



Alexandru Ioan Cuza University



**Motto:** "All human beings are born free and equal in dignity and rights"

Universal Declaration of Human Rights, Article 1

# Human Rights and the European Social Policies



Prof.Dr Doina Balahur Jean Monnet Chair in European Intradisciplinary Studies



## Social Europe: What's new?

European Commission, Employment Social Affairs and Equal Opportunities



<http://ec.europa.eu/social/main.jsp?langId=en&catId=547>

### The continuing fight for gender equality

<http://ec.europa.eu/social/main.jsp?catId=370&langId=en&featuresId=120&furtherFeatures=yes>

### Renewed Social Agenda:

<http://ec.europa.eu/social/main.jsp?langId=en&catId=547>

- Children and Youth (<http://ec.europa.eu/social/main.jsp?catId=548&langId=en>)
- Investing in People (<http://ec.europa.eu/social/main.jsp?catId=549&langId=en>)
- Combating poverty (<http://ec.europa.eu/social/main.jsp?catId=552&langId=en>)

### Join the European Year for Combating Poverty and Social Exclusion:



<http://www.2010againstpoverty.eu/?langId=en>

### Find out more: Poverty across the generations

<http://www.2010againstpoverty.eu/about/topicofmonth.html?langId=en>

### Romania and the European year for Combating Poverty and Social Exclusion

<http://www.2010againstpoverty.eu/mycountry/countries/romania.html?langId=en>



<http://www.facebook.com/socialeurope?ref=nf>



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## Acknowledgement

*EU at a glance...*

Should someone have an enquiry on Human Rights and the European Social Policy, once the Treaty of Lisbon enters into force, they will observe, at a glance, that these two go hand in hand.

Having the Treaty in one hand and keeping on reading from it the enquirers can observe even from the beginning (art.1a) that '*The Union is founded on the **values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.***'

Continuing the reading they' learned shortly (art.2) that the European Union has an **internal market** functioning as a *social market economy, aiming at full employment and social progress (...) at combating social exclusion and discrimination, at promoting social justice as well as at protecting equality between women and men, solidarity between generations and the rights of the child.*

The enquirers were also wondered to learn (art.6(1)) that the *Union recognizes the rights, freedoms and principles set out in the Charter of Fundamental Rights of the European Union* which has *the same legal value as the Treaties.*

They understood from art. 6(3) that the rights and freedoms in the Charter complement the *Fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms and that constitute general principles of the Union's law.*

According to the Treaty of Lisbon –concluded the enquirers- the European Union developed high standards of social values and human rights characterized by a complex, multi-level system of protection which relies both on the treaties of integration and on the human rights ones. The list of the legal rights regulated is indeed without precedent as it covers not only the traditional civil and political rights, the social, economic and cultural ones but also an important set of new rights.



Among them the rights to dignity, to a good administration, the freedom of arts and scientific research are for the first time incorporated in a treaty.

*How did the European Union get here?*

In order to understand how Europe became a “continent of human values” one has to embark for the back time journey of the European integration with its dreams, ambitions, accomplishments, ups and downs, economic and political strategies and efforts....

The wiki-style guide is conceived as an open-ended and continuously updated and developed resource for data, information, comments, reports, scientific papers, statistics on the topics and issues about European Union, Human Rights, Social Policies and Employment strategies. It also aims to be an interactive guide linking the reader to a wide variety of documentation resources as well as to different European institutions, agencies and bodies and from other European and to international governmental and nongovernmental organizations, global civil society etc., for the last news, data, information and comments.



## Learning Objectives

- UNDERSTANDING Human Rights in European Union law and policy.
- DEBATING the Commission's EU targets for 2020 that will steer *the process of smart, sustainable and inclusive growth*: for employment; research and innovation; climate change and energy; education; and for combating poverty.
- UNDERSTANDING the synergies among Human Rights, active European citizenship and the social dimensions of the European integration.
- ANALYZING the dynamics of the European Social Policy from the Treaty of Rome to the Treaty of Lisbon.
- EVALUATING the new agenda 2020 for the economic and employment policies.
- DEBATING the European social and economic policies in the Global context and deep changes (paradigm shifting) that accompanied the Knowledge society.
- ANALYZING the creative approach the European Commission has taken in order to tackle the growth and employment problems in the EU and the innovation of the Open Method of Coordination.
- UNDERSTANDING the social and economic rights of the workers and the new active European policies and strategies that combine the flexibility of the labor market with the employment security.





Did you know?

