

The European Social Charter of the Council of Europe

Guide for parliamentarians

The role of parliamentarians in
promoting fundamental social rights

Mars 2026



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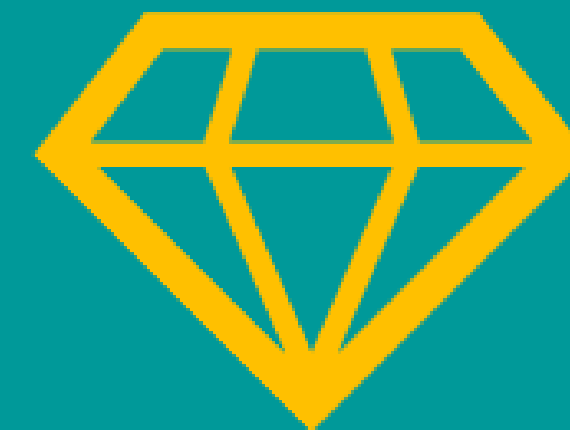
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Foreword

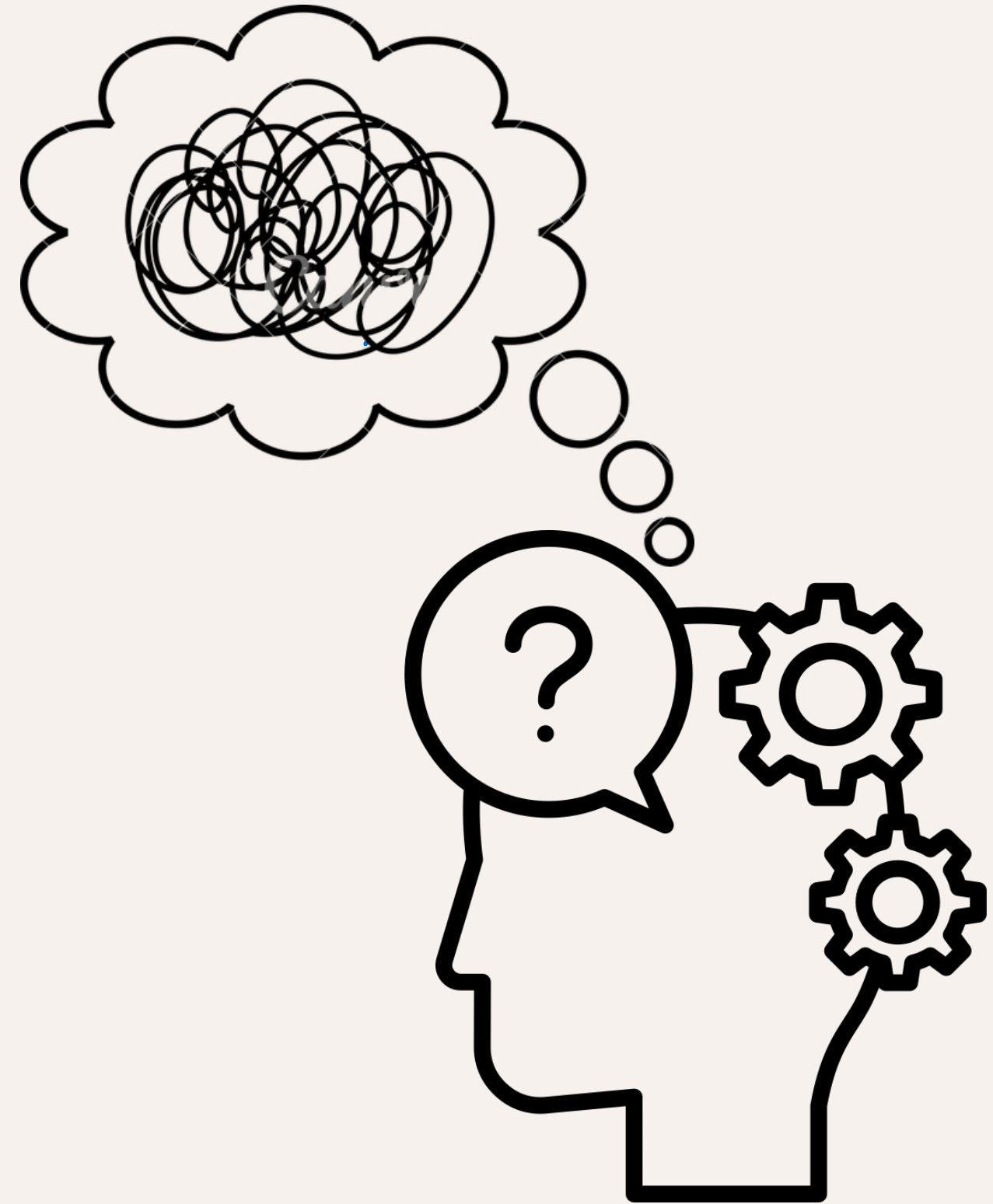
“We must bear in mind that talking about the Social Charter is like talking about a diamond. It is a treasure. (...).

