



Strasbourg, 24 October 2005

DH-DEV(2005)009

STEERING COMMITTEE FOR HUMAN RIGHTS
(CDDH)

**COMMITTEE OF EXPERTS FOR
THE DEVELOPMENT OF HUMAN RIGHTS
(DH-DEV)**

REPORT

34th meeting, Wednesday 12 October– Friday 14 October 2005

Items 1 & 2: Opening of the meeting and adoption of the agenda

1. The Committee of Experts for the Development of Human Rights (DH-DEV) held its 34th meeting in Strasbourg (Human Rights Building) from 12 to 14 October 2005, with Ms Inger KALMERBORN (Sweden) in the Chair. The list of participants can be found in Appendix I. The agenda as adopted and the references to the working documents appear in Appendix II. Before starting its work, the Committee formally adopted the report of its last meeting of 13-15 April 2005 (document DH-DEV(2005)005).

Item 3: Human Rights and the Environment

2. The DH-DEV resumed its discussions on the protection of human rights and the environment in accordance with the terms of reference received by the Steering Committee for Human Rights (CDDH) from the Committee of Ministers (document DH-DEV(2005)006, Appendix I). It examined the draft manual proposed by the DH-DEV-GDR (document DH-DEV-GDR(2005)005, Appendix II).

3. With regard to the target audience, the Committee agreed that, in addition to civil servants, legal practitioners and the general public, this manual should aim at decision-makers.

4. As to the content of the manual, the Committee decided that it should consist of (i) some practical questions and answers followed by an introduction (ii) the principles derived from the relevant case-law of the Court (Part I), (iii) the same principles together with explanations for each of them based on cases examined by the Court (Part II), and (iv) practical appendices containing a glossary, a table of the relevant judgments and decisions of the Court as well as some relevant decisions by the former European Commission of Human Rights and, finally, a list of useful websites. It was further decided that Part I and Part II should both consist of six thematic chapters, the first three dealing with substantive rights and the following three dealing with procedural rights.

5. The Committee examined and revised the introduction as well as the principles drawn from the Court's case-law. As regards the explanations illustrating each principle, it was agreed that the Chair and the Vice-Chair would finalise them with the assistance of the Secretariat. It was also agreed that the appendices would be under the responsibility of the Secretariat. Members were invited to send their comments on these explanations as well as on the appendices (document DH-DEV(2005)007) to the Secretariat (gerald.dunn@coe.int) by 21 October 2005 at the latest.

6. With regard to its dissemination, the Committee considered that, in addition to the English and French versions which the Council of Europe would produce, member States should be invited to prepare translations into other languages and to ensure the manual's dissemination at the national level. It was also considered that the manual should be disseminated among the competent bodies of the Council of Europe. Finally, it was suggested to have the manual available on the Internet so as to draw attention to it and increase dissemination, notably through the websites of both the Council of Europe and national authorities.

7. The Committee adopted its final activity report on this question (document DH-DEV(2005)006). The draft manual is included in Appendix II to the final activity report. It

will be transmitted to the CDDH for examination and adoption at its meeting of 22-25 November 2005.

8. The Committee did not see any need for a follow-up to this activity in the short term. However, several suggestions were made for the longer run such as a seminar to take stock of the impact of the manual and the way it was received at the national level and a revision of the manual in the light of new cases examined by the Court.

Item 4: Exchange of views on themes for future activities of the CDDH

9. First of all, the Committee's attention was drawn to the report of the 60th meeting of the CDDH held in June 2005 (paras. 34-37), in which the discussion of the CDDH on future activities has been reflected. The Chair then recalled the document CDDH(2005)002 prepared by the Secretariat, containing an outline of four possible themes for future work, as a basis for the exchange of views, and invited members to make comments or to suggest other areas where the Committee might make a useful contribution towards strengthening the protection of human rights in Europe.

10. The majority of members expressed the view that, at this stage, the priority should be to concentrate on ensuring full and effective implementation of existing rights rather than extending the rights protected by the Convention. They underlined that such implementation-oriented work also formed part of the Committee's mandate. It was stressed that the expected results of any new activity should be concrete, practical and useful to governments of member States. The need to avoid duplication with the work of other Council of Europe bodies or international organisations was also highlighted.

11. All topics suggested by the Secretariat received support in varying degrees, although some members felt that the practical benefits of work to be carried out by the DH-DEV had not yet been convincingly demonstrated. Much interest was expressed with regard to improving the human rights protection for the elderly and on the issue of children and violence. With regard to the topic of "children and violence", it was recalled that there is already a Council of Europe programme underway which may give rise to specific human rights issues being entrusted to the CDDH, and consequently to the DH-DEV, for further work.

