



CDDH(2017)R88ab  
12/12/2017

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

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### **ABRIDGED REPORT**

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**88<sup>th</sup> meeting**

**Strasbourg, 5-7 December 2017**

1. The Steering Committee for Human Rights (CDDH) held its 88<sup>th</sup> meeting from 5 to 7 December 2017 in Strasbourg with Ms Brigitte KONZ (Luxembourg) in the Chair. The agenda, as adopted, appears at Appendix I below. The list of participants appears in Appendix II below.

2. At this meeting the CDDH, in particular:

(a) adopted its comments on the following Parliamentary Assembly Recommendations (see Appendix III below):

- 2104(2017) – “Human rights of older persons and their comprehensive care”;
- 2110(2017) – “The implementation of judgments of the European Court of Human Rights”;
- 2115(2017) – “The use of new genetic technologies in human beings”;
- 2116(2017) – “Promoting the human rights of and eliminating discrimination against intersex people”;

(b) concerning the **system of the European Convention** on Human Rights:

- (i) adopted its Report on the process of selection and election of judges of the Court (CDDH(2017)R88, Addendum I) and decided to submit it to the Committee of Ministers for information and possible further instructions;
- (ii) endorsed the general objectives and the working methods proposed by the Drafting Group DH-SYSC-II on the place of the European Convention on Human Rights in the European and international legal order for its work;
- (iii) exchanged views and gave guidance to the DH-SYSC on the updating of the Committee of Ministers' Recommendation (2004)<sup>4</sup> on the European Convention on Human Rights in university education and professional training;
- (iv) took note of the upcoming work of the DH-SYSC on the updating of the guide to good practice accompanying the Committee of Ministers' Recommendation (2010)<sup>3</sup> on effective remedies for excessive length of proceedings;
- (v) exchanged views on the High-Level Expert Conference "2019 and beyond - Taking stock and moving forward from the Interlaken Process", held in Kokkedal, Denmark (22-24 November 2017), and thanked the Danish authorities for the organisation of this event and the expected High-Level Conference under the Danish Chairmanship of the Committee of Ministers (11-13 April 2018);

(c) concerning the **development and promotion** of human rights:

- (vi) exchanged views on the ongoing work on social rights (see information in Appendix IV below) and took note, in

particular, of the compilation of national information received in response to the questionnaire by the Secretariat;

- (vii) adopted its Analysis, including its executive summary, of the legal and practical aspects of effective alternatives to detention in the context of migration (CDDH(2017)R88, Addendum II);
  - (viii) took note of the ongoing preparation of a Guide to good practices on the way of reconciling freedom of expression with other human rights, in particular in culturally diverse societies (see Appendix V below), for which members States had submitted contributions;
  - (ix) took note of the on-going preparation of a draft Guide of good practices of implementation of existing national legislation regarding the protection and promotion of the civil-society space, as well as on the possibility of developing a draft non-binding legal instrument in this area;
  - (x) exchanged views on the organisation of its work during the biennium 2018-2019 (see Appendix VI below). In this context, it discussed in particular:
    - (i) the preliminary concept note for an online platform concerning human rights and business;
    - (ii) the possible involvement in an event in 2018 aimed at preventing and combating female genital mutilation and forced marriage;
    - (iii) the organisation of a half-day Workshop at the CDDH meeting in June 2018 concerning the follow up to Recommendation CM(2014)2 on the promotion of human rights of older persons;
    - (iv) adopted its procedure and schedule for the review of the implementation of Recommendation CM/Rec(2010)5 on measures to combat discrimination on grounds of sexual orientation or gender identity, and the submission of possible proposals for follow-up to the Committee of Ministers (see Appendix VII below);
    - (v) the organisation of a half-day Workshop in May/June 2019 on access to official documents;
- (d) concerning **bioethics**:
- (i) exchanged views on the Conference "20<sup>th</sup> anniversary of the Oviedo Convention, 24-25 October 2017;
- (e) discussed the preparation of a Workshop on the protection of victims of terrorist acts during the next biennium;

- (f) exchanged views with Ms Carlien SCHEELE, Senior Gender Equality Adviser, Directorate General of Democracy and Mr Philippe WERY (Belgium), the CDDH Rapporteur on gender equality;
- (g) exchanged views on the state of signatures and ratifications of the conventions for which it is responsible;
- (h) updated its list of Focal Points in other bodies (see Appendix VIII below);
- (i) proceeded to elections (see Appendix IX below);
- (j) adopted the calendar of meetings of the CDDH and its subordinate bodies for 2018-2019 (see Appendix X below).

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Appendix I**Agenda***(88<sup>th</sup> meeting of the CDDH, 5-7 December 2017)*

	<b>ITEM 1: OPENING OF THE MEETING, ADOPTION OF THE AGENDA AND ORDER OF BUSINESS</b>
<a href="#">CDDH(2017)05Rev</a>	Annotations on the draft agenda and order of business
<a href="#">CDDH-BU(2017)R98</a>	Report of the 98th Bureau meeting (Copenhagen, 21-22 November 2017)
<a href="#">CDDH(2017)R87</a>	Report of the 87th CDDH meeting (6-9 June 2017)
	<b>ITEM 2: RECOMMENDATIONS OF THE PARLIAMENTARY ASSEMBLY</b>
<a href="#">CDDH(2017)06</a>	Texts of the Recommendations and elements for possible comments
	<b>ITEM 3: SYSTEM OF THE EUROPEAN CONVENTION ON HUMAN RIGHTS</b>
<a href="#">DH-SYSC(2017)R4</a>	Report of the 4th DH-SYSC meeting (9-10 November 2017)
<a href="#">DH-SYSC(2016)12Rev</a>	Elements for a possible update of Recommendation Rec(2004)4 of the Committee of Ministers on the European Convention on Human Rights in university education and professional training
	<b>3.1 Selection and election of judges of the Court (DH-SYSC I)</b>
<a href="#">DH-SYSC(2017)R4Add</a>	[Draft] Report on the process of selection and election of judges of the European Court of Human Rights adopted by the DH-SYSC at its 4th meeting (9–10 November 2017)
	<b>3.2 Place of the Convention in the European and international legal order (DH-SYSC II)</b>
<a href="#">DH-SYSC-II(2017)R2</a>	Report of the 2nd meeting of the drafting Group DH-SYSC II (20-22 September 2017)
	<b>3.3 Other work within the DH-SYSC</b>
	<b>3.4 High-level Expert Conference "2019 and Beyond – Taking Stock and Moving Forward from the Interlaken Process" (Kokkedal, Denmark, 22-24 November 2017)</b>
	Concept note and programme
	<b>ITEM 4: DEVELOPMENT AND PROMOTION OF HUMAN RIGHTS</b>

	<b>4.1 Social rights (CDDH-SOC)</b>
<a href="#">CDDH-SOC(2017)R1</a>	Report of the 1st meeting (19-21 April 2017)
<a href="#">CDDH(2017)07</a>	Information from the Secretariat on the state of preparation of the report of the CDDH on the legal protection of the Council of Europe for the protection of social rights
<a href="#">CDDH-SOC(2017)04</a>	Replies to the questionnaire related to the good practices on the implementation of social rights at national level
	<b>4.2 Freedom of expression and links to other human rights (CDDH-EXP)</b>
<a href="#">CDDH-EXP(2017)R2</a>	Report of the 2nd meeting (27-29 September 2017) containing the provisional structure for the Guide of good practice on the way of reconciling freedom of expression with other human rights and freedoms, in particular in culturally diverse societies (see Appendix III)
<a href="#">CDDH-EXP(2017)06</a>	Compilation of good practices received from member States
	<b>4.3 Human Rights and migration (CDDH-MIG)</b>
<a href="#">CDDH-MIG(2017)R3</a>	Report of the 3rd meeting (24-26 October 2017)
<a href="#">CDDH-MIG(2017)02Rev</a>	Draft analysis of the legal and practical aspects of effective alternatives to detention in the context of migration
	<b>4.4 Civil society and national human rights institutions (CDDH-INST)</b>
<a href="#">CDDH-INST(2017)R2</a>	Report of the 2nd meeting (8-10 March 2017)
<a href="#">CDDH-INST(2017)06</a>	Questionnaire to be sent to the CDDH
	<b>ITEM 5: BIOETHICS</b>
	<b>5.1 Committee on bioethics (DH-BIO)</b>
<a href="#">DH-BIO/abr RAP12</a>	Abridged Report of the 12th meeting (24-27 October 2017)
	<b>5.2 Conference "20th anniversary of the Oviedo Convention" (Strasbourg, 24-25 October 2017)</b>
	<a href="#">Programme</a>
	<b>ITEM 6: VICTIMS OF TERRORIST ACTS</b>
<a href="#">CDDH(2017)15</a>	Note by the Secretariat
	<b>ITEM 7: IMPLEMENTATION OF THE CDDH TERMS OF REFERENCE FOR 2018-2019</b>
	<b>7.1 Finalisation of the work undertaken in 2016-2017</b>
<a href="#">CDDH(2017)08</a>	Note by the Secretariat

