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STEERING COMMITTEE FOR HUMAN RIGHTS (CDDH)

REPORT

87th meeting
Strasbourg, 6-9 June 2017

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Addenda

CDDH(2017)R87 Addendum I

Guide to good practice on the implementation of Recommendation (2008)2 of the Committee of Ministers on efficient domestic capacity for rapid execution of judgments of the European Court of Human Rights

CDDH(2017)R87 Addendum II

Guide to good and promising practices aimed at preventing and combating female genital mutilation and forced marriage

CDDH(2017)R87 Addendum III

Analysis of the relevant jurisprudence of the European Court of Human Rights and other Council of Europe instruments to provide additional guidance on how to reconcile freedom of expression with other rights and freedoms, in particular in culturally diverse societies

CDDH(2017)R87 Addendum IV

Analysis on the impact of current national legislation, policies and practices on the activities of civil society organisations, human rights defenders and national institutions for the promotion and protection of human rights

SUMMARY

1. The Steering Committee for Human Rights (CDDH) held its 87th meeting from 6 to 9 June 2017 in Strasbourg with Ms Brigitte KONZ (Luxembourg) in the Chair. The agenda, as adopted, appears at [Appendix I](#). The list of participants appears at [Appendix II](#).

2. At this meeting the CDDH, in particular:

(a) adopted its comments on the [Parliamentary Assembly Recommendation 2102\(2017\)](#) "Technological convergence, artificial intelligence and human rights" (see hereafter [Appendix III](#));

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

- (i) adopted its Guide to good practice on the implementation of [Recommendation \(2008\)2](#) of the Committee of Ministers on efficient domestic capacity for rapid execution of judgments of the European Court of Human Rights and decided to transmit it to the Committee of Ministers for information (document [CDDH\(2017\)R87 Addendum I](#));
- (ii) endorsed the guidance given by the DH-SYSC for the finalisation of the draft report on the processes of selection and election of judges of the European Court of Human Rights;
- (iii) gave guidance for the ongoing work regarding the Convention in the European and International legal order and on the medium-term and longer-term prospects;
- (iv) exchanged views with representatives of the Registry of the Court regarding the procedure of simplified communication of applications;
- (v) approved the decision of the DH-SYSC to update Recommendation Rec(2004)4 on the European Convention on Human Rights in university education and professional training;
- (vi) took note of the forthcoming online publication of the Overview of the DH-SYSC exchange of views regarding the mechanisms for ensuring the compatibility of legislation with the Convention (arrangements, advantages, obstacles);
- (vii) asked the Committee of Ministers for an extension of the delay until 30 June 2018 for the analysis of the national reports regarding the implementation by the member States of the Brussels Declaration;

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

- (viii) adopted its draft Declaration of the Committee of Ministers, on the need to intensify the efforts to prevent and combat female genital mutilation and forced marriage in Europe and decided to transmit it to the Committee of Ministers for adoption (see hereafter [Appendix IV](#));
- (ix) adopted its Guide to good and promising practices aimed at preventing and combating female genital mutilation and forced marriage and decided to transmit it to the Committee of Ministers for information (document [CDDH\(2017\)R87 Addendum II](#));
- (x) adopted its Analysis of the relevant jurisprudence of the European Court of Human Rights and other Council of Europe instruments to provide additional guidance on how to reconcile freedom of expression with other rights and freedoms, in particular in culturally diverse societies and decided to transmit it to the Committee of Ministers for information (document [CDDH\(2017\)R87 Addendum III](#));
- (xi) adopted its Analysis on the impact of current national legislation, policies and practices on the activities of civil society organisations, Human Rights defenders and national institutions for the promotion and protection of human rights and decided to transmit it to the Committee of Ministers for information (document [CDDH\(2017\)R87 Addendum IV](#));
- (xii) gave guidance for the finalisation of its Analysis of the legal framework of the Council of Europe for the protection of social rights;
- (xiii) took note of the ongoing work regarding the protection of human rights in the context of migration;
- (xiv) exchanged views on the forthcoming International Conference "Immigration

Detention of Children: Coming to a Close?" (Prague, 25-26 September 2017);

- (d) adopted the draft terms of reference of the CDDH, the DH-SYSC and the DH-BIO for the biennium 2018-2019 and decided to transmit them to the Committee of Ministers for adoption (see hereafter Appendix V);
- (e) organised the High-level Seminar on Human Rights and Business "*Promoting the effective implementation of global and regional instruments*" (see hereafter Appendix IX);
- (f) exchanged views with Ambassador Tomáš BOČEK, Special Representative of the Secretary General on migration and refugees (see hereafter Appendix VII);
- (g) exchanged views on the conventions for which it is responsible and, in this context, recalled the urgency to ratify Protocol No. 15 to the ECHR with a view to its entry into force as soon as possible;
- (h) adopted the calendar of meetings of the CDDH and its subordinate bodies for the second semester of 2017 and for 2018 (see hereafter Appendix X);
- (i) decided on the deadlines for the sending of contributions (see hereafter Appendix XI).

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

1. Following the opening of the meeting by the Chair, Ms Brigitte KONZ (Luxembourg), a brief address was delivered by the Director General of the Human Rights and Rule of Law (DGI), Mr Philippe BOILLAT, to evoke some of the main accomplishments by the CDDH in its 40 years of existence and to welcome the intergovernmental work foreseen during the forthcoming biennium.

ITEM 2: RECOMMENDATIONS OF THE PARLIAMENTARY ASSEMBLY

Texts of the Recommendations and elements for possible comments	CDDH(2017)004Prov
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2. The CDDH exchanged views on the two Recommendations of the Parliamentary Assembly transmitted¹ by the Ministers' Deputies for information and possible comments by the 14 June 2017.

- Regarding Recommendation 2100(2017) - "25 years of the CPT: achievements and areas for improvement", the CDDH took note of it and welcomed the important work carried out by now by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.

- Concerning Recommendation 2102(2017) - "Technological convergence, artificial intelligence and human rights" it endorsed the comments adopted by the Committee on bioethics (DH-BIO) during its 11th meeting (6-8 June 2017) and exchanged views on other aspects of this text, such as the protection of individuals with regard to automatic processing of personal data or the use of care robots and assistive technologies for people with disabilities. It stated its willingness to contribute to the work in this field from a

¹ 1286th meeting, 10-11 May 2017.

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human rights perspective that is its own. Finally, it noted the Assembly's proposals aiming at developing guidelines in a wide variety of fields, including private and family life, profiling, the location tracking or the assistance provided to elderly people and people with disabilities. Regarding this latter aspect, it recalled that it will need to address, in 2018, the Recommendation CM(2014)2 on the promotion of human rights of older persons adopted by the Committee of Ministers on 19 February 2014. In this context, the CDDH could take into consideration the concerns expressed by the Parliamentary Assembly. On the conclusion of its discussion, the CDDH adopted its comments as they appear in Appendix III hereafter.

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

Report of the 3 rd meeting of DH-SYSC (10-12 May 2017)	<u>DH-SYSC(2017)R3</u>
Draft Guide to good practice on the implementation of Recommendation CM/Rec(2008)2 of the Committee of Ministers on efficient domestic capacity for rapid execution of judgments of the European Court of Human Rights	<u>DH-SYSC(2017)R3</u> <u>Addendum</u>
Report of the 3 rd meeting of DH-SYSC-I (27 February-1 March 2017)	<u>DH-SYSC-I(2017)R3</u>

3. The Chair of the Committee of experts on the system of the European Convention on Human Rights (DH-SYSC), Ms Isabelle NIEDLISPACHER (Belgium), presented the outcome of its 3rd meeting (10-12 May 2017, document DH-SYSC(2017)R3). She recalled that, on this occasion, the DH-SYSC gave guidance on:

- (i) the on-going work aimed to follow-up to the CDDH report on the longer-term future of the system of the Convention;
- (ii) the work on Recommendation CM/Rec(2008)2 on efficient domestic capacity measures taken for rapid execution of judgments of the European Court of Human Rights;
- (iii) the other on-going work, especially on Recommendation Rec(2004)4 on the European Convention on Human Rights in university education and professional training; the exchange of information regarding the implementation of the Convention and the execution of judgments of the Court ; State of signatures and ratifications of Protocols Nos. 15 and 16 to the Convention ; the Analysis of national reports on the implementation of the Brussels' Declaration by the member States.

4. The CDDH thanked the Chair of the DH-SYSC for this presentation and in particular for the draft terms of reference of the DH-SYSC for the next biennium, prepared by the Committee of experts at its 3rd meeting in May (see item 7 hereafter).

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

5. The follow-up work is focused on the process of selection and election of judges of the European Court of Human Rights (Drafting Group I, DH-SYSC I) and on the place of the European Convention on Human Rights within the European and international legal systems (Drafting Group II, DH-SYSC II).

3.1.1 Drafting Group I (DH-SYSC-I)

6. The Chair of the Drafting Group I on the follow-up to the CDDH Report on the longer-term future of the system of the Convention (DH-SYSC-I), Mr Vít A. SCHORM (Czech Republic), presented the work of the 3rd meeting of the Group (27 February - 1st March 2017, document [DH-SYSC-I\(2017\)R3](#)) regarding the process of selection and election of judges of Court and recalled that this work is conducted in close-cooperation with all actors concerned, such as the Court and its Registry, the Secretary General of the Parliamentary Assembly and the Secretary of the Advisory Panel.

7. It is recalled that the mandate of the Group is as follows:

- At their 1252nd meeting, the Ministers' Deputies agreed on the following: "deemed it essential that the judges of the Court enjoy the highest authority in national and international law and to this end instructed the CDDH to examine, while securing the participation of the Court and all other relevant actors concerned, the whole selection and election process, including all factors that might discourage possible candidates from applying, in the light of conclusion § 203 i) and the relevant paragraphs of the report (document [CDDH\(2015\)R84 Addendum I](#)); "

8. The Chair of the Drafting Group pointed out that, given the particular importance of this activity for the system of the Convention, it matters that the States who wishes to participate, designate an experienced representative in view of the 4th and last meeting (18-20 October 2017), during which the draft report on the process of selection and election of judges of European Court of Human Rights ([DH-SYSC-I\(2017\)014](#)) will be finalised with a view to its approval by the DH-SYSC in November and subsequently by the CDDH in December.

9. The CDDH thanked the Chair of the drafting Group for this presentation and endorsed the guidance given by the DH-SYSC (see document [DH-SYSC-I\(2017\)R3](#) §§3-14). It noted that a revised version of the draft report will be prepared under the responsibility of the Chair and the Secretariat, in view of the 4th meeting of the drafting Group. This revised draft report:

(i) will follow the approach endorsed by the CDDH²: "examine the possible measures to respond to the identified challenges in an inclusive approach (namely without excluding answers that would require an amendment of the Convention), while focussing on practical solutions to improve the current system; this work should involve a feasibility study";

(ii) will contain an exhaustive analysis of the four themes identified by the DH-SYSC-I³ while also considering alternative models;

(iii) will specify which responses would need an amendment of the Convention;

² See the document [CDDH\(2016\)R85](#) §§4 and 13 and document [DH-SYSC\(2016\)R1](#) §7.

³ Procedure of selection; process of selection; employment and working conditions at the Court, the *ad hoc* Judges.

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(iv) will present its current Appendixes I and II, such as they appear in the document DH-SYSC-I(2017)014 in two distinct reference documents in order to serve as basis for possible follow-up work;

(v) will take into account the comments made during the DH-SYSC meeting in May and at the present meeting, as well as contributions received from all the actors concerned and new contributions awaited from experts. To this aim, the CDDH invited the members, participants and observers to send any new contribution by the **23 June 2017**, 18:00 DGI-CDDH-Reform@coe.int; see the table of deadlines, Appendix XI hereafter.)

3.1.2 Drafting Group II (DH-SYSC-II)

10. The Chair of the Drafting Group II on the follow-up to the CDDH Report on the longer-term future of the European Convention on Human Rights (DH-SYSC-II), Ms Florence MERLOZ (France), presented the results of the 1st meeting Group (30-31 March 2017, document DH-SYSC-II(2017)R1) on the place of the European Convention on Human Rights in the European and international legal order.

11. It is recalled that the mandate of the Group is as follows:

- At their 1252nd meeting, the Ministers' Deputies agreed on the following: "instructed the CDDH to carry out a detailed analysis of all questions relating to the place of the Convention in the European and international legal order and on the medium-term and longer-term prospects, in the light of the relevant paragraphs of the report (conclusion § 203 iii of document CDDH(2015)R84 Addendum I)."

12. Firstly, she presented the results of the Seminar on the same subject, which took place in Strasbourg on 29 and 30 March 2017 at the initiative of the Norwegian authorities with the participation of the *PluriCourts* academic network.

- This event, which brought together judges of the International Court of Justice and the European Court of Human Rights, Government Agents, leading international legal scholars and practitioners, very usefully preceded the launching of the work of the Drafting Group.
- The publication of the proceedings will be an important basis for the forthcoming work within the DH-SYSC-II during the next biennium.

13. The CDDH thanked the Norwegian authorities and especially Mr Morten RUUD (Norway) for his personal commitment in the preparation of the Seminar.

14. Regarding the work of the DH-SYSC-II, the CDDH endorsed the list of the three priority themes that need to be examined⁴ in the light of the CDDH report on the longer-term future of the Convention system, namely:

- the challenge of the interaction between the Convention and other branches of international law, including international customary law;

⁴ See §§5-9 of DH-SYSC-II of the meeting report, document DH-SYSC-II(2017)R1, as they stem from the CDDH report on the longer-term future of the system of the European Convention on Human Rights.

- the interaction between the Convention and other international human rights instruments to which the Council of Europe member States are parties;
- the interaction between the Convention and the EU legal order, and other regional organisations.

15. The CDDH also endorsed the working methods foreseen by the drafting Group.⁵ It is recalled that, with a view to its next meeting, the Secretariat is instructed to prepare a draft outline to facilitate the analyses that will be carried out.

16. The CDDH thanked the Chair of the Group for this presentation and noted that it will consecutively address the three above-mentioned themes, while taking care of planning the future themes whereas working on the present one.