12. Some support was also expressed for "ensuring accountability for serious human rights violations" and "freedom of religion and Church-State relations". As concerns the latter, some members expressed their hesitations given that it was considered a sensitive topic, particularly in the light of the very diverse situations in the member States. One member however expressed the opinion that it would be both feasible and advisable to come to a consensus on minimum standards, on the ground notably that national legislation in this field was rarely comprehensive, with often only the major confessions being adequately reflected. Other confessions had to rely directly on the fundamental rights in the constitution or on the European Convention on Human Rights.

13. In addition to the topics suggested by the Secretariat, the Committee expressed its willingness, should the CDDH consider it appropriate, to work on human rights issues which were raised during the Seminar "Protecting human rights while fighting terrorism" in June 2005. In this context, it was recalled that the CDDH had decided to reconvene the Group of Specialists on Human Rights and the Fight against Terrorism (DH-S-TER). Apart from

human rights issues raised by “diplomatic assurances”, which will be examined by this Group, other issues dealt with during the Seminar, such as evidence obtained under torture, would merit attention and could be entrusted to the DH-DEV. Finally, one member mentioned the possibility of examining human rights protection in areas where the governments of member States do not exercise effective control.

Item 5: Other business

14. The Chair, on behalf of the Committee, expressed her satisfaction with the excellent organisation of the Seminar marking the entry into force of Protocol No. 12.

15. The Committee noted that this was the last meeting with Ms Kalmerborn in the Chair. It therefore thanked her most warmly for having chaired the work of the Committee in such an energetic and stimulating manner.

16. Concerning the issue of a candidate to succeed Ms Kalmerborn, the Committee agreed after a brief discussion that it was not absolutely necessary to recommend, already at the present meeting, a candidate. It preferred to await the results of the CDDH’s forthcoming meeting in November 2005, noting that the Vice-Chair, Ms Schukking, would in any event be able to act as its chairperson on an *ad interim* basis.

Item 6: Dates of the next meeting

17. The Committee agreed on 15-17 March 2006 as provisional dates for the next meeting.

Appendix I**LIST OF PARTICIPANTS****ALBANIA / ALBANIE**

Ms. Agustela NINI, Legal Expert, Legal Affairs and Treaties Department, Ministry of Foreign Affairs, Republic of Albania, TIRANA

ANDORRA / ANDORRE**ARMENIA / ARMENIE**

Ms. Syuzanna TSATURYAN, Chief Specialist, Legal Department, Ministry of Foreign Affairs, YEREVAN

AUSTRIA / AUTRICHE

Ms Brigitte OHMS, Deputy Head of Division for International Affairs and General Administrative Affairs, Bundeskanzleramt-Verfassungsdienst, WIEN

AZERBAIJAN / AZERBAIDJAN

Mr Arif MAMMADOV, Attaché, Department of Human Rights, Democratisation and Humanitarian Affairs, Ministry of Foreign Affairs, BAKU

BELGIUM / BELGIQUE

Philippe WERY, Attaché, SPF Justice, Service des Droits de l'Homme, BRUSSELS

BOSNIA AND HERZEGOVINA / BOSNIE ET HERZEGOVINE

Mr Sabit SUBAŠIĆ, Head of Department for Human Rights, Ministry of Foreign Affairs, SARAJEVO

BULGARIA / BULGARIE

Mme Yordanka PARPAROVA, Direction des Droits de l'homme, Ministère des Affaires Etrangères, SOFIA

CROATIA / CROATIE

Ms Romana KUZMANIĆ OLUIĆ, First Secretary, Department for the UN and Human Rights, Ministry of Foreign Affairs, ZAGREB

CYPRUS / CHYPRE

Ms Eleonora NICOLAIDES, Senior Counsel of the Republic, Office of the Attorney-General, Law Office of the Republic of Cyprus, NICOSIA

CZECH REPUBLIC / REPUBLIQUE TCHEQUE

Mrs. Jitka KRUKOVÁ, Department of Human Rights, Ministry of Foreign Affairs, PRAGUE

DENMARK / DANEMARK

Ms. Moya-Louise LINDSAY-POULSEN, Head of Section, Human Rights Division, Ministry of Justice, COPENHAGEN

