are in contact, in order to facilitate communication with such persons.

3. Social protection bodies and social services have a responsibility towards the beneficiaries and should be made aware of this:

- social protection bodies and social services should work in an efficient way, in particular in terms of time and performance towards this objective;
- mechanisms should be set up to evaluate whether social protection bodies and social services are fulfilling their responsibilities effectively in this regard.

III. Improving the partnership between social protection bodies, services, NGOs and the other actors of civil society

Partnership must be understood in its broad sense: partnership with organisations representing civil society, local authorities, social partners, the private sector, and partnership with entitled persons in order to promote participation and empowerment of these persons.

1. Participation of all actors should be facilitated:

- participation and expression on the part of individuals in a situation of exclusion should be encouraged, particularly as regards policies and initiatives concerning them;
- the importance of voluntary work should be recognised: volunteers are involved on the ground and their experience should be taken into account when new measures are introduced.

2. The role of NGOs and other actors of civil society should be recognised and their action should be supported:

- the existence of NGOs should be legally recognised;
- NGO and other actors' activities should be encouraged and supported, but their role is not to make up for the shortcomings of social protection bodies and services;
- the experience of NGOs and other actors, and particularly their "alarm signal" function, should be taken into account in the framing of policy aimed at ensuring access to social protection.

3. Partnership with NGOs and other actors of society should be encouraged:
 - co-operation between social protection bodies and services on the one hand and NGOs and other actors on the other hand should be promoted, thus fostering interaction between the social protection system and the voluntary sector;
 - the consultation of all partners should be promoted to the greatest extent possible when reforms of the social protection system take place;
 - NGOs and other actors should be recognised as partners in the implementation and assessment of measures taken to improve access to social protection.

Appendix IV

Guidelines for local employment initiatives

The following guidelines for local employment initiatives were agreed by the Committee of Experts on Promoting Access to Employment (CS-EM). Their prime purpose is to address the problem of long-term unemployment.

Local partnerships

1. A multi-partite and inclusive approach to partnership in local employment programmes is essential. Partnerships should involve as wide a range of organisations as possible, including central, regional and local governments, bodies responsible for paying social benefits, employer and business organisations, trade unions, NGOs, and civil society organisations and those representing the unemployed and ethnic minorities.
2. These partnerships should strive to promote a policy of integration and coherence between national, regional, and local job creation programmes, such as the co-ordination of employment and labour market policies together with business, infrastructure and development.
3. Adequate and sustainable funding is fundamental for the success of any local employment partnership.

Equal opportunities between men and women

4. Equal opportunities between men and women should be mainstreamed in all local employment initiatives.
5. Where necessary, economically disadvantaged women, in particular those with family or caring responsibilities, should have access to special training and other support programmes specifically designed to meet their particular circumstances, in particular affordable, accessible and good quality day-care facilities for children and other caring needs.
6. The organisation of work should provide flexible working arrangements for women and men, such as part-time work and flexible working time, to facilitate their family or caring commitments.

Non-discrimination towards disadvantaged groups

7. Access to and participation in local employment programmes should be non-discriminatory on grounds of disability, ethnicity, age or other forms of discrimination.
8. While recognising the principle of non-discrimination, it is sometimes necessary to positively discriminate in favour of certain groups through targeted programmes in order to combat their long-term unemployment.
9. A policy of equal opportunities in access to local facilities – training programmes, employment advice, housing, health and social services etc. – should be an integral part in the design and implementation of local employment initiatives.