17. Finally, the CDDH invited the experts to express their interest in becoming rapporteurs on one of these three themes, in view of the nomination of the rapporteurs at the 2nd meeting of the DH-SYSC-II (20-22 September 2017) (deadline for the applications by Friday, **1 September 2017** at 18:00 addressed to DGI-CDDH-Reform@coe.int; see table of deadlines, Appendix XI hereafter).

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

18. The Chair of the Drafting Group of DH-SYSC on the Recommendation CM/REC(2008)2 (DH-SYSC-REC), Ms Emanuela TOMOVA (Bulgaria), presented the results of the Group's work (6-8 March 2017, document DH-SYSC-REC(2017)R2), which resulted in the elaboration of a draft Guide to good practices on the implementation of the Recommendation CM/Rec(2008)2 on efficient domestic capacity for rapid execution of judgments of the European Court of Human Rights.

19. It is recalled that the mandate of the Group is as follows:

- “to take stock of its implementation, and make an inventory of good practices relating to it and, if appropriate, provide for updating the recommendation in the light of practices developed by the States Parties (deadline: 30 June 2017)” (specific task iv)).

20. The CDDH thanked the Chair for her presentation and welcomed the drafting Group for the quality of the work accomplished. It adopted the text as it appears in the document CDDH(2017)R87 Addendum I and decided to transmit it to the Committee of Ministers for information.

3.3 Other work within the DH-SYSC

21. Regarding Recommendation CM/Rec(2004)4 on the European Convention on Human Rights in university education and professional training, the CDDH approved the DH-SYSC decision to proceed to its update.

⁵ See §§10-12 of document [DH-SYSC-II\(2017\)R1](#).

22. The CDDH noted that a summary of the exchange of views that will take place within the DH-SYSC on the mechanisms to guarantee the compatibility of legislation with the Convention will be put online soon.

23. Finally, regarding the analysis of national reports on the implementation of the Brussels' Declaration by the member States, the CDDH asked the Committee of Ministers for an extension of the deadline until 30 June 2018, to analyse the national reports on the implementation of the Brussels' Declaration by the member States and invited the States that had not yet transmitted their national report to the Secretariat of the Committee of Ministers (clare.ovey@coe.int) to do so as soon as possible.

3.4 Exchange of views on the procedure of simplified communication of applications

24. Upon request of several delegations this point had been added to the order of business. Mr John DARCY and Ms Paola TONARELLY-LACORE, representatives of the Registry of the European Court of Human Rights, presented the new simplified communication procedure of applications (IMSI), put in place by the Registry since March 2016 in respect of twelve State Parties to the Convention⁶. They stated that, having regard to the continually increasing number of Chamber judgments, this procedure is important as soon as it involves the Parties to a greater extent than previously in the preparation of cases in view of their judicial examination.

25. After the presentation, an exchange of views took place during which numerous participants expressed their concern with respect to the extension of this procedure after 31 December 2016 to other State Parties, yet without prior consultation with those States, although involving additional work for the capitals. The participants argued that the Registry extended this procedure even before having evaluated it together with the States, as initially foreseen. Accordingly, additional dialogue and consultation between the Registry of the Court and the Government Agents appear necessary before going any further in implementing this procedure.

26. Certain experts had also reservations as to the systematic use of Article 47 of the Rules of the Court, which in view of the excessive formalities it causes, thus entailing a risk of violation of Articles 6 and 34 of the Convention.

27. Mr John DARCY and Ms Paola TONARELLY-LACORE provided clarifications regarding the functioning of the IMSI procedure and confirmed that they will submit to the CDDH, by **30th June 2017** at 18:00, an assessment of the results mode of operating of this procedure. The Document of the Registry will be transmitted to the CDDH experts and DH-SYSC, inviting them to send their possible comments to the Secretariat by Friday, **1 September 2017** at 18:00, addressed to DGI-CDDH-Reform@coe.int (see table of deadlines, Appendix XI hereafter)⁷.

28. Finally, the CDDH noted that the document of the Registry and the possible comments received from the experts could be object of an exchange of views during the informal meeting of Government Agents foreseen in Prague on 13 October 2017.

⁶ Albania, Bulgaria, Germany, Greece, Hungary, Island, Italy, Romania, the Russian Federation, Spain, "the former Yugoslav Republic of Macedonia" and Turkey.

⁷ The Registry had sent to the Secretariat the document on 30 June 2017. The Secretariat forwarded it the same day to the participants to the CDDH and DH-SYSC ([Document #5769867 –IMSI Procedure](#)).

3.5 Envisaged Conference by the future Danish Presidency of the Committee of Ministers

29. The Representative of Denmark informed the CDDH of the intention of his authorities to organise, during the future Danish Presidency of the Committee of Ministers of the Council of Europe (November 2017 – May 2018) a Conference which would allow an assessment of the Convention system and which would cover also the issue of dialogue between the European Court of Human Rights and the State Parties to the Convention. A preparatory experts meeting is foreseen in Copenhagen on 22-24 November 2017. The Conference will take place during spring 2018. Detailed information will be communicated in due time. The CDDH noted that its Bureau will hold its next meeting in Copenhagen at the dates combined with the preparatory meeting.

ITEM 4: DEVELOPMENT AND PROMOTION OF HUMAN RIGHTS

30. The CDDH examined the on-going work on each of the themes which were entrusted to it for the present biennium.

4.1 Social rights (CDDH-SOC)

Report of the 1st CDDH-SOC meeting (19-21 April 2017)	<u>CDDH-SOC(2017)R1</u>
Draft report of the Steering Committee for Human Rights (CDDH) on the legal framework of the Council of Europe for the protection of social rights	<u>CDDH-SOC(2017)001</u>

31. The Chair of the CDDH drafting Group on social rights (CDDH-SOC), Mr Vít A. SCHORM (Czech Republic) presented the work of the 1st meeting of the Group (19-21 April 2017).

32. It is recalled that the mandate of the Group is the following:

- (i) Undertake an analysis of the legal framework of the Council of Europe for the protection of social rights in Europe, in particular the jurisprudence of the European Court of Human Rights as well as other relevant sources e.g. reports and decisions of those Council of Europe bodies having a mandate relating to social rights and their implications for the respective States Parties (deadline: 31 December 2016);
- (ii) On this basis, identify good practices and make, as appropriate, proposals with a view to improving the implementation of social rights and to facilitate in particular the relationship between the various European instruments for the protection of social rights.

33. The Chair of the Group noted that the meeting was dedicated to an exchange of views and a first reading of the report on legal protection of the social rights within the Council of Europe, prepared by the Rapporteur Ms Chantal GALLANT (Belgium). Once finalised, this text will become the legal analysis mentioned in the mandate and, on this basis, detailed follow-up proposals will be made subsequently in view of fulfilling the second part of the mandate. Ms Gallant explained in detail the general approach followed as well as the various sections of the draft text and the possible avenues that appear in the draft.

34. The CDDH thanked the Chair of the Group for his presentation and the Rapporteur of CDDH-SOC for the very important and useful work performed.

35. During the exchange of views that followed:

- (i) certain experts echoed the already made observations within the drafting Group as to the necessity to better reflect, in the draft report, the diversity of national viewpoints existing with respect to the action and to the mechanisms of the Council of Europe with regard to the protection of social rights; they also stressed the need that the text limits itself to a legal analysis of the existing protection arrangements without pleading in favour of changes about which there was a manifest lack of consensus among the States;
- (ii) a number of speakers also voiced an interest of having a more concise text, which where appropriate, would referred to more technical matters, in the appendixes.

36. At the end of this exchange and with a view to ensuring a better reflection in the draft report of the existing diverse approaches, the CDDH reached the conclusion that the draft analysis should be split in two, such that the proposals for future activity should be removed from the present document and considered later. It also invited the participants to the CDDH and to the CDDH-SOC who wished so, to provide the Secretariat their observations in written, which should not contain general considerations in connection to social rights, but concrete proposals of deletion or redrafting so that these could be integrated in the existing text. On that basis, the Rapporteur will consolidate the draft project which will be subsequently submitted to the CDDH-SOC for examination and adoption during its 2nd meeting (6-8 November 2017) in view of its adoption by the Group and its transmission to the CDDH for adoption in December 2017.

37. The drafting proposals expected from the participants should be as specific as possible and enter in one of the below categories (deadline for submissions by Friday, **1 September 2017** at 18:00, addressed to alfonso.desalas@coe.int; see table of deadlines, Appendix XI hereafter):

- (i) words/sentences/number of paragraphs deemed incorrect and which, according to the expert, should be removed or amended (in which case the expert is invited to submit his/her concrete proposals of removal / amendment);
- (ii) words/sentences/number of paragraphs to be added or modified in order to reflect well the national approach (in this case, the expert is invited to submit his/her concrete proposals of adding/amending);
- (iii) words/sentences /paragraphs deemed superfluous and which, according to the expert, should be deleted;

38. The CDDH also noted that the CDDH-SOC elaborated a questionnaire aimed at identifying good practice and difficulties encountered in the member States as well as their suggestions to improving the system of protection of social rights. The Group considered that this questionnaire should be directed not to the CDDH members, but to those of the governmental Committee of the European Social Charter. Accordingly, it had been sent solely to the latter ones, with a deadline for responses set for Friday, **1 September 2017** at 18:00, addressed to alfonso.desalas@coe.int.

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

Report of the 3 rd and last CDDH-MF meeting (28-31 March 2017)	<u>CDDH-MF(2017)R1</u>
Draft Guide to good and promising practices aimed at preventing and combating female genital mutilation and forced marriage	<u>CDDH-MF(2016)05Rev2</u>
Declaration of the Committee of Ministers on the need to intensify the efforts to prevent and combat female genital mutilation and forced marriage in Europe	<u>CDDH-MF(2017)R1</u> <u>ANNEXE III</u>

39. The Rapporteur and Chair of the Drafting Group on female genital mutilation and forced marriage (CDDH-MF), Mr Rob LINHAM (United Kingdom) presented the outcome of the Group's third and final meeting of the Group (28-31 March 2017, CDDH-MF(2017)R1) dedicated to the finalisation of the Draft Guide to good and promising practices aimed at preventing and combating female genital mutilation and forced marriage.

40. It is recalled that the Group has the following mandate:

Further to work already conducted in the area of human rights and culturally diverse societies, undertake work to combat and prevent female genital mutilation and forced marriage, which are serious violations of human rights. To this end, conduct an analysis of the legal situation at international level and in the Council of Europe member States.

On this basis, prepare a guide to good national practices aimed at combatting and preventing these affronts and, if necessary, make proposals to (a) ensure coherent policies and better implementation of the legislation aimed at preventing these affronts; (b) reinforce the national and European legal framework as well as co-operation between member States; (c) raise awareness of this issue. These proposals may result in, inter alia the preparation of a draft recommendation of the Committee of Ministers (deadline: 31 December 2017). This activity is to be carried out ensuring appropriate co-ordination and co-operation with the relevant bodies involved, in particular the GEC, GREVIO, GRETA and the CDPC.

41. The CDDH thanked the President for his presentation and congratulated the Drafting Group for the quality of the work performed. It adopted the text⁸ as it appears in document CDDH(2017)R87 Addendum II and decided to transmit it to the Committee of Ministers for information. With regard to Appendix II of the Guide which contains national contact details and references to domestic legislation and policies, the CDDH set up a deadline until Friday, **23 June 2017**, at 18:00, addressed to merete.bjerregaard@coe.int (see table of deadlines, Appendix XI hereafter) for submission of possible contributions. It decided that contributions received after the deadline would be included in the Appendix II to the Guide which would be made available on the CDDH website where it would be updated regularly.

42. The CDDH further examined the draft Declaration of the Committee of Ministers on the need to intensify the efforts to prevent and combat female genital mutilation and forced marriage in Europe. The text presented by the CDDH-MF was adopted subject to some minor changes. The CDDH decided to transmit it to the Committee of Ministers for adoption as it appears in Appendix V to the present report.

43. With the adoption of the draft Guide to good and promising practices aimed at preventing and combating female genital mutilation and forced marriage and of the draft Declaration of the

⁸ The CDDH brings minor changes concerning notably the list of abbreviations, the footnotes and some examples of national practices.

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Committee of Ministers, the CDDH considered that it had fulfilled the terms of reference with which it had been entrusted.

44. Finally, in response to the request of the CDDH to the CDDH-MF to elaborate the idea to organise an international conference targeting cooperation in view of preventing and combating female genital mutilation and forced marriage, the CDDH took note of the proposals made by the CDDH-MF for this conference.

- The aim would be to join together experts working in the field in view of exchanging views on practical actions to be taken to fill the gaps in implementing the existing standards.
- The event would be organised by the authorities of the United Kingdom in co-operation with the Secretariat of the Directorate General of the Council of Europe, DG II⁹.
- The CDDH, other bodies of the Organisation and other international and regional organisations would be invited at this event based on their respective work.
- The UK conference could be the first of a series of events which would take place in different member States, each time allowing the non-governmental organisations and interested parties of the host country to participate.

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

Report of the 1 st CDDH-EXP meeting (22-24 March 2017)	<u>CDDH-EXP(2017)R1Rev</u>
Draft analysis of relevant jurisprudence of the European Court of Human Rights regarding freedom of expression prepared by the CDDH-EXP	<u>CDDH-EXP(2017)R1Rev</u> <u>ANNEXE III</u>

45. The Chair of the Drafting Group on freedom of expression and links to other human rights (CDDH-EXP), Mr Hans-Jörg BEHRENS (Germany) reported on the outcome of the first meeting of the Group (22-24 March 2017, CDDH-EXP(2017)R1Rev).

46. It is recalled that the Group has the following mandate:

Following the work already carried out by the CDDH in promoting pluralism and tolerance and contributing to maintaining cohesive societies, conduct an analysis of the relevant jurisprudence of the European Court of Human Rights and other Council of Europe instruments to provide additional guidance on how to reconcile freedom of expression with other rights and freedoms, in particular in culturally diverse societies.

On this basis, prepare a guide to good national practices on reconciling the various rights and freedoms concerned (deadline: 30 June 2017). If necessary, a draft recommendation of the Committee of Ministers on “cyber security and Human Rights” is prepared.

