

How can (I)NGOs engage with the European Committee of Social Rights under the monitoring procedures of the European Social Charter



European
Social
Charter

Charte
sociale
européenne

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

How can (I)NGOs engage with the European Committee of Social Rights under the monitoring procedures of the European Social Charter

Dr Claire Lougarre,
Lecturer at Ulster University,
School of Law

French edition:

Comment les O(I)NG peuvent-elles s'engager avec le Comité européen des Droits sociaux dans le cadre de la procédure de suivi de la Charte sociale européenne

The opinions expressed in this work are the responsibility of the author(s) and do not necessarily reflect the official policy of the Council of Europe.

All requests concerning the reproduction or translation of all or part of this document should be addressed to the Directorate of Communication (F-67075 Strasbourg Cedex or publishing@coe.int).

All other correspondence concerning this document should be addressed to the Department of Social Rights, DGI, Council of Europe, F-67075 Strasbourg Cedex or social.charter@coe.int.

Cover and layout:
Documents and Publications Production
Department (SPDP), Council of Europe

Photo: Shutterstock

This publication has not been copy-edited by the SPDP Editorial Unit to correct typographical and grammatical errors.

© Council of Europe, February 2024
Printed at the Council of Europe

Contact us:

Department of Social Rights
Directorate General Human
Rights and Rule of Law

Council of Europe
1 quai Jacoutot, F-67075
Strasbourg Cedex

E-mail: social.charter@coe.int

Contents

INTRODUCTION	5
What is the European Social Charter?	5
Two treaties	5
A tailored system	6
The European Committee of Social Rights	6
Contact details	7
THE COLLECTIVE COMPLAINTS PROCEDURE	9
What is the collective complaints procedure?	9
Which organisations can bring a complaint to the European Committee of Social Rights?	10
How can organisations bring a complaint to the European Committee of Social Rights?	10
How does the collective complaints procedure work?	11
How can civil society organisations provide observations in complaints proceedings brought by others?	13
How can organisations submit additional information to the European Committee of Social Rights on reports on follow-up to decisions in collective complaints ?	14
Where can information on previous collective complaints be found?	14
THE REPORTING PROCEDURE ON ACCEPTED PROVISIONS	15
What is the reporting procedure on accepted provisions?	15
Which organisations can submit additional information alongside national reports?	16
How can organisations submit additional information to the European Committee of Social Rights?	16
How does the reporting procedure on accepted provisions work?	17
Where to find documentation relevant to past reporting on accepted provisions?	19
THE AD HOC REPORTING PROCEDURE	21
What is the ad hoc report procedure?	21
How does the ad hoc reporting procedure work?	21
Where to find documentation relevant to the ad hoc reporting procedures?	22
THE REPORTING PROCEDURE ON NON-ACCEPTED PROVISIONS	23
What is the reporting procedure on non-accepted provisions?	23
How does the reporting procedure on non-accepted provisions work?	23
Where to find documentation relevant to past reporting on non-accepted provisions?	24
APPENDIX 1	25
APPENDIX 2	27

Introduction

What is the European Social Charter?

■ The European Social Charter is an international treaty protecting social and economic rights in Member States of the Council of Europe, including rights related to employment, safety at work, health, housing, education, social protection and welfare. It requires that these rights be guaranteed without discrimination; and it specifically emphasises the protection of vulnerable groups such as older persons, children, persons with disabilities and migrants.

■ The European Social Charter is seen as a counterpart to the European Convention on Human Rights, which is focused on civil and political rights. The Charter is based on the same principles of universality, indivisibility and interdependence as other human rights instruments.

■ Most Member States of the Council of Europe ([42 out of 46 Member States](#)) have expressed their formal consent to comply with the Charter by 'ratifying' this treaty. Through the act of 'ratification', States become 'Parties' to the Charter and, thereby, become legally bound to fulfil the rights enshrined in this treaty.

