



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

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**FIRST REPORT
ON THE NON-ACCEPTED PROVISIONS OF THE
EUROPEAN SOCIAL CHARTER**

SERBIA

Meeting on 4 November 2014

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I. SUMMARY

With respect to the procedure provided by Article 22 of the 1961 Charter – examination of non-accepted provisions - the Committee of Ministers decided in December 2002 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 had "invited the European Committee of Social Rights to arrange the practical presentation and examination of reports with the states concerned".

Following this decision, five years after ratification of the Revised European Social Charter (and every five years thereafter), the European Committee of Social Rights (ECSR) reviews the non-accepted provisions with the countries concerned, with a view to securing a higher level of acceptance. Past experience had shown that states tended to forget that selective acceptance of Charter provisions was meant to be a temporary phenomenon. The aim of the procedure was therefore to require them to review the situation after five years and encourage them to accept more provisions.

As Serbia ratified the Revised Charter on 14 September 2009, the European Committee of Social Rights contacted the authorities in Serbia in March 2014 with a view to applying, for the first time, the procedure provided by Article 22 of the 1961 Charter. It was agreed to hold a meeting between members of the European Committee of Social Rights and representatives of various institutions of Serbia in Belgrade on 4 November 2014. As Serbia has accepted 88 of the 98 paragraphs of the Revised Charter, the meeting covered the remaining paragraphs. The factsheet on the situation of Serbia with respect to the Charter appears in Appendix I. The programme of the meeting appears in Appendix II and the list of participants in Appendix III.

Prior to the meeting, the ECSR members and the Secretariat held discussions with Mr Nenad Ivanišević, Secretary of State, Ministry of Labour, Employment, Veterans and Social Affairs, who was representing the new government following elections in March 2014. He reiterated the importance for Serbia of meeting European standards and believed that the government would respond positively with regard to further acceptance of Charter provisions.

Mr Ivanišević had participated in the Ministerial Session of the High-Level Conference on the European Social Charter, held in Turin on 17-18 October 2014. The Conference marked the beginning of the "Turin process" which is aimed at reinforcing the European Social Charter, a priority of the Secretary General of the Council of Europe, through a wider acceptance by States of the Charter and the collective complaints procedure.

The meeting consisted of an exchange of views and information on the following non-accepted provisions of the Charter:

- The right to just conditions of work (Art.2§4)
- The right to vocational training (Art. 10§5)
- The right of migrant workers and their families to protection and assistance (Art. 19§12)
- The right of workers with family responsibilities to equal opportunities and equal treatment (Art. 27 §§ 1, 2 and 3)
- The right to housing (Art. 31 §§ 1, 2 and 3)

The European Committee of Social Rights delegation gave an overall favourable view with respect to possible acceptance of the provisions discussed.

An exchange of views also took place concerning:

- the preparation of national reports with a view to improving the quality of reports submitted for examination to the European Committee of Social Rights; and
- the Additional Protocol to the European Social Charter providing for a system of collective complaints, with a view to encouraging Serbia to accept the procedure.

The European Committee of Social Rights remains at the disposal of the authorities of Serbia and encourages them to take the necessary steps towards acceptance of the collective complaints procedure.

The next examination of the provisions not yet accepted by Serbia will take place in 2019.

The meeting also provided the opportunity for an exchange of views on the European Code of Social Security (the “Code”) to assess the possible ratification by Serbia. Such a ratification seemed possible given that Serbia had ratified ILO Convention 102 on Minimum Standards of Social Security and had accepted Article 12§2 of the European Social Charter (“to maintain the social security system at a satisfactory level at least equal to that necessary for the ratification of the European Code of Social Security”). The participants in the meeting concluded that Serbia was in a favourable position to sign and ratify the European Code of Social Security.

II. EXAMINATION OF THE NON-ACCEPTED PROVISIONS

The meeting was chaired by Ms Dragana Savic, Head of the Department for International Cooperation, European integration and Project Management, Ministry of Labour, Employment, Veterans and Social Affairs. The opening address was made by Mr Nenad Ivanišević, Secretary of State, Ministry of Labour, Employment, Veterans and Social Affairs, who welcomed the discussions as a follow-up to the High-Level Conference in Turin and expressed the belief that they would result in further progress. Mr Régis Brillat, Head of Department, Executive Secretary of the European Committee of Social Rights and Ms Nadia Cuk, Deputy Head of the Council of Europe Office, Belgrade also made opening addresses.

The Serbian authorities were invited to present the situation in law and in practice in Serbia concerning the non-accepted provisions, following which the members of the European Committee on Social Rights presented an opinion on possible acceptance and the case law.

Provisions relating to:

- The right to just conditions of work (Art. 2§4)
- The right to vocational training (Art. 10§5)

Provisions relating to children, families and migrants:

- The right of migrant workers and their families to protection and assistance (Art. 19§12)
- The right of workers with family responsibilities to equal opportunities and equal treatment (Art. 27 §§ 1, 2 and 3)
- The right to housing (Art. 31 §§ 1, 2 and 3)

Article 2 The right to just conditions of work

Article 2§4 With a view to ensuring the effective exercise of the right to just conditions of work, the Parties undertake:

- to eliminate risks in inherently dangerous or unhealthy occupations, and where it has not yet been possible to eliminate or reduce sufficiently these risks, to provide for either a reduction of working hours or additional paid holidays for workers engaged in such occupations (Article 2§4);

Situation in Serbia

The Law on Safety and Health at Work adopted in 2005 (Official Gazette (OG) 101/05) provides for risk assessment in the work place with a view to the reduction of risks to a minimum. Under Article 13, employers apply the Risk Assessment Act for all workplaces, lay down the measures for risk elimination and assess changes to the risk level. A Code of Rules exists on methodology of risk assessment at the work place and in the work environment (OG 72/06, 84/06-corrigendum and 30/10) as well as a Rulebook on preliminary and periodic medical examinations of employees in higher risk work places (OG 120/07 and 93/08). Minimum requirements for risk elimination or minimisation of risks were provided for under 19 by-laws. Under the Labour Law (Article 52) an employee subject to adverse health effects, despite all the measures taken, could have proportionally reduced working hours, on the basis of a professional analysis. Under Article 69, para 2, additional days of leave may be granted. Application of the legislation and supervision was carried out through the labour inspection.

