



Strasbourg, 12 December 2012

CDDH(2012)R76

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

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**REPORT**

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**76<sup>th</sup> meeting**

**Strasbourg, 27-30 November 2012**

## Summary

At this meeting, the CDDH, in particular:

- (1) concerning the work on the reform of the Court (see item 2 of the agenda), adopted with a view to their transmission to the Committee of Ministers:
  - (i) its Report on the measures taken by the member States to implement relevant parts of the Interlaken and Izmir Declarations (CDDH(2012)R76 Addendum I);
  - (ii) its Report containing elements to contribute to the evaluation of the effects of Protocol No.14 and the implementation of the Interlaken and Izmir Declarations on the Court's situation (CDDH(2012)R76 Addendum II);
  - (iii) draft Protocol No. 15 to the Convention (CDDH(2012)R76 Addendum III) and the Explanatory Report thereto (CDDH(2012)R76 Addendum IV);
- (2) concerning work on Protocol No. 16 to the Convention, provisionally adopted the draft protocol (CDDH(2012)R76 Addendum V) and, after examination, decided to remit the draft Explanatory Report (CDDH(2012)R76 Addendum VI) to the DH-GDR with guidance for its further examination;
- (3) took note of the current work on the accession of the European Union to the ECHR further to decisions by the Ministers' Deputies on 13 June 2012 (see item 3);
- (4) gave guidance for current and future work on the development and promotion of human rights (see item 4) and, in this context:
  - (i) gave guidance for the work of its drafting group on the human rights of older persons (CDDH-AGE);
  - (ii) adopted a feasibility study on corporate social responsibility in the field of human rights with a view to its transmission to the Committee of Ministers (CDDH(2012)R76 Addendum VII);
  - (iii) exchanged views on the feasibility of work on human rights in culturally diverse societies;
  - (iv) gave guidance for the preparation of the report on the implementation of Recommendation CM/Rec(2010)4 of the Committee of Ministers on human rights of members of armed forces;
  - (v) adopted a questionnaire on the implementation of Recommendation CM/Rec(2010)5 of the Committee of Ministers on measures to combat discrimination on grounds of sexual orientation or gender identity

(CDDH(2012)R76 Addendum VIII) and gave guidance for the preparation on the report on the implementation of the Recommendation;

- (5) took note of the current work within the Committee on Bioethics (DH-BIO) (see item 5);
- (6) took note of the current work within the Gender and Equality Commission (GEC), and provided guidance as to priorities and working methods (see item 6);
- (7) confirmed the experts representing the CDDH in other bodies (see item 7 and Appendix III);
- (8) held elections (see item 8 and Appendix IV);
- (9) adopted the calendar of its meetings and of those of its subordinate bodies (see item 9 and Appendix V).

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#### Appendices

- I. List of participants
- II. Agenda (as adopted)
- III. Experts representing the CDDH in other bodies
- IV. Composition of the Bureau and Chairpersons of subordinate bodies
- V. Calendar of meetings of the CDDH and subordinate bodies
- VI. Declaration of two Delegation concerning the questionnaire on the follow-up of Recommendation CM/Rec(2010)5

#### Addenda

CDDH(2012)R76 Addendum I: Report of the CDDH on the measures taken by the member States to implement relevant parts of the Interlaken and Izmir Declarations

CDDH(2012)R76 Addendum II: Report of the CDDH containing elements to contribute to the evaluation of the effects of Protocol No.14 and the implementation of the Interlaken and Izmir on the Court's situation

CDDH(2012)R76 Addendum III: Draft Protocol No. 15 to the Convention

CDDH(2012)R76 Addendum V: Draft Protocol No. 16 to the Convention

CDDH(2012)R76 Addendum VI: Explanatory Report to the draft Protocol No. 16 to the Convention

CDDH(2012)R76 Addendum VII: CDDH feasibility study on corporate social responsibility in the field of human rights

CDDH(2012)R76 Addendum VIII: CDDH questionnaire on the implementation of Recommendation CM/Rec(2010)5 of the Committee of Ministers on measures to combat discrimination on grounds of sexual orientation or gender identity

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## Introduction

1. The Steering Committee for Human Rights (CDDH) held its 76<sup>th</sup> meeting from 27 to 30 November 2012 in Strasbourg with Mr Derek WALTON (United Kingdom) in the Chair. The list of participants appears at Appendix I.<sup>1</sup> The agenda, as adopted, appears at Appendix II. The CDDH took note of the general background information document prepared by the Secretariat (CDDH(2012)014) and of the report of the last meeting of its Bureau (CDDH-BU(2012)R86).

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

Draft agenda	CDDH(2012)OJ003
Draft order of business	CDDH(2012)OT003
Reference document	CDDH(2012)014
Report of the 75 <sup>th</sup> CDDH meeting (19 – 22 June 2012)	CDDH(2012)R75
Report of the 86 <sup>th</sup> meeting of the Bureau of the CDDH (Paris, 15-16 November 2012)	CDDH(2012)R86

2. After the adoption of the agenda and order of business, the CDDH:
- (i) authorised the participation of representatives of some NGOs to some items on the agenda of this meeting, namely the European Trade Union Confederation (ETUC) to items 2, 3 and 4, and the Conference of European Churches (KEK) to item 4;
  - (ii) agreed with the proposals made by the Bureau for a new format of the meeting reports and invited the Secretariat to draft the abridged and final report of the current meeting according to this format;
  - (iii) noted that a presentation of the European programme for Human Rights training for Legal Professionals (*HELP Programme*) will be made to the CDDH participants on Thursday 29 November from 4 to 4:30 p.m.

## **ITEM 2: REFORM OF THE COURT (DH-GDR)**

Reference document	CDDH(2012)014
Brighton Declaration	CDDH(2012)007
Follow-up to the High-level Conference on the future of the European Court of Human Rights (Brighton, 18-20 April 2012)	CDDH(2012)009Rev
Decisions taken at the 122 <sup>nd</sup> session of the Committee of Ministers (23 May 2012)	CDDH(2012)008
Report of the 75 <sup>th</sup> CDDH meeting (19-22 June 2012)	CDDH(2012)R75
Report of the 2 <sup>nd</sup> meeting of the Committee of Experts on the Reform of the Court (29-31 October 2012)	DH-GDR(2012)R2
Report of the 86 <sup>th</sup> meeting of the Bureau of the CDDH (Paris, 15-16 November 2012)	CDDH(2012)R86

<sup>1</sup> Following Declaration CM(2009)68 - “Making gender equality a reality” and practical proposals elaborated by the Bureau of the Steering Committee on the media and new communication services (CDMC, document CDMC-BU(2010)001), the list of participants includes gender distribution figures for participants.

2012)

## 2.1 Completed work

Draft CDDH report on measures taken by the member States to implement relevant parts of the Interlaken and Izmir Declarations	DH-GDR(2012)R2 Add.I
Draft CDDH report containing elements to contribute to the evaluation of the effects of Protocol No. 14 to the Convention and the implementation of the Interlaken and Izmir Declarations on the Court's situation	DH-GDR(2012)R2 Add.II
Draft Protocol No. 15 to the ECHR	DH-GDR(2012)R2 Add.III
Draft Explanatory Report thereto	DH-GDR(2012)R2 Add.IV
Draft Protocol No. 16 to the ECHR	DH-GDR(2012)R2 Add.V
Draft Explanatory Report thereto	DH-GDR(2012)020
Report of the 2 <sup>nd</sup> meeting of the Drafting Group A (5-7 September 2012)	GT-GDR-A(2012)R2
Report of the 1 <sup>st</sup> meeting of the Drafting Group B (12-14 September 2012)	GT-GDR-B(2012)R1
Report of the 2 <sup>nd</sup> meeting of the Drafting Group B (10-12 October 2012)	GT-GDR-B(2012)R2
Report of the 2 <sup>nd</sup> meeting of the Committee of Experts on the Reform of the Court (29-31 October 2012)	DH-GDR(2012)R2
Report of the 86th meeting of the Bureau of the CDDH (Paris, 15-16 November 2012)	CDDH(2012)R86

3. It was recalled that, at its 122<sup>nd</sup> session (23 May 2012), the Committee of Ministers gave detailed instructions to the CDDH for the follow-up to the Brighton Declaration (see CDDH(2012)008) while setting three deadlines (15 April 2013, 15 October 2013 and March 2015) for the completion of the work on various issues, most of them being in addition to the current work foreseen for the Committee of experts on the reform of the Court (DH-GDR) and its drafting Groups in accordance with the terms of reference for the biennium 2012-2013. The CDDH, at its 75<sup>th</sup> meeting (19-22 June 2012), gave directions to the DH-GDR and its drafting Groups. The document CDDH(2012)009Rev recalls the entrusted issues and the deadlines set by the Committee of Ministers to the CDDH, as well as the tasks distribution decided by the CDDH for the work of its subordinate bodies and the meeting calendar.

4. It was also recalled that the DH-GDR held its 2<sup>nd</sup> meeting, in plenary composition, from 29-31 October 2012. On the basis of work transmitted in September 2012 by its Drafting Groups A and B, it adopted the texts subject to examination by the CDDH with a view to their adoption at the current meeting (see hereafter, *discussion*) and further transmission to the Committee of Ministers. At the same meeting the DH-GDR also:

- (i) designated the members of its Drafting Group C (Armenia, Bulgaria, France, Greece, Norway, the Slovak Republic and Switzerland), elected Mr Martin KUIJER (The Netherlands) as Chairperson of the Group and gave guidance on its work;
- (ii) designated an expert consultant (Mr Martin EATON) to draft a toolkit to inform public officials about the State's obligations under the Convention for its Drafting Group D and gave guidance on this work;

- (iii) appointed Ms Natalia SHAKURO (Ukraine) as its Gender Equality Rapporteur.

