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Fifteen years since the International Conference on Population and Development Programme of Action

Reply to Recommendation¹: Recommendation 1903 (2010)
Committee of Ministers

1. The Committee of Ministers has examined attentively Parliamentary Assembly [Recommendation 1903 \(2010\)](#) on “Fifteen years since the International Conference on Population and Development Programme of Action”. It has forwarded it to governments for due consideration and to the different competent committees, the comments of which are appended to this reply.

2. The Committee of Ministers welcomes the Assembly’s commitment to advancing the ICPD Programme of Action and reaffirms its own broad support for its objectives and the principles encompassed, and in particular the emphasis that has been given to the recognition of individual human rights and the link between human rights and development and population. The Assembly’s recommendation reflects the comprehensive nature of the Programme of Action and rightly draws attention to a number of women’s’ rights as well as rights related to sexual and reproductive health information, education and services which are the essence of the programme. The Committee of Ministers acknowledges that these rights require constant vigilance on the part of states and international organisations tasked with ensuring respect for human rights. It can also agree to the point of view expressed by the Assembly that while some progress has been made, achievements on education’s enrolment, gender equity and equality, infant, child and maternal mortality and morbidity and the provision of universal access to sexual and reproductive health services, including family planning and safe abortion services as specified in ICPD, remain mixed.

3. The Committee of Ministers recognises that international co-operation and universal solidarity are an important aspect in pursuing these objectives. However, it would point out that the resources and current priorities of the Council of Europe cannot allow a positive intergovernmental response to specific proposals enumerated by the Assembly. It would also highlight that the implementation of the recommendations contained in the Programme of Action “is the sovereign right of each country, consistent with its national laws and development priorities, with full respect for the various religious and ethical values and cultural backgrounds of its people, and in conformity with universally recognised international human rights”.² Against this background, it would encourage all member states to examine attentively the Assembly’s recommendation when considering the relevant issues in the national context.

4. The Committee of Ministers therefore considers that any focused action to implement the specific recommendations of the ICPD and to assess progress in this field falls mainly under the responsibility of individual member states (whilst not excluding the role/contributions of local communities and the non-governmental sector) and of the relevant bodies of the United Nations. In this respect it notes in particular the various activities undertaken by the United Nations Population Fund (UNFPA) in 2009, in commemoration of the 15th anniversary of the ICPD, to review progress and identify gaps in implementing the Programme of Action.

1. 2010 - Fourth part-session

2. Cf. Chapter II of the ICPD Programme of Action.



5. The Committee of Ministers would however underline the relevance of some Council of Europe instruments in addressing the issues at stake. In particular, it would draw attention to the importance of the European Convention on Human Rights and the European Social Charter, and in this respect would highlight, in particular, the comments submitted by of the European Committee of Social Rights (ECSR) and the Governmental Committee of the European Social Charter. It fully endorses the view that the pertinent provisions of the Charter, and the interpretation given to them by the ECSR, provide an excellent basis for considering the effects of sexual and reproductive health on population and development and for identifying the measures to be taken to improve the situation. Together with the reporting system, the examination of certain collective complaints has also allowed the ECSR to develop its case law on these matters.

6. With regard to other sectors of intergovernmental activity of specific relevance, the Committee of Ministers would refer the Assembly to the comments of other committees appended to this reply, which, for the most part, it is able to endorse. In particular, it would point to the various references which respond to the measures advocated by the Assembly on the issue of education (and related questions such as teacher competences), demographic issues, health issues, gender equality and migration.

7. The Committee of Ministers would also take the opportunity to highlight, particularly in the context of paragraph 9.6.2, the significance of the Council of Europe Convention on Action against Trafficking in Human Beings and the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse. It would encourage those member states which have not already done so to consider ratification of these instruments. It would also underline the highly relevant work under way on a convention on preventing and combating violence against women and domestic violence, which will set legally binding standards in this field. Finally, it would also draw the Assembly's attention to its recently adopted Recommendation CM/Rec(2010)10 on the role of women and men in conflict prevention and resolution and in peace building, which contains a specific section on the empowerment of women. These provisions seek, *inter alia*, to promote the access and rights of women to health information and services, whilst affirming strong support for and a commitment to the full implementation of the Cairo Programme for Action and other relevant texts (cf. appendix to the recommendation, paragraph 61).

