



CDDH(2019)R91ab
Strasbourg, 21 June 2019

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

ABRIDGED REPORT

91st meeting

Strasbourg, 18–21 June 2019

Deadlines for possible contributions
(as adopted by the CDDH at its 91st meeting, 18–21 June 2019)

Monday 15 July 2019 by 18:00:

1. to send to DGI-CDDH@coe.int: drafting proposals regarding the Report provisionally adopted by the CDDH in June 2019, on measures taken by the member States to implement relevant parts of the Brussels Declaration ([CDDH\(2019\)17Rev](#));
2. to send to DGI-CDDH@coe.int: drafting proposals on the following elements, provisionally adopted by the CDDH in June 2019 ([CDDH-BU\(2019\)R101Addendum](#)) resulting from the Copenhagen Declaration which should be reflected in the future Contribution of the CDDH to the evaluation provided for in the Interlaken Declaration:
 - *comprehensive analysis of the backlog of cases before the European Court of Human Rights;*
 - *the prompt and efficient handling of cases, in particular repetitive cases pending before the Court, by friendly settlements or unilateral declarations and*
 - *the post-mandate situation of judges of the Court;*

The preliminary draft Contribution will subsequently be sent to the DH-SYSC and to the CDDH on Monday 16 September 2019, with the possibility for the member States to react on it with drafting proposals to be sent by Monday 7 October 2019;

Monday 16 September 2019 by 18:00:

3. to send to DGI-CDDH@coe.int: drafting proposals regarding the selection of good national practices on the Ombudsman institution ([Compendium of good practices](#)) accompanying the draft Recommendation R (...) [2019] of the Committee of Ministers to member States on the development of the Ombudsman institution;

Monday 7 October 2019 by 18:00:

4. to send to DGI-CDDH@coe.int: drafting proposals regarding the draft Contribution of the CDDH to the evaluation provided for by the Interlaken Declaration;

Monday 14 October 2019 by 18:00:

5. to send to DGI-CDDH@coe.int: drafting proposals concerning the consolidated version (that the Secretariat will have send before 1st September 2019) of the preliminary draft feasibility Study on CDDH work on the prohibition of the trade in goods used for torture and the death penalty;
6. To send to SOGI@coe.int: drafting proposals concerning the consolidated version (that the Secretariat will have send before 1st September 2019) of the draft follow-up Report on the implementation of Recommendation CM/Rec(2010)5 of the Committee of Ministers to member States on measures to combat discrimination on grounds of sexual orientation or gender identity.

1. The Steering Committee for Human Rights (CDDH) held its 91st meeting from 18 to 21 June 2019 in Strasbourg with Mr Hans-Jörg BEHRENS (Germany) in the Chair. The agenda, as adopted, appears in Appendix I. The list of participants is contained in Appendix II.

2. At this meeting the CDDH, in particular:^{1 2}

- (a) adopted its comments on Recommendation of the Parliamentary Assembly 2145(2019) - Withdrawing nationality as a measure to combat terrorism: a human rights-compatible approach (see Appendix III);
- (b) adopted its proposals for the Intergovernmental Programme of Activities 2020–2021 (see Appendix IV);
- (c) concerning the **system of the European Convention on Human Rights**:
 - (i) provisionally adopted the following chapters of the future CDDH report on the place of the European Convention on Human Rights in the European and international legal order:
 - *Methodology of interpretation by the European Court of Human Rights and its approach to international law* (theme 1, sub-theme (i));
 - *Interaction between the resolutions of the Security Council and the European Convention on Human Rights* (theme 1, sub-theme (iii));
 - *Interaction between international humanitarian law and the European Convention on Human Rights* (theme 1, sub-theme (iv));
 - *Challenge of the interaction between the Convention and other international human rights instruments to which Council of Europe member States are parties* (theme 2);
 - (ii) adopted its 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, accompanied by a selection of good national practices (CDDH(2019)R91Addendum 1);
 - (iii) provisionally adopted³ its Report on measures taken by the member States to implement relevant parts of the Brussels Declaration (CDDH(2019)R91Addendum 2);

¹ Regarding the name “North Macedonia” used in this document, the position of the Republic of Bulgaria is that “the only constitutional name of the State is Republic of North Macedonia and it should be used erga omnes”.

² In response, the delegation of North Macedonia has stated that “the full name of the country is the Republic of North Macedonia and the short name is North Macedonia. Both forms are equally valid and used in line with the established rules and practice of international organisations, including the Council of Europe, and based on the principle of equality and sovereign rights of states”.

³ It was decided to adopt this text by a silent procedure on 15 July 2019 at 18:00. If the member States send drafting proposals before that date, the Secretariat will submit them to the Chair and the Bureau.

(iv) provisionally adopted⁴ the following Draft additional elements resulting from the Copenhagen Declaration that should be reflected in the future *Contribution of the CDDH to the evaluation provided for in the Interlaken Declaration*:

- *comprehensive analysis of the backlog of cases before the European Court of Human Rights;*
- *the prompt and efficient handling of cases, in particular repetitive cases pending before the Court, by friendly settlements or unilateral declarations and*
- *the post-mandate situation of judges of the Court;*

(v) had an in-depth exchange of views on the Draft elements resulting from the Copenhagen Declaration concerning inter-State applications which will be reflected in the *Contribution of the CDDH to the evaluation provided for in the Interlaken Declaration* and decided to take up this point again at its next meeting in the light of the proposals of its Committee of experts on the system of the European Convention on Human Rights (DH-SYSC);

(d) concerning the **development and promotion of human rights**:

- (i) adopted its Report identifying good practices and making proposals with a view to improving the implementation of social rights in Europe (CDDH(2019)R91Addendum 3);
- (ii) adopted its draft Recommendation Rec(2019) ... of the Committee of Ministers to member States on the development of the Ombudsman institution, accompanied by a selection of good national practices⁵ (CDDH(2019)R91Addendum 4);
- (iii) adopted its Practical Guidance on Alternatives to Immigration Detention: Fostering Effective Results (CDDH(2019)R91Addendum 5);
- (iv) adopted its 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 (CDDH(2019)R91Addendum 6);
- (v) exchanged views on its preliminary draft feasibility Study on CDDH work on the prohibition of the trade in goods used for torture and the death penalty and decided on the procedure for its adoption⁶;

⁴ Drafting proposals can be sent to the Secretariat by 15 July 2019. The Secretariat will take them into account in the draft text which will be sent by 16 September 2019. The experts from DH-SYSC and CDDH will then have the possibility to send drafting proposals on this latest version by 7 October 2019.

⁵ As regards the selection of good national practices, drafting proposals can be sent to the Secretariat by 16 September 2019.

⁶ A consolidated version of the text will be sent to the member States by 1 September 2019. The member States can send drafting proposals before 14 October 2019 at 18:00.

- (vi) exchanged views on its draft follow-up Report on the implementation of Recommendation CM/Rec(2010)5 of the Committee of Ministers to member States on measures to combat discrimination on grounds of sexual orientation or gender identity and decided on the procedure for its adoption⁷;
 - (vii) received a practical demonstration of the online digital Platform on Human rights and business and took note of the replies so far received to the questionnaire circulated in January 2019 (document CDDH(2019)01), while further replies were encouraged;
 - (viii) exchanged views with Mr Jan KLEIJSEN, Director of the Information Society and Action Against Crime Directorate (DG I);
 - (ix) exchanged views with the Advisor and with the CDDH Rapporteur for Gender **Equality** on gender equality issues in the context of human rights;
 - (x) held a CDDH Workshop on the protection of victims of terrorist acts, organised under the aegis of the French Presidency of the Committee of Ministers (see the Programme in [Appendix V](#));
- (e) as regards the **bioethics**, took note of the work in progress within the Committee on Bioethics (DH-BIO), in particular of its proposals of activities for the next biennium and of its draft Strategy Action Plan 2020–2025;
 - (f) took note of the information provided by its **focal points** representing the CDDH in other bodies;
 - (g) decided on special **guests** to be invited to its future meetings;
 - (h) exchanged views on the state of signatures and ratifications of the **Conventions** for which the CDDH is responsible;
 - (i) took note of the current status of **publications of the CDDH work** as well as of the publications foreseen ([Appendix VI](#));
 - (j) adopted its **calendar** of meetings for the second semester of 2019 and its preliminary calendar for the 2020–2021 biennium ([Appendix VII](#)).

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⁷ A consolidated version of the text will be sent to the member States by 1 September 2019. The member States can send drafting proposals to the SOGI Secretariat before 14 October 2019 at 18:00.

Appendix I

Agenda*(91th meeting of the CDDH, 18–21 June 2019)*

	ITEM 1: OPENING OF THE MEETING, ADOPTION OF THE AGENDA AND ORDER OF BUSINESS
<u>CDDH(2019)04Rev</u>	Annotations on the draft agenda and order of business
<u>CDDH(2018)R90</u>	Report of the 90 th CDDH meeting (27–30 November 2018)
<u>CDDH-BU(2019)R101</u>	Report of the 101 st Bureau meeting (Helsinki, 15–17 May 2019)
	ITEM 2: RECOMMENDATIONS OF THE PARLIAMENTARY ASSEMBLY
<u>CDDH(2019)05</u>	Texts of the Recommendations and elements for possible comments
	ITEM 3: IMPLEMENTATION OF THE TERMS OF REFERENCE OF THE CDDH FOR 2018-2019 AND PREPARATION FOR 2020-2021
CDDH(2019)04Rev, Appendix IV	Current terms of reference of the CDDH, DH-SYSC and DH-BIO (biennium 2018–2019)
CDDH(2019)04Rev, Appendix V	Proposals of the Secretariat for the draft terms of reference of the CDDH and the DH-SYSC for the biennium 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)
<u>DH-SYSC-II(2019)R6</u>	Report of the 6 th meeting (22–24 May 2019)
<u>DH-SYSC-II(2018)23</u>	Chapter of Theme 1, subtheme i): Methodology of interpretation by the European Court of Human Rights and its approach to international law, as provisionally adopted at the 4 th DH-SYSC-II meeting in September 2018
<u>DH-SYSC-II(2018)25</u>	Chapter of Theme 1, subtheme iii): Interaction between the resolutions of the Security Council and the European Convention on Human Rights, as provisionally adopted at the 4 th DH-SYSC-II meeting in September 2018
<u>DH-SYSC-II(2019)35</u>	Chapter of Theme 1, subtheme iv): Interaction between international humanitarian law and the European Convention on Human Rights, as provisionally adopted at the 5 th DH-SYSC-II meeting in February 2019

<u>DH-SYSC-II(2019)36</u>	Chapter of Theme 2: Challenge of the interaction between the Convention and other international human rights instruments to which the Council of Europe Member States are parties, as provisionally adopted at the 5 th DH-SYSC-II meeting in February 2019
CDDH(2019)04Rev, Appendix VI	Planning of the of the DH-SYSC-II work
	4.2 The ECHR in university education and professional training (DH-SYSC-III)
<u>DH-SYSC-III(2018)R1</u>	Report of the meeting of 16–17 October 2018
<u>DH-SYSC-III(2019)02</u>	Preliminary draft of the revised Recommendation Rec(2004)4 on the European Convention on Human Rights in university education and professional training
<u>DH-SYSC-III(2019)01Rev</u>	Good national practices illustrating the principles set out in Appendix I to the revised Recommendation Rec(2004)4
<u>DH-SYSC(2019)01</u> (<i>Bilingual</i>)	Comments on the 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
	4.3 Follow-up to the <i>Interlaken Declaration</i> - Preparation of the final report of the CDDH
CDDH(2018)R90, Appendix VII	Draft table of contents of the Contribution of the CDDH to the evaluation provided for by the Interlaken Declaration
<u>CDDH(2019)25</u>	Securing the long-term effectiveness of the supervisory mechanism of the European Convention on Human Rights: the Court's action in 2018-2019
	4.4 Follow-up to the <i>Brussels Declaration</i>
<u>CDDH(2019)17Rev</u>	Draft CDDH report on measures taken by the member States to implement relevant parts of the Brussels Declaration
<u>CDDH(2018)23</u> (<i>Bilingual</i>)	Compilation of national reports on the implementation of the Brussels Declaration
<u>CDDH(2019)21</u> (<i>Bilingual</i>)	Compilation of additional information received from member States on the national implementation of the Brussels Declaration
	4.5 Follow-up to the <i>Copenhagen Declaration</i>
<u>CDDH(2019)12</u> (<i>Bilingual</i>)	Follow-up work to the Copenhagen Declaration – Compilation of the contributions received from the member States
<u>CDDH-BU(2019)R101Addendum</u>	Draft additional elements resulting from the Copenhagen Declaration that should be reflected in the future Interlaken follow-up report

