

Human Rights and Economic Crisis: The Answer of Responsible Entrepreneurship

Council of Europe, Strasbourg, 14th of May 2014



UNITEE is an organisation which represents more than 15 000 entrepreneurs and business professionals with a migrant background, 7 national federations and 81 associations across 23 European countries. For several years, UNITEE has supported the idea of a European project and highlighted the diversity of Europe by promoting the integration of "New Europeans".

The impact of the economic crisis on human rights and the excessive amount of austerity measures are alarming in Europe; this is why UNITEE organised this Conference in order to sensitize entrepreneurs to take on more responsibilities to guarantee human and social rights. Indeed, the role of New European entrepreneurs is crucial for the stability and prosperity of a sustainable European economy.

CONFERENCE REPORT

On the 14th of May 2014, UNITEE organised the Conference “Human Rights and Economic Crisis: the Answer of Responsible Entrepreneurship” at the Council of Europe in Strasbourg. The President of the European Committee of Social Rights at the Council of Europe, Luis JIMENA QUESADA; the Head of Department of the European Social Charter, Régis BRILLAT; and the President of UNITEE, Adem KUMCU, were invited to this event to discuss Corporate Social Responsibility (CSR), the economic crisis and human and social rights in a convivial atmosphere.



SPEAKERS

Moderator: **Mr Abdurahman ATLI**, Head of UNITEE Strasbourg

Mr Luis JIMENA QUESADA, President of the European Committee of Social Rights of the Council of Europe and Professor of Constitutional Law at the University of Valencia (Spain)

Mr Régis BRILLAT, Head of the Department of European Social Charter

Mr Adem KUMCU, President of UNITEE

The Head of UNITEE's Strasbourg office, Mr Atli, opened the conference with a welcome speech. He reminded the audience that the Council of Europe celebrated its 65th birthday and highlighted the important link that exists between democracy, state of law, human rights and the economic prosperity of a country. Indeed, prosperity, security and peace are only compatible where trade and dialogue are exercised.

Mr Atli was delighted to introduce the three speakers who are extremely engaged in promoting human and social rights, especially in a period of economic crisis. He also added that « New European » entrepreneurs have a part of responsibility in the guarantee of the Human rights. Finally, Mr Atli assessed how essential the combination between democracy and prosperity are for the dynamic of Europe's economy.

The Responsibility of New European Entrepreneurs in Guaranteeing Human and Social Rights

The President of UNITEE, Mr Kumcu, opened the discussion by highlighting the importance of a better combination of economic activities and respect of human rights, especially in times of social and economic crisis. In this context of crisis, a lot of austerity measures have been taken, contributing to the erosion of social rights. Leading to a reduced purchasing power of consumers, which is worrying. Moreover, an important amount of workers are unemployed and ethnic tensions are rising.

Mr Kumcu reminded the audience that it is not only the role of governments and European institutions to protect human rights. Also entrepreneurs must be guardians of human rights with their daily work, for instance by establishing guarantees for their workers such as principles of non-discrimination, the right to occupational health and safety, the right to fair remuneration, and the right to privacy. Moreover, multinational companies should take more responsibilities considering the size and impact of their activities in the society.

UNITEE's Role to Promote CSR to Entrepreneurs

New European entrepreneurs and their added value contribute to solve the economic crisis through their cultural, ethnical and entrepreneurial spirit. UNITEE and its members give vitality to Europe's economic market. UNITEE's role is to stimulate a responsible and sustainable entrepreneurship. The organisation works to reconcile economic turnover, rentability and sustainability, and respect for the environment. This is why UNITEE initiated a project of formation to CSR in cooperation with other European actors.

UNITEE communicates and shares with its members practical advices in order to help them to protect the Human rights in their companies. It is a mediator between civil society and decision-makers, and increases its members' sensitivity to CSR. Mr Kumcu concluded that the integration of CSR would only happen with the help of

moral and ethical sensibility. SMEs that respect human rights and encourage sustainability are promoted by UNITEE.

