

Strasbourg, 2 April 2014

CDDH-BU(2014)R90

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

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**BUREAU OF THE STEERING COMMITTEE  
FOR HUMAN RIGHTS**

**(CDDH-BU)**

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**REPORT**

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**90<sup>th</sup> meeting**

**Prague, 27 March 2014**

## **PREPARATION OF THE 80<sup>TH</sup> CDDH MEETING (8-10 April 2014)**

### Introduction

1. The CDDH Bureau held its 90<sup>th</sup> meeting in Prague, on 27 March 2014, with Mr Vít A. SCHORM (Czech Republic) as Chairman. The list of participants appears at Appendix I. The meeting was devoted to the preparation of the 80<sup>th</sup> plenary CDDH meeting (Oslo, 8-10 April 2014).
2. The items below are those that appear in the draft agenda of the April CDDH meeting, as revised by the Bureau (document CDDH(2014)OJ001Rev).

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

3. The Bureau examined the draft agenda and order of business, and made some changes. The revised version CDDH(2014)OJ001Rev will be sent to participants of the CDDH meeting in April.
4. The Bureau authorised the participation of the representatives of the European Trade Union Confederation (ETUC / CES) and of the Conference of European Churches (KEK) in items 2 (possible comments on recommendations), 3 (reform of the Court), 4 (development and promotion of human rights) and 8 (exchange of views with personalities) on the agenda of the CDDH meeting in April.

### **ITEM 2: POSSIBLE COMMENTS ON RECOMMENDATIONS**

#### ***2.1 Draft Recommendation of the CDCPP***

5. The Bureau examined the draft Recommendation of the Steering Committee for Culture, Heritage and Landscape (CDCPP) on intercultural integration. This text appears in document CDDH(2014)001. It was transmitted by the Ministers' Deputies on 22 January 2014 (1189<sup>th</sup> meeting) to the CDDH, amongst others, for opinion by 31 May 2014.
6. The Bureau prepared elements in view of the CDDH's opinion on the draft Recommendation. These elements appear below at Appendix II.

#### ***2.2 Recommendations of the Parliamentary Assembly***

7. The Bureau examined the following Parliamentary Assembly Recommendations (these texts appear in document CDDH(2014)001):
  - 2037 (2014) – *Accountability of international organisations for human rights violations*. This Recommendation was transmitted on 12 February 2014 (1191<sup>st</sup> meeting) by the Ministers' Deputies to the CDDH, amongst others, for information and possible comment by 18 April 2014;

- 2039(2014) – *The need to reinforce the training of legal professionals*. This Recommendation was transmitted on 20 March 2014 (1195<sup>th</sup> meeting) by the Ministers' Deputies to the CDDH, amongst others, for information and possible comments by 30 June 2014.

8. The Bureau prepared elements in view of possible comments by the CDDH on these two recommendations. These elements appear below at Appendix II.

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

#### ***3.1 Completed work***

9. The Bureau took note of the Ministers' Deputies' decisions (5 February 2014, 1190<sup>th</sup> meeting) regarding the work recently completed by the CDDH on the reform of the Court (see CDDH(2014)OJ001Rev, § 8).

#### ***3.2 Ongoing work***

10. The Bureau exchanged views on the ongoing work. It noted that Mr Vít A. SCHORM (Czech Republic), Chairman of drafting Group "G" of the DH-GDR, will briefly present the work completed by this group at its 1<sup>st</sup> meeting (12-14 February 2014, GT-GDR-G(2014)R1), and that Mr Martin KUIJER (The Netherlands), Chairman of drafting Group "F" (on the longer-term reform) of the DH-GDR will briefly present the work completed by this group at its 1<sup>st</sup> meeting (19-21 March 2014, GT-GDR-F(2014)R1). The Bureau highlighted the benefits of ensuring good coordination between the work of both groups.

