

UK Submission on the High-Level Conference on Social Rights Programme

(Vilnius, Lithuania, 3-4 July 2024)

The UK thanks the Lithuanian Presidency for offering to host this Conference in Vilnius and welcomes the invitation by the Secretariat of GR-Soc to submit our contribution to the Programme for this Conference (Document GR-SOC(2024)3E).

The UK believes that it is important that participants have the opportunity to exchange views on what member States would like to see achieved on social rights.

We note that 'the main outcomes of the High-Level Conference are expected to be the taking of additional commitments under the Charter, a Political Declaration and proposals for further action.'

This is an ambitious agenda, and the challenges in achieving this outcome should not be underestimated. At the very least all member States will need sufficient opportunity to review and edit the text of this declaration well beforehand in order to provide the best chance of its eventual adoption by ministers. As the experts on matters relating to the European Social Charter, we suggest that representatives from the Governmental Committee are closely involved in the drafting process. This will be especially important if the Vilnius Conference is considering some of the areas which were also considered by the European Committee on Social Cohesion around challenges to social justice. Many of these issues are live debates and require consensus across member States to agree the path forwards for addressing them.

Turning to the nine objectives, the UK believes they need to be refined further. As proposed the objectives are too broad ranging to enable an effective discussion with all the member States about social rights. In some areas, the objectives are too ambitious. Coming to the objectives specifically:

1. On objective 1 about envisaging a treaty event where member States undertake or pledge to additional commitments under the Charter. This is overly ambitious. Member States are unlikely to be in a position to conduct the necessary processes involved with making additional commitments in the remaining months before Vilnius. We note that it has taken other member States several years to accept additional commitments under the Charter, especially the revised Charter. The UK requests clarification on the 'pledge' process to understand what type of commitment this might be.
2. On objective 2 about encouraging the seven remaining States to ratify the Revised Charter 1996. The process of ratifying further commitments takes considerable time and the national sovereignty of member States needs to be respected. Furthermore, the UK feels that the approach of singling out those who have not ratified the Revised Charter 1996 is counter-productive.
3. On objective 3 about considering whether additional measures are needed to achieve the objective of strengthening social rights in Europe, the UK encourages the Conference to address these from first principles. We must firstly identify whether there are gaps in social rights not currently addressed by the Charter. Then, we

should ask what member States should be encouraged to do to address these and whether additional measures may be needed to address them.

4. On objective 4 about emphasising that social rights are human rights and as such universal, indivisible, interdependent and interrelated, and expressing support for them. The UK does not agree with the classification of social rights as being equivalent to human rights. We see human rights and social rights as distinct matters as both the relevant Council of Europe treaties – the European Convention on Human Rights and Fundamental Freedoms (CETS 5) and the European Social Charters (CETS 35, CETS 163) – set out.
5. On objective 5 about considering contemporary challenges with respect to social rights, the UK reiterates its encouragement on objective 3 about tackling this from first principles.
6. On objective 6 about considering the desirability of institutionalising a High-level Conference of specialised ministers in the area of social rights, the UK suggests that any future high-level conferences would need to have clear policy themes, taking into account the resources of member States, in order to successfully advance social rights agendas at the highest levels of governance, ensuring their effective implementation across Europe.
7. On objective 7 about consolidating the various instruments into one single instrument, the UK questions how this could be achieved in a way which respects the national sovereignty of member States who have ratified different provisions of the European Social Charter and also respects the *a la carte* approach which the Charter provides. This would be a lengthy process and would require more time for member States to consider beyond Vilnius.
8. On objective 8 about the feasibility of EU accession to the European Social Charter, the UK recalls the conclusions of GT-CHARTER and the report [CM\(2022\)196-Final](#) where ‘delegations were reticent to taking steps immediately in connection with the accession by the European Union to the European Social Charter where some delegations suggested that it would be preferable to wait for the outcome of the ongoing process concerning the Convention’. The UK therefore believes that now is not the right time to be considering EU accession to the European Social Charter.
9. On objective 9 about exploring how the Charter's organs can concretely assist states and contribute to the Charter's effective implementation, the UK requires further information before being able to provide an assessment of this.

The UK welcomes the participation of social partners in this conference. The UK encourages the participation of representatives for employers, workers, civil society including women, youth and others at the conference to enable an effective dialogue on the European Social Charter which takes all views into account.

The UK again thanks the Secretariat and the Lithuanian Presidency for the opportunity to provide our contribution to the High-Level Conference in Vilnius, Lithuania. The UK believes that the conference should be focused on looking at contemporary challenges and whether there are gaps in social rights not currently addressed by the Charter and identifying what

member States can be encouraged do to address these. The UK also requests clarification on the 'pledge' process to understand what type of commitment this might be.

Background: the Nine Objectives for Vilnius

1. Promoting acceptance by member States of further commitments under the Charter where possible. In this respect, a treaty event is envisaged where Council of Europe member States can undertake or pledge additional commitments under the Charter, including acceptance of provisions and, for those that have not yet done so, ratification of the revised Charter and acceptance of the collective complaints procedure.
2. Encouraging ratification of the Revised Charter by the seven States that are still bound by the 1961 Charter as being of particular importance in order for the Council of Europe to show unity in its mission to defend social rights and to reduce the (treaty law) complexity that arises from the existence of two social charters.
3. Taking stock of the implementation of the Committee of Ministers' decisions on the reform of the European Social Charter system and considering whether additional measures are needed to achieve the objective of strengthening the implementation of social rights in Europe.
4. Emphasising that social rights are human rights and as such universal, indivisible, interdependent and interrelated, and expressing support for them. Also, reaffirming the Council of Europe's Reykjavik summit statement that social justice is crucial for democratic stability and security and drawing the necessary consequences therefrom.
5. Considering contemporary challenges with respect to social rights and the required responses from a Charter perspective having regard to the Council of Europe's human rights architecture.
6. Considering the desirability of institutionalising a High-level Conference of specialised ministers in the area of social rights (labour, health, social affairs, housing, ...).
7. Initiating a reflection on whether and how to consolidate the various instruments that make up the Charter system and, if appropriate, requesting that the Committee of Ministers set in motion a process to consolidate the Charter instruments into one single treaty.
8. Discussing strategic partnerships, including the relationship with the European Union and the feasibility of EU accession to the Charter.
9. Exploring how the Charter's organs can concretely assist states and contribute to the Charter's effective implementation, in light of the reform's adopted texts. In this respect, exploring the meaning of enhanced dialogue as directed by the Committee of Ministers in the reform process and considering funding opportunities for assisting states who request support in their endeavours to improve social rights protection or to take action upon Charter monitoring outcomes.