We, as the Parliamentary Assembly of the Council of Europe, (...) have an instrument of enormous power at our disposal. Defending social rights means defending each person individually. Defending social rights means defending a society that wants to live together, not be separated. It means defending democracy. And I think, I am truly convinced, that the Social Charter will be one of the main instruments for defending our democratic pacts, for defending the future of Europe. (...)”

Paul Galles, Rapporteur, Resolution 2644 (2026) – 65th anniversary of the European Social Charter: social rights, the foundation of resilient democracies and social justice

Why this guide?

- 01.** Strengthening understanding: This guide aims to help parliamentarians better understand the Charter.
- 02.** Supporting parliamentary action: Its objective is to facilitate their work on the Charter.
- 03.** Promoting human rights: It talks about the social rights that the Charter guarantees to citizens in their daily lives.



What can parliamentarians do?

Parliamentarians can contribute to

- Initiate reforms where there are shortcomings in the implementation of social rights
- Hold the executive branch accountable for cases of non-compliance with the Charter
- Align national legislation and budgets with the obligations of the Charter
- To stimulate the ratification and commitment process towards the Charter

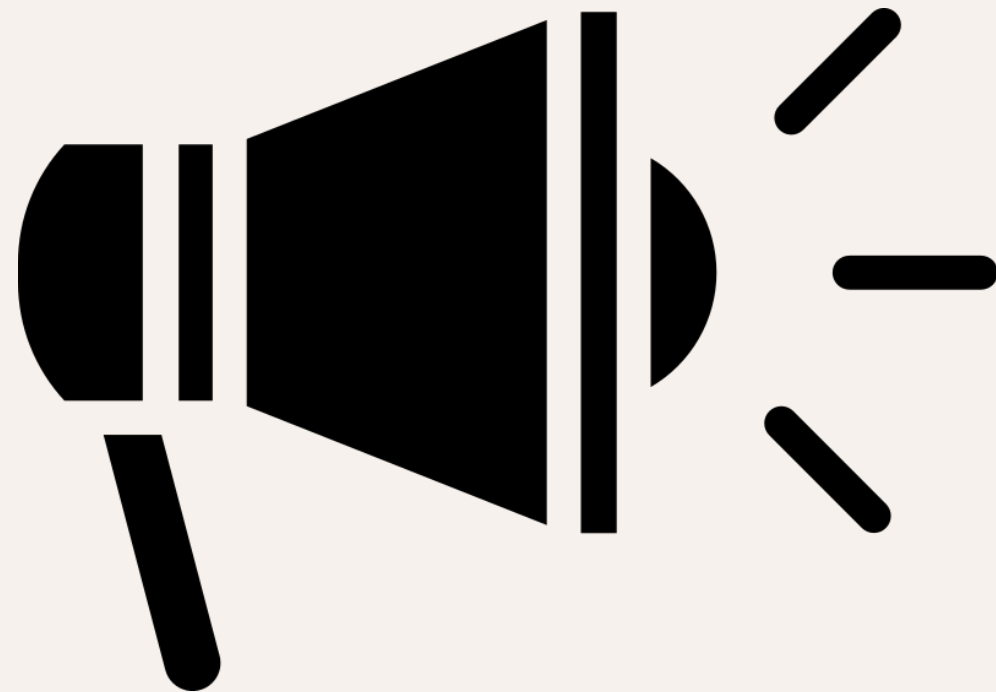
Parliamentarians can rely on

findings of the European Committee of Social Rights (ECSR), the body monitoring the Charter

recommendations from the Parliamentary Assembly enshrined in the Charter



How can we take concrete action?



