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SERVICE DE LA CHARTE SOCIALE EUROPEENNE

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EUROPEAN SOCIAL CHARTER

GOVERNMENTAL COMMITTEE

REPORT CONCERNING CONCLUSIONS 2019 OF THE EUROPEAN SOCIAL CHARTER (revised)

(Albania, Andorra, Armenia, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Estonia, Finland, France, Georgia, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Malta, the Republic of Moldova, Montenegro, the Netherlands Curacao, North Macedonia, Portugal, Romania, the Russian Federation, Serbia, the Slovak Republic, Turkey and Ukraine)

*Detailed report of the Governmental Committee
established by Article 27, paragraph 3, of the European Social Charter*

Written information submitted by States on Conclusions of non-conformity is the responsibility of the States concerned. This information remains either in English or French, as provided by the States.

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I. Introduction

1. This report is submitted by the Governmental Committee of the European Social Charter and the European Code of Social Security (hereafter the “Governmental Committee”) made up of delegates of each of the forty-three states bound by the 1961 European Social Charter or the European Social Charter (Revised)¹. A representative of the European Trade Union Confederation (ETUC) attended the meetings of the Governmental Committee in a consultative capacity. The representative of the International Organization of Employers (IOE), also invited to participate in the work in a consultative capacity, declined the invitation.

2. Since a decision of the Ministers’ Deputies in December 1998, the other signatory states were also invited to attend the meetings of the Governmental Committee (Liechtenstein, Monaco, San Marino and Switzerland).

3. The supervision of the application of the European Social Charter is based on an examination of the national reports submitted at regular intervals by the States Parties. According to Article 23 of the 1961 Charter as amended by the 1991 Protocol, the Party “shall forward copies of its reports [...] to such of its national organisations as are members of the international organisations of employers and trade unions”. Reports are made public on www.coe.int/socialcharter.

4. Responsibility for the examination of state compliance with the Charter lies with the European Committee of Social Rights (Article 25 of the 1961 Charter as amended by the 1991 Protocol), whose decisions are set out in a volume of “Conclusions”. On the basis of these conclusions and its oral examination, during the meetings, of the follow-up given by the States, the Governmental Committee (Article 27 of the 1961 Charter as amended by the 1991 Protocol) draws up a report to the Committee of Ministers which “shall adopt a resolution covering the entire supervision cycle and containing individual recommendations to the Contracting Parties concerned” (Article 28 of the 1961 Charter as amended by the 1991 Protocol).

5. In accordance with Article 21 of the 1961 Charter as amended by the 1991 Protocol, the national reports on the articles of the Charter relating to Children, families, migrants to be submitted in application of the European Social Charter concerned Albania, Armenia, Austria, Azerbaijan, Bulgaria, Estonia, France, Georgia, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Republic of Moldova, Montenegro, Romania, Russian Federation, Serbia, Slovak Republic, Turkey and Ukraine. The reports covered the reference period 1st January 2014 – 31 December 2017 and were due by 31 October 2018. The Governmental Committee recalls that it attaches a great importance to the respect of the deadline by the States Parties.

6. Conclusions 2019 of the European Committee of Social Rights were adopted in March 2020 (Albania, Andorra, Armenia, Austria, Azerbaijan, Belgium, Bosnia and

¹ List of the States Parties on 1 December 2020: Albania, Andorra, Armenia, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Republic of Moldova, Montenegro, Netherlands, Republic of North Macedonia, Norway, Poland, Portugal, Romania, Russian Federation, Serbia, Slovak Republic, Slovenia, Spain, Sweden, Turkey, Ukraine and United Kingdom.

Herzegovina, Bulgaria, Estonia, Finland, France, Georgia, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Malta, the Republic of Moldova, Montenegro, the Netherlands in respect of Curaçao, North Macedonia, Portugal, Poland, Romania, the Russian Federation, Serbia, the Slovak Republic, Spain, Turkey, Ukraine and the United Kingdom).

7. The Governmental Committee took note that no further ratification has been done in the last reporting cycle.

8. Due to the COVID pandemic, the Governmental Committee had to cancel its meeting in May 2020. Concluding that it is essential that the Governmental Committee fulfilled its legal duties and carry out its work during 2020, it met in a distant manner from 5 to 9 October 2020 (141st Meeting) with Mr Joseph FABER (Luxembourg) in the Chair. In accordance with its Rules of Procedure, the Governmental Committee was composed by a Bureau which is in term until 31th December 2021. Mr. Joseph FABER (Luxembourg) Chair, Mr. Aongus HORGAN (Ireland) 1st vice Chair, Ms Brigita VERNEROVA (Czech Republic) Member and Mr. Edward BUTTIGIEG (Malta) Member participated in all meetings. Ms Kristina VYSNIAUSKAITE-RADINSKIENE (Lithuania) left the Bureau in 2020 and did not participate in the meeting of October 2020.

9. The state of signatures and ratifications on 1 December 2020 appears in Appendix II to the present report.

II. Examination of Conclusions 2019 of the European Committee of Social Rights

10. The abridged report for the Committee of Ministers only contains summaries of discussions concerning national situations in the eventuality that the Governmental Committee proposes that the Committee of Ministers adopt a recommendation or renew a recommendation. No such proposals were made in the current supervisory cycle. The detailed report is available on www.coe.int/socialcharter .

11. The Governmental Committee applied the rules of procedure adopted at its 134th meeting (26 – 30 September 2016). According to the decision taken by the Committee of Ministers at its 1196th meeting on 2 April 2014, the Governmental Committee debated orally only the Conclusions of non-conformity as selected by the European Committee of Social Rights.

12. At the beginning of 2020, with the objective to enhance a more targeted and efficient follow up to conclusions and in line with its discussions on the CDDH Report, the Governmental Committee had decided to selectively choose situations of non-conformity for its next examination. Out of all conclusions of the ECSR of 2019, 60 had been selected and circulated; initially for the GC's May meeting and, following its cancellation, for the GC meeting in October. Due to the pandemic's restrictions, and the reduced meeting, there was the necessity to further reduce and target the time for discussing orally situations of non-conformity. Accordingly, 2019 conclusions selected for the 2020 assessment were divided in 2 groups:

A)Group A: consisting of straight forward cases, which are typically presented for the Committee of Ministers for information only; they are cases which concern less serious situations and short-term problems.

B)Group B: consisting of cases which concern the most serious situations and /or long-standing non-conformities.

13. Cases under group A were considered under a written procedure. With the consensus of all representatives, they were not discussed orally at the meeting. Under group A, the following conclusions were included: Article 7§1 RESC Azerbaijan, Estonia, Georgia, Hungary; 7§3 RESC Albania, Georgia, Turkey, Ukraine; 716 RESC Azerbaijan, Montenegro, Russian Federation; 17§1 RESC Georgia, Greece, Latvia, Russian Federation, Serbia; 19§6 RESC France, Serbia, Turkey; 19§8 RESC Moldova, Romania, Turkey; 31§1 RESC France; 31§2 RESC France, Italy, Lithuania, Ukraine. Out of these cases, an automatic warning was adopted by consensus to be issued for those countries not having submitted any information, and particularly Moldova in respect of conclusions under Article 19§8 of the RESC.

14. During its examination, the Governmental Committee took note also of important positive developments in several State Parties (see Appendix IV).

15. Under group B, the following conclusions were debated orally: Article 7§1, Albania; Article 7§1 RESC, Armenia; Article 7§1 RESC, Moldova; Article 7§1 RESC Romania; Article 7§1 RESC, Turkey; Article 7§1 RESC, Ukraine; Article 7§3 RESC, Armenia; Article 7§3 RESC, Estonia; Article 7§3 RESC, Moldova; Article 7§3 RESC, Romania; Article 16 RESC, Bulgaria; Article 16 RESC, Latvia; Article 16 RESC, Moldova; Article 16 RESC, Slovak Republic; Article 16 RESC, Ukraine; Article 17§1 RESC, Ireland; Article 17§1 RESC, Armenia; Article 17§1 RESC, Hungary; Article 19§6 RESC, Austria; Article 19§8 RESC, Greece; Article 19§8 RESC, Moldova; Article 31§2 RESC, Turkey; Article 31§3 RESC, France. The Governmental Committee asked Governments to continue their efforts with a view to ensuring compliance with the European Social Charter and urged them to take into consideration any previous Recommendations adopted by the Committee of Ministers. It adopted 11 warnings as set out in Appendix V to this report in respect of the following countries: Armenia (3), Moldova (4), Romania (2), Hungary (1) and Turkey (1).

16. The Governmental Committee decided, due to the exceptional circumstances linked to the cancellation of the May GC meeting, to prolong all INGO's registrations and postpone the examination of the new applications until the GC's meeting in October 2021.

17. The Governmental Committee decided further to create a working group to prepare a position paper and present proposals on the follow up to the CM decisions and the CDDH report. The group created was composed by the four members of the Bureau, as well as delegates from France, The Netherlands, the United Kingdom, as well as the ETUC representative. It would present its views and a possible statement paper to the GC before the end of 2020. Indeed, a first statement was adopted on 16 December 2020 (see annex VI), and further work is to be developed during 2021.

18. The Governmental Committee proposed to the Committee of Ministers to adopt the following Resolution:

Resolution on the implementation of the European Social Charter during the period 2014-2017 (Conclusions 2019), provisions related to the thematic group "Children, families, migrants"

(Adopted by the Committee of Ministers on
at the meeting of the Ministers' Deputies)

The Committee of Ministers,²

² At the 492nd meeting of Ministers' Deputies in April 1993, the Deputies "agreed unanimously to the introduction of the rule whereby only representatives of those states which have ratified the Charter vote in the

Referring to the European Social Charter, in particular to the provisions of Article C of Part IV thereof;

Having regard to Article 28 of the 1961 Charter as amended by the 1991 Protocol;

Considering the reports on the European Social Charter submitted by the Governments of Albania, Andorra, Armenia, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Estonia, Finland, France, Georgia, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Malta, the Republic of Moldova, Montenegro, the Netherlands in respect of Curaçao, North Macedonia, Portugal, Poland, Romania, the Russian Federation, Serbia, the Slovak Republic, Spain, Turkey, Ukraine and the United Kingdom;

Considering Conclusions 2019 of the European Committee of Social Rights appointed under Article 25 of the 1961 Charter as amended by the 1991 Protocol;

Following the proposal made by the Governmental Committee established under Article 27 of the 1961 Charter as amended by the 1991 Protocol,

Recommends that governments take account, in an appropriate manner, of all the various observations made in the Conclusions 2019 of the European Committee of Social Rights and in the report of the Governmental Committee.

III. Examination by article³

REVISED EUROPEAN SOCIAL CHARTER

Article 7 – The right of children and young persons to protection

Article 7§1 – to provide that the minimum age of admission to employment shall be 15 years, subject to exceptions for children employed in prescribed light work without harm to their health, morals or education

RESC 7§1 ALBANIA

The ECSR concluded that the situation in Albania was not in conformity with Article 7§1 of the Charter on the ground that the protection of children from child labour exploitation is not guaranteed in practice.

19. The representative of Albania provided the following information orally and in writing on the ground of non-conformity:

In Albania, the Labor Code provides in Article 98 "It is prohibited to employ minors under the age of 16. Exceptions are cases when juveniles between the ages of 14 and 16 are employed during school holidays only in light work that does not harm the health of the child. Juveniles from the age of 14 until the age of 16 may be subject to professional counseling and training. "

Committee of Ministers when the latter acts as a control organ of the application of the Charter". The states having ratified the European Social Charter or the European Social Charter (revised) are (1 December 2020): Albania, Andorra, Armenia, Austria, Azerbaijan, Belgium, Bosnia-Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Republic of Moldova, Montenegro, Netherlands, Republic of North Macedonia, Norway, Poland, Portugal, Romania, Russian Federation, Serbia, Slovak Republic, Slovenia, Spain, Sweden, Turkey, Ukraine and United Kingdom.

³ State Parties in English alphabetic order.

To ensure the protection of children from improper work in practice and in violation of the legal framework, the State Agency for the Rights and Protection of the Child is the institution responsible for coordinating and organizing the integrated child protection system, as well as monitoring the implementation of children's rights in Albania.

Law No. 18/2017 “On the Rights and Protection of the Child”, in Article 24 provides: The child is protected from economic exploitation, according to the provisions of the Criminal Code, which includes the performance of any work that:

- a) presents risks to physical and mental health, well-being and its overall development;*
- b) violates education;*
- c) is obligatory.*

After the approval of DCM 129/2019 DCM “On procedures for identification, immediate assistance and referral of exploited children, including children in street situation” and the amendment of the National Plan for Child Protection from economic exploitation, including children in situ situation 61 municipalities of the country have recognized their obligation to set up field teams to identify economically exploited children. From the mapping made by the municipalities, in the last quarter of 2019 the field teams in the municipalities are functional: Tirana, Durrës, Shkodra, Vlora, Korça, Bulqiza, Elbasan, Fier, Kruja, Kavaja, Himara, Selenica, Peqin, Pogradec, Ersekë, Maliq, Divjakë, Gramsh, Mat, Roskovec, Pustec, Berat. (Total 22 municipalities have set up field teams). These teams have continued to be active throughout 2020.

During 2019, 272 cases of children in street situations have been identified by field teams and by May 2020, 127 cases of children in economic exploitation situations have been identified. Each identified case refers to the responsible structures and has received the necessary services. The most important of these can be listed:

- Registration of any child who is identified as unregistered in the National Registry of Civil Status by completing the necessary documentation and following the appropriate procedures.*
- Vaccination of any child identified as unvaccinated.*
- Medical visits to health institutions for children and support with medication*
- Registration in schools and kindergartens*
- Parental employment*
- Reference for attending day care centers for children*
- Placement in a social care institution in case of the highest interest of the child*
- Taking protection measures according to Law 18/2017 “On the rights and protection of the child”*

The State Inspectorate of Labor and Social Services in analyzing the submission and conclusions of the Monitoring Committee, for points 7.1 and 7.3 of Article 7 of the Social Charter, underlines the need for a general, explanatory comment, which is supported and argued, in more detail, in the following relevant report, to complete an overview regarding the protection of children under working age, in street situation, at risk of trafficking, exploitation or any situation that threatens their health, well-being, care and education.

The Monitoring Committee bases the conclusions for points 7.1 and 7.3 of Article 7 of the Social Charter only on the findings of reports or studies of independent institutions and

international organizations, which touch on the issue of child labor. In the Conclusions we think that it does not take into account the fact that:

Protection of the rights of children, in an employment relationship, at the allowed age is the legal responsibility of the Labor Inspector, based on Law No. 7996 dated 12.07.1995 "Labor Code of the Republic of Albania", amended article 98 point 1 stipulates that child labor under the age of 16 is prohibited, also articles 98,99, 100,101,102 and 103 define the type of employment, working time, night work, medical examination for the category of children.

VKM Nr. 108, dated 15.02.2017 "On the Approval of the Regulation" On the protection of children at work "(which has transposed the directive 94/33 / EC of the EU), as well as based on articles 98, point 4, 99, point 3 , 102 and 103, point 3, of law no.7961, dated 12.7.1995, "Labor Code of the Republic of Albania", as amended, defines the measures in terms of safety and health at work, which employers must take when hiring children under the age of 18, in order not to impair their physical, mental, moral or social development, or to endanger their education or participation in cultural, commercial and similar activities, in order to guarantee age-appropriate working conditions; and their health. This regulation applies in full to any child under the age of 18 who has an employment contract or relationship of a similar nature, without prejudice to applicable legislation governing occupational safety and health. This decision of the Council of Ministers is fully aligned with EU Directive 94/33 / EC, dated 22 June 1994, on the Protection of Young People at Work, number CELEX 31994L0033, Official Journal of the European Union, series L no. 216, date 20.8.1994, page 12.

We emphasize that SLI is an executive institution which controls the implementation of Labor Legislation on natural and legal persons, local or foreign, private or public, who exercise profitable or non-profit economic activities in the territory of the Republic of Albania, ie in all entities of licensed by the NBC.

The above-mentioned legal and sub-legal acts are part of the labor legislation and as such, for their implementation and control, inspections are carried out in the subjects registered with the NBC.

It is worth mentioning that the inspection body consists of 98 labor inspectors, which during a year carries out inspections in only almost 5% of the activities registered in the BCC.

Statistical data for child employment 2017-2020, ascertained during the inspections exercised by the SLI:

2017

Based on the inspections of the SLI for this period, it results that a total of 309 children are employed.

Respectively their age corresponds to:

16 years old 44 children

17 years old 265 children

18 years old 0 children

Activities where they are employed:

Production 244 children

Trade 54 children

Other 11 children (10 Call-Center, 1 Laundry)

Education

Identified children with 9-year education 204 children

Identified children with secondary education 105 children

Identified children with or without medical examination:

Children identified by medical examination 282

Children registered without medical examination 27

Gender:

Identified female children 172

Identified male children 137

For the period January-December 2017 result:

Insured children 297

Uninsured children 12

No. of inspections carried out according to the regions of the SLI

A total of 94 inspections

- 10 in Berat Region found 18 children*
- 29 in Durrës Region found 80 children*
- 5 in Tirana Region found 16 children*
- 16 in Shkodra Region found 79 children*
- 23 in Vlora Region found 91 children*
- 6 in Lezha Region found 15 children*
- 1 in Fier Region found 2 children*
- 4 in the district of Elbasan found 8 children*

For registered children without health examination and authorization, the subjects were left with implementation tasks. For the 12 uninsured children, an urgent measure of their suspension was maintained until they were included in the social insurance scheme (4 subjects in Vlora, 1 in Durrës and 1 in Lezha).

For the legal violations found during the employment of juveniles, the main administrative penalty was given: Warning (3 in Vlora and 2 in Durrës), and the subjects were left with tasks for implementation.

2018

For the period January-December 2018, 329 children were found, namely:

Respectively their age corresponds to:

- o 16 years old 80 children*
- o 17 years old 235 children.*
- o 18 years old 14 children*

The activities where these children are focused are:

- *Production 180 children*
 - *Trade 100 children*
 - *Other (call-center) 48 children*
 - *Communication 1 child*
- Education*
- *Registered children with 9-year education 218 children*
 - *Identified children with secondary education 109 children*
- Identified children with or without medical examination:*
- *Children identified by medical examination 309*
 - *Identified children without medical examination 20*
- Gender:*
- *Identified female children 190*
 - *Identified male children 139*
- For 2018, the results are:*
- *Insured children 316*
 - *Uninsured children 13*
- No. of inspections performed*

A total of 57 inspections

- *25 in Durrës Region found 131 children*
- *10 in Tirana Region found 41 children*
- *15 in the Vlora region found 135 children*
- *2 in Shkodra Region found 10 children*
- *2 in Elbasan Region found 2 children*
- *1 in Gjirokaster Region found 1 child*
- *2 in Lezha Region found 9 children*

For the cases found in contradiction with the labor legislation, the employment of children has been formalized by taking the urgent measure of suspension of their work until the employer meets the legal criteria.

