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

22 and 24 February 2021

Online meetings, organised by the Department of the European Social Charter and the European Network of National Human Rights Institutions for NHRIs and NEBs

Concept note

Objectives

- to strengthen the knowledge of National Human Rights Institutions (NHRIs) and National Equality Bodies (NEBs) on the monitoring procedures of the European Social Charter, in particular on the reporting procedure and the collective complaints procedure, in order to encourage them to take an active part in those procedures;
- to examine the opportunities for NHRIs and NEBs to submit additional information to the European Committee of Social Rights (ECSR) for conclusions 2021 relating to the thematic group “health, social security and social protection”;
- to share concrete experiences of NHRIs, NEBs and INGOs on collecting, presenting and submitting additional information to the ECSR.

Background

The implementation of the [European Social Charter](#) (the Charter) is supervised by the [European Committee of Social Rights](#) through the [collective complaints procedure](#) and the [reporting procedure](#). The Charter is based on a ratification system, enabling states, under certain circumstances, to choose the provisions they are willing to accept as binding international legal obligations.

Following the recommendations of the Steering Committee for Human Rights (CDDH) to render the reporting procedure more effective and targeted, 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.

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”](#) which applies to State Parties to the Revised Charter. It is entirely up to the Government to invite trade unions, NGOs, NHRIs, etc. to the meetings organised under this procedure¹ or ask for comments on their state reports.

Role of National Human Rights Institutions and National Equality Bodies

In June 2020, the ECSR shared the questions on health, social security and social protection under the reporting procedure with the States Parties to the Revised European Social Charter² and the 1961 Charter³. States were invited to report before 31 December 2020 on the accepted provisions under the following articles:

- Article 3 (the right to safe and healthy working conditions), Article 11 (the right to protection of health);
- Article 12 (the right to social security);
- Article 13 (the right to social and medical assistance);
- Article 14, (the right to benefit from social welfare services);
- Article 23 or Article 4 of the of the Additional Protocol (the right of elderly persons to social protection);
- Article 30 (the right to protection against poverty and social exclusion).

European National Human Rights Institutions and National Equality Bodies were actively monitoring the situation related to the rights to health, social security and of the elderly throughout 2020 and recorded impacts of the pandemic on the enjoyment of these rights by individuals and also those belonging to vulnerable groups. NHRIs and NEBs along with NGOs, trade unions and employer’s organisation are invited to submit their key observations and comments on the national reports by 30 June 2021.

NHRIs and NEBs have previously reported gaps in knowledge on how to engage with the ECSR and its monitoring procedures. The two webinars will identify these limitations and provide guidance for NHRIs and NEBs to contribute meaningfully in the process.

The ECSR has provided guidance for INGOs on [how to engage with the monitoring procedures of the European Charter](#) in a publication, issued in 2019. This publication will be updated for NHRIs and NEBs.

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

¹ States having ratified the Revised European Social Charter are to report on non-accepted provisions every five years after the date of ratification.

² [Questionnaire to States Parties to the Revised European Social Charter for conclusions 2021](#)

³ [Questionnaire to States Parties to the 1961 Charter for conclusions 2021](#)

Agenda

Monday, 22 February 2020 (14.00-15.30 CET)

Moderator: Tanya Montanari, European Social Charter

14:15 - 14:30

- **Tanya Montanari, European Social Charter Secretariat**

Monitoring Procedures under the European Social Charter: How can organisations submit additional information to the European Committee of Social Rights?

14:30 - 14:45

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

Presentation of the targeted questions on “health, social security and social protection” under the reporting procedure for conclusions 2021

14:45 - 15:30

Moderated session with questions and answers on the monitoring procedures of the Charter and in relation with the targeted questions for conclusions 2021.

Wednesday, 24 February 2020 (14.00-15.30 CET)

Moderator: Niamh Casey, Lawyer, European Social Charter

Practical examples from the field: challenges and opportunities

14:15 - 14:35

- **Walter Jayawardene, Senior Human Rights and Equality Officer at the Irish Human Rights and Equality Commission (IHREC)**

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

14:50 - 15:10

- **Alexis Deswaef, Lawyer and Vice-President of the International Federation for Human Rights (FIDH)**

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

Conclusions: Tanya Montanari and Nina Panikova