

# THE EUROPEAN SOCIAL CHARTER AND THE GLOBAL DEFINITION OF SOCIAL WORK: TUNING THE PROMOTION OF PEOPLE'S SOCIAL RIGHTS AND THE PROFESSION

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## Abstract

This article shows how the new Global Definition of Social Work, approved by the International Association of Schools of Social Work and the International Federation of Social Workers have many points in common with the revised version of the European Social Charter (ESC). According to the Definition, social workers are strongly committed to protect human rights: International Treaties may be considered important tools to better achieve this aim. On the other hand, the ESC recognizes the importance of social work methods and knowledge to ensure qualified assistance and to develop welfare systems.

**Key Words:** Human Rights, European Social Charter, International treaties, Social Work, Global Definition.

## Resumen

En este artículo se muestra cómo la nueva Definición Global de Trabajo Social, aprobado por la Asociación Internacional de la Escuela de Trabajo Social y la Federación Internacional de Trabajadores Sociales, tienen muchos puntos en común con la versión revisada de la Carta Social Europea (CSE). De acuerdo con la definición, los trabajadores sociales están fuertemente comprometidos a proteger los derechos humanos: tratados internacionales pueden ser considerados herramientas importantes para lograr mejor este objetivo. Por otra parte, el CSE reconoce la importancia de los métodos de trabajo social y el conocimiento para garantizar la asistencia calificada y desarrollar sistemas de bienestar.

**Palabras clave:** derechos humanos, Carta Social Europea, Tratados Internacionales, Trabajo Social, Definición Global.

## 1. Introduction

This research aims at showing how the European Social Charter (ESC) can be considered an enhancing tool for social work and its purposes. The juxtaposition between the treaty and the new Global Definition of Social Work provides a normative and internationally recognized support to the implementation of the social rights social work is committed to.

The role of social work is remarkable in the ESC, in which the right to social assistance is explicitly mentioned, together with the rights of children, migrants, people with disabilities, the right to housing, etc. It ensures the effective availability of adequate social welfare schemes, though granting at the same time full respect of both social and political rights of the people to whom it is applied. The emancipating role of social work is therefore reaffirmed, as well as the commitment to use its methods and specific knowledge. Social work research may thus receive an important boost.

The analysis of the ESC, supported by the Committee of Social Rights monitoring activity, is compared to the Global Definition of Social Work in order to show how they fit to each other.

Although the ESC is still hardly considered by social workers, it recognizes their key role as professionals and the legitimacy of their aims and methods.

Because of their importance as social and democratic achievements, a wider spreading of those contents is definitely crucial. Moreover, a comparison between the diverse social welfare schemes adopted by different countries can be outlined thanks to the evaluative analyses operated by the Committee, which are supported by statistical, economic and technical data. Such a multivariate comparison could lead to more effective, rational and inclusive systems of human rights protection.

In my paper, I will first present the Global Definition of Social Work (§ 2), with special regards to its values and rights to which social work is committed. Then I will introduce the European Social Charter and the effectiveness of the Committee of Social Rights reporting system (§ 3). Chapter 4 will analyse those rights which are mainly involved in social workers' activities and which may directly affect social work. In the last section (§ 5), I will present a short overview of other international treaties fostering social rights.

## 2. Widening the scope: Global Definition of Social Work

The new Global Definition of Social Work, approved in 2014 by International Federation of Social Workers (IFSW) and International Association of School of Social Work (IASSW) is a crucial step in order to enhance a shared platform from which both scholars and professionals could start their analysis. Some fundamental elements identifying Social Work can be found even in the earliest experiences of the discipline pioneers, like Mary Richmond, who said: “Social Case Work may be defined as the Art of doing different things with different people, co-operating with them to achieve some of their own and societies betterment.” (1917).

The ideological and political attitude of this early form of social work is shown by the use of the word “Art” which emphasizes its creative side, need for intuition and overriding of bureaucratic schemes. As a social worker, you need to identify problems and resources hidden in the context. Other important aspects in this definition are the focus on every person’s singularity and specificity and the stress on the connection between the person and his/her environment.

