



CDDH-SOC(2018)01Rev

12/03/2019

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

**Extract of the terms of reference given by the Committee of Ministers to the CDDH
regarding the work of the CDDH-SOC during the 2018–2019 biennium**

(as adopted by the Committee of Ministers at its 1300th meeting, 21–23 November 2017)

**and relevant extracts of the reports of the 89th and 90th CDDH meetings
(19–22 June and 27–30 November 2018)**

Extract of the terms of reference given by the Committee of Ministers to the CDDH regarding the work of the CDDH-SOC during the 2018–2019 biennium

(as adopted by the Committee of Ministers at its 1300th meeting, 21–23 November 2017)

Social rights

"On the basis of the analysis of the legal framework of the Council of Europe for the protection of social rights in Europe, 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 Council of Europe instruments with other instruments for the protection of social rights (deadline: 31 December 2019)."

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Extract of the report of the 89th CDDH meeting

(19–22 June 2018, document CDDH(2018)R89)

5.1 Social Rights (CDDH-SOC)

22. The Chairperson of the Drafting Group on Social Rights CDDH-SOC, Mr Vít A. SCHORM (Czech Republic), reported on the work of the 2nd meeting of the Group (2–4 May 2018). He welcomed the participation in the meeting of the President of the European Committee of Social Rights (ECSR) and the Head of the Department of the European Social Charter and his Deputy, during which the President of the ECSR, Professor Giuseppe PALMISANO and Mr Christos GIAKOUMOPOULOS, Director General of the Directorate General of Human Rights and Rule of Law, had made presentations.

23. The Chairperson of the CDDH-SOC pointed out that at its 2nd meeting the Drafting Group had in particular:

- (i) discussed and adopted the draft Analysis of the legal framework of the Council of Europe for the protection of social rights in Europe (first report);
- (ii) exchanged views on the replies to the questionnaire on good practices on the implementation of social rights at national level;
- (iii) held a first exchange of views on the structure and substantive content of the second report which the CDDH was expected to draft by the end of 2019 and which would identify good practices and formulate, as appropriate, proposals towards improving the implementation of social rights and in particular towards facilitating the articulation of Council of Europe instruments with other instruments for the protection of social rights;
- (iv) decided that the Secretariat would provide preliminary preparatory work for the structure and substantive content of the second report for the 3rd meeting of the CDDH-SOC (5–7 September 2018) taking into account any instructions that would be issued.¹

¹ It is envisaged that the Secretariat prepares a working document combining the draft overview over the possible contents of the second report presenting proposals with a view to improving the implementation of social rights

24. The CDDH welcomed the remarkable work undertaken by the CDDH-SOC. Following a detailed examination of the draft text submitted by the Drafting Group, the CDDH adopted its "Analysis of the legal framework of the Council of Europe for the protection of social rights in Europe" and decided to transmit it to the Committee of Ministers for information (see CDDH(2018)R89add1).

25. The CDDH also exchanged views on the content of the future second report. In this context, the Steering Committee:

- (i) approved the approach proposed by the CDDH-SOC for the preparation of the future report;²
- (ii) noted that the future second report should include proposals based on the challenges identified in particular in the first report as well as in the replies to the above-mentioned questionnaire and focus on the question of how the current system for the protection of social rights could be strengthened and made more efficient. On the other hand, the reasons for not having a larger number of Member States that have ratified the Revised Charter or the Additional Protocol to the European Social Charter providing for a system of collective complaints should be analysed;
- (iii) invited participants to make written proposals on the content of the future second report until the end of August 2018.

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(document CDDH-SOC(2018)08) with elements of the Summary (CDDH-SOC(2018)07) and of the Short analysis of the replies to the questionnaire (CDDH-SOC(2018)06). The document will also include the conclusions drawn from the Analysis of the legal framework of the Council of Europe for the protection of social rights in Europe (document CDDH(2018)R89add1).

² According to the CDDH-SOC (see the report of its 2nd meeting, CDDH-SOC (2018) R2, §§ 14-15), the second report should in particular

- (i) focus on the Charter system and address the grounds why the member States have not to date given it a more important role and how these grounds could be addressed;
- (ii) give reasons to member States for ratifying the Revised Charter and for accepting the collective complaints procedure, notably to promote social cohesion;
- (iii) address the complexity of the national reporting system under the Charter and how it could be improved, as well as the positive aspects and added value, but also the issues raised by the collective complaints procedure;
- (iv) address other specific aspects mentioned in § 14 of the report of the 2nd meeting of the CDDH-SOC.

Extract of the report of the 90th CDDH meeting

(27–30 November 2018, document CDDH(2018)R90)

5.1 Social Rights (CDDH-SOC)

37. Regarding the work of the Drafting Group on social rights (CDDH-SOC), the Chair of the Group, Mr Vít A. SCHORM (Czech Republic), recalled that at its 3rd meeting (5–7 September 2018) the Group had, in particular:

- (i) conducted a detailed review of the structure and substantive content of the future second report identifying good practices and making proposals for improving the implementation of social rights in Europe. The CDDH-SOC had adopted a draft table of contents of the second report³ (see [Appendix IX](#)). It had further agreed on the second report's essential contents regarding the member States' commitment under the relevant instruments, the monitoring procedures under the treaty system of the European Social Charter, effective national implementation of social rights, awareness, visibility and respect of the Charter system and the relationship of Council of Europe instruments with other instruments for the protection of social rights. The dissemination of the first draft of the second report for written comments was scheduled for 25 February 2019;
- (ii) appreciated the fact that both the President of the European Committee of Social Rights (ECSR) and the Head of the Department of the European Social Charter and his Deputy had again participated in the meeting. The President of the ECSR, Professor Giuseppe PALMISANO, had made a presentation containing interesting proposals aimed at simplifying notably the State reporting procedure without changes to the current treaty system of the European Social Charter and had exchanged views with the Group.

38. The CDDH thanked the CDDH-SOC for the significant work already accomplished and

- (i) endorsed the draft table of contents of the future second report to be submitted to the CDDH identifying good practices and making proposals with a view to improving the implementation of social rights;
- (ii) considered, concerning the request made by the CDDH-SOC that university education and professional training on the system of the European Social Charter be taken into account in the context of the review by the DH-SYSC-III of Recommendation Rec(2004)4 of the Committee of Ministers to member States on the European Convention on Human Rights in university education and professional training, that it would be more appropriate that such work be conducted directly by the CDDH-SOC. That work could be combined with the elaboration of proposals regarding an assessment, at the national level, of the impact of draft laws, existing laws and administrative practice on the social rights laid down in the Charter. The results of the work on these two topics could possibly be reflected in the same draft Recommendation. It was for the CDDH-

³ Document CDDH-SOC(2018)R3, Appendix IV.

SOC to organise its work in this respect, which could follow the finalisation of the second report end of 2019;

- (iii) decided, as regards the dates for the meetings of the CDDH-SOC in 2019, having regard to the limited staff available in the Secretariat, that the 5th meeting of the Drafting Group on Social Rights (CDDH-SOC), scheduled for 25–27 September 2019, could only be held under the condition that sufficient staff was available in the Secretariat;
- (iv) welcomed the initiative of the future French Presidency of the Committee of Ministers to organise a Workshop on Social Rights and took note of the intention of the French authorities to organise the Workshop in the margins of a meeting of the Governmental Committee of the European Social Charter in September 2019.

Appendix IX

Social rights

Draft table of contents of the “second report” to be submitted to the CDDH identifying good practices and making proposals with a view to improving the implementation of social rights

EXECUTIVE SUMMARY

INTRODUCTION

1. Terms of reference and methodology
2. Review of the background
3. Main results of the Analysis of the legal framework of the Council of Europe for the protection of social rights in Europe
4. Main challenges examined in the Report

I. THE MEMBER STATES’ COMMITMENT UNDER THE RELEVANT INSTRUMENTS⁴

1. Current challenges⁵
2. CDDH proposals

II. THE MONITORING PROCEDURES UNDER THE TREATY SYSTEM OF THE EUROPEAN SOCIAL CHARTER

1. Common features to the monitoring procedures
 - (a) Current challenges
 - (b) CDDH proposals
2. State reporting procedure
 - (a) Current challenges
 - (b) CDDH proposals

⁴ The report shall address under this heading, in particular, the question of the ratification of the (revised) Charter and of the 1995 Additional Protocol and the acceptance of additional provisions of the (revised) Charter.

⁵ For each challenge, the document could present (a) the background; (b) the reasons given by the relevant stakeholders (Council of Europe Member States / representatives of the monitoring bodies / Secretariat); (c) the analysis thereof.

3. Collective complaints procedure
 - (a) Current challenges
 - (b) CDDH proposals

III. EFFECTIVE NATIONAL IMPLEMENTATION OF SOCIAL RIGHTS

1. Current challenges
2. CDDH proposals

IV. THE AWARENESS, VISIBILITY AND RESPECT OF THE CHARTER SYSTEM

1. Current challenges
2. CDDH proposals

V. RELATIONSHIP OF COUNCIL OF EUROPE INSTRUMENTS WITH OTHER INSTRUMENTS FOR THE PROTECTION OF SOCIAL RIGHTS

1. Current challenges
2. CDDH proposals

CONCLUSIVE REMARKS

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