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CONSEIL DE L'EUROPE

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CDDH(2016)R86

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

### **REPORT**

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86<sup>th</sup> meeting  
Strasbourg, 6-8 December 2016

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### SUMMARY

The Steering Committee for Human Rights (CDDH) held its 86<sup>th</sup> meeting from 6 to 8 December 2016 in Strasbourg with Mrs Brigitte KONZ (Luxembourg) as the Chair. The agenda, as adopted, appears at Appendix I. At this meeting the CDDH, in particular:

1. welcomed the holding of the High-level Seminar *International case-law in Bioethics* (Strasbourg, 5 December 2016) under the auspices of the Cypriot Chairmanship of the Committee of Ministers and organised by the Committee on Bioethics (DH-BIO);
2. exchanged views on Resolutions from the Parliamentary Assembly linked to the CDDH activities: 2120 (2016) - "*Women in the armed forces*": *promoting equality, putting an end to gender-based violence*" and 2135 (2016) "*Female genital mutilation in Europe*" and, as far as the latter is concerned, stressed the relevance of the CDDH-MF's work ;
3. concerning the system of the European Convention on Human Rights:
  - (i) endorsed the guidance given by the Committee of experts on the system of the European Convention on Human Rights (DH-SYSC) to its Drafting Group DH-SYSC-I in charge of the work regarding the process of selection and election of judges of the European Court of Human Rights and agreed upon the holding of a 4<sup>th</sup> meeting of this Group;
  - (ii) welcomed the initiative by Norway to organise a Seminar on the occasion of the 1<sup>st</sup> meeting of the Drafting Group DH-SYSC-II charged with work relating to the place of the Convention in the European and international legal order as well as on the mid- and longer-term perspectives;
  - (iii) endorsed the guidance given by the DH-SYSC to its Drafting Group DH-SYSC-REC concerning Recommendation CM/Rec(2008)2 on efficient domestic capacity for rapid execution of judgments of the European Court of Human Rights;
  - (iv) took note of the procedure decided upon for the finalisation of the overview of the exchange of views on the verification of the compatibility of legislation with the Convention (arrangements, advantages, obstacles);
  - (v) took note of the organisation of future work concerning Recommendation Rec(2004)4 on the Convention in university education and professional training and Recommendation CM/Rec(2010)3 on effective remedies for excessive length of proceedings and the Guide to good practices accompanying it;
4. concerning the development and promotion of human rights, examined ongoing work and gave guidance on:
  - (i) the work on social rights, with a view to the 1<sup>st</sup> meeting of the CDDH-SOC;
  - (ii) the work on female genital mutilation and forced marriage, with a view to the 3<sup>rd</sup> meeting of the CDDH-MF;
  - (iii) the work on freedom of expression and links to other human rights, with a view to the 1<sup>st</sup> meeting of the CDDH-EXP, and welcomed the initiative of the United Kingdom to organise a Seminar on these issues;

- (iv) the work on human rights and migration, with a view to the 2<sup>nd</sup> meeting of the CDDH-MIG and welcomed the initiative of Cyprus to host this meeting and of the Czech Republic to organise a Conference on these issues;
  - (v) the work on civil society and national human rights institutions, with a view to the 2<sup>nd</sup> meeting of the CDDH-INST;
  - (vi) preparation of the High-level Seminar on human rights and business (Strasbourg, 6 June 2017);
5. concerning bioethics, exchanged views on the outcome of the High-level Seminar of 5<sup>th</sup> December 2016 and took note of the ongoing work within the DH-BIO;
6. concerning human rights and terrorism:
- (i) held a general exchange of views on the draft Revised Guidelines of the Committee of Ministers on the protection of victims of terrorist acts (2005) and decided on the procedure to be followed with a view to its possible adoption and transmission to the Committee of Ministers;
  - (ii) took note, in view of a possible opinion to be drafted at a later stage, of the draft revised Recommendation Rec(2005)10 of the Committee of Ministers to members States concerning the special investigation techniques in relation to serious crimes including acts of terrorism, prepared by the CODEXTER;
7. exchanged views with Prof. Michael O'FLAHERTY, Director of the European Union Agency for Fundamental Rights (FRA) (see [Appendix III](#)) and with Ms Bridget O'LOUGHLIN, Executive Secretary of the GREVIO and decided on the personalities to invite at its upcoming meetings;
8. exchanged views on the conventions for which it is responsible and decided on their classification and took note in particular of the progress regarding the state of signatures and ratifications of Protocols Nos. 15 and 16 to the Convention;
9. held elections (see [Appendix IV](#));
10. exchanged views on the information provided by the experts representing the CDDH in other bodies;
11. exchanged views on its future work;
12. adopted the calendar of meetings of the CDDH and its subordinate bodies for 2017 (see [Appendix V](#));
13. agreed on the deadlines for the submission of contributions (see [Appendix VII](#)).

## **REPORT**

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

1. The Chair, Mrs Brigitte KONZ (Luxembourg) opened the meeting and gave the floor successively to Mr Christos GIAKOUMOPOULOS, Director of the Human Rights Directorate, and to Prof. Michael O'FLAHERTY, Director of the European Agency for Fundamental Rights (FRA). Mr Giakoumopoulos indicated that the next CDDH meeting (June 2017) will mark the 40<sup>th</sup> anniversary of the Steering Committee and that it will be an opportunity to determine the activities to be submitted to the Committee of Ministers for the next biennium. As to Prof. Flaherty's intervention, it is reflected in Appendix III below.

### **ITEM 2:      RECOMMENDATIONS OF THE PARLIAMENTARY ASSEMBLY**

2. The CDDH noted a number of recent resolutions of the Parliamentary Assembly on items appearing in its terms of reference and exchanged views with two representatives of the Secretariat of the Assembly on issues raised in Resolution 2120(2016) "*Women in the armed forces: promoting equality, putting an end to gender-based violence*" and in Resolution 2135(2016) "*Female genital mutilation in Europe*".

### **ITEM 3:      SYSTEM OF THE EUROPEAN CONVENTION ON HUMAN RIGHTS (DH-SYSC)**

3. The Chair of the Committee of experts on the system of the European Convention on Human Rights (DH-SYSC), Mrs Isabelle NIEDLISPACHER (Belgium), presented the outcome of its 2<sup>nd</sup> meeting (8-10 November 2016, document DH-SYSC(2016)R2).

#### ***3.1 Follow-up to the CDDH report on the longer-term future of the system of the Convention***

##### ***3.1.1 Work of the Drafting Group I (DH-SYSC-I)***

4. The Chairperson of the Drafting Group I (DH-SYSC-I), Mr Vít A. SCHORM (Czech Republic), presented to the Committee the Group's work regarding the process of selection and election of judges of the European Court of Human Rights, as well as guidance formulated by the DH-SYSC at its 2<sup>nd</sup> meeting. He stressed that it is important that States that wish to participate in the work of the DH-SYSC-I appoint an experienced representative. The CDDH thanked Mr Schorm and welcomed the results of the work to date. It endorsed guidance given by the DH-SYSC to the DH-SYSC-I and responded positively to the request to hold a 4<sup>th</sup> meeting given the importance of the work for the system of the Convention as well as their scope.
5. A working document will be prepared in view of the 3<sup>rd</sup> DH-SYSC-I meeting (27 February-1 March 2017) in light of the comments and the guidance given by the DH-SYSC, the comments formulated at the 2<sup>nd</sup> meeting of the DH-SYSC-I, as well as new contributions awaited from experts and all actors concerned. The working document will follow the

approach endorsed by the CDDH<sup>1</sup> and will contain a comprehensive analysis of the four themes identified by the DH-SYSC-I in doc. DH-SYSC-I(2016)007<sup>2</sup>, including the examination of alternative models. It should be specified in this document which responses would require an amendment to the Convention.

6. For the elaboration of the working document, the CDDH invited members, participants and observers to send any new contribution by **14 December 2016 18:00** DGI-CDDH-Reform@coe.int See the table of deadlines in Appendix VII below.

### ***3.1.2 Work of the Drafting Group II (DH-SYSC-II)***

7. The CDDH welcomed the proposal by Norway regarding the organisation of a Seminar to launch the work of the Drafting Group II (DH-SYSC-II) relating to the place of the Convention in the European and international legal order as well as on the mid- and longer-term perspectives on the occasion of the 1<sup>st</sup> meeting of the latter (29-31 March 2017). This Seminar will be co-organised by the *PluriCourts* academic network, represented by its Directors, Mr Morten RUUD (Norway) and the DH-SYSC Secretariat, in co-operation with Mrs Florence MERLOZ (France), Chair of the DH-SYSC-II. Mr Morten RUUD (Norway) informed the CDDH of the state of preparation of the programme that will consist of three sessions devoted to:
  - European Convention on Human Rights and general international law;
  - The Convention and EU accession;
  - Relations with other international human rights treaties and control organs.
8. An expert noted that the issue of a situation in which a case introduced before the Court is declared inadmissible by means of an unreasoned decision of the Committee of three judges while the communication subsequently submitted to the UN Human Rights Committee is declared well-founded, should be addressed.<sup>3</sup>
9. The CDDH noted that in view of the scope of the questions covered by the work of DH-SYSC-II, it is expected that the work related to certain questions could be pursued during the next biennium. All the questions and the modalities for their examination should be defined once the DH-SYSC-II has started its work.

