

European Social Charter and the Environment

FACTSHEET



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Although the European Social Charter (the Charter) does not expressly guarantee the right to a clean, healthy and sustainable environment, the European Committee of Social Rights (ECSR) has interpreted the Charter to address a wide range of issues related to human rights and the environment. They include the right to safe and healthy working conditions (Article 3), the right to protection of health (Article 11), the right to protection against poverty and social exclusion (Article 30) and the right to housing (Article 31). The triple planetary crisis of climate change, pollution and biodiversity loss also affects rights of children and young persons (Article 7, Article 17), rights of older persons (Article 23) and rights of persons with disabilities (Article 15).

■ According to the Council of Europe Strategy on the Environment¹, a clean, healthy and sustainable environment is integral to the full enjoyment of human rights by present and future generations. The interconnection between human rights and the environment has been reflected in the evolving case law of the European Court of Human Rights and in the decisions and conclusions of the ECSR (Strategic Objective 1). The Strategy is accompanied by an Action Plan² for impact and accountability.

Article 3 – Right to safe and healthy working conditions

■ With a view to ensuring the effective exercise of the right to safe and healthy working conditions, the Parties undertake, in consultation with employers' and workers' organisations:

1. to formulate, implement and periodically review a coherent national policy on occupational safety, occupational health and the working environment. The primary aim of this policy shall be to improve occupational safety and health and to prevent accidents and injury to health arising out of, linked with or occurring in the course of work, particularly by minimising the causes of hazards inherent in the working environment;
2. to issue safety and health regulations;
3. to provide for the enforcement of such regulations by measures of supervision;
4. to promote the progressive development of occupational health services for all workers with essentially preventive and advisory functions.

1. [Council of Europe Strategy on the Environment 2025-2030](#).

2. [Action Plan related to the Council of Europe Strategy on the Environment](#).



Obligation to issue safety and health regulations providing for preventive and protective measures against workplace risks

■ Risks to be covered by regulations include air pollution³, climate change⁴, hazardous agents and substances, such as chemical, physical and biological agents, particularly carcinogens, including white lead (in paint); benzene, vinyl chloride monomer; metallic lead and its ionic compounds, and the control of major accident hazards involving dangerous substances.⁵

■ With regard to asbestos and ionizing radiation States Parties are required to produce evidence that workers are protected up to a level at least equivalent to that set by international reference standard.⁶

3. Marangopoulos Foundation for Human Rights (MFHR) v. Greece, Complaint No. 30/2005, decision on the merits of 6 December 2006, §203.

4. Conclusions 2025, Statement of Interpretation on Article 3.

5. Conclusions XIV-2 (1998), Statement of Interpretation on Article 3.

6. Conclusions XIV-2 (1998), Statement of Interpretation on Article 3.



■ Exposure to asbestos has to be eliminated. Measures include extending protection and information to workers in all potentially hazardous occupations, eliminating technologies that release free asbestos fibers, and ensuring proper medical supervision by strengthening occupational medical services.⁷ States must draw up an inventory of all contaminated buildings and materials, and asbestos must be eliminated where technical knowledge allows.⁸

■ As regards ionizing radiation, the transposition into domestic law of Directive 2013/59/Euratom of the Council of 5 December 2013 laying down basic safety standards against the dangers arising from exposure to ionizing radiation and repealing Directives 89/618 / Euratom, 90/641 / Euratom, 96/29 / Euratom, 97/43 / Euratom and 2003 / 122 / Euratom (EU Member States had until 6 February 2018 to transpose it) is sufficient to demonstrate compliance with Article 3 in respect of protection against radiation as this Directive takes up the International Commission on Radiological Protection's recommendations.⁹

7. Conclusions 2021, Austria.

8. Conclusions XIV-2 (1998), Statement of Interpretation on Article 3.

9. Conclusions 2017, Portugal.

Obligation to conduct risk assessment

■ States Parties are required to take measures to identify and assess climate change risks and adopt preventive and protective measures. In that regard, the situation of vulnerable workers, such as migrant workers, persons involved in informal work, young and older workers, women, persons with disabilities and persons with pre-existing health conditions should be taken into account. Risk assessment and prevention/protection plans should include measures aimed at mitigating the effects of climate change on the safety and physical and mental health of workers.¹⁰

Obligation to effectively monitor the enforcement of regulations on health and safety at work

■ It is the responsibility of the States Parties to ensure a certain number of regular inspections to ensure that the largest possible number of workers benefit from the right enshrined in Article 3 and that the risk of accidents is reduced to a minimum.¹¹

■ Moreover, States must effectively monitor the application of standards addressing climate-related safety and health risks, including through appropriate supervisory mechanisms, and should undertake these efforts in close consultation with workers' and employers' organisations.¹²

Obligation to provide guidance and training, collect data and carry out research

■ States Parties must provide guidance and training to workers and employers, as well as implement awareness-raising activities, collect data and carry out research concerning the impact of climate change¹³ on the health and safety of workers.

Article 11 – Right to protection of health

■ With a view to ensuring the effective exercise of the right to protection of health, the Parties undertake, either directly or in co-operation with public or private organisations, to take appropriate measures designed inter alia:

10. Conclusions 2025, Statement of Interpretation on Article 3.

11. MFHR v. Greece, Complaint No. 30/2005, decision on the merits of 6 December 2006, §229.

12. Conclusions 2025, Statement of Interpretation on Article 3.

13. Conclusions 2025, Statement of Interpretation on Article 3.

1. to remove as far as possible the causes of ill-health;
2. to provide advisory and educational facilities for the promotion of health and the encouragement of individual responsibility in matters of health;
3. to prevent as far as possible epidemic, endemic and other diseases, as well as accidents.

Obligation to take measures to prevent and remove the causes of ill-health resulting from environmental threats

■ Health systems must respond appropriately to avoidable health risks, i.e. ones that can be controlled by human action. Avoidable risks include those which result from environmental threats.¹⁴

■ Article 11 of the Charter has been interpreted by the ECSR as including the right to a healthy environment.¹⁵ Measures required under Article 11 should be designed, in the light of current knowledge, to remove the causes of ill-health resulting from environmental threats such as pollution.¹⁶ Overcoming pollution is an objective that can only be achieved gradually.¹⁷ Nevertheless, States must strive to attain this objective within a reasonable time, by showing measurable progress and making best possible use of the resources at their disposal.¹⁸ The ECSR assesses the efforts made by States with reference to their national legislation and regulations and undertakings entered into with regard to the European Union and the United Nations, and in terms of how the relevant law is applied in practice.¹⁹

■ In order to fulfil their obligations, States Parties must therefore:

- ▶ develop and regularly update sufficiently comprehensive environmental legislation and regulations;
- ▶ take specific steps, such as modifying equipment, introducing threshold values for emissions and measuring air quality, to prevent air pollution at local level and to help to reduce it on a global scale;

14. MFHR v. Greece, Complaint No. 30/2005, decision on the merits of 6 December 2006, §§194-195 and 202.

15. Ibid., §195.

16. Ibid., §202.

17. Ibid., §204.

18. Ibid., §204.

19. Ibid., §204.

- ensure that environmental standards and rules are properly applied, through appropriate supervisory machinery;
- assess health risks through epidemiological monitoring of the groups concerned.²⁰

■ Having access to safe drinking water is central to living a life in dignity and to the enjoyment of human rights.²¹ A situation where availability of drinking water is still a problem for a significant proportion of the population is in breach of the Charter.²²

■ With regard to food, States must establish national food hygiene standards with legal force that take account of relevant scientific data, establish and maintain machinery for monitoring compliance with these standards throughout the food chain, develop, implement and regularly update systematic prevention measures, particularly through labelling, and monitor the occurrence of food-borne diseases.²³ The realisation of the right to protection of health, as guaranteed by Article 11, requires the achievement of food and nutrition security for rights holders.²⁴

■ Preventive and protective measures are required with regard to noise pollution²⁵, asbestos²⁶ and nuclear hazards.²⁷

Obligation to take measures to inform and educate the public about environmental risks

■ States must take measures to inform and educate the public, including pupils and students at school, about both general and local environmental problems.²⁸ Informing the public, particularly population groups affected by specific problems, through awareness-raising campaigns, must be a public health priority, and their extent should vary based on the extent and seriousness of the public health problem.²⁹

20. Ibid., §203.

21. Conclusions 2017, Georgia.

22. Conclusions 2021, Slovak Republic.

23. Conclusions 2009, Georgia.

24. Ad-hoc review on the social rights and the cost-of-living crisis.

25. Conclusions 2017, Albania.

26. Conclusions 2009, Türkiye; Conclusions 2017, Republic of Moldova.

27. Conclusions XV-2 (2001), France.

28. MFHR v. Greece, Complaint No. 30/2005, decision on the merits of 6 December 2006, §203.

29. International Federation of Human Rights Leagues (FIDH) v. Greece, Complaint No. 72/2011, decision on the merits of 23 January 2013, §158.



