

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE



Launching

of the CoE-FRA-ENNHRI -Equinet Collaborative Platform

on Social and Economic Rights

Meeting between the Council of Europe, FRA, Equality Bodies, National
Human Rights Institutions and Ombudsperson institutions

15 October 2015

Strasbourg, Palais de l'Europe, Room 11

MEETING REPORT

1. Introduction

The launching meeting of the Collaborative Platform on Social and Economic Rights is a follow-up activity to the joint conference of the Council of Europe (CoE), the European Network of Equality Bodies (EQUINET), the European Network of National Human Rights Institutions (ENNHRI) and the European Union Agency for Fundamental Rights (FRA), which took place in Vienna in October 2013. On that occasion, it was agreed to focus on establishing four platforms for collaboration on asylum and migration, economic and social rights, Roma integration and hate crime. The first meeting of the Platform on Economic and Social Rights (ESR) took place on 15 October 2015, hosted by the Council of Europe.

The Platform on ESR was opened by Christos Giakoumopoulos, Director of Human Rights in the Council of Europe's Directorate General Human Rights and Rule of Law. He noted that Europe's recent economic crisis and the ensuing austerity measures have weakened the protection of economic and social rights and affected social cohesion and solidarity. In this context, the Council of Europe launched in 2014 the "[Turin process](#)" for the [European Social Charter](#) (ESC), underlining that respect for fundamental social rights is the best way forward to increase citizens' participation in democratic processes, to reinforce their trust in European construction and to combat fundamentalism and radicalisation. Mr. Giakoumopoulos emphasised the key role of the Platform as a coordination forum between the four partners to exchange knowledge and good practice.

The meeting of 15 October aimed at identifying key areas for work and at raising awareness of the ESC.

The meeting report was drafted by ENNHRI.

2. Partners' Work on economic and social rights and Outlook for the Platform

2.1 The Council of Europe

Lauri Leppik, General Rapporteur of the [European Committee of Social Rights \(ECSR\)](#), explained that, as a monitoring body, the mission of the ECSR is to review whether States Parties are in conformity in law and in practice with the provisions of the ESC. It is composed of 15 experts, such as academics or judges. In this respect, the ECSR work is twofold:

- [conclusions](#) in response to national reports on the implementation of the ESC. It reviews compliance on a four-yearly basis (eight years for States bound by the collective complaints procedure) in the key areas of (a) employment, training and equal opportunities; (b) health, social security and social protection; (c) labour

rights; and (d) children, family and migrants. Reporting must also take into account the decisions of ECSR under the collective complaints procedure.

- [decisions following the lodging of collective complaints](#). Under its collective *complaints* mechanism, ECSR receives complaints from international NGOs (national NGOs may lodge complaints if the State concerned makes a declaration to this effect), trade unions and employer's organisations registered in relation to the 15 states bound by the collective complaints procedure. It is not necessary to exhaust domestic remedies, and yet in its history only 119 complaints have been lodged, and not all of the ESC's 98 provisions have been addressed.

The ECSR interprets the ESC as a living, dynamic instrument and formulates/adopts clarifications and develops its contemporary meaning and scope, linking the interpretation of the ESC to topical issues (e.g. the recent [Statement of interpretation on the rights of refugees under the European Social Charter](#)). In its monitoring activities, the ECSR relies on different sources beyond national reports, including statistical data as well as the work of other international bodies, such as the European Court of Human Rights, UN Treaty bodies, the European Commission against Racism and Intolerance, etc.

Key challenges faced by the ECSR and ESC include:

- Not all Council of Europe States have ratified the ESC;
- As a quasi-judicial body, the enforcement of decisions is more political than legal. Moreover, the Committee of Ministers does not always follow up on ECSR conclusions and decisions;
- There is a low awareness, ignorance or even opposition to the ESC and its monitoring mechanism; and
- The reporting procedure takes four years (eight years for States bound by the collective complaints procedure), and yet the issues must remain on the agenda in order for progress to be made.

Given its monitoring mandate and its quasi-judicial nature, the ECSR cannot provide specific policy advice, however its conclusions and decisions can feed into the discussion of policy developments at national level and the Council of Europe can facilitate expert input based on the ECSR's findings. In particular, the ECSR's academic network may provide advice and training to government officials in the law making process, as well as assisting in awareness-raising activities. Moreover, the ECSR welcomes the collaboration with ENNHRI and Equinet to foster the implementation and ratification of the ESC.

Lauri Sivonen from the Office of the [Commissioner for Human Rights](#), Council of Europe, underlined a 2013 Issue Paper on '[safeguarding human rights in times of economic crisis](#)', which includes discussion on the important role of National Human

Rights Structures (NHRS). He also provided information on the Commissioner's country visits, which often involve attention to ESR, as well as work to increase the capacity of NHRS, including through stronger mandates and increased resources.