11. With regards to Group "F", partially made up of external experts, it highlighted the benefits of promoting as open and as prospective as possible a participation. It recalled that, at this stage, the CDDH will be called upon to decide only on the working methods suggested by Group "F" in view of the substantive work it will undertake at its next meetings.

12. It also recalled that the results of both working groups will be examined by the DH-GDR at its 6<sup>th</sup> meeting (4-6 June 2014) and by the CDDH at its 81<sup>st</sup> meeting (24-27 June 2014).

#### ***3.3 Conference on the longer-term future of the European Court of human rights***

13. The Bureau exchanged views on the preparation of the Conference, the results of which will be evoked by the CDDH, first at its meeting with the Conference coordinator, Professor Andreas FØLLESDAL, Director of *PluriCourts*, Tuesday 8 April 2014, from 3:30 p.m. to 4:30 p.m., and, the following morning, during an exchange of views on the Conference, it being understood that it is for the drafting Group "F" and then for the DH-GDR to formulate concrete suggestions to be examined by the CDDH at its 81<sup>st</sup> meeting (24-27 June 2014).

#### ***3.4 Further issues***

14. The Bureau took note of the Ministers' Deputies' decisions (5 February 2014, 1190<sup>th</sup> meeting) on the follow-up to the Brighton Declaration (see CDDH(2014)OJ001rev., para. 11). Noting that this follow-up is primarily in the hands of the Secretariat of the Committee of Ministers and that, later on, the CDDH will present a report to the Committee of Ministers by the 31 December 2015, the Bureau asked the Secretariat to ensure good coordination with the Secretariat of the Committee of Ministers throughout the duration of this exercise.

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

### ***4.1 Completed work***

15. The Bureau welcomed the adoption by the Ministers' Deputies (21 February 2014, 1192<sup>nd</sup> meeting) of draft Recommendation CM/Rec(2014)2 on the promotion of human rights of older persons prepared by the CDDH.

### ***4.2 Corporate social responsibility in the field of human rights***

16. The Bureau noted that the examination by the GR-H of the draft Declaration of the Committee of Ministers on the United Nations' Guiding Principles on business and human rights remains pending. It also noted that the CDDH will exchange views in April with the Chairman of the drafting Group on corporate social responsibility in the field of human rights (CDDH-CORP) Mr René LEFEBER (The Netherlands) on the work from the 2<sup>nd</sup> meeting (12-14 February 2014) as well as on his participation, as representative of the CDDH, in the United Nations Forum on human rights and business (Geneva, 2-4 December 2013). The Bureau invited the CDDH to launch a new open-call amongst its members for novel substantive proposals, to be examined by the CDDH in June. The latter could, in June, instruct the Secretariat and the Chairman of the CDDH-CORP to draft a draft Council of Europe non-binding instrument on human rights and business, to be examined by the drafting Group at its 3<sup>d</sup> meeting (24-26 September 2014).

### ***4.3 Human rights in culturally diverse societies***

17. The Bureau noted that the CDDH will exchange views with the Chairperson of the drafting Group on human rights in culturally diverse societies (CDDH-DC) Mrs Krista OINONEN (Finland) on the work from its 1<sup>st</sup> meeting (24-25 March 2014). It invited the CDDH to:

- (i) give guidance to the CDDH-DC and Secretariat for the finalisation of the compendium of current Council of Europe standards and best practices relating to the principles of freedom of thought, conscience and religion and the link with other Convention rights, in particular freedom of expression. The CDDH-DC has prepared a draft structure, including a list of possible themes pertaining to which relevant standards and case-law should be researched. The draft compendium will be submitted to the CDDH in November, for possible adoption;
- (ii) exchange views on the second stage of the work of the CDDH-DC, that is, the elaboration of guidelines on the promotion and protection of human rights in culturally

diverse societies, with a possible specific focus on the issues related to human rights education and training. With regards to this second stage, the CDDH is invited to decide on the composition of a larger drafting group (twelve members) and to give possible guidance on the drafting of these guidelines. The Bureau was of the opinion that it would be very useful for the seven current members of the CDDH-DC to also be members of this larger drafting group and for the current chairmanship to be maintained.

