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Creation of a "Social Committee"

Report¹

Social, Health and Family Affairs Committee

Rapporteur: Mr Henri C. J. HEYMAN, Belgium

1. (a) See 3rd Session, 1951: Recommendation 14.

(b) Draft Recommendation and draft Order adopted, 21st Sitting, 26th September, 1952. Recommendation 27.

Members of the Committee: MM. Serrarens, Chairman; Mutter, Mme. Sewerijn, (Substitute: M. Aabrek), Vice-Chairmen; MM. Boggiano Pico, Bohy, Bottomley (Substitute: Bowden), Darling, Erkmen, Gerstenmaier (Substitute: Mme. Weber), MM. Hedtoft, Heyman, van Kauenbergh, Kirn, Koenig (Substitute: Radius), La Malfa (Substitute: Chiostergi), Montini, Moutet (Substitute: Minjoz), Nadi, Norton, Mlle. Nygren, MM. Rodo-poulos, Ruygers, Mme. Schroeder, MM. Schütz (Substitute: Junglas), Stefansson, Lady Tweedsmuir (Substitute: M. Vaughan-Morgan), MM. Wallentheim, Zannis.



Explanatory Memorandum

1. On 7th December, 1951, the Consultative Assembly adopted a draft Recommendation for a Common Policy in Social Matters, Recommendation 14 (1951).
2. After examining this Recommendation the Committee of Ministers assured the Assembly that it realised the importance of harmonising national activities in the social field (cf. Report of the Committee of Ministers of 12th May, 1952, para. 60).
3. In the opinion of the Committee this statement seems to imply approval in principle of all action directed towards:
 - the harmonisation, to the extent feasible and desirable, of existing social legislation and practice;
 - the abolition of discrimination on grounds of nationality between nationals of the various Member States; and
 - the joint consideration of new developments in the social field with a view to the adoption of a common attitude.
4. It would, therefore, seem essential to adopt as a starting-point certain measures by which this policy may gradually be put into effect.
5. It is evident that the implementation of the long-term programme implicit in the statement of the Committee of Ministers and in Recommendation 14 (1951) of the Assembly, requires the establishment of an "appropriate organ".
6. In this respect it is important to note the paragraph of Recommendation 14, which declared that it was necessary to study methods of "ensuring regular contact between the social administrations of the Member States, taking into account the experience of the Brussels Treaty powers and of the Scandinavian countries in the establishment of such contacts" and which also implied the need for an adequate organ to carry out a social policy of this kind. In its Report referred to above (para. 2) the Committee of Ministers itself, after instructing the Secretary-General, inter alia, to prepare a Memorandum on the activities which might properly be carried out by the Council of Europe in the social sphere, proceeded to emphasise that particular attention should be paid to this question.
7. Further, in its reply to the Report of the Committee of Ministers (Doc. 28), the Assembly took note of the statement of principle of the Committee of Ministers, and announced that it intended to consider ways and means of bringing about such harmonisation, and would in due course recommend to the Committee of Ministers suitable measures to be taken in this connection.
8. Before indicating the type of organ which would be most suited to the Council of Europe, it should be borne in mind that the signatory Powers of the Brussels Treaty and the Scandinavian countries have already devised a system of co-operation and contacts for joint social action. These methods are, however, applied to a small and homogeneous group of States, and none of them appear to be directly applicable to the Council of Europe. Nevertheless, a study of their activities goes to show that no joint policy is possible without first establishing an "appropriate organ" – that is an organ of liaison and research – between the social administrations of the States concerned.
9. The Committee on Social Questions therefore considers it advisable to suggest to the Assembly that it recommend the Committee of Ministers to establish within the orbit of the Council of Europe such an organ of liaison and research between the social administrations of Member States as may appear most suited to the activities and aims of the Council of Europe in the social field. This organ would be semi-permanent in character and authorised to deal with all social matters, and should therefore be composed of persons who have a "bird's eye view" of the social policy of Member States, which means that its terms of reference should be much wider than those of the two Committees of Experts on Social Security. Each State should appoint to this body high-ranking officials, representing the Ministers concerned, who might be assisted or replaced by other social experts, depending on the particular problem under consideration. When the question of social security arose, for instance, the officials in question would be assisted or replaced by members of the Committee of Experts on Social Security. Among other things this Committee should, on behalf of the Committee of Ministers, examine the social recommendations of the Assembly and should work in close co-operation with the international organisations concerned, such as the I.L.O., and, in particular, with the Committee on Social Questions of the Assembly.
10. This organ of liaison and research, which might be known as the "Social Committee", should have the terms of reference and the functions defined in the Draft Recommendation.

11. The establishment of this "Social Committee" would establish a permanent contact between the social administrations of the Member States, and between these administrations and the Council of Europe, thus enabling the latter to keep in close touch with social developments in each Member State and to establish a common social policy.

12. In order to enable the Council of Europe to follow with greater ease events in the social field and to adopt a common policy in particular with regard to " new developments ", it should also be recommended that the Committee of Ministers request all Member Governments to keep the Secretary-General informed of new developments in their social legislation or practice. This information would be forwarded to the Social Committee and to the Committee on Social Questions of the Assembly, which would thus be in a position to consider the great majority of new social laws contemplated by Member States. There can be no doubt that the Committee on Social Questions of the Assembly will always retain the initiative in the social sphere : the Social Committee will draw upon the work of the Committee on Social Questions in order to achieve the social policy which it advocates.

13. When the new social laws referred to are intended to introduce measures calculated to raise the standard of living, which it is considered desirable to apply within the framework of the Council of Europe, the Committee might propose that the Assembly recommend to the Committee of Ministers that all Member States be invited to introduce similar measures so as to secure identical advantages for their own nationals and to extend them to the nationals of other Member States.

14. In this way, the national laws might be brought into line, thereby leading to the maximum possible uniformity in social conditions and securing for nationals of other Member States the conditions enjoyed by the citizens of those States. This effort of harmonisation arising from the so-called "new social developments" would certainly meet with fewer difficulties than one which was directed towards harmonising long-standing legislation and practice. This co-ordination by means of direct and virtually permanent contacts would create a certain unity of policy which would certainly have its effect on national legislation and practice. It would lead to a growing concordance in the texts of future laws and would pave the way for the conclusion of new Conventions.

15. This Social Committee would in effect complete the work of the Committee on Social Questions – in the sense that it would act as a Standing Committee responsible for dealing with social questions on behalf of the Committee of Ministers. It would supply the Committee on Social Questions of the Assembly with reports in as detailed a form as possible on the progress of its activities.

16. In the light of these considerations the Committee on Social Questions submits to the Assembly the following draft Recommendation and Order of the Assembly, which were adopted unanimously by the Committee.

1. Draft Recommendation

The Assembly,

Mindful of the need expressed in Recommendation 14 (1951) for the adoption of a common policy in social matters;

Welcoming the statement of the Committee of Ministers in its Report to the Assembly of 12th May, 1952, which recognised the advantage of harmonising national practice in social matters;

Considering that existing social legislation and practice should be harmonised, that discrimination on grounds of nationality between nationals of Member States should be abolished and that new developments in the social sphere should be the subject of joint examination;

Being of opinion that such harmonisation requires the establishment of an appropriate organ for liaison and joint discussion between the Council of Europe and the departments for social administration of the Member States.

Recommends to the Committee of Ministers,

1. That a Social Committee should be established composed of high-ranking officials of the social administrations of Member States, representing the Ministers concerned. These officials should be authorised to call in the assistance of other social experts or to be replaced by them. The Social Committee should work in close liaison with the Committee on Social Questions of the Assembly and its functions should be as follows:

- i. To consider, from the technical point of view, any Recommendation in the social field emanating from the Consultative Assembly which may be referred to the Social Committee by the Committee of Ministers;
- ii. To consider the practicability of abolishing any discrimination on grounds of nationality between nationals of the Member States with regard to social rights and benefits;
- iii. To suggest the means by which existing social legislation and practice could be harmonised;
- iv. To meet before international conferences on social questions, in order, as far as possible, to reach agreement on a common policy;
- v. To constitute a permanent link between the social administrations of the Member States and between these administrations and the Council of Europe, with a view, inter alia, to aiding Member Governments in the interpretation and application of Resolutions on social matters adopted by the Committee of Ministers and of Conventions concluded by the Member States, such as the Interim Agreements on Social Security and the Convention on Social and Medical Assistance;
- vi. To keep the Committee on Social Questions of the Consultative Assembly as fully informed as possible of the progress of its work.

2. That all Member Governments should be requested to keep the Secretary-General of the Council of Europe informed of any new developments which they may be contemplating in their social legislation or practice.

2. Draft Order

The Assembly,

Instructs its Committee on Social Questions to continue the study of any related questions which might with advantage be included later in the programme for a common policy in social matters.