

THE EUROPEAN SOCIAL CHARTER AT A GLANCE



European
Social
Charter

Charte
sociale
européenne

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Quote for the media by Gabriella Battaini Dragoni,
Deputy Secretary General
of the Council of Europe, Strasbourg.

“The social and economic rights guaranteed by the European Social Charter are fundamental rights which parallel and complement the civil and political rights enshrined in the European Convention on Human Rights. Now that socio-economic rights are less well-protected in Europe, as highlighted in the recent human rights report by the Secretary General of the Council of Europe, the Charter represents a vital guarantee in terms of upholding the European social model and safeguarding the exercise of democracy in Europe”.

Photos: © Council of Europe

Cover design and layout:
Documents and Publications Production
Department (SPDP), Council of Europe

© Council of Europe, June 2017
Printed at the Council of Europe



Rights guaranteed by the Charter

The rights guaranteed by the Charter concern all individuals in their daily lives, with special attention for vulnerable persons and groups.

Housing

- ▶ Legal framework providing for housing of an adequate standard (safe, healthy and of adequate size) (31§1)
- ▶ Legal and procedural safeguards in case of eviction (31§1, 31§2)
- ▶ Policy and action to prevent homelessness (31§2)
- ▶ Provision of adequate emergency accommodation for all homeless persons (31§2, 13§4)
- ▶ Provision of affordable housing through social housing of adequate quality and quantity or other means (31§3)

Health

- ▶ Ensuring a healthy environment (11§3)
- ▶ Promotion of public health through health education and screening(11§2)
- ▶ Prevention of diseases and accidents (11§3, 3§2)

- ▶ Provision of and effective access to adequate and affordable healthcare (11§1)
- ▶ Emergency medical assistance to everyone in need, including those irregularly present (13§1, 13§4)
- ▶ Protection of maternity , access to maternal health services (11§1, 11§2), regulation of working conditions of women in relation to maternity, maternity leave (8)
- ▶ Safe and healthy working environment (3§1, 3§2, 3§3, 3§4, 2§4)

Education

- ▶ Free primary and secondary education for all children (17§1, 7§3)
- ▶ Free and effective vocational guidance services (9)
- ▶ Vocational training (including continuing training), apprenticeship and access to higher education based solely on individual aptitude (10)
- ▶ Access of persons with disabilities to mainstream education and training as well as rehabilitation (15§1, 10§1, 1§4)
- ▶ Language education for migrants (19§11, 19§12)

Employment

- ▶ Access to employment:
 - Full employment policy and action promoting equal and effective access to employment (1§1)
 - Free employment services for job-seekers (1§3) and reinsertion measures for long-term unemployed people (10§4)
 - Access of persons with disabilities to rehabilitation (1§4) and mainstream employment (15§2)
 - Removal of obstacles to the engagement of workers in gainful occupation in other States Parties (18)
- ▶ Equal opportunities and equal treatment for women and men (1§2, 4§3, 20)
- ▶ Prohibition of exploitation:
 - Prohibition of forced or compulsory labour, regulation of prisoners' work and domestic labour (1§2)
 - Prohibition of employment of children under 15 (7§1)
- ▶ Collective employment relations:
 - Freedom to form or to join trade unions and employers' organisations, independence and guarantees for trade union activities (5) and protection of workers' representatives (28)
 - Joint consultation (6§1), collective bargaining (6§2), settlement of labour disputes (6§3) and collective action (6§4)
 - Workers' information, consultation (21) and involvement in the determination

and improvement of working environment and conditions (22)

- ▶ Protection of workers:
 - Health and safety at work (3), fair working conditions (2) and decent remuneration (4§1, 4§2, 4§5)
 - Workers' privacy (1§2), protection against all forms of harassment (26)
 - Specific protection of young workers (aged between 15 and 18 years) (7), employed women in relation to maternity (8) and workers with family responsibilities (27)
- ▶ Guarantees in case of termination of employment (4§4, 24, 25, 29, 8§2, 27§3)

Social protection

- ▶ Protection from poverty and social exclusion (30)
- ▶ Adequate social security (12), including equal treatment of persons moving between the States Parties (12§4)
- ▶ Adequate social and medical assistance for all persons in need (13§1, 13§4)
- ▶ Prevention, abolition or alleviation of need (13§3)
- ▶ Effective social services (14) of adequate quality, including counselling, advice, home help, residential care, etc.
- ▶ Measures in favour of families (e.g. family counselling, mediation services, protection from domestic violence, family benefits), equality of spouses, protection of

parental rights, provision of childcare facilities and services (16, 27§1)