#### **4.4 Future work**

18. Regarding a future activity on the impact of the economic crisis on human rights in Europe, the Bureau noted that, following the decisions taken by the CDDH in November, (i) the Secretariat is preparing a preliminary study on existing standards and outstanding issues, for consideration by the CDDH in June 2014; (ii) the CDDH is invited to nominate, in April, an expert (based on the list of names suggested by the Secretariat) to whom the preliminary study will be communicated and who will exchange views with the CDDH on this activity in June; (iii) the CDDH is invited to nominate, in June, a rapporteur amongst its members for the elaboration of the draft feasibility study and its presentation at the November meeting of the CDDH, for adoption and transmission to the Committee of Ministers.

19. The Bureau also recalled that a preliminary exchange of views to identify new themes for the development and promotion of human rights within the Council of Europe that the CDDH could undertake during the 2016-2017 biennium is foreseen at the CDDH meeting in November 2014 or at its 1<sup>st</sup> meeting of 2015.

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

20. The Bureau exchanged views on the succinct information document on the work ongoing within the DH-BIO, sent to the CDDH participants in view of the CDDH meeting in April (CDDH(2014)002). This document identifies those items which are under the direct supervision of the CDDH, and those on which the DH-BIO acts autonomously insofar as they pertain to the application of the Oviedo Convention.<sup>1</sup> The Bureau was of the opinion that it is difficult to establish a strict distinction amongst the activities mentioned in the document, and that it would be advisable to introduce some flexibility: each time there is a clear human rights dimension to this work, the CDDH should be able to give its possible opinion, whereas aspects of this work pertaining to ethical considerations should be exclusively within the remit of the DH-BIO. It noted with satisfaction that the Secretary of the DH-BIO, Mrs Laurence LWOFF, will exchange information and views on this issue with the CDDH in April.

21. With regards in particular to the ongoing work in view of a draft Additional Protocol to the Oviedo Convention relating to the protection of human rights and dignity of persons with mental disorders with regard to involuntary placement and involuntary treatment, this work will also be presented by the expert of the CDDH in the drafting group on this instrument, Mr Frank SCHÜRMANN (Switzerland). On this issue, the Bureau suggested to the CDDH that experts

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<sup>1</sup> Convention for the Protection of Human Rights and Dignity of Human Beings with regard to the Application of Biology and Medicine (Convention on Human Rights and Biomedicine, or Oviedo Convention).

should be invited to provide, in an individual capacity, all comments they might judge useful for the next meeting of the drafting group.

## **ITEM 6: YOUNG PEOPLE'S ACCESS TO FUNDAMENTAL RIGHTS**

22. The Bureau took note of information appearing in the draft revised annotated agenda (see CDDH(2014)OJ001Rev §§ 22 and 23) that will be presented by the Secretariat in April. It agreed that the CDDH could usefully be associated to the work foreseen by the Joint Council on Youth (CMJ) on a draft recommendation on access of young people to fundamental rights, in the following way: (i) one or two experts could be designated by the CDDH in June to participate in the future drafting group that will undertake this work starting this autumn; (ii) the Secretariat could communicate the draft, at each stage of its elaboration, to the participants of the CDDH meetings for possible comments. In view of the possible nomination of an expert/experts in June, the Bureau asked the Secretariat to provide all further information it might gather by then.

## **ITEM 7: EXPERTS REPRESENTING THE CDDH IN OTHER BODIES**

23. The Bureau noted that document CDDH(2014)004 including information sent to the experts who have participated in other meetings will be sent to the CDDH for the meeting in April. It noted that the list of meetings appears in the draft annotated agenda CDDH(2014)OJ001Rev, appendix I. The Bureau thought both documents sufficient to inform the CDDH, but that the latter might exchange views with one or the other expert concerning particular items susceptible of being of interest to its own work, whether ongoing or future.

