



**EUROPEAN COMMITTEE OF SOCIAL RIGHTS
COMITE EUROPEEN DES DROITS SOCIAUX**

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PRESS BRIEFING ELEMENTS

Findings 2023

Document prepared by the Secretariat

Findings 2023: press briefing

Findings 2023 contain assessments of follow-up in respect of **58 decisions**¹ in [collective complaints](#) concerning the 8 States in Group A²: Belgium, Bulgaria, Finland, France, Greece, Ireland, Italy and Portugal.

Broken down by State, the numbers of findings are as follows:

Belgium	6
Bulgaria	6
Finland	7
France	11
Greece	13
Ireland	5
Italy	8
Portugal	2

With respect to the outcome in terms of the violations identified having been remedied the situation for the 8 States concerned is the following:³

Belgium and Bulgaria: none of the violations identified have been remedied.

Finland: the violations identified in [CUCW v. Finland](#) have been remedied.

France: the violations identified in [Médecins du Monde - International v. France](#) and [ERTF v. France](#) have been remedied.

Greece: the violations identified in 7 of the 13 decisions examined have been remedied: [GENOP-DEI and ADEDY v. Greece](#), [FIDH v. Greece](#), [IKA –ETAM v. Greece](#), [POPS v. Greece](#), [I.S.A.P. v. Greece](#), [POS-DEI v. Greece](#) and [ATE v. Greece](#). 3 further decisions have been partially remedied (i.e., one or more of the violations identified have been remedied while the situation remains in violation for one or more other grounds), namely [MFHR v. Greece](#), [GSEE v. Greece](#) and [UWE v. Greece](#).

Ireland: the violations identified in [UWE v. Ireland](#) have been remedied.

Italy: the violations identified in [CGIL v. Italy](#) have been partially remedied.

Portugal: the violations identified in [ERRC v. Portugal](#) have been partially remedied.

¹ The compilation contains only 53 separate texts because in respect of Greece the follow-up to [ERRC v. Greece](#) and [INTERRIGHTS v. Greece](#) were examined together and the same applies to [IKA –ETAM v. Greece](#), [POPS v. Greece](#), [I.S.A.P. v. Greece](#), [POS-DEI v. Greece](#) and [ATE v. Greece](#).

² The last findings in respect of the States in Group B were [Findings 2022](#) published in early 2023.

³ For more detailed information, please see the Appendix.

It is recalled that Findings 2023 will be the last under the existing system for presentation of reports on follow-up to decisions in collective complaints. This system has operated since 2015 and several of the findings represent the 5th assessment of the follow-up and with the situations still not having been remedied.

This system for presenting reports will now come to an end and the present findings will be transmitted to the Committee of Ministers and the follow-up for these decisions will then be closed as far as the ECSR is concerned. It will be for the Committee of Ministers to decide on any possible further follow-up.

In the future, there will be only one single State report on follow-up and one single assessment by the ECSR for each decision on the merits.⁴ The latter (the finding) will be transmitted to the Committee of Ministers for any further follow-up.

⁴ The single report is to be submitted to the ECSR two years after the adoption of the recommendation by the Committee of Ministers, cf. the reform package aimed at modernising the European Social Charter system ([CM\(2022\)114-final](#)).

Appendix: selected highlights country-by-country

Belgium

In respect of Belgium, the ECSR found that the situation regarding the right to inclusive education for children with intellectual disabilities had not yet been brought into conformity ([MDAC v. Belgium](#) and [FIDH and Inclusion Europe v. Belgium](#)). Examining legislative measures and their effectiveness in promoting inclusive educational practices, the ECSR noted some progress in legislative amendments regarding reasonable accommodation, but concerns remained about the lack of inclusive education measures. The ECSR found that the mainstream educational institutions and curricula were still not sufficiently accessible in practice to the children concerned.

Furthermore, with respect to access to social welfare services and support for highly dependent adults with disabilities ([FIDH v. Belgium](#)), the situation had not been brought into conformity with the relevant provisions of the Charter, despite some progress in certain regions regarding access to social welfare services and data collection.

The ECSR also examined housing and social inclusion policies for Traveller communities in Belgium, focusing on issues such as recognition of caravans as dwellings, housing quality standards, provision of public sites, and legal protection against evictions ([FIDH v. Belgium](#)). It noted some progress in certain regions regarding housing quality standards and urban planning, but overall there had been no significant new developments since previous assessments.