Opinion of the European Committee of Social Rights

The Committee gave a generally positive assessment, welcoming that relevant legislation was in place in Serbia and many employers appeared to conduct risk assessment in the work place. Measures had also been taken to formally compensate workers at risk through the reduction of working hours or additional leave. The situation in practice would be of importance in order to assess the extent to which the adequate protection of workers was guaranteed.

The Committee provided information concerning interpretation and case law. The first part of Article 2§4 requires states to take the necessary measures to eliminate risks in inherently dangerous or unhealthy occupations and was closely linked to Article 3 of the Charter on the right to safe and healthy working conditions. In assessing compliance with Article 2§4, the Committee therefore refers to its conclusions relating to the right to safe and healthy working conditions in general. The second part of Article 2§4 only concerns the situation of workers exposed to risks where it has not yet been possible to eliminate or sufficiently reduce the risks despite the preventive measures. It requires states to ensure that some form of compensation is received. The Committee accepts two forms of compensation for workers exposed to such risks, namely reduced hours and additional paid holidays.

Article 10: The right to vocational training

Article 10§5

With a view to ensuring the effective exercise of the right to vocational training, the Parties undertake:

- to encourage the full utilisation of the facilities provided by appropriate measures such as:
 - a. reducing or abolishing any fees or charges;
 - b. granting financial assistance in appropriate cases;
 - c. including in the normal working hours time spent on supplementary training taken by the worker, at the request of his employer, during employment;
 - d. ensuring, through adequate supervision, in consultation with the employers' and workers' organisations, the efficiency of apprenticeship and other training arrangements for young workers, and the adequate protection of young workers generally (Art. 10§5);

Situation in Serbia

The Law on Employment and Unemployment Insurance has been in force since 2009 (OG 36/09 and 88/10) in line with European standards. The principles of the law included prohibition of discrimination, impartiality in the conduct of employment activities, gender equality, affirmative action towards vulnerable persons, freedom of choice of occupation and work as well as the provision of services to unemployed persons free of charge. Important aspects included notification regarding employment opportunities and conditions, jobmatching, vocational guidance and career counselling, as defined under the law, as well as the issuing of work permits to foreigners and stateless persons. A number of additional active measures had been undertaken aimed at stimulating employment, such as employment subsidies, support for self-employment, further education and training, incentives for beneficiaries of unemployment benefit and public works. Further education and training was organized by the National Employment Service (NES) or agencies, at the employer's request or in response to labour market needs. The costs for organizing these activities at an employer's request were borne by the employer while the costs of further education and training activities organised in response to labour market needs were borne by the NES.

The National Employment Action Plan (NEAP) was a core instrument of the active employment policy, adopted on an annual basis, involving a wide network of social partners. The NEAP complied with the National Employment Strategy, incorporating the active employment policy and measures for the following year. It also included the annual further education and training programme, targeting areas with skills and knowledge gaps. There was a special package for youth with a service for young people (15-30 years) to improve employment opportunities. An evaluation of the measures had been conducted in 2012.

Opinion of the European Committee of Social Rights

The Committee considered that the legislation in Serbia fulfilled most of the requirements of the provisions of Article 10§5. The Committee welcomed, in particular, the reduction or elimination of fees, which were mostly borne by the employer or the National Employment Service. It also found the programme for young workers to be a positive aspect, as this constituted an important

point of Article 10§5. Further clarifications would be required in order to make a full assessment of the situation in law and in practice.

The Committee underlined some important aspects of interpretation and case-law with regard to Article 10§5, which focused on complementary measures which were fundamental to making access to vocational training effective in practice. These included measures for reducing or abolishing any fees or charges and, where applicable, the granting of financial assistance, on the basis of equal treatment between nationals and non-nationals. The Committee would be interested in knowing, should fees be charged for apprenticeships, the amounts concerned and action taken to reduce or abolish them. It would also seek to know the types and nature of financial assistance available and the conditions of entitlement. In any event, adequate assistance should at least be available for those in need. With regard to the time spent on supplementary training at the request of the employer, this must be included in the normal working-hours and completed during the current period of employment. With regard to subparagraph (d) of Article 10§5, states must evaluate their vocational training programmes for young workers, including the apprenticeships. In particular, the participation of employers' workers' organisations was required in the supervision process.

Provisions relating to children, families and migrants

Article 19 The right of migrant workers and their families to protection and assistance

With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Party, the Parties undertake:

Article 19§11

- to promote and facilitate the teaching of the national language of the receiving state or, if there are several, one of these languages, to migrant workers and members of their families;

Article 19§12

- to promote and facilitate, as far as practicable, the teaching of the migrant worker's mother tongue to the children of the migrant worker (Art. 19.12)

Situation in Serbia

The Serbian authorities provided information on the basic law with regard to fundamentals of education. Although migrants were not specifically mentioned under the law, foreign citizens and stateless persons have the right to education in the same way as nationals. Foreign citizens can receive lessons within the unit of local government. With regard to languages, education was provided in Serbian and eight other minority languages.

Opinion of the European Committee of Social Rights

The Committee gave a generally favourable assessment with regard to acceptance of Article 19 §§ 11 and 12 by Serbia. Further information would be required in order to make a full assessment of the situation in law and in practice.

With regard to Article 19§11, the Committee observed that Serbia provided teaching of the national language to migrants.

Concerning Article 19§12, the Committee considered that the situation described in Serbia, where eight languages are taught in classrooms, would appear to cover the biggest minority groups.

The Committee highlighted the following aspects of interpretation and case-law with regard to Article 19 §§ 11 and 12.

