



**EUROPEAN COMMITTEE OF SOCIAL RIGHTS
COMITÉ EUROPÉEN DES DROITS SOCIAUX**

Doc. 1068-rev
22 April 2024
Committee use only

ECSR contribution to the Vilnius High-Level Conference

Document prepared by the Secretariat

ECSR contribution to the High-level Conference in Vilnius, 3-4 July 2024 - agreed text

The ECSR shares the objectives of the High-level Conference and welcomes the intention of member States to consider adopting further commitments to the European Social Charter so as to strengthen this treaty as an effective source of European and international law.

The ECSR considers the following steps, which could be taken by member States, to be particularly important:

- **Ratification of the 1996 Revised Charter by all member States** to show unified commitment to the CoE's mission to defend social rights, to promote convergence of protection levels and to reduce the unfortunate and counterproductive complexity that arises from the existence of two CoE social charters.
- **Acceptance of the collective complaints procedure**, which since 1998 has not only brought the Charter closer to European citizens, but also raised its visibility and impact to an unprecedented level. Acceptance of the complaints procedure is not conditional on ratification of the 1996 Revised Charter.
- **Acceptance of additional provisions of the Revised Charter**: the indications provided by the procedure on non-accepted provisions (Article 22) are that non-acceptance is often not a question of real legal obstacles, but rather of a lack of awareness, inertia and sometimes misunderstandings. There is thus considerable scope for acceptance of additional provisions by many States Parties.
- **Ratification of the 1991 Amending Protocol to the 1961 Charter¹** by the 4 remaining States (Denmark, Germany, Luxembourg and the United Kingdom) whose ratification is necessary for the entry into force of the Protocol. This will bring additional clarity and legal certainty to the Charter system and more particularly to the respective roles of the treaty bodies as guarantors of the effective application of the Charter.
- **The making of a declaration by States bound by the collective complaints procedure to enable national NGOs to submit complaints**, following the example set by Finland. This would be an important gesture towards genuine involvement of social partners and civil society bringing the Charter and the CoE still closer to European citizens.

¹ The 1991 Amending Protocol (also known as the "Turin Protocol") strengthens the supervisory machinery of the Charter. Following a Committee of Ministers decision of 11 December 1991, the provisions of the Protocol are applied in practice pending its entry into force (except the provision providing for election of ECSR members by the Parliamentary Assembly, see also below).

- **Adding new provisions** to the Charter and/or modernising existing provisions so as to more directly respond to contemporary social rights challenges (a safe and healthy environment, atypical work, artificial intelligence, etc.).
- Amending the **personal scope of the Charter** as defined in the Charter's Appendix so as to bring it in line with established international human rights law. The restriction on the Charter's personal scope set out in the Appendix is inconsistent with the nature of the Charter as a human rights treaty.
- Initiating **negotiations on EU accession to the Charter** and prepare the introduction in the Charter of the necessary legal basis for such accession. EU accession to the Charter has been called for in resolutions of the European Parliament and has also been advocated and argued in detail by leading human rights scholars.

Furthermore, the above-mentioned strengthening of the Charter is intimately linked to the ECSR's own role as the independent and authoritative monitoring body of the Charter. Consequently, the ECSR invites member States to consider the following measures to further develop and consolidate that role:

- **Recognise the authoritative nature of the ECSR's monitoring** and pledge to abide by its decisions and conclusions. This would create legal clarity and strengthen the impact of the ECSR's decisions. The ECSR's jurisprudence (decisions and conclusions) represents an authoritative interpretation of the Charter's provisions. States Parties' have an obligation to cooperate with the ECSR and its decisions and conclusions that arises from the application of the principle of good faith to the observance of all treaty obligations.
- **De facto removal of the 4-month embargo on publication of ECSR decisions** on the merits in collective complaints, for example by the States Parties stating their agreement with immediate publication. The 4-month embargo is a procedural anomaly which hinders communication and visibility of the outputs of the complaints procedure.
- Pending the entry into force of the 1991 Amending Protocol (see above) apply the provision on **election of ECSR members by the Parliamentary Assembly** (Article 3) immediately, in the same way as it has already been decided to apply all the other provisions of the Protocol. Election by the Parliamentary Assembly would strengthen and make more visible the ECSR's democratic basis and its independent status, which is crucial for a body operating with monitoring and quasi-judicial procedures.
- **Increase the number of members of the ECSR** from the current 15 to, for example, 18 or 21, in particular to ensure a better overall balance in the ECSR of the different legal traditions and social models in Europe. This would also

contribute to coping with the increasing workload by enabling further improvement of the ECSR's working methods.

- **Deploy additional resources to the ECSR and its Secretariat** in order to strengthen the performance of its institutional functions, in particular to ensure necessary quality of outputs and the ability to address and reduce existing backlogs.