



European
Social
Charter

Charte
sociale
européenne



High-Level Meeting: Council of Europe Committee of Ministers 'Recommendation on the development and strengthening of effective, pluralist and independent national human rights institutions'

26.04.2021

Virtual Event, organised by the European Network of National Human Rights Institutions

Intervention by Karin Lukas, President of the European Committee of Social Rights

Roundtable: Oversight to national implementation - cooperation with and support for NHRIs

Dear Ladies and Gentlemen, fellow colleagues. It is a pleasure to speak to you as a representative of the European Committee of Social Rights and to discuss this highly relevant topic during such a formidable event. The European Committee of Social Rights is the monitoring body of the European Social Charter which guarantees fundamental social and economic rights, from the right to work to the right to housing. Its monitoring goes through two avenues, the state reporting procedure and the collective complaints procedure.

In my view, **National Human Rights Institutions (NHRIs)** have become vital partners for our work in both the reporting system and the collective complaints procedure within the European Social Charter. NHRIs can be 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.

According to Article 1 of the Additional Protocol providing for a **system of collective complaints**, which has been accepted by 16 member states of the Council of Europe as of today, only certain specific organisations, namely employers organisations, trade unions and European NGOs can lodge such complaints. Nevertheless, NHRIs have a number of possibilities to express their views and concerns in this procedure.

- a. First of all, they can engage with the Committee during an ongoing complaint brought by others. If you are interested in doing so, you are very much welcome to contact the Secretariat of the European Social Charter by mail or email.
- b. Second, the Committee may also invite other organisations, institutions or persons, to share their views on the alleged violation. For example, in collective complaint no. 114 on the rights of foreign unaccompanied minors, the Committee relied heavily on the information provided by the Défenseur des Droits in France.
- c. Furthermore, NHRIs can provide input to the Committee under the "simplified reporting" procedure, under which the respective state is also obliged to provide follow-up information on the measures taken, where the Committee found a breach of the Charter.

In the framework of the **reporting procedure**, NHRIs are invited to provide comments regarding the annual reports submitted by states parties on the accepted provisions.

- a. Those comments must be submitted to the Secretariat of the ESC before April 30th.
- b. An exception was made this year, where the deadline for comments on the national reports relating to the provisions belonging to the thematic group “Health, Social Security and Social Protection” was extended to June 30th, 2021.

Last but not least, NHRIs can also contribute to the **reports on non-accepted provisions** that States Parties to the Charter are obliged to submit every five years.

In this way, the Charter offer possibilities for NHRIs in their work to hold the state and state authorities accountable for their social rights obligations.

Having said that, the European Committee of Social Rights is very keen on supporting the work of European NHRIs. 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.

In this regard, work is underway on a **guide** on how National Human Rights and Equality Bodies can engage with the Committee. The guide is expected to be published this summer and will contain detailed information on the Charter, the collective complaints procedure and the reporting system as well as information on which and how organisations can participate.

Moreover, **annual meetings** will be organised with NHRIs to discuss the current reporting cycle and explain provisions and questions submitted to States Parties.

Finally, the Committee’s comments and findings can **strengthen the position of the NHRIs**, increase the pressure on governments to introduce reforms and enable stakeholders to hold their states accountable.

Why is it important for each Council of Europe Member State to have an effective, pluralist and independent NHRIs in place as the current Recommendation indicates?

Strong, independent and engaged National Human Rights Institutions are essential for well-functioning and democratic societies. They are also key players in the struggle for economic and social rights in Europe.

Due to the fact that human rights monitoring and reporting are core elements of their **mandate**, as well as their **unique standing** deriving from their central position between civil society and the state, but also, regional and international levels, they have an excellent understanding of the human rights situation in their countries.

Among many other activities, they advise governments on the possible impact of policies on vulnerable groups and report to parliaments, cooperate with media and raise awareness of economic and social rights and promote a culture of rights and equality in the public.

Besides the introduction of the “Paris Principles” in 1991, the establishment of the **European Network of National Human Rights Institutions** (ENNHRI) in 2013 has proven to be a major milestone for the development of strong and effective European NHRIs.

Nevertheless, this **potential has not yet been fully exploited** by regional actors and there are some remaining concerns. Firstly, there are shortcomings in terms of transparency or participation when it comes to the decision-making bodies’ selection and appointment procedure. Also, Institutions often lack an appropriate funding or struggle with the limited scope of their mandate.

For this reason, the recommendation of the Committee of Ministers **to strengthen NHRIs** is of particular importance. This means that the Council of Europe states should guarantee the broadest

possible mandate, a competence-based, transparent and participatory process of selection and appointment process as well as adequate funding.

And although we can nowadays find NHRIs in the majority of European countries that fully comply with the Paris Principles several countries still **lack an accredited Institution**.

The economic crisis of 2008 has highlighted the importance of realising economic and social rights in order to shield European citizens from poverty and social exclusion. A need that is underlined even more by the ongoing **COVID-19 pandemic**. NHRIs play a key role in giving insight on the Covid-19 situation in their respective countries. We have seen that the failure to deliver on the right to health has detrimental effects on other rights, it increases child poverty and unemployment for example.

Although we cannot assess the exact extend of the crisis yet, it is very clear that a major effort will be needed to recover from it. We will face austerity measures and tough decisions on how available resources will be spent. To ensure **that social rights are adequately protected** throughout this period of economic recovery, we need strong cooperation between the Council of Europe and European countries on the one hand, and effective, pluralist and independent NHRIs on the other.