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European Network of
National Human Rights Institutions



EQUINET

European Network
of Equality Bodies

How can National Human Rights Institutions and Equality Bodies engage with the European Committee of Social Rights under the reporting procedure of the European Social Charter

2 February 2022 (11.30-13.30 CEST, ZOOM event)

CONCEPT NOTE

The event is part of the annual training sessions organised by the European Social Charter Department for National Human Rights Institutions (NHRIs) and National Equality Bodies (NEBs) in order to strengthen their engagement with the European Committee of Social Rights under the reporting procedure of the European Social Charter.

NHRIs and NEBs have previously reported gaps in knowledge on how to engage with the European Committee of Social Rights (ECSR) and its reporting procedure. The event will identify these limitations and provide guidance for NHRIs and NEBs to contribute meaningfully to the process.

More specifically, the **objectives** of the training are:

- to strengthen the knowledge of NHRIs/NEBs on the reporting procedure of the European Social Charter in order to encourage them to take an active part in it;
- to present the questionnaire on labour rights submitted to States Parties for reporting cycle 2022 and examine the opportunities for NHRIs and NEBs to submit additional information to the ECSR on labour rights;
- to share concrete experiences of NHRIs and NEBs on collecting, presenting and submitting additional information to the ECSR.

Role of National Human Rights Institutions and National Equality Bodies

Following the two webinars organised in 2021 on thematic group “health, social security and social protection”, 7 institutions submitted additional information to the ECSR for Conclusions 2021 on thematic group 2. In addition, the European Social Charter Department elaborated and published a guide on “[How can NHRIs and NEBs engage with the ECSR](#)”.

In May 2021, the ECSR shared the questions on labour rights¹ under the reporting procedure with the States Parties to the Revised European Social Charter and the 1961 Charter. States were invited to report before 31 December 2021 on the accepted provisions under the following articles:

- the right to just conditions of work (Article 2),
- the right to a fair remuneration (Article 4),
- the right to organise (Article 5),
- the right to bargain collectively (Article 6),

¹ European Committee of Social Rights questions to States Parties of the ESC relating to thematic group 3 on labour rights for Conclusions 2022: [1961 Charter](#) and [Revised Charter](#)

- the right to information and consultation (Article 21),
- the right to take part in the determination and improvement of working conditions (Article 22),
- the right to dignity at work (Article 26),
- the right of workers' representatives to protection in the undertaking (Article 28)
- the right to information and consultation in collective redundancy procedures (Article 29).

In 2022, NHRIs and NEBs along with NGOs, trade unions and employer's organisation are again invited to submit their key observations and comments on the national reports **by 30 June 2022**.

Background

The implementation of the European Social Charter (the Charter) is supervised by the European Committee of Social Rights through the reporting and the collective complaints procedures. The Charter is based on a ratification system, enabling states, under certain circumstances, to choose the provisions² they are willing to accept as binding international legal obligations, as well as to accept or not the collective complaints procedure³.

Although this training is focused on the reporting procedure, National Human Rights Institutions and National Equality Bodies can meaningfully engage and contribute to both of these procedures.

Following the recommendations of the Steering Committee for Human Rights (CDDH) to render the reporting procedure more effective and targeted, the Secretary General of the Council of Europe presented in 2021 her [vision for improving the implementation of social rights in Europe](#) and initiated the reform process of the Charter's monitoring mechanisms with the Committee of Ministers. At the same time, the ECSR took steps to simplify the reporting focusing on issue-based questions on selected provisions.

Under the reporting procedure, certain organisations are entitled to submit comments and information alongside national reports to the European Committee of Social Rights.

In addition, under the collective complaints procedure, it is possible for third parties to intervene in the proceedings related to a collective complaint in which they otherwise have no direct involvement.

There is no specific role for third parties under the procedure provided for by Article 22 of the European Social Charter on "non-accepted provisions"⁴ which applies to State Parties to the Revised Charter. It is entirely up to the Government to invite trade unions, NGOs and other organisations to the meetings organised under this procedure or ask for comments on their state reports.

Speakers

Representatives of the ECSR and the Charter's Secretariat will present in practical terms how NHRIs and NEBs can engage with the ECSR under two monitoring procedures of the Charter.

NHRIs and NEBs will present their experience on collecting information, drafting and submitting additional information to the ECSR.

² Table of accepted provisions: <http://rm.coe.int/doc/0900001680630742>

³ 16 States Parties to the European Social Charter have accepted the collective complaints procedure to date: France, Greece, Portugal, Italy, Belgium, Bulgaria, Ireland, Finland (group A States), Netherlands, Sweden, Croatia, Norway, Slovenia, Cyprus, Czech Republic (group B States).

⁴ Procedure on non-accepted provisions: <https://www.coe.int/en/web/european-social-charter/accepted-of-provisions>

Agenda

Session I: Reporting procedure of the European Social Charter

Moderator: Tanya Montanari, European Social Charter

11:30 - 11:45

- **General Overview of the reporting procedure of the European Social Charter (thematic and simplified reporting)**

Tanya Montanari, European Social Charter Secretariat

11:40 - 12.00

- **Presentation of the targeted questions on “labour rights” under the reporting procedure for conclusions 2022**

Aoife Nolan, Vice-President of the European Committee of Social Rights, Professor of International Human Rights Law, University of Nottingham, United Kingdom

12.00 – 12:20

- **Moderated session with questions and answers on the reporting procedure of the Charter and in relation with the targeted questions for conclusions 2022.**

12.20-12.30

- **Break**

Session II: Practical examples from the field: challenges and opportunities

Moderator: Milla Vidina, EQUINET

12:30 – 13.00

- **Learning from NHRIs and NEBs contributions to the reporting on “health, social security and social protection” for conclusions 2021**

Practical example on submitting comments on thematic reports

Michaela Ujháziová and Lilla Ozoráková, National Centre for Human Rights, Slovak Republic

Practical example on submitting comments on simplified reports

Naomi Kennan, Irish Human Rights and Equality Commission

13.00-13.20

- **Moderated session with questions and answers with the participation of Aoife Nolan, Vice-President of the European Committee of Social Rights and Niamh Casey, Lawyer, European Social Charter**

13.20-13.30

- **Conclusions and next steps**

Tanya Montanari, European Social Charter Secretariat