



CDDH-BU(2017)R98  
01/12/2017

**BUREAU OF THE STEERING COMMITTEE  
FOR HUMAN RIGHTS  
(CDDH-BU)**

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**REPORT**

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**98<sup>th</sup> meeting  
Copenhagen, 21-22 November 2017**

1. The Bureau of the Steering Committee for Human Rights (CDDH-BU) held its 98<sup>th</sup> meeting on 21-22 November 2017 in Copenhagen, under the chairmanship of Ms Brigitte KONZ (Luxembourg). The list of participants appears in [Appendix I](#).

2. The meeting was devoted to the finalisation of the preparation of the 88<sup>th</sup> plenary meeting of the CDDH (Strasbourg, 5-7 December 2017). In this context, the Bureau suggested some minor changes in **the draft order of business of the CDDH meeting** (see [Appendix II](#) below).

3. The Bureau consented to the participation of the Conference of European Churches (CEC) to the work on items 4 (Development and promotion of Human Rights) and 5 (Bioethics) of the draft agenda of the CDDH.

4. Regarding the **Recommendations of the Parliamentary Assembly** (item 2 of the draft agenda) transmitted to the CDDH for information and possible comments, the Bureau examined the draft comments contained in document CDDH(2017)06.

- It welcomed in particular the quality and the completeness of the drafting work carried out, at their respective plenary meetings, by the DH-SYSC concerning the Recommendation 2110 (2017) and by the DH-BIO concerning Recommendations 2115 and 2116 (2017).
- As to the text prepared by the DH-SYSC, the Bureau suggested its adoption section by section without further debate, whenever possible.
- As for the texts prepared by the DH-BIO at the express request of the Committee of Ministers, the Bureau suggested that the CDDH takes note of them.
- Finally, the Bureau welcomed the draft comments prepared by the Secretariat, suggested some amendments and deemed that the texts thus amended could constitute the basis for examination by the CDDH (see [Appendix III](#) below).

5. With regard to the **work related to the system of the European Convention on Human Rights** (DH-SYSC, item 3), the Bureau noted that the CDDH should be informed in December of the results of the 4<sup>th</sup> meeting of the DH-SYSC (9-10 November 2017) concerning notably the follow-up to the CDDH Report on the longer-term future of the system of the European Convention of Human Rights. In this context:

- (i) In view of its possible adoption, the CDDH is called to examine in December the draft Report DH-SYSC(2017)R4Add on the **process of selection and election of judges** of the European Court of Human Rights (item 3.1), as approved by the DH-SYSC.
  - The Bureau welcomed the quality of this document and suggested that CDDH adopts paragraph-by-paragraph only the summary presented at the beginning of the text; the rest of the document, which has already been thoroughly discussed within the DH-SYSC, could be adopted without further discussion, whenever possible;

- (ii) The CDDH will take note of the work carried out by the Drafting Group DH-SYSC-II on the **place of the European Convention on Human Rights in the European and international legal order** (document DH-SYSC-II(2017)R2) (item 3.2).
- The Bureau suggested that the CDDH endorses the general objectives and the working methods proposed by the Group, makes possible comments and approves the request of the Group to hold a 7<sup>th</sup> meeting at the end of the next biennium to fulfil its terms of reference within the set deadlines.
  - The two upcoming plenary meetings of the DH-SYSC constitute crucial milestones for the on-going work, by allowing all member States to examine in detail the work accomplished by the Group. The Bureau suggested to CDDH to examine the relevance, for the DH-SYSC, of holding only one meeting per year during the next biennium (two days in October 2018; three days in October 2019) and that each meeting has as a main objective to provide the Drafting Group DH-SYSC II with the necessary approvals/guidance for its work.
  - Lastly, the Bureau suggested examining the possibility to increase the number of member States participating in the work of the DH-SYSC II. In this perspective, the Bureau invited the Secretariat to explore such availabilities within the budget 2018-2019 and inform the CDDH of the number of supplementary places which, if need be, could be borne by the budget;
- (iii) the CDDH will take note of **other work included in the terms of reference of the DH-SYSC for the next biennium** (item 3.3).
- The Bureau supported in particular, the method chosen for the possible updating of the Committee of Ministers' Recommendation Rec(2004)4 on the Convention in university education and professional training, namely, at first, meetings and contacts by electronic means of the Drafting Group DH-SYSC-III established by the DH-SYSC. Ms Vasileia PELEKOU (Greece) was appointed as Chairperson thereof by the DH-SYSC;
  - The CDDH will note that the DH-SYSC asked the Secretariat to contact directly the delegations of Malta and Ukraine with regard to the prolonged absence of information from them concerning the ratification of Protocol No 15 to the Convention. For this Protocol, as well as for Protocol No 16, the Bureau deemed it very useful that member States willing to do so, inform the CDDH in December of any further development regarding signature/ratification since the DH-SYSC meeting in November 2017, it being understood that a specific document of the Secretariat already contains the information on various legally binding instruments supervised by the DH-SYSC and the CDDH (document CDDH(2017)16);
- (iv) Finally, the Danish delegation will inform the CDDH of the results of the **High-level Expert Conference "2019 and Beyond – Taking Stock and Moving Forward from the Interlaken Process"** (Kokkedal, Denmark, 22-24 November 2017) and of the state of preparations, by the Danish Chairmanship of the Committee of Ministers, of the Ministerial Conference foreseen for 11-13 April 2018 in Copenhagen.

- The Bureau participated in the Kokkedal Conference, as well as several experts and observers of the CDDH. It warmly thanked the Danish authorities for their hospitality and for the excellent preparation of this meeting.
6. As to the **work in the field of development and promotion of human rights** (item 4), the Bureau noted the following items:
- (i) **Social rights** (item 4.1) – The Chairperson of the CDDH-SOC and the Secretariat will present in December the state of preparation of the 2<sup>nd</sup> meeting (14-16 March 2018)<sup>1</sup> in view of collecting the possible guidance by the CDDH. The Bureau pointed out in particular that:
- as agreed by the CDDH during its last meeting (June 2017), the questionnaire drafted by the CDDH-SOC taking stock of good practices and difficulties faced by member States as well as their suggestions for improving the system of protection of social rights (CDDH-SOC(2017)04) has not been sent to the members of the CDDH, but to those of the Governmental Committee of the European Social Charter. 30 answers have been received<sup>2</sup>. The analysis of this information will be ready for the CDDH-SOC meeting in March 2018;
  - as also agreed by the CDDH last June, the draft report which will only analyse legal actions and mechanisms of the Council of Europe in the field of protection of social rights and will reflect the diversity of national perspectives on this topic, without advocating at this stage any changes on which there is manifestly no consensus at the moment amongst States, will be ready for the CDDH-SOC meeting in March 2018.<sup>3</sup>
- (ii) **Freedom of expression and links to other human rights** (item 4.2) – The Chairperson of the CDDH-EXP will present to the CDDH in December the compilation of national information received and the preliminary structure of the draft Guide to good practices on the way of reconciling freedom of expression with other human rights and freedoms, in particular in culturally diverse societies, for information of the CDDH. The Bureau pointed out in particular that:
- the CDDH will be called in June 2018 to examine and agree upon the draft consolidated structure, and in December 2018, to adopt the Guide to good practices;
  - the relevance of elaboration in 2019 of a draft non-binding legal instrument will be examined at an appropriate stage of the work.

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<sup>1</sup> The 2<sup>nd</sup> meeting of the CDDH-SOC, initially foreseen for 6-8 November 2017, had to be postponed to 2018 for budgetary reasons.

<sup>2</sup> Albania, Armenia, Austria, Azerbaijan, Belgium, Bulgaria, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Greece (announced), Iceland, Ireland, Italy, Latvia, Lithuania, the Netherlands, Norway, Poland, Portugal, Republic of Moldova, Republic of Slovenia, Spain, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine.

<sup>3</sup> A second draft report, also stemming from the draft text presented in June 2017 by the Rapporteur of the CDDH-SOC, will be drafted. This second text will contain proposals for future activities and will be examined by the CDDH-SOC at a later stage.

- (iii) **Human rights and migration** (item 4.3) – The Chairperson of the CDDH-MIG will present in December the revised draft Analysis of legal and practical aspects of effective alternatives to detention in the context of migration (CDDH-MIG)201702Rev)<sup>4</sup> for examination and adoption by the CDDH. The Bureau welcomed the quality of this document and suggested that the text be adopted section by section. Furthermore:
- the Bureau invited the CDDH to exchange views on work foreseen for the Drafting Group in 2018-2019, in the light of the proposals presented in paragraphs 275 and 279 of the revised draft Analysis;
  - following the above-mentioned exchange of views, the state of preparations of the 4<sup>th</sup> meeting of the CDDH-MIG (end of March 2018) will be presented by the Secretariat in view of collecting possible guidance from CDDH.
- (iv) **Civil society and national human rights institutions** (item 4.4) – The Chairperson of the Drafting Group and the Secretariat will present the state of preparation of the 3<sup>rd</sup> meeting of the CDDH-INST (21-23 March 2018), in view of collecting possible guidance from CDDH. The Bureau pointed out in particular that:
- a questionnaire aimed at gathering, by 15 February 2018, national examples of good practices of implementation of existing national legislation regarding the protection and promotion of the civil-society space will be sent shortly to the participants in CDDH meetings;
  - the CDDH will be invited, in December 2017, to provide orientation as to the preliminary structure of the future Guide of good practices which will accompany the future draft non-binding instrument of the Committee of Ministers<sup>5</sup>, to be drafted before the end of 2018;
  - the relevance of launching the revision of the Committee of Ministers' Recommendation No R(97)14 on the establishment of independent national institutions for the promotion and protection of human rights will be examined at an appropriate stage of the work, the deadline fixed by the Deputies being 31 December 2019.

7. Concerning **bioethics** (item 5), the Secretary of the Committee on Bioethics (DH-BIO), Ms Laurence LWOFF, will inform the CDDH of the results of the 12<sup>th</sup> meeting of the Committee on bioethics (Strasbourg 24-27 October 2017, DH-BIO/RAPP12). The Bureau pointed out in particular that:

- the CDDH **will take note in December** of the on-going and future work within the DH-BIO and, in this context, will exchange views on the results of the

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<sup>4</sup> An appendix containing the report of the international conference "*Immigration Detention of Children: Coming to a Close?*" (Prague 25-26 September 2017) will be attached to this document as soon as possible.

<sup>5</sup> As indicated in the terms of reference of the CDDH for 2018-2019, the draft instrument will have the aim that member States, through their legislations, policies and practices, effectively protect and promote the civil-society space (activities of civil-society organisations, human rights defenders and national institutions for the promotion and protection of human rights).

Conference « 20<sup>th</sup> anniversary of the Oviedo Convention: relevance and challenges » (Strasbourg, 24-25 October 2017);

- the continuation of work on the draft Additional Protocol on the protection of the human rights and dignity of persons with mental disorders with regard to involuntary placement and involuntary treatment and of its Explanatory Report, in view of their finalisation by end 2018 should be welcomed and encouraged.

8. The Secretariat will inform the CDDH of the organisation, during the next biennium, of a Workshop on the protection of **victims of terrorist acts** (item 6).

- The Bureau suggested that CDDH explores the possibility to organise such an event under the French Chairmanship of the Committee of Ministers (May - November 2019).

9. As regards the **implementation of terms of reference of the CDDH for 2018-2019** (item 7), and notably the **finalisation of work initiated in 2016-2017** (item 7.1), the Bureau took note of the document CDDH(2017)08, containing information and suggestions by the Secretariat for the general/overall organisation of the work of the CDDH.

- Since part of the discussion will have already taken place when examining items 3 (System of the Convention) and 4 (Development and promotion of human rights), the CDDH should address with regard to this item, in particular, the follow-up activities foreseen in its mandate for 2018-2019 (see §§ 10-15 below).

10. As for the setting-up of an online Platform on **human rights and business** (item 7.2), the Bureau welcomed the on-going preparatory work carried out by the Secretariat. It noted that document CDDH(2017)09 contains useful information for the exchanges of views of the CDDH in December.

- The envisaged Platform should facilitate the exchange of information and visibility concerning (i) the good practices related to the implementation of the Committee of Ministers' Recommendation CM/Rec(2016)3 on Human Rights and Business and (ii) National Action Plans on the implementation of the United Nations Guiding Principles on Human Rights and Business, including best practices for their development and regular review in light of the information received.

11. Concerning the prevention and combating **female genital mutilation and forced marriage** (item 7.3), the Bureau noted that the event envisaged by the British authorities would take place in the United Kingdom in 2018 under the aegis of the Council of Europe. If there will be more detailed information in December, the CDDH could exchange view on possible modalities of its contribution to the Conference.

