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

Request for an opinion
Committee of Ministers

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 tho same time been forwarded to the Governments for their consideration (cf. para. 29 of the Fourth Report of the Committee of Ministers, Doc. 122).

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

Introduction

1. Recommendation 14, adopted by the Consultative Assembly on 7th December, 1951, advocated the adoption by Member States of the Council of Europe of a common policy in social matters and made a number of proposals for a preliminary programme of this character. The Committee of Ministers, after having examined this Recommendation, stated in its Report, Doc. 2 to the Assembly, of 12th May, 1952 (paragraphs 60 and following) that it had instructed the Secretary-General to prepare a report on the activities which the Council of Europe could properly carry out in the social sphere; the Committee also emphasised at the same time t h a t it recognised the importance of a harmonisation of national activities in this field. In its Supplementary Report, Doc. 42, of 15th September, 1952,the Committee stated (paragraphs 24 and 25) t h a t the report to be prepared by the Secretary-General would be submitted to the Consultative Assembly. In its reply t h e Assembly took note of this statement and asked that no decision should be taken on the basis of the document in question until the Assembly had had an opportunity of expressing its views.

2. A number of international agreements have been concluded in the social field, and organisations, such as t h e International Labour Organisation, have long been active in the formulation of social policy on the international plane. Nevertheless, it remains true t h a t the planning and, more particularly, the execution of social policy are at present almost exclusively in the hands of national Governments. It may be presumed that, so far as the Members of the Council of Europe are concerned, this situation will not change in the near future. In the first place the economic conditions in the different countries vary greatly. Secondly, their national policies and individual traditions are, naturally, expressed in different forms. For these reasons marked differences exist in both the nature and scope of social legislation in the different countries.

3. Nevertheless, the Statute of the Council of Europe expresses the intention of Member Governments to further social progress in their respective countries. Greater unity among its Members, which is the principal aim of the Council, involves as a corollary common social concepts. Similarly, closer economic co-operation is only possible if the social conditions in the member countries are not too widely divergent.

Furthermore, if the improved standard of living in Europe, which is expected to result from such economic co-operation, is primarily conditioned by economic factors, it also depends on the social policy pursued, since it is this policy which determines whether the whole population will benefit from the economic advantages realised.

The experience of smaller groups of States which have collaborated closely in the social field shows that a common approach to social problems and the pooling of experience have in themselves a stimulating effect on social progress.

4. The social progress which t h e 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.

5. The elaboration of a Social Charter, which is a long-term objective, should not preclude the Council of Europe from undertaking, as soon as possible, other important tasks in the social field, in accordance with the Statute.

The Committee of Ministers has already agreed in principle to the idea of harmonising the social activities of the Member States. Such a policy should relate to existing as well as future legislation. It is true t h a t such harmonisation can only be undertaken on the basis of common standards, and t h a t the definition of those standards, where they do not already exist, is precisely the purpose of the Social Charter. Such standards do, however, exist in many social sectors, even if they are not already clearly defined. The matter of harmonisation of legislation is the subject of Chapter II of this Memorandum.

6. The principle of harmonising the social activities of Member States should apply not only to legislative measures but also to a number of questions of administrative practice and procedure. These are further discussed in Chapter III.

7. The activities of the Council of Europe in the social field should also take account of another fundamental principle, resulting from the general aims of the Council, namely the abolition of discrimination on grounds of nationality as between nationals of the various Member States. This is discussed further in Chapter IV.

8. Another important task which could be undertaken by the Council of Europe is the co-ordination of the activities of its Members in the social field within the framework of the great international organisations, particularly the United Nations and the International Labour Organisation. This question is examined in greater detail in Chapter V.

9. It is evident that such a programme should be executed in close collaboration with the other organisations which deal with social questions on the European plane, that is to say, the International Labour Organisation, the European Office of the United Nations, and O. E. E. C. ' An exchange of information and mutual consultation should therefore take place continuously on these subjects. Contacts should also be maintained with certain nongovernmental organisations. These questions are dealth with in Chapter VI.

10. Finally, it is necessary to consider what machinery should be set up for the detailed planning and the implementation of the programme proposed. It may be desirable to provide for closer and more permanent contacts between the social departments of the Member States and between these departments and the Council of Europe; in addition, the advice of experts may be necessary on a greater variety of social questions. Some considerations of this nature are set out in Chapter VII.

11. In paragraph (e) of Recommendation 14 (1951) the Consultative Assembly expressed t h e opinion t h a t the Council of Europe should follow closely the social consequences of t h e action undertaken by the European States in the framework of O. E. E. C.

I t appears that, on the inter-governmental plane, any attempt by the Committee of Ministers to take such action would trespass on the province of the Council of that Organisation.

The Assembly, however, is interested in all the social activities of t h e Member States of the Council. It should therefore be in a position to form an opinion on the social consequences of the action undertaken in the framework of the 0. E. E. C. The necessary information should be furnished in the Reports presented to the

Assembly by 0 . E. E. C. The attention of 0. E. E. C. 'should be specially drawn to this aspect of its reports. Moreover, the progressive development of personal contacts between members of the Assembly and the responsible officials of 0. E. E. C.? as at t h e recent meeting of t h e Council of Europe 0 . E. E. C. Liaison Committees?will constitute an excellent source of information for the Assembly, and afford an opportunity for an exchange of views. On this two-fold basis the Assembly could adopt such Recommendations on the subject as it considers desirable.

12. In paragraph (/) of Recommendation 14 (1951) the Assembly also proposed that t h e Council of Europe should follow closely the social effects of the creation and activities of Specialised Authorities, and, more particularly, of the Coal and Steel Community. The object of this proposal, as expressed in the Report presented by the Committee on Social Questions and adopted by the Assembly (Doc. 67), was, partly, to study such social arrangements as might be made b y the Members of the Community as a consequence of their closer economic collaboration, and, partly, to forestall any adverse social effects of these new economic developments. The Reports which will be presented to the Assembly by the High Authority and the Common Assembly should make it possible for the Consultative Assembly to express its opinion on these matters. Moreover, members of the High Authority might agree to discuss certain questions of this sort with the Committee on Social Questions, as they have discussed other aspects of the work of the Community with the Committee on Economic Questions.

13. It appears unnecessary therefore to propose special measures to give effect to the proposal of the Assembly concerning the social .consequences of the work of O. E. E. C. and of the Coal and Steel Community.

I. European Social Charter

14. 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 of 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.

15. 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.

16. A few basic points should be emphasised first. It should be a European document. Consequently it should stress the principles t h a t 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 among the Member States.

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

18. 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.

19. Realising t h a t 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 orientate 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.

20. 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 t h a t 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 in order 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.

21. 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, as also of arrangements to secure for the workers a fair share of the profits of increased productivity.

22. 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.

23. 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.

24. 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.

25. The Governments should undertake t h a t 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.

26. The Governments should recognise that, although the planning and implementation of social policy is essentially the concern of national authorities, its success in presentday 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 t h a t 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.

27. 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.

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

29. Other principles whose inclusion might be considered are[1] :

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, periodical holidays with pay, facilities for healthy spare time activities ;

Social security covering all ordinary contingencies;

General health protection;

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1. This is not intendod to bo a definite proposal. Some points may bo found to bo irrelevant, and others may bo 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 bo willing to sign tho United Nations Covenant becauso it includes rights the implementation of which cannot bo expected on a world-wide basis. The situation may be different within the framework of tho Council of Europe. In any case, all tho 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 Europo under Article 1 of the Statute. The draft Covenant is reproduced in the Appendices to this document.

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.

30. 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 instituted.

I I . Harmonisation of social legislation

31. It does not appear feasible, or even desirable, at present or in the near future, to envisage uniform social legislation in the Member States of the Council of Europe. Nevertheless, widely different levels of social welfare in the Member States constitute a danger to harmonious relations between them. In the economic field a tendency to break down artificial barriers already exists, and a growing measure of collaboration has been realised. The natural and necessary corollary to this in the social field is the harmonisation of large and important sectors of social legislation, primarily in the sphères of labour conditions (including employment and manpower) and of social security.

