



Strasbourg, 11 September 2015

CDDH-DC(2015)R4

STEERING COMMITTEE FOR HUMAN RIGHTS
(CDDH)

**DRAFTING GROUP ON HUMAN RIGHTS IN CULTURALLY DIVERSE SOCIETIES
(CDDH-DC)**

Report

4th meeting
8-10 September 2015
Council of Europe, Agora – Room G.01

Item 1: Opening of the meeting and adoption of the draft agenda

1. The CDDH Drafting Group on Human Rights in Culturally Diverse Societies (CDDH-DC) held its fourth meeting in Strasbourg from 8 to 10 September 2015. The Chairperson Ms Krista OINONEN (Finland) opened the meeting and welcomed the participants noting that a new member from the Slovak Republic had joined the Group. The list of participants is contained in Appendix I. It was agreed to devote most of the meeting to examining the draft guidelines and, only at the end of the meeting, to have a first look at elements for the future draft explanatory memorandum (see agenda in Appendix II).

2. At the outset the Chair referred to the general guidance provided by the CDDH at its meeting in June, namely the need to make the guidelines as concrete as possible. The Secretariat further recalled that the compilation of Council of Europe standards relating to the principles of freedom of thought, conscience and religion and links to other human rights, prepared by the Group at its previous meetings, had been adopted by the CDDH in June. It constituted an important basis for the Group's current task of drafting guidelines.

Item 2: Discussion on the finalisation of draft guidelines of the Committee of Ministers to member States on the promotion and protection of human rights in culturally diverse societies

3. The Group first held a general discussion on the scope and content of the draft guidelines bearing in mind that this document should not create new standards but aim at providing practical advice to member States on the implementation of existing standards. It was noted that although the Guidelines were in principle addressed to Council of Europe member States they could also be a useful inspiration for other regions confronted with the challenges of managing an increasing cultural diversity within their societies. In this context the lack of a clear definition of 'culturally diverse societies' was raised which led to an exchange of views on who was the target group of the instrument.

4. The Group continued by examining the draft guidelines paragraph by paragraph. It was decided to shorten the preamble either by moving some of the paragraphs to the relevant paragraphs of the operative part of the guidelines or to the draft explanatory memorandum.

5. The operative part of the guidelines was also made more concise by merging paragraphs dealing with identical issues and by moving any descriptive wording to the explanatory memorandum. Each paragraph was redrafted into recommendations addressed to member States and brought into the context of culturally diverse societies. The Group also agreed to provide more details on some of the general principles by drawing mainly on the principles emerging from the Court's case-law so as to make the document more user-friendly also for authorities at regional and local levels as well as civil society.

6. The Group finally made some structural changes to the document by grouping paragraphs concerning related issues in sections.

7. During the discussion of the draft guidelines members of the Unit of Gender Equality provided comments in the light of the Council of Europe Gender Equality Strategy 2014-2017.

Item 3: Discussion on the preparation of a draft explanatory memorandum to the guidelines of the Committee of Ministers to member States on the promotion and protection of human rights in culturally diverse societies

8. The Group welcomed with much appreciation the preliminary elements for an explanatory memorandum which had been prepared by the Secretariat on the basis of relevant sources, mainly the case-law of the European Court of Human Rights and findings and recommendations of other Council of Europe monitoring bodies – as well as other documents identified during its previous meetings.

9. During the general discussion of these elements the Group identified some additional Council of Europe and international conventions as well as recent judgments of the European Court of Human Rights which the explanatory memorandum should refer to as well.

10. The Group finally considered that it would be most helpful if it could have an extra meeting, in addition to the one already scheduled for October, so as to have sufficient time to prepare the draft explanatory memorandum before the CDDH meeting in December.

Item 4: Adoption of the meeting report

11. The Group adopted the provisional text of the meeting report.

Item 5: Organisation of the work for the next meeting, 27-29 October 2015

12. The Secretariat was asked to prepare, under the supervision of the Chairperson, a revised version of the draft guidelines in the light of the discussion by the beginning of October for examination by the Group at its next meeting at the end of October. The draft text would subsequently be transmitted to all representatives in the CDDH and to interested Council of Europe bodies for comments and possible proposals.

13. The Secretariat was also asked to revise, in consultation with the Chairperson, the elements for a future draft explanatory memorandum in the light of the comments made at the present meeting. The members of the Group were invited to send proposals regarding additional European Court's judgments to be referred to in the explanatory memorandum so that the text would be based on a vast number of cases.

14. The Group agreed that it would be useful to devote its forthcoming meeting in October to a final in depth examination of the draft guidelines. It considered that it would be difficult also to prepare the draft explanatory memorandum at the October meeting. For this reason it felt that an additional meeting could be helpful. Subject to the approval by the CDDH of such an extra meeting, the Group provisionally agreed to reserve the dates of 18-20 November 2015 for a final meeting.

Item 6: Other Business

15. Ms Eliza SUCHOŹEBRSKA informed the Group that she still had some spare copies of the proceedings from the 8th Warsaw seminar held in 2014 on the topic of "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", which had a link to the issues currently discussed within the Drafting Group.

APPENDIX I**LIST OF PARTICIPANTS / LISTE DES PARTICIPANTS****BELGIUM / BELGIQUE**

Nina GALLE, Attaché, FOD Justitie Directoraat-generaal Wetgeving, Fundamentele Rechten en Vrijheden

CROATIA / CROATIE

Romana KUZMANIĆ OLUIĆ, Counsellor, Ministry of Foreign and European Affairs, Directorate General for Multilateral Affairs and Global Issues

CZECH REPUBLIC / REPUBLIQUE TCHÈQUE

Martin BOUČEK, Human Rights and Transition Policy Department, Ministry of Foreign Affairs of the Czech Republic

FINLAND / FINLANDE

Krista OINONEN (*Chair/Présidente*), Legal Counsellor, Deputy Director, Unit for Human Rights Courts and Conventions, Legal Service, Ministry for Foreign Affairs

FRANCE

Rodolphe FERAL, Sous-direction des droits de l'homme, Direction des affaires juridiques, Ministère des affaires étrangères

GREECE / GRÈCE

Sofia KASTRANTA, Dep. Legal Adviser, Ministry of Foreign Affairs

THE NETHERLANDS / PAYS BAS

Monique STEIJNS, Ministry of Internal Affairs

NORWAY / NORVEGE (*Apologised*)**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

Paulo MARRECCAS FERREIRA, Juriste au Bureau de Documentation et de Droit Comparé de l'Office du Procureur Général de la République

RUSSIAN FEDERATION / FEDERATION DE RUSSIE (*Apologised*)**SLOVAK REPUBLIC/REPUBLIQUE DE SLOVAQUIE**

Branislav KADLEČIK, General State Counsellor, Ministry of Justice of the Slovak Republic

SPAIN / ESPAGNE

Oscar SÁENZ DE SANTA MARÍA GÓMEZ-MAMPASO, Head Senior State Attorney at the Ministry of Education

SWITZERLAND / SUISSE

Dominique STEIGER LEUBA, Collaboratrice scientifique, Département fédéral de justice et police, Office fédéral de la justice

TURKEY / TURQUIE

Muhammed Mustafa COŞAR, Rapporteur Judge (Ministry of Justice of Turkey)

Muammer TAHİROĞLU, Rapporteur Judge (Ministry of Justice of Turkey)

UNITED KINGDOM / ROYAUME UNI

Ekim BIREROGLU, Council of Europe Human Rights Policy | Ministry of Justice

UKRAINE

Larysa DIR, Director of the Ukrainians Worldwide, Cultural and Humanitarian Cooperation Department, Ministry of Foreign Affairs

OBSERVERS/OBSERVATEURS

HOLY SEE / SAINT SIEGE

Mgr Paolo RUDELLI, Chef de la Mission permanente du Saint-Siège auprès du Conseil de l'Europe

MEXICO

Diego SANDOVAL PIMENTEL, Deputy to the Permanent Observer, Permanent Mission of Mexico to the Council of Europe

Conference of european Churches (CEC) / Conférence des églises européennes (KEK)

Rev Richard FISCHER, Executive Secretary Church and Society Commission

Maria POMAZKOVA, LL.M., Legal Consultant on Human Rights Issues

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

Jean-Bernard MARIE

SECRETARIAT

**DG I – Human Rights and Rule of Law / Droits de l'Homme et Etat de droit
Council of Europe / Conseil de l'Europe**

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

Merete BJERREGAARD, Administrator / Administratrice, Human Rights Intergovernmental Cooperation Division / Division de la coopération intergouvernementale en matière de droits de l'Homme, *Secretary of the CDDH-DC / Secrétaire du CDDH-DC*

Carolina LASÉN DIAZ, Administrator / Administratrice, Directorate General of Democracy - Gender equality / Direction générale de la Démocratie - Egalité entre les femmes et les hommes

Cécile GREBOVAL, Administrator / Administratrice, Directorate General of Democracy - Gender equality / Direction générale de la Démocratie - Egalité entre les femmes et les hommes

Jennifer SCHÜTZE-REYMAN, Lawyer / juriste, Directorate General Human Rights and Rule of Law, Cooperation with International Institutions and Civil Society / DGI : Direction générale Droits de l'Homme et Etat de droit, Coopération avec les institutions internationales et la société civile

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

INTERPRETERS / INTERPRÈTES

Christopher TYCZKA

Chloé CHENETIER

Isabelle MARCHINI

APPENDIX II

AGENDA

Item 1:	Opening of the meeting and adoption of the agenda
Item 2:	Discussion on the finalisation of draft guidelines of the Committee of Ministers to member States on the promotion and protection of human rights in culturally diverse societies

<u>Reference documents</u>	
Report of the 3 rd meeting of the CDDH-DC, 31 March - 2 April 2015	CDDH-DC(2015)R3
Relevant extract of the 83 rd CDDH meeting report	CDDH-DC(2015)06

<u>Working documents</u>	
Draft guidelines on the promotion and protection of human rights in culturally diverse societies, prepared by the CDDH-DC	CDDH-DC(2015)05Rev2
Comments received from CDDH-DC members and member States	CDDH-DC(2015)08
Comments submitted by Mr Branislav KADLEČÍK (Slovak Republic)	

<u>Information document</u>	
Compilation of Council of Europe standards relating to the principles of freedom of thought, conscience and religion and links to other human rights	CDDH(2015)R83 Addendum

Item 3: Discussion on the preparation of a draft explanatory memorandum to the guidelines of the Committee of Ministers to member States on the promotion and protection of human rights in culturally diverse societies

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Report of the 3 rd meeting of the CDDH-DC, 31 March - 2 April 2015	CDDH-DC(2015)R3
Relevant extract of the 83 rd CDDH meeting report	CDDH-DC(2015)06

<u>Working document</u>	
Elements for preparing a draft explanatory memorandum to the guidelines on the promotion and protection of human rights in culturally diverse societies, prepared by the Secretariat	CDDH-DC(2015)07

<u>Information document</u>	
Compilation of Council of Europe standards relating to the principles of freedom of thought, conscience and religion and links to other human rights	CDDH(2015)R83 Addendum

Item 4: Adoption of the meeting report

Item 5: Organisation of the work for the next meeting, 27-29 October 2015

Item 6: Other business