



Provisional version

Committee on Equality and Non-Discrimination

Equality and the crisis¹

Draft report

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¹ Draft resolution adopted unanimously by the Committee on 3 December 2014 in Paris.

A. Draft resolution

1. The economic crisis has hit the majority of Council of Europe member States with a long-term impact on the population going beyond the economic sphere. The crisis has resulted in higher unemployment, undermined social cohesion, greater poverty, rising inequalities and income gaps, increasing discrimination and intolerance, social tensions, rising support for populist political parties and movements.
2. Austerity measures have been one of the main responses to the crisis. The Assembly is deeply concerned that, by undermining equal opportunities and cutting funding for social programmes and equality bodies, the economic crisis and austerity measures have had a negative impact on the enjoyment of human rights and equality, affecting disproportionately vulnerable categories of persons, including women, young people, people with disabilities, older persons and migrants.
3. The economic crisis has also diminished the level of trust in the political system and the spirit of solidarity in society. When exercising their role of democratic scrutiny, parliaments should assess the human rights impact of measures proposed by governments.
4. A responsible response to the economic crisis should take into account its potential impact on the population with a long-term perspective and cannot take the form of short-term measures only. Budgetary cuts should not be human rights and equality blind. In this regard, human rights and equality impact assessments are essential in order to take informed decisions and mitigate as far as possible the impact of austerity measures on vulnerable categories of persons.
5. Maintaining a high level of social protection and combating inequalities can contribute to stimulating growth and to reducing poverty in the long-term. Positive measures protecting vulnerable categories of persons and their participation in society should be preserved to the extent possible so as to guarantee social protection floors, social cohesion and prevent a backlash of social rights. The Assembly is convinced that social justice is beneficial economically and socially in the long-term. By ensuring accountability of decision-makers, investing in equality and working for inclusion and a participatory approach, one can contribute to promoting a vision of society based on solidarity and respect for human rights.
6. Human rights standards include a positive obligation for States to identify groups presenting risks and take into account their vulnerabilities when formulating policies. In this regard, the revised European Social Charter is a key instrument for the protection of social rights, including in times of economic crisis. The Assembly welcomes the ratification of the revised European Social Charter by 33 member States and hopes they will be followed by others as soon as possible.
7. In the light of these considerations, the Assembly calls on Council of Europe member states:
 - 7.1. to invest in equality as a way of tackling the crisis and take measures to mitigate the impact of the economic crisis on the most vulnerable categories of persons;
 - 7.2. to carry out human rights and equality impact assessments in cooperation with national human rights institutions and take into account a long-term perspective when elaborating economic and social policy responses to the economic crisis;
 - 7.3. to facilitate increased cooperation with social partners and organise regular consultations with national human rights institutions, social partners and civil society representatives to discuss a coordinated approach to the economic crisis and in order to adjust policies according to needs;
 - 7.4. to set up, when relevant, structures on the model of the Icelandic Welfare Watch in order to ensure dialogue and tackle the disproportionate impact and the cumulative effects of the crisis and of austerity measures on vulnerable categories of persons;
 - 7.5. to promote and encourage the participation of vulnerable categories of persons in recovery planning;
 - 7.6. to step up efforts to combat gender-based discrimination on the labour market, including maternity discrimination;
 - 7.7. to ensure adequate funding to assistance and protection services for victims of domestic or sexual violence;

- 7.8 to give more attention and invest in combating youth unemployment and social exclusion of young people;
 - 7.9 to adopt policies that guarantee the rights of people with disabilities and ensure them an independent living and full inclusion in the society;
 - 7.10. to ensure a life in dignity for older persons by guaranteeing a minimum income, promoting social inclusion and combating abuse and discrimination;
 - 7.11. to step up efforts to combat the rise of racism and xenophobia and condemn hate speech, irrespective of the economic context;
 - 7.12. to ensure adequate funding for national human rights institutions allowing them to carry out their mandate;
8. The Assembly calls on the parliaments of Council of Europe member states:
- 8.1. to initiate without delay the process of ratification of the revised European Social Charter, if they have not yet done so, and to ensure its implementation including the collective complaints procedure;
 - 8.2. to exercise parliamentary oversight over governmental responses to the economic crisis, asking for the conduct of human rights and equality impact assessments when it is not yet the case;
 - 8.3. to organise parliamentary debates on the impact of the economic crisis on the most vulnerable categories of persons;
 - 8.4. to ensure legislative follow-up to decisions of the European Committee of Social Rights;
 - 8.5. to increase cooperation with national human rights institutions and social partners involving them in the design of measures to counter the economic crisis and to increase dialogue with non-governmental organisations on the response to the economic crisis;
9. The Assembly encourages non-governmental organisations active in this sector to continue advocating for social dialogue and to pursue their awareness-raising activities with regard to the promotion and protection of human rights, including economic and social rights, and the impact of the economic crisis on the most vulnerable categories of persons.

B. Explanatory memorandum by the Rapporteur

1. Introduction

1. Higher unemployment, greater poverty, widening income gaps, rising discrimination and intolerance, social tensions, increasing support for populist political parties and movements: the economic crisis has hit the vast majority of Council of Europe member States with great virulence, with consequences reaching well beyond the economic sphere. Austerity measures translating into drastic budgetary cuts have been the most immediate response. But are they a solution or, rather, do they contribute to aggravating the situation? Will Europe emerge from this crisis completely changed or will it remain faithful to its values of solidarity, equality and dignity for all?

2. These questions are very much at the heart of the Council of Europe's concerns. Social rights should not be a luxury which is only available in a time of plenty: they are human rights which are enshrined in a number of legally binding instruments. Besides, the response to the crisis risks undermining not only the social model that many States have built over decades but also their democratic foundations, marginalising some groups, further disaffecting people from politics and weakening bodies that contribute to the oversight of democratic governance.

3. These questions should also be at the heart of our preoccupations as members of national parliaments. As Mr Espen Barth Eide, former Norwegian minister of foreign affairs, said, "the crisis is about much more than economic numbers and issues. It is about individuals and the real social drama they live through every day".² A responsible response to the crisis cannot only aim at adjusting economic indicators in a short-term perspective: it must also take into consideration the consequences on people and be consistent with our vision of society in the long-term, once the crisis is over.