## **ITEM 8: EXCHANGE OF VIEWS WITH PERSONALITIES**

24. The Bureau took note with satisfaction of the two exchange of views foreseen in April with, on the one hand, Mr Andreas FØLLESDAL, Director of *PluriCourts* (Tuesday 8 April 2014, from 3:30 p.m. to 4:30 p.m), and on the other, Amb. Drahoslav ŠTEFÁNEK, Chairman of the Rapporteur Group to the Committee of Ministers on Human Rights (GR-H) (Wednesday 9 April 2014 from 11:45 a.m. to 1 p.m).

25. With regards to personalities to be invited to the next meetings, the Bureau based itself on the CDDH's conclusion in November and suggested the following distribution, in function of the work foreseen:

- the Director of the European Agency for Fundamental Rights (FRA) Mr Morten KJAERUM, in June (he has confirmed his availability for this period);
- the Chairman of the Ad hoc Working Party on Reform of the Human Rights Convention system (GT-REF.ECHR) Mr Carl-Henrik EHRENKRONA, if possible in June;
- the Chairman of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) Mr Lətif HÜSEYNOV, in November (he has confirmed his availability for this period);
- a representative of the Office of the High Commissioner for Human Rights of the United Nations (OHCHR).

26. Furthermore, the Bureau thought it useful for the CDDH to bear in mind the various conventions placed under its supervision (see below item 10) to invite the chairman of one or the other relevant Convention mechanisms for an exchange of views.

### **ITEM 9: CALENDAR OF MEETINGS**

27. The Bureau examined the draft calendar of meetings, as adopted by the CDDH at its November meeting, and suggested an adjustment. The draft revised calendar as proposed by the Bureau appears below at Appendix III.

### **ITEM 10: REVIEW OF COUNCIL OF EUROPE CONVENTIONS**

28. The Bureau examined document CDDH(2014)005 containing the replies received from experts on the prospects of their governments' ratifying Protocols No. 15 and 16 ECHR. It was of the opinion that this document constitutes a sound working basis for the review of conventions and asked the Secretariat to update it regularly, in the light of information from the experts. It deemed that this document renders unnecessary any formal discussion, but invited the CDDH, in April, to ask those experts who wish so, to bring any nuance, clarification, etc they wish for, so as to have as complete and as up-to-date of an overview as possible.

29. With regards to the review of the two European Agreements relating to persons participating in proceedings of the European (Commission and) Court of Human Rights (CETS No. 67 and 161 respectively, the Bureau endorsed the observations included in the introduction of document CDDH(2014)005 concerning agreement No. 67. For the review of agreement No. 161, it suggested following the same method as for Protocols No. 15 and 16.

### **ITEM 11: CDDH WORK BEYOND THE CURRENT BIENNIUM**

30. The Bureau prepared the preliminary CDDH's exchange of views in April on how it might envisage its role and priorities over the course of the next biennium, considering the evolution of its current work and the challenges arising for the Council of Europe, in light of the leads suggested by the Secretariat (see document CDDH(2014)006). The Bureau deemed that the document prepared by the Secretariat constitutes a sound basis for this work and raises relevant questions. The debate by the CDDH in April should remain fairly general, to become progressively more concrete over the course of its following meetings.

### **ITEM 12: OTHER BUSINESS**

31. See above § 4.

32. The Bureau invited the Secretariat to inform the CDDH in April about two events foreseen in the context of the future Azerbaijani chairmanship of the Committee of Ministers (May-November 2014), that is:

- (i) an international conference on the theme of "*Public Service Delivery in the context of Human Rights*", foreseen in Baku in late June or early July and organised by the *State*

*Agency for Public Service and Social Innovations under the President of the Republic of Azerbaijan (ASAN)* in cooperation with the European Committee on Democracy and Governance (CDDG);

- (ii) an international conference on the theme of “*Implementation of the ECHR at national level and the role of the national judges*”, foreseen in Baku on Friday 10 October and Saturday 11 October (morning) 2014 and organised by the Supreme Court of the Republic of Azerbaijan in cooperation with the Secretariat of the Human Rights Directorate (Department for the Execution of Judgments of the European Court of Human Rights and Unit of the reform of the Court)

33. For the first event, the Bureau considered that the CDDH could designate an expert to represent it and, if suitable, to present the Council of Europe Convention on access to official documents (CETS No. 205) that was prepared by the CDDH. For the second event, the Bureau deemed it relevant primarily to government Agents.

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Appendix I**List of participants****ARMENIA / ARMENIE**

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

**AUSTRIA / AUTRICHE**

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

**BELGIUM / BELGIQUE**

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

**CZECH REPUBLIC / REPUBLIQUE TCHEQUE**

Mr Vít SCHORM, Government Agent, Ministry of Justice

**ESTONIA / ESTONIE**

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

**GERMANY / ALLEMAGNE**

Mr Hans-Jörg BEHRENS, Head of Unit IVC1, Human Rights Protection; Government Agent before the European Court of Human Rights, Bundesministerium der Justiz

**RUSSIAN FEDERATION / FEDERATION DE RUSSIE**

Mr Vladislav ERMAKOV, Ministry of Foreign Affairs

**SWITZERLAND / SUISSE**

Mr Frank SCHÜRMANN, Agent du Gouvernement, Chef de l'Unité Droit européen et Protection Internationale des droits de l'Homme, Office fédéral de la justice

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**SECRETARIAT****DG I – Human Rights and Rule of Law / Droits de l’Homme et État de droit  
Council of Europe / Conseil de l’Europe, F-67075 Strasbourg Cedex**

Mr Mikhail LOBOV, Head of Human Rights Policy and Development Department / Chef du Service des politiques et du développement des droits de l’Homme

Mr 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 of the CDDH / Secrétaire du CDDH

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

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**INTERPRETERS / INTERPRÈTES**

Ms Eline Aitken

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Appendix II**Recommendations of the Parliamentary Assembly:  
Comments suggested by the Bureau to the CDDH**

(the texts of these recommendations  
appear in document CDDH(2014)001)

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

*Elements proposed by the Bureau for the expected CDDH opinion*

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

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

- The CDDH’s current work on human rights in culturally diverse societies builds on the outcome of two International Conferences organised in The Hague in co-operation with the Netherlands authorities – the first in 2003 under the title “Fundamental Rights in a Pluralist Society” and the second in 2008 under the title “Human Rights in culturally diverse societies – challenges and perspectives”. The Council of Europe White Paper on Intercultural Dialogue “Living together as Equals in Dignity” was taken into account when drawing up the concluding remarks in the light of the discussions. Following the second Conference, the CDDH prepared a draft “Declaration on human rights in culturally diverse societies”, which was adopted by the Committee of Ministers on 1 July 2009.

- In 2013, as a follow-up to a CDDH “Study on the feasibility and added value of standard-setting activities or other work in the field of human rights in culturally diverse societies”, the Committee of Ministers instructed the CDDH to prepare, in addition to the above-mentioned draft guidelines, a compilation of existing Council of Europe standards relating to the principles of freedom of thought, conscience and religion and the link to other Convention rights, in particular freedom of expression. This document will be supplemented by a compendium of good practices applied by member States in this area.

