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08/06/2020

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

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

REPORT

103rd meeting
Visio conference, 19 May 2020

1. The Bureau of the Steering Committee for Human Rights (CDDH-BU) held its 103rd meeting on 19 May 2020 by Visio conference due to the measures related to the COVID-19 pandemic. The meeting was chaired by Mr Morten RUUD (Norway). The list of participants appears in Appendix I.

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

2. The Bureau suggested the draft annotated agenda for the 93rd CDDH plenary meeting (3-6 November 2020, Athens) as it appears in Appendix II. It recalled that the CDDH will proceed to elections at that meeting. Regarding the draft order of business, it will discuss it at its 104th meeting (Paris, 29–30 October 2020).

ITEM 2: RECOMMENDATIONS OF THE PARLIAMENTARY ASSEMBLY

3. The Bureau noted that document CDDH(2020)08 will contain the comments already adopted by the CDDH since its 92nd meeting (26-29 November 2019)¹. The document will include other possible Recommendations of the Parliamentary Assembly that the Committee of Ministers could send to the CDDH by the end of September 2020, as well as draft comments prepared by the Secretariat for possible consideration by the Bureau in October 2020 and subsequently by the plenary in November 2020.

ITEM 3: WORK ON THE SYSTEM OF THE CONVENTION

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

4. The Chair of the DH-SYSC-IV, Mr Alain CHABLAIS (Switzerland) presented the results of the 1st meeting of the drafting Group (19-21 February 2020). The substantive discussions focused on the scope of the mandate of DH-SYSC-IV in the light of a background paper prepared by the Secretariat. He referred to:

- (i) the agreement by the DH-SYSC-IV on a structure of the draft CDDH report for the High-Level Expert Conference on inter-State disputes to be held in spring 2021 under the auspices of the German Chairmanship of the Committee of Ministers. On the basis of such structure, the co-Rapporteurs² together with the Secretariat have developed a preliminary draft report covering a number of challenges related to the processing of inter-State and individual applications related to inter-State disputes such as: (i) the parallel processing of inter-State and individual applications; (ii) the parallel proceedings of inter-State and related cases in the Strasbourg Court and other international bodies; (iii) the establishment of the facts in inter-State cases; (iv) the just satisfaction and the friendly settlements;
- (ii) the agreement by the DH-SYSC-IV to hold a Workshop at its 2nd meeting (9-11 September 2020) including representatives from the Registry of the Court and academic experts³.

¹ CDDH comments regarding Parliamentary Assembly's Recommendations 2166(2019) - *Human rights and business – what follow-up to Committee of Ministers Recommendation CM/Rec(2016)3?* and 2171(2020) - *Concerted action against human trafficking and the smuggling of migrants*.

² The DH-SYSC-IV appointed two co-Rapporteurs to prepare a draft report for the 2nd meeting of the DH-SYC-IV (9-11 September 2020); Ms Jenny Katharina DORN (Germany) and Mr Chanaka WICKREMASINGHE (United Kingdom) and his successor Mr James GAUGHAN.

³ At this stage: Dr. James DEVANEY (University of Glasgow), Professor Philip LEACH (Middlesex University) and Dr. Isabella RISINI (Ruhr-Universität Bochum). Further proposals are being considered.

- (iii) the question whether issues related to the execution of judgments fell within its mandate, notably the fact that, in this context, one delegation entered a statement in the report of the 1st meeting of DH-SYSC-IV.

5. The Bureau expressed its appreciation for the current work and hoped that the 2nd meeting would take place as scheduled in September 2020. The Chair of the Committee of experts on the System of the European Convention on Human Rights (DH-SYSC), Mr Hans-Jörg BEHRENS (Germany) informed that preparations were underway for the holding of a Conference with experts in Berlin in spring 2021 on issues of the effective processing and resolution of cases related to inter-State disputes. The 3rd meeting of the DH-SYSC-IV is also envisaged to be held back-to-back with this event.

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

6. The Chair of the DH-SYSC-V, M. Vít Alexander SCHORM (Czech Republic) informed that, due to the measures against the pandemic of COVID-19, the 1st meeting of the drafting Group had not taken place as originally foreseen from 14-17 April 2020. It has provisionally been rescheduled from 14 to 16 October 2020. He pointed out that, as a basis for the discussions at the 1st meeting, the Secretariat outlined elements for a concept paper (the draft table of contents appears in Appendix III).

7. Furthermore, the Director of the Centre for the Study of the Legitimate Roles of the Judiciary in the Global Order (*Pluricourts*), Professor Mr Geir ULFSTEIN (Norway) informed about the state of preparation of the Seminar co-organised by this institution and the CDDH in Athens on Tuesday 3 November 2020 (the draft programme appears in Appendix IV).⁴

3.3. Follow-up to the Interlaken Declaration

8. The Secretariat informed that informal consultations are foreseen within the Rapporteur Group on Human Rights (GR-H) of the Committee of Ministers regarding the draft decisions which should be discussed by it on the follow-up to be given to the Interlaken process. The Secretariat will inform the Bureau and the CDDH on the progress of these consultations.⁵ It is planned that these decisions should be adopted at the Ministerial Session on 4 November in Athens.

ITEM 4: ENVIRONMENT AND HUMAN RIGHTS

9. The Chair of the drafting Group on Environment and Human Rights, Kristīne LĪCIS (Latvia) informed on her participation in the High-level Conference *Environmental protection and Human Rights* (Strasbourg, 27 February 2020).

10. The Bureau noted that the CDDH will be invited in November to adopt the terms of reference of its drafting Group on Human Rights and the Environment (CDDH-ENV) and to appoint nine member States⁶ entitled to participate in the work at the Organisation's expenses, understanding that any other member State is invited to participate on its own expenses.

11. The Bureau decided that, regarding the first task of the Group, namely the revision of the CDDH Manual on Human Rights and Environment, the CDDH members will be invited to : (i) check the good practices set out in Appendix IV of the document; (ii) provide further information on national practices in a few additional areas such as the [right to] environmental education and

⁴ On 20 May 2020, the President of the Court, Mr Robert SPANO, confirmed his participation to this event.

⁵ The Secretariat was informed on 22 May 2020 that it is not foreseen that the GR-H takes any decisions on this matter before the Autumn 2020.

⁶ The Chair of the drafting Group was appointed by the CDDH at its 92nd meeting (26-29 November 2019).

practices aimed at better protecting environmentalists/whistle-blowers and civil society more generally. Information should reach the Secretariat by 31 August 2020.

12. The Bureau took note of the Joint Declaration on Human Rights and the Environment by the outgoing and incoming Presidencies of the Committee of Ministers, adopted on 15 May 2020 (see Appendix V). It noted that a draft non-binding instrument could be prepared for discussion during the forthcoming German Presidency of the Committee of Ministers. The Bureau decided to revert on this issue at its October meeting.

ITEM 5: ARTIFICIAL INTELLIGENCE AND HUMAN RIGHTS

13. Ms Krista OINONEN (Finland) informed on the results of the 1st meeting of the Ad Hoc Committee on Artificial Intelligence (CAHAI) which took place from 18 to 20 November 2019.

14. The Bureau stressed the importance for the CDDH to be closely associated to this work. It recalled that the CDDH will be invited to adopt at its 93rd meeting in November 2020 the terms of reference of its drafting Group on Human Rights and Artificial Intelligence (CDDH-INTEL) and to appoint ten member States (including the Chair) whose expenses will be covered by the Organisation, understanding that any other member State is invited to participate on its own expenses. It invited the CDDH focal point, Mr Tigran H. GALSTYAN (Armenia) and the Secretariat to follow the CAHAI work closely. The Bureau decided to revert on this issue at its October meeting.

ITEM 6: CIVIL SOCIETY AND NATIONAL HUMAN RIGHTS INSTITUTIONS

15. The Chair of the drafting Group on Civil Society and national Human Rights Institutions (CDDH-INST), Ms Krista OINONEN (Finland) presented the draft Recommendation CM/Rec(2020)... of the Committee of Ministers to member States on the development and strengthening of effective, pluralist and independent national human rights institutions. This text was prepared during the 6th and last meeting of the Group (Strasbourg, 4-6 March 2020) and distributed to the participants in the CDDH meetings for possible comments⁷.

