



THE EUROPEAN SOCIAL CHARTER AND THE EUROPEAN CODE OF SOCIAL SECURITY

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OVERVIEW OF TOPICS

- The European Social Charter: some facts and figures
- The « Turin Process » of the European Social Charter
- The CoE's Secretary General's Opinion on the « European Pillar of Social Rights »
- The European Code of Social Security: an overview
- Governmental Committee of the European Social Charter and the European Code of Social Security

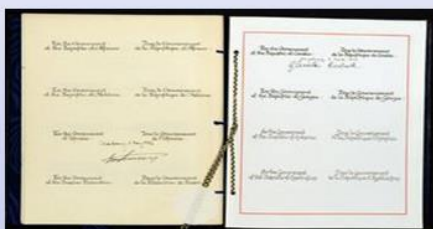


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The European Social Charter: some facts and figures (1)

Key dates: **1961:** The European Social Charter opened for signature in Turin



1995: The Additional Protocol providing for a system of collective complaints

1996: The Revised European Social Charter

2014: “Turin Process” launched

2016: “TURIN 2” events

2017: Conference “Social Rights in today’s Europe: the role of domestic and European Courts” (Cyprus)



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The European Social Charter: some facts and figures (2)

- **A Council of Europe treaty that guarantees fundamental social and economic rights**
- **It guarantees a broad range of everyday human rights related to employment, housing, health, education, employment, legal and social protection, movement of persons and non-discrimination**
- **The treaty system: an integrated set of international standards concerning social rights and a mechanism for monitoring their implementation**



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The European Social Charter: some facts and figures (3)

- **43 out of the 47 member States of the Council of Europe are parties to either the 1961 Charter or the Revised Charter**
- **The honouring of commitments by States Parties is subject to monitoring of the European Committee of Social Rights (ECSR)**
- **The Committee of Ministers (CoM) adopts a Resolution which closes each supervision cycle and, if necessary, a Recommendation to a State**
- **The CoM's work is prepared by the Governmental Committee of the European Social Charter and the European Code of Social Security**



The European Social Charter: some facts and figures (4)

- **Two mechanisms exist for monitoring compliance:**
 - **Collective Complaints procedure: complaints of violation of the Charter may be lodged by the social partners and certain non-governmental organisations → Decisions of the ECSR**
 - **National reports by States parties on the basis of a reporting system → Conclusions of the ECSR**



The European Social Charter: some facts and figures (5)

- **Collective complaints mechanism:**
 - **Additional Protocol to the European Social Charter providing for a system of collective complaints: entry into force 1998**
 - **Aim – to improve the enforcement of social rights guaranteed by the Charter. It strengthens the role of international non-governmental organisations (INGOs) and social partners, enabling them to apply to the European Committee of Social Rights (ECSR) for rulings on unsatisfactory implementation of the Charter**
 - **Currently accepted by 15 States**



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The European Social Charter: some facts and figures (6)

➤ Collective complaints mechanism:

What steps are taken when a complaint is lodged?

- Complaints must meet the admissibility conditions and criteria.
The ECSR appoints a Rapporteur
➡ **Decision on admissibility**
- If admissible, the respondent state makes written submissions on the merits of the complaint – the complainant organisation makes written responses; a public hearing may take place
➡ **Decision on the merits of the complaint** (ie. violation or non-violation)
- Follow-up: The State is asked to notify the Committee of Ministers of measures taken/planned to remedy the situation
➡ **Resolution (or Recommendation)** of the Committee of Ministers



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The European Social Charter: some facts and figures (7)

- National reports by states parties under the reporting system
- Four groups of provisions:
 - Group 1: *Employment, training and equal opportunities*
 - Group 2: *Health, social security and social protection*
 - Group 3: *Labour rights*
 - Group 4: *Children, families, migrants*
- States which have accepted the Collective Complaints procedure submit a simplified report every two years



The Turin Process >>

Objective: to improve the implementation of social and economic rights in Europe



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The “Turin Process” of the European Social Charter (1)

- Launched at the High-level Conference on the European Social Charter (Turin, 17-18 October 2014)
- Followed up by the Conference on the future of the protection of social rights in Europe (Brussels, 12-13 February 2015)
- Main lines of action: to guarantee the future of the protection of social rights in Europe through strengthening the implementation of the normative system of the European Social Charter



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CITTA' DI TORINO



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The “Turin Process” of the European Social Charter (1)

“Turin 2”

- Interparliamentary Conference and Public Forum on Social Rights in Europe

(Turin, 17-18 March 2016)

