

Statement

The EU must put economic and social rights at the heart of its economic response to COVID-19

6 May 2020

ENNHRI, the European Network of National Human Rights Institutions, welcomes the EU's steps to stimulate the economy and support livelihoods in the context of the COVID-19 pandemic. However, it is crucial that all human rights, including economic and social rightsⁱ, guide the implementation of such measures, as we underlined in our recent [statement](#). By keeping human rights at the heart of COVID-19 responses, we can overcome this economic and public health challenge while protecting human dignity.

However, partly due to the [legacies](#) of austerity policies from the global financial crisis of 2008-09, which deepened inequalities within and between countries in Europe, health and social security systems are often not adequately equipped to respond to the COVID-19 emergency. It is essential to provide public budgets with sufficient resources to implement fiscal policies that are based on human rights and "[leave no one behind](#)".

In accordance with human rights standards, states must use their maximum available resources to fully realise economic and social rights as [expeditiously and effectively as possible](#). They must avoid retrogressing in service standards, and ensure [substantive equality](#) by mitigating disproportionate impacts on those most at risk. This should be carried out transparently and with the meaningful participation and consultation of those affected. Both states and the EU's economic response must keep in line with these human rights principles.ⁱⁱ

In particular, we underline the following points:

1. Criteria for the EU's recovery fund must be guided by and aimed at realising economic and social rights

Beyond providing loans, the EU recovery fund should provide grants to Member States in need so that people across the EU can enjoy minimum essential level of socio-economic rights, including the right to housing, health, food, water, sanitation, education, social security and work. While the activation of the 'general escape clause' under the Stability and Growth Pact allows Member States to depart from budgetary constraints under the European fiscal framework, some states'

domestic capacities to increase public expenditure need to expand to prevent retrogression in the provision of basic public services. The recovery funds should also enable EU Member States to work towards the Sustainable Development Goals and climate commitments under the Paris Agreement.

2. Financing for COVID-19 response measures must not discriminate

While the health and economic impacts of the pandemic are disproportionately felt by people experiencing poverty, racism or other forms of discrimination, such as Roma people, people with disabilities, refugees and migrants, recovery plans could either alleviate or widen inequalities. Therefore, social security nets must be expanded to ensure that “no one is left behind”, while a thorough [human rights impact assessment](#) of recovery measures can help protect people against discrimination and a widening of existing inequalities

Also, when generating revenue, states should consider forms of progressive taxation, such as the financial transaction tax, taxation on climate change-related emissions or tax increases in the digital economy, to avoid a disproportionate burden on disadvantaged and low-income families.

3. European Stability Mechanism (ESM) loans should secure an adequate standard of living more broadly

We welcome that loans provided to states in need under the Enhanced Conditions Credit Line of the ESM are not conditioned on economic reforms by recipient states. When financing direct and indirect [healthcare, cure and prevention related costs](#) due to COVID-19, as envisaged under ESM loans, health needs to be understood more broadly and holistically.ⁱⁱⁱ As certain preconditions beyond medical care are needed to ensure good health, public health spending related to COVID-19 under the ESM should include broader social welfare investments that support an adequate standard of living, including access to housing, food, water and sanitation. This would help contribute to containing the pandemic’s impacts while enhancing resilience to future crises.

4. Implementation of the ‘Support to mitigate Unemployment Risks in an Emergency’ (SURE) instrument must consider [informal economy workers](#)

Many people belonging to certain groups, including women, migrants and low-paid workers, carry out precarious work without contractual social protections or trade union representation. EU Member States must prioritise the social protection of such groups when requesting financial assistance through the SURE instrument. The European Commission should make sure that national schemes are non-discriminatory in their design and implementation, and include targeted measures to address those most vulnerable and ensure their access to justice.

5. Funding for small and medium-sized businesses should prioritise companies that respect human rights

In the implementation of the [pan-European guarantee](#) fund to support small and medium-sized businesses, the European Investment Bank and EU Member States should prioritise companies operating in line with the [UN Guiding Principles on Business and Human Rights](#) and environmental sustainability standards. To take an [example from Denmark](#), businesses that evade taxes or pay dividends and bonuses in 2020-21 and that do not comply with human rights due diligence (domestically and in their supply and value chains) are excluded from financial support.

6. Technical and financial assistance must support the realisation of socio-economic rights abroad

We welcome the European Commission's announcement to provide €15.6 billion to partner countries facing challenges in coping with the impacts of the pandemic and mitigating the socio-economic consequences. In this context, the EU and its Member States should draw on lessons from past health pandemics, such as HIV/AIDS and Ebola, where locally-adapted and community-based solutions proved effective. Meaningful participation and consultation of the most vulnerable in local communities remains central to external pandemic assistance.

7. As a transnational threat, the COVID-19 pandemic demands coordinated global responses

EU Member States should strengthen the capacities of international organisations like the World Health Organization to fulfil their mandates and to implement a human rights-based approach. They must also cooperate to extend testing capacities and foster drug and vaccine research, while making medical equipment, vaccinations and essential medicines accessible for countries and populations most at risk. [Coronavirus Global Response](#) pledging event to kick-start funding for the development and deployment of diagnostics, treatments and vaccines was an important first step. Moreover, to [enable all countries to mobilise their maximum available resources](#) to fight the pandemic, Member States should consider debt restructuring, debt forgiveness and debt moratoriums on all interest payments for countries most in need.

In line with these points, we call on the EU and its Member States to envision a socially-cohesive and sustainable society after the COVID-19 pandemic, achieved through a recovery that is based on human rights. By putting human rights at the heart of the COVID-19 response, we can bring about outcomes that are just and fair for all.

ENNHRI is the European Network of National Human Rights Institutions. We bring together over 40 National Human Rights Institutions (NHRIs) across Europe to enhance the promotion and protection of human rights in the region. Our network provides a platform for collaboration and solidarity in addressing human rights challenges and a common voice for NHRIs at the European level.

ⁱ Human rights with a socio-economic dimension and the right to equality and non-discrimination are laid out in the EU Charter of Fundamental Rights, European Pillar of Social Rights, European Social Charter, European Convention on Human Rights and UN human rights treaties, in particular the International Covenant on Economic, Social and Cultural Rights.

ⁱⁱ See also: [A UN framework for the immediate socio-economic response to COVID-19](#), [COVID-19 and Human Rights: We are all in this together](#) and [Council of Europe Social Rights in times of pandemic](#)

ⁱⁱⁱ See also: [Statement of interpretation on the right to protection of health in times of pandemic](#)

