



March 2024

European Social Charter

European Committee of Social Rights

Conclusions XXII-4 (2023)

General Introduction

This text may be subject to editorial revision.

GENERAL INTRODUCTION

1. The European Committee of Social Rights, established by Article 25 of the European Social Charter, composed of:

Ms Aoife NOLAN (Irish)

President

Professor of International Human Rights Law, School of Law

Co-Director of the Human Rights Law Centre

University of Nottingham (United Kingdom)

Ms Eliane CHEMLA (French)

Vice-President

Honorary State Councillor

State Council, Paris (France)

Ms Tatiana PUIU (Moldovan)

Attorney at Law

Human Rights specialist (Republic of Moldova)

Ms Kristine DUPATE (Latvian)

General Rapporteur

Associate Professor, International and European Law, Faculty of Law

University of Latvia, Riga (Latvia)

Mr József HAJDÚ (Hungarian)

Professor of Labour Law and Social Security, Faculty of Law

University of Szeged (Hungary)

Ms Karin Møhl LARSEN (Danish)

Adviser on International Social Security issues and European Union Law

Copenhagen (Denmark)

Mr Yusuf BALCI (Turkish)

Professor of Labour Economics and Social Policy, Faculty of Business

Istanbul Commerce University (Turkiye)

Mr Paul RIETJENS (Belgian)

Former Director general of Legal Affairs of the Federal Public Service of Foreign Affairs, Foreign

Trade and Development Cooperation, Brussels (Belgium)

Mr George N. THEODOSIS (Greek)

Assistant Professor of Labour and Employment Law

Director of the Laboratory of Comparative and European Social Law

Democritus University of Thrace, Komotini (Greece)

Mr Mario VINKOVIĆ (Croatian)

Professor of Labour and Social Security Law, Faculty of Law

University of Osijek (Croatia)

Ms Miriam KULLMANN (German)
Professor of Labour Law and Social Security Law, Utrecht University School of Law
Utrecht University (The Netherlands)

Ms Carmen SALCEDO BELTRÁN (Spanish)
Ph. Doctor, researcher
Civil servant Professor Labour law and social security University of Valencia (Spain)

Mr Franz MARHOLD (Austrian)
Professor, Dr., Emeritus Lawyer,
Institute for Austrian and European Labour Law and Social Security Law (Austria)

Ms Alla FEDOROVA (Ukrainian)
Associate Professor,
Institute of international relation Taras Shevchenko,
National University of Kyiv (Ukraine)

Mr Grega STRABAN (Slovenian)
Professor, Faculty of Law of Ljubljana,
Head of Department of labour law and social security law,
University of Ljubljana (Slovenia)

assisted by Mr Jan MALINOWSKI, Executive Secretary,

between March 2023 and January 2024 examined the reports on the application of the 1961 European Social Charter.

2. The role of the European Committee of Social Rights is to rule on the conformity of the situations in States Parties with the European Social Charter (revised), the 1988 Additional Protocol and the 1961 European Social Charter.

3. Following the changes to the reporting system adopted by the Committee of Ministers at the 1996th meeting of the Ministers' Deputies on 2-3 April 2014 the system comprises two types of reports. Firstly, the reports on the four thematic groups of Charter provisions, and secondly simplified reports every two years on follow-up to collective complaints for States Parties bound by the collective complaints procedure.

4. Thus, the conclusions adopted by the Committee in January 2023 concern the accepted provisions of the following articles of the 1961 European Social Charter ("the 1961 Charter") belonging to the thematic group "Children, migrants and families":

- the right of children and young persons to protection (Article 7),
- the right of employed women to protection of maternity (Article 8),
- the right of the family to social, legal and economic protection, (Article 16),
- the right of mothers and children to social and economic protection (Article 17),
- the right of migrant workers and their families to social, legal and economic protection (Article 19),

5. The Committee recalls that States Parties were asked to reply to [the specific targeted questions](#) posed under various provisions. The Committee therefore focused on the information relating to those questions. In addition, it also assessed the replies to all findings of non-conformity, deferrals or conclusions of conformity pending receipt of information requested in its previous conclusions (Conclusions XXI-4 (2019) or Conclusions XX-4 (2015)) depending on the country concerned). The Committee recalls that no targeted questions were asked under certain provisions. Where the previous conclusion (Conclusions XXI-4 (2019) or Conclusions XX-4 (2015)) was a finding of conformity, there was no examination of the situation in 2023.

6. The following States Parties submitted a report: Croatia, the Czech Republic, Denmark, Luxembourg, the Netherlands in respect of Curaçao, the Netherlands in respect of Aruba, Poland, and the United Kingdom.

7. No report was submitted by Iceland or in respect of the Netherlands Sint Maarten. The Committee considers that their failure to submit a report amounts to a breach of their reporting obligations under Article 21 of the 1961 Charter.