16. The Bureau welcomed the quality of the draft. In the light of the comments received, a revised text should be circulated to the CDDH for possible approval. If this item would not have been finalised by electronic means, the CDDH will consider the draft Recommendation at its November meeting with a view to its approval and transmission to the Committee of Ministers for possible adoption.

ITEM 7: MIGRATION AND HUMAN RIGHTS

17. The Chair of the drafting Group on Migration and Human Rights (CDDH-MIG), Mr Morten RUUD (Norway) recalled that, further to the CDDH 92nd meeting, a first draft document on family-based care for unaccompanied and separated migrant children was sent to the members of the CDDH at the end of January 2020 for possible comments along with an invitation to share examples of practices and / or challenges / suggestions that might further enrich the text.

18. He recalled that, due to the measures regarding the current pandemic, the CDDH-MIG was not able to hold its 8th meeting scheduled from 31 March to 2 April. The Group is expected to meet in October 2020 and to have a final meeting in early 2021.

⁷ Comments have already been sent from Belgium, Romania and Switzerland.

ITEM 8: PROHIBITION OF THE TRADE IN GOODS USED FOR TORTURE AND DEATH PENALTY

19. The CDDH Rapporteur, Mr Chanaka WICKREMASINGHE (United Kingdom) informed about the preliminary draft Recommendation CM/Rec(2020)... of the Committee of Ministers to member States on measures against trade of goods used for the death penalty, torture or other cruel, inhuman or degrading treatment or punishment (document CDDH(2020)02). This text has been prepared jointly by Ms Nicola WENZEL (Germany) and him, in their capacity as Rapporteurs appointed by the CDDH at its 92nd meeting, based on the work carried out by the CDDH Consultant Expert Dr. Michael CROWLEY⁸ and by the Secretariat.

20. The Bureau appreciated the work conducted and agreed that participants in the CDDH meetings should be invited to send their possible comments/drafting proposals to the Secretariat by 31 August 2020. If this item would not have been finalised by electronic means, the CDDH will consider the draft Recommendation at its November meeting with a view to its approval and transmission to the Committee of Ministers for possible adoption.

ITEM 9: CURRENT WORK ON THE EU ACCESSION TO THE ECHR

21. The Bureau held an exchange of views with Chair of the CDDH *ad hoc* negotiation Group for the EU accession to the ECHR (47+1 Group) Ms Tonje MEINICH (Norway). She informed that the 6th and 7th negotiation meetings of the Group (scheduled for March and May 2020 respectively) had been postponed because of the measures regarding the COVID-19 pandemic. The 6th negotiation meeting is now provisionally scheduled from 29 September to 2 October 2020, while the 7th negotiation meeting is envisaged for November 2020. Both dates are subject to the general rules and requirements for Council of Europe inter-governmental meetings due to the measures regarding the pandemic.

22. In order to make the best use of the time until a full negotiation meeting can take place in Strasbourg, the Chair of the 47+1 Group proposed to the Bureau to hold an informal virtual meeting on the EU accession to the ECHR at the end of June 2020 on the following basis:

- this meeting would approximately take 3 hours and would be exclusively held for delegations of the 47+1 Group;
- it would commence with welcome addresses, followed by a presentation by the European Commission of its position paper of March 2020 (which had already been circulated to all members of the 47+1 Group). There would be the possibility for delegations to ask questions and provide comments;
- the virtual meeting would serve as a preliminary exchange of views, without in-depth discussion on substance which will be reserved for the 6th negotiation meeting in September/October.

23. The Bureau supported the proposal but expressed a preference for establishing in advance that all delegations would be comfortable with holding such a meeting in an online format. It instructed the Secretariat of the 47+1 Group to draft a message to all delegations, explaining the proposal and providing a deadline for delegations to raise any objections or ask further questions to the Secretariat. It should also be communicated that the virtual information meeting would have no influence on the scope of the subsequent negotiation discussions or preclude any delegations from raising any issue of substance at the forthcoming negotiation meetings.

⁸ Research Associate, University of Bradford (United Kingdom), Omega Research Foundation.

ITEM 10: *TOUR DE TABLE* ON THE INTEREST OF POSSIBLE FUTURE WORK RELATED TO THE PANDEMIC CRISIS AND ITS CONSEQUENCIES IN MEMBER STATES

24. The Bureau exchanged views on the response of the Council of Europe to the health crisis and possible future work of the CDDH on Human Rights related to the pandemic, as well as on lessons to be drawn at a later stage from this situation. While noting that the crisis is still evolving and new issues will arise, it agreed that a seminar comparing perspectives and views of different Member States on the crisis-related measures and their implications could be organised in due course. The Bureau will revert to this idea at its October meeting.

25. The Bureau asked the Secretariat to send a message to the participants in the CDDH recalling that the Council of Europe has already taken several steps to address human rights and rule of law challenges being faced by its member States in the context of the sanitary crisis. The message should recall the following aspects:

- (i) the Toolkit released by the Secretary General for governments across Europe on respecting human rights, democracy and the rule of law during the COVID-19 crisis which deals with several issues of relevance to the CDDH activities⁹;
- (ii) the relevance of the 2009 Council of Europe Convention on Access to Official Documents (CETS No. 205, the *Tromsø Convention* (2009), prepared by the CDDH) was repeatedly emphasised by the Council of Europe's leadership as it was about to enter into force in the next months with the 10th ratification having been completed at domestic level in Ukraine on 20 May 2020¹⁰;
- (iii) the Committee on Bioethics (DH-BIO) announcement that it will facilitate an exchange of information and analyse the ethical challenges raised during and in the aftermath of the pandemic, under its Strategic Action Plan on Human Rights and Technologies in Biomedicine (2020-2025) and on the basis of the Council of Europe human rights legal corpus developed around the Oviedo Convention¹¹.

26. The Bureau agreed that human rights aspect of measures taken by Council of Europe member states during the current sanitary crisis could be addressed by the CDDH from numerous angles. It held a preliminary brainstorming highlighting inter alia the following issues:

- (i) the need for the human rights analysis and balancing the public and the private interests in the preparation of the response to the crisis;

⁹ <https://rm.coe.int/sq-inf-2020-11-respecting-democracy-rule-of-law-and-human-rights-in-th/16809e1f40>

¹⁰ See also footnote 12 below.

Furthermore, in her Address to the Saint Petersburg International Legal Forum (online event, 10 April 2020), the Secretary General of the Council of Europe, Ms Marija PEJČINOVIĆ BURIĆ, highlighted the "crucial importance of access to official information and documents" as follows:

"Freedom of expression is not the only condition for public scrutiny. An informed public debate also requires access to official information and documents that guide the decision-making process. Whatever remedies or preventive measures are being considered during the crisis or after it, people must have information, and they must have a say. We recently enhanced our work to promote public debate on the human-rights impact of biomedical developments and on the ways to make such debate effective and meaningful. And we will go on to support an informed debate on other aspects of the current crisis and its consequences. Whether they access information firsthand, or through the work of journalists and others, the public must have access to information in order to foster trust."

The full text of the Secretary General's speech is available on <https://www.coe.int/en/web/secretary-general/-/saint-petersburg-international-legal-forum> and the video <https://youtu.be/7J-8OxPNvO8>

¹¹ The full statement by DH-BIO is available on <https://www.coe.int/en/web/bioethics/-/covid-19-human-rights-principles-must-guide-health-decisio-1>

- (ii) the role of human rights impact assessments when taking measures regarding the pandemic, whether member States submit derogations pursuant to Article 15 of the ECHR or not;
- (iii) the balance between the protection of civil and political rights on the one hand and social and economic rights on the other hand, when it comes to respond to a crisis as the present one;
- (iv) the tension between, on the one hand, the States' positive obligations to protect the vulnerable persons and the proportionality of the restrictive measures applicable generally to the population on the other hand;
- (v) the choice between compulsory restrictive measures and recommendations addressed to the population;
- (vi) the impact of contact-tracking measures such as technological applications on the right to private life, as well as numerous data-protection issues involved therein;
- (vii) some broader societal questions such what the impact of social distancing measures will mean for crucial principles of the human life such as *living together*.
- (viii) The tension between the State's obligation to ensure a coherent protection of human rights and fundamental freedoms and the incoherence of policies and measures adopted by different regions of the State in response to the crisis.