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<sup>1</sup> See doc. CDDH(2016)R85, §§ 4 and 13 and doc. DH-SYSC(2016)R1, § 7: “examine possible measures to respond to the challenges identified with an inclusive approach (*i.e.* without excluding responses that would require an amendment to the Convention) while focusing on practical solutions improving the current system. This work should involve a feasibility study”.

<sup>2</sup> The selection procedure; the election process; the conditions of employment and working conditions at the Court; the *ad hoc* judges.

<sup>3</sup> See paragraph 184 of the CDDH Report on the longer-term future of the system of the Convention and footnote 224 referring notably to *Maria Cruz Achabal Puertas v. Spain* (1945/2010), CCPR/C/107/D/1945/2010 (2013); 20 IHRR 1013 (2013).

***3.2 Work on Recommendation CM/Rec(2008)2 (efficient domestic capacity measures taken for rapid execution of judgments of the European Court of Human Rights)***

10. The CDDH welcomed the work carried out by the Drafting Group DH-SYSC-REC concerning Recommendation CM/Rec(2008)2 on efficient domestic capacity for rapid execution of judgments of the European Court of Human Rights. It endorsed guidance given by the DH-SYSC according to which the finalising of the compilation of good practice, in the form of a guide, which will be presented to the Committee of Ministers for adoption, must be given priority. The recommendation's update was therefore considered unnecessary. The CDDH noted that the issue of the means at the disposal of the Committee of Ministers to address significant persistent problems in the process of supervision of execution of judgments of the Court will be dealt with, however without being thoroughly examined as this issue does not appear as such in Recommendation (2008)2.
11. Concerning the work of DH-SYSC-REC on Recommendation CM/Rec(2008)2, the CDDH invited members, participants and observers to send any additional relevant information (particularly concerning the difficulties encountered and "success stories") by **24 January 2017 18:00** [DGI-CDDH-Reform@coe.int](mailto:DGI-CDDH-Reform@coe.int) See the table of deadlines in Appendix VII below.

***3.3 Exchange of information on the implementation of the Convention and the execution of the judgments of the Court***

12. The CDDH took note of the procedure decided on for the finalisation of the overview of the exchange of views on the verification of the compatibility of legislation with the Convention (arrangements, advantages, obstacles).

***3.4 State of signatures and ratifications of Protocols Nos. 15 and 16 to the Convention***

13. The CDDH welcomed the "tour de table" held by the DH-SYSC on the state of signatures and ratifications of Protocols Nos. 15 and 16 to the Convention. It took note of the progress made and encouraged Member States to pursue their efforts with a view to the signature and/or ratification of the said instruments and invited the DH-SYSC to pursue this exercise regularly in that format.

***3.5 Organisation of future work on Recommendation Rec(2004)4 and CM/Rec(2010)3***

14. The CDDH took note of the organisation of future work concerning Recommendation Rec(2004)4 on the European Convention on Human Rights in university education and professional training and Recommendation CM/Rec(2010)3 on effective remedies for excessive length of proceedings and the Guide to good practices accompanying it. The CDDH invited members, participants and observers to send any updated information and/or possible comments regarding the implementation of Recommendation Rec(2004)4 (doc. DH-SYSC(2016)012 PROV) by **17 January 2017 18:00** [DGI-CDDH-Reform@coe.int](mailto:DGI-CDDH-Reform@coe.int) See the table of deadlines in Appendix VII below.

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

15. The CDDH examined ongoing work on each of the themes which were entrusted to it for the present biennium.

***4.1 Social rights (CDDH-SOC)***

16. Mr Philippe WERY (Belgium) presented the table of contents of the draft report prepared by the CDDH Rapporteur on social rights, Mrs Chantal GALLANT (Belgium) who could not participate in this meeting. This draft report, which is currently being finalised, will be sent to the Secretariat of the Department of the Charter for comments and will be subsequently transmitted to the members of the CDDH-SOC with a view to the 1<sup>st</sup> meeting. The date for this meeting was postponed to 19-21 April 2017, due to the number of bodies involved in the consultations relating to the preparation of the draft report (see the calendar of meetings in Appendix VI). This first meeting will be an opportunity for the Group to:

- (i) examine and, if appropriate, adopt the draft report;
- (ii) develop a questionnaire aiming at identifying the good practices in the member States and difficulties met, as well as the States' suggestions to improve the system of the protection of social rights.

17. The CDDH thought that the work of the CDDH-SOC might continue beyond this biennium. The possibility to achieve a non-binding legal instrument (recommendation, declaration) when this work is completed was mentioned, but the CDDH considered that it is up to the CDDH-SOC to pronounce itself first on this subject at an appropriate stage.

***4.2 Female genital mutilation and forced marriage (CDDH-MF)***

18. The CDDH had a fruitful exchange of views with the Executive Secretary of the monitoring mechanism under the Istanbul Convention and the Group of experts on action against violence against women and domestic violence (GREVIO), Ms. Bridget O'LOUGHLIN, who had participated in the meetings of the Drafting Group of the CDDH on female genital mutilation and forced marriage (CDDH-MF).

19. In turn, the Rapporteur and Chair of the CDDH-MF, Mr Rob LINHAM (United Kingdom) reported on the outcome of the 2<sup>nd</sup> meeting of the Group (21-23 September 2016, CDDH-MF (2016)R2) with the participation of a high number of relevant Council of Europe bodies, other international and regional organisations as well as non-governmental organisations and faith communities. He in turn had been invited to exchange of views with the members of GREVIO and GEC. He underlined that these exchanges were intended to ensure appropriate coordination and cooperation.

20. The CDDH noted that the draft Guide to good and promising practices aimed at combating and preventing female genital mutilation and forced marriage (CDDH-MF(2016)003REV2) already reflected many national contributions but it thought it important to collect contributions from as many member States as possible. To this end, the draft Guide will be



sent to members, participants and observers of the CDDH and the CDDH-MF inviting them to provide the following by **6 February 2017 18:00** [merete.bjerregaard@coe.int](mailto:merete.bjerregaard@coe.int):

- (i) further examples of national practices and any relevant consideration;
  - (ii) contact details for relevant national authorities in view of facilitating better exchange of ideas and bilateral follow up between actors in this field;
  - (iii) links to policies and legislation which would be included an appendix to the Guide.
21. In light of contributions received, a revised version of the draft Guide will be prepared by the Secretariat in consultation with the Chair of the CDDH-MF, by 27 February 2017. It will be transmitted to participants to CDDH-MF in good time before the 3<sup>rd</sup> and final meeting (28-31 March 2017), during which the Group will finalise the drafting. The revised guide will then be sent for further comments to other relevant committees within the Council of Europe (e.g. GREVIO, GEC, CAHENF, GRETA, CAHROM, CDPC and the *Lanzarote Committee*) who will hopefully submit their comments in time for consideration at the 3<sup>rd</sup> meeting. Finally, it will be discussed by the CDDH in June 2017, with a view to its possible adoption and transmission to the Committee of Ministers.
22. With regard to further work on combating and preventing female genital mutilation and forced marriage, the CDDH supported two proposals for the CDDH-MF:
- (i) preparation of a draft Declaration of the Committee of Ministers on the need to intensify the efforts to prevent and eliminate FGM and FM in Europe. Such a declaration could also encourage further ratifications and effective implementation of relevant treaties (e.g. Council of Europe Convention on preventing and combating violence against women and domestic violence (*Istanbul Convention*), the Council of Europe Convention on Action against Trafficking in Human Beings, the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (*Lanzarote Convention*) and the UN Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriage). This text should be prepared by the CDDH-MF in cooperation with other bodies within the Council of Europe concerned by the issue;
  - (ii) preparation of a conference on FGM and FM in 2018 so as to facilitate communication and contact between the actors in this field and promote networking. Such an event could take place at the CDDH's level in cooperation with the relevant Council of Europe bodies and with the participation of other international and regional organisations as well as non-governmental organisations and faith communities. The conference should be prepared by the CDDH-MF in cooperation with other bodies within the Council of Europe concerned by the issue: They would be invited in particular to provide a list of ideas for the programme. If necessary, this kind of event could in future be repeated at regular intervals.