5. Finally, it was recalled that: (i) on 6 November the Secretariat sent to the participants the draft texts concerning reform subject to examination during the current meeting; (ii) in order to facilitate these discussions, and bearing in mind that most of the documents had already been the subject of detailed examination by the plenary DH-GDR and its drafting groups, the Bureau invited CDDH members to submit any amendment proposal to the Secretariat before the meeting or else to come prepared with their written proposals for presentation during the meeting.

6. The experts examined proposals for amendment of the various draft texts. The Chairperson of the DH-GDR, Mr Vit SCHORM (Czech Republic), briefly introduced each text.

#### National reports

7. Concerning the Report on measures taken by the member States to implement relevant parts of the Interlaken and Izmir Declarations, the CDDH wished to emphasise that the recommendations contained in paragraph 153 must be read in the light of paragraph 152 concerning their applicability and intended effect. It also recalled and itself employed the working method of the GT-GDR-A and DH-GDR, which, in conformity with its terms of reference, limited the examples of good practice contained in this report to those found in the previously submitted national reports on implementation.

#### Effects of Protocol No.14

8. The CDDH examined the draft Report of the CDDH containing elements to contribute to the evaluation of the effects of Protocol No.14 and the implementation of the Interlaken and Izmir Declarations on the Court's situation. During the examination of the text, the Secretariat indicated that certain figures and statistics were updated in consultation with the Court's Registry.

#### Draft Protocol No. 15

9. Concerning draft Protocol no. 15 and the Explanatory Report thereto, the CDDH gave full consideration to the letter of 23 November 2012 sent by the President of the Court to the CDDH Chairman concerning draft Article 1 of the Protocol. It recalled that the Court had participated in all stages of preparation of the draft text, in accordance with the terms of reference. On this basis, and in the light also of further clarifications provided by Mr John DARCY of the Registry, it carefully re-examined the compromise text presented by the DH-GDR. It decided, in the light of the views expressed by the Court, to clarify in the Explanatory Report that the intention was "to be consistent with the doctrine of the margin of appreciation as developed by the Court in its case-law". Accordingly, the CDDH decided not to amend Article 1 of the Protocol. A written proposal to replace the text of the draft Article 1 with a version containing three

paragraphs did not receive support. On this basis and following examination of all other parts of the two texts, the CDDH adopted draft Protocol no. 15 and the Explanatory Report thereto by consensus as they appear in Addenda III and IV respectively.

#### Draft Protocol No. 16

10. Concerning draft Protocol no. 16 and the Explanatory Report thereto, the CDDH examined and provisionally adopted the draft protocol as it appears in Addendum V. It noted that, for lack of time at the various relevant meetings of its subordinate bodies, the draft Explanatory Report was in effect being examined by a meeting of national experts for the first time. It was thus premature to adopt it at the present meeting, including for the reason that to do so would not allow the necessary further consultations with national capitals. After a partial first reading, the CDDH therefore decided to remit the draft Explanatory Report, as it appears at Addendum VI, to the DH-GDR for further examination at its next meeting (13-15 February 2013). It decided not to transmit the draft Protocol to the Committee of Ministers until such time as it would also be able to adopt, and transmit, the Explanatory Report. It fully expected to be able to do so at its next meeting (19-22 March 2013), thereby meeting the deadline of 15 April 2013 set out in the decisions of the May 2012 Ministerial Session.

#### *Conclusions*

11. The CDDH invited the Committee of Ministers to consider its Report on the measures taken by the member States to implement relevant parts of the Interlaken and Izmir Declarations (CDDH(2012)R76 Addendum I) and its Report containing elements to contribute to the evaluation of the effects of Protocol No.14 and the implementation of the Interlaken and Izmir Declarations on the Court's situation (CDDH(2012)R76 Addendum II) and to decide on possible follow-up action.

12. The CDDH invited the Committee of Ministers to consider the draft Protocol No. 15 to the Convention<sup>2</sup> (CDDH(2012)R76 Addendum III) with a view to its possible adoption and to take note of the Explanatory Report thereto (CDDH(2012)R76 Addendum IV).

13. The CDDH invited the Committee of Ministers to extend, until the end of 2013, the current deadline of 15 October 2013 for the finalisation of the work concerning paragraphs 9.f)ii), 9.f)iii), 20.c), 20.e), 25.b) and 29.d) of the Brighton Declaration.

## **2.2 Future work**

Report of the 2<sup>nd</sup> meeting of the Committee of Experts on the Reform of the Court (29-31 October 2012)

DH-GDR(2012)R2

Report of the 86<sup>th</sup> meeting of the Bureau of the CDDH (Paris, 15-16 November 2012)

CDDH(2012)R86

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<sup>2</sup> A written proposal to replace the text of the draft Article 1 did not receive support.



14. For the work by the end of 2012 and of the first semester of 2013 on the reform of the Court, the CDDH intended to restrict itself, at this stage, to the schedule already foreseen.

**ITEM 3: ACCESSION OF THE EUROPEAN UNION TO THE EUROPEAN CONVENTION ON HUMAN RIGHTS**

Report of the 1 <sup>st</sup> 47+1 meeting ( 21 June 2012)	47+1(2012)R1
Report of the 2 <sup>nd</sup> 47+1 meeting (17-19 September 2012)	47+1(2012)R2
Report of the 3 <sup>rd</sup> 47+1 meeting (7-9 November 2012)	47+1(2012)R3
Report of the 86 <sup>th</sup> meeting of the Bureau of the CDDH (Paris, 15-16 November 2012)	CDDH(2012)R86

15. Concerning the ongoing work on the accession of the European Union to the European Convention on Human Rights, the CDDH took note of the negotiation meetings held on 21 June 2012, 17-19 September 2012 and 7-9 November 2012. Depending on developments, the CDDH may wish to hold an exchange of views on this topic at its meeting of March 2013.

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

16. As regards ongoing and future work on the development and promotion of human rights, the CDDH gave orientation on the various issues under examination.

**4.1 Rights of older persons (CDDH-AGE)**

Reference document	CDDH(2012)014
Report of the 2 <sup>nd</sup> CDDH-AGE meeting (24-26 September 2012)	CDDH-AGE(2012)R2
Report of the 86 <sup>th</sup> meeting of the Bureau of the CDDH (Paris, 15-16 November 2012)	CDDH(2012)R86

17. It was recalled that, at its 74<sup>th</sup> meeting (7-10 February 2012), the CDDH established a drafting group on the rights of older persons (CDDH-AGE). At the 2<sup>nd</sup> meeting (24-26 September 2012), the Group discussed and revised a preliminary draft non-binding instrument elaborated by the Secretariat on the basis of the exchange of views and of the guidance provided by the CDDH at the 75<sup>th</sup> meeting (19-22 June 2012). The Group agreed that the draft instrument should be accompanied with a guide of good practices to be integrated in the text in boxes under each Section of the instrument, for the elaboration of which delegations would be asked to contribute.

18. The Chairperson of the CDDH-AGE, Mr Jakub WOLASIEWICZ (Poland) reported on the ongoing work to elaborate a non-binding legal instrument in view of the guidance that the CDDH will provide for future work. The CDDH exchanged views on substance and on form of the instrument, as well as on its future follow-up. As regards substance, the CDDH exchanged views without, however, entering into a drafting exercise at this stage, since it will come back to this issue in June 2013 in the light of the work the CDDH-AGE will carry out in May 2013.

*Conclusions*

19. The CDDH gave the following guidance on the draft non-binding legal instrument in preparation and agreed to come back to this issue at its meeting in June 2013:

- As regards the contents of the draft instrument in preparation, the CDDH: (a) gave indications for the possible definition of “older persons”; (b) considered that end of life-related issues other than euthanasia and assisted suicide should find their place in the instrument, but that full consistency should be ensured with the work of the DH-BIO; (c) suggested that CDDH-AGE considers the possibility of including provisions on: support for family members and carers beyond the issue of palliative care, private and intimate life of older persons, work-related issues, expansion of the existing provision about availability of palliative care to medical care in general. Delegations wishing to suggest specific drafting proposals may submit them in writing to the Secretariat before the CDDH-AGE meeting in May 2013.
- As to the form of the instrument, the CDDH asked the CDDH-AGE: (a) to distinguish more clearly between existing obligations and new recommendations in the text; (b) to make suggestions as to the nature of the future instrument; (c) to incorporate examples of good practices in the body of the instrument. All CDDH members and observers were invited to submit examples of good practices for possible inclusion in the draft to the Secretariat by the end of February 2013. The CDDH also instructed the Secretariat to draft the explanatory memorandum to the instrument.
- As to its implementation, the CDDH left open for the time being what form the follow-up of the future instrument should take.

#### **4.2 Corporate social responsibility in the field of human rights**

Reference document	CDDH(2012)014
Document prepared by the Secretariat	CDDH(2012)012
Document prepared by the Secretariat	CDDH(2012)017
Report of the 86 <sup>th</sup> meeting of the Bureau of the CDDH (Paris, 15-16 November 2012)	CDDH(2012)R86

20. It was recalled that, at its 75<sup>th</sup> meeting (19-22 June 2012), the CDDH instructed the Secretariat to submit a draft study on the feasibility and added value of standard-setting or other work in this field and provided guidance about the elaboration of this draft.

21. In order to facilitate the discussion, the CDDH invited the members of the CDDH to provide any proposals for amendment of the document to the Secretariat before the meeting or to present their proposals in writing at the meeting. It recalled that the study should be adopted in November and transmitted to the Committee of Ministers, in order for the latter to give indications about future work.

22. The CDDH welcomed the draft study presented by the Secretariat as a good basis for its work. It underlined the importance of the subject and reiterated the need to avoid duplication with already existing standards and ongoing activities at the European and international level. Some delegations noted in particular the importance of the suggestion to look into the issue of access to justice for victims of corporate human rights violations. The CDDH agreed on some amendments to the draft study, in particular as regards the sections on internet governance, children's rights, social rights and the issue of extraterritoriality. It also amended the proposed conclusions.

