Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Opinion 117 (1983)[1]

Some provisions of the European Social Charter which have not been accepted

Parliamentary Assembly

The Assembly,

1. Having regard to Part IV of the European Social Charter, and in particular to Articles 22 and 28 ;

2. Noting that the Committee of Ministers has, for the second time, asked states bound by the Charter to submit a report on certain non-accepted provisions in that instrument ;

3. Having examined the second report of the Committee of Independent Experts on certain non-accepted provisions of the Charter, which analyses the reports submitted by contracting states as requested by the Committee of Ministers, and having taken into consideration the second report on the same subject submitted by the Governmental Committee of the European Social Charter ;

4. Observing that the reports requested from the Contracting Parties by the Committee of Ministers concerned the following provisions of the Charter : Article 2, paragraph 4 (working conditions for workers in dangerous or unhealthy occupations) ; Article 7, paragraph 4 (working hours of persons under 16 years of age) ; Article 8, paragraph 4 (regulation of night work and prohibition of dangerous, unhealthy or arduous work for women workers) ; Article 19, paragraph 8 (security against expulsion) ;

5. Considering that this procedure has enabled a number of states to review their legislation or practice regarding some of the above matters covered in their reports, and hence to consider the possibility of accepting further provisions of the European Social Charter ;

6. Concluding that the procedure established under Article 22 of the Charter has thereby fully proved its worth,

7. Recommends that the Committee of Ministers :

   7.1. ask the governments of states whose legislation or practice already meets the requirements of any of the provisions of the Charter referred to in paragraph 4 above to accept such provision or provisions formally ;

   7.2. ask the governments of states whose legislation or practice appears relatively close to meeting the standard of protection required by the Charter to adopt measures enabling them to accept the aforementioned provisions ;

   7.3. ask the governments of states whose legislation or practice is still far short of the level of social protection required by the Charter under the aforementioned provisions to consider gradually approximating their standards to the requirements for the acceptance of those provisions ;

8. Requests the Committee of Ministers to continue applying Article 22 of the Social Charter regularly, and to associate the Assembly with the selection of the provisions on which national reports are to be submitted ;

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1. Assembly debate on 28 September 1983 (13th Sitting) (see Doc. 5106, report of the Legal Affairs Committee) Text adopted by the Assembly on 28 September 1983 (13th Sitting).

9. Hereby asks the Committee of Ministers to invite the following governments of member states : Belgium, Greece, Liechtenstein, Luxembourg, Malta, Portugal, Switzerland and Turkey, which have not ratified the Social Charter, to do everything possible with a view to ratifying the Charter.