	<b>7.2 Human Rights and Business</b>
<a href="#">CDDH(2017)09</a>	Note by the Secretariat
	<b>7.3 Preventing and combating female genital mutilation and forced marriage</b>
	<b>7.4 Rights of older persons</b>
<a href="#">CDDH(2017)11</a>	Note by the Secretariat
	<b>7.5 Combating discrimination on grounds of sexual orientation or gender identity</b>
<a href="#">CDDH(2017)12</a>	Note by the Secretariat
	<b>7.6 Access to official documents</b>
<a href="#">CDDH(2017)13</a>	Note by the Secretariat
	<b>ITEM 8: EXPERTS REPRESENTING THE CDDH IN OTHER BODIES</b>
<a href="#">CDDH(2017)14</a>	Note by the Secretariat
	<b>ITEM 9: INVITEES</b>
	<b>ITEM 10: REVIEW OF THE COUNCIL OF EUROPE CONVENTIONS</b>
<a href="#">CDDH(2017)16</a>	Note by the Secretariat
	<b>ITEM 11: ELECTIONS</b>
<a href="#">CM/Res(2011)24</a>	Resolution on intergovernmental committees and subordinate bodies, their terms of reference and working methods
<a href="#">CDDH(2017)17</a>	Procedure for the elections within the CDDH
	<b>ITEM 12: CALENDAR OF THE MEETINGS</b>
<a href="#">CDDH(2017)05 (Appendix VI)</a>	Annotations on the draft agenda and order of business

Appendix II**List of participants / Liste des participants***(88<sup>th</sup> meeting of the CDDH, 5-7 December 2017)***MEMBERS / MEMBRES****ALBANIA / ALBANIE**

Ms Alma HICKA, Ministry of Justice

**ANDORRA / ANDORRE**

Mr Joan FORNER ROVIRA, Directeur, Département pour les Affaires bilatérales et consulaires, Ministère des Affaires Extérieures

**ARMENIA / ARMENIE**Mr Tigran H. GALSTYAN, 2<sup>ème</sup> Secrétaire / Département juridique, Ministère des Affaires étrangères**AUSTRIA / AUTRICHE**

Mr 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

**BELGIUM / BELGIQUE**

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

**BOSNIA AND HERZEGOVINA / BOSNIE-HERZEGOVINE**

Ms Belma SKALONJIĆ, Agent of the Council of Ministers, Government Agent before the ECtHR

**BULGARIA / BULGARIE**

Ms Svetlana S. STAMENOVA, Human Rights Directorate, Trainee Attaché, Ministry of Foreign Affairs

**CROATIA / CROATIE**

Ms Romana KUZMANIĆ OLUIĆ, Counsellor, Ministry of Foreign and European Affairs, Directorate General for Multilateral Affairs and Global Issues, Division for Human Rights and Regional International Organisations and Initiatives

**CYPRUS / CHYPRE**

Ms Theodora CHRISTODOULIDOU, Counsel of the Republic, Office of the Attorney-general (Human Rights sector)

**CZECH REPUBLIC / REPUBLIQUE TCHEQUE**

Mr Vit Á. SCHORM, Government Agent before the ECtHR Ministry of Justice

Mr Ondřej ABRHAM, Department of Human Rights and Transformation Policy, Ministry of Foreign Affairs

**DENMARK / DANEMARK**

Mr Jan VAN DEURS, Deputy Head of Division, Department of Law, Ministry of Justice

Mr Rasmus KIEFFER-KRISTENSEN, Head of Division, Department of Law, Ministry of Justice

Mr Martin BANG, Deputy Head of Division, Department of Law, Ministry of Justice



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**ESTONIA / ESTONIE**

Ms Maris KUURBERG, Government Agent before the ECtHR, Ministry of Foreign Affairs

**FINLAND / FINLANDE**

Ms Krista OINONEN, Government Agent before the ECtHR, Director, Unit for Human Rights Courts and Conventions, Ministry for Foreign Affairs

**FRANCE**

Mme Florence MERLOZ, Sous-directrice des droits de l'homme, Ministère de l'Europe et des Affaires Etrangères, Direction des affaires juridiques

**GEORGIA / GEORGIE**

Ms Tamar ROSTIASHVILI, Deputy Head of the Department of State Representation to the International Courts, Ministry of Justice

**GERMANY / ALLEMAGNE**

Mr Hans-Jörg BEHRENS, Head of Unit IVC1, Human Rights Protection; Government Agent before the ECtHR, Bundesministerium der Justiz und für Verbraucherschutz

**GREECE / GRECE**

Mr Elias KASTANAS, Legal Counselor, Legal Department, Ministry of Foreign Affairs

**HUNGARY / HONGRIE**

Mr Zoltan TALLODI, Government Agent before the ECtHR, Ministry of Justice, Department of International Criminal Law and Office of the Agent before ECHR

**ICELAND / ISLANDE**

Ms Elísabet GÍSLADÓTTIR, Legal Advisor, Ministry of Justice

**IRELAND / IRLANDE**

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

**ITALY / ITALIE**

Ms Maria AVERSANO, Ministry of Foreign Affairs

Mr Piero VAIRA, Représentant Permanent Adjoint, Représentation Permanente de l'Italie auprès du Conseil de l'Europe

**LATVIA / LETTONIE**

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Mme Brigitte KONZ, Juge de Paix directrice, Cité judiciaire

Mme Marylène FERNANDES, juriste, Ministère de la Justice, Direction des affaires pénales et judiciaires

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

**REPUBLIC OF MOLDOVA/ REPUBLIQUE DE MOLDOVA**

Mr Oleg ROTARI, Government Agent before the ECtHR, Ministry of Justice

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**MONACO**

Mr Jean-Laurent RAVERA, Chef du Service du droit international, des droits de l'homme et des libertés fondamentales, Agent du Gouvernement auprès de la CEDH

**MONTENEGRO**

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**RUSSIAN FEDERATION / FEDERATION DE RUSSIE**

Mr Vladislav ERMAKOV, Deputy to the Permanent Representative, Permanent Mission to the Council of Europe

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

**SERBIA / SERBIE**

Ms Nataša PLAVŠIĆ, Government Agent before the ECtHR, The State Attorney's Office, Agency Sector before the European Court of Human Rights

Mr Darko NINKOV, First Secretary, Permanent Mission to the Council of Europe

**SLOVAK REPUBLIC / REPUBLIQUE SLOVAQUE**

Ms Miriam JOKLOVÁ, Human Rights Department, Council of Europe Desk Officer, Ministry of Foreign and European Affairs

Ms Marica PIROŠIKOVÁ, Government Agent before the ECtHR

**SLOVENIA / SLOVENIE**

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**“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 Öner AYDIN, Rapporteur Judge, Ministry of Justice

Mme Burcu EKIZOĞLU, Experte Juridique, Ministère des Affaires Etrangères

Mme Aysen EMÜLER, Experte Juridique, Ministère des Affaires Etrangères, Représentation Permanente auprès du Conseil de l’Europe

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**UNITED KINGDOM / ROYAUME-UNI**

Mr Rob LINHAM, Assistant Director for Europe and Domestic Human Rights, Ministry of Justice

Mr Chanaka WICKREMASINGHE, Legal Counsellor, Foreign and Commonwealth Office

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Ms Isabelle NIEDLISPACHER, co-Agent du Gouvernement, SPF Justice, Service des Droits de l’Homme, Chairperson of the DH-SYSC / Présidente du DH-SYSC

**INVITEES**

Ms Carlien SCHEELE, Senior Gender Equality Adviser / Conseillère principale en égalité de genre, Directorate General of Democracy / Direction générale de la Démocratie

Mr Philippe WERY, CDDH Rapporteur on gender equality / Rapporteur du CDDH pour l’égalité des genres

**PARTICIPANTS**

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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