1. Assess

2. Act

3. Communicate

1. Assess

Assess

The way in which the country implements the Charter

Integrate

The Charter is systematically included in impact assessments of proposed legislation.

Organiser

Meetings and hearings with members of the Government Committee to identify ways to improve legislation and practice

To study

Provisions of the Charter that have not been accepted, with a view to their acceptance;
Reservations to the Charter, with a view to their withdrawal

2. Act

A methodical progression for lasting results.

Collaboration with national human rights institutions and national equality bodies is crucial to leveraging their expertise to improve legislation



Daily

Propose new laws

Strategic

Encourage the Government to make a greater commitment



Budgetary control

Verify that sufficient resources are allocated to the implementation of social rights

3. Communicate



Strengthening the capacity and knowledge of parliamentarians and parliamentary research services regarding the Charter



Use social media

LinkedIn
Facebook
Instagram
Bluesky

...and traditional media



Speaking to voters about the importance of fundamental social rights in their daily lives



Distribute and present informational materials such as this guide

The European Social Charter & the European Convention on Human Rights

the two major human rights treaties of the Council of Europe

based on the same principles of dignity, universality, indivisibility and interdependence of human rights

What rights?

Olivier De Schutter, *The European Social Charter: A Social*

Constitution for Europe, Brussels, Bruylant, 2010

“The European Social Charter constitutes the social constitution of Europe; it complements the European Convention on Human Rights by guaranteeing a broad range of social and economic rights, while remaining within the same legal framework of human rights.”

RIGHTS GUARANTEED BY THE CHARTER



Employment

▶ Right to work, just working conditions, fair remuneration, safety at work, dismissal protection and training



Social dialogue

▶ Freedom of association, collective bargaining, the right to strike, protection against trade union discrimination



Social protection

▶ Social security, social assistance, family and children protection, protection against poverty and social exclusion



Housing & Health

▶ Right to adequate housing and healthcare for all



Equality & non-discrimination

▶ Equal opportunities, protection against all forms of discrimination



Education & social participation

▶ Access to education and vocational training, information and consultation at work

Scope



Territorial

States Parties may make declarations or territorial reservations excluding certain parts of their territory – such as overseas territories or autonomous regions – from the scope of the Charter.



Personnel

The rights enshrined in the Charter apply to nationals of States Parties, as well as to foreign nationals who reside legally or work regularly in the territory of the State concerned. Therefore, third-country nationals in an irregular situation and asylum seekers are not covered.

The **Parliamentary Assembly** argues for an extension of the **material scope**, through a protocol or a revision of the Charter, to rights that have become central today, such as the right to a healthy environment and rights strengthening the protection of work via platforms and work involving artificial intelligence.

The Charter's conventional system

Two versions of the Charter coexist

The original version was adopted in 1961, and the revised version was adopted in 1996. The revised version incorporates new rights, such as the rights of older persons and the right to protection against poverty and social exclusion, and updates rights already contained in the original version. States may be parties to one or the other of these versions, but not both.

42 out of 46 member states of the Council of Europe are bound by the Charter or the Revised Charter. Only Liechtenstein, Monaco, San Marino, and Switzerland have not ratified either the Charter or the Revised Charter.

The conventional system of the Charter is supplemented by several protocols.

The 1988 Additional Protocol adds four rights to the 1961 Charter. The additional provisions of the Protocol are incorporated into the revised Charter of 1996. Therefore, ratification of the Protocol only has added value for States that have not ratified the revised Charter.

The 1991 Amending Protocol (Turin Protocol) strengthens the role of the ECSR, clarifies the procedure for examining reports, and affirms the legal and independent nature of the ECSR analysis. It has not entered into force. Denmark, Germany, Luxembourg, and the United Kingdom are not signatories. Its provisions are implemented in practice by decision of the Committee of Ministers, with the exception of the provision for the election of ECSR members by the Assembly.

The protocol providing for a system of collective complaints

10 member States have not yet ratified the revised Charter:
Croatia, Czech Republic, Denmark, Luxembourg, Liechtenstein, Monaco, Poland, San Marino, Switzerland and the United Kingdom.

