

Statement of Interpretation on Article 17

Before studying the various parts of the biennial reports submitted for the fourth cycle of supervision by the relevant governments, the Committee made a point of discussing the conclusions to be drawn from the fact that, unlike Article 16, this provision not actually mention legal protection for those concerned. This point had been raised in the Governmental Committee's third report and in Opinion 71 of the Consultative Assembly. The Committee thought it was difficult to separate the social and economic protection of mothers and children from the legal provisions governing their situation; objectives of social policy in their regard could not be achieved without taking account of the rights granted to the persons protected and of the duties of those called on to ensure this protection.

In this field, as in others, the law is not only the mirror of economic and social facts, but governs them through the way it regulated relationships in this area.

It follows that, generally speaking, it is not possible to disregard the legal position of the mother and her child in establishing the extent of the social and economic protection on which they may call and in assessing the trends within the states in one important sector of social policy which is the very object of article 17 of the Charter.

Clearly, if there happened to be any measures of legal protection which had no economic and social implications, the Committee would have to ignore them, but it very much doubted that such measures could exist. In any case as regards all the points raised in Conclusions III, in particular the right of succession and the position with regard to its family of a child born out of wedlock, it was quite certain that social considerations were overriding. As a result, the Committee stood by its previous verdict on this point.