



**EUROPEAN COMMITTEE OF SOCIAL RIGHTS
COMITE EUROPEEN DES DROITS SOCIAUX**

July 2014

**THIRD REPORT
ON THE NON-ACCEPTED PROVISION
OF THE EUROPEAN SOCIAL CHARTER**

ITALY

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SUMMARY

In December 2002, the Committee of Ministers decided that "States having ratified the Revised European Social Charter should report on the non-accepted provisions every five years after the date of ratification" and it "invited the European Committee of Social Rights to arrange the practical presentation and examination of reports with the States concerned" (Decision of the Committee of Ministers of 11 December 2002).

Following this decision, it was agreed that the European Committee of Social Rights examines - in a meeting or by written procedure - the actual legal situation and the situation in practice in the countries concerned from the point of view of the degree of conformity of the situation with non-accepted provisions. This review would be done for the first time five years after the ratification of the revised European Social Charter, and every five years thereafter, to assess the situation on an ongoing basis and to encourage States to accept new provisions. Indeed, experience has shown that states tend to forget that the selective acceptance of the provisions of the Charter should be only a temporary phenomenon.

As Italy ratified the Revised Charter on 5 July 1999, the procedure provided for by Article 22 of the 1961 Charter was applied for the first time in 2004 and for the second time in 2009. In both cases, the European Committee of Social Rights decided to adopt the written procedure on the only non-accepted provision of the Revised Charter - Article 25 (the right of workers to the protection of their claims in the event of the insolvency of their employer). Accordingly, in both cases the Committee asked the Italian authorities to produce a report on Article 25.

In 2004, the Committee was not provided with the requested report and in 2009 the Italian authorities submitted information in Italian. In its report, the Committee renewed its encouragement to the Italian authorities to accept Article 25 of the Charter as Italy was already bound by EU directives covering the same matters as Article 25 and recalled that the working languages of the Council of Europe were English and French¹.

With a view to carrying out the procedure for the third time in 2014, the Italian authorities, by a letter dated 24 September 2013, were invited to provide written information, before 31 March 2014, on the only non-accepted provision, indicating in particular any progress achieved towards accepting Article 25 of the Charter and, if appropriate, the reasons for the delay in accepting this provision.

By a letter dated 7 May 2014, the Italian authorities informed the Committee that the Government's position in respect of the provision under consideration remained the same as in the overview of 2009, and that the rationale for this position has not changed since 2009. Namely they highlighted that there was no full alignment between domestic legislation and related case law on the one hand and principles of the Charter in case of insolvency of the

¹ The Committee's reports are available at the following address:

http://www.coe.int/t/dghl/monitoring/socialcharter/non-acceptedprov/nonacceptedprov_EN.asp?

employer and the Committee case law on Article 25 on the other hand. Therefore, Italy was not able to accept Article 25 of the Charter.

The Committee notes that, though it has not ratified ILO Convention No. 173, Italy transposed Council Directive 80/987/EEC through Legislative Decree No. 80/1992 (GU No. 36 of 13/2/1997, Suppl. Ord. No. 36). Accordingly, there is a mechanism ensuring the protection of employees in case of insolvency of their employers. The payment of outstanding employees' claims is ensured by the Guarantee Fund, which is managed by INPS (*Istituto nazionale della previdenza sociale* – National Social Welfare Institution). The payment covers claims pertaining to the last three months of the employment relationship falling within the 12 months preceding the date when the insolvency proceeding started. A maximum ceiling for the payment is set by the legislation. The Committee therefore reiterates its position in its first and second reports, namely it renews its encouragement to the Italian authorities to accept Article 25 of the Charter

The next examination of the provision not accepted by Italy will take place in 2019.

APPENDIX 1

– Italy and the European Social Charter –

Ratifications

Italy ratified the European Social Charter on 22/10/1965 and the Revised European Social Charter on 05/07/1999, accepting 97 of its 98 paragraphs.

