

CDDH-BU(2021)R105

03/06/2021

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

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

REPORT

105th meeting
Visioconference, 27 – 28 May 2021

1. The Bureau of the Steering Committee for Human Rights (CDDH-BU) held its 105th meeting from 27 to 28 May 2021 by visioconference due to the measures related to the COVID-19 pandemic. The meeting was chaired by Mr Morten RUUD (Norway). The list of participants appears in Appendix I.

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

2. The Director of Human rights, M. Christophe POIREL, welcomed the participants. He underlined the importance of the ongoing files and expressed his satisfaction with the commitment of the Steering Committee and its Secretariat in fulfilling their mandates despite the difficulties linked to the current pandemic. He then referred to the reorganisation within the Human Rights Directorate, the Human Rights Policy and Cooperation Department, in which the Division in charge of the Secretariat of the CDDH is located, and the Judicial and Legal Cooperation Department. He reported that, in accordance with the Secretary General's strategic objective of streamlining the Organisation's structures and operations, the Director General of the DGI, Mr Christos GIAKOUMOPOULOS, had decided to reorganise the two aforementioned administrative entities as follows, in order to strengthen their synergy:

- The Divisions responsible for normative activities in the fields of human rights and legal affairs (CDDH, ECHR System, DH-BIO as well as CDCJ, CCJE and CCPE) will be placed under a single administrative entity entitled "*Human Rights, Justice and Legal Co-operation, Standard Settings activities Department*";
- The Divisions responsible for the implementation of standards through the European Commission for the Efficiency of Justice (CEPEJ), the European Human Rights Training Programme for Legal Professionals (HELP) and the cooperation projects in the Member States will be placed under another administrative entity entitled "*Department for the implementation of Human Rights, Justice and Legal Co-operation Standards*". This Department will also include a Taskforce in charge of developing and implementing cooperation projects, including multilateral ones, in order to address emerging and cross-cutting challenges common to the Member States.

3. The Bureau thanked the Director for his presentation and noted that the changes decided do not directly affect the current structure of the Division in charge of the CDDH Secretariat. It also noted that Mr Poirel will inform the CDDH of this reorganisation at its 94th plenary meeting (June 15 – 18, 2021, KUDO videoconference).

4. The Bureau suggested the draft annotated agenda and the draft order of business to the plenary as it appears in document CDDH(2021)OJ1Annotated. Furthermore, it exchanged views on the draft programme of the *Pluricourts* Seminar to be held on 15 June 2021, on the first day of the plenary (see Appendix IV below).

ITEM 2: RECOMMENDATIONS OF THE PARLIAMENTARY ASSEMBLY

5. The Bureau exchanged views on five Recommendations of the Parliamentary Assembly communicated by the Committee of Ministers to the CDDH since its 93rd meeting (14 – 16 December 2020)¹.

¹ Parliamentary Assembly's Recommendations 2180(2020) - "The impact of the Covid-19 pandemic on human rights and the rule of law"; 2182(2020) - "Justice by algorithm – the role of artificial intelligence in policing and criminal justice systems"; 2183(2020) - "Preventing discrimination caused by the use of artificial intelligence"; 2185(2020) - "Artificial intelligence in health care: medical, legal and ethical challenges ahead"; 2190(2020) - "Effective guardianship for unaccompanied and separated migrant children".

6. The Bureau examined the draft comments prepared by the Secretariat and endorsed them subject to a few adjustments. They appear in Appendix II below.

7. The Bureau instructed the Secretariat to forward these draft comments to the participants of the CDDH for possible comments/drafting proposals by Monday 7 June 2021 (CDDH-DGI@coe.int) for discussion and possible adoption of the comments by the CDDH at its June meeting.

ITEM 3: WORK ON THE SYSTEM OF THE CONVENTION

3.1 Follow-up to the Interlaken Declaration

8. The Bureau exchanged views on the decisions adopted by the Committee of Ministers at its last Ministerial Session on 21 May 2021 (Hamburg, videoconference) regarding in particular the follow-up to be given to the Interlaken process (see Appendix III below, section 3: *Securing the long-term effectiveness of the system of the European Convention on Human Rights*). In this text, the Committee of Ministers expressly refers to the issues currently being dealt with by the drafting groups DH-SYSC-IV and DH-SYSC-V. The Bureau noted that the text should be borne in mind when the CDDH exchanges views at its June meeting on the work to be carried out in 2022 – 2025 (see point 9 below).

3.2 CDDH *ad hoc* negotiation Group on the accession of the EU to the ECHR (“47+1 Group”)

9. The Chairperson of the CDDH *ad hoc* negotiation Group on the accession of the EU to the ECHR (“47+1 Group”), Ms Tonje MEINICH (Norway), presented the conclusions of the 8th (2 – 4 February 2021) and 9th (23 – 25 March 2021) meetings of the Group, as well as the organisation of its future work. She reported that both meetings had been held in a constructive atmosphere.

10. At this stage, the Group considered concrete proposals for all issues which, in the view of the EU and its member states, need to be addressed for a revision of the accession instruments, with the exception of the Common Foreign and Security Policy (CFSP). The Group however held a constructive discussion on the CFSP-matters based on reference materials submitted by the EU at its last meeting.

11. The Chair informed the Bureau that the next meeting of the “47+1 Group” will be held from 29 June – 2 July. This meeting will also comprise another exchange of views with civil society and national human rights institutions, following the first such exchange at a meeting held last November.

12. The Secretariat informed the Bureau about recent statements by Council of Europe organs with regard to EU accession to the ECHR, which underlined the importance of the EU’s accession to the ECHR. Those included notably the Strategic Framework for the Council of Europe by the Foreign Ministers of the 47 Council of Europe member states at the occasion of its 131st session in Hamburg on 21 May 2021 (in particular paragraph 10), but also statements by the Parliamentary Assembly and the Secretary General.

13. The Bureau thanked the Chair of the “47+1 Group” for this information and wished her and the Group a good continuation of the negotiations to finalise its mandate.

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

14. The Chair of DH-SYSC-IV, Mr. Alain CHABLAIS (Switzerland) informed the Bureau about his participation in the high-level Conference of experts on the effective processing and resolution of cases relating to inter-State disputes which took place on 12 and 13 April 2021, under the auspices of the German Presidency of the Committee of Ministers. The Chair of the Committee of Experts on the System of the European Convention on Human Rights (DH-SYSC), Mr Hans-Jörg BEHRENS (Germany) informed the Bureau about the views that some delegations had shared regarding the Conference.

15. The Bureau thanked the German authorities for holding an excellent expert event and highlighted the relevance of the discussions during the Conference for the work of DH-SYSC-IV.

16. Subsequently, the Chair of DH-SYSC-IV informed the Bureau about the 3rd meeting of DH-SYSC-IV (14 – 16 April 2021) noting the spirit of compromise and the positive atmosphere in which it had taken place. Several outstanding questions, however, remain relating primarily to some proposals tabled in connection with the parallel processing of inter-State and related individual applications as well as the application by the Court of rules of international law on state responsibility.

17. In view of the difficulties linked to the holding of meetings online, the differences of views of delegations on some issues, the need to take into account the ongoing development of the relevant case-law of the Court and the desirability to continue and deepen the discussion on possible proposals, the Drafting Group had taken the view that it would not be feasible to finalise at its 4th meeting (22 – 24 September 2021) a draft final activity report of the CDDH for the Committee of Ministers containing reflections and possible proposals of the CDDH, as was provided for in its terms of reference for the biennium 2020 – 2021. The DH-SYSC-IV had, therefore, decided to finalise at its 4th meeting a report recording the work it has carried out during this biennium which should be transmitted to DH-SYSC for its consideration at its upcoming meeting (26 – 28 October 2021) and subsequently to the CDDH at its upcoming meeting (24 – 16 November 2021). The Drafting Group had agreed to propose to the CDDH to consider extending the mandate of the Drafting Group for the quadrennium 2022 – 2025 using as a basis the draft report on the work carried out during the biennium 2020 – 2021.

18. The Bureau noted with satisfaction the progress of the work of the Drafting Group during its last meeting despite the complexity and sensitivity of the subject-matter it is addressing. It shared the assessment of the Drafting Group regarding the way forward and decided to express its full support for the proposed course of action.

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

19. The Chair of DH-SYSC-V, Mr Vít Alexander SCHORM (Czech Republic) informed the Bureau about the conclusions of the 2nd meeting of the Group (29 – 31 March 2021). He presented the Draft Recommendation CM/Rec(2021)... of the Committee of Ministers to member States on the publication and dissemination of the European Convention on Human Rights, the case-law of the European Court of Human Rights and other relevant texts which had been finalised by the DH-SYSC-IV and, thereafter, transmitted to the CDDH for possible amendment proposals in order to facilitate its consideration by the CDDH at the upcoming plenary meeting.

20. The Bureau exchanged views on all amendment proposals submitted by delegations which appear in document CDDH(2021)11. It agreed to suggest to the CDDH to address the concerns raised in connection with the protection of personal data with reference to the Court's policy of publication of its judgments and decisions (preamble); on the proposal on the appointment of contact persons in the judiciary, public administration and law enforcement

authorities be slightly reworded (item 2.5); and to accept some drafting improvements in items 1.5. and 3.2. The suggestions of the Bureau appear in document CDDH(2021)10Rev2.

21. The Chair of DH-SYSC-V informed the Bureau about the ongoing work of the DH-SYSC-V on the draft guidelines to prevent and remedy violations of human rights, recalling that the members of the Drafting Group are free to send comments by 31 June 2021. This work will continue at the next meeting of the Group in the light of these comments and further elements which will be provided by the Consultant and the Secretariat.

22. Furthermore, Mr Schorm and the Secretariat informed the Bureau about the state of play of the preparations of the Seminar “Effective implementation of the European Convention on Human Rights – enhancing domestic dialogue and co-ordination” to be held on 15 June 2021 (see draft Programme in Appendix IV below).

ITEM 4: ENVIRONMENT AND HUMAN RIGHTS

23. The Chairperson of the Drafting Group on Human Rights and the Environment (CDDH-ENV), Ms Kristīne LĪCIS (Latvia), informed the Bureau about the progress of the Group's work during and after its 1st meeting (28 – 30 April 2021).

24. She reported that, in the light of the comments sent by delegations, the Group had prepared a revised version of the Manual update on Environment and Human Rights. This text will be reviewed by the CDDH with a view to its possible adoption in June. The Bureau congratulated the Group for the important work already done and asked the Secretariat to make every effort to ensure that both linguistic versions of the draft Manual will be sent to the participants of the CDDH in time for the CDDH meeting in June, with a view to the discussion of the text and its possible adoption.

