

# The Social Charter

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at a glance





# The European Social Charter

## A Council of Europe Treaty safeguarding Human Rights

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The **European Social Charter** (referred to below as "the Charter") sets out rights and freedoms and establishes a supervisory mechanism guaranteeing their respect by the States Parties. Following its revision, the 1996 revised European Social Charter, which came into force in 1999, is gradually replacing the initial 1961 treaty.

The table on pages 8 and 9 shows **which countries have currently signed and ratified the Charter**.

### Rights guaranteed by the Charter

The rights guaranteed by the Charter concern all individuals in their daily lives:

#### → **Housing:**

- access to adequate and affordable housing ;
- reduction of homelessness ; housing policy targeted at all disadvantaged categories ;
- procedures to limit forced eviction ;
- equal access for non-nationals to social housing and housing benefits ;
- housing construction and housing benefits related to family needs.

#### → **Health:**

- accessible, effective health care facilities for the entire population;
- policy for preventing illness with, in particular, the guarantee of a healthy environment;
- elimination of occupational hazards so as to ensure that health and safety at work are provided for by law and guaranteed in practice;
- protection of maternity.

**→ Education:**

- free primary and secondary education;
- free and effective vocational guidance services;
- access to initial training (general and vocational secondary education), university and non-university higher education, vocational training, including continuing training ;
- special measures for foreign residents;
- integration of children with disabilities into mainstream schooling ;
- access to education and vocational training for persons with disabilities.

**→ Employment:**

- prohibition of forced labour;
- prohibition of the employment of children under the age of 15;
- special working conditions between 15 and 18 years of age;
- the right to earn one's living in an occupation freely entered upon;
- an economic and social policy designed to ensure full employment;
- fair working conditions as regards pay and working hours;
- protection from sexual and psychological harassment;
- freedom to form trade unions and employers' organisations to defend economic and social interests; individual freedom to decide whether or not to join them;
- promotion of joint consultation, collective bargaining, conciliation and voluntary arbitration;
- protection in case of dismissal;
- the right to strike;
- access to work for persons with disabilities.

**→ Legal and social protection:**

- legal status of the child ;
- treatment of young offenders;
- protection from ill-treatment and abuse ;
- prohibition of any form of exploitation (sexual or other) ;
- legal protection of the family (equality of spouses within the couple and towards children, protection of children in case the family breaks up);
- the right to social security, social welfare and social services;

- the right to be protected against poverty and social exclusion;
- childcare;
- special measures catering for the elderly.

→ **Movement of persons:**

- the right to family reunion;
- the right of nationals to leave the country;
- procedural safeguards in the event of expulsion;
- simplification of immigration formalities.

→ **Non-discrimination:**

- the right of women and men to equal treatment and equal opportunities in employment;
- a guarantee to all nationals and foreigners legally resident and/or working that all the rights set out in the Charter apply regardless of race, sex, age, colour, language, religion, opinions, national origin, social background, state of health or association with a national minority;
- prohibition of discrimination on the basis of family responsibilities ;
- right of persons with disabilities to social integration and participation in the life of the community.

## Member States of the Council of Europe and the European Social Charter Situation at 22 August 2005

Member states	Signatures	Ratifications	Acceptance of the collective complaints procedure
Albania	21/09/98	14 /11/02	
Andorra	04/11/00	12/11/04	
Armenia	18/10/01	21/01/04	
Austria	07/05/99	29/10/69	
Azerbaijan	18/10/01	02/09/04	
Belgium	03/05/96	02/03/04	23/06/03
Bosnia and Herzegovina	11/05/04		
Bulgaria	21/09/98	07/06/00	07/06/00
Croatia	08/03/99	26/02/03	26/02/03
Cyprus	03/05/96	27/09/00	06/08/96
Czech Republic	04/11/00	03/11/99	
Denmark	03/05/96	03/03/65	
Estonia	04/05/98	11/09/00	
Finland	03/05/96	21/06/02	X
France	03/05/96	07/05/99	07/05/99
Georgia	30/06/00	22/08/05	
Germany	18/10/61	27/01/65	
Greece	03/05/96	06/06/84	18/06/98
Hungary	07/10/04	08/07/99	
Ireland	04/11/98	15/01/76	
Ireland	04/11/00	04/11/00	04/11/00

