



CDDH(2018)R89ab
27/06/2018

STEERING COMMITTEE FOR HUMAN RIGHTS (CDDH)

ABRIDGED REPORT

89th meeting

Strasbourg, 19-22 June 2018

Note: The deadlines for possible contributions appear in Appendix VII below.

CDDH(2018)R89ab

1. The Steering Committee for Human Rights (CDDH) held its 89th meeting from 19 to 22 June 2018 in Strasbourg with Mr Hans-Jörg BEHRENS (Germany) in the Chair. The agenda, as adopted, appears in Appendix I below. The list of participants appears in Appendix II below.

2. At this meeting the CDDH, in particular:

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

- 2121(2018) – “The case for drafting a European convention on the profession of lawyer”. In the framework of the examination of this text, the CDDH held an exchange of views with the representative of the Council of Bars and Law Societies of Europe (CCBE);
- 2122(2018) – “Jurisdictional immunity of international organisations and rights of their staff”;
- 2123(2018) – “Strengthening international regulations against trade in goods used for torture and the death penalty”. In the framework of the examination of this text, the CDDH held an exchange of views with the representatives of Amnesty International and of the NGO Omega Research Foundation;
- 2125(2018) – “State of emergency: proportionality issues concerning derogations under Article 15 of the European Convention on Human Rights”;
- 2126(2018) – “Humanitarian needs and rights of internally displaced persons in Europe”;
- 2129(2018) – “Copenhagen Declaration, appreciation and follow-up”;
- 2130(2018) – “Legal challenges related to hybrid war and human rights obligations”;
- 2132(2018) – “Detainees with disabilities in Europe”.

(b) exchanged views on the implementation of its current terms of reference and on the work during the next biennium, in the light, in particular, of information given by the Director General of the DGI on the Organisation's current budgetary situation, as well as by the representatives of the States holding the forthcoming Chairmanships of the Committee of Ministers regarding the priorities of their respective chairmanships;

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

- (i) exchanged views with the Danish delegation on the high-level Conference in Copenhagen, Denmark, 11–13 April 2018;

- (ii) took note of the information given by the latter as well as by the Secretariat on the decisions of the 128th Session of the Committee of Ministers (Elsinore, Denmark, 18 May 2018) on the follow-up to be given to the Copenhagen Declaration adopted at the Conference;
 - (iii) took note of the work of the Drafting Group on the place of the European Convention on Human Rights in the European and international legal order (DH-SYSC-II) during its 3rd meeting (3–5 April 2018) and gave guidance for the future work;
 - (iv) took note of the start of the work by the Drafting Group DH-SYSC-III on the updating of Recommendation (2004)4 of the Committee of Ministers to member States on the European Convention on Human Rights in university education and professional training.
- (d) concerning the **development and promotion** of human rights, examined the ongoing work in its different Drafting Groups and gave guidance for the future work. In that context, the CDDH:
- (i) adopted its Analysis of the legal framework of the Council of Europe for the protection of social rights in Europe, prepared by the CDDH-SOC, and decided to transmit it to the Committee of Ministers for information (see CDDH(2018)R89add1);
 - (ii) approved the approach of the CDDH-SOC for the drafting of the future report of the CDDH which will identify good practices and make, as appropriate, proposals with a view to improving the implementation of social rights and to facilitating in particular the relationship between the Council of Europe instruments with other instruments for the protection of social rights;
 - (iii) took note of the ongoing preparation, within its Drafting Group CDDH-EXP, of a Guide to good practices on the way of reconciling freedom of expression with other human rights and freedoms, in particular in culturally diverse societies and gave guidance in view of the finalisation of this work in 2019;
 - (iv) exchanged views on the ongoing preparation, within its Drafting Group CDDH-MIG, of a draft Manual on the effective alternatives to the detention of migrants and asylum seekers;
 - (v) adopted¹ the Draft Declaration on the need to strengthen the protection and promotion of the civil society space, prepared by the CDDH-INST, and decided to transmit this text to the Committee of Ministers for possible adoption (see CDDH(2018)R89add2);

¹ Adoption *ad referendum* going to an end by 16 July 2018 end of business.

- (vi) took note of the overview document on the protection and promotion of civil-society space, based on the compilation of measures and practices in place in the Council of Europe member States, and gave guidance to the CDDH-INST for the continuation of its work;
- (e) concerning **bioethics**, decided to draft an opinion on the draft Additional Protocol concerning the protection of human rights and dignity of persons with mental disorders with regard to involuntary placement and treatment; took note of the ongoing and future work by the DH-BIO;
- (f) as regards the follow-up to the implementation of instruments already adopted by the CDDH:
- took note of the progress of the work concerning the establishment of the Online Platform on Human Rights and Business in synergy with the HELP Unit; exchanged views on the possibility to and modalities for developing and establishing that Platform;
 - exchanged views on the state of preparation of the Conference on “Policy For Progress: Ending Female Genital Mutilation (FGM) and Forced Marriage” (London, 15–16 November 2018) (see draft Programme in Appendix IV below);
 - exchanged views on the state of preparation of a Workshop on the protection of victims of terrorist acts;
 - exchanged views on the awareness-raising to be conducted concerning the Council of Europe Convention on Access to Official Documents;
 - exchanged views on the practical arrangements concerning the transmission of the replies to the questionnaire on the implementation of Recommendation CM/Rec(2010)05 of the Committee of Ministers to member States on measures to combat discrimination on grounds of sexual orientation or gender identity;
- (g) decided to prepare an opinion on the draft “Venice principles on the protection and promotion of the institution of the Ombudsman”;
- (h) exchanged views on the state of signatures and ratifications of the Conventions for which the CDDH is responsible;
- (i) took note of the information given by its focal points with other bodies and appointed its focal points for the Ad hoc Committee for the Rights of the Child (CAHENF) and the Committee of the Parties to the Convention of the Council of Europe on the Protection of Children against Sexual Exploitation and Sexual Abuse (“Lanzarote Committee”) (see Appendix V below);

- (j) decided on the personalities to be invited to its future meetings;
- (k) exchanged views on the publications and dissemination of publications of the CDDH and of the Annual Report on the supervision of the execution of judgments and decisions of the Court;
- (l) conducted a follow-up to its work on the promotion of human rights of older persons through an Exhibition at the initiative of the Permanent Representation of the Federal Republic of Germany as well as by a Workshop of the CDDH under the auspices of the Croatian Chairmanship of the Committee of Ministers concerning the implementation of Recommendation CM/Rec(2014)2 on the promotion of human rights of older persons; decided to inform the Committee of Ministers in due course of the results of the Workshop and the member States' replies to the questionnaire on the national implementation of this instrument;
- (m) adopted the calendar of meetings of the CDDH and its subordinate bodies for the second semester of 2018 and for 2019 (see Appendix VI below).

* * *

Appendix I
Agenda
(89th meeting of the CDDH, 19–22 June 2018)

| | |
|--|---|
| | ITEM 1: OPENING OF THE MEETING, ADOPTION OF THE AGENDA AND ORDER OF BUSINESS |
| <u>CDDH(2018)03</u> | Annotations on the draft agenda and order of business |
| <u>CDDH(2017)R88</u> | Report of the 88 th CDDH meeting (5–7 December 2017) |
| <u>CDDH-BU(2018)R99</u> | Report of the 99 th Bureau meeting (Andorra la Vella, 17–18 May 2018) |
| | ITEM 2: RECOMMENDATIONS OF THE PARLIAMENTARY ASSEMBLY |
| <u>CDDH(2018)04</u> <u>CDDH-(2018)04add</u> | Texts of the Recommendations and elements for possible comments |
| | ITEM 3: IMPLEMENTATION OF THE TERMS OF REFERENCE OF THE CDDH FOR 2018–2019 |
| <u>CDDH (2018)01</u> | Terms of Reference of the CDDH for the biennium 2018–2019 |
| | ITEM 4: SYSTEM OF THE EUROPEAN CONVENTION ON HUMAN RIGHTS |
| <u>DH-SYSC(2017)R4</u> | Report of the 4 th meeting of the DH-SYSC (9–10 November 2017) |
| | 4.1 Follow-up to the Copenhagen Declaration |
| | Copenhagen Conference - Continued Reform of the European Human Rights Convention System - Better Balance, Improved Protection (11–13 April 2018) |
| | <u>Copenhagen Declaration</u> |
| | <u>Decisions of the Committee of Ministers at its 128th Session (Elsinore, Denmark, 18 May 2018)</u> |
| | <u>Decisions of the Ministers' Deputies (30 May 2018) following up to the Elsinore Session</u> |
| | 4.2 Place of the ECHR in the European and international legal order (DH-SYS- II) |
| <u>DH-SYSC-II(2018)R3</u> | Report of the 3 rd meeting (3–5 April 2018) |
| | 4.3 The ECHR in university education and professional training (DH-SYSC-III) |
| <u>DH-SYSC-III(2018)02</u> | Points to consider prepared by the Secretariat in light of Recommendation Rec(2004)4 of the Committee of Ministers on the European Convention on Human Rights in university education and professional training |

| | |
|--|---|
| <u>DH-SYSC-III(2018)03</u> | Information on 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 |
| | ITEM 5: DEVELOPMENT AND PROMOTION OF HUMAN RIGHTS |
| | 5.1 Social rights (CDDH-SOC) |
| <u>CDDH-SOC(2018)R2</u> | Report of the 2 nd meeting (2–4 May 2018) |
| <u>CDDH-SOC(2018)R2 Addendum</u> | Draft Analysis of the legal framework of the Council of Europe for the protection of social rights in Europe |
| <u>CDDH-SOC(2018)06</u> | Short analysis of the replies to the questionnaire related to the good practices on the implementation of social rights at national level |
| | 5.2 Freedom of expression and links to other human rights (CDDH-EXP) |
| <u>CDDH-EXP(2018)02</u> | (for information) Compilation of good practices received from member States as well from the European Network of National Human Rights Institutions (ENNHRI) |
| <u>CDDH-EXP(2018)R3</u> | Report of the 3 rd meeting (25–27 April 2018) |
| <u>CDDH-EXP(2018)R3 Addendum Revised</u> | Draft guide to good practices on the way of reconciling freedom of expression with other rights and freedoms, in particular in culturally diverse societies |
| | 5.3 Human Rights and migration (CDDH-MIG) |
| <u>CDDH(2017)R88add2</u> | (for information) Analysis of the legal and practical aspects of effective alternatives to detention in the context of migration |
| <u>CDDH-MIG(2018)R4</u> | Report of the 4 th meeting (21–22 March 2018) |
| | 5.4 Civil society and national human rights institutions (CDDH-INST) |
| <u>CDDH-INST(2018)R3</u> | Report of the 3 rd meeting (14–16 March 2018) |
| <u>CDDH-INST(2018)04Rev</u> | Draft Declaration on the need to strengthen the protection and promotion of the civil society space |
| <u>CDDH-INST(2018)05Rev</u> | Compilation of the national contributions received in reply to the questionnaire |
| <u>CDDH-INST(2018)06</u> | Draft overview document on the protection and promotion of the civil-society space, based on the compilation of measures and practices in place in the Council of Europe member States |
| | ITEM 6: FOLLOW-UP OF ACTIVITIES CARRIED OUT BY THE CDDH |

| | |
|---|---|
| | 6.1 Human Rights and Business |
| CDDH(2018)05 | Note by the Secretariat on the follow-up to the implementation of Committee of Ministers' Recommendation CM/Rec(2016)3 on human rights and business |
| | 6.2 Female genital mutilation and forced marriage |
| Link | Declaration of the Committee of Ministers and Guide to good and promising practices aimed at preventing and combating female genital mutilation and forced marriage (13 September 2017) |
| | 6.3 Victims of terrorist acts |
| CDDH(2018)06 | Note by the Secretariat on the state of preparation of the Workshop on protection of victims of terrorist acts (2019) |
| Link | Revised Guidelines of the Committee of Ministers on the protection of victims of terrorist acts (19 May 2017) |
| | 6.4 Access to official documents |
| Link | Text of the Council of Europe Convention on Access to Official Documents (2009) |
| | 6.5 Discrimination on grounds of sexual orientation or gender identity |
| CDDH(2018)02 | Questionnaire on the implementation of Committee of Ministers' Recommendation CM/Rec(2010)5 on measures to combat discrimination on grounds of sexual orientation or gender identity |
| CDDH(2018)02add | (for information) List of members of the European Governmental / LGBTI Focal Points Network |
| | ITEM 7: BIOETHICS |
| DH-BIO/abr RAP13 | Abridged report of the 13 th meeting of the Committee on bioethics (DH-BIO) (22–25 May 2018) |
| | ITEM 8: FOCAL POINTS |
| | ITEM 9: INVITEES |
| | ITEM 10: CONVENTIONS |
| CDDH(2018)07 | Note by the Secretariat |
| | ITEM 11: PUBLICATIONS |
| | ITEM 12: CALENDAR |
| | PROMOTION OF HUMAN RIGHTS OF OLDER PERSONS Exhibition and Workshop |
| CDDH-AGE(2018)Programme | Workshop Programme |

| | |
|-------------------------|--|
| <u>CDDH-AGE(2018)02</u> | Request of information on the implementation of Recommendation CM/Rec(2014)2 of the Committee of Ministers on the promotion of human rights of older persons |
| <u>CDDH-AGE(2018)03</u> | Compilation of answers received |
| <u>CDDH-AGE(2018)04</u> | [DRAFT] CDDH Report on the implementation of the Committee of Ministers' Recommendation CM/Rec(2014)2 on the promotion of human rights of older persons |
| <u>CDDH-AGE(2018)05</u> | Information regarding general measures taken to implement the relevant judgments of the European Court of Human Rights related to rights of older persons |
| <u>CDDH-AGE(2018)06</u> | Relevant statistical data concerning demographic trends pertaining to ageing in the Council of Europe member States |

* * *

Appendix II**List of participants / Liste des participants**
(89th meeting of the CDDH, 19–22 June 2018)**MEMBERS / MEMBRES****ALBANIA / ALBANIE**

Ms Alma HICKA, Ministry of Justice, Tirana

ANDORRA / ANDORRE

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

ARMENIA / ARMENIE

Mr Tigran H. GALSTYAN, 2ème Secrétaire / Département juridique, Ministère des Affaires étrangères, Erevan

AUSTRIA / AUTRICHE

Ms Brigitte OHMS, Deputy Government Agent, Division for International Affairs and General Administrative Affairs (dpt. V 5), Federal Ministry for Constitutional Affairs, Reforms, Deregulation and Justice, - Constitutional Service, Vienna

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, Prezident Sarayi, Baku

BELGIUM / BELGIQUE

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

BOSNIA AND HERZEGOVINA / BOSNIE-HERZEGOVINE

Ms Belma SKALONJIĆ, Agent of the Council of Ministers, Government Agent before the EctHR, Sarajevo