All those aspects became nodal points in the debate on the nature of social work: art or science, standardised or personalised, focused on the individual or on the social context.

Although here I will not focus on those specific aspects, I want to stress the importance of this task, as in Fargion (2009), who states that social workers should keep on defining social work as it is a fundamental operation for a variety of reasons:

- It helps professionals to front ethical dilemmas about contrasting commitments coming from users and the organisations they belong to.
- It allows constant acknowledgement of the fundamental rights of people and of the legitimacy of their requests.
- It raises productive critics of profession principles, purposes and features, thus stimulating the development of new methods.
- It unifies a series of different roles and functions that social workers have in society, providing them with a set of shared values and practices and defining the perimeter of professional commitment.

As the commentary to the definition states, knowing and spreading the global definition of social work is a sort of duty for every professional: raising awareness among people about the theoretical bases, aims and methods of this complex discipline and profession. Another aspect of the new definition which is important to highlight is its international scope: it was discussed in several international conferences and meetings by professionals, scholars and other stakeholders in order to keep together different sensitivities and approaches used in several contexts. This latter feature makes the definition available for further scopes, such as creating a shared vocabulary among social workers in order to develop scientific literature as well as supporting a transnational level on which international organizations can use social work methods.

Another definition was approved by the same associations (IFSW and IASSW) in 2001. It was immediately noticed that such definition was excessively focused on a Western model of society. Cultural and economic factors highly differ and social work must change and adopt new strategies to cope with those issues. In particular, the 2001 definition was too concentrated on individual rights and social change, whereas the importance of social work on collective rights and social cohesion was not stressed enough.

Therefore, the process of writing a new definition led to its reformulation in 2014:

“Social work is a practice-based profession and an academic discipline that promotes social change and development, social cohesion, and the empowerment and liberation of people. Principles of social justice, human rights, collective responsibility and respect for diversities are central to social work. Underpinned by theories of social work, social sciences, humanities and indigenous knowledge, social work engages people and structures to address life challenges and enhance wellbeing.

The above definition may be amplified at national and/or regional levels”.

The definition opens with the recognition that social work consists of both practice and higher education at the same time. Social work cannot thus base itself either on common sense and sensitivity or on abstract hypotheses and theoretical speculations. A fruitful merging of values, theories and experiences create a net of being, knowledge and doing able to develop empowerment and social change.

In sum, the purposes of social work are:

- Social change, which is in a prominent position. Social work does not stand for the context, trying to adapt people to make them suitable to live inside it, but tries to conciliate people with their environment, operating on both sides.
- Individual and social development, that express a similar meaning to Mary Richmond's term "betterment"
- Social cohesion, that is both a target and a strategy to re-create relationships and stimulate shared responsibility in our fragmented contemporary societies.
- People's liberation, that is the liberation from need and from those schemes that obstruct new lifestyles and ways to challenge social issues.
- People's emancipation to make equality and dignity a concrete status for everybody. See §§ 4 and 5 of this essay for some examples on how those principles are enacted into international treaties.

Together with collective responsibility and respect for diversities, social justice and human rights are listed as some of the main principles of social work.

The definition does not indicate a specific target for social work (i.e., the jobless, the homeless, people in need, etc.): in that its knowledge and methods can be useful for everybody in any situation. The idea is to move from the need-answer model to a promoting role in people's quality of life, as already proposed in the medical field<sup>1</sup>. This change is noticeable, although very hard to practice, especially in community social work. As Allegri (2015) and Teater and Baldwin (2012) affirm, it requires research, resources and a well-based knowledge of interpretative models of society.

In order to expand and clarify the meaning of social work, a commentary is added to the definition.