Under Article 19§11, states should promote and facilitate the teaching of the national language to children of school age, as well as to the migrants themselves and to member of their families who are no longer of school age. The teaching of the national language of the receiving state is the main means by which migrants and their families can integrate into the world of work and society at large. The language of the receiving country is automatically taught to children throughout their formal education, but this measure is not sufficient to fulfil the obligations arising out of Article 19§11. States must endeavor to introduce additional educational support alongside formal schooling for migrant workers' children who have not attended the first few primary school years and who may therefore lag behind their classmates who are nationals of the receiving state. States must furthermore encourage the teaching of the national language in the workplace, in the voluntary sector or in public institutions, such as universities. Such language classes must be provided free of charge in order not to worsen the already difficult position of migrants on the labour market.

With regard to Article 19§12, the undertaking of States is to promote and facilitate the teaching, in schools or other structures, such as voluntary associations, of those languages that are most represented among migrants within their territory. In practical terms, States should therefore promote and facilitate the teaching of the languages most represented among the migrants on their territories within their school systems or in other contexts such as voluntary associations or non-governmental organizations, where there are a significant number of children to follow the classes.

Article 27: The right of workers with family responsibilities to equal opportunities and equal treatment

With a view to ensuring the exercise of the right to equality of opportunity and treatment for men and women workers with family responsibilities and between such workers and other workers, the Parties undertake:

Article 27§1

- to take appropriate measures:
 - a. to enable workers with family responsibilities to enter and remain in employment, as well as to re-enter employment after an absence due to those responsibilities, including measures in the field of vocational guidance and training
 - b. to take account of their needs in terms of conditions of employment and social security;
 - c. to develop or promote services, public or private, in particular child day care services and other childcare arrangements

Article 27§2

To provide a possibility for either parent to obtain, during a period after maternity leave, parental leave to take care of a child, the duration and conditions of which should be determined by national legislation, collective agreements or practice.

Article 27§3

To ensure that family responsibilities shall not, as such, constitute a valid reason for termination of employment.

Situation in Serbia

The relevant legal basis existed for equal opportunities under the Labour Law (OG N° 24/05, 61/05, 54/09, 32/13 and 75/14) which provided for the prohibition of discrimination (Articles 18-23), protection of employees and maternity care (Articles 89-100) and conditions for termination of labour contracts (Articles 175-196). Direct and indirect discrimination was prohibited against persons seeking employment and employees in respect of their sex, origin, language, race, colour of skin, age, pregnancy, health status or disability, nationality, religion, marital status, **familial commitments**, sexual orientation, political or other beliefs, social background, financial status, membership in political organisations, trade unions or any other personal quality. Prohibition of discrimination related to areas covering employment and working conditions, selection of candidates, education, training, promotion and termination of the labour contract.

Conditions for maternity leave (before and after the birth) and leave for childcare were provided for under the legislation, including certain rights of the father to leave. Measures were also in place with regard to leave for special care of a child or other person, which included provisions for care of disabled persons, the rights of foster parents, guardians, caregivers and adoptive parents. During all such leave, the workers in question were entitled to payment. Under the terms of Article 179 of the Labour Law, reasons were listed for which termination of employment was not considered justified, for example, illness, absence due to childcare or special care, maternity leave, military service, membership of a trade union, gender, ethnicity or another personal feature of the employee. It was underlined that absence due to family obligations was not a ground for discontinuation of the employment contract.

Opinion of the European Committee of Social Rights

The Committee gave a generally positive assessment as the legislation existed for equal opportunities and treatment for workers with family responsibilities and the prevention of discrimination. The situation would need to be clarified in practice and further information would be required for a number of areas, such as the non transferability of parental leave, social security and pension rights. Serbia has accepted Article 16 on the right of the family to social, legal and economic protection and the Committee pointed out that there was an overlap concerning some of the provisions related to childcare arrangements.

The Committee provided information concerning interpretation and case-law with regard to Article 27 §§ 1, 2 and 3. Overall, the Article addressed two main questions which concerned

equal treatment and non-discrimination on the basis of family responsibilities and the reconciliation of family and work responsibilities.

Concerning Article 27§1a the main position of the Committee is that States take measures to ensure that workers with family responsibilities are not discriminated against and positive action is taken to assist workers to remain, enter and re-enter the labour market, in particular by means of vocational guidance, training and re-training. It is important not just to ensure the legal provisions but also the situation in practice. With regard Article 27§1b, States must take measures concerning the length and organisation of working time. Workers with family responsibilities should be allowed to work part-time or to return to full-time employment. The measures should apply equally to men and women and should be provided for in a binding text with the consent of the employee. Another important aspect concerned social security and periods of unemployment due to family responsibilities should be taken into account in the calculation of pension schemes or in the determination of pension rights. Whilst the EU Directive allows for temporary derogations which apply only for women, the Committee holds that such rights apply equally to men and women. Under Article 27§1c, there was also an obligation concerning the provision of child day care services and other childcare arrangements which are available and accessible to workers, a core element for the reconciliation of family and work responsibilities. Where a State has accepted Article 16, childcare arrangements are dealt with under that provision. There was also the right of parents to a reduction or absence from work in the case of serious illness of a child.

Article 27§2 deals with parental leave which is distinct from maternity leave. A system should be in place for men and women to provide the possibility for either parent to obtain parental leave. The duration and conditions for parental leave is at the discretion of States. National regulations should entitle an individual right to parental leave and should, in principle, be provided on a non-transferrable basis from one to another, which is in line with the general approach of the EU Directive. Remuneration during parental leave is of importance and the Committee considers that the level of benefit plays a vital role concerning the exercise of the right to leave.

Article 27§3 addresses issues of non-discrimination for termination of employment and provides for protection in this respect as family obligations cannot be a reason for losing a job. With regard to compensation for workers dismissed on illegal grounds, this played an important preventive role. No upper limits had been set so that the level of compensation may be sufficient both to deter the employer and proportionate the damage suffered by the victim. With regard to the case law, most non conformities were related to limited compensation or not providing adequate safeguards.