The European Social Charter: a Complement of the European Declaration of Human Rights

Mr Brillat, Head of Department of the European Social Charter (ESC) and Executive Secretary of the European Committee of Social Rights to the Council of Europe (CoE), highlighted the importance of the ESC that was adopted in 1961 and revised in 1996. It was ratified by 43 of the 47 Member States (MS) of the CoE (to the exception of Switzerland, Monaco, Saint-Marin and Liechtenstein).

After mentioning that the European Convention of Human Rights (ECHR) only contained rights of civil and political nature, Mr Brillat declared that the ESC should have the same importance as the ECHR. Indeed, the Charter contains numerous social rights in terms of employment and working conditions.

The European Committee of Social Rights (ECSR): Guardian of the ESC

In the second part of his intervention, Mr Brillat explained the functioning of the ECSR, which is an institution of the CoE in charge of the implementation of the ESC. The Committee is composed of 15 members and meets 7 times a year in Strasbourg. Every year, all the MS that ratified the Charter hand in a report to the Committee. With these reports, the Committee can judge of the conformity of law within the MS. After assessing carefully each report, the Committee publishes its conclusions.

The ECSR also adopts decisions within the frame of the collective complaints procedure. However, citizens of the MS that ratified the Charter cannot file a complaint to the Committee, but they can do it instead to the ECHR. In 15 years, more than a hundred of collective complaints were addressed to the ECSR, of which some ended up in binding decisions for MS. Therefore these decisions have a real juridical value.

Turkey and the ESC

Mr Brillat highlighted that in 1961 Turkey ratified the Charter and accepted the revised ESC in 1996. However, Turkey refused fundamental dispositions relative to labour-union freedom and to collective negotiation rights. The revised ESC of 1996 gathers in one document the ESC of 1961 and its additional protocol, guaranteeing new rights.

The ESC: a Pan European Social Acquis Threatened by Austerity Measures

The President of the ECSR, Luis Jimena Quesada, reminded the audience that the CoE is a pan European organisation that gathers 47 countries. Turkey is a member of the CoE since 1949 and it signed the ESC in 1989. The ECSR often goes to visit Turkey.

Mr Jimena Quesada defended the values of the ESC and its juridical weight between MS. The ESC symbolizes the pan European pact of social democracy and protection of social rights. It is the product of cooperation between different social partners benefiting citizens. As a matter of fact, all of these social stakeholders are from the social Europe. The ESC remains the emblem of the pan European acquis of social rights.

Nevertheless, Mr Quesada regretted the threat of the economic crisis for this social acquis. Even though in times of crisis austerity measures can be necessary, they can never go against the interests of social acquis. The economic crisis cannot be a reason to reduce the protection of the most vulnerable people. One of the fundamental roles of the ECSR is to protect these rights.

The Complaints of the ECSR Against the Economic Crisis and the Troïka

The economic crisis affected Europe unequally: Italy, Greece, Portugal, Cyprus and Spain suffered more than other MS. The Troïka was created in that context in order to impose « anti-crisis » measures, though unfortunately in some cases it damaged the guarantee of social rights within some MS. Mr Quesada highlighted the necessity to consult the social partners before introducing « anti-crisis » measures that would impact on the work market and entrepreneurs, in order to protect social rights.

For instance Greece, by following the instruction of the Troïka, introduced measures that gave employers the possibility to fire workers without articulating indemnities and particular reasons. This was in clear violation of the ESC. Facing this situation, the ECSR formulated a complaint against the austerity measures imposed by the Troïka.

To conclude, the President of the Committee reminded the audience that countries that are often seen as « bad pupils » are not necessarily those that commit the most violations, but rather those that make the least effort to pursue commitments. Finally, Luis Jimena Quesada regretted the democratic and institutional deficit in Europe as well as the deficit of protection of Social rights in times of crisis.



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