The commentary stresses the fight against oppression, discrimination, poverty, vulnerability and

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<sup>1</sup> You may adopt the definition given into the the Ottawa Charter for Health Promotion (1986), which states: "Health promotion action aims at reducing differences in current health status and ensuring equal opportunities and resources to enable all people to achieve their fullest health potential. This includes a secure foundation in a supportive environment, access to information, life skills and opportunities for making healthy choices. People cannot achieve their fullest health potential unless they are able to take control of those things which determine their health. This must apply equally to women and men."

social exclusion. Through solidarity, sustainable development and collective responsibility, social work advocates human rights and social justice as well as upholding them: those are its motivation and justification in every human society. The commentary admits that a conflict with cultural beliefs, values and traditions is possible in case they are not fully respectful of human rights. Social workers must confront and deconstruct those cultural aspects as socially constructed and dynamic elements. This operation is done by understanding and tuning those values, and requires social workers to be highly educated and schooled in Human Right Approach. Human rights of first, second and third generation<sup>2</sup> are mutually reinforcing and interdependent, and are both collective and individual.

### **3. The European Social Charter**

The European Social Charter (ESC) is a treaty signed by the members of the Council of Europe in 1961 and then revised in 1996. The revised version of the ESC added several changes which create a permanent supervising mechanism that keeps checking the level of respect and improvement of the rights listed in the Charter. The ESC aims at guaranteeing and promoting the social and economic rights of individuals and groups. In order to cover every person's rights, to facilitate cooperation between countries and to improve the quality of life within the European territory, the ESC perfectly combines with the European Convention on Human Rights (ECHR). From a historical perspective, social and economic rights have been processed immediately after civil and political rights – the ones listed in the ECHR –, such as freedom and private property. Some rights are even listed in both treaties, although under different perspectives, e. g., the right to education and to free association. It goes without saying that the Charter and the Convention display several similarities.

The reason for that is the strong connection between civil-political rights and social-economic rights, as already seen in the Global definition of Social Work commentary. In the sixties, when the Charter was signed, it was already clear that guaranteeing the civil-political rights without a

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<sup>2</sup> First generation rights are fundamentally civil and political; second generation are social, economic and cultural whereas third generation rights are usually related to environment, sustainable development etc. (Blau, Frezzo 2011).

minimum standard of social-economic rights, was impossible or, at the very least, useless; e.g., democracy and the right to vote become meaningless if people have not the economic security and education to use them.

Although this idea was clear, it was not strong enough to overcome the opposition pursued by many countries in giving to the ESC the same effectiveness as the ECHR. The latter instituted a Court to which citizens could appeal to protect themselves and their interests from abuse, and which would be able to force countries to change their laws. However, it is not possible for citizens to address directly the Committee on the bases of the Charter; after the revision process, some authorized non-governmental organizations can lodge collective complaints of violation among the Committee which may adopt a decision in view of rights violation (Malinverni, 2014, 106).

The main principle of both treaties is human dignity. They consider humanity as an end in itself and never as a means to something else. Member Parties agreed on the importance of cooperation in creating shared criteria for public institutions to equally distribute resources, reduce inequalities and fully appreciate the value of every human being. That is why the charter is not meant only for the poorest and neediest citizens but for all the European people, to guarantee everybody the highest chance of growing and developing their own personality (Rossi and Vivaldi, 2013).

Member parties are not bound to the entire Charter: according to Part III, article A, paragraph 1, each country has to adopt at least six of the nine main articles of Part II of the Charter (1, 5, 6, 12, 13, 16, 19, 20). Moreover, each country has to adopt at least other 16 articles or 63 numbered paragraphs, selected from Part II. In this respect, the complete list of which countries ratified the revised Charter and which articles they adopt is published on the website of the Council of Europe (<http://www.coe.int/fr/web/conventions/search-on-treaties/-/conventions/treaty>).

The ESC, in its revised 1996 form, instituted the European Committee of Social Rights, which consists of 15 impartial and independent representatives, elected by ministers of the member countries. The Committee judges whether State Parties are in conformity in law and in practice with the provisions of the ESC: every year the Member Party submits a report on the provision of the articles belonging to one of the four groups the second part has been divided into. The reports explain how they implement specific parts of the Charter in law and in practice. The Committee

examines the reports and publishes conclusions stating the level of conformity or requesting for more information. In this way, the implementation of each article is checked once every four years. If the situation of a State does not comply with the Charter and the State takes no action to improve it, the Committee sends a recommendation asking to change the situation. The Committee's conclusions have no immediate juridical application, unlike the European Court of Human Rights' sentences. However, this does not mean that member Parties can simply ignore the Committee's remarks: on the contrary, this is a way to rethink social policies in a more protective, rational and effective way. Thanks to the compared and structural analyses of social policies both in law and in practice with statistical, technical and economic data provided by the Committee, progressive changes are also possible, respecting every single country's choices.