## Human Rights and the European Social Policies

European Commission, Employment Social Affairs and Equal Opportunities



<http://ec.europa.eu/social/main.jsp?langId=en&catId=547>

**EUROPE 2020: A European strategy for smart, sustainable and inclusive**

**growth** <http://ec.europa.eu/eu2020/pdf/COMPLET%20EN%20BARROSO%20%20%20007%20-%20Europe%202020%20-%20EN%20version.pdf>

**Europe and Human Rights – The Charter of Fundamental Rights of the**

**European Union** <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:083:0389:0403:EN:PDF>



[http://ec.europa.eu/avservices/photo/photo\\_thematic\\_en.cfm?id=&mark=PRO,SYMB](http://ec.europa.eu/avservices/photo/photo_thematic_en.cfm?id=&mark=PRO,SYMB)

**Amnesty International: The State of the World's Human Rights, 2010**

[www.amnesty.org](http://www.amnesty.org)

**European Employment Observatory**

[http://europa.eu/legislation\\_summaries/employment\\_and\\_social\\_policy/community\\_employment\\_policies/c10205\\_en.htm](http://europa.eu/legislation_summaries/employment_and_social_policy/community_employment_policies/c10205_en.htm)

**EurActiv – Social Europe** <http://www.euractiv.com/en/socialeurope>





## Part A: Human Rights and the Social Policies in the European Founding Treaties. A General overview

### Foreword

The architecture and functioning of the European Union, so as they are today, after the Treaty of Lisbon entered in force, is the result of a long odyssey which can be traced back, more than a half century ago, in the economic, political and human circumstances from the end of the second World War. Preventing the war, striving for peace, economic reconstruction and development and for the recovery after the inhuman, degrading experiences of the war were the than top priorities. With these aims and under these circumstances new forms of cooperation among the Western European countries have been established. Two of them are of great interest for the topics under debate. Tacking the time chronology and the long run effects on the European cooperation mechanisms as criteria the first path is the one opened by the Council of Europe (1949) and the second, the one opened by the establishment of the European Coal and Steel Community (1951). Each path had its own direction as well as its own unique contribution to the architecture, values and strategies of the European Union –from Paris and Rome to Lisbon- but preserving along the decades the community of aims and objectives that animated and inspired their establishment more than a half century ago.. And to use the metaphor of the circle which closes they came together now under the same roof of the European Union, even if each path preserves its legal and historical identity.

Following the adoption of the Universal Declaration of Human Rights (10 December, 1948) by the UNO, the Council of Europe has been set up (May 5, 1949). The main objectives of the Council of Europe envisaged the transnational control of the States compliance with human rights through a sui generis mechanism set up by the European Convention for the Protection of Human Rights and Fundamental Freedoms adopted in Roma at 4 November, 1950. Amended since than by the 14 Protocols the mechanisms established by the European Convention of Human Rights and the Council of Europe developed not only one of the most successful human rights regional systems but also a first European transnational path of the members' states control in respect with the observance of the human rights. It also empowered the victims (individuals and groups of individuals) putting them on an equal foot with the state through the procedure of the individual complaint. This path developed mainly by the Council of Europe (and other intergovernmental European organizations set up at those times) is characterized as **the non-community path of integration**. Its peculiarities reside in the member States' commitment to human



rights and common democratic values and traditions reinforced, if need be, through a judicial, transnational mechanism of control. It does not form a community in the legal meaning of the term. However it can be seen as a community of values.

The other direction is characterized as **the community path of integration**. It was a different answer to the same set of difficulties and dilemmas the western European countries were experiencing after the Second World War. This direction was fueled by a new type of diplomacy and political strategy aiming to bring peace and economic prosperity and in the mean time to have under a democratic control the military industries. Chronologically, the first step was the setting up of the European Coal and Steel Community (ECSC). In 1951 six western European States – France, Germany, Italy, Belgium, the Netherlands and Luxembourg- signed in Paris the Treaty that sets the first step of the European integration process.. Unlike the traditional international treaties the ECSC Treaty transferred to the Community the decision power in respect with the fields of coil and steel. Concluding this treaty the six Member States agreed to limit their sovereignty on behalf of Community and its institutions in all the issues related to coil and steel. However, the main step taken on the community path of integration was taken by the Treaty of Rome that established the European Economic Community (EEC) signed in Rome (25 of March, 1957). Called the Treaty, it represents the first constitutional treaty of the European integration. It sets up the objectives of the establishing a Common Market as well as of the progressively approximating the economic policies of the Member States (art.2). For this purposes art.3 also regulates the four fundamental freedoms guaranteed within it (free movement of goods, persons, services and capital). The Treaty defines the negative and positive strategies that will be adopted in order to attain the objectives of the integration. The EEC Treaty has set up its own institutions (art.4): an assembly (later the Parliament); a council (later the Council of Ministers); a commission (later the European Commission); a Court of Justice (later the European Court of Justice). It has extended the area of the exclusive competencies that have been transferred from the Member States to the EEC and the institutions.