Also against the subjects that have been ascertained these violations of the labor legislation, the main administrative penalty "Warning" has been taken.

2019

During the period January-December 2019, 13079 enterprises were inspected, in which 296,808 jobs were found. 10,256 scheduled inspections were performed. Labor inspections are carried out according to a programmed plan to assess the risk of entities that will be subject to inspection and during certain months of the year, especially during the tourist season from June to September, the focus of inspections are commercial facilities, also with the highest number of child employment as well as for informal work. Of course, SLISS addresses any complaints by conducting on-site inspections. Also, based on the findings in the field, the sector of "manufacturing enterprises" marks the second type of activity, with a higher number of child employment, where a large number of inspections are planned by us. Inspections are conducted in Albanian, understandable to the inspected entity. Inspections are performed by 12 Regional Branches of AIS, and in 9 types of activity (according to the division made by ILO).

Regarding the inspections of the State Labor Inspectorate for 2019, there are 255 children (under 18 years old) working, of which 88 women

Children registered at work by Regions

- Berat -
- Dibër -
- Durrës 86
- Elbasan 18
- Fier 6
- Gjirokastra 5
- Korça -
- Kukës -
- Lezha 14
- Shkodër 5
- Tirana 36
- Vlorë 85
- Total 255

Children registered at work, divided by type of activity:

- o Agriculture, fishing forests 1
- o Mining, Career 2
- o Manufacturing enterprise 95
- o Electricity, gas, water 0
- o Trade-HBR 155
- o Construction 0
- o Telecommunications 1
- o Finance, services 0
- o Other activities 1
- Total 255

25 inspections were carried out at the request of the subjects to be provided with an authorization for employment of minors, according to the provisions of the legislation in force, where 23 of them were provided with this authorization and two subjects were denied the request for authorization, At the end of the inspection process, it turned out that the subject did not meet the conditions for employment of minors.

During 2019, 40 children were provided with authorization by labor inspectors, not only at the request of the entity, but also during scheduled inspections.

11 legal provisions regarding the employment of children under the age of 18 are considered as violations of labor legislation, namely:

- Employment of children without the authorization of the SLI,
- Informal employment of children,
- Failure to draft individual employment contracts
- Lack of medical examination before starting work,
- Lack of individual protective equipment,
- Lack of wardrobe
- Not being informed about the results of the risk assessment,
- Non-compliance with working hours and rest,

- Lack of first aid,
- Calculation of salary,
- Duration of working hours more than 6 hours,

For 22 cases of violation of legal provisions, administrative measures were taken with fines, warnings and suspensions, respectively:

- 1 "fine" of 260,000 ALL for employment of minors without the authorization of the SII
- 16 measures "suspension" for informal employment of minors,
- 5 "warning" measures for violations such as: lack of medical examination, lack of employment contract, duration of work more than 6 hours, failure to inform employees about risks in the workplace, failure to make available the monthly salary calculation.

January-March 2020

Children registered at work by Regions

Berat -
 Dibër -
 Durrës 7
 Elbasan -
 Fier -
 Gjirokastra -
 Korça -
 Kukës -
 Lezha 1
 Shkoder -
 Tirana 2
 Vlorë 12
 Total 22

Children registered at work, divided by type of activity:

- Agriculture, forest fishing 0
- Mining, Career 0
- Manufacturing enterprise 22
- Electricity, gas, water 0
- Trade-HBR 0
- Construction 0
- Telecommunications 0
- Finance, services 0
- Other activities 0
- Total 22

20. The Governmental Committee asked several questions, mainly how Albania combats in practice child labour, mainly in cases of children working for close relatives. It was highlighted that it was a third time violation, and that the numbers of inspections/inspectors remains limited, and a lot of children are not reached by the inspections. The GC decided to

encourage changes and invited the Albanian Government to provide all necessary information in its next report about how the practice is improved.

RESC 7§1 ARMENIA

The ECSR concluded that the situation in Armenia was not in conformity with Article 7§1 of the Charter on the grounds that:

- **the duration of work permitted to children under the age of 15 is excessive and therefore the work cannot be qualified as light;**
- **the prohibition of employment of children under the age of 15 is not guaranteed in practice.**

21. The representative of Armenia explained that *by the RA Government Decree N 650-L "On approving the action plan of the Government of the Republic of Armenia for 2019-2023" (dated May 16, 2019) an activity of developing draft amendments to the RA Labour Code until the 3rd decade of March 2021 is planned for the RA Ministry of Labour and Social Affairs. Within the framework of the mentioned draft amendments changes to improve labour relations regulations (including daily and weekly duration of working time) for persons under 18 years of age will also be considered.*

22. The GC voted and carried a warning by 16 votes to 3. The recommendation was not carried.

RESC 7§1 MOLDOVA

The ECSR concluded that the situation in the Republic of Moldova was not in conformity with Article 7§1 of the Charter on the grounds that:

- **the definition of light work is not sufficiently precise;**
- **the legislation on the prohibition of employment under the age of 15 is not effectively enforced.**

23. No information was provided or any reply submitted by Moldova. The GC decided to adopt an automatic warning by consensus.

RESC 7§1 ROMANIA

The ECSR concluded that the situation in Romania was not in conformity with Article 7§1 of the Charter on the ground that the prohibition of working under the age of 15 was not effectively enforced.

24. The Romanian representative presented the following information:
"For the period of reference, namely 2014-2017, the data centralized at central, based on the reports submitted by each General Department for Social Assistance and Child Protection (GDSACP) did not report any irregularities or sanctions applied by the GDSACPs, in accordance with the provisions of the Government Decision no. 75/2015 on regulating the provision by children of paid activities in the cultural, artistic, sports, advertising and modeling fields.

Regarding the provisions of the Government Decision no. 867/2009 on the prohibition of hazardous work for children, should be mentioned that during the reference period, namely 2014 - 2017, at the level of National Authority for the Rights of Persons with Disabilities, Children and Adoptions were carried out quantitative overall centralization with respect to hazardous activities.

Thus, during 2015 - 2017, the total number of children involved within hazardous activities under formal system was: 75 cases recorded in 2015 and 23 cases reported in 2017. Also should be taken into consideration that the reporting and centralization realized at national level based on the reports coming from the local General Departments for Social Assistance and Child Protection refers to all the children, with ages between 0-18 years, as they are defined by the national legislation. Nevertheless, based on the recommendations and observation of the Committee, a reevaluation of the data requested from the local level will be performed so that situations on different age groups, should be reflected in the central statistics.”

25. In the debate, ETUC raised that that no sanction or monitoring had been conducted and that the information provided does not really reply to the issues raised by the ECSR. As there had been no change and it was a 4th non-conformity and a second examination by the GC, it was proposed to adopt the working methods by several delegations, as the prohibition to work for children under 15 was not guaranteed in practice.

26. A vote on a recommendation was not carried (5 votes in favour, 9 against, 19 abstentions). A warning was carried by 20 votes in favour and 2 against.

RESC 7§1 TURKEY (second ground)

**The ECSR concluded that the situation in Turkey was not in conformity with Article 7§1 of the Charter on the grounds that:
(...) •the prohibition of employment under the age of 15 is not guaranteed in practice.**

27. The representative of Turkey took the floor and presented the following information.
*“As the Secretariat summarized, Committee concluded that the situation in Turkey is not in conformity with the Charter on the second ground that the prohibition of employment under the age of 15 is not guaranteed in practice.
First of all, I would like to remind briefly the legal framework for monitoring employment under the age of 15. At the national level, child protection measures are regulated by various laws in Turkey. The provisions of the Labour Law must be mentioned first. It regulates the minimum employment age, working hours and work safety of children, while the Social Security and Universal Health Insurance Law regulates their social security rights. The Occupational Health and Safety Law also covers all employees including working children in all workplaces. Provisions on the protection of child workers in labor law are mandatory. For those children who are out of the scope of the Labor Law, law such as Code of Obligations, General Health Law, Police Duties and Authority Law, Primary Education Law, Vocational Training Law, Child Protection Law, Press Labour Law and Maritime Labour Law are applied. On the other hand, The Turkish Penal Code, is a general law for the protection of child workers with penal sanctions.
At the international level, Turkey ratified several Conventions related with child rights such as United Nations Convention on the Rights of the Child, International Covenant on Economic, Social and Cultural Rights, ILO Conventions numbered 138 and 182.
It is known that in Turkey the employment of children under the age of 15 is prohibited. However, as it is given in our report; according to Article 71 of the Labour Law as amended in 2015, children below the age of 14 may be employed in artistic, cultural and advertising activities which will not harm their physical, mental, social and moral development and the education of those who attend school, on the condition that a written contract is signed and a permission is obtained separately for each activity.
In practice, there are several public authorities for preventing all forms of child labour and ensuring children to attend education.
The Presidency of Guidance and Inspection of MoFLSS, General Directorate of Labour of MoFLSS, Children’s Branch Office of the Directorate General of Security and General Command of Gendarmerie, Directorate General for Basic Education of the Ministry of*

National Education, Turkish Employment Agency (İŞKUR), Social Security Institution, Social Service Centers of MoFLSS, Municipalities and Governors are some of them.

The issue of combating child labour was included within the scope of the 11th Development Plan (2019-2023). It was entered into force in July 2019. A number of policies and measures regarding fight against child labour are included under "Children" title of the Plan in order to combat child labour and ensure the access of children to education. On monitoring, the attendance of students who have access to school, in the 11th Development Plan, "Schooling and completion rates will be increased at all education levels, and absenteeism rates will be reduced" mentioned as a policy measure. Within the scope of this measure, various activities covering the development plan period have been planned.

The National Employment Strategy which covers the period 2014-2023 includes several action plans for combatting child labour. By the way, the National Program on the Elimination of Child Labour for 2017-2023 period is revised in order to eliminate the poverty which is the main reason for children to enter working life. This Program is monitored and revised through the Monitoring and Evaluation Board meetings held twice a year with the participation of all parties.

Currently a number of 106 actions and 18 strategies under 7 different policies are identified in the Action Plan regarding the elimination of especially the worst forms of child labour. Within the scope of the National Program on the Elimination of Child Labour, year 2018 announced as the year fight against child labour in order to contribute to the efforts on combating child labour and direct children to education. Units for Combating Child Labor were established in 81 provinces under the coordination of the Provincial Directorates of Labor and Employment Agency in order to make the activities in the field of combating child labor more effective and to increase the local applicability and monitoring of the policies produced at the central level. 568 personnel of the Ministry of Family, Labor and Social Services, Social Security Institution and Provincial Directorates of Family, Labor and Social Services take place in these units.

Units send their reports to the Ministry via "Monthly Monitoring Forms" and the activities carried out in the field of combating child labor across the country are monitored and followed through these reports.

I will list in short some projects implemented in Turkey in order to combat child labour and to direct children to education.

1- "Improvement of the Work and Social Life of Seasonal Agricultural Workers Project" called (METİP-1) in 2010 for preventing children from working in seasonal mobile and temporary agricultural work and to increase their access to education.

2- Seasonal Agricultural Workers Project called (METİP-II) in 2017, aims to eliminate the problems experienced by workers and their families and to direct their children to education and social activities instead of work. With the project, studies are carried out in provinces where seasonal agricultural work is intense.

Measures taken at the provincial level are carried out under the supervision and control of the governors. Each Governor prepares annual action plans and Ministry of Family, Labour and Social Services allocates resources to the certain provinces within the bounds of budget. In addition, the Seasonal Agricultural Workers Information System (e-METİP) has been established in 2017 in order to provide public services effectively for seasonal agricultural workers and to combat child labor in seasonal agriculture which is mentioned among the worst forms of child labour and direct these children to education. By the way quantitative data can be obtained and Turkey's seasonal migration map has been created.

This system has been put into use of all provinces for data entry. The information on the seasonal agricultural workers in 81 provinces are obtained from the Security Directorate General and General Commandership of Gendarmerie and recorded into the system. E-school registrations of their children can also be monitored through this system. It means in order to monitor child labour, e-Metip and e-school system will be merged.

3- Another project between the MoFLSS and ILO Turkey Office is "Comprehensive Model Project on the Elimination of Worst Forms of Child Labour in Seasonal Hazelnut Agriculture in Turkey". This project was concluded in 2017, however it has been extended until the end of 2020. Within the scope of the Project activities carried out in 2012-2017, employments of more than 3,000 children in the age group 4-16 was precluded. And, in the 2018 harvest

season, 1.022 children were withdrawn from their jobs in accordance with the provision of Primary education law.

4- Project on Combatting Child Labour in Seasonal Agriculture will be implemented by the General Directorate of Labor in 2020-2023 period with European Union (EU). The project activities are planned to start in the third quarter of 2020 in accordance with the direct grant contract. It will be carried out in cooperation with General Directorate of Labor and the International Labor Organization Office in Turkey for the 40-month period.

The Presidency of Guidance and Inspection of the MoFLSS carries out two types of inspection: scheduled (programmed) inspections or unscheduled (incidental) inspections. Working children are among the priority risk groups of labour inspections, for this reason all inspectors working under the Presidency of guidance and inspection take the necessary actions in accordance with the legislation when they encounter a violation of child labor. When it is determined during inspections that children's rights are neglected, abused and employed under the age of 15 in contradiction to the legislation, this issue is notified to the General Directorate of Child Services of Ministry of Family, Labour and Social Services and Provincial Directorates of National Education.

A two-year work plan has been prepared and implemented between the presidency of guidance and inspection and UNICEF in order to strengthen the national and local capacity to prevent child labor, to meet the training needs of labor inspectors on child labor, and to increase cooperation with social partners for the period between 2017-2018. Within the scope of this work-plan, training programs have been organized for total 750 labor inspectors under main headings such as children's rights, child labor and legislation, country good examples in 2017 and in 2018. In May - June 2018, a total of 945 Labor inspectors and assistant inspectors and in April 2019 for 75 auditors and assistant auditors were trained through the distance education system about child rights, child labor and national and international regulations on children's rights, business principles, child labor monitoring mechanism.

And also within the scope of this work-plan, a child labor research activities were carried out in the province of Gaziantep in 2018. As a result of this research, a notification was made to the Provincial Directorate of National Education for 36 children in order to direct them to education and a notification was made to the Provincial Directorate of Family, Labor and Social Services for 3 children in need for social protection and support.

This 2018-2019 Work Plan linked with the activities carried out between the Presidency of Guidance and Inspection and UNICEF. New Work Program entered into force in October 2019. The activities to be carried out within the program started in March 2020. But as of 2020 March, works have been postponed due to Covid-19 cases in our country. 123 workplaces, between January 1, 2019 and September 1, 2020, were found employing children in contradiction to Article 71 of Labor Law and the provisions of the "Regulation on the Procedures and Principles of Employing Child and Young Workers", and administrative fine of 240 thousand TL was imposed by the Presidency of Guidance and Inspection.

Employers who employ child labor may also face criminal sanctions when they violate some of the mandatory rules stipulated in the labor law.

MoFLSS carries out various awareness-raising and information activities through workshops, panels, public spots and printed materials on fighting against child labour.

During the reference period of our last report, the latest statistical research about the Child Labour was done in 2012. But now, I am able to give you the latest research done by Turkstat about Child Labour in 2019. I believe that these result will help to understand the situation related with the child labour and the employment under the age of 15 in Turkey. I would like to sum up the results of Child Labor Survey 2019.

The data on Child Labor Statistics for 2019 can be accessed from the link of TURKSTAT. I will give it to the secretariat.

<http://www.tuik.gov.tr/PreHaberBultenleri.do?id=33807>

<http://www.tuik.gov.tr/PreHaberBultenleri.do;jsessionid=knFhf1nGbKMFPRchp3GHq2Cp9BIRz2NgJMjLLQRZ5NDxbT11y2yb!2049609424?id=33807>

In this survey, the number of children in the 5-17 age group throughout Turkey were estimated as 16 million 457 thousand people. Children in this age group made up 20.3% of the non-institutional population.

According to TurkStat data for 2019, the number of children engaged in economic activities in 5-17 age group is 720 thousand persons. It is seen that 70,6% of working children in 5-17 age group are male and 29,4% are female. No 5-year-old child is observed among the working children. The employment rate of working children in the age group 5-17 is 4.4% (720 thousand) among the children in the total same age group (16 million 457 thousand). 79.7 % (574 thousand) of working children are age between 15-17, 15.9 % (114 thousand) of working children are aged between 12-14, 4.4 % (32 thousand) of working children are aged between 5-11. By the way, 70.6 % of working children are boys and 29.4% of them are girls.

65.7% of working children are attending education. When examined by sex, 65.6% of working boys are attending education, 66.1% of working girls are attending education. When examined by age groups, it is seen that in the age group 5-14, 72.0% of working children are attending education, in the age group 15-17, 64.1% of working children are attending education. By the way 34.3% of working children in the age group 5-17 do not continue their education.

When the children working in economic activities are examined according to the workplace situation; 30.4% (219 thousand) of working children are in the field or garden, 66% (475 thousand) in regular workplaces, 3% (22 thousand) in mobile or unstable workplaces or market places and 0.5% (4 thousand) home workers.

45.5% of working children in the age group 5-17 are helping their families with housework. Among them, 40.0 % are boys, 51.3% are girls.

In the 2019-2020 academic year, the net schooling rate was 97.96 % for children aged between 6-9, and 98.6% for children aged between 10-13 and 89.19% for children aged between 14-17.

(...)

In the conclusion, the Committee noted from another sources that the influx of refugees has led to an explosion of Syrian children working especially in textile factories and agriculture”, with pitiful hourly wages. We would like to remind the fact that Turkey has been hosting the highest number of refugees in the world with four million, most of which are women, children and the elderly. As it is very well known that, particularly since 2011, due to the internal conflicts in many countries and regions, different country citizens migrate to Turkey in order to find international protection. Our country has not been indifferent to external developments, even outside its borders, but has been very generous in providing humanitarian assistance to affected foreigners. Although our country conducts many activities to improve the living conditions of the foreigners who have to migrate, especially in the southern and eastern regions, families escaped from war have had to direct their children to labour markets because of financial insufficiencies.

