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COUNCIL
OF EUROPE

CONSEIL
DE L'EUROPE

Committee of Ministers
Comité des Ministres

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and 467th meetings of the
Ministers' Deputies
(November and December 1991)

**COUNCIL OF EUROPE MINISTERIAL CONFERENCE
ON THE EUROPEAN SOCIAL CHARTER
(Turin, 21 and 22 October 1991)**

**Secretary General's
SUMMARY REPORT**
prepared by the Directorate of Human Rights

1. The first Council of Europe Ministerial Conference on the European Social Charter was held in Turin at the Italian Government's invitation on 21 and 22 October 1991, to mark the 30th anniversary of the European Social Charter.
2. The conference was attended by all the Council of Europe member states and by observers from Bulgaria, the Holy See, Poland, Romania and the Soviet Union. The Chairman of the Ministers' Deputies, a Parliamentary Assembly delegation and representatives of the International Labour Office and the European Trade Union Confederation were also present.

A complete list of participants appears in Appendix III.

3. The Ministers' Deputies will remember that the conference follows on from the decision to give new impetus to the Charter, taken the day after the informal Ministerial Conference on Human Rights (Rome, 5 November 1990). At their 449th meeting (November/December 1990) the Deputies decided to authorise the convening of an ad hoc committee, the Committee on the European Social Charter (CHARTÉ-REL) to make proposals for improving the effectiveness of the Charter and, in particular, the functioning of its supervisory machinery.
4. The progress report (CM(91)159) of the CHARTÉ-REL Committee, whose work was to serve as a basis for the conference, has been referred to the Deputies.
5. The actual conference took place on the Monday afternoon and Tuesday morning. A meeting of senior officials was held on the Monday morning, and the 30th anniversary of the Charter was commemorated on the Tuesday afternoon.
6. At the close of proceedings, the conference adopted a resolution, which appears as Appendix II. The agenda (Appendix I) was directly based on the decisions which the Deputies took at their 463rd meeting (item 15 of the agenda), in particular those concerning themes suggested for item III (ways of giving the European Social Charter new impetus).

Draft additional Protocol providing for a collective complaints system (Appendix II to CM(91)164)

7. The senior officials held a wide-ranging exchange of views on this draft at their meeting, but did not succeed in drawing up new proposals.
8. In the Resolution, the Ministers - after stressing the importance, for the purposes of the effectiveness and development of the Charter, of the widest possible participation of employers and trade unions, and stating that the majority of them considered that the introduction of a collective complaints system would strengthen that participation (paragraph 10 of the Preamble) - recommended that the Committee of Ministers "examine at their earliest opportunity a draft protocol providing for a system of collective complaints, with a view to its adoption and opening for signature".

Proposals for improving the supervision machinery without amending the text of the Charter

9. On the basis of Appendix IV to the progress report of the CHARTÉ-REL Committee (CM(91)159), the Secretariat had prepared a text which could have been appended to the conference's Resolution.
10. The senior officials examined the text at length and made several changes. They decided, however, for want of time and - in certain cases - for want of instructions, not to submit the text to the conference.

11. It will be remembered that the issues dealt with in the draft were the promotion of the Charter, ways of obtaining fuller, more balanced information, the acceleration of the procedure, the need to make a further study of the use of Article 22 (provisions not accepted) and the reasons why certain countries had not ratified the Charter and the first additional Protocol.

12. The fact that these proposals were not submitted to the conference does not mean that they have been rejected. On the contrary, in the Resolution the Ministers recommend that the Committee of Ministers "take the necessary steps for the immediate implementation of measures for improving the Charter which do not require any amendment to its text".

Proposals concerning the reports system

13. Although this question could have been included under the previous heading, it was considered separately on account of the formal proposals submitted by certain governments (Section V of CM(91)172).

14. In the Resolution the Ministers call on "the organs concerned to reflect on the revision of the reporting procedure, particularly as regards its frequency".

