

# How can National Human Rights Institutions and National Equality Bodies engage with the European Committee of Social Rights



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# How can National Human Rights Institutions and National Equality Bodies engage with the European Committee of Social Rights

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# Foreword

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## *Strong partnership in advancing social rights in Europe*

■ Strong, independent and engaged [National Human Rights Institutions](#) (NHRIs) and [National Equality Bodies](#) (NEBs) are essential in well-functioning and democratic societies. They play an essential role in advancing the enjoyment of economic, social and cultural rights in Europe. National Human Rights Institutions and National Equality Bodies monitor the situation of economic, social and cultural rights, advise governments on potential impact of policies on vulnerable groups, report to parliaments and international and regional bodies. By informing and cooperating with the media, they raise awareness of economic, social and cultural rights among the general public and promote a culture of equality, human rights and social justice. Some of them can handle individual complaints and intervene before courts.

■ National Human Rights Institutions and National Equality Bodies have become vital partners for the European Committee of Social Rights' (ECSR) work in both the reporting system and the collective complaints procedure within the European Social Charter. They both are bridge-builders between governments and civil society and know extremely well the situation on the ground. Therefore, they provide data and evidence which helps the Committee to assess possible violations of the Charter.

■ National Human Rights Institutions and National Equality Bodies use their work to report to and engage with international and European bodies such as the European Committee of Social Rights to ensure that all individuals' economic, social and cultural rights are protected.

■ The [Committee of Ministers Recommendation CM/Rec\(2021\)1](#), adopted on 31 March 2021, encourages all Council of Europe members states to explore ways of developing a stronger role and meaningful participation of NHRIs (which are often Equality Bodies) in the Council of Europe.

■ The present Guide and annual meetings between the European Committee of Social Rights and members of the [European Network of National Human Rights Institutions](#) (ENNHRI) and the [European Network of Equality Bodies](#) (EQUINET) constitute a strong beginning of a solid cooperation. To ensure that social rights are adequately protected in Europe, we need strong cooperation between the Council of Europe and European countries on one hand, and effective, pluralist and independent National Human Rights Institutions and National Equality Bodies on the other.

■ The European Committee of Social Rights is very keen on supporting the work of European National Human Rights Institutions and National Equality Bodies. The Secretariat of the European Social Charter stands ready to guide them through the reporting process and offer help with any arising problems and questions, for example regarding formats and deadlines.

■ The present Guide represents this commitment, and we believe it will clarify the process and lead to closer cooperation among the Committee and National Human Rights Institutions and National Equality Bodies in Europe.

**Karin Lukas**

*President of the European Committee of Social Rights*





# What is the European Social Charter

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## In brief

■ The [European Social Charter](#) is a Council of Europe treaty that guarantees fundamental social and economic rights. It is seen as a counterpart to the European Convention on Human Rights, which is focused on civil and political rights. The Charter is based on the same principles of universality, indivisibility and interdependence as other human rights instruments.

■ The Charter guarantees a broad range of everyday human rights including employment, safety at work, health, housing, education, social protection and welfare with a specific emphasis on the protection of vulnerable groups such as older persons, children, persons with disabilities and migrants. The enjoyment of these rights must be guaranteed without discrimination.

■ Most member states of the Council of Europe ([43 out of 47 member states](#)) have expressed their formal consent to give effect to the Charter by 'ratifying' this treaty. Through the act of 'ratification', States become 'parties' to the Charter and thereby have a legal obligation to implement the rights enshrined in this treaty.

## Two treaties

Two versions of the European Social Charter currently co-exist: [the initial version adopted in 1961](#) and [the revised version adopted in 1996](#). This latter version incorporates more rights such as rights of older persons or the right to protection from poverty and social exclusion and updates several of the rights already contained in the initial version. The Revised Charter is meant to progressively replace the 1961 Charter. States may be parties to either of these versions but not both. Most States ([36 out of 43](#)) have now ratified the revised version of the European Social Charter. When a State ratifies the Revised Charter it is bound, at the least, by the provisions that correspond to those that it had accepted under the 1961 Charter.

