



January 2016

European Social Charter

European Committee of Social Rights

Conclusions XX-4 (2015)

General Introduction

This text may be subject to editorial revision.

GENERAL INTRODUCTION

1. The European Committee of Social Rights, established by Article 25 of the European Social Charter, composed of:

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Monika SCHLACHTER (German)
Vice-President

Professor of Civil, Labour and International Law
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Conseil d'Etat, Paris (France)

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Dean for International Affairs and Science
University of Szeged (Hungary)

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Professor of Labour Law and Social Security
University of Sofia (Bulgaria)

Raúl CANOSA USERA (Spanish)
Professor of Constitutional Law
University Complutense, Madrid (Spain)

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Judge
Labour Court of Norway, Oslo (Norway)

François VANDAMME (Belgian)¹
Former Director International Affairs, Federal Public Service Employment, Labour and Social Dialogue, Brussels (Belgium)
Former visiting professor, College of Europe (Bruges, 1998-2012, "Enjeux sociaux et gouvernance de l'Europe")
Former invited "Maître de conférences" (2008-2014) in Labour Law, Catholique University of Louvain, Louvain-la-Neuve, (Belgium)

assisted by Régis BRILLAT, Executive Secretary,

between January 2015 and December 2015 examined the reports of the States Parties on the application of the 1961 European Social Charter.

2. The role of the European Committee of Social Rights is to rule on the conformity of the situations in States with the European Social Charter (revised), the 1988 Additional Protocol and the 1961 European Social Charter.

3. Following the changes to the reporting system adopted by the Committee of Ministers at the 1996th meeting of the Ministers' Deputies on 2-3 April 2014 the system henceforth comprises three types of reports. Firstly, the ordinary reports on a thematic group of Charter provisions, secondly simplified reports every two years on follow-up to collective complaints for States bound by the collective complaints procedure and, thirdly, reports on conclusions of non-conformity for lack of information adopted by the Committee the preceding year.

4. Thus, the conclusions adopted by the Committee in December 2015 concern firstly the accepted provisions of the following articles of the 1961 European Social Charter ("the Charter") belonging to the thematic group "Children, families and migrants" on which the States Parties had been invited to report by 31 October 2014:

- the right of children and young persons to protection (Article 7),
- the right of employed women to protection (Article 8),
- the right of the family to social, legal and economic protection (Article 16),
- the right of mothers and children to social and economic protection (Article 17),
- the right of migrant workers and their families to protection and assistance (Article 19).

5. The following States Parties submitted a report: the Czech Republic, Denmark, Germany, Greece, Poland, Spain and the United Kingdom.

6. Croatia and Iceland did not submit a report. Luxembourg submitted only parts of the report. The Committee was therefore unable to reach any conclusions on conformity with the relevant provisions in these States for this cycle. The Committee notes the failure of the States concerned to respect their obligation, under the Charter, to report on the implementation of this treaty. Under the circumstances the Committee considers that there is nothing to demonstrate that the situation in these States as regards the provisions concerned is in conformity with the 1961 Charter.

¹ As from 1 May 2015.

As this is the second successive year that Croatia does not submit a report, the Committee invites the Committee of Ministers to take any appropriate measures to ensure that Croatia fulfils its reporting obligation.

7. As noted above, States which have accepted the collective complaints procedure shall henceforth submit a simplified report every two years. In order to avoid excessive fluctuations in the workload of the Committee from year to year, the 15 States which have accepted the complaints procedure were divided into two groups as follows:

- Group A, made up of eight States: France, Greece, Portugal, Italy, Belgium, Bulgaria, Ireland, Finland²;
- Group B, made up of seven States: the Netherlands, Sweden, Croatia, Norway, Slovenia, Cyprus, the Czech Republic³.

On this basis, the States belonging to Group A were invited to submit reports on follow-up to collective complaints by 31 October 2014. The only State bound by the 1961 Charter concerned is Greece. The Committee's findings in this respect appear in a separate document.

