

Text relating to the intervention of Mr Riccardo Priore, Coordinator of the Turin Process, DGI, Council of Europe, on behalf of Ms Gabriella Battaini-Dragoni, Deputy Secretary General of the Council of Europe, at the Conference “1996 – 2016: 20 years of the revised Social Charter: Italy’s contribution to the protection of social rights in Europe” (Rome, 3 November 2016)

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I would first of all like to thank Prof. Palmisano for taking the initiative to organise this conference dedicated to the 20th anniversary of the Revised European Social Charter.

It is significant that this meeting is being held in Italy, a country greatly committed, at both national and European level, to upholding social rights, which are fundamental human rights.

Because of a previous commitment, I am unfortunately not able to be with you this morning.

Knowing that my colleague, who is speaking to you, would be attending, I asked him to represent me by reading out what I intended to say, which sets out our position.

This morning’s debate took place at a crucial time for asserting that social rights in Europe are an essential tool for carrying out, in an effective and sustainable way, the basic principles of the Council of Europe: human rights, democracy and the rule of law.

It reassures me to think that, thanks to the valuable contributions on today’s agenda, it will be possible to make further progress with the ideas and initiatives that are particularly important to us and that we promote in the Turin process.

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... I believe that the best way to celebrate an international treaty on human rights is above all to point out its essential features, in relation to the principles and values that the Council of Europe has always promoted and defended.

As we know, the aim of the European Social Charter, particularly in its revised version, is to secure the implementation of fundamental rights, those which make it possible for us to live with dignity as human beings, not as individuals but in relation to others, and who fully participate in the society in which we live.

If these rights are not upheld then dignity is compromised. If this happens, the quality of human life suffers, with damaging consequences not just on an individual level, but also on a collective one.

In addition to civil and political rights, there are also, as you are aware, social rights.

These are the rights enshrined in the Social Charter.

The Charter covers the rights of our daily lives, such as:

- the right to housing, first among equals, without which no other right can ever be respected;

- the right to benefit from a health care system which makes it possible to keep in good health and in this way to contribute to family, social and professional lives;
- the right to receive an education in order to understand – allow me to paraphrase – how the world works and how to find one’s way, in order to choose who governs us and to directly contribute to the advancement of the society in which we live through a job that we have freely chosen;
- the right to work in order to guarantee ourselves and our loved ones an adequate living space, with all that is necessary to meet our primary needs, hence giving the best of ourselves;
- the right to rely on social protection, making it possible to spend the final part of our lives in calm and obviously decent conditions, with the certainty that we can remain independent for as long as possible.

Everyone must be guaranteed these fundamental rights, taking into consideration the personal application of the treaty and the possible extensions that states can establish.

As provided for by the Social Charter, the exercise of these rights must be guaranteed without discrimination, with particular attention paid to the most vulnerable: young people, children, those who are ill or who are suffering from physical or mental disabilities, the elderly, and foreign workers.

As for certain rights, those that are more essential, those that, for instance, guarantee us not only dignity, but also the means to survive – the right to a hot meal, to not be abandoned on the street or on a beach, to be looked after and helped in cases of extreme need – the Social Charter, as fittingly interpreted by the European Committee of Social Rights, also offers protection for immigrants, whether or not they are citizens of a State Party to the Charter, whether they are in a regular or irregular situation and especially if they are minors.

In the 1990s, the Revised European Social Charter added further guarantees to these rights, such as those relating to the right to protection against poverty and social exclusion; additional elements to the right to have adequate housing; and, bearing in mind the evolution of Community law, the right of workers to protection in the event of termination of employment; the right to dignity at work; and – in reference to the sole provision that Italy has not yet accepted, Article 25, – the right of workers to protection of their claims in the event of the insolvency of their employer.

We hope that Italy, encouraged several times by the European Committee of Social Rights, will finally accept Article 25, thereby completing its accession to the Social Charter treaty system.

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Based on this extraordinary regulatory corpus, from a practical point of view, responsible government action, at both national and European level, should be constantly seeking the compromises needed in order to guarantee human equality in relation to all of these rights.

Policies aimed at growth and economic progress must take into account this objective. As illustrated in the conferences organised as part of the Turin process and particularly on the occasion of the Turin Forum on Social Rights in Europe held on 18 October, if this does not happen, we run the risk of compromising social cohesion or citizens’ acceptance of democratic values.

Unfortunately recent events provide us with worrying examples in this regard; I am thinking specifically of the emergence of antisocial, anti-political and anti-European movements, or more simply political attitudes that are racist or founded on the political exploitation of a growing social selfishness. These movements and attitudes risk undermining the pillars of democracy, rule of law and fundamental rights, which are at the heart of the Council of Europe's mission.