25. The Chairperson of the CDDH-ENV also reported that the CDDH will be invited to exchange views in June on the preliminary elements already identified by the Group for a future draft instrument on environment and human rights. The Bureau invited the CDDH to provide the Drafting Group in June with any suggestions it deems useful in this regard.

26. Furthermore, the Secretariat informed the Bureau about the *Workshop “Environment, Human Rights and Business: a framework for addressing environmental protection challenges”* which took place on 27 April 2021 under the auspices of the German Presidency of the Committee of Ministers.

- (i) The Workshop explored the environmental protection dimension of relevant international instruments, notably the United Nations General Principles on Business and Human Rights, explored trends and practical examples of business practices regarding access to effective remedies and stimulated a dialogue on possible actions by the Council of Europe, including possibilities for standard-setting work and higher engagement with private business actors.
- (ii) The Workshop ensured a multi-stakeholder dialogue with the participation of governmental agencies responsible for environmental protection, representatives of international organisations such as the UN Working Group on Business and Human Rights and the International Commission of Jurists, lawyers involved in litigation of environmental protection cases, NGOs active in the field of supporting access to radiation for victims of human rights violations as well as a number of scholars.

27. The Bureau welcomed the outcome of this Workshop (see programme of this event in [Appendix V](#)). The CDDH will be invited in June to exchange views on the follow-up to this event, also in view of the work to be carried out to assess the implementation of Recommendation CM/Rec(2021)2 of the Committee of Ministers to member states on measures against the trade in goods used for the death penalty, torture and other cruel, inhuman or degrading treatment or punishment (see item 6 below) and Recommendation CM/Rec(2016)3 on human rights and business (see item 7 below).

28. In view of the complexity of the task of elaborating a draft non-binding instrument on human rights and the environment, which will require broad consultation within member States, the Bureau proposes to postpone the second meeting of the Drafting Group to 27-29 October 2021.

29. Such a postponement will enable the Secretariat, under the guidance of the CDDH-ENV Chair, to take into account all the contributions from member States so as to have ready a preliminary text of draft instrument by mid-September. Thus the Bureau proposes that member States be invited to submit any further contributions to the drafting proposals (contained in document CDDH (2021)03.rev) by 15 August (DGI-CDDH@coe.int).

ITEM 5: CIVIL SOCIETY AND NATIONAL HUMAN RIGHTS INSTITUTIONS

30. The Chair of the Drafting Group on civil society and national human rights institutions (CDDH-INST), Ms Krista OINONEN (Finland) informed the Bureau on the adoption by the Ministers' Deputies on 31 March 2021 of [Recommendation CM/Rec\(2021\)1](#) of the Committee of Ministers to member States on the development and strengthening of effective, pluralist and independent national human rights institutions as well as the follow-up given or foreseen for its implementation. In particular, she referred to the high-level online meeting organised on 26 April 2021 jointly by ENNHRI, the German Chairmanship of the Committee of Ministers and the CDDH to promote the new instrument (the programme of the meeting is given in [Appendix VI](#) below).

31. The Bureau noted the excellent manner in which the adoption of the Recommendation by the Committee of Ministers was followed by immediate action to implement it and hopes that this instrument will be widely disseminated within member states and international bodies.

ITEM 6: MEASURES AGAINST THE TRADE IN GOODS USED FOR THE DEATH PENALTY, TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

32. The Bureau welcomed the adoption by the Ministers' Deputies on 31 March 2021 of [Recommendation CM/Rec\(2021\)2](#) of the Committee of Ministers to member states on measures against trade in goods on measures against the trade in goods used for the death penalty, torture and other cruel, inhuman or degrading treatment or punishment. He thanked the Consultant, the Rapporteurs and the Secretariat for the work that had made it possible to adopt such a text, which in particular made it possible to assert, in other bodies, the very firm European position on this subject. He noted that the Rapporteur of the CDDH, Ms Nicola WENZEL (Germany), will inform the plenary of the adoption of this text as well as the follow-up given or foreseen for its implementation. In this respect, Mr Hans-Jörg BEHRENS (Germany) informed the Bureau of the very positive conclusions of the [Webinar](#) organised on 17 May 2021 jointly by Amnesty International, The Omega Research Foundation, the German Chairmanship of the Committee of Ministers and the CDDH to promote this new instrument (the Programme of the Webinar appears in [Appendix VII](#) below).

33. As for the previous item of the agenda, the Bureau underlined the excellent manner in which the adoption of the Recommendation by the Committee of Ministers was followed by immediate action for its implementation and hopes that this instrument will be widely disseminated within member states and international bodies.

ITEM 7: HUMAN RIGHTS AND BUSINESS

34. The Secretariat recalled the preparatory process of the report on the implementation of the Recommendation CM/Rec(2016)3 on Human Rights and Business (document CDDH(2021)13), including the latest updates of the information submitted by some delegations. Based on the discussions with Ms. Nicola WENZEL, the CDDH Rapporteur on Human Rights and Business, it was suggested that delegations which have not yet provided information on the implementation of the Recommendation might wish to consider doing so after the Bureau meeting (27 – 28 May 2021).

35. In addition, following-up on the Workshop “*Environment, Human Rights and Business: a framework for addressing environmental protection challenges*” (see item 4 above and Appendix V below), it was suggested that the CDDH could consider inviting the drafting group CDDH-ENV to examine in the framework of its task to elaborate a non-binding instrument on human rights and the environment the issue of due diligence of business enterprises, including identification, assessment, prevention, mitigation, monitoring, communication, accountability for, addressing and remedying the potential and/or actual adverse impacts on human rights and the environment, including climate change. The CDDH could also consider exploring the feasibility of possible Council of Europe action in this area, such as elaborating guidance, on the basis of best practices, regarding the design and implementation of non-judicial remedies by member States. Member States’ contribution to update the information concerning them on the Council of Europe’s Platform for Human Rights and Business would also be welcomed with a view to ensuring that the development described in this Report and further developments are fully reflected in the Platform.

36. The Bureau expressed its support for these suggestions and recommended that the CDDH exchanges views on this basis at its upcoming plenary meeting and gives orientations to the Secretariat regarding further steps.

ITEM 8: MEASURES AGAINST TRAFFICKING FOR THE PURPOSE OF LABOR EXPLOITATION

37. The Bureau was informed by the Secretariat on the terms of reference given by the Ministers’ Deputies in April 2021² to the Drafting Committee on Trafficking for the purpose of Labour Exploitation (DH-TET, see document CDDH(2021)05). This new multidisciplinary body, which involves the secretariats from the DGI and DGII, has been placed under the authority of the CDDH and will be entrusted with the preparation of a draft Recommendation of the Committee of Ministers by 30 June 2022.

38. The Bureau noted that the CDDH will have to elect in June the members of the DH-TET who will participate in the meetings at the expense of the Council of Europe. In this context, it noted the wish expressed at the inter-secretariat co-ordination meeting DGI-DGII that the Chairmanship of the DH-TET would be assumed by the current Chair of the CDDH, until the end of the work of the Drafting Committee in June 2022. This would greatly facilitate the coordination between the two bodies. The Bureau also noted the call for applications launched to CDDH members (see document CDDH(2021)05Addendum). It noted that a similar call will be made launched shortly to, inter alia, the European Committee on Crime Problems (CDPC) (four candidates) and that the Secretary General will be invited to nominate five independent experts.

39. The Bureau recalled that, when appointing its representatives to the Drafting Committee in June, the CDDH will be invited to take into account the need to ensure a balanced geographical distribution. It also recalled that any other member state is entitled to send representatives to the

² 1401st meeting, 14 – 15 April 2021.

work of the Committee at its own expenses, on an equal footing with those to be borne by the budget of the Organisation.

ITEM 9: PREPARATION OF THE CDDH PROGRAMME OF ACTIVITIES FOR 2022 - 2025

40. The Secretariat presented the draft terms of reference for the CDDH and the DH-SYSC for the 2022 – 2025 quadrennium (see [Appendix VIII](#) below). It is recalled that these draft terms of reference are part of the draft programme of activities of the Council of Europe, which is submitted by the Secretary General to the Committee of Ministers for adoption. The CDDH will therefore be invited in June to exchange views on the draft terms of reference and to make proposals, if appropriate. When exchanging views on the draft terms of reference, the CDDH will be invited to bear in mind the decisions on the Council of Europe's Strategic Framework and future activities adopted at the 131st Session of the Committee of Ministers (Hamburg (video conference), 21 May 2021, see [Appendix III](#)), which largely refer to the content of the CDDH's future terms of reference for 2022-2025.

41. The Bureau expressed its appreciation of the draft terms of reference, considering that they fully correspond to the main tasks assigned to the CDDH and to the current human rights priorities in Europe. However, it stresses the need to allow the CDDH to act, within these draft terms of reference, with the necessary flexibility to be able to react effectively to any new priorities that may arise in the next four years.

42. Finally, with regard to the list of Committee of Ministers' recommendations to be followed by the CDDH in 2022 – 2025, the Bureau suggested to add Recommendation CM/Rec(2018)11 of the Committee of Ministers to member states on the need to strengthen the protection and promotion of civil society space in Europe.

ITEM 10: ACCESS TO OFFICIAL DOCUMENTS

43. The Secretariat informed the Bureau on the entry into force of the Council of Europe Convention on Access to Official Documents (Tromsø Convention, [CETS No. 205](#)) in respect of Iceland on 1 June 2021; the adoption by the Committee of Ministers on 3 March 2021 of [Resolution CM/Res\(2021\)2](#) on rules on the election procedure of the members of the Group of Specialists on Access to Official Documents; the process of nomination of candidates for the Group by the Parties; the methodology for the preparation of reports by the Parties under Article 14, paragraph 1 of the Tromsø Convention; the envisaged meeting of the Consultation of the Parties on 29 September 2021 which will elect the members of the Group of Specialists and the subsequent meeting of the Group on 6 and 7 December 2021.

ITEM 11: GENDER EQUALITY

44. The Bureau noted with satisfaction that all subordinate bodies of the CDDH that have met since the last meeting of the CDDH (December 2020) have made good use of the thematic form *“Taking into account the gender equality dimension in the work of the CDDH and its subordinated bodies”* contained in document CDDH(2021)04. The Rapporteur of the CDDH on gender equality Mr Philippe WÉRY (Belgium) will report to the CDDH in June.

ITEM 12: BIOETHICS

45. The Secretary of the Committee on Bioethics (DH-BIO), Ms Laurence LWOFF, informed the Bureau of the main issues to be discussed at the 18th plenary meeting of the Committee to be held from 1 to 4 June 2021. In particular, she mentioned the state of work on the draft Additional Protocol to the Oviedo Convention concerning the protection of human rights and dignity of persons with mental disorder with regard to involuntary placement and involuntary treatment. In this regard:

- (i) She noted that many non-governmental organisations, as well as independent bodies at national and international level, have continued to express their opposition to the draft Protocol, considering, inter alia, that the text is incompatible with the United Nations Convention on the Rights of Persons with Disabilities (CRPD). The member states' delegations are well aware of the arguments put forward, which were reiterated on several occasions throughout the drafting of the draft Protocol, which the DH-BIO was instructed to do by the Committee of Ministers. The delegations took into account the comments received in finalising the draft Protocol and agreed in November 2020 to proceed to a formal vote on the finalised draft during its 18th plenary session. The Bureau notes that the CDDH will be informed in June without the CDDH entering into substantive discussions, as this is the task of the DH-BIO. The Bureau asked the Chairperson of the CDDH to send a letter to this effect to the *European Disability Forum* (EDF), an organisation which has requested to participate in the substantive work of the CDDH in June in case the CDDH would engage in such work.
- (ii) The Bureau was also informed that the advisory opinion requested by the DH-BIO from the European Court of Human Rights on legal questions concerning the interpretation of certain provisions of the Oviedo Convention³ is still awaited.

46. Finally, the Bureau is informed that, in the framework of the preparation of the draft programme of activities of the Council of Europe for 2022-2025, it is envisaged that the DH-BIO will once again become a Steering Committee responsible for human rights issues in biomedicine and health. Given the excellent links that have existed for many years between the CDDH and the DH-BIO, the Bureau expresses the wish that the Secretariat of the latter continue, as in the past, to participate in the meetings of the CDDH and its Bureau in order to inform about the progress of the work carried out by the DH-BIO in the implementation of its Strategic Action Plan on Human Rights and Biomedicine Technologies (2020 – 2025), which aims to respond to the priority human rights issues raised by technological developments.

ITEM 13: CONVENTIONS

47. The Bureau welcomed the forthcoming entry into force of Protocol No. 15 to the ECHR (1 August 2021) following its ratification by Italy on 21 April 2021. It noted that the CDDH will exchange views in June on the status of signatures and ratifications of the other instruments under its responsibility, in particular concerning Protocol No. 16 to the ECHR, and that the monitoring of the effects of these Protocols is part of the tasks assigned to the Steering Committee in the framework of the 2022 – 2025 draft programme.

ITEM 14: FOCAL POINTS

48. The Bureau noted that, since the last plenary meeting in December 2020 and due to the ongoing pandemic, the participation of CDDH representatives in other work has taken place mainly in the framework of ad hoc events organised by the Chairmanship of the Committee of Ministers (see Appendices IV, V, VI, VII below). The Bureau warmly thanked the CDDH representatives who carried out this additional task.

³ Cette demande d'avis consultatif pourrait porter sur l'interprétation de certaines dispositions de la Convention d'Oviedo, en particulier concernant le traitement involontaire (article 7 de la Convention d'Oviedo) et les conditions d'application d'éventuelles restrictions à l'exercice des droits et des dispositions de protection contenus dans cette convention (article 26). Indépendamment de cette éventuelle demande d'avis à la Cour, les travaux sur le Protocole continueront dans le but notamment de renforcer les aspects relatifs aux alternatives et aux mesures de prévention.

ITEM 15: INVITEES

49. The Bureau noted that leading personalities have met with CDDH participants since the last plenary meeting (December 2020) through the major online events that have been organised. It suggested to the CDDH that new formal invitations should only be issued at the end of the current pandemic, in order to exchange views in person at the Council of Europe. In particular, it expressed its wish that the Secretary General of the Council of Europe will be able to come in person to exchange views with the CDDH at the 95th meeting (23 – 26 November 2021).

ITEM 16: PUBLICATIONS

50. The Bureau noted with satisfaction the improvements made to the CDDH website and the efforts of its Secretariat to publish rapidly, online and in hard copy, both the CDDH texts adopted by the Committee of Ministers and the proceedings of the various events held under the aegis of the Committee of Ministers' Chairmanships. In particular, it appreciated the Secretariat's proposal to publish in the near future a book compiling the Committee of Ministers' Recommendations (CM/Rec(2018)11 on the need to strengthen the protection and promotion of civil society space in Europe; CM/Rec(2019)6 on the development of the Ombudsman institution; and CM/Rec(2021)1 on the development and strengthening of effective, pluralist and independent national human rights institutions. This publication, which should be widely disseminated through the engagement of civil society, would contain a foreword by the Secretary General.

ITEM 17: CALENDAR

51. The Bureau suggested that the CDDH takes as a basis for discussion the draft calendar for the second half of 2021 and the first half of 2022 as set out in [Appendix IX](#) below. In principle, meetings until the end of 2021 will still be held electronically.

ITEM 18: OTHER BUSINESS

52. The Bureau welcomed the contributions received from a number of delegations⁴ which contributed to the preparation of the comments sent by the CDDH to the Committee on Counter-Terrorism (CDCT) regarding the preliminary draft Recommendation CM/Rec(2021)XX of the Committee of Ministers to member states on measures aimed at protecting children against radicalisation for the purpose of terrorism. These comments of the CDDH, prepared at the request of another body of the Organisation, are an example of good co-operation which reflects an important part of the CDDH's mandate, namely to advise other Council of Europe bodies to ensure that their activities reflect the requirements of the Convention and the relevant case-law of the Court.

ITEM 19: ACKNOWLEDGMENTS

53. The Director General of the DGI, Mr Christos GIAKOUMOPOULOS, addressed the Bureau to express his gratitude for the work carried out by Mr Mikhail LOBOV as Head of the former Human Rights Policy and Co-operation Department within which the Division in charge of the Secretariat of the CDDH and the Judicial and Legal Co-operation Department was located until now. The Bureau associates itself with these acknowledgments and wishes Mr LOBOV every success as Head of the new Department for the implementation of human rights, justice and legal co-operation standards.

54. The Director General of the DGI also noted that this was the last Bureau meeting of the Head of the Division in charge of the Secretariat of the CDDH, Mr Alfonso de SALAS, who will be retiring on 1 October 2021. Both he and Mr. Lobov expressed their gratitude to Mr de Salas for his work within the DGI since 1987 and more specifically with the CDDH since 1997. For its part,

⁴ Andorra, Bulgaria, Finland, Luxembourg, Netherlands, Sweden, Switzerland, Office of the United Nations High Commissioner for Human Rights

the President of the CDDH and the Bureau expressed their deep gratitude to Mr de Salas and wished him all the best in the new stage of life he will undertake soon.

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

FINLAND / FINLANDE

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

LATVIA / LETTONIE

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

THE NETHERLANDS / PAYS-BAS

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

NORWAY / NORVEGE

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

POLAND / POLOGNE

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

SPAIN / ESPAGNE

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

SUISSE / SWITZERLAND

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

AUTRES PARTICIPANTS / OTHER PARTICIPANTS

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

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

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

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

Mr Christos GIAKOUMOPOULOS, Director General of Human Rights and Rule of Law / Directeur Général des droits de l’Homme et État de droits

Mr Christophe POIREL, Director of Human Rights / Directeur des droits de l’Homme

Mr Mikhail LOBOV, Head of the Department for the implementation of Human Rights, Justice and Legal Co-operation Standards / Chef du Service de la mise en œuvre des standards en matière de droits de l’homme, justice et coopération juridique

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

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

Ms Merete BJERREGAARD, Administrator, Human Rights Intergovernmental Cooperation Division / Administrateur, Division de la coopération intergouvernementale en matière de droits de l’Homme, Secretary of the Drafting Group on Environment and Human Rights / Secrétaire du Groupe de rédaction sur l’environnement et les droits de l’homme (CDDH-ENV)

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

Mr Matthias KLOTH, Secretary of the CDDH *ad hoc* negotiation group on the accession of the European Union to the European Convention on Human Rights / Secrétaire du Groupe de négociation *ad hoc* du CDDH sur l’adhésion de l’Union européenne à la Convention européenne des droits de l’homme (« 47+1 »)

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Annexe II

Recommendations of the Parliamentary Assembly transmitted by the Ministers' Deputies to the CDDH for information and possible comments: draft comments suggested by the Bureau

Note: The texts below appear also in document CDDH(2021)02. The participants in the CDDH who wishes so, are invited to send their comments/drafting proposals to (DGI-CDDH@coe.int) by Monday 7 June 2021 at 18:00.

A. RECOMMENDATION OF THE PARLIAMENTARY ASSEMBLY 2180(2020) - "THE IMPACT OF THE COVID-19 PANDEMIC ON HUMAN RIGHTS AND THE RULE OF LAW"

TEXT OF THE RECOMMENDATION

1. The Assembly refers to its Resolution 2338(2020) on the impact of the Covid-19 pandemic on human rights and the rule of law. It refers further to its Resolution 2209(2018) and Recommendation 2125(2018), entitled "State of emergency: proportionality issues concerning derogations under Article 15 of the European Convention on Human Rights", and recalls the Committee of Ministers' reply to that recommendation.
2. The Assembly considers that derogations to the European Convention on Human Rights (ETS No. 5, the Convention) may pose a risk to the maintenance of common minimum human rights standards across Europe. It recalls that the aim of its 2018 proposals was to assist national authorities in understanding the legal complexities in this area and to encourage a more harmonised approach in future.
3. The Assembly notes that an unprecedented number of 10 States derogated from the Convention in respect of measures taken in response to the Covid-19 pandemic, showing a notable lack of consistency in national practice in important areas. Whilst accepting that a perfectly uniform approach is neither necessary, feasible nor desirable, the Assembly considers that this situation underlines the need for guidance and harmonisation.
4. The Assembly therefore invites the Committee of Ministers to reconsider the recommendation that it examine State practice in relation to derogations from the Convention, in the light of the requirements of Article 15 and the case law of the European Court of Human Rights, the requirements of international law and the Assembly's findings and recommendations in its Resolutions 2209(2018) and 2338(2020), with a view to identifying legal standards and good practice and, on that basis, adopting a recommendation to member States on the matter.
5. The Assembly further invites the Committee of Ministers to give terms of reference to the appropriate intergovernmental committee or committees to review national experience in responding to the Covid-19 pandemic, with a view to pooling knowledge and experience and identifying good practice on how to ensure an effective response to public health emergencies that respects human rights and the rule of law. The results of this review could form the basis for future Committee of Ministers' recommendations or guidelines.

