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Monitoring of commitments concerning social rights

Reply to Recommendation¹: Recommendation 1958 (2011)

Committee of Ministers

1. The Committee of Ministers welcomes Parliamentary Assembly [Recommendation 1958 \(2011\)](#) on “Monitoring of commitments concerning social rights”, which it considers as a timely contribution to the celebration in 2011 of the 50th anniversary of the European Social Charter (ETS No. 35) and the 15th anniversary of the revised European Social Charter (ETS No. 163). It has transmitted the recommendation to the member States’ governments for information. On 25 May and 15 June 2011, the Committee of Ministers held debates on the European Social Charter, with a view, *inter alia*, to preparing the Charter’s anniversary.

2. The Parliamentary Assembly rightly notes the Council of Europe member States’ strong support for the Social Charter instruments, the great majority of which have acceded to some or all of the treaties constituting the European Social Charter. On the occasion of the 50th anniversary of the Charter, the Committee of Ministers adopted a declaration in which it reaffirmed the paramount role of the Charter in guaranteeing and promoting social rights on our continent. The Committee of Ministers shares the Assembly’s view that it is a propitious time to remind all parties and bodies involved of the importance of the Social Charter mechanisms for the protection of social rights. For this reason, it has invited member States and relevant bodies of the Council of Europe to increase their efforts to raise awareness of the Charter at national level amongst legal practitioners, academics and social partners as well as to inform the public at large of their rights.

3. In respect of the specific recommendations made by the Assembly, the 50th anniversary of the Charter provided an opportunity for the Committee of Ministers to reaffirm that all human rights are universal, indivisible, interdependent and interrelated (paragraph 4.1. of the Assembly recommendation). The Committee of Ministers also underlined the particular relevance of social rights and their guarantee in times of economic difficulties, in particular for individuals belonging to vulnerable groups. In this context, it further welcomed the numerous examples of measures taken by States Parties to implement and respect the Charter, and called on governments to take account, in an appropriate manner, of all the various observations made in the conclusions of the European Committee of Social Rights and in the reports of the Governmental Committee. Moreover, the Committee of Ministers affirmed its determination to support States Parties in bringing their domestic situation into conformity with the Charter and to ensure the expertise and independence of the European Committee of Social Rights.

4. The Committee of Ministers notes the great number of ratifications of the Charter instruments since the Second Summit of Heads of States and Governments. On the occasion of the 50th anniversary of the Charter, it called on all those member states that have not yet ratified the revised European Social Charter, or have not accepted the collective complaints mechanism, to consider doing so (paragraphs 4.2., 4.3. and 4.4.)

5. The Committee of Ministers notes also the Assembly’s request that, pending the entry into force of the Turin Protocol, it should take a decision to allow for the election of the 15 members of the European Committee of Social Rights by the Assembly (paragraph 4.5.). It does not consider it appropriate, however, to take such a measure at the present stage.

1. Adopted at the 1129th meeting of the Ministers’ Deputies (7 December 2011).



6. With respect to the Assembly's request that the Committee of Ministers revises the collective complaints procedure so as to allow the Assembly and other stakeholders to intervene as a third party (paragraph 4.6.), the Committee of Ministers observes that the collective complaints procedure has so far only been accepted by a limited number of member states. For this reason, it does not consider it wise to revise this instrument for the time being.

7. Finally, the Committee of Ministers observes that the Parliamentary Assembly will conduct political monitoring 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 and a follow-up to the European Committee of Social Rights' decisions on the merits of collective complaints (paragraph 5). It will follow this work closely and welcomes the fact that the Assembly will thereby fulfil the role given to it in Article 29 of the 1961 Charter as amended by the Turin Protocol.