



Belgian Chairmanship of the Council of Europe

Conference on the Future of the Protection of Social Rights in Europe

12 and 13 February 2015

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In the year of the 50th anniversary of the entry into force of the European Social Charter, the conference convened in Brussels on 12 and 13 February 2015 is a contribution of the Belgian presidency to Turin process launched at the High-Level Conference on the European Social Charter (Turin, 17-18 October 2014).

Social rights are human rights. They are an integral part of the European societal model. These rights belong to all human beings in the same way as civil and political rights and to an even greater degree since they are, in many respects, a prerequisite for effective enjoyment of civil and political rights.

A particular emphasis will be placed on the signing and ratification of the “revised European Social Charter”, the accession of Council of Europe member States to the Protocol on collective complaints and the possibilities and challenges relating to European Union accession to those instruments.

Beyond general policy issues, social security and social labour law will be on the agenda.

First day

08:30 **Welcome – coffee**

09:00 **Opening speeches** by the Secretary General of the Council of Europe, the Commissioner of Employment, Social Affairs, Skills and Labour Mobility, the Minister for Foreign and European Affairs, the Minister of Social Affairs and Public Health and the Minister for Employment

Introduction : Presentation of the Conference objectives by the FPS Social Security

09:30 **Session I. Redefining the welfare state and the economic crisis : developments in social protection and labour law**

This session aims at recalling the context defined by the reform programmes implemented in some European States in order to make the labour market more flexible and to reduce the public debt burden thanks to reductions in the scope of social benefits, even in the scope of social protection. To this end, it will provide a description of the programmes that have been developed to reform the welfare state and, more recently, to address the financial and economic crisis, by recognizing the main identifiable trends throughout the member States of the Council of Europe.

The transformations of social protection, by **N.**

The transformations of labour law, by **Prof. C. Barnard**, Cambridge University

10:30 Coffee break

11:00 Session II. Guarantee of the social rights by the Council of Europe : a bulwark against the crisis

Chairmanship of the session : **Mrs F. Tulkens**, former Vice-President of the European Court of Human Rights

This session will lead us to recall the latest developments regarding the protection of social rights in the area of labour and social protection before the European Committee of Social Rights and the European Court of Human Rights, which are the main relevant competent bodies of the Council of Europe. Following the presentation of the recent developments of case-law, an exchange will take place about the points of convergence or divergence within the approaches adopted by these various bodies.

The contribution of the European Social Charter, by **N.** (President of the European Committee of Social Rights)

The contribution of the European Convention of Human Rights, by **Prof. P. Lemmens**, Judge at the European Court of Human Rights

12:30 Lunch

14:00 Session III. Guarantee of the social rights in a broader context

The contribution of the Court of Justice of the European Union, by **Prof. K. Lenaerts**, Vice-President of the Court of Justice of the European Union

The contribution of the UN Committee on Economic, Social and Cultural Rights, by **Mrs V. Bras Gomes**, Member of the Committee

The contribution of the ILO Committee of Experts to the application of conventions and recommendations, by **Ms. C. Doumbia-Henry**, Director, ILO International Labour Standards Department.

Following these presentations, each about 20 minutes long, about 20 minutes will remain for a debate involving all participants in the Conference about the four following issues :

- *Is the consistency of the protection of social rights maintained in Europe, despite the diversity of the sources and the mechanisms to monitor compliance therewith ? ;*
- *Are there signs of some convergence of jurisdictional mechanisms for protection of social rights ? ;*
- *What impact will the developments within bodies for the protection of social rights at European or international level have on the approach of national jurisdictions ? ;*
- *What do these developments mean for the other powers (legislative and executive branches) when taking into account fundamental social rights ?*

15:30 Coffee break

16:00 Round table with the social partners and political players

Round table chaired by **Mr. P.-P. Maeter**, Chairman of the Belgian Federal Public Employment, Labour Law and Social Dialogue

Exchange bringing together a representative of the European Trade Union Confederation, a representative of Business Europe, a representative of the Platform of the European Social NGOs, a representative of the DG Employment, Social Affairs and Inclusion of the European Commission, and a representative of the Secretariat of the Council of Europe (DG II). The speakers will ensure to structure their comments by distinguishing the issues related to social protection, on the one hand, and those related to labour law, on the other hand.

