

99th meeting, 28 November – 1 December 2023

1 General questions

1.1 Title

Abridged Report of the 99th meeting of the Steering Committee for Human Rights (CDDH), 28 November – 1 December 2023

For examination by the GR-... during its meeting of ... 2024.

Information on the meeting

The Steering Committee for Human Rights (CDDH) held its 99th meeting in Strasbourg, from 28 November to 1 December 2023, with Krista OINONEN (Finland), Vice-chairperson, and then Kristīne LĪCIS (Latvia), Chairperson, in the Chair.

The agenda of the meeting appears in the Appendix.

Items for decision by the Committee of Ministers

The CDDH adopted the following text and decided to transmit it to the Committee of Ministers for possible adoption:

- Draft Toolkit for human rights impact assessment of the measures taken by the State in situations of crisis.

The CDDH adopted the following text and decided to transmit it to the Committee of Ministers for its consideration:

- Comments on Parliamentary Assembly Recommendation [2258\(2023\)](#) – “Pegasus and similar spyware and secret state surveillance”.

The CDDH adopted the following text and decided to transmit it to the Committee of Ministers for information:

- CDDH Report on issues relating to judges of the European Court of Human Rights.

Items for information of the Committee of Ministers

- The CDDH elected Krista OINONEN (Finland) as its Chairperson and Alain CHABLAIS (Switzerland) as its Vice-Chairperson, re-elected one Bureau member (Nicola WENZEL (Germany)) and elected three Bureau members (Susan DICKSON (United Kingdom), Tim KOLK (Estonia), and Tonje MEINICH (Norway)), re-elected Alain CHABLAIS (Switzerland) as the Chairperson of the DH-SYSC, and elected Nicola WENZEL (Germany) as the Chairperson of the CDDH-ENV.
- The CDDH established a new Drafting Group to prepare draft CDDH Reports evaluating the first effects of Protocols nos. 16 and 15 to the European Convention on Human Rights (DH-SYSC-PRO), under the authority of the DH-SYSC; designated the following 10 member States to have the expenses of their experts' participation in the DH-SYSC-PRO reimbursed by the Council of Europe: Armenia, Azerbaijan, Belgium, Czech Republic, Finland, Ireland, Montenegro, Netherlands, Poland and Spain; and elected Babette KOOPMAN (Netherlands) as DH-SYSC-PRO Chairperson.
- The CDDH established a new Drafting Group to prepare a draft CDDH Handbook on human rights and artificial intelligence (CDDH-IA); designated the following 10 member States to have the expenses of their experts' participation in the CDDH-IA reimbursed by the Council of Europe: Czech Republic, Estonia, Georgia, Germany, Luxembourg, Montenegro, Norway, Slovenia, Spain and Türkiye; and elected Alfonso BREZMES (Spain) as CDDH-IA Chairperson.
- The CDDH established a new Drafting Group to prepare a draft CDDH Study on the need for and feasibility of (an) additional non-binding instrument(s) to complement the 2011 Committee of Ministers' Guidelines on the eradication of impunity for serious human rights violations (CDDH-ELI); designated the following 10 member States to have the expenses of their experts' participation in the CDDH-ELI reimbursed by the Council of Europe: Armenia, Azerbaijan, Estonia,

Germany, Greece, Netherlands, Poland, Türkiye, Switzerland and United Kingdom; and elected Hans-Jörg BEHRENS (Germany) as CDDH-ELI Chairperson.

As regards the system of the European Convention on Human Rights (ECHR), the CDDH:

- exchanged views on the results of the 4th and final meeting of the Drafting Group on issues relating to judges of the European Court of Human Rights (DH-SYSC-JC), notably its completion of a draft CDDH report on this issue; considered that, following the adoption of the CDDH Report, the DH-SYSC-JC had fulfilled its mandate;
- received information from the representative of the European Union (EU) on developments concerning the accession of the EU to the ECHR, in particular in relation to the EU's intention to resolve internally the outstanding issue concerning EU acts in the area of the Common Foreign and Security Policy.

