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Monitoring of commitments concerning social rights

Report¹

Social, Health and Family Affairs Committee

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Summary

The present period when the 1961 European Social Charter (ETS No. 35) and the 1996 revised European Social Charter (ETS No. 163) will respectively celebrate their 50th and 15th anniversaries (18 October 2011 in Strasbourg), seems to be a particularly good time to take stock of the implementation of this instrument and its monitoring mechanisms. It is necessary to enhance the impact of the Charter on national legislative and political processes, to set its monitoring mechanisms on a more democratic basis and to stimulate the debate on social rights in order to present substantial proposals with regard to their future development.

In this respect, the Parliamentary Assembly's role in monitoring the Charter should be reinforced by allowing it to elect nine of the 15 members of the European Committee of Social Rights as stipulated by the Amending Protocol of 1991 (ETS No. 142, Turin Protocol). Furthermore, it is suggested that the Assembly hold joint biennial debates on the state of social rights and on the state of human rights, with a first such debate in June 2011.

1. 2011 - First part-session



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A. Draft resolution²

1. The Parliamentary Assembly is convinced that in the present context marked by the economic crisis and ongoing globalisation it is all the more important to defend social rights against the manifold threats they are facing. It considers that a binding instrument such as the European Social Charter (ETS No. 163) opened for signature in 1961 (ETS No. 35) and revised in 1996 remains a highly significant instrument in this regard for stimulating national legislative processes and which complements various policy measures taken at the European and national level.
2. The Assembly refers to its [Resolution 1559 \(2007\)](#) on Europe's social dimension: full implementation of the revised European Social Charter and evaluation of new labour regulations and minimum wages and its [Recommendation 1795 \(2007\)](#) on the monitoring of commitments concerning social rights. It welcomes the member states' strong support for the Social Charter, as illustrated by the high number of ratifications of its various treaties. Despite the progress made in this field in recent years, the Assembly considers that the promotion of this instrument should continue just as vigorously at all levels. The main objectives of such a commitment should be to increase the implementation of social rights, to make the prescribed collective complaints procedures more accessible, to place the monitoring machinery on a more democratic footing and to ensure acceptance by states of further provisions of the Charter.
3. The Assembly considers the present period especially favourable for taking stock of the implementation of the Social Charter and its monitoring mechanisms, and for reviewing the Assembly's role in relation to them. The 50th anniversary of the 1961 European Social Charter and the 15th anniversary of the revised European Social Charter, to be celebrated in Strasbourg on 18 October 2011, will be preceded by a series of conferences to prepare for strategic decisions concerning the Social Charter and the mechanisms linked to it. Thus, 2011 is the ideal year to highlight the indivisibility of social rights and civil and political rights, the importance of the European Social Charter for defending this corpus of rights, and an enhanced role for the Assembly in the Charter's monitoring machinery.
4. The Assembly invites the Council of Europe member states to:
 - 4.1. continue promoting, at the European and national level, the signature, ratification and implementation of the European Social Charter, and specifically the Amending Protocol of 1991 (ETS No. 142) (known as the "Turin Protocol") and the Additional Protocol of 1995 (ETS No. 158) providing for a system of collective complaints;
 - 4.2. ratify the revised European Social Charter or, where they still abide by the 1961 Charter, the Turin Protocol, if they have not already done so, in order that all provisions of the Social Charter may take full effect, including the election of 9 of the 15 members of the European Committee of Social Rights by the Assembly;
 - 4.3. support before the Committee of Ministers the idea of enhancing the Assembly's role in the Charter's monitoring mechanisms.
5. In the light of the current situation regarding the European Social Charter, and in order to make a substantial contribution to its ongoing promotion, the Assembly further decides to:
 - 5.1. schedule joint debates on the situation of social rights and on the state of human rights every two years, the next occasion being in June 2011 during the Assembly's 3rd part-session;
 - 5.2. undertake political monitoring of the implementation of the European Social Charter and of social rights in close collaboration with other international and European organisations, in particular the International Labour Organisation and the European Union organs;
 - 5.3. promote, within the Council of Europe and among its external partners, a broad-based approach to social rights as an integral, indivisible part of human rights.