Article 31: The right to housing

With a view to ensuring the effective exercise of the right to housing, the Parties undertake to take measures designed:

Article 31§1

- to promote access to housing of an adequate standard

Article 31§2

- to prevent and reduce homelessness with a view to its gradual elimination;

Article 31§3

- to make the price of housing accessible to those without adequate resources.

Situation in Serbia

Within the broader framework of a series of treaties in Serbia on rights to housing, there was a human rights dimension to provisions which upheld democratic values. Under the Constitution, Article 18 guaranteed human and minority rights and also regulated the right to housing as a fundamental human right. Article 69 provided for the right to social protection for citizens and families in need of social assistance in order to be able to satisfy basic living necessities (including housing). Therefore, the starting point for enabling the exercise of the right to housing was laid down in the ratified international legal instruments: the Universal Human Rights Declaration (Art. 25); the International Pact on Economic, Social and Cultural Rights (Art. 11), the Committee on Economic, Social and Cultural Rights (CESCR), General Comment 3: the nature of State parties' obligations, General Comment 4: the Right to Adequate Housing, General Comment 7: Forced Evictions. The basic elements of the right to housing laid down in the ratified international instruments provided for adequate housing (referring, for example, to status, infrastructure, price), ensured non-discrimination and provided protection from forced evictions/displacement/relocation and protection from homelessness.

A significant step forward has been made in exercising housing rights through regulating the strategic, legal and institutional framework for social housing. The National Social Housing Strategy and its Action Plan (OG 13/12) had been adopted based on the key elements of housing rights. These included non-discrimination in defining end elaborating target groups (in compliance with the ETNOS typology recommended by the FEANTSA), price affordability, a housing allowance for low-income people and protection from (or action in case of) forced relocation. The fight against homelessness was covered by Objective 6 and elaborated further in the Action Plan, services and infrastructure were covered by Objective 7 - Enhancing sub-standard settlements (mostly of the Roma people) and the Republic Housing Agency had been founded, responsible for the implementation of the social housing agenda (e.g. the National Social Housing Strategy). With regard to national legislation, the Social Housing Law (OG 72/09) provided the basis for the exercise of housing rights, the Regulation on Standards and Criteria provided for planning and construction of social housing, its use and maintenance (OG 26/13), and the Rulebook on technical standards of accessibility (2013) regulated the issue of physical accessibility, freedom of movement and independent living standards.

There were, however, some setbacks and obstacles for exercising the right to housing in Serbia, such as a lack of consistency in the legal framework, some problems with implementation and a lack of cooperation among the competent authorities as well as insufficient expertise and budget allocations. Some recommendations were put forward to improve the exercise of the right to housing, for example, giving it a higher priority on the political agenda, increasing public dialogue, knowledge, transparency, cooperation, harmonising legislation and implementing measures commensurately with the needs of citizens.

Opinion of the European Committee of Social Rights

The Committee congratulated Serbia for its strategy on the right to housing. However, at the same time, as noted above (page 11 last paragraph) the Committee recognised some setbacks and obstacles in practical implementation of the strategy. The Committee pointed out similar aspects to Article 27 and some overlaps with Articles 11, 30 and 16 which would concern Serbia.

The Committee provided information concerning interpretation and case law with regard to Article 31 §§ 1, 2 and 3 which concerned the areas of access to an adequate standard of housing, the prevention of homelessness and access to affordable housing. There was fairly extensive case law which was also in the context of overlaps with other Articles. Concerning Article 31§1, the situation regarding access to adequate housing was important from a practical perspective as well as the legal position, which could be seen through a number of Collective Complaints. It was necessary, therefore, for States to show effective implementation of measures. Article 13§2 addressed the issue of homelessness and States were required to provide access to housing for disadvantaged groups and limit the risk of eviction. The Committee required that evictions, if they could not be avoided, were governed by clear rules of procedures. There was an obligation to consult the parties affected. When evictions take place, they must be carried out under conditions which respect the dignity of the persons concerned, the law must prohibit evictions carried out at night or during the winter period and measures adopted to re-house or financially assist the persons concerned. Article 13§2 also entailed the right to immediate shelter through emergency measures and ensuring procedures to find more permanent housing. Under Article 13§3, the provision of social housing played a key role, targeting the most disadvantaged persons. The paragraph also concerned the conditions related to access to social housing, such as waiting periods, prices and housing benefits for people facing financial difficulties. All rights to housing must be guaranteed without discrimination, in particular in respect of Roma or travellers.

III. EXCHANGE OF VIEWS ON THE PREPARATION OF NATIONAL REPORTS

Preparation of reports by Serbia

The Serbian authorities presented information on the preparation of the national report, which was carried out in four phases. Firstly, the official request was dealt with, responsible institutions were contacted and the initial contributions were received. Secondly, contributions were followed up, additional authorities were contacted if required and further requests were sent, for example, if there was a lack of information. The third phase involved putting the report together, consultation with the responsible State Secretary and sending the report to the responsible institutions for opinion as well as to the Republic Secretariat for legislative purposes. During the fourth phase, opinions were received, legal and technical editing carried out and the report was adopted, translated and sent to the Council of Europe. Following the first assessment by the Committee, it was decided to set up a working group to deal with preparation of the report, providing responses to direct questions and ensuring a comprehensive, coordinated submission of data.

Information for examination of reports by the European Committee of Social Rights

Mr Régis Brillat thanked the authorities for the good quality of reporting so far. Concerning reporting obligations to different international organisations which could involve an overlap, for

example the International Labour Organisation (ILO), it would be possible to refer to relevant reports submitted under other treaties.