**European Roma and Travellers Forum / Forum européen des Roms et des gens du voyage**

Mr Enrico SCICLUNA, Adviser ERTF

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

Mr Jean-Bernard MARIE

**OTHER PARTICIPANTS / AUTRES PARTICIPANTS**

**BELARUS**

Mr Alexander OPIMAKH, Head of the department for global policies and humanitarian cooperation, Ministry of Foreign Affairs

<b>OBSERVERS / OBSERVATEURS</b>
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**HOLY SEE / SAINT-SIÈGE**

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Mme Tiziana FANTUCCHIO, Stagiaire, Mission Permanente du Saint-Siège auprès du Conseil de l'Europe

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

Ms Julie LEJEUNE, a.i. Secretary General, Permanent Secretariat

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

Mr Stefan CLAUWAERT, ETUI Senior Researcher, ETUC Representative in the European Social Charter Governmental Committee

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

Mr John MURRAY, Human Rights and Religious Freedom Secretary

<b>SECRETARIAT</b>
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Ms Merete BJERREGAARD, Head of Unit on Human Rights Development / Chef de l'unité Développement des droits de l'homme, Human Rights Intergovernmental Cooperation Division / Division de la coopération intergouvernementale en matière de droits de l'Homme

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Mr Javier LANZUELA, Administrator / Administrateur, Human Rights Intergovernmental Cooperation Division / Division de la coopération intergouvernementale en matière de droits de l'Homme

Mr Jérémie SPEISER, Assistant Administrator / Administrateur Assistant, Human Rights Intergovernmental Cooperation Division / Division de la coopération intergouvernementale en matière de droits de l'Homme

Ms Elisa SAARI, Assistant Lawyer / Juriste Assistant, Human Rights Intergovernmental Cooperation Division / Division de la coopération intergouvernementale en matière de droits de l'Homme

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Ms Jennifer SCHUETZE-REYMANN, Lawyer / Juriste, Cooperation with International Institutions and Civil Society / Coopération avec les institutions internationales et la société civile

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

Mme Chloé GUERIN, Stagiaire, Human Rights Intergovernmental Cooperation Division / Division de la coopération intergouvernementale en matière de droits de l'Homme

Mme Grazia SCOCCA, Stagiaire, Human Rights Intergovernmental Cooperation Division / Division de la coopération intergouvernementale en matière de droits de l'Homme

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**INTERPRETERS / INTERPRÈTES**

Ms Amanda BEDDOWS

Ms Sylvie BOUX

Mr Nicolas GUITTONNEAU

Appendix III**CDDH comments on the Parliamentary Assembly  
Recommendations**

(as adopted by the CDDH at its 88<sup>th</sup> meeting, 5-7 December 2017)

**I. RECOMMENDATION 2104(2017) – “HUMAN RIGHTS OF OLDER PERSONS AND THEIR COMPREHENSIVE CARE”****Comments**

1. The Steering Committee for Human Rights (CDDH) takes note of the Parliamentary Assembly Recommendation 2104(2017) - “*Human rights of older persons and their comprehensive care*”. It considers that the Assembly addresses herewith one of the major challenges Europe faces with respect to human rights.

2. The CDDH welcomes the positive reaction of the Assembly to the Recommendation CM/Rec(2014)2 of the Committee of Ministers on the promotion of human rights of older persons. It recalls that, in the terms of reference for 2018-2019, the Committee of Ministers invited the CDDH to examine the implementation of this instrument.

3. As suggested by the Assembly, the CDDH intends to examine in more detail how to proceed to this implementation, notably by closely associating to this process the civil society and the stakeholders concerned, in particular National Human Rights Institutions as they can improve the implementation of human rights by their action bridging the national local and international actors and levels.

- (i) As a first step, it envisages to ask member States, National Human Rights Institutions and other stakeholders to update the catalogue of good practices accompanying the Recommendation from 2014 and to communicate any positive developments occurred since 2014.
- (ii) On the basis of the information received, a Workshop or an intergovernmental Seminar involving civil society and National Human Rights Institutions could be organised by the CDDH in 2018 or early 2019. Within such a framework, discussions could take place, if appropriate, to explore the relevance of a specific legally binding instrument in this field. It is clear however, that the added value of such a new instrument should be carefully explored in relation to the existing major instruments of the Council of Europe, namely the European Convention on Human Rights and the (revised) European Social Charter. It should be necessary to assess whether or not an effective implementation by member States of these basic common standards is sufficient to ensure appropriate protection of human rights of older persons. These standards are reminded in the aforementioned Recommendation CM/Rec(2014)2.

4. In this context, the CDDH notes the relevance and the importance of Article 23 (the right of elderly persons to social protection) of the revised European Social Charter. The CDDH recalls that its terms of reference for 2018 and 2019 also entrust it to conduct a thorough reflection on the protection of social rights within the Council of Europe and that, in this framework, it will address, *inter alia*, the situation of older persons.

## II. RECOMMENDATION 2110(2017) – “THE IMPLEMENTATION OF JUDGMENTS OF THE EUROPEAN COURT OF HUMAN RIGHTS”

### Comments<sup>1</sup>

1. The Steering Committee for Human Rights (CDDH) takes note of the Parliamentary Assembly Recommendation 2110 (2017) – “*The implementation of judgments of the European Court of Human Rights*”.

2. The CDDH notes that the issue of implementation of the Convention, including the execution of the Court’s judgments, was highlighted in several declarations of Ministerial conferences from 2010 onwards, the most recent one being the 2015 Brussels Declaration. The issue of execution of judgments and its supervision by the Committee of Ministers is one of the main themes of the CDDH’s on-going work under its terms of reference to examine the longer-term future of the Convention system and the Court.<sup>2</sup>

3. In 2013, the CDDH identified three general causes of failure to execute judgments in a timely manner: (i) reluctance on the part of either the executive to propose measures or parliament to adopt legislation; (ii) substantive problems and technical complexity, e.g. need for a wide range of measures requiring co-ordination or extensive legal reforms; and (iii) inertia, being a simple failure to take action not linked to any particular political or technical consideration, but e.g. to a shortage of staff.<sup>3</sup>

4. Since 2014, regular exchanges of information on various issues connected to the execution of judgments have taken place within the relevant bodies of the CDDH, regarding *inter alia* the re-examination or reopening of cases following judgments of the Court<sup>4</sup> as well as verification of the compatibility of legislation with the Convention.<sup>5</sup> The CDDH has also taken an active part in a number of extraordinary events concerning execution.<sup>6</sup>

5. Concerning in particular rapid execution of judgments of the Court, the CDDH has in 2017 elaborated a *Guide to good practices on the implementation of the Recommendation (2008)2 on efficient domestic capacity for rapid execution of judgments of the European Court of Human Rights*. The Guide includes an inventory of good practices relating to implementation of the Recommendation.<sup>7</sup>

6. Regarding the ideas put forward by the Assembly in its Recommendation 2110 (2017) to the Committee of Ministers, the CDDH wishes to submit the following comments:

- 2.1. *give renewed consideration to the use of the procedures provided for in Article 46, paragraphs 3 to 5, of the Convention, in the event of implementation of a judgment encountering strong resistance from the respondent State*

<sup>1</sup> Prepared by the DH-SYSC at its 4<sup>th</sup> meeting (9-10 November 2017, DH-SYSC(2017)05 [Appendix III](#)).

<sup>2</sup> See the terms of reference for the biennium 2018–2019 for the CDDH and the DH-SYSC. In the 2015 CDDH report on the longer-term future of the system of the European Convention on Human Rights, execution of judgments and its supervision were identified as one of four overarching areas that are crucial for the longer-term effectiveness and viability of the Convention system. In its contribution to the Brussels Conference, the CDDH affirmed that full and rapid execution of judgments of the Court, in accordance with Article 46, is essential for the effective functioning of the Convention system.

<sup>3</sup> CDDH report on whether more effective measures are needed in respect of States that fail to implement Court judgments in a timely manner, 2013, document CDDH(2013)R79 Addendum I, §§ 6–7.

<sup>4</sup> See document DH-GDR(2014)R6, Item 5.

<sup>5</sup> “Overview of the exchange of views held by the DH-SYSC at its 1<sup>st</sup> meeting (25–27 April 2016) on the verification of the compatibility of legislation with the Convention (arrangements, advantages, obstacles)”, document DH-SYSC(2016)013REV.