DRAFT POSSIBLE CDDH COMMENTS

1. The Steering Committee for Human Rights (CDDH) takes note with interest of the Parliamentary Assembly's [Resolution 2338\(2020\)](#) on the impact of the Covid-19 pandemic on human rights and the rule of law. It fully shares the invitation of the Parliamentary Assembly to the Committee of Ministers to review national experience in responding to the Covid-19 pandemic, with a view to pooling knowledge and experience and identifying good practice on how to ensure an effective response to public health emergencies that respects human rights and the rule of law.
2. The CDDH is aware of the fact that, during emergencies or similar exceptional situations, states could be tempted to seek to achieve a more rapid, flexible and effective response, with in some cases the consequence of refraining from normal checks and balances. which fact could be proven as hazardous from the perspective of human rights, democracy, and the rule of law⁵.
3. The CDDH felt that, to maintain the needed check and balances during exceptional situations, national authorities should identify and assess (actual or potential) human rights impacts and risks of the measures taken or envisaged to face the exceptional situation. The CDDH already expressed before the

⁵ Cf. Parliamentary Assembly Resolution 2338(2020), para. 4.

Committee of Ministers its willingness and availability to work in this field during the next four-year Programme.

4. Following the recommendations from the Parliamentary Assembly and in synergy with ongoing pandemic-related work in other sectors of the Council of Europe, work that the CDDH might conduct could result, for instance, in:

- (i) drafting a report to the Committee of Ministers on member States' practice in relation to derogations from the European Convention on Human Rights in case of major hazards (pandemic, natural disasters, etc.) along with the case-law of the European Court of Human Rights and the relevant texts of the Venice Commission (notably its list of "Principles governing the state of emergency" of May 2020 and its "Rule of Law Checklist") and the work of the ad hoc Committee of Legal Advisers on Public International Law (CAHDI) as well as international legal standards, in order to provide practical guidance to member States on the issue of derogations and to enhance procedural coherence and consistency in this respect;
- (ii) drafting a *Toolkit for human rights impact assessment of the measures taken by the state* , in case of major hazards (pandemic, natural disasters, etc.) with the purpose to assist member States in balancing tension between, on the one hand, the States' positive obligations to respect and protect human rights and the proportionality of the restrictive measures applicable generally to the population on the other hand in case of major hazards . This text could contain a selection of national good practices;
- (iii) based on the above-mentioned texts, a non-binding instrument (for instance, a Recommendation to member States) could be drafted at a later stage, with the purpose to assist member States to fully respect human rights, democracy and the rule of law in case of major hazards like the present covid-19 crisis.

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B. RECOMMENDATION OF THE PARLIAMENTARY ASSEMBLY 2182(2020) - "JUSTICE BY ALGORITHM – THE ROLE OF ARTIFICIAL INTELLIGENCE IN POLICING AND CRIMINAL JUSTICE SYSTEMS"

TEXT OF THE RECOMMENDATION

1. The Parliamentary Assembly refers to its Resolution 2342 (2020) "Justice by algorithm – The role of artificial intelligence in policing and criminal justice systems", which was adopted while work by the Ad hoc Committee on Artificial Intelligence (CAHAI) was ongoing within the Council of Europe.
2. The Assembly recalls that all Council of Europe member States are subject to the same basic standards of human rights and the rule of law, notably those established by the European Convention on Human Rights (ETS No. 5), as interpreted by the case law of the European Court of Human Rights. It considers that a regulatory patchwork – different standards in different countries – may give rise to "ethics shopping", resulting in the relocation of artificial intelligence development and use to regions with lower ethical standards.
3. The Assembly therefore calls on the Committee of Ministers to take into account the particularly serious potential impact on human rights of the use of artificial intelligence in policing and criminal justice systems when assessing the necessity and feasibility of a European legal framework for artificial intelligence.

DRAFT POSSIBLE CDDH COMMENTS

1. The Steering Committee for Human Rights (CDDH) takes note with interest of Parliamentary Assembly's Resolution 2342(2020) "Justice by algorithm – The role of artificial intelligence in policing and criminal justice systems", in particular the invitation addressed by the Assembly to the Committee of Ministers when assessing the necessity and feasibility of a European legal framework for artificial intelligence, to look into the serious potential impact for human rights of the use of artificial intelligence in policing and criminal justice systems.

2. In this framework, it stresses the importance of the Parliamentary Assembly Report on the role of artificial intelligence in policing and criminal justice systems.
3. The CDDH reaffirms that all member States' policing and criminal justice systems should operate under and within the same basic standards of human rights and the rule of law as they are enshrined in the European Convention on Human Rights (ETS No. 5) and interpreted by the case-law of the European Court of Human Rights.
4. The CDDH fully shares the Assembly's concerns regarding a possible regulatory patchwork that may give rise to "ethics shopping", resulting in the relocation of artificial intelligence development in states with lower ethical standards.
5. The CDDH felt that the preparation of a handbook on human rights and AI would be highly appropriate. However, to avoid duplications of CDDH activities with those of other relevant Council of Europe bodies, it was proposed to the Committee of Ministers to postpone this work until 2022-2025.
6. The CDDH follows closely the work carried out by the CAHAI and other relevant bodies such as the European Committee on Crime Problems (CDPC), i.e. its feasibility study on a future Council of Europe instrument on artificial intelligence and criminal law.

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C. RECOMMENDATION OF THE PARLIAMENTARY ASSEMBLY 2183(2020) - "PREVENTING DISCRIMINATION CAUSED BY THE USE OF ARTIFICIAL INTELLIGENCE"

TEXT OF THE RECOMMENDATION

1. The Assembly refers to its Resolution 2343 (2020) on preventing discrimination caused by the use of artificial intelligence. It notes that this resolution was adopted as work by the Ad hoc Committee on Artificial Intelligence (CAHAI) was ongoing within the Council of Europe.
2. The Assembly recalls that equality and non-discrimination are fundamental rights and that all member States are required to respect these rights in accordance with the European Convention on Human Rights (ETS No. 5), as interpreted by the case law of the European Court of Human Rights, and with the European Social Charter (ETS No. 35) and the European Social Charter (revised) (ETS No. 163), as interpreted by the European Committee of Social Rights.
3. The Assembly therefore calls on the Committee of Ministers to take into account the particularly serious potential impact of the use of artificial intelligence on the enjoyment of the rights to equality and non-discrimination when assessing the necessity and feasibility of an international legal framework for artificial intelligence.

DRAFT POSSIBLE CDDH COMMENTS

1. The Steering Committee for Human Rights (CDDH) takes note with interest of the Parliamentary Assembly Resolution 2343(2020), in particular the invitation addressed by the Assembly to the Committee of Ministers, when assessing the necessity and feasibility of an international legal framework for artificial intelligence, to look into the serious potential impact for the rights to equality and non-discrimination.
2. The CDDH reaffirms that all member States are required to respect the rights of equality and non-discrimination in accordance with the European Convention on Human Rights (ETS No. 5) and the European Social Charter (ETS No. 35 and No 163) as they are interpreted by the European Court of Human Rights and the European Committee of Social Rights, respectively.
3. The CDDH supports the work of the CAHAI and other relevant bodies such as the Steering Committee on Anti-Discrimination, Diversity and Inclusion (CDADI) whose 2022-2023 workplan envisages the preparation of a sectoral instrument on AI, non-discrimination and equality.

4. The CDDH felt that the preparation of a handbook on human rights and AI would be highly appropriate. However, to avoid duplications of CDDH activities with those of other relevant Council of Europe bodies, it was proposed to the Committee of Ministers to postpone this work until 2022-2025.

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D. RECOMMENDATION OF THE PARLIAMENTARY ASSEMBLY 2185(2020) - “ARTIFICIAL INTELLIGENCE IN HEALTH CARE: MEDICAL, LEGAL AND ETHICAL CHALLENGES AHEAD”

TEXT OF THE RECOMMENDATION

1. Good health is a precondition for more fulfilling individual lives and the progress of society as a whole. Artificial intelligence (AI) is the latest technological innovation to rapidly impact healthcare. Like many technological innovations in healthcare, it harbours considerable potential for improving both individual and public health, but also presents risks for individual rights and public health. Furthermore, the speed of the development and deployment of these technological advances is much faster than that of the legal framework regulating them, which requires close attention by policy makers and politicians.

2. AI applications in healthcare represent the paradigm shift that is taking place in healthcare generally, by moving the focus away from disease and therapy towards self-managed health, well-being and prevention, and away from “one-size-fits-all” treatment protocols to precision medicine tailored to the individual. In this changing environment, full respect for human rights, including social rights, needs to underpin public policy making for healthcare and guide further technological progress. This is required to ensure that more mature AI mechanisms can be deployed safely from a human rights perspective, and that benefits from innovation are spread fairly and equitably across society.

3. The Parliamentary Assembly notes that the scientific community has urged public debate on the implications of AI applications in healthcare and has highlighted the need for all stakeholders to be more accountable. Policy makers, including parliamentarians, at national, European and international levels must better understand the wide-ranging risks, socio-economic impacts and opportunities inherent in the design, development and deployment of AI technologies in healthcare, so that they can seek pragmatic improvements and propose adequate regulatory options that ensure full respect for human dignity and rights through legal and ethical frameworks – as far as possible with a global reach. This requires a collaborative, multidisciplinary approach to defining AI-related risks and challenges in healthcare.

4. The Covid-19 outbreak has focused attention on the role that AI can play through real-time surveillance, assessment and management of data on disease. It has also revived the much-needed debate on acknowledging the right to health as a fundamental human right, which should be secured through legal instruments and appropriate healthcare systems that are publicly provided and that ensure universal access.

5. The Assembly heeds with concern the warning from the World Health Organization (WHO) that the existing digital divide and inequalities (within and between countries, as well as societal groups), coupled with the spread of AI, might exacerbate the unequal distribution of healthcare and problems of effective access to healthcare, reduce the number and skills of health professionals, accentuate bias and increase “disrespectful clinical interactions”, thus *de facto* worsening healthcare inequalities and outcomes. The Assembly underlines that there is a broad global consensus around the essential ethical principles of AI. It strongly supports the work of WHO on developing ethics guidance on AI in healthcare on the basis of the shared perspectives of various stakeholders, including the Council of Europe and its Parliamentary Assembly.

6. Given that to date the private sector has driven most of the research and development of AI applications for healthcare, national public healthcare authorities should adopt a strategic approach to co-ordinating digitalisation policies, research and investment, as well as management and exploitation of personal data, with a view to ensuring full protection of fundamental rights and striking a healthy balance between individual, business and public interests. In this context, the Assembly reaffirms its call, in [Recommendation 2166 \(2019\)](#) “Human rights and business – what follow-up to Committee of Ministers Recommendation CM/Rec(2016)3?” to reflect on modern challenges and member States’ obligations under the European Social Charter (ETS Nos. 35 and 163), including the right to health.