23. The CDDH adopted the study as amended and decided to submit it to the Committee of Ministers for decision about possible follow-up. In this respect, the CDDH noted that further work on this area may not be undertaken only by the CDDH, but also by other Council of Europe bodies.

### *Conclusions*

24. The CDDH invited the Committee of Ministers to consider its Feasibility Study on Corporate Social Responsibility in the field of Human Rights (CDDH(2012)R76 Addendum VII) and to decide on possible follow-up.

### **4.3 Human rights in culturally diverse societies**

Reference document

CDDH(2012)014

Document prepared by the Secretariat

CDDH(2012)018

Report of the 86<sup>th</sup> meeting of the Bureau of the CDDH (Paris, 15-16 November 2012)

CDDH(2012)R86

25. It was recalled that, at its 75<sup>th</sup> meeting (19-22 June 2012), the CDDH instructed (i) the Secretariat to prepare a preliminary study taking stock of existing instruments of the Council of Europe and other international bodies, and (ii) and decided to hold an exchange of views in November with a specialist on issues relating to human rights in culturally diverse societies. On this basis, the CDDH held a first general exchange of views on the issue, in view of the study on the feasibility and added value of standard-setting work in this field, for the Committee of Ministers, which should be adopted in June 2013.

26. The CDDH appreciated the draft preliminary study prepared by the Secretariat, presenting the existing instruments within the Council of Europe and other international bodies. It exchanged views with Ms Eva SMITH-ASMUSSEN, (member and former Chairperson of the European Commission against Racism and Intolerance - ECRI).

### *Conclusions*

27. The CDDH decided to examine in June 2013, in view of its adoption, a draft study on the feasibility and added value of standard-setting or other work in this field. It appointed Mr Morten RUUD (Norway) as Rapporteur on this activity. With a view to the preparation of this study, the CDDH gave to the Secretariat and to the Rapporteur the following guidance:

- The focus of the study should be on the added value of any further standard setting or other work in this field, and to this effect it should examine in particular the implementation of existing standards and of the findings of monitoring bodies, the execution of the relevant judgments of the Court, and the area of human rights training and education. In this context, the CDDH stressed the universality of human rights and decided not to focus on standard-setting in respect of the rights of particular vulnerable groups.
- The study should be based on the previous work of the CDDH in this field, in order to identify possible issues which have not yet been covered and, if so, define specific steps to be taken in their respect. In addition, consideration should be given to existing and ongoing work within other sectors of the Council of Europe and in other international and regional organisations, in order to ensure complementarity and avoid any risk of duplication or overlapping in this field. Finally, the CDDH invited member states who have adopted national human rights action plans to forward a copy to the Secretariat along with information on other good practices at national level.

#### **4.4 Follow-up to Committee of Ministers' Recommendation (CM/Rec(2010)4) on the human rights of members of the armed forces**

Reference document	CDDH(2012)014
Questionnaire on the implementation of Recommendation CM/Rec(2010)4	CDDH(2012)015
Replies to the questionnaire	CDDH(2012)016
Report of the 86 <sup>th</sup> meeting of the Bureau of the CDDH (Paris, 15-16 November 2012)	CDDH(2012)R86

28. It was recalled that, at its 1147<sup>th</sup> meeting (4-6 July 2012), the Committee of Ministers' Deputies instructed the Secretariat of the Council of Europe to elaborate, under the supervision of the CDDH, a questionnaire on the implementation of its Recommendation CM/Rec(2010)4 to member States on the human rights of members of the armed forces, and to transmit it to member States and to other relevant stakeholders. On the basis of this decision, the Secretariat elaborated a questionnaire, which the CDDH adopted by written procedure, and the competent authorities were invited to reply to the questionnaire by 2 November 2012 at the latest.

29. The CDDH took note of the 22 national replies received to date to the questionnaire on the implementation of the Recommendation, and underlined the need to receive more replies in order for the analysis of the implementation to be effective.

#### *Conclusions*

30. The CDDH encouraged those states that had not yet done so, to submit replies by the extended deadline of 15 December 2012 and gave guidance to the Secretariat on the preparation of the report that the CDDH should examine and adopt at its meeting in March 2013, with a view to its transmission to the Committee of Ministers by 30 June 2013. The CDDH appointed Ms Natalia SHAKURO (Ukraine) as Rapporteur for this

activity. The Secretariat and the Rapporteur were invited to structure the draft report by grouping, if possible, the replies to the questions by theme, and to present the results in a neutral and easily understandable manner. The consultation of individual replies should be possible on the CDDH website, without appending them to the report.

#### **4.5 Follow-up to Committee of Ministers' Recommendation (CM/Rec(2010)5) on measures to combat discrimination on grounds of sexual orientation or gender identity**

Reference document	CDDH(2012)014
Document prepared by the Secretariat	CDDH(2012)019
Report of the 86 <sup>th</sup> meeting of the Bureau of the CDDH (Paris, 15-16 November 2012)	CDDH(2012)R86

31. It was recalled that, in accordance with the instructions given by the CDDH at its 75<sup>th</sup> meeting (19-22 June 2012) and following the decisions taken by the Ministers' Deputies at their 1151<sup>st</sup> meeting (18-19 September 2012), the Secretariat prepared a draft questionnaire on the implementation of Recommendation (CM/Rec(2010)5) on measures to combat discrimination on grounds of sexual orientation or gender identity. The Secretariat sent it<sup>3</sup> for adoption through electronic communication. In light of the comments received, the Bureau invited the CDDH to circulate a revised version of the questionnaire to the participants in the CDDH for examination and adoption during the Plenary meeting. This procedure follows an express request made by a delegation, which also wanted to draw various objections of form and substance to the attention of the CDDH.

32. During the discussion, two delegations expressed their disagreement with the proposed inclusion in the questionnaire of a section concerning follow-up, arguing that such section went beyond the scope of the review of the implementation of the recommendation requested by the Committee of Ministers. Other delegations disagreed. They underlined that this section was pertinent, that the replies given to these questions did not prejudice any possible decision of the Committee of Ministers in this respect, and that identical questions had been proposed, and accepted without difficulties, when adopting the questionnaire on the implementation of the recommendation on the human rights of members of armed forces. After a vote, it was decided by a large majority to maintain such questions in the text. The CDDH also agreed on a number of amendments to the questions aiming at ensuring full consistency between the questions and the text of the recommendation. It was underlined that the respect of the deadline fixed for the replies would be important given the limited time available for the analysis of the replies and the preparation of the report.

#### *Conclusions*

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<sup>3</sup> In addition to all members of the CDDH, the draft questionnaire was sent to the Chairperson of the former committee DH-LGBT (M. Hans YTTERBERG, Sweden) and to the experts (representing the following countries : Austria, Belgium, Croatia, Estonia, Finland, Germany, Hungary, Italy, Netherlands, Norway, Poland, Russian Federation, Spain, Switzerland, "the former Yugoslav Republic of Macedonia", United Kingdom) who had attended the meetings of the DH-LGBT. These experts were invited to liaise with their CDDH member in order to ensure that consolidated national comments are submitted.

33. The CDDH, after a thorough exchange of views both on the procedure and on the substance, adopted by a large majority<sup>4</sup> a questionnaire on the implementation of Recommendation CM/Rec(2010)5 on measures to combat discrimination on grounds of sexual orientation or gender identity (CDDH(2012)R76 Addendum VIII) and fixed 31 January 2013 as deadline for the submission of replies to the Secretariat ([nicola-daniel.cangemi@coe.int](mailto:nicola-daniel.cangemi@coe.int)). Two delegations made statements concerning the scope of the questionnaire before and after the vote. They appear in Appendix VI of the present report. The CDDH appointed Ms Liselot EGMOND (The Netherlands) as its Rapporteur on this issue and asked the Secretariat and the Rapporteur to follow the same guidance given under § 30 above for the preparation of the report that the CDDH should examine and adopt at its meeting in March 2013, with a view to its transmission to the Committee of Ministers preferably by 31 March 2013.

#### 4.6 Future work

Report of the 86<sup>th</sup> meeting of the Bureau of the CDDH (Paris, 15-16 November 2012)

CDDH-BU(2012)R86

34. It was recalled that, at its 73<sup>rd</sup> meeting (6-9 December 2011), the CDDH decided that it “could, at [its] 76<sup>th</sup> meeting (November 2012), hold an exchange of views on issues which should be dealt within the biennium 2014-2015, with a view to making proposals to the Committee of Ministers in good time for their inclusion in the programme of this biennium” (see document CDDH(2011)R73, § 27). In view of this examination, the participants in the CDDH, including the civil society, have been invited to send any proposal to the Secretariat before the current meeting or to come prepared with their written proposals for presentation during the meeting.

35. The CDDH exchanged views on possible other priority areas for development and promotion of human rights that may deserve to be examined by the CDDH in the biennium 2014-2015, with a view to the submission of a study and the formulation of proposals to the Committee of Ministers in time for their inclusion in the programme of that biennium.

#### *Conclusions*

36. During the exchange of views several themes were evoked by delegations, as well as by the Secretariat. Some of the themes mentioned had already been envisaged or dealt with by the CDDH in the past, such as the detention of irregular migrants, the right to the satisfaction of basic material needs of persons in situations of extreme hardship, and the relationship between human rights and environment – including the impact of climate change on human rights; others were new, such as the impact of austerity measures on the enjoyment of human rights. On the basis of this discussion, the CDDH agreed to have a thorough exchange of views on this issue at its meeting of March 2013. To this aim, it asked the Secretariat to prepare an annotated list of possible themes, taking also into

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<sup>4</sup> 34 votes in favour, 4 abstentions and 1 vote against.

account the work of the DH-DEV, recent recommendations and ongoing work by the Parliamentary Assembly, and invited delegations to forward possible comments and proposals in this respect to the Secretariat by end-January 2013.

