INTERNATIONAL SOCIAL SECURITY STANDARDS IN THE EUROPEAN UNION

The Cases of the Czech Republic and Estonia

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Can it be done? Why not? Treaties have been concluded between one country and another by which they have bound themselves to kill men; why should they not be concluded today for the purpose of preserving men's lives and making them happier?

J. Blanqui, Cours d’économie industrielle, 1838–1839, cited by E. Mahaim 1934, p. 4.
PREFACE

As a child, I had the ambition to become a missionary worker. Saving the poor and ignorant, not so much from going to hell, but first and foremost from their miserable lives on earth by bringing them food, medical care and education, seemed to me the only reasonable thing to do. During my early teens, I set myself the less ambitious goal of becoming a vet’s assistant (nobody told me that I could become the vet as well...). Saving animals seemed good enough at the time. Growing up, my romantic ideas about the mission and the vet proved to be wrong, and I took another course. Yet, looking at the theme of my research, I have to acknowledge that remnants of the initial inner urge to save the worse-off are still there – a clear case of path dependency. Having left behind romantic views, pretensions and religious morality, the old ideal of social justice for all still remains. It was this ideal, in the end, that inspired me to take up the subject of international standards embodying the human right to social security.

This book will not save lives, nor will it bring much social justice to the many millions who are deprived of any form of social security. What it may do, however, is raise awareness in our rich Western welfare states of the fact that social justice is not a matter of course. On the contrary, our social welfare systems need to be carefully watched and preserved; all the more so in light of the recent economic recession, to which the Member States of the European Union have mainly responded by cutting social security budgets. How far can they go? To what extent is our social welfare guaranteed? It is precisely at this point that the international social security standards are at stake.

A PhD thesis is supposed to prove that the PhD candidate has research skills. To me, it rather seems to prove that the candidate has perseverance. Nevertheless, writing this thesis was not only a struggle; it was also a great challenge and an exciting new experience. I especially enjoyed working in the Czech Republic, Estonia and Canada, and I am very happy that I was given the opportunity to do so. Having completed the research, I would like to thank everyone who supported me one way or another. In this preface, I shall be able to mention only a significant few.

First, my thanks go to my supervisor, Frans Pennings, for his approachability and generosity, his steady support, and his natural focus on the leitmotiv. He helped me cross the finishing line, while giving me lots of space during the whole
research process. My colleagues at the Department of Social Law and Social Policy in Tilburg provided me with a comfortable academic environment that was conducive to thorough research. I have very warm feelings for Barbara Hofman, Maria Korda and Saskia Montebovi, with whom I shared the sweet and the bitter of doing a PhD, and much more. It was great working (and walking!) with them. And, of course, I am grateful to Kees Boos, who was always prepared to correct and improve my drafts, to give practical advice, and, last but not least, to put things into perspective.

I would like to thank Wim van Oorschot, Paul Schoukens, and Gijs Vonk, for their valuable comments on the different drafts of my thesis; I highly appreciated their willingness to think along with me during the different stages of the study. I would also like to thank all the members of the PhD committee for spending their time and energy on my work. Among them, Frank Hendrickx holds a special place, since he drew my attention to this PhD position when I obtained my Master’s degree under his supervision. I am very grateful to Stichting Instituut Gak for financing the research project in such a generous way, and for providing a large research network covering different scientific disciplines.

It would not have been possible to write the chapters about the Czech Republic and Estonia without the help of national experts. I had informative and inspiring meetings with, among others, civil servants, representatives of trade unions and employers organisation, with academics, judges, and members of parliament. I thank them all for sharing their knowledge and opinions with me. I would especially like to thank Kateřina Machová, Kristina Koldinská, and Gaabriel Tavits, for carefully reading and correcting the country chapters and giving me helpful suggestions. I thank Jonatan Tomeš for his quick translations of both Czech and Estonian texts, and for kindly letting me use his office in Prague. Thanks, also, to Fiona McGrath for her great editing work; an endless and extremely tedious job it seems to me, but she did it without even one complaint.

