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## **STEERING COMMITTEE FOR HUMAN RIGHTS (CDDH)**

**DRAFTING GROUP ON SOCIAL RIGHTS  
(CDDH-SOC)**

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**Summary of the Member States' replies to the questionnaire related to the  
good practices  
on the implementation of social rights at national level**

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## Introduction

1. The Committee of Ministers instructed the Steering Committee for Human Rights (CDDH) to carry out an analysis of the Council of Europe's legal framework for the protection of social rights in Europe, and in particular of the case-law of the European Court of Human Rights and other sources, such as reports and decisions of Council of Europe bodies having a mandate relating to social rights and their implications for the respective States Parties.<sup>1</sup>
2. The terms of reference of the CDDH, which set up the Drafting Group on Social Rights (CDDH-SOC) to carry out its work, further requested it to "identify good practices and make, as appropriate, proposals with a view to improving the implementation of social rights and to facilitate in particular the relationship between the various European instruments for the protection of social rights".
3. At its 88<sup>th</sup> meeting (5–7 December 2017), the CDDH took note of replies to the questionnaire prepared by its Drafting Group on Social Rights (CDDH-SOC) with a view to identifying good practices and difficulties encountered by the Member States as well as their suggestions for improving the system of protection of social rights (CDDH-SOC(2017)04). The questionnaire has been sent to the persons best able to answer it, in the light of their thorough knowledge of social rights and related instruments of the Council of Europe and their implementation at domestic level, i.e. the national representatives in the Governmental Committee of the European Social Charter (with a copy to the members of the CDDH-SOC and the CDDH to ensure good information and coordination).
4. The present document summarises the 31 replies submitted by the Member States<sup>2</sup> to the Secretariat.

## **A. National implementation of social rights**

### **A.1. Specific institutions in charge of monitoring social rights**

*Are there specific governmental or independent mechanisms or institutions monitoring the implementation of social rights in your country?*

5. According to the information provided, all Member States confirmed the existence in their national systems of governmental and/or independent mechanisms and/or institutions, exercising to a stronger or lesser degree monitoring competences with respect to the implementation of various social rights.
6. Regarding **governmental mechanisms**, twenty-five States<sup>3</sup> out of thirty-one respondents indicated the existence of such monitoring competences within specialised ministries (for example: of labour, social affairs, health, employment, welfare, education, family, children, youth, sports, etc.) or within various bodies acting either as national public institutions<sup>4</sup> or as bodies/institutions attached to a ministry (e.g. inspectorates<sup>5</sup>, services<sup>6</sup>, agencies<sup>7</sup>, commissions<sup>8</sup>, institutes,<sup>9</sup> councils<sup>10</sup>, etc.) or directly to

<sup>1</sup> See document [CM\(2015\)131-addfinal](#).

<sup>2</sup> Albania, Armenia, Austria, Azerbaijan, Belgium, Bulgaria, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Greece, Iceland, Ireland, Italy, Latvia, Lithuania, Republic of Moldova, Netherlands, Norway, Poland, Portugal, Slovak Republic, Slovenia, Spain, Switzerland, "The former Yugoslav Republic of Macedonia", Turkey and Ukraine.

<sup>3</sup> Albania, Armenia, Austria, Czech Republic, Denmark, Estonia, Finland, Georgia, Greece, Iceland, Ireland, Italy, Latvia, Lithuania, Republic of Moldova, Netherlands, Norway, Poland, Portugal, Slovak Republic, Slovenia, Spain, « The former Yugoslav Republic of Macedonia », Turkey and Ukraine.

<sup>4</sup> For example, the Institute for Equality of Women and Men (*Institut pour l'égalité des femmes et des hommes*) in Belgium ; the Council for the Elimination of Racial or Ethnic Discrimination, as well as the National Council for elderly, disabled persons and Roma people in Spain.

<sup>5</sup> State Labour Inspectorates have been set up notably in Albania, Greece, Lithuania, Spain and Ukraine; in the Netherlands an SZW Inspectorate has been set up.

the government<sup>11</sup>, or as entities within a given ministry (e.g. State Secretariats, General Secretariats/Directorates, committees, etc.)<sup>12</sup>, or as inter-ministerial bodies<sup>13</sup>.

7. Eight States<sup>14</sup> indicated that local government authorities/bodies were vested with certain monitoring competences regarding the implementation of social rights<sup>15</sup>. Eight States<sup>16</sup> further indicated that the legislature<sup>17</sup> or the judiciary<sup>18</sup> were vested with such powers.

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<sup>6</sup> See, for example, the State Social Service acting under the Albanian Ministry of Labour and Social Affairs; or the State Service for Child Rights protection and Adoption under the authority of the Lithuanian Ministry of Social Security.

<sup>7</sup> See, for example, various Danish Agencies under the Ministry for Children and Social Affairs, the Ministry of Employment and the Ministry of Education; the Georgian Social Service Agency; or the Dutch Social Security Agency.

<sup>8</sup> In Portugal, for example, the Commission for Equality in Labour and Employment and the National Commission for the protection of rights and protection of Children and Young Persons are acting under the authority of the Ministry of Labour, Solidarity and Social Security; Spain has a Government Delegate Commission for Equality Policies; and the National Supervisory Authority for Welfare and Health in Finland is operating under the Ministry of Social affairs and health.

<sup>9</sup> See, for example, the Institute for Women and Equal Opportunities under the Ministry of Health, Social Services and Equality in Spain; or the National Institute for Rehabilitation under the Ministry of Labour, Solidarity and Social Security in Portugal.

<sup>10</sup> In Armenia, for example, the Public Council is established under the Ministry of Labour and Social affairs.

<sup>11</sup> See, for example, the Government Office for gender equality and human rights and rights of national minorities in Croatia; the Minister for Human Rights, Equal Opportunities and Legislation in the Czech Republic; the Chancellor of Justice of the Government in Finland; or the Bureau for the promotion of equality and elimination of discrimination (UNAR) established under the authority of the Chairmanship of the Council of Ministers in Italy, etc.

<sup>12</sup> In Greece, for example, there are several such Secretariats within various ministries: the Special Secretariat for Roma within the Ministry of Labour, Social Security and Solidarity, the General Secretariat for Gender Equality within the Ministry of Interior, the General Secretariat for Transparency and Human Rights within the Ministry of Justice; in Turkey, the General Directorate of Persons with Disabilities and the Elderly (EYHGM) is an affiliated legal entity of the Ministry of Family and Social Policies.

<sup>13</sup> The Labour Inspectorate in France, for example, is an inter-ministerial body which has the competence to supervise the application of Labour law in business enterprises.

<sup>14</sup> Albania, Denmark, Finland, Georgia, Portugal, Spain, Switzerland and «The former Yugoslav Republic of Macedonia».

<sup>15</sup> In Albania, for example, some of the monitoring/implementation powers are vested in local governments; in Georgia in the local Healthcare and Social Issues Commissions of City or Municipal Assemblies; in Finland in the Regional State administrative bodies; in Denmark in municipalities; in Portugal, such powers are distributed between regional governments (e.g. in Azores and Madeira), regional co-ordination teams and territorial commissions for the protection of children and young persons; in Spain, such powers are vested in the Autonomous Communities and Autonomous Cities of Ceuta and Melilla; in Switzerland these monitoring powers are vested in the Conference of Cantonal Directors on Social Affairs; and in «The former Yugoslav Republic of Macedonia» in the local (municipal) economic and social Councils and in Local Co-ordinators for equal opportunities of women and men.

