



European
Social
Charter

Charte
Sociale
Européenne



Corte Interamericana
de Derechos Humanos
Inter American Court of Human Rights

Implementing social rights: lessons learnt

First dialogue between the European Committee of Social Rights and the Inter-American Court of Human Rights

Madrid, 3-4 October 2019

Venue: Diplomatic School, Madrid

3 October 2019	
8 :30	Arrival of participants
9h	<p>Opening</p> <ul style="list-style-type: none"> • <i>Magdalena VALERIO, Minister of Labour (tbc)</i> • <i>Fernando MARTÍN VALENZUELA, Secretary of State, Ministry of Foreign Affairs (tbc)</i> • <i>Giuseppe PALMISANO, President, ECSR</i> • <i>Eduardo FERRER MACREGOR, President, IACHR</i> • <i>Manuel MONTOBBIO DE BALANZÓ, Ambassador, Permanent representative of Spain at the Council of Europe</i> • <i>Fernando FERNANDEZ-ARIAS MINUESA, Ambassador-Director, Diplomatic School</i> • <i>Ricardo ALONSO, Dean, Professor of Constitutional Law, University Complutense of Madrid</i>

<p>9 :30-11 :00</p>	<p>PART I: Why states have obligations in the area of social rights?</p> <p>Round table 1: What to comply with? Defining the scope of social rights</p> <p>Moderator/introduction of the topic: Giuseppe PALMISANO, President of the ECSR</p> <ul style="list-style-type: none"> • The material and personal scope of the Charter <i>Raúl CANOSA USERA, member of the ECSR</i> • The ILO Conventions: their impact on social rights protection <i>Bernd WAAS, member of the Committee of Experts, ILO</i> • The relationship between the American Convention and the Protocol of San Salvador <i>Ricardo PEREZ MANRIQUE, Judge IACHR</i>
<p>11h00 – 11h30</p>	<p><i>Coffee-break</i></p>
<p>11h30 – 13h30</p>	<p>PART 1: (cont)</p> <p>Round table 2: Defining the scope: The practice of the mechanisms</p> <p>Moderator: Encarna CARMONA, Professor, University Alcalá, Madrid</p> <ul style="list-style-type: none"> • The practical challenges to social rights: the Committee’s perspective <i>Karin LUKAS, Vice-President of the ECSR</i> • The practical challenges to social rights: the Inter-American system’s perspective <i>Victor ABRAMOVIC, Prosecutor, Supreme Court Argentina</i> • The practical challenges to social rights: the UN perspective and the Spanish experience <i>Marcos GOMEZ, Director General of United Nations and Human Rights, ministry of Foreign Affairs</i>

<p>13h15 – 15h00</p>	<p>Lunch</p>
<p>15h00 – 16h30</p>	<p><u>PART II: <i>Justiciability of social rights and their direct effect</i></u></p> <p>Moderator/introduction of the topic: tbc</p> <ul style="list-style-type: none"> • The Inter-American Court of Human Rights and the protection of social rights <i>Eduardo FERRER MACGREGOR, President of the IACHR</i> • The ECHR and the protection of social rights <i>Branko LUBARDA, judge, ECHR</i> • The evolution of the UN mechanisms (video message) <i>Renato ZERBINI, president of the UN ESCR Committee</i>
<p>16h30 – 16h45</p>	<p>Coffee break</p>
<p>16h45 – 18h00</p>	<p><u>PART II: <i>Justiciability of social rights and their direct effect (CONT.)</i></u></p> <p>Moderator: Ricardo ALONSO, Professor, University Complutense of Madrid</p> <ul style="list-style-type: none"> • Bringing a collective complaint under the European Social Charter: recent developments <i>Senada SALI, Lawyer, ECRE</i> • A view from the Inter-American system: the challenges of justiciability <i>Mariela MORALES ANTONIAZZI, Researcher, Max Planck Institute for Comparative Public Law and International Law</i> • Social rights at the national level: challenges and the Spanish experience <i>Xavier GONZÁLEZ DE RIVERA, judge, Spain</i>

4 October 2019

9 :30-11:15

PART III: Compliance: discussing mechanisms ensuring implementation of social rights

Moderator/introduction of the topic: Javier GARCIA ROCA, Professor, Universidad Complutense de Madrid

A. Ensuring compliance at the International level:

- ¿Measuring effectiveness or the impact of the systems? How to tackle the topic
Armin VON BOGDANDY, Professor, Max Planck Institute for Comparative Public Law and International Law
- The institutional framework for implementation of the ECSR's case-law
Giuseppe PALMISANO, President of the ECSR
- The institutional framework for implementation of the Inter-American Court's decisions
Patricio PAZMIÑO FREIRE, judge, IACtHR
- Challenges in ensuring compliance in the field of social rights: chosen examples and lessons learned from a comparative perspective
Clara SANDOVAL, Professor, University of Essex

Coffee break

11:15-13:15

PART III: Compliance: the national level . B.: The tool of subsidiarity: the dialogue with domestic judges in social rights

Moderator/introduction of the topic: CARMEN SALCEDO, Professor, University of Valencia

- Control of *conventionality* and judicial implementation of international human rights treaties
Fernando VALDÉS DAL RE, Magistrate at the Spanish Constitutional Court

Round table “Applying the European Social Charter in Spain: a dialogue between different actors on the implementation of the Charter”

- *Enrique ARNALDO ALCUBILLA, President, Bar Association, Madrid (tbc)*

	<ul style="list-style-type: none"> - José NÚÑEZ, Bureau of the Spanish ombudsperson - Angeles SOLANES CORELLA, President of the Spanish Council for the elimination of racial or ethnic discrimination - Joaquín MERCHÁN BERMEJO, Director of the Observatory of the General Council of Social Graduates of Spain - Francisco José GUALDA, Comisiones Obreras - Jesús GALLEGO, UGT - Ana ABRIL, Caritas española - Cuarto Mundo- (tbc)
13h15	<p>Conclusions</p> <ul style="list-style-type: none"> • Luis JIMENA QUESADA, former President of the ECSR

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