### ***4.3 Freedom of expression and links to other human rights (CDDH-EXP)***

23. The Rapporteur of the CCDH on freedom of expression and links to other human rights, Ms Kristine LĪCE (Latvia), reported on the state of progress of the drafting work, with emphasis on the Court's case-law regarding freedom of expression as a prerequisite to the exercise of other rights and freedoms. The CDDH expressed gratitude to the Rapporteur for her thorough work which would serve as an excellent basis for the drafting of an analysis on freedom of expression and the links to other human rights.
24. The work of the Rapporteur would be sent to all the CDDH and CDDH-EXP members, participants and observers in good time for them to comment/make proposals in view of the 1<sup>st</sup> meeting of the Group (22-24 March 2017).
25. The Chair of the CDDH-EXP, Mr Hans-Jörg BEHRENS (Germany) provided information on the manner in which the work is envisaged. The 1<sup>st</sup> meeting:
  - (i) should be focused on a first reading of the analysis in view of its adoption by the Group at an appropriate stage;
  - (ii) should allow the Group to consider whether there would be a need to send out a questionnaire to member States with regard to the preparation of a Guide to good practice and to see to what extent available information within other bodies of the Council of Europe could be useful in the work of the Group.
26. The Chair of the Group also indicated that, at the last day of the meeting, the participants to the CDDH-EXP will attend the conference *Promoting dialogue between the European Court of Human Rights and the media freedom community*, organised in Strasbourg by the European Centre for Press and Media Freedom and supported by the Council of Europe. Its aim will be to discuss the developments and challenges concerning freedom of expression and the role and case law of the Court.
27. While noting that the whole range of topics mentioned in the analysis was important, the CDDH provided the following guidance:
  - (i) to focus on some topics such as the issue of hate speech, the protection of a person's reputation in particular on the internet, and freedom of expression in the employment field (such as whistleblowing, cyber bullying and harassment when it concerns private individuals);
  - (ii) to include in the study of case-law not only judgements in which the Court had found a violation of Article 10, but also instances when no violation had been found;
  - (iii) to broaden the scope to include relevant work of other committees and bodies of the Council of Europe (eg. the Venice Commission);
  - (iv) to ensure a wide range of participants in the work of the Group including active non-governmental organisations in this field;

- (v) with regard to freedom of expression and human rights defenders, the CDDH pointed out that there was a direct link to the work of the CDDH-INST and that, due to this, it might be appropriate to closely coordinate the work of these two Groups;
- (vi) with regard to possible further work on cyber security and human rights, the CDDH noted that it would be necessary to reflect further on the added value that the CDDH could provide, bearing in mind that other bodies of the Council of Europe are already addressing related issues.

28. Finally, the CDDH welcomed the proposal of the United Kingdom to host a brain storming seminar on freedom of expression in spring 2017 which would provide inspiration for the work of the CDDH-EXP. The Secretariat and the Chair of the CDDH-EXP will co-operate with the British authorities regarding, in particular, the identification of civil society representatives and other bodies which could be invited to this seminar.

#### ***4.4 Human rights and migration (CDDH-MIG)***

29. The Chair of the Drafting Group of the CDDH on human rights and migration (CDDH-MIG) Mr Morten RUUD (Norway) informed the Committee on the work completed during the 1<sup>st</sup> meeting of the Group (14-16 September 2016). The Rapporteur Mr Frank SCHÜRMANN (Switzerland) explained the work done so far and gave an overview of the content and updated structure of the analysis (see table of contents in Appendix VII to the document CDDH(2016)0J02). He also referred to his participation in the 1<sup>st</sup> meeting of the Ad hoc Committee on the rights of the child (CAHENF, Strasbourg, 28-29 September 2016) and to the fact that this new body will coordinate its work with that of the Committee of experts on the administrative detention of migrants (CJ-DAM).
30. The CDDH held an in-depth exchange of views of this important work, for which coordination is necessary, in particular as far as the protection of minors is concerned. The CDDH noted that:
- (i) a consolidated version of the analysis will be available for the 2<sup>nd</sup> meeting of the Group (Cyprus, 15-17 February 2017)<sup>4</sup>;
  - (ii) a joint meeting will be held with the CJ-DAM at the last day of the 2<sup>nd</sup> meeting (17 February 2017) with a view to enhance coordination and synergy between the two groups in areas of mutual concern;
  - (iii) as regards the follow-up to the work, it was envisaged that the future report may eventually be accompanied by draft guidelines and / or a compilation of different practices. In order to further enrich the on-going analysis, a questionnaire was sent to the Member States; 16 replies have already been received.

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<sup>4</sup> In this context, the Chairperson of the CDDH recalled the situation of 18-year-old minors and accompanying minors and the suggestions made in this regard by the Conference on the Rights of the Child, the Migration Crisis and the Digital Environment (Tallinn, 3-4 November 2016) in which she participated.

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31. The CDDH invited members, participants and observers to the CDDH and the CDDH-MIG to send their information on the alternatives to detention in the context of migration by **30 December 2016 18h00** [lilja.gretarsdottir@coe.int](mailto:lilja.gretarsdottir@coe.int) See summary of deadlines, Appendix VII below.
32. Finally, the CDDH welcomed the initiative from the future Czech Chairmanship of the Committee of Ministers to hold a Conference on human rights in the field of migration (provisional dates: 25-26 September 2017) addressing the issue of alternatives to detention among other priorities, with the participation of the Special Representative of the Secretary General on migration and refugees, the CDDH and the CDDH-MIG and other relevant stakeholders.

#### ***4.5 Civil Society and National Human Rights Institutions (CDDH-INST)***

33. The Rapporteur and Chair of the Drafting Group of the CDDH on civil society and national human rights institutions (CDDH-INST), Mrs Krista OINONEN (Finland), reported on the work completed during the 1<sup>st</sup> meeting of the Group (12-14 October 2016):
  - (i) the Group carried out a first reading of the draft report and proposed that it be limited to the European region and develop sections devoted to the migrant crisis and freedom of expression, in particular issues raised by hate speech. Furthermore, the Group took note of the ongoing work within the CDCJ (questions linked to the activities of *lobbying*) and to the CDDG (civil participation in political decisions);
  - (ii) it is expected that the consolidated text which will be examined at the 2<sup>nd</sup> meeting (March 2017) will be accompanied by a document compiling good practices and that it will present an analysis of the relevant case-law of the European Court of Human Rights. The purpose of the report will be to identify the challenges and shortcomings concerning the protection and promotion of the civil society space;
  - (iii) the draft report will be submitted to the CDDH for its examination at its meeting in June 2017;
  - (iv) concerning the forthcoming work, it is envisaged to develop a non-binding instrument (Guidelines; Recommendation; Declaration) accompanied by a Guide of good practices. The practical dimension should be given priority in this exercise, in order for the standards presented in the instrument to help the member States effectively in their action concerning the civil society space.
34. The CDDH endorsed the comments put forward by its Bureau and noted the following:
  - (i) the interest that the CDDH-INST work highlights the reasons why limits imposed on civil society by member States can be considered as acceptable or unacceptable;
  - (ii) the interest that the CDDH-INST (a) focuses on issues concerning the existing legal and regulatory framework in member States; (b) presents the best national practices in the field; (c) includes in its work representatives from the civil society, in particular

- human rights defenders and national institutions for the protection and promotion of human rights, and also deals with the restrictions imposed on their activities in certain countries<sup>5</sup>;
- (iii) the clear link existing between the work of the CDDH-INST and those of the CDDH-EXP, and the importance to consider in-depth the issues concerning the freedom of expression within the civil society space. On this issue, the CDDH decided to explore in June 2017 the interest/option of achieving a single text gathering the results of the work of the CDDH-INST and CDDH-EXP. The CDDH did not exclude the possibility to organise an event on the initiative of both drafting Groups, with a view to achieve a non-binding instrument, such as a Recommendation with a Guide to good practices, which could positively influence the current democratic debate concerning freedom of expression and the civil society space;
  - (iv) the need nevertheless not to limit the work of both Groups only to issues of common interest. Indeed, each of the two drafting Groups, and in particular the CDDH-EXP, is called to continue its examination of other issues covered by its mandate.

35. The CDDH noted that the Secretariat will send a document before 20 January 2017 to the members, participants and observers of the CDDH and the CDDH-INST requesting them to send national examples on the protection and promotion of civil society space to be included in the future Guide to good practices. The CDDH invited them to send their contributions by **20 February 2017 18:00** [jennifer.schuetze-reymann@coe.int](mailto:jennifer.schuetze-reymann@coe.int) See summary of deadlines, Appendix VII below.

#### ***4.6 Future event on human rights and business***

36. The CDDH held an exchange of views with Prof. René LEFEBER (the Netherlands), former President of the Drafting Group on Human Rights and Business (CDDH-CORP), appointed as the contact person to prepare a High-level Seminar during the next CDDH plenary session (9 June 2017). This event will mainly aim at promoting Recommendation CM/Rec(2016)3 of the Committee of Ministers to member States on business and human rights. In this respect, Prof. Lefeber:

- (i) briefed the CDDH on his recent outreach activities with a view to widely disseminating the Recommendation, as well as his participation in the dedicated UN Forum in Geneva;
- (ii) presented, in its broad lines, the preliminary draft programme for the Seminar. He advocated multi-stakeholder participation, he emphasised the need to highlight the substantial strengths of the Recommendation while focusing on its implementation,

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<sup>5</sup> Two delegations indicated from their part that the text should focus on best practices only, by avoiding a political approach that would stigmatize explicitly mentioned countries. Work of the group could also cover the activities of representatives of civil society in favor of social, cultural and economic rights, without exclusively focusing on civil and political rights.

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insisting on the sharing of best practices and the establishment of national focal points on business and human rights.

37. The CDDH thanked Prof. Lefeber for his continued involvement in this field of growing importance. As regards the format of the upcoming High-level Seminar, the CDDH:

- (i) underlined the interest for a very practical and interactive approach, with selected keynote speakers capable of sharing their operational experience; and that the seminar would take place during a whole day (9 June 2017, 9:00-17:00);
- (ii) stressed that the event should mainly focus on awareness raising and implementation challenges;
- (iii) decided that the modalities of the subsequent review process and setting up of a shared information system, as foreseen in paragraphs 4 and 5 of the Recommendation, should receive appropriate attention within the next biennium 2018-2019.

38. The CDDH noted that the Secretariat would send a preliminary draft program to members, participants and observers to the CDDH with a view to collecting their comments and suggestions by **17 January 2017 18:00** [rene.lefeber@minbuza.nl](mailto:rene.lefeber@minbuza.nl) [marjan.janssens@coe.int](mailto:marjan.janssens@coe.int)  
See summary of deadlines, Appendix VII below.

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

39. The Chair of the Committee on Bioethics (DH-BIO), Dr. Mark BALE (United Kingdom), presented the results of the High-level Seminar on *International case-law in Bioethics: insight and foresight* as well as the ongoing work within its Committee. The CDDH welcomed this work and noted that the Chair and the Vice-Chair of the CDDH were invited to be among the speakers at the international Conference that will mark the 20<sup>th</sup> anniversary of the Oviedo Convention (24-25 October 2017).

#### **ITEM 6: HUMAN RIGHTS AND TERRORISM**

##### ***6.1 Review of the guidelines on the protection of victims of terrorist acts***

40. The CDDH endorsed the views of its Bureau concerning the draft revised Guidelines on the protection of victims of terrorist acts sent by the Secretariat to the CDDH participants on 21 November 2016 (document CDDH(2016)004) for comments and possible drafting proposals (see meeting report of the Bureau CDDH-BU(2016)R96, §§36-39).

41. The CDDH has set an objective/aim to submit to the Ministers' Deputies the draft revised guidelines in time for adoption at the next Ministerial Session (19 May 2017), which will mark the handing over of the Cyprus Chairmanship of the Committee of Ministers to the Czech Presidency.

42. To this end, the CDDH:

- (i) asked the Secretariat to highlight, in each Guideline, what constitutes a general principle that applies to the 47 member States and what constitutes, essentially, an example of good practice or a detailed way of implementing, in a concrete manner, the principle set out. According to the Bureau, detailed elements should be laid down in the appendix of the revised Guidelines, bearing in mind that these are only examples and that in any case, each member State is free to decide the specific manner in which to implement, at the national level and based on its specific circumstances, the principles which would be set out in the revised Guidelines;
- (ii) suggested to further explore the need or not to make a specific distinction in favor of the protection of victims of terrorist acts from the protection provided to other categories of victims;
- (iii) stressed that the revision of the Guidelines should not necessarily promote the need to create specific structures for the protection of victims of terrorist acts since in many cases it will be sufficient to use existing structures, if necessary by adapting them;
- (iv) decided that the revised version by the Secretariat should be sent to participants by 10 January 2017<sup>6</sup> so as they can submit any drafting proposal they would deem useful, if necessary after having consulted associations and other bodies existing in their countries. The CDDH invited members, participants and observers to send any drafting proposal by **5 March 2017**<sup>7</sup> 18:00 [alfonso.desalas@coe.int](mailto:alfonso.desalas@coe.int) See summary of deadlines, Appendix VII below;
- (v) decided that the Bureau should hold an extraordinary meeting on 20 (afternoon) and 21 March 2017 dedicated to consolidating Appendix II in light of the contributions received. Following the established practice, the Bureau would consider as a matter of priority, the drafting proposals received;
- (vi) decided that the consolidated draft by the Bureau would then be sent electronically to the CDDH for comments and possible adoption by end of March/ beginning of April 2017. The text thus adopted would be submitted to the Secretariat of the Committee of Ministers with a view to including it in the agenda of the Ministerial Session of 19 May 2017.

***6.2 Possible opinion on the draft revised Recommendation Rec(2005)10 (special investigation techniques)***

43. The CDDH noted the draft revised Recommendation Rec(2005)10 of the Committee of Ministers to member States concerning the special investigation techniques in relation to serious crimes including acts of terrorism, as adopted by the CODEXTER on 17 November

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<sup>6</sup> The date initially foreseen (20 December 2016) was postponed to 10 January 2017 so as to give time to the Secretariat for the necessary internal consultations.

<sup>7</sup> The date initially foreseen (15 February 2017) was accordingly postponed to 5 March 2017.

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2016. It invited members, participants and observers to send any comment/drafting proposal on this text by **21 January 2017 18:00** [alfonso.desalas@coe.int](mailto:alfonso.desalas@coe.int) See summary of deadlines, Appendix VII below.

### ***6.3 Terrorists acting alone***

44. The CDDH did not consider it necessary to be represented as such within the CODEXTER drafting Group responsible for the draft Recommendation of the Committee of Ministers to member States on terrorists acting alone.

### ***6.4 Foreign terrorist fighters***

45. The CDDH was informed of ongoing work on a draft Recommendation of the Committee of Ministers to member States on foreign terrorist fighters. It noted that no particular drafting group has been created to address this recommendation and that it will be examined by the plenary committee.

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

46. The CDDH noted information contained in doc. CDDH(2016)007 and encouraged experts representing the Steering committee in other bodies to send written information in good time for the meeting.

- (i) In addition to written information she sent, the Chair of the CDDH informed on the results of her participation in the Conference on children's rights in migration crisis and digital environment (Tallinn, 3-4 November 2016). Equally, Mrs Maria de Fátima GRAÇA CARVALHO (Portugal) presented a synopsis of the items discussed at the 91<sup>th</sup> meeting of the European Committee on Legal Co-operation (CDCJ, Strasbourg, 16-18 November 2016).
  - (ii) Furthermore, Mr Frank SCHÜRMANN (Switzerland) informed on his participation in the 1<sup>st</sup> meeting of the Ad hoc Committee on children's rights (CAHENF, Strasbourg, 28-29 September 2016). Mrs Svetlana GELEVA ("The former Yugoslav Republic of Macedonia") referred to her participation in the 12<sup>th</sup> meeting of the Ad hoc Committee on Roma and travellers issues (CAHROM, Strasbourg, 15-18 November 2016). Mrs Kristine LICE (Latvia) reported on her participation in the 11<sup>th</sup> meeting of the Steering Committee on media and information society (CDMSI, 29 November-2 December 2016). Prof. René LEFEBER (the Netherlands) reported on his participation in the United Nations Forum on Business and human rights (Geneva, 14-16 November 2016) and in the Workshop *Business and human rights in Europe - Next steps in strengthening implementation and accountability* (Copenhagen, 2 December 2016).
47. The CDDH appointed Ms Brigitte OHMS (Austria) to represent it at the Commission for Democracy through Law (the Venice Commission) and Mr Philippe WERY (Belgium) as Rapporteur to the CDDH on Gender Equality for 2017. It encouraged other members, and in particular women, to be candidates to this function during the next biennium.



48. Finally, the CDDH indicated that, in principle, the list of its representatives in other bodies will be reconsidered at the end of each biennium. The current list appears in Appendix IV below.

#### **ITEM 8: INVITEES**

49. The Director of the European Agency for Fundamental Rights (FRA), Mr. Michael O'FLAHERTY, presented the work of the Agency and held a very constructive Exchange of views with the participants about the manner in which FRA could usefully co-operate to the current and future work within the CDDH. A summary of his presentation appears in Appendix III below.