ESTONIA / ESTONIE

Ms Riina PIHEL, First Secretary, Human Rights Division, Legal Department, Ministry of Foreign Affairs, TALLINN

FINLAND / FINLANDE

Ms Camilla BUSCK-NIELSEN, Legal Officer, Ministry of Foreign Affairs, Legal Department, HELSINKI

FRANCE

Mme Marie-Gabrielle MERLOZ, Rédacteur, Direction des Affaires juridiques, Ministère des Affaires Etrangères, PARIS

GEORGIA/GEORGIE

Ms Irine BARTAIA, Head of the Department of the State Representation to the European Court of Human Rights, Ministry of Justice, TBILISI

GERMANY / ALLEMAGNE

Ms Ulrike HÖFLER, Executive Assistant of the Federal Agent for Human Rights, Ministry of Justice, Bundesministerium der Justiz, BERLIN

GREECE / GRECE

Mme Athina CHANAKI, Rapporteur, Ministère des Affaires étrangères, Département juridique, section du droit international, ATHENES

HUNGARY / HONGRIE

Mr. Tamás TÓTH, Head of the Department of Human Rights and Foreign Relations, Ministry of Justice, BUDAPEST

ICELAND / ISLANDE

Ms Asgerdur RAGNARSDOTTIR, Legal Expert, Office of Legal Affairs, Ministry of Justice, REYKJAVIK

IRELAND / IRLANDE

Mrs Emer KILCULLEN, Assistant Legal Adviser, Legal Division, Department of Foreign Affairs, Hainault House, DUBLIN

ITALY / ITALIE

M. Roberto BELLELLI, Juge, Ministero degli Affari Esteri, Servizio del Contenzioso Diplomatico e dei Trattati, ROME

LATVIA / LETTONIE

Mr Valerijs ROMANOVSKIS, Head of the Human Rights Policy Division, Ministry of Foreign Affairs, RIGA

LIECHTENSTEIN**LITHUANIA / LITUANIE**

Mr Darius STANIULIS, Head of the Human Rights and NGOs Division, Ministry of Foreign Affairs, VILNIUS

LUXEMBOURG

M. Yves HUBERTY, attaché de Gouvernement, Ministère de la Justice, LUXEMBOURG

MALTA / MALTE**MOLDOVA**

Mrs Rodica POSTU, Secretary II, Directorate of Council of Europe and Human Rights, Ministry of Foreign Affairs and European Integration of the Republic of Moldova, CHISINAU

MONACO

M. Jean-François RENUCCI, Professeur, Université des Universités, Conseiller aux droits de l'homme, Département des Relations Extérieures de la Principauté de Monaco

NETHERLANDS / PAYS-BAS

Ms Jolien SCHUKKING, Agent for the Government of the Netherlands, Ministry of Foreign Affairs, THE HAGUE

Ms. Liselot EGMOND, Agent for the Government of the Netherlands, Ministry of Foreign Affairs, THE HAGUE

NORWAY / NORVEGE

Mr Kyrre GRIMSTAD, Higher Executive Officer, Department of Legislation, Norwegian Ministry of Justice, OSLO

POLAND / POLOGNE

Ms Alexandra MEZYKOWSKA, Legal Advisor, Ministry of Foreign Affairs, WARSAW

PORTUGAL

Mr José SOUSA E BRITO, Justice at the Constitutional Court (emeritus), Tribunal Constitucional, LISBON

ROMANIA / ROUMANIE**RUSSIAN FEDERATION / FEDERATION DE RUSSIE**

Ms Tatiana SMIRNOVA, Head of the Division for European Cooperation, Department for Humanitarian Cooperation and Human Rights, Ministry of Foreign Affairs, MOSCOW

SAN MARINO / SAINT-MARIN**SERBIA AND MONTENEGRO**

Ms Jelena MARKOVIĆ, Deputy Minister, Ministry for Human and Minority Rights, BELGRAD

SLOVAK REPUBLIC / REPUBLIQUE SLOVAQUE

Ms Jana VNUKOVÁ, Director, International Relations and Human Rights Department, International Law and European Law Section, Ministry of Justice, BRATISLAVA

SLOVENIA / SLOVENIE

Ms Valerija SLIVNIK MARC, State Attorney, State Attorney's Office, LJUBLJANA

SPAIN / ESPAGNE

M. Ignacio BLASCO LOZANO, Agent auprès de la Cour européenne des Droits de l'Homme, Abogacia del Estado ante el TEDH, Ministry of Justice, MADRID

