Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Opinion 128 (1986)[1]

Ninth supervision cycle of the application of the European Social Charter

Parliamentary Assembly

The Assembly,

1. Considering that the system for supervising the application of the European Social Charter, as designed and operated particularly at Committee of Ministers level, is far from generally satisfactory in the eyes of the Assembly, despite the few positive changes made in recent years ;

2. Having regard to Part IV of the European Social Charter, in particular to Articles 28 and 29, which require the Assembly to be consulted on its application ;

3. Having examined the conclusions of the Committee of Independent Experts on supervision of the application of the charter during the period 1982-83 (ninth supervision cycle) in six of the contracting states (Denmark, Iceland, Norway, the Netherlands, the United Kingdom and Sweden),and having also taken into consideration the 9th report of the Governmental Committee of the European Social Charter ;

4. Welcoming the increasing convergence between the conclusions of the Committee of Independent Experts and those of the Governmental Committee ;

5. Noting with satisfaction that, as during the previous supervision cycles, further progress has been made on several points in the various countries towards the achievement of the European Social Charter's objectives through the adoption of statutes, regulations and practices ensuring better application of the charter ;

6. Noting once again, however, that whereas well-advised measures have been taken in several countries with a view to counteracting the effects of the economic crisis, such as the adoption of arrangements to improve the vocational training of young people, there has been no such improvement in other cases, as evidenced, for example, by certain measures to reduce the earnings of young people ;

7. Considering that the time has come to draw the attention of governments to the specialimportance which should be attached to observance of undertakings given under the EuropeanSocial Charter, in particular as regards the protection of young people (Article 7) and the abolition of all discrimination between men and women at work (Article l, paragraph 2, and Article 4, paragraph 3), and to call on them to remove all deficiencies noted in the application of theseprovisions ;

8. Considering also that the states bound by the charter which have not yet fully accepted its provisions relating to the above-mentioned problems, namely Article 7 on the protection of children and young persons and Article 4, paragraph 3, on equal pay for men and women for work of equal value, should be called on to implement the necessary procedures for the acceptance of those provisions ;

9. Regretting that vis-à-vis the member states which have not yet ratified the Social Charter the Committee of Ministers has taken no action to secure such ratification,

1. Text adopted by the Standing Committee, acting on behalf of the Assembly, on 3 July 1986.

10. Accordingly recommends that the Committee of Ministers :

10.1. ask those member states which have not yet ratified the Social Charter to indicate why they havenot yet done so and to ratify it in a reasonably near future ;

10.2. make specific recommendations to the following member states in accordance with Article 29 of the Social Charter :

a. Sweden, as regards the application of Article 7, paragraph l

b. the Netherlands, the United Kingdom and Sweden, as regards the application of Article 7, paragraph 3 ;

c. the Netherlands and the United Kingdom, as regards the application of Article 7, paragraph 5 ;

d. Norway, as regards the application of Article 7, paragraph 6 ;

e. Sweden, as regards the application of Article 7, paragraph 9 ;

11. Likewise recommends that the Committee of Ministers draw the attention of all contractingstates to the desirability of implementing the necessary procedures for the acceptance (in caseswhere they have not yet been accepted) of the provisions of Article 7, paragraphs l to l0, andArticle 4, paragraph 3, of the charter, as well as to the need to give full effect to thoseprovisions and to those of Article l, paragraph 2, which has already been accepted by allcontracting states ;

12. Reiterates its intention to seek means of supplementing the supervision of the Social Charter by a more thorough political examination of current social policies, notably by the introduction of the ‘‘social balance sheets" already proposed in its Recommendation 1022 and envisaged in the Secretary General's draft medium-term plan.