Entrepreneurship

10. For those who wish to start their own small business, advice and training on business, financial, legal, marketing and technical issues, as well as on management of personnel is essential to ensure success, as is the continued support of the relevant local and state agencies. This should be available at no or low cost to the start-up enterprise.
11. Voluntary and self-help projects should get particular encouragement and support, as these are often closer to local situations and can meet the needs of local communities not fulfilled by the profit oriented private sector or by public sector organisations.
12. Access to adequate, affordable and sustainable funding is also vital for the long-term success of any business. Such funding should be easily accessible whether through public sources, the commercial banking sector, credit unions or other alternatives sources of finance or a combination of these.
13. Entrepreneurs should be made aware of and have access to information on their rights and obligations regarding taxation, social insurance and labour laws.
14. Programmes for entrepreneurship should be continually monitored and evaluated. This enables different approaches and methods to be adapted to changing needs and problems and possibly to be used in other locations – the “multiplier effect”. As a minimum, programmes should be reviewed regularly to ensure their effectiveness and to correct any problems or inefficiencies.

Education, training and life-long learning

15. Training and re-training in skills relevant to the demands of the local labour market are vital elements of any local employment initiative. However, local education and training policies cannot be formulated in isolation from wider workplace and business developments. Consequently, in providing such training/re-training, the changing nature of work has to be taken into account and a key consideration of education and training policies should be the need for training programmes to provide workers with business and technical skills which are also marketable in the wider context of national and global labour markets.
16. In responding to the need to provide sustainable long-term employment opportunities, greater co-operation is required between the local educational and training institutions, the local employment agencies, local government authorities, local enterprises and the representatives of the social partners in the development of education and training policies, in line with the available resources and the labour market demands within the locality and/or region.
17. All education and training programmes should include modules on personal and social skills, job hunting and career planning and development, in line with the principles of “life-long learning” and non-formal education.
18. Opportunities need to be provided to workers to ensure that their skills and qualifications continue to be relevant to the ever-changing demands of the labour market. This should be done, through national training policies, supported by local

partnerships and local enterprises. Life-long learning is a necessity for workers who wish to keep up with the constant changes in technology and markets.

19. All education and training programmes should include an element of “on the job” placement and work experience as a means of assisting the integration/re-integration of participants into the workforce.

20. It is essential that public works and community employment programmes include an element of skills training, so as to provide participants with the opportunity to find further employment at the end of the programme.

Monitoring and evaluation

21. As part of the design of a local employment programme, an agreed monitoring system should be included. This process should be based on realistic targets; it should be quantifiable, providing data and information which will have added value in the design and implementation of future programmes. It should be embedded in the policy making process.

22. A process of “benchmarking” of the results of programme evaluations against other projects at a national level, and/or trans-nationally, would provide useful data on the effectiveness of the programmes and lead to the more efficient use of scarce financial and manpower resources.

23. In undertaking an evaluation of local employment programmes, the views of the target groups and participating individuals should be sought and taken into consideration in any assessment of the effectiveness of the programmes.

Appendix V

**Recommendation Rec(2001)12
of the Committee of Ministers to member states
on the adaptation of health care services to the demand
for health care and health care services of people in marginal situations**

*(Adopted by the Committee of Ministers on 10 October 2001
at the 768th meeting of the Ministers' Deputies)*

The Committee of Ministers, under the terms of Article 15.b of the Statute of the Council of Europe,

Considering that the aim of the Council of Europe is to achieve a greater unity between its members and that this aim may be pursued, *inter alia*, in particular by the adoption of common rules in the health field;

Noting that the number of persons living in marginal situations is constantly increasing in the member states;

Considering that problems specific to persons living in marginal situations have serious consequences on their health and that this becomes a public health problem of growing importance and a serious and costly burden for the individual, the family, the community and the state;

Recognising that due to the growth of inequalities in health in the European countries, any relevant and effective health policy should not only consider the health problems of the persons living in marginal situations but also those of the persons living in insecure conditions, health promotion being one of the key components of such a policy;

Noting that it is now largely documented that psychological stress experienced by persons living in such insecure conditions has an effect on their physical and mental health;

Recognising the need for policies designed to prevent health problems of persons living in marginal situations, while taking into account the need for protection of privacy of all persons concerned, and the respect of confidentiality;