4. I am certainly not the first one to ring an alarm bell: the policies that governments throughout Europe have been introducing in response to the crisis have been the matter of heated debate at national level. In some of the European Union member States that have been the most seriously affected, this debate has also turned into an open criticism of the role of the European Union and of some other EU member States, who have been accused of pushing for draconian measures regardless of the impact on people. Similar criticism has been levelled against the International Monetary Fund (IMF) which is part of the so-called Troika.

5. A number of prominent personalities, including the Council of Europe Commissioner on Human Rights, Mr Nils Muižnieks,³ and the former United Nations High Commissioner for Human Rights, Ms Navenethem Pillay,⁴ have underlined that the costs of the crisis have not been borne by those who were primarily responsible for it but has been foisted upon those least able to absorb them.

6. In this report, I shall analyse the impact of the crisis and austerity measures on specific groups which are very much in the focus of the attention of the Committee on Equality and Non-Discrimination: women, people with disabilities, older persons. I shall also address the situation of young people, whose inclusion and participation in society in all its spheres is essential with a view to establishing solid foundations for tomorrow's democracies. I shall also mention the impact of the crisis on society in general, in particular as regards the upsurge of acts of intolerance, hatred and racism.

7. This draft report includes information and considerations that I gathered during three fact-finding visits, respectively to Portugal (17-18 March 2014), Iceland (4-5 June 2014) and Greece (15-16 September 2014). I would like to take this opportunity to thank the delegations of Portugal, Iceland and Greece to the Parliamentary Assembly of the Council of Europe for their support and excellent cooperation during the fact-finding visits. The draft report also draws from exchanges of views that the Committee held respectively with Dr Des Hogan, Acting Chief Executive Officer of the Irish Human Rights and Equality Commission (28 January 2014), Mr Nils Muižnieks, Council of Europe Commissioner for Human Rights (23 June 2014), Mr Alejandro Cercas (23 June 2014)⁵, member of the European Parliament (23 June 2014)

² OECD Observer No 296 Q1 2013, www.oecdobserver.org/news/fullstory.php/aid/3988/lt_92s_all_about_people.html.

³ Safeguarding human rights in times of economic crisis, Issue paper by the Council of Europe Commissioner for Human Rights, November 2013.

<https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=2407768&SecMode=1&DocId=2088892&Usage=2>.

⁴ Opening Statement by UN High Commissioner for Human Rights Navenethem Pillay at the 23rd session of the Human Rights Council, Geneva, 27 May 2013, www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=13358&LangID=E.

⁵ Rapporteur on the Role and operations of the Troika with regard to the euro area programme countries - Employment and social aspects of the role and operations of the Troika.

and Mr Luis Jimena Quesada, President of the European Committee of Social Rights (Paris, 8 September 2014). I held a bilateral meeting with Mr Paulo Pinheiro, Chair of the Council of Europe Advisory Council on Youth (24 June 2014) and attended the high-level conference on the European Social Charter "Europe restarts in Turin" on 16-17 October 2014.

2. Human rights and the crisis

8. "Human rights law standards place a positive obligation on States to identify at-risk groups and to formulate economic and other policies to take into account their vulnerabilities and to mitigate the impact of governmental decisions. States can do this by implementing the principles of non-discrimination, equality, transparency, participation and accountability, taking into account in particular the needs of at-risk groups".⁶

9. The European Social Charter is a key instrument when looking at equality and the crisis since it establishes key principles for the protection of human rights, with a focus on economic and social rights, and the non-regression of social security (article 12.3).⁷ On the occasion of the release of the annual report of the European Committee of Social Rights on 29 January 2014, the Secretary General of the Council of Europe stressed that "the crisis and austerity should not allow us to accept to sacrifice the more vulnerable" and called for a better protection of rights in times of austerity.⁸ The European Committee of Social Rights identified 180 violations of the European Social Charter provisions on access to health and social protection across 38 European countries⁹ and stated that several anti-crisis laws implemented in Council of Europe member States were in contradiction with the Charter. These included the legislation reforming the labour market in Greece in 2012, which could lead to discrimination on the grounds of age for workers under 25 and legislation with regard to cuts in pensions.

10. Mr Jimena Quesada, President of the European Committee of Social Rights, stressed the importance of the principle of non-discrimination in the European Social Charter and the fact that the European Committee of Social Rights had worked to ensure the respect of equality including in a context of economic crisis. In addition, the economic crisis could also be at the origin of some discrimination with regard to changes in the distribution of financial resources for social benefits.

11. According to the United Nations International Covenant on Economic, Social and Cultural Rights, State parties have an obligation to improve universal access to goods and services, such as healthcare, education, housing and social security and to ensure just and favourable conditions of work without discrimination. I can only welcome initiatives such as the letter sent by the Chairperson of the United Nations Committee on Economic and Social Rights to all States parties to the Covenant in 2012 in order to remind them to avoid taking decisions which might lead to violations of economic, social and cultural rights.¹⁰

12. National legal instruments, such as national constitutions, are of major importance for human rights protection since they recognise civil, political, economic and social rights. The economic crisis should not be seen as an opportunity to undermine acquired social rights. As stressed by Mr De Sousa Ribeiro, President of the Portuguese Constitutional Court, "the crisis did not suspend the Constitution and the obligations of the State. Any decrease in protection needs a justification".¹¹

13. Respect for human rights has been eroded by a trend of rising inequalities in Europe which started already before the economic crisis. According to the Organisation for Economic Co-operation and Development (OECD), the poorest 10 per cent of the population have an income that is on average 9 times lower than the richest 10 per cent of the population in OECD countries. This ratio reaches 1 to 10 in Italy and the United Kingdom, 1 to 14 in Turkey and is lower than 1 to 9 in European Nordic countries.¹²

⁶ Dr Des Hogan, Hearing on the impact of the crisis on equality, Committee on Equality and Non-Discrimination, Strasbourg, 28 January 2014.

⁷ Article 12.3 of the Charter: "to endeavour to raise progressively the system of social security to a higher level".