<sup>16</sup> Armenia, Bulgaria, Finland, Georgia, Portugal, Switzerland, «The former Yugoslav Republic of Macedonia» and Ukraine.

<sup>17</sup> The Standing Committee on State and Legal Affairs and Protection of Human Rights within the National Assembly (Armenia); the Healthcare and Social Issues Committee of the Parliament (Georgia); the Parliament (Portugal); the Commission of social security and public health of the Federal Parliament (Switzerland); and the Supreme Council (*Verkhovna Rada*) of Ukraine.

<sup>18</sup> The domestic courts were indicated as exercising monitoring powers as regards the respect of social rights in Armenia, Bulgaria and Iceland; Finland mentioned the National Tribunal for non-discrimination and equality.

8. Regarding the presence of **independent institutions / mechanisms** with monitoring competences on the implementation of social rights, all Member States have indicated the existence of at least one such institution / mechanism in their country.

9. The institution of Ombudsman<sup>19</sup>, present in at least twenty-six States<sup>20</sup>, has monitoring competences with respect to human rights in general, but also supervisory powers as to the implementation of social rights. Some States<sup>21</sup> also have specialised Ombudsman institutions, i.e. for certain categories of persons<sup>22</sup> or in a specific domain<sup>23</sup> in relation to social rights, or a specific Ombudsman for a particular region<sup>24</sup>.

10. Nineteen States<sup>25</sup> have indicated the presence of monitoring independent bodies such as NGOs<sup>26</sup>, institutes<sup>27</sup>, institutions<sup>28</sup>, centres<sup>29</sup>, commissions<sup>30</sup> or platforms<sup>31</sup> for human rights, but also of specific institutions<sup>32</sup> for certain domains or categories of persons.

11. Finally, ten States<sup>33</sup> have also mentioned social partners<sup>34</sup> as playing a role in monitoring social rights, notably related to labour<sup>35</sup> and business enterprises<sup>36</sup>.

<sup>19</sup> The institution of Ombudsman may, depending on the State, have various names; for example: Human Rights Defender (Armenia), Public Defender of Rights (Czech Republic, Slovak Republic), Parliamentary Ombudsman (Denmark), Chancellor of Justice (Estonia), *le Défenseur des Droits* (France), Public Defender (Georgia), Althing Ombudsman (Iceland), Seimas' Ombudsmen (Lithuania) or Commissioner for Human Rights (Poland).

<sup>20</sup> The following States have indicated the existence of an Ombudsman (or a similar) institution : Albania, Armenia, Azerbaijan, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Greece, Iceland, Ireland, Latvia, Lithuania, Republic of Moldova, Netherlands, Poland, Portugal, Slovak Republic, Slovenia, Spain, Switzerland, the former Yugoslav Republic of Macedonia, Turkey and Ukraine.

<sup>21</sup> Armenia, Croatia, Finland, Iceland, Lithuania, Republic of Moldova, Netherlands, Poland, Slovak Republic, Spain, Switzerland, "the former Yugoslav Republic of Macedonia", Turkey and Ukraine.

<sup>22</sup> Ombudsman for Children (Croatia, Iceland, Lithuania, Republic of Moldova, Netherlands, Poland and Slovak Republic), Ombudsman for Disabled Persons (Croatia and Slovak Republic) or Ombudsman for patients' rights (Poland).

<sup>23</sup> For example, the Commissioner for protection against discrimination (Armenia), the Pensions' Ombudsman (Ireland), the Ombudsman for gender equality (Croatia), the Ombudsman for equality (Finland and Poland), the Ombudsman for non-discrimination (Finland) or the Advocate of the Principle of Equality (Slovenia).

<sup>24</sup> See, for example, the Ombudsman of the Autonomous Community of Castilla y León (Spain).

<sup>25</sup> Armenia, Austria, Bulgaria, Croatia, Denmark, Finland, Georgia, Greece, Iceland, Ireland, Lithuania, Republic of Moldova, Netherlands, Norway, Slovak Republic, Switzerland, "The former Yugoslav Republic of Macedonia", Turkey and Ukraine.

<sup>26</sup> Armenia, Georgia, Croatia, "The former Yugoslav Republic of Macedonia" and Ukraine have indicated the presence of numerous NGOs with possible monitoring/implementation competences with regard to social rights.

<sup>27</sup> See, for example, the Institutes for Human Rights in Denmark and the Netherlands.

<sup>28</sup> See the National Human Rights Institution (Finland and Norway), and the Human Rights and Equality Institution (Turkey).

<sup>29</sup> See the Human Rights Centre (Iceland), the National Centre for Human Rights (Slovak Republic); the Swiss Centre of Expertise in Human Rights – SCHR (Switzerland).

<sup>30</sup> See the National Commission for Human Rights – E.E.D.A. (Greece); and the Human Rights Equality Commission – IHREC (Ireland).

<sup>31</sup> See, for instance, the Comprehensive Swiss Human Rights portal ([www.humanrights.ch](http://www.humanrights.ch)).

<sup>32</sup> See, for example, the public independent institution which combats discrimination and promotes equal opportunities - UNIA (Belgium); or the Institution of the Ombudsman of Children's Rights (Lithuania).

<sup>33</sup> Armenia, Austria, Croatia, Denmark, Greece, Netherlands, Portugal, Slovak Republic, Spain and Ukraine.

<sup>34</sup> Some States (e.g. Croatia, Denmark, Netherlands, Slovak Republic and Ukraine) only referred to the generic title of "social partners".

## A.2 Debates & discussions at domestic level on social rights

*Can you mention recent debates/discussions at domestic level concerning social rights, in particular the European Social Charter and the conclusions and/or decisions of the ECSR?*

12. Twenty eight <sup>37</sup> of the thirty-one respondent States have reported the holding, over the recent years, <sup>38</sup> of internal debates regarding various aspects of social rights. Eleven out of these States <sup>39</sup> referred to discussions in relation to the implementation of the European Social Charter and/or the conclusions and/or decisions of the European Committee of Social Rights. Among these, seven States <sup>40</sup> referred to regular discussions in the context of reporting/implementation of the European Social Charter, including the country visits of the European Committee of Social Rights <sup>41</sup>. Three other States <sup>42</sup> provided examples of debates with regard to the collective complaints procedure concerning their respective countries.

13. Furthermore, a few States <sup>43</sup> provided examples of debates related to recent or on-going legislative reforms <sup>44</sup> in relation to the implementation or the ratification of the (revised) European Social Charter <sup>45</sup>. Some other States provided examples of debates concerning national strategies <sup>46</sup> or reforms <sup>47</sup> in various domains related to social rights. Many States also provided examples of thematic conferences <sup>48</sup>, colloquiums <sup>49</sup>, workshops <sup>50</sup> or learning courses <sup>51</sup> on social rights.

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<sup>35</sup> For example, the General Confederation of Greek Workers (GESEE).

<sup>36</sup> For example, the Hellenic Confederation of Professionals, Craftsmen and Merchants (GSEVEE).

<sup>37</sup> Albania, Armenia, Austria, Azerbaijan, Belgium, Bulgaria, Croatia, Estonia, Finland, Georgia, Greece, Iceland, Ireland, Italy, Latvia, Lithuania, Republic of Moldova, Netherlands, Norway, Poland, Portugal, Slovak Republic, Slovenia, Spain, Switzerland, "The former Yugoslav Republic of Macedonia", Turkey and Ukraine.

<sup>38</sup> Some States (Armenia, Azerbaijan, Bulgaria, Estonia, Finland, Georgia, Italy, Latvia, Lithuania) referred to activities that have taken place over the last 24 months; some others (Ireland, Republic of Moldova,) – within the last 5 years; other States did not specify the exact period of the events.

<sup>39</sup> Armenia, Azerbaijan, Finland, Georgia, Republic of Moldova, Netherlands, Poland, Portugal, Slovenia, Switzerland and Ukraine.

<sup>40</sup> Armenia, Croatia, Greece, Republic of Moldova, Slovak Republic, Slovenia and Ukraine.

<sup>41</sup> The ECSR visited Finland in June 2017, a similar visit was expected to take place in the Republic of Moldova in November 2017.

<sup>42</sup> Finland and Norway referred to debates concerning the collective complaints procedure in general whilst the Netherlands provided a recent example of a debate on a collective complaint.

<sup>43</sup> See, for example, Armenia, Finland, Italy and Lithuania.

<sup>44</sup> See, for example, a tripartite debate (Republican Tripartite Committee) of February 2017 concerning the amendments to the Labour Code in Armenia; the discussion within the Parliament (*Seima*) regarding the adoption of Article 23 (a) of the Social Charter (Lithuania); discussions within the Ministry of Economic Affairs and Employment with regard to the preparation of legislative measures in view of improving the impact of cost-competitiveness on labour cost (Finland); or the debate on the adoption (in June 2017) by the Council of Ministers of the legislative Decree on Social Inclusion Income in view of combating poverty and social exclusion (Italy).

<sup>45</sup> Switzerland, for example, mentioned the debate held within the Federal Council as to the possible ratification of the revised European Social Charter.

<sup>46</sup> Georgia, for example, put in place a national Strategy for the protection of Human Rights (2014-2020) foreseeing progressive measures in view of implementing economic and social rights.

<sup>47</sup> In the framework of the National Reform Program in Portugal, for example, the Ministry of Labour, Solidarity and Social Security in cooperation with the Ministry of Planning and Infrastructures held a debate in March 2017 on the theme "Child poverty: which priorities for public policy?"

<sup>48</sup> See, for example, the International Scientific and Practical Conference on Law and Social Policy held in November 2016 in Bulgaria.

14. As it appears from the examples above, the scope of subjects debated is very large. The replies provided examples of debates involving, to a various extent, relevant ministries or ministerial bodies, Ombudsmen institutions, NHRIs, NGOs and social partners, on themes like: combating poverty and social exclusion, promoting equal opportunities (e.g. in Austria, Bulgaria, Greece, Italy and Slovenia); protection of persons with disabilities (e.g. in Greece and Portugal); protection of family and children, right to maternity/paternity leave (e.g. in Albania, Lithuania, Iceland and Turkey); housing costs (e.g. in Finland and “The former Yugoslav Republic of Macedonia”); integration of the homeless (Portugal); rights of minorities, Roma People (e.g. Poland, “The former Yugoslav Republic of Macedonia” and Turkey); migration-related issues (Portugal); gender equality (e.g. Austria and Spain); employment policies, labour rights, including labour rights of children; as well as health and safety at work (e.g. Estonia, Greece, Latvia and Portugal).

### **A.3. Government Involvement in relation to the Charter**

*To what extent do central and regional/local governments collaborate in the implementation of ECSR decisions and/or conclusions in your country? Can you give us some examples of successful collaboration? In some cases, have you encountered any specific difficulties?*

15. Twenty-seven Member States<sup>52</sup> answered affirmatively regarding the existence of collaboration practices between central and regional/local governments in the process of implementation of decisions and/or conclusions of the ECSR. Out of these, concrete examples of implementation of decisions/conclusions issued in the context of specific collective complaints were provided by France and Greece.

16. In most of the States, the implementing decisions are taken at the central government level<sup>53</sup> in consultation and active co-ordination with local governments, and if need be, with other relevant ministries, NGOs, and/or social partners. Certain States<sup>54</sup> have specified that local government authorities do not implement ECSR decisions or conclusions independently or directly. On the other hand, the Slovak Republic indicated that certain responsibilities being attributed to local authorities (i.e. municipalities), these are in certain cases directly involved in the preparation of responses to conclusions of non-conformity. Indeed, to this end, municipalities co-operate with central State institutions.

17. Several States provided examples of good cooperation between central and local authorities<sup>55</sup> as regards the implementation of social rights in general. Georgia referred notably to the LEPL Social Service Agency – an inter-ministerial body with 69 territorial units across the country – which cooperates with the local authorities in the implementation of various programs, including training-retraining. Italy

<sup>49</sup> See, for example, the Colloquium “One Hundred Years of Social and Labour Policies” organised at the initiative of the Ministry of Labour, Solidarity and Social Security (May 2016, Portugal).

<sup>50</sup> See, for example, the parliamentary workshop on “Promotion of socio-economic rights in Azerbaijan from the perspective of the European Social Charter” (June 2017, Azerbaijan).

<sup>51</sup> In Portugal, for example, the Centre of Judiciary Studies organised in 2014-2015-2016 a specific e-learning course on “Labour law and labour procedure law”; the same Centre organised, in December 2016, in cooperation with the Oporto Catholic University, a training debate session on « The multilevel protection of social rights and national case law ».

<sup>52</sup> Albania, Armenia, Austria, Azerbaijan, Belgium, Bulgaria, Croatia, Czech Republic, Denmark, Estonia, France, Georgia, Greece, Ireland, Italy, Lithuania, Republic of Moldova, Netherlands, Norway, Poland, Portugal, Slovak Republic, Slovenia, Spain, “The former Yugoslav Republic of Macedonia”, Turkey and Ukraine.

<sup>53</sup> For example, the Committee of Ministers (Albania), the Presidential Administration (Azerbaijan), the Department for Foreign Affairs (Belgium), the Ministry of Defense (Bulgaria), the Ministry of Labour, Health and Social Affairs (Georgia), the Mixed Commission of Government and Territorial collectivities (Poland), the Ministry of Health, Social Services and Equality and the State Secretariat for the Territorial Public Administrations (Spain); or the Ministry of Labour and Social Security (Turkey).

<sup>54</sup> Estonia and Poland.

<sup>55</sup> Armenia, Austria, Czech Republic, Estonia, Georgia, Italy, Netherlands, Poland and Spain.



mentioned that local actors were directly involved in the implementation of measures which were identified in synergy with the central authorities; for example, for the adoption and implementation of housing and social inclusion policies in favour of Roma, Sinti and Traveller populations.

18. Some Member States also referred to cooperation between central government authorities and social partners and/or NGOs in the implementation of social rights<sup>56</sup>. Croatia, for example, referred to government-funded projects in partnership with local communities and NGOs focusing on training activity for people with disabilities, unemployed people from the Roma community, as well as women and unemployed persons with intellectual difficulties. “The Former Yugoslav Republic of Macedonia” mentioned the cooperation with social partners (including relevant trade unions) in the preparation of annual reports and collecting their inputs/contributions, and this, in particular for reports dealing with provisions of the European Social Charter (ESC).