Italy		03/05/96		05/07/99		03/11/97
Latvia		<b>29/05/97</b>		<b>31/01/02</b>		
Liechtenstein		08/09/97		29/06/01		
Lithuania		11/02/98		<b>10/10/91</b>		
Luxembourg	*	27/07/05		27/07/05		
Malta		03/11/98		08/11/01		
Moldova		05/10/04				
Monaco		23/01/04		<b>22/04/80</b>		
Netherlands		07/05/01		07/05/01		20/03/97
Norway						
Poland		<b>26/11/91</b>		<b>25/06/97</b>		
Portugal		03/05/96		30/05/02		20/03/98
Romania		14/05/97		07/05/99		
Russian Federation		14/09/00				
San Marino		18/10/01				
Serbia and Montenegro		22/03/05				
Slovak Republic		18/11/99		<b>22/06/98</b>		
Slovenia		11/10/97		07/05/99		07/05/99
Spain		23/10/00		<b>06/05/80</b>		
Sweden		03/05/96		29/05/98		29/05/98
Switzerland		<b>06/05/76</b>				
«the former Yugoslav Republic of Macedonia»		05/05/98		31/03/05		
Turkey	*	06/10/04		<b>24/11/89</b>		
Ukraine		07/05/99				
United Kingdom	*	07/11/97		<b>11/07/62</b>		
Number of States	46	<b>7 + 39 = 46</b>		<b>17 + 21 = 38</b>		13

The dates in bold on a grey background 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.

# European Committee of Social Rights

The European Committee of Social Rights (referred to below as "the Committee") ascertains whether countries have honoured the undertakings set out in the Charter. Its fifteen independent, impartial members are elected by the Council of Europe **Committee of Ministers** for a period of six years, renewable once.

The Committee determines whether or not national law and practice in the States Parties are in conformity with the Charter (Article 24 of the Charter, as amended by the 1991 **Turin Protocol**).

## → A monitoring procedure based on national reports

Every year the States Parties submit a **report** indicating how they implement the Charter in law and in practice. Each report concerns some of the **accepted provisions** of the Charter.

The Committee examines the reports and decides whether or not the situations in the countries concerned are in conformity with the Charter. Its decisions, known as "**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 addresses 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 .

## → A collective complaints procedure

Under a **protocol** opened for signature in 1995, which came into force in 1998, **complaints** of violations of the Charter may be lodged with the European Committee of Social Rights.



## Organisations entitled to lodge complaints with the Committee

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– *In the case of all states that have accepted the procedure:*

1. the ETUC, UNICE and the IOE<sup>1</sup>;
2. **Non-governmental organisations (NGOs) with participative status** with the Council of Europe which are on a list drawn up for this purpose by the Governmental Committee;
3. Employers' organisations and trade unions in the country concerned;

– *In the case of states which have also agreed to this:*

4. National NGOs.

The complaint file must contain the following information:

- a. the name and contact details of the organisation submitting the complaint;
- b. proof that the person submitting and signing the complaint is entitled to represent the organisation lodging the complaint;
- c. the state against which the complaint is directed;
- d. an indication of the provisions of the Charter that have allegedly been violated;
- e. the subject matter of the complaint, i.e. the point(s) in respect of which the state in question has allegedly failed to comply with the Charter, along with the relevant arguments, with supporting documents.

The complaint must be drafted in English or French in the case of organisations in categories 1 and 2 above. In the case of the others (categories 3 and 4), it may be drafted in the official language, or one of the official languages, of the state concerned.

The Committee examines the complaint and, if the formal requirements have been met, declares it admissible.

Once the complaint has been declared admissible, a written procedure is set in motion, with an exchange of memorials between the parties. The Committee may decide to hold a public hearing.

<sup>1</sup> European Trade Union Confederation (ETUC), Union of Industrial and Employers' Confederations of Europe (UNICE) and International Organisation of Employers (IOE)

The Committee then takes a decision on the merits of the complaint, which it forwards to the parties concerned and the Committee of Ministers in a **report**, which is made public within four months of its being forwarded.

Finally, the Committee of Ministers adopts a **resolution**. If appropriate, it may **recommend** that the state concerned 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.

### → Where to find out more about the Charter

- the Charter **database** <http://hudoc.esc.coe.int/>, which can be accessed online or on CD Rom, makes it easy to find out about the case-law of the European Committee of Social Rights;
- the Charter website [www.coe.int](http://www.coe.int) contains, in particular, all the national reports and country factsheets;
- the "**Collected texts**" contain all the basic texts;
- the **summary bibliography** is regularly updated.



# European Social Charter

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