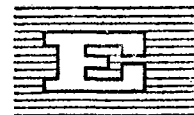


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## INFORMATION SUBMITTED IN ACCORDANCE WITH ECONOMIC AND SOCIAL COUNCIL RESOLUTION 1159 (XLI) REGARDING CO-OPERATION WITH REGIONAL INTERGOVERNMENTAL BODIES CONCERNED WITH HUMAN RIGHTS

### Note by the Secretary-General

At its forty-first session, the Economic and Social Council adopted resolution 1159 (XLI)<sup>1/</sup> regarding co-operation with regional intergovernmental bodies concerned with human rights. Under the terms of this resolution, the Council, desiring to make use of all possible information and experience to advance the realization of human rights and fundamental freedoms for all without distinctions as to race, sex, colour or religion, inter alia, invited the Secretary-General to arrange for the exchange of information on matters relating to human rights between the Commission and the Council of Europe, the Inter-American Commission on Human Rights, the Organization of African Unity, the League of Arab States and other regional intergovernmental organizations particularly concerned for human rights.

The present note contains a communication dated 18 November 1974 received from the Council of Europe in response to the invitation of the Secretary-General for the submission of information within the framework of the exchange provided for in the resolution.

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<sup>1/</sup> The resolution was adopted at the 1445th plenary meeting of the Council on 5 August 1966.

Communication to the Commission on Human Rights  
of the United Nations on the activities of the  
Council of Europe in the field of  
human rights in 1974

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Communication to the Commission on Human Rights  
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Introduction

At the request of the Secretary General of the United Nations made in accordance with the terms of ECOSOC Resolution 1159 (XLI) of 5 August 1966, the Council of Europe prepared for the United Nations Commission on Human Rights communications about its work relating to human rights in 1968, 1969, 1970, 1971, 1972 and 1973. The communication for 1968 was distributed to the Commission under reference E/CN.4/L.1042/Add.2. It followed the report of the Council of Europe to the Teheran Conference (doc. A/CONF.32/L.9), which summarised the Council's work in this field up to the end of 1967. The communication for 1969 was distributed under the reference E/CN.4/L.1117/Add.1, that for 1970 under the reference E/CN.4/L.1057/Add.1, that for 1971 under the reference E/CN.4/L.1089/Add.1, that for 1972 under the reference E/CN.4/1120 and that for 1973 under the reference E/CN.4/1139.

In accordance with a further request for the Secretary General of the United Nations, the Council of Europe has prepared this further communication about its activities relating to human rights in 1974.

I. State of application of the European Convention on Human Rights

1. On 3 May 1974, France ratified the European Convention and the First, Third, Fourth and Fifth Protocols, thus bringing to 16 (1) the number of States Parties to these instruments. The number of States Parties to the Second Protocol remains at 15.

2. In 1974, France recognised the compulsory jurisdiction of the European Court of Human Rights (Article 46 of the Convention) thus bringing to 13 the number of States which have recognised this optional clause (Austria, Belgium, Denmark, the Federal Republic of Germany, France, Iceland, Ireland, Italy, Luxembourg, Netherlands (also for Surinam), Norway, Sweden and the United Kingdom (also for 18 overseas territories)). The number of States having recognised the competence of the European Commission of Human Rights to receive individual petitions (Art. 25 of the Convention) remains at 12.

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- (1) Austria, Belgium, Cyprus, Denmark, the Federal Republic of Germany, France, Iceland, Ireland, Italy, Luxembourg, Malta, Netherlands, Norway, Sweden, Turkey and the United Kingdom.

3. By the end of 1974, Protocol No. 4 to the Convention, securing certain rights and freedoms other than those already included in the Convention and the First Protocol (1), was in force among 10 States - Austria, Belgium, Denmark, the Federal Republic of Germany, France, Iceland, Ireland, Luxembourg, Norway and Sweden. These governments have also extended their acceptance of the compulsory jurisdiction of the European Court of Human Rights to applications concerning the rights guaranteed in the Fourth Protocol. Nine of them have extended their acceptance of the right of individual petition.

4. The European Agreement relating to persons participating in proceedings of the European Commission and Court of Human Rights, which entered into force on 17 April 1971, had been ratified, by 31 December 1974, by 9 States (Belgium, Cyprus, Ireland, Luxembourg, Malta, Netherlands, Norway, Sweden and the United Kingdom).

## II. Activities of the European Commission of Human Rights

### A. Inter-State applications

#### (a) Ireland against the United Kingdom

5. This application, introduced by the Government of the Republic of Ireland against the Government of the United Kingdom, relates to the situation in Northern Ireland and was declared admissible in 1972. Examination of the merits began in 1973 and continued in 1974. The current year has been almost entirely taken up with the investigation of the facts by a group of delegates of the Commission. In Strasbourg from 25 February to 2 March the delegates heard 13 witnesses in connection with the Irish Government's allegations concerning Article 3 of the Convention (torture and inhuman or degrading treatment). The remainder of this hearing, scheduled for 4 March, had to be postponed because of the special security measures demanded by the United Kingdom Government. The hearing was resumed from 2 to 11 May at the Sola military air base near Stavanger, which had been made available by the Norwegian Government; 34 witnesses were heard. A further 14 persons were heard from 12 to 15 June, also at the Sola base.

Another hearing was held in Strasbourg from 22 to 25 July, dealing with the Irish Government's allegations concerning Article 14 (discrimination in the enjoyment of the rights guaranteed), in combination with Article 5 (liberty and security of the person) and Article 6 (fair trial). Depositions were taken from 5 witnesses.

A further hearing in connection with the applicant Government's allegations concerning Article 3 was held in Strasbourg from 28 to 30 October. Seven witnesses were heard.

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- (1) Freedom from imprisonment for debt; freedom of movement and of choice of one's residence; freedom from expulsion from and the right to enter one's own country; prohibition of the collective expulsion of aliens.

If we include the evidence taken in 1973, this brings the number of witnesses heard in this case to 78.

(b) Cyprus against Turkey

6. On 19 September 1974, an application was lodged with the Commission on behalf of the Government of Cyprus against the Government of Turkey. It concerns the situation arising out of the Turkish intervention in Cyprus and alleges violation of the following provisions of the Convention :

- Article 1 (General)
- Article 2 (Right to life)
- Article 3 (Torture and inhuman or degrading treatment or punishment)
- Article 4 (Slavery, servitude, forced or compulsory labour)
- Article 5 (Liberty and security of the person)
- Article 6 (Fair hearing by an independent and impartial tribunal)
- Article 8 (Respect for private and family life)
- Article 13 (Effective remedy before a national authority against violation of the rights guaranteed by the Convention)
- Article 14 (Discrimination in the enjoyment of such rights)

The application also refers to Article 1 of the First Protocol (Protection of property) and Article 17 of the Convention, which provides that nothing in the Convention may be interpreted as implying any right to perform any act aimed at the destruction of any of the rights and freedoms set forth therein or at their limitation to a greater extent than is provided for in the Convention.