This is also a good opportunity to thank my parents for their continuing support throughout my life. My father did not live to see me receive my PhD – I wrote this preface at his sickbed – but he was proud to know that I would make it. As always, Margreet, my sweet sister and best friend, and Tomáš surrounded me with their humour and concern. Finally, my thanks go to Collin for simply being there and for reminding me that there is more to life. He helped me take my mind off the big issue of social justice for all by organising great trips and unexpectedly taking me to concerts and movies. I hope he will carry on doing so after 14 September 2011!

Tineke Dijkhoff
June 2011
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<tr>
<td>APPLIS</td>
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<td>C102</td>
<td>ILO Social Security (Minimum Standards) Convention, 1952</td>
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<td>C121</td>
<td>ILO Employment Injury Benefits Convention, 1964</td>
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<td>C128</td>
<td>ILO Invalidity, Old-Age and Survivors' Benefits Convention, 1967</td>
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<td>C130</td>
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<td>C168</td>
<td>ILO Employment Promotion and Protection against Unemployment Convention, 1988</td>
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<tr>
<td>C183</td>
<td>ILO Maternity Protection Convention, 2000</td>
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<tr>
<td>CCR</td>
<td>Constitution of the Czech Republic</td>
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<tr>
<td>CEACR</td>
<td>Committee of Experts on the Application of Conventions and Recommendations</td>
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<tr>
<td>CEE</td>
<td>Central and Eastern European</td>
</tr>
<tr>
<td>CESCR</td>
<td>UN Committee on Economic, Social and Cultural Rights</td>
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<tr>
<td>CFA</td>
<td>ILO Committee of Freedom of Association</td>
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<tr>
<td>CM/ResCSS</td>
<td>Resolution on the application of the European Code of Social Security by the Committee of Ministers of the Council of Europe</td>
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<tr>
<td>CoE</td>
<td>Council of Europe</td>
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<tr>
<td>Coll.</td>
<td>Body of Laws of the Czech Republic</td>
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<tr>
<td>Committee of Ministers</td>
<td>Committee of Ministers of the Council of Europe</td>
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<tr>
<td>CSSA</td>
<td>Czech Social Security Administration</td>
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<tr>
<td>Cz</td>
<td>Czech Republic</td>
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<td>CZK</td>
<td>Czech Koruna</td>
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<td>EAKL</td>
<td>Estonian Trade Union Confederation</td>
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<td>EC</td>
<td>European Commission</td>
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<td>ECHR</td>
<td>European Court of Human Rights</td>
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<td>ECSS</td>
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<td>Ee</td>
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<td>EHIF</td>
<td>Estonian Health Insurance Fund</td>
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<tr>
<td>Abbreviation</td>
<td>Full Form</td>
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<td>EIROnline</td>
<td>European Industrial Relations Observatory On-line</td>
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<td>ENSIB</td>
<td>Estonian National Social Insurance Board</td>
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<td>ESC</td>
<td>European Social Charter</td>
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<td>Eurofound</td>
<td>European Foundation for the Improvement of Living and Working Conditions</td>
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<td>Eurostat</td>
<td>Statistical office of the European Union</td>
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<td>ILC</td>
<td>International Labour Conference</td>
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<td>ILO</td>
<td>International Labour Organisation</td>
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<td>IMF</td>
<td>International Monetary Fund</td>
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<td>Database of International Labour Standards, available on the ILO website</td>
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<td>MISSOC</td>
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<td>OECD</td>
<td>Organisation for Economic Cooperation and Development</td>
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<td>Office</td>
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<td>Pl. Ús</td>
<td>Judgment of the Constitutional Court of the Czech Republic</td>
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<td>General Assembly of the United Nations</td>
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<td>WB</td>
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<td>World Health Organisation</td>
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