It accepted the Additional Protocol providing for a system of collective complaints on 03/11/1997, but has not yet made a declaration enabling national NGOs to submit collective complaints.

Table of Accepted Provisions

1.1	1.2	1.3	1.4	2.1	2.2	2.3	2.4	2.5	2.6	2.7	3.1
3.2	3.3	3.4	4.1	4.2	4.3	4.4	4.5	5	6.1	6.2	6.3
6.4	7.1	7.2	7.3	7.4	7.5	7.6	7.7	7.8	7.9	7.10	8.1
8.2	8.3	8.4	8.5	9	10.1	10.2	10.3	10.4	10.5	11.1	11.2
11.3	12.1	12.2	12.3	12.4	13.1	13.2	13.3	13.4	14.1	14.2	15.1
15.2	15.3	16	17.1	17.2	18.1	18.2	18.3	18.4	19.1	19.2	19.3
19.4	19.5	19.6	19.7	19.8	19.9	19.10	19.11	19.12	20	21	22
23	24	25	26.1	26.2	27.1	27.2	27.3	28	29	30	31.1
31.2	31.3										
										Grey = Accepted provisions	

The Charter in domestic law

Statutory ad hoc incorporation into domestic law based on Act No. 30/1999 (*Legge recante ratifica ed esecuzione della Carta Sociale europea riveduta con annesso fatta a Strasburgo il 3 maggio 1996*).

Reports *

Between 1967 and 2013, Italy submitted 20 reports on the application of the Charter and 13 on the application of the Revised Charter.

The [12th report](#) submitted in several parts, between 6 December 2012 and 5 February 2013, concerns the accepted provisions of the Revised Charter relating to Thematic Group 2 "Health, social security and social protection" (Articles 3, 11, 12, 13, 14, 23 and 30 of the Charter. Conclusions with respect to these provisions were published in January 2014.

The [13th report](#), submitted on 24 December 2013, concerns the accepted provisions of the Revised Charter relating to Thematic Group 3 "Labour rights" i.e.:

- The right to just conditions of work (Article 2)
- The right to a fair remuneration (Article 4)
- The right to organise (Article 5)
- The right to bargain collectively (Article 6)
- The right to information and consultation (Article 21)
- The right to take part in the determination and improvement of the working conditions and working environment (Article 22)
- The right of dignity at work (Article 26)
- The right of workers' representatives to protection in the undertaking and facilities to be accorded to them (Article 28)
- The right to information and consultation in collective redundancy procedures (Article 29)

Conclusions with respect to these provisions will be published in December 2014.

* Following a decision taken by the Committee of Ministers in 2006, the provisions of both the 1961 Charter and the Revised Charter have been divided into four thematic groups. States present a report on the provisions relating to one of the four thematic groups on an annual basis. Consequently each provision of the Charter is reported on once every four years.

Situation of Italy with respect to the application of the Revised Charter

Examples of progress achieved in the implementation of social rights under the Social Charter ²

Non-discrimination (employment)

▶ Prohibition of discrimination in employment on grounds of religion, personal convictions, disability, age and sexual orientation (Act No. 216/2003).

Non-discrimination (sex)

▶ Gender mainstreaming in the labour market (implementing Decree No. 276/2003 concerning Act No. 30/2003 - Biagi Law).

▶ Introduction of the principle of equal treatment between men and women in the Constitution, Article 51 (Act No. 1/2003).

Non-discrimination (disability)

▶ Legal protection of persons with disabilities against discrimination (including in the field of education and training (Act No. 67/2006).

Employment

▶ Regulation of working time in public and private sectors, as well as night work (Legislative Decree No. 66/2003)

▶ Prohibition on dismissing domestic employees during the compulsory period of maternity leave (national collective agreement on domestic employment of 16 July 1996).

▶ statistics on occupational accidents show a strong decrease in fatal accidents, thus bringing the situation below EU-27 level (Article 3§3).