<u>CDDH(2019)07</u>	Recognition of service in international courts in national legislation
<u>CDDH(2019)08</u>	The development of the Court's case-load over ten years-statistical data for the CDDH
<u>CDDH(2019)09</u>	Encouraging resolution of the Court's proceedings through a dedicated non-contentious phase of the proceedings
<u>CDDH(2019)22</u>	Proposals for a more efficient processing of inter-State cases (Report of the European Court of Human Rights)
	4.6 Update of the accompanying Guide to Good Practice to Recommendation <u>CM/Rec(2010)3</u> on effective remedies for excessive length of proceedings
CDDH-BU(2019)R101	Suggestions by the Bureau
	4.7 Organisation of work at the next DH-SYSC meeting (October 2019)
CDDH-BU(2019)R101	Suggestions by the Bureau
	ITEM 5: DEVELOPMENT AND PROMOTION OF HUMAN RIGHTS
	5.1 Social rights (CDDH-SOC)
<u>CDDH-SOC(2019)R4</u>	Report of the 4 th meeting (3–5 April 2019)
<u>CDDH-SOC(2019)R4 Addendum</u>	Draft second report identifying good practices and making proposals with a view to improving the implementation of social rights in Europe
<u>CDDH(2019)15</u> (<i>Bilingual</i>)	Compilation of comments received from member States on the Draft CDDH Report identifying good practices and making proposals with a view to improving the implementation of social rights in Europe
	5.2 Civil society and national human rights institutions (CDDH-INST)
<u>CDDH-INST(2019)R5</u>	Report of the 5 th meeting (27 February–1 March 2019)
<u>CDDH-INST(2019)01Rev</u>	Draft Recommendation No. R(85)13 on the Institution of the Ombudsman
<u>Compendium of good practices</u>	Compendium of good practices
	5.3 Human Rights and migration (CDDH-MIG)
<u>CDDH-MIG(2019)R6</u>	Report of the 6 th meeting (26–28 March 2019)
<u>CDDH-MIG(2019)R6Addendum</u>	Alternatives to immigration detention: Fostering effective results Practical guidance - Revised draft

<u>CDDH-MIG(2019)08</u>	Future work of the CDDH-MIG 2020-2021 - Invitation for written feedback
<u>CDDH-MIG(2019)09</u>	A brief note on replies to the invitation for written feedback
	<u>Examples of potential design and layout of the handbook</u>
	5.4 Freedom of expression and links to other human rights (CDDH-EXP)
<u>CDDH-EXP(2019)R4</u>	Report of the 4 th meeting (20–22 March 2019)
<u>CDDH(2019)02Rev</u>	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 6: FOLLOW-UP TO ACTIVITIES CARRIED OUT BY THE CDDH
	6.1 Human Rights and business
<u>CDDH(2019)20</u>	Online Platform on Human Rights and Business - Information provided by the Secretariat
<u>CDDH(2019)01</u>	Online Platform on Human Rights and Business - Questionnaire to the member States
<u>CDDH(2019)06</u>	Compilation of the replies received
	6.2 Prohibition of the trade in good used for torture and death penalty
<u>CDDH(2019)03</u>	Preliminary draft of a feasibility study of a legal instrument on the prohibition of the trade in goods used for torture and the death penalty
	6.3 Victims of terrorist acts
<u>CDDH(2019)10</u> (Bilingual)	Compilation and analysis of the information received from member States
<u>CDDH(2019)23</u>	Analysis by the Secretariat of the replies to the questionnaire related to the protection of victims of terrorist acts
	<u>Draft programme of the Workshop</u>
	6.4 Access to official documents
<u>CDDH(2019)13</u>	Information on the event organised by the Finnish chairmanship of the Committee of Ministers (6 March 2019)
	6.5 Combating discrimination on grounds of sexual orientation or gender identity

<u>CDDH(2019)24</u>	Draft CDDH Report on the implementation of the Committee of Ministers' Recommendation CM/Rec(2010)5 on measures to combat discrimination on grounds of sexual orientation or gender identity
	ITEM 7: GENDER EQUALITY
<u>CDDH(2019)14</u>	Information from the Secretariat
	ITEM 8: BIOETHICS
<u>15th DH-BIO decisions</u>	Decisions of the 15 th meeting of the Committee on bioethics (DH-BIO) (4–7 June 2019)
<u>DH-BIO(2018)22Rev</u>	Draft Strategy Action Plan
	ITEM 9: CONVENTIONS
<u>CDDH(2019)16Rev</u>	Information document
	ITEM 10: FOCAL POINTS
	Focal points representing the CDDH in other bodies/events: information provided by the focal points
	ITEM 11: INVITEES
	Exchange of views with: <ul style="list-style-type: none"> • Mr Professor Rainer HOFMANN, on behalf of the EU Agency for fundamental rights (FRA) • Mr Jan KLEIJSEN, Director of the information society and action against crime Directorate
	ITEM 12: PUBLICATIONS
CDDH(2019)04Rev, Appendix XIV	Information on this item
	ITEM 13: CALENDAR
CDDH(2019)04Rev, Appendix XV	Proposals from the Secretariat
	ITEM 14: OTHER BUSINESS

Appendix II

List of participants / Liste des participants
(91th meeting of the CDDH, 18–21 June 2019)

MEMBERS / MEMBRES

ALBANIA / ALBANIE**ANDORRA / ANDORRE****ARMENIA / ARMENIE**

Mr Tigran H. GALSTYAN, Head of Department of Treaties and International Law, Ministry of Foreign Affairs, Erevan

AUSTRIA / AUTRICHE

Ms Brigitte OHMS, Deputy Government Agent, Division for International Affairs and General Administrative Affairs (dpt. V 5), Federal Ministry for Constitutional Affairs, Reforms, Deregulation and Justice, Wien

AZERBAIJAN / AZERBAIDJAN

Mr Shahin ABBASOV, Adviser, Human Rights Protection Unit, Department of Work with Law Enforcement Bodies and Military Issues of the Administration of the President, Baki

BELGIUM / BELGIQUE

Mr Philippe WERY, Chef du Service des droits de l'homme, SPF Justice, Service des Droits de l'Homme, Bruxelles

Ms Isabelle NIEDLISPACHER, Co-Agent du Gouvernement de la Belgique auprès de la Cour européenne des droits de l'homme, SPF Justice, Service des Droits de l'Homme, Bruxelles

BOSNIA AND HERZEGOVINA / BOSNIE-HERZEGOVINE

Ms Belma SKALONJIĆ, Agent of the Council of Ministers, Government Agent before the EctHR, Sarajevo