When considering whether to engage with the European Committee of Social Rights and the European Social Charter monitoring procedures, **NHRIs (and NEBs)** should verify which version of the European Social Charter has been 'ratified' by the State Party in question (signature alone is insufficient).

*The Revised Charter contains 31 articles which are divided into four thematic groups:*

<b>Group 1: Employment, training and equal opportunities</b>	<b>Group 2: Health, social security and social protection</b>	<b>Group 3: Labour rights</b>	<b>Group 4: Children, families and migrants</b>
Article 1	Article 3	Article 2	Article 7
Article 9	Article 11	Article 4	Article 8
Article 10	Article 12	Article 5	Article 16
Article 15	Article 13	Article 6	Article 17
Article 18	Article 14	Article 21	Article 19
Article 20	Article 23	Article 22	Article 27
Article 24	Article 30	Article 26	Article 31
Article 25		Article 28	
		Article 29	

## A tailored system

■ The Charter is based on an *'à la carte'* ratification system. This enables States to choose the provisions they are willing to accept as binding legal obligations. They must commit to accepting a minimum of 10 articles or 45 numbered paragraphs under the 1961 Charter, and a minimum of 16 articles or 63 numbered paragraphs under the Revised Charter.

When considering whether to engage with the European Committee of Social Rights and the European Social Charter monitoring procedures, **NHRIs and NEBs** should verify which provisions of the Charter legally bind the State that is of interest to them. They can do this by checking the [table of accepted provisions](#).

## European Committee of Social Rights

■ The member states' implementation and commitments under the European Social Charter are supervised by the European Committee of Social Rights. Its 15 independent, impartial members are elected by the [Council of Europe's Committee of Ministers](#) for a period of six years, renewable once.

■ The Committee monitors compliance with the Charter under two complementary monitoring procedures:

- ▶ [The collective complaints procedure](#)
- ▶ [The reporting system](#)

■ National Human Rights Institutions and National Equality Bodies can meaningfully engage and contribute to both of these procedures.

■ The European Committee of Social Rights adopts "[conclusions](#)" in respect of national reports submitted annually by States Parties and "[decisions](#)" in respect of collective complaints lodged by entitled organisations. The interpretation given by the European Committee of Social Rights to each of the provisions of the European Social Charter can be found in the [Digest of the case law of the European Committee of Social Rights](#).

■ As decisions and conclusions refer to binding legal provisions and are adopted by a monitoring body established by the Charter and the relevant protocol, they must be respected by the State concerned. Even though, the decisions and conclusions are not directly enforceable in the domestic legal systems, they set out the law and can provide the basis for positive developments in social rights through legislation and case law at national level.

■ In addition, [States Parties to the Revised European Social Charter](#) are due to report on [non-accepted provisions](#) every five years from the date of ratification. In order to examine the situation in respect of non-accepted provisions, the European Committee of Social Rights may organise a meeting with national authorities or invite the State to provide a written report on the provisions not yet accepted. The State in question may invite, at its initiative, social partners, NGOs, NHRIs and NEBs to the meeting with the European Committee of Social Rights.

### **TIP FOR YOU!**

More information on the European Committee of Social Rights and how its different procedures work can be found in its [Rules](#) and on the [European Committee of Social Rights web page](#).

The [Digest of the case law of the European Committee of Social Rights](#) presents how the Committee interprets the different articles of the European Social Charter through its monitoring procedures. The Digest provides important information on the content of the rights under the Charter and what is expected of States that have agreed to be bound by them.

The [Appendix to the Digest](#) contains relevant abstracts, decisions and conclusions of the European Committee of Social Rights.



# Collective complaints procedure

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## What is the collective complaints procedure?

■ The collective complaints procedure was introduced by the [Additional Protocol providing for a system of collective complaints](#) adopted in 1995.