SWEDEN / SUEDE

Ms Inger KALMERBORN, (Chairperson/Présidente), Government Agent, Senior Legal Adviser, Ministry for Foreign Affairs, STOCKHOLM

SWITZERLAND / SUISSE

Mme Dominique STEIGER LEUBA, Collaboratrice Scientifique, Section droits de l'homme et Conseil de l'Europe, Office fédéral de la justice, Département fédéral de justice et police, BERNE

"The Former Yugoslav Republic of Macedonia" / "l'Ex-République yougoslave de Macédoine"

Ms Sanja ZOGRAFSKA-KRSTESKA, Head of Council of Europe and Human Rights Unit, Ministry of Foreign Affairs, SKOPJE

TURKEY / TURQUIE

Mr Can İNCESU, Chief of Section, ECHR Department, Ministry of Foreign Affairs, ANKARA

UKRAINE

UNITED KINGDOM / ROYAUME-UNI

Mr Chanaka WICKREMASINGHE, Assistant Legal Adviser, Foreign and Commonwealth Office, LONDON

* * *

Comité pour les activités du Conseil de l'Europe en matière de diversité biologique et paysagère / Committee for the activities of the Council of Europe in the field of biological and landscape diversity (CO-DBP)

Mme Patricia QUILLACQ, FIRENZE, Italie

* * *

OBSERVERS / OBSERVATEURS

Holy See / Saint-Siège

R.P. Olivier POQUILLON, o.p., Mission permanente du Saint-Siège auprès du Conseil de l'Europe, STRASBOURG

Mexico/Mexique

United States of America/Etats-Unis d'Amérique

Canada

Japan/Japon

Mr Yasushi FUKU, Consul (Attorney), Consulate General of Japan, STRASBOURG

* * *

SECRETARIAT**Directorate General of Human Rights - DG II / Direction Générale des Droits de l'Homme - DG II****Council of Europe/Conseil de l'Europe, F-67075 STRASBOURG CEDEX**

Mr Jeroen SCHOKKENBROEK, Head of Human Rights Intergovernmental Programmes Department / Chef du Service des programmes intergouvernementaux en matière des droits de l'homme

Mr Jörg POLAKIEWICZ, Head of the Human Rights Law and Policy Division / Chef de la Division du droit et de la politique des droits de l'homme, Secretary of the DH-DEV / Secrétaire du DH-DEV

Mr Gerald DUNN, Lawyer/Juriste, Human Rights Law and Policy Division/Division du Droit et de la Politique des Droits de l'Homme, Co-secretary of the DH-DEV / Co-secrétaire du DH-DEV

Mrs Katherine ANDERSON-SCHOLL, Administrative Assistant / Assistante administrative, Human Rights Law and Policy Division/Division du Droit et de la Politique des Droits de l'Homme

Ms Tania GISSELBRECHT, trainee/stagiaire, Human Rights Law and Policy Division/Division du Droit et de la Politique des Droits de l'Homme

Ms Lindsay CHESTNUTT, Assistant / Assistante, Human Rights Law and Policy Division/Division du Droit et de la Politique des Droits de l'Homme

Interprètes:

Mr Philippe QUAINÉ

Mme Chloé CHENETIER

Mr Christopher TYCZKA

Appendix II**Item 1: Opening of the meeting****Item 2: Adoption of the agenda****Item 3: The Protection of Human Rights and the Environment**Working documents

- Ad hoc terms of reference with a view to drafting an instrument on the Environment and Human Rights and related texts DH-DEV(2004)001
- Revised overview of the case-law of the European Court of Human Rights in environmental matters DH-DEV(2004)002Rev
- The Revised European Social Charter and the right to environment protection DH-DEV(2004)003
- Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus Convention, United Nations Economic Commission for Europe – UNECE) DH-DEV(2004)005
- Report of the 33rd meeting (13-15 April 2005) DH-DEV(2005)005
- Report of the meeting of the DH-DEV-GDR (28-29 June 2005), containing revised elements for a manual on human rights and the environment DH-DEV-GDR(2005)005
- Draft final activity report on the protection of human rights and the environment DH-DEV(2005)006
- Appendices to the draft manual on human rights and the environment DH-DEV(2005)007

Item 4: Exchange of views on future activities of the CDDH

- Exchange of views on future activities of the CDDH – Elements prepared by the Secretariat CDDH(2005)002
- Report of the 60th meeting of the CDDH (14-17 June 2005) CDDH(2005)009

Item 5: Other business**Item 6: Date of next meetings**