⁸ Secretary General calls for better protection of social rights in times of austerity, [https://wcd.coe.int/ViewDoc.jsp?Ref=DC-PR011\(2014\)&Language=lanEnglish&Ver=original&BackColorInternet=F5CA75&BackColorIntranet=F5CA75&BackColorLogged=A9BACE](https://wcd.coe.int/ViewDoc.jsp?Ref=DC-PR011(2014)&Language=lanEnglish&Ver=original&BackColorInternet=F5CA75&BackColorIntranet=F5CA75&BackColorLogged=A9BACE).

⁹ Annual conclusions of the European Committee of social rights, 29 January 2014, www.coe.int/t/dghl/monitoring/socialcharter/Conclusions/ConclusionsIndex_en.asp

¹⁰ Letter addressed by the Chairperson of the Committee on Economic, Social and Cultural Rights to States parties to the International Covenant on Economic, Social and Cultural Rights, 16 May 2012, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCESCR%2fSUS%2f6395&Lang=en

¹¹ Meeting in Lisbon, 18 March 2014.

¹² Divided We Stand - Why Inequality Keeps Rising, OECD 2011, www.oecd.org/els/soc/49499779.pdf, page 22.

14. It is recognised that a high level of inequalities is detrimental to the economy. According to the IMF, “there is growing evidence that high income inequality can be detrimental to achieving macroeconomic stability and growth.”¹³

15. In some countries, austerity policies have contributed to increasing the level of inequalities, by widening the gap between the richest part of the population and the poorest. According to Professor Joseph Stiglitz, Nobel Laureate in Economics and former Chief Economist at the World Bank, “Austerity leads the economy to perform more poorly. It leads to more unemployment, lower wages and more inequality. There is no instance of a large economy getting to growth through austerity.”¹⁴

16. The International Labour Organization devoted one of its recent reports to economic recovery and social justice and stressed that “the achievements of the European social model, which dramatically reduced poverty and promoted prosperity in the period following the Second World War, have been eroded by short-term adjustment reforms”.¹⁵ Sylvie Goulard, member of the European Parliament, highlighted at the conference in Turin that economic problems were cyclical and should therefore not lead to irreversible changes in social legislation.

17. In the course of my work, the question of the responsibility of the Troika for austerity measures and their impact on the population in countries under an adjustment programme came up on numerous occasions. Troika representatives in Lisbon told me during our meeting that the Troika did not have a mandate to impose specific expenditure cuts and left the responsibility to the governments to choose where to make cuts. The budgetary cuts therefore corresponded to political choices. Governments, on the other hand, tend to put the responsibility of cuts on the Troika. In my opinion, we should start talking about a shared responsibility, instead of referring to sole responsibility. The European Parliament adopted two resolutions¹⁶ on 13 March 2014 criticising the lack of democratic accountability of the Troika and called for the creation of a European financial monitoring mechanism to assist countries in debt. This mechanism should be held accountable for its actions. Mr Alejandro Cercas, one of the rapporteurs, stressed that austerity measures presented a threat for the fundamental values and principles of the European Union. He reiterated the importance of the European Social Charter and regretted that fundamental rights were left aside when deciding on how to tackle the crisis. According to him, measures proposed by the Troika were in contradiction with Article 9 of the Treaty on the European Union.¹⁷

18. I would like to stress the importance of including a chapter on social assistance in future assistance programmes in order to help preserving social services. The link between equality and growth should also be clearly presented and supported in the design and implementation of such programmes. In the specific case of Greece, the government and international organisations had underestimated difficulties with regard to the reform of institutions, such as the tax collection system. Anticipated inflows of privatisation were as well over-optimistic. During my fact-finding visit, several interlocutors deplored the lack of social dialogue and the fact that there had not been an equal distribution of the burden of the economic crisis while at the same time showing understanding for the measures taken considering the extent and gravity of the economic crisis.

19. Increasing poverty and reduced support from the state can cause the feeling of being further marginalised in society, which can affect overall social cohesion. Downsizing the welfare state and in parallel rising inequalities can create social tensions. Income inequality has also an impact on political engagement and participation. Research shows that in countries with higher income inequality, the poor tend to be less politically involved, which means that their interests would be less represented.¹⁸ This could contribute to creating public discontent.

¹³ IMF policy paper on fiscal policy and income inequality, 23 January 2014, www.imf.org/external/np/pp/eng/2014/012314.pdf.

¹⁴ J. Smialek (2013) ‘Stiglitz says more fiscal stimulus needed in U.S.: Tom Keene’, Bloomberg, www.bloomberg.com/news/2013-04-09/stiglitz-says-more-fiscal-stimulus-needed-in-u-s-tom-keene.html

¹⁵ ILO World Protection Report 2014/15, Building economic recovery, inclusive development and social justice www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms_245201.pdf.

¹⁶ European Parliament Resolution on Employment and social aspects of the role and operations of the Troika, 13 March 2014, www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P7-TA-2014-0240&language=EN&ring=A7-2014-0135 and European Parliament Resolution on the Role and operations of the Troika with regard to the euro area programme countries, 13 March 2014,

www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P7-TA-2014-0239&language=EN&ring=A7-2014-0149

¹⁷ “In all its activities, the Union shall observe the principle of the equality of its citizens, who shall receive equal attention from its institutions, bodies, offices and agencies (...)”, <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:C:2010:083:FULL&from=EN>.

¹⁸ What to do about rising inequality, Horizon 2020, The EU Framework Programme for Research and Innovation, <http://ec.europa.eu/programmes/horizon2020/en/news/what-do-about-rising-inequality>.

20. In the report on “Social exclusion – a danger for Europe’s democracies”, Mr Mike Hancock, rapporteur of the Assembly Committee on Social Affairs, Health and Sustainable Development, stressed that social exclusion was affecting democratic participation and presented means of action to combat effectively social exclusion and foster participation, including for those at risk of exclusion and groups in need of special support.¹⁹

21. Austerity measures are often presented as the lesser of two evils and the only possible way to come out of the crisis. But in my opinion, there is no one single way to craft them and it is not a forgone outcome that they should eat into the welfare state. Consultations between government and civil society representatives are essential for an articulated approach to the economic crisis taking into account different needs.

A case study: Iceland

22. While there is still a high level of poverty in Iceland, several initiatives adopted in response to the economic crisis are widely recognised as best practice, such as Welfare Watch and an increased cooperation between social partners. Welfare Watch gathered about 40 government and civil society representatives. The group focused mainly on young people, people with disabilities and women, and worked on some issues which were considered previously as taboo or marginal (e.g. violence against women, including women with disabilities). Welfare Watch came up with suggestions for improvement and monitored the impact of the economic crisis on these groups. It was considered a good practice since it institutionalised dialogue at a difficult time, allowed for better cooperation, shortened communication channels and put the focus on vulnerable categories of persons, with a collective approach to the problems. The set-up of structures such as Welfare Watch should be encouraged whenever possible and can contribute to tackling the disproportionate impact and the cumulative effects of the crisis and of austerity measures on vulnerable categories of persons.

23. The institution of the Debtor’s ombudsman, which was established as a direct response to the economic crisis in Iceland, in order to help out persons who could no longer deal with their debts after a high increase of their loans. It is an institution under the Ministry of Welfare with lawyers rendering assistance free of charge to individuals with serious payment difficulties and acting as an intermediary guided by debtors’ interest with creditors. The Debtor’s ombudsman stressed the importance of looking at the economic crisis with a sense of community, which appears to me as a fundamental principle for the continuation of a harmonious living together, including in times of economic crisis.

3. Women

24. The economic crisis has had an impact on women in different ways and has been felt more in some countries than in others. This impact has been mostly negative, although on rare occasions provided women with opportunities which might not have existed otherwise, but whose lasting effects remain uncertain.²⁰

3.1. Increasing precariousness and insecurity for women on the labour market

25. Men appeared more affected by the crisis in its initial stages in 2008. The recession was then called a “he-cession” which became rapidly a “she-cession” with consequences on the access of women to employment and their working conditions if already in employment.

26. The evidence presented by Ms Memecan in her report in 2010 is still of relevance four years later.²¹ She had expressed concern with regard to the differentiated impact of the economic crisis on women compared to men and called for measures to facilitate women’s access to decision-making positions in finance, the economy and in politics as a way to combat the disproportionate impact of the crisis on women.

27. I would also like to make a reference to a resolution on the impact of the economic crisis on gender equality and women’s rights adopted by the European Parliament of 12 March 2013, which stresses the fact that, “despite unemployment rates for men and women being comparable, the crisis affects women

¹⁹ Assembly Resolution 2024 (2014) and Recommendation 2058 (2014) on “Social exclusion – a danger for Europe’s democracies” adopted by the Standing Committee on 18 November 2014.

²⁰ He-cession, she-cession, *The Economist*, 7 October 2009, www.economist.com/blogs/freexchange/2009/10/hecession_shecession.

²¹ Assembly Resolution 1719 (2010) and Recommendation 1911 (2010) on Women and the economic and financial crisis, <http://assembly.coe.int/nw/xml/XRef/Xref-DocDetails-EN.asp?FileID=12394&lang=EN>.

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differently; points out that working conditions for women have become considerably more insecure, especially with the increasing prevalence of atypical forms of contract, and that women's incomes have fallen significantly thanks to a number of factors, including the persistent wage gap (nearly 17 %) between men and women and the resultant inequality in their respective levels of unemployment benefit, the rise in compulsory part-time working, and the rise in the number of temporary or fixed-term jobs to the detriment of more stable employment".²²

28. According to Eurostat, women were historically more affected by unemployment than men (below 8% for men and 10% for women in 2000). The unemployment rates nevertheless converged in 2009 and male unemployment became higher in the EU 28 in the second quarter of 2009. Eurostat reports that female and male unemployment rates declined in the second half of 2013, reaching respectively 10.8 % and 10.6 % at the end of the year in the European Union".²³ Unemployment rates are today overall about the same for women and men in the EU, but important differences remain from one country to another.

29. Throughout the European Union, budgetary cuts in public sectors are primarily affecting women who represent 69% of the workers in this field and the majority of staff members in education and health-care.²⁴

30. The economic crisis has also an impact on the level of wages due to pay freezes. While these concerned both women and men, they kept or even increased the gender pay gap. There is as well a rise in unpaid work such as caring for older members of the family or for children, considering that a rise in prices for childcare services made some women give up their jobs. "People with care responsibilities – mostly women – are forced to leave or reduce paid employment in order to take over services that are no more provided by the state, or that they can no more afford".²⁵

31. The crisis is bringing changes in behaviour, which can undermine equality and women's participation in the labour market. The European Women's Lobby reported on the impact of recession on women and noted increasing "precariousness of work and working conditions particularly impacting women, notably the dismissal of pregnant workers or workers on maternity leave, and the conversion of long term contracts into short/fixed term contracts, particularly when women return from maternity leave".²⁶ Women are at higher risk of discrimination when in employment and when looking for a job. According to Stella Kasdagli, co-founder of Women on Top, in Greece, women are at times questioned about their intention to have a family when being interviewed.

32. The International Labour Organization reported that Estonia and Lithuania had reduced the period of maternity and paternity leave as a consequence of the economic crisis. ILO also reported about an exacerbation of maternity discrimination around the world in the crisis context.²⁷ "In Croatia and Italy there were reports of the use of "blank resignations" – undated resignation letters that workers are forced to sign upon hiring. These are then used to dismiss them if they become pregnant or are faced with a long-term illness or family responsibilities."²⁸

33. In Greece, the Ombudsperson reported that women's participation in the labour market was affected by the economic crisis. As a direct consequence of the crisis, some women got dismissed during or shortly after their maternity leave or were imposed compulsory part-time work.

34. The economic crisis can also impact on women's decision to have children. "Uncertainty concerning the next job causes young women to delay maternity – which also shrinks the woman's total reproductive period".²⁹

²² European Parliament resolution of 12 March 2013 on the impact of the economic crisis on gender equality and women's rights (2012/2301(INI)), www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P7-TA-2013-0073&language=EN&ring=A7-2013-0048.

²³ http://epp.eurostat.ec.europa.eu/statistics_explained/index.php/Unemployment_statistics.

²⁴ The price of austerity -The impact on women's rights and gender equality in Europe, European Women's Lobby, October 2012, www.womenlobby.org/news/ewl-news/article/ewl-publishes-report-on-impact-of.

²⁵ Idem.

²⁶ Joint European Women Lobby (LEF)/Oxfam publication in 2010 on the impact of the recession on women's poverty and social exclusion in the EU, findings based on interviews with the European Women's Lobby (EWL) member organisations, www.womenlobby.org/news/ewl-news/article/pregnancy-and-maternity-leave-are?lang=fr.

²⁷ ILO report, Maternity and Paternity at Work: Law and practice across the world, May 2014, www.ilo.org/global/publications/books/WCMS_242615/lang--en/index.htm.

²⁸ Idem.

²⁹ Matilda Flemming, Advisory Council on Youth, 27 October 2014, referring to a report by the European Commission – Directorate-General for Justice: The impact of the economic crisis on the situation of women and men and on gender equality policies.

35. The European Commission has found that economic crises tend to increase the risk that quality employment will decline. Employees are more willing to accept deteriorating working conditions in order to keep their job.³⁰ The lack of job security can also create tensions at work. There is increasing pressure to introduce work flexibility, affecting more low-paid and precarious jobs, which tend to be filled more by women and young people. After losing a job, one is more likely to accept temporary or part-time contracts.

36. As an example, in Iceland, more women were asked to work fewer hours a week. Before the economic crisis, 17% of women were working part-time, while 35% are nowadays working part-time (10% of men).³¹

37. I would however like to mention that the economic crisis can also have an unexpected positive effect with regard to the position of women in society. As an example, I was surprised to find out that women's political participation had increased in Iceland. Several interlocutors I met highlighted the fact that the economic crisis had contributed to increasing the participation of women in politics, since the blame for the crisis was first put on men and there was a will for things to be managed in a different way.

38. The crisis can create opportunities to strengthen equality where there is an understanding of the need to adapt to the situation and a willingness to grasp an opportunity when it appears. I am convinced that investing in equality can help tackling the crisis. Women could also consider seeking employment in traditionally stereotypical male strongholds. They are at times perceived as more reliable than men and less associated with the root causes of the crisis. It is interesting that many Portuguese women became the main source of support for their families and became the head of the household, shifting traditional gender roles in the family.

3.2. Violence against women

39. "When poverty enters from the door, love jumps out the window" said Titina Pantazi, Chair of the Women's Union of Greece, referring to an old Greek saying.³² Economic dependency is often the first obstacle to breaking the cycle of violence. Economic precariousness can discourage victims from filing a complaint, afraid of not being able to provide for their family if they are no longer in their relationship. The economic crisis has had an overall negative impact on women victims of violence; they are more hesitant to leave their homes or ask their partner to leave and reluctant to file a complaint.

40. Fear of losing employment or of missing out on a potential employment opportunity may make a person tolerate a climate of sexual harassment.³³

41. The preservation of assistance and protection systems is essential to the respect for women's rights. Nevertheless, in addition to an increase in domestic violence cases, the economic crisis has led to cuts in prevention and assistance programmes for victims of violence. In the United Kingdom, funding has been cut at the central and local level, putting at risk the financial stability and the stability of NGOs providing assistance services to victims of violence. As a consequence, the number of beds available for victims has been reduced, some shelters had to close down or are at risk of closure. Cuts are also affecting organisations providing legal aid to victims. Support centres have also been closed in Greece and in Spain. The National Women's Council of Ireland has had drastic budget reductions (38 per cent in 2012). The Irish Health Authority also withdrew core funding to the Rape Crisis Network Ireland. NGOs reported a decrease in private donations. Ms Rachida Manjoo, United Nations Special Rapporteur on violence against women, its causes and consequences, confirmed that austerity measures had had a disproportionate impact on the availability and quality of services for women and girls victims of violence.³⁴

42. There was an increase in the number of reported cases of domestic violence in Iceland, which social workers linked to the impact of awareness-raising campaigns by NGOs. The economic crisis has acted there as a taboo lifter, bringing topics such as violence against women and domestic violence to the public debate.

³⁰ The impact of the economic crisis on the situation of women and men and on gender equality policies, 2013, European Commission, http://ec.europa.eu/justice/gender-equality/files/documents/130410_crisis_report_en.pdf.

³¹ Data provided by Ms Rósa Guðrún Erlingsdóttir, Special Adviser, and Ms Rán Ingvarsdóttir, Department of Social and Labour Market Affairs, Icelandic Ministry of Welfare, Reykjavik, 4 June 2014.

³² Greek crisis hits women especially hard, The Guardian, 15 June 2012, www.theguardian.com/world/greek-election-blog-2012/2012/jun/15/greek-crisis-women-especially-hard.

³³ Marylin Baldeck, General Secretary of the European Association of violence against women at the work place (AVFT) in an interview to Le Figaro, 8 January 2014.

³⁴ UN expert calls for a legally binding global treaty for the elimination of violence against women, 24 October 2014, www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15211&LangID=E#sthash.BNVbQ0oz.dpuf

43. I was told during the fact-finding visit to Iceland that migrant women experiencing domestic violence are also in a particularly difficult situation, they are reluctant to leave the perpetrator of violence when their residence permit depends on their partner's residence permit.

44. In Greece, I received information that women faced undeniably more difficulties leaving violent situations and finding a job guaranteeing their financial independence. A large-scale programme to prevent and combat violence against women was launched with the support of the European Commission in 2009 and allowed to open and run 15 counselling centres for victims throughout the country. A national hotline for victims of violence working 24/7 was set up, offering counselling in English and Greek. There is nevertheless no certainty with regard to the sustainability of this programme after 2015 since it depends on an allocation of funding by the European Commission.

45. In Portugal, the number of complaints made to the police was 27 318 in 2013, which represents an increase of 2,4% compared to 2012 (640 additional complaints).³⁵

46. Ms Teresa Morais, Portuguese State Secretary for Parliamentary Affairs and for Equality, informed me that a part of the benefits of the national lottery were used since 2012 to fund programmes on preventing and combating violence against women, which helped to maintain the level of funding in the past few years. I welcome the commitment of the Portuguese government on combating and preventing violence against women and domestic violence which did not decrease as a result of the crisis.

4. The long-term impact on youth

47. Youth unemployment has reached record heights in Europe in recent years. According to Eurostat, five million young persons (under 25) were unemployed in the 28 member States of the European Union in July 2014 (21,7%).³⁶ Eurostat reports that the highest youth unemployment rates were observed in "Spain (53.8%), Greece (53.1% in May 2014), Italy (42.9%) and Croatia (41.5% in the second quarter 2014)".³⁷ Youth unemployment has reached such a high level that we can qualify it as "chronic". It is detrimental to society as a whole and will have an effect on the pension systems in the long term.

