

The European Social Charter in the Digital Era: Challenges and Opportunities for the Social State

Proposal for a side event to the High Level Conference on
the European Social Charter (Chisinau, 2026)

Social Rights in the Digital Era
Research Network
UNITA Universities Alliance

Contact:
Fernando Arlettaz
University of Zaragoza
arlettaz@unizar.es

Submitted on 14 June 2025

1. Introduction

A round table on the challenges and opportunities for the European Social Charter and the social state in the digital era is proposed as a side event to the High Level Conference on the European Social Charter (Chişinău, 2026). The proposed speakers are a group of scholars affiliated with two Spanish universities (the University of Zaragoza and the Public University of Navarre) and one Romanian university (the West University of Timișoara). All three institutions are members of the international UNITA consortium.

The speakers are currently developing a research project on the future of the welfare state, under the UNITA consortium's Starting Grants call. The proposed side event aims to foster discussion on the future of social rights and the European Social Charter in the context of major transformations driven by digitalisation. In doing so, the event seeks to contribute to the work of the Conference while also serving as a platform to disseminate the research outcomes of the aforementioned UNITA project.

2. Context and theoretical framework

The social state is a form of political organisation that assumes redistributive and protective functions by regulating the economy, redistributing income through taxation and transfers, and providing essential services such as education, healthcare, pensions, and social assistance. Its legal and constitutional expression is found in economic, social, and cultural rights, grounded in the principle that individual freedom cannot be fully exercised without minimum material conditions of existence. The Council of Europe has been highly active in promoting these rights. As stated in the preamble to the Revised European Social Charter (ESC[R]), one of the Council's objectives is to facilitate the economic and social progress of its member States, "in particular by the maintenance and further realisation of human rights and fundamental freedoms".

Following its post-war consolidation, the social state has faced successive crises: the economic stagnation triggered by the oil crisis (1973–1979); the rise of neoliberalism during the 1980s and 1990s; and the impact of globalisation, particularly the outsourcing of industrial production in response to increasing international competition. These crises have not led to the demise of the social state but have instead compelled it to undergo profound transformations. In the 21st century —particularly in the wake of the COVID-19 pandemic— the role of the social state has re-emerged as a central topic of political and legal debate. Within this context, the digital revolution represents a new frontier: it offers opportunities to enhance social rights, but also poses risks of deepening existing inequalities or generating new forms of exclusion.

Digital technologies are redefining modes of production, the organisation of work, access to public services, and democratic participation. The exercise of fundamental rights—including social rights—is consequently challenged in multiple ways. This transformation calls for a rethinking of the normative, institutional, and ethical foundations of the contemporary social state, as well as the role of the European Social Charter as a living instrument capable of responding to evolving conditions.

First, digitalisation has radically transformed modes of production and the labour market. Automation, platform-based work, teleworking, and artificial intelligence are reshaping employment structures, giving rise to new forms of precarity and posing significant challenges to traditional social security systems, which were designed around stable, in-person employment relationships. In today's digital workplace, the growth of surveillance and algorithmic management has altered the nature of work itself, blurring the boundaries between professional obligations and personal life.

Practices such as keystroke logging, webcam monitoring, biometric data collection, and automated performance scoring affect workers' autonomy, psychological well-being, and capacity for rest. These developments pose challenges to several social rights, particularly the right to just conditions of work (Art. 2 ESC[R]), the right to safe and healthy working conditions (Art. 3 ESC[R]), and the protection of workers with family responsibilities (Art. 27 ESC[R]). Psycho-social safety standards should therefore be integrated into the interpretation of the European Social Charter—for example, through the recognition of a right to disconnect, with an emphasis on protecting rest, health, and family life from the pressures of constant digital availability.

In addition to this, the management and delivery of public services are being reconfigured through digital technologies, producing ambivalent effects. On the one hand, tools such as online registration platforms, biometric systems, and digital identity verification can enhance efficiency and, to some extent, the transparency of public administration. On the other hand, they raise concerns about the declining quality of human interaction in service provision and the increasing reliance on private technological infrastructure. These developments may affect social rights such as the right to benefit from social welfare services (Art. 14 ESC[R]) and the rights of older persons and persons with disabilities to integration and dignity (Arts. 15 and 23 ESC[R]).

The effective realisation of the principle of non-discrimination (Art. E ESC[R]) is also at stake, as vulnerable groups may be particularly affected by digital changes and risk digital exclusion. For example, migrants lacking legal identity documents or facing digital illiteracy may find themselves unable to access healthcare, housing, or social assistance. Likewise, individuals with mental, physical, or emotional disabilities may be excluded from the enjoyment of social rights in the absence of proactive state intervention to ensure substantive equality.

Accordingly, greater attention must be paid to how digital tools can function as gatekeepers to social rights. As governments increasingly rely on digital systems to

deliver public services, the European Social Charter must evolve to ensure that these systems are accessible, fair, and inclusive. The objective is not to resist digital progress, but to promote digital justice —ensuring that everyone, regardless of legal status or digital literacy, can access the basic rights and protections guaranteed by the Charter. Legislative reforms to secure non-discriminatory treatment must be accompanied by appropriate infrastructure, in which digitalisation plays a crucial role.