The Community constituted **a new legal order of international law**, peculiar and different by any other international legal regime. The Court of Justice underlined this peculiar nature of the Community's legal order as well as its supremacy and the direct effect over the domestic law of the Members States since the early days of the EEC (1959 in case *Limburg v. High Authority* ). It has been further elaborated and justified in its early judgments like *Costa v Enel* (case 6/64). In this case the Court of Justice ruled that:



*"By contrast with ordinary international treaties, the EEC Treaty has created its own legal system which, on the entry into force of the Treaty, became an integral part of the legal system of the Member States and which their courts are bound to apply. By creating a Community of unlimited duration, having its own institutions, its own personality, its own legal capacity and capacity of representation on the international plane and, more particularly, real powers stemming from a limitation of sovereignty or a transfer of powers from the states to the Community, the Member States have limited their sovereign rights and have thus created a body of law which binds both their nationals and themselves."*

As a consequence, the Community created a supranational order refined mainly (but not only) through the following constitutional treaties (Maastricht (1992); Amsterdam (1997); Nice (2001) and Lisbon (2007).

The Treaty of Lisbon paved *the convergence of the two paths of integration* heralded by the Maastricht and Amsterdam Treaties. Once the Treaty of Lisbon entered in force (December, 2009) the European Union has got the legal personality and, as a consequence, it can fully stand in international relations on its own name being legally entitled to conclude treaties, bi and multilateral agreements etc. The new art.6 from the Treaty of Lisbon makes a big step forward in the Human Rights promotion (and puts an end to a debate and conflicting points of view that lasted almost two decades) and states in art.6(2) that

*"The Union shall accede to the European Convention for the Protection of Human Rights and Fundamental Freedoms".*

Recognizing the acquis of the Council of Europe and its HR Convention of having set up high standards of promotion and protection of Human Rights in Europe, The Treaty of Lisbon states (art.6(3) that:

*"Fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms and as they result from the constitutional traditions common to the Member States, shall constitute general principles of the Union's law".*

This way the Treaty of Lisbon developed an *innovative system of Human Rights* strongly anchored in the primary European law which integrated both the European Convention of Human Rights and the Charter of Fundamental Rights of the European Union. Through this innovation it insures a double judicial protection of both the European Court of Justice and of The European Court of Human Rights.

### Treaty of Lisbon the new art.6

Article 6 will be replaced by the following;

*'Article 6'*

1. The Union recognizes the rights, freedoms and principles set out in the Charter of Fundamental Rights of the European Union of 7 December 2000, as adapted at Strasbourg, on 12 December 2007, which shall have the same legal value as the Treaties.

The provisions of the Charter shall not extend in any way the competences of the Union as defined in the Treaties.

The rights, freedoms and principles in the Charter shall be interpreted in accordance with the general provisions in Title VII of the Charter governing its interpretation and application and with due regard to the explanations referred to in the Charter, that set out the sources of those provisions.

2. The Union shall accede to the European Convention for the Protection of Human Rights and Fundamental Freedoms. Such accession shall not affect the Union's competences as defined in the Treaties.

3. Fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms and as they result from the constitutional traditions common to the Member States, shall constitute general principles of the Union's law.'

## I. Introduction: Europe and the two paths of integration

1. Europe and the community path of integration
2. The founding treaties: from Rome to Lisbon
3. The Community legal order
4. Europe and the non-community path of integration
  - a) The Council of Europe and the European Convention of Human Rights
  - b) The mechanisms of control set up by the Council of Europe
  - c) The judicial control of the European Court of Human Rights
  - d) The individual complaint procedure
  - e) Inter-states procedure
5. The Lisbon Treaty and the convergence of the two paths of integration



## **II. Human Rights and social policy in the founding treaties**

1. **The protection of fundamental rights in Community legal order. Early developments.**
  - a) The role of the European Court of Justice. The setting up of the protection of the fundamental rights as a general Principle of Law in the Community Legal order.
  - b) European Community Law and the rights and obligations for individuals (Van Gend and Loos)
  
2. **Steps towards a European Social Policy**
  - a) The creation of the European Social Fund (art.3(i), EEC Treaty) " in order to improve employment opportunities for workers and to contribute to the raising of their standard of living".
  - b) The first Social Action Programme (1974)
  - c) The Community Charter of the Fundamental Social Rights of Workers (The Social Charter, 1989).
  - d) The Maastricht Treaty (1992) and the Agreement on Social Policy.
  - e) The Agreement became the Social Chapter (Ch.1, Title XI) of the consolidated version of TEC (The Amsterdam Treaty, art.136-145).
  - f) A new title VIII –Employment- dealing with the European Employment Strategy (EES) has been introduced by the consolidated version of the Treaty of the European Community (TEC/ToA).

