



Strasbourg, 24 April 2017

CDDH-SOC(2017)R1

STEERING COMMITTEE FOR HUMAN RIGHTS
(CDDH)

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

REPORT

1st meeting
19–21 April 2017

Item 1: Opening of the meeting and adoption of the draft agenda

1. The CDDH Drafting Group on Social Rights (CDDH-SOC) held its first meeting in Strasbourg from 19 to 21 April 2017 with Mr Vít A. SCHORM (Czech Republic) in the Chair. The list of participants is contained in Appendix I. The agenda as adopted appears in Appendix II.

2. The Group exchanged views on its terms of reference, in particular the tasks it was assigned to accomplish, namely:

- (i) Undertake an analysis of the legal framework of the Council of Europe for the protection of social rights in Europe, in particular the jurisprudence of the European Court of Human Rights as well as other relevant sources e.g. reports and decisions of those Council of Europe bodies having a mandate relating to social rights and their implications for the respective States Parties;
- (ii) On this basis, identify good practices and make, as appropriate, proposals with a view to improving the implementation of social rights and to facilitate in particular the relationship between the various European instruments for the protection of social rights.

3. It noted that three meetings were foreseen for the completion of its work. It also noted that the current meeting will be devoted to the examination and possible adoption of the draft report on the legal protection of social rights within the Council of Europe. This draft report will represent the legal analysis mentioned in the terms of reference. On this basis, detailed follow-up proposals will be made subsequently in order to fulfil the second part of the terms of reference.

Item 2: Election of a Vice-Chair

4. The Group elected Mr Elias KASTANAS (Greece) as Vice-Chair of the CDDH-SOC.

Item 3: Discussion on the Draft report on the legal protection of social rights within the Council of Europe

5. The Rapporteur, Ms Chantal GALLANT (Belgium), presented, in its broad outline, her draft report on the legal protection of social rights within the Council of Europe, underlining the methodology used.

6. During the general exchange of views, the Group welcomed the quality of the work carried out as an excellent basis for discussion and thanked deeply the Rapporteur. It was considered, however, that the draft report should reflect more the diversity of governmental approaches to the protection of social rights within the Council of Europe, it being understood that the idea that there is an unbalance between the two systems (European Social Charter and European Convention on Human Rights) is not shared by all.

7. The Group proceeded subsequently to the examination of the draft report, paragraph by paragraph, in particular in light of the drafting proposals received. At the end of the examination, it decided to transmit the draft report to the CDDH for discussion and possible adoption at its June 2017 meeting, it being understood that the proposals for action appearing in the text should be consolidated at the second meeting of the Group, in light of possible orientation by the CDDH. The draft report appears in document CDDH-SOC(2017)R1 Addendum.

Item 4: Discussion on further work

8. Delegations having made amendment proposals agreed by the Group were invited to send them to the Secretariat (manuel.paolillo@coe.int) by 28 April at noon.

9. Subsequently, the consolidated version of the draft report will be sent to the members of the CDDH-SOC by the Secretariat by 9 May 2017. Without any objections received by 16 May 2017, the report will be considered as adopted by the Group and sent to the CDDH.

10. It will be proposed to the CDDH that the second meeting of the CDDH-SOC takes place on 6 to 8 November 2017.

Item 5: Drafting of a questionnaire aimed at highlighting the good practices and difficulties encountered by Member States and their suggestions for improving the social rights protection system

11. The consolidated version of the questionnaire (in English) will be sent to the members of the CDDH-SOC by the Secretariat by 25 April 2017. Without any objections by 28 April 2017, the questionnaire will be considered as adopted by the Group. The deadline for the answers to the questionnaire is postponed to the end of August 2017. The Secretariat will make the appropriate reminders in order to collect the answers.

Item 6: Adoption of the meeting report

12. The Group adopted the meeting report.

Item 7: Other business

APPENDIX I

LIST OF PARTICIPANTS

AUSTRIA / AUTRICHE

Dr. Eva FEHRINGER, Stv. Leiterin der Abt. Internationale und europäische Sozialpolitik und Arbeitsrecht, Deputy Head International and European Social Policy and Labour Law

BELGIUM / BELGIQUE

Ms Thérèse BOUTSEN, Conseillère générale de la Division des affaires internationales du SPF Emploi

CZECH REPUBLIC / REPUBLIQUE TCHEQUE

Mr Vit A. SCHORM (*Chair*), Government Agent, Ministry of Justice

FINLAND / FINLANDE

Ms Katja KUUPPELOMÄKI, Legal Officer, Unit for Human Rights Courts and Conventions Legal Service, Ministry for Foreign Affairs

FRANCE

M. Hugo WAVRIN, Ministère des Affaires étrangères et du Développement international, Direction des affaires juridiques, Sous-direction des droits de l'Homme

GREECE / GRECE

Mr Elias KASTANAS, Legal Counselor, Legal Department, Ministry of Foreign Affairs

ITALY / ITALIE

Mr Daniele LOI, Adjoint au Représentant Permanent, Représentation Permanente de l'Italie auprès du Conseil de l'Europe

Mme Valentina SPINEDI, Stagiaire, Représentation Permanente de l'Italie auprès du Conseil de l'Europe

LATVIA / LETTONIE

Ms Agnese STUDĀNE, Jurisconsult of the Government Agent Office before International Human Rights Organisations, Ministry of Foreign Affairs

REPUBLIC OF MOLDOVA / REPUBLIQUE DE MOLDOVA

Ms Oxana OLARU, senior adviser in the Representation to the ECtHR Department, Government Agent General Department, Ministry of Justice

POLOGNE / POLAND

Mr Jerzy CIECHANSKI, Counsellor to the Minister, Department for International Cooperation at the Ministry of Family, Labour and Social Policy

PORTUGAL

Mr Paulo MARREAS FERREIRA, Juriste/Lawyer, Bureau de Documentation et de Droit Comparé de l'Office de Mme la Procureure Générale de la République à Lisbonne/ Portugal
Office of Documentation and Comparative Law of the Attorney General's Office, Lisbon,

RUSSIAN FEDERATION / FEDERATION DE RUSSIE (*Apologised-Excusé*)

SLOVENIA / SLOVENIE

Mr Matija VIDMAR, Secretary, Department for International Cooperation and EU law, Ministry of Justice

SPAIN / ESPAGNE

Ms Sara IZQUIERDO PÉREZ, Senior State Attorney within the Office of the General State Attorney

TURKEY / TURQUIE

Ms Aysen EMÜLER, Legal Expert, Représentation permanente de la Turquie auprès du Conseil de l'Europe

RAPPORTEUR

Mme Chantal GALLANT, Co-Agent devant la Cour européenne, SPF JUSTICE, Direction générale de la Législation et des Libertés et Droits fondamentaux, Service des droits de l'homme

OBSERVERS/OBSERVATEURS

HOLY SEE / SAINT-SIEGE

Mr Peter VERHAEGHE, "Policy and advocacy officer", Caritas Europa, Bruxelles

Conference of INGOs of the Council of Europe / Conférence des OING du Conseil de l'Europe

Mme Marie-José SCHMITT, Chargée de mission pour la Charte sociale

European Trade Union Confederation (ETUC) / Confédération européenne des syndicats (CES)

Mr Stefan CLAUWAERT, ETUI Senior Researcher, ETUC Representative in the European Social Charter Governmental Committee

Conference of european Churches (CEC) / Conférence des églises européennes (KEK)

Mr Frank-Dieter FISCHBACH, Executive Secretary, Conference of European Churches

European Network of Human Rights Institutions (ENNHRI) / Réseau européen des institutions nationales des droits de l'Homme

Ms Cécile RIOU BATTISTA

Academic Network on the European Social Charter and Social Rights (ANESC) / Réseau académique sur la Charte Sociale Européenne et les Droits Sociaux (RASCE)

Ms Mélanie SCHMITT, Université de Strasbourg

European Social Cohesion Platform / Plateforme européenne de cohésion sociale (PECS)

Ms Petia MOEVA, Vice Chair of the European Social Cohesion Platform, State Expert, Department on "Equal Opportunities and Antidiscrimination", Directorate on "People with Disabilities, Equal Opportunities and Social Assistance", Ministry of Labour and Social Policy

SECRETARIAT

**DG I – Human Rights and Rule of Law / Droits de l'Homme et Etat de droit
Council of Europe / Conseil de l'Europe**

Mr Alfonso DE SALAS, Secretary to the CDDH / Secrétaire du CDDH, Head of Division / Chef de Division, Human Rights Intergovernmental Cooperation Division / Division de la coopération intergouvernementale en matière de droits de l'Homme

Mr Manuel PAOLILLO, Human Rights Intergovernmental Cooperation Division / Division de la coopération intergouvernementale en matière de droits de l'Homme

Ms Corinne GAVRILOVIC, Assistant/Assistante, Human Rights Intergovernmental Cooperation Division / Division de la coopération intergouvernementale en matière de droits de l'Homme

INTERPRETERS / INTERPRÈTES

Mr Grégoire DEVICTOR

Ms Chloé CHENETIER

Mr Jean-Jacques PEDUSSAUD

APPENDIX II

AGENDA

- Item 1: Opening of the meeting and adoption of the agenda**
- Item 2: Election of a Vice-Chairperson**
- Item 3: Discussion on the Draft report on the legal protection of social rights within the Council of Europe**
- Item 4: Discussion on further work**
- Item 5: Drafting of a questionnaire aimed at highlighting the good practices and difficulties encountered by Member States and their suggestions for improving the social rights protection system**
- Item 6: Adoption of the meeting report**
- Item 7: Other Business**

Organisation of the work for the next meeting.

APPENDIX III

**Questionnaire related to the good practices
on the implementation of social rights at national level**

*(A draft questionnaire was sent by the Secretariat
to the CDDH-SOC members on 24 April 2017 for comments by 28 April 2017)*