Two treaties

■ Two versions of the European Social Charter co-exist: [the initial version adopted in 1961](#); and [the revised version adopted in 1996](#). This latter version incorporates more rights, such as rights of older persons or the right to protection from poverty and social exclusion, and it updates several of the rights already contained in the initial version. The Revised Charter is meant to progressively replace the 1961 Charter. States may be Parties to either of these versions but not both. Most States ([35 out of 42](#)) have now ratified the revised version of the European Social Charter. When a State ratifies the Revised Charter, it is bound, at the least, by the provisions that correspond to those that it had accepted under the 1961 Charter.

■ When considering whether to engage with the European Social Charter monitoring procedures, international and national NGOs ((I)NGOs) should verify which version of the European Social Charter has been ‘ratified’ by the State Party in question (signature alone is insufficient). This information can be found on the [table of signatures and ratifications](#).

A tailored system

■ The Charter is based on an ‘à la carte’ ratification system. This enables States Parties to choose the provisions they are willing to accept as binding legal obligations: they do not have to accept to be bound by all the provisions of the European Social Charter. However, States Parties must commit to fulfil a minimum of 10 articles or 45 numbered paragraphs under the 1961 Charter, and a minimum of 16 articles or 63 numbered paragraphs under the Revised Charter.

■ When considering whether to engage with the European Social Charter monitoring procedures, (I)NGOs should verify which provisions of the European Social Charter legally bind the State that is of interest to them, by checking which provisions have been accepted by the State Party in question. This information can be found in [the table of accepted provisions](#).

The European Committee of Social Rights

■ The States Parties’ implementation of the European Social Charter is supervised by the European Committee of Social Rights. The European Committee of Social Rights is a body of 15 independent experts elected by the Council of Europe’s [Committee of Ministers](#). Its 15 members are elected for a period of six years, renewable once.

■ The European Committee of Social Rights monitors and encourages States Parties’ implementation of the European Social Charter through complementary procedures:

- ▶ The collective complaints procedure;
- ▶ The reporting procedure on accepted provisions;
- ▶ The ad hoc reporting procedure;

■ (I)NGOs can meaningfully engage and contribute to all four of these procedures.

■ The European Committee of Social Rights adopts ‘conclusions’ in respect of national reports submitted by States Parties and ‘decisions’ in respect of

collective complaints lodged by entitled organisations. The interpretation given by the European Committee of Social Rights to each of the provisions of the European Social Charter can be found in the [Digest of the case law of the European Committee of Social Rights](#). It is an important document, since it clarifies the content of the rights enshrined in the Charter and what is expected of States that have agreed to be bound by them, by referring to relevant decisions and conclusions of the European Committee of Social Rights.

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

■ In addition, the European Committee of Social Rights drafts reports, in response to States Parties' reports on non-accepted provisions or to their ad hoc (see below).

■ More information on the European Committee of Social Rights can be found in its [Rules](#) and on [the relevant page of the European Social Charter's website](#).

Contact details

Postal address:

Department of Social Rights
Directorate General of Human Rights and Rule of Law
Council of Europe
1, quai Jacoutot
F – 67075 Strasbourg Cedex

E-mails: Social.Charter@coe.int

Website: www.coe.int/socialcharter

X: [@CoESocialRights](#)

The collective complaints procedure

What is the collective complaints procedure?

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

■ The collective complaints procedure aims to improve the enforcement of the social rights guaranteed by the Charter, and to strengthen the participation of social partners and civil society actors. It aims to achieve these objectives by allowing particular organisations to bring complaints against States Parties to the European Social Charter for -allegedly- not applying this treaty adequately.

■ It has to be noted that States Parties to the European Social Charter are not obliged to ratify the Additional Protocol providing for a system of collective complaints, though they are strongly encouraged to do so. As a result, (I) NGOs are recommended to verify if the State that is of interest to them has 'ratified' the Additional Protocol providing for a system of collective complaints (signature alone is insufficient), or alternatively, has accepted to be bound by the collective complaints procedure by making the declaration foreseen by Article D (2) of the Revised Charter (Bulgaria, Slovenia and Spain have made this declaration). Only then can collective complaints be brought against the State. For up-to-date information, please consult the [Chart of signatures and ratifications](#) of the Additional Protocol to the European Social Charter Providing for a System of Collective Complaints. At present, 16 States Parties to the Charter have agreed to be bound by the procedure and hence, can be subject to a complaint.