48. Youth unemployment increasingly pushes young people, often with a high level of education, to leave their country and look for professional opportunities abroad.³⁸ This important level of emigration and brain drain might have a long-term impact and deprive countries concerned of key resources and skills for their recovery.

49. According to the Greek Ministry of Labour, the youth unemployment rate was already significant before the beginning of the economic crisis but its acute increase leads many to emigrate.

50. Mr Paulo Pinheiro, Chair of the Advisory Council on Youth, told me that the young European generation could be considered a "sandwich generation", suffering from the pressure of decisions taken in the past and concerned about their impact on future generations. The economic crisis affects them disproportionately and deprives them of opportunities. He stressed that young people were in general well-informed but did not wish to participate in the political system since they did not identify themselves with it. They tend to live with their parents until an advanced age and postpone the decision to have a family, because they are not financially autonomous and cannot afford doing otherwise. He also mentioned cases when they accepted labour exploitation in order to keep their jobs. Matilda Flemming, member of the Advisory Council on Youth, warned that "a whole generation is facing a rise in poverty levels, health problems, and social exclusion as a result of the crisis (...) The increase in youth unemployment is likely to have caused an increase in poverty among young people in Europe. This can have an in-depth impact on the societal fabric, as poverty hampers young people from achieving their full potential and autonomy".³⁹

51. The Council of Europe Commissioner for Human Rights in his human rights comment "Youth human rights at risk during the crisis (3 June 2014) stressed that the crisis had had a negative impact not only on social and economic rights of youth, but also on "their right to equal treatment, their right to participation,

³⁵ Relatório Anual de Segurança Interna 2013, Sistema de Segurança Interna, www.portugal.gov.pt/pt/documentos-oficiais/20140401-rasi-2013.aspx.

³⁶ Euro area unemployment rate at 11.5%, 29 August 2014, http://epp.eurostat.ec.europa.eu/cache/ITY_PUBLIC/3-29082014-AP/EN/3-29082014-AP-EN.PDF.

³⁷ Idem.

³⁸ Young and Educated in Europe, but Desperate for Jobs, The New York Times, 15 November 2013, www.nytimes.com/2013/11/16/world/europe/youth-unemployment-in-europe.html?_r=0

³⁹ Written contribution by Matilda Flemming, Advisory Council on Youth, on the long-term impact of the economic crisis on youth, 27 October 2014.

their place in society and more broadly in Europe. Due to chronic unemployment, many young people are losing hope in the future of their countries, their faith in the political elite and their belief in Europe".⁴⁰ We need to give more attention to this phenomenon, which can have dramatic consequences for the democratic Europe which we have built over the years. It is our responsibility to ensure that we are not endangering Europe's future by marginalising youth.

5. People with disabilities

52. "We must make sure that the advances in rights for people with disabilities are not jeopardised by public spending cuts. Collectively the EU needs to ensure that people with disabilities do not pay the price for the economic crisis in reduced support and services", has stated Morten Kjærum, Director of the Fundamental Rights Agency.⁴¹ Despite warnings of this kind, several States decided to cut funds for social programmes which included assistance programmes for people with disabilities.

53. The economic crisis and austerity measures do not only affect assistance programmes, but they also have an impact on the participation of people with disabilities in society, their access to services and to the labour market. The Council of Europe Commissioner for Human Rights found that the participation of people with disabilities in the labour market has decreased since the beginning of the economic crisis in Europe.⁴²

54. De-institutionalisation of people with disabilities is a key to their inclusion in society and a founding principle of the United Nations Convention on the rights of persons with disabilities. Cuts in public and healthcare services can unfortunately lead to their re-institutionalisation, which appears less costly in the short-term but represents a step backwards with regard to their inclusion in society. Re-institutionalisation can however be more costly in the long-term and having both systems in parallel can also be very costly. According to Donata Vivanti, Vice-President of the European Disability Forum, "budget cuts to social policies hinder people with disabilities' right to live independently".⁴³

55. In Spain, the Council of Europe Commissioner for Human Rights raised concern with regard to budgetary cuts made to programmes aiming at the social inclusion of people with disabilities and asked for an assessment of their impact. He also called on the Spanish authorities to ensure that mainstream schools are equipped to welcome children with disabilities.⁴⁴

56. There was a governmental policy to try to spare the cuts to the services for people with disabilities in Iceland. Nevertheless some cuts were made and people with disabilities have had difficulties in realising their right to an adequate standard of living according to civil society representatives. Most of those living independently are helped by a relative rather than by a professional assistant. The Association of the disabled in Iceland is funded by the lottery and had an increase in funding in the past few years.

57. In Greece, Mr Leonidas Grigorakos, Deputy Minister of Health, confirmed that there had been a cut of 50% in the funding for his Ministry, which resulted in the reorganisation of services in the hospitals, cuts in staff, a higher level of controls of costs, the reduction of some of the services provided to the population and less investment in new infrastructure and equipment. 3 million persons did not have access to primary healthcare in Greece.

58. Special attention was paid in order not to decrease the allowances for people with disabilities and to the specific government welfare fund but there has been an increase in healthcare costs, which resulted in a de facto decrease in the resources available. Ms Pelagia Papanikolaou, researcher on disability, stressed that people with disabilities faced difficulties in accessing the labour market despite the adoption of a law imposing enterprises with more than 50 staff members to employ a certain quota of people with disabilities, provided that they have a positive balance by the end of the year. The Greek National Human Rights Commission indicated that funding had been cut for pilot de-institutionalisation programmes allowing people with disabilities to live in adapted flats.

⁴⁰ <http://humanrightscomment.org/2014/06/03/youth-human-rights-at-risk-during-the-crisis/>

⁴¹ <http://fra.europa.eu/en/news/2012/economic-crisis-threatens-participation-and-inclusion-people-disabilities>.

⁴² Council of Europe Commissioner for Human Rights, Safeguarding human rights in time of crisis, Issue paper, November 2013.

⁴³ The impact of the economic on the lives of people with disabilities across the EU, European Disability Forum, Lucca, 18 October 2013, www.lhac.eu/resources/toolip/doc/2013/10/23/vivanti-impact-of-economic-crisis-2013.pdf.