2. Draft resolution adopted unanimously by the committee on 15 November 2010.

B. Draft recommendation³

1. In 2011, the 50th anniversary of the European Social Charter (ETS No. 35) and the 15th anniversary of the revised European Social Charter (ETS No. 163) will be celebrated. On that landmark occasion for social rights in Europe, the Parliamentary Assembly welcomes the member states' strong support for these significant instruments, the great majority of which have acceded to some or all of the treaties constituting the European Social Charter.
2. The Assembly recalls that at the Warsaw Summit (2005), the Heads of State and Government considered that the revised European Social Charter should be regarded as the minimum core of social rights which all member states must guarantee. Despite this ample support for the Social Charter, ratification of the revised Charter and of some of the Protocols to the 1961 Charter must continue to be promoted at all possible levels. Moreover, the Social Charter's monitoring machinery must be further strengthened, especially as regards the strict application of certain rules laid down by the treaties. The Charter itself must continue to evolve in its substance in order to remain, in the medium and long term, a genuine social rights reference for member states.
3. The Assembly regards the year 2011 as a cardinal year and a propitious time to remind all parties and bodies involved of the importance of the Social Charter apparatus for the protection of social rights. The essential role assigned by the Social Charter to the Assembly with regard to the relevant monitoring mechanisms and the need to increase its real contribution in this respect by means of proactive steps should also be recalled in this context.
4. Recalling its own commitments made in Resolution ... on the monitoring of commitments in respect of social rights, the Assembly accordingly calls upon the Committee of Ministers to:
 - 4.1. acknowledge that social rights are indivisible from human rights and continue promoting their fulfilment through firm recommendations addressed to member states in the framework of the supervisory process related to the European Social Charter;
 - 4.2. continue promoting the revised European Social Charter among the member states which have not yet ratified this authoritative instrument on modern social rights;
 - 4.3. continue encouraging member states which have not ratified the 1995 Additional Protocol providing for a system of collective complaints (ETS No. 158) to do so, and to invite them to secure to national non-governmental organisations the right to submit such complaints, following the good practice of Finland;
 - 4.4. urge the four Parties to the European Social Charter which have not yet ratified the Amending Protocol of 1991 (ETS No. 142) (known as the "Turin Protocol") do so as soon as possible, to allow proper application of the monitoring system prescribed by the Charter and to allow, finally, for the election of 9 of the 15 members of the European Committee of Social Rights by the Assembly;
 - 4.5. if the Turin Protocol does not come into force by June 2012, ensure that the Assembly can fully discharge its appointed function in the Charter's monitoring machinery as of 2013 by adopting a unanimous decision to that effect as was done on previous occasions to ensure the application of other provisions of the Turin Protocol.
5. Finally, the Assembly recommends that the Committee of Ministers take into account the results of the political monitoring which the Assembly will conduct in the coming years concerning the application of the Social Charter in the member states, including a general review of the development of social rights in the member states and a scrutiny of the responses made to the collective complaints submitted to the European Committee of Social Rights.

3. Draft recommendation adopted unanimously by the committee on 15 November 2010.

C. Explanatory memorandum by Mr Marquet, rapporteur

1. Introduction

1. In the present period of economic recession and more generally in a context of ongoing globalisation that may cause threats to social rights, it seems particularly important to review the position of the legal instruments concerning social rights in Europe and to continue to promote these. In this context, it should be pointed out that, at the Warsaw Summit (16-17 May 2005), the heads of state and government of Council of Europe member states agreed that the revised European Social Charter (ETS No. 163) was to be regarded as the basic core of social rights which all Council of Europe member states should guarantee for their citizens, especially the most vulnerable, and that it was also a means of co-ordinating social policies.