In order to prevent this unpleasant situation, a commission was established in provinces in order to conduct field researches for Syrian children and to determine their needs and according to the field research brochures and posters prepared jointly with the ILO were distributed to the 81 Provincial Directorates in order to be distributed to Syrian families. The brochures are prepared with the slogan of “Do not employ child, do not be a party to the crime”. It is aimed to create awareness both in local people and in Syrian groups by providing information both in Turkish and Arabic in the direction of consultancy. Guidance support can be taken in social, physiological, legal and economic fields by all the needed groups through the HELLO 183 Social Service Consultation Line, and to create awareness on the services provided for Syrian children, rights of children and their access to these rights.

“Turkey has implemented two comprehensive programmes under “The EU Facility for Refugees in Turkey” to financially empower these families and ensure that these children continue education. Turkey has provided monthly financial support to 1,7 million Syrians in Turkey for basic daily needs under Emergency Social Safety Net (ESSN) Programme. Moreover, the Conditional Cash Transfer for Education Programme (CCTE) has been implemented for Syrian children by Turkey to support school attendance, to combat child labour and to increase the number of refugee children who continue their education. As of June 2020, 623.326 children and their families benefitted from this Programme.” Turkey is attaching special importance to the elimination of child labour and has been actively

combating against child labour since the beginning of 1990s. Turkey was one of the first countries to participate in the International Labour Organization's (ILO) International Programme on the Elimination of Child Labour (IPEC) that was launched in 1992. Turkey has been party to ILO Convention No. 138 on Minimum Age since 1998 and No:182 on the Worst Forms of Child Labour since 2001”.

Activities in this field have been carried out by public institutions and organizations, social partners, professional organizations and non-governmental organizations working on child labor, within the coordination and cooperation of Ministry of Family, Labor and Social Services.

It is the general policy in Turkey to protect the integrity of the family, especially by supporting the families and to bring up the child as a healthy individual in the family environment, which is also the basis of child policy. But we know that Turkey still requires progress to put an end to dangerous and damaging child labor. We believe education is the best tool for the elimination of child labour therefore education is at the forefront of the most effective solutions to prevent child labour in our policies.

According to the latest Child Labour Survey 2019, the number of children working is decreased. It means that legislative arrangements, monitoring system and projects supported by national policies and programs carried out especially in recent years in order to prevent the children from working and direct them to education contributed to this decrease in the number of working children in comparison with the 2012 Child Labour statistics given in our report.

As there are many efforts taken place in Turkey for the prohibition of employment under the age of 15 in practice and in the light of all provided information, I believe, the situation in Turkey is in conformity with the Article 7, subparagraph 1 of the Charter.”

28. The GC took note that in conclusions 2015 the ECSR concluded that the situation in Turkey was not in conformity with Article 7§1 of the Charter on the ground that the prohibition of employment under the age of 15 was not effectively guaranteed. The GC did not examine the situation. In conclusions 2011 the ECSR concluded the situation in Turkey was not in conformity with Article 7§1 of the Charter on the ground that the prohibition of employment under the age of 15 is not guaranteed in practice. The GC examined the situation in that occasion. The GC took note in 2012 of the downward trend in child employment. It decided to await the outcome of the survey planned for the end of the year and encouraged the Government of Turkey to continue its efforts to bring the situation into conformity with the European Social Charter.

29. The GC had a debate. Mr Aongus HORGAN asked for the statistics. Mr Stefan CLAUWAERT raised that the information provided did not seem to be a step forward. The Chair highlighted that it was second examination by the GC but a third non conformity and that monitoring and guarantee that labour work is prohibited in practice does not seem to have improved.

30. The GC voted on a warning, which was carried by 12 to 2 (and 13 abstentions).

RESC 7§1 UKRAINE

31. The Secretariat presented the situation. **The ECSR had concluded that the situation in Ukraine is not in conformity with Article 7§1 of the Charter on the grounds that:**

- **the definition of light work is not sufficiently precise;**
- **the prohibition of employment under the age of 15 is not guaranteed in practice**

32. The representative of Ukraine presented the following information:

The definition of light work is not sufficiently described in the Ukrainian legislation. But there are restrictions on the types of work in which children under the age of 16 cannot be involved. According to Article 21 of the Law of Ukraine "On the Protection of Children" it is prohibited to involve children in hard work and work in harmful conditions, as well as in underground work and work in excess of the shortened working hours established by law.

It is also prohibited to involve minors under eighteen years in lifting and moving things that weigh more than the limits set up for them.

The list of types of heavy work and hazardous work with unhealthy working conditions as well as the maximum norms for lifting and moving heavy objects by persons under eighteen years, are approved by the central executive bodies in the field of health and labor protection.

The maximum norms for lifting and moving heavy things by minors are established by the order of the Ministry of Health of Ukraine dated 03.12.96 No. 59– from 5 kg for children 14 years up to 16 kg for persons 17 years if the work is short-term.

The norms for girls of the same age are two times less.

In this period of time the Ukrainian Government is finalizing the draft Labour Code of Ukraine implementing the prohibition of use of child labor in types of work where they may be subjected to threats of physical, psychological or sexual violence, or where performance of work may harm their health and lead to negative consequences in moral development.

According to article 191 of the Labor Code, all persons under the age of eighteen can be employed only after a preliminary medical examination, and then until the age of 21 they undergo a mandatory annual medical examination.

In accordance with article 192 of the Labor Code, it is prohibited to hire workers under the age of eighteen to work at night, overtime and work on weekends.

Now, Article 51 of the Labor Code provides reduced working time for workers aged 16 to 18 years - 36 hours per week, but for students of this age who work during the school year in their free time, it is 50 percent of this time.

Dismissal of employees under the age of eighteen at the initiative of the owner or his authorized body is allowed only with the consent of the district (city) service for children.

In connection with the above, it should be noted that in Ukraine there are still no gradations or differences in paying salaries depending on the age of the employee. The minimum wage in accordance with the Law of Ukraine "On the State Budget of Ukraine for 2020" is established:

monthly: from January - 4723 Hryvnia, from September 1 - 5000 Hryvnia; at an hourly rate: from 1 January - 28,31 Hryvnia, from 1 September - 29.2 Hryvnia.

As part of the reform, in August this year the government adopted the Concept for the implementation of state policy in the field of social protection and protection of children's rights and established the State Social Service of Ukraine as the central executive body, the activities of which are coordinated by the Government through the Minister of Social Policy.

The main task of the new Civil Service is to monitor compliance with the requirements of the legislation on social protection and the observance of children's rights.

33. The GC noted that this was a third non conformity. The GC had not examined the situation before. The Ukrainian representative provided written information. The GC assessed that there was a new reform in progress, but it was yet another draft. It was a serious issue that dated many years and therefore a vote was proposed. The warning was carried by 12 to 2 votes. The recommendation was not carried.

RESC 7§3 ARMENIA

The ECSR concluded that the situation in Armenia was not in conformity with Article 7§3 of the Charter on the grounds that:

- **the duration of work permitted to children who are subject to compulsory education is excessive and therefore the work cannot be qualified as light;**
- **the legislation on prohibition of employment of children subject to compulsory education is not effectively enforced.**

34. The Armenian representative submitted the following information: “By the RA Government Decree N 650-L "On approving the action plan of the Government of the Republic of Armenia for 2019-2023" (dated May 16, 2019) an activity of developing draft amendments to the RA Labour Code until the 3rd decade of March 2021 is planned for the RA Ministry of Labour and Social Affairs. Within the framework of the mentioned draft amendments changes to improve labour relations regulations (including daily and weekly duration of working time) for persons under 18 years of age will also be considered”.

35. The GC noted that it was a third non-conformity and a third examination by the GC. It was proposed to vote only on the first ground. A warning was carried on the first ground by 15 votes to 1.

RESC 7§3 ESTONIA

The ECSR concluded that the situation in Estonia is not in conformity with Article 7§3 of the Charter on the ground that, during the school holidays, the duration of work permitted to children subject to compulsory education is excessive and therefore the work cannot be qualified as light.

36. Estonia submitted information orally (not in writing). Estonia raised that even though this seemed like a third non conformity, the wording in the conclusion had changed as Estonia had introduced a change, mainly concerning the duration of work during weekdays and during school holidays. This change allowed the ECSR to consider that Estonia was in conformity concerning weekdays, and the no- conformity only remains concerning holidays. Estonia contested this to be a non-conformity, as it is in full compliance with European Union law. It was raised that Article 32 of Lisbon Treaty has been drafted with the idea that it is consistent with the Charter. But now there is a situation where the EU law allows to perform appropriate work up to 7 hours a day for children under the age of 15 (during school holidays), but at the same time under the Charter working more than 6 hours is already considered excessive. Estonia asked to find a solution for that.

37. The GC took note of the information provided and asked the Government of Estonia to include the updated information in its next report. It decided to await next evaluation

RESC 7§3 MOLDOVA

The ECSR concluded that the situation in the Republic of Moldova is not in conformity with Article 7§3 of the Charter on the grounds that:

- **the daily and weekly duration of work permitted to children subject to compulsory education is excessive and therefore such work cannot be qualified as light;**

38. The GC adopted an automatic warning by consensus for lack of information and lack of participation.

RESC 7§3 ROMANIA

The ECSR concluded that the situation in Romania was not in conformity with Article 7§3 of the Charter on the grounds that:

- **children who are still subject to compulsory education are not guaranteed an uninterrupted rest period of at least two weeks during summer holiday;**

- **the protection against employment of children subject to compulsory education is not effectively guaranteed.**

39. The representative of Romania submitted that “*The provisions of art. 13 para. (2) of Law no. 53/2003 - The Labor Code, republished, with subsequent amendments and completions, stipulates that the conclusion of an individual employment contract at the age of 15 is possible only if the activity based on the individual employment contract does not jeopardize the development and professional training of the person to be hired. Moreover, the labor legislation in Romania imposes an additional condition for concluding an individual employment contract in such a situation, obliging the employer to have the consent of the parents of the person to be hired. We also specify the fact that the employee is guaranteed the right to annual leave with a minimum duration of 20 days, according to the provisions of art. 39 para. (1) lit. c), of Law no. 53/2003 - Labor Code, republished, with subsequent amendments and completions. At the same time, art. 148 para. (5) stipulates that “if the scheduling of leave is done in installments, the employer is obliged to establish the scheduling so that each employee performs in a calendar year at least 10 working days of uninterrupted leave”.*

40. The GC stressed that the second ground was a third non-conformity and a second examination and proposed a vote on the first ground. ETUC considered the information quite scarce and that 10 days could not be in conformity with the Charter. As for the second ground, no figures or statistics of potential control and outcome of controls was provided.

41. The GC, on the second ground, just acknowledged the situation and considered to await the next evaluation by the ECSR. On the first ground, a vote on a recommendation was not carried (3 in favour, 9 against). A warning was carried (19 votes in favour, 1 against).

RESC 16 BULGARIA

The ECSR concluded that the situation in Bulgaria was not in conformity with Article 16 of the Charter on the following grounds:

- **it had not been established that women are ensured an adequate protection, in law and in practice, against domestic violence;**
- **the protection of Roma families with respect to housing, including in terms of eviction conditions, is inadequate.**

42. The representative of Bulgaria, Mr Alexander EVTIMOV, took the floor:

1) and 2) *Immediately after receiving these Conclusions, in order to familiarize with, plan and take the necessary actions needed to improve the situation, they were sent with a letter of the Minister of Labour and Social Policy to her colleagues from the relevant competent ministries and to the heads of the respective institutions, which have relation to the 17th National Report on the European Social Charter (ESC) (revised) under the thematic group “Children, Families, Migrants” (the Minister of Justice, the Minister of Interior, the Minister of Regional Development and Public Works, the Minister of Education and Science, the Minister of Health, as well as the heads of the National Social Security Institute, the State Agency for Child Protection, the General Labour Inspectorate and the Social Assistance Agency at the Ministry of Labour and Social Policy).*

Specifically, on the first ground of non-conformity of Art. 16, up-to-date information on the newly taken measures and the achieved results was received from the Ministry of Justice, the Ministry of Interior and the Social Assistance Agency.

3) *If so, indicate the methods/ grounds – how the actual situation is dealt with in your country, by providing e.g.:*

- *Law/ Policy/ Legal framework;*

Calendar for preparation and adoption of amendments to the relevant legislation

In February 2019, regulatory amendments were adopted to the Penal Code, criminalizing all forms of domestic violence:

- A definition of cases, in which the crime is committed “under the conditions of domestic violence”, was introduced;
 - The aggravated circumstances were supplemented by introducing a more severe criminal liability for murder and for infliction of bodily injury under the conditions of domestic violence;
 - Domestic violence was raised as a qualifying element in the system of a number of criminal offences – kidnapping, unlawful imprisonment, coercion, threat of a crime;
 - All forms of systematic monitoring of another person aimed to arouse in the monitored person a justified fear for his or her safety or for that of his or her close people were raised to a crime;
 - It was stipulated that for a medium bodily injury caused to an ascending relative, a descending relative, a spouse, a brother or a sister, the criminal proceedings will be of a general nature, will be initiated based on complaint of the victim to the prosecutor and will not be terminated thereafter at his/her request;
 - Higher sanctions were introduced for non-execution of a court decision or an order for protection against domestic violence. A more severe criminal liability was introduced in the event of repetition of the act related to thwarting the execution of the judgement and non-execution of a protection order against domestic violence and a European protection order. The amendments and additions introduced by the Law on Amendment and Supplement to the Penal Code provide for criminal prosecution in respect of acts committed under the conditions of domestic violence, as follows - Art. 116, para. 1, item 6a of the Penal Code (murder); Art. 131, para. 1, item 5a of the Penal Code (causing bodily injury); Art. 142, para. 2, item 5a of the Penal Code (kidnapping); Art. 142a, para. 4 of the Penal Code (unlawful imprisonment); Art. 143, para. 3 of the Penal Code (coercion); Art. 144, para. 3, 3rd proposal of the Penal Code (threat of crime); Art. 144a, para. 3 of the Penal Code (systematic monitoring); Art. 296, para. 1 of the Penal Code (non-execution of a court decision); Art. 296, para. 4 of the Penal Code (repeated non-execution of a court decision).
- The same year, the Penal Procedure Code (PPC) was supplemented by two new provisions (Art. 67“a” and Art. 417“a”), which provide for immediate informing the victim with specific protection needs in cases, where the detained perpetrator of the violence escapes or is released temporarily or permanently.
- Additionally, in 2019, a draft Law on Amendment and Supplement to the Penal Procedure Code was prepared with the aim of fully introducing into the Bulgarian legislation the requirements of Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards for the rights, support and protection of victims of crime and replacing Council Framework Decision 2001/220/JHA. In line with the requirements of the Directive, the draft law extends the list of procedural rights of the victims, including domestic and gender-based violence:
- The right to be accompanied by a person of their choice is added;
 - The right to translation is supplemented - the victim is granted the right to receive a translation of the decree for refusal to initiate criminal proceedings if he/she does not speak Bulgarian;
 - The possibility of conducting repeated or additional interrogation of the victim as a witness is restricted;
 - It is envisaged that the interrogation of persons with an established specific need for protection may be carried out in a suitable room, in the presence of a pedagogue or a psychologist, by the same investigative body, if a re-interrogation is necessary. Interrogation will be mandatory when taking measures to avoid contact with the accused;
 - It is arranged to carry out, without undue delay, an individual assessment of the victim after the first contact of the competent authorities with him/her. In this regard, amendments to the Law on Assistance and Financial Compensation of the Victim of Crime are proposed - a whole new Chapter Two “a” dedicated to the individual assessment. It explicitly provides for mandatory acceptance that there are specific protection needs when the victim is a child or when the person has suffered from a crime committed under the conditions of domestic violence; a crime committed on racist or xenophobic grounds, as well as when the victim is financially or otherwise dependent on the perpetrator;
 - Possibility is provided for the family members of the victim, who have suffered from material and non-material harm from crimes of a general nature, to also receive assistance under the

Law on Assistance and Financial Compensation of the Victim of Crime. For the sake of clarity, a separate definition of “family members” of the victim is introduced.

Last year, an Interdepartmental Working Group was established at the Ministry of Justice with the following task: “Preparing a draft Law on Amendment and Supplement to the Law on Protection against Domestic Violence”, which aims to improve the legislation in the field of protection against domestic violence and social support for victims and to synchronize it with European legislative practices. The Working Group is in the process of finalizing its activity and a draft Law on Amendment and Supplement to the Law on Protection against Domestic Violence and motives thereto have been elaborated.

The main provisions in the proposed draft law are as follows:

- Expanding the circle of people victims of domestic violence who may seek protection under the Law on Protection against Domestic Violence;*
- Increasing the measures of protection against domestic violence that may be imposed by the competent authorities;*
- Expanding the circle of persons who may initiate proceedings before the court for issuing a protection order;*
- Establishment of a national body for coordination, monitoring and evaluation of policies and measures to prevent domestic violence and to improve the interaction between the various state authorities and the organizations that are related to the problem;*
- Establishment of a coordination mechanism providing clear rules of action and coordination between the competent authorities and organisations, thus ensuring reliable, timely and adequate protection of victims of violence;*
- Creation of a database and systematic collection of statistical information on domestic violence;*
- Regulation of prevention and protection programmes and specialized services providing protection from the period of perpetration of the domestic violence to the full recovery of the victims and their social inclusion;*
- Optimization and improvement of judicial proceedings for imposing protection measures against domestic violence in the direction of speed, effective enforcement and creation of guarantees for protection of the interest of victims;*
- Defining the concepts of “economic violence”, “psychological violence” and “actual cohabitation” in order to cover and protect against all forms of domestic violence;*
- Amendments to the provisions of the Penal Code criminalizing domestic violence in the spirit of the recommendations of the Committee on the Elimination of Discrimination against Women (CEDAW).*

Pursuant to the Law on Social Services, in force as of 01.07.2020, a person that has suffered from domestic violence or is a victim of trafficking is immediately referred to a social service by the Social Assistance Directorate of the Social Assistance Agency (SAA), regardless of his/her current address. When the person is accompanied by a child and is his/her parent or guardian, the child is accommodated together with him/her. Where the victim of domestic violence or a victim of trafficking is a pregnant woman or the mother of a child under 3 years of age and is at risk of abandoning her child, she shall be placed immediately in a Crisis Centre or in a “Mother and Baby” Unit together with the child. In the event that the mother is accompanied by another child of her own - over 3 years old, that child is also accommodated with her. In the event of imminent danger to the lives of persons and their children, the social service provider shall notify the Regional Police Department (RPD) of the location of the social service.

Children and/or victims of violence that have suffered from violence can benefit from the Crisis Centre social service for up to 6 months, as the activities are aimed at providing individual support, meeting daily needs and providing legal advice to users or socio-psychological assistance when immediate intervention is required, including through mobile crisis intervention teams.