The round table will aim at addressing the following issues :

- *Have fundamental social rights suffered an erosion as a result of the responses of European States to the financial and economic crisis and to the public debt crisis ? ;*
- *Have the mechanisms for the protection of fundamental social rights been able to guide the responses of the States, in order to ensure that the impact remains limited to the minimum necessary, and if not, what improvements could be considered ? ;*
- *What have been the respective roles of the governments, social partners and civil society organizations in the identification of the responses to the crisis. Have fundamental social rights guided the actions of these various players ?*

18: 00 Cocktail

Second day

Synthesis of the first day

09:15 **Session IV. The relationship between the European Union and the Council of Europe in the area of social rights**

The role of the EU Charter of Fundamental Rights in the protection of social rights, by **Prof. J. Kenner**, Chair of European Law and a member of the Human Rights Law Centre (HRLC), University of Nottingham

The added value of the European Social Charter, by **Mr. R. Brillat**, Executive Secretary of the European Social Charter

The relationship between the European Union and the Council of Europe with regard to social rights : review of the present situation and future prospects, by **Prof. O. De Schutter**, Member of the Scientific Committee of the EU Fundamental Rights Agency and Member of the UN Committee on Economic, Social and Cultural Rights

10:45 **Coffee break**

11:15 **Round table**

Round table chaired by **Mr. M. Kjærum**, Director of the EU Agency for Fundamental Right

Exchange bringing together the Member of the European Commission responsible for Employment and Social Affairs, the (Belgian) Minister in charge of Social Affairs, the Delegate of the Latvian Presidency of the Council of the European Union, the independent person appointed by the Council of Europe to the Management Board of the EU Fundamental Rights Agency, the Director of the EU Fundamental Rights Agency, and Mr R. Brillat, Executive Secretary of the European Social Charter.

Key speakers (will speak immediately after a first round table discussion with the panel members): **Mr. P. Baussand**, Executive Director of the Platform of the social NGOs; **Ms. V. Nilsson**, Confederal Secretary of the European Trade Union Confederation; a representative of ATD Quart Monde.

This round table will aim at addressing the following issues :

- *Does the consideration of social rights in the elaboration of EU legislations and policies still present shortcomings ?*
- *Does the EU Charter of Fundamental Rights guarantee sufficiently strongly the compliance of the EU law and policies with the standards developed by the Council of Europe with regard to social rights ?*
- *Are the modalities of cooperation between the European Union and the Council of Europe as satisfactory in the area of social rights as they are in the area of civil and political rights ? How can the complementarity between the EU and the Council of Europe be further strengthened with regard to social rights ?*

Session V. Conclusions

12:30 Synthesis and prospects, by a Member of the Parliamentary Assembly of the Council of Europe

13:00 Closing by Minister of Social Affairs and announcement of the “Brussels Document” on the future of the protection of fundamental social rights in Europe

Languages: French, English and Dutch, with simultaneous translation

A background note will describe the objectives of the Conference as well as the process in which it operates.

The “Brussels Document” on the future of the protection of fundamental social rights in Europe

In the immediate aftermath of the Conference, academic experts will prepare a synthesis document summing up the main proposals made in the course of the Conference for further improving the protection of social rights considered as human rights. The gathering will be chaired by **J.-Fr. Akandji-Kombé**, Professor at Paris I-Panthéon-Sorbonne and coordinator of the Academic network of the European Social Charter.

These experts will work with complete independence, while taking into account the conclusions resulting from exchanges of Conference. Consequently, they will build on the findings made in the course of the Conference; on the recommendations which will have been formulated; and on the responses that those recommendations will have generated.

Once their synthesis work is completed, they will hand over the fruits of it, under the form of a “Brussels Document on the future of the protection of fundamental social rights in Europe”, to the Belgian Presidency of the Council of Europe. It will be then up to the member States of the Council of Europe, including the Belgian Presidency – but also the Presidencies to come -, to give to this set of proposals the follow-up that they find appropriate.

