

Confidential

COUNCIL OF EUROPE

—
EUROPEAN SOCIAL CHARTER

COLLECTED (PROVISIONAL) EDITION
OF THE
"TRAVAUX PREPARATOIRES"

VOLUME I

1953-1954

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Section I

Memorandum by the Secretariat General
of the Council of Europe on the rôle
of the Council of Europe in the
social field

16 April 1953 - SG (53) 1

Strasbourg, 16th April 1953

SG (53) 1

M E M O R A N D U M
by the Secretariat-General of
the Council of Europe on the
Role of the Council of Europe
in the Social Field

..... The social progress which the Members of the Council of Europe have set forth as an objective should therefore be based on common principles. It thus appears that the first task of the Council in the social field should be to define and develop these principles. The importance of so doing is such as to warrant their enunciation in the form of a European Social Charter. This Social Charter would, together with the Convention on Human Rights and Fundamental Freedoms, constitute a solemn declaration by the European states of the spiritual values underlying western civilisation. The principles enshrined in the Social Charter would serve as a guide for the future action of the Council of Europe in the realisation of social progress and in the achievement of greater unity between its Members.

The idea of such a Charter will be developed in more detail in Chapter I of this Memorandum.

....
I. European Social Charter

1. The situation to-day may not seem promising for important social advances. Economic conditions reflect the heavy strain imposed by defence expenditure, adverse trade conditions and the need for increased exports. These difficulties should, however, not be permitted to overshadow the social aim towards which the Members of the Council of Europe are pledged to strive. A Declaration of the aims and principles of European social policy and the obligations which the Member States are willing to undertake in the social field would inspire confidence in the Council of Europe and further a progressive social development.

2. The precise nature of such a document and the form in which it should be prepared can only be decided on the basis of careful consideration by competent representatives of Member Governments. The Secretariat-General ventures only to suggest certain ideas which, in its opinion, should be covered by the Charter.

3. A few basic points should be stressed first. It should

be a European document. Consequently it should stress the principles that characterise Western democracies in the social field. It should have due regard to national political trends. It should emphasise the importance of collaboration and greater unity between the Member States.

4. There are further certain principles on which agreement could probably be reached:

5. In harmony with Article 1 of the Statute of the Council of Europe, the Member Governments should declare that European Society is based on the respect for the dignity of man and has as its aim the improvement of his living conditions. The aim of the social policy of the Member Governments should therefore be the continuous improvement of the standard of living of all members of society to the greatest extent possible in the light of economic conditions, and the fair distribution of available resources as well as the equal sharing of burdens.

6. Realising that the standard of living depends on the sum of available resources, which again is conditioned by economic factors, the Governments should declare their intention of regarding economic policy not as an end in itself, but as a means of achieving social objectives; they should therefore undertake to direct their economic policy, both individually and collectively, with this principle in view. In particular, they should declare their intention of maintaining a high level of production, a growing liberalisation of trade, financial stability and a high level of employment.

7. Notwithstanding the importance of purely economic factors, an adequate standard of living means not only physical but also moral well-being; accordingly the Governments should declare that social policy should be related to the spiritual and moral values which are the common heritage of the peoples of Europe and which are referred to in the Preamble to the Statute. European social policy should therefore aim at maintaining a social environment which is conducive to the fullest development of the individual. It should leave room for man to develop and make use of his own powers to improve the conditions in which he lives, whether acting individually, in the family, or in the free organisations through which he may further his interests in the framework of democratic society.

8. The Governments should recognise the importance of the development of industrial relations tending to reconcile the interests of workers and employers by the establishment of works councils and other organs through which workers may influence the administration of the industry in which they are employed and the management of their own work. The Governments should actively encourage the establishment of systems of this sort and also of arrangements to secure for the workers a fair share of the profits of increased productivity.

9. The Governments should encourage the creation of, and facilitate the work of private organisations with social purposes, including professional organisations and organisations for the protection of the interests of consumers.

10. The necessary controls to protect the economically weak should be established or maintained, and appropriate social services should be organised in all fields where, as a result of modern social and economic conditions, there exist inadequate individual and family resources.

11. In conformity with democratic principles, the Governments should recognise the importance of securing the participation of all suitable groups in the formulation of social policy. They should therefore declare their willingness to consult organised groups of society, such as the professional organisations and the co-operative movement, about the development of new social measures.

12. The Governments should undertake that social rights will be granted without distinction of any kind, based on race, colour, sex, language, religion, political or other opinions, national or social origin, property, birth or other criteria.

13. The Governments should recognise that, although the planning and implementation of social policy is essentially the concern of national authorities, its success in present-day conditions depends to a large and growing extent on greater international unity, pooling of experience and common action. They should therefore declare that they will consult one another before taking important measures in the social field; they will keep the general interest in view and not only avoid measures that are likely to have harmful effects on other States, but also, through co-ordinated action, actively facilitate the development of collaboration in the economic and social fields.

14. In accordance with this objective, the Governments should declare their willingness to take steps to harmonise their social legislation and practices, to abolish discrimination on grounds of nationality between nationals of the Members of the Council in relation to social rights, and to facilitate the free movement of persons between Member countries.

15. The Governments should recognise their moral responsibility, in the general interest, for social development in dependent territories under their jurisdiction.

16. Other principles whose inclusion might be considered are:

Security of employment for everyone.

Wages or other remuneration sufficient to guarantee a decent living for the workers and their families.
Equal pay for work of equal value.

Safe and healthy working conditions.

Sufficient rest and leisure. Periodic holidays with pay. Facilities for healthy spare time activities.

Social security covering all ordinary contingencies.

General health protection.

General family protection.

Special protection for certain groups (mothers, children and young persons, physically and mentally handicapped, aged persons).

Fair distribution of economic burdens through a just taxation system with effective control of tax evasion.

Adequate food, clothing and housing for everyone. (1)

17. With regard to each of these points, the Charter should lay down general principles and their limitations clearly defined as was done in the Human Rights Convention in respect of civil and political rights. Member States should undertake to comply with these principles and take the necessary steps for their implementation either individually or through common action. Some sort of procedure for international supervision might also be set up.

-
- (1) This is not intended to be a definite proposal. Some points may be found to be irrelevant, and others may be added. The enumeration is partly based on the United Nations draft Covenant on Economic and Social Rights. This draft is still in a state of preparation. Judging from the discussions that have taken place in the United Nations, several Western Governments may not be willing to sign the United Nations Covenant because it includes rights the implementation of which cannot be expected on a world-wide basis. The situation may be different within the framework of the Council of Europe. In any case, all the provisions of the draft Covenant indicate, no doubt, worthy aims of economic and social policy which are certainly in harmony with the general obligations of the Members of the Council of Europe under Article 1 of the Statute. The draft Covenant is reproduced in Appendices, p. 54.

Section II 5th Ordinary Session of the Consultative Assembly of the
 Council of Europe - Common policy of Member States in
 social matters (May - September 1953)

II₁ Request by the Committee of Ministers for an opinion
 on the memorandum by the Secretariat General - 11 May 1953 -
 Document 140

CONSULTATIVE ASSEMBLY
OF THE
COUNCIL OF EUROPE

FIFTH ORDINARY SESSION

11th May, 1953

Doc. 140

Common Policy of Member States
in social matters¹

REQUEST BY THE COMMITTEE
OF MINISTERS FOR AN OPINION²

on a Memorandum by the Secretariat-General concerning the activities which the Council of Europe could properly carry out in the social sphere

In pursuance of Recommendation 14 adopted by the Consultative Assembly on 7th December, 1951, the Committee of Ministers asked the Secretariat-General to make a study of the activities which the Council of Europe could properly carry out in the social sphere. A memorandum has been drafted by the Secretariat-General. Before proceeding to examine this Memorandum, the Ministers decided to request the opinion of the Consultative Assembly, in accordance with the wish expressed by the latter in its reply to the Supplementary Report of the Committee of Ministers of September, 1952. The Memorandum of the Secretariat-General has at the same time been forwarded to the Governments for their consideration (*cf.* para. 29 of the Fourth Report of the Committee of Ministers, Doc. 122).

1. See 3rd Session, 1951 : Doc. 94 (Agenda) and Recommendation 14.

2. See 5th Session, 1953 : 6th Sitting, 11th May, 1953 (referred to the Committee on Social Questions).

Section III - 13th session of the Committee of Ministers:
Report of the ad hoc Committee of Social
Experts on the European Social Charter -
13 September 1953 - CM (53) 99

COMMITTEE OF MINISTERS

13th Session

Strasbourg, 12. September 1953

Confidential
CM (53) 99

REPORT OF THE AD HOC COMMITTEE OF SOCIAL EXPERTS

GENERAL DISCUSSION

After a general exchange of views on the memorandum prepared by the Secretariat General, during which the necessity of avoiding unnecessary duplication of the work of other international organisations was stressed, the Committee decided to concentrate first on Chapters II to VII of the memorandum and then to discuss the first chapter dealing with the idea of establishing a European Social Charter in the light of the results of the discussion of the more concrete and practical parts of the memorandum.

EUROPEAN SOCIAL CHARTER. (CHAPTER I OF THE MEMORANDUM)

The representative of the Secretary-General explained that the establishment of such a Charter would be a logical continuation of the work of the Council of Europe with regard to human rights. The preamble to the European Convention on human rights referred to the provisions of that instrument as the first steps only. Hitherto only political and civil rights had been included. Now the time had come in harmony with the decision of the Committee of Ministers to establish a long-term programme of action for the Council of Europe- to continue with the economic and social rights. However, the Committee should not go into details but only decide on the principle.

Some members of the Committee thought that a European Social Charter would be of great importance, while others were of the opinion that such a document should be of a global nature, and that the Council of Europe should concentrate on more practical tasks. It was moreover pointed out by the representative of the United Kingdom that any single instrument could deal with social "rights" only in the most general way. To give effect to the principles concerned called for their elaboration in a series of detailed instruments such as e.g. the International Labour Code, the preparation of which was a matter primarily for the Specialised Agencies concerned.

Considerable discussion arose as to whether any such document should be a declaration not involving precise obligations, or a convention. Some members recommended that action to establish a European Social Charter should be initiated. The Charter should state the aims and principles of European social policy and the importance of collaboration between Member States in the social field. The Charter should furthermore encourage the conclusion of European Conventions relating to various subjects within the social field.

Other Members could not accept the idea of the Charter.

SECTION IV - 5th Ordinary Session of the Consultative Assembly of the Council of Europe - Common policy of Member States in social matters (May-September 1953)

- IV.1 - Report presented by Mr Heyman on behalf of the Committee on Social Questions on the request made by the Committee of Ministers for an opinion on the memorandum by the Secretariat General - 18 September 1953 - Document 188
- IV.2 - Official Report of the debate on the Report of the Committee on Social Questions - 23 September 1953

**CONSULTATIVE ASSEMBLY
OF THE
COUNCIL OF EUROPE**

FIFTH ORDINARY SESSION

18th September, 1953

Doc. 188

Common Policy of Member States
in social matters

REPORT¹

*on the request by the Committee of Ministers
for an Opinion on a memorandum prepared
by the Secretariat-General concerning the
activities which the Council of Europe
could properly carry out in the social
sphere
presented,
on behalf of the Committee on Social Questions,
by M. HEYMAN*

The Committee on Social Questions²
proposes that the Assembly, in reply to the
request of the Committee of Ministers, adopts
the following draft Opinion on "the memoran-
dum on the activities which the Council of
Europe could properly carry out in the social
sphere", which was approved unanimously
by the Committee.

1. See 5th Session, 1953 : (a) Doc. 140 (Request for an
Opinion).

(b) 21st Sitting, 23rd Sep-
tember, 1953 (Report debated and draft Opinion adopted)
and Opinion 5.

2. Members of the Committee : M. Heyman, Chairman ;
Mme. Sewerius and M. Mutter (Substitute : Pupat), Vice-
Chairmen ; M.M. Bengtsson, Blaïsse, Boggiano Pico, Bot-
tomley (Substitute : Williams), Gerstenmaier (Substitute :
Mme. Weber), Goedhart, Hedtoft (Substitute : Christian-
sen), Hollis, van Kauwenbergh, Kirn (Substitute : Davo),
Kanis (Substitute : Triboulet), La Malfa (Substitute :
Chiostergi), Maccaus, Lynchos, Montini, Moutet (Sub-
stitute : Poisson), Nadi, Någård, Norton, Rey,
Mme. Schroeder (Substitute : Mme. Krabbnöver), Schütz
(Substitute : Jungles), Stefenson, Dr. Summerskill, Tekil'.

Draft Opinion

1. The Assembly has most carefully
studied the Memorandum by the Secretariat-
General on the activities which the Council of
Europe could properly carry out in the social
sphere, transmitted to it by the Committee of
Ministers for an Opinion, Doc. 140.

It conveys to the Secretariat-General
its appreciation of this valuable study, which
conforms in its broad lines to Recommendation
14 on the adoption of a common policy in
social matters, adopted by the Assembly on
7th December, 1951.

The Assembly is fully aware of the
importance of social problems at the present
juncture, and believes that in this matter the
Member States of the Council of Europe could
co-operate to some purpose.

2. The Assembly accepts in the first
place the principle of the elaboration of a
"European Social Charter". Such a Charter
should define the social aims of the Member
States and serve as a guide for all future activi-
ties of the Council in the social field. In
social policy it should form a pendant to the
Convention on Human Rights and fundamental
 Freedoms, and should be framed in agreement
with the Assembly, whose function it should be
to lay down the governing principles on which
it should be based.

* * * * *

**CONSULTATIVE ASSEMBLY
OF THE
COUNCIL OF EUROPE**

FIFTH ORDINARY SESSION

OFFICIAL REPORT

Twenty-first Sitting

Wednesday, 23rd September, 1953 at 3 p.m.

**4. Common Policy of Member States
in Social Matters**

*(Debate on the Report of the Committee
on Social Questions, Doc. 188)*

THE PRESIDENT (Translation). — The next item in the Orders of the Day is the debate on the Report of the Committee on Social Questions, Doc. 188, on the request by the Committee of Ministers for an Opinion on the Memorandum by the Secretary-General concerning the activities which the Council of Europe could properly carry out in the social sphere.

I call M. Heyman, Chairman and Rapporteur of the Committee on Social Questions.

M. HEYMAN (Belgium) (Translation). — Mr. President, Ladies and Gentlemen, The Memorandum by the Secretariat-General on the activities which the Council of Europe could properly carry out in the social sphere having been transmitted to you by the Committee of Ministers, you were good enough to refer it to your Committee on Social Questions, of which I have the honour to be Chairman.

The very title of this important Memorandum clearly defines its aim, namely to draw up a social policy for the Council of Europe, and its mere mention will convince you of the importance of the Report which I now have the honour to introduce.

I feel it would be superfluous to dwell upon the value and importance of a social policy largely inspired by principles of social justice, but perhaps you will give me leave to devote the first part of my speech to a brief historical account of the question now before us and to the broad lines of the Memorandum by the Secretariat-General. I will then turn to the Opinion of your Committee in the second part.

As you are aware, the method of approach to social problems hitherto adopted by the Council of Europe may be justifiably described as empirical, for each problem has been tackled as the need arose, while action has been mainly in the fields of migration, housing and social security.

I shall not enter into detail for, as you are already aware, it is in the sphere of social security that the most tangible results have been achieved. Two draft Agreements providing for equality of treatment in this matter

have now been completed and the work of preparing a European Code of Social Security is making steady progress, but the Assembly was quick to realise the need for a more comprehensive and coherent social programme.

As early as December, 1951 it had adopted its Recommendation 14 concerning the adoption by Member States of a common policy in social matters, which was tantamount to an interim programme comprising the three questions already examined by the Council : social security, manpower problems, the acute problem of housing, plus a number of additional questions which I might describe as follows :

1. Common action to secure the ratification by Member States of the International Labour Conventions;

2. Relations between the Council of Europe and the Specialised Authorities, and, in particular, the European Coal and Steel Community;

3. Contacts between the social administrations of Member States of the Council of Europe.

The Assembly made no secret of the fact that the drawing up of detailed plans and the implementation of a vast social programme would necessitate permanent expert assistance. In September, 1952 it therefore recommended the creation of a Committee composed of high officials from the social administrations of Member States and laid down the broad lines of the functions of this Committee.

Whatever the intrinsic importance of the questions enumerated in Recommendation 14, I think I may say that the essential value of this Recommendation lay in the fact that the Assembly was for the first time advocating a large-scale and long-term social programme which could be expanded as the need arose. Not satisfied with the adoption of this Recommendation, the Assembly also issued an Order to the Committee on Social Questions instructing it to study any other questions which might suitably be added to the programme.

Having examined the Recommendation of the Assembly on the adoption of a common policy in social matters, the Committee of Ministers expressly recognised in its Report to the Assembly of May, 1952 the advantage of coordinating the social action of the nations, and it instructed the Secretariat-General to prepare a memorandum on the activities which the Council of Europe might properly carry out in the social sphere.

The Assembly noted this decision with interest and asked that the memorandum be referred to it for Opinion before the Committee of Ministers made a final decision. Neither the Secretariat-General nor your Committee has attempted to propose a hard and fast programme enumerating specific questions, for we considered this to be outside our terms of reference, besides being a somewhat unrealistic approach at the present stage.

With your leave, Mr. President, Ladies and Gentlemen, I should like now, if I may, to give you a brief account of the various chapters of the memorandum by the Secretariat-General. For the moment, however, I shall pass over the most important chapter, namely Chapter I, to which I shall return later. I shall begin

therefore with chapter II, which deals with "Harmonisation of social legislation in the Member States of the Council of Europe".

The first problem here is to define what is meant by "harmonisation". The Memorandum makes it quite clear that this word bears no suggestion of uniformity as between the laws of the various countries. The aim is to adapt the various systems to certain standards which have already received international recognition. The European Code of Social Security is a good example of this.

The Council of Europe took as its basis the International Labour Convention No. 102 on minimum standards of social security and set out to discover in what particulars this Convention could be adapted to European conditions by improving upon the standards already laid down. This work was, of course, carried out in close collaboration with the International Labour Organisation, which has been kept fully informed.

There is no doubt that the same could be done in other fields, the choice being left, as we have already said, to the social experts. It appears desirable, however, that questions connected with labour conditions should be given first priority, and here I would remind the Consultative Assembly that it has already recommended joint action by Member States to secure the ratification of as many of the International Labour Conventions as possible.

Another aspect of harmonisation is its effect upon new legislation. It should be easy for member countries to consult each other before introducing important new social legislation so that all the Governments could examine the possibility of working out a common policy.

Now we come to Chapter III of the Memorandum on "Harmonisation of social administration, practice and techniques". Here I would confine myself to the vocational training of social welfare personnel. The Memorandum by the Secretariat-General points out that the United Nations and the International Labour Organisation are already operating an excellent training programme for social welfare personnel, and it need hardly be mentioned that they have the full support of the Council of Europe.

Chapter IV deals with "Abolition of Discrimination", a problem of obvious importance from the social point of view. Here I would simply mention that the Council of Europe has already obtained results in this field, in the form of two interim Agreements on Social Security, drawn up in close collaboration with the International Labour Organisation, and a draft Convention on Social and Medical Assistance. The Assembly is already fully conversant with these texts, which it has approved.

Chapter V : "Co-ordination of the activities of Member States in the framework of other Organisations". This principle has already been approved by the Assembly in its Recommendation 21 of 1950.

Chapter VI : "Collaboration with other organisations, governmental and non-governmental". Here I would quote paragraph 47, sub-paragraph 2 of the Memorandum, which reads as follows :

"In the opinion of the Secretariat-General it is right and proper that the Council of Europe, as a political organisation representative of Western Europe both on the governmental and the parliamentary plane, should draw up a general programme in the social field on the lines indicated in this Memorandum, even if the execution of parts of that programme on the technical plane lie within the competence of other organisations. In that event these organisations should be requested to co-operate with the Council of Europe for the purpose."

Ladies and Gentlemen, the Committee on Social Questions agrees with the principle of this plan which throws into relief two characteristics of the Council of Europe : first, that it is a regional organisation comprising fifteen States which, in spite of pronounced individual differences, are also sufficiently homogeneous to contemplate a level of social development beyond the reach of some other parts of the world, at any rate in the foreseeable future.

The second characteristic is that the Council of Europe possesses a Consultative Assembly of a type to be found in no other organisation, through the agency of which not only the Council of Europe itself but also other organisations may enter into direct contact with the Parliaments of the fifteen countries and so use a completely new method of airing their ideas and ventilating their plans on the political plane.

The examination, past or present, of a particular problem by another organisation should not preclude action by the Council of Europe in the same sphere, given a different plane and a different approach.

I would also emphasise that the Council of Europe has concluded special Labour Agreements with the International Labour Organisation, the United Nations, the World Health Organisation, the Inter-Governmental Committee for European Migration, the Brussels Treaty Powers and O. E. E. C., all of which have resulted in collaboration and aim to remove all likelihood of duplication. More important still, representatives of these Organisations regularly attend committee meetings, including those of the Committee on Social Questions.

Chapter VII deals with "the creation of the necessary machinery for the implementation of the programme". I shall return to this question shortly. It would be useless for me to enlarge upon it now, for this Chapter merely discusses ideas already embodied in Recommendation 27 (1952) of the Assembly. The Assembly has already recognised the need to set up semi-permanent machinery capable of canalising and developing the social programme.

With your leave, Mr. President, I should now like to return to the vitally important Chapter I of the Memorandum, which is entitled : "European Social Charter".

This Charter would enshrine the various ideas and principles already mentioned. It would serve as a guide for a social programme em-

bodying the main social principles characteristic of the Western Democracies, and would certainly be a valuable pendant to the Convention on Human Rights of the Council of Europe.

As you will know, the United Nations Universal Declaration of Human Rights is not confined to political and civil rights but also includes economic and social rights. During the United Nations discussions for the elaboration of a genuine Convention on Human Rights, it was found necessary to detach political and civil rights from economic and social rights, and to aim at a separate Convention for the latter.

Unfortunately, this work is still in its preparatory stages and there are many grounds for fearing that it will not produce positive results for a long time. On the other hand, it might be possible to draw up a text of this type within the more limited framework of the Council of Europe.

The Preamble to the European Convention on Human Rights of the Council of Europe describes the provisions of the Convention as "the first steps for the collective enforcement of certain of the Rights stated in the Universal Declaration". Should it now prove impossible, even in the Council of Europe, to reach agreement upon a binding text, it would still be of psychological and practical value to draw up a solemn declaration of the fundamental social principles of Western Europe.

Such are the suggestions embodied in the Social Memorandum of the Secretariat-General. They have been studied by the Committee on Social Questions, whose findings are now before you in the form of a draft Opinion of which I would now give a brief account.

Before embarking upon this vast problem, your Committee wondered—and several Members have already asked this question both here and at Committee meetings—whether action by the Council of Europe might not cover the same ground as that of other international organisations such as the International Labour Office, the O.E.C. and the United Nations.

I think I can give my colleagues a firm assurance that there can be no possibility of duplication but I would also offer you proof. Since the inception of the Council of Europe we have spent much time over the problem of duplication. For instance, your Committee on Social Questions discussed it in 1949, 1950 and 1951. Other competent organs, including the Committee of Ministers, have also studied the question and steps have been taken to ensure that there is no duplication and overlapping in our work. Moreover, I have already referred to agreements concluded with a number of international organisations, namely : the International Labour Office, the O.E.C., the World Health Organisation and the Inter-Governmental Committee for European Migration, all of which have been submitted to this Assembly.

The Agreement which most closely concerns your Committee is, of course, the one signed with the International Labour Organisation. What are its terms? I would refer my honourable Colleagues to the document itself. Article I provides for mutual consultation, Article 3

for regional tripartite meetings, Article 4 for regional technical meetings, Article 5 for technical assistance, Article 6 for statistical and legislative information and Article 7 for the exchange of information and documents.

It will thus be seen that steps have been taken to eradicate duplication and wasted effort in every field. However, I would remind the Assembly that the aims of the Council of Europe are somewhat different from those of other international organisations. Whereas the latter are primarily concerned with the promotion of social progress, the Council of Europe has another and more important aim, namely to bring about closer union between the fifteen Member States, in accordance with Article 1 of its Statute.

The logical consequence of these aims is that the Council should have a more radical approach to social matters than the other organisations, as the Committee of Ministers has itself shown, by deciding in 1951 to convene two Committees of experts, one on Social Security and the other on social and medical assistance, although these two subjects should, strictly and logically speaking, come within the scope of the International Labour Organisation. The Committee of Ministers shared the view, therefore, that the Council of Europe should go further than this Organisation and that it should retain political competence, I stress this word, in its own hands. At this very moment, moreover, one of these Committees is preparing a European Code of Social Security with the technical assistance of the International Labour Office.

These examples show quite clearly, Ladies and Gentlemen, that there can be no question of duplication, since the Council of Europe must go further than these organisations, inasmuch as it must not only contribute to social progress but also bring about closer union between its fifteen Member States.

This does not mean, however, that it should go forward regardless of the experience of these important organisations. This is far from the case. All enquiries into social matters by your Committee and by committees of experts are conducted in close association with the competent international organisations and have the technical assistance of the International Labour Office to which—as to the trade unions in general—I would now pay a well deserved tribute.

When examining the Social Memorandum referred to it by the Committee of Ministers, your Committee attempted to accomplish something really practicable, and I hope the draft Opinion will convince you of this.

First and foremost, the Committee thought it right to adopt the idea of preparing a European Social Charter. It did not make a thorough study of the possible contents of the Charter, but simply endorsed the principle of its elaboration and recommended that, should the Committee of Ministers agree to a Charter, its broad lines should be laid down by the Assembly of the Council of Europe.

We can firmly declare here and now that this Charter should embody the social aims of the Council of Europe and serve as a guide for all future action in the social sphere. It should form a social pendant to the Convention for the

Protection of Human Rights and Fundamental Freedoms and, like the latter, be considered as a first step in its own field.

In the course of its investigations, your Committee paid special attention to three Chapters of the Social Memorandum;

Chapter IV, concerning the abolition of discrimination in the social field between nations of the Member States; Chapter II, concerning harmonisation of social legislation and Chapter VII, on the creation of the necessary machinery for the implementation of the programme.

While we were all aware of the difficulties of working out a common social policy, owing to the wide disparity of social and economic conditions in the member countries, we, nevertheless, took the view that harmonious relations in Europe called for a common effort towards harmonisation and co-ordination in the social sphere. We also came to the conclusion that this would necessitate a long-term policy of considerable flexibility to be carried out in progressive stages.

We took the view that the primary aim of the Council of Europe in social matters should be to secure the abolition of discrimination on grounds of nationality from the social legislation of member countries. Nor did we think there should be any discrimination on grounds of race or sex. Indeed, European unification, even in its narrowest sense, should presuppose the absence of discrimination against a national of one member country when resident in another. It would be a striking demonstration of European solidarity and constitute progress towards broader social justice if all European workers living in any member country enjoyed the same social advantages as those accorded to the nationals of that country.

May I mention, in passing, that Belgium, for instance, applies the same legislation and accords the same social advantages to Italian or other miners coming from abroad as it does to Belgian mineworkers.

This principle has already been advocated by the Assembly and by the Committee of Ministers, and should form one of the main lines of social policy along which the Council of Europe should proceed. Steps should be taken for the gradual achievement of this aim.

We must now enquire what methods might be adopted :

A beginning has already been made in the form of the two draft agreements on Social Security and the draft Convention on social and medical assistance, which lay down the principle of equal treatment in member countries for national citizens and for the citizens of other Member States. These draft Agreements have been approved by the Assembly and the Committee of Ministers, and should be signed and ratified as soon as possible. We appeal to all our colleagues to collaborate in this work.

Secondly, this principle of equal treatment also requires that the families of migrant workers should be entitled to all social security benefits, even when residing in a different country from that in which the breadwinner is working. As the Assembly has already urged in its Recommendation 3, adopted on

14th May, 1951, the application of this principle should not be limited for any reasons connected with the place of residence. We sincerely hope that the Committee of Social Experts may find an adequate solution to this problem. We also consider it desirable for arrangements to be made whereby migrant workers may be accompanied by their families, or joined by them without undue delay. This problem is of particular concern to our Italian colleagues, who are making an outstanding effort to solve their over-population problems.

The two draft Agreements and, if adopted, the draft Convention previously mentioned should be revised and improved in the course of the next few years. They are considered to be satisfactory as interim measures, but the Assembly recommends that they should be replaced as soon as possible by the general multilateral Convention on social security. The revision of these two agreements in such a way as to give added protection to migrant workers was advocated by the International Labour Office in its Memorandum to the Assembly.

Furthermore, the creation of a common market for coal and steel as between six Member States of the Council will inevitably raise important social problems including in particular the question of equal treatment for the nationals of those countries. It is to be expected that the Community will draw up regulations more far-reaching than the Interim Agreements on Social Security of the Council of Europe. It would therefore be desirable to take steps to maintain the necessary cohesion of the Fifteen in the social field. The Council of Europe and the European Coal and Steel Community should in future co-operate with a view to establishing, in matters of common interest, rules which as far as possible are equally acceptable to the Community and to the other Member States of the Council of Europe.

It was for this reason that the Assembly, in Resolution 31 containing its Opinion on the Report by the High Authority of the E. C. S. C., adopted on 23rd June, 1953, urged that joint meetings should be arranged between the various competent organs of the two organisations. Such meetings could not fail to be of benefit to both organisations.

The second aim of the Council of Europe should be the greatest possible harmonisation of the social legislation of its Members, with a view to unifying to some extent the various social systems. Europe must be built on solid foundations. Not only should discrimination between workers in member countries be abolished, but also efforts should be made to bring social conditions in the various countries substantially into line.

We must now consider how this second aim could be achieved. The European Code of Social Security, which aims ultimately at standardising to some extent the benefits of social security in Member States of the Council of Europe, should be drawn up as soon as possible. Its implementation would represent a major contribution to the work of harmonisation, and might be considered as the cornerstone of the social edifice which the Member States intend to construct. The Committee

of Experts set up by the Committee of Ministers has already made considerable headway with the drafting of the European Code. It is working in close co-operation with the International Labour Office on the matter. The idea is that it should meet next December and proceed to study the replies made by the various Governments to a questionnaire prepared by the International Labour Office.

It is eminently desirable that international labour conventions should be ratified : the ratification of some of these conventions does not appear to raise many difficulties, and there are others which make a substantial contribution to the task of harmonising the various national legislations. I ought perhaps to add that, in the view of the International Labour Office, the ratification of these international labour conventions is an adequate means of bringing into harmony the activities of the nations in the sphere of social policy.

We also took the view—and this is the last question that I propose to deal with in this Assembly to-day—that there should be a regular exchange of views within the Council of Europe about new developments in the sphere of social security, as also any innovations which countries have in mind for their social legislation or administrative practice on these matters. It is very much to be hoped that the Governments will, as far as possible, keep the Council of Europe informed about the development of social policy in their respective countries, as also about any changes that they intend to make in the way of legislation in this sphere.

What emerges, Ladies and Gentlemen, from all this—and this is the considered view of your Committee—is that it is essential to set up an organ endowed with adequate functions to ensure the realisation of the programme which is being recommended. The establishment of a Social Committee composed of senior officials as recommended by the Assembly, is, then, a highly desirable object. The complex of social problems is of sufficient dimensions nowadays to justify a continuous effort being made within the framework of a deliberate social policy and to deserve also, with regard to each particular item of that policy, a careful and thorough examination by experts.

The Committees of Experts hitherto appointed have had an essentially temporary and specialised function, a situation which has certain disadvantages. The "Social Committee", on the other hand, should be a semi-permanent body meeting two or three times a year, and the high-ranking officials of which it is composed should be free to appoint substitutes or call in other social experts to assist them. It should, moreover, work in close liaison with the I. L. O. and the O. E. E. C., and particularly with the Manpower Committee of the latter, in order to avoid duplication with the work of those organisations.

The principal function of this Social Committee would be to examine the social recommendations of the Assembly on behalf of the Committee of Ministers, for it would be valuable to have a body of specialists called upon to pronounce judgement upon recommendations of a largely technical nature. Our colleagues

will be aware that the Committee of Ministers, with its onerous responsibilities, has not always had the requisite means of studying the social recommendations of the Assembly. The Social Committee would, therefore, be a special instrument of liaison between the social administrative authorities of the various Member States and between those authorities and the Council of Europe, since such permanent contacts are essential if the social programme of the Council of Europe is to be successful.

We also thought that, when appropriate, Members of the Social Committee could meet before the opening of international conferences on social matters in order, as far as possible, to reach agreement on a common policy. This would do much to strengthen the position of Europe in world affairs. It is well known that this practice is regularly adopted by other groups of States and continental blocs before international conferences.

Finally, we accepted the suggestion to set up a "Social Documents Centre". But let us make no mistake about this : it should form part of the library of the Secretariat-General, where there is already a nucleus for such a centre. This would be of great value as a sort of information centre for Members of the Assembly, and the Governments should make a regular practice of supplying it with all useful information on the social situation and legislation in their countries.

Mr. President, Ladies and Gentlemen, such is the—admittedly limited—social programme of your Committee. We have intentionally confined ourselves to a few questions which seem fundamental to all social action.

We have adopted two major principles : the abolition of discrimination and social harmonisation and co-ordination, which should form the inspiration of our future work and serve as a general guide to our social policy. This harmonisation implies, of course, a levelling upwards, the aim being to achieve a high standard of living. It is our wish that these major principles should be recognised once and for all, embodied in a Social Charter and effectively applied. We are convinced that they are such as to achieve closer union between member countries of the Council of Europe.

For our part, Mr. President, we shall diligently pursue our study of the social programme in the hope that we may add to it as time passes and so bring peace, security and social justice to the peoples of Europe.

We have spent several days debating the important report by my fellow-countryman, M. Spaak, on the military unity of Europe for the maintenance of security and the defence of peace. But, even if that problem could be regarded as solved, I think the Assembly, and not least M. Spaak himself, would agree with us that there would still be a need to introduce a certain degree of economic and social unity into European affairs. Herein lies the paramount importance of the Report I have just introduced on behalf of the Committee on Social Questions. For its length I apologise; for its substance I am confident that the Assembly will vote its approval, as it has done in the past.

THE PRESIDENT (Translation). — You have heard the statement of the Chairman and Rapporteur of the Committee on Social Questions. I call Mme. Weber.

Mme. WEBER (*German Federal Republic*) (Translation). — Mr. President, Ladies and Gentlemen, in the last few days we have been discussing political questions of the greatest importance to Europe. We should not, however, forget the importance of social problems at the present juncture. For the construction of a new Europe depends not only upon a successful foreign policy, but also upon social progress.

There are no more Communists in the new German Bundestag. In Germany, the Soviet gospel of social equality and social dictatorship is no longer current. Our refugees, our prisoners-of-war, our workers and peasants, especially those who live near the Iron Curtain, know what the standard of life is in Russia-wretchedness, poverty, terror.

What they want is the improvement of living conditions and the fair division of resources and burdens. This social policy should be based on spiritual and moral values, on respect for the individual, who would thus be enabled to develop his powers, and on respect for the family. Russia has only slaves, the Russian system spells ruin to family life.

Europe should be in control of its social forces. For this reason, social co-operation between the Member States of the Council of Europe would be useful and, indeed, essential. The European social charter might serve as a guide in the social sphere and give reality to the principles of social life—security and healthy conditions in work, protection of family life, and a proper level of existence for every body.

If we speak of bringing our various legislations into harmony, that does not mean that we are to have only one uniform body of laws. The different peoples and nations have different social conditions. What we want is a European understanding, a common effort in the social sphere. All this is indispensable.

When the great mass of workers rose in revolt in Eastern Germany on 17th June—displaying the strength of the weak—they were rebelling against slavery and against the wretched conditions of their existence.

In the social administration of the various European countries, we should exchange views, pool our information and experience, and improve our methods of work. Close co-operation with the United Nations is essential. The Council of Europe should aim, first and foremost, at the abolition of discrimination in the social sphere. I may mention, for instance, welfare services for children, young people, mothers of large families, and workers.

At the same time, in order to avoid the dispersal of effort, the activities of the international organisations—the United Nations, the International Labour Bureau, the World Health Organisation—should be co-ordinated. We are trying to establish with these organisations a system for the exchange of information, mutual consultation, and satisfactory technical cooperation. Social progress does not depend

solely upon social legislation and official action; it depends also, to a very great extent, upon the efforts of private, independent, and free organisations.

The establishment of a Social Committee might contribute to the fulfilment of the programme suggested just now by M. Heyman. There is a firm foundation for such a social programme; it is guaranteed by the freedom of the individual, by the rehabilitation of family life, by the activities of free, independent organisations, and by the efforts of the Member States. The future of social Europe lies in that direction.

THE PRESIDENT (Translation). — I call Mr. Norton.

Mr. NORTON (*Ireland*). — I should like to congratulate M. Heyman, not only on the very informative Report which he has presented to the Assembly to-day, but on the very deep interest and the ceaseless energy which he has brought to bear on the question of the Social Charter in the course of the work of the Committee on Social Questions.

I think it will be generally recognised by all that the question of social security is now one of the most vital questions affecting the people of all countries. Judging by the manner in which the question of social security has pushed itself into the forefront of public discussion in all countries, especially during the past twenty years, I think we can say with all certainty that that question will continue to occupy a major place in the discussion of public questions in our respective administrations.

Since all countries are naturally concerned with the problem because it affects the well-being of their people, it is a question which therefore provides abundant scope, especially for co-operation among the countries which comprise the Consultative Assembly of the Council of Europe.

As we all know, the International Labour Office has been dealing with the question of social security for many years, but it has dealt with the problem on a world or global basis, and here I should like to take the opportunity of paying tribute to the International Labour Office for its really magnificent work in that particular field. Its achievements, in spite of difficulties and in spite of obstacles, represent an enduring monument to the zeal and tenacity which it has brought to bear on the question of establishing a code of social security throughout the world.

I feel, however, that the Council of Europe is particularly equipped to play a paramount part in raising standards of social security in Europe, and that we here in this Council, representing a substantial region in Europe which accepts a common pattern of life, can in this sphere work out a pattern of social security without having to face the inevitable difficulties which confront the International Labour Office in endeavouring to evolve a global pattern of social security.

There are many people in the various countries which comprise this Assembly who look to the Council of Europe for guidance and leadership in extending and establishing on an unassailable basis a firm and beneficial code of

social security for the masses. We must not disappoint these people. In my view, one of the grave dangers confronting the Consultative Assembly is that we might give to the peoples of Europe the impression that the Council of Europe is a very important Assembly for passing Resolutions. They must, however, be convinced that the Council of Europe is concerned not merely with the passing of Resolutions, but that by its tenacity and its purposeful endeavours it ensures that its Resolutions are given practical effect in a manner which confers benefits on the millions of people who look to this Assembly for an uplift in their social standards and for a better pattern of life.

Many of the questions with which we deal here are of an academic variety and do not touch the intimate lives of masses of the people. They may well be inclined to judge this Assembly by what it does in its meetings and in its deliberations generally to lift their living standards. Social security, because it intimately affects the daily lives of people, provides this Council as no other question does with opportunities for showing to Europe—yes, and to the wider world outside—the enormous potentialities which reside in the co-operation and the collaboration made possible by the creation of an organisation of this character. There is much scope here for fruitful work in the field of social security.

In the field of human rights and fundamental freedoms, the Council has achieved something which will long be a monument to its usefulness and to its endeavour to establish human freedom and human dignity on a plane which will command world-wide respect. I feel that in the field of social security, we must endeavour to parallel our achievement in the creation of the Charter of Human Rights and Fundamental Freedoms. I hope, therefore, that by enthusiastically endorsing the Report presented by M. Heyman, the Assembly will indicate to the Committee of Ministers our desire that speedy progress should be made in the preparation of a detailed Social Charter, and that every possible effort must be made and every facility provided to enable us to enthrone that Charter in our national lives in the same way as the Charter of Human Rights now has reality in its field.

Whether this Council of Europe lasts for a long time or a short time will be determined by the value of the work it does for the masses of the people; but I feel that if we can cap the Charter of Human Rights and Fundamental Freedoms with a new Social Charter, then the Council will have earned a permanent and enduring place not only in history but in the hearts of the men and women who will benefit from our activities.

THE PRESIDENT (Translation). — Does anyone else wish to speak?...

The debate is closed.

I shall now read the Draft Opinion presented by the Committee on Social Questions.

" 1. The Assembly has most carefully studied the *Memorandum by the Secretariat-General on the activities which the Council of Europe could properly carry out in the social sphere* transmitted to it by the Committee of Ministers for an Opinion, Doc. 140.

It conveys to the Secretariat-General its appreciation of this valuable study, which conforms in its broad lines to Recommendation 14 on the adoption of a common policy in social matters, adopted by the Assembly on 7th December, 1951.

The Assembly is fully aware of the importance of social problems at the present juncture, and believes that in this matter the Member States of the Council of Europe could usefully co-operate.

2. The Assembly accepts in the first place the principle of the elaboration of a "European Social Charter". Such a Charter should define the social aims of the Member States and serve as a guide for all future activities of the Council in the social field. In social policy it should form a pendant to the Convention on Human Rights and Fundamental Freedoms, and should be framed in agreement with the Assembly, whose function it should be to lay down the governing principles on which it should be based.

3. The Assembly has paid especial attention to other chapters of the Memorandum, notably Chapter IV concerning the abolition of discrimination in the social field between nationals of Member States, Chapter II on the harmonisation of social legislation, and Chapter VI on the formation of the necessary organisations for the implementation of the social programme.

The Assembly attaches particular importance to the scope and content of these three chapters, which are referred to in detail hereafter.

While aware of the practical difficulties arising from disparity of social conditions in the member countries, the Assembly believes that harmonious relations in Europe call for a common effort towards co-ordination and harmonisation in the social sphere, a principle already recognised as indispensable by the Committee of Ministers when it stated in paragraph 60 of its Report of 12th May, 1952 : "The Committee of Ministers wishes to assure the Assembly of its recognition of the value of harmonising national activities in the social field."

Such harmonisation should be carried out progressively, while allowing scope for great flexibility, within the framework of a long-term programme.

CHAPTER I

4. The primary aim of the Council of Europe in the social field should be the abolition from the social legislation of its Member States of discrimination on grounds of nationality. Nor should there be any discrimination on grounds of race or sex.

Even in its most restricted form European unification should pre-suppose the absence of discrimination against a national of one member country when resident in another. It would be a striking demonstration of European solidarity and constitute progress towards broader social justice if all European workers living in any member country enjoyed the same social advantages as those accorded to the nationals of that country.

This principle has already been advocated by the Assembly and by the Committee of Ministers, and should form one of the main lines of social policy along which the Council of Europe should proceed. Steps should be taken for the gradual achievement of this aim.

5. The following methods might be adopted :

(i) A beginning has already been made in the form of the two draft Agreements on Social Security and the draft Convention on Social and Medical Assistance, which lay down the principle of equal treatment in member countries for national citizens and for the citizens of other Member States. These draft Agreements have been approved by the Assembly and the Committee of Ministers, and should be signed and ratified as soon as possible.

(ii) The principle of equal treatment also requires that the families of migrant workers should be entitled to all social security benefits, even when residing in a different country from that in which the breadwinner is working. As the Assembly has already urged in Recommendation 3 adopted on 14th May, 1951, the application of this principle should not be limited for any reasons connected with the place of residence. The Assembly hopes that the Committee of Social Experts may find an adequate solution to this problem. The Assembly also considers it desirable for arrangements to be made for migrant workers to be accompanied by their families, or to enable the latter to join them without undue delay.

(iii) The two draft Agreements and, if adopted, the draft Convention mentioned above, should be revised and improved in the course of the next few years. The Assembly considers them to be satisfactory as interim measures, but recommends that they should be replaced as soon as possible by a general multilateral Convention on social security. The revision of these two Agreements in such a way as to give added protection to migrant workers was advocated by the I. L. O. in its Memorandum to the Assembly (Doc. 170, Chapter III, paragraph 4). Furthermore, the creation of the Common Market for Coal and Steel among six Member States of the Council will inevitably raise social problems including in particular the question of equal treatment for the nationals of those countries. It is to be expected that the Community will draw up regulations more far-reaching than the Interim Agreements on Social Security of the Council of Europe. It will therefore be desirable to take steps to maintain the necessary cohesion of the Fifteen in the social field. The Council of Europe and the European Coal and Steel Community should in future co-operate with a view to establishing, in matters of common interest, rules which as far as possible are equally acceptable to the Community and to the other Member States of the Council of Europe. It was for this reason that the Assembly, in Resolution 31, containing its Opinion on the Report by the High Authority of the E. C. S. C., adopted on 23rd June, 1953, urged that joint meetings should be arranged between the various competent organs of the two organisations. Such meetings could not fail to be of benefit to both organisations.

(iv) A comparative table showing the present extent of discrimination in the social field between nationals of the Member States of the Council of Europe should be drawn up as soon as possible in conjunction with the I. L. O. and O. E. E. C. The Council of Europe would then be in a position to consider to what extent such discrimination may be abolished or attenuated. At a later stage bilateral or multilateral agreements could be drawn up to this end.

6. The second aim of the Council of Europe should be the greatest possible harmonisation of the social legislation of its Members, with a view to unifying to some extent the various social systems. Europe must be built on solid foundations. Not only should discrimination between workers in member countries be abolished, but also efforts should be made to bring social conditions in the various countries substantially into line. It is not so much a question of standardising social legislation as of harmonising the advantages deriving from it, which is obviously a long-term objective.

This second principle, already widely recognised by the Assembly and by the Committee of Ministers, can be considered as a pre-requisite for the economic organisation of Europe. Economic unification is inconceivable without corresponding unity in the social field.

7. Means of achieving this second objective :

(i) The European Code of Social Security, which aims ultimately at standardising to some extent the benefits of social security in Member States of the Council of Europe, should be drawn up as soon as possible. Its implementation would represent a major contribution to the work of harmonisation, and might be considered as the corner-stone of the social edifice which the Member States intend to construct.

(ii) There should be early ratification of those International Labour Conventions in respect of which there would not appear much difficulty, and of those which would contribute materially to the harmonisation of social legislation. The I. L. O. concurs in the view that the ratification of International Labour Conventions represents a suitable means for harmonising national practices in social matters (cf. the I. L. O. Memorandum referred to in paragraph 5 (III), above). The Member States might make a joint effort in this direction. Consultations on the lines followed by the signatory countries of the Brussels Pact would undoubtedly lead to better results.

The question should be examined with the object of ascertaining whether a number of these Conventions might not be improved or given wider application on a European scale. The Committee of Experts on Social Security has recognised the possibility of such improvement in the case of Convention 102 on minimum standards of social security. The investigation should be carried out in close co-operation with I. L. O. It would, moreover, make it possible for the Member States to adopt a common attitude should it be decided to revise the Conventions, and might eventually lead to the drafting of a special convention establishing higher standards of social security for the Member States of the Council of Europe.

(iii) There should also be an exchange of views within the Council of Europe on the "new developments" in the social sphere, namely innovations which the countries propose to introduce into their social legislation or their administrative practice. It is desirable that the Governments should keep the Council of Europe as fully informed as possible of social developments in their countries and of any proposed changes in their social legislation.

Joint examination of these developments would produce beneficial results, for not only is there a considerable likelihood that developments in one country may concern other Members but it may also be advantageous to recommend the adoption of similar measures by other countries, wherever they are in accordance with the aims of the Council of Europe.

Moreover, the co-ordination of "new" legislation would present fewer difficulties of a fundamental nature than the co-ordination of existing legislation. Such a policy aiming at "parallel legislations" is already current practice in the case of certain countries.

(iv) Statistics which are genuinely comparative should be placed at the disposal of the Council of Europe, for on this condition depends the success of any policy of co-ordination, as the European Coal and Steel Community has already recognised. When the Community was unable to find even relatively comparable wage statistics in the six countries concerned, it decided that this was harmful to its policy of unification and adopted measures to make good the deficiency.

The Council of Europe would therefore do well to examine this problem in relation to the Member States as a whole, drawing upon the research and experience of other organisations such as O. E. E. C., I. L. O., the United Nations, the Brussels Treaty Organisation and the Scandinavian Group, for

such statistical information would facilitate progress along the lines suggested.

CHAPTER II

8. It follows from the foregoing that the implementation of the proposed plan depends on the establishment of an "appropriate organ". The appointment of the "Social Committee" of high-ranking officials, suggested in Recommendation 27 of the Assembly, is therefore most desirable. Social problems cover a sufficiently wide and important field to justify not only continuous activity within the framework of a general policy but also careful and detailed expert examination of each separate point.

9. Committees of Experts hitherto appointed have had an essentially temporary and specialised function, a situation which has certain disadvantages. The "Social Committee", on the other hand, should be a semi-permanent body meeting two or three times a year, and the high-ranking officials of which it is composed should be free to appoint substitutes or call in other social experts to assist them. It should, moreover, work in close liaison with the I. L. O. and the O. E. E. C., and particularly with the Manpower Committee of the latter, in order to avoid duplication with the work of those organisations.

This "Social Committee" would be the instrument of liaison between the social administrative authorities of the various Member States and between those authorities and the Council of Europe, since such permanent contacts are essential if the social programme of the Council of Europe is to be successful.

When appropriate, before the opening of international conferences on social matters, members of the "Social Committee" could also meet in order, as far as possible, to reach agreement on a common policy. This would do much to strengthen the position of Europe in world affairs.

This collaboration and co-ordination in the "Social Committee" by means of direct and semi-permanent contacts would lead to a certain unity of outlook, which would doubtless be reflected in national legislation or practice, in the form of an increasing uniformity of legislation, which would pave the way to the conclusion of new conventions.

Furthermore, the "Social Committee" should examine whether national legislations conform with the social Agreements and Conventions worked out by the Council of Europe and should do everything within its power to ensure the implementation of these Agreements and Conventions.

10. The Assembly welcomes the suggestion to set up a Social Documents Centre. This should form part of the library of the Secretariat-General, where there is already a nucleus for such a centre. It would be of great value as a source of information for Members of the Assembly.

The Governments should make a regular practice of supplying this Centre with all useful information on the social situation and legislation in their countries (reports, bills, laws, decrees, etc.) This was in fact done during the elaboration of the two draft Agreements on Social Security and the draft Convention on Social and Medical Assistance. It should now be extended to other problems affecting the Council of Europe. Only in this way can a definite programme for the co-ordination of social legislation and the abolition of discrimination in social matters be worked out and put into effect on the basis of sound comparative standards.

It will be the duty of the "Social Documents Centre" to make a systematic compilation of all information and documentary material needed by the "Social Committee" and the other organs of

the Council of Europe concerned with social questions. It will, of course, refrain from repeating research already undertaken by the I. L. O. or other international organisations, and from requesting Governments to provide it with information which has already been communicated to these organisations. The necessary information and documentary material should first be sought from the latter, so as to avoid duplication.

11. The Opinion of the Assembly on the social memorandum has been deliberately limited to the consideration of certain specific questions. The Assembly has thought fit to place the emphasis on points which it regarded as fundamental to all social action and which should help to define the guiding principles in the social sphere.

It is the wish of the Assembly that these principles should be clearly defined and put into effect, since it is convinced that they would help to achieve a "closer union" between the Member States, in accordance with Article 1 of the Statute.

12. The Assembly itself proposes to continue to study the social memorandum and other relevant questions which may subsequently be included in the social programme of work of the Council of Europe.

In accordance with Rule 35, paragraph (a), of the Rules of Procedure, the Assembly is now to vote on the Draft Opinion proposed by the Committee, and the required majority is two-thirds of the votes cast, amounting to not less than one-third of the Representatives to the Assembly.

Does anyone wish for a roll-call vote?...

As no one asks for a roll-call vote, I will now ask the Assembly to vote by a show of hands on the Draft Opinion proposed by the Committee...

The Draft Opinion is adopted unanimously.

It will be published under No. 5.

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Section V - 14th session of the Committee of Ministers:
draft report of the meeting on the Social Charter -
20 May 1954 - CM (54) CR3

COMMITTEE OF MINISTERS

14th Session

Strasbourg 18th June, 1954

Confidential
CM (54) CR 3 Provisional
or, Fr.

DRAFT REPORT

of the Third Meeting, held at Strasbourg
on 20th May, 1954, at 9.30 a.m.

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Paragraphs 38 to 39 (Social Charter) (1)

Mr. NUTTING (United Kingdom) wondered whether there was really much to be gained from drafting a European Social Charter. For one thing all the Member States of the Council of Europe were already parties to similar declarations, like the United Nations Declaration on Human Rights or the Declarations under the International Labour Organisation. Moreover, it might be wondered whether the Charter could do more than define social rights in extremely general terms and whether this would really be of any great value.

Mr. CREMIN (Ireland) said that his Government too, for the same reasons as those mentioned by Mr. Nutting, had doubts about the wisdom of including in the Message the paragraphs on the Social Charter. The subject dealt with in those paragraphs was already adequately covered by other bodies, in particular I.L.O., to which all the Members of the Council belonged. The Irish Government did not think it necessary for the Council of Europe to endeavour to define more precisely the objectives in the social field which the Member States of the Council of Europe should strive to attain. For those reasons he supported the suggestion that paragraphs 38 and 39 be deleted.

(1) Text of paragraph 38 and 39.

Social Charter

38. Our Committee has accepted the principle of a European Social Charter which would define the social objectives aimed at by Members and would guide the policy of the Council in the social field, in which it would be complementary to the European Convention on Human Rights and Fundamental Freedoms.

39. The preparation of the Charter would be entrusted to the Social Committee, which would decide on the form and content of the document and in particular consider whether, in addition to general principles, it should contain more definite provisions binding upon the signatories.

M. SPAAK (Belgium) would if necessary fall in with a majority favourable to the deletion of these paragraphs, but he would find it regrettable. The arguments put forward by Mr. Nutting and Mr. Cremin did not appear to him to be valid.

The Social Charter would take its place side by side with the principles formulated by I.L.O. and the United Nations Declaration of Human Rights as a declaration specially applicable to the European countries in which the attempt would be made to stipulate the minimum aims of social legislation. He further considered that any prospect of achieving closer economic relations between the countries of Europe pre-supposed a certain standardisation of their social legislation. One of the arguments often brought up by one country or another against certain schemes for agreements in economic matters was that the social charges which they had to bear were too heavy. This had a very important bearing on the organisation of Europe and the omission of a chapter on the Social Charter in the Council's Programme would leave a serious gap.

M. BOYESEN (Norway) agreed with M. Spaak. His Government felt that the idea embodied in the two paragraphs under discussion was a very important one. He would like to have the two paragraphs kept in, but would bow to the majority will.

Mr. NUTTING (United Kingdom) said that he had no wish to oppose the majority view. He asked the Committee whether it was ready to accept the following compromise text:

"38. Our Committee has decided to draw up a European Social Charter containing the declaration of the aims of members in the social field which would be complementary to the European Convention on Human Rights and Fundamental Freedoms.

39. The preparation of the Charter would be entrusted to the Social Committee."

He explained that if the Council tried to draft a Social Charter in other than general terms difficulties might arise regarding some of the provisions which were binding upon governments. In Great Britain, for example, many arrangements in the social field, such as wages and hours and conditions of work were left to voluntary negotiation and could not be the subject of governmental action. Moreover economic and social policy was often dependent on economic circumstances beyond the control of governments. His text simply stated that the Social Charter would be a declaration of the aims of Member States in the social field and made no reference to more precise provisions as was done in paragraph 39 of the present text.

M. BOYESEN (Norway) suggested that the two texts be decided upon one after the other. If the United Kingdom Representative could not agree to this procedure he would support the compromise proposal.

M. van VOORST tot VOORST (Netherlands) said that his attitude was the same as that of the Norwegian Representative.

THE CHAIRMAN consulted the Committee on the British proposal. The British proposal was not accepted.

He then asked the Committee to decide on the original text of paragraphs 38 and 39.

Mr. CREMIN (Ireland) would have preferred the text of the British amendment. In view however of the feeling of the majority, he would not oppose the adoption of the original text, but would suggest that the first phrase of paragraph 38 - "Our Committee has accepted the principle of a European Social Charter ..." be replaced by the following: "Our Committee will endeavour to elaborate a European Social Charter ...". The original text implied a commitment to accept the European Charter and he was somewhat sceptical concerning the possibility of reaching unanimity on this question.

THE CHAIRMAN considered it desirable that there should be unanimous agreement on a text.

M. SPAAK (Belgium) saw no great difference between the texts before the Committee. In neither was there any question of accepting a Charter but of only accepting the principle of a Charter. There was no commitment as long as the Charter was not yet drawn up.

Mr. CREMIN (Ireland) considered that there were different interpretations possible. He was glad however to note the explanation given by M. Spaak. He was happy to leave the matter in the hands of the Chairman.

M. BOYESEN (Norway) accepted the Irish amendment.

M. SPAAK (Belgium) also accepted this amendment.

THE CHAIRMAN observed that there was unanimous agreement on the Irish amendment. The text of paragraphs 38 and 39 submitted by the Ministers' Deputies was therefore adopted with the Irish amendment.

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Section VI 6th Ordinary Session of the Consultative Assembly
 of the Council of Europe - Social programme of the
 Council of Europe

Subsection I 1st part of the 6th Session - (May - July 1954)

Subsection II 2nd part of the 6th Session - (September 1954)



Subsection I - 1st part of the 6th Ordinary Session of the Consultative Assembly of the Council of Europe - (May-July 1954)

- §1 - Special Message of the Committee of Ministers transmitting to the Consultative Assembly the Programme of Work of the Council of Europe as regards social questions -
20 May 1954 - Document 238
- §2 - Report presented by Mr Heyman on behalf of the Committee on Social Questions, expressing an opinion on the Special Message from the Committee of Ministers, dealing with the Social Programme of the Council of Europe - 25 May 1954 - Document 252
- §3 - Official Report of the debate on the Report of the Committee on Social Questions - 28 May 1954 - Opinion No9 - Document 252
- §4 - Order of the Standing Committee of the Assembly -
9 July 1954

**CONSULTATIVE ASSEMBLY
OF THE
COUNCIL OF EUROPE**

SIXTH ORDINARY SESSION

20th May, 1954

Doc. 238

SPECIAL MESSAGE¹

*of the Committee of Ministers transmitting
to the Consultative Assembly the Programme
of Work of the Council of Europe*

CHAPTER III

Social questions

41. In preparing this social chapter of the Programme of Work our Committee was greatly helped by the suggestions of the Secretariat-General and the Assembly's opinion thereon (Memorandum by the Secretariat-General on the activities which the Council of Europe could properly carry out in the social sphere — Document 140 — and Opinion No. 5, adopted by the Assembly on 23rd September, 1953). A part of this chapter is based on these two documents, while the remainder stems from separate suggestions by Member Governments. We hope that the Assembly will be able to give a final opinion on this chapter during the first part of its Sixth Session.

Creation of a Social Committee

42. Our Committee has been impressed by the Assembly's frequent recommendations for the establishment of a Social Committee which should have more continuity than the several *ad hoc* Committees we have in the past set up in the social field. We have accordingly decided that a Social Committee, reporting to ourselves, should be set up. It will be composed of Senior Officials from the appropriate departments of Member Governments. We consider its constitution to be an essential part of the programme in the social field.

43. The Committee's members would be entitled to call on the assistance of other officials, or to be replaced by them, as and when the topics under discussion render this desirable.

44. The Committee's functions would be :
(a) to consider and advise the Committee of Ministers on specific social questions

referred to it by the Committee of Ministers, and, if necessary, to recommend that the Committee of Ministers should appoint *ad hoc* Committees of Experts ;

(b) to make suggestions to the Committee of Ministers as to other social questions which the Committee might usefully consider ;

(c) to exchange views at the request of members on current developments and questions of mutual interest in the field of social administration and policy, with a view to enabling national administration to understand, and, if desired, to profit by, the experience of others in the same field ;

(d) to take into consideration the work of the other international organizations concerned, in particular O.E.E.C. and I.L.O. so as to benefit from their knowledge and experience and achieve an efficient division of tasks in the social field between them and the Council of Europe.

Social Charter

45. Our Committee will endeavour to elaborate a European Social Charter which would define the social objectives aimed at by Members and would guide the policy of the Council in the social field, in which it would be complementary to the European Convention on Human Rights and Fundamental Freedoms.

46. The preparation of the Charter would be entrusted to the Social Committee, which would decide on the form and content of the document and, in particular, consider whether, in addition to general principles, it should contain more definite provisions binding upon the signatories.
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**CONSULTATIVE ASSEMBLY
OF THE
COUNCIL OF EUROPE**

SIXTH ORDINARY SESSION

26th May, 1954

Doc. 252

REPORT¹

expressing an opinion

*on Chapter III of the Special Message from
the Committee of Ministers, dealing with the
Social Programme of the Council of Europe*

presented,

*on behalf of the Committee on Social Questions²
by M. HEYMAN*

Draft Opinion

1. The Assembly has studied with great care Chapter III of the Special Message from the Committee of Ministers, which contains proposals for a programme of action in the social field.

It wishes to convey to the Committee of Ministers its great appreciation of this valuable initiative, which goes a long way to meet the point of view of the Assembly.

4. The Assembly notes with satisfaction that most of the ideas contained in Opinion No. 5¹ are also included in the Special Message. It hopes that the establishment of a European Social Charter may be initiated without delay, since it attaches great importance to the creation of such a Charter.

* * * * *
1. In Opinion No. 5, adopted on 23rd September, 1953, the Assembly gave its views on the proposals for a social programme contained in the Memorandum prepared by the Secretariat-General on the activities which the Council of Europe could properly carry out in the social field. Opinion No. 5 contains the following principal ideas and suggestions: establishment of a European Social Charter; abolition of discrimination in the social field as between nationals of the Members of the Council of Europe; harmonisation of social legislation, existing legislation as well as legislation in preparation; comparability of social statistics; establishment of a social documentation centre; establishment of a new Social Committee composed of senior officials in the social administrations of the Member States.

8. The Assembly appreciates particularly the creation of a Social Committee, composed of senior officials of the appropriate national Government Departments. This will greatly facilitate and stimulate the future social work

of the Council of Europe and secure its continuity. The Assembly considers that, on the whole, the proposed terms of reference of the Social Committee are satisfactory, although they differ somewhat from what was suggested in Recommendation 27 (1952). The main thing is that the new committee should be left a certain initiative to make suggestions of its own to the Committee of Ministers. The Assembly would, however, like to see included in the terms of reference the last item proposed in Recommendation 27 (1952), which reads as follows: "To keep the Committee on Social Questions of the Consultative Assembly as fully informed as possible of the progress of its work."

It is important that the new committee should work in as close liaison as possible with the Assembly and its Committee on Social Questions. The Assembly, therefore, is of the opinion that joint meetings of the two committees should be held from time to time.

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**CONSULTATIVE ASSEMBLY
OF THE
COUNCIL OF EUROPE**

SIXTH ORDINARY SESSION

OFFICIAL REPORT

Tenth Sitting

Friday, 28th May, 1954, at 3.30 p.m.

5. Debate on the Report of the Committee on Social Questions expressing an opinion on Chapter III of the Special Message of the Committee of Ministers dealing with the social programme of the Council of Europe

(Doc. 252)

THE PRESIDENT. — The next item in the Orders of the Day is the debate on the Report of the Committee on Social Questions, Doc. 252, expressing an opinion on Chapter III of the Special Message of the Committee of Ministers dealing with the social programme of the Council of Europe.

I call M. Heyman, Rapporteur of the Committee on Social Questions.

M. HEYMAN (Belgium) (Translation). — Mr. President, Ladies and Gentlemen, the Committee on Social Questions has carefully studied the parts of the Report and Special Message of the Committee of Ministers which have been referred to it.

I have the honour to submit to you on behalf of the Committee a draft Opinion on the chapter of the Special Message relating to social questions and—since the two questions are inseparable—a draft Reply to those parts of the Report of the Committee of Ministers which deal with social questions.

These two documents are closely connected, and I should like in a few words to place them in their proper context. I would particularly call your attention to the draft Opinion on the chapter of the Special Message relating to social questions. This Opinion is of considerable importance since it deals with the problem as a whole, including the social programme of the Council of Europe.

In September, 1953, the Assembly was invited by the Committee of Ministers to give its opinion on the draft social programme contained in the Memorandum by the Secretariat-General on the activities which the Council of Europe might usefully undertake in the social field. The Assembly thereupon expressed its views on the social programme, as it then stood, in its Opinion No. 5 of 28th September which you now have before you and which, I feel, is so familiar to you all that I need not quote from it.

Since then the Ministers' Deputies have on several occasions examined the social programme as part of the general programme of work, on the basis of Resolution (53) 14 of the Committee of

Ministers. They have duly borne in mind Opinion No. 5 of the Assembly, the Report of the *ad hoc* Committee of Social Experts which met in September, 1953, as also a number of separate proposals submitted by Member Governments and the Memorandum by the Secretariat.

You will find in the draft Opinion submitted to you a short summary of Opinion No. 5, to which I am obliged to refer you. The result of the work of the Ministers' Deputies is incorporated in the chapter on social questions of the Special Message of the Committee of Ministers.

The Committee of Ministers has expressed the hope that the Assembly would be able to give a final opinion on the social programme during the first part of its Sixth Session. This applies particularly to the part of the programme which deals with co-operation in matters of public health and the relations to be established with the World Health Organization, in view of a forthcoming meeting of the European Regional Committee of this Organization to be held in September this year.

Since the Assembly has already expressed its views on the social programme of the Council of Europe in its Opinion No. 5, it is only logical that it should first of all consider whether the ideas put forward in Opinion No. 5 have been duly incorporated in the social programme contained in the Special Message of the Committee of Ministers. The Assembly should then examine those parts of the social programme which have been added since the formulation of Opinion No. 5 and see whether it approves them.

I shall therefore begin by making a very quick and brief comparison between Opinion No. 5 and the programme contained in the Special Message.

Two ideas supported in Opinion No. 5, that of a European Social Charter and that of the abolition of all discrimination in social matters between nationals of Member States of the Council of Europe, are contained in the Message. In its Opinion, the Assembly particularly quoted the case of families of migrant workers residing in the country of origin when the family breadwinner was working in another country. This question is not mentioned in the Message, but the Report of the Committee of Ministers points out that the Committee of Experts on Social Security has continued its study of this question and has proposed awaiting the results of a similar study undertaken by the European Coal and Steel Community. This is quite understandable, since the results obtained in Luxembourg might later be utilised with profit by the Council of Europe. The same applies to the conclusion of a Multilateral Convention on Social Security to supersede the existing European Interim Agreements.

With regard to the removal of discrimination, Ladies and Gentlemen, the Assembly also recommended in its Opinion No. 5 that a comparative table showing the discriminations in the social field between nationals of Member States should be drawn up in order to facilitate the work in this field. The Committee of Ministers noted this recommendation in its Message, but, while admitting that such discrimination should be abolished, it has thought it preferable to follow the advice of the Committee of Social Experts and await the conclusion of the Convention on the Reciprocal Treatment of Nationals before taking any further action.

Another salient point of Opinion No. 5 was the need to harmonise social legislation. This subject is also referred to in the Special Message, as are certain particular points which the Assembly raised in this connection. Thus, the Message duly mentions the European Code and the idea of a national campaign for the ratification of various International Labour Conventions as effective means of achieving this harmonisation of social legislation.

In this respect I should like to call your attention to Recommendation 47 adopted by the Assembly last September. That recommendation advocates the speedy ratification of certain International Labour Conventions which the I. L. O. regards as being of special importance for European social co-operation. The Committee of Ministers approved this recommendation and invited Member Governments to inform it of the progress made towards the ratification of these Conventions. In its Report the Committee of Ministers records the information thus received, which has impressed the Committee on Social Questions most favourably. A large number of the Member Governments of the Council of Europe have either ratified these Conventions, taken steps to secure their ratification or given satisfactory reasons for being unable to ratify certain of them.

You will also note that the Message speaks of establishing, within the framework of the Council of Europe, European standards higher than those laid down in certain International Labour Conventions, in accordance with the method already applied to Convention No. 102 relating to minimum standards of social security, which forms the basis of the European Code.

The Message makes no particular mention of the harmonising of legislation in course of preparation nor of the "parallel" legislation referred to in Opinion No. 5. A similar idea, however, may be found in the terms of reference proposed for the new Social Committee which, at the request of its members, will exchange views on current developments. I shall return later to the subject of this Social Committee, which the Committee on Social Questions regards as a major achievement of the Council of Europe in the social field.

Neither does the Special Message mention the question of the "comparability" of social statistics referred to in Opinion No. 5. The ad hoc Committee of Social Experts felt that this was a highly important problem but one full of technical difficulties. It is, as it happens, already being studied by other organizations, such as I. L. O. and O. E. E. C., and I think I may say that on this subject the Committee of Experts took the right line.

The Committee of Ministers has referred to this question in its Report to the Assembly and expressed the view that any further investigations in this field should be left to these organizations. May I say once again how anxious the Committee on Social Questions is that there should be no duplication. The Committee of Ministers has, nevertheless, decided to call the attention of the Governments to this problem and to ask them, as a first step, to ratify International Labour Convention No. 63 on statistics of wages and hours of work.

This Convention has already been ratified by the following Member States: Denmark, France, Ireland, Norway, Netherlands, United Kingdom and Sweden. The Luxembourg Government has

just informed us that it has also been submitted to the Luxembourg Parliament for approval.

The Special Message also refers to the idea of a Social Documentation Centre, which was put forward by the Assembly in its Opinion No. 5. This Centre has already been installed in the library of the Council of Europe, as I myself suggested.

Perhaps one of the most important aspects of our problem, Ladies and Gentlemen—and I return to it intentionally—is the creation of a new social committee composed of senior officials of the appropriate Ministries of Member States. As you know, this was advocated in a separate recommendation of the Assembly—Recommendation 27 of 1952. It is also mentioned in Opinion No. 5. I had the privilege of explaining the purpose of this recommendation to you last year.

You will see from the Special Message that the Committee of Ministers has decided to set up this committee. Its terms of reference as defined in the Special Message do not coincide exactly with those suggested in Recommendation 27 (1952). They are, nevertheless, broad enough to meet the wishes of the Assembly, particularly as the new committee will be able to act on its own initiative—by making proposals to the Committee of Ministers on such social questions as it might usefully be asked to examine, quite apart from the questions specifically referred to it by the Committee of Ministers.

Your Committee on Social Questions feels that provision should be made for joint meetings with the new committee. Under the terms of Recommendation 27 the Social Committee should also meet before international conferences on social questions in order, as far as possible, to reach agreement on a common policy. This point does not form part of its terms of reference, as defined in the Special Message, but is mentioned separately in the Message and will be submitted to the Social Committee.

So much for the comparison between Opinion No. 5 and the programme contained in the Special Message.

There still remain the new proposals formulated in the Special Message of the Committee of Ministers—that is, those not covered in Opinion No. 5. These proposals were made by individual Member Governments.

It is suggested that the Council of Europe should take up the problem of the employment of older workers. This undoubtedly important problem has recently been given careful consideration both on the national and international plane. Both the United Nations and the Brussels Treaty Organization have dealt with it. Furthermore, the question of retiring age has been placed on the Agenda of the Regional European Conference to be held by the International Labour Organization towards the end of the year. The Committee of Ministers proposes to instruct the new Social Committee to devote careful attention to this problem.

Next comes the vast problem of obtaining full employment. As you know, the Assembly has already examined it on several occasions and has adopted three recommendations on the subject. The question is also being considered by several other international organizations such as the I. L. O., O. E. E. C., N. A. T. O., the United Nations and I. C. E. M.

There is also the question of vocational training, particularly from the point of view of the re-training of workers who have become unemployed

as a result of technical advances. This important social problem is also being studied by several other organizations such as the I. L. O. and O. E. E. C. The Committee of Ministers proposes to refer this question to the Social Committee which will consider what action the Council can take in this field, with due reference to the work of the other organizations.

The Committee on Social Questions would also like to stress the importance of vocational training, not only for adult workers but also for young people about to choose a trade.

On this subject I should like, on behalf of your Committee, to emphasise the growing importance of the youth problem. In view of present population trends in most of our countries, the category of the population between the school-leaving age and the adult age at which a trade has been learnt will be exceptionally large during the next ten years.

This new fact should be given careful attention. It raises problems of all kinds, but particularly those of social protection and vocational training. The Assembly must urge the Committee of Ministers to investigate this question which is so vital to the future of Europe.

It is for this purpose that the Committee on Social Questions, having re-examined the problem, has instructed me to propose to you that a new paragraph be added to the draft Opinion we have submitted to you, to replace paragraph 12 on page 6 of Document 252:

"12. Social problems of youth"

In the belief that young people—the age-group between school-children and adult workers—are in special need of social protection and vocational training, the Assembly emphasises that this problem is all the more important because, in many countries, current demographic statistics point to a marked increase in the number of young persons during the next ten years."

This addition, Mr. President, would involve a slight amendment—that of deleting in the last sentence of paragraph 11 the words:

"Particularly because the present demographic trend in many countries tends to increase the number of young persons needing vocational training."

I am sure the Assembly will not object to this amendment.

I now come to one last question in which the Assembly recently expressed interest and which is included in its Agenda: the adjustment of the individual and the family to the new conditions resulting from the growth of industrialisation and migration. This is the question dealt with, though in a somewhat different way, in Document 212, drawn up during the Fifth Session of the Assembly, which recommends co-operation between national social research centres. The Committee of Ministers decided to await the opinion of the Assembly before taking action on this point, and the Committee on Social Questions will give it careful consideration before reporting on the subject.

Then comes the problem, which I mentioned just now, of full employment. As you know, the

Assembly has already examined it on several occasions and has adopted three recommendations on the subject.

The last point submitted to us relates to the co-ordination and improvement of assistance to Member States in the event of disasters. The conclusion reached by your Committee is that, on the whole, the Committee of Ministers has made considerable concessions to the views of the Assembly and the Committee on Social Questions, and the Assembly will not need to propose any far-reaching amendments to the programme.

The Committee would, however, point out once again the gravity of the housing problem and hopes this question will be included in the programme.

I should add that Opinion No. 5 has been submitted to the Governing Body of the International Labour Organization. While stressing the importance of settling our labour problems by co-operation between Governments, workers and employers, and of preventing duplication of effort, the Governing Body of I. L. O. has reaffirmed its desire to give all possible assistance to the Council of Europe so that these problems can be tackled on the national plane more comprehensively than is possible on a broader international basis.

I do not wish to conclude this speech, which sums up the decisions taken by the Committee on Social Questions, without expressing to the International Labour Organization, the United Nations and especially the Secretariat-General of the Council of Europe the gratitude of the Consultative Assembly and the Council of Europe as a whole for the valuable assistance they have always given us in the social field.

THE PRESIDENT. — I call M. Santero.

M. SANTERO (*Italy*) (Translation). — Before I turn to the Report of the Committee on Social Questions, I should join M. Heyman in congratulating the Committee of Ministers on the fresh stimulus it has given to the solution of social problems.

I should next like to say a few words about health problems. Though at one time I took great interest and placed great hopes in the "White Pool", I have finally come round to the view that it would be inopportune and even dangerous to set up a new supra-national Specialised Authority in the field of public health.

As things now stand, a pool of this type could only be agreed to by the six Members of the European Coal and Steel Community, and we might have to wait years for its entry into force, unless they meanwhile established a Political Authority. Moreover, if—as I hope—this political community comes into being, a new basis for collaboration and solidarity between the six countries might be established in this field also.

It is, however, my belief that it would be more useful to prepare a convention which could be signed and ratified by several European States with the minimum of delay and could enter into force with the minimum of ratifications. This task might be entrusted to the committee of governmental experts to which the Committee of Ministers had decided to submit the proposals of the Governments, the reply from the Director of the European Regional Office of the World Health Organization and the Opinion of our Assembly. It is clear that this Committee will have to work

in close collaboration with the European Office of the World Health Organization, so as to avoid waste of time, energy and experience.

I would add that an attempt should be made to put the climatic and hydropathic resources of European States at the disposal of the less prosperous classes, especially workers. Present-day transport facilities are quite adequate to provide a change of climate for patients needing lengthy treatment, notably under special climatic conditions or in specially-equipped spas. Such a step would not only contribute to their recovery but also be an effective means of spreading the European spirit among our peoples.

THE PRESIDENT. — I call M. Dehoussé.

M. DEHOUSSE (*Belgium*) (Translation). — Mr. President, I shall confine myself to one point in the most interesting and comprehensive Report presented by M. Heyman. I refer to the Committee of Ministers' announcement of the creation of a Social Committee. This leaves me with mixed feelings of pleasure and anxiety.

It gives me pleasure because I regard it as a sign of growing social co-operation within the Council of Europe. This special committee offers us a real hope of action being taken similar to that which led to the conclusion of the Interim Agreements on Social Security and the Convention on Social and Medical Assistance.

On the other hand, this new step causes me anxiety lest it be construed as the abandonment of the idea of an Economic and Social Council within the Council of Europe.

You know how keen many of us are to see this plan go forward in both the Europe of the Fifteen and the Europe of the Six. Speaking of the Six, I recall that we attached great importance to the creation of an Economic and Social Council when the Ad Hoc Assembly was preparing plans for a political Community, as several members of this Assembly can bear out. If, for instance, our distinguished colleagues Lord Layton or M. Pierre-Henri Teitgen were here, they could tell you that we envisage this Economic and Social Council of the Six being linked in due course with an Economic and Social Council of the Fifteen. We must not abandon the idea of the Committee of Ministers setting up an Economic and Social Council for the Council of Europe.

Thus, Mr. President, I endorse the Report by M. Heyman, so long as my support of the idea of creating a Social Committee is not taken to mean that I abandon the subsequent establishment of an Economic and Social Council.

THE PRESIDENT. — I call M. Haekkerup.

M. HAEKKERUP (*Denmark*). — I wish to make only a very short contribution to the debate. I should like to compliment the Chairman of the Committee on Social Questions, M. Heyman, on his excellent Report, and I want to stress one special part of it—that which deals with the social problems of youth. I have not been a Representative in this Assembly very long, so I have not studied all the reports which have been issued throughout the years, but this is the first time I have seen the Consultative Assembly dealing specifically with youth problems in a more general sense. It is very important that it should do so, and not merely for the reasons mentioned by the

Chairman of the Committee on Social Questions.

The question of demographic development, which will bring in a great number of young persons in the coming years, raises many considerations of a social character, such as vocational training; but there is yet another consideration. We always call upon youth when we want to build future European unity, but, so far, we have done so only in general phrases. If we really want to interest youth in our work, we must show it that we are dealing also with its immediate problems. This possibility has now been opened up by this Report, and for that reason I feel sure that to that extent the Report is very important and will make the enthusiasm of youth for European co-operation even greater than it is today.

THE PRESIDENT. — I call M. Mommer.

M. MOMMER (*German Federal Republic*) (Translation). — Mr. President, I should like to put one question to the Rapporteur.

It is encouraging to perceive that the wishes of Committee have apparently been fully met in the programme of work of the Committee of Ministers. I would, however, ask the Rapporteur whether he has studied the previous recommendations of the Committee on Social Questions.

I myself, have been through them rapidly on behalf of the Committee on General Affairs and have noticed that a number of questions which are still of importance have been passed over.

My point is this: have these wishes really been fulfilled? Have all the previous suggestions of the Committee been included in the programme of work of the Committee of Ministers?

THE PRESIDENT. — I call M. Heyman.

M. HEYMAN (*Belgium*) (Translation). — Mr. President, I shall begin by answering M. Mommer. It is true that our wishes have not been granted all along the line, but the Committee on Social Questions is content to note the adoption of a considerable number of recommendations, and I can assure our German colleague that we have not lost sight of any of the recommendations previously put forward.

It is not the first time that he has spoken in this strain; it is, however, not for me to say whether we are issuing too many recommendations which remain dead letter.

As our distinguished friend, M. Dehoussé, has just recalled, the Committee on Social Questions has already successfully concluded a number of important tasks, and I would remind you of the conventions which we have prevailed upon the various Governments to sign.

M. Mommer can therefore rest assured that we shall pay increasing attention to the implementation of these recommendations. This, indeed, is one of the reasons why the Committee on Social Questions has always tried to restrict their number.

Let me also add that our distinguished friend, M. Santero, did well to stress the great importance of the world problem of public health.

This question has already come before the Committee on Social Questions, which this morning had its first opportunity of welcoming an observer from the World Health Organization. We have now decided to go further into this important problem, in collaboration with the World Health Organization and its European Regional Office.

When we consider that our studies are sufficiently advanced, we shall come forward with proposals. Our Committee agreed, however, with M. Santero that this was one of the main problems needing our attention.

I am anxious to assure my distinguished colleague M. Dehouze that I entirely agree with him. The setting up of a Social Committee cannot stand in the way of the possible establishment of an Economic and Social Council.

So much so, my friend, that tomorrow morning the Sub-Committee comprising representatives of the Committees on Economic and on Social Questions respectively, both of which have already devoted much study to this problem, will again examine it in order to seek practical ways and means of hastening a solution.

However, as you yourself emphasised, it has been agreed by the International Labour Organisation, the United Nations and ourselves that this problem is important enough to have considerable economic and social repercussions.

We must therefore be careful how we act and must first of all be in a position to study the problem thoroughly.

Let me, however, again endorse your statement that the setting up of our Social Committee does not preclude the setting up of an Economic and Social Council. I will go even further and say, on behalf of the Committee, that, since the Social Committee is composed of officials, it cannot trespass upon the authority or functions of your Economic and Social Council. The two must act in permanent co-operation.

Finally, I am divulging no secret when I remind M. Haekkerup that only this morning he was strongly urging the preparation of a special report on the vocational and social training of youth. I believe that he will be satisfied with my Report, since I have closely adhered to both the proposed text and the idea behind it.

I shall conclude by once more drawing your special attention to the problem of the vocational and social training of youth. It is imperative that we should make a great effort to ensure that the young workers of the free countries do not relapse into despondency but feel that they have our support.

Mr. President, I hope that these few remarks will enable the Assembly to adopt the resolution which we have the honour to move.

THE PRESIDENT. — The debate is closed.

I must now put to the vote the draft Opinion presented by the Committee on Social Questions. (Doc. 282.)

Before the vote is taken, there are some small changes in the Report, of which M. Heyman has just informed the Assembly, and which I shall read before the vote is taken.

The first is on page 6 of the draft Opinion, to delete the last three lines of paragraph 11 on vocational training:

"Particularly because the present demographic trend in many countries tends to increase the number of young persons needing vocational training."

The second is to replace paragraph 12, dealing with refugees and over-population, by the following:

"12. Social problems of youth:

In the belief that young people—the age-group between school-children and adult workers—are in special need of social protection and vocational training, the Assembly emphasises that this problem is all the more important because in many countries, current demographic statistics point to a marked increase in the number of young persons during the next ten years."