BULGARIA / BULGARIE

Ms Svetlana STOYANOVA STAMENOVA, Attaché, Human Rights Directorate, Ministry of Foreign Affairs, Sofia

CROATIA / CROATIE

Ms Romana KUZMANIĆ OLUIĆ, Counsellor, Ministry of Foreign and European Affairs, Directorate General for Multilateral Affairs and Global Issues, Division for Human Rights and Regional International Organisations and Initiatives, Zagreb

CYPRUS / CHYPRE

Ms Evgenia PAPAGEORGIOU KARAKANNA, Senior Counsel for the Republic of Cyprus, Law Office of the Republic, Nicosia

CZECH REPUBLIC / REPUBLIQUE TCHEQUE

Mr Vít A. SCHORM, Government Agent before the EctHR, Ministry of Justice, Praha 2

DENMARK / DANEMARK

Ms Sarah LARSEN VAABENGAARD, The Danish Ministry of Justice, Constitutional Law and Human Rights Division, Copenhagen

ESTONIA / ESTONIE

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

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FINLAND / FINLANDE

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

FRANCE

Mme Florence MERLOZ, Sous-directrice des droits de l'homme, Ministère de l'Europe et des Affaires Etrangères, Direction des affaires juridiques, Paris

GEORGIA / GEORGIE

Mr Beka DZAMASHVILI, Head of the Department of the State Representation to the International Courts, Government Agent, Ministry of Justice, Tbilissi

Ms Tamar ROSTIASHVILI, Deputy Head of the Department of State Representation to the International Courts, Deputy Government Agent, Ministry of Justice, Tbilisi

GERMANY / ALLEMAGNE

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

Ms Nicola WENZEL, Head of Unit IVC1, Human Rights Protection; Government Agent before the ECtHR, Bundesministerium der Justiz und für Verbraucherschutz, Berlin

GREECE / GRECE

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

Ms Ourania PATSOPOULOU, Conseiller Juridique, Conseil Juridique de l'Etat, Délégué de l'Agent du Gouvernement devant la CourEDH, Athens

HUNGARY / HONGRIE

Mr Zoltan TALLODI, Government Agent before the ECtHR, Ministry of Justice, Department of International Criminal Law and Office of the Agent before ECHR, Budapest

ICELAND / ISLANDE

Ms Elísabet GÍSLADÓTTIR, Legal Advisor, Ministry of Justice, Reykjavík

IRELAND / IRLANDE

Mr Peter WHITE, Government Agent before the ECtHR, Assistant Legal Adviser, Legal Division, Department of Foreign Affairs and Trade, Dublin 2

ITALY / ITALIE

Mr Lorenzo GUASCO, Représentation permanente de l'Italie auprès du Conseil de l'Europe, Strasbourg

LATVIA / LETTONIE

Emīlija PLAKSINS, Deputy Head of the Office of the Government Agent, Ministry of Foreign Affairs, Riga

LIECHTENSTEIN

Mr Martin HASLER, Représentant Permanent Adjoint du Liechtenstein auprès du Conseil de l'Europe, Office pour les Affaires Etrangères, Vaduz

LITHUANIA / LITUANIE

Ms Lina URBAITĖ, Acting Agent of the Government before the ECtHR, Adviser of the Division for the Representation before the ECtHR of the Ministry of Justice, Vilnius

LUXEMBOURG

Mme Brigitte KONZ, Juge de Paix directrice, Cité judiciaire, Luxembourg

MALTA / MALTE

Dr Antoine AGIUS BONNICI, Lawyer, Office of the Attorney General, Valletta

REPUBLIC OF MOLDOVA/ REPUBLIQUE DE MOLDOVA

Mr Oleg ROTARI, Government Agent before the ECtHR, Ministry of Justice, Chişinău

MONACO

Mr Jean-Laurent RAVERA, Chef du Service du droit international, des droits de l'homme et des libertés fondamentales, Agent du Gouvernement auprès de la CEDH, Monaco

MONTENEGRO

Ms Valentina PAVLIĆIĆ, Government Agent before the ECtHR, Podgorica

NETHERLANDS / PAYS-BAS

Ms Babette KOOPMAN, Government Agent before the ECtHR, Ministry of Foreign Affairs, The Hague

Ms Clarinda COERT, Senior Legal Adviser Human Rights Law, Legislation Department and Legal Affairs, Ministry of Security and Justice, The Hague

Julia LEEMAN

NORTH MACEDONIA / MACÉDOINE DU NORD

Ms Svetlana GELEVA, Head of Department for Multilateral Affairs, Ministry of Foreign Affairs, Skopje

NORWAY / NORVEGE

Mr Morten RUUD, Special adviser, Ministry of Justice and Public Security, Legislation Department, Oslo

Mr Geir ULFSTEIN, Faculty of Law, PluriCourt, University of Oslo,

POLAND / POLOGNE

Mr Jan SOBCZAK, Government Agent, Acting Director, Department for Proceedings before International Human Rights Protection Bodies, Ministry of Foreign Affairs, Warsaw

PORTUGAL

Ms Maria de Fátima GRAÇA CARVALHO, Agente du Gouvernement auprès de la CEDH, Procureur-Général adjointe, Lisboa

ROMANIA / ROUMANIE**RUSSIAN FEDERATION / FEDERATION DE RUSSIE**

Mr Grigory LUKIYANTSEV, Deputy Director, Department for Humanitarian Cooperation and Human Rights, Ministry of Foreign Affairs, Moscow

Ms Maria BARSUKOVA, Third Secretary of the Department for Humanitarian Cooperation and Human Rights, Ministry of Foreign Affairs, Moscow

Ms Olga ZINCHENKO

SAN MARINO / SAINT-MARIN

Ms Michela BOVI, Co-Agent of the Government to the ECHR, Madrid

SERBIA / SERBIE**SLOVAK REPUBLIC / REPUBLIQUE SLOVAQUE**

Ms. Karina KICUROVA, Human Rights Department, Ministry of Foreign Affairs. Bratislava

SLOVENIA / SLOVENIE

Mr Matija VIDMAR, Secretary, Department for International Cooperation and EU law, Ministry of Justice, Ljubljana

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SPAIN / ESPAGNE

Mr Rafael LEON CAVERO, State Attorney-Human Rights Area, Office of the State Attorney, Ministry of Justice, Madrid

SWEDEN / SUEDE

Ms Helen LINDQUIST, Deputy Director, Ministry for Foreign Affairs, Department for International Law, Human Rights and Treaty Law, Stockholm

SWITZERLAND / SUISSE

M. Alain CHABLAIS, Dr. iur., Government Agent before the EctHR, Département fédéral de justice et police DFJP, Office fédéral de la justice OFJ, Représentation de la Suisse devant la Cour européenne des droits de l'Homme, le CAT, le CERD, le CEDAW et le CRC, Berne

TURKEY / TURQUIE

Mr Gül Pelin KAYA, Deputy Head of Department of Human Rights, Ministry of Justice, Ankara

Mme Burcu EKİZOĞLU, Experte Juridique, Ministère des Affaires Etrangères, Ankara

Ms Günseli GÜVEN, Adjointe au Représentant Permanent auprès du Conseil de l'Europe, Strasbourg

Mme Aysen EMÜLER, Experte Juridique, Ministère des Affaires Etrangères, Représentation Permanente de la Turquie auprès du Conseil de l'Europe, Strasbourg

Mr Ahmet METİN GÖKLER, juge rapporteur, Ministère de la Justice, Représentation Permanente auprès du Conseil de l'Europe, Strasbourg

UKRAINE

Ms Marharyta SOKORENKO, Deputy Head of the Office of the Agent of Ukraine before the ECtHR – Head of the Division for Representation of the Government in Inter-State Cases, Ministry of Justice, Kiyv

Mr Ivan LISHCHYNA, Deputy Minister of Justice of Ukraine, Government Agent before the EctHR, Kiyv

UNITED KINGDOM / ROYAUME-UNI

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

INVITEES / INVITES

Professor Rainer HOFMANN, on behalf of the EU Agency for fundamental rights / au nom de l'Agence des droits fondamentaux de l'UE (FRA) (*Apologised / excusé*)

Mr Jan KLEIJSEN, Director of the Information society and action against crime Directorate / Directeur de la Direction de la société de l'information et de la lutte contre la criminalité

PARTICIPANTS**Registry of the European Court of Human Rights / Greffe de la Cour européenne des droits de l'homme**

Ms Rachael KONDAK, Adviser to the President and the Registrar, Registry of the European Court of Human Rights, Council of Europe, Strasbourg

Department for the Execution of Judgements of the European Court of Human Rights / Service de l'exécution des arrêts de la Cour européenne des droits de l'homme

Ms Ekatarina MALAREVA

Directorate of Legal Advice and Public International Law/ Direction du Conseil Juridique et du droit international public (DLAPIL)

Mr Jörg POLAKIEWICZ, Director / Directeur

Governmental Committee of the European Social Charter

Mr Jan MALINOWSKI, Head of the Department of the European Social Charter

Mr Henrik KRISTENSEN, Deputy Head of the Department of the European Social Charter

European Committee on Legal Co-operation / Comité européen de coopération juridique (CDCJ)

Mr Philippe KRANTZ, DGI, CDCJ Secretariat

Steering Committee on Media and Information Society / Comité directeur sur les médias et la société de l'information (CDMSI)

Mr Emir POVLAKIĆ, Head of Division for Licensing, Communications Regulatory Agency, Digitalization and coordination in broadcasting, Sarajevo

Directorate General of Democracy / Direction générale de la Démocratie (DGII)

Mr Jeroen SCHOKKENBROEK, Director of Anti-Discrimination, Directorate General of Democracy / Directeur de l'anti-discrimination, Direction Générale de la Démocratie (DGII)

Mr Gianluca SILVESTRINI, Head of the Major Risks and Environment Division / Chef de la Division Risques majeurs et Environnement (DGII)

Conference of INGOs of the Council of Europe / Conférence des OING du Conseil de l'Europe

Mr Jean-Bernard MARIE

Gender equality / Égalité de genre

Ms Carlien SCHEELE, Senior gender equality Advisor / Conseillère principale en égalité entre les femmes et les hommes

CCBE

Mr Piers GARDNER, Chair of the Permanent Delegation, Strasbourg

EU Delegation / Délégation de l'Union européenne

Mr Per IBOLD, Minister Councilor of the EU Delegation to the Council of Europe

Ms Elitsa TODOROVA, Legal Affairs Trainee, Delegation of the European Union to the Council of Europe,

OBSERVERS / OBSERVATEURS**HOLY SEE / SAINT-SIÈGE**

Mme Christine JEANGÉY, Officiel, Chargée des Droits de l'Homme et du Droit Humanitaire, Dicastère pour le service du développement humain intégral, Rome

Non-member State / Pays non-membre**BELARUS**

Mr Maksim SAPSAI, First Secretary, European Cooperation Department, Ministry of foreign Affairs, Minsk

European Network of National Human Rights Institutions (ENNHRI) / Réseau européen des institutions nationales des droits de l'Homme

Dr. Katrien MEUWISSEN, Senior Human Rights Officer (Accreditation), Permanent Secretariat

Non governmental Organisations / Organisations non-gouvernementales**Amnesty International**

Ms Rita PATRICIO, Amnesty International - IS, 1 Easton Street, UK - London WC1X 0DW

CDDH(2019)R91ab

Conference of european Churches (CEC) / Conférence des églises européennes (KEK)

Mr John MURRAY, Conférence des Eglises européennes, Conference of European Churches, Strasbourg

SECRETARIAT**Directorate General Human Rights and Rule of Law / Direction générale Droits de l'Homme et Etat de droit (DG I)****Human Rights and Rule of Law / Droits de l'Homme et Etat de droit
Council of Europe / Conseil de l'Europe, F-67075 Strasbourg Cedex**

Mr Christos GIAKOUMOPOULOS, Director General / Directeur général

Mr Christophe POIREL, Director / Directeur, Human Rights Directorate / Direction des droits de l'Homme

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

Human Rights Intergovernmental Cooperation Division / Division de la coopération intergouvernementale en matière de droits de l'Homme

Mr Alfonso DE SALAS, Head of Division / Chef de Division, Secretary of the CDDH / Secrétaire du CDDH

Ms Merete BJERREGAARD, Head of the Unit on Human Rights Development / Chef de l'unité développement des droits de l'homme

Ms Dorothee VON ARNIM, Head of the Unit on the system of the European Convention on Human Rights / Chef de l'Unité sur le système de la Convention européenne des droits de l'homme

Mr Edo KORLJAN, Administrator / Administrateur

Ms Cipriana MORARU, Administrator, Administratrice

Ms Elisa SAARI, Assistant Lawyer / Juriste Assistant

Mme Corinne GAVRILOVIC, Assistant / Assistante

Mme Susanne ZIMMERMANN, Assistant / Assistante

Mme Kemo WEIBEL, Editorial Assistant / Assistante éditoriale

Mme Nani GURUNG, Trainee / Stagiaire

Independent Human Rights Bodies / Institutions indépendantes des droits de l'homme

Ms Lilja GRETARSDOTTIR, Deputy Head of the Division / Chef adjoint de la Division

INTERPRETERS / INTERPRÈTESMme Lucie DE BURLET
M. Didier JUNGLING
Mme Bettina LUDEWIG

* * *

Appendix III

**Comments adopted by the CDDH
at its 91th meeting (18–21 June 2019)
on the Recommendation of the Parliamentary Assembly
transmitted to it by the Ministers' Deputies**

I. PARLIAMENTARY ASSEMBLY RECOMMENDATION 2145(2019) - "WITHDRAWING NATIONALITY AS A MEASURE TO COMBAT TERRORISM: A HUMAN RIGHTS-COMPATIBLE APPROACH?"