#### **A.4. Information on national implementation of the Charter**

*To what extent do your administrative authorities notify the Secretariat of the Council of Europe or other national bodies or organizations of the national initiatives taken to comply with the ECSR's decisions and/or conclusions?*

19. Twenty-nine out of thirty-one States<sup>57</sup> replied to this question. A vast majority of respondent States have indicated that the information on various national initiatives taken to comply with the ECSR's decisions is provided to the Council of Europe Secretariat on a regular basis, under the annual reporting or follow-up procedure.

20. When referring to the above regular reporting procedure, some States indicated that they transmit their reports also to the relevant ministries, national organisations and/or publish their activity through social media<sup>58</sup>. A few of them further inform the Secretariat of the Council of Europe outside the reporting procedure, for example, in case of the adoption of legislative amendments or implementation of new measures<sup>59</sup>.

#### **A.5. Involvement of domestic courts in relation to the Charter**

*Do the courts in your country rely on provisions of the Charter, on the conclusions and/or decisions of the ECSR to resolve disputes concerning social rights?*

21. Twenty-nine States<sup>60</sup> replied to this question. Four States<sup>61</sup> out of these indicated not having found or not being aware of the existence, in the domestic case-law, of examples of court decisions relying on the provisions of the European Social Charter. Certain States<sup>62</sup> indicated that such examples were rare or limited to a specific theme. Some others<sup>63</sup> admitted the possibility for the domestic courts to refer to the ESC, as to a ratified international treaty which has prevalence over the national legislation.

<sup>56</sup> Croatia, Portugal, “The former Yugoslav Republic of Macedonia” and Ukraine.

<sup>57</sup> Armenia, Austria, Azerbaijan, Belgium, Bulgaria, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Greece, Iceland, Ireland, Italy, Latvia, Lithuania, Republic of Moldova, Netherlands, Norway, Poland, Portugal, Slovak Republic, Slovenia, Spain, “The former Yugoslav Republic of Macedonia”, Turkey and Ukraine.

<sup>58</sup> see, for example, Greece, Estonia, Turkey and Ukraine.

<sup>59</sup> See, for example, Georgia, Estonia, Latvia and Spain.

<sup>60</sup> Albania, Armenia, Austria, Azerbaijan, Belgium, Bulgaria, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Greece, Iceland, Ireland, Italy, Lithuania, Republic of Moldova, Netherlands, Norway, Poland, Portugal, Slovak Republic, Slovenia, Spain, Switzerland, “The former Yugoslav Republic of Macedonia”, Turkey and Ukraine.

<sup>61</sup> Austria, Croatia, Republic of Moldova and “The former Yugoslav Republic of Macedonia”.

<sup>62</sup> Belgium, Czech Republic, Estonia, Finland, Italy, Poland and Ukraine.

<sup>63</sup> Albania, Armenia, Bulgaria, Croatia, Greece, Lithuania, Republic of Moldova and the Slovak Republic.



While certain States confirmed that the Charter applied in disputes concerning social rights<sup>64</sup>, one State indicated that the domestic supreme court (*Cour de Cassation*) did not recognise the direct effect of the ESC, which was rarely invoked by the domestic courts and in all cases, its provisions were not truly binding<sup>65</sup>.

22. Among the above, ten States<sup>66</sup> provided concrete, and for some of them, extensive examples of such case-law. Lithuania, for instance, provided examples of various cases of the Constitutional Court, the Supreme Court, the Supreme Administrative Court, but also of the regional courts of Klaipeda and Vilnius with respect to maternity protection, the right to social support, various rights of persons with disabilities, unlawful dismissals, the right of children and young persons to protection and the right to strike<sup>67</sup>.

23. Turkey stated that as of September 2012, the Constitutional Court had jurisdiction, after the exhaustion of legal remedies before the lower courts, to receive and examine individual applications alleging violations of human rights, including social rights. The Constitutional Court's judgments referring notably to the European Social Charter are accessible via Internet<sup>68</sup>.

### Suggestions

*What suggestions could be made for a better implementation of the Charter and the ECSR's decisions and conclusions at the judicial, legislative and executive levels in your country (e.g. technical cooperation activities with the Council of Europe, European projects for the exchange of good institutional practices or on specific topics...)?*

24. As to the possible suggestions for a better implementation of the Charter and the ECSR's decisions and conclusions, many States mentioned the need for training and awareness raising activities specifically designed for national institutions implementing these decisions and conclusions, including judges, prosecutors and lawyers, but also a larger teaching of social rights in higher education institutions. To this end, some States suggested a broader use of the HELP platform and others highlighted the importance of translating the ECSR's compilation of decisions into national languages.

25. Other suggestions referred to the organisation of thematic debates on the implementation of specific provisions of the ESC in order to enhance exchanges of institutional practices and identifying good practices among the Member States of the Social Charter. Certain States stressed the importance of enhancing exchanges of practices in view of a harmonisation of the ESC with the EU legislation. Some others also mentioned their readiness to consider including social rights aspects in future Action Plans within the EU-CoE Programmatic Co-operation Framework for the countries of the Eastern Partnership Programmes.

26. In general, States declared being in favour of an improved access to information, a better readability and transparency of the information on the website and a more active media coverage for promotion.

<sup>64</sup> Denmark, Georgia, Netherlands, Norway, Portugal, Poland, Slovenia and Turkey.

<sup>65</sup> France.

<sup>66</sup> Bulgaria, Estonia, Iceland, Ireland, Lithuania, Norway, Poland, Portugal, Slovenia and Turkey.

<sup>67</sup> Extensive information has also been provided by Poland, with case-law of ordinary and administrative courts, the Supreme Court and the Constitutional Tribunal.

<sup>68</sup> The Constitutional Court found, for example, that the right to freedom of association and organisation was violated when it assessed individual applications submitted in connection to formal reprimands given on the grounds of absence from work for two days in a row in accordance with the decisions taken by the trade union of which the applicant is a member. The Constitutional Court referred in its reasoning not only to the case-law of the European Court of Human Rights but also to the ILO Conventions and the European Social Charter. To access the Constitutional Court's website: <http://www.anayasa.gov.tr/icsayfalar/kararlar/kbb.html>.

## ***B. Consideration of international standards of social rights in national law and policies***

### **B.1. Social impact studies**

*Do you carry out tests/social impact assessments in your country when developing new laws/policies?*

27. Twenty-three<sup>69</sup> out of twenty-nine respondent States confirmed the existence in their national systems of a legal obligation<sup>70</sup> to conduct regulatory impact assessments (RIA) for any draft law. Two States indicated that such assessments were not mandatory, but were occasionally carried out in certain domains (employment, social inclusion and health)<sup>71</sup> or may take place “when a new regulation or regulatory change is being considered to address particular policy issues, in order to explore alternative options to the use of regulation”<sup>72</sup>. Two other States<sup>73</sup> reported problems in the functioning of the RIA system, notably because the responsible institutions limited themselves to providing purely formal “yes” or “no” answers, thus avoiding to carry out proper impact assessments. One Member State<sup>74</sup> indicated that there was no obligation to carry out such assessments, although these might nevertheless be carried out, e.g. when assessing the need for a new law or policy. Three respondents<sup>75</sup> indicated that no social impact assessments were carried out. Some States<sup>76</sup> further provided examples of impact assessment in relation to the drafting of policies<sup>77</sup>.

28. Social impact assessments which accompany the law or policy drafting processes may be conducted by various (parliamentary, ministerial and /or specialised) bodies<sup>78</sup>, involving, if need be, wider public consultations<sup>79</sup>.

