

Interparliamentary Conference on the European Social Charter

Turin, 17 March 2016

Introductory speech by Michele Nicoletti, Chair of the Italian Delegation to the Parliamentary Assembly of the Council of Europe and General Rapporteur of the High-level Conference on the European Social Charter (Turin 2014)

Thank you Mr Mayor. Thank you for your hospitality and the receptiveness which you have always shown towards the issues pursued by the Council of Europe, in particular the European Social Charter and the rights enshrined in that text.

Thank you Mr Marazziti and Deputy Secretary General Battaini-Dragoni for your words here today, not only words of welcome but what you have said has also provided an important basis for the discussions to be held over the next two days.

I thank all of you, in particular the Speakers of the Russian and Maltese parliaments as well as all of the committee chairpersons from the member states and their representatives, for having accepted this invitation to come together here to discuss current issues surrounding the Social Charter.

As has been mentioned, these are not easy times. The first conference in Turin, held in 2014, was also profoundly marked by the effects of the ongoing financial crisis throughout Europe, which has exacted a very high price precisely on the weakest members of society, and has in some way called into question a whole range of social rights. The effects of this crisis are still with us and have been exacerbated, as you have reminded us, by the refugee and migrant crisis. This is the greatest human tragedy that we have experienced since the end of the Second World War, and affects not only Europe but the whole world. I think that we are all aware that history will look at this tragedy as the event that in some sense characterises these times, and we will be judged on the way in which we have dealt with this dramatic emergency.

But why is it dramatic? It is so not only because of the large numbers of victims but also the powerlessness of the political authorities, including in particular the supranational political authorities that should be tackling it effectively.

As far as Europe is concerned, I must admit that what is most striking is that, in the face of this dramatic emergency, we are unable to overcome our divisions.

Faced with these divisions, we should recall the warning sounded by the founding fathers of the Council of Europe meeting in 1948 in the immediate aftermath of the Second World War. The opening words of the Message to Europeans of the 1948 Hague Conference, out of which our organisation the Council of Europe was eventually created, were that: "Europe is threatened, Europe is divided, and the greatest danger comes from her divisions". *The greatest danger*. A generation that

had lived through the dangers of war and persecution saw *the greatest danger* in divisions within the European continent.

If we consider the economic, military, legal, cultural and social instruments with which Europe is nowadays equipped, there is no challenge that this continent cannot tackle and overcome. There are much poorer countries around the world that are much less well-equipped than Europe, which are having to deal with even greater pressures.

For this reason we have to say, both to ourselves and to others, that it is not the external challenges that we must be afraid of. It is our internal fears, internal divisions and internal despondency that we must combat, and to this end we have to re-establish unity between our countries. This is a further purpose of this meeting – a rallying call to all member states of the Council of Europe. Not an artificial external unity, but a deep-seated unity, built on our very roots, because when faced with the tragedies of 20th century, Europe sought to affirm for itself and to the world that its own unity did not lie in closing ranks against the outside, but in the protection of human dignity and fundamental rights and freedoms.

Again in this text from 1948 we read: “Human dignity is Europe's finest achievement, freedom her true strength”. We must not be afraid to repeat it whenever we see one of our own countries look elsewhere for strength: in controlling people, in clamping down on freedom of the press or freedom of speech, in undermining the independence of the judiciary, including the supreme courts, and in denying the rights of minorities, irrespective of who they are.

To those who say that Europe is weak we must repeat that “*freedom is her true strength*”, and for this reason we have to combat our divisions.

Herein lies the mission of the Council of Europe and its special responsibility towards all other European institutions. The Council of Europe is the seed out of which all initiatives of European unity were born, including the European Union, and should be its proudest guardian. Its history is a history of progressive unification of the common European home leading, following the fall of the Berlin Wall, to embracing the countries of Eastern Europe, through to Russia, thereby achieving the ideal of the great unified Europe within a shared ethical and legal framework of human rights, democracy and the rule of law. For us in the Council of Europe, there can be no real Europe without the twin lungs of the West and the East, and without its North and South.

After having completed this major task of unifying the continent, the Council of Europe has the historical responsibility of guarding and reinforcing this unity (and we must not allow the unity handed down to us by the previous generations to be weakened or destroyed) in order to ensure that it is an instrument of peace and justice within the European continent and around the world. And we have to promote between ourselves a relationship between equals, because must learn respect for human rights and democracy from each other, avoiding any approach of paternalism, in the common interest of serving our citizens.