8. Finally, certain States were invited to report by 31 October 2014 on conclusions of non-conformity for repeated lack of information in Conclusions 2013. The conclusions in this respect may concern both States reporting on the thematic group of provisions and those reporting on follow-up to complaints. The only State concerned in Conclusions XX-4 (2015) is Greece.

9. In addition to the state reports, the Committee had at its disposal comments on the reports submitted by different trade unions and non-governmental organisations (see introduction to the individual country chapters). The Committee wishes to acknowledge the importance of these various comments, which were often crucial in gaining a proper understanding of the national situations concerned.

10. The Committee's conclusions as outlined above are published in documents by State. They are available on the Council of Europe website (www.coe.int/...) in the case law database. A summary table of the Committee's Conclusions XX-4 (2015) as well as the state of signature and ratification of the Charter and the 1961 Charter appear below. In addition, each country document highlights selected positive developments concerning the implementation of the Charter at national level identified by the Committee in its conclusions.

Statements of Interpretation

11. The Committee makes the statements of interpretation which follow below. It notes in this respect that the statement on the rights of refugees was published in October 2015. The other statements are made public here for the first time:

12. Article 7§1 and 7§3 – permitted duration of light work

The Committee recalls that children under the age of 15 and those who are subject to compulsory schooling are entitled to perform only "light" work. Work considered to be "light" in nature ceases to be so if it is performed for an excessive duration. States are therefore required to set out the conditions for the performance of "light work" and the maximum permitted duration of such work.

The Committee considers that children under the age of 15 and those who are subject to compulsory schooling should not perform light work during school holidays for more than 6 hours per day and 30 hours per week in order to avoid any risks that the performance of such work might have for their health, moral welfare, development or education.

² France, Portugal, Italy, Belgium, Bulgaria, Ireland and Finland are Parties to the Charter (Revised).

³ The Netherlands, Sweden, Norway, Slovenia and Cyprus are Parties to the Charter (Revised).

In addition, the Committee recalls that, in any case, children should be guaranteed at least two consecutive weeks of rest during summer holiday.

13. Article 8§1 – maternity benefits

Under Article 8§1 of the Charter the States Parties shall ensure that employed women are adequately compensated for their loss of earnings during the period of maternity leave (which shall be not less than 14 weeks under the Revised Charter and 12 weeks under the 1961 Charter).

The modality of compensation is within the margin of appreciation of the States Parties and may be either a paid leave (continued payment of wages by the employer), social security maternity benefit, any alternative benefit from public funds or a combination of such compensations. Regardless of the modality of payment, the level shall be adequate. In case of continued payment of wages or earnings-related benefits, these shall be equal to the previous salary or close to its value, and not be less than 70% of the previous wage. A ceiling on the amount of compensation for high salary earners is not, in itself, contrary to Article 8§1. Minimum rate of compensation shall not fall below the poverty threshold defined as 50% of median equivalised income, calculated on the basis of the Eurostat at-risk-of-poverty threshold value.

The right to compensation may be subject to entitlement conditions such as a minimum period of employment or contribution. However, such conditions shall not be excessive; in particular, qualifying periods should allow for some interruptions in the employment record.

14. Article 19§4 – rights of posted workers

The Committee recalls that in its decision in *Swedish Trade Union Confederation (LO) and Swedish Confederation of Professional Employees (TCO) v Sweden*, Complaint No. 85/2012, decision on the merits of 3 July 2013 at para. 134, it stated as follows:

“[T]he Committee recalls that posted workers are workers who, for a limited period, carry out their work in the territory of a State other than the State in which they usually work, which is often their national State. The Committee is aware that, in terms of length and stability of presence in the territory of the so called “host State”, as well as of their relationship with such State, the situation of posted workers is different from that of other category of migrants workers, and in particular from the situation of those foreign workers who go to another State to seek work and to be permanently embedded there. Nonetheless, the Committee considers that, for the period of stay and work in the territory of the host State, posted workers are workers coming from another State and lawfully within the territory of the host State. In this sense, they fall within the scope of application of Article 19 of the Charter and they have the right, for the period of their stay and work in the host State to receive treatment not less favourable than that of the national workers of the host State in respect of remuneration, other employment and working conditions, and enjoyment of the benefits of collective bargaining (Article 19§4, a and b).”

