

Resolution 1792 (2011)¹

Monitoring of commitments concerning social rights

Parliamentary Assembly

1. The Parliamentary Assembly is convinced that in the present context marked by the economic crisis and ongoing globalisation it is all the more important to defend social rights against the manifold threats they are facing. It considers that a binding instrument such as the European Social Charter, opened for signature in 1961 (ETS No. 35) and revised in 1996 (ETS No. 163), remains a highly significant instrument in this regard for stimulating national legislative processes, which complements various policy measures taken at European and national level.

2. The Assembly refers to its [Resolution 1559 \(2007\)](#) on Europe's social dimension: full implementation of the revised European Social Charter and evaluation of new labour regulations and minimum wages and its [Recommendation 1795 \(2007\)](#) on the monitoring of commitments concerning social rights. It welcomes the member states' strong support for the Social Charter, as illustrated by the high number of ratifications of its various treaties. Despite the progress made in this field in recent years, the Assembly considers that the promotion of this instrument should continue just as vigorously at all levels. The main objectives of such a commitment should be to increase the implementation of social rights, to make the prescribed collective complaints procedures more accessible, to place the monitoring machinery on a more democratic footing and to ensure acceptance by states of further provisions of the Charter.

3. The Assembly considers the present period especially favourable for taking stock of the implementation of the Social Charter and its monitoring mechanisms, and for reviewing the Assembly's role in relation to them. The 50th anniversary of the 1961 European Social Charter and the 15th anniversary of the revised European Social Charter, to be celebrated in Strasbourg on 18 October 2011, will be preceded by a series of conferences to prepare for strategic decisions concerning the Social Charter and the mechanisms linked to it. Thus, 2011 is the ideal year to highlight the indivisibility of social rights and civil and political rights, the importance of the European Social Charter for defending this corpus of rights, and an enhanced role for the Assembly in the Charter's monitoring machinery.

4. The Assembly invites the Council of Europe member states to:

4.1. continue promoting, at European and national level, the signature, ratification and implementation of the European Social Charter, and specifically its Amending Protocol of 1991 (ETS No. 142) (known as the "Turin Protocol") and its Additional Protocol of 1995 (ETS No. 158) Providing for a System of Collective Complaints;

4.2. ratify the revised European Social Charter or, where they still abide by the 1961 Charter, the Turin Protocol, if they have not already done so, in order that all provisions of the Social Charter may take full effect, including the election of the 15 members of the European Committee of Social Rights by the Assembly;

4.3. support before the Committee of Ministers the idea of enhancing the Assembly's role in the Charter's monitoring mechanisms;

1. Assembly debate on 28 January 2011 (9th Sitting) (see [Doc. 12441](#), report of the Social, Health and Family Affairs Committee, rapporteur: Mr Marquet; and [Doc. 12502](#), opinion of the Committee on Equal Opportunities for Women and Men, rapporteur: Mrs Keleş). Text adopted by the Assembly on 28 January 2011 (9th Sitting). See also Recommendation 1958 (2011).



- 4.4. 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 further encourage the recourse to the collective complaints procedure by those entitled to use it.
5. The Assembly notably invites its members and every national delegation to make the promotion of the Social Charter in their respective countries a priority. In particular, the Assembly calls on them to speak in favour of the acceptance of the collective complaints procedure with a view to promoting the fullest possible implementation of the Charter by member states.
6. In the light of the current situation regarding the European Social Charter, and in order to make a substantial contribution to its ongoing promotion, the Assembly further decides to:
 - 6.1. schedule joint debates on the situation of social rights and on the state of human rights every two years, the next occasion being in June 2011 during the Assembly's third part-session;
 - 6.2. undertake political monitoring of the implementation of the European Social Charter and of social rights, fully taking into account gender mainstreaming, in close collaboration with the European Committee of Social Rights and other international organisations, in particular the International Labour Organization and the European Union organs;
 - 6.3. promote, within the Council of Europe and among its external partners, a broad-based approach to social rights as an integral and indivisible part of human rights;
 - 6.4. promote, 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 to the Social Charter, which would allow for third party interventions, including by the Assembly, and envisage intervening in such a capacity where appropriate.