This is the aim of this initiative. We believe that it is urgently necessary to reflect on rights and, over the next two days, in particular on social rights, not only because we have the fate of the most vulnerable people at heart, but also because we have at

heart the fate of our continent; we believe that by discussing together how to protect the life and dignity of individuals and by creating common instruments – such as charters, conventions, courts and committees – we can reinforce that common fabric of civilisation, that shared way of being, to be found from Lisbon to St. Petersburg, from Oslo to Athens, and which we term European.

Unfortunately, we do not see that “civilisation” expressed and honoured in the 10,000 child refugees scattered throughout Europe, in those who have died on our seas, on barbed wire and in the mud, where we leave those who have fled persecution to sink in their own despair.

The dignity of human beings will be Europe’s greatest achievement only if Europe is ready to defend the dignity of all persons, and not only that of its own more fortunate citizens. As the European Court of Human Rights has pointed out on various occasions, each member state is responsible for protecting the human rights of every person present in its territory, wherever he or she is from.

Either human rights are universal or they cannot be called human rights. The 2014 Turin Conference sought to reiterate clearly this universality of human rights, and to assert that social rights are an integral part of human rights.

The Social Charter is based on the idea of the unity and indivisibility of the fundamental rights expressed in the Universal Declaration of 1948 and reiterated in Vienna in 1993, which referred to freedom of thought and also to freedom of access to education, social security and so on.

Whenever we cite human rights we should cite them all. Whenever we cite the European Convention on Human Rights we should cite the Social Charter because it is only in this way that we can convey the idea of this unity and indivisibility. The unity of rights refers to the unity of the person, because there is no person who can divide himself or herself between thinking, work, the sphere of personal relations and basic necessities. And unity presupposes indivisibility. Consider how our case law today constantly asserts the indivisibility of fundamental rights. As it does for the right to asylum: it is sufficient that only one fundamental right is violated in a country in order to conclude that there is a person who deserves protection.

The Turin Conference has reminded us that social rights are without doubt different from civil and political rights because they involve different policies. As far as civil rights are concerned, it is often sufficient that some - so to speak – “negative” policy is pursued by the political authorities: it is necessary to remove obstacles, and to leave people with the freedom to express themselves. As regards social rights on the other hand there is a need for positive policies, and therefore for financial resources, and it is clear that we have to face up to the fact that those resources are limited.

However, during that Conference we recalled an important expression by the Turinese philosopher Norberto Bobbio, which I would like to mention here, that social rights are the “prerequisite” for other rights, because if it is not possible to have access to food, housing and employment, then it is also not possible to enjoy full freedom of thought and of speech, and the freedom to pursue all other activities.

The defence of social rights is not therefore important solely for the material life of a society but also for its spiritual life and for democracy. Accordingly, to weaken these

rights is to undermine the basis for our cohabitation, at both national and European level. Perhaps we have appointed Europe as the guarantor of certain rights, delegating to the member states the administration of all other issues, including the protection of social rights. And we have thereby created a risky dualism. This may be a weak link in the process of European integration, and it is therefore right to once again reflect with determination on European citizenship and the possibility for each European citizen to access minimum levels of subsistence and dignity. To fail to do so may give rise to dangerous disparities, different standards from one country to another, differences in treatment for citizens and foreigners, and attitudes of defensive isolationism which result from nothing else than attempts to defend particular standards of living within one particular country or within one particular social group against threats originating from the outside.

This is why it is important to once again look at the issue of social rights, the Charter in which they are enshrined and the instruments which protect them. When in 1948 the founding fathers of the Council of Europe devised not only the Convention but also the European Court of Human Rights, this principle was clear for them: it is not enough to write down on paper what the fundamental human rights are - specific safeguards also have to be put in place; it is not enough to have a Social Charter - effective procedures are also necessary.

And for this reason, as has been stated, it is important not only that the Charter be signed and ratified by all countries in relation to as many points as possible, but also that the instrument provided for under the Social Charter be used, i.e. collective complaints. In its very title, this instrument refers to a vision rooted not in individualism but in solidarity. The complaints are "collective" and not "individual". This is because certain situations do not affect merely a single person but a group of people and the assertion of a particular right does not call for respect of a personal condition only, but of a social condition. Accordingly, by bringing a complaint individuals enter into a movement for emancipating the society to which they belong. They fight for all others who are in the same situation, and not only for themselves.