The Committee therefore asks for information concerning the legal status of posted workers and what legal and practical measures are taken to ensure their equal treatment in matters of employment, trade union membership and collective bargaining.

The Committee notes that States are responsible for the regulation in national law of the conditions and rights of workers in cross-border postings. It notes that the situations of posted workers are often distinct from that of other migrant workers; however it is also clear that in some circumstances they share many of the same characteristics. The Committee recalls that states must respect the principles of non-discrimination laid down by the Charter in respect of all persons subject to their jurisdiction. It thus considers that in order to conform with the requirements of the Charter, any restrictions on the right to equal treatment for posted workers, which are imposed due to the nature of their sojourn, must be objectively

justified by reference to the specific situations and status of posted workers, having regard to the principles of Article G of the Revised Charter (Article 31 of the 1961 Charter).

15. Article 19§6 – language and integration tests

The Committee acknowledges that States may take measures to encourage the integration of migrant workers and their family members. It notes the importance of such measures in promoting economic and social cohesion. However, the Committee considers that requirements that family members pass language and/or integration tests or complete compulsory courses, whether imposed prior to or after entry to the State, may impede rather than facilitate family reunion and therefore are contrary to Article 19§6 of the Charter where they:

- a) have the potential effect of denying entry or the right to remain to family members of a migrant worker, or
- b) otherwise deprive the right guaranteed under Article 19§6 of its substance, for example by imposing prohibitive fees, or by failing to consider specific individual circumstances such as age, level of education or family or work commitments.

16. Article 19§6 – housing requirements

The Committee recalls that restrictions on family reunion which take the form of requirements for sufficient or suitable accommodation to house family members should not be so restrictive as to prevent any family reunion (Conclusions IV (1975), Norway). The Committee considers that states are entitled to impose such accommodation requirements in a proportionate manner so as to protect the interests of the family. Nevertheless, taking into account the obligation to facilitate family reunion as far as possible under Article 19§6, States Parties should not apply such requirements in a blanket manner which precludes the possibility for exemptions to be made in respect of particular categories of cases, or for consideration of individual circumstances.

The Committee considers that restrictions on the exercise of the right to family reunion should be subject to an effective mechanism of appeal or review, which provides an opportunity for consideration of the individual merits of the case consistent with the principles of proportionality and reasonableness.

17. Article 19§6 and 19§8 – the right of families to remain

The Committee considers that upon a proper construction of the text of the Charter, the possibility of the expulsion of the family members of a migrant worker is more properly dealt with under Article 19§6 on the facilitation of family reunion, rather than under Article 19§8 which concerns only the expulsion of a migrant worker. It therefore decides henceforth to assess whether the expulsion of family members of a migrant worker is in conformity with the Charter under Article 19§6.

18. Article 19§8 – expulsions in case of threat to national security, or offence against public interest or morality

The Committee has previously interpreted Article 19§8 as obliging 'States to prohibit by law the expulsion of migrants lawfully residing in their territory, except where they are a threat to national security, or offend against public interest or morality' (Conclusions VI, Cyprus, p. 126.)

Such expulsions can only be in conformity with the Charter if they are ordered by a court or a judicial authority, or an administrative body whose decisions are subject to judicial review. Any such expulsion should only be ordered in situations where the individual concerned has been convicted of a serious criminal offence, or has been involved in activities which constitute a substantive threat to national security, the public interest or public morality. Expulsion orders must be proportionate, taking into account all aspects of the non-nationals'

behaviour as well as the circumstances and the length of time of his/her presence in the territory of the State. The individual's connection or ties with both the host state and the state of origin, as well as the strength of any family relationships that he/she may have formed during this period, must also be considered to determine whether expulsion is proportionate.

All foreign migrants served with expulsion orders must have also a right of appeal to a court or other independent body.