The Turkish Government was immediately invited to submit its written observations on the admissibility of the application. The Commission also asked the applicant Government for further details of its allegations.

B. Individual applications

7. Between 1 January and 8 November 1974, 410 new applications were registered. During the same period, the Commission examined the admissibility of some 300 applications, of which 4 were declared admissible.

(a) Ingrid Brückmann against the Federal Republic of Germany

8. The applicant, a girl of 17, fled from East-Berlin in 1972 and took refuge in West-Berlin, where she admitted having murdered her father and was arrested. In August 1973, the West-Berlin Appeal Court authorised that she be handed over to the East German authorities.

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The application was declared admissible in May 1974 with respect inter alia to the applicant's complaints under Article 3 (inhuman or degrading treatment) and Article 5 (liberty and security of the person).

In the meantime, there has been an amendment, extended to West-Berlin, of the Act on Inner German Assistance in Criminal Matters. Acting under the new provisions, the Attorney General's Department has withdrawn its consent to the girl's return to the East German authorities and she is now being held for trial in West-Berlin.

(b) Handyside against the United Kingdom

9. The applicant, a London publisher, was about to publish a book entitled "The Little Red School Book", an English translation of a Danish original. Even before publication, a large number of copies were seized by the British authorities and the applicant was fined for possessing an obscene work for commercial purposes. A revised version was later published and is now on sale in the United Kingdom.

Mr. Handyside complained to the Commission of the measures taken against the Little Red School Book, which he claims are contrary to (inter alia) Article 10 of the Convention (freedom of expression) and Article 1 of the First Protocol (peaceful enjoyment of possessions). His application was declared admissible in April 1974.

(c) X against the United Kingdom

10. This application relates to the use of corporal punishment in the Isle of Man. The applicant, a youth of 18, complains of having been birched on conviction under the Summary Jurisdiction Act, 1960, (Isle of Man), which prescribes this punishment for male children and youths.

In July 1974, the Commission declared the application admissible for an examination of the merits of the applicant's complaints under Article 3 (inhuman or degrading treatment) and Article 14 (non-discrimination) of the Convention.

(d) Hätti against the Federal Republic of Germany

11. The applicant, who has several previous convictions for incest, complains of the length of a fresh prosecution brought in 1970 and alleges an infringement of his right to be tried within a reasonable time under Article 6 of the Convention. After supplying certain information on the proceedings at the Commission's request, the Government of the Federal Republic of Germany agreed not to make submissions on admissibility. In October 1974, the Commission decided that the application was admissible. It declared inadmissible, however, the applicant's allegation that a serious eye condition received inadequate medical treatment in prison.

C. Friendly settlements

12. Two cases ended in 1974 with a friendly settlement under the aegis of the Commission in accordance with Article 28 (b) of the Convention :

(a) Amekrane against the United Kingdom

13. Amekrane, a Lieutenant-Colonel in the Moroccan Air Force, was implicated in the abortive attempt on the life of the King of Morocco in 1972 and fled to Gibraltar. After a brief period of detention, he was handed over to the Moroccan authorities. He was condemned to death by a Moroccan court and executed in January 1973. The application by his widow, a German citizen, against the United Kingdom was based on Article 3 (inhuman or degrading treatment), Article 5 (liberty and security of the person) and Article 8 (family life) of the Convention. Under the terms of the friendly settlement between the parties the British Government, without admitting any violation of the Convention, paid Mrs. Amekrane the sum of £37,500.

(b) Gussenbauer against Austria

14. This case was concerned with the fact that under the system of free legal aid officially appointed defence counsel receive no payment for their services.

The applicant, a Vienna barrister, was nominated to defend two persons on criminal charges. As he would have incurred sanctions had he refused the case, he argued that he had been compelled to perform "forced labour" within the meaning of Article 4 of the Convention. Even his expenses had not been fully refunded. He also alleged discrimination (Article 14), as the obligation to represent clients without fees applied only to members of the bar, and not to the rest of the legal profession.

19. Under the agreed settlement, the applicant has been reimbursed by the Austrian Government for expenditure incurred in connection with the proceedings before the Commission. In endorsing the settlement, the Commission took note of a declaration by the Government that, when approving the rules of Austrian Bar Associations, it will ensure a fair distribution of legal aid briefs among barristers.

D. Reports prepared in accordance with Article 31 of the Convention

15. In the course of 1974, the Commission prepared and adopted final reports in five cases. Four of them were referred by the Commission to the European Court of Human Rights : (see paragraph 19 below)

- Three cases on trade union matters which mainly concerned the application of Article 11 of the Convention (freedom of assembly and association), viz: Syndicat National de la Police Belge against Belgium, Lokmannaförbundet against Sweden, and Schmidt and Dahlström against Sweden.
- One case concerning deprivation of liberty imposed on servicemen as a disciplinary sanction and the procedure followed in these cases. The matter arose out of several applications lodged individually against the Netherlands by soldiers in the Dutch army and is primarily concerned with Article 5 (liberty and security of the person) and Article 6 (fair trial) of the Convention.

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16. In a fifth case, Kamma against the Netherlands, the Commission made a report under Article 31 of the Convention. In his application, Mr. Kamma, who had been arrested and detained on suspicion of extortion and theft, complained that the police had taken advantage of his detention on remand to conduct investigations against him in connection with another offence, despite the fact that no judicial preliminary inquiry had been instituted.

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17. Among the other individual applications examined by the Commission in 1974, the following may be mentioned :

- Some 190 individual applications relating to the situation in Northern Ireland, which are being dealt with in addition to the inter-State application mentioned above.
- The applications filed against Denmark by Mr. and Mrs. Kjeldsen, Mr. and Mrs. Madsen and Mr. and Mrs. Pedersen concerning compulsory sex education in schools.
- Several applications relating to freedom of expression in the press : Geillustreerde Pers N.V. against the Netherlands, Sunday Times against the United Kingdom, Telebiella against Italy.
- The applications by Miss Berberich, Mr. Mahler and other persons belonging to the "Baader-Meinhof Group", concerning their detention and prosecution in the Federal Republic of Germany.
- The application by Mrs. Ilse Hess against the United Kingdom concerning the detention of her husband, the former Nazi leader Rudolf Hess, in Spandau Prison.