Recognising the right of persons living in insecure situations to live in conditions favourable to their proper development free from physical and psychological overload, social isolation, psychosomatic symptoms related to stress and other forms of handicap;

Recalling Article 11 of the European Social Charter on the right to health protection and Article 3 of the Convention on Human Rights and Biomedicine on the equitable access to health care;

Referring to the 1994 Ljubljana Charter on Health reforms and the Copenhagen Declaration on Reducing the Social Inequalities in Health of September 2000;

Having regard to the recommendations of the Committee of Ministers to member states, No. R (2000) 5 on the development of structures for citizen and patient participation in the decision-making process affecting health care, Recommendation No. R (97) 4 on securing and promoting the health of single parent families and Recommendation No. R (98) 7 concerning the ethical and organisational aspects of health care in prison;

Aware that measures aimed at reducing the incidence of health problems of persons living in insecure conditions at primary level depend largely on situations outside the normal sphere of health and social services activities;

Considering that the aim and duty of the state and society is to influence broad social and economic prerequisites to health, which finally determine the poorer health of persons living in marginal situations;

Considering that it is also the responsibility of the state to ensure that policies affecting health are developed in a coherent way to increase the potential for health gain and to avoid adverse effects on health;

Aware of the Council of Europe Project on Human Dignity and Social Exclusion and the proposals for action adopted at the 1998 Helsinki Conference;

Aware of the WHO initiative on Partnership in Health and Poverty and aware of the communication of the European Commission on "Building an Inclusive Europe" and the programme of Community action to encourage co-operation between member states of the European Union to combat social exclusion;

Aware of the Charter of Fundamental Rights of the European Union,

Recommends the governments of member states to:

- i. develop a coherent and comprehensive policy framework that:
 - secures and promotes the health of persons living in insecure conditions;
 - protects human dignity and prevents social exclusion and discrimination;
 - ensures supportive environments for the social integration of persons living in marginal situations or in insecure conditions;
- ii. strengthen and implement their legislation in order to ensure human rights protection, social solidarity and equity;
- iii. improve multisectoral co-operation to increase the ability of their social systems to participate in preventing health problems for persons living in insecure conditions. This approach should clearly specify the role, responsibilities and co-ordination of the various agencies and social institutions involved in order to prevent these persons from falling into marginal situations;
- iv. develop comprehensive, effective and efficient health systems for a timely and adequate response to health needs in order to ensure equity and equal access to health care services, taking into account health needs and available resources, and to be able to identify, assess and treat health problems of persons living in marginal situations;
- v. take to this end, whenever feasible, the measures presented in the appendix to this recommendation.

Appendix to Recommendation Rec(2001)12

I. Principles

Governments are encouraged to develop a social/health policy in the framework of the principles adopted by the World Health Organisation at the 1986 Ottawa Conference in order to prevent insecure conditions and therefore limit the risks of falling into marginal situations.

When adapting the health care services to the needs of persons living in marginal situations or in insecure conditions, governments of member states should consider a certain number of principles:

1. The policy should be based on values propounded by the Council of Europe: human rights and patient's rights, human dignity, social cohesion, democracy, equity, solidarity, equal gender opportunity, participation, freedom of choice – balanced by the obligation to help strengthen one's own health.

To be efficient, any health policy, especially if oriented towards the needs of persons living in marginal situations, should be based on an integrated approach and begin with social protection measures. A minimal regular income should be given to these persons.

2. One of the best policies (apart from raising the standard of living) for improving their health and to prevent them from falling into marginal situations is to ensure equal access to social and health systems for everybody whatever his/her economic and legal status. It should take into account the fact that new groups and individuals may at any time find themselves in a marginal situation.

3. Social and economic prevention of the risk of falling into marginal situations should become a priority for governments and societies.

4. Long-term policies to improve social and health conditions for persons living in marginal situations or in insecure conditions cannot be implemented without their participation and agreement. They should, therefore, be considered as responsible persons, able to assume their own responsibilities and as much as possible involved in the decision process.

