

Submission for the international High Level Conference on the European Social Charter

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Proposal: “Ensuring Social Rights under the European Social Charter in the Age of AI: Between Myth and Reality (working title)”

Abstract: The adoption of the European Social Charter in 1961 significantly strengthened the effectiveness of social rights within the member states of the Council of Europe. Like all values protected by the Council, these social rights are now being profoundly disrupted by the digital revolution, particularly through the development of artificial intelligence (AI) systems. Admittedly, the Council of Europe’s Framework Convention of 2024 has laid the groundwork for an initial regulation that respects human rights, the rule of law, and democracy. However, what is the concrete impact on the rights guaranteed by the European Social Charter? What types of AI are being used in the field of social rights? What strategies have the States Parties implemented to enhance the effectiveness of their social protection systems?

This presentation aims to place the question of the effectiveness of social rights in the context of their digital implementation. In recent years, governments in the Netherlands, the United Kingdom or France have all introduced algorithmic surveillance of welfare recipients in an effort to combat social welfare fraud. From the standpoint of both rationalizing public spending and safeguarding social rights, it is understandable that fraud is relentlessly pursued. States also deploy AI systems to detect tax fraud, yet the context and stakes in that domain are markedly different.

However, as investigative journalism and subsequent judicial rulings have revealed, the overall assessment of this strategy is largely negative. The structural biases embedded in these AI systems have led to erroneous assessments which—absent meaningful human oversight—have resulted in injustices, and in some cases, even tragedies. Yet, digital solutionism continues to drive public authorities to expand the use of such AI tools. Behind the technical malfunctions and political scandals lies a deeper erosion of the entire social protection system—even in countries historically known for their generous welfare states—through the implementation of AI.

The presentation will first examine the technical and legal causes of this erosion, and then propose concrete solutions to prevent it. How can AI systems designed to combat social welfare fraud be effectively regulated in practice? What roles could the Council of Europe, its member states, and the European Committee of Social Rights play in halting this erosion?