### III. Activities of the European Court of Human Rights

18. On 7 May 1974, the European Court of Human Rights delivered a judgment on the question of the application of Article 50 of the Convention in the Neumeister Case which concerns the Republic of Austria.

By a first judgment of 27 June 1968 the Court had decided

- unanimously that there had been a breach of Article 5 § 3 of the Convention in that the detention on remand of Neumeister had been continued far longer than a reasonable time ;
- by five votes to two that there had been no breach of Article 6 § 1 of the Convention as regards the length of the proceedings instituted against the applicant in 1961 ;

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- unanimously that there had been no breach of Article 5 § 4 or Article 6 § 1 of the Convention as to the procedure followed in examining the requests for provisional release lodged by the applicant.

In September 1971, Neumeister requested through the Commission that the Court should award him full reparation for material and moral damage allegedly suffered by reason of the excessive length of his detention on remand. Taking account of various factors and in particular a conditional remission of his sentence which, by an act of grace, the President of the Republic had granted to the applicant, the Court in its judgment of 7 May 1974, held unanimously that the Republic of Austria was to pay to Mr. Neumeister in respect of lawyers' costs, the sum of 30,000 Austrian schillings ; the Court dismissed various other claims of the applicant as being ill-founded.

/For the action by the Committee of Ministers, see para. 24 below./

19. At the beginning of October, the European Commission of Human Rights referred the following four cases to the Court :

- the Belgian National Police Union ;
- the Swedish Engine Drivers' Union ;
- Schmidt and Dahlström ;
- Engel and others.

The first three cases relate principally to freedom of association, including the right to form and join trade unions for the protection of one's interests (Article 11 of the European Convention on Human Rights).

The Belgian National Police Union Case originated in an application which the Union lodged with the Commission on 5 March 1970 ; the applicant Union was established to protect the professional interests of all members of the local police who amount to about 75% of the Belgian Police Force. The applicant union alleges that Belgium has violated the Convention by refusing to accept it as one of the most representative unions and consequently excluding it from the consultation with trade unions provided for in Belgian legislation.

The Swedish Engine Drivers' Union Case is based on an application which the Union lodged with the Commission on 6 July 1972. The Union, which numbers some 1,200 members employed in the Swedish Railway Company and working on locomotives, alleges that the Convention has been violated because the National Collective Bargaining Office has, with effect from October 1968, refused to enter into a new agreement with it relating to conditions of work and employment. This refusal was a consequence of the Office's policy of, as far as possible, entering into general agreements with only the four major Swedish trade unions, the terms of which would apply to all government employees.

The Schmidt and Dahlström Case originated in an application lodged with the Commission on 9 June 1972 by Mr. Schmidt, a professor at Stockholm University, and Mr. Dahlström, a captain in the Swedish Army. Each of the applicants is a member of one of the four major unions to which government employees in Sweden belong. They allege that the Convention has been violated because the Government has refused them a retrospective increase of salary on the grounds that they

belong to unions which engaged in selective strikes in 1971 after the break-down of negotiations for a new collective agreement.

The Engel and others Case is based on five applications lodged against the Netherlands in December 1971 by MM. Engel, van der Wiel, de Wit, Dona and Schul, who were at the time doing their military service in the Netherlands forces. All five had been punished for various offences against military discipline ; the punishments imposed were light arrest, aggravated arrest, strict arrest and transfer to a disciplinary unit. All of them appealed to the Complaints Officer and then again to the Supreme Military Court, which confirmed the sentences.

The applicants allege violations of Articles 5, 6 and 14 of the Convention. They consider that their punishment constitutes a deprivation of liberty which both in itself and in the procedure followed was incompatible with Article 5 of the Convention. Furthermore, in their view the procedure of the military authorities including that of the Supreme Military Court did not comply with the requirements of Article 6 and their imprisonment was discriminatory.

MM. Engel, Dona and Schul also allege that several other articles of the Convention were violated in their case.

In accordance with the Convention, chambers of seven judges have been constituted to hear these cases ; two of them, the cases which concern the Kingdom of Sweden, will be heard by one and the same chamber.

20. Public hearings took place on 11 and 12 October at Strasbourg in the Golder Case which the United Kingdom Government had referred to the Court in September 1973.

This case originated in an application lodged with the Commission by Mr. Golder against the United Kingdom. Mr. Golder claimed inter alia that the Home Secretary's refusal to allow him, while he was serving a prison sentence, to consult a solicitor with a view to instituting civil proceedings for defamation against a prison officer denied him access to a court in violation of Article 6 (1) of the Convention.

The Chamber which had been constituted to hear this case, relinquished jurisdiction, in May 1974, in favour of the plenary Court, in accordance with Rule 48 of the Rules of Court.

#### IV. Activities of the Committee of Ministers of the Council of Europe with respect to the implementation of the European Convention on Human Rights

21. In the course of 1974, the Committee of Ministers was called in one instance to exercise its functions under Article 32 of the European Convention in the case known as "Les Fourons against Belgium".

22. It was on 25 May 1964 that a non-governmental organisation - the Regional Association for the Defence of Liberties, acting on behalf of 165 heads of family living in the area of Les Fourons - lodged an application before the European Commission of Human Rights. In this application, the applicants

complained that linguistic regulations applicable to teaching in Les Fourons since 1963 violated the right to family life, the right to education, and the principle of non-discrimination on the ground of language which are protected by Articles 8 and 14 of the European Convention on Human Rights and Article 2 of the First Protocol.

The European Commission of Human Rights declared the application admissible on 15 December 1964. The attempt to secure a friendly settlement as provided for by Article 28 of the Convention having failed, the Commission drew up a Report which was transmitted to the Committee of Ministers on 27 May 1971.

After examination of this case, the Committee of Ministers adopted, on 29 April 1974, Resolution DH (74) 1, the text of which is as follows :

RESOLUTION DH (74) 1

(adopted by the Committee of Ministers on 30 April 1974  
at the 231st Meeting of the Ministers' Deputies)

Application No. 2209/64  
"Inhabitants of Les Fourons against Belgium"

The Committee of Ministers,

A. Having regard to Article 32 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (hereinafter referred to as "the Convention"),

Having regard to the Report drawn up by the European Commission of Human Rights in accordance with Article 31 of the Convention relating to the application lodged on 25 May 1964 by the "Regional Association for the Defence of Liberties" acting on behalf of 165 heads of family living in the area of Les Fourons, which application is known as "Inhabitants of Les Fourons against Belgium" (No. 2209/64),

Whereas on 27 May 1971 the Commission transmitted the said Report to the Committee of Ministers and whereas the period of three months provided for in Article 32 (1) of the Convention has lapsed without the case having been brought before the Court in pursuance of Article 48 of the Convention,

B. Whereas in their application, the applicants complained that linguistic regulations applicable to teaching in the townships of Les Fourons since 1963 violated Articles 8 and 14 of the Convention and Article 2 of the First Protocol,

Whereas the Commission, on 15 December 1964, declared the application admissible, as far as Articles 8 and 14 of the Convention and Article 2 of the First Protocol are concerned,

Whereas the Commission, in its Report adopted on 30 March 1971, was of the opinion unanimously that the legislation governing the creation and subsidisation of French-speaking schools in the six townships of Les Fourons violates, in the case of the applicants, the first sentence of Article 2 of the First Protocol in conjunction with Article 14 of the Convention,

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Whereas on the other hand the Commission was of the opinion by eleven votes to one that the legislation complained of does not violate the first paragraph of Article 8 in conjunction with Article 14 of the Convention,

C. Having regard to the memorandum of 7 January 1974 from the Belgian Government,

Having taken into consideration the fact that the revision of the Constitution undertaken in Belgium has been achieved, as regards the questions relevant to the present case, only on 24 December 1970 and that the implementation of these new constitutional provisions has required numerous measures of application such as the Acts of 3, 21 and 26 July 1971,

Having furthermore taken into consideration the fact that the above-mentioned revision has in particular confirmed the existence of four "linguistic regions", i.e. the French-speaking region, the Dutch-speaking region, the bilingual region of Brussels-capital and the German-speaking region, while according at the same time constitutional recognition to the existence of three "cultural communities" - French, Dutch and German endowed with certain powers of their own,

Having regard to the fact that in application of the Royal Order of 10 May 1973 (Moniteur Belge of 24 May 1973, page 6477) and of the four Royal Orders of 19 October 1973 (Moniteur Belge of 20 December 1973, pages 14659 ff) the French-speaking schools in the six townships of the Fourons area which did not receive subsidies can now do so in the school year 1973/74 while at the same time the creation of new subsidised French-speaking schools has been made possible and achieved,

D. Voting in accordance with Article 32 (1) of the Convention,

- (a) takes note of the opinion expressed by the Commission in accordance with Article 31 (1) of the Convention ;
- (b) takes note of the constitutional, legislative and administrative provisions governing in Belgium the matter under consideration and in particular the Royal Orders of 10 May and 19 October 1973 ;
- (c) decides in consequence that no further action is called for in this case.

23. In the course of 1974, the Committee of Ministers acted in one instance in accordance with Article 54 of the European Convention which provides that "the judgment of the Court shall be transmitted to the Committee of Ministers which shall supervise its execution."

24. In November 1974, the Committee of Ministers, exercising its function under Article 54 of the Convention, discussed the action taken by the Austrian Government pursuant to the judgment which the European Court of Human Rights had delivered in the Neumeister Case (see paragraph 18 above).

Mr. Fritz Neumeister introduced on 12 July 1963 an application to the European Commission of Human Rights against the Republic of Austria alleging violation of several provisions of the European Convention on Human Rights.

In particular he complained about the length of his detention on remand. The European Commission, on 6 April 1964, declared three of the applicant's complaints admissible and in its report of 17 August 1966 it expressed the opinion that there was a violation of Article 5 (3) of the Convention in that the applicant was not brought to trial "within a reasonable time" and that the applicant's case was not heard "within a reasonable time" within the meaning of Article 6 (1).

The case was referred to the European Court on 7 October 1966. In its judgment of 27 June 1968, the Court, while rejecting two other complaints of the applicant, held that there had been a breach of Article 5 (3) of the Convention in that the detention of the applicant had been continued for longer than a reasonable time.

In a subsequent judgment of 7 May 1974 concerning a request for just satisfaction, the Court held unanimously that the applicant's claim was not well-founded subject to the fact that the Republic of Austria was to pay to the applicant in respect of lawyers' costs the sum of 30,000 Schillings.

The Committee of Ministers has taken note that, pursuant on its obligation under Article 53 of the European Convention on Human Rights, the Government of Austria has executed the judgment of the Court of 7 May 1974.

The Committee of Ministers has also agreed that its task of supervising the execution of the judgment of the Court in accordance with Article 54 of the Convention has now been completed in this case.

V. Other activities of the Committee of Ministers of the Council of Europe with respect to human rights

- (a) The right to respect for privacy as affected by the press and other mass media and modern scientific and technological developments.

25. Following the adoption of Recommendation 509 (1968) of the Assembly on human rights and modern scientific and technological developments and also at the suggestion of the Committee of Experts on Human Rights, the Committee of Ministers decided in April 1968 to include in the Intergovernmental Work Programme for 1968-69 the following item:

"The right to respect for privacy as affected by

- (a) the press and other mass media and
- (b) modern scientific and technological. Study of the advisability of preparing a recommendation to governments".

In view of the complex technical aspects of this subject and of the problems of civil and criminal law which might arise, the Committee of Ministers decided to instruct the Secretariat to place this item on the agenda of the Committee of Experts on Human Rights, the European Committee on Crime Problems and the European Committee on Legal Co-operation, with a request that each should consider the implication of the problem in their respective fields.

The Committee of Experts on Human Rights examined first how the right to respect for privacy was affected by modern scientific and technological developments. It completed examination of this aspect of the problem and prepared a report on 9 October 1970. Information on this aspect was given in the communication for 1971 (E/CN.4/L.1089/Add. 1).

As for the right to respect for privacy as affected by the press and other mass media, the Committee of Experts adopted its report which was communicated by the Committee of Ministers to the CCJ and ECCP for their consideration when preparing their work on respect for privacy.

The report of the Committee of Experts on Human Rights on the right to privacy as affected by the press and other mass media considered it neither possible nor opportune to define the concept of mass media precisely. If at present the press, radio and television are most likely to intrude into private life, other means of disclosure and dissemination comprising similar risks for the protection of privacy cannot be ignored.

When drawing up rules intended to strike an equitable balance between the interests attached by private persons to the protection of privacy as guaranteed by Article 8 of the European Convention on Human Rights and the interest represented by the mass media protected by Article 10 of the Convention, account must be taken of the fact that the mass media normally covered by that term may fulfil an essential function in the general interest of the public which has a right to benefit from the free circulation of information. At the same time, it is precisely because of their mass effect that, from the point of view of the protection of privacy, these mass media embody such perils that they call for special rules.

The basic principle adopted by the Committee in its work is that the right to privacy should be respected by the mass media as well as by individuals and public authorities.

The Committee found it necessary to concentrate, above all, on the various forms of using information relating to private life and notably on those that are characteristic of the mass media. This can result in the publication of such information and the public presentation of facts relating to private life, regardless of the way in which the material thus made accessible to the public has been obtained. In its report, the Committee stated that any publication by mass media which constituted an infringement of privacy should be considered illicit.

The Committee suggested in its report that the Committee of Ministers should recommend to member governments that they should propose the adoption of rules of law designed to ensure effective protection of privacy against interference by the mass media according to the principles set out in the report. However, in view of the special character of the mass media and the role that they play in the public interest, solutions intended to avoid possible interference with privacy should be the object of joint discussions between governments as representatives of the general interest and the professional organisations representing the mass media.

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The Committee of Experts considers that it would be desirable to recommend member governments to keep under constant review the impact of the mass media on the respect for privacy through regular contacts with the professional bodies representing these media. It is particularly through such contacts that adequate solutions, capable of filling the lacunae left by legislation in this field, may be found by common agreement.

At the European level, the Committee of Experts considers that the problem of privacy, as affected by the mass media, should also be kept under constant review, so that European solutions may eventually be found which would take account of the possible dangers to privacy stemming from new forms of mass communication, such as video-cassettes, and television programmes transmitted by cable and by satellite.

(b) Press councils

26. In its Recommendation 582 (1970), which was based upon the results of the Colloquy on Human Rights and Mass Communications held at Salzburg from 9-12 September 1968, organised by the Assembly with the assistance of the Federal Government of Austria, the Assembly asked the Committee of Ministers "to invite member States which had not already done so to encourage professional organisations to set up press councils, with a view to exercising self-control, such press councils being empowered to deal with instances of unprofessional conduct committed by any organ of the press in their State".

After examining this recommendation, the Committee of Ministers decided, in May 1970, "to invite member States which had not already done so to encourage professional organisations to set up press councils, with a view to exercising self-control, such press councils being empowered to deal with instances of unprofessional conduct committed by any organ of the press in their State". The Ministers also "instructed the Committee of Experts on Human Rights to consider and make recommendations on certain questions, amongst which was ... the establishment of press councils on the basis of the experience of those countries where press councils had already been set up".

The Committee of Experts on Human Rights has presented its report to the Committee of Ministers on this question. In order to carry out the task assigned to it, the Committee first of all collected extensive documentary material on existing press councils and the way they operate particularly in Council of Europe member States.

The Committee noted that, although the status of press councils varied appreciably from one country to another, their main characteristic was independence vis-à-vis the public authorities. It followed that the press council is a body for whose functioning the press itself is primarily responsible. Its principal functions are the defence of the freedom of the press and the freedom of information for the public, as well as the effective protection of individuals against abuses by the press. In the exercise of this last function, the press council examines complaints addressed to it by members of the public against publications or journalists. These complaints are examined by the press council or a specialised body set up by it, and the proceedings could result in a decision by the press council to address to the publications or journalists concerned a reproof or a reprimand, which would have all the greater force because it would be published in the press.

The Committee of Experts is of the opinion that it would not be desirable for the Council of Europe to take any direct initiative with a view to the creation or development of press councils, mainly for the following reasons :

- Press councils being independent, professional institutions, it was in the first place for the professional circles concerned to establish and develop them ;
- Press councils being institutions which are established voluntarily and which constitute a form of control freely accepted by the profession itself, it was not appropriate for States or indeed for intergovernmental organisations to intervene in this field.

The arguments set out above ought not, however, to be interpreted as implying that the existence of press councils would exclude any legislative action by the State when this appears necessary for the protection of the individual or for the protection of freedom of information and of the press.

Considering that press councils may form a useful instrument which could contribute towards reconciling the freedom of the press with the need to protect the rights of individuals, the Committee of Experts proposed that the Council of Europe should take the initiative of organising a conference of representatives of existing press councils together with representatives of the professional circles concerned in the member States of the Council of Europe. A Round Table on Press Councils took place in Stockholm on 26 and 27 September 1974. It offered an opportunity for a useful exchange of views and of experience of the operation of press councils against the background of different legal systems and varying traditions.

#### (c) Rights of national minorities

27. The Committee of Ministers has examined the Report of the Committee of Experts on Human Rights relating to the Rights of National Minorities. The Committee of Ministers has approved the conclusion of the Committee of Experts on Human Rights that it was not legally necessary to incorporate the protection of national minorities in a protocol to the European Convention on Human Rights laying down specific rights for such minorities. The Assembly has been informed of the above conclusion and has received the report of the Committee of Experts on Human Rights.

#### (d) Right of reply

28. In pursuance of Recommendation 582 (1970) of the Consultative Assembly, and paragraph 8 in particular, the Committee of Ministers instructed the Committee of Experts on Human Rights to study the possibilities of harmonisation of provisions of national press legislations relating to such matters as the "right of reply".

The Committee of Experts presented its report on this question to the Committee of Ministers in January 1974.

In accordance with its terms of reference the Committee first took stock of current laws and practice in connection with the right of reply in different countries, with the help of replies to a questionnaire drawn up for this purpose.



This enquiry revealed that the right of reply as a legal institution did not exist in all member States of the Council of Europe, and that even in those States in which such a right of reply had been established by legislation, the rules that governed it took three different forms, i.e. authorising either the correction of facts alleged to be incorrect and a right of reply to opinions expressed about the person concerned; or simply the correction of facts alleged to be incorrect; or the correction of facts the incorrectness of which must however be proved by the person concerned. States which had not instituted a right of reply as such did nonetheless have other means of redress, whether judicial, especially through defamation laws, or professional and ethical, through the Press Council; and those other means, although not necessarily equivalent to the right of reply, did serve a similar purpose.

The Committee, having reviewed the scope and content of the right of reply as a legal institution, concluded that it was necessary to consider the possibilities of harmonisation within the broader framework of the individual's relations with the press in general. In this context, the Committee was of the opinion that the individual's relations with the press should be governed in such a way as to protect the individual against any unjustified attacks and against the publication of information containing inaccurate facts about him. This principle should be applied not only in the case of the written press, but also on radio and television and other mass media of a periodical nature.

The Committee does not consider it expedient to draft a legal instrument on the individual's relations with the press, and the right of reply in particular. The differences between national laws and legal traditions in the member States of the Council of Europe are still too great to hold out any possibility for harmonisation of the legislation in this field and in particular in respect to the right of reply in a protocol to the European Convention on Human Rights guaranteeing the right of reply, or even in a separate legal instrument. The Committee considers it inappropriate to include in the European Convention on Human Rights a general principle along the lines of the American Convention, as it is of the opinion that the right to reply is not a human right in the proper sense. For these reasons, the Committee reached the conclusion that the Committee of Ministers might make a recommendation to governments on the position of the individual in relation to the press, at the same time recommending that, should States contemplate drafting legislation in the field of the right to reply, they should make provision for the legal institution of the right to reply along the lines set out in the appendix to the recommendation.

In July 1974, the Committee of Ministers adopted a Resolution on this question which reads as follows :

RESOLUTION (74) 26

ON THE RIGHT OF REPLY -  
POSITION OF THE INDIVIDUAL IN RELATION TO THE PRESS

(adopted by the Committee of Ministers on 2 July 1974 at  
the 233rd Meeting of the Ministers' Deputies)

The Committee of Ministers,

Considering that the right to freedom of expression includes the freedom to receive and to impart information and ideas without interference by public

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authority and regardless of frontiers, as laid down in Article 10 of the European Convention on Human Rights ;

Considering that under this provision the exercise of this freedom carries with it duties and responsibilities, in particular in connection with the protection of the reputation or rights of others ;

Considering that it is desirable to provide the individual with adequate means of protection against the publication of information containing inaccurate facts about him, and to give him a remedy against the publication of information, including facts and opinions, that constitutes an intrusion in his private life or an attack on his dignity, honour or reputation, whether the information was conveyed to the public through the written press, radio, television or any other mass media of a periodical nature ;

Considering that it is also in the interest of the public to receive information from different sources, thereby guaranteeing that they receive complete information ;

Considering that for these purposes the same principles should apply in respect of all media, although the means available to the individual might vary depending on whether the written press, the radio or television were involved ;

Considering that at the present stage only the position of the individual in relation to media of a periodical character, such as newspapers, broadcasting and television should be taken into account and that the protection of the individual against interferences with his privacy or against attacks upon his honour, dignity or reputation should be particularly dealt with ,

Recommends to member governments, as a minimum, that the position of the individual in relation to media should be in accordance with the following principles :

1. In relation to information concerning individuals published in any medium, the individual concerned shall have an effective possibility for the correction, without undue delay, of incorrect facts relating to him which he has a justified interest in having corrected, such corrections being given, as far as possible, the same prominence as the original publication.

2. In relation to information concerning individuals published in any medium, the individual concerned shall have an effective remedy against the publication of facts and opinions which constitute :

- i. an interference with his privacy except where this is justified by an overriding, legitimate public interest, where the individual has expressly or tacitly consented to the publication or where publication is in the circumstances a generally accepted practice and not inconsistent with law ;

- ii. an attack upon his dignity, honour or reputation, unless the information is published with the express or tacit consent of the individual concerned or is justified by an overriding, legitimate public interest and is a fair criticism based on accurate facts.

3. Nothing in the above principles should be interpreted to justify censorship.

4. In the above principles :

i. the term "individual" is to include all natural and legal persons as well as other bodies irrespective of nationality or residence, with the exclusion of the State and other public authorities ;

ii. the term "medium" covers any means of communication for the dissemination to the public of information of a periodical character, such as newspapers, broadcasting or television ;

iii. the term "effective possibility for the correction" means any possibility which can be used as a means of redress, whether legal or otherwise, such as a right of correction, or a right of reply, or a complaint to press councils ;

iv. the term "remedy" means a form of redress, whether legal or otherwise, such as provided under the law of defamation or a complaint to press councils, which is available to every individual without undue limitation such as unreasonable costs.

5. The above principles shall apply to all media without any distinction. This does not exclude differences in the application of these principles to particular media, such as radio and television, to the extent that this is necessary or justified by their different nature.

Recommends that member governments, when adopting legislation concerning the right of reply, make provision for the right of reply in the press and on radio and television and any other periodical media on the pattern of the minimum rules annexed to this resolution.

## A P P E N D I X

### MINIMUM RULES REGARDING THE RIGHT OF REPLY TO THE PRESS, THE RADIO AND THE TELEVISION AND TO OTHER PERIODICAL MEDIA

1. Any natural and legal person, as well as other bodies, irrespective of nationality or residence, mentioned in a newspaper, a periodical, a radio or television broadcast, or in any other medium of a periodical nature, regarding whom or which facts have been made accessible to the public which he claims to be inaccurate, may exercise the right of reply in order to correct the facts concerning that person or body.

2. At the request of the person concerned, the medium in question shall be obliged to make public the reply which the person concerned has sent in.

3. By way of exception the national law may provide that the publication of the reply may be refused by the medium in the following cases :

i. if the request for publication of the reply is not addressed to the medium within a reasonably short time ;

ii. if the length of the reply exceeds what is necessary to correct the information containing the facts claimed to be inaccurate ;

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- iii. if the reply is not limited to a correction of the facts challenged ;
- iv. if it constitutes a punishable offence ;
- v. if it is considered contrary to the legally protected interests of a third party ;
- vi. if the individual concerned cannot show the existence of a legitimate interest.

4. Publication of the reply must be without undue delay and must be given, as far as possible, the same prominence as was given to the information containing the facts claimed to be inaccurate.

5. In order to safeguard the effective exercise of the right to reply, the national law shall determine the person who shall represent any publication, publishing house, radio, television or other medium for the purpose of addressing a request to publish the reply. The person who shall be responsible for the publication of the reply shall be similarly determined and this person shall not be protected by any immunity whatsoever.

6. The above rules shall apply to all media without any distinction. This does not exclude differences in the application of these rules to particular media such as radio and television to the extent that this is necessary or justified by their different nature.

7. Any dispute as to the application of the above rules shall be brought before a tribunal which shall have power to order the immediate publication of the reply.

(e) 25th anniversary of the Universal Declaration and the 20th Anniversary of the European Convention on Human Rights

29. In the light of Assembly Recommendation 715 on the above-mentioned anniversaries, the Committee of Ministers suggested that its Chairman should join the President of the Assembly in issuing a message to mark the 25th anniversary of the Universal Declaration of Human Rights and the 20th anniversary of the entry into force of the European Convention on Human Rights ; accordingly, the following text, also signed by the Secretary General, was published on Human Rights Day, 10 December 1973 :

"Today the international community celebrates the 25th anniversary of the Universal Declaration of Human Rights. The Council of Europe is glad to participate in this celebration and is proud that it was among the first to give effect to the Universal Declaration by concluding the European Convention on Human Rights. This Convention entered into force in 1953 - twenty years ago. 1973 is thus a double anniversary year.

In the European Convention on Human Rights and its Protocols, the Council of Europe transformed nineteen separate rights from the Universal Declaration into legal obligations. It established a European Commission and Court of Human Rights to ensure the effective application of these obligations. Thus, for the first time in the history of mankind, States agreed to submit their actions in this field to common international control.

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At a time when the truly democratic countries of the world form a small minority and the larger part of humanity is being refused some of the most essential human rights, it is particularly important that the Council of Europe should uphold the principles of individual freedom, political liberty and the rule of law, which, as its State declares, form the basis of all genuine democracy."

