Parliamentary Assembly
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COUNCIL OF EUROPE
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Eleventh supervision cycle of the application of the Council of Europe's European Social Charter

Parliamentary Assembly

The Parliamentary Assembly's involvement in the procedure for supervision of the Social Charter (see Part IV of the Charter, Articles 28 and 29) gives it an opportunity of pointing out that the Social Charter and the European Convention on Human Rights, of which the first enshrines social and economic rights, and the second mainly civil and political rights, must be seen as being of equal importance, closely linked and complementary.

The Assembly is convinced that giving the Social Charter a new impetus is both highly desirable on the eve of the European Community's Single Market, and politically opportune in view of the changes in Central and Eastern Europe and the emphasis laid on the economic and social justice aspects of the CSCE process in the Paris Charter.

None the less, there remains a striking contrast between the status accorded to the European Social Charter and that accorded to the European Convention on Human Rights by member states, both in their ratification of those texts and in the means and resources which they devote to making them work. The Social Charter has not received its due, and the public at large knows little of its content ; moreover, its supervisory procedure is not in keeping either with its value or its content.

If the notion of a ‘‘European social area" is to have any real credibility, the social rights recognised in the Charter must be made the central element of social policy in all the democratic states of Western and Eastern Europe, and all the Community states must accept them forthwith, thus removing any doubts concerning their determination to open up towards the so-called ‘‘post-communist" societies.

The Assembly accordingly :

1. welcomes the launching by the Committee of Ministers, in the wake of the informal Ministerial Conference on Human Rights (Rome, 5 November 1990), of a process of reflection and consultation designed to improve both the Charter and its workings ;

2. recalls its numerous, earlier proposals on this question, particularly concerning the supervision procedure (see Recommendation 839 (1978)), and declares its active support for this intitiative and its desire to contribute constructively to it.

Within this context and without there being any need to await the outcome of the action taken to revitalise the Charter, the Assembly asks the Committee of Ministers

1. to urge all member states which have not yet done so, and all new member states to sign the Social Charter, thus indicating their acceptance of the social values and rights which it enshrines and protects, and their wish to form part of a single European social area ;

2. to take practical action to secure even partial ratification of the Charter by states which have not yet done so, using all appropriate means for that purpose, including regular, formal examination of the reasons given by these states for non-ratification, and the legal validity of these reasons.

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1. See Doc. 6395, report of the Social, Health and Family Affairs Committee, Rapporteur : Mr Beix. Text adopted by the Standing Committee, acting on behalf of the Assembly, on 11 March 1991.

Accordingly, and having examined Conclusions XI-1 of the Committee of Independent Experts of the European Social Charter and the corresponding report of the Governmental Committee, the Assembly asks the Committee of Ministers to make use of the powers given to it by Article 29 and :

1. while noting with satisfaction the social progress recorded in the various states concerned, to urge these states to respect all their commitments under the Charter, as defined by the Committee of Independent Experts ;

2. to urge, in particular, each of the states concerned to ensure at the earliest possible date :

   a. that all employed or self-employed men and women in industry, farming, the service industries and all other sectors of activity have safe and healthy working conditions (Article 3 of the Charter), bearing in mind our growing awareness of the health risks caused by the environment (including the working environment), technological change, the increased presence of women on the labour-market, etc. ;

   b. that all women can genuinely reconcile their desire to have children with the exercise of a professional activity, by granting them maternity or parental leave in conditions which preserve their living standards, acquired rights and legitimate professional aspirations, protect them against unlawful dismissal and respect the physical integrity and health of mothers, as well as the health and interests of children (Article 8 of the Charter) ;

   c. that the right to family life does not remain a dead letter, but is granted in practice to all migrant workers in Europe through effective and generous application of Article 19, paragraph 6, of the Charter, the elimination between Contracting Parties of all direct or indirect obstacles to family reunion, and the extension of this basic right to all aliens lawfully resident in their territory, as urged in the appendix to the Social Charter.