- ▶ Protection of minors against physical and moral dangers such as sexual exploitation, trafficking, misuse of information technologies (7§10), and ill-treatment and abuse, including corporal punishment (17)

Integration and participation

- ▶ Enabling elderly persons to remain active members of society through adequate benefits, services and facilities, housing and health care, including in the framework of institutional care and protection from abuse (23)
- ▶ Participation of persons with disabilities in the life of the community through non-discrimination guarantees, policies drafted in consultation with those directly concerned, technical and financial aid to increase autonomy, inclusive measures related to communication, mobility and transport, housing, culture and leisure (15§3)
- ▶ Information and services for migrant workers (19§1-3)
- ▶ Equal treatment of migrant workers regarding remuneration and other employment conditions, membership of trade unions and enjoyment of the benefits of collective bargaining, regarding accommodation (19§4), as well as taxes and contributions (19§5) and access to justice (19§7)

- ▶ Family reunion for migrant workers (19§6) and safeguards against deportation (19§8)

Non-discrimination

The rights of the Charter must be guaranteed to everybody concerned, including foreigners lawfully resident and/or working, without discrimination on any ground such as race, colour, sex, age, language, religion, political or other opinion, national extraction or social origin, health, association with a national minority, birth or other status, including disability (E).

European Committee of Social Rights

The European Committee of Social Rights (referred to below as “the Committee”) rules on the conformity of national law and practice with the Charter. Its fifteen independent members are elected by the Council of Europe Committee of Ministers for a period of six years, renewable once. The Committee delivers its rulings in the framework of two procedures: a reporting procedure and a collective complaints procedure.

The reporting procedure

States Parties regularly submit a report indicating how they implement the provisions of the Charter. Each report concerns some of the accepted provisions of the Charter.

The Committee examines the situation in the countries concerned and decides whether or not the situations are in conformity with the Charter. Its “conclusions” are published every year.

If a State takes no action on a Committee decision to the effect that it does not comply with the Charter, the Committee of Ministers may address a recommendation to that State, asking it to change the situation in law and/or in practice. The Committee of Ministers’ work is prepared by a Governmental Committee

comprising representatives of the governments of the States Parties to the Charter, assisted by observers representing European employers’ organisations and trade unions.

The collective complaints procedure

Under an Additional Protocol to the Charter, which came into force in 1998, national trade unions and employers’ organisations as well as certain European trade unions and employers’ organisations (European Trade Union Confederation (ETUC), BUSINESSEUROPE (formerly UNICE) and International Organisation of Employers (IOE)), and certain international NGOs, are entitled to lodge complaints of violations of the Charter with the Committee. In addition, national NGOs may lodge complaints if the State concerned makes a declaration to this effect.

The complaint must contain information documenting that the applicant organisation fulfils the requirements of the Protocol and it must indicate the State against which it is directed, the provision(s) of the Charter that have allegedly been violated as well as the subject matter complained of, along with any supporting explanations and documents.

The complaint must be drafted in English or French or, in the case of national organisations, in the official language(s) of the State concerned.

The Committee examines the complaint and when and if the complaint has been declared admissible, a written procedure commences with an exchange of submissions between the parties. The Committee may decide to hold a public hearing in the course of examining the complaint. The Committee finally takes a decision on the merits of the complaint, which it forwards to the parties to the complaint and the Committee of Ministers in a report, which is made public within four months.

When the Committee finds a violation of the Charter, the Council of Europe Committee of Ministers invites the respondent State to indicate the measures taken to bring the situation into conformity. It adopts a resolution and, if appropriate, may recommend the State concerned to take specific measures to bring the situation into line with the Charter.

Effects of the application of the Charter in the various states

As a result of the monitoring system, States make changes to their legislation and/or practice in order to bring the situation into line with the Charter. Details of these results (and current developments) are described in the country factsheets available on the internet site: www.coe.int/socialcharter

More information on the Charter

- ▶ the website of the Social Charter contains, in particular, all the national reports, conclusions and decisions of the European Committee of Social Rights and country factsheets;
- ▶ the Charter's HUDOC database (<http://hudoc.esc.coe.int>) and the Charter's Digest, allow to find out about the case law of the Committee;
- ▶ the summary bibliography, which is regularly updated.

