



European  
Social  
Charter

Charte  
Sociale  
Européenne



Corte Interamericana  
de Derechos Humanos  
Inter American Court of Human Rights

## Implementing social rights: lessons learned

*First dialogue between the European Committee of Social Rights  
and the Inter-American Court*

Diplomatic School of Madrid  
3-4 October 2019

### PROGRAMME

3 October 2019	
8:30	<b>Arrival of participants</b>
9:00	<b>Welcome</b> Fernando FERNANDEZ-ARIAS MINUESA, Ambassador-Director, Diplomatic School
9:15	<b>Opening</b> Magdalena VALERIO, Minister of Labour (tbc)  Fernando MARTÍN VALENZUELA, Secretary of State, Ministry of Foreign Affairs  Giuseppe PALMISANO, President of the European Committee of Social Rights (ESCR)  Eduardo FERRER MACREGOR, President of the Inter-American Court of Human Rights (IACHR)  Ricardo ALONSO, Dean, Professor of Constitutional Law, Complutense University of Madrid

<p><b>10:00-11:30</b></p>	<p><b><u>PART I: Why states have obligations in the area of social rights?</u></b></p> <p><b>Round table 1: What to comply with? Defining the scope of social rights</b></p> <p><b><i>Moderator:</i></b> Giuseppe PALMISANO, President of the ECSR</p> <p><b><i>The material and personal scope of the Charter</i></b> Raúl CANOSA USERA, member of the ECSR</p> <p><b><i>The ILO Conventions: their impact on social rights protection</i></b> Bernd WAAS, Member of the Committee of Experts on the Application of Conventions and Recommendations, ILO</p> <p><b><i>The relationship between the American Convention and the Protocol of San Salvador</i></b> Ricardo PEREZ MANRIQUE, Judge, IACHR</p>
<p><b>11:30-12:00</b></p>	<p><b>Coffee-break</b></p>
<p><b>12:00-13:45</b></p>	<p><b><u>...continuation PART I</u></b></p> <p><b>Round table 2: Defining the scope: The practice of the mechanisms</b></p> <p><b><i>Moderator:</i></b> Encarna CARMONA, Professor, University of Alcalá, Madrid</p> <p><b><i>The practical challenges to social rights: the Committee’s perspective</i></b> Karin LUKAS, Vice-President of the ECSR</p> <p><b><i>The practical challenges to social rights: the Inter-American system’s perspective</i></b> tbc</p> <p><b><i>The practical challenges to social rights: the UN perspective and the Spanish experience</i></b> Marcos GOMEZ, Director General of the United Nations and Human Rights, Ministry of Foreign Affairs of Spain</p>
<p><b>13:45-15:00</b></p>	<p><b>Lunch</b></p>
<p><b>15:00-16:45</b></p>	<p><b><u>PART II: Justiciability of social rights and their direct effect</u></b></p> <p><b><i>Moderator:</i></b> Raúl CANOSA USERA, member of the ECSR</p> <p><b><i>The Inter-American Court of Human Rights and the protection of social rights</i></b> Eduardo FERRER MACGREGOR, President of the IACHR</p>

	<p><b><i>The ECHR and the protection of social rights</i></b> Branko LUBARDA, Judge of the European Court of Human Rights (ECHR)</p> <p><b><i>The evolution of the UN mechanisms (video message)</i></b> Renato ZERBINI, president of the UN President of the UN Committee on Economic, Social and Cultural Rights</p>
<b>16:45-17:00</b>	<b>Coffee-break</b>
<b>17:00-18:45</b>	<p><b><u>...continuation PART II</u></b></p> <p><b><i>Moderator:</i></b> Ricardo ALONSO, Professor, Complutense University of Madrid</p> <p><b><i>Bringing a collective complaint under the European Social Charter: recent developments</i></b> Senada SALI, Lawyer, European Roma Rights Centre</p> <p><b><i>A view from the Inter-American system: the challenges of justiciability</i></b> Mariela MORALES ANTONIAZZI, Researcher, Max Planck Institute for Comparative Public Law and International Law</p> <p><b><i>Social rights at the national level: challenges and the Spanish experience</i></b> Xavier GONZÁLEZ DE RIVERA, Judge, Spain</p>

<b>4 October 2019</b>	
<b>9:00-11:15</b>	<p><b><u>PART III: Compliance: discussing mechanisms ensuring implementation of social rights</u></b></p> <p><b><i>Moderator:</i></b> Javier GARCIA ROCA, Professor, Complutense University of Madrid</p> <p><b>A. Ensuring compliance at the International level:</b></p> <p><b><i>Measuring effectiveness or the impact of the systems? How to tackle the topic</i></b> Armin VON BOGDANDY, Professor, Max Planck Institute for Comparative Public Law and International Law</p> <p><b><i>The institutional framework for implementation of the ECSR's case-law</i></b> Giuseppe PALMISANO, President of the ECSR</p> <p><b><i>The institutional framework for implementation of the Inter-American Court's decisions</i></b> Patricio PAZMIÑO FREIRE, judge, IACHR</p>

	<p><i>Challenges in ensuring compliance in the field of social rights: chosen examples and lessons learned from a comparative perspective</i> Clara SANDOVAL, Professor, University of Essex</p>
11:15-11:30	Coffee-break
11:30-13:15	<p><b><u>PART III: Compliance: the national level</u></b></p> <p><b>B. The tool of subsidiarity: the dialogue with domestic judges in social rights</b></p> <p><b>Moderator:</b> Carmen SALCEDO, Professor, University of Valencia</p> <p><i>Control of conventionality and judicial implementation of international human rights treaties</i> Fernando VALDÉS DAL RE, Magistrate, Constitutional Court of Spain</p> <p><i>Round table “Applying the European Social Charter in Spain: a dialogue between different actors on the implementation of the Charter”</i> Enrique ARNALDO ALCUBILLA, President, Bar Association, Madrid (tbc) José NÚÑEZ, Office of the Spanish ombudsperson Ángeles SOLANES CORELLA, President of the Spanish Council for the elimination of racial or ethnic discrimination Joaquín MERCHÁN BERMEJO, Director of the Observatory of the General Council of Social Graduates of Spain Francisco José GUALDA, Comisiones Obreras (Workers’ Commissions) Jesús GALLEGO, UGT Ana ABRIL FERNÁNDEZ, Caritas Spain</p>
13:15	<p><b>Moderator:</b> Fernando FERNANDEZ-ARIAS MINUESA, Ambassador-Director, Diplomatic School</p> <p><b>Conclusions</b> Luis JIMENA QUESADA, former President of the ECSR</p> <p>Manuel MONTOBBIO DE BALANZÓ, Ambassador, Permanent Representative of Spain to the Council of Europe</p>

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