27. Further ideas and proposals appear in Appendix V. In the light of this, the Bureau agreed on the importance of the CDDH continuing reflection on the subject and asked the Secretariat to prepare a reflection paper to feed its discussions at its October meeting, as a preparation for a substantial exchange of views within the CDDH in November.

ITEM 11: OTHER POSSIBLE AREAS OF WORK

11.1. Possible review of the Recommendation CM/Rec(2010)4 on human rights of members of armed forces

28. The Secretariat informed on document CDDH(2020)03 containing information and suggestions communicated by the non-governmental organisation EUROMIL with a view of a possible review of Recommendation CM/Rec(2010)4 on Human Rights of members of armed forces.

29. The Bureau noted the interest of the matter and decided to come back to it at its meeting in October 2020 with a view to make proposals to the plenary in November, understanding that, in respect of the workload to the CDDH in 2021, this item should be postponed to the beginning of the next biennium (2022-2023).

11.2. Possible work on conscientious objection to compulsory armed military service

30. The Secretariat informed on document CDDH(2020)04 containing information and suggestions communicated by the European Bureau for Conscientious Objection (EBCO) with a view of a possible resumption, by the CDDH, of the work on conscientious objection to the compulsory military service.

31. The Bureau noted the interest of the matter and decided to come back to it at its meeting in October 2020 with a view to make proposals to the plenary in November, understanding that, in respect of the workload to the CDDH in 2021, this item should be postponed to the beginning of the next biennium (2022-2023).

ITEM 12: FOLLOW-UP TO ACTIVITIES CARRIED OUT BY THE CDDH

12.1 Human Rights and Business

32. The Secretariat presented proposals regarding the review of the implementation of the Committee of Ministers Recommendation CM/Rec(2016)3 to member States on Human Rights and Business which is due to take place in 2021 (document CDDH(2020)17). The Bureau agreed to continue the collection of information by means of inviting the CDDH members who have not replied to the questionnaire that was already sent to Member States in 2019 to do so by 31 August 2020. In parallel, the Bureau instructed the Secretariat to organise consultations with steering committees, other treaty-based monitoring bodies as well as other parts of the Organisation responsible for co-operation activities, in order to ensure a comprehensive and transversal approach to the collection of information. These counterparts should be invited to provide information that they might have collected or produced regarding the implementation of the CM/Rec (2016)3 by member States within their areas of competence/mandate.

33. Based on the information collected from the CDDH and through the above-mentioned consultations the Secretariat could prepare a stock-taking document regarding the implementation of CM/Rec (2016)3 for discussion and consideration by the CDDH in November. This document would aim at facilitating the CDDH's consideration of the possible scope of the review of the implementation of CM/Rec (2016)3 in 2021.

12.2 Combating discrimination on grounds of sexual orientation or gender identity

34. The Secretariat informed on the positive follow-up given by the Committee of Ministers to the CDDH Report on the implementation of Recommendation CM/Rec(2010)5 of the Committee of Ministers to member States on measures to combat discrimination on grounds of sexual orientation or gender identity (see CDDH(2020)18) and on the fact that the CDDH has thus fulfilled the terms of reference entrusted to it. This topic will be followed-up in the future by the new Steering Committee on Anti-discrimination, Diversity and Inclusion (CDADI)

12.3 Access to official documents

35. The Secretariat informed on the current situation regarding the Council of Europe Convention on access to official documents, CETS No. 205 (the *Tromsø Convention*, 2009) entering into force on the date of the next deposit of a ratification instrument by a member State. In this respect, the Bureau noted that several member States, notably Armenia, Georgia, Spain and Ukraine foresee a forthcoming ratification.¹²

ITEM 13: GENDER EQUALITY

36. The Secretariat presented a draft thematic form on gender equality proposed by the CDDH Rapporteur on gender equality Mr Philippe WERY (Belgium) in response to the CDDH's decision at its 92nd meeting (26-29 November 2019). This text is designed to raise awareness at the earliest stage of the all CDDH working or drafting groups and will serve as a practical tool to guide their reflections in respect of the gender equality dimension of their work. The Chairs of the drafting groups currently operational under the authority of the CDDH have provided few comments ahead of the Bureau meeting.

37. The Bureau agreed that the draft thematic form as revised in the light of the comments received should be discussed by the CDDH in November for possible adoption.

¹² On 20 May 2020, following day of the Bureau meeting, the Ukrainian Paliament ratified the Tromsø Convention. After the deposit of the ratification instrument to the Secretray General, this 10th ratification will allow the entry into force of the Convention. The other nine member States having ratified are the following: Bosnia-Herzgovina, Estonia, Finland, Hungary, Lithuania, Montenegro, Norway, Republic of Moldova and Sweden.

ITEM 14: BIOETHICS

38. The Secretary of the Committee on Bioethics (DH-BIO), Ms Laurence LWOFF presented the current work within the DH-BIO. She noted first that it was agreed to cancel the 17th plenary meeting scheduled on 2-5 June 2020 as well as the launching conference for the Strategic Action Plan on Human Rights and Technologies in Biomedicine. It was agreed to extend by one day the plenary meeting planned in November to ensure enough time for discussion and, where appropriate, decision(s) on the different activities currently on the agenda of the Committee. She said that progress in the work will be ensured in the meantime via written comments to be sent by delegations.

- (i) COVID-19 pandemic - On 14 April 2020, the DH-BIO adopted a Statement on human rights consideration relevant to the Covid-19 pandemic. A dedicated page providing regularly updated information on relevant documents on human rights issues raised by Covid-19 pandemic has been set up. <https://www.coe.int/en/web/bioethics/covid-19> Two online seminars will be organised before the Summer on human rights issues raised by the COVID-19 pandemic, paving also the way towards the implementation of the DH-BIO's Strategic Action Plan. The topics considered include: Testing and implications thereof (e.g. "immunity passport") and health literacy, having in mind in particular the situation of vulnerable groups such as older persons.
- (ii) Draft Additional Protocol on the protection of the human rights and dignity of persons with mental disorder with regard to involuntary placement and involuntary treatment. General support had been expressed for the approach taken in the revision of the draft following the consultation meeting organised in October 2019. The Bureau entrusted with this task continued the revision in the light of the comments made by delegations. The revised draft (doc. DH-BIO(2019)20 REV) is now submitted to delegations for comments by 25 May 2020.
- (iii) Compendium of good practices in mental healthcare - How to promote voluntary measures - The concept note for this project was finalised considering the comments made by stakeholders at a consultation meeting held in November 2019. The note (doc. DH-BIO(2020)7REV) is now submitted to DH-BIO delegations with a view to agreement by 25 May 2020. Different stakeholders, including INGO's, organisations of health professionals and the COE's Congress of Local and Regional Authorities will then be contacted in view of exploring the possibilities of starting the collection of examples, taking into account the current exceptional circumstances.
- (iv) Strategic Action Plan on Human Rights and Technologies in Biomedicine (SAP) - The SAP was supported by the Committee of Ministers on 12 February 2020. <https://www.coe.int/en/web/bioethics/-/protect-human-rights-in-biomedicine-a-new-human-and-technology-plan-2020-2025-was-adopted-by-the-committee-on-bioethics>. Methodology and timeline proposals (doc. DH-BIO (2020)4) have been developed for each actions of the SAP, which are submitted to DH-BIO delegations with a view to agreement by 25 May 2020. The implementation of the SAP will then start without delay.

ITEM 15: CONVENTIONS

39. The Bureau took note of the information by the Secretariat (document CDDH(2020)21) and exchanged views on the state of ratification of the treaties under the responsibility of the CDDH, concerning in particular ratification of Protocols No. 15 (still pending ratification of two member States for its entry into force) and No. 16 (ratified since the CDDH November meeting by Luxembourg and the Slovak Republic) to the European Convention on Human Rights.