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

Reference document	CDDH(2012)014
Report of the 1 <sup>st</sup> meeting of the DH-BIO (19-22 June 2012)	DH-BIO/RAP 1
Draft agenda of the 2 <sup>nd</sup> meeting of the DH-BIO (4-7 December 2012)	DH-BIO(2012)OJ2
Proceedings of the Symposium on Biobanks (19-20 June 2012)	
Comments on the proposal for a regulation of the European Parliament and of the Council on clinical trials on medicinal products for human use, and repealing Directive 2001/20/EC	DH-BIO(2012)24
Report of the 86 <sup>th</sup> meeting of the Bureau of the CDDH (Paris, 15-16 November 2012)	CDDH-BU(2012)R86

37. The Secretary of the Committee on Bioethics (DH-BIO), Ms Laurence LWOFF, presented the priorities and results expected at the 2<sup>nd</sup> DH-BIO meeting (4-7 December 2012). She mentioned in particular the work concerning (i) decision-making process related to medical treatment in end-of-life situations other than euthanasia and assisted suicide; (ii) predictivity, genetic testing and insurance; (iii) genetic testing for health purposes; (iv) organ trafficking; (v) clinical trials on medicinal products for human use. Detailed information on the ongoing work can be found in the reference document CDDH(2012)014, §§ 18-24.

### *Conclusions*

38. The CDDH concluded that the current work did not require, at this stage, a particular CDDH decision. It decided to exchange views on this issue at its next meeting in March 2013. It took note, in particular, that one CDDH member will be part of the working Group on an additional Protocol on the protection of the human rights and dignity of persons with mental disorder in regard of involuntary treatment and placement, which will begin its work in April 2013.

### **ITEM 6: GENDER EQUALITY (GEC)**

Reference document	CDDH(2012)014
Report of the 1 <sup>st</sup> meeting of the GEC (6-8 June 2012)	GEC(2012)RAP 1
Draft agenda of the 2 <sup>nd</sup> meeting of the GEC (14-16 November 2012)	GEC(2012)OJ2
Report of the 86 <sup>th</sup> meeting of the Bureau of the CDDH (Paris, 15-16 November 2012)	CDDH-BU(2012)R86

39. The Head of the Gender Equality, Violence Against Women and Domestic Violence Division, Mrs Liri KOPAÇI-DI MICHELE, presented the work conducted by Gender Equality Commission (GEC) at its 2<sup>nd</sup> meeting (14-16 November 2012). She referred in particular to the exchange of views which took place on the feasibility and the added value of possible work on (i) violence against women; (ii) women's access to justice; (iii) gender stereotypes in the media which the GEC identified as priorities in the

short term. Detailed information on the ongoing work can be found in the reference document CDDH(2012)014, §§ 26-28.

### *Conclusions*

40. The CDDH confirmed the priorities identified by the GEC and provided guidance on working methods.

- As to the priorities, the CDDH agreed with the interest in short-term work on the three following questions: (a) women's access to justice, if possible emphasising specific situations such as women in situations of extreme hardship, but highlighting ways in which access may be unequal as compared with that of men in similar circumstances; (b) women in the media (in addition to the problem of stereotypes perpetuated by the media, examining women's access to positions of responsibility in this sector); (c) violence against women and domestic violence.

- As to working methods, the CDDH encouraged the GEC to propose dates for its meetings allowing the Steering Committee to receive its meeting reports in good time so as to be able to give possible guidance.

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

Reference document CDDH(2012)014  
Report of the 86<sup>th</sup> meeting of the Bureau of the CDDH (Paris, 15-16 November 2012) CDDH-BU(2012)R86

### **7.1 Experts having participated in meetings since the last CDDH**

- 31<sup>st</sup> Council of Europe Conference of Ministers of Justice – Vienna (19-21 September 2012)
- 9<sup>th</sup> Council of Europe Conference of Ministers responsible for Youth – Saint Petersburg (23-25 September 2012)
- Workshop on certain aspects of the implementation of the European convention on Human Rights at national level – Tirana (5 October 2012)

### **7.2 Possible designation of experts for future meetings**

41. The CDDH took note of the reports sent it to the Secretariat by the experts concerned. Furthermore, it noted that the Chairman has been invited to take the floor on Friday 30 November at 9:00 a.m. at the Conference on the impact of the European Charter on Education for Democratic Citizenship and Human Rights (Strasbourg, AGORA building).

### *Conclusions*

42. The CDDH confirmed the experts representing it in other bodies (see Appendix III).

## **ITEM 8 : ELECTIONS**



Reference document	CDDH(2012)014
Resolution (2011)24 on intergovernmental committees and subordinate bodies, their terms of reference and working methods	CM/Res(2011)24
Report of the 86 <sup>th</sup> meeting of the Bureau of the CDDH (Paris, 15-16 November 2012)	CDDH-BU(2012)R86

43. Bearing in mind the table appended to the reference document and information provided by the Bureau, the CDDH held elections for several posts within its Bureau as well as certain Chairmanships and in respect of the composition of bodies answerable to it.

44. The table reflecting the situation after the vote appears in Appendix IV.

45. Noting that Mrs Anne-Françoise TISSIER (France) and Mr Jakub WOLASIEWICZ (Poland) have been appointed to other functions and, therefore, they will no longer participate in the meetings, the CDDH expressed its warm gratitude to them for their excellent contributions over the years. It wished them every success in their new functions.

#### **ITEM 9: CALENDAR OF MEETINGS**

Reference document	CDDH(2012)014
Report of the 86 <sup>th</sup> meeting of the Bureau of the CDDH (Paris, 15-16 November 2012)	CDDH-BU(2012)R86

46. Concerning work of the DH-GDR drafting groups “D” and “E”, the CDDH considered that it would be necessary to ask the Committee of Ministers to extend the current deadline of 15 October 2013, to the end of 2013. Should such an extension be accepted, the CDDH will consequently decide the dates for the meetings of the end of the year of the Bureau and the plenary. The calendar, as adopted at this stage, appears at Appendix V.

#### **ITEM 10: OTHER BUSINESS**

Report of the 86 <sup>th</sup> meeting of the Bureau of the CDDH (Paris, 15-16 November 2012)	CDDH-BU(2012)R86
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##### **10.1 Participation of NGOs representatives**

Reference document	CDDH(2012)014
Report of the 86 <sup>th</sup> meeting of the Bureau of the CDDH (Paris, 15-16 November 2012)	CDDH-BU(2012)R86

47. It was recalled that representatives of the following organisations asked to be allowed to attend some items on the agenda of the CDDH at its 76<sup>th</sup> meeting (27-30 November 2012) : the European Trade Union Confederation (ETUC) : items 1, 2, 3, 4, 5 and 6 ; the Conference of European Churches (CEC) : item 4.

*Conclusions*

48. The CDDH authorised representatives of ETUC to attend items 2, 3 and 4 and KEK item 4. Noting that ETUC asked to participate under almost all the items on the agenda, which means in effect asking for observer status, the Bureau recalled that the CDDH had already decided not to give a positive answer to a request aiming at obtaining such status.

49. As to future requests for participation on an *ad hoc* basis, the CDDH decided the following procedure: (i) the request should be sent by the Secretariat to all experts of the CDDH for information; (ii) the decision will then be taken by the Bureau.

### **10.2 Working methods**

Report of the 86<sup>th</sup> meeting of the Bureau of the CDDH (Paris, 15-16 November 2012) CDDH-BU(2012)R86

50. Concerning the way of presenting the meeting report, it was recalled that Secretariat made proposals which were considered with interest by the Bureau (a draft “abridged” meeting report to be submitted to the plenary on Friday morning, to be followed as quickly as possible by a “long” report approved by electronic means).

#### *Conclusions*

51. The CDDH decided to follow this presentation to reflect its work of this meeting. Furthermore, in order to ensure protection of personal data, the meeting reports available on the internet would not contain experts’ postal or email addresses. The CDDH asked the Secretariat to ensure by appropriate means that all CDDH participants have the complete contact details of all other participants at the meetings.

### **10.3 Personalities to be invited to future meetings**

Report of the 86<sup>th</sup> meeting of the Bureau of the CDDH (Paris, 15-16 November 2012) CDDH-BU(2012)R86

52. It was recalled that Bureau proposed that, when deciding in future to invite a personality for an exchange of views with the CDDH, the most important criterion to bear in mind will be the concrete input that such an exchange could give to the work of the Steering Committee, as it was recently the case for the guests invited in the framework of items on older persons or on corporate social responsibility in the field of human rights.