<sup>6</sup> In particular, the Multilateral Round Table on “Reopening of proceedings following a judgment of the European Court of Human Rights” (Strasbourg, 5–6 October 2015) and the International Conference “Enhancing national mechanisms for effective implementation of the European Convention on Human Rights”(Saint-Petersburg, 22–23 October 2015). In addition, a conference on “The long-term future of the European Court of Human Rights” was organized in Oslo in April 2014 by the Norwegian research center *PluriCourts* under the aegis of the Council of Europe with the active participation of the CDDH.

<sup>7</sup> See document CDDH(2017)R87 Addendum I.

7. It is worth recalling the CDDH's 2008 *Practical proposals for the supervision of the execution of judgments of the Court in situations of slow execution*.<sup>8</sup> This text contributed to the Committee of Ministers' introduction of the 'twin-track' (standard and enhanced) supervision process. In 2013, the CDDH submitted its report on whether more effective measures are needed in respect of States that fail to implement Court judgments in a timely manner.<sup>9</sup> The 2017 *Guide to good practices on the implementation of the Recommendation CM/Rec(2008)2* examined in particular the role of the co-ordinator in identifying execution measures, practices ensuring the visibility of and promoting sufficient acquaintance with the execution process, the co-operation of member States with the Committee of Ministers and the Department for the Execution of Judgments, as well as the means to prevent or resolve a significant persistent problem in the execution process.

8. The CDDH is following with interest the recent developments in the area the of procedures provided for in Article 46, paragraphs 3 to 5, of the Convention, regarding both individual measures<sup>10</sup> relating to individual applicants and general measures<sup>11</sup> to address systemic shortcomings.

9. In its work on civil society and National Human Rights Institutions, the CDDH has noted that in the case of systemic shortcomings in the protection and promotion of human rights, many of the judgments of the Court concerning such situations have yet to be implemented through the adoption of general measures.<sup>12</sup>

10. At the same time, the CDDH is continuing its work by producing a compilation of good practices regarding the general measures taken by member States aimed at executing judgments of the Court concerning human rights defenders, National Human Rights Institutions, and freedom of assembly and association.<sup>13</sup>

- 2.5. *give applicants, civil society, national human rights protection bodies and international organisations a greater role in this process*

11. The Brussels Declaration<sup>14</sup> reiterated the need to involve National Human Rights Institutions and civil society where appropriate in the supervisory mechanism established by the Convention. In the same light, the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements<sup>15</sup> make provision for the involvement of national human rights protection bodies and civil society in the process of the supervisory mechanism concerning the implementation of judgments of the Court. The CDDH relied significantly upon the jurisprudence of the Court in its analysis on the impact of current national legislation, policies and practices on the activities of civil society organisations, human rights defenders and National Human Rights Institutions. NHRIs can improve the implementation of human rights at the national and local level through their broad mandate to protect and promote human rights. According to the Paris Principles, they also cooperate with

<sup>8</sup> See document CDDH(2008)014 Addendum II.

<sup>9</sup> See document CDDH(2013)R79 Addendum I. The text was examined by the Ministers' Deputies following receipt of comments by the Court. For the Court's comments, see "Reply of the European Court of Human Rights to Committee of Ministers request for comments on the CDDH Report on Execution", document DD(2014)650.

<sup>10</sup> See notably the case of *Ilgar Mammadov v. Azerbaijan*, Application no. 15172/13, Judgment of 22 May 2014, European Court of Human Rights.

<sup>11</sup> See notably the case of *Burmych and Others v. Ukraine*, Applications nos. 46852/13 et al., Judgment of 12 October 2017 (Grand Chamber), European Court of Human Rights.

<sup>12</sup> "Analysis on the impact of current national legislation, policies and practices on the activities of civil society organisations, Human Rights defenders and national institutions for the promotion and protection of Human Rights", see document CDDH(2017)R87 Addendum IV, § 276.

<sup>13</sup> *Ibid.*, § 277.

<sup>14</sup> Brussels Declaration, 2015, Preamble, Recital 7.

<sup>15</sup> Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements, Rule 9 – Communications to the Committee of Ministers, as amended by the Ministers' Deputies at their 1275<sup>th</sup> meeting, 18 January 2017.



civil society, other national bodies and the international human rights system. Applicants could be invited, when appropriate, to actively collaborate in the execution of judgments.

- *2.6. continue to strengthen synergies, within the Council of Europe, between all the stakeholders concerned, in particular the European Court of Human Rights and its Registry, the Assembly, the Secretary General, the Commissioner for Human Rights, the Steering Committee for Human Rights, the European Commission for Democracy through Law (Venice Commission) and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment*

12. The CDDH, through its subcommittee the DH-SYSC, will work in close synergy and cooperation with other relevant Council of Europe instances and activities.<sup>16</sup> One example of such synergy in practice, albeit in a different area than the execution of the Court's judgments, is the close interaction between the CDDH, the Court and its Registry, the PACE and the Advisory Panel of Experts on Candidates for Election as Judge to the Court in the work undertaken within the CDDH concerning the process of selection and election of judges of the Court.<sup>17</sup> The CDDH and its subcommittees work in their activities in close synergy with the Department for the Execution of Judgments. One example of this cooperation is the latter's presentation of the search tool HUDOC-EXEC and of information on the state of execution of the Court's judgments prior to the 2<sup>nd</sup> meeting of the DH-SYSC in 2016.<sup>18</sup>

- *2.7. increase the resources of the Department for the Execution of Judgments of the European Court of Human Rights*

13. In its 2015 report on the longer-term future of the Convention system, the CDDH has underlined the significance of the bodies dealing with the supervision of the execution of judgments of the Court (e.g. the Committee of Ministers assisted by its Secretariat and the Department for the Execution of Judgments of the Court) having sufficient capacity to process effectively the high number of cases decided by the Court.<sup>19</sup> Support for increased resources for the Department of Execution of Judgments was also expressed in the 2015 Brussels Declaration.

#### *Conclusion*

14. The CDDH emphasises to the Parliamentary Assembly that the long-term efficacy of the Convention, including the implementation of the Court's judgments, rests on the enhanced dialogue between all actors of the Convention. In this regard, the Council of Europe will continue its work in the upcoming months with the aim of enhancing, at every stage of the process, this dialogue which is beneficial to the execution of judgments.

### **III. RECOMMENDATION 2115(2017) – “THE USE OF NEW GENETIC TECHNOLOGIES IN HUMAN BEINGS”**

#### ***Comments of the DH-BIO<sup>20</sup>*** **(for the information of the CDDH)**

1. The Committee of Ministers agreed to communicate to the Committee on Bioethics (DH-BIO), as well as to the Steering Committee for Human Rights (CDDH), for

<sup>16</sup> CDDH report on the longer-term future of the system of the European Convention on Human Rights, 2015, document CDDH(2015)R84 Addendum I, §§ 158, 170 ii), vi).

<sup>17</sup> This work is currently being undertaken within the framework of follow-up to the 2015 CDDH report on the longer-term future of the system of the Convention, which in turn is the result of intergovernmental work undertaken in response to §§ 35.c-f of the Brighton Declaration.

<sup>18</sup> See document DH-SYSC(2016)R2, § 3.

<sup>19</sup> CDDH report on the longer-term future of the system of the European Convention on Human Rights, 2015, document CDDH(2015)R84 Addendum I, §§ 136, 156, 170 iii).

<sup>20</sup> Adopted by the Bureau of the DH-BIO, by written procedure, on 27 November 2017.

information and possible comments, the Council of Europe Parliamentary Assembly (PACE) Recommendation 2115 (2017) – “The use of new genetic technologies in human beings”.

2. The DH-BIO examined the Recommendation at its 12<sup>th</sup> plenary meeting (26-27 October 2017) and adopted these comments.

3. In its Recommendation, the PACE notes that “... recent discoveries related to the human genome have opened the door to new opportunities and unprecedented ethical concerns... this improved knowledge of our make-up as human beings brings with it welcome potential to diagnose, prevent and eventually cure diseases in the future. On the other hand, it raises complex ethical and human rights questions, including – but not limited to – unintended harm which may result from the techniques used, access and consent to such techniques, and their potential abuse for enhancement or eugenic purposes”.

4. The DH-BIO welcomes the initiative taken by the PACE. Together with the latter it agrees with the “potential to diagnose, prevent and eventually cure diseases in the future” offered by new genetics technologies. But it also, shares the concerns expressed on the risks of certain technological developments and their possible applications to human beings. In this context, it recalls, as does the PACE, that Article 13 of the Convention on Human Rights and Biomedicine (Oviedo Convention) limits the purposes for which interventions on the human genome may be undertaken and prohibits intervention intending to introduce any modification in the genome of descendants.

5. The Statement on Genome Editing Technologies adopted by the DH-BIO in December 2015 underlines that the Oviedo Convention provides a framework and principles that could be used as reference for the debate called for at international level on the use of new genetic technologies in human beings. The DH-BIO therefore particularly welcomes the Assembly’s recommendation to “urge member states which have not yet ratified the Oviedo Convention to do so without further delay, or, as a minimum, to put in place a national ban on establishing a pregnancy with germline cells or human embryos having undergone intentional genome editing.”

6. The DH-BIO agrees with the Assembly that there is a need to “foster a broad and informed public debate on the medical potential and possible ethical and human rights consequences of the use of new genetic technologies in human beings”. These considerations also find their expression in Article 28 of the Oviedo Convention, which calls to Parties to see to it that “the fundamental questions raised by the developments of biology and medicine are the subject of appropriate public discussion in the light, in particular, of relevant medical, social, economic, ethical and legal implications, and that their possible application is made the subject of appropriate consultation.” In view of this undertaking and as part of its initiatives to address human rights challenges raised by emerging technologies, the DH-BIO has committed itself to develop guidance on how to promote public discussion and consultation on fundamental questions raised by the developments of biology and medicine.

7. The Assembly recommends that the Committee of Ministers “instruct[s] the DH-BIO to assess the ethical and legal challenges raised by emerging genome editing technologies, in the light of the principles laid down in the Oviedo Convention and the precautionary principle”. The DH-BIO has already started to examine developments in this area, which has led to the adoption of the above-mentioned Statement on Genome Editing Technologies where it agreed, “as part of its mandate, to examine the ethical and legal challenges raised by these emerging genome editing technologies, in the light of the principles laid down in the Oviedo Convention.”

8. The DH-BIO is committed to continue addressing human rights issues raised by genome editing technologies, and recalls in this respect that it intends to develop in the next biennium a Strategic Action Plan addressing human rights issues raised by

emerging technologies and developments in the biomedical field. This Strategic Action Plan would be based on the outcome of the Conference organised by the DH-BIO on the occasion of 20<sup>th</sup> anniversary of the Oviedo Convention organised under the auspices of the Czech Chairmanship of the Committee of Ministers, which covered, *inter alia*, human rights challenges raised by new technological developments in the fields of genetics and genomics.

### **CDDH comments**

1. The Steering Committee for Human Rights (CDDH) takes note of the Parliamentary Assembly Recommendation 2115(2017) - "*The use of new genetic technologies in human beings*" and commends to the Committee of Ministers the comments provided by the Committee on Bioethics (DH-BIO) on this subject. It considers that the ethical and legal implications of genetic technologies in human beings want an in-depth debate in light of the requirements of the European Convention on Human Rights and of the Oviedo Convention, and in accordance with the precautionary principle.
2. The CDDH welcomes the commitment made by the DH-BIO under paragraph 8 of its comments to continue its work in this field.

## **IV. RECOMMENDATION 2116(2017) – “PROMOTING THE HUMAN RIGHTS OF AND ELIMINATING DISCRIMINATION AGAINST INTERSEX PEOPLE”**

### ***Comments by the DH-BIO***<sup>21</sup> **(for information of CDDH)**

1. The Committee of Ministers agreed to communicate to the Committee on Bioethics (DH-BIO), as well as to the Steering Committee for Human Rights (CDDH), for information and possible comments, Recommendation 2116 (2017) – “Promoting the human rights of and eliminating discrimination against intersex people”.
2. The DH-BIO examined the Recommendation at its 12<sup>th</sup> plenary meeting (26-27 October 2017) and adopted these comments.
3. In its Recommendation, the Assembly, referring to its Resolution 2191 (2017), invites the Committee of Ministers to “instruct the Committee on Bioethics to continue its work on strengthening children’s rights in biomedicine, in particular as regards the protection of intersex children’s right to physical integrity and respect for the principle of free and informed consent, with a view to drawing up Council of Europe standards and guidelines in this field.” The DH-BIO observes that not all of the issues addressed in Resolution 2191 (2017) fall within its field of competence. It will therefore confine itself to the issues relevant to the latter.
4. The objective of the work carried out by the DH-BIO is to protect human dignity and individual rights in the field of biomedicine. Children’s rights to physical integrity and respect for the principle of free and informed consent, as protected by the Convention on Human Rights and Biomedicine (Oviedo Convention), form part of this objective.

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<sup>21</sup> Adopted by the Bureau of the DH-BIO, by written procedure, on 27 November 2017.

5. The DH-BIO has instigated work in the area referred to by the Assembly by organising a hearing addressing, in particular human rights issues for intersex children, at its 9th plenary meeting (Strasbourg, 31 May-2 Jun 2016), in cooperation with the Council of Europe's Sexual Orientation and Gender Identity (SOGI) Unit. Those issues were further analysed in two studies on children's rights in biomedicine<sup>22</sup>, commissioned by the DH-BIO within the framework of the Strategy for the Rights of the Child, which specifically refer to the situation of children with differences in sex development and intersex conditions<sup>23</sup>. Against this background and taking into account the interest already expressed by delegations in the ethical issues raised by interventions on intersex children, the DH-BIO, at its 11<sup>th</sup> plenary meeting (Strasbourg, 6 – 8 June 2017), agreed to include the topic of Intersex Children in its program of activities.

6. Consequently, this subject matter will be part of a Strategic Action Plan to be developed by the DH-BIO with the objective to ensure, *inter alia*, that human rights of particularly vulnerable groups are better protected. This Strategic Action Plan will be based on the outcome of the Conference organised by the DH-BIO on the occasion of the 20<sup>th</sup> anniversary of the Convention on Human Rights and Biomedicine (Oviedo Convention) on 24-25 October 2017, under the auspices of the Czech Chairmanship of the Committee of Ministers, which dedicates a session to the evolution of practices in the biomedical field in relation to autonomy – consent and privacy.

7. The DH-BIO appreciates the encouragement to pursue its work on strengthening children's rights in biomedicine, and, in particular, of intersex children and agrees with the Assembly that there is a strong need for working towards common European standards and to provide guidance on how best to protect the human rights of intersex children, taking into account the different groups of persons involved (the child itself, its parents, health professionals, social workers (...)). It is in this spirit that the DH-BIO is committed to continue its work in this field, in close co-operation with other relevant bodies and institutions, including in particular the Ad Hoc Committee for the Rights of the Child (CAHENF) and, the Commissioner on Human Rights, as well as with the SOGI Unit.

### **CDDH comments**

1. The Steering Committee for Human Rights (CDDH) takes note of the Parliamentary Assembly Recommendation 2116 (2017) - "*Promoting the human rights of and eliminating discrimination against intersex people*" and commends to the Committee of Ministers the comments provided by the Committee on Bioethics (DH-BIO) on this subject.

2. The CDDH takes this opportunity to stress the need, for the member States, to recall the common basic standards to be respected in the field of human rights with regard to intersex people; indeed, the protection of human rights concerns each individual and the member States have committed themselves to secure the enjoyment of the rights and freedoms to everyone within their jurisdiction without discrimination on any ground such as sex. From this perspective, member States may be required to provide practical orientation on the best way to protect human rights of intersex persons and most particularly of intersex children. In view of the complexity of these issues, the CDDH welcomes the commitment made by the DH-BIO under paragraph 7 of its comments to continue its work in this field, in close co-operation with other relevant bodies and institutions within the Council of Europe.

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<sup>22</sup> Kavot Zillén, Jameson Garland, Santa Slokenberga, Uppsala University, "The Rights of Children in Biomedicine: Challenges posed by Scientific Advances and Uncertainties", 2017, <https://rm.coe.int/16806d8e2f>; and Ton Liefwaard, Aart Hendriks, Daniella Zlotnik, Leiden University, "From Law to Practice, towards a roadmap to strengthening children's rights in the era of biomedicine", 2017, <https://rm.coe.int/leiden-university-report-biomedicine-final/168072fb46>

<sup>23</sup> Leiden, pp. 34-35, Uppsala, pp. 40-45.