29. Social impact assessments may include a series of assessments of economic, financial (e.g. costs and benefits) and environmental consequences for the various categories concerned by the draft law/policy. Moreover, specific impact assessments can be carried out, such as the assessment of impacts on human rights, social rights, equal treatment and equal opportunities, non-discrimination, as well as impacts on certain social groups (elderly people, people with disabilities, homeless people, women, children or ethnic minorities), gender equality, family-life and public health and safety....

<sup>69</sup> Albania, Armenia, Belgium, Bulgaria, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Greece, Iceland, Latvia, Lithuania, Norway, Poland, Portugal, Slovak Republic, Spain, “The former Yugoslav Republic of Macedonia”, Turkey and Ukraine.

<sup>70</sup> Such an obligation is provided for, for example, by the Law on Legal Acts (Armenia); the Law on “Regulatory Governance: Principles, Procedures and Means of Good legislating” (Greece); the Constitution (France); the Law on Legislative Framework (Lithuania); and the “*Custa Quanto*” (Portugal).

<sup>71</sup> Italy.

<sup>72</sup> Ireland.

<sup>73</sup> Latvia and Slovenia.

<sup>74</sup> Austria.

<sup>75</sup> Azerbaijan, Republic of Moldova and the Netherlands.

<sup>76</sup> See, for example, Armenia, Finland and Spain.

<sup>77</sup> See, for example, the child impact assessment carried out in the framework of the Services for children and families Reform (2016-2018) and the gender impact assessment in the framework of the Government Action Plan for Gender Equality (2016-2019) in Finland.

<sup>78</sup> See, for example, the Healthcare and Social Issues Committee of the Parliament (Georgia); or relevant Government Departments, e.g. the Department of Social Protection (Ireland).

<sup>79</sup> See, *inter alia*, Croatia.

## B.2. Mechanisms to verify the compatibility with International Law

*Are there any specific mechanisms in your country to verify the compatibility of draft laws, existing legislation and internal administrative practices with international standards of social rights?*

30. Twenty-six States<sup>80</sup> out of twenty-eight respondents reported the existence in their national systems of the obligation to verify the compatibility of all draft laws with international standards (e.g. binding conventions and agreements). Twenty-two States<sup>81</sup> provided examples of more or less developed mechanisms<sup>82</sup> habilitated to verify the compatibility of all draft laws (including those concerning social rights) with international standards.

31. Such mechanisms, which in certain States<sup>83</sup> are integrated in the regulatory impact assessments (RIA) process, have been developed notably within the law-drafting bodies (e.g. specialised ministries or departments) or in cooperation between the latter and the Ministry of Justice<sup>84</sup>, within the Ministry of Interior<sup>85</sup> or of Foreign Affairs<sup>86</sup>, or by way of intradepartmental quality checks within a ministry<sup>87</sup>, but also within Governments<sup>88</sup> and/or Parliaments<sup>89</sup> (e.g. parliamentary specialised committees or commissions). A few States provided examples of special control mechanisms in the field of social rights<sup>90</sup>.

32. As for the compatibility with international standards of the existing legislation and internal administrative practices, some States indicated either the same mechanisms as those existing for the control of draft laws or referred to the ordinary domestic courts<sup>91</sup> or even Constitutional Courts<sup>92</sup> as being vested with such compatibility control competences.

<sup>80</sup> Albania, Armenia, Azerbaijan, Bulgaria, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Greece, Iceland, Ireland, Latvia, Lithuania, Republic of Moldova, Netherlands, Poland, Portugal, Slovak Republic, Slovenia, Spain, "The former Yugoslav Republic of Macedonia", Turkey, Ukraine.

<sup>81</sup> Albania, Armenia, Bulgaria, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Greece, Ireland, Latvia, Lithuania, Republic of Moldova, Netherlands, Poland, Portugal, Slovak Republic, Slovenia, Spain, "The former Yugoslav Republic of Macedonia" and Ukraine.

<sup>82</sup> Some States provided examples of multi-layered compatibility checks within the law-drafting process (e.g. in Albania - 1<sup>st</sup> level verification: within the ministry responsible for the specific domain in question; 2<sup>nd</sup> level: *ex ante*-control carried out by the Ministry of Justice; 3<sup>rd</sup> level: Committee on Legal Affairs, Public Administration and Human Rights and sometimes the Foreign Policy Committee).

<sup>83</sup> See, for example, the Czech Republic and "The former Yugoslav Republic of Macedonia".

<sup>84</sup> Ministries of Justice are involved in quality and compatibility controls of draft laws before their submission to Parliament in States including Albania, Armenia, Bulgaria, Denmark and Estonia.

<sup>85</sup> See, for example, the Netherlands.

<sup>86</sup> See, for example, Estonia.

<sup>87</sup> Intradepartmental quality checks and all-embracing quality checks are conducted by the Ministry of Security and Justice of the Netherlands.

<sup>88</sup> See, for example, the Council of Ministers (Bulgaria); the *Conseil d'Etat* (France), the Government (Georgia); the Advisory Division of the Council of State (the Netherlands), the Presidency of the Council of Ministers (Portugal); or the Government Office for Legislation (Slovenia).

<sup>89</sup> See, for example, the National Assembly (Albania and Bulgaria); the Constitutional Law Committee of the Parliament (Finland); in the Netherlands, the House of Oireachtas (the National Parliament) establishes Parliamentary Committees to discuss draft laws from a human rights perspective.

<sup>90</sup> See, for example, the Department for the Promotion of the Implementation of the International Labour Standards of the Supreme Council of Labour - a tripartite body which examines the compatibility of national law with the provisions of International Labour Conventions (Greece); or the Council for the social dialogue – a mechanism gathering representatives of employers' and workers' organisations to discuss the compatibility of already adopted laws with ratified international conventions and agreements (Poland).

<sup>91</sup> See, for example, Albania.

33. For some States, the requirements to ensure such compatibility checks are laid down in their national Constitutions<sup>93</sup>. Some other States adopted special laws on the “law-drafting process”<sup>94</sup> whereas others have even indicated the existence of handbooks<sup>95</sup> and guidance<sup>96</sup> for this purpose. References were also made to the involvement of independent international experts<sup>97</sup> in the compatibility assessment procedure, as well as to cooperation with various international bodies<sup>98</sup>.

### **B.3. Consistency of International Law and/or Obligations**

*Are you confronted in your country with situations of national implementation of conflicting texts or decisions of international and/or European bodies?*

34. Twelve States<sup>99</sup> out of twenty-five respondents affirmed not having encountered problems of implementation at national level of conflicting texts or decisions of international and/or European bodies and one State<sup>100</sup> did not provide information. Two States<sup>101</sup> indicated that when such situations arose, the national courts (including higher Courts) may be seized to examine them.

35. One State<sup>102</sup> indicated not being “confronted with conflicting texts but rather with the excessive interpretation by the ECSR, which goes beyond the accepted obligations”. Another State<sup>103</sup> mentioned that “it’s not the implementation of decisions or conclusions of the ECSR which would be in contradiction with those of other organisations, but rather some specific requirements of the ECSR which are not foreseen notably in the European Community law, which may sometimes lead to misunderstandings by the public authorities”.

36. Another State<sup>104</sup> referred to possible differences in interpretation of similar convention provisions and/or European legislation by the national authorities involved in the regulatory impact assessments (RIA) process; such differences may occur for various reasons, such as changes in the legal system, changes of political context or purpose of the organisation/body that has issued a given provision.

