

The European Social Charter and the European Committee of Social Rights

The [European Social Charter](#) is one of the two most important human rights treaties of the Council of Europe. It is complementary to the European Convention on Human Rights (see also in this respect the 2019 report of the Council of Europe Secretary General “[Ready for Future Challenges – Reinforcing the Council of Europe](#)”).

The two treaties cover different areas of the human rights spectrum, but also overlap and are intertwined in many ways. The two sets of rights—on the one hand, civil and political, and on the other hand, economic and social rights—are part of an indivisible whole, seeking to make good—in the words of the Universal Declaration of Human Rights—the inherent dignity and the inalienable rights of all members of the human family.

The Charter guarantees social rights—everyday human rights—such as employment and fair remuneration, safety at work, non-discrimination and equal pay, education and training, housing, healthcare, social security and assistance, unemployment benefits, decent housing and livelihood, participation in the life of the community.

The [European Committee of Social Rights](#) is the central body in the monitoring arrangements under the Charter. The Committee is composed of 15 independent and impartial members. It provides oversight on the conformity of the law and practice of the States Parties with the Charter. The Committee has two procedures to ensure that States Parties comply with their commitments under the Charter: national reports and collective complaints. In the framework of the reporting procedure the Committee adopts “conclusions” and in respect of the collective complaints procedure—a quasi-judicial, adversarial procedure—it adopts “decisions”.

Collective complaints do not involve individual applications, but complaints lodged by the social partners (trade unions or employers’ organisations) and other non-governmental organisations about compliance of the law or practice in a specific country with the provisions of the Charter. The collective complaints procedure has been accepted by 15 of the 43 States Parties to the Charter.

Four Council of Europe member states have signed but not yet ratified the 1961 Charter or the 1996 Revised Charter.

Tasks of lawyers in the Department of the European Social Charter and Secretariat of the European Committee of Social Rights (part of the Directorate General of Human Rights and Rule of Law at the Council of Europe)

Processing complaints submitted under the Charter’s [collective complaints procedure](#), in particular consider the admissibility of complaints and, in close dialogue and cooperation with the rapporteur designated for the complaint, draft admissibility decisions including, if appropriate, on immediate measures designed to prevent risk of serious and irreparable harm, and draft decisions on the merits of the case. Take due account in this context the submissions and pleadings by the complainant organisation, the observations of the government and any responses or, if any, third party submissions. Conduct research about the alleged facts or the applicable legal framework and consider the application of the provisions of the Charter in light of the extensive available case law and statements of interpretation of the European Committee of Social Rights. Follow Committee



deliberations of the given complaints, provide advice and assistance to the rapporteur and Committee members and contribute to the drafting of the final decisions.

In the framework of the reporting procedure, contribute to the examination of compliance by States Parties with specific provisions of the Charter, examining national legislation and practice in light of country reports and submissions by trade unions and civil society organisations. Research and provide insight in particular in respect of the legal system the lawyer is most experienced in, in areas such as labour and employment law, social security and health, child and family protection or social services in general, or other areas falling within the scope of the Charter and the purview of the European Committee of Social Rights.

Contribute to other aspects of the work of the Department according to need, such as conducting research on legal issues related to the Charter; writing background papers, briefs or reports; making presentations and communicating on matters concerning the European Social Charter; replying to questions on the case law under the Charter; contributing to the update of the Digest on the Charter's case law; representing the Department during conferences and events; making presentations on the Charter to law professionals, law students or other visiting groups. NB. Certain of these tasks may involve travel.

The participant posted to the Department of the European Social Charter and Secretariat of the European Committee of Social Rights under the European Judicial Training Network (EJTN) scheme would be asked as a priority to contribute to collective complaints and reporting work depending on competence and experience. This will deepen the participant's knowledge of social rights under the Charter, their implementation at national level and about the application of the Charter at domestic level. It will enrich their professional practice upon return to their national jurisdiction at the end of the secondment to the Department of the European Social Charter and Secretariat of the European Committee of Social Rights.

Profile of the person(s) sought for secondment to the Department of the European Social Charter and Secretariat of the European Committee of Social Rights under the EJTN scheme

The candidates should have a master degree in law, or equivalent, enabling access to legal professions within the jurisdiction of the country where the qualification was obtained. They should have at least five (and not more than ten) years of experience in a legal profession (e.g. lawyer; judge; ministry, union, civil society or corporate in-house legal services), preferably in an area related to social rights (or human rights more generally).

Priority will be given to candidates with judicial experience in the fields of labour and employment law, social security and health, child and family protection or other aspects of social rights falling within the scope of the Charter and the purview of the European Committee of Social Rights.

Duration of the secondment

Posting in the Department of the European Social Charter for one year from September 2021 to August 2022.