Which organisations can bring a complaint to the European Committee of Social Rights?

According to Article 1 of the Additional Protocol, specific organisations are allowed to bring a complaint to the European Committee of Social Rights, if they believe that a State Party to the European Social Charter (and to the Additional Protocol) has failed to implement the Charter correctly. These organisations include:

- ▶ Certain international organisations of employers and trade unions, namely the [European Trade Union Confederation \(ETUC\)](#), for employees; as well as [Business Europe](#) and [International Organisation of Employers \(OIE\)](#), for employers.
- ▶ International non-governmental organisations which have participatory status with the Council of Europe, and have been put on a list for this purpose ([List of INGOs entitled to submit Collective Complaints](#)). More information on the request, renewal or conditions of entitlement of INGOs to bring complaints to the European Committee of Social Rights, can also be found on the website of the Council of Europe.
- ▶ Representative national organisations of employers and trade unions within the jurisdiction of the State Party against which they have lodged a complaint.
- ▶ Furthermore, any State may grant representative national NGOs within its jurisdiction the right to lodge complaints against it (by making a 'declaration' under [the Additional Protocol Providing for a System of Collective Complaints](#) or pursuant to [Article D§2 of the Revised Charter](#), as the case may be). So far, only Finland has done so.

How can organisations bring a complaint to the European Committee of Social Rights?

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

- ▶ The complaint must be lodged in writing.
- ▶ The complaint must be addressed to the Executive Secretary of the European Committee of Social Rights acting on behalf of the Secretary General of the Council of Europe.

- ▶ The complaint must be sent to the following address:
Directorate General of Human Rights and Rule of Law,
Department of Social Rights
Council of Europe;
1, quai Jacoutot, F–67075 Strasbourg Cedex, France;
E-mail address: social.charter@coe.int
- ▶ The complaint must clearly indicate the name and contact details of the complainant organisation.
- ▶ The complaint must be signed by a person entitled to represent the complainant organisation, and must demonstrate that the person submitting and signing the complaint is entitled to represent the organisation.
- ▶ The complaint must demonstrate that the organisation bringing the complaint is entitled to do so, within the meaning of the collective complaints procedure (see subsection '[Which organisations can bring a complaint to the European Committee of Social Rights?](#)'; above).
- ▶ If the complaint is lodged by international bodies, it must be drafted in one of the Council of Europe's official languages (English or French).
- ▶ If the complaint is lodged by national organisations, it must be drafted in the official language, or one of the official languages, of the State Party concerned.
- ▶ The complaint must relate to a State Party to the European Social Charter, which has accepted to be bound by the collective complaint's procedure (see the subsections '[Two treaties](#)' and '[What is the collective complaints procedure?](#)'; above).
- ▶ The complaint must relate to one or more provisions of the Charter, accepted by the State Party concerned (see the subsection '[A tailored system](#)'; above).
- ▶ The complaint must indicate in what respect the State Party concerned has not ensured the satisfactory application of this provision (along with evidence, relevant arguments and supporting documents).
- ▶ The complaint must raise questions concerning non-compliance of a State's law or practice with one or more provisions of the Charter; complaints about individual situations may not be submitted.

How does the collective complaints procedure work?

Admissibility

■ The European Committee of Social Rights will examine all the points listed above (see section '[How can organisations bring a complaint to the European Committee of Social Rights?](#)') and will issue a decision on the admissibility of the complaint.

Proceedings

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

Merits

■ The European Committee of Social Rights will examine all the arguments and evidence presented during the proceedings, and it will issue a decision on the merits of the complaint. This decision establishes whether the law and/or practice of the State concerned by the complaint complies with the European Social Charter.

Implementation

■ The decision of the European Committee of Social Rights must be implemented by the State concerned. However, the decision is not directly enforceable by the courts of the State concerned. The implementation of the decision is supervised by the Committee of Ministers of the Council of Europe, which may adopt a resolution or address a recommendation to the State concerned. In any event, the Committee of Ministers cannot reverse the legal assessment made by the European Committee of Social Rights.