Obligation to ensure representation and participation of those concerned in environmental decision - making processes

■ The ECSR assesses whether provision is also made for the public to be informed and to participate in decision-making processes regarding the environment.³⁰

Obligation to take precautionary measures

■ When a preliminary scientific evaluation indicates that there are reasonable grounds for concern regarding potentially dangerous effects on human health, the State must take precautionary measures consistent with the high level of protection established by Article 11. Where required, these measures must be taken in accordance with relevant decisions adopted by national jurisdictions.³¹

30. MFHR v. Greece, Complaint No. 30/2005, decision on the merits of 6 December 2006, §205 and §216.

31. FIDH v. Greece, Complaint No. 72/2011, decision on the merits of 23 January 2013, §150.

Obligation of non-discrimination

States are required to guarantee access to healthcare to disadvantaged and vulnerable groups, like Roma communities, which are disproportionately exposed to health risks. They do not live in healthy environments, which can be attributed to the failure of prevention policies by the State, for instance the lack of protective measures to guarantee clean water in Romani neighbourhoods, as well as the inadequacy of measures to ensure public health standards in housing in such neighbourhoods.³² States have a positive obligation to address the exclusion, marginalisation and environmental hazards which Romani communities are exposed to.³³

Article 30 – Right to protection against poverty and social exclusion

With a view to ensuring the effective exercise of the right to protection against poverty and social exclusion, the Parties undertake:

- a. to take measures within the framework of an overall and co-ordinated approach to promote the effective access of persons who live or risk living in a situation of social exclusion or poverty, as well as their families, to, in particular, employment, housing, training, education, culture and social and medical assistance;
- b. to review these measures with a view to their adaptation if necessary.

Obligation to adopt a coordinated approach and to collect data

Article 30 requires States Parties to adopt an overall and coordinated approach to combating poverty and social exclusion, which should consist of an analytical framework, a set of priorities and measures to prevent and remove obstacles to access to fundamental social rights.³⁴

To do this, collection of data is of the essence. The ECSR has held that States' failure to collect reliable data and statistics in respect of groups generally acknowledged to be socially excluded or disadvantaged prevents an "overall and co-ordinated approach" to the social protection of these persons

32. European Roma Rights Centre (ERRC) v. Bulgaria, Complaint No. 46/2007, decision on the merits of 3 December 2008, §47.

33. Ibid., §51.

34. Conclusions 2013, Statement of Interpretation on Article 30.

and constitutes an obstacle to the development of targeted policies concerning them.³⁵

Obligation to ensure stable, consistent and safe access to adequate energy

■ Stable, consistent and safe access to adequate energy is both a prerequisite for and a key element of the enjoyment of Charter rights.³⁶ The lack of energy directly affects basic aspects of life such as eating properly (cooking or keeping food in optimal conditions), heating, studying, washing or being able to clean clothes, physical hygiene and to apply medical treatments correctly.³⁷

■ Living in an energy-deprived environment results in a violation of persons' right to protection against poverty and social exclusion.

■ There is a strong link between energy rights and environmental and climate justice, and cost-of-living crises exacerbate the disproportionate impact of climate change on marginalised communities as rising energy costs limit their access to clean, sustainable energy sources. An equitable transition to renewable energy systems is therefore necessary in order not only to mitigate climate impacts but also to reduce the financial burden on vulnerable groups, ensuring affordable and reliable energy for all.³⁸

Article 31 – Right to housing

■ With a view to ensuring the effective exercise of the right to housing, the Parties undertake to take measures designed:

1. to promote access to housing of an adequate standard;
2. to prevent and reduce homelessness with a view to its gradual elimination;
3. to make the price of housing accessible to those without adequate resources.

35. International Federation of Human Rights (FIDH) v. Belgium, Complaint No. 75/2011, decision of 18 March 2013, §193.

36. Defence for Children International (DCI), European Federation of National Organisations working with the Homeless (FEANTSA), Magistrats Européens pour la Démocratie et les Libertés (MEDEL), Confederación Sindical de Comisiones Obreras (CCOO) and International Movement ATD Fourth World v. Spain, Complaint No. 206/2022, decision on the merits of 11 September 2024, §205.

