

**STEERING COMMITTEE FOR HUMAN RIGHTS  
CDDH**

**90<sup>th</sup> plenary meeting**

Tuesday 27 November (9:30) – Friday 30 June (end at 13:00) 2018,  
*Palais de l'Europe*, room 8

**ANNOTATIONS ON THE DRAFT AGENDA  
AND DRAFT ORDER OF BUSINESS**

*(subject to modifications that the Bureau  
may make at its 100<sup>th</sup> meeting  
(Berlin, 8-9 November 2018))*

The draft agenda and the meeting documents  
are available on the website  
[www.coe.int/t/dghl/standardsetting/cddh](http://www.coe.int/t/dghl/standardsetting/cddh)  
E-mail: [DGI-CDDH@coe.int](mailto:DGI-CDDH@coe.int)

Introductory remarks

1. On Monday 26 November 2018, the eve of the plenary meeting of the CDDH, two events of interest to the CDDH will take place in the Human Rights Building, press room:
  - \* 9:30 - 13:00: Meeting of Government Agents with the Registry of the Court
  - \* 15:15 - 18:30: *Seminar on the occasion of the 20<sup>th</sup> Anniversary of the New Court*, organised by the future Finnish Chairmanship of the Committee of Ministers in cooperation with the European Court of Human Rights and the CDDH (the draft Program appears in Appendix VII below).<sup>1</sup>
2. The Bureau will hold a meeting on Tuesday 27 November 2018, from 9:00 to 9:30 in the Palais de l'Europe, room 7.
3. The 90<sup>th</sup> plenary meeting of the CDDH will take place from Tuesday 27 November (beginning at 9:30) to Friday 30 June (end at 13:00) in the Palais de l'Europe, room 8.
  - \* The draft agenda appears in Appendix I below.
  - \* The draft order of business appears in Appendix II below.

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<sup>1</sup> The Seminar will emphasize that the current Single Court started its work following the entry into force, on 1 November 1998, of Protocol No. 11 to the ECHR and that today, from a twenty year perspective, the moment appears appropriate to examine the current situation of the Court in order to highlight its achievements but also the challenges that remain.

## SUMMARY

At its 90<sup>th</sup> meeting (27-30 November 2018) the CDDH will be called upon to carry out the following work on the various items on its agenda:

- (a) adopt, if appropriate, comments on two Parliamentary Assembly Recommendations in light of possible suggestions from the Bureau (item 2)
- (b) provide guidance to the Secretariat for the organisation of work in 2019 (point 3 and Appendix III) and for the preparation of proposals for activities in 2020-2021 to be decided in June 2019 (item 3 and Appendix IV)
- (c) provide guidance to the DH-SYSC II for the finalisation of its work in 2019 (item 4.1 and Appendix V)
- (d) provide guidance to the DH-SYSC III for the finalisation of its work in 2019 (item 4.2 and Appendix VI)
- (e) provide guidance to the Secretariat for the preparation of the CDDH final report *Contribution to the evaluation provided for in the Interlaken Declaration* (item 4.3)
- (f) exchange views regarding (a) the follow-up to the Brussels (item 4.4) and Copenhagen (item 4.5) Declarations; (b) work of GR-H on the selection and election of judges to the Court (item 4.6); (c) the *Seminar on the occasion of the 20<sup>th</sup> Anniversary of the New Court* (item 4.7); and (d) the organisation of work at the next meeting of the DH-SYSC (2019) (item 4.8)
- (g) provide guidance to the CDDH-SOC for further work and decide on a possible Social Rights Workshop in September 2019 (item 5.1)
- (h) provide guidance to the CDDH-INST for the revision of Recommendations No. R(85)13 on the institution of the ombudsman and No. R(97)14 on the establishment of independent national institutions for the promotion and protection of human rights; exchange views on Draft Principles on the Protection and Promotion of the Ombudsman Institution ("the Venice Principles") and on the Workshop of 29 November 2018 (item 5.2 and Appendix VIII)
- (i) provide guidance to the CDDH-MIG in view of finalising in 2019 the draft *handbook on alternatives to immigration detention* and on the work to be started in 2019 on appropriate standards for the reception and accommodation of refugee and migrant children and/or Guidelines on alternatives to immigration detention (item 5.3)
- (j) provide guidance to the CDDH-EXP in view of finalising in 2019 the draft Guide to good and promising practices on the way of reconciling freedom of expression with other rights and freedoms, in particular in culturally diverse societies (item 5.4)
- (k) provide guidance to the Secretariat as regards the establishment of the CDDH/HELP Online Platform on Human Rights and Business (item 6.1)
- (l) adopt, for transmission to the Committee of Ministers, its report on the review of the implementation of Recommendation CM/Rec(2014)2 of the Committee of Ministers to member States on the promotion of the human rights of older persons (item 6.2)
- (m) exchange views on the results of the Conference "A Policy of Progress: Ending FGM and Forced Marriage" (London, 15-16 November 2018) (item 6.3)
- (n) provide guidance to the Secretariat for the preparation of the Workshop on the Protection of Victims of Terrorist Acts (20 June 2019) (see item 6.4 and Appendix X)

- (o) provide guidance to the Secretariat on the possibility of a Workshop in late 2019 or in 2020 to raise awareness of the Tromsø Convention (access to public documents) (item 6.5)
- (p) provide guidance to the Secretariat on the possibility of a Workshop / Conference in June 2019 on the implementation of Recommendation CM/Rec(2010)05 on measures to combat discrimination on grounds of sexual orientation or gender identity (item 6.6)
- (q) adopt its opinion to the DH-BIO on the draft Additional Protocol concerning the protection of human rights and dignity of persons with mental disorder with regard to involuntary placement and involuntary treatment, and decide on the holding of a Workshop on bioethics in 2019, as well as the modalities of the CDDH participation in such event (item 7)
- (r) exchange views with its focal points (item 8)
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## ANNOTATIONS ON THE DRAFT AGENDA

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

1. The Bureau will examine the request of the Conference of European Churches (CEC) to participate in the work of the 90<sup>th</sup> meeting of the CDDH on items 5 (*Development and promotion of human rights*) and 7 (*Bioethics*) of the draft agenda.

### **ITEM 2:        RECOMMENDATIONS OF THE PARLIAMENTARY ASSEMBLY**

2. It is recalled that, further to the decisions of the Ministers' Deputies at their 1321<sup>st</sup> meeting (4 July 2018), the texts of five Recommendations adopted by the Parliamentary Assembly at its summer Session (25-29 June 2018) were transmitted to the CDDH for information and possible comments. Document CDDH (2018)11 contains the texts of these Recommendations and the comments adopted by the CDDH electronically on 12 October 2018. The CDDH could exchange views in this respect.<sup>2</sup>

3. Further to the decisions of the Ministers' Deputies at their 1328<sup>th</sup> meeting (24 October 2018), the texts of the following two Recommendations adopted by the Parliamentary Assembly at its autumn Session (8-12 October 2018) were transmitted to the CDDH for information and possible comments:

- 2140 (2018) - Unlimited access to member States, including "grey zones", by Council of Europe and United Nations human rights monitoring bodies;
- 2141 (2018) - Family reunification of refugees and migrants in the Council of Europe member States.

4. Document CDDH(2018)18 contains the texts of these Recommendations and draft comments prepared by the Secretariat for examination first by the Bureau and then by the CDDH in November 2018.

### **ITEM 3:        IMPLEMENTATION OF THE TERMS OF REFERENCE OF THE CDDH FOR 2018-2019 AND PREPARATION OF THE NEXT BIENNIUM**

5. The Chair of the CDDH will be invited to report to the Bureau and then to the plenary meeting in November 2018 his participation in the 1<sup>st</sup> meeting of the Chairs of inter-governmental committees of the Council of Europe (Strasbourg, 20 September 2018) which was followed by a meeting with the Secretary General.<sup>3</sup>

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<sup>2</sup> Recommendation 2133 (2018) "*Protecting human rights defenders in Council of Europe member States*";

Recommendation 2135 (2018) "*Extra-territorial processing of asylum claims and the creation of safe refugee shelters abroad*";

Recommendation 2136 (2018) "*Human rights impact of the "external dimension" of European Union asylum and migration policy: out of sight, out of rights?*";

Recommendation 2137 (2018) "*International obligations of Council of Europe member States: to protect life at sea*";

Recommendation 2138 (2018) "*Persecution of LGBTI people in the Chechen Republic (Russian Federation)*".

<sup>3</sup> The purpose of the discussion between Chairs and of the subsequent meeting with the Secretary General was twofold:

6. In light of possible suggestions from the Bureau, the CDDH will be invited to exchange views in November 2018 on its activities in the context of the present biennium 2018-2019 and on those it would wish to carry out in 2020-2021.

(i) Biennium 2018-2019: in addition to the finalisation of the planned work (see the current mandate in Appendix III below), the CDDH received a specific mandate from the Committee of Ministers on 12 September 2018 to prepare a feasibility study on a possible legal instrument on the prohibition of trade in goods used for torture and the death penalty<sup>4</sup>;

(ii) Biennium 2020-2021: Preliminary reflections from the Secretariat for the programme of activities of the CDDH in 2020-2021 appear in Appendix IV below. It is recalled that the CDDH will have to adopt its formal proposals on this subject at its 91<sup>st</sup> meeting (June 2019) and transmit them to the Committee of Ministers for examination and possible adoption by the latter in autumn 2019.

#### **ITEM 4:        SYSTEM OF THE EUROPEAN CONVENTION ON HUMAN RIGHTS**

##### ***4.1 The place of the Convention in the European and international legal order (DH-SYSC-II)***

7. The Chairperson of the Drafting Group on the place of the European Convention on Human Rights in the European and international legal order (DH-SYSC-II), Ms Florence MERLOZ (France), will report on the work of the 4<sup>th</sup> meeting of the Group (25-28 September 2018).

8. During this meeting, the Group discussed in particular Theme 1 (The challenge of interaction between the Convention and other branches of international law, including customary international law) of the draft future report of the CDDH on the European Convention on Human Rights in the European and international legal order.

9. At this stage, the Group has:

- (i) provisionally adopted the draft chapters on sub-themes (i) (methodology of interpretation by the European Court of Human Rights and its approach to international law) and (iii) (Interaction between the resolutions of the Security Council and European Convention on Human Rights) for transmission to the Bureau and then to the CDDH in November 2018 for information and possible guidance from them. The Group considered that its examination of the two sub-themes was closed as to the substance, it being understood that a review would take place at the end of the biennium to harmonise the form of the entire document and that the texts could be updated in the event that the Court makes new important judgments before the final adoption of the entire future report in 2019;

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- (i) discuss possible ways to enhance the impact and visibility of the work of intergovernmental committees, through joint reflection and exchange of good practices on working methods, in order to address (a) the evolving challenges facing the Council of Europe and the Member States and (b) the priorities decided by the Secretary General as effectively as possible;
  - (ii) to make participants aware of the importance for all intergovernmental committees of considering their work in a broad and open-minded perspective throughout the Organisation.

<sup>4</sup> In its reply adopted on 12 September 2018 at the 1323<sup>rd</sup> meeting of the Ministers' Deputies concerning Parliamentary Assembly Recommendation 2123 (2018) "Strengthening international regulations against trade in goods used for torture and death penalty", the Committee of Ministers considered that "it would be useful to have a study by the CDDH enabling it to determine the feasibility of a legal instrument in this field, taking into account the existing work in the framework of the Council of Europe and in other international forums, as well as examples of good practice that will be collected through the new Digital Platform on Human Rights and Business".

- (ii) examined in detail the revised draft chapter on sub-theme (ii) (State responsibility and extraterritoriality of the Convention) prepared by the co-rapporteurs. As a result of this review, the Group: (a) requested the Secretariat to prepare a revised version of this chapter, under the responsibility of the Chair, in order to take into account the in-depth discussions that took place at the meeting; this version will form the basis of the work at the next meeting (February 2019); (b) instructed the Chair to report on this chapter to the Bureau and then to the CDDH in November 2018, with a view to obtaining possible guidance for the February 2019 meeting;
- (iii) agreed to examine the draft chapter on sub-theme (iv) (*Interaction between international humanitarian law and the European Convention on Human Rights*) at its next meeting (February 2019).

10. In addition, the CDDH will be invited in November 2018 to authorise an additional day for the Group meeting in February 2019 to allow it to complete the drafting of theme 1 by finalising the draft chapters relating to sub-themes (ii) and (iv).

11. In June 2019, the DH-SYSC and the CDDH will be invited to examine the parts of the draft report that will be completed at that time and, in the light of their guidance, the Group will finalize the text at its 7<sup>th</sup> meeting (11-13 September 2019) for transmission to the CDDH for adoption at its 92<sup>nd</sup> meeting (26-29 November 2019). For information, the detailed schedule of the work of the DH-SYSC-II is given in Appendix V hereafter.

#### **4.2 The ECHR in university education and professional training (DH-SYSC-III)**

12. The CDDH Drafting Group on the follow-up to the Recommendation Rec(2004)4 of the Committee of Ministers to member States on the European Convention on Human Rights in university education and professional training (DH-SYSC-III) held a meeting in Strasbourg 16-17 October 2018 with Ms Vasileia PELEKOU (Greece) in the Chair.

13. The holding of this meeting, envisaged by the CDDH in June 2018 (CDDH(2018)R89, § 20), was considered essential for the launch of the work, it being understood that, in view of the significant progress made at this meeting, the Group plans to complete its work by electronic means.<sup>5</sup>

14. While noting that the basic principles of Recommendation (2004)4 remain valid, the Group considered it necessary to review its structure and include examples of national good practice. The preliminary draft of the new Recommendation prepared by the Group<sup>6</sup> appears in Appendix VI hereafter.