⁴⁴ Report by the Council of Europe Commissioner for Human Rights following his visit to Spain from 3 to 7 June 2013, <https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=2389885&SecMode=1&DocId=2077824&Usage=2>.

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59. In Denmark, the government made cuts in allowances for people with disabilities and restricted access to them. In France, cuts were as well made on transportation services for people with disabilities. Without this kind of services, they can be more at risk of isolation.

60. Programmes of assistance to people with disabilities are at times presented as too costly and unnecessary in a time of crisis. Too often, cuts in social benefits and care affect their participation in society and on the labour market and therefore hinder their independent living.⁴⁵ Positive measures ensuring their participation in social life should not be cut back since it would have in the long run a higher cost.

61. With this report, I intend to call on Council of Europe member States to adopt policies that would guarantee the rights of people with disabilities and ensure them an independent living and full participation in society.

6. Older persons

62. Older persons also suffer from the economic crisis, with cuts in pensions, increasing pauperisation, higher health care and long-term care costs and budgetary cuts on services providing them with assistance. They often have to pay more from their own budget for the same services they had before. A minimum income is not always guaranteed and our society may leave older persons marginalised on its sides.

63. Older workers are also becoming more vulnerable on the labour market as a consequence of the economic crisis, with fewer opportunities to find a job and a higher risk of social exclusion.

64. In several Council of Europe member States, delays in the payment of pensions and decreases in the level of pensions have affected the standard of living of older persons.

65. Family support for older persons is crucial in a time of economic crisis and family solidarity can be expressed in several ways. Pensions are at times the only income or steady income for a family affected by unemployment. In other families, the younger generations have to support the pensioners due to a very low level of pension, not allowing one to live in dignity.

66. An increasing number of families have difficulties paying for residential care, notably when one or two family members become unemployed, and ask to withdraw their family member from these structures in order to provide home care.⁴⁶

67. The Council of Europe Commissioner for Human Rights told us he had received reports of a higher level of neglect and violence against older persons as a consequence of the economic crisis.⁴⁷

68. The situation of older women also deserves specific attention, since they have in some European countries a risk of poverty rate which is almost double that of men.⁴⁸ With lower wages, shorter careers to take care of their children and often earlier retirement, older women face an increasing risk of pauperisation.⁴⁹

7. The economic crisis fuelling tensions and discrimination in Europe

69. The fear of the other and lack of confidence in the authorities increase in times of crisis and often during electoral campaigns when a need is felt to find a scapegoat responsible for the situation. Xenophobic, hostile and discriminatory discourses interact with this fear.

70. The United Nations Special Rapporteur on Contemporary Forms of racism, racial discrimination, xenophobia and related intolerance repeatedly warned against the risks of a rise of racism and xenophobia and increasing discrimination in a time of economic crisis. "In this context vulnerable groups including

⁴⁵ Irena Kowalczyk-Kedziora, Secretary of the Council of Europe Committee of Experts on the Rights of People with Disabilities Meeting of the Sub-Committee on the rights of persons with disabilities, Strasbourg, 25 June 2014.

⁴⁶ AGE Platform, Older people also suffer because of the crisis, December 2012, www.age-platform.eu/images/stories/EN/olderpeoplealsosufferbcofthecrisis-en.pdf.

⁴⁷ Hearing held in Strasbourg on 23 June 2014.

⁴⁸ Joint AGE-EWL Paper on Improving the situation of older women in the EU in the context of an ageing society and rapidly changing socio-economic environment, March, 2014, www.age-platform.eu/images/stories/Publications/papers/EWL_AGE_gender_paper_2014_FINAL.pdf.

⁴⁹ AGE Platform, Older people also suffer because of the crisis, December 2012, www.age-platform.eu/images/stories/EN/olderpeoplealsosufferbcofthecrisis-en.pdf.

minorities, migrants, refugees and asylum seekers have been labelled by extremist political parties as a threat to the standard of living of the general population and blamed for the rise in unemployment and the public debt.”⁵⁰

71. Hate speech by politicians and among the population does not only target migrants and Roma, there have also been manifestations of intolerance towards vulnerable categories of persons such as people with disabilities, women or older persons. The exacerbation of tensions during the crisis can also lead to an increase of violence. Caritas Greece confirmed that there had been more attacks against migrants and refugees as an impact of the crisis.⁵¹ The economic crisis and austerity can feed the rise of populist parties which blame foreigners for the situation. “Social exclusion and uncertain futures pave the way for populists who advocate national self-sufficiency as a cure for all ills. The rise of the extreme right in Europe should give us cause for concern”.⁵²

72. In Iceland, there is an unemployment rate of 13% within the migrant population, which is above the average of the Icelandic population. This can be explained with the economic sector in which migrants mostly work – construction – which had a slowdown in the past few years. The lack of knowledge of Icelandic and the lack of networks have been presented as the main reasons for the lower level of participation of migrants in the labour market. It is important to note that the Icelandic government stopped offering free of charge Icelandic courses for migrants as a consequence of the economic crisis.

73. In Portugal, many migrants were working in the construction field which was heavily impacted by the economic crisis from the beginning. One cannot talk about an increasing level of racism and intolerance due to the economic crisis in Portugal. Nevertheless, institutions providing support and assistance to migrants such as the Office of the High Commissioner for Immigration and Intercultural Dialogue experienced a decrease in funding which has impacted on their activities. As a result, awareness-raising programmes on migrants’ rights and promoting tolerance suffered drastic budgetary cuts. I was nevertheless told by Ms Farmhouse, Portuguese High Commissioner for Immigration, that there was a surplus of 316 million EUR in social contributions paid by migrants, which contributed to combating prejudice. I believe that it would be important to raise awareness on the positive contributions made by migrants to society in order to effectively combat stereotyping and hate speech.

A case study: Greece

74. In Greece, a rise in manifestations of racism and xenophobia was reported in the years following the beginning of the economic crisis. Representatives of the Greek Forum for Refugees stressed there had been an increase in hate speech against migrants and that the economic crisis had made them more vulnerable. The economic crisis did not reveal racism but contributed to bringing political forces which were anti-immigrant to parliament.

