

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Strasbourg, 15 April 2014

CDDH(2013)R80 abridged

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

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**ABRIDGED REPORT**

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**80<sup>th</sup> meeting**

**Oslo (Norway), 8-10 April 2014**

The Steering Committee for Human Rights (CDDH) held its 80<sup>th</sup> meeting from 8 (afternoon) to 10 April 2014 in Oslo (Norway) with Mr Vít A. SCHORM (Czech Republic) in the Chair. The agenda, as adopted, appears at Appendix I. At this meeting the CDDH, in particular:

1. adopted its opinion on the draft Recommendation on intercultural integration and its comments on Recommendations of the Parliamentary Assembly 2037 (2014) – “*Accountability of international organisations for human rights violations*” and 2039(2014) – “*The need to reinforce the training of legal professionals*” (see Appendix II);

2. concerning the reform of the Court:

i. took note of the Ministers’ Deputies’ decisions (5 February 2014, 1190<sup>th</sup> meeting) regarding the work recently completed by the CDDH in this field and further work on the follow-up to the Brighton Declaration;

ii. exchanged preliminary views on the ongoing work of drafting Groups “F” and “G” of the Committee of experts on the reform of the Court (DH-GDR) and on the Conference on the long-term future of the European Court of human rights (Holmenkollen, Oslo, 7-8 (morning) April 2014) and decided to examine this work at its 81<sup>st</sup> meeting (24-27 June 2014) in the light of proposals which will be submitted by the DH-GDR. In response to the invitation made by Group “F” at its first meeting and in the light of the Oslo Conference, the CDDH gave guidance on possible ad hoc experts to invite to the Group’s future meetings, and left to the discretion of its Chairperson the task of further specification. Furthermore, the CDDH took note of the publication on line <http://echr-toolkit.coe.int> and paper of the Toolkit to inform public officials about the State’s obligations under the European Convention on Human Rights;

3. concerning development and promotion of human rights:

i. examined work being conducted by its drafting Group on human rights and business (CDDH-CORP) and launched a new call to its members for substantive proposals, to be examined by the CDDH at its 81<sup>st</sup> meeting in June, in view of the forthcoming work on a draft Council of Europe non-binding instrument on human rights and business;

ii. gave guidance to its drafting Group on human rights in culturally diverse societies (CDDH-DC) for the finalisation of the compendium of current Council of Europe standards and best practices relating to the principles of freedom of thought, conscience and religion and the link with other Convention rights, in particular freedom of expression, and launched a call to its members for examples of relevant good practice. It also exchanged views on the second stage of the work of the drafting Group, namely the elaboration of 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, with a view to a thorough exchange of views at the June CDDH

meeting. With regards to this second stage, the CDDH decided to enlarge the composition of the drafting group;

iii. took note of a future activity on the impact of the economic crisis on human rights in Europe and noted that the Secretariat is preparing a preliminary study on existing standards and outstanding issues, for consideration by the CDDH at its 81<sup>st</sup> meeting in June;

4. concerning bioethics, exchanged views on the work ongoing within the Committee on bioethics (DH-BIO) in particular concerning the preparation of a draft Additional Protocol to the Oviedo Convention relating to the protection of human rights and dignity of persons with mental disorders with regard to involuntary placement and involuntary treatment, and launched an open-call amongst its members for comments on the issue;

5. concerning the review of Council of Europe conventions, exchanged views on the prospects of signing and ratifying Protocols No. 15 and 16 to the European Convention on Human Rights;

6. decided to appoint at its June meeting expert(s) to participate in the ad hoc working group set up by the Joint Council on Youth (CMJ) for the preparation of a draft recommendation of the Committee of Ministers to the member states on young people's access to fundamental rights;

7. took note of the information provided by experts representing the CDDH in other bodies;

8. exchanged views with Mr Andreas FØLLESDAL, Director of *PluriCourts*, and with Ambassador Drahoslav ŠTEFÁNEK, Permanent Representative of the Slovak Republic, Chair of the Ministers' Deputies' Rapporteur Group on Human Rights (GR-H), and decided on personalities to be invited to its future meetings;

