



European
Social
Charter

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COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

EUROPEAN SOCIAL CHARTER

Social Rights Monitoring 2021: Health, Social Security and Social Protection

2021 Conclusions of the European Committee of Social Rights

RIGHTS EXAMINED IN 2021

In 2021, the European Committee of Social Rights (ECSR) examined the provisions of the European Social Charter relating to health, social security and social protection¹: the right to safe and healthy working conditions (Article 3), the right to protection of health (Article 11), the right to social security (Article 12), the right to social and medical assistance (Article 13), the right to benefit from social welfare services (Article 14), the right of elderly persons to social protection (Article 23/ Article 4 of the 1988 Additional Protocol), the right to protection against poverty and social exclusion (Article 30).

REPORTING

33 national reports on rights relating to health, social protection and social security were examined in 2021. Two States submitted their reports too late and the Committee therefore adopted no conclusions in respect of them.

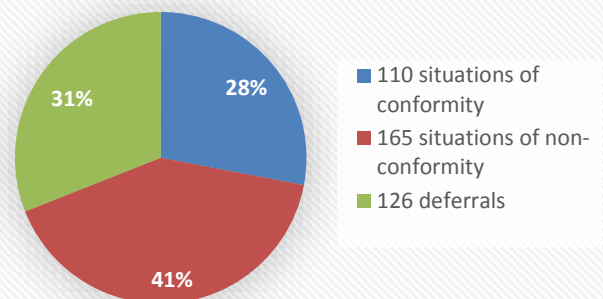
The reports covered the period from 1 January 2016 until 31 December 2019.

Eight states bound by the Collective Complaints procedure were exempted from reporting on health, social security and social protection and provided information on the follow-up given to decisions on the merits of collective complaints in which the Committee found a violation.

KEY FIGURES

- 401 conclusions in respect of 33 states.
- 110 conclusions of conformity with the Charter.
- 165 conclusions of non-conformity.
- 126 cases of deferral for lack of information.

401 situations examined in 2021



MAIN FINDINGS IN 2021

Non-conformity

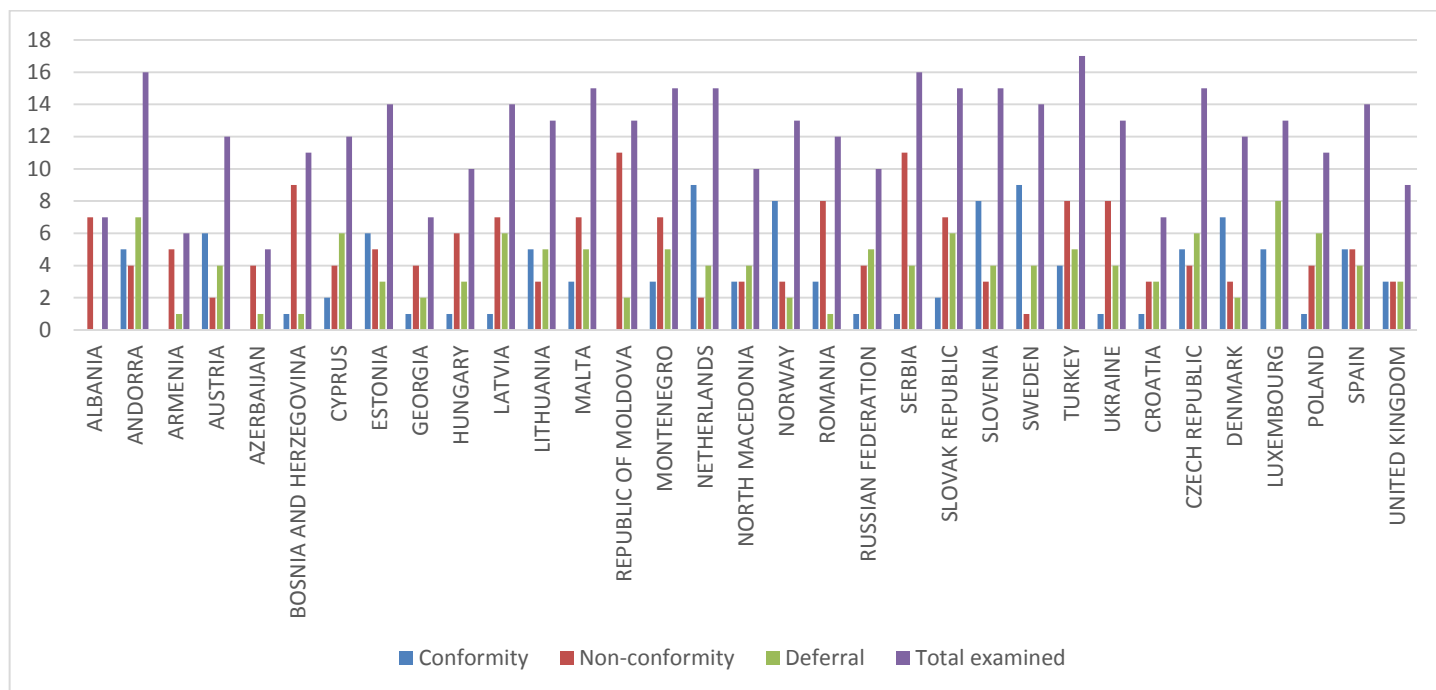
- Insufficient measures to reduce the high number of fatal accidents at the workplace.
- Insufficient measures taken to address persistently high levels of infant and maternal mortality.
- Inadequate level of social security benefits (notably unemployment and old age benefits).
- Inadequate level of social assistance paid to persons without resources.
- Inadequate measures taken against poverty and social exclusion.

Positive developments

- Adoption of legislation in certain countries prohibiting discrimination grounds of age outside employment.
- Adoption of legislation allowing one to change legal gender without the previously required sterilisation.
- Specific measures taken to reduce child poverty in certain countries.
- Various measures to strengthen health and safety at work.

¹ Each year, the European Committee of Social Rights examines one of the four groups of provisions covered by the Charter.

DEGREE OF COMPLIANCE WITH THE PROVISIONS OF THE CHARTER ON RIGHTS RELATING TO HEALTH, SOCIAL SECURITY AND SOCIAL PROTECTION



BACKGROUND

The European Social Charter

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

The European Committee of Social Rights

Council of Europe monitoring body composed of 15 independent and impartial experts which rules on the conformity of national situations with the Charter.

Reports and Conclusions

The monitoring carried out by the Committee in 2021 consists of two components:

- Examination of national reports on the thematic group of provisions related to health, social security and social protection following the specific targeted questions posed to states for this cycle.
- Examination of information on follow-up to collective complaints.

In the framework of the reporting procedure the Committee's monitoring is based on reports submitted by the States Parties, but the Committee also takes into account comments made by trade unions and employers' organisations, national human rights institutions and non-governmental organisations and any other source of information which it deems relevant to the examination of national situations. They frequently provide information which allows the Committee to gain a better and more comprehensive

understanding of national law and practice. In 2021, the Committee received a record number of submissions (34 in total).

Statements of interpretation

The Committee also, when necessary, issues statements of interpretation developing and clarifying the meaning and scope of the Charter as regards specific issues.

In 2021, the Committee adopted several statements of interpretation: on the digital disconnect and electronic monitoring of workers under Article 3§2 of the Charter; on social coverage for digital platform workers under Article 12§3; one relating to child benefits under Article 12§4 and one relating to ageism under Article 23 of the Charter.

In addition, the Committee adopted a statement on Covid-19 and Social Rights.

RESOURCES

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