■ The collective complaints procedure aims to improve the enforcement of the social rights guaranteed by the Charter, and to strengthen the participation of social partners and civil society in the process. This is done by allowing civil society organisations and trade unions (full explanation and indication below) to bring complaints against States. They can do so if they believe that a State Party to the European Social Charter (and to the Additional Protocol) has failed to implement the Charter correctly.

■ Collective complaints can only be brought against States that have either ratified the [Additional Protocol providing for a system of collective complaints](#) (signature alone is insufficient) or have made a declaration in terms of Article [D52](#) of the Revised Charter (Bulgaria and Slovenia had made this declaration so far).

## TIP FOR YOU!

Information on the declaration in terms of Article D§2 of the Revised Charter can be found in the notes to the [Chart of signatures and ratifications](#) of the Additional Protocol providing for a system of collective complaints.

■ States Parties to the European Social Charter are not obliged to accept the collective complaints procedure, though they are strongly encouraged to do so. At the moment, [16 States](#) have agreed to be bound by the procedure and hence can be subject to a complaint.

When considering whether to engage with the collective complaints procedure, **NHRIs and NEBs** should verify whether their State has accepted the procedure under the Additional Protocol providing for a system of collective complaints. This information can be found on the website of the European Social Charter [under signatures and ratifications](#).

## How does the collective complaints procedure work?

### *Registration and order of examination*

■ Complaints shall be registered with the Secretariat in the order in which they are received. The Committee shall deal with complaints in the order in which they become ready for examination. It may, however, decide to give priority to the examination of a particular complaint (Rule 26 of the [ECSR Rules](#)).

### *Admissibility*

■ The European Committee of Social Rights will examine all the points listed below ("How can organisations lodge complaints before the European Committee of Social Rights?") and will issue a decision on the admissibility of the complaint.

### *Proceedings*

■ If the European Committee of Social Rights declares the complaint admissible, it will invite the State concerned to make written submissions on the merits of the complaint and will invite the organisation that lodged the complaint to respond to these submissions. A public hearing may be held subsequently, at the request of one of the parties or on the European Committee of Social Rights' initiative.

### *Merits*

■ The European Committee of Social Rights will examine all the arguments and evidence presented during the proceedings and will issue a decision on

the merits of the complaint. This decision establishes whether the law and/or practice of the State concerned by the complaint complies with the European Social Charter.

### ***Follow-up***

■ The decision of the European Committee of Social Rights must be respected by the State concerned. The follow-up to the decision is supervised by the Committee of Ministers of the Council of Europe, which may adopt a resolution or issue a recommendation to the State concerned. In any event, the Committee of Ministers cannot reverse the legal assessment made by the European Committee of Social Rights.

### ***Subsequent reporting on the follow-up***

■ If the European Committee of Social Rights finds a breach of the European Social Charter in its decision on the merits of the complaint, the State concerned must provide information on the measures taken to give effect to this decision. The State concerned must provide this information in subsequent reports on the follow-up (called 'simplified reports'), forming part of the reporting procedure. The European Committee of Social Rights will then determine whether the State concerned has brought the situation into compliance with the European Social Charter and will publish its "findings" in this respect.

■ Partner organisations can submit comments on simplified reports or additional information to the European Committee of Social Rights on the same terms as for the ordinary reports on the thematic groups (see Rule 21A).

### ***Immediate measures***

■ The European Committee of Social Rights may indicate the measures which seem necessary to avoid the risk of a serious irreparable injury, in relation with the rights recognised in the European Social Charter. The Committee may indicate such measures at its own initiative or at the request of the complainant organisation.

■ If the complainant organisation requests immediate measures, it must specify: the reasons why immediate measures are sought; the possible consequences if these are not granted; and the particular measures requested.

## **Which organisations can lodge complaints before the European Committee of Social Rights?**

■ According to Article 1 of the Additional Protocol, only certain specific organisations are allowed to bring a complaint before the European Committee of Social Rights.