Other work areas of the Commissioner, that are relevant to ESR include: women and gender equality; vulnerable minorities (such as people with disabilities, Roma, young people, refugees and migrants); and the 2030 Agenda on Sustainable Development Goals (SDGs), on which the Commissioner has recently published a [human rights comment](#). The SDGs include indicators to eradicate poverty and are closely aligned with human rights standards.

Michael Guet from the Secretariat of the Ad Hoc Committee of Experts on Roma Issues ([CAHROM](#)) also provided inputs on OPRE, the Collaborative Platform on Roma Equality and Human Rights, and possible intersections between the two Platforms.

2.2 The European Union Agency for Fundamental Rights

FRA's work is laid out in the [Multi-annual Framework 2013-2017](#) (MAF), which sets out the thematic areas of the agency's work. Economic and social rights do not have a dedicated area in the MAF, however, FRA's other thematic areas include economic and social rights, such as Roma integration, rights of people with disabilities, rights of women to be free from violence and migrant workers' rights. Moreover, while being based on the principles and articles of the EU Charter of Fundamental Rights, FRA uses other legal instruments in its work.

Considering the ESC, FRA is willing to support the work of the ECSR with its evidence-based advice. Similarly, FRA would also welcome the ECRS's inputs to its factsheets and a possible collaboration with the CoE in drafting handbooks and designing training sessions. Moreover, FRA also welcomes the collaboration with Equality Bodies and NHRIs to exchange information and promising practices.

2.3 Equinet

On behalf of Equinet, Niall Crowley explained that, as the European network of national human rights bodies (NEBs), Equinet's work is based on equality and non-discrimination. NEBs provide a contribution to the realisation of economic and social rights through the implementation of equal treatment legislation, including through jurisprudence, investigations and policy recommendations. In view of the intersection between poverty and discrimination, it is important that some NEBs' mandates also include the socio-economic status as a ground of discrimination, and some work on

mainstreaming and economic policy work. For these reasons, NEBs can bring a broad and group perspective on economic and social rights to the Platform.

Throughout 2015, one of Equinet's working groups has been preparing a perspective on the equal enjoyment of economic, social and cultural rights, with the purpose of highlighting the contribution of NEBs to this area. Equinet also provided a seminar on the EU Charter on Fundamental Rights. Moreover, as social inclusion and poverty reduction are included as a target in the Europe 2020 strategy, Equinet has also worked on EU 2020 and the use of Structural and Investments Funds.

Equinet recommended collaboration within the Platform to ensure visibility, implementation, and new approaches to working on economic and social rights and equality.

2.4 ENNHRI

On behalf of ENNHRI, Debbie Kohner welcomed the opportunity to work within the Platform, and for all partners to raise efficiencies and impacts within their common goals to realise economic and social rights (ESR) for individuals throughout Europe. ENNHRI recommended that the Platform should be operationalised through a two-track approach. First, the partners should develop better communication and coordination in this area of work, so that actions are reinforcing. Secondly, the partners should agree a few clear and realistic objectives to work towards, and against which progress can be measured.

ENNHRI's past work on ESR was summarised as:

- 2013: [conference](#) in Brussels on the impact of austerity measures on human rights across Europe, co-hosted with the German Institute for Human Rights;
- 2014: open letters to Presidents of European Commission and European Central Bank in relation to human rights impacts of austerity measures; event at global NHRI meeting on NHRI work in time of limited resources; and training on the monitoring of ESR at the NHRI Academy;
- 2015: [submission](#) to CDDH on Feasibility Study on human rights impact of economic crisis; and internal study on resources and funding cuts faced by European NHRIs.

ENNHRI's members had met the previous day and agreed that future work could include: support for NHRIs, including information exchange, development of common tools, and training; advocacy at the regional and national levels; and intersection with other ENNHRI work areas (such as legal, asylum and migration, CRPD, SDGs, older

persons in care, and situations of conflict). Topics to be considered within these activities included: ratification and enforcement of legal norms on ESR; monitoring and cooperation; human rights impact assessment; analysis of economic policies; and accountability of International Financial Institutions. Furthermore, capacity building on ESR would be included through the global alliance of NHRIs.

In deciding upon the Platforms' objectives and activities, Ms Kohner suggested that all partners consider how they and the Platform are different to other actors in this area. She noted that some relevant characteristics are the privileged positions of all partners to access and influence the state; the bridging between the national and European levels, and the independence of NHRIs.