8. With regard to the Assembly's suggestions regarding the funding of the ICPD Programme of Action (paragraph 9.7), the Committee of Ministers takes the opportunity to underline the fundamental importance of continuing to invest in this field, in particular with regard to education and prevention. It encourages member states to respect their commitments, in particular with regard to official development assistance.

9. Finally, with regard to the possibility of developing a European convention on sexual and reproductive health as evoked by the recommendation (paragraph 10.1), the Committee of Ministers considers that priority should be given to the existing means and procedures within the Council of Europe, notably the reporting system and the collective complaints procedure established by the European Social Charter and it sees no compelling need to develop such a new convention.

Appendix 1 to the reply

Comments of the European Health Committee (CDSP)

1. The CDSP notes with interest Parliamentary Assembly [Recommendation 1903 \(2010\)](#) on “Fifteen years since the International Conference on Population and Development Programme of Action” and shares the Assembly’s opinion concerning its pertinence and importance.
2. The CDSP fully endorses the point of view expressed by the Assembly “while some progress has been made, achievements on education’s enrolment, gender equity and equality, infant child and maternal mortality and morbidity and the provision of universal access to sexual and reproductive health services, including family planning and safe abortion services, remain mixed”. In this connection, it notes that the document is to a large extent based on [Doc. 11992](#) entitled “Fifteen years since the International conference on Population and Development Programme of Action”, presented by the Social, Health and Family Affairs Committee (Rapporteur Ms Christine McCafferty), on 5 August 2009. The CDSP regards as problematic the addition of some items to the original text, namely the paragraphs dealing with migration (item 9.4 in the recommendation).
3. Migration has become a major global phenomenon and needs a harmonised approach to improve its management. However, the CDSP regards that the screening of irregular migrants on arrival is not acceptable if understood as a compulsory medical check-up. It would be preferable to stress the fact that all migrants (also irregular ones) need access to health care systems on a voluntary basis and should have access to basic, essential health care, according to national laws. It should be noted that the “Bratislava Declaration on health, human rights and migration”, adopted at the 8th Conference of European Health Ministers “People on the Move: Human Rights and Challenges for Health Care Systems” (Bratislava, 22-23 November 2007), recognised that “the member states will ensure that irregular migrants are able to access health care services in accordance with international treaties as may be in force at the time and national laws and policies”.
4. With regard to the measures advocated by the Assembly on sexual education, the CDSP notes that they focus on the prevention of possible negative outcomes like unintended pregnancies or STI. However, sexual education should also acknowledge that sexuality is a positive phenomenon and a component of human nature – the focus should not solely be on the prevention of ill-health and negative consequences. It is also important not to solely focus on information; empowerment, self-determination and development of a positive sexuality are essential. Teaching skills should be central to sexuality education (e.g. communication, negotiation and decision-making skills). It would be desirable that sexual education offers not only a health literacy, but also a competence in sexual health matters. The sexuality education should be holistic and comprehensive.
5. With regard to the Assembly’s recommendations on a broad introduction of HPV immunisation and fertility treatment, the CDSP proposes to review it critically especially in terms of cost-effectiveness and the financial situation of health systems in developing countries. It should under no circumstances replace preventive medical screening.
6. The CDSP has the following comments regarding the wording of some of the recommendations:
 - “unwanted pregnancies” – understood as “unintended pregnancies”
 - 1 “guarantee the rights of migrant women to education, employment, health and social services” – women are singled out, but men and children of migrant status should have the same right of access to these services.
 - 7 and below: “ensuring that donor governments ...” the CDSP understands this as “encouraging donor governments ...”
 - 6 who should put a system of “checks and balances”? It is rather an issue of good governance of ODA.
7. With regard to the Assembly recommendation “10.1. start developing a European convention on sexual and reproductive health”, the CDSP expresses some reservations. It would propose starting with a feasibility study prior to considering the possibility of developing a European Convention.