COMMENTS BY THE CDDH

1. The Steering Committee for Human Rights (CDDH) takes note of Parliamentary Assembly Recommendation 2145(2019) "*Withdrawing nationality as a measure to combat terrorism: a human rights-compatible approach?*", and of Resolution 2263(2019) that accompanies it.

2. Bearing in mind that the European Convention on Human Rights or its Protocols do not guarantee the right to nationality/citizenship⁸ and that, as a result, member States enjoy a wide margin of appreciation when deciding whether to grant or withdraw nationality,⁹ the CDDH wishes to recall that, in its case-law, the Court drew attention to the fact that nationality is an element of the person's identity under Article 8 of the Convention,¹⁰ but also on the fact that such a measure should be legal, devoid of arbitrariness¹¹ and not have a discriminatory effect.¹²

3. In the same vein, the CDDH wishes to recall the Guidelines of the Committee of Ministers on human rights and the fight against terrorism, adopted by the Committee of Ministers on 11 July 2002 at the 804th meeting of the Ministers' Deputies, which provide that:

- (i) all measures taken by States to fight terrorism must respect human rights and the principle of the rule of law, while excluding any form of arbitrariness, as well as any discriminatory or racist treatment, and must be subject to appropriate supervision;
- (ii) all measures taken by States to combat terrorism must be lawful;
- (iii) when a measure restricts human rights, restrictions must be defined as precisely as possible and be necessary and proportionate to the aim pursued.

⁸ Although legal doctrine makes a distinction between these two concepts, in the present comments, they are used interchangeably.

⁹ Bearing in mind the obligations of member States in accordance with other international treaties, in particular articles 7 and 8 of the Convention on the Rights of the Child.

¹⁰ See, for example, *Menesson v. France*, Application No. 65192 judgment of /11, judgment of 26 June 2014; *Genovese v. Malte*, Application No. 53/24/09, judgment of 11 October 2011, §33.

¹¹ See, for example, *Ramadan v. Malta*, Application No. 76136/12, judgment of 21 June 2016.

¹² *Biao v. Denmark*, Application No. 38590/10, judgment of 24 May 2016.

4. While noting that the issues concerning counter-terrorism measures relate more directly to the Steering Committee on Counter-Terrorism (CDCT) and the European Committee on Legal Co-operation (CDCJ), the CDDH considers that withdrawing nationality, as a measure to combat terrorism, may potentially raise objective human rights concerns, in particular under Article 8 of the Convention.

5. The CDDH expresses its availability, if necessary:

- (a) to make comments on any comparative study that would focus on existing laws in the member States regarding deprivation of nationality as a measure to combat terrorism;
- (b) to cooperate in the possible drafting of guidelines (if the comparative study leads to a positive conclusion on the desirability of drafting such guidelines) (i) on the criteria to be applied for the withdrawing of nationality in the context of counterterrorist measures and (ii) on alternative measures that could be envisaged.

* * *

Appendix IV

**Proposals of the CDDH
for the draft terms of reference of the CDDH and the DH-SYSC
for the biennium 2020–2021**

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 2020 until 31 December 2021**

PILLAR/SECTOR/PROGRAMME
<p>Pillar: Rule of Law Sector: Protecting Human Rights / Promoting Human Rights and dignity Programme: Effectiveness of the ECHR System at national and European level / Bioethics</p>
MAIN TASKS
<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"> (i) work on the protection, development and promotion of human rights in Europe to: <ul style="list-style-type: none"> (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; (b) provide effective responses at the normative and general policy levels to the challenges posed to human rights in European societies; (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; (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; (iv) contribute to co-operation and support activities to national initiatives in the field of the protection, development and promotion of human rights; (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; (vi) where necessary, co-ordinate transversal intergovernmental activities in the field of human rights including bioethics; (vii) take due account of a gender perspective and to building cohesive societies in the performance of its tasks; (viii) 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 for which it has been given responsibility,¹³ in co-operation, where appropriate, with the relevant convention-based bodies, and report back to the Committee of Ministers.

¹³ 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
<p><i>[Please indicate into brackets the specific tasks affected by the contingency plan (authorised budget)]</i></p> <p>1. Protection of human rights Orient and oversee the work of the Committee of experts on the system of the European Convention on human rights (DH-SYSC) (see DH-SYSC terms of reference).</p> <p>2. Development and promotion of human rights [Provide effective responses to the challenges that European societies face in terms of human rights, both normatively and politically, by ensuring as much as necessary, appropriate co-ordination and co-operation with relevant conventional and monitoring bodies and other Council of Europe bodies involved.]</p> <p>[Migration] On the basis of work conducted in 2018-2019, 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 2020).]</p> <p>[Civil Society, Human Rights Defenders and National Human Rights Institutions] On the basis of work conducted in 2018-2019, 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 2020).]</p> <p>[Human rights and environment] On the basis of developments in the member States, within the Council of Europe and in other fora, update the Handbook on human rights and environment and develop a draft non-binding instrument of the Committee of Ministers (e.g. recommendation, guidelines) recalling existing standards in this field (deadline: 31 December 2021).]</p> <p>[Human rights and artificial intelligence] On the basis of developments in the member States, within the Council of Europe and in other fora, prepare a Handbook on human rights and artificial intelligence (deadline: 31 December 2021).]</p> <p>[Dissemination and awareness-raising] Organise, as necessary, thematic debates on the situation of member States with regard to the right of access to public documents, in particular with regard to the signing and ratification of the 2009 Tromsø Convention (CETS No. 205, deadline: 31 December 2021).]</p> <p>Bioethics Oversee from the human rights perspective the intergovernmental work in the field of bioethics (see terms of reference of the DH-BIO).</p>
COMPOSITION
<p>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). <i>[The member States will bear the travel and subsistence expenses of their representatives¹⁴.]</i> 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.</p>

¹⁴ Contingency plan: in principle, travel and subsistence allowances for governmental experts from member States classified as lower or middle income countries according to the World Bank Atlas method would be reimbursed upon request before the intergovernmental committee meeting takes place and subject to available budgetary funds.