15. The CDDH is invited in November 2018 to exchange views and give possible guidance, in particular by deciding on the scope of the future instrument. Indeed, the Drafting Group on Social Rights (CDDH-SOC) formally requested that education and vocational training concerning the European Social Charter system be taken into account in this revision.<sup>7</sup>

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<sup>5</sup> The Group exchanged views with Mr Pascal DOURNEAU-JOSETTE, Head of Division at the European Court of Human Rights, on the Registry's experience with university education and professional training of lawyers and judges, as well as with Ms Ana MEDARSKA-LAZOVA, former lawyer of the Court's Registry and member of the HELP Unit, on the European Human Rights Training Program for Legal Professionals.

<sup>6</sup> Meeting Report DH-SYSC-III(2018) R1, Appendix I.

<sup>7</sup> At its 3<sup>rd</sup> meeting (5-7 September 2018), the CDDH-SOC reported that "the possibility of further developing courses on social rights under the HELP Program could be examined. The CDDH should be consulted on the question of whether training on social rights should be considered in the context of the current update of Recommendation Rec (2004) 4 of the Committee of Ministers to member states on the European Convention on Human Rights human rights in university education and vocational training " (see report CDDH-SOC (2018) R2, § 19).

16. In light of the guidance to be given by the CDDH, the Group will submit the revised draft Recommendation to the DH-SYSC in June 2019 for formal approval and transmission to the CDDH for adoption at its 92<sup>nd</sup> meeting (November 2019) within the deadline set by the Committee of Ministers (31 December 2019).

#### **4.3 Follow-up to the Interlaken Declaration - Preparation of the CDDH final report**

17. The Interlaken Declaration (2010) states that “before the end of 2019, the Committee of Ministers should decide on whether the measures adopted have proven to be sufficient to assure sustainable functioning of the control mechanism of the Convention or whether more profound changes are necessary”.<sup>8</sup>

18. Further to this decision, the CDDH was instructed by the Committee of Ministers to submit to it before the end of 2019 a final report entitled *Contribution to the evaluation provided for by the Interlaken Declaration*. In the light of the Bureau's suggestions at its November 2018 meeting, the CDDH will be invited in November 2018 to provide guidance to the Secretariat for the preparation of this report.

19. In this perspective, it should be noted that, at their meeting on 30 May 2018,<sup>9</sup> the Ministers' Deputies invited the CDDH to include the following elements in its future Contribution to the evaluation of the Interlaken process:

- (i) a comprehensive analysis of the Court's backlog of cases, identifying and examining the causes of the influx of cases from the States Parties in order to identify the most appropriate solutions at the level of the Court and the States Parties,
- (ii) proposals on how to facilitate the prompt and efficient handling of cases, in particular repetitive cases, which the parties are prepared to settle by means of a friendly settlement or a unilateral declaration,
- (iii) proposals on how to handle more effectively cases related to inter-State disputes, as well as individual applications arising from situations of conflict between States, without thereby limiting the jurisdiction of the Court, taking into account the specific features of these categories of cases, *inter alia* regarding the establishment of facts, and
- (iv) questions relating to the situation of judges of the European Court of Human Rights after the end of their mandate, mentioned in paragraphs 154 and 159 of the 2017 CDDH report on the process of selection and election of judges of the European Court of Human Rights (document [CM\(2018\)18-add1](#)).

20. Insofar as the Deputies have planned to report to the Committee of Ministers at the next Ministerial Session (Helsinki, 16-17 May 2019) on the follow-up to the Copenhagen Declaration, the CDDH is invited to examine, if possible, the four points mentioned above before 15 April 2019 (see in this respect the suggestions of the Bureau at its 100<sup>th</sup> meeting, November 2018).

<sup>8</sup> See point (VI) of the Implementation of the Action Plan accompanying the Declaration adopted at the High Level Conference on the Future of the European Court of Human Rights (Interlaken (Switzerland), 19 February 2010) organised by the CDDH under the auspices of the Swiss Chairmanship of the Committee of Ministers.

<sup>9</sup> 1317<sup>th</sup> meeting of the Deputies, decisions following the 128<sup>th</sup> Session of the Committee of Ministers held in Helsingør (Denmark) on 17-18 May 2018. Reference documents: [CM/PV\(2018\)128-prov](#), [CM/PV\(2018\)128-add](#), [CM\(2018\)OJ-prov5](#), [SG\(2018\)1](#), [CM/Inf\(2018\)10](#), [CM/Inf\(2018\)11](#), [CM\(2018\)18-add1](#).

21. The CDDH will be invited to consider the rest of the draft report at its 91<sup>st</sup> meeting (June 2019) and to adopt the whole document at its 92<sup>nd</sup> meeting (November 2019) for immediate transmission to the Committee of Ministers.

#### ***4.4. Follow-up to the Brussels Declaration***

22. The Secretariat will inform the CDDH of the status of the follow-up to the Declaration adopted by the Committee of Ministers at the High-level Conference "Implementation of the European Convention on Human Rights, our shared responsibility" held in Brussels on 26-27 March 2015.<sup>10</sup> This follow-up includes in particular a compilation (done in January 2018) and an analysis by the Secretariat of the information received from member States on the national implementation of the Declaration. This exercise is scheduled to be completed in September 2019.

#### ***4.5. Follow-up to the Copenhagen Declaration***

23. The Danish delegation on the CDDH and the Chair of the CDDH will inform the Steering Committee of the outcome of the Second High-level Expert Conference on the Implementation of the Copenhagen Declaration (Kokkedal, Denmark, 31 October - 2 November 2018).<sup>11</sup>

#### ***4.6. Selection and election of judges of the Court***

24. As part of the follow-up to the Copenhagen Declaration, the Ministers' Deputies, at their above-mentioned meeting on 30 May 2018,<sup>12</sup> instructed their Rapporteur Group on Human Rights (GR-H) to consider, in co-operation of the Parliamentary Assembly, and on the basis of the 2017 CDDH report on the process of selection and election of judges of the European Court of Human Rights (document CM(2018)18-add1), the whole process of selecting and electing judges to the Court in order to ensure its fairness, transparency and efficiency, and that the most qualified and competent candidates are elected.

25. In light of this mandate, the GR-H met:

- (i) on 4 September 2018, with Mr Vít Alexander SCHORM (Czech Republic), former Chair of the Drafting Group DH-SYSC-I, which prepared the CDDH Report on the process of selection and election of judges of the Court.<sup>13</sup>

<sup>10</sup> [https://www.echr.coe.int/Documents/Brussels\\_Declaration\\_ENG.pdf](https://www.echr.coe.int/Documents/Brussels_Declaration_ENG.pdf)

<sup>11</sup> Organised by the Danish authorities, this meeting aimed in particular at:

- (a) monitoring the implementation at national level of the Copenhagen Declaration;
- (b) exchanging views on the general developments of the Court's case-law with regard in particular to the independence of the Court and the binding nature of its judgments;
- (c) initiating a dialogue on the theme "Building a Common Human Rights Culture" with a view to more firmly anchoring the development of human rights in European democracies, with particular emphasis on the dialogue between the courts and on the issue of third parties.

<sup>12</sup> 1317<sup>th</sup> meeting of the Deputies, decisions following the 128<sup>th</sup> Session of the Committee of Ministers held in Helsingør (Denmark) on 17-18 May 2018. Reference documents: CM/PV(2018)128-prov, CM/PV(2018)128-add, CM(2018)OJ-prov5, SG(2018)1, CM/Inf(2018)10, CM/Inf(2018)11, CM(2018)18-add1.

<sup>13</sup> The report of the CDDH was sent to the Committee of Ministers in March 2018 and was widely circulated at the High Level Conference in Copenhagen. At its meeting in Helsingør, the Committee of Ministers referred explicitly to measures concerning the selection and election of judges and recognition of service as a judge of the Court, stressing that improvements in the current selection and election procedures could be envisaged, notably through increased cooperation between the different actors (States Parties, Committee of Ministers, Parliamentary Assembly and Expert Advisory Panel on Candidates for the election of judges to the Court). In this context, it praised the value of the Report presented by the CDDH in March 2018.

- (ii) on 18 October 2018, Ms Nina VAJIĆ, Chair of the Advisory Panel of Experts on Candidates for Election as Judge to the European Court of Human Rights, and Mr Wojciech SAWICKI, Secretary General of the Parliamentary Assembly.

26. It is expected that the Secretariat of the Committee of Ministers will prepare a document in November 2018 on the issue of the election of judges to the Court, taking into account the above-mentioned exchanges of views as well as the Parliamentary Assembly draft Resolution on the Procedure for the election of judges to the European Court of Human Rights, prepared on the basis of a report by Parliamentarian Boriss CILEVICS. As for the CDDH, it is expected that it will examine in 2019 issues relating to the situation of judges of the Court after the end of their mandate (see § 19 (iv) above).

#### **4.7. Seminar on the occasion of the 20<sup>th</sup> anniversary of New Court (Strasbourg, 26 November 2018)**

27. The CDDH will be invited to exchange views on the “Seminar on the occasion of the 20th Anniversary of the New Court”, organised by the future Finnish Chairmanship (November 2018-May 2019) of the Committee of Ministers in co-operation with the European Court of Human Rights and the CDDH (the draft Programme appears in Appendix VII below). This event focuses on the journey made by the current single Court since its establishment following the entry into force of Protocol No. 11 to the ECHR on 1 November 1998. The twentieth anniversary has thus provided an opportunity to highlight the achievements of the Court and the challenges that remain.

#### **4.8 Organisation of work at the next DH-SYSC meeting (2019)**

28. In light of the above, the CDDH will be invited to exchange views in November 2018 on the organisation of work at the next DH-SYSC meeting (2019), bearing in mind the suggestions made by the Bureau in November 2018.

### **ITEM 5: DEVELOPMENT AND PROMOTION OF HUMAN RIGHTS**

29. The CDDH is called upon to examine the work in progress in its various bodies concerning the development and promotion of human rights.

#### **5.1 Social rights (CDDH-SOC)**

30. The Chair of the Drafting Group on Social Rights (CDDH-SOC), Mr Vít A. SCHORM (Czech Republic), will report on the progress of the work during the 3<sup>rd</sup> meeting of the Group (5-7 September 2018).<sup>14</sup> It is recalled that at this meeting, the Group examined in detail the structure and substantive content of the second report identifying good practices and making proposals for improving the implementation of social rights in Europe.

31. The dissemination of the first draft of the second report for written comments is expected for 25 February 2019. The CDDH will be invited to take note of the work in progress in the CDDH-SOC and give possible guidance on the continuation and finalisation of the second report identifying good practices and making proposals to improve the implementation of social rights in Europe.

32. The CDDH is invited in November 2018 to decide on the request made by the CDDH-SOC (see report of meeting CDDH-SOC(2018)R2, §19) that education and professional training in the Charter system European Social Charter be taken into account in the context of the review by the DH-SYSC III of Recommendation Rec(2004)4 of the Committee of

<sup>14</sup> The President of the European Committee of Social Rights, Mr. Giuseppe PALMISANO (Professor at the University of Rome) took part in the drafting work of the Group.

Ministers to member States on the European Convention on Human Rights in university education and vocational training (see § 15 above).

33. Possible Workshop on Social Rights (September 2019) - The French authorities intend to propose to the CDDH that, in the framework and under the auspices of the future French Chairmanship of the Committee of Ministers (May – November 2020), a Workshop on Social Rights be held at the meeting of the CDDH-SOC on 25-27 September 2019. The aim would be, in particular, to contribute to the reflection on improving the European Social Charter treaty system and its conciliation with the Pillar of Social Rights of the European Union.

\* The expert from France within the CDDH, Ms Florence MERLOZ, will present this initiative to the Bureau and then to the plenary in November 2018.

\* At this stage, the envisaged proposal has been favorably received by the Secretariat, in particular the Department responsible for the European Social Charter.

34. If this initiative is adopted by the CDDH in November 2018, the Secretariat primarily responsible for organising the event would be that of the CDDH. It could immediately start preparing the Workshop (possible topics, speakers, guests, etc.) in consultation with the French authorities. At the 4<sup>th</sup> meeting of the CDDH-SOC on 3-5 April 2019, the draft programme would be presented for information and possible comments. The CDDH could take note at its meeting of June 2019 of the draft programme as consolidated by the CDDH-SOC and, on this basis, the Workshop would be held at the meeting of the CDDH-SOC on 25-27 September 2019.

## ***5.2 Civil society and National Human Rights Institutions (CDDH-INST)***

35. The Chairperson of the Drafting Group on Civil society and National Human Rights Institutions (CDDH-INST), Ms Krista OINONEN (Finland), will report on the work of the 4<sup>th</sup> meeting (19 - 21 September 2018).<sup>15</sup> At this meeting, the Group examined and submitted to the CDDH (end of September 2018) for electronic adoption:

- (i) A draft Recommendation of the Committee of Ministers on the need to strengthen the protection and promotion of the civil society space in Europe
- (ii) Draft Compilation of measures and practices in place in the Council of Europe member States with an accompanying overview document; and
- (iii) A draft Opinion of the CDDH on the draft "Venice Principles on the Protection and Promotion of the Ombudsman Institution".<sup>16</sup>

36. It is envisaged that the Ministers' Deputies adopt the draft Recommendation and take note of the compilation and the overview on 28 November 2018. It is expected that this instrument provides a basis for discussion at the Workshop on the protection and promotion of the civil society space which will take place the following day, on 29 November 2018 afternoon. The event is organised by the CDDH under the auspices of the Finnish Presidency. See the draft programme in Appendix VIII hereafter.

<sup>15</sup> The Group exchanged views with Ms Geraldine MATTIOLI-ZELTNER, Advisor to the Office of the Commissioner for Human Rights, Ms Simona GRANATA-MENGHINI, Deputy Secretary of the Enlarged Agreement for Democracy through Law (Venice Commission) and Mr Daniel SCHMIDT, Head of Unit Southern Europe and Turkey.