## Part B: Europe and Human Rights

### I. Understanding Human Rights

#### 1. Human rights in theory and practice. Perspectives, points of views and debates

- a) Hannah Arendt: The Right to Have Human Rights
- b) A.martya Sen: Human rights as freedom and development
- c) Jack Donnelly : Human Rights as an international political project
- d) Jurgen Habermas: Human Rights as dignity

#### 2. The International and regional systems of Human Rights

- a) The United Nations system (the international system)
- b) The regional systems of Human Rights
- c) The European system of Human Rights : Council of Europe
  - Council of Europe and the protection of Human Rights
  - Convention for the Protection of Human Rights and Fundamental Freedoms adopted at 4<sup>th</sup> of November 1950 (as amended by the optional protocols 11 and 14) [http://www.echr.coe.int/NR/rdonlyres/D5CC24A7-DC13-4318-B457-5C9014916D7A/0/ENG\\_CONV.pdf](http://www.echr.coe.int/NR/rdonlyres/D5CC24A7-DC13-4318-B457-5C9014916D7A/0/ENG_CONV.pdf);
  - The European Court of Human Rights. Individual petitions procedure (art.34). Admissibility conditions [http://www.echr.coe.int/NR/rdonlyres/DA9A7AF9-361D-4A0F-BCC8-F7CD0EE5469B/0/Key\\_caselaw\\_issu](http://www.echr.coe.int/NR/rdonlyres/DA9A7AF9-361D-4A0F-BCC8-F7CD0EE5469B/0/Key_caselaw_issu)
- d) The European system of Human Rights.
  - Steps towards a European Union's system of Human Rights
  - "The Paradox of the EU's Human Rights Policies" (P.Alston, J.H.H.Weiler, 2000)
  - European Union and the Democratic Deficit (Agenda 2000)
  - Human Rights and Laeken Declaration "The Future of European Union" [http://www.saxonbooks.co.uk/laeken\\_declaration.htm](http://www.saxonbooks.co.uk/laeken_declaration.htm)
  - The legal frame for a Human Rights policy of the European Union



- e) European Union and the Charter of Fundamental Rights of the European Union.
  - The Cologne European Council (3-4 June, 1999) and the decision to draft a Charter of Human Rights of the citizens of the European Union [http://www.europarl.europa.eu/charter/default\\_en.htm](http://www.europarl.europa.eu/charter/default_en.htm)
  - The solemn proclamation of the Charter at the European Council in Nice (December, 2000).
  - The legal statute of the Charter after the entering in force of the Treaty of Lisbon
  
- f) The Inter-American system of Human Rights
  - The American Convention on Human Rights (in 1969, and in effect since 18 July 1978).
  - The Inter-American Court of Human Rights
  
- g) The African system of Human Rights
  - The African Charter on Human and Peoples' Rights (the African /Banjul Charter, entered into force on October 21, 1986)
  - The African Court of Human Rights
  
- 3. Human Rights: the tension between universalism, localism and cultural traditions**
  
- a) Human Rights as universal and indivisible – is that right?
- b) Women's rights as Human Rights
- c) Children's rights as Human Rights
- d) Human rights and development
- e) Human Rights and the cultural traditions
  
- 4. The International system of Human Rights. Treaties and declarations. Mechanisms of monitoring. Complaint procedures.**
  
- a) The Universal Declaration of Human Rights (1948)
  
- b) The core treaties of Human Rights in the international system <http://www2.ohchr.org/english/law/index.htm>
  
- c) Monitoring mechanisms:
  - Charter based mechanisms.



