

ACTIVITY REPORT 2024



**European Committee
of Social Rights**



European
Social
Charter

Charte
sociale
européenne



Activity Report 2024

European Committee
of Social Rights

Council of Europe

The European Committee of Social Rights
(ECSR) rules on the conformity
of the situation in States with the
European Social Charter.

The Committee is composed of
15 independent, impartial members who
are elected by the Committee of Ministers
of the Council of Europe for a term
of office of six years, renewable once.

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Introduction

The year 2024 saw substantial progress in terms of the advancement of the European Social Charter system. The standout development in this regard was the landmark High-Level Conference on the European Social Charter, organised under the auspices of the Lithuanian Presidency of the Council of Europe in July. This event brought together key Charter system stakeholders in a spirit of constructive dialogue.

The Conference served not only as a platform for reflection but also as a catalyst for tangible political commitments toward social justice. Participants included Ministers and high-level officials competent in the field of social rights and social policy from across Europe, the President of the Parliamentary Assembly, the President of the Congress of Local and Regional Authorities, the Commissioner for Human Rights, as well as representatives from the European Union, the ILO, UN entities, social partners and civil society.

A key outcome of the conference was the Vilnius Declaration, a reaffirmation of the indivisibility and interdependence of all human rights, including social rights. Building upon the Reykjavik Declaration (May 2023), the Vilnius Declaration underlined the importance of having a robust and responsive social rights framework across Europe. It welcomed the commitment of Council of Europe member States to promoting social justice and, in particular, the efforts made by member States to accept a high level of commitment to social rights, as well as the effective action taken by the States Parties to the European Social Charter to address the findings and conclusions of the European Committee of Social Rights.

Importantly, the Declaration emphasised dialogue and cooperation with national, local, and regional authorities, as well as social partners, with a view to implementing rights-based approaches to social policy. The conference resulted in new Charter acceptances by Ireland and Andorra, with the Republic of Moldova and Armenia also confirming their intentions to increase commitments—actions that have already materialised in the Republic of Moldova's case, with that State Party adopting eight additional provisions of the revised European Social Charter less than two months after the event. A crucial milestone at the conference was Iceland's adoption of the Revised Charter, further contributing to the coherence and unity of the European social rights system.

Very positively, the momentum generated by the High-Level Conference is set to continue with another High-Level Conference scheduled to take place in March 2026 in Chişinău under the auspices of the Moldovan Presidency of the Council of Europe. This will provide States Parties with a key opportunity to deepen their engagement with the Charter system, particularly through the adoption of additional provisions of the Charter.

It is especially to be hoped that there will be further progress in terms of the long overdue shift of the (now six) remaining States Parties still bound by the 1961 Charter to the 1996 Revised Charter. The existence of the two Charters remains the primary obstacle to a unified, coherent social rights system within the Council of Europe. It is directly within States Parties' power to remove this obstacle and the fractured, undesirable complexity it gives rise to in terms of European human rights law protection of social rights. It is my sincere hope that the Chişinău conference will prove a watershed moment in this regard.

The Conference also serves as a chance for States Parties to adopt declarations in terms of Article 34 and Article L2 of 1961 and 1996 versions of the Charter, respectively, so as to make clear that the Charter applies to the full scope of their territories, including non-metropolitan ones. Such action will serve to address the legacy of colonialism currently reflected in the Charter system, whereby people based in non-metropolitan territories of Charter States Parties, can be afforded significantly lower levels of social rights protection in terms of European human rights law than their counterparts in metropolitan areas

The Cost-of-Living Crisis from a Social Rights Perspective

2024 saw the European Committee of Social Rights (ECSR) conduct a review examining the social rights implications of the cost-of-living crisis in Europe.

The Review focused on four specific thematic areas, namely employment, social protection, housing and energy and food. It also addressed the rights challenges faced by groups particularly affected by the crisis, as well as the disproportionate impact of the crisis on women. The Review revealed that while most States Parties took measures that had positive impacts in terms of protecting Charter rights enjoyment, key gaps and rights challenges remained, often due to the short-term, ad hoc or insufficient nature of the measures adopted. The erosion of the right to fair remuneration was especially concerning, with minimum wages in several States failing to keep pace with inflation. Similarly rising inflation greatly reduced the real value of social security benefits and assistance, leaving recipients unable to afford essentials. Furthermore, very sharp rises in the prices of energy and food resulted in higher rates of energy poverty and food insecurity.

In addition to making a series of detailed recommendations, the ECSR highlighted that this crisis is not a temporary aberration but a part of a broader polycrisis. It reflects the long-standing issues of the erosion of welfare systems, the weakening of labor protections, and entrenched poverty and social exclusion in Europe. The

ECSR stressed that the Charter must serve as a human rights roadmap guiding government decisions on law, policy, and fiscal priorities during and beyond such crises. The Review emphasised that upholding Charter rights promotes economic recovery and democratic resilience, providing effective responses to widespread concerns about declining living standards that fuel anti-democratic movements.

The ad hoc reports procedure differs from the ECSR's statutory reporting work as it does not involve legal assessments. As regards ad hoc reports, the ECSR is limited to furnishing a general overview of the pan-European situation under consideration, analysing positive and negative state practice, providing a broad legal analysis, and making recommendations.

The ad hoc reports process provides an excellent chance to increase understanding amongst key stakeholders of the Charter's relevance to the pressing social rights challenges faced by people in Europe. It also enables the ECSR to outline the criteria it intends to apply when seeking to establish whether a cost-of-living crisis-related situation in a specific State Party satisfies the requirements of the Charter in future. However for the process to have meaningful value in terms of ensuring enhanced implementation of social rights in Europe, the guidance set out in the ECSR's Review must serve as a framework for States Parties in their work to address cost-of-living challenges both now and in future. Over the coming year, the ECSR intends to leverage the Review to raise the profile of the Charter system both in the Council of Europe and beyond through outreach and enhanced dialogue activities as envisaged by the Committee of Ministers' reform package.

The Collective Complaints Procedure: a Democratic Means to achieve Social Justice

The collective complaints procedure remains a vital mechanism for safeguarding social rights across Europe. It both ensures State Party accountability and directly contributes to the enforcement of social rights across member states.

In 2024, ten new complaints were submitted against six States Parties to the Charter—Spain, Italy, Belgium, France, Greece, and Norway. These complaints were brought by a diverse range of actors including national trade unions, international NGOs, as well as an employers' organisation, underscoring the range of entities making use of and placing trust in the collective complaints mechanism.

During the course of the year, the ECSR adopted 12 decisions on the merits and 12 on admissibility, including two decisions of inadmissibility. The decisions on merits adopted in 2024 encompassed a wide range of issues. Topics addressed included: the protection of trade union rights in the Netherlands, France and Portugal; adequate compensation for unfair dismissals in Spain; the remuneration of healthcare workers in France; the recruitment of Catholic religious education teachers in Italy; housing policies in the Czech Republic and Belgium; the protection of vulnerable communities during the COVID-19 pandemic in Belgium and Bulgaria, and the situation in the Cañada Real Galiana informal settlement in Madrid, Spain.

Pushing Forward the Reform Package and Strengthening the Charter System

The year 2024 also saw progress in terms of implementing the Committee of Ministers' reform package with respect to the ECSR's statutory reporting system. In June 2024, the ECSR invited those States Parties who have not yet accepted the collective complaints procedure to submit a report on the first group of Charter provisions, primarily focused on labour and work-related rights.¹ While the targeted questions sent to States Parties focus on numerous topics, special attention was given to Article 5 (right to organise) and Article 6 (right to bargain collectively) in order to enable the ECSR to further clarify and consider certain aspects of its case law on these crucial provisions. These reports, due by 31 December 2024, as well as inputs from third parties due by 30 June 2025, will be examined by the ECSR in 2025.

While there have been major steps forward in terms of raising the profile of the Charter system over the last few years, awareness of the system and its outputs remains far lower than it should be. This is true amongst national decision-makers, civil society, social partners and legal professionals, as well as for CoE entities working on social rights-related issues.

If the reform package's aim of improving the implementation of social rights in Europe and reinforcing the European Social Charter system is to be achieved, it is essential that time, attention and resources are accorded to ensuring the achievement of the key objectives of the Committee of the Ministers' Decision of 15 March 2023 on Improving the European Social Charter system: long-term substantive and procedural issues.² These objectives include enhancing communication and awareness-raising about the Charter and ECSR decisions and conclusions at national level, as well as ensuring the promotion of education and training on the Council of Europe social rights framework. It is vital that this work is prioritised and resourced at both the Council of Europe and the national levels. In particular, this will require the provision of support to the Council of Europe Programme on Human Rights Education for Legal Professionals to enable it to expand significantly on its offerings specific to the Charter system and to ensure that it is in a position to mainstream the Charter and the work of the ECSR across existing HELP offerings where it is relevant (e.g., in the areas of children's rights, rights of persons with disabilities, access to justice, older persons' rights, gender equality, and migration). Without meaningful investment in communication, education, training and awareness-raising around the Charter system, it – and the work of the ECSR – will remain marginalised, both within the Council of Europe and beyond.

Another ongoing challenge faced by the Charter system is the "implementation gap" between the ECSR's findings and meaningful States Parties, responses thereto. While this "gap" is a problem for all international and regional human rights treaty bodies, it is highly problematic from the Charter system perspective that there are

1. Group 1 encompasses Article 1, Article 2, Article 3, Article 4, Article 5, Article 6, Article 8, Article 9, Article 10, Article 18, Article 19, Article 20, Article 21, Article 22, Article 24, Article 25, Article 28 and Article 29.
2. CM/Del/Dec(2023)1460/4.1.

frequently significant delays in States Parties bringing their national situation into line with what is required in Charter terms. The ECSR's jurisprudence – comprising its decisions and conclusions – provides an authoritative interpretation of Charter provisions. In international law terms, the duty of States Parties to comply with their treaty obligations under the Charter implies a duty to co-operate in good faith with the Committee's case-law emerging from both its state reporting and collective complaints mechanisms. Looking ahead to the upcoming high-level Conference in 2026, the ECSR invites States to pledge commitment to implementing its decisions and conclusions – and to doing so in a timely way. Such recognition would be a vital step in guaranteeing that the Charter remains a living instrument capable of protecting social rights in times of both stability and crisis.

Conclusion

I would like to conclude by welcoming the newly elected members of the ECSR in 2024: Mr Olivier De Schutter, nominated by Belgium, Ms Kristina Koldinská, nominated by Czech Republic, and Ms Carmen-Constantia Nenu, nominated by Romania. I also welcome the re-election of Ms Tatiana Puiu (Moldovan), Mr Yusuf Balci (Turkish) and Ms Alla Fedorova (Ukrainian).

Aoife Nolan,
President of the European Committee of Social Rights

Overview and key figures

The European Committee of Social Rights (ECSR) was set up by Article 25 of the 1961 Charter and its function is to rule on the conformity of the law and practice of the States Parties under the 1996 revised European Social Charter, the 1988 Additional Protocol and the initial 1961 European Social Charter³. It is made up of 15 independent members elected by the Committee of Ministers (see below for its composition)⁴.

The ECSR exercises its supervision by means of two distinct but complementary procedures: the reporting procedure, in which it examines written reports submitted by States Parties at regular intervals, and the collective complaints procedure, which allows certain national and international non-governmental organisations, trade unions, employer organisations to lodge complaints against States Parties that have agreed to be bound by this procedure.⁵

The national reports and the collective complaints are examined during the ECSR's sessions, during the ECSR's sessions. Seven were held in 2024:

- ▶ 339th Session 22-26 January 2024
- ▶ 340th Session 18-22 March 2024
- ▶ 341st Session 13-17 May 2024
- ▶ 342nd Session 1-4 July 2024
- ▶ 343rd Session 9-13 September 2024
- ▶ 344th Session 14-18 October 2024
- ▶ 345th Session 2-5 December 2024

In 2024, significant steps were taken to implement the 2022 Charter system reforms. The ECSR conducted a comprehensive review of measures addressing the cost-of-living crisis, drawing on reports from 41 States Parties, civil society organisations and national human rights institutions. The findings highlighted a stark reality: food prices in 2023 continued to rise at more than seven times the rate of wage growth, disproportionately affecting low-income households.

The ECSR identified failures in maintaining minimum wage levels in several States capitalised, leading to continued financial hardship. While inflation eased in 2024, living costs remained high, leaving many in precarious situations.

3. See Appendix 1: Signatures and ratifications of the European Social Charter

4. See Appendix 2: Composition of the European Committee of Social Rights on 1 January 2024

5. In response to national reports, the Committee adopts conclusions; in response to collective complaints, it adopts decisions.

The ECSR has urged governments to take immediate action, including:

- ▶ Ensuring the net minimum wage is at least 60% of the net national average wage.
- ▶ Implementing price caps on staple food items and targeted support for vulnerable groups.
- ▶ Guaranteeing stable and safe access to adequate energy, recognising it as essential for securing Charter rights.
- ▶ Addressing housing affordability and homelessness risks through rent caps, increased housing benefits, and social housing expansion.
- ▶ Adjusting social security and assistance levels to keep pace with inflation.

Ten new complaints were lodged in 2024 against six States Parties to the Charter: Spain (four), Italy (two), Belgium (one), France (one), Greece (one) and Norway (one); six complaints were lodged by national trade unions, including one by several national trade unions and a European social partner, three by international non-governmental organisations (INGOs) and one by an employers' organisation.

During the seven sessions held in 2024, the ECSR adopted 12 decisions on the merits and 12 decisions on admissibility, including two decisions on inadmissibility with regard to complaints lodged in previous years.

In addition, the Committee held several meetings and exchanges with other institutions and bodies, such as the [European Court of Human Rights](#), the [European Commissioner for Human Rights](#), National Human Rights Institutions and National Equality Bodies as well as with national governments.

Composition of the European Committee of Social Rights

The composition of the ECSR is governed by Article 25 of the Charter. Its 15 members are required to be “*independent experts of the highest integrity and of recognised competence in international social questions*”. They are nominated by States Parties and elected by the Committee of Ministers for a six-year period, renewable once.

Elections take place once every two years, with a third of the seats (five) to be filled at each election.

The [Committee of Ministers of the Council of Europe](#), at its 1513th meeting of the Ministers’ Deputies on **27 November 2024**, in accordance with the procedure [CM/Del/Dec\(2024\)1500/4.3c](#), elected six members for the [European Committee of Social Rights \(ECSR\)](#) falling vacant on 31 December 2024.

The Deputies, having voted in accordance with Article 25 of the European Social Charter, declared the following candidates elected as members of the ECSR, with effect from 1 January 2025 ([CM/ResChS\(2024\)6](#)):

- ▶ Mr Olivier De Schutter, (Belgian);
- ▶ Ms Kristina Koldinská, (Czech);
- ▶ Ms Tatiana Puiu, (Moldovan);
- ▶ Dr Carmen-Constantina Nenu, (Romanian);
- ▶ Mr Yusuf Balci, (Turkish);
- ▶ Ms Alla Fedorova, (Ukrainian);

Three ECSR members, Eliane Chemla, Paul Rietjens and Józef Hadjú ended their mandate in December 2024.

Collective complaints procedure

Overview

Ten new complaints were lodged in 2024⁶. During the seven sessions held in 2024, the ECSR adopted twelve decisions on the merits and twelve decisions on admissibility, including two decisions on inadmissibility.

The ten complaints registered in 2024 were lodged against six States Parties: Spain (four), Italy (two), Belgium (one), France (one), Greece (one) and Norway (one); Six complaints were lodged by national trade unions, including one by several national trade unions and a European social partner, three by international non-governmental organisations (INGOs) and one by an employers' organisation.

With regard to decisions adopted during 2024, the average processing time was 8,7 months for the 12 admissibility decisions and 26,4 months for the 12 decisions on the merits. In comparison, the average times for the whole period from 1998 to 2024 were 6.4 months for admissibility decisions and 21.6 months for decisions on the merits.

Decisions made public in 2024

In 2024, the following eight decisions on the merits were made public:

- **The decision on the merits in *Union Syndicale Solidaires SDIS v. France*, Complaints No. 176/2019 and No. 193/2020, became public on 14 February 2024.**

In Complaint N° 176/2019, SUD SDIS alleged that the legal situation of volunteer firefighters (VFFs) as defined by Articles L723-5 and L723-8 of the Code of Internal Security does not meet the requirements of Articles 2 (the right to just conditions of work), 3 (the right to safe and healthy working conditions), 4 (right to a fair remuneration), 11 (the right to protection of health) and 24 (the right to protection in case of dismissal) read alone as well as of Article E in conjunction with the aforementioned provisions of the Charter in that France does not consider VFFs as workers except on very rare occasions, to the detriment of their rights related to protection of health, to safe and healthy working conditions and to just conditions of work. In Complaint N° 193/2020, SUD SDIS further alleged that, despite the fact that the dangerous nature of the occupation of firefighter is acknowledged pursuant to Article L723-1 of the Internal Security Code, France allows VFFs under the age of 18 to participate in field operations to the detriment of their rights related to Articles 7§2 and 7§§4 to 10 (the right of children and young persons to protection) of the Charter.

6. See Appendix 3: Collective Complaints registered in 2024

In its decision on the merits, adopted on 12 September 2023, the Committee concluded:

- unanimously that there is a violation of Article 1§2 of the Charter on the ground of the discriminatory difference in treatment with regard to remuneration between certain volunteer firefighters and professional firefighters;
- unanimously that there is a violation of Article 2§1 of the Charter on the ground of the failure to take into account the totality of working time performed by volunteer firefighters, as well as the regulatory vacuum as related to the working time of volunteer firefighters;
- unanimously that there is a violation of Article 7§2 of the Charter.

The Committee of Ministers adopted Recommendation CM/RecChS(2024)42⁷ on 10 July 2024.

► **The decision on the merits in *Sindacato autonomo Pensionati Or.S.A. v. Italy*, Complaint No. 187/2019, became public on 9 April 2024.**

S.A.Pens. Or.S.A alleged that the provisions introduced by Article 1(41) of Law No. 335 of 8 August 1995 as subsequently amended, which govern the system of reversion pensions for surviving spouses and dependants, have led to an abusive and discriminatory reduction in benefits payable to survivors in cases where there is more than one recipient or where the recipient(s) receive income from various sources. The complainant organisation maintains that this reduction violates Articles 4 (the right to a fair remuneration), 12 (the right to social security), 16 (the right of the family to social, legal and economic protection), 20 (the right to equal opportunities and equal treatment in employment and occupation without sex discrimination) and 23 (the right of elderly persons to social protection) of the Charter.

In its decision on the merits, adopted on 17 October 2023, the ECSR concluded:

- unanimously that there is no violation of Article 12§2 of the Charter;
- unanimously that there is no violation of Article 12§3 of the Charter;
- unanimously that there is no violation of Article 20 of the Charter.

The Committee of Ministers adopted Resolution CM/ResChS(2024)2⁸ on 10 April 2024.

► **The decision on the merits in *Validity Foundation – Mental Disability Advocacy Centre v. Czech Republic*, Complaint No. 188/2019, became public on 14 February 2024.**

Validity alleged that in Czech Republic, persons with psychosocial disabilities and older persons suffer abuse in psychiatric hospitals and psychiatric wards as a result of being placed in cage-beds or netted cage-beds. It argued that the use of such restraints interferes both with the right to protection of health and the right of

7. CM/RecChS(2024)42: Recommendation - *Union syndicale solidaires SDIS v. France*, Complaint No. 176/2019 and *Union syndicale solidaires SDIS v. France*, Complaint No. 193/2020 (Adopted by the Committee of Ministers on 10 July 2024 at the 1504th meeting of the Ministers' Deputies)

8. CM/ResChS(2024)2: Resolution - *Sindacato autonomo dei Pensionati dell'Organizzazione Sindacati Autonomi e di base (S.A.Pens. Or.S.A.) v. Italy*, Complaint No. 187/2019 (Adopted by the Committee of Ministers on 10 April 2024 at the 1495th meeting of the Ministers' Deputies)

older persons to social protection in breach of Article 11§1 (the right to protection of health) of the 1961 Charter and Article 4 (the right of elderly persons to social protection) of the 1988 Additional Protocol to the 1961 Charter.

In its decision on the merits, adopted on 17 October 2023, the ECSR concluded:

- unanimously that there is no violation of Article 11§1 of the 1961 Charter.
- unanimously that there is no violation of Article 4§3 of the 1988 Additional Protocol.

The Committee of Ministers adopted Resolution CM/ResChS(2024)1⁹ on 14 February 2024.

► **The decision on the merits in Amnesty International v. Italy, Complaint No. 178/2019, became public on 13 May 2024.**

Amnesty International alleges that the housing situation of Roma in Italy constitutes a violation of Articles 31§1, 31§2 and 31§3 (the right to housing) of the Charter, read alone or Article E taken in conjunction with these provisions of the Charter, in particular because of the persistence of forced evictions, which particularly affect the Roma community; residential segregation and the allocation of housing which is sub-standard and inequality of access to social housing, particularly in view of the discriminatory nature of the allocation criteria.

In its decision on the merits, adopted on 18 October 2023, the ECSR concluded:

- unanimously that there is a violation of Article E of the Charter read in conjunction with Article 31§2 of the Charter as regards the continuation of forced evictions particularly affecting the Roma community;
- unanimously that there is a violation of Article E of the Charter read in conjunction with Article 31§1 of the Charter concerning the segregated and sub-standard housing;
- unanimously that there is a violation of Article E of the Charter read in conjunction with Article 31§3 of the Charter concerning the lack of equal access to social housing for Roma.

The Committee of Ministers adopted Recommendation CM/RecChS(2024)43¹⁰ on 23 October 2024.

► **The decision on the merits in European Roma Right Centre (ERRC) v. Czech Republic, Complaint No. 190/20209, became public on 20 April 2024.**

ERRC alleged that the Czech Republic has failed in its duty to collect and analyse data on the ethnicity of children in public care, allowing it to implement effective policies that would mitigate the disproportionately high number of Roma children, including infants, being institutionalised. ERRC alleged that this situation is in violation of

9. [CM/ResChS\(2024\)1](#): Resolution - *Validity Foundation – Mental Disability Advocacy Centre v. Czech Republic*, Complaint No. 188/2019 (Adopted by the Committee of Ministers on 14 February 2024 at the 1489th meeting of the Ministers' Deputies)

10. [CM/RecChS\(2024\)43](#): Recommendation - *Amnesty International v. Italy*, Complaint No. 178/2019 (Adopted by the Committee of Ministers on 23 October 2024 at the 1510th meeting of the Ministers' Deputies)

Articles 16 (the right of the family to social, legal and economic protection) and 17 (the right of mothers and children to social and economic protection) of the 1961 Charter. ERRC furthermore alleged that this situation amounts to discrimination in violation of Articles 16 and 17 of the 1961 Charter read in the light of the non-discrimination clause laid down in the Preamble to the 1961 Charter.

In its decision on the merits, adopted on 18 October 2023, the ECSR concluded:

- unanimously that there is a violation of Article 17 of the 1961 Charter read in the light of the non-discrimination clause laid down in the Preamble of the 1961 Charter;
- unanimously that there is a violation of Article 16 of the 1961 Charter read in the light of the non-discrimination clause laid down in the Preamble of the 1961 Charter.

The Committee of Ministers adopted Recommendation CM/RecChS(2024)2¹¹ on 5 June 2024.

► **The decision on the merits in European Trade Union Confederation (ETUC), Netherlands Trade Union Confederation (FNV) and National Federation of Christian Trade Unions (CNV) v. the Netherlands, Complaint No. 201/2021, became public on 5 June 2024.**

In their complaint, ETUC, FNV and CNV alleged that the assessment by the Dutch Supreme Court regarding restrictions on collective action, which is based on an excessively broad framework not strictly grounded on Article 6§4 (the right to bargain collectively) and Article G (restrictions) of the Charter, is not in conformity with the aforementioned provisions of the Charter. The complainant organisations further alleged that the way in which the assessment framework defined by the Supreme Court is applied in the lower courts goes beyond what is provided by Article G of the Charter, is not stable and foreseeable and thus does not afford sufficient protection in procedures before the courts.

In its decision on the merits, adopted on 24 January 2024, the Committee concluded:

- by 14 votes to 1, that there is no violation of Article 6§4 of the Charter as regards the assessment framework of the Supreme Court;
- by 14 votes to 1, that there is no violation of Article 6§4 of the Charter as regards the application of the assessment framework of the Supreme Court by the lower courts.

The Committee of Ministers adopted Resolution CM/RecChS(2024)3¹² on 5 June 2024.

► **The decision on the merits in *Unión General de Trabajadores (UGT) v. Spain*, Complaint No. 207/2022, became public on 29 July 2024.**

11. [CM/RecChS\(2024\)2](#): Recommendation - European Roma Right Centre (ERRC) v. Czech Republic, Complaint No. 190/20209 (Adopted by the Committee of Ministers on 5 June 2024 at the 1500th meeting of the Ministers' Deputies)

12. [CM/ResChS\(2024\)3](#): Recommendation - European Trade Union Confederation (ETUC), Netherlands Trade Union Confederation (FNV) and National Federation of Christian Trade Unions (CNV) v. the Netherlands, Complaint No. 201/2021 (Adopted by the Committee of Ministers on 5 June 2024 at the 1500th meeting of the Ministers' Deputies)

UGT alleged that the situation in Spain constitutes a violation of Article 24 (right to protection in cases of termination of employment) of the Charter on the grounds that the mechanism for compensation in cases of termination of employment without a valid reason provided for in national law and as interpreted in domestic case law, does not allow victims of dismissals without a valid reason to obtain a compensation which would be adequate to cover the damage suffered and have a dissuasive effect for employers.

In its decision on the merits, adopted on 20 March 2024, the Committee concluded:

- by 13 votes to 1 that there is a violation of Article 24.b of the Charter.

The Committee of Ministers adopted Recommendation CM/RecChS(2024)44¹³ on 27 November 2024.

► **The decision on the merits in *Syndicat des Agrégés de l'Enseignement Supérieur (SAGES) v. France*, Complaint No. 211/2022, became public on 15 October 2024.**

SAGES alleged that French legislation (Article L 232-3 of the Education Code) deprives certain higher education teaching staff, namely tenured lecturers (commonly known as *professeurs agrégés* ("PRAGs")) and temporary assistant lecturers ("*ATERs*" for *attachés temporaires d'enseignement et de recherche*), of the right to vote and stand for election to the disciplinary board of the National Council for Higher Education and Research (*Conseil national de l'enseignement supérieur et la recherche* ("CNESER")). This body rules on appeal and as a last instance in disciplinary matters. According to SAGES, it follows that PRAGs and ATERs do not enjoy full and effective respect of all academic freedoms inherent in their status as higher education teachers and are deprived of their right to participate collegially in the governance of higher education institutions in violation of Articles 10 (the right to vocational training) and 22 (the right to take part in the determination and improvement of the working conditions and working environment) of the Charter. Moreover, SAGES alleged that denying to PRAGs and ATERs the right to vote and to stand in elections to the CNESER disciplinary board constitutes discrimination contrary to Article E (non-discrimination) read in conjunction with Article 22 of the Charter when comparing to the situation of senior lecturers (*maitres de conférence*).

In its decision on the merits, adopted on 15 May 2024, the ECSR concluded:

- by 14 votes to 1 that there is no violation of Article 22 nor of Article E read in conjunction with Article 22 of the Charter.

The Committee of Ministers adopted Resolution CM/ResChS(2024)5¹⁴ on 23 October 2024.

13. CM/ResChS(2024)44: Recommendation - *Unión General de Trabajadores (UGT) v. Spain*, Complaint No. 207/2022 (Adopted by the Committee of Ministers on 27 November 2024 at the 1513rd meeting of the Ministers' Deputies)

14. CM/ResChS(2024)5: Resolution - *Syndicat des agrégés de l'enseignement supérieur (SAGES) v. France*, Complaint No. 211/2022 (Adopted by the Committee of Ministers on 23 October 2024 at the 1510th meeting of the Ministers' Deputies)

Further decisions adopted in 2024

In addition, the following decisions adopted by the ECSR in 2024 were or will be made public in 2025:

The decision on the merits in **European Roma Rights Centre (ERRC) v. Belgium, Complaint No. 195/2020**, which was adopted on 1 July 2024.

The decision on the merits in **European Federation of National Organisations working with the Homeless (FEANTSA) v. Czech Republic**, Complaint No. 191/2020, which was adopted on 2 July 2024.

The decision on the merits in **European Organisation of Military Associations and Trade Unions (EUROMIL) v. Portugal, Complaint No. 199/2021**, which was adopted on 11 September 2024.

The decision on the merits in **Defence for Children International (DCI), European Federation of National Organisations working with the Homeless (FEANTSA), Magistrats Européens pour la Démocratie et les Libertés (MEDEL), Confederación Sindical de Comisiones Obreras (CCOO) and International Movement ATD Fourth World v. Spain, Complaint No. 206/2022**, which was adopted on 11 September 2024.

The decision on the merits in **Confederazione Generale Sindacale, Federazione GILDA-UNAMS and Sindacato Nazionale Insegnanti Di Religione Cattolica International v. Italy, Complaint No. 192/2020**, which was adopted on 17 October 2024.

The decision on the merits in **European Federation of National Organisations working with the Homeless (FEANTSA) v. Belgium, Complaint No. 203/2021**, which was adopted on 17 October 2024.

The decision on the merits in **Open Society European Policy Institute (OSEPI) v. Bulgaria, Complaint No. 204/2022**, which was adopted on 3 December 2024.

The decision on the merits in **Confederación Sindical de Comisiones Obreras (CCOO) v. Spain, Complaint No. 218/2022**, which was adopted on 3 December 2024.

The decision on the merits in **Fédération SUD Santé-Sociaux v. France, Complaint No. 226/2023**, which was adopted on 4 December 2024.

The Committee of Ministers will adopt a Resolution or a Recommendation in the course of 2025¹⁵.

Follow-up to decisions of the ECSR by the Committee of Ministers

In the event that the ECSR decisions identify violations of the Charter, the Committee of Ministers of the Council of Europe examines the follow-up to be given to the decisions and the respondent States are invited to provide information on the measures taken or planned to bring the situation into conformity. Under Article 9

15. At the time of writing, the dates of publication of some decisions are still confidential

of the Protocol providing for a system of collective complaints, the Committee of Ministers shall adopt a recommendation to the respondent State by a two-thirds majority of those voting. In cases where the ECSR finds no violation of the Charter, the Committee of Ministers adopts a resolution closing the procedure.

The Committee of Ministers' decisions on follow-up are based on social and economic policy considerations. The Committee of Ministers cannot reverse the legal assessment made by the European Committee of Social Rights.

In 2024, the Committee of Ministers adopted five recommendations concerning six complaints where the ECSR identified one or more violations of the Charter:

► **CM/RecChS(2024)1**

Recommendation - Associação Sindical dos Profissionais da Polícia (ASPP/PSP) v. Portugal - Complaint No. 179/2020 (Adopted by the Committee of Ministers on 15 February 2024 at the 1489th meeting of the Ministers' Deputies)

► **CM/RecChS(2024)2**

Recommendation - European Roma Rights Centre (ERRC) v. Czech Republic, Complaint No. 190/2020 (Adopted by the Committee of Ministers on 5 June 2024 at the 1500th meeting of the Ministers' Deputies)

► **CM/RecChS(2024)42**

Recommendation - *Union syndicale solidaires* SDIS v. France, Complaint No. 176/2019 and *Union syndicale Solidaires* SDIS v. France, Complaint No. 193/2020 (Adopted by the Committee of Ministers on 10 July 2024 at the 1504th meeting of the Ministers' Deputies)

► **CM/RecChS(2024)43**

Recommendation - Amnesty International v. Italy, Complaint No. 178/2019 (Adopted by the Committee of Ministers on 23 October 2024 at the 1510th meeting of the Ministers' Deputies)

► **CM/RecChS(2024)44**

Recommendation – Unión general de trabajadores (UGT) v. Spain, complaint No. 207/2022 (adopted by the Committee of Ministers on 27 November 2024, at the 1513th meeting of the Ministers' Deputies).

In 2024, the Committee of Ministers adopted also four resolutions concerning four complaints where the ECSR found no violations of the Charter:

► **CM/ResChS(2024)1**

Resolution - Validity Foundation – Mental Disability Advocacy Centre v. Czech Republic, Complaint No. 188/2019 (Adopted by the Committee of Ministers on 14 February 2024 at the 1489th meeting of the Ministers' Deputies)

► **CM/ResChS(2024)2**

Resolution - *Sindacato autonomo dei Pensionati dell'Organizzazione Sindacati Autonomi e di base* (S.A.Pens. Or.S.A.) v. Italy, Complaint No. 187/2019 (Adopted by the Committee of Ministers on 10 April 2024 at the 1495th meeting of the Ministers' Deputies)

► **CM/ResChS(2024)3**

Resolution - European Trade Union Confederation (ETUC), Netherlands Trade Union Confederation (FNV) and National Federation of Christian Trade Unions (CNV) v. the Netherlands, Complaint No. 201/2021 (Adopted by the Committee of Ministers on 5 June 2024 at the 1500th meeting of the Ministers' Deputies)

► **CM/ResChS(2024)5**

Resolution - *Syndicat des agrégés de l'enseignement supérieur* (SAGES) v. France, Complaint No. 211/2022 (Adopted by the Committee of Ministers on 23 October 2024 at the 1510th meeting of the Ministers' Deputies)

Reporting procedure

Review on the impact of the Cost of living crisis on social rights

In order to assist States Parties in ensuring the respect of social rights in line with their commitments under the European Social Charter (“the Charter”), the Committee of Ministers of the Council of Europe adopted a reform package in 2022. Reflecting the fact that the implementation of social rights requires adjustments to evolving realities and circumstances, one of the innovations introduced by this package is the possibility for the ECSR to focus on new or critical issues which arise with a broad, transversal scope or a pan-European dimension by asking all States Parties to submit an ad hoc report with information about measures taken to address such issues.

Following a joint consultation between the ECSR and the Governmental Committee, the topic of “social rights and the cost-of-living crisis” was identified as appropriate for the first ad hoc reports process. As a consequence, in 2024, the ECSR carried out a review of measures taken by States Parties in response to the cost-of-living crisis. It did so on the basis of the ad hoc reports submitted by 41 States Parties to the European Social Charter and taking into account information provided by other stakeholders (notably social partners, civil society organisations and national human rights institutions).

In early 2022 Russia’s war of aggression against Ukraine severely disrupted global markets, sending food and energy prices soaring as a result of speculation, contributing to inflationary pressures at a time when the cost of living was already rising rapidly for households. The cost-of-living crisis followed the one caused by the Covid-19 pandemic. Its impacts were further exacerbated by the legacies of the financial and economic crises of the late 2000s.

Although inflation subsided somewhat in 2024, living costs did not return to pre-crisis levels. The situation thus remains critical for millions of people, in particular the most vulnerable groups who are forced to spend a larger proportion of their income on essentials than others.

Unlike the ECSR’s *decisions* in the collective complaints procedure and its *conclusions* in the reporting procedure, the review of ad hoc reports does not involve legal assessments of state conformity with Charter obligations. Rather, the review provides a general overview of the measures taken by States Parties in response to the cost-of-living crisis, identifying examples of good practice where possible. In it, the ECSR sets out a broad legal analysis of what the Charter requires in situations when the cost of essentials rises much faster than average household incomes and provides guidance and recommendations to be used as a framework by States Parties in ensuring that future cost-of-living crises are addressed in a Charter-consistent way.

The analytical structure of the ECSR’s review is shaped by the specific questions that were addressed to States Parties when requesting the ad hoc reports. Accordingly,

the review is divided into five thematic sections, each linking to specific rights guaranteed by the Charter, namely social protection, employment and wages, housing, energy and food and groups particularly affected by the cost-of-living crisis. The review closes with a Statement of interpretation defining in normative language the key obligations flowing from the Charter in a cost-of-living crisis.

Social protection

Social protection is guaranteed by a wide range of rights enshrined in the Charter, notably in Articles 12, 13 and 14, and the ECSR focused its review on the adequacy of social security benefits and social assistance.

The Charter obliges States Parties to take all necessary actions needed to ensure that social security and assistance levels are adequate, including by continually adjusting them as necessary to keep pace with inflation.

The ECSR notes that during the cost-of-living crisis, many States Parties allocated additional budgetary resources towards income-replacement benefits and other assistance and support measures for persons and families affected. In many instances, although positive in impact, the measures adopted were one-off or temporary. However, the cost-of-living crisis continued past the duration of those measures and continued to impact the groups most at risk of poverty.

The ECSR makes a number of recommendations, including that States Parties should: introduce social protection-related measures benefiting all members of society and compensating for the rise in living costs; ensure regular indexation of social security benefits and social assistance; provide for extraordinary adjustments when necessary to preserve the purchasing power of those most at risk of poverty; and ensure consultation with those most affected by the crisis in the decision-making processes regarding the allocation of social security benefits and social assistance. Simplifying benefit/support application processes is of crucial importance.

Employment and wages

The ECSR focuses its analysis on the right of all workers to a fair remuneration (Article 4§1). The cost-of-living crisis with its mounting inflationary pressure reduced the real value of wages, representing a challenge for workers, in particular those on low wages.

The ECSR observes that during the crisis, the States Parties with a statutory minimum wage applied either an automatic indexation mechanism for wages or a regular revision mechanism. In States Parties without a statutory minimum wage, adjustments that were made to compensate for inflation were often achieved through collective bargaining.

However, the ECSR also notes that a number of States Parties failed to maintain the real value of the minimum wage during the initial period of the crisis. The ECSR's review highlights the vital importance of persistent and timely efforts on the part of national authorities aimed at maintaining the standard of living of households earning the minimum wage. Recommendations include that the net minimum wage be set and maintained at least at 60% of the net national average wage. Moreover,

concerted efforts should be made serious efforts should be made to promote social dialogue, including in particular collective bargaining, during cost-of-living crises.

Housing

The cost-of-living crisis exacerbated an already existing housing crisis in many States Parties. Aspects of the right to housing (guaranteed by Articles 31 and 16 of the Charter) that require particular attention in the context of a cost-of-living crisis include measures to address increased housing costs and to prevent homelessness.

The ECSR notes a range of measures taken by the States Parties to address housing affordability and the risk of homelessness during the crisis, including rent caps, increased housing benefits and initiatives to increase the supply of social housing.

However, the measures adopted by States Parties often failed to address the housing rights-related problems adequately. The ECSR therefore emphasises that, during a cost-of-living crisis and in its aftermath, States Parties should regularly intervene to ensure both the existence of a sufficient stock of affordable social housing and that measures are taken to prevent homelessness. The Committee stresses how important it is for national authorities to make sure to ensure housing benefits are commensurate with housing costs and that these benefits are targeted to the groups most at risk of being unable to afford adequate housing. Measures must also be taken to prevent evictions due to housing arrears.

Energy and food

Stable, consistent and safe access to adequate energy is both a prerequisite for and a key element of the enjoyment of a wide range of Charter rights (for example, Articles 11, 15, 16, 23, 27, 30 and 31). The ECSR notes the significant surge in energy poverty across the States Parties. At the same time, being unable to access adequate, sustainable food also has a direct impact on several Charter rights. Notably individuals and families living in poverty often face barriers to accessing adequate food, which exacerbates their vulnerability. In 2023, the price of most foodstuffs was still rising up to seven times faster than wages.

Measures taken by States Parties during the crisis included price caps on energy, one-off payments, tax reductions and targeted allowances for low-income groups to cope with the increasing energy costs. As regards food, measures included price caps on staple food items, meal vouchers, and reduced VAT on specific items.

The measures concerning both energy and food had some positive impacts but in many instances, the measures were temporary or ad hoc, while the effects of the cost-of-living crisis continued to reverberate after their duration. A certain lack of targeting of the support for the most vulnerable, excessive reliance on last resort relief (e.g. soup kitchens, food banks) and overly complex application processes for some of the forms of support, including food and energy-related benefits, were also causes for concern.

The ECSR underlines the need for States Parties to adopt measures to assess the high number of households in energy poverty while also adopting suitable indicators in this respect. Furthermore, evaluations of the impact of energy costs on right-holders,

with a particular focus on vulnerable groups and on low-income households, should be carried out. This must be done regularly and immediately upon there being evidence of particular challenges in terms of increasing energy costs. Other recommendations include the simplification of the application procedures for accessing support and the prohibition of disconnecting vulnerable/low-income groups from energy supply. The Committee also recommends the adoption of targeted policies and inclusive strategies to ensure an equitable transition to renewable energy systems, as well as the provision of support measures to improve the energy efficiency of the housing stock.

With regard to food, the ECSR stresses the importance of expanding free school meal programmes and ending reliance on last resort relief such as food banks to ensure access to food and address food insecurity.

As regards the conclusions examined, the Governmental Committee took note of important positive developments in several States Parties and asked Governments to continue their efforts with a view to ensuring compliance with the European Social Charter.

