



Strasbourg, 25 September 2009

DH-DEV-FA(2009)007final

STEERING COMMITTEE FOR HUMAN RIGHTS
(CDDH)

**COMMITTEE OF EXPERTS FOR
THE DEVELOPMENT OF HUMAN RIGHTS
(DH-DEV)**

DH-DEV GROUP ON HUMAN RIGHTS
OF MEMBERS OF THE ARMED FORCES

Meeting report

6th meeting
Strasbourg, Thursday 24 September – Friday 25 September 2009

Room G01, Agora Building
Council of Europe

Item 1: Opening of the meeting and adoption of the agenda

1. The DH-DEV Group on Human Rights of Members of the Armed Forces (DH-DEV-FA) held its 6th meeting in Strasbourg on 24-25 September 2009. Ms Sonja SCHITTENHELM (Austria), Chairperson of the Group, made an opening statement to welcome all participants. The list of participants can be found in Appendix I. The agenda as adopted and the references to the working documents appear in Appendix II.

Item 2: Draft explanatory memorandum for a CM recommendation on human rights of members of the armed forces

2. The Group resumed and finalised the examination of the explanatory memorandum for the draft recommendation, as it appeared in document DH-DEV-FA(2009)006, taking into account the written comments that had been submitted by several delegations. The revised draft can be found in document DH-DEV-FA(2009)9.

Item 3: Other business

4. The Group agreed to discuss the proposals submitted in writing by one delegation concerning the text of the draft recommendation, as it appeared in Appendix III to document DH-DEV-FA(2009)005final, as long as they did not modify the substance of the provisions of the draft recommendation. The Group agreed to include in the text some of the changes proposed. The revised draft can be found in document DH-DEV-FA(2009)8.

5. At the conclusion of its work, the Group approved the draft Recommendation and the draft Explanatory Memorandum, as they can be found respectively in documents DH-DEV-FA(2009)8 and DH-DEV-FA(2009)9. It decided to transmit these texts to the DH-DEV in view of their examination and approval at its 39th meeting (12-14 October 2009), and subsequent transmission to the CDDH.

6. The Group considered that it had fulfilled the received mandate. The Chairperson warmly thanked all participants for the constructive approach and spirit of compromise shown during the discussion on these complex and sensitive issues.

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Appendix I

LIST OF PARTICIPANTS

MEMBERS / MEMBRES

AUSTRIA / AUTRICHE

Ms Sonja SCHITTENHELM, Human Rights Coordinator, Ministry of Defense Interministerial Legislation Division, Vienna

BELGIUM / BELGIQUE

Mme Linda SCHWEIGER, Legal Adviser, Department Legal Support and Mediation, Ministry of Defence, Evere

DENMARK / DANEMARK

Mr Jes Rynkeby KNUDSEN, Special Adviser, Judge Advocate Corps, Copenhagen Ø

FINLAND / FINLANDE

Ms Satu KASKINEN, Legal Officer, Unit for Human Rights Courts and Conventions, Ministry for Foreign Affairs

FRANCE

Mme Dorothee MERRI, Chargée d'études, Ministère de la Défense, Direction des Affaires juridiques, Sous-Direction du Droit International et du Droit Européen, Bureau du Droit Européen

Mlle Emilie PADELLEC, Officier rédacteur, Etat-major des armées, Division organisation et ressources humaines, Section juridique militaire

M. Renaud PERIN DUREAU, Rédacteur, Direction des ressources humaines du ministère de la défense, Sous direction de la fonction militaire, Bureau des statuts

HUNGARY/HONGRIE

LATVIA / LETTONIE– apologised/excusé

POLAND / POLOGNE

Mr Michał BALCERZAK, Assistant Professor, Human Rights Department, Faculty of law and Administration, Nicholas Copernicus University, Torun

Mrs. Agata ROGALSKA-PIECHOTA, Legal Adviser, Office of the Plenipotentiary for the proceedings before the international organs of human rights protection, Ministry of Foreign Affairs, Warsaw

PORTGUAL

RUSSIAN FEDERATION / FÉDÉRATION DE RUSSIE

Mr Alexander KOSMODEMIYANSKIY, Senior Military Prosecutor, Office of the Chief Military Prosecutor of the Russian Federation, Moscow

SLOVAKIA / SLOVAQUIE

Mr Branislav KADLECIK, Principal State Counsellor, International and European Law Department, Human Rights and Foreign Relations Division, Ministry of Justice of the Slovak Republic, Bratislava

SWITZERLAND /SUISSE – apologised/excusé

TURKEY / TURQUIE

Mr Orhan ÖNDER, Judge Colonel, Genel Kurmay Başkanlığı Adli Müşavirliği, Legal Adviser's Department, Ankara

UNITED KINGDOM / ROYAUME-UNI

Mr John EVANS, Head of General Law Division, Ministry of Defense, Central Legal Services, London

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PARTICIPANTS

Parliamentary Assembly / Assemblée Parlementaire

Apologised /Excusé

CANADA

Ms Oonagh FITZGERALD, Department of National Defence, Canadian Forces Legal Advisor and Senior General Counsel, DND/CF LA and Senior General Counsel, Ottawa Ontario, Canada

Holy See / Saint-Siège

Rév. Frère Olivier POQUILLON, Expert, Mission permanente du Saint-Siège, Strasbourg

Amnesty International

Mr Tomaso FALCHETTA, Policy Coordinator, International Secretariat, London, United Kingdom

European Bureau of Conscientious Objection (EBCO) / Bureau Européen de l'Objection de Conscience (BEOC) – apologised/excusé

European Organisation of Military Associations (EUROMIL)

Mr. Wim VAN DEN BURG, Chairman, Algemene Federatie van Militair Personeel (AFMP), The Netherlands

Mr. Poul SØRENSEN, Adviser, Hærens Konstabel- og Korporalforening (HKKF), Denmark

Mr. Douglas YOUNG, Executive chairman, British Armed Forces Federation (BAFF), The United Kingdom

Mr. Anatol TICHONIUK, President (KONWENT), Warsaw, Poland

Mr. Kasper GIMSING, Officer for Fundamental Rights (EUROMIL), Brussels, Belgium

International Commission of Jurists (ICJ) / Commission internationale de juristes (CIJ)

Ms Róisín PILLAY, Senior Legal Adviser, Europe Programme, International Commission of Jurists, Geneva, Switzerland

International Committee of the Red Cross (ICRC) / Comité International de la Croix Rouge (CICR) - Apologised /Excusé

OSCE Office for Democratic Institutions and Human Rights (ODIHR) / Bureau de l'OSCE des institutions démocratiques et des droits de l'homme (BIDDH)

Mr Robert-Jan UHL, Human Rights Officer, OSCE/ODIHR, Warsaw, Poland

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SECRETARIAT

Directorate General of Human Rights and Legal Affairs

Direction générale des droits de l'Homme et des affaires juridiques

Council of Europe/Conseil de l'Europe, F-67075 STRASBOURG CEDEX

Mr Jeroen SCHOKKENBROEK, Head of Department / Chef de Service, Human Rights Development Department / Service du développement des droits de l'Homme

Mr Daniele CANGEMI, Head of Human Rights Law and Policy Division / Chef de la Division du droit et de la politique des droits de l'Homme, Secretary of the DH-DEV-FA / Secrétaire du DH-DEV-FA

Mme Estelle FAURY, Programme Officer / Officier de programmes, Human Rights Law and Policy Division / Division du droit et de la politique des droits de l'Homme

Ms Claire ASKIN, Administrative assistant, Human Rights Law and Policy Division / Assistante administrative, Division du droit et de la politique des droits de l'Homme, Co-secretary of the DH-DEV-FA / Co-secrétaire du DH-DEV-FA

Ms Annika GREUP, Study Visitor, Human Rights Law and Policy Division / Division du droit et de la politique des droits de l'Homme

Mme Frédérique BONIFAIX, Assistant / Assistante, Human Rights Law and Policy Division / Division du droit et de la politique des droits de l'Homme

Interpreters / Interprètes:

Didier JUNGLING

Isabelle MARCHINI

Appendix II

Agenda

Item 1: Opening of the meeting and adoption of the agenda

Item 2: Draft explanatory memorandum for a CM recommendation on human rights of members of the armed forces

Working documents

- Revised draft explanatory memorandum for a CM recommendation on human rights of members of the armed forces DH-DEV-FA(2009)003rev4
- Revised draft explanatory memorandum for a CM recommendation on human rights of members of the armed forces containing suggested amendments from delegations DH-DEV-FA(2009)006
- Meeting report of the 5th meeting of the DH-DEV-FA containing the draft recommendation of the Committee of Ministers to member states on human rights of members of the armed forces (Appendix III) DH-DEV-FA(2009)05final
- Comments from the United Kingdom, replacing those issued on 8 June, on the revised draft principles for a CM recommendation on human rights of members of the armed forces DH-DEV-FA Misc 013rev
- Comments from Turkey on the revised draft principles for a Recommendation of the Committee of Ministers to member states on human rights of members of the armed forces DH-DEV-FA Misc 014
- Comments from EUROMIL on the revised draft principles for a Recommendation of the Committee of Ministers to member states on human rights of members of the armed forces DH-DEV-FA Misc 015
- Comments from Finland on the revised draft principles for a Recommendation of the Committee of Ministers to member states on human rights of members of the armed forces DH-DEV-FA Misc 016
- Commentaires de la France sur le projet révisé d'exposé des motifs pour une recommandation du Conseil des ministres relative aux droits de l'Homme dans les forces armées DH-DEV-FA Misc 017
French only

Item 3: Other business

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