Finally, the mass collection of data and the use of algorithms give rise to new tensions between administrative efficiency and the safeguarding of individual rights —particularly with regard to privacy, access to information, and transparency in public decision-making. Stronger procedural safeguards in administrative processes, as well as ongoing monitoring and periodic review of legal and administrative measures that impact individuals' privacy and autonomy, are essential to ensure that any restrictions on individual rights remain proportionate to the specific circumstances.

The digital transformation therefore calls for an institutional and regulatory redesign of the social state —one that incorporates the principles of algorithmic justice, digital sovereignty, technological equity, and the effective protection of rights in virtual environments. The proposed round table aims to critically examine these transformations, with particular attention to the normative, social, and institutional challenges faced by the social state in adapting to the digital age, and to the role the European Social Charter can play in shaping this adaptation.

3. Proposal: round-table on social rights in the digital era

To examine the transformations outlined above, a round table will be organised as a side event of the High Level Conference. The structure of the round table and the proposed speakers are as follows (minor adjustments may be made at a later stage if necessary for organisational reasons):

FIRST PART: Social rights and the social State in the digital era

Fernando Arlettaz, University of Zaragoza, Spain.

Andreea Verteş-Olteanu, West University of Timișoara, Romania.

SECOND PART: Specific social rights in the digital era

Alejandro Torres Gutiérrez, University of Navarra, Spain.

Codruța Guzei Mangu, West University of Timișoara, Romania.

Bianca Șerb, West University of Timișoara, Romania.

The round table will last for two hours and follow the schedule below:

FIRST PART: 15 minutes per speaker, followed by 15 minutes for questions and answers.

SHORT BREAK: 15 minutes.

SECOND PART: 15 minutes per speaker, followed by 15 minutes for questions and answers.

The organisers would be very grateful if the Council of Europe could provide a moderator for the round table. If this is not possible, they will make alternative arrangements to appoint someone for this role.

4. Speakers' profiles

Fernando Arlettaz is a “Ramón y Cajal” research fellow and accredited tenured professor at the Faculty of Law, University of Zaragoza, Spain. He teaches and conducts research in Legal Theory, International Law, and Human Rights. His research is focused on the protection of vulnerable groups such as migrants and minorities. He has previously held a “Marie Curie/Fernand Braudel” fellowship at the Centre for International and European Studies (University of Aix-Marseille, France), and has been a research fellow at the Centre for Studies and Research of The Hague Academy of International Law (The Netherlands).

Andreea Verteș-Olteanu is an associate professor at the Faculty of Law, West University of Timișoara, where she teaches Constitutional Law and Internet Law. Her research focuses on the evolving relationship between constitutional rights and digital transformation, with particular interest in privacy, freedom of expression, and the rule of law in the context of internet governance and data protection. Her interdisciplinary and comparative perspective to the study of legal systems seeks to understand how fundamental rights adapt in an increasingly digital society.

Alejandro Torres Gutiérrez is a full professor of Constitutional Law at the Faculty of Law, Public University of Navarre, Spain. His work focuses on human rights theory, the status of minorities, and multiculturalism. He has been a visiting professor at numerous European universities, including the University of Salzburg (Austria), the University of Bologna (Italy), the University of Coimbra (Portugal), and the University of Plovdiv (Bulgaria).

Codruța Guzei-Mangu is a senior lecturer at the Faculty of Law, West University of Timișoara, Romania. Her primary field of teaching and research is civil law, with a particular emphasis on the protection of individuals' fundamental rights.

Bianca Șerb is a junior lecturer at the Faculty of Law, West University of Timișoara, Romania, and a practising lawyer. Her professional interests include International Law, European Union Law, and the international protection of Human Rights.

5. Intended contribution to the High Level Conference

The proposed round table aims to contribute to the third objective of the High Level Conference: addressing contemporary social rights challenges. Specifically, it seeks to:

- Discuss key social issues such as the impact of the digital revolution on the content of social rights, access to those rights, and the structure of the social state.
- Consider the role of social rights in reinforcing democratic stability in an international context characterised by both old and new threats, which are amplified by the digital revolution.
- Analyse how the digital revolution generates new shortfalls and inequalities, and explore ways to address them.

The round table will foster cross-sectoral dialogue to provide valuable input for future Council of Europe initiatives and updates to the European Social Charter. Beyond its contribution to the High Level Conference itself, the discussions are expected to support the ongoing reform process aimed at modernising the European Social Charter, launched by the Committee of Ministers in 2022–2023 (see CM(2022)114-final and CM/Del/Dec(2023)1460/4.1)

6. Practical arrangements

All travel and accommodation costs will be covered by the speakers' institutions.

The Department of Social Rights of the Council of Europe is kindly requested to take care of the practical arrangements for the organisation of the round table itself (provision of a physical space, sound system, screens, etc.).