ENNHRI members had recommended that, within the overall aim of full enjoyment of ESR in Europe, the Platform's specific objectives could be:

1. Increasing the capacity of partners to promote and protect ESR;
2. Developing tools to work on ESR, through information exchange; and
3. Raising awareness of ESR and the tools developed.

It was recommended that the "Turin process" could be considered within this framework.

3. Working Methods

Participants from national bodies recommended the following approaches for the working methods of the Platform:

- Exchange of data and good practice, including national legislation and case law;
- Assistance from FRA and ECSR for the implementation of ESR;
- Focus on cross-cutting issues and a methodological approach which can be applied to the ESR;
- Training on budgetary and economic analysis in order to review progressive realisation of ESR;
- Capacity building on review of taxation, and how tax regimes impact the realisation of ESR;
- Collection of existing materials on legal instruments, developments and effective tools to build capacity on ESR;
- Consideration of intersection and participation with other programmes, such as HELP training on labour law, and Roma training on housing;
- Creation of a Platform website to host the relevant information;
- Raise awareness and use among NHRS of human rights and equality impact assessments, mainstreaming and a culture of economic analysis;
- Promote understanding of how NHRS can engage with the collective complaints procedure of the ESC, such as through third party interventions;

- Support from the Council of Europe to influence states' understanding of the importance of ESR, and that no hierarchy exists between these and civil and political rights;
- Select thematic priorities, if any, later in the development of the Platform, and use priority area to pilot new tools at that time; and/or use a questionnaire to select thematic priorities.

4. Turin Process

Karl-Friedrich Bopp from the Department of the European Social Charter, Council of Europe, provided an overview of the [“Turin process” for the European Social Charter](#) which started in October 2014 and includes work between the Council of Europe, the EU, states and other partners, such as NGOs with a view to:

- Ensuring social rights in times of economic crisis;
- Encourage acceptance of the ESC (revised) by States still bound by the 1961 Charter, not yet accepted provisions and the collective complaints procedure;
- Striving for more synergies between the case law of the ECSR and EU law;
- Ensuring consistency of the protection of ESR in the European framework and within the Council of Europe; and
- Involving national Parliaments in protecting the rights guaranteed by the ESC.

It was noted that NHRS has not been included in the “Turin process”, and it was suggested that NHRS be included in the Action Plan in order to ensure that their involvement was institutionalised. Also, it was recognised that NHRSS’ mandates and work would help in the realisation of the goals of the “Turin process”, and that the “Turin process” itself aligns with many NHRS’ objectives.

5. Conclusions

It was agreed that the Platform and the “Turin process” could be mutually reinforcing, and that linkages would be considered throughout.

Specific objectives and activities for the Platform were concluded as:

- Creating a Platform website in order to host relevant information, including:
 - Legal instruments on ESR and their synergies;
 - Good practices on ESR (sharing information and mapping other materials);
 - National case law;
- Developing new approaches and tools to be used for ESR, such as on:
 - Human rights and equality impact assessments;
 - Mainstreaming ESR;

- Collective complaints procedure and third party intervention;
- Monitoring and indicators; and
- NHRS involvement in state reports;
- Training on ESR and methodologies, to develop a culture of empowerment, on topics such as:
 - The new approaches and tools developed;
 - The “Turin process” for the European Social Charter;
 - Economic and tax analysis;
 - Human rights and equality impact assessments;
 - Mainstreaming ESR;
 - Collective complaints and third party intervention;
 - Monitoring and indicators; and
- Awareness raising through workshops and seminars at the national level, possibly with common agendas, in order to:
 - Create a culture of rights;
 - Address opposition to ESR in both politics and popular opinion; and
 - Support advocacy on ESR, encouraging state action for ratification and implementation of ESR instruments.

Participants agreed to report back to their institutions and decide their degree of commitment to the Platform. It was noted that specific actions could also take place bilaterally or trilaterally, depending on each partner’s mandates and availability.

PROGRAMME

BACKGROUND

The launching meeting of the COE-FRA-ENNHRI-EQUINET Collaborative Platform on Social and Economic Rights is a follow-up activity to the joint conference of the Council of Europe (CoE), the European Network of Equality Bodies (EQUINET), the European Network of National Human Rights Institutions (ENNHRI) and the European Union Agency for Fundamental Rights (FRA), which took place in Vienna in October 2013. On that occasion, representatives from national, European and international human rights and equality bodies reiterated their commitment to work together to strengthen the protection of human rights in Europe. It was agreed to focus on establishing four platforms for collaboration on:

- asylum and migration,
- Roma integration,
- combating hate crime,
- advancing social and economic rights and socio-economic equality.