9. adopted the calendar of meetings of the CDDH and its subordinate bodies as appears at Appendix III;

10. exchanged preliminary views on how it might envisage its role and priorities over the course of the next biennium, considering the evolution of its current work and the challenges arising for the Council of Europe;

11. informed itself on the state of preparation of the international conference "*Implementation of the ECHR on the national level and the role of the national judges*" (Baku, 10-11 October 2014) in the framework of the forthcoming Azerbaijan chairmanship of the Committee of Ministers;

12. agreed on the following deadlines for submission of comments with respect to the following matters:

Friday 25 April 6:00 pm:

Suggestions for substantial corrections to the draft meeting long report CDDH(2014)R80 the Secretariat will send to all participants by Thursday 17 April 6:00 pm

[VSchorm@msp.justice.cz](mailto:VSchorm@msp.justice.cz) ; [alfonso.desalas@coe.int](mailto:alfonso.desalas@coe.int)

Wednesday 30 April 6:00 pm:

Information from members of the CDDH concerning Protocols No. 15 and 16 (document CDDH(2014)005)

[alfonso.desalas@coe.int](mailto:alfonso.desalas@coe.int) ; [corinne.gavrilovic@coe.int](mailto:corinne.gavrilovic@coe.int)

Friday 13 June 6:00 pm:

Information from members of the CDDH on examples of national good practices concerning issues to be examined by the drafting Group on human rights in culturally diverse societies (see [CDDH-DC\(2014\)R1, Appendix IV](#))

[merete.bjerregaard@coe.int](mailto:merete.bjerregaard@coe.int); [nicola-daniel.cangemi@coe.int](mailto:nicola-daniel.cangemi@coe.int)  
cc. [alfonso.desalas@coe.int](mailto:alfonso.desalas@coe.int)

Friday 13 June 6:00 pm:

Comments from members and observers of the CDDH and the drafting Group on human rights and business on the indicative list of issues, and in particular on access to justice and remedies (see [CDDH-CORP\(2014\)R2, Appendix III](#))

[matthias.kloth@coe.int](mailto:matthias.kloth@coe.int) ; [nicola-daniel.cangemi@coe.int](mailto:nicola-daniel.cangemi@coe.int)  
cc. [alfonso.desalas@coe.int](mailto:alfonso.desalas@coe.int)

Friday 20 June 6:00 pm:

Comments from members of the CDDH on the preliminary draft additional Protocol to the Convention on human rights and biomedicine concerning the protection of human rights and dignity of persons with mental disorders with regard to involuntary placement and involuntary treatment, prepared by the drafting Group DH-BIO/Psy



DH-BIO(2014)6 psy  
prel draft prot E.docx

[laurence.lwoff@coe.int](mailto:laurence.lwoff@coe.int);  
cc. [alfonso.desalas@coe.int](mailto:alfonso.desalas@coe.int)

Appendix I**Agenda****ITEM 1: OPENING OF THE MEETING, ADOPTION OF THE AGENDA AND ORDER OF BUSINESS****ITEM 2: POSSIBLE COMMENTS ON RECOMMENDATIONS**

Texts of the recommendations	<a href="#">CDDH(2014)001</a>
Elements prepared by the Bureau (Prague, 27 March 2014)	CDDH-BU(2014)R90 Appendix II

- 2.1** *Draft Recommendation of the CDCPP*  
**2.2** *Recommendations of the Parliamentary Assembly*

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

- 3.1** *Completed work*  
**3.2** *Ongoing work*

Report of the 5 <sup>th</sup> meeting of the Committee of experts on the reform of the Court (29-31 October 2013)	<a href="#">DH-GDR(2013)R5</a>
Report of the 1 <sup>st</sup> meeting of the GT-GDR-G (12-14 February 2014)	<a href="#">GT-GDR-G(2014)R1</a>
Report of the 1 <sup>st</sup> meeting of the GT-GDR-F (19-21 March 2014)	<a href="#">GT-GDR-F(2014)R1</a>

- 3.3** *Conference on the longer-term future of the European Court of human rights*  
**3.4** *Further issues*

**ITEM 4: DEVELOPMENT AND PROMOTION OF HUMAN RIGHTS**

- 4.1** *Completed work*  
**4.2** *Corporate social responsibility in the field of human rights*

Report of the 2 <sup>nd</sup> meeting of the CDDH-CORP (12-14 February 2014)	<a href="#">CDDH-CORP(2014)R2</a>
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- 4.3** *Human rights in culturally diverse societies*

Report of the 1 <sup>st</sup> meeting of the CDDH-DC (24-25 March 2014)	<a href="#">CDDH-DC(2014)R1</a>
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- 4.4** *Future work*

**ITEM 5: BIOETHICS (DH-BIO)**

Information document	<a href="#">CDDH(2014)002</a>
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**ITEM 6: YOUNG PEOPLE'S ACCESS TO FUNDAMENTAL RIGHTS**

Information document	<a href="#">CDDH(2014)003</a>
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**ITEM 7: EXPERTS REPRESENTING THE CDDH IN OTHER BODIES**

Information provided by the experts	CDDH(2014)004
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**ITEM 8: EXCHANGE OF VIEWS WITH PERSONALITIES****ITEM 9: CALENDAR OF MEETINGS****ITEM 10: REVIEW OF COUNCIL OF EUROPE CONVENTIONS**

Review of Council of Europe Conventions	<a href="#">CDDH(2014)005</a>
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**ITEM 11: CDDH WORK BEYOND THE CURRENT BIENNIUM**

Document from the Secretariat	CDDH(2014)006
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**ITEM 12: OTHER BUSINESS**

Appendix II

**CDDH opinion on a draft Recommendation of the Committee of Ministers  
and comments on two Recommendations of the Parliamentary Assembly**

**CDDH opinion on Draft Recommendation CM/Rec(2013)... of the Committee of Ministers to member States on intercultural integration**

1. The Steering Committee for Human Rights (CDDH) welcomes the draft Recommendation to member states on intercultural integration, which includes a practical guide on “The intercultural city step by step”, elaborated by the Steering Committee for Culture, Heritage and Landscape (CDCPP).
2. The CDDH considers this work on the urban model of intercultural integration to be an important element in the framework of the broader reflection currently conducted by the CDDH on human rights in culturally diverse societies. In this perspective, the draft Recommendation usefully complements the CDDH current work, which aims at developing human rights policy approaches to better manage Europe’s increasing cultural diversity. The appendix below provides information on this work.
3. In view of the preparation of draft guidelines on the promotion and protection of human rights in culturally diverse societies, with a possible specific focus on issues related to human rights education and training, the CDDH would be interested in a contribution from the CDCPP, in the light of its concrete experience arising from its work on the urban model of intercultural integration.

*Appendix- Information on the CDDH work concerning human rights in culturally diverse societies*

- The CDDH’s current work on human rights in culturally diverse societies builds on the outcome of two International Conferences organised in The Hague in co-operation with the Netherlands authorities – the first in 2003 under the title “Fundamental Rights in a Pluralist Society” and the second in 2008 under the title “Human Rights in culturally diverse societies – challenges and perspectives”. The Council of Europe White Paper on Intercultural Dialogue “Living together as Equals in Dignity” was taken into account when drawing up the concluding remarks in the light of the discussions. Following the second Conference, the CDDH prepared a draft “Declaration on human rights in culturally diverse societies”, which was adopted by the Committee of Ministers on 1 July 2009.
- In 2013, as a follow-up to a CDDH “Study on the feasibility and added value of standard-setting activities or other work in the field of human rights in culturally diverse societies”, the Committee of Ministers instructed the CDDH to prepare, in addition to the above-mentioned draft guidelines, a compilation of 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. This document will be supplemented by a compendium of good practices applied by member States in this area.

- The CDDH's work in this field has also led to the publication of two practical manuals in 2009 - one on Hate Speech and another on the Wearing of Religious Symbols in Public Areas.

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**CDDH comments on Parliamentary Assembly Recommendation 2037 (2014) -  
*Accountability of international organisations for human rights violations***

1. The Steering Committee for Human Rights (CDDH) observes that the issues of accountability of international organisations for human rights violations and the immunities of international organisations under public international law are complex, and are discussed on a regular basis in the Committee of Legal Advisers on Public International Law (CAHDI). The CDDH considers that the CAHDI, which has also been asked to comment on this recommendation, is the most appropriate expert body within the Council of Europe to provide an opinion in this respect.

2. The CDDH notes the Parliamentary Assembly's recommendation that the Committee of Ministers should "encourage international organisations of which member States are a part, including the United Nations and its specialised agencies, as well as the European Union and the International Monetary Fund, to examine the quality and effectiveness of mechanisms aimed at ensuring compliance with their human rights obligations and to further develop legal standards in this area". It recognises that international organisations such as the Council of Europe, the European Union or the United Nations have in their founding treaties or related instruments as an essential goal the protection and promotion of human rights, and substantially contribute to the development of human rights at the international level.

3. As far as the European Union is concerned, the CDDH notes that the draft instruments for the accession of the European Union to the European Convention on Human Rights were agreed in April 2013 at negotiators' level. Accession of the European Union is intended to fill a legal gap to ensure that anyone who alleges that his or her human rights have been violated by an act or omission of the European Union may file an application with the European Court of Human Rights. Moreover, provisions in the draft accession agreement on joint responsibility and the co-respondent mechanism also aim at ensuring proper accountability where the European Union implements provisions of its founding treaties agreed upon by its member states, or where the latter implement acts adopted by the European Union.

4. Concerning the United Nations and its specialised agencies, the CDDH notes the *ad hoc* human rights mechanisms enumerated in paragraph 5 of Parliamentary Assembly Resolution 1979 (2014) on the "Accountability of international organisations for human rights violations", notably the appointment of an ombudsperson to oversee the United Nations Security Council's anti-terrorism sanctions. With regard to the United Nations Interim Administration Mission in Kosovo (UNMIK), the CDDH refers notably to the establishment of the Human Rights Advisory Panels applying the European Convention



on Human Rights as well to the agreement between UNMIK and the Council of Europe in relation to the application of the Framework Convention for the Protection of National Minorities and to the similar agreement in place regarding visits by the CPT to places where persons are deprived of their liberty by UNMIK. The CDDH further notes General Assembly Resolution 68/105 on the “*Criminal accountability of United Nations officials and experts on mission*” of 16 December 2013 which, *inter alia*, strongly urges states to take all appropriate measures to avoid impunity for crimes that could amount to human rights violations committed by United Nations officials or experts on mission, to establish appropriate jurisdiction, cooperate in the exchange of information and assistance in connection with criminal investigations or extradition proceedings, as well as to provide effective protection for victims.

5. With regard to paragraph 3 of Recommendation 2037 (2014), the CDDH takes note of the UN General Assembly Resolution 66/100 (2011) according to which the item “*Responsibility of international organisations*” has been included in the provisional agenda of the Assembly’s forthcoming 69<sup>th</sup> session with a view to examining the question of the form that the International Law Commission’s “*Draft Articles on the Responsibility of International Organisations*” might take. The CDDH recalls that the Directorate of Legal Advice and Public International Law, in cooperation with the CAHDI, has previously made contributions on behalf of the Council of Europe to the International Law Commission on this matter, and encourages further contributions should the item be discussed in the Sixth Committee of the General Assembly at its next session.

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**CDDH comments on Parliamentary Assembly Recommendation 2039 (2014) -  
*The need to reinforce the training of legal professionals***

1. The Steering Committee for Human Rights (CDDH) takes note of Parliamentary Assembly Recommendation 2039. It concurs with the Parliamentary Assembly’s emphasis on the “crucial importance” of providing solid training on the Convention and the Court’s case-law to legal professionals, both in initial and continuous training. It recalls its earlier role in drafting Committee of Ministers’ Recommendation Rec(2004)4 on the Convention in university education and professional training, and its follow-up of initial national implementation of the recommendation, concluded in 2006. It also recalls the emphasis placed on the issue in the Declarations adopted at the Interlaken (2010), Izmir (2011) and Brighton (2012) High-level Conferences on the future of the Court.