Appendix IV

**Preparation of a draft CDDH report  
on the legal framework of the Council of Europe  
for the legal protection of social rights:**

**Possible table of contents prepared by the Secretariat  
for discussion at the 2<sup>nd</sup> meeting of the CDDH-SOC (spring 2018)**

*(as taken note of by the CDDH at its 88<sup>th</sup> meeting, 5-7 December 2017)*

**Summary****Introduction**

1. Terms of reference received and methodology followed (Background of the work of the CDDH-SOC)
2. Review of the background
  - a. Indivisibility and interdependence of human rights
  - b. Social rights and socio-economic changes
  - c. Social rights, Council of Europe and the European Union

**I. THE LEGAL FRAMEWORK OF THE COUNCIL OF EUROPE FOR THE LEGAL PROTECTION OF SOCIAL RIGHTS**

**1. The European Convention on Human Rights**

- (a) Relevant norms
  - Direct protection of certain social rights
    - Prohibition of slavery and forced labour (Article 4 of the ECHR)
    - Freedom of assembly and association (Article 11 of the ECHR)
    - Right to education (Article 2 Protocol No.1 of the ECHR)
  - Indirect protection of a number of other social rights
    - Right to life (Article 2 of the ECHR)
    - Prohibition of torture or inhuman or degrading treatment (Article 3 of the ECHR)
    - Right to a fair trial (Article 6 of the ECHR)
    - Right to respect for private and family life (Article 8 of the ECHR)
    - Freedom of thought, conscience and religion (Article 9 of the ECHR)
    - Freedom of expression (Article 10 of the ECHR)
    - Prohibition of discrimination (article 14 of the ECHR)
    - Protection of property (article 1 Protocol No.1 of the ECHR)
    - General prohibition of discrimination (Protocol No.12 of the ECHR)
- (b) Case law of the European Court of Human Rights
- (c) Execution of the judgments of the Court

**2. The European Social Charter**

- State of signatures, ratifications and number of provisions accepted
- (a) Norms and mechanisms
    - The European Committee of Social Rights (ECSR)
      - Conclusions and decisions
      - State reporting procedure
      - Collective complaints procedure
  - (b) Interpretation and implementation of the Charter by the ECSR
    - The ECSR and the case law of the Court and other international instruments
    - Taking into account the European Union law
    - Collective complaints submitted so far
  - (c) National implementation
    - The Charter's applicability by national courts
    - Internal reforms further to ECSR decisions/or conclusions

Training and awareness-raising on the Charter  
(d) The European Union law and the Charter

## **II. COUNCIL OF EUROPE ACTIONS FOR SOCIAL RIGHTS**

### **1. The Committee of Ministers**

### **2. The Secretary General**

The “Turin I” Conference (October 2014)  
The Brussels Conference (February 2015)  
The “Turin II” Conference (March 2016)  
The Nicosia Conference (February 2017)  
The current status in terms of follow-up to the “Turin Process”

### **3. The Parliamentary Assembly**

### **4. The Congress of Local and Regional Authorities**

### **5. The Commissioner for Human Rights**

### **6. The Conference of INGOs**

## **III. ACTIONS OUTSIDE THE COUNCIL OF EUROPE<sup>24</sup>**

- 1. European Union**
- 2. International fora<sup>25</sup>**
- 3. Civil society<sup>26</sup>**

## **Conclusions**

## **Appendices**

<sup>24</sup> For the purpose of comparison with the situation within the Council of Europe.

<sup>25</sup> In particular, the International Labour Organization (ILO).

<sup>26</sup> In particular, International Organisations of employers and workers.

Appendix V**Preliminary structure of the draft Guide to good practices  
on the way of reconciling freedom of expression with other human rights  
and freedoms, in particular, in culturally diverse societies**

*(as approved by the CDDH at its 88<sup>th</sup> meeting, 5-7 December 2017)*

**I. Introduction**

- Human rights in culturally diverse societies
- Contemporary challenges and threats

**II. Background to the Guide**

- The CDDH's past relevant work
- Terms of reference
- The target group of the Guide
- Selection criteria for good practices

**III. Scope and content of the right to freedom of expression**

- A. Protection of freedom of expression
- B. Specific actors and their relation to freedom of expression
  - i. Specific focus area: Freedom of expression and political discourse
  - ii. Specific focus area: Fake news (disinformation)

**IV. Hate speech****V. Reconciling freedom of expression and other human rights**

- A. Freedom of expression and right to private life
- B. Freedom of expression and freedom of thought, conscience and religion
  - i. Specific focus area: Blasphemy
- C. Freedom of expression and freedom of peaceful assembly and association
- D. Freedom of expression and prohibition of discrimination

**Appendix I [If necessary]**

Appendix VI**Implementation of terms of reference 2018-2019****Deadlines envisaged by the CDDH  
for the finalisation of the on-going work***(88<sup>th</sup> meeting of the CDDH, 5-7 December 2017)*

<b>Work initiated in 2016-2017</b>	<b>Envisaged date for the finalisation of work in 2018-2019</b>
Contribution to possible work on combatting female <b>genital mutilation and forced marriage</b>	89 <sup>th</sup> meeting of the CDDH June 2018
Follow-up of the implementation of Recommendation CM/Rec(2014)2 of the Committee of Ministers on the promotion of human rights of <b>older persons</b> – organisation of a Workshop	<i>Croatian Chairmanship of the CM: May-November 2018</i> 89 <sup>th</sup> meeting of the CDDH June 2018 – Workshop  90 <sup>th</sup> meeting of the CDDH November 2018 – Activity Report on the follow-up
Organisation of a Workshop on the protection of <b>victims of terrorist acts</b>	<i>French Chairmanship of the CM: May- November 2019</i> 91 <sup>th</sup> meeting of the CDDH June 2019 - Workshop
Follow-up to the implementation of the Recommendation CM/Rec(2010)5 of the Committee of Ministers on measures to combat discrimination on grounds of <b>sexual orientation or gender identity</b> – Activity Report on the follow-up	91 <sup>th</sup> meeting of the CDDH June 2019 – Activity Report on the follow-up
<i>Drafting Group on Social Rights (CDDH-SOC)</i> Finalisation of the analysis of the legal framework of the Council of Europe for the protection of <b>social rights</b> in Europe;  On the basis of the analysis, identification of good practices and making of proposals, as appropriate, with a view to improving the implementation of social rights	89 <sup>th</sup> meeting of the CDDH June 2018 – Legal Analysis adopted by the CDDH  92 <sup>nd</sup> meeting of the CDDH December 2019 – Activity Report
<i>Drafting Group on Civil Society and National Human Rights Institutions (CDDH-INST)</i>  On the basis of work conducted in 2016-2017, preparation of a draft non-binding instrument of the Committee of Ministers and a guide of good practice aiming at effectively protecting and promoting the <b>civil society space</b>  Revision of Recommendation No R(97)14 of the Committee of Ministers to member States on the establishment of independent <b>national institutions</b> for the promotion and protection of human rights  <b>Organisation of a Workshop on Civil Society and National Human Rights Institutions</b>	<i>Finnish Chairmanship of the CM: November 2018-May 2019</i>  90 <sup>th</sup> meeting of the CDDH November 2018 – Draft non-binding instrument accompanied by a Guide – Workshop  92 <sup>nd</sup> meeting of the CDDH December 2019 – Draft revised Recommendation



<b>Work initiated in 2016-2017</b>	<b>Envisaged date for the finalisation of work in 2018-2019</b>
Follow-up of Tromsø Convention of 18 June 2009 (CETS n° 205) on <b>access to official documents</b> – organisation of a Workshop	<i>Finnish Chairmanship of the CM: November 2018-May 2019</i> 90 <sup>th</sup> meeting of the CDDH May/June 2019 – Workshop
Setting-up of the Platform <b>human rights and business</b>	90 <sup>th</sup> meeting of the CDDH November 2018 – Setting up and initial stage of the Platform  92 <sup>nd</sup> meeting of the CDDH December 2019 – First publication of the results
<i>Drafting Group on Freedom of Expression and links to other Human Rights (CDDH-EXP)</i>  On the basis of work conducted in 2016-2017, preparation of a draft non-binding instrument (e.g. guidelines, guide to good practices, recommendation) on the way of <b>reconciling freedom of expression and other human rights and freedoms</b> , in particular in culturally diverse societies	90 <sup>th</sup> meeting of the CDDH November 2018 – Guide to good practices  92 <sup>nd</sup> meeting of the CDDH December 2019 – Draft non-binding instrument
<i>Drafting Group on the place of the European Convention on Human Rights in the European and international legal order (DH-SYSC II)</i>  Preparation of the report on the <b>place of the European Convention on Human Rights in the European and international legal order</b>  Adoption by the Group of draft chapter on Theme 1 in September 2018  Adoption by the Group of draft chapter on Theme 2 in March 2019  Adoption by the Group of draft chapter on Theme 3 in May 2019  Adoption by the Group of the revised draft Report in September 2019	90 <sup>th</sup> meeting of the CDDH November 2018 – Presentation of an interim report (draft chapter of Theme 1)  92 <sup>nd</sup> meeting of the CDDH December 2019 – Adoption of the revised draft Report
<i>Drafting Group on the system of the European Convention on Human Rights (DH-SYSC III)</i>  Updating of the Recommendation Rec(2004)4 on the European Convention of <b>Human Rights in university education and professional training in human rights</b>	92 <sup>nd</sup> meeting of the CDDH December 2019 - Draft revised Recommendation
<i>Committee of experts on the system of the Convention (DH-SYSC)</i>  Updating of Guide to Good Practice accompanying Recommendation CM/Rec(2010)3 on <b>effective remedies for excessive length of proceedings</b>	92 <sup>nd</sup> meeting of the CDDH December 2019 - Draft revised Guide