- Treaty bodies mechanisms of monitoring.  
<http://www2.ohchr.org/english/bodies/treaty/index.htm>
  - Ad-hoc mechanisms of the Council of Human Rights
- d) Complaint mechanisms established within the International Human Rights System
- a. Human Rights Committee (HRC) <http://www2.ohchr.org/english/bodies/hrc/index.htm>
  - b. Committee on the Elimination of Racial Discrimination  
<http://www2.ohchr.org/english/bodies/cerd/index.htm>
  - c. Committee against Torture <http://www2.ohchr.org/english/bodies/cat/index.htm>
  - d. Committee on the Elimination of Discrimination against Women (CEDAW) <http://www2.ohchr.org/english/bodies/cedaw/index.htm>
  - e. Committee on the Rights of the Persons with Disabilities (CRPD)  
<http://www2.ohchr.org/english/law/disabilities-convention.htm>
  - f. Committee on Migrant Workers <http://www2.ohchr.org/english/bodies/cmw/index.htm>
  - g. **NEW:** Recently (21 January 2010) The Human Rights Council took into consideration the possibility of a new optional protocol to UNCRC (Convention of the Rights of Child) that will entitle Child's Rights Committee to receive and analyze individual complaints  
[http://www2.ohchr.org/english/bodies/hrcouncil/docs/13session/A.HRC.13.43\\_AEV.pdf](http://www2.ohchr.org/english/bodies/hrcouncil/docs/13session/A.HRC.13.43_AEV.pdf)
- e) Human Rights in a globalized world
  - f) Human Rights and the global civil society
    - Amnesty international [www.amnesty.org](http://www.amnesty.org)
    - Human Rights Watch [www.hrw.org](http://www.hrw.org)
    - Association for Women's Rights in Development (AWID) [www.awid.org](http://www.awid.org)
    - Save the Children Europe  
[http://www.savethechildren.net/alliance/europegroup/europegrp\\_who.html](http://www.savethechildren.net/alliance/europegroup/europegrp_who.html)
    - European Platform for Women in Science (EPWS)

### III. Europe and Human Rights

#### 1. European Union and the respect for the fundamental rights

- a. The protection of fundamental Rights in European Union legal order
- b. Human rights in the European founding treaties
- c. Human Rights and the European citizenship



2. **European Union and the European Convention of Human Rights before and after the Treaty of Lisbon**
3. **The Charter of Fundamental Rights of the European Union: the catalog of the rights**
  - a. The European Council in Cologne in June 1999 and the decision to elaborate a special document that affirms the Human Rights of the European citizens.
  - b. The Charter of Fundamental Rights of the European Union has been officially proclaimed on the 7 December at the European Council in Nice (but without becoming a part of the Treaty of Nice).
  - c. The Charter states the civil and political rights of the European citizens as well as the economic, social and cultural ones. They are grouped in six categories:
    - Human dignity
    - Freedoms
    - Equality
    - Solidarity : Workers' right to information and consultation within the undertaking; Right of collective bargaining and action; Protection in the event of unjustified dismissal; Fair and just working conditions; Prohibition of child labour and protection of young people at work; Family and professional life; Social security and social assistance; Health care.
    - Citizen's rights
    - Justice
  - d. The Charter became part of the primary European law after the Lisbon Treaty entered in force (December, 2009).
4. **The role of the European institutions, bodies and agencies in Human Rights promotion and protection**
  - a. The European Commission
  - b. The European Parliament
  - c. The Council of Ministers



- d. The Court of Justice of the European Union and its role in judicial protection of Human Rights
- e. The European Ombudsman
- f. The Fundamental Rights Agency (FRA)

#### **5. Human rights conditionality and the Copenhagen political**

- a. European enlargement and the Copenhagen criteria
- b. Human rights, democracy, the rule of law and protection of minorities as criteria of accession and fully participation at the European Union

#### **6. Suspension of membership in cases of gross and persistent violations of human rights**

- a. The Treaty of Lisbon (art.7 modified)

#### **7. Human Rights conditionality and trade preferences**

- a. Human Rights and the General System of Preferences (GSP)
- b. The stick and carrot policy

### **III Human Rights and the vulnerable groups in European Union**

#### **4. Children's Human Rights in Europe**

- c. Towards an EU Strategy on the Rights of the Child  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2006:0367:FIN:EN:PDF>
- d. Children's rights and the Charter of Fundamental Rights of the European Union (art.24 The Rights of the Child).
- e. The EU actions and children's rights  
[http://ec.europa.eu/justice/policies/children/docs/sec\\_2006\\_889\\_en.pdf](http://ec.europa.eu/justice/policies/children/docs/sec_2006_889_en.pdf)

#### **5. Women's Rights in European Union**

- a. Gender mainstreaming in European law and policy
- b. Equal opportunities between women and men

#### **6. Human Rights and ethnic minorities in Europe**

- a. Gypsy minority in Europe
- b. Europe and Muslims
- c. Europe and the migrants



## LAST NEWS: Council of Europe

Anti-torture Committee publishes report on Romania (<http://www.coe.int/>)

[26/08/2010 10:30:00] The Committee for the prevention of torture and inhuman or degrading treatment or punishment (CPT) published on 26 August the report on its ad hoc visit to Romania in September/October 2009, together with the response of the Romanian authorities. These documents have been made public at the request of the Romanian authorities. ([more ...](#))