7. The Assembly stresses the pertinence of existing Council of Europe legal instruments, in particular the European Convention on Human Rights (ETS No. 5), the Convention on Human Rights and Biomedicine (ETS No. 164, “Oviedo Convention”) and the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS No. 108) and its amending protocol (CETS No. 223, “Convention 108+”) in relation to AI-driven transformations in healthcare. However, it believes that the scope and depth of these transformations and the undeniable impact of AI technology on human dignity and fundamental rights are such that the Council of Europe, as the guardian of human rights, should prepare a dedicated legal instrument on AI. It thus strongly supports the work of the Ad hoc Committee on Artificial Intelligence (CAHAI) towards preparing such a dedicated legal instrument.

8. The Assembly notes that privacy, confidentiality of personal data and informed consent are the cornerstones of patient rights worldwide. At the same time, certain restrictions on the use of personal health data may disable essential data linkages and induce distortions, even errors, in AI-driven analysis. It is debatable whether the anonymisation or pseudonymisation of personal health data are appropriate solutions.

9. The Assembly welcomes the intention of the Council of Europe Committee on Bioethics (DH-BIO) to work on trust, safety and transparency in the application of AI in healthcare. The Assembly encourages it to take a comprehensive approach, to proceed with this work as a matter of priority and to seek synergies with other Council of Europe bodies working in this field.

10. Moreover, the Assembly considers that cybersafety requirements for AI-enabled medical devices (including implantable and wearable healthcare products) should be further explored in the framework of the Convention on Cybercrime (CETS No.185), whereas the Committee of Experts on Human Rights Dimensions of Automated Data Processing and Different Forms of Artificial Intelligence (MSI-AUT) could complement DH-BIO work by helping to define the liability of stakeholders – from developers to regulatory authorities, intermediaries and users (including public authorities, healthcare professionals, patients and the general public) – with regard to the development, maintenance and use of medical AI applications, and any damage caused by them.

11. The Assembly therefore recommends that the Committee of Ministers:

- 11.1 instruct the CAHAI to prepare a dedicated legal instrument on AI, preferably a binding instrument with a global reach, such as a convention open to non-member States, with an emphasis on the human rights implications of AI in general and on the right to health in particular;
- 11.2 involve other relevant Council of Europe bodies in CAHAI work with a view to adequately covering health-related challenges, notably in terms of privacy, confidentiality and cybersafety of sensitive personal health data, informed consent and liability of stakeholders;
- 11.3 mandate the DH-BIO and the Consultative Committee of the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data to seek synergies in their work towards guiding member States on good governance of health data, with a view to preventing any sovereign or commercial misuse of personal data through medical AI applications;
- 11.4 update Recommendation CM/Rec(2016)3 on human rights and business in order to reflect modern challenges and member States' obligations under the European Social Charter (including the right to health).

12. The Assembly furthermore recommends that the Committee of Ministers encourage member States to:

- 12.1 build a holistic national approach, involving national parliaments, to the use of AI technology in healthcare services based on multistakeholder involvement and accountability, as well as adequate evaluation of socio-economic and human rights impacts, with a view to consolidating their population's full access to public healthcare services and giving effect to everyone's right to health as set out in the European Social Charter;
- 12.2 participate more actively in the development and deployment of AI applications for healthcare services at national level and provide for sovereign evaluation and screening of such applications by independent institutions, as well as an exhaustive authorisation process for their deployment, in particular in public health services, to counter risks to individual rights and public health, in accordance with the precautionary principle;
- 12.3 examine legal and technical options for certification and validation of both publicly and commercially developed AI applications for health (covering the end product and every stage of the AI design process) at both national and European levels;
- 12.4 strengthen their national human rights impact assessment framework for all health-related AI applications;
- 12.5 guarantee that AI-driven health applications do not replace human judgment completely and that AI-enabled decisions in professional healthcare are always validated by adequately trained health professionals;
- 12.6 elaborate a legal framework for clarifying the liability of stakeholders for the design, deployment, maintenance and use of health-related AI applications (including implantable and wearable medical devices) in the national and pan-European contexts, redefine stakeholder responsibility for risks and harm from such applications and ensure that governance structures and law-enforcement mechanisms are in place to guarantee the implementation of this legal framework;
- 12.7 discuss how to balance the requirement of strong protection of personal data and the need to use certain types of personal health data for the public good in the context of AI-powered enhancements in public health, while respecting human rights, including as regards the better preparedness of governance structures to anticipate and manage the pandemic response;

- 12.8 accelerate their accession, if they have not yet done so, to the Oviedo Convention and its protocols and to the Protocol amending the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data;
- 12.9 adapt their education and training systems to integrate AI literacy into the curricula of schools and medical training institutions, with an emphasis on the ethical principles of AI and responsible uses of AI applications;
- 12.10 enhance investments in building the necessary digital infrastructure to overcome the prevailing digital divide and to ensure that AI-driven innovations do not exacerbate existing health inequalities;
- 12.11 engage a national debate on AI for health in order to raise the population's and health professionals' awareness of both the risks and the benefits inherent in the use of AI applications for wellness and healthcare, in particular with regard to certain commercially developed applications already on the market which take advantage of current legal voids;
- 12.12 consider options for harmonising the interconnectivity of national health data networks and databases so as to enable human rights compliant data linkages for AI-powered analysis and build "learning health systems".

DRAFT POSSIBLE CDDH COMMENTS

1. The Steering Committee for Human Rights (CDDH) takes note with interest of the Parliamentary Assembly Recommendation 2185(2020) - "Artificial intelligence in health care: medical, legal and ethical challenges ahead" and its "Report on Artificial intelligence in health care: medical, legal and ethical challenges ahead".

2. The CDDH agrees that AI applications in healthcare constitute a changing environment and full respect for human rights, including social rights, needs to underpin public policy making for healthcare and guide further technological progress. To achieve that more mature AI mechanisms can be deployed safely from a human rights perspective, and that benefits from innovation are spread fairly and equitably across society, a collaborative and multidisciplinary approach is required across the Council of Europe. Hence, the CDDH welcomes the invitation of the Parliamentary Assembly to the Committee of Ministers to mandate relevant Council of Europe bodies to conduct work regarding AI-related risks and challenges, in particular in healthcare.

3. The CDDH takes also note of the invitation from the Assembly to the Committee of Ministers to encourage member States to take concrete action allowing to establishing ethical principles for AI and its responsible use, while giving effect to everyone's right to health as set out in the European Social Charter and while securing population's full access to public healthcare services.

4. The CDDH reiterates the pertinence of existing Council of Europe legal instruments, in particular the European Convention on Human Rights (ETS No. 5), the Convention on Human Rights and Biomedicine (ETS No. 164, "Oviedo Convention") and the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS No. 108) and its amending protocol (CETS No. 223, "Convention 108+") in relation to AI-driven transformations in healthcare. The CDDH reaffirms that all member States are required to respect the rights and principles enshrined therein till a dedicated legal instrument on AI is adopted.

5. The CDDH examined its mandate in the field of human rights and AI during its 93rd plenary meeting (14 to 16 December 2020) which was postponed until 2022 in order to avoid duplications of its activities with those of other relevant Council of Europe bodies, such as the Ad hoc Committee on Artificial Intelligence (CAHAI), Committee on Bioethics (DH-BIO), Committee of Experts on Human Rights Dimensions of Automated Data Processing and Different Forms of Artificial Intelligence (MSI-AUT) and the Committee on Social Affairs, Health and Sustainable Development.

6. In the light of the conclusions to be reached in 2021 by other bodies, the CDDH could, for instance:

- (i) consider the feasibility of updating the Recommendation CM/Rec(2016)3 on human rights and business in order to reflect modern challenges and member States' obligations under the European Social Charter (including the right to health);
- (ii) draft a report in relation to the work conducted by all the involved Council of Europe bodies with the purpose of identifying any areas where further work is needed;

- (iii) draft, in co-operation notably with the Committee on Bioethics (DH-BIO), a *Toolkit* with measures for practical guidance to assist member States in dealing effectively with medical, legal and ethical challenges posed by AI applications in health care.

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D. RECOMMENDATION OF THE PARLIAMENTARY ASSEMBLY 2190(2020) - “EFFECTIVE GUARDIANSHIP FOR UNACCOMPANIED AND SEPARATED MIGRANT CHILDREN”

TEXT OF THE RECOMMENDATION

1. Referring to its Resolution 2354 (2020) on effective guardianship for unaccompanied and separated migrant children, the Parliamentary Assembly emphasises the importance of the creation of effective guardianship systems in all Council of Europe member States, with particular focus on unaccompanied and separated children, with the aim of ensuring their protection and providing them with assistance as soon as they arrive in Europe.
2. Welcoming the adoption by the Committee of Ministers of Recommendation CM/Rec(2019)11 on effective guardianship for unaccompanied and separated children in the context of migration, and with a view to its successful implementation, the Assembly recommends that the Committee of Ministers:
 - 2.1 include in the new Council of Europe action plan in the field of migration and human rights (currently under preparation) those activities which will facilitate its successful implementation;
 - 2.2 invite the Steering Committee for the Rights of the Child (CDENF) to promote European best practices in the guardianship of unaccompanied and separated migrant children and to study the possibility of setting up a mechanism for the quick and safe relocation of unaccompanied migrant children to countries with the most developed child protection systems, in accordance with their best interests;
 - 2.3 invite the Drafting Group on Migration and Human Rights (CDDH-MIG) to study the issue of foster care for unaccompanied and separated migrant children and explore the possibility of creating a European register of foster-care families with the aim of finding rapid solutions for the protection of unaccompanied and separated migrant children;
 - 2.4 invite the Network of Focal Points on Migration to explore the possibility of increasing dialogue on international and national multidisciplinary co-operation with a view to improving the protection of unaccompanied and separated children in the context of migration, including improving data collection and exchange on this group in Council of Europe member States.

DRAFT POSSIBLE CDDH COMMENTS

1. The Steering Committee for Human Rights (CDDH) takes note with interest of the Parliamentary Assembly's Resolution 2354 (2020) on effective guardianship for unaccompanied and separated migrant children and it fully shares the invitation of the Parliamentary Assembly to the Committee of Ministers to enhance the implementation of the Recommendation CM/Rec(2019)11.
2. The CDDH underlines the importance to have effective guardianship systems in all Council of Europe member States, especially regarding unaccompanied and separated children. It notes that the Steering Committee for the Rights of the Child (CDENF), the Drafting Group on Migration and Human Rights (CDDH-MIG) and the Network of Focal Points on Migration could contribute significantly in reaching this goal.
3. As to its work on the issue, the CDDH recalls that it was mandated by the Committee of Ministers to draft a document on family-based care for unaccompanied and separated migrant children. It is foreseen to finalise it in 2021.

