



Strasbourg, 22 March 2017

CDDH-SOC(2017)002

STEERING COMMITTEE FOR HUMAN RIGHTS
(CDDH)

**DRAFTING GROUP ON SOCIAL RIGHTS
(CDDH-SOC)**

Work to be undertaken by the CDDH-SOC

Introduction

1. With a view to the 1st meeting of the CDDH Drafting Group on social rights, (CDDH-SOC, 19 April 2017 (9:30) – 21 April 2017 (13:00), Council of Europe, Agora - room G.05), the present document contains information on the work to be undertaken by this Group.

Mandate

2. It should be noted that, according to the mandate received from the Committee of Ministers, the CDDH-SOC is called, under the authority of the CDDH, to :
 - (i) Undertake an analysis of the legal framework of the Council of Europe for the protection of social rights in Europe, in particular the jurisprudence of the European Court of Human Rights as well as other relevant sources e.g. reports and decisions of those Council of Europe bodies having a mandate relating to social rights and their implications for the respective States Parties (deadline: 31 December 2016);

- (ii) On this basis, identify good practices and make, as appropriate, proposals with a view to improving the implementation of social rights and to facilitate in particular the relationship between the various European instruments for the protection of social rights (deadline: 31 December 2017).
3. The draft report of the CDDH on the legal protection of social rights within the Council of Europe (document CDDH(2017)001), prepared by the Rapporteur Mrs Chantal GALLANT (Belgium), constitutes the basis on which the CDDH-SOC is called to work in order to prepare the draft analysis of the legal framework that the CDDH will have to send to the Committee of Ministers to fulfil its mandate.
 4. Due to the staggered timetable that the CDDH has had to establish in order to deal with the various mandates received for the present biennium, it was not able to submit its legal analysis to the Committee of Ministers within the deadline initially set (31 December 2016). At its meeting of June 2017, it will ask the Committee of Ministers to set a new deadline for the completion of the work in 2018. The Committee of Ministers has already been informed about this by the Secretariat and it did not express any objection to the possible deadline postponement.
 5. It follows from the above that the first part of the mandate (presentation of the legal analysis) will be completed before the end of 2017 and that the second part of the mandate (presentation of the good practices) will be completed in 2018. The CDDH will determine, at its meeting in June 2017, the specific deadlines that it wishes to propose to the Committee of Ministers.

Guidance of the CDDH

6. Concerning the guidance given by the CDDH (see report of its 86th meeting, 6-8 December 2016, document CDDH(2016)R86, paragraphs 16-17), the Steering Committee:
 - considered that the 1st meeting of the CDDH-SOC should allow the Group to:
 - (i) examine and, if appropriate, adopt the draft report;
 - (ii) develop a questionnaire aiming at identifying the good practices in the member States and difficulties met, as well as of the protection of social rights.
 - mentioned the possibility to achieve a non-binding legal instrument (recommendation, declaration) while considering that it will be up to the CDDH-SOC to pronounce itself first on this subject at an appropriate stage of its work.

Upcoming meetings

7. It should be noted that the CDDH-SOC will have the opportunity to hold its 2nd meeting in autumn 2017. However, its 3rd meeting, initially planned to take place before the end of 2017, will have to take place in 2018 due to the budgetary constraints that have emerged recently in the framework of the work of the CDDH.