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

- took note of the adoption by the Committee of Ministers of replies to certain recommendations of the Parliamentary Assembly on which the CDDH had previously adopted comments;
- exchanged views on the results of the 8th meeting of the Drafting Group on human rights and the environment (CDDH-ENV), notably on the state of progress of the draft CDDH Report on the need for and feasibility of a further instrument or instruments on human rights and the environment; considered that the draft report prepared by the CDDH-ENV should examine all options, without excluding any of them, and remain neutral in its conclusions on those options;
- exchanged views on the results of the 4th and 5th meetings of the Drafting Group on human rights in situations of crisis (CDDH-SCR) and the 14th Warsaw Human Rights Seminar, "Human rights in situations of crisis: turning challenging circumstances into opportunities"; designated the United Kingdom to have the expenses of its participation in the CDDH-SCR reimbursed by the Council of Europe;
- exchanged views with Damien COTTIER, Chairperson of the Committee on Legal Affairs and Human Rights of the Parliamentary Assembly; decided to leave to its Bureau the decision on whom to invite to its next meeting;
- exchanged views with the following persons concerning their activities related to the work of the CDDH (i) Alice Jill EDWARDS, UN Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, on developments within the UN system concerning the trade in goods used for torture and other cruel, inhuman or degrading treatment or punishment, with reference to Committee of Ministers Recommendation CM/Rec(2021)2 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; (ii) Petya NESTOROVA, Executive Secretary of the Group of Experts established under the Council of Europe Convention on Action against Trafficking in Human Beings (GRETA), on the latter's activities to promote awareness and implementation of Committee of Ministers Recommendation CM/Rec(2022)21 to member States on preventing and combating trafficking in human beings for the purpose of labour exploitation;
- exchanged views on issues relating to Committee of Ministers Recommendation CM/Rec(2021)1 to member States on the development and strengthening of effective, pluralist and independent national human rights institutions, taking into account the Baseline Study prepared by the European Network of National Human Rights Institutions (ENNHRI);
- took note of information provided by the Secretariat on measures taken and envisaged within the Council of Europe further to the Fourth Summit of Heads of State and Government of the Council of Europe (Reykjavík, Iceland, 16–17 May 2023);
- took note of information provided by the Secretariat on the adoption of its Terms of Reference for 2024–2027 by the Committee of Ministers;
- adopted a draft questionnaire with a view to preparation for the work of the new Drafting Group DH-SYSC-PRO on a report evaluating the first effects of Protocol No. 16;
- took note of the information provided by certain of its representatives in outside activities; exchanged views on how best to fulfil its role with respect to the activities of other Council of Europe bodies;
- took note of information from the Secretariat on the work of the Access Info Group established under the Convention on Access to Official Documents (CETS No. 205 - Tromsø Convention); agreed to hold at one of its future meetings a thematic debate in the form of a workshop on the right to access State-held information;
- exchanged views with its Rapporteur on gender equality, Philippe WERY (Belgium), on 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; took note of information from the Secretariat

on the Secretary General's working group on the use of inclusive language in the Council of Europe;

- took note of the state of signatures and ratifications of the Council of Europe treaties for which the CDDH is responsible, and of recent extensions of derogations to the ECHR;
- adopted its calendar of meetings during the first semester of 2024 and took note of a provisional calendar of meetings during the second semester of 2024.

Resource implications

The CDDH noted that all of the above activities were conducted within the foreseen budgetary envelopes.

Evaluation of completed activities

As noted above, the CDDH took note of the completion of the following deliverables:

Toolkit for human rights impact assessment of the measures taken by the State in situations of crisis

CDDH Report on issues relating to judges of the European Court of Human Rights

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 issues relating to judges of the European Court of Human Rights (DH-SYSC-JC)

3.2 CDDH ad hoc negotiation Group on the EU accession to the ECHR ("46+1 Group")

ITEM 4: ENVIRONMENT AND HUMAN RIGHTS

ITEM 5: HUMAN RIGHTS IN SITUATIONS OF CRISIS

ITEM 6: NATIONAL HUMAN RIGHTS INSTITUTIONS

ITEM 7: ACTIVITIES OF OTHER ACTORS RELATED TO THE WORK OF THE CDDH

ITEM 8: FOLLOW-UP TO THE FOURTH SUMMIT OF HEADS OF STATE AND GOVERNEMENT

ITEM 9: PLANNING OF FUTURE ACTIVITIES

ITEM 10: ACCESS TO OFFICIAL DOCUMENTS

ITEM 11: GENDER EQUALITY

ITEM 12: CONVENTIONS

ITEM 13: REPRESENTATIVES IN OUTSIDE ACTIVITIES

ITEM 14: ELECTIONS

ITEM 15: INVITEES

ITEM 16: PUBLICATIONS

ITEM 17: CALENDAR

ITEM 18: OTHER BUSINESS

ITEM 19: ADOPTION OF THE ABRIDGED REPORT