

EUROPEAN SOCIAL CHARTER

Social Rights Monitoring 2015: Children, Family and Migrants

2015 CONCLUSIONS OF THE EUROPEAN COMMITTEE OF SOCIAL RIGHTS

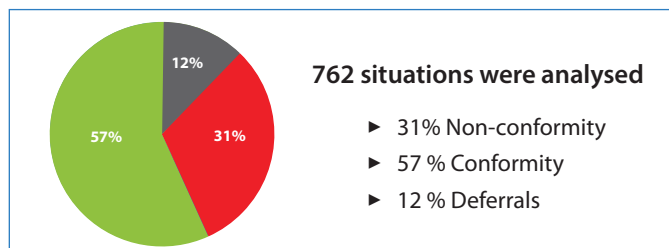
WHAT YOU NEED TO KNOW

MAIN FINDING

NON-CONFORMITY

- Violations of rights of **migrants and foreigners**
- Young workers** & apprentices are not always fairly treated as regard their working time & remuneration
- Child labour** is not yet fully eradicated in Europe
- Quality & accessibility of **social services for families** often not adequate

MAJOR TRENDS



In 12 % of the cases, the Committee was not able to decide whether the national situations were in conformity or not with the European Social Charter's provisions due to lack of information.

31 REPORTS AND 47 STATES...

Conclusions 2015 on rights relating to children, families and migrants concern 31 member states of the Council of Europe. All member states have ratified the Charter (the 1961 Charter or the Revised Charter) except Switzerland, Monaco, Liechtenstein and San Marino.

Four States did not submit a report for Conclusions 2015 in time thus failing to respect their reporting obligation: Albania, Croatia, Iceland and Luxembourg.

8 States bound by the collective complaints procedure were exempted from reporting on children, families and migrants and instead were required to submit a simplified report on follow-up to complaints.

IMPROVEMENTS

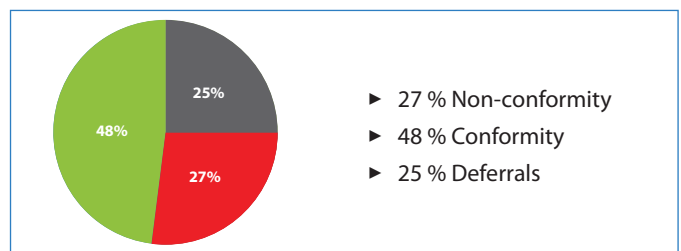
- Progress in the protection of **children against ill-treatment**
- Legal protection** of families has improved
- Legal framework** for workers with family responsibilities has improved
- Efforts in **language teaching for foreigners** have been intensified

SIMPLIFICATION & EFFICIENCY

The changes to the reporting procedure adopted by the Committee of Ministers in 2014 entail an alleviation of the reporting burden for the States bound by the complaints procedure and also reduces the number of situations that the Committee has to assess.

COMPARISON WITH 2011

The number of conclusions adopted by the Committee fell from 950 in 2011 to 762 in 2015. The proportion of conclusions of non-conformity increased from 27% in 2011 to 31% in 2015.