Improving the substantive content of the Charter

15. The Deputies will remember that, at the start of its work, the CHARTE-REL Committee decided that it was appropriate to consider both matters connected with the supervision machinery and those connected with substantive content. The examination of the machinery was given priority only in the sense that it took place first.

16. Several speakers at the conference stressed the need to review and amplify the substantive content of the Charter. The Resolution states that "in order to give full effect to the efforts being made, it would be timely to update and adapt the substantive contents of the Charter in order to take account in particular of the fundamental social changes which have occurred since the text was adopted" (paragraph 11 of the Preamble).

17. It will be remembered that certain steering committees and the Parliamentary Assembly, in its Recommendation 1168, have already made proposals to this effect.

* * *

18. In the Resolution the Ministers recommend the Committee of Ministers to "extend in 1992 the terms of reference originally assigned to the Committee on the European Social Charter to allow the task of giving fresh impetus to the Charter to be completed".

19. If this recommendation is accepted, the Secretariat considers that the four sets of issues raised above (paragraphs 7 to 17) could be examined by the committee before they are submitted to the Ministers' Deputies.

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20. The Protocol amending the Charter, adopted by the Ministers' Deputies on 16 October, was opened for signature on the occasion of the conference. It was signed by 10 member states: Belgium, Cyprus, France, Italy, Luxembourg, Malta, the Netherlands, Spain, Sweden and the United Kingdom, and was signed without reservation as to ratification by Norway.

21. In the Resolution the Ministers "request both the States party to the Charter and the supervisory bodies to envisage the application of certain of the measures provided for in this Protocol before its entry into force, in so far as the text of the Charter will allow".

* * *

22. All this bears witness to the very positive, open-minded spirit in which the conference took place. It was clearly an important step forward in giving the Charter new impetus. There have been major developments since the CHARTE-REL Committee started work, and governments seem determined to give the Charter the place and role which it deserves.

23. It seems, therefore, that it should be possible to fulfil the Ministers' hopes that "the political will, which made it possible for the first time to adopt an Amending Protocol to the European Social Charter, can be maintained for its implementation and further development of this reform".

24. It is important, however, not to lose sight of the other prerequisite to which the CHARTE-REL Committee drew attention and which concerns resources. In the Resolution the Ministers "draw the attention of the Committee of Ministers of the Council of Europe to the fact that an appreciable and rapid strengthening of the resources available to the Charter is a precondition of any significant improvement in the functioning of this instrument". Resources are needed, in particular, for the Committee of Independent Experts (see Section A.2 of Appendix IV to CM(91)159), the promotion of the Charter and the Secretariat, which the CHARTE-REL Committee expressly mentioned in its report (paragraph 10 of CM(91)159).

The importance of resources, given the administrative and budgetary situation as regards the Charter, should not, although it is more prosaic an issue, be underestimated.

APPENDIX I

AGENDA

I Opening of the Conference in the presence of the Press by Mr Franco Marini, Italian Minister of Labour, and Mrs Catherine Lalumière, Secretary General of the Council of Europe

II Adoption of the agenda

III Means of giving a new impetus to the European Social Charter

- Draft Additional Protocol laying down a procedure for collective complaints
- Proposals for improving the supervisory machinery without amending the text of the Charter
- Proposals regarding the reporting system
- Improvements of the substantive provisions of the Charter

IV Any other business

V Adoption of the Final Resolution of the Conference

VI Close of the Conference

APPENDIX II

FINAL RESOLUTION OF THE CONFERENCE

The Ministers participating in the Ministerial Conference meeting in Turin on 21 and 22 October 1991 on the occasion of the 30th anniversary of the European Social Charter,