“Social rights, the foundation of resilient democracies and social justice”

Why ratify the Charter?

The Charter is at the heart of the mission of the Council of Europe

The ratification of the revised Charter by all member states of the Council of Europe and the progress of acceptances is essential for the Council of Europe to demonstrate its unity in its mission to defend human (social) rights.

Ratifying the entire revised Charter would avoid the existence of two Charters and a variable geometry of acceptance of the provisions.

Member States commit



Final Declaration of the Reykjavík Summit (2023)

Vilnius Declaration - High-Level Conference (2024)

- All human rights, including the social rights guaranteed by the Charter, are universal, indivisible, and interconnected
- Europe needs a strong and responsive framework for social rights
- Social justice is crucial for democratic stability and security
- Social rights are at the heart of the European democratic project

Collective complaints strengthen citizens' trust in public institutions by offering an accessible, non-judicial, and solution-oriented tool.

@PARLIAMENTARIANS

The ratification of the Charter also depends on you!

Glossary

★ Signature

The signing of the Charter, like that of any international treaty, is a decision made by the **GOVERNMENT**. It consists of officially notifying the Secretary General of the Council of Europe of the State's intention to become a party to the treaty. The signature does not entail any legal obligation: it opens the way to the domestic ratification process.

★ Ratification

After signing, the State must formalize its commitment through ratification, which generally involves national **PARLEMENTS**, according to each country's constitutional rules. Ratification is effected by depositing an instrument of ratification with the Council of Europe. The Charter then becomes binding on the country under international law.

★ Acceptance

The Charter allows for a "partial" or "**A LA CARTE**" ratification of the treaty. States are free to choose the number of provisions they accept and therefore the rights to which they commit. The limit is that states must commit to accepting a minimum of 10 articles or 45 paragraphs of the 1961 Charter, and a minimum of 16 articles or 63 paragraphs of the revised Charter.



Who monitors compliance with the Charter?

3 Bodies

European Committee of Social Rights

Independent body

Composed of 15 members appointed by the Committee of Ministers

Assesses states' compliance with their commitments

It is not a court, but it interprets the Charter and interprets the law

Over time, it has developed a coherent and structured body of case law.

Governmental Committee

Brings together representatives of the 42 States Parties

Assisted by observers representing European social partners

Ensures political coordination around the Charter
Examines the conclusions and recommendations of the European Committee of Social Rights.

Prepares the decisions to be submitted to the Committee of Ministers via the dedicated Group of Rapporteurs

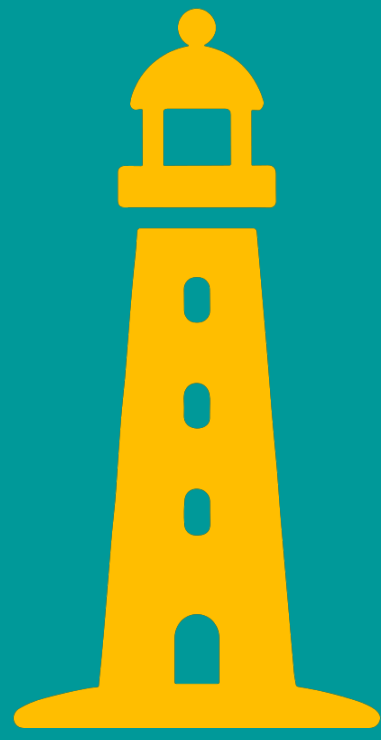
Committee of Ministers

Executive body of the Council of Europe

Formally adopts the findings of the European Committee of Social Rights

May recommend that States remedy violations of the Charter at the national level

Where can I find case law?
the DIGEST



Collective complaints: a tool for political alert!

