Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Recommendation 1795 (2007)[1]

Monitoring of commitments concerning social rights

Parliamentary Assembly

1. The revised European Social Charter (ETS No. 163) – which replaces the 1961 European Social Charter (ETS No. 35) and the 1988 Additional Protocol to the European Social Charter (ETS No. 128) – entered into force on 1 July 1999. It has been signed by 42 of the 47 Council of Europe member states and ratified by 23, but only France and Portugal have accepted all of its provisions.

2. The Parliamentary Assembly underlines that the participants at the 3rd Summit of Heads of State and Government of the Council of Europe in Warsaw on 16 and 17 May 2005 agreed that the revised European Social Charter was to be regarded as the basic core of social rights which all Council of Europe member states should guarantee for their citizens, especially the most vulnerable, and that it was also a means of co-ordinating social policies.

3. The Assembly regrets that the various reservations mainly concern the ageing of the population, migration, poverty and social exclusion.

4. It notes that the revised European Social Charter has made a major contribution to the honouring of the commitments entered into by the parties and is pleased that, in most cases, countries have taken steps to bring their domestic situation into line with the Charter.

5. The Assembly recalls that the 1995 Additional Protocol Providing for a System of Collective Complaints (ETS No. 158) acknowledges the right of international and national organisations of employers and trade unions, and some non-governmental organisations (NGOs) holding participatory status with the Council of Europe to lodge complaints. Unfortunately, however, only Finland has granted national NGOs this right to date, even though NGOs are the most active in defending the rights enshrined in the Charter.

6. The Assembly therefore believes that national NGOs should be more closely involved in the supervisory system, in particular by being allowed to attend meetings of the governmental committee.

7. In Recommendations 1354 (1998) on the future of the European Social Charter and 1415 (1999) on an additional protocol to the European Convention on Human Rights concerning fundamental social rights, the Assembly proposed in particular that individuals should be allowed to lodge complaints, given the right of anyone denied the enjoyment of their rights to appeal to the courts, while pointing out that "there can be no genuine democracy without recognition of all human rights, including social rights", and that civil and social rights are not just indivisible but also interdependent and complementary.

8. The Assembly also notes and regrets that, in reports presented by the Commissioner for Human Rights, the social rights set out in the Charter figure far less prominently than rights covered by other human rights instruments, in particular the European Convention on Human Rights (ETS No. 5).

9. The Assembly recalls that it was agreed in the Turin Protocol that the members of the European Committee of Social Rights (ECSR) would be subject to the same election rules as the judges of the European Court of Human Rights and is disappointed that no practical measures to this effect have been taken to date.

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1. Text adopted by the Standing Committee,acting on behalf of the Assembly, on 24 May 2007 (seeDoc. 11234, report of the Social,Health and Family Affairs Committee, rapporteur: MrEvin).

10. The Assembly underlines the importance of strengthening the dialogue between the various organisations, in particular with the International Labour Organization (ILO), and encouraging greater involvement of the social partners, which would enable the Council of Europe to raise its political profile and play a specific role in the area of social rights.

11. The Assembly therefore recommends that the Committee of Ministers:

11.1. take the necessary measures to ensure that member states that have not already done so ratify the revised European Social Charter, the Protocol amending the European Social Charter and the Additional Protocol to the European Social Charter Providing for a System of Collective Complaints and grant national NGOs the right to lodge complaints;

11.2. invite the states parties to extend the scope of their undertakings so that the revised European Social Charter can become a reference standard for European social policy and thus help to develop the legislation of Council of Europe member states;

11.3. take the necessary measures to ensure that the members of the ECSR are elected by the Parliamentary Assembly as from the next partial renewal of the committee;

11.4. take account of requests for reimbursement of expenses presented by organisations that have lodged collective complaints;

11.5. establish a working group to consider the possibility of an additional protocol to the Charter providing for a system of individual complaints;

11.6. take the necessary measures to respond to the ever-increasing workload caused by the growing number of states parties and collective complaints;

11.7. ask the governmental committee to:

1. modify its working methods to enable the parties represented there to play a fuller part in the monitoring of undertakings;
2. make proposals to the Committee of Ministers, based on the results of the regular supervision process, for the examination of articles of the Charter that need to be updated;
3. establish new types of interaction to secure the synergies necessary for the effective application of the Charter;

11.8. ask the Commissioner for Human Rights to pay particular attention to the question of respect for social rights, as provided for in the revised European Social Charter.

12. The Assembly also recommends that the parties to the revised European Social Charter:

1. make further efforts to comply with the provisions they have accepted;
2. grant national NGOs the right to lodge collective complaints and involve other NGOs more closely in the regular supervision process.

13. The Parliamentary Assembly also wishes:

1. to organise regular debates on social policy to support efforts to increase the Charter’s influence on social policy in greater Europe;
2. a revision of its role with a view to becoming a political body for encouraging new initiatives and discussion in the field of monitoring social rights.

14. Finally, the Assembly declares its intention to hold an annual plenary debate on the activities of the ILO.