1. Considering that the aim of the Council of Europe is the achievement of greater unity between its Members for the purpose of safeguarding and realising the ideals and principles which are their common heritage and of facilitating their economic and social progress, in particular by the maintenance and further realisation of human rights and fundamental freedoms;
2. Recalling to mind that the Ministerial Conference on Human Rights held in Rome on 5 November 1990 stressed the need, on the one hand, to preserve the indivisible nature of all human rights, be they civil or political, economic, social or cultural and, on the other hand, to give the European Social Charter fresh impetus;
3. Stressing the importance of the European Social Charter as an instrument for safeguarding and promoting basic social rights in Europe;
4. Welcoming the ratification of the Charter by twenty member States of the Council of Europe to date, and noting with satisfaction the work undertaken in other States with a view to ratifying the Charter as soon as possible;
5. Expressing the hope that the first additional Protocol to the Charter, opened for signature on 5 May 1988, may enter into force in the near future;
6. Welcoming the follow-up action taken on the results of the Ministerial Conference on Human Rights by the Committee of Ministers in setting up the Committee on the European Social Charter with the task of making proposals for improving the effectiveness of the Charter and the functioning of its supervisory machinery;
7. Thanking the Italian Government for taking the initiative of convening, on the occasion of the 30th anniversary of the Charter, a ministerial conference which provides an opportunity to examine the results achieved by this Committee;
8. Noting that this Committee's work has resulted in the adoption, by the Committee of Ministers, of an Amending Protocol to be opened for signature at the present conference, and in the preparation of an optional draft additional protocol providing for a system of collective complaints;

9. Convinced that the entry into force of the Amending Protocol will contribute decisively towards improving the supervisory machinery of the Charter;

10. Stressing the important improvement for the effectiveness and development of the Charter which would result from the fullest possible participation by the social partners, and noting that a majority of Ministers consider that such participation would be strengthened by the establishment of a system of collective complaints;

11. Considering that, in order to give full effect to the efforts being made, it would be timely to update and adapt the substantive contents of the Charter in order to take account in particular of the fundamental social changes which have occurred since the text was adopted;

12. Taking note of Resolution 967 and Recommendation 1168 on the future of the Social Charter of the Council of Europe, unanimously adopted by the Parliamentary Assembly respectively on 28 June and 24 September 1991,

Express the firm hope that the political will, which made it possible for the first time to adopt an Amending Protocol to the European Social Charter, can be maintained for the implementation and further development of this reform;

Urge the member States of the Council of Europe to become Parties at the earliest possible opportunity to the Amending Protocol to the European Social Charter;

Request both the States party to the Charter and the supervisory bodies to envisage the application of certain of the measures provided for in this Protocol before its entry into force, in so far as the text of the Charter will allow;

Draw the attention of the Committee of Ministers of the Council of Europe to the fact that an appreciable and rapid strengthening of the resources available to the Charter is a precondition of any significant improvement in the functioning of this instrument;

Call on the organs concerned to reflect on the revision of the reporting procedure, particularly as regards its frequency;

Recommend that the Committee of Ministers of the Council of Europe:

a. examine at their earliest opportunity a draft protocol providing for a system of collective complaints, with a view to its adoption and opening for signature;

b. take the necessary steps for the immediate implementation of measures for improving the Charter which do not require any amendment to its text;

c. extend in 1992 the terms of reference originally assigned to the Committee on the European Social Charter to allow the task of giving fresh impetus to the Charter to be completed.

APPENDIX III / ANNEXE III

LIST OF PARTICIPANTS
Liste des participants

I. MINISTERIAL CONFERENCE
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- A. MEMBER STATES OF THE COUNCIL OF EUROPE
ETATS MEMBRES DU CONSEIL DE L'EUROPE
- B. COMMITTEE OF MINISTERS OF THE COUNCIL OF EUROPE
COMITE DES MINISTRES DU CONSEIL DE L'EUROPE
- C. PARLIAMENTARY ASSEMBLY OF THE COUNCIL OF EUROPE
ASSEMBLEE PARLEMENTAIRE DU CONSEIL DE L'EUROPE
- D. OBSERVERS STATES
ETATS OBSERVATEURS
- E. OTHER PARTICIPANTS
AUTRES PARTICIPANTS

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SECRETARIAT DU CONSEIL DE L'EUROPE

* * *

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