

Statement of interpretation on Article 14

The two paragraphs of this article guarantee the right to benefit from social welfare services. Within the meaning of the Charter, these are services which use "methods of social work" and "contribute to the welfare and development of both individuals and groups in the community and to their adjustment to the social environment".

As a consequence of this definition, the scope of Article 14 is extremely general, in contrast to that of the various articles of the Charter which require states to provide social welfare services with a narrowly specialised objective. The Committee had therefore to resolve the problem of the relationship between Article 14 and Article 13-3 of the Charter, a problem already considered in connection with the latter provision. It was the Committee's view that a state could not be considered as satisfying the undertaking under Article 14 simply because it was fulfilling the obligations deriving from Article 13-3.

As regards the scope of application *ratione personae* of these two articles, the Committee noted that, unlike Article 13-3, which covers only persons who do not have adequate resources of their own, Article 14 applies to a much larger number of beneficiaries. As regards the object of these two provisions, that of Article 13-3 is limited to assistance, whereas Article 14 is wider in scope and includes any action taken to facilitate the development of individuals and their adjustment to society.

This implies moreover that, beyond a certain level of social development, what the state must not do, in order to conform to the provisions of Article 14, is to promote the establishment of services providing advice and individual help rather than to encourage the granting of material assistance. Article 14 may therefore be considered as dynamic in its implications, since the social welfare services for which it provides are designed to keep on increasing and broadening their action.

The Committee found that this article, both paragraphs of which have been accepted by all the states whose reports were examined, was being implemented in a generally satisfactory manner.

The Committee found, however, that three of the five reports did not contain sufficient information to enable it to assess the situation in the states in question with regard to the promotion of the social welfare services envisaged by the paragraph. Similarly, with regard to the public participation provided for in Paragraph 2, the Committee found that three governments had not furnished adequate information, whereas the other two had given a sufficiently detailed description of measures taken to this end in their countries.

The Committee has the following observations to make concerning the two paragraphs of Article 14: