Parliamentary Assembly
Assemblée parlementaire
https://pace.coe.int

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Doc. 12886
20 March 2012

The role of parliaments in the consolidation and development of social rights in Europe

Reply to Recommendation[1]: Recommendation 1976 (2011)
Committee of Ministers

1. The Committee of Ministers has given careful consideration to Recommendation 1976 (2011) on "The role of parliaments in the consolidation and development of social rights in Europe", which it has brought to the attention of the governments of member States and sent to the Steering Committee for Human Rights (CDDH), the European Committee for Social Cohesion (CDCS), to the European Committee of Social Rights (ECSR) and to the Governmental Committee of the European Social Charter.

2. The Committee of Ministers fully agrees with the Assembly that national parliaments can play an important role in consolidating and developing social rights. It stresses the importance for parliaments to take steps to ensure full implementation of the standards provided for in international agreements, including in the field of social rights, when designing policy measures.

3. With specific regard to paragraph 1 of the recommendation, the Committee of Ministers would refer to its reply to Recommendation 1958 (2011) in which it informed the Assembly of the various initiatives taken on the occasion of the 50th anniversary of the European Social Charter with a view to guaranteeing and promoting social rights on our continent. It would reiterate its call on all those member States that have not yet ratified the revised European Social Charter or have not accepted the collective complaints mechanism, to consider doing so.

4. Paragraph 2 of the recommendation calls on the Committee of Ministers to draft a new protocol to the revised European Social Charter on the right to health, including the right to a healthy environment. In this respect, the Committee of Ministers confirms the importance of guaranteeing the right to health according to Article 11 of the European Social Charter. It would draw attention, in this regard, to the numerous decisions and conclusions related to the application of this Article, together with Articles 7, 12 and 13, in matters concerning patients' rights, bioethics, social coverage of long, expensive treatment at different times of life, and emergency care. The Committee of Ministers would also signal the updated manual on Human Rights and the Environment prepared by the Steering Committee for Human Rights, which aims to increase the understanding of the relationship between the protection of human rights and the environment and thereby to contribute to strengthening environmental protection at the national level. To this end, the manual provides information about the case law of the European Court of Human Rights and highlights the impact and relevant interpretations of the European Social Charter by the European Committee of Social Rights. In the light of these elements, the Committee of Ministers does not consider it necessary at this stage to prepare such a new protocol.

5. In line with paragraph 3 of Recommendation 1976 (2011), the Committee of Ministers reaffirms its own commitment to respecting a reasonable timeframe for consultation with the Parliamentary Assembly on new draft Council of Europe treaties with a view to allowing it to give its opinion without undue haste. It remains committed to continuing the involvement of the Assembly in the process of drafting new conventions by ensuring that representatives of the Assembly are invited to participate in the meetings of expert committees

1. Adopted at the 1137th meeting of the Ministers' Deputies (14 March 2012).

entrusted with such tasks, as well as in ministerial conferences and other high-level events organised by the Council of Europe. In this respect, the Committee of Ministers would urge the Assembly to fully exploit these opportunities to allow its position, comments or suggestions to be taken into account throughout the drafting process of texts.

6. With reference to the possibility of introducing co-decision making on draft legal instruments, and in underlining the possibilities open to the Assembly to participate in the preparatory work of such texts, the Committee of Ministers would inform the Assembly that its position expressed in its reply to Recommendation 1763 (2006) remains unchanged in that the institutional balance at the Council of Europe does not require a reapportionment of responsibilities.

7. Finally the Committee of Ministers would inform the Assembly that in the context of the reform process, it was decided that intergovernmental activities in the areas of social cohesion and in certain dimensions of public health policies will continue, notably through the work of the European Committee on Social Cohesion. Given the transversal nature of both these themes, it would also underline the relevance of the work carried out in other fields such as Roma, migration, children, persons with disabilities, bioethics, the European Pharmacopoeia (EDQM), and the various monitoring mechanisms, with a view to strengthening social cohesion and the protection of health in member States.