32. Harmonisation, however, is not the same as uniformity. It should rather be taken to mean a degree of adaptation of national laws to certain internationally accepted standards, with full consideration of varying conditions and traditions in the Member States.

33. An example illustrating the type of action envisaged in t h e present chapter is t h e proposed European Code of Social Security. In this case international standards fixed by the International Labour Organisation will be used as a basis and strengthened to meet the special needs of the Members of the Council of Europe. The same principle may be applied to other sectors of social legislation as well.

34. The harmonisation of social legislation is, of course, an extensive undertaking and long-term project. It must proceed slowly, step by step, in relation to limited sectors of social legislation at any one time.

35. The actual selection of these sectors is in itself a technical task which requires general knowledge of social legislation and social conditions in the Member States. It must, therefore, be done by experts who are in a position to determine which sectors are most important from the point of view of European collaboration and also lend themselves to this treatment.

36. The Secretariat-General does not consider itself competent to make more detailed suggestions on this subject. It would, however, seem natural to concentrate, first, on certain sectors of the legislation relating to labour conditions, both because of its importance and because action in this field could be based on the Conventions and Recommendations of the International Labour Organisation. By " labour conditions " is meant a wide range of questions such as hours of work, rest periods, holidays with pay, minimum age of employment in various industries, regulation of night work in the case of women and young persons, maternity protection, employment services, protection against accidents, proper labour inspection, medical examination of workers, questions relating to the fixing of wages, workers participation in the management of industries, the right to organisation and collective bargaining, etc. With regard to several of these questions the I. L. 0. has laid down both what might be called " minimum standards " in the form of Conventions, and higher standards in the form of Recommendations. A joint examination of the matter might show t h a t the Members of the Council of Europe might be in a position to aim at the attainment of the higher standards.

37. The International Labour Office has indicated to the Committee on Social Questions certain matters within this field which in its opinion are of special importance. They are : labour inspection in industry and commerce; organisation of employment services; questions relating to migration for employment; labour conditions for workers employed under contracts to which public anthorities are parties; freedom of association and the right to collective bargaining; social security.

38. Action for progressive harmonisation of labour legislation might aim at the establishment of a European Labour Code. Consideration might also be given to the idea of concluding European Codes in other sectors of social policy. This type of action was recommended by the Social Congress organised by the European

Movement in Rome in 1950. For this purpose European regional meetings of a tripartite character, as provided for in the Agreement between the Council of Europe and the International Labour Organisation, might constitute a suitable instrument.

39. Another way of achieving harmonisation of social legislation would be the joint consideration of new developments in the social field, with a view to the adoption of a common attitude. Member Governments should keep the Council of Europe informed of new developments in their social legislation or administrative practice, while such developments are still in the preparatory stage. In appropriate cases, where these new measures reflect principles or trends of general interest, t h e competent organs of the Council of Europe might consider the possibility of recommending t h e adoption of parallel measures in other Member States, with a view to ensuring the evolution of social policy on similar lines. This harmonisation of new social developments would probably present fewer difficulties than the harmonisation of existing legislation. The development of parallel legislation is well known to the five Nordic countries (Denmark, Finland, Iceland, Norway and Sweden). Since the end of the first world war these countries have developed several important laws in common. This does not mean that the same laws are in force in all five countries; but that the national laws in question have been enacted after joint preparation and are thus completely or substantially in harmony as to their contents. One of the actions taken by the Nordic Council, when it met for the first time in Copenhagen in February, 1953, was to endorse this idea of cooperation between its Members in the field of legislation.

III. Harmonisation of social administration, practice and techniques

40. The practical results of social legislation, in terms of effective action and tangible advantages directly affecting the population, cannot always be measured by the contents of the legislation itself. It depends to a large extend on the efficiency of the administrative machinery; the techniques used in organising various social services; the possibility of ascertaining through appropriate statistics the effects on society of various social and economic factors; the qualifications of the personnel employed in social work; etc. Thus, a theoretically perfect law for the protection of labour may be of very little practical value if i t is not enforced by an efficient labour inspection. And the practical effect of well planned social services may be diminished by lack of efficient techniques and trained personnel.