Political choices which, in the past, failed to take the Social Charter into consideration with regard to rights and policies concerning sectors such as homes, school, work and social protection or which, in these same fields, did not know how to address situations of exclusion or discrimination, may have indirectly contributed, especially in some countries, to the worsening of such phenomena as extremism and violence.

Aware of these risks, as we have said before and will continue to say, we believe that the European Social Charter treaty system, including the collective complaints procedure, constitutes a shared regulatory corpus to be used by responsible politicians in order to take up these challenges, at both national and European level.

From this point of view, we must cast aside the idea that, unlike the rights protected by the European Convention on Human Rights, social rights in the Social Charter are (merely), as some maintain, the *rights of the poor* or the *poor rights*.

The rights in the Social Charter, particularly in the revised version, make up the framework of any system which seeks to be genuinely democratic, including that of the European Union.

A system cannot define itself as democratic if it does not produce a societal model that is capable, through a balanced redistribution of its own resources and corresponding public spending, of looking after the essential needs of its people, with due regard for their dignity and with a view to growth that is shared by all and, because of this, is socially sustainable.

As was underlined many times by Mr Nicoletti during the Turin process, the protection and the promotion of social rights must be guaranteed without exceptions, as a "Constitutional duty" and not to simply be the sole preserve of a majority or a minority of the government. It is also for this reason that the European Social Charter has been recognised as the *Social Constitution of Europe*.

By including the reinforcement of the European Social Charter amongst the essential priorities of his second term of office and launching the Turin process, the Secretary General wanted to send a very clear signal.

We need to take appropriate initiatives to promote the Social Charter so that, in accordance with the principle of the indivisibility of human rights and in a way that is fully complementary to the European Convention on Human Rights, this treaty can express all of its potential

It should be noted that the forms of protection provided by the Social Charter are particularly important in periods of economic crisis; in such times, if they are carried out properly, these guarantees can help reduce social tension and facilitate shared reform processes.

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The Turin process established a set of objectives that, above all, concern the member states of the Council of Europe and the European Union.

The first objective is to promote the ratification of the Revised European Social Charter and the acceptance of as many of its provisions as possible by the 47 Council of Europe member states.

The second objective concerns the acceptance by those states of the Protocol which introduced the collective complaints system, in order to consolidate this procedure as the primary tool for the European Committee of Social Rights' monitoring of the application of the Social Charter.

The third objective seeks to increase the synergy between European Union law and the Social Charter, in order, as suggested by the title of this conference, to secure a *European system to protect social rights* which is not only a shared system but also a consistent and co-ordinated one.

The action we are taking to achieve these objectives is divided into different initiatives, amongst which:

- organising high-level political meetings in member states and in the European Union;
- promoting studies, reports, resolutions and recommendations by the political institutions of the Council of Europe, particularly the Parliamentary Assembly and the Congress of Local and Regional Authorities;
- optimising monitoring procedures for the Charter at national level;
- strengthening the European Committee of Social Rights and its services;
- disseminating appropriate information on the Charter treaty system through suitable means of communication, especially online. In such a context, after the launch of the new site, we are producing a promotional film that we will show over the coming weeks.

Above and beyond these initiatives, however, we are convinced that a decisive contribution to the Turin process objectives would be for the European Union to recognise the Social Charter treaty system.

Today this recognition could take the form of incorporating the provisions of the Revised European Social Charter into the Pillar of Social Rights that the European Commission is currently setting up.

Such a measure would make it possible to increase the attention paid by the European Union member states involved in the Pillar initiative to the Social Charter system and the rights that it protects.

This would facilitate a gradual and more widespread acceptance, by these states, of the revised Charter and of the monitoring system based on the collective complaints procedure.

Through the incorporation of the Revised Social Charter into the Pillar of Social Rights, these rights would be clearly recognised, for the first time, in a European Union instrument, in addition to the rights that are already part of its social *acquis* and those that, for the moment, are protected at supranational level solely by the Social Charter.

This situation could prompt a gradual integration of these rights by the European Union system, contributing in the future to greater consistency between the regulatory system of the latter and that of the Council of Europe.

The social dimension of European Union policies would be incorporated into a vast and complete protection system, which all of its member states have already accepted as part of Council of Europe membership.

This would mark a significant step forward towards making a more complete, coherent and efficient contribution by the European Union to upholding fundamental rights, to the quality of the daily life of its citizens, and, on this basis, to the construction of not just a more prosperous Europe, but one that shows greater solidarity and unity.

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The Council of Europe will continue to work with renewed enthusiasm to accomplish these objectives.

In this exciting context, we hope to continue relying on Italy's support, through the appreciated contribution of its eminent representatives within the Council of Europe and the indispensable assistance given by academics and researchers.