Subsequent reporting on the follow up

■ If the European Committee of Social Rights finds a breach of the European Social Charter in its decision on the merits of the complaint, the State concerned must provide information on the measures taken to give effect to this decision. In this case, the State concerned must submit a follow-up report (one report per decision in which violations were found) two years after the Committee of Ministers adopted a recommendation concerning the decision in question. The European Committee of Social Rights will examine the follow-up report to determine whether the State concerned has brought the situation into compliance with the European Social Charter and will publish its "findings" in this respect. These findings will be transmitted to the Committee of Ministers and, depending on the European Committee of Social Rights' assessment, the Committee of Ministers may then close the case with a resolution or adopt a (second) recommendation.

Immediate measures

■ The European Committee of Social Rights may require that the State concerned take immediate measures to avoid the risk of a serious irreparable

injury, in relation with the rights recognised in the European Social Charter (Rule 36). This demand can be made at any time during the proceedings. It can be made at the initiative of the European Committee of Social Rights, or at the request of the complainant organisation.

■ If the complainant organisation requests immediate measures, it must specify: the reasons why immediate measures are sought; the possible consequences if these are not granted; and the particular measures requested. According to Rule 36§3, the Committee shall fix a deadline for the respondent State to provide comprehensive information on the implementation of any immediate measures indicated.

How can civil society organisations provide observations in complaints proceedings brought by others?

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

- ▶ Under Rule 32, the European Committee of Social Rights will invite international organisations of employers and trade unions to make observations as third parties, on complaints lodged by national organisations of employers and trade unions or lodged by non-governmental organisations. This invitation concerns: the [European Trade Union Confederation \(ETUC\)](#), for employees; as well as [Business Europe](#) and [International Organisation of Employers \(OIE\)](#), for employers. Their observations will be transmitted to the respondent State and to the organisation that lodged the complaint.
- ▶ The European Committee of Social Rights may also invite States that accepted to be bound by the collective complaints procedure but that are not concerned by the complaint, to make comments as third parties.
- ▶ In addition, under Rule 32A, the European Committee of Social Rights may invite any organisation, institution or person it deems appropriate, to submit observations as third parties (including (I)NGOs and trade unions). Third parties' observations must be submitted within the time limit that the Committee prescribes (in general, two months maximum). They must be clear, concise and address the specific issue in question by engaging with the complaint and the arguments made and avoid broadening the scope of the complaint. Third parties' observations will then be transmitted to the respondent State and to the organisation that lodged the complaint. Additionally, civil society organisations may also indicate to the European Committee of Social Rights their

interest to submit observations as third parties on a pending collective complaint. To do so, they are invited to contact the Secretariat of the European Social Charter.

How can organisations submit additional information to the European Committee of Social Rights on reports on follow-up to decisions in collective complaints ?

As noted above one single report on follow-up to each decision is to be requested two years after the adoption of the Committee of Ministers recommendation. The social partners, NGOs and others may submit comments on the State report. Information on requests for follow-up reports can be found on the website.

Where can information on previous collective complaints be found?

The case law of the European Committee of Social Rights can be found on the [HUDOC](#) database relevant to the European Social Charter.

[HUDOC](#) enables readers to narrow down their search by selecting particular types of documents in relation with the collective complaints, depending on what they may be interested in (decisions on admissibility, decisions on merits, requests to take immediate measures, decisions to strike out a complaint, separate opinions or follow up of decisions). [HUDOC](#) also enables readers to narrow down their search by selecting particular parameters involved in past collective complaints, depending on what they may be interested in (particular provisions of the European Social Charter, States or complainant organisations involved in past decisions).

In addition, the website of the European Social Charter provides information on all [pending](#) and [processed](#) complaints. This includes all the documents exchanged during the collective complaints procedure, for each complaint (i.e., the complaints lodged; the observations, submissions and responses from parties and third parties; as well as the outcome reached by the European Committee of Social Rights).

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

The reporting procedure on accepted provisions

What is the reporting procedure on accepted provisions?

■ The reporting procedure was introduced by the [initial version of the European Social Charter adopted in 1961](#) (see Part IV), and was amended through the [Turin Protocol adopted in 1991](#). Despite the Turin Protocol not having entered into force, it is being applied on the basis of a unanimous [1991 decision taken by the Committee of Ministers](#).

