Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Opinion 106 (1981)[1]

Sixth period of supervision of the application of the European Social Charter

Parliamentary Assembly

The Assembly,

1. Considering that in 1981 the twentieth anniversary of the signature of the European Social Charter will be celebrated ;

2. Welcoming in this respect the work already started by the member governments for updating the Social Charter in compliance with Recommendation 839 of the Parliamentary Assembly ;

3. Having regard to Part IV of the European Social Charter, and in particular to Articles 28 and 29, dealing with consultation of the Assembly on its application ;

4. Having examined the conclusions of the Committee of Independent Experts regarding the supervision of the application of the Charter during the period 1976-77, and particularly Article 1, paragraph 1, Article 1, paragraph 4, in conjunction with Articles 9, 10 and 15, Article 12, paragraph 4, Article 18, paragraphs 1, 2 and 3, and Article 19, paragraphs 4, 6, 8 and 10, and having also considered the sixth report of the Governmental Committee on the European Social Charter ;

5. Welcoming the fact that more states have ratified the Social Charter, that other states already bound by the instrument have accepted further obligations, and that the application of the Charter has further improved, thanks to the adoption in various states of new laws, regulations and practices bringing national rules into line with the provisions of the Charter ;

6. Noting, however, with regret that the provisions accepted by the states which have ratified the Charter are not always fully applied, and that the Committee of Ministers, whilst having communicated Opinion No. 95 (1979) of the Assembly to the Contracting Parties and having drawn the attention of the governments of these states to the observations made in the opinion, concerning which steps might have to be taken to bring legislation and practice more fully in line with the obligations ensuing from the Charter, has not so far made any specific recommendations to the governments of Contracting Parties who fail fully to respect their obligations ;

7. Considering that it is still necessary, in view of the persistence of the recession, to give special attention to those provisions of the Charter which concern the achievement of full employment, in order to counter unemployment and underemployment, particularly among young people, women and immigrant workers, and to ensure that governments do their utmost to foster vocational guidance, vocational training and vocational resettlement of both nationals and immigrants,

8. Recommends that the Committee of Ministers, with a view to improving the application of the Charter, address recommendations to those countries which do not fully comply with the instrument, and in particular :

a. recommend that the governments of all Contracting Parties adopt policies aimed at achieving and maintaining as high and stable a level of employment as possible, with a view to the attainment of full employment in accordance with Article 1, paragraph 1, of the Charter ;

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1. See Doc. 4736, report of the Committee on Social and Health Questions. Text adopted by the Standing Committee, acting on behalf of the Assembly, on 1 July 1981.

b. address recommendations :

1. to the Federal Republic of Germany, concerning the application of Article 1, paragraph 4, and Article 10, paragraphs 1 and 2 ;
2. to Austria, Denmark, France, Iceland, Italy and Norway, to urge them to conclude whatever agreements are necessary to make good certain shortcomings observed in the application of Article 12, paragraph 4 ;
3. . to Denmark, the Federal Republic of Germany, Ireland and the United Kingdom, concerning the application of Article 18, paragraphs 2 and 3 ; to France, concerning the application of Article 18, paragraph 3 ;
4. to France and to the United Kingdom, concerning the application of Article 19, paragraph 4 ;
5. to Austria and the United Kingdom, concerning the application of Article 19, paragraph 6 ;
6. to the Federal Republic of Germany, Ireland, Sweden and the United Kingdom, concerning the application of Article 19, paragraph 8 ;

9. Invites the Committee of Ministers to revise without delay the supervision procedure of the Charter, so as to reduce the time-lag between reference periods of the control and adoption of the final resolutions, which is at present inadmissibly long and, therefore, diminishes the accuracy of the work of the supervision instances.