8. As noted above, States Parties which have accepted the collective complaints procedure are required to submit a simplified report every two years. In order to avoid excessive fluctuations in the workload of the Committee from year to year, the 16 States Parties which have accepted the complaints procedure were divided into two groups as follows:

- Group A, made up of eight States: Belgium, Bulgaria, Finland, France, Greece, Ireland, Italy and Portugal;
- Group B, made up of eight States: Croatia, Cyprus, the Czech Republic, the Netherlands, Norway, Slovenia, Spain and Sweden.

9. On this basis, the States Parties belonging to Group A were invited to submit reports on follow-up to collective complaints by 31 December 2022. The findings adopted by the Committee in this respect thus concern the following States Parties: Belgium, Bulgaria, Finland, France, Greece, Ireland, Italy and Portugal. The findings will be made public in March 2024.

10. In addition to the state reports, the Committee had at its disposal comments on the reports submitted by different trade unions and national human rights institutions (see introduction to the individual country chapters). The Committee wishes to acknowledge the importance of these various comments, which were often crucial in gaining a proper understanding of the national situations concerned.

11. The Committee's conclusions as outlined above are published in chapters by State. The conclusions are also available on the website of the European Social Charter and in the Hudoc database that is also available on this site. A summary table of the Committee's Conclusions 2023 as well as the state of signature and ratification of the Charter and the 1961 Charter appear below.

Election of members to the Committee

12. The composition of the Committee is governed by Article 25 pursuant to which its 15 members are elected by the Committee of Ministers for mandates of six years, renewable once.

13. It is recalled that pursuant to Article 3 of the Turin Protocol members shall be elected by the Parliamentary Assembly. However, this provision is still not being applied in practice (pending the formal entry into force of the Protocol).

14. Members shall be “independent experts of the highest integrity and of recognised competence in international social questions”. Election takes place every second year with a third of the seats (5) being up for election.

15. At the 1461st meeting of the Ministers’ Deputies on 29 March 2023, the Committee of Ministers held an election to fill a vacant seat. Ms Alla FEDOROVA (Ukrainian) was elected for a first term with immediate effect, the term of office ends on 31 December 2024

16. At the 1477th meeting of the Ministers’ Deputies on 4 October 2023, the Committee of Ministers held the election to fill the seat falling vacant following the resignation of a member (see below). Mr Grega STRABAN (Slovenian) was elected as a member for a first term with immediate effect, the term of office ends on 31 December 2028.

Resignation of a member

17. Ms Monika ŠIMŮNKOVÁ (Czech) resigned on 1 July 2023. She had been a member of the Committee since January 2023.

Implementation of the report on Improving the European Social Charter System

18. On 27 September 2022, at the 1444th meeting of the Ministers’ Deputies, the Committee of Ministers adopted the operational decisions to reform the European Social Charter system ([CM\(2022\)114](#)).

19. The reform covers the statutory reporting procedure as well as a new ad hoc reporting on critical or emerging issues. It also addresses certain procedural aspects of reporting on follow-up to decisions in the collective complaints’ procedure. Finally, it responds to the desire by States Parties for enhanced dialogue and other means of improving follow-up to the monitoring activities under the Charter.

20. Under the new system for presentation of reports, the Charter provisions will be divided into two groups with reports on one group due every two years (meaning that all Charter provisions will be reported on over a four-year period). The timing of ad hoc reports will be decided jointly by the European Committee of Social Rights and the Governmental Committee. As regards reporting on follow-up to decisions in collective complaints there will henceforth be only one single report for each decision to be submitted approximately two years after the adoption of the Committee of Ministers’ recommendation.

21. The implementation of the new system was phased in as of 2023 (the first reports under the new system to be submitted by the end of 2023 with a view to examination by the Committee in 2024).

Statements of interpretation

22. The Committee makes the following statements of interpretation:

The prevalence of child poverty in a State Party, whether defined or measured in either monetary or multidimensional terms, is an important indicator of the effectiveness of state efforts to ensure the right of children and young persons to social, legal, and economic protection under Article 17 of the Charter. Consistent with its approach in relation to the conceptualisation and measurement of poverty adopted by the Committee in terms of Article 30, the Committee's consideration of child poverty for the purposes of Article 17 reflects an understanding of both income and multi-dimensional understandings of poverty (Statement of interpretation, 2013, Article 30). This understanding is reflected in the indicators and elements the Committee takes into account when assessing State Party compliance with Article 17. For the States that have not accepted Article 17, child poverty will be addressed under Article 30.

