Parliamentary Assembly
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COUNCIL OF EUROPE
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Opinion 160 (1991)[1]

Certain provisions of the Social Charter of the Council of Europe which have not been accepted

Parliamentary Assembly

1. The Council of Europe's Social Charter is a catalogue of social rights which states that ratify the Charter may accept on an ‘‘à la carte" basis so they do not necessarily have to subscribe to all nineteen articles at once. The ultimate objective is nevertheless to achieve full acceptance of all the social rights embodied in the Charter ; with this in mind, the Contracting Parties are requested, in principle at regular intervals, to submit reports on the articles or paragraphs they have not accepted (procedure under Article 22).

2. The Assembly is therefore pleased to note that, in accordance with Article 22, the Committee of Ministers has, for the third time,[2] invited the states party to the Charter to submit reports on certain provisions they have not accepted, namely :

2.1. reasonable daily and weekly working hours (Article 2, paragraph 1) ;

2.2. the right of young workers and apprentices to a fair wage or other appropriate allowances (Article 7, paragraph 5) ;

2.3. inclusion of the time spent by young persons in vocational training as part of the normal working day (Article 7, paragraph 6) ;

2.4. minimum of three weeks' annual holiday with pay for employed persons under 18 years of age (Article 7, paragraph 7).

3. The Assembly has examined the situations in the countries concerned (Austria, Cyprus, Denmark, Sweden, United Kingdom, Iceland and Ireland) in the light of the 3rd Report of the Committee of Independent Experts and the report on the same subject presented by the Governmental Committee.

4. It confirms its conviction regarding the usefulness of this critical examination in identifying and eliminating the real or imaginary obstacles to acceptance of the provisions concerned, thereby achieving a situation in which all the Contracting Parties share the same social values and together constitute a single European social area.

5. However, it also points out the current limitations to this procedure : the excessive lapse of time since the procedure was last implemented, the small number of additional articles or paragraphs that have been accepted since the Charter came into force, the fact that it is limited to those Contracting Parties already bound by the Charter.

6. Accordingly, and subject to the renewal of the Social Charter foreseen for Turin in October 1991, the Assembly recommends that the Committee of Ministers :

6.1. implement this procedure on a regular basis, preferably every two years, linking the reports submitted by virtue of Article 22 to those on accepted provisions, submitted under Article 21, so that both reports can be examined together ;

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1. Assembly debate on 24 September 1991 (17th Sitting) (seeDoc. 6476, report of the Social, Health and Family Affairs Committee, Rapporteur : Mr Beix). Text adopted by the Assembly on 24 September 1991 (17th Sitting).
2. The first two procedures under Article 22 date back to 1982 and 1983.

6.2. implement a procedure on the same grounds and for the same purpose as the procedure under Article 22, along lines yet to be defined, with a view to determining the current situation of social rights in Council of Europe member states which have not ratified the Charter, and the reasons and obstacles behind their failure to do so ;

6.3. invite the states concerned, in the light of the conclusions reached by the supervisory organs of the Charter, to bring their legislation and practice into line with the provisions of the Charter mentioned in paragraph 2 above, with a view to their acceptance in the near future ;

6.4. urge the states concerned to pay particular attention to the status and protection of employed persons under 18 years of age; employment is the principal means of socially integrating young people and priority must be given to facilitating their search for jobs; but measures taken with this in mind must not result in their becoming cheap labour, underpaid and rejected as soon as they are adults. Conditions of work, including pay, for this category of workers must be fair ; in particular, all young people throughout Europe must be given at least three weeks' annual leave with pay, considering that most adult workers nowadays have four or five weeks' annual leave.