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

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

*Elements proposed by the Bureau for possible comments by the CDDH*

1. The Steering Committee for Human Rights (CDDH) agrees with the Parliamentary Assembly that the Committee of Ministers should “encourage international organisations of which member States are a part, including the United Nations and its specialised agencies, as well as the European Union and the International Monetary Fund, to examine the quality and effectiveness of mechanisms aimed at ensuring compliance with their human rights obligations and to further develop legal standards in this area”. It recognises that international organisations such as the Council of Europe, the European Union or the United Nations have in their founding treaties or related instruments as an essential goal the protection and promotion of human rights, and substantially contribute to the development of human rights at the international level. At the same time, the CDDH agrees that states should ensure that there is accountability for any violations of human rights through acts of international organisations.
2. As far as the European Union is concerned, the CDDH notes the draft instruments for the accession of the European Union to the European Convention on Human Rights, finalised in April 2013 in negotiations between the CDDH ad hoc negotiation group and the European Commission. Accession of the European Union will fill an important legal gap to ensure that anyone who alleges that his or her human rights have been violated by an act or omission of the European Union may file an application with the European Court of Human Rights. Moreover, provisions

in the draft accession agreement on joint responsibility and the co-respondent mechanism also aim at ensuring proper accountability where the European Union implements provisions of its founding treaties agreed upon by its member states, or where the latter implement acts adopted by the European Union.

3. Concerning the United Nations and its specialised agencies, the CDDH notes the *ad hoc* human rights mechanisms enumerated in paragraph 5 of Parliamentary Assembly Resolution 1979 (2014) on the “Accountability of international organisations for human rights violations”, notably the appointment of an ombudsperson to oversee the United Nations Security Council’s anti-terrorism sanctions. With regard to the United Nations Interim Administration Mission in Kosovo (UNMIK), the CDDH refers notably to the establishment of the Human Rights Advisory Panels applying the European Convention on Human Rights as well to the agreement between UNMIK and the Council of Europe in relation to the application of the Framework Convention for the Protection of National Minorities and to the similar agreement in place regarding visits by the CPT to places where persons are deprived of their liberty by UNMIK. The CDDH further notes General Assembly Resolution 68/105 on the “Criminal accountability of United Nations officials and experts on mission” of 16 December 2013 which, *inter alia*, strongly urges states to take all appropriate measures to avoid impunity for crimes that could amount to human rights violations committed by United Nations officials or experts on mission, to establish appropriate jurisdiction, cooperate in the exchange of information and assistance in connection with criminal investigations or extradition proceedings, as well as to provide effective protection for victims.
4. As regards the Parliamentary Assembly recommendation that member States “examine the status of international organisations within their national legal systems and ensure that arrangements be envisaged for waiver of immunity when this is required” (paragraph 2.2 of Recommendation 2037 (2014)), the CDDH observes that the issue of immunities of international organisations under public international law is a very complex issue, which is discussed on a regular basis in the Committee of Legal Advisers on Public International Law (CAHDI). The CDDH considers that CAHDI would be in a better position to provide a thorough opinion in this respect.
5. Concerning paragraph 2.3 of Recommendation 2037 (2014), which invites the Committee of Ministers to “engage in a reflection of the accountability issues raised by the phenomenon of international organisations taking on responsibilities traditionally held by States with respect to which the European Court of Human Rights does not have jurisdiction, with a view to closing the resulting lack of accountability”, the CDDH would encourage possible initiatives in this respect.
6. With regard to paragraph 3 of Recommendation 2037 (2014), the CDDH takes note of the UN General Assembly Resolution 66/100 (2011) according to which the item

“Responsibility of international organisations” has been included in the provisional agenda of the Assembly’s forthcoming 69<sup>th</sup> session with a view to examining the question of form the International Law Commission’s “Draft Articles on the Responsibility of International Organisations” might take. The CDDH recalls that the Directorate of Legal Advice and Public International Law has, in cooperation with the CAHDI, made previously contributions on behalf of the Council of Europe to the International Law Commission on this matter, and encourages further contributions should the item be discussed in the Sixth Committee of the General Assembly at its next session.