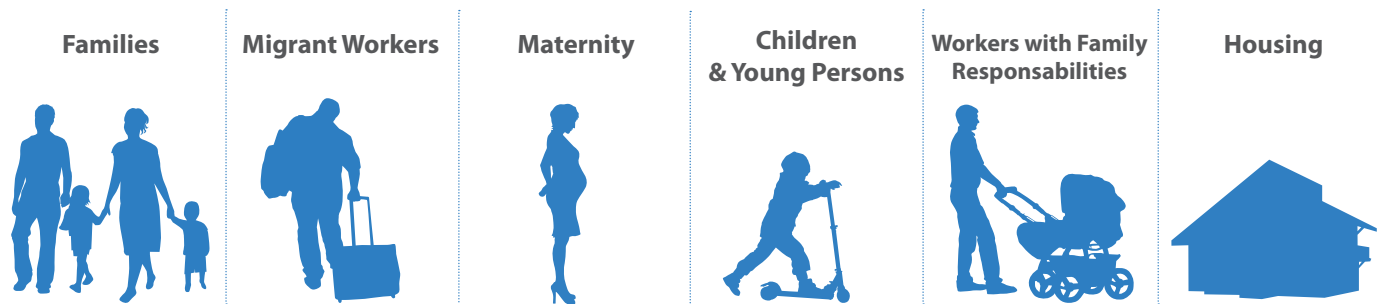


2015 ASSESSMENT OF RIGHTS COVERED

Each year, a group of provisions of the European Social Charter is examined by the European Committee of Social Rights. The Committee examined the reports submitted by 31 States Parties on the articles of the Charter relating to children, families and migrants: the right of children and young persons to protection (Article 7), the right of employed women to protection of maternity (Article 8), the right of the family to social, legal and economic protection (Article 16), the

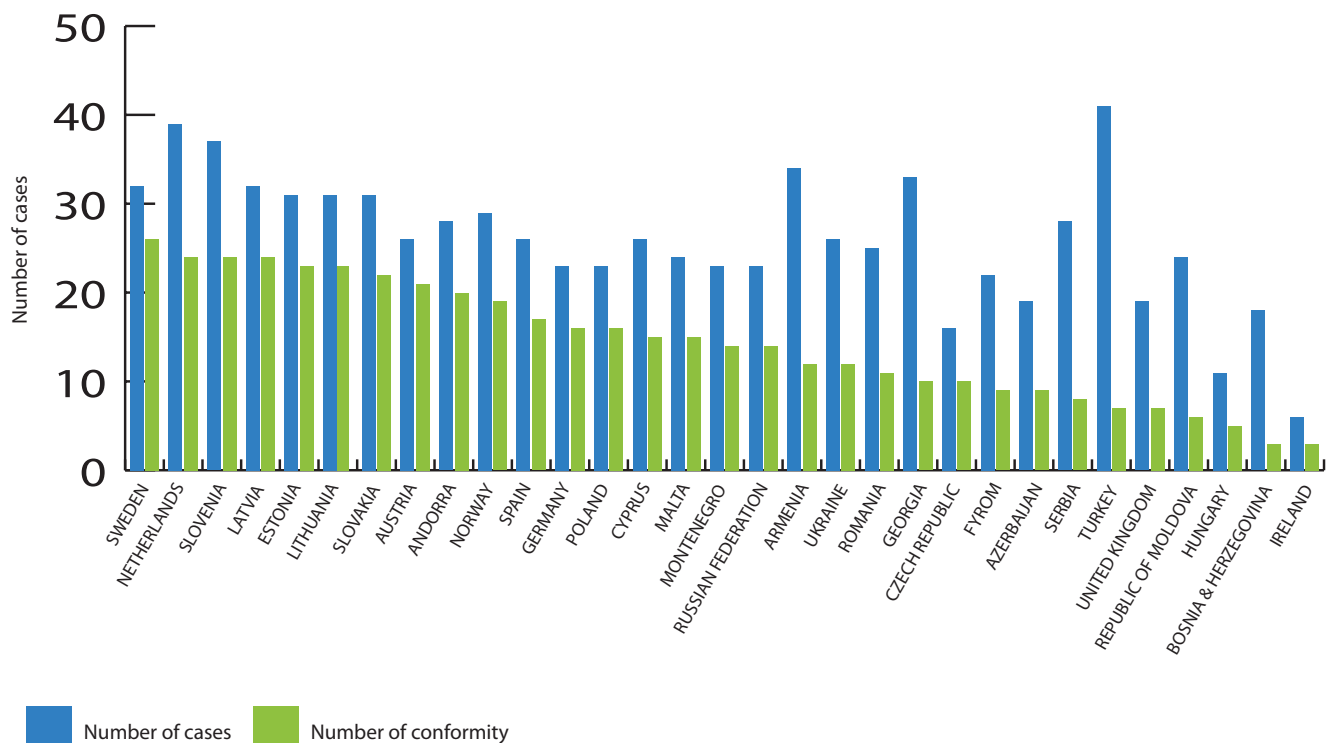
right of children and young persons to social, legal and economic protection (Article 17), the right of migrant workers and their families to protection and assistance (Article 19), the right of workers with family responsibilities to equal opportunity and treatment (Article 27) and the right to housing (Article 31).