ITEM 16: FOCAL POINTS

40. The Bureau noted that document CDDH(2020)22 will contain information from the focal points representing the CDDH in other bodies/events. It stressed that, before the cancellation of events due to the pandemic, following CDDH representatives could attend following meetings:

- the Chair of the CDDH, Mr Morten RUUD (Norway) attended the opening of the Judicial year of the European Court of Human Rights (Strasbourg, 31 January 2020) ;
- the Chair of the CDDH-INST, Ms Krista OINONEN (Finland) attended the 2nd meeting of the Advisory Board on NHRIs report, (Vienna, 29 January 2020) as well as the High-level Consultation Council of Europe on Recommendation on NHRIs and EU Rule of Law Mechanism (Brussels, 5-6 February 2020);
- the Chair of the CDDH-ENV, Ms Krīstine LĪCIS (Latvia) attended the High-level Conference *Environmental Protection and Human Rights*, organised by the Georgian Presidency of the Committee of Ministers and the CDDH Secretariat (Strasbourg, 27 February 2020).

ITEM 17: INVITEES

41. The Bureau noted with satisfaction that the President of the European Court of Human Rights, Mr Robert SPANO, will participate in the 93rd meeting of the CDDH on 3 November 2020 in Athens in the framework of the Seminar organised by *Pluricourts* and the CDDH. Furthermore, the Bureau suggested to invite the Secretary General, Ms Marija PEJČINOVIĆ BURIĆ, who will be in Athens for the ceremonies of 70th anniversary of the ECHR, to meet the CDDH on that occasion.

ITEM 18: ELECTIONS

42. The Bureau noted that the CDDH will need to proceed to elections at its plenary in November. It decided to exchange views on the subject-matter at the Bureau meeting in October.

ITEM 19: PUBLICATIONS

43. The Bureau welcomed the quality and the speed of publication of the CDDH texts as well as the very clear and attractive way these recent publications appear on the website of the Steering Committee. It noted the list of texts that the Secretariat proposed to publish by the end of 2020, with a view of the celebrations of the 70th anniversary of the ECHR.

ITEM 20: CALENDAR

44. The Bureau exchanged views on the important changes which have been included in the calendar approved by the plenary in November 2019 due to the security measures imposed by the current COVID-19 pandemic. Appendix VII contains the draft calendar until the end of 2020. Other changes could be made according to the health situation which remains uncertain for the upcoming months. It is recalled that no transportation or hotel bookings should be made before the receipt of the official convocation to the meetings.

ITEM 21: ACKNOWLEDGMENTS

45. This meeting being the last one attended by Mr Chanaka WICKREMASINGHE (United Kingdom), the Bureau expressed its gratitude for his exemplary engagement in the work of the CDDH, notably within its Bureau and its drafting groups, and conveyed him its best wishes for his next career steps.

ITEM 22: OTHER BUSINESS

49. No other business was discussed.

Appendix I**List of participants****BUREAU MEMBERS / MEMBRES DU BUREAU****ESTONIA / ESTONIE**

Mrs Maris KUURBERG, Government Agent before the ECtHR, Ministry of Foreign Affairs

FINLAND / FINLANDE

Ms Krista OINONEN, Government Agent before the ECtHR, Director, Unit for Human Rights Courts and Conventions, Ministry for Foreign Affairs

LATVIA / LETTONIE

Mrs Krīstīne LĪCE, Government Agent before the ECtHR, Representative of the Government before International Human Rights Organisations, Ministry of Foreign Affairs

NORWAY / NORVEGE

Mr Morten RUUD, Ministry of Justice and Public Security, Oslo, Chair of the Steering Committee for Human Rights / Président du Comité directeur pour les droits de l'homme (CDDH)

POLAND / POLOGNE

Mr Jan SOBCZAK, Agent of the Government before the European Court of Human Rights, Deputy Director, Legal and Treaty Department, Ministry of Foreign Affairs

SPAIN / ESPAGNE

Mr Alfonso BREZMES MARTÍNEZ DE VILLARREAL, Agent before the ECtHR, Head of the Human Rights Area of the Constitutional Law & Human Rights Department, Ministry of Justice

SUISSE / SWITZERLAND

M. Alain CHABLAIS, Dr. iur., Département fédéral de justice et police DFJP, Office fédéral de la justice OFJ, Représentation de la Suisse devant la Cour européenne des droits de l'Homme

UNITED KINGDOM / ROYAUME-UNI

Chanaka WICKREMASINGHE, Legal Counsellor, Legal Directorate, Foreign and Commonwealth Office

AUTRES PARTICIPANTS / OTHER PARTICIPANTS

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

Ms Tonje MEINICH (Norway), Deputy Director General, Legislation Department, Ministry of Justice and Public Security, Oslo

Mr Vit Á. SCHORM (Czech Republic), Government Agent before the European Court of Human Rights, Ministry of Justice, Prague

Professor Geir ULFSTEIN (Norway), Co-Director of the Centre for the Study of the Legitimate Roles of the Judiciary in the Global Order (*PluriCourts*), University of Oslo

Professor Andreas FØLLESDAL (Norway), Co-Director of the Centre for the Study of the Legitimate Roles of the Judiciary in the Global Order (*PluriCourts*), University of Oslo

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

Mr Mikhail LOBOV, Head of 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

Ms Elvana THACI, Administrator, Human Rights Intergovernmental Cooperation Division / Administrateur, Division de la coopération intergouvernementale en matière de droits de l'Homme, Secretary of the Committee of experts on the System of the European Convention on Human Rights / Secrétaire du Comité d'experts sur le système de la Convention européenne des droits de l'homme (DH-SYSC)

Ms Laurence LWOFF, Secretary of the Committee on Bioethics / Secrétaire du Comité de Bioéthique (DH-BIO)

Mr Matthias KLOTH, Secretary of the CDDH *ad hoc* negotiation group on the accession of the European Union to the European Convention on Human Rights / Secrétaire du Groupe de négociation *ad hoc* du CDDH sur l'adhésion de l'Union européenne à la Convention européenne des droits de l'homme

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Appendix II**Draft annotated agenda of the 93rd CDDH meeting (Athens, 3-6 November 2020)
as provisionally adopted by the Bureau at its 103rd meeting (19 May 2020)**

ITEM 1: OPENING OF THE MEETING, ADOPTION OF THE AGENDA AND ORDER OF BUSINESS	
<i>The Chair will open the meeting and invite the CDDH to adopt the agenda and the order of business.</i>	
<i>The Chair and the Secretariat will inform the CDDH about the conclusions of the 103rd meeting of the Bureau and will provide, on behalf of the Organisation, any information of interest to the work of the CDDH following-up the disruption of CDDH activities created by the COVID-19 pandemic.</i>	
CDDH(2019)R92	Report of the 92 nd CDDH meeting (26–29 November 2019)
CDDH-BU(2020)R103	Report of the 103 rd Bureau meeting 19 May 2020 held by visio-conference
ITEM 2: RECOMMENDATIONS OF THE PARLIAMENTARY ASSEMBLY	
<i>The Secretariat will inform on the follow-up by the Committee of Ministers on the comments adopted by the CDDH on the Recommendations which have been transmitted to it.</i>	
CDDH(2020)08	Texts of the Recommendations and comments sent by the CDDH
ITEM 3: THE WORK ON THE SYSTEM OF THE CONVENTION	
	3.1. Drafting Group on the effective processing and resolution of cases relating to inter-State disputes (DH-SYSC-IV)
<i>The Chair of DH-SYSC-IV and the Secretariat will present a CDDH draft report to be submitted to the forthcoming high-level expert Conference on inter-State disputes to be held in spring 2021 under the auspices of the German Chairmanship of the Committee of Ministers.</i>	
<i>The CDDH will be invited to discuss the draft report with a view to its approval and transmission to the Conference.</i>	
DH-SYSC-IV(2020)01	Terms of reference of DH-SYSC-IV
<u>DH-SYSC-IV(2020)R1</u>	Report of the 1 st meeting of the DH-SYSC-IV (19–21 February 2020)
DH-SYSC-IV(2020)R2	Report of the 2 nd meeting of the DH-SYSC-IV (9–11 September 2020)
DH-SYSC-IV(2020)04	Draft CDDH report on the effective processing and resolution of cases relating to inter-State disputes
	3.2 Drafting Group on enhancing the national implementation of the system of the European Convention on Human Rights (DH-SYSC-V)
<i>The Chair of DH-SYSC-V and the Secretariat will inform the CDDH about (i) the outcome of the Seminar co-organised by Pluricourts and the CDDH (Athens (Greece), Tuesday 3 November 2020, see Appendix I to this document) ; (ii) the progress of work before and after the 1st meeting of the Drafting Group and (iii) the DH-SYSC-V working plan for the remainder of the mandate.</i>	
<i>The CDDH will be invited to hold an exchange of views on the state of play.</i>	

DH-SYSC-V(2020)01	Terms of reference of DH-SYSC-V
DH-SYSC-V(2020)02	Concept paper prepared by the Secretariat
DH-SYSC-V(2020)R1	Report of the 1 st meeting of the DH-SYSC-V (14–16 October 2020)
	Programme of the Seminar co-organised by <i>Pluricourts</i> and the CDDH (Athens (Greece), Tuesday 3 November 2020)
	3.3. Follow-up to the Interlaken Declaration
<i>The Secretariat will inform the CDDH about the decisions taken by the Committee of Ministers on the contributions of the CDDH to the evaluation provided for by the Interlaken Declaration. The CDDH will be invited to discuss, if necessary, any follow-up to be given to these decisions.</i>	
CDDH(2019)R92 Addendum 2	Contribution of the CDDH to the evaluation provided for by the Interlaken Declaration
	<u>Comment by the European Court of Human Rights</u>
ITEM 4: ENVIRONMENT AND HUMAN RIGHTS	
<i>The representative of the Georgian Delegation and the Secretariat will inform about the conclusions of the High-level Conference “Environmental Protection and Human Rights” (Strasbourg, 27 February 2020).</i>	
<i>The CDDH will be invited to adopt terms of reference for its Drafting Group on Human Rights and the Environment (CDDH-ENV) and to designate its nine member States¹³ for which the participation fees will be borne by the Organisation, on the understanding that any other member State is invited to participate at its own expense.</i>	
CDDH(2020)09	Information document on the High-level Conference
CDDH(2020)07	Preliminary draft Declaration on environmental protection and human rights
CDDH(2020)10	Secretariat's proposals for the terms of reference of the CDDH-ENV
ITEM 5: ARTIFICIAL INTELLIGENCE AND HUMAN RIGHTS	
<i>The Secretariat will inform about the state of play of the work of Ad Hoc Committee on Artificial Intelligence (CAHAI).</i>	
<i>The CDDH will be invited to adopt the terms of reference for its Drafting Group on Human Rights and Artificial Intelligence (CDDH-INTEL) and to designate its ten members States (including the Chair) for which the participation fees will be borne by the Organisation, on the understanding that any other member State is invited to participate at its own expense.</i>	
CDDH(2020)11	Updated information document on the Council of Europe's work on Artificial Intelligence
CDDH(2020)12	Secretariat's proposals for the terms of reference of the CDDH-INTEL
ITEM 6: CIVIL SOCIETY AND NATIONAL HUMAN RIGHTS INSTITUTIONS	
<i>Should this item not have been already finalised by electronic means, the Chair of the Drafting Group on civil society and national human rights institutions (CDDH-INST) will present the draft Recommendation CM/Rec(2020)... of the Committee of Ministers to the member States on the</i>	

¹³ It is recalled that the CDDH has already designated the Chair of the Group (Ms Kristine LICIS, Latvia).

development and strengthening of effective, pluralist and independent national human rights institutions.

The CDDH will be invited to discuss the draft Recommendation with a view to its approval and transmission to the Committee of Ministers for possible adoption.

CDDH-INST(2020)R6	Report of the 6 th meeting of the CDDH-INST (4–6 March 2020)
CDDH(2020)06	Draft Recommendation on the development and strengthening of effective, pluralist and independent national human rights institutions
CDDH-INST(2020)04	Compilation of comments received from member States

ITEM 7: MIGRATION AND HUMAN RIGHTS

The Chair of the Drafting Group on Migration and Human Rights (CDDH-MIG) and the Secretariat will present the state of play of its work.

The CDDH will be invited to exchange views on this subject.

CDDH-MIG(2019)R7	Report of the 7 th meeting of CDDH-MIG (23–24 October 2019)
CDDH-MIG(2020)R8	Report of the 8 th meeting of CDDH-MIG (16–18 September 2020)

ITEM 8: PROHIBITION OF THE TRADE IN GOODS USED FOR TORTURE AND DEATH PENALTY

Should this item not have been already finalised by electronic means, the Rapporteurs will present a draft Recommendation CM/Rec(2020)... by the Committee of Ministers to member States on measures against the trade of goods used for torture and other cruel, inhuman or degrading treatment or punishment and the death penalty.

In any event, the CDDH will be invited to discuss the draft Recommendation with a view to its approval and transmission to the Committee of Ministers for possible adoption.

CDDH(2020)13	Proposal for a draft Recommendation prepared by the Rapporteurs
CDDH(2020)14	Draft explanatory memorandum
CDDH(2020)15	Drafting proposals received from member States

ITEM 9: CURRENT WORK ON THE EU ACCESSION TO THE ECHR

The Secretariat will inform about the current work.

CDDH(2020)16	Information document of the current work on the EU accession to the ECHR
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ITEM 10: TOUR DE TABLE ON THE INTEREST OF POSSIBLE FUTURE WORK RELATED TO THE PANDEMIC CRISIS AND ITS CONSEQUENCIES IN MEMBER STATES

ITEM 11: OTHER POSSIBLE AREAS OF WORK

The Secretariat will inform about (i) the proposals sent by the European Organisation of Military Associations and Trade Unions (EUROMIL) and the European Bureau for Conscientious Objection (EBCO) with a view of possible CDDH work; (ii) the proposals by the Bureau at its 103rd meeting.

The CDDH will be invited to consider the feasibility of these proposals and, if necessary, to agree on a possible working plan on this subject.

	11.1. Possible review of the Recommendation CM/Rec(2010)4 on human rights of members of armed forces
CDDH(2020)03	Document transmitted by EUROMIL
	11.2. Possible work on conscientious objection to compulsory armed military service
CDDH(2020)04	Document transmitted by EBCO
ITEM 12: FOLLOW-UP TO ACTIVITIES CARRIED OUT BY THE CDDH	
	12.1 Human Rights and business
<p><i>The Secretariat will inform the CDDH about (i) the state of play with regard to the Online Platform on Human Rights and Business ; (ii) proposals regarding the review of the implementation of the Recommendation <u>CM/Rec(2016)3</u> of the Committee of Ministers to member states on Human Rights and Business.</i></p> <p><i>The CDDH will be invited to decide on steps to be taken regarding the review process.</i></p>	
CDDH(2020)17	Document prepared by the Secretariat
	12.2 Combating discrimination on grounds of sexual orientation or gender identity
<p><i>The Secretariat will inform about the relevant discussions and decisions of the Committee of Ministers.</i></p>	
CDDH(2020)18	Information on the follow-up to the CDDH Report on the implementation of Recommendation <u>CM/Rec(2010)5</u> of the Committee of Ministers to member States on measures to combat discrimination on grounds of sexual orientation or gender identity
	12.3 Access to official documents
CDDH(2020)19	Information provided by the Secretariat
ITEM 13: GENDER EQUALITY	
<p><i>The CDDH Rapporteur on gender equality will present the draft thematic form which is proposed to be used by the CDDH subordinated bodies.</i></p> <p><i>The CDDH will be invited to exchange views on this item and, if necessary, to endorse the thematic form.</i></p>	
CDDH(2019)R92, paragraphs 71–73	Report of the 92 nd CDDH meeting (26-29 November 2019)
CDDH(2020)20	Draft thematic form prepared by the CDDH Rapporteur on gender equality
ITEM 14: BIOETHICS	
<p><i>The Secretariat will inform about the ongoing work and foreseen by the Committee on bioethics (DH-BIO).</i></p>	

The CDDH will be invited to exchange views on this item and, if necessary, to make suggestions to the DH-BIO.

16 th DH-BIO décisions	Decisions of the 16 th meeting of the Committee on bioethics (DH-BIO) (19–21 November 2019)
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	Strategic Action Plan on Human Rights and Technologies in Biomedicine
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ITEM 15: CONVENTIONS

The Secretariat will inform on the state of signature/ratification of instruments in charge of the CDDH.