The targeted actions to build a network of social services in the community are an essential element of the overall process of supporting and protecting the rights and interests of children and families. The social services, delegated by the state activities for children and people victims of violence, on the territory of the country are currently the following:

- 19 Crisis Centres for children, with a total capacity of 196 seats;
- 6 Crisis Centres for persons with a total capacity of 64 seats;
- Case law;

According to statistics of the Ministry of Interior, over the last 6 years there have been persistent trends in increasing the number of persons who have sought help and have received from the courts orders for protection against domestic violence:

2014 1,895 orders
 2015 2,121 orders
 2016 2,323 orders
 2017 2,440 orders
 2018 2,981 orders
 2019 3,240 orders

Statistics also show that the number of alerts of domestic violence received at the Single European Emergency Number (SEEN) 112 is increasing:

2016 28,687 alerts
 2017 29,127 alerts
 2018 31,166 alerts
 2019 34,250 alerts

Alerts of domestic violence are received daily at the SEEN 112 and each alert is recorded (the record is kept for 5 years). After conducting the initial conversation with the injured person, the receiving operator redirects the alert for reacting to the nearest RPD at the location of the person submitting the alert. According to the Law on Protection against Domestic Violence, the person should apply directly to the court for issue of a restrictive order. A copy of this order is sent for control to the RPD at the current address of the perpetrator and the injured person.

Certainly, the increases in alerts and protection orders mentioned above are most likely the result of the considerably increased awareness of the population and institutions of these problems (see item 4 below). It should be noted that the number of protection orders does not equal the number of injured persons, as often one order protects the rights of more than one person.

Following the announcement of the state of emergency in Bulgaria on 13.03.2020 in relation with limiting the spread of the COVID-19 pandemic, unfortunately, like in many other countries, there has been an increase in the number of alerts of domestic violence. While 819 alerts were submitted to SEEN 112 for the first 2 weeks of March, 4,875 alerts were submitted for the next 8 weeks (after the state of emergency) (nearly 200 alerts per week more).

- National practice;

Access to justice for victims of domestic violence

Within the framework of the Programme “Justice” of the Norwegian Financial Mechanism (NFM) 2014-2021, of which the Ministry of Justice is Program Operator, implementation of 2 projects started at the beginning of 2020:

The beneficiary of the project “Prevention and Counteraction of Violence against Women and Children and Domestic Violence” is the National Institute of Justice in partnership with the Ministry of Justice. The implementation of the project will contribute to enhancing the capacity of the Bulgarian institutions in the field of domestic violence and violence against women and children, focusing on the capacity of professionals in the justice sector to comply with institutional practices and European standards in the field of domestic violence and gender-based violence (DVGBV).

The project includes the following activities:

- Raising the awareness of the competent authorities;
- Capacity building through the development of educational materials, trainings and development of a case management guide on DVGBV issues for magistrates;
- Evaluation of the pilot coordination mechanism for cooperation planned in the programme.

The beneficiary of the project “Improving Access to Justice for Persons below the Poverty Threshold with a Special Focus on Women, Children and the Roma Community” is the National Legal Aid Bureau in partnership with the Norwegian Judicial Administration. The implementation of the project will contribute to increasing the capacity of Bulgarian institutions in the field of domestic violence and violence against women, children and the Roma community by improving access to justice for Bulgarian citizens living below the poverty threshold. Special attention is paid to 3 main target groups: victims of domestic and gender-based violence, children at risk and Roma communities, especially in remote and isolated rural areas.

The project includes the following activities:

- Ensuring access to legal assistance for vulnerable groups by developing a mechanism for cooperation at local level in response to domestic and gender-based violence, as well as establishment of mobile legal assistance units;

- Strengthening the capacity to provide quality services to vulnerable groups in Bulgaria by raising awareness about the availability and accessibility of free legal assistance.

- Action plans.

Within the framework of its duties as an administrative authority, the SAA annually participates in the preparation of the National Programme for Prevention and Protection against Domestic Violence by offering activities falling within its functional portfolio.

Every year the Ministry of Labour and Social Policy organizes professional trainings aimed at increasing the professional capacity of the employees in the territorial divisions of the SAA - Social Assistance Directorates (SADs). Due to the relevance and the need to continuously upgrade the knowledge and skills and to improve the work of SAD employees in their engagement with persons and children victims of violence, the annual programmes and training catalogues of the Centre for Human Resources Development and Regional Initiatives of the Ministry of Labour and Social Policy cover and feature professional trainings related to the topic.

4) Results (when supplying data, figures or estimates, highlight only the key figures).

Preventive measures effectively implemented and results achieved to raise awareness

The Ministry of Interior in 2016-2017 under the project “Improving the national legal framework in accordance with the standards of the Council of Europe and strengthening the capacity of competent institutions dealing with cases of domestic and gender-based violence”, financed under the NFM, and specifically the Directorate General “National Police” (DGNP), together with partner organizations from the country, conducted 3 seminars with the participation of 180 police officers from all over the country. Under the project, 2 guidelines were developed and 2 trainings for a total of 56 trainers were conducted with the participation of experts from the Council of Europe.

The DGNP is one of the partners in the implementation of activities under an OSCE project on: “Effective strategies and practices of the criminal justice system to combat gender-based violence in Eastern Europe”, in partnership with Romania and Hungary. One of the objectives of the project is to increase the readiness of victims to report acts of violence by enhancing the effectiveness of law enforcement and judicial authorities, investigative institutions, medical professionals and social workers.

The awareness-raising campaign was conducted in 2019, during the 16 Days against Gender-based Violence (25 November - 10 December). It targeted practitioners in the field and the general public.

Information materials were developed and disseminated, reaching nearly 5 million people and 15,000 practitioners in this field in the partner countries. A total of 15,000 posters were printed in the 3 countries, placed in public places such as police stations, post offices, pharmacies, hospitals, as well as distributed on social networks.

In Bulgaria, the presentation of the poster to the general public on social networks was realized through the official website of the DGNP on Facebook, used as a pilot for the distribution of advertisements on social networks. This maximized the number of people they reached (nearly 657,000 unique users with over 1.7 million Facebook and Instagram views, and nearly 406,000 unique users with nearly 3.4 million Google Display Network views). The

poster was also advertised intensively on TV and radio channels, reaching more than 1.3 million people (23.1% of the total population) in the 2 weeks of the campaign.

Currently, DGNP participates in the implementation of the project "Prevention and Response to Domestic Violence in the Context of the COVID-19 Pandemic", which is funded by the Ministry of Justice. The project is a continuation of a joint initiative for building a "reception room for victims of domestic violence in the Pirogov Emergency Hospital", held in 2019.

Within the project, experts from the DGNP will participate in the implementation of 2 project activities – a meeting-conference of institutions and organizations working on domestic violence issues and the creation of a national specialized website on domestic violence with free access.

It should also be pointed out that according to Art. 6, para. 7 of the Law on Protection against Domestic Violence, annually the budget of the Ministry of Justice determines funds for financing projects of non-profit legal entities that carry out activities under this Law for the development and implementation of programs for prevention and protection against domestic violence.

In 2019, 11 NGOs were financed with BGN 440,000 (EUR 225,000) to implement the following activities:

- Programmes for providing assistance to victims of domestic violence: social, psychological and legal counselling – Art. 6, para. 7, item 2, letter "a" of the Law on Protection against Domestic Violence

- Specialized programs for perpetrators of domestic violence: social and psychological counselling – Art. 6, para. 7, item 4 of the Law on Protection against Domestic Violence;

- Monitoring of the application of the Law in the five appellate judicial regions in the country – Art. 6, para. 7, item 1, letter "c" of the Law on Protection against Domestic Violence.

5) Conclusion/ wrap up.

The above gives us reason to believe that the newly planned and taken measures are in the right direction as per the ECSR's Conclusions. "

43. The Chair highlights that the main problem is on the issue of violence against women, as there is no protection either in the legislation, nor in practice. It is an important question, even if it is a first non-conformity. Bulgaria has produced evidence of many bills which look promising. Denmark asked to have a voting on all those countries not having ratified the Istanbul Convention, Norway, Iceland, and Sweden supported this. Bulgaria had not ratified the Convention alleging it was against its Constitution. Other delegations say that Bulgaria is advancing and therefore to wait.

44. The GC did not have a vote and will await assessment by the ECSR in the next report.

RESC 16 LATVIA 2nd ground of non-conformity

The ECSR concluded that the situation in Latvia was not in conformity with Article 16 of the Charter on the grounds that:

- **equal treatment of nationals of other States Parties regarding the payment of family benefits is not ensured because the length of residence requirement is excessive;**
- **family benefits are not of an adequate level for a significant number of families.**

45. Latvia's representative presented the updated situation:

Improvements in the situation

The amount of the family state benefit is higher for those families in which the number of children significantly exceeds the number of breadwinners. To create more favourable conditions for large families, from 1 January 2017 the amount of the family state benefit for the fourth child and following children has been increased (reaching 4.4 times of the amount of the benefit for the first child (11.38 EUR X 4.4. = 50.07 EUR; 34.14 EUR previously)).

Moreover, a supplement has been introduced to the family state benefit. Starting from 2018, additional financial resources were allocated for that purpose: 28 240 000 EUR in 2018; 32 450 000 EUR in 2019 and 32 450 000 EUR in 2020.

The current Government of Latvia has prioritized the improvement of demographic situation and the quality of life for families. In this respect the Cabinet of Ministers supported several activities put forward by the Expert Cooperation Platform "Demographic Affairs Center" - a detailed action plan and tasks with a timeframe for different ministries was approved on 22 September 2020 (protocol No. 55 38.š):

Considering economic development trends, reviewing certain state budget items and assessing compliance with statutory fiscal conditions, the Ministry of Welfare of the Republic of Latvia has been given the assignment to develop the necessary draft legislation on additional support for families with children in accordance with the proposal of the Expert Cooperation Platform "Demographic Affairs Center" on family state benefit reform so that these are adopted by 1 March 2021:

Namely, the Ministry of Welfare shall prepare and submit for consideration to the Cabinet of Ministers draft regulatory enactments by 1 March 2021, providing that the family state benefit as of 1 January 2022 for a dependent child shall be increased:

- for 1 child under 20 years of age 25 EUR per month;
- for 2 children under 20 years of age 100 EUR per month (50 EUR for each child);
- for 3 children under 20 years of age 225 EUR per month (75 EUR for each child);
- for 4 and more children under 20 years of age 100 EUR per month for each child.

In 2022 it is planned to allocate additionally EUR 81 million for the envisaged changes in the state family benefit scheme.

The changes will merge the currently existing two parts of the family state benefit – the family state benefit and the supplement to the family state benefit for the second and following children.

The average amount of parental benefit has gradually increased from 347.28 EUR in 2016 to 429.09 EUR in 2019.

The Law on Maternity and Sickness Insurance has been amended (effective as of 1 January 2020) regarding the sickness benefit in case of caring for a sick child. To care for children with diagnosed severe illnesses, the sickness benefit is granted to care for a child under the age of 18, if - 1) doctors' council has issued an opinion, stating that constant presence of a parent is necessary and the child requires long-term treatment at an in-patient medical institution; 2) disabled child care benefit has been granted for the child. In both cases the maximum benefit duration is 26 weeks continuously or 3 years within a 5-year period (compared to 14 or 21 days previously).

As elsewhere, Latvia has to address the impact of the COVID-19 pandemic.

There have been additional budgetary funds allocated to families with children during the COVID-19 crisis:

1) thus, a special flat rate supplement of 50 EUR per month per each child has been allocated to all recipients of idle time allowances (due to pandemic). The same amount has been granted to the families receiving municipal crisis benefit (linked to COVID-19 crisis);

2) the child care benefit for parents caring for 1.5 to 2 years old children has been increased from 42.69 EUR up to 171 EUR during the emergency situation; the parental benefit expiring during the state of emergency was continued for parents not able to return to work after child care leave expired;

3) a one-off payment of 150 EUR was granted to parents caring for children with disabilities;

4) the benefit paid to a custodian for supporting a child has been increased by 50% during the emergency situation.

The chronological changes in the scheme of the family state benefit (the benefit amount in EUR over the years)

Type of the benefit	The amount (in EUR) of the benefit in 2014	The amount (in EUR) of the benefit in 2015	The amount (in EUR) of the benefit in 2016	The amount (in EUR) of the benefit in 2017	The amount (in EUR) of the benefit in 2018*	The amount (in EUR) of the benefit in 2019
Family state benefit	11,38 (for the 1 st child) 11,38 (for the 2 nd child) 11,38 (for the 3 rd child) 11,38 (for the 4 th child)	11,38 (for the 1 st child) 22,76 (for the 2 nd child) 34,14 (for the 3 rd child) 34,14 (for the 4 th child)	11,38 (for the 1 st child) 22,76 (for the 2 nd child) 34,14 (for the 3 rd child) 34,14 (for the 4 th child)	11,38 (for the 1 st child) 22,76 (for the 2 nd child) 34,14 (for the 3 rd child) 50,07 (for the 4 th child)	11,38 (for the 1 st child) 22,76 (for the 2 nd child) 34,14 (for the 3 rd child) 50,07 (for the 4 th child)	11,38 (for the 1 st child) 22,76 (for the 2 nd child) 34,14 (for the 3 rd child) 50,07 (for the 4 th child)
Supplement to family state benefit	-	-	-	-	10,00 (for 2 children) 66,00 (for 3 children) For every following child +50,00 116,00 (for 4 children) 166 (for 5 children) 216 (for 6 children) etc.	10,00 (for 2 children) 66,00 (for 3 children) For every following child +50,00 116,00 (for 4 children) 166 (for 5 children) 216 (for 6 children) etc.
Supplement to family state benefits for a child with disabilities	106,72	106,72	106,72	106,72	106,72	106,72

*The age until which the family state benefit is payable has been increased from 19 to 20 if the child is studying.

46. The Chair notes that the Government refers to the same numbers as had been assessed by the ECSR: in its Conclusion 2019, according to the report, the monthly amount of the Family State Benefit remained unchanged (€11.38) for the first child but was increased for the subsequent children (€22.76 for the second child, €34.14 for the third child, €50.07 for the fourth and following children). These data are the same as presented in the observations: “from 1 January 2017 the amount of the family state benefit for the fourth child and following children has been increased (reaching 4.4 times of the amount of the benefit for the first child (11.38 EUR X 4.4. = 50.07 EUR; 34.14 EUR previously))”. Also, the information on benefit in 2019 429.09 EUR = refers to average, however, the conclusion says about an inadequate minimum benefit.

47. ETUC expresses that there could be new legislation. Greece supports the follow up to new information, followed by France. The Chair recalls that this a long standing problem, but as there is no vote proposal, the GC will just take note and await the next assessment by the ECSR.

RESC 16 MOLDOVA (1st and 3rd ground of non-conformity)

48. The Secretariat recalls that **the ECSR concluded that the situation in the Republic of Moldova was not in conformity with Article 16 of the Charter on the following grounds:**

- **there was no adequate protection for women victims of domestic violence, in law and in practice;**
- (...)
- **family benefits do not ensure economic protection of a significant number of families by appropriate means;**

49. Moldova was not represented and did not submit any information. The Chair recalls that this is again an essential issue of lack of protection of women against domestic violence, as well as the inadequate level of family allowances. It is a second examination by the GC and a 3rd non conformity. However, in the past, the non conformity was based on lack of information. Moreover, the ECtHR has condemned Moldova on this point in *T.M. and C.M. v. the Republic of Moldova*, application No. 26608/11, Judgement of 28/01/2014).

50. The GC adopted an automatic warning due to the lack of information and representation from Moldova.

RESC 16 SLOVAK REPUBLIC (only 1st ground of non-conformity)

51. The Secretariat presents the situation. **The ECSR concluded that the situation in the Slovak Republic was not in conformity with Article 16 of the Charter on the grounds that:**

- **the measures taken did not ensure an adequate protection of women against domestic violence;**
- (...).

52. The Slovakian representative submits the following information:

The Slovak Republic considers violence against women to be one of the most significant forms of violation of women's human rights and therefore it takes the opportunity to present several new initiatives and new development that occurred outside of the reference period.

Tackling the issue of elimination and prevention of violence against women is in the competence of the Ministry of the Interior, Ministry of Education, Science, research and Sport,

Ministry of Labour, Social Affairs and Family, Ministry of Health of the Slovak Republic and other institutions and bodies, especially self-governing regions. In 2018, the Slovak Republic established the Coordination and Methodological Centre for the Prevention of Violence against Women (further as "KMC"). The aim of the KMC is to ensure professional coordination of individual activities through uniform methodological guidelines for the provision of services in the field of prevention and elimination of violence against women and children, creating conditions for multi-institutional cooperation of helping professions and ensuring their education system, as well as conducting research, monitoring and awareness-raising activities.

In the field of expertise, the material Selected Aspects of Expert Assessment of Cases of Violence against Women was prepared within the KMC, which identifies problematic areas of expert assessment in these cases and outlines possible solutions to avoid secondary victimization of women. As the activity of experts in the field of psychology and psychiatry is a highly specialized activity and in criminal proceedings and civil proceedings is often an important element of further support and protection of women from violence, we have established cooperation with the Ministry of Justice of the Slovak Republic with expert, interpreting and translation activities. Subsequently, in cooperation with this institute, a round table was held with representatives of the expert community and experts providing specialized services to women experiencing violence. The KMC also published the publication Expert Assessment of Domestic Violence in the Context of Guardianship Disputes over Children. Methodological bases for forensic experts. The methodology contains procedures for providing specialized comprehensive support and protection for women experiencing violence and their children on the National Line for Women and other telephone lines, in counselling centres for women and in women's safe homes. It contains procedures common to all forms of violence against women, but primarily for violence between couples.

The KMC published a Report from Representative Research - Sexual Violence against Women. The research study processes the results of a representative research on sexual violence against women in Slovakia carried out on a sample of 2,119 women aged 18-70 years. It focuses on women's experiences of sexual violence before and after 15 years of age. It presents the profile of women with such experiences, the forms of violence they have experienced, the division according to perpetrators into partner and non-partner sexual violence and their specifics, the consequences of sexual violence and seeking help. The lifetime prevalence of sexual violence is 4.9%, with a prevalence rate of 3.8% after the age of 15. The full research report is available at www.zastavmenasilie.gov.sk

An additional new measure that was adopted outside of the reference period includes a new category of misdemeanours that was introduced in the Misdemeanour Act - an offense against civil cohabitation committed against a close or entrusted person, as the previous definition did not allow the evaluation of the total number of offenses against a close person.

In connection with the amendment of the Misdemeanour Act, an amendment to the Police Force Act extended the period of expulsion of a violent person from a shared residence from 48 hours to 10 days, while expulsion of a violent person also includes a ban on approaching the endangered person closer than 10 meters.

