



Strasbourg, 11 July 2013

CDDH(2013)R78

**STEERING COMMITTEE FOR HUMAN RIGHTS  
(CDDH)**

---

---

**REPORT**

---

**78<sup>th</sup> meeting**

**Strasbourg, 25-28 June 2013**

## Summary

At this meeting, the CDDH, in particular:

1. concerning recommendations of the Parliamentary Assembly, adopted comments on the three following recommendations brought to its attention: 2015(2013) – “Young people’s access to fundamental rights”; 2016(2013) – “Frontex: human rights responsibilities”; and 2017(2013) – “Nanotechnology: balancing benefits and risks to public health and the environment” (see Appendix III);
2. regarding the reform of the Court:
  - i. adopted the draft toolkit to inform public officials about the States’ obligations under the Convention with a view to its transmission to the Committee of Ministers (document CDDH(2013)R78 Addendum I), and agreed with its Bureau’s suggestions for the Toolkit’s future format, dissemination and exploitation by the target audience;
  - ii. adopted the draft guide to good practice in respect of domestic remedies with a view to its transmission to the Committee of Ministers (document CDDH(2013)R78 Addendum II);
  - iii. adopted its report containing conclusions and possible proposals for action on ways to resolve the large numbers of applications arising from systemic issues identified by the Court with a view to its transmission to the Committee of Ministers (document CDDH(2013)R78 Addendum III);
  - iv. gave guidance on the current work of the Committee of the Experts on the reform of the Court (DH-GDR) and its drafting group GT-GDR-E;
3. regarding accession of the European Union to the European Convention on Human Rights:
  - i. noted with satisfaction the outcome of the negotiations, which resulted in agreement at negotiators’ level on a comprehensive package of legal instruments setting out the modalities of accession, without at this stage approving the draft instruments pending the completion of internal procedures by the negotiating parties, including, at European Union level, the opinion of the Court of Justice of the European Union;
  - ii. decided to send an interim report to the Committee of Ministers for information, based on the final report of the negotiation group, including the draft instruments as approved by the negotiation group (CDDH(2013)R78 Addendum IV);
4. concerning development and promotion of human rights:

- i. decided that the drafting Group on rights of older persons (CDDH-AGE) should hold a final meeting in order to finalise its work and gave guidance to the Group to that end;
  - ii. proceeded to a first examination of a preliminary draft declaration of the Committee of Ministers on business and human rights (see [Appendix IV](#)) and set up a drafting Group (CDDH-CORP) to further consider the draft and to elaborate a non-binding instrument on corporate social responsibility in the field of human rights (see [Appendix V](#));
  - iii. adopted a study on the feasibility and added value of standard setting or other work in the field of human rights in culturally diverse societies, with a view to its transmission to the Committee of Ministers (document CDDH(2013)R78 [Addendum V](#));
  - iv. adopted a study on possible future priority areas for the development and promotion of human rights within the Council of Europe, with a view to its transmission to the Committee of Ministers (document CDDH(2013)R78 [Addendum VI](#));
5. concerning bioethics and equality between women and men, exchanged views and gave guidance on current work within the Committee on Bioethics (DH-BIO) and the Gender Equality Commission (GEC) (see, for partial renewal of the GEC, [Appendix VI](#));
  6. concerning preparation of the biennium 2014-2015, listed priorities to propose to the Committee of Ministers concerning reform of the Court, development and promotion of human rights, bioethics and equality between women and men (see [Appendix VII](#));
  7. concerning the review of Council of Europe conventions, decided on the modalities to ensure a regular review;
  8. exchanged views with the President of the European Court of Human Rights, Mr Dean SPIELMANN (see [Appendix IX](#)), and with the Chairperson of the DH-BIO, Dr Anne FORUS (Norway);
  9. decided to appoint experts to represent it in the following other bodies: European Committee on Legal Co-operation (CDCJ), Steering Committee on Media and Information Society (CDMSI) (see current list of representatives at [Appendix VIII](#));
  10. adopted the provisional calendar of its meetings and of those of its subordinate bodies (see [Appendix XI](#)).

\* \* \*

## Appendices

- I. List of participants
- II. Agenda (as adopted)
- III. CDDH Comments on Recommendations of the Parliamentary Assembly
- IV. Preliminary draft Declaration of the Committee of Ministers on the United Nations Guiding Principles on Business and Human Rights
- V. CDDH Terms of reference for its Drafting Group on Human Rights and Business (CDDH-CORP)
- VI. Partial renewal of the GEC
- VII. Activities proposed by the CDDH for the biennium 2014-2015
- VIII. Experts representing the CDDH in other bodies
- IX. Speech of the President of the European Court of Human Rights
- X. Composition of the Bureau and Chairpersons of subordinate bodies
- XI. Provisional calendar of meetings of the CDDH and subordinate bodies

## Addenda

**CDDH(2013)R78 Addendum I** - Draft Toolkit to inform public officials about the State's obligations under the Convention

**CDDH(2013)R78 Addendum II** - Draft Guide to good practice in respect of domestic remedies

**CDDH(2013)R78 Addendum III** - CDDH report containing conclusions and possible proposals for action on ways to resolve the large numbers of applications arising from systemic issues identified by the Court

**CDDH(2013)R78 Addendum IV** - Interim report to the Committee of Ministers for information, based on the final report of the negotiation group, including the draft instruments as approved by the negotiation group

**CDDH(2013)R78 Addendum V** - Study on the feasibility and added value of standard setting or other work in the field of human rights in culturally diverse societies

**CDDH(2013)R78 Addendum VI** - Study on possible future priority areas for development and promotion of human rights in the Council of Europe

\* \* \*

## Introduction

1. The Steering Committee for Human Rights (CDDH) held its 78<sup>th</sup> meeting from 25 to 28 June 2013 in Strasbourg with Mr Derek WALTON (United Kingdom) in the Chair. The list of participants appears at Appendix I.<sup>1</sup> The agenda, as adopted, appears at Appendix II. The CDDH took note of the general background information document prepared by the Secretariat (CDDH(2013)012) and of the report of the last meeting of its Bureau (CDDH-BU(2013)R88).

### **ITEM 1: OPENING OF THE MEETING, ADOPTION OF THE AGENDA AND THE ORDER OF BUSINESS**

Draft agenda	CDDH(2013)OJ002
Draft order of business	CDDH(2013)OT002
Reference document	<a href="#">CDDH(2013)012</a>
Report of the 88 <sup>th</sup> meeting of the Bureau of the CDDH (Paris, 13-14 June 2013)	CDDH-BU(2013)R88
Report of the 77 <sup>th</sup> meeting of the CDDH (19-22 March 2013)	<a href="#">CDDH(2013)R77</a>

2. The CDDH adopted the agenda and order of business.

### **ITEM 2: RECOMMENDATIONS OF THE PARLIAMENTARY ASSEMBLY**

Reference document	<a href="#">CDDH(2013)012</a>
Report of the 88 <sup>th</sup> meeting of the Bureau of the CDDH (Paris, 13-14 June 2013)	CDDH-BU(2013)R88
Texts of the relevant recommendations, and elements prepared by the Secretariat	CDDH(2013)013
Comments by DH-BIO on PACE Recommendation 2017(2013)	DH-BIO/abr RAP3 Appendix III

3. The CDDH exchanged views on Parliamentary Assembly Recommendations 2015(2013) “Young people’s access to fundamental rights”, 2016(2013) “Frontex: human rights responsibilities” and 2017(2013) “Nanotechnology: balancing benefits and risks to public health and the environment”, transmitted by the Deputies notably to the CDDH for information and possible comments by 12 July 2013. Concerning the first two, it endorsed the comments proposed by the Bureau. As to the third recommendation, the CDDH made comments and endorsed also those prepared by the DH-BIO.

4. All comments adopted by the CDDH appear in Appendix III to this report.

### **ITEM 3: REFORM OF THE COURT (DH-GDR)**

Reference document	<a href="#">CDDH(2013)012</a>
Report of the 88 <sup>th</sup> meeting of the Bureau of the CDDH (Paris, 13-14 June 2013)	CDDH-BU(2013)R88
Report of the 77 <sup>th</sup> meeting of the CDDH (19-22 March 2012)	<a href="#">CDDH(2012)R77</a>

<sup>1</sup> Following Declaration CM(2009)68 - “Making gender equality a reality” and practical proposals elaborated by the Bureau of the Steering Committee on the media and new communication services (CDMC, document CDMC-BU(2010)001), the list of participants includes gender distribution figures for participants.

Report of the 4 <sup>th</sup> meeting of the Committee of experts on the reform of the Court (DH-GDR, 5-7 June 2013)	<a href="#">DH-GDR(2013)R4</a>
Opinion of the Court and the Parliamentary Assembly on Protocol No. 15 to the Convention	<a href="#">CDDH(2013)015</a>
Opinion of the Court on Protocol No. 16 to the Convention	<a href="#">CDDH(2013)016</a>

### **3.1 Completed work**

Draft toolkit to inform public officials about the State's obligations under the Convention	<a href="#">DH-GDR(2013)R4 Addendum III</a>
Draft guide to good practice in respect of domestic remedies	<a href="#">DH-GDR(2013)R4 Addendum II</a>
Draft CDDH report containing conclusions and possible proposals for action on ways to resolve the large numbers of applications arising from systemic issues identified by the Court	<a href="#">DH-GDR(2013)R4 Addendum I</a>

5. The Chairman of the Committee of Experts on the Reform of the Court (DH-GDR), Mr Vit SCHORM (Czech Republic) presented the work completed by the Committee at its 4<sup>th</sup> meeting (5-7 June 2013), which prepared three draft documents that the CDDH was invited to examine and adopt at this meeting for transmission to the Committee of Ministers: (i) draft toolkit to inform public officials about the State's obligations under the Convention, (ii) draft guide to good practice in respect of domestic remedies and (iii) draft CDDH report containing conclusions and possible proposals for action on ways to resolve the large numbers of applications arising from systemic issues identified by the Court.

6. At the end of its examination, the CDDH adopted the texts as they appear in documents CDDH (2013)R78 Addenda I to III. The CDDH also agreed with its Bureau's suggestions for the Toolkit's future format, dissemination and exploitation by the target audience. The CDDH invited the Committee of Ministers to examine the draft toolkit and the draft guide to good practice with a view to their possible adoption. It invited the Committee of Ministers to examine its report and to decide on possible follow-up action.

### **3.2 Ongoing work**

Report of the 4 <sup>th</sup> meeting of the Committee of experts on the reform of the Court (DH-GDR, 5-7 June 2013)	<a href="#">DH-GDR(2013)R4</a>
--	--------------------------------

7. As regards the on-going work in Drafting Group "E" on the reform of the Court (GT-GDR-E) on (i) whether or not to proceed to amend the Convention to enable the appointment of additional judges to the Court, (ii) review of the functioning of the Advisory Panel of Experts on Candidates for Election as Judge to the European Court of Human Rights and (iii) whether more effective measures are needed in respect of States that fail to implement judgments of the Court in a timely manner, the CDDH endorsed the approach set out the report of the GT-GDR-E (doc. GT-GDR-E(2013)R1) and concurred with the guidance given by the DH-GDR at its 4th meeting (see doc. DH-GDR(2013)R4, para. 10) and the Bureau at its 88th meeting (see doc. CDDH-BU(2013)R88, para. 14). The CDDH recalled the DH-GDR's invitation to all experts to submit their comments or proposals on these issues to the Secretariat (for the first issue, to [virginie.flores@coe.int](mailto:virginie.flores@coe.int); for the second and third, to [david.milner@coe.int](mailto:david.milner@coe.int)) by 8 July

2013, so that these could be taken into account by the different rapporteurs during preparation of the draft reports that would be presented during the second and final meeting of GT-GDR-E.

### 3.3 *Future work*

Possible activities concerning Court reform for the biennium 2014-2015	<a href="#">DH-GDR(2013)009</a>
--	---------------------------------

8. The CDDH recalled that it already had terms of reference from the Committee of Ministers to prepare a report containing opinions and possible proposals concerning the longer-term future of the Convention system, in accordance with paragraphs 35.c)-f) of the Brighton Declaration. This work would cover the Convention system as a whole, and not focus exclusively on the Court; it should also involve analysis of the effects of the implementation of Protocol No. 14 (as already required by the Committee of Ministers) as well as the procedure for the supervision of the execution of judgments of the Court, and the role of the Committee of Ministers in this process, and the affording of just satisfaction to applicants under Article 41 of the Convention (as envisaged by paragraph 35(f) of the Brighton Declaration). In accordance with paragraph 35, the approach should be as open-minded as possible, allowing for “thinking outside the box”.

9. The CDDH noted that, in accordance with paragraph 35(d) of the Brighton Declaration, it would be necessary to secure the participation and advice of external experts in this work. To this end, the work should take place in a group of hybrid composition, i.e. both national and external experts – not only academics but representatives of other key actors (e.g. the Court, the Parliamentary Assembly, national judges, and civil society and other representatives of applicants, such as lawyers’ associations). Work would nevertheless remain essentially inter-governmental and there should be more national experts than others in the drafting group. The DH-GDR at its October meeting should make a specific proposal for the composition of the group (Group F).

10. There was interest in the idea of holding an open call for information, proposals and views, for subsequent examination in the group. The DH-GDR at its October meeting should give further consideration to whether and how such an exercise could be conducted.

11. The CDDH welcomed and supported the offer by *PluriCourts*, a centre of excellence on international courts and tribunals at the University of Oslo Faculty of Law, to host a conference on longer-term reform of the Convention system in spring 2014, and expressed its willingness to assist in the organisation of this event. It decided to inform the Committee of Ministers of the event and of its direct connection to future CDDH activities.

12. The outcome of all of these activities would be the report that the CDDH was required to submit to the Committee of Ministers by 15 March 2015. The ultimate decisions on changes to the Convention system would require endorsement at a political level by all Contracting Parties in the usual manner.

13. As regards the issues of a possible simplified amendment procedure for certain provisions of the Convention, the possible ‘upgrading’ of certain provisions of the Rules of Court and the procedure for amendment of the Rules of Court, the CDDH expressed its interest in the latter two issues, recalling in particular paragraph 12.c)iii) of the Brighton Declaration, whilst preferring not to seek further terms of reference for work on a simplified amendment procedure. Work on the two issues relating to the Rules of Court should be taken forward in a separate drafting group (Group G).

14. As regards the question of interim measures under Rule 39 of the Rules of Court, the CDDH at this stage did not consider that any further work it might conduct would have significant added value with respect to its previous work. As regards work on implementation of the Brighton Declaration, its added value would depend entirely on the specific nature of any terms of reference it might be given (see also under paragraph 51). In both cases, the CDDH considered that such work might not represent the best use of scarce resources, given the priority that should be given to work on longer-term reform of the Court.

15. As regards the updating of certain Committee of Ministers’ recommendations, in particular CM/Rec(2010)3 on effective measures for excessive length of proceedings and its accompanying Guide to Good Practice and Rec(2004)4 on the Convention in university education and professional training, the CDDH noted the interest expressed by the DH-GDR and, for the latter, in the context of the HELP programme, and expressed its willingness to carry out this work if the Committee of Ministers so requested. It considered that such work should have lower priority than other activities, especially on longer-term reform, and could be largely Secretariat-led in its working methods.

16. As regards the proposal to prepare a toolkit for legislators on how to take account of Convention standards, the CDDH considered that there was uncertainty about several aspects; it could examine the proposal again in future and if appropriate then seek specific terms of reference.

#### **ITEM 4: ACCESSION OF THE EUROPEAN UNION TO THE EUROPEAN CONVENTION ON HUMAN RIGHTS**

Reference document	<a href="#">CDDH(2013)012</a>
Report of the 88 <sup>th</sup> meeting of the Bureau of the CDDH (Paris, 13-14 June 2013)	CDDH-BU(2013)R88
Report of the 4 <sup>th</sup> 47+1 meeting (21-23 January 2013)	<a href="#">47+1(2013)R04</a>
Report of the 5 <sup>th</sup> 47+1 meeting (2-5 April 2013)	<a href="#">47+1(2013)R05</a>
Final report to the CDDH	<a href="#">47+1(2013)008rev2</a>

17. As regards the work on the accession of the European Union to the European Convention on Human Rights, Ms Tonje MEINICH (Norway), Chairperson of the negotiation meetings between the CDDH ad hoc negotiation group and the European Commission on the accession of the European Union to the European Convention on Human Rights (“47+1”) presented the results of the negotiations.



18. Following a short exchange of views, the CDDH noted with satisfaction the outcome of the negotiations which resulted in agreement at negotiators' level on a comprehensive package of legal instruments setting out the modalities of accession, without at this stage approving the draft instruments pending the completion of internal procedures by the negotiating parties, including, at European Union level, the opinion of the Court of Justice of the European Union.

19. The CDDH decided to send an interim report to the Committee of Ministers for information, based on the final report of the negotiation group, including the draft instruments as approved by the negotiation group.

## **ITEM 5: DEVELOPMENT AND PROMOTION OF HUMAN RIGHTS**

Reference document	<a href="#">CDDH(2013)012</a>
Report of the 88 <sup>th</sup> meeting of the Bureau of the CDDH (Paris, 13-14 June 2013)	CDDH-BU(2013)R88
Report of the 77 <sup>th</sup> meeting of the CDDH (19-22 March 2013)	<a href="#">CDDH(2013)R77</a>

### ***5.1 Rights of older persons (CDDH-AGE)***

Report of the 3 <sup>rd</sup> meeting of the CDDH-AGE (15-17 May 2013)	<a href="#">CDDH-AGE(2013)R3</a>
Compendium of good practices	<a href="#">CDDH-AGE(2013)04</a>

20. The Chair of the drafting Group on the human rights of older persons (CDDH-AGE), Mr Jakub WOLASIEWICZ (Poland), presented the results of the 3<sup>rd</sup> meeting of the Group (15-17 May 2013) and notably the draft recommendation as revised in the light of the suggestions made by the CDDH, CDDH-AGE and DH-BIO delegations (see CDDH-AGE(2013)R3, appendix III). Mr WOLASIEWICZ informed the CDDH that the CDDH-AGE considered the work on the recommendation and on the substantive parts of the appendix as finalised, and that the explanatory report and the examples of good national practice to be incorporated in the draft will be finalised at the next, and last, CDDH-AGE meeting in September 2013.

21. With a view to the adoption of the draft recommendation at its November meeting, the CDDH discussed the draft instrument and gave the Group the following guidance:

- verify the accuracy of the paragraph in the Preamble referring to a great increase in life expectancy having taken place in the past century;
- consider whether the promotion of health of older persons and preventive measures could be given more prominence in Chapter VI "Care";
- revise the wording of paragraph 24 to reflect the usual wording used for inviting member States to ratify Council of Europe conventions;
- revise the text to ensure the use of appropriate and accurate wording when referring to obligations under the Convention or under the European Social Charter and when referring to non-binding indications (for instance, paragraph 28 and paragraph 50, second sentence, in the English version);
- clarify the meaning of paragraph 52, second sentence;

- consider inserting a neutral reference to “end of life situations” at the relevant place in the text, such as the Preamble;
- ensure that gender equality concerns are fully taken into account in the draft, including the good practices;
- ensure the inclusion of relevant good national practices from all States having contributed to this part of the work.

22. Delegations wishing to supplement their contributions or not having yet provided examples of good national practices were invited to do so as soon as possible. The Secretariat will circulate revised versions of the instruments for comment in due course.

### ***5.2 Corporate social responsibility in the field of human rights***

Feasibility study	<a href="#">CM(2012)164 add</a>
Preliminary draft Declaration by the Committee of Ministers	<a href="#">CDDH(2013)014</a>

23. The CDDH had an exchange of views on the organisation of future work in this field, on the preliminary draft declaration of the Committee of Ministers prepared by the Secretariat (document CDDH(2013)014), and on the possible participation of the CDDH to the UN Forum on Business and Human Rights.

24. Concerning the organisation of future work, the CDDH recalled that it had already agreed in March on the need to set up a drafting group to implement the decisions adopted by the Committee of Ministers’ Deputies on 30 January 2013. In the light of the information provided by the Secretariat to the Bureau as to the possibility of holding a first meeting of such group already in 2013, the CDDH examined a draft mandate for a drafting group (CDDH-CORP), which also contains elements for the involvement of the private sector in this activity. The CDDH agreed on a number of amendments to this draft, in order to put more emphasis on the fact that the work should be inspired by the UN Guiding Principles and aim at complementing them, and should focus on areas where the Council of Europe can best add value. The CDDH designated the following 12 member States to participate in the work of the group at the expense of the Council of Europe: Albania, Austria, Finland, France, Germany, Hungary, Latvia, The Netherlands, Russian Federation, Switzerland, Ukraine and the United Kingdom. It also elected Prof. Dr. René LEFEBER (The Netherlands) Chairperson of the group. The mandate, as adopted, appears in Appendix V to the present report.

25. As regards the preliminary draft declaration of the Committee of Ministers in support of the UN guiding principles, the CDDH had a first consideration of the text prepared by the Secretariat. A number of delegations made comments, welcoming the draft text, indicating specific areas in which the draft should be re-examined or providing suggestions on its focus. As a result, the CDDH agreed:

- to invite all delegations to submit comments and amendments on the draft declaration to the Secretariat ([nicola-daniel.cangemi@coe.int](mailto:nicola-daniel.cangemi@coe.int), copy to [frederique.bonifaix@coe.int](mailto:frederique.bonifaix@coe.int)) by 13 September 2013 at the latest;
- to instruct the Secretariat to prepare a revised draft on that basis;

- to instruct the CDDH-CORP to finalise the draft declaration at its first meeting in October 2013, with a view to its consideration and possible adoption at the November meeting of the CDDH.

26. Finally, the CDDH agreed that a representative of the Committee should be appointed in order to take part in the UN Forum on Business and Human Rights, to be organised in Geneva on 2-4 December 2013, and instructed the CDDH-CORP to discuss this issue at its first meeting and to make a proposal to the CDDH.

### **5.3 *Human rights in culturally diverse societies***

Document prepared by the Secretariat	<a href="#">CDDH(2012)018</a>
Draft feasibility study	<a href="#">CDDH(2013)017</a>

27. It was recalled that, at its 76<sup>th</sup> meeting (27-30 November 2012), the CDDH decided to examine at the present meeting a draft study on the feasibility and added value of standard-setting or other work in this field and provided guidance about the preparation of this study.

28. Mr Morten RUUD (Norway), Rapporteur for this activity, presented the draft study by first recalling the previous work of the CDDH on this issue and the importance of the subject. He underlined that one of the main conclusions of this study is that the problem is not that there is a lack of human rights standards in the field of culturally diverse societies, but rather the fact that they are not effectively implemented and enforced. He also recalled the relevant ongoing initiatives at the European and international level.

29. The CDDH agreed on some amendments to the draft study, in particular as regards the proposed conclusions and recommendations, reiterating the need that any future work in this field should provide real added value. In terms of prioritisation of possible future activities, it was noted that the activities in the field of hate speech would have a lower degree of priority than the other activities proposed.

30. The CDDH adopted the study as amended and decided to submit it to the Committee of Ministers for decision about possible follow-up (see document CDDH(2013)R78 Addendum V).

### **5.4 *Future work***

Annotated list of possible items for future work - Document revised by the Secretariat	<a href="#">CDDH(2013)005rev2</a>
--	-----------------------------------

31. The CDDH had an in-depth exchange of views on work for the next biennium in the field of development and promotion of human rights in the Council of Europe, on the basis of a draft study prepared by the Secretariat (document CDDH(2013)005rev2).

32. The CDDH discussed the various alternatives presented in the draft study, and adopted as a result a revised version of this document (document CDDH(2013)R78 Addendum VI). During the discussion, it was agreed that the CDDH will, as a matter of

priority, pursue and finalise the work already in progress in the field of corporate social responsibility and any tasks that the Committee of Ministers may confer on it in the area of human rights in culturally diverse societies. In identifying additional possible priority areas of action, the CDDH considered the need to avoid any overlapping with the work of other bodies, both within the Council of Europe and outside it, and to provide specific added value.

33. On the basis of these criteria, the CDDH agreed to propose to the Committee of Ministers that, as first additional priority, it work on the impact of the economic crisis on human rights in Europe. It proposes to do so by means of a feasibility study on possible revision of existing instruments, the elaboration of a non-binding instrument, and/or the elaboration of a Committee of Ministers declaration on this theme.

34. As regards the implementation of the Convention at national level, the CDDH discussed two aspects:

(i) concerning the question of possible revision of Committee of Ministers' Recommendation Rec (2004)4 on the European Convention on Human Rights in university education and professional training, it was discussed in the context of the work on the Court reform (see paragraphs 15 above);

(ii) with respect to the elaboration of a guide of good practices regarding the establishment and functioning of national human rights structures, it was observed that some work related to this area had been already carried out by the UN and the FRA and therefore, while noting the potential interest for this activity by national human rights institutions, the CDDH considered that this activity was of a lower order of priority for action for the time being.

35. As regards the other two areas mentioned in the study (i.e. detention of asylum seekers and irregular migrants and protection of freedom of expression), little or no support was expressed for pursuing additional activities in these areas in the next biennium, while noting the importance for the CDDH to closely follow the ongoing work in the CDMSI in the area of protection of freedom of expression.

## **ITEM 6: BIOETHICS (DH-BIO)**

Reference document	<a href="#">CDDH(2013)012</a>
Report of the 88 <sup>th</sup> meeting of the Bureau of the CDDH (Paris, 13-14 June 2013)	CDDH-BU(2013)R88
Abridged Report of the 3 <sup>rd</sup> meeting of the DH-BIO (28-30 May 2013)	<a href="#">DH-BIO abr RAP 3</a>

36. The Chairperson of the Committee on Bioethics (DH-BIO), Dr Anne FORUS (Norway) presented the work undertaken by this committee at its 3<sup>rd</sup> meeting (28-30 May 2013) and the activities proposed for the next biennium. During the subsequent exchange of views, the CDDH expressed satisfaction with the current work and decided to propose the activities for the next biennium as they are reflected in Appendix VII hereafter to the Committee of Ministers.

**ITEM 7: GENDER EQUALITY (GEC)**

Reference document	<u>CDDH(2013)012</u>
Report of the 88 <sup>th</sup> meeting of the Bureau of the CDDH (Paris, 13-14 June 2013)	CDDH-BU(2013)R88
Report of the 3 <sup>rd</sup> meeting of the GEC (10-12 April 2013)	<u>GEC(2013)RAP 1</u>

37. Ms Liri KOPAÇI DI MICHELE of the Secretariat presented the work of the 3rd meeting of the Gender Equality Commission (GEC) and the activities proposed for the next biennium. The CDDH noted in particular the document “Draft Gender Equality Strategy 2014-2017” prepared by the GEC (GEC(2013)4rev). On account of its late distribution, the CDDH was not able to take position on this document at the meeting and invited participants to send their possible comments to the CDDH Secretariat ([alfonso.desalas@coe.int](mailto:alfonso.desalas@coe.int)) by 28 August 2013. In the light of the comments received, the Bureau would decide whether it would be possible to propose to the CDDH to proceed to the formal adoption of the document by electronic means, with a view to its transmission to the Committee of Ministers without delay, or whether it would be necessary to return to the issue at the plenary meeting in November. The CDDH encouraged its Secretariat and that of the GEC to ensure close contacts with a view to having the relevant documents available in good time.

38. During the exchange of views that followed, the CDDH agreed to propose to the Committee of Ministers the activities for the next biennium as reflected in Appendix VII to the present report.

39. The CDDH noted that it would have to proceed to a partial renewal of the GEC at its November 2013 meeting. It decided to launch the procedure on 15 September 2013 by a letter that would be sent by the CDDH Chairman, accompanied by a reminder of the criteria for proceeding to an election, as well as the current terms of reference of the GEC. The draft letter and its attachments appear in Appendix VI to the present report. In the CDDH’s view, all of the members of the GEC, even if elected taking account of their personal profiles, represented the member State that proposed them, whether they were covered by the budget of the Council of Europe or by that of their national authorities. Finally, the CDDH invited member States that propose a candidate to ensure that their candidate, if elected, would be in a position to participate in all GEC meetings. The CDDH recommended to the Committee of Ministers that it reviews the terms of reference of the GEC particularly to clarify the point that the members of the GEC represent the State that proposed them.

40. Concerning the Conference on women and the media that would take place in Amsterdam on 4-5 in July 2013, the CDDH noted that its gender equality rapporteur, Mr Philippe WERY (Belgium), would not be available on those dates and designated the DH-GDR gender equality rapporteur, Ms Natalia SHAKURO (Ukraine) to participate in the Conference as representative of both committees.

41. Finally, the CDDH noted with satisfaction that it would meet the GEC Chairperson, Ms Carlien SCHEELE (The Netherlands), during its November 2013 meeting.

## **ITEM 8: EXPERTS REPRESENTING THE CDDH IN OTHER BODIES**

Reference document	<a href="#">CDDH(2013)012</a>
Report of the 88 <sup>th</sup> meeting of the Bureau of the CDDH (Paris, 13-14 June 2013)	CDDH-BU(2013)R88

42. The CDDH took note of meetings of other bodies in which it has been represented since March 2013<sup>2</sup>. It underlined the particular interest that it attached to being represented at all CODEXTER meetings, as was the case, and thanked its representative Ms Isik BATMAZ (Turkey) for her availability. The CDDH decided to appoint experts to represent it in the European Committee on Legal Co-operation (CDCJ) and in the Steering Committee on Media and Information Society (CDMSI). The CDDH would welcome volunteers for these positions and would appoint them by written procedure before its next meeting. To this end, it asked the Secretariat to send a message in due time with a deadline for reception of candidatures, in order to appoint the two representatives if possible before the next meetings of these committees (CDCJ: 16-18 October 2013; CDMSI: 6-8 November 2013). The list of experts representing the CDDH in other bodies appears in Appendix VIII to this report.

## **ITEM 9: ELECTIONS**

Reference document	<a href="#">CDDH(2013)012</a>
Report of the 88 <sup>th</sup> meeting of the Bureau of the CDDH (Paris, 13-14 June 2013)	CDDH-BU(2013)R88

43. Concerning the election of the Chair of the CDDH-CORP, see paragraph 24 above; concerning the partial renewal of the GEC, see paragraph 39 above. For information, the current composition of the Bureau and Chairs of the subordinate bodies appear in Appendix X to this report

## **ITEM 10: EXCHANGE OF VIEWS WITH PERSONALITIES**

Reference document	<a href="#">CDDH(2013)012</a>
Report of the 88th meeting of the Bureau of the CDDH (Paris, 13-14 June 2013)	CDDH-BU(2013)R88

44. During this meeting, the CDDH held two very fruitful exchange of views, respectively with the President of the European Court of Human Rights, Mr Dean SPIELMANN (see Appendix IX) and with the DH-BIO Chairperson, Dr Anne FORUS (Norway).

<sup>2</sup> Mr Derek WALTON (Chairman) represented the CDDH at the International Conference on the Use of Special Investigation Techniques to Combat Terrorism and Other Forms of Serious Crime (Strasbourg, 14-15 May 2013). Ms Isik BATMAZ (Turkey) represented the CDDH at the meeting of the CODEXTER which followed the aforementioned Conference (16-17 May 2013). Mr Frank SCHURMANN (Switzerland) represented the CDDH at the meeting of the Drafting Group of the DH-BIO for a preliminary draft of additional Protocol on the protection of the dignity and fundamental rights of persons with mental disorders with regard to involuntary treatment and placement (Paris, 19-20 June 2013).

45. At its next meeting in November 2013, the CDDH will meet the GEC Chairperson, Ms Carlien SCHEELE (The Netherlands). It asked the Secretariat to contact the President of the European Commission for Democracy through Law (Venice Commission), Mr Gianni BUQUICCHIO, with a view to a meeting also at the November 2013 meeting.

46. The CDDH asked the Secretariat to contact the following personalities in order to invite them to meetings next year:

- the Director of the European Union Agency for Fundamental Rights (FRA) Mr Morten KJAERUM, at the earliest opportunity in 2014;
- a representative of the European Committee for the Prevention of Torture (CPT) in 2014.

47. The CDDH also noted the following further possible options for personalities that might be invited to future meetings:

- a representative of the Office of the United Nations High Commissioner for Human Rights a representative of the European Committee for the Prevention of Torture (CPT);
- a representative of the European Commission against Racism and Intolerance (ECRI).

48. The CDDH invited Mr Jean-Paul LEHNERS, currently the ECRI expert-member for Luxembourg and a specialist in issues concerning human rights and business, to meet the drafting group CDDH-CORP at an appropriate stage of its work.

### **ITEM 11: WORKING METHODS**

Reference document	<a href="#">CDDH(2013)012</a>
Report of the 88th meeting of the Bureau of the CDDH (Paris, 13-14 June 2013)	CDDH-BU(2013)R88

49. The CDDH reiterated views expressed at its March meeting (see paragraphs 44 and following of the meeting report CDDH(2013)R77) in particular regarding the procedures for follow-up of instruments it had prepared.

### **ITEM 12: CALENDAR OF MEETINGS**

Reference document	<a href="#">CDDH(2013)012</a>
Report of the 88th meeting of the Bureau of the CDDH (Paris, 13-14 June 2013)	CDDH-BU(2013)R88

50. The CDDH exchanged views on the current calendar of meetings of the Steering Committee and its subordinate bodies for the second semester 2013 and adopted a provisional calendar for 2014 (see [Appendix XI](#)).

**ITEM 13: PREPARATION OF THE 2014/2015 BIENNIUM**

Reference document	<a href="#">CDDH(2013)012</a>
Report of the 88th meeting of the Bureau of the CDDH (Paris, 13-14 June 2013)	CDDH-BU(2013)R88
Report of the 2 <sup>nd</sup> meeting of the DH-BIO (4-6 December 2012)	<a href="#">DH-BIO/RAP2 Appendix IV</a>

51. The CDDH examined its future activities for each of the various bodies in the framework of their respective agenda items. The choice of its priorities was led above all by the desire to pursue work that brings real added value. The summary of the proposals for 2014-2015 that it wished to submit to the Committee of Ministers appears in [Appendix VII](#).

**ITEM 14: REVIEW OF COUNCIL OF EUROPE CONVENTIONS**

Document prepared by the Secretariat	CDDH-BU(2013)019
--------------------------------------	------------------

52. The CDDH was informed of the Deputies' decisions that Steering Committees regularly review Council of Europe conventions that concerned them. It noted the information document on this issue (CDDH(2013)019) containing in particular a list of the treaties concerning the CDDH more directly. The CDDH decided to exchange views in November 2013 to see if it could identify one among the treaties placed under its supervision which could be subject to a priority follow up by the Steering Committee. The CDDH decided to revert to these issues every two years.

**ITEM 15: OTHER BUSINESS**

Reference document	<a href="#">CDDH(2013)012</a>
Report of the 88th meeting of the Bureau of the CDDH (Paris, 13-14 June 2013)	CDDH-BU(2013)R88

\* \* \*



Appendix I**List of participants**

*The gender distribution of the 80 participants in the meeting was as follows: 33 women (41 %) and 47 men (59 %) including the Chairman.*

**MEMBERS / MEMBRES****ALBANIA / ALBANIE**

Ms Ledina MANDIJA, General State Advocate of the Republic of Albania, Ministry of Justice, Bulevardi "Zog I", Tirana

**ANDORRA / ANDORRE**

Mr Joan FORNER ROVIRA, Government Agent to the European Court of Human Rights, Senior Legal Adviser, Ministry of Foreign Affairs, Government of the Principality of Andorra

**ARMENIA / ARMENIE**

Mr Arthur GRIGORYAN, Second Secretary, Legal Department, Ministry of Foreign Affairs of the Republic of Armenia, Government Building 2, Republic Square, Yerevan 0010

**AUSTRIA / AUTRICHE**

Mrs Brigitte OHMS, Deputy Government Agent, Division for International Affairs and General Administrative Affairs, Federal Chancellery, Dpt. V/5, Constitutional Service, Ballhausplatz 2, 1010 Wien

**AZERBAIJAN / AZERBAIDJAN**

Mr Chingiz ASGAROV, (*Apologised*) Agent of the Government of the Republic of Azerbaijan at the European Court of Human Rights, Prezident Sarayi, İstiqlaliyyət küç.19, Baku A-1066

**BELGIUM / BELGIQUE**

Mr Philippe WERY, Chef du Service des droits de l'homme, SPF Justice, Service des Droits de l'Homme, Boulevard de Waterloo 115, B-1000 Bruxelles

**BOSNIA AND HERZEGOVINA / BOSNIE-HERZEGOVINE**

Ms Monika MIJIC, Agent of the Council of Ministers of Bosnia and Herzegovina before the European Court of Human Rights, Dzemala Bijedica 39/II, 71000 Sarajevo

**BULGARIA / BULGARIE**

Mr Dimitar PHILIPOV, Directeur département DH, Ministère des Affaires Etrangères de Bulgarie, 2 "Alexander Jendov" street, 1113 Sofia

**CROATIA / CROATIE**

Mrs Romana KUZMANIĆ OLUIĆ, Counsellor, Ministry of Foreign and European Affairs, Directorate General for Multilateral Affairs and Global Issues, Division for Human Rights and Regional International Organisations and Initiatives, N. Š. Zrinskog 7-8, HR 10000 Zagreb

**CYPRUS / CHYPRE**

Ms Angeliki KARNOU, Counsel of the Republic, Office of the Attorney-general (Human Right sector), Appelli Street, Nicosia, CY-1403

**CZECH REPUBLIC / REPUBLIQUE TCHEQUE**

Mr Vit SCHORM, Government Agent, Ministry of Justice, Vyšehradská 16, 128 10 Praha 2

**DENMARK / DANEMARK**

Mr Lars SOLSKOV LIND, Ministry of Justice, Constitutional Law and Human Rights Division, Slotsholmsgade 10, DK-1216 Copenhagen K

**ESTONIA / ESTONIE**

Mrs Maris KUURBERG, Government Agent before the European Court of Human Rights, Ministry of Foreign Affairs Islandi väljak 1, 15049 Tallinn

**FINLAND / FINLANDE**

Mr Arto KOSONEN, Government Agent, Director, Unit for Human Rights Court and Conventions, Legal Service, Ministry of Foreign Affairs, P.O. Box 411, FI-00023 Government

**FRANCE**

Mme Nathalie ANCEL, Sous-directrice des droits de l'homme, Direction des affaires juridiques des Affaires étrangères, 57 boulevard des Invalides, F-75007 Paris

Mme Mélanie BILOCQ, Adjointe au Représentant Permanent, Représentation Permanente de la France auprès du Conseil de l'Europe, 40 rue de Verdun, 67000 Strasbourg

**GEORGIA / GEORGIE**

Mr Levan MESKHORADZE, Governmental Agent of Georgia to the ECHR, Department of State Representation in International Court of Human Rights, Ministry of Justice, 24a Gorgasali Street – 0133 Tbilisi

**GERMANY / ALLEMAGNE**

Mr Hans-Jörg BEHRENS, Head of Unit IVC1, Human Rights Protection; Government Agent before the European Court of Human Rights, Bundesministerium der Justiz, Mohrenstr. 37, 10117 Berlin

**GREECE / GRECE**

Ms Zinovia STAVRIDIS, Head of the Public International Law Department/Special Legal Department, Ministry of Foreign Affairs, 10 Zalokosta St., Athens

Mme Ourania PATSOPOULOU, Membre du Conseil Juridique de l'État, Attachée à la Représentation Permanente de la Grèce auprès du Conseil de l'Europe, 67000 Strasbourg

**HUNGARY / HONGRIE**

Mr Zoltan TALLODI, Agent before ECHR, Ministry of Public Administration and Justice, Budapest Kossuth tér 4, 1055 Budapest

**ICELAND / ISLANDE**

Ms Ragnhildur HJALTADOTTIR, Permanent Secretary, Ministry of the Interior, Sölvhólgötu 7, 150 Reykjavík

**IRELAND / IRLANDE**

Mr Peter WHITE, Agent for the Government of Ireland, Assistant Legal Adviser, Legal Division, Department of Foreign Affairs and Trade, 80 St Stephen's Green, Dublin 2

**ITALY / ITALIE**

Mr Giuseppe CAVAGNA, Représentant Permanent Adjoint, Représentation Permanente d'Italie auprès du Conseil de l'Europe, 3 rue Schubert, 67000 Strasbourg  
Tel : 03.88.60.20.88

Ms Paola ACCARDO, Co-agent du gouvernement italien à la Cour Européenne des droits de l'homme

**LATVIA / LETTONIE**

Mrs Kristine LICE, Government Agent, Representative of the Government of Latvia before International Human Rights Organizations, Ministry of Foreign Affairs, Brivibas blvd 36, Riga LV 1395

**LIECHTENSTEIN**

Mr Manuel FRICK, Deputy Permanent Representative to the Council of Europe, Office for Foreign Affairs, Heiligkreuz 14 – Postfach 684, FL- 9490 Vaduz

**LITHUANIA / LITUANIE**

Mrs Elvyra BALTUTYTE, Agent of the Government of Lithuania to the European Court of Human Rights, Ministry of Justice, Gedimino ave. 30/1, LT-01104 Vilnius

**LUXEMBOURG**

Ms Anne KAYSER-ATTUIL, Deputy to the Permanent Representative, Permanent Representation of Luxemburg to the Council of Europe, 65, allée de la Robertsau, 67000 Strasbourg

Mme Brigitte KONZ, (*Apologised*) Conseillère à la Cour d'Appel, Bâtiment CR, Cité Judiciaire, L-2080 Luxembourg

**MALTA / MALTE** (*Apologised*)

**MONACO**

Mr Jean-Laurent RAVERA, Département des Relations Extérieures de Monaco/Cellule Droits de l'Homme, Agent du Gouvernement près la Cour Européenne des Droits de l'Homme

**MONTENEGRO**

Mr Zoran PAZIN, State Agent to the ECHR, Serdara Jola Piletića 8/6, 81000 Podgorica

**THE NETHERLANDS / PAYS-BAS**

Ms Liselot EGMOND, Deputy Agent for the Government of the Netherlands, Ministry of Foreign Affairs, Dept. DJZ/IR, P.O. Box 20061, 2500 EB The Hague

Mr Martin KUIJER, Senior legal adviser human rights law, Ministry of Justice, Legislation Department, room H.511, Turfmarkt, P.O. Box 20301, 2500 BZ The Hague

**NORWAY / NORVEGE**

Mr Morten RUUD, Norwegian Ministry of Justice and the Police, Legislation Department, Oslo

**POLAND / POLOGNE**

Ms Justyna CHRZANOWSKA, Director of the Department of proceedings before International Human Rights Protection at the Ministry of Foreign Affairs of Poland, Aleja Szucha 23, Warsaw 00580

**PORTUGAL**

Mme Maria de Fátima GRAÇA CARVALHO, Agente du Gouvernement, Procureur-Général adjointe, Procuradoria Geral da Republica, rua de Escola Politécnica, N° 140, P-1249-269 Lisboa

**REPUBLIC OF MOLDOVA/ REPUBLIQUE DE MOLDOVA**

Mr Lilian APOSTOL, Expert, Agent du Gouvernement, Ministère de la justice, Chisinau

**ROMANIA / ROUMANIE**

Ms Catrinel BRUMAR, Agent for the Government before the European Court of Human Rights, Ministry of Foreign Affairs, 14, Aleea Modrogan, Sector 1, Bucharest

**RUSSIAN FEDERATION / FEDERATION DE RUSSIE**

Mr Vladislav ERMAKOV, Ministry of Foreign Affairs, 32/34, Sennaya sq., 119200 Moscow

Ms Maria MOLODTSOVA, Deputy to the Permanent Representative, Chancery, 75 allée de la Robertsau, 67000 Strasbourg

Mr Alexey VLASOV, Deputy to the Permanent Representative, Chancery, 75 allée de la Robertsau, 67000 Strasbourg

**SAN MARINO / SAINT-MARIN (*Apologised*)****SERBIA / SERBIE**

Ms Gordana STAMENIC, State Secretary, Ministry of Justice and Public Administration of the Republic of Serbia, Boul. Mihaola Pupina 2, 11000 Belgrade

**SLOVAK REPUBLIC / REPUBLIQUE SLOVAQUE**

Mr Juraj KUBLA, Ministry of Foreign Affairs of the Slovak Republic, Human Rights Department - Hlboka cesta 2, 833 36 Bratislava

**SLOVENIA/SLOVENIE**

Ms Nina BAN, Senior Adviser, Ministry of Justice and Public Administration of the Republic of Slovenia, Zupanciceva 3, 1000 Ljubljana

**SPAIN / ESPAGNE**

Mr Francisco SANZ, Agent du Gouvernement, Service juridique des Droits de l'Homme, Ministère de la Justice, 28071 Madrid

**SWEDEN / SUEDE**

Mrs Charlotte HELLNER KIRSTEIN, Special Legal Advisor, Department for International Law, Human Rights and Treaty Law, Ministry for Foreign Affairs, SE 103 39 Stockholm

Ms Helen LINDQUIST, Special Advisor, Department for International Law, Human Rights and Treaty Law, Ministry for Foreign Affairs, SE 103 39 Stockholm

**SWITZERLAND / SUISSE**

Mr Frank SCHÜRMAN, Agent du Gouvernement, Chef de l'Unité Droit européen et Protection Internationale des droits de l'Homme, Office fédéral de la justice, Bundesrain 20, CH-3003 Berne

**“THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA” / “L’EX-RÉPUBLIQUE YUGOSLAVE DE MACÉDOINE”**

Ms Svetlana GELEVA, Head of Department for Multilateral affairs, Ministry of Foreign Affairs, Skopje

**TURKEY / TURQUIE**

Mme Işık BATMAZ, Legal Expert, Représentation permanente de la Turquie auprès du Conseil de l'Europe, 23 boulevard de l'Orangerie, F-67000 Strasbourg

Ms Gönül ERÖNEN Adjointe au Représentant permanent de la Turquie auprès du Conseil de l'Europe, 23, boulevard de l'Orangerie, F-67000 Strasbourg

Mr Bayram TURGUT, Judge/Counsellor of the Permanent Representation of Turkey, 23 boulevard de l'Orangerie, F-67000 Strasbourg

**UKRAINE**

Mr Sergiy KYSLYTSYA, Director-General for International Organisations, Ministry of Foreign Affairs, 1 Mykhaylivska square, Kiev

**UNITED KINGDOM / ROYAUME-UNI**

Mr Derek WALTON, Chairman of the CDDH / Président du CDDH, Legal Counsellor, Foreign and Commonwealth Office, King Charles Street, London SW1A 2AH

Mr Rob LINHAM, Head of Council of Europe Human Rights Policy, Ministry of Justice, 102 Petty France, London, SW1H 9AJ

**PARTICIPANTS**

Dr Anne FORUS, Senior Adviser, Biotechnology and Health Legislation Department, The Norwegian Directorate of Health, Oslo, Norway

Mr Jakub WOLASIEWICZ, (*Chair/Président CDDH-AGE*), Government Agent, Ministry of Foreign Affairs, Aleja Szucha 23, Warsaw

Ms Tonje MEINICH, Chairperson CDDH-EU, European and International Affairs, Norwegian Ministry of Justice, P.O. Box 8005 Dep., N-0030 Oslo

**Parliamentary Assembly / Assemblée parlementaire**

Mr Andrew DRZEMCZEWSKI, Head of Department, Legal Affairs & Human Rights Department / Chef du Service des questions juridiques et des droits de l'homme

Mr Dean ROSENBERG, Harvard Law School Intern

Ms Laurence HULL, Harvard Law School Intern

**Registry of the European Court of Human Rights / Greffe de la Cour européenne des droits de l'homme**

Mr John DARCY, Adviser to the President and the Registrar, Private Office of the President, European Court of Human Rights / Conseiller du président et du greffier, Cabinet du Président, Cour européenne des droits de l'homme

**Secretariat of the Committee of Ministers / Secrétariat du Comité des Ministres**

**European Committee on Legal Co-operation / Comité européen de coopération juridique CDCJ**

Mr Pekka NURMI, Ministry of Justice, Director General, Law drafting Department, Helsinki

**Gender Equality Commission / Commission pour l'égalité entre les femmes et les hommes (GEC)**

**Department for the Execution of Judgments of the Court/ Service de l'Exécution des Arrêts de la Cour**

Mr Fredrik SUNDBERG, Deputy to the Head of Department, Department for the Execution of Judgments of the Court / Adjoint à la Chef de Service, Service de l'exécution des arrêts de la Cour

**Directorate of Legal Advice and Public International Law/ Direction du Conseil juridique et du droit international public / (CAHDI)**

**Office of the Commissioner for Human Rights of the Council of Europe / Bureau du Commissaire aux droits de l'homme du Conseil de l'Europe**

Ms Anne WEBER, Adviser / Conseillère, Office of the Commissioner for Human Rights of the Council of Europe / Bureau du Commissaire aux droits de l'homme du Conseil de l'Europe

**Conference of INGOs of the Council of Europe / Conférence des OING du Conseil de l'Europe**

Mr Jean-Bernard MARIE, Representative within the CDDH

**European Union / Union Européenne**

Mr Giovanni Carlo BRUNO, Deputy to the Head of delegation, European Union Delegation, European Union Delegation to the Council of Europe, 18 Boulevard de l'Orangerie, 67000 Strasbourg

Ms Amandine VAN DEN EEDE, European Union Delegation to the Council of Europe, 18 Boulevard de l'Orangerie, 67000 Strasbourg

<b>OBSERVERS / OBSERVATEURS</b>
---------------------------------

**HOLY SEE / SAINT-SIÈGE**

Mrg Sladan COSIC, Observateur Permanent Adjoint du Saint-Siège auprès du Conseil de l'Europe, 2 rue Le Nôtre, 67000 Strasbourg

**JAPAN / JAPON**

Mr Hideaki GUNJI, Consul (Attorney), Consulate-General of Japan, Consulate-General of Japan, "Tour Europe" 20 Place des Halles, F-67000 Strasbourg

Ms Emiko SAITO, Chargée de mission, Consulate-General of Japan, Consulate-General of Japan, "Tour Europe" 20 Place des Halles, F-67000 Strasbourg

**MEXICO / MEXIQUE**

Mr Alejandro MARTINEZ PERALTA, Chargé d'affaires a.i., Représentation Permanente du Mexique auprès du Conseil de l'Europe, 8 boulevard du Président Edwards, 67000 Strasbourg

Mr Diego SANDOVAL PIMENTEL, Attaché, Représentation Permanente du Mexique auprès du Conseil de l'Europe, 8 boulevard du Président Edwards, 67000 Strasbourg

**Non-member State / Pays non-membre**

**BELARUS**

Mr Andrei SUKHORENKO, OSCE and CoE Unit, European Cooperation Department, Lenin Str.19, 220030 Minsk

**European Group of National Institutions for the Promotion and Protection of Human Rights (NHRI) / Groupe européen des institutions nationales de promotion et de protection des droits de l'Homme (INDH)**

Ms Clare COLLIER, Senior Lawyer (Solicitor-Advocate (Higher Rights, Civil)), Equality and Human Rights Commission, Fleetbank House, 2-6 Salisbury Square, London, EC4Y 8JX

**Commission nationale consultative des droits de l'homme (CNCDH)**

<b>Non governmental Organisations / Organisations non-gouvernementales</b>
--

**Amnesty International**

Mr Sébastien RAMU, Senior Legal Adviser, Law and Policy Programme, Amnesty International - IS, 1 Easton Street, UK - London WC1X 0DW

**International Commission of Jurists (ICJ) / Commission internationale de Juristes (CIJ)**

Massimo FRIGO, Legal Advisor at the Europe Programme of the ICJ, 33 rue des Bains, CH-1205 Genève

<b>Invitees to this meeting / invités à cette réunion</b>
---

**European Trade Union Confederation (ETUC) / Confédération européenne des syndicats (CES)**

Mr Klaus LÖRCHER, Conseiller des droits de l'homme de la CES, Confédération européenne des syndicats, Boulevard Roi Albert II, 5 - B-1210 Brussels, Belgium

**European Conference of Churches / Conférence des églises européennes (KEK)**

Mr Richard FISCHER, PO Box 2100, 150, route de Ferney, CH- 1211 Geneva 2

**The AIRE Centre**

Ms Biljana BRAITHWAITE, Legal Consultant, Third Floor 17 Red Lion Square London WC1R 4QH

<b>SECRETARIAT</b>
--------------------

**DG I – Human Rights and Rule of Law / Droits de l’Homme et État de droit  
Council of Europe / Conseil de l’Europe, F-67075 Strasbourg Cedex**

Mr Philippe BOILLAT, Director General / Directeur Général, Directorate General of Human Rights and Rule of Law / Direction Générale droits de l’Homme et Etat de droit

Mr Jörg POLAKIEWICZ, Head of Department / Chef de Service, Human Rights Policy and Development Department / Service des politiques et du développement des droits de l’Homme

Mr Alfonso DE SALAS, Head of Division / Chef de Division, Human Rights Intergovernmental Cooperation Division / Division de la coopération intergouvernementale en matière de droits de l’Homme, Secretary of the CDDH / Secrétaire du CDDH

Mr David MILNER, Administrator / Administrateur, Human Rights Intergovernmental Cooperation Division / Division de la coopération intergouvernementale en matière de droits de l’Homme

Mr Daniele CANGEMI, Head of Division / Chef de Division, Human Rights Law and Policy Division / Division du droit et de la politique des droits de l’Homme

Mme Virginie FLORES, Administrator, Human Rights Intergovernmental Cooperation Division / Division de la coopération intergouvernementale en matière de droits de l’Homme

Ms Merete BJERREGAARD, Administrator, Human Rights Law and Policy Division / Division du droit et de la politique des droits de l’Homme

Ms Severina SPASSOVA, Administrator, Human Rights Law and Policy Division / Division du droit et de la politique des droits de l’Homme

Mrs Laurence LWOFF, Secretary of the DH-BIO / Secrétaire du DH-BIO

Ms Liri KOPACI-DI MICHELE, Head of Division / Chef de Division, Gender Equality and violence against women / Égalité entre les femmes et les hommes et violence à l’égard des femmes

Mme Corinne GAVRILOVIC, Assistant / Assistante, Human Rights Intergovernmental Cooperation Division / Division de la coopération intergouvernementale en matière de droits de l’Homme

**INTERPRETERS / INTERPRÈTES**

Ms Corinne McGEORGE

Mr Christopher TYCZKA

Ms Julia TANNER

\* \* \*



## Appendix II

### **Agenda**

#### **ITEM 1: OPENING OF THE MEETING, ADOPTION OF THE AGENDA AND THE ORDER OF BUSINESS**

Draft agenda	CDDH(2013)OJ002
Draft order of business	CDDH(2013)OT002
Reference document	<a href="#">CDDH(2013)012</a>
Report of the 88 <sup>th</sup> meeting of the Bureau of the CDDH (Paris, 13-14 June 2013)	CDDH-BU(2013)R88
Report of the 77 <sup>th</sup> meeting of the CDDH (19-22 March 2013)	<a href="#">CDDH(2013)R77</a>

#### **ITEM 2: RECOMMENDATIONS OF THE PARLIAMENTARY ASSEMBLY**

Reference document	<a href="#">CDDH(2013)012</a>
Report of the 88 <sup>th</sup> meeting of the Bureau of the CDDH (Paris, 13-14 June 2013)	CDDH-BU(2013)R88
Texts of the relevant recommendations, and elements prepared by the Secretariat	CDDH(2013)013
Comments by DH-BIO on PACE Recommendation 2017(2013)	DH-BIO/abr RAP3 Appendix III

#### **ITEM 3: REFORM OF THE COURT (DH-GDR)**

Reference document	<a href="#">CDDH(2013)012</a>
Report of the 88 <sup>th</sup> meeting of the Bureau of the CDDH (Paris, 13-14 June 2013)	CDDH-BU(2013)R88
Report of the 77 <sup>th</sup> meeting of the CDDH (19-22 March 2012)	<a href="#">CDDH(2012)R77</a>
Report of the 4 <sup>th</sup> meeting of the Committee of experts on the reform of the Court (DH-GDR, 5-7 June 2013)	<a href="#">DH-GDR(2013)R4</a>
Opinion of the Court and the Parliamentary Assembly on Protocol No. 15 to the Convention	<a href="#">CDDH(2013)015</a>
Opinion of the Court on Protocol No. 16 to the Convention	<a href="#">CDDH(2013)016</a>

##### ***3.1 Completed work***

Draft toolkit to inform public officials about the State's obligations under the Convention	<a href="#">DH-GDR(2013)R4</a> <a href="#">Addendum III</a>
Draft guide to good practice in respect of domestic remedies	<a href="#">DH-GDR(2013)R4</a> <a href="#">Addendum II</a>
Draft CDDH report containing conclusions and possible proposals for action on ways to resolve the large numbers of applications arising from systemic issues identified by the Court	<a href="#">DH-GDR(2013)R4</a> <a href="#">Addendum I</a>

##### ***3.2 Ongoing work***

Report of the 4 <sup>th</sup> meeting of the Committee of experts on the reform of the Court (DH-GDR, 5-7 June 2013)	<a href="#">DH-GDR(2013)R4</a>
--	--------------------------------

##### ***3.3 Future work***

Possible activities concerning Court reform for the biennium 2014-2015	<a href="#">DH-GDR(2013)009</a>
--	---------------------------------

## **ITEM 4: ACCESSION OF THE EUROPEAN UNION TO THE EUROPEAN CONVENTION ON HUMAN RIGHTS**

Reference document	<a href="#">CDDH(2013)012</a>
Report of the 88 <sup>th</sup> meeting of the Bureau of the CDDH (Paris, 13-14 June 2013)	CDDH-BU(2013)R88
Report of the 4 <sup>th</sup> 47+1 meeting (21-23 January 2013)	<a href="#">47+1(2013)R04</a>
Report of the 5 <sup>th</sup> 47+1 meeting (2-5 April 2013)	<a href="#">47+1(2013)R05</a>
Final report to the CDDH	<a href="#">47+1(2013)008rev2</a>

## **ITEM 5: DEVELOPMENT AND PROMOTION OF HUMAN RIGHTS**

Reference document	<a href="#">CDDH(2013)012</a>
Report of the 88 <sup>th</sup> meeting of the Bureau of the CDDH (Paris, 13-14 June 2013)	CDDH-BU(2013)R88
Report of the 77 <sup>th</sup> meeting of the CDDH (19-22 March 2013)	<a href="#">CDDH(2013)R77</a>

### **5.1 *Rights of older persons (CDDH-AGE)***

Report of the 3 <sup>rd</sup> meeting of the CDDH-AGE (15-17 May 2013)	<a href="#">CDDH-AGE(2013)R3</a>
Compendium of good practices	<a href="#">CDDH-AGE(2013)04</a>

### **5.2 *Corporate social responsibility in the field of human rights***

Feasibility study	<a href="#">CM(2012)164 add</a>
Preliminary draft Declaration by the Committee of Ministers	<a href="#">CDDH(2013)014</a>

### **5.3 *Human rights in culturally diverse societies***

Document prepared by the Secretariat	<a href="#">CDDH(2012)018</a>
Draft feasibility study	<a href="#">CDDH(2013)017</a>

### **5.4 *Future work***

Annotated list of possible items for future work - Document revised by the Secretariat	<a href="#">CDDH(2013)005rev2</a>
--	-----------------------------------

## **ITEM 6: BIOETHICS (DH-BIO)**

Reference document	<a href="#">CDDH(2013)012</a>
Report of the 88 <sup>th</sup> meeting of the Bureau of the CDDH (Paris, 13-14 June 2013)	CDDH-BU(2013)R88
Abridged Report of the 3 <sup>rd</sup> meeting of the DH-BIO (28-30 May 2013)	<a href="#">DH-BIO abr RAP 3</a>

## **ITEM 7: GENDER EQUALITY (GEC)**

Reference document	<a href="#">CDDH(2013)012</a>
Report of the 88 <sup>th</sup> meeting of the Bureau of the CDDH (Paris, 13-14 June 2013)	CDDH-BU(2013)R88
Report of the 3 <sup>rd</sup> meeting of the GEC (10-12 April 2013)	<a href="#">GEC(2013)RAP 1</a>

## **ITEM 8: EXPERTS REPRESENTING THE CDDH IN OTHER BODIES**

Reference document	<a href="#">CDDH(2013)012</a>
Report of the 88 <sup>th</sup> meeting of the Bureau of the CDDH (Paris, 13-14 June 2013)	CDDH-BU(2013)R88

**ITEM 9: ELECTIONS**

Reference document	<a href="#">CDDH(2013)012</a>
Report of the 88 <sup>th</sup> meeting of the Bureau of the CDDH (Paris, 13-14 June 2013)	CDDH-BU(2013)R88

**ITEM 10: EXCHANGE OF VIEWS WITH PERSONALITIES**

Reference document	<a href="#">CDDH(2013)012</a>
Report of the 88th meeting of the Bureau of the CDDH (Paris, 13-14 June 2013)	CDDH-BU(2013)R88

**ITEM 11: WORKING METHODS**

Reference document	<a href="#">CDDH(2013)012</a>
Report of the 88th meeting of the Bureau of the CDDH (Paris, 13-14 June 2013)	CDDH-BU(2013)R88

**ITEM 12: CALENDAR OF MEETINGS**

Reference document	<a href="#">CDDH(2013)012</a>
Report of the 88th meeting of the Bureau of the CDDH (Paris, 13-14 June 2013)	CDDH-BU(2013)R88

**ITEM 13: PREPARATION OF THE 2014/2015 BIENNIUM**

Reference document	<a href="#">CDDH(2013)012</a>
Report of the 88th meeting of the Bureau of the CDDH (Paris, 13-14 June 2013)	CDDH-BU(2013)R88
Report of the 2 <sup>nd</sup> meeting of the DH-BIO (4-6 December 2012)	<a href="#">DH-BIO/RAP2 Appendix IV</a>

**ITEM 14: REVIEW OF COUNCIL OF EUROPE CONVENTIONS**

Document prepared by the Secretariat	CDDH-BU(2013)019
--------------------------------------	------------------

**ITEM 15: OTHER BUSINESS**

Reference document	<a href="#">CDDH(2013)012</a>
Report of the 88th meeting of the Bureau of the CDDH (Paris, 13-14 June 2013)	CDDH-BU(2013)R88

\* \* \*

Appendix III**CDDH comments on recommendations  
of the Parliamentary Assembly****Recommendation of the Parliamentary Assembly 2015(2013) - “Young people’s  
access to fundamental rights”**

1. The Steering Committee for Human Rights (CDDH) takes note with interest of this Recommendation.
2. The CDDH shares the view expressed in the Assembly recommendation that the preparation of a binding instrument in this field would be difficult.
3. The CDDH recalls that the European Convention on Human Rights and the European Social Charter apply to all individuals, including young people (see in this regard the research report “*Selected case-law of the European Court of Human Rights on Young People*” published by the Court in November 2012). At the same time, it considers that it is indeed extremely important to ensure adequate visibility and enforceability to the rights as set out in the Convention and in the European Social Charter amongst young people, and therefore supports the Assembly’s call for the elaboration of a non-binding instrument aiming at improving access of young people to fundamental rights. It expresses its availability to contribute to the elaboration of such instrument, by means of a consultation or of the participation of a CDDH representative in its elaboration by the competent Committee(s).
4. It is noted that some of the most recent documents elaborated by the CDDH, including the committee of Ministers’ recommendations on the human rights of members of armed forces and on measures to combat discrimination on grounds of sexual orientation or gender identity, contain provisions which are particularly relevant young people with respect to access to their rights without discrimination and to the prevention and redress of human rights violations. The CDDH, as well as the Gender Equality Commission (GEC) and the Committee on Bioethics (DH-BIO), will continue to pay attention to the situation of young people, and notably to the impact of current social and economic challenges on the enjoyment of their fundamental rights, in particular as regards employment, housing, health, education and non-discrimination.

**Recommendation of the Parliamentary Assembly 2016(2013) - “Frontex: human  
rights responsibilities”**

1. The Steering Committee for Human Rights (CDDH) takes note with interest of this Recommendation.
2. The CDDH shares the views expressed by the Assembly in its recommendation as regards the importance of ensuring that Frontex is supported and encouraged in human

rights matters, and that relevant Council of Europe standards as those mentioned in the Recommendation are taken into account in Frontex work. In this respect, the CDDH would also suggest to refer to other relevant instruments adopted in the last years by the Committee of Ministers, such as the 2009 “Guidelines on human rights protection in the context of accelerated asylum procedures” and the 2005 “Twenty Guidelines on forced return”.

3. The CDDH recognises the important role of ombudspersons and national human rights institutions and supports possible future developments in the area of co-operation with them (in the context of a new “peer-to-peer network” project or otherwise) which could focus notably on areas of interest for Frontex. It looks with interest at co-operation with partners already active in assisting Frontex, such as the European Union Agency for Fundamental Rights. It also expresses its availability to take part in regular exchanges of views on participation and input of the Council of Europe in Frontex’s Consultative Forum on Fundamental rights.

**Recommendation 2017 (2013) of the Parliamentary Assembly – “Nanotechnology: balancing benefits and risks to public health and the environment”**

1. The Steering Committee for Human Rights (CDDH) takes note with interest of this recommendation. It notes, however, that the categorisation “nanomaterial”, which relates to the particle size, neither implies a specific risk, nor necessarily means that the material actually has new hazard properties. Any regulatory framework must therefore be flexible in its approach.

2. It also endorses all comments prepared by the Committee on Bioethics (DH-BIO)<sup>3</sup>, as they appear below:

*DH-BIO Comments*

1. The Committee of Ministers agreed to communicate to the Committee on Bioethics (DH-BIO) for information and possible comments Recommendation 2017 (2013) – Nanotechnology: balancing benefits and risks to public health and the environment.

2. The DH-BIO examined the Recommendation at its 3rd plenary meeting (28-30 May 2013) and adopted this opinion.

3. In its recommendation, the Assembly underlined “the potential for enormous benefits (in particular in the field of “nanomedicine””, but also “the potential for serious harm” that nanotechnology and its applications may have. To address those issues, the Assembly proposes “as a first step” the preparation of a feasibility study with a view to “the elaboration of possible standards in this area”.

4. The DH-BIO notes that the proposals of the Parliamentary Assembly cover fields such as the environment, going beyond its field of competence.

---

<sup>3</sup> 3<sup>rd</sup> meeting of the DH-BIO, 28-30 May 2013; see abridged report DH-BIO/ abr RAP 3, Appendix III.

5. The DH-BIO recalls that the role of progress in sciences and technologies in the biological and medical field in the improvement of human health and quality of life is widely acknowledged in the work of the Council of Europe. But the implications for human beings of a misuse of such knowledge and technologies are also stressed and, as stated in the preamble of the Convention on Human Rights and Biomedicine, the need to use this progress for the benefit of present and future generations.

6. The objective of the work carried out by the DH-BIO is to protect human dignity and individual rights in the field of biomedicine, in particular with respect to new scientific and technological advances. To that end, it follows developments in the biomedical field to assess the ethical challenges.

7. It is in this context that the DH-BIO proposed to examine in 2014-2015 ethical challenges raised by emerging technologies, including nanotechnology. The DH-BIO thus proposed the preparation of studies to analyse the implications for human rights of these technologies and their applications in the biomedical field with a view to the drafting a possible white paper. This project proposed for the 2014-2015 biennium would contribute to providing a basis for a possible standard-setting initiative of the Council of Europe in the field of emerging technologies, in particular nanotechnology.

8. Furthermore, the applications of nanotechnology outside the field of biomedicine may have indirect effects on human health. Their bioethical implications could be identified in the studies considered.

\* \* \*

Appendix IV**Preliminary draft Declaration of the Committee of Ministers  
on the United Nations Guiding Principles on Business and Human Rights**

*(as presented to the CDDH at its 78<sup>th</sup> meeting, 25-28 June 2013.  
The text will be further examined by the CDDH-CORP)*

The Committee of Ministers of the Council of Europe,

[1] Reaffirming its commitment to the protection of all human rights stated in the European Convention on Human Rights and the European Social Charter, including the revised Social Charter;

[2] Recalling the member states' obligation to take steps for the enforcement of all human rights and their primary responsibility to protect individuals within their jurisdiction against human rights abuses;

[3] Recognising the business community's role in the respect of human rights within its sphere of influence and activities, as well as its contribution to the realisation of human rights by generating economic growth, employment and tax revenue;

[4] Expressing however concern about the alleged involvement of some business enterprises in human rights abuses committed within or outside the territories of member states;

[5] Recognising the significant and continuous contribution of the United Nations to the protection and the promotion of human rights at international level;

[6] Considering the United Nations "Guiding Principles on Business and Human Rights: Implementing the United Nations "Respect, Protect and Remedy" Framework", endorsed by the United Nations Human Rights Council on 16 June 2011 ("the UN Guiding Principles");

[7] Recalling the Council of Europe standards and other activities in which the relationship between human rights and the role and responsibility of the business community has already been articulated;<sup>4</sup>

[8] Welcomes the UN Guiding Principles and stresses their added value as globally agreed authoritative standard, which has been taken up by intergovernmental organisations, governments, the business community and civil society;<sup>5</sup>

---

<sup>4</sup> See the Committee of Ministers reply to Parliamentary Assembly Recommendation 1936 (2010) on "Human Rights and Business" of 6 July 2011(CM/AS(2011)Rec1936 final)

<sup>5</sup> The Organisation for Economic Cooperation and Development (OECD), International Organisation of Standardisation (ISO), the International Finance Corporation (IFC), the United Nations Food and Agricultural Organisation (FAO) and the European Union (EU), have recognised the UN Guiding Principles as a basis for the development of their own business and human rights policies and standards. Moreover, a number of individual governments use the UN Guiding Principles in conducting their own policy assessments. In addition, major global corporations are realigning their due diligence processes based on them and civil society actors employ them in their analytical and advocacy work.

[9] Endorses the UN Guiding Principles as the reference point for its own work on corporate social responsibility in the field of human rights;

[10] Reaffirms its willingness to seek cooperation with the European Union and other international organisations, national human rights institutions and civil society in the dissemination and implementation of the UN Guiding Principles, at the European level and beyond;

[11] Expresses its strong support for the implementation of the UN Guiding Principles by Council of Europe member states and, to this end, calls on them:

- to prevent, investigate, punish and redress corporate-related human rights abuses through effective policies, legislation, regulations and adjudication;
- to ensure that business enterprises respect human rights within and, if there is a recognised jurisdictional basis and respect for human rights so requires, also beyond their territories;
- to develop national action plans for the implementation of the UN Guiding Principles;

[12] Recognises that business enterprises have a responsibility to respect human rights that exists over and above compliance with national laws and regulations and consists in avoiding infringements on the human rights of others and in addressing adverse human rights impacts with which they are involved;

[13] Underlines that member states, when implementing the UN Guiding Principles, should therefore [also ensure that business enterprises engage in human rights due-diligence processes] [not only consider measures that encourage, but also measures that require that business enterprises engage in human rights due-diligence processes];

[14] Stresses that the UN Guiding Principles are only a first step towards closing the governance and accountability gaps causing corporate-related human rights abuses and expresses its willingness to contribute to their effective implementation at the European level through the elaboration of instruments addressing specific gaps, the sharing of best practices and capacity-building activities.

\* \* \*



## Appendix V

### **CDDH Terms of reference for its Drafting Group on Human Rights and Business (CDDH-CORP)**

At its 78<sup>th</sup> meeting (25-28 June 2013), the CDDH decided to establish an open-ended drafting group to fulfil specific tasks for implementing the decisions taken by the Committee of Ministers on 30 January 2013 regarding corporate social responsibility in the field of human rights, between and during its meetings. The work of the group should be inspired by the UN Guiding Principles and aim at complementing them. It should focus on areas where the Council of Europe can best add value. This includes notably:

- to elaborate – in co-operation with the private sector and civil society – a non-binding instrument, which may include a guide of good practice, addressing gaps in the implementation of the UN Guiding Principles at the European level, including with respect to access to justice for victims of corporate human rights abuses, to be submitted to the Committee of Ministers by 31 December 2015;
- to elaborate a declaration of the Committee of Ministers supporting the UN Guiding Principles, to be submitted to the Committee of Ministers by 30 June 2014.

#### **Composition:**

##### **Members**

The Council of Europe budget will bear the travel and subsistence expenses of 12 members appointed by the following member states: Albania, Austria, Finland, France, Germany, Hungary, Latvia, The Netherlands (Chair), Russian Federation, Switzerland, Ukraine, United Kingdom.

The national authorities could choose to be represented by their CDDH expert or by another person. The representatives should have relevant expertise concerning corporate social responsibility in the field of human rights as well as experience in the field of inter-governmental cooperation.

The above-mentioned states may send (an) additional representative(s) to meetings of the Group at their own expense. Representatives appointed by other member states may participate in the meetings of the Group at the expense of these states.

##### **Participants**

The ECSR, the CDMSI and the CEPEJ may each send (a) representative(s) to meetings of the Group.

The Parliamentary Assembly, The Council of Europe Commissioner for Human Rights, the Registry of the European Court of Human Rights and the Conference of INGOs of the Council of Europe may send (a) representative(s) to meetings of the Committee.

All these representatives should attend at the expense of the respective administrative budget.

### **Other Participants**

The European Commission and the Council of the European Union, States with observer status of the Council of Europe (Canada, Holy See, Japan, Mexico, United States of America) and the following bodies and intergovernmental organisations:

- Organisation for Security and Co-operation in Europe (OSCE) / Office for Democratic Institutions and Human Rights (ODIHR);
- Office of the United Nations High Commissioner for Human Rights;
- European Union Agency for Fundamental Rights (FRA);
- Organisation for Economic Cooperation and Development (OECD),

may send (a) representative(s) to meetings of the Group without defrayal of expenses.

### **Observers**

The following non-governmental organisations and other bodies:

- Amnesty International
- International Commission of Jurists (ICJ)
- International Federation of Human Rights (FIDH);
- European Group of National Human Rights Institutions

may send (a) representative(s) to meetings of the Group without defrayal of expenses.

In addition, the following organisations are invited to send (a) representative(s) to meetings of the Group without defrayal of expenses:

- Representatives of the business sector in general:
  - o Business Europe
  - o Eurochambers
  - o the European Association of Craft and SMEs
- Representatives of networks of companies specialised in Corporate Social Responsibility issues:
  - o the European Business network for Corporate Social Responsibility (CSR Europe)
  - o BSR

- Representatives of the employees:
  - the European Trade Union Confederation (ETUC)
  - the International Trade Union Confederation (ITUC)
  
- Representatives of civil society specialised in Corporate Social Responsibility issues:
  - the European Coalition for Corporate Justice (ECCJ)

The CDDH authorises the Group to invite other organisations, companies or experts to specific meetings if necessary.

\* \* \*

Appendix VI**Partial renewal of the GEC****Letter to be sent in September 2013 to experts of the CDDH representing member states entitled<sup>6</sup> to present candidates**

Strasbourg, [15 September 2013]

Re: Partial renewal of the Gender Equality Commission

Dear colleague,

At its next plenary meeting (26-29 November 2013), the CDDH is expected to proceed to the partial renewal of the Gender Equality Commission (GEC) by appointing 8 representatives of member states whose travel and subsistence expenses will be borne by the budget of the Council of Europe.

Important information about this partial renewal, and in particular on the method of appointment confirmed by the CDDH at its plenary meeting in June 2013, is appended to this letter. It is understood that, at any moment, other member states may send representatives to the GEC meetings, although without defrayal of expenses.

The purpose of this letter is to invite your authorities to submit their proposal(s) for such partial renewal. It is reminded that representatives should be of the highest possible rank, with recognised expertise in the field of gender equality. Proposals should be accompanied by a brief C.V. I would like to draw your attention to the fact that the persons elected would represent the States that nominated them and that they should be available for all meetings of the GEC.

You are invited to communicate your proposal(s) to the Secretariat of the CDDH ([alfonso.desalas@coe.int](mailto:alfonso.desalas@coe.int)) no later than 15 October 2013.

Yours faithfully,

Derek WALTON

Chairman of the Steering Committee for Human Rights

Cc. Permanent Representations of member states concerned

Appendices : Information on the partial renewal of the GEC

Terms of reference of the Gender Equality Commission (GEC)

---

<sup>6</sup> Albania, Andorra, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Denmark, Estonia, Georgia, Germany, Greece, Hungary, Iceland, Latvia, Liechtenstein, Luxembourg, Malta, Moldova, Monaco, Montenegro, Romania, San Marino, Serbia, Slovak Republic, Sweden, "The former Yugoslav Republic of Macedonia", Turkey, United Kingdom.

***I - Information concerning the partial renewal of the Gender Equality Commission (GEC)***

1. In November 2013, the CDDH will proceed to the appointment of 8 members of the GEC, participating in its work at the expense of the Council of Europe's budget, for a non-renewable term of office of 2 years as from 1 January 2014. The CDDH understands that all members of the GEC, although they are elected taking into account their personal profile, represent the state that proposed them.

2. According to the rules adopted by the CDDH in February 2012 (see reference document CDDH(2013)012, Appendix II), the members of the GEC are not eligible for election for a second consecutive term of office. Countries having a member who has participated in the work of the GEC at the expense of the Council of Europe may not present a new candidate at the next following elections. It is not necessary to proceed to the appointment of substitutes.

3. In the light of the current composition of the GEC<sup>7</sup>, the invitation for candidatures will be sent by the Secretariat on 15 September 2013 to the 30 member states entitled to propose candidates, namely: Albania, Andorra, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Denmark, Estonia, Georgia, Germany, Greece, Hungary, Iceland, Latvia, Liechtenstein, Luxembourg, Malta, Moldova, Monaco, Montenegro, Romania, San Marino, Serbia, Slovak Republic, Sweden, "The former Yugoslav Republic of Macedonia", Turkey, United Kingdom. Member states are invited to ensure that their candidate, if elected, will be in a position to attend all GEC meetings.

4. The deadline for the receipt of candidatures, accompanied by a relevant C.V. to be sent to the Secretariat of the CDDH ([alfonso.desalas@coe.int](mailto:alfonso.desalas@coe.int)) has been set at 15 October 2013. The Secretariat will send the candidatures to the CDDH experts of the 47 member states, for their information, before the plenary meeting of November 2013.

5. The election will take place on Thursday, 28 November 2013 by means of ballot papers indicating the names of all the candidates, listed in the English alphabetical order of their respective countries. The CDDH expert of each of the 47 member states will be called on to vote for a maximum of 8 candidates.

6. The 8 candidates with the highest score of votes in their favour will be selected to participate in the work of the GEC at the expense of the Organisation, it being understood that every country is entitled to send other members at any time at their own expense. When selecting candidates, each person voting is invited to take into account, as general

---

<sup>7</sup> Members of the GEC currently participating in its work at the expense of the Council of Europe's budget come from the following 16 member states: Armenia, Austria, Finland, France, Ireland, Italy, Lithuania, Netherlands, Norway, Poland, Portugal, Russian Federation, Slovenia, Spain, Switzerland and Ukraine. These member states are therefore not entitled to present candidates for this election. The Norwegian expert having subsequently left the GEC, he was replaced by the next candidate having received the most votes during the 2012 election, namely the one from the Czech Republic. Therefore, this state is also not entitled to present a candidate at the election in November 2013.

criteria, the need to ensure a geographical and gender balance, as well as the quality of the members in the light of the submitted C.V.

## ***II - Current terms of reference of the Gender Equality Commission (GEC)***

(Terms of reference valid from 1 January 2012 until 31 December 2013)

<b>Main tasks</b>
<p>Under the supervision of the Steering Committee for Human Rights (CDDH), the GEC will conduct the intergovernmental work in the field of gender equality assigned to it by the Committee of Ministers. The GEC will:</p> <ul style="list-style-type: none"> <li>(i) Ensure that a gender perspective is maintained in the activities of other bodies and committees of the Organisation;</li> <li>(ii) Conduct needs' assessments and advise on the development of standards, co-operation and monitoring activities within its field of competence;</li> <li>(iii) Provide expertise to member states on the development of legislation, policies, practice, training schemes and awareness material to support implementation of internationally agreed standards at national level;</li> <li>(iv) Support a network of national focal points from government, parliaments, local authorities, civil society and business for the purposes of achieving real change on gender equality in member states;</li> <li>(v) Annually identify a topic of particular relevance in the field of gender equality and organise an annual thematic conference to exchange experience, good practices and facilitate progress on this topic;</li> <li>(vi) Advise, through the CDDH, the Committee of Ministers and the Secretary General on appropriate action to be taken and likewise provide advice as requested on such questions as may arise;</li> <li>(vii) Engage in co-ordination and joint planning at international level with the European Union, UN Women and other intergovernmental organisations and civil society;</li> <li>(viii) Advise on gender equality issues within the Secretariat of the Organisation.</li> </ul>
<b>Pillar / Sector / Programme</b>
<p><b>Pillar:</b> Human Rights  <b>Sector:</b> Promoting Human Rights  <b>Programme:</b> Equality and Diversity</p>
<b>Expected results</b>
<ul style="list-style-type: none"> <li>(i) Gender equality remains a visible priority for the Organisation (internal and external);</li> <li>(ii) the 2009 Madrid Declaration and the 2010 Baku Action Plan are being implemented;</li> <li>(iii) a feasibility study is carried out on access to justice of women;</li> <li>(iv) the Council of Europe Convention on Action against Trafficking in Human Beings (CETS</li> </ul>

- 197) and the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS 210) are promoted;
- (v) the implementation of relevant Committee of Ministers' recommendations is reviewed;
  - (vi) the visibility of the Council of Europe's standards is enhanced at United Nations level;
  - (vii) co-operation with relevant UN agencies, namely UN Women and relevant UN Special Rapporteurs and participation in relevant meetings (UN Commission on the Status of Women, Committee on the Elimination of Discrimination against Women, Human Rights Committee, events and conferences organised by UN Women), as well as at the European Union level, by co-operation with the Fundamental Rights Agency (FRA), the European Institute for Gender Equality (EIGE), with the aim of strengthening equality and enhancing women's rights as an integral part of universal human rights.

## Composition

### Members:

16 representatives of the highest possible rank, with recognised expertise in the field of gender equality appointed on the basis of rotation by the Steering Committee for Human Rights (CDDH) on proposal of the member states. The composition of the Commission will reflect an equitable geographic distribution amongst the member states.

The Council of Europe will bear the travel and subsistence expenses of the representatives from the respective 16 member states.

Other member states may send representatives without defrayal of expenses.

### Participants:

The following may send representatives without the right to vote and at the charge of their corresponding administrative budgets:

- Parliamentary Assembly of the Council of Europe;
- Congress of Local and Regional Authorities of the Council of Europe;
- European Court of Human Rights;
- Council of Europe Commissioner for Human Rights;
- Conference of INGOs of the Council of Europe;
- committees or other bodies of the Council of Europe engaged in related work, as appropriate.

The following may send representatives without the right to vote and without defrayal of expenses:

- European Union (one or more representatives, including, as appropriate, the European Union Agency for Fundamental Rights (FRA), the European Institute for Gender Equality));

- Observer States to the Council of Europe: Canada, Holy See, Japan, Mexico, United States of America;

- representatives of other international organisations: Organisation for Security and Co-operation in Europe (OSCE) (including ODIHR), United Nations (including UN-Women and other relevant UN agencies).

**Observers:**

The following may send representatives without the right to vote and without defrayal of expenses:

Amnesty International, Human Rights Watch, European Women's Lobby and WAVE (Women against Violence in Europe).

**Working methods****Meetings:**

16 members, 2 meetings in 2012, 3 days

16 members, 2 meetings in 2013, 3 days

- (i) The Gender Equality Commission is an integral part of the Council of Europe Transversal Programme on Gender Equality. With a view to fulfilling its main tasks, the GEC will maintain close links with other elements of the Transversal Programme, notably with the national focal points on gender equality;
- (ii) The Gender Equality Commission will engage in a regular exchange of views with the CM Thematic Co-ordinator on Equality and Trafficking (TC-ET) and gender equality Rapporteurs appointed by the respective steering committees of the Council of Europe.

The rules of procedure of the Committee are governed by Resolution CM/Res(2011)24 on intergovernmental committees and subordinate bodies, their terms of reference and working methods.

The Chair or Vice-Chair of GEC may be invited to attend the meetings of the CDDH and its Bureau in order to inform them on progress with its work.

\* \* \*



Appendix VII**Activities proposed by the CDDH for the biennium 2014-2015****I. REFORM OF THE COURT**

cf. report of the 78<sup>th</sup> meeting of the Steering Committee for Human Rights (CDDH), 25-28 June 2013, document CDDH(2013)R78

***Proposed new activities for 2014-2015***

- **Longer-term reform of the Court and the Convention system**

The Committee of Ministers has already given terms of reference to the CDDH to prepare a report containing opinions and possible proposals concerning the longer-term future of the Convention system, in accordance with paragraphs 35.c)-f) of the Brighton Declaration, which foresee a particularly open and inclusive process.

- **Procedure for the amendment of the Rules of Court/ possible upgrading to the Convention of certain provisions of the Rules of Court**

This work would in particular build upon paragraph 12.c) iii) of the Brighton Declaration.

- **Updating and developing existing Committee of Ministers' instruments**

- Updating Committee of Ministers' Recommendation CM/Rec(2010)3 on effective measures for excessive length of proceedings and its accompanying Guide to Good Practice, with a view also to their publication;
- Updating Committee of Ministers' Recommendation Rec(2004)4 on the Convention in university education and professional training and/ or developing guidelines on good practice in respect of human rights training for legal professionals.

The CDDH is willing to carry out these activities if requested to do so, whilst considering that they should have lower priority than other activities, especially those on longer-term reform.

## **II. DEVELOPMENT AND PROMOTION OF HUMAN RIGHTS**

cf. report of the 78<sup>th</sup> meeting of the Steering Committee for Human Rights (CDDH), 25-28 June 2013, document CDDH(2013)R78

### ***Current activities to be finalised in 2014-2015***

#### **Corporate Social Responsibility**

- Elaboration of a draft Declaration of the Committee of Ministers supporting the UN Guiding Principles. Timetable: by 30 June 2014.
- Elaboration of a non-binding instrument, which may include a guide of good practice, addressing gaps in the implementation of the UN Guiding Principles at the European level, including with respect to access to justice for victims of corporate human rights abuses. Timetable: by 31 December 2015.

#### **Human Rights in Culturally Diverse Societies**

On the basis of the feasibility study adopted, one or more of the following activities could be carried out in 2014-2015, subject to the final decision by the Committee of Ministers:

- Elaboration of general guidelines on the promotion and protection of human rights in culturally diverse societies, with a possible specific focus on the issues related to human rights education and training (by 31 December 2015).
- Elaboration of a handbook on human rights in culturally diverse societies presenting principles and their application through good practices (by 31 December 2014).
- Preparation of a document compiling the existing Council of Europe standards relating to the principles of freedom of thought, conscience and religion and the link to other convention rights, in particular freedom of expression, supplemented by a compendium of good practices applied in the member states (by 31 December 2015).
- Elaboration of guidelines or of a new recommendation by Committee of Ministers on the issue of hate speech, and/or updating the 2008 Manual on hate speech in the light of new challenges (by 31 December 2015).

### ***Proposed new activities for 2014-2015***

On the basis of the study adopted, one or more of the following activities could be carried out in 2014-2015, subject to the final decision by the Committee of Ministers:

- **The impact of the economic crisis on human rights in Europe**

- Studying the issue further in order to identify possible specific areas for action (by 30 June 2014), in view of the possible revision of existing instruments, the elaboration of a non-binding instrument, and/or the elaboration of a Committee of Ministers declaration on this theme (by 31 December 2015).

### III. BIOETHICS

cf. report of the 2<sup>nd</sup> meeting of the Committee on Bioethics (DH-BIO), 4-6 December 2012, document DH-BIO/RAP2, Appendix IV

#### *Current activities to be finalised in 2014-2015*

1. **Biobanks:** Finalisation of the re-examination of Rec(2006)4. Timetable: 1<sup>st</sup> part of 2015.
2. **Decision-making process in the field of medical treatment in end-of-life situations:** Finalisation and launching of a “Guide”. Timetable: 1<sup>st</sup> part of 2014.
3. **Draft Protocol on the protection of human rights and dignity of persons with mental disorders:** Finalisation of draft Protocol. Timetable: 2015.
4. **Prenatal sex selection:** Where appropriate, preparation of guidelines. Timetable: 2014-2015.

#### *Proposed new activities for 2014-2015*

1. **Emerging technologies:** (i) Preparation of expert study(ies) on emerging technologies in the biomedical field, in particular genetics, neuromodulation and nanotechnologies (scope to be possibly refined). Objective: identifying major challenges for human rights of emerging technologies. Timetable: to be launched in 2013. Assessment by the DH-BIO: end of 2014 – early 2015. (ii) Preparation of elements for the elaboration of a White paper on main challenges for human rights. Timetable: 2015.
2. **Clinical ethics committees (CEC):** (i) Preparation of a questionnaire. Objective: General overview of nature, composition, role and issues addressed by CEC. Timetable: 2014. (ii) Impact study on a selected type of CEC (e.g. CEC in hospital) on the protection of patients’ rights. Means: expert consultant (subject to availability of budgetary allocation). Timetable: 2015.

3. **Medical files:** (i) Preparation of a questionnaire on current situation (on regulation and practices) in member states (where appropriate complementing already collected data, in particular by European Commission, focusing then on new practices in the medical field and access to medical files by third parties). Timetable: 2013; (ii) Analysis of the main ethical concerns raised by new developments, such as the use of electronic medical files and transborder flow of personal medical data. Means: expert consultant. Timetable: 2014 (iii) Where appropriate, contribution to the re-examination of Rec(97)5 on the protection of medical data and other relevant work possibly undertaken by other intergovernmental organisations. Timetable: subject to the Consultative Committee of the Convention for the protection of individuals with regard to automatic processing of personal data (T-PD) calendar.
  
4. **Direct to consumer testing :** Round table with patient organisations, consumer organisations, geneticists and, where appropriate, other stakeholders. Timetable: 2015.

#### IV. GENDER EQUALITY

cf. report of the 3<sup>rd</sup> meeting of the Gender Equality Commission (GEC), 10-12 April 2013, document GEC(2013)RAP1, and information provided by the Secretariat concerned; cf. also revised draft Gender Equality Strategy 2014-2017, document GEC(2013)4rev.

##### *Current activities to be finalised in 2014-2015*

1. **Equal Access for Women to Justice:** The GEC has proposed holding one hearing in 2013, another in 2014 and possibly a larger event towards the end of 2014 (subject to availability of funding). These hearings should help member States to identify the obstacles to women's access to justice and possible remedial action both at national and at international level. Possible themes include: persistent barriers in achieving equal access for women to justice; access to justice for women victims of violence; tackling the gaps in research and lack of data disaggregated by sex.
  
2. **Women and Media:** the first Conference of the National Focal Points on Gender Equality "Media and the Image of Women" will take place in the Netherlands on 4-5 July 2013. A report will be prepared and submitted to the GEC and subsequently to the CDDH ahead of their meetings in November 2013 to discuss further action and possible follow-up by the Council of Europe.
  
3. **Violence against Women:** The GEC has launched the 4<sup>th</sup> round of monitoring of the implementation of Recommendation Rec(2002)5 on the protection of women from violence. A preliminary analytical report will be

submitted to the GEC and subsequently to the CDDH ahead of their meetings in November 2013 for comments. The results will be used to set priorities and propose expertise and support to member States.

***Proposed new activities for 2014-2015***

1. The Council of Europe Strategy on Gender Equality is expected to be adopted at the end of 2013. The choice of priorities will have an impact on the nature of the activities to be implemented in 2014 and beyond.
2. 2<sup>nd</sup> and 3<sup>rd</sup> Conference of National Focal Points (2014-2015). The first Conference of the National Focal Points (Netherlands, 4-5 July 2013) will discuss the theme of the meeting in 2014.

\* \* \*

### Appendix VIII

#### **Experts representing the CDDH in other bodies**

- Committee on Bioethics (DH-BIO): Mrs Brigitte KONZ (Luxembourg)
- Drafting Group of the DH-BIO for a preliminary draft of additional Protocol on the protection of the dignity and fundamental rights of persons with mental disorders with regard to involuntary treatment and placement: Mr Frank SCHURMANN (Switzerland)
- European Commission for the Efficiency of Justice (CEPEJ) if the agenda requires it: Mr Vit SCHORM (Czech Republic)
- Committee of experts on terrorism (CODEXTER): Mrs Isik BATMAZ (Turkey)
- Consultative Committee of the Convention for the protection of individuals with regard to automatic processing of personal data (T-PD): Mrs Brigitte OHMS (Austria)
- Committee of Legal Advisers on Public International Law (CAHDI) if the agenda requires it: Mr Roeland BÖCKER (The Netherlands)
- European Committee on legal Co-operation (CDCJ):
- Steering Committee on Media and Info Society (CDMSI):

#### **Experts having represented the CDDH in events after the last meeting**

- *International Conference on the Use of Special Investigation Techniques to combat Terrorism and Other Forms of Serious Crime (Strasbourg, 14-15 May 2013):* Mr Derek WALTON (United Kingdom, Chair of the CDDH)

#### **Gender Equality Rapporteurs**

- CDDH : Mr Philippe WEHRY (Belgium)
- DH-GDR : Ms Natalia SHAKURO (Ukraine)
- DH-BIO : Mrs Béatrice IOAN (Romania)

#### **Contributions sent by Experts who represented the CDDH in other bodies**

**24<sup>th</sup> meeting of the Committee of Experts on Terrorism (CODEXTER) (Strasbourg, 16-17 May 2013) - Ms Isik BATMAZ (Turkey):**

The Committee of Experts on Terrorism (CODEXTER) held its 24<sup>th</sup> meeting on 16-17 May 2013. The following issues were discussed and presentations were made during the meeting:

- The Committee discussed its future priorities which included whether to draft a new terrorism convention that would cover all aspects of terrorism, given that a similar attempt by the UN has not succeeded. The UN representative in the meeting confirmed the need for a general convention on terrorism and volunteered future cooperation with the CODEXTER.
- The Committee further discussed the possibility, advantages and disadvantages of being re-designated by the Committee of Ministers as a steering committee with planning and steering functions and decided to invite the former accordingly.
- A brief presentation regarding the on-going thematic assessment procedure of the Group of Parties was made by its Chair, Mr Vladimir Salov.
- The Secretariat made a presentation of the new database on terrorism related case-law of the Court, which will eventually be reached through CODEXTER's webpage. Members of the working group established in this respect (delegates of Turkey and Poland) made short presentations on selected Court judgments that would be published on the database.
- The Committee took note that "International Conference on Cooperation and Coordination in Counter-terrorism" is to be held in İstanbul in the second or third week of October 2013 and decided to hold the 25<sup>th</sup> CODEXTER meeting in İstanbul, immediately prior to or after the conference.
- Mr Ivan Koedjikov, Council of Europe Counter-terrorism coordinator, informed the Committee of the outcome of the International Conference on the Use of Special Investigation Techniques to Combat Terrorism and other Forms of Serious Crime. He further provided information about his visit to the COTER Working Party of the European Union.
- The Committee further discussed the issue of cooperation between the CODEXTER and the GCTF (Global Counterterrorism Forum).
- Mr David Scharia, Senior Legal Officer and Coordinator at the Legal and Criminal Justice Group of CTED, made a brief presentation on the New Detailed Implementation Survey adopted by the United Nations Security Council Counter-Terrorism Committee.
- Delegates of Turkey and Spain made presentations on updated country profiles on counter-terrorism capacity of their respective countries. Submission by Georgia of its country profile was postponed. Delegates of Montenegro, Azerbaijan, Belgium, Bulgaria, and France noted their intentions to submit country profiles for the upcoming meeting.
- Presentations were made by Ms Lucile Sengler on behalf of the OSCE, by Ms Martha Requena on behalf of UNODC, and by Oleg Klychenko on behalf of GUAM with regard to their respective recent activities.
- Ms Yuliia Laputina (Ukraine), Mr Nicola Piacente (Italy) and Mr Mats Benestad (Norway) were elected as members of the Bureau of the Committee.

Appendix IX**Speech of the President of the European Court of Human Rights***(only in French at this stage; a translation will follow)*

Monsieur le Président,  
Mesdames et Messieurs,

C'est la première fois depuis le début de mon mandat que j'ai l'occasion de me rendre à votre invitation, et je souhaite dire d'emblée que c'est avec beaucoup de plaisir que je l'ai acceptée : je connais l'importance de votre comité et le rôle qu'il joue aux côtés du Comité des ministres pour améliorer sans cesse le fonctionnement du mécanisme de la Convention européenne des droits de l'homme. Votre rôle a toujours été précieux pour notre Cour notamment lors de l'élaboration des protocoles à la Convention. Il l'est particulièrement dans la période actuelle.

L'activité que vous avez déployée depuis les conférences d'Interlaken, d'Izmir et surtout de Brighton a été considérable puisque, sous votre autorité, des progrès considérables ont été accomplis et des textes élaborés dans un délai particulièrement bref, ce que je tiens à saluer.

Pour commencer, un bref regard en arrière : le protocole n° 15 à la Convention européenne des droits de l'homme a été ouvert à la signature lundi dernier, en ma présence et vingt et un États ont déjà signé cet instrument sur lequel la Cour avait émis une opinion en février de cette année. Je n'y reviens donc pas.

En revanche, vous aviez également à l'ordre du jour de votre réunion le protocole n° 16 et, parmi les documents, figurait l'avis rendu par notre Cour le mois dernier. Comme vous le savez, la Cour avait déjà contribué au débat sur cette question en rédigeant un document de réflexion. Je me réjouis que les rédacteurs du Protocole aient tenu compte des observations contenues dans ce document. De manière générale, la Cour souscrit aux objectifs contenus dans ce protocole et qui visent au renforcement, d'une part, de l'interaction entre la Cour et les autorités nationales, et, d'autre part, de la mise en œuvre de la Convention conformément au principe de subsidiarité. Certes, quelques aspects techniques de ce projet nous interpellent, comme vous avez pu le lire dans notre avis (je pense à la question de la traduction des demandes d'avis consultatifs : en effet, si la responsabilité de fournir les traductions incombe à la Cour, il faudra mettre à sa disposition les ressources budgétaires correspondantes). Cela étant, c'est un bon projet et je tiens à remercier votre Comité de l'avoir élaboré. J'ajoute qu'à titre personnel, et je l'ai déjà dit à maintes reprises, j'ai toujours été un fervent partisan de la possibilité offerte aux juridictions suprêmes d'engager un tel dialogue avec notre Cour et c'est la raison pour laquelle j'ai baptisé le protocole n° 16, « protocole du dialogue ».

Le dialogue, qu'il s'agisse de celui que le protocole n° 16 instaurera avec les juridictions suprêmes ou de celui que nous engageons avec les autorités des États membres, est absolument crucial. Il procède de cette responsabilité partagée que j'appelle



de mes vœux. Comme vous le savez, les réformes introduites à la Cour depuis l'entrée en vigueur du protocole n° 14 ont permis de résorber considérablement l'arriéré des affaires. Cet effort considérable, qui a porté ses fruits, ne peut se poursuivre qu'avec une forte implication de la part des États. Cela s'est déjà traduit par une politique active de mise à disposition de juristes. Nous bénéficions actuellement du concours d'une quarantaine de juristes en provenance de douze pays.

Par ailleurs, vous savez qu'un compte spécial a été créé à l'issue de la conférence de Brighton, auquel les États qui le souhaitent peuvent abonder et qui est précisément destiné à s'attaquer à l'arriéré des affaires. Nous avons d'ores et déjà reçu des contributions en provenance de dix-sept pays et ce, pour un montant supérieur à 950 000 euros. Nous approchons donc du million d'euros, ce dont je me réjouis. D'ores et déjà, ces fonds sont utilisés pour recruter des juristes.

Qu'il s'agisse de la mise à disposition de juristes ou de la contribution au compte spécial, je remercie les États qui nous ont, une fois de plus, témoigné leur confiance et j'incite tous les autres à le faire.

Ce soutien que nous avons reçu n'aura pas été inutile. Lors de l'audience d'ouverture de l'année judiciaire, j'avais fait part, pour m'en réjouir, des très bons résultats enregistrés en 2012 et qui avaient permis de ramener le nombre de requêtes pendantes, qui s'élevait à plus de 160 000 en septembre 2011, à un peu plus de 128 000 à la fin de l'année dernière.

Nous sommes à mi-parcours pour 2013 et les très bons résultats de l'année dernière se sont confirmés. Pour être précis, Nous avons tranché environ 41 000 requêtes depuis le début de l'année, soit une augmentation de 21 % par rapport à la même période de 2012. Ceci porte le nombre d'affaires pendantes à un peu plus de 115 000, ce qui est très encourageant. J'ajoute que la Cour a déjà rendu plus de 1 250 arrêts en 2013, soit plus que pour toute l'année 2012, pour laquelle le chiffre s'élevait à 1 093.

Certes, ce succès est le fruit de la mise en place d'une section spécialement chargée du filtrage et de la mise en œuvre efficace du Protocole n° 14, mais, et cela me semble tout à fait intéressant, les réformes introduites par les États au niveau interne sont aussi responsables de ces bons chiffres. Prenons, par exemple, des exemples récents, qui concernent deux pays, la Turquie et la Suède. De nouveaux recours y ont été introduits au cours des dernières années.

Dans son arrêt *Kaplan* du 20 juin 2012, la Cour avait invité la Turquie à mettre en place, dans son ordre juridique interne, un recours effectif permettant d'offrir un redressement adéquat et suffisant en cas de dépassement du délai raisonnable. Le 19 janvier 2013, une loi créant une commission d'indemnisation est entrée en vigueur, laquelle, par la décision *Turgut et autres c. Turquie*, a été considérée comme un recours à épuiser pour se plaindre de la durée d'une procédure. Sur la base de cette décision, 1 284 requêtes ont déjà été déclarées irrecevables. Je dois ajouter qu'outre ces requêtes, plus de 2 000 affaires sont actuellement en cours d'examen et devraient déboucher sur des

décisions d'irrecevabilité, ce qui devrait porter le nombre d'affaires irrecevables à plus de 3 400.

Par ailleurs, depuis le 23 septembre 2012, un recours général à l'encontre des violations en matière de droits de l'homme a été institué devant la Cour constitutionnelle de Turquie. Par une décision du 30 avril 2013, la Cour a déclaré une requête irrecevable pour non-épuisement, au vu de ce nouveau recours et des mesures prises par le Gouvernement à cet égard (c'est la décision *Uzun c. Turquie*).

On peut donc supposer que l'introduction de ce recours contribuera à alléger le rôle de la Cour.

Pour prendre un exemple qui se trouve à l'opposé sur le plan géographique : l'affaire *Ruminski c. Suède* rendue le 21 mai dernier. Dans cette affaire également, la Cour a considéré que, conformément à ce qui avait été décidé en avril 2012 dans l'affaire *Eriksson c. Suède*, dans la mesure où un recours effectif a été créé par la jurisprudence interne pour indemniser les violations de la Convention, le fait, pour le requérant de ne pas demander de réparation aux juridictions internes, sur la base d'un tel recours, conduit la Cour à déclarer la requête irrecevable.

Quel enseignement peut-on tirer de ces exemples ? Tout simplement que, lorsque les États prennent des initiatives au niveau interne, créent des recours, ils font vivre le concept de responsabilité partagée. À condition, évidemment, que les recours ainsi créés soient effectifs et à cet égard, il va de soi que notre Cour conserve son rôle de contrôle.

En tout état de cause, il y a là des exemples dont chacun peut s'inspirer.

Je viens de brosser un portrait idyllique de la situation. Toutefois, mon optimisme naturel ne m'empêche pas de voir que la situation n'est pas aussi positive pour tous les États. Si on prend les exemples de l'Italie, de l'Ukraine ou du Royaume-Uni, on mesure l'importance des efforts qui restent à accomplir pour la bonne mise en œuvre de la Convention au niveau interne, si on veut réduire l'arriéré.

Je sais que votre Comité est très sensible à cette question et c'est avec beaucoup d'intérêt que j'ai pris connaissance de votre rapport sur les moyens de régler le grand nombre de requêtes résultant de problèmes systémiques identifiés par la Cour. Il est très complet, très bien fait et contient de nombreuses pistes de réflexion. J'ai également été très intéressé par votre Guide de bonnes pratiques en matière de voies de recours internes qui vise à identifier les principes juridiques fondamentaux auxquels doivent répondre les recours et les caractéristiques que doivent présenter les recours pour être effectifs.

Parmi les points majeurs inscrits à votre agenda, figure la question essentielle de l'adhésion de l'Union européenne à la Convention européenne des droits de l'homme.

Lors de leur cinquième réunion, en avril dernier, les négociateurs sont parvenus à un accord sur les projets révisés d'instruments sur l'adhésion. Je salue, bien sûr, la

conclusion de cet accord. Je souhaite vivement que les procédures internes en cours au sein des parties à la négociation et qui seront nécessaires avant l'adoption finale des instruments (je pense notamment, au niveau de l'Union européenne, à l'avis de la Cour de Justice de l'Union européenne) soient finalisées rapidement de manière à pouvoir adopter les textes dans les meilleurs délais.

Un certain nombre d'étapes devront encore être franchies, notamment la consultation de l'Assemblée parlementaire et de notre Cour, mais l'avancée réalisée ces derniers mois est très prometteuse.

Puisque j'ai le plaisir de vous rencontrer aujourd'hui, je vous informe que la Cour plénière a adopté, lors de sa dernière session administrative du 6 mai 2013, des amendements au Règlement de la Cour. Le nouveau Règlement de la Cour tel qu'amendé, pourra être consulté à partir du 30 juin 2013 sur notre site internet. Vous en avez déjà été informé par notre greffier qui vous a écrit un courrier à ce sujet il y a quelques jours. Je n'y reviens donc que très rapidement.

Les articles 24, 26, 28 et 29 amendés entreront en vigueur le 1<sup>er</sup> juillet 2013. Ces amendements, relativement mineurs, concernent, notamment, la composition de la Grande Chambre, la constitution des chambres, les Juges *ad hoc*.

L'article 47 amendé mérite, lui, quelques commentaires, car il va changer considérablement la pratique de la Cour. Comme vous le savez, cette disposition indique quels sont les éléments qui doivent figurer dans une requête individuelle soumise à la Cour. Deux changements importants sont à signaler. Premièrement, les règles concernant le contenu d'une requête seront appliquées de façon plus stricte. Une requête qui ne contiendra pas les informations nécessaires, ne sera pas examinée par la Cour. Deuxièmement, seule une requête remplissant les conditions posées à l'article 47 pourra désormais interrompre le délai fixé pour l'introduction d'une requête.

L'idée-force est que les requérants devront fournir à la Cour des informations suffisantes pour qu'elle puisse procéder à une première analyse de la requête. Toute requête devra donc contenir l'ensemble des informations essentielles sur les griefs soulevés, et être accompagnée des documents nécessaires pour étayer la demande. Les requérants devront fournir un exposé concis et lisible des faits, et être clairs dans la formulation et la présentation de leurs griefs. Les requérants devront respecter cette règle s'ils ne veulent pas voir leur requête rejetée pour non-respect des conditions de forme.

Le deuxième point clé de la réforme concerne le délai de six mois. Suivant la pratique actuelle, ce délai peut être interrompu par une requête incomplète ou une simple lettre. En vertu de l'article 47 amendé, seule une requête satisfaisant aux conditions de forme pourra interrompre le délai. Je précise que la Cour n'appliquera pas cet article de façon rigide : il existe bien entendu des circonstances de fait dans lesquelles le requérant est dans l'impossibilité pratique d'adresser les documents nécessaires. Nous tiendrons compte de ces hypothèses exceptionnelles.

La Cour a fixé au 1<sup>er</sup> janvier 2014 l'entrée en vigueur du nouvel article 47. Bien avant cette date, nous prendrons toutes les mesures nécessaires pour informer le public de manière appropriée, de sorte que les requérants potentiels soient avertis de ce changement apporté à la longue pratique de la Cour. Nous veillerons à ce que les membres de la profession juridique ainsi que les organisations de la société civile soient informés du changement. Un nouveau formulaire de requête est d'ailleurs en cours d'élaboration.

Je sais que beaucoup d'entre vous sont également les agents de leur gouvernement. La Cour entretient, vous le savez, un dialogue bisannuel avec les agents des gouvernements et la prochaine réunion est d'ores et déjà fixée au 25 novembre prochain. Nous aurons grand plaisir à vous y accueillir.

Pour l'heure, je vous remercie de votre attention et je suis prêt à répondre à vos questions.

\* \* \*

Appendix X  
**Composition of the Bureau and chairmanship of subordinate bodies**

<b>BUREAU DU CDDH</b>	<b>END OF THE MANDATE</b>	<b>REFERENCES</b>
Mr Derek WALTON (United Kingdom), Chairman	31 December 2013 (elected for 1 year not renewable)	76 <sup>th</sup> meeting of the CDDH (November 2012)
Mr Frank SCHÜRMAN (Switzerland), Vice-Chair	31 December 2013 (elected for 1 year renewable once)	76 <sup>th</sup> meeting of the CDDH (November 2012)
Mr Hans-Jörg BEHRENS (Germany), Member	31 December 2014 (elected for 2 years renewable once)	76 <sup>th</sup> meeting of the CDDH (November 2012)
Ms Maris KUURBERG (Estonia)	31 December 2014 (elected for 2 years renewable once)	76 <sup>th</sup> meeting of the CDDH (November 2012)
Mr Philippe WERY (Belgium), Member	31 December 2014 (elected for 2 years not renewable)	76 <sup>th</sup> meeting of the CDDH (November 2012)
Mr Vladislav ERMAKOV (Russian Federation)	31 December 2013 (elected for 1 year renewable once for a 2 years term)	76 <sup>th</sup> meeting of the CDDH (November 2012)
Ms Brigitte KONZ (Luxembourg), Member	31 December 2013 (elected for 2 years not renewable)	73 <sup>rd</sup> meeting of the CDDH (December 2011)
Mr Levon AMIRJANYAN (Armenia), Member	31 December 2013 (elected for 2 years renewable once)	73 <sup>rd</sup> meeting of the CDDH (December 2011)
<b>DH-GDR</b> Mr Vit SCHORM (Czech Republic), Chairperson	31 December 2013 (elected for 1 year not renewable)	76 <sup>th</sup> meeting of the CDDH (November 2012)
<b>GEC</b> Ms Carlien SCHEELE (The Netherlands), Chairperson	31 December 2013 (elected for 1 year renewable once)	76 <sup>th</sup> meeting of the CDDH (November 2012)
<b>DH-BIO</b> Dr Anne FORUS (Norway) Chairperson	31 December 2013 (elected for 1 year renewable once)	77 <sup>th</sup> meeting of the CDDH (March 2013)
<b>CDDH-AGE</b> Mr Jakub WOLASIEWICZ (Poland), Chairperson	31 December 2013 (elected for 1 year not renewable)	76 <sup>th</sup> meeting of the CDDH (November 2012)
<b>CDDH-CORP</b> Prof. Dr. René LEFEBER (The Netherlands) Chairperson	31 December 2014 (term of office renewable once for 1 year)	78 <sup>th</sup> meeting of the CDDH (June 2013)

Appendix XI**Provisional calendar of meetings of the CDDH and its subordinate bodies**Adopted by the CDDH at its 78<sup>th</sup> meeting (25-28 June 2013)

<b>Second Semester 2013</b>		
2 <sup>nd</sup> meeting of Drafting Group E on the Reform of the Court (GT-GDR-E)		17-19 September
4 <sup>th</sup> meeting of the Drafting Group on the Human Rights of Older Persons (CDDH-AGE)		23-25 September
[3 <sup>rd</sup> meeting of Drafting Group E on the Reform of the Court (GT-GDR-E) if necessary]		[9-11 October]
Meeting of the Drafting Group on Human Rights and Business (CDDH-CORP)		14-16 October
<i>7<sup>th</sup> Warsaw Seminar – The Citizen of the Council of Europe and of the European Union</i>		<i>25 October 2013</i>
5 <sup>th</sup> meeting of the Committee of experts on the Reform of the Court (DH-GDR)		29-31 October
89 <sup>th</sup> meeting of the Bureau of the Steering Committee for Human Rights (CDDH-BU)		7-8 November
4 <sup>th</sup> meeting of the Gender Equality Commission (GEC)		13-15 November
<i>Conference – “Working together for Europe - Interrelations between member States, Council of Europe and European Union”</i>		<i>Vienna, 15 November</i>
4 <sup>e</sup> meeting of the Committee on Bioethics (DH-BIO)		26-28 November
79 <sup>th</sup> meeting of the Steering Committee for Human Rights (CDDH)		26-29 November
<b>First Semester 2014</b>		
1 <sup>st</sup> meeting of a new drafting group of the DH-GDR		12-14 February
Meeting of the Drafting Group on Human Rights and Business (CDDH-CORP)		12-14 February
[1 <sup>st</sup> meeting of Drafting Group “F” on the Reform of the Court (GT-GDR-F – longer-term reform)]		[19-21 March]
90 <sup>th</sup> meeting of the Bureau of the Steering Committee for Human Rights (CDDH-BU)		Paris, 27-28 March

5 <sup>th</sup> meeting of the Gender Equality Commission (GEC)		2-4 April
80 <sup>th</sup> meeting of the Steering Committee for Human Rights (CDDH)		8-11 April
<i>Conference [longer-term reform of the Court]</i>		<i>Oslo, late April</i>
[2 <sup>nd</sup> meeting of Drafting Group “F” on the Reform of the Court (GT-GDR-F – longer-term reform)]		[14-16 May]
[Meeting of a Drafting Group on another development topic]		[14-16 May]
5 <sup>e</sup> meeting of the Committee on Bioethics (DH-BIO)		13-15 May <u>or</u> 20-22 May
6 <sup>th</sup> meeting of the Committee of experts on the Reform of the Court (DH-GDR)		4-6 June
91 <sup>st</sup> meeting of the Bureau of the Steering Committee for Human Rights (CDDH-BU)		Paris, 12-13 June
81 <sup>st</sup> meeting of the Steering Committee for Human Rights (CDDH)		24-27 June
<b>Second Semester 2014</b>		
[3 <sup>rd</sup> meeting of Drafting Group “F” on the Reform of the Court (GT-GDR-F – longer-term reform)]		[17-19 September]
Meeting of the Drafting Group on Human Rights and Business (CDDH-CORP)		1-3 October
[2 <sup>nd</sup> meeting of a new drafting group of the DH-GDR]		15-17 October
7 <sup>th</sup> meeting of the Committee of experts on the Reform of the Court (DH-GDR)		5-7 November
92 <sup>nd</sup> meeting of the Bureau of the Steering Committee for Human Rights (CDDH-BU)		Paris, 13-14 November
6 <sup>th</sup> meeting of the Gender Equality Commission (GEC)		19-21 November
[Meeting of a Drafting Group on another development topic]		[ mid-November]
82 <sup>nd</sup> meeting of the Steering Committee for Human Rights (CDDH)		18- 21 November
[4 <sup>th</sup> meeting of Drafting Group “F” on the Reform of the Court (GT-GDR-F – longer-term reform)]		[mid-December]