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Strasbourg, 9 December 2014

CDDH(2014)R82

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

REPORT

82nd meeting

Strasbourg, Wednesday 19 - 21 November 2014

Summary:

The Steering Committee for Human Rights (CDDH) held its 82nd meeting from 19 to 21 November 2014 in Strasbourg with Mr Vít A. SCHORM (Czech Republic) in the Chair. The agenda, as adopted, appears in Appendix II. In particular at this meeting the CDDH:

1. concerning the recommendations of the Parliamentary Assembly, adopted comments on the five recommendations brought to its attention: 2046(2014) – “*The left-to-die boat*”: *actions and reactions*”; 2047(2014) – “*The large-scale arrival of mixed migratory flows on Italian shores*”; 2051(2014) – “*Reinforcement of the independence of the European Court of Human Rights*”; 2055 (2014) – “*Threats against humanity posed by the terrorist group known as “IS”: violence against Christians and other religious or ethnic communities*”; 2056 (2014) – “*The alternatives to immigration detention of children*” (see Appendix III);

2. concerning the reform of the Court:

- i. adopted its report containing conclusions and possible proposals for action concerning the procedure for the amendment of the Rules of Court and the possible ‘upgrading’ to the Convention of certain provisions of the Rules of Court and decided to transmit it to the Committee of Ministers (document CDDH(2014)R82 Addendum I);
- ii. took note of information on the state of preparation of the High level Conference on “*the implementation of the European Convention on Human Rights, our shared responsibility*” (Brussels, 26-27 March 2015), to be organised in the framework of Belgium’s chairmanship of the Committee of Ministers, adopted its contribution to this Conference and decided to transmit it to the Committee of Ministers (document CDDH(2014)R82 Addendum II);
- iii. exchanged views and endorsed guidance of the Committee of Experts on the reform of the Court (DH-GDR) regarding the ongoing and future work, including within its drafting Group “F” (GT-GDR-F), and in this regard:
 - took note of the extension of the deadline, until 31st December 2015, for presentation of the CDDH final report on the longer-term future of the Convention system and the Court;
 - approved the “Roadmap” establishing the working methods and necessary steps for the preparation of the above-mentioned report (doc. GT-GDR-F(2014)020);
 - approved guidance given by the DH-GDR regarding exchange of information concerning the implementation of the Convention and execution of the Court’s judgments, according to its terms of reference for 2014-2015;

- decided, given the heavy workload during meetings in 2015, not to undertake in 2015 the updating of recommendations Rec(2004)4 on the European Convention on Human Rights in university education and professional training and Rec(2010)3 on effective remedies for excessive length of proceedings, as permitted by its terms of reference for the current biennium;
 - iv. took note of the results of the International Conference on the application of the European Convention on Human Rights and Fundamental Freedoms on national level and the role of national judges (Baku, 24-25 October 2014);
3. concerning development and promotion of human rights:
- i. exchanged views and gave guidance to its drafting Group on human rights and business (CDDH-CORP) for its work of preparation of a draft recommendation in this field, accompanied by an explanatory memorandum; approved the Group's proposal that the Chair of the CDDH-CORP represent the CDDH at the forthcoming UN Forum on Business and Human Rights (Geneva, 1 - 3 December 2014);
 - ii. took note of the state of preparation of the draft Compilation of existing Council of Europe standards relating to the principles of freedom of thought, conscience and religion and the links with other Convention rights, supplemented by a Compendium of national good practices and agreed to an extension of the deadline for the drafting Group on human rights in culturally diverse societies (CDDH-DC) to finalise this text with a view to its adoption at the 83rd meeting of the CDDH in June 2015; exchanged views and gave guidance to the CDDH-DC for its elaboration of draft Guidelines on the protection and promotion of human rights in culturally diverse societies with a view to their adoption at the 84th meeting of the CDDH in December 2015;
 - iii. exchanged views on the impact of the economic crisis on human rights in Europe, decided to ask the Committee of Ministers for an extension of the deadline of presentation of the draft feasibility study on possible further activities on this issue until 30 June 2015, and asked the rapporteur to circulate a revised version of the draft feasibility study in light of written comments received by 15 March 2015;
 - iv. decided to postpone to its next meeting any decision on other possible priority area of work for the development and promotion of human rights;
4. concerning bioethics, took note of the ongoing work within the DH-BIO and of its proposals on the work to be conducted during the next biennium;
5. exchanged views on the work underway in 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 and gave guidance to its two representatives participating in this work;

6. exchanged views on the information provided by experts representing the CDDH in other bodies, decided to appoint two representatives to participate in specific work to be conducted by the CODEXTER and appointed the expert that will henceforth represent it in the European Committee on Legal Co-operation (CDCJ);

7. exchanged views with Mr Lətif HÜSEYNOV, Chairman of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) and decided on personalities to be invited to its future meetings;

8. concerning the review of Council of Europe conventions, exchanged views on the sought objectives of this exercise and the best ways to attain them within the CDDH; exchanged preliminary views on prospects for further signatures and ratifications of Council of Europe Convention on Access to Official Documents and Protocols No. 15 and 16 to the European Convention on Human Rights and decided to return to it into more details at its next meeting;

9. gave guidance to the Secretariat on how to consolidate the document on the role and priorities of the CDDH beyond the current biennium, in order to come to a decision at its next meeting about the draft terms of reference it wishes to propose to the Committee of Ministers as well as its proposals for the work to be conducted during the next biennium;

10. held elections (see Appendix VI);

11. adopted the calendar of meetings of the CDDH and its subordinate bodies as it appears at Appendix VIII.

Appendices

- I. List of participants
- II. Agenda (as adopted)
- III. CDDH Comments on Recommendations of the Parliamentary Assembly
- IV. Speech of the Chairman of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)
- V. Experts representing the CDDH in other bodies
- VI. Composition of the Bureau and Chairpersons of subordinate bodies
- VII. Deadlines for the submission of comments to the Secretariat
- VIII. Calendar of meetings of the CDDH and subordinate bodies

Addenda

CDDH(2014)R82 Addendum I – CDDH Report containing conclusions and possible proposals for action concerning the procedure for the amendment of the Rules of Court and the possible ‘upgrading’ to the Convention of certain provisions of the Rules of Court

CDDH(2014)R82 Addendum II – CDDH Contribution to the High level Conference on “*the implementation of the European Convention on Human Rights, our shared responsibility*” (Brussels, 26-27 March 2015)

INTRODUCTION

1. The Steering Committee for Human Rights (CDDH) held its 82nd meeting from 19 to 21 November 2014 in Strasbourg, with Mr Vít A. SCHORM (Czech Republic) in the Chair. The list of participants appears in [Appendix I](#).¹ The agenda, as adopted, appears in [Appendix II](#).

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

2. The CDDH adopted the agenda and order of business as proposed by the Bureau. A summary of the deadlines set for sending comments to the Secretariat on various issues of the agenda appears in [Appendix VII](#) of the present report.

3. The Director General, Directorate General of Human Rights and Rule of Law, Mr Philippe BOILLAT, presented the context in which the CDDH will be invited to prepare, at its 83rd meeting (June 2015) its proposals for activities for the next biennium. He referred in particular to the priorities for the Council of Europe that the Secretary General noted in his Report on the state of democracy, human rights and the rule of law in Europe as well as action strategies that the Secretary General has outlined. The CDDH thanked him for this presentation and instructed the Secretariat to appropriately reflect it in the document being prepared on the role and priorities of the CDDH beyond the current biennium (CDDH(2014)06rev; see item 10 below).

ITEM 2: RECOMMENDATIONS OF THE PARLIAMENTARY ASSEMBLY

4. The CDDH exchanged views on Recommendations of the Parliamentary Assembly, 2046(2014) – “*The left-to-die boat’: actions and reactions*”; 2047(2014) – “*The large-scale arrival of mixed migratory flows on Italian shores*”; 2051(2014) – “*Reinforcement of the independence of the European Court of Human Rights*”; 2055 (2014) – “*Threats against humanity posed by the terrorist group known as ‘IS’: violence against Christians and other religious or ethnic communities*”; 2056 (2014) – “*The alternatives to immigration detention of children*” – and adopted its comments as they appear in [Appendix III](#) of the present report.

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

5. The Chairperson of the Committee of Experts on the reform of the Court (DH-GDR), Mr Morten RUUD (Norway), presented the work completed by the Committee at its 7th meeting (5-7 November 2014).

3.1 Rules of Court – Procedure of amendment and legal statute

6. The CDDH examined and adopted its report containing conclusions and possible proposals for action concerning the procedure for the amendment of the Rules of Court and the

¹ 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.

possible ‘upgrading’ to the Convention of certain provisions of the Rules of Court, as it appears in document CDDH(2014)R82 Addendum I, for transmission to the Committee of Ministers.

7. In approving the draft report, the Committee decided to record, in its meeting report, the proposal that was not retained for the former, to amend the text to indicate that several observers expressed their concerns with regard to the possible ‘upgrading’ to the Convention of certain principles appearing in the Rules of Court as it would put into question the Court’s independence.

8. The Committee concluded by thanking the DH-GDR and its Drafting Group “G” on the reform of the Court (GT-GDR-G), as well as their respective Chairpersons, for their invaluable contributions to its work.

3.2 Longer term reform

9. The Chairperson of the GT-GDR-F, Mr Martin KUIJER (The Netherlands), presented the work of the Group. The CDDH welcomed the progress made to date, took note of the Committee of Ministers’ decision to extend the deadline, until 31st December 2015, for presentation of the CDDH final report on the longer-term future of the Convention system and the Court and approved the “Roadmap” establishing the working methods and necessary steps for the preparation of the above-mentioned report (doc. GT-GDR-F(2014)020). In addition, experts were reminded that it was already open to them to send to the Secretariat (virginie.flores@coe.int) any comments on the draft texts for Sections I to IV of the draft final report (documents GT-GDR-F(2014)011 and GT-GDR-F(2014)019).

3.3 Brussels Conference

10. Mr Philippe WERY (Belgium) informed the Committee of Ministers about the state of preparation of the High level Conference on “the implementation of the European Convention on Human Rights, our shared responsibility” (Brussels, 26-27 March 2015), to be organised in the framework of Belgium’s chairmanship of the Committee of Ministers and invited experts to send to the Belgian authorities (isabelle.niedlispacher@just.fgov.be) any suggestion on the draft Declaration for the Conference by 10 December 2014.

11. The CDDH examined and adopted its contribution to this Conference, as it appears in document CDDH(2014)R82 Addendum II, and decided to transmit it to the Committee of Ministers, inviting it to take note of it.

3.4 Further issues

12. Regarding exchange of information concerning the implementation of the Convention and execution of the Court’s judgments, the CDDH approved guidance given by the DH-GDR (see DH-GDR(2014)R7, paragraphs 10-11), according to its terms of reference for 2014-2015.

13. Regarding the possibility provided by its current terms of reference of updating certain existing Committee of Ministers’ recommendations to member States, in particular Rec(2004)4 on the European Convention on Human Rights in university education and professional training and CM/Rec(2010)3 on effective remedies for excessive length of proceedings, the Committee decided, given the heavy workload during meetings in 2015, not to undertake such work in 2015.

14. Regarding the proposals for work to be submitted to the Committee of Ministers for the next biennium, the CDDH will decide at its 83rd meeting (June 2015) particularly in the light of the results of the Brussels Conference and of the progress of its draft final report on the longer-term future of the Convention system and the Court.

ITEM 4: DEVELOPMENT AND PROMOTION OF HUMAN RIGHTS

4.1 Corporate social responsibility in the field of human rights (CDDH-CORP)

15. The Chair of the drafting Group on Human Rights and Business (CDDH-CORP), Mr René LEFEBER (The Netherlands) reported the results of the 3rd meeting of the Group (24-26 September 2014), notably the draft recommendation on human rights and business which appears in Appendix III of its meeting report (CDDH-CORP(2014)R3). He pointed out that the Drafting Group had taken the draft elaborated by the Chair and the Secretariat as a basis, to which new proposals as well as concerns about certain provisions had been added. About one third of the text had been tentatively agreed on by the CDDH-CORP, while the remainder had to be seen as a work in progress, to be completed at the two forthcoming meetings in 2015.

16. Given the provisional character of the majority of the provisions in the draft recommendation, the CDDH at this stage restricted itself to providing guidance of a general character to the drafting Group. It was noted that the provisional character of the current recommendation was the reason for the relatively wide scope which was expected to be further narrowed down in the course of future work. The explanatory memorandum, which could accommodate certain issues which would not meet with the consensus needed for inclusion in the recommendation, could prove to be useful to that effect. It therefore asked the CDDH-CORP to write such a statement while keeping this perspective in mind.

17. The CDDH also recalled that the Group should not deviate from its mandate, which is to provide recommendations on implementation gaps of the UN Guiding Principles, with particular emphasis on access to justice, and that it was important that the CDDH-CORP continues to follow closely the developments at the United Nations on the topic. Several experts pointed out that they would comment on particular provisions in the draft at a more advance stage, at the 83rd CDDH meeting (June 2015).

18. The Chair of the CDDH-CORP also reported on his presentation of the work of the CDDH-CORP at a conference entitled “The EU’s business? Ensuring remedy for corporate human rights abuses” hosted by the European Parliament on 12 November 2014 in Brussels. He further referred to relevant developments in the United Nations Human Rights Council. The CDDH instructed Mr Lefeber to represent it at the forthcoming UN Forum on Business and Human Rights (Geneva, 1-3 December 2014).

19. Moreover, the Secretariat informed the CDDH that the Committee of Ministers’ Rapporteur Group on Human Rights (GR-H) had proposed that the forthcoming exchange of views of the Committee of Ministers on the United Nations on 12 February 2015 would focus on a thematic discussion on “Human Rights and Business”, and that this proposal was expected to be adopted by the Committee of Ministers in the week following the CDDH meeting.²

² The Ministers’ Deputies adopted the proposal on 26 November 2014, at their 1213th meeting.

4.2 *Human rights in culturally diverse societies (CDDH-DC)*

20. The Chair of the drafting Group on human rights in culturally diverse societies (CDDH-DC), Ms Krista OINONEN (Finland), presented the on-going work.

- a) *Compilation of existing Council of Europe standards relating to the principles of freedom of thought, conscience and religion and the links with other Convention rights, supplemented by a Compendium of good practices*

21. The CDDH took note of the state of preparation of the draft Compilation of existing standards and agreed to allocate some additional time to the CDDH-DC to finalise the draft text with a view to its adoption at the 83rd meeting of the CDDH in June 2015. For this purpose, the Secretariat would finalise the draft text by 15 January 2015. CDDH participants would then be invited to submit their possible suggestions on the draft text so that the CDDH-DC, if need be, could have a last look at it at its 3rd meeting (31 March – 2 April 2015).

22. The CDDH was informed that 20 States had already submitted examples of good practices and that a few more members had indicated that they would soon send their contribution or supplement the one already submitted. The deadline is set for 15 January 2015 (merete.bjerregaard@coe.int; evangelia.vratsida@coe.int).

- b) *Guidelines on the protection and promotion of human rights in culturally diverse societies*

23. The Chair of the CDDH-DC informed about the current work on the elaboration of the draft Guidelines. She pointed out that on the basis of possible issues for inclusion in such a non-binding instrument identified by the CDDH-DC at its meeting in October 2014, the Secretariat will prepare preliminary elements for the elaboration of draft Guidelines by 1 March 2015 with a view to their examination by the CDDH-DC at its 3rd meeting (31 March – 2 April 2015).

24. The CDDH exchanged views on the objectives and content of the draft Guidelines and agreed that the focus should indeed be on the implementation of existing standards in this field. Although primarily addressed to States, such Guidelines could also serve as a practical tool for regional and local governments, as well as civil society. It was thus important that such an instrument be drafted in a clear and concise manner so as to be user-friendly.

25. While encouraging the CDDH-DC to continue its examination of possible issues to be included in such an instrument, the CDDH advised its drafting Group to be cautious when considering concepts which were not yet well known for many member States in this context, such as multiple discrimination, reasonable accommodation or conscientious objection.

26. The final text will be submitted to the CDDH for adoption at its 84th meeting in December 2015.

4.3 *Future work*

27. The CDDH rapporteur, Ms Zinovia STAVRIDIS (Greece), presented the draft feasibility study on the impact of the economic crisis and austerity measures on human rights in Europe (CDDH(2014)017), noting that the narrow timetable had not allowed to ask delegations for written comments on the draft, which could have been useful in view of the complexity of the topic. The CDDH considered that it would be convenient to finalise the work on the present topic

simultaneously with the CDDH's work for the next biennium, at the 83rd meeting (June 2015). Therefore, it decided to ask the Committee of Ministers to extend the deadline for the adoption of the feasibility study until 30 June 2015. In view of that extension, it instructed the rapporteur to revise the draft feasibility study in light of written comments received, notably focusing on thematic issues identified in the draft study that should be considered as a priority. Participants were invited to send their possible comments to the Secretariat (Matthias.Kloth@coe.int ; Evangelia.Vratsida@coe.int) by 15 March 2015.

28. The CDDH exchanged preliminary views on the conclusions that could appear in the revised version of the draft feasibility study.

- As to the general direction of the document, several members expressed the view that there was added value in future work to be carried out by the Committee of Ministers on the topic, which would at least address some of the thematic issues identified by the draft feasibility study. Even if the conclusions of a revised feasibility study would restrict the number of thematic issues in accordance with priorities expressed by members in their written comments, there would remain sufficient content to justify the proposal of future work to the Committee of Ministers.
- Two members expressed their preference that the study should conclude that there was no need to carry out any further activities, and that this option had not yet been sufficiently reflected upon in the current draft. Moreover, in the light of the numerous activities already identified by the study, they wondered whether any future work of the Committee of Ministers could provide real added value.
- Two other members raised concerns that the study had addressed the need for coherence between the case-law of the European Court of Human Rights and decisions of the European Committee of Social Rights concerning austerity measures. In this regards they suggested that the study should better reflect that there was a difference in the weight and acceptance given on the part of Council of Europe member States to the rulings of these two monitoring mechanisms.
- Finally, an observer suggested that the content of the draft feasibility study should address more issues in relation to social and economic rights, in particular the rights of workers, pensioners and trade unions.

ITEM 5: BIOETHICS (DH-BIO)

29. The Head of Bioethics Unit and Secretary of the DH-BIO, Ms Laurence LWOFF, reported on the work of the 6th DH-BIO meeting (12-14 November 2014, document DH-BIO/abr RAP 6).

5.1 Information on the progress achieved in ongoing activities, including the drafting of the new Additional Protocol to the Oviedo Convention

30. The CDDH also exchanged views on the following ongoing work:

- (i) *Predictivity, genetic testing and insurance* – The CDDH noted that the DH-BIO examined the revised draft Recommendation on the processing for insurance purposes of personal health-related data, in particular data resulting from genetic tests. The DH-BIO foresees to finalise the draft instrument at its 8th meeting (November 2015) and will

submit it to the CDDH for approval in view of its presentation to the Committee of Ministers for adoption;

(ii) *Ethical issues raised by science and emerging technologies and their convergence* - The CDDH took note of the draft study which was presented to the DH-BIO by an expert consultant. The CDDH also noted that this study will be presented at the Conference on «Human Rights and Emerging Technologies » which will be organised by the DH-BIO in Strasbourg on 4-5 May 2015 and nominated its Vice-Chair, Ms Brigitte KONZ (Luxembourg) to represent it at this event. It also invited the participants to send to the Secretariat their possible proposals for speakers for this conference by 10 December 2014.

31. Regarding the Additional Protocol on the protection of the human rights and dignity of persons with mental disorders with regard to involuntary placement and involuntary treatment, she pointed out that the DH-BIO had exchanged views on the revised version of the draft Additional Protocol prepared by the drafting Group in the light of the comments made by the delegations of the DH-BIO and the CDDH. These delegations were invited to submit written comments on all the provisions, where possible, accompanied by drafting proposals, by 15 December 2014 (DGI-CDDH-Bioethics@coe.int).

5.2 Presentation of proposals for future activities for the 2016-2017 Biennium

32. The CDDH decided to examine at its 83rd meeting in June 2015 proposals for activities for 2016-2017 identified by the DH-BIO at its 6th meeting (12-14 November 2014).

ITEM 6: YOUNG PEOPLE'S ACCESS TO FUNDAMENTAL RIGHTS

33. Mr Vladislav ERMAKOV (Russian Federation) and Ms Nataliia SHAKURO (Ukraine) informed on their participation to the 1st meeting (28-29 August 2014) of drafting Group on the preparation of a draft Recommendation on young people's access to fundamental rights (CMJ/DGFR) created by the Joint Council on Youth (CMJ). A first draft Recommendation had been prepared following this meeting (see documents CDDH(2014)014 and 015). The CDDH gave them guidance and invited the participants to send their possible suggestions on this draft instrument by 20 December 2014 (alfonso.desalas@coe.int; corinne.gavrilovic@coe.int).

ITEM 7: EXPERTS REPRESENTING THE CDDH IN OTHER BODIES

34. A summary table of meetings and events of various bodies in 2014 and the experts appointed by the CDDH to attend them if the agenda so requires, is set out in Appendix V. The CDDH exchanged views on information provided by the experts who had represented it since its 82nd meeting (June 2014). Those experts sent reports appearing in Document CDDH(2014)015:

- Mr Vladislav ERMAKOV (Russian Federation) and Ms Nataliia SHAKURO (Ukraine) attended the meeting of the drafting Group on the preparation of a draft Recommendation on young people's access to fundamental rights (28-29 August 2014); see above, item 6.

- Mr Joan FORNER ROVIRA (Andorra) attended the 9th meeting of the Committee of the Parties to the Convention on the protection of children against sexual exploitation and sexual abuse (9-11 September 2014).
- Mr Morten RUUD (Norway) attended the 89th meeting of the European Committee on Legal Co-operation (CDCJ 29-31 October 2014). Having pointed out that he would not be able to participate to CDCJ meetings anymore, the CDDH thanked him for the work achieved and nominated Ms Maria de Fátima GRAÇA CARVALHO (Portugal) to represent it from now on to the CDCJ.
- Mr Rob LINHAM (United Kingdom) attended the 27th meeting of Committee of Experts on Terrorism (CODEXTER, 13-14 November 2014). He pointed out that this body considered creating an ad hoc committee in charge of preparing an additional protocol to the Convention on the Prevention of Terrorism (CETS 196) that would oblige States Parties to the Protocol to criminalise certain conduct in the light of the list drawn from United Nations Security Council in its Resolution 2178(2014), among which the act of intentionally being recruited for terrorism. Moreover, the CODEXTER established a drafting Group to prepare a draft recommendation of the Committee of Ministers to the member States on “foreign terrorist fighters” focussing on preventive measures, on how to deal with returning “foreign terrorist fighters”, on radicalisation via the Internet, and on the role of women in terrorism and the prevention thereof. Noting the human rights aspects of those two activities, the CDDH nominated Mr Rob LINHAM (United Kingdom) to participate in the work of the ad hoc committee on the future additional protocol and Ms Krista OINONEN (Finland) to participate in the work of the drafting Group on the draft recommendation. Finally, Mr Linham recalled that the CDDH decided in June 2014 to provide its comments in due course to the update and amendment work of Recommendation Rec(2005)10 of the Committee of Ministers to the member States on the use of special investigation techniques in relation to serious crimes, including acts of terrorism.
- Ms Nataliia SHAKURO (Ukraine) attended the first day of the 2nd meeting of the European Committee for Social Cohesion, Human Dignity and Equality (CDDECS, 18 November 2014). She stressed the importance to closely monitor the work of this body to ensure the best possible complementarity with the work of the CDDH.

ITEM 8: INVITEES FOR THE FORTHCOMING MEETINGS

35. Following the suggestions of the Bureau and particularly in the light of the information provided by the Secretariat as for the availability of personalities approached to participate in either forthcoming meeting, the CDDH decided to invite:

- Ms Maud DE BOER-BUQUICCHIO, independent Personality appointed by the Council of Europe to sit in the Agency for Fundamental Rights (FRA) governing bodies, Special UN rapporteur on the sale of children, child prostitution and child pornography, at its 83rd meeting (June 2015);

- Ms Professor Dr. Theresia DEGENER, expert from Germany to the conventional body of the Convention on the Rights of Persons with Disabilities, at its 84th meeting (December 2015);
- Ms Professor Frédérique DREYFUS-NETTER (France), lawyer and specialist in bioethics, at its 85th meeting (June 2016).

36. Regarding the Office of the United Nations High Commissioner for Human Rights (OHCHR), the CDDH asked the Secretariat to explore the possibility of inviting a representative to exchange views in 2016.

ITEM 9: REVIEW OF COUNCIL OF EUROPE CONVENTIONS

37. The CDDH exchanged views on the objectives of this exercise and the best means to achieve this. It exchanged preliminary views on the prospects of signature and ratification of Protocols No. 15 and 16 to the European Convention on Human Rights and of the Council of Europe Convention on Access to Official Documents and decided to return to it into more details at its 83rd meeting (June 2015).

ITEM 10: CDDH WORK BEYOND THE CURRENT BIENNIUM

38. Mr Mikhail LOBOV, Head of the Human Rights Policy and Development Department, presented document CDDH (2014)006rev reflecting the discussions of the CDDH at its 80th and 81st meetings (8-10 April and 24-27 June 2014 respectively) on how the Steering Committee could consider its role and priorities beyond the current biennium, given the evolution of its current work and the challenges facing the Council of Europe.³ He stressed the need, in this context, that the CDDH does not depart from the legal and jurisdictional dimension which has always been the core of its work.

39. The CDDH noted in particular that in the transversal activities to which it will increasingly be called upon to participate, its mission will consist in providing its legal expertise on human rights to other bodies, ensuring that draft texts prepared by them are consistent with the standards of the Convention. Conversely, the CDDH hoped to benefit in its own work from the expertise developed by other committees, which implies the work is represented in one way or another in the work of the CDDH. In this context, the Committee stressed the continued need for information on current activities and instructed its Secretariat and its representatives in other bodies to pay particular attention to it.

40. The CDDH asked the Secretariat to consolidate the document on the role and priorities of the CDDH beyond the current biennium, so as to decide at its 83rd meeting (June 2015) on the draft mandate it wishes to propose to the Committee of Ministers as well as proposals for the work to be carried out during the next biennium. Concerning proposals for activities in the field of development and promotion of human rights, the CDDH thanked the delegation from the United Kingdom for the proposals it put forward. They will be included in the consolidated document. The latter will present the various proposals for activities indicating for each of them the added value of a possible action from the CDDH.

³ The document is supplemented by the mandate of the CDDH and the mandates of several steering committees and ad hoc committees whose work may be of interest to the CDDH.

41. The Secretariat will send the consolidated document by 15 March 2015. All CDDH participants will be invited to send their suggestions by 15 April 2015 (alfonso.desalas@coe.int; corinne.gavrilovic@coe.int).

42. The CDDH asked its Bureau and six other members (Finland, Greece, Latvia, the Netherlands, Poland and Switzerland) as well as the Secretariat to devote the day of 16 June 2015, the eve of the 83rd plenary meeting, to complete the preparation of this agenda item, in view of decisions to be taken by the CDDH at this plenary meeting.

ITEM 11: ELECTIONS

43. The CDDH held elections for the composition of the Bureau and the chairs of subordinate bodies (see Appendix VI to this report). It noted that the GT-GDR-F will elect its own chair at its next meeting (10-12 December 2014).

ITEM 12: INVITEE

44. The CDDH exchanged views with Mr Lətif HÜSEYNOV, President of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT). His presentation appears in Appendix IV. It was noted in this context that the 25th anniversary of the CPT on 2 March 2015 will be marked by a conference entitled “*The CPT at 25: Taking stock and moving forward*” that will consist of a high-level opening session followed by five simultaneous panels on the following themes: *combating impunity in the police and jail contexts; health care in prisons; juveniles in detention; solitary confinement and towards new CPT standards on psychiatry*. The CDDH appointed Mr Martin KUIJER (The Netherlands) to attend the Conference to represent of the Steering Committee. It was also noted that Mr Hans-Jörg BEHRENS (Germany) will participate as part of its national delegation.

ITEM 13: CALENDAR OF MEETINGS

45. The CDDH adopted the calendar of its meetings and those of its subordinate bodies for the first half of 2015 and provisionally adopted the calendar for the second semester of 2015, on which it decided to resume its discussion at its meeting in June 2015. The calendar is set out in Appendix VIII.

ITEM 14: FURTHER ISSUES

14.1 Information on the International Conference “Application of the European Convention on Human Rights and Fundamental Freedoms on national level and the role of national judges” (Baku, 24-25 October 2014)

46. Mr Chingiz ASGAROV (Azerbaijan), as well as the CDDH and DH-GDR Chairs who participated in the conference as speakers, informed the CDDH on the results of this event. Proceedings will be published. In addition to the presentations delivered, they should reflect the exchange of views that took place at the conference on Protocol No. 16.

14.2 Information on other events of interest for the CDDH members

47. Ms Eliza SUCHOŹEBRSKA (Poland) informed about the results of the 8th Warsaw

Seminar (24 October 2014), which focused on " Equal Access to Rights Guaranteed under the System of the Convention for the Protection of Human Rights and Fundamental Freedoms — Current State of Affairs and Challenges". The CDDH welcomed the holding of this now traditional event devoted to implementation of the Convention into domestic legal order.

14.3 Prenatal sex selection – Information on the follow-up by the Committee of Ministers

48. The CDDH was informed that at their 1207th meeting (17 September 2014) the Ministers' Deputies have instructed it, with the support of the DH-BIO, and in cooperation with the Gender Equality Commission (GEC), to consider and make proposals for concrete action to be undertaken by the Council of Europe in this field. The deadline for this work was left to the discretion of the CDDH. The latter decided to return to it at its 83rd meeting (June 2015) in the broader context of its discussion on proposed activities for the next biennium.

14.4 Follow-up to CDDH Report on the review of the functioning of the Advisory Panel of experts on candidates for election as judge to the European Court of Human Rights

49. The CDDH was informed by the Secretariat on the follow-up given by the Ministers' Deputies to the CDDH report on the review of the functioning of the Advisory Panel of experts on candidates for election as judge to the European Court of Human Rights, in the light of the comments received from the Court and the Parliamentary Assembly.⁴

50. At the end of the meeting, the CDDH expressed its deepest gratitude to two members of the Secretariat, Mr Daniele CANGEMI and Mr David MILNER, who have been called to now perform other functions within the Organisation. Underlining the exemplary quality of their work and welcoming the unique contribution they provided for many years to the Steering Committee on priority issues for the Council of Europe, it wished them success in their new functions. Finally, the CDDH thanked Ms Maris KUURBERG (Estonia) and Mr Frank SCHÜRMAN (Switzerland) for their active contribution to the Bureau.

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⁴ On the basis of this report in particular, the Deputies took decisions on the matter on 26 November 2014, at their 1213th meeting.

Appendix I
List of participants

The gender distribution of the 81 participants in the meeting was as follows: 33 women (41 %) and 48 men (59 %) including the Chair

| |
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| MEMBERS / MEMBRES |
|--------------------------|

ALBANIA / ALBANIE

Ms Alma HICKA, Ministry of Justice

ANDORRA / ANDORRE

Mr Joan FORNER ROVIRA, Représentant permanent Adjoint d'Andorre auprès du Conseil de l'Europe

ARMENIA / ARMENIE

Mr Levon AMIRJANYAN, Chef du département des affaires juridiques, Ministère des affaires étrangères

AUSTRIA / AUTRICHE

Mrs Brigitte OHMS, Deputy Government Agent, Division for International Affairs and General Administrative Affairs, Federal Chancellery

AZERBAIJAN / AZERBAIDJAN

Mr Chingiz ASGAROV, Head of the sector on protection of human rights, Department for Coordination of Law Enforcement Agencies, Administration of the President of the Republic of Azerbaijan

BELGIUM / BELGIQUE

Mr Philippe WERY, Chef du Service des droits de l'homme, SPF Justice

Mme Isabelle NIEDLISPACHER, co-Agent du Gouvernement, SPF Justice

BOSNIA AND HERZEGOVINA / BOSNIE-HERZEGOVINE

Ms Zikreta IBRAHIMOVIC, Deputy Agent of the Council of Ministers of Bosnia and Herzegovina before European Court of Human Rights

BULGARIA / BULGARIE

Mr Dimitar Philipov SERAFIMOV, Directeur département DH, Ministère des Affaires Etrangères

CROATIA / CROATIE

Mrs Romana KUZMANIĆ OLUIĆ, Counsellor, Ministry of Foreign and European Affairs

CYPRUS / CHYPRE

Ms Angeliki KARNOU, Counsel of the Republic, Office of the Attorney-general (Human Right sector)

CZECH REPUBLIC / REPUBLIQUE TCHEQUE

Mr Vit A. SCHORM, Government Agent, Ministry of Justice

Mr Martin BOUČEK, Human Rights and Transition Policy Department, Ministry of Foreign Affairs

DENMARK / DANEMARK

Mr Thomas KLOPPENBURG, Head of Section, The Danish Ministry of Justice

ESTONIA / ESTONIE

Mrs Maris KUURBERG, Government Agent before the European Court of Human Rights, Ministry of Foreign Affairs

FINLAND / FINLANDE

Mr Arto KOSONEN, Government Agent, Director, Unit for Human Rights Court and Conventions, Legal Service, Ministry of Foreign Affairs

FRANCE

M. Rodolphe FERAL, rédacteur à la sous-direction des droits de l'homme

GEORGIA / GEORGIE (*Apologised*)

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 und für Verbraucherschutz

GREECE / GRECE

Ms Zinovia STAVRIDIS, Head of the Public International Law Department/Special Legal Department, Ministry of Foreign Affairs

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

HUNGARY / HONGRIE

Mr Zoltan TALLODI, Agent before ECHR, Ministry of Public Administration and Justice

ICELAND / ISLANDE

IRELAND / IRLANDE

Mr Peter WHITE, Agent for the Government of Ireland, Assistant Legal Adviser, Legal Division, Department of Foreign Affairs and Trade

ITALY / ITALIE

Ms Stefania ROSINI, Ministère des Affaires Etrangères, Directrice adjointe du service des affaires juridiques

LATVIA / LETTONIE

Mrs Kristine LICE, Government Agent, Representative of the Government of Latvia before International Human Rights Organizations, Ministry of Foreign Affairs

LIECHTENSTEIN

Mr Manuel FRICK, Deputy Permanent Representative to the Council of Europe, Office for Foreign Affairs

LITHUANIA / LITUANIE

Ms Karolina BUBNYTE, Head of the Representation Division to the European Court of Human Rights, Ministry of Justice

LUXEMBOURG

Mme Brigitte KONZ, Juge de Paix directrice, Cité judiciaire

MALTA / MALTE

Dr Victoria BUTTIGIEG, Head of Civil and Constitutional Law Unit, Office of the Attorney General

REPUBLIC OF MOLDOVA/ REPUBLIQUE DE MOLDOVA

Mr Lilian APOSTOL, Agent for the Government of the Republic of Moldova

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

THE NETHERLANDS / PAYS-BAS

Mr Roeland BÖCKER, Ministry of Foreign Affairs

Mr Martin KUIJER, Senior legal adviser human rights law, Ministry of Justice

NORWAY / NORVEGE

Mr Morten RUUD, Norwegian Ministry of Justice and the Police

POLAND / POLOGNE

Eliza SUCHOŹEBRSKA, Government Co-Agent of Poland before the European Court of Human Rights, Department of Proceedings before International Human Rights Protection Bodies, Ministry of Foreign Affairs of Poland

PORTUGAL

Mme Maria de Fátima GRAÇA CARVALHO, Agente du Gouvernement, Procureur-Général adjointe, Procuradoria Geral da Republica

ROMANIA / ROUMANIE

Ms Catrinel BRUMAR, Agent for the Government before the European Court of Human Rights, Ministry of Foreign Affairs

RUSSIAN FEDERATION / FEDERATION DE RUSSIE

Mr Grigory LUKIYANTSEV, Deputy Director, Department for Humanitarian Cooperation and Human Rights, Ministry of Foreign Affairs

Mr Vladislav ERMAKOV, Ministry of Foreign Affairs

Ms Maria MOLODTSOVA, Deputy to the Permanent Representative, Permanent Representation of the Russian Federation to the Council of Europe

SAN MARINO / SAINT-MARIN

SERBIA / SERBIE

Ms Vanja RODIC, Assistant Minister – Agent before the ECHR, Ministry of Justice and Public Administration

SLOVAK REPUBLIC / REPUBLIQUE SLOVAQUE

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Mrs Charlotte HELLNER KIRSTEIN, Senior Legal Advisor, Department for International Law, Human Rights and Treaty Law, Ministry for Foreign Affairs

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

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

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

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Mr Şener DALYAN, Head of Human Rights Department at the Ministry of Justice,

Ms Aysen EMÜLER, Legal Expert, Représentation permanente de la Turquie auprès du Conseil de l'Europe

Mr Harun SAĞLAM, Conseiller, Ministère de la Justice - Représentation Permanente de la Turquie auprès du Conseil de l'Europe

UKRAINE

Ms Nataliia SHAKURO Human Rights and the Council of Europe Unit, Department for international organisations, Ministry of Foreign Affairs

UNITED KINGDOM / ROYAUME-UNI

Mr Rob LINHAM, Head of Council of Europe Human Rights Policy, Ministry of Justice

Mr Paul McKELL, Legal Counsellor, Foreign and Commonwealth Office

Ms Elspeth RAINBOW, Senior Policy Adviser, Europe Human Rights, Ministry of Justice

| |
|---------------------|
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|---------------------|

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Prof. Dr. Rene Lefeber, (*Chair/Président CDDH-CORP*), Legal Counsel, Ministry of Foreign Affairs

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Ms Anne-Katrin SPECK

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****Gender Equality Commission / Commission pour l'égalité entre les femmes et les hommes (GEC)****Directorate of Legal Advice and Public International Law/ Directeur du Conseil Juridique et du droit international public (DLAPIL)****Department for the Execution of Judgments of the Court/ Service de l'Exécution des Arrêts de la Cour**

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

Mr Jean-Bernard MARIE

European Union / Union Européenne**OBSERVERS / OBSERVATEURS****HOLY SEE / SAINT-SIÈGE**

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JAPAN / JAPON

Mr Takaaki SHINTAKU, Consul (Attorney), Consulate-General of Japan, Consulate-General of Japan

MEXICO / Mexique

Ms Andrea BARBOSA, Représentation Permanente du Mexique auprès du Conseil de l'Europe

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

Mr Oleg ANISIMOV, Counsellor, OSCE and CoE Unit, MFA of the Republic of Belarus

European Network of Human Rights Institutions (ENNHRI) / Réseau européen des institutions nationales des droits de l'Homme

Mr Martin FUTTRUP, Legal Working Group of ENNHRI, Dublin

Mr Martin RYDING ROSENKILDE, The Danish Institute for Human Rights

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

Non governmental Organisations / Organisations non-gouvernementales

Amnesty International

Ms Gabriela Quijano, Business and Human Rights Legal Adviser, Global Thematic Issues, International Secretariat

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

Ms Róisín PILLAY, Senior Legal Advisor, Europe programme, International Commission of Jurists

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

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

The AIRE Centre

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Ms Mélodie SAHRAIE, Intergovernmental Cooperation Division / Division de la coopération
intergouvernementale en matière de droits de l'Homme

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 Julia TANNER
Ms Chloé CHENETIER
Ms Lucie DE BURLET

* * *

Appendix II**Agenda****ITEM 1: OPENING OF THE MEETING, ADOPTION OF THE AGENDA AND ORDER OF BUSINESS****ITEM 2: RECOMMENDATIONS OF THE PARLIAMENTARY ASSEMBLY**

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| Recommendations transmitted by the Minister's Deputies to the CDDH and elements prepared by the Secretariat | CDDH(2014)016 |
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ITEM 3: REFORM OF THE COURT (DH-GDR)

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| Report of the 7 th meeting of the DH-GDR (5-7 November 2014) | DH-GDR(2014)R7 |
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3.1 Rules of Court - Procedure of amendment and legal statute

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| Report of the 7 th meeting of the DH-GDR (5-7 November 2014)) | DH-GDR(2014)R7 |
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3.2 Longer term reform

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| Report of the 3 rd meeting of the GT-GDR-F (24-26 September 2014) | GT-GDR-F(2014)R3 |
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3.3 Brussels Conference

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| Report of the 7 th meeting of the DH-GDR (5-7 November 2014) | DH-GDR(2014)R7 |
| CDDH report on whether more effective measures are needed in respect of States that fail to implement Court judgments in a timely manner | CDDH(2013)R79 <u>Addendum I</u> |
| Reply of the European Court of Human Rights to Committee of Ministers request for comments on the CDDH Report on Execution | DD(2014)650 |
| Measures to improve the execution of the judgments and decisions of the Court – main proposals (working document for consideration by the GT-REF.ECHR at its meeting on 1 July 2014) | GT-REF.ECHR(2014)1 |

3.4 Further issues

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| Report of the 7 th meeting of the DH-GDR (5-7 November 2014) | DH-GDR(2014)R7 |
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ITEM 4: DEVELOPMENT AND PROMOTION OF HUMAN RIGHTS***4.1 Corporate social responsibility in the field of human rights (CDDH-CORP)***

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| Report of the 3 rd meeting of the CDDH-CORP (24-26 September 2014) | CDDH-CORP(2014)R3 |
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4.2 Human rights in culturally diverse societies (CDDH-DC)

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| Report of the 2 nd meeting of the CDDH-DC (21-24 October 2014) | CDDH-DC(2014)R2 |
| Draft compilation of existing Council of Europe standards relating to the principles of freedom of thought, conscience and religion and the links with other Convention rights, supplemented by a compendium of good practices | CDDH-DC(2014)06Rev |

4.3 Future work

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| Report of the 81st meeting of the CDDH (24-27 June 2014) | CDDH (2014)R81 |
| <i>The impact of the economic crisis and austerity measures on human rights in Europe</i> - Draft feasibility study | CDDH(2014)... |

ITEM 5: BIOETHICS (DH-BIO)**5.1 Examination of the draft Additional Protocol to the Convention on Human Rights and Biomedicine**

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| List of decisions - 6 th meeting of the DH-BIO (12-14 November 2014) | Decisions 6 th DH-BIO |
| Preliminary revised draft Additional Protocol concerning the protection of human rights and dignity of persons with mental disorders with regard to involuntary placement and involuntary treatment | DH-BIO (2014)6Rev <i>Restricted</i> |
| Comments by members of the CDDH and the DH-BIO | CDDH(2014)008 |
| Revised draft Recommendation on the processing for insurance purposes of personal health-related data, in particular data resulting from genetic tests | DH-BIO(2014)14 Restricted |
| Conference Human Rights and Emerging Technologies | Draft programme |

5.2 Presentation of proposals for future activities for the 2016-2017 Biennium

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| Appendix to the decisions - 6 th meeting of the DH-BIO (12-14 November 2014) | Decisions 6 th DH-BIO Appendix |
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ITEM 6: YOUNG PEOPLE'S ACCESS TO FUNDAMENTAL RIGHTS

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| Ongoing work: document prepared by the Secretariat | CDDH(2014)014 |
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ITEM 7: EXPERTS REPRESENTING THE CDDH IN OTHER BODIES

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| Information provided by the experts | CDDH(2014)015 |
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ITEM 8: INVITEES FOR THE FORTHCOMING MEETINGS**ITEM 9: REVIEW OF COUNCIL OF EUROPE CONVENTIONS**

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| Review of Council of Europe Conventions (document updated) | CDDH(2014)005 |
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ITEM 10: CDDH WORK BEYOND THE CURRENT BIENNIUM

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| CDDH work beyond the current Biennium | CDDH(2014)006Rev |
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ITEM 11: ELECTIONS

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| Resolution (2011)24 on intergovernmental committees and subordinate bodies, their terms of reference and working methods | CM/Res(2011)24 |
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ITEM 12: INVITEES**ITEM 13: CALENDAR OF MEETINGS****ITEM 14: FURTHER ISSUES**

Appendix III

**CDDH comments on
Parliamentary Assembly Recommendations**

**PARLIAMENTARY ASSEMBLY RECOMMENDATION 2046(2014) –
“THE ‘LEFT-TO-DIE BOAT’: ACTIONS AND REACTIONS”**

Comments

1. The Steering Committee for Human Rights (CDDH) takes note of Parliamentary Assembly Recommendation 2046 (2014), especially against the background of recurrent tragic incidents in the past few months,⁵ and their devastating toll on human life. The CDDH concurs that these incidents have shed light on the serious problems arising from lack of accountability, transparency and co-ordination in this area, resulting in failure to rescue people in distress at sea.
2. In this regard, the CDDH concurs that it is essential to promote a common, coherent and effective application of the legal framework of search and rescue (SAR) policies in Europe, and agrees that the Council of Europe has an important role in assisting member States in this regard and enhancing solidarity among them.
3. To avoid replication and unnecessary overlap, and to ensure that objectives in this field are achieved with added value, it is crucial, in the CDDH’s view, to enhance coordination and cooperation regarding on-going activities before initiating new ones. Concerning the Assembly’s request for a feasibility study on a common approach to fill vital legal gaps in SAR in the Mediterranean Sea, the CDDH wishes to draw attention to the important role entrusted to the European Agency for the Management of Operational Cooperation at the External Borders (Frontex) under the comprehensive EU Regulation No 656/2014 of 15 May 2014 establishing rules of the surveillance of the external sea borders in the context of operational cooperation. The CDDH also takes note of the important contribution by the EU’s Fundamental Rights Agency (FRA) in this field.⁶ The Parliamentary Assembly itself has played an active role in encouraging international efforts leading to progress in this area. In addition, the CDDH notes that much concrete work has and continues to be undertaken by various organizations, notably the United Nations High Commissioner for Refugees (UNHCR), which has implemented the comprehensive Central Mediterranean Sea

⁵ Reuters, [“As many as 700 migrants feared drowned in Mediterranean”](#) 15.09.14); The Guardian, [“Migrant boat was ‘deliberately sunk’ in the Mediterranean Sea, killing 500”](#), 15.09.14); [“Boat tragedy in the Mediterranean: call for investigation into the latest deaths”](#), 18.09.14).

⁶ See, in this context, a FRA [report on Detention of third country nationals in return procedures](#), containing a specific chapter on the immigration detention of children (p. 55 ff). In 2010, FRA published a [report on separated, asylum-seeking children in European Union Member States](#), based on qualitative interviews with asylum seeking children and adults providing for their needs (pp. 66ff). See also the 2014 [Handbook on European law relating to asylum, borders and immigration](#), jointly produced by the European Court of Human Rights and the FRA, (Ch. 9 deals with unaccompanied minors).

Initiative, and is currently preparing a Protection Dialogue in December 2014, to further develop the Global Initiative for Protection at Sea,⁷ the main aim of both initiatives being to devise concrete steps forward – in collaboration with various key actors and states – in averting the loss of lives at sea.⁸

4. The CDDH takes note of the Assembly’s request for guidelines on how to implement the *Hirsi Jamaa and Others v. Italy* case of the European Court of Human Rights (ECtHR). In this context, the CDDH also takes note of the Assembly’s initiative to tackle this issue further in a follow-up Motion for Resolution on “The Implementation of the *Hirsi* judgment: have push-backs come to an end?”⁹, the outcomes of which remain to be seen. It is expected that the Committee of Ministers will continue to diligently fulfill its duty to supervise the adoption of the measures required by the judgment in accordance with Article 46 of the European Convention on Human Rights (ECHR).¹⁰ On a more general note, however, the CDDH is fully aware of the far-reaching impact of this judgment as to the scope of applicability of the ECHR to persons intercepted both in waters of non-EU countries and international waters (*see also the CDDH reply to PACE Rec 2047 (2014), para. 3ff*). The CDDH wishes to express its availability to contribute to the examination of such matter should the Committee of Ministers so decide.

* * *

PARLIAMENTARY ASSEMBLY RECOMMENDATION 2047(2014) – “THE LARGE-SCALE ARRIVAL OF MIXED MIGRATORY FLOWS ON ITALIAN SHORES”

Comments

1. The Steering Committee for Human Rights (CDDH) takes note of the Parliamentary Assembly’s Recommendation 2047 (2014) on “The large-scale arrival of mixed migratory flows on Italian shores”, a topic of persistent concern both in Europe and beyond. Given recent data on the ‘alarming increase’ in the number of deaths occurring during irregular crossings of the Mediterranean Sea every year,¹¹ the CDDH agrees on the crucial importance of increased efforts to prevent these

⁷ The Dialogue will inform the implementation of a two-year Global Initiative on Protection at Sea (available at: <http://www.unhcr.org/5375db0d9.html>;

See also the Global Initiative of Protection at Sea, <http://www.unhcr.org/5375db0d9.html>.

⁸ More background information on UNHCR’s Central Mediterranean Sea Initiative is available at: <http://www.refworld.org/docid/538d73704.html>.

⁹ Doc. 13629, 07.10.14.

¹⁰ See in this regard, the outcome of the [1164th meeting – 07.03.13, Case against Italy](#) (Case No. 14), (accessed: 08.10.14).

¹¹ UNHCR, “Mediterranean crossings more deadly a year after Lampedusa tragedy”, 02.10.14, at: <http://www.unhcr.org/print/542d12de9.html> (accessed: 03.10.14).

humanitarian tragedies and concurs that the Council of Europe (CoE) has a vital role to play in tackling human rights challenges arising in this area.

2. The CDDH takes note of the Assembly's request (para. 4.1) to reflect on the manner of introducing a new international crime, when persons obtain financial benefit, directly or indirectly, for the transportation of people in unseaworthy vessels, which carries risks of death or injury. The CDDH suggests that such a reflection is more appropriately dealt with by the European Committee on Crime Problems (CDPC) as well as by the Committee of Legal Advisers on Public International Law (CAHDI). The CDDH also wishes to draw attention to the already existing international instrument in the field, the UN Protocol against the Smuggling of Migrants by Land, Sea and Air, Supplementing the United Nations Convention against Transnational Crime, which explicitly calls on States Parties to criminalize the smuggling of migrants and ancillary acts, when these are committed with intent and with the aim of obtaining, directly or indirectly, financial or material gain.¹² Rather than duplicating international efforts, the CDDH proposes that this Protocol should be strengthened by calling on all states not having ratified it, to do so swiftly,¹³ and to enhance international cooperation in the implementation thereof.
3. Concerning paragraphs 4.2 and 4.3 of the Assembly's Recommendation, the CDDH contends that these may be discordant with well-established requirements of international law, i.e. the principle of *non-refoulement*, and in particular the jurisprudence of the European Court of Human Rights (ECtHR). The CDDH draws attention to the judgment of the ECtHR in the case of *Hirsi Jamaa and Others v. Italy* (2012), a case explicitly referred to in the Recommendation. In *Hirsi Jamaa*, the Court held that while Contracting States are free to devise their own immigration policies, this right is circumscribed by Article 3 (freedom against torture or inhuman or degrading treatment) of the European Convention on Human Rights (ECHR), where the removal of a person would expose him/her to a real risk of facing such treatment in the receiving country, irrespective of whether this person was intercepted in the waters of a non-EU country or international waters. The Court reiterated the need for an assessment of individual circumstances (prohibition of collective expulsions of aliens, Art. 4, Prot. 4), and access to an effective remedy (Art. 13). Given the foregoing, the CDDH submits that any arrangements for automatically returning people to a non-EU country, as suggested in the Recommendation, would risk contravening the ECHR's requirements.
4. The need to address possible issues encountered in the implementation of the *Hirsi Jamaa* case is reflected both in PACE Recommendations 2047 (2014) and 2046 (2014), albeit in diverging ways (*see CDDH reply to PACE Rec 2046 (2014)*,

¹² UN Protocol, Art. 6. It is important to make a legal distinction between smuggling of migrants and human trafficking. That said, irregular migrants are at risk of being trafficked (see in this context, the [Council of Europe Convention on Action against Trafficking in Human Beings](#), the work of the [Group of Experts on Action against Trafficking in Human Beings](#) (GRETA) generally, as well as the [UN Global Plan of Action to Combat Trafficking in Persons](#)).

¹³ Ratification status: https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12-b&chapter=18&lang=en (accessed: 02.10.14).

para. 4). The CDDH takes note of the Assembly’s request in Recommendation 2047 (2014) to “make this judgment compatible” with CoE Member States’ right to draw up their own immigration policies. In this context, the CDDH refers to the Court’s position quoted above, that the Contracting States’ freedom to devise their own immigration policies does not relieve them from honouring their undertakings under the Convention, and to comply with the Court’s judgments in any specific case. It is indeed for the Respondent State to find, under the supervision of the Committee of Ministers, the most appropriate ways of complying with the judgments, and to adapt their immigration policies accordingly. Therefore it is expected that the Committee of Ministers will continue to diligently fulfill its duty to supervise the adoption of the measures required by the *Hirsi Jamaa* judgment in accordance with Article 46 of the ECHR.

5. The CDDH takes note of the Assembly’s request to consider the necessity of an extensive review of the “Dublin Regulation” and its implementation. Although the Council of Europe’s activities, including ECtHR jurisprudence, have concrete repercussions on the manner in which the Regulation is applied, the CDDH considers it unsuitable for the Council of Europe to assume any role in the review of a European Union (EU) Regulation. The CDDH suggests that the Council of Europe could only encourage its member States concerned to ensure the proper application of the Dublin Regulation – and if necessary the adaptation thereof – so as to be in conformity with their obligations under the Convention, ECtHR judgments and other CoE instruments.

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PARLIAMENTARY ASSEMBLY RECOMMENDATION 2051(2014) – “REINFORCEMENT OF THE INDEPENDENCE OF THE EUROPEAN COURT OF HUMAN RIGHTS”

Comments

1. The Steering Committee for Human Rights (CDDH) takes note of Parliamentary Assembly Recommendation 2051(2014) on the ‘reinforcement of the independence of the European Court of Human Rights’. It recalls the emphasis placed on this important issue in the declarations adopted at the successive Interlaken, Izmir and Brighton Conferences, reflected also in its own relevant activities.
2. As regards the Sixth additional Protocol to the General Agreement on Privileges and Immunities of the Council of Europe (CETS No. 162), the CDDH notes that only two member States have not yet ratified it, although one of them had ratified both of its predecessor instruments in this field¹⁴. The CDDH therefore concurs with the Parliamentary Assembly’s encouragement to member States that have not yet done so to ratify CETS No. 162.

¹⁴ Fourth and Fifth additional Protocols to the General Agreements on Privileges and Immunities of the Council of Europe (CETS Nos. 036 and 137).

3. As regards issues concerning social security and retirement, the CDDH recalls the discussions in the Ministers' Deputies following the presentation by the President of the Court of a "Comparative survey on the recognition of service as a Judge of the European Court of Human Rights". It notes that the Ministers' Deputies at their 1195th meeting, from 19 to 20 March 2014,¹⁵ subsequently adopted decisions on the matter, including to resume consideration of it before 31 December 2015.
4. Finally, as regards the question of the Court's budget, the CDDH notes that it envisages evoking this issue in its final report on the longer-term future of the Convention system and the Court, to be submitted to the Committee of Ministers by the end of 2015.

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**PARLIAMENTARY ASSEMBLY RECOMMENDATION 2055(2014) –
“THREATS AGAINST HUMANITY POSED BY THE TERRORIST GROUP KNOWN
AS ‘IS’: VIOLENCE AGAINST CHRISTIANS AND OTHER RELIGIOUS OR ETHNIC
COMMUNITIES”**

Comments

1. The Steering Committee for Human Rights (CDDH) takes note of Parliamentary Assembly Recommendation 2055 (2014) on “Threats against humanity posed by the terrorist group known as ‘IS’: violence against Christians and other religious or ethnic communities”. It shares the concerns expressed by the Parliamentary Assembly in Resolution 2016 (2014) about the situation in the Middle-East regarding ongoing violent actions, including large-scale religious and ethnic cleansing perpetrated by the “ISIL”¹⁶. The CDDH notes that the large-scale violence by 'ISIL' targets not only specific religious and ethnic groups, such as Alawis, Christians, Jews, Shias, Sunnis and Yezidis, but is directed against anyone who does not share their views and beliefs. It thus poses a serious threat in general to the observance of fundamental rights and human dignity to all.
2. As regards the humanitarian consequences of the current crisis, the CDDH acknowledges that current humanitarian aid supplies are insufficient and joins the Assembly's call to the Committee of Ministers to exhort its member states to increase and expand them further “as part of a strategic, longer-term approach to foster plurality and human rights with a particular focus on greater support to religious and ethnic communities”.
3. The CDDH takes note of the Assembly's call to the Committee of Ministers to develop the political aspect of its annual “Exchanges on the Religious Dimension of Intercultural Dialogue” and to contemplate discussions on different religious perspectives of human dignity. It also acknowledges the call to the Committee of Ministers to envisage possible ways to monitor the situation of governmental and

¹⁵ Decision CM/Del/Dec(2014)1195/4.3

¹⁶ According to the terminology employed by the United Nations.

societal restrictions on religious freedom and related rights in Council of Europe's member states and neighbouring states and to periodically report to the Assembly. In this context, the CDDH wishes to recall the importance of the Council of Europe's work on intercultural dialogue, including its religious dimension, especially since the launch of the White paper on intercultural dialogue, which constituted an important milestone for intercultural dialogue policy in Europe, and was followed up with a new version published in 2010 and Parliamentary Assembly Recommendation 1962 (2011) on "The religious dimension of intercultural dialogue". Moreover, the Venice Commission has prepared a number of studies and reports related to human rights in culturally diverse societies¹⁷, to which should be added the work of the European Commission against Racism and Intolerance (ECRI)¹⁸. The CDDH also recalls the Manual on hate speech¹⁹ and the Declaration of the Committee of Ministers on human rights in culturally diverse societies²⁰.

4. In this regard, the CDDH acknowledges the relevance and importance of such calls and initiatives and expresses its readiness to assist in such requests, not least through its ongoing work on Human Rights in culturally diverse societies. The drafting group on this issue (CDDH-DC), which held its 2nd meeting on 21-24 October 2014, took account of the Parliamentary Assembly Recommendation 2055 (2014) and Resolution 2016 (2014) in the process of compiling the existing Council of Europe standards relating to the principles of freedom of thought, conscience and religion and the links to other Convention rights, in particular freedom of expression. The Drafting Group's next step will be the elaboration of guidelines on the protection and promotion of human rights in culturally diverse societies with the purpose of providing guidance to member States on enhancing the effective implementation of the Council of Europe standards in this field.

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¹⁷ CDL-AD(2008)026 Report on the relationship between Freedom of Expression and Freedom of Religion: the issue of regulation and prosecution of Blasphemy, Religious Insult and Incitement to Religious Hatred adopted by the Venice Commission at its 76th Plenary Session (Venice, 17-18 October 2008); CDL-AD(2005)009 Report on Electoral Rules and Affirmative Action for National Minorities' Participation in decision-making process in European countries adopted by the Council for Democratic Elections at its 12th meeting (Venice, 10 March 2005) and the Venice Commission at its 62th Plenary Session (Venice, 11-12 March 2005); CDL-AD(2007)001 Report on Non-citizens and Minority Rights adopted by the Venice Commission at its 69th plenary session (Venice, 15-16 December 2006).

¹⁸ In this context, see ECRI General Policy Recommendation No. 1 "[Combating racism, xenophobia, antisemitism and intolerance](#)".

¹⁹ Drafted by a consultant at the request of the CDDH and published in 2008.

²⁰ Adopted by the Committee of Ministers on 1st July 2009 at 1062nd meeting of the Ministers' Deputies.

**PARLIAMENTARY ASSEMBLY RECOMMENDATION 2056 (2014) –
“THE ALTERNATIVES TO IMMIGRATION DETENTION OF CHILDREN”**

Comments

1. The Steering Committee for Human Rights (CDDH) takes note of Parliamentary Assembly Recommendation 2056 (2014) on “The alternatives to immigration detention of children”, a topic of great concern, especially against the background of a continued practice of immigration detention of children in Council of Europe member states²¹. The CDDH notes that the immigration detention of children, notably unaccompanied minors, continues to be subject of considerable debate, and research findings are increasingly revealing the long-term negative impact of detention on children, however short the duration²². As a result, there is now an increasing momentum to seriously restrict, if not prohibit altogether, this practice at the European level, as was already pointed out in texts adopted since 2005²³. In this context, the CDDH recalls that all member states of the Council of Europe have ratified the United Nations Convention on the Rights of the Child, creating a framework of special safeguards to adequately protect and assist all children in an indiscriminate manner, regardless of various factors, such as nationality, race, ethnicity, social origin, language, and immigration status²⁴.
2. The CDDH takes note of the Assembly’s call to launch a study first to collect qualitative and quantitative data on child immigration detention practices and use of non-custodial, community-based alternatives thereto, and second, to promote the sharing of these practices across Europe. Regarding the first part of the study, the CDDH wishes to point out that as part of the EU Agenda for the Rights of the Child, the Fundamental Human Rights Agency of the European Union (FRA) has initiated various data collection and comparative analysis research projects relating to children, such as the Mapping project on child protection systems in the EU, and the Children and justice project, which focuses on child participation in justice proceedings in conformity with the Committee of Ministers Guidelines on child-friendly justice. Due to its capacity and experience with conducting studies of this nature in the field of children’s rights, and to avoid duplication of efforts, the CDDH considers the FRA to be the appropriate forum at the present time to adequately build

²¹ [PACE Resolution 2020 \(2014\)](#), “The alternatives to immigration detention of children”, para. 1.

²² PACE report, “The alternatives to immigration detention of children”, [Doc. 13597](#), 15.09.14, pp. 6-8. See also, International Detention Coalition, [“There are alternatives: A handbook for preventing unnecessary immigration detention”](#), 2011, p. 009.

²³ See in this context, Ad hoc Committee of Experts on the Legal Aspects of Territorial Asylum, Refugees and Stateless Persons (CAHAR), [Twenty guidelines on forced return](#), 925 Meeting, 4 May 2005, Guideline 11, p. 36. [PACE Resolution 1810 \(2011\)](#), on “Unaccompanied children in Europe: issues of arrival, stay and return”, para. 5.9, and [PACE Recommendation 1985 \(2011\)](#), on “Undocumented migrant children in an irregular situation: a real cause for concern” para. 9.4.5. Also, addressing immigration detention of children is explicitly addressed as a key priority in the EU Agenda, and proposals for amending EU asylum law to prohibit the detention of children, notably unaccompanied minors, are ongoing (see [EU Agenda for the Rights of the Child](#), p. 9).

²⁴ [UN Convention on Rights of the Child](#), Art. 2.

on previous research findings and to carry out the initial data collection proposed by the Assembly. In a second step, and building on the FRA's possible work in this area, the CDDH expresses its willingness to study the feasibility of collecting further data for other Council of Europe member states, notably as regards the use of alternatives to immigration detention of children. Concerning the second part of the study, the CDDH expresses its willingness to contribute to various activities that may assist in effectively promoting the sharing of best practices across Council of Europe member States.

3. Regarding the Assembly's call to the Committee of Ministers to set up child-friendly age-assessment guidelines, the CDDH acknowledges the importance of this issue and notes that currently there is a lack of consensus about the applicable procedures in order to accurately assess the age of an individual²⁵. The CDDH recalls that there is, at present, no reliable method to determine, without some margin of error, the age of an individual²⁶. Given the significant consequences of age-assessment on the individual(s), the CDDH expresses its willingness to study more closely whether there is a need to formulate guidelines in this area, should the Committee of Ministers so decide. However, as a preliminary step, and given the Parliamentary Assembly's in-depth work in the area of migrant children, the CDDH would suggest for the Assembly to provide additional information on current practices of age-assessment in Council of Europe member states, and to elaborate, where possible, on best practices. In this context, the CDDH draws attention to the study of the European Asylum Support Office (EASO), on Age Assessment practice in Europe as regards EU member states. The CDDH is confident that the additional information provided by the Assembly would serve as a solid basis in order to examine the feasibility of elaborating guidelines²⁷.

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²⁵ [PACE Resolution 1996 \(2014\)](#), "Migrant children: what rights at 18?", para. 3.

²⁶ PACE report, "Undocumented migrant children in an irregular situation: a real cause for concern", [Doc. 12718](#), 16.09.11, para. 94. See also European Asylum Support Office (EASO), report on [Age Assessment practice in Europe](#), p. 8.

²⁷ The CDDH could ask DH-BIO to identify an expert who would be in charge of providing a scientific opinion on age-assessment techniques.

Appendix IV**Speech of the Chairman of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)**

Ladies and Gentlemen,

Allow me first of all to thank you for the invitation to this exchange of views. The CPT very much appreciates the opportunity to share its experience with intergovernmental bodies of the Council of Europe with competence in areas covered by the CPT mandate and standards. It is perhaps a coincidence, but then a happy one, that this exchange of views occurs exactly 25 years after the CPT held its first session in November 1989. The CDDH is the central body overseeing and coordinating the intergovernmental human rights work of the Council of Europe and its terms of reference include the promotion and development of human rights through awareness-raising and standard-setting activities, as well as the substantive analysis of human rights issues and related policy development. Today's occasion to exchange views with you is therefore particularly interesting and valuable for the CPT. In this regard, I wish to inform you that the CPT is actively participating in the Working Group preparing a draft additional protocol to the Oviedo Convention on involuntary placement and involuntary treatment of persons with mental health disorders. The additional protocol will be important for the CPT, in terms of updating its own standards in the field of placement in psychiatric institutions.

I suppose there is no need for me here to explain to you in detail what the CPT is and how it functions. Let me just briefly recall that.

The main task of the Committee which has 47 members and a permanent Secretariat with about 25 people is to examine, by means of visits, the treatment and conditions of detention of persons deprived of their liberty. The Committee carries out visits to all types of places of deprivation of liberty, and issues reports with recommendations to States as to how to improve the protection of such persons from torture and from inhuman or degrading treatment or punishment.

The CPT has, over the years, gradually extended its activities in terms of the kind of establishments it visits, and its work now covers, besides police establishments and prisons, also psychiatric hospitals, detention facilities for foreigners held under aliens legislation, juvenile detention centres and social care homes. Another more recent development in the Committee's work is the monitoring of return flights for foreign nationals being deported by air.

The CPT has two guiding principles – co-operation and confidentiality. Co-operation with the national authorities is at the heart of the ECPT, since the aim is to protect persons deprived of their liberty rather than to condemn States for abuses. Cooperation implies that when visiting a country we do not see each other just as inspectors and the inspected. Instead, we have to be good partners, and this is central to the CPT's preventive mandate. Reports that are issued by the Committee are the starting point for an on-going dialogue with the State concerned. Enhancing such a dialogue has become one of the key priorities for the CPT in recent years. We have frequently used such instruments as high-level talks and meetings with ambassadors here in Strasbourg. We have also requested States to send us, on a regular basis, follow-up information on the state of implementation by them of CPT's key recommendations.

According to the ECPT, the Committee's reports are strictly confidential. Nevertheless, if a country fails to co-operate or refuses to improve the situation in the light of the Committee's recommendations, the CPT may decide to make a public statement. This right is exercised reluctantly and rarely as it can be seen

as an admission that co-operation has broken down. Only six such public statements have been made to date, two in respect of Turkey (1992 and 1996), three in respect of the Russian Federation (in 2001, 2003 and 2007) and one in respect of Greece (in 2011).

Country visit reports are now almost invariably published. Publication of all material (reports and responses) on the Committee's visits increases the impact of the CPT's work; in particular, it allows national human rights institutions and relevant non-governmental organisations to contribute to the process of taking forward the implementation of the Committee's recommendations, and also enables the Committee to participate directly in public debate on the issues involved. In this regard, I am pleased to inform you that after Moldova, also Ukraine has authorised the automatic publication of CPT reports, preliminary observations made at the end of visits and Government responses. Some other countries have achieved the same result by virtue of their transparency legislation. I would like to encourage you to consider following this good practice in your country.

In carrying out its monitoring activities, the CPT has developed a body of standards covering most issues addressed in its work. These include, as I am sure will be familiar to you, safeguards against ill-treatment, conditions of detention, health care and combating impunity, to name just a few. The substantive section of the Committee's next General Report (which will be published in early 2015) will include an updated version of the CPT's standards in respect of juveniles deprived of their liberty under criminal legislation. Up to now, the CPT has carried out some 370 visits. CPT delegations visit Contracting States periodically but may also organise additional ad hoc visits if necessary. These visits allow the Committee to respond rapidly when it receives information suggesting that there is a need for prompt investigation of a particular issue or place of detention. Since the first decade of its activities, the CPT has significantly increased its use of ad hoc visits to States Parties, and this trend is likely to continue in the coming years. Situations such as that in Ukraine underscore the importance of the CPT's capacity to respond rapidly to new developments.

The Committee has carried out 2 ad hoc visits to Ukraine over the course of 2014.

I trust that you will agree that such developments as I have just described not only underline the notable evolution of the mechanism set up by the ECPT, but are also a tribute to the foresight of all those who were behind the drafting of the Convention.

However, the world in which the CPT operates has also undergone substantial changes. New European, international and national actors have emerged, notably the Council of Europe Commissioner for Human Rights, the OPCAT mechanism of the United Nations and the national preventive mechanisms under the Optional Protocol. I am also pleased to be able to point to increasing reference by the European Court of Human Rights in its judgments to CPT standards and to specific findings set out in the Committee's visit reports.

The CPT operates in a Europe which is suffering increased instability, as well as an ongoing economic crisis. The austerity measures which have been adopted across the continent have put pressure on the situation of persons deprived of their liberty. This is especially true with respect to the material conditions under which such persons are held.

Unresolved conflict zones represent another challenge for the CPT's work, a problem which seems to be spreading. In several geographical areas, the CPT experiences difficulties which can go so far as to prevent it from exercising its mandate. It is clear that in such situations, increased efforts are required to enable the Committee to work unimpeded. Here I wish to underline the principle of cooperation enshrined in the Convention and to emphasise the need for member States to make good faith efforts to help find

solutions in order to ensure that the CPT can fulfil its mission for the benefit of the rights and dignity of persons deprived of their liberty.

Another issue of concern is the treatment of foreign nationals deprived of their liberty in the context of the increasing numbers of irregular migrants arriving in Europe every year. Without minimising the challenges this situation poses for receiving countries, it is a fact that the treatment of foreign nationals deprived of their liberty in certain parts of Europe is not acceptable, leading to situations that CPT reports have described as inhuman and degrading.

Turning now to the issue of implementation of CPT recommendations, I would like to emphasise how pleased the CPT is to be able to report the numerous occasions where Parties have implemented concrete measures to remedy the problems indicated by the Committee's findings. That said, it remains a matter of grave concern that, in the case of several Parties, recommendations are not followed up between one visit and the next; in some cases, the CPT finds that problems have even become worse. In the same vein, the Committee has noted with dismay that some Parties' responses merely refer to the domestic legislative framework, whereas the CPT's recommendations in question pointed to the need for practical improvements, policy changes or even amendments to legislation. Clearly, the effectiveness of a preventive mechanism based on fact-finding depends greatly on cooperation and meaningful dialogue with the States Parties.

Let me also mention an issue on which the CDDH, I believe, could usefully consider doing work in the future. Like other national and international monitoring bodies, the CPT has encountered instances where persons who had been in contact with it during visits subsequently faced retaliatory action from the authorities; it has also noted instances of intimidation before such contacts took place. Any such action is clearly incompatible with the obligations of the States Parties under the Convention and strikes at the very heart of the preventive mechanism which the Committee embodies. The next General Report of the CPT will contain a statement setting out the CPT's position on this problem.

As I explained, the CPT as a monitoring body not only monitors the situation in the 47 States Parties but also makes recommendations and engages in a bilateral dialogue with each state on their implementation. What the CPT cannot do, is to engage in multilateral work such as exchanging good practice between member states or draft Committee of Ministers recommendations. This is the natural role of intergovernmental bodies such as yours. While there are also other steering committees with relevant mandates (the CDPC, the CDDECS), I would therefore warmly encourage you to reflect on how, within the scope of your own mandate, you can contribute to improving respect for the rights and dignity of persons deprived of their liberty, building upon the results of the monitoring work of the CPT.

In this context, I should add that further food for thought and inspiration will also be served at the 25th anniversary Conference that the CPT is organising on 2 March 2015 under the title: "The CPT at 25: Taking Stock and Moving Forward". After 25 years of operation and some 370 visits, the CPT has reached a certain level of maturity, in terms of accumulated experience and consolidated working methods. Maturity does not mean perfection, however, and the Committee continues to welcome constructive criticism of its work and standards, as well as ideas and suggestions for its work in the future.

The Conference in March will be an occasion for that. It will feature panel sessions on substantive themes such as combating impunity in police and prison contexts, health care in prisons, juveniles in detention, solitary confinement and the development of CPT standards on psychiatry. It would be a pleasure for us to welcome a representative of your Committee to this event.

With this, I thank you for your attention and I am of course ready to listen and respond to any comments and questions you may have.

