



**European Commission consultation¹
on reinforcing Social Europe
and the implementation of the European Pillar of Social Rights**

A Council of Europe contribution
prepared by the Directorate General Human Rights and Rule of Law

Social rights are human rights

Social rights are human rights. As such, they are universal, indivisible and interconnected or interrelated. The delivery of social rights - and, in consequence, the realisation of Social Europe - is not only an international human rights requirement but also a condition for social and democratic sustainability.

The erosion of social rights or the failure to uphold social justice is a predictor of negative outcomes, whereas upholding them has far-reaching positive consequences on many fronts. More specifically, the respect of social rights contributes to good governance and enhances respect for democratic institutions.

Good governance is also closely related to the rule of law (and the principle of legality).² The alignment of policies with laws and of laws with human rights exigencies - including international human rights law and therefore with the European Social Charter - is a fundamental obligation of member States.

“The Union and the Member States, having in mind fundamental social rights such as those set out in the European Social Charter signed at Turin on 18 October 1961 and in the 1989 Community Charter of the Fundamental Social Rights of Workers, shall have as their objectives the promotion of employment, improved living and working conditions, so as to make possible their harmonisation while the improvement is being maintained, proper social protection, dialogue between management and labour, the development of human resources with a view to lasting high employment and the combating of exclusion.”

Treaty on the Functioning of the European Union
Article 151 (ex. Article 136 TEC)

¹ European Commission consultation on Social Europe : <https://ec.europa.eu/social/main.jsp?catId=1487>

² See also Council of Europe's secretariat comment to the Communication from the Commission on Further strengthening the Rule of Law within the Union - State of play and possible next steps (download at: https://ec.europa.eu/info/sites/info/files/stakeholder_contribution_on_rule_of_law_-_council_of_europe_secretariat.pdf)

The endeavours to reinforce the implementation of social rights should be pursued. The European Pillar of Social Rights and Social Europe are therefore of great importance. The 2016 opinion of the Council of Europe Secretary General on the European Union's initiative to establish a European Pillar of Social Rights should be recalled.³ Social rights are at the heart of the European project, of which the Council of Europe is a fundamental component.

“nothing in the European Pillar of Social Rights shall be interpreted as restricting or adversely affecting rights and principles as recognised, in their respective fields of application, by Union law or international law and by international agreements to which the Union or all the Member States are party, including the European Social Charter”

European Pillar of Social Rights
Preamble, paragraph 16

Priority areas

Without neglecting other rights, particular attention should be paid to gateway rights (rights that are *sine qua non*) for the exercise or enjoyment of other social rights as well as civil and political rights. From this perspective, absolute priority must be given to the eradication of poverty, starting with child poverty. Closely related to this objective is the eradication of homelessness and ensuring the right to housing of an adequate standard. These are absolute enablers - or, their absence, an absolute disabler - for the enjoyment of other rights. Similarly, inequalities must be overcome, including through ensuring equal opportunities for all and closing the gender pay gap as a matter of urgency.

The European Social Charter and its procedures

Reinforcing Social Europe and the implementation of the European Pillar of Social Rights require action on all of the rights and principles sets out in the Pillar. To this end, full account should be taken of the European Social Charter and the conclusions, decisions and findings of the European Committee of Social Rights.

The European Social Charter, in its 1961 version and as revised in 1996, provides a reference legal framework for social human rights. All European Union member States are parties to the Charter.⁴

The Charter and the procedures it establishes (reports concerning respectively accepted and non-accepted provisions, as well as the facultative collective complaints procedure) offer a tool that can assist and can be relied upon by States parties in their endeavours to uphold human rights in the field of economic and social rights.

The Council of Europe has initiated a process for improving the procedures under the Charter and the implementation of social rights. Progress in this respect is expected in 2021, a year when the European Social Charter will celebrate its 60th anniversary as well as the 25th anniversary of the revised Charter.

³ See opinion issued on 2 December 2016 on the European Union's initiative to establish a European Pillar of Social Rights

<https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806dd0bc>

⁴ All 47 Council of Europe member States have signed the 1961 or the 1996 (revised) Charter. Thirty-four of them are parties to the revised Charter and nine to the 1961 Charter. Fifteen have accepted the collective complaints procedure. At the time of writing, Germany and Spain are taking steps to ratify the revised Charter and Spain has indicated its intention to accept in due course the collective complaints procedure.

Cooperation between Council of Europe and the European Union

As in respect of human rights generally, in this specific area, Council of Europe - European Union cooperation is important, in line with the Memorandum of Understanding signed between the two organisations on 11 May 2007.⁵

Implementing the European Pillar of Social Rights “building on the experience of the Council of Europe's European Social Charter” features among the European Union Priorities for Cooperation with the Council of Europe 2020-2022.⁶ The words of the then Prime Minister of Luxembourg and later President of the Commission, Jean-Claude Juncker, in his 2006 Report “Council of Europe-European Union: a sole ambition for the European Continent” might be recalled in this connection:

“It would thus seem appropriate [...] that EU bodies should give formal effect to the spirit of Article 6.2 of the Treaty on the European Union, on which co-operation with the Council of Europe is based, by making it a [...] rule that the decisions, reports, conclusions, recommendations and opinions of these monitoring bodies:

1. will be systematically taken as the first Europe-wide reference source for human rights;

2. will be expressly cited as a reference in documents which they produce.”

The Council of Europe stands ready to cooperate with the European Union and its institutions so that the European Social Charter and the conclusions, decisions and findings of the European Committee of Social Rights can best contribute to reinforcing Social Europe and to the implementation of the European Pillar of Social Rights. The above-mentioned priority areas should feature high on the agenda for cooperation between the Council of Europe and the European Union.

Finally, it is recalled that, in a resolution of 19 January 2017, the European Parliament “encourage[d] the Commission to examine the steps required for accession by the European Union to the revised Charter and to propose a time-line for this objective”.⁷

⁵ Memorandum of Understanding between the Council of Europe and the European Union <https://rm.coe.int/mou-en/1680597b32>

⁶ The European Union Priorities for Cooperation with the Council of Europe 2020-2022 were adopted by the Council of the European Union on 13th July 2020 https://eeas.europa.eu/delegations/council-europe/82886/european-union-priorities-cooperation-council-europe-2020-2022_en

⁷ Cf. European Parliament resolution of 19 January 2017 on the European Pillar of Social Rights, paragraph 32 https://www.europarl.europa.eu/doceo/document/TA-8-2017-0010_EN.html