▶ [Report \[fr\]](#)

▶ [Response of the Romanian authorities \[fr\]](#)



## Part C: The Social Europe

### Motto:

*Citizens of Europe want results in the fields of employment and combating poverty and social exclusion, as well as in the field of economic and social cohesion (...) They expect concrete results in terms of more jobs, better quality of life, less crime, decent education and better health care.*

Laeken Declaration: *The Future of European Union* (15 December 2001)

**NEWS SOCIAL EUROPE: EurActiv** <http://www.euractiv.com/en/socialeurope>

### Agenda

21 October 2010:

[Employment, Social Policy, Health and Consumer Affairs Council \(Luxembourg\)](#)

22 November 2010 - 23 November 2010:

[Structural Funds Financial Control On-the-Spot Check Workshop - ICC Academy](#)

22 November 2010 - 23 November 2010:

[Informal Cohesion Policy Council \(Liege\)](#)

## I. The European founding treaties and the acquis in the social field and employment

1. The European founding treaties and the social policies: from Rome to Lisbon

## II The European integration and the fundamental freedoms: from Rome to Lisbon

1. The dynamics of the market objectives and the social policies within the European integration process.
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### III. The sources of the New European Social model and Employment Strategy

5. The crisis of welfare social policies and the pressure to take action at the European level.
6. The steps to the new European social model and the employment strategy. The Agreement on Social Policy in the Maastricht Treaty (1992).
7. From the Essen minimalist strategy to the Luxembourg strategy.
8. The Treaty of Amsterdam and the extension of Community's activities to the coordination of employment policies of the Member States: the **Employment chapter** (Title VIII TEC: [http://eur-lex.europa.eu/en/treaties/dat/12002E/htm/C\\_2002325\\_EN.003301.html](http://eur-lex.europa.eu/en/treaties/dat/12002E/htm/C_2002325_EN.003301.html))

### IV The European Employment Strategy and the Open Method of Coordination

8. The Open Method of Coordination (OMC) and the European Employment Strategy (EES).  
[http://europa.eu/legislation\\_summaries/employment\\_and\\_social\\_policy/community\\_employment\\_policies/c](http://europa.eu/legislation_summaries/employment_and_social_policy/community_employment_policies/c)
9. The OMC and the engagement of several levels of governance
10. The peculiarities of OMC: between soft law and the new managerial strategies; setting up guidelines; setting up the quantitative indicators; the implementation of the guidelines at national level (The National Action Plans), monitoring and periodical revise of the guidelines.
11. The spring European Council and the monitoring of the progress of the Member States.
12. The four pillars of the European Employment Strategy: employability, entrepreneurship, adaptability and equal opportunities between women and men.
13. The periodic revise of the guidelines and of the quantitative indicators.
14. The core values of EES: cohesion, solidarity, non-discrimination and social inclusion.



15. The Charter of Fundamental Rights of the European Union and the social and economic rights: Chapter IV, Solidarity.

## **V. The European social and employment strategy and the Lisbon strategy: Growth and Jobs**

3. The revised Lisbon strategy and the objective of growth and jobs.
4. Flexicurity: flexibility and security of work



## **PART D: EUROPE 2020: A European strategy for smart, sustainable and inclusive growth**



**EurActiv** 'Europe 2020': Green growth and jobs?

<http://www.euractiv.com/en/priorities/europe-2020-green-growth-and-jobs-links-dossier-280116>

### **I. EUROPE 2020: A European strategy for smart, sustainable and inclusive growth**

#### **1. Europe launches a new strategy for growth and jobs**

<http://ec.europa.eu/eu2020/pdf/COMPLET%20EN%20BARROSO%20%20%20007%20-%20Europe%202020%20-%20EN%20version.pdf>

### **II. Renewed European Social Agenda**

1. An Agenda for European Cooperation on Schools - Communication on Improving Competences for the 21st century

2. Youth employment policies

3. Migration and Mobility - Challenges for EU Education Systems

(<http://ec.europa.eu/social/main.jsp?catId=548&langId=en>)

### **III. Lifelong learning strategies and employment**

1. Labor markets, new skills and employment within the Knowledge Society

2. Strategies for preventing the new social and digital divide





3. Different EC's policy tools to achieve the objectives set out in the renewed social agenda : <http://ec.europa.eu/social/main.jsp?langId=en&catId=547>

- a) **EU legislation**
- b) **Social dialogue** (encouraging representatives of workers and employers to make full use of the possibilities offered by the European Social Dialogue)
- c) **Cooperation between member States** (in particular, reinforced cooperation in the area of social protection and social inclusion)
- d) **EU funding** (mobilizing the EU's Structural Funds, the European Globalization Adjustment Fund and the PROGRESS Programme on employment and social solidarity)

#### IV The new integrated states and the EES



## Suggested readings and web resources

- **Books and journal articles**

Marco Albertini, Martin Kohli, and Claudia Vogel, **Intergenerational transfers of time and money in European families: common patterns — different regimes?** *Journal of European Social Policy*, 2007, 17: 319-334.