The ECSR further found continued lack of clear and precise prohibition of corporal punishment in Belgian law, specifically concerning the protection of children's rights ([APPROACH Ltd v. Belgium](#)). The bill proposed with a view to amending the Civil Code had not yet been adopted and relevant discussions were still pending before the Parliament. Consequently, the situation had not been brought into conformity with Article 17§1 of the Charter.

Finally, with respect to [UWE v. Belgium](#) on equal pay for women and men, the ECSR found that although changes were being considered by the Government there had still not been decisive progress in the situation.

Bulgaria

The ECSR examined the follow-up to its decision on housing for Roma families ([ERRC v. Bulgaria](#)). In this case, the ECSR found that the situation had still not been brought fully into conformity with the Charter provisions invoked.

In respect of [ERT v. Bulgaria](#), the ECSR found that the restrictions introduced concerning the suspension or the termination of the family allowances when the child stops attending school or when the minor becomes a parent remained.

With respect to [UWE v. Bulgaria](#) on equal pay for women and men, the ECSR found that the violations identified (effective remedies, including an effective equality body, job comparisons measurable progress in reducing the gender pay gap and representation of women in decision-making positions in private companies) had not been remedied.

In [ERRC v. Bulgaria](#) the ECSR found no new elements demonstrating that health care, and in particular Roma women's access to maternity services in public hospitals, had been improved and the situation therefore remained in violation of Article E in conjunction with Article 11§1 of the Charter.

In addition, the ECSR also found that no decisive progress had been made in remedying the violations identified in [ERRC v. Bulgaria](#) (health care for poor or socially vulnerable persons, especially Roma) and [MDAC v. Bulgaria](#) (lack of effective right to education and discrimination in respect of children with moderate, severe or profound intellectual disabilities residing in homes for mentally disabled children).

Finland

In respect of Finland, the ECSR examined the follow-up to decisions on issues such as social services provision for the older persons ([The Central Association of Carers in Finland v. Finland](#) and [The Central Association of Carers in Finland v. Finland](#)), the level of certain social security benefits ([Finnish Society of Social Rights v. Finland](#) and [Finnish Society of Social Rights v. Finland](#)), upper limits on compensation in cases of unlawful dismissal as well as lack of provision for the possibility of reinstatement ([Finnish Society of Social Rights v. Finland](#)), gender pay gap ([UWE v. Finland](#)) and limitations on access to early childhood education and care ([CUCW v. Finland](#)).

In 6 of these 7 cases, the ECSR found that the situation has not been brought into conformity with the Charter provisions invoked. In respect of one case ([CUCW v. Finland](#)), the ECSR found that the situation had been brought in conformity with Article E taken in conjunction with Article 17§1.a of the Charter, Article 27§1.c of the Charter, and Article E taken in conjunction with Article 16 of the Charter. The ECSR welcomed the amendments to the Act on Early Childhood Education and Care which eliminated the limitation on the subjective right of a child to full-time early childhood education and care which had been previously found by the ECSR to be in violation of the Charter.

In some cases, the ECSR noted that progress had been made, for example with regard to ongoing reforms in respect of health and social services for older persons ([The Central Association of Carers in Finland v. Finland](#)) and the revision of the Act on Client Charges in Health and Social Services in respect of the fees for service housing with 24-hour assistance for older persons ([The Central Association of Carers in Finland v. Finland](#)). However, obstacles remained in fully implementing the decisions of the ECSR.

In [UWE v. Finland](#), the ECSR noted that the unadjusted gender pay gap in 2020 stood at 16.7% and at 16.5% in 2021, against 12.9% in 2020 and 12.7% in 2021 in the EU on average. The ECSR considered that despite the measures taken and the commitment

shown by the Government to reduce the gap, it has remained stagnant and therefore, there has not been a measurable progress.

France

In respect of France, the ECSR examined the follow-up to three decisions concerning overtime compensation for members of the national police force ([CESP v. France](#), [CESP v. France](#), and [CESP v. France](#)) and found that no progress had been made in bringing the situation into conformity with the Charter.

After having closed the follow-up in Findings 2020 as regards most of the violations identified in two decisions on access to housing, education, health care, social assistance and other rights in respect of Roma ([Médecins du Monde - International v. France](#)) and access of Travellers to education in the context of expulsion procedures ([ERTF v. France](#)), the Committee found that the situation as regards the remaining violations was now compatible with the Charter and therefore decided to close its follow-up in both cases.