I shall now read the draft Opinion as a whole.

1. The Assembly has studied with great care Chapter III of the Special Message from the Committee of Ministers, which contains proposals for a programme of action in the social field.

It wishes to convey to the Committee of Ministers its great appreciation of this valuable initiative, which goes a long way to meet the point of view of the Assembly.

2. The Assembly recalls that it has on various occasions expressed its opinion on a common policy in social matters: first in Recommendation 14 of 1951; then in Recommendation 27 of 1952 on the creation of a Social Committee, and, most recently, in Opinion No. 5 of 1953. Moreover, it has adopted Recommendations on various specific social questions, such as, for example, housing.

3. The Assembly has, therefore, examined the proposals concerning social questions in the light of these earlier Recommendations and of Opinion No. 5. It has noted that the proposed programme contains a number of items which correspond to a large extent, although not completely, to views expressed by the Assembly, as also some items which are new and based directly on suggestions made by various Governments. The Assembly has, therefore, first undertaken a comparison between the proposed programme and its own views as expressed in various Recommendations, and particularly in Opinion No. 5 of 1953. Then it has examined the new proposals separately.

COMPARISON BETWEEN OPINION NO. 5 OF 1953 AND THE PROPOSED PROGRAMME

4. The Assembly notes with satisfaction that most of the ideas contained in Opinion No. 5 are also included in the Special Message. It hopes that the establishment of a *European Social Charter* may be initiated without delay, since it attaches great importance to the creation of such a Charter.

5. The procedure proposed by the Assembly for the speedy abolition of discrimination between nationals of the Members of the Council of Europe in the social field, namely to draw up, as a first step, a comparative table showing the present extent of discrimination, has not been adopted by the Committee of Ministers. The Assembly agrees that the conclusion of the Convention on Reciprocal Treatment of Nationals may go some way to solve this problem. It wishes, again, to stress the importance of its speedy solution and hopes that the Committee of Ministers will keep this constantly in mind.

The special questions of the social security rights of the families of migrant workers and the conclusion of a multilateral convention on social security are not mentioned in the Special Message. The Assembly understands, however, from the Fifth Report of the Committee of Ministers that these questions are on the Agenda of the Committee of Experts on Social Security. It realises that they are difficult of solution and that it may be an advantage to await the results obtained within the framework of the European Coal and Steel Community.

6. With regard to harmonisation of social legislation, there is no particular mention in the Special Message of the co-ordination of legislation in the stage of preparation and the "parallel legislation" referred to in Opinion No. 5. It is, however, possible to interpret the Special Message, and particularly point (c) of the proposed terms of reference of the Social Committee, so as to permit of such action.

7. The question of *comparability of social statistics* is not included in the social programme proposed in the Special Message. The Assembly can, however, agree with the view expressed in the Report of the Committee of Ministers that this highly technical question should on the whole be left to the technical organizations especially equipped to deal with it. The Assembly appreciates the fact that the Committee of Ministers has taken the initiative of asking the Member Governments to ratify International Labour Convention No. 63 on Statistics of Wages and Hours of Work.

8. The Assembly appreciates particularly the creation of a *Social Committee*, composed of senior officials of the appropriate national Government Departments. This will greatly facilitate and stimulate the future social work of the Council of Europe and secure its continuity. The Assembly considers that, on the whole, the proposed terms of reference of the Social Committee are satisfactory, although they differ somewhat from what was suggested in Recommendation 27 (1952). The main thing is that the new committee should be left a certain latitude to make suggestions of its own to the Committee of Ministers. The Assembly would, however, like to see included in the terms of reference the last item proposed in Recommendation 27 (1952), which reads as follows: "To keep the Committee on Social Questions of the Consultative Assembly as fully informed as possible of the progress of its work."

It is important that the new committee should work in as close liaison as possible with the Assembly and its Committee on Social Questions. The Assembly, therefore, is of the opinion that joint meetings of the two committees should be held from time to time.

EXAMINATION OF THE NEW PROPOSALS

9. Employment of the older worker

Much consideration has lately been given to this question by Governments as well as by international organizations. It is studied both from the point of view of national economy—to utilise the economic value in skill and experience of older people as long as possible and if socially and economically desirable; and from the social point of view, in relation to the individual worker. It is particularly this latter aspect which, in the opinion of the Assembly, should be stressed by the Council of Europe in its social programme. The possibility should be opened for older workers to continue their work if they so desire, through an appropriate organization of the working processes, so that the skill of these workers can be utilised, with due consideration to their physical abilities and without danger of overstrain. They should, however, not be forced to continue their work by any direct or indirect means, such as, for example, by the raising of the ordinary pensionable age. The question of the retirement age is included in the Agenda of the European Regional Conference which the International Labour Organization will be convening towards the end of this year. The results of that Conference will, doubtless, be of value to the Council of Europe in its own approach to the question.

10. Full Employment

The Assembly recalls that it has already adopted three Recommendations on a common policy for full employment, namely: Recommendation 25 (1950), Recommendation 5 (1951) and Recommendation 10 (1951). Present trends in world economy seem to give added importance to a well planned policy of full employment, and the Assembly wholeheartedly supports the further study of this important question.

11. Vocational Training

The Assembly notes that the Committee of Ministers places special emphasis on the vocational rehabilitation of adult workers. The Assembly is aware of the fact that the whole question of vocational training is being studied by various other international organiz-

ations. It wishes to draw particular attention to International Labour Recommendation No. 88, concerning the vocational training of adults, including disabled persons. This Recommendation, which was adopted by the International Conference in 1950, contains a special chapter on international co-operation in the training of adults. It might well serve as a basis for the work of the Council of Europe in this field. The Assembly wishes, however, in this connection to stress the importance of vocational training also for young persons. It is of the opinion that the study of the general question should not be limited to vocational rehabilitation of adult workers.

12. Social problems of youth

In the belief that young people—the age-group between school children and adult workers—are in special need of social protection and vocational training, the Assembly emphasises that this problem is all the more important because in many countries demographic statistics point to a marked increase in the number of young persons during the next ten years.

13. Adjustment of the individual to the new conditions resulting from the growth of industrialisation

During the Third Part of its Fifth Session, in September, 1953, the Assembly placed a similar question on its Agenda and referred it to the Committee on Social Questions. The Motion concerning this was contained in Doc. 212 of the Fifth Ordinary Session, which envisaged a collaboration between national social research institutes for the establishment of a method of research giving particular attention to man as an individual and to the family as such.

The Assembly notes with satisfaction that the Committee of Ministers has decided to await the opinion of the Assembly on this question. It will in due course submit its Recommendation in this connection.

14. Assistance in the event of disasters

Since speed is often one of the decisive factors in the efficiency of such assistance, the Assembly agrees that it will be expedient to study the possibility of providing for a scheme by which the assistance to a country, victim of a disaster could enter into operation quickly and automatically, without, however, precluding spontaneous action, on the part of the peoples themselves.

It is with particular satisfaction that the Assembly welcomes these proposals. Since the negotiations for the creation of a "White Pool" have so far not led to positive results, it is important that the Council of Europe should realise some progress in that direction.

The Assembly has taken note of the letter of 23rd March, 1954 from the Director of the Regional Office for Europe of the World Health Organization, and it wishes to express its appreciation of the readiness of that Organization to co-operate with the Council of Europe. The Assembly agrees that services already existing in the framework of the W. H. O. should be utilised in so far as they can be adapted to the particular needs of Europe. It notes with satisfaction the intention of the W. H. O. to develop such services on a regional basis, and agrees that progress can be made more rapidly within a group of countries having broadly similar health problems.

The Assembly agrees with the procedure suggested by the Committee of Ministers to convene without delay a Committee of governmental experts to study the proposals of the Governments, the reply of the W. H. O. and the Opinion of the Assembly. It would welcome further proposals from the Governments for a wider collaboration in the health field. In this connection, the Assembly would draw attention to its study of the possibilities of an exchange of war cripples, and possibly other invalids as well, for the purpose of medical treatment in other countries.

CONCLUSION

In the light of the above considerations the Assembly approves and welcomes the proposals for a social programme contained in the Special Message from the Committee of Ministers. The Assembly wishes, however, to repeat what it has already stressed on many occasions, namely that certain aspects of the housing problem should also be included in the programme."

According to the Rules the vote has to be taken by roll call, but if the Assembly is unanimous we can take the vote by show of hands.

Are there any objections? . . .

That procedure, then, will be adopted.

I put to the vote, by show of hands, the draft Opinion...

The draft Opinion is adopted unanimously.

The Opinion will be published as No. 9.

COUNCIL OF EUROPE -- CONSULTATIVE ASSEMBLY

ORDER OF THE ASSEMBLY

adopted at the meeting of the Standing Committee
held on 9th July, 1954

N°	Directed to	Subject
58	Committee on General Affairs Committee on Economic Questions Committee on Legal and Administrative Questions Committee on Social Questions Committee on Cultural and Scientific Questions	<p><i>Special Message of the Committee of Ministers (Doc. 238)</i></p> <p>1. The Committees on Economic Questions, Legal and Administrative Questions and Cultural and Scientific Questions shall prepare, in readiness for the second part of the Sixth Ordinary Session, their opinions on the concrete proposals for the programme of work in the fields specified in Article 1 (b) of the Statute, which are embodied in the Special Message of the Committee of Ministers. (Doc. 238) These opinions shall be assembled in a single document by the Rapporteur of the Committee on General Affairs in collaboration with the Rapporteurs of the other Committees.</p> <p>2. The Committees on General Affairs and Economic Questions shall also prepare, for the second part of the Ordinary Session, a preliminary report on such general problems raised in the Message of the Committee of Ministers as come within their particular terms of reference (Committee on General Affairs : paras. 1-22; Committee on Economic Questions : paras. 23-26).</p> <p>3. The Committee on Social Questions shall begin to prepare a draft Social Charter for submission to the Committee of Ministers and shall submit a preliminary report on this question at the second part of the Ordinary Session.</p> <p>4. During the second part of the Session, a general debate shall be held on the preliminary reports of the Committees on General Affairs, Economic Questions and Social Questions and on the draft Opinion concerning the concrete proposals for the programme of work. The Assembly shall then vote upon this draft Opinion.</p> <p>5. The Committees on General Affairs and Economic Questions shall prepare their draft Opinions on all general questions within their province raised in the Special Message, in readiness for the first part of the Seventh Session, when the Committee on Social Questions shall also present a draft Social Charter.</p>

Subsection II - 2nd part of the 6th Ordinary Session of the Consultative Assembly of the Council of Europe - September 1954

§1 - Minutes of the meeting of the Committee on Social Questions on the elaboration of a draft Social Charter - 13 September 1954 - AS/Soc(6) PV5

§2 - Minutes of the meeting of the Committee on Social Questions on the elaboration of a draft Social Charter - 14 September 1954 - AS/Soc(6) PV6

§3 - Committee on Social Questions - Preparation of a European Social Charter - 17 September 1954 - AS/Soc(6) 11

- A. Preliminary draft report
- B. Draft Opinion on the elaboration of a European Social Charter

§4 - Minutes of the meeting of the Committee on Social Questions on the examination of the draft Opinion - 22 September 1954 - AS/Soc(6) PV7

§5 - Opinion of the Committee on Social Questions on the Special Message of the Committee of Ministers - 22 September 1954 - Document 312

- A. Preliminary Report on the preparation of a European Social Charter, presented by Mr Heyman
- B. Draft Opinion

§6 - Official Report of the debate on the preparation of a European Social Charter - 23 September 1954

Strasbourg, 13th September

Restricted
AS/Soc (6) PV 5

CONSULTATIVE ASSEMBLY

COMMITTEE ON SOCIAL QUESTIONS

(Second Session)

MINUTES

of the meeting held at the Seat of the Council of Europe on 13 th September, 1954, beginning at 3 p.m

The Meeting was opened at 3 p.m with M.Heyman, the Chairman, in the Chair.

The Chairman welcomed the observers from the European Office of the United Nations, the International Labour Organisation, the World Health Organisation, the Brussels Treaty Organisation, the International Federation of Christian Trade Unions and the International Confederation of Free Trade Unions.

1. Minutes

The draft Minutes of the meeting held on 28th May, 1954, were adopted. (AS/Soc (6) PV 4)

2. Agenda

It was decided to defer consideration of Items 7,9 and 10 of the Agenda to the next meeting.

3. Elaboration of a draft Social Charter

The Chairman reviewed the various preliminary questions which he thought the Committee should settle before going further into this question.

1. Should the text to be submitted to the Committee of Ministers be drawn up in general terms, or article by article ?

2. Was it the Committee's intention that the Charter itself should be confined to a statement of general principles or should it also give a precise definition of the individual rights and governmental obligations entailed in which case the general principles might be embodied in a préambule ?

Related to this was the question whether it was desired that the Governments signing the Charter should simply subscribe to declarations of intentions and statements of aims or undertake specific commitments binding upon them.

M.MUTTER considered that Charters should be drawn up for the various sectors of European activities, particularly for social, economic and cultural affairs. He saw no reason, however, why the draft to be submitted to the Committee of Ministers should be drawn up in specifics terms, article by article. After laying down principles, the Assembly and the Committee on Social Questions might fulfil another useful function by making sure whether these were applied to particular cases.

Mme WEBER considered that, in view of present differences between the various Member countries, the principles to be included in the Charter should be defined rather broadly.

The representative of the Secretariat explained the contents of Document AS/Soc (6) 7. He considered it right to take into account the work done by the United Nations in preparing a draft Pact on economic, social and cultural rights, and thought that the Charter might consist of three parts; one dealing with the principles which the Member Governments intended to observe in their social policy, one defining individual rights and the third laying down minimum safeguards which the Governments would undertake to provide. He thought it would be valuable to hold a tripartite European Conference on the question, as it would focus wide attention upon the test.

The Chairman proposed that discussion of this question be suspended and resumed at the next meeting, to enable individual members to become more conversant with the document prepared by Secretariat-General. This was agreed.
.....

CONSULTATIVE ASSEMBLY

COMMITTEE ON SOCIAL QUESTIONS
(Second Session)

MINUTES

of the meeting held at the Seat of the Council of Europe on 14th September 1954, beginning at 10 a.m.

3. Elaboration of a draft Social Charter

The Chairman read out the questions to which he believed the Committee should now reply.

(i) Should the draft Charter to be submitted to the Committee of Ministers be drawn up in general terms or article by article ?

(ii) Was it desired that the Governments signing the Charter shall simply subscribe to declarations of intention and statements of aims, or undertake specific commitments binding upon them ?

(iii) What exactly should be the contents of the Charter and, in particular, should it be based on the draft Pact drawn up by the Human Rights Commission of the United Nations ?

M. VIXSEBOXE noted the statement in the memorandum by the Secretariat-General (Doc. AS/Soc (6) 7) that the Social Committees due to meet next October, would also prepare a draft Charter.

The Chairman thought that the Assembly would wish to request the Social Committee to take no decision concerning the Charter before receiving the draft which it proposed to prepare itself.

M. HAZENBOSCH considered that the time for pious hopes and vague statements of principles was past, but that allowance should be made for differences between Member countries in the matter of conditions and levels of social advancement. He therefore suggested that there should be a clear and precise definition of aims, but that each country should be left to choose its own methods of achieving those aims.

Mme. WEBER believed that the Committee would be faced with too heavy a task if it tried to draw up a Charter article by article.

M. MUTTER recalled the terms of Opinion N°5, in which the Assembly defined some of the principles which it hoped to see included in the European Social Charter and to which it was now committed. If the Committee wished the Social Committee to take the views of the Assembly into account, these should be formulated without undue delay, and this would preclude any attempt to draft a complete text.

The representative of the Secretariat General presented a preliminary draft Opinion which might be submitted to the Assembly to enable it to state its views on the Social Charter, which should be borne in mind by the Committee of Ministers in its future work. According to this document, the Charter would consist of three parts: one dealing with the principles which the Member Governments intended to observe, in their social policy and based in particular on the Memorandum submitted by the Secretariat in May, 1953, one defining individual rights, bearing in mind the draft Pact prepared by the United Nations; and the third providing a system of minimum safeguards.

The Chairman summed up the various arguments put forward. He considered that the text read out by the representative of the Secretariat General would be a suitable basis for the report to be submitted to the Assembly.

The Chairman was instructed to present a draft Report.

Strasbourg, 17th September, 1954

Restricted
AS/Soc (6) 11

CONSULTATIVE ASSEMBLY

COMMITTEE ON SOCIAL QUESTIONS

Second Session

PREPARATION OF A EUROPEAN SOCIAL CHARTER

- A. Preliminary draft report
submitted by the Chairman of the Committee

PREPARATION OF A EUROPEAN SOCIAL CHARTER

Preliminary Draft Report

1. In an order adopted on behalf of the Assembly on the 9th July, 1954, the Standing Committee instructed the Committee on Social Questions to begin "the preparation of a draft Social Charter for submission to the Committee of Ministers" and to present a preliminary report on this subject during the Second Part of the Sixth Session.