Appendix V**Experts representing the CDDH in other bodies
(depending on the relevance of the agenda)
and in other forthcoming events**

- Committee on Bioethics (DH-BIO) : Ms Brigitte KONZ (Luxembourg)
 - Conference "Human Rights and Emerging Technologies" (4-5 May 2015) : Ms Brigitte KONZ (Luxembourg)
 - DH-BIO drafting Group for the elaboration of a draft additional Protocol relating to the protection of dignity and fundamental rights of persons with mental disorders with regard to involuntary placement and involuntary treatment - Expert of the drafting Group appointed by the CDDH: Mr Frank SCHÜRMAN (Switzerland)
- European Commission for Democracy through Law (Venice Commission) : Mr Arto KOSONEN (Finland)
- European Commission for the Efficiency of Justice (CEPEJ): Mr Vít A. SCHORM (Czech Republic)
- Committee of Legal Advisers on Public International Law (CAHDI) : Mr Roeland BÖCKER (The Netherlands)
- European Committee on Legal Co-operation (CDCJ) : Ms Maria de Fátima GRAÇA CARVALHO (Portugal)
- Steering Committee on Media and Information Society (CDMSI) : Ms Kristine LICE (Latvia)
- Consultative Committee of the Convention for the protection of individuals with regard to automatic processing of personal data (T-PD): Ms Brigitte OHMS (Austria)
- European Committee for Social Cohesion, Human Dignity and Equality (CDDECS) : Ms Nataliia SHAKURO (Ukraine)
- Committee of Experts on Terrorism (CODEXTER): Mr Rob LINHAM (United Kingdom)
 - Ad hoc Committee to elaborate an additional protocol to the Convention on the Prevention of Terrorism (CETS No 196): Mr Rob LINHAM (United Kingdom)

- Drafting Group on a Committee of Ministers draft recommendation on the « foreign terrorist fighters »: Ms Krista OINONEN (Finland)
- Conference « *The CPT at 25: taking stock and moving forward* » (2 March 2015): Mr Martin KUIJER (The Netherlands)
- Ad hoc drafting Group to prepare a draft recommendation on young people's access to fundamental rights (CMJ/DGFR) : Mr Vladislav ERMAKOV (Russian Federation) and Ms Nataliia SHAKURO (Ukraine)
- Committee of the Parties to the Council of Europe Convention on the protection of children against sexual exploitation and sexual abuse (« the Lanzarote Committee ») : Mr Joan FORNER ROVIRA (Andorra)

* * *

UN Forum on Human Rights and Business: Prof. Rene LEFEBER (The Netherlands)

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Appendix VI**Composition of the Bureau and chairmanship of subordinate bodies following the elections at the 82nd meeting of the CDDH (19-21 November 2014)**

| BUREAU OF THE CDDH | END OF THE MANDATE | REFERENCES |
|---|--|---|
| Mr Vít A. SCHORM (Czech Republic), Chair | 31 December 2015 (elected for 1 year not renewable) | 82 nd meeting of the CDDH (November 2014) |
| Ms Brigitte KONZ (Luxembourg), Vice-Chair | 31 December 2015 (elected for 1 year renewable once) | 82 nd meeting of the CDDH (November 2014) |
| Mr Levon AMIRJANYAN (Armenia), Member | 31 December 2015 (elected for 2 years not renewable) | 79 th meeting of the CDDH (November 2013) |
| Mr Vladislav ERMAKOV (Russian Federation), Member | 31 December 2015 (elected for 2 years not renewable) | 79 th meeting of the CDDH (November 2013) |
| Ms Brigitte OHMS (Austria), Member | 31 December 2015 (elected for 2 years renewable once) | 79 th meeting of the CDDH (November 2013) |
| Mr Hans-Jörg BEHRENS (Germany), Member | 31 December 2016 (elected for 2 years not renewable) | 82 nd meeting of the CDDH (November 2014) |
| Mr Rob LINHAM (United Kingdom), Member | 31 December 2016 (elected for 2 years renewable once) | 82 nd meeting of the CDDH (November 2014) |
| Mr Morten RUUD (Norway), Member | 31 December 2016 (elected for 2 years renewable once) | 82 nd meeting of the CDDH (November 2014) |
| DH-BIO Mr Mark BALE (United Kingdom), Chair | 31 December 2015 (elected for 1 year renewable once) | 82 nd meeting of the CDDH (November 2014) |
| DH-GDR Mr Morten RUUD (Norway), Chair | 31 December 2015 (elected for 1 year not renewable) | 82 th meeting of the CDDH (November 2014) |
| GT-GDR-F Mr Martin KUIJER (The Netherlands), Chair | 31 December 2014 (elected for 1 year renewable once) | 79 th meeting of the CDDH (November 2013) |
| CDDH-CORP Mr René LEFEBER (The Netherlands), Chair | 31 December 2015 (end of the work) | 82 th meeting of the CDDH (November 2014) |
| CDDH-DC Ms Krista OINONEN (Finland), Chair | 31 December 2015 (end of the work) | 1 st meeting of the CDDH-DC (March 2014) |

Appendix VII**Deadlines for the submission of comments to the Secretariat**

5 December 2014:

Suggestions for substantial corrections on the draft meeting report (CDDH(2014)R82) that the Secretariat will send by 28 November 2014:
alfonso.desalas@coe.int

10 December 2014:

Suggestions for the draft Declaration for the High level Conference on “*the implementation of the ECHR, our shared responsibility*” (Brussels, 26-27 March 2015):

10 December 2014:

Suggestions for proposals for speakers for the Conference "Human Rights and Emerging Technologies" (Strasbourg, 4-5 May 2015)
DGI-CDDH-Bioethics@coe.int

15 December 2014:

Suggestions for the 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
DGI-CDDH-Bioethics@coe.int

20 December 2014:

Suggestions for the draft recommendation of the Committee of Ministers to the member States on young people’s access to fundamental rights:
alfonso.desalas@coe.int

15 January 2015:

Further examples of national good practices to be used for the compendium of current Council of Europe standards and national good practices under preparation by the CDDH-DC:
merete.bjerregaard@coe.int ; evangelia.vratsida@coe.int

15 March 2015:

Suggestions on the draft feasibility study on possible further activities on the impact of the economic crisis on human rights in Europe:
matthias.kloth@coe.int ; evangelia.vratsida@coe.int

15 April 2015:

Suggestions on the consolidated document on the role and priorities of the CDDH beyond the current biennium that the Secretariat will send before 15 March 2015:
alfonso.desalas@coe.int ; corinne.gavrilovic@coe.int

Appendix VIII**Calendar of meetings of the CDDH
and subordinate bodies for the biennium 2014-2015**(as adopted by the CDDH at its 82nd meeting, 19-21 November 2014)

| Second Semester 2014 | | |
|--|--|---|
| <i>Meeting of Government Agents</i> | | <i>Strasbourg, 23 September</i> |
| 3 rd meeting of Drafting Group "F" on the Reform of the Court (GT-GDR-F – longer-term reform) | | 24-26 September |
| 3 rd meeting of Drafting Group on Human Rights and Business (CDDH-CORP) | | 24-26 September |
| 2 nd meeting of Drafting Group "G" of the DH-GDR (GT-GDR-G) | | 15-17 October |
| 2 nd meeting of Drafting Group on Human Rights in Culturally Diverse Societies (CDDH-DC) | | 21-24 October |
| 8 th Warsaw Seminar " <i>Implementation of the Convention for the protection of Human Rights and fundamental freedoms into domestic legal order</i> " | | 24 October |
| International Conference "Implementation of the ECHR at national level and the role of the national judges" | | Baku, 24-25 October |
| 7 th meeting of the Committee of experts on the Reform of the Court (DH-GDR) | | 5-7 November |
| 6 th meeting of the Committee on Bioethics (DH-BIO) | | 12-14 November |
| 92 nd meeting of the Bureau of the Steering Committee for Human Rights (CDDH-BU) | | 12 November (afternoon)-13 November (morning) |
| <i>Meeting of Government Agents with the Court</i> | | <i>Strasbourg, 17 November</i> |
| 82 nd meeting of the Steering Committee for Human Rights (CDDH) | | 19- 21 November |
| 4 th meeting of Drafting Group "F" on the Reform of the Court (GT-GDR-F – longer-term reform) | | 10-12 December |
| First Semester 2015 | | |
| 5 th meeting of Drafting Group "F" of the DH-GDR (GT-GDR-F – longer-term reform) | | 18-20 February |
| 4 th meeting of Drafting Group on Human Rights and Business (CDDH-CORP) | | 25-27 February |

| | | |
|--|--|--------------------------------------|
| <i>Conference: The CPT at 25: taking stock and moving forward</i> | | <i>Strasbourg 2 March</i> |
| <i>High level Conference on “the implementation of the ECHR: our shared responsibility”</i> | | <i>Brussels, 26-27 March</i> |
| 3 rd meeting of Drafting Group on Human Rights in Culturally Diverse Societies (CDDH-DC) | | 31 March - 2 April |
| 6 th meeting of Drafting Group “F” on the Reform of the Court (GT-GDR-F – longer-term reform) | | 15-17 April |
| <i>Conference “Human Rights and Emerging Technologies”</i> | | <i>Strasbourg, 4-5 (morning) May</i> |
| 7 th meeting of the Committee on Bioethics (DH-BIO) | | 4-7 May |
| 8 th meeting of the Committee of experts on the Reform of the Court (DH-GDR) | | 27-29 May |
| 93 rd meeting of the Bureau of the Steering Committee for Human Rights (CDDH-BU) | | Paris, 4-5 June |
| <i>Conference HELP</i> | | <i>Strasbourg, 4-5 June</i> |
| Enlarged meeting of the Bureau of the Steering Committee for Human Rights (CDDH-BU) | | Strasbourg, 16 June |
| 83 rd meeting of the Steering Committee for Human Rights (CDDH) | | 17-19 June |
| Second Semester 2015 | | |
| 7 th meeting of Drafting Group “F” on the Reform of the Court (GT-GDR-F – longer-term reform) | | 2-4 September |
| 5 th meeting of Drafting Group on Human Rights and Business (CDDH-CORP) | | 23-25 September |
| 8 th meeting of Drafting Group “F” on the Reform of the Court (GT-GDR-F – longer-term reform) | | 14-16 October |
| 4 th meeting of Drafting Group on Human Rights in Culturally Diverse Societies (CDDH-DC) | | [end of October] |
| 9 th meeting of the Committee of experts on the Reform of the Court (DH-GDR) | | 17-20 November |
| 8 th meeting of the Committee on Bioethics (DH-BIO) | | 17-20 November |
| 94 th meeting of the Bureau of the Steering Committee for Human Rights (CDDH-BU) | | Paris 26-27 November |
| 84 th meeting of the Steering Committee for Human Rights (CDDH) | | 8-11 December |