19. The rights of refugees under the Charter

The Committee emphasises the urgent and unconditional need to treat with solidarity and dignity the men, women and children who arrive on European territory, and who have a right under international law and the relevant national and European laws to the protection of European States as refugees, as described by the 1951 Convention on the Status of Refugees. It is even more important in light of the current humanitarian crisis resulting from the exodus of such people from their homes. Those people are driven by circumstances which prevail in their homelands to seek refuge from war, terror, torture or persecution, and to build a safer and better life for themselves outside the borders of their country of origin. Their proper integration into the European societies which welcome them is the best way to ensure their safety and well-being.

The Committee considers that the obligations undertaken by the States Parties by virtue of the European Social Charter are appropriate to promote and to firmly establish the prompt social integration of refugees in the host societies. It recalls that these obligations require a response to the specific needs of refugees and asylum seekers, such as courses for learning the language of the host state; the recognition of their qualifications; the liberal administration of the right to family reunion; and the right to undertake gainful employment and thus contribute to the economy.

The Committee underlines that States Parties must ensure that everyone within their territory is treated with dignity and without discrimination. This means not only to ensure respect for their civil rights, but also to support their physical and mental integrity, and to recognise their fundamental human needs of community and belonging. The fundamental rights of every human being which bind the international community are universal, indivisible and interdependent. The social and economic integration of every individual is an essential part of their right to lead a dignified life.

In recognition of this, the Committee reiterates that the rights guaranteed by the Charter are to be enjoyed to the fullest extent possible by refugees (cf. Conclusions XVII-1 (2004), Statement of Interpretation on the personal scope of the Charter). It recalls that it has held that certain rights afforded by the Charter apply to refugees and other vulnerable groups, for example Article 17 (Conclusions 2003, Bulgaria), Article 13 (Conclusions 2013, Bosnia and Herzegovina) and Article 31 (FEANTSA v. the Netherlands, Complaint No. 86/2012, Decision on the Merits of 2 July 2014). It recalls that it has previously outlined the protection of stateless persons under the Charter (Conclusions 2013, Statement of Interpretation on the rights of stateless persons). The Committee adds to that reasoning the following observations.

The Appendix forms an integral part of the Charter, and the interpretation thereof, in the light of its object and purpose, is thus entrusted to the European Committee of Social Rights. The Appendix to the Charter reads:

"2. Each Party will grant to refugees as defined in the Convention relating to the Status of Refugees, signed in Geneva on 28 July 1951 [and in the Protocol of 31 January 1967]⁴ and lawfully staying in its territory, treatment as favourable as possible, and in any case not less

⁴ The 1967 Protocol does not appear in the Appendix to the 1961 Charter, however, all of the States bound by the 1961 Charter as of 7 September 2015 have also ratified the 1967 Protocol.

favourable than under the obligations accepted by the Party under the said convention and under any other existing international instruments applicable to those refugees.”

Article 1A of the 1951 Convention relating to the Status of Refugees (CSR), read in conjunction with Article 1 paragraph 2 of the 1967 Protocol⁵, defines a refugee as follows:

“For the purposes of the present Convention, the term “refugee” shall apply to any person who:

(2) owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence, is unable or, owing to such fear, is unwilling to return to it.”

A refugee as contemplated by the CSR and its 1967 Protocol is thus anyone who has fled the country of his nationality or habitual residence, and is unwilling, through well-founded fear of being persecuted, to return to it. Having regard to the above definition, the Committee underlines that the protection of a refugee under the CSR, and his or her resultant protection under the Charter, does not depend on the administrative recognition of refugee status by a State, which is done by the granting of asylum.

The Committee recalls that the Charter is a living instrument dedicated to the values which inspired it, namely dignity, autonomy, equality and solidarity. It must be interpreted so as to give life and meaning to fundamental social rights (FIDH v. France, Complaint No. 14/2003, Decision on the Merits of 8 September 2004, §29). The Charter should also so far as possible be interpreted in harmony with other rules of international law (Defence for Children International (DCI) v. the Netherlands, Complaint No. 47/2008, Decision on the Merits of 20 October 2009, §35).

In this respect, the Committee points out that Article 25 paragraph 1 of the United Nations Universal Declaration of Human Rights sets out the following with regard to the universal right to an adequate standard of living:

“Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.”