The ECSR also examined the reasonableness of the reference period for averaging working hours under flexible working arrangements ([CGT v. France](#)). The Committee noted that while some progress had been made, with certain sectors limiting flexible working schemes to shorter periods, there were still collective agreements allowing reference periods beyond 12 months. This, the ECSR held, could lead to workers being deprived of higher rates of remuneration for overtime. Therefore, despite some improvements, the situation was deemed to have not been fully redressed.

With respect to [UWE v. France](#) on equal pay for women and men, the ECSR noted that the Government had adopted a variety of measures to tackle the gender pay gap. However, the gap remained a persistent problem and the ECSR did not consider that sufficient measurable progress had been made (the gender pay gap stood at 15.4% in 2021, i.e. above the EU average).

Finally, as regards [IAAE v. France](#) and [AEH v. France](#) (relative lack of mainstream education for children with autism, shortage of care and support facilities for autistic adults, limited state funding for the education of children and adolescents with autism, etc.) the ECSR found that progress made was insufficient to bring the situation into conformity with the Charter.

Greece

In respect of Greece, the ECSR found that the situation regarding social security benefits guaranteed under Article 12§3 of the Charter ([GENOP-DEI and ADEDY v. Greece](#), [FIDH v. Greece](#), [IKA-ETAM v. Greece](#), [POPS v. Greece](#), [I.S.A.P. v. Greece](#), [POS-DEI v. Greece](#) and [ATE v. Greece](#)), the situation regarding protection of employed persons under 18 years of age guaranteed under Article 7§7 ([GENOP-DEI and ADEDY v. Greece](#), [GSEE v. Greece](#)), the situation regarding the right to a healthy environment established under

Article 11 ([MFHR v. Greece](#), [FIDH v. Greece](#) and [GSEE v. Greece](#)) and the situation regarding the right to safe and healthy working conditions established under Article 3§2 ([MFHR v. Greece](#)) had been brought into conformity with the Charter.

On the other hand, the situation regarding the access to housing for Roma families guaranteed under Article 16 of the Charter ([ERRC v. Greece](#) and [INTERIGHTS v. Greece](#)) and the situation related to austerity measures that affected the labour market and the rights of workers (working time, remuneration, improvement of the working conditions, etc.) protected under Articles 2§1, 2§4, 4§1, 4§3, 4§4, 7§5, 20 and 22 of the Charter ([MFHR v. Greece](#), [GENOP-DEI and ADEDY v. Greece](#), [GSEE v. Greece](#), [UWE v. Greece](#)) have not been brought into conformity.

In [INTERIGHTS v. Greece](#), the ECSR found that no measurable progress had been made in improving the situation with sub-standard dwellings of the Roma communities, nor with ensuring adequate legal protection for Roma families threatened by eviction. In respect of [GENOP-DEI and ADEDY v. Greece](#), the ECSR noted that paragraph 7(b) of Article 11 of Law 4763/2020 has been amended and now provides that apprentices are no longer excluded from the general range of protection offered by the social security system and therefore, the situation had been brought into conformity with the Charter.

As regards [UWE v. Greece](#) on equal pay for women and men, the ECSR found that Greece had made a measurable progress in increasing the representation of women in decision making bodies within private companies, which reached 24.5% in 2023. However, the ECSR noted that the indicator for Greece still fell well below the European average and therefore encouraged Greece to make further progress in this area.

Ireland

In [UWE v. Ireland](#) the ECSR noted that the Gender Pay Gap Information Act 2021 had entered into force. It considered that the introduction and gradual implementation of the Gender Pay Gap Information Act represented a progress in strengthening pay transparency. It also noted that Ireland had produced and analysed statistical data concerning the pay gap, which has been decreasing since 2014 when it stood at 13.4%. The Committee therefore, considered that the measures have been taken to collect reliable and standardised data, indispensable to the formulation of rational policy to fight against the gender pay gap. Furthermore, as regards violation of Article 20.d of the Charter the ECSR noted from the European Institute for Gender Equality (EIGE) that there had been a positive evolution of the female participation on boards of large listed companies: in 2019 at 22.4% (EU average was 27.8%), and in 2023 at 36%, against 34% in the EU. The ECSR found that this positive trend marked a measurable progress and therefore, the situation had been brought into conformity.