The provisions of the Charter are divided into the following four thematic groups:-

Group 1: Employment, training and equal opportunities

(reports to be submitted by 31 October 2015)

Article 1: The right to work

Article 9: The right to vocational guidance

Article 10: The right to vocational training

Article 15: The right of persons with disabilities to independence, social integration and participation in the life of the community

Article 18: The right to engage in a gainful occupation in the territory of other Parties

Article 20: The right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex

Article 24: The right to protection in cases of termination of employment

Article 25: The right of workers to the protection of their claims in the event of the insolvency of their employer

Group 2: Health, social security and social protection

(reports to be submitted by 31 October 2016)

Article 3: The right to safe and healthy working conditions

Article 11: The right to protection of health

Article 12: The right to social security

Article 13: The right to social and medical assistance

Article 14: The right to benefit from social welfare services

Article 23: The right of elderly persons to social protection

Article 30: The right to protection against poverty and social exclusion

Group 3: Labour rights

(reports to be submitted by 31 October 2017)

Article 2: The right to just conditions of work

Article 4: The right to a fair remuneration

Article 5: The right to organise

Article 6: The right to bargain collectively

Article 21: The right to information and consultation

Article 22: The right to take part in the determination and improvement of the working conditions and working environment

Article 26: The right to dignity at work

Article 28: The right of workers' representatives to protection in the undertaking and facilities to be accorded to them

Article 29: The right to information and consultation in collective redundancy procedures

Group 4: Children, family, migrants

(reports to be submitted by 31 October 2018)

Article 7: The right of children and young persons to protection

Article 8: The right of employed women to protection of maternity

Article 16: The right of the family to social, legal and economic protection

Article 17: The right of children and young persons to social, legal and economic protection

Article 19: The right of migrant workers and their families to protection and assistance
Article 27: The right of workers with family responsibilities to equal opportunities and equal treatment
Article 31: The right to housing

States Parties present a report on the accepted 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. As from 2014, States Parties having accepted the collective complaints procedure only have to submit a national report every two years (see also point 6 below). The Conclusions for Group 3: Labour rights, to be adopted in December 2014, would be published in January 2015. Following the first report by Serbia for each thematic group, there were a relatively high number of deferrals and this would allow time for dialogue between the national authorities and the Committee.

The following important aspects of the reporting procedure were highlighted:

1. The form

The form is a guide for States in the preparation of their reports and it contains the interpretation of provisions by the Committee which also appears in the Digest.

2. Replies to questions

There are two sets of questions put by the Committee:

- a. General Questions addressed to all States Parties, which appear in the Introduction to the volume of Conclusions published each year. It was important for the national authorities, when drafting the report, to consult the relevant volume of Conclusions for each provision.

The report by Serbia, to be submitted in October 2015, on Group 1: Employment, training and equal opportunities should reply to the General Questions from the Committee which appear in the General Introduction to Conclusions 2012 (Revised Charter).

- b. Questions addressed to individual countries, which appear in the relevant chapter for the country concerned in the volume of Conclusions.

The Serbian authorities would be required to reply in future to questions put by the Committee in the relevant Conclusions. The report to be submitted in October 2015 should reply to the questions put to Serbia in the volume of Conclusions 2012 (Revised Charter).

3. Content of the report

- a. Information on legislation in force is necessary relating to the provisions in question. In the first report, detailed information on the legal framework must be provided. In the following reports, information should concentrate on legislative amendments since the previous reporting cycle.

b. The practical application of legislation in all of the State's territory is of importance. This may contain information on measures underway and strategies for implementation of legislation in practice. Reports should mention policies which applied during the reference period, provide explanations when changes in policies have occurred and specify objectives as well as results.

c. The monitoring of the implementation of texts and policies is required. The report should indicate how the public authorities ensure that the laws and policies are effectively implemented.

4. Statistics

The Committee does not require statistics in the pure sense of the term but rather figures, for example, the number of homeless, unemployed persons, regional variations or sectors of activities, to provide a picture of the situation in practice. Reports can refer to data which has already been gathered by other national or international organisations. The Committee systematically studies the data published by Eurostat, the OECD and the EU. It is, however, important that figures provided by the national office for statistics appear in the report.

5. Practical information

a. Deadline: the report must be submitted to the Council of Europe by 31 October each year.

b. Language, the report must be submitted in English or French. It is important to ensure a high quality of translation to avoid misunderstanding.

The reports are published on the website of the European Social Charter. Governments are encouraged to publish their report at national level.

c. Consultation of social partners

Under the Charter, States Parties are required to consult the social partners concerning the content of the report. The approach for such consultation is variable, depending on the country. In some cases, social partners may be included in the drafting process whilst in other cases, they are consulted for possible amendments once the report has been put together. In some States, the report is addressed to the social partners who can send their comments directly to the Council of Europe.

Trade Unions and INGOs can make comments on reports which are sent to national authorities to allow a state to make comments in reply before consideration by the Committee.

6. New simplified procedure

A new simplified procedure of reporting has been introduced as from 2014 for states having accepted the collective complaints procedure, which allows them to send one report every two years. This new procedure meant that every second year, there was no reporting obligation for these States. This had been introduced in order to encourage States to accept the collective complaints procedure with the aim that it would become the main reporting procedure to replace the current system.

IV. EXCHANGE OF VIEWS ON THE COLLECTIVE COMPLAINTS PROCEDURE

The Serbian authorities regarded the collective complaints system as an addition to national reports and said it was useful for pointing out failure by a State in applying the Charter, substantiated with relevant arguments and documents. In November 2011, a Serbia-based NGO group led by the Centre for Democracy submitted an initiative to the Ministry requesting Serbia's accession to the collective complaints system. This initiative was signed by the Confederation of Autonomous Trade Unions of Serbia (CATUS) and the Trade Union Confederation (TUC) "Nezavisnost". In October 2012, an ECSR delegation had visited Serbia to deliver a seminar on the collective complaints system to NGO sector representatives, and had also held meetings with the trade union, representatives of employers' associations and the Parliamentary Committee for Labour and Social Policy. Since then, elections had taken place and the issue of acceptance of the collective complaints system was still on the agenda of the Government.

Mr Régis Brillat underlined that the collective complaints procedure, which came into force in 1998 under an Additional Protocol to the European Social Charter, guaranteed social and economic rights which complement the civil and political rights enshrined in the European Convention on Human Rights (ECHR). However, it was not a system of individual applications, as under the ECHR, but enabled organisations to lodge collective complaints on behalf of the victims. Moreover, there was no time limit for lodging a complaint, as under the ECHR. A complaint could be lodged at any time, indicating that the complainant organisation fulfils the conditions provided for by the Protocol. It was mainly a written procedure with an exchange of submissions by applicants and national authorities. A particular advantage was the rapidity of the procedure as the Committee came to a decision within 18 months. Experience has shown that, since the introduction of the procedure, the number of complaints over time had been relatively limited and did not create an undue burden on governments.

Since the High-Level Conference in Turin, reinforcement of the collective complaints procedure was a priority of the Secretary General of the Council of Europe and all member States had been called on to ratify the Protocol. It provided a legal tool for guaranteeing the full enjoyment of fundamental social and economic rights and had important implications for improving democracy through the involvement of civil society as actors. The procedure benefitted all stakeholders, providing an efficient way of dealing with disputes in line with international standards.

A number of representatives of social partners present at the meeting took the floor to express their support of acceptance by Serbia of the collective complaints procedure.

V. EXCHANGE OF VIEWS ON THE EUROPEAN CODE OF SOCIAL SECURITY

The Secretariat presented the monitoring mechanism with respect to the European Code of Social Security (the "Code"). Under Article 12(2) of the European Social Charter, with a view to ensuring the effective exercise of the right to social security, "the Parties undertake to maintain the social security system at a satisfactory level at least equal to that necessary for the ratification of the European Code of Social Security". The Code, which entered into force on 17 March 1968, is a minimum standards instrument, drawn up on the basis of the International Labour Organisation (ILO) Convention N° 102. It sets out the minimum level of protection required in traditional social security branches: Medical care, Sickness benefit, Unemployment benefit, Old-age benefit, Employment injury benefit, Family benefit, Maternity benefit, Invalidity

benefit and Survivors' benefit. At the time of ratification, the State Party has to sign up to six contingencies, bearing in mind that "medical care" counts for two and "old age" counts for three contingencies. Supervision of compliance with the Code is carried out on the basis of annual national reports which are assessed by the relevant ILO Committee of Experts. The reports are to be submitted in English or French on the basis of a standard form and a detailed report is to be submitted once every 5 years. The Governmental Committee of the European Social Charter and the European Code of Social Security (GC) adopts draft Resolutions on application of the Code, drawn up on the basis of the ILO Conclusions, which are subsequently adopted by the Committee of Ministers of the Council of Europe.

The Committee considered that as Serbia was already bound by ILO Convention 102, having ratified eight parts, and by Article 12(2) of the European Social Charter, there was no major obstacle to Serbia ratifying this treaty. As the reporting procedure was very similar to the system under ILO Convention 102, there would be little additional reporting burden and ratification of the Code would ensure consistency with regard to international treaties as well as reaffirming Serbia's commitment in the field.

The Serbian authorities said that social security includes all the areas covered by the Code. Given the standards laid down in the Code regarding scope of population, scope and level of benefits and the fact that Serbia had ratified ILO Convention 102 and accepted Article 12 of the Charter, a preliminary assessment showed that the legislation with regard to the scope of benefits was sufficient for fulfilment of the requirements in most areas for ratification of the Code. The Government was aware of the importance of the Code and consideration of ratification was underway, although some problems had arisen due to the government reshuffle. Concern was expressed with regard to the fulfilment of standards pertaining to the level of benefits, due to the effects of the financial and economic crisis, increased public debt and the fiscal deficit. Measures were aimed at improving sustainability of the system which were integral to fiscal consolidation on the whole and the situation would become clearer over time. The representative of the Institute for Social Insurance, the body applying international agreements on social security, said that Serbia had a tradition of social security protection and there should be no obstacles to ratification of the Code.

APPENDIX I

Situation of Serbia with respect to the European Social Charter

Signatures and ratifications

Serbia ratified the Revised European Social Charter on 14 September 2009 accepting 88 of its 98 paragraphs.

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 ¹	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 ²	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			

¹ with the exception of professional military personnel of the Serbian Army

² al. 1 b and 1 c are accepted

Reports *

Between 2001 and 2013, Serbia submitted 3 reports on the application of the Revised Social Charter.

The [2nd report](#) submitted by Serbia on 5 November 2012, concerned accepted provisions 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 [3^d report](#) submitted on 25/11/2013 on the application of the Revised Charter, concerns the accepted provisions relating to Thematic Group 3 "Labour rights" i.e.:

- The right to just conditions of work (Article 2§§1, 2, 3, 5, 6 and 7)
- 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 the 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. As from 2014 State Parties having accepted the complaints procedure have to provide a national report every two years only.

Cases of non-compliance

Thematic Group 1 "Employment, training and equal opportunities"

None

[\(Conclusions 2012\)](#)

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

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

The duration of the unemployment benefit is too short.

[\(Conclusions 2013\)](#)

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

The level of social assistance is manifestly inadequate.

[\(Conclusions 2013\)](#)

▶ *Article 23 – Right of elderly persons to social protection*

The level of social assistance for elderly persons with no pension is manifestly inadequate.

[\(Conclusions 2013\)](#)

Thematic Group 3 "Labour rights"

Not yet examined

Thematic Group 4 "Children, families, migrants"

Not yet examined

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

Thematic Group 1 "Employment, training and equal opportunities" (Next report to be submitted by 31/10/2015)

- ▶ Article 1§1-Conclusions 2012
- ▶ Article 1§2-Conclusions 2012
- ▶ Article 1§3-Conclusions 2012
- ▶ Article 1§4-Conclusions 2012
- ▶ Article 9-Conclusions 2012
- ▶ Article 10§1-Conclusions 2012
- ▶ Article 10§2-Conclusions 2012
- ▶ Article 10§3-Conclusions 2012
- ▶ Article 10§4-Conclusions 2012
- ▶ Article 15§-Conclusions 2012
- ▶ Article 15§2-Conclusions 2012
- ▶ Article 15§3-Conclusions 2012
- ▶ Article 18§1-Conclusions 2012
- ▶ Article 18§2-Conclusions 2012
- ▶ Article 18§3-Conclusions 2012
- ▶ Article 18§4-Conclusions 2012
- ▶ Article 20-Conclusions 2012

- ▶ Article 24-Conclusions 2012
- ▶ Article 25-Conclusions 2012

**Thematic Group 2 “Health, social security and social protection”
(Next report to be submitted by 31/10/2016)**

- ▶ Article 3§1-Conclusions 2013
- ▶ Article 3§2-Conclusions 2013
- ▶ Article 3§3-Conclusions 2013
- ▶ Article 3§4-Conclusions 2013
- ▶ Article 11§1-Conclusions 2013
- ▶ Article 11§2-Conclusions 2013
- ▶ Article 11§3-Conclusions 2013
- ▶ Article 12§2-Conclusions 2013
- ▶ Article 12§3-Conclusions 2013
- ▶ Article 13§4-Conclusions 2013
- ▶ Article 14§1-Conclusions 2013
- ▶ Article 14§2-Conclusions 2013

**Thematic Group 3 “Labour rights”
(The report has been submitted)**

-

**Thematic Group 4 “Children, families, migrants”
(Next report to be submitted by 31/10/2014)**

-

APPENDIX II

MEETING ON THE NON ACCEPTED PROVISIONS OF THE EUROPEAN SOCIAL CHARTER

organised by

**the Department of
the European Social Charter (Council of Europe)**

and

the Ministry of Labour, Employment and Social Policy, Serbia

Belgrade, 4 November 2014

PROGRAMME

Venue: Palace of Serbia (Palata Srbija), Bulevar Mihaila Pupina 2, Novi Beograd, room 129.

Working languages: Serbian and English

The meeting is organised in the framework of the procedure provided for by Article 22 of the 1961 Charter on “non-accepted provisions”. It will consist of an exchange of views and information on the provisions not yet accepted by Serbia. The Additional Protocol to the European Social Charter providing for a system of collective complaints will also be presented as well as the European Code of Social Security.

The overall objective is to ensure the effectiveness of fundamental social rights in Serbia.

09.00 am

Bilateral discussions will be held with senior officials prior to the meeting (with interpretation)

10.30 am

coffee

11.00 am

Opening of the meeting

Mr Nenad IVANISEVIC, Secretary of State, Ministry of Labour, Employment, Veteran and Social Policy

Mr Régis BRILLAT, Head of Department, Executive Secretary of the European Committee of Social Rights, Council of Europe

Ms Nadia CUK, Deputy Head of the Council of Europe Office, Belgrade

11.15 am

Exchange of views on the provisions of the European Social Charter not yet accepted by Serbia

Article 2: The right to just conditions of work

With a view to ensuring the effective exercise of the right to just conditions of work, the Parties undertake:

- to eliminate risks in inherently dangerous or unhealthy occupations, and where it has not yet been possible to eliminate or reduce sufficiently these risks, to provide for either a reduction of working hours or additional paid holidays for workers engaged in such occupations (Article 2§4);

Mr Marcin WUJCZYK, Member of the European Committee of Social Rights

Situation in law and in practice in Serbia:

Ms Vera BOZIC TREFALT, Director, Health and Safety Directorate

Article 10: The right to vocational training

With a view to ensuring the effective exercise of the right to vocational training, the Parties undertake:

- to encourage the full utilization of the facilities provided by appropriate measures such as:
 - a. reducing or abolishing any fees or charges;
 - b. granting financial assistance in appropriate cases;
 - c. including in the normal working hours time spent on supplementary training taken by the worker, at the request of his employer, during employment;

d. ensuring, through adequate supervision, in consultation with the employers' and workers' organisations, the efficiency of apprenticeship and other training arrangements for young workers, and the adequate protection of young workers generally (Art. 10§5);

Mr Marcin WUJCZYK, Member of the European Committee of Social Rights

Situation in law and in practice in Serbia:

Ms Sanja GAVRANOVIC, Employment Department, Ministry of Labour, Employment , Veterans and Social Affairs

11.45 am

Provisions relating to children, families and migrants:

Article 19: The right of migrant workers and their families to protection and assistance

With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Party, the Parties undertake:

- to promote and facilitate the teaching of the national language of the receiving state or, if there are several, one of these languages, to migrant workers and members of their families; (Art. 19.11)
- to promote and facilitate, as far as practicable, the teaching of the migrant worker's mother tongue to the children of the migrant worker (Art. 19.12)

Mr Marcin WUJCZYK, Member of the European Committee of Social Rights

Situation in law and in practice in Serbia:

Ms Jasminka PERUNICIC ALLEN, Ministry of Education, Science and Tehnological Development

Article 27: The right of workers with family responsibilities to equal opportunities and equal treatment

With a view to ensuring the exercise of the right to equality of opportunity and treatment for men and women workers with family responsibilities and between such workers and other workers, the Parties undertake:

- to take appropriate measures:
 - a. to enable workers with family responsibilities to enter and remain in employment, as well as to re-enter employment after an absence due to those responsibilities, including measures in the field of vocational guidance and training;

- b. to take account of their needs in terms of conditions of employment and social security;
 - c. to develop or promote services, public or private, in particular child day care services and other childcare arrangements (Art.27.1)
- to provide a possibility for either parent to obtain, during a period after maternity leave, parental leave to take care of a child, the duration and conditions of which should be determined by national legislation, collective agreements or practice (Art. 27.2)
 - to ensure that family responsibilities shall not, as such, constitute a valid reason for termination of employment (Art. 27.3)

Mr Lauri LEPPIK, Member of the European Committee of Social Rights

Situation in law and in practice in Serbia:

Ms Jelena STARCEVIC, Labour Department, Ministry of Labour, Employment , Veterans and Social Affairs

Article 31: The right to housing

With a view to ensuring the effective exercise of the right to housing, the Parties undertake to take measures designed:

- to promote access to housing of an adequate standard (Art. 31.1)
- to prevent and reduce homelessness with a view to its gradual elimination; (Art. 31.2)
- to make the price of housing accessible to those without adequate resources (Art. 31.3)

Mr Lauri LEPPIK, Member of the European Committee of Social Rights

Situation in law and in practice in Serbia:

Ms Bozana LUKIC, Senior Adviser, Ministry of Transport, Construction and Infrastructure

Discussion

1 pm

lunch

2 pm

Exchange of views on the preparation of national reports

States Parties regularly submit a report indicating how they implement the provision of the Charter in law and in practice. Each report covers some of the accepted provisions of the Charter. This exchange of views focuses on the preparation of reports: collection of relevant information,

interagency co-ordination, analysis and synthesis of data, structure and drafting of the report, with the aim to improve the quality of reports which are examined by the European Committee of Social Rights.

Preparation of reports of Serbia

Ms Dragana SAVIC, Ministry of Labour, Employment, Veterans and Social Affairs

The information needed for the examination of national situations by the European Committee of Social Rights

Mr Régis BRILLAT, Head of Department, Executive Secretary of the European Committee of Social Rights, Council of Europe

3 pm

The exchange of views on 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, and certain international NGOs are entitled to lodge complaints of violations of the Charter. This exchange of views aims to encourage Serbia to accept the collective complaints procedure in order to ensure a wider application of the Charter in the country.

Mr Régis BRILLAT, Head of Department, Executive Secretary of the European Committee of Social Rights, Council of Europe

Situation in law and in practice in Serbia:

Ms Dragana SAVIC, Ministry of Labour, Employment, Veterans and Social Affairs

Discussion

3.45 pm

coffee

4 pm

The exchange of views on the European Code of Social Security

Ms Sheila HIRSCHINGER, Department of the European Social Charter, Council of Europe

Mr Nenad RAKIC, Ministry of Labour, Employment, Veterans and Social Affairs

Discussion

4.45 pm

Concluding remarks

5 pm

Closing of the meeting

APPENDIX III

List of Participants

NAME	INSTITUTION
Mr Nenad Ivanišević	Secretary of State, Ministry of Labour, Employment, Veterans and Social Affairs
Ms Jelena Starčević	Ministry of Labour, Employment, Veterans and Social Affairs Head of the Group for Social Dialogue
Mr Ivan Sekulović	Social Inclusion and Poverty Reduction Team of the Vice – President of the Serbian Government EU Financial and Tehnical assistance Coordinator
Ms Jelena Pajović van Reen	Governmental Office for Cooperation with the Civil Society Head of the Group
Ms Sanja Atanasković	Governmental Office for Cooperation with the Civil Society
Ms Nataša Nikolić	Found – Center for Democracy
Mr Nenad Rakić	Ministry of Labour, Employment, Veterans and Social Affairs
Vera Božić Treflat	Ministry of Labour, Employment, Veterans and Social Affairs Director of the Directorate for Health and Safety
Ms Sanja Gavranović	Ministry of Labour, Employment, Veterans and Social Affairs Employment Department
Ms Čedanka Andrić	Secretary of the Social- Economic Council of the Republic of Serbia
Ms Vladica Avalić	Social Protection Institute
Mr Nenad Stojanović	Social Protection Institute
Ms Božana Lukić	Ministry of Transport, Construction and Infrastructure
Ms Sladjanka Milošević	Union of the Autonomous Trade Unions of Serbia
Mr Rajko Kosanović	Union of the Autonomous Trade Unions of Serbia
Dragana Petković Gajić	Union of the Autonomous Trade Unions of Serbia
Mr Miloš Nikač	Social Security Institute Deputy Director
Mr Zoran Panović	Social Security Institute Director
Ms Marija Vujošević	Ministry of Labour, Employment, Veterans and Social Affairs Department for Family Care and Social Protection

Ms Milena Antić	Ministry of Labour, Employment, Veterans and Social Affairs Department for Family Care and Social Protection
Ms Nataša Petrović	Equality Protection Commissioner
Ms Jasminka Peruničić Allen	Ministry of Education, Science and Tehnological Development
Ms Sladjana Kiković	Trade Union „Nezavisnost” Chief Lawyer
Mr Danilo Ćurčić	Lawyers Committee for Human Rights
Ms Žužana Sič Levi	National Parliament of the Republic of Serbia Secretary of the Committee for Labour, Social Policy and Poverty Reduction
Ms Hana Butkovic	National Parliament of the Republic of Serbia A member of the Parliament
Ms Milanka Jeftovic Vukajlovic	National Parliament of the Republic of Serbia A member of the Parliament
Ms. Marija Vukmirovic	Ministry of Foreign Affairs
Ms Danijela Radojicic	Office of the Ombudsperson
Ms Jelena Ivanovic	Office of the Ombudsperson
Ms Nada Bambic	Ministry of Labour, Employment, Veterans and Social Affairs
Ms Ivana Bankovic	Ministry of Labour, Employment, Veterans and Social Affairs
Ms Dragana Savic	Ministry of Labour, Employment, Veterans and Social Affairs
Mr Lauri Leppik	Member of the European Committee of Social Rights
Mr Marcin Wujczyk	Member of the European Committee of Social Rights
Mr Régis Brillat	Executive Secretary of the European Committee of Social Rights, Head of the Department of the European Social Charter, Council of Europe
Ms Nadia Cuk	Deputy Head of the Council of Europe Office, Belgrade
Ms Sheila Hirschinger	Department of the European Social Charter, Council of Europe

APPENDIX IV

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.