- Parliamentary representatives of Council of Europe member states participated

- Consideration of the Charter’s provisions in the national legislative process

TORINC²
Interparliamentary Conference
on the European Social Charter
Turin Forum
on Social Rights in Europe
Conférence Interparlementaire
sur la Charte sociale Européenne
Forum de Turin
sur les droits sociaux en Europe
Conferenza Interparlamentare
sulla Carta Sociale Europea
Forum di Torino
sui diritti sociali in Europa

Turin, Italy
17 and 18 March 2016
Turin, Italie
17 et 18 mars 2016
Torino, Italia
17 e 18 marzo 2016

European Social Charter | Charte Sociale Européenne

> Europe restarts in Turin
> l'Europe repart de Turin
> l'Europa riparte da Torino



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The “Turin Process” (3)

Conference: *Social rights in today's Europe: the role of domestic and European Courts* (Nicosia, Cyprus, 24.02.2017)

- The Conference was organised by the Supreme Court of Cyprus and the Council of Europe in the framework of the Cypriot Chairmanship of the Council of Europe's Committee of Ministers
- The aim of the Conference was to **examine the role and contribution of domestic and European courts to the enforcement of social rights in Europe**, bearing in mind the Turin process for the European Social Charter
- The **relevant case-law of the European Court of Human Rights and Court of Justice of the European Union, as well as that of a number of domestic jurisdictions**, were the subject of debate



The “Turin Process” (4)

Conference: Social rights in today's Europe: the role of domestic and European Courts (Nicosia, Cyprus, 24.02.2017)

- Gabriella Battaini Dragoni, Deputy Secretary General of the Council of Europe, underlined that *to ensure stable societies, basic social rights must be guaranteed. The CoE would work to embed the Charter more deeply in the national fabrics of member states, to ensure these rights are not simply promised in name, but delivered in practice*
- Keynote speech: ‘Safeguarding social rights in time of austerity’, by Christos Giakoumopoulos, Director, Directorate of Human Rights, DG1, Council of Europe, highlighted that *respect for social rights is even more necessary in times of crisis and economic hardship – disregarding them can create a fertile ground for anti-social, anti-political and racist movements*



CoE Secretary General's Opinion on the European Pillar of Social Rights (1)

The Opinion

- Refers to the challenge of building a Europe more readily supported by its citizens, better attuned to their everyday needs and able to promote **shared, sustainable growth**
- To meet this challenge effectively, it is necessary to **consolidate the synergy** between standard-setting systems protecting fundamental social rights across the continent
- The Council of Europe **welcomes the establishment of a European Pillar of Social Rights by the EU** as a step in this direction and an opportunity for the whole of Europe to emerge strengthened and more cohesive



CoE Secretary General's Opinion on the European Pillar of Social Rights (2)

In this respect, with due regard for the competencies and law of the EU, the Opinion refers to:

- incorporating the provisions of the European Social Charter (Revised) into the Pillar, as a common benchmark for states in guaranteeing these rights, and
- acknowledgement of the collective complaints procedure, based on the Additional Protocol to the European Social Charter, for the contribution it has made to the effective realisation of the rights established in the Charter and to the strengthening of inclusive and participative democracies



European Code of Social Security - an overview (1)

- ▶ 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



European Code of Social Security - an overview (2)

- ▶ 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



Governmental Committee of the European Social Charter and the European Code of Social Security (1)

- ▶ 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)
- ▶ The last meeting took place on 15-19 May 2017



Governmental Committee of the European Social Charter and the European Code of Social Security (2)



Current activities include:

- ▶ Follow-up to Conclusions 2016 of the ECSR
- ▶ Thematic group on Employment, training and equal opportunities
- ▶ 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

Governmental Committee of the European Social Charter and the European Code of Social Security (3)



- ▶ ILO Representatives presented the ILO Conclusions on application of the Code by Contracting Parties
- ▶ The Governmental Committee approved the draft Resolutions on application of the Code and Protocol (period 1 July 2015 to 30 June 2016) at its meeting on 15-19 May 2017, Strasbourg
- ▶ The draft Resolutions will be submitted for adoption by the Committee of Ministers of the Council of Europe



CONCLUSION

- ▶ Important to strengthen social solidarity through implementation of the European Social Charter and the European Code of Social Security
- ▶ Many challenges facing Europe giving rise to serious social and economic consequences
- ▶ The need to respect social and economic rights is even more essential today
- ▶ 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



THANK YOU FOR YOUR ATTENTION

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