John Alber, (2006) 'The European Social Model and the United States', *European Union Politics* 7(3): 393–419.

Hannah Arendt, **The Origins of Totalitarianism**, Schocken Books, 2004.

Philip, Alston and Mara Bustelo, James Heenan, **The EU and Human Rights**, Oxford University Press,

Claire Annesley, **Lisbon and social Europe: towards a European 'adult worker model' welfare system**, *Journal of European Social Policy*, 2007, 17: 195-205.

Doina Balahur, „*Child and Childhood in Romania*”, in *Greenwood Encyclopedia of Children Issues World Wide*, Greenwood Publishing Group, Westport, CT, USA, 2008.

Doina Balahur, Birgitta Ovarsell, **Children's Rights to Education and Information in a Global World**, Al. I.Cuza University Press, 2008.

Doina Balahur, *Children's European Citizenship: Information and Participation. Framework for a Socio-Educational Project*, Al.I.Cuza University Press, 2008.

David J. Bailey, **Explaining the underdevelopment of 'Social Europe': a critical realization**, *Journal of European Social Policy* 2008 18: 232-245.

Nicholas Bamfort, **Discrimination Law : Texts, Cases and Materials**, Routledge-Cavendish, 2004.

Duco Bannink and Marcel Hoogenboom, **Hidden change: disaggregation of welfare state regimes for greater insight into welfare state change** *Journal of European Social Policy* 2007 17: 19-32



Lorand Bartels, **Human Rights Conditionality in the EU's International Agreements**, Oxford University Press, 2005 (Col. Oxford Studies in European Law edited by Paul Craig and Grainne de Burca)

David Bilchitz, **Poverty and Fundamental Rights: The Justification and Enforcement of Socioeconomic Rights**, Oxford University Press, 2007

Peg Birmingham, **Hannah Arendt and Human Rights: The Predicament of Common Responsibility**, Indiana University Press, 2006.

Daniel Chalmers and Martin Lodge, **The Open Method of Coordination and the European Welfare State**, Center for Analysis of Risk and Regulation, The London School of Economics and Political Sciences, Discussion Paper Nr.11, 2003.

Klaus-Dieter Borchardt, **The ABC of European Union law**, Publications Office of the European Union, 2010  
( [http://bookshop.europa.eu/is-bin/INTERSHOP.enfinity/WFS/EU-Bookshop-Site/en\\_GB/-/GBP/ViewPublicat](http://bookshop.europa.eu/is-bin/INTERSHOP.enfinity/WFS/EU-Bookshop-Site/en_GB/-/GBP/ViewPublicat))

Jack Donnelly, **Universal Human Rights: In Theory and Practice**, Third edition, West view Press, 2006.

Sandra Fredman, **Human Rights Transformed. Positive rights and positive duties**, , Oxford University Press, 2008.

Sandra Fredman, **Discrimination Law**, Oxford University Press, 2002.

Jurgen Habermas, **The concept of human dignity and the realistic utopia of human rights**, *Metaphilosophy*, Vol.41, Issue 4, 464-480, 2010.

Trevor C. Hartley, **European Union Law in a Global Context**, Cambridge University Press, 2004

Kirstin Inglis and Andrea Ott (Eds.), **The Constitution for Europe and an Enlarging Union: Unity in Diversity?** , Europa Law Publishing, 2005.

Alex Kirkup, Tony Evans: **The Myth of Western Opposition to Economic, Social, and Cultural Rights?: A Reply to Whelan and Donnelly**, *Human Rights Quarterly*, Vol. 31, Number 1, February 2009, 221-237.

Keon Lenaerts, **Constitutional Law of the European Union**, Kluwer International, 1999.



Rolv Lyngstad **The welfare state in the wake of globalization**, *International Social Work* 2008; 51; 69.

Mikkel Mailand, **The uneven impact of the European Employment Strategy on member states' employment policies: a comparative analysis**, *Journal of European Social Policy* 2008 18: 353-365.

Giandomenico Majone, **Dilemmas of European Integration. The ambiguities and pitfalls of integration by stealth**, Oxford University Press, 2005.