#### *Conclusions*

53. At this stage, the CDDH decided to invite the President of the Court for an exchange of views in March or June 2013.

Appendix I**List of participants / Liste des participants**

*The gender distribution of the 72 participants in the meeting was as follows: 33 women (46 %) and 39 men (54 %) including the Chairman.*

**MEMBERS / MEMBRES****ALBANIA / ALBANIE** (*Apologised*)**ANDORRA / ANDORRE**

Mr Joan FORNER ROVIRA, Government Agent to the European Court of Human Rights, Senior Legal Adviser, Ministry of Foreign Affairs, Government of the Principality of Andorra

Mr Jordi ANDREU, Représentant permanent adjoint de l'Andorre au Conseil de l'Europe

**ARMENIA / ARMENIE**

Mr Levon AMIRJANYAN, Chef du département des affaires juridiques, Ministère des affaires étrangères

**AUSTRIA / AUTRICHE**

Ms Leonore LANGE, Federal Chancellery, Dpt. V/5, Constitutional Service

**AZERBAIJAN / AZERBAIDJAN**

Mr Chingiz ASKAROV, Agent of the Government of the Republic of Azerbaijan at the European Court of Human Rights

**BELGIUM / BELGIQUE**

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

**BOSNIA AND HERZEGOVINA / BOSNIE-HERZEGOVINE**

Ms Monika MIJIC, Agent of the Council of Ministers of Bosnia and Herzegovina before the European Court of Human Rights

**BULGARIA / BULGARIE**

Ms Krassimira BESHKOVA, Chef du Département DH à la Direction des droits de l'Homme du Ministère des Affaires Etrangères de Bulgarie

**CROATIA / CROATIE**

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

Ms Štefica STAŽNIK, Agent of the Republic of Croatia before the European Court of Human Rights

**CYPRUS / CHYPRE**

Ms Eleonora NICOLAIDES, Senior Counsellor of the Republic, The Law Office of the Republic of Cyprus

**CZECH REPUBLIC / REPUBLIQUE TCHEQUE**

Mr Vit SCHORM, Government Agent, Ministry of Justice

**DENMARK / DANEMARK**

Mr Mads MØLLER LANGTVED, Ministry of Justice

**ESTONIA / ESTONIE**

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

**FINLAND / FINLANDE**

Mr Arto KOSONEN, Government Agent, Director, Unit for Human Rights Court and Conventions, Legal Service, Ministry of Foreign Affairs

**FRANCE**

Mme Anne-Françoise TISSIER, Sous-directeur des droits de l'homme, Agent du Gouvernement, Ministère des affaires étrangères

**GEORGIA / GEORGIE**

Mr Levan MESKHORADZE, Governmental Agent of Georgia to the ECHR, Department of State Representation in International Court of Human Rights, Ministry of Justice

**GERMANY / ALLEMAGNE**

Mr Hans-Jörg BEHRENS, Head of Unit IVC1, Human Rights Protection; Government Agent before the European Court of Human Rights

**GREECE / GRECE**

Mr Elias KASTANAS, Conseiller juridique adjoint, Service juridique, Ministère des Affaires Etrangères

Mme Ourania PATSOPOULOU, Membre du Conseil Juridique de l'État, Attachée à la Représentation Permanente de la Grèce auprès du Conseil de l'Europe

**HUNGARY / HONGRIE**

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

**ICELAND / ISLANDE**

Ms Ragnhildur HJALTADOTTIR, Permanent Secretary, Ministry of the Interior

**IRELAND / IRLANDE**

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

**ITALY / ITALIE**

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

**LATVIA / LETTONIE**

Mr Emils PĻAKSINS, Lawyer of the Agent's Bureau, Ministry of Foreign Affairs

**LIECHTENSTEIN**

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

**LITHUANIA / LITUANIE**

Mrs Elvyra BALTUTYTE, Agent of the Government of Lithuania to the European Court of Human Rights, Ministry of Justice

**LUXEMBOURG**

Mme Brigitte KONZ, Conseillère à la Cour d'Appel

**MALTA / MALTE**

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

**MONACO** (*Apologised*)

**MONTENEGRO**

Mr Zoran PAZIN, State Agent to the ECHR

**THE NETHERLANDS / PAYS-BAS**

Ms Liselot EGMOND, Deputy Agent for the Government of the Netherlands, Ministry of Foreign Affairs

Mr Martin KUIJER, Senior legal adviser human rights law, Ministry of Justice, Legislation Department

**NORWAY / NORVEGE**

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

**POLAND / POLOGNE**

Ms Justyna CHRZANOWSKA, Director of the Department of proceedings before International Human Rights Protection at the Ministry of Foreign Affairs

Mr Jakub WOLASIEWICZ, Government Agent, Ministry of Foreign Affairs

**PORTUGAL**

Mme Maria de Fátima GRAÇA CARVALHO, Agente du Gouvernement, Procureur-Général adjointe

**REPUBLIC OF MOLDOVA/ REPUBLIQUE DE MOLDOVA**

Mr Lilian APOSTOL, Expert, Ministère de la justice

**ROMANIA / ROUMANIE**

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

**RUSSIAN FEDERATION / FEDERATION DE RUSSIE**

Ms Maria MOLODTSOVA, 1<sup>st</sup> Secretary, Department for International Humanitarian Cooperation and Human Rights, Ministry of Foreign Affairs

Mr Vladislav ERMAKOV, Deputy to the Permanent Representative

Mr Konstantin KOSORUKOV, Deputy to the Permanent Representative

**SAN MARINO / SAINT-MARIN** (*Apologised*)

**SERBIA / SERBIE**

Mr Slavoljub CARIC, Government Agent, Ministry of Justice and Public Administration, Office of the Agent before the ECHR

**SLOVAK REPUBLIC / REPUBLIQUE SLOVAQUE**

Mr Juraj KUBLA, Ministry of Foreign Affairs of the Slovak Republic, Human Rights Department

**SLOVENIA/SLOVENIE**

Ms Katja REJEC LONGAR, Head of International Cooperation Service, Ministry of Justice and Public Administration of the Republic of Slovenia

Ms Nataša PINTAR GOSENCA, State Attorney, State Attorney's Office

**SPAIN / ESPAGNE**

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

**SWEDEN / SUEDE**

Ms Helen LINDQUIST, Special Advisor, Department for International Law, Human Rights and Treaty Law, Ministry for Foreign Affairs

**SWITZERLAND / SUISSE**

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

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

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

**TURKEY / TURQUIE**

Mme Perihan Gülşah CANPOLAT, Legal Expert on Human Rights at the Ministry of Foreign Affairs

Mme Halime Ebru DEMIRCAN, Adjointe au Représentant permanent de la Turquie auprès du Conseil de l'Europe

Mr Bayram TURGUT, Judge/Counsellor of the Permanent Representation of Turkey

Ms Gönül ERÖNEN, Adjointe au Représentant permanent de la Turquie auprès du Conseil de l'Europe

Mme Işık BATMAZ, Legal Expert, Représentation permanente de la Turquie auprès du Conseil de l'Europe

**UKRAINE**

Ms Natalia SHAKURO, Head of Human Rights and Council of Europe Unit, Ministry of Foreign Affairs

**UNITED KINGDOM / ROYAUME-UNI**

Mr Derek WALTON, Chairman of the CDDH / Président du CDDH, Legal Counsellor, Foreign and Commonwealth Office

Mr Rob LINHAM, Head of Council of Europe Human Rights Policy, Ministry of Justice

<b>PARTICIPANTS</b>
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Ms Eva SMITH ASMUSSEN, Member of the European Commission against Racism and Intolerance (ECRI)

**Parliamentary Assembly / Assemblée parlementaire**

Mr Andrew DRZEMCZEWSKI, Head of Department, Legal Affairs & Human Rights Department / Chef du Service des questions juridiques et des droits de l'homme

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

Mr John DARCY, Adviser to the President and the Registrar, Private Office of the President, European Court of Human Rights / Conseiller du président et du greffier, Cabinet du Président, Cour européenne des droits de l'homme

**Secretariat of the Committee of Ministers / Secrétariat du Comité des Ministres**

Mr Christophe POIREL, Deputy Secretary to the Committee of Ministers / Secrétaire adjoint au Comité des Ministres

**European Committee on Legal Co-operation / Comité européen de coopération juridique CDCJ**

**Gender Equality Commission / Commission pour l'égalité entre les femmes et les hommes (GEC)**

**Department for the Execution of Judgments of the Court/ Service de l'Exécution des Arrêts de la Cour**

**Directorate of Legal Advice and Public International Law/ Direction du Conseil juridique et du droit international public / (CAHDI)**

**Office of the Commissioner for Human Rights of the Council of Europe / Bureau du Commissaire aux droits de l'homme du Conseil de l'Europe**

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

Mr Marc LEYENBERGER

**European Union / Union Européenne**

Ms Luisella PAVAN-WOOLFE, Ambassador, Head of the Delegation of the European Union to the Council of Europe

Mr Giovanni Carlo Bruno, Deputy to the Head of delegation, European Union Delegation, European Union Delegation to the Council of Europe

<b>OBSERVERS / OBSERVATEURS</b>
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**HOLY SEE / SAINT-SIÈGE**

Révérénd Père Philip BENE, Officiel, Conseil pontifical Justice et Paix

**JAPAN / JAPON**

Mr Hideaki GUNJI, Consul (Attorney), Consulate-General of Japan, Consulate-General of Japan

**MEXICO / MEXIQUE**

Ms Lydia MADERO, Observateur Permanent a.i., Permanent Representation of Mexico to the Council of Europe

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

**BELARUS**

Mr Andrei SUKHORENKO, OSCE and CoE Unit, European Cooperation Department

**European Group of National Institutions for the Promotion and Protection of Human Rights (NHRI) / Groupe européen des institutions nationales de promotion et de protection des droits de l'Homme (INDH)**

**Commission nationale consultative des droits de l'homme (CNCDH)**

Ms Noemie BIENVENU

<b>Non governmental Organisations / Organisations non-gouvernementales</b>
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**Amnesty International**

Mr Sébastien RAMU, Senior Legal Adviser, Law and Policy Programme

**International Commission of Jurists (ICJ) / Commission internationale de Juristes (CIJ)**

Ms Róisín PILLAY, Senior Legal Advisor, Europe programme

<b>Invitees to this meeting / invités à cette réunion</b>
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**European Trade Union Confederation (ETUC) / Confédération européenne des syndicats (CES)**

Mr Klaus LÖRCHER, Conseiller des droits de l'homme de la CES

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

Mr Richard FISCHER



**SECRETARIAT**

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

Mr Jörg POLAKIEWICZ, Head of Department / Chef de Service, Human Rights Policy and Development Department / Service des politiques et du développement des droits de l’Homme

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

Mr David MILNER, Administrator / Administrateur, Human Rights Intergovernmental Cooperation Division / Division de la coopération intergouvernementale en matière de droits de l’Homme