The CDDH will be invited to exchange views on this item and, if necessary, to take follow-up decisions.

CDDH(2020)21	Information provided by the Secretariat
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ITEM 16: FOCAL POINTS

The Secretariat will inform on the work by the focal points since the 92nd meeting of the CDDH (26–29 November 2019).

The CDDH will be invited to exchange views on this item and, if necessary, to give instructions to its focal points.

CDDH(2020)22	Information provided by the focal points representing the CDDH in other bodies/events
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ITEM 17: INVITEES

ITEM 18: ELECTIONS

ITEM 19: PUBLICATIONS

The Secretariat will inform on the state of preparation and dissemination of the CDDH publications.

The CDDH will be invited to exchange views on this item and, if necessary, to give instructions to the Secretariat.

CDDH(2020)23	Information provided by the Secretariat
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ITEM 20: CALENDAR

The Chair and the Secretariat will present proposals from the Bureau regarding the calendar in the light of the evolution of the Covid-19 pandemic (see CDDH(2020)24). For the time being, the suggestions from the Secretariat appear in Appendix II hereafter.

The CDDH will be invited to exchange of views on this item and take relevant decisions.

CDDH(2020)24	Proposals from the Bureau
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ITEM 21: ACKNOWLEDGMENTS

ITEM 22: OTHER BUSINESS

Appendix III

**Elements for a possible concept paper
to be drafted by the consultant Mr. Fredrik SUNDBERG
and the Secretariat in view of the 1st meeting of the DH-SYSC-V
(14-16 October 2020)**

I. DEVELOPING GUIDELINES ON MEASURES THAT SHOULD BE TAKEN AT THE NATIONAL LEVEL TO PREVENT AND REMEDY VIOLATIONS OF THE CONVENTION

The guidelines should address the following aspects (a non-exhaustive list that may be complemented by the consultant):

PREVENTING VIOLATIONS

- Promoting direct application of the Convention by the national courts to ensure Convention-compliant adjudication at the national level;
- Enhancing interaction between national courts and the Court through cooperation projects that would exploit the potential of – and promote the synergies with - the Superior Courts Network and the Knowledge-Sharing Platform which have been set up by the Court;
- Creating effective remedies at the national level and developing tools for ensuring compatibility of national legislation with the Convention;
- Enhance a Europe-wide exchange of national practices of implementation of the Convention;
- Promoting the training of national authorities on the system of the Convention and enhancing the existing CoE instruments in this area, such as the HELP Programme (Human Rights Education for Legal Professionals);
- Promoting entry into force and application of Prot. 16 and other possible tools to enhance courts' interaction and dialogue prior to the judicial phase;
- Strengthening the role of Ombudsman institutions, NHRIs and civil society in the implementation of the Convention;
- Promoting dialogue between all Convention actors at the national level, including executive, legislative and judicial authorities, civil society and national human rights institutions to ensure the promotion and effective implementation of the Convention and the Court's case-law
- Promoting awareness-raising about the Convention and the positive image of the Convention-system at all levels (political, governmental, civil society, etc.).

PROVIDING REDRESS

- Ensuring domestic capacities for the rapid execution of judgments of the Court;
- Ensuring the co-operation of member States with the Committee of Ministers as regard the process of supervision of execution of judgments;

- Promoting “fast-track” co-operation projects with a view to targeted expert support to the resolution of structural problems identified by the Court in the context of its proceedings and by the Committee of Ministers in the context of the execution of judgments;
- Enhance the efficiency of the existing national tools for reopening of domestic proceedings in response to the Court’s judgments and other forms of redress;
- Promoting the stakeholders’ participation in the execution of judgments.

II. UPDATING RECOMMENDATION (2002)13 ON THE PUBLICATION AND DISSEMINATION IN THE MEMBER STATES OF THE TEXT OF THE ECHR AND THE CASE-LAW OF THE COURT

- Identifying the provisions of the Recommendation which need to be updated, including justification why their update is necessary;
- Drafting a possible structure for the updated Recommendation with relevant new elements and provisions.

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Appendix IV**SEMINAR**

**NATIONAL IMPLEMENTATION OF THE
EUROPEAN CONVENTION
ON HUMAN RIGHTS
HOW TO PUT THE “SHARED
RESPONSIBILITY” INTO PRACTICE?**

Co-organised by the Centre for the Study of the Legitimate Roles of the Judiciary in the Global Order (*PluriCourts*), University of Oslo (Norway) and the Steering Committee for Human Rights (CDDH)

SÉMINAIRE

**MISE EN ŒUVRE NATIONALE DE LA
CONVENTION EUROPÉENNE DES
DROITS DE L'HOMME
COMMENT METTRE EN PRATIQUE LA
« RESPONSABILITÉ PARTAGÉE » ?**

Co-organisé par le Centre for the Study of the Legitimate Roles of the Judiciary in the Global Order (*PluriCourts*), Université d'Oslo (Norvège) et le Comité directeur pour les droits de l'homme (CDDH)

**Athens (Greece), Tuesday 3 November 2020 /
Athènes (Grèce), mardi 3 novembre 2020**

subject to the evolution of the Covid-19 pandemic/
sous réserve de l'évolution de la pandémie de Covid-19

DRAFT PROGRAMME / PROJET DE PROGRAMME

Welcome address and opening of the Seminar	09:00	Allocution de bienvenue et ouverture du Séminaire
Mr Christos GIAKOUMOPOULOS Director General, Directorate General Human Rights and Rule of Law (DGI)	09:00	M. Christos GIAKOUMOPOULOS Directeur Général, Direction Générale Droits de l'Homme et État de Droit (DGI)
Mr Robert SPANO President of the European Court of Human Rights	09:10	Mr Robert SPANO Président de la Cour européenne des droits de l'homme
Mr Geir ULFSTEIN Director of <i>PluriCourts</i>	09:20	M. Geir ULFSTEIN Directeur de <i>PluriCourts</i>
SESSION I	09:30	SESSION I
Ensuring conformity of domestic legislation and practice with the ECHR and the practice of the Court		Garantir la conformité de la législation et la pratique internes avec la CEDH et la pratique de la Cour

Member States should not only assess draft laws or regulations for their conformity with the ECHR and the practice of the Court but also their existing legal frameworks at any point in time. How are member States delivering on their obligations? How is the ECHR incorporated in domestic law, notably national constitutions? What are the contributions of the executives, the parliaments and the domestic courts?

Les États membres devraient non seulement évaluer à tout moment la conformité des projets de lois ou de règlements avec la CEDH et la pratique de la Cour mais aussi, à tout moment, la conformité de leur actuel cadre juridique. Comment les États membres respectent-ils leurs obligations? Comment la CEDH est-elle introduite dans le droit interne, notamment dans les constitutions nationales ? Quelle est la contribution respective de l'exécutif, du parlement et des tribunaux internes ?