Appendix 2 to the reply

Comments by the European Committee for Social Cohesion (CDCS)

1. The European Committee for Social Cohesion (CDCS) takes note and welcomes Parliamentary Assembly [Recommendation 1903 \(2010\)](#) on “Fifteen years since the International Conference on Population and Development Programme of Action”. It recalls the importance of demographic aspects in the implementation of its working programme as well as the 29th Council of Europe Conference of Ministers responsible for Family Affairs (Vienna, 2009), where it was agreed to undertake measures in order to promote family-friendly societies, children’s rights, equality between women and men, reconciliation of work and family life and coherent and integrated family policies. Measures to support young women and men who wish to start a family and persons concerned by involuntary childlessness were also focused upon.
2. The CDCS would like to bring to the attention of the Committee of Ministers the following elements:
 - reference should be made to the source of the information on the 113 countries not having reached these goals (paragraph 3), as well as to similar figures mentioned elsewhere in the text;
 - the wording “particularly in central and eastern European countries” seems not to correspond exactly to reality, as in some of those countries individuals and couples have access to comprehensive sexual and reproductive health information, education and services (paragraph 6);
 - attention should be paid to other measures for the reconciliation of family and work responsibilities (paragraph 9.3.2.);
 - the development of a European convention on sexual and reproductive health does not have unanimous support within CDCS (paragraph 10.1).

Appendix 3 to the reply

Comments by the Steering Committee for Education (CDED)

The Steering Committee for Education (CDED):

1. Having taken note with great interest of Parliamentary Assembly [Recommendation 1903 \(2010\)](#) on “Fifteen years since the International Conference on Population and Development Programme of Action (ICPD)”;
2. Takes this opportunity to point out to the Committee of Ministers that “to ensure access to quality education for all, within a society that is more humane and more just for all its members” was one of the undertakings made at the 22nd Session of the Standing Conference of European Ministers of Education in Istanbul in 2007, which is in keeping with the objectives of the ICPD;
3. Underlines that the 23rd Session of the Standing Conference of European Ministers of Education (Ljubljana, June 2010) will be the opportunity to put forward new ideas to establish closer links between health and education, particularly during the discussions on the theme of partnerships in education;
4. Points out that the 23rd Session of the Standing Conference will also be the ideal place to discuss the competences that teachers should have to carry out their work while bearing in mind the gender dimension;
5. Refers to paragraph 9.4.1. and points out that the issue of equal opportunities and equal enjoyment of rights was introduced in the White Paper on Intercultural Dialogue, adopted by the Committee of Ministers in May 2008;
6. Endorses the recommendation set out in paragraph 9.5.4 concerning the integration of migrants and their families and points out that the CDED ensures that young people and adults from different cultural communities are taught about economic and social rights;
7. Refers to paragraphs 9.6.1 and 9.6.2 and points out that the CDED is conducting several activities to promote gender equality, namely:
 - through its Education for Democratic Citizenship and Human Rights Programme in which gender mainstreaming is taken into account;
 - through closer co-operation between the CDED and the Bureau of the Steering Committee for Equality between Women and Men (CDEG), including the exchange of expertise for their respective ministerial conferences;
 - through its 2010-2014 programme and in particular through the “Learning democracy and human rights in school and out-of-school throughout life” project;
8. Informs the Committee of Ministers that, in keeping with the ad hoc terms of reference it has been given, the CDED will assess the implementation of Recommendation CM/Rec(2007)13 on gender mainstreaming in education ;
9. Endorses the request made to member states of the Council of Europe in paragraph 9.7.1. concerning the percentage of GNI to be allocated to development aid (ODA) and reaffirms the fundamental importance of continuing to invest in the field of education, despite the global economic crisis.

Appendix 4 to the reply

Comments by the European Social Rights Committee (ECSR)

