

DRV-Booklet

DRV-Number: 1/2014

**Social Human Rights in European and German Law –
Significant for the Current Pension Policy in Europe?**

Author: Professor Dr. Dr. h. c. Eberhard Eichenhofer

Location: Jena

„La justice d’aujourd’hui, c’est la charité d’hier“ – today’s social policy corresponds with yesterday’s charity. Today’s social policy evolves through law by creating a framework of individual entitlements. Thus, social policy, as laid down in the current labour and social law, forms a significant part of today’s valid law. However, do the claims and entitlements correspond to human rights? This question is in jurisprudential dispute worldwide. Since 1948, the right to work, the right to claim welfare, the right to social protection, the right to health, the right to education, and the right to housing are enshrined in the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the European Social Charter, and the EU Charter of Fundamental Human Rights. The constitutions of some member states contain corresponding regulations. Those human rights are called “human rights of the second generation”, in order to distinguish them from the civil and political “human rights of the first generation” and the ecological “human rights of the third generation”. All human rights must be respected and safeguarded worldwide, no matter which “generation” they belong to. However, many lawyers pay little attention to social human rights, some even find them suspect. Basic – or, as they are called in Germany, “dogmatic” – concerns are raised against them.

Against this background, the article explores five issues: How do social human rights contribute to social policy (I)? What defines the relationship between social human rights and legislation (II)? Are social human rights enforceable (III)? What defines the relationship between social human rights and other human rights (IV)? And, finally, what are the consequences for the current pension policy in Europe (V)?

Price Awarded by the Research Network of the Statutory Pension Scheme (“Forschungsnetzwerk Alterssicherung – FNA”) in 2013

- Demography of Migrants in Germany

Author: Dr. Martin Kohls

Location: Nürnberg

The integration of persons immigrated to Germany is an important social development. Properly based knowledge about the number, the structure, and the demographic behaviour of migrants is essential to assess the challenges and consequences of this development, especially for the social security schemes. The author closes gaps in research regarding the demographic behaviour of migrants in Germany and analyses the relationships fundamentally by using data sources, e. g. data recorded by the statutory pension scheme that had not yet been evaluated for that purpose.

Questions of Members of the German Parliament regarding the Pension Policy of the Federal Government

Authors: Ulrich Bieber, Dr. Michael Stegmann

The opposition parties often use the information and control procedures laid down in the Rules of Procedure of the German Federal Parliament (“Geschäftsordnung des Deutschen Bundestags”) to question the pension policy approaches of the Federal Government and to present and develop their own ideas. The article describes the parliamentary procedures and their implementation. The authors evaluate the data gained by a search in the database “Documentation and Information System of the German Bundestag” (“Dokumentations- und Informationssystem des Deutschen Bundestags – DIP”) by means of the relevant search terms. The investigation period extends from November 2005 to September 2013, which corresponds to the 16th and 17th legislative period. The results reveal an increasing demand for information from the Members of Parliament regarding the pension policy of the Federal Government. The parliamentary group DIE LINKE (The Left Party) and the respective Members of Parliament use their right to question most intensively. The interest focuses primarily on supplementary pension provision. However, the five different political parties have different thematic priorities if one takes the number of requests as the point of reference. The greater significance of brief and major parliamentary interpellations (“Kleine und Große Anfragen”) requires separate consideration. Taking into account that brief and major parliamentary interpellations attract more public attention than oral and written questions (“Mündliche und Schriftliche Fragen”), other issues, such as old-age poverty and special features of the New Federal States are brought to the fore. The article encourages the opening up of new research perspectives regarding parliamentary activities in the field of pension policy.