

CDDH(2017)R88
10/01/2018

STEERING COMMITTEE FOR HUMAN RIGHTS (CDDH)

REPORT

88th meeting
Strasbourg, 5-7 December 2017

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Addenda

CDDH(2017)R88addI – Report of the CDDH on the process of selection and election of judges of the European Court of Human Rights

CDDH(2017)R88addII – Analysis of the CDDH of the legal and practical aspects of effective alternatives to detention in the context of migration

SUMMARY

1. The Steering Committee for Human Rights (CDDH) held its 88th meeting from 5 to 7 December 2017 in Strasbourg with Ms Brigitte KONZ (Luxembourg) in the Chair. The agenda, as adopted, appears at Appendix I below. The list of participants appears at 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):

- 2104(2017) – “Human rights of older persons and their comprehensive care”;
- 2110(2017) – “The implementation of judgments of the European Court of Human Rights”;
- 2115(2017) – “The use of new genetic technologies in human beings”;
- 2116(2017) – “Promoting the human rights of and eliminating discrimination against intersex people”;

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

- (i) adopted its Report on the process of selection and election of judges of the Court (CDDH(2017)R8addI), concluded that it thus finalised its work on this issue and decided to submit the Report to the Committee of Ministers for information and possible further instructions;
- (ii) endorsed the general objectives and the working methods proposed by the Drafting Group DH-SYSC-II on the place of the European Convention on Human Rights in the European and international legal order for its work;
- (iii) exchanged views and gave guidance to the DH-SYSC on the updating of the Recommendation (2004)4 of the Committee of Ministers to member States on the European Convention on Human Rights in university education and professional training;
- (iv) took note of the upcoming work of the DH-SYSC on the updating of the Guide to good practices accompanying the Recommendation (2010)3 of the Committee of Ministers to member States on effective remedies for excessive length of proceedings;
- (v) exchanged views on the High-Level Expert Conference “*2019 and beyond - Taking stock and moving forward from the Interlaken Process*” (Kokkedal, Denmark, 22-24 November 2017) and thanked the Danish authorities for the organisation of this event and the expected High-Level Conference under the Danish Chairmanship of the Committee of Ministers (11-13 April 2018);

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

- (i) exchanged views on the on-going work on social rights (see information in Appendix IV below) and took note, in particular, of the compilation of national information received in response to the questionnaire by the Secretariat;
- (ii) adopted its Analysis, including its executive summary, of the legal and practical aspects of effective alternatives to detention in the context of migration (CDDH(2017)R88addII) and decided to submit it to the Committee of Ministers for information;

- (iii) took note of the ongoing preparation of a draft Guide to good practices on the way of reconciling freedom of expression with other human rights, in particular in culturally diverse societies (see [Appendix V](#) below), for which members States had submitted contributions;
- (iv) took note of the on-going preparation of a draft Guide to good practices of implementation of existing national legislation regarding the protection and promotion of the civil-society space, as well as on the possibility of developing a draft non-binding legal instrument in this area;
- (v) in light of the terms of reference received from the Committee of Ministers for the next biennium (see [Appendix VI](#) below), exchanged views on the organisation of its work during the next biennium 2018-2019 (see information in [Appendix VII](#) below). In this context, it discussed in particular:
 - (i) the preliminary concept note for an online platform concerning human rights and business;
 - (ii) its possible involvement in an event in 2018 aimed at preventing and combating female genital mutilation and forced marriage;
 - (iii) the organisation of a half-day Workshop at the CDDH meeting in June 2018 concerning the follow up to Recommendation CM(2014)2 of the Committee of Ministers to member States on the promotion of human rights of older persons;
 - (iv) its procedure and schedule for the review of the implementation of 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, and for the submission of possible proposals for follow-up to the Committee of Ministers (see information in [Appendix VIII](#) below);
 - (v) the organisation of a half-day Workshop in May/June 2019 on access to official documents;

(d) concerning **bioethics**:

- (i) took note of the on-going and future work within the DH-BIO;
- (ii) exchanged views on the Conference "*20th anniversary of the Oviedo Convention*" (Strasbourg, 24-25 October 2017);
- (e) discussed the preparation of a Workshop on the protection of victims of terrorist acts during the next biennium;
- (f) updated its list of Focal Points in other bodies (see [Appendix IX](#) below);
- (g) exchanged views with Ms Carlien SCHEELE, Senior Gender Equality Adviser at the Directorate of Human Dignity and Equality, the Directorate General of Democracy - DGII (see information in [Appendix X](#) below) and Mr Philippe WERY (Belgium), the Gender Equality Rapporteur of the CDDH;
- (h) exchanged views on the state of signatures and ratifications of the conventions for which it is responsible;

- (i) proceeded to elections (see [Appendix XI](#) below);
- (j) adopted the calendar of meetings of the CDDH and its subordinate bodies for 2018-2019 (see [Appendix XII](#) below).

DEADLINES TO SEND SUGGESTIONS / INFORMATION TO THE SECRETARIAT

Wednesday 20 December at 18:00 (DGI-CDDH-Reform@coe.int): Names of *ad hoc* experts to invite to the upcoming meetings of the **DH-SYSC-II**;

Thursday 15 February 2018 at 18:00 (DGI-CDDH@coe.int):

- Good national practices for inclusion in the Guide on **civil society** CDDH-INST
- Good national practices for inclusion in the Guide on **freedom of expression** CDDH-EXP
- Suggestions in view of the Workshop on **older people**
- Suggestions of names of experts to be invited and of possible items for the Workshop on **victims of terrorist acts**

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

1. The Chair of the CDDH, Ms Brigitte KONZ (Luxembourg), opened the meeting by evoking the main texts to be adopted at the meeting as well as the various issues for which the CDDH had to take decisions in view of the next biennium. The Head of the Human Rights Policy and Development Department, Mr Mikhail LOBOV, commended the substantial work achieved by the CDDH in 2016-2017 concerning both the system of the Convention and the development and promotion of Human Rights. He underlined the full support of the Committee of Ministers to the CDDH when adopting its terms of reference for 2018-2019 and drew the attention of the Steering Committee to the budgetary situation during the next biennium. The Head of the Human Rights Intergovernmental Cooperation Division and the Secretary of the CDDH, Mr Alfonso DE SALAS, presented the changes in staff of the Division and underlined the commitment and flexibility of the Secretariat to meet the priorities and challenges of the CDDH in the best manner.

ITEM 2: RECOMMENDATIONS OF THE PARLIAMENTARY ASSEMBLY

Texts of the Recommendations and elements for possible comments	CDDH(2017)06
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2. The CDDH exchanged views on four Recommendations of the Parliamentary Assembly transmitted by the Ministers' Deputies for information and possible comments. It endorsed the draft comments prepared by the DH-SYSC on the Recommendation 2110(2017) – “*The implementation of judgments of the European Court of Human Rights*”¹ and by the DH-BIO on the Recommendations 2115(2017) – “*The use of new genetic technologies in human beings*” and 2116(2017) – “*Promoting the human rights of*”

¹ Draft comments prepared by the Committee of experts on the system of the European Convention on Human Rights (DH-SYSC) at its 4th meeting, 9-10 November 2017, document DH-SYSC(2017)R4.

*and eliminating discrimination against intersex people*². It also adopted its comments on the Recommendation 2104(2017) – “*Human rights of older persons and their comprehensive care*”. The CDDH welcomed the quality and the comprehensiveness of the drafting work undertaken as well as the drafting suggestions by the Bureau at its 98th meeting (Copenhagen, 21-22 November 2017). Further to its discussion, the CDDH adopted its comments as they appear in Appendix III below.

ITEM 3: SYSTEM OF THE EUROPEAN CONVENTION ON HUMAN RIGHTS

Report of the 4 th DH-SYSC meeting (9-10 November 2017)	<u>DH-SYSC(2017)R4</u>
Draft Report on the process of selection and election of judges of the European Court of Human Rights	<u>DH-SYSC(2017)R4Add</u>
Report of the 2 nd DH-SYSC-II meeting (20-22 September 2017)	<u>DH-SYSC-II(2017)R2</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 4th meeting (9-10 November 2017, document DH-SYSC(2017)R4). She recalled that the DH-SYSC considered in depth the on-going work aimed to follow-up the CDDH report on the longer-term future of the system of the Convention. In this context, the DH-SYSC:
 - (i) approved the draft Report prepared by its drafting Group DH-SYSC-I on the process of selection and election of judges of the European Court of Human Rights and decided to transmit it to the CDDH for adoption at its present meeting (see item 3.1 below);
 - (ii) endorsed the working methods and the draft outline elaborated by its drafting Group DH-SYSC-II on the place of the Convention in the European and international legal order (see item 3.2 below).
4. The Chair of the DH-SYSC also informed that the Committee prepared extensive draft comments on Recommendation 2110 (2017) of the Parliamentary Assembly on the implementation of judgments of the European Court of Human Rights which it submitted to the CDDH for adoption at its present meeting (see item 2 above and Appendix III below).
5. Finally, she indicated that the DH-SYSC (i) gave guidance on the on-going work concerning on the update of Recommendation CM/Rec(2004)4 of the Committee of Ministers to member States on the European Convention on Human Rights in university education and professional training; (ii) decided on a new theme in the framework of the exchange of information on the implementation of the Convention and the execution of the Court’s judgments, namely third-party interventions; (iii) exchanged information on the prospects of signatures and ratifications namely of Protocols Nos 15 and 16 to the Convention and decided to transmit them to the CDDH.

² Draft comments prepared by the Committee on bioethics (DH-BIO) at its 12th meeting, 24-27 October 2017, document DH-BIO/RAPP12, and amended by the Bureau at its 98th meeting, 21-22 November 2017, document CDDH-BU(2017)R98 Appendix III.

3.1 Selection and election of judges of the Court (DH-SYSC-I)

6. The Chair of the Drafting Group on the selection and election of judges of the Court (DH-SYSC-I), Mr Vit A. SCHORM (Czech Republic), presented the results of the Group's work, which led to the elaboration of a draft Report on the process of selection and election of judges of the European Court of Human Rights (document DH-SYSC(2017)R4Add).
7. The CDDH reviewed the contents of the document and commended the quality of the work accomplished. Further to its review, it adopted its Report as it appears in document CDDH(2017)R88addI and decided to transmit it to the Committee of Ministers for information and possible follow-up.

3.2 Place of the Convention in the European and international legal order (DH-SYSC-II)

8. The Chair of the Drafting Group on the place of the European Convention on Human Rights in the European and international legal order (DH-SYSC-II), Ms Florence MERLOZ (France), presented the results of the 2nd meeting of the Group (20-22 September 2017, document DH-SYSC-II(2017)R2).
9. The CDDH exchanged views on the working methods proposed by the Group. In endorsing them, it took note of the draft outline and the planning that the Group envisaged for its work as well as the election of Rapporteurs and Contributors. The CDDH underlined the importance of following the planning set due to the large scope of the work and the number of actors involved in the drafting process.³ Concerning these aspects, the CDDH:
 - (i) noted the high number of member States which participated at their own expense in the 2nd meeting of the Group and welcomed the interest that they show for this work. The CDDH hopes that, in the future, the costs of representatives from these States could also be covered by the budget of the Council of Europe, subject to the availability of budgetary resources and following a rotation system (see Appendix XI below);⁴
 - (ii) authorised the Group to hold an additional 7th meeting of the Group in 2019 (see the calendar in Appendix XII below);
 - (iii) welcomed the appointment of Mr Petr VÁLEK (Czech Republic) as a representative from Committee of Legal Advisors on Public International Law (CAHDI) to participate in the meetings of the Group;

³ See §§6-11 of document DH-SYSC-II(2017)R2.