■ The reporting procedure aims to improve the realisation of the social rights guaranteed by the European Social Charter, and to facilitate regular, enhanced dialogue with States Parties, civil society organisations, national human rights institutions and national equality bodies. It aims to achieve these objectives by inviting States to submit regular reports on the implementation of the European Social Charter, and by allowing particular organisations, including (I)NGOs and trade unions, to submit additional comments and information.

■ All States Parties to either version of the European Social Charter must submit regular reports on the implementation of the European Social Charter. However, the rights on which States must report will depend on the version of the European Social Charter they have ratified (see the subsection '[Two treaties](#)', above) and on the provisions they have accepted (see the subsection '[A tailored system](#)', above). As a result, (I)NGOs are recommended to verify this information.

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

Which organisations can submit additional information alongside national reports?

As per Articles 23 (1) and 27 (2) of the [European Social Charter](#) as amended by the [Turin Protocol](#), certain international organisations of employers 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 [International Organisation of Employers \(OIE\)](#), for employers.

Please note that States Parties to the European Social Charter are under an obligation to communicate copies of their national reports to national members of these organisations.

As per the long-standing practice of the European Committee of Social Rights and Rule 21A of its [Rules](#), other organisations, institutions and entities may submit comments on national reports. These include: (international) non-governmental organisations; as well as national human rights bodies and national equality bodies.

Please note that whether and how such comments are taken into account is entirely within the discretion of the European Committee of Social Rights.

How can organisations submit additional information to the European Committee of Social Rights?

Comments on national reports, must be submitted to the Secretariat of the European Social Charter by the 30th of 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 (See Rules of ECSR).

Exemptions are possible if state reports are delayed. Deadlines are announced on the website in due time.

Civil society organisations can submit comments or additional information for reports due by States that have not accepted the collective complaints procedure and for reports due by States that have accepted the collective complaints procedure.

There is no particular format which civil society organisations 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:

- ▶ consider the questionnaire submitted to States Parties at the beginning of the reporting cycle;
- ▶ provide specific and in-depth information on issues that are overlooked or not sufficiently developed in the country report;
- ▶ takes into account the previous examination and conclusion of the Committee on the article in question;
- ▶ answer the questions put forward by the Committee during the previous examination of the provision in question.

How does the reporting procedure on accepted provisions work?

Reporting schedule

Following a [2022 decision from the Committee of Ministers](#), which adopted [the 2022 reform of the European Social Charter](#), the provisions the European Social Charter have been divided into two groups (no longer four), for the purposes of the reporting procedure.

The two groups are as follows:

- ▶ Group 1: 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: 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.

Questions

In order to make the procedure more focused and lighten the reporting burden on States, following [the 2022 reform of the European Social Charter](#) the European Committee of Social Rights and the Governmental Committee are to prepare so-called “targeted questions”. These questions are transmitted to States Parties at the beginning of the year reports fall due.

Submission of state reports

Reports due by States that have not accepted the collective complaints procedure

Following the 2022 reform, all States that have not accepted the collective complaints procedure must submit a report on the provisions contained in one

of the two thematic groups outlined above, every two years. Consequently, all accepted Charter provisions are to be examined for each State every four years. The reports regarding this category, must be submitted by 31 December of the year concerned.

Reports due by States that have accepted the collective complaints procedure

■ Following the 2022 reform, all States that have accepted the collective complaints procedure must submit a report on the provisions contained in one of the two thematic groups outlined above, every four years. Consequently, all accepted Charter provisions are to be examined for each State every eight years. The reports regarding this category, must be submitted by 31 December of the year concerned.

Meetings

■ The European Committee of Social Rights may decide to organise meetings with representatives of a State, on its own initiative or at the request of the State concerned, to discuss the details of the national report. The international organisations of employers and international trade unions allowed to submit comments alongside national reports will, in certain cases, be invited to participate in these meetings and they can inform their national member organisations. National organisations of employers, national trade unions as well as national human rights institutions, national equality bodies and (I)NGOs may also be invited to participate in these meetings if the State concerned agrees (Rule 21).