Furthermore, the Governmental Committee continued to implement the CM decisions on the Charter reform adopted in 2022 and 2023¹⁶, notably as regards the need to prepare a draft recommendation on promoting education and training on the European Social Charter system and on encouraging further commitments under the European Social Charter when possible.

To this end, the GC also held an extraordinary meeting in Vilnius, Lithuania, on 3 July 2024. This meeting had the aim of strengthening co-operation and dialogue in protecting social rights across Europe, ensuring effective follow-up to ECSR conclusions, improving communication on the Charter and its procedures and preparing the GC's input to the Declaration adopted at the High-Level Conference on the European Social Charter of 4th July 2025 in Vilnius, which reaffirmed the States Parties collective duty to promote respect for, and the continuing development of, social rights.

Groups particularly vulnerable to or more likely to be affected by the effects of the cost-of-living crisis

Groups to which the Charter accords particular attention, and which were particularly affected by the cost-of-living crisis included low-income households (e.g. sole parent households, unemployed persons, homeless persons, persons at risk of poverty and social exclusion), children, youth, persons with disabilities, older persons, LGBTI, marginalised communities, ethnic minorities, Roma and migrant families. In the present review, the ECSR focuses on the situation regarding four groups: namely, low-income households, children, persons with disabilities and older persons.

The ECSR notes that a variety of measures were taken across most States Parties to mitigate the impact of the crisis on these groups, such as one-off payments, energy grants, price caps, tax relief, increases in benefits, introduction of new benefits/allowances, indexation of benefits and measures to assist with food costs. However,

16. [CM\(2022\)114-final](#) and [CM/Del/Dec\(2023\)1460/4.1](#)

weaknesses in terms of state responses were also identified. These included the fact that in many cases adopted measures were too short-term in nature or were not sufficiently targeted. Furthermore, there were shortcomings with regard to the consultation and participation of the vulnerable groups in question as required in terms of the Charter.

The ECSR recommends that, amongst other things, States Parties should make more use of human rights impact assessments, collect comprehensive quantitative and qualitative data on the impact of the cost-of-living crisis on groups particularly vulnerable to or more likely to be affected, improve the targeting of measures, prioritise medium- and long-term measures and ensure timely, meaningful and inclusive consultation with and participation of persons belonging to the most affected groups.

Statement of interpretation on social rights and the cost-of-living crises

Drawing on its review of the ad hoc reports, the ECSR adopted a Statement of interpretation. In future, this authoritative interpretation of the Charter will serve as a basis for legal assessments of what is required of States Parties to effectively secure Charter rights in a cost-of-living crisis context.

The ECSR has consistently held that the existence of particular crises does not lead to a diminution of State Parties obligations in terms of the Charter. Charter obligations must serve as a human rights road map for decision-making on law, policy and resource allocation related to cost-of-living crises. These decisions need to address not only the Charter rights impacts of cost-of-living crises, but also the social, political and economic conditions that preceded them and exacerbated their negative impact on social rights. Measures to be taken by States Parties cannot simply be limited to the immediate period of a crisis but must continue for as long as the direct and indirect effects of a crisis linger. States Parties must adopt a gender-sensitive approach when assessing the impacts of crises and in designing and implementing measures in response to them.

On a concluding note, the ECSR underlines that upholding Charter rights for the benefit of all supports economic recovery and social justice while promoting democratic stability as Europe moves forward.

Governmental Committee of the European Social Charter and the European Code of Social Security: follow-up to the Conclusions of the European Committee of Social Rights

In 2024, the Governmental Committee examined follow-up measures taken by States with respect to conclusions of non-conformity reached by the ECSR on articles of the European Social Charter relating to the thematic group “children, families and migrants” (Conclusions 2023).

The Governmental Committee held two meetings in 2024 (148th Meeting from 13 to 17 May 2024 and 149th Meeting from 25 to 29 November 2023) with Mr. Aongus HORGAN (Ireland) in the Chair. The composition of the Bureau until December 2025 was established with Mr. Aongus HORGAN (Ireland) as Chair, Ms. Julie GOMIS (France),

Ms. Yvette KALDEN (Netherlands), Ms Velga LAZDINA-ZAKA (Latvia), and Mr. Ylber ZEJNULLAHU (Belgium).

The conclusions for the Governmental Committee's examination in 2024 were:

- ▶ the right of children and young persons to protection (Article 7);
- ▶ the right of employed women to protection of maternity (Article 8);
- ▶ the right of the family to social, legal and economic protection, (Article 16);
- ▶ the right of children and young persons to social, legal and economic protection (Article 17);
- ▶ the right of migrant workers and their families to social, legal and economic protection (Article 19);
- ▶ the right of workers with family responsibilities to equal opportunities and equal treatment (Article 27);
- ▶ the right to housing (Article 31).

As a result of the 2024 examination, the Governmental Committee proposed 36 individual recommendations, which concerned Articles 7§1, 7§2, 7§3, 7§10, 8§2, 16, 17§1, 17§2, 17 (1961 Charter), 31§1 and 31§2 of the Charter and the Revised Charter with respect to the following countries: Armenia, Azerbaijan, Bosnia and Herzegovina, Czech Republic, Georgia, Hungary, Malta, the Republic of Moldova, Montenegro, the Netherlands Aruba, Poland, Romania, Serbia, the Slovak Republic, Slovenia, Türkiye, the United Kingdom and Ukraine.

Procedure on non-accepted provisions

Introduction

The European Social Charter is based on a *à la carte* ratification system, which enables States, under certain circumstances, to choose the provisions they are willing to accept as binding international legal obligations. This system is provided for by Article A of the European Social Charter (Article 20 of the 1961 Charter).

It is in the spirit of the Charter for states to progressively increase their commitments, tending towards acceptance of most – if not all – provisions of the Charter, as opposed to an *à la carte* stagnancy.¹⁷ Thus, the same Article A of the European Social Charter (Article 20 of the 1961 Charter) allows states, at any time subsequent to ratification of the treaty, to notify the Secretary General of their acceptance of additional articles or paragraphs.¹⁸

This principle of gradual acceptance is described in Article 22 of the 1961 Charter. According to it, the States Parties shall send to the Secretary General, at appropriate intervals as requested by the Committee of Ministers, reports relating to the provisions of Part II of the Charter which they did not accept at the time of their ratification or approval or in a subsequent notification. The Committee of Ministers shall determine, from time to time, the provisions for which such reports shall be requested and the form in which they are to be submitted.

For the first years of the Charter's existence, this procedure took the form of a traditional reporting exercise, with states submitting reports describing the situation in law and in practice in relation to the provisions concerned. The European Committee of Social Rights (ECSR) launched these "exercises" on eight occasions between 1981 and 2002.

In December 2002, the Committee of Ministers decided that "States having ratified the Revised European Social Charter should report on the non-accepted provisions every five years after the date of ratification" and "invited the European Committee of Social Rights to arrange the practical presentation and examination of reports with

17. The opening paragraph of Part I reads "The Parties accept as the aim of their policy, to be pursued by all appropriate means both national and international in character, the attainment of conditions in which the following rights and principles may be effectively realised", followed by the heading of all rights contemplated by the European Social Charter. Part III, Article A, provides that "each of the Parties undertakes [...] to consider Part I of the Charter as a declaration of the aims which it will pursue by all appropriate means, as stated in the introductory paragraph of that part", followed by the rules on the choices available as regards provisions that Parties can declare to be bound by and which determine the modalities of monitoring under Part IV of the Charter.

18. See Appendix 7: Number of accepted provisions by year since 1962

the States concerned” (Committee of Ministers Decision of 11 December 2002)¹⁹. Following this decision, since 2003, the ECSR examined – either in meetings or as part of a written procedure – the situation in law and in practice in the states concerned from the standpoint of the situation’s compatibility with the non-accepted provisions of the Charter. The exercise aimed at encouraging states to accept new provisions.

Noting that the exercise was not yielding the expected results, the Committee of Ministers adopted a Decision on 11 December 2019²⁰, inviting “the European Committee of Social Rights to make full use of the opportunities for dialogue offered by Article 22 (non-accepted provisions) of the European Social Charter of 1961 (ETS No. 35), and to include in this exercise a dialogue with the member States that are not yet Party to the Revised Charter, with a view to encouraging them to ratify it”. In July 2022, the ECSR invited the Secretariat to henceforth share the state reports on non-accepted provisions on the Charter’s website in addition to the ECSR’s own reports which were already being published on the website. Furthermore, in September 2022, the ECSR adopted a decision to henceforth implement the procedure on non-accepted provisions to all States Parties to either Charter, in a reinforced manner, with a view to strengthening the impact of the European Social Charter. The procedure includes the mandatory submission of written information by States Parties in accordance with a pre-established calendar and additional bilateral meetings when it is deemed to represent an added value. The written information submitted by the States Parties shall be made public upon receipt, and the national and international social partners, non-governmental organisations, national human rights institutions, equality bodies and other stakeholders are given the possibility to provide their comments in the subsequent three months.

The ECSR will promote the acceptance of additional provisions of the Charter, the Revised Charter, and the collective complaints procedure on a case-by-case basis.

Detailed tables of the accepted provisions of the European Social Charter can be found in Appendix 5.²¹

States Parties considered in 2024

In 2024, the procedure on non-accepted provisions concerned thirteen states, ten states bound by the Revised Charter – Andorra, Armenia, Azerbaijan, Belgium, Hungary, Italy, Romania, Serbia, Slovakia and Slovenia, and three states bound by the 1961 Charter: Luxembourg, Poland and the United Kingdom. In November 2023, the ECSR invited these states to submit written information and instructed the Secretariat to explore the possibility of having additional bilateral meetings with the authorities in Poland.

19. See CM/Del/Dec(2002)821/4.1 at https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016804d2532

20. See CM/Del/Dec(2019)1363/4.1c at https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=0900001680993bba

21. See Appendix 8: Table of accepted provisions of the Revised European Social Charter (1996) and provisions of the 1961 European Social Charter and of the Additional Protocol of 1988

Armenia, Belgium, Hungary, Romania, Serbia, Slovakia, Slovenia, as well as Poland and the United Kingdom, submitted written information on the situation in law and practice in the respective countries.

Andorra did not submit written information pertaining to this procedure. However, it took part in the Treaty event at the Vilnius High-Level Conference and accepted one additional article. (see paragraph 5.3.)

Azerbaijan did not submit written information and ceased communication with the Secretariat and did not participate in the Governmental Committee session in 2024.

In March 2024, Italy has submitted a letter informing that the authorities are further analysing if the situation in the country makes possible the acceptance of Article 25.

Although Luxembourg did not provide written information, but it informed the Committee of Ministers in July 2024 of its intention to ratify the revised European Social Charter. However, the ratification remains pending.

In 2024, the ECSR adopted monitoring reports on non-accepted provisions for Czech Republic and Denmark (from the 2023 cycle), as well as for Serbia, Slovakia, Slovenia, and Poland (from the 2024 cycle). The remaining 2024 reports will be adopted progressively during the first half of 2025.

Additionally, a meeting on non-accepted provisions was held with the authorities of Poland in 2024.

Detailed and comprehensive information regarding the non-accepted provisions is available on the [official webpage](#), where relevant documentation, country profiles and updates can be consulted.

Strengthening the European Social Charter treaty system – The High-Level Conference on the European Social Charter

The High-Level Conference on the [European Social Charter](#) was organised as part of the follow-up to the [Fourth Summit of the Council of Europe](#). The Conference was proposed in the Reykjavik Declaration by the Heads of State and Government who stated that “Social justice is crucial for democratic stability and security and in this regard [reaffirmed their] full commitment to the protection and implementation of social rights as guaranteed by the European Social Charter system. We will consider the organisation of a high-level conference on the European Social Charter, as a step to take further commitments under the Charter where possible.”

In this context, the [High-Level Conference on the European Social Charter](#) was convened on **4 July 2024** in Vilnius, Lithuania, under the auspices of Lithuania's Presidency of the Council of Europe Committee of Ministers.

The High-Level Conference brought together Ministers and senior officials competent in the field of social rights and social policy, representatives of Council of Europe entities, including the Parliamentary Assembly, the Congress of Local and Regional Authorities, the Commissioner for Human Rights, the European Court of Human Rights. Other participants included representatives from the European Commission, the Fundamental Rights Agency, the International Labour Organisation, the United Nations, etc., as well as representatives from civil society, social partners, academia, and National Human Rights Institutions and Equality Bodies—or their pan-European networks. The members the ECSR also participated in the Conference.

One of the major outcomes of this conference was the adoption of a landmark political declaration, [the Vilnius Declaration](#) which builds upon the principles established in the Reykjavik Declaration and the Vienna Declaration and Programme of Action of 1993, underscoring the indivisibility and interdependence of all human rights, including social rights.

In the declaration, the representatives of Council of Europe member states commit to respecting, protecting, and implementing social rights. States Parties to the Charter are urged to address challenges and opportunities in meeting the Charter's requirements, and member states that have not yet ratified the Revised Social Charter (1996) are encouraged to do so in order to support economic and social progress. President of the ECSR, Aoife Nolan, called on States to continue to build on the momentum created by the conference to maximise the Charter's ability to serve as a unified, comprehensive framework for the protection of social rights across Europe.

The Vilnius Declaration also underlines the importance of further discussions with national and competent local and regional authorities and with social partners to promote a rights-based approach to social policy and to share knowledge and good practices in responding to persistent and emerging common problems and challenges.

It emphasises the need for a robust social rights framework across Europe. In this context, it encourages member states who have not yet done so to consider ratifying the Revised European Social Charter and to continually review the possibilities of accepting additional commitments under the Charter, including the collective complaints procedure.

Treaty event

At a treaty event at the [High-Level Conference on the European Social Charter in Vilnius](#), Member States had the opportunity to confirm their commitment to the European Social Charter.

Iceland deposited an instrument of ratification for [the Revised European Social Charter](#), taking a significant step in strengthening its commitment to social rights. In addition, Iceland has accepted six additional articles of the Charter, further enhancing its resolve to uphold and promote social and economic rights within the country.

- ▶ **Andorra** accepted Article 22;
- ▶ **Ireland** accepted Articles 8§1, 21(a) and (b), and 27§1(c);
- ▶ **The Republic of Moldova** accepted Articles 4§2, 7§6, 10§§1–5, and 15§3;
- ▶ **Armenia** pledged to accept Article 11 and initiated an internal process to that effect.

This event underscores the ongoing efforts by Member States to strengthen their social rights frameworks and align more closely with the Revised European Social Charter, promoting a cohesive approach to social and economic rights across Europe.

Young people's access to social and economic rights: Addressing the impact of the cost-of-living crisis

The 14th meeting of the [COE-FRA-ENNHRI-EQUINET Collaborative Platform on Social and Economic Rights](#) convened to address the impact of the cost-of-living crisis on young people's access to social and economic rights. The discussions focused on the growing concerns over poverty, social exclusion, employment challenges, and youth participation in decision-making processes. The ongoing economic instability, exacerbated by the COVID-19 pandemic and the war in Ukraine, has significantly impacted young people's well-being. Rising living costs, housing affordability issues, and precarious employment conditions have heightened economic insecurity. The meeting sought to identify strategies to mitigate these effects and strengthen youth rights.

The key discussion points covered protection of young people against poverty and social exclusion, access to employment and youth participation in decision-making. It became evident that the cost-of-living crisis has disproportionately

impacted young people, heightening their risk of poverty and material deprivation. In response, discussions focused on strategies to enhance access to social protections, such as affordable housing solutions and employment opportunities. Emphasising the importance of social rights, the European Social Charter was highlighted as a key framework for reinforcing these protections. It was also noted that young people face significant employment barriers, including unstable contracts, age discrimination, and limited access to social protections.

To tackle these challenges, discussions focused on policy initiatives aimed at fostering youth employment, such as training programs, employment subsidies, and entrepreneurship support. Case studies from various European countries illustrated successful approaches to integrating young people into the workforce, highlighting effective strategies for improving their employment prospects. A key focus of the discussions was ensuring meaningful youth involvement in policy development and decision-making. Participants emphasised the importance of mechanisms that empower young voices, such as youth councils and advisory bodies. Challenges like low engagement, lack of awareness, and institutional barriers were also addressed, with recommendations aimed at enhancing inclusivity and ensuring that young people have a stronger role in decision-making processes.

Participants identified the following key outcomes:

- ▶ **Strengthening legal frameworks:** The European Social Charter and the EU Charter of Fundamental Rights should be leveraged to reinforce youth rights and hold governments accountable.
- ▶ **Policy innovations:** Governments should implement targeted policies to ensure fair employment opportunities and social protections for young people.
- ▶ **Enhancing housing access:** Investing in affordable housing initiatives and preventing youth homelessness were emphasised as critical actions.
- ▶ **Expanding youth engagement:** Greater efforts are needed to integrate young people into decision-making structures at both national and European levels.
- ▶ **Inter-institutional collaboration:** National Human Rights Institutions, Equality Bodies, and international organisations should continue their cooperation to ensure the effective implementation of social rights.

The meeting underscored the urgent need for action to protect young people from the adverse effects of the cost-of-living crisis. With governments, civil society, human rights institutions and international organisations working together, the objective is to secure better economic and social rights for young Europeans. The full report of the meeting is available on the [Platform's website](#).

Furthermore, the participating organisations of the COE-FRA-ENNHRI-EQUINET Collaborative Platform on Social and Economic Rights issued a [joint statement](#) addressed to the government representatives attending the High-Level Conference on the European Social Charter (4 July 2024, Vilnius, Lithuania) to reaffirm their full commitment to the protection and implementation of social rights as guaranteed by the European Social Charter system, in line with the Reykjavik Declaration adopted by the Heads of State and Government of the Council of Europe in May 2023.

The statement urges governments to reaffirm their commitment to the European Social Charter by ratifying its revised version and accepting additional provisions, particularly those related to housing and protection from poverty and social exclusion. It also calls for wider acceptance of the collective complaints procedure as a good governance tool and highlights the need for stronger cooperation between the Charter organs, states, and key stakeholders, including human rights institutions, equality bodies and civil society organisations.

Protecting social rights in Ukraine

The full-scale aggression by the Russian Federation against Ukraine has profoundly impacted the lives of millions of Ukrainians, with many seeking refuge abroad or becoming internally displaced, experiencing serious violations of social rights.

The event, entitled “[Protecting Social Rights in Times of War in Ukraine](#)” was organised jointly by the Ministry of Social Policy of Ukraine and the Ministry of Social Security and Labour of Lithuania. It was held within the framework of the Council of Europe project “[Enhanced Social Protection in Ukraine](#)”, on the eve of the [High-Level Conference on the European Social Charter](#), in Vilnius on 4 July 2024.

It emphasised the critical importance of protecting social rights in Ukraine in spite of the ongoing war of aggression by Russia and of protecting children's rights as one of the most vulnerable group affected by the conflict. It also highlighted the role of the [European Social Charter](#) in aligning Ukrainian legislation with EU standards.

On this occasion, the President of ECSR, Aoife Nolan, reaffirmed the ECSR's commitment to supporting Ukraine and all States Parties in upholding and advancing social rights, which are fundamental to democratic societies and the overall security and unity of Europe.

The event on “Protecting Social Rights in Times of War in Ukraine” highlighted the vital role the Council of Europe plays through its social rights-related cooperation projects, and received widespread praise from participants.

In conclusion, the High-Level Conference in Vilnius served as a pivotal moment for reinforcing the European Social Charter's role in safeguarding social rights, highlighting the interconnectedness of social justice, human rights, and democratic stability.

The member states resolved to remain open to considering possible measures for further optimising the Charter system and to regularly explore the need to convene this high-level conference to address contemporary social policy challenges, also taking into account the expected outcomes.

Relations with Council of Europe Bodies

Secretary General and Deputy Secretary General of the Council of Europe

In her [Annual report for 2024](#), the Secretary General of the Council of Europe expressed her support for the [European Social Charter](#), which remains, with its legally binding provisions, an irreplaceable benchmark for the Continent.

In her opening speech at the **Fundamental Rights Forum 2024: “Rights in motion: Embracing human rights for Europe’s future”**, the **Secretary General of the Council of Europe at that time, Ms Marija Pejcinovic-Buric**, underlined the importance of advancing social rights by strengthening international cooperation and solidarity, principles that are at the heart of the Council of Europe’s mission. The Council of Europe provides a platform for member States to share best practices, develop common standards, and support each other in implementing these rights. In this regard, the European Social Charter and the European Pillar of Social Rights present complementary frameworks within Europe that are dedicated to enhancing and protecting social rights.

In his address to the High-level Conference in Vilnius, the [Deputy Secretary General](#) of the Council of Europe, Bjørn Berge underlined that “The European Social Charter guarantees our rights to health and education, to work, housing and social security among so many other things. These rights are designed to ensure that we can all live decent and dignified lives and participate fully in our democratic societies.”

Committee of Ministers ²²

During its meeting in November 2023, the [European Committee for Social Cohesion \(CCS\)](#) discussed and proceeded to a final exchange of views on two draft declarations on **Social Cohesion at the Crossroads** and on **Preserving Social Cohesion in the Transition to a Green Economy**, which were transmitted to the Committee of Ministers of the Council of Europe for adoption.

These two declarations were adopted by the Ministers' deputies of the Council of Europe on 14 February 2024 :

- ▶ Declaration on [social cohesion at the crossroads](#) ;
- ▶ Declaration on [preserving social cohesion in the transition to a green economy](#).

The President of the [European Committee of Social Rights \(ECSR\)](#), Aoife Nolan, held an exchange of views with the Committee of Ministers’ Deputies in Strasbourg, on **19th September**, providing an overview of the ECSR’s recent work including the outcomes of the [High-Level Conference on the European Social Charter](#), which

22. See also above as the work of GT-CHARTÉ

took place on 4 July in Vilnius. She emphasised the importance of this event in strengthening commitment to social rights across Europe and fostering dialogue among key stakeholders as enshrined in the Vilnius declaration adopted at the Conference. A major highlight of the conference was the ratification of the Revised European Social Charter by Iceland, a step towards a more unified system of social rights protection across Europe.

She also provided detailed information on the [ECSR's activities](#), highlighting key decisions in complaints, the 2023 conclusions and findings, as well as developments related to non-accepted provisions.

In addition, Ms. Nolan updated the Deputies on the ongoing implementation of the 2022 reform package adopted by the Committee of Ministers. She underscored how the reforms are improving the efficiency of the reporting procedure, strengthening the role of the Charter's monitoring bodies, and enhancing engagement with stakeholders.

Finally, the President underlined that the increased commitment of Member States, combined with enhanced resources, sets a promising stage for the continued protection and promotion of social rights across Europe. She also reaffirmed the ECSR's dedication to tackling the evolving challenges facing social rights across the continent, while continuing its critical work in safeguarding social justice for all European citizens.

Parliamentary Assembly of the Council of Europe

During its **October 2024** Plenary Session, the Parliamentary Assembly of the Council of Europe adopted the [recommendation 2286 \(2024\) on "Guaranteeing the human right to food"](#).

The European Committee of Social Rights welcomed the Committee of Ministers' invitation to comment on this Recommendation.

In its response, the European Committee of Social Rights (ECSR) strongly supports the Parliamentary Assembly's initiative to prioritize the right to food within the Council of Europe, emphasizing that Resolution 2577 (2024) provides a solid framework for a human rights-based approach. Recognizing the right to food as a fundamental human right under international law, the ECSR highlights its integral role in upholding key provisions of the European Social Charter, including the right to health (Article 11), the rights of children and young persons to social, legal and economic protection (Article 17), and the right to protection against poverty and social exclusion (Article 30).

Adequate access to food is essential for physical and mental well-being, child development, and poverty alleviation. The ECSR calls for stronger institutional cooperation with international organisations like the FAO and WHO and urges the Committee of Ministers to ensure that the right to food is considered in any expansion of the Council of Europe's human rights framework.

The ECSR also welcomed the **Parliamentary Assembly's Recommendation 2278 (2024)** on quality education for children with special educational needs, particularly in the context of the pandemic, war, and digitalisation.

The ECSR's contribution underlines the need for a human rights-based, learner-centred approach to education. It supports PACE's call for teaching methods tailored to individual needs through flexible curricula and reiterates that public authorities must consider the type and severity of a child's disability, along with their personal circumstances, to ensure full inclusion and participation in society.

The ECSR's contribution reinforces the need for inclusive educational policies, highlights the importance of tailored and flexible educational support, and expresses its readiness to further develop case law to protect and promote the rights of children with special educational needs.

European Court of Human Rights

On the 19th of March 2024, the European Committee of Social Rights engaged in an exchange of views with the [European Court of Human Rights \(ECHR\)](#), represented by its President, Judge Síofra O'LEARY, along with Judges Branko LUBARDA and Saadet YÜKSEL.

The exchange delved into critical matters concerning human rights, spotlighting key areas such as children's rights, the right to strike, and the rights of older persons, providing valuable insights into the current state of human rights in Europe. This exchange presented an invaluable opportunity for the ECSR and the ECHR to gain deeper mutual understanding and engage in meaningful dialogue on pressing human rights issues.

The ECSR often refers to the case-law of the European Court of Human Rights, both in the framework of the reporting procedure and its decisions concerning collective complaints.

Similarly, in 2024, the European Court of Human Rights referred to the ECSR and the European Social Charter in a number of cases, including:

- ▶ [Bakradze v. Georgia, No. 20592/21, judgment of 7 November 2024;](#)
- ▶ [M.A. and Others v. Greece, No. 15192/20 and 3 others, judgment of 3 October 2024,](#)
- ▶ [T.A. and Others v. Greece, Nos. 15293/20 and others, judgment of 3 October 2024, <https://hudoc.echr.coe.int/eng?i=001-236050>](#)
- ▶ [Verein Klimaseniorinnen Schweiz and Others v. Switzerland, No. 53600/20, judgment of 9 April 2024,](#)
- ▶ [Duarte Agostinho and Others v. Portugal and 32 others, No. 39371/20, judgment of 9 April 2024,](#)
- ▶ [Ismayiladze v. Azerbaijan, No. 17780/18, judgment of 18 January 2024](#)

Commissioner for Human Rights

The [European Committee of Social Rights](#) held an exchange of views with the [Commissioner for Human Rights](#), Michael O'Flaherty, on 15 October 2024. During this exchange, the Commissioner presented the main priorities of his mandate, highlighting the ongoing human rights challenges, in particular those faced

by marginalised groups. He reiterated his strong support for the European Social Charter system, especially as a follow-up to the Vilnius Conference.

Commissioner O’Flaherty reaffirmed his commitment to promoting social rights and noted the importance of complementarity and cooperation between his Office and the European Committee of Social Rights (ECSR), particularly in addressing urgent and emerging issues. The exchange also touched on the importance of strengthening cooperation through the exchange of data and information, which would allow for a more comprehensive assessment of the human rights situation and issues of intersectionality. Discussions also highlighted the need for a closer link between developments in artificial intelligence (AI) and the protection of social rights, recognising the growing impact of AI on various aspects of society and the potential risks it poses to equality and human dignity.

In conclusion, the exchange set the stage for enhanced cooperation between the Office of the Commissioner and the Committee, reinforcing their mutual commitment to promoting social rights and addressing pressing human rights concerns across Europe.

Conference of INGOs

During the autumn session of the [Council of Europe’s Conference of INGOs \(CINGO\)](#), the President of the [European Committee of Social Rights \(ECSR\)](#), Ms Aoife Nolan, held an exchange of views with members of the General Assembly.

This exchange highlighted the common challenges facing people in Europe, including the cost of living crisis, housing inaccessibility, economic inequality and their impact on the enjoyment of social rights. It also explored ways to strengthen and improve the interaction between CINGO and the Social Charter system to address these challenges and to provide more opportunities for engagement, especially for smaller civil society organisations.

NGOs and INGOs play a crucial role in raising awareness of social rights and educating the public about their rights under the Charter, and their involvement in monitoring, reporting and holding governments to account under the European Social Charter is of paramount importance.

Ms Nolan concluded her intervention by stressing the importance of increased engagement between CINGOs, civil society and the ECSR for the protection and implementation of social rights as guaranteed by the European Social Charter system and highlighted by the Reykjavik Summit as well as the [Vilnius Declaration](#).

Like every year, a special ceremony, organised by the [Conference of International Non-Governmental Organizations \(CINGO\)](#), took place in front of the Human Rights Stone against Poverty in front of the *Palais de l’Europe* to mark the International Day for the Eradication of Poverty.

The ceremony included a series of poignant contributions. Gerhard Ermisher, President of CINGO, formally opened the event. One of the highlights of the [programme](#) was the contribution from young people reflecting on their work to combat youth poverty and enable young people to live full lives in dignity.

Aoife Nolan, President of the Council of Europe's European Committee of Social Rights, stressed the importance of involving young people in discussions that affect them and of making the work of the ECSR accessible to them. In this way, young people would be able to help advancing social rights - she said.

The ceremony concluded with the Council of Europe Choir singing "Ode to Joy" as participants joined in a collective picture in front of the banner put in place for the occasion.

Relations with other international organisations and other partners

European Union

On the **12th of December 2024**, the [Council of Europe](#) and the [Social Platform](#) marked the International Human Rights Day by hosting a [high-level roundtable discussion in Brussels](#), entitled: “[Social Rights are Human Rights: The European Social Charter and the European Pillar of Social Rights in the follow-up to the Vilnius and La Hulp Declaration](#)”.

Earlier this year, the [Council of Europe’s Vilnius Declaration](#) and the [EU’s La Hulp Declaration](#) reaffirmed the importance of strengthening cooperation on the Social Agenda in fostering social cohesion, economic equality, and democracy. Building on this momentum, today’s discussions explored ways to translate the two political declarations into practice, to increase synergy between the rights enshrined in the [European Social Charter](#) and the actions and policies of the European Pillar of Social Rights.

The event brought together representatives of governments, social partners, civil society, etc. The European Union was represented *inter alia* by Denis Genton, Director, [European Pillar of Social Rights, Strategy, DG EMPL](#) and Oliver Röpke, President of the [European Economic and Social Committee](#). The Council of Europe was represented by the [European Committee of Social Rights](#), the Department of Social Rights and the Council of Europe Office in Brussels.

The President of the European Economic and Social Committee (EESC), Oliver Röpke, set the tone for the event saying: “As President of the EESC, I am proud to reaffirm our commitment to advancing social rights as fundamental human rights. Today’s round-table highlighted the vital role of the European Social Charter and the EU’s Social Pillar in combating poverty, addressing exclusion and fostering justice. By bridging these frameworks, we strengthen the foundation of a truly Social Europe. Together, we must continue to champion social dialogue, fairness and solidarity, ensuring no one is left behind. This work is not just policy—it is a commitment to the values that unite and define us as Europeans.”

Keynote speeches were delivered by Julie Gomis, representative of the French government and Vice-President of the Governmental Committee, addressing the uneven commitment of EU member states to the Charter and Olivier de Schutter, UN Special Rapporteur for Extreme Poverty and Human Rights, discussing ways and means of embedding the Charter in EU law and policy.

Aoife Nolan, President of the European Committee of Social Rights, underlined the fact that “Enhanced EU and CoE collaboration to advance social rights has never been more important. Falling living standards, growing threats to democracy from authoritarian populism and the ever-more evident climate crisis make clear that this work cannot be delayed.”

Panel discussions also delved into practical solutions to enhance the integration of the Charter into EU goals and address contemporary challenges, including rising inequality and the shrinking of civil society space. With global crises such as the cost-of-living challenges, climate change, and ongoing conflicts heightening social exclusion and poverty, today’s discussions aimed to chart a path toward a more inclusive and equitable Europe.

The event concluded with a call to action for stakeholders to align their efforts in preparing the work of the Council of Europe High-Level Conference on the European Social Charter, to be hosted by the Republic of Moldova in 2026, and the EU Porto Summit in 2025, as well as to make a joint contribution to the outcome document of the Second World Summit for Social Development to be held in Doha in 2025.

United Nations

On 26 January 2024, an online exchange of views was held between the UN Committee on the Rights of the Child (CRC) and the European Committee of Social Rights (ECSR). The meeting opened with welcoming remarks from both committees’ chairs, followed by introductory presentations outlining each body’s mandate, core activities, and functions, including state reporting systems, collective complaints, and general comments.

The session continued with thematic discussions focusing on children’s rights in the context of migration and education, including the rights of children with disabilities and early childhood care. Each topic featured presentations by committee members highlighting relevant standards and key jurisprudence. Reflections on continued cooperation and synergies in strengthening social rights concluded the exchange.

As part of the [UN Summit of the Future Action Days](#), a side event on “*Empowering the Future: Making the Social Rights of Youth Real*” took place on **20 September 2024**, in New York, at the United Nations Headquarters, Room CR2, from **16:45 to 18:00 EST (22:45-00:00 CET)**.

The event brought together key stakeholders and prominent speakers from state authorities, international organisations, and civil society to discuss mechanisms that can strengthen the protection and promotion of young people’s rights and address the urgent need to translate their social rights into living realities.

The President of ECSR, Aoife Nolan underlined :“Youth rights are legally protected under the European Social Charter and international human rights law. They are not optional principles, of social policy for governments to adopt or ignore nor are they solely the concern of development actors. Youth rights under the Charter serve as a key framework for law, policy, and budget decisions impacting young people”.

The discussions focused on the effectiveness of international standards, such as the [European Social Charter](#), in promoting youth rights, highlighting both successes and limitations. Panelists identified gaps in addressing key issues such as unemployment, education, housing and youth participation in decision-making. The event proposed practical solutions to strengthen international mechanisms for the protection of youth rights and highlighted the need for greater cooperation between international organisations, governments, civil society and youth organisations to advance youth rights and social protection.

The Council of Europe's contribution to the [UN Office of the High Commissioner \(OHCHR\) questionnaire on new developments, in ensuring access to medicines, vaccines and other health products](#) highlights the right to health protection under Article 11 of the European Social Charter (ESC), as interpreted by the European Committee of Social Rights (ECSR). This right encompasses access to healthcare, including medicines and vaccines, and aligns with the WHO's definition of health.

The ECSR emphasises that states must ensure effective access to healthcare, run widespread immunisation programmes, and support vaccine research. During pandemics, the right to health becomes even more critical, requiring swift and comprehensive action utilising all available resources, including international cooperation. Special attention must be given to vulnerable groups—such as the homeless, elderly, disabled, and migrants—to ensure non-discriminatory, affordable, and effective healthcare access for all.

The Department of Social Rights provided comments in preparation for the thematic report of the Special Rapporteur on the rights of persons with disabilities, concerning the involvement and participation of persons with disabilities in the follow-up and review of the 2030 Agenda for Sustainable Development, in current debates at the international level on this issue, and on the future of Sustainable Development or Post-2030 agenda. The comments emphasised that Article 15§3 of the European Social Charter requires *inter alia* that persons with disabilities should be involved in designing, implementing and reviewing coordinated disability policies aimed at achieving the goals of social integration and the full participation of persons with disabilities, and that other provisions of the Charter similarly include strong consultation and participation requirements.

COE-FRA-ENNHRI-EQUINET Collaborative Platform on social and economic rights

In order to strengthen the knowledge of National Human Rights Institutions (NHRIs) and National Equality Bodies on the monitoring procedures of the Charter and to enhance the engagement with the European Committee of Social Rights (ECSR), the Department of Social Rights organised a [training session for NHRIs and National Equality Bodies \(NEB\)](#) on 6 February 2024. The main objectives of the event were:

- Presenting the new monitoring system of the European Social Charter, introduced following the adoption of the reform package by the Committee of Ministers on 27 September 2022.

- ▶ Discussing the questionnaire submitted to States Parties for the ad hoc report on the cost-of-living crisis and exploring opportunities for NHRIs and NEBs to provide additional information on relevant articles.
- ▶ Exchanging insights on two projects implemented in 2023 under the call for proposals focusing on social and economic rights guaranteed by the European Social Charter.

The event provided a platform for exchanging views on the new monitoring procedures of the Charter. It also served as a guidance session for NHRIs and NEBs, enabling them to contribute effectively to the process.

The event successfully highlighted the crucial role of NHRIs and NEBs in engaging with the European Committee of Social Rights. It provided a valuable opportunity to discuss the newly adopted monitoring procedures and the role of stakeholders in addressing social and economic rights under the European Social Charter. The discussions also emphasised the importance of coordinated efforts in addressing the cost-of-living crisis and enhancing social rights protection across Europe.

The event featured representatives from the European Committee of Social Rights, the Secretariat of the Department of Social Rights and various National Human Rights Institutions and National Equality Bodies.

Academic Network on the European Social Charter and social rights (ANESC)

In 2024, the ECSR continued to cooperate with the Academic Network on the European Social Charter and Social Rights (ANESC). The Committee welcomed the measures taken by ANESC to promote the European Social Charter and respect for the values that it stands for.

During the academic year 2023-2024 and on the initiative of its French section, the Academic Network on the European Social Charter and Social Rights (RACSE) organised the [third edition of the moot court competition on the European Social Charter](#). The competition is open to law students registered at a university in a Council of Europe member state.

This bilingual (French-English) competition is based on a fictitious collective complaint and includes a written phase and an oral phase (a simulated “hearing” before the European Committee of Social Rights).

The oral phase took place on 26 March 2024 at the Université Jean Moulin Lyon 3 (France). The competition final was held at the Lyon Court of Appeal.

The jury unanimously praised the high standard of the submissions. At the end of the competition, Rouen Normandie University (France) and Jean Moulin Lyon 3 University faced off in the grand final. Université Rouen Normandie won the competition.

The prize for the best dissertation was awarded to UCLouvain Saint-Louis-Bruxelles (Belgium).

The prize for the best litigant in the competition went to Markéta MACÁKOVÁ (Charles University, Prague, Czech Republic). This event was supported by the Social Rights Department of the Council of Europe.

In **February 2024**, the 3rd volume of the Commentary on the European Social Charter (Articles 11-19 of the Charter) was published (in paper and e-book format). This commentary, written by RACSE academics, is intended for researchers studying social and economic rights in Europe, as well as legal practitioners, civil society organisations, trade unions and State representatives participating in the procedures of the European Committee of Social Rights.

The Portuguese section continues to update [the database of its Observatory for the Protection of Social Rights in the European Context](#). The Observatory aims to study the impact of the European Social Charter and the European Code of Social Security, as well as the decisions of the ECSR, on the national legal system, in terms of legislative and case law experience, assessing their compliance with supranational law.

Other important activities and events in 2024

On 3rd July, the [European Committee of Social Rights \(ECSR\)](#) and the [Governmental Committee \(GC\)](#) held a [joint meeting](#) in Vilnius, Lithuania, with the aim of strengthening co-operation and dialogue in protecting social rights across Europe.

The main objective of this joint meeting is to exchange views on matters of common interest, such as:

- ▶ Effective follow-up to ECSR Conclusions
- ▶ Promoting additional commitments to the Charter
- ▶ Improving training and communication on the Charter and its procedures

The ECSR and the GC also explored the possibility of establishing regular meetings to, *inter alia*, promote better co-ordination and define modalities for co-operation and dialogue.

The European Trade Union Confederation (ETUC) and the Academy of European Law (ERA) organised a seminar titled "[Litigating for Workers' and Trade Union Rights at the Council of Europe](#)", on the **11th September, 2024**.

The event took place in Strasbourg and focused on the role of trade unions in the reporting procedures and the collective complaints procedure under the European Social Charter.

The President of the ECSR, Aoife Nolan, delivered a welcoming address followed by a presentation on the collective complaints procedure by Kristine Dupate, General Rapporteur of the ECSR.

The President of ECSR intervened also during the conference "[Addressing Homelessness through Social Investment](#)" which took place in Strasbourg on **3 December 2024** and was organised by the Council of Europe Development Bank. Ms Nolan underlined the role of the European social Charter and of the ECSR in strengthening the legal and political framework to combat homelessness in Europe.

Appendices

Appendix 1 – Signatures and ratifications of the European Social Charter at 1 January 2025

Member States	Signatures	Ratifications	Acceptance of Collective Complaint Procedure
Albania	21/09/1998	14/11/2002	
Andorra	04/11/2000	12/11/2004	
Armenia	18/10/2001	21/01/2004	
Austria	07/05/1999	20/05/2011	
Azerbaijan	18/10/2001	02/09/2004	
Belgium	03/05/1996	02/03/2004	23/06/2003
Bosnia and Herzegovina	11/05/2004	07/10/2008	
Bulgaria	21/09/1998	07/06/2000	07/06/2000
Croatia	06/11/2009	26/02/2003	26/02/2003
Cyprus	03/05/1996	27/09/2000	06/08/1996
Czech Republic	04/11/2000	03/11/1999	04/04/2012
Denmark	*	03/05/1996	03/03/1965
Estonia	04/05/1998	11/09/2000	
Finland X	03/05/1996	21/06/2002	17/07/1998
France	03/05/1996	07/05/1999	07/05/1999
Georgia	30/06/2000	22/08/2005	
Germany	*	29/06/2007	29/03/2021
Greece	03/05/1996	18/03/2016	18/06/1998
Hungary	07/10/2004	20/04/2009	
Iceland	04/11/1998	04/07/2024	
Ireland	04/11/2000	04/11/2000	04/11/2000
Italy	03/05/1996	05/07/1999	03/11/1997
Latvia	29/05/2007	26/03/2013	
Liechtenstein	09/10/1991		
Lithuania	08/09/1997	29/06/2001	
Luxembourg	*	11/02/1998	10/10/1991
Malta	27/07/2005	27/07/2005	

Member States	Signatures	Ratifications	Acceptance of Collective Complaint Procedure
Republic of Moldova	03/11/1998	08/11/2001	
Monaco	05/10/2004		
Montenegro	22/03/2005	03/03/2010	
Netherlands	23/01/2004	03/05/2006	03/05/2006
North Macedonia	27/05/2009	06/01/2012	
Norway	07/05/2001	07/05/2001	20/03/1997
Poland	25/10/2005	25/06/1997	
Portugal	03/05/1996	30/05/2002	20/03/1998
Romania	14/05/1997	07/05/1999	
San Marino	18/10/2001		
Serbia	22/03/2005	14/09/2009	
Slovak Republic	18/11/1999	23/04/2009	
Slovenia	11/10/1997	07/05/1999	07/05/1999
Spain	23/10/2000	17/05/2021	17/05/2021
Sweden	03/05/1996	29/05/1998	29/05/1998
Switzerland	06/05/1976		
Türkiye	06/10/2004	27/6/2007	
Ukraine	07/05/1999	21/12/2006	
United Kingdom	*	07/11/1997	11/07/62

The dates on a dark blue background correspond to the dates of signature or ratification of the 1961 Charter; the other dates correspond to the signature or ratification of the 1996 revised Charter.

* States whose ratification is necessary for the entry into force of the 1991 Amending Protocol. In practice, in accordance with a decision taken by the Committee of Ministers, this Protocol is already applied.

X State having recognised the right of national NGOs to lodge collective complaints against it.

Appendix 2 – Composition of the European Committee of Social Rights at 1 January 2025

Term of office

Aoife NOLAN, President (Irish)	31/12/2028
Tatiana PUIU, Vice-President (Moldovan)	31/12/2030
George THEODOSIS Vice-President (Greek),	31/12/2026
Kristine DUPATE, General Rapporteur (Latvian)	31/12/2028
Karin MØHL LARSEN (Danish)	31/12/2026
Yusuf BALCI (Turkish)	31/12/2030
Mario VINKOVIĆ (Croatian)	31/12/2026
Miriam KULLMANN (German)	31/12/2026
Carmen SALCEDO BELTRÁN (Spanish)	31/12/2028
Frantz MARHOLD (Austrian)	31/12/2028
Alla FEDOROVA (Ukrainian)	31/12/2024
Grega STRBAN (Slovenian)	31/12/2028
Kristina KOLDINSKÁ (Czech)	31/12/2030
Olivier DE SCHUTTER (Belgian)	31/12/2030
Carmen-Constantina NENU (Romanian)	31/12/2030

Appendix 3 – List of collective complaints registered in 2023

In 2024, the ECSR registered the 10 following complaints :

Unión General de Trabajadores (UGT) v. Spain
Complaint No. 243/2024

European Bureau for Conscientious Objection (EBCO) v. Greece
Complaint No. 242/2024

International Movement ATD - Fourth World v. Spain
Complaint No. 241/2024

International Federation for Human Rights (FIDH) v. France
Complaint No. 240/2024

Confederación Sindical ELA v. Spain
Complaint No. 239/2024

Norwegian Association of Small & Medium Enterprises (SMB Norge) v. Norway
Complaint No. 238/2024

European Trade Union Confederation (ETUC), Centrale Générale des Syndicats Libéraux de Belgique (CGSLB), Confédération des Syndicats chrétiens de Belgique (CSC) and Fédération Générale du Travail de Belgique (FGTB) v. Belgium
Complaint No.237/2024

Sindacato Italiano Lavoratori (S.I.Lav.) v. Italy
Complaint No. 236/2024

Unión General de Trabajadores (UGT) v. Spain
Complaint No. 235/2024

Confederazione Unitaria di Base (CUB) v. Italy
Complaint No. 234/2024

Appendix 4 – Collective complaints breakdown by country – 1998 – 2024

	Registered Complaints	Decisions on admissibility	admissible	inadmissible	Decision on immediate measures / Decisions on admissibility and immediate measures	Decisions on admissibility and the merits	Decisions on the merits	violation	Non violation	Striking-off
Belgium	16	16	16	0	1/2	1	14	12	2	0
Bulgaria	11	11	11	0	0/1	0	9	9	0	1
Croatia	4	4	4	0	0	0	4	4	0	0
Cyprus	2	2	2	0	0	0	1	1	0	1
Czech Republic	10	10	10	0	0	0	9	8	1	0
Finland	13	13	12	1	0/1	3	12	9	3	0
France	61	60	55	5	0/1	2	50	36	14	0
Greece	24	23	20	3	0/2	0	19	17	2	0
Ireland	13	13	13	0	1/0	1	12	8	4	0
Italy	42	41	33	8	0/2	1	27	14	13	0
Netherlands	5	5	5	0	2/0	0	5	4	1	0
Norway	7	7	6	1	0	0	5	2	3	0
Portugal	15	15	13	2	0	0	13	6	7	0
Slovenia	3	3	3	0	0	0	3	3	w0	0
Spain	12	9	9	0	0/1	0	0	0	0	
Sweden	5	5	5	0	0	1	4	2	2	0
Total 2024	243	237	217	20	4/10	9	190	138	52	2

Appendix 5 – Number of provisions by year since 1962

Year of ratification/ acceptance of additional provisions	CHARTER 1961			REVISED CHARTER 1996			Overall total of the accepted provisions (both Charters)
	States	Accepted provisions	Total	States	Accepted provisions	Total	
1962	1. United Kingdom	60	60				60
	2. Norway	60	120				120
	3. Sweden	66	186				186
1963			186				186
1964	4. Ireland	63	249				249
1965	5. Germany	67	316				316
	6. Denmark	49	365				365
	7. Italy	76	441				441
1966			441				441
1967			441				441
1968	8. Cyprus	43	484				484
1969	9. Austria	62	546				546
1970			546				546
1971			546				546
1972			546				546
1973			546				546

Year of ratification/ acceptance of additional provisions	CHARTER 1961			REVISED CHARTER 1996			Overall total of the accepted provisions (both Charters)
	States	Accepted provisions	Total	States	Accepted provisions	Total	
1974	10. France	72	618				618
1975			618				618
1976	11. Island	41	659				659
1977			659				659
1978			659				659
1979			659				659
1980	12. Netherlands	75	734				734
	13. Spain	76	810				810
1981			810				810
1982			810				810
1983			810				810
1984	14. Greece	71	881				881
1985			881				881
1986			881				881
1987			881				881
1988	15. Malta	55	936				936
1989	16. Türkiye	46	982				982

Year of ratification/ acceptance of additional provisions	CHARTER 1961			REVISED CHARTER 1996			Overall total of the accepted provisions (both Charters)
	States	Accepted provisions	Total	States	Accepted provisions	Total	
1990	17. Belgium	72	1054				1054
1991	18. Finland	66	1120				1120
	19. Portugal	72	1192				1192
	20. Luxembourg	69	1261				1261
1992			1261				1261
1993			1261				1261
1994			1261				1261
1995			1261				1261
1996			1261				1261
1997	21. Poland	58	1319				1319
1998		-66	1253	1. Sweden	83	83	1336
	22. Slovak Republic	64	1317			83	1400
1999		-72	1245	2. France	98	181	1426
		-76	1169	3. Italy	97	278	1567
	23. Hungary	44					
	24. Czech Republic	56	1345	4. Romania	65	343	1688
		-76	1269	5. Slovenia	95	438	1707

Year of ratification/ acceptance of additional provisions	CHARTER 1961			REVISED CHARTER 1996			Overall total of the accepted provisions (both Charters)
	States	Accepted provisions	Total	States	Accepted provisions	Total	
2000			1269	6. Bulgaria	61	499	1768
			1269	7. Estonia	79	578	1847
		-43	1226	8. Cyprus	63	641	1867
		-63	1163	9. Ireland	93	734	1897
2001		-60	1103	10. Norway	81	815	1918
			1103	11. Lithuania	86	901	2004
			1103	12. Republic of Moldova	63	964	2067
2002		-72	1031	13. Portugal	98	1062	2093
		-66	965	14. Finland	89	1151	2116
	25. Latvia	25	990			1151	2141
			990	15. Albania	64	1215	2205
2003	26. Croatia	43	1033				1033
2004			1033	16. Armenia	67	1282	2315
		-72	961	17. Belgium	87	1369	2330
				18. Azerbaijan	47	1416	1416
			961	19. Andorra	75	1491	2452
2005	27. North Macedonia	41	1002			1491	2493

Year of ratification/ acceptance of additional provisions	CHARTER 1961			REVISED CHARTER 1996			Overall total of the accepted provisions (both Charters)
	States	Accepted provisions	Total	States	Accepted provisions	Total	
		-55	947	20. Malta	72	1563	2510
				21. Georgia	63	1626	1626
2006		-75	872	22. Netherlands	97	1723	2595
				23. Ukraine	74	1714	1714
2007		-46	826	24. Türkiye	91	1888	2714
		-44	782	25. Hungary	60	1948	2730
				Bulgaria	1	1949	1949
2008				26. Bosnia and Herzegovina	51	2000	2000
2009		-64	718	27. Slovak Republic	86	2086	2804
				28. Serbia	88	2174	2174
				29. Russian Federation	67	2241	2241
2010				30. Montenegro	66	2307	2307
2011	Poland	-1	717				
		-62	655	31. Austria	76	2383	3039
				Cyprus	9	2392	2392
2012		-41	614	32. North Macedonia	63	2455	3070
				Estonia	8	2463	3078

Year of ratification/ acceptance of additional provisions	CHARTER 1961			REVISED CHARTER 1996			Overall total of the accepted provisions (both Charters)
	States	Accepted provisions	Total	States	Accepted provisions	Total	
2013		-25	589	33. Latvia	90	2553	3143
2015				Belgium	4	2557	3147
2016		-71	518	34. Greece	95	2652	3171
2017				Ukraine	2	2654	3173
2021		-60	458	35. Germany	88	2742	3200
		-72	386	36. Spain	98	2840	3226
	United Kingdom	-1	385				3225
2022				Bulgaria	7	2847	3232
2024				Andorra	1	2848	3233
		-41	344	Iceland	58	2906	3250
				Ireland	2	2908	3252
				Republic of Moldova	8	2916	3260

Appendix 6 – Selection of events organised in 2024

The European Committee of Social Rights and the Secretariat of the Social Rights organised and participated in a number of activities in 2024. A selection of these is presented below:

- ▶ **26 January 2024, Strasbourg (France)**
Exchange of views between the European Committee of Social Rights (ECSR) and the Committee on the Rights of the Child (CRC) of United Nations
- ▶ **6 February 2024, Online**
Training activity on the monitoring procedures of the European Social Charter for National Human Rights Institutions and National Equality Bodies
A. NOLAN, N. CASEY
- ▶ **21 March 2024, Strasbourg (France)**
Exchange of views between the European Committee of Social Rights (ECSR) and the European Court of Human Rights
- ▶ **28 March 2024, Chisinau (Republic of Moldova)**
Round table on the promotion of the acceptance of additional provisions of the European Social Charter in the area of social and economic rights for the national authorities in the Republic of Moldova
T. PUIU
- ▶ **9 April 2024, Chisinau (Republic of Moldova)**
Workshop for the representatives of the Ombudsperson Institution, Equality Council, National Confederation of Trade Unions, National Confederation of Employers and relevant NGOs working in the field of social labour rights
T. PUIU
- ▶ **11 April 2024, Ljubljana (Slovenia)**
Launch of the Council of Europe HELP course on “Introduction to Human Rights Protection in Europe – the Interplay between the ECHR and the EU Charter of Fundamental Rights”
G. STRBAN
- ▶ **25 April 2024, Kyiv (Ukraine) and online**
Seminar on the “European Social Charter (revised) and Ukraine”
A. FEDOROVA
- ▶ **12 June 2024, Leuven (Belgium)**
Expert Panel on 'Age discrimination in Europe: where are we?' at AGE Annual Conference 2024 Writing the next chapter for Age Equality in the EU
- ▶ **1 July 2024, Vilnius (Lithuania)**
14th Meeting of the COE-FRA-ENNHRI-EQUINET Platform on social and economic rights
A. NOLAN, M. VINKOVIC
- ▶ **9-10 July 2024, Liverpool (United Kingdom)**
Council of Europe at 75: Protecting Human Rights, Democracy and the Rule of Law in the Rapidly Changing World' (University of Liverpool Council of Europe Summer School)
A. NOLAN