12. With respect to the promotion of human rights of **older persons** (item 7.4), the Bureau took note of document CDDH(2017)11 and suggested that the CDDH exchanges views in December, in light of information and suggestions contained therein, as well as of reports on the results of the two recent conferences on the same subject.<sup>6</sup>

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<sup>6</sup> Ministerial Conference on Ageing - A Sustainable Society for All Ages: Realizing the potential of living longer, organised by the United Nations Economic Commission for Europe (UNECE), Lisbon, 21-22 September 2017; International Conference organised by the DH-BIO on the occasion of the 20<sup>th</sup>

- The Bureau deemed it useful to launch a questionnaire in order to obtain examples of good practice, but with a reduced number of questions, each of which would concern for example a chapter of the Recommendation CM(2014)2 on the promotion of human rights of older persons of 19 February 2014.
- It noted that a half-day Workshop, could take place at the CDDH meeting in June 2018 and that this event could be organised under the Croatian Chairmanship of the Committee of Ministers (May – November 2019).

13. With regard to the measures aimed at **combating discrimination on grounds of sexual orientation or gender identity** (item 7.5), the Bureau took note of document CDDH(2017)12 and suggested that the CDDH exchanges views in December in light of the information and suggestions contained therein. The Bureau amended this document, in particular, as regards the preparations calendar.

- The Bureau deemed it useful to launch a questionnaire to obtain examples of good practice, but with a reduced number of questions, regarding only the issues contained in Recommendation CM/Rec(2010)05 on measures aimed at combating discrimination on grounds of sex or gender identity of 31 March 2010.
- It noted that a Workshop or a conference, which duration is to be determined, could take place in 2019 within the framework of one of the CDDH meetings, or as a distinct event.

14. As to the issue of the right of **access to official documents** (item 7.6), the Bureau noted that the follow-up of this issue is of a particular interest for certain delegations whilst for the others it is not a priority subject. The Bureau took note of document CDDH(2017)13 and suggested that the CDDH exchanges views in December in light of the information and suggestions therein.

- It noted that a half-day Workshop could be held at the plenary meeting of the CDDH in November 2018 and that this event could be organised under the Finnish Chairmanship of the Committee of Ministers (November 2018 - May 2019). The Workshop would cover the issue of access to official documents and, in this context, on the position of member States with respect to Tromsø Convention of 18 June 2009 (CETS n°205).

15. Concerning the **experts representing the CDDH in other bodies** (item 8), the Bureau recalled the decision of the CDDH to re-examine the list at the end of each biennium and that it will be therefore called to do so in December.

- The Bureau suggested to designate in future this item of the agenda by using the expression “Focal points of the CDDH in other bodies”, in order to make it clearer that the intention of the CDDH is not to be represented physically at each meeting of these bodies, but to ensure that the person appointed follows, through appropriate means, the developments which might be of interest for the CDDH. This may sometimes involve participation in the meetings of other committees, and subsequent information of the CDDH of the developments in the work of such committees relating to issues dealt with by the CDDH.

- It was agreed that the December discussion will allow better clarification of what is expected from those designated by the CDDH for this work.
- Lastly, the Bureau suggested that the CDDH decide in December whether it is necessary or not to appoint a “Focal point” for each of the bodies listed in Appendix IV below.

16. Concerning the **invitees** (item 9), the Bureau welcomed the meeting in December with the Senior Gender Equality Adviser, within the Directorate of Human Dignity and Equality, Ms Carlien SCHEELE, as well as with the Rapporteur of the CDDH on gender equality, Mr Philippe WERY (Belgium); this will provide a first general overview of the issue, illustrated with some concrete examples with regard to any particular on-going activity within the CDDH.

- For its meeting in June 2018, the Bureau suggested inviting the person which will be appointed shortly by the Parliamentary Assembly as the new Commissioner for Human Rights of the Council of Europe.

17. Regarding the **elections** (item 10), the Bureau took note of the table reflecting the current status of mandates presented in Appendix V below. To facilitate the renewal of functions, the Appendix VI below reminds the rules of procedure adopted by the CDDH in 2013.

18. The Bureau exchanged views on the draft **calendar** (item 12) and made several suggestions for amendments. These appear in Appendix VI below for examination and adoption by the CDDH in December.

- As regards the best time during the biennium for holding any of the follow-up workshops, the draft calendar presents alternatives and it is up to the CDDH to decide in December.
- To this end, the Chairmanship could establish bilateral contacts with those delegates of the CDDH who represent the member States which will have the Chairmanship of the Committee of Ministers during the next biennium,<sup>7</sup> in order to determine if one of these States holds has already a preference for one of the planned Workshops/Conference.

19. At the end of its work, the Bureau warmly thanked the Danish authorities for their hospitality with respect to the present meeting held, in the headquarters of the Ministry of Justice in Copenhagen. Finally, it accepted with gratitude the Andorran authorities’ invitation for the holding of the 99<sup>th</sup> meeting of the Bureau in Andorra la Vella on 17-18 May 2018.

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<sup>7</sup> November 2017 – May 2018: Denmark  
 May – November 2018: Croatia  
 November 2018 – May 2019: Finland  
 May – November 2019: France  
 November 2019 – May 2020: Georgia



**APPENDIX I**List of participants**BUREAU MEMBERS / MEMBRES DU BUREAU****ANDORRA / ANDORRE**

Mr Joan FORNER ROVIRA, Représentant permanent Adjoint d'Andorre auprès du Conseil de l'Europe

**AUSTRIA / AUTRICHE**

Mrs Brigitte OHMS, Deputy Government Agent, Division for International Affairs and General Administrative Affairs, Federal Chancellery

**GERMANY / ALLEMAGNE**

Mr Hans-Jörg BEHRENS, Head of Unit IVC1, Human Rights Protection; Government Agent before the European Court of Human Rights, Bundesministerium der Justiz und für Verbraucherschutz, Berlin

**GREECE / GRECE**

Ms Zinovia STAVRIDIS, Head of the Public International Law Department/Special Legal Department, Ministry of Foreign Affairs, Athens

**LATVIA / LETTONIE**

Mrs Kristine LICE, Government Agent, Representative of the Government of Latvia before International Human Rights Organizations, Ministry of Foreign Affairs

**LUXEMBOURG**

Mme Brigitte KONZ, Juge de Paix directrice, Cité judiciaire, Luxembourg  
Chairperson of the CDDH / Présidente du CDDH

**NORWAY / NORVEGE**

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

**UNITED KINGDOM / ROYAUME-UNI**

Mr Rob LINHAM, Assistant Director for Europe and Domestic Human Rights, Ministry of Justice