■ These organisations include:

- ▶ Certain international organisations of employers and trade unions including the [European Trade Union Confederation \(ETUC\)](#), for employees, as well as [Business Europe](#) and [International Organisation of Employers \(OIE\)](#), for employers.
- ▶ Certain International Non-Governmental Organisations (INGOs) which have [participatory status with the Council of Europe](#). Upon receipt, applications by INGOs are submitted for approval to the Governmental Committee of the European Social Charter and the European Code of Social Security, which draws up the [list of INGOs entitled to lodge collective complaints](#) for a four-year period.
- ▶ Social partners at national level.
- ▶ National organisations of employers and trade unions in the country concerned.

■ Furthermore, any State may grant representative national non-governmental organisations (NGOs) within its jurisdiction the right to lodge complaints against it. So far only Finland has done so.

**NHRIs and NEBs** themselves cannot bring collective complaints to the European Committee of Social Rights. However, they could contact any of the organisations above and support them throughout the process.

The **European Network of National Human Rights Institutions** and the **European Network of Equality Bodies** which are registered non-profit organisations could do so only if they are granted a participatory status with the Council of Europe.

### TIP FOR YOU!

Information on how INGOs can obtain participatory status with the Council of Europe can be found on the web site of the [Conference of International Non-Governmental Organisations](#). Information on how INGOs can engage with the European Committee of Social Rights can be found on the website of the [European Social Charter](#).



## How can organisations lodge complaints before the European Committee of Social Rights?

■ In order to be declared admissible, a collective complaint must satisfy various criteria. These criteria are set in the Additional Protocol itself and in the Rules of the European Committee of Social Rights; and have been further interpreted through individual decisions on admissibility.

- ▶ The complaint must be lodged in writing.
- ▶ The complaint must be addressed to the Executive Secretary of the European Committee of Social Rights acting on behalf of the Secretary General of the Council of Europe.
- ▶ The complaint must be sent to the following address:  
Department of the European Social Charter  
Directorate General Human Rights and Rule of Law  
Council of Europe  
1 quai Jacoutot, F-67075 Strasbourg Cedex  
E-mail: [social.charter@coe.int](mailto:social.charter@coe.int)
- ▶ The complaint must clearly indicate the name and contact details of the complainant organisation.
- ▶ The complaint must be signed by a person entitled to represent the complainant organisation and must show that the person submitting and signing the complaint is entitled to represent the organisation.
- ▶ The complaint must demonstrate that the organisation bringing the complaint is entitled to do so, within the meaning of the collective complaints procedure (see subsection 'Which organisations can bring a complaint to the European Committee of Social Rights?' above).
- ▶ If the complaint is lodged by international bodies, it must be drafted in one of the Council of Europe's official languages (English or French).
- ▶ If the complaint is lodged by national organisations, it must be drafted in the official language, or one of the official languages, of the State Party concerned.
- ▶ The complaint must relate to a State Party to the European Social Charter, which has accepted to be bound by the collective complaints procedure (see the subsections 'Two treaties' and 'What is the collective complaints procedure?' above).
- ▶ The complaint must relate to one or more provisions of the Charter, accepted by the State Party concerned (see the subsection 'A tailored system' above).

■ The complaint must indicate in what respect the State Party concerned has not ensured the satisfactory application of this provision (along with evidence, relevant argumentation and supporting documentation).

### **How can National Human Rights Institutions and National Equality bodies provide input under the collective complaints procedure?**

■ In terms of [Rules 32 and 32A of the Rules of the European Committee of Social Rights](#), it is possible for third parties to intervene in the proceedings related to a collective complaint in which they otherwise have no direct involvement.

Specifically, **under Rule 32A**, the European Committee of Social Rights may invite any organisation, institution or person it deems appropriate to submit observations as a third party including **NHRIs, NEBs** and their networks **ENNHRI and EQUINET**. Additionally, organisations, NHRIs or NEBs and their networks may also indicate to the European Committee of Social Rights their interest to submit observations as third parties on a pending collective complaint. To do so, NHRIs, NEBs and their networks are invited to contact the Secretariat of the European Social Charter.

■ The Committee's invitation shall be sent no later than one month after receiving from the Government the written submissions on the merits of the complaint. The invited organisation (including NHRIs, NEBs and their networks) or person shall submit observations within time limit that the Committee prescribes. This time limit should not exceed, in general, two months. The observations of the invited organisation (including NHRIs, NEBs and their networks) or a person will be transmitted to the respondent State and to the organisation that lodged the complaint.

#### **TIP FOR YOU!**

**NHRIs' and NEBs'** observations as third parties on a pending collective complaint should be **clear, concise and address the specific issue in question**. The submission should engage specifically with the complaint and the arguments being made. It should also avoid broadening the scope of the complaint, as this will not be considered by the Committee.

# Reporting procedure

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## What is the reporting procedure?

■ The reporting procedure was introduced by the [1961 Charter](#) (see Part IV of the Charter) and was amended through the [Turin Protocol adopted in 1991](#). The Turin Protocol is considered de facto in force following a [decision of the Committee of Ministers of 11 December 1991](#).

■ The reporting procedure aims to improve the realisation of the rights guaranteed by the European Social Charter, and to facilitate regular dialogue with States Parties as well as with civil society organisations, social partners, NHRIs and NEBs. It aims to achieve this by inviting States to submit regular reports on the implementation of the European Social Charter, and by allowing particular organisations including NHRIs and NEBs to submit additional comments and information.

■ All States Parties to either the Revised Charter or the 1961 Charter must submit [regular reports](#) on the implementation of the European Social Charter. However, the rights on which States must report will depend on the version of the European Social Charter they have ratified (see part 'Two treaties') and on the [provisions they have accepted](#) (see part 'A tailored system').

## How does the reporting procedure work?

### *Questions to States Parties*

■ Every year, the European Committee of Social Rights addresses specific questions to States Parties relating to the provisions for the next reporting cycle. These questions are also published on the web site of the European Social Charter, under [reporting procedure](#).

### *Submission of State reports*

■ Every year, States Parties to the Charter present a report on the accepted provisions relating to one of the four thematic groups described below. Guidance for States on how to draft national reports can be found on [the](#)

[website of the European Social Charter](#). The deadline for submission of national reports is **31 December of every year**.<sup>1</sup>

■ All national reports, when submitted by States, are published on the website of the European Social Charter under [country profiles](#).

### ***Reporting schedule***

■ Following a [2006 decision from the Committee of Ministers](#), the provisions of the European Social Charter have been divided into four thematic groups for the purposes of the reporting procedure. States Parties present an annual report on the provisions relating to one of the four thematic groups.

■ Consequently, States report on each accepted provision of the Charter once every four years. The four thematic groups are as follows:

- ▶ Group 1: Employment, training and equal opportunities (relevant to Article 1 - Article 9 - Article 10 - Article 15 - Article 18 - Article 20 – Article 24 - Article 25)
- ▶ Group 2: Health, social security and social protection (relevant to Article 3 - Article 11 - Article 12 - Article 13 - Article 14 - Article 23 - Article 30)
- ▶ Group 3: Labour rights (relevant to Article 2 - Article 4 - Article 5 – Article 6 - Article 21 - Article 22 - Article 26 - Article 28 - Article 29)
- ▶ Group 4: Children, families and migrants (relevant to Article 7 - Article 8 - Article 16 - Article 17 - Article 19 - Article 27 – Article 31)

### ***Simplified reports***

■ Since a [2014 decision of the Committee of Ministers](#), all States that have accepted the collective complaints procedure must submit a simplified report every two years, according to a [schedule that depends on the group they belong to](#).