37. Ibid., §200.

38. Ad-hoc review on the social rights and the cost-of-living crisis.



Obligation to ensure housing of an adequate standard

■ Housing of an adequate standard under Article 31§1 means a dwelling which is safe from the point of view of sanitation and health, i.e. it must possess all basic amenities, such as water, heating, waste disposal, sanitation facilities and electricity and must also be structurally secure, not overcrowded and with secure tenure supported by the law.³⁹

■ In this respect the ECSR takes into account General Comment No. 4 of the UN Committee of Economic, Social, and Cultural Rights Committee which provides that “Adequate housing must be habitable, in terms of providing the inhabitants with adequate space and protecting them from cold, damp, heat, rain, wind or other threats to health, structural hazards, and disease vectors. The physical safety of occupants must be guaranteed as well” and that “An adequate house must contain certain facilities essential for health, security, comfort and nutrition. All beneficiaries of the right to adequate housing should have sustainable access to natural and common resources, safe drinking water, energy for cooking, heating and lighting, sanitation and washing facilities, means of food storage, refuse disposal, site drainage and emergency services.”⁴⁰

39. Conclusions 2003, France.

40. International Federation for Human Rights (FIDH) v. Ireland, Complaint No. 110/2014, decision on the merits of 12 May 2017, §118.

■ Recalling that housing of an adequate standard under Article 31§1 means a dwelling which is safe from the point of view of sanitation and health, the ECSR noted that self-installed alternative sources of energy adopted in response to the absence of electricity from the grid may pose risks to the safety and health of the persons concerned and to the air quality of dwellings. This raises significant concerns from the perspective of Article 31§1 of the Charter.⁴¹

■ States must provide access to environmentally healthy housing.⁴² To ensure that, needs of the persons concerned need to be taken into account.⁴³

Obligation to ensure participation of those concerned

■ States Parties must take the needs of families into account in housing policies.⁴⁴ The ECSR considers that participation in relation to housing requires that families and/or the associations representing them are provided with the opportunity to express their views and be involved in processes of decision-making on policies, strategies and measures that impact/affect them. Such participation must include genuine consultation with concerned families and/or their representatives so as to provide them an opportunity to influence the development and implementation of the relevant policies and programmes.⁴⁵

➔ Relevant collective complaints:

- 🔗 Marangopoulos Foundation for Human Rights (MFHR) v. Greece, Complaint No. 30/2005, decision on the merits of 6 December 2006
- 🔗 International Federation of Human Rights Leagues (FIDH) v. Greece, Complaint No. 72/2011, decision on the merits of 23 January 2013
- 🔗 European Roma Rights Centre (ERRC) v. Bulgaria, Complaint No. 46/2007, decision on the merits of 3 December 2008

41. DCI, FEANTSA, MEDEL, CCOO and International Movement ATD Fourth World v. Spain, Complaint No. 206/2022, decision on the merits of 11 September 2024, §90.

42. Médecins du Monde – International v. France, Complaint No. 67/2011, decision on the merits of 11 September 2012.

43. DCI, FEANTSA, MEDEL, CCOO and International Movement ATD Fourth World v. Spain, Complaint No. 206/2022, decision on the merits of 11 September 2024, §96.

44. European Roma Rights Centre (ERRC) v. Greece, Complaint No. 15/2003, decision on the merits of 8 December 2004, §24.

45. DCI, FEANTSA, MEDEL, CCOO and International Movement ATD Fourth World v. Spain, Complaint No. 206/2022, decision on the merits of 11 September 2024, §115.

- 🔗 Defence for Children International (DCI), European Federation of National Organisations working with the Homeless (FEANTSA), Magistrats Européens pour la Démocratie et les Libertés (MEDEL), Confederación Sindical de Comisiones Obreras (CCOO) and International Movement ATD Fourth World v. Spain, Complaint No. 206/2022, decision on the merits of 11 September 2024

➔ **Other relevant documents:**

- 🔗 ECSR, Conclusions XIV-2 (1998), Statement of Interpretation on Article 3.
- 🔗 ECSR, Conclusions 2025, Statement of Interpretation on Article 3.
- 🔗 ECSR, Social rights and the cost-of-living crisis, A review of States Parties' ad hoc reports, 19 March 2025.

The European Social Charter, adopted in 1961 and revised in 1996, is the counterpart of the European Convention on Human Rights in the field of economic and social rights. It guarantees a broad range of human rights related to employment, housing, health, education, social protection and welfare.

The Charter is seen as the Social Constitution of Europe and represents an essential component of the continent's human rights architecture.

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The Council of Europe is the continent's leading human rights organisation. It comprises 46 member states, including all members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.



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