The Committee of Ministers further instructed the Committee of Experts on Human Rights to follow the evolution of the human rights work of the United Nations and to make any appropriate proposals designed to secure the necessary co-ordination.

As regards the Assembly's proposals for assisting the International Institute of Human Rights, the Committee of Ministers decided to make a grant of 120,000 FF within the Council's 1974 Budget. It agreed to consider the different ways of assisting the International Institute of Human Rights again at a later meeting, as well as the Assembly's proposal for the creation of a Human Rights Fund to facilitate the Institute's incorporation in the future United Nations University.

The Committee of Ministers authorised the reprinting in the official language, and within the 1974 appropriations for publications covered by the information programme, of the booklet on the European Convention on Human Rights.

(f) Short and medium-term programme of the Council of Europe in the general field of human rights - Recommendation 683 (1972)

30. Following Recommendation 683 (1972) of the Assembly on action to be taken on the conclusions of the Parliamentary Conference on Human Rights which was held in Vienna from 18-20 October 1971, the Committee of Ministers decided in 1973 :

- (i) to instruct the Committee of Experts on Human Rights to give its opinion on the proposals annexed to Recommendation 683 on a short and medium-term programme in the general field of human rights, after having consulted the European Commission and Court of Human Rights ;
- (ii) to instruct the Secretary General to furnish the Committee of Experts on Human Rights with the opinion of other intergovernmental committees of experts of the Council of Europe which are concerned in the particular items of the programme.

After an official exchange of views with representatives of the European Court and Commission of Human Rights, the Committee of Experts on Human Rights obtained the views of the European Committee on Legal Co-operation, the European Committee on Crime Problems, the Social Committee, the European Public Health Committee and the Council for Cultural Co-operation. In adopting its report to the Committee of Ministers, the Committee of Experts on Human Rights has proceeded from the premise that it should propose a work programme in the general field of human rights for the Council of Europe as a whole. In doing so it has taken as a basis for its work Recommendation 683 (1972) of the Assembly.

In October 1974, the Committee of Ministers, after having taken note of the report of the Committee of Experts on Human Rights, asked the Secretary General to take into account the proposals made by the Committee of Experts on

Human Rights in the draft short and medium-term programme when drawing up the medium-term plan for the Council of Europe's intergovernmental activities, and to submit concrete proposals on its priorities. It also instructed the Committee of Experts, as part of the 1975 Work Programme, to investigate improvements required in the machinery for implementing the European Convention on Human Rights.

#### VI. The European Social Charter

31. The European Social Charter, which is the counterpart in the social field of the Human Rights Convention, was signed on 18 October 1961 and entered into force on 26 February 1965, after being ratified by the United Kingdom, Norway, Sweden, Ireland and the Federal Republic of Germany. It has since been ratified by Denmark, Italy, Cyprus, Austria and France.

The nature of the rights guaranteed entails a rather special system of supervision based on the Contracting Parties' submission of biennial reports on the matters covered by those provisions of the Charter which they have accepted. Copies of these reports are sent to certain national employers' and employees' organisations, whose comments are then sent to the Secretary General of the Council of Europe. The supervisory procedure consists in the examination of the reports by a Committee of Independent Experts, assisted by a representative of ILO, and by a Governmental Committee. These committees' conclusions are forwarded to the Consultative Assembly and the Committee of Ministers of the Council of Europe. The Committee of Ministers is able, under Article 29, to make any necessary recommendations to each Contracting Party.

The first cycle of supervision ended on 12 November 1971 with the Committee of Ministers' adoption of Resolution (71) 30.

The second cycle was completed on 29 May 1974 when the Committee of Ministers adopted the following resolution (Resolution (74) 16) :

"The Committee of Ministers,

Having regard to the European Social Charter and in particular to the provisions of Part IV thereof ;

Having taken note with satisfaction of the second report of the Governmental Committee to which Conclusions II of the Committee of Independent Experts are appended, as well as of Opinion No. 64 of the Consultative Assembly, concerning the first report submitted by the Government of Cyprus and the reports submitted by the Governments of Denmark, the Federal Republic of Germany, Ireland, Italy, Norway, Sweden and the United Kingdom, for the period 1968-69 ;

Acting in pursuance of Article 29 of the Charter,

(a) Decides to transmit to the governments of these States Conclusions II of the Committee of Independent Experts, the second report of the Governmental Committee, as well as Opinion No. 64 of the Consultative Assembly ;

(b) Draws the attention of the governments of these States to the observations formulated in the documents mentioned under 1 above, especially as regards the action required to make their national legislation and practice comply with the obligations deriving from the Charter."

The third cycle of supervision covers the years 1970 and 1971. The Committee of Independent Experts completed its work in 1973 with the adoption of "Conclusions III". These were examined during 1974 by the Governmental Committee, which adopted its report on 8 November. In accordance with Article 28 of the Charter, "Conclusions III" and the Governmental Committee's report will be referred to the Consultative Assembly, which will consider them at the beginning of 1975.

The fourth cycle, covering 1972 and 1973, began in 1974. The reports submitted by Contracting Parties are already being examined by the Committee of Independent Experts, whose work will continue into 1975. France's first report will be submitted during the fifth cycle.

In their reports on the third cycle, both the Independent Experts and the Governmental Committee found that the Contracting Parties were complying more and more fully with the undertakings they had entered into. They particularly drew attention to a number of changes in national systems which had been prompted or influenced by the Charter. These instances of practical progress illustrate the dynamic nature of the Charter's supervisory system.

Further examples, in addition to those mentioned in the previous communication, include the following :

- In Sweden, renewal of the work permit has been made easier after one year's employment and residence permits, which give free access to the employment market, are now granted after two years' residence instead of five.
- In the Federal Republic of Germany where, without international agreement, migrant workers are not normally authorised to be joined by their families until after three years' residence, it has just been decided to reduce this period to one year for nationals of other States which have ratified the Charter (Article 19, paragraph 6).
- In the United Kingdom, the Northern Irish authorities envisage easing foreigners' access to social housing (Article 19, paragraph 4 (c)).
- In Ireland, a Bill is before parliament to increase the period of notice of dismissal, in accordance with Article 4, paragraph 4.
- Also in Ireland, new legislation is in preparation to regulate work by children still subject to compulsory education in all branches of the economy (Article 8, paragraph 3). There is also a Bill that repeats virtually word for word the provisions of Article 7, paragraph 6, guaranteeing the inclusion of young workers' training in normal working hours.