Conclusions

■ The European Committee of Social Rights will examine all the reports and comments received during the procedure, as well as any information received in meetings. It will then adopt conclusions regarding the implementation of the European Social Charter by each of the States concerned. In recent years, the European Committee of Social Rights has adopted its conclusions in January and these have been published in March.

Follow up

■ The conclusions of the European Committee of Social Rights must be respected by the State concerned. However, conclusions are not directly enforceable by the courts of the State concerned. The implementation of the conclusions is supervised by the Committee of Ministers of the Council of Europe through the follow up procedure (see below).

■ If the European Committee of Social Rights finds a breach of the European Social Charter in its conclusions, the State concerned must provide information on the measures taken to give effect to these conclusions when

submitting its next national report. [The follow up of conclusions is ensured by the Committee of Ministers of the Council of Europe](#), ensuing proposals made by [the Governmental Committee](#) (which comprises representatives of the States Parties to the Charter and observers representing European trade unions and employers' organisations).

■ At the end of each supervision cycle, the Committee of Ministers will adopt a resolution based on the proposals made by the Governmental Committee, containing individual guidance for the State Party concerned. If the State Party concerned has failed to take action, the Committee of Ministers will then issue a recommendation, based on the proposals of the Governmental Committee, asking that the State changes the situation in law and/or in practice. As a result of [the 2022 reform of the European Social Charter](#), further emphasis is placed on recommendations, which may include appropriate technical meetings, exchanges of good practices, and cooperation projects.

More information on the reporting procedure and on the follow up of the conclusions can be found on the website of the Council of Europe.

Where to find documentation relevant to past reporting on accepted provisions?

■ The case law of the European Committee of Social Rights can be found on the [HUDOC](#) database relevant to the European Social Charter.

■ [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). [HUDOC](#) also enables readers to narrow down their search by selecting 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 involved in past reporting cycles).

■ Previous national reports and submissions (including from (I)NGOs and trade unions) can be found on [the country profiles webpage of the European Social Charter](#).

The ad hoc reporting procedure

What is the ad hoc report procedure?

■ Following a [2022 decision from the Committee of Ministers](#), which spearheaded [the 2022 reform of the European Social Charter](#), States Parties can be asked to submit ad hoc reports for analysis or review by the European Committee of Social Rights. Such reports may be requested when new or critical issues.

■ Following the above-mentioned decision, the European Committee of Social Rights and the Governmental Committee, in 2023, decided to request an ad hoc report on the cost-of-living crisis to all States Parties to the European Social Charter.

■ The subject and timing of ad hoc reports is decided by the European Committee of Social Rights and the Governmental Committee.

How does the ad hoc reporting procedure work?

Functioning

■ As set out in a [2022 decision from the Committee of Ministers](#), the European Committee of Social Rights is invited to examine the information provided by the States concerned, following which it may provide a general overview of the situation and a broad legal analysis from a Charter's perspective (such comments may include Statements of Interpretations). However, the European Committee of Social Rights may not issue Conclusions on the conformity of the situation with the Charter, in the context of the ad hoc reporting procedure.

■ As per Rule 21A of the European Committee of Social Rights' [Rules](#), other organisations, institutions and entities may submit comments on ad hoc States' reports: trade unions and employers' organisations, (I)NGOs national human rights institutions and national equality bodies. Please note that whether and how such comments are taken into account is entirely within the discretion of the European Committee of Social Rights.

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

Where to find documentation relevant to the ad hoc reporting procedures?

■ Ad hoc reports submitted by States Parties can be found on the [European Social Charter country profiles webpage](#), by clicking on the profile of the State concerned.

The reporting procedure on non-accepted provisions

What is the reporting procedure on non-accepted provisions?

■ The reporting procedure on non-accepted provisions aims to encourage States Parties to progressively accept all the Charter's provisions.

■ As per Article 22 of [the 1961 Charter](#), the Committee of Ministers can ask States to send reports at appropriate intervals relating to provisions of the Charter which they did not accept at the time of their ratification or approval or in a subsequent notification. The implementation of this provision became effective after a [2002 decision of the Committee of Ministers](#), following which States having ratified the Revised European Social Charter must report on the non-accepted provisions every five years after the date of ratification.