**SECRETARIAT****DG I – Human Rights and Rule of Law / Droits de l'Homme et Etat de droit  
Council of Europe / Conseil de l'Europe**

Mr Mikhail LOBOV, Head of the Human Rights Policy and Development Department / Chef du Service des politiques et du développement des droits de l'Homme

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

## APPENDIX II

Draft order of business

88<sup>th</sup> meeting of the CDDH (Tuesday 5 – 7 December 2017,  
Palais de l'Europe, Room 7)

TUESDAY 5 December	WEDNESDAY 6 December	THURSDAY 7 December
Bureau meeting 9:00 Palais de l'Europe, room 3		
9:30	9:00	9:30
<p><b>Plenary meeting, Palais de l'Europe, room 7</b></p> <p><b>Item 1</b> Opening <b>Item 2</b> PACE Recommendations <b>Item 3</b> DH-SYSC System of the Convention</p> <p>3.1 DH-SYSC I <i>Selection and election of judges of the Court</i> 3.2 DH-SYSC II <i>Place of the Convention in the European and international legal order</i></p> <hr/> <p>12:15 <b>Item 9</b> Invitees</p>	<p><b>Item 4 (continuation)</b> 4.2 CDDH-EXP <i>Freedom of expression and links to other human rights</i> 4.3 CDDH-MIG <i>Human Rights and migration</i></p> <hr/> <p>11:15 <b>Item 11</b> Elections</p> <hr/> <p>12:15 <b>Item 6</b> Victims of terrorist acts <b>Item 7</b> CDDH Terms of reference for 2018-2019 7.1 Finalisation of the on-going work</p>	<p>Presentation of the CDDH Web site</p> <p><b>Item 5 : Bioethics<sup>8</sup></b> 5.1 DH-BIO Committee on Bioethics 5.2 <i>Conference on the Oviedo Convention (24-25 October 2017)</i></p> <p><b>Item 8</b> Experts in other bodies</p> <p><b>Item 10</b> Council of Europe's Conventions</p> <p><b>Item 12</b> Calendar of meetings calendar</p> <p><b>Adoption of the meeting conclusions</b></p>
13:00 Lunch break	13:00 Lunch break	13:00 End of the meeting
14:30	14:30	
<p><b>Item 3 (continuation)</b> 3.3 Other work within the DH-SYSC 3.4 <i>Denmark Conference (22-24 November 2017)</i></p> <p><b>Item 4 Development and promotion of Human Rights</b> 4.4 CDDH-INST <i>Civil society and national human rights institutions</i> 4.1 CDDH-SOC <i>Social Rights</i></p>	<p><b>Item 7 (follow-up)</b> 7.2 Human rights and business 7.3 Female mutilation and forced marriage 7.4 Rights of older persons 7.5 Discrimination on grounds of sexual orientation or gender identity 7.6 Access to official documents</p>	
<p>17:45 End of session</p> <p>18:15-20:15 Reception at the Permanent Representation of Luxembourg to the Council of Europe</p>	18:00 End of session	

<sup>8</sup> Due to the unavailability of the Secretary of the DH-BIO on 6 December, date initially foreseen.

### APPENDIX III

Recommendations of the Parliamentary Assembly  
transmitted by the Ministers' Deputies to the CDDH

*Possible draft replies, as amended by the Bureau in November 2017  
for consideration by the CDDH at its 88<sup>th</sup> meeting (5-7 December 2017)*

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

##### *Draft comments*

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

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

3. As suggested by the Assembly, the CDDH intends to examine in more detail how to proceed to this implementation, notably by closely associating to this process the civil society and the stakeholders concerned.

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

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

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

### *Draft comments*<sup>9</sup>

1. The Steering Committee for Human Rights (CDDH) takes note of the Parliamentary Assembly Recommendation 2110 (2017) – “*The implementation of judgments of the European Court of Human Rights*”.

2. The CDDH notes that the issue of implementation of the Convention, including the execution of the Court’s judgments, was highlighted in the 2015 Brussels Declaration. The issue of execution of judgments and its supervision by the Committee of Ministers is one of the main themes of the CDDH’s on-going work under its terms of reference to examine the longer-term future of the Convention system and the Court.<sup>10</sup>

3. In 2013, the CDDH identified three general causes of failure to execute judgments in a timely manner: (i) reluctance on the part of either the executive to propose measures or parliament to adopt legislation; (ii) substantive problems and technical complexity, e.g. need for a wide range of measures requiring co-ordination or extensive legal reforms; and (iii) inertia, being a simple failure to take action not linked to any particular political or technical consideration, but e.g. to a shortage of staff.<sup>11</sup>

4. Since 2014, regular exchanges of information on various issues connected to the execution of judgments have taken place within the relevant bodies of the CDDH, regarding *inter alia* the re-examination or reopening of cases following judgments of the Court<sup>12</sup> as well as verification of the compatibility of legislation with the Convention.<sup>13</sup> The CDDH has also taken an active part in a number of extraordinary events concerning execution.<sup>14</sup>

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<sup>9</sup> Prepared by the DH-SYSC at its 4<sup>th</sup> meeting (9-10 November 2017, DH-SYSC(2017)05 [Appendix III](#)).

<sup>10</sup> See the terms of reference for the biennium 2018–2019 for the CDDH and the DH-SYSC. In the 2015 CDDH report on the longer-term future of the system of the European Convention on Human Rights, execution of judgments and its supervision were identified as one of four overarching areas that are crucial for the longer-term effectiveness and viability of the Convention system. In its contribution to the Brussels Conference, the CDDH affirmed that full and rapid execution of judgments of the Court, in accordance with Article 46, is essential for the effective functioning of the Convention system.

<sup>11</sup> CDDH report on whether more effective measures are needed in respect of States that fail to implement Court judgments in a timely manner, 2013, document CDDH(2013)R79 Addendum I, §§ 6–7.

<sup>12</sup> See document DH-GDR(2014)R6, Item 5.

<sup>13</sup> “Overview of the exchange of views held by the DH-SYSC at its 1<sup>st</sup> meeting (25–27 April 2016) on the verification of the compatibility of legislation with the Convention (arrangements, advantages, obstacles)”, document DH-SYSC(2016)013REV.

<sup>14</sup> In particular, the Multilateral Round Table on “Reopening of proceedings following a judgment of the European Court of Human Rights” (Strasbourg, 5–6 October 2015) and the International Conference “Enhancing national mechanisms for effective implementation of the European Convention on Human Rights” (Saint-Petersburg, 22–23 October 2015). In addition, a conference on “The long-term future of the European Court of Human Rights” was organized in Oslo in April 2014 by the Norwegian research center *PluriCourts* under the aegis of the Council of Europe with the active participation of the CDDH.

5. Concerning in particular rapid execution of judgments of the Court, the CDDH has in 2017 elaborated a *Guide to good practices on the implementation of the Recommendation (2008)2 on efficient domestic capacity for rapid execution of judgments of the European Court of Human Rights*. The Guide includes an inventory of good practices relating to implementation of the Recommendation.<sup>15</sup>

6. Regarding the ideas put forward by the Assembly in its Recommendation 2110 (2017) to the Committee of Ministers, the CDDH wishes to submit the following comments:

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

7. It is worth recalling the CDDH's 2008 *Practical proposals for the supervision of the execution of judgments of the Court in situations of slow execution*.<sup>16</sup> This text contributed to the Committee of Ministers' introduction of the 'twin-track' (standard and enhanced) supervision process. In 2013, the CDDH submitted its report on whether more effective measures are needed in respect of States that fail to implement Court judgments in a timely manner.<sup>17</sup> The 2017 *Guide to good practices on the implementation of the Recommendation CM/Rec(2008)2* examined in particular the role of the co-ordinator in identifying execution measures, practices ensuring the visibility of and promoting sufficient acquaintance with the execution process, the co-operation of member States with the Committee of Ministers and the Department for the Execution of Judgments, as well as the means to prevent or resolve a significant persistent problem in the execution process.

8. The CDDH is following with interest the recent developments in the area the of procedures provided for in Article 46, paragraphs 3 to 5, of the Convention, regarding both individual measures<sup>18</sup> relating to individual applicants and general measures<sup>19</sup> to address systemic shortcomings.

9. In its work on civil society and National Human Rights Institutions, the CDDH has noted that in the case of systemic shortcomings in the protection and promotion of human rights, many of the judgments of the Court concerning such situations have yet to be implemented through the adoption of general measures.<sup>20</sup>

<sup>15</sup> See document CDDH(2017)R87 Addendum I.

<sup>16</sup> See document CDDH(2008)014 Addendum II.

<sup>17</sup> See document CDDH(2013)R79 Addendum I. The text was examined by the Ministers' Deputies following receipt of comments by the Court. For the Court's comments, see "Reply of the European Court of Human Rights to Committee of Ministers request for comments on the CDDH Report on Execution", document DD(2014)650.

<sup>18</sup> See notably the case of *Ilgar Mammadov v. Azerbaijan*, Application no. 15172/13, Judgment of 22 May 2014, European Court of Human Rights.

<sup>19</sup> See notably the case of *Burmych and Others v. Ukraine*, Applications nos. 46852/13 et al., Judgment of 12 October 2017 (Grand Chamber), European Court of Human Rights.

<sup>20</sup> "Analysis on the impact of current national legislation, policies and practices on the activities of civil society organisations, Human Rights defenders and national institutions for the promotion and protection of Human Rights", see document CDDH(2017)R87 Addendum IV, § 276.

10. At the same time, the CDDH is continuing its work by producing a compilation of good practices regarding the general measures taken by member States aimed at executing judgments of the Court concerning human rights defenders, national institutions for human rights, and freedom of assembly and association.<sup>21</sup>

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

11. The Brussels Declaration<sup>22</sup> reiterated the need to involve National Human Rights Institutions and civil society where appropriate in the supervisory mechanism established by the Convention. In the same light, the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements<sup>23</sup> make provision for the involvement of national human rights protection bodies and civil society in the process of the supervisory mechanism concerning the implementation of judgments of the Court. The CDDH relied significantly upon the jurisprudence of the Court in its analysis on the impact of current national legislation, policies and practices on the activities of civil society organisations, human rights defenders and national institutions for the promotion and protection of human rights. Applicants could be invited, when appropriate, to actively collaborate in the execution of judgments.

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

12. The CDDH, through its subcommittee the DH-SYSC, will work in close synergy and cooperation with other relevant Council of Europe instances and activities.<sup>24</sup> One example of such synergy in practice, albeit in a different area than the execution of the Court's judgments, is the close interaction between the CDDH, the Court and its Registry, the PACE and the Advisory Panel of Experts on Candidates for Election as Judge to the Court in the work undertaken within the CDDH concerning the process of selection and election of judges of the Court.<sup>25</sup> The CDDH and its subcommittees work in their activities in close synergy with the

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<sup>21</sup> *Ibid.*, § 277.

<sup>22</sup> Brussels Declaration, 2015, Preamble, Recital 7.

<sup>23</sup> Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements, Rule 9 – Communications to the Committee of Ministers, as amended by the Ministers' Deputies at their 1275<sup>th</sup> meeting, 18 January 2017.

<sup>24</sup> CDDH report on the longer-term future of the system of the European Convention on Human Rights, 2015, document CDDH(2015)R84 Addendum I, §§ 158, 170 ii), vi).

<sup>25</sup> This work is currently being undertaken within the framework of follow-up to the 2015 CDDH report on the longer-term future of the system of the Convention, which in turn is the result of intergovernmental work undertaken in response to §§ 35.c-f of the Brighton Declaration.

Department for the Execution of Judgments. One example of this cooperation is the latter's presentation of the search tool HUDOC-EXEC and of information on the state of execution of the Court's judgments prior to the 2<sup>nd</sup> meeting of the DH-SYSC in 2016.<sup>26</sup>

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

13. In its 2015 report on the longer-term future of the Convention system, the CDDH has underlined the significance of the bodies dealing with the supervision of the execution of judgments of the Court (e.g. the Committee of Ministers assisted by its Secretariat and the Department for the Execution of Judgments of the Court) having sufficient capacity to process effectively the high number of cases decided by the Court.<sup>27</sup> Support for increased resources for the Department of Execution of Judgments was also expressed in the 2015 Brussels Declaration.

#### *Conclusion*

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

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

#### ***Comments of the DH-BIO***<sup>28</sup> *(for the information of the CDDH)*

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

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

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

<sup>26</sup> See document DH-SYSC(2016)R2, § 3.

<sup>27</sup> CDDH report on the longer-term future of the system of the European Convention on Human Rights, 2015, document CDDH(2015)R84 Addendum I, §§ 136, 156, 170 iii).

<sup>28</sup> Adopted by the Bureau of the DH-BIO, by written procedure, on 27 November 2017.

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

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

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

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

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

### **Draft comments**

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



the European Convention on Human Rights and of the Oviedo Convention, and in accordance with the precautionary principle.