The EUROSTAT data and the EU-27 rate of children at risk of poverty or social exclusion is used as key point of reference and indicator of state compliance with Charter rights by the Committee. The Committee will also have regard to disimprovement in terms of the rate of children at risk of poverty or social exclusion in a State Party. Furthermore, the Committee also takes into account non-monetary measures adopted at reducing child poverty and social exclusion such as ensuring access to quality and affordable services in the areas of health, education and housing. When assessing State conformity with Article 17, the Committee will also take into account the extent to which child participation is ensured in work directed towards combatting child poverty and social exclusion.

Next reports

23. In 2023 the Committee decided (in cooperation with the Governmental Committee) to request from States Parties an ad hoc report on the cost-of-living crisis. The deadline for the submission of such reports was 31 December 2023.

Summary of the European Committee of Social Rights Conclusions 2022

	Conformity	Non-conformity
Article 7.1	3	0
Article 7.2	5	0
Article 7.3	2	2
Article 7.4	2	2
Article 7.5	0	4
Article 7.6	4	1
Article 7.7	3	1
Article 7.8	3	1
Article 7.9	4	1
Article 7.10	3	2
Article 8.1	4	2
Article 8.2	2	2
Article 8.3	3	1
Article 8.4	0	2
Article 16	0	8
Article 17	0	6
Article 19.1	3	0
Article 19.2	3	0
Article 19.3	3	0
Article 19.4	3	0
Article 19.5	3	0
Article 19.6	0	3
Article 19.7	3	0
Article 19.8	1	2
Article 19.9	3	1
Article 19.10	0	3
	60	44

Signatures and ratifications of the European Social Charter by Council of Europe members states

Member states		Signatures	Ratifications	Acceptance of the collective complaints procedure	
Albania		21/09/1998	14/11/2002		
Andorra		04/11/2000	12/11/2004		
Armenia		18/10/2001	21/01/2004		
Austria		07/05/1999	20/05/2011		
Azerbaijan		18/10/2001	02/09/2004		
Belgium		03/05/1996	02/03/2004	23/06/2003	
Bosnia and Herzegovina		11/05/2004	07/10/2008		
Bulgaria		21/09/1998	07/06/2000	07/06/2000	
Croatia		06/11/2009	26/02/2003	26/02/2003	
Cyprus		03/05/1996	27/09/2000	06/08/1996	
Czech Republic		04/11/2000	03/11/1999	04/04/2012	
Denmark	*	03/05/1996	03/03/1965		
Estonia		04/05/1998	11/09/2000		
Finland		03/05/1996	21/06/2002	17/07/1998	X
France		03/05/1996	07/05/1999	07/05/1999	
Georgia		30/06/2000	22/08/2005		
Germany	*	29/06/2007	29/03/2021		
Greece		03/05/1996	18/03/2016	18/06/1998	
Hungary		07/10/2004	20/04/2009		
Iceland		04/11/1998	15/01/1976		
Ireland		04/11/2000	04/11/2000	04/11/2000	
Italy		03/05/1996	05/07/1999	03/11/1997	
Latvia		29/05/2007	26/03/2013		
Liechtenstein		09/10/1991			
Lithuania		08/09/1997	29/06/2001		
Luxembourg*	*	11/02/1998	10/10/1991		
Malta		27/07/2005	27/07/2005		
Republic of Moldova		03/11/1998	08/11/2001		
Monaco		05/10/2004			
Montenegro		22/03/2005	03/03/2010		
Netherlands		23/01/2004	03/05/2006	03/05/2006	

Norway		07/05/2001	07/05/2001	20/03/1997
North Macedonia		27/05/2009	06/01/2012	
Poland		25/10/2005	25/06/1997	
Portugal		03/05/1996	30/05/2002	20/03/1998
Romania		14/05/1997	07/05/1999	
San Marino		18/10/2001		
Serbia		22/03/2005	14/09/2009	
Slovak Republic		18/11/1999	23/04/2009	
Slovenia		11/10/1997	07/05/1999	07/05/1999
Spain		23/10/2000	17/05/2021	17/05/2021
Sweden		03/05/1996	29/05/1998	29/05/1998
Switzerland		06/05/1976		
Türkiye		06/10/2004	27/06/2007	
Ukraine		07/05/1999	21/12/2006	
United Kingdom	*	07/11/1997	11/07/1962	
Number of States	46	2 + 44 = 46	7 + 35 = 42	16

The dates in bold correspond to the dates of signature or ratification of the 1961 Charter; the other dates correspond to the signature or ratification of the 1996 revised Charter.

* States whose ratification is necessary for the entry into force of the 1991 Amending Protocol. In practice, in accordance with a [decision](#) taken by the Committee of Ministers on 11 December 1991, this Protocol is already applied.

X State having recognised the right of national NGOs to lodge collective complaints against it. This table is regularly updated on the Charter's website: www.coe.int/socialcharter