

# The 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”.



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# Rights guaranteed by the **Charter**

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The Charter guarantees the fundamental freedoms and rights of every day, such as:

## **Housing**

- ▶ access to adequate and affordable housing, with adequate procedural safeguards, in particular for the most vulnerable categories;
- ▶ procedures to limit forced eviction and legal safeguards;
- ▶ in case of evictions, respect of the dignity of people concerned;
- ▶ provision of emergency shelters, sufficient in quality and quantity, for homeless people and for children (including children in an irregular situation);
- ▶ equal access for non-nationals to social housing and housing benefits;
- ▶ social housing construction and/or housing benefits for low-income persons and disadvantaged categories;
- ▶ reduction of waiting-times before being allocated social housing and possibility of appeal in case of excessive waiting-times.

## **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 is regulated 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;
- ▶ access to education and vocational training for persons with disabilities;
- ▶ integration of children with disabilities into mainstream schooling.

## Employment

- ▶ 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;
- ▶ the right to strike;
- ▶ 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;
- ▶ protection in case of dismissal;
- ▶ 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, equal treatment of 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;
- ▶ rights of elderly persons: adequate resources, services and facilities, housing, health, respect for private life in institutions.

## Movement of persons

- ▶ the right to family reunion;
- ▶ the right of nationals to leave the country;
- ▶ expulsion permitted only in narrowly restricted circumstances and procedural safeguards relating to expulsion;
- ▶ simplification of immigration formalities.

## 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.

# European Committee of **Social Rights**

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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.

For more information on the Charter:

[www.coe.int/socialcharter](http://www.coe.int/socialcharter)

- the Charter website contains, in particular, all the national reports, conclusions and decisions of the European Committee of Social Rights and country factsheets;
- the Charter database and the Digest of the Case Law, which can be accessed online, make it easy to find out about the case law of the Committee;
- the summary bibliography is regularly updated.

### Department of the European Social Charter

Directorate General Human Rights and Rule of Law

✉: [social.charter@coe.int](mailto:social.charter@coe.int)

[www.coe.int/socialcharter](http://www.coe.int/socialcharter)

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

Situation at 1 October 2014

Member States	Signatures	Ratifications	Acceptance of The Collective Complaints Procedure
<b>Albania</b>	21/09/98	<b>14/11/02</b>	
Andorra	04/11/00	12/11/04	
<b>Armenia</b>	<b>18/10/01</b>	<b>21/01/04</b>	
Austria	07/05/99	20/05/11	
<b>Azerbaijan</b>	<b>18/10/01</b>	<b>02/09/04</b>	
Belgium	03/05/96	02/03/04	23/06/03
<b>Bosnia and Herzegovina</b>	<b>11/05/04</b>	<b>07/10/08</b>	
Bulgaria	21/09/98	07/06/00	07/06/00
<b>Croatia</b>	<b>06/11/09</b>	<b>26/02/03</b>	<b>26/02/03</b>
Cyprus	03/05/96	27/09/00	06/08/96
<b>Czech Republic</b>	<b>04/11/00</b>	<b>03/11/99</b>	<b>04/04/12</b>
Denmark	* 03/05/96	<b>03/03/65</b>	
<b>Estonia</b>	<b>04/05/98</b>	<b>11/09/00</b>	
Finland	03/05/96	21/06/02	17/07/98 X
<b>France</b>	<b>03/05/96</b>	<b>07/05/99</b>	<b>07/05/99</b>
Georgia	30/06/00	22/08/05	
<b>Germany</b>	* <b>29/06/07</b>	<b>27/01/65</b>	
Greece	03/05/96	<b>06/06/84</b>	18/06/98
<b>Hungary</b>	<b>07/10/04</b>	<b>20/04/09</b>	
Iceland	04/11/98	15/01/76	
<b>Ireland</b>	<b>04/11/00</b>	<b>04/11/00</b>	<b>04/11/00</b>
Italy	03/05/96	05/07/99	03/11/97
<b>Latvia</b>	<b>29/05/07</b>	<b>26/03/13</b>	
Liechtenstein	09/10/91		
<b>Lithuania</b>	<b>08/09/97</b>	<b>29/06/01</b>	
Luxembourg	* 11/02/98	<b>10/10/91</b>	
<b>Malta</b>	<b>27/07/05</b>	<b>27/07/05</b>	
Republic of Moldova	03/11/98	08/11/01	
<b>Monaco</b>	<b>05/10/04</b>		
Montenegro	22/03/05	03/03/10	
<b>Netherlands</b>	<b>23/01/04</b>	<b>03/05/06</b>	<b>03/05/06</b>
Norway	07/05/01	07/05/01	20/03/97
<b>Poland</b>	<b>25/10/05</b>	<b>25/06/97</b>	
Portugal	03/05/96	30/05/02	20/03/98
<b>Romania</b>	<b>14/05/97</b>	<b>07/05/99</b>	
Russian Federation	14/09/00	16/10/09	
<b>San Marino</b>	<b>18/10/01</b>		
Serbia	22/03/05	14/09/09	
<b>Slovak Republic</b>	<b>18/11/99</b>	<b>23/04/09</b>	
Slovenia	11/10/97	07/05/99	07/05/99
<b>Spain</b>	<b>23/10/00</b>	<b>06/05/80</b>	
Sweden	03/05/96	29/05/98	29/05/98
<b>Switzerland</b>	<b>06/05/76</b>		
«the former Yugoslav Republic of Macedonia»	27/05/09	06/01/12	
<b>Turkey</b>	<b>06/10/04</b>	<b>27/06/07</b>	
Ukraine	07/05/99	21/12/06	
<b>United Kingdom</b>	* <b>07/11/97</b>	<b>11/07/62</b>	
Number of States	47	<b>2 + 45 = 47</b>	<b>10 + 33 = 43</b>

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](http://www.coe.int/socialcharter)

# The European Social Charter

## Human Rights, together, every day

The European Social Charter (referred to below as “the Charter”) is a treaty of the Council of Europe which sets out human rights for everyday life and requires their respect by the States which have accepted it.

The table (p.7) shows which countries have currently signed and ratified the Charter.

The contents of the Charter were enriched and the 1996 Revised European Social Charter is gradually replacing the initial 1961 treaty.

[www.coe.int/socialcharter](http://www.coe.int/socialcharter)

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.