Moderator: Mr Morten RUUD Chair of the CDDH		Modérateur : M. Morten RUUD Président du CDDH	
Mr Linos-Alexandre SICILIANOS Former President of the European Court of Human Rights	09:35	M. Linos-Alexandre SICILIANOS Ancien Président de la Cour européenne des droits de l'homme	
Ms Simona GRANATA-MENGHINI Deputy Secretary of the European <i>Commission</i> for Democracy through Law (Venice Commission)	09:50	Mme Simona GRANATA-MENGHINI Secrétaire adjointe de la Commission Européenne pour la démocratie par le droit (Commission de Venise)	
Ms Almut WITTLING-VOGEL Federal Government Commissioner for Human Rights Issues (Germany)	10:05	Mme Almut WITTLING-VOGEL Commissaire aux droits de l'homme auprès du Gouvernement fédéral (Allemagne)	
[Mr Régis DE GOUTTES Prime General Attorney, Court of Cassation (France)]	10 :20	[M. Régis DE GOUTTES Premier Avocat général honoraire à la Cour de Cassation (France)]	
Comments from academics		Commentaires d'universitaires	
Mr Eric VOETEN Professor, Georgetown University (United States)	10:40	M. Eric VOETEN Professeur, Université de Georgetown (Etats-Unis)	
Mr Matthew SAUL Associate Professor, Inland University of Applied Sciences (Norway)	10:50	M. Matthew SAUL Professeur Associé, Université d'Etat de sciences appliquées (Norvège)	
Discussion		Discussion	
COFFEE BREAK / GROUP PHOTO	11:20	PAUSE CAFÉ / PHOTO DE GROUPE	
SESSION II		SESSION II	
How does the Council of Europe support national actors?		Comment le Conseil de l'Europe soutient-il les acteurs nationaux ?	
<i>The Court and Council of Europe's bodies, including the Committee of Ministers and its steering committees, the Parliamentary Assembly and the Commissioner for Human Rights offer numerous avenues and tools to support national actors in ensuring conformity of all domestic action with the ECHR. This session will take stock of what is achieved in this regard and what more can be done.</i>			
<i>La Cour et les instances du Conseil de l'Europe, y compris le Comité des Ministres et ses comités directeurs, l'Assemblée parlementaire et la Commissaire aux droits de l'homme offrent nombre de voies et outils pour aider les acteurs nationaux à garantir la conformité de toute action nationale avec la CEDH. Cette session fera le point sur ce qui est réalisé à cet égard et sur ce qui peut encore être fait.</i>			
Moderator: Mr Morten RUUD Chair of the CDDH		Modérateur : M. Morten RUUD Président du CDDH	
[Mr Roderick LIDDELL Registrar, Registry of the European Court of Human Rights]	12:05	[M. Roderick LIDDELL Greffier, Greffe de la Cour européenne des droits de l'homme]	
Mr Mikhail LOBOV , Head of Human Rights Policy and Co-operation Department, Directorate General Human Rights and Rule of Law (DG I)	12:20	M. Mikhail LOBOV , Chef du Service des politiques et de la coopération en matière de droits de l'Homme, Direction Générale des droits de l'homme et État de droit (DGI)	

Comments		Commentaires
Mr Robert SPANO Président of the European Court of Human Rights	12:30	M. Robert SPANO Président de la Cour européenne des droits de l'homme
Ms Başak ÇALI Professor, Hertie School, Berlin (Germany)	12:40	Mme Başak ÇALI Professeur, Hertie School, Berlin (Allemagne)
Discussion		Discussion
LUNCH BREAK	13:00	PAUSE DÉJEUNER
SESSION III		SESSION III
The execution of judgments of the Court – how to achieve further progress?		Exécution des arrêts de la Cour – Comment parvenir à de nouvelles avancées ?
<i>The execution of the Court's judgments is the cornerstone off the implementation of the ECHR at the national level. Action taken by a State at a specific time following a judgment of the Court should address remedies in respect of violations, including redress for the applicants, as well friendly settlements. What are the roles and contributions of the Committee of Ministers, government agents, national parliaments and supreme courts in execution matters?</i>		
<i>L'exécution des arrêts de la Cour est la pierre angulaire de la mise en œuvre de la CEDH au niveau national. S'agissant de l'action menée par un État à un moment précis à la suite d'un arrêt de la Cour, il faudrait évoquer les recours en cas de violation, y compris la réparation pour les requérants, ainsi que les règlements amiables. Quels sont le rôle et la contribution respectifs du Comité des Ministres, des agents du gouvernement, des parlements nationaux et des cours suprêmes en matière d'exécution ?</i>		
Moderator: Mr Hans-Jörg BEHRENS Chair of the Committee of experts on the system of the European convention on Human Rights (DH-SYSC)		Modérateur : M. Hans-Jörg BEHRENS Président du Comité d'experts sur le système de la Convention européenne des droits de l'homme (DH-SYSC)
Mr Fredrik SUNDBERG former Head of Department for the Execution of Judgments and Decisions of the Court	14:30	M. Fredrik SUNDBERG ancien Chef du Service de l'exécution des arrêts et des décisions de la Cour
Ambassador Roeland BÖCKER Permanent Representative of the Netherlands to the Council of Europe	14:45	M. l'Ambassadeur Roeland BÖCKER Représentant permanent des Pays-Bas auprès du Conseil de l'Europe
[Mr Stanislav KOVPAK Representative of the Ministry of Justice of the Russian Federation to the Council of Europe]	15:00	[M. Stanislav KOVPAK Représentant du Ministère de la Justice de la Fédération de Russie auprès du Conseil de l'Europe]
[Mr Titus CORLEATAN Member behalf of Romania within the Parliamentary Assembly of the Council of Europe]	15:15	[M. Titus CORLEATAN Membre au titre de la Roumanie au sein de l'Assemblée parlementaire du Conseil de l'Europe]
Mr Martin KUIJER Judge at the Supreme Court of the Netherlands	15:30	M. Martin KUIJER Juge à la Cour Suprême des Pays-Bas
Comments		Commentaires
Mr Philip LEACH Professor, Middlesex University (United Kingdom)	15:40	M. Philip LEACH Professeur, Université de Middlesex (Royaume-Uni)
Mr Øyvind STIANSEN Postdoctoral Fellow, University of Oslo (Norway)	15:50	M. Øyvind STIANSEN Chercheur, Université d'Oslo (Norvège)

COFFEE BREAK 16:00 PAUSE CAFÉ

SESSION IV	16:20	SESSION IV
How can the civil society and National Human Rights Institutions (NHRIs) contribute to the execution of judgments of the Court?		Comment la société civile et les Institution nationales des droits de l'homme (INDH) peuvent-elles contribuer à l'exécution des arrêts de la Cour ?
<p><i>Civil society plays an increasingly active role in supporting the execution of the Court's judgments. National Human Rights Institutions can make submissions before the Committee of Ministers. Several member States involve NGOs in preparing their national action plans regarding the execution of judgments. How can we strengthen the participation of civil society in execution matters? How can we create an enabling environment for civil society to play its role?</i></p> <p><i>La société civile joue un rôle de plus en plus actif en appui de l'exécution des arrêts de la Cour. Les institutions nationales des droits de l'homme peuvent transmettre des contributions au Comité des Ministres. Plusieurs États membres impliquent des ONG dans la l'élaboration de leurs plans d'action national concernant l'exécution des arrêts. Comment renforcer la participation de la société civile en matière d'exécution ? Comment créer un environnement lui permettant de jouer son rôle ?</i></p>		
Moderator: tbc		Modérateur: tbc
Ms Debbie KOHNER Secretary General, European Network of National Human Rights Institutions (ENNHRI)	16:25	Mme Debbie KOHNER Secrétaire Générale, Réseau européen des Institutions nationales des droits de l'homme (ENNRHI)
Ms Rita PATRICIO Senior Executive Officer, Amnesty International (United Kingdom)	16:40	Mme Rita PATRICIO Administratrice exécutive, Amnesty International (Royaume-Uni)
Ms Janneke GERARDS Professor, Utrecht Law School (Netherlands)	16:55	Mme Janneke GERARDS Professeur, Faculté de droit, Université d'Utrecht (Pays-Bas)
Open discussion	17:05	Discussion libre
Exchange of Convention-based knowledge between ECHR actors at all levels and the ways to improve it		Échange d'expériences sur la Convention entre les divers acteurs concernés à tous les niveaux et manière d'améliorer de tels échanges à l'avenir
Moderator: Mr Christophe POIREL Director of Human Rights, Directorate General Human Rights and Rule of Law (DGI)		Modérateur : M. Christophe POIREL Directeur des droits de l'homme, Direction Générale des droits de l'homme et État de droit (DGI)
Takeaways and final remarks	17:45	Leçons à tirer et remarques finales
Mr Vít Alexander SCHORM , Chair of the Drafting Group of the Drafting Group on enhancing the national implementation of the system of the European Convention on Human Rights (DH-SYSC-V)		M. Vít Alexander SCHORM , Président du Groupe de rédaction sur le renforcement de la mise en œuvre au niveau national du système de la Convention Européenne des droits de l'homme (DH-SYSC-V)
Vin d'honneur	18:00	Vin d'honneur

Appendix V

Preliminary reflections of the Bureau on the interest of possible future work of the CDDH related to the pandemic crisis and its consequences in the Member States

*as resulted from its 103rd meeting (19 May 2020) and in view of
further discussions at its 104th meeting (29-30 October 2020)*

