

Statement of interpretation on Article 16

This article, which states the family's right to economic, legal and social protection, must be seen in conjunction with a number of other provisions in the Charter, such as Articles 14 and 17, that aim rather to give scope to the individual in our highly developed society, than to remedy a need, as Article 13 does. All these provisions are clearly founded on the idea that, since the industrial revolution and the social upheavals it produced, the modern state has had to take on certain new tasks and, in particular, as provided in Article 16, to create the living conditions necessary to give the family its full scope. The traditional affirmation of the family as the fundamental unit of society is maintained in Article 16, which, however, adds the idea that family welfare cannot henceforth be left to individual effort, as in the liberal epoch. Acceptance of these principles led the authors of Article 16 to lay down in it an obligation to implement a true family policy which was intended to operate in those fields where the needs of families become particularly pressing because of the restricted means they have available to meet them.

In the Committee's opinion, a family policy of this sort must take the form of diversified action planned in harmony with and as a supplement to existing arrangements for assistance and social security.

Article 16 of the Charter was accepted by all the Contracting States whose two-yearly reports the Committee was required to examine.

The Committee observed, in examining the reports, that, in view of the vast field covered by Article 16, as indicated above, it would not be able to judge whether or not a Contracting State that had accepted the article complied with its undertakings unless that state provided in its report sufficient information on the various sectors concerned, in particular on the national system of family benefits, alleviation of certain expenses in favour of families, social and cultural amenities available to them, arrangements for their participation in the safeguarding of their interests, legal protection for the family, particularly in cases of marital disputes, provision of family housing and the economic situation of families in national terms.

Having examined the first governmental reports submitted to it, the Committee was pleased to observe that, except in the case of one government which had given insufficient information in its report, all the states had, in general, fulfilled their undertakings under Article 16. True, there were still certain gaps. In the case, more particularly, of adaptation of housing to meet family needs, such apparent omissions might be put down to insufficient information; other shortcomings lay in an insufficiency of facilities for looking after children under school-age during the day. But in no case were the gaps observed such as to alter the general judgment given above.