2. With a view to ensuring continued monitoring of commitments concerning social rights and to strengthening the promotion of the European Social Charter as the main instrument of European social rights, this report follows on from the previous work done on this subject by the Parliamentary Assembly, and particularly its [Resolution 1559 \(2007\)](#) on Europe's social dimension: full implementation of the revised European Social Charter and evaluation of new labour regulations and minimum wages and its [Recommendation 1795 \(2007\)](#) on the monitoring of commitments concerning social rights. The rapporteur relies on this earlier work in reiterating and emphasising certain points, such as the Assembly's role in the monitoring machinery of the Charter, while at the same time taking a new look at the Charter and its future evolution.

3. The rapporteur considers the current period to be a particularly favourable one in which to increase the support for the European Social Charter by member states, to reinforce the contribution of the Assembly to the promotion of social rights and the mechanisms surrounding the Charter, and to give increased visibility to the *acquis* of the Council of Europe in the field of social rights. All efforts undertaken in this regard during this period will contribute to honouring and showing the importance of a set of European instruments which will celebrate two anniversaries in 2011. The 50th anniversary of the European Social Charter and the 15th anniversary of the revised European Social Charter will be celebrated within the context of the festivities to be organised in Strasbourg on 18 October 2011.

2. The Social Charter and its various treaties: a review

2.1. Basic texts, monitoring mechanism and importance of the Charter

4. The European Social Charter is the counterpart of the European Convention on Human Rights (ETS No. 5) where fundamental economic and social rights are concerned. It comprises a set of treaties whose foundation-stones are the European Social Charter opened for signature in 1961 (ETS No. 35; entered into force in 1965) and the 1988 Additional Protocol thereto (ETS No. 128; entered into force in 1992), extending the rights secured by the Charter. These are supplemented by the 1991 Amending Protocol to the Charter (ETS No. 142) (to enter into force after all parties to the Charter have signed) and the 1995 Additional Protocol providing for a system of collective complaints (1995, ETS No. 158; entered into force in 1998).

5. The revised European Social Charter of 1996 (ETS No. 163; entered into force in 1999) combines in a single instrument the rights secured by the 1961 Charter and the new rights and amendments adopted by the parties. It is gradually replacing the initial treaty of 1961. The revised Charter takes into account the evolution of European society by including a number of new rights such as the right to protection against poverty and social exclusion, to housing, to protection in the event of dismissal and to protection against sexual and psychological harassment.

6. Like the European Convention on Human Rights, the European Social Charter is accompanied by a supervision system that ensures the observance of these rights by the states parties. The monitoring system in force is established by the 1961 Charter, and reinforced by the 1991 Amending Protocol and the 1995 Additional Protocol providing for a collective complaints procedure. It is also the 1991 Protocol that provides for the two principal organs associated with the Charter, a committee of independent experts, subsequently named the European Committee of Social Rights (ECSR), and the Governmental Committee of the European Social Charter, whose specific roles are defined in their respective rules of procedure.

7. The ECSR has the responsibility, notably, of ruling on the compliance of national situations with the European Social Charter, the Additional Protocol of 1988 and the revised European Social Charter, and of adopting "conclusions" as part of the reporting procedure and "decisions" under the collective complaints procedure; it is thus a quasi-judicial body. The procedure of reviewing the application of the Charter is based

on the national reports submitted by the states parties and the collective complaints procedure introduced by the 1995 Additional Protocol. States parties submit an annual report on the implementation of the Charter (in law and in practice) covering a selection of the Charter provisions which they have accepted. The ECSR examines the reports and decides on the conformity or otherwise of the national situations with the Charter.

8. The Governmental Committee's function is to prepare the decisions of the Committee of Ministers. Particularly in the light of the reports by the ECSR and the parties, it singles out, on reasoned grounds, according to considerations of social and economic policy, the situations which it feels should be the subject of recommendations to each party concerned. It presents the Committee of Ministers with a report which is subsequently published. The Committee of Ministers may then make a recommendation to the state in question, asking it to alter the situation in law or in practice.⁴

2.2. Progress made by member states in terms of ratification and application of the Charter and related treaties since 2007

9. A very full review of the signatures and ratifications of the revised European Social Charter was made in the context of the report of the Social, Health and Family Affairs Committee culminating in [Recommendation 1795 \(2007\)](#). Today, the aim is therefore not to repeat the same exercise, but to briefly recall and update the position in respect of signatures and ratifications in the light of the changes since 2007.

10. In [Recommendation 1795 \(2007\)](#), the Assembly noted that the revised European Social Charter had at that time been signed by 40 of the 46 Council of Europe member states and ratified by 23 member states, but that only France, the Netherlands and Portugal had accepted all of its provisions. In 2010, with reference to 47 member states (since the accession of Montenegro in 2007), the numbers have risen to 45 signatures and 30 ratifications, thanks to another seven ratifications, by Bosnia and Herzegovina (2008), Hungary (2009), Montenegro (2010), Russian Federation (2009), Serbia (2009), Slovak Republic (2009) and Turkey (2007). This tendency towards an ever-growing number of countries subscribing to the social rights enshrined in the revised European Social Charter is a welcome one. Notwithstanding this significant progress, 13 member states remain bound only by the 1961 Charter, seven of which are also bound by the 1988 Additional Protocol, which was intended to update its substantive content.

11. The rapporteur considers that widespread support for European social rights is assured by the fact that most member states are parties to one of the main instruments, either the 1961 European Social Charter or the revised European Social Charter. Only four states – Liechtenstein, Monaco, San Marino and Switzerland – have not ratified either of these treaties. Emphasis must, however, be placed on the need to make further progress in this respect: only the revised Charter corresponds to the major social issues arising in present-day Europe (gender equality, reconciliation of work and family life, population ageing, poverty and exclusion), so this should be the main reference document for all Council of Europe member states.

12. Most of the member states which have signed the revised Charter recently, at a time when ratification of the 1961 Charter remains possible, have clearly understood that this is the most appropriate instrument for the current social situation in Europe. Through the widest possible ratification of the revised Charter, member states should finally recognise and openly flag up that social rights are a significant component of human rights, which are one of the cornerstones of the Council of Europe and its work. During a recent exchange with the European Committee of Social Rights, the Secretary General of the Council of Europe, Mr Thorbjørn Jagland, stressed the indivisibility of human rights and the complementary nature of the Social Charter and the European Convention on Human Rights.

13. Regular monitoring of the Social Charter must also cover the 1991 Amending Protocol (known as the Turin Protocol) and the 1995 Additional Protocol. It should be remembered that, in the Turin Protocol, it was stated that the members of the European Committee of Social Rights were to be subject to the same election rules as the judges of the European Court of Human Rights. Article 3 of the Amending Protocol stipulates that the new Article 25 of the Charter shall read as follows: "The Committee of Independent Experts shall consist of at least nine members elected by the Parliamentary Assembly by a majority of votes cast from a list of experts of the highest integrity and of recognised competence in national and international social questions ...". Whereas most of the states parties to the 1961 Charter or to the revised Charter are already bound by the Turin Protocol, it still needs to be ratified by four states in order to enter officially into force (Denmark, Germany, Luxembourg, United Kingdom).

4. According to the Rules adopted on 29 March 2004 by the European Committee of Social Rights, itself set up by the European Social Charter, and the Rules of Procedure of the Governmental Committee adopted by the Committee on 16 May 2008.

14. The rapporteur regrets that despite the efforts made by various Council of Europe organs, including the Assembly itself, these four states do not seem prepared to ratify the protocol in the near future and that currently no other concrete measure has been taken to set up the monitoring mechanism foreseen in the Charter.