- (i) Given the wide range of responses already given or still being envisaged by the Council of Europe to the sanitary crisis, the CDDH would need to engage an in-depth analysis of various human-rights implications of the crisis and possibly a new standard-setting work on the basis of best European practices of how to ensure respect of both civil/political and economic/social/cultural rights in times of sanitary emergency). The work could get additional inspiration from other bodies in the Council of Europe (e.g. GREVIO on domestic violence during lockdown periods; CPT on prison conditions during the sanitary crisis; GRECO on corruption-related problems during states' procurement of medical equipment).
- (ii) The CDDH could therefore lead and exchange of views among the member States and collect their practices to assess the impact of various decisions on human rights and fundamental freedoms so as to identify effective solutions and the need to adapt the European standards accordingly. Elements for such an analysis of domestic practices would include domestic courts' decisions on compatibility of State measures with the ECHR and other conventions
- (iii) An important area of interest could consist of the use made by a number of member States of the derogation under Article 15 of the European Convention on Human Rights (ECHR) noting that the majority of member States have not done so (thereby using the existing limitations in the respective Convention rights as justification for the introduced measures). While it is for each member State to decide upon derogation and for the European Court of Human Rights to rule on whether any such measures were in line with the ECHR, the CDDH could look further into the reasons for such diverging approaches and their consequences for compliance with the Convention.
- (iv) The CDDH could approach the subject from a more procedural angle to establish appropriate processes when considering whether and to what extent restrictive measures infringe human rights should be taken in response to a sanitary crisis. This could involve appropriate processes to weigh competing interests; to ensure transparency; to properly establish and assess scientific evidence; to involve all relevant stakeholders in the decision-making process; as well as to respect the legal requirements established by the ECHR (necessity, proportionality) for measures taken (e.g. limiting restrictions strictly as temporary as opposed to introducing them as "open-ended measures").
- (v) The CDDH could focus on selected rights which have been specifically impacted upon by the responses to the crisis, whether civil/political rights (e.g. the right to life, the right to liberty, right to free movement, right to private life or the freedom of expression, access to official information, the ways to engage in a public debate) or economic/social/cultural rights (e.g. the right to health, equitable access to health care, right to education).
- (vi) The CDDH could look at novel restrictive practices taken by some member States during the sanitary crisis which are unprecedented and may impact various human rights (e. g. contact-tracing apps and their potential impact on Article 8 of the Convention and other rights).

- (vii) The CDDH could focus on the impact of the sanitary crisis on the human rights of particularly vulnerable groups (e.g. older persons, disabled persons, migrants, homeless persons).
- (viii) The CDDH could decide that, whatever approach is taken, the mandate should be wide enough to also encompass other state of emergencies (e.g. natural disasters).

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Appendix VI**Joint Declaration on human rights and the environment
by the outgoing and incoming Presidencies of the Committee of Ministers**

adopted on 15 May 2020 (document Decl(15/05/2020))

The outgoing (Georgia) and incoming (Greece and Germany) presidencies of the Committee of Ministers of the Council of Europe,

Acknowledging the growing threats to the climate and the environment and the urgent need to act in an ambitious and concerted manner at the global level to better ensure their sustainability and protection;

Recalling the obligations of the member States under the European Convention on Human Rights and the steady development of the case-law by the European Court of Human Rights and national courts that foster the interconnection between the protection of the environment and human rights; taking note in this regard of the *Manual on human rights and the environment – Principles emerging from the case-law of the European Court of Human Rights*, published by the Council of Europe in 2006/2012, which is now in the process of being updated;

Recalling furthermore the corresponding obligations under the European Social Charter, including the European Social Charter (revised) and the measures adopted for their implementation at the European and national level;

Underlining the Council of Europe's commitment to environmental protection which has also resulted in the elaboration of the 1979 Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention, ETS No. 104), the 1993 Convention on Civil Liability for Damage Resulting from Activities Dangerous to the Environment (ETS No. 150) and the 1998 Convention on the Protection of the Environment through Criminal Law (ETS No. 172);

Recalling that the Parliamentary Assembly through its Recommendation 1431 (1999) on future action to be taken by the Council of Europe in the field of environment protection, its Recommendation 1614 (2003) on the environment and human rights and, finally, its Recommendation 1885 (2009) concerning the right to a healthy environment, has proposed adding an environmental component to the European Convention on Human Rights;

Acknowledging that the Georgian Presidency of the Committee of Ministers has identified human rights and environmental protection as one of its main priorities, and taking into account the outcome of the High-level Conference on Environmental Protection and Human Rights held in Strasbourg on 27 February 2020; noting that this year the World Forum for Democracy is devoted to democracy's contribution to saving the environment;

Bearing in mind that life and well-being on our planet is contingent on humanity's collective capacity to guarantee both human rights and a healthy environment to future generations:

Resolves to consider further the potential of the Council of Europe instruments in this field and, as a first step, call on the Committee of Ministers to invite its Steering Committee for Human Rights (CDDH) to elaborate a draft non-binding instrument on human rights and the environment for the possible adoption by the Committee of Ministers at the latest by the end of next year.

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Appendix VII**Draft calendar for the 2020***as suggested by the Bureau at its 103rd meeting (19 May 2020)*

2020	
<i>Opening of the Judicial Year</i>	31 January
1 st meeting of the drafting Group on the effective Processing and Resolution of cases relating to inter-State Disputes (DH-SYSC-IV)	19-21 February
<i>High-Level Conference Environmental Protection and Human Rights, under the aegis of the Georgian Chairmanship of the Committee of Ministers</i>	Strasbourg, 27 February
6 th meeting of the drafting Group on Civil Society and National Human Rights Institutions (CDDH-INST)	4–6 March
6th meeting of the CDDH <i>ad hoc</i> negotiation Group and the European Commission on the Accession of the European Union to the European Convention on Human Rights (“47+1”)	24–26 March postponed
1st meeting of the drafting Group on enhancing the national implementation of the system of the European Convention on Human Rights (DH-SYSC-V)	15–17 April postponed
Meeting of the Bureau of the Committee on Bioethics (DH-BIO)	23 April by visio-conference
103 rd meeting of the Bureau of the Steering Committee for Human Rights (CDDH-BU)	Paris, 19 19–20 May by visio-conference
6th meeting of the CDDH <i>ad hoc</i> negotiation Group and the European Commission on the Accession of the European Union to the European Convention on Human Rights (“47+1”)	26–29 May postponed
17th meeting of the Committee on Bioethics (DH-BIO)	2–5 June cancelled webinars foreseen
Meeting of Government Agents with the Registry of the Court	8 June postponed
<i>Pluricourts Seminar</i> within the CDDH meeting	Strasbourg, 9–10 June postponed
93rd meeting of the Steering Committee for Human Rights (CDDH)	9–12 June postponed
8th meeting of the drafting Group on Migration and Human Rights (CDDH-MIG)	31 March–2 April postponed
2 nd meeting of the drafting Group on the effective Processing and Resolution of cases relating to inter-State Disputes (DH-SYSC-IV)	9–11 September
6 th meeting of the CDDH <i>ad hoc</i> negotiation Group and the European Commission on the Accession of the European Union to the European Convention on Human Rights (“47+1”)	29 September – 2 October
8 th meeting of the drafting Group on Migration and Human Rights (CDDH-MIG)	[...] October

2 nd 1 st meeting of the drafting Group on enhancing the national implementation of the system of the European Convention on Human Rights (DH-SYSC-V)	14–16 October
DH-BIO Bureau meeting (enlarged) 3 days	mid-October
104 th meeting of the Bureau of the Steering Committee for Human Rights (CDDH-BU)	Paris, 29-30 October
17 th meeting of the Committee on Bioethics (DH-BIO) 5 days	2–6 November
<i>[Meeting of Government Agents with the Registry of the Court]</i>	[Athens, 2 November]
<i>Seminar Pluricourts</i> during the CDDH meeting	Athens, 3 November
93 rd meeting of the Steering Committee for Human Rights (CDDH)	Athens, 3–6 November
6th meeting of the Committee of Experts on the System of the European Convention on Human Rights (DH-SYSC)	25–27 November postponed to early 2021
7 th meeting of the CDDH <i>ad hoc</i> negotiation Group and the European Commission on the Accession of the European Union to the European Convention on Human Rights (“47+1”)	24–27 November

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