- ▶ Group A: France, Greece, Portugal, Italy, Belgium, Bulgaria, Ireland, Finland
- ▶ Group B: Netherlands, Sweden, Croatia, Norway, Slovenia, Cyprus, Czech Republic, Spain

■ States which draw up a simplified report are required to report on the follow-up actions taken in response to the decisions of the European Committee of Social Rights in collective complaints and reply to any questions put in the event of deferrals for the relevant provisions.

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1. Exceptions to the deadlines may occur. Please consult the European Social Charter website for up-to-date information: <https://www.coe.int/en/web/european-social-charter/national-reports>

■ A simplified report should contain information exclusively on the follow-up to the Committee's decisions in collective complaints. When submitting a simplified report States are exempted from reporting on the provisions of the thematic group.

■ The set schedule for both ordinary and simplified reports can be found on the [European Social Charter web site](#).

### ***Meetings***

■ The European Committee of Social Rights may decide to organise meetings with representatives of a State, on its own initiative or at the request of the State concerned to discuss the details of the report.

■ National organisations of employers, national trade unions as well as NHRIs, NEBs and NGOs may also be invited to participate in these meetings if the State concerned agrees.

### ***Conclusions***

■ The European Committee of Social Rights will examine all the national reports and information received during the procedure. At the end of the year (in December), it will then adopt conclusions regarding the implementation of the European Social Charter by each of the States concerned.

### ***Follow-up***

■ The conclusions of the European Committee of Social Rights must be respected by the State concerned. The follow-up of the conclusions of the Committee is ensured by the Committee of Ministers of the Council of Europe through the follow-up procedure.

■ If the European Committee of Social Rights finds a non-conformity with the European Social Charter in its conclusions, the State concerned must provide information on the measures taken to give effect to these conclusions when submitting its next national report. The follow-up of conclusions is ensured by the Committee of Ministers of the Council of Europe, following proposals made by [the Governmental Committee](#) (which comprises representatives of the States Parties to the Charter and observers representing European trade unions and employers' organisations). The Committee of Ministers may (but will not always) adopt a resolution or issue a recommendation to the State concerned, based on the proposals of the Governmental Committee, asking the State to change the situation in law and/or in practice if it has failed to remedy the situation.

■ More information on the reporting procedure and on the follow-up of the conclusions can be found on the [website of the Council of Europe](#).

## Which organisations can submit comments and information alongside national reports?

As per Articles 23 (1) and 27 (2) of the 1961 Charter as amended by the [Turin Protocol](#) and [the Rule 21A of Committee's Rules](#) certain organisations are entitled to submit comments and information alongside national reports to the European Committee of Social Rights. To do so, States Parties to the European Social Charter must communicate a copy of their national report to national members of these organisations.

Whether and how such information is taken into account is entirely within the discretion of the European Committee of Social Rights.

These organisations are:

- ▶ International non-governmental organisations which have [participatory status with the Council of Europe](#) and have particular competence in the matters governed by the Charter.
- ▶ Certain international organisations of employers and trade unions. Those include: national affiliate members of the [European Trade Union Confederation \(ETUC\)](#), for workers; as well as national organisation members of [Business Europe](#) and [International Organisation of Employers \(OIE\)](#), for employers.
- ▶ Other organisations, institutions and entities including National Human Rights Institutions and National Equality Bodies.

National Human Rights Institutions and National Equality Bodies are thus eligible to submit comments on national reports or additional information to the European Committee of Social Rights regarding the State in question.

## How can National Human Rights Institutions and National Equality Bodies submit comments and information alongside national reports?

In terms of Rule 21A of the [Rules of the European Committee of Social Rights](#), National Human Rights Institutions and National Equality Bodies are entitled to play a role in different stages of the reporting procedure.

**NHRIs and NEBs** are entitled to submit comments and additional information alongside national thematic reports to the European Committee of Social Rights. Comments on national reports must be submitted to the

Secretariat of the European Social Charter **before 30 June** of the year during which the European Committee of Social Rights examines the national report concerned. This deadline has been set to allow States time to respond to the comments, if they so wish.