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 Roma¹⁵ and Travellers Forum).

WORKING METHODS**Plenary meetings**

*[*Please indicate in brackets the plenary meetings under the “authorised budget”]*

48 members, 2 meetings in 2020, 4 days

48 members, 2 meetings in 2021, 4 days

Bureau

*[*Please indicate in brackets the bureau meetings under the “authorised budget”]*

8 members, 2 meetings in 2020, 2 days

8 members, 2 meetings in 2021, 2 days

The Committee will also appoint from amongst its members a Gender Equality Rapporteur and a Rapporteur on Roma and Travellers Issues.

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)

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).

¹⁵ 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

CDDH	
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)
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

1- SUBORDINATE BODY

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 2020 until 31 December 2021**

PILLAR/SECTOR/PROGRAMME
<p>Pillar: Human Rights Sector: Protecting Human Rights Programme: Effectiveness of the ECHR System at national and European level</p>
MAIN TASKS
<p>Under the orientation and 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.</p>
SPECIFIC TASKS
<p>In light of the decisions of the Committee of Ministers on the follow-up to the evaluation set out by the Interlaken Declaration, formulating proposals to the Committee of Ministers on :</p> <ul style="list-style-type: none"> (i) the effective processing and resolution of cases relating to inter-State disputes (deadline: 31 December 2021); (ii) the national reception of the system of the European Convention on Human Rights, in order to assist the State authorities involved in the operation of the Convention and in the process of the execution of judgments to fulfil their mission in the best possible way, in the light of existing

national best practices. To this end, develop guidelines covering all of the action at national level expected from States Parties to prevent and remedy violations of the Convention, accompanied by a Guide to existing best practices (deadline: 31 December 2021);

[Please indicate into brackets the specific tasks affected by the contingency plan (authorised budget)]

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).

[The member States will bear the travel and subsistence expenses of their representatives¹⁶.]

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 Roma¹⁷ and Travellers Forum, Open Society Justice Initiative (OSJI)), as well as the European Network of National Human Rights Institutions (ENNHRI).

¹⁶ Contingency plan: in principle, travel and subsistence allowances for governmental experts from member States classified as lower or middle income countries according to the World Bank Atlas method would be reimbursed upon request before the intergovernmental committee meeting takes place and subject to available budgetary funds.

¹⁷ 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.

WORKING METHODS**Plenary meetings:**

*[*Please indicate in brackets the plenary meetings under the “authorised budget”]*

48 members, 1 meeting in 2020, 3 days

48 members, 2 meetings in 2021, 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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Appendix V

Workshop
“Protection of Victims of Terrorist Acts”
organised by the Steering Committee for Human Rights (CDDH)
under the aegis of the French Presidency of the Committee of Ministers
Strasbourg, 20 June 2019

PROGRAMME

- 14:00 **OPENING SESSION**
- 14:00 **Mr Hans-Jörg BEHRENS**, Chair of the Steering Committee for Human Rights (CDDH), Council of Europe
- 14:05 **Ambassador Jean-Baptiste MATTEI**, Permanent Representative of France to the Council of Europe, Chair of the Committee of Ministers
- 14:10 **Mr Christos GIAKOUMOPOULOS**, Director General, Directorate General Human Rights and Rule of Law, DGI - "The revised Guidelines on the protection of victims of terrorism in context"
- 14:20 **Mr Wojciech SAWICKI**, Secretary General of the Parliamentary Assembly of the Council of Europe - "Protecting and supporting the victims of terrorism"
- 14:30 **Mr Linos-Alexandre SICILIANOS**, President of the European Court of Human Rights "Terrorism and Human Rights - challenges for the European Court of Human Rights"
- 14:40 **WORKING SESSION I**
The revised Guidelines of the Committee of Ministers on the protection of victims of terrorist acts
- 14:40 **Mr Chanaka WICKREMASINGHE**, CDDH Representative before the Council of Europe Counter-Terrorism Committee (CDCT) - "Presentation of the revised Guidelines on the protection of victims of terrorist acts"
- 14:50 **Mr Mario JANEČEK**, President of the Council of Europe Counter-Terrorism Committee (CDCT) "Activities of the Counter-Terrorism Committee"
- 15:00 **Mr Ledi BIANKU**, former judge of the European Court of Human Rights, Associate Professor, University of Strasbourg - "The European Convention on Human Rights and victims of terrorism"
- 15:10 **Ms Annick HIENSCH**, Liaison Officer, UN Office of Counter-Terrorism, "United Nations action in support of victims of terrorism"
- 15:15 **Mr Edo KORLJAN**, CDDH Secretariat - "Analysis of replies of the Council of Europe Member States to the CDDH questionnaire"
- 15:20 **Discussion**
- 15:50 **Coffee break**

- 16:20 **WORKING SESSION II**
Best practices in the protection of human rights of victims of terrorist acts
- 16:20 **Ms Elisabeth PELSEZ**, Interdepartmental Delegate for victims support, France
"The French system of caring for and supporting victims of terrorism"
- 16:35 **Ms Jelena WATKINS**, Psychotherapist and Support Officer for Disaster Action, "Lessons learnt in the UK in provision of psychosocial support following terror attacks at home and abroad"
- 16:45 **Ms An VERELST**, Psychiatrist, Ghent University, Belgium
INVICTM International Network Supporting Victims of Terrorism and Mass Violence
"Psychosocial support to victims of terrorism in Belgium"
- 17:00 **Mr Ahmet MOLLAMAHMUTOĞLU**, Reporter Judge, Ministry of Justice, Turkey
"Legal and financial aid provided to the victims of terrorist acts in Turkey"
- 17:10 **Ms Aleksandra IVANKOVIĆ**, Deputy Director, Victim Support Europe
"Addressing the needs of victims of terrorism"
- 17:25 **Discussion**
- 18:00 **Conclusion**
Concluding remarks and official closing of the Workshop by the Chair of the CDDH
- 18:10 ***Vin d'honneur* offered by the French Presidency of the Committee of Ministers**

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Appendix V

Publications

It is foreseen to publish following documents in 2019:

- (1) *Contribution to the evaluation provided for by the Interlaken Declaration - final CDDH Report*
- (2) *University education and professional training on the ECHR and European Social Charter*
- (3) *The individual application under the ECHR - Procedural Guide*
- (4) *Legal framework of the Council of Europe for the protection of social rights in Europe - Analysis*
- (5) *Good and promising practices on the way of reconciling freedom of expression with other rights and freedoms, in particular in culturally diverse societies - Practical Guide*
- (6) *Handbook on alternatives to detention in the context of migration*
- (7) *Protection and promotion of civil society space in Europe - Recommendation of the Committee of Ministers, Compilation and overview of measures and practices in place in member States, Proceedings of the Seminar (29 November 2018)*
- (8) *Promotion of Human Rights of older persons - follow-up of Recommendation CM/Rec(2014)2 of the Committee of Ministers, Compilation and overview of measures and practices in place in member States, Proceedings of the Workshop (21 June 2018)*
- (9) *Protection of victims of terrorist acts - revised Guidelines of the Committee of Ministers, Compilation and overview of measures and practices in place in member States, Proceedings of the Seminar (20 June 2019)*
- (10) *Strengthening international regulations against trade in goods used for torture and the death penalty - feasibility study*
- (11) *Human Rights and environment - Handbook (3rd publishing)*

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Appendix VI

Calendar of meetings of the CDDH and its subordinate bodies for the second semester of 2019
and preliminary calendar for the 2020–2021 biennium prepared by the Secretariat
(as adopted by the CDDH at its 91st meeting (18–21 June 2019))

2019	
Opening of the Judicial Year	25 January
5 th meeting of the drafting Group on the place of the ECHR in the European and international legal order (DH-SYSC-II)	5–8 February
5 th meeting of the drafting Group on Civil Society and National Human Rights Institutions (CDDH-INST)	27 February–1 st March
Event on transparency and access to official documents, under the aegis of the Finnish Chairmanship of the Committee of Ministers	6 March
4 th meeting of the drafting Group on Freedom of Expression and links to other Human Rights (CDDH-EXP)	20–22 March
6 th meeting of the drafting Group on Human Rights and Migration (CDDH-MIG)	26–28 March
4 th meeting of the drafting Group on Social Rights (CDDH-SOC)	3–5 April
101 th meeting of the Bureau of the Steering Committee for Human Rights (CDDH-BU)	15–17 May
6 th 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
<i>Meeting of the Government Agents with the Court's Registry</i>	17 June
91 th meeting of the Steering Committee for Human Rights (CDDH) and Workshop on the protection of victims of terrorist acts	18–21 June
7 th meeting of the drafting Group II on the place of the ECHR in the European and international legal order (DH-SYSC-II)	18–20 September
[6 th meeting of the drafting Group on Civil Society and National Human Rights Institutions (CDDH-INST)]	[25–27 September] ¹⁸
6 th meeting of the Committee of experts on the system of the European Convention on Human Rights (DH-SYSC)	15–18 October
7 th meeting of the drafting Group on Human Rights and Migration (CDDH-MIG)	22–24 October
102 nd meeting of the Bureau of the Steering Committee for Human Rights (CDDH-BU)	Paris 13-15 November
<i>[Meeting of the Government Agents with the Court's Registry]</i>	[25 November]
92 nd meeting of the Steering Committee for Human Rights (CDDH)	26–29 November

¹⁸ To be revisited in light of availability of resources and in consultation with the Chairperson of the Working Group.

2020	
<i>Opening of the Judicial Year</i>	January
1 st meeting of the drafting Group on effective processing and resolution of cases relating to inter-State disputes (DH-SYSC-IV)	February
6 th meeting of the drafting Group on Civil Society and National Human Rights Institutions (CDDH-INST)	February
<i>High- level Conference on Human Rights and Environment, under the aegis of the Georgian Chairmanship of the Committee of Ministers</i>	February
8 th meeting of the drafting Group on Human Rights and Migration (CDDH-MIG)	March
1 st meeting of the drafting Group on the national reception of the system of the European Convention on Human Rights (DH-SYSC-V)	April
7 th meeting of the Committee of experts on the system of the European Convention on Human Rights (DH-SYSC)	April
7 th meeting of the drafting Group on Civil Society and National Human Rights Institutions (CDDH-INST)	May
103 rd meeting of the Bureau of the Steering Committee for Human Rights (CDDH-BU)	May
<i>Meeting of the Government Agents with the Court's Registry</i>	June
93 rd meeting of the Steering Committee for Human Rights (CDDH)	June
2 nd meeting of the drafting Group on effective processing and resolution of cases relating to inter-State disputes (DH-SYSC-IV)	September
9 th meeting of the drafting Group on Human Rights and Migration (CDDH-MIG)	September
2 nd meeting of the drafting Group on the national reception of the system of the European Convention on Human Rights (DH-SYSC-V)	October
104 th meeting of the Bureau of the Steering Committee for Human Rights (CDDH-BU)	October
8 th meeting of the Committee of experts on the system of the European Convention on Human Rights (DH-SYSC)	October
94 th meeting of the Steering Committee for Human Rights (CDDH)	November
2021	
<i>Opening of the Judicial Year</i>	January
3 rd meeting of the drafting Group on effective processing and resolution of cases relating to inter-State disputes (DH-SYSC-IV)	February
1 st meeting of the drafting Group on Human rights and Environment (CDDH-ENV)	February
1 st meeting of the drafting Group on human rights and artificial intelligence (CDDH-INTEL)	Mars
3 rd meeting of the drafting Group on the national reception of the system of the European Convention on Human Rights (DH-SYSC-V)	April
2 nd meeting of the drafting Group on Human rights and Environment (CDDH-ENV)	May

105 th meeting of the Bureau of the Steering Committee for Human Rights (CDDH-BU)	May
<i>Meeting of the Government Agents with the Court's Registry</i>	June
95 th meeting of the Steering Committee for Human Rights (CDDH)	June
4 rd meeting of the drafting Group on effective processing and resolution of cases relating to inter-State disputes (DH-SYSC-IV)	September
2 nd meeting of the drafting Group on human rights and artificial intelligence (CDDH-INTEL)	September
4 th meeting of the drafting Group on the national reception of the system of the European Convention on Human Rights (DH-SYSC-V)	October
9 th meeting of the Committee of experts on the system of the European Convention on Human Rights (DH-SYSC)	October
106 th meeting of the Bureau of the Steering Committee for Human Rights (CDDH-BU)	October
96 th meeting of the Steering Committee for Human Rights (CDDH)	November

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