Ms Virginie FLORES, Administrator / Administrateur, Human Rights Intergovernmental Cooperation Division / Division de la coopération intergouvernementale en matière de droits de l’Homme

Mr Daniele CANGEMI, Head of Division / Chef de Division, Human Rights Law and Policy Division / Division du droit et de la politique des droits de l’Homme

Mr Matthias KLOTH, Administrator, Human Rights Law and Policy Division / Division du droit et de la politique des droits de l’Homme

Mrs Laurence LWOFF, Secretary of the DH-BIO / Secrétaire du DH-BIO

Ms Liri KOPACI-DI MICHELE, Head of Division / Chef de Division, Gender Equality and violence against women / Égalité entre les femmes et les hommes et violence à l’égard des femmes

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

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**INTERPRETERS / INTERPRÈTES**

Ms Sally BAILEY-RAVET

Ms Corinne McGEORGE

Ms Isabelle MARCHINI

Appendix II**Agenda****ITEM 1: OPENING OF THE MEETING, ADOPTION OF THE AGENDA AND THE ORDER OF BUSINESS**

Draft agenda	<u>CDDH(2012)OJ003</u>
Draft order of business	<u>CDDH(2012)OT003</u>
Reference document Report of the 86 <sup>th</sup> CDDH Bureau meeting (15-16 November 2012)	<u>CDDH(2012)014</u>
Report of the 75 <sup>th</sup> CDDH meeting (19 – 22 June 2012)	<u>CDDH-BU(2012)R86</u> <u>CDDH(2012)R75</u>

**ITEM 2: REFORM OF THE COURT (DH-GDR)**

Report of the 86 <sup>th</sup> CDDH Bureau meeting (15-16 November 2012)	<u>CDDH-BU(2012)R86</u>
Reference document Brighton Declaration	<u>CDDH(2012)014</u> <u>CDDH(2012)007</u>
Follow-up to the High-level Conference on the future of the European Court of Human Rights (Brighton, 18-20 April 2012)	<u>CDDH(2012)009Rev</u>
Decisions taken at the 122 <sup>nd</sup> session of the Committee of Ministers (23 May 2012)	<u>CDDH(2012)008</u>
Report of the 75 <sup>th</sup> CDDH meeting (19-22 June 2012)	<u>CDDH(2012)R75</u>
Report of the 2 <sup>nd</sup> meeting of the Committee of Experts on the Reform of the Court (29-31 October 2012)	<u>DH-GDR(2012)R2</u>

**2.1 Completed work**

Draft CDDH report on measures taken by the member States to implement relevant parts of the Interlaken and Izmir Declarations	<u>DH-GDR(2012)R2 Add.I</u>
Draft CDDH report containing elements to contribute to the evaluation of the effects of Protocol No. 14 to the Convention and the implementation of the Interlaken and Izmir Declarations on the Court's situation	<u>DH-GDR(2012)R2 Add.II</u>
Draft Protocol No. 15 to the ECHR	<u>DH-GDR(2012)R2 Add.III</u>
Draft explanatory report to Protocol No. 15	<u>DH-GDR(2012)R2 Add.IV</u>
Draft Protocol No. 16 to the ECHR	<u>DH-GDR(2012)R2 Add.V</u>
Draft explanatory report to Protocol No.16	<u>DH-GDR(2012)020</u>
Report of the 2 <sup>nd</sup> meeting of the Drafting Group A (5-7 September 2012)	<u>GT-GDR-A(2012)R2</u>
Report of the 1 <sup>st</sup> meeting of the Drafting Group B (12-14 September 2012)	<u>GT-GDR-B(2012)R1</u>
Report of the 2 <sup>nd</sup> meeting of the Drafting Group B (10-12 October 2012)	<u>GT-GDR-B(2012)R2</u>
Report of the 2 <sup>nd</sup> meeting of the Committee of Experts on the Reform of the Court (29-31 October 2012)	<u>DH-GDR(2012)R2</u>

**2.2 Future work**

Report of the 2 <sup>nd</sup> meeting of the Committee of Experts on the Reform of the Court (29-31 October 2012)	<u>DH-GDR(2012)R2</u>
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**ITEM 3: ACCESSION OF THE EUROPEAN UNION TO THE EUROPEAN CONVENTION ON HUMAN RIGHTS**

Report of the 86 <sup>th</sup> CDDH Bureau meeting (15-16 November 2012)	<u>CDDH-BU(2012)R86</u>
Report of the 1 <sup>st</sup> 47+1 meeting ( 21 June 2012)	<u>47+1(2012)R1</u>
Report of the 2 <sup>nd</sup> 47+1 meeting (17-19 September 2012)	<u>47+1(2012)R2</u>
Report of the 3 <sup>rd</sup> 47+1 meeting (7-9 November 2012)	<u>47+1(2012)R3</u>

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

Report of the 86<sup>th</sup> CDDH Bureau meeting (15-16 November 2012) CDDH-BU(2012)R86  
Reference document CDDH(2012)014

**4.1 Rights of older persons (CDDH-AGE)**

Report of the 2<sup>nd</sup> CDDH-AGE meeting (24-26 September 2012) CDDH-AGE(2012)R2

**4.2 Corporate social responsibility in the field of human rights**

Document prepared by the Secretariat CDDH(2012)012  
Draft feasibility study CDDH(2012)017

**4.3 Human rights in culturally diverse societies**

Document prepared by the Secretariat CDDH(2012)018

**4.4 Follow-up to Committee of Ministers' Recommendation (CM/Rec(2010)4) on the human rights of members of the armed forces**

Questionnaire on the implementation of Recommendation CM/Rec(2010)4 CDDH(2012)015  
Replies to the questionnaire CDDH(2012)016

**4.5 Follow-up to Committee of Ministers' Recommendation (CM/Rec(2010)5) on measures to combat discrimination on grounds of sexual orientation or gender identity**

Draft questionnaire on the implementation of CM/Rec(2010)5 CDDH(2012)019prov

**4.6 Future work**

Report of the 86<sup>th</sup> CDDH Bureau meeting (15-16 November 2012) CDDH-BU(2012)R86

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

Report of the 86<sup>th</sup> CDDH Bureau meeting (15-16 November 2012) CDDH-BU(2012)R86  
Reference document CDDH(2012)014  
Report of the 1<sup>st</sup> meeting of the DH-BIO (19-22 June 2012) DH-BIO/RAP 1  
Draft agenda of the 2<sup>nd</sup> meeting of the DH-BIO (4-7 December 2012) DH-BIO(2012)OJ2  
Comments on the proposal for a regulation of the European Parliament and of the Council on clinical trials on medicinal products for human use, and repealing Directive 2001/20/EC DH-BIO(2012)24  
Proceedings of the Symposium on Biobanks (19-20 June 2012)

**ITEM 6: GENDER EQUALITY (GEC)**

Report of the 86<sup>th</sup> CDDH Bureau meeting (15-16 November 2012) CDDH-BU(2012)R86

Reference document  
 Report of the 1<sup>st</sup> meeting of the GEC (6-8 June 2012)  
 Draft agenda of the 2<sup>nd</sup> meeting of the GEC (14-16 November 2012)

CDDH(2012)014  
GEC(2012)RAP 1  
GEC(2012)OJ2

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

Report of the 86<sup>th</sup> CDDH Bureau meeting (15-16 November 2012)  
 Reference document

CDDH-BU(2012)R86  
CDDH(2012)014

### **7.1 Experts having participated in meetings since the last CDDH**

- *31<sup>st</sup> Council of Europe Conference of Ministers of Justice – Vienna (19-21 September 2012)*
- *9<sup>th</sup> Council of Europe Conference of Ministers responsible for Youth – Saint Petersburg (23-25 September 2012)*
- *Workshop on certain aspects of the implementation of the European convention on Human Rights at national level – Tirana (5 October 2012)*

### **7.2 Possible designation of experts for future meetings**

## **ITEM 8 : ELECTIONS**

Report of the 86<sup>th</sup> CDDH Bureau meeting (15-16 November 2012)  
 Reference document  
 Resolution (2011)24 on intergovernmental committees and subordinate bodies, their terms of reference and working methods

CDDH-BU(2012)R86  
CDDH(2012)014  
CM/Res(2011)24

## **ITEM 9: CALENDAR OF MEETINGS**

Report of the 86<sup>th</sup> CDDH Bureau meeting (15-16 November 2012)  
 Reference document

CDDH-BU(2012)R86  
CDDH(2012)014

## **ITEM 10: OTHER BUSINESS**

Report of the 86<sup>th</sup> CDDH Bureau meeting (15-16 November 2012)  
 Reference document

CDDH-BU(2012)R86  
CDDH(2012)014

Appendix III

**Experts representing the CDDH in other bodies**

- Committee on Bioethics (DH-BIO): Mrs Brigitte KONZ (Luxembourg)
- European Commission for the Efficiency of Justice (CEPEJ) if the agenda requires it: Mr Vit SCHORM (Czech Republic)
- Committee of experts on terrorism (CODEXTER): Mrs Isik BATMAZ (Turkey)
- Consultative Committee of the Convention for the protection of individuals with regard to automatic processing of personal data (T-PD): Mrs Brigitte OHMS (Austria)
- Committee of Legal Advisers on Public International Law (CAHDI) if the agenda requires it: Mr Roeland BÖCKER (The Netherlands)