⁴ Subject to the availability of budgetary resources, it is envisaged that the following member States would also be covered by the budget of the Council of Europe to participate in the following meetings:

- 3rd meeting (3-5 April 2018) and 5th meeting (March 2019): Albania, Austria, Azerbaijan, Bosnia-Herzegovina, Denmark, Finland, Germany, Greece, Russian Federation, United Kingdom
- 4th meeting (25-28 September 2018) and 6th meeting (May 2019): Greece, Poland, Romania, Russian Federation, Serbia, Spain, Sweden, Turkey, Ukraine, United Kingdom
- 7th meeting (September 2019): it is envisaged that the Council of Europe will cover the costs of all the participants.

- (iv) invited the participants to send to the Secretariat by the **20 December 2017** at 18:00 (DMI-CDDG-Reform@coe.int)⁵ suggestions of names of *ad hoc* experts to invite to meetings of the DH-SYSC-II.

3.3 Other work within the DH-SYSC

10. The CDDH endorsed the decision of the DH-SYSC to set up a new Drafting Group DH-SYSC-III to update [Recommendation CM/Rec\(2004\)4](#) of the Committee of Ministers to member States on the European Convention on Human Rights in university education and professional training. It noted that the Group will organise its work in 2018 through video conferences with the help of written contributions which will be made available by electronic means.
11. The CDDH took note of: (i) the upcoming work on the update of the Guide to good practice accompanying [Recommendation CM/Rec\(2010\)3](#) of the Committee of Ministers to member States on effective remedies for excessive length of proceedings; (ii) the decision of the DH-SYSC to work on third-party interventions⁶ in the framework of its exchange of information on the implementation of the Convention and the execution of the Court's judgments.

3.4 High-level Expert Conference "2019 and Beyond – Taking stock and moving forward from the Interlaken Process" (Kokkedal, Denmark, 22-24 November 2017)

12. The Danish delegation informed about the outcome of the High-level Expert Conference "2019 and Beyond – Taking stock and Moving Forward from the Interlaken Process" (Kokkedal, Denmark, 22-24 November 2017) under the aegis of the Danish Presidency of the Committee of Ministers (November 2017 – May 2018). The CDDH commended the Danish authorities for the quality of this event, which gathered over 80 participants, out of which several members of the CDDH, including its Chair and vice-Chair, and which focused on the issue of dialogue between the Court and the States parties. It noted that a roundtable with actors from civil society will take place in Copenhagen in January 2018. This work is a part of the preparation of the High-level Conference which will take place in Copenhagen from 11 to 13 April 2018.

ITEM 4: DEVELOPMENT AND PROMOTION OF HUMAN RIGHTS

13. The CDDH examined the on-going work on various themes as well as the work which was entrusted to it for the next biennium 2018-2019.

4.1 Social rights (CDDH-SOC)

Report of the 1 st CDDH-SOC meeting (19-21 April 2017)	CDDH-SOC(2017)R1
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⁵ See §18 i) of document [DH-SYSC-II\(2017\)R2](#).

⁶ In particular: (i) who may make third-party interventions; (ii) the content of observations; (iii) the procedures for identifying judgments of the Court justifying a third-party intervention by the member States.

Information from the Secretariat on the state of preparation of the report of the CDDH on the legal protection of the Council of Europe for the protection of social rights	<u>CDDH(2017)07</u>
Replies to the questionnaire related to the good practices on the implementation of social rights at national level	<u>CDDH-SOC(2017)04</u>

14. The Chair of the Drafting Group on social rights (CDDH-SOC), Mr Vít A. SCHORM (Czech Republic), as well as the Secretariat, informed the CDDH of the state of preparation of the 2nd meeting of the Group. Initially foreseen from 6 to 8 November 2017, this meeting has been postponed for budgetary reasons to 2-4 May 2018. Wishing its Rapporteur Ms Chantal GALLANT (Belgium) much success in her new activities, it took note of the current work by the Secretariat to complete the first draft report which will be examined by the CDDH-SOC in spring 2018⁷, in particular the draft table of contents as it appears in Appendix IV below. It agreed that focus should be put on the state of play of the protection of social rights in the framework of the Council of Europe (parts I and II of the draft table of contents), even though it agreed that it is also useful to outline, in a succinct manner and for the purpose of comparison, the situation in other fora⁸ (part III).
15. Furthermore, the CDDH took note of the large number of replies sent by the members of the Governmental Committee of the European Social Charter further to the questionnaire CDDH-SOC(2018)02⁹ on the good practices on the implementation of social rights at national level. A compilation of the 31 replies received appears in document CDDH-SOC(2017)04 and will be subject to an analysis by the Secretariat in view of the 2nd meeting of the CDDH-SOC in spring 2018.

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

Report of the 2 nd CDDH-EXP meeting (27-29 September 2017)	<u>CDDH-EXP(2017)R2</u>
Compilation of good practices received from member States and observers	<u>CDDH-EXP(2017)06</u>

16. The Chair of the Drafting Group on the freedom of expression and links to other human rights (CDDH-EXP), Mr Hans-Jörg BEHRENS (Germany), informed the CDDH that at its second meeting the Drafting Group had prepared a preliminary structure for a Guide to good practices on reconciling freedom of expression with other rights and freedoms, in particular in culturally diverse societies. On this basis, it invited member States and observers to submit examples of good practices by **15 February 2018 at 18:00** to the Secretariat (DGI-CDDH@coe.int), using the boxes foreseen for this purpose in the document setting out the preliminary structure of the Guide (CDDH-EXP(2017)R2).
17. The CDDH welcomed the progress made and took note of the preliminary structure as it appears in Appendix V below.
18. It noted that several member States had already submitted good practices and encouraged the other States to do the same, pointing out that the CDDH-EXP, at its 3rd

⁷ Concerning the working methods of the Group, the CDDH recalled that it wished to receive two consecutive documents, namely a first descriptive report, and on this basis, a prospective report.

⁸ In particular the European Union, the International Labour Organization (ILO) and in the framework of international organisations of employers and workers.

⁹ For information: this document contains the questionnaire as sent, without reference, to the members of the Governmental Committee on May 2, 2017.

meeting (25-27 April 2018) will finish its draft Guide to good practices which it will submit to the CDDH for review and possible adoption at the latter's 90th meeting (November 2018). On this occasion, the CDDH-EXP will also submit suggestions to the CDDH for possible follow-up work in this area.

4.3 Human rights and migration (CDDH-MIG)

Report of the 3 rd CDDH-MIG meeting (24-26 October 2017)	<u>CDDH-MIG(2017)R3</u>
Draft analysis of the legal and practical aspects of effective alternatives to detention in the context of migration	<u>CDDH-MIG(2017)02Rev</u>

19. The Chair of the Drafting Group on Migration and Human Rights (CDDH-MIG), Mr Morten RUUD (Norway), informed the CDDH that the Group, at its 3rd meeting (24-26 October 2017, CDDH-MIG(2017)R3) finalised its revised draft Analysis of the legal and practical aspects of effective alternatives to detention in the context of migration (CDDH-MIG(2017)02Rev), and exchanged views on its work in 2018-2019.
20. The CDDH commended the Group for the quality of the work accomplished. Following a general exchange of views, it examined the introductory executive summary and the different sections of the text, and proceeded to the adoption of the Analysis as it appears in the document CDDH(2017)R88addII, in view of its submission to the Committee of Ministers for information. Furthermore, the CDDH decided that the report of the International Conference "*Immigration Detention of Children: Coming to a Close?*" (Prague, 25-26 September 2017) should be appended to the Analysis.
21. Finally, and bearing in mind in particular the outcome of the Prague Conference, it agreed with the suggestions for future work which appear in paragraphs 275¹⁰ and 276¹¹ of the Analysis.

4.4 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)R2</u>
Questionnaire to be sent to the CDDH	<u>CDDH-INST(2017)06</u>

¹⁰ The Council of Europe could bring its expertise and in particular its human rights perspective in the field to provide guidance as to how alternatives could be effectively framed. Member States could be supported in developing and implementing a wider range of alternative to detention models building upon the essential elements of effectiveness and engagement-based approaches. This could contribute to the on-going efforts undertaken by its member States and simultaneously complement the work currently carried out by other European and international stakeholders in the field.

¹¹ As a concrete suggestion for future work, and in light of the mandate of the CDDH for the next biennium, a step-by-step strategy for the near future might be most apt for success. In the first instance, the added value provided could take the form of a practical and user-friendly handbook for authorities on effectively implementing alternatives to immigration detention. Crucially, such a handbook should not only address legal aspects but draw upon the essential elements of effectiveness and good practice to provide guidance on the successful implementation of alternatives and lessons learnt. Alongside such work, the Council of Europe could, inter alia, explore possibilities of pursuing specific cooperation projects in the field with interested member States on a voluntary basis. A conceivable second step in the follow-up process to the current work might, for example, be a consideration of guidelines on effective alternatives to immigration detention, possibly focusing on children in particular. Exchange of information on the impact of measures taken could be an integral part of the ensuing work. For any future follow-up to be as useful as possible, it should illustrate the relevant human rights standards and the essential elements of effective alternatives to immigration detention in a user-friendly, accessible and practical manner.

22. The Chair of the Drafting Group on Civil Society and National Human Rights Institutions (CDDH-INST), Ms Krista OINONEN (Finland), recalled that the Analysis of the CDDH 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 (document [CDDH\(2017\)R87 Addendum IV](#)) elaborated by the Group during its two first meetings,¹² was adopted by the CDDH at its 87th meeting (6-9 June 2017) and subsequently transmitted to the Committee of Ministers for information. It took note of this Analysis at the 1293rd meeting of the Ministers' Deputies (13 September 2017).
23. The CDDH welcomed this result and exchanged views with the Chair of the CDDH-INST on the follow-up to the work. In light of the suggestions of the CDDH-INST at its 2nd meeting, the CDDH took note of the possibility to have the Analysis be accompanied by a user-friendly guide or compilation of good practices¹³ and to present this set (Analysis + Guide/Compilation) together with a draft non-binding legal instrument (Declaration/Recommendation of the Committee of Ministers).
24. The CDDH endorsed the questionnaire proposed by the Group [CDDH-INST\(2017\)06](#) and deemed that good national practices to be included in the possible Guide should be generally positive and innovative. This information should be sent to the Secretariat (DGI-CDDH@coe.int) before **15 February 2018** at 18:00.
25. Finally, the CDDH noted with satisfaction the interest of the Finnish authorities for an event concerning this theme, which could take place under the Finnish Chairmanship of the Committee of Ministers (November 2018 - May 2019); see [Appendices VII and XII](#) below.

