

## **“Social rights should be recognised as human rights”**

*Remarks by Thomas Hammarberg, Commissioner for Human Rights, to the seminar to mark the tenth anniversary of the Revised European Social Charter*

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In an ideal world there would not have been a European Social Charter. Its important provisions would have been part of the European Convention on Human Rights.

There are political reasons for the divide between civil and political rights on one side and economic and social rights on the other. Also within the United Nations the rights are codified in two different covenants in spite of the fact that the basic Universal Declaration from 1948 included all rights in the same text.

The right to education, healthcare, an adequate standard of living and reasonable conditions of work were included in the Declaration alongside principles such as those of freedom of the press and protection against torture.

Now the Cold War is over and it is recognised that all the rights are interrelated, interdependent and, indeed, indivisible. “Freedom from want” is an integral aspect of the human rights package. This is further demonstrated by the next to universal adoption of the ILO core standards and the UN Convention on the Rights of the Child which both integrate civil and social rights in the same treaty texts.

A similar development of stressing the importance of economic and social rights and their linkage to other rights has taken place within the Council of Europe. The revision of the Social Charter further stressed the need to protect against social exclusion. Protocol 12 to the European Convention on measures against discrimination created an important link between the two treaties.

However, it is appropriate on this anniversary day of the revision of the Social Charter to be self critical. Have we fully recognised that the protection of social rights is a precondition for genuine democracy?

My appeal to governments within the Council of Europe would be to move towards further ratifications. In fact, several member states have still not ratified the Revised Social Charter or Protocol 12 on discrimination. These are very basic Council of Europe standards – I see them as *core* standards.

The ratification of the Revised Charter is an obligatory step towards the recognition of the indivisibility of rights. The principle of indivisibility also requires that the same basic human rights standards apply in all Council of Europe member States. Therefore, I intend to follow closely the issue of the ratification of the Revised Charter in my contacts with governments concerned.

Only 13 Member States have so far ratified the Collective Complaints Protocol which allows for organisations of employers and trade unions and also relevant other non-governmental organisations to make submissions.

Important human rights issues have been addressed through this procedure, for instance, lack of protection for autistic children, discrimination of Roma regarding housing, insufficient medical care of children of migrants, and no adequate legal protection against corporal punishment of children.

With more ratifications this mechanism could be used for other serious matters. This procedure for collective complaints is unique also because it could directly address legislation and policies which have an impact on the protection of social rights.

Governments are right in not being careless about ratifying. There is a need to analyse the consequences of binding oneself to the various treaty norms. At the same time, we hope that governments are willing to follow through on the agreed texts. Those governments who have already decided to ratify have been able to cope with the new obligations. They have thereby contributed to a democratic Europe with an even stronger protection of human rights.