- ▶ **14 July 2024 (Online)**
Older persons rights – The European Social Charter Experience at the OHCHR expert meeting on Expert meeting on the human rights obligations of States regarding violence against, abuse and neglect of older persons in all settings
A. NOLAN
- ▶ **11-12 September 2024, Strasbourg (France)**
ETUC(LEX)/ERA Seminar on litigating workers'/trade union rights at the Council of Europe
A. NOLAN, K. DUPATE
- ▶ **20 September 2024, New York (United States)**
Side Event at the United Nations Summit of the Future Action Days "Empowering the Future: Making the Social Rights of Youth Real)
A. NOLAN
- ▶ **20-21 September, Milan (Italy)**
The European Social charter through the prism of national legal systems
K. Dupate
- ▶ **25-27 September 2024**
Strasbourg (France) - 1st meeting of the Drafting Group on Human Rights and Artificial Intelligence (CDDH-IA)
M. KULLMANN
- ▶ **27 September 2024, Yerevan (Armenia)**
Joint event on Article 11 ESC and Article 3 Oviedo Convention
K. LUKAS
- ▶ **9 October 2024 Chisinau (Republic of Moldova)**
Workshop on improving the statutory reports to the European Committee of Social Rights for the national authorities from the Republic of Moldova
T. PUIU
- ▶ **17 October 2024, Strasbourg (France)**
Ceremony to mark the International Day of the Eradication of Poverty
A. NOLAN
- ▶ **17-18 October 2024, Strasbourg (France)**
ECRI annual seminar with Equality Bodies "Exposing Racism, Intolerance, and Inequalities", Commemorating 30 Years of ECRI
A. NOLAN, T. PUIU
- ▶ **22 October 2024, Helsinki (Finland)**
Cycle of Poverty: Intergenerational Poverty in Finland and Europe
A. NOLAN
- ▶ **28 October 2024, Yerevan (Armenia)**
Launch event of the HELP online course "Labour Rights as Human Rights"
M. VINKOVIC
- ▶ **28-29 October 2024, Warsaw (Poland)**
A. NOLAN, G. STRBAN

- ▶ 31 October 2024, Kyiv (Ukraine)
Workshop on improving the statutory reports to the European Committee of Social Rights for the national authorities from Ukraine
A. FEDOROVA
13-15 November 2024, Strasbourg (France)
2nd meeting of the Drafting Group on Human Rights and Artificial Intelligence (CDDH-IA)
M. KULLMANN
- ▶ 25 Novembre 2024, Lyon (France)
Social Rights Law in Action in Europe: The European Social Charter' at Blended Intensive Programme on 'Contexted Social Rights'
- ▶ 2 December 2024, Yerevan (Armenia)
Training for the Office of the Human Rights Defender, NGOs and trade unions on how to engage with the European Committee of Social Rights under the reporting procedure of the European Social Charter
A. FEDOROVA
- ▶ 3 December 2024, Strasbourg (France)
The Council of Europe Development Bank Conference on Homelessness
A. NOLAN
- ▶ 5 December 2024, Strasbourg (France)
Children's Rights to freedom from abuse and deinstitutionalisation" - pre-event of the CoE Parliamentary Assembly on 'Child Abuse in Institutions and the Issue of Reparation for Violence Committed'
A. NOLAN
- ▶ 11 December 2024, Strasbourg (France)
Exchange of views with the Ad hoc Multidisciplinary Group on the Environment (GME)
A. NOLAN
- ▶ 12 December 2024, Brussels (Belgium)
"Social Rights are Human Rights: The (revised) European Social Charter and the European Pillar of Social Rights in the follow-up to Vilnius and La Hulpe Declarations"
A. NOLAN

Appendix 7 – Selection of country decisions

Belgium

- ▶ Constitutional Court, 11 April 2024, No. 44/2024, Articles 1 and 4 of the revised Charter (<https://www.const-court.be/public/f/2024/2024-044f.pdf>)
- ▶ Constitutional Court, 30 May 2024, No. 60/2024, Art. 1, 12.1 and 23 of the revised Charter (<https://www.const-court.be/public/f/2024/2024-060f.pdf>)
- ▶ Constitutional Court, 21 November 2024, No. 135/2024, Art. 15 of the revised Charter (<https://www.const-court.be/public/f/2024/2024-135f.pdf>)

In several judgments, the Council of State has ruled that Article 17 of the revised European Social Charter contains a social objective formulated in general terms, which Member States have undertaken to achieve. According to the Council, this is not a sufficiently precise right on which citizens can rely. Consequently, this provision has no direct effect in the Belgian domestic legal order (C.E. 9 January 2024 (Nos. 258.371, 258.372 and 258.373) and 19 March 2024 (No. 259.200). These judgments were delivered in Dutch (http://www.raadvst-consetat.be/?page=caselaw_results&lang=en).

Poland

- ▶ **Judgement of the Supreme Court, III PSKP 17/23, 22.05.2024** – the reference to Article 3 of the ESC: ensuring safety at work is extremely important and stems not only from the norms of national law, but also from broader international law.
- ▶ **Order of the Supreme Court, II USK 182/23, 14.05.2024** - general reference to the ESC provisions: a benefit recipient (pension entitlement) cannot be granted two benefits at the same time; therefore, the assessment of the questionable regulation should be made in the light of the principles of equality and social justice.
- ▶ **Order of the Supreme Court, II USK 195/23, 14.05.2024** - general reference to the ESC provisions: the right to add so-called 'civilian work' periods to pensionable service in the context of professional military service.

Romania

In various judgments, the Revised Charter has been referenced, alongside other EU and international sources, by parties and/or by courts, in the solution reasoning section, such as:

Constitutional Court, Admission Decision no. 218/10.04.2024 on the exception of unconstitutionality of the provisions of Government Emergency Ordinance no. 37/2021 amending Labor Code. The Court stated that the criticized act violates, inter alia, the provisions of par. 21 and par. 29 of Part I of the Charter (right to be informed and to be consulted).

Tribunal Bistrița Năsăud, [sentence of 08.07.2024](#): the court considered, among other grounds, Art. 12 – The right to social security and Art. E (Non-discrimination) of Part V of the Charter, and decided to admit the request to notify the Constitutional Court.

Tribunal Vaslui, [sentence no. 27/27.02.2024](#); in the grounds of the solution are mentioned Art. 11 (The right to protection of health) and Art. 13 (The right to social and medical assistance) of the Charter.

The Revised Charter, as it is mentioned in art. 4 of Law no. 448/2006 regarding the protection and promotion of the rights of persons with disabilities, is referred in several decisions, including: Court of Appeal Galați - [Decision No. 881/07.11.2024](#); Court of Appeal Constanța - [Decision No. 176/23.10.2024](#); Court of Appeal Alba Iulia - [Decision No. 553/04.09.2024](#) and [Decision No. 447/06.06.2024](#); Court of Appeal Timișoara - [Decision No. 100/17.07.2024](#); Court of Appeal Cluj - [Decision No. 578/23.05.2024](#) and [Decision No. 167/09.02.2024](#); Court of Appeal Craiova - [Decision No. 734/11.03.2024](#); Court of Appeal Ploiești - [Decision No. 11/09.01.2024](#).

Spain

Judgments and decisions implementing the European Social Charter and/or decisions on the merits European Committee of Social Rights (Spain)

- ▶ Juzgado de lo Social nº 2 de Tarragona, de 8 de abril de 2024, nº 145/2024
- ▶ Tribunal Superior de Justicia del País Vasco, de 9 de abril de 2024, rec. 68/2024
- ▶ Tribunal Superior de Justicia del País Vasco, de 23 de abril 2024, rec 502/2024
- ▶ Tribunal Superior de Justicia de Cataluña de 14 de mayo de 2024, rec. 51/2024
- ▶ Tribunal Superior de Justicia de Cataluña de 22 de mayo de 2024, rec. 177/2024
- ▶ Juzgado de lo Social nº 42, de Madrid, de 19 de julio de 2024, proc. 1134/2023
- ▶ Juzgado de lo Social nº 1, de Tarragona, de 2 de septiembre de 2024, nº 286/2024
- ▶ Juzgado de lo Social nº 2 Guadalajara, de 7 de noviembre de 2024, nº 318/2024
- ▶ Juzgado de lo Social nº 3 de Barcelona, de 27 de noviembre 2024, nº 303/2024

Decisions implementing the European Social Charter and/or decisions on the merits European Committee of Social Rights (France)

- ▶ Cour d'Appel Grenoble 1 février 2024, nº 21/02004
- ▶ Cour d'Appel Grenoble 11 juin 2024, nº 22/01136

The Netherlands

3/05/2024 - Central Netherlands District Court, 3 May 2024, prohibited strike at Arriva - The court ruled that the strike was unlawful because it did not fall under Article 6(4) of the European Social Charter (ESC).

15/03/2024 - [Procedure pursuant to Article 96 of the Dutch Code of Civil Procedure. Scope of the 'underbidding prohibition' in Article 10 of the Waadi](#). The provision by the temporary employment agency of replacement temporary workers to take over the work of temporary workers who have left their work at the user company is contrary to the 'underbidding prohibition'.

26/04/2024 – Supreme Court - [Collective labour law. Collective labour agreement law. Trade union seeks a declaration that the employer is acting unlawfully towards it by refusing to enter into negotiations with it on a collective labour agreement and to allow it to participate in negotiations on a collective labour agreement](#). Among

other things, the employer complains that the court of appeal failed to recognise that the freedom of collective bargaining means that an employer is not obliged to enter into negotiations with a trade union on a collective labour agreement if the employer is not currently engaged in collective labour agreement negotiations.

11/04/2024 - Central Netherlands District Court - The 24-hour strike announced for the morning of 11 April at 4 a.m. at a number of laundry companies that provide services almost exclusively to (medical) care institutions has been partially prohibited. Strikes are permitted at two locations, of which no more than one location may belong to the party intervening in these preliminary relief proceedings, and provided that these locations are not located in neighbouring provinces. The request for a more extensive ban has been rejected.

20/12/2024 - Central Netherlands District Court- [Prohibition on organising a nationwide strike at pharmacies during Christmas week.](#)

Ukraine

Over the past year, Ukrainian courts continued the practice of referring to various articles of the European Social Charter revised. Most often, the ESC is applied by judges of administrative courts when resolving various pension issues. In 2024, the Administrative Cassation Court of the Supreme Court also applied the ESC revised in the cases on dismissal from work.

Examples of referring to the ESC revised in the practice of the Administrative Cassation Court in 2024:

1. Reference to para. 23 of the Part 1 of the ESC revised

In the Resolution of the Supreme Court of September 23, 2024, case No. 620/2027/23 on the assignment of an old-age pension, the Administrative Cassation Court referred to part 1 (23) of the Charter on the right of elderly person to social protection, noting that: "The European Social Charter (revised), dated May 3, 1996, ratified by the Law of Ukraine of September 14, 2006 No. 137-V, which entered into force on February 1, 2007 (hereinafter referred to as the Charter), determines that every elderly person has the right to social protection (paragraph 23 of Part I). By ratifying the Charter, Ukraine made a commitment to introduce, by all appropriate means, the achievement of conditions under which the rights and principles enshrined in Part I of the Charter can be effectively exercised. Therefore, a person's right to receive a pension as a component of the right to social protection is his constitutional right, which is guaranteed, in particular, by the international obligations of Ukraine." (paragraphs 26-27).

Likewise, para 23 of the Part 1 of the ESC revised was applied in the Resolution of the Administrative Cassation Court, dated March 4, 2024, the case No. 320/1232/21 on the pension recalculation and review of the length of service and in the Resolution, adopted November 18, 2024 on the preferential mode of the insurance period calculation (case No. 340/4436/23).

2. Reference to para. 23 of the Part 1 and art. 12 of the ESC

In the Resolution of the Cassation Administrative Court adopted on November 29, 2024, case No. 160/20613/21 on the renewal of the pension, the Court not only referred to paragraph 23 of Part I, noting that "By ratifying the Charter, Ukraine has

assumed an international obligation to introduce by all appropriate means the achievement of conditions under which the rights and principles enshrined in Part I of the Charter can be effectively exercised”, but also quoted Article 12 of the ESC, despite its partial acceptance by Ukraine. (paras 28-29)

3. Reference to para. 23 of the Part 1 and art. 12 of the ESC

Article 24 ESC was referred to by the Administrative Cassation Court in its Resolution, adapted 7 November 2024 in case No. 440/1964/20 on dismissal from a position due to illness. In particular, it was noted that “according to Article 24 of the European Social Charter (adopted in Strasbourg on 3 May 1996 and ratified by Law No. 137-V of 14 September 2006), the following are not considered valid reasons for dismissal: temporary absence from work due to illness or injury.”

In the Resolution, dated September 4, 2024 in case No. 826/20158/14 on reinstatement of employment, recovery of average earnings for the period of forced absence, the Administrative Cassation Court also drew attention to Article 24 of the ESC and quoted it in full.

Constitutional Court of Ukraine

In 2024, the reference to the ECS was made by the Constitutional Court of Ukraine. In its Decision, № 10-p(II)/2024, dated November, 13, 2024 in the case of a Constitutional complaint of the Primary Trade Union Organization of the All-Ukrainian Trade Union of workers of Science, Production and Finance of “ArcelorMittal Kryvyi Rih” regarding the compliance with the Constitution of Ukraine (constitutionality) of certain provisions of Article 7 of the Law of Ukraine “On the Procedure for the Resolution of Collective Labour Disputes (Conflicts)” (regarding the right to judicial protection during the resolution of a collective labour dispute) the Court made a reference to the Article 6 of the Charter and partially quoted it: “According to Article 6 of the Charter, “in order to ensure the effective exercise of the right to bargain collectively, the Parties undertake to <...> promote the establishment and use of appropriate machinery for conciliation and voluntary arbitration for the settlement of labour disputes” (2.6).

The European Social Charter, adopted in 1961 and revised in 1996, is the counterpart of the European Convention on Human Rights in the field of economic and social rights. It guarantees a broad range of human rights related to employment, housing, health, education, social protection and welfare.

No other legal instrument at pan-European level provides such an extensive and complete protection of social rights as that provided by the Charter.

The European Committee of Social Rights is the monitoring body of the European Social Charter. It is composed of 15 independent, impartial members and it rules on the conformity of the situation in States with the Charter under two complementary mechanisms: through collective complaints lodged by the social partners and governmental organisations (collective complaints procedure), and through national reports drawn up by the States Parties (reporting procedure).

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The Council of Europe is the continent's leading human rights organisation. It comprises 46 member states, including all members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.



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