

95th meeting, 23 – 26 November 2021

1 General questions

1.1 Title

Abridged Report of the 95th meeting of the Steering Committee for Human Rights (CDDH), Hybrid, 23– 26 November 2021

For examination by the GR-H during its meeting of 18 January 2022

Information on the meeting

The Steering Committee for Human Rights (CDDH) held its 95th meeting in a hybrid format due to the current health crisis, from 23 to 26 November 2021, with Mr Morten RUUD (Norway) in the Chair.

The agenda of the meeting appears in the Appendix. The full report of the meeting, as well as the list of participants, can be made available by the Secretariat (DGI-CDDH@coe.int).

Items for decision by the Committee of Ministers

At this meeting, the CDDH decided to submit to the Committee of Ministers:

- comments on the Parliamentary Assembly Recommendations 2211(2021) “Anchoring the right to a healthy environment: need for enhanced action by the Council of Europe” and 2213(2021) “Addressing issues of criminal and civil liability in the context of climate change”.

Items for information of the Committee of Ministers

- The CDDH elected its Chair (Ms Kristine LĪCIS (Latvia)) and Vice-Chair (Ms Krista OINONEN (Finland)); re-elected 3 Bureau members (Mr Jan SOB CZAK (Poland), Mr Alfonso BREZMES (Spain), and Mr Alain CHABLAIS (Switzerland)), and elected one new Bureau member (Ms Nicola WENZEL (Germany)); re-elected the Committee of Experts on the System of the European Convention on Human Rights (DH-SYSC) Chair (Mr Hans-Jörg BEHRENS (Germany)); elected 10 members for the new Drafting Group on Human Rights in situations of crisis (CDDH-SCR) (Armenia, Azerbaijan, Estonia, Georgia, Montenegro, Netherlands, Norway, Poland, Portugal and Turkey); and elected by acclamation the Chair of the CDDH-SCR (Mr Jan SOB CZAK (Poland)).

Regarding the system of the European Convention on Human Rights, the CDDH:

- took note of the Progress Report 2020 – 2021 on the effective processing and resolution of cases relating to inter-State disputes, presented by the Chair of the DH-SYSC; welcomed the work done by the DH-SYSC and its Drafting Group DH-SYSC-IV, which provides a basis for further consideration of matters falling within the mandate of DH-SYSC and does not limit further discussions on this subject;
- took note of the draft Guidelines of the Committee of Ministers to member States on the prevention and remedying of violations of the European Convention on Human Rights, as being prepared by its Drafting Group DH-SYSC-V, and instructed the DH-SYSC-V to revise the text of the draft Guidelines in accordance with the guidance provided by DH-SYSC at its 6th meeting;
- took note of the progress and the ongoing work of the CDDH ad hoc negotiation Group on the European Union accession to the European Convention on Human Rights (“47+1 Group”; 10th and 11th meetings (29 June – 2 July and 5 – 8 October 2021)) including the preparation for the 12th meeting (7 – 10 December 2021)).

As regards the other items on its agenda, the CDDH:

- exchanged views on the ongoing work of its Drafting Group on Human Rights and the Environment (CDDH-ENV) and provided guidance to the CDDH-ENV with a view to the CDDH being able to submit a draft non-binding instrument on Human Rights and the Environment to the Committee of Ministers before 30 June 2022; invited members to submit any comments on this draft text in writing by 22 December 2021; exchanged views in preparation of the future work of the CDDH-ENV further to the decision taken by the Ministers' Deputies at their 1416th meeting (3 November 2021) concerning Parliamentary Assembly Recommendation 2211(2021);
- exchanged views on possible future work on follow-up to the implementation of Committee of Ministers' Recommendations CM/Rec(2018)11 on the need to strengthen the protection and promotion of civil society space in Europe, CM/Rec(2019)6 on the development of the Ombudsman institution, and CM/Rec(2021)1 on the development and strengthening of effective, pluralist and independent national human rights institutions;
- adopted the Guide on family-based care for unaccompanied and separated children presented by its Drafting Group on Migration and Human Rights (CDDH-MIG), and decided to transmit it to the Committee of Ministers for information; in light of this and other documents that had been produced, considered that the CDDH-MIG had fulfilled its terms of reference;
- adopted the Report on the implementation of the Recommendation CM/Rec(2016)3 of the Committee of Ministers to member States on Human Rights and Business, subject to final confirmation by the States concerned of the factual content of the Report by 3 December 2021, and decided to transmit it to the Committee of Ministers for information;
- exchanged views on follow-up to the implementation of Recommendation CM/Rec(2021)2 of the Committee of Ministers to member states on measures against the trade in goods used for the death penalty, torture and other cruel, inhuman or degrading treatment or punishment;
- exchanged views on the ongoing work within the Drafting Committee on trafficking for the purpose of labour exploitation (DH-TET) at its first meeting (4 – 5 October 2021) and on its future work, with a view to the CDDH being able to submit a draft Recommendation to the Committee of Ministers before 30 June 2022;
- exchanged views on the preparation of the CDDH and the DH-SYSC Programme of activities for 2022 – 2025 and endorsed a Roadmap for the implementation of its terms of reference during this period; decided to establish a Drafting Group on human rights in situations of crisis (CDDH-SCR) in order to conduct work on relevant deliverables expected under these terms of reference;
- took note of the information provided by the Secretariat regarding the situation of the Consultation of the Parties and the Group of Specialists established under the Council of Europe Convention on Access to Official Documents (CETS No. 205 - Tromsø Convention);
- took note of the information provided by the Secretary of the Committee on bioethics (DH-BIO) on the outcome of its 19th meeting (2 – 5 November 2021) (see the abridged report of the DH-BIO meeting for more information);
- took note of the information provided by its focal points for other Council of Europe bodies, and exchanged views on how to enhance the operation of its system of focal points;
- exchanged views with its Rapporteur on gender equality Mr Philippe WERY (Belgium) about the evaluations carried out by the CDDH's subordinate groups of the gender equality aspects of their activities; appreciated and encouraged the good and regular use of the thematic form "*The gender equality dimension in the work of the CDDH and its subordinate bodies*" and the taking of this dimension into account during all of their meetings;