In January 2018, the Act no. 274/2017 on victims of crime was introduced and adopted by the parliament. The law took over the legal regulation of compensation for victims of violent crimes, and also responded to requests from practice. The law transposes EU Directive 2012/29 on minimum standards for the protection, assistance and support of victims of crime. The law introduced new concepts into the legal system, such as the victim and a particularly vulnerable victim, which had previously been absent. At the same time, domestic violence is defined by law for the first time. The law states that "a domestic violence is an offense committed by violence or threat of violence against a relative, an adopter, an adopted child, a sibling, a spouse, an ex-spouse, a partner, a former partner, a parent of a child or another person living with the perpetrator, or who has lived in the same household. "A catalogue of

the rights of victims of crime was created and the law defines the scope of professional assistance services. The law is based on the concept that services for victims should be provided within one roof - from legal through psychological counselling to other necessary interventions. The law introduced the accreditation of organizations that provide services to victims, thus ensuring a sufficient quality of services provided.

As for the statistical data on the number of victims of abuse, the Slovak Republic would like to state the following:

Total number of victims, and of that - women (2008 – 2019) of the selected crimes and misdemeanours

	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Homicide - total	94	78	82	88	63	78	65	48	60	80	67	76
Homicide - women	24	32	31	31	18	23	19	14	20	19	26	15
Robbery - total	1217	1078	908	671	764	637	512	435	453	400	411	371
Robbery - women	353	366	307	260	253	203	190	141	148	123	100	101
Abuse of a close person - total	497	371	279	343	284	268	222	278	453	502	423	405
Abuse of a close person - women	377	277	207	246	209	184	191	208	344	280	331	318
Rape (only female victims)	152	142	117	150	88	91	87	87	82	96	99	97
Sexual abuse - total	387	396	369	542	497	482	533	554	514	517	491	521
Sexual abuse - women	333	225	309	437	412	414	466	470	422	444	411	424
Trafficking in persons - total	11	9	9	19	23	11	11	14	20	27	28	17
Trafficking in persons - women	9	7	4	8	13	5	10	7	8	13	18	13

Source: Department of Information Systems of the Police Force Presidium

The implementation of two national projects by the Institute for Labour and Family Research, co-financed by the ESF, resulted in strengthening the institutional support for victims of violence against women and domestic violence. The aim was to improve the provision of assistance to women and their children experiencing violence and to ensure the regional availability of supportive social services. The main purpose of the project was to support existing social services (counselling centres) throughout the Slovak Republic so as to ensure their regional accessibility. An important activity within these projects was the establishment of a national free non-stop telephone line 0800 212 212, the task of which is to provide telephone counselling to victims of domestic violence and, if necessary, to contact the counselling centre and hand over the woman to specific care.

As a part of the National Project Support for the Elimination and Prevention of Violence against Women supported by the European Social Fund and implemented under the Operational Program Employment and Social Inclusion, 8 regional groups of multi-institutional cooperation composed of representatives of relevant institutions were created in 2019 with the aim to analyse and evaluate the possibilities of systematizing crisis intervention at the regional level in cases of violence against women at high risk of life-threatening. As a result, specialised teams of experts were created at the municipality levels to provide assistance to victims of such abuse.

Similarly, in recent years, several measures have been taken within the Police Force of the Slovak Republic in order to improve and streamline the service activities of police officers in dealing with cases of violence against women and domestic violence. In February 2019, in cooperation with the KMC, an initial analysis of the current situation in the field of

Police Force activities in resolving cases of violence against women and domestic violence was prepared, focusing on the possibilities of creating specialised forces within the Police Force environment. The Police Department of the Presidium of the Police Force of the Slovak Republic participated in the National Project of the Ministry of the Interior of the Slovak Republic in 2019 entitled "Improving the Access of Victims of Crime to Services and Creating Contact Points for Victims" within which numerous seminars on the prevention and solving of domestic violence against women for the police officers were conducted.

In the field of standardization of education and primary prevention, we are building further activities based on the analysis of existing and available education programs, subjects, existing curricula at universities, high schools, elementary schools and kindergartens in the field of equality between women and men and violence against women. The analysis contains recommendations for further activities in the field of education of pupils in kindergartens, primary schools, secondary schools, grammar schools and secondary schools in the field of protection and the need to protect women from violence and domestic violence, as a part of education in educational areas of several subjects, such as the ethics education, civics, catholic and evangelical religious education according to state education plans. The analysis also contains recommendations for the education of future professionals affected by selected professions: university students with a focus on studying in the field of pedagogy, social work, psychology.

In the Slovak education system, the issue of violence against women, sexual violence, as well as trafficking in human beings is generally addressed in the teaching of human rights topics (especially in the subjects of civics and ethics). It is implemented on the basis of performance and content standards contained in updated state education plans for the 2nd level of primary school (lower secondary education) in the thematic unit Human Rights and Freedoms and updated state education plans for grammar schools with four-year and five-year educational program (upper secondary education) in the thematic unit the Citizen and the State. In both cases, the key words are tolerance, discrimination, human rights documents, the human rights protection system, the rights of women and children.

Since 2017, the Ministry of Labour and Social Affairs of the Slovak Republic has been implementing a nationwide media campaign "Because I say NO" about sexual violence against women. The aim of the campaign is to increase young people's sensitivity to sexual violence and to publicly reject it. The message of the campaign approached the basic definition of sexual violence as sexual activities that take place using any psychological or physical coercion or despite the disagreement of the other party. In November 2019, a public campaign called Stop Violence Against Women was launched, which invited the general and professional public to express NO to violence against women. At the beginning of the campaign, the President of the Slovak Republic, Zuzana Čaputová, was invited to the campaign. Other institutions joined the campaign - the Slovak National Centre for Human Rights, the Faculty of Social and Economic Sciences of the Comenius University, the Faculty of Arts of the Comenius University, the City of Bratislava, NGOs Sexistický kix, EsFem, MyMamy and Živena and the public by sharing the campaign's visuals on social networks Facebook and Instagram. The campaign was opened and ended with public discussions in Bratislava and Prešov.

In the field of primary prevention, the KMC focuses on the prevention of violence, in particular by informing young people, and organizing discussions on violence. In cooperation with the Human Rights Olympics, organized by the Helsinki Committee in Slovakia, the KMC opened its offer of activities in the field of prevention in October 2015. Teachers of secondary schools had the opportunity to participate in lectures on violence against women and domestic violence from a human rights perspective and workshop on "Domestic and gender-based violence". At present, individual workshops are organized in secondary schools. The KMC also regularly holds public discussions on topics related to violence against women - in the years 2018 - 2019, 8 such discussions were held. Information for the professional and lay public is also regularly published through the website zastavmenasilie.gov.sk, the blog on

Dennik N newspaper - Let's Stop Violence and the Facebook and Instagram profile of the KMC.

Within the national project Prevention and Elimination of Violence against Women, 21,000 posters and 26,500 stickers with information on provided services were prepared and printed, of which 8,340 information posters in various language versions: 5,000 in Slovak, in Hungarian 920 pcs, in Romani 450 pcs, in Ukrainian 670 pcs, in English 850 pcs and in Vietnamese 450 pcs, as well as 10,000 stickers with the telephone number of the hotline 0800 212 212.

The Slovak Republic gave priority to the issue of violence against women during its presidency (2019) in the Organization for Security and Cooperation in Europe (OSCE), especially in May 2019 in Vienna, the international conference "Combating violence against women and girls. OSCE - led survey on violence against women, well-being and safety of women. Commitment - data - action! ". During the Implementation Meeting on the Human Dimension of the OSCE (the largest human rights conference in Europe) in Warsaw in September 2019, the Ministries of Diplomacy and Labour jointly organized an accompanying event "Prevention and Combating Violence against Women". The event created an opportunity for the presentation of Slovak examples of good practice in the fight against violence against women.

The above mentioned measures represent only some of the initiatives aimed at combatting violence against women. More detailed information will be presented in the next report on this article.

53. The Chair notes of the setting up of a new coordination centre (KMC) and some initiatives to establish methodologies and procedures, also takes note of a survey and a report published (but effective follow-up needs to be assessed). It is also relevant to consider the setting up of regional multi-institutional cooperation and municipal teams. The legislative amendments to Misdemeanour act are quite important, mainly the fact of extending period of eviction of perpetrator (from 48h to 10 days) and the introduction of emergency barring (10 meters). It remains to be seen it stills provide that the emergency can only start in working days. It further takes note of the new law 2018 on compensation of victims, also introducing services to victims within one roof and the statistics of victims (ask also data re emergency orders requested/granted and shelters). There is improvement in the support (setting up of free helpline) and asks for updated information to be provided in the next report (notably on projects concerning police and other awareness raising/training activities and campaigns)

54. The Parliament in 2018 had rejected the ratification of the Itsnabul Convention, but there is some real progress in the way.

55. The GC agreed to await the next report and encourage Slovakia to pursue the initiatives taken.

RESC 16 UKRAINE (only 1st ground of non-conformity)

56. The Secretariat presented the situation: **The ECSR concluded that the situation in Ukraine was not in conformity with Article 16 of the Charter on the grounds that:**

- **women are not ensured adequate protection against domestic violence, in law and in practice;**
- **(...)**

57. The representative of Ukraine takes the floor:

"In 2019 a new version of the Law of Ukraine "On Social Services" was adopted, which came into force on January first 2020.

This Law determines the basic organizational and legal ground for the provision of social services to individuals and families in difficult life circumstances, in particular through: loss of social ties; gender-based violence, domestic violence, getting into a situation of human trafficking and other important reasons.

The law defines 16 basic social services that must be provided in administrative-territorial units.

Measures to ensure decent housing for families raising minor children are carried out by the state through the provision of material assistance, in particular: maternity benefits (uninsured persons) at the birth (adoption) of a child; children of single mothers; children under guardianship or trusteeship; children with serious illnesses not recognized as disabled; large families, children with disability from childhood and children with disability; low-income families.

In addition, the Government has taken such decisions to support families:

1) Since September 2018, with the support of UNICEF, Ukraine has been implementing a project for social support for mothers - "Children's Package". Every woman giving birth receives as a gift everything necessary for the first period of a baby's life (clothes, diapers, etc). As of today, more than 529 000 families have received a "baby package". The State budget allocated 500 million UAH in 2018 and 17 000 million UAH in 2019 to implement this initiative.

In 2020, the mechanism for providing a "baby package" from a one-time assistance to a compensation payment was changed. Resolution of the Cabinet of Ministers of Ukraine dated July 29 2020 № 744 introduced the implementation of the pilot project "Monetization of one-time assistance" baby package from September first 2020 up to December 31 2021.

The specified monetary compensation is a one-time targeted payment for the purchase of goods for newborns and is paid to the current account with a special mode of use, for each newborn child in the amount of UAH 5 thousand, which the recipient or baby's parents can spend independently within 12 months in trade establishments that have entered into with The Ministry of Social Policy of the relevant agreement and undertook to monitor the sale of these funds only certain goods.

2) Since January 2019, another form of social assistance has been introduced for parents who care for a child up to three years old - «municipal nanny». For example, a family with a nanny contract will be able to receive an additional UAH 1 626 per month for the reimbursement of the nanny.

The State budget provides almost 500 000 million hryvnias for this purpose. About 25 000 families will benefit this year.

In order to ensure proper state support for the most vulnerable groups, especially families with children, from January 2020 increased the amount of assistance:

- for children over whom custody or guardianship is established - from 2 to 2.5 times the minimum subsistence level for a child of the corresponding age; for children with disability who are under guardianship - from 2 to 3.5 times the subsistence level for a child of the corresponding age;

- for children who are brought up in family-type orphanages and foster families - from 2 to 2.5 times the minimum subsistence level for a child of the corresponding age; for children with disability who are under guardianship - from 2 to 3.5 times the subsistence level for a child of the corresponding age.

And from the first of July this year the level of provision of the subsistence minimum for children raised in low-income families has been increased - from 85 to 130 percent of the subsistence minimum for a child of the corresponding age.

About domestic violence problem.

Ukraine is actively developing a modern system for preventing and combating domestic and gender-based violence, where due attention is paid to prompt response to each case of violence and their prevention.

In 2020, there was continued the implementation of laws of Ukraine No. 2229 "On Preventing and Countering Domestic Violence" and No. 2227 "On Amendments to the Criminal and

Criminal Procedure Codes of Ukraine in order to implement the provisions of the Council of Europe Convention on preventing and combating violence against women and domestic violence".

The main idea and principles of these laws are aimed at the creation of the legislative framework regarding gender-based violence and domestic violence and to create an effective system for preventing and countering it in accordance with the standards of the Istanbul Convention.

And we all hope that the Ukrainian Parliament will consider to ratify the Convention soon because every thing is ready to present it to our Parliament once.

The law expands the range of persons, violence between whom is considered domestic violence; expands the list of entities that carry out activities to prevent and combat domestic violence and gender-based violence and their powers; provides for broad involvement of the public in this process. The circle of responsible subjects has been expanded: health authorities, education systems, justice have been added; the role of law enforcement and social services has been strengthened. These innovations have laid down the conditions for the effective prevention of violence and the systemic development of a network of modern specialized services for victims.

The Government approved the Concept of the State Social Program to Prevent and Combat Domestic Violence and Gender-Based Violence for the Period until 2023. The program provides comprehensive actions to help reduce the scale of domestic violence. Decentralisation will increase the role of local communities in responding to violence.

During 2019, the subjects of interaction recorded 130,514 complaints about domestic violence, which is 15% more than in the same period one year before (110,687 complaints): 1055 appeals were received from children;

from women - 114,811 appeals, which is 88% of the total number;

from men - 14,648 appeals, which is 10.5% of the total number of appeals.

According to the information of the National Police of Ukraine, the territorial police bodies received 127,374 applications and reports of committed offences related to domestic violence.

Based on the results of the verification of these appeals, 2 458 pre-trial investigations were initiated and 99025 administrative minutes were drawn up.

16,460 formal warnings and 10,213 urgent restraining orders were issued by authorized units of the national police.

In 2019, the precautionary registers of internal affairs authorities included 65,211 citizens, included 102 adolescents in relation to domestic violence.

The Centers for Social Services for Families, Children and Youth registered 11,328 families in difficult life circumstances for abuse, including domestic violence, raising 2,201 children.

From January first this year the provision of social services, including temporary shelters to persons in difficult life circumstances due to the commission of domestic and gender-based violence against them, is provided by:

21 centers for social and psychological assistance;

23 shelters or departments for such victims;

339 special mobile teams of social and psychological assistance;

7 centers of medical and social rehabilitation of victims;

13 day care centers for victims;

142 regional hotlines.

In January 2020, Ukraine launched a single telephone hotline at the national level 15-47 to process appeals and reports from victims of trafficking, domestic violence, gender-based violence, violence against children, or the threat of such violence."

58. The GC has a debate on this issue, which related again to violence against women. Even if there was a new draft law in 2020 to ratify the Istanbul Convention, it has not yet entered into force. However, there are efforts in this field.

59. The GC takes note of the information and encourage Ukraine to continue its developments and will wait for the next assessment.

ARTICLE 17§1 ARMENIA

60. The Secretariat presents the situation: **the ECSR concluded that the situation in Armenia was not in conformity with Article 17§1 of the Charter on the grounds that:**

- **not all forms of corporal punishment of children are prohibited in all settings;**
- **the ratio of children in institutions to the number of children in foster-care or other forms of family-based care is too high;**

(...).

61. The first ground appeared already in Conclusions 2015. The GC examined the situation. The GC took note of the information provided, asked the Government to proceed with the approval of the draft law and decided to await the next assessment of the ECSR. In Conclusions 2011 the ECSR concluded also that the situation in Armenia was not in conformity with Article 17§1 of the Charter on the ground that corporal punishment of children was not explicitly prohibited in the home. The GC examined the situation. On the first ground of non-conformity the GC took note of the positive developments and urged the Government of Armenia to bring the situation into conformity with the European Social Charter.

62. The representative of Armenia presented the following information

“The RA Government takes necessary measures to prevent all forms of violence against children. Here it is worth mentioning, that by the RA Government Decree N 1978 dated December 26, 2019, “The National Strategy for the Protection of Human Rights and the ensuing Action Plan” were approved. By the Action plan, inter alia, until the first half of 2021, it is planned to prohibit corporal punishment of children by law.

According to the results of a study conducted in 2020, the number of children under the age of 14 receiving care in foster families was 1121. 74 children receive care and upbringing in foster families, and it is planned to increase the number of children receiving care and upbringing in foster families to 90 by the end of this year. In parallel to the mentioned, as a result of one of the main priorities of policy in the sphere, which is the deinstitutionalization of a child in a difficult life situation, about 400 children were discharged from the institutions implementing full time care and protection and receive care in a domestic environment. In addition, from January 2020, within the framework of services delegated by the State, services directed to returning children being cared for in institutions and children at risk-group of being placed in an institution to families and prevention of their entry to institutions, and programmes on provision of assistance to the families of children who returned to their biological families and to the families of those children whose entry into institutions was prevented are implemented, within the framework of which services have been provided to 610 children and their families.

Currently there are around 570 children being cared for in the institutions implementing full time care and protection.

❖ **The maximum length of pre-trial detention is excessive.**

The conclusion refers to the maximum period of detention for children, which is 8 months. In this regard, it should be noted that the term mentioned in the Conclusion does not correspond to the RA legal regulations. In particular:

According to Article 57 of the RA Criminal Code: “Persons under 16 years of age at the time of sentencing, pregnant women and persons caring for children under 8 years of age are not put under arrest.”

According to Article 88 of the Code: “Arrest, for the period from 15 days to 2 months, is assigned in relation to a minor who has reached the age of 16 years at the moment of sentence.”

At the same time, according to the Part 3 of the Article 138 of the current RA Criminal Procedure Code, detention carried out at the time of a pre-trial criminal proceeding shall not last longer than 2 months except for the cases prescribed by the mentioned Code. According to the Part 3 of the Article 139 of the Code, while delivering a judgment about the extension of the detention period the court shall determine the terms of the further detention in the time limits prescribed by the Code, the duration of each extension period shall not last longer than 2 months. This applies to both adult and minor detainees. Moreover, in accordance with Article 442 of the Code, application of arrest to an under-aged suspect or accused is allowed only in the case when medium, severe and especially severe crimes are incriminated to him.

The issues of punishment not related to imprisonment for minor convicts are always in the spotlight of the Republic of Armenia.

*In particular, the choice of measures of influence used depends not only on the gravity of the offense, but also on the individual characteristics of the person. **Methods of punishment related to the isolation of minors from the society are used as an extreme measure, with the shortest possible time, in limited and exceptional cases, as the negative consequences of imprisonment have a greater impact on them.***

It should be noted that the study of statistical data on the number of minor convicts from 2015 to July 2020 shows that their number has decreased year by year. The average number of detainees during this period did not exceed 7.

It should also be noted that currently the Republic of Armenia is going to adopt the RA new Criminal Code, within the framework of which peculiarities are envisaged in connection of punishment of minors and persons under the age of twenty-one.

*Thus, according to Article 101 of the Draft of the RA new Criminal Code, **imprisonment of a minor is an exceptional measure of punishment, which is imposed only when no other means can ensure the implementation of the goals of the punishment.** For a minor gravity offense, as in the case of a first-time offense, which is a medium gravity and not accompanied by violence, no minor imprisonment shall be imposed. If the relevant article of the Special Part of the Code does not provide for any punishment other than imprisonment, the court shall impose a milder form of punishment not related to imprisonment applicable to a minor.”*

63. This is a historical non-conformity, which exists from even before 2007. It is a 3rd examination and a 5th non-conformity. The State has announced that it will prohibit corporal punishment in 2021, and that a new action plan is in motion. The timetable is not yet established though.

64. The GC decided to vote on the first ground of non-conformity on a warning. A warning was carried by 16 votes to 2 and 13 abstentions.

RESC 17§1 HUNGARY

65. The Secretariat presents the situation: **The ECSR concluded that the situation in Hungary was not in conformity with Article 17§1 of the Charter on the grounds that:**

- **the maximum length of pre-trial detention is excessive;**
- **unaccompanied children in transit zones are not adequately protected from violence and abuse. (...)**

66. The representative of Hungary presents the following information:

First of all, it must be highlighted that section 276 (1) b) of Act XC of 2017 on criminal proceedings states that pre-trial detention can only be ordered if the desired goal cannot be achieved in any other way. This is the main rule when considering ordering pre-trial detention, and the whole system of coercive measures limiting personal liberty, including criminal supervision and restraining order, has been structured in a way, which guarantees that pre-

trial detention is indeed ordered only as a last resort even against adults, and there are other, less serious coercive measures in place to be used instead of pre-trial detention.

Nonetheless, the general conditions for ordering pre-trial detention also apply in the case of juveniles. However, it is a basic requirement that a coercive measure involving the deprivation or restriction of personal liberty of a juvenile can only be ordered in exceptional cases and for the minimum period necessary. Bearing in mind the requirement of more favourable treatment of juveniles, pre-trial detention can only be ordered if the conditions set forth by section 276 (2) of CPC are met, and only if it is necessary due to the special material gravity of the crime the juvenile is suspected of having committed [section 688 (1) of the CPC]. The rules of the CPC on the pre-trial detention of juveniles aim to highlight the legal policy objective that, when choosing a coercive measure restricting personal liberty, members of the law enforcement and judiciary shall make a clear distinction between juveniles committing serious and violent criminal offences, thus juvenile offenders who are at a higher stage in their criminal careers, and juveniles committing petty or middle-level crimes.

The maximum duration of pre-trial detention of a juvenile is fundamentally determined by the age of the juvenile, while the place of execution of the pre-trial detention is determined by the age and personality of the juvenile, as well as the nature and gravity of the crime they are suspected of having committed. This means that pre-trial detention shall not exceed one year if it has been ordered against a juvenile between the ages 12 and 14 years, and it shall not exceed 2 years if it has been ordered against a juvenile above the age of 14 years unless it has been ordered related to proceedings of second or third instances or repeated proceedings.

On 20 May 2020, the Hungarian government decided on the termination of the operation of transit zones. The asylum authority then arranged the transportation of asylum seekers to an open reception facility, and, by transferring social workers, provided study-hall type education for minors accompanied by their respective families. School education is to be provided for by the local school district. Since May 2020, unaccompanied minor asylum seekers are accommodated in child care institution regardless of whether they have attained the age of 14. Upon the temporary accommodation of a minor, the asylum authority immediately seeks the appointment of a guardian from the guardian authority to ensure the legal representation. The guardian shall be appointed within 8 days after the request.

In the light of the above, the conclusions of the European Committee of Social Rights can no longer be considered timely in asylum context. The relevant legislative changes are included in Act LVIII of 2020 on the Transitional Rules and Epidemiological Preparedness related to the Cessation of the State of Danger, which is effective from June 2020, and the implementing government decrees. Consequently, regulations on mass immigration crisis stipulating that unaccompanied minors between the ages of 14 and 18 have to stay in transit zone for the entire length of the refugee determination procedure are not applicable any longer.

Unaccompanied minors are all placed in Károlyi István Children's Centre located in Fót, which is a state-run child care institution currently with the capacity to accommodate 34 persons, including children left in the territory of Hungary without legal custody and provided with humanitarian residence permit, beneficiaries of international protection and asylum-seekers.

67. The GC debates on the situation. It recalls that in its 2019 Conclusions, the ECSR concluded that the situation was not in conformity with the Charter on two grounds:

- the maximum length of pre-trial detention is excessive;
- unaccompanied children in transit zones are not adequately protected from violence and abuse.

68. As regards the excessive length of pre-trial detention, non-conformity on this ground has been found for a third time (2011, 2015, 2019). Since 2003, the duration of pre-trial detention in Hungary for children under the age of 14 may not exceed one year and that for children over the age of 14 may not exceed two years. The ECSR recalled that a maximum period of two years' pre-trial detention is deemed excessive (see Conclusions 2005, France). It therefore considered that the situation is not in conformity with the Charter. The GC had examined this aspect in 2011 and voted on a Recommendation, which was rejected (1 vote in favour, 15 against). The GC then voted on a Warning on the same grounds, which was adopted (19 votes in favour, 5 against).

69. As regards the second ground of non-conformity, the ECSR noted that in 2017 amendments were introduced to the Act on Asylum to deal with the "crisis situation" and it became mandatory for all asylum seekers to be kept within specifically designated areas of transit zones for the entire duration of the asylum application process. It further noted that many international bodies expressed concern about the situation of children in transit zones. It considered that the situation was not in conformity with the Charter as the inadequate and often unsafe conditions experienced by children in transit zones, in particular unaccompanied children, means that they are not adequately protected from violence and abuse.

70. From the information submitted it appears that there is no change in the length of pretrial detention even if numbers are dropping. Taking into account the seriousness and the fact that there is no substantial change and it is a long standing problem, a vote is recommended. Bulgaria raised that there was no consequence for the GC warning for 10 years, so there is no much use to have a renewed warning in this occasion and that there should be a limited or a review of the rules of procedure in order to limit the number of warnings for a specific non conformity.

71. The GC voted on the first ground and carried a warning by 18 votes to 4.

RESC 17§1 IRELAND

72. The Secretariat presents the situation: **The ECSR concluded that the situation in Ireland was not in conformity with Article 17§1 of the Charter on the ground that the age of criminal responsibility is too low.**

73. The Secretariat recalled that the GC had examined the situation. The Chair, emphasizing that the non-conformity had been found upon a collective complaint, recalled that the issue had very practical consequences. In accordance with its Rules of Procedure, the GC voted on a Recommendation, which was rejected (1 vote in favour, 25 against). The GC then voted on a Warning on the same grounds, which was also rejected (14 votes in favour, 14 against). The GC urged the Government of Ireland to amend its legislation so as to bring the situation into conformity with the European Social Charter. This was the second examination and the second non conformity.

74. Different Irish representatives took the floor and presented the following progress:

Introduction

Many of the issues raised in the preamble to the non-conformity are not directly related to the current non conformity but have already been addressed, following a previous assessment by the committee, and it is acknowledged by the committee that Ireland is now in conformity in relation to the prohibition of corporal punishment in the home and the housing of young prisoners in a separate facility to adults.

Age of Criminal Responsibility and Minors Accused of Serious Offences

The Irish Government has committed to the development of a new Youth Justice Strategy to provide a broad framework for the further development of relevant structures, systems and programmes, as well as legislative development. It is expected that the new Strategy will be published towards the end of 2020.

A number of amendments to the Children Act 2001 will be required to give full effect to the policies which will be detailed in the new Strategy.

While the current legal provisions on the age of criminal responsibility will be considered as part of that process, as well as other parts of the Children Act, including in relation to the prosecution of serious offences, Ireland believes that the current framework is in compliance with the Charter and with its statement of interpretation of Article 17(1), where age is not referenced. While 10 and 11 year-olds can be charged with serious offences, the Children Act provides that no prosecutions of any child under the age of 14 years may take place without the consent of the Director of Public Prosecutions (DPP). There is a further safeguard in the legislation whereby the court has the power to dismiss a case against a child under 14 years of age if "having due regard to the child's age and level of maturity, it determines that the child did not have a full understanding of what was involved in the commission of the offence".

The key point is that children are prosecuted only when diversion is not appropriate – i.e. only for serious offences or for repeat offending where earlier interventions have not been successful. Diversion and participation in the Garda Diversion Programme is the default option. Younger children are prosecuted only with the express consent of the DPP and only for the most serious offences. Child offenders sentenced to detention are detained in a special Detention School and not in prison. The reality of how our system operates in relation to child offending is not much different to how other common and civil law systems, with a higher age of criminal responsibility, operate in practice.

While there are currently no plans to amend the provisions in the Children Act 2001 (as amended) relating to the age of criminal responsibility, the Youth Justice Action Plan 2014 – 2018 includes an action to review generally the operation of the Act.

Garda (Irish Police) Youth Diversion Projects

To provide additional support for children and young people who may be vulnerable to involvement in criminal activity, the Irish Ministry of Justice provides funding of about €18 million per annum to support community organisations to provide a network of 105 Garda Youth Diversion Projects, (GYDPs). The projects are administered by specialised youth justice workers and they complement and support the statutory role of An Garda under the Garda Diversion Programme.

Some 4,000 young people engage as participants with Garda Youth Diversion Projects in any one year and a key objective in the new Youth Justice Strategy will its enhancement and extension. The objective is to ensure that the service provided by the projects is made available in all areas of the State, and that some extended services are made available where not already accessible, in particular

- family support*
- engagement with younger children (8-11) years*
- early intervention and engagement with more challenging children and young people, whose needs may be too complex for the existing GYDP service offering.*

Important development work for Garda Youth Diversion Projects is being progressed, largely through an Action Research Project led by the University of Limerick. The Action Research Project works directly with selected Garda Youth Diversion Projects and the learning from initial phases will inform further developments as the full network of 105 projects are given an opportunity to participate in the project over a period of years.

Bail Supervision Scheme

The Bail Supervision Scheme which commenced as a pilot project in in 2016, aimed to reduce the number of children to be detained on remand by providing the courts with an evidence-informed alternative. Operated by Extern Ireland, a multi systemic therapeutic team work with the young person's and their primary caregiver to facilitate pro-social change in the young person while ensuring they remain at home and engage with education, training or work. The team is called upon to support the caregivers 24/7 over a 3-5 month period.

An evaluation of the Scheme, published in 2019, has found a 72% reduction in offending rates, almost double that of the control group. While it cannot be stated definitively that these children would otherwise have been placed in pre trial detention it has to be presumed that in the majority of instances this would have been the outcome.

The catchment area for the pilot programme centred on the Children's Court in Dublin. Following a recent successful tender from Extern, the programme is expanding beyond the Dublin region to encompass both Drogheda and Bray as well as adding new sites in Cork and Limerick.

Child Poverty

The Committee noted that, according to EUROSTAT in 2017, 25.2% of children in Ireland were at risk of poverty or social exclusion. I can confirm the latest available Eurostat figure is for 2018, with Ireland at 24.1% which now brings us below the EU average.

Conclusion/ wrap up

As already mentioned The Irish Government has committed to the development of a new Youth Justice Strategy to provide a broad framework for the further development of relevant structures, systems and programmes, as well as legislative development. It is expected that the new Strategy will be published towards the end of 2020.

75. ETUC highlights that a child should never be consider a criminal, this is not in the best interest of the child and doing so in legislation and practice ignores the fact that a child who has committed serious acts that qualify as crimes is either a mental health case or is a victim. In all cases, children should be handled with a purpose to education, etc. Ireland does not show any intention to change the law and as for the strategy, it is unclear its running period.

76. GREECE raises that even if no cases and never used, the law stipulates that children of 10 could be prosecuted. Ireland explained that for traditional reasons, there are still different age categories: 10-11, and 12 to 13 years and that prosecution is extremely rare in those cases. Moreover, there is a new strategy to allow for socialisation and education of offenders of very young age.

77. The GC decided to await the next assessment and that Ireland gives all these precisions in its next report.

RESC 19§6 AUSTRIA

In its 2019 Conclusions, the ECSR concluded that the situation was not in conformity with the Charter on following grounds:

- **age threshold of 21 which is above the age at which a marriage may be legally recognised in the host state is an undue hindrance to family reunion;**
- **the fact that certain categories of sponsored family member need to prove knowledge of the German language hinders the right to family reunion;**
- **requirement to pay fees for the necessary language tests and language courses may impede rather than facilitate family reunion;**
- **families may be required to wait for more than a year before being granted reunion under the quota system, a delay which is excessive.**

78. The Secretariat explained that this provision obliges States Parties to allow the families of migrants legally established in the territory to join them. At the previous cycle, the Committee also adopted several statements of interpretation clarifying the scope of Article 19§6. As regards the age threshold of 21, non-conformity on this ground has been repeatedly found since 1977. This limit still remains valid. The ECSR recalled each time (having found the non-conformity on this ground 14th). The source of non-conformity was not the age itself (21 years) but the fact that raising the age threshold **above the age at which a marriage**

may be legally recognised in the host state was an unjustified hindrance to a family reunion. The Committee has not accepted the reasoning put forward by the Government to justify the higher threshold (such as protection against forced marriages).

As regards other grounds, the quota system has also been repeatedly considered to hinder a family reunion. Moreover, other requirements, such as language tests, were considered excessive in previous conclusions and the situation has not changed, thus leading to the ECSR reiterating its finding of non-conformity on these points.

79. As **regards the language requirement**, the ECSR considered that even low language requirements, namely the fact that certain categories of sponsored family member needed to prove knowledge of the German language at level A1, may hindered the right to family reunion for family members who do not possess any knowledge of the language.

80. **In so far as the fees requirement was found not complying with Article 19.6**, the ECSR recalled its case law that states are required to provide classes in the national language for migrants and members of their families free of charge. The Committee noted that fees may be later reimbursed, concluded however, that any requirement to pay fees for the language tests and language courses may impede rather than facilitate family reunion and therefore is contrary to Article 19§6 of the Charter.

81. Finally, **as regards the quota system**: while examining the situation, the ECSR referred to explanations provided by Austrian authorities in the report, in particular:

- that a waiting period of three years is not generally applicable, but after expiry of three years at the latest the quota requirement ceases to apply.
- that the quota system does not lead to restrictions in cases of family reunion in the current situation but "might be an important tool in the future".
- that the requirements of the law may prevent family reunion in only a limited number of cases

82. Taking all the above into account, the ECSR concluded that the quota system is not in conformity with the Charter because families may still be required to wait in excess of the one year residence requirement allowed under the Charter.

83. The GC has examined the situation on numerous occasions, requesting the Government to bring it to conformity with the Charter.

84. In the debate, it was raised that EU law has to be taken into account. However, it was recalled that EU law is not always Human Rights oriented and it is possible to comply with EU law and not being in conformity with the Charter, which is a Human Rights treaty. This issue had never been voted before and the proposal was to vote on the first ground only. Austria also recalled that was a non conformity since 2015, as the ground had changed and 21 is now only required for married couples. A recommendation was not carried (2 votes in favour, 12 against, and 20 abstentions) and a warning was not carried neither (12 votes in favour, 9 votes against).

19§8 RESC GREECE

The ECSR concluded that the situation in Greece was not in conformity with Article 19§8 of the Charter on the ground that a migrant worker may be considered as a threat to public order and therefore expelled if prosecuted for a crime punishable by at least three months imprisonment.

85. The Secretariat explained that the ECSR has interpreted Article 19§8 as obliging 'States to prohibit by law the expulsion of migrants lawfully residing in their territory, except where they are a threat to national security, or offend against public interest or morality' (Conclusions VI (1979), Cyprus). Any such expulsion **should only be ordered in situations where the individual concerned has been convicted of a serious criminal offence or has been involved in activities which constitute a substantive threat to national security, the public interest or public morality.** Such expulsion orders must be proportionate, taking into account all aspects of the non-nationals' behaviour, as well as the circumstances and the length of time of his/her presence in the territory of the State.

86. This issue of expulsion of aliens has been a non-conformity since 2000

87. Greece informed that the piece of information on this was not sent to the ECSR and therefore could not be taken into account. However, it changed the Law in 2011. The said legislation, (i.e. article 48 para1 of Law 3772/2009 stipulating that "The deportation of an alien is authorized if: (...) c. His presence in the Greek territory is dangerous to the public order or security of the country. The alien is considered to be dangerous to public order or security, especially when he is prosecuted for an offense punishable by a custodial sentence of at least three (3) of months"), on the grounds of which we are found not in conformity with the Charter, has long been abolished (by virtue of article 25, para2, case b of Law 3938/2011). Regretfully, although the legal framework changed during the reference period, we bring this piece of information before this Committee and the ECSR with significant delay, as, due to an error by omission of the competent Ministry of Citizens' Protection, it had not been communicated to us at the time our report was submitted. Hence, what, in fact, applies is the relevant provision of Article 76 regarding "Conditions and procedure of administrative expulsion" of Law 3386/2005 on "Entry, residence and social integration of third-country nationals in the Greek territory" as restored. Detailed information regarding this piece of legislation has already been submitted in the previous Greek Reports (namely, the 21st Greek Report that was submitted in 2011, as well as the 1st Greek Report on the Rev ESC submitted in 2019).

88. The GC takes into account this very positive development and awaits for the next assessment on this issue.

CSER 31§2 FRANCE

The ECSR concluded that the situation in France was not in conformity with Article 31§2 of the Charter on the grounds that:

- **the measures to reduce the number of homeless persons are insufficient;**
- **the implementation of the legislation on the prevention of evictions is unsatisfactory and no arrangements have been made to propose rehousing solutions to evicted families;**
- **the rights of Roma and Travellers are not respected during the implementation of eviction procedures.**

89. The Secretariat recalled that in Conclusions 2011 the ECSR concluded that the situation in France was not in conformity with Article 31§2 of the Charter on the grounds that:

- the measures to reduce the number of homeless persons are insufficient;
- the implementation of the legislation on the prevention of evictions and the lack of measures to provide rehousing solutions for evicted families is not satisfactory;
- Travellers' human dignity was not respected while carrying out eviction procedures.
- All the above grounds of non-conformity are those which led to the findings of violation in ATD v. France, FEANTSA v. France and ERRC v. France. The Committee holds that during the reference period the follow-up to these findings was unsatisfactory.

90. The GC examined the situation. On the first ground of non-conformity the GC took note of the information provided, invited the Government of France to include in its next report any relevant information on the measures intended to reduce the number of homeless people and decided to wait for the next assessment of the ECSR. On the second ground, the GC took note of the information provided and decided to await the next assessment of the ECSR. On the third ground, the GC took note of the clarifications provided.

91. The representative of France submits the following information:

- *Cadre général*

La politique en matière de gens du voyage est définie par la loi n° 2000-614 du 5 juillet 2000 relative à l'accueil et à l'habitat des gens du voyage.

Elle vise à établir un équilibre satisfaisant entre, d'une part, la liberté constitutionnelle d'aller et de venir et l'aspiration légitime des gens du voyage à pouvoir stationner dans des conditions décentes et d'autre part, le souci également légitime des élus locaux d'éviter des installations illicites qui occasionnent des difficultés de coexistence avec leurs administrés.

Le schéma départemental est le pivot des dispositifs spécifiques à mettre en œuvre pour organiser l'accueil et l'habitat. Il prévoit, en fonction des besoins constatés et des capacités d'accueil existantes, la nature, la localisation et la capacité des aires et terrains à créer, ainsi que les interventions sociales nécessaires. L'élaboration de ce schéma est l'occasion d'une concertation entre les intercommunalités, le département, les services de l'État et les représentants des gens du voyage afin d'aboutir à une évaluation aussi commune que possible des besoins et à des solutions adaptées.

- *Le terrain familial locatif*

Le terrain familial locatif (TFL) est propriété de la commune ou de l'intercommunalité. Des subventions de l'Etat sont accordées pour réaliser ce type d'équipement. Les bailleurs sociaux peuvent créer et gérer les TFL, ce qui peut aider les intercommunalités à en réaliser. Les occupants sont titulaires d'un bail et payent un loyer. Les gens du voyage peuvent aussi être propriétaires d'un terrain et il s'agit alors de terrain privé.

A la différence de l'aire d'accueil destinée aux itinérants, le TFL répond à une demande des gens du voyage qui souhaitent disposer d'un ancrage territorial à travers la jouissance d'un lieu stable aménagé et privatif sans pour autant renoncer au voyage une partie de l'année. Il existe un bloc sanitaire (WC, douche, lavabo) et une pièce destinée au séjour obligatoire depuis le décret 2019-1478 (avec coin cuisine obligatoire). Mais il ne s'agit pas de logement. La résidence reste la caravane.

Le fait de disposer d'un terrain peut permettre aux gens du voyage de continuer à voyager, notamment l'été, sans craindre de ne pas avoir de place sur les aires ou de ne pas pouvoir y rester (les aires d'accueil sont des équipements destinés à un séjour de 10 mois maximum car elles sont destinées à l'accueil et non à l'occupation à l'année).

- *Certains gens du voyage souhaitent intégrer un logement. Ils peuvent intégrer le logement social de droit commun ou bien intégrer un logement de type pavillonnaire leur permettant d'avoir un espace pour stationner la caravane. Ce dernier type de logement fait l'objet de financements publics. Les familles sont accompagnées durant le projet afin de prendre en compte leurs besoins puis après l'entrée dans les lieux afin de les aider dans leurs démarches.*

Un ménage peut aussi un former un recours pour être reconnu ménage prioritaire à reloger. Sa situation sociale et économique (revenus, composition familiale, lieu de vie) sera examinée.

92. The GC examined the situation and took of the ongoing improvements. The GC took note of the information provided, asked the French government to provide all additional information requested by the ECSR and decided to await the next ECSR's assessment.

RESC 31§2 TURKEY

The ECSR concluded that the situation in Turkey was not in conformity with Article 31§2 of the Charter on the grounds that:

- **the measures to reduce and prevent homelessness are insufficient;**
(...)

93. The Secretariat explained that in 2015 the ECSR also concluded that the situation in Turkey was not in conformity with Article 31§2 of the Charter also on the grounds that there are no effective measures to reduce and prevent homelessness. The ECSR asked for comprehensive and updated information on the measures implemented by Turkey to prevent homelessness. It considered in the meantime that the situation was not in conformity with the Charter on the ground that there were no effective measures to reduce and prevent homelessness. The report submitted in 2017 by Turkey referred to an order called "Homeless Accommodation Project" published by the Ministry of Family and Social Policies on 26 December 2016 for social solidarity foundations, according to which instructions were given to provide services (detection, placement in guesthouses or pensions, and basic services) for the homeless during the period of heavy winter conditions. The current report refers to the projects and activities of the Housing Development Administration (TOKI) aimed at providing solutions to the housing needs of those who are incapable of buying a house under market conditions. According to the statistics provided in the report, as of the end of 2016. While taking note of the information provided in the report, the ECSR assessed that it did not provide any information on available statistics of homeless persons in Turkey or on the impact of the measures taken to reduce that number. In light of the obligation under Article 31§2 of the Charter to maintain meaningful statistics on needs, resources and results (see Conclusions 2011, Italy; Conclusions 2015, Turkey), the Committee asks the next report to provide any available statistics on the number of homeless persons in Turkey.

94. The representative of Turkey submitted the following information:

I would like to inform you briefly about the legal framework and housing policy of Turkey and measures to reduce and prevent homelessness in Turkey.

It has been accepted in Turkey that housing is a human right since the Universal Declaration of Human Rights in 1948. In accordance with this important international instrument, such right is included in the Constitution of Turkey and several Laws related with social services, assistances and housing. (Law No. 2985,2828, 2022, 3294, 5510, 5737). The Mass Housing Law on 'public housing is a framework law defining the fundamental principles, which give direction to the solution of the housing problem in Turkey. The aim of the law is the provision of public support necessary to meet the housing requirements of our country.

Under the "New Urban Agenda" accepted by UN-HABITAT and 11th title "Sustainable Cities and Communities" of the UN Sustainable Development Goals, Turkey is also aiming to "ensure access for all to adequate, safe and affordable housing and basic services and upgrade slums by 2030". Housing Policies Specialization Commission is established in order to evaluate comprehensively the situation in the housing sector of Turkey and to identify the problems in the housing issue. This commission provided a housing report of Turkey in 2018 in order to be used for the preparation of the 11th development plan's subtitle "Housing" for 2019-2023 of Turkey.

If the committee would like to reach this report for detailed information on the housing issue, the link is: <https://sbb.gov.tr/wpcontent/uploads/2020/04/KonutPolitikalariOzellhtisasKomisyonuRaporu.pdf>

In the 11th Development Plan, under the title “housing”, the main objective is determined in order to ensure that everyone, especially those with low incomes, have access to an adequate, livable, durable, safe, inclusive, economically affordable, sustainable, climate change-resistant housing with basic infrastructure services. Housing needs arising from urbanization, population growth, renewal and disasters will be met by taking into account supply-demand balance. During the Plan period (2019-2023), 250 thousand social houses will be produced for low income and disadvantaged groups. I could say that the problem of homelessness in Turkey mostly is seen in the big cities such as Istanbul, Ankara, Izmir, Kocaeli, and Bursa as these cities receive immigration from rural areas. According to Turkish Statistical Institute (TurkStat) data, the rate of people living in provincial and district centers (urban areas) in Turkey was 92.8% in 2019, the rate of people living in towns and villages (rural areas) fell from 7.7% to 7.2% and the total number of buildings throughout Turkey is 32 million 700 thousand.

In order to enhance the living conditions of individuals in destitute households, mostly living in their own houses in rural areas, "Home building/maintenance" assistance programs are implemented by Social Assistance Solidarity Foundations with utilization of resources of the Social Assistance and Solidarity Promotion Fund affiliated with Ministry of Family, Labour and Social Services.

The integrated social assistance service in Turkey enables all social assistance processes (application, decision making, payments, etc) to be carried out in an electronic platform. This includes active management, monitoring and control of 11 different social assistance ‘services’.

It is integrated with 16 public institutions via web service and incorporates information from more than 1000 local social assistance offices. It thus serves as a poverty inventory, with socioeconomic data of social assistance applicants. It is also integrated to an e-government portal

that allows for exchange of data directly with people and Municipalities.

(Link for more information about the integrated social assistance services in Turkey : file:///C:/Users/DELL/Desktop/buetuenle%C5%9Fik-turkce-versiyon.pdf)

Besides the integrated social assistance service, I could say the central and local governmental agencies and non-governmental organizations are important actors in detecting homeless in order to provide services for them in Turkey. The detection of homeless people are made by Social Service Centers, law enforcement units, local administrations and non-governmental organizations. For the homeless who were detected during the inspections of the police teams or as a result of the notifications received from the Hello 153 White Table and Disaster Coordination Center (AKOM), in addition to the accommodation service, three meals a day, medicine, treatment and personal care services are also provided. The HELLO 153 White Table Line is established especially for people in need such as homeless, elderly and disabled. This unit line has 700 staffs and all trained for all kinds of emergencies in order to provide solutions to all kinds of problems of these people. Units are working 7 days 24 hours with a shift system and giving services in many different languages.

Some of homeless are placed in nursing homes, some in care houses and some in house type accommodation social service center. Ticket money and all service expenses for homeless people who want to return to their hometown are covered by the municipality and Social Service Center.

As one pillar of our policy regarding the homeless is empowering homeless people through social services approaches in order to help them reintegrate and survive independently, governmental organizations, Municipalities and NGOs are carried out psychosocial support and vocational training in addition to their services to meet the basic needs of the homeless such as health, housing and food. Homeless are also benefited from services provided by the government, such as health care and poverty benefit.

As per the provisions of Law on Social Assistance and Solidarity, home building/maintenance benefits are provided to: the destitute and the needy who have widows, orphans, persons with disabilities, older persons with chronic illnesses living in their households. In 2019, a total of 3.578 households benefited from this assistance.

In 2016, the Project for Providing Accommodation to Homeless People was launched as per the decision of Social Assistance and Solidarity Promotion Fund. Within the scope of this

Project, homeless, placeless or desolate individuals in areas with cold weather or heavy winter conditions are determined by the Social Assistance and Solidarity Foundations. In cooperation with the Provincial Directorates of Ministry of Family, Labour and Social Services, such persons are placed primarily in public institution guesthouses within the provincial borders. In case they cannot be placed in public institution guesthouses, hostels or hotels, etc. any other option of accommodation is provided for these people during the winter.

As part of the accommodation, cleaning (bathing, shaving, and haircut), health-care, basic nutrition, clothing and other needs of the residents are met. Governors in big cities, district governorships in towns and also municipalities are working together in order to place homeless in public institution guesthouses, hostels or hotels.

Due to the fact that the homeless is among the population groups that can be most affected by

the COVID-19 epidemic, the implementation period of the Project for Providing Accommodation to Homeless People was extended until the epidemic threat was eliminated. Within the scope of the project that was initiated by the end of 2016, a total of 3,215 beneficiaries have been provided with accommodation for 203,196 nights so far. Some beneficiaries accommodated with their families, but it was not reflected in the calculation as the assistance was provided per person.

All due needs of the beneficiaries were met and a total of 8 million 565 thousand 083 TL (Approximately 940,000 Euros) was allocated in this respect. In addition, a resource of 8 million 818 thousand 148 TL was allocated to 19 Social Assistance and Solidarity Foundations for the year of 2020. Resources are still allocated immediately to foundations that submit their requests.

On the other hand, within the scope of the Scheme of Social Cohesion Assistance for Foreigners

carried out under the Coordination of General Directorate of Social Assistance, apart from persons with a temporary protection status, holders and applicants of the statuses of international protection and humanitarian residence permit are also covered under the heading of right to housing. These beneficiaries receive 120 TL monthly social assistance from EU funds and a quarterly additional payment from the Government. On calculation of the monthly amounts and additional payments by Ministry of Family, Labour and Social Services and other stakeholders, the right to housing and other basic needs are taken into account.

As the problem of slums and shanty settlements cannot be solved through the efforts of the local

governments only, since 2003 TOKI has been following a comprehensive policy toward supporting modern urbanization in cooperation with local administrations, with the support of the central government.

Housing Development Administration, TOKI, which is one of the official institutions of Turkey in terms of dealing with housing and settlement issues has a great significance in the housing production in Turkey. There is an increasing acceleration in the production of mass housing projects currently in Turkey.

TOKI produces mass housing projects in order to solve the housing problem of the low and middle income groups that cannot own housing under the current market conditions. With the housing projects of TOKI, the sales prices and re-payment conditions that are appropriate to the income and saving patterns of the target groups that cannot be reached by the applications of the private sector are presented.

The applications, sales, repayment terms (debiting) and identifying beneficiaries related to the poor group houses are determined by the General Directorate of Social Benefit under the Ministry of Family, Labour and Social Services. These houses are delivered to poor citizens also by the relevant General Directorate.

Social housing program of TOKI targets the low and middle-income people who cannot own a housing unit under the existing market conditions. Applications and all following procedures are realized by the concerned social solidarity foundations.

As of September 2019, the number of housing units in which TOKI started the production process in 3,724 construction sites in 81 provinces reached 847 thousand 954 and the number of social facilities reached 14 thousand 782.

TOKI not only transforms slums, extremely intensive shanty settlements, areas with a high risk of natural disasters such as earthquake, flood, landslide and historical urban areas as well as urban areas whose economic lifetime is over but also tries to prevent formation of new slum areas with the houses it produced for narrow-income groups.

TOKI pioneers the efforts of the government to construct houses, substructure and public utilities in regions damaged by natural disasters in coordination with the Disaster and Emergency Management Authority (AFAD).

With the "Law on Transformation of Places under Disaster Risk" that took effect for the purpose of demolition of unpermitted/risky buildings with inadequate earthquake-resistant design; material resistance and construction and of restoration of old buildings, urban transformation works spread throughout Turkey. On legalization of the relevant legislation, comprehensive urban transformation projects were started throughout Turkey with a new era in urban transformation.

TOKI's is also in charge of constructing health, education, public buildings and care centers for people in need such as homeless, disabled within the scope of the protocol signed with various local and central administrations and institutions.

In the light of the above explanations, it is clear that Turkey is dealing seriously with the social housing projects and plans for low-medium income groups and homeless. Several applications are carried out by the local and central administrations concerning the homeless people. As it is mentioned in our 11th Development plan, Turkey is eager to take more steps in order to reach all homeless people and low-medium income groups.

95. The GC took note of the information provided and asked the Turkish government to report the situation in the next cycle. In the meantime, it will wait for the next assessment.

APPENDIX I

List of participants

141st meeting, online, 5-9 October 2020

List of participants

141st meeting of the Governmental Committee October 2020 *Online*

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Appendix II
Table of signatures and ratifications

MEMBER STATES	SIGNATURES	RATIFICATIONS	Acceptance of the collective complaints' procedure
Albania	21/09/98	14/11/02	
Andorra	04/11/00	12/11/04	
Armenia	18/10/01	21/01/04	
Austria	07/05/99	20/05/11	
Azerbaijan	18/10/01	02/09/04	
Belgium	03/05/96	02/03/04	23/06/03
Bosnia and Herzegovina	11/05/04	07/10/08	
Bulgaria	21/09/98	07/06/00	07/06/00
Croatia	06/11/09	26/02/03	26/02/03
Cyprus	03/05/96	27/09/00	06/08/96
Czech Republic	04/11/00	03/11/99	04/04/12
Denmark	03/05/96	03/03/65	
Estonia	04/05/98	11/09/00	
Finland	03/05/96	21/06/02	17/07/98 X
France	03/05/96	07/05/99	07/05/99
Georgia	30/06/00	22/08/05	
Germany	03/05/96	29/03/2021	
Greece	03/05/96	18/03/16	18/06/98
Hungary	07/10/2004	20/04/2009	
Iceland	04/11/1998	15/01/1976	
Ireland	04/11/2000	04/11/2000	04/11/2000
Italy	03/05/1996	05/07/1999	03/11/1997
Latvia	29/05/2007	26/03/2013	
Liechtenstein	09/10/1991		
Lithuania	08/09/1997	29/06/2001	
Luxembourg	11/02/1998	10/10/1991	
Malta	27/07/2005	27/07/2005	
Republic of Moldova	03/11/1998		
Monaco	05/10/2004		
Montenegro	22/03/2005	03/03/2010	

Netherlands	23/01/2004	03/05/2006	03/05/2006
North Macedonia	27/05/2009	06/01/2012	
Norway	07/05/2001	07/05/2001	20/03/1997
Poland	25/10/2005	25/06/1997	
Portugal	03/05/96	30/05/02	20/03/98
Romania	14/05/97	07/05/99	
Russian Federation	14/09/2000	16/10/2009	
San Marino	18/10/2001		
Serbia	22/03/2005	14/09/2009	
Slovak Republic	18/11/1999	23/04/2009	
Slovenia	11/10/1997	07/05/1999	07/05/1999
Spain	23/10/2000	17/05/2021	17/05/2021
Sweden	03/05/1996	29/05/1998	
Switzerland	06/05/1976		
Turkey	06/10/2004	27/6/2007	
Ukraine	07/05/1999	21/12/2006	
United Kingdom	07/11/1997	11/07/62	

The **dates in bold** on a grey background correspond to the dates of signature or ratification of the 1961 Charter; the other dates correspond to the signature or ratification of the 1996 revised Charter.

* States whose ratification is necessary for the entry into force of the 1991 Amending Protocol. In practice, in accordance with a decision taken by the Committee of Ministers, this Protocol is already applied.

X State having recognised the right of national NGOs to lodge collective complaints against it.

Appendix III

List of Conclusions of non-conformity examined orally following the proposal of the European Committee of Social Rights (RESC + ESC)

Group B: CONCLUSIONS DISCUSSED ORALLY AT THE 141TH MEETING

Article 7§1

1. RESC 7§1 ALBANIA
2. RESC 7§1 ARMENIA
3. RESC 7§1 MOLDOVA
4. RESC 7§1 ROMANIA
5. RESC 7§1 TURKEY
6. RESC 7§1 UKRAINE

Article 7§3

5. RESC 7§3 ARMENIA
6. RESC 7§3 ESTONIA
7. RESC 7§3 MOLDOVA
8. RESC 7§3 ROUMANIA
9. ESC 7§3 UNITED KINGDOM

Article 16

10. RESC 16 BULGARIA
11. RESC 16 MOLDOVA
12. RESC 16 LATVIA
13. RESC 16 SLOVAK REPUBLIC
14. RESC 16 UKRAINE
15. 1961 ESC 16 POLAND
16. 1961 ESC 16 SPAIN

Article 17

17. 1961 ESC 17 UNITED KINGDOM

Article 17§1

18. RESC 17§1 ARMENIA
19. RESC 17§1 HUNGARY
20. RESC 17§1 IRELAND

Article 19§6

21. RESC 19§6 AUSTRIA
22. 1961 ESC 19§6 GERMANY
23. 1961 ESC 19§6 SPAIN
24. RESC 19§6 GREECE

Article 31§2

25. RESC 31§2 TURKEY

Article 31§3

26. RESC 31§2 FRANCE

Appendix IV
List of deferred Conclusions (RESC + ESC)

COUNTRY	ARTICLES
ALBANIA	RESC Articles 19§1, 19§11
ANDORRA	RESC Article 8§2
ARMENIA	RESC Articles 7§2, 7§4, 7§6, 7§7, 7§8, 7§9, 8§1, 19§8, 19§11
AUSTRIA	RESC Articles 7§10, 19§1
AZERBAIJAN	RESC Articles 7§2, 7§4, 7§6, 27§1
BELGIUM	RESC Articles 7§10, 17§2, 19§4
BULGARIA	RESC Articles 7§1, 7§3, 7§10, 8§5
BOSNIA HERZEGOVINA	RESC Articles 7§8, 17§2
ESTONIA	RESC Article 7§10
FINNLAND	RESC Articles 7§10, 19§1
FRANCE	RESC Articles 7§10, 19§1
GEORGIA	RESC Articles 7§7, 19§2, 19§7, 19§9, 19§12
GREECE	RESC Articles 7§1, 7§2, 7§10, 17§2, 19§4, 19§11, 27§2, 27§3, 31§3
IRELAND	RESC Articles 17§2, 19§3, 27§1
ITALY	RESC Articles 7§10, 8§3, 17§1, 19§3, 19§6, 19§8, 19§12
LATVIA	RESC Articles 7§10, 8§2, 17§2, 19§8
LITHUANIA	RESC Articles 7§5, 7§10, 16, 17§2, 19§1, 19§10
MALTA	RESC Articles 7§2, 7§5, 7§9
MOLDOVA	RESC Articles 7§7, 7§8, 7§9, 7§10, 8§2, 17§1, 19§7, 27§2
MONTENEGRO	RESC Articles 17§1, 19§12, 27§1

REPUBLIC OF NORTH MACEDONIA	RESC Articles 7§10, 17§1, 19§1, 19§8
PORTUGAL	RESC Articles 7§6, 7§8, 7§9, 7§10, 17§2, 19§2, 19§8
ROMANIA	RESC Articles 7§2, 7§4, 7§10, 17§1
RUSSIAN FEDERATION	RESC Articles 7§4, 7§5, 7§6, 7§8, 19§9, 27§2
SERBIA	RESC Articles 7§10, 8§1, 8§2, 8§4, 16, 17§2, 19§1, 19§2, 19§5, 19§8, 19§9
SLOVAK REPUBLIC	RESC Articles 7§3, 7§5, 7§10, 19§1
TURKEY	RESC Articles 7§8, 17§2, 19§2, 19§9, 19§11, 19§12, 27§1, 31§3
UKRAINE	RESC Articles 7§4, 7§5, 7§6, 8§4, 17§2
COUNTRY	ARTICLES
GERMANY	ESC Articles 7§3, 7§4, 19§1, 19§4, 19§8
DENMARK	ESC Article 16
LUXEMBOURG	ESC Article 19§5
POLAND	ESC Articles 7§2, 7§10, 19§1, 19§2, 19§3
SPAIN	ESC Articles 7§3, 7§9, 7§10, 17, 19§2, 19§3, 19§9
UK	ESC Articles 16, 19§2, 19§3, 19§8, 19§9, 19§10

Appendix V

Conclusions 2019: examples of progress in the application of the European Social Charter with respect to children, migrants and families.

In its Conclusions 2019/XXI-4, the European Committee of Social Rights noted a number of positive developments in the application of the Charter, either through the adoption of new legislation or changes to practice in the States Parties or in some cases on the basis of new information clarifying the situation as regards issues raised in previous examinations (thereby reducing the number of conclusions deferred for lack of information). Below follows a selection of examples:

Article 7§1

- In **North Macedonia** the Law on Labour Relations was amended in 2018 (outside the reference period) published in the Official Gazette No. 120/2018 in respect of the duration of working hours of light work and holidays for children. Article 18 (2) of the Law on Labour Relations now reads as follows: *“This Law shall forbid the work of a child under the age of 15 or a child who has not completed compulsory schooling, except for participation in activities allowed by law, but no longer than two hours a day and or 12 hours a week, and during the school holidays no longer than six hours a day or 30 hours a week, and during this period, the child is entitled to a two-week holiday.”*

Article 8§1

- Article 45 of the **Brčko District (Bosnia and Herzegovina)** Labour Law had been amended on 23 August 2014 and a Decision on the Conditions and Manners of Payment of Compensation of Salary during Maternity Leave (No. 34-000890/13 of 15 January 2014) had come into force on 22 January 2014. During maternity leave, employees are entitled to salary compensation equal to the average net wage earned over the last six months prior to maternity leave (and not 12 months).
- In **Armenia**, Law No. HO-160-N of 27 October 2010 was amended by Law No. HO-206-N of 1 December 2014 in order to replace “temporary incapacity benefits” for pregnant women or those on maternity leave by “maternity benefits”.
- In **Luxembourg**, in accordance with the law of 15 December 2017, the duration of postnatal leave increased from 8 to 12 weeks.
- In **North Macedonia**, following amendments to the Law on Labour Relations during the reference period (Official Gazette No. 72/15), paid maternity leave for multiple births was extended from 12 to 15 months.
- In **the Slovak Republic**, the amount of maternity benefits increased from 65% (Conclusions 2015) to 75% of the employee’s salary (the situation is now in conformity with Article 8§1 of the Charter on this point).

Article 8§2

- In **France** Under Article 10 of Law No. 2016-1088 of 8 August 2016 relating to Work, Modernisation of Social Dialogue and Securing of Professional Processes, the

statutory period of prohibition to terminate the employment contract at the employer's initiative following pregnancy or maternity leave has been extended from four to ten weeks after maternity leave and now includes the period of paid leave immediately following maternity leave. This protection covers pregnant women and also their employed spouses and adoptive parents.

- In **Lithuania**, according to the new Labour Code which came into force on 1st July 2017, pregnant women enjoy protection against dismissal from the day they notify their employer that they are pregnant until the child is four months old.

Article 16

- In **Austria**, pursuant to legislative changes, the situation in seven out of nine *Länder* (Burgenland, Carinthia, Upper Austria, Styria, Salzburg, Tyrol and Vorarlberg) has been put in conformity with the Charter insofar as their Housing Subsidies Acts provide for equal treatment of foreign nationals. However, in Lower Austria and in Vienna *Länder* a distinction continued to apply, to a certain extent, in the specific context of housing allowances (five years residence requirement). The situation remains in breach of the Charter in respect of these two *Länder*.
- In **Hungary**, the national report refers to the results of several programmes for slums: by 2015-2016, 55 programmes for slums were implemented in 66 segregated areas. Renovation or building work was carried out in 8 settlements, in 112 dwellings (39 newly built; 73 renovated). The housing conditions of about 500 persons of 132 families were improved. The Committee takes note of the continuing efforts made by Hungary, in particular as regards the improvement of housing conditions of people living in slums and segregated areas. However, it puts additional questions on the availability of housing support for the next report and defers its conclusion on this aspect (in 2015 and 2017 it was non-conformity for non-establishment on this ground, adequate supply of housing for vulnerable families).
- As regards **Iceland**, the current report provides information on the different types of housing support during the reference period, including figures on the number of households that benefitted from them and the number of social housing units (municipal rental apartments) for each year. The Housing Benefit Act No. 75/2016 replaced the earlier Rent Benefit Act. Under this new legislation, the administration of financial support to tenants (previously termed "rent benefit", now termed "housing benefit") was transferred from the municipalities to the State. The main change is that the basic amount of housing benefit rises according to the number of persons in the household, irrespective of their age. Thus, housing support is not bound by the type of family and has been made more equal than it used to be. Housing benefit can, at its maximum level, amount to 75% of the rent, while maximum rent benefit in the old system could reach only 50% of the rent. On the other hand, municipalities are now obliged to offer additional special housing support to tenants if certain conditions which each municipality sets are met (tenants living under very difficult social and financial conditions). Prior to the new system, they were permitted, but not obliged, to offer these special rent benefits. The Committee takes note of all the legislative developments which have taken place during the reference period as well as of the figures provided in the report on the availability and the different modalities of housing support. It considers that the situation is in conformity with the Charter on this aspect.

- In **Estonia** the amount of child allowance has been significantly raised compared to the previous reference period from € 19 (2013) to € 55 (2017). The Committee notes that the child allowances now represent 7% of the median equivalised income. The Committee considers that with the raise in the child allowance, the situation has been brought into conformity with the Charter.
- In **Hungary** following the amendments of 2014 to the Family Support Act, the personal scope of family benefits has been extended and now covers third-country nationals holding a single permit, provided that their employment was permitted for a period exceeding 6 months. The Committee considers that these amendments have brought the situation into conformity with the Charter as there is no longer a length of residence requirement for access to family benefits

Article 17

- **Estonia, France, Ireland, Lithuania, Malta, Montenegro, Scotland and Wales** all abolished all forms of corporal punishment in all settings (albeit France, Scotland and Wales outside the reference period).
- **Ireland** the practice of detaining children in adult prison facilities ended.
- In **the Republic of Moldova** and **Ukraine** efforts have been made to ensure that children cannot be taken into care on the grounds of the financial circumstances of their families.

Article 27

- In **France** under Law No. 2014-459 of 9 May 2014, companies may set up a system for donating rest days to a parent whose child is seriously ill. Law No. 2018-84 of 13 February 2018 has set up similar arrangements which make it possible to donate leave days which have not been taken to the caregivers of dependent persons or persons with disabilities.
- In **Turkey** under Act No. 6663 which entered into force on 10 February 2016, workers with family responsibilities (public and private sectors) may work part-time until their child reaches compulsory school age. Requests to work part-time may not be regarded as valid grounds for termination of employment contracts.

Article 31

- In **France**, the situation as regards the legal protection of the right to housing for non-nationals has been brought into conformity with the Charter. In 2011 the Committee found that the requirement of two years' prior residence in France to be entitled to submit an application to the committee in charge of the DALO procedure (enforceable right to housing) was excessive. This requirement was annulled by the Conseil d'Etat and the legislation was amended in 2012 following this decision: the 2 year residence requirement is no longer applied. The Committee has found in 2019 that the situation has been brought into **conformity** with Article 31§1 on this aspect.
- In respect of **Portugal**, the Committee noted that there is a new basic housing law (Law No. 83/2019, outside the reference period, not referred to in the national report).

It asks the next report to describe what are the legal remedies provided for by this law for the protection of the right to adequate housing (31§1).

- In **Andorra**, although there is no formal prohibition against evicting persons staying in temporary shelters (hotels), in the event that the hotelier should no longer wish to continue accommodate the person concerned, the hotelier notifies social services so that they can make alternative arrangements. The Committee previously reserved its position (2017) and now concludes, in the light of this information, that the situation is in conformity with Article 31§2 of the Charter.
- With regard to **Finland**, the Committee noted that according to an international evaluation commissioned on the programme on reducing long-term homelessness (2005-2015), Finland was one of the best examples of implementing the “housing first” model. The national report indicated that long-term homelessness has continued to decrease (by 35% between 2008 and 2015) and that at the end of 2017 there were 7 112 homeless persons, less than 0.2 % of the population. There is a new action plan for preventing homelessness 2016-2019. The current goal is to reduce the number of homeless people to less than 4 000 before 2023. The Committee considers that Finland continues to be committed to tackling homelessness in compliance with Article 31§2 of the Charter.
- As regards **Lithuania**, the Committee had previously considered that the legal protection for persons threatened with eviction was not adequate (2011, 2015, 2017). While the Committee reiterates its conclusion of non-conformity on the specific point of prohibition of evictions during the winter period, it now considers that the situation is in conformity with respect to: the obligation to rehouse the persons evicted in case of eviction for reasons of public interest (notably when the dwellings are unfit for habitation and when they are being demolished, reconstructed); and access to legal remedies and compensation in the event of illegal eviction.
- In **Italy**, the Committee takes note of a positive development in the domestic case-law: the Constitutional Court has found in 2018 (20/07/2018) that the conditions of access applied to third-country nationals with regard to housing benefits granted for the payment of rent were unconstitutional. The CC held that it was manifestly unreasonable and arbitrary to set a 10-year national residence requirement or a 5-year regional residence requirement for third country nationals to be entitled to housing benefits of this type. However, since this judgment was given outside the reference period, the Committee reiterates its previous conclusion of non-conformity with Article 31§3.

Appendix VI

Warnings and Recommendations

Recommendations

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Renewed Recommendation(s)

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Warnings⁴

Article 7.1

ARMENIA

- the duration of work permitted to children under the age of 15 is excessive and therefore the work cannot be qualified as light;
- the prohibition of employment of children under the age of 15 is not guaranteed in practice.

MOLDOVA

- the definition of light work is not sufficiently precise;
- the legislation on the prohibition of employment under the age of 15 is not effectively enforced.

ROMANIA

- the prohibition of working under the age of 15 was not effectively enforced.

TURKEY

- the prohibition of employment under the age of 15 is not guaranteed in practice.

UKRAINE

- the definition of light work is not sufficiently precise;
- the prohibition of employment under the age of 15 is not guaranteed in practice

Article 7.3

ARMENIA

- the duration of work permitted to children who are subject to compulsory education is excessive and therefore the work cannot be qualified as light;
- the legislation on prohibition of employment of children subject to compulsory education is not effectively enforced.

MOLDOVA

- the daily and weekly duration of work permitted to children subject to compulsory education is excessive and therefore such work cannot be qualified as light;

⁴ If a warning follows a notification of non-conformity, it serves as an indication to the state that, unless it takes measures to comply with its obligations under the Charter, a recommendation will be proposed in the next part of a cycle where this provision is under examination.

ROMANIA

- children who are still subject to compulsory education are not guaranteed an uninterrupted rest period of at least two weeks during summer holiday;
- the protection against employment of children subject to compulsory education is not effectively guaranteed.

Article 16**MOLDOVA**

- there was no adequate protection for women victims of domestic violence, in law and in practice;
- (...)
- family benefits do not ensure economic protection of a significant number of families by appropriate means;

Article 17.1**ARMENIA**

- not all forms of corporal punishment of children are prohibited in all settings;

HUNGARY

- the maximum length of pre-trial detention for children is excessive;

Article 19.8**MOLDOVA**

- the law permits the expulsion of migrant workers in situations where they neither pose a threat to national security nor constitute a threat to public interest or morality.

Appendix VII

Statement addressed to the Committee of Ministers of the Council of Europe on the follow-up to the Steering Committee for Human Rights (CDDH) report

by the Governmental Committee of the European Social Charter and European Code of Social Security

16 December 2020

Today, we are facing challenges which remind us that it is essential to effectively protect social rights and that vigorous and resolute action is needed. All stakeholders who share responsibility for implementing social rights guaranteed by international and European human rights law and related case law must harness synergies to make these rights a reality for everyone, even more in the context of the Covid-19 pandemic.

The Governmental Committee, as a key monitoring body, has the task to contribute to the supervision of the respect of social rights in Europe as set out in the European Social Charter (of 1961 and revised Charter of 1996) and in the European Code of Social Security (1964 and revised Code of 1990) which guarantee fundamental social and economic rights of all individuals in their daily lives. **We, members of the Governmental Committee**, are and remain committed to ensuring the effective implementation of social rights in law and practice. To further this collective goal, we have decided to revisit our treaty-based monitoring activities and, in this regard, we will submit in due course concrete proposals to the Committee of Ministers.

At its 1363rd meeting on 11 December 2019, when discussing the follow-up to the CDDH report(s)⁵, the Committee of Ministers took note of the steps taken to simplify the reporting procedure under the European Social Charter. It further invited the Governmental Committee⁶ to:

- consider further ways of streamlining the reporting procedure, including the advisability of reviewing the current systems of thematic reports;
- consider, in particular, the advisability of reforming its working methods, and the need for adjusting its own procedures to focus on priority issues in the context of the follow-up to conclusions;
- enhance dialogue with national authorities and other stakeholders in relation to conclusions under consideration, and
- reflect, in dialogue with the European Committee of Social Rights (ECSR), on the desirability and potential modalities for the ECSR to have the assistance of an ad hoc expert, who would satisfy the requisite criteria for ECSR membership, in proceedings concerning a specific collective complaint where no national of the respondent State is a member of the ECSR at the time.

Building on its **commitments to supervise and ensure the effective implementation of social rights and to further contribute to a move from words to action**, the Governmental Committee will **engage in a process to review, adapt and update its Rules of Procedures and Working Methods, focusing on ways to:**

⁵⁵Council of Europe CDDH (2018), Improving the protection of social rights in Europe. Volume I. Analysis of the legal framework of the Council of Europe for the protection of social rights in Europe, adopted by the CDDH at its 89th meeting (19–22 June 2018), p.160; Council of European CDDH (2019) Improving the protection of social rights in Europe. Volume II. Report identifying good practices and making proposals with a view to improving the implementation of social rights in Europe, adopted by the CDDH at its 91st meeting (18–21 June 2019), p. 131

⁶ Decisions adopted by the Committee of Ministers during 1363rd meeting on 11 December 2019, CM/Del/Dec(2019)1363/4.1c

- **Simplify and rationalise the reporting mechanisms⁷** within the Charter for more flexibility, **while guaranteeing the effectiveness of the European Social Charter monitoring system**, as well as considering a **focus on priority issues and targeting specific questions and analysis** when processing conclusions;
- **Strengthen the follow-up to all conclusions of non-conformity, by proposing further and reasoned action**, including the proposal of recommendations in appropriate cases as stipulated in Article 27§3;⁸
- **Prompt a sustained dialogue with other stakeholders**, in particular the ECSR, national authorities and European and national social partners with a view to sharing and supporting best practices, **with due respect for their specific roles and mandates**.

⁷ 1) the regular (thematic) reporting, 2) the simplified reports and 3) the Article 22 (non-accepted provisions) reporting.

⁸ Article 27§3 reads as follows: “The Governmental Committee shall prepare the decisions of the Committee of Ministers. In particular, in the light of the reports of the Committee of Independent Experts and of the Contracting Parties, it shall select, giving reasons for its choice, on the basis of social, economic and other policy considerations the situations which should, in its view, be the subject of recommendations to each Contracting Party concerned, in accordance with Article 28 of the Charter. It shall present to the Committee of Ministers a report which shall be made public.”