75. Several interlocutors confirmed that there had been a shift in the attitude of the population and of law-enforcement in the past months, following the murder of the musician Pavlos Fyssas by supporters of Golden Dawn in September 2013. The conviction of several Golden Dawn leaders for racist violence has shed light on the phenomenon and triggered a public debate on the issue. The representation of migrants in the media has also reportedly changed in the past few months. Migrants however still lack trust in the law-enforcement system and are hesitant to file complaints for racist incidents.

76. In addition to an anti-migrant feeling, I would also like to express concern with regard to an increasing anti-Roma sentiment in Europe. There is a feeling that funds aiming to ensure participation of Roma and their inclusion in society should be used for other purposes and would even discriminate against the majority population.⁵³ I cannot stress enough that there cannot be social cohesion, a fundamental pillar of our democratic societies, without efforts to include all groups to the extent possible.

77. The crisis affects even more seriously those who are already victims of multiple discrimination (migrant women, people with disabilities with a migration background) and threatens their access to basic services. Politicians should, whenever possible, contribute to promoting tolerance and a peaceful living together by explaining the value of the other and his/her contribution to the society. It is our responsibility

⁵⁰ ENAR-OSF Symposium on the varieties of European Racism(s) in Europe 27 September 2012, Brussels, Statement by Mutuma Ruteere, United Nations Special Rapporteur on Contemporary Forms of racism, racial discrimination, xenophobia and related intolerance

⁵¹ The European crisis and its human cost, a call for fair alternatives and solutions, Caritas Europa, crisis monitoring report 2014.

⁵² Towards growth and a “social contract” for Europe, Bernadette Ségol, Secretary General of the European Trade Union Confederation (ETUC), OECD Observer No 290-291, Q1-Q2 2012,

⁵³ Written contribution by the European Roma and Travellers Forum, received on 24 February 2014.

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as politicians to underline that racism is unacceptable, no matter in what economic context one might be. I look forward to working further on this issue with the No Hate Parliamentary Alliance.

8. Conclusions and recommendations

78. In the past few years, the economic crisis and austerity measures have undoubtedly had a negative impact on the enjoyment of human rights and equality, notably by undermining equal opportunities and cutting funding for social programmes and equality bodies. These measures have affected vulnerable categories of persons disproportionately.

79. We now have enough elements to analyse the consequences of the economic crisis and of austerity measures and reflect on what could be improved in our response to the crisis so as to ensure the protection of human rights and equality. By ensuring accountability, investing in equality and working for inclusion and a participatory approach, we can contribute to promoting a vision of society based on solidarity and respect for human rights.

80. With this report, I intend to promote the concept of investing in equality as a way of tackling the economic crisis. Political attention should be given to prevent the dismantling of the welfare state since the crisis can have an impact on the spirit of solidarity in society. Mr Steingrímur Sigfússon, former minister of Finance of Iceland, stressed in his speech to the Parliamentary Assembly on 26 June 2012 that welfare structures should be preserved in time of crisis and that authorities should try to shelter the low-income groups and the weakest in society. A society of every man for himself can indeed be very costly in the long-term and re-building a social state in a post-crisis context can be very expensive and lengthy.

81. Social justice can be beneficial economically and socially in the long-term. Maintaining a high level of social protection and combating inequalities can contribute to stimulating growth and to reducing poverty. Positive measures protecting vulnerable categories of persons and their participation in society should not be the first ones cut but preserved to the extent possible so as to guarantee social protection floors, social cohesion and prevent a backlash of social rights. Solving the economic crisis cannot be done with short-term measures and needs to be tackled responsibly with a long-term perspective. Budgetary cuts should not be human rights and equality blind.

82. Human rights and equality impact assessments provide essential data in order to take informed decisions and mitigate as far as possible the impact on vulnerable categories of persons. Austerity measures should be taken following a human rights and equality impact assessment by the authorities, conducted in cooperation with national human rights institutions.

83. National human rights institutions (NHRIs) can indeed play a key role and provide analysis and advice on the protection of the rights of vulnerable categories of persons. I would encourage increasing our cooperation with NHRIs which can give advice on how to prevent a disproportionate impact on the crisis on specific groups. I would like to warn against the effects of cuts in NHRIs' budgets because of the crisis which would affect their capacity to carry out their mandate.

84. Politicians have a responsibility to ensure that we go forward with a Europe of people and a Europe of rights. Parliaments have to play their role of democratic scrutiny in this regard and should be on the front line to defend human rights, promote equality and combat discrimination, even more so in a crisis and post-crisis context. I would encourage parliamentarians to take a pro-active approach and not to hesitate to challenge their governments over the impact of proposed measures to tackle the economic crisis, to ask for human rights and equality impact assessments of austerity measures and to organise parliamentary debates on the situation of the most vulnerable categories of persons.

85. The role of NGOs should also be mentioned. The IMF representative I met in Lisbon recognised that the "NGO activities and support to the most vulnerable could only be complementary to the role of the state, which in the typical European welfare state setting will always be the first line of defense for taking care of the needs of the most vulnerable people". In my opinion, the voluntary sector can play an important role but it cannot absolve the authorities from their responsibilities nor be relied upon to mitigate the effects of governmental policies.

86. Austerity can at times be necessary but not all austerity measures are compatible with human rights standards and values. According to Mr Jimena Quesada, budgetary cuts could be necessary but they should be justified and assessed with regard to the risk of discrimination and the vulnerability of the groups who would be affected. Mr Angel Gurría, OECD Secretary General, stressed that "where cuts are needed they must be done in a way that do not undermine the prospects of the most vulnerable or compromise the

long-term well-being of children and young people”.⁵⁴ If austerity measures continue to be applied without any preliminary human rights, equality and social impact assessment, they will inevitably undermine human rights standards.

87. The economic crisis has become a social crisis and may present a long-term threat to equality and non-discrimination. In my view, the crisis should not be used to justify an important decrease in the levels of protection. It is therefore necessary to prioritise resources for human rights and to ensure a non-retrogression of rights, the indivisibility of human rights and the respect of minimum core human rights obligations, in order to mitigate the effects of the crisis for the most vulnerable categories of persons. Our response to the economic crisis reflects our vision of society, our commitment to protecting equality and to ensuring respect for people and their work.

⁵⁴ Society at a glance 2014, OECD Social Indicators, www.oecd.org/els/societyataglace.htm.