37. Two States<sup>105</sup> referred to situations of conflict between national legislation and the international standards. Moreover, examples of implementation problems in practice at national level on account of conflicting texts or decisions of international and/or European bodies were provided by six States<sup>106</sup>.

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<sup>92</sup> See, for example, Armenia.

<sup>93</sup> See, for example, Albania, Azerbaijan, France, Lithuania, Portugal, Slovenia, Spain and Turkey.

<sup>94</sup> See, for example, the “Law on Legal Acts” in Armenia or the „Law on legislative framework” in Lithuania.

<sup>95</sup> See, for example, the “Netherlands Drafting Directives”, a comprehensive handbook on legislative techniques.

<sup>96</sup> See, for example, the “Handreiking Economische en Sociale Rechten” giving guidance on economic and social rights issues by the Ministry of the Interior and Kingdom Relations in the Netherlands.

<sup>97</sup> For example in Albania, Georgia, Greece, etc..

<sup>98</sup> The bodies referred to included the Council of Europe, the International Labour Organisation, the International Organisation for Migration, the European Union, the World Bank, the German Society for International Co-operation, the European Foundation for Education as well as various agencies of the United Nations.

<sup>99</sup> Azerbaijan, Croatia, Georgia, Ireland, Italy, Republic of Moldova, the Netherlands, Poland, Portugal, Slovak Republic and Ukraine.

<sup>100</sup> Latvia.

<sup>101</sup> Albania and Norway.

<sup>102</sup> Czech Republic.

<sup>103</sup> France.

<sup>104</sup> Poland

<sup>105</sup> Armenia and Lithuania.

38. Among the above six States, problems pointed out related to:
- the impossibility to fully apply Article 13, paragraph 4 of the Social Charter unless social security treaties were adopted with all countries which have ratified the Social Charter;<sup>107</sup>
  - the interpretation adopted by the ECSR with respect to Article 24 of the Revised European Social Charter, on the one hand, and the ILO Convention No. 158 and EU law on the other;<sup>108</sup>
  - “conflicting issues between ECSR commitments and EU Country Specific Recommendations”,<sup>109</sup>
  - the policies imposed by the EU in the context of economic adjustment programmes and provisions of the European Social Charter.<sup>110</sup>

### Suggestions

*What suggestions could be made in order to allow better national consideration of international standards on social rights and/or greater consistency of international law and/or obligations in this field?*

39. Twelve States<sup>111</sup> made suggestions in order to allow a better implementation of international standards on social rights and/or to ensure greater consistency of international law and/or obligations in this field.

40. Some of them stressed the importance of a further development of the “Turin Process” and pleaded in favour of a better cooperation/collaboration between the respective institutions working in the sphere of social rights at the international level, notably between the Council of Europe and the European Union (in particular, the European Commission)<sup>112</sup>. The others focussed on enhancing technical assistance from experts of international organisations<sup>113</sup> and emphasised the importance of legal research projects to promote the consideration of social rights<sup>114</sup>. Some others suggested strengthening

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<sup>106</sup> Bulgaria, Estonia, Finland, Greece, Iceland and Slovenia.

<sup>107</sup> Estonia.

<sup>108</sup> Finland.

<sup>109</sup> Bulgaria provided examples concerning the adequacy/growth of the minimum salary, the adequacy/period of payment of some social benefits of unemployment benefits, considering that the EU Country Specific Recommendations are mostly based on economic/budgetary indicators for stability/discipline and not so much on social rights provided for in the European Social Charter. Furthermore, Slovenia has indicated that in 2010 it had received a Conclusion of the ECSR of non-conformity with Article 4 § 1 of the Revised Charter on the ground that the minimum wage was manifestly unfair. Since 2010 the ratio between the minimum and the average wage in Slovenia has been on a steady rise and reached 50,0 % in 2012, which was still not fully in conformity with the Charter. On the other hand, in the context of the European semester 2012 the European Commission found that the said ratio was among the highest in the EU and suggested Slovenia to revise the minimum wage regulation in order to support competitiveness and job creation (Country Specific Recommendations for Slovenia 2012).

<sup>110</sup> The phenomenon of national implementation of conflicting texts or decisions of international and/or European bodies has notably been observed in Greece over the last years. In its recent decisions on collective complaints Nos. 65/2011, 66/2011, 76/2012 – 80/2012 and 111/2014 lodged against Greece, the ECSR found that Greece had violated several provisions of the 1961 Charter (and of the Revised Charter) as regards national legislation that has been adopted in the past few years during the severe economic crisis and in the framework of the support mechanism for the Greek economy.

<sup>111</sup> Armenia, Azerbaijan, Belgium, Bulgaria, Finland, France, Greece, Latvia, Lithuania, Poland, Slovenia and “The former Yugoslav Republic of Macedonia”.

<sup>112</sup> Bulgaria, France, Poland and Slovenia.

<sup>113</sup> Lithuania.

<sup>114</sup> Finland.

the international control mechanisms<sup>115</sup> or promoting a better exchange of information and experiences between the States to ensure a better implementation of international treaties on social rights<sup>116</sup>.

41. The suggested “tools” for improving the consideration of international social rights standards included training activities on specific international standards on human and social rights (for judges, employees in the public administration and NGOs)<sup>117</sup>, the translation and wider dissemination of various documents laying down these standards, in particular of the ECSR decisions and conclusions, as well as a wider dissemination of the judgments of the European Court of Human Rights on social rights issues also in respect of other States<sup>118</sup>.

42. The importance of a greater presence and a more frequent involvement of the Council of Europe were also emphasised, notably for raising awareness and visibility of its own instruments (including the European Social Charter) at national level among the Member States of the Council of Europe<sup>119</sup>.

## **C. Instruments relating to the European Social Charter and ratifications**

### **C.1. European Social Charter**

*Could you describe the main obstacles (political, legal, administrative...), if any, that your country faces: a) to ratify the 1996 European Social Charter (revised) (ETS No. 163); b) to accept new provisions of the European Social Charter; and c) to ratify the Protocol amending the European Social Charter (ETS No. 142)*

43. Some of the States that have not signed or ratified the 1996 European Social Charter (revised) (ETS No. 163)<sup>120</sup> stated that the conflict between certain provisions of the Revised Social Charter and various provisions of the existing national (labour, tax) legislation<sup>121</sup> was an obstacle to the ratification. Some others<sup>122</sup> have indicated that they were not in a position to accept a broader or higher level of international commitments on social rights prior to ensuring full compliance with the already existing commitments (i.e. under the 1961 Social Charter), notably on account of the economic and financial situation of the States<sup>123</sup>. Further States pointed to the heavy workload of the domestic relevant institution(s) habilitated to examine the possibility of accepting new provisions/instruments on social rights<sup>124</sup>, the lack of political consensus or will<sup>125</sup> or the complexity of the ratification proceedings<sup>126</sup>. Finally, information had been also provided on the on-going work in view of the acceptance of further provisions<sup>127</sup> or on the ratification<sup>128</sup> of the Social Charter.

<sup>115</sup> Latvia.

<sup>116</sup> Azerbaijan, France and Latvia.

<sup>117</sup> Poland, Slovenia and Turkey.

<sup>118</sup> Poland.

<sup>119</sup> “The Former Yugoslav Republic of Macedonia”.

<sup>120</sup> Croatia, Denmark, Finland, Iceland, Poland, Spain and Switzerland.

