



Strasbourg, 31 May 2017

CDDH-BU(2017)R97

**BUREAU OF THE STEERING COMMITTEE
FOR HUMAN RIGHTS
(CDDH-BU)**

REPORT

**97th meeting
Vienna, 23-24 May 2017**

1. The Bureau of the Steering Committee for Human Rights (CDDH-BU) held its 97th meeting from 23 to 24 May 2017 in Vienna, with Ms Brigitte KONZ (Luxembourg) as Chair. The list of participants appears in Appendix I.
2. The meeting was devoted to the preparation of the 87th plenary meeting of the CDDH (Strasbourg, 6-8 June 2017) and of the high-level Seminar "Human Rights and Business" organised by the CDDH (9 June 2017). In this context, the Bureau proceeded to certain amendment proposals of **the draft order of business of the CDDH meeting** (see Appendix II hereafter).
3. At its meeting on Tuesday 6 June 2017 (9:00), the Bureau will consider the request from the Conference of European Churches (CEC) to attend a number of various items of the draft agenda.
4. Regarding the **Recommendations of the Parliamentary Assembly** (item 2 of the draft agenda) transmitted for information and possible comments in June, the Bureau suggested to the CDDH to only take note of Recommendation 2100(2017) - "25 years of the CPT: achievements and areas for improvement" and to discuss elements to be provided by the Secretariat in view of possible comments on Recommendation 2102(2017) - "Technological convergence, artificial intelligence and human rights".
5. As for the work related to the **system of the European Convention on Human Rights** (DH-SYSC, item 3)¹, the Bureau suggested to the CDDH to:
 - (a) endorse the guidance (DH-SYSC(2017)R014 §§3-14) given to the DH-SYSC-I with a view to the finalisation in October 2017 of the draft report on the process of selection and election of judges of the European Court of Human Rights for discussion and approval by the DH-SYSC in November 2017 and subsequently by the CDDH in December 2017;
 - (b) endorse the guidance (DH-SYSC(2017)R014 §§16-17) given to the DH-SYSC-II with a view to the continuation of the work related to the place of the Convention in the European and international legal order as well as on the mid- and longer-term perspectives, and welcome the success of the launching seminar co-organised by the *PluriCourts* academic network and the DH-SYSC Secretariat following a Norwegian initiative;
 - (c) approve the draft Guide of 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 to transmit it to the Committee of Ministers for adoption;

¹ The Bureau exchanged views with the Chair of the Committee of experts on the system of the European Convention on Human Rights (DH-SYSC), Ms Isabelle NIEDLISPACHER (Belgium).

- (d) welcome 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);
 - (e) take note of information provided by the DH-SYSC on signatures and ratifications of Protocols Nos. 15 and 16 to the Convention (DH-SYSC (2016)008REV4);
 - (f) approve the decision of the DH-SYSC to update Recommendation Rec(2004)4 on the European Convention on Human Rights concerning university education and professional training, and take note of the ongoing compilation which will constitute the basis for this work;
 - (g) ask 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;
 - (h) approve the draft terms of reference prepared by the DH-SYSC for the next biennium (see draft annotated agenda CDDH(2017)OJ1, Appendix III).
6. As for the work in the field of **development and promotion of human rights** (item 4), the Bureau suggested to the CDDH to:
- (a) Social rights - (i) exchange views on the draft report on the legal framework of the Council of Europe for the protection of social rights and give possible guidance in this respect to its drafting Group on social rights (CDDH-SOC), being understood that it would be preferable not to proceed in June to a preliminary adoption of some parts of the text, but to consider in December 2017 the whole consolidated text², with a view to its adoption; (ii) take note of the questionnaire prepared by the CDDH-SOC aimed at highlighting the good practices and difficulties encountered by member States and their suggestions for improving the social rights protection system;
 - (b) Female genital mutilation and forced marriage³ - (i) proceed to the adoption of the draft Guide of good and promising practices aimed at preventing and combating female genital mutilation and forced marriage, as well as 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, and transmit both texts to the Committee of Ministers for adoption; (ii) inquire on a possible international conference in 2018 in the United Kingdom which would involve from the Council of Europe the Directorate General of Democracy (DG-II) of the Council of Europe with the support of the CDDH;

² This being said, the Bureau thought that it would be useful if the CDDH-SOC Chair, Mr Vit Alexander SCHORM (Czech Republic) and the Rapporteur, Ms Chantal GALLANT (Belgium) would indicate in June which parts of the draft report could be considered as already accepted, insofar as they are essentially factual in nature.

³ The Bureau exchanged views with the Chair of the drafting Group on female genital mutilation and forced marriage (CDDH-MF), Mr Rob LINHAM (United Kingdom).

- (c) Freedom of expression and links to other human rights⁴ - (i) proceed to the adoption of 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; (ii) give possible guidance for the preparation of a guide to good national practices on reconciling the various rights and freedoms concerned, noting that the CDDH-EXP will prepare a questionnaire for this purpose; (iii) discuss the issue of preparing a draft recommendation on cyber security and human rights⁵;
- (d) Human rights and migration⁶ - (i) take note of the progress of the draft Analysis of the legal and practical aspects of effective alternatives to detention in the context of migration; in this context, note the need to harmonize with the Committee of Experts on the administrative detention of migrants (CJ-DAM) the terms and definitions used in their respective works; (ii) with regard to the continuation of the work in the next biennium, examine in December 2017 the consolidated Draft analysis and discuss the activities appearing in the Council of Europe Action Plan on protecting refugee and migrant children in Europe which have implications for the CDDH;
- (e) Civil society and national human rights institutions - (i) proceed to the adoption of the 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; (ii) give guidance to its drafting Group on civil society and national human rights institutions (CDDH-INST) on the best way to subsequently present the analysis and the compilation of good practices (a draft Committee of Ministers declaration, a recommendation, etc.).

7. Concerning **bioethics** (item 5), the work of the 11th meeting of the Committee on bioethics (DH-BIO, Strasbourg, 6-8 June 2017) will be presented to the CDDH by the Secretariat. The Bureau welcomed the continuation of the work on an additional Protocol on the protection of the human rights and dignity of persons with mental disorders with regard to involuntary placement and involuntary treatment. It also noted that the Chair and Vice-chair of the CDDH will actively participate in the international Conference marking the 20th anniversary of the Oviedo Convention (Strasbourg, 24-25 October 2017). Finally, the Bureau recalled that proposals for activities of the DH-BIO for the forthcoming biennium appear in the draft annotated agenda CDDH(2017)OJ1, Appendix III.

8. Concerning the revision of the Guidelines on the protection of **victims of terrorist acts**, the Bureau welcomed the adoption of the text at the 127th Session of the Committee of Ministers (Nicosia, 19 May 2017) and indicated that the Ministers' Deputies consider giving the CDDH a

⁴ The Bureau exchanged views with the Chair of the drafting Group on freedom of expression and links to other human rights (CDDH-EXP), Mr Hans-Jörg BEHRENS (Germany).

⁵ The Bureau considered it necessary for the CDDH-EXP to exchange views on this subject at its next meeting in September 2017, with a representative of the Steering Committee on Media and Information Society (CDMSI), and that this activity should not be included in those foreseen for the CDDH for the next biennium.

⁶ The Bureau exchanged views with the Chair of the drafting Group on migration (CDDH-MIG), Mr Morten RUUD (Norway).

mandate to ensure the visibility and follow-up of this important instrument. In this context, it could be envisaged to organise a high-level seminar on the protection of victims of terrorist acts at the next CDDH plenary meeting. Other suggestions were put forward within the Bureau for follow-up to the Guidelines which could be undertaken by other bodies or committees of the Council of Europe. In the context of this discussion, the Bureau expressed its condolences to the British authorities and to the families of the victims of the recent Manchester attack.

9. As for the preparation of the **forthcoming biennium**, the Bureau recalled that the CDDH is invited to approve in June the draft terms of reference of the CDDH, CDDH-SYSC and DH-BIO. The Bureau suggested keeping as much flexibility as possible for the organisation of events in view of the dissemination and awareness-raising in respect of instruments prepared by the CDDH. At the same time, the Bureau noted the fact that, due to budgetary reasons, some follow-up activities would probably have to be limited to the organisation of a seminar/round table/conference during a plenary meeting. Furthermore, the Bureau proposed to include the theme of prenatal sex selection in the terms of reference for the next biennium.