- decided to leave to the Bureau of the CDDH the decision whom to invite to its next meetings, and when, in light of the development of the pandemic situation;
- exchanged views on the status of signatures and ratifications of the conventions for which the CDDH is responsible;
- took note of the recent publications of the work of the CDDH and decided on the forthcoming publications by the end of 2022; took note that the Manual on Human Rights and the Environment would be published in January 2022;
- took note of the information provided by Mr Barra LYSAGHT (Ireland) on the organisation by the Irish Chairmanship of the Ministers' Deputies – Human Rights (CM-DH) and the Department for the Execution of Judgments of a thematic debate on “Effective national co-ordination: a key factor in reinforcing the domestic capacity for rapid execution of judgments of the European Court of Human Rights” on 7 March 2022;
- took note of the information provided by Ms Maria AVERSANO (Italy) on the organisation by the Italian Presidency of the Committee of Ministers of a Conference of Ministers of Justice on the theme of “Crime and criminal justice – the role of restorative justice in Europe” in Venice on 13 – 14 December 2021;
- adopted its provisional calendar of meetings for 2022.

Resource implications

The CDDH noted that the implementation of its future programme 2022 – 2025 will require an increase in the human resources of its Secretariat.

Evaluation of completed activities

The CDDH welcomed the adoption by the Committee of Ministers, on 22 September 2021, of Recommendation CM/Rec(2021)4 of the Committee of Ministers to member states on the publication and dissemination of the European Convention on Human Rights, the case-law of the European Court of Human Rights and other relevant texts.

Appendix I**Agenda**

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

ITEM 2: RECOMMENDATIONS OF THE PARLIAMENTARY ASSEMBLY

ITEM 3: WORK ON THE SYSTEM OF THE CONVENTION

3.1. Committee of experts on the system of the European Convention on Human Rights (DH-SYSC)

3.1.1 Drafting Group on effective processing and resolution of cases relating to inter-State disputes (DH-SYSC-IV)

3.1.2 Drafting Group on enhancing the national implementation of the system of the European Convention on Human Rights (DH-SYSC-V)

3.2 CDDH ad hoc negotiation Group on the EU accession to the ECHR (“47+1 Group”)

ITEM 4: ENVIRONMENT AND HUMAN RIGHTS

ITEM 5: CIVIL SOCIETY AND NATIONAL HUMAN RIGHTS INSTITUTIONS

ITEM 6: MIGRATION AND HUMAN RIGHTS

ITEM 7: HUMAN RIGHTS AND BUSINESS

ITEM 8: MEASURES AGAINST HUMAN TRAFFICKING FOR THE PURPOSE OF LABOR EXPLOITATION

ITEM 9: PREPARATION OF THE CDDH PROGRAMME OF ACTIVITIES FOR 2022 – 2025

ITEM 10: ACCESS TO OFFICIAL DOCUMENTS

ITEM 11: GENDER EQUALITY

ITEM 12: BIOETHICS

ITEM 13: CONVENTIONS

ITEM 14: FOCAL POINTS

ITEM 15: ELECTIONS

ITEM 16: INVITEES

ITEM 17: PUBLICATIONS

ITEM 18: CALENDAR

ITEM 19: ACKNOWLEDGEMENTS

ITEM 20: OTHER BUSINESS