<sup>121</sup> Finland.

<sup>122</sup> The Czech Republic and Poland.

<sup>123</sup> Bulgaria, Georgia, Republic of Moldova and Ukraine.

<sup>124</sup> Bulgaria and Iceland.

<sup>125</sup> Latvia.

<sup>126</sup> Belgium, Finland, Poland and the Slovak Republic.

<sup>127</sup> Armenia, Azerbaijan, Croatia, Georgia, Ireland, Norway and Poland.

<sup>128</sup> Switzerland.



## C.2. Collective Complaints Procedure

*Could you describe the main obstacles (political, legal, administrative...), if any, that your country faces in order to ratify the Additional Protocol of 1995 to the European Social Charter Providing for a System of Collective Complaints (ETS No. 158)?*

*What are the reasons why your country does not allow national NGOs (while the national social partners are allowed to do so) to use the collective complaints system?*

44. Ten States<sup>129</sup> out of the twenty-eight<sup>130</sup> respondents have ratified the 1995 Additional Protocol to the European Social Charter providing for a System of Collective Complaints and two further States are bound by the Revised Charter and have accepted the procedure of collective complaints provided for in the said Protocol<sup>131</sup>. Certain of the other respondent States declared being open to the possibility of accepting/ratifying the Additional Protocol of 1995<sup>132</sup> although this process might first require adequate financial resources<sup>133</sup> or a closer examination of the existing experiences of the practical functioning of the collective complaints procedure.<sup>134</sup> Some other States declared that this topic was not on the agenda<sup>135</sup>. The collective complaints procedure was considered as problematic<sup>136</sup> by some States because it required additional technical/political evaluation or even as incompatible with the national legal system<sup>137</sup> which favoured individual complaints. Other States preferred adopting a cautionary approach, i.e. ensuring first a full implementation of the existing obligations, while trying to address problems that arose during the economic crisis, and adopt a careful, gradual approach to the improvement of social rights<sup>138</sup>.

45. As for the reasons for not allowing national NGOs to use the collective complaints procedure, some States did not see a particular need in extending the collective complaints procedure<sup>139</sup> either because the existing legal framework already offered the possibility for an NGO to join social partners for lodging collective complaints<sup>140</sup> or because offering such a competence to national NGOs would be inefficient under the current national legal framework.

## Suggestions

*Which improvements could, according to your country, be made to the system of collective complaints, in particular in order to encourage more ratifications of the Additional Protocol?*

46. In order to encourage more ratifications of the Additional Protocol, the improvements suggested by the Member States include stricter admissibility and examination criteria for collective complaints and their strict application by the ECSR and a better analysis of each national situation<sup>141</sup>; stricter criteria for

<sup>129</sup> Belgium, Croatia, Czech Republic, Finland, France, Greece, Ireland, Italy, Netherlands and Norway.

<sup>130</sup> Albania, Armenia, Azerbaijan, Belgium, Bulgaria, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Greece, Iceland, Ireland, Italy, Latvia, Lithuania, Republic of Moldova, Netherlands, Norway, Poland, Slovak Republic, Slovenia, Spain, "The former Yugoslav Republic of Macedonia", Turkey and Ukraine.

<sup>131</sup> Bulgaria and Slovenia.

<sup>132</sup> Albania and Armenia.

<sup>133</sup> Georgia.

<sup>134</sup> Armenia and "The Former Yugoslav Republic of Macedonia".

<sup>135</sup> Azerbaijan, Slovak Republic, Spain and Turkey.

<sup>136</sup> Albania.

<sup>137</sup> Austria.

<sup>138</sup> Lithuania and the Republic of Moldova.

<sup>139</sup> Croatia, Estonia and Latvia.

<sup>140</sup> The Netherlands.

<sup>141</sup> Armenia, France, Poland, Slovak Republic and Slovenia.



international NGOs for being included in the list of INGOs having the right to submit collective complaints, as well as limitations in their number in the lists<sup>142</sup>.

47. States further considered it helpful to have a reduced amount of work in relation with the procedures before the ECSR<sup>143</sup>, peer-to-peer dialogue and the sharing of experiences<sup>144</sup>. At the procedural level, proposals included improved monitoring rules and follow-up procedures<sup>145</sup>; more adversarial proceedings, with the possibility for the State concerned to discuss with the ECSR the draft decision and a more systematic organisation of meetings with the complainant organisations and the States involved<sup>146</sup>.

## **D. Training and awareness-raising actions on social rights**

### **D.1. Promotion of the Charter**

*What promotion is made at domestic level concerning ECSR decisions and/or conclusions (notification to relevant authorities, including parliamentary and judicial, social partners, NGOs, NHRIs, observatories, other stakeholders)? Are the decisions and/or conclusions of the ECSR translated into your national language(s)? Do you encounter any particular difficulties in this area?*

48. Twenty-seven<sup>147</sup> States out of twenty-nine respondents submitted information<sup>148</sup> on this question. One State<sup>149</sup> declared that it did not make any specific promotion regarding the Charter.

49. The majority of States promote ECSR decisions and/or conclusions at domestic level, including by notifying them to the relevant authorities or local administration bodies, but also to social partners<sup>150</sup>. Other States periodically disseminate the conclusions and decisions of the ECSR to relevant Human Rights / Social Rights institutions<sup>151</sup>. In the Netherlands, for example, the ECSR decisions are included in the Annual Report on International Human Rights. Some other States involve social partners in the law-drafting procedures<sup>152</sup>.

50. In order to facilitate access to information, some States publish it on websites (ministries, departments, institutions)<sup>153</sup> while some others ensure the translation of documents and data in their national languages<sup>154</sup>.

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<sup>142</sup> Bulgaria.

<sup>143</sup> Estonia.

<sup>144</sup> Finland.

<sup>145</sup> The Netherlands, Slovenia.

<sup>146</sup> Poland.

<sup>147</sup> Albania, Armenia, Austria, Azerbaijan, Belgium, Bulgaria, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Greece, Iceland, Ireland, Italy, Latvia, Lithuania, Republic of Moldova, Netherlands, Norway, Poland, Portugal, Slovak Republic, Slovenia, Spain, "The former Yugoslav Republic of Macedonia" and Ukraine.

<sup>148</sup> Belgium and Latvia have not provided information on this point.

<sup>149</sup> Denmark.

<sup>150</sup> Croatia and Iceland.

<sup>151</sup> Albania, Armenia, Austria, Bulgaria, Croatia, Czech Republic, Estonia, France, Iceland, Italy, Republic of Moldova, Norway, Poland, Portugal, Slovak Republic; Slovenia and "the Former Yugoslav Republic of Macedonia".

<sup>152</sup> Croatia.

<sup>153</sup> Finland, Spain, "the Former Yugoslav Republic of Macedonia" and Ukraine.

51. As for an example of the difficulties encountered, one State<sup>155</sup> mentioned the high fluctuation of civil servants in the ministries, involving a frequent change of the persons responsible for reporting on the implementation of the revised European Social Charter.

## **D.2. Promotion of the collective complaints procedure**

*Do your authorities regularly inform the social partners, NHRIs and NGOs of the possibilities offered by the collective complaints procedure (submission of complaints and/or submission of comments)?*

52. Thirteen States out of the twenty-one respondents<sup>156</sup> did not yet accept the collective complaints procedure<sup>157</sup>. Among the States that did not accept the collective complaints procedure, a few<sup>158</sup> declared to conduct cooperation activities with social partners and NGOs.