1. Further to the request for an opinion on Parliamentary Assembly [Recommendation 1903 \(2010\)](#), the European Committee of Social Rights (ECSR) wishes to make the following observations.
2. The ECSR firstly wishes to acknowledge that women's rights, as well as rights related to sexual and reproductive health information, education and services, are among those that require an increased vigilance on the part of states and international organisations tasked with ensuring respect for human rights.
3. The follow-up of the International Conference on Population and Development Programme of Action within the United Nations framework, should at European level take due account of the two main human rights instruments of the Council of Europe, the European Convention on Human Rights and the European Social Charter, both of which are relevant to the issues at stake. In this sense, as far as the Charter is concerned, the ECSR is convinced that its experience is significant and tangible.
4. The ECSR is indeed regularly called upon during its examination of state reports on the implementation of the Charter to assess the efforts of the States Parties related to reproductive health issues, including the consequences of biased gender equality standards and discriminatory practices in sexual and reproductive health education. In fact, special provisions focus on this purpose, such as Articles E (non-discrimination clause), 3 (right to health and safety at the workplace), 8 (the right of employed women to the protection of maternity), 11 (the right to protection of health), 16 (the necessary conditions for the full development of the family, including the fight against all forms of domestic violence against women, children, etc.), 17 (protection of children from violence, ill treatment and abuse, etc.), 19 (the right of migrant workers and their families to protection and assistance), 20 (the right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex), 26 (the right of all workers to protection of their dignity at work, including protection of victims of sexual harassment), or 27 (the right to equality of opportunity and treatment for men and women workers with family responsibilities).
5. Together with the reporting system, the examination of certain collective complaints has allowed the ECSR to develop its case law on these matters. In particular, mention may be made of the case *INTERIGHTS v. Croatia* (Complaint No. 45/2007) decision on the merits of 30 March 2009, which highlighted that, in the context of the right to protection of health through the provision of sexual and reproductive health education, as set out in Article 11§2 of the Charter, states have a positive obligation to ensure that educational materials do not reinforce demeaning stereotypes and perpetuates forms of prejudice which contribute to social exclusion, embedded discrimination and denial of human dignity.
6. The ECSR is of the view that the above-mentioned provisions of the Charter and the interpretation given to them, provide a good starting point for considering the effects of sexual and reproductive health on population and development and for identifying the measures to be taken to improve the situation. Moreover, it is almost certain that, the ECSR, in the future, will enlarge the scope of its investigations and develop its case law further in this field.
7. With respect to the call of the Parliamentary Assembly on the Committee of Ministers to start developing a European Convention on sexual and reproductive health (paragraph 10.1), the ECSR is of the opinion that in view of the existing means and procedures within the Council of Europe, notably the reporting system and the collective complaints procedure established by the European Social Charter, it is not necessary to elaborate such a new convention. In effect, to seek to multiply the existing obligations and regulatory procedures at international level would probably not be in accordance with sound principles of economy nor would it necessarily stimulate positive behaviour on the part of states.
8. Should the member states nevertheless decide that there are shortcomings in the protection of sexual and reproductive health rights afforded by the existing Council of Europe instruments, these shortcomings might well be remedied by adopting an amendment extending the rights guaranteed by the European Social Charter (revised).
9. Finally, the ECSR wishes to affirm its willingness and availability to co-operate with the Parliamentary Assembly in the preparation of reports and recommendations that so evidently touch upon the key human rights treaty that is the European Social Charter.

Appendix 5 to the reply

Comments by the Governmental Committee of the European Social Charter

1. Further to the request of the Committee of Ministers (1077th meeting, 24 February 2010) for an opinion on Parliamentary Assembly [Recommendation 1903 \(2010\)](#), the Governmental Committee wishes to make the following observations.
2. The Governmental Committee welcomes the recommendation of the Parliamentary Assembly which touches upon important issues of women's rights as well as rights related to sexual and reproductive health information, education and services.
3. The Governmental Committee considers that the follow-up of the International Conference on Population and Development Programme of Action within the United Nations framework should, at European level, take due account of the two main human rights instruments of the Council of Europe, the European Convention on Human Rights and the European Social Charter, both of which are relevant to the issues at stake.
4. As far as the Charter is concerned, the Governmental Committee recalls that several of its provisions address reproductive health issues, including the consequences of biased gender equality standards and discriminatory practices in sexual and reproductive health education. These include, *inter alia*, Articles 3 (right to health and safety at the workplace), 8 (the right of employed women to the protection of maternity), 11 (the right to protection of health), 16 (the necessary conditions for the full development of the family, including the fight against all forms of domestic violence against women, children, etc.), 17 (protection of children from violence, ill treatment and abuse, etc.) and 26 (the right of all workers to protection of their dignity at work, including protection of victims of sexual harassment).
5. The Governmental Committee is of the view that the above-mentioned provisions of the Charter and the interpretation given to them by the European Committee of Social Rights (ECSR), provide an excellent basis for considering the effects of sexual and reproductive health on population and development and for identifying the measures to be taken to improve the situation.
6. With respect to the possibility of developing a European Convention on sexual and reproductive health as evoked by the recommendation (paragraph 10.1), the Governmental Committee is of the opinion that priority should be given to the existing means and procedures within the Council of Europe, notably the reporting system and the collective complaints procedure established by the European Social Charter and it sees no compelling need to develop such a new convention. Adding to the existing obligations and procedures at international level with the obvious risk of duplication and unwarranted overlaps cannot be recommended, neither from a substantive point of view nor having in mind the financial costs involved.