**Experts representing the CDDH in events after the last meeting**

- *Symposium on Biobanks and Biomedical Collections: an ethical framework for future research* (Strasbourg, 19-20 June 2012): Ms Brigitte KONZ (Luxembourg)
- *Council of Europe Conference of Ministers of Justice* (Vienna, 19-21 September 2012) : Mr Derek WALTON (United Kingdom)
- *Council of Europe Conference of Ministers responsible for Youth* (Saint Petersburg, 23-25 September 2012) : Ms Anne-Françoise TISSIER (France)
- *Workshop on certain aspects of the implementation of the ECHR at national level* organised by the Albanian Chairmanship of the Committee of Ministers (Tirana, 5 October 2012) : Ms Inge REINE (Latvia), Mr WOLASIEWICZ (Poland), Ms Irina CAMBREA (Romania) and Ms Isik BATMAZ (Turkey)
- *Standing Committee of the Bern Convention* (Strasbourg, 27 November 2012: presentation of the revised version of the manual prepared by the CDDH on human rights and the environment): Mr Philippe WERY (Belgium)
- *Conference on the impact of the European Charter on Education for Democratic Citizenship and Human Rights* (Strasbourg, 30 November 2012): Mr Derek WALTON (United Kingdom)

**Gender Equality Rapporteurs**

- CDDH : Mr Philippe WEHRY (Belgium)

- DH-GDR : Ms Natalia SHAKURO (Ukraine)
- DH-BIO : Mrs Béatrice IOAN (Romania)

### **Consultants**

- Mr Martin EATON (United Kingdom), expert consultant appointed by the DH-GDR to draft a toolkit to inform public officials about the State's obligations under the Convention (see work of the GT-GDR-D)

### **Rapporteurs for working Groups / ongoing studies / follow-up of Recommendations**

- Mr Morten RUUD (Norway), Rapporteur of the CDDH on a draft study on the feasibility and added value of standard-setting on human rights in culturally diverse societies
- Ms Natalia SHAKURO (Ukraine), Rapporteur of the CDDH on the implementation of Committee of Ministers' Recommendation CM/Rec(2010)4 on human rights of members of the armed forces
- Ms Liselot EGMOND (The Netherlands), Rapporteur of the CDDH on the implementation of Recommendation CM/Rec(2010)5 on measures to combat discrimination on grounds of sexual orientation or gender identity

### **Contributions sent by Experts who represented the CDDH in other bodies**

#### **Symposium on *Biobanks and Biomedical Collections: an ethical framework for future research* (Strasbourg, 19-20 June 2012): Ms Brigitte KONZ (Luxembourg):**

Brigitte KONZ (author of notes) participated in part of Session 2 and the Round table. The agenda of the Symposium concerned the following problems:

Introduction:

Session 1 - Biobanks : Situation and expectations (overview of the situation regarding research biobanks; public understanding and expectation regarding biobanks);

Session 2 - Information and consent as a process (main challenges; information process (quantity, quality, dynamics); « recontacting–consenting again »; protection of vulnerable persons: children);

Session 3 - Privacy and data protection (main challenges; limits of anonymisation; transborder flows of samples and accompanying data; right to withdraw consent– right to be forgotten);

Session 4 - Responsible governance and use (mechanisms for internal biobanks governance – oversight bodies and independent ethics bodies; access (fairness of access, transparency, criteria, biobank networks); feedback (right/obligation, mechanism).

Round-table: debate on key issues identified during the Symposium.

A documentation video of this symposium has been made. This documentation as well as the one of the last symposium on the end of life, are available on the website of the Committee on Bioethics. Of major concern is the protection of privacy regarding the transmission of samples and identifiable data within the transfrontier framework of research, access to this data, control and security of data, follow-up of donors and communication, more specifically information and informed consent, as well as the control of biobanks and/or data by internal and external bodies.

- Consent from the donor at a given time – should it be repeated at a stage or stages of the procedure (which could be difficult and costly when data is anonymised or where new research is undertaken?)
- Should the donor always be informed on the extent and necessity of this repeated consent and this with regard to scientific and other data which the donor does not necessarily understand and/or does not understand the usefulness or quite simply does not want to know?
- Can the consent be withdrawn?
- The consequences of absence of consent to anonymisation and the impossibility to recontact the donor in cases where the research has revealed important medical information relevant to the donor.
- The risk of absence of control on data when the use of biological samples and personal data is approved and authorised for multiple future research projects of which the goal could still be unknown.
- Should the notion of personal data be limited or the protection rules for such data made more flexible?
- Patient donors, in particular for example those suffering from rare diseases, are more interested in their data and samples transmitted and made available to a large number of research centres and researchers, thus increasing their chances of recovery. They are less worried about problems connected with the transmission and protection of their data.

**31<sup>st</sup> Council of Europe Conference of Ministers of Justice  
Vienna, 19-21 September 2012 - Mr Derek Walton (United Kingdom):**

The theme of the meeting was “Responses of justice to urban violence”. Discussion was based around two themes: juveniles as perpetrators and victims; and organised groups and their new ways of communicating. Human rights naturally had a prominent place in many interventions. The CDDH’s written contribution (adopted at our June 2012 meeting) was conveyed to the meeting and was well received.

The Conference adopted a resolution on responses of justice to urban violence. This can be consulted on the Council of Europe website ([www.coe.int](http://www.coe.int)). The resolution took account of relevant human rights aspects and, in particular, recalled the European Convention on Human

Rights and expressed the conference's resolve to ensure the human rights of both victims and perpetrators.

The resolution envisages that the CDPC will be mandated to examine ways to promote dialogue and cooperation between law enforcement authorities, telecommunication providers and internet service providers in order to facilitate prevention of urban violence, while guaranteeing full compliance with the ECHR. It is anticipated that CDPC will do this in cooperation with other steering committees, potentially including CDDH.

**23<sup>rd</sup> meeting of the Committee of Experts on Terrorism (CODEXTER) (Strasbourg, 15-16 November 2012) - Ms Isik Batmaz (Turkey):**

The Committee of Experts on Terrorism (CODEXTER) held its 23<sup>rd</sup> meeting on 15-16 November 2012. The following issues were discussed and presentations were made during the meeting:

- The Committee discussed its future priorities which included the issues of, inter alia, terrorism and the internet; radicalization; special investigation techniques; terrorists acting alone; receiving training for terrorism; bringing terrorists to justice.
- A brief presentation regarding the on-going thematic assessment procedure of the Group of Parties was made by its Chair.
- Italian and Norwegian delegates made presentations on a number of concrete examples of terrorism cases dealt with in their countries. The Turkish delegate expressed interest to present a case study during the next CODEXTER meeting.
- The Secretariat made a presentation of the new database on terrorism related case-law of the Court, which is to be reached through CODEXTER's webpage. A working group was established in this respect (delegates of Turkey and Poland) to review and select cases that would be published on the database.
- A presentation was made by Prof. Ana Salinas de Frias regarding her book titled "Counter-Terrorism and Human Rights in the case-law of the European Court of Human Rights", published by the Council of Europe.
- Delegate of Turkey proposed to organize and host a conference in order to provide exchange of views of national coordinating bodies in the field of fight against terrorism.
- The Counter-terrorism coordinator Mr Ivan Koedjikov provided information regarding the organization of an international conference on special investigation techniques within the context of bringing terrorists to justice. The project is to be organised by the Council of Europe in mid-2013, subject to budgetary approval of the Committee of Ministers, in coordination with the United Nations and possible cooperation of OSCE as well as a number of other relevant international organisations.
- Delegations of Norway and the Netherlands made presentations concerning measures envisaged to be taken in their countries with regard to terrorists acting alone, such as criminalization of intent and preparatory acts to commit terrorist acts beyond reasonable doubt. The Committee further discussed the possible steps that can be taken for the criminalization of receiving training for terrorism.
- The Chair and Secretariat were instructed to prepare proposals on how to extend the existing co-operation with the EU in respect of terrorism related issues.
- Delegates of Austria, Belgium, Czech Republic, Greece and Hungary made presentations on updated country profiles on counter-terrorism capacity and information on measures taken at national level against terrorism in their respective countries. Presentation regarding the country profile of Georgia was postponed.



- Presentations were made by the Permanent Representative of Switzerland as well as by representatives of the United Nations Counter-Terrorism Committee (CTED); the Action against Terrorism Unit of the OSCE; Human Rights Department (ODIHR) of the OSCE; Case Analyses Unit of Eurojust; and Terrorism Prevention Branch of the UNODC regarding recent work on prevention of terrorism in their respondent fields. Furthermore an expert who represented the CODEXTER at the Gender Equality Commission briefed the group about the discussions in that meeting.
- Terms of office of the Chair and the Vice-Chair were renewed for one more year in accordance with the Resolution (2011)24 of the Committee of Ministers.

The CODEXTER shall have its next meeting on 16-17 May 2013.