10. As for the **CDDH representatives** in other bodies, the Bureau noted that representatives will inform the CDDH in June on the meetings they attended. It also noted that a representative to the CODEXTER should be appointed in June and that all representations would be reviewed in December 2017 with a view to the next biennium.

11. **Invitees** - The Bureau welcomed the meeting foreseen in June with Ambassador Tomáš BOCEK (Czech Republic), Special Representative of the Secretary General on migration and refugees.

12. The Bureau noted that the Secretariat will inform the CDDH in June on its contacts with the Treaty Office regarding the list of the **conventions** placed under the responsibility of the CDDH.

13. The Bureau noted the draft **calendar** to be considered in June. It suggested combining the dates of the next Bureau meeting with those of the Conference of experts concerning the Convention system that the future Danish chairmanship envisages to organise.

14. The Bureau suggested that some short addresses marking the **40th anniversary of the CDDH** could take place during the "*vin d'honneur*".

15. Regarding the CDDH Seminar of 9 June on **Human rights and Business**, the Bureau welcomed the quality of the programme and the interest this event had generated.

16. Finally, the Bureau sincerely thanked Ms Brigitte OHMS (Austria) for the quality of the reception that her Authorities gave in the holding of this meeting in Vienna.

APPENDIX I

LIST OF PARTICIPANTS

BUREAU MEMBERS / MEMBRES DU BUREAU

ANDORRA / ANDORRE

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

AUSTRIA / AUTRICHE

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

GERMANY / ALLEMAGNE

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

GREECE / GRECE

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

LATVIA / LETTONIE

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

LUXEMBOURG

Mme Brigitte KONZ, Juge de Paix directrice, Cité judiciaire, Luxembourg
Chairperson of the CDDH / Présidente du CDDH

NORWAY / NORVEGE

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

UNITED KINGDOM / ROYAUME-UNI

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

AUTRES PARTICIPANTS / OTHER PARTICIPANTS

Mme Isabelle NIEDLISPACHER, Co-Agent du Gouvernement auprès de la Cour européenne des droits de l'homme, Bruxelles
Chairperson of the DH-SYSC / Présidente du DH-SYSC

SECRETARIAT

DG I – Human Rights and Rule of Law / Droits de l'Homme et Etat de droit
Council of Europe / Conseil de l'Europe

Mr Philippe BOILLAT, Director General / Directeur Général

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

Mr Alfonso DE SALAS, Head of the Human Rights Intergovernmental Cooperation Division / Chef de la Division de la coopération intergouvernementale en matière de droits de l'Homme, Secretary of the CDDH / Secrétaire du CDDH

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

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INTERPRETERS / INTERPRÈTES

Mr Nicolas GUITTONNEAU
Ms Claudine PIERSON

APPENDIX II**DRAFT ORDER OF BUSINESS****87th meeting of the CDDH**

(Tuesday 6 – Thursday 8 June 2017, AGORA Building, Room G.01)

and

High-Level Seminar on *Human Rights and Business*(Friday 9 June 2017, *Human Rights Building, Room 5*)

TUESDAY 6 JUNE	WEDNESDAY 7 JUNE	THURSDAY 8 JUNE	FRIDAY 9 JUNE
<p>9:00 <i>AGORA Building, room B6.04C</i> Bureau meeting</p> <p>9:30 AGORA Building, Room G.01 Plenary meeting</p> <p>Opening CDDH</p> <p>PACE Recommendations</p> <p>Female Genital Mutilations and forced marriage (CDDH-MF)</p>	<p>9:30</p> <p>Freedom of expression (CDDH-EXP)</p> <p>Migration (CDDH-MIG)</p> <p>Civil Society (CDDH-INST)</p> <p>Migration (CDDH-MIG)</p> <p>11:45 Invitee</p>	<p>9:30</p> <p>Activities of the next biennium</p> <p>Representatives in other bodies</p> <p>Invitees for the forthcoming meetings</p> <p>Conventions (follow-up)</p> <p>Other issues</p>	<p>9:00</p> <p><i>Palais de l'Europe, Room 5</i></p> <p>High-Level Seminar Human Rights and Business</p>
<i>13:00 Lunch break</i>	<i>13:00 Lunch break</i>	<i>13:00 Reception</i>	<i>13:00 Lunch break</i>
<p>14:30 Social Rights (CDDH-SOC)</p> <p>Victims of terrorist acts</p>	<p>14:30 System of the Convention (DH-SYSC)</p>	<p>14:30 Bioethics (DH-BIO)</p> <p>Calendar</p> <p>Adoption of the meeting's conclusions</p>	<p>14:30</p> <p>High-Level Seminar (continuation)</p> <p>17:10 End of session "Vin d'honneur"</p>
<i>18:00 End of session</i>	<i>18:00 End of session</i>	<i>18:00 End of session</i>	

APPENDIX III

MODIFICATION PROPOSALS FORMULATED BY THE BUREAU OF THE CDDH (23-24 MAY 2017) FOR THE DRAFT TERMS OF REFERENCE 2018-2019 (CDDH, DH-SYSC AND DH-BIO)

STEERING COMMITTEE FOR HUMAN RIGHTS (CDDH)

[...]

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, adopted by the Committee of Ministers in [January] 2018, 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 (deadline: 31 December ~~2018~~ 2019).

[...]

Freedom of expression and links to other human rights

On the basis of work conducted in 2016-2017, prepare a non-binding legal instrument on the way of reconciling freedom of expression and other rights and freedoms, in particular in culturally diverse societies ~~and a draft recommendation of the Committee of Ministers on "cyber security and human rights"~~ (deadline: 31 December ~~2018~~ 2019).

[...]

Migration

On the basis of work conducted in 2016-2017, prepare a draft recommendation of the Committee of Ministers and a guide of good practice concerning human rights issues in the context of migration, in particular effective alternatives to detention, of migrants and asylum seekers (deadline: 31 December ~~2018~~ 2019).

[...]

Dissemination and awareness-raising

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

- (i) ~~Proceed, under the form of a thematic conference to be held in June 2019 and involving the CDDH and civil society, to a review of the~~ follow-up given by states to Recommendation [CM \(2014\) 2](#) on the promotion of human rights of older persons, adopted on 19 February 2014 ~~(deadline: 30 June 2019)~~.
- (ii) ~~Proceed, under the form of a thematic conference to be held in December 2019 and involving the CDDH and civil society, to a review of the~~ 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 identity, adopted on 31 March 2010 ~~(deadline: 31 December 2019)~~.
- (iii) ~~Proceed, under the form of a thematic conference to be held in December 2018 and involving the CDDH and civil society, to a review of the~~ situation in member States in respect of the right of access to official documents, with a view in particular to promote signatures and ratifications of the Tromsø Convention of 2009 (CETS No. 205) ~~(deadline: 31 December 2018)~~.
- (iv) ~~On the basis of work conducted in 2016-2017 contribution to the work which would be undertaken by other Council of Europe bodies (e.g., GEC, GREVIO, GRETA and CDPC) to fight female genital mutilation and forced marriage, 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 efficacy of national and European legal framework and co-operation between member States; (ii) raise awareness on this issue.~~

[...]

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

[...]

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 experience, to reinforce the ~~authority- status~~ of the government agents and to provide sufficient means to the latter to deal with issues related to the execution of judgments;

[...]

COMMITTEE ON BIOETHICS (DH-BIO)

No changes

APPENDIX IV**DRAFT CALENDAR OF MEETINGS OF THE CDDH
AND SUBORDINATE BODIES**

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
2 nd meeting of the CDDH Drafting Group on freedom of expression and links to other human rights (CDDH-EXP)		27-29 September
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 (Conference 24-25)
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)		[November]
98 th meeting of the Bureau of the Steering Committee for Human Rights (CDDH-BU)		16-17 <u>[21-22 (morning) November]</u>
<u>Conference of experts of the ECHR system</u>		<u>[Copenhagen 22-24 November]</u>
88 th meeting of the Steering Committee for Human Rights (CDDH)		5-7-8 December
2018		
3 rd meeting of the CDDH Drafting Group on freedom of expression and links to other human rights (CDDH-EXP)		[February]
3 rd meeting of the CDDH Drafting Group on social rights (CDDH-SOC)		[March]

99 th meeting of the Bureau of the Steering Committee for Human Rights (CDDH-BU)		[May]
12 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)		[June]
100 th meeting of the Bureau of the Steering Committee for Human Rights (CDDH-BU)		[November]
90 th meeting of of the Steering Committee for Human Rights (CDDH)		[December]
2019		

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