The Committee further notes that the Committee of Ministers of the Council of Europe in its Recommendation No. R(2000)3 (Adopted on 19 January 2000 at the 694th meeting of the Ministers’ Deputies), has recommended that Member States:

“[...] recognise, at national level, an individual universal and enforceable right to the satisfaction of basic material needs (as a minimum: food, clothing, shelter and basic medical care) for persons in situations of extreme hardship.”

“The exercise of this right should be open to all citizens and foreigners, whatever the latter’s position under national rules on the status of foreigners, and in the manner determined by national authorities.”

Having in mind the same concerns, the Committee recalls that in European Federation of National Organisations working with the Homeless (FEANTSA) v. the Netherlands,

⁵ In respect of Turkey, the instrument of accession stipulates that “the Government of Turkey maintains the provisions of the declaration made under section B of article 1 of the Convention relating to the Status of Refugees, done at Geneva on 28 July 1951, according to which it applies the Convention only to persons who have become refugees as a result of events occurring in Europe, and also the reservation clause made upon ratification of the Convention to the effect that no provision of this Convention may be interpreted as granting to refugees greater rights than those accorded to Turkish citizens in Turkey”.

Complaint No. 86/2012, Decision on the Merits of 2 July 2014, it held that the right to emergency shelter and to other emergency social assistance is not limited to those belonging to certain vulnerable groups, but extends to all individuals in a precarious situation, pursuant to the principle of upholding their human dignity and the protection of their fundamental rights. The Committee considers that certain social rights directly related to the right to life and human dignity are part of a “non-derogable core” of rights which protect the dignity of all people. Those rights therefore must be guaranteed to refugees, and should be assured for all displaced persons.

The wording of the Appendix to the Charter demonstrates the express undertaking to provide “treatment as favourable as possible” to the persons it covers. The Committee thus considers that the rights contained in the Charter should as far as possible be guaranteed to refugees on an equal footing with other persons subject to the jurisdiction of the host State. It is therefore incumbent upon them to take meaningful steps towards the achievement of equality for refugees under each article of the Charter by which they are bound. In any case, as is expressly stated in the Appendix to the Charter, the treatment of refugees must not be less favourable than that guaranteed by the CSR. When the achievement of a right in question is exceptionally complex and particularly expensive to resolve, States Parties must attempt to achieve the objectives of the Charter within a reasonable time, with measurable progress and making maximum use of available resources (cf. *Autism-Europe v. France*, Complaint No. 13/2002, Decision on the Merits of 4 November 2003, §53).

The CSR grants social and economic rights to refugees with reference to three levels of protection. Article 7 paragraph 1 CSR provides that “[e]xcept where this Convention contains more favourable provisions, a Contracting State shall accord to refugees the same treatment as is accorded to aliens generally”. Other provisions of the Convention guarantee that States Parties afford refugees treatment equal to that of nationals, while some provide for “the most favourable treatment accorded to nationals of a foreign country”, and others “treatment as favourable as possible, and in any event, not less favourable than that accorded to aliens generally in the same circumstances”.

The CSR coincides with the Charter in guaranteeing many social and economic rights to refugees.

Refugees must be accorded treatment equal to nationals in respect of elementary education (Article 22 CSR), which is guaranteed by Article 17§1 of the Charter; and public relief and assistance (Article 23 CSR), which is accorded under Article 13 of the Charter (social and medical assistance) and implied by Article 30 of the Charter (the right to protection against poverty and social exclusion).

Labour legislation and social security (Article 24 CSR) are the areas of greatest correspondence between the two instruments. The following Articles of the Charter all cover rights for which the CSR guarantees the same treatment as nationals: Article 2 (working hours, holidays with pay, overtime arrangements); Article 4 (remuneration); Article 6 (the enjoyment of the benefits of collective bargaining); Article 7 (a minimum age of employment, young persons’ employment rights and apprenticeships); Article 8 (rights of women in the workplace); Article 10 (training opportunities); Article 11 (healthcare); Article 12§§1, 2, 3 (the right to social security covering healthcare, sickness, unemployment, old age, employment injury or disease, family benefits and maternity benefits); Article 16 (family benefits); 19§7 (access to courts); and Article 23 (rights of the elderly).

