



European Economic and Social Committee

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The Council of Europe Social Charter 50 Years on: What Next?

The Council of Europe and European Union Social Charters, complementing each other in working towards a more social Europe

The Council of Europe and the European Economic and Social Committee have cooperated in the area of human rights on several occasions, for example participating in conferences and hearings on the rights of migrants and ethnic minorities.

The Council of Europe has invited the Committee to take part in the activities of their recently set up *Task Force for the Education of Roma* (ITFER).

The Committee has offered to translate into all EU languages the current Council of Europe campaign on sexual violence against children entitled "One in Five".

The cooperation between the Committee and the French ESEC is particularly productive, firstly thanks to very active common members, but also through relations at presidential level.

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What has the Committee achieved in working towards a more social Europe?

The Committee has been very productive in the fields of human and social rights. Over the last three years we have adopted over 20 opinions on this theme.

On this occasion I would like to look at some of them in more detail.

Two days ago the Committee adopted an opinion on a Strategy for the effective implementation of the Charter of Fundamental Rights.

This strategy is very important as it determines what the EU institutions should do to implement the Charter.

The main recommendations of this opinion are:

That the Commission should strengthen the culture of fundamental rights at EU level by monitoring legislative proposals and all acts adopted, ensuring compliance with the Charter.

The legally binding obligation to promote fundamental rights must become the most important element of the implementation strategy.

Fundamental social rights are indivisible from civil and political rights.

There is also a need to ensure equality, in particular between men and women, and specifically address all vulnerable groups.

The Committee is currently preparing an own-initiative opinion on how the new horizontal clause (Article 9) of the Treaty is strengthening cohesion and social policy coordination in the EU.

In this opinion, we stress that the application of the horizontal social clause should not be limited in its scope or methods, but that, on the contrary, it must be applied across all relevant Union policies and activities, including economic ones, by both EU institutions and individual Member States.

In the opinion on the future of the European Social Fund after 2013, we argue that the cohesion policy must not simply reduce the disparities between regions, but must also contribute to reducing the social inequalities affecting certain population groups.

Cohesion policy must promote a society of full employment, equal opportunities, social integration and social cohesion and thus, more broadly, the "European social model".

The Committee has been very active in the field of immigration and fundamental rights. For example in an opinion on "*Respect for fundamental rights in European immigration policies and legislation*" we note that some national and European policies and laws on immigration do not adequately respect fundamental rights.

We also note that certain national migration practices are incompatible with human rights and the rule of law.

This is unacceptable, given that Fundamental Rights should be granted to all, not only the Union's citizens.

In the opinion concerning Integration and the Social Agenda we consider it a priority to strengthen the integration of immigrants and minorities in terms of employment, social inclusion, gender equality, poverty, education and training, healthcare, social protection and the fight against discrimination.

Regarding the Roma population in particular, the Committee adopted two opinions on the subject last June, the first on the key role of women and

education in the intercultural dialogue, and the second on the societal empowerment and integration of Roma citizens in Europe.

This second opinion was also the Committee's input into the *European strategy for social integration of the Roma* that was adopted at the June European Council.

Having seen these examples of the Committee's strong involvement in this field, you will appreciate the important role played by the Committee in the launch of the "*Community Charter of Fundamental Social Rights of Workers*" and the Action Programme to implement it.

President Nilsson has already focused on this process in his speech, so I just want to remind you of a few points.

With the benefit of the Committee's opinion on Basic Community Social Rights, the Heads of Government adopted the "*Community Charter of Fundamental Social Rights of Workers*" on 9 December 1989.

The Committee recommended using the instruments and procedures of the Treaty to ensure the Charter's implementation.

It was thanks to its recommendations that the Commission launched the action programme, which revises previous initiatives and provides for a series of new ones.

As we know, almost all the proposed guidelines were adopted in the following 10 years.

This major European social *acquis* was later supported by the inclusion of the Charter of Fundamental Rights in the Lisbon Treaty.

But the Committee's action was not over. In 2008, at the French presidency's request, we adopted another "proactive" opinion on "*A New European Social Action Programme*".

This argues that the European institutions must launch a new social action programme so that social developments can keep pace with economic and market developments.

To follow this up, the EU should establish new "well-being" indicators which make it possible to show progress in the area of social development.

This programme should be a roadmap comprising all the instruments and tools available, i.e. legislative action, the open method of coordination, social dialogue, and civil dialogue that incorporates grassroots initiatives and reinforces "participatory democracy".

The EU should follow European Court of Justice judgements and their effects on the social *acquis*, and, whenever necessary, take political and legal measures to stop encroachments on social rights.

The EU should screen European Union legislation, policies and programmes as to their social consequences. The Commission has particular responsibility for such impact assessments which should closely involve all the actors concerned.

In 2009 the Committee and Notre Europe jointly held a conference to celebrate the 20th anniversary of the "*Community Charter of Fundamental Social Rights of Workers*".

We took that opportunity to call upon the Commission to launch an updated Social Action Programme based on the one recommended by the Committee, in order to get it finally running at EU level.

This is where the Committee stands today.

The Committee fully recognises the decisive role of the European Social Charter.

The rights and freedoms guaranteed in it concern all individuals in their daily lives.

The Social Charter has to be interpreted in accordance with the Council of Europe's main pillars, which are the Social State, Social Democracy and Social Rights.

The reasons for the divide between civil and political rights, on one hand, and social rights on the other, are political ones and should be addressed, because, in fact, all these rights are interrelated and "indivisible".

The unification of civil, political and social rights is a consequence of our societies' evolving social conscience and it is therefore an achievement of civil society.

The integration of human and social rights reinforces the vision that people's rights are not only "individual", but "collective".

It is by supporting this principle that we will be able to defend the rights of the groups most in need and to protect our societies from the risk of unfairness.

Although not the only available tool to build social Europe, the Council of Europe's Social Charter is a very complete document governing action in a great number of countries.

While, thanks to its Community method, the European Union can make changes over years, the Council of Europe has created a framework in which changes can happen in a larger timeframe.

Today's symposium is a first major step in reflecting on "how we can do better". The reflection process has started, and now we need to develop it further.

Targeted initiatives, such as for instance the social action programme already referred to, are definitely needed, but more must be done to build a culture of rights for the European continent, and move towards a more social Europe.