53. Among the States which accepted the collective complaints procedure, some States<sup>159</sup> declared to communicate and co-ordinate with social partners and/or with NHRIs and NGOs on the possibilities offered by the collective complaints procedure. Other States<sup>160</sup> declared that the authorities did not communicate with the social partners, NHRIs and NGOs on this particular topic.

## **D.3. Training at national level**

*Can you indicate the training provided at national level over the last two years concerning the social rights guaranteed by the Council of Europe instruments?*

*What are the key factors for their success?*

*Do you encounter any particular difficulties in terms of training in social rights?*

54. Various training activities related to social rights were organised notably in Armenia<sup>161</sup>, Azerbaijan, Belgium, Croatia, Estonia, Finland, France<sup>162</sup>, Georgia<sup>163</sup>, Iceland, Lithuania<sup>164</sup>, Portugal<sup>165</sup>,

<sup>154</sup> Armenia, Azerbaijan, Bulgaria, Czech Republic, "the Former Yugoslav Republic of Macedonia", Estonia, Italy and the Republic of Moldova (unofficial translation).

<sup>155</sup> Republic of Moldova.

<sup>156</sup> Albania, Armenia, Azerbaijan, Bulgaria, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Iceland, Ireland, Italy, Latvia, Lithuania, Republic of Moldova, Norway, Poland, Portugal, Slovak Republic, Slovenia and Ukraine.

<sup>157</sup> Albania, Armenia, Azerbaijan, Denmark, Estonia, Iceland, Latvia, Lithuania, Republic of Moldova, Poland, Portugal, Slovak Republic and Ukraine.

<sup>158</sup> Albania, Estonia, Lithuania, Slovak Republic and Ukraine.

<sup>159</sup> Bulgaria, Croatia, Czech Republic, France and Ireland.

<sup>160</sup> Finland, Italy and Portugal.

<sup>161</sup> For example between 2015 and 2017, the Armenian National Institute of Labour and Social Research conducted several trainings on "protection of Human rights" for civil servants covering a separate topic concerning the European Social Charter and trained 241 civil servants.

<sup>162</sup> France reported some training courses on social rights, as well as conferences and seminars organised in 2016 and 2017 in co-operation with social partners such as the Academic network on the European Social Charter and Social Rights ("RACSE").

<sup>163</sup> In May 2016, for example, training sessions were organised in co-operation with the Council of Europe for the senior Public Defender's staff on the "Fight against Intolerance and Protection of Social Rights"; moreover, trainings on human rights issues are regularly provided by the Education Centre of the Georgian Bar Association, the High

Slovenia<sup>166</sup>, Spain<sup>167</sup>, the Netherlands, “The former Yugoslav Republic of Macedonia”, Turkey<sup>168</sup> and Ukraine<sup>169</sup>.

55. The main topics concern the protection of various social rights (labour rights, equal opportunities, family, child rights, housing, persons with disabilities, domestic violence etc.), including also non-discrimination aspects and involving participation of specialist researchers, but also career lawyers, judges and prosecutors.

#### **D.4. Council of Europe trainings and programs**

*Would you support the development by the Council of Europe of awareness-raising activities on social rights such as specific trainings (e.g. on line), cooperation activities or programs?*

56. Twenty-five States<sup>170</sup> responded and declared being open to support the development of awareness-raising activities by the Council of Europe on social rights, such as specific trainings (e.g. online), cooperation activities or programs. Some States<sup>171</sup> referred to particular relevance of online training courses. Others<sup>172</sup> declared their openness notably to trainings of a real practical value. One State<sup>173</sup> indicated that it would support activities that would involve not only the participation of the members of the Secretariat and experts of the Social Charter but also that of State officials, thus ensuring a more balanced representation. Further ideas put forward included a better follow-up to judgments of the European Court of Human Rights on social rights issues, the development by the European Court of Human Rights (in consultation with the Secretariat of the Charter) of thematic fact-sheets and the creation of a more user-friendly website of the Social Charter<sup>174</sup>.

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School of Justice of Georgia and the Labour Inspector of Georgia in cooperation with national specialists and the experts of the International Labour Organization and human rights NGOs.

<sup>164</sup> In 2015-2017 training activities related to labour rights, social rights, persons with disabilities, minors' related issues, equal opportunities and domestic violence were conducted.

<sup>165</sup> A specific programme for young people has been developed in Portugal, which launched the Intercultural Education School Network (October 2016)<sup>165</sup>. In 2015 – 2016, Municipal Councils supported a game created as part of the ENTERS Project of the Council of Europe, with the aim of disseminating and raising awareness about social rights among young people.

<sup>166</sup> In 2016, a European Seminar on “Labour Rights as Human Rights: Labour rights require more protection in times of crisis and austerity” was held in the framework of “HELP in the 28” Programme.

<sup>167</sup> Spain developed an online training course on equal opportunities for women and men, with a basic level targeted at the general public and an advanced level for the work-related sectors (companies and human resources, social services and the legal sphere), in view of integrating the gender perspective into their labour practice.

<sup>168</sup> See, for example, the Project “Improving Social Integration and Employment of Disadvantaged People” (DESİP) for increasing the institutional capacity of the Department of Employment Policies of the Ministry of Labour and Social Security.

<sup>169</sup> Various training activities on human rights are provided in the framework of the Action Plan on the implementation of the “National Human Rights Strategy 2020” and within the framework of the Council of Europe Action Plan for Ukraine 2015-2017.

<sup>170</sup> Albania, Armenia, Austria, Bulgaria, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Iceland, Ireland, Italy, Latvia, Lithuania, Republic of Moldova, Netherlands, Norway, Poland, Portugal, Slovak Republic, Slovenia, Spain and Ukraine.

<sup>171</sup> Italy and Portugal.

<sup>172</sup> Latvia and Norway.

<sup>173</sup> Poland.

<sup>174</sup> Proposals concerned, in particular, access to documents and a balanced description of the procedures and control bodies.

## Suggestions

*Which other suggestions could be made concerning training and awareness-raising activities on social rights?*

57. Thirteen respondent States<sup>175</sup> mentioned their interest in training and awareness-raising activities on social rights. Some States<sup>176</sup> stressed the importance of such trainings for the members of the legal and judicial bodies. One State<sup>177</sup> supported the practice of the e-learning involving civil society and private bodies, enriched by the exchange of best practices<sup>178</sup>. Another State<sup>179</sup> suggested the organisation of periodical awareness raising (and/or training) events, focusing on different aspects of the European Social Charter and in cooperation with other international standard-setting organisations (for example, ILO)<sup>180</sup>. A progressive and wider participation of the media to ensure a better and more effective information and awareness at all national levels regarding various human rights and social rights activities in relation to the implementation of instruments of the Council of Europe has also been highlighted.

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<sup>175</sup> Azerbaijan, Bulgaria, Finland, France, Lithuania, Norway, Poland, Portugal, Slovak Republic, Slovenia, Spain, “The Former Yugoslav Republic of Macedonia” and Turkey.

<sup>176</sup> Azerbaijan, Bulgaria, Finland, France and Slovenia.

<sup>177</sup> Portugal.

<sup>178</sup> Lithuania.

<sup>179</sup> “The Former Yugoslav Republic of Macedonia”.

<sup>180</sup> Such suggestions have been made by Finland, France and Lithuania. s.