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Appendix III

**Decisions adopted at the 131st Session of the Committee of Ministers
(Hamburg (videoconference), 21 May 2021)**

[...]

2a. THE STRATEGIC FRAMEWORK OF THE COUNCIL OF EUROPE AND FORTHCOMING ACTIVITIES

Decisions

On the Strategic Framework of the Council of Europe in the coming four years:

The Committee of Ministers,

Recalling its decisions adopted at the 129th Session of the Committee of Ministers, its Declaration on the occasion of the 70th anniversary of the Council of Europe and resolved to uphold and promote the Organisation's long-term strategic role:

1. expressed its appreciation for the Secretary General's Strategic Framework of the Council of Europe (SG/Inf(2020)34) and invited her to submit relevant proposals for approval by its Deputies and to regularly report on implementation;
2. welcomed the Secretary General's progress report on reform measures and agreed to introduce a four-year programming period for the Organisation, including a comprehensive mid-term review, while continuing the existing two-year budgetary cycle;
3. stressed that the Programme and Budgets for the next four-year period should take into account the appended Guidelines entitled "The Council of Europe in the coming four years".

Annex: "The Council of Europe in the coming four years"

Firstly: The Organisation's essential role and responsibility in today's Europe

1. The Council of Europe plays an essential role in achieving greater unity between its member States and safeguarding the human rights and fundamental freedoms of over 840 million citizens throughout the European continent. The European Court of Human Rights and the Convention have made an extraordinary contribution to the protection and promotion of human rights and the rule of law in Europe and play a central role in maintaining democratic security and improving good governance across the continent.
2. The Organisation has a particular responsibility for ensuring the implementation of its conventions through a comprehensive system of monitoring, developing new legally binding standards in response to new challenges and, according to need, providing expert advice and technical assistance through its co-operation programmes to its member States.
3. Today, the Organisation has a particular role to play in its areas of expertise in effectively responding to challenges and crises, such as those arising from the Covid-19 pandemic.
4. Its member States are committed to the values which are the common heritage of their peoples and the true source of individual freedom, political liberty and the rule of law, principles which must form the basis of all genuine democracies.
5. They are guided by a political philosophy of openness, inclusion and unity in diversity, and by a common commitment to multilateralism, expressed through their membership of the Council of Europe and adherence to its convention system and to multilateral co-operation based on the respect of norms of international law.

Secondly: With regard to co-operation among the Council of Europe's key institutions and other bodies and their respective contribution

6. The Committee of Ministers has the key role in providing political guidance, leadership and impetus to the work of the Organisation, while recognising the important role of the Parliamentary Assembly in supporting democracy and taking political initiatives, and acknowledging the executive functions of the Secretary General, being responsible for the overall co-ordination, communication and implementation of the Programme and Budget of the Organisation.
7. Since the Ministerial Session in Helsinki in 2019, contacts and co-operation between the statutory organs of the Organisation – the Committee of Ministers, the Parliamentary Assembly and the Secretary General – have improved considerably, facilitating more co-ordinated and effective responses to current and emerging challenges. The Parliamentary Assembly has made a constructive contribution with its report: The Assembly's vision on the strategic priorities for the Council of Europe.
8. At the same time, the Ministers underlined the decisive and complementary roles played by its various institutions, including the Commissioner for Human Rights and the Congress of Local and Regional Authorities, and intergovernmental structures.

Thirdly: With regard to other important aspects of its work, including the co-operation with its main international partners

9. There is a need to work for the widest possible adherence to the conventions of the Council of Europe, promoting their implementation in order to strengthen common standards, as well as agreeing to new ones to fill gaps and respond to emerging challenges, throughout the continent and beyond.

10. The accession of the European Union to the European Convention on Human Rights is of particular importance to ensure that the Convention applies in a comprehensive and uniform manner across Europe. It should strengthen the European Convention on Human Rights at the heart of the pan-European system of human rights protection.

11. Practical co-operation between the Council of Europe and, in particular, the European Union, the OSCE and the United Nations, as well as other international organisations, needs to be further enhanced and the contribution of the Council of Europe to the relevant Sustainable Development Goals (SDGs) be emphasised. With respect to the Council of Europe's Policy towards neighbouring regions, the Council reaffirms its determination to consolidate progress in co-operation with the beneficiaries and looks forward to the conclusion of the ongoing review of the policy.

12. The wide mandate of the Council of Europe is recognised, covering a range of important activities, including those not specifically highlighted in the Strategic Framework of the Secretary General, in areas ranging from preventing torture and combatting terrorism to youth, culture and sports.

13. In light of the devastating social and economic consequences of the Covid-19 pandemic, the Council of Europe, together with member States, needs to jointly define remedies and solutions which could be effective in fighting violence against women and children, as well as to ensure equitable access to social rights and to health and providing protection for groups in vulnerable situations; it also needs to address increasing inequality, racism, xenophobia, hate speech and discrimination on grounds of religion or belief or any other ground.

14. National security and public safety can only be effectively protected in a democracy which fully respects the rule of law and provides for an independent and effective judiciary. This requires parliamentary control of a declared state of emergency and its duration, and a judicial review of the measures taken to avoid abuse, while acknowledging that it is ultimately for the European Court of Human Rights to assess and decide whether the respective measures taken by States Parties are in conformity with the European Convention on Human Rights.

15. The Council of Europe remains concerned about unresolved conflicts that still affect certain parts of the continent, putting at risk the security, unity and democratic stability of member States, and threatening the human rights of the populations concerned. Working together for reconciliation and political solutions in conformity with the norms and principles of international law remains essential.

16. There is a need to further strengthen and streamline the Council of Europe by increasing the effectiveness of its activities, structures and working methods, promoting its agility and adaptability, and enhancing transparency and efficiency, in order to ensure that it plays its due role in a changing Europe. The need for additional reforms throughout the entire Organisation is therefore critical and the efforts of the Secretary General in this regard are most welcome.

17. Finally, it is necessary to increase the knowledge and visibility of the work of the Council of Europe, through co-ordinated regular events in all member States, taking advantage of field offices, existing networks, youth groups, civil society, universities and research institutions and other partners with a view to promoting the Council of Europe's core values, ideals and principles, which are our common heritage, among the new generations and the general public.

On forthcoming activities of the Council of Europe:

The Committee of Ministers

1. encouraged the implementation of recently adopted recommendations and guidelines, such as:

- Recommendation CM/Rec(2021)1 on the development and strengthening of effective, pluralist and independent national human rights institutions;
- Recommendation CM/Rec(2021)2 on measures against the trade of goods used for the death penalty, torture and other cruel, inhuman or degrading treatment or punishment;
- Guidelines on the links between terrorism and transnational organised crime;
- Guidelines on upholding equality and protecting against discrimination and hate during the Covid-19 pandemic and similar crises in the future;

2. encouraged also ongoing work on the following instruments with a view to its finalisation by the time of the 132nd Ministerial Session in May 2022:

- a recommendation by the Committee of Ministers on action against trafficking in human beings for the purpose of labour exploitation;
- a recommendation by the Committee of Ministers on migrant, refugee and asylum-seeking women and girls;
- a recommendation by the Committee of Ministers on human rights and the protection of the environment;

- examination of the feasibility and appropriateness of modernising the Convention on the Protection of Environment through Criminal Law (ETS No. 172) or of preparing a new instrument;
3. welcomed its Deputies' report on Council of Europe monitoring – strengthening cohesion and synergies (CM(2021)50-final), endorsed its conclusions and instructed its Deputies to ensure a proper follow-up;
 4. with respect to Council of Europe monitoring mechanisms, invited the Secretary General to continue her regular dialogue with the chairs of the monitoring bodies with a view to strengthening synergies and co-ordination and to report back in time for the Ministerial Session in May 2022;
 5. in the context of the 60th anniversary of the 1961 European Social Charter (ETS No. 35), stressed the importance of the Charter in guaranteeing social rights across the continent; took note of the recent report of the Secretary General "Improving the implementation of social rights – reinforcing the European Social Charter system" as well as the continuing intergovernmental work on this issue and invited its Deputies to take these into account in the ongoing consideration on the Social Charter system and report on progress in time for the Ministerial Session in May 2022;
 6. welcomed the work undertaken by the Committee of Ministers and the Secretary General as a follow up to the Helsinki Declaration concerning freedom of expression, media freedom and the safety of journalists, and instructed its Deputies to pursue their regular review and dialogue on these issues, including in the light of the forthcoming Conference of Ministers responsible for Media and Information Society, as well as the Organisation's further standard-setting on freedom of expression and digital technologies;
 7. took note of the proposals set out in document CM(2021)71 to strengthen relations between the Council of Europe and other international organisations, including in the context of the implementation of the Sustainable Development Goals (SDGs), and invited its Deputies and the Secretary General to implement them;
 8. recalling that its Deputies will carry out a review of the Council of Europe Policy towards neighbouring regions before the end of 2021, instructed them to also reflect in this context on the contribution of the Organisation to the international order and global governance, as well as to the achievement of the Sustainable Development Goals (SDGs);
 9. in the context of the 10th anniversary of the opening for signature of the Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No. 210, Istanbul Convention), and following the Conference "Gender equality and the Istanbul Convention: a decade of action", reconfirmed its full commitment to preventing and combating violence against women and domestic violence; in this regard, took note of the significant contribution that the Istanbul Convention, with its set of high-level standards, has already made in the States Parties to the Convention and recalled that the Convention remains open for accession to all States;
 10. encouraged member States to actively engage in the follow up of the 3rd European Youth Work Convention, organised online from 7 to 10 December 2020 by the German EU Council Presidency and the German Chairmanship of the Committee of Ministers of the Council of Europe: "The European Youth Work Agenda – A strategic framework for strengthening and further developing youth work" (The Bonn Process);
 11. stressed the importance of multilateral co-operation and co-ordination in addressing the current healthcare challenges and welcomed the initiatives taken by the different institutions of the Council of Europe in this respect; underlined notably the recommendations by the Committee on Bioethics on how to ensure equitable access to vaccination, the guidance and assistance provided to member States in accordance with the relevant instruments of the Council of Europe, including on the Convention on the Counterfeiting of Medical Products and Similar Crimes Involving Threats to Public Health (CETS No. 211, Medicrime Convention); suggested that interested States that have not yet done so may consider signing and/or ratifying the latter; and encouraged the relevant institutions to pursue their efforts in this field, including through exchanges of good practices;
 12. reiterated the importance of further strengthening the role and meaningful participation of civil society organisations as well as national human rights institutions in the Organisation, in line with, inter alia, the Helsinki Ministerial decisions on civil society; instructed its Deputies and invited the Secretary General to vigorously pursue the work to this end, implement the Secretary General's follow-up proposals to the Helsinki decisions and report back on the results at the Ministerial Session in May 2022.