Health

▶ Prohibition of night work by women between midnight and 6 am from confirmation of pregnancy until the child's first birthday. Female wage earners with a child under 3 years of age cannot be required to perform night work, nor may wage earners of either sex with a disabled dependant (Legislative Decree of 08/04/2003).

▶ Protection from hazardous forms of work of women who are pregnant, have recently given birth or are breastfeeding (Legislative Decrees No. 645/1996 and No. 25/1999).

▶ Mandatory medical examination of young workers prior to their employment and periodical examinations during the employment - minors may only be employed in hazardous work for the purpose of vocational training, under the supervision of a competent instructor and only for the time necessary (Legislative Decree No. 345/1999).

▶ Measures to reduce waiting lists were adopted: the National Waiting-List Plan for 2010-2012, which forms part of the agreement between the state and the regions, provides for a stronger commitment on the part of the regions to guarantee suitable access for citizens to health services, which must be carried out through the application of strict treatment adaptation criteria, respect for priority treatment categories and a transparent system at all levels. Among the new elements are an update of the list of specialised outpatient services and hospital care for which maximum waiting times are set by the regions and the autonomous provinces, a decision to make cardiovascular diseases and cancer priority areas for the development of therapeutic diagnosis mechanisms guaranteeing rapid diagnosis and treatment, a new information system for follow-up to both outpatient and hospital services and transparent information for the public through the posting of waiting lists on the websites of the regions, the autonomous provinces, and public and certified private health agencies (Article 11§1).

Social protection

▶ Measures against violence in family relations (Acts No. 154/2001 and No. 304/2003).

▶ Provision for parental leave and extension of benefits for parents of disabled children (Act No. 53/2000).

² « 1. The Committee rules on the conformity of the situation in States with the European Social Charter, the 1988 Additional Protocol and the Revised European Social Charter. 2. It adopts conclusions through the framework of the reporting procedure and decisions under the collective complaints procedure » (Article 2 of the Rules of the Committee).

- ▶ Female domestic employees who do not qualify for maternity benefit are entitled to 5 months "maternity cheques" (Act No. 448/1998).
- ▶ From new information available the Committee was able to conclude that all persons, in particular foreigners unlawfully present in Italy and not sheltered in Centres for temporary stay or assistance (CTSAs), were entitled to emergency assistance (Article 13§4).

Children

- ▶ Education and Training Reform Act (No. 53/2003).
- ▶ Status of Children Act (No. 149/2001).
- ▶ Compulsory education until the age of 15 (Act No. 30/2000, Section 1.3).

Roma

On 16 November 2011, the Constitutional Council ruled that the "Roma/nomad emergency" legislation in place since 2006/2008 was unlawful. In particular, it held that the identification and census of the inhabitants of numerous Roma camps based on such legislation, including through fingerprinting or the compilation and storage of photometric and other personal information in databases, was disproportionate in a democratic society.

Cases of non-conformity

Thematic Group 1 "Employment, training and equal opportunities"

▶ *Article 1§1 – Right to work – Policy of full employment*

It has not been established that employment policy efforts have been adequate in combating unemployment and promoting job creation.

([Conclusions 2012](#))

▶ *Article 1§2 – Right to work – Free placement services (non-discrimination, prohibition of forced labour, other aspects)*

- access for non-EU nationals of States Parties to public service employment is excessively restricted;
- the Navigation Code provides for criminal penalties against seafarers and civil aviation personnel who desert their post or refuse to obey orders, even in cases where there is no threat to the safety of the vessel or aircraft.

([Conclusions 2012](#))

▶ *Article 18§1 – Right to engage in a gainful occupation in the territory of other Parties – Applying existing regulations in a spirit of liberality*

It has not been established that the existing regulations are applied in a spirit of liberality.

([Conclusions 2012](#))

▶ *Article 24 – Right to protection in cases of termination of employment*

Employees undergoing the probationary period of 6 months are not adequately protected against dismissal.

