

Reinforcing social rights in order to exit the economic crisis (*updated version*)

I. In view of the recent socio-economic developments, we recall the following:

- The European Community, at the outset an Economic Community, has developed into a Community, and then a political Union of States, based on fundamental values and rights.
- Fundamental rights are a cornerstone of the European Union, according to its Treaties. Their effective guarantee is an obligation of both the Union and its Member States.¹
- Social rights are fundamental rights of the same nature as other fundamental rights in the whole Europe, by virtue of the Treaties, the EU Charter of Fundamental Rights, the European Social Charter, the case law of the EU Court and even of the European Court of Human Rights – although the Human Rights Convention does not mention social rights – and the decisions of the unique in the world quasi-judicial Committee of Social Rights of the CoE. All fundamental rights are indivisible and interdependent.
- The social character, indeed the human face of the Union is constantly stressed by the European Parliament, the Council and the European Commission. It is reinforced by the Court's case law.
- The Court holds that the social aspect of the Union prevails over its economic aspect. Indeed, it «*is not merely an economic union, but is at the same time intended, by common action, to ensure social progress and seek constant improvement of the living and working conditions of the peoples of Europe*»; thus, «*the economic aim*» pursued by a social provision «*is secondary to the social aim pursued by that provision*».²
- The primacy of fundamental rights and social objectives of the Union is reiterated in the Lisbon Treaty.

In particular:

- *Fundamental rights*, including *gender equality*, are *fundamental values* of the Union (Art. 2 TEU).
- *The first aim* of the Union is to promote its *values* and the *well being* of its peoples (Art. 3(1) TEU).
- The combat against discrimination and the promotion of gender equality are horizontal objectives of the Union (Art. 3(3) TEU, Art. 7-8 TFEU).
- The Union's *social objectives*, including *full employment*, *social inclusion* *social protection* and *social progress*, are interwoven with its economic objectives and they condition the effectiveness of the latter; *economic cohesion* relies on *social cohesion* (Art. 3(3) TEU).

II. We fully realise the seriousness of the economic crisis. However, in order to be effective, any policy aimed at achieving the exit from the crisis must be designed and implemented in the light of the above fundamental values, rights and objectives. Otherwise, the substantial decrease of salaries and pensions, unemployment, the intensification of poverty and social exclusion, and the ensuing social tensions will hamper economic growth and accelerate *recession* and *misery* and thus put at risk *democratic structures*.

And this is starting in the midst of the *European Year for combating poverty and social exclusion*, scourges that afflict especially women and children, according to the competent EU institutions.

The above considerations apply in particular to the strategy of «**reinforcement of the economic governance**» in the Union and the expansion of the «*economic surveillance*» of the Member States, which will soon be implemented through very strict legislative measures of the Union.³

III. We welcome the **European Parliament's**⁴ Resolution, which requests that the economic governance acquire a **social dimension**, as well as the realisation of the **Tripartite Social Summit** on that subject.

- We demand insistently:
 - that **the Commission members responsible for social affairs and human rights** be involved in the elaboration and implementation of the economic governance;
 - that **any economic governance measures** be accompanied by **social clauses**, which will be binding on the Member States and whose implementation will be supported by the Union.
- **Let us not forget that all Union policies are about human beings and that the Union proclaims that it «places the individual at the heart of its activities»**.⁵
- **Let us not deprive our youth of its future.**

19 November 2010

¹ Cases C-402/05 P C-415/05 P *Kadi*. [2008] ECR I-6351; C-94/00 *Roquette Frères* [2002] I-9001.

² Cases C-50/96, *Schröder*. [2000] ECR I-774; C-270-271/97, *Sievers*, [2000] ECR I-933.

³ See Communication of the Commission. Brussels 12.5.2010 COM(2010) 250 final.

⁴ European Council, 28-29 October 2010, Conclusions, I.

⁵ Preamble to the Charter of Fundamental Rights, which has currently the same legal value as the Treaties.