5. To ensure non-stigmatisation, member states, working in a long-term perspective, should endeavour to meet the needs of persons living in marginal situations within the existing health system. They should ensure an equal access for everybody to the national health resources, which may require positive discrimination in the form of well targeted outreach measures, limited in time and scope and fully integrated into the normal health services.

6. There is no specific disease of the poor. Persons living in marginal situations suffer from the same diseases as the rest of the population but in a disproportionate way.

7. The social and health policies need to be grounded on aims to prevent impoverishment and ill-health, where other than merely health and social sectors matter. All policies need to be assessed and evaluated in terms of their impacts on social cohesion, social exclusion and health. This implies intersectoral action and accountability of

all policies, including economic and trade policies, in terms of their implications for social well-being, health, equity and marginalisation of people.

8. The health systems have to be based on equity guaranteeing access to care according to need and financing of care regardless of the ability to pay.
9. Prevention, health promotion and health care measures for persons living in marginal situations or in insecure conditions should be an integral and integrated dimension of national and local social/health policy.
10. Children are particularly vulnerable in deprived conditions, governments should pay particular attention to them in ensuring that they will benefit from specific social/health preventive policies.
11. Governments should identify critical gaps and barriers in access to health care services: legal, social, economic, cultural, administrative and/or physical barriers. Initiatives and programmes should be implemented in order to reduce these obstacles, which often increase inequalities.
12. Appropriate policies should be developed to adapt the health system to the needs of persons living in marginal situations or in insecure conditions. Further elaboration and implementation of these policies should take into account the decisive role of civil society and NGOs in tackling social inequalities.

II. Development of an integrated and coherent social/health policy

Developing an integrated social/health policy in the framework of the Ottawa Charter includes measures which are obviously beyond the capacity of the health sector alone. ("The fundamental conditions and resources for health are peace, shelter, education, food, income, a stable ecosystem, sustainable resources, social justice and equity. Health promotion action means: build a healthy public policy, create supportive environments, strengthen community action, develop personal skills, reorient health services".) These measures should depend on national and regional conditions and may include, among others:

- compulsory education, including health education from early childhood;
- an environment which provides suitable jobs and professional activities;
- decent housing; and
- other measures which ensure a satisfactory social protection.

Those issues are currently under study by the Social Cohesion Committee in order to develop a comprehensive recommendation on access to social goods and services.

In health care, the priority aim should be to ensure that health services are available and financially accessible to everyone.

The health policy should be formulated and implemented in order to improve the primary health care system so as to better respond to the needs of various social and cultural groups. It should also provide services of appropriate quality to everybody, including health promotion ones.

A special effort should be made to develop a specific preventive health policy for the most vulnerable persons including unemployed persons and their families, young

single parent households, disabled, refugees, migrants and prisoners. Special attention should be paid to mental health problems, which often affect people in conditions of socio-economic vulnerability, poverty and exclusion.

Programmes for health promotion should reach people in marginal situations and should be planned in co-operation with them and be acceptable to them.

While all age groups should be considered for targeted action, special emphasis should be placed on the very early period in life, between conception and school age.

All children should be offered a complete programme of immunisation and equal access to paediatric health services and all women should receive antenatal, birth and postnatal care in appropriate health facilities.

Screening and rehabilitation should be offered to anyone regardless of his/her economic, social and cultural status. Physical access to all facilities for the disabled should be secured.

Each person should have an equal access to curative services including secondary and tertiary hospital care, where most people in marginal situations usually end up due to emergencies.

III. *Development of specific measures to guarantee a better equity*

When deciding on and implementing specific measures to improve access to health services to persons living in marginal situations or in insecure conditions, governments should pay particular attention to the risk of stigmatisation of these people. In addition, and because the objective is that everyone should have an equal access to health services, positive discrimination measures may be proposed for a limited period of time and be integrated into the normal health system.