2. The Committee on Social Questions has considered this question on the basis of Opinion No. 5 (1953) where the Assembly already accepted the principle of a European Social Charter, which should define the social aims of the Member States and serve as a guide for the future activities of the Council in the social field. It should form a pendant to the Convention on Human Rights.

3. The Committee of Ministers has accepted this idea and has included the question in the Social Programme of the Council of Europe. The Committee of Ministers has entrusted the task of considering the form and contents of the Charter to the Social Committee, which should also consider whether, in addition to general principles, the Charter should contain more definite provisions binding upon the signatories. The Committee on Social Questions considers that such provisions should be included.

4. Although the Committee of Ministers made no reference in the Special Message to the rôle of the Assembly in the preparation of the Social Charter, the Committee on Social Questions is of the opinion that the Assembly must certainly take great interest in this important work. The task is complex and should be solved in collaboration with other interested and competent organisations, as well as with appropriate experts. Nevertheless, the Committee on Social Questions would already at this stage submit to the Assembly a draft Opinion on the nature of the Charter; but this draft Opinion must be limited to certain general and basic ideas which may serve as a guide for the further work. It must be avoided now to embark upon the preparation of a complete draft.

5. The Committee has studied the draft Covenant on Economic, Social and Cultural Rights, recently adopted by the Human Rights Commission of the United Nations. It has also considered the suggestions regarding the contents of the Social Charter contained in the Memorandum of the Secretariat-General concerning the social activities which the Council of Europe could usefully carry out in the social field (AS 140 of 11th May, 1953).

6. On this basis the Committee on Social Questions has suggested that the Social Charter might be divided into three parts. The first part would contain the general principles of a common European social policy, stressing particularly the principles which characterize and unite Western democracies in the social field. The second part would set out the aims of European social policy in specific fields. It might be based on the Draft Covenant of the United Nations which such changes and additions which may be necessary to strengthen this document so as to suit European needs. The Charter should define the aims to be reached in a clear and precise manner, but it should be left to each country to choose the adequate means of reaching them. In the third part the Charter might contain provisions which would be binding upon the Governments and would guarantee certain minimum standards in vital social fields.

7. The Committee further wishes to stress the importance of including in the Charter some procedure for following up its implementation. It considers that the Assembly should be associated with this procedure. Finally, the Committee stresses that the Charter should have the broadest possible basis and that therefore one should consider the desirability of entrusting the final preparation to a regional tripartite conference as provided for in the Agreement between the Council of Europe and the I.L.O.

In conformity with the above considerations the Committee on Social Questions has the honour to submit to the Assembly for its consideration the attached draft Opinion.

B.

DRAFT OPINION
ON
THE ELABORATION OF A EUROPEAN SOCIAL CHARTER

1. In its opinion No. 5 (1953) the Assembly accepted the principle of the elaboration of a European Social Charter which should define the social aims of the Member States and serve as a guide for all future activities of the Council in the social field. It should form a pendant to the Convention on Human Rights and Fundamental Freedoms, and should be framed in agreement with the Assembly, whose function it should be to lay down the governing principles on which it should be based.
2. The Assembly has noted with satisfaction that the Committee of Ministers has accepted this idea and has included the elaboration of such a Charter in the social programme of the Council of Europe as contained in the Special Message which the Committee addressed to the Assembly at the First Part of its Sixth Session. The Assembly has noted with particular interest the possibility that the Charter may contain certain provisions binding upon the signatories. It considers that such provisions would greatly increase the value of the document and would inspire confidence in the Council of Europe as a stimulating and uniting factor in European social policy.
3. The Assembly has further noted that the Committee of Ministers has entrusted the Social Committee with the consideration of the form and contents of the Social Charter. Although the Special Message makes no reference to the role of the Assembly in this connection, the Assembly trusts that the Social Committee and the Committee of Ministers will act in close contact with it in this important matter. It wishes therefore already at this stage to express a preliminary opinion on the nature of the European Social Charter. It is aware of the complexity of the task and considers that such a task can only be satisfactorily solved in collaboration with other interested and competent organisation, governmental and non-governmental as well as with appropriate experts. At this stage the Assembly would limit itself to certain general and basic ideas which may serve as a guide for the further work.
4. In doing so, the Assembly has considered the draft Covenant on Economic, Social and Cultural Rights adopted by the Human Rights Commission of the United Nations at its Tenth Session. The Council of Europe could not disregard this document, which must be one of the sources of the European Social Charter. The Assembly has also considered that in many fields internationally accepted standards of social policy are already in existence, such as a number of Conventions and Recommendations adopted by the International Labour Organisation. It should be examined to what extent such standards might be consecrated and strengthened by the European Social Charter. Moreover, the Assembly has studied the ideas regarding the Charter contained in Chapter I of document AS 140 of 11th May 1953.

5. On this basis the Assembly would make the following proposals: In the first Part, the Charter should stress the principles which - above the varying political trends - characterise and unite Western Democracies in the social field, such as:

- The continuous improvement of the standard of living of all members of society, to the greatest extent possible in the light of economic conditions, and the fair distribution of available resources as well as the equal sharing of burdens.
- The development of economic policy and tax policy with this end in view.
- The respect for the dignity of man, and the maintenance of a social milieu which is conducive to the fullest development of the individual and the family.
- Development of industrial relations tending to reconcile the interests of workers and employers.
- Protection of the economically weak and the establishment of social services in all fields where, due to modern economic and social conditions, individual and family resources are not adequate.
- Participation of the widest possible groups of society in the formulation of social and economic policy through the consultation of appropriate private organisations;
- Assurance that social rights will be granted without distinction based on race, sex, religion, political opinion, national or social origin, property or other criteria.
- Development towards always greater international unity through pooling of experience and common action.
- Facilitation of the free movement of persons between Member countries. In this connection the Charter might reinforce the main principles of the social programme of the Council.
- Moral responsibility for the social development in dependent territories.

The Charter would thus be a guide, not only for social policy in general or for national social policy, but for a common European social policy in particular.

6. In a Second Part, which could be based on the United Nations draft Covenant on Economic, Social and Cultural Rights, the Charter should set out the social principles that correspond to individual rights, and lay down the aims of European social policy in these specific fields. Without entering into any enumeration of these questions, the Assembly would point out that the draft Covenant in question should be carefully studied.

Changes or additions may have to be made in order to suit the special European needs and conditions. Many provisions could be more precisely formulated, for example by reference to the internationally accepted standards referred to in paragraph 4 above. The aims of European social policy as expressed in this Part should be high and would probably exceed what is actually carried out in most Member countries.

7. In a Third Part, the Charter should contain provisions which would be binding upon the Signatories and which would guarantee certain minimum standards in vital social fields. One could thus envisage that some provisions in the Second Part of the Charter, setting the aim of European social policy in certain fields, would correspond similar provisions in the Third Part, establishing guaranteed minimum standards in those same fields.
8. Without entering into details, the Assembly wishes to stress the importance of including in the Charter some procedure for following up its implementation. A system of regular reports from Governments as provided by the United Nations draft Covenant would be useful but not sufficient. In any case, the Assembly should be associated with any such procedure.
9. Finally, the Assembly wishes to point out the importance of securing the broadest possible basis for the Social Charter. It should be considered whether the Charter, at an advanced stage of preparation, could be submitted to a regional tripartite conference as provided for in the Agreement between the Council of Europe and the International Labour Organisation.

Strasbourg, 24th September, 1954

Restricted
AS/Soc (6) PV 7

CONSULTATIVE ASSEMBLY

COMMITTEE ON SOCIAL QUESTIONS

Second Session

Minutes

of the meeting held at the seat of the Council of Europe on 22nd September 1954 beginning at 10 a.m.

..... 4. Elaboration of a draft Social Charter

The Committee proceeded to examine paragraph by paragraph the draft Opinion appended to Document AS/Soc (6) 11.

(a) Paragraph 1

M.Haekkerup considered that it would be too strong to say that the Social Charter should serve as a guide for all future activities of the Council in the social field. He suggested the deletion of the word "all".

M.Hazenbosch observed that the function of the Assembly would not be restricted to laying down the governing principles of the Charter; it should also follow up their elaboration.

These amendments were adopted.

(b) Paragraph 2

Mr. Broome White, although agreed in principle that provisions binding upon the signatories would be desirable, suggested making the text more flexible by stating that such provisions might be included either in the Charter proper or in an appendix thereto.

This amendment was adopted.

(c) Paragraphs 3 and 4

These paragraphs were adopted.

(d) Paragraphs 5 and 6

A considerable discussion arose concerning the relation between these two paragraphs.

The representative of the Secretariat-General explained that paragraph 5 intended to set forth certain general principles of social policy, not corresponding to individual rights, whereas paragraph 6 would deal with such rights and describe the aims of European social policy in the corresponding specific social fields. Several members of the Committee considered that this distinction was not sufficiently clear, but it was decided not to enter into any discussion of detail at this stage.

At the suggestion of Mr. Broome White, it was agreed to replace the words "equal sharing of burdens" in sub-paragraph 5, by the words "just sharing of burdens in accordance with the ability to bear the burdens".

At the suggestion of Mr. Haekkerup, supported by M. Dehousse, it was further agreed to add a new sub-paragraph between the second and third sub-paragraphs of paragraph 5. This new sub-paragraph should express the need to maintain full employment.

M. Giardina pointed out that in the french text of the sixth sub-paragraph of paragraph 5 the word "groups" had been translated by "classes". It was agreed to use the word "groupes" in the french text.

(e) Paragraph 7

This paragraph was adopted.

(f) Paragraph 8

At the suggestion of Mr. Broome White, it was agreed to replace paragraph 8 by the following text : "The Assembly wishes to stress the importance of including in the Charter the most effective procedure that can be devised for following up its implementation".

(g) Paragraph 9

This paragraph was adopted.

The whole of the draft Opinion was adopted with the above amendments.

* * * * *

**CONSULTATIVE ASSEMBLY
OF THE
COUNCIL OF EUROPE**

SIXTH ORDINARY SESSION

22nd September, 1954

Doc. 312

**Opinion on the Special Message of the Committee
of Ministers**

A. PRELIMINARY REPORT

*on the preparation
of a European social Charter¹*

*presented,
on behalf of the Committee on Social Questions,
by M. HEYMAN*

1. In an Order adopted on behalf of the Assembly on the 9th July, 1954, the Standing Committee instructed the Committee on Social Questions to begin "the preparation of a draft Social Charter for submission to the Committee of Ministers" and to present a preliminary report on this subject during the Second Part of the Sixth Session.

2. The Committee on Social Questions has considered this question on the basis of Opinion No. 5 (1953), where the Assembly already accepted the principle of a European Social Charter which should define the social aims of the Member States and serve as a guide for the future activities of the Council in the social field. It should thus form a pendant to the Convention on Human Rights.

3. The Committee of Ministers has accepted this idea and has included the question in the Social Programme of the Council of Europe. The Committee of Ministers has entrusted the task of considering the form and contents of the Charter to the Social Committee, which should also consider whether, in addition to general principles, the Charter should contain more definite provisions binding upon the signatories. The Committee on Social Questions considers that such provisions should be included.

4. Although the Committee of Ministers made no reference in the Special Message to the rôle of the Assembly in the preparation of the Social Charter, the Committee on Social Ques-

tions is of the opinion that the Assembly must certainly take great interest in this important work. The task is complex and should be solved in collaboration with other interested and competent organisations, as well as with appropriate experts. Indeed, the Committee on Social Questions desires already at this stage to submit to the Assembly a draft Opinion on the nature of the Charter, which must, however, be limited to certain general and basic ideas which may serve as a guide for the further work. There is no question for the moment of embarking upon the preparation of a complete draft.

5. The Committee has studied the draft Covenant on Economic, Social and Cultural Rights, recently adopted by the Human Rights Commission of the United Nations. It has also considered the suggestions regarding the contents of the Social Charter contained in the Memorandum of the Secretariat-General concerning the social activities which the Council of Europe could usefully carry out in the social field (Doc. 140 of 11th May, 1953).

6. On this basis the Committee on Social Questions has suggested that the Social Charter might be divided into three parts. The first part would contain the general principles of a common European social policy, stressing particularly the principles which characterize and unite Western democracies in the social sphere. The second part would set out the aims of European social policy in specific fields. It might be based on the Draft Covenant of the United Nations, with such changes and additions as may be necessary to strengthen this document so as to suit European needs. The Charter should define the aims to be reached in a clear and precise manner, but it should be left to each country to choose the adequate means of reaching them. In the third part the Charter might contain provisions which would be binding upon the Governments and would guarantee certain minimum standards in vital social fields.

7. The Committee further wishes to stress the importance of including in the Charter some procedure allowing for supervision over its implementation. It considers that the Assembly should be associated with this procedure. Finally, the Committee emphasizes that the Charter should have the broadest possible basis and that therefore one should consider the desirability of entrusting the final preparation to a regional tripartite conference, as provided for in the Agreement between the Council of Europe and the I.L.O.

In conformity with the above considerations the Committee on Social Questions has the honour to submit to the Assembly for its consideration the attached draft Opinion.

B. Draft Opinion

1. In its Opinion No. 5 (1953) the Assembly accepted the principle of the elaboration of a European Social Charter which should define

¹ See 6th Session, 1954: Doc. 238 (Special Message), Order No 88 and 28th Sitting, 23rd September, 1954 (Preliminary Report referred back to the Committee on Social Questions).

the social aims of the Member States and serve as a guide for future activities of the Council in the social field. It should form a pendant to the Convention on Human Rights and Fundamental Freedoms, and should be framed in agreement with the Assembly, whose function it should be to lay down the governing principles on which it should be based, and to ascertain that the provisions of the Charter are drawn up in conformity with these principles.

2. The Assembly has noted with satisfaction that the Committee of Ministers has accepted this idea and has included the elaboration of such a Charter in the Social Programme of the Council of Europe, as contained in the Special Message which the Committee addressed to the Assembly at the First Part of its Sixth Session. The Assembly has noted with particular interest the possibility that the Charter may contain certain provisions binding upon the signatories. It considers that such provisions, whether included in the Charter itself or in an Annex to it, would greatly increase the value of the document and would inspire confidence in the Council of Europe as a stimulating and uniting factor in European social policy.

3. The Assembly has further noted that the Committee of Ministers has entrusted the Social Committee with the consideration of the form and contents of the Social Charter. Although the Special Message makes no reference to the rôle of the Assembly in this connection, the Assembly trusts that the Social Committee and the Committee of Ministers will act in close contact with it in this important matter. It desires therefore already at this stage to express a preliminary opinion on the nature of the European Social Charter. It is aware of the complexity of the task and considers that such a task can only be satisfactorily solved in collaboration with other interested and competent organisations, governmental and non-governmental, as also by reference to appropriate experts. At this stage the Assembly will limit itself to certain general and basic ideas which may serve as a guide for the further work.

4. In doing so, the Assembly has considered the draft Covenant on Economic, Social and Cultural Rights adopted by the Human Rights Commission of the United Nations at its Tenth Session. The Council of Europe could not, of course, disregard this document, which must be one of the sources of the European Social Charter. The Assembly has also considered that, in many fields, internationally accepted standards of social policy are already in existence, such as a number of Conventions and Recommendations adopted by the International Labour Organisation. An examination should be made of the extent to which such standards might be consecrated and strengthened by the European Social Charter. Moreover, the Assembly has studied the ideas regarding the Charter contained in Chapter I of Document 140 of 11th May, 1953.

5. On this basis the Assembly would make the following proposals: In the first Part, the

Charter should stress the principles which — above and beyond the varying political trends — characterize and unite the Western democracies in the social field, such as:

— The continuous improvement of the standard of living of all members of society, to the greatest extent possible, in the light of economic conditions, and the fair distribution of available resources as well as the just sharing of burdens in accordance with the ability to bear them.

— The development of economic policy and taxation policy with this end in view.

— The maintenance of full employment.

— Respect for the dignity of man, and the maintenance of a social environment which is conducive to the fullest development of the individual and the family.

— Development of industrial relations with a view to reconciling the interests of workers and employers.

— Protection of the economically weak and the establishment of social services in all fields where, owing to modern economic and social conditions, individual and family resources are not adequate.

— Participation of the widest possible groups of society in the formulation of social and economic policy through the consultation of appropriate private organisations.

— Assurance that social rights will be granted without distinction based on race, sex, religion, political opinion, national or social origin, property or other criteria.

— Progress towards an ever greater international unity through the pooling of experience and through common action.