As regards [EUROCOP v. Ireland](#) (complete prohibition of the right to strike for members of the police force), the situation had still not been fully brought into conformity with the Charter. The same was the case for [EUROMIL v. Ireland](#) (right to organise in the military).

Finally, with respect to two decisions on the right to housing of Travellers ([ERRC v. Ireland](#)) and the adequacy of local authority housing ([FIDH v. Ireland](#)), the ECSR found that the situation had still not been brought fully into conformity with the Charter provisions invoked, although a certain progress was noted in the former case.

Italy

In respect of Italy, the ECSR examined 8 decisions on issues such as access to housing for Roma, including social housing, and inadequacy of eviction procedures ([ERRC v. Italy](#) and [COHRE v. Italy](#)), the right to adequate health care without discrimination in case of termination of pregnancy ([IPPF EN v. Italy](#) and [CGIL v. Italy](#)), including the difference in treatment between objecting and non-objecting medical practitioners, in terms of workload, distribution of tasks, career development opportunities etc. ([CGIL v. Italy](#)). The ECSR further examined issues such as restriction on the right to organise of members of the *Guardia di Finanza* and absolute prohibition of the right to strike imposed on their members ([CGIL v. Italy](#)), gender pay discrimination ([UWE v. Italy](#)), absence of effective safeguards for public education staff against abuse arising from the undue recourse to fixed-term contracts ([CGS v. Italy](#) and [ANIEF v. Italy](#)).

In 7 of these cases, the ECSR found that the situation has still not been brought into conformity with the Charter provisions invoked. In one case (*Confederazione Generale Italiana del Lavoro* (CGIL) v. Italy, [CGIL v. Italy](#)), the Committee found that the situation with regard to the establishment of trade unions by the members of *Guardia di Finanza*, which was subject to the prior consent of the Minister of Defence, was now compatible with the Charter (one of the violations initially identified under Article 5). In the same case, the ECSR further found that the professional associations in question, albeit subject to the requirements of the proper functioning of the *Guardia di Finanza*, can participate in direct negotiations with the Government on most questions of concern to the personnel they represent. The situation was therefore now compatible with the Charter (Article 6§2).

In [UWE v. Italy](#) on equal pay for women and men, the ECSR considered that despite some improvements presented by the Government, especially as regards access to pay information, it had not been demonstrated that any progress had been made in terms of whether job classification systems are applied and used effectively in practice to prevent gender pay discrimination and there was no evidence that the notion of 'equal value' is adequately defined in domestic case law.

The ECSR also noted that the gender pay gap stood at 4.2% in 2020 and at 5.0% in 2021. Although this indicator remained significantly below the EU average, the ECSR observed that the Government had not provided any concrete evidence of measures taken to reduce the size of the informal economy and to improve the collection of data that more accurately reflect the reality as regard female employment and remuneration. In view of the above, the ECSR found that the situation had not been brought into conformity.

With respect to [CGS v. Italy](#) and [ANIEF v. Italy](#) concerning successive fixed-term contracts in the public education sector in respect of workers not in the ERE lists (eligibility ranking

lists to be drawn upon until exhaustion) without remedial safeguard, the ECSR noted that although there were some positive developments, such as the simplification of selection procedures and new competitions in order to reduce the number of workers on fixed-term contracts not in ERE lists, the situation had not been brought fully into conformity with the Charter.

Portugal

In respect of Portugal, the ECSR examined the follow-up to two decisions, which concerned the right to housing of Roma ([ERRC v. Portugal](#)) and the gender pay gap ([UWE v. Portugal](#)). In the first case, the ECSR found that the situation had been brought into conformity with Article E taken in conjunction with Article 30 of the Charter concerning measures taken to ensure an overall and coordinated approach taking into consideration the specific situation of Roma. However, the situation had not been brought into conformity with Article E in conjunction with Articles 31§1 and 16 of the Charter in respect of continuing precarious housing conditions for a large part of the Roma community and the lack of lasting solutions to the deteriorating residential conditions in informal Roma neighbourhoods.

Finally, as regards the gender pay gap, the situation had not yet been brought into conformity with the Charter (the ECSR noted that the unadjusted gender pay gap had even increased in recent years).