

High-Level Conference on the European Social Charter
as a step to take further commitments under the Charter
3-4 July 2024, Vilnius, Lithuania

CALL FOR CONTRIBUTIONS

This call for contributions is addressed to states / ministries and other government agencies with social rights responsibilities, intergovernmental organisations, organisations of workers and employers, civil society organisations, academia and individuals with expertise and interest in social rights, human rights, social justice and related fields.

The contributions received will be considered when preparing the Programme of the High-Level Conference on the European Social Charter and the messages of the Political Declaration, the expected main outcome of the Conference. They can therefore be relevant in shaping the Council of Europe's future agenda in respect of social rights and social justice.

The suggested objectives of the Conference include:

- Promoting acceptance by member states of further commitments under the Charter where possible. In this respect, a treaty event is envisaged where Council of Europe member states can undertake or pledge additional commitments under the Charter, including acceptance of provisions and, for those that have not yet done so, ratification of the revised Charter and acceptance of the collective complaints procedure.
- Encouraging ratification of the Revised Charter by the seven States that are still bound by the 1961 Charter as being of particular importance in order for the Council of Europe to show unity in its mission to defend social rights and to reduce the (treaty law) complexity that arises from the existence of two social charters.
- Taking stock of the implementation of the Committee of Ministers' decisions on the reform of the European Social Charter system and considering whether additional measures are needed to achieve the objective of strengthening the implementation of social rights in Europe.
- Emphasising that social rights are human rights and as such universal, indivisible, interdependent and interrelated, and expressing support for them. Also, reaffirming the Council of Europe's summit statement that social justice is crucial for democratic stability and security and drawing the necessary consequences therefrom.
- Considering contemporary challenges with respect to social rights and the required responses from a Charter perspective having regard to the Council of Europe's human rights architecture.
- Considering the desirability of institutionalising a High-level Conference of specialised ministers in the area of social rights (labour, health, social affairs, housing, ...).
- Initiating a reflection on whether and how to consolidate the various instruments that make up the Charter system and, if appropriate, requesting that the Committee of Ministers set in motion a process to consolidate the Charter instruments into one single treaty.
- Discussing strategic partnerships, including the relationship with the European Union and the feasibility of EU accession to the Charter.

- Exploring how the Charter's organs can concretely assist states and contribute to the Charter's effective implementation, in light of the reform's adopted texts. In this respect, exploring the meaning of [enhanced dialogue](#) as directed by the Committee of Ministers in the reform process and considering funding opportunities for assisting states who request support in their endeavours to improve social rights protection or to take action upon Charter monitoring outcomes.

Submission Guidelines:

Contributions should be submitted in a structured format, clearly responding to one or more of the objectives mentioned above. Additional ideas, for example on the basis of the Background information provided below, are welcome.

Contributors are invited to submit their written contribution to the Council of Europe's Department of Social Rights by **15 March 2024** at: Social.Charter@coe.int. They should be clearly labelled (e.g. Contribution to the High-Level Conference of the European Social Charter). Collective contributions by persons or organisations within a stakeholder group are also welcome.

The contributions will be reviewed and selected ideas may be incorporated into the Programme and Political Declaration of the High-Level Conference. With the agreement of the contributors, the contributions may also be published on the (conference) website.

Your participation is invaluable in ensuring the success of the Conference and advancing the cause of social justice and human rights in Europe.

Thank you for your commitment to this important endeavour.

For any additional information, please contact the Department of Social Rights at: Loreta.VIOIU@coe.int.

Background information

The European Social Charter – protecting social rights in Europe

Social rights as laid down by the European Social Charter form part of the Council of Europe's mission. They are indispensable to everyone in order to lead dignified and empowered lives. Social rights are human rights, and all human rights are universal, indivisible, interdependent and interrelated¹. They often serve as gateway rights to enjoy other human rights, such as civil and political rights.

Against a backdrop of contemporary challenges such as the fallout from the global COVID-19 pandemic, the escalating cost of living, energy crises, Russia's aggression against Ukraine, the looming threats of climate change, and heightened tensions in the Middle East, the importance of safeguarding social rights becomes increasingly pronounced. These crises have led to a surge in social exclusion, poverty, social inequalities and marginalisation across Europe.

¹ [Vienna Declaration 1993](#): All human rights are universal, indivisible, interdependent and interrelated. The international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis. While the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms.

The European Social Charter is a Council of Europe treaty that seeks to protect fundamental social and economic rights as a counterpart to the European Convention on Human Rights, which guarantees civil and political rights. It provides for a broad range of everyday human rights related to employment, housing, health, education, social protection, protection against poverty and social exclusion, social security, and welfare.

The Charter is widely regarded as the Social Constitution of Europe and represents an essential component of the continent's human rights architecture, being the most comprehensive legal instrument for the protection of human social rights at the European level.

The European Social Charter is based on a ratification system enabling States, subject to certain limitations, to choose the provisions they are willing to accept as binding international legal obligations. This system is provided for by Article A of the European Social Charter (Article 20 of the 1961 Charter).

It is in the spirit of the Charter for states to progressively increase their commitments,² tending towards acceptance of most – if not all – provisions of the Charter, as opposed to an à la carte stagnancy. Article A of the European Social Charter (Article 20 of the 1961 Charter) allows states, at any time subsequent to ratification of the treaty, to notify the Secretary General of their acceptance of additional articles or paragraphs.

42 of the 46 member states of the Council of Europe are parties to either the 1961 European Social Charter³ or the 1996 Revised European Social Charter, including all European Union member states. The remaining four Council of Europe member states⁴ have signed one of the two Council of Europe social rights treaties but have yet to ratify them.

The Amending Protocol of 1991, which improves the supervisory machinery of the Charter, requires four more ratifications⁵ to enter into force. The Protocol confirms the political role of the Committee of Ministers and of the Parliamentary Assembly of the Council of Europe. It clarifies the respective functions of the two principal treaty bodies, namely the European Committee of Social Rights (a restricted body composed of independent members, which assesses from a legal standpoint whether the situations in the States Parties are in conformity with the Charter in law and in practice) and the Governmental Committee (a body composed of representatives of each of the States Parties, which prepares the Committee of Ministers' work). The 1991 Protocol also reinforced the participation of social partners and non-governmental organisations.

The collective complaints procedure was introduced by an Additional Protocol to the European Social Charter adopted in 1995. It entered into force on 1 July 1998. 16 member states⁶ have accepted to be bound by the collective complaints procedure either by ratifying the Additional

² The opening paragraph of Part I reads "The Parties accept as the aim of their policy, to be pursued by all appropriate means both national and international in character, the attainment of conditions in which the following rights and principles may be effectively realised", followed by the heading of all rights contemplated by the European Social Charter. Part III, Article A, provides that "each of the Parties undertakes [...] to consider Part I of the Charter as a declaration of the aims which it will pursue by all appropriate means, as stated in the introductory paragraph of that part", followed by the rules on the choices available as regards provisions that Parties can declare to be bound by and which determine the modalities of monitoring under Part IV of the Charter.

³ The following seven States Parties are not yet parties to the Revised Charter: Croatia, Czechia, Denmark, Iceland, Luxembourg, Poland, and the United Kingdom.

⁴ The following four member states are not yet party to the Charter: Liechtenstein, Monaco, San Marino and Switzerland.

⁵ States whose ratification is necessary for the entry into force of the Protocol: Denmark, Germany, Luxembourg and the United Kingdom.

⁶ The following 16 States Parties have accepted the collective complaints procedure: Belgium, Bulgaria, Croatia, Cyprus, Czechia, Finland, France, Greece, Ireland, Italy, Netherlands, Norway, Portugal, Slovenia, Spain and Sweden.

Protocol or by declaring its acceptance under Article D.2 of the Revised Charter. The collective complaints procedure provides a system for trade unions, employers' organisations and civil society organisations to prompt the examination of the situation in a given state when they consider that the provisions of the Charter are not respected. This is an important "good governance" tool in pursuing social justice and equality throughout Europe.

The European Social Charter texts include: Treaty No.035 - European Social Charter; Treaty No.128 - Additional Protocol to the European Social Charter; Treaty No.142 - Protocol amending the European Social Charter; Treaty No.158 - Additional Protocol to the European Social Charter Providing for a System of Collective Complaints; Treaty No.163 - European Social Charter (revised).

Reform of the European Social Charter system

On 27 September 2022, the Committee of Ministers adopted a reform package aimed at modernising the European Social Charter system ([CM\(2022\)114-final](#)). The ultimate goal is to assist States Parties in ensuring respect for social rights in line with their commitments. For this purpose, emphasis is placed on the need for enhanced dialogue between the Charter organs (European Committee of Social Rights and Governmental Committee) and States Parties as well as all relevant stakeholders (national human rights institutions, national equality bodies, trade unions and other civil society organisations).

The reform package was completed in March 2023 with the Committee of Ministers Decisions ([CM/Del/Dec\(2023\)1460/4.1](#)) on longer-term substantive and procedural issues aimed at improving the implementation of social rights in Europe and the European Social Charter system.

Council of Europe standards and the outcome of their monitoring are supplemented by country-specific or regional support activities.⁷ However, this cooperation work is still in an incipient stage with respect to social rights and the European Social Charter. Up to now, cooperation projects have received funding only in Ukraine, the Republic of Moldova, Georgia and Armenia, while the need for technical assistance extend well beyond those Council of Europe member states. Full implementation of the reform package and the improved implementation of social rights across Europe would require further support through cooperation activities and enhanced dialogue. Funding opportunities would need to be explored in this respect.

Looking at the wider global context, the effective implementation of the European Social Charter also serves to implement the UN 2030 Agenda and the Sustainable Development Goals (SDGs), in particular the SDG 1 - No poverty (End poverty in all its forms everywhere), SDG 5 - Gender Equality (Achieve gender equality and empower all women and girls), SDG 8 - Decent Work and Economic Growth (Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all) and SDG 10 - Reduced Inequalities (Reduce inequality within and among countries).

⁷ Council of Europe technical assistance programmes form an integral part of the unique strategic triangle of standard-setting, monitoring and cooperation. The development of legally binding standards is linked to their monitoring by independent mechanisms and supplemented by technical co-operation to facilitate their implementation.

Council of Europe and European Union – Social Rights Agenda

[The Conclusions on EU priorities for cooperation with the Council of Europe 2023-2024](#)⁸

specifically highlight the important role of the European Social Charter in relation to the Porto Social Summit and indicate that “the EU will also promote the effective implementation of the ESC and its protocols and follow with interest the ongoing reform process aiming to improve the ESC system”.

In April 2023, the most recent resolution of the European Parliament on [Institutional relations between the EU and the Council of Europe 2022/2137\(INI\) - 18/04/2023](#), stated: “As the EU has gradually developed into a political union, the number of areas in which the activities of the two organisations overlap and complement each other has increased. Members therefore believe that, in view of the frequent overlapping of competences, it is important to avoid duplication or divergence of standards⁹ and to set up appropriate consultation channels between the European Union and the Council of Europe which would allow the coordination of normative work in an incipient phase.”

Furthermore, the European Parliament “calls on the Commission and the Member States to make progress with regard to the accession by the European Union to the revised European Social Charter and to propose a clear timeframe for achieving that objective”.

In earlier calls, the Director of the EU Fundamental Rights Agency invited the EU to consider accession to the Revised European Social Charter and the EU member states that have not done so to ratify the Revised Charter, accept additional provisions and the collective complaints procedure.

Council of Europe Reykjavik Summit and its follow-up: High-Level Conference on the European Social Charter

The Reykjavik Declaration “United around our values” adopted by the Heads of State and Government at the Fourth Summit of the Council of Europe in May 2023, states that “Social justice is crucial for democratic stability and security and in this regard, we reaffirm our full commitment to the protection and implementation of social rights as guaranteed by the European Social Charter system.” Furthermore, they asserted “We will consider the organisation of a high-level conference on the European Social Charter, as a step to take further commitments under the Charter where possible.”¹⁰

⁸ “29. In the context of economic and social rights, the EU will work jointly with the Council of Europe on respecting, protecting and fulfilling human rights in line with the European Social Charter and revised European Social Charter (ESC), which place emphasis on the rights of older persons, women, children, persons with disabilities and migrant workers. Main strands of cooperation in this area will focus on promoting decent work for all and in particular implementing a zero-tolerance policy on child labour and the eradication of forced labour; curbing inequalities by combating poverty and social exclusion, promoting universal access to social protection and non-discriminatory access to social services; social dialogue; the right to safe and healthy working conditions for all, a world of work free of violence and harassment as well as a responsible management in global supply chains. Cooperation with the Council of Europe in promoting social rights is also reflected in its involvement in the biannual fora for monitoring the implementation of the commitments made at the EU’s Social Summit, in Porto in 2021. The EU will also promote the effective implementation of the ESC and its protocols and follow with interest the ongoing reform process aiming to improve the ESC system.”

⁹ The need to increase legal certainty and coherence between the European law and the Council of Europe standards protecting fundamental social rights has been identified following conflicts of interpretation between the EU Court of Justice / EU Commission and the ECSR: such examples are the Laval case and the collective complaints in which Greece was found to be in breach of the Charter following application of fiscal consolidation measures requested by the Commission.

¹⁰ [Reykjavik Declaration – United around our values](#), Reykjavik Summit 4th Summit of Heads of State and Government of the Council of Europe, 16-17 May 2023.

The Reykjavik Declaration places emphasis on democratic sustainability and member States' commitment to the Charter. The Declaration was preceded by a reform process aimed at improving the European Social Charter system and the effectiveness of social rights in Europe.¹¹ Reform outcomes also pointed to encouraging the acceptance of additional commitments under the Charter ("further—or all—provisions and of the collective complaints procedure").¹² Implementation of the Committee of Ministers' decisions on reform is underway.

Exchanges on reform deferred discussions on certain issues, for example on accession by the European Union to the Charter or on the restriction on the personal scope set out in the Charter's Appendix, and identified other issues which could be revisited in the future.¹³

In November 2023, Lithuania confirmed its readiness to host the High-Level Conference on the European Social Charter in Vilnius on 3-4 July 2024 (TBC), under the Lithuanian Chairmanship to the Committee of Ministers.

The main outcomes of the High-Level Conference are expected to be the taking of additional commitments under the Charter, a Political Declaration and proposals for further action.

The Conference should identify further steps to be taken to improve social rights protection and longer-term measures to be taken by the Council of Europe in respect of the Charter. It will offer opportunities for Ministers from member States competent in various aspects of social rights to meet and discuss topics of particular concern for shaping the European social justice agenda with strong links to democratic sustainability on our continent. Participation of other stakeholders relevant to the Conference agenda is envisaged. The event will feature plenary sessions, keynote speeches and possibly parallel or side events.

¹¹ [CM/Del/Dec\(2022\)1444/4.4](#) and, for the details, [CM\(2022\)114-final](#).

¹² [CM/Del/Dec\(2023\)1460/4.1](#)

¹³ [CM\(2022\)196-final](#)