— Concern for facilitating the free movement of persons between member countries. In this connection the Charter might reinforce the main principles of the social programme of the Council.

— Moral responsibility devolving on the Governments for the social development in dependent territories.

The Charter would thus be a guide, not only for social policy in general or for national social policy, but in particular for a common European social policy.

6. In a Second Part, which could be based on the United Nations draft Covenant on Economic, Social and Cultural Rights, the Charter should set out the social principles that correspond to individual rights, and lay down the aims of European social policy in these specific

fields. Without entering into any detailed analysis of these questions, the Assembly might point out that the draft Covenant in question should be carefully studied. Changes or additions may have to be made in order to suit special European needs and conditions. Many provisions could be more precisely formulated, for example by reference to the internationally accepted standards referred to in paragraph 4 above. The aims of European social policy as expressed in this Part should be high and would probably go beyond what is actually carried out in most of the member countries.

7. In a Third Part, the Charter should contain provisions which would be binding upon the Signatories and which would guarantee certain minimum standards in vital social fields. One could thus envisage that to some provisions in the Second Part of the Charter, setting out the aim of European social policy in certain fields, would correspond similar provisions in the Third Part, establishing guaranteed minimum standards in those same fields.

8. The Assembly wishes to stress the importance of including in the Charter the most effective procedure that can be devised for supervising its implementation.

9. Finally, the Assembly wishes to point out the importance of securing the broadest possible basis for the Social Charter. Attention should be paid to the possibility, at a suitable stage in its preparation, of submitting it to a regional tripartite conference, as provided for in the Agreement between the Council of Europe and the International Labour Organisation.

I need hardly dwell upon the importance of such a document in the present age.

We have all deliberately given priority to the military security of Europe, and in the past few days, we have been privileged to hear important and most interesting pronouncements on this question, but if we do not follow up purely military preparations by effective steps to improve social conditions and raise the standard of living of the workers, we may find that the ground is cut away from under our feet.

Our peoples are keenly aware of the need for close collaboration if we are to make further economic and social progress.

Several speakers in the recent political debate called upon us to press forward with our social policy, and they were fully justified in doing so. The social integration of Europe and the harmonisation of social charges and benefits are just as indispensable as military preparations. In this knowledge, the Committee on Social Questions has given the closest attention to the problem of preparing a European Social Charter.

Conscious, however, that this important task can only be successfully completed in collaboration with the other organisations concerned and with qualified experts, the Committee felt that it should, for the time being, confine itself to a statement of general principles on which it believes the social Charter should be based.

In this connection, your Committee has carefully studied the draft covenant on economic, social and cultural rights adopted, at the tenth Session by the Human Rights Commission of the United Nations. This important document should certainly be a source of inspiration for the European Social Charter, though a number of its provisions might be amended and strengthened to meet the special needs of Europe.

One of the questions considered by your Committee was whether the Social Charter should simply formulate certain guiding principles of European social policy or whether it should go further and embody minimum guarantees in certain vitally important branches of social life. It came to the conclusion that, if it is to serve its essential purpose it should contain such guarantees either in the body of the text or in an appendix.

In the light of these considerations, I have the honour to suggest on behalf of the Committee on Social Questions that the Charter should be composed of three main parts.

The first part would stress the general principles which—over and above the varying political trends—characterise and unite the western democracies in the social field, such as:

1. The continuous improvement of the standard of living of all members of society, to the greatest extent possible in the light of economic conditions, and the fair distribution of available resources as well as the just sharing of burdens;
2. The development of economic policy and tax policy with this end in view;
3. The maintenance, or at any rate encouragement, of full employment, wherever possible;
4. The respect for the dignity of man, and the maintenance of a social milieu which is conducive to the fullest development of the individual and the family;

CONSULTATIVE ASSEMBLY OF THE COUNCIL OF EUROPE

SIXTH ORDINARY SESSION OFFICIAL REPORT

Twenty-eighth Sitting

Thursday, 23rd September, 1954, at 3.35 p.m.

M. Heyman

That brings me to the end of the first part of my speech and I am grateful to you, Mr. President, for allowing me to proceed as planned. I now come to the second half, which concerns the second report submitted by the Committee on Social Questions. This Report deals with a particularly important question—that of the preparation of a European social charter, and is accompanied by a draft Opinion on the subject.

In drawing upon this Report the Committee on Social Questions has acted on instructions from the Standing Committee that it should start work upon a draft social charter for submission to the Committee of Ministers.

5. Development of industrial relations with a view to reconciling the interests of workers and employers;
6. Protection of the economically weak and the establishment of social services in all fields where, owing to modern economic and social conditions, individual and family resources are not adequate;
7. Participation of the widest possible groups of society in the formulation of social and economic policy through the consultation of appropriate private organisations;
8. Assurance that social rights will be granted without distinctions based on race, sex, religion, political opinion, national or social origin, property or other criteria.
9. Progress towards an ever-greater international unity through the pooling of experience and through common action;
10. Ways and means of facilitating the free movement of persons between member countries. In this connection the Charter might reinforce the main principles of the social programme of the Council;
11. Moral responsibility of the Governments for the social development of the dependent territories.

The Charter would thus be a guide, not only for social policy in general or for national social policy, but in particular for a common European social policy.

In a second part, which could be based on the United Nations draft Covenant on Economic, Social and Cultural Rights, the Charter should set out the social principles that correspond to individual rights, and lay down the aims of European social policy in these specific fields. Changes or additions may have to be made in order to suit special European needs and conditions. The aims of European social policy as expressed in this part should be high and would probably exceed what is actually operative in most member countries. In the field of social security, for instance, the Charter might contain a reference to the protocol which it is intended to append to the European Code of Social Security.

In a third and final part, or in an appendix, the Charter should contain provisions which would be binding upon the Signatories and which would guarantee certain minimum standards in vital social fields. One could thus envisage that to some provisions in the second part of the Charter, setting the aim of European social policy in certain fields, would correspond similar provisions in the third part or the appendix, establishing guaranteed minimum standards in those same fields.

Such are the considerations and principles set out in the draft Opinion which your Committee now has the honour to submit, trusting that you will endorse its views as you have done in the past and therefore give it a mandate to continue this important work.

The preparation of such a Charter clearly makes very heavy demands and necessitates consultation of other competent organisations as well as governmental experts.

Furthermore, as it is necessary to secure the broadest possible basis for the Charter, the Com-

mittee on Social Questions has suggested that, when the text has reached a suitable stage in its preparation, it might be submitted to a European tripartite conference, as provided for in the Agreement between the Council of Europe and the International Labour Organisation.

Such, Mr. President, Ladies and Gentlemen, are the two reports which the Committee on Social Questions instructed me to present. I apologize for combining them in one speech.

We know that our work does not normally give rise to much discussion, perhaps because it is more unobtrusive and less spectacular than other subjects. However, we are aware that you, as specialists in many social matters, will share our realisation that the work being carried out, quietly but in complete understanding, by your Committee on Social Questions is of the utmost importance to Europe.

This realisation—for this is by no means the first time I have had the honour and the privilege of introducing our Committee's reports—gives me confidence that once more, as in the past, your verdict on our Opinion will be favourable.

THE PRESIDENT (Translation). — I have pleasure in thanking the Rapporteur.

I call Mme. Weber.

Mme. WEBER (*German. Federal Republic*) (Translation). — Mr. President, Ladies and Gentlemen, I was extremely sorry to notice such a poor attendance at this afternoon's debate on these important aspects of the social charter. All Members of the Council of Europe should be just as keenly interested in social questions as in political and economic questions. What is the use of all this economic progress if it does not benefit our fellow-citizens in all countries? I would therefore appeal to the Assembly to take a very special interest in social affairs. I agree with the Rapporteur that it may prove easier to achieve unity in Europe on a social than on an economic or political plane. Indeed, social questions are in many respects the more important. We are bound together by our major social problems more than by any others, for their solution should be a means of bringing peace to our peoples and aiding their co-operation.

THE PRESIDENT (Translation). — Those present will entirely agree with you. It is very remiss of our absent friends. (*Laughter.*)

M. HEYMAN (Translation). — I submit that we make up in quality for what we lack in quantity, but I hope that all Representatives will read the Report which we have just submitted.

THE PRESIDENT (Translation). — That, at any rate, will be a consolation.

I suggest that the Assembly should refer to the Committee on Social Questions its preliminary Report and that this Committee present to the Assembly its final Report at the first part of the seventh Ordinary Session, next May.

Are there any objections?...

It is then agreed.

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SECTION VII - 1st session of the Social Committee
 October 1954.

- VII.1 - Minutes of the first meeting of the Social
 Committee - 4 - 7 October 1954 -
 CE/Soc (55) 1
- VII.2 - Conclusions of the first session of the
 Social Committee - 9 October 1954 -
 CM (54) 172.

Strasbourg, 17th March, 1955.

Restricted
CE/Soc (55) 1

SOCIAL COMMITTEE

Minutes of First Meeting

(4th to 7th October, 1954)

.....
European Social Charter

The French delegation was in favour of the creation of the Charter. It was, however, not a task which could be undertaken immediately. Only through a confrontation of the results that have been reached in the various sectors of the social field in the Member countries would it be possible to define the objectives which should be embodied in the Charter. There were many points of similarity between the Members of the Council of Europe, and it would be easier for them than for the nations at large to find a common ground. This presupposed, however, a crystallisation of common ideas in a number of specific fields- studies similar to the one undertaken in connection with the European Code of Social Security.

If the Charter was to have any importance, the objectives defined must imply a development over and above what already exists in the social field. It was necessary to ascertain to what extent existing international declarations relating to social rights had been followed and to what extent the standards laid down in International Labour Conventions had been implemented. This study would indicate what had already been achieved on the European level. In this connection he recalled that International Labour Convention No. 100 on equal pay for male and female workers had only been ratified so far by 8 States, of which only 2 were Members of the

Council of Europe (Belgium and France).

The Representative of Denmark pointed out that in the Ad Hoc Committee of Social Experts he had held the view that an instrument like the envisaged Charter ought to be of a universal character. He had drawn attention to the United Nations Draft Covenant on Economic and Social Rights. Now this draft had been adopted by the ECOSOC. Therefore, if the European Charter should have any independent importance, it must be in the form of a convention. Since the application of such a convention would necessitate positive measures by the Governments, involving financial charges, there was a risk that the standards set by the Charter would be low. On the other hand, the European Charter - if it were to have any importance - must lay down standards higher and

more precise than those of the U.N. Covenant. He suggested therefore that one should first ascertain whether it would really be possible to include such higher standards in the Charter. If it proved to be impossible, it would be appropriate to postpone further action until it was known whether the U.N. Covenant would be adopted by the General Assembly. Only in case the Covenant were not adopted would it be useful to establish a European Charter.

The Representative of Luxembourg, although he was in favour of the creation of the Charter, considered that it could be done only at a later stage. He drew attention to the draft Opinion which the Committee on Social Questions had submitted to the Assembly (doc. 312). According to this document, the Charter would consist of three parts. There would first be a number of general principles of social policy. Then there would be an enumeration of individual social objectives, and finally certain binding provisions laying down guaranteed minimum standards in vital social fields.

It would thus first be necessary to agree on principles, but some of them were very vaguely formulated, and others, such as the right to work and to form organisations were missing. It would be necessary to obtain precise documentation relating to each of the principles to be included in the Charter.

The Representative of Italy stated that on the background of the discussion in the Ad Hoc Committee of Social Experts, the Opinion of the Assembly and the decision of the Committee of Ministers, there was no doubt that the Social Committee had to start with the task of drawing up the Charter. With

regard to its form, the Committee was, however, without guidance. His Government was of the opinion - as indicated also by the Committee on Social Questions of the Assembly - that the Charter should contain binding provisions.

The preparation of the Charter should have first priority among the tasks of the Committee, since it would be a guide for its activities in specific fields.

The Representative of Greece said that the Charter would be of great importance in strengthening the link between the Members of the Council and in reinforcing the European idea. He considered that the Charter should not only contain general principles but precise Articles which would be, if not legally, at least morally binding upon the signatories. It was stated in the Special Message that the Charter should form a pendant to the Convention on Human Rights. While the latter embodied certain political rights, the former should give expression to social rights. In this connection he analysed the terms "right" and "obligation". There were certain precise and well defined rights that were the counterpart of definite obligations enforceable through court procedure. But there were moral rights with no sanctions but which might develop into legal rights. He mentioned examples of such developments. One could, therefore, well include in

the Charter principles and provisions which would be binding upon the signatories, although they were not legally enforceable. At a later stage - in a more highly organised society - they might develop into concrete rights.

The Representative of Belgium also referred to the three parts of the Charter envisaged by the Committee on Social Questions. They corresponded respectively to general principles; objectives in individual fields and legal standards.

In one particular field, namely that of social security, one had experience relating to all those three stages. General principles had been laid down in the Philadelphia Declaration of the I.L.O. In the course of the preparation of the European Code, it had proved necessary - on the basis of a political decision - to single out the objectives and include them in a separate protocol. The Code itself would contain the legal standards. This development showed that it was indispensable to start by careful study of specific fields and to arrive at the creation of the Charter only on the basis of such studies, which should be undertaken by experts specialised in the various fields.

The representative of the United Kingdom said that it was not sufficient to create the Charter by mere philosophical discussion of principles. The Committee must take a soberly practical view and consider very carefully the obligations which the Charter would entail for Governments. He agreed with the Belgian and French Representatives that the Charter must take form slowly, as a result of the Committee's work in other fields. He pointed out that paragraph 45 of the Special Message referred only to social objectives. In paragraph 46, the Committee of Ministers requested the Social Committee to consider whether there should also be binding provisions. Such binding provisions could, however, as proved by the large number of international instruments worked out by the I.L.O., only be expressed in detailed and lengthy texts that could not be fitted into such a document as the Social Charter. The latter should not therefore go beyond definition of the objectives. Binding provisions should be worked out by specialised organisations like the I.L.O. Nevertheless, a start might be made in the direction of a consideration of the main principles. The discussion of such principles might prove that further work on the Charter would have to be postponed until a later stage.

The Representative of the German Federal Republic stated that his Government was in favour of a Charter in the form of a Declaration, involving no binding provisions. Before the contents of the Charter could be decided upon, the Committee needed more documentation.

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COMMITTEE OF MINISTERS

Strasbourg, 9th October, 1954

Confidential
CM (54) 172
Or. Eng.

C O N C L U S I O N S
OF THE FIRST SESSION
OF THE
S O C I A L C O M M I T T E E

The Social Committee held its First Session at Strasbourg from October 4th to 7th, 1954. The list of the members of the Committee and of observers of non-member States and of other international organisations is given in Appendix I. The Agenda adopted by the Committee is set out in Appendix II.

The meeting was opened by the Secretary-General of the Council of Europe. The Committee then elected M. H.H. Koch (Denmark) as Chairman, and M. J. Doublet (France) as Vice-Chairman.

The Committee thereupon proceeded to a preliminary, general exchange of views on the social programme, the principles of action and methods of work, particularly with regard to the co-operation with other international organisations, including the question of the desirability of European tripartite meetings.

Subsequently the Committee discussed the specific items on the Agenda and adopted the following.

C O N C L U S I O N S

EUROPEAN SOCIAL CHARTER

The Committee took note of the fact that the Committee of Ministers had requested it to consider the elaboration of a European Social Charter, which would define the social objectives aimed at by Member states and would guide the policy of the Council of Europe in the social field as a complement to the European Convention of Human Rights. The Committee of Ministers had further instructed the Committee in this connection to consider whether, in addition to general principles, the Social Charter should also contain more definite provisions binding upon the signatories.

The preliminary discussion of this question revealed a considerable divergence of views, both with regard to the value of such a Charter, and concerning its contents and the form which it should take. The Committee was also divided on the question on the appropriate moment to embark upon the task. Some members, referring to Opinion No. 9 (1954) of the Consultative Assembly, held that it should be undertaken at once, while others considered that it ought to emerge as the result of the Committee's work in several specific fields, particularly in connection with an examination of the Conventions and Recommendations adopted by the International Labour Organisation and the status of ratifications of these Conventions by Members of the Council of Europe. All agreed, however, that in any case a considerable documentation would be necessary.

It was, therefore, decided to instruct the Secretariat-General to prepare for a subsequent Session the necessary detailed documentation. This documentation should cover the following points:

- (a) The principles and contents of international declarations and covenants adopted by other organisations, bearing upon economic and social rights.
- (b) Clauses of the Constitutions of international organisations bearing upon such rights.
- (c) Similar clauses contained in national constitutions.
- (d) Information on European problems of this nature under discussion in various organisations.

It was understood that the Secretariat should not for the moment attempt to prepare any draft text of a European Social Charter or to indicate what should be the form and contents of such document.

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