Department of the European Social Charter
Directorate General
Human Rights and Rule of Law
Council of Europe
F-67075 Strasbourg Cedex

- ▶ **Email:** social.charter@coe.int
- ▶ **Web:** www.coe.int/socialcharter
- ▶ **Twitter:** [@social_charter](https://twitter.com/social_charter)

Member States of the Council of Europe and the European Social Charter

Situation at 1 June 2017

Member States	Signatures	Ratifications	Acceptance of the Collective Complaints Procedure
Albania	21/09/1998	14/11/2002	
Andorra	04/11/2000	12/11/2004	
Armenia	18/10/2001	21/01/2004	
Austria	07/05/1999	20/05/2011	
Azerbaijan	18/10/2001	02/09/2004	
Belgium	03/05/1996	02/03/2004	23/06/2003
Bosnia and Herzegovina	11/05/2004	07/10/2008	
Bulgaria	21/09/1998	07/06/2000	07/06/2000
Croatia	06/11/2009	26/02/2003	26/02/2003
Cyprus	03/05/1996	27/09/2000	06/08/1996
Czech Republic	04/11/2000	03/11/1999	04/04/2012
Denmark	* 03/05/1996	03/03/1965	
Estonia	04/05/1998	11/09/2000	
Finland	03/05/1996	21/06/2002	17/07/1998 X
France	03/05/1996	07/05/1999	07/05/1999
Georgia	30/06/2000	22/08/2005	
Germany	* 29/06/2007	27/01/1965	
Greece	03/05/1996	18/03/2016	18/06/1998
Hungary	07/10/2004	20/04/2009	
Iceland	04/11/1998	15/01/1976	
Ireland	04/11/2000	04/11/2000	04/11/2000
Italy	03/05/1996	05/07/1999	03/11/1997
Latvia	29/05/2007	26/03/2013	
Liechtenstein	09/10/1991		
Lithuania	08/09/1997	29/06/2001	
Luxembourg*	* 11/02/1998	10/10/1991	

Member States	Signatures	Ratifications	Acceptance of the Collective Complaints Procedure
Malta	27/07/2005	27/07/2005	
Republic of Moldova	03/11/1998	08/11/2001	
Monaco	05/10/2004		
Montenegro	22/03/2005	03/03/2010	
Netherlands	23/01/2004	03/05/2006	03/05/2006
Norway	07/05/2001	07/05/2001	20/03/1997
Poland	25/10/2005	25/06/1997	
Portugal	03/05/1996	30/05/2002	20/03/1998
Romania	14/05/1997	07/05/1999	
Russian Federation	14/09/2000	16/10/2009	
San Marino	18/10/2001		
Serbia	22/03/2005	14/09/2009	
Slovak Republic	18/11/1999	23/04/2009	
Slovenia	11/10/1997	07/05/1999	07/05/1999
Spain	23/10/2000	06/05/1980	
Sweden	03/05/1996	29/05/1998	29/05/1998
Switzerland	06/05/1976		
"the former Yugoslav Republic of Macedonia"	27/05/2009	06/01/2012	
Turkey	06/10/2004	27/06/2007	
Ukraine	07/05/1999	21/12/2006	
United Kingdom	* 07/11/1997	11/07/1962	
Number of States	47 2 + 45 = 47	9 + 34 = 43	15

The dates in bold correspond to the dates of signature or ratification of the 1961 Charter; the other dates correspond to the signature or ratification of the 1996 revised Charter.

* States whose ratification is necessary for the entry into force of the 1991 Amending Protocol. In practice, in accordance with a decision taken by the Committee of Ministers, this Protocol is already applied.

X State having recognised the right of national NGOs to lodge collective complaints against it.

This table is regularly updated on the Charter's website :

www.coe.int/socialcharter

The European Social Charter, adopted in 1961 and revised in 1996, is the counterpart of the European Convention on Human Rights in the field of economic and social rights. It guarantees a broad range of human rights related to employment, housing, health, education, social protection and welfare.

No other legal instrument at pan-European level provides such an extensive and complete protection of social rights as that provided by the Charter.

The Charter is therefore seen as the Social Constitution of Europe and represents an essential component of the continent's human rights architecture.

www.coe.int/socialcharter

www.coe.int

The Council of Europe is the continent's leading human rights organisation. It comprises 47 member states, 28 of which are members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.



European
Social
Charter

Charte
sociale
européenne

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE