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**STEERING COMMITTEE FOR HUMAN RIGHTS /  
COMITÉ DIRECTEUR POUR LES DROITS DE L'HOMME  
(CDDH)**

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**COMPILATION OF COMMENTS RECEIVED FROM MEMBER STATES  
ON THE DRAFT CDDH REPORT IDENTIFYING GOOD PRACTICES AND MAKING  
PROPOSALS WITH A VIEW TO IMPROVING THE IMPLEMENTATION OF SOCIAL  
RIGHTS IN EUROPE /**

**COMPILATION DES COMMENTAIRES REÇUES DES ÉTATS MEMBRES  
SUR LE PROJET DE RAPPORT DU CDDH IDENTIFIANT DES BONNES PRATIQUES ET  
FORMULANT DES PROPOSITIONS VISANT À AMÉLIORER LA MISE EN ŒUVRE DES  
DROITS SOCIAUX EN EUROPE**

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## **Introduction**

1. In accordance with the CDDH's current terms of reference in the field of social rights, its Drafting Group on Social Rights (CDDH-SOC), at its 4<sup>th</sup> meeting (3–5 April 2019), adopted the *Draft CDDH Report identifying good practices and making proposals with a view to improving the implementation of social rights in Europe* (document [CDDH-SOC\(2019\)R4 Addendum](#)).
2. The said Draft Report will be submitted to the CDDH for examination and possible adoption at its 91<sup>st</sup> meeting (18–21 June 2019). In this context, it has been transmitted to the participants in the CDDH meeting with an invitation to submit written comments on that Report in the form of concrete drafting proposals by 3 June 2019.
3. The present document contains a compilation of these comments.

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## **Introduction**

1. Conformément au mandat actuel du CDDH relatif aux droits sociaux, sa Groupe de rédaction sur les droits sociaux (CDDH-SOC), lors de sa 4<sup>e</sup> réunion (3–5 avril 2019), a adopté le *Projet de Rapport du CDDH identifiant des bonnes pratiques et formulant des propositions visant à améliorer la mise en œuvre des droits sociaux en Europe* (document [CDDH-SOC\(2019\)R4 Addendum](#)).
2. Ledit projet de Rapport sera transmis au CDDH pour examen et éventuelle adoption lors de sa 91<sup>e</sup> réunion (18–21 juin 2019). Dans ce contexte, il a été transmis aux participants aux réunions du CDDH avec une invitation d'envoyer des commentaires écrits sur ce Rapport sous forme de propositions de rédaction concrètes avant le 3 juin 2019.
3. Le présent document contient une compilation de ces commentaires.

**Member States / États membres****BULGARIA / BULGARIE****Comments on the draft of the second report of CDDH-SOC  
by the Ministry of Labour and Social Policy of  
the Republic of Bulgaria**

- We feel certain reservation towards the remark in par. 87 (the sentence before the last one), which states that all member states, allowing the collective complaint procedure by international NGOs, need to allow the collective complaint procedure by national NGOs as well. The text does not appear in the previous draft (presented in March) and we feel that it should be deleted due to the administrative burden at national level as well as within the ESC system.
- The proposal in par. 115 and 136 is appropriate with regard to the shorter 4-year period, which could be a positive incentive for concentrated efforts on the part of the government. However, the preponderance given to the arguments of the complainant by the ECSR often leads to conclusions, which are difficult to be motivated or understood by the member states (as noted in par. 164 and 186). If the proposal is motivated by the continuous expansion of the list of international NGOs, qualified to file a complaint, we feel that the administrative burden should be solved via strict eligibility criteria for the complaints instead.
- The proposal in par. 116 is unacceptable because of the very heavy administrative burden it poses over the responsible administration in connection with the gathering and preparation of coherent information.
- We would like to note that the translation of the case law of ECSR implies rather high costs over regular periods of time, also connected with its updates.
- We feel that the deletion of a portion of par. 215 (previous 212 in the version of 8 March 2019) talking about ECSR commentary on the interpretation of the Charter is unfortunate. The publication of such information would be useful for the member states.
- In line with par. 219 and 259, we fully support the inclusion of the Governmental Committee (especially in view of its mandate) in the work on the CM draft recommendation regarding the ESC in university education and vocational training.
- Chapter V of the report describes issues, connected to the social rights application within the Council of Europe as well as by other international organisations. We find the portion of the report, suggesting different ways to solve these issues particularly useful. We also support the reference to the opinion of various European bodies regarding a potential EU accession to the revised ESC (par. 238 and 251).

<b>ESTONIA / ESTONIE</b>
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**Estonian comments on [Draft] CDDH Report: Identifying good practices and making proposals with a view to improving the implementation of social rights in Europe**

We thank the Steering Committee for Human Rights for the comprehensive work that has been done to produce this substantial report.

We can agree with many of the proposals that have been made, including:

- the Revised Social Charter should be ratified by all Council of Europe Member States;
- the reporting procedure should be simplified;
- training of legal experts (including judges) as well as raising awareness of the wider public is important for contributing to the possibility of taking further commitments and to better implementation of the Social Charter.

However, we also agree with the comments made by many Member States, that there is a need for some changes in the functioning of the current treaty system of the Social Charter, in order to consider taking further commitments.

With regards to the report, we have three technical remarks about the text:

- In point 61, we propose adding “have” to the wording of the second sentence.  
Our proposal for changing the wording of point 61:  
*61. ... However, it cannot but be noted that these calls to date **have** had only limited success.”*
- In point 241, an example about Estonia is brought out and there is a reference to article 13 § 4, which contains information about providing social and medical assistance to nationals of other Parties lawfully within their territories, on an equal footing with their nationals. However, the correct reference is to article 12 § 4, which covers the conclusion of bilateral and multilateral agreements for better exercise of the right to social security. Sincere apologies, as this mistake seems to derive from a document that we have previously submitted

Our proposal for changing the wording of point 241:

*241. Another State considered that it was impossible to fully apply Article 12 § 4 of the (revised) Charter unless social security treaties were adopted with all countries which have ratified the (revised) Charter.*

- We believe that there is a wording mistake in point 250. We propose that “that many advanced” should be deleted from the text.

Our proposal for changing the wording of point 250:

*250 The CDDH notes that [...] the EU Pillar of Social Rights, whose principles shall ensure that social objectives counter-balance economic objectives, could help to increase the synergies between the two systems,*

The report does not include much reflection about making the meetings more effective and interactive. We also believe that use could be made of technological communication tools and online video-conferences. Other big organisations (i.e. WHO) use online video-conferences very effectively.

For many years, as far as we know, there has been a problem that the Council of Europe lacks financial resources for further supporting better implementation of the Social Charter. One solution could be to link the use of the Council of Europe resources more with supporting the implementation of the legal instruments adopted by the Council of Europe.