



Opinion 185 (1995)¹

Draft revised European Social Charter

Parliamentary Assembly

1. The Assembly welcomes the draft revised Social Charter and points out that it considers this revised text as a real improvement, in particular as a large part of the proposals made by the Assembly in [Recommendation 1168 \(1991\)](#) on the future of the Social Charter of the Council of Europe have been taken into account. It therefore very much hopes that it will be adopted by the Committee of Ministers as soon as possible.
2. The Assembly also hopes that this instrument will be ratified by member states.
3. In this connection, the Assembly recalls that thirteen member states have not yet ratified the existing Charter. It considers that this updating should be the opportunity for them to rethink their position. Ratification of the European Social Charter or of the revised Charter should be considered as one of the most important steps taken by states in their capacity as members of the Organisation. Since the Assembly recently in its reports on the accession of new member states has expressed the wish that they ratify the Charter, it would like to make a similar request to those member states which have not yet taken this step.
4. The Assembly recalls its [Opinion No. 167 \(1993\)](#) on the draft second additional protocol to the Social Charter of the Council of Europe providing for a system of collective complaints where it unreservedly welcomed the strengthening of the supervisory system of the Social Charter by means of a collective complaints procedure. The Assembly finds it extraordinary that despite this opinion and the full support expressed by the social partners, the Committee of Ministers has still not adopted the protocol elaborated by the expert committee. It therefore urges the Committee of Ministers to adopt this text as soon as possible, and that Article D of Part III of the revised Charter be maintained.
5. As regards the scope of the revised Charter in terms of persons protected, the Assembly fully understands that it should be limited as far as foreigners are concerned to those lawfully residing or working regularly within the territory of the party concerned. However, it shares the view that the scope should not in addition be limited only to nationals of the Contracting Parties since the scope of the Charter should be as similar as possible to that of the European Convention on Human Rights. Therefore, the Assembly is in favour of deleting the text between brackets at the beginning of the appendix.
6. Moreover, on the issue of whether or not to include a provision to the effect that the Committee of Ministers may at a later stage invite the European Union to accede to the revised Social Charter, the Assembly has always felt that the accession of the European Union is extremely important, for political as well as practical reasons. It therefore urges retention of Article L of the revised Charter.
7. Finally, the Assembly suggests that the revised text, in order to distinguish it from the previous one and from the Community Charter and also to clearly indicate that a new human rights instrument has been adopted, be called "European Charter on Social and Economic Rights".

1. See [Doc. 7243](#), report of the Social, Health and Family Affairs Committee, rapporteur: Mr Rathbone. Text adopted by the Standing Committee, acting on behalf of the Assembly, on 15 March 1995.