Ramesh Mishra **Social rights as human rights**, *International Social Work* 2005; 48; 948(1): 9–20

Clare Ovey and Robin White, **The European Convention of Human Rights**, Oxford University Press, 2002.

Janneke Plantenga, Chantal Remery, Hugo Figueiredo, and Mark Smith **Towards a European Union Gender Equality Index**, *Journal of European Social Policy* 2009 19: 19-33.

Graham Room, **Social policy in Europe: paradigms of change** *Journal of European Social Policy* 2008, 18: 345-352

Sandy Ruxton, **Children's Rights in the European Union**, [http://www.crin.org/docs/Ruxton%20Report\\_WhatAboutUs.pdf](http://www.crin.org/docs/Ruxton%20Report_WhatAboutUs.pdf), 2004.

Amartya Sen, **The Idea of Justice**, Harvard University Press, 2009

Amartia Sen, **Elements of a Theory of Human Rights**, *Philosophy & Public Affairs*, Vol.32, Issue 4, 315-356, 2008.

Dagmar Schiek and Victoria Chege (Eds), **European Union Non-Discrimination Law. Comparative Perspectives on multidimensional equality law**, Routledge Cavendish, 2009.

Henry J. Steiner and Philip Alston, **International Human Rights in Context: Law, Politics, Morals**, 3rd edition, Clarendon Press, 2007.

Dimiter Toshkov, **Transposition of EU social policy in the new member states** *Journal of European Social Policy*, 335-348., 2007.

Samantha Velluti, **New governance and the European employment strategy**. Routledge, New York, 2010.



Helen Wallace, William Wallace and Marck A. Pollack, *Policy Making in the European Union*, Oxford University Press, Fifth Edition, 2005.

Joseph H.H. Wiler, *European Constitutionalism beyond the State*, Cambridge University Press, Oxford University Press, 2003.

Danile J. Whelen, Jack Donnelly: *Yes, a Myth: A Reply to Kirkup and Evans*, *Human Rights Quarterly*, Vol. 31, Number 1, February 2009, 239-255.

## Web resources

**Charter of Fundamental Rights of the European Union** <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:083:0389:0403:EN:PDF>

**Europe 2020: A strategy for smart, sustainable and inclusive growth**  
[http://ec.europa.eu/eu2020/index\\_en.htm](http://ec.europa.eu/eu2020/index_en.htm)

**EUROPE 2020: A European strategy for smart, sustainable and inclusive growth**  
<http://ec.europa.eu/eu2020/pdf/COMPLET%20EN%20BARROSO%20%20%20007%20-%20Europe%202020%20-%20EN%20version.pdf>

**Europe in twelve lessons**  
[http://europa.eu/abc/12lessons/lesson\\_4/index\\_en.htm](http://europa.eu/abc/12lessons/lesson_4/index_en.htm)

## Euractiv

<http://www.euractiv.com/en/priorities/merkel-criticises-europe-2020-strategy-news-299825>

**European Union Consolidated treaties. Charter of the fundamental rights of the European Union**, Publications Office of the European Union, 2010  
([http://bookshop.europa.eu/is-bin/INTERSHOP.enfinity/WFS/EU-Bookshop-Site/en\\_GB/-/GBP/ViewPublication-Start?PublicationKey=QC3209190](http://bookshop.europa.eu/is-bin/INTERSHOP.enfinity/WFS/EU-Bookshop-Site/en_GB/-/GBP/ViewPublication-Start?PublicationKey=QC3209190))

**Debate about social dimension of Europe 2020 strategy**  
<http://www.eurofound.europa.eu/eiro/2010/03/articles/eu1003039i.htm>

**Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community, signed at Lisbon, 13 December 2007**  
<http://eur-lex.europa.eu/JOHtml.do?uri=OJ:C:2007:306:SOM:EN:HTML>

## Fundamental Rights Agency (FRA) -publications



<http://infoportal.fra.europa.eu/InfoPortal/publicationsFrontEndAccess.do?idhight=16&description=Dignity&idDato=466&valueTable=1&udf=0>

Office of the United Nation High Commissioner for Human Rights, **The United Nations Human Rights Treaty System: An introduction to the core human rights treaties and treaty bodies**, Fact Sheet 30,  
<http://www.ohchr.org/Documents/Publications/FactSheet30en.pdf>

Council of Europe, <http://www.echr.coe.int>

European Court of Human Rights  
<http://www.echr.coe.int/ECHR/EN/Header/The+Court/Introduction/Information+documents/>

UN High Commissioner for Human Rights <http://www.ohchr.org>

Amnesty International, [www.amnesty.org](http://www.amnesty.org)

Human Rights Watch, [www.hrw.org](http://www.hrw.org)