The reports covered the reference period 2010-2013.

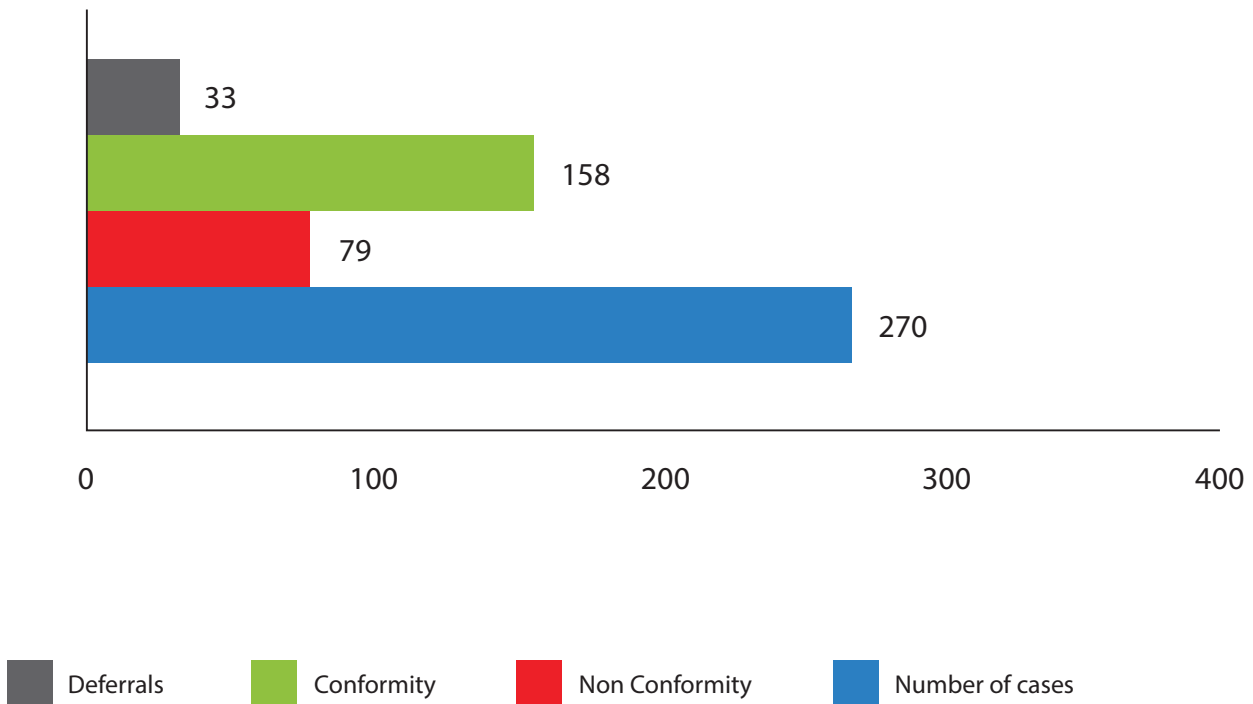


2015 DEGREE OF COMPLIANCE WITH THE PROVISIONS OF THE CHARTER

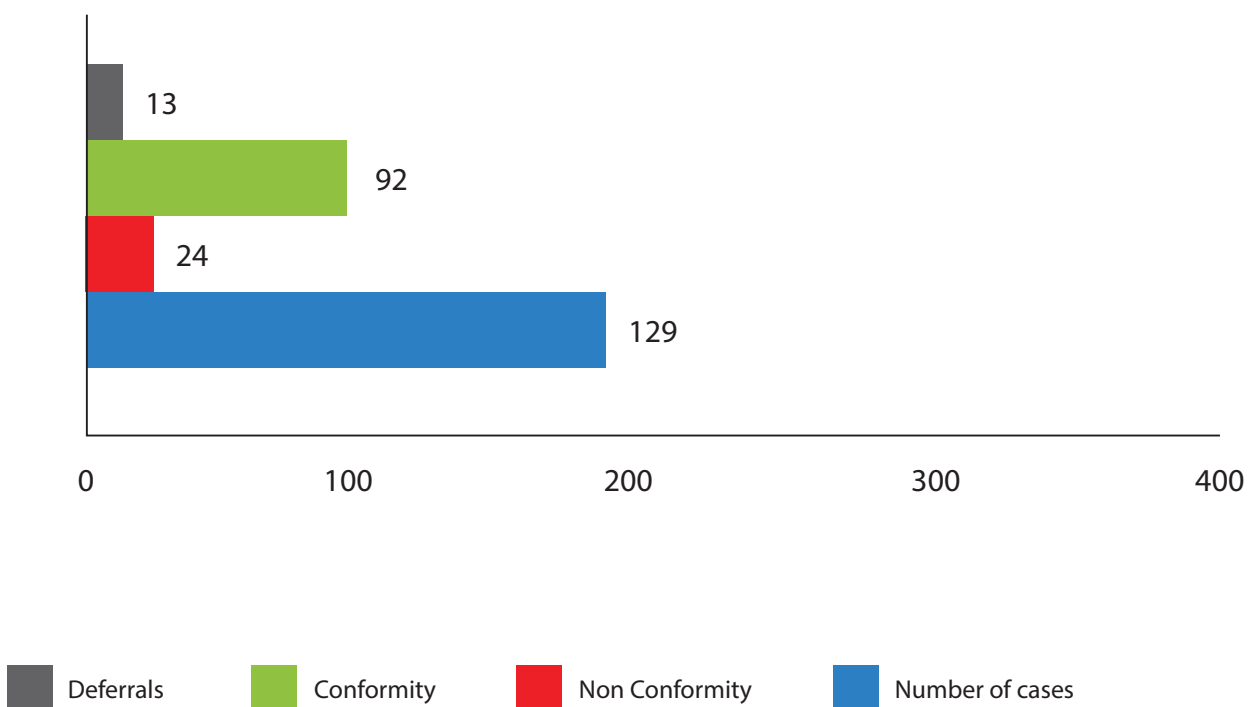
OVERALL LEVEL OF COMPLIANCE FOR CHILDREN, FAMILY AND MIGRANT RIGHTS



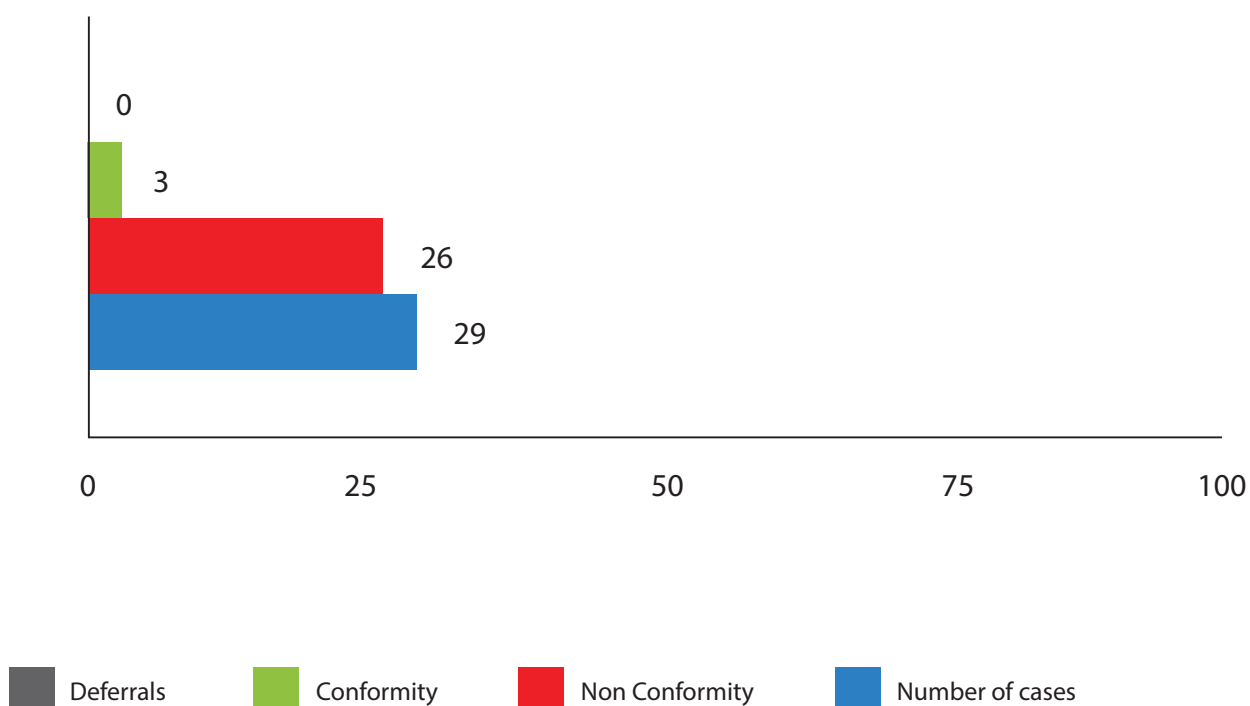