<sup>16</sup> An oral consultation was held in Paris on 31 October 2018 to consider the second draft of the Principles on the Protection and Promotion of the Ombudsman's Institution prepared on the basis of the written comments received by the Venice Commission. Ms. Krista OINONEN (Finland) participated under the CDDH.

37. Furthermore, the Group agreed on a possible structure for revising the Recommendation No. R(85)13 of the Committee of Ministers on the institution of the ombudsman and envisaged to accompany this instrument with an explanatory memorandum based on a possible survey concerning namely current challenges and good national practices.<sup>17</sup> The CDDH is invited to examine this structure (see [Appendix IX](#) hereafter) and possibly to give guidance to the Group with a view to the possible adoption of the revised Recommendation by the CDDH before the end of its current mandate (31 December 2019).

38. Finally, the Group intends to devote part of its next meeting to the revision of Recommendation No R (97) 14 of the Committee of Ministers to member States on the establishment of independent national institutions for the promotion and protection of human rights, in the light, in particular, of the results of the Workshop held on 29 November 2018. The aim is for the CDDH to be in a position to adopt the revised draft Recommendation before the end of the current mandate (31 December 2019).

### **5.3 Human rights and migration (CDDH-MIG)**

39. The Chairman of the Drafting Group on Human Rights and Migration (CDDH-MIG), Mr Morten RUUD (Norway), will report on the work of the 5<sup>th</sup> meeting of the Group (23 - 25 October 2018).

40. During this meeting, the Group notably:

- (i) exchanged views on current developments relating to alternatives to immigration detention;<sup>18</sup>
- (ii) reviewed the preliminary draft *handbook on alternatives to immigration detention*;
- (iii) exchanged views on the work to be started in 2019 on appropriate standards for the reception and accommodation of refugee and migrant children and/or Guidelines on alternatives to immigration detention.

41. The CDDH will be invited in November 2018 to (i) take note of the preliminary draft handbook and give possible guidance for its finalisation in 2019; (ii) provide guidance on the work to be started in 2019 on possible appropriate standards for the reception and accommodation of refugee and migrant children and/or Guidelines on alternatives to immigration detention.

### **5.4 Freedom of expression and links with other human rights (CDDH-EXP)**

42. The Secretariat will present to the CDDH the state of preparation of the next meeting of the Drafting Group on Freedom of Expression and Links with other Human Rights (CDDH-EXP).

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<sup>17</sup> The Group considered that, subject to finding funding through a possible voluntary contribution from a Member State, an external consultant might be in charge of preparing this compilation which could be annexed to the revised Recommendation.

<sup>18</sup> The Group held an exchange of views with Ms Eiri OHTANI, who presented the work of the European Program for Integration and Migration (EPIM) and Ms Irene RITMAN, who presented her the main developments and changes in the Dutch system since 2013 and exposed the different types of alternatives to retention available in the Netherlands. For his part, the Secretariat, on behalf of Mr. Philip ISHOLA, presented the work of the United Kingdom Independent Family Returns Panel (IFRP). Experts from CJ-DAM and CAHENF also participated in this exchange of views.

43. The Chairman of the Group, Mr Hans-Jörg BEHRENS (Germany), will invite the CDDH to give possible guidance for the finalisation, in 2019, of the Guide to good and promising practices to reconcile freedom of expression with other rights and freedoms, in particular, in culturally diverse societies. The CDDH will also be invited to exchange views on further work in this area.

## **ITEM 6: FOLLOW-UP ACTIVITIES CARRIED OUT BY THE CDDH**

### ***6.1 Human rights and business***

44. The Secretariat will inform the CDDH of developments in the creation and implementation of the CDDH / HELP Online Platform<sup>19</sup> on Human Rights and Business in synergy with the HELP Unit<sup>20</sup> of the Division of National Implementation of Human Rights. In particular, the Secretariat will discuss the following aspects:

- (i) budgetary issues and voluntary contributions;
- (ii) construction of the platform by the technical services of the Council of Europe and planned timetable;
- (iii) feeding the platform with national information that will be obtained through two questionnaires<sup>21</sup> concerning National Action Plans and national best practices for the implementation of these Plans respectively.

45. The CDDH will be invited to exchange views and provide possible guidance.

### ***6.2 Promotion of the human rights of older persons***

46. In response to the mandate received from the Committee of Ministers concerning the review of the implementation of Recommendation CM/Rec(2014)2 of the Committee of Ministers to member States on the promotion of the human rights of older persons (19 February 2014) the CDDH decided, at its last meeting in June 2018, to reflect its work in this field in a report to be adopted at its meeting in November 2018 for transmission to the Committee of Ministers, in fulfilling the mandate received for the present biennium.

47. Accordingly, the Secretariat prepared a draft report on the review of the implementation of Recommendation CM/Rec(2014)2 (document CDDH-AGE(2018)04Rev). The CDDH will be invited to examine and adopt it in November 2018. It will also be invited to take note of the compilation of the responses received (CDDH-AGE(2018)03Rev).

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<sup>19</sup> As is planned in Recommendation [CM/Rec\(2016\)3](#) of the Committee of Ministers to member States on Human Rights and Business. The Platform should (i) facilitate the exchange of information and visibility concerning the good practices related to the implementation of Recommendation CM/Rec(2016)3 and 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, and (ii) develop other potential resources and features to aid national implementation.

<sup>20</sup> The European Human Rights Training Program for Legal Professionals (HELP) supports member States of the Council of Europe in the implementation of the European Convention on Human Rights at national level.

<sup>21</sup> The Secretariat is currently developing these questionnaires in cooperation with ENNHRI, FRA and several NGOs. ENNHRI indicated that it would like to play a role within the platform by providing its own responses and information and by assisting where appropriate the relevant national contact points to ensure that the questionnaire reaches the most relevant actors.

### **6.3 Female genital mutilation and forced marriage**

48. The Secretariat will inform the CDDH of the results of the Conference "Policy for Progress: Ending FGM and Forced Marriage" (London, 15-16 November 2018). The purpose of this event was to raise awareness to the *Declaration of the Committee of Ministers on the need to intensify the effort to prevent and combat female genital mutilation and forced marriage in Europe*, as well as to the *Guide to good and promising practices aimed at preventing and combating female genital mutilation and forced marriage*, prepared by the CDDH.

### **6.4 Victims of terrorist acts**

49. Workshop on the protection of victims of terrorist acts (June 2019) - the French authorities have confirmed their wish to organise, on 20 June 2019, at the 91<sup>st</sup> meeting of the CDDH (June 2019), under the auspices of the future French Chairmanship of the Committee of Ministers (May-November 2019), an awareness-raising workshop on the Revised Guidelines on the Protection of Victims of Terrorist Acts prepared by the CDDH and adopted by the Committee of Ministers at its 127<sup>th</sup> meeting (Nicosia, Cyprus) on 19 May 2017.

50. The Workshop will allow bringing together representatives of member States and observers within the CDDH, representatives of relevant bodies within the Council of Europe and representatives of international organisations and civil society. Where appropriate, the Workshop or the CDDH could suggest that the Committee of Ministers ensures regular monitoring, in appropriate ways, of the national implementation of the revised Guidelines.

51. Document CDDH (2018)12 contains information on the preparation of this event.

52. The CDDH is invited to exchange views in November 2018 on, in particular, the preliminary draft program and the questionnaire (see Appendix X below).

### **6.5 Access to official documents**

53. The CDDH will be invited to exchange views on the issue of access to official documents and the possibility of an awareness-raising workshop on the Tromsø Convention that could take place in the framework of, for example, the future Georgian Chairmanship of the Committee of Ministers (November 2019 - May 2020), given that Georgia is one of the member States which have already signed the Convention.

### **6.6 Combating discrimination based on sexual orientation or gender identity**

54. Ms Eleni TSETSEKOU, Representative of the "Sexual Orientation and Gender Identity" Unit (SOGI), will inform the CDDH in November of the progress of work to monitor the implementation of Recommendation CM/Rec (2010)05 of the Committee of Ministers to member States on measures to combat discrimination on grounds of sexual orientation or gender identity. The CDDH will be invited to:

- (i) take note of the replies received to the questionnaire on the implementation of this Recommendation CM / Rec (2010) 05 of the Committee of Ministers to member states on measures to combat discrimination based on sexual orientation or gender identity. It is envisaged that the SOGI Unit will present in March 2019 its analysis of the replies received;
- (ii) exchange views on the practical arrangements for organising a follow-up Workshop / Conference of the Recommendation during the first semester of 2019. Holding the event at that time would make it possible to use any conclusions / recommendations that emerge during budget discussions in the next biennium.

**ITEM 7: BIOETHICS**

55. The Secretary of the Bioethics Committee (DH-BIO), Ms Laurence LWOFF, will report on the work during the 13<sup>th</sup> meeting of the Committee (22-25 May 2018). The CDDH will be invited to:

- (i) adopt its opinion for the DH-BIO on the draft Additional Protocol on the protection of the dignity and fundamental rights of persons with mental disorder with regard to placement and involuntary treatment (see document CDDH (2018)10);
- (ii) examine current and future activities within the DH-BIO. It should be noted in this regard that the DH-BIO is preparing a draft Guide to Public Debate on Biomedicine and Health. This publication should, in particular, be practical, promote public debate and consultation on fundamental bioethical issues, target institutions and decision-makers, highlight experiences and good practices, and enable decision-makers to benefit from the results of public engagement. It is intended to include examples of good practice in public debates on biomedicine and health.

56. Possible event on Bioethics (June 2019) - The French authorities are in contact with the DH-BIO Secretariat to organise an event (workshop, seminar or conference) within the framework and under the auspices of the future French Chairmanship of the Committee of Ministers (May-November 2019) at the meeting of the DH BIO in June 2019. The aim would be to highlight the work of the Council of Europe in this field.

\* The expert from France within the CDDH, Ms Florence MERLOZ, will present this initiative to the Bureau and then to the plenary of the CDDH in November 2018.

\* It is envisaged that the CDDH and its Secretariat will be involved in the reflection and organisation of the event, according to modalities to be defined.

57. Should this initiative be endorsed by the DH-BIO and the CDDH in November 2018, the Secretariat firstly responsible for the organisation of the event would be that of the DH-BIO. It could start immediately (potential themes, speakers, guests, etc.) in consultation with the French authorities.

**ITEM 8: FOCAL POINTS**

58. The CDDH will be invited to take note of the work done since its 89th meeting (19-22 June 2018) by the experts (Focal Points) who represent it to other bodies. The list of 2018-2019 Focal Points appears in Appendix XI hereafter. The information provided for the November plenary is contained in document CDDH (2018)15.

**ITEM 9: GUESTS**

59. In view of the number of items on the agenda, it was suggested not to hold an exchange of views with guests in November 2018. Subject to final confirmation, it would seem possible to proceed at future meetings to exchanges of views with the following personalities:

- Mr Rainer HOFMANN, independent member of the Board of Directors and the Executive Board of the European Union Agency for Fundamental Rights (FRA), at its 91<sup>th</sup> meeting (June 2019), on work of common interest carried out or envisaged by the Agency;

- Mr Jan KLEIJSEN, Director of the Information Society and the fight against crime (DGI), at its 91<sup>st</sup> meeting (June 2019), concerning the human rights implications of the development of artificial intelligence;

- Ms Dunja MIJATOVIC, Council of Europe Commissioner for Human Rights, at its 92<sup>nd</sup> meeting (November 2019), on the work she considers to be a priority in the exercise of her high office.

## **ITEM 10: CONVENTIONS**

60. The CDDH will be invited to exchange views on the state of signatures and ratifications of the instruments under its responsibility<sup>22</sup> in the light of the information contained in document CDDH (2018)07.

- (i) With regard to Protocol No. 15, two States Parties to the Convention have not yet ratified it ;
- (ii) Following the entry into force of Protocol No. 16 on 1 August 2018, a first request for an advisory opinion was submitted to the Court on 16 October 2018.<sup>23</sup>

## **ITEM 11: ELECTIONS**

61. The CDDH will be invited to hold elections concerning the chairmanship and vice-chairmanship of the Steering Committee and the election of ... members of its Bureau. He will also be invited to proceed to the election concerning the chairmanship of the Committee of Experts on the system of the European Convention on Human Rights (DH-SYSC) and to confirm the elected chairmanship of the DH-BIO (see Appendix XII below).

62. It is recalled that the elections within the CDDH are governed by the Resolution concerning intergovernmental committees and subordinate bodies, their mandate and working methods CM/Res(2011)24 and the more specific rules that the Committee Director decided in 2013<sup>24</sup> (see *Procedure for elections in the CDDH*, document CDDH (2017) 17).

## **ITEM 12: PUBLICATIONS**

63. The Secretariat will inform of the current status of publications of the CDDH work as well as of planned publications, subject to the resources available (See Appendix XIII below).

<sup>22</sup> Protocols Nos. 15 and 16 to the European Convention on Human Rights; European Agreement concerning persons participating in proceedings before the Court; Council of Europe Convention on Access to Official Documents.

<sup>23</sup> The French *Court of Cassation*, in a judgment of 5 October 2018, decided to submit to the European Court of Human Rights a request for an advisory opinion on the following questions:

- (1) By refusing to enter, in the civil register of births, the birth of a child born abroad to a surrogate mother, in so far as the foreign birth certificate designates the child's "intended mother" as its "legal mother", whereas the registration is accepted in so far as it designates the "intended father", who is also the child's biological father, will a State party be overstepping its margin of appreciation under Article 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms? In this connection should a distinction be drawn as to whether or not the child was conceived using the eggs of the "intended mother"?
- (2) In the event of an answer in the affirmative to one of the two questions above, would the possibility for the intended mother to adopt the child of her spouse, the biological father, this being a means of establishing the legal mother-child relationship, ensure compliance with the requirements of Article 8 of the Convention?"

<sup>24</sup> See the report of the 79<sup>th</sup> meeting of the CDDH, 26-29 November 2013, CDDH(2013)R79, item 8, §§ 29-30. Text reproduced in document CDDH(2017)17.

**ITEM 13: CALENDAR**

64. In the light of its discussion of item 3 above, the CDDH will be invited to exchange views on its timetable for 2018 and 2019 (See Appendix XIV below).

**ITEM 14: GENDER EQUALITY**

65. Further to the decision of the CDDH at its 88<sup>th</sup> meeting (5-7 December 2017, CDDH (2017) R88, § 45), the Steering Committee is invited to exchange views with its Rapporteur for Gender Equality, Mr Philippe WERY (Belgium), with a view in particular to ensuring that, in the various texts prepared by the CDDH Drafting Groups, an explicit reference is made to the fact that the question of gender equality has been taken into account throughout the work.

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## Appendix I

**Draft order of business****ITEM 1 - OPENING OF THE MEETING, AGENDA, ORDER OF BUSINESS****ITEM 2 - RECOMMENDATIONS OF THE PARLIAMENTARY ASSEMBLY****ITEM 3 - IMPLEMENTATION OF THE TERMS OF REFERENCE 2018-2019 AND PREPARATION FOR 2020-2021****ITEM 4 - SYSTEM OF THE EUROPEAN CONVENTION ON HUMAN RIGHTS**

*4.1 The place of the Convention in the European and international legal order (DH-SYSC-II)*

*4.2 The ECHR in university education and vocational training (DH-SYSC-III)*

*4.3. Follow-up to the Interlaken Declaration - Preparation of the final report of the CDDH*

*4.4. Follow-up to the Brussels Declaration*

*4.5. Follow-up to the Copenhagen Declaration*

*4.6. Selection and election of judges at the Court*

*4.7. Seminar "Twenty years of the new Court"*

*4.8. Organisation of work at the next DH-SYSC meeting (2019)*

**ITEM 5 - DEVELOPMENT AND PROMOTION OF HUMAN RIGHTS**

*5.1 Social rights (CDDH-SOC)*

*5.2 Civil society and national human rights institutions (CDDH-INST)*

*5.3 Human rights and migration (CDDH-MIG)*

*5.4 Freedom of expression and links with other human rights (CDDH-EXP)*

**ITEM 6 - MONITORING OF ACTIVITIES CARRIED OUT BY THE CDDH**

*6.1. Human rights and business*

*6.2 Promotion of the human rights of older persons*

*6.3 Female genital mutilation and forced marriage*

*6.4 Victims of terrorist acts*

*6.5 Access to public documents*

*6.6 Combating discrimination based on sexual orientation or gender identity*

**ITEM 7 - BIOETHICS****ITEM 8 - FOCAL POINTS****ITEM 9 - GUESTS****ITEM 10 - CONVENTIONS****ITEM 11 - ELECTIONS**

**ITEM 12 - PUBLICATIONS****ITEM 13 – CALENDAR****ITEM 14 - GENDER EQUALITY****Appendices**

- I Draft agenda
- II Draft order of business
- III Current mandate 2018-2019
- IV Reflections from the Secretariat, 2020-2021 biennium
- V Planning for DH-SYSC II work
- VI Preliminary draft new Recommendation (2004)4
- VII *Seminar on the occasion of the 20<sup>th</sup> Anniversary of the New Court - Draft Program*
- VIII *Workshop Protecting and Promoting Space for Civil Society - Draft Program*
- IX Possible structure for the revision of Recommendation No.R (85)13
- X *Workshop Protection of Victims of Terrorist Acts – Preliminary draft Program*
- XI Focal points
- XII Composition of the Bureau, Presidencies and Rapporteurs
- XIII Publications in 2019
- XIV Calendar of meetings of the CDDH and its subordinate bodies for 2018 and 2019

## Appendix II

**Draft order of business**

On Monday, 26 November 2018, the day before the plenary meeting of the CDDH, two events of interest to the CDDH will be held in the Human Rights Building, **press room**:

\* 9:30 - 13:00: Meeting of Government Agents with the Registry of the Court

\* 15:15 -18:30: *Seminar on the occasion of the 20<sup>th</sup> Anniversary of the New Court*

The Bureau will hold a meeting on Tuesday, 27 November 2018, from 9:00 to 9:30, at the Palais de l'Europe, **Room 7**.

The 90th plenary meeting of the CDDH will take place from Tuesday 27 November (beginning 9:30) to Friday 30 November (end at 13:00) 2018 at the Palais de l'Europe, **room 8**.

\* The draft agenda appears in Appendix I above.

\* The draft order of business is shown below.

<b>TUESDAY 27 November</b>	<b>WEDNESDAY 28 November</b>	<b>THURSDAY 29 November</b>	<b>FRIDAY 30 November</b>
9:30	9:30	9:30	10:00
<u>Item 1</u> : OPENING  <u>Item 2</u> : APCE RECOMMENDATIONS  <u>Item 3</u> : TERMS OF REFERENCE  <u>Item 5</u> : DEVELOPMENT AND PROMOTION OF HR  5.1. CDDH-SOC 5.2. CDDH-INST	4.1 DH-SYSC-II (continuation) 4.2 DH-SYSC-III 4.3. Follow-up Interlaken	<u>Item 6</u> : FOLLOW-UP OF ACTIVITIES OF CDDH  6.1 HR and business 6.2 Older persons 6.3 FGM and FM 6.4 Victims of terrorist acts 6.5 Access to official documents 6.6 Discrimination  12:15 <u>Item 11</u> ELECTIONS	<u>Item 8</u> : FOCAL POINTS  <u>Item 9</u> : GUESTS  <u>Item 10</u> : CONVENTIONS  <u>Item 12</u> : PUBLICATIONS  <u>Item 13</u> : CALENDAR  <u>Item 14</u> : GENDER EQUALITY  Adoption of the draft abridged meeting report  13:00 End of meeting
13:00 Lunch break	13:00 Lunch	13:00 Lunch	
14:30  5.3 CDDH-MIG 5.4 CDDH-EXP  <u>Item 7</u> : BIOETHICS  <u>Item 4</u> : SYSTEM OF THE ECHR  4.1 DH-SYSC-II	14:30  4.4. Follow-up Brussels 4.5. Follow-up Copenhagen 4.6 Selection and election of judges of the Court 4.7. Seminar on the 20 <sup>th</sup> anniversary of the New Court 4.8. DH-SYSC (2019)	14:15 Workshop "Protecting and Promoting Space for Civil Society" (See <u>Programme</u> )	
17:30 End of session	17:30 End of session 18:00 Reception given by UK Ambassador at its Residence	17:30 Vin d'honneur	

## Appendix III

**Terms of reference of the CDDH, the DH-SYSC and the DH-BIO  
for the biennium 2018-2019**

*(as adopted by the Committee of Ministers at its 1300<sup>th</sup> meeting, 21-23 November 2017)*

**Steering Committee for Human Rights (CDDH)**

*Set up by the Committee of Ministers under Article 17 of the Statute of the Council of Europe and in accordance with Resolution [CM/Res\(2011\)24](#) on intergovernmental committees and subordinate bodies, their terms of reference and working methods.*

**Type of committee:** Steering Committee

Terms of reference valid from: **1 January 2018 until 31 December 2019**

<b>PILLAR/SECTOR/PROGRAMME</b>
<b>Pillar:</b> Human Rights <b>Sector:</b> Protecting Human Rights / Promoting Human Rights and dignity <b>Programme:</b> Effectiveness of the ECHR System at national and European level / Bioethics
<b>MAIN TASKS</b>
<p>Under the authority of the Committee of Ministers, and bearing in mind the Council of Europe legal standards as well as the relevant jurisprudence of the European Court of Human Rights, the CDDH will conduct the intergovernmental work of the Council of Europe in the human rights field and will advise and give its legal expertise to the Committee of Ministers on all questions within its field of competence. In particular, the CDDH will:</p> <ul style="list-style-type: none"> <li>(i) work on the protection, development and promotion of human rights in Europe to: <ul style="list-style-type: none"> <li>(a) contribute to enhancing the protection of human rights by improving the effectiveness of the control mechanism of the European Convention on Human Rights and the implementation of the Convention at national and European levels, this work being a permanent priority for the CDDH;</li> <li>(b) provide effective responses at the normative and general policy levels to the challenges posed to human rights in European societies;</li> </ul> </li> <li>(ii) follow the implementation of the non-binding instruments that it has prepared as well as conventions for which it has been given supervision by the Committee of Ministers;</li> <li>(iii) advise other bodies of the Organisation to ensure that their activities concerning human rights duly reflect the requirements of the Convention and the case-law of the Court;</li> <li>(iv) contribute to co-operation and support activities to national initiatives in the field of the protection, development and promotion of human rights;</li> <li>(v) without prejudice to the missions of intergovernmental committees of the Council of Europe that already follow the work of monitoring mechanisms, follow the activities of the relevant monitoring and other bodies protecting human rights;</li> <li>(vi) where necessary, co-ordinate transversal intergovernmental activities in the field of human rights including bioethics;</li> <li>(vii) take due account of a gender perspective and to building cohesive societies in the performance of its tasks;</li> <li>(viii) in accordance with decisions <a href="#">CM/Del/Dec(2013)1168/10.2</a> of the Committee of Ministers, carry out, at regular intervals, within the limits of the available resources and bearing in mind its priorities, an examination of some or all of the conventions for which it has been given responsibility,<sup>25</sup> in co-operation, where appropriate, with the relevant convention-based bodies, and report back to the Committee of Ministers.</li> </ul>
<b>SPECIFIC TASKS</b>
<p><b>1. Protection of human rights</b>  Oversee the work of the Committee of experts on the reform of the Court (DH-SYSC) (see DH-SYSC terms of reference).</p> <p><b>2. Development and promotion of human rights</b>  If necessary, and to avoid any duplication, appropriate co-ordination and co-operation with relevant conventional and monitoring bodies and other Council of Europe bodies involved is to be ensured.</p>
<p><b>Social rights</b>  On the basis of the analysis of the legal framework of the Council of Europe for the protection of social</p>

<sup>25</sup> Cf. Relevant decision of the Committee of Ministers ([CM/Del/Dec\(2013\)1168/10.2](#)) and list of Conventions in [CM\(2017\)132](#).

rights in Europe, identify good practices and make, as appropriate, proposals with a view to improving the implementation of social rights and to facilitate in particular the relationship between the Council of Europe instruments with other instruments for the protection of social rights (deadline: 31 December 2019).

#### **Links between freedom of expression and other human rights and freedoms**

On the basis of work conducted in 2016-2017 and the evolving case-law of the European Court of Human Rights, and in close co-operation in particular with CDMSI and ECRI, prepare if appropriate a draft non-binding instrument (e.g. guidelines, guide to good practices, recommendation) on the way of reconciling freedom of expression and other human rights and freedoms, in particular in culturally diverse societies (deadline: 31 December 2019).

#### **Migration**

On the basis of work conducted in 2016-2017, prepare one or more draft non-binding instruments of the Committee of Ministers (for example a recommendation, guidelines, good practice handbooks) concerning human rights issues in the context of migration, in particular effective alternatives to detention of migrants and asylum seekers (deadline: 31 December 2019).

#### **Civil Society, Human Rights Defenders and National Human Rights Institutions**

- (i) On the basis of work conducted in 2016-2017, prepare a draft non-binding instrument of the Committee of Ministers and a guide of good practice with the aim that member States, through their legislation, policies and practices, effectively protect and promote the civil society space (activities of organisations of the civil society, human rights defenders and national institutions for the promotion and protection of human rights) (deadline: 31 December 2018).
- (ii) In particular, proceed to the revision of Recommendation No R(97)14 of the Committee of Ministers to member States on the establishment of independent national institutions for the promotion and protection of human rights (deadline: 31 December 2019).

#### **Dissemination and awareness-raising**

Organise, if needed, thematic debates on the following items (deadline: 31 December 2019):

- (i) follow-up given by states to Recommendation CM(2014)2 of the Committee of Ministers to member States on the promotion of human rights of older persons;
- (ii) follow-up given by states to 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;<sup>26</sup>
- (iii) situation in member States in respect of the right of access to official documents, in particular concerning signatures and ratifications of the 2009 Tromsø Convention (CETS No. 205);
- (iv) contribution to work which may be conducted by other bodies of the Council of Europe (e.g. GEC, GREVIO, GRETA, CAHENF and CDPC) to combat female genital mutilation and forced marriage.

#### **Bioethics**

Oversee from the human rights perspective the intergovernmental work in the field of bioethics (see terms of reference of the DH-BIO).

### **COMPOSITION**

#### **Members**

Governments of member States are invited to designate one or more representatives of the highest possible rank in the field of human rights.

The Council of Europe will bear the travel and subsistence expenses of one representative from each member State (two in the case of the State whose representative has been elected Chair).

Each member of the committee shall have one vote. Where a government designates more than one member, only one of them is entitled to take part in the voting.

In accordance with decisions CM/Del/Dec(2013)1168/10.2 of the Committee of Ministers, in cases where there is no convention-based body including all the Parties, non-member States are invited to take part,

<sup>26</sup> Several delegations made declarations upon adoption of this Recommendation at the Deputies' 1081<sup>st</sup> meeting (31 March 2010).

with a right to vote, in the committee meetings pertaining to the conventions to which they are Parties.