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

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

***Comments by the DH-BIO***<sup>29</sup>  
(for information of the CDDH)

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

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

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

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

5. The DH-BIO has instigated work in the area referred to by the Assembly by organising a hearing addressing, in particular human rights issues for intersex children, at its 9th plenary meeting (Strasbourg, 31 May-2 Jun 2016), in cooperation with the Council of Europe’s Sexual Orientation and Gender Identity (SOGI) Unit. Those issues were further analysed in two studies on children’s rights in biomedicine<sup>30</sup>, commissioned by the DH-BIO within the framework of the Strategy for the Rights of the Child, which specifically refer to the situation of children with differences in sex development and intersex conditions<sup>31</sup>. Against this background and taking into account the interest already expressed by delegations in the ethical issues raised by interventions on intersex children, the DH-BIO, at its 11<sup>th</sup> plenary meeting (Strasbourg, 6 – 8 June 2017), agreed to include the topic of Intersex Children in its program of activities.

<sup>29</sup> Adopted by the Bureau of the DH-BIO, by written procedure, on 27 November 2017.

<sup>30</sup> Kavot Zillén, Jameson Garland, Santa Slokenberga, Uppsala University, “The Rights of Children in Biomedicine: Challenges posed by Scientific Advances and Uncertainties”, 2017, <https://rm.coe.int/16806d8e2f>; and Ton Liefaard, Aart Hendriks, Daniella Zlotnik, Leiden University, “From Law to Practice, towards a roadmap to strengthening children’s rights in the era of biomedicine”, 2017, <https://rm.coe.int/leiden-university-report-biomedicine-final/168072fb46>

<sup>31</sup> Leiden, pp. 34-35, Uppsala, pp. 40-45.

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

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

### **Draft comments**

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

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

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## APPENDIX IV

### Experts representing the CDDH in other bodies

#### [Focal points of the CDDH in other bodies]<sup>32</sup>

*Situation further to the decisions taken by the CDDH  
at its 86<sup>th</sup> and 87<sup>th</sup> meetings (6-8 December 2016; 6-9 June 2017)  
For re-examination by the CDDH at its 88<sup>th</sup> meeting (5-7 December 2017)<sup>33</sup>*

1. Committee on Bioethics (DH-BIO): Ms Brigitte KONZ (Luxembourg)
2. Commission for Democracy through Law (Venice Commission): Ms Brigitte OHMS (Austria)
3. European Commission for the Efficiency of Justice (CEPEJ): Mr Vít A. SCHORM (Czech Republic)
4. Committee of Legal Advisers on Public International Law (CAHDI): [...]
5. European Committee on Legal Co-operation (CDCJ): Ms Maria de Fátima GRAÇA CARVALHO (Portugal)
6. Steering Committee on Media and Information Society (CDMSI): Ms Kristine LICE (Latvia)
7. Ad hoc Committee of experts on Roma and Traveller Issues (CAHROM): Ms Svetlana GELEVA ("The former Yugoslav Republic of Macedonia")
8. European Consultative Committee of the Convention for the protection of individuals with regard to automatic processing of personal data (T-PD): Ms Brigitte OHMS (Austria)
9. Committee of Experts on Terrorism (CODEXTER): Mr Chanaka WICKREMASINGHE (United Kingdom)
10. Committee of the Parties to the Council of Europe Convention on the protection of children against sexual exploitation and sexual abuse ("the Lanzarote Committee"): Mr Joan FORNER ROVIRA (Andorra)
11. United Nations Forum on Human Rights and Business: Prof. René LEFEBER (Netherlands)
12. European Social Cohesion Platform (PECS): Ms Chantal GALLANT (Belgium)
13. Ad hoc Committee for the Rights of the Child (CAHENF) : M. Frank SCHÜRMAN (Switzerland)
14. European Committee on Democracy and Governance (CDDG) : Ms Krista OINONEN (Finland)
15. Mr Philippe WERY (Belgium) is the CDDH Gender Equality Rapporteur for 2017
16. Ms Svetlana GELEVA ("The former Yugoslav republic of Macedonia") is the CDDH Rapporteur on Roma and Traveller Issues

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<sup>32</sup> Suggestion of the Bureau in November 2017.

<sup>33</sup> The CDDH decided that the list will be revised at the end of each biennium.

**APPENDIX V**Composition of the Bureau, chairs and rapporteurs

<b>BUREAU OF THE CDDH</b>	<b>END OF THE MANDATE</b>	<b>REFERENCES</b>
Ms Brigitte KONZ (Luxembourg), Chair	31 December 2017 (elected for 1 year not renewable)	86 <sup>th</sup> meeting of the CDDH (December 2016)
Mr Hans-Jörg BEHRENS (Germany), Vice-Chair	31 December 2017 (elected for 1 year not renewable)	86 <sup>th</sup> meeting of the CDDH (December 2016)
Mr Rob LINHAM (United Kingdom), Member	31 December 2018 (elected for 2 years not renewable)	86 <sup>th</sup> meeting of the CDDH (December 2016)
Mr Morten RUUD (Norway), Member	31 December 2018 (elected for 2 years not renewable)	86 <sup>th</sup> meeting of the CDDH (December 2016)
Mr Joan FORNER ROVIRA (Andorra), Member	31 December 2018 (elected for 2 years not renewable)	86 <sup>th</sup> meeting of the CDDH (December 2016)
Ms Brigitte OHMS (Austria), Member	31 December 2017 (elected for 2 years not renewable)	84 <sup>th</sup> meeting of the CDDH (December 2015)
Ms Kristine LICE (Latvia), Member	31 December 2017 (elected for 2 years renewable once)	84 <sup>th</sup> meeting of the CDDH (December 2015)
Ms Zinovia STAVRIDIS (Greece), Member	31 December 2017 (elected for 2 years renewable once)	84 <sup>th</sup> meeting of the CDDH (December 2015)
<b>CHAIRS<sup>34</sup></b>		
<b>DH-BIO</b> Ms Beatrice IOAN (Romania), Chair	31 December 2018 (elected for 1 year non-renewable)	12 <sup>th</sup> meeting of the DH-BIO (October 2017) [88 <sup>th</sup> meeting of the CDDH (December 2017)]
<b>DH-SYSC</b> Ms Isabelle NIEDLISPACHER (Belgium), Chair	31 December 2017 (elected for 1 year not renewable)	86 <sup>th</sup> meeting of the CDDH (December 2016)
<b>CDDH-SOC</b> Mr Vit A. SCHORM (Czech Republic), Chair	31 December 2017	85 <sup>th</sup> meeting of the CDDH (June 2016)
<b>CDDH-MF</b> Mr Rob LINHAM (United Kingdom), Chair	31 December 2017	86 <sup>th</sup> meeting of the CDDH (December 2016)

<sup>34</sup> The CDDH-MF has ended its work

<b>CDDH-EXP</b> Mr Hans-Jörg BEHRENS (Germany), Chair	31 December 2017	85 <sup>th</sup> meeting of the CDDH (June 2016)	
<b>CDDH-MIG</b> Mr Morten RUUD (Norway), Chair	31 December 2017	85 <sup>th</sup> meeting of the CDDH (June 2016)	
<b>CDDH-INST</b> Ms Krista OINONEN (Finland), Chair	31 December 2017	86 <sup>th</sup> meeting of the CDDH (December 2016)	
<b>RAPPORTEURS<sup>35</sup></b>			
<b>CDDH-SOC</b> Ms Chantal GALLANT (Belgium)	31 December 2017	84 <sup>th</sup> meeting of the CDDH (December 2015)	
<b>CDDH-MF</b> Mr Rob LINHAM (United Kingdom)	31 December 2017	86 <sup>th</sup> meeting of the CDDH (December 2016)	
<b>CDDH-EXP</b> Ms Kristine LICE (Latvia)	31 December 2017	84 <sup>th</sup> meeting of the CDDH (December 2015)	
<b>CDDH-MIG</b> Mr Frank SCHÜRMAN (Switzerland)	31 December 2017	84 <sup>th</sup> meeting of the CDDH (December 2015)	
<b>CDDH-INST</b> Ms Krista OINONEN (Finland)	31 December 2017	86 <sup>th</sup> meeting of the CDDH (December 2016)	
<b>DRAFTING GROUPS</b>			
<b>CDDH-SOC</b>	<b>CDDH-EXP<sup>36</sup></b>	<b>CDDH-MIG</b>	<b>CDDH-INST</b>
Austria	Azerbaijan	Armenia	Armenia
Belgium	Estonia	Bulgaria	Azerbaijan
Czech Republic	France	Czech Republic	Finland
Greece	Hungary	Greece	Ireland
Italy	Republic of Moldova	Iceland	Montenegro
Republic of Moldova	Montenegro	Italy	the Netherlands
Poland	Russian Federation	Latvia	Russian Federation
Portugal	"The former Yugoslav Republic of Macedonia"	Norway	Slovenia
Russian Federation	Turkey	Spain	Spain
Slovenia	United Kingdom	Turkey	"The former Yugoslav Republic of Macedonia"

<sup>35</sup> The Rapporteur of the CDDH-SOC is now part of the Secretariat of the Council of Europe (Department for the execution of judgments) and has ended her work as a Rapporteur. The CDDH-MD finalised its work. The Rapporteur and Chair of the CDDH-INST has terminated her work as a Rapporteur.

<sup>36</sup> Chair: Germany. The expenses of the Chair will be covered by the budget of the Council of Europe.

## APPENDIX VI

### Procedure for the elections taking place within the CDDH

*(Excerpt from the Report of the 79<sup>th</sup> meeting of the CDDH  
26-29 November 2013, CDDH(2013)R79, item 8, §§ 29-30)*

#### **ITEM 8: ELECTIONS**

Resolution (2011)24 on intergovernmental committees and subordinate bodies, their terms of reference and working methods	<a href="#">CM/Res(2011)24</a>
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[...]

29. In order to ensure transparency and consistency in its election procedure, the Committee recalled Committee of Ministers' Resolution CM/Res(2011)24 on intergovernmental committees and subordinate bodies, their terms of reference and working methods, in particular Appendix I on 'rules of procedure for Council of Europe intergovernmental committees', and Articles 11 (Voting) and 12 (Chair) of it. On that basis, it clarified that the following arrangements would apply to elections held within the Steering Committee for the posts of Chairperson, Vice-chairperson, member of the Bureau and Chairperson of a subordinate body:<sup>37</sup>

- i. Elections will be by secret ballot, even if the number of candidates is equal to that of posts to be filled.
- ii. Should the number of candidates be equal to that of posts to be filled, the ballot slip will allow votes to be cast for or against. Should there be more candidates than posts to be filled, the ballot slip will only allow votes to be cast for.
- iii. Those entitled to vote in a ballot may cast up to as many votes as there are posts to be filled.
- iv. A ballot slip on which more votes have been cast than there are posts to be filled will be void.
- v. Election of a candidate in the first ballot requires a two-thirds majority of the votes cast, i.e. the first whole number above two-thirds of the number of votes cast.
- vi. 'Votes cast' means valid votes cast for or against; abstentions and void ballot slips do not count.
- vii. If no candidate obtains a two-thirds majority in the first ballot, there will be a second ballot.
- viii. Election of a candidate in the second ballot requires a simple majority of the votes cast, i.e. the first whole number above 50% of the number of votes cast.
- ix. If no candidate obtains a simple majority in the second ballot, there will be a third ballot under the same conditions as the second.
- x. This process will continue until a candidate obtains a simple majority of the votes cast.

30. Noting that, at the present meeting, four ballots were required to elect members of its Bureau, the CDDH considers that the Committee of Ministers might examine the possibility of amending the rules on elections in intergovernmental committees so as to avoid such time-consuming processes in future. For example, a rule could be introduced to the effect that where no candidate is elected in a second ballot, the candidate receiving the lowest number of votes in that ballot be automatically excluded from the third ballot, and so on as necessary.

<sup>37</sup> These rules apply also for elections in and to subordinate bodies of the CDDH, with the following exception: for subordinate bodies, election is by show of hands unless a member requests a secret ballot.