RIGHT OF CHILDREN AND YOUNG PERSONS TO PROTECTION (ARTICLE 7)



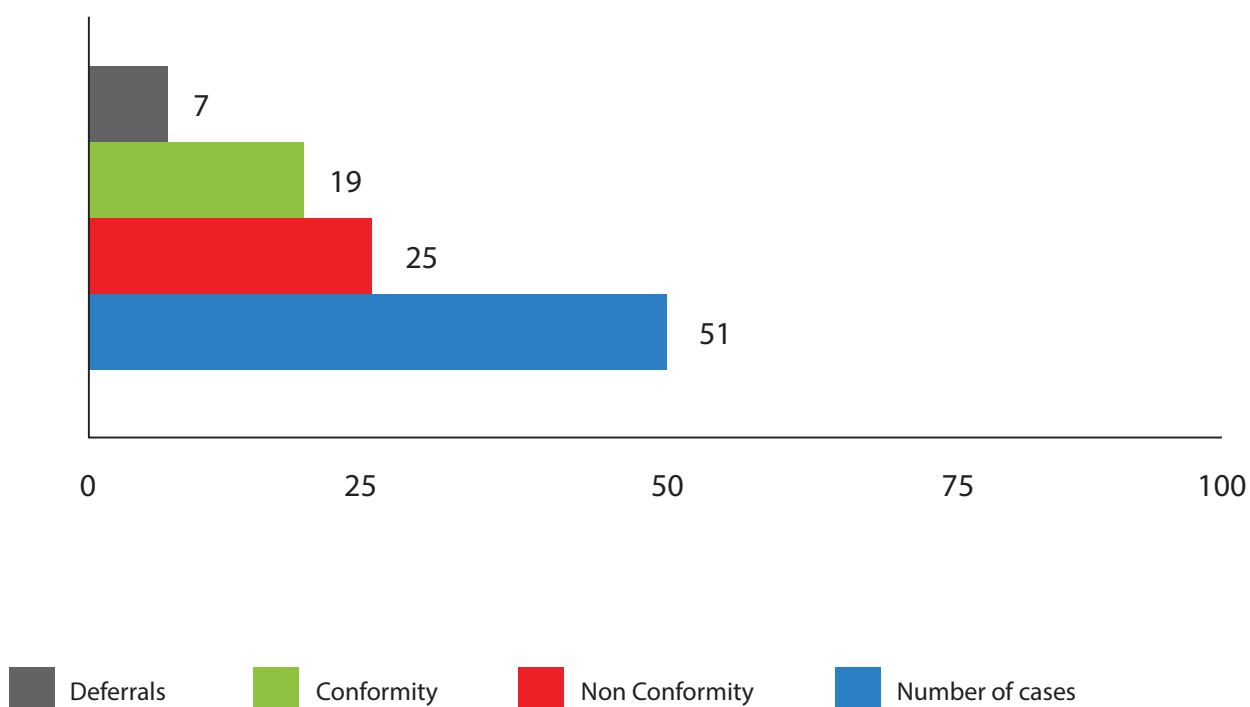
RIGHT OF EMPLOYED WOMEN TO PROTECTION OF MATERNITY (ARTICLE 8)



