



**Statement by the President of the Conference of INGOs
to the Committee of Minister's Working Group on the Social Charta**

Strasbourg, 18 March 2022

The reform process for the Social Charta comes at the right time. It was already necessary before the recent events, but the brutal aggression of Russia against the Ukraine has now proven beyond any doubt how dangerous the decline in democracy is. And it is a decline that unfortunately has not just happened in Russia but in many European countries. One important reason for this decline is the division of our societies, fed by an ever-increasing social gap. Social cohesion is one of the most important factors for building a resilient democratic society.

As Civil Society we also have asked to be party to this reform process and therefore I am very pleased that we have been finally invited to this meeting as the Conference of INGOs together with other civil society players, evidently trade unions as key actors in the field. The Social Charta is of especial value and interest to Civil Society, as it serves the needs of all citizens and offers opportunities of participation.

In that respect the collective complaints mechanism is of special importance and value to us, and we are happy to advocate it in all countries which have not yet signed and ratified the additional protocol. This mechanism allows civil society to act out its key function of control and demanding in a legally structured way that countries live up to the promises they have made when signing up to the Charta.

For these processes to be experienced as positive, fit for purpose and adequate for the demands and needs of civil society they need to be efficient, quick and lead to tangible results. In this light our comment to the proposed reform of the process of implementing the Social Charta goes to the main points:

Reporting

Reporting should be efficient and help improving the situation, not just produce paper. Therefore, we are in favour of lightening the reporting burden if this makes the reporting more efficient and to the point and helps to better understand what is going on in the member states. In this light the idea that came up in the discussion with country representatives to make reports more individual seems quite interesting. Combined with the cases from the collective complaints (where they exist) that could help to give a clearer picture, pinpoint problems and help find solutions.

A simpler and more standardised reporting system for the standard reports could help to reduce the burden of reporting. In combination with more individualised reports on specific issues this could also make the whole system more efficient.

Consequences

The report done by the Secretariat clearly shows that initially there were many clear statements issued in the form of “recommendations” which really demanded specific changes when things were not working well. These have more and more been replaced by “warnings”, which have no real status, no effect and in cases have been repeated several times without consequences. We hear from member states that the reactions to complaints of identified problems should not be “judgemental” but more in the way of helping to remedy the situation.

On a basic level, we should learn from the recent events. We have seen a tendency in the Council of Europe to move towards a system of consensus and being non-judgemental, seeking compromises at all costs. This has not served us well, the continuously shrinking civil space and downslide in illiberal and undemocratic even authoritarian structures has not been stopped. We should stand by our values and clearly demand that member states fulfil their duties and do their best to bring the principles to life they have signed up to. With social cohesion being a key issue for preserving (and ideally) improving our democratic societies the Social Charta needs to be backed up with a reactive system of monitoring.

Saying that does not prevent the Council of Europe to do its best to deliver good advice, and even more pro-actively help to remedy problems that occur. The Council of Europe has the necessary instruments and should not only use them but strengthen them and improve them. Clear red lines, clear consequences paired up with a valid system of support are the best answer.

Collective Complaint

This is the most interesting tool for Civil Society. The suggestion to tighten the rules and make it more difficult for NGOs to raise a complaint is very contra-productive in our view. It is already not that easy and it is the one instrument that makes the Charta vibrant and brings it close to Civil Society as a key actor. It allows Civil Society to demand from member states that they deliver and live up to their promises. To take the cases as indicators and so help reduce the burden of reporting for member states, e.g. in combination with a more individualised reporting system and an easy process for standard reports, could lead to a win-win situation and promote access to the additional protocol.

In the debate with representatives of member states the value of cross-sectoral and most of all cross-country complaints was raised. This can help to create answers and solutions that are valid for many member states and can have a positive effect across Europe. Such possibilities should be strengthened and encouraged.

Finally, the question of duration of processes has occurred. It was highlighted that procedures can take four years before any tangible results can be achieved. These processes need to be speeded up, if necessary, by making the whole procedure less hierarchic and more responsive, as long time spans invalidate the results and are extremely frustrating to the complainants and all people in need of solving a problem.

In no case should the reform lead to a lowering of the current level of guarantee of the Charta. The Conference of INGOs which represents the voice of European Civil Society in the Council of Europe, remains firm in accordance with the position it published on 12 August 2021 on the reform of the European social Charter.