41. The harmonisation of national activities in the social field, the value of which has in principle been recognised by the Committee of Ministers, should therefore not stop at the level of legislative measures; harmonisation should be extended, so far as is feasible and desirable, to administrative and technical methods.

42. Social administration, particularly at the lower level, has developed in the various countries according to national and local habits and traditions, which may be old and varied. To the extent that such variations correspond to varying needs, this is all to the good; but in many cases the development of social administration reflects a certain conservatism which prevents the adoption of modern and better methods.

Even if Governments are unwilling to effect important changes in their administrative systems, an exchange of views on this subject would be of interest.

This question has attracted the interest of other international organisations. The United Nations has published a study of methods of Social Welfare Administration1 , based on contributions from Governments all over the world. The Agenda of the 1953 Session of the International Labour Conference includes an exchange of views on " Problems of the Organisation and Working of National Labour Departments". The Conference will examine such questions as their functions and responsibilities, their internal structure and working, their personnel and staffing problems, co-ordination of their activities with other departments and agencies, and collaboration with employers and workers.

Similar problems could presumably be discussed with advantage at a regional level between the Members of the Council of Europe.

43. The training of social welfare personnel is another subject for consideration. I t is important that persons engaged in social administration at various levels should be guided by common ideas on t h e aims and methods of social policy.

The Cultural Experts have expressed a similar view.

" In the promotion of mutual knowledge, the Council of Europe and Member States should seek to develop or strengthen mutual understanding between persons engaged in certain key occupations. These people should learn the methods adopted in their own subjects by other countries... "

Among these persons in " key occupations " are included senior officials and civil servants in the national and local services. Officers of workers' and employers' organisations are also mentioned.

The pooling of information and experience should help to harmonise the approach to social problems in Member States and also improve individual methods of work.

The European Office of the United Nations is operating a " European Social Welfare Programme " , including, inter alia, exchange of social welfare personnel, and regional seminars on social welfare questions. In the introduction to the document describing this programme1 it is recalled that one of the tasks of the United Nations is to assist Governments in promoting social progress and development, and it is stated that : " I n the social welfare sector, such aid can be effectively and inexpensively rendered in Europe by stimulating and facilitating the international exchange of ideas and techniques, thus progressively raising professional standards and improving social services in the countries concerned. "

I t is not proposed in the present Memorandum to go into the technical details. I t is suggested, however, that the Council of Europe could usefully give its attention to these matters, in close collaboration with the United Nations. The following Members of the Council of Europe already participate in the United Nations programme : Belgium, France, the German Federal Republic, Greece, Italy, the Netherlands, Norway, Sweden and the United Kingdom. In each participating country, a national exchange committee is responsible for administering the scheme.

44. The international comparability of social statistics is of great importance to international social collaboration. It is therefore a problem of interest to various international organisations. The United Nations and the I. L. 0. have both been active in promoting international standardisation of various branches of social statistics. The I. L. 0 . is organising regular international conferences of labour statisticians. The Manpower Committee of t h e 0. E. E. C. has recently decided to take steps to improve the international comparability of manpower statistics. The Secretariat- General of the Council of Europe published in 1952 a number of statistical tables relating to certain aspects of population questions. As a result of this work the Secretariat has, in the introduction to the publication in question, drawn attention to t h e need for more comparable statistical data on population movements in Europe; on the occupational distribution of populations; on refugees, surplus population, unemployment and the working pojnilation, and a study of the relation between population figures and various economic factors.

The need for harmonisation of statistical methods is felt even more strongly by groups of countries engaged in close social collaboration. Thus the Brussels Treaty Powers have set up a working party of statisticians to study the possibility of harmonising statistics on wages and prices. This is a pre-requisite for a valid comparison of living standards in various countries. The same need is felt by the Coal and Steel Community. The lack of comparable wages statistics in the six countries increases the difficulty of the Community's task of unification. On their side, the Scandinavian countries have undertaken a comprehensive study of the coordination of statistics relating to social legislation.

Such co-ordination should also be regarded as one element in any general plan for the harmonisation of national activities in the social field. A first step in this direction would seem to be a study of the results of the work already carried out, or in preparation, by the various organisations mentioned above.