Work initiated in 2016-2017	Suggested date for the finalisation of work in 2018-2019
<p><i>Drafting Group on Migration and Human Rights (CDDH-MIG)</i></p> <p>On the basis of work conducted in 2016-2017, preparation of one or more non-binding draft instruments of the Committee of Ministers (for example, a recommendation, guidelines, good practice handbooks) concerning human rights issues in the context of <b>migration</b>, in particular effective alternatives to detention of migrants and asylum seekers</p>	<p>92<sup>nd</sup> meeting of the CDDH December 2019 – Draft non-binding instrument</p>
<p><i>Committee of bioethics (DH-BIO)</i></p> <p>Finalisation of a draft Additional Protocol on the protection of human rights and dignity of persons with <b>mental disorders</b> with regard to involuntary treatment</p>	<p>92<sup>nd</sup> meeting of the CDDH December 2019 – Draft Additional Protocol</p>

Appendix VII**Follow-up to the implementation of  
Recommendation CM/Rec(2010)5****Schedule***(as adopted by the CDDH at its 88<sup>th</sup> meeting, 5-7 December 2017)*

16-17 November 2017	Meeting of the European Network of Governmental LGBTI Focal Points: <ul style="list-style-type: none"> <li>• presentation of the timeline and agreement on the role of the Network of Governmental Focal Points in the review process</li> <li>• agreement on taking stock of the existing data during the international organisations coordination meeting (FRA, OECD, OHCHR, UNESCO, World Bank, ILO, EC)</li> </ul>
5-7 December 2017	88 <sup>th</sup> meeting of the CDDH - Decision on the procedure and schedule
End of 2017	Drafting of the questionnaire by the SOGI Unit in coordination with the Network of Governmental Focal Points
January 2018	Submission of the draft questionnaire to the Bureau of the CDDH for approval and dissemination of the approved questionnaire to stakeholders (member States, national HR institutions, NGOs)
June 2018	89 <sup>th</sup> meeting of the CDDH - The CDDH takes note of the answers to the questionnaire received so far and exchanges views on a possible conference
30 June 2018	Tentative deadline for submission of answers to the questionnaire
July - November 2018	The SOGI Unit undertakes desk research, analyses the submissions and prepares a preliminary draft Report
November 2018	90 <sup>th</sup> meeting of the CDDH - Presentation by SOGI Unit of the preliminary draft Report for a first exchange of views and comments by the CDDH
January - May 2019	Finalisation by the SOGI Unit of the draft Report in the light of CDDH comments
June 2019	91 <sup>st</sup> meeting of the CDDH – Presentation, for approval by the CDDH, of the final draft of the Report and of a proposal for decision on follow-up by the Committee of Ministers

Appendix VIII

**Focal points of the CDDH in other bodies**

*(List adopted by the CDDH at its 88<sup>th</sup> meeting, 5-7 December 2017)*

1. Committee on Bioethics (DH-BIO): Ms Brigitte KONZ (Luxembourg)
2. Commission for Democracy through Law (Venice Commission): Ms Brigitte OHMS (Austria)
3. European Commission for the Efficiency of Justice (CEPEJ): Mr Vít A. SCHORM (Czech Republic)
4. Committee of Legal Advisers on Public International Law (CAHDI): Ms Florence MERLOZ (France)
5. European Committee on Legal Co-operation (CDCJ): Ms Maria de Fátima GRAÇA CARVALHO (Portugal)
6. Steering Committee on Media and Information Society (CDMSI): Ms Kristine LICIS (Latvia)
7. Ad hoc Committee of experts on Roma and Traveller Issues (CAHROM): Ms Svetlana GELEVA ("The former Yugoslav Republic of Macedonia")
8. Consultative Committee of the Convention for the protection of individuals with regard to automatic processing of personal data (T-PD): Ms Brigitte OHMS (Austria)
9. Committee of Experts on Terrorism (CODEXTER): Mr Chanaka WICKREMASINGHE (United Kingdom)
10. 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)
11. Ad hoc Committee for the Rights of the Child (CAHENF): Mr Frank SCHÜRMAN (Switzerland)
12. European Committee on Democracy and Governance (CDDG): Ms Krista OINONEN (Finland)
13. Committee of Experts on Administrative Detention of Migrants (CJ-DAM): Mr Morten RUUD (Norway) / Mr Frank SCHÜRMAN (Switzerland).

**CDDH RAPPORTEURS**

14. Rapporteur on Roma and Traveller Issues: Ms Svetlana GELEVA ("The former Yugoslav republic of Macedonia")
15. CDDH Rapporteur on gender equality for 2018: Mr Philippe WERY (Belgium)

Appendix IX**Elections****Composition of the Bureau, chairs and rapporteurs***(following the elections held during the 88<sup>th</sup> CDDH meeting, 5-7 December 2017)*

<b>BUREAU OF THE CDDH</b>	<b>END OF THE MANDATE</b>	<b>REFERENCES</b>
Mr Hans-Jörg BEHRENS (Germany), Chair	31 December 2018 (elected for 1 year renewable once)	88 <sup>th</sup> meeting of the CDDH (December 2017)
Mr Morten RUUD (Norway), Vice-Chair	31 December 2018 (elected for 1 year renewable once)	88 <sup>th</sup> meeting of the CDDH (December 2017)
Mr Joan FORNER ROVIRA (Andorra), Member	31 December 2018 (elected for 2 years not renewable)	86 <sup>th</sup> meeting of the CDDH (December 2016)
Ms Kristine LIČIS (Latvia), Member	31 December 2019 (elected for 2 years not renewable)	88 <sup>th</sup> meeting of the CDDH (December 2017)
Ms Zinovia STAVRIDIS (Greece), Member	31 December 2019 (elected for 2 years not renewable)	88 <sup>th</sup> meeting of the CDDH (December 2017)
Ms Florence MERLOZ (France), Member	31 December 2018 (elected for 1 year renewable once for two years)	88 <sup>th</sup> meeting of the CDDH (December 2017)
Ms Krista OINONEN (Finland), Member	31 December 2019 (elected for 2 years renewable once)	88 <sup>th</sup> meeting of the CDDH (December 2017)
Ms Maris KUURBERG (Estonia), Member	31 December 2018 (elected for 1 year renewable once for two years)	88 <sup>th</sup> meeting of the CDDH (December 2017)
<b>CHAIRS</b>		
<b>DH-BIO</b> Ms Beatrice IOAN (Romania), Chair	31 December 2018 (elected for 1 year not renewable)	12 <sup>th</sup> meeting of the DH-BIO (October 2017) 88 <sup>th</sup> meeting of the CDDH (December 2017)
<b>DH-SYSC</b> Ms Brigitte OHMS (Austria), Chair	31 December 2018 (elected for 1 year renewable once)	88 <sup>th</sup> meeting of the CDDH (December 2017)
<b>DH-SYSC-II</b> Ms Florence MERLOZ (France), Chair	31 December 2019	88 <sup>th</sup> meeting of the CDDH (December 2017)
<b>DH-SYSC-III</b> Ms Vasileia PELEKOU (Greece), Chair	31 December 2019	88 <sup>th</sup> meeting of the CDDH (December 2017)
<b>CDDH-SOC</b> Mr Vít A. SCHORM (Czech Republic), Chair	31 December 2019	88 <sup>th</sup> meeting of the CDDH (December 2017)
<b>CDDH-EXP</b> Mr Hans-Jörg BEHRENS (Germany), Chair	31 December 2019	88 <sup>th</sup> meeting of the CDDH (December 2017)
<b>CDDH-MIG</b> Mr Morten RUUD (Norway), Chair	31 December 2019	88 <sup>th</sup> meeting of the CDDH (December 2017)