BULGARIA / BULGARIE

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

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, Zagreb

CYPRUS / CHYPRE (*Apologised*)**CZECH REPUBLIC / REPUBLIQUE TCHEQUE**

Mr Vít A. SCHORM, Government Agent before the EctHR, Ministry of Justice, Praha

DENMARK / DANEMARK

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

ESTONIA / ESTONIE

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

FINLAND / FINLANDE

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

FRANCE

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

GEORGIA / GEORGIE

Mr Beka DZAMASHVILI, Head of the Department of the State Representation to the International Courts, Ministry of Justice, Tbilissi

GERMANY / ALLEMAGNE

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

Dr. Nicola WENZEL, LL.M, Leiterin des Referats IV C 1 (Menschenrechte), Verfahrensbevollmächtigte der Bundesregierung vor dem Europäischen Gerichtshof für Menschenrechte, 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

HUNGARY / HONGRIE

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

ICELAND / ISLANDE

Ms Elísabet GÍSLADÓTTIR, Legal Advisor, Ministry of Justice, Sölvhólgata 7, 101 Reykjavík

IRELAND / IRLANDE

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

ITALY / ITALIE

Mme Maria Giuliana CIVININI – co-agent, Représentation Permanente de l'Italie auprès du Conseil de l'Europe

Mme Silvia Moretti Stagiaire

LATVIA / LETTONIE

Ms Kristine LICE, Government Agent before the ECtHR, Representative of the Government before International Human Rights Organisations, Ministry of Foreign Affairs, Riga

LIECHTENSTEIN

Mr Martin HASLER, Représentant Permanent Adjoint du Liechtenstein auprès du Conseil de l'Europe, Office pour les Affaires Etrangères, Vaduz

LITHUANIA / LITUANIE

Ms Karolina BUBNYTE-ŠIRMENĖ, Government Agent before the ECtHR, Ministry of Justice, Vilnius

LUXEMBOURG

Mme Brigitte KONZ, Juge de Paix directrice, Cité judiciaire, Luxembourg

MALTA / MALTE

Dr Antoine AGIUS BONNICI, Lawyer, Office of the Attorney General, The Palace, Valletta

CDDH(2018)R89ab

REPUBLIC OF MOLDOVA/ REPUBLIQUE DE MOLDOVA

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

MONACO

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

MONTENEGRO

Ms Valentina PAVLIČIĆ, Government Agent before the ECtHR, Serdara Jola Piletića Podgorica

NETHERLANDS / PAYS-BAS

Ms Babette KOOPMAN, Government Agent before the ECtHR, Ministry of Foreign Affairs, The Hague

Ms Clarinda COERT, Senior legal adviser human rights law, Legislation Department and Legal Affairs, Ministry of Security and Justice, The Hague

NORWAY / NORVEGE

Mr Morten RUUD, Special adviser, Norwegian Ministry of Justice and Public Security, Legislation Department, Oslo

POLAND / POLOGNE

Ms Marta KACZMARSKA, Chief specialist, Department for the Proceedings before International Human Rights Protection Bodies, Ministry of Foreign Affairs of Poland

PORTUGAL

Ms Maria de Fátima GRAÇA CARVALHO, Agente du Gouvernement auprès de la CEDH, Procureur-Général adjointe, Procuradoria Geral da Republica, Lisboa

ROMANIA / ROUMANIE

Ms Catrinel BRUMAR, Government Agent before the ECtHR, Ministry of Foreign Affairs, Bucharest

RUSSIAN FEDERATION / FEDERATION DE RUSSIE

Mr Grigory LUKIYANTSEV, Deputy Director, Department for Humanitarian Cooperation and Human Rights, Ministry of Foreign Affairs, MOSCOW

SAN MARINO / SAINT-MARIN

Ms Michela BOVI, Co-Agent of the Republic of San Marino before the ECtHR, San Marino

SERBIA / SERBIE

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

SLOVAK REPUBLIC / REPUBLIQUE SLOVAQUE

Mr Tomas GRUNWALD, Deputy to the Permanent Representative, Permanent Mission to the Council of Europe, Strasbourg

SLOVENIA / SLOVENIE

Mr Matija VIDMAR, Secretary, Department for International Cooperation and EU law, Ministry of Justice, Ljubljana

SPAIN / ESPAGNE

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

SWEDEN / SUEDE

Ms Katarina FABIAN, Ministry for Foreign Affairs, Stockholm

SWITZERLAND / SUISSE

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

"THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA" / "L'EX-RÉPUBLIQUE YOUGOSLAVE DE MACÉDOINE"

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

TURKEY / TURQUIE

Ms Tolga BAŞBOZKURT, Rapporteur Judge, Ministry of Justice

Ms Duygu ÇELİK, Experte Juridique, Ministère des Affaires Etrangères

M. Can ÖZTAŞ, Adjoint au Représentant Permanent, Ministère des Affaires Etrangères

Ms Aysen EMÜLER, Experte Juridique, Ministère des Affaires Etrangères, Représentation Permanente de la Turquie auprès du Conseil de l'Europe, Strasbourg

UKRAINE (*Apologised*)**UNITED KINGDOM / ROYAUME-UNI**

Mr Chanaka WICKREMASINGHE, Legal Counsellor, Legal Directorate, Foreign and Commonwealth Office, London

PARTICIPANTS**Registry of the European Court of Human Rights / Greffe de la Cour européenne des droits de l'homme**

Ms Rachael KONDAK, Adviser to the President and the Registrar, Registry of the European Court of Human Rights, Council of Europe, Strasbourg

Department for the execution of judgments of the European Court of Human Rights / Service de l'exécution des arrêts de la Cour européenne des droits de l'homme

Mr Fredrik SUNDBERG, Head of Department *ad interim* / Chef de service *ad interim*

Secretariat of the Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment / Secrétariat du comité pour la prévention de la torture et des peines ou traitements inhumains ou dégradants (CPT)

Mr Régis BRILLAT, Executive Secretary / Secrétaire exécutif

Department of the European Social Charter / Service de la Charte sociale européenne

Mr Jan MALINOWSKI, Head of Department / Chef de service

"Sexual orientation and gender identity" Unit (SOGI) /Unité "Orientation sexuelle et identité de genre (OSIG)

Ms Eleni TSETSEKOU, Head of Unit "Sexual orientation and gender identity / Chef de l'Unité "Orientation sexuelle et identité de genre

Ms Evgenia GIAKOUMOPOULOU, Unit "Sexual orientation and gender identity / Chef de l'Unité "Orientation sexuelle et identité de genre

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

Ms Sebihana SKENDEROVSKA, vice president of the ERTF

Mr Henry SCICLUNA, Adviser ERTF

CDDH(2018)R89ab

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

Mr Jean-Bernard MARIE

CCBE

Me Laurent PETTITI, Avocat au Barreau de Paris, Membre du Conseil National des Barreaux

Mr James Piers GARDNER

European Union / Union Européenne

OBSERVERS / OBSERVATEURS

HOLY SEE / SAINT-SIÈGE

Mme Christine JEANGÉY, Officiel, Chargée des Droits de l'Homme et du Droit Humanitaire, Dicastère pour le service du développement humain intégral

MEXICO / MEXIQUE

Ms Maria de Lourdes OCHOA DE LA TORRE, Mission Permanente du Mexique auprès du Conseil de l'Europe

Non-member State / Pays non-membre

BELARUS

Mr Oleg GOLUBEV, Counsellor of the OSCE and CoE Unit, European co-operation Department of the Ministry of Foreign Affairs