The protocol on collective complaints intended to strengthen the effectiveness of social rights by allowing for more responsive and concrete monitoring

To date, 16 States have ratified the protocol and only one – Finland – has made use of the possibility provided for in the Protocol to authorize national non-governmental organizations to file collective claims

“Stable and secure access to adequate energy is a key element of the rights to housing, health, education and protection against poverty and social exclusion (...), the State cannot delegate this responsibility to private operators: it remains responsible for respecting fundamental rights.”

example

FEANTSA and others v. Spain, complaint no. 206/2022

Complaint due to prolonged power cuts in Cañada Real Galiana (Madrid), affecting approximately 4,500 people, including 1,800 children

Declared admissible on October 19, 2022

Decision on the merits of September 11, 2024: violation of Article 31§1 (right to adequate housing) due to the deprivation of access to electricity, of Article 17§2 (right of children to protection and to education), of Article 30 (right to protection against poverty and social exclusion) and of Article 23 (protection of the elderly) in the face of the effects of the cuts

Committee of Ministers: Recommendation CM/RecChS(2025)60, 10 December 2025, inviting Spain to remedy the violation

Follow-up report of Spain to the ECSR expected in 2027

The collective complaints procedure

A human rights protection system that complements the judicial protection provided by the European Convention on Human Rights.

Flexible – the organization does not need to be an individual victim or raise the issue before domestic courts first

Adversarial – both parties exchange their arguments on an equal footing

Optional – only for States that have accepted it by ratifying the Protocol or by declaration (Article D§2 of the revised Charter).



ECSR Alert

NGOs/social partners file a complaint



The ECSR decides

Step 1: Admissible?
Step 2: If yes, is there a violation of the Charter?



And then what?

The Committee of Ministers closes or recommends implementing the decision



Decisions

The reporting procedure



Conclusions

How does the procedure work?

- Each State periodically submits a report explaining how it applies the Charter in law and in practice
- **Only States Parties that have not accepted the collective complaints procedure submit these periodic reports**
- The ECSR works by thematic rights groups
- The ECSR analyzes legislation, public policies, statistical data, national case law and decides whether or not the situation complies with the Charter
- The findings (conclusions) of compliance and non-compliance are published annually.
- If a finding of non-compliance is made, the Committee of Ministers, upon a proposal from the Government Committee, may issue a recommendation to the State to amend its law or practice.

example the minimum wage (Article 4 §1 of the Charter)

To ensure a decent standard of living, wages cannot fall below a minimum threshold set at 50% of the average net wage. When the net minimum wage reaches at least 60% of the average net wage, it is presumed to ensure a decent standard of living. When the net minimum wage is between 50% and 60% of the average net wage, it is incumbent upon the State party to establish that this wage is sufficient to ensure a decent standard of living (Conclusions XIV-2 (1998), General Statement on Article 4(1)).

The ad hoc reporting procedure

More efficiency and responsiveness in addressing crises affecting social rights

This procedure allows the ECSR to rapidly gather information from States, civil society organizations, and national human rights institutions in order to assess the impact of crises on vulnerable populations in a targeted manner and to formulate concrete recommendations to mitigate negative social consequences. This procedure aims to bridge the gap between regular monitoring by States and the need for rapid action during periods of economic or social shock.

NEW

2025: ECSR analytical review on the cost of living crisis

<https://www.coe.int/fr/web/european-social-charter/ad-hoc-report-on-the-cost-of-living>



Analytical review

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RECOMMENDATIONS IN THE FACE OF THE COST-OF-LIVING CRISIS

1. Ensure wages and pensions cover the basic cost of living
2. Assist low-income households
3. Minimum wage \geq 60% of net average wage
4. Universal access to energy, water and food
5. Adequate and affordable housing for all
6. Universal essential healthcare
7. Social protection for all
8. Reduce inequalities, protect vulnerable groups
9. Dialogue with social partners
10. Anticipate and respond to crises



And what about social rights at the European Union level?

The Charter: a complement to EU commitments

The majority of the 98 provisions of the revised Charter have **counterparts** in European Union law – EU Treaties, the Charter of Fundamental Rights, directives, and regulations. All **27 EU Member States** have ratified the Charter or the revised Charter. **Two EU Member States** – France and Portugal – have accepted the entire revised Charter.

The EU Charter of Fundamental Rights

It incorporates many of the social rights guaranteed by the Charter and integrates them into a legally binding framework for EU institutions and, under certain conditions, for the member States of the Council of Europe

The European Pillar of Social Rights

Reaffirms and politically structures existing social rights, including those of the (revised) Charter, showing how they should be implemented in national and European policies

Social rights in the accession process

The Commission assesses whether EU candidate countries are capable of implementing the *acquis communautaire* (i.e., European Union law). Chapter 19 of the *acquis* concerns social policy and employment. In this context, ratification of the Charter and the level of commitment of candidate countries are positive political signals.