After the first thematic platform meeting on Rights of Migrants and Asylum Seekers (Vienna, 24 September 2014), followed by the meeting of the Collaborative Platform on Human Rights and Roma Equality (Strasbourg, 30 January 2015), the partner institutions – the Council of Europe, FRA, ENNHRI and Equinet – decided to launch the Collaborative Platform on Social and Economic Rights.

ROLE OF THE PLATFORM

Europe has for several years been facing an unprecedented economic crisis entailing grave social consequences. Certain austerity measures, designed to stimulate recovery, may weaken the protection of economic and social rights, which, in turn, may affect social cohesion and threaten the European social model based on solidarity. In this context, the Council of Europe launched in 2014 the “Turin process” for the European Social Charter realising that respect for fundamental social rights is the best way forward to increase citizens’ participation in democratic processes, to reinforce their trust in European construction and to combat fundamentalism and radicalisation.

The European Social Charter (ESC) is a Council of Europe treaty which guarantees the fundamental freedoms and rights, such as housing, health, education, employment, legal and social protection and movement of persons. A key element of the Charter is the principle of equality and non-discrimination.

The Platform on Social and Economic Rights will provide an opportunity to discuss ways to ensure that the ESC and other international human rights standards relating to economic and social rights are taken into account in the design and implementation of national legislation and practice, and the important role of

national and international human rights organisations in monitoring the respect of states' human rights commitments. The Platform will mainly focus on how to ensure greater use of the relevant human rights norms, in particular the ESC, how to promote wider acceptance and use of the collective complaints procedure, and how to further the adoption of the revised ESC by states still bound by the 1961 Charter.

OBJECTIVES

In accordance with the Joint statement issued at the end of the initial Vienna Conference (7-8 October 2013), the main objective of the Platform on Social and Economic Rights is to help reinforce the effectiveness of the standards for national bodies and contribute to finding responses to fundamental rights challenges in Europe, including coordinated action on regional policies.

The launch event will focus on the development of tools for further co-operation and exchange of information and good practice between the partners concerned. It will define pilot projects that should be initiated to explore and test new ways of inter-institutional collaboration and communication with a view to strengthening the protection of social and economic rights and it will propose concrete cooperation activities, such as training, to raise awareness of the indivisibility of human rights and to address current challenges in promoting and protecting fundamental social rights.

FORMAT / WORKING LANGUAGE(S)

The one-day event will be held in plenary. However, the meeting room is large enough to split into smaller working groups, if necessary.

The working languages will be English and French.

INVITATIONS / CONTACT PERSONS

FRA, EQUINET and ENNHRI will circulate information within their organisations/networks and provide contact details of their participants to Catherine GHERIBI (e-mail catherine.gheribi@coe.int) who will send invitation letters and arrange travel when necessary.

For any other questions related to this meeting, please contact Danuta WIŚNIEWSKA-CAZALS, DG-I, Department of the European Social Charter, Council of Europe, Agora Building - Office C3.38.V, F-67075 Strasbourg cedex, France Tel.: + 33 3 88 41 28 51 ; e-mail: danuta.wisniewska-cazals@coe.int

PROGRAMME

Thursday, 15 October 2015

Palais de l'Europe, Room 11

09.00 – 09.30	Registration
Moderator:	Karl-Friedrich Bopp, Head of Division, DG-I, Department of the European Social Charter, Council of Europe
09.30 – 10.00	Opening remarks Christos Giakoumopoulos, DG-I, Director of Human Rights, Council of Europe Tour de table – introduction of participants
10.00 – 11.30	Presentation of CoE, FRA, Equinet and ENNHRI's work and plans in the field of social and economic rights <ul style="list-style-type: none">- Lauri Leppik, General Rapporteur of the European Committee of Social Rights- Matylda Pogorzelska, Legal Research Officer, FRA- Tamás Kádár, Senior Policy Officer, Equinet- (tbc) ENNHRI Discussion
11.30 – 12.00	<i>Coffee break</i>
12.00 – 13.00	Discussion on the role of each partner organisation and on working methods of the platform
13.00 - 14.30	<i>Lunch break</i>
14.30 – 15.45	Definition of pilot projects to explore and test new ways of inter-institutional collaboration and communication; Identification of concrete cooperation activities, such training, to address current challenges in raising awareness on the indivisibility of human rights and promoting and protecting fundamental social rights;
15.45 – 16.00	<i>Coffee break</i>
16.00 – 16.30	Consideration of how the Platform could engage with and support the Turin process.

16.30 – 17.00 Wrap-up session and conclusions

Debbie Kohner, Secretary General, Permanent Secretariat,
ENNHRI

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