



Resolution 1845 (2011)¹

Final version

Fundamental rights and responsibilities

Parliamentary Assembly

1. Rights, duties and responsibilities cannot be dissociated from each other. Living as members of society inevitably entails duties and responsibilities as well as rights.
2. The issue of fundamental responsibilities has led to a broad political debate, encompassing all sides of the political spectrum.
3. The Parliamentary Assembly believes that a distinction should be made between duties, defined as legal obligations, and responsibilities, defined as moral ones.
4. Some duties are already established in international human rights instruments and national legal orders. These duties are indicative of the existence of unwritten fundamental responsibilities.
5. Duties imposed by law are subject to the proportionality principle. When a burden is placed on an individual, in the name of the general interest, a fair balance has to be struck between the various interests at stake.
6. Likewise, responsibilities can never be so heavy that assuming them would bring the individual's rights, particularly his or her fundamental rights, into jeopardy. Responsibilities should remain reasonable at all times.
7. Identifying fundamental responsibilities is a sensitive issue. Values dear to the majority prevailing at a given moment should not be unduly imposed on all members of society.
8. The Assembly:
 - 8.1. hereby identifies the following set of fundamental responsibilities:
 - 8.1.1. all individuals have the general fundamental responsibility to treat all persons in a humane way, to be tolerant and to respect the rights of others whilst exercising their own rights;
 - 8.1.2. furthermore, all individuals have specific fundamental responsibilities to respect and protect human life, to refrain from acts of torture or inhuman or degrading treatment, including practices of exploitation of others, to respect the personal liberty of others, to respect the private life and the reputation and honour of others, to respect and ensure equal treatment and non-discrimination, to acquire an education, to work, to perform civic obligations, including participation in the democratic process, to show solidarity, to act responsibly towards children, the elderly and the disabled and with regard to the environment, and to respect community and private property;
 - 8.2. emphasises that these fundamental responsibilities can never be construed as impairing, restricting or derogating from the rights and freedoms contained in the European Convention on Human Rights (ETS No. 5) and its protocols, the revised European Social Charter (ETS No. 163) and other international and regional human rights instruments;

1. Text adopted by the Standing Committee, acting on behalf of the Assembly, on 25 November 2011 (see [Doc. 12777](#), report of the Committee on Legal Affairs and Human Rights, rapporteur: Mrs Bemelmans-Videc).



8.3. calls on the member states of the Council of Europe to take these general and specific fundamental responsibilities into account in a proportional way when dealing with individuals.