15. The 1995 Additional Protocol, for its part, confers the right to lodge complaints on both international and national employers' and workers' organisations, and on certain non-governmental organisations (NGOs) enjoying consultative status with the Council of Europe. To date, only 14 states have accepted the collective complaints procedure laid down by this protocol (two of them by declaration under Article D.2 of the revised Charter and 12 by their ratification of the protocol), and only Finland has secured this right to national NGOs, even though it is the NGOs that most actively uphold the rights enshrined in the Charter. The rapporteur considers that the efforts to remedy these situations should also be pursued further.

16. The Social Charter apparatus – overview:

<i>Treaty</i>	<i>Substance</i>	<i>Number of ratifications⁵</i>
European Social Charter of 1961 (ETS No. 35)	Fundamental social rights	43 member states
Additional Protocol of 1988 (ETS No. 128)	Extension of the rights covered by the Charter	13 member states
Amending Protocol of 1991 (ETS No. 142) (Turin Protocol)	Definition of the Charter's monitoring mechanisms (and other provisions)	23 member states
Additional Protocol of 1995 (ETS No. 158)	Introduction of collective complaints	12 member states
European Social Charter (revised) of 1996 (ETS No. 163)	Introduction of new rights in relation to the earlier treaties	30 member states

2.3. Remaining obstacles to the entry into force and implementation of all the instruments

17. In its reply to Assembly [Recommendation 1795 \(2007\)](#),⁶ the Committee of Ministers confirmed that some areas remained where the number of ratifications of the existing social instruments could be increased. These included: (1) the 1991 Amending Protocol (Turin Protocol), applied virtually in its entirety by decision of the Ministers' Deputies, but for which four ratifications were still lacking before it could come officially into force; (2) the collective complaints procedure, which was currently accepted by only 14 states; and (3) the acceptance of national NGOs' right to submit complaints. In this context, the Committee of Ministers invited member states to ratify the various instruments, but at the same time pointed out, particularly with respect to the election of members of the European Committee of Social Rights, that member states should discuss the question beforehand.

18. The steps taken to date with a view to the promotion of the various social rights instruments seem to lack consistency both within the Council of Europe and its main bodies, particularly the Committee of Ministers and the Parliamentary Assembly, and at national level. It is regrettable that, notwithstanding the fact that a majority of member states have expressed their preferences with respect to the mechanisms relating to the revised European Social Charter, not all member states are yet clearly united in favour of the same social rights instruments. It is a matter of deep concern that the Assembly, which is responsible for monitoring the European Social Charter and its other texts on a regular basis, is thus obliged to note the same shortcomings from one monitoring exercise to the next, without any genuine progress having been made for many years.

19. The rapporteur appreciates that the Committee of Ministers is bound to respect the wish of certain member states to abstain from certain ratifications, but recalls that it is also empowered to propose and apply other measures to secure the full application of the binding Council of Europe instruments, such as unanimous decisions of the Committee of Ministers on individual aspects of given instruments. As regards the Turin Protocol in particular, the Committee of Ministers might accordingly propose that the Social Charter monitoring mechanism providing for the election of nine members of the European Committee of Social Rights by the Assembly be fully applied by means of a unanimous decision of its organ, thereby making it possible for reluctant member states not to accede to other provisions of this protocol.

5. As at 15 November 2010.

6. Reply of the Committee of Ministers, adopted at the 1027th meeting of the Ministers' Deputies (21 May 2008).

2.4. Future development of the revised European Social Charter: taking account of current challenges

20. Over and above the shortcomings which remain in terms of signatures and ratifications, and in respect of full implementation of the provisions concerning the monitoring mechanism, the Charter must continue to develop in future in order to remain a European reference instrument. As already proposed by the Assembly in [Resolution 1559 \(2007\)](#), the European Social Charter should take greater account of increasing market liberalisation (including freedom of movement of workers and services and freedom of establishment) and set limits to these processes. Much more recent developments should prompt the competent bodies to consider addressing still other issues, for example the right to health, including to a healthy environment; a regular topic of Assembly debates. The implementation should be reinforced concerning other rights, such as the rights of handicapped persons to independence, social integration and participation in the life of the community.