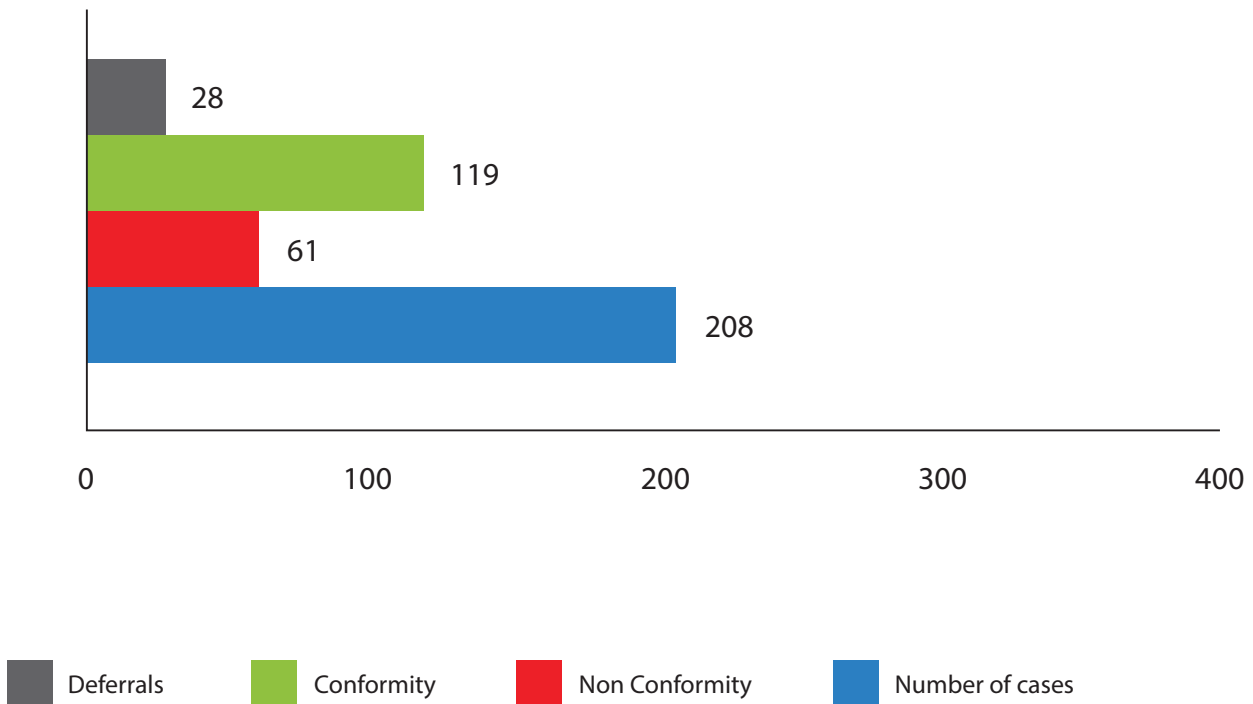
RIGHT OF THE FAMILY TO SOCIAL, LEGAL AND ECONOMIC PROTECTION (ARTICLE 16)



