Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Opinion 121 (1985)[1]

Eighth period of supervision of the application of the European Social Charter

Parliamentary Assembly

The Assembly,

1. Having regard to Part IV of the European Social Charter, notably Articles 28 and 29 on consultation with the Assembly on the application of the charter ;

2. Having examined the conclusions of the Committee of Independent Experts concerning the supervision and application of the charter during the period 1980-81 (eighth period of supervision), and having taken into consideration the 8th report of the Governmental Committee of the European Social Charter ;

3. Noting that the states bound by the charter have again made substantial efforts during this period to ensure more satisfactory application of the principles enshrined in this instrument, and that a number of laws and regulations have been adopted which confirm the charter's beneficial influence for the pursuit of social progress in the member countries of the Council of Europe ;

4. Regretting, however, that the economic crisis has prompted certain states to reduce the level of social protection despite the undertakings contracted by them, in particular where the rights of migrant workers are concerned ;

5. Noting that, in other fields too, not all the Contracting Parties are complying fully with their undertakings ;

6. Considering it necessary, for the purpose of ensuring effective supervision and observance of the undertakings given, to draw the attention of the governments of the states in question, pursuant to Article 29 of the charter, specifically to the application of certain provisions of the charter which are not being fully complied with ;

7. Considering also that, taking into account the present economic crisis and its effects on employment and working conditions, all member states should be reminded of the need to give full application to the measures of Articles 1, 3, 10 and 12 of the charter ;

8. Considering, further, that, twenty years after the entry into force of the European Social Charter, the organs of the Council of Europe should make a special effort to draw the attention of those member states which are not yet bound by the charter to the importance of this instrument, which is to social affairs what the European Convention on Human Rights is to the protection of civil and political rights,

9. Accordingly recommends that the Committee of Ministers make specific recommendations, according to Article 29 of the European Social Charter, with a view to improving the application of the charter, to the following member states :

a. Cyprus, Ireland and the United Kingdom in respect of Article 5 ;

b. Denmark, Ireland and the United Kingdom in respect of Article 8, paragraph 1 ;

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1. See Doc. 5374, report of the Committee on Social and Health Questions. Text adopted by the Standing Committee, acting on behalf of the Assembly, on 22 March 1985.

c. the Federal Republic of Germany, Austria, Norway, the United Kingdom in respect of Article 19, paragraph 6 ;

10. Recommends also that the Committee of Ministers draw the attention of all states bound by the charter to the need to give full application to the measures of Articles 1, 3, 10 and 12 of the charter ;

11. Requests the Committee of Ministers to ask the governments of those member countries that have not yet ratified the European Social Charter (Belgium, Liechtenstein, Luxembourg. Malta, Portugal, Switzerland and Turkey, some of which have not yet signed it) to take note of this opinion and take whatever steps are necessary in order to remove any obstacles to ratification and to inform the Committee of Ministers before the end of 1985 of the provisions foreseen for the ratification of the Social Charter in the near future.