21. As already suggested, the developments observed on a world scale should be taken into account to a greater extent in discussions relating to the social rights instruments. The rapporteur reiterates the idea of member states taking more account of the challenges of globalisation, increasing European debate of these and raising these discussions to global level, so that a true social impetus is given to globalisation. He feels certain that, in this kind of debate, the European Social Charter will be able to become the main reference document.

22. Looking beyond the challenges already addressed above, the rapporteur points out that the Assembly had also proposed a development of the Charter towards a role as a reference instrument for individual complaints. In accordance with [Recommendation 1354 \(1998\)](#) on the future of the European Social Charter and [Recommendation 1415 \(1999\)](#) on an additional protocol to the European Convention on Human Rights concerning fundamental social rights, this could be achieved by making amendments to the two instruments concerned. All member states are invited to bear in mind this possible ambitious development of the European Social Charter machinery in the years to come, although it would already be fully satisfactory if some progress could be made in terms of the other shortcomings noted in the present report.

3. The role of the Parliamentary Assembly with regard to the monitoring of commitments concerning social rights

23. In the present context of increasing globalisation and the ongoing economic crisis faced by our societies, the rapporteur is frankly in favour of a more significant role for the Assembly as regards the promotion, monitoring and future development of the Social Charter as a whole. This development of the Assembly's role has the outright support of most member states.

24. A strong role for national parliaments, represented by the Assembly, was first acknowledged by the member states that ratified the Turin Protocol (23), thus consenting to the Assembly's direct involvement in electing the 15 members of the European Committee of Social Rights who are today all elected by the Committee of Ministers of the Council of Europe. Thus, the Turin Protocol provides under its Article 3, referring to the new Article 25 of the Social Charter: "The Committee of Independent Experts shall consist of at least nine members elected by the Parliamentary Assembly by a majority of votes cast from a list of experts of the highest integrity and of recognised competence in national and international social questions, nominated by the Contracting Parties". This function of the Assembly, explicitly prescribed in the Social Charter's monitoring mechanism, should, at last, be speedily put into effect in order to place the supervision of this central social rights instrument on a more democratic footing and thus reinforce its legitimacy.

25. A clear majority of member states (30), in ratifying the revised European Social Charter, also endorsed the idea of continuing to ensure that the Social Charter would evolve and continue to be a modern, vital instrument. Any future development of the Social Charter, for example via the introduction of new rights, necessarily requires a substantial contribution from the national parliaments. The Assembly should therefore systematically develop its function as a source of encouraging reflection and stimulating debate on social rights.

26. The Assembly's debates should be founded in particular on substantive reports on the honouring of social rights in the member states; these could address the topic from different angles and, for instance, analyse the application of European standards through national legislation, national policies designed to implement the relevant European or national law (exchange of good practice), or following up specific collective complaints and their reception by the Committee of Ministers and the member states. By proposing current affairs debates of this kind on social rights and subsequently ensuring conscientious reporting to the national parliaments and governments, the Assembly would continue its own promotion of the ratification and implementation of the Social Charter at European level. It would furthermore be able to make a genuine

impact on the future development of social rights and on the widening of the Council of Europe *acquis* to accommodate new rights such as the right to health, a subject regularly broached in the Assembly for some years, or still other rights awaiting closer consideration. By thus approaching social rights from a political rather than a legal perspective, the Assembly would moreover clearly distinguish itself from, and complement, the legal monitoring mechanisms already applied by the ECSR and the Committee of Ministers.