Lastly, in addition to any further ratifications by States which have already signed the Charter, it may be hoped that the number of undertakings entered into by the present Contracting Parties will also increase, particularly as a result of changes in domestic legislation. In this connection, among the proposals for new methods which it made at the time of its third report, the Governmental Committee raises the question of arrangements for implementing Article 22 of the Charter. This Article concerns reports on the provisions which the Contracting Parties have not yet accepted.

The system of supervision also provides an excellent channel of communication between the Contracting Parties' governmental experts, the employers' and employees' organisations, the independent experts, parliamentarians and the Committee of Ministers. This continuous function, though difficult to translate into figures, cannot but further progress in the social field.

#### VII. Consultative Assembly of the Council of Europe

32. In the course of 1974, the Assembly adopted the following texts dealing with human rights and related matters :

- Resolution 572 (1974) on a symposium on the future of democratic institutions in Europe, which reads as follows :

"The Assembly,

1. Reaffirming its attachment to the principles of democracy, human rights, fundamental freedoms and the rule of law, respect for which is the principal statutory duty of all member States of the Council of Europe ;

2. Convinced that the Council of Europe fulfils its essential and eminently political mission as guardian of democracy in Europe ;

3. Considering that traditional parliamentary democracy appears to be experiencing a crisis in most member States of the Council of Europe ;

4. Considering in particular that parliaments are encountering increasing difficulty in the exercise of their legislative powers and their powers of control in regard to the executive ;

5. Concerned about the future of democracy and democratic institutions in Europe ;

6. Considering the necessity of adapting democratic institutions to the needs of modern society ;

7. Taking into account the discussion at the Colloquy on "Science and the decision-making machinery of society", held in Strasbourg in September 1973 on the initiative of its Committee on Science and Technology, which showed the need for adapting parliamentary and governmental structures to the exigencies of modern technological society.

8. Resolves :

a. to convene a symposium on the future of democratic institutions in Europe particularly with regard to the control of the executive in parliamentary democracies, and to invite to that symposium leading politicians as well as experts in constitutional law, sociology and political science ;

b. to instruct its Legal Affairs Committee to organise such a symposium, in close collaboration with the Political Affairs Committee, the Committee on Culture and Education and the Committee on Science and Technology, and submit a report on the conclusions of the symposium."

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- Recommendation 741 (1974) on the legal position of women, which reads as follows :

"The Assembly,

1. Considering that Resolution 3010 (XXVII) of the General Assembly of the United Nations proclaimed 1975 "International Women's Year" ;
2. Recalling its Recommendation 504 (1967) on the political, social and civic position of women in Europe ;
3. Welcoming the existence, in domestic and international law, of rules prohibiting discrimination on the basis of sex, in particular Article 14 of the European Convention on Human Rights ;
4. Noting, however, that discrimination based on sex still subsists in certain aspects of our societies, and that, while it is often based on psychological, social and economic facts, it is also sanctioned by many legal provisions ;
5. Considering that questions relative to the implementation of the principle of non-discrimination in such fields as the nationality of married women and children of mixed marriages, family law, social security for non-gainfully employed women and labour law must be solved at European level ;
6. Welcoming the numerous initiatives and projects for reform which have been undertaken in these fields by the Council of Europe and its member States, and by the European Communities ;
7. Noting with satisfaction that the theme selected for the 14th Conference of European Ministers responsible for Family Affairs to be held in 1975, is "The equality of man and woman ; its implications for family life and governmental action" ;
8. Stressing at the same time the importance it attaches to having these various projects and initiatives implemented with maximum efficiency and co-ordination ;
9. Recalling, in respect of the nationality of married women and of children of mixed marriages, the solutions advocated in Recommendations 519 (1968), on the nationality of married women, and 696 (1973), on certain aspects of the acquisition of nationality ;
10. Considering, in respect of parental law, that both parents must have equal rights and obligations towards their under-age children, and that they must exercise these rights and perform their obligations jointly and exclusively in the interests of the child ;
11. Recalling, with regard to social security for non-gainfully-employed women, that work in the home must be considered as an economic activity giving immediate entitlement to social security benefits ;
12. Considering that much has still to be done to implement the principle of equal pay for men and women, not only for equal work but also for work of equal value ;

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13. Recalling also that the provisions intended to protect the special needs of women or abolish discrimination relative thereto must not result in discrimination against men ,

14. Recommends that the Committee of Ministers of the Council of Europe :

i. invite the member States which have not yet done so to sign and ratify the international conventions containing provisions prohibiting discrimination based on sex, in particular :

- the 1957 United Nations Convention on the Nationality of Married Women, and

- the European Social Charter ;

ii. pursue with determination the various activities relative to the position of women which are included in the Work Programme 1973-74 and in the draft Work Programme 1975-76, and see to it that the aim is achieved with efficacy and co-ordination ;

iii. see to it that the various legislative reforms planned in the member States are based on common principles and lead to substantial harmonisation of legislation ;

iv. bear the principle of non-discrimination in mind when asked to adopt the draft recommendation on social security for non-gainfully-employed women, which is now being prepared by the Committee of Experts on Social Security ;

v. study, when the time comes, the possibility of extending to all member States of the Council of Europe the provisions of the Community directive now being drafted on harmonisation of the legislations of the member States on application of the principle of equality of remuneration for men and women workers."

33. The Legal Affairs Committee of the Assembly organised, on 18 and 19 April 1974, a meeting of Ombudsmen and Parliamentary Commissioners in Council of Europe member States, with members of the Legal Affairs Committee.

This was the first opportunity to meet and discuss together matters of common interest. The discussions centred on the following three items on the agenda of the meeting :

- Exchange of information and experiences among the persons holding the office of Ombudsman, parliamentary commissioner or "médiateur" ;
- Consideration of the desirability of appointing a European ombudsman ;
- Consideration of the desirability of appointing an independent person to assist applicants in presenting their applications to the European Commission of Human Rights.

### VIII. Publications

34. The fifteenth volume of the Yearbook of the European Convention on Human Rights, covering the year 1972, was published in 1974. The Yearbook contains general information on the Convention, the Commission and the Court, selected decisions of the Commission on the admissibility of applications, decisions of the Committee of Ministers and judgments of the Court, and information about the application of the Convention in national law by the courts of certain member States.

The Secretariat of the European Commission of Human Rights issues in 1974 a publication in its series "Case-Law Topics" entitled "Human Rights and their Limitations".

The registry of the Court arranged for the publication of:

- the judgment of 7 May 1974 on the question of the application of Article 50 of the Convention in the Neumeister case (Series A, No. 17);
- the pleadings and documents on the interpretation of the judgment of 22 June 1972 in the Ringeisen case (Series B, No. 14);
- a new edition of the Rules of the Court.