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

Dr. Katrien MEUWISSEN, Senior Human Rights Officer (Accreditation), Permanent Secretariat

Non governmental Organisations / Organisations non-gouvernementales

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

Amnesty International

Ms Rita PATRICIO

Ms Ara MARCEN NAVAL

Mr Daniel JOLOY

Omega Research Foundation

Dr Michael CROWLEY, Research Associate

Invitees to this meeting / invités à cette réunion

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

Mr Sören LENZ, Conférence des Eglises européennes, Conference of European Churches, Strasbourg

| |
|--------------------|
| SECRETARIAT |
|--------------------|

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

Mr Christos GIAKOUMOPOULOS, Director General / Directeur Général

Mr Christophe POIREL, Director / Directeur, Human Rights Directorate / Direction des droits de l'Homme

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

Human Rights Intergovernmental Cooperation Division / Division de la coopération intergouvernementale en matière de droits de l'Homme

Mr Alfonso DE SALAS, Head of the Division / Chef de la Division, Secretary of the CDDH
Secrétaire du CDDH

Ms Merete BJERREGAARD, Head of the Unit on Human Rights Development / Chef de l'Unité sur le développement des droits de l'homme

Ms Dorothee VON ARNIM, Head of the Unit on the system of the European Convention on Human Rights / Chef de l'Unité sur le système de la Convention européenne des droits de l'homme

Ms Cipriana MORARU, Administrator / Administratrice

Ms Irena MARKOVA, Administrator / Administratrice

Mr Javier LANZUELA, Administrator / Administrateur

Mme Corinne GAVRILOVIC, Assistant / Assistante

Mme Lauryane LENEVEU, Trainee / Stagiaire

Cooperation with International Institutions and Civil Society Division / Division de la coopération avec les institutions internationales et la société civile

Ms Lilja GRETARSDOTTIR, Deputy Head of the Division / Chef adjoint de la Division

* * *

INTERPRETERS / INTERPRÈTES

Mr Grégoire DEVICTOR

Mme Corinne McGEORGE

Mme Lucie DE BURLET

Appendix III

**Comments adopted by the CDDH
at its 89th meeting (19-22 June 2018)
on Recommendations of the Parliamentary Assembly
transmitted to it by the Ministers' Deputies**

I. CDDH COMMENTS ON PARLIAMENTARY ASSEMBLY RECOMMENDATION 2121(2018) – “THE CASE FOR DRAFTING A EUROPEAN CONVENTION ON THE PROFESSION OF LAWYER”

1. The Steering Committee for Human Rights (CDDH) takes note of Parliamentary Assembly Recommendation 2121(2018) - “*The case for drafting a European convention on the profession of lawyer*”. It fully shares the concerns regarding threats, in certain national contexts, to the security and independence of lawyers as well as to their ability to perform their professional duties effectively. Like the Assembly, the CDDH stresses that the free exercise of the profession of lawyer is indispensable to the full implementation of the fundamental right to a fair trial guaranteed by Article 6 of the European Convention on Human Rights. In this context:

- (i) the possibility to establish an early-warning mechanism to respond to immediate threats to lawyers’ safety and independence and to their ability to perform their professional duties effectively deserves detailed examination²;
- (ii) training activities concerning Recommendation No R(2000)21 of the Committee of Ministers to member States on the freedom of exercise of the profession of lawyer and other relevant instruments³ need to be carried out in the framework of bilateral co-operation. These activities could aim at raising awareness of State representatives about the key role played by lawyers in a democratic society and about the need to respect and protect the free exercise of their profession⁴;
- (iii) finally, the current work regarding the implementation of Recommendation 2085(2016) on “Strengthening the protection and role of human rights defenders in Council of Europe member States” should fully consider including the situation of lawyers.

2. As for solutions and replies to the issues of threats and harassment mentioned in the Recommendation, the CDDH considers that:

² This examination should be carried out notably in the light of the experience acquired by the current Platform to promote the protection of journalism and safety of journalists, by the Working Group on Human Rights Defenders set up within the Human Rights Committee of the Conference of INGOs of the Council of Europe and by the action carried out by the Commissioner for Human Rights in favour of human rights defenders.

³ These instruments comprise, *inter alia*, the Charter of core principles of the European legal profession of the Council of Bars and Law Societies of Europe, the Turin Charter on the exercise of the profession of lawyer in the twenty-first century of the International Association of Lawyers, as well as the Standards for the Independence of the Legal Profession, International Principles on Conduct for the Legal Profession and the Guide for Establishing and Maintaining Complaints and Discipline Procedures of the International Bar Association.

⁴ These activities would also aim at reminding that numerous provisions of Recommendation No. R(2000)21 are an expression of already binding standards under the European Convention on Human Rights.

- (i) for short-term solutions and immediate replies, establishing an early-warning mechanism could indeed be useful;
- (ii) for long-term solutions, the European Convention on Human Rights system, notably through binding judgments of the Court under, in particular, Articles 2, 3, 6 and 8 and 10 of the Convention, constitutes an effective and sufficient framework.

3. With this in mind, the CDDH wonders whether a binding international legal instrument would be the appropriate framework to address situations which may concern only certain countries to varying degrees. In any event, it would be necessary to specify further the intended personal scope envisaged for a new convention (protection of the profession of lawyer in general / protection of lawyers acting as Human Rights defenders) and to ensure that the new control mechanism to be established in the framework of such an instrument would have a real added value, in terms of competence, effectiveness and transparency, and taking into account the budgetary consequences.

4. The CDDH would be ready, if appropriate, to contribute to the work of the competent bodies on this matter which the Committee of Ministers would deem necessary.

* * *

II. CDDH COMMENTS ON PARLIAMENTARY ASSEMBLY RECOMMENDATION 2122(2018) – “JURISDICTIONAL IMMUNITY OF INTERNATIONAL ORGANISATIONS AND RIGHTS OF THEIR STAFF”

1. The Steering Committee for Human Rights (CDDH) takes note of Parliamentary Assembly Recommendation 2122(2018) - “*Jurisdictional immunity of international organisations and rights of their staff*”.

2. The CDDH notes that appropriate legal instruments have been developed by the most important international organisations regarding their accountability for human rights violations towards their own staff⁵. It concurs with the Assembly on the need of providing access to an effective remedy to staff members of international organisations aimed at protecting their labour rights since such a remedy is not available under the national legal systems of member States.

3. Concerning the Council of Europe, its Staff Regulations⁶ show that the Administrative Tribunal of this Organisation has been set up to decide upon appeals against decisions taken in the administrative complaints procedure. The CDDH considers that, in the light of relevant practices existing in member States or in other international organisations, the Secretariat of the Council of Europe could analyse in which cases it would be appropriate for trade unions to have *locus standi* before the Administrative Tribunal.

⁵ <https://rm.coe.int/accountability-of-international-organisations-for-human-rights-violati/1680761005>

⁶ Part VII of the Staff Regulations of the Council of Europe sets out the system of dispute settlement between staff members and the organisation; in this regard, Article 59 sets out the so-called “complaints procedure” and under Article 60 an appeal procedure can be launched before the Administrative Tribunal “in the event of either explicit rejection, in whole or part, or implicit rejection of a complaint lodged under Article 59”.

4. In its previous comments on Parliamentary Assembly Recommendation 2037(2014) about *Accountability of international organisations for human rights violations*⁷, the CDDH already shared the approach of the Committee of Legal Advisers on Public International Law (CAHDI) regarding conflict resolution mechanisms between international organisations and their staff. The CDDH agrees with the Assembly that the CAHDI remains the body best placed to discuss, on a regular basis, the extent to which internal remedies in international organisations are compatible with human rights.

* * *

III. CDDH COMMENTS ON PARLIAMENTARY ASSEMBLY RECOMMENDATION 2123(2018) – “STRENGTHENING INTERNATIONAL REGULATIONS AGAINST TRADE IN GOODS USED FOR TORTURE AND THE DEATH PENALTY”

1. The Steering Committee for Human Rights (CDDH) takes note of Parliamentary Assembly Recommendation 2123(2018) – *“Strengthening international regulations against trade in goods used for torture and the death penalty”*.

2. It takes note of the legal and political instruments that have already been adopted in different fora in this respect as well as the call of the Assembly that member States put in place a legislation regulating trade in goods used for the death penalty, torture and inhuman or degrading treatment or punishment.

3. On this last point, the CDDH recalls that paragraphs 24 and 27 of the Appendix to Recommendation CM/Res(2016)3 of the Committee of Ministers to member States on human rights and business already contain specific provisions for member States aimed at preventing business enterprises domiciled within their jurisdiction from trading in such goods and at informing business enterprises of potential human rights consequences of their operations⁸.

4. Furthermore, it notes that the Council of Europe has already recognised the need to exchange information between the States on the existing best practices on combating the trafficking in goods used for torture and the death penalty. Indeed, an online Platform on Human Rights and Business is currently being put in place within the departments of the Organisation in charge of cooperation in the human rights field (HELP Programme).

5. The CDDH believes it important that this Platform, which it initiated, becomes a powerful tool for:

⁷ Recommendation 2037 (2014) was adopted by the Assembly on 31 January 2014.

⁸ *Paragraph 24*: “In order not to facilitate the administration of capital punishment or torture in third countries by providing goods which could be used to carry out such acts, member States should ensure that business enterprises domiciled within their jurisdiction do not trade in goods which have no practical use other than for the purpose of capital punishment, torture, or other cruel, inhuman or degrading treatment or punishment”;

Paragraph 27: “Member States should be in a position to inform business enterprises referred to in paragraph 20 on the potential human rights consequences of carrying out operations in conflict-affected areas, and in other sectors or areas that involve a high risk of a negative impact on human rights, and provide assistance to these business enterprises, in line with relevant international instruments, such as the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones or the OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas. Member States should facilitate business enterprises’ adherence to sector-specific standards, such as the Voluntary Principles on Security and Human Rights and the International Code of Conduct for Private Security Providers. Member States should consider performing a sector-risk analysis in order to identify the sectors in which activities are most at risk of having a negative impact on human rights”.

- (i) raising awareness of member State authorities about international and regional mechanisms for the protection of human rights and about the reports of independent organs of the civil society as regards the situation of the death penalty, torture and inhuman or degrading treatment or punishment in third countries which they should take into account when examining requests for authorisation of trade in relevant goods;
- (ii) providing periodic reports on the States' regulatory activities in this area, including decisions given on requests for authorisation of trade in specific goods and the specific reasons for those decisions.

6. The CDDH supports the call for ratification by all member States of the Council of Europe, of Protocols Nos. 6⁹ and 13¹⁰ to the Convention.

7. Finally, the CDDH considers it very useful that the Committee of Ministers draws attention to this matter with a view to reaffirm that Europe is strongly opposed to the death penalty, torture and inhuman or degrading punishment or treatment at worldwide level. The CDDH would be ready to draft a non-binding legal instrument (e.g. a political Declaration) if the Committee of Ministers decides to give it a mandate to this end.

* * *

IV. CDDH COMMENTS ON PARLIAMENTARY ASSEMBLY RECOMMENDATION 2125(2018) – “STATE OF EMERGENCY: PROPORTIONALITY ISSUES CONCERNING DEROGATIONS UNDER ARTICLE 15 OF THE EUROPEAN CONVENTION ON HUMAN RIGHTS”

1. The Steering Committee for Human Rights (CDDH) takes note of Parliamentary Assembly Recommendation 2125(2018) – “*State of emergency: Proportionality issues concerning derogations under Article 15 of the European Convention on Human Rights*”. It considers that the Assembly addresses therein an important challenge which the system of protection of human rights as guaranteed by the Convention is currently facing.

2. Indeed the CDDH notes with concern that States increasingly need to consider having recourse to their right of derogation. It draws attention to the update, in April 2018, of the factsheet “Derogation in time of emergency”, published by the European Court of Human Rights¹¹.

3. The CDDH recalls that:

- (i) Under Article 15 of the Convention, any High Contracting Party has the right, in time of war or public emergency threatening the life of the nation, to take measures derogating from its obligations under the Convention, other than those listed in paragraph 2 of that Article, provided that such measures are strictly proportionate to the exigencies of the situation and that they do not conflict with other obligations under international law¹².

⁹ To date: 46 ratifications and 1 signature not followed by ratification.

¹⁰ To date: 44 ratifications and 1 signature not followed by ratification.

¹¹ European Court of Human Rights, Press Unit, Factsheet “Derogation in time of emergency”, April 2018.

¹² See, e.g., *Şahin Alpay v. Turkey*, no. 16538/17, 20 March 2018, § 74.

- (ii) Even if in this matter the European Court of Human Rights has recognised a margin of appreciation to the States to decide on the application of Article 15, this margin is subject to the supervision by the Court. In determining whether a State has gone beyond what is strictly required, the Court gives appropriate weight to factors such as the nature of the rights affected by the derogation, the circumstances leading to, and the duration of, the emergency situation¹³. Even if there is such a situation as to justify derogation from obligations under the Convention, the derogating measures have to address it adequately and rationally and must not be disproportionate¹⁴.

4. The CDDH further recalls that in its opinion CDL-AD(2016)010 on “The Legal Framework Governing Curfews”, adopted at its 107th Plenary Session (Venice, 10-11 June 2016), the European Commission for Democracy Through Law (Venice Commission) also pointed out (§ 95) that although it was a State’s duty to muster all its resources to combat the terrorist threat and protect its citizens from such attacks, it was also crucial in a democratic society to strike the right balance between security needs and the exercise of rights and freedoms, showing due regard for the requirements of the rule of law.

5. The CDDH does not consider it necessary to examine the State practice in relation to derogations from the Convention in order to identify legal standards and good practice and, on that basis, adopt a recommendation to member States on the matter. According to the CDDH, the aforementioned Court’s factsheet, as updated in April 2018, provides sufficient information.

* * *

V. CDDH COMMENTS ON PARLIAMENTARY ASSEMBLY RECOMMENDATION 2126(2018) – “HUMANITARIAN NEEDS AND RIGHTS OF INTERNALLY DISPLACED PERSONS IN EUROPE”

1. The Steering Committee for Human Rights (CDDH) takes note of Parliamentary Assembly Recommendation 2126(2018) – “*Humanitarian needs and rights of internally displaced persons in Europe*”.

2. The CDDH recalls that the European Court of Human Rights has recognised that the arbitrary displacement of persons from their habitual place of residence is in breach of the European Convention on Human Rights, and that it is crucial to guarantee their human rights¹⁵ and to execute judgments regarding them.

3. The 11th Annual Report of the Committee of Ministers on the supervision of execution of judgments and decisions of the Court¹⁶ mentions a number of pending

¹³ See *Brannigan and McBride v. the United Kingdom*, nos. 14553/89 and 14554/89, 25 May 1993, § 43; *A. and Others v. the United Kingdom* [GC], no. 3455/05, 19 February 2009, § 173.

¹⁴ Compare *A. and Others v. the United Kingdom*, cited above, § 174.

¹⁵ In particular the right to life, the prohibition of torture, the right to liberty and security, the right to respect for private and family life and the protection of property (Articles 2, 3, 5 and 8 of the Convention and Article 1 of Protocol No. 1). Recommendation Rec(2006)6 of the Committee of Ministers to member States on internally displaced persons recalls that “the national authorities of the member States on the territory of which internal displacement is taking place are primarily responsible for the protection and assistance of the internally displaced persons, notwithstanding the rights and obligations of other states or appropriate international organisations under international law”.

¹⁶ <https://rm.coe.int/annual-report-2017/16807af92b>, pp. 194, 228 and 245.

cases concerning internally displaced people. These cases reveal important and complex structural problems, related, for many of them, to situations in post-conflict regions, demanding time and efforts in many respects. In this context, the recent Copenhagen Declaration¹⁷ has strongly encouraged the Committee of Ministers to continue to use all the tools at its disposal when performing the important task of supervising the execution of judgments, including the procedures under Article 46 (3) and (4) of the Convention, keeping in mind that it was foreseen that these procedures would be used sparingly and in exceptional circumstances respectively.¹⁸

* * *

VI. CDDH COMMENTS ON PARLIAMENTARY ASSEMBLY RECOMMENDATION 2129(2018) – “COPENHAGEN DECLARATION, APPRECIATION AND FOLLOW-UP”

1. The Steering Committee for Human Rights (CDDH) takes note of Parliamentary Assembly Recommendation 2129(2018) - “*Copenhagen Declaration, appreciation and follow-up*”.

2. It notes that, at its 128th ministerial session (18 May 2018) the Committee of Ministers endorsed the Declaration adopted on 13 April 2018 and invited the various stakeholders to implement it.

3. The CDDH is convinced that the Committee of Ministers will continue to take concrete and effective measures for addressing problems relating to the ineffectiveness of national implementation of the Convention, including the insufficient execution of the judgments of the Court. It also welcomes the willingness of the Assembly to continue its commitment in the process of the reform of the Convention system, in order to protect its fundamental principles, in particular the independence of the Court, to reinforce the role of national parliaments and to compel member States to account for the respect of their obligations.

4. In this respect, the CDDH considers it crucial that the Assembly continues ensuring that national parliaments effectively implement Recommendation CM/Rec(2004)5 of the Committee of Ministers to the member States on the verification of the compatibility of draft laws, existing laws and administrative practice with the standards laid down in the European Convention on Human Rights.¹⁹ Indeed, as it is stated in the Copenhagen Declaration, the CDDH considers it of utmost importance that national parliaments are appropriately involved in ensuring that policies and legislation comply fully with the Convention, notably by checking, in a systematic manner and at an early stage of the process, the compatibility of draft legislation and administrative practice in the light of the Court’s jurisprudence²⁰.

5. The CDDH also recalls that the Copenhagen Declaration referred to the 2017 CDDH report on the selection of candidates and election of judges of the Court and that in this report the various actors, including the Assembly both on its own and in close cooperation with the Committee of Ministers, are called to ensure that the most qualified and competent candidates are elected.

¹⁷ Adopted at the High-Level Conference meeting on 12 and 13 April 2018 at the initiative of the Danish Chairmanship of the Committee of Ministers.

¹⁸ See § 24 of the Declaration.

¹⁹ Adopted by the Committee of Ministers on 12 May 2004 at its 114th Session.

²⁰ See § 16 (b) of the Declaration.

6. Furthermore, the CDDH recalls the importance of the involvement of national parliaments in the process of the execution of judgments, as it has been highlighted in the Brussels Declaration²¹.

7. Finally, the CDDH considers that the Copenhagen Declaration, which stresses the importance of an effective protection of the Convention standards at the national level, which develops, in light of Protocol No. 15 to the Convention, the ideas concerning the principle of subsidiarity and the margin of appreciation of national courts, and which envisages new avenues to increase the effectiveness of the Court, provides useful elements to the reflection that the Committee of Ministers must conclude before the end of 2019 on whether the measures taken until now are sufficient to ensure sustainable functioning of the Convention's control mechanism or whether it is appropriate to envisage more significant changes.

* * *

VII. CDDH COMMENTS ON PARLIAMENTARY ASSEMBLY RECOMMENDATION 2130(2018) – “LEGAL CHALLENGES RELATED TO HYBRID WAR AND HUMAN RIGHTS OBLIGATIONS”

1. The Steering Committee for Human Rights (CDDH) takes note of Parliamentary Assembly Recommendation 2130(2018) – “*Legal challenges related to hybrid war and human rights obligations*”.

2. The CDDH shares the concerns of the Assembly concerning in particular cyber-attacks and mass disinformation campaigns and notes that the Council of Europe²² combats the threat of cybercrime through different legal instruments, while respecting and encouraging freedom of expression and activity of the media and internet users.

3. In this context, the CDDH recalls that its Drafting Group on Freedom of Expression and links to other Human Rights is addressing misinformation in order to identify good practices to combat it in culturally diverse societies.

4. As to the development of legal standards to combat the threats of hybrid war, the CDDH stresses the importance of the Budapest Convention on Cybercrime²³, the only binding international instrument in this field, and notes that an adequate monitoring is carried out on a regular basis²⁴ to guarantee compliance with its provisions. Further ratifications of this instrument would be preferable rather than drafting any new binding legal instrument on the issue.

²¹ Adopted at the High-level Conference on 26 and 27 March 2015 at the initiative of the Belgian Chairmanship of the Committee of Ministers. See in particular § 2 (h) of section B of the Action Plan appended to the Declaration.

²² See the work of its Information Society Department within the Directorate General of Human Rights and Rule of Law.

²³ <https://www.coe.int/en/web/conventions/full-list/-/conventions/rms/0900001680081561>

²⁴ Article 46 of the Budapest Convention sets out that the Parties shall, as appropriate, consult periodically with a view to facilitating the effective use and implementation of this Convention, including the identification of any problems thereof, the exchange of information on significant legal, policy or technological developments pertaining to cybercrime and the collection of evidence in electronic form and consideration of possible supplementation or amendment of the Convention. In order to do this the Cybercrime Convention Committee (T-CY) is the Committee of the Parties to the Budapest Convention.

5. The CDDH would be ready, if appropriate, to contribute to the work of the competent bodies on this matter which the Committee of Ministers would deem necessary.

* * *

VIII. CDDH COMMENTS ON PARLIAMENTARY ASSEMBLY RECOMMENDATION 2132 (2018) – “DETAINEES WITH DISABILITIES IN EUROPE”

1. The Steering Committee for Human Rights (CDDH) takes note of Parliamentary Assembly Recommendation 2132(2018) - “*Detainees with disabilities in Europe*”. It fully shares the concerns regarding the equality of treatment, non-discrimination, accessibility and reasonable accommodation within prison for detainees with disabilities. In this context, the Council of Europe has adopted several relevant instruments in order to protect human rights of persons with disabilities in prison²⁵.

2. Furthermore, the Council of Europe Disability Strategy 2017-2023²⁶ outlines the Organisation’s priorities on this issue in the period 2017-2023 and declares that “the Council of Europe promotes, protects and monitors the implementation of human rights for all, including persons with disabilities” who are “entitled to have access to and enjoy, on an equal basis with others, the full range of human rights safeguarded by the European Convention on Human Rights, the European Social Charter, the United Nations Convention on the Rights of Persons with Disabilities and other international treaties”.

3. Like the Assembly, the CDDH stresses the importance of the respect of obligations already arising under the European Convention on Human Rights (ETS No. 5) and other instruments concluded concerning the situation of persons with disabilities in prison. The CDDH recalls that there is extensive case-law of the European Court of Human Rights regarding human rights of ill persons or persons with disabilities in prison²⁷. The Court has notably reiterated that, even though the Convention cannot “be interpreted as laying down a general obligation to release a detainee on health grounds or to place him in a civil hospital to enable him to obtain a particular kind of medical treatment”, under Article 3 of the Convention “the State must ensure that a person is detained in conditions which are compatible with respect for his human dignity, that the manner and method of the execution of the measure do not subject him to distress or hardship of an intensity exceeding the unavoidable level of suffering inherent in detention and that, given the practical demands of imprisonment, his health and well-

²⁵ Recommendation Rec(2006)2 (adopted by the Committee of Ministers on 11 January 2006 at its 952nd meeting) on the European Prison Rules; Recommendation No. R (98)7 (adopted by the Committee of Ministers on 8 April 1998 at its 627th meeting) concerning the ethical and organisational aspects of health care in prison; Recommendation No. R (99)22 (adopted by the Committee of Ministers on 30 September 1999 at its 681st meeting) concerning prison overcrowding and prison population inflation; Recommendation No. Rec(2004)10 (adopted by the Committee of Ministers on 22 September 2004 at its 896th meeting) concerning the protection of the human rights and dignity of persons with mental disorder **whose articles 33 and 35 are devoted to persons who have been arrested and persons in penal institutions respectively.**

²⁶ The Council of Europe Disability Strategy 2017-2023 was adopted by the Committee of Ministers at its 1272nd Meeting on 30 November 2016.

²⁷ Some cases can be found in the Prisoners’ health-related rights factsheet and in the Persons with disabilities and the European Convention on Human Rights factsheet published by the Press Unit of the European Court of Human Rights.

being adequately secured by, among other things, providing him with the requisite medical assistance”.²⁸

4. The CDDH refers to the work carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), the Commissioner for Human Rights and the European Committee on Crime Problems (CDPC) on this important issue.

5. As for encouraging member States to collect and share statistics on all disability situations found in prisons and to undertake a comprehensive study on the legislation and practice in all member States, the CDDH, recalling the Committee of Ministers’ reply²⁹ to the Parliamentary Assembly Recommendation 2082(2015) “On the fate of critically ill detainees in Europe”,³⁰ considers that carrying out such a study and collecting and sharing statistics would be useful in order to identify best practices and elaborate guidelines in this field if necessary.

* * *

²⁸ Case of *Kudła v. Poland* [GC] (application no. 30210/96, §§ 93-94, ECHR 2000-XI), regarding a violation of Article 3 of the Convention (prohibition of torture or inhuman or degrading treatment or punishment).

²⁹ In its reply adopted at its 1262nd meeting (6 July 2016), the Committee of Ministers “considers that a study as recommended by the Parliamentary Assembly on member States’ legislation and practice in relation to the compassionate release of prisoners and other categories of persons in detention would be useful” and that “in addition to severely ill detainees, such a study should cover persons with severe disabilities”; finally the Committee of Ministers “encourages member States to consider collecting and sharing the statistics referred to by the Parliamentary Assembly in paragraph 3.1 of its recommendation”.

³⁰ The Council of Europe budget and programme 2018-2019 includes the target of emphasising “on good management in prisons, protecting Human Rights, especially of vulnerable prisoners, and on Human Rights based policing and combating ill-treatment and impunity as regards law enforcement structures”.

Appendix IV**Conference****Policy For Progress: Ending FGM and Forced Marriage*****Draft agenda – activities and timings are subject to change***

London, 15–16 November 2018

Day One – Thursday 15 November

| | |
|-------|---|
| 13:30 | Guest registration |
| 14:00 | Welcome from UK Government Minister |
| | <p>Speaker: FGM survivor</p> <p>Panel discussion with Q&A: ‘How can we better measure the true prevalence and impact of these hidden crimes?’</p> <p>Panellists include:</p> <ul style="list-style-type: none"> • UK Government Minister • Edna Adan Ismail, former Somaliland Government Minister, health practitioner and anti-FGM campaigner • Professor Aisha Gill, University of Roehampton • Diana Nammi, Executive Director of Iranian and Kurdish Women’s Rights Organisation • Dr Anne-Marie Wilson, Director of 28 Too Many • Jacinta Muteshi, Project Director for Population Council FGM/C Research Program <p>~ Break ~</p> <p>Session with Q&A: Supporting victims of Forced Marriage</p> <p>Speakers include:</p> <ul style="list-style-type: none"> • Khalida Salimi, Founder of Sach • Annemarie Haitsma, Forced Marriage Unit, Netherlands <p>Speaker: UK Government Minister</p> |
| 18:00 | Networking session: Opportunity to meet fellow delegates and browse exhibition |

Day Two – Friday 16 November

| | |
|-------|---|
| 08:30 | Guest registration |
| 09:00 | Welcome by UK Government Minister |
| | <p>Speaker: Chiara Cosentino, End FGM European Network</p> <p>Session with Q&A: ‘Meet the Forced Marriage Unit’ Overview of the work of the UK Government Forced Marriage Unit</p> <p>~ Break ~</p> |

| | |
|-------|--|
| | <p>Workshops</p> <p>Opportunity to choose from a range of breakout sessions, including:</p> <ul style="list-style-type: none"> • FGM and Forced Marriage Protection Orders, with the UK Government • FGM prosecutions in France, with Linda Weil-Curiel (France) • Role of men in tackling FGM and Forced Marriage, with GAMS Belgium, FORWARD (UK) and HEROES (Germany) • Role of young people and the impact of education in tackling FGM and Forced Marriage, with Integrate UK • Improving the social care response to FGM, with Barnardo's (UK) • #StopTheMarriage / #StoppBryllupet innovative communications campaign, with Plan Norway • Consular Co-operation Initiative (CCI) for Forced Marriage, with the UK Government and Netherlands Government • 'Marry When You Are Ready' project – supporting Roma communities across Europe, with Terni Bori <p>~ Lunch ~</p> <p>Breakout sessions</p> <p>~ Break ~</p> <p>Discussion: 'How can we empower communities and support sustainable behaviour change?'</p> <p>Speakers include: Julia Lalla-Maharajh, Chief Executive and Founder of Orchid Project</p> <p>Keynote speech</p> |
| 16:00 | Event Ends |

ACTIONS:

- The UK is keen to secure the attendance of as many international representatives as possible in order for the conference to be a success. We hope that the CDDH and wider Council of Europe will support us in raising awareness of the conference and in encouraging attendance from international colleagues.
- **Please send contact details of FGM and Forced Marriage experts from your country to be invited to the conference to visitsandevents1@homeoffice.gsi.gov.uk by Friday 6 July.**
- **Please share this draft agenda with your colleagues and any FGM and Forced Marriage experts who you think would be interested in participating.**
- Please do not hesitate to contact the UK Home Office at the following address if you have any questions: visitsandevents1@homeoffice.gsi.gov.uk

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

(List adopted by the CDDH at its 89th meeting, 19-22 June 2018)

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

CDDH RAPPORTEURS

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

* * *

Appendix VI

**Calendar of meetings of the CDDH
and subordinate bodies for the second semester of 2018 and for 2019**
(as adopted by the CDDH at its 89th meeting, 19-22 June 2018)

| 2018 | |
|---|-----------------------------------|
| 3 rd meeting of the drafting Group on Civil Society and National Human Rights Institutions (CDDH-INST) | 14–16 March |
| 4 th meeting of the drafting Group on Human Rights and Migration (CDDH-MIG) | 21–23 March |
| 3 rd meeting of the drafting Group on the place of the ECHR in the European and international legal order (DH-SYSC-II) | 3–5 April |
| <i>High-level Conference under the Danish chairmanship of the Committee of Ministers concerning the future of the ECHR system</i> | Copenhagen, 11–13 April |
| 3 rd meeting of the drafting Group on Freedom of Expression and links to other Human Rights (CDDH-EXP) | 25–27 April |
| 2 nd meeting of the drafting Group on Social Rights (CDDH-SOC) | 2–4 May |
| 99 th meeting of the Bureau of the Steering Committee for Human Rights (CDDH-BU) | Andorra la Vella 17–18 May |
| 13 th meeting of the Committee on Bioethics (DH-BIO) | 22–25 May |
| 89 th meeting of the Steering Committee for Human Rights (CDDH) and Workshop, under the Croatian Chairmanship of the Committee of Ministers, on the promotion of human rights of older persons | 19–22 June 21 June (afternoon) |
| 3 rd meeting of the drafting Group on Social Rights (CDDH-SOC) | 5–7 September |
| 4 th meeting of the drafting Group on Civil Society and National Human Rights Institutions (CDDH-INST) | 19-21 September |
| 4 th meeting of the drafting on the place of the ECHR in the European and international legal order (DH-SYSC-II) | 25–28 September |
| 5 th meeting of the drafting Group on Human Rights and Migration (CDDH-MIG) | 23–25 October |
| 100 th meeting of the Bureau of the Steering Committee for Human Rights (CDDH-BU) | Berlin, 8–9 November |
| 14 th meeting of the Committee on Bioethics (DH-BIO) | 20–23 November |
| <i>Meeting of the Government Agents with the Registry of the Court</i> | 26 November morning |
| CDDH Workshop on the 20 th anniversary of the new Court | 26 November afternoon |
| 90 th meeting of the Steering Committee for Human Rights (CDDH) including the CDDH Workshop (29 November afternoon) on Civil Society and National Human Rights Institutions | 27–30 November |

| 2019 | |
|--|---------------------------------------|
| 5 th meeting of the drafting Group on the place of the ECHR in the European and international legal order (DH-SYSC-II) | 6–8 February |
| 5 th meeting of the drafting Group on Civil Society and National Human Rights Institutions (CDDH-INST) | 27 February– 1 st March |
| 4 th meeting of the drafting Group on Freedom of Expression and links to other Human Rights (CDDH-EXP) | 20–22 March |
| 6 th meeting of the drafting Group on Human Rights and Migration (CDDH-MIG) | 26–28 March |
| 4 th meeting of the drafting Group on Social Rights (CDDH-SOC) | 3–5 April |
| 101 th meeting of the Bureau of the Steering Committee for Human Rights (CDDH-BU) | 16–17 May |
| 6 th meeting of the drafting Group on the follow-up to the CDDH report on the longer-term future of the Convention (DH-SYSC-II) | 22–24 May |
| 91 th meeting of the Steering Committee for Human Rights (CDDH) and Workshop on the protection of victims of terrorist acts | 18–21 June |
| 7 th meeting of the drafting Group II on the place of the ECHR in the European and international legal order (DH-SYSC-II) | 11–13 September |
| 6 th meeting of the drafting Group on Civil Society and National Human Rights Institutions (CDDH-INST) | 18–20 September |
| 5 th meeting of the drafting Group on Social Rights (CDDH-SOC) | 25–27 September |
| 6 th meeting of the drafting Group on Freedom of Expression and links to other Human Rights (CDDH-EXP) | 9–11 October |
| 6 th meeting of the Committee of experts on the system of the European Convention on Human Rights (DH-SYSC) | 16–18 October |
| 7 th meeting of the drafting Group on Human Rights and Migration (CDDH-MIG) | 22–24 October |
| 102 nd meeting of the Bureau of the Steering Committee for Human Rights (CDDH-BU) | 7–8 November |
| 92 nd meeting of the Steering Committee for Human Rights (CDDH) | 26–29 November |

* * *

Appendix VII**Deadlines for possible contributions***(as adopted by the CDDH at its 89th meeting, 19–22 June 2018)***Friday 6 July 2018**

Contact details of national experts to be invited to the Conference “Policy For Progress: Ending Forced Genital Mutilations (FGM) and Forced Marriage” (London, 15-16 November 2018); (see the draft program of the Conference at the Appendix IV above) - to be sent to visitsandevents1@homeoffice.gsi.gov.uk

Monday 16 July 2018

Comments-information-proposals: (i) on the way of updating the Recommendation Rec(2004)4 on the European Convention on Human Rights in university education and professional training (document [DH-SYSC-III\(2018\)02](#)) and (ii) on the implementation of the Recommendation Rec(2004)4 (document [DH-SYSC-III\(2018\)03](#)) – to be sent to DGI-CDDH-Reform@coe.int

Editorial comments regarding the draft Declaration on the need to strengthen the protection and promotion of the civil society space (document CDDH (2018)R89add2)³¹ – to be sent to DGI-CDDH@coe.int

Friday 31 August 2018

Replies to questionnaire on the implementation of the Recommendation CM/Rec(2010)05 of the Committee of Ministers to the member States on measures to combat discrimination on grounds of sexual orientation or gender identity (document [CDDH\(2018\)02](#))– to be sent to Eleni.TSETSEKOU@coe.int, cc: sogi@coe.int.

Comments-information-proposals on the future second draft report on social rights³² – to be sent to DGI-CDDH@coe.int

Comments on the draft Additional Protocol on the protection on the human rights of persons with mental disorder with regard to involuntary placement and involuntary treatment (document DH-BIO/Inf(2018)7)³³ as well as the changes made to the draft explanatory report (document DH-BIO/Inf(2018)8)³⁴ – to be sent to DGI-CDDH@coe.int

³¹ This document will be posted online with the 89th meeting report of the CDDH.

³² §§ For more detailed explanations see §§ 14-15 of the 2nd meeting report of the Drafting Group CDDH-SOC (document [CDDH-SOC\(2018\)02](#)).

³³ This document will be sent by e-mail as soon as possible

³⁴ This document will be sent by e-mail as soon as possible

Friday 28 September

Comments-information-proposals (national examples of good practices to be included in the Guide of good and promising practices on the way of reconciling freedom of expression with other rights and freedoms, in particular in culturally diverse societies (document [CDDH-EXP\(2018\)R3add revised](#)) – to be sent to DGI-CDDH@coe.int, cc: merete.bjerregaard@coe.int

Comments on the draft opinion³⁵ on the draft “Venice principles on the protection and promotion of the institution of Ombudsman”³⁶ - to be sent to DGI-CDDH@coe.int

³⁵ A draft opinion will be prepared by the Drafting Group CDDH-INST at its 4th meeting (19–21 September 2018) and distributed to the CDDH members on 21 September for possible comments by Friday 28 September 2018. On this basis, the Bureau will take a final decision on the content of the opinion. It was agreed with the Secretariat of the Venice Commission that the CDDH opinion on the draft “Venice Principles” will be sent to the latter at the beginning of October 2018.

³⁶ This document will be sent by e-mail as soon as possible.