

MANUAL

ON THE PREPARATION OF NATIONAL REPORTS ON ACCEPTED PROVISIONS UNDER THE REPORTING PROCEDURE OF THE EUROPEAN SOCIAL CHARTER



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The Republic of Moldova – Case Study

prepared by Monika Smusz-Kulesza, PhD
Council of Europe international consultant,
lecturer at the University of Lodz, Poland, PhD in law,
judge of the Regional Court in Lodz,
lecturer of the National School of Judiciary and Public Prosecution in Poland

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This manual is developed within the framework of the Council of Europe Action Plan for the Republic of Moldova 2021-2024, and the project „Enhancing Employment Rights in the Republic of Moldova” which is co-funded by the Austrian Development Agency and the Council of Europe.

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Cover design and layout:
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Cover photos: © Shutterstock
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ACRONYMS AND ABBREVIATIONS

Charter – European Social Charter (Revised)

Committee – European Committee of Social Rights

CoE – Council of Europe

ESC – European Social Charter (Revised)

ECSR – European Committee of Social Rights

GC – Governmental Committee of the European Social Charter
and European Code of Social Security

Governmental Committee – Governmental Committee of the European Social
Charter and European Code of Social Security

NGO – Non-governmental organization

PART I

GENERAL (Theoretical)

Introduction

This manual on reporting by states to the European Committee of Social Rights under the reporting procedure on accepted provisions of the European Social Charter seeks to bring together the key elements for effective and efficient national reporting, without advocating for a particular solution.

The accuracy and clarity of the information contained in a national report is essential for a fair assessment of the situation in the state by the Committee and, therefore, for the conclusions of the Committee, whose aim is, in particular, to guide the state in improving the protection of the social rights at national level.

For States Parties, reporting and engaging in the procedure for monitoring the implementation of the European Social Charter provides a unique opportunity to self-assess the situation on the ground, including through data collection and analysis, and to review current legislation and policies.

This manual is dedicated exclusively to the reporting procedure on accepted provisions of the European Social Charter. Its primary objective is to contribute to improving the quality of the national reports submitted for examination to the European Committee of Social Rights with a view to reducing the number of conclusions of non-conformity.

Brief considerations regarding the European Social Charter

The European Social Charter is a Council of Europe treaty that **guarantees fundamental social and economic rights**. It complements the European Convention on Human Rights, which mainly concerns civil and political rights. Both instruments have their origin in the United Nations Universal Declaration of Human Rights, adopted in 1948, and can be directly applied by national courts.

The Charter's scope is wide. It contains 31 articles and 98 numbered paragraphs covering a broad range of human rights with respect to everyday essential needs related to employment and working conditions, housing, education, health, medical assistance and social protection.

The Charter **lays specific emphasis on the protection of vulnerable persons such as older persons people, children, people with disabilities and migrants**. It requires that the enjoyment of all the rights be guaranteed to all and enjoyed by all on an equal basis without any discrimination.

No other legal instrument at pan-European level can offer such an extensive and complete protection of social rights as that provided by the Charter. The Charter, therefore, serves as a point of reference in European Union law. Most of the social rights in the EU Charter of Fundamental Rights are based on the relevant articles of the European Social Charter. The European Social Charter is therefore seen as **Europe's Social Constitution** and represents an essential component of the Continent's human rights architecture. Adopted in 1961 and revised in 1996, the Charter **has been ratified by 42 of the 46 Member States of the Council of Europe**, with 36 countries bound by the revised Charter¹ and six still bound by the 1961 Charter².

In terms of monitoring effectiveness, **the Charter introduced a supervisory mechanism guaranteeing its respect by the States Parties: the reporting system and the collective complaints procedure**. The latter, which was introduced by the Additional Protocol of 1995 providing for a system of collective complaints³ that entered into force in 1998, is applicable only to those States Parties that have accepted the said protocol which, so far, amounts to 16 countries⁴. Additionally, the Charter establishes **the procedure on non-accepted provisions** which aims to encourage States Parties to progressively accept all the Charter's provisions, as it is in the spirit of the Charter.

1.1 Reporting procedure - an overview

1.1.1 Executive summary

The reporting procedure is set out in Part IV of the 1961 Charter, as amended by the 1991 Turin Protocol⁵ which, despite not having entered into force, is being applied on the basis of a unanimous decision taken by the Committee of Ministers. To date, the procedure has undergone important changes aiming at simplifying and improving the Charter's efficiency and impact.

In the context of the statutory reporting procedure, States Parties regularly submit **a report on the implementation of the Charter in law and in practice**. These **reports are examined by the European Committee of Social Rights**, which decides whether the national situations they describe comply with the Charter's standards. The decisions adopted by the Committee in

¹ Albania, Andorra, Armenia, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Cyprus, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania, Malta, Moldova, Montenegro, Netherlands, North Macedonia, Norway, Portugal, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, Türkiye, Ukraine.

² Croatia, Czechia, Denmark, Luxembourg, Poland, United Kingdom.

³ [ETS No. 158](#).

⁴ Belgium, Bulgaria, Croatia, Cyprus, Czechia, Finland, France, Greece, Ireland, Italy, the Netherlands, Norway, Portugal, Slovenia, Spain and Sweden.

⁵ ETS No. 142.

the context of the reporting system, called Conclusions, are published every year following the year the reports are due. They can be consulted using the European Social Charter HUDOC Database⁶. When the European Committee of Social Rights concludes that a situation is not in conformity, the State Party concerned has to bring the situation into conformity.

The follow-up of the conclusions of the European Committee of Social Rights is ensured by the Committee of Ministers of the Council of Europe, which intervenes in the last stage of the reporting system. Its work is prepared by the Governmental Committee of the European Social Charter and the European Code of Social Security, comprising representatives of States Parties to the Charter and assisted by observers representing European trade unions and employers' organisations: the European Trade Union Confederation (ETUC), BusinessEurope (previously UNICE) and the International Organisation of Employers (IOE). Following the September 2022 reform, the Governmental Committee is enhancing follow-up on conclusions adopted by the European Committee of Social Rights. It proposes reasoned recommendations for adoption by the Committee of Ministers. The goal is to drive changes at the national level and bring situations in compliance with the European Social Charter.

Ultimately, **it falls to the European Committee of Social Rights to determine whether the situation has been brought into compliance with the Charter**. This is done by the Committee in the context of the reporting system or within the collective complaints procedure.

More information on the reporting procedure may be found in the Rules of the European Committee of Social Rights (see Part VII, Rules 19-22).

1.1.2 Evolution of the procedure

Reform of the European Social Charter system

The process for reforming the European Social Charter system has its roots in the High-level Conference on the European Social Charter held in Turin on 17 and 18 October 2014. **The Turin Process** was launched on that occasion with a view to **revitalising the commitment of States Parties to social and economic rights** as enshrined in the European Social Charter as an integral part of human rights.

Building on the Turin Process, reflection on reforming the European Social Charter system continued in the Organisation during the years that followed. In 2018 and 2019, upon the request of the Committee of Ministers, the Steering Committee for Human Rights drew up two reports on the possible way forward. The Secretary General also made proposals after seeking the advice of a high-level group of social rights experts. On 7 October 2021, the Committee of Ministers established an *ad hoc* working group on improving the European Social Charter system. Its consolidated report summarising its proposals was endorsed at a ministerial session of the Committee of Ministers in Turin in May 2022.

⁶ <https://hudoc.esc.coe.int>

This part of the reform process culminated **on 27 September 2022 with the adoption by the Committee of Ministers of operational changes to the European Social Charter system.** The aim of this reform of the European Social Charter system involves **the modernisation of the reporting procedures and the promotion of enhanced dialogue** between the Charter organs (the European Committee of Social Rights and the Governmental Committee) and other stakeholders (national authorities and relevant institutions and organisations) with the aim of increasing the efficiency and impact of the reporting procedure under the European Social Charter while reducing the reporting burden for member States in order to ensure better respect for social rights.

Functioning of the reporting procedure up to 2022

Following the decision taken by the Committee of Ministers in 2006, and **up to the 2022 reform, the provisions of the Charter were divided into four thematic groups.** States Parties were required to present a report on the provisions relating to one of the four thematic groups on an annual basis. Consequently, each provision of the Charter was reported on once every four years.

The four groups of provisions were as follows:

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

The manual describing the reporting procedure up to 2022 can be found following the link:
<https://rm.coe.int/manual-part1-eng-preparation-of-nat-reports-social-charter/1680a209a7>

The last reports following this procedure were to be provided on Group 4: Children, families, migrants by 31 December 2022 for examination by the ECSR in 2023.

Within the Reporting Procedure from before 2022, in the years 2014-2022, States Parties having accepted the collective complaints procedure were to submit a simplified report every two years. In order to prevent excessive fluctuations in the workload of the ECSR from year to year, those states were divided into two groups:

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

Simplified reports were to contain information on what follow-up action had been taken in response to the decisions of the ECSR in collective complaints.

1.1.3 Functioning of the reporting procedure since 2023
(new and current)

In 2022, the reporting procedure underwent deep changes aiming at simplifying the procedure and enhancing the dialogue between the Charter organs and States Parties, as well as all relevant stakeholders (national human rights institutions, national equality bodies, trade unions and other civil society organisations).

In accordance with the decisions of the CM 1444th meeting, adopted on 27 September 2022, States Parties are obliged to provide national reports concerning one of the two groups of provisions of the European Social Charter on a regular basis and additionally, when requested, to submit *ad hoc* reports.

Statutory reporting

Since 2023, as a result of the 2022 reform, provisions of the Charter have been divided into two groups and **States Parties not having accepted the collective complaints procedure report on one group every two years**. This means that all accepted provisions are reported on every four years. The reports must be submitted by 31 December of the year in question.

All **States Parties that have accepted the collective complaints procedure report on one group of provisions every four years**. This means that all accepted provisions are reported on every eight years. The reports must be submitted by 31 December of the year concerned.

The two groups of provisions are as follows:

Group 1: Total of 50 provisions	Article 1 – Article 2 – Article 3 – Article 4 – Article 5 – Article 6 – Article 8 – Article 9 – Article 10 – Article 18 – Article 19 – Article 20 – Article 21 – Article 22 – Article 24 – Article – 25 – Article 28 – Article 29
Group 2 : Total of 48 provisions	Article 7 – Article 11 – Article 12 – Article 13 – Article 14 – Article 15 – Article 16 – Article 17 – Article 23 – Article 26 – Article 27 – Article 30 – Article 31

For each reporting cycle, in order to make the procedure more topical and focused and to reduce the scope of obligations connected with reporting, the European Committee of Social Rights in co-operation with the Governmental Committee of the European Social Charter and European Code of Social Security **defines a limited number of targeted questions to be answered in the report**. The number of themes or topics to be covered in one report should, in principle, **not exceed about a dozen**. Only questions pertaining to provisions accepted by a State should be answered.

Reports should focus on the situation at the time of submitting the report and on action being taken or envisaged to improve or otherwise change the prevailing situation. States Parties are free to decide on the length of their reports, but indicative guidance may be provided as to the expected or desirable length to ensure coherence and consistency in the reporting system.

Where absolutely necessary for a proper assessment of the situation, the ECSR may, during the examination of the report, address a limited number of specific questions or requests for clarifications to a particular State Party.

As per Articles 23(1) and 27(2) of the European Social Charter, as amended by the Turin Protocol, certain international employers' organisations and trade unions are entitled to submit **comments and information alongside national reports** to the European Committee of Social Rights. These include: national affiliate members of the European Trade Union Confederation (ETUC) for workers; as well as national organisation members of Business Europe and the International Organisation of Employers (OIE) for employers. **States Parties to the European Social Charter are under an obligation to communicate copies of their national reports to national members of these organisations.** Apart from these, as per the long-standing practice of the European Committee of Social Rights and Rule 21A of its Rules, **other organisations, institutions and entities (e.g. trade unions and employers' organisations, (international) non-governmental organisations, national human rights institutions and national equality bodies) may also submit comments on national reports.** Whether and how such comments are taken into account is entirely within the discretion of the European Committee of Social Rights.

Comments on national reports may be submitted to the Secretariat of the European Social Charter **by 30 June** of the year during which the European Committee of Social Rights examines the national report. This deadline is set when national reports are submitted in December. Exemptions are possible if state reports are delayed. Deadlines are announced on the European Social Charter⁷ website in due time.

In its conclusions about a particular provision, the ECSR will not usually ask additional questions for response in the next report on that subject. **Issues requiring further clarification** as regards the implementation of the Charter **are the subject of a direct dialogue between the ECSR and the relevant competent national authorities.** If necessary, the matter is taken up at a later stage by the Governmental Committee. All interlocutors are invited to participate in such dialogue constructively and in a spirit of co-operation.

The conclusions of the Committee, presented by State and for each State, by article or paragraph, may indicate:

- the situation is **in conformity** with the Charter;
- the situation is **not in conformity** with the Charter on the ground(s) that... (followed by reasons). A situation is not in conformity with the Charter if the relevant legislation is incompatible with the requirements of the Charter or if compatible legislation is incorrectly or not fully applied. The ECSR may also reach a conclusion of non-conformity on the grounds of lack of information.

⁷ <https://www.coe.int/en/web/european-social-charter/national-reports>

Ad hoc reporting

In addition to the statutory reporting procedure, the 2022 reform introduced the possibility of asking States Parties to submit *ad hoc reports on new or critical issues that arise and have a broad or transversal scope or a pan-European dimension* for analysis or review by the ECSR. These reports should permit information to be gathered on the issues identified, along with the responses implemented or envisaged by States Parties.

As noted by the Committee, especially when change is rapid, is unforeseen, or is due to unexpected crises, the legal and policy responses may take some time to evolve. In the context of the *ad hoc* reporting procedure, the European Committee of Social Rights does not adopt conclusions on the conformity of the situation with the Charter. Instead, **the ECSR may**, as appropriate, **propose general orientations**, followed by dialogue among the States Parties on ways to address them (within the context of the GC).

Additionally, building on the analysis of a particular issue and information on good practice emerging from States Parties, in appropriate cases, the GC may propose that **additional guidance or general recommendations be addressed to all States by the Committee of Ministers**, under the terms of Article 15.b of the Statute of the Council of Europe.

The subject and timing of *ad hoc* reports is decided by the ECSR and the Governmental Committee on a case-by-case basis. The *ad hoc* reports submitted by the States Parties can be found on the country profiles webpage on the [European Social Charter website](#).

1.1.4 Follow-up by the Committee of Ministers

The strength of a monitoring mechanism is closely linked to the follow-up. Increasing impact also requires a forward-looking and action-oriented approach. Therefore, the follow-up of the Committee decisions provided within the reporting procedure, plays a fundamental part in improving the Charter's impact.

Follow-up to the conclusions

The follow-up of all the Committee's decisions and conclusions, is ensured by the Committee of Ministers. Its work is prepared by the Governmental Committee of the European Social Charter and European Code of Social Security.

Building on and consolidating recent developments and having regard to Article 27 of the Charter, as amended by the 1991 Protocol, and Article C of the Charter, **the GC should make, where appropriate, reasoned proposals for recommendations for adoption by the Committee of Ministers** (under Article 28 of the Charter).

Based on the GC's reasoned proposal, **the Committee of Ministers adopts recommendations** which close each monitoring cycle. **Recommendations should adopt a constructive, non-judgemental approach.** They should **encourage positive changes**. To this end, it is important that **recommendations are prepared in consultation with each State concerned**. Constructive dialogue should permit valuable information to be gathered that will allow the GC to make reasoned proposals. Of the social, economic, and other policy considerations that the GC is required to take into account, it should examine possible measures adopted, envisaged or

proposed by the State Party in question with a view to improving the situation and to bringing it into conformity with the Charter's requirements.

Enhanced, direct and constructive dialogue should therefore be seen as an integral part of the follow-up. It should be possible for such dialogue to be **initiated by the national authorities of a State Party or by one of the Charter's monitoring bodies**. In certain cases, dialogue between a State Party and the organs of the Charter could associate other States Parties that experience comparable realities or had to respond to similar situations and can offer examples of good practice. Dialogue and peer support may be conducive to the State Party concerned exploring possible measures that it may wish to adopt.

The dialogue can take the form of requests for information, exchanges of letters or, if it is proposed or accepted by a State Party, meetings or country visits. The purpose should be a better understanding of problematic issues and the identifying of possible solutions, including by sharing experience and good practice among States Parties. In cases of persistent non-conformity, dialogue may lead a State Party that wishes to do so to develop and adopt roadmaps, strategies or action plans. Dialogue may also involve other relevant stakeholders.

The Secretariat may be requested to assess the feasibility of providing information in the form of a comparative dashboard on the implementation of the Charter in the States Parties. Its purpose is to help the Committee of Ministers fulfill its strategic oversight role.

Texts adopted by the Committee of Ministers in the context of the reporting procedure are available online on the Committee of Ministers' website. It is also possible to retrieve these texts by performing a search on the **HUDOC Charter database system**.

Follow-up of ad hoc reporting

Follow-up in the case of *ad hoc* reports involves **dialogue with the States Parties** concerned and should involve relevant civil society organisations, as well as relevant national human rights institutions and national equality bodies so as **to identify what action may be required** to ensure compliance with the obligations arising from the Charter. In addition, **the Governmental Committee may propose that additional guidance or general recommendations be addressed to all Council of Europe member States**.

1.1.5 Enhanced dialogue with States Parties

Following the 2022 reform, **enhanced dialogue is encouraged between the Charter's monitoring bodies** - the European Committee of Social Rights, the Governmental Committee and, ultimately, the Committee of Ministers **and the competent authorities of each State Party**. In certain cases, this **may involve a group of States Parties seeking to address problematic issues that are common to them or sharing examples of good practice**.

Irrespective of which procedure under the Charter reporting system is involved (regular or *ad hoc*, and their respective follow-ups), in pursuit of the common objective of improving the implementation of social rights, all interlocutors are invited to participate in the dialogue constructively and in a spirit of cooperation. When appropriate, the dialogue may involve the social partners and civil society organisations at the European as well as at the national level.

Dialogue, whether requested by a State Party or at the initiative of one of the Charter's organs, may involve requests for information, exchanges of letters or, if it is agreed among the interlocutors concerned, meetings. A State Party may also request a country visit. The dialogue, led in a constructive spirit, should be a means to reach a common understanding of problematic issues that may permit possible solutions to such issues, which are suitable for and acceptable to the States Parties concerned, to be identified. It may also serve as a means for enabling technical assistance.

1.1.6 Reporting schedule

Year	Submission of reports	European Committee of Social Rights' conclusions
2023	<i>Ad hoc</i> report	
2024	27 States that have not accepted the collective complaints procedure submit reports on the First Group of provisions	ECSR analysis of <i>ad hoc</i> reports
2025	16 States that have accepted the collective complaints procedure submit reports on the First Group of provisions	ECSR conclusions for 27 States (First Group of provisions)
2026	27 States that have not accepted the collective complaints procedure submit reports on the Second Group of provisions	ECSR conclusions for 16 States (First Group of provisions)
2027		ECSR conclusions for 27 States (Second Group of provisions)
2028	27 States that have not accepted the collective complaints procedure submit reports on the First Group of provisions	
2029	16 States that have accepted the collective complaints procedure submit reports on the Second Group of provisions	ECSR conclusions for 27 States (First Group of provisions)

2030	27 States that have not accepted the collective complaints procedure submit reports on the Second Group of provisions	ECSR conclusions for 16 States (Second Group of provisions)
2031		ECSR conclusions for 27 States (Second Group of provisions)
2032	27 States that have not accepted the collective complaints procedure submit reports on First Group of provisions	
2033	16 States that have accepted the collective complaints procedure submit reports on the First Group of provisions	ECSR conclusions for 27 States (First Group of provisions)
2034	27 States that have not accepted the collective complaints procedure submit reports on the Second Group of provisions	ECSR conclusions for 16 States (First Group of provisions)
2035		ECSR conclusions for 27 States (Second Group of provisions)
2036	27 States that have not accepted the collective complaints procedure submit reports on the First Group of provisions	
2037	16 States that have accepted the collective complaints procedure submit reports on the Second Group of provisions	ECSR conclusions for 27 States (First Group of provisions)
2038	27 States that have not accepted the collective complaints procedure submit reports on the Second Group of provisions	ECSR conclusions for 16 States (Second Group of provisions)

1.2 Drafting of national reports

1.2.1 The questionnaire

To launch the reporting procedure, the European Committee of Social Rights sends letters to States Parties inviting them to submit reports responding to the Committee's questions contained in the questionnaire drawn up for the given reporting cycle. The questions are transmitted to States Parties in the middle of the year the reports fall due.

The questionnaires are also published on the Charter's website at the following address: <https://www.coe.int/en/web/european-social-charter/national-reports>.

The questionnaires are intended to guide states when preparing their national reports. To clarify the issues covered by the questions under each particular provision of the Charter, explanatory remarks are provided in the questionnaire relating to each article.

1.2.2 Content of national reports

Following the reform of the reporting procedure adopted by the decisions of the Committee of Ministers of 27 September 2022⁸, the States Parties due to submit **a report on the accepted provisions** in a particular reporting cycle should **respond to the questions developed by the European Committee of Social Rights for that cycle. States should respond ONLY to the questions found in the questionnaire.** In the spirit of simplification, it has been agreed that **States Parties ARE NOT required to provide information in response to previous conclusions of non-conformity.**

When drafting the national report:

- **use the questionnaire prepared for the particular reporting cycle;**
- **include only responses to the questions asked in this questionnaire, and nothing more;**
- **respond only to questions concerning provisions that have been accepted by the State.**

In accordance with the questionnaire, national reports should only provide the **relevant information that is requested**. The information needs to be provided **ONLY for the provisions which the particular State has accepted**. It must be provided in detail and mention, as appropriate:

- **the legal framework** - any laws or regulations, collective agreements or other provisions which contribute to such application and, where appropriate, relevant national case law
- relevant decisions of courts and other judicial bodies;

⁸ See decision of 27 September 2022 based on CM(2022)114-final.

- **the measures taken** (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework;
- **all relevant figures, statistics or other information** enabling the degree of implementation of these provisions to be assessed.

All information should focus on the situation pertaining at the time of submitting the report and, where appropriate, reflect action being taken or envisaged by the State Party to change or improve the prevailing situation.

Concerning the legal framework, the European Committee of Social Rights pointed out in this respect that **it is not enough to provide lists of national legislation** relevant to the question concerned. All references to legislation should be accompanied by the text of relevant provisions and appropriate explanations of how they are applied.

In terms of the measures taken, reference may be made to the difficulties as well as to the strategies implemented, the results obtained, etc. The report should explain the policies that have been implemented, specify why policy changes have taken place, and with what objectives and results.

Concerning the relevant figures, the report should indicate how the authorities ensure that laws and policies are effectively enforced. Reference may be made to internal reports of the institutions responsible for this monitoring. For example, with regard to the provisions of the Charter concerning labour rights – reference should be made to the Labour Inspectorate's reports. All information provided **should be as recent as possible unless otherwise indicated in the questionnaire**. The European Committee of Social Rights has several times indicated to the States Parties that they should measure practical situations by means of indicators. **The reports should therefore contain figures whenever the Committee so requests**. If official statistics are lacking, governments may supply data or estimates based on *ad hoc* studies and surveys, or use valid data from other sources. The reports may also refer to existing information collected by national or international bodies.

The European Committee of Social Rights systematically examines figures published by Eurostat, the OECD and the EU. However, not all States Parties concerned are included in those publications and, especially for those not included, it is important that figures from national sources are included in the report.

Reports by States Parties should be concise while giving a comprehensive up-to-date overview of major relevant developments. It is essential for all the information to be presented in a precise manner and to be strictly relevant to the scope of each question. While States Parties should remain free to decide on the length of their reports, indicative guidance may be provided in particular questionnaires as to the expected or desirable length, where appropriate.

The reports must be **submitted by 31 December** of the year concerned.

National Reports shall:

- **be concise but comprehensive and detailed;**
- **focus on the situation pertaining at the time of submitting the report;**
- **be submitted by 31 December.**

The European Committee of Social Rights underlines that the quality of certain reports is still not sufficient. Information provided is not always relevant, not sufficiently clear or exhaustive, or is entirely lacking. It is therefore essential that the report provides accurate and detailed answers to the questions asked by the Committee in the questionnaire.

1.2.3 Content of first-time national reports (concerning newly accepted provisions)

A complete report would be required upon ratification of the Charter by a new State Party or the first time upon acceptance of additional provisions of the Charter. In preparing such first-time reports, States may have regard to the existing Form for Reports adopted by the Committee of Ministers on 26 March 2008⁹, as well as the most recent version of the Digest of case-law.

The forms can be consulted on the following addresses:

<https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016804922f8> (1996 Charter)

and

<https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016804922f6> (1961 Charter).

The forms are intended to guide States in the preparation of reports.

In accordance with the forms, **the first-time national reports should provide**, for each newly accepted provision of the Charter, any relevant information on the measures adopted to ensure its application, mentioning in particular:

- **the legal framework** - any laws or regulations, collective agreements or other provisions which contribute to such application and, where appropriate, relevant national case law - relevant decisions of courts and other judicial bodies;
- **the measures taken** (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework;

⁹ On 26 March 2008, the Committee of Ministers adopted the forms for the reports to be submitted in pursuance of the European Social Charter (revised), as well as the 1961 Charter and the 1988 Additional Protocol.

- **all relevant figures**, statistics or other information enabling the degree of implementation of these provisions to be assessed.

In order to clarify the issues covered by the given provision of the Charter, the indications resulting from the interpretation of the relevant article by the European Committee of Social Rights, as summarised in the Digest of case law, should be taken into account, where appropriate.

The latest version of the Digest (2022) is available on: <https://rm.coe.int/digest-ecsr-prems-106522-web-en/1680a95dbd>.

Responses from governments should, where appropriate, explicitly specify:

- whether they refer only to the situation of nationals or whether they also include nationals of other Parties;
- whether they are valid for the whole of the national territory;
- whether they apply to all categories of persons covered by the provision.

The first national report following the entry into force of the Charter or its newly ratified provision for the state concerned should **contain detailed information on all relevant aspects of the provision**, while, for subsequent reports, it will suffice to answer the questions provided by the Committee in the questionnaire for a particular reporting cycle.

1.3 Sources of information on past reporting

The case law of the European Committee of Social Rights relevant to the European Social Charter can be found on **the HUDOC database**. The HUDOC database can be found using the link: <https://hudoc.esc.coe.int>.

HUDOC enables readers to narrow down their search by selecting:

- particular types of documents in relation with the reporting procedure, depending on what they may be interested in (conclusions, statements of interpretation, separate opinions, or follow-up of conclusions);
- particular parameters involved in past reporting cycles, depending on what they may be interested in (particular provisions of the European Social Charter, States or findings of (non)conformity detailed in past reporting cycles).

Previous national reports and submissions (including those from (I)NGOs and trade unions) can be found on the European Social Charter country profiles webpage. These profiles can be found using the link: <https://www.coe.int/en/web/european-social-charter/country-profiles>.

Sources of information on past reporting:

- **HUDOC database**
- **country profiles on the website of the European Social Charter**

PART II

GENERAL (Practical)

2.1 Practical information¹⁰

2.1.1 Deadline

The report must be submitted to the Council of Europe by **31 December** of the year it is due.

2.1.2 Languages

The report must be **submitted in English or French**. It is important that **the translation be of high quality** so as not to distort the content of the report in the language in which it was written.

It is good practice to publish the report in the original language on the public website of the country concerned.

2.1.3 Consultation of social partners

The European Social Charter obliges States Parties to **consult national social partners on the report**. The practical arrangements for these consultations vary from country to country: some countries involve the social partners in preparing the report, others consult them after the report has been drawn up and possibly take their suggestions into account by amending the report before submitting it to the Council of Europe. In some countries, the report is forwarded to the social partners after being sent to the Council of Europe. They can then send their comments directly to the Organisation.

Regardless of the methods chosen, consultations with employers' organisations and trade unions constitute a reference point for the implementation of the rights guaranteed by the Charter, in particular Articles 5 and 6.

¹⁰ Based on: D. Wiśniewska-Cazals, Manual on preparation of national reports on accepted provisions under the reporting procedure of the European Social Charter. Part I, Council of Europe Publishing, 2020. Available at: <https://rm.coe.int/manual-part1-eng-preparation-of-nat-reports-social-charter/1680a209a7> (accessed on 23.08.2024)

Consultation of civil society

The Secretariat of the Council of Europe is responsible for disseminating state reports among **non-governmental organisations, NHIs, etc.** In practice, this dissemination is ensured by **publishing each report, immediately after its registration**, on the European Social Charter website.

2.1.4 Collaboration between the national authorities concerned

Since the European Social Charter covers a wide range of aspects of social rights, its implementation may involve several ministries or state institutions dealing with education, health, social affairs, labour and even home affairs and justice. This depends on the administrative structure and the allocation of competences among the various bodies of the state concerned. The administrative architecture of each state has its own peculiarities and therefore each state will find its own way of establishing contacts and organising the collection of information with a view to drafting the report under the Charter's monitoring system. The experience of one state cannot easily be applied to the context of another state.

In any case, for the report to meet the expectations of the European Committee of Social Rights, it is essential that **states ensure smooth collaboration and exchange of information between the entities concerned.**

Each **state decides individually which authority is responsible for coordinating the collaboration between the national entities** concerned and for transmitting the report to the Council of Europe.

2.1.5 Modalities for the submission of reports

The report should be **sent in electronic form** to DGI-ESC-Reporting-System@coe.int.

2.1.6 Contact

The **Secretariat of the European Social Charter is at the disposal of States Parties** in the event of misunderstanding or doubt to further explain the reasoning and expectations of the European Committee of Social Rights (social.Charter@coe.int).

2.2 Comments on national reports (Shadow/Alternative Reports)

Comments on national reports (or Shadow/Alternative Reports) are a method for organisations such as trade unions, employers' organisations, (international) non-governmental organisations, as well as national human rights bodies and national equality bodies to supplement and/or present additional or alternative information to reports submitted by governments under the European Social Charter monitoring system. Once submitted, the alternative report is published on the website of the European Social Charter and is examined by the European Committee of Social Rights at the same time as the government's report. Whether or not the comments provided are taken into account is left to the discretion of the European Committee of Social Rights.

2.2.1 Organisations eligible to provide comments on a national report

The communication of comments on national reports is governed by Articles 23§1 and 27§2 of the 1961 Charter, as amended by the Turin Protocol adopted in 1991. In line with the said provisions, certain international organisations of employers and trade unions are entitled to submit comments and information to the European Committee of Social Rights alongside national reports. These include **national affiliate members of the European Trade Union Confederation (ETUC) for workers, as well as national organisations which are members of BusinessEurope and the International Organisation of Employers (OIE) for employers**. States Parties to the European Social Charter are under an obligation to communicate copies of their national reports to the national members of these organisations.

Moreover, as per the long-standing practice of the European Committee of Social Rights and Rule 21A of its Rules, other organisations, institutions and entities, such as **trade unions, employers' organisations, (international) non-governmental organisations, as well as national human rights bodies and national equality bodies** may submit comments on national reports which are acknowledged by the European Committee of Social Rights. The comments are transmitted to the relevant State Party who in turn may respond to these comments.

2.2.2 Reasons for submitting comments on a national report

Being able to contribute comments on a national report:

- allows the authors to present to the European Committee of Social Rights an alternative version of the facts and assessments to that submitted by the government;
- is a good opportunity to review and analyse the current situation in the country in the light of the most current challenges faced by European countries;
- provides an international forum for authors to voice their concerns, since the reports are published on the European Social Charter website;
- allows the author to have an impact on the conclusions of the European Committee of Social Rights in favour of the better protection of social rights in the country.

2.2.3 Content of the comments on a national report

The comments may contain **additional or alternative information** on all issues raised in the national report or they may comment on a single issue. The report may also provide **information that is missing** in the government's report.

In all cases, the comments have to provide **information relating to the provisions that are under examination** by the European Committee of Social Rights in the year the report is due and **fall within the scope of the question** provided by the Committee in the questionnaire.

All information should **focus on the situation pertaining at the time of submitting the report** and, where appropriate, reflect action being taken or envisaged by the State Party to change or improve the prevailing situation.

There is no particular format which authors must respect when submitting their comments on national reports to the European Committee of Social Rights, in the context of the reporting procedure. However, **the Committee welcomes reports which are concise and provide specific and in-depth information on issues that are overlooked or not sufficiently developed in the country report.**

2.2.4 Languages

The report should be submitted in **English or French**. It is important that **the translation be of high quality** so as not to distort the content of the report in the language in which it was written and thus provide reliable information to the European Committee of Social Rights.

2.2.5 Deadline

Comments on national reports, must be submitted to the Secretariat of the European Social Charter **by 30 June** of the year during which the European Committee of Social Rights examines the national report. This deadline has been set when national reports are submitted in December (ECSR Rules). Exemptions are possible if state reports are delayed. **Deadlines are announced on the website in due time.**

2.2.6 Modalities for the submission of reports

The comments should be **sent in electronic form** to DGI-ESC-Reporting-System@coe.int.

In accordance with Rule 21A§2 of the Rules of the European Committee of Social Rights, comments registered and submitted to the Committee must be forwarded to the Government concerned which is given six weeks to submit a response if it so wishes.

PART III

MOLDOVA'S PERSPECTIVE

3.1 Moldova vis-à-vis the European Social Charter

Moldova ratified the Revised European Social Charter on 8 November 2001, accepting 63 of the 98 paragraphs of the Charter¹¹. By means of Law No. 185, which was approved by the Parliament on 18 July 2024 and entered into force on 6 August 2024, Moldova ratified 8 additional provisions of the Revised European Social Charter - these being Articles 4§2, 7§6, 10§1, 10§2, 10§3, 10§4, 10§5 and 15§3.

At the time of drafting this manual:

► the **first group included:**

- the right to work (Article 1);
- the right to just conditions of work (Article 2);
- the right to safe and healthy working conditions (Article 3);
- the right to a fair remuneration (Article 4);
- the right to organise (Article 5);
- the right to bargain collectively (Article 6);
- the right of employed women to protection of maternity (Article 8);
- the right to vocational guidance (Article 9);
- the right to vocational training (Article 10);
- the right to engage in a gainful occupation in the territory of other Parties (Article 18);
- the right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex (Article 20);
- the right to information and consultation (Article 21);
- the right to take part in the determination and improvement of the working

¹¹ Law No. 484 of 28-09-2001 for partial ratification of the revised European Social Charter, published on 26 October 2001 in the Official Gazette (*Monitorul Oficial*) No. 130, Art. 959.

- conditions and working environment (Article 22);
- the right to protection in cases of termination of employment (Article 24);
- the right of workers to the protection of their claims in the event of the insolvency of their employer (Article 25);
- the right of workers' representatives to protection in the undertaking and facilities to be accorded to them (Article 28);
- the right to information and consultation in collective redundancy procedures (Article 29).

Moldova has accepted all provisions from the above-mentioned group except Articles 3§4, 4§1, 18§1, 18§2, 19§1, 19§2, 19§3, 19§4, 19§5, 19§6, 19§9, 19§10, 19§11, 19§12, 22 and 25.

► the **second group** included:

- the right of children and young persons to protection (Article 7);
- the right to protection of health (Article 11);
- the right to social security (Article 12);
- the right to social and medical assistance (Article 13);
- the right to benefit from social welfare services (Article 14);
- the right of persons with disabilities to independence, social integration and participation in the life of the community (Article 15);
- the right of the family to social, legal and economic protection (Article 16);
- the right of children and young persons to social, legal and economic protection (Article 17);
- the right of migrant workers and their families to protection and assistance (Article 19);
- the right of elderly persons to social protection (Article 23);
- the right to dignity at work (Article 26);
- the right of workers with family responsibilities to equal opportunities and equal treatment (Article 27);
- the right to protection against poverty and social exclusion (Article 30);
- the right to housing (Article 31).

Moldova has accepted all the provisions from the above-mentioned group except Articles 7§5, 13§4, 14§1, 14§2, 23, 27§1, 27§3, 30, 31§1, 31§2 and 31§3.

Moldova has not yet ratified the Additional Protocol providing for a system of collective complaints.

► **Table of accepted and non-accepted provisions by Moldova**

Light blue – accepted provisions

1.1	1.2	1.3	1.4	2.1	2.2	2.3	2.4	2.5	2.6	2.7	3.1
3.2	3.3	3.4	4.1	4.2	4.3	4.4	4.5	5	6.1	6.2	6.3
6.4	7.1	7.2	7.3	7.4	7.5	7.6	7.7	7.8	7.9	7.10	8.1
8.2	8.3	8.4	8.5	9	10.1	10.2	10.3	10.4	10.5	11.1	11.2
11.3	12.1	12.2	12.3	12.4	13.1	13.2	13.3	13.4	14.1	14.2	15.1
15.2	15.3	16	17.1	17.2	18.1	18.2	18.3	18.4	19.1	19.2	19.3
19.4	19.5	19.6	19.7	19.8	19.9	19.10	19.11	19.12	20	21	22
23	24	25	26.1	26.2	27.1	27.2	27.3	28	29	30	31.1
31.2	31.3										

Between 2004 and 2024, Moldova has submitted 19 reports on the application of the Charter.

The 18th report, submitted on 6 March 2023, within the reporting procedure from before the changes of September 2022, concerns the accepted provisions relating to thematic group 4 “Children, families and migrants” (Articles 7, 8, 16, 17, 16, 19, 27 and 31). In the conclusions with respect to these provisions, which were published in March 2024, the Committee declared five conclusions of conformity (Articles 7§2, 7§4, 8§§2-4) and 14 conclusions of non-conformity (Articles 7§1, 7§3, 7§§7-10, 8§1, 8§5, 16, 17§§1-2, 19§§7-8, 27§2), including eight conclusions of non-conformity (Articles 7§1, 7§3, 8§1, 16, 17§1, 17§2, 19§8, 27§2) on the grounds of inconsistency and six conclusions of non-conformity (Articles 7§7, 7§8, 7§9, 7§10, 8§5 and 19§7) on the grounds of a failure to provide the requested information amounting to a breach by the Republic of Moldova of its reporting obligations under Article C of the Charter.

The last report concerning labour rights (17th) was submitted by Moldova on 30 December 2021. The reference period was 1 January 2017 to 31 December 2020. In Conclusions 2022, published in March 2023, the ECSR declared six conclusions of conformity (Articles 2§3, 2§5, 2§6, 2§7, 6§1 and 29) and nine conclusions of non-conformity (Articles 2§2, 2§4, 4§3, 4§4, 4§5, 5, 6§3, 6§4 and 28). In respect of the other five situations (Articles 2§1, 6§2, 21, 26§1 and 26§2),

the Committee deferred its conclusions, stating that it needs further information in order to assess the situation.

The last report concerning health, social security and social protection rights (16th) was submitted by Moldova on 11 February 2021. The reference period was 1 January 2016 to 31 December 2019. In Conclusions 2021, published in March 2022, the ECSR declared no conclusions of conformity and 11 conclusions of non-conformity (Articles 3§2, 3§3, 11§1, 11§2, 11§3, 12§1, 12§2, 12§3, 13§1, 13§2 and 13§3). In respect of the other two situations (Articles 3§1 and 12§4), the Committee deferred its conclusions stating that it needs further information in order to assess the situation.

On 31 December 2019, Moldova had been supposed to submit a report concerning the accepted provisions relating to rights connected with employment, training and equal opportunities. The report was not submitted which meant the European Committee of Social Rights could not assess the situation in Moldova from the perspective of employment rights in 2020. The last report concerning employment, training and equal opportunities rights (12th) was submitted by Moldova on 7 May 2016. The reference period was 1 January 2011 to 31 December 2014. In Conclusions 2016, published in March 2017, the ECSR issued five conclusions of conformity (Articles 1§3, 15§1, 18§4, 24 and 26§2) and nine conclusions of non-conformity (Articles 1§1, 1§2, 1§4, 6§4, 9, 15§2, 18§3, 20 and 28). In respect of the other two situations (Articles 5 and 6§2), the Committee deferred its conclusions stating that it needs further information in order to assess the situation.

On 8 January 2024, an ***ad hoc* report on the cost-of-living crisis** was submitted by Moldova as **the first report in accordance with the new reporting procedure** standards.

With regard to the non-accepted provisions, Moldova has not yet accepted Articles 3§4, 4§1, 7§5, 13§4, 14§§1 and 2, 18§§1 and 2, 19§§1-6, 19§§9-12, 22, 23, 25, 27§§1 and 3, 30, 31§§1-3 (27 provisions).

By 2023, Moldova had submitted four reports on non-accepted provisions. The procedure provided for by Article 22 of the 1961 Charter¹² was applied for the first, second and third time in the context of a meeting between the delegation of the European Committee of Social Rights and representatives of various Moldovan ministries in Chisinau, on 21 March 2006, 1 December 2011 and 29 May 2018, respectively. In order to apply the procedure for the fourth time in 2021, the Moldovan authorities were invited to provide written information on the provisions of the Charter that it has not yet accepted.

All the reports sent by Moldova and the most recent Conclusions of the ECSR concerning Moldova may be consulted at the country profile on the website of the European Social Charter with the following link: <https://www.coe.int/en/web/european-social-charter/republic-of-moldova>.

¹² With respect to the procedure provided by Article 22 of the 1961 Charter – examination of non-accepted provisions - the Committee of Ministers in December 2002 decided that “states having ratified the revised European Social Charter should report on the non-accepted provisions every five years after the date of ratification” and “invited the European Committee of Social Rights to arrange the practical presentation and examination of reports with the states concerned” (Decision of the Committee of Ministers of 11 December 2002).

Due to the non-acceptance of the Additional Protocol providing for a system of collective complaints, in accordance with the requirements of the European Social Charter, **since 2023, Moldova has been obliged to submit national reports on the implementation of provisions of one of the two groups every two years starting from 2024.** It is obliged to report not only on the legal compliance of national legislation with the provisions of the Charter, but also on its practical implementation, providing statistical information on relevant issues in response to the questions of the European Committee of Social Rights included in the questionnaire relevant to the particular reporting cycle.

3.2 Drafting of national reports – practical instructions and information for Moldova

Moldova is obliged to regularly submit **reports on the implementation of the Charter in law and in practice. States Parties which have not ratified the Additional Protocol of 1995 providing for a system of collective complaints, which applies in the case of Moldova, are obliged to submit their reports every two years.**

Following the decisions of the 1444th meeting on 27 September 2022, **in its national reports under the First and the Second Group, Moldova, like other States, is expected to address the questions which are to be drawn up and published on the Charter¹³ webpage for each reporting period separately. Only questions pertaining to provisions accepted by Moldova are to be answered.**

When drafting the national report, while addressing the Committee's questions under each **accepted** provision of the Charter, **information must be provided concerning measures adopted to ensure its application**, mentioning – as appropriate – in particular:

- **the legal framework** – any laws or regulations, collective agreements or other provisions that contribute to such application, as well as relevant pertinent national case-law – relevant decisions by courts and other judicial bodies;
- **the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework;**
- **any pertinent figures, statistics or any other relevant information** enabling an evaluation of the extent to which these provisions are applied.

In the process of drafting the report, **the following should be borne in mind:**

- **only questions pertaining to provisions accepted by Moldova should be answered;**
- reports should **focus on the situation at the time of submitting** the report and on action being taken or envisaged to improve or otherwise change the prevailing situation, unless the questionnaire indicates differently;
- **States Parties are free to decide on the length of their reports**, although indicative guidance may be provided as to the expected or desirable length to ensure coherence and consistency in the reporting system;

¹³ <https://www.coe.int/en/web/european-social-charter/national-reports>

- **the report must be submitted by the deadline on which it is due**, which is 31 December;
- **if complete statistics are lacking**, States parties may supply data or estimates based on *ad hoc* studies, specialised or sample surveys, or other scientifically valid methods, whenever they consider the information so collected to be useful and ensuring that the administrative effort required to collect data is in proportion with the desired acquisition of information.

When drafting the report, **it is advisable to consult:**

- for the questions that need to be answered in the report, the European Social Charter website
<https://www.coe.int/en/web/european-social-charter/national-reports>.
- for the content of the previous reports, the country profile web page for Moldova -
<https://www.coe.int/en/web/european-social-charter/republic-of-moldova>.
- for the previous conclusions of the European Committee of Social Rights (ECSR), the country profile webpage for Moldova: <https://www.coe.int/en/web/european-social-charter/republic-of-moldova>.
- for the case-law of the ECSR concerning the provisions covered by a particular group:
 - for the essence of the case-law, the Digest of the case-law of the ECSR (2022) <https://rm.coe.int/digest-ecsr-prems-106522-web-en/1680a95dbd>.
 - for all the Conclusions of the European Committee of Social Rights, the HUDOC database, <https://hudoc.esc.coe.int/eng> (select “Conclusions (reporting procedure)”).
 - for all the Resolutions and Recommendations of the Committee of Ministers of the Council of Europe, the HUDOC database <https://hudoc.esc.coe.int/eng> (choose “Follow up of conclusions”).

When drafting an *ad hoc* report required by the European Committee of Social Rights the authors must:

- establish the questions/issues raised by the ECSR for the relevant report;
- pay careful attention to each question/request for information from the European Committee of Social Rights, , since it might refer to a different period of time to that for which information is available;
- address the questions asked by the Committee with due diligence within the time limit set by the Committee.

In 2023, in accordance with the decision of the Ministers’ Deputies concerning the new system for the presentation of reports under the European Social Charter, adopted on 27 September 2022, the European Committee of Social Rights and the Governmental Committee decided to request all States Parties to prepare an ***ad hoc* report on the cost-of-living crisis**.

The Committee drew up 10 questions¹⁴ that must be addressed before 31 December 2023 by all member countries, including Moldova. The questions may be consulted using the following link: <https://rm.coe.int/appendix-ad-hoc-report-questions/1680abb137>.

With some delay, on 8 January 2024, Moldova submitted **its *ad hoc* report on the cost-of-living crisis** in response to the Committee's questions. This was the first report submitted in accordance with the new reporting procedure standards. The report may be consulted using the following link: <https://rm.coe.int/mda-ad-hoc-cost-of-living-2023/1680ae693b>.

Alternative reports

In 2024, two alternative reports or comments on the *Ad hoc Report on the cost-of-living crisis* submitted by Moldova on 8 January 2024 were submitted – one by the People's Advocate Office of Moldova and one by the Equality Council¹⁵.

Further information regarding the alternative reports/comments is available using the following links:

<https://rm.coe.int/mld-comments-ombudsman-office-on-ad-hoc-report-cost-of-living-2024/1680b08a76>

<https://rm.coe.int/mld-comments-equality-council-on-ad-hoc-report-cost-of-living-2024/1680b0fb17>

3.3 Sources of information

The information used to prepare national reports should be **obtained by means of inquiries to the authorities, as well as from open sources of information** (official websites, publications and reports related to the issues under consideration). Additional information can be obtained through **consultations with organisations and professionals specialising** in the issues addressed in the report.

Where **statistics** are requested for any provision, and where complete statistics are lacking, the report may provide **data or estimates based on *ad hoc* studies, specialised or sample surveys, or other scientifically valid methods**, whenever they consider the information so collected to be useful and ensuring that the administrative effort required to collect data is in proportion with the need for the information.

National sources (non-exhaustive):

- reports from government institutions and agencies;

¹⁴ Request for an *ad hoc* report on the cost-of-living crisis available at: <https://rm.coe.int/appendix-ad-hoc-report-questions/1680abb137>

¹⁵ Available at: <https://www.coe.int/en/web/european-social-charter/republic-of-moldova>

- reports of the Ombudsperson (or other monitoring mechanisms);
- official statistics and data;
- official statements;
- reports from the NGOs, media, academia, etc.

3.4 Coordination between and motivation of the various departments involved in preparing the report

The preparation of the report represents the consolidated work of several relevant Moldovan government agencies and institutions.

The main motivation of the participants involved in this process should be to bring Moldova closer to compliance with social standards, as well as to better understand the requirements of the European Social Charter with a view to ensuring the implementation of social rights in practice in accordance with the Council of Europe standards.

Periodic reporting regarding Moldova's compliance with the European Social Charter will help the country evaluate its compliance with social rights standards through self-assessment and promote national dialogue and access to international expert advice and experience from other European countries. The process of preparing the periodic reports on the implementation of the European Social Charter enables Moldova to take stock and critically assess the current situation with regard to social rights and its compliance with the relevant standards, thus providing it with an opportunity to:

- **conduct a comprehensive review of the measures** it has taken to harmonise national laws, policies, programmes and practices with relevant provisions of the European Social Charter;
- **monitor progress made to promote the implementation and the enjoyment of the rights** set out in the European Social Charter;
- **identify problems and gaps, as well as achievements in implementation;**
- **plan, draft and adopt appropriate laws, policies and programmes** to increase compliance with the European Social Charter.

Moldova's national report should be the main impartial document in the reporting process. It should provide **information and analysis on the implementation** of the European Social Charter, as well as highlight **issues of concern and shortcomings relevant to each accepted provision of a particular group requested in accordance with the Committee's questions.**

Reporting under the European Social Charter also provides Moldova with a unique opportunity to **improve coordination within the government, as well as consultation, dialogue and partnership with the National Human Rights Institutions (NHRIs) and civil society**, in assessing legislation, policies and practices. Any such dialogue should be conducted in a constructive spirit of cooperation and mutual respect, with the aim of advancing the enjoyment by all parties concerned of the social rights protected by the European Social Charter.

A participatory and consultative reporting process:

- raises public awareness of the social rights enshrined in the Charter;
- informs the public of the measures Moldova has undertaken to comply with the Charter;
- calls for partnerships to enhance the Charter's implementation;
- solicits the buy-in of ideas, suggestions and expert advice from all relevant stakeholders (including within the Government) to better implement the Charter's provisions.

Most of all, through participation in the national reporting process, the relevant ministries and institutions, along with independent stakeholders, take ownership of the Charter's reporting process which will lead them to engage actively and constructively in implementing the Charter's provisions.

Benefits of reporting

- Self-assessment of conformity with the European Social Charter
- Stimulation of Moldovan national dialogue on the implementation of European standards in the area of social rights

An effective national mechanism of reporting should have the following key capacities:

- **The coordination capacity of all involved in the process of preparing a report under the Charter.** This includes the ability and authority to organise and coordinate information-gathering and data collection from government entities, but also from other State actors such as the relevant ministries, local authorities, the Moldovan National Bureau of Statistics, for reporting and follow-up to recommendations. This requires, for example, annual work plans involving all relevant ministries.
- **The consultation capacity of a national reporting mechanism,** which may take the form of a dedicated focal point for liaising with other stakeholders, setting up regular meetings with different stakeholders, establishing an e-mail mailing list for information sharing, and so forth.

3.5 Coordination and synthesis of contributions provided

In Moldova, the Ministry of Labour and Social Protection is responsible for preparing national reports on the implementation of provisions of the European Social Charter in each of the reporting periods. It should still be recalled that, along with official reports of the Republic of Moldova, comments on national reports/alternative reports may be prepared by various parties. For example, in 2024, two alternative reports/comments on the *Ad hoc report on the cost-of-living crisis* submitted by the Moldovan Government were provided – one by the People's Advocate Office of Moldova and the second by the Equality Council¹⁶.

¹⁶ Available at: <https://www.coe.int/en/web/european-social-charter/republic-of-moldova>

To help meaningfully meet the Charter's reporting requirements, the authors of the report must make the process of its preparation as efficient and effective as possible. For this purpose, a methodology involving seven practical steps needs to be followed:

1. **Planning and organising**
2. **Identifying key issues under each question from the questionnaire**
3. **Gathering information and collecting data**
4. **Analysing data and drafting the report**
5. **Coordinating and consulting with relevant stakeholders**
6. **Finalising and endorsing the report**
7. **Submitting the report to the Secretariat of the European Social Charter.**

3.5.1 Planning and organising

The lead responsibility for preparing the reports is clearly assigned to the Ministry of Labour and Social Protection. The reporting process, however, requires **the involvement and commitment of all relevant ministries and authorities**, from senior management to operational-level staff. It is particularly important to attract the interest of and support from the political leadership to ensure there is a common approach to the report and also to send a strong message to all relevant line-ministries and public agencies that they should cooperate in the process of preparing the report and implementing the recommendations arising from its review. This will help the Ministry of Labour and Social Protection's reporting team fulfill its task effectively.

The preparation of a report is **a labour-intensive process that requires an investment in human resources**. An effective report writing process, following the simplified procedure introduced in September 2022, usually takes between four and eight months at most. To make the best use of available resources, the Ministry of Labour and Social Protection is encouraged to carefully plan the report-writing process.

It is suggested that **a specific work plan be developed for the preparation of each part of the report**, giving clear timelines (for collecting data, drafting, meetings, etc.), assigning responsibilities to different actors involved in the process (e.g., focal points within ministries for information-sharing purposes), including for participation in constructive dialogue.

3.5.2 Identifying key issues under each question in the questionnaire

Before starting the information and data collection process, the drafting group must draw up **a list of relevant issues under each question in the questionnaire on which the report is going to focus**. Based on this list, the drafting group should make an inventory of the information necessary for the drafting of the report, i.e. legislation, policies and programmes already in place that contribute to the implementation of the specific provisions of the Charter, in particular those issues on which the report will focus most attention.

The drafting group should know who has such information and in what form it is available. It may therefore also wish to list all important sources of information, including the relevant governmental agencies who might have the information needed to prepare a particular report.

3.5.3 Gathering information and collecting data

In collecting the data and information for drawing up the report, close attention should be paid to the questions asked by the European Committee of Social Rights in the particular reporting cycle, since the **report should only respond to those questions**. It should also be noted that the report should **only address the questions concerning the Charter provisions that Moldova has accepted**.

The drafting group should also be familiar with sources which could be useful in identifying the most important issues to be included in the report (e.g., relevant reports from government institutions and agencies, as well as from monitoring mechanisms; statistics and data from intergovernmental organisations on the situation in the country regarding a certain issue; official statements; and reports from NHRI, NGOs, media, academia, etc.).

3.5.4 Analysing data and drafting the report

Once the information needed for a given report has been collected, the drafting group begins to **analyse the information and write the report**. The authors must first review laws, policies and practices to determine the extent to which they address the issues that are subject of the report in accordance with the provisions of the Charter and the questions provided by the Committee.

3.5.5 Coordinating and consulting with relevant stakeholders

It is recommended that the authors of the report **consider how the draft report should be circulated to stakeholders**. **Public consultation on the draft report** with relevant stakeholders, including national human rights institutions, civil society organisations and other stakeholders, should allow them to give their feedback on the content of the final report. Although this consultation process can take some time, **it contributes to raising the quality of the report**.

3.5.6 Finalising and endorsing the report

Following the internal coordination and consultation process with other stakeholders, the drafting group **revises the draft report based on the comments and feedback received and prepares the final report**.

3.5.7 Submitting the report

The report must be **sent in electronic form** to DGI-ESC-Reporting-System@coe.int.

3.6 Mapping the main participants in the preparation of the National Report

Thematic Groups	Cooperation with relevant ministries, agencies, institutions
<p>First Group</p> <p>(Articles 1, 2, 3, 4, 5, 6, 8, 9, 10, 18, 19, 20, 21, 22, 24, 25, 28, 29)</p>	<p>Moldovan Ministry of Labour and Social Protection – as the coordinator and the body responsible for preparing the final report.</p> <p>In cooperation with:</p> <ul style="list-style-type: none"> • the Ministry of Education and Research • the Ministry of Justice • the Ministry of Finance • the Ministry of Foreign Affairs • the Ministry of Economic Development and Digitalisation • the State Labour Inspectorate • the National Bureau of Statistics • Chamber of Commerce and Industry • the Equality Council • the National Trade Union Confederation of Moldova • the National Confederation of Employers of Moldova
<p>Second Group</p> <p>(Articles 7, 11, 12, 13, 14, 15, 16, 17, 23, 26, 27, 30, 31)</p>	<p>Moldovan Ministry of Labour and Social Protection – as the coordinator and the body responsible for preparing the final report.</p> <p>In cooperation with:</p> <ul style="list-style-type: none"> • the Ministry of Education and • Ministry of Justice • Ministry of Internal Affairs • Ministry of Infrastructure and Regional Development • Ministry of Culture • Ministry of Foreign Affairs • State Labour Inspectorate • National Bureau of Statistics • National Trade Union Confederation of Moldova • National Confederation of Employers of Moldova

3.7 Practical difficulties

(meeting deadlines, language problems, etc.)

In practice, the preparation of the report under the European Social Charter may encounter some difficulties and challenges. Some of these have been identified, as follows:

3.7.1 Human capacity

Insufficient human resources and the lack of an established mechanism and/or a dedicated team for preparing the report is one of the main challenges. In Moldova, as is the case in many States Parties, information is collated separately by each Department/Division and is then submitted to a designated person who compiles the report. The persons involved in the process, however, also perform functions other than preparing the reports. Insufficient human resources pose a challenge to ensuring the quality of the report preparation and the overall coordination of the process. **To address this issue, the capacity of those responsible for the process needs to be strengthened by conducting appropriate training and workshops. It is also recommended that the coordination of the different components of the report preparation be enhanced and that representatives of NHRIs and NGOs be actively involved in the working groups drafting the report.** Instead of preparing several alternative reports from different organisations, efforts could be focused on preparing a single high-quality report that provides complete and comprehensive information on the status of implementation of the European Social Charter in Moldova.

3.7.2 Obtaining the necessary information

When preparing the report, it is **often difficult to obtain information**. Central executive bodies and local authorities may not always provide the required information, or the content of the information may not meet the standards and scope necessary for preparing the report on the implementation of the European Social Charter. **To address this issue, it is necessary to strengthen the different forms of consultation and the involvement of various ministries and local authorities** in the process, as well as to provide those drafting the report with the appropriate training and workshops.

3.7.3 Consolidation of information

It is often **difficult to combine information obtained from different ministries and local authorities** because the information may be **provided in varying formats and the scope of its content may differ**. **To address this, it is recommended that a harmonised form and a set of questions be prepared, or some instructions provided concerning the format and the scope of the requested information and data.** This approach will unify the information and simplify the processing and consolidation of the data needed to prepare the report. For as long as the practice of answering the ECSR's targeted questions continues, it is recommended that those questions be included in the harmonised form/questionnaire issued to all the ministries, local authorities and other institutions.

3.7.4 Meeting deadlines

Punctuality of reporting is an important issue for Moldova with respect to meeting its obligations to report on the status and progress in implementing the European Social Charter, e.g., the 18th Moldovan report was submitted on 6 March 2023 instead of 31 December 2022, which means that it was late. The last report – the 19th Moldovan *ad hoc* report was also submitted late – on 8 January 2024, instead of by the 31 December 2023 deadline.

3.7.5 Language difficulties

Difficulties also arise in relation to translating the report and the relevant conclusions and recommendations concerning Moldova. To address this, it is recommended that a study be conducted on new resources in the context of international technical development projects in Moldova. It could also be useful to involve the Ministry of Foreign Affairs in this process to address the issue of translating the necessary information, as well as to utilise any relevant support that could be provided from various projects and resources funded on a temporary basis by donors who provide specific technical assistance to Moldova.

3.8 Reporting under the First Group

The First Group of provisions covers: the right to work (Article 1); the right to just conditions of work (Article 2); the right to safe and healthy working conditions (Article 3); the right to a fair remuneration (Article 4); the right to organise (Article 5); the right to bargain collectively (Article 6); the right of employed women to protection of maternity (Article 8); the right to vocational guidance (Article 9); the right to vocational training (Article 10); the right to engage in a gainful occupation in the territory of other States Parties (Article 18); the right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex (Article 20); the right to information and consultation (Article 21); the right to take part in the determination and improvement of the working conditions and working environment (Article 22); the right to protection in cases of termination of employment (Article 24); the right of workers to the protection of their claims in the event of the insolvency of their employer (Article 25); the right of workers' representatives to protection in the undertaking and facilities to be accorded to them (Article 28); the right to information and consultation in collective redundancy procedures (Article 29).

Moldova has accepted all provisions from the above-mentioned group except Articles 3\$4, 4\$1, 18\$1, 18\$2, 19\$1, 19\$2, 19\$3, 19\$4, 19\$5, 19\$6, 19\$9, 19\$10, 19\$11, 19\$12, 22 and 25.

Consequently, in the national report, Moldova must ONLY address questions pertaining to the accepted provisions, which are Articles 1\$1, 1\$2, 1\$3, 1\$4, 2\$1, 2\$2, 2\$3, 2\$4, 2\$5, 2\$6, 2\$7, 3\$1, 3\$2, 3\$3, 4\$3, 4\$4, 4\$5, 5, 6\$1, 6\$2, 6\$3, 6\$4, 8\$1, 8\$2, 8\$3, 8\$4, 8\$5, 9, 18\$3, 18\$4, 20, 21, 24, 28, 29.

The nearest upcoming reporting time deadline for the First Group of provisions for the Moldova is 2024 – the national report must be presented by 31 December 2024 and address the questions that have been drawn up and published by the European Committee of Social Rights on the European Social Charter website.

The current questionnaire is available using the following link:

<https://www.coe.int/en/web/european-social-charter/national-reports>.

3.9 Reporting under the Second Group

The Second Group of provisions covers: the right of children and young persons to protection (Article 7); the right to protection of health (Article 11); the right to social security (Article 12); the right to social and medical assistance (Article 13); the right to benefit from social welfare services (Article 14); the right of persons with disabilities to independence, social integration and participation in the life of the community (Article 15); 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 protection and assistance (Article 19); the right of elderly persons to social protection (Article 23); the right to dignity at work (Article 26); the right of workers with family responsibilities to equal opportunity and treatment (Article 27); the right to protection against poverty and social exclusion (Article 30); the right to housing (Article 31).

Moldova has accepted all provisions from the above-mentioned group except Articles 7§5, 13§4, 14§1, 14§2, 23, 27§1, 27§3, 30, 31§1, 31§2 and 31§3.

Consequently, in the national report, Moldova must ONLY address questions pertaining to the accepted provisions, which are Articles 7§1, 7§2, 7§3, 7§4, 7§7, 7§8, 7§9, 7§10, 11§1, 11§2, 11§3, 12§1, 12§2, 12§3, 12§4, 13§1, 13§2, 13§3, 15§1, 15§2, 16, 17§1, 17§2, 19§7, 19§8, 26§1, 26§2, 27§2.

The nearest upcoming reporting time for the Second Group of provisions for Moldova is 2026 – the national report must be presented by 31 December 2026 and address the questions that will be drawn up and published by the European Committee of Social Rights on the European Social Charter website.

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.

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The Council of Europe is the continent's leading human rights organisation. It comprises 46 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.



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