## APPENDIX VII

Draft calendar of meetings of the CDDH and its subordinate bodies*(with the suggestions of the Bureau in November 2017)*

<b>Reminder: 2<sup>nd</sup> semester 2017</b>	
2 <sup>nd</sup> meeting of the DH-SYSC Drafting Group II on the follow-up to the CDDH report on the longer-term future of the Convention (DH-SYSC-II)	20-22 September
<i>International Conference "Immigration Detention of Children: Coming to a Close?"</i>	<i>Prague, 25-26 September</i>
2 <sup>nd</sup> meeting of the CDDH Drafting Group on freedom of expression and links to other human rights (CDDH-EXP)	27-29 September
<i>Informal meeting of the Agents of Government before the European Court of Human Rights</i>	<i>Prague, 13 October</i>
4 <sup>th</sup> meeting of the DH-SYSC Drafting Group I on the Follow-up to the CDDH report on the longer-term future of the Convention (DH-SYSC-I)	18-20 October
3 <sup>rd</sup> meeting of the CDDH Drafting Group on human rights and migration (CDDH-MIG)	24-26 October
12 <sup>th</sup> meeting of the Committee on Bioethics (DH-BIO) (with the international conference "20 <sup>th</sup> anniversary of the Oviedo Convention - relevance and challenges")	24-27 October
4 <sup>th</sup> meeting of the Committee of experts on the system of the European Convention on Human Rights (DH-SYSC)	9-10 November
98 <sup>th</sup> meeting of the Bureau of the Steering Committee for Human Rights (CDDH-BU)	Copenhagen 21-22 (morning) November
<i>High-level expert Conference "2019 and beyond - taking stock and moving forward from the Interlaken process"</i>	<i>Copenhagen 22 (afternoon)-24 November</i>
Meeting of the Agents of the Government with the Court	4 December
88 <sup>th</sup> meeting of the Steering Committee for Human Rights (CDDH)	5-7 December
<b>2018</b>	
<del>5<sup>th</sup> meeting of the DH-SYSC Drafting Group I on the Follow-up to the CDDH report on the longer-term future of the Convention (DH-SYSC-I)</del>	<del>24-26 January</del>
2 <sup>nd</sup> meeting of the CDDH Drafting Group on social rights (CDDH-SOC)	<b>14-16 March</b>
3 <sup>rd</sup> meeting of the drafting Group on Civil Society and national human rights institutions (CDDH-INST)	21-23 March
4 <sup>th</sup> meeting of the drafting Group on Human Rights and Migration (CDDH-MIG)	<del>7-9 February</del> <b>End of March</b>
3 <sup>rd</sup> meeting of the DH-SYSC Drafting Group on the place of the ECHR in the European and international legal order (DH-SYSC-II)	3-5 April
<i>High-level Conference under the Danish chairmanship of the Committee of Ministers concerning the future of the ECHR system</i>	<b>Copenhagen, 11-13 April</b>

3 <sup>rd</sup> meeting of the CDDH Drafting Group on freedom of expression and links to other human rights (CDDH-EXP)	<del>21-23 February]</del> 18-20 April
99 <sup>th</sup> meeting of the Bureau of the Steering Committee for Human Rights (CDDH-BU)	Andorra la Vella 17-18 May
13 <sup>th</sup> meeting of the Committee on Bioethics (DH-BIO)	29 May-1 June 22-25 May
89 <sup>th</sup> meeting of the Steering Committee for Human Rights (CDDH) and Workshop [under the Croatian Chairmanship of the Committee of Ministers] on the promotion of human rights of older persons	19-22 June 21 June (afternoon)
3 <sup>rd</sup> meeting of the CDDH Drafting Group on social rights (CDDH-SOC)	<del>26-28 September</del> 5-7 September
4 <sup>th</sup> meeting of the drafting Group on Civil Society and national human rights institutions (CDDH-INST)	19-21 September
4 <sup>th</sup> meeting of the DH-SYSC Drafting Group II on the follow-up to the CDDH report on the longer-term future of the Convention (DH-SYSC-II)	25-28 September
4 <sup>th</sup> meeting of the CDDH Drafting Group on freedom of expression and links to other human rights (CDDH-EXP)	3-5 October
5 <sup>th</sup> meeting of the drafting Group on Human Rights and Migration (CDDH-MIG)	17-19 October
5 <sup>th</sup> meeting of the Committee of experts on the system of the European Convention on Human Rights (DH-SYSC)	<del>24-26 October</del> [25-26 October]
100 <sup>th</sup> meeting of the Bureau of the Steering Committee for Human Rights (CDDH-BU)	8-9 November
90 <sup>th</sup> meeting of the Steering Committee for Human Rights (CDDH) [and Workshop on the protection of victims of terrorist acts]	4-7 December 27-30 November [29 November (afternoon)]
<b>2019</b>	

The number of meetings in 2019 will be similar to that in 2018. The dates will be decided by the CDDH at its meeting in December 2017.

6 <sup>th</sup> meeting of the drafting Group on Human Rights and Migration (CDDH-MIG)	February
5 <sup>th</sup> meeting of the drafting Group on Civil Society and national human rights institutions (CDDH-INST)	February
5 <sup>th</sup> meeting of the DH-SYSC Drafting Group on the place of the ECHR in the European and international (DH-SYSC-II)	March
4 <sup>th</sup> meeting of the CDDH Drafting Group on social rights (CDDH-SOC)	April
5 <sup>th</sup> meeting of the CDDH Drafting Group on freedom of expression and links to other human rights (CDDH-EXP)	April



101 <sup>th</sup> meeting of the Bureau of the Steering Committee for Human Rights (CDDH-BU)	May
6 <sup>th</sup> meeting of the DH-SYSC Drafting Group II on the follow-up to the CDDH report on the longer-term future of the Convention (DH-SYSC-II)	May
14 <sup>th</sup> meeting of the Committee on Bioethics (DH-BIO)	May
91 <sup>th</sup> meeting of the Steering Committee for Human Rights (CDDH) [and Workshop/Conference on non-discrimination on grounds of sex or gender identity or Workshop on the protection of victims of terrorist acts or Workshop on access to official documents]	June
7 <sup>th</sup> meeting of the DH-SYSC Drafting Group II on the follow-up to the CDDH report on the longer-term future of the Convention (DH-SYSC-II)	September
5 <sup>th</sup> meeting of the CDDH Drafting Group on social rights (CDDH-SOC)	September
6 <sup>th</sup> meeting of the drafting Group on Civil Society and national human rights institutions (CDDH-INST)	September
7 <sup>th</sup> meeting of the drafting Group on Human Rights and Migration (CDDH-MIG)	October
6 <sup>th</sup> meeting of the CDDH Drafting Group on freedom of expression and links to other human rights (CDDH-EXP)	October
6 <sup>th</sup> meeting of the Committee of experts on the system of the European Convention on Human Rights (DH-SYSC)	October
102 <sup>nd</sup> meeting of the Bureau of the Steering Committee for Human Rights (CDDH-BU)	November
92 <sup>nd</sup> meeting of the Steering Committee for Human Rights (CDDH) [and Workshop/Conference on non-discrimination on grounds of sex or gender identity or Workshop on the protection of victims of terrorist acts or Workshop on access to official documents]	December