Consistency :

Where states apply EU standards, the corresponding provisions of the (revised) Charter must be accepted



Applying the Charter is good for the SDGs



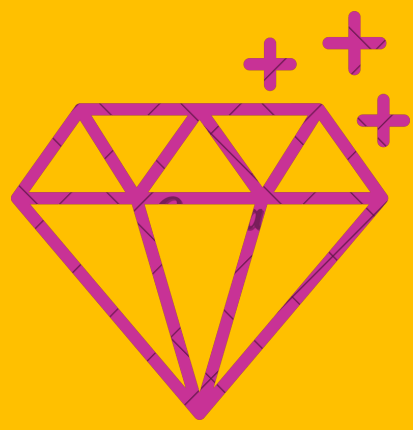
**SUSTAINABLE
DEVELOPMENT
GOALS**



No poverty **ODD 1 - Article 30**

Article 30 of the Charter is the first legally binding provision in Europe aimed at protection against poverty and social exclusion. It obliges States Parties to adopt a comprehensive and coordinated approach to combating poverty and social exclusion, by adopting measures designed to prevent and remove obstacles to access to rights, in particular employment, housing, training, education, culture, and social and medical assistance.

The United Nations' 2030 Agenda has set out 17 Sustainable Development Goals (SDGs) that States must achieve by 2030. **The Charter is the most relevant European treaty** for the Council of Europe's contribution to the achievement of the SDGs relating to economic and social rights.



What is the value of the Charter in my country?

Legal value determines which rule applies when a treaty conflicts with a national rule

It depends on my Constitution

France: Article 55 of the Constitution

Treaties or agreements duly ratified or approved shall, upon their publication, have an authority superior to that of laws, subject, for each agreement or treaty, to its application by the other party

Czech Republic: Article 10 of the Constitution

International human rights and freedoms treaties ratified and promulgated by the Czech Republic, and to which it is a party, have direct effect and take precedence over domestic legislation.

Andorra: Article 3.4 of the Constitution

International treaties and agreements become part of the Andorran legal order upon their publication in the Official Gazette and cannot be modified or repealed by law.

Austria, Denmark, Finland, Germany, Ireland, Italy, Norway, Sweden and the United Kingdom

The Charter has no legal force domestically until it has been received (or incorporated) into national law. Once received, the Charter will bind the State internationally, before the bodies of the Council of Europe. However, at the national level, the receiving national law will be the legal source for national authorities.

**How can we know?
Country Profiles**

How to find more about the Charter?

The decisions, conclusions, and recommendations of the ECSR

Online at www.coe.int/fr/web/european-social-charter/

Based on the online database (HUDOC-ESC)

In just a few clicks, it is possible to find useful information by country, right guaranteed by the Charter and type of finding (violation or non-violation)



**Where can I find case law?
the DIGEST**

A guide that presents in an accessible way how the ECSR interprets and applies the Charter.

It clarifies the content of the rights in the Charter and what is expected of States that have agreed to be bound by these rights

HUDOC search

“I have been informed that the European Trade Union Confederation and two Belgian trade unions have won their case before the ECSR in a complaint concerning the right to strike. I am seeking to ascertain whether the situation in Belgium has changed and is now in accordance with the Charter.” <http://hudoc.esc.coe.int/>

**In my country?
Country profiles**

The Charter within the Parliamentary Assembly

The Committee on Social Affairs, Health and Sustainable Development is responsible for social rights and the implementation of the Charter.

Mandate:

“The commission deals with issues relating to policy and social rights, public health, sustainable development, economic cooperation and development, local and regional democracy, and good governance in these areas, paying particular attention to the most vulnerable groups in society.

In particular, the commission:

(i) examines the implementation, by Member States and at European level, of the rights guaranteed by the European Social Charter (revised), their possible future development, and the contribution that social cohesion can make to democratic security.”

One of the committee’s main missions is to propose reports to the Assembly on issues related to social, environmental, and public health policies. These reports promote a human rights-based approach and contribute to the ongoing development and visibility of the rights enshrined in the Charter.