The process of enacting the charter is different according to the national law of every Member; for example, Spain ratified the European Social Charter on 06/05/1980, accepting all 72 paragraphs of the Charter. On 24/01/2000, Spain ratified the Additional Protocol of 1988, adding new rights to the original ones, and the Amending Protocol of 1991, which explains how some articles and paragraphs shall read. Although Spain signed the Revised Charter on 23/10/2000, it has neither ratified the revised form nor signed or ratified the Additional Protocol of 1995 yet, in that Spain does not recognize collective complaints procedures. In Spain, the original form of the Charter and ratified protocols are automatically incorporated into domestic law in accordance with Article 96(1) of the Spanish Constitution.

#### **4. Social Work and European Social Charter**

The European Social Charter is probably more relevant for social work than the European Convention on Human Rights, as it sheds light on which rights this discipline/profession should mainly promote and protect.

It is easy to understand that many articles and paragraphs of the ESC strictly relate to welfare system and social assistance. Some rights stated by the second part of the Charter seem to address directly to social workers, their activities, and especially their principles listed in the Global Definition of Social Work.



- Articles 1 to 4 express the rights to work, that guarantee the right of the worker to earn his living through a work freely entered upon, days of rest, to work in safe conditions, to earn enough to live in decent life conditions with their families, and to conciliate family life and work time to every person. In many countries social workers are committed with active labour market policies, despite workers are not directly mentioned as a category to which social workers are particularly related. Although workers are generally less needy than other people, because of nowadays crisis, welfare policies must face many problems connected to labour market. Here the already mentioned word “promotion” can be enacted to help guarding this right on which our society is founded. It is important to notice that the provision that links one’s job to a salary that guarantees decent life conditions is also part of many national laws (e.g., Italian Constitution).
- Articles 7 and 17 focus on child protection against physical and moral dangers that can threaten them. Member parties recognize the priority of education in childhood, the need for protection in young age, as well as the right to receive care, assistance, education and training. It is noticeable that the article openly states that primary and secondary education must be free of charge for children and young people, in that it engages all the forty countries that signed it. It also prevents them from violence, exploitation and negligence, and takes into accounts rights and duties of their parents. Child protection is one of the main functions of social workers, who have this responsibility in almost every country; professional principles are the same as those expressed by the charter. In the field of child protection a number of contrasts may rise between family duties and rights and the children’s right to be protected. The Charter tries to keep together those two sides, establishing a frame in which national laws should find their preferred balance of those aspects.
- Article 8 protects maternity, by providing remunerated leaves before and after childbirth for a minimum of 14 weeks, and by prohibiting the employment of pregnant women. Article 14 guarantees priority to family security from an economic, juridical and social perspective. Decent housing conditions, social benefits and helpful fiscal arrangements for

newly married couples are listed to provide examples of provision member parties should grant.

- Article 12 commits Member Parties to create a social security system, to maintain it at a satisfactory level, to progressively raise its level, to cooperate with other countries in order to assure equal treatment between people from different member parties. The minimum level for social security system is set by the European Code of Social Security (1964). Social work can be very helpful to reach this goal, which is always *in fieri*. Knowledge and techniques of this discipline may support planning and analysis of social contexts and their available resources. A continuous field research and model update is also requested to the profession. Taking Spain as an example, in 2013 the Committee reported non-conformities on the basis of article 12: the minimum level of sickness benefit was manifestly inadequate, equal treatment with regard to social security rights and access to family allowances was not guaranteed to nationals of all other States Parties and the length of residence requirement for entitlement to non contributory old-age pensions was excessive.
- Article 13, together with article 14 directly refers to social work and social assistance, stating the right to social and medical assistance. As to the first one, adequate assistance and care should be provided to every person who has not enough resources. The second paragraph emphasizes the emancipatory role of such assistance, that must neither lead to a diminution of political or social rights for people who receive it nor to any kind of charity addiction. As for this point, principles expressed in the New Global Definition of Social Work commit professionals to pursue the same target (§ 3). Member parties should also provide public or private services advice and personal help to prevent, remove and alleviate personal or family wants. It is also required to apply those provisions to other Parties nationals, in that according to ECHR any discrimination on the bases of national origin is forbidden. Article 30 states that access to employment, housing, training, education, culture and social and medical assistance must be promoted for persons or families who live or risk living in a status of social exclusion or poverty.