1. Accessibility to preventive, promotional and curative health services and programmes.
 - Regional/local systems for identifying people living in marginal situations should be developed.
 - Emphasis should be put on the primary health care network for providing affordable health services to persons living in marginal situations.
 - Health promotion and preventive services should be organised at local level with particular emphasis on outreach activities toward people living in marginal situations.
 - Provision and delivery of emergency health services should not depend on advance payment but be guaranteed irrespective of the ability to pay for it.
 - Innovative organisational approaches should be encouraged, aimed at increasing flexibility of health care provision (adjusted opening hours, telephone booking system, etc.).
 - Specific measures should be taken for financing basic health care services to persons living in illegal situations.
 - Persons living in marginal situations or in insecure conditions are often poorly informed. Communication should be improved for informing them about existing programmes and services and how to reach them.

- Health professionals should act as advocates for persons living in marginal situations who generally have a low access to health services. This role could include lobbying authorities, politicians, and international organisations for improving access to health services for these persons.
- Health care of people living in illegal situations should be provided, with respect for their anonymity.

2. Specific population groups

Health services should be offered to everyone but special attention should be paid to persons living in insecure conditions, avoiding stigmatisation.

- Women living in insecure conditions have a higher rate of premature birth and perinatal morbidity, so they should benefit from special social/health surveillance during pregnancy and the perinatal period.
- Children with social/family risk factors should receive special attention from social/health services.
- Families with economic and/or social difficulties should receive support in educating their children, with an emphasis on measures directly benefiting the recipient children (educational vouchers, food stamps, etc.).
- Specific social/health services should be implemented at local level for young people having family/social risks factors with special emphasis on information on family planning, STD, HIV/Aids, traffic accidents, suicide, drug abuse, alcohol, etc. Their general physical and psycho-social well-being should be regularly assessed.
- Social/health services should pay particular attention to the needs of disabled persons whatever the origin of the handicap.
- Special attention should be paid to the needs of persons living in marginal situations with chronic diseases as well as with metabolic or neurological pathologies.
- Occupational health should be developed in particularly exposed working places.
- People living in prison and their children living in collective institutions should benefit from health services of equally good quality as outside prison.
- For underprivileged groups of population including refugees, recent migrants, etc., special attention should be paid to the specific cultural dimension of health. Some key social/health services should include professionals coming from such populations.
- Health care for elderly persons living in insecure conditions should be developed within the community by specially trained social/health workers.
- Specialised services should be available for alcohol and drug abusers.

IV. Improvement of knowledge on the health of persons living in insecure conditions

Governments should pay particular attention to the improvement of knowledge on the health of persons living in insecure conditions and their specific health needs. There is a need for the routine collection of standardised and comparable data based on common definitions. Health and social indicators should be linked together. A

monitoring and surveillance system should be developed, resulting in regular, if possible annual, reports at country and European levels. The following measures are recommended:

1. Information system

- An observatory of social/health development should be set up at national/regional level to collect, process and disseminate reliable information on social/health status of persons living in insecure conditions.
- Data collected on a routine basis should include social and economic indicators as well as indicators of accessibility to health services.
- In order to avoid discrimination and to ensure individual protection, anonymity of data should be fully respected.
- Periodic and regular surveys should be conducted to better assess the use of services for specific problems.
- Regional/local health conferences should be organised to collect and disseminate information.
- Information should be made available to both social/health professionals and to the public.
- Existing networks in the community should be identified in order to create supportive environments.

2. Research

Research programmes should address the following issues:

- Cost/utility, cost/benefit and cost/effectiveness evaluation of different health policies and programmes for improving access to health services for persons living in insecure conditions.
- Selection of relevant indicators for monitoring and evaluation of policies, programmes and activities.
- Health status and needs of people at risk and those living in marginal situations.
- Qualitative surveys on health perception and obstacles to access to health care.
- Longitudinal analysis of individual histories of how people get into marginal situations and of the strategies used to leave them.
- Health status and needs of young adults should receive particular attention.
- Differences in values, social support networks, positive and negative experiences with health care services.
- Social distance between various groups and health care professionals.
- The role and impact of NGO interventions.
- Ways in which health facilities are modified to meet the needs of groups in marginal situations.