### **Participants**

The following may send representatives, without the right to vote and at the charge of their corresponding administrative budgets:

- Parliamentary Assembly of the Council of Europe;
- Congress of Local and Regional Authorities of the Council of Europe;
- European Court of Human Rights;
- Council of Europe Commissioner for Human Rights;
- Conference of INGOs of the Council of Europe;
- Committees or other bodies of the Council of Europe engaged in related work, as appropriate.

The following may send representatives, without the right to vote and without defrayal of expenses:

- European Union (one or more representatives, including, as appropriate, the European Union Agency for Fundamental Rights (FRA);
- Observer States to the Council of Europe: Canada, Holy See, Japan, Mexico, United States of America;
- Representatives of other international organisations (Organisation for Security and Co-operation in Europe (OSCE) / Office for Democratic Institutions and Human Rights (ODIHR), Office of the United Nations High Commissioner for Human Rights).

### **Observers**

The following may send representatives, without the right to vote and without defrayal of expenses:

- Belarus;
- Non-member States with which the Council of Europe has a Neighbourhood Partnership including relevant co-operation activities;
- European Network of National Human Rights Institutions (ENNHRI);
- Non-governmental organisations (Amnesty International, International Commission of Jurists (ICJ), European Trade Union Confederation (ETUC), International Federation of Human Rights (FIDH), European Roma<sup>27</sup> and Travellers Forum).

## **WORKING METHODS**

### **Plenary meetings**

48 members, 2 meetings in 2018, 4 days

48 members, 2 meetings in 2019, 4 days

### **Bureau**

8 members, 2 meetings in 2018, 2 days

8 members, 2 meetings in 2019, 2 days

The Committee will also appoint a Gender Equality Rapporteur from amongst its members.

The rules of procedure of the Committee are governed by Resolution [CM/Res\(2011\)24](#) on intergovernmental committees and subordinate bodies, their terms of reference and working methods.

Subject to the agenda, the Chairs of the subordinate structures to the CDDH may be invited to attend CDDH Bureau and/or plenary meetings.

## **SUBORDINATE STRUCTURE(S) TO THE CDDH**

The CDDH has a coordinating, supervising and monitoring role in the functioning of its subordinate bodies:

- Committee of experts on the system of the European Convention on human rights (DH-SYSC) (see separate terms of reference) and Drafting Groups;
- Committee on Bioethics (DH-BIO) (see separate terms of reference).

<sup>27</sup> The term "Roma and Travellers" is used at the Council of Europe to encompass the wide diversity of the groups covered by the work of the Council of Europe in this field: on the one hand a) Roma, Sinti/Manush, Calé, Kaale, Romanichals, Boyash/Rudari; b) Balkan Egyptians (Egyptians and Ashkali); c) Eastern groups (Dom, Lom and Abdal); and, on the other hand, groups such as Travellers, Yenish, and the populations designated under the administrative term "*Gens du voyage*", as well as persons who identify themselves as Gypsies. The present is an explanatory footnote, not a definition of Roma and/or Travellers.

**APPENDIX 1 - RELEVANT DECISION OF THE COMMITTEE OF MINISTERS AND LIST OF CONVENTIONS**  
**CM/Del/Dec(2013)1168/10.2 (Review of Council of Europe conventions)**

9. [The Deputies] instructed the steering and ad hoc committees to carry out, at regular intervals, within the limits of the available resources and bearing in mind the priorities of each committee, an examination of some or all of the conventions for which they have been given responsibility, in co-operation, where appropriate, with the relevant convention-based bodies, in order to:

- propose ways of improving the visibility, impact and efficiency of some or all of the conventions for which they have been given responsibility;
- draw the attention of member States to the relevant conventions;
- where necessary, identify any operational problems or obstacles to ratification of the relevant conventions, and draw the attention of member States to reservations which impact substantively on the effectiveness of their implementation;
- encourage States to regularly examine the possibility and/or desirability of becoming a Party to new Council of Europe conventions;
- assess the necessity or advisability of drafting amendments or additional protocols to the conventions for which they have been given responsibility or drafting supplementary conventions;
- and to report back to the Committee of Ministers.

CDDH	
5	Convention for the Protection of Human Rights and Fundamental Freedoms
9	Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms
12	European Interim Agreement on Social Security Schemes Relating to Old Age, Invalidity and Survivors
13	European Interim Agreement on Social Security other than Schemes for Old Age, Invalidity and Survivors
14	European Convention on Social and Medical Assistance
20	Agreement on the Exchange of War Cripples between Member Countries of the Council of Europe with a view to Medical Treatment
35	European Social Charter
40	Agreement between the Member States of the Council of Europe on the issue to Military and Civilian War-Disabled of an International Book of Vouchers for the repair of Prosthetic and Orthopaedic Appliances
46	Protocol No. 4 to the Convention for the Protection of Human Rights and Fundamental Freedoms, securing certain rights and freedoms other than those already included in the Convention and in the first Protocol thereto
48	European Code of Social Security
67	European Agreement relating to Persons participating in Proceedings of the European Commission and Court of Human Rights
68	European Agreement on Au Pair Placement
78	European Convention on Social Security
078A	Supplementary Agreement for the Application of the European Convention on Social Security
83	European Convention on the Social Protection of Farmers
93	European Convention on the Legal Status of Migrant Workers
114	Protocol No. 6 to the Convention for the Protection of Human Rights and Fundamental Freedoms concerning the Abolition of the Death Penalty
117	Protocol No. 7 to the Convention for the Protection of Human Rights and Fundamental Freedoms
126	European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
139	European Code of Social Security (Revised)
142	Protocol amending the European Social Charter
148	European Charter for Regional or Minority Languages
154	Protocol to the European Convention on Social Security
157	Framework Convention for the Protection of National Minorities
158	Additional Protocol to the European Social Charter Providing for a System of Collective Complaints
161	European Agreement relating to persons participating in proceedings of the European Court of Human Rights
163	European Social Charter (revised)

CDDH	
164	Convention for the protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine: Convention on Human Rights and Biomedicine
168	Additional Protocol to the Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine, on the Prohibition of Cloning Human Beings
177	Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms
186	Additional Protocol to the Convention on Human Rights and Biomedicine concerning Transplantation of Organs and Tissues of Human Origin
187	Protocol No. 13 to the Convention for the Protection of Human Rights and Fundamental Freedoms, concerning the abolition of the death penalty in all circumstances
195	Additional Protocol to the Convention on Human Rights and Biomedicine, concerning Biomedical Research
197	Council of Europe Convention on Action against Trafficking in Human Beings
203	Additional Protocol to the Convention on Human Rights and Biomedicine concerning Genetic Testing for Health Purposes
205	Council of Europe Convention on Access to Official Documents
210	Council of Europe Convention on preventing and combating violence against women and domestic violence
213	Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms
214	Protocol No. 16 to the Convention for the Protection of Human Rights and Fundamental Freedoms

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### Committee of experts on the system of the European Convention on human rights (DH-SYSC)

*Set up by the Committee of Ministers under Article 17 of the Statute of the Council of Europe and in accordance with Resolution CM/Res(2011)24 on intergovernmental committees and subordinate bodies, their terms of reference and working methods*

**Type of committee:** Subordinate body

Terms of reference valid from: **1 January 2018 until 31 December 2019**

PILLAR/SECTOR/PROGRAMME
<b>Pillar:</b> Human Rights <b>Sector:</b> Protecting Human Rights <b>Programme:</b> Effectiveness of the ECHR System at national and European level
MAIN TASKS
Under the supervision of the Steering Committee for Human Rights (CDDH), the DH-SYSC will conduct the intergovernmental work intended to enhance the protection of human rights by improving the effectiveness of the system of the European Convention on Human Rights and the implementation of the Convention at national level, as assigned by the Committee of Ministers to the Steering Committee.

**SPECIFIC TASKS**

- (i) Concerning the place of the European Convention on Human Rights in the European and international legal order, as well as the related challenges, prepare a draft report for the Committee of Ministers containing conclusions and possible proposals for action (deadline: 31 December 2019).
- (ii) Concerning the authority of the Court and its case-law: follow-up to the decisions that may be taken by the Committee of Ministers further to the submission, in December 2017, of the CDDH report on the process of selection and election of the judges at the European Court of Human Rights with a view to improving the current system (deadline: 31 December 2019).
- (iii) In light of the results achieved in the framework of the above-mentioned activities, contribute to the evaluation set out by the Interlaken Declaration, before the end of 2019, with a view to formulating proposals to the Committee of Ministers as to whether the measures adopted so far have proven to be sufficient to ensure sustainable functioning of the system of the Convention or whether more profound changes are necessary (deadline: 31 December 2019).
- (iv) Concerning the implementation of the Convention and execution of the Court's judgments: ensure that information is exchanged regularly - in order to assist member States in developing their domestic capacities and facilitate their access to relevant information (see paragraph 29 (a) i) of the Brighton Declaration and paragraph C. 1. g) of the Brussels Declaration); to this end, consider the different means to promote quicker exchange of information and experiences, to reinforce the status of the government agents, of the co-ordinators (c.f. para. 1 [CM/Rec\(2008\)2](#)), and to provide sufficient means to the state authorities involved in the functioning of the Convention and in the process of the execution of judgments.
- (v) Concerning university education and professional training in human rights, update Recommendation [Rec\(2004\)4](#) in light of important developments taken place over more than 10 years in the field in the 47 member States of the Council of Europe, notably as a result of the European Programme for Human Rights Education for Legal Professionals (HELP) of the Council of Europe (deadline: 31 December 2019).
- (vi) Concerning effective remedies for excessive length of proceedings, update the accompanying Guide to Good Practice to Recommendation [CM/Rec\(2010\)3](#) (deadline: 31 December 2019).

**COMPOSITION****Members:**

Governments of member States are invited to designate one or more representatives of the highest possible rank in the field of human rights.

The Council of Europe will bear the travel and subsistence expenses of one representative from each member State (two in the case of the State whose representative has been elected Chair).

Each member of the committee shall have one vote. Where a government designates more than one member, only one of them is entitled to take part in the voting.

**Participants:**

The following may send representatives, without the right to vote and at the charge of their corresponding administrative budgets:

- Parliamentary Assembly of the Council of Europe;
- Congress of Local and Regional Authorities of the Council of Europe;
- European Court of Human Rights;
- Council of Europe Commissioner for Human Rights;
- Conference of INGOs of the Council of Europe;
- HELP Network Consultative Board;
- Committees or other bodies of the Council of Europe engaged in related work, as appropriate.

The following may send representatives, without the right to vote and without defrayal of expenses:

- European Union (one or more representatives, including, as appropriate, the European Union Agency for Fundamental Rights (FRA));
- Observer States to the Council of Europe: Canada, Holy See, Japan, Mexico, United States of America;
- representatives of other international organisations (Organisation for Security and Co-operation in Europe (OSCE) / Office for Democratic Institutions and Human Rights (ODIHR), Office of the United Nations High Commissioner for Human Rights, Office of the United Nations High Commissioner for Refugees).

**Observers:**

The following may send representatives, without the right to vote and without defrayal of expenses:

- Belarus;
- Non-member States with which the Council of Europe has a Neighbourhood Partnership including relevant co-operation activities;
- Non-governmental organisations (Amnesty International, European Trade Unions Confederation (ETUC), International Commission of Jurists (ICJ), International Federation of Human Rights (FIDH), European Roma<sup>28</sup> and Travellers Forum, Open Society Justice Initiative (OSJI)), as well as the European Network of National Human Rights Institutions (ENNHRI).

**WORKING METHODS****Plenary meetings:**

48 members, 1 meeting in 2018, 3 days

48 members, 2 meetings in 2019, 3 days

The Committee will also appoint a Gender Equality Rapporteur from amongst its members.

The rules of procedure of the Committee are governed by Resolution [CM/Res\(2011\)24](#) on intergovernmental committees and subordinate bodies, their terms of reference and working methods.

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**Committee on Bioethics (DH-BIO)**

*Set up by the Committee of Ministers under Article 17 of the Statute of the Council of Europe and in accordance with Resolution [CM/Res\(2011\)24](#) on intergovernmental committees and subordinate bodies, their terms of reference and working methods*

**Type of committee:** Subordinate body

Terms of reference valid from: **1 January 2018 until 31 December 2019**

**PILLAR/SECTOR/PROGRAMME**

**Pillar:** Human Rights

**Sector:** Promoting Human Rights and Dignity

**Programme:** Bioethics

**MAIN TASKS**

Under the authority of the Committee of Ministers, the DH-BIO shall carry out the tasks assigned to the Steering Committee on Bioethics (CDBI) by the Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine.

Under the supervision of the Steering Committee for Human Rights (CDDH), the DH-BIO will conduct intergovernmental work on the protection of human rights in the field of biomedicine assigned to it by the Committee of Ministers. The DH-BIO will in particular:

- (i) conduct regular re-examinations foreseen in the Convention and its Additional Protocols;
- (ii) develop further the principles laid down in the Convention on Human Rights and Biomedicine, as appropriate, also in the light of the relevant case-law of the ECHR;
- (iii) contribute to raising awareness and facilitating the implementation of these principles;
- (iv) assess ethical and legal challenges raised by developments in the biomedical field;
- (v) co-operate with the European Union and relevant intergovernmental bodies, in particular with a view to promoting consistency between the normative texts;
- (vi) in accordance with decisions [CM/Del/Dec\(2013\)1168/10.2](#) of the Committee of Ministers, carry out, at regular intervals, within the limits of the available resources and bearing in mind its priorities, an examination of some or all of the conventions<sup>29</sup> for which it has been given responsibility and report back to the Committee of Ministers.

<sup>28</sup> The term "Roma and Travellers" is used at the Council of Europe to encompass the wide diversity of the groups covered by the work of the Council of Europe in this field: on the one hand a) Roma, Sinti/Manush, Calé, Kaale, Romanichals, Boyash/Rudari; b) Balkan Egyptians (Egyptians and Ashkali); c) Eastern groups (Dom, Lom and Abdal); and, on the other hand, groups such as Travellers, Yenish, and the populations designated under the administrative term "*Gens du voyage*", as well as persons who identify themselves as Gypsies. The present is an explanatory footnote, not a definition of Roma and/or Travellers.

<sup>29</sup> Cf. Relevant decision of the Committee of Ministers ([CM/Del/Dec\(2013\)1168/10.2](#)) and list of Conventions in [CM\(2017\)132](#).

**SPECIFIC TASKS**

- (i) A draft Additional Protocol on the protection of human rights and dignity of persons with mental disorders with regard to involuntary placement and involuntary treatment is finalised.
- (ii) On the basis of the results of the international conference organised on the occasion of the 20<sup>th</sup> anniversary of the Oviedo Convention, a draft Strategic Action Plan on human rights and technologies is finalised.
- (iii) A training course on essential principles for the protection of human rights in the biomedical field intended for legal and health professionals is launched in the framework of the HELP programme.
- (iv) A round table is organised, in co-operation with the Consultative Committee of the Convention for the protection of individuals with regard to automatic processing of personal data (T-PD), on the challenges for human rights raised by developments in the field of genetics, including for children's rights.
- (v) Subject to the results of the international conference organised on the occasion of the 20<sup>th</sup> anniversary of the Oviedo Convention, draft guidelines for the promotion of public debate on human rights challenges raised by developments in science and technologies are developed.

**COMPOSITION****Members:**

Governments of the member States are invited to designate one or more representatives of the highest possible rank, with appropriate expertise in the various aspects of bioethics, including in relation to emerging technologies, and able to consider these from a human rights perspective.

The Council of Europe will bear the travel and subsistence expenses of one representative from each member State (two in the case of the State whose representative has been elected Chair).

Each member of the committee shall have one vote. Where a government designates more than one member, only one of them is entitled to take part in the voting.

In accordance with decisions CM/Del/Dec(2013)1168/10.2 of the Committee of Ministers, in cases where there is no convention-based body including all the Parties, non-member States are invited to take part, with a right to vote, in the committee meetings pertaining to the conventions to which they are Parties.

**Participants:**

The following may send representatives, without the right to vote and at the charge of their corresponding administrative budgets:

- Parliamentary Assembly of the Council of Europe;
- Consultative Committee of the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (T-PD), Committee (Partial Agreement) on Transplantation of Organs and Tissues (CD-P-TO) and Committee (Partial Agreement) on Blood Transfusion (CD-P-TS);<sup>30</sup>
- Council of Europe Commissioner for Human Rights;
- Conference of INGOs of the Council of Europe;
- Committees or other bodies of the Council of Europe engaged in related work, as appropriate.

The following may send representatives, without the right to vote and without defrayal of expenses:

- European Union;
- Observer States to the Council of Europe: Canada, Holy See, Japan, Mexico, United States of America;
- Other international organisations: European Science Foundation (ESF), OECD, UNESCO and WHO.

**Observers:**

The following may send representatives, without the right to vote and without defrayal of expenses:

- Australia, Israel;
- the Conference of European Churches (KEK);
- other non-governmental organisations, including professional organisations, which could be invited by the DH-BIO to attend specific meetings of the DH-BIO in accordance with CM/Res(2011)24

<sup>30</sup> European Directorate for the Quality of Medicines and Healthcare.

**WORKING METHODS****Meetings:**

48 members, 2 meetings in 2018, 4 days

48 members, 2 meetings in 2019, 4 days

**Bureau**

7 members, 2 meetings in 2018, 2 days

7 members, 2 meetings in 2019, 2 days

The Chair or Vice-Chair of DH-BIO may be invited to attend the meetings of the CDDH and its Bureau in order to inform on progress with its work.

The Committee will also appoint a Gender Equality Rapporteur from amongst its members.

The rules of procedure of the Committee are governed by Resolution CM/Res(2011)24 on intergovernmental committees and subordinate bodies, their terms of reference and working methods.

**APPENDIX 1 - RELEVANT DECISION OF THE COMMITTEE OF MINISTERS AND LIST OF CONVENTIONS****CM/Del/Dec(2013)1168/10.2 (Review of Council of Europe conventions)**

9. [The Deputies] instructed the steering and ad hoc committees to carry out, at regular intervals, within the limits of the available resources and bearing in mind the priorities of each committee, an examination of some or all of the conventions for which they have been given responsibility, in co-operation, where appropriate, with the relevant convention-based bodies, in order to:

- propose ways of improving the visibility, impact and efficiency of some or all of the conventions for which they have been given responsibility;
- draw the attention of member States to the relevant conventions;
- where necessary, identify any operational problems or obstacles to ratification of the relevant conventions, and draw the attention of member States to reservations which impact substantively on the effectiveness of their implementation;
- encourage States to regularly examine the possibility and/or desirability of becoming a Party to new Council of Europe conventions;
- assess the necessity or advisability of drafting amendments or additional protocols to the conventions for which they have been given responsibility or drafting supplementary conventions;
- and to report back to the Committee of Ministers.

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<b>DH-BIO</b>	
164	Convention for the protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine: Convention on Human Rights and Biomedicine
168	Additional Protocol to the Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine, on the Prohibition of Cloning Human Beings
186	Additional Protocol to the Convention on Human Rights and Biomedicine concerning Transplantation of Organs and Tissues of Human Origin
195	Additional Protocol to the Convention on Human Rights and Biomedicine, concerning Biomedical Research
203	Additional Protocol to the Convention on Human Rights and Biomedicine concerning Genetic Testing for Health Purposes

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## Appendix IV

**Possible activities of the CDDH during the biennium 2020-2021**

(Preliminary reflections of the Secretariat for discussion  
by the Bureau, then by the plenary in November 2018)

1. In light, notably, of possible suggestions by the Bureau, the CDDH will be invited in November 2018 to exchange views on possible activities of the CDDH during the biennium 2020-2021.
2. It is recalled that, at its 91<sup>st</sup> meeting (June 2019), the CDDH will have to adopt its formal proposals for its future programme of activities 2020-2021 and transmit them to the Committee of Ministers for examination and possible adoption by the latter in autumn 2019.

***Situation of judges of the Court***

3. Whereas it is already foreseen that the CDDH consider questions relating to the situation of judges of the European Court of Human Rights (see § 94 (iv) above) it is possible that, further to this reflection, the Committee of Ministers entrusts the CDDH with the task of setting standards/compilation of good practices in 2020-2021 in this field.

***Disseminating judgments and decisions of the Court, including, if need be, in national language(s)***

4. This activity is of particular interest both for the Court's Registry and for the Department of Execution of Judgments, as it has been demonstrated during the round table *Implementation of the ECHR in the domestic legal systems: Experience in the translation and dissemination of the judgments of the European Court in a comparative perspective* which took place in Strasbourg on 15 October 2018<sup>31</sup>.
5. In this context Recommendation Rec (2002) 13 of the Committee of Ministers to member States on the publication and dissemination in the member States of the text of the European Convention on Human Rights and of the case-law of the European Court of Human Rights, which had been elaborated by the CDDH, demonstrated its relevance and remains the point of reference as an outline but it would need to be developed and accompanied by good national practices in order to take account of the technological and social evolution since its adoption in 2002<sup>32</sup>. The possible work of the CDDH on this Recommendation could notably lead to setting up transnational networks of legal translators sharing the same language, in order to ensure coherence of judgments translated at the national level.

***Strengthening international regulations against trade in goods used for torture and the death penalty***

6. In its reply adopted on 12 September 2018 at the 1323<sup>rd</sup> meeting of the Ministers' Deputies concerning Recommendation 2123 (2018) of the Parliamentary Assembly "Strengthening international regulations against trade in goods used for torture and the death penalty", the Committee of Ministers considered that strengthening international regulations against trade in goods used for torture and the death penalty

<sup>31</sup> In 2006 the CDDH assessed the level of implementation of this text at the national level in 2006 (document CDDH(2006)008).

<sup>32</sup> In 2006 the CDDH assessed the level of implementation of this text at the national level in 2006 (document CDDH(2006)008).

“would be a useful addition to efforts at European and global levels to prohibit torture and inhuman or degrading treatment or punishment and abolish the death penalty”. It has also been “convinced that, in view of its pioneering role in these areas, the Council of Europe should contribute, for example by providing member States with a general framework and guidance for measures to take with a view to establishing and implementing an effective regulatory system.”

7. Consequently, the Committee of Ministers :

- (i) believed that it would be expedient to have a study carried out by the Steering Committee for Human Rights enabling it to gauge the feasibility of a legal instrument in this sphere, taking account of existing work within the framework of the Council of Europe and other international arenas, as well as examples of good practices to be gathered via the new digital platform on human rights and business;
- (ii) agreed to come back to this matter in the light of the findings of the feasibility study.

8. It follows from this mandate that the CDDH retains full discretion in organising its work. If it decided to carry out the feasibility study in 2019 and if the study concluded to the interest of drafting a legal instrument in this field, it may be that the Committee of Ministers decides to ask it to engage in drafting such instrument in 2020.

***Promoting human rights of older persons***

- 9. In June 2018, the CDDH conducted a follow-up of its work on the promotion of human rights of older persons, through an Exhibition at the initiative of the Permanent Representation of the Federal Republic of Germany as well as a CDDH Workshop under the aegis of the Croatian Chairmanship of the Committee of Ministers, concerning the implementation of Recommendation CM/Rec(2014)2 on the promotion of human rights of older persons. It decided to communicate in due time to the Committee of Ministers the outcome of the Workshop and the replies of member States to the questionnaire on the national implementation of this instrument.
- 10. It follows from the work carried out in June 2018 that the increasing ageing of the populations in the member States will require a particular contribution of the CDDH, in the years to come, to the promotion of human rights of older persons and to the efforts so that they can fully enjoy these rights (non-discrimination, autonomy and participation, protection against violence, social protection and employment, appropriate access to health care, access to justice), on the basis of international standards existing in the field of human rights, in particular the ECHR and the European Social Charter.
- 11. It would be important to identify, in each domain, the best standards and practices existing in the member States and to examine the feasibility of cooperation programmes. Given that the Council of Europe does not have any specific body devoted to the promotion of human rights of older persons, the CDDH could play, from a perspective which is its own, an important role of promoter and coordinator in this field.

***Facilitating access to official documents***

- 12. As the CDDH has already indicated, the issue of access to official documents could be raised in the framework of a Workshop aimed at raising awareness of the Tromsø Convention. Such event could take place within the CDDH in the course of, for example, the future Georgian Chairmanship of the Committee of Ministers (November 2019-May 2020) and, if need be, under the auspices of the latter, taking into account that Georgia is one of the member States having already signed the Convention.

***Deepening the links between human rights and environment***

13. The interplay between human rights and environment is growing. In spite of the fact that the ECHR does not guarantee a specific right to a healthy environment, general standards stemming from it can nevertheless apply to environmental issues. The Court regularly examines applications in which the applicants invoke violations of their rights guaranteed by the Convention on the ground of negative environmental factors. The European Committee of Social Rights has, for its part, interpreted the right to protection of health set in the European Social Charter as including the right to a healthy environment. Examples of good national practices have been identified therein.
14. A High-level Conference concerning human rights and protection of the environment is envisaged in April 2020 under the Georgian Chairmanship of the Committee of Ministers (November 2019 – May 2020). Directorates General I (Human rights and Rule of Law) and II (Democracy) cooperate in preparing this event. Given the specific work already carried out in this field by the CDDH (in particular its Handbook on Human Rights and Environment<sup>33</sup>), the latter could be formally involved both in the Conference and in a possible follow-up. At this stage, it is not excluded that the Conference adopts a political Declaration addressed to the Committee of Ministers in view of a possible elaboration, in 2020-2021, of a non-binding legal instrument concerning human rights and protection of the environment..

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<sup>33</sup> 1<sup>st</sup> edition 2006; 2<sup>nd</sup> edition 2012.

## Appendix V

**Planning of the work of the DH-SYSC-II****5<sup>th</sup> meeting: 6-8 February 2019**

- Adoption of the draft chapter on Theme 1 subtheme iv) and the draft chapter on Theme 2
- [Adoption of the revised draft chapter on Theme 1 subtheme ii)] [if one more meeting day added]
- Discussion on Theme 3 (+ *ad hoc* expert)

**6<sup>th</sup> meeting: 22-24 May 2019**

- Adoption of the draft chapter on Theme 3
- [Adoption of the revised draft chapter on Theme 1 subtheme ii) if it was not possible to adopt it at the 5<sup>th</sup> meeting]
- Discussion on the revised draft Report

The Chair, in coordination with the Rapporteurs and the Secretariat, compiles the chapters into one coherent draft Report with an introduction and a conclusion.