The CSR guarantees the right to the most favourable treatment accorded to nationals of a foreign country in respect of the right to belong to trade unions (Article 15 CSR), which is guaranteed by Articles 5 and 19§4 of the Charter; and the right to engage in wage-earning employment (Article 17 CSR), which is guaranteed by Articles 1 and 18 of the Charter.

Finally, the CSR guarantees treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally in the same circumstances, in relation to the right to self-employment (Article 18 CSR), which is covered in Article 1 and 18 of the Charter; the right to access to housing (Article 21 CSR), which is dealt with under Articles 16 and 31 of the Charter; and the right to further education (Article 22 CSR), which is guaranteed by Article 10 (vocational education) and Article 17 (secondary education) of the Charter.

The rights contained within the CSR are to be guaranteed without discrimination (Article 3 CSR). Certain articles of the Charter explicitly prohibit discrimination in a number of circumstances (e.g. Article 1§2 (discrimination in employment); Article 15 (discrimination on the grounds of disability); Article 20 (discrimination on grounds of sex)). The application of the rights guaranteed by the Charter must also be secured without discrimination, pursuant to Article E of the Revised Charter, or must take account of the preamble of the 1961 Charter.

The CSR guarantees the right to free access to the courts of law, with refugees enjoying the same treatment as nationals in respect of legal assistance or court fees. Many of the Charter provisions require effective mechanisms for their exercise, including the right to appeal against decisions of the relevant authorities. The Committee considers that refugees must enjoy the same treatment in respect of juridical procedures involving their rights under the Charter.

Finally, Article 32 of the CSR stipulates that the Contracting States shall not expel a refugee lawfully on their territory save on grounds of national security or public order, in which case expulsion shall take place only in pursuance of a decision reached in accordance with due process of law. The Committee thus considers that refugees must be guaranteed the protection of the Charter in respect of expulsion (cf. Article 19§8) on an equal footing with nationals of other States Parties to the Charter.

The Committee therefore requests that all States Parties provide up-to-date and complete information relevant to the situation of refugees and displaced persons on their territory, in their reports concerning the rights identified in this Statement of Interpretation. Where specific measures apply to such persons these should be clearly described, and any difference of treatment in relation to the treatment of other persons subject to their jurisdiction should be justified with reference to the principles of Article 31 of the 1961 Charter and Article G of the Revised Charter.

General Questions from the Committee

20. The Committee refers to the questions included in the above statements of interpretation on Article 19§4 and on the rights of refugees. These questions should be answered by all States Parties concerned.

Statement on information in national reports and information provided to the Governmental Committee

21. The Committee draws the attention of the States Parties to the obligation to systematically include replies to information requests by the Committee in the national reports. Moreover, the Committee invites the States Parties to always include in the report any relevant information previously provided to the Governmental Committee, whether in writing or orally, or at least to refer to such information, and of course to indicate any developments or changes that may have intervened in the period since the information was provided to the Governmental Committee.

Next assessment

22. The reports on the accepted provisions, which were due before 31 October 2015, concern the following Articles belonging to the thematic group "Employment, training and

equal opportunities": 1, 9, 10, 15, 18 and Article 1 of the 1988 Additional protocol. States having accepted the collective complaints procedure and belonging to Group B⁶ were due to submit a simplified report on follow-up to complaints also before 31 October 2015. Finally, by the same date States concerned⁷ are to report on any conclusions of non-conformity for lack of information adopted in Conclusions XX-3 (2014).

⁶ Czech Republic, Croatia.

⁷ States Parties where information is required on conclusions of non-conformity for lack of information in Conclusions XX-3 (2014): Luxembourg, Spain, the United Kingdom.

