

**STEERING COMMITTEE FOR HUMAN RIGHTS
(CDDH)**

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

**QUESTIONNAIRE
related to the good practices on the implementation of social rights
at national level**

Introduction

1. The Committee of Ministers instructed the Steering Committee for Human Rights (CDDH) to carry out an analysis of the Council of Europe's legal framework for the protection of social rights in Europe, and in particular of the case-law of the European Court of Human Rights and other sources, such as reports and decisions of Council of Europe bodies whose terms of reference relate to social rights and their implications for the respective States Parties.
2. As specified in the terms of reference, the CDDH is invited, on this basis, **to identify good practices** and, where appropriate, to formulate proposals to improve the implementation of social rights and in particular to facilitate coordination between the various European instruments of social rights' protection.
3. It is recalled that the "background" of the analysis requested by the Committee of Ministers and the work of the CDDH-SOC are directly linked to the political objective of the "Turin Process" to improve the effective implementation of social rights in Europe and to a greater awareness of the need for improved social rights' protection, including at European Union level.
4. To carry out this work, the CDDH set up a Drafting Group on Social Rights (CDDH-SOC) which held its first meeting in Strasbourg from 19 to 21 April 2017. The Rapporteur, Chantal Gallant (Belgium), presented a report corresponding to the analysis requested by the Committee of Ministers.

5. During the meeting, the present questionnaire was also discussed and adopted by the Working Group as it is now submitted to you.

The reason for this was that, as it is the case with the European Convention on Human Rights, the implementation of social rights is primarily the responsibility of States. It is therefore necessary that the report is completed by their **most significant national good practices** relating to the implementation of social rights and **the difficulties encountered by States** in the implementation of the European Social Charter, as well as **their possible suggestions for improving the implementation of social rights in Europe**.

6. The collected good practices will be presented in the form of a guide or a compilation of good practices, allowing for their useful exchange between Member States.
7. This questionnaire is sent to the persons best able to answer it, in the light of their thorough knowledge of social rights and related instruments of the Council of Europe and their implementation at domestic level, i.e. the national representatives in the Governmental Committee of the European Social Charter (with in copy the members of the CDDH-SOC and the CDDH for good information and coordination). Recipients of the questionnaire are invited to avoid excessive length in the answers to all questions and to provide complete data when referring to national norms or decisions.
8. In the light of the above, you are invited to send your answers to the following questions to the Secretariat of the CDDH-SOC (to: manuel.paolillo@coe.int; cc.: corinne.gavrilovic@coe.int and chantal.gallant@just.fgov.be) **no later than Thursday 31 August 2017**. Any other brief information you would like to provide in addition to this questionnaire would of course be welcome.

A. National Implementation of Social Rights

A.1. Specific institutions in charge of monitoring social rights

Are there specific governmental or independent mechanisms or institutions¹ monitoring the implementation of social rights in your country?

Yes?

No?

If yes, could you briefly describe them?

If no, are there any reasons?

Other remarks:

A.2. Debates & discussions at domestic level on social rights

Can you mention recent debates/discussions at domestic² level concerning social rights, in particular the European Social Charter and the conclusions and/or decisions of the ECSR?

¹ For example: social partners, national human rights institutions, ombudsmen, civil society participation... in particular responsible for monitoring the decisions and/or conclusions of the ECSR. If these institutions or mechanisms are regional/local, you may keep the answer general.

² Particularly at the level of your parliamentary assemblies or your supreme courts or debates involving civil society, social partners, NHRIs, mediators, and/or other actors...

A.3. Government Involvement in relation to the Charter

To what extent do central and regional/local governments collaborate in the implementation of ECSR decisions and/or conclusions in your country? Can you give us some examples of successful collaboration? In some cases, have you encountered any specific difficulties?

A.4. Information on national implementation of the Charter

To what extent do your administrative authorities notify the Secretariat of the Council of Europe or other national bodies or organizations of the national initiatives taken to comply with the ECSR's decisions and/or conclusions?

A.5. Involvement of domestic courts in relation to the Charter

Do the courts in your country rely on provisions of the Charter, on the conclusions and/or decisions of the ECSR to resolve disputes concerning social rights?

Yes?

No?

If yes, can you give us some examples of decisions (if possible, in different areas)?

If no, can you explain briefly the current status of the Charter in your legal order?

Suggestions

What suggestions could be made for a better implementation of the Charter and the ECSR's decisions and conclusions at the judicial, legislative and executive levels in your country (e.g. technical cooperation activities with the Council of Europe, European projects for the exchange of good institutional practices or on specific topics...)?

B. Consideration of international standards of social rights in national law and policies**B.1. Social impact studies**

Do you carry out tests/social impact assessments in your country when developing new laws/policies?

Yes?

No?

If yes, how are social rights³ taken into account in these tests/assessments?

In particular, have such tests/assessments been carried out in the context of the adoption of measures to deal with the economic crisis?

B.2. Mechanisms to verify the compatibility with International Law

Are there any specific mechanisms in your country to verify the compatibility of draft laws, existing legislation and internal administrative practices with international standards of social rights?⁴

B.3. Consistency of International Law and/or Obligations

Are you confronted in your country with situations of national implementation of conflicting texts or decisions of international and/or European bodies?

Yes?

No?

If yes, could you describe several of these situations?

³ In particular, the social rights guaranteed by the Council of Europe instruments.

⁴ In particular, the social rights guaranteed by the Council of Europe instruments, but also by the European Union and the United Nations (notably, the International Labor Organization – ILO – and the International Covenant on Economic, Social and Cultural Rights –ICESCR).

Suggestions

What suggestions could be made in order to allow better national consideration of international standards on social rights and/or greater consistency of international law and/or obligations in this field?

C. Instruments relating to the European Social Charter and ratifications
C.1. European Social Charter

Could you describe the main obstacles (political, legal, administrative...), if any, that your country faces:

- a) to ratify the 1996 European Social Charter (revised) (ETS No. 163);*
- b) to accept new provisions of the European Social Charter;*
- c) to ratify the Protocol amending the European Social Charter (ETS No. 142).*

C.2. Collective Complaints Procedure

Could you describe the main obstacles (political, legal, administrative...), if any, that your country faces in order to ratify the Additional Protocol of 1995 to the European Social Charter Providing for a System of Collective Complaints (ETS No. 158)?

What are the reasons why your country does not allow national NGOs (while the national social partners are allowed to do so) to use the collective complaints system?⁵

Suggestions

Which improvements could, according to your country, be made to the system of collective complaints, in particular in order to encourage more ratifications of the Additional Protocol?

D. Training and awareness-raising actions on social rights
D.1. Promotion of the Charter

What promotion is made at domestic level concerning ECSR decisions and/or conclusions (notification to relevant authorities, including parliamentary and judicial, social partners, NGOs, NHRIs, observatories, other stakeholders)? Are the decisions and/or conclusions of the ECSR translated into your national language(s)? Do you encounter any particular difficulties in this area?

D.2. Promotion of the collective complaints procedure

Do your authorities regularly inform the social partners, NHRIs and NGOs of the possibilities offered by the collective complaints procedure (submission of complaints and/or submission of comments)?

D.3. Training at national level

Can you indicate the training provided at national level over the last two years concerning the social rights guaranteed by the Council of Europe instruments?

What are the key factors for their success?

Do you encounter any particular difficulties in terms of training in social rights?

⁵ As a reminder, so far, only Finland has authorized national NGOs to use this procedure.

D.4. Council of Europe trainings and programs

Would you support the development by the Council of Europe of awareness-raising activities on social rights such as specific trainings (e.g. on line), cooperation activities or programs?

Suggestions

Which other suggestions could be made concerning training and awareness-raising activities on social rights?