V. Change of behaviour of the administration and of health/social professionals at the central and local level

The following action areas are recommended to help the administration and health/social professionals at the national and local level to adapt their response to the health needs of persons living in insecure conditions:

1. Policies

- A policy paper on health protection and health promotion for persons living in marginal situations should be published. The formulation of such a policy should be based on a large consensus among all potential partners and when feasible with the community concerned.
- Policy implementation should be based on a multisectoral approach and its impact systematically monitored and evaluated.
- Re-assessment of the interface between health authorities and social services is encouraged .
- NGOs experience and capacity should be used to implement policies at local level.
- Instruments should be experimented with and developed with a view to involving people living in insecure conditions in the decision-making process to design and organise health services.

2. Professional practices

- Regular meetings should be organised at local level between administration staff, social/health professionals and NGOs to organise responses to health needs of groups/persons living in marginal situations.
- New social professions should be created for young adults in marginal situations to prepare them for working in their own community.

3. Training

- Disciplines like public health, epidemiology (in particular of non-communicable diseases), health promotion, social sciences, and health economy should be reinforced in the undergraduate curriculum of health professionals and social workers and, particularly, future physicians.
- National postgraduate programmes should be implemented with an emphasis on specific approaches to vulnerable social groups and individuals, preventive actions, outreach strategies and non-discriminatory identification methods of the health needs at community level.
- Training programmes should be organised for both health and education personnel for an early detection of health problems at school.
- Special programmes should be prepared for social/health/education staff for drawing their attention to the specific needs of the poor, unemployed people, refugees, etc.
- Professionals working at grassroots level and NGOs should be encouraged to play an important role in such training programmes.

Appendix VI

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References

- Béland, D. and Hansen, R. (2000), "Reforming the French welfare state: solidarity, social exclusion and the three crises of citizenship", in *West European politics*, Vol. 23, No. 1, pp. 47-64.
- BIPE (2001), *European public policy concerning access to housing*, Boulogne-Billancourt: BIPE.
- Borchert, J. (1995), *Die konservative Transformation des Wohlfahrtsstaates*, Francfort a.M: Campus.
- Bubnov-Skoberne, A. (2001), "The protection of fundamental social rights in the associated countries: the example of Slovenia", in *The protection of fundamental social rights in Europe*, Strasbourg: Social Charter Monographs, No 11.
- Castel, R. (1995) *Les métamorphoses de la question sociale*, Paris: Fayard.
- Council of the European Union (2000) *Charter of Fundamental Rights of the European Union*, Luxembourg: General Affairs Council.
- Council of the European Union (2001a) *European Union Annual Report on Human Rights 2001*, Luxembourg: General Affairs Council.
- Council of the European Union (2001b) *Draft joint report on social inclusion*, Brussels: Council of the European Union.
- Comité des Sages (1996) *For a Europe of civic and social rights*, Brussels/Luxembourg: DG Employment and Social Affairs.
- Daly, M. (1997) "Welfare states under pressure: cash benefits in European welfare states over the last ten years", *Journal of European Social Policy*, Vol. 7, No. 2: 129-46.
- Deacon, B. (2000) "Eastern European welfare states: the impact of the politics of globalization", *Journal of European Social Policy*, Vol. 10, No. 2: 146-61.
- Donnelly, J. (1994) "Human rights in the new world order: implications for a new Europe", in Forsythe, D.P. (ed) *Human rights in the new Europe*, Lincoln: University of Nebraska Press.
- Duffy, K. (1998) *The human dignity and social exclusion project: opportunity and risk: trends of social exclusion in Europe*, Strasbourg: Council of Europe.
- Eide, A. (1995a) "Economic, social and cultural rights as human rights", in Eide, A., Krause, K. and Rosas, A. (eds) *Economic, social and cultural rights: a textbook*, Dordrecht: Martinus Nijhoff.
- Eide, A. (1995b) "Cultural rights as individual human rights", in Eide, A., Krause, K. and Rosas, A. (eds) *Economic, social and cultural rights: a textbook*, Dordrecht: Martinus Nijhoff.
- Eide, A., Krause, K. and Rosas, A. (eds) (1995) *Economic, social and cultural rights: a textbook*, Dordrecht: Martinus Nijhoff.
- European Commission (1999) *Affirming Fundamental Rights in the European Union: Report of the Expert Group on Fundamental Rights*, Brussels: European Commission.