ITEM 5: BIOETHICS

Abridged report of the 12 th DH-BIO meeting (24-27 October 2017)	DH-BIO/abr RAP12
Programme of the Conference "20 th anniversary of the Oviedo Convention"	

5.1 Committee on Bioethics (DH-BIO)

26. The CDDH takes note of the results of the 12th plenary meeting of the Committee on Bioethics (DH-BIO, 24-27 October 2017, [DH-BIO/abr RAP12](#)) and is informed by the Committee's Secretary, Ms Laurence LWOFF on the following points:
- (i) the exchange of views of the DH-BIO on the outcome of the Conference "*20th anniversary of the Oviedo Convention: relevance and challenges*" (Strasbourg, 24-25 October 2017);
 - (ii) the adoption by the DH-BIO on 4 December 2017 of its Guide for the implementation of the principle of prohibition of financial gain;

¹² 12-14 October 2016 and 8-10 March 2017, reports CDDH-INST(2017)R1 and R2.

¹³ A user-friendly guide which would be prepared following consultations with member States, civil society members, human rights defenders and National Human Rights Institutions.

- (iii) the modifications brought by the DH-BIO to the draft additional Protocol on the protection of the human rights and dignity of persons with mental disorders with regard to involuntary placement and involuntary treatment and its draft Explanatory Report;¹⁴
- (iv) the on-going and future activities, working methods¹⁵ and the result, endorsed by the CDDH, of the elections¹⁶ within DH-BIO.

**5.2 International Conference “20th anniversary of the Oviedo Convention”
(Strasbourg, 24-25 October 2017)**

27. The Chairperson of the CDDH, Ms Brigitte KONZ (Luxembourg) and the Vice-Chairperson of the CDDH, Mr Hans-Jörg BEHRENS (Germany) informed the CDDH of the results of the Conference in which they participated representing the Steering Committee. They underlined the quality and relevance of the presentations and discussion from a human rights perspective. In this context, they referred to possible issues addressed during the conference which could also be relevant for the work programme of the CDDH, e.g. issues related to the rights of elderly persons.

ITEM 6: VICTIMS OF TERRORIST ACTS

Note by the Secretariat	<u>CDDH(2017)15</u>
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28. The CDDH noted that the Workshop with representatives of associations of victims of terrorist acts which was envisaged for the present meeting had to be postponed to the biennium 2018-2019 for budgetary reasons. It took note of the document CDDH(2017)15 containing preliminary information concerning the organisation of this event. It would aim to raise awareness on the revised Guidelines on the protection of victims of terrorist acts, as adopted by the Committee of Ministers at the 127th Ministerial Session (Nicosia, Cyprus, 19 May 2017) and would allow sharing national good practices.

29. The exchange of views showed a notable interest for this Workshop from several member States and observers. It is noted that it could be held during the French Chairmanship of the Committee of Ministers (May-November 2019). Participants to the CDDH meeting are invited to transmit to the Secretariat (DGI-CDDH@coe.int) by **15 February 2018** at 18:00 any suggestions for the holding of this Workshop (see Appendix V below).

ITEM 7: IMPLEMENTATION OF THE CDDH TERMS OF REFERENCE FOR 2018-2019

7.1 Finalisation of the work undertaken in 2016-2017

Note by the Secretariat	<u>CDDH(2017)08</u>
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¹⁴ It could be considered to transmit the draft Protocol for opinion, accompanied by its draft Explanatory Report after the 13th DH-BIO.

¹⁵ In particular the modalities of development of the Strategic Action Plan for the protection of human rights in the biomedical field on the basis of the outcome of the Conference held on the occasion of the 20th anniversary of the Oviedo Convention.

¹⁶ The DH-BIO elected by acclamation Dr Beatrice IOAN (Romania) as Chair and Ms Tesi ASCHAN (Sweden) as Vice-chair for a new respective mandate of one year.

30. In light of the terms of reference received from the Committee of Ministers for the biennium 2018-2019 (see [Appendix VI](#) below), the CDDH exchanged views on the general organisation of its activities in 2018-2019, notably in view of finalising work initiated in 2016-2017. It examined in particular the draft table elaborated by the Secretariat to suggest at which plenary meeting the CDDH would be called to finalise such and such on-going activity. It considered that this table (see [Appendix VII](#) below) may be a useful reference without losing the flexibility required for the work.

7.2 Human Rights and Business

Note by the Secretariat	CDDH(2017)09
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31. In light of the terms of reference received from the Committee of Ministers for the biennium 2018-2019,¹⁷ the CDDH exchanged views on the follow-up to its work on human rights and business.

32. The Secretariat presented a concept note detailing a plan for a digital Platform, as is planned in Recommendation [CM/Rec\(2016\)3](#) of the Committee of Ministers to member States on Human Rights and Business. The Platform should:

- (i) facilitate the exchange of information and visibility concerning:
 - (a) the good practices related to the implementation of Recommendation [CM/Rec\(2016\)3](#) of the Committee of Ministers to member States on Human Rights and Business; and
 - (b) National Action Plans on the implementation of the United Nations Guiding Principles on Human Rights and Business, including best practices for their development and regular review;
- (ii) develop other potential resources and features to aid national implementation.

33. The CDDH welcomed the preparatory work done by the Secretariat of the CDDH and noted that it, in charge of the Platform, will work in synergy with the National Human Rights Implementation Division and, in particular, the HELP Unit.¹⁸ The CDDH underlined the usefulness of the Platform reflecting the existing synergy between the basic standards contained in the Recommendation and the Guiding Principles and the implementation of these norms, in particular through professional training and raising awareness.

7.3 Preventing and combatting female genital mutilation and forced marriage

34. At its 87th meeting (6-9 June 2017), the CDDH was informed that an international conference is envisaged in 2018 to facilitate communication and contacts between

¹⁷ See the Terms of Reference (2018-2019): Main Tasks, item (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*”.

¹⁸ The European Programme for Human Rights Education for Legal Professionals (HELP) supports the Council of Europe member States in implementing the European Convention on Human Rights (ECHR) at the national level.

various actors involved in the fight against female genital mutilation and forced marriage and to promote networking between these actors.

35. The CDDH reiterated its readiness to contribute to such a conference, with the appropriate modalities of contribution to be decided by the Steering Committee in due time.

7.4 Rights of older persons

Note by the Secretariat	<u>CDDH(2017)11</u>
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36. The CDDH examines the procedure and schedule of the review of the implementation of Recommendation CM/Rec(2014)2 of the Committee of Ministers to member States on the promotion of human rights of older persons figuring in its terms of reference for 2018-2019. After exchanging views, it agreed to:

- (i) organise during its next meeting (June 2018)¹⁹ a half-day Workshop involving civil society and, in particular, social actors, National Human Rights Institutions, NGOs and other stakeholders;
- (ii) ask the Secretariat to prepare this event in close contact with ENNHRI and several specialised NGOs, notably *Age Platform*, and taking into accounts the outcome of recent events such as the Ministerial Conference on ageing held in Lisbon in September 2017. Furthermore, the preparation of the Workshop should include: (i) a research of the Court's case law and relevant decisions of the European Committee of Social Rights; (ii) a collection, through a brief questionnaire, of national information concerning the existing good practices; (iii) if possible, a collection of statistics, where appropriate, through the FRA;
- (iii) publish the proceedings of the Workshop;
- (iv) exchange views on the outcome of the Workshop during its meeting in June 2018 in view of the adoption of a follow-up report during its meeting in November 2018 to be transmitted to the Committee of Ministers.

7.5 Combatting discrimination on grounds of sexual orientation or gender identity

Note by the Secretariat	<u>CDDH(2017)12</u>
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37. The CDDH examined the procedure and schedule of the review of the implementation of 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. To this end, it had a fruitful exchange of views with the Secretariat of the Sexual Orientation and Gender Identity Unit (SOGI) in light of information and suggestions contained in document CDDH(2017)12 as revised by the Bureau.

38. Further to this exchange of views, the CDDH adopted its procedure and schedule as they appear in Appendix VIII below. In particular, the CDDH decided that:

¹⁹ The CDDH meeting will be held during the Croatian Chairmanship of the Committee of Ministers (May-November 2018). It is envisaged that the Workshop will be held under the aegis of the Croatian Chairmanship.

- (i) the organisation of a possible conference on this theme under the aegis of the CDDH would be discussed again at a later stage; such an event could have the objective either to prepare decisions to be taken by the CDDH in its follow-up Report or to raise awareness as to this report's content if the conference takes place once the report is adopted;
- (ii) the CDDH will adopt its follow-up Report to the attention of the Committee of Ministers at its 91st CDDH meeting (June 2019).

39. The CDDH asked the SOGI Unit to keep it, as well as its Bureau and Secretariat, regularly informed about the on-going work.

7.6 Access to official documents

Note by the Secretariat	<u>CDDH(2017)13</u>
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40. In light of the information and suggestions contained in document CDDH(2017)13 and comments of the Bureau at its 98th meeting (21-22 November 2017), the CDDH exchanged views on the issue of access to official documents and in particular on the state of signatures and ratifications of the Council of Europe Convention on Access to Official Documents (CETS n° 205).²⁰

41. The CDDH decided that a half-day Workshop will be held, if appropriate and with modalities to be defined, in the framework of the Finnish Chairmanship of the Committee of Ministers; such an event will cover the issue of access to official documents and, in this context, on the position of member States with respect to the Tromsø Convention.

ITEM 8: EXPERTS REPRESENTING THE CDDH IN OTHER BODIES

Note by the Secretariat	<u>CDDH(2017)14</u>
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42. The CDDH took note of information provided by the experts in document CDDH(2017)14. It endorsed the suggestion of the Bureau to entitle in future this item of its agenda "*CDDH Focal points in other bodies*" rather than "*Experts representing the CDDH*", so as to better express that the intention of the CDDH is not to be physically represented in each of the meetings of those bodies, but that the person appointed follows-up, through appropriate means, on developments that could be of interest to the CDDH, which might involve occasional participation to the meetings of other bodies, and to inform the Steering Committee of the evolution of their work on the issues dealt with by the CDDH.

43. The present meeting being the last one of this biennium, the CDDH re-examined the list of its Focal points for 2018-2019 (see [Appendix IX](#) below).

²⁰ The Convention was opened for signature and ratification on 18 June 2009 in Tromsø (Norway). Its drafting took place within the Group of Specialists of the CDDH on access to official information (DH-S-AC). At its 87th meeting (6-9 June 2017), the CDDH highlighted the need for a rapid entry into force of this instrument, which will enter into force following the tenth ratification. By 14 December 2017, the Convention was signed by Belgium, Georgia, Serbia, Slovenia and "the former Yugoslav Republic of Macedonia" and ratified by nine States (Bosnia-Herzegovina, Estonia, Finland, Hungary, Lithuania, Republic of Moldova, Montenegro, Norway and Sweden).

ITEM 9: INVITEES

44. The Senior Gender Equality Advisor²¹ Ms Carlien SCHEELE, presented the aims and means foreseen within the Council of Europe to ensure gender mainstreaming. In her presentation, she evoked relevant examples from the work of the CDDH. A summary of her presentation appears in Appendix X below. The Gender Equality Rapporteur of the CDDH, Mr Philippe WERY (Belgium), underlined the importance attached by the Steering Committee to these issues and agreed on the idea that an explicit reference should be made in the various texts prepared by CDDH Drafting Groups to the fact that the issue of gender equality has been taken into account along their work.
45. The CDDH thanked its invitee and its Rapporteur for their stimulating presentations and decided to include in future the "*Gender equality*" item in the agenda of its meetings and those of its subordinate bodies.

