

# RECENT DEVELOPMENTS ON THE EUROPEAN SOCIAL CHARTER AND THE RIGHT TO SOCIAL SECURITY

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## I. TWO COUNCIL OF EUROPE TREATIES

### 1. The European Social Charter and the European Code of Social Security: An Overview

#### *a. The European Social Charter: An Overview*

- Guarantees fundamental social and economic rights.
- Complementary to the civil and political rights enshrined in the European Convention on Human Rights.
- Adopted in 1961 and revised in 1996
- Ratified by 43 member States of the Council of Europe (33 of which ratified the Revised Charter)
- A living integrated system of guarantees - a broad range of social and economic rights in everyday life: Health, Social Protection, Education, Non-discrimination, Housing, Employment.
- Monitoring compliance with the Charter: European Committee of Social Rights (ECSR) (15 independent members).

#### *b. The European Social Charter- Reporting Procedure*

- Annual reports by Governments.
- Collective Complaints procedure: into force in 1998, currently accepted by 15 States.
  - Enables organisations to lodge collective complaints of violation of the Charter (European social partners, certain INGOs with participatory status with the Council of Europe, social partners at national level).
  - A simplified reporting procedure for States having accepted the Collective Complaints procedure.

## II. THE TURIN PROCESS

### 1. Objective: To Improve the Implementation of Social and Economic Rights in Europe

#### a. *The Turin Process*

- Started with the High-Level Conference on the European Social Charter, Turin, 17-18 October 2014, organised in the framework of the Italian Presidency of the Council of the European Union.
- Rapporteur: M. Nicoletti, Vice-President of the Parliamentary Assembly of the Council of Europe.
- Action Plan set out in the General Report.

General Report, Rapporteur: M. Nicoletti.

“Human rights have to do with human relationships, no one is an island and one cannot realise oneself without respect for and recognition of others. For this reason, we must fight to ensure respect for social rights, since without rights we are stripped of our own social dimension, our relationship with others, and in the end our capacity to be ourselves.”

High-Level Conference – Themes:

- Protection of social rights in times of economic crisis – the role of the Charter.
- Contribution of the Collective Complaints procedure to respect for social rights.
- Synergies between EU law and the Charter.
- Conference on the Future of the Protection of Social Rights in Europe, Brussels, 12 and 13 February 2015 in the framework of the Turin Process, bringing together nearly 300 participants.
- Organised under the Belgian Chairmanship of the Council of Europe.
- Consensus on the need to better take into account social rights in policies in Europe in response to the economic crisis and to strengthen legal remedies. Main proposals in the “*Brussels document*.”

#### b. *The Turin Process: Objectives*

- Ensure a better implementation of social and economic rights in Europe.
- Improved acceptance by States of the normative system of the Charter.
- Further ratifications of the Revised European Social Charter.
- Wider acceptance of the Collective Complaints procedure.
- Maximising synergies between the Charter and EU law in the area of social rights.

### 2. European Code of Social Security: An Overview

- Promoting a social security model based on social justice.

- Under Article 12§2 of the European Social Charter, Parties undertake to maintain the social security system at a satisfactory level at least equal to that necessary for ratification of the European Code of Social Security.
- The European Code of Social Security: signed in 1964.
- Drawn up on the model of ILO Convention 102.
- Ratified by 21 member States of the Council of Europe.
- Sets out the minimum level of protection required in traditional social security branches.
- Supervision on the basis of annual national reports.
- Reports assessed by the ILO Committee of Experts, which adopts Conclusions.
- Resolutions on application of the Code are drawn up on the basis of the ILO Conclusions.

### **3. Governmental Committee of the European Social Charter and the European Code of Social Security: An Overview**

- Composed of representatives of States having ratified the Charter and the Code.
- Representatives of the European social partners participate as observers.
- Meets in Strasbourg each year (May and October).
- Met in Turin, 13-17 October 2014 on the occasion of the High-Level Conference on the Charter.

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#### ***a. Governmental Committee of the European Social Charter and the European Code of Social Security: Current Activities***

Current activities include:

- Follow-up to Conclusions 2014 of the ECSR.
- Thematic group on Labour Rights.
- Discussion of situations of non-conformity selected by the ECSR.
- Representatives provide information on action taken or planned by their Government to bring the situation into conformity.

Debate on the Turin Process as:

- A way of strengthening the guarantee of social rights in Europe.
- A priority of the Secretary General, Council of Europe.
- A means of putting social rights and the Charter high on the political agenda in Europe.
- An agreement between the CoE and EU in view of increasing synergies between the Charter and EU law.
- Examination of the ILO Conclusions on the application of the European Code of Social Security.
- Particular attention given to problems of compliance by some States in the context of austerity measures.

- Adopted draft Resolutions, drawn up on the basis of the ILO Conclusions.
- Resolutions adopted 10 September 2015 by the Committee of Ministers.
- Debate on ILO studies:
- Determination of the reference wage under the Code
- Income and poverty indicators
- The ILO drew attention to the worsening poverty situation in Europe.
- Financial constraints faced by many countries have led to cuts in benefits and reduced overall social expenditure.

## **CONCLUSION**

- Many challenges facing Europe giving rise to serious economic and social consequences.
- The need to respect social and economic rights is even more essential today.
- Important to strengthen social solidarity through implementation of the European Social Charter and the European Code of Social Security.
- Renewed political commitment to the European Social Charter through the Turin Process.
- States show commitment by ratifying the Revised Charter and the Collective Complaints procedure.