

# Social rights: *access and effectiveness*

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Social rights are essential for leading a dignified and independent life. They include access to essentials such as adequate means of subsistence, food, health, education, housing, culture, social protection and labour rights. These rights are guaranteed in France, in particular by the European Social Charter and the Constitution: **they are fundamental because they must respect the equal dignity of all, integration and the participation of all in society.** It is a matter of democracy and social cohesion.

However, **it is not enough to assert the existence of these social rights. Their application must be ensured, in other words, they must be effective.**

**Effectiveness is to be distinguished from the fight against non-take-up.** The notion of non-take-up refers to the situation of a person who does not receive all or part of a social benefit for which he or she is nevertheless eligible. Combating non-take-up is a stated priority, but the level remains high, affecting, for example, more than a third of people eligible for the RSA (DREES, 2022), 30% of people eligible for unemployment insurance (DARES, 2022), and half of people living alone who are eligible for the minimum old-age pension.

**Effectiveness is about how we can guarantee access to fundamental rights for everyone throughout the country?** It questions the relevance of the choices made in public policy and the mechanisms that implement them.

In France, **public policy has shifted from social policies of solidarity to social policies of 'activation': social assistance recipients are now expected to adopt an active attitude, monitored and sanctioned by the public administration in the event of non-compliance.** The paths leading to the effectiveness of rights are therefore more complex and imposed, with, for example:

- Increasingly paperless administrative procedures, at a time when one in two French people are not comfortable with computers (Senate report on computer illiteracy in 2020);
- Standardised procedures that ignore the significant inequalities in situations and cultural capital between the people concerned;
- Fewer reception desks with restricted opening hours, where the logic of information on rights and support has given way to a logic of orientation towards digital procedures.

**These public policies, based on available resources rather than people's needs,** no longer respect the fundamental rights that they are supposed to guarantee. They deprive the people concerned of access to social benefits. Their fundamental rights are therefore not effective.

**How can we ensure equal dignity for all?**



## Three ways to guarantee access to and the effectiveness of social rights in France

### 1 Designing public policies that respect fundamental rights

#### → How?

- **Building public policy on respect for human rights** – indivisible, interdependent and non-hierarchical.
- Reaffirming **social protection as a right** and a social investment.
- Fighting **against stigmatisation and preconceived ideas** about benefit recipients, which feed public policies that are unsuited to their needs.
- Base the objectives and design of public policies **on the needs and aspirations of the people concerned**, and their impact on the effectiveness of rights for all and on the situation of the poorest.
- Ensure the conditions for the participation of all in the design, implementation and evaluation of public policies.

### 2 Facilitating access to social benefits and ensuring the effectiveness of social rights

#### → How?

- By removing certain small one-off sums (a gift from a relative, for example) from the resources taken into account when allocating assistance.
- **By no longer including child support received by the custodial parent in the social benefit scales** (up to a ceiling to be determined).
- In the event of sanctions, overpayments or suspensions

of social assistance, implement a customisable repayment plan, **preserving an unseizable income based on the principle of dignity** (except in the case of fraudulent maneuvers).

- Preserve **alternatives to digital** and a territorial network of local physical reception centers.

### 3 Improve social support, the duties and training of agents

#### → How?

- Create the conditions for effective support, adapted to the situation and the plans of the person concerned, **thanks to a relationship of trust with their advisor, and a support period adapted to their pace**.
- Allow them to be supported by a **trusted third party of their choice, who has the right to participate in any appointment**.
- **Give public service agents more scope for initiative** so that they can respond to individual situations.

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