

**Address by Mr Marcel Glesener, Chair of the Social, Health
and Family Affairs Committee, at the seminar to mark the tenth
anniversary of the revised European Social Charter
(Strasbourg, 3 May 2006)**

Mr Chair of the Ministers' Deputies
Mr Secretary General
Mr President of the European Committee of Social Rights
Ambassadors,
Friends,

It is my great pleasure, in my dual capacity of representative of the President of the Parliamentary Assembly, who sends his apologies for his absence, and Chair of the Social, Health and Family Affairs Committee, to be with you today to celebrate the tenth anniversary of the revised European Social Charter.

I greatly welcome this opportunity to reflect on the future of the European Social Charter and acknowledge the contribution it makes to protecting our citizens' social rights throughout their lives, whether they be vulnerable members of society, children, elderly persons or migrant workers, all of whom are of particular concern to the Social Affairs Committee.

For the Assembly, the revised Charter is undoubtedly the pillar of the European social model we seek to secure and offers our citizens a safeguard against the threats of poverty and unemployment and problems linked to old age. The Charter thus offers us the legal and political framework that is best suited to maintaining social cohesion in Europe.

But what is the point of such a valuable treaty if it is neither ratified nor applied? We are all aware of what the application of the Charter has achieved, particularly in terms of reforms of legislation and practice in numerous countries. But I want to see these achievements extended, so that the social rights embodied in the Charter become the reference standard for social policy in all our member states. These countries must see the Social Charter as the natural counterpart to the European Convention on Human Rights, and as such accorded the same consideration and respect as the Convention. And this must also be reflected in the Council of Europe's own activities.

In this context, I wish to draw attention to the important contribution made by the collective complaints procedure and its attendant case-law. Take as an example the decision concerning the entitlement of foreign nationals in the territory of a member state, whether or not legally, to medical assistance. The decision shows, if this were still necessary, that the revised Social Charter gives priority to the notion of human dignity and permits a dynamic interpretation of citizens' rights.

This was also one of the items on the agendas of both the second and third summits of heads of state and government. On each occasion, the final declarations confirmed the commitment of those taking part to developing the European Social Charter and promoting a new social cohesion strategy and called for activities in the social policy field to be based on the Charter.

In the Assembly, the Sub-Committee on the European Social Charter is fully aware of the Charter's importance in our daily lives and has organised seminars to promote social rights in

Europe, attended by members of parliament and representatives of governments and non-governmental organisations. One example of particular relevance to you, as Chair of the Ministers' Deputies, was a seminar in your own country in 1998.

The Assembly has always held that the European Social Charter provides not only a fundamental political statement of the European social model but also a binding framework for social and industrial relations and for the protection of basic individual rights and needs. It regrets that ten years after the revised Charter's entry into force eight of our member states have still not ratified either version. Nevertheless, it remains optimistic, since 38 countries have ratified the Charter, and the majority of them are bound by the revised version, whose tenth anniversary we are celebrating today.

But let us now use this anniversary to look to the future. As long ago as 1998, the Assembly was already considering the future of the European Social Charter. The recommendation it adopted then made a number of proposals that have still not been implemented.

One was to transfer individual rights from the Social Charter to the European Convention on Human Rights and another to transform the European Committee of Social Rights into a European Court of Social Rights, with jurisdiction to examine individual applications.

And while we are considering such matters, I would also draw your attention to a proposal to establish a European commissioner for social rights. I invite the representatives of our member states to give serious thought to these ideas.

But I would also like to introduce a more positive note concerning social rights and relations between the Council of Europe and the European Union. We need to bear in mind that much of the Union's Charter of Fundamental Rights, which forms part of the draft Constitutional Treaty, is derived from the revised Social Charter.

Finally, I wish to inform you that our Committee is currently preparing a report on the Charter's application by member states, based on the findings of the European Committee of Social Rights. This monitoring exercise should act as an incentive to states to pay still more attention to the Committee's conclusions and bring themselves into line with the Charter. Another report will focus more specifically on full implementation of the revised European Social Charter and evaluation of new employment standards and minimum wages.

The two reports should be debated by the Assembly early in 2007.

To conclude, I wish to assure you that the Parliamentary Assembly will continue to encourage countries that have not already done so to ratify the revised Charter. In this respect, the Assembly has one great advantage over other bodies, namely that my colleagues, as members of their respective countries' upper or lower houses, can call on their governments to sign and ratify the Charter. I shall continue to remind them of this duty.