**7<sup>th</sup> meeting: 11-13 September 2019**

- Adoption of the revised draft Report

## Appendix VI

For consideration and possible guidance by the CDDH  
at its 90th meeting (27-30 November 2018)

**Preliminary draft recommendation Rec(2019)...  
of the Committee of Ministers to member states  
on the system of the European Convention on Human Rights  
in university education and professional training**

*(adopted by the Committee of Ministers on ... 2019,  
at its ... Session)*

The Committee of Ministers of the Council of Europe, under the terms of Article 15.b of the Statute of the Council of Europe,

1. Reaffirming the commitment to the Statute of the Council of Europe and the latter's aim to achieve a greater unity between its members, inter alia, by promoting common standards and carrying out activities in the field of human rights and fundamental freedoms;
2. Recalling the essential role of the system of the Convention for the Protection of Human Rights and Fundamental Freedoms in the effective protection of human rights in Europe, the system including not only the Convention and the case-law of the European Court for Human Rights but also the proceedings before the Court and the execution of its judgments;
3. Bearing in mind the important developments in university education and professional training in human rights in the 47 member States of the Council of Europe, resulting from valuable efforts by both the member States and the Court as well as from the European Programme for Human Rights Education for Legal Professionals (HELP) of the Council of Europe;
4. Considering that there is, therefore, a need to update Recommendation Rec(2004)4 of the Committee of Ministers to member States on the European Convention on Human Rights in university education and professional training;
5. Recalling the subsidiary character of the supervision mechanism set up by the Convention, which implies, in accordance with its Article 1, that the rights and freedoms guaranteed by the Convention be protected in the first place at national level and applied by national authorities;
6. Taking into account that the Convention, as an integral part of the domestic legal order of all member States, has a direct effect in their domestic law, and that there is therefore a need to provide specific university education and professional training in the system of the Convention;
7. Stressing the fundamental role played by university education and professional training in the system of the Convention for preventing violations and promoting human rights;
8. Considering that it is of major importance for university education and professional training in the system of the Convention that accurate translations of selected Court's case-law are available in member States, in line with Recommendation Rec(2002)13 of the Committee of Ministers to member states on the publication and dissemination in the

member states of the text of the European Convention on Human Rights and of the case-law of the European Court of Human Rights, adopted by the Committee of Ministers on 18 December 2002;

9. Recalling, in this context, the Parliamentary Assembly Recommendation (2039)2014 on “The European Convention on Human Rights: the need to reinforce the training of legal professionals”, adopted on 7 March 2014, as well as the Brussels (2015) and Copenhagen (2018) Declarations adopted at the respective High Level Conferences, emphasizing the importance of the training of legal professionals;

10. Underlining the necessity to provide also targeted university education and professional training responding to the specific needs and expectations of other relevant professional sectors;

11. Recalling the conclusions of the Seminar on the role of governments agents in ensuring effective human rights protection, held on 3–4 April 2008 in Bratislava, and recognising the role of government agents, as well as that of national training institutions, in providing, notably, professional training in the system of the Convention ;

12. Recalling the role played by various actors of the civil society, in particular by the national institutions for the promotion and protection of human rights and by non-governmental organisations, in the field of university education and professional training in the system of the Convention;

13. Taking into account the diversity of traditions and practice in the member states as regards university education, professional training and its methods, as well as awareness-raising regarding the system of the Convention;

14. Recommends that the governments of member states:

- i. ascertain that the university education and professional training concerning the system of the Convention comply with the principles set out in the Appendix I to this recommendation;
- ii. ensure, by appropriate means and action – including, where appropriate, translation - a wide dissemination of this recommendation among competent authorities and stakeholders;
- iii. examine, within the Committee of Ministers, the implementation of this recommendation five years after its adoption.

#### Appendix I to Recommendation

##### **I. General principles**

1. Member States should ensure university education and professional training in the system of the Convention which are in line with the needs and expectations of the different categories of public, notably those acting in the human rights field. If necessary, this task should be performed in cooperation with relevant non-State actors.

2. Member States should notably enhance the effectiveness of such university education and professional training by providing each category of public with necessary tools to comply with the obligations stemming from the Convention. To this end, member States should provide quality, targeted and accessible professional training.

## **II. Targeted public**

3. Member States should ensure that university students of law and, as appropriate, of relevant science degrees, are offered education concerning the basic elements of the system of the Convention in their common core curriculum. In addition, optional in-depth studies should be offered to those who wish to specialise.

4. Taking into account the diversity of domestic situations, member States should ensure that a large variety of professionals are offered quality and targeted professional training in the system of the Convention, and that, if possible, such training is accessible in the language(s) of the member State. In particular, attention should be paid to the initial and continuous training of: judges, prosecutors, lawyers; legal translators; law enforcement personnel; specialised journalists; personnel dealing with vulnerable groups.

## **III. Specialised teachers and trainers**

5. Member States should encourage, by appropriate means, that university education and professional training in the system of the Convention are provided by specialised teachers and trainers. These may include, among others, former judges and lawyers of the Court, judges and lawyers of supreme domestic courts, as well as government agents and members of their offices.

6. Professional training should be provided, as far as possible, by persons having good knowledge of the system of the Convention and practical experience from the relevant professional field.

## **IV. Contents of the university education and professional training**

7. Member States should aim primarily at facilitating an effective access to basic and practical information about the system of the Convention through university education and professional training. This should include the ability to use available resources (HUDOC database, HELP courses, other information sources).

8. Member States should also encourage access by relevant professionals to continuous and specialised training concerning the system of the Convention.

## **V. Learning and training methods**

9. Member States should ensure accurate translations of selected Court's case-law, in line with Recommendation Rec(2002)13 of the Committee of Ministers to member states on the publication and dissemination in the member states of the text of the European Convention on Human Rights and of the case-law of the European Court of Human Rights. Such translations should be easily accessible.

10. Member States should encourage use of the most appropriate learning and training methods, taking into account the national context and the specific needs and expectations of the targeted public. If appropriate, such methods could be set up in close cooperation with non-State actors. E-learning as well as the use of the HELP methodology should also be encouraged.

## Appendix VII

**Seminar on the occasion of the 20<sup>th</sup> anniversary of the New Court**

*(organised by the future Finnish Chairmanship of the Committee of Ministers  
in cooperation with the European Court of Human Rights and the CDDH)*

**DRAFT PROGRAMME**

**15:15** *Participants arrive, coffee available [family photo taken]*

**OPENING SESSION**

**15:30** Mr Hans-Jörg BEHRENS, Chair of the Steering Committee for Human Rights (CDDH), Council of Europe

**15:35** Mr Thorbjørn JAGLAND, Secretary General of the Council of Europe

**15:45** Mr Guido RAIMONDI, President of the European Court of Human Rights

**15:55** Ms Liliane MAURY PASQUIER, President of the Parliamentary Assembly of the Council of Europe

**16:05** Ms Dunja MIJATOVIĆ, Commissioner for Human Rights

**16:15** Ms Satu MATTILA-BUDICH, Ambassador, Permanent Representative of Finland to the Council of Europe

**SESSION I – THE COURT AT PRESENT: ITS ASSETS, ITS RESULTS**

**16:20** **Opening comments**  
Mr Roderick LIDDELL, Registrar of the Court

**16:25** **From the old Court to the new Court**  
Sir Nicolas BRATZA, former President of the Court

**16:35** **The reform process from the Court's perspective**  
Mr Jean-Paul COSTA, former President of the Court

**16:45** **Discussion**

**17:05** *Anniversary cake and coffee*

**17:30** **Presentation of the “Impact” project**  
Mr Daniel HÖLTGEN, Director of Communications, Council of Europe

**SESSION II – THE COURT: PERSPECTIVES**

**17:40** **The challenges at the end of the “Interlaken process”**  
Ms Florence MERLOZ, Chair of the Drafting Group on the place of the European Convention on Human Rights in the European and International Legal Order (DH-SYSC II)

- 17:50      A view from the inside**  
Ms Pauliine KOSKELO, Judge at the Court
- 18:00      NGO perspective to the work of the Court**  
Mr Philip LEACH, European Implementation Network  
Mr Saman ZIA-ZARIFI, Secretary General, International Commission of Jurists
- 18:10      Discussion**
- 18:30      Concluding remarks**  
Mr Hans-Jörg BEHRENS, Chair of the CDDH

*Reception offered by the Finnish Chairmanship of the Committee of Ministers*

## Appendix VIII

**CDDH Workshop**  
***Protection and promotion of the civil society space in Europe***

*(organised by the CDDH at its 90<sup>th</sup> meeting under the aegis of the Finnish Presidency of the Committee of Ministers)*

**DRAFT PROGRAMME**

**Place and date:** Strasbourg, Palais de l'Europe, **room 8**, Thursday 29 November 2018 (14:00-17:15)

**Participants:** representatives of member States, Council of Europe, international organisations, civil society

**Moderator:** Ms Debbie KOHNER, European Network of National Human Rights Institutions

**14:00 – Opening session**

(3') Welcome to the participants by Mr Hans-Jörg BEHRENS, Chair of the CDDH

(3') Speech by the Finnish Chair of the Committee of Ministers

(7') Speech by a high representative of the Council of Europe

(7') Speech by Ms Krista OINONEN, Chair of the CDDH-INST

**14:20 – Working session I – Commitment of the Council of Europe and other international partners to protect and promote the civil society space in Europe**

Speeches by representatives of the Council of Europe and, possibly, of the OHCHR and OSCE/ODIHR

Discussion – *What should be the further steps to strengthen the role of the civil society in Europe?*

**15:20 – Coffee break**

**15:45 – Working session II – Current challenges facing civil society actors in Europe**

Speeches by:

- Ms Anna RURKA, President of the Conference of the INGOs of the Council of Europe
- Ms Hanna MACHINSKA, Deputy Ombudsperson of Poland
- Representatives of several European NGOs

Discussion – *How to reverse shrinking democratic space in Europe?*

**17:00 – Conclusion**

(7') Concluding remarks by Mr Hans-Jörg BEHRENS, Chair of the CDDH

(3') Closing by the Finnish authorities

**17:15 – *Vin d'honneur* offered by the Finnish Presidency of the Committee of Ministers**

## Appendix IX

**Possible structure for the revision of Recommendation No R(85)13  
of the Committee of Ministers on the institution of the ombudsman**

The revised Recommendation could have the following structure:

**Preamble** (updated);

**Operative part** recommending to follow the principles set in the Appendix and to conduct a review of the implementation;

**Appendix** consisting of four sections:

- I. General principles, main tasks of the ombudsman;
- II. Diversity of ombudsman institutions;
- III. Fundamental characteristics of the ombudsman institution (such as independence and effectiveness, impartiality, fairness, possibility for the ombudsman to conduct a credible review process, confidentiality, accessibility);
- IV. Cooperation and dialogue (between ombudsman institutions, civil society organisations, national human rights structures and their networks, State authorities, international and regional organisations).

## Appendix X

**Workshop**  
***Protection of victims of terrorist acts***

*(to be organised by the CDDH under the aegis of  
the French Presidency of the Committee of Ministers)*

**PRELIMINARY DRAFT PROGRAMME**

**Place and date:** Strasbourg, 20 June 2019, during the 91<sup>th</sup> meeting of the CDDH

**14:30 – Opening session**

- (5') Welcome to the participants by the Chair of the CDDH
- (5') Introductory speech by the [French Chair of the Committee of Ministers]<sup>34</sup> [to be confirmed]
- (10') Speech by the [Secretary General of the Council of Europe<sup>35</sup>] [to be confirmed]
- (10') Speech by a [Representative from the Office of the High Commissioner for Human Rights of United Nations] [to be confirmed]

**15:00 – Working session I – “The Revised Guidelines of the Committee of Ministers on the protection of victims of terrorist acts”**

- (10') Presentation by the [CDDH representative before the CDCT] [to be confirmed]
- (5') Speech by the [President of the Council of Europe Counter-Terrorism Committee (CDCT)] [to be confirmed]
- (5') Speech by a [senior Registry official/Judge of the European Court of Human Rights] [to be confirmed]

Discussion

**15:50 – Coffee break**

**16:20 – Working session II – Best practices in the protection of human rights of victims of terrorist acts**

- (8') Speech by Mme Elisabeth Pelsez, French Interdepartmental Delegate for victims support
- (8') Speech by a [representative from civil society – national victim's association] [to be confirmed]
- (8') Speech by a [representative from civil society – the European Network of Associations of Victims of Terrorist Acts or the International Federation of Terrorist Victims Associations] [to be confirmed]
- (8') Speech by Mr. Ahmet Mollaooglu (judge from Turkey) about “Financial and legal aid provided to the victims of terrorist acts in Turkey”

Discussion

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<sup>34</sup> This speech would need to recall the aim of the Workshop.

<sup>35</sup> The Secretary General of the Council of Europe has taken the initiative to carry out this revision in his report "Fight against violent extremism and radicalization leading to terrorism" (CM (2016) 64) presented to the 126th Session of the Committee of Ministers in Sofia on 18 May 2016.

**17:20 – Concluding remarks**

(5') Concluding remarks and official closing of the Workshop by the Chair of the CDDH

**17:25 – *Vin d'honneur* offered by the French Chairmanship of the Committee of Ministers**

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**Request for information to member States  
regarding human rights of victims of terrorist acts**

*(Questionnaire to be sent to CDDH participants  
so that they communicate it to the relevant national authorities<sup>36</sup> –  
Deadline for replies: 28 February 2019)*

The revised guidelines describe the victims of terrorist acts are those persons that “have suffered direct physical or psychological harm as a result of a terrorist act, and, in appropriate circumstances, as well their close family”.

Having this in mind, the national authorities are invited to answer the following questions:

- (i) Have victims of terrorist acts recognised a particular status in your country?
  - a. In particular, does any definition of “victim of terrorist act” exist in your legal system?
  - b. Have relatives and dependents of those who have suffered bodily or psychological damage due to a terrorist act, recognised the status of victim?
- (ii) First urgent assistance to victims: is it ensured in your country the availability of appropriate (medical, psychological, social and material) emergency assistance free of charge to them?
- (iii) Have victims of terrorist acts access to a specific information point concerning their rights?<sup>37</sup>
- (iv) Have victims of terrorist acts a right in medium and long-term to medical, psychological, social and material assistance which leads them, as far as it is practicable, to resume the normal course of their activities and lives which they enjoyed before the terrorist act?
- (v) In cases of foreign and non-resident victims, does your country cooperate with the victim's State of residence in receiving such assistance?
- (vi) Has your country undertaken specific measures to effectively investigate terrorist acts without delay ensuring that investigators receive specific victim-sensitive training on the needs of victims?