- Article 15 ensures adequate guidance and vocational training to persons with disabilities, in order to ensure their social integration and participation in the community life, irrespectively of their age and the nature of their disability. These conditions should be realized in general and ordinary schemes whenever possible; otherwise, specialized support bodies, private or public, should be created. In particular, overcoming barriers in communication and mobility, enabling access to transport, housing, cultural activities and leisure should be pursued.
- Article 31 is probably the most ambitious of the entire Charter; it states the “right to housing” and aspires to gradually eliminate homelessness by making the price of adequate standard housing accessible to those without resources.
- By stating the right to benefit from effective social welfare services, article 14 gives relevance to social work. To “contribute to the welfare and development of both individuals and groups in the community, and to their adjustment to the social environment”, member parties are explicitly requested to use social work methods, as well as to encourage individual voluntary participation in the establishment and maintenance of such services. It goes without saying, this article is relevant for social workers, in that it justifies the connection between the profession and the Charter. Considering the Global Definition, it explains how social work methods are strongly connected to their disciplinary theoretical and practical bases. Furthermore, the purpose of promoting development among individuals and groups, by integrating them with their environments, fits well into the already mentioned idea of social work since its beginning with Mary Richmond. Individuals, groups and community are also the scopes of the three earliest methods of social work in the Anglo Saxon tradition: case work, group work and community work, which are still used in many countries. The professional mission thus fully matches with the ultimate goal of the Charter.

The charter also ensure social assistance and protection to:

- Migrant workers from member Parties and their families. The provision stated by article 19 ensures the creation of adequate free social services and the promotion of cooperation between social services, private and public, in emigration and immigration countries.
- Elderly persons, who should be enabled to choose their own life-style freely and to participate in community life as long as they wish and are able to. Article 23 requires member parties to provide health care services, information about facilities and opportunities available for elderly people and support housing suitable for their needs. Privacy of elderly people who live in institution must be respected and participation to decision concerning their living condition should be guaranteed. The article states that Member Parties should adopt measures designed directly by them or in cooperation with public or private organizations.

##### **5. Rights protection in International treaties**

European countries signed several treaties to protect human rights, in addition to ESC and ECHR. Those rights are more often civil and political rather than social or economic. Among those treaties, great relevance is given to the international Bill of Human Rights, consisting of the Universal Declaration on Human Rights, adopted by the United Nations in 1948, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, both adopted in 1966 and entered into action in 1976. Those treaties are the basis of human rights recognition.

The Charter of Fundamental Rights of the European Union (2007) is extremely important for rights protection. According to the Treaty of Lisbon, the European Union must legislate in full respect of this Charter and the European Court of Justice can strike down the laws that are not consistent with it. A rich and useful exchange of information takes place between the European Court of Justice and the European Social Committee, so that the first one can use data and analysis that the second one produced in order to write in-depth sentences (Cristani, 2014).

In the future this may be the most important step towards a change from a commercial based agreement between European countries into a real social institution, committed to promote human rights and human dignity. International treaties are meant to unify and broaden the culture of rights among communities with different traditions, defining a frame in which each single country may choose the best way to protect its citizens, their values and sensibility. All those treaties should not be only abstract words indeed, but real rights that people could demand. At the same time, European countries should adjust their laws and welfare provisions in order to satisfy those requests. Social work plays a crucial role in this process which fully matches its essential mission. It may also renew the profession, strengthening its juridical basis and providing it with a stronger validity and legitimation. As shown, the professional principles and values stated in the Global Definition are perfectly tuned to the human rights social work is committed to promote and uphold.

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