



Conference on “Social rights in today’s Europe:
the role of domestic and European Courts”

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Before anything, let me thank Cyprus for today’s important event. Our hosts, the Supreme Court and President Nicolatos. The Ministry of Justice, Minister Nicolaou. And the Cypriot Permanent Representation to the Council of Europe, which currently holds the Chair of our Committee of Ministers.

The Council of Europe, as you know, was set up after the Second World War to act as the guardian of Human Rights. The European Convention on Human Rights took the civil and political liberties set out in the 1948 Universal Declaration on Human Rights and turned them into binding obligations for European states, as the basis of a new peace on our continent.

Where aggressive state power would be restrained by international law, under the supervision of the European Court of Human Rights. Where all individuals and minorities – irrespective of their backgrounds – would be protected from majoritarian rule.

This was the first stage of transforming the UN Declaration into a binding instrument for Europe. The second came in 1961. The Declaration does not only contain civil and political liberties. It contains vital social, economic and cultural rights, too. Because lasting stability, peace and prosperity require both. Because true freedom means the chance to work; to be educated; to receive healthcare and housing; to be supported by the state in the moments when you fall.

Thus, in 1961, the Council of Europe’s European Social Charter was born. Revised in 1996, the Charter guarantees such rights. It puts special emphasis on the protection of vulnerable persons, such as older people, children, people with disabilities, and also migrants.

Today, there exists no other pan-European legal instrument which provides such extensive social protections. 43 out of our 47 member states are party to it. The Charter is expressly referred to in the Treaties of the EU.

Decisions by the European Committee of Social Rights – established to oversee compliance – have led to countless positive reforms across our member states.

Indeed, so integral to the Council of Europe's mission is this treaty, that our Secretary General, Mr Thorbjørn Jagland, and myself, have put it among the priorities of our mandates.

At the end of 2014, he launched what we call our "Turin Process", through which we are raising the profile of the Charter, and of social rights more broadly. The aim of the Turin Process is to reinvigorate our work to help more of our member states integrate the treaty into their domestic frameworks. It is an agenda which has the unanimous backing of our 47 governments, expressed through our Committee of Ministers. And we have already seen solid results. Ratification of the revised Charter by Greece, for example. The acceptance of new articles by Belgium. Several other states now pursuing ratification. And, overall, renewed political recognition of the need to improve social rights across the continent – in mature democracies as well as newer ones.

The Turin Process has been timely from the outset: it was conceived against a backdrop of financial crisis and austerity across our member states.

But perhaps no one could have predicted quite how urgent Europe's social rights agenda would become.

Across our societies, people's frustration with their institutions – national and international – is deep and it is real. There is much talk about the wave of populism sweeping the continent. But we are not talking enough about *why* our citizens are voting for these parties. *Why* millions of Europeans are now willing to give their support to the nationalist, xenophobic and anti-democratic forces sending shockwaves through our political systems.

The fact is, many Europeans feel let down. High numbers live with unemployment, widening inequality, prolonged austerity, badly managed migration, housing shortages and poor public services. They are tired of political promises which fail to deliver change. For large swathes of our communities, their needs aren't met by globalisation; on the contrary, many feel left behind. And, until we respond to these legitimate grievances, we will continue to see faith plummet in our democracies and in the European project as a whole.

But, if, on the other hand, we can reclaim the mantle of social rights, if we can use and build on existing protections and frameworks to reduce their struggles and widen the opportunities available to our citizens, then, and only then, can we provide a better answer than the populists.

We need to rally around positive social rights agenda, based on common international standards, to prove that our internationalist, rights-based, democratic order really delivers for people in their everyday lives. It is a far more inspiring offer than the politics of anger and blame we see in so many places today.

Through such a positive agenda we at the Council of Europe believe that we can help drain the disenchantment in our societies; heal divides; head off the forces of division; rebuild trust in institutions and ensure stability. This is, in my view, an urgent mission which transcends national borders, and which requires us to think beyond ideology and the traditional splits between left and right. No matter what your views on austerity or economic policy, we should all be able to agree that, in order to ensure stable and united societies, basic social rights must be guaranteed.

To this end, the Council of Europe will continue to keep social rights at the top of our work. We are doing everything we can to embed our Charter more deeply into the national fabrics of our member states, and to ensure that these rights are not simply promised in name, but are delivered in practice.

In particular we want to see greater take up of the Charter's Collective Complaints Procedure, which has so far been ratified by 15 member states, including our hosts. The procedure is ground-breaking, in that it enables representative bodies such as international NGOs, trade unions and employer organisations to raise concerns with the European Committee of Social Rights on behalf of otherwise silent victims. The first time it was used, for example, was by the International Commission of Jurists to highlight exploitative child labour practices. The Procedure's great strength is that it does not simply seek justice for an individual, but can rather lead to structural reforms, helping many more.

Through our Parliamentary Assembly, we are able to push this agenda not just with governments, but with parliamentarians across our 47 member states. The Assembly does hugely important work in this area – which you'll shortly hear more about from Ms Kyriakides.

And we are doing more than ever to align our efforts with the European Union. We are not the only European institution which cares about social rights. Far from it. And, if the Council of Europe and the EU wish to avoid duplication, or creating competing international frameworks, it is essential that we join forces, maximising our impact and showing people that Europe works, and works for them.

We have already managed to achieve a high level of convergence between our Charter and the EU's Charter of Fundamental Rights, as well as other EU texts. In 2015 President Juncker announced his intention to develop a European Pillar of Social Rights, beginning in the Eurozone, in order to renew the Union's social dimension. The Council of Europe strongly and actively supports this initiative.

All EU member states are bound by our Charter. In fact, it is the only fundamental social rights instrument to which they are all party. For this reason, we have proposed that it be expressly incorporated into the new Pillar, as the common benchmark for social rights. This,

to us, makes sense and would ease the negotiation process, while also creating commonality with Council of Europe states which are in Europe, but not in the EU.

We also believe that the Pillar would benefit from explicitly underlining the importance of Collective Complaints. And we hope that, in parallel to its development, the EU will take the step of ratifying our revised Social Charter as a bloc. This move would send a very powerful message indeed, and it was encouraging to see the European Parliament support it last month.

Much of this work happens, of course, at the political level. This is where the Council of Europe, as an intergovernmental organisation, can make the biggest difference. And the social rights agenda is only as strong as the political will behind it. But we are, of course, here today to also look at these issues from a different perspective: to investigate what this agenda means for our Courts, and to ask what role our Courts can play.

International treaties and new national statutes are all well and good, but you are the people who have to interpret them. As we seek to reform the legislative environment, your judicial insights are invaluable in ensuring that we produce clear and implementable laws, at both national and international level. And that national and international courts operate in ways which complement one and other. Your judicial expertise, your past experiences and your ability to anticipate future challenges can help us ground our political ambitions in legal reality.

So let me thank you once again for this opportunity. I look forward to hearing from you, and learning from you, throughout the day.