■ **NHRIs and NEBs** may also submit comments or additional information on simplified reports on the same terms as to the national reports.

### **TIP FOR YOU!**

Key dates of the reporting procedure:

- ▶ Questions on the current thematic group sent to States Parties **by end of May;**
- ▶ Submission of thematic and simplified national reports **by 31 December;**
- ▶ Submission of comments on national reports or additional information by NHRIs and NEBs (other organisations which are entitled to do so) **by 30 June of the following year;**
- ▶ Adoption of the conclusions by the European Committee of Social Rights **by 31 December;**
- ▶ Publication of the conclusions by the Committee of Social Rights **by 31 March of the following year.**

■ If a State Party does not submit a thematic report, the Committee shall not adopt conclusions in respect of that State.

### **TIP FOR YOU!**

#### **How should the submissions to the reporting procedure look like?**

There is no particular format for comments on national reports by NHRIs and NEBs submitted to the European Committee of Social Rights within the reporting procedure. However, the European Committee of Social Rights welcomes reports which:

- ▶ provide specific and in-depth information on issues that are overlooked or not enough developed in the country report;
- ▶ takes into account the previous examination and conclusion of the Committee on the article in question;

- ▶ answer the questions put forward by the Committee during the previous examination of the provision in question. These questions could be very helpful when drawing the 'shadow report'.

In addition, NHRIs and NEBs must consider the questionnaire submitted to States Parties at the beginning of the reporting cycle.

A 'shadow report' is advised as the most useful way to raise human rights and equality issues during the reporting cycle. **NHRIs and NEBs** are advised to mirror the approach in the national report submitted by the state and ensure targeted and concise content. The national reports of State Parties are available on the European Social Charter website under [country profiles](#). The comments on national reports or additional information submitted to the Committee are also made public after they are transmitted to the respective government.

A telling example are the comments submitted by the [Irish Human Rights and Equality Commission \(IHREC\)](#) since 2017:

- ▶ [Comments by IHREC on the 17th national report on the implementation of the ESC by Ireland, Cycle 2020 \(simplified report\)](#)
- ▶ [Comments by IHREC on the 16th national report on the implementation of the ESC by Ireland, Cycle 2019 \(thematic report\)](#)
- ▶ [Comments by IHREC on the 15th national report on the implementation of the ESC by Ireland, Cycle 2018 \(simplified report\)](#)
- ▶ [Comments by IHREC on the 14th national report on the implementation of the ESC by Ireland, Cycle 2017 \(thematic report\)](#)

For instance, the [European Committee of Social Rights Conclusions 2019 on thematic group 4](#) "children, families and migrants" contained 52 references to the comments of the Irish Human Rights and Equality Commission submitted in May 2019. The Committee heavily relied on the research, data and commentary provided by IHREC in arriving at its conclusion that Ireland is not in conformity with Article 16. The Committee also asked the State whether there are any limits on the length of the stay of families in emergency family hubs, directly reflecting IHREC's concerns.

For more examples, consult the [country profiles](#) within the European Social Charter website.



# Where to find the European Committee of Social Rights decisions and conclusions?

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■ The Committee's decisions and conclusions can be found on the [European Social Charter's HUDOC database](#).

■ HUDOC enables you to narrow down your search by:

- ▶ selecting particular types of **documents in relation with the collective complaints** depending on what you may be interested in (decisions on admissibility, decisions on merits, requests to take immediate measures, decisions to strike out a complaint, or follow-up of decisions);
- ▶ selecting **particular parameters involved in past collective complaints**, depending on what you may be interested in (particular provisions of the European Social Charter, States or complainant organisations involved in past decisions);
- ▶ **selecting particular types of documents in relation with the reporting procedure**, depending on what you may be interested in (conclusions, statements of interpretation, separate opinions, or follow-up of conclusions).
- ▶ **selecting particular parameters involved in past reporting cycles**, depending on what you may be interested in (particular provisions of the European Social Charter, States or findings of (non)conformity involved in past reporting cycles).