CONCLUSIONS XX-4 (2015)

Article	CZECH REPUBLIC	DENMARK	GERMANY	GREECE	POLAND	SPAIN	UNITED KINGDOM
Article 7.1	+					+	
Article 7.2	+		+		+	+	+
Article 7.3	+		+			0	-
Article 7.4	-		+		+	+	
Article 7.5	-		-			-	-
Article 7.6	+		+		+	+	+
Article 7.7	+		+		+	+	
Article 7.8	+		+		+	+	
Article 7.9	+		+		+	+	+
Article 7.10	+		0		+	+	-
Article 8.1	+	+	+		+	+	-
Article 8.2	-				+	0	
Article 8.3	0		+		+	+	
Article 8.4					-	+	
Article 11.2				+			
Article 13.4				-			
Article 16	-	-	+		-	-	-
Article 17	-	-	+		-	+	-
Article 19.1			+		+	-	+
Article 19.2			0		-	+	0
Article 19.3			+		0	-	-
Article 19.4			-		+	+	0
Article 19.5			+		+	+	+
Article 19.6			-		+	-	-
Article 19.7			+		+	+	+
Article 19.8			-		0	0	0
Article 19.9	+		+		+	+	+
Article 19.10			-		-	-	-

**MEMBER STATES OF THE COUNCIL OF EUROPE
AND THE EUROPEAN SOCIAL CHARTER**

Situation on 31 December 2015

MEMBER STATES	SIGNATURES	RATIFICATIONS	Acceptance of the collective complaints procedure	
Albania	21/09/98	14/11/02		
Andorra	04/11/00	12/11/04		
Armenia	18/10/01	21/01/04		
Austria	07/05/99	20/05/11		
Azerbaijan	18/10/01	02/09/04		
Belgium	03/05/96	02/03/04	23/06/03	
Bosnia and Herzegovina	11/05/04	07/10/08		
Bulgaria	21/09/98	07/06/00	07/06/00	
Croatia	06/11/09	26/02/03	26/02/03	
Cyprus	03/05/96	27/09/00	06/08/96	
Czech Republic	04/11/00	03/11/99	04/04/12	
Denmark	*	03/05/96	03/03/65	
Estonia	04/05/98	11/09/00		
Finland	03/05/96	21/06/02	17/07/98 X	
France	03/05/96	07/05/99	07/05/99	
Georgia	30/06/00	22/08/05		
Germany	*	29/06/07	27/01/65	
Greece	03/05/96	06/06/84	18/06/98	
Hungary	07/10/04	20/04/09		
Iceland	04/11/98	15/01/76		
Ireland	04/11/00	04/11/00	04/11/00	
Italy	03/05/96	05/07/99	03/11/97	
Latvia	29/05/07	26/03/13		
Liechtenstein		09/10/91		
Lithuania	08/09/97	29/06/01		
Luxembourg	*	11/02/98	10/10/91	
Malta	27/07/05	27/07/05		
Moldova	03/11/98	08/11/01		
Monaco	05/10/04			
Montenegro	22/03/05	03/03/10		
Netherlands	23/01/04	03/05/06	03/05/06	
Norway	07/05/01	07/05/01	20/03/97	
Poland	25/10/05	25/06/97		
Portugal	03/05/96	30/05/02	20/03/98	
Romania	14/05/97	07/05/99		
Russian Federation	14/09/00	16/10/09		
San Marino	18/10/01			
Serbia	22/03/05	14/09/09		
Slovak Republic	18/11/99	23/04/09		
Slovenia	11/10/97	07/05/99	07/05/99	
Spain	23/10/00	06/05/80		
Sweden	03/05/96	29/05/98	29/05/98	
Switzerland		06/05/76		
«the former Yugoslav Republic of Macedonia»	27/05/09	06/01/12		
Turkey	06/10/04	27/06/07		
Ukraine	07/05/99	21/12/06		
United Kingdom	*	07/11/97	11/07/62	
Number of States	47	2 + 45 = 47	10 + 33 = 43	15

The **dates in bold** on a grey background correspond to the dates of signature or ratification of the 1961 Charter; the other dates correspond to the signature or ratification of the 1996 revised Charter.

* States whose ratification is necessary for the entry into force of the 1991 Amending Protocol. In practice, in accordance with a decision taken by the Committee of Ministers, this Protocol is already applied.

X State having recognised the right of national NGOs to lodge collective complaints against it.