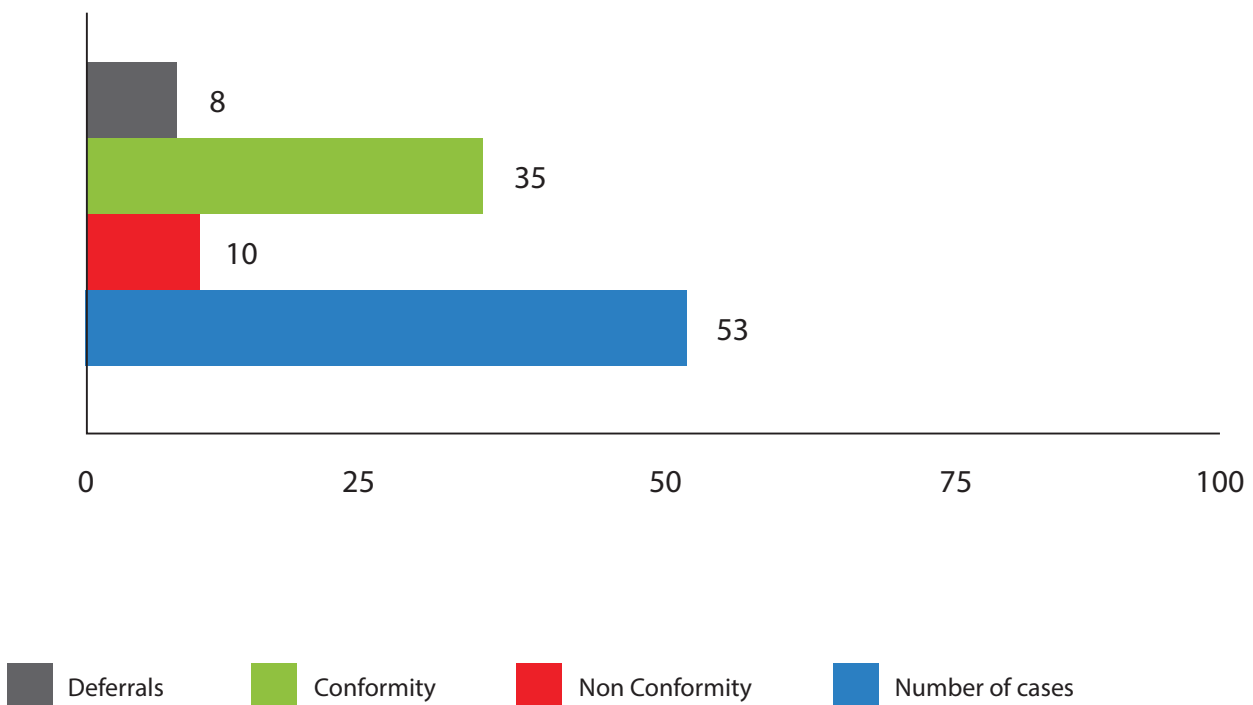
RIGHT OF CHILDREN AND YOUNG PERSONS TO SOCIAL, LEGAL AND ECONOMIC PROTECTION (ARTICLE 17)