IV. Abolition of discrimination in the social field between nationals of the Member States of the Council

45. Smaller groups of States among the Members of the Council of Europe are considering, or will shortly consider, far-reaching measures concerning t h e abolition of discrimination on grounds of nationality. The Nordic Council has been discussing the question of equal status of the citizens of its member countries. The Consultative Assembly of t h e Council of Europe has recommended the conclusion of a European Convention for the Reciprocal Treatment of Nationals, which, though more modest in its scope, nevertheless affords another example of the same trend.

Action of this type has already been taken by the Council of Europe in two import a n t fields which lend themselves to such treatment, namely social security and social and medical assistance. The results reached by t h e Committees of Experts in these fields are incorporated in the two draft Interim Agreements on Social Security and the draft Convention on Social and Medical Assistance.

The possibility of further action of the same type in other sectors of social legislation should be examined. This would seem to be a project of limited scope suitable for action by the Council, which might be among those accorded priority. As a preparatory step, the Member Governments should submit information on all cases where social rights are restricted to their own nationals. The Secretariat- General is not in possession of information indicating specific cases, but abolition of discrimination could, no doubt, be extended to various

social services, such as those in favour of children and young persons; employment services; grants and facilities related to housing; and so on. Further examples which can be mentioned are proposals in the Scandinavian countries to abolish discrimination between their citizens as regards aid to vocational training, and certain forms of aid to the disabled, including prothesis and rehabilitation.

Speedy progress in the abolition of discrimination would not only constitute real social advantage for the citizens of Member States, but would also have considerably psychological effect as an indication of growing unity between them.

Action of this type, however, can only become fully effective in combination with the harmonisation of legislation advocated in Chapter II above. The ideal is not only a relative equality but, so far as possible, an absolute equality on a reasonable level.

V. Co-ordination of the activities of Member States in the framework of other organisations

46. The Members of the Council of Europe also participate in international collaboration in social matters in their capacity as members of other international organisations, such as t he United Nations and some of its Specialised Agencies, particularly the International Labour Organisation and the World Health Organisation. It is important that they should exercise their influence in these organisations along common lines, t h a t they should have the objectives of the Council of Europe in mind, and t h a t they should seek to prevent the other organisations of which they are members adopting measures contrary to those pursued by the Council of Europe.

When these organisations are going to take decisions on important social questions of interest to the Council of Europe, preliminary discussions in t h e framework of the Council might serve to clarify the standpoints of the Member States and to establish a common line of policy. It will be recalled t h a t the Consult a t i v e Assembly adopted a recommendation to this effect on 18th August, 1950. (See 2nd Session, 1950: Doc. 74, ch. I, § I (IV) and Recommendation 21).

With regard to matters dealt with by the International Labour Conferences, such preliminary discussions have long been the practice of the Brussels Treaty Powers and the Scandinavian countries?though, admittedly, these groups of States are much more homogeneous than the Members of the Council of Europe as a whole.

The Secretariat-General would not suggest any rigid system under which preparatory conferences in the framework of the Council of Europe would have to be organised before each session of the international organisations in question. The information and documentation received from them under negotiation would enable the competent organs of the Council to decide in each particular case whether a preparatory European conference should be held.

It would be helpful if the groups of States already practising such preliminary consultation on matters to be dealt with by international organisations would inform the Council of Europe about their consultations and about the areas of common agreement which it has been possible to establish.

VI. Collaboration with other organisations, governmental and non-governmental

47. It is hardly necessary to stress the importance of collaboration with other intergovernmental organisations, and the Council of Europe has already concluded agreements with a number of them, precisely in order to define the nature and scope of such collaboration. There is a positive aspect, one may say, of this liaison between the Council and other organisations and also a negative one. The former is to utilise the assistance of a technical nature which other organisations are able and willing to grant; the latter is to avoid unnecessary duplication of effort.

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.

Leaving aside 0 . E. E. C, with which a specially close form of collaboration has been developed, one may say that in the social field there are, in particular, two organisations whose co-operation requires special attention, namely the International Labour Organisation and the United Nations.

