Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Opinion 113 (1983)[1]

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

Parliamentary Assembly

The Assembly,

1. Having regard to Part IV of the European Social Charter, notably Articles 28 and 29 on consultation with the Assembly on the application of the Charter ;

2. Having examined the conclusions of the Committee of Independent Experts concerning the supervision and application of the Charter during the period 1978-79, and having taken into consideration the 7th Report of the Governmental Committee of the European Social Charter ;

3. Noting with satisfaction that all the states which submitted their two-yearly reports for the seventh supervision period have made further progress in the application of the Charter by virtue of the adoption of new statutory requirements and governmental or administrative decisions, and the opening of negotiations between a number of states with a view to new bilateral international agreements ;

4. Regretting that no national workers' organisations availed themselves of the right, conferred on such organisations by Article 23 of the Charter, to submit comments on the two-yearly reports by the governments of their respective countries, and that only one employers' organisation submitted such comments ;

5. Observing that, despite progress in the application of the Charter by the Contracting Parties, some of the provisions they accepted are still not fully implemented ;

6. Observing also that, although there are still certain differences of opinion between the Committee of Independent Experts and the Governmental Committee on the interpretation and application of several provisions of the Charter, the two supervisory bodies expressed convergent views on several issues, and both admitted that various states were not fully implementing a number of provisions of the Charter ;

7. Considering it necessary, for the purpose of ensuring effective supervision and observance of the undertakings given, to draw the attention of the governments of the states in question, pursuant to Article 29 of the Charter, specifically to the application of those provisions of the Charter which both the Committee of Independent Experts and the Governmental Committee consider are not being fully complied with,

8. Accordingly recommends that the Committee of Ministers make specific recommendations, with a view to improving the application of the Charter, to the following states :

a. Cyprus, Ireland and Italy, in respect of the application of Article 3, paragraph 1 ; Italy, in respect of the application of Article 3, paragraph 2 ;

b. Austria and Italy, in respect of the application of Article 8, paragraph 2 ; Italy and Sweden, in respect of the application of Article 8, paragraph 3 ;

c. Austria, in respect of the application of Article 10, paragraph 2 ;

d. Italy and the United Kingdom, in respect of the application of Article 13, paragraph 1 ;

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1. Assembly debate on 28 January 1983 (28th Sitting) (see Doc. 4983, report of the Committee on Social and Health Questions). Text adopted by the Assembly on 28 January 1983 (28th Sitting).

e. The United Kingdom, in respect of the application of Article 15, paragraph 1 ;

f. Austria and the United Kingdom, in respect of the application of Article 19, paragraph 6.