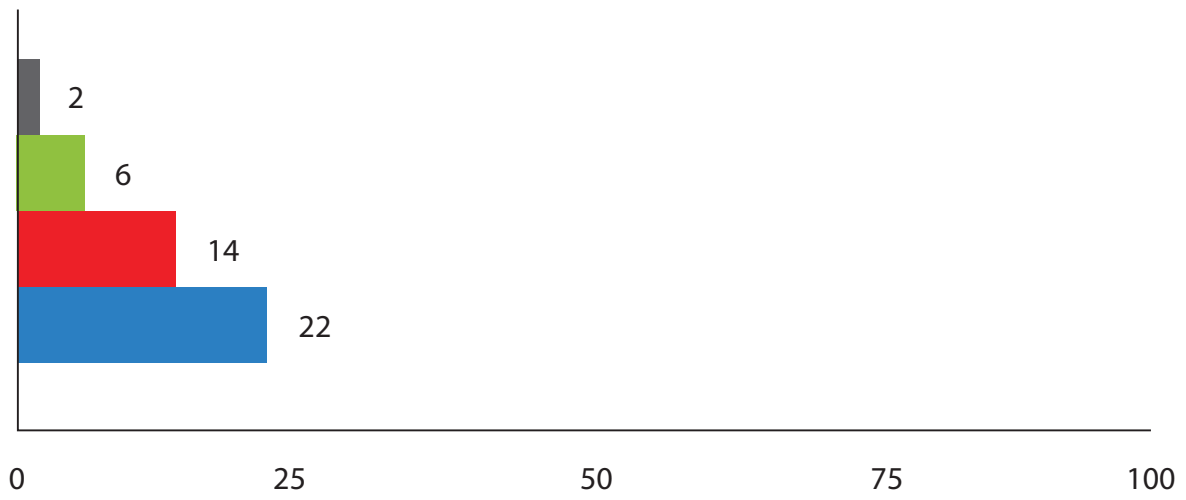
RIGHT OF MIGRANT WORKERS AND THEIR FAMILIES TO PROTECTION AND ASSISTANCE (ARTICLE 19)



RIGHT OF WORKERS WITH FAMILY RESPONSIBILITIES TO EQUAL OPPORTUNITY AND TREATMENT (ARTICLE 27)



RIGHT TO HOUSING (ARTICLE 31)



REMINDER

THE EUROPEAN SOCIAL CHARTER

■ The European Social Charter is a Council of Europe treaty that guarantees fundamental social and economic rights as a counterpart to the European Convention on Human Rights, which refers to civil and political rights. It guarantees a broad range of everyday human rights related to employment, housing, health, education, social protection and welfare.

THE EUROPEAN COMMITTEE OF SOCIAL RIGHTS

■ Council of Europe monitoring body composed of 15 independent & impartial experts which rules on the conformity of national situations with the Charter.

REPORTS - CONCLUSIONS

■ The monitoring carried out by the Committee in 2015 consists of three components:

- ▶ Examination of national reports on the thematic group of provisions related to children, families and migrants;
- ▶ Examination of information on follow-up to Collective Complaints
- ▶ Examination of reports on conclusions of non-conformity due to lack of information

■ Generally speaking, in the framework of the reporting procedure the Committee's monitoring is based on reports submitted by the States Parties, but the Committee also relies on comments presented by civil society organisations, including notably trade unions and employers' organisations, and any other sources of information which it deems relevant to the examination of national situations.

CIVIL SOCIETY

■ The contribution of civil society is crucial. Non-governmental organization frequently provides information which allows the Committee to gain a better and more comprehensive understanding of national law and practice.

STATEMENT OF INTERPRETATIONS

■ The Committee also formulates statements of interpretation developing and clarifying the meaning and scope of the Charter as regards specific provisions or specific topics.

■ Example: Statement of interpretation on the rights of refugees under the European Social Charter, initially published in October 2015 <https://goo.gl/HYNWMB>

RESOURCES

WEBSITE

■ www.coe.int/socialcharter

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DISCLAIMER

■ This communication does not bind the European Committee of Social Rights.