



MENTAL HEALTH EUROPE – SANTE MENTALE EUROPE aisbl
Boulevard Clovis 7, B-1000 Brussels
Tel +32 2 280 04 68 - Fax +32 2 280 16 04
Email: info@mhe-sme.org
www.mhe-sme.org

Reporting activity on the implementation of the European Social Charter 2008

Briefing note for MHE's members

Some background information

- *What is the European Social Charter?*

The European Social Charter (ESC) is a Council of Europe¹ Treaty that **sets out social and economic human rights and freedoms and establishes a supervisory mechanism guaranteeing their respect by the State Parties**. Following its revision, the 1996 revised European Social Charter, which came into force in 1999, is gradually replacing the initial 1961 treaty.²

The European Committee of Social Rights (ECSR) is the body responsible for monitoring compliance in the States Parties to the European Social Charter. Each year the States Parties – that is to say the States that ratified the Charter - submit national reports to the ECSR. The ECSR examines the reports and decides whether or not the situations in the countries concerned are in conformity with the European Social Charter. Its decisions, known as 'conclusions', are published every year.

The task of the State Parties in this respect has been facilitated by the adoption of a new reporting system, which is effective since 31 October 2007. Instead of reporting annually on the implementation of all the provisions of the Charter, States Parties have to report only on part of the provisions. A precise calendar gives some more details on the reporting exercise for 2008 and the following years. As for 2008, the selected provisions relate to health, social security and social protection.

For more information on the reporting system and the selected provisions for 2008, visit:
http://www.coe.int/t/dghl/monitoring/socialcharter/ReportCalendar/CalendarNRS_en.asp

- *What is the reporting activity about?*

¹ The Council of Europe is a political organisation which was founded in 1949 to defend the principles of democracy, human rights and the rule of law. Membership is open to all European States which undertake to abide by the Organisation's principles. At present the Council of Europe has 47 Member States.

For more information: visit the Council of Europe website, http://www.coe.int/T/e/Com/about_coe/

² *For more information on the Charter: visit its dedicated webpage, http://www.coe.int/t/dghl/monitoring/socialcharter/Presentation/PresentationIndex_en.asp*

In 2007, the CoE European Social Charter and Social Policies Grouping, of which MHE is a member, was invited by the European Committee of Social Rights to offer comments and contributions on the national reports and implementation of the Charter by the States Parties. The Committee very much appreciates the Grouping members' expertise and good knowledge of the situation on the ground.

The Grouping accepted this proposal, which implies concretely:

- to read carefully the reports of the States Parties;
- to compare their content with the situation on the ground;
- to assess whether national law and practice are in line with the Charter.

The Grouping decided that NGOs willing to participate in this initiative would have to choose a provision of the Charter linked to their main activities and fields of competence.

In 2007, MHE and several of its members took part for the first time in the reporting activity and monitored the implementation of Article 15 of the Charter (Right of persons with disabilities to independence, social integration and participation) and Article 20 (Right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the ground of sex).

Should you wish to read last year's contributions, please do not hesitate to contact Fanny Muller at the MHE Secretariat: Email fmuller@mhe-sme.org

This year MHE decided to focus on Article 11 (Right to protection of health) and Article 30 (Right to protection against poverty and social exclusion)³.

About your engagement in the reporting activity

- *Why does MHE need your support in this reporting activity and why is it important for you to be part of it?*

As described above, the reporting activity consists in checking whether the national reports reflect the situation on the ground.

Each report focuses on the particular situation of a State Party.

In order to give valuable input to the European Committee on Social Rights (ECSR), ***MHE really needs your expertise for two main reasons:***

1. you are working at the national level and dealing with governmental authorities;
2. you have a better understanding of the situation in your country and you have the real competence to assess whether these authorities are complying with the European Social Charter and whether the political and legal initiatives and actions described in their respective reports are effectively and efficiently being carried out.

The reports are one of the means available to NGOs for monitoring the honouring of commitments entered into by the countries that had signed the European Social Charter and it is essential that they submit their comments to the European Committee of Social Rights.

If you participate in this activity you will have an opportunity to denounce the existing violations of the rights of people with mental health problems plus a powerful mean to put pressure on your national governments. The ECSR will indeed examine the reports and decide whether or not the situations in the countries are in conformity with the European Social Charter. Its conclusions have to be adopted before December 2009⁴.

Follow-up of these conclusions will be performed by the Committee of Ministers of the Council of Europe, who is entitled to address a recommendation to the States that do not envisage remedying a violation and taking action on a decision of non-compliance. A

³ You can choose to comment on both articles or only on one of them.

⁴ To read the Committee's conclusions for 2007, visit:

http://www.coe.int/t/dghl/monitoring/socialcharter/Conclusions/ConclusionsYear_en.asp

Committee of Ministers' recommendation urges the State concerned to take appropriate measures to remedy the situation.

- *What will concretely be your task in this reporting activity?*

MHE will take care of forwarding you the relevant reports, as soon as they are published on the Council of Europe website - this should start at the end of October. For example, the report produced by the Polish government will be sent to the participating MHE members from Poland, etc.

The members' task will be facilitated since the MHE Secretariat will take care of forwarding to them only the relevant parts for their work, that is to say the parts dealing with article 11 and 30 of the Charter (as explained above). They will not have to read the entire reports, which are generally quite long and extensive.

Moreover, the reports are very readable because they are clearly set out by the ECSR⁵.

The participating members will be in charge of carefully reading these selected parts, assessing the situation on the ground and report on it. We expect the comments to be well structured and based on evidence.

All the comments will then be collected by MHE and assembled in a single document. The final MHE document will be sent to the European Committee of Social Rights' Secretariat before the end of January 2009.

- *What are the deadlines?*

We expect the organisations willing to engage in this report activity to answer to this call for participation before 31 October 2008 at the latest.

We expect the organisations to read the report and send their comments to the MHE Secretariat before the end of December at the latest. This will leave us enough time to draft a final document and to transmit it to the European Committee of Social Rights' Secretariat.

We know that the deadline is quite tight but we do hope that this will not prevent you from seizing this great opportunity to have a concrete and strong impact on your respective governments' social and human rights policies, as well as to improve the daily situation of people with mental health problems.

- *Who is the contact person for this reporting activity?*

If you have any questions about this initiative and to engage in the reporting activity, please contact ***Fanny Muller, Information and Human Rights Officer***: Email fmuller@mhe-sme.org, Tel +32 2 280 04 68.

*Once again:
We really count on your engagement!
We need your support!*

Brussels, 20 October 2008

Mental Health Europe - Santé Mentale Europe is a European non-governmental organisation committed to the promotion of positive mental health, the prevention of mental distress, the improvement of care, advocacy for social inclusion and the protection of human rights for (ex)users of mental health services, their families and carers.

⁵ Since March 2008 the national reports are drafted on the basis of a standardised template: see http://www.coe.int/t/dghl/monitoring/socialcharter/ReportForms/FormIndex_en.asp