48. Co-operation with the International Labour Organisation is clearly of paramount importance in this connection. All questions of a social nature relating to Europe are of interest also to the International Labour Organisation. That Organisation has, as already mentioned, developed international standards in many important sectors of the social field, and it is equipped precisely for the kind of technical work on which the success of a social programme to a large extent depends.

Co-operation with the International Labour Organisation should take place, not only on the Secretariat level, but also on the organisation level. The Agreement between the two Organisations provides the basis for such co-operation, including provision for the convocation, when deemed necessary, of European regional meetings of a t r i p a r t i t e character to deal with matters of interest to the Council of Europe which are also within the competence of the International Labour Organisation. Thus plans initiated by the political organs of the Council of Europe might be studied from the technical point of view in close collaboration with the International Labour Organisation.

49. Co-operation with the United Nations, particularly through its European Office, will be very useful with regard to matters within the competence of the United Nations Social Commission. The Agreement between the Council of Europe and the United Nations provides for exchange of information, mutual consultation, attendance of representatives of the Secretary-General of the United Nations at certain meetings of the Council of Europe and vice versa, and technical co-operation.

The field of responsibility of the United Nations Social Commission comprises all social questions of a general character, particularly questions not covered by specialised intergovernmental agencies. The Commission has given particular attention to a large number of practical social welfare questions : organisation of social services ; training of personnel etc. The United Nations is at présent preparing a programme of practical action in the social field. In addition the United Nations Children's Fund has special responsibilities in the field of child welfare and carries out programmes of assistance in which many Member Governments already participate.

50. The question of relations between the Council of Europe and the non-governmental organisations is under consideration (see 5th session, 1953 : Doc. 141), and the Council has decided to grant consultative status to the International Confederation of Free Trade Unions and the International Federation of Christian Trade Unions. Several other organisations have applied for such status.

It is sufficient here to recall that, in democratic countries, social development depends not only on legislation and the action of public authorities, but also to a large extent on independent private organisations. Any action to harmonise national activities in the social field should be carried out with this fact in view. The most important organisations concerned are of course the trade unions, the employers' associations and various co-operative consumers' organisations. The latter have in several countries participated actively in forming social policy, in the same way as the professional organisations.

Moreover, private social organisations are in some countries entrusted with the operation of certain social services which would otherwise be the responsibility of public authorities.

To the extent that private organisations influence social development in Member States, and even have a say in the formulation of the social policy of the Governments, the co-ordination of their activities at the European level would be desirable. The International Confederation of Free Trade Unions has established a European Regional Organisation. The Council of Europe should welcome this development and encourage a similar tendency with regard to other organisations of importance in the social field. The Council of Europe might sponsor meetings of officers of selected organisations on a European basis, with a view to the establishment of permanent liaison between the national branches and the preparation of regional working programmes, exchange of information, etc. Similar action has been taken by the United Nations on the wider international plane. The recognition of the private organisations by the Council of Europe on a consultative basis would be a step in this direction.

51. However, the whole question of consultation with private organisations on social and economic matters is under consideration in connection with the projected establishment of an Economic and Social Council in the framework of the Council of Europe. It is too early to draw any conclusions. Nor is tho present Memorandum the proper place for entering into detail in this connection. The Secretariat-General will prepare a special working paper on this subject for the competent Committees of the Consultative Assembly, which have been instructed by the latter to collaborate in the preparation of a draft Recommendation.

VII. Creation of the necessary machinery for the implementation of the programme

52. The detailed planning and execution of a social programme, as outlined in this Memorandum, will necessitate the creation of special machinery for t h a t purpose. The Committees of Experts which have hitherto been convened by the Committee of Ministers to deal with certain social problems have been extremely specialised bodies, with their competence limited strictly to social security and social and medical assistance[2]

The future task requires, moreover, a more permanent and extensive contact between the social administrations of t h e Member States and between these administrations and the Council of Europe.