27. Substantive debates of this kind on European social rights should moreover be held in close co-operation with the competent Council of Europe organs, the ECSR and the Governmental Committee, whose representatives have repeatedly signified their readiness for an exchange with the Assembly and acted upon it forthwith: in 2010 alone, a vice-president of the ECSR had an exchange of views with the Social, Health and Family Affairs Committee, whose chairperson was invited to address the members of the ECSR, a body which normally meets in private. Besides these Council of Europe organs, co-operation should also be strengthened with other international or European organisations such as the European Parliament, which regularly deals with social rights in the context of its “European social dialogue”.

28. In a very tangible way, where the organisation of the Assembly’s debates is concerned, the regular reports on social rights should ideally supplement the biennial debates on the situation of human rights prepared by the Committee on Legal Affairs and Human Rights, and follow the pattern of the reports presented by the Monitoring Committee, without unduly overlapping them but rather bringing a complementary political focus. This procedure could also foster a perception of social rights for what they are truly worth among the fundamental rights upheld by the Council of Europe.

29. The rapporteur would like to point out that all too often economic and social rights are still regarded as “ambitions” rather than human rights, although they are embodied in the Universal Declaration of Human Rights of 1948 and are part of many widely accepted international treaties on human rights. This initial confusion explains to some extent why two separate treaties were adopted by the Council of Europe: the European Convention on Human Rights, with respect to civil and political rights, and the European Social Charter with respect to social and economic rights. However, the interdependence between them has been recognised by their respective supervisory bodies, and the Assembly, for its part, ought not to miss any opportunity to emphasise this indivisibility of human rights.

30. Nor should it be forgotten that the European Court of Human Rights, at a very early stage in its case law, declared that there was no watertight division separating the sphere of social rights from the field covered by the Convention. The European Committee of Social Rights has stated that the Social Charter complements the European Convention on Human Rights and that the rights guaranteed by the Charter are not an end in themselves, but supplement the rights enshrined in the Convention. This approach could also be adopted by the Assembly and reflected in its own debates, so as to ensure that these are in line with the other activities of the Council of Europe. Lastly, with a view to the indivisibility of human rights and social rights, it certainly seems illogical that the Council of Europe standards relating to social rights are not ratified by all member states in the same way as the European Convention on Human Rights.⁷ The present report should once more be an occasion to convey this crucial idea to all parties concerned by the Social Charter, namely the Committee of Ministers and its organs, the member states, the national parliaments and the experts on social rights.

4. Conclusions

31. In conclusion, it seems that, as it already did in the context of [Recommendation 1795 \(2007\)](#), the Assembly should again encourage the States Parties to the European Social Charter to ensure that this instrument becomes a true reference framework for European social policy, thus enabling it to contribute to the development of countries’ own social policies and legislation. The rapporteur welcomes the state of signatures and ratifications in 2010, with clear progress having been made since the Assembly’s previous report in 2007, but considers that the parties to the revised European Social Charter should multiply their efforts to comply at national level with the provisions which they have accepted.

32. As far as the European Social Charter machinery is concerned, the Assembly should also ask the Committee of Ministers to take the necessary measures so that the Assembly can elect members of the European Committee of Social Rights next time that partial renewal of the committee membership is due, at the same time asking national parliaments to express support for this step to their respective governments. In

7. Also according to a “Viewpoint” issued by Thomas Hammarberg on 16 October 2006, “Social rights require adequate protection in Europe too”.

addition to its own involvement in the decision-making machinery, the Assembly should again urge member states to recognise all the rights enshrined in the Charter, such as national NGOs' right to submit collective complaints.

33. Looking beyond the more formal questions relating to ratification and implementation of the various instruments, the Assembly itself should take measures to strengthen its role as a forum encouraging reflection and animating debates centring on social rights. In this context, it is important to strengthen dialogue at various levels, both within the Council of Europe with the European Committee of Social Rights and the Governmental Committee and with outside partners, particularly the International Labour Organization and the organs of the European Union (European Parliament, etc.). That could also help to raise the profile of the European Social Charter and increase the Council of Europe's role and impact in the field of social rights.