2. The CDDH notes the important role of the Council of Europe’s HELP programme, which was established specifically to support member States’ implementation of the Convention at national level by enhancing the capacity of judges, lawyers and prosecutors to apply the Convention in their daily work. It recalls the support it has in the past expressed for this activity, including in its Report on the measures taken by the member States to implement relevant parts of the Interlaken

and Izmir Declarations (see doc. CDDH(2012)R76 Addendum I). It welcomes the development of the HELP programme, for example, to include a focus on training in the Convention's admissibility criteria, considering that this latter aspect may assist in addressing the problem of the Court's case-load of clearly inadmissible applications.

3. The CDDH notes that, although the budget of the HELP programme has increased significantly in recent years, the great majority of this is provided by the Human Rights Trust Fund (HRTF) and is thus to an extent reliant on individual member States contributions to this fund. The CDDH considers that it would be sensible to endeavour to ensure that at least the 'fixed costs' of the HELP programme – its central infrastructure – is ensured by the Ordinary Budget.

4. Regarding the update of the Committee of Ministers' Recommendation Rec(2004)4, the CDDH notes that this task already appears in the terms of reference of the Committee of experts on the reform of the Court (DH-GDR) for 2014-2015, subject to the availability of resources in the light of any activities on follow-up to its forthcoming report on longer-term reform of the Convention system and the Court, whose implementation would have priority.

*Appendix - Information on the budget of the HELP programme*

- In 2013, €830,000 (70%) of the €1,180,000 total budget came from the HRTF
- In 2014-2015, it is expected that €1,200,000 (75%) of the €1,600,000 total budget will come from the HRTF.

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Appendix III**Calendar of meetings of the CDDH and its subordinate bodies**Adopted by the CDDH at its 80<sup>th</sup> meeting (8-10 April 2014)

<b>First Semester 2014</b>		
1 <sup>st</sup> meeting of Drafting Group “G” of the DH-GDR (GT-GDR-G)		12-14 February
2 <sup>nd</sup> meeting of 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
1 <sup>st</sup> meeting of Drafting Group on Human Rights in Culturally Diverse Societies (CDDH-DC)		24-25 March
90 <sup>th</sup> meeting of the Bureau of the Steering Committee for Human Rights (CDDH-BU)		Prague, 27 March
<i>Conference on the longer-term reform of the Court</i>		<i>Oslo, 7 April-8 April ( morning)</i>
80 <sup>th</sup> meeting of the Steering Committee for Human Rights (CDDH)		Oslo, 8 April (afternoon) – 10 April (morning)
5 <sup>e</sup> meeting of the Committee on Bioethics (DH-BIO)		5-7 May
2 <sup>nd</sup> meeting of Drafting Group “F” on the Reform of the Court (GT-GDR-F – longer-term reform)		14-16 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)		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)		24-26 September

3 <sup>rd</sup> meeting of Drafting Group on Human Rights and Business (CDDH-CORP)		24-26 September
2 <sup>nd</sup> meeting of Drafting Group “G” of the DH-GDR (GT-GDR-G)		15-17 October
2 <sup>nd</sup> meeting of Drafting Group on Human Rights in Culturally Diverse Societies (CDDH-DC)		21-24October <sup>1</sup>
7 <sup>th</sup> meeting of the Committee of experts on the Reform of the Court (DH-GDR)		5-7 November
6 <sup>e</sup> meeting of the Committee on Bioethics (DH-BIO)		[12-14 November]
92 <sup>nd</sup> meeting of the Bureau of the Steering Committee for Human Rights (CDDH-BU)		13-14 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]

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<sup>1</sup> 21-22 October: CDDH-DC in its current composition; 23-24 October: in its larger composition