

**Address given by Mr Terry Davis,
Secretary General of the Council of Europe
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10th anniversary of the Social Charter**

Human rights are indivisible, and without social justice there is no justice.

That was the thinking behind the creation of the Revised Charter a decade ago. This 10th anniversary gives us many reasons for satisfaction.

During this decade, the number of parties to the Charter has doubled to 38. Among the 46 member States which have signed one or the other Charter, 40 have signed the Revised Charter and 22 have ratified it.

Even more important are the achievements in qualitative terms. The Revised Charter introduced a number of new social rights, such as the right of the elderly to respect and dignity, the right of persons with disabilities to lead independent and productive lives, the right to housing and the right to protection against poverty and social exclusion.

The past decade has also changed the way in which the European Committee of Social Rights undertakes its tasks of judging conformity of national law and practice. The methods are becoming increasingly judicial, and the Committee is frequently challenging established notions and views, while respecting the diversity of national traditions in our member States.

The Charter itself has made and is making a difference. It has led to the adoption of far-reaching legislative amendments and other measures to comply with the Charter requirements, and references to the Charter in decisions made by national courts is constantly increasing.

The Charter is also leaving a mark on the European scene. The case law of the Charter has begun to feed not only the decisions of our European Court of Human Rights but also the decisions of the European Court of Justice. Moreover, the Charter has inspired many of the social policies of the European Union and several rights in the Charter of Fundamental Rights of the European Union were modelled directly on rights formulated in the Revised Charter. The accession of the European Union to the European Convention on Human Rights is gaining support. Its accession to the Revised Social Charter should logically follow.

But all this does not mean that we are resting on our laurels. The Committee of Ministers has just introduced a new and more rational reporting system which will complement the procedure for collective complaints and help to ensure that rights under the Charter are not violated or ignored.

A year ago, the Third Summit of the Council of Europe Heads of State and Government decided on three priority themes which are closely related to the European Social Charter. The first was non-discrimination: a significant contribution of the Revised Charter was the addition of a clause guaranteeing that the rights set forth in the Charter are enjoyed without discrimination on any ground. To ensure equal treatment, the Revised Charter requires a clear legislative prohibition of discrimination combined with legal, administrative and political measures to make this prohibition effective in practice.

The second theme is the protection of human dignity which is the key objective of both the European Social Charter and the European Convention of Human Rights. The Revised Charter provides protection against such abuses of human rights as corporal punishment of children, ill-treatment of persons in institutions and residential care, and violence against women, including domestic violence. It also guarantees, for example, the right to emergency medical assistance to all persons, regardless of their legal status.

The third theme is democracy, which cannot fully develop without a favourable economic environment, full employment and high social standards. The Charter emphasises the need for social dialogue and guarantees the right to work, the right to fair working conditions and the right to decent social benefits. These are not only ethical imperatives - they are accepted, at least in Europe, as an essential basis for productivity and competitiveness.

That is why I argue that the Revised Charter helps to consolidate our democracies. It enables people to live free and productive lives, and it strengthens cohesion within our societies by focusing on the individual while not losing sight of the need to modernise our economic structures.

When Governments adopted the Revised Charter in 1996, they added to the legal arsenal of the Council of Europe a treaty which has the capacity to advance social justice even in times of economic change. It is of course an understatement to say that the member countries of the Council of Europe need this capacity today perhaps more than ever before.