<b>CDDH-INST</b> Ms Krista OINONEN (Finland), Chair	31 December 2019	88 <sup>th</sup> meeting of the CDDH (December 2017)	
<b>RAPPORTEURS<sup>27</sup></b>			
<b>CDDH-EXP</b> Ms Kristine LIČIS (Latvia)	31 December 2019	88 <sup>th</sup> meeting of the CDDH (December 2017)	
<b>CDDH-MIG</b> Mr Frank SCHÜRMAN (Switzerland)	31 December 2019	88 <sup>th</sup> meeting of the CDDH (December 2017)	
<b>DH-SYSC-II</b> Mr Alexei ISPOLINOV (Russian Federation) – Theme 1 Mr Chanaka WICKREMASINGHE (United Kingdom) – Theme 1 Ms Sofia KASTRANTA (Greece) – Theme 2 Ms Kristine LIČIS (Latvia) – Theme 3	31 December 2019	88 <sup>th</sup> meeting of the CDDH (December 2017)	
<b>DRAFTING GROUPS</b>			
<b>DH-SYSC-II<sup>28</sup></b>		<b>DH-SYSC-III<sup>29</sup></b>	
Bulgaria		Armenia	
Croatia		Belgium	
Czech Republic		Greece	
France		Italy	
Italy		Latvia	
Latvia		Montenegro	
The Netherlands		Portugal	
Norway		Slovak Republic	
<b>CDDH-SOC</b>	<b>CDDH-EXP<sup>30</sup></b>	<b>CDDH-MIG</b>	<b>CDDH-INST</b>
Austria	Azerbaijan	Armenia	Armenia
Belgium	Estonia	Bulgaria	Azerbaijan
Czech Republic	France	Czech Republic	Finland
Greece	Hungary	Greece	Ireland
Italy	Republic of Moldova	Iceland	Montenegro
Republic of Moldova	Montenegro	Italy	the Netherlands
Poland	Russian Federation	Latvia	Russian Federation
Portugal	"The former Yugoslav Republic of Macedonia"	Norway	Slovenia
Russian Federation	Turkey	Spain	Spain
Slovenia	United Kingdom	Turkey	"The former Yugoslav Republic of Macedonia"

<sup>27</sup> The Rapporteur of the CDDH-SOC is now part of the Secretariat of the Council of Europe (Department for the execution of judgments) and has ended her work as a Rapporteur. The CDDH-MD finalised its work. The Rapporteur and Chair of the CDDH-INST has terminated her work as a Rapporteur.

<sup>28</sup> Following a decision taken by the CDDH at its 88<sup>th</sup> meeting (5-7 December 2017), and subject to the availability of budgetary resources, it is envisaged that the following member States would also be covered by the budget of the Council of Europe to participate in the following meetings:

- 3<sup>rd</sup> meeting (3-5 April 2018) and 5<sup>th</sup> meeting (March 2019): Albania, Austria, Azerbaijan, Bosnia-Herzegovina, Denmark, Finland, Germany, Greece, Russian Federation, United Kingdom

- 4<sup>th</sup> meeting (25-28 September 2018) and 6<sup>th</sup> meeting (May 2019): Greece, Poland, Romania, Russian Federation, Serbia, Spain, Sweden, Turkey, Ukraine, United Kingdom

- 7<sup>th</sup> meeting (September 2019): it is envisaged that the Council of Europe will cover the costs of all the participants.

<sup>29</sup> Initially, the work of the Group will take place by electronic means.

<sup>30</sup> Chair: Germany. The expenses of the Chair are covered by the budget of the Council of Europe.

Appendix X**Calendar of meetings of the CDDH  
and subordinate bodies for 2018 and 2019***(as adopted by the CDDH at its 88<sup>th</sup> meeting, 5-7 December 2017)*

<b>2018</b>	
2 <sup>nd</sup> meeting of the drafting Group on Social Rights (CDDH-SOC)	[25-27 April] [beginning of May]
3 <sup>rd</sup> meeting of the drafting Group on Civil Society and National Human Rights Institutions (CDDH-INST)	21-23 March
4 <sup>th</sup> meeting of the drafting Group on Human Rights and Migration (CDDH-MIG)	21-23 March
3 <sup>rd</sup> meeting of the drafting Group on the place of the ECHR in the European and international legal order (DH-SYSC-II)	3-5 April
<i>High-level Conference under the Danish chairmanship of the Committee of Ministers concerning the future of the ECHR system</i>	Copenhagen, 11-13 April
3 <sup>rd</sup> meeting of the drafting Group on Freedom of Expression and links to other Human Rights (CDDH-EXP)	25-27 April
99 <sup>th</sup> meeting of the Bureau of the Steering Committee for Human Rights (CDDH-BU)	Andorra la Vella 17-18 May
13 <sup>th</sup> meeting of the Committee on Bioethics (DH-BIO)	Cyprus 22-25 May
89 <sup>th</sup> meeting of the Steering Committee for Human Rights (CDDH) and Workshop [under the Croatian Chairmanship of the Committee of Ministers] on the promotion of human rights of older persons	19-22 June 21 June (afternoon)
3 <sup>rd</sup> meeting of the drafting Group on Social Rights (CDDH-SOC)	5-7 September
4 <sup>th</sup> meeting of the drafting Group on Civil Society and National Human Rights Institutions (CDDH-INST)	19-21 September
4 <sup>th</sup> meeting of the drafting on the place of the ECHR in the European and international legal order (DH-SYSC-II)	25-28 September
4 <sup>th</sup> meeting of the CDDH Drafting Group on Freedom of Expression and links to other Human Rights (CDDH-EXP)	3-5 October
5 <sup>th</sup> meeting of the drafting Group on Human Rights and Migration (CDDH-MIG)	17-19 October
5 <sup>th</sup> meeting of the Committee of experts on the system of the European Convention on Human Rights (DH-SYSC)	18-19 October
100 <sup>th</sup> meeting of the Bureau of the Steering Committee for Human Rights (CDDH-BU)	8-9 November
14 <sup>th</sup> meeting of the Committee on Bioethics (DH-BIO)	20-23 November
90 <sup>th</sup> meeting of the Steering Committee for Human Rights (CDDH) [and Workshop on Civil Society and National Human Rights Institutions]	27-30 November [29 November (afternoon)]

<b>2019</b>
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The number of meetings in 2019 will be similar to that in 2018. The dates will be decided by the CDDH at its meeting in December 2017.

6 <sup>th</sup> meeting of the drafting Group on Human Rights and Migration (CDDH-MIG)	February
5 <sup>th</sup> meeting of the drafting Group on Civil Society and National Human Rights Institutions (CDDH-INST)	February
5 <sup>th</sup> meeting of the drafting Group on the place of the ECHR in the European and international legal order (DH-SYSC-II)	March
4 <sup>th</sup> meeting of the drafting Group on Social Rights (CDDH-SOC)	April
5 <sup>th</sup> meeting of the drafting Group on Freedom of Expression and links to other Human Rights (CDDH-EXP)	April
101 <sup>th</sup> meeting of the Bureau of the Steering Committee for Human Rights (CDDH-BU)	May
6 <sup>th</sup> meeting of the drafting Group on the follow-up to the CDDH report on the longer-term future of the Convention (DH-SYSC-II)	May
[Workshop on Access to Official Documents]	[May-June]
91 <sup>th</sup> meeting of the Steering Committee for Human Rights (CDDH) [and Workshop on the protection of victims of terrorist acts]	June
7 <sup>th</sup> meeting of the drafting Group II on the place of the ECHR in the European and international legal order (DH-SYSC-II)	September
5 <sup>th</sup> meeting of the drafting Group on Social Rights (CDDH-SOC)	September
6 <sup>th</sup> meeting of the drafting Group on Civil Society and National Human Rights Institutions (CDDH-INST)	September
7 <sup>th</sup> meeting of the drafting Group on Human Rights and Migration (CDDH-MIG)	October
6 <sup>th</sup> meeting of the drafting Group on Freedom of Expression and links to other Human Rights (CDDH-EXP)	October
6 <sup>th</sup> meeting of the Committee of experts on the system of the European Convention on Human Rights (DH-SYSC)	October
102 <sup>nd</sup> meeting of the Bureau of the Steering Committee for Human Rights (CDDH-BU)	November
92 <sup>nd</sup> meeting of the Steering Committee for Human Rights (CDDH)	November