European Commission (2001) *The Social Situation in the European Union 2001*, Luxembourg: Eurostat.

European Committee for Social Cohesion (2000) *Social Cohesion Strategy*, Strasbourg: Council of Europe.

Ferrera, M. and Rhodes, M. (2000) "Building a sustainable welfare state", *West European Politics*, Vol. 23, No. 2: 257-82.

Fitzpatrick, B. (2001) "The European system of protection of fundamental social rights", in *The protection of fundamental social rights in Europe*, Strasbourg: Social Charter Monographs, No; 11.

http://www.odci.gov/cia/publications/factbook/fields/population_below_poverty_line.html.

Irish Presidency/Council of Europe (2000) *Towards social development for all: a European strategy based on co-operation and partnership*, Strasbourg: Council of Europe.

Marshall, T.H. (1965) *Class, citizenship and social development*, Garden City, NY: Anchor Books.

Milanovic, B. (1998) *Income, inequality and poverty during the transition from planned to market economy*, Washington, D.C: World Bank.

OECD (2001) *Local partnerships for better governance*, Paris: OECD.

Pascall, G. and Manning, N. (2000) "Gender and social policy: comparing welfare states in central and eastern Europe and the former Soviet Union", *Journal of European Social Policy*, Vo. 10, No. 3: 240-266.

Paugam, S. (ed.) (1996) *L'exclusion: l'état des savoirs* Paris: la Découverte.

Phillips, A. (1999) *Which equalities matter?* Cambridge: Polity Press.

Pillinger, J. (2001) *Quality in social public services*, Dublin: European Foundation for the Improvement of Living and Working Conditions.

Plant, R. (1992) "Citizenship, rights and welfare" in Coote, A. (ed) *The welfare of citizens: developing new social rights*, London: IPPR/Rivers Oram Press.

Rosas, A. (1995) "So-called rights of the third generation", in Eide, A., Krause, K. and Rosas, A. (eds) *Economic, social and cultural rights: a textbook*, Dordrecht: Martinus Nijhoff, pp. 243-245.

Sano, H.O. (1999) "Development and human rights: the necessary, but partial integration of human rights and development", *Human Rights Quarterly*, Vol. 21: 734-52.

Scott, C. (1999) "Reaching beyond (without abandoning) the category of "economic, social and cultural rights", *Human Rights Quarterly*, 21: 633-60.

Standing, G. (1998) "Societal impoverishment: The challenge for Russian social policy", *Journal of European Social Policy*, Vol. 8, No. 1: 23-42.

Sykes, R., Palier, B. and Prior, P.M. (eds) (2001) *Globalization and European welfare states*, Basingstoke: Palgrave.

Therborn, G. (1995) *European modernity and beyond: the trajectory of European societies 1945-2000*, London: Sage.

UNDP Regional Bureau for Europe and the CIS (1998) *Poverty in transition?* New York: UNDP.

Van Steenbergen, B. (ed.) *The condition of citizenship*, London: Sage.

World Bank (1996) *From plan to market: world development report 1996*, Washington D.C: World Bank.

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