50. In view of its meeting in June 2017, the CDDH asked the Secretariat to explore the possibility to invite a personality likely to come up with new ideas with a view to the preparation of the next biennium. It also asked the Secretariat to make appropriate consultations so as to invite the following personalities to one of its forthcoming meetings:

- the Special Representative of the Secretary General on Migration and Refugees, Mr Tomas BOCEK (Czech Republic);
- the Chair of the Ad hoc Committee for the Rights of the Child (CAHENF), Ms Ina VERZIVOLLI (Albania);
- The Greek Deputy Ombudsman for children's Rights, Mr George MOSCHOS, concerning alternative measures to detention;

#### **ITEM 9: REVIEW OF THE COUNCIL OF EUROPE CONVENTIONS**

51. The CDDH endorsed the classification of the conventions proposed in doc. CDDH(2016)006. It will be appended to the draft terms of reference it will prepare in June 2017 in view of the decisions to be taken by the Committee of Ministers concerning the activities of the next biennium. As to Protocol No. 12, the CDDH wished to preserve it in the "key conventions" of the Council of Europe.

52. The CDDH welcomed the way the DH-SYSC is proceeding as regards the follow-up to the instruments which have been entrusted to it (see item 3.4). Finally, it welcomed the recent ratification by the Republic of Moldova of the Council of Europe Convention on access to official documents and noted that Albania envisaged the ratification of this instrument in a near future.

#### **ITEM 10: ELECTIONS**

53. The CDDH held elections for the Chair and the vice-Chair of its Committee as well as for three members of its Bureau. It also held elections for the chair of the Committee of experts on the System of the European Convention on Human Rights (DH-SYSC) and confirmed the Chairmanship of the DH-BIO (see Appendix V below).

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**ITEM 11: FUTURE WORK**

54. The CDDH will decide in June 2017 on the activities it envisages submitting to the Committee of Ministers for 2018-2019, without excluding that a number of activities of the current biennium, for instance regarding social rights or freedom of expression, may continue beyond 2017.
55. The CDDH asked the Secretariat to submit in good time for the June 2017 meeting, a document on (i) possible follow-up that the CDDH could do on the issues raised during the Seminar on Bioethics of 5 December 2016 and (ii) the issue of prenatal sex selection, showing what could be done by the CDDH in consultation with the DH-BIO and the Gender Equality Commission (GEC). Finally, at this stage, the CDDH did not envisage any further questionnaire in 2017 concerning the implementation of the Recommendation CM/Rec(2010)4 on human rights and armed forces<sup>8</sup>.

**ITEM 12: CALENDAR OF MEETINGS**

56. The CDDH adopted the calendar for 2017 as it appears in Appendix VI below.

**ITEM 13: OTHER ISSUES****ITEM 14: ACKNOWLEDGMENTS**

57. The CDDH thanked Mrs Ourania PATSOPOULOU (Greece) for her active contribution to its work for years and wished her every success in her new functions. It also expressed its gratitude to Mrs Elise THOMAS and Mrs Cindy FERREIRA, from the Secretariat, for their very efficient assistance in the preparation and holding of this meeting.

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<sup>8</sup> It was recalled that, at their 1191<sup>th</sup> meeting (12-13 February 2014, item 4.4.), the Ministers' Deputies agreed to request the CDDH to *revert to the issue* of the implementation of the provisions of the recommendation within the present biennium.

Appendix I**LIST OF PARTICIPANTS**

*(86<sup>th</sup> meeting of the Steering Committee for human rights (CDDH)  
Strasbourg, 6-8 December 2016)*

**MEMBERS / MEMBRES****ALBANIA / ALBANIE**

Mrs Alma HICKA, Government Agent, Ministry of Justice

**ANDORRA / ANDORRE**

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

**ARMENIA / ARMENIE**

Mrs Satenik ABGARIAN, Directrice du Département juridique, Ministère des Affaires étrangères

**AUSTRIA / AUTRICHE**

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

**AZERBAIJAN / AZERBAIDJAN**

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

**BELGIUM / BELGIQUE**

Mr Philippe WERY, Chef du Service des droits de l'homme, SPF Justice, Service des Droits de l'Homme  
Mme Isabelle NIEDLISPACHER, co-Agent du Gouvernement, SPF Justice, Service des Droits de l'Homme

**BOSNIA AND HERZEGOVINA / BOSNIE-HERZEGOVINE**

Mrs Belma SKALONJIĆ, Agent of the Council of Ministers, Government Agent before the European Court of Human Rights

**BULGARIA / BULGARIE**

Mrs Maria SPASSOVA, Director, Human Rights Directorate, Ministry of Foreign Affairs

**CROATIA / CROATIE**

Mrs 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**

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

**CZECH REPUBLIC / REPUBLIQUE TCHEQUE**

Mr Vit SCHORM, Government Agent, Ministry of Justice  
Mr Ondřej ABRHAM, Ministry of Foreign Affairs

**DENMARK / DANEMARK**

Mrs Yassmina AMADID, Head of Section, Ministry of Justice, Constitutional Law and Human Rights Division

Mr Rasmus KIEFFER-KRISTENSEN

Mr Martin BANG

Mr Christian WEGENER, Chief Advisor / EU Law and International Litigation (JTEU), Ministry of Foreign Affairs

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**ESTONIA / ESTONIE**

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

**FINLAND / FINLANDE**

Mrs Krista OINONEN, Ministry for Foreign Affairs

**FRANCE**

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

**GEORGIA / GEORGIE**

Mr Beka DZAMASHVILI, Head of the Department of the 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 European Court of Human Rights, Bundesministerium der Justiz und für Verbraucherschutz

**GREECE / GRECE**

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

Mme Ourania PATSOPOULOU, membre du Bureau de l'Agent du gouvernement, Attachée à la Représentation Permanente auprès du Conseil de l'Europe

**HUNGARY / HONGRIE**

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

**ICELAND / ISLANDE**

Mrs Ragna BJARNADÓTTIR, Legal Advisor, Department of Human Rights and Local Government, Ministry of the interior

Mr Ogmundur JONASSON

**IRELAND / IRLANDE**

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

**ITALY / ITALIE**

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

**LATVIA / LETTONIE**

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

**LIECHTENSTEIN**

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

**LITHUANIA / LITUANIE**

Mrs Karolina BUBNYTE, Government Agent of Lithuania before the ECtHR, Ministry of Justice

**LUXEMBOURG**

Mme Brigitte KONZ, Juge de Paix directrice, Chair of the CDDH / Présidente du CDDH

Mme Catherine TRIERWEILER, Attachée, Ministère de la Justice, Direction des affaires pénales et judiciaires

**MALTA / MALTE**

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

**REPUBLIC OF MOLDOVA/ REPUBLIQUE DE MOLDOVA**

Mrs Ruxanda REVENCU, Ad interim Government Agent, Ministry of Justice

**MONACO**

Mr Jean-Laurent RAVERA, Département des Relations Extérieures de Monaco/Cellule Droits de l'Homme, Agent du Gouvernement près la Cour Européenne des droits de l'homme

**MONTENEGRO**

Mrs Valentina PAVLICIC, Representative before the European Court of Human Rights

**THE NETHERLANDS / PAYS-BAS**

Mrs Kanta ADHIN, Deputy Agent to the European Court of Human Rights, Ministry of Foreign Affairs, International Law Division

**NORWAY / NORVEGE**

Mr Morten RUUD, Norwegian Ministry of Justice and the Police, Legislation Department

**POLAND / POLOGNE**

Mrs Aleksandra MEZYKOWSKA, Co-Agent of the Government before the European Court of Human Rights, Ministry of Foreign Affairs

**PORTUGAL**

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

**ROMANIA / ROUMANIE**

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

**RUSSIAN FEDERATION / FEDERATION DE RUSSIE**

Mr Vladislav ERMAKOV, Ministry of Foreign Affairs

Mr Stepan KOUZMENKOV, Chef de section, Département de la coopération humanitaire et des droits de l'homme, Ministère des affaires étrangères

**SAN MARINO / SAINT-MARIN**

Mrs Ilaria SALICIONI, First Secretary, Directorate of political and diplomatic affairs, Department of Foreign Affairs

**SERBIA / SERBIE**

Mrs Nataša PLAVŠIĆ, Agent before the ECHR, The State Attorney's Office, Agency Sector before the European Court of Human Rights

**SLOVAK REPUBLIC / REPUBLIQUE SLOVAQUE**

Mr Milan KOLLAR, Director of the Human Rights Department, Ministry of Foreign and European Affairs

