

European Communities

EUROPEAN PARLIAMENT

Working Documents

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MOTION FOR A RESOLUTION

tabled by Mr GEURTSEN and Mr DELOROZOY
on behalf of the Liberal and Democratic Group

pursuant to Rule 25 of the Rules of Procedure

on extending human and social rights in the
European Community

The European Parliament,

- aware that democracy is founded on the principle that every citizen has fundamental rights and freedoms which must be defended at all levels of government,
- aware also that all Member States of the European Community have ratified the European Convention on Human Rights,
- recognizing that the European Convention on Human Rights is only the first step in securing the collective enforcement of human rights and fundamental freedoms throughout the Member States of the European Community,
- convinced of the urgent need to strengthen, harmonize and extend the international, Community and national protection of these rights and freedoms,
- believing that the exercise of rights and freedoms is inseparable, for the individual enjoying them, from the awareness of the obligations which this implies and that freedom is necessarily accompanied by responsibilities,

calls for the adoption and implementation of a programme to safeguard and extend the human rights and fundamental freedoms of all those within the jurisdiction and in the territory of the European Community.

To this end, the European Parliament calls for:

1. The European Community to accede to the European Convention on Human Rights and its protocols;
2. The immediate extension of the European Convention on Human Rights in particular to protect certain rights, many of which are already recognized in and promoted by the UN Declaration and the UN International Covenants, so that
 - (a) everyone has the right to life and no one, in any circumstances, may be deprived of his life as a penal sanction;
 - (b) everyone has the right of conscientious objection to military service;
 - (c) everyone has the right to seek and to enjoy asylum from genuinely political persecution within the limits and taking account of the Convention on Terrorism of the Council of Europe;
 - (d) everyone has the right not to be expelled from a country of which he is not a national without the observance of procedural safeguards;
 - (e) everyone has the right of access to public service in the country of which he is a citizen (i.e. to be considered for public appointment), in his country irrespective of his political convictions, on general terms of equality, except in relation to occupations concerned with national security;
 - (f) the enjoyment of the rights and freedoms set forth in the Convention shall also be secured without any discrimination on grounds of sexual orientation¹;
 - (g) comprehensive anti-discrimination legislation is introduced;
 - (h) everyone has the right to the guarantee of the confidentiality of any information held on him by public or private institutions and to inspect and correct or add to this information;
 - (i) everyone has the right to a roof over his head;
 - (j) no one shall be imprisoned or otherwise deprived of his liberty solely because of vagrancy²;

¹ By inserting the words 'sexual orientation' between the words 'sex' and 'race' in Article 14 of the Convention.

² By deleting the words 'or vagrants' from line 3 of Article 5(1) (e) of the Convention.

(k) everyone has the right to confidentiality in all communications, whatever the method used, unless otherwise provided for by the law through a procedure involving the intervention of the judicial authorities.

3. The European Community to work for the creation of a post for a United Nations High Commissioner for Human Rights to contribute to the protection and promotion of human rights throughout the world.

To achieve such reform, the European Parliament, together with the other Community institutions,

- calls for the adoption of a Charter of Civil and Political Rights establishing standards to be observed by Member States and European Community institutions in their dealings with individuals;
- calls upon Member States to make speedy progress towards implementation of such a Charter and for such progress to be effectively monitored, and
- calls for the eventual incorporation of the rights guaranteed into Community law and the European Convention on Human Rights so that they are binding on both the European Community and its Member States.

The European Parliament,

- further believing that civil and political rights and freedoms cannot be fully appreciated and enjoyed except in fair economic and social conditions;
- affirming its commitment to work with the Council of Europe for maximum progress on economic, social and cultural rights and freedoms throughout Europe;
- recognizing that certain groups also need special protection;

calls upon all the Community institutions to encourage and approve supplementary charters of cultural, ethnic, linguistic, minority and group rights and freedoms and to adopt appropriate methods for monitoring their implementation.

Concluding that the present Social Charter of the Council of Europe is now relatively ineffective, the European Parliament also calls for the adoption by the Community institutions of a new Charter of Economic, Social and Cultural Rights and the establishment of Community welfare standards applicable to the Member States; it

asks the Community institutions to work determinedly for the harmonization of the standards already attained, for the achievement of complementary standards and progress in this direction to be monitored effectively, and calls for continuous improvement of measures permitting the maximum enforceability of all the rights thus created.

The European Parliament requires that the Charter should, inter alia, guarantee the following:

I. Work and working conditions

1. Everyone has the right and the duty to meet his needs by the exercise of an activity according to his abilities. Everyone must be able to enjoy the fruits of his labour, which implies, in particular, a reasonable limit on deductions for tax and social charges.
2. Every employed person is entitled to clearly defined legal rights including a right of information and rights in relation to employee participation.
3. All workers have the right to a fair remuneration, equal opportunities to undertake gainful employment, just conditions of work and protection against unemployment without discrimination on ground of sex, race, nationality or religion.
4. Everyone has the right to equal pay for equal work without discrimination.
5. All workers have the right to safe and healthy working conditions.
6. Everyone has the right to rest and leisure, including reasonable limitation of working hours, and periodic holidays with pay.
7. Expectant mothers and the parents of young children have the right to special protection in their employment.

II. Social organization

1. Workers and employers have the right and the duty to bargain collectively with a view to establishing remuneration and other conditions of employment, including their legal position, within the statutory limits.

2. Workers and employers have the right to collective action in case of dispute, including the right to strike or to impose a lock-out, subject to statutory limitations on the exercise of such rights by members of the armed forces, the police or certain sections of the civil service or by employees engaged in vital services. The exercise of the right to strike shall not interfere with the freedom of the worker to continue his work.
3. Collective agreements may be declared generally binding or non-binding in the cases prescribed by law.
4. The employment or dismissal of a worker may under no circumstances be conditioned by his membership or non-membership of a trade union organization.

III. Special protection

1. Children and young persons have the right to protection against economic and social exploitation.
2. The employment of children and young persons in work which may be harmful to their moral or physical welfare, which is dangerous or could seriously jeopardize their normal development shall be prohibited by law.

IV. Choice of occupation and vocational training

1. Everyone has the right to proper vocational guidance aimed at helping him to choose an occupation suited to his personal aptitudes and interests.
2. Everyone has the right to proper vocational training.
3. Disabled persons have the right to vocational training, rehabilitation in their working and private life, whatever the origin and nature of their disability.

V. Social security

1. All persons engaged in a gainful activity and their dependants have the right to a social security system shielding them from the serious consequences of impairment of their physical integrity, or social or professional life.
2. Anyone unable to provide for himself has the right to assistance as provided by law.

3. Entitlement to social security shall be regulated by law in such a way as to establish genuine solidarity between the privileged and the less privileged.
4. Laws shall be enacted to promote the fair and effective distribution of wealth to all, in particular to the socially underprivileged.

VI. Public health and legal assistance

1. Everyone has the right to benefit from any measures enabling him to enjoy the highest possible standard of health.
2. The law shall prevent impairment of the environment and conditions of life and promote constant improvement in the quality of life so that clean air, pure water, unpolluted soil and freedom from excessive noise may be available to everyone to the greatest possible extent.
3. Everyone has the right to the protection of his environment when it is threatened. The law shall promote the maintenance, where necessary, of areas of natural beauty and recreation areas, so that everyone may have the opportunity, if they so desire, of spending their leisure time in natural surroundings.
4. The law shall lay down rules on the granting of medical and legal assistance to the financially weak.

VII. Family life

1. Marriage and the family need to be protected by society. The law shall ensure the existence of conditions necessary for the development of the family. There shall be no discrimination against alternative forms of co-habitation.
2. Husband and wife shall have, with respect to marriage, equal rights and responsibilities during the marriage and after its dissolution.
3. Every woman shall have the right to decide freely about abortion subject to conditions provided by law.
4. Parents and children, irrespective of their marital status and family relationship, have the right to appropriate social and economic protection.
5. Special precautions shall be taken to secure the rights of minors, particularly the right to a proper hearing of their views and opinions.

VIII. Rights of non-nationals

1. Subject to statutory restrictions based on urgent economic or social reasons, everyone lawfully resident in the territory of a state has the right to engage in a gainful occupation, whether as an employee or otherwise, on an equal footing with nationals of that state.
2. Such persons and their dependants have the right to protection and assistance as laid down in the first paragraph.
3. Neither their origin nor any circumstances, may be used as a reason for denying them the benefit of any of the rights laid down in this Charter, which are enjoyed in similar circumstances by nationals of that state, for discriminating against them in any way or for impeding them in the exercise of their rights.

IX. Cultural rights

1. Everyone has the right to education aimed at the complete development of his personality and based on the concept of human dignity.
2. Primary education is compulsory and must be free of charge to everyone.
3. Other levels of education must be equally accessible to all on the basis of aptitude and ability.
4. In order to ensure equal access to all levels of education, the law shall lay down rules on the financing of studies.
5. The law shall guarantee the freedom of parents or legal guardians to choose for their children or wards schools other than state schools with the ideological and philosophical neutrality inherent in state education, and to provide for the religious and moral education of their children or wards in accordance with the parents' or guardians' own philosophy or religion. All independent schools shall comply with basic minimum educational standards prescribed by law.
6. Everyone has the right to participate freely in the cultural life of the community, to enjoy the artistic heritage and to share in scientific progress and the fruits thereof.
7. Everyone has the right to protection of the material and non-material interests resulting from a work of science, literature or art created by him, or from the performance of such a work.

x. Political rights and duties

The law shall promote the civic education of citizens, instructing them in the workings of their institutions and in their freedoms, rights and duties within a democratic society.
