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Monitoring of commitments concerning social rights

Opinion[1]
Committee on Equal Opportunities for Women and Men
Rapporteur: Ms Birgen KELEŞ, Turkey, Socialist Group

A. Conclusions of the committee

The Committee on Equal Opportunities for Women and Men has considered with interest the report of the Social, Health and Family Affairs Committee and congratulates its rapporteur, Mr Bernard Marquet (Monaco, ALDE), on his work.

The committee shares Mr Marquet's view that defending social rights is all the more important in difficult times of economic crisis and in the present context of ongoing globalisation. A visionary approach is essential to strengthen the role of the European Social Charter (ETS No. 35) as an effective instrument for the protection of social rights, complementary to the European Convention on Human Rights (ETS No. 5).

B. Proposed amendments

Amendment A (to the draft resolution)

In the draft resolution, after paragraph 4.3, add the following sub-paragraph:

> *"promote knowledge of the revised European Social Charter amongst social partners and non-governmental organisations, including women's associations, by supporting the organisation of an international conference and the publication of information material, and encourage further the recourse to the collective complaints procedure by those entitled to use it".*

Amendment B (to the draft resolution)

In the draft resolution, paragraph 5.2, after the words "implementation of the European Social Charter and of social rights" add the words ", fully taking into account gender mainstreaming,".

Amendment C (to the draft resolution)

In the draft resolution, after paragraph 5.3, add the following sub-paragraph:

> *"promoting, with the Committee of Ministers and other relevant Council of Europe bodies, a revision of the collective complaints procedure according to the Additional Protocol of 1995, which would allow for third party interventions, including by the Assembly, and envisage intervening in such a capacity where appropriate".*

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Amendment D (to the draft resolution)

In the draft recommendation, after paragraph 4.5, add the following new sub-paragraph:

> *"revise the collective complaints procedure provided for by the Additional Protocol of 1995 so as to allow the Assembly and other stakeholders to intervene as a third party where appropriate".*

C. Explanatory memorandum by Ms Keleş, rapporteur for opinion

1. The Committee on Equal Opportunities for Women and Men has considered with interest the report of the Social, Health and Family Affairs Committee and congratulates its rapporteur, Mr Bernard Marquet (Monaco, ALDE), for his work.

2. As is mentioned in the report, social, civil and political rights are indivisible and interrelated and they should be handled together. The Council of Europe is based on three pillars, namely democracy, human rights and the rule of law. Therefore, the Parliamentary Assembly should play a more important and effective role in the implementation of social rights, as these are strictly related to the three main principles that the Council of Europe promotes.

3. The report rightly refers to the importance of social rights during the economic crisis and globalisation. But there is no reference to the special position of women in this context. Women suffer more during an economic crisis as they are the first to lose their jobs. They also suffer more than men in globalisation because it makes rich countries richer and poor countries poorer. It also increases the difference between the high and the low income groups in the same country. This means that women in both developed and developing countries suffer more than men. Therefore, when we talk of social rights and especially when we talk of social rights during crises and globalisation, we should also highlight the special position of women.

4. The European Social Charter (ETS No. 35) includes several gender-related provisions, such as the right of men and women workers to equal pay for work of equal value (Article 4, paragraph 3), the right of employed women to protection in relation to childbirth, such as paid leave, social security benefits, protection against dismissal and against unsuitable working conditions (Article 8) and the right of mothers and children to social and economic protection (Article 17).

5. The revised European Social Charter (ETS No. 163), which expands the scope of the European Social Charter by introducing new rights covering major current social issues, also sets out women's right to the protection of maternity (Article 8), the right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex (Article 20), and the right to equality of opportunity and treatment for men and women workers with family responsibilities and between such workers and other workers (Article 27).

6. In addition, Article 16 (common to both conventions) on the right of the family to social, legal and economic protection, concerning social and family benefits, fiscal arrangements, provision of family housing, benefits for the newly married and other means, although formulated in a neutral way, is also of great relevance for women.

7. It is very important for women to have equality with men; but it is also very important for them to have equality in education, professional life and political life, both with regard to democracy and to human rights.

8. There are problems in the implementation of social rights, in accessing the prescribed collective complaint procedures, in making monitoring machinery more democratic and in making states accept further provisions of the Charter.

9. The 1995 Additional Protocol to the Charter provides a system of collective complaints. Several types of organisation can lodge complaints with the European Committee of Social Rights (ECSR), the body which is responsible for monitoring compliance by the states parties to the Charter.

10. Since 1998, when the Additional Protocol came into force, 62 collective complaints have been lodged. Amongst the organisations which have filed complaints are national trade unions, European federations of trade unions and organisations defending the rights of the Roma. No NGO working for the defence and promotion of women's rights in Europe has lodged a collective complaint so far, even if the list of international non-governmental organisations (INGOs) entitled to submit collective complaints currently comprises several of them, such as the International Alliance of Women (IAW);[2] the Association of Women of Southern Europe (AFEM); and Zonta International (a global organisation of executives and professionals working to advance the status of women worldwide through assistance and advocacy).[3]

11. More efforts should be made to inform organisations working for the defence and promotion of women's rights about the system of collective complaints established by the Social Charter and on how to register as an INGO entitled to lodge a collective complaint.

12. The Assembly should hold regular debates on social rights, on the model of the annual debates on the state of human rights and democracy in Europe. In the framework of such debates, legal and political issues arising from the implementation – or lack of implementation – of the Charter provisions should be discussed.

13. Enhancing the Assembly's role in the monitoring system is a very important provision of the draft resolution (paragraph 4.3). So is paragraph 5.2, which foresees the political monitoring of the implementation of the Social Charter and of the social rights in close collaboration with other related international and European organisations.

14. The Social Charter's monitoring machinery must be further strengthened and the Social Charter should be a reference for member countries of the Council of Europe, which should accept the importance of the implementation of the provisions of the Social Charter with regard to democracy, human rights and the rule of law. The ratification of the Social Charter, the related Protocols and the implementation of its provisions is also important for the election of nine out of 15 members of the ECSR. The Assembly should take into account gender equality as well as the criteria of integrity and competence in social questions when it appoints those members.

2. . www.womenalliance.org/.
3. . www.zonta.org.