The specific objectives of the Turin process, including in particular a greater number of ratifications of the Social Charter, have already been referred to, so I do not intend to dwell too much on this point.

This is why we have brought together parliamentarians here: so that they may take action within their parliaments and with their governments to exert pressure to sign and ratify the Charter, where this has not yet been done, so that it may be used to the full, including all of its articles and the additional protocol providing for the system of collective complaints.

This is an important objective of this meeting: to ascertain the situation regarding social rights within each participant state, to understand the most critical issues and at the same time to get parliaments on board (including through the Parliamentary Assembly of the Council of Europe) so as to encourage them to pursue parliamentary inquiries into the state of social rights, and above all, launch initiatives to activate all instruments for protecting and defending such rights.

The small yet significant steps we have made since that first conference have already been referred to and they give us good cause for hope. The Turin process is

a slow and difficult path, but we are moving forward. There is a growing awareness in all countries of the inter-linkage between respect for social rights, economic development, the championing of democracy and the fight against terrorism.

I now conclude. We are currently confronted with a difficult moment in which we may sometimes feel powerless. All the arguments appear to have no effect on those with whom we speak. In attempting to address the migrant crisis, we appeal to the ideals of human dignity, solidarity and hospitality, but our calls appear to have fallen on deaf ears. So we turn to emotional arguments, to feelings of pity: we have seen the deep concern aroused by images of a child lying dead on a beach, and something appeared to change in the short term. However, today those emotions appear to have abated. We turn to legal arguments, to rulings made by the Court against states concerning expulsions, to the consequences in terms of adverse judgments and sanctions. However, these arguments also appear to have little effect. Finally, the arguments relating to instrumental rationality appear to have no impact: demographic studies clearly show that in ten or twenty years' time the European continent will be unable to sustain its productive system or its welfare system if it does not increase the number of immigrants, and yet this argument is political anathema, even though demographic experts and economists are constantly calling on us to consider this fact.

However, in such a situation we must not give in to a feeling of powerlessness. We must in contrast refocus on our task, tirelessly repeat these arguments and reiterate the lessons of history on our continent.

Consider the Europe of the 19th century, when the seed of racism – which subsequently bloomed in the 20th century – first took root within society. It was possible for this to happen because a feeling of decadence had pervaded the Europe of the time; it felt that it was in decline – a decline which it was thought was due to external agents who had contaminated it. The danger was seen to lie in so-called intermingling between races. The weakening of Europe was associated with external contamination by theories of absolutely no scientific value. This gave rise to the ideals of blood purity and the politics of racial hygiene that would supposedly heal an ailing continent. We all know the tragedy that was the result: ethnic cleansing and extermination, death and destruction: anything but the recovery of a renewed youth, or a European rebirth!

That European rebirth occurred later when the courage was found once again to say that Europe's identity does not lie in ethnic cleansing but in the dignity of every person.

We therefore have to combat the proliferation of a sense of malaise and decadence, and will be able to do so only if we are able to open up prospects for the future.

In this respect, not only today's meeting but also tomorrow's will be very important. Along with renowned scholars such as Professors Fitoussi and De Schutter, we shall reflect together on the need to end the politics of austerity and to relaunch public investment in culture, research and infrastructure in order to bring about renewed growth, which also means a period looking to the future. This will be possible only if we are able not merely to change our social and economic policies but also to give new life to that exemplary instrument which has been decisive for the assertion of social rights.

The defence of social rights is in fact born out of ideas that have so impassioned those people who have then translated them into social institutions and practices. We need to rediscover these ideas and the passion they inspire. On many occasions in the Parliamentary Assembly over the last few months we have discussed in impassioned tones both the fight against terrorism and the backgrounds of foreign fighters, noting how these very young persons embrace certain ideals so strongly as to end up fighting for them and sacrificing their lives and those of others. These are mistaken ideals, practices that we regard as criminal; and yet the force with which those ideas can motivate people is remarkable.

Perhaps we also should be able to deploy not only good policies but also good ideas that are capable of mobilising people, of giving a sense of openness and hope, of saying that there is something for which it is worth giving up part of oneself. This ideal does not involve killing others but giving everyone the possibility to live life in peace, freedom and justice. This is the model of life which Europe has been able to construct, and which we have a duty to maintain and pass on to future generations.

Thank you.