([Conclusions 2012](#))

Thematic Group 2 "Health, social security and social protection"

▶ *Article 3§1 - Right to safe and healthy working conditions - Health and safety and the working environment*

- There is no appropriate occupational safety and health policy;
- There is no adequate system to organise occupational risk prevention.

([Conclusions 2013](#))

▶ *Article 12§1 - Right to social security - Existence of a social security system*

- It has not been established that the minimum level of sickness benefit is adequate;
- The minimum level of pension benefit is inadequate.

([Conclusions 2013](#))

▶ *Article 12§3 - Right to social security - Development of the social security system*

It has not been established that measures were taken to raise the system of social security to a higher level.

(Conclusions 2013)

► *Article 12§4 - Right to social security - Social security of persons moving between States*

Equal treatment with regard to social security rights is not guaranteed to nationals of all other States Parties; It has not been established that the retention of accrued benefits is guaranteed to nationals of all other States Parties.

(Conclusions 2013)

► *Article 13§1 - Right to social and medical assistance - Adequate assistance for every person in need*

Social assistance is not provided for everybody in need; The level of assistance is inadequate;

It has not been established that medical assistance is provided for everybody in need.

(Conclusions 2013)

► *Article 23 - Right of elderly persons to social protection*

It has not been established that there is an adequate legal framework to combat age discrimination outside employment.

(Conclusions 2013)

► *Article 30 - Right to protection against poverty and social exclusion*

It has not been established that there is an overall and coordinated approach to combating poverty and social exclusion;

There is discriminatory treatment of migrant Roma and Sinti with regard to citizen's participation.

(Conclusions 2013)

Thematic Group 3 "Labour rights"

► *Articles 2§1 – Right to just conditions of work - Reasonable daily and weekly working hours*

Regulations permit weekly working time of up to 72 hours in the fishing industry.

(Conclusions 2010)

► *Articles 2§2 – Right to just conditions of work - Public holidays with pay*

Work performed on a public holiday is not compensated at a sufficiently high level.

(Conclusions 2010)

► *Articles 2§4 – Right to just conditions of work - Elimination of risks in dangerous or unhealthy occupations*

- There is no prevention policy for the risks in inherently dangerous or unhealthy occupations.
- It has not been established that the right to just conditions of work in case of risks in inherently dangerous or unhealthy occupations is guaranteed.

(Conclusions 2010)

► *Article 4§1 – Right to a fair remuneration - Adequate remuneration*

It has not been established that the minimum wage can guarantee a decent standard of living.

(Conclusions 2010)

► *Article 4§2 – Right to a fair remuneration - Increased remuneration for overtime work*

Time off granted to compensate overtime is not sufficiently long under the collective agreement in the food industry sector.

(Conclusions 2010)

► *Article 4§4 – Right to a fair remuneration – Reasonable notice of termination of employment*

- In textile, private metal-working and mechanical industries as well as food-processing sector, one week's notice is not reasonable period of notice for any worker whether or not he or she has completed six months' service.
- In private metal-working and mechanical industries sector, nine days' notice is not a reasonable period of notice for workers with five to ten years' service.
- In private metal-working and mechanical industries as well as food-processing sector, twelve days' notice is not a reasonable period of notice for workers with more than fourteen years' service.
- In textile sector, two weeks' notice is not a reasonable period of notice for workers with more than six month's service.

- In textile, private metal-working and mechanical industries as well as food-processing sector, one month's notice is not a reasonable period of notice for workers with five or more years' service.

[\(Conclusions 2010\)](#)

► *Article 4§5 – Right to a fair remuneration – Limitation of deduction from wages*

It has not been established that deductions from wages will not deprive workers and their dependents of their very means of subsistence.

[\(Conclusions 2010\)](#)

► *Article 6§4 – Right to bargain collectively – Collective action*

- It has not been demonstrated that the Government's right to issue ordinances restricting strikes in essential public services falls within the limits of Article G of the Revised Charter.
- The requirement to notify the duration of strikes concerning essential public services to the employer prior to strike action is excessive.

