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

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PRESS BRIEFING ELEMENTS

Findings 2020

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Findings 2020: press briefing

General overview

The “findings” published by the European Committee of Social Rights (ECSR) set out legal assessments of the follow-up given by States Parties to [decisions](#) of the ECSR in collective complaints. States Parties having accepted the collective complaints procedure under the European Social Charter are under an obligation to submit biennial reports – as part of the Charter’s reporting procedure – on the measures they have taken to remedy violations identified by the ECSR in its decisions in collective complaints. Collective complaints may be lodged by organisations - trade unions, employers’ organisations and non-governmental organisations - against States Parties to the complaints procedure.

[Findings 2020](#) concern 8 States: Belgium, Bulgaria, Finland, France, Greece, Ireland, Italy and Portugal. A total of 51 ECSR decisions were examined; the highest number in respect of France (16 decisions) followed by Greece (12 decisions) and the lowest number in respect of Portugal with only one decision examined.

In respect of 9 decisions the ECSR found that the violations identified have now been fully remedied and. In several others it found that definite progress had been made but that the situations were still not entirely in conformity with the requirements of the Charter. The number of decisions not remedied, in some cases more than a decade after the ECSR’s initial decision, thus remains high (42 decisions) and the ECSR calls upon the States concerned to make the necessary efforts to implement the decisions concerned, while acknowledging that some of the situations examined are complex and require significant time and resources to bring them into conformity with the Charter.

In this respect, the ECSR also calls upon the Council of Europe’s Committee of Ministers – the body responsible for overseeing the follow-up to decisions in collective complaints – to continue to show vigilance and due diligence in ensuring that the ECSR’s decisions are properly implemented.

Country-by-country overview

In respect of **Belgium**, the ECSR examined 4 decisions on issues such as housing for Traveller families (CC62), access to social services for highly dependent adults with disabilities (CC75), corporal punishment of children (CC98) and inclusive education for children with intellectual disabilities (CC109).

In all these cases, the ECSR found that the situation has still not been brought fully into conformity with the Charter provisions invoked. In some of the cases, the ECSR noted that progress had been made, but not sufficient to alter its assessment.

In respect of **Bulgaria**, the ECSR examined 3 decisions on issues such as housing for Roma families (CC31), access to education of children with intellectual disabilities residing in homes for mentally disabled children (CC41) and health care for poor or socially vulnerable persons, including discrimination of Roma in this respect (CC46).

In all these cases, the ECSR found that the situation has still not been brought fully into conformity with the Charter provisions invoked.

In respect of **Finland**, the ECSR examined 5 decisions on issues such as social services provision for the elderly (CC70 and CC71), the level of certain social security benefits (CC88 and CC108), and upper limits on compensation in cases of unlawful dismissal as well as lack of provision for the possibility of reinstatement (CC106).

In all these cases, the ECSR found that the situation has still not been brought fully into conformity with the Charter provisions invoked. However, as regards CC71 it noted that a reform of the Act on Client Charges in Health and Social Services was planned, which according to the Government would remove barriers to treatment and to increase equality in health services for elderly persons. Also in respect of CC70, the ECSR noted that significant progress had been made.

In respect of **France**, the ECSR examined 16 decisions on issues such as mainstream education for autistic children (CC13 and CC81), right to housing for people at risk of poverty, notably Roma (CC33 and CC39), overtime compensation for members of the national police force (CC38, CC57 and CC68), expulsion of Roma from camps and discrimination in this context (CC63 and CC64), right to housing of Roma (CC51), access to housing, education, health care, social assistance and other rights in respect of Roma (CC67), corporal punishment of children (CC92), the right to organise and collective bargaining in the *Gendarmerie Nationale* and the military (CC101), reception measures and education for unaccompanied children (CC114), so-called “designating clauses” concerning supplementary pension schemes in collective agreements (CC118) and access of Travellers to education in the context of expulsion procedures (CC119).

In 9 of these cases, the ECSR found that the situation has still not been brought fully into conformity with the Charter provisions invoked. However, in 5 of these cases it noted that certain of the violations had now been remedied while reserving its positions with regard to other violations. In 7 cases (CC33, CC39, CC51, CC63, CC64, CC92 and CC118) it found that the situation was now compatible with the Charter and therefore decided to close its follow-up in these cases.

In respect of **Greece**, the ECSR examined 12 decisions on issues such as access to housing for Roma families (CC15 and CC49), the right to a healthy environment and health and safety at work (CC30 and CC72) and austerity measures relating to the labour market (working time, remuneration, vocational training, etc.) and social security benefits (pensions) (CC65, CC66, CC76-80 and CC111).

In all these cases, the ECSR found that the situation has still not been brought fully into conformity with the Charter provisions invoked, although progress was noted in certain cases. In CC66, the ECSR noted that the age discrimination identified in respect of remuneration had been removed and that the situation had thus been brought into conformity on this point.

In respect of **Ireland**, the ECSR examined 4 decisions on issues such as the right to organise and collective bargaining, including the right to strike, of members of the police force (CC83), the right to housing of Travellers (CC100), adequacy of local authority housing (CC110) and the right to organise and collective bargaining in the military (CC112).

In all these cases, the ECSR found that the situation has still not been brought fully into conformity with the Charter provisions invoked, although progress was noted in certain cases. In CC112, the Committee found that the situation as regards collective bargaining in the military has now been brought into conformity while other violations remained unremedied in respect of other points of this complaint.

In respect of **Italy**, the ECSR examined 6 decisions on issues such as access to housing for Roma as well as other rights (CC27 and CC58), the right to adequate health care without discrimination in case of termination of pregnancy (CC87 and CC91), social security coverage for persons performing the duties of Justice of the Peace (CC102) and access of certain categories of teachers to specialist training in support teaching.

In 4 of these cases, the ECSR found that the situation has still not been brought fully into conformity with the Charter provisions invoked. In 2 cases (CC102 and CC105) it found that the situation – social security for Justices of the Peace and access to specialist training in support teaching, respectively – was now compatible with the Charter and therefore decided to close its follow-up in these cases.

Finally, in respect of **Portugal**, the ECSR examined one decision, which concerned the right to housing of Roma (CC61).

The ECSR found that the situation has still not been brought fully into conformity with the Charter provisions invoked, although some progress was noted.