**SLOVENIA / SLOVENIE**

Mrs Irena VOGRINCIC, Senior Adviser, Ministry of Justice

**SPAIN / ESPAGNE**

Mr Francisco SANZ, Agent du Gouvernement, Service juridique des Droits de l'Homme, Ministère de la Justice

**SWEDEN / SUEDE**

Mrs Katarina FABIAN, Deputy Director, Ministry for Foreign Affairs

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**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

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

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

**TURKEY / TURQUIE**

Mr Hacı Ali AÇIKGÜL, Judge, Head of the Human Rights Department, Ministry of Justice

Mr Ahmet METİN GÖKLER, juge rapporteur, Ministère de la Justice

Mme Burcu EKİZOĞLU, Experte Juridique, Ministère des Affaires Etrangères

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

**UKRAINE**

Mr Ivan LISHCHYNA, Government Agent before the European Court of Human Rights

**UNITED KINGDOM / ROYAUME-UNI**

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

<b>PARTICIPANTS</b>
---------------------

**Parliamentary Assembly / Assemblée parlementaire**

Mrs Elise CORNU, Head of the Secretariat, Committee on Equality and Non-Discrimination

Mrs Sarah BURTON, Committee on Equality and Non-Discrimination

**Group of Experts on action against violence against women and domestic violence / Groupe d'experts sur la lutte contre la violence à l'égard des femmes et la violence domestique (GREVIO)**

Mrs Bridget O'LOUGHLIN, Executive Secretary of GREVIO and the Committee of the Parties to the Istanbul Convention

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

Mr Henry SCICLUNA, Adviser ERTF

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

Mr Jean-Bernard MARIE

<b>OBSERVERS / OBSERVATEURS</b>
---------------------------------

**HOLY SEE / SAINT-SIÈGE**

Mme Christine JEANGÉY, Officiel, Chargée des Droits de l'Homme et du Droit Humanitaire auprès du Conseil Pontifical Justice et Paix

M. Lorenzo BOTRUGNO

**JAPAN / JAPON**

Mrs Wakana FUJITA

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

**BELARUS**

Mr Vitaly KORNEV, Counsellor of the Department for Global Policies and Humanitarian Cooperation of the Ministry of Foreign Affairs

**Comité ad hoc pour les droits de l'enfant (CAHENF)**

Mrs Maria-Andriani KOSTOPOULOU

<b>Non governmental Organisations / Organisations non-gouvernementales</b>
--

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

Mr Klaus LÖRCHER, Conseiller des droits de l'homme

<b>Invitees to this meeting / invités à cette réunion</b>
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Prof. Michael O'FLAHERTY, Director of the European Union Agency for Fundamental Rights (FRA)

Prof. Dr. Rene LEFEBER, Legal Counsel, Ministry of Foreign Affairs, International Law Division

**Committee on bioethics / Comité de bioéthique**

Dr. Mark BALE (United Kingdom), Chair of the DH-BIO / Président du DH-BIO

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

Mrs Elizabeta KITANOVIC, Human Rights and Religious Freedom Secretary

<b>SECRETARIAT</b>
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**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 Christos GIAKOUMOPOULOS, Director of Human Rights / Directeur 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**

Mrs Lilja GRETARSDOTTIR, Deputy Head of Division, Cooperation with International organisations and Civil Society Division / Chef adjointe de la Division coopération avec les organisations internationales et la société civile

Mrs Merete BJERREGAARD, Head of the Unit on Human Rights Development / Chef de l'unité développement des droits de l'homme

Mrs Irène KITSOU-MILONAS, Head of the Unit on the system of the European Convention on Human Rights / Chef de l'Unité sur le système de la Convention européenne des droits de l'homme, Human Rights

Mme Virginie FLORES, Mrs Jennifer SCHUETZE-REYMANN, Mrs Marjan JANSSENS, Administrators/Administratrices

Mrs Theodora KRISTOFORI, Mrs Elise THOMAS, Mr Douglas WEDDERBURN-MAXWELL, Mrs Kemo WEIBEL, Mr Jérémie SPEISER, Juristes assistants

Mrs Cindy FERREIRA, Assistant of the Head of the Human Rights Policy and Co-operation Department / Assistante du Chef du Service des politiques et de la coopération en matière de droits de l'Homme

\* \* \*

**INTERPRETERS / INTERPRÈTES**

Mme Corinne McGEORGE

M. Didier JUNGling

Appendix II**AGENDA****SEMINAR IN THE FIELD OF BIOETHICS****86<sup>TH</sup> MEETING OF THE CDDH****ITEM 1: OPENING OF THE MEETING, ADOPTION OF THE AGENDA AND ORDER OF BUSINESS****ITEM 2 : RECOMMENDATIONS OF THE PARLIAMENTARY ASSEMBLY****ITEM 3: SYSTEM OF THE CONVENTION (DH-SYSC)**

3.1 Follow-up to the CDDH report on the longer-term future of the system of the Convention

3.1.1 Work of the Drafting Group I (DH-SYSC-I)

3.1.2 Work of the Drafting Group II (DH-SYSC-II)

3.2 Work on Recommendation CM/Rec(2008)2 (efficient domestic capacity measures taken for rapid execution of judgement of the European Court of Human Rights)

3.3 Exchange of information on the implementation of the Convention and the execution of the judgments of the Court

3.4 State of signatures and ratifications of Protocols Nos. 15 and 16 to the Convention

3.5 Organisation of future work on Recommendation Rec(2004) and Recommendation CM/Rec(2010)3

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

4.1 Social rights (CDDH-SOC)

4.2 Female genital mutilation and forced marriage (CDDH-MF)

4.3 Freedom of expression and links to other human rights (CDDH-EXP)

4.4 Human rights and migration (CDDH-MIG)

4.5 Civil society and national human rights institutions (CDDH-INST)

4.6 Future event on human rights and business

**ITEM 5: BIOETHICS****ITEM 6: HUMAN RIGHTS AND TERRORISM**

6.1 Review of the guidelines on the protection of victims of terrorist acts

6.2 Possible opinion on the draft revised Recommendation Rec(2005)10 (special investigation techniques)

6.3 Terrorists acting alone

6.4 Foreign terrorist fighters

**ITEM 7: EXPERTS REPRESENTING THE CDDH IN OTHER BODIES****ITEM 8: INVITEES****ITEM 9: REVIEW OF THE COUNCIL OF EUROPE CONVENTIONS****ITEM 10: ELECTIONS****ITEM 12: FUTURE WORK****ITEM 11: CALENDAR OF MEETINGS****ITEM 13: OTHER ISSUES****ITEM 14: AKNOWLEDGMENTS**

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### Appendix III

## **Speaking points of the Director of the EU Agency for Fundamental rights (FRA) Prof. Michael O'FLAHERTY**

*(exchange of views with the Steering Committee for Human Rights  
on 6 December 2016 at the 86<sup>th</sup> meeting of the CDDH, Strasbourg, 6-8 December 2016)*

### ***Be a resource to you in your areas of work***

#### Introduction

- Thank you for the invitation today.
- **Fruitful cooperation and complementarity of our work across the CoE and at many levels** (see: <http://fra.europa.eu/en/cooperation/council-of-europe>)
- The Agency is the Fundamental Rights advisory body of the European Union. Its work methodology is based on: Surveys, Socio-legal research, Legal opinions and Awareness raising activities.
- Key Legal framework reference: European Human Rights law as relevant for the EU and its Member States in areas of competency (EU law, Council of Europe instruments, UN treaties): Role of the FRA/CoE/ECtHR handbooks on European law in various fields
- **Desire to support the CDDH and be a resource to the CDDH work**
- **Social rights**
  - The FRA 2013 report “the European Union as a Community of values: safeguarding fundamental rights in times of crisis” which examined the policy responses to the socioeconomic crises experienced in the EU since 2009.
  - The development of an EU Social Pillar should take into account the changing realities of the world of work and serve as compass for the renewed convergence within the euro area.
  - The Agency large-scale survey EU-MIDIS II provides data on the socio-economic situation of migrants, their descendants and ethnic minorities, in particular Roma, across the EU. It is based on face-to-face interviews with more than 25,500 randomly selected.
- **Female genital mutilation and forced marriage**
  - FRA data on violence against women released in March 2014
  - FRA 2014 report “Addressing forced marriage in the EU: legal provisions and promising practices”
- **Freedom of Expression**
  - In November 2016, FRA participated at the European Commission’s Annual Colloquium on Fundamental Rights which focused on media pluralism and democracy. On this occasion, the FRA published:
    - A paper on Violence, threats and pressures against journalists and other media actors in the European Union
    - A report on Incitement in media content and political discourse in member states of the European Union
- **Migration is arguably our top priority**
  - FRA contributed to legislative reform with a number of opinions; for instance 1) the impact on children of the proposal for a revised Dublin Regulation and 2) on fundamental rights in the hotspots. The opinions were published at the beginning of December.
  - Strong focus on child protection
  - The agency is concerned with detention of children.
    - FRA report on alternatives to detention for asylum seekers and people in return procedures (October 2015)
    - FRA upcoming publication on immigration detention of children
  - Finally: FRA rotating presence on the ground in Greece looking especially, at child protection issues, identification of vulnerable people, respect of procedural safeguards in asylum, detention, and return proceedings.

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- Monthly reports on 14 Member States with key issues such as children, safety and protection at reception centres, impact of the asylum crisis on local communities and hate crime.
- **Civil society and NHRIs**
  - FRA has a strong relationship with civil society through the Fundamental Rights Platform. The agency also has a deepening partnership with NHRIs and Equality Bodies.
  - FRA will be increasingly working to enhance the civil society protective space (mapping in 2017)
- **Human Rights and business**
  - The Council of the European Union requested the Agency to deliver an opinion in this matter. The opinion will be published by January 2017 and could contribute to the Council of Europe High-level seminar on human rights and business to be organised in June 2017.
  - FRA will focus on 3rd pillar of United Nations guiding principles on business and human rights which is the access to remedies
  - Also, one of the outcomes of the fundamental rights forum is business as an ally for protection of rights
- **Additional Protocol to the Oviedo Convention**
  - FRA is part of the monitoring mechanism of the implementation of the CRPD in the EU
  - The agency conducts extensive research on de-institutionalisation
  - FRA relies on the UN – at the global level – and the Council of Europe and the EU – at the European level – to set complementary and mutually reinforcing standards. In this light, FRA is pleased to note the interest of the Committee of Ministers in confirming that the proposed Additional Protocol to the Oviedo Convention on involuntary placement and involuntary treatment is in accordance with the UN CRPD.
- **LGBTI: Follow up to Committee of Ministers Recommendation 2010(5)**
  - Upcoming review of the Committee of Ministers recommendations of 2010
  - The review should take into account the FRA survey and our on going analysis of law and practice in member States.
  - FRA contributed to the “follow up to Committee of Ministers’ Recommendation on measures to combat discrimination on ground of sexual orientation or gender identity” in which it demonstrated weaknesses in the implementation of the recommendations.
  - The FRA report Professionally speaking: challenges to achieving equality for LGBT people published in 2016 shows that the fundamental rights of lesbian, gay, bisexual and transgender (LGBT) people are often not respected across the EU. Public officials and other professionals in education, healthcare and law enforcement are entrusted with the duty to ensure that everyone’s fundamental rights are protected and promoted.
  - Any revision of the recommendations needs to take account of intersex persons. FRA evidence in this regard shows the many human rights problems faced by intersex persons, notably the fact that sex normalising surgeries take place on intersex newborns in many EU member States, with very few data on frequency of such operations and protocols used.
- **Human rights of older persons**
  - As of 2016, human rights of older persons are covered in our Fundamental Rights Report. FRA looked at European and national measures promoting equal treatment of older people in employment.
  - The agency is planning to develop new research and will collect data on legal and practical barriers preventing older people from living independently in the community
- **Bioethics – biometrics**
  - Further to participation in the 5 December High-level seminar: clear link to several Agency’s project to bioethics. As an example, the Agency’s project on biometrics:  
<http://fra.europa.eu/en/project/2014/biometric-data-large-eu-it-systems-areasborders-visa-and-asylum-fundamental-rights>

### Appendix IV

#### **EXPERTS REPRESENTING THE CDDH IN OTHER BODIES**

*(further to the decisions taken at the 86<sup>th</sup> meeting of the CDDH, 6-8 December 2016)*

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): Mr Roeland BÖCKER (The Netherlands)
  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 LICE (Latvia)
  7. Ad hoc Committee of experts on Roma and Traveller Issues (CAHROM): Ms Svetlana GELEVA ("The former Yugoslav Republic of Macedonia")
  8. European 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 Rob LINHAM (United Kingdom)
  10. Ad hoc Committee to elaborate an additional protocol to the Convention on the Prevention of Terrorism (CETS No 196): Mr Rob LINHAM (United Kingdom)
  11. Drafting Group on a Committee of Ministers draft recommendation on the "foreign terrorist fighters": Ms Krista OINONEN (Finland)
  12. 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)
  13. UN Forum on Human Rights and Business: Prof. René LEFEBER (The Netherlands)
  14. European Social Cohesion Platform (PECS) : Ms Chantal GALLANT (Belgium)
  15. Ad hoc Committee for the Rights of the Child (CAHENF) : M. Frank SCHÜRMANN (Switzerland)
  16. European Committee on Democracy and Governance (CDDG) : Ms Krista OINONEN (Finland)
- \* \* \*
17. Mr Philippe WERY (Belgium) is the CDDH Gender Equality Rapporteur for 2017
  18. Ms Svetlana GELEVA ("The former Yugoslav Republic of Macedonia") is the CDDH Rapporteur on Roma and Traveller Issues

Appendix V**COMPOSITION OF THE BUREAU, CHAIRMANSHIPS AND RAPPORTEURS***(further to decisions taken at the 86<sup>th</sup> meeting of the CDDH, 6-8 December 2016)*

<b>BUREAU OF THE CDDH</b>	<b>END OF THE MANDATE</b>	<b>REFERENCES</b>
Ms Brigitte KONZ (Luxembourg), Chair	31 December 2017 (elected for 1 year not renewable)	86 <sup>th</sup> meeting of the CDDH (December 2016)
Mr Hans-Jörg BEHRENS (Germany), Vice-Chair	31 December 2017 (elected for 1 year not renewable)	86 <sup>th</sup> meeting of the CDDH (December 2016)
Mr Rob LINHAM (United Kingdom), Member	31 December 2018 (elected for 2 years not renewable)	86 <sup>th</sup> meeting of the CDDH (December 2016)
Mr Morten RUUD (Norway), Member	31 December 2018 (elected for 2 years not renewable)	86 <sup>th</sup> meeting of the CDDH (December 2016)
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 Brigitte OHMS (Austria), Member	31 December 2017 (elected for 2 years not renewable)	84 <sup>th</sup> meeting of the CDDH (December 2015)
Ms Kristine LICE (Latvia), Member	31 December 2017 (elected for 2 years renewable once)	84 <sup>th</sup> meeting of the CDDH (December 2015)
Ms Zinovia STAVRIDIS (Greece), Member	31 December 2017 (elected for 2 years renewable once)	84 <sup>th</sup> meeting of the CDDH (December 2015)
<b>DH-BIO</b> Ms Beatrice IOAN (Romania), Chair	31 December 2017 (elected for 1 year renewable once)	86 <sup>th</sup> meeting of the CDDH (December 2016)
<b>DH-SYSC</b> Ms Isabelle NIEDLISPACHER (Belgium), Chair	31 December 2017 (elected for 1 year not renewable)	86 <sup>th</sup> meeting of the CDDH (December 2016)
<b>CDDH-SOC</b> Mr Vít A. SCHORM (Czech Republic), Chair	31 December 2017	85 <sup>th</sup> meeting of the CDDH (June 2016)
<b>CDDH-MF</b> Mr Rob LINHAM (United Kingdom), Chair	31 December 2017	86 <sup>th</sup> meeting of the CDDH (December 2016)
<b>CDDH-EXP</b> Mr Hans-Jörg BEHRENS (Germany), Chair	31 December 2017	85 <sup>th</sup> meeting of the CDDH (June 2016)
<b>CDDH-MIG</b> Mr Morten RUUD (Norway), Chair	31 December 2017	85 <sup>th</sup> meeting of the CDDH (June 2016)
<b>CDDH-INST</b> Ms Krista OINONEN (Finland), Chair	31 December 2017	86 <sup>th</sup> meeting of the CDDH (December 2016)

<b>RAPPORTEURS</b>		
<b>CDDH-SOC</b> Ms Chantal GALLANT (Belgium)	31 December 2017	84 <sup>th</sup> meeting of the CDDH (December 2015)
<b>CDDH-MF</b> Mr Rob LINHAM (United Kingdom)	31 December 2017	86 <sup>th</sup> meeting of the CDDH (December 2016)
<b>CDDH-EXP</b> Ms Kristine LICE (Latvia)	31 December 2017	84 <sup>th</sup> meeting of the CDDH (December 2015)
<b>CDDH-MIG</b> Mr Frank SCHÜRMANN (Switzerland)	31 December 2017	84 <sup>th</sup> meeting of the CDDH (December 2015)
<b>CDDH-INST</b> Ms Krista OINONEN (Finland)	31 December 2017	86 <sup>th</sup> meeting of the CDDH (December 2016)

<b>CDDH-SOC</b>	<b>CDDH-MF</b>	<b>CDDH-EXP<sup>9</sup></b>	<b>CDDH-MIG</b>	<b>CDDH-INST</b>
Austria	Belgium	Azerbaijan	Armenia	Armenia
Belgium	Bulgaria	Estonia	Bulgaria	Azerbaijan
Czech Republic	Croatia	France	Czech Republic	Finland
Greece	Finland	Hungary	Greece	Ireland
Italy	France	Republic of Moldova	Iceland	Montenegro
Republic of Moldova	the Netherlands	Montenegro	Italy	the Netherlands
Poland	Norway	Russian Federation	Latvia	Russian Federation
Portugal	Switzerland	"The former Yugoslav Republic of Macedonia"	Norway	Slovenia
Russian Federation	Turkey	Turkey	Spain	Spain
Slovenia	United Kingdom	United Kingdom	Turkey	"The former Yugoslav Republic of Macedonia"

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<sup>9</sup> Chair: Germany. The expenses of the Chair will be covered by the budget of the Council of Europe.

Appendix VI**CALENDAR OF MEETINGS OF THE CDDH  
AND SUBORDINATE BODIES FOR 2017***(As adopted by the CDDH at its 86<sup>th</sup> meeting, 6-8 December 2016)*

<b>2017</b>		
2 <sup>nd</sup> meeting of the CDDH Drafting Group on human rights and migration (CDDH-MIG)		Cyprus, 15-17 February
3 <sup>rd</sup> meeting of the DH-SYSC Drafting Group I on the follow-up to the CDDH report on the longer-term future of the Convention (DH-SYSC-I)		27 February – 1 March
2 <sup>nd</sup> meeting of the DH-SYSC Drafting Group on Recommendation CM/REC(2008)2 (DH-SYSC-REC)		6-8 March
2 <sup>nd</sup> meeting of the CDDH Drafting Group on civil society and national human rights institutions (CDDH-INST)		8-10 March
Extraordinary meeting of the Bureau of the Steering Committee for Human Rights (CDDH-BU)		Strasbourg, 20 (afternoon) – 21 March
1 <sup>st</sup> meeting of the CDDH Drafting Group on freedom of expression and links to other human rights (CDDH-EXP) Conference on Freedom of expression		22-23 (end at 18 :00) March Strasbourg, 24 March
3 <sup>rd</sup> meeting of the CDDH Drafting Group on female genital mutilation and forced marriage (CDDH-MF)		28-31 March
Brainstorming Seminar and 1 <sup>st</sup> meeting of the DH-SYSC Drafting Group II on the follow-up to the CDDH report on the longer-term future of the Convention (DH-SYSC-II)		29-30 (morning) March - 31 March
Seminar on the freedom of expression		London, April
1 <sup>st</sup> meeting of the CDDH Drafting Group on social rights (CDDH-SOC)		19-21 April
3 <sup>rd</sup> meeting of the Committee of experts on the system of the European Convention on Human Rights (DH-SYSC)		10-12 May
3 <sup>rd</sup> meeting of the CDDH Drafting Group on human rights and migration (CDDH-MIG)		10-12 May
97 <sup>th</sup> meeting of the Bureau of the Steering Committee for Human Rights (CDDH-BU)		Paris, 23-24 May
11 <sup>th</sup> meeting of the Committee on Bioethics (DH-BIO)		6-8 June
87 <sup>th</sup> meeting of the Steering Committee for Human Rights (CDDH), 40 <sup>th</sup> anniversary of the CDDH High-level Seminar on human rights and business		6-8 June 9 June (9:00-17:00)

Conference organised by the Supreme Court of the Czech Republic Czech Presidency of the CM		19-21 June
3 <sup>rd</sup> meeting of the CDDH Drafting Group on civil society and national human rights institutions (CDDH-INST)		6-8 September
2 <sup>nd</sup> meeting of the CDDH Drafting Group on social rights (CDDH-SOC)		[6-8] [13-15] September
2 <sup>nd</sup> meeting of the DH-SYSC Drafting Group II on the follow-up to the CDDH report on the longer-term future of the Convention (DH-SYSC-II)		20-22 September
2 <sup>nd</sup> meeting of the CDDH Drafting Group on freedom of expression and links to other human rights (CDDH-EXP)		20-22 September
Conference on Human Rights in the field of migration, Czech Presidency of the CM		25-26 September
4 <sup>th</sup> meeting of the DH-SYSC Drafting Group I on the follow-up to the CDDH report on the longer-term future of the Convention (DH-SYSC-I)		18-20 October
International Conference for the 20 <sup>th</sup> anniversary of the Oviedo Convention and 12 <sup>th</sup> meeting of the Committee on Bioethics (DH-BIO)		24-25 October 24-27 October
3 <sup>rd</sup> meeting of the CDDH Drafting Group on freedom of expression and links to other human rights (CDDH-EXP)		6-8 November
4 <sup>th</sup> meeting of the Committee of experts on the system of the European Convention on Human Rights (DH-SYSC)		8-10 November
3 <sup>rd</sup> meeting of the CDDH Drafting Group on social rights (CDDH-SOC)		Paris, 13-15 November
98 <sup>th</sup> meeting of the Bureau of the Steering Committee for Human Rights (CDDH-BU)		Paris, 16-17 November
Informal meeting of the Government Agents		[4 December]
88 <sup>th</sup> meeting of the Steering Committee for Human Rights (CDDH)		5-8 December

Appendix VII**DEADLINES FOR CONTRIBUTIONS**

- 14 December 2016: Any new contribution regarding the **work of the DH-SYSC-I**, Please send your contributions to:  
DGI-CDDH-Reform@coe.int
- 30 December 2016: Replies to the request for information on **alternatives to detention in the context of migration**, for the members of CDDH and CDDH-MIG as well as Observers.  
Please send your contributions to:  
lilja.gretarsdottir@coe.int
- 9 January 2017: Proposals for corrections on substance to the **CDDH long meeting report** that the Secretariat will send to all participants by 20 December 2016.  
Please send your suggestions to:  
brigitte.konz@justice.etat.lu;  
alfonso.desalas@coe.int
- 17 January 2017: Proposals for the draft programme of the High-level Seminar on **human rights and business** to be sent out by the Secretariat before 20 December 2016.  
Please send your proposals to:  
rene.lefeber@minbuza.nl  
marjan.janssens@coe.int
- 17 January 2017: Any updated information and/or possible comments regarding the implementation of **Recommendation Rec(2004)4 of the Committee of Ministers on the European Convention on Human Rights in university education and professional training** (doc. DH-SYSC(2016)012 PROV)  
Please send your contributions to:  
DGI-CDDH-Reform@coe.int
- 21 January 2017: Comments and/or drafting proposals for the draft revision of Recommendation Rec(2005)10 of the Committee of Ministers to member states on **special investigation techniques** in relation to serious crimes including acts of terrorism, prepared by CODEXTER, to be sent out by the Secretariat before 12 December 2016.  
Please send your proposals to:  
alfonso.desalas@coe.int
- 24 January 2017: Concerning the work of **DH-SYSC-REC** on **Recommendation CM/Rec(2008)2**, any additional relevant information (particularly concerning the difficulties encountered and “success stories”)  
Please send your contributions to:  
DGI-CDDH-Reform@coe.int



- 6 February 2017: National examples for the draft Guide to good and promising practices aimed at combating and preventing **female genital mutilation and forced marriage**, to be sent out by the Secretariat before 20 December 2016.  
Contact details for relevant national authorities in view of facilitating better exchange of ideas and bilateral follow up between actors in this field.  
Links to relevant policies and legislations.  
Please send your contributions to:  
[merete.bjerregaard@coe.int](mailto:merete.bjerregaard@coe.int)
- 20 February 2017: National examples regarding the **protection and promotion of the civil society space**, to be included in the future Guide to good practices. To this end, the Secretariat will send out a document before 20 January 2017.  
Please send your contributions to:  
[jennifer.schuetze-reymann@coe.int](mailto:jennifer.schuetze-reymann@coe.int)
- 5 March 2017<sup>10</sup>: Drafting proposals regarding the draft Revised Guidelines of the Committee of Ministers on the protection of **victims of terrorist acts**, to be sent out by the Secretariat before 10 January 2017<sup>11</sup>.  
Please send your proposals to:  
[alfonso.desalas@coe.int](mailto:alfonso.desalas@coe.int)

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<sup>10</sup> The date initially foreseen (15 February 2017) was accordingly postponed to 5 March 2017.

<sup>11</sup> The date initially foreseen (20 December 2016) was postponed to 10 January 2017 so as to give time to the Secretariat for the necessary internal consultations.