[\(Conclusions 2010\)](#)

► *Article 21 – Right of workers to be informed and consulted*

It has not been established that the rules relating to information and consultation cover the majority of employees concerned.

[\(Conclusions 2010\)](#)

► *Article 22 – Right of workers to take part in the determination and improvement of the working conditions and working environment*

It has not been established that a majority of employees have an effective right to participate in the decision-making process in their undertaking on matters referred to in Article 22 of the Revised Charter.

[\(Conclusions 2010\)](#)

Thematic Group 4 “Children, families, migrants”

► *Article 7§1 – Right of children and young persons to protection – Prohibition of employment under the age of 15*

It has not been established that the legislation prohibiting employment under the age of 15 is effectively applied.

[\(Conclusions 2011\)](#)

► *Article 7§2 – Right of children and young persons to protection - Prohibition of employment under the age of 18 for dangerous or unhealthy activities*

It has not been established that the labour inspectorate undertakes inspection visits in training places where some tasks carried out by persons under the age of 18 could be considered dangerous or unhealthy even if they have not been declared as such.

[\(Conclusions 2011\)](#)

► *Article 7§3 – Right of children and young persons to protection - Prohibition of employment of children subject to compulsory education*

The effective enjoyment of the right to education is not guaranteed as there is no indication that the legislation on the prohibition of employment under the age of 15 is effectively applied.

[\(Conclusions 2011\)](#)

► *Article 7§4 – Right of children and young persons to protection – Length of working time*

It has not been established whether that the working hours of young persons between the ages of 15 and 16 are reasonable.

[\(Conclusions 2011\)](#)

► *Article 8§3 – Right of employed women to protection of maternity - Time off for nursing mothers*

Domestic workers and home workers are not entitled to paid breaks for the purposes of breastfeeding their infants.

[\(Conclusions 2011\)](#)

► *Article 16 - Right of the family to social, legal and economic protection*

- unequal treatment of foreigners in matters of family benefit;

– undue interference in the family life of Roma and Sinti families.

The second ground of non conformity is also the one which led to the finding of violation in COHRE v. Italy, Complaint No. 58/2009

[\(Conclusions 2011\)](#)

► *Article 17§2 – Right of children and young persons to social, legal and economic protection – Free primary and secondary education – regular attendance at school*

It has not been established that measures taken to improve access for Roma children to education are sufficient.

[\(Conclusions 2011\)](#)

► *Article 19§1 - Right of migrant workers and their families to protection and assistance - Assistance and information on migration*

Racist misleading propaganda against migrant Roma and Sinti indirectly allowed or directly emanating from public authorities.

This ground of non conformity is the one which led to the finding of violation in COHRE v. Italy, Complaint No. 58/2009.

[\(Conclusions 2011\)](#)

► *Article 19§4 - Right of migrant workers and their families to protection and assistance - Equality regarding employment, right to organise and accommodation*

– It has not been established that migrant workers enjoy treatment which is not less favourable than that of nationals with respect to:

- enjoyment of the benefits of collective bargaining;
- access to housing.

– The forced evictions of Roma migrant workers were carried out without due respect of the necessary procedural safeguards guaranteeing that in respect of housing for such workers treatment is not less favourable than that of nationals.

The second ground of non conformity corresponds with the one which led to the finding of violation in COHRE v. Italy, Complaint No. 58/2009.

[\(Conclusions 2011\)](#)

► *Article 19§6 - Right of migrant workers and their families to protection and assistance – Family reunion*

The requirement relating to the income is likely to hinder family reunion rather than facilitate it.

[\(Conclusions 2011\)](#)

► *Article 19§8 - Right of migrant workers and their families to protection and assistance - Guarantees concerning deportation*

During the reference period "security measures" representing a discriminatory legal framework target Roma and Sinti, making it very difficult for them to obtain identification documents in order to legalise their residence status and, therefore, permit even the expulsion of Italian and other EU citizens.

