

# ASSEMBLÉE PARLEMENTAIRE DU CONSEIL DE L'EUROPE

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## Recommendation 1958 (2011)<sup>1</sup>

Final version

## Monitoring of commitments concerning social rights

Parliamentary Assembly

1. The 50th anniversary of the European Social Charter (ETS No. 35) and the 15th anniversary of the revised European Social Charter (ETS No. 163) will be celebrated in 2011. On that landmark occasion for social rights in Europe, the Parliamentary Assembly welcomes the member states' strong support for these significant instruments, the great majority of which have acceded to some or all of the treaties constituting the European Social Charter.

2. The Assembly recalls that at the Warsaw Summit (2005), the heads of state and government of the Council of Europe member states considered that the revised European Social Charter should be regarded as the minimum core of social rights which all member states should guarantee. Despite this ample support for the Social Charter, ratification of the revised Charter and of some of the protocols to the 1961 Charter must continue to be promoted at all possible levels. Moreover, the Social Charter's monitoring machinery must be further strengthened, especially as regards the strict application of certain rules laid down by the treaties. The Charter itself must continue to evolve in its substance in order to remain, in the medium and long term, a genuine social rights reference for member states.

3. The Assembly regards the year 2011 as a cardinal year and a propitious time to remind all parties and bodies involved of the importance of the Social Charter mechanisms for the protection of social rights. The essential role assigned by the Social Charter to the Assembly with regard to the relevant monitoring mechanisms and the need to increase its real contribution in this respect by means of proactive steps should also be recalled in this context.

4. Recalling its own commitments made in Resolution 1792 (2011) on the monitoring of commitments concerning social rights, the Assembly accordingly calls upon the Committee of Ministers to:

4.1. acknowledge that social rights are indivisible from human rights and continue promoting their fulfilment through firm recommendations addressed to member states in the framework of the supervisory process related to the European Social Charter;

4.2. continue promoting the revised European Social Charter among the member states which have not yet ratified this authoritative instrument on modern social rights;

4.3. continue encouraging member states which have not ratified the 1995 Additional Protocol Providing for a System of Collective Complaints (ETS No. 158) to do so, and to ask them to secure to national non-governmental organisations the right to submit such complaints, following the good practice of Finland;

4.4. urge the four Parties to the European Social Charter which have not yet ratified the Amending Protocol of 1991 (ETS No. 142) (known as the "Turin Protocol") – namely, Denmark, Germany, Luxembourg and the United Kingdom – do so as soon as possible, to allow proper application of the monitoring system prescribed by the Charter and to allow, finally, for the election of the 15 members of the European Committee of Social Rights by the Assembly;

4.5. if the Turin Protocol does not come into force by June 2012, ensure that the Assembly can fully discharge its appointed function in the Charter's monitoring machinery as of 2013 by adopting a unanimous decision to that effect as was done on previous occasions to ensure the application of other provisions of the Turin Protocol;

4.6. 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.

5. Finally, the Assembly recommends that the Committee of Ministers take into account the results of the political monitoring which the Assembly will conduct in the coming years concerning the application of the Social Charter in the member states, including a general review of the development of social rights in the member states and a follow-up to the European Committee of Social Rights' decisions on the merits of collective complaints.

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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 Keles). Text adopted by the Assembly on 28 January 2011 (9th Sitting).