[...]

3. SECURING THE LONG-TERM EFFECTIVENESS OF THE SYSTEM OF THE EUROPEAN CONVENTION ON HUMAN RIGHTS

Decisions

The Committee of Ministers

Recognising the importance of securing the long-term effectiveness of the system of the European Convention on Human Rights in challenging times for the rule of law and human rights in democratic societies caused, inter alia, by the Covid-19 pandemic and the measures to combat its effects;

Recalling that, whilst no comprehensive reform of the Convention machinery is now needed, further efforts should be pursued by the Council of Europe as a whole to ensure that the Convention system can continue to respond effectively to the numerous human rights challenges Europe faces;

Reaffirming the unconditional obligation of States Parties to abide by the final judgments to which they are Party and their responsibility to resolve the systemic and structural human rights problems identified by the Court;

Reiterating the fundamental importance of an efficient supervision of the execution of judgments in order to ensure the long-term sustainability and credibility of the Convention system;

Recalling the various decisions adopted during the Interlaken process to this effect, most recently at the 130th Ministerial Session (Athens), at which the Committee agreed to continue to enhance the efficiency of the process of supervision of execution of the Court's judgments, particularly its Human Rights meetings, including by appropriate recourse to political leverage to deal with cases of non-execution or persistent refusal to execute the Court's judgments;

1. instructed the Ministers' Deputies to examine whether and how to enhance the tools available to the Committee to supervise cases of non-execution or persistent refusal to execute the final judgments of the Court;
2. welcomed the intergovernmental work on the effective processing and resolution of cases relating to inter-State disputes and instructed the Ministers' Deputies to examine also questions arising from the process of the execution of judgments in such cases;
3. welcomed the intergovernmental work on enhancing the national implementation of the system of the European Convention on Human Rights and in particular the progress made on Guidelines to member States on preventing, and ensuring remedies for, violations of the Convention, and encouraged their rapid conclusion; called upon the States Parties to continue strengthening the implementation of the Convention at the national level in accordance with previous declarations on securing the long-term effectiveness of the system of the European Convention on Human Rights;
4. welcomed the imminent entry into force of Protocol No. 15 to the Convention.

* * *

Appendix IV**Seminar**

**Effective implementation of the European Convention on Human Rights
– enhancing domestic dialogue and co-ordination**

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

at the 94th meeting of the CDDH
Strasbourg, 15 June 2021 by videoconference

Draft programme

10:00 Opening and welcome addresses

Mr Christophe POIREL, Director of Human Rights (DGI), Council of Europe (10 min)
Mr Robert SPANO, President of the European Court of Human Rights (10 min)
Mr Morten RUUD, Chair of the Steering Committee for Human Rights (CDDH) (10 min)

10:30 Execution of the Strasbourg Court judgments as the cornerstone of the implementation of the Convention at the national level

This session will take stock of the main issues at the stage of execution of judgments, notably those relating to domestic capacities, resources, action plans and political will.

Framing intervention: *Ms Clare OVEY*, Head of Department of the Execution of Judgments, Council of Europe (10 min)

Discussants:

Mr Alfonso BREZMES MARTÍNEZ DE VILLARREAL, Agent for the Kingdom of Spain before the European Court of Human Rights, Head of the Area of Human Rights of the Constitutional & Human Rights Department, Ministry of Justice (*national experiences of limitations/ barriers in respect of domestic structures and mechanisms for the implementation of judgments*) (10 min)

Mr Jan SOBCZAK, Agent of the Polish Government before the European Court of Human Rights, Deputy Director, Legal and Treaty Department, Ministry of Foreign Affairs (*national experiences of limitations/ barriers in respect of domestic structures and mechanisms for the implementation of judgments*) (10 min)

Ms Debbie KOHNER, Secretary General, European Network of National Human Rights Institutions (ENNHRI) (*barriers/limitations encountered by NHRIs in participating in the execution of judgments*) (10 min)

Ms Başak ÇALI, Professor, Hertie School, Berlin (Germany) (10 min)

Discussion and intervention by *Mr Matthew SAUL*, Associate Professor, Inland University of Applied Sciences (Norway) and *Mr Øyvind STIANSEN*, Postdoctoral Fellow, University of Oslo (Norway) (30 min)

12:00

LUNCH BREAK

14:00 Inter-agency co-ordination and multi-stakeholder dialogue as a pre-condition for an effective execution of judgments

While acknowledging that the conditions for an effective execution of the Strasbourg Court's judgments are country-specific and there is no one-size-fits-all strategy this session will seek to identify good practices in establishing, building and strengthening working relationships that are conducive to better results. This session will seek to engage government agents to share their experiences on dissemination of information amongst government agencies and other stakeholders, timely preparation and submission of Action Plans, monitoring progress in the execution of judgments.

Framing intervention: *Mr Philip LEACH*, Professor, Middlesex University (United Kingdom) (5 min)

Discussants:

Mr Vít Alexander SCHORM, Chair of the Drafting Group on enhancing the national implementation of the system of the European Convention on Human Rights (DH-SYSC-V) (sharing best practices on creation of multi-stakeholder working group – Committee of experts on the execution of the Court's judgments and the implementation of the Convention) (10 min)

Mr Murray HUNT, Legal Adviser to the Joint Committee on Human Rights of the United Kingdom Parliament (mainstreaming accountability of the executive on execution matters in legislative oversight and budget approvals) (10 min)

Mr Leif BERG, Head of Knowledge Management Division under the Jurisconsult Directorate, Jurisconsult Directorate of the Court (the role of dialogue with superior national courts in promoting the application of the Convention at the national level) (10 min)

Dr Marcin SZWED, Lawyer, Strategic Litigation Programme, Helsinki Foundation for Human Rights (sharing good experiences of engagement with the executive, the parliament or national courts) (10 min)

Discussion and intervention by *Ms Janneke GERARDS*, Professor, Utrecht Law School (Netherlands) (10 min) and *Mr Fredrik SUNDBERG*, former Head of the Department for the Execution of judgments of the European Court of Human Rights (10 min)

15:30 Making full use of the co-operation with the Council of Europe

The Council of Europe provides support to its member States on wide variety of general measures that may be required to execute the judgments of the Court, ranging from amendments to the Constitution, legislative reform, changing judicial practice, training law enforcement officers, judges, prosecutors and other actors. How can member States make the most of this support?

Framing intervention: *Mr Mikhail LOBOV*, Head of Department for the Implementation of Human Rights, Justice and Legal Co-operation Standards, Directorate General Human Rights and Rule of Law (DGI), Council of Europe (10 min)

Discussants:

Mr Pavlo PUSHKAR, Head of Division, Department of the Execution of Judgments, Council of Europe (10 min) (sharing good practices of its co-operation projects) (10 min)

Ms Simona GRANATA-MENGHINI, Secretary of the European Commission for Democracy through Law ("the Venice Commission") (sharing good practices of its co-operation projects contributing to the execution of judgments) (10 min)

Mr Hans-Jörg BEHRENS, Chair of the Committee of experts on the system of the European Convention on Human Rights (DH-SYSC) (highlighting the holistic approach of the CDDH to functioning of the system of the Convention and the special attention to the execution of judgments, plus the role of CDDH as a forum of the government agents sharing best practices) (10 min)

Discussion (30 min)

17:00 Main takeaways and conclusion of the seminar

Mr Geir ULFSTEIN, PluriCourts

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Appendix V

Workshop Environment, Human Rights and Business: A framework for addressing environmental protection challenges

Strasbourg, Tuesday 27 April 2021
KUDO videoconference

Programme

9:00-9:15 Welcoming remarks

- **Mr Christophe POIREL**, Director of Human Rights, Council of Europe
- **Ms Sigrid JACOBY**, Representative of the German Federal Government for Matters Relating to Human Rights

9:15-10:15 Setting the scene

The nexus between human rights and business responsibilities to protect the environment in international human rights law

Drawing on the international framework on human rights and business this session will discuss the different models for state and business responsibilities to protect the environment.

- Environment and the ECHR: How does the European Court of Human Rights address environmental matters in its case-law?
- What are the states' human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment?
- What are the environmental aspects of business responsibilities regarding human rights? What is the scope of such responsibilities?

Moderator:
Ms Kristine LĪCIS

Chairperson of the Council of Europe Drafting Group on Environment and Human Rights (CDDH-ENV)

Speaker:
Prof Surya DEVA

UN Working Group on the issue of human rights and transnational corporations and other business enterprises

Panel Discussion with:

- **Mr Lado CHANTURIA**
Judge, European Court of Human Rights
- **Ms Chiara MACCHI**
Postdoctoral Researcher, Law Group, Wageningen University
- **Mr Carlos LOPEZ**
International Commission of Jurists (ICJ)

Discussions

10:15-10:30 Break

10:30-11:30

How to facilitate access to effective remedies for victims of human rights violations related to business and the environment?

- What is the environmental dimension of the international framework on accountability and access to effective remedies for victims of business-related human rights abuse?
- What results have the State-based and non-State-based grievance mechanisms yielded so far?
- What barriers do individuals face to access effective remedies? How to overcome them?
- How can NGOs and NHRIs facilitate access to effective remedies, e.g., by accepting complaints, investigating abuses, conducting public inquiries, raising awareness, providing legal assistance and supporting human rights defenders?

Moderator:
Ms Nicola WENZEL

*Ministry of Justice and Consumer
Protection, Germany*

Speaker:
Ms Ulla GLAESSER

*European University Viadrina -
The potential of non-judicial
remedies*

Panel Discussion with:

- **Ms Margreet VRIEILING**
Fair Wear Foundation
- **Mr Richard MEERAN**
Leigh Day
- **Ms Maddalena NEGLIA**
*International Federation
of Human Rights (FIDH)*

Discussion

11:30-11:45

Break

What is the concrete business' environmental responsibility today and in the near future? What can the Council of Europe contribute?