[\(Conclusions 2011\)](#)

► *Article 19§10 - Right of migrant workers and their families to protection and assistance - Equal treatment for the self-employed*

The same grounds for non conformity apply as for paragraphs 1, 4, 6 8 and 12 of the same Article.

[\(Conclusions 2011\)](#)

► *Article 19§12 - Right of migrant workers and their families to protection and assistance - Teaching mother tongue of migrant*

It has not been established that Italy promotes and facilitates the teaching of the migrant worker's mother tongue to the children of migrant workers.

[\(Conclusions 2011\)](#)

► *Article 31§1 – Right to housing - Adequate housing*

Measures taken by public authorities to improve the substandard housing conditions of most Roma in Italy are inadequate.

This ground of non conformity is the one which led to the finding of violation in ERRC v . Italy. The Committee holds that during the reference period the follow-up to this finding was unsatisfactory.

This ground of non conformity is also the one which led to the finding of violation in COHRE v. Italy, Complaint No. 58/2009.

[\(Conclusions 2011\)](#)

► *Article 31§2 – Right to housing - Reduction of homelessness*

- the initiatives undertaken to reduce the number of homeless persons are insufficient;
- evictions of Roma and Sinti continue to be carried out without respecting the necessary procedural safeguards to guarantee full respect of every individual's human dignity and without alternative accommodation being made available;
- intervention in Roma and Sinti settlements by the police, has not been respectful of the dignity of their inhabitants and those responsible for destroying the personal belongings of the inhabitants of the settlements have not always been investigated nor have they, if identified, been condemned for their acts.

The second ground of non conformity is the one which led to the finding of violation in ERRC v. Italy. The Committee holds that during the reference period the follow-up to this finding was unsatisfactory.

The second and third grounds are those which led to the findings of violation in COHRE v. Italy, Complaint No. 58/2009.

[\(Conclusions 2011\)](#)

► *Article 31§3 – Right to housing - right to affordable housing*

- in some regions and municipalities nationals of other Parties to the Charter and to the 1961 Charter lawfully residing or regularly working in Italy are not entitled to equal treatment regarding eligibility for social housing and access to housing benefit ;
- it has not been demonstrated that resources have been invested with the effect of improving in practice access of Roma and Sinti to social housing without discrimination.

The second ground of non conformity is the one which led to the finding of violation in ERRC v. Italy. The Committee holds that during the reference period the follow-up to this finding was unsatisfactory.

The second ground of non conformity also corresponds with the one which led to the finding of violation in COHRE v. Italy, Complaint No. 58/2009.

[\(Conclusions 2011\)](#)

The European Committee of Social Rights has been unable to assess compliance with the following rights and has invited the Italian Government to provide more information in the next report in respect of the following provisions:

Thematic Group 1 “Employment, training and equal opportunities”

(Report to be submitted before 31 October 2015)

- Article 15§2– Conclusions 2012
- Article 18§2– Conclusions 2012

Thematic Group 2 “Health, social security and social protection”

(Report to be submitted before 31 October 2016)

- Article 3§3 – Conclusions 2013
- Article 3§4 – Conclusions 2013
- Article 11§1– Conclusions 2013
- Article 13§2 – Conclusions 2013

Thematic Group 3 “Labour rights”

(Report to be submitted before 31 October 2013)

No situations deferred.

Thematic Group 4 "Children, families, migrants"

(Report to be submitted before 31 October 2014)

- ▶ Article 7§5 – Conclusions 2011
- ▶ Article 17§1 - Conclusions 2011
- ▶ Article 27§1 - Conclusions 2011

Collective Complaints and State of Procedure in Italy ³

Collective complaints (under examination)

Confederazione Generale Italiana del Lavoro (CGIL) v. Italy (No. 91/2013)

International Planned Parenthood Federation – European Network (IPPF EN) v. Italy (No. 87/2012)

Collective complaints (proceedings completed)

1. Complaints inadmissible or where the Committee has found no violation

World Organisation against Torture (OMCT) v. Italy (No. 19/2003)

Non violation of Article 17 (right of children to social, economic and legal protection).