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Realising this, t h e Consultative Assembly has sought to improve the position by two Recommendations. In Recommendation 14 adopted on 7th December, 1951 on a Common Policy in Social Matters it included a proposal to the effect that the Council of Europe should study methods of ensuring regular contacts between the social administrations of Member States, taking into account the experiences of the Brussels Treaty Powers and the Scandinavian countries in the establishment of such contacts. And in Recommendation 27, adopted on 26th September, 1952, on the creation of a Social Committee it reverted to this proposal in greater detail. The Committee of Ministers decided to retain for further study the proposal contained in Recommendation 14. The decision on Recommendation 27 was postponed, pending the preparation of t h e present Memorandum, on which it requests the opinion of the assembly.

53. The special competence required for the task in question has a double aspect. As will be observed, the Secretariat-General has not attempted in this Memorandum to suggest a detailed programme in the form of a list of specific subjects with which the Council of Europe should deal. Instead, it has indicated certain broad types of action, such as the determination of common standards of social policy, harmonisation of legislation, abolition of discrimination, etc., which can be applied to a number of different subjects. The selection of these subjects requires a general knowledge of social legislation in all Member States. The further work, however, requires detailed expert knowledge of the subjects selected. The machinery which is needed must therefore combine these qualities.

54. It may be too early at the present stage to take a definite decision concerning the machinery. Its nature may depend on the decisions taken with regard to the substance of the proposed programme. In any case it would seem necessary t h a t if the Consultative Assembly and the Committee of Ministers approve the main lines of this Memorandum, a Committee of officials from the appropriate Ministries should be convened as soon as possible to consider the programme and make recommendations for its implementation, including t h e creation of t h e necessary machinery. This might consist of an initial Conference, as broadly representative of the social authorities in the Member States as possible, and with representatives also of other organisations[3] , to make the general recommendations referred to above. Later, special Committees of Experts might then be convened as and when required for the implementation of various aspects of the programme.

Alternatively the Committee of Ministers might be advised to approve the Assembly's proposal for the creation of a Social Committee on the lines of Recommendation 27. This would have the obvious advantage of establishing a more permanent and comprehensive contact between the social administrations of Member Governments.

It is not considered necessary here to describe the composition and functions of the Social Committee as proposed by the Assembly. It is sufficient to refer to the Recommendation in question. It may, however, be useful to emphasise that the intention is not to create a Committee on the Ministerial level or a Committee of " deputies " in the social field. The acceptance of the- Assembly's proposal would amount to the creation of one single technical committee in the social field, like the Committee of Cultural Experts, reporting to the Committee of Ministers.

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2. The Committee of Exports on Social and Medical Assistance has completed its task and has been dissolved. It may be asked why i t is necessary for the Council of Europe to have any technical machinery for dealing with social questions, since, as pointed out elsewhere in this Memorandum, the Council will collaborate closely with technical organisations like tho International Labour Organisation. It is evident, however, that though tho International Labour Organisation, thanks to its technical staff and its experience, may be able, for example, to work out the principles which should be incorporated in a certain Convention, and prepare a draft text, the Member Governments of the Council of Europe nevertheless need to study the text and adapt it to their own purposes working through their own experts.

3. It is for consideration perhaps whether tho Committee of Ministers should not, under Article 3 of tho Agreement between tho Council of Europe and the International Labour Organisation, request the latter to arrange for a European regional meeting of a tripartite character for this purpose.

55. Another aspect of the machinery ?on which decision in any can must be postponed until the actual needs can be appreciated? would be t h e organisation of liaison sections in the Ministries concerned in each Member State, on the lines of the system established by the Brussels Treaty Powers.

56. Finally, the implementation of the programme evidently necessitates a thorough study of social legislation and social conditions in the Member States. This study would progress step by step as required by thé various subjects to be dealt with. It would, at the same time, provide the basis for a valuable exchange of information in the social field. Some Governments already publish detailed monographs on various aspects of social activities in their countries, in the working languages of the Council of Europe. This is a very useful practice which might be adopted by all Member Governments. "A European Social Documentation Centre should be established within the framework of the Secretariat- General. Parallel with the implementation of the programme, the Governments should as a general rule transmit to the Documentation Centre all the relevant information on the social developments in their countries ; in many cases, however, they have already made such information available to other organisations, in which case t h e Centre could obtain it from them