

PACE contribution to the preparation of the High-level Conference on the European Social Charter, March 2026, Chişinău (Moldova)

(contribution from the Secretariat of the PACE Committee on Social Affairs, Health and Sustainable Development)

I. ADVANCING COMMITMENTS UNDER THE CHARTER**Personal and territorial scope**

Under the Appendix to both the original (1961) and the Revised (1996) European Social Charter (ESC), substantive rights apply only to nationals of the Contracting Parties and to nationals of other Contracting Parties who are lawfully resident or regularly working within their territory.

The Parliamentary Assembly of the Council of Europe (PACE) is of the opinion that by maintaining a restrictive personal scope based on nationality or legal residence, the current application of the ESC unduly undermines the principle of universality and indivisibility of human rights backed up by the Council of Europe.

PACE welcomes the fact that the European Committee of Social Rights has carved out exceptions by identifying certain “core obligations” inherent in human dignity – in particular with respect to health care, housing, and the rights of children. However, this jurisprudential development remains insufficient.

→ PACE therefore calls on member States to make use of the Appendix to the (Revised) Charter to declare their intention to extend the personal scope of the Charter’s rights to all persons under their jurisdiction, irrespective of their legal status.

In the same vein, PACE firmly believes that full and uniform application of the ESC across all national territories, including overseas and autonomous regions, is essential to uphold the fundamental social and economic rights of all individuals under a State’s jurisdiction. Territorial reservations made by several State parties undermine the Charter’s universality and creates unequal protection and social standards within the same country.

→ PACE calls on member States concerned to extend the Charter’s protection to all their territories without exception.

Strengthening legal coherence among European Union member States

The protection of social rights in Europe suffers from fragmentation. The ESC is too often drowned in a complex web of overlapping legal mechanisms and competing European institutions, creating confusion, legal uncertainty, and conflicting obligations.

PACE is also aware that that EU member states are already bound by directives that would enable them to accept additional provisions of the (Revised) Charter without difficulty. Their obligations within the EU framework should act as a further incentive to extend their commitments under the Charter – particularly as its provisions increasingly serve as reference points for the EU's social acquis and the implementation of the European Pillar of Social Rights.

→ PACE therefore calls on member States to the EU to align their commitments under the Charter with their obligations under EU law. They should encourage the European Commission to initiate accession to the Charter – a step that is both legally feasible and politically necessary. In the meantime, they should urge the European Commission to explicitly refer to the Charter in its legislative impact assessments, in order to avoid conflicting obligations.

Stronger democratic oversight

The Turin Protocol explicitly empowers PACE to elect at least 9 of the 15 independent experts of the European Committee of Social Rights. PACE considers that this mechanism “would certainly increase the democratic legitimacy of the ECSR and possibly the acceptance of the Charter monitoring system by member States.”

However, the Protocol – adopted in 1991—has not yet entered into force because four States Parties to the Charter have yet to ratify it: Denmark, Germany, Luxembourg, and the United Kingdom. This delay is significant, as the Protocol requires unanimous ratification by all States Parties at the time of its adoption to take effect.

→ PACE therefore calls on the four remaining States to ratify the Turin Protocol without further delay. Should ratification continue to stall, PACE proposes adopting a unanimous internal decision enabling the Assembly to fully assume its intended function within the Charter's supervisory machinery.

Strengthening social rights through the collective complaints' mechanism

The Additional Protocol providing for a system of Collective Complaints to the ESC, adopted in 1995 and effective from 1998, has been ratified by 16 of the 42 States Parties to the (R)ESC. The ECSR has delivered decisions in nearly 250 complaints brought before it.

PACE considers that this mechanism complements the enforcement mechanisms of the European Convention on Human Rights by providing a specialized, participatory, and impact-driven framework for addressing social and economic rights violations. By enabling trade unions, NGOs, and other social partners to bring forward systemic issues, the procedure enhances democratic oversight and deepens understanding of

complex social challenges. It also alleviates States' reporting obligations by focusing scrutiny on concrete cases, thereby promoting more effective and targeted reforms.

→ In light of these benefits, PACE calls on those member States yet to ratify the Protocol providing for a system of Collective Complaints, to do so without delay.

Consider adding new rights to the Charter

PACE Recommendation 2272 (2024) “Mainstreaming the human right to a safe, clean, healthy and sustainable environment with the Reykjavik process” PACE reiterated its call to the Committee of Ministers to draw up an additional protocol to the European Social Charter on the right to a safe, clean, healthy and sustainable environment.

PACE Recommendation 2239 (2022) on “The future of work is here: revisiting labour rights” proposes adding new provisions to the Charter for the enhanced protection of workers in non-standards forms of employment, in platform work and in work involving artificial intelligence.

II. PROMOTING SOCIAL RIGHTS THROUGH PARLIAMENTARY ACTION

PACE consistently uses its influence to strengthen the visibility and impact of the ESC as a cornerstone of social justice and human rights in Europe. Through its resolutions and recommendations, PACE promotes the Charter as a living instrument capable of responding to emerging social challenges. Since the High-Level Conference held in Vilnius in July 2024, it is worth mentioning:

Resolution ... (2025) “Analysis and guidelines for a sustainable and socially fair energy transition” PACE highlighted the importance of stable access to clean energy for the enjoyment of fundamental social rights to housing, work, health, education, protection from poverty and social exclusion, as well as the rights of vulnerable persons (notably children, persons with disabilities and older persons), as enshrined in the European Social Charter¹.

¹ Subject to its adoption by the Plenary during the 3rd part-session (June 2025).