Decision on the merits of 26 January 2005.

European Federation of Employees in Public Services (EUROFEDOP) v. Italy (No. 4/1999)

Non violation of Article 5 (right to organize) and 6 (right to collective bargaining).

Decision on the merits of 12 December 2000.

2. Complaints where the Committee has found a violation which has not yet been remedied

Centre on Housing Rights and Evictions (COHRE) v. Italy (No. 58/2009)

- Violation of Article E taken in conjunction with Article 16 (right of the family to social, legal and economic protection);
- Violation of Article E taken in conjunction with Article 19§1 (right of migrant workers and their families to protection and assistance – assistance and information on migration);
- Violation of Article E taken in conjunction with Article 19§4.c (right of migrant workers and their families to protection and assistance – equality regarding accomodation);
- Violation of Article E taken in conjunction with Article 30 (right to be protected against poverty and social exclusion);
- Violation of Article E taken in conjunction with Article 31§1 (right to housing – adequate housing);
- Violation of Article E taken in conjunction with Article 31§2 (right to housing – reduction of homelessness);
- Violation of Article E taken in conjunction with Article 31§3 (right to housing – affordable housing).

Decision on the merits of 25 June 2010.

European Roma Rights Centre (ERRC) v. Italy (No. 27/2004)

- Violation of Article E taken in conjunction with Article 31§1 (right to housing – adequate housing);
- Violation of Article E taken in conjunction with Article 31§2 (right to housing – reduction of homelessness);
- Violation of Article E taken in conjunction with Article 31§§1 and 3 (right to housing – adequate housing and affordable housing).

Decision on the merits of 7 December 2005.

³ The caselaw of the Committee relative to collective complaints may be consulted on the European Social Charter website on the [Collective Complaint webpage](#). Searches on complaints may also be carried out in the [European Committee of Social Rights Caselaw database](#).

APPENDIX 2

Declaration of the Committee of Ministers on the 50th anniversary of the European Social Charter

(Adopted by the Committee of Ministers on 12 October 2011 at the 1123rd meeting of the Ministers' Deputies)

The Committee of Ministers of the Council of Europe,

Considering the European Social Charter, opened for signature in Turin on 18 October 1961 and revised in Strasbourg on 3 May 1996 ("the Charter");

Reaffirming that all human rights are universal, indivisible and interdependent and interrelated;

Stressing its attachment to human dignity and the protection of all human rights;

Emphasising that human rights must be enjoyed without discrimination;

Reiterating its determination to build cohesive societies by ensuring fair access to social rights, fighting exclusion and protecting vulnerable groups;

Underlining the particular relevance of social rights and their guarantee in times of economic difficulties, in particular for individuals belonging to vulnerable groups;

On the occasion of the 50th anniversary of the Charter,

1. Solemnly reaffirms the paramount role of the Charter in guaranteeing and promoting social rights on our continent;
2. Welcomes the great number of ratifications since the Second Summit of Heads of States and Governments where it was decided to promote and make full use of the Charter, and calls on all those member states that have not yet ratified the Revised European Social Charter to consider doing so;
3. Recognises the contribution of the collective complaints mechanism in furthering the implementation of social rights, and calls on those members states not having done so to consider accepting the system of collective complaints;
4. Expresses its resolve to secure the effectiveness of the Social Charter through an appropriate and efficient reporting system and, where applicable, the collective complaints procedure;
5. Welcomes the numerous examples of measures taken by States Parties to implement and respect the Charter, and calls on governments to take account, in an appropriate manner, of all the various observations made in the conclusions of the European Committee of Social Rights and in the reports of the Governmental Committee;
6. Affirms its determination to support States Parties in bringing their domestic situation into conformity with the Charter and to ensure the expertise and independence of the European Committee of Social Rights;
7. Invites member states and the relevant bodies of the Council of Europe to increase their effort to raise awareness of the Charter at national level amongst legal practitioners, academics and social partners as well as to inform the public at large of their rights.