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

*Elements proposed by the Bureau for possible comments by the CDDH*

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

2. The CDDH notes the important role of the Council of Europe’s HELP programme, which was established specifically to support member States’ implementation of the Convention at national level by enhancing the capacity of judges, lawyers and prosecutors to apply the Convention in their daily work. It recalls the support it has in the past expressed for this activity, including in its Report on the measures taken by the member States to implement relevant parts of the Interlaken and Izmir Declarations (see doc. CDDH(2012)R76 Addendum I). It welcomes the development of the HELP programme, for example, to include a focus on training in the Convention’s admissibility criteria, considering that this latter aspect may assist in addressing the problem of the Court’s case-load of clearly inadmissible applications.

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

infrastructure – is ensured by the Ordinary Budget.

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

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

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

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Appendix III**Calendar of meetings of the CDDH and its subordinate bodies**

Adopted by the CDDH at its 79<sup>th</sup> meeting (26-29 November 2013)  
 Changes proposed by the Bureau (27 March 2014) for examination by the CDDH  
 (8-10 April 2014) appear in bold

<b>First Semester 2014</b>		
1 <sup>st</sup> meeting of Drafting Group “G” of the DH-GDR (GT-GDR-G)		12-14 February
2 <sup>nd</sup> meeting of Drafting Group on Human Rights and Business (CDDH-CORP)		12-14 February
1 <sup>st</sup> meeting of Drafting Group “F” on the Reform of the Court (GT-GDR-F – longer-term reform)		19-21 March
1 <sup>st</sup> meeting of Drafting Group on Human Rights in Culturally Diverse Societies (CDDH-DC)		24-25 March
90 <sup>th</sup> meeting of the Bureau of the Steering Committee for Human Rights (CDDH-BU)		Prague, 27 March
<i>Conference on the longer-term reform of the Court</i>		<i>Oslo, Norway, 7 April-8 April ( morning)</i>
80 <sup>th</sup> meeting of the Steering Committee for Human Rights (CDDH)		Oslo, Norway, 8 April (afternoon) – 11 April (morning)
5 <sup>e</sup> meeting of the Committee on Bioethics (DH-BIO)		5-7 May
2 <sup>nd</sup> meeting of Drafting Group “F” on the Reform of the Court (GT-GDR-F – longer-term reform)		14-16 May
6 <sup>th</sup> meeting of the Committee of experts on the Reform of the Court (DH-GDR)		4-6 June



91 <sup>st</sup> meeting of the Bureau of the Steering Committee for Human Rights (CDDH-BU)		12-13 June
81 <sup>st</sup> meeting of the Steering Committee for Human Rights (CDDH)		24-27 June
<b>Second Semester 2014</b>		
3 <sup>rd</sup> meeting of Drafting Group “F” on the Reform of the Court (GT-GDR-F – longer-term reform)		24-26 September
3 <sup>rd</sup> meeting of Drafting Group on Human Rights and Business (CDDH-CORP)		24-26 September
2 <sup>nd</sup> meeting of Drafting Group on Human Rights in Culturally Diverse Societies (CDDH-DC)		<b>21-24October<sup>2</sup></b>
2 <sup>nd</sup> meeting of Drafting Group “G” of the DH-GDR (GT-GDR-G)		15-17 October
7 <sup>th</sup> meeting of the Committee of experts on the Reform of the Court (DH-GDR)		5-7 November
6 <sup>e</sup> meeting of the Committee on Bioethics (DH-BIO)		[12-14 November]
92 <sup>nd</sup> meeting of the Bureau of the Steering Committee for Human Rights (CDDH-BU)		13-14 November
82 <sup>nd</sup> meeting of the Steering Committee for Human Rights (CDDH)		18- 21 November
[4 <sup>th</sup> meeting of Drafting Group “F” on the Reform of the Court (GT-GDR-F – longer-term reform)]		[mid-December]

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<sup>2</sup> 21-22 October: CDDH-DC in its current composition; 23-24 October: in its larger composition