Companies usually implement separate components or join selected initiatives regarding environmental aspects of corporate social responsibility. While allowing businesses to present their good practices and initiatives aimed at increasing environmental sustainability and ensuring respect for human rights, this session will ask:

- Is such a voluntary and fragmentary approach enough to create a higher level of social consciousness in the business world to act in favour of environmental integrity?
- How can the Council of Europe support businesses to better understand, identify and address links between human rights and environment-related risks and strengthen their capacities to contribute positively to the efforts to address global environmental challenges?
- How can Council of Europe co-operation programmes help member States incentivise human rights and environmentally - conscious and responsible business practices?

Moderator:
Mr Daniel KLEIN

*KleinCarazo, International Lawyers
& Consultants*

Speaker:
Ms Bettina RECHENBERG

*German Environment Agency –
How can businesses implement
environmental due diligence?*

Panel Discussion with:

- **Mr Thorsten PINKEPANK**
*Director Sustainability
Relations, BASF*
- **Ms Lila KARBASSI**
*Chief of Programmes
UN Global Compact*
- **Mr Hermann OTT**
Client Earth
- **Mr Jan MALINOWSKI**
*Executive Secretary of the
European Social Charter*
- **Mr Tigran KARAPETYAN**
*Head of Unit, Cooperation
programmes, DGI, Council of
Europe*

Discussion

13:15

Closing remarks

Mr Mikhail LOBOV

Head of Department, Human Rights Policy and Co-operation Department, DGI, Council of Europe

Appendix VI



High-Level Meeting

Council of Europe Committee of Ministers 'Recommendation on the development and strengthening of effective, pluralist and independent national human rights institutions' 26 – 27 April 2021 – online

The adoption by the Council of Europe Committee of Ministers of the 'Recommendation on the development and strengthening of effective, pluralist and independent national human rights institutions (NHRIs)' represents a milestone for further embedding NHRIs' central role in the promotion and protection of human rights in Europe, including through effective cooperation with the Council of Europe.

This Public High-Level Meeting on 26 April has brought together heads of European NHRIs with Council of Europe key actors, including civil society organisations. It aimed to explore avenues for further strengthening cooperation and support between the Council of Europe and NHRIs at national level, and for meaningful participation of NHRIs and ENNHRI in the Council of Europe, in follow-up of the adopted Recommendation.

NHRI heads reconvened for an internal meeting on 27 April, to identify strategic priorities for NHRIs and ENNHRI in follow-up of the Recommendation, and to forge closer cooperation with the Council of Europe, for better promotion and protection of human rights across the region.

This event was co-organised by the European Network of National Human Rights Institutions (ENNHRI) and the German Presidency of the Council of Europe's Committee of Ministers. The protection of human rights by the Council of Europe, including in cooperation with its member states' NHRIs, is a priority of the German Presidency.

Programme

Monday 26 April 2021 – Public High-Level Meeting		
Time (CET)	Session	Speakers
10.00-10.05	Welcome	Caroline Fennell, ENNHRI Chair; Commissioner at Irish Human Rights and Equality Commission
10.05-10.15	NHRI Recommendation's Added Value and Potential	Krista Oinonen, Director, Ministry of Foreign Affairs Finland; Chair of CDDH Drafting Group on Civil Society and National Human Rights Institutions
10.15-11.50	From CoE Intergovernmental Processes to national implementation - cooperation with & support for NHRIs Moderator: Michael Windfuhr, Deputy Director of the German Institute for Human Rights	<p><u>Keynote speech by:</u></p> <ul style="list-style-type: none"> Bärbel Kofler, Federal Government Commissioner for Human Rights Policy and Humanitarian Assistance, German Presidency of the Committee of Ministers of the Council of Europe <p><u>Moderated roundtable:</u></p> <ul style="list-style-type: none"> Lord Richard Balfe, Member of the Parliamentary Assembly of the Council of Europe; Former rapporteur on PACE Resolution 2301 (2019) Christophe Poirel, Director of Human Rights of the Council of Europe Antoine Buyse, Director of the Netherlands Institute of Human Rights (SIM); Member of the Conference of INGOs of the Council of Europe Bärbel Kofler, Federal Government Commissioner for Human Rights Policy and Humanitarian Assistance, German Presidency of the Committee of Ministers of the Council of Europe

		Europe Response by: NHRI Heads of Institution Q&A with wider audience
11.50-12.00	Break	
12.00-13.15	From CoE Independent Oversight to national implementation cooperation with & support for NHRIs <u>Moderator:</u> Erinda Ballanca, People's Advocate of Albania	<ul style="list-style-type: none"> Robert Spano, President of the European Court of Human Rights (<i>video message</i>) <u>Moderated roundtable:</u> <ul style="list-style-type: none"> Dunja Mijatović, Commissioner for Human Rights of the Council of Europe Iulia Antoanella Motoc, Judge at the European Court of Human Rights with respect to Romania Karin Lukas, President of the European Committee of Social Rights, Council of Europe Veronika Bílková, Member of the Bureau of the Venice Commission, Council of Europe Response by: NHRI Heads of Institution Q&A with wider audience
13.15-13.30	Closing Remarks	<ul style="list-style-type: none"> Sigrid Jacoby, Representative of the German Federal Government for Matters Relating to Human Rights Debbie Kohner, ENNHRI Secretary-General

Tuesday 27 April 2021 – Internal Strategic Meeting*		
Time (CET)	Session	Speakers
9.30	Introduction	Chair/Secretariat
9.30-10.15	Strategic opportunities at CoE mechanisms for NHRIs	Chair/Secretariat
10.15-10.30	Break	
10.30-11.15	Strategic opportunities at national level for NHRIs	Chair/Secretariat
11.15-11.30	Wrap-Up	Debbie Kohner, ENNHRI Secretary-General

* for ENNHRI members only

Appendix VII**WEBINAR**

Co-organised by the German Chairmanship of the Committee of Ministers, the Steering Committee for Human Rights (CDDH), Amnesty International and Omega Research Foundation

**Measures against the trade in goods used for the death penalty,
torture and other cruel, inhuman or degrading treatment or punishment:
Implementation of the Council of Europe Recommendation CM/Rec(2021)2**

Strasbourg, Monday 17 May 2021

10:00-13:00, KUDO videoconference

Programme

10:00-10:30 Welcoming and introductory remarks

Moderator:

Ms Krista OINONEN

Finnish representative within the Steering Committee for Human Rights (CDDH) and Member of its Bureau

- **Ms Bärbel KOFLER**, Commissioner for Human Rights Policy and Humanitarian Assistance, Federal Ministry for Foreign Affairs of Germany, Chair of the Committee of Ministers of the Council of Europe
- **Ms Marija PEJČINOVIĆ BURIĆ**, Secretary General of the Council of Europe
Video promoting the Council of Europe Recommendation (2 minutes)
- **Ms Agnès CALLAMARD**, Secretary General of Amnesty International

10:30-11:45 PART I

How to best implement the Recommendation CM/Rec(2021)2 ?

In the follow-up to the adoption of the Recommendation by the Committee of Ministers on 31 March 2021, this session will discuss the steps for its proper implementation in member States and the role of the Council of Europe, member States and civil society.

Moderator:

Ms Krista OINONEN

Finnish representative within the Steering Committee for Human Rights (CDDH) and Member of its Bureau

Speakers:

Dr Michael CROWLEY

Omega Research Foundation/CDDH Consultant

Overview of trade in torture and execution technologies in Europe

Mr Nico HIRSCH

Member of the CPT elected in respect of Luxembourg (CPT)

Nature of misuse of law enforcement equipment and restraints within the Council of Europe

Ms Nicola WENZEL

German Representative within the Steering Committee for Human Rights (CDDH) and Rapporteur of the CDDH

Key Recommendation obligations for member States: next steps ahead for the Council of Europe

Ms Laura AUGER-PEREZ

Senior Expert, European Commission – Service for Foreign Policy Instruments

Lessons from development and implementation of the EU Anti-Torture Regulation

Discussion and debate

11:45-12:00 *Break*

12:00-12:50 **PART II**

How to promote international action to address the trade in goods used for death penalty, torture and other ill-treatment?

This session will examine ongoing efforts to develop national, regional and international regulation of trade in law enforcement equipment and related goods to prevent their use in torture, other ill-treatment and the death penalty, and explore how the Council of Europe can support such efforts.

Moderator:

Mr Christophe POIREL

Director of Human Rights, Council of Europe

Speakers:

Ms Anna CROWE

Assistant Director – International Human Rights Clinic, Harvard Law School

Exploring obligations on all States to regulate trade in law enforcement equipment to prevent use in torture, and the role of international trade regulation as part of global actions to combat torture.

Ms Birgit VAN HOUT

Regional Representative for Europe, UN Human Rights Regional Office for Europe (OHCHR)

Overview of the ongoing UN process examining the feasibility, scope, and parameters for possible common international standards on 'torture free trade'.

Mr Patrick WILCKEN

Deputy Director, Global Issues Programme, Amnesty International

Presenting the 'Torture and Death Penalty Trade Instrument': a civil society proposal for national, regional and international measures to regulate trade in law enforcement and death penalty equipment.

Discussion and Debate

12:50-13:00 **CLOSING REMARKS**

Dr. Hans-Jörg BEHRENS

High representative of the German Ministry of Justice,

On behalf of the German Chairmanship of the Committee of Ministers

Appendix VIII

Draft terms of reference 2022 – 2025 for the CDDH and the DH-SYSC

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 validity: from 1 January 2022 until 31 December 2025

PILLAR/ PROGRAMME/SUB-PROGRAMME
Pillar: Human rights Programme: Effective implementation of the European Convention on Human Rights Sub-programme: Effectiveness of the ECHR System at national and European level / Bioethics
MAIN TASKS
<p>The intergovernmental work on protection and promotion of human rights in Europe conducted by the CDDH is a direct response to the Secretary General's four-year Strategic Framework reflecting the priorities for the Council of Europe's longer-term mission.</p> <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 responsibility 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) hold an exchange of views annually in order to evaluate its activities, and advise the Committee of Ministers and the Secretary General on future priorities in its sector, including possible new activities and deliverables and those that might be discontinued (vii) take due account of gender and children's rights perspectives and of Roma and Traveller^[3] issues, building cohesive societies, promoting and protecting rights of persons with disabilities 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,^[4] in co-operation, where appropriate, with the relevant convention-based bodies, and report back to the Committee of Ministers (ix) contribute to the achievement of the UN 2030 Agenda for Sustainable Development, in particular with regards to Goal 3: Good health and well-being and Goal 16: Peace, Justice and Strong institutions.

SPECIFIC TASKS AND DELIVERABLES

- (i) Oversee the work of its Committee of Experts on the System of the European Convention on Human Rights (DH-SYSC) (see DH-SYSC terms of reference)⁶.

Deliverables:

- a. CDDH