

## **Turin Forum on Social Rights in Europe**

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### **Speech by Giuseppe Palmisano, President of the European Committee of Social Rights – Council of Europe**

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Thank you. Very briefly, I think that the Forum today is the perfect opportunity for us to move from words and theories to facts, or at least to identify the first steps towards achieving what we have been talking about until now: putting consideration and respect for social rights back at the heart of political and governmental choices, and also the expectations of the people within our communities.

I would therefore like to draw your attention towards some of the proposals that could offer some initial tangible initiatives with a view to making social rights once again the centre of our action through the European Social Charter: these proposals are aimed at using this important instrument which already exists and has great potential more effectively and ensuring that it produces the desired effects.

First and foremost, I address the parliaments and parliamentarians in the light also of yesterday's interesting interparliamentary conference. To them I ask: why not start launching at parliamentary level procedures – where they do not already exist – for assessing the social impact of governmental policies, at long last stipulating the requirement for effective compliance with the Social Charter as one of the fundamental parameters for assessment?

Secondly, I address once again the parliamentarians and governmental authorities of the member states: why not begin to enable – where this is not already possible – the Social Charter to be directly relied on by its real beneficiaries, by those who can best identify the problems associated with the implementation of and respect for social rights, in order to find appropriate solutions? In other words, this means asking: why not promote the acceptance of a procedure which already exists, but which at present is binding on only 15 out of the 43 states that are parties to the Social Charter system? I am talking here about the collective complaints procedure, to which Professor De Schutter so ably referred, which is effectively capable of identifying specific problems and also proposing solutions. I earnestly invite all parliamentarians, and not only people in government, to give thought to this possibility, and to press for the acceptance of the procedure by those states that have not already done so.

Thirdly, and here I address an important category of people, who are probably here with us today: national judges. It is in fact the national judges that act as the principal conduit for ensuring respect for rights. So dear judges, why not start taking greater account of the European Social Charter in your decisions, as a legally binding instrument under national law, in order to guarantee the social rights of individuals to the full? This would truly be the key to translating certain fundamental principles into facts, or rather into legislation, and not leaving them solely as principles.

Lastly, the normative system of the Social Charter is certainly a well-constructed system, which protects social rights more than any other treaty in Europe (or elsewhere in the world); however, it also has its limits. I refer above all to the situation of “foreigners”, migrants and refugees, who have been a matter of much discussion both today and yesterday in the interparliamentary conference. There is no doubt that migratory flows and refugees, along with the recent significant inflows of non-European foreign nationals into Europe, pose problems from the viewpoint of the application of social rights. But consider this: does it make sense that, according to the Social Charter, Italy, France or Germany are obliged – and rightly so – to respect the social rights of people who come from Azerbaijan, Turkey, Portugal, Ireland or Lithuania, in other words from anywhere in Europe, but not for example of the people – and there are many of them – who come from Syria, Tunisia, Bangladesh, Peru, Ecuador, Cameroon, Niger, and so on? Does this make sense? Is it “fair”? Or rather, is it acceptable from the viewpoint of respect for human rights? In my view, absolutely not. There is so much talk of inequality and of eliminating inequality; well, this is an inequality that is currently tolerated by the Social Charter as it does not oblige the states to apply and respect the social rights of people who are nationals of a country that is not a party to the Social Charter.

Today the problem is more critical than ever; it is critical because the number of people arriving in Europe from non-European countries is growing, for many reasons; lawful migrants, economic migrants, environmental migrants, displaced persons, asylum-seekers and refugees. And yet under the Social Charter there is no obligation to guarantee the same rights to these people which by contrast we rightly grant to Europeans. And this is above all an anomaly compared with any other international instrument for protecting human rights. It does not apply to the ECHR, nor to the international covenants adopted by the UN. I therefore earnestly invite you to take into consideration this aspect in order to improve the system of the Social Charter and to bring it into line with the times we are currently living through. This does not necessarily mean engaging in difficult complex procedures (including on a political level) to revise the Social Charter, but could, for example, simply mean that the governments of the States Parties to the Charter, encouraged by their parliaments, will unilaterally agree to broaden the extent of the Social Charter to include categories of persons who are not currently covered.

This would actually be possible, and relatively easy to achieve, and the European Committee of Social Rights proposed just this several years ago on the occasion of the 50th anniversary of the Social Charter. Unfortunately no positive responses have yet been received.

I think that today the need is felt even more keenly than several years ago, and for this reason I appeal to those who truly cherish respect for social rights and the dignity of all people to take action and tangible steps in this direction in order to improve the Social Charter yet further.

Thank you.