47. The Chair of the Drafting Group observed that:

⁹ In this context, Ms Marja RUOTANEN, Director of Human Dignity and Equality within the DG II, brought useful information on the ongoing and upcoming work notably within the GEC and GREVIO.

- The meeting was principally dedicated to the finalisation of the draft Analysis of the relevant case-law of the European Court of Human Rights and other instruments of the Council of Europe in view of providing guidance on how to reconcile freedom of expression with other rights and freedoms, notably in culturally diverse societies.
- The last day of the meeting, the members of the Drafting Group had also attended the *Conference on Promoting dialogue between the European Court of Human Rights and the media freedom community*, organised by European Centre for Press and Media Freedom, with the support of the Steering Committee on Media and Information Society (CDMSI) and its partner organisations.

48. The CDDH thanked the Chair of the Drafting Group for this presentation and also the CDDH-EXP Rapporteur, Ms Kristīne LĪCIS (Latvia) for the excellent work she had accomplished. It further examined the draft analysis, adopted it after having made a number of minor changes and decided to transmit it to the Committee of Ministers for information (document CDDH(2017)R Addendum III). Delegations that indicated, during the exchange of views, their wish to submit further drafting proposals were invited to do so by Friday, **23 June 2017** at 18:00, addressed to merete.bjerregaard@coe.int (see table of deadlines, Appendix XI hereafter). These contributions would be examined by the Chair and the Rapporteur of the Drafting Group with a view to be added in the text of the Analysis.

49. The Chair of the CDDH-EXP further explained that the Drafting Group had discussed the content and the procedure to be followed in order to prepare a draft Guide to good practices. It considered it useful to focus on specific issues, such as hate speech and in particular when it occurs online. The Group also decided to prepare a questionnaire at its next meeting which would be submitted to all member States with a view to collecting national good practices. It would prepare the draft Guide during its 3rd meeting (21-23 February 2018).

50. The CDDH endorsed the Drafting Group's working method for preparing the Guide to good practices while stressing, at the same time, that the guide should not only reflect the negative but also States' positive obligations in respect of freedom of expression; the Guide should aim at creating a positive environment of press and media freedom. It also recalled that the selection of specific issues in view of collecting good practices should bear in mind the focus of the guide which was to provide guidance on how to reconcile freedom of expression with other rights and freedoms, in particular in the context of culturally diverse societies.

51. In this perspective, the CDDH more specifically:

- (i) suggested taking into account the complexity of the concept of hate speech, including its various connotations (racial, religious, sexual, etc.);
- (ii) considered particularly relevant to emphasising the exercise of freedom of expression online;
- (iii) pointed out that the protection of freedom of expression of journalists and human rights defenders represents a major concern and that this issue should be coordinated

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with the works of the Drafting Group on civil society and national human rights institutions (CDDH-INST);

- (iv) considered that the need to balance freedom of expression with other rights, in particular the rights of individuals to protect their reputation, was an important aspect of the works;
- (v) considered useful to provide further clarification regarding the limitations of freedom of expression in political discourse, while also addressing the phenomena of populism and of fake news.
- (vi) considered it necessary to bring further clarifications to the topic of freedom of expression in labour relations.

52. Finally, the CDDH noted that the CDDH-EXP had briefly examined the topic of cyber security and human rights and that it wished to discuss the topic in more detail with a representative of the CDMSI at its 3rd meeting in September. The CDDH then exchanged views on the appropriateness of preparing a new draft recommendation on this topic and concluded that although it was an important topic, it was not within its field of competence as it related mainly to the member States' national security.

4.4 Human rights and migration (CDDH-MIG)

Report of the 2 nd CDDH-MIG meeting (15-17 February 2017)	<u>CDDH-MIG(2017)R1</u>
Draft analysis of the legal and practical aspects of effective alternatives to detention in the context of migration	<u>CDDH-MIG(2017)02</u>

53. In the absence of the Chair of the Drafting Group on human rights and migration (CDDH-MIG), Mr Morten RUUD (Norway), the Rapporteur of this Group Mr Frank SCHÜRMANN (Switzerland), presented the results of the 2nd meeting of the Group (Cyprus, on 15-17 February 2017, CDDH-MIG (2017)R1).

54. It is recalled that the Group has the following mandate:

In light of the Court's relevant jurisprudence and other Council of Europe instruments, conduct an analysis on the legal and practical aspects of specific migration-related human rights issues, in particular effective alternatives to detention, and the need for further work in the field by the CDDH is explored.

55. The Rapporteur of the Drafting Group pointed out that:

- (i) The meeting was mainly dedicated to the examination of the entirety of the preliminary draft Analysis, prepared by the Rapporteur, of the legal and practical aspects of efficient alternatives to the detention in the context of migration.
- (ii) Part of the meeting was held jointly with the Committee of Experts on Administrative Detention of Migrants (CJ-DAM), allowing an exchange of views with the members of these two bodies.

- (iii) The CDDH-MIG had, in February, also an exchange of views on the nature of the future works, while stressing that the concrete format of these works should be decided only during its 3rd meeting (24-26 October 2017).

56. The Rapporteur provided to the CDDH an overview of various substantive and structural changes made in the draft preliminary Analysis following the meeting CDDH-MIG¹⁰ in February 2017:

- A consolidated version will be transmitted to the CDDH-MIG and to the CDDH in July 2017 for possible comments before Friday, **8 September 2017** at 18:00, addressed to lilja.gretarsdottir@coe.int (see table of deadlines, Appendix XI hereafter).
- In light of the comments received as well as of the input of the Conference *Immigration Detention of Children: Coming to a Close?* (Prague, 25-26 September 2017), the CDDH-MIG will finalise the text during its 3rd meeting (24-26 October 2017) and will transmit it to the CDDH for adoption in December 2017.

57. The CDDH thanked the Rapporteur for this presentation and welcomed the progress of the ongoing work.

4.5 International Conference Immigration Detention of Children: Coming to a Close?(Prague 25- 26 September 2017)

58. The CDDH welcomed the initiative of the Czech Chairmanship of the Committee of Ministers to organise the International Conference *Immigration Detention of Children: Coming to a Close?* in Prague on 25- 26 September 2017 (see paragraph 56 above). Information in this regard, as well as the draft programme had been sent to all the participants to the CDDH by the Secretariat beginning of June 2017 (e-mail of Corinne Gavrilovic of Friday 2 June 2017, 17:14).

59. The CDDH noted that this event relates directly to the work of the CDDH-MIG, which will constitute the main activity of the Council of Europe in 2017 with regard to detention of migrants and that its results will play an important place in the Council of Europe Action Plan on Protecting Refugee and Migrant Children in Europe. For these reasons, the CDDH reiterated the need to give all the necessary visibility to this conference in the capitals and invited the participants to communicate to the organisers (vkundrak@msp.justice.cz) the names and addresses of national experts which should be invited to this event.

4.6 Civil Society and National Human Rights Institutions (CDDH-INST)

Report of the 2 nd CDDH-INST meeting (8-10 mars 2017)	<u>CDDH-INST(2017)R1</u>
Draft study on the impact of current national legislation, policies and practices on the activities of civil society organisations, Human Rights defenders and national institutions for the promotion and protection of human rights	

¹⁰ The Rapporteur points also that the Chair of the CDDH-MIV and himself had met with the Secretariat in May 2017 to provide guidance to the latter on the ongoing work.

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60. The Chair and Rapporteur of the Drafting Group on civil society and national human rights institutions (CDDH-INST), Ms Krista OINONEN (Finland), reported on the work completed during the 2nd meeting of the Group (8-10 March 2017).

61. It is recalled that the Group has the following mandate:

Conduct a study on the impact of current national legislation, policies and practices on the activities of civil society organisations, human rights defenders and national institutions for the promotion and protection of human rights, and identifying the best examples thereof (deadline: 31 December 2016).

On this basis, submit proposals to ensure that member States, through their legislation, policies and practices, effectively protect and promote the civil society space (deadline: 30 June 2017).

62. The Chair and the Rapporteur of the Drafting Group noted that:

- (i) The meeting was mainly dedicated to the finalisation of the draft Analysis of the impact of the legislation, policies and current national practices on the activities of civil-society organisations, human rights defenders and national institutions for the promotion and protection of human rights, prepared by the Rapporteur.
- (ii) The CDDH-INST considered it useful to append at a later point a compilation of good practices to the analysis and, to this end, wished to receive additional examples from the member States, civil-society organisations, Human Rights defenders and National Human Rights Institutions.

63. The Chair of the Drafting Group noted in particular the difficult context in which civil-society organisations, the Human Rights defenders and national institutions for the promotion and protection of human rights in certain States operate.

64. The CDDH thanked the Chair for her presentation and welcomed her work as Rapporteur, as well as the Drafting Group for the work carried out. It adopted the text as it appears in the document CDDH(2017)R87 Addendum IV and decided to transmit it to the Committee of Ministers for information. Having noted that certain experts expressed the wish to adduce to the document additional comments of a purely technical nature, the CDDH invited members to submit them by Friday, **29 September 2017** at 18:00, addressed to jsreymann@gmail.com; evangelia.vratsida@coe.int (see table of deadlines, Appendix XI hereafter). These contributions will be examined by the Chair of the Drafting Group in view of their insertion if necessary in the text of the Analysis.

65. In view of preparing the Guide of good practices, the CDDH noted that the Secretariat will send in September 2017 a questionnaire and a standard model for the collection of national examples by 31 December 2017. The emphasis will be placed on the collection of good practices of implementation of existing national legislation regarding the protection and promotion of the civil-society space.

66. With respect to the future work, the CDDH noted that the drafting Group envisaged to prepare before the end of 2018 a draft non-binding legal instrument of the Committee of Ministers to the member States which would be accompanied by the aforementioned Guide of good practices. The CDDH will exchange views in this regard at its meeting of December 2017 as well as on the specific form of the possible instrument (declaration, recommendation, etc.). It

also envisaged reviewing before end 2019 the Recommendation No. R (97)14 of the Committee of Ministers to the member States on the establishment of independent national institutions for the promotion and protection of human rights.

ITEM 5: BIOETHICS (DH-BIO)

Abridged report of the 10 th DH-BIO meeting (5-8 December 2016)	<u>DH-BIO/ abr RAP 10</u>
<u>The rights of children in biomedicine - Challenges posed by scientific advances and uncertainties</u>	

67. The Secretary of the Bioethics Committee (DH-BIO), Ms Laurence LWOFF, presented the results of the 11th meeting of the Committee (6-8 June 2017). On that occasion, the DH-BIO has notably:

- (i) adopted its comments on Recommendation 2102 (2017) “Technological convergence, artificial intelligence and human rights” of the Parliamentary Assembly (see § 2 above);
- (ii) continued its work on the elaboration of the new Additional Protocol on the protection of human rights and dignity of persons with mental disorders with regard to involuntary placement and involuntary treatment¹¹;
- (iii) agreed on the content of a draft guide for the implementation of the principle of prohibition of financial gain with respect to the human body and its parts as such from living or deceased donors;
- (iv) agreed to include the topic of Intersex children in its program of activities and to develop a guide for the promotion of public debate, namely on ethical questions raised by emerging technologies;
- (v) validated the draft programme for the Conference which will mark the 20th anniversary of the Oviedo Convention (Strasbourg, 24-25 October 2017) in which the Chair and Vice Chair of the CDDH will participate. The second study on challenges for children rights raised by developments in the biomedical field prepared with a view to this conference will be made public at the end of June.

68. The CDDH thanked the Secretary of the DH-BIO for this presentation and welcomed the existing and future works within the Committee (see Item 7 hereafter).

ITEM 6: REVISION OF THE GUIDELINES ON THE PROTECTION OF VICTIMS OF TERRORIST ACTS

69. As regards the revision of the Guidelines on the protection of victims of terrorist acts, the CDDH welcomed the adoption of the text during the 127th Session of the Committee of Ministers (Nicosia, 19 May 2017) and noted that the Ministers’ Deputies envisage giving it a mandate to ensure the visibility and the follow-up of this important instrument.

¹¹ To this end, consultation meetings with delegations also open to representatives designed by the CDDH and the CPT, will take place between the plenary meetings of DH-BIO.

70. In this context, the CDDH decided to dedicate an entire morning (9:00 – 13:00) during its next plenary meeting in December 2017 for hosting a Workshop on the protection of victims of terrorist acts, in view to allowing an exchange of views on the Guidelines with the representatives of associations of victims and, notably with the media. It asked the Secretariat to prepare a draft a programme to this effect.

ITEM 7: PREPARATION OF THE NEXT BIENNIUM

71. The CDDH exchanged views on the draft terms of reference of the CDDH, DH-SYSC and DH-BIO for the next biennium (see the texts resulted from this discussion in Appendix V hereafter).

Draft Terms of reference of the CDDH

7.1 Finalisation of current work

72. The CDDH noted that an important part of the works of the next biennium will consist in finalising the ongoing works concerning (i) social rights; (ii) links between freedom of expression and other human rights and freedoms; (iii) migration and (iv) civil society, Human Rights defenders and National Institutions for Human Rights. For all these various works it envisaged maintaining the flexible working methods followed up to now, in particular the setting up of smaller drafting groups, and give itself as final deadline for these various works 31 December 2019 (see Appendix V hereafter).

7.2 Awareness-raising and follow-up activities

73. Concerning activities in the field of awareness-raising and follow-up of instruments that it had developed, the CDDH noted that such activities covered the following four themes: (1) promoting human rights for older persons; (2) combatting discrimination on grounds of sexual orientation or gender identity; (3) promoting access to official documents; (4) combatting female genital mutilation and forced marriage.

74. Similarly, it decided to keep as much flexibility as possible both with regard to the deadlines and the modalities. It noted that for budgetary reasons, certain follow-up activities should most probably be limited to the organisation of a seminar / round table / workshop or conference on the occasion of a plenary meeting. The organisation of a thematic debate on a specific subject will be decided in the light of developments, taking into consideration also the interest of the topic and of the budget available.

75. Promoting human rights for older persons – The CDDH noted that it is called to consider, as of 2018, the issue on the follow-up on Recommendation CM(2014)2 on the promotion of human rights of older persons, adopted on 19 February 2014. In this context, it envisaged the possibility to organise a thematic conference to be held in June 2019 involving the CDDH and civil society, to a review of the follow-up given by states to Recommendation. The preparation of such an event could benefit from the work carried out, in particular, by the NGO *Age Platform* on the issue of abuse against older persons (for example, *Atelier de Bruxelles* on 14 June 2017) and those carried out by the ENNHRI Network with the support of the European Union (publication of a report and a guide, workshops and conference to be organised in Brussels at the end of 2017, etc.).

76. Combatting discrimination on grounds of sexual orientation or gender identity – The CDDH noted that it was invited to examine as from 2018 the issue of follow-up of the Recommendation CM/Rec(2010)5 of the Committee of Ministers to the Member States on measures aimed at combating discrimination on grounds of sex or gender identity adopted on 31 March 2010. To this end, it decided to proceed in the form of a thematic conference to be held in 2019 involving CDDH and the civil society, to a review of follow-ups reserved by the States to this instrument. It would be a Conference organised by the CDDH at its plenary meeting of December 2019, based on the preparatory works that would be undertaken in 2018 by the Sexual orientation and gender identity (SOGI) Unit from DGII. The technical distribution of responsibilities had been decided by the relevant General Directorates within the Secretariat.

77. In the framework of this preparation, the CDDH noted that:

- * the SOGI Unit would prepare and send a questionnaire on the national implementation of the Recommendation. The addressees of the questionnaire would be, in particular, the members of the *European Governmental LGBTI Focal Points Network*, composed by governmental experts from 33 member States with whom the SOGI Unit has been cooperating for a long time; the relevant departments of member States not included in the network would be contacted by the Unit, if necessary through the CDDH members;

- * in light, notably of the replies to the questionnaire, the Unit would prepare a report (analysis, conclusions, suggestions), if necessary through a consultant, as a main working document for the Conference;

- * the draft programme (themes, speakers) would also be prepared by the SOGI Unit (DGII) in consultation with the CDDH Secretariat for discussion and possible adoption by the CDDH in June 2019;

- * the Conference could lead to proposals for 2020-2021 concerning for example the interest to update some parts of the Recommendation, setting up a follow-up system of the implementation of the text or of certain provisions, etc..

78. In this context, the Secretariat of the CDDH met informally on 25 April 2017, the Counsellor for the Council of Europe of the NGO ILGA Europe - *Lesbian, Gay, Bisexual, Trans & Intersex Association*.

79. Promoting access to official documents - The CDDH decided to continue its work in this field and noted the possibility to organise a thematic conference to be held in December 2018 involving the CDDH and civil society. This event would allow a review of the situation in member States in respect of the right of access to official documents, in particular concerning signatures and ratifications of the Tromsø Convention of 18 June 2009 (CETS No. 205).

80. Combatting female genital mutilation and forced marriage - The CDDH noted that, on the basis of the work it had conducted in 20016-2017 to fight female genital mutilation and forced marriage, it will be invited during the next biennium to contribute to work which may be conducted by other bodies of the Council of Europe (e.g., GEC, GREVIO, GRETA and CDPC) in co-operation with member States with the aim to (i) strengthen the efficiency of national and

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European legal framework and co-operation between member States; (ii) raise public awareness on this issue¹².

Draft Terms of reference of the DH-SYSC

81. The Chair of the DH-SYSC presented the draft terms of reference for 2018-2019 as adopted by the Committee at its 3rd meeting (see document DH-SYSC(2017)R3, Appendix III). The CDDH considered the draft and adopted it as it appears in Appendix V hereafter, for transmission to the Committee of Ministers in view of its possible adoption by the latter by the end of 2017.

82. In particular, the CDDH endorsed the decision of the DH-SYSC to update, during the next biennium, Recommendation Rec(2004)4 of the Committee of Ministers to member states on the European Convention on Human Rights in university education and professional training, as well as the guide to good practice which accompanies Recommendation CM/Rec(2010)3 of the Committee of Ministers to member states on effective remedies for excessive length of proceedings.

Draft Terms of reference of the DH-DH-BIO

83. The Secretary of the DH-BIO then presented the activity proposals adopted by the DH-BIO for its work programme in the 2018-2019 biennium. These proposals were organised around two key complementary pillars:

- (i) Reinforcing the legal corpus; this will namely be ensured by the finalization of the new Additional Protocol for the protection of human rights and dignity of persons with mental disorders with regard to involuntary measures.
- (ii) Addressing new human rights challenges raised by scientific and technological developments and their impact. This will be developed mainly on the basis of the outcome of the Conference that will be organised on the occasion of the 20th anniversary of the Oviedo Convention, on 24-25 October 2017¹³.

ITEM 8: EXPERTS REPRESENTING THE CDDH IN OTHER BODIES

¹² As already mentioned above regarding the work of the CDDH-MF, a conference is envisaged in 2018 in the United Kingdom to facilitate communication and contacts between the various actors involved in combating FGM and FM and to promote networking. Such an event should aim to exchange experiences and concrete examples of actions and projects undertaken. The United Kingdom's contact person in the Council of Europe for the preparation of this event will be the Directorate General of Democracy - DG-II, and in particular the Secretariat of the GEC, with the assistance of the CDDH Secretariat.

¹³ Its objective will be to analyse the relevance of the principles laid down in the Convention and identify possible challenges raised by the evolution of practices as well as scientific and technological developments in the fields concerned. The outcome of the Conference could provide a relevant basis for a Strategic Action plan for the DH-BIO beyond the next biennium, including possible activities in cooperation with other CoE Committee and /or intergovernmental organisations. This mid-term Action Plan could include, where appropriate, activities that would be relevant to reinforcing the legal corpus, but also facilitating implementation of existing principles and developing capacity building in particular through education and training.

Information provided by experts	CDDH(2017)003
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84. The CDDH took note of information provided by the experts and encouraged them to submit written information in due time for the meeting.

- Mr Rob LINHAM (United Kingdom) presented the works of CDDH-MF at an international Conference “BAN FGM”, held in Rome from 30 January to 1 February 2017, within the Italian Ministry of Foreign affairs and International Co-operation. The Conference was organised by *No Peace Without Justice* and the inter-African Committee on traditional practices affecting the health of women and children, in partnership with several other organisations;
- Ms Brigitte KONZ (Luxembourg), Chair of the CDDH and Ms Krista OINONEN (Finland) informed the CDDH of the results of their participation in the Seminar "*Building diverse communities based on shared values - the intercultural cities approach*", (Limassol, 27-28 March 2017) ;
- Ms Svetlana GELEVA (“The former Yugoslav Republic of Macedonia”) informed of the subjects discussed at the 13th meeting of CAHROM (Prague, 31 May- 3 June 2017).

85. The current list of the representatives of the CDDH before other bodies appears in Appendix VI hereafter. As the CDDH had decided in December 2016, it will re-examine this list at the end of the current biennium, during its next meeting in December 2017. Taking into account the fact that Mr LINHAM will no longer be able to attend CODEXTER meetings, the CDDH designated Mr Chanaka WICKREMASINGHE (United Kingdom) as its representative before this Committee.

ITEM 9: INVITEES

86. The Special Representative of the Secretary General on migration and refugees, Ambassador Tomáš BOČEK, presented current and future work in the framework of his functions. The CDDH thanked him for his presentation (the text of his speech appears in Appendix VII below) and held an exchange of views with him on the important and complex issues that lie at the heart of his mission. The exchange of views concerns, in particular, the work planned for CDDH-MIG in 2018-2019, which fall within the mandate of the Special Representative.

ITEM 10: REVIEW OF THE COUNCIL OF EUROPE CONVENTIONS

Chart of signatures and ratifications of Protocols Nos. 15 and 16 to the Convention and the European Agreement relating to Persons Participating in Proceedings of the European Court of Human Rights	<u>DH-SYSC(2016)008REV4</u>
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87. Concerning the general list of conventions placed under the responsibility of the CDDH and the possibility both to reduce their number and to classify them by category according to their relevance, the Secretariat had contacted the Treaty Office of the Council of Europe. The

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latter had confirmed that the list contained in the current terms of reference should be renewed in for the next biennium, but that the CDDH has all the freedom to determine which treaties to follow in priority and how often.

88. The CDDH took note of the information provided by the DH-SYSC on the status of signatures and ratifications of Protocols Nos. 15 and 16 to the European Convention on Human Rights (DH-SYSC(2016)008Rev4)¹⁴, and recalled in this context the urgent need to ratify Protocol No. 15 in order for it to enter into force as soon as possible. In that regard, the CDDH welcomed the “tour de table” at the 3rd meeting of the DH-SYSC and invited the DH-SYSC to continue this exercise in this format on a regular basis.

89. Concerning Convention of the Council of Europe on Access to Official Documents (the Tromsø Convention of 18 June 2009, CETS No. 205), the CDDH highlighted the need for a rapid entry into force of this instrument.¹⁵ It noted that such an entry into force would in particular facilitate the possible resumption of discussions on its content, with a view to making amendments if necessary.

ITEM 11: CALENDAR OF MEETINGS

90. The CDDH adopted its calendar for the second half of 2017 and for 2018 as it appears in Appendix X hereafter. If necessary, the CDDH will make adjustments to the dates at its meeting in December 2017. It reminded participants the obligation to wait until the reception of the convocation letter to a meeting before purchasing travel tickets.

ITEM 12: OTHER ISSUES

91. **Working methods** – The CDDH was aware of the current difficulties of the Secretariat: reduced staffing levels, very short time between meetings, difficulties in sending the working documents before the meeting in the two official languages of the Organisation.

92. While expressing its gratitude to the Secretariat for the volume and quantity of the documents provided, it stressed the need to do everything to ensure that all the documents, particularly the ones supposed to be discussed in view of their possible adoption, are made available sufficiently in advance and in both languages, so as to allow to the experts to consult with their colleagues from other relevant ministries and to prepare for the meetings in an

¹⁴ Document DH-SYSC(2016)008REV4. *Chart of signatures and ratifications of Protocols Nos. 15 and 16 to the Convention and the European Agreement relating to Persons Participating in Proceedings of the European Court of Human Rights*. By 5 July 2017, Protocol No. 15 to the Convention had been signed by Austria, Belgium, Croatia, Greece, Italy, Latvia, Luxembourg, Russian Federation, Spain and Ukraine, and ratified by Albania, Andorra, Armenia, Azerbaijan, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Hungary, Iceland, Ireland, Liechtenstein, Lithuania, the Republic of Moldova, Monaco, Montenegro, Netherlands, Norway, Poland, Portugal, Romania, San Marino, Serbia, Slovak Republic, Slovenia, Sweden, Switzerland, „the former Yugoslav Republic of Macedonia“, Turkey and the United Kingdom; as regards Protocol No. 16 to the Convention, it had been signed by Estonia, France, Greece, Italy, the Republic of Moldova, Netherlands, Norway, Romania, Slovak Republic, Turkey and Ukraine, and ratified by Albania, Armenia, Finland, Georgia, Lithuania, San Marino and Slovenia.

¹⁵ On 5 July 2017, the Convention had been signed by Belgium, Georgia, Serbia, Slovenia and The former Yugoslav Republic of Macedonia, and ratified by Bosnia and Herzegovina, Estonia, Finland, Hungary, Lithuania, Montenegro, Norway, Republic of Moldova and Sweden. 10 ratifications are required for the Convention to enter into force.

informed way based on precise instruction. That would avoid for the future postponing the adoption of these texts during a subsequent meeting, beyond the deadlines set up in the relevant terms of reference and asking supplementary deadlines before the Committee of Ministers. For all these reasons, the CDDH requested the relevant bodies of the Council of Europe to reinforce the personnel of the Secretariat as soon as possible.

93. Furthermore, it noted with satisfaction the Secretariat's plans aimed at ensuring that the CDDH's website is as well-functioning, up to date and easy to access as possible.

ITEM 13: 40th ANNIVERSARY OF THE CDDH

94. The commemoration of the 40th anniversary of the CDDH was reflected in the speeches delivered by Ms Brigitte KONZ (Luxembourg), the current Chair of the CDDH, by Mr Roeland BÖCKER (Netherlands), former Chair of the CDDH. They referred to important achievements of the Steering Committee and expressed their wishes for success for the work planned for the upcoming biennium. The group photo taken at the end of the commemoration will henceforth be used on the home page of the CDDH's website.

ITEM 14: HIGH-LEVEL SEMINAR ON HUMAN RIGHTS AND BUSINESS

95. At its current meeting, the CDDH held on Friday 9 June 2017 its high-level Seminar *Human Rights and Business – Promoting the effective implementation of global and regional instruments*. This event took place in follow-up to the work led by its Drafting Group on Human Rights and Business (CDDH-CORP) and the adoption of Recommendation CM/Rec 2016(3) to member States on Human Rights and Business by the Committee of Ministers on 2 March 2016¹⁶.

96. The CDDH welcomed the quality of the programme (figuring hereafter in Appendix IX) and of the speakers, as well as the interest that the event generated, as reflected by the very large number of participants¹⁷ and by the very active exchanges of views.

- The opening session recalled the respective obligations and responsibilities of States and businesses and has illustrated the manner in which the obligations converged into a complementary effort in the implementation of certified norms and principles agreed notably in the Recommendation.

¹⁶ It is recalled that this instrument recommends governments of member States to, notably, “share examples of good practices on the implementation of the Recommendation in order to register them in a shared information system created and managed by the Council of Europe, which would be available to the public, including by means of currently existing information systems”.

¹⁷ The Seminar gathered most of the participants to the CDDH and many guests. The speakers, challengers and participants at the Seminar represented a diverse range of expertise, with representatives from a number of International Institutions, NGOs, academics and experts in this field. Also participating were several sectors of the Council of Europe and it was noted that the issue of Human Rights and Business is a transversal issue and will benefit from mutually supportive work from all bodies within the Council of Europe. The lack of participants from the business community itself was noted, and there were strong calls for any future work to ensure the participation of the business community.

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- The first working session highlighted the specific advantages of the Recommendation.
- The second session was dedicated to the multiparty cooperation and has benefitted from the field experience of those involved in the developments of national Action Plans and that of bodies responsible for the implementation of the international and regional reference frameworks in this field.

97. During the next biennium, it is intended to publish at first the Proceedings of the Seminar and to give concrete follow-up of this event, as well as to subsequently establishing within the Council of Europe a shared information system accessible to the public and allowing to share and register examples of good practices on the implementation of the Recommendation, in particular as regards national Action Plans.

ITEM 15: **ACKNOWLEDGMENTS**

98. The CDDH expressed its deep appreciation to the members of the CDDH, who having been called to other positions will no longer be able participate in its work in the future, in particular those who have actively contributed to it for several years, such as Ms Stefania ROSINI (Italy), Mr Manuel FRICK (Liechtenstein) and Mr Roeland BÖCKER (Netherlands). It also thanked Mr Klaus LÖRCHER (European Trade Union Confederation, ETUC) for his very constructive contribution, as well as the members of the Secretariat who are now pursuing their careers in other services, in particular Ms Irène KITSOU-MILONAS, Ms Virginie FLORES and Ms Haldia MOKEDDEM. The CDDH wished them much success in their new activities.

* * *

Appendix I

Agenda

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 European Convention on Human Rights (DH-SYSC)

3.1 Follow-up to the CDDH report on the longer-term future of the system of the Convention (work of the drafting Groups DH-SYSC-I and DH-SYSC-II)

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

3.3 Other work within the DH-SYSC

3.4 Exchange of views on the procedure of immediate simplified communication of chamber cases

3.5 Conference envisaged by the future Danish Presidency of the Committee of Ministers

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 International Conference *Immigration Detention of Children: Coming to a Close?* (Prague 25-26 September 2017)

4.6 Civil society and National Human Rights Institutions (CDDH-INST)

Item 5: Bioethics (DH-BIO)

Item 6: Revision of the guidelines on the protection of victims of terrorist acts

Item 7: Preparation of the next biennium

Draft terms of reference of the CDDH

7.1 Finalisation of current work

7.2 Awareness raising activities and follow-up instruments developed by the CDDH

Draft terms of reference of the DH-SYSC

Draft terms of reference of the DH-BIO

Item 8: Experts representing the CDDH in other bodies

Item 9: Invitees

Item 10: Review of the council of Europe conventions

Item 11: Calendar of meetings

Item 12: Other issues

Item 13: 40th anniversary of the CDDH

Item 14: High-level seminar on *Human rights and business - Promoting the effective implementation of global and regional instruments*

Item 15: Acknowledgments

Appendix II**List of participants****MEMBERS / MEMBRES****ALBANIA / ALBANIE** (*Apologised / excusé*)**ANDORRA / ANDORRE**

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

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AUSTRIA / AUTRICHE

Ms Brigitte OHMS, Deputy Government Agent before the ECtHR, 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

BOSNIA AND HERZEGOVINA / BOSNIE-HERZEGOVINE

Ms Belma SKALONJIĆ, Agent of the Council of Ministers of Bosnia and Herzegovina, Government Agent before the ECHR

BULGARIA / BULGARIE

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CROATIA / CROATIE

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

CYPRUS / CHYPRE

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

CZECH REPUBLIC / REPUBLIQUE TCHEQUE

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

Mr Viktor KUNDRÁK, Office of the Government Agent before the European Court of Human Rights, Ministry of Justice

DENMARK / DANEMARK

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

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ESTONIA / ESTONIE

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Mr Hugo WAVRIN, Ministère de l'Europe et des Affaires étrangères, Direction des affaires juridiques, Sous-direction des droits de l'Homme

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

Mr Jean-Bernard MARIE

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Ms Debbie KOHNER, Secretary General

Ms Celine BRANAA-ROCHE, Responsable communication, Commission Nationale Consultative des Droits de l'Homme (CNCDH)

Non-governmental Organisations / Organisations non-gouvernementales
--

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

Mr Klaus LÖRCHER, Conseiller des droits de l'homme

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

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Mr Luis ARAMENDIA

INTERPRETERS / INTERPRÈTES

Ms Corinne McGEORGE

Mr Didier JUNGLING

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Appendix III**CDDH comments on the Parliamentary Assembly Recommendation 2102(2017)
“Technological convergence, artificial intelligence and human rights”**

*(as adopted by the Steering Committee for Human Rights (CDDH)
at its 87th meeting, 6-9 June 2017)*

1. The Steering Committee for Human Rights (CDDH) takes note with interest of the Recommendation 2102(2017) of the Parliamentary Assembly - “Technological convergence, artificial intelligence and human rights”, considering that this text addresses an area with important and growing challenges in the field of human rights, particularly as regards bioethics.
2. In this context, it endorses the comments sent by the Committee on Bioethics (DH-BIO)¹⁸ and notes that a conference will take place in October 2017, on the occasion of the 20th anniversary of the Convention on Human Rights and Biomedicine. The CDDH has no doubt that this event will provide an opportunity to debate of the difficulties faced by the legislator, underlined by the Parliamentary Assembly, in view of providing a satisfactory response, in terms of human rights, to the progress of science and technologies.
3. The CDDH takes also note of the invitations addressed by the Parliamentary Assembly to the Committee of Ministers to, on the one hand, modernise the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data and, on the other hand, to define the framework for the use of care robots and assistive technologies in the Council of Europe Disability Strategy 2017-2023, of which one of the objectives is to ensure equality, dignity and equal opportunities for people with disabilities. Should the Committee of Ministers give favourable consideration to these invitations, the CDDH is willing to contribute to these works from the perspective of human rights that is its own.
4. Finally, the CDDH notes the proposals of the Assembly aimed at drawing up guidelines in a wide variety of areas, including private and family life, profiling, location tracking or the assistance provided to elderly people and people with disabilities. With regard to the latter, it recalls that it will need to address in 2018 the Recommendation CM(2014)2 on the promotion of human rights of older persons adopted by the Committee of Ministers on 19 February 2014. In this context, the CDDH could take into consideration the concerns expressed by the Assembly.

¹⁸ DH-BIO(2017)13 restricted – Draft comments prepared by the Secretariat in the light of the remarks received from delegations and taking into account current works of the DH-BIO.

Appendix IV

**Draft Declaration of the Committee of Ministers
on the need to intensify the efforts to prevent
and combat female genital mutilation and forced marriage in Europe**

*(as adopted by the Steering Committee for Human Rights
(CDDH) at its 87th meeting, 6-9 June 2017, for transmission
to the Committee of Ministers for adoption)*

The Committee of Ministers of the Council of Europe,

1. Recalling the member States' obligation to secure to everyone within their jurisdiction the rights and freedoms defined in the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights) and to provide an effective remedy before a national authority for violation of those rights and freedoms, and their obligations arising, as relevant, from the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention);
2. Recognising that female genital mutilation and forced marriage are violations of human rights, possess a gendered nature and constitute serious forms of violence against women and girls, and are linked to and perpetuate other harmful practices and human rights violations;
3. Recalling that these harmful practices affect women and girls of all ages and are a violation of children's rights, while noting that forced marriage can also affect men and boys;
4. Expressing its deep concern at the severe, often irreparable and irreversible harmful consequences of female genital mutilation and forced marriage;
5. Emphasising that despite growing international awareness of the gravity of female genital mutilation and forced marriage, these harmful practices persist globally and are also present in Europe;
6. Welcoming and supporting the Sustainable Development Goals adopted by the United Nations which include the elimination of female genital mutilation and forced marriage by 2030; and encouraging all Council of Europe member States to make an active contribution thereto;
7. Reaffirming its willingness to co-operate with the European Union, and other international, intergovernmental and regional organisations as well as non-governmental organisations in the fight against female genital mutilation and forced marriage, at the European level and beyond;
8. Recalling the guidance and activities developed by the Council of Europe aimed at the prevention of violence against women, the protection of the victims, the prosecution of the perpetrators and the empowerment of women, in particular Recommendation Rec(2002)5 of the Committee of Ministers on the protection of women against violence, as well as its Gender Equality Strategy 2014-2017 which includes the strategic objective of preventing and combating violence against women;

9. Recalling also that one of the ten goals for the period 2018-2028 announced by the Secretary General of the Council of Europe on the occasion of the International Roma Day aims at eliminating child marriage in Roma and Traveller communities in Europe;

10. Convinced that a comprehensive and integrated approach must lie at the heart of all efforts to eliminate female genital mutilation and forced marriage and must involve all those concerned, such as the affected communities, grassroots organisations, social and education services, child protection services, the police, the justice system, the asylum system, health and other relevant professionals;

11. Stressing the need for awareness-raising, information and education campaigns to combat gender stereotypes that lie at the root of discrimination against women and girls, and which lead to harmful practices such as female genital mutilation and forced marriage; and that these campaigns must involve all people - both women and men - in affected communities, professionals and relevant public and private stakeholders in society, and the media;

12. Expresses the need to intensify efforts to prevent and combat female genital mutilation and forced marriage in Europe and beyond and, to this end, calls on member States to:

a. Recognise female genital mutilation and forced marriage as forms of violence against women and girls, as violations of human rights as laid down in the European Convention on Human Rights, and as acts that must constitute crimes according to the Istanbul Convention.

b. Recognise these human rights affronts as violating, in particular, the right to personal security and integrity and physical and mental health or welfare, the right to sexual and reproductive health, and reproductive rights; and also as constituting child abuse, an obstacle to school attendance, a detriment to children's access to education and their intellectual and social development; and recalling that such violations can under no circumstances be justified on grounds of respect for cultural traditions, customs, or religious beliefs.

c. Include these issues in national policies and strategies to prevent and combat violence against women and girls through comprehensive legislation and programmes which: (i.) establish and improve the collection of accurate and comparable data and research into the causes, prevalence and risk of these practices, taking into account where relevant the best interests of the child; (ii.) address the vulnerable situations of women and girls that perpetuate these harmful practices, and encourage, empower and support women, girls, and affected communities to challenge and abandon such harmful practices; (iii.) improve the conditions permitting reporting of cases of female genital mutilation and forced marriage; (iv.) provide a full range of prevention and protection measures including tailored training for professionals and mechanisms to coordinate, monitor and evaluate implementation by national authorities; and (v.) provide for effective sanctions against the perpetrators of these harmful practices.

d. Develop and promote effective measures that address the transnational elements to protect victims of, and those at risk from, these harmful practices, including when they occur outside the country of residence or origin; and ensure that female genital mutilation and forced marriage are recognised as grounds for international protection.

e. Develop national action plans and strategies, and drawing on the Guide to good and promising practices prepared by the Steering Committee for Human Rights¹⁹ promote exchanges of practices aimed at ending female genital mutilation and forced marriage, as well as identify how to provide effective support services for victims of these harmful practices.

f. Sign and/or ratify, and fully implement, the Council of Europe Conventions on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention – CETS 210), on Action against Trafficking in Human Beings (CETS 197), and on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention - CETS 201).

g. Sign and/or ratify, and fully implement, the United Nations Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriage, the Convention on the Elimination of All Forms of Discrimination against Women and the amendment and protocol thereto, and other relevant international instruments.

h. Cooperate with other member States, through the application of relevant international, regional or bilateral instruments, with the purpose of preventing and combating female genital mutilation and forced marriage, identifying these harmful practices, protecting and providing assistance to victims, and ensuring that perpetrators are adequately prosecuted and punished.

¹⁹ Guide to good and promising practices aimed at preventing and combating female genital mutilation and forced marriage ‘Tackling FGM and FM in Europe’, document CDDH (CDDH(2017)R87 Addendum I).

Appendix V

Draft Terms of reference of the CDDH, DH-SYSC and DH-BIO for the 2018-2019 biennium

*(as adopted by the Steering Committee for Human Rights
(CDDH) at its 87th meeting (6-9 June 2017) for transmission
to the Committee of Ministers for adoption)*

STEERING COMMITTEE FOR HUMAN RIGHTS (CDDH)

Set up by the Committee of Ministers under Article 17 of the Statute of the Council of Europe and in accordance with Resolution CM/Res(2011)24 on intergovernmental committees and subordinate bodies, their terms of reference and working methods.

Type of committee: Steering Committee

Terms of reference valid from: **1 January 2018 until 31 December 2019**

PILLAR/SECTOR/PROGRAMME
Pillar: Human Rights Sector: Protecting Human Rights / Promoting Human Rights and dignity Programme: Effectiveness of the ECHR System at national and European level / Bioethics
MAIN TASKS
Under the authority of the Committee of Ministers, and bearing in mind the Council of Europe legal standards as well as the relevant jurisprudence of the European Court of Human Rights, the CDDH will conduct the intergovernmental work of the Council of Europe in the human rights field and will advise and give its legal expertise to the Committee of Ministers on all questions within its field of competence. In particular, the CDDH will: (i) work on the protection, development and promotion of human rights in Europe to: (a) contribute to enhancing the protection of human rights by improving the effectiveness of the control mechanism of the European Convention on Human Rights and the implementation of the Convention at national and European levels, this work being a permanent priority for the CDDH; (b) provide effective responses at the normative and general policy levels to the challenges posed to human rights in European societies; (ii) follow the implementation of the non-binding instruments that it has prepared as well as conventions for which it has been given supervision by the Committee of Ministers; (iii) advise other bodies of the Organisation to ensure that their activities concerning human rights duly reflect the requirements of the Convention and the case-law of the Court; (iv) contribute to co-operation and support activities to national initiatives in the field of the protection, development and promotion of human rights; (v) without prejudice to the missions of intergovernmental committees of the Council of Europe that already follow the work of monitoring mechanisms, follow the activities of the relevant monitoring and other bodies protecting human rights; (vi) where necessary, co-ordinate transversal intergovernmental activities in the field of human rights including bioethics; (vii) take due account of a gender perspective and to building cohesive societies in the performance of its tasks; (viii) in accordance with decisions <u>CM/Del/Dec(2013)1168/10.2</u> of the Committee of Ministers, carry out, at regular intervals, within the limits of the available resources and bearing in mind its priorities, an examination of some or all of the conventions for which it has been given responsibility, in co-operation, where appropriate, with the relevant convention-based bodies, and report back to the Committee of Ministers.
SPECIFIC TASKS
1. Protection of human rights Oversee the work of the Committee of experts on the reform of the Court (DH-SYSC) (see D-SYSC terms of reference).
2. Development and promotion of human rights

If necessary, and to avoid any duplication, appropriate co-ordination and co-operation with relevant conventional and monitoring bodies and other Council of Europe bodies involved is to be ensured.

Social rights

On the basis of the analysis of the legal framework of the Council of Europe for the protection of social rights in Europe, identify good practices and make, as appropriate, proposals with a view to improving the implementation of social rights and to facilitate in particular the relationship between the Council of Europe instruments with other instruments for the protection of social rights (deadline: 31 December 2019).

Links between freedom of expression and other human rights and freedoms

On the basis of work conducted in 2016-2017 and the evolving case law of the ECtHR, prepare a non-binding instrument (e.g., guidelines, guide to good practices, recommendation) on the way of reconciling freedom of expression and other human rights and freedoms, in particular in culturally diverse societies (deadline: 31 December 2019).

Migration

On the basis of work conducted in 2016-2017, prepare one or more non-binding instruments of the Committee of Ministers (for example a recommendation, guidelines, good practice handbooks) concerning human rights issues in the context of migration, in particular effective alternatives to detention, of migrants and asylum seekers (deadline: 31 December 2019).

Civil Society, Human Rights Defenders and National Human Rights Institutions

- (i) On the basis of work conducted in 2016-2017, prepare a draft non-binding instrument of the Committee of Ministers and a guide of good practice with the aim that member States, through their legislation, policies and practices, effectively protect and promote the civil society space (activities of organisations of the civil society, human rights defenders and national institutions for the promotion and protection of human rights) (deadline: 31 December 2018).
- (ii) In particular, proceed to the revision of Recommendation No R(97)14 of the Committee of Ministers to the member States on the establishment of independent national institutions for the promotion and protection of human rights (deadline: 31 December 2019).

Dissemination and awareness-raising

Organise, if needed, thematic debates on following items (deadline: 31 December 2019):

- (i) follow-up given by states to Recommendation CM(2014)2 of the Committee of Ministers to member States on the promotion of human rights of older persons;
- (ii) follow-up given by states to Recommendation CM/Rec(2010)5 of the Committee of Ministers to member States on measures to combat discrimination on grounds of sexual orientation or gender identity²⁰;
- (iii) situation in member States in respect of the right of access to official documents, in particular concerning signatures and ratifications of the 2009 Tromsø Convention (CETS No. 205);
- (iv) contribution to work which may be conducted by other bodies of the Council of Europe (e.g., GEC, GREVIO, GRETA, CAHENF and CDPC) to combat female genital mutilation and forced marriage.

Bioethics

Oversee from the human rights perspective the intergovernmental work in the field of bioethics (see terms of reference of the DH-BIO).

COMPOSITION

Members

Governments of member States are invited to designate one or more representatives of the highest possible rank in the field of human rights.

The Council of Europe will bear the travel and subsistence expenses of one representative from each member State (two in the case of the State whose representative has been elected Chair).

²⁰ Several delegations made declarations upon adoption of this Recommendation at the Deputies' 1081st meeting (31 March 2010).

Each member of the committee shall have one vote. Where a government designates more than one member, only one of them is entitled to take part in the voting.

In accordance with decisions [CM/Del/Dec\(2013\)1168/10.2](#) of the Committee of Ministers, in cases where there is no convention-based body including all the Parties, non-member States are invited to take part, with a right to vote, in the committee meetings pertaining to the conventions to which they are Parties.

Participants

The following may send representatives, without the right to vote and at the charge of their corresponding administrative budgets:

- Parliamentary Assembly of the Council of Europe;
- Congress of Local and Regional Authorities of the Council of Europe;
- European Court of Human Rights;
- Council of Europe Commissioner for Human Rights;
- Conference of INGOs of the Council of Europe;
- Committees or other bodies of the Council of Europe engaged in related work, as appropriate.

The following may send representatives, without the right to vote and without defrayal of expenses:

- European Union (one or more representatives, including, as appropriate, the European Union Agency for Fundamental Rights (FRA));
- Observer States to the Council of Europe: Canada, Holy See, Japan, Mexico, United States of America;
- Representatives of other international organisations (Organisation for Security and Co-operation in Europe (OSCE) / Office for Democratic Institutions and Human Rights (ODIHR), Office of the United Nations High Commissioner for Human Rights).

Observers

The following may send representatives, without the right to vote and without defrayal of expenses:

- Belarus;
- Non-member States with which the Council of Europe has a Neighbourhood Partnership including relevant cooperation activities;
- European Network of National Human Rights Institutions (ENNHRI);
- Non-governmental organisations (Amnesty International, International Commission of Jurists (ICJ), European Trade Union Confederation (ETUC), International Federation of Human Rights (FIDH), European Roma²¹ and Travellers Forum).

WORKING METHODS

Plenary meetings

48 members, 2 meetings in 2018, 4 days

48 members, 2 meetings in 2019, 4 days

Bureau

8 members, 2 meetings in 2018, 2 days

8 members, 2 meetings in 2019, 2 days

The Committee will also appoint a Gender Equality Rapporteur from amongst its members.

The rules of procedure of the Committee are governed by Resolution [CM/Res\(2011\)24](#) on intergovernmental committees and subordinate bodies, their terms of reference and working methods.

Subject to the agenda, the Chairs of the subordinate structures to the CDDH may be invited to attend CDDH Bureau

²¹ The terms “Roma and Travellers” are being used at the Council of Europe to encompass the wide diversity of the groups covered by the work of the Council of Europe in this field: on the one hand a) Roma, Sinti/Manush, Calé, Kaale, Romanichals, Boyash/Rudari; b) Balkan Egyptians (Egyptians and Ashkali); c) Eastern groups (Dom, Lom and Abdal); and, on the other hand, groups such as Travellers, Yenish, and the populations designated under the administrative term “*Gens du voyage*”, as well as persons who identify themselves as Gypsies.

and/or plenary meetings.

SUBORDINATE STRUCTURE(S) TO THE CDDH

The CDDH has a coordinating, supervising and monitoring role in the functioning of its subordinate bodies:

- Committee of experts on the system of the European Convention on human rights (DH-SYSC) (see separate terms of reference) and Drafting Groups;
- Committee on Bioethics (DH-BIO) (see separate terms of reference)

APPENDIX 1 - RELEVANT DECISION OF THE COMMITTEE OF MINISTERS AND LIST OF CONVENTIONS

CM/Del/Dec(2013)1168/10.2 (Review of Council of Europe conventions)

9. [The Deputies] instructed the steering and ad hoc committees to carry out, at regular intervals, within the limits of the available resources and bearing in mind the priorities of each committee, an examination of some or all of the conventions for which they have been given responsibility, in co-operation, where appropriate, with the relevant convention-based bodies, in order to:

- propose ways of improving the visibility, impact and efficiency of some or all of the conventions for which they have been given responsibility;
- draw the attention of member States to the relevant conventions;
- where necessary, identify any operational problems or obstacles to ratification of the relevant conventions, and draw the attention of member States to reservations which impact substantively on the effectiveness of their implementation;
- encourage States to regularly examine the possibility and/or desirability of becoming a Party to new Council of Europe conventions;
- assess the necessity or advisability of drafting amendments or additional protocols to the conventions for which they have been given responsibility or drafting supplementary conventions;
- and to report back to the Committee of Ministers.

CDDH	
5	Convention for the Protection of Human Rights and Fundamental Freedoms
9	Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms
12	European Interim Agreement on Social Security Schemes Relating to Old Age, Invalidity and Survivors
13	European Interim Agreement on Social Security other than Schemes for Old Age, Invalidity and Survivors
14	European Convention on Social and Medical Assistance
20	Agreement on the Exchange of War Cripples between Member Countries of the Council of Europe with a view to Medical Treatment
35	European Social Charter
40	Agreement between the Member States of the Council of Europe on the issue to Military and Civilian War-Disabled of an International Book of Vouchers for the repair of Prosthetic and Orthopaedic Appliances
46	Protocol No. 4 to the Convention for the Protection of Human Rights and Fundamental Freedoms, securing certain rights and freedoms other than those already included in the Convention and in the first Protocol thereto
48	European Code of Social Security

CDDH	
67	European Agreement relating to Persons participating in Proceedings of the European Commission and Court of Human Rights
68	European Agreement on Au Pair Placement
78	European Convention on Social Security
078A	Supplementary Agreement for the Application of the European Convention on Social Security
83	European Convention on the Social Protection of Farmers
93	European Convention on the Legal Status of Migrant Workers
114	Protocol No. 6 to the Convention for the Protection of Human Rights and Fundamental Freedoms concerning the Abolition of the Death Penalty
117	Protocol No. 7 to the Convention for the Protection of Human Rights and Fundamental Freedoms
126	European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
139	European Code of Social Security (Revised)
142	Protocol amending the European Social Charter
148	European Charter for Regional or Minority Languages
154	Protocol to the European Convention on Social Security
157	Framework Convention for the Protection of National Minorities
158	Additional Protocol to the European Social Charter Providing for a System of Collective Complaints
161	European Agreement relating to persons participating in proceedings of the European Court of Human Rights
163	European Social Charter (revised)
164	Convention for the protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine: Convention on Human Rights and Biomedicine
168	Additional Protocol to the Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine, on the Prohibition of Cloning Human Beings
177	Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms
186	Additional Protocol to the Convention on Human Rights and Biomedicine concerning Transplantation of Organs and Tissues of Human Origin
187	Protocol No. 13 to the Convention for the Protection of Human Rights and Fundamental Freedoms, concerning the abolition of the death penalty in all circumstances
195	Additional Protocol to the Convention on Human Rights and Biomedicine, concerning Biomedical Research
197	Council of Europe Convention on Action against Trafficking in Human Beings
203	Additional Protocol to the Convention on Human Rights and Biomedicine concerning Genetic Testing for Health Purposes
205	Council of Europe Convention on Access to Official Documents
210	Council of Europe Convention on preventing and combating violence against women and domestic violence
213	Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms
214	Protocol No. 16 to the Convention for the Protection of Human Rights and Fundamental Freedoms

COMMITTEE OF EXPERTS ON THE SYSTEM OF THE EUROPEAN CONVENTION ON HUMAN RIGHTS (DH-SYSC)

Set up by the Committee of Ministers under Article 17 of the Statute of the Council of Europe and in accordance with Resolution [CM/Res\(2011\)24](#) on intergovernmental committees and subordinate bodies, their terms of reference and working methods

Type of committee: Subordinate body

Terms of reference valid from: **1 January 2018 until 31 December 2019**

PILLAR/SECTOR/PROGRAMME
Pillar: Human Rights Sector: Protecting Human Rights Programme: Effectiveness of the ECHR System at national and European level
MAIN TASKS
Under the supervision of the Steering Committee for Human Rights (CDDH), the DH-SYSC will conduct the intergovernmental work intended to enhance the protection of human rights by improving the effectiveness of the system of the European Convention on Human Rights and the implementation of the Convention at national level, as assigned by the Committee of Ministers to the Steering Committee.
SPECIFIC TASKS
(i) Concerning the place of the European Convention on Human Rights in the European and international legal order, as well as the related challenges, prepare a draft report for the Committee of Ministers containing conclusions and possible proposals for action (deadline: 31 December 2019); (ii) Concerning the authority of the Court and its case-law: follow-up to the decisions that may be taken by the Committee of Ministers further to the submission, in December 2017, of the CDDH report on the process of selection and election of the judges at the European Court of Human Rights with a view to improving the current system (deadline: 31 December 2019); (iii) In light of the results achieved in the framework of the above-mentioned activities, contribute to the evaluation set out by the Interlaken Declaration, before the end of 2019, with a view to formulating proposals to the Committee of Ministers as to whether the measures adopted so far have proven to be sufficient to ensure sustainable functioning of the system of the Convention or whether more profound changes are necessary (deadline: 31 December 2019); (iv) Concerning the implementation of the Convention and execution of the Court's judgments: ensure that information is exchanged regularly - in order to assist member States in developing their domestic capacities and facilitate their access to relevant information (see paragraph 29 (a) i) of the Brighton Declaration and paragraph C. 1. g) of the Brussels Declaration); to this end, consider the different means to promote quicker exchange of information and experiences, to reinforce the status of the government agents, of the co-ordinators (c.f. para. 1 Rec(2008)2), and to provide sufficient means to the state authorities involved in the functioning of the Convention and in the process of the execution of judgments; (v) Concerning university education and professional training in human rights, update Recommendation Rec(2004)4 in light of important developments that took place in over 10 years in the field in the 47 member states of the Council of Europe, notably as a result of the European Programme for Human Rights Education for Legal Professionals (HELP) of the Council of Europe (deadline: 31 December 2019); (vi) Concerning effective remedies for excessive length of proceedings, update the accompanying Guide to Good Practice to Recommendation CM/Rec(2010)3 (deadline: 31 December 2019).
COMPOSITION
Members: Governments of member States are invited to designate one or more representatives of the highest possible rank in the field of human rights. The Council of Europe will bear the travel and subsistence expenses of one representative from each member State (two in the case of the State whose representative has been elected Chair). Each member of the committee shall have one vote. Where a government designates more than one member, only

one of them is entitled to take part in the voting.

Participants:

The following may send representatives, without the right to vote and at the charge of their corresponding administrative budgets:

- Parliamentary Assembly of the Council of Europe;
- Congress of Local and Regional Authorities of the Council of Europe;
- European Court of Human Rights;
- Council of Europe Commissioner for Human Rights;
- Conference of INGOs of the Council of Europe;
- HELP Network Consultative Board;
- Committees or other bodies of the Council of Europe engaged in related work, as appropriate.

The following may send representatives, without the right to vote and without defrayal of expenses:

- European Union (one or more representatives, including, as appropriate, the European Union Agency for Fundamental Rights (FRA));
- Observer States to the Council of Europe: Canada, Holy See, Japan, Mexico, United States of America;
- representatives of other international organisations (Organisation for Security and Co-operation in Europe (OSCE) / Office for Democratic Institutions and Human Rights (ODIHR), Office of the United Nations High Commissioner for Human Rights, Office of the United Nations High Commissioner for Refugees).

Observers:

The following may send representatives, without the right to vote and without defrayal of expenses:

- Belarus;
- Non-member States with which the Council of Europe has a Neighbourhood Partnership including relevant cooperation activities;
- Non-governmental organisations (Amnesty International, European Trade Unions Confederation (ETUC), International Commission of Jurists (ICJ), International Federation of Human Rights (FIDH), European Roma and Travellers Forum, Open Society Justice Initiative (OSJI)), as well as the European Network of National Human Rights Institutions (ENNHRI).

WORKING METHODS

Plenary meetings:

48 members, 1 meeting in 2018, 3 days

48 members, 2 meetings in 2019, 3 days

The Committee will also appoint a Gender Equality Rapporteur from amongst its members.

The rules of procedure of the Committee are governed by Resolution [CM/Res\(2011\)24](#) on intergovernmental committees and subordinate bodies, their terms of reference and working methods.

COMMITTEE ON BIOETHICS (DH-BIO)

Set up by the Committee of Ministers under Article 17 of the Statute of the Council of Europe and in accordance with Resolution [CM/Res\(2011\)24](#) on intergovernmental committees and subordinate bodies, their terms of reference and working methods

Type of committee: Subordinate body

Terms of reference valid from: **1 January 2018 until 31 December 2019**

MAIN TASKS
Under the authority of the Committee of Ministers, the DH-BIO shall carry out the tasks assigned to the Steering Committee on Bioethics (CDBI) by the Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine. Under the supervision of the Steering Committee for Human Rights (CDDH), the DH-BIO will conduct intergovernmental work on the protection of human rights in the field of biomedicine assigned to it by the Committee of Ministers. The DH-BIO will in particular: (i) conduct regular re-examinations foreseen in the Convention and its Additional Protocols; (ii) develop further the principles laid down in the Convention on Human Rights and Biomedicine, as appropriate, also in the light of the relevant case law of the ECHR; (iii) contribute to raising awareness and facilitating the implementation of these principles; (iv) assess ethical and legal challenges raised by developments in the biomedical field; (v) co-operate with the European Union and relevant intergovernmental bodies, in particular with a view to promoting consistency between the normative texts; (vi) in accordance with decisions CM/Del/Dec(2013)1168/10.2 of the Committee of Ministers, carry out, at regular intervals, within the limits of the available resources and bearing in mind its priorities, an examination of some or all of the conventions²² for which it has been given responsibility and report back to the Committee of Ministers.
PILLAR/SECTOR/PROGRAMME
Pillar: Human Rights Sector: Ensuring Social Rights Programme: Bioethics
SPECIFIC TASKS
(i) A draft Additional Protocol on the protection of human rights and dignity of persons with mental disorder with regard to involuntary placement and involuntary treatment is finalised; (ii) On the basis of the results of the international conference organised on the occasion of the XXth anniversary of the Oviedo Convention, a draft Strategic Action Plan on human rights and technologies is finalised; (iii) A training course on essential principles for the protection of human rights in the biomedical field intended for legal and health professionals developed is launched in the framework of the HELP programme; (iv) A round table is organised, in cooperation with the Consultative Committee of the Convention for the protection of individuals with regard to automatic processing of personal data (T-PD), on the challenges for human rights raised by developments in the field of genetics, including for children's rights; (v) Subject to the results of the international conference organised on the occasion of the XXth anniversary of the Oviedo Convention, draft guidelines for the promotion of public debate on human rights challenges raised by developments in science and technologies are developed.

²² Cf. Relevant decision of the Committee of Ministers ([CM/Del/Dec\(2013\)1168/10.2](#)) and list of Conventions in Appendix 1.

COMPOSITION**Members:**

Governments of the member States are invited to designate one or more representatives of the highest possible rank, with appropriate expertise in the various aspects of bioethics, including in relation to emerging technologies, and able to consider these from a human rights perspective.

The Council of Europe will bear the travel and subsistence expenses of one representative from each member State (two in the case of the State whose representative has been elected Chair).

Each member of the committee shall have one vote. Where a government designates more than one member, only one of them is entitled to take part in the voting.

In accordance with decisions CM/Del/Dec(2013)1168/10.2 of the Committee of Ministers, in cases where there is no convention-based body including all the Parties, non-member States are invited to take part, with a right to vote, in the committee meetings pertaining to the conventions to which they are Parties.

Participants:

The following may send representatives, without the right to vote and at the charge of their corresponding administrative budgets:

- Parliamentary Assembly of the Council of Europe;
- Consultative Committee of the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (T-PD), Committee (Partial Agreement) on Transplantation of Organs and Tissues (CD-P-TO) and Committee (Partial agreement) on Blood Transfusion (CD-P-TS);²³
- Council of Europe Commissioner for Human Rights;
- Conference of INGOs of the Council of Europe;
- Committees or other bodies of the Council of Europe engaged in related work, as appropriate.

The following may send representatives, without the right to vote and without defrayal of expenses:

- European Union;
- Observer States to the Council of Europe: Canada, Holy See, Japan, Mexico, United States of America;
- Other international organisations: European Science Foundation (ESF), OECD, UNESCO and WHO.

Observers:

The following may send representatives, without the right to vote and without defrayal of expenses:

- Australia, Israel;
- the Conference of European Churches (KEK);
- Other non-governmental organisations, including professional organisations, which could be invited by the DH-BIO to attend specific meetings of the DH-BIO in accordance with CM/Res(2011)24.

WORKING METHODS**Meetings:**

48 members, 2 meetings in 2018, 4 days

48 members, 2 meetings in 2019, 4 days

Bureau

7 members, 2 meetings in 2018, 2 days

7 members, 2 meetings in 2019, 2 days

The Chair or Vice-Chair of DH-BIO may be invited to attend the meetings of the CDDH and its Bureau in order to inform on progress with its work.

The Committee will also appoint a Gender Equality Rapporteur from amongst its members.

The rules of procedure of the Committee are governed by Resolution CM/Res(2011)24 on intergovernmental committees and subordinate bodies, their terms of reference and working methods.

²³ European Directorate for the Quality of Medicines and Healthcare.

APPENDIX 1 - RELEVANT DECISION OF THE COMMITTEE OF MINISTERS AND LIST OF CONVENTIONS**CM/Del/Dec(2013)1168/10.2 (Review of Council of Europe conventions)**

9. [The Deputies] instructed the steering and ad hoc committees to carry out, at regular intervals, within the limits of the available resources and bearing in mind the priorities of each committee, an examination of some or all of the conventions for which they have been given responsibility, in co-operation, where appropriate, with the relevant convention-based bodies, in order to:

- propose ways of improving the visibility, impact and efficiency of some or all of the conventions for which they have been given responsibility;
- draw the attention of member States to the relevant conventions;
- where necessary, identify any operational problems or obstacles to ratification of the relevant conventions, and draw the attention of member States to reservations which impact substantively on the effectiveness of their implementation;
- encourage States to regularly examine the possibility and/or desirability of becoming a Party to new Council of Europe conventions;
- assess the necessity or advisability of drafting amendments or additional protocols to the conventions for which they have been given responsibility or drafting supplementary conventions;
- and to report back to the Committee of Ministers.

DH-BIO	
164	Convention for the protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine: Convention on Human Rights and Biomedicine
168	Additional Protocol to the Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine, on the Prohibition of Cloning Human Beings
186	Additional Protocol to the Convention on Human Rights and Biomedicine concerning Transplantation of Organs and Tissues of Human Origin
195	Additional Protocol to the Convention on Human Rights and Biomedicine, concerning Biomedical Research
203	Additional Protocol to the Convention on Human Rights and Biomedicine concerning Genetic Testing for Health Purposes

Appendix VI

Experts representing the CDDH in other bodies²⁴

(further to the decisions taken at the 86th and 87th meetings of the CDDH, 6-8 December 2016; 6-9 June 2017)

1. Committee on Bioethics (DH-BIO): Ms Brigitte KONZ (Luxembourg)
2. Commission for Democracy through Law (Venice Commission): Ms Brigitte OHMS (Austria)
3. European Commission for the Efficiency of Justice (CEPEJ): Mr Vít A. SCHORM (Czech Republic)
4. Committee of Legal Advisers on Public International Law (CAHDI): [...] ²⁵
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 Chanaka WICKREMASINGHE (United Kingdom)
10. Committee of the Parties to the Council of Europe Convention on the protection of children against sexual exploitation and sexual abuse (“the Lanzarote Committee”): Mr Joan FORNER ROVIRA (Andorra)
11. United Nations Forum on Human Rights and Business: Prof. René LEFEBER (Netherlands)
12. European Social Cohesion Platform (PECS) : Ms Chantal GALLANT (Belgium)
13. Ad hoc Committee for the Rights of the Child (CAHENF) : M. Frank SCHÜRMANN (Switzerland)
14. European Committee on Democracy and Governance (CDDG) : Ms Krista OINONEN (Finland)
15. Mr Philippe WERY (Belgium) is the CDDH Gender Equality Rapporteur for 2017
16. Ms Svetlana GELEVA (“The former Yugoslav republic of Macedonia”) is the CDDH Rapporteur on Roma and Traveller Issues

²⁴ This list will be revised at the end of the current biennium, at the 88th CDDH meeting (5-8 December 2017).

²⁵ The representative Mr Roeland BÖCKER (Netherlands) will take over new duties from September 2017 and his replacement will be decided at the CDDH meeting in December 2017.

Appendix VII**Speech of the Special Representative of the Secretary General
on migration and refugees, Ambassador Tomáš Boček***(at the 87th meeting of the CDDH, 6-9 June 2017)*

Chair, members, Secretariat colleagues

1. I am honoured by your invitation to engage in an exchange of views with the most prestigious intergovernmental committee of the Council of Europe – the CD-DH.
2. Let me begin by explaining the reasons why I am here:
3. Migration is one of the major issues in Europe today; and mass migration has put our system of human rights protection to a major test. I am the one who is supposed to deal with migration in the Council of Europe. And you, the most prestigious intergovernmental committee, should be aware of what is going on in the field of migration within the organisation - what we intend to do to face the test.
4. I am here today also because I believe that it is most useful to explore ways of developing further synergies between the standard-setting and the more operational sectors of the Organisation in what is an eminently human-rights field, that of migration and refugee protection.
5. As you know, the Council of Europe has always been very present in this field. The creation, in the beginning of last year, of the new position of the Secretary General's Special Representative was meant to give a new push to our activities therein; also to enhance their visibility in the international arena.
6. What is my mandate? I am not a monitoring body. My main duty is to assist member states to respect their human rights commitments while facing mass migration flows. In order to be able to assist, first I need to know the situation. So I must have all relevant information.
7. I collect this information through fact-finding missions; also through liaising with international partners. Moreover, I contribute to the coordination efforts within the Organisation.
8. Finally, the Secretary General has given me a special mandate in connection with the protection of refugee and migrant children.
9. I have so far carried out fact-finding visits to Greece and « the former Yugoslav Republic of Macedonia », Turkey, two camps in northern France, Paris and London and several facilities in the Grand Est region where those evacuated from Calais were moved, as well as Italy. My next visit, starting on Monday, will be to Serbia and the transit zones in Hungary on the border with it. I have published reports on each of my visits, which can be consulted on my webpage.
10. One of the aims – perhaps the most important - of these reports is to identify practical ways in which the standards that bodies such as the CD-DH develop, can be applied by the states concerned, in order to find real solutions to the many problems associated with the migration crisis. The emphasis in the reports is on how the Organisation can help the states in question through targeted cooperation activities.

11. There is no need to recall all relevant CD-DH standards. I should, of course, mention the 2009 Guidelines on human rights protection in the context of accelerated asylum procedures; the recent Guidelines on the promotion and protection of human rights in culturally diverse societies; the work underway on alternatives to migration detention, to which I will revert in a second; and, last but not least, your new initiative on forced marriages.
12. These are all issues which have come up in my reports; on many of them I have engaged with Secretariat colleagues, including your secretary Alfonso de Salas, as well as Mikhail Lobov and Christos Giakoumopoulos, to see how we can usefully follow up on the recommendations contained therein.
13. Despite many challenges related to the Organisation's resources, we have been able to propose relevant cooperation activities to states members; for this we have so far relied a lot on the human-rights national-implementation division, headed by Tatiana Termacic.
14. Let me give you some examples of such cooperation activities:
 - Human rights training in Greece for the members of the committees examining appeals against decisions rejecting asylum requests;
 - Expert advice on the management of the caseload of the Greek administrative courts, which are called upon to review the decision of the appeals committees; and
 - Sharing good practices on work permits for migrants for the benefit of competent Turkish policy makers.
15. However, our cooperation is not limited to this. The unique on-the-ground knowledge of the migration-related problems that has been built within my office can also feed into the normative activities of the Council of Europe. Hence my mandate to contribute to the coordination efforts within the Organisation.
16. It has, for example, transpired clearly from my reports that in order to safeguard in practice the essence of the right to liberty under Article 5 of the European Convention on Human Rights, during situations of mass influx of asylum seekers, we need to offer states guidance, backed up by good practices, on alternatives to detention. It has also transpired that we need to pay special attention to the needs of migrant and refugee children, who as a matter of principle should not be subject to migration detention, whether they have arrived in our member states with their families or on their own. This is why, as I said, the work of DH-MIG is of extreme importance and why the Committee of Ministers has decided to follow my proposal to develop standards for the accommodation of refugee and migrant children, in open structures.
17. Of course, my contribution to coordination within the Council of Europe goes beyond the standard-setting field. The findings in my reports have generated visits by the CPT and a special monitoring procedure by the Lanzarote Committee, which works against the sexual exploitation of children; they have also resonated with GRETA, the mechanism on human trafficking.
18. Now let me say few words about my activities on migrant and refugee children. As I told you, a special mandate was given to me to pay extra attention to them and to unaccompanied minors in particular.
19. In each of the places I have visited, I encountered children who have arrived in Europe in difficult circumstances and after dangerous journeys. Many live in precarious and difficult situations in Europe, vulnerable to neglect and violence. It is clear that the situation, although unpredictable

and changing, is not temporary; measures that began as emergency responses sometimes last for protracted periods of time.

20. Based on this very concrete experience and my observations and findings during my visits, I presented to the Committee of Ministers in March this year a Thematic Report on migrant and refugee children, where I identified several areas in which serious concerns are raised:
 - (i) identification, age assessment, registration and guardianship of unaccompanied minors;
 - (ii) inadequate reception conditions and lack of effective prevention of and response to disappearances;
 - (iii) lack of alternatives to detention;
 - (iv) violence, trafficking and exploitation of children;
 - (v) lack of education and integration measures; and
 - (vi) insufficient or partial access to health services.
21. The concerns I have expressed on migrant and refugee children in my country-specific reports and the above-mentioned special thematic report I issued in March, have led the Secretary General to ask me to draft an Organisation-wide action plan on protecting refugee and migrant children in Europe. This was adopted by the ministers of foreign affairs in Nicosia on 19 May.
22. The Action Plan has three main pillars:
 - ensuring access to rights and child-friendly procedures;
 - providing effective protection; and
 - enhancing the integration of children who would remain in Europe.
23. It sets out nine objectives to be achieved through a three-step approach: firstly, getting experts together; secondly, producing practical guidance or compilations of good practices; and, thirdly, putting these tools to practical use through training activities, multi-stakeholder meetings and conferences.
24. The action plan contains a lot of sensible, I would like to think, ideas about developing practical tools that would facilitate the implementation of existing standards on, for example, family reunification, child-friendly procedures and receiving adequate information on one's rights under national and international law.
25. It also includes the normative work on accommodation standards to which I have referred to above. For the moment, the question of who will undertake this work remains open.
26. However, the area of migrants' rights and refugee protection is so vast that there are tasks for everyone. I have a lot of admiration for what the CD-DH has already accomplished in this field. I hope that this exchange of views will generate new proposals which will give new impetus to my office's and perhaps your own activities. It is certainly a pleasure to be here today and we can say that the development of synergies has already begun.

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

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

Rapporteur CDDH-MF Mr Rob LINHAM (United Kingdom)	31 December 2017	86 th meeting of the CDDH (December 2016)
Rapporteur CDDH-EXP Ms Kristine LICE (Latvia)	31 December 2017	84 th meeting of the CDDH (December 2015)
Rapporteur CDDH-MIG Mr Frank SCHÜRMANN (Switzerland)	31 December 2017	84 th meeting of the CDDH (December 2015)
Rapporteur CDDH-INST Ms Krista OINONEN (Finland)	31 December 2017	86 th meeting of the CDDH (December 2016)

Experts participating on Council of Europe expenses

CDDH-SOC	CDDH-MF	CDDH-EXP²⁶	CDDH-MIG	CDDH-INST
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	Netherlands	Montenegro	Italy	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"

* * *

²⁶ Chair: Germany. The expenses of the Chair will be covered by the budget of the Council of Europe.

Appendix IX

***Council of Europe High-level Seminar
Human rights and Business - Promoting the effective implementation
of global and regional instruments***

(Strasbourg, *Palais de l'Europe*, Salle 5, 9 June 2017)

PROGRAM**OPENING SESSION****Assessing the need for strengthening the existing legal framework**

9:00 – 9:10

Ambassador Emil RUFFER, Permanent Representative of the Czech Republic to the Council of Europe, Chair of the Committee of Ministers
Moderator of the session

The perspective of the Council of Europe

9:10 – 9:25

Ms Gabriella BATTAINI-DRAGONI, Deputy Secretary General of the Council of Europe

The perspective of the United Nations

9:25 – 9:40

Mr Adam ABDELMOULA, Director of the Human Rights Council and Treaty Mechanisms Division, Office of the United Nations High Commissioner for Human Rights

Challengers

9:40 – 9:50

Mr Nils MUIŽNIEKS, Council of Europe Commissioner for Human Rights

9:50 – 10:00

Mr Jonas GRIMHEDEN, Senior Policy Manager, Freedoms and Justice Department, European Union Agency for Fundamental Rights (FRA)

10:00 – 10:10

Mr Georges DASSIS, President of the European Economic and Social Committee (EESC)

Discussion

10:10 – 10:40

Coffee Break

10:40 – 11:05

WORKING SESSION I**The Council of Europe's contribution to the international legal framework**

11:05 – 11:15

Mr Philippe BOILLAT, Director General, Directorate General Human Rights and Rule of Law, Council of Europe
Moderator of the session

Presentation of Recommendation (2016)3 of the Committee of Ministers

11:15 – 11:25

Professor René LEFEBER, former Chair of the Drafting Group on Human Rights and Business (CDDH-CORP) of the Steering Committee for Human Rights (CDDH), Council of Europe

Human Rights and Business from the perspective of social rights

11:25 – 11:35

Professor Petros STANGOS, Member of the European Committee of Social Rights (ECSR), Professor of European law and holder of the Jean Monnet Chair "Human Rights in European Law", School of law at Aristotle University, Thessaloniki, Greece

A Civil Society perspective on the Recommendation

11:35 – 11:45

Ms Anna RURKA, Chair of the Conference of International Non-governmental Organisations of the Council of Europe

A key tool for National Action Plan development

11:45 – 11:55

Mr Ladislav PRUDKÝ, Corporate Social Responsibility Lead, Ministry of Industry and Trade, Czech Republic

Challengers

11:55 – 12:03

Mr Klaus LÖRCHER, Human Rights Advisor, European Trade Union Confederation (ETUC)

12:03 – 12:11

Mr Jan KLEIJSEN, Director of Information Society and Action against Crime

12:11 – 12:19

Mr Gianluca ESPOSITO, Executive Secretary of the Group of States against Corruption (GRECO)

12:19 – 12:27

Professor Siobhán MULLALLY, Chair of the Group of Experts on Action against Trafficking in Human Beings (GRETA)

Discussion 12:30 – 13:00

Group picture 13:00

Lunch Break 13:00 – 14:30

WORKING SESSION II

A multi-stakeholder approach towards implementation challenges

14:30 – 14:40

Ambassador Guido BELLATI-CECCOLI, Permanent Representative of San Marino to the Council of Europe, Chair of the Committee of Ministers' Rapporteur Group on Human Rights (GR-H)
Moderator of the session

An Expert perspective

14:40 – 14:50

Mr Gerald PACHOUD, Managing Partner, Pluto & Associates

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A government perspective

14:50 – 15:00

Ms Linda PIIRTO, Senior Advisor on Responsible Business, Finnish Ministry of Economic Affairs and Employment

An independent National Human Rights Institute perspective

15:00 – 15:10

Professor Nicola JÄGERS, Commissioner at the Netherlands Institute for Human Rights, Chair in International Law at the University of Tilburg

An Organisation for Economic Co-operation and Development perspective (OECD)

15:10 – 15:20

Professor Dr Roel NIEUWENKAMP, Chair of the OECD Working Party on Responsible Business Conduct, and Chair of the OECD Business & Human Rights Grievance Mechanism

An International Labour Organisation perspective (ILO)

15:20 – 15:30

Ms Githa ROELANS, Head of Multinational Enterprises and Enterprise Engagement Unit, ILO

Coffee Break 15:30 – 15:50

Challengers

15:50 – 15:58

Ms Joanna REYES, Director of Research and Operations, Global Business Initiative on Human Rights

15:58 – 16:06

Mr Phil BLOOMER, Executive Director of the Business & Human Rights Resource Centre, and and Board Director of the Corporate Human Rights Benchmark (CHRB)

16:06 – 16:14

Mr Bernard LEROY, Director of the International Institute of Research Against Counterfeit Medicines (IRACM)

Discussion 16:15 – 16:50

Final Remarks

16:50 – 17:00

Ms Lene WENDLAND, Chief of the Human Rights and Economic and Social Issues Section, Office of the United Nations High Commissioner for Human Rights

Conclusions

17:00 – 17:10

Ms Brigitte KONZ, Chair of the Steering Committee for Human Rights (CDDH), Council of Europe, *Juge de Paix directrice*

"Vin d'honneur"

17:10 – 18:00

Appendix X**Calendar of meetings of the CDDH
and subordinate bodies for 2017 and 2018***(as adopted by the CDDH at its 87th meeting, 6-9 June 2017)*

2017		
3 rd 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
<i>International Conference "Immigration Detention of Children: Coming to a Close?"</i>		<i>Prague, 25-26 September</i>
2 nd meeting of the CDDH Drafting Group on freedom of expression and links to other human rights (CDDH-EXP)		27-29 September
<i>Informal meeting of the Agents of Government before the European Court of Human Rights</i>		<i>Prague, 13 October</i>
4 th 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
3 rd meeting of the CDDH Drafting Group on human rights and migration (CDDH-MIG)		24-26 October
12 th meeting of the Committee on Bioethics (DH-BIO) (with international conference on the occasion of the 20 th anniversary of the Oviedo Convention)		24-27 October
2 nd meeting of the CDDH Drafting Group on social rights (CDDH-SOC)		6-8 November
4 th meeting of the Committee of experts on the system of the European Convention on Human Rights (DH-SYSC)		8-10 November
98 th meeting of the Bureau of the Steering Committee for Human Rights (CDDH-BU)		Copenhagen 21-22 (morning) November
<i>Conference on the assessment of the process of the reform of the ECHR system</i>		<i>Copenhagen 22-24 Novembre</i>
Meeting of the Agents of the Government with the Court		4 December
88 th meeting of the Steering Committee for Human Rights (CDDH) including a workshop on the Council of Europe Guidelines on the protection of victims of terrorist acts)		5-8 December

2018		
5 th 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)		24-26 January
4 th meeting of the drafting Group on Human Rights and Migration (CDDH-MIG)		7-9 February
3 rd meeting of the CDDH Drafting Group on freedom of expression and links to other human rights (CDDH-EXP)		21-23 February
4 th 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)		7-9 March
4 th meeting of the drafting Group on Civil Society and national human rights institutions (CDDH-INST)		21-23 March
3 rd meeting of the CDDH Drafting Group on social rights (CDDH-SOC)		4-6 April
99 th meeting of the Bureau of the Steering Committee for Human Rights (CDDH-BU)		17-18 May
13 th meeting of the Committee on Bioethics (DH-BIO)		29 May-1 June 22-25 May
89 th meeting of the Steering Committee for Human Rights (CDDH)		19-22 June
5 th 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)		5-7 September
4 th meeting of the CDDH Drafting Group on social rights (CDDH-SOC)		26-28 September
5 th meeting of the Committee of experts on the system of the European Convention on Human Rights (DH-SYSC)		17-19 October
100 th meeting of the Bureau of the Steering Committee for Human Rights (CDDH-BU)		8-9 November
90 th meeting of the Steering Committee for Human Rights (CDDH)		4-7 December
2019		

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

Appendix XI

Deadlines for possible contributions

(adopted by the CDDH at its 87th meeting, 6-9 June 2017)

Friday 23 June 2017, 18:00

1. Possible contributions regarding the work of the DH-SYSC-I on the **selection** procedure, the election process, the conditions of employment and working conditions of judges at the European Court of Human Rights, and *ad hoc* judges
Please send your contributions to: DGI-CDDH-Reform@coe.int
2. Possible 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 (document [DH-SYSC\(2016\)012PROV](#))
Please send your contributions to: DGI-CDDH-Reform@coe.int
3. Possible contributions to Appendix II of the Guide of good and promising practices aimed at preventing and combating female genital **mutilation** and forced marriage (document [CDDH\(2017\)R87 Addendum II](#))
Please send your contributions to: merete.bjerregaard@coe.int
4. Possible drafting proposals on the draft Analysis of the relevant jurisprudence of the European Court of Human Rights and other Council of Europe instruments to provide additional guidance on how to reconcile **freedom of expression** with other rights and freedoms, in particular in culturally diverse societies [CDDH\(2017\)R87 Addendum III](#))
Please send your contributions to: merete.bjerregaard@coe.int
5. Sending of relevant national contact details dealing with detention of migrants in view of inviting them to the International **Conference Immigration Detention of Children: Coming to a Close?** (Prague, 25–26 September 2017 under the auspices of the Chairmanship of the Czech Republic of the Council of Europe)²⁷
Please send your contributions to: ykundrak@msp.justice.cz

Friday 1 September 2017, 18:00

6. Possible comments from the CDDH and DH-SYSC members in light of the information document to be sent by the Registry at the end of June 2017 concerning the procedure of

²⁷ Contact details of persons to be invited and coming, for instance, from Ministries of home affairs / interior; other ministries dealing with migration; state migration and asylum services and agencies; asylum judges and those judges who may deal with immigration detention or alternatives to immigration detention (in some states these may not necessarily be administrative judges, but often judges from civil or criminal sector); immigration police; other possible key actors.

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simplified communication of applications **IMSI** (document #5769867 –IMSI Procedure).
Please send your contributions to: DGI-CDDH-Reform@coe.int

7. Possible applications for the nomination of a Rapporteur on each specific theme of the work of the **DH-SYSC-II** on the place of the European Convention on Human Rights in the European and international legal order in light of the precisions communicated during this summer on behalf of the President of the DH-SYSC-II and of the Secretariat
Please express your interest to: DGI-CDDH-Reform@coe.int
8. Possible comments from the participants to the CDDH and DH-SOC on the draft report on the legal framework of the Council of Europe for the protection of **social rights** (document [CDDH-SOC\(2017\)001](#)). Draft proposals should be sent in light of the indications appearing in paragraphe 37 of the present report of the 87th CDDH meeting
Please send your contributions to: alfonso.desalas@coe.int

Friday 8 September 2017, 18:00

9. Possible comments of the participants to the CDDH-MIG and to the CDDH on the draft Analysis on the legal and practical aspects of effective alternatives to detention in the context of **migration** (document [CDDH-MIG\(2017\)02](#))
Please send your contributions to: lilja.gretarsdottir@coe.int

Friday 29 September 2017, 18:00

10. Possible additional comments, of a purely technical nature, from certain experts who manifested their interest in that sense during the CDDH meeting of June 2017, concerning the Analysis of the impact of the legislation, policies and the current national practices on the activities of **civil society** organisations, human rights defenders and national institutions for the promotion and protection of human rights, adopted by the CDDH in June 2017, document CDDH(2017)R87 Addendum IV
Please send your contributions to: jsreymann@gmail.com; evangelia.vratsida@coe.int