<sup>36</sup> It is envisaged to ask participants to provide the Secretariat (DGI-CDDH@coe.int) by 28 February 2019 with their comments on the content of the above-mentioned document CDDH (2018) 06, as well as information on the relevant associations and civil society actors who should be invited to complete the questionnaire.

<sup>37</sup> Access to specific support bodies, practical and legal advice as well as information about a possible compensation. Access to information about (i) investigations; (ii) the final decision concerning prosecution; (iii) the date and place of the hearings; (iv) any opportunity in that context to introduce an action for damages; (v) the conditions under which they may acquaint themselves with the decisions handed down.

- (vii) Has your country recognise a proper position of victims in criminal proceedings?
- (viii) Have victims of terrorist acts a right to a fair, easily accessible, and timely compensation, including for loss of earnings?
- (ix) A specific fund to this end has been created in your country?
- (x) Irrespective of their nationality, have victims of terrorist acts a right to alternative measures to mitigate, once they have come back to their country of residence, the harmful consequences of a terrorist act occurred in your country?
- (xi) Have victims of terrorist acts a right to specific protection measures in case they participate as witnesses in criminal proceedings concerning the terrorist act which caused their condition of victims?
- (xii) Have the victims ensured the access to an effective remedy to claim against an unlawful violation of their private and family life?
  - (i) In this regard, has your country undertaken any measure in order to raise awareness of media and journalists (in full compliance with the freedom of expression) about the protection of the victim's rights in the framework of their information activity?
- (xiii) Has your country set up any mechanism to co-operate with civil society representatives, and especially those of the associations related to victims of terrorist acts?
- (xiv) Has your country undertaken measures in order to attain societal recognition and remembrance of victims of terrorist attacks?

## Appendix XI

**Focal points of the CDDH in other bodies**

*(List adopted by the CDDH at its 89<sup>th</sup> meeting, 19–22 June 2018)*

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): Ms Florence MERLOZ (France)
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 LICIS (Latvia)
7. Ad hoc Committee of experts on Roma and Traveller Issues (CAHROM): Ms Svetlana GELEVA ("The former Yugoslav Republic of Macedonia")
8. 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"): Ms Brigitte KONZ (Luxembourg)
11. Ad hoc Committee for the Rights of the Child (CAHENF): Ms Brigitte KONZ (Luxembourg)
12. European Committee on Democracy and Governance (CDDG): Ms Krista OINONEN (Finland)
13. Committee of Experts on Administrative Detention of Migrants (CJ-DAM): Mr Morten RUUD (Norway)

**CDDH RAPPORTEURS**

14. Rapporteur on Roma and Traveller Issues: Ms Svetlana GELEVA ("The former Yugoslav republic of Macedonia")
15. CDDH Rapporteur on gender equality for 2018: Mr Philippe WERY (Belgium)

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## Appendix XII

**Composition of the Bureau, chairs and rapporteurs**  
*(list adopted by the CDDH at its 88th meeting, 5-7 December 2017)*

<b>BUREAU OF THE CDDH</b>	<b>END OF THE MANDATE</b>	<b>REFERENCES</b>
Mr Hans-Jörg BEHRENS (Germany), Chair	31 December 2018 (elected for 1 year renewable once)	88 <sup>th</sup> meeting of the CDDH (December 2017)
Mr Morten RUUD (Norway), Vice-Chair	31 December 2018 (elected for 1 year renewable once)	88 <sup>th</sup> meeting of the CDDH (December 2017)
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 Kristine LIČIS (Latvia), Member	31 December 2019 (elected for 2 years not renewable)	88 <sup>th</sup> meeting of the CDDH (December 2017)
Ms Zinovia STAVRIDIS (Greece), Member	31 December 2019 (elected for 2 years not renewable)	88 <sup>th</sup> meeting of the CDDH (December 2017)
Ms Florence MERLOZ (France), Member	31 December 2018 (elected for 1 year renewable once for two years)	88 <sup>th</sup> meeting of the CDDH (December 2017)
Ms Krista OINONEN (Finland), Member	31 December 2019 (elected for 2 years renewable once)	88 <sup>th</sup> meeting of the CDDH (December 2017)
Ms Maris KUURBERG (Estonia), Member	31 December 2018 (elected for 1 year renewable once for two years)	88 <sup>th</sup> meeting of the CDDH (December 2017)
<b>CHAIRS</b>		
<b>DH-BIO</b> Ms Beatrice IOAN (Romania), Chair	31 December 2018 (elected for 1 year not 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 Brigitte OHMS (Austria), Chair	31 December 2018 (elected for 1 year renewable once)	88 <sup>th</sup> meeting of the CDDH (December 2017)
<b>DH-SYSC-II</b> Ms Florence MERLOZ (France), Chair	31 December 2019	88 <sup>th</sup> meeting of the CDDH (December 2017)
<b>DH-SYSC-III</b> Ms Vasileia PELEKOU (Greece), Chair	31 December 2019	88 <sup>th</sup> meeting of the CDDH (December 2017)
<b>CDDH-SOC</b> Mr Vít A. SCHORM (Czech Republic), Chair	31 December 2019	88 <sup>th</sup> meeting of the CDDH (December 2017)
<b>CDDH-EXP</b> Mr Hans-Jörg BEHRENS (Germany), Chair	31 December 2019	88 <sup>th</sup> meeting of the CDDH (December 2017)
<b>CDDH-MIG</b> Mr Morten RUUD (Norway), Chair	31 December 2019	88 <sup>th</sup> meeting of the CDDH (December 2017)

<b>CDDH-INST</b> Ms Krista OINONEN (Finland), Chair	31 December 2019	88 <sup>th</sup> meeting of the CDDH (December 2017)	
<b>RAPPORTEURS<sup>38</sup></b>			
<b>DH-SYSC-II</b> Mr Alexei ISPOLINOV (Russian Federation) – Theme 1 Mr Chanaka WICKREMASINGHE (United Kingdom) – Theme 1 Ms Sofia KASTRANTA (Greece) – Theme 2 Ms Kristine LĪCIS (Latvia) – Theme 3	31 December 2019	88 <sup>th</sup> meeting of the CDDH (December 2017)	
<b>CDDH-EXP</b> Ms Kristine LĪCIS (Latvia)	31 December 2019	88 <sup>th</sup> meeting of the CDDH (December 2017)	
<b>CDDH-MIG</b> Mr Frank SCHÜRMANN (Switzerland)	31 December 2019	88 <sup>th</sup> meeting of the CDDH (December 2017)	
<b>DRAFTING GROUPS</b>			
<b>DH-SYSC-II<sup>39</sup></b>		<b>DH-SYSC-III<sup>40</sup></b>	
Bulgaria		Armenia	
Croatia		Belgium	
Czech Republic		Greece	
France		Italy	
Italy		Latvia	
Latvia		Montenegro	
The Netherlands		Portugal	
Norway		Slovak Republic	
<b>CDDH-SOC</b>	<b>CDDH-EXP<sup>41</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	Poland
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>38</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>39</sup> Following a decision taken by the CDDH at its 88<sup>th</sup> meeting (5-7 December 2017), and subject to the availability of budgetary resources, it is envisaged that the following member States would also be covered by the budget of the Council of Europe to participate in the following meetings:

- 3<sup>rd</sup> meeting (3-5 April 2018) and 5<sup>th</sup> meeting (March 2019): Albania, Austria, Azerbaijan, Bosnia-Herzegovina, Denmark, Finland, Germany, Greece, Russian Federation, United Kingdom
- 4<sup>th</sup> meeting (25-28 September 2018) and 6<sup>th</sup> meeting (May 2019): Greece, Poland, Romania, Russian Federation, Serbia, Spain, Sweden, Turkey, Ukraine, United Kingdom
- 7<sup>th</sup> meeting (September 2019): it is envisaged that the Council of Europe will cover the costs of all the participants.

<sup>40</sup> Initially, the work of the Group will take place by electronic means.

<sup>41</sup> Chair: Germany. The expenses of the Chair are covered by the budget of the Council of Europe.

## Appendix XIII

**Publications**

It is planned to publish the following documents in 2019:

- (1) *Contribution to the evaluation provided for by the Interlaken Declaration - Final report of the CDDH*
- (2) *University education and vocational training in the systems of the ECHR and the European Social Charter - Practical Guide*
- (3) *The individual application to the European Court of Human Rights - Practical Guide*
- (4) *Council of Europe Legal Framework for the Protection of Social Rights in Europe – Analysis*
- (5) *Good and promising practices to reconcile freedom of expression with other rights and freedoms, in particular, in culturally diverse societies - A practical guide*
- (6) *Human rights and migration - Legal and practical aspects of effective alternatives to detention in the context of migration - Analysis*
- (7) *Handbook on alternatives to immigration detention*
- (8) *Protection and promotion of space dedicated to civil society in Europe - Recommendation of the Committee of Ministers, compilation and synthesis of measures and practices in place in the Member States, Proceedings of the Seminar of 29 November 2018*
- (9) *Promotion of the human rights of older persons - Review of the implementation of Recommendation CM/Rec(2014)2 of the Committee of Ministers, compilation and synthesis of measures and practices in place in the Member States, Proceedings of the Seminar of 21 June 2018*
- (10) *Protection of Victims of Terrorist Acts - Revised Committee of Ministers Guidelines, compilation and synthesis of measures and practices in place in the Member States, Proceedings of the Seminar of 20 June 2019*
- (11) *Strengthen international regulations prohibiting trade in goods used for torture and the death penalty - Feasibility study*
- (12) *Handbook on Human Rights and the Environment - Handbook (3<sup>rd</sup> edition)*
- (13) *Protection and promotion of the human rights of older persons - Recommendation of the Committee of Ministers, compilation and synthesis of measures and practices in place in the Council of Europe member states, Proceedings of the Workshop of 21 June 2018*

## Appendix XIV

**Calendar of meetings of the CDDH  
and subordinate bodies for 2018 and 2019**

*(as adopted by the CDDH at its 88<sup>th</sup> meeting, 5-7 December 2017)*

<b>2018</b>	
3 <sup>rd</sup> meeting of the drafting Group on Civil Society and National Human Rights Institutions (CDDH-INST)	14–16 March
4 <sup>th</sup> meeting of the drafting Group on Human Rights and Migration (CDDH-MIG)	21–23 March
3 <sup>rd</sup> meeting of the 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>	Copenhagen, 11–13 April
3 <sup>rd</sup> meeting of the drafting Group on Freedom of Expression and links to other Human Rights (CDDH-EXP)	25–27 April
2 <sup>nd</sup> meeting of the drafting Group on Social Rights (CDDH-SOC)	2–4 May
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)	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 drafting Group on Social Rights (CDDH-SOC)	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 drafting on the place of the ECHR in the European and international legal order (DH-SYSC-II)	25–28 September
1 <sup>st</sup> meeting of the Drafting Group on the follow-up to Rec (2004) 4 (DH-SYSC-III)	16–17 October
5 <sup>th</sup> meeting of the drafting Group on Human Rights and Migration (CDDH-MIG)	23–25 October
100 <sup>th</sup> meeting of the Bureau of the Steering Committee for Human Rights (CDDH-BU)	Berlin, 8–9 November
14 <sup>th</sup> meeting of the Committee on Bioethics (DH-BIO)	20–23 November
<i>Meeting of the Government Agents with the Registry of the Court</i>	26 November morning
CDDH Workshop on the 20 <sup>th</sup> anniversary of the new Court	26 November afternoon
90 <sup>th</sup> meeting of the Steering Committee for Human Rights (CDDH) including the CDDH Workshop (29 November afternoon) on Civil Society and National Human Rights Institutions	27–30 November

<b>2019</b>	
5 <sup>th</sup> meeting of the drafting Group on the place of the ECHR in the European and international legal order (DH-SYSC-II)	6–8 February
5 <sup>th</sup> meeting of the drafting Group on Civil Society and National Human Rights Institutions (CDDH-INST)	27 February–1 <sup>st</sup> March
4 <sup>th</sup> meeting of the drafting Group on Freedom of Expression and links to other Human Rights (CDDH-EXP)	20–22 March
6 <sup>th</sup> meeting of the drafting Group on Human Rights and Migration (CDDH-MIG)	26–28 March
4 <sup>th</sup> meeting of the drafting Group on Social Rights (CDDH-SOC)	3–5 April
101 <sup>th</sup> meeting of the Bureau of the Steering Committee for Human Rights (CDDH-BU)	16–17 May
6 <sup>th</sup> meeting of the drafting Group on the follow-up to the CDDH report on the longer-term future of the Convention (DH-SYSC-II)	22–24 May
91 <sup>th</sup> meeting of the Steering Committee for Human Rights (CDDH) and Workshop on the protection of victims of terrorist acts	18–21 June
7 <sup>th</sup> meeting of the drafting Group II on the place of the ECHR in the European and international legal order (DH-SYSC-II)	11–13 September
6 <sup>th</sup> meeting of the drafting Group on Civil Society and National Human Rights Institutions (CDDH-INST)	18–20 September
5 <sup>th</sup> meeting of the drafting Group on Social Rights (CDDH-SOC)	25–27 September
6 <sup>th</sup> meeting of the drafting Group on Freedom of Expression and links to other Human Rights (CDDH-EXP)	9–11 October
6 <sup>th</sup> meeting of the Committee of experts on the system of the European Convention on Human Rights (DH-SYSC)	16–18 October
7 <sup>th</sup> meeting of the drafting Group on Human Rights and Migration (CDDH-MIG)	22–24 October
102 <sup>nd</sup> meeting of the Bureau of the Steering Committee for Human Rights (CDDH-BU)	7–8 November
92 <sup>nd</sup> meeting of the Steering Committee for Human Rights (CDDH)	26–29 November

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