ITEM 10: REVIEW OF THE COUNCIL OF EUROPE CONVENTIONS

Note by the Secretariat	<u>CDDH(2017)16</u>
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46. The CDDH exchanged information on the state of signatures and ratifications of the instruments for which it is responsible,²² in light of the information provided in the document CDDH(2017)16 and instructed the Secretariat to revise this document on the basis of further information supplied. In particular, it recalled the urgent need to ratify Protocol No. 15 in order for it to enter into force as soon as possible. In this regard, the CDDH welcomed the "*tour de table*" at the 4th meeting of the DH-SYSC and invited the latter to continue this exercise in this format on a regular basis.

ITEM 11: ELECTIONS

Resolution on the intergovernmental committees and subordinate bodies, their terms of reference and working methods	<u>CM/Res(2011)24</u>
Procedure for the elections within the CDDH	<u>CDDH(2017)17</u>

47. The CDDH held elections for the Chair and the vice-Chair of the Steering Committee as well as for five members of its Bureau. It also held elections for the Chair of the Committee of experts on the System of the European Convention on Human Rights (DH-SYSC) and confirmed the elected Chair of the DH-BIO (see Appendix XI below).

ITEM 12: CALENDAR OF MEETINGS

48. The CDDH adopted its calendar for 2018 and 2019 as it appears in Appendix XII below. If necessary, the CDDH will make adjustments to the dates at its meeting in June 2018. It reminded participants of the obligation to wait until the reception of the convocation letter to a meeting before purchasing travel tickets.

²¹ Directorate of Human Dignity and Equality, Directorate General of Democracy – DGII.

²² Protocols No. 15 and No. 16 to the European Convention on Human Rights; European Agreement relating to persons participating in proceedings of the Court; Council of Europe Convention on Access to Official Documents.

ACKNOWLEDGEMENTS

49. At the end of its meeting, the CDDH expressed its warm gratitude to its Chair Ms Brigitte KONZ (Luxembourg) for the excellent manner in which she chaired the work of the Steering Committee during the biennium coming to an end.
50. The CDDH also expressed its warm gratitude to Mr Rob LINHAM (United Kingdom), member of the CDDH, for his commitment to the Steering Committee over a number of years and wished him every success in his new activities.

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Appendix I**Agenda***(88th meeting of the CDDH, 5-7 December 2017)*

	ITEM 1: OPENING OF THE MEETING, ADOPTION OF THE AGENDA AND ORDER OF BUSINESS
<u>CDDH(2017)05Rev</u>	Annotations on the draft agenda and order of business
<u>CDDH-BU(2017)R98</u>	Report of the 98th Bureau meeting (Copenhagen, 21-22 November 2017)
<u>CDDH(2017)R87</u>	Report of the 87th CDDH meeting (6-9 June 2017)
	ITEM 2: RECOMMENDATIONS OF THE PARLIAMENTARY ASSEMBLY
<u>CDDH(2017)06</u>	Texts of the Recommendations and elements for possible comments
	ITEM 3: SYSTEM OF THE EUROPEAN CONVENTION ON HUMAN RIGHTS
<u>DH-SYSC(2017)R4</u>	Report of the 4th DH-SYSC meeting (9-10 November 2017)
<u>DH-SYSC(2016)12Rev</u>	Elements for a possible update of Recommendation Rec(2004)4 of the Committee of Ministers on the European Convention on Human Rights in university education and professional training
	3.1 Selection and election of judges of the Court (DH-SYSC-I)
<u>DH-SYSC(2017)R4Add</u>	[Draft] Report on the process of selection and election of judges of the European Court of Human Rights adopted by the DH-SYSC at its 4th meeting (9–10 November 2017)
	3.2 Place of the Convention in the European and international legal order (DH-SYSC-II)
<u>DH-SYSC-II(2017)R2</u>	Report of the 2nd meeting of the drafting Group DH-SYSC II (20-22 September 2017)
	3.3 Other work within the DH-SYSC
	3.4 High-level Expert Conference "2019 and Beyond – Taking Stock and Moving Forward from the Interlaken Process" (Kokkedal, Denmark, 22-24 November 2017)
	Concept note and programme
	ITEM 4: DEVELOPMENT AND PROMOTION OF HUMAN RIGHTS
	4.1 Social rights (CDDH-SOC)

<u>CDDH-SOC(2017)R1</u>	Report of the 1st meeting (19-21 April 2017)
<u>CDDH(2017)07</u>	Information from the Secretariat on the state of preparation of the report of the CDDH on the legal protection of the Council of Europe for the protection of social rights
<u>CDDH-SOC(2017)04</u>	Replies to the questionnaire related to the good practices on the implementation of social rights at national level
	4.2 Freedom of expression and links to other human rights (CDDH-EXP)
<u>CDDH-EXP(2017)R2</u>	Report of the 2nd meeting (27-29 September 2017) containing the provisional structure for the Guide of good practice on the way of reconciling freedom of expression with other human rights and freedoms, in particular in culturally diverse societies
<u>CDDH-EXP(2017)06</u>	Compilation of good practices received from member States
	4.3 Human Rights and migration (CDDH-MIG)
<u>CDDH-MIG(2017)R3</u>	Report of the 3rd meeting (24-26 October 2017)
<u>CDDH-MIG(2017)02Rev</u>	Draft analysis of the legal and practical aspects of effective alternatives to detention in the context of migration
	4.4 Civil society and national human rights institutions (CDDH-INST)
<u>CDDH-INST(2017)R2</u>	Report of the 2nd meeting (8-10 March 2017)
<u>CDDH-INST(2017)06</u>	Questionnaire to be sent to the CDDH
	ITEM 5: BIOETHICS
	5.1 Committee on bioethics (DH-BIO)
<u>DH-BIO/abr RAP12</u>	Abridged Report of the 12th meeting (24-27 October 2017)
	5.2 Conference "20th anniversary of the Oviedo Convention" (Strasbourg, 24-25 October 2017)
	<u>Programme</u>
	ITEM 6: VICTIMS OF TERRORIST ACTS
<u>CDDH(2017)15</u>	Note by the Secretariat
	ITEM 7: IMPLEMENTATION OF THE CDDH TERMS OF REFERENCE FOR 2018-2019
	7.1 Finalisation of the work undertaken in 2016-2017
<u>CDDH(2017)08</u>	Note by the Secretariat
	7.2 Human Rights and Business
<u>CDDH(2017)09</u>	Note by the Secretariat

	7.3 Preventing and combating female genital mutilation and forced marriage
	7.4 Rights of older persons
<u>CDDH(2017)11</u>	Note by the Secretariat
	7.5 Combating discrimination on grounds of sexual orientation or gender identity
<u>CDDH(2017)12</u>	Note by the Secretariat
	7.6 Access to official documents
<u>CDDH(2017)13</u>	Note by the Secretariat
	ITEM 8: EXPERTS REPRESENTING THE CDDH IN OTHER BODIES
<u>CDDH(2017)14</u>	Note by the Secretariat
	ITEM 9: INVITEES
	ITEM 10: REVIEW OF THE COUNCIL OF EUROPE CONVENTIONS
<u>CDDH(2017)16</u>	Note by the Secretariat
	ITEM 11: ELECTIONS
<u>CM/Res(2011)24</u>	Resolution on intergovernmental committees and subordinate bodies, their terms of reference and working methods
<u>CDDH(2017)17</u>	Procedure for the elections within the CDDH
	ITEM 12: CALENDAR OF THE MEETINGS
<u>CDDH(2017)05 (Appendix VI)</u>	Annotations on the draft agenda and order of business

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Appendix II

List of participants / Liste des participants

(88th meeting of the CDDH, 5-7 December 2017)

MEMBERS / MEMBRES

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* * *

INTERPRETERS / INTERPRÈTES

Ms Amanda BEDDOWS

Ms Sylvie BOUX

Mr Nicolas GUITTONNEAU

* * *

Appendix III

**Comments by the CDDH on Parliamentary Assembly
Recommendations**

(as adopted by the CDDH at its 88th meeting, 5-7 December 2017)

I. RECOMMENDATION 2104(2017) – “HUMAN RIGHTS OF OLDER PERSONS AND THEIR COMPREHENSIVE CARE”

Comments by the CDDH

1. The Steering Committee for Human Rights (CDDH) takes note of the Parliamentary Assembly Recommendation 2104(2017) - *“Human rights of older persons and their comprehensive care”*. It considers that the Assembly addresses herewith one of the major challenges Europe faces with respect to human rights.

2. The CDDH welcomes the positive reaction of the Assembly to the Recommendation CM/Rec(2014)2 of the Committee of Ministers on the promotion of human rights of older persons. It recalls that, in the terms of reference for 2018-2019, the Committee of Ministers invited the CDDH to examine the implementation of this instrument.

3. As suggested by the Assembly, the CDDH intends to examine in more detail how to proceed to this implementation, notably by closely associating to this process the civil society and the stakeholders concerned, in particular National Human Rights Institutions as they can improve the implementation of human rights by their action bridging the national local and international actors and levels.

- (i) As a first step, it envisages to ask member States, National Human Rights Institutions and other stakeholders to update the catalogue of good practices accompanying the Recommendation from 2014 and to communicate any positive developments occurred since 2014.
- (ii) On the basis of the information received, a Workshop or an intergovernmental Seminar involving civil society and National Human Rights Institutions could be organised by the CDDH in 2018 or early 2019. Within such a framework, discussions could take place, if appropriate, to explore the relevance of a specific legally binding instrument in this field. It is clear however, that the added value of such a new instrument should be carefully explored in relation to the existing major instruments of the Council of Europe, namely the European Convention on Human Rights and the (revised) European Social Charter. It should be necessary to assess whether or not an effective implementation by member States of these basic common standards is sufficient to ensure appropriate protection of human rights of older persons. These standards are reminded in the aforementioned Recommendation CM/Rec(2014)2.

4. In this context, the CDDH notes the relevance and the importance of Article 23 (the right of elderly persons to social protection) of the revised European Social Charter. The CDDH recalls that its terms of reference for 2018 and 2019 also entrust it to conduct a thorough reflection on the protection of social rights within the Council of Europe and that, in this framework, it will address, *inter alia*, the situation of older persons.

II. RECOMMENDATION 2110(2017) – “THE IMPLEMENTATION OF JUDGMENTS OF THE EUROPEAN COURT OF HUMAN RIGHTS”

*Comments by the CDDH*²³

1. The Steering Committee for Human Rights (CDDH) takes note of the Parliamentary Assembly Recommendation 2110 (2017) – “*The implementation of judgments of the European Court of Human Rights*”.
2. The CDDH notes that the issue of implementation of the Convention, including the execution of the Court’s judgments, was highlighted in several declarations of Ministerial conferences from 2010 onwards, the most recent one being the 2015 Brussels Declaration. The issue of execution of judgments and its supervision by the Committee of Ministers is one of the main themes of the CDDH’s on-going work under its terms of reference to examine the longer-term future of the Convention system and the Court.²⁴
3. In 2013, the CDDH identified three general causes of failure to execute judgments in a timely manner: (i) reluctance on the part of either the executive to propose measures or parliament to adopt legislation; (ii) substantive problems and technical complexity, e.g. need for a wide range of measures requiring co-ordination or extensive legal reforms; and (iii) inertia, being a simple failure to take action not linked to any particular political or technical consideration, but e.g. to a shortage of staff.²⁵
4. Since 2014, regular exchanges of information on various issues connected to the execution of judgments have taken place within the relevant bodies of the CDDH, regarding *inter alia* the re-examination or reopening of cases following judgments of the Court²⁶ as well as verification of the compatibility of legislation with the Convention.²⁷ The CDDH has also taken an active part in a number of extraordinary events concerning execution.²⁸
5. Concerning in particular rapid execution of judgments of the Court, the CDDH has in 2017 elaborated a *Guide to good practices on the implementation of the Recommendation (2008)2 on efficient domestic capacity for rapid execution of judgments of the European Court of Human Rights*. The Guide includes an inventory of good practices relating to implementation of the Recommendation.²⁹
6. Regarding the ideas put forward by the Assembly in its Recommendation 2110 (2017) to the Committee of Ministers, the CDDH wishes to submit the following comments:

²³ Prepared by the DH-SYSC at its 4th meeting (9-10 November 2017, DH-SYSC(2017)05 Appendix III).

²⁴ See the terms of reference for the biennium 2018–2019 for the CDDH and the DH-SYSC. In the 2015 CDDH report on the longer-term future of the system of the European Convention on Human Rights, execution of judgments and its supervision were identified as one of four overarching areas that are crucial for the longer-term effectiveness and viability of the Convention system. In its contribution to the Brussels Conference, the CDDH affirmed that full and rapid execution of judgments of the Court, in accordance with Article 46, is essential for the effective functioning of the Convention system.

²⁵ CDDH report on whether more effective measures are needed in respect of States that fail to implement Court judgments in a timely manner, 2013, document CDDH(2013)R79 Addendum I, §§ 6–7.

²⁶ See document DH-GDR(2014)R6, Item 5.

²⁷ “Overview of the exchange of views held by the DH-SYSC at its 1st meeting (25–27 April 2016) on the verification of the compatibility of legislation with the Convention (arrangements, advantages, obstacles)”, document DH-SYSC(2016)013REV.

²⁸ In particular, the Multilateral Round Table on “Reopening of proceedings following a judgment of the European Court of Human Rights” (Strasbourg, 5–6 October 2015) and the International Conference “Enhancing national mechanisms for effective implementation of the European Convention on Human Rights”(Saint-Petersburg, 22–23 October 2015). In addition, a conference on “The long-term future of the European Court of Human Rights” was organized in Oslo in April 2014 by the Norwegian research center *PluriCourts* under the aegis of the Council of Europe with the active participation of the CDDH.

²⁹ See document CDDH(2017)R87 Addendum I.

- 2.1. *give renewed consideration to the use of the procedures provided for in Article 46, paragraphs 3 to 5, of the Convention, in the event of implementation of a judgment encountering strong resistance from the respondent State*

7. It is worth recalling the CDDH's 2008 *Practical proposals for the supervision of the execution of judgments of the Court in situations of slow execution*.³⁰ This text contributed to the Committee of Ministers' introduction of the 'twin-track' (standard and enhanced) supervision process. In 2013, the CDDH submitted its report on whether more effective measures are needed in respect of States that fail to implement Court judgments in a timely manner.³¹ The 2017 *Guide to good practices on the implementation of the Recommendation CM/Rec(2008)2* examined in particular the role of the coordinator in identifying execution measures, practices ensuring the visibility of and promoting sufficient acquaintance with the execution process, the co-operation of member States with the Committee of Ministers and the Department for the Execution of Judgments, as well as the means to prevent or resolve a significant persistent problem in the execution process.

8. The CDDH is following with interest the recent developments in the area the of procedures provided for in Article 46, paragraphs 3 to 5, of the Convention, regarding both individual measures³² relating to individual applicants and general measures³³ to address systemic shortcomings.

9. In its work on civil society and National Human Rights Institutions, the CDDH has noted that in the case of systemic shortcomings in the protection and promotion of human rights, many of the judgments of the Court concerning such situations have yet to be implemented through the adoption of general measures.³⁴

10. At the same time, the CDDH is continuing its work by producing a compilation of good practices regarding the general measures taken by member States aimed at executing judgments of the Court concerning human rights defenders, National Human Rights Institutions, and freedom of assembly and association.³⁵

- 2.5. *give applicants, civil society, national human rights protection bodies and international organisations a greater role in this process*

11. The Brussels Declaration³⁶ reiterated the need to involve National Human Rights Institutions and civil society where appropriate in the supervisory mechanism established by the Convention. In the same light, the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements³⁷ make provision for the involvement of national human rights

³⁰ See document CDDH(2008)014 Addendum II.

³¹ See document CDDH(2013)R79 Addendum I. The text was examined by the Ministers' Deputies following receipt of comments by the Court. For the Court's comments, see "Reply of the European Court of Human Rights to Committee of Ministers request for comments on the CDDH Report on Execution", document DD(2014)650.

³² See notably the case of *Ilgar Mammadov v. Azerbaijan*, Application no. 15172/13, Judgment of 22 May 2014, European Court of Human Rights.

³³ See notably the case of *Burmych and Others v. Ukraine*, Applications nos. 46852/13 et al., Judgment of 12 October 2017 (Grand Chamber), European Court of Human Rights.

³⁴ "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", see document CDDH(2017)R87 Addendum IV, § 276.

³⁵ *Ibid.*, § 277.

³⁶ Brussels Declaration, 2015, Preamble, Recital 7.

³⁷ Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements, Rule 9 – Communications to the Committee of Ministers, as amended by the Ministers' Deputies at their 1275th meeting, 18 January 2017.

protection bodies and civil society in the process of the supervisory mechanism concerning the implementation of judgments of the Court. The CDDH relied significantly upon the jurisprudence of the Court in its analysis on the impact of current national legislation, policies and practices on the activities of civil society organisations, human rights defenders and National Human Rights Institutions. NHRIs can improve the implementation of human rights at the national and local level through their broad mandate to protect and promote human rights. According to the Paris Principles, they also cooperate with civil society, other national bodies and the international human rights system. Applicants could be invited, when appropriate, to actively collaborate in the execution of judgments.

- *2.6. continue to strengthen synergies, within the Council of Europe, between all the stakeholders concerned, in particular the European Court of Human Rights and its Registry, the Assembly, the Secretary General, the Commissioner for Human Rights, the Steering Committee for Human Rights, the European Commission for Democracy through Law (Venice Commission) and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment*

12. The CDDH, through its subcommittee the DH-SYSC, will work in close synergy and cooperation with other relevant Council of Europe instances and activities.³⁸ One example of such synergy in practice, albeit in a different area than the execution of the Court's judgments, is the close interaction between the CDDH, the Court and its Registry, the PACE and the Advisory Panel of Experts on Candidates for Election as Judge to the Court in the work undertaken within the CDDH concerning the process of selection and election of judges of the Court.³⁹ The CDDH and its subcommittees work in their activities in close synergy with the Department for the Execution of Judgments. One example of this cooperation is the latter's presentation of the search tool HUDOC-EXEC and of information on the state of execution of the Court's judgments prior to the 2nd meeting of the DH-SYSC in 2016.⁴⁰

- *2.7. increase the resources of the Department for the Execution of Judgments of the European Court of Human Rights*

13. In its 2015 report on the longer-term future of the Convention system, the CDDH has underlined the significance of the bodies dealing with the supervision of the execution of judgments of the Court (e.g. the Committee of Ministers assisted by its Secretariat and the Department for the Execution of Judgments of the Court) having sufficient capacity to process effectively the high number of cases decided by the Court.⁴¹ Support for increased resources for the Department of Execution of Judgments was also expressed in the 2015 Brussels Declaration.

Conclusion

14. The CDDH emphasises to the Parliamentary Assembly that the long-term efficacy of the Convention, including the implementation of the Court's judgments, rests on the enhanced dialogue between all actors of the Convention. In this regard, the Council of Europe will continue its work in the upcoming months with the aim of enhancing, at every stage of the process, this dialogue which is beneficial to the execution of judgments.

³⁸ CDDH report on the longer-term future of the system of the European Convention on Human Rights, 2015, document CDDH(2015)R84 Addendum I, §§ 158, 170 ii), vi).

³⁹ This work is currently being undertaken within the framework of follow-up to the 2015 CDDH report on the longer-term future of the system of the Convention, which in turn is the result of intergovernmental work undertaken in response to §§ 35.c-f of the Brighton Declaration.

⁴⁰ See document DH-SYSC(2016)R2, § 3.

⁴¹ CDDH report on the longer-term future of the system of the European Convention on Human Rights, 2015, document CDDH(2015)R84 Addendum I, §§ 136, 156, 170 iii).

III. RECOMMENDATION 2115(2017) – “THE USE OF NEW GENETIC TECHNOLOGIES IN HUMAN BEINGS”

Comments by the DH-BIO⁴² **(for information of the CDDH)**

1. The Committee of Ministers agreed to communicate to the Committee on Bioethics (DH-BIO), as well as to the Steering Committee for Human Rights (CDDH), for information and possible comments, the Council of Europe Parliamentary Assembly (PACE) Recommendation 2115 (2017) – “The use of new genetic technologies in human beings”.

2. The DH-BIO examined the Recommendation at its 12th plenary meeting (26-27 October 2017) and adopted these comments.

3. In its Recommendation, the PACE notes that “... recent discoveries related to the human genome have opened the door to new opportunities and unprecedented ethical concerns... this improved knowledge of our make-up as human beings brings with it welcome potential to diagnose, prevent and eventually cure diseases in the future. On the other hand, it raises complex ethical and human rights questions, including – but not limited to – unintended harm which may result from the techniques used, access and consent to such techniques, and their potential abuse for enhancement or eugenic purposes”.

4. The DH-BIO welcomes the initiative taken by the PACE. Together with the latter it agrees with the “potential to diagnose, prevent and eventually cure diseases in the future” offered by new genetics technologies. But it also, shares the concerns expressed on the risks of certain technological developments and their possible applications to human beings. In this context, it recalls, as does the PACE, that Article 13 of the Convention on Human Rights and Biomedicine (Oviedo Convention) limits the purposes for which interventions on the human genome may be undertaken and prohibits intervention intending to introduce any modification in the genome of descendants.

5. The Statement on Genome Editing Technologies adopted by the DH-BIO in December 2015 underlines that the Oviedo Convention provides a framework and principles that could be used as reference for the debate called for at international level on the use of new genetic technologies in human beings. The DH-BIO therefore particularly welcomes the Assembly’s recommendation to “urge member states which have not yet ratified the Oviedo Convention to do so without further delay, or, as a minimum, to put in place a national ban on establishing a pregnancy with germline cells or human embryos having undergone intentional genome editing.”

6. The DH-BIO agrees with the Assembly that there is a need to “foster a broad and informed public debate on the medical potential and possible ethical and human rights consequences of the use of new genetic technologies in human beings”. These considerations also find their expression in Article 28 of the Oviedo Convention, which calls to Parties to see to it that “the fundamental questions raised by the developments of biology and medicine are the subject of appropriate public discussion in the light, in particular, of relevant medical, social, economic, ethical and legal implications, and that their possible application is made the subject of appropriate consultation.” In view of this undertaking and as part of its initiatives to address human rights challenges raised by emerging technologies, the DH-BIO has committed itself to develop guidance on how to promote public discussion and consultation on fundamental questions raised by the developments of biology and medicine.

7. The Assembly recommends that the Committee of Ministers “instruct[s] the DH-BIO to assess the ethical and legal challenges raised by emerging genome editing technologies, in the light of the principles laid down in the Oviedo Convention and the precautionary principle”. The DH-BIO has already started to examine developments in this area, which has led to the adoption of the above-mentioned Statement on Genome Editing Technologies

⁴² Adopted by the Bureau of the DH-BIO, by written procedure, on 27 November 2017.

where it agreed, “as part of its mandate, to examine the ethical and legal challenges raised by these emerging genome editing technologies, in the light of the principles laid down in the Oviedo Convention.”

8. The DH-BIO is committed to continue addressing human rights issues raised by genome editing technologies, and recalls in this respect that it intends to develop in the next biennium a Strategic Action Plan addressing human rights issues raised by emerging technologies and developments in the biomedical field. This Strategic Action Plan would be based on the outcome of the Conference organised by the DH-BIO on the occasion of 20th anniversary of the Oviedo Convention organised under the auspices of the Czech Chairmanship of the Committee of Ministers, which covered, *inter alia*, human rights challenges raised by new technological developments in the fields of genetics and genomics.

Comments by the CDDH

1. The Steering Committee for Human Rights (CDDH) takes note of the Parliamentary Assembly Recommendation 2115 (2017) - “*The use of new genetic technologies in human beings*” and commends to the Committee of Ministers the comments provided by the Committee on Bioethics (DH-BIO) on this subject. It considers that the ethical and legal implications of genetic technologies in human beings want an in-depth debate in light of the requirements of the European Convention on Human Rights and of the Oviedo Convention, and in accordance with the precautionary principle.

2. The CDDH welcomes the commitment made by the DH-BIO under paragraph 8 of its comments to continue its work in this field.

IV. RECOMMENDATION 2116(2017) – “PROMOTING THE HUMAN RIGHTS OF AND ELIMINATING DISCRIMINATION AGAINST INTERSEX PEOPLE”

Comments by the DH-BIO⁴³ (for information of the CDDH)

1. The Committee of Ministers agreed to communicate to the Committee on Bioethics (DH-BIO), as well as to the Steering Committee for Human Rights (CDDH), for information and possible comments, Recommendation 2116 (2017) – “Promoting the human rights of and eliminating discrimination against intersex people”.

2. The DH-BIO examined the Recommendation at its 12th plenary meeting (26-27 October 2017) and adopted these comments.

3. In its Recommendation, the Assembly, referring to its Resolution 2191 (2017), invites the Committee of Ministers to “instruct the Committee on Bioethics to continue its work on strengthening children’s rights in biomedicine, in particular as regards the protection of intersex children’s right to physical integrity and respect for the principle of free and informed consent, with a view to drawing up Council of Europe standards and guidelines in this field.” The DH-BIO observes that not all of the issues addressed in Resolution 2191 (2017) fall within its field of competence. It will therefore confine itself to the issues relevant to the latter.

4. The objective of the work carried out by the DH-BIO is to protect human dignity and individual rights in the field of biomedicine. Children’s rights to physical integrity and respect for the principle of free and informed consent, as protected by the Convention on Human Rights and Biomedicine (Oviedo Convention), form part of this objective.

5. The DH-BIO has instigated work in the area referred to by the Assembly by organising a hearing addressing, in particular human rights issues for intersex children, at its 9th plenary meeting (Strasbourg, 31 May-2 Jun 2016), in cooperation with the Council of Europe’s

⁴³ Adopted by the Bureau of the DH-BIO, by written procedure, on 27 November 2017.

Sexual Orientation and Gender Identity (SOGI) Unit. Those issues were further analysed in two studies on children's rights in biomedicine⁴⁴, commissioned by the DH-BIO within the framework of the Strategy for the Rights of the Child, which specifically refer to the situation of children with differences in sex development and intersex conditions⁴⁵. Against this background and taking into account the interest already expressed by delegations in the ethical issues raised by interventions on intersex children, the DH-BIO, at its 11th plenary meeting (Strasbourg, 6 – 8 June 2017), agreed to include the topic of Intersex Children in its program of activities.

6. Consequently, this subject matter will be part of a Strategic Action Plan to be developed by the DH-BIO with the objective to ensure, *inter alia*, that human rights of particularly vulnerable groups are better protected. This Strategic Action Plan will be based on the outcome of the Conference organised by the DH-BIO on the occasion of the 20th anniversary of the Convention on Human Rights and Biomedicine (Oviedo Convention) on 24-25 October 2017, under the auspices of the Czech Chairmanship of the Committee of Ministers, which dedicates a session to the evolution of practices in the biomedical field in relation to autonomy – consent and privacy.

7. The DH-BIO appreciates the encouragement to pursue its work on strengthening children's rights in biomedicine, and, in particular, of intersex children and agrees with the Assembly that there is a strong need for working towards common European standards and to provide guidance on how best to protect the human rights of intersex children, taking into account the different groups of persons involved (the child itself, its parents, health professionals, social workers (...)). It is in this spirit that the DH-BIO is committed to continue its work in this field, in close co-operation with other relevant bodies and institutions, including in particular the Ad Hoc Committee for the Rights of the Child (CAHENF) and, the Commissioner on Human Rights, as well as with the SOGI Unit.

Comments by the CDDH

1. The Steering Committee for Human Rights (CDDH) takes note of the Parliamentary Assembly Recommendation 2116 (2017) - "*Promoting the human rights of and eliminating discrimination against intersex people*" and commends to the Committee of Ministers the comments provided by the Committee on Bioethics (DH-BIO) on this subject.

2. The CDDH takes this opportunity to stress the need, for the member States, to recall the common basic standards to be respected in the field of human rights with regard to intersex people; indeed, the protection of human rights concerns each individual and the member States have committed themselves to secure the enjoyment of the rights and freedoms to everyone within their jurisdiction without discrimination on any ground such as sex. From this perspective, member States may be required to provide practical orientation on the best way to protect human rights of intersex persons and most particularly of intersex children. In view of the complexity of these issues, the CDDH welcomes the commitment made by the DH-BIO under paragraph 7 of its comments to continue its work in this field, in close co-operation with other relevant bodies and institutions within the Council of Europe.

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⁴⁴ Kavot Zillén, Jameson Garland, Santa Slokenberga, Uppsala University, "The Rights of Children in Biomedicine: Challenges posed by Scientific Advances and Uncertainties", 2017, <https://rm.coe.int/16806d8e2f>; and Ton Liefwaard, Aart Hendriks, Daniella Zlotnik, Leiden University, "From Law to Practice, towards a roadmap to strengthening children's rights in the era of biomedicine", 2017, <https://rm.coe.int/leiden-university-report-biomedicine-final/168072fb46>

⁴⁵ Leiden, pp. 34-35, Uppsala, pp. 40-45.

Appendix IV

**Preparation of a draft CDDH report
on the legal framework of the Council of Europe
for the legal protection of social rights**

**Possible table of contents prepared by the Secretariat
for discussion at the 2nd meeting of the CDDH-SOC (spring 2018)**

(as taken note of by the CDDH at its 88th meeting, 5-7 December 2017)

Summary**Introduction**

1. Terms of reference received and methodology followed (Background of the work of the CDDH-SOC)
2. Review of the background
 - a. Indivisibility and interdependence of human rights
 - b. Social rights and socio-economic changes
 - c. Social rights, Council of Europe and the European Union

I. THE LEGAL FRAMEWORK OF THE COUNCIL OF EUROPE FOR THE LEGAL PROTECTION OF SOCIAL RIGHTS

1. The European Convention on Human Rights

- (a) Relevant norms
 - Direct protection of certain social rights
 - Prohibition of slavery and forced labour (Article 4 of the ECHR)
 - Freedom of assembly and association (Article 11 of the ECHR)
 - Right to education (Article 2 Protocol No.1 of the ECHR)
 - Indirect protection of a number of other social rights
 - Right to life (Article 2 of the ECHR)
 - Prohibition of torture or inhuman or degrading treatment (Article 3 of the ECHR)
 - Right to a fair trial (Article 6 of the ECHR)
 - Right to respect for private and family life (Article 8 of the ECHR)
 - Freedom of thought, conscience and religion (Article 9 of the ECHR)
 - Freedom of expression (Article 10 of the ECHR)
 - Prohibition of discrimination (article 14 of the ECHR)
 - Protection of property (article 1 Protocol No.1 of the ECHR)
 - General prohibition of discrimination (Protocol No.12 of the ECHR)
- (b) Case law of the European Court of Human Rights
- (c) Execution of the judgments of the Court

2. The European Social Charter

- State of signatures, ratifications and number of provisions accepted
- (a) Norms and mechanisms
 - The European Committee of Social Rights (ECSR)
 - Conclusions and decisions
 - State reporting procedure
 - Collective complaints procedure
 - (b) Interpretation and implementation of the Charter by the ECSR
 - The ECSR and the case law of the Court and other international instruments
 - Taking into account the European Union law
 - Collective complaints submitted so far
 - (c) National implementation
 - The Charter's applicability by national courts
 - Internal reforms further to ECSR decisions/or conclusions
 - Training and awareness-raising on the Charter

(d) The European Union law and the Charter

II. COUNCIL OF EUROPE ACTIONS FOR SOCIAL RIGHTS

1. The Committee of Ministers

2. The Secretary General

The “Turin I” Conference (October 2014)
The Brussels Conference (February 2015)
The “Turin II” Conference (March 2016)
The Nicosia Conference (February 2017)
The current status in terms of follow-up to the “Turin Process”

3. The Parliamentary Assembly

4. The Congress of Local and Regional Authorities

5. The Commissioner for Human Rights

6. The Conference of INGOs

III. ACTIONS OUTSIDE THE COUNCIL OF EUROPE⁴⁶

1. European Union

2. International fora⁴⁷

3. Civil society⁴⁸

Conclusions

Appendices

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⁴⁶ For the purpose of comparison with the situation within the Council of Europe.

⁴⁷ In particular, the International Labour Organization (ILO).

⁴⁸ In particular, International Organisations of employers and workers.

Appendix V

**Preliminary structure of the draft Guide to good practices
on the way of reconciling freedom of expression with other human rights
and freedoms, in particular, in culturally diverse societies**
(as approved by the CDDH at its 88th meeting, 5-7 December 2017)

I. Introduction

- Human rights in culturally diverse societies
- Contemporary challenges and threats

II. Background to the Guide

- The CDDH's past relevant work
- Terms of reference
- The target group of the Guide
- Selection criteria for good practices

III. Scope and content of the right to freedom of expression

- A. Protection of freedom of expression
- B. Specific actors and their relation to freedom of expression
 - i. Specific focus area: Freedom of expression and political discourse
 - ii. Specific focus area: Fake news (disinformation)

IV. Hate speech**V. Reconciling freedom of expression and other human rights**

- A. Freedom of expression and right to private life
- B. Freedom of expression and freedom of thought, conscience and religion
 - i. Specific focus area: Blasphemy
- C. Freedom of expression and freedom of peaceful assembly and association
- D. Freedom of expression and prohibition of discrimination

Appendix [If necessary]

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Appendix VI**Terms of reference of the CDDH, DH-SYSC and DH-BIO
for the biennium 2018-2019***(as adopted by the Committee of Ministers at its 1300th meeting, 21-23 November 2017)***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:
<ul style="list-style-type: none"> (i) work on the protection, development and promotion of human rights in Europe to: <ul style="list-style-type: none"> (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 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 conventions for which it has been given responsibility,⁴⁹ 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 DH-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

⁴⁹ Cf. Relevant decision of the Committee of Ministers ([CM/Del/Dec\(2013\)1168/10.2](#)) and list of Conventions in [CM\(2017\)132](#).

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 European Court of Human Rights, and in close co-operation in particular with CDMSI and ECRI, prepare if appropriate a draft 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 draft 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 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 the 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 identity;⁵⁰
- (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).

⁵⁰ 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 co-operation 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 Roma⁵¹ 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 and/or plenary meetings.

⁵¹ The term "Roma and Travellers" is 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. The present is an explanatory footnote, not a definition of Roma and/or Travellers.

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
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

CDDH	
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 [CM/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 taken place over more than 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 co-operation activities;
- Non-governmental organisations (Amnesty International, European Trade Unions Confederation (ETUC), International Commission of Jurists (ICJ), International Federation of Human Rights (FIDH), European Roma⁵² 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**

PILLAR/SECTOR/PROGRAMME

Pillar: Human Rights

Sector: Promoting Human Rights and Dignity

Programme: Bioethics

⁵² The term "Roma and Travellers" is 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. The present is an explanatory footnote, not a definition of Roma and/or Travellers.

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 conventions⁵³ for which it has been given responsibility and report back to the Committee of Ministers.

SPECIFIC TASKS

- (i) A draft Additional Protocol on the protection of human rights and dignity of persons with mental disorders 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 20th 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 is launched in the framework of the HELP programme.
- (iv) A round table is organised, in co-operation 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 20th 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.

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.

⁵³ Cf. Relevant decision of the Committee of Ministers ([CM/Del/Dec\(2013\)1168/10.2](#)) and list of Conventions in [CM\(2017\)132](#).

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);⁵⁴
- 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.

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;

⁵⁴ European Directorate for the Quality of Medicines and Healthcare.

- 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

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Appendix VII**Implementation of terms of reference 2018-2019 – Deadlines envisaged by the CDDH for the finalisation of the on-going work***(88th meeting of the CDDH, 5-7 December 2017)*

Work initiated in 2016-2017	Envisaged date for the finalisation of work in 2018-2019
Contribution to possible work on combatting female genital mutilation and forced marriage	89 th meeting of the CDDH June 2018
Follow-up of the implementation of Recommendation CM/Rec(2014)2 of the Committee of Ministers on the promotion of human rights of older persons – organisation of a Workshop	<i>Croatian Chairmanship of the CM: May-November 2018</i> 89 th meeting of the CDDH June 2018 – Workshop 90 th meeting of the CDDH November 2018 – Activity Report on the follow-up
Organisation of a Workshop on the protection of victims of terrorist acts	<i>French Chairmanship of the CM: May- November 2019</i> 91 th meeting of the CDDH June 2019 - Workshop
Follow-up to the implementation of the Recommendation CM/Rec(2010)5 of the Committee of Ministers on measures to combat discrimination on grounds of sexual orientation or gender identity – Activity Report on the follow-up	91 th meeting of the CDDH June 2019 – Activity Report on the follow-up
<i>Drafting Group on Social Rights (CDDH-SOC)</i> Finalisation of the analysis of the legal framework of the Council of Europe for the protection of social rights in Europe; On the basis of the analysis, identification of good practices and making of proposals, as appropriate, with a view to improving the implementation of social rights	89 th meeting of the CDDH June 2018 – Legal Analysis adopted by the CDDH 92 nd meeting of the CDDH December 2019 – Activity Report
<i>Drafting Group on Civil Society and National Human Rights Institutions (CDDH-INST)</i> On the basis of work conducted in 2016-2017, preparation of a draft non-binding instrument of the Committee of Ministers and a guide of good practice aiming at effectively protecting and promoting the civil society space Revision of Recommendation No R(97)14 of the Committee of Ministers to member States on the establishment of independent national institutions for the promotion and protection of human rights Organisation of a Workshop on Civil Society and National Human Rights Institutions	<i>Finnish Chairmanship of the CM: November 2018-May 2019</i> 90 th meeting of the CDDH November 2018 – Draft non-binding instrument accompanied by a Guide – Workshop 92 nd meeting of the CDDH December 2019 – Draft revised Recommendation

Work initiated in 2016-2017	Envisaged date for the finalisation of work in 2018-2019
Follow-up of Tromsø Convention of 18 June 2009 (CETS n° 205) on access to official documents – organisation of a Workshop	<i>Finnish Chairmanship of the CM: November 2018-May 2019</i> 90 th meeting of the CDDH May/June 2019 – Workshop
Setting-up of the Platform human rights and business	90 th meeting of the CDDH November 2018 – Setting up and initial stage of the Platform 92 nd meeting of the CDDH December 2019 – First publication of the results
<i>Drafting Group on Freedom of Expression and links to other Human Rights (CDDH-EXP)</i> On the basis of work conducted in 2016-2017, preparation of a draft 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	90 th meeting of the CDDH November 2018 – Guide to good practices 92 nd meeting of the CDDH December 2019 – Draft non-binding instrument
<i>Drafting Group on the place of the European Convention on Human Rights in the European and international legal order (DH-SYSC II)</i> Preparation of the report on the place of the European Convention on Human Rights in the European and international legal order Adoption by the Group of draft chapter on Theme 1 in September 2018 Adoption by the Group of draft chapter on Theme 2 in March 2019 Adoption by the Group of draft chapter on Theme 3 in May 2019 Adoption by the Group of the revised draft Report in September 2019	90 th meeting of the CDDH November 2018 – Presentation of an interim report (draft chapter of Theme 1) 92 nd meeting of the CDDH December 2019 – Adoption of the revised draft Report
<i>Drafting Group on the system of the European Convention on Human Rights (DH-SYSC III)</i> Updating of the Recommendation Rec(2004)4 on the European Convention of Human Rights in university education and professional training in human rights	92 nd meeting of the CDDH December 2019 - Draft revised Recommendation
<i>Committee of experts on the system of the Convention (DH-SYSC)</i> Updating of Guide to Good Practice accompanying Recommendation CM/Rec(2010)3 on effective remedies for excessive length of proceedings	92 nd meeting of the CDDH December 2019 - Draft revised Guide

Work initiated in 2016-2017	Suggested date for the finalisation of work in 2018-2019
<p><i>Drafting Group on Migration and Human Rights (CDDH-MIG)</i></p> <p>On the basis of work conducted in 2016-2017, preparation of one or more non-binding draft 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</p>	<p>92nd meeting of the CDDH December 2019 – Draft non-binding instrument</p>
<p><i>Committee of bioethics (DH-BIO)</i></p> <p>Finalisation of a draft Additional Protocol on the protection of human rights and dignity of persons with mental disorders with regard to involuntary treatment</p>	<p>92nd meeting of the CDDH December 2019 – Draft Additional Protocol</p>

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Appendix VIII

**Schedule for the follow-up to the implementation
of 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**

(as adopted by the CDDH at its 88th meeting, 5-7 December 2017)

16-17 November 2017	Meeting of the European Network of Governmental LGBTI Focal Points: <ul style="list-style-type: none"> • presentation of the timeline and agreement on the role of the Network of Governmental Focal Points in the review process • agreement on taking stock of the existing data during the international organisations coordination meeting (FRA, OECD, OHCHR, UNESCO, World Bank, ILO, EC)
5-7 December 2017	88 th meeting of the CDDH - Decision on the procedure and schedule
End of 2017	Drafting of the questionnaire by the SOGI Unit in coordination with the Network of Governmental Focal Points
January 2018	Submission of the draft questionnaire to the Bureau of the CDDH for approval and dissemination of the approved questionnaire to stakeholders (member States, national HR institutions, NGOs)
June 2018	89 th meeting of the CDDH - The CDDH takes note of the answers to the questionnaire received so far and exchanges views on a possible conference
30 June 2018	Tentative deadline for submission of answers to the questionnaire
July - November 2018	The SOGI Unit undertakes desk research, analyses the submissions and prepares a preliminary draft Report
November 2018	90 th meeting of the CDDH - Presentation by SOGI Unit of the preliminary draft Report for a first exchange of views and comments by the CDDH
January - May 2019	Finalisation by the SOGI Unit of the draft Report in the light of CDDH comments
June 2019	91 st meeting of the CDDH – Presentation, for approval by the CDDH, of the final draft of the Report and of a proposal for decision on follow-up by the Committee of Ministers

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Appendix IX

Focal points in 2018-2019

(list adopted by the CDDH at its 88th meeting, 5-7 December 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): 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"): Mr Joan FORNER ROVIRA (Andorra)
11. Ad hoc Committee for the Rights of the Child (CAHENF): Mr Frank SCHÜRMAN (Switzerland)
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) / Mr Frank SCHÜRMAN (Switzerland).

CDDH Rapporteurs in 2018-2019

(list adopted by the CDDH at its 88th meeting, 5-7 December 2017)

1. Rapporteur on Roma and Traveller Issues: Ms Svetlana GELEVA ("The former Yugoslav republic of Macedonia")
2. Gender Equality Rapporteur : Mr Philippe WERY (Belgium)

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Appendix X

Gender equality issues

Presentation by Ms Carlien SCHEELE, Gender Equality Adviser: “Effective Gender Mainstreaming in CDDH activities”

(exchange of views at the 88th meeting of the CDDH, 5-7 December 2017)

1. In response to an invitation of the CDDH, Ms Carlien SCHEELE, Senior Gender Equality Advisor at the Directorate of Human Dignity and Equality, Directorate General of Democracy - DGII, made a presentation on “*Effective Gender Mainstreaming in CDDH activities*” in view of helping the CDDH to explore avenues for strengthening gender mainstreaming in and through its activities. To this end, she briefly recalled the main international commitments⁵⁵ intended to raise awareness amongst the international community on women human rights, and referred notably to the Beijing Declaration.⁵⁶
2. After having recalled the five objectives of the Council of Europe Gender Equality Strategy 2014-2017⁵⁷ and the organisation’s definition of gender mainstreaming,⁵⁸ Ms Scheele explained what should the gender mainstreaming contain in practical terms, stressing that the integration of a gender perspective needs to take place in all policies/legislation/projects, at every stage (e.g. design, implementation, monitoring, evaluation and reporting) and that these policies/legislation/projects need to be grounded on the concrete situations and requirements of people, in order to achieve better informed policy-making/legislative process/projects, better government, challenging the assumption that policies/legislation/projects are gender neutral.
3. To reach the goal of gender equality, a complementary dual approach should be envisaged: specific activities targeting women and girls (e.g. female genital mutilation, forced marriage, violence against women, and access of women to justice) on the one hand and taking into account the gender dimension in all activities and measures - on the other. Women are not to be seen as a (vulnerable) target group in the society, since they represent around 50% of the population. However, one should bear in mind that among vulnerable groups the majority are women.
4. Ms Scheele stressed that Council of Europe should, when drafting its legal instruments, take the gender dimension into account, since laws and policies affect firstly *women* and *men (boys and girls)* instead of *citizens*. To this end, many gender mainstreaming methods could be applied⁵⁹ and the question “*does gender matter?*” appears essential and should be answered through conducting a gender impact assessment by finding out (i) whether the objective of a legal instrument (recommendation, resolution, decision, convention, protocol, action plan, strategy, etc.) is linked with

⁵⁵ The Vienna Declaration and Action Plan adopted at the World Conference on Human Rights (14-25 June 1993, Vienna, Austria), the Cairo Programme of Action adopted by the International Conference on Population and Development (5-13 September 1994, Cairo, Egypt) and the Beijing Declaration adopted at the Fourth World Conference on Women (4-15 September 1995, Beijing, China).

⁵⁶ Article 9 of the Beijing Declaration affirms the commitment of governments to “*Ensure the full implementation of the human rights of women and of the girl child as an inalienable, integral and indivisible part of all human rights and fundamental freedoms*” and Article 14 states that “*Women’s rights are human rights*”.

⁵⁷ Namely, (i) combating gender stereotypes and sexism; (ii) preventing and combating violence against women; (iii) guaranteeing equal access of women to Justice; (iv) achieving balanced participation of women and men in political and public decision-making and (v) achieving gender mainstreaming in all policies and measures.

⁵⁸ Gender mainstreaming is the (re)organisation, improvement, development and evaluation of policy processes, so that a gender equality perspective is incorporated in all policies at all levels at all stages, by the actors normally involved in policy-making.

⁵⁹ Notably gender disaggregated data, gender balanced participation, gender sensitive communication, gender impact assessment, gender budgeting, etc.

gender inequality patterns;⁶⁰ (ii) whether reaching a given objective/ goal will affect women and men in a different way; and (iii) whether this will cause inequality. The next step would be find solutions to these inequalities and when doing so, being aware of a gender neutral approach.

5. She also stressed that gender equality became a particularly sensitive issue in the context of migration and that this aspect is being taken into consideration in the process of preparation of the new Council of Europe Gender Equality Strategy 2018-2023, which intends to include as a new objective the protection of the rights of migrant, refugee and asylum-seeking women and girls.

6. As regards the activities of the CDDH, Ms Scheele invited the Committee to consider whether the inclusion of a gender perspective in its advisory and legal activities would matter. As a first step towards a possible answer in this direction, could be a questionnaire addressed to member States or a desk-research in view of finding out what the gender dimension would mean for the activity of a specific sub-committee or Drafting Group. Ms Scheele provided several examples of similar desk-researches conducted by other bodies⁶¹ within the Council of Europe.

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⁶⁰ Most common gender inequality patterns are inequalities in (political) power (access to decision-making, representation), differences in access to resources, differences in legal/social/financial status and entitlements, etc.

⁶¹ For example, the Group of States Against Corruption (GRECO) included gender perspective into its work as of 2012; the results of the Conference “Gender dimensions of corruption” (Prague, 13 December 2013) and the Round Table on Gender Dimensions of GRECO’s Fourth Evaluation Round (Strasbourg, 14 October 2015) provided valuable information and researches notably on gender dimensions of corruption; also, gender related questions were included in the Questionnaire of the 5th Evaluation Round.

The Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL) made, at its Plenary meeting (30 May-1st June 2017), a presentation on the theme “Gender and money laundering: insights from research and implications for practice”; the Gender Equality Rapporteur prepares proposals for further steps.

The Co-operation Group to Combat Drug Abuse and Illicit Trafficking in Drugs (the Pompidou Group) has, among other gender sensitive activities (e.g. Seminar “Women and Drugs: from policy to good practice”, Rome, 26-27 June 2017, National School of Administration), launched in 2017 a series of gender dimension publications and an online questionnaire.

Appendix XI

Elections - Composition of the Bureau, chairs and rapporteurs*(following the elections held during the 88th CDDH meeting, 5-7 December 2017)*

BUREAU OF THE CDDH	END OF THE MANDATE	REFERENCES
Mr Hans-Jörg BEHRENS (Germany), Chair	31 December 2018 (elected for 1 year renewable once)	88 th meeting of the CDDH (December 2017)
Mr Morten RUUD (Norway), Vice-Chair	31 December 2018 (elected for 1 year renewable once)	88 th meeting of the CDDH (December 2017)
Mr Joan FORNER ROVIRA (Andorra), Member	31 December 2018 (elected for 2 years not renewable)	86 th meeting of the CDDH (December 2016)
Ms Kristine LIČIS (Latvia), Member	31 December 2019 (elected for 2 years not renewable)	88 th meeting of the CDDH (December 2017)
Ms Zinovia STAVRIDIS (Greece), Member	31 December 2019 (elected for 2 years not renewable)	88 th meeting of the CDDH (December 2017)
Ms Florence MERLOZ (France), Member	31 December 2018 (elected for 1 year renewable once for two years)	88 th meeting of the CDDH (December 2017)
Ms Krista OINONEN (Finland), Member	31 December 2019 (elected for 2 years renewable once)	88 th meeting of the CDDH (December 2017)
Ms Maris KUURBERG (Estonia), Member	31 December 2018 (elected for 1 year renewable once for two years)	88 th meeting of the CDDH (December 2017)
CHAIRS		
DH-BIO Ms Beatrice IOAN (Romania), Chair	31 December 2018 (elected for 1 year not renewable)	12 th meeting of the DH-BIO (October 2017) 88 th meeting of the CDDH (December 2017)
DH-SYSC Ms Brigitte OHMS (Austria), Chair	31 December 2018 (elected for 1 year renewable once)	88 th meeting of the CDDH (December 2017)
DH-SYSC-II Ms Florence MERLOZ (France), Chair	31 December 2019	88 th meeting of the CDDH (December 2017)
DH-SYSC-III Ms Vasileia PELEKOU (Greece), Chair	31 December 2019	88 th meeting of the CDDH (December 2017)
CDDH-SOC Mr Vít A. SCHORM (Czech Republic), Chair	31 December 2019	88 th meeting of the CDDH (December 2017)
CDDH-EXP Mr Hans-Jörg BEHRENS (Germany), Chair	31 December 2019	88 th meeting of the CDDH (December 2017)
CDDH-MIG Mr Morten RUUD (Norway), Chair	31 December 2019	88 th meeting of the CDDH (December 2017)
CDDH-INST Ms Krista OINONEN (Finland), Chair	31 December 2019	88 th meeting of the CDDH (December 2017)

RAPPORTEURS⁶²			
DH-SYSC-II Mr Alexei ISPOLINOV (Russian Federation) – Theme 1 Mr Chanaka WICKREMASINGHE (United Kingdom) – Theme 1 Ms Sofia KASTRANTA (Greece) – Theme 2 Ms Kristine LĪCIS (Latvia) – Theme 3	31 December 2019	88 th meeting of the CDDH (December 2017)	
CDDH-EXP Ms Kristine LĪCIS (Latvia)	31 December 2019	88 th meeting of the CDDH (December 2017)	
CDDH-MIG Mr Frank SCHÜRMAN (Switzerland)	31 December 2019	88 th meeting of the CDDH (December 2017)	
DRAFTING GROUPS			
DH-SYSC-II⁶³		DH-SYSC-III⁶⁴	
Bulgaria		Armenia	
Croatia		Belgium	
Czech Republic		Greece	
France		Italy	
Italy		Latvia	
Latvia		Montenegro	
The Netherlands		Portugal	
Norway		Slovak Republic	
CDDH-SOC	CDDH-EXP⁶⁵	CDDH-MIG	CDDH-INST
Austria	Azerbaijan	Armenia	Armenia
Belgium	Estonia	Bulgaria	Azerbaijan
Czech Republic	France	Czech Republic	Finland
Greece	Hungary	Greece	Ireland
Italy	Republic of Moldova	Iceland	Montenegro
Republic of Moldova	Montenegro	Italy	the Netherlands
Poland	Russian Federation	Latvia	Russian Federation
Portugal	"The former Yugoslav Republic of Macedonia"	Norway	Slovenia
Russian Federation	Turkey	Spain	Spain
Slovenia	United Kingdom	Turkey	"The former Yugoslav Republic of Macedonia"

⁶² The Rapporteur of the CDDH-SOC is now part of the Secretariat of the Council of Europe (Department for the execution of judgments) and has ended her work as a Rapporteur. The CDDH-MD finalised its work. The Rapporteur and Chair of the CDDH-INST has terminated her work as a Rapporteur.

⁶³ Following a decision taken by the CDDH at its 88th meeting (5-7 December 2017), and subject to the availability of budgetary resources, it is envisaged that the following member States would also be covered by the budget of the Council of Europe to participate in the following meetings:

- 3rd meeting (3-5 April 2018) and 5th meeting (March 2019): Albania, Austria, Azerbaijan, Bosnia-Herzegovina, Denmark, Finland, Germany, Greece, Russian Federation, United Kingdom
- 4th meeting (25-28 September 2018) and 6th meeting (May 2019): Greece, Poland, Romania, Russian Federation, Serbia, Spain, Sweden, Turkey, Ukraine, United Kingdom
- 7th meeting (September 2019): it is envisaged that the Council of Europe will cover the costs of all the participants.

⁶⁴ Initially, the work of the Group will take place by electronic means.

⁶⁵ Chair: Germany. The expenses of the Chair are covered by the budget of the Council of Europe.

Appendix XII**Calendar of meetings of the CDDH
and subordinate bodies for 2018 and 2019***(as adopted by the CDDH at its 88th meeting, 5-7 December 2017)*

2018	
3 rd meeting of the drafting Group on Civil Society and National Human Rights Institutions (CDDH-INST)	21-23 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)	Cyprus 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
4 th meeting of the CDDH Drafting Group on Freedom of Expression and links to other Human Rights (CDDH-EXP)	3-5 October
5 th meeting of the drafting Group on Human Rights and Migration (CDDH-MIG)	17-19 October
5 th meeting of the Committee of experts on the system of the European Convention on Human Rights (DH-SYSC)	18-19 October
100 th meeting of the Bureau of the Steering Committee for Human Rights (CDDH-BU)	8-9 November
14 th meeting of the Committee on Bioethics (DH-BIO)	20-23 November
90 th meeting of the Steering Committee for Human Rights (CDDH) [and Workshop on Civil Society and National Human Rights Institutions]	27-30 November [29 November (afternoon)]

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.

6 th meeting of the drafting Group on Human Rights and Migration (CDDH-MIG)	February
5 th meeting of the drafting Group on Civil Society and National Human Rights Institutions (CDDH-INST)	February
5 th meeting of the drafting Group on the place of the ECHR in the European and international legal order (DH-SYSC-II)	March
4 th meeting of the drafting Group on Social Rights (CDDH-SOC)	April
5 th meeting of the drafting Group on Freedom of Expression and links to other Human Rights (CDDH-EXP)	April
101 th meeting of the Bureau of the Steering Committee for Human Rights (CDDH-BU)	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)	May
[Workshop on Access to Official Documents]	[May-June]
91 th meeting of the Steering Committee for Human Rights (CDDH) [and Workshop on the protection of victims of terrorist acts]	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)	September
5 th meeting of the drafting Group on Social Rights (CDDH-SOC)	September
6 th meeting of the drafting Group on Civil Society and National Human Rights Institutions (CDDH-INST)	September
7 th meeting of the drafting Group on Human Rights and Migration (CDDH-MIG)	October
6 th meeting of the drafting Group on Freedom of Expression and links to other Human Rights (CDDH-EXP)	October
6 th meeting of the Committee of experts on the system of the European Convention on Human Rights (DH-SYSC)	October
102 nd meeting of the Bureau of the Steering Committee for Human Rights (CDDH-BU)	November
92 nd meeting of the Steering Committee for Human Rights (CDDH)	November

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