



## Recommendation 838 (1978)<sup>1</sup>

# Widening the scope of the European Convention on Human Rights

Parliamentary Assembly

The Assembly,

1. Recalling its great concern for the national and international protection of human rights ;
2. Observing with satisfaction that the European Convention for the Protection of Human Rights and Fundamental Freedoms has proved its worth ;
3. Considering that the system of protection established by the convention is a unique model, inasmuch as there is no other equally effective international control over the practice of states in relation to respect for human rights regarded as real rights possessed by the individual ;
4. Believing that the convention must be applied with due consideration for the evolution of democratic society ;
5. Considering that evolution in the interpretation of the convention by the European Commission and Court of Human Rights could contribute considerably towards this, but would not suffice in itself ;
6. Recalling its [Recommendation 791 \(1976\)](#), on the protection of human rights in Europe ;
7. Convinced that it is essential for the uniform interpretation of the convention and the effectiveness of its system of protection that all member states recognise the right of individual application and the compulsory jurisdiction of the European Court of Human Rights ;
8. Realising that work is now in progress at the Council of Europe to introduce into the convention as many as possible of the rights embodied in the United Nations Covenant on Civil and Political Rights ;
9. Being convinced that the development of human rights must take greater account of their economic, social and cultural aspects ;
10. Applauding the Committee of Ministers of the Council of Europe for their adoption on 27 April 1978 of a Declaration on human rights, according priority to the work undertaken in the Council of Europe of exploring the possibility of extending the lists of rights of the individual, notably rights in the social, economic and cultural fields, which should be protected by European conventions or by any other appropriate means ;
11. Considering it urgent to examine what basic economic, social and cultural rights could be incorporated in the convention without weakening the credibility of the existing system ;
12. Considering in particular that, in order to be incorporated in the convention, any right must be fundamental and enjoy general recognition, and capable of sufficiently precise definition to lay legal obligations on a state, rather than simply constitute a general rule ;

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1. Assembly debate on 27 September 1978 (9th Sitting) (see [Doc. 4213](#), report of the Legal Affairs Committee). Text adopted by the Assembly on 27 September 1978 (9th Sitting).



13. Considering that at least the following rights are suitable for consideration with a view to their inclusion in the convention :

*the right freely to choose or to accept a paid activity, having regard to the competence of the individual for such an activity and also to reasonable geographical and economic considerations ;*

*the right of access to free employment services, vocational guidance and vocational training ;*

*the right to an adequate standard of living in the event of involuntary unemployment ;*

*the right to be affiliated to a social security scheme ;*

14. Being sure that the adoption of a protocol to the convention will not affect the operation of either the European Social Charter or the United Nations Covenants,

15. Recommends that the Committee of Ministers :

- a. instruct the Steering Committee for Human Rights to study, on the basis of the criteria and rights mentioned in paragraphs 12 and 13 above, which basic economic, social and cultural rights can be incorporated in the convention and its judicial machinery ;
- b. inform the Assembly regarding the action taken by the Committee of Ministers on the Declaration on human rights adopted at its 62nd session, on 27 April 1978 ;
- c. inform the Assembly about the results of the work being undertaken by the Steering Committee for Human Rights with a view to incorporating as many as possible of the provisions of the United Nations Covenant on Civil and Political Rights in the convention ;
- d. submit to it for an opinion any protocol to the convention, before its final adoption ;
- e. urge member states that have not yet done so to incorporate the rules of the convention into their own law, so that they can be applied directly by national courts ;
- f. call on those member states which have not yet done so to recognise the right of individual application under Article 25 and the compulsory jurisdiction of the European Court of Human Rights under Article 46 of the convention.