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Appendix IV**Composition of the Bureau and chairmanship of subordinate bodies**(further to elections held at the 76<sup>th</sup> meeting of the CDDH, 27-30 November 2012)

<b>BUREAU DU CDDH</b>	<b>END OF THE MANDATE</b>	<b>REFERENCES</b>
Mr Derek WALTON (United Kingdom), Chairman	31 December 2013 (elected for 1 year not renewable)	76 <sup>th</sup> meeting of the CDDH (November 2012)
Mr Frank SCHÜRMAN (Switzerland), Vice-Chair	31 December 2013 (elected for 1 year renewable once)	76 <sup>th</sup> meeting of the CDDH (November 2012)
Mr Hans-Jörg BEHRENS (Germany), Member	31 December 2014 (elected for 2 years renewable once)	76 <sup>th</sup> meeting of the CDDH (November 2012)
Ms Maris KUURBERG (Estonia)	31 December 2014 (elected for 2 years renewable once)	76 <sup>th</sup> meeting of the CDDH (November 2012)
Mr Philippe WERY (Belgium), Member	31 December 2014 (elected for 2 years not renewable)	76 <sup>th</sup> meeting of the CDDH (November 2012)
Mr Vladislav ERMAKOV (Russian Federation)	31 December 2013 (elected for 1 year renewable once for a 2 years term)	76 <sup>th</sup> meeting of the CDDH (November 2012)
Ms Brigitte KONZ (Luxembourg), Member	31 December 2013 (elected for 2 years not renewable)	73 <sup>rd</sup> meeting of the CDDH (December 2011)
Mr Levon AMIRJANYAN (Armenia), Member	31 December 2013 (elected for 2 years renewable once)	73 <sup>rd</sup> meeting of the CDDH (December 2011)
<b>DH-GDR</b> Mr Vit SCHORM (Czech Republic), Chairperson	31 December 2013 (elected for 1 year not renewable)	76 <sup>th</sup> meeting of the CDDH (November 2012)
<b>GT-GDR-C</b> Mr Martin KUIJER (The Netherlands) Chairperson	31 December 2013 (elected for 1 year not renewable)	2 <sup>nd</sup> meeting of the DH-GDR (October 2012)
<b>GEC</b> Ms Carlien SCHEELE (The Netherlands), Chairperson	31 December 2013 (elected for 1 year renewable once)	76 <sup>th</sup> meeting of the CDDH (November 2012)
<b>DH-BIO</b> (...) Chairperson	31 December 2013 (elected for 1 year renewable once)	77 <sup>th</sup> meeting of the CDDH (March 2013)
<b>CDDH-AGE</b> Mr Jakub WOLASIEWICZ (Poland), Chairperson	31 December 2013 (elected for 1 year not renewable)	76 <sup>th</sup> meeting of the CDDH (November 2012)

Appendix V**Calendar of meetings of the CDDH and its subordinate bodies**(as resulting from the 76<sup>th</sup> meeting of the CDDH, 27-30 November 2012)

<b>Second Semester 2012</b>		
2 <sup>nd</sup> meeting of the Drafting Group A on the Reform of the Court (GT-GDR-A)		5-7 September
1 <sup>st</sup> meeting of the Drafting Group B on the Reform of the Court (GT-GDR-B)		12-14 September
2 <sup>nd</sup> meeting of the Ad Hoc Group on the accession of EU on ECHR		17-19 September
<i>31<sup>st</sup> Council of Europe Conference of Ministers of Justice – « responses of justice to urban violence »</i>		<i>Vienna 19-21 September</i>
2 <sup>nd</sup> meeting of the Drafting Group on the Human Rights of the Elderly (CDDH-AGE)		24-26 September
<i>Workshop organised by the Albanian Chairmanship of the CM on certain aspects of the implementation of the ECHR at national level</i>		<i>Tirana 5 October</i>
2 <sup>nd</sup> meeting of the Drafting Group B on the Reform of the Court (GT-GDR-B)		10-12 October
2 <sup>nd</sup> meeting of the Bureau of the Committee on Bioethics (DH-BIO-BU)		18-19 October
<i>VI Warsaw Seminar “The implementation of the ECHR in the domestic legal order”</i>		<i>Warsaw 19 October</i>
3 <sup>rd</sup> meeting of the Committee of Experts on the Reform of the Court (DH-GDR)		29-31 October
2 <sup>nd</sup> meeting of the Ad Hoc Group on the accession of EU on ECHR		7-9 November
2 <sup>nd</sup> meeting of the Gender Equality Commission (GEC)		14-16 November
86 <sup>th</sup> meeting of the Bureau of the Steering Committee for Human Rights (CDDH-BU)		Paris, 15-16 November
76 <sup>th</sup> meeting of the Steering Committee for Human Rights (CDDH)		27-30 November
2 <sup>nd</sup> meeting of the Committee on Bioethics (DH-BIO)		4 -7 December
1 <sup>st</sup> meeting of Drafting Group C on the Reform of the Court (GT-GDR-C)		12-14 December

<b>First Semester 2013</b>		
4 <sup>th</sup> meeting of the Ad Hoc Group on the accession of EU on ECHR		21-23 January
<i>1160<sup>th</sup> meeting of the Ministers' Deputies</i>		<i>30 January</i>
2 <sup>nd</sup> meeting of Drafting Group C on the Reform of the Court (GT-GDR-C)		30 January - 1 February
3 <sup>rd</sup> meeting of the Committee of experts on the Reform of the Court (DH-GDR)		13-15 February
87 <sup>th</sup> meeting of the Bureau of the Steering Committee for Human Rights (CDDH-BU)		Paris, 7-8 March
77 <sup>th</sup> meeting of the Steering Committee for Human Rights (CDDH)		19-22 March
Drafting Group on Psychiatry (DH-BIO-PSY)		26-27 March
<i>1166<sup>th</sup> meeting of the Ministers' Deputies</i>		<i>27 March</i>
5 <sup>th</sup> meeting of the Ad Hoc Group on the accession of EU on ECHR		[3-5 April]
<i>1167<sup>th</sup> meeting of the Ministers' Deputies</i>		<i>3 April</i>
<i>1168<sup>th</sup> meeting of the Ministers' Deputies</i>		<i>10 April</i>
3 <sup>rd</sup> meeting of the Bureau of the Committee on Bioethics (DH-BIO-BU)		18-19 April
1 <sup>st</sup> meeting of Drafting Group D on the Reform of the Court (GT-GDR-D)		10-12 April
3 <sup>rd</sup> meeting of the Gender Equality Commission (GEC)		10-12 April
1 <sup>st</sup> meeting of Drafting Group E on the Reform of the Court (GT-GDR-E)		15-17 May
3 <sup>rd</sup> meeting of the Drafting Group on the Human Rights of Older Persons (CDDH-AGE)		15-17 May
<i>123<sup>rd</sup> Session of the Committee of Ministers</i>		<i>16 May</i>
2 <sup>nd</sup> meeting of Drafting Group D on the Reform of the Court (GT-GDR-D)		22-24 May
3 <sup>rd</sup> meeting of the Committee on Bioethics (DH-BIO)		28-30 May

4 <sup>th</sup> meeting of the Committee of experts on the Reform of the Court (DH-GDR)		5-7 June
88 <sup>th</sup> meeting of the Bureau of the Steering Committee for Human Rights (CDDH-BU)		Paris, 13-14 June
78 <sup>th</sup> meeting of the Steering Committee for Human Rights (CDDH)		25-28 June
<b>Second Semester 2013</b>		
2 <sup>nd</sup> meeting of Drafting Group E on the Reform of the Court (GT-GDR-E)		4-6 September
5 <sup>th</sup> meeting of the Committee of experts on the Reform of the Court (DH-GDR)		18-20 September
4 <sup>th</sup> meeting of the Gender Equality Commission (GEC)		13-15 November
89 <sup>th</sup> meeting of the Bureau of the Steering Committee for Human Rights (CDDH-BU)		[Paris, <del>30 September</del> <del>1 October</del> or <sup>5</sup> 7-8 November]
79 <sup>th</sup> meeting of the Steering Committee for Human Rights (CDDH)		[ <del>8-11 October</del> or <sup>6</sup> 26-29 November]
4 <sup>th</sup> meeting of the Bureau of the Committee on Bioethics (DH-BIO-BU)		[October]
4 <sup>e</sup> meeting of the Committee on Bioethics (DH-BIO)		[19-22 November]

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<sup>5</sup> Subject to the authorization of the Committee of Ministers to extend, until the end of 2013, the deadline for the finalisation of the work to be conducted by the drafting Groups « D » and « E » of its Committee of experts on the reform of the Court (DH-GDR).

<sup>6</sup> Idem

Appendix VI

**Declaration of two Delegation concerning the questionnaire on the follow-up of Recommendation CM/Rec(2010)5 of the Committee of Ministers on measures to combat discrimination on grounds of sexual orientation or gender identity**

BULGARIA

This delegation abstained in the vote for the reasons stated in the plenary discussion yesterday, namely we consider that the Follow up section of the Questionnaire goes beyond the scope of the decision of the Deputies.

We fully recognise our responsibility to guarantee equal enjoyments of rights and freedoms to all individuals. In recognising this responsibility Bulgaria is among the first countries which have introduced legislative measures to combat discrimination including explicitly on the ground of sexual orientation or gender identity.

Our only matter of concern with the Questionnaire is the Follow up section to be included in it at this current stage. The periodical review is rather meaningless at this stage since the measures require time to be implemented and assessed and decisions to be taken how amend or complement these measures.

Attention should also be paid to the point to the need to avoid duplication of work raised on many other issues in this Plenary- in the Recommendation itself the role of the Commissioner for Human Rights in monitoring the situation of LGBT persons in the member states is mentioned with appreciation and in addition to this monitoring the members states are also subject to the UPR where the LGBT issues are part of the screening.

RUSSIAN FEDERATION

The Russian Federation respects and takes measures to uphold equal rights without discrimination for all human beings in accordance with Article 14 of the European Convention on Human Rights and Fundamental Freedoms, as well as the principle of the best interest of the child in all decisions concerning children.

The Russian Federation views Recommendation (2010)5 in light of the interpretative statement made by its Permanent Representative at the time of the adoption of this Recommendation, and takes into account the statements made by 7 other Member States at that time. In particular, it notes that the Recommendation did not reflect a consensual position among all Member States, and that the subsequent Thematic Debate in the Committee of Ministers on the topic of LGBT revealed significant divergence of positions on this matter.

The Questionnaire on the implementation of this Recommendation by Member States contains several provisions in the “Follow-up” section which manifestly go against the mandate issued to the CDDH by the Committee of Ministers in its Decision of 19

September 2012. The Committee of Ministers never asked the CDDH to re-evaluate any provisions of the Recommendation or its Appendix, or to reflect on the need for such re-evaluation. Neither did it ask to conduct a periodic review of the implementation of the Recommendation, nor to evaluate the need for such a review.

On this basis, the Russian delegation had proposed to amend the draft questionnaire accordingly. These proposals, however, had not been taken on board.

In the context of the above the Russian delegation is against the adoption of the Questionnaire in its present form.