■ In September 2022, the European Committee of Social Rights adopted a [decision](#) to henceforth implement the procedure on non-accepted provisions in a reinforced manner, for all States Parties to either Charter (the 1961 version or the 1996 version).

How does the reporting procedure on non-accepted provisions work?

Functioning

■ States Parties must submit written information in accordance with a pre-established calendar (see [Appendix 2](#) of this report). The European Committee of Social Rights will then examine this information and hold bilateral meetings with the State concerned when it is deemed to represent an added value to the procedure. The European Committee of Social Rights will then draft a report for each State containing its non-binding evaluations of the national situations, based on the information at its disposal (either submission of written information by the State or information obtained in the context of meetings).

■ Under Rule 21A of the European Committee of Social Rights' [Rules](#), civil society organisations (including (I)NGOs and trade unions), as well as national human rights institutions and national equality bodies, can submit comments on the written information provided by States no later than three months after the said document has been made available on the Council of Europe website. Furthermore, where appropriate and at the initiative of the European Committee of Social Rights or the States Parties, bilateral meetings may be organised with the States concerned and with the participation of national social partners and civil society representatives.

Schedule

■ Written information on non-accepted provisions must be submitted every five years, as per the schedule outlined in Appendix 2. The reports shall be submitted by 31 March of the year concerned.

Where to find documentation relevant to past reporting on non-accepted provisions?

■ Further information on the reporting procedure on non-accepted provisions, including meetings and reports per country, are available on [the website of the Council of Europe](#).

APPENDIX 1

■ Schedule for submission of reports on accepted provisions + ad hoc reports; and schedule for European Committee of Social Rights' Conclusions¹ (see also online [here](#))

Year	Submission of Reports	European Committee of Social Rights' Conclusions
2023	Ad hoc report ²	
2024	27 States that have not accepted the collective complaints procedure submit reports on the First Group of provisions	ECSR analysis of ad hoc reports ³
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	

1. In 2023, the ECSR will examine the last reports submitted under the existing system.
2. In order to manage the transition from the current reporting arrangements to the new ones and avoid two consecutive years reporting on same provisions, it was envisaged to start in 2023 with an ad hoc report instead of a statutory report.
3. Governmental Committee consideration on the following year, followed by transmission to CM. This applies to each year.

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)

APPENDIX 2

Schedule for submission of written information in the context of the reporting procedure on non-accepted provisions

Year	Submission of written information on non-accepted provisions (by 30 June)
2023	States Parties to the Revised Charter: Bosnia and Herzegovina, Latvia, Sweden + States Parties to the 1961 Charter: Croatia, Czech Republic, Denmark, Iceland
2024	States Parties to the Revised Charter: Andorra, Armenia, Azerbaijan, Belgium, Hungary, Italy, Romania, Serbia, Slovak Republic, Slovenia + States Parties to the 1961 Charter: Luxembourg, Poland, United Kingdom
2025	States Parties to the Revised Charter: Bulgaria, Cyprus, Estonia, Georgia, Ireland, Malta, Montenegro + States Parties to the 1961 Charter: n/a
2026	States Parties to the Revised Charter: Austria, Germany, Greece, Lithuania, Republic of Moldova, Netherlands, Norway, Ukraine + States Parties to the 1961 Charter: n/a
2027	States Parties to the Revised Charter: Albania, Finland, North Macedonia, Turkey + States Parties to the 1961 Charter: n/a
2028	States Parties to the Revised Charter: Bosnia and Herzegovina, Latvia, Sweden + States Parties to the 1961 Charter: Croatia, Czech Republic, Denmark, Iceland

2029	States Parties to the Revised Charter: Andorra, Armenia, Azerbaijan, Belgium, Hungary, Italy, Romania, Serbia, Slovak Republic, Slovenia + States Parties to the 1961 Charter: Luxembourg, Poland, United Kingdom
2030	States Parties to the Revised Charter: Bulgaria, Cyprus, Estonia, Georgia, Ireland, Malta, Montenegro + States Parties to the 1961 Charter: n/a

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

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

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

www.coe.int/socialcharter

 @CoESocialRights

www.coe.int

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.



European
Social
Charter

Charte
sociale
européenne

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE