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

15 March 2022

## **PRESS BRIEFING ELEMENTS**

### **Findings 2021**

*Document prepared by the Secretariat*

## Findings 2021: 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 reports with two-yearly intervals – 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. In addition to the state reports, the ECSR also had at its disposal several comments on certain state reports submitted by trade unions, non-governmental organisations and national human rights institutions.

Collective complaints may be lodged by organisations - trade unions, employers’ organisations and non-governmental organisations - against States Parties to the complaints procedure. For details on this procedure, see here: [Collective complaints \(coe.int\)](#)

Findings 2021 concern 8 States: Belgium, Bulgaria, Finland, France, Greece, Ireland, Italy and Portugal. The follow-up to a total of **46** ECSR decisions was examined; the highest number in respect of Greece (12 decisions) followed by France (10 decisions) and the lowest number in respect of Portugal with only one decision examined.

In none of the 46 decisions concerned, the ECSR found that the violations identified had been fully remedied and it was therefore unable to close the follow-up procedure in any of them. In respect of several decisions, 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 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 the follow-up to 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 of 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, for example in FIDH v. Belgium (CC62) the recognition of caravans as light housing/dwellings in the Walloon Region and projects to develop reception areas for Travellers, but not sufficient to alter its assessment.

In respect of **Bulgaria**, the ECSR examined the follow-up to 5 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](#)), health care for poor or socially vulnerable persons, including discrimination of Roma in this respect ([CC46](#)), restrictions on family allowances and resultant discrimination against Roma female minors ([CC121](#)) and access of Roma women to health care in respect of maternity ([CC151](#)).

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

In respect of **Finland**, the ECSR examined the follow-up to 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 of these cases, the ECSR found that the situation had still not been brought fully into conformity with the Charter provisions invoked. However, it noted that reforms were still underway in respect of the informal carer system for the elderly and of the Act on Client Charges in Health and Social Services ([CC70](#) and [CC71](#)).

In respect of **France**, the ECSR examined the follow-up to 10 decisions on issues such as mainstream education for autistic children ([CC13](#) and [CC81](#)), overtime compensation for members of the national police force ([CC38](#), [CC57](#) and [CC68](#)), access to health care (including information and prevention measures) for Roma ([CC67](#)), the right to organise and collective bargaining in the *Gendarmerie Nationale* and the military ([CC101](#)), reception measures and education for unaccompanied children ([CC114](#)), access of Travellers to education in the context of expulsion procedures ([CC119](#)) and the length of reference periods for averaging working hours under flexible working arrangements ([CC154](#)).

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

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](#), [CC77](#), [CC78](#), [CC79](#), [CC80](#) and [CC111](#)).

In all of these cases, the ECSR found that the situation had still not been brought fully into conformity with the Charter provisions invoked, although progress was noted in certain cases. In *FIDH v. Greece* ([CC72](#)) regarding the pollution of the Asopos River, the ECSR noted the setting of the chromium level at 25mg to be achieved by 2023, the continued sampling of the Asopos river water and the posting of new Environmental Inspectors.

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, including the right to strike ([CC112](#)).

In all of these cases, the ECSR found that the situation had still not been brought fully into conformity with the Charter provisions invoked. However, in *EUROCOP v. Ireland* ([CC112](#)) the

ECSR found that the situation has now been remedied in respect of the right to organise and collective bargaining, but still not with respect to the right to strike in the military.

In respect of **Italy**, the ECSR examined 5 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](#)) and restrictions on the right to organise of members of the *Guardia di Finanza* ([CC140](#)).

In all of these cases, the ECSR found that the situation had still not been brought fully into conformity with the Charter provisions invoked. However, in *CGIL v. Italy* (CC140) it took note of possible progress, in particular the Constitutional Court decision No. 120/2018 which declared unconstitutional the provisions of the Military Code regarding the prohibition for military personnel to form trade unions and the tabling of a draft law that would enable trade union activity by registering with a specially constituted register. In *ERRC v. Italy* (CC27) it noted the increasing number of municipalities where Roma and Sinti households have been able to access social housing. Finally, in *IPPF EN v. Italy* (CC87) and *CGIL v. Italy* (CC91), the ECSR took note of a reduction in the average waiting time between the issue of the certification by the healthcare personnel and the intervention to terminate pregnancy.

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

The ECSR found that the situation had still not been brought fully into conformity with the Charter provisions invoked, although some progress was noted, including in the form of funding allocated to the “Housing Access Support Programme” and improved data collection with a view to facilitating the inclusion of Roma communities in the areas of education, employment, health and housing.