■ The [website of the European Social Charter](#) provides information on all pending and processed complaints. This includes all the documents exchanged during the procedure for each complaint (i.e. the complaints lodged; the

observations, submissions and responses from parties and third parties; as well as the outcome reached by the European Committee of Social Rights).

■ More information on the collective complaints procedure can be found in the [Rules of the European Committee of Social Rights](#) (see Part VIII, Rules 23-40), or on the [collective complaints web page](#).

■ More information on the reporting procedure can be found in the [Rules of the European Committee of Social Rights](#) (see Part VII, Rules 19-22), or on the [reporting procedure web page](#) of the Council of Europe's website.

■ Previous national reports and submissions (including from National Human Rights Institutions and National Equality Bodies) can be found on the website of the European Social Charter under [country profiles](#).

# Why to engage with the European Committee of Social Rights?

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■ National Human Rights Institutions and National Equality Bodies are independent bodies which protect and promote human rights, including social and economic rights, at the national level. Their daily work and direct contact with different stakeholders including rights holders, equip them with a local insight and valuable data that can be used by the European Committee of Social Rights when elaborating its [decisions and conclusions](#).

■ NHRIs and NEBs can use their existing body of work (data, reports, recommendations) elaborated for other international organisations (such as the submissions to the UN Universal Periodic Review or the UN Treaty Body shadow reports) to submit additional information to the European Committee of Social Rights under the two monitoring procedures explained above. This way, they can raise awareness on the economic and social rights situation in the country, promote their work at a European level and achieve a broader impact.

■ On the other hand, the conclusions, decisions, statements and findings on the follow-up to decisions on the merits of collective complaints of the European Committee of Social Rights can strengthen policy work of National Human Rights Institutions and National Equality Bodies and hold the State accountable for not fulfilling its obligations under the legally binding instruments that it has ratified.

■ The reporting procedure in particular is organised in annual cycles and allows for a regular follow-up and renewed findings which come more often than for example those from the United Nations' system. Thus, the European Committee of Social Rights' monitoring offer a valuable tool that can assist and can be relied upon by NHRIs and NEBs in their endeavours to uphold human rights in the field of economic and social rights. Findings of non-conformity are very clear and very useful focal points for advocacy and are subject to regular reassessment by the Committee.

■ For additional information and guidance, the Secretariat of the European Social Charter can be reached at the following address:

Department of the European Social Charter  
Directorate General Human Rights and Rule of Law  
Council of Europe  
1 quai Jacoutot, F-67075 Strasbourg Cedex  
E-mail: [social.charter@coe.int](mailto:social.charter@coe.int)  
Tel: +33 (0)3 90 21 55 23

# Appendix: signatures and ratifications of the European Social Charter

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		
Russian Federation		14/09/2000	16/10/2009		
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			
Turkey		06/10/2004	27/06/2007		
Ukraine		07/05/1999	21/12/2006		
United Kingdom	*	07/11/1997	11/07/1962		
Number of States	47	2 + 45 = 47	7 + 36 = 43	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](http://www.coe.int/socialcharter)









The European Social Charter, adopted in 1961 and revised in 1996, is the counterpart of the European Convention on Human Rights in the field of economic and social rights. It guarantees a broad range of human rights related to employment, housing, health, education, social protection and welfare.

No other legal instrument at pan-European level provides such an extensive and complete protection of social rights as that provided by the Charter.

The Charter is therefore seen as the Social Constitution of Europe and represents an essential component of the continent's human rights architecture.

[www.coe.int/socialcharter](http://www.coe.int/socialcharter)

 [@social\\_charter](https://twitter.com/social_charter)

[www.coe.int](http://www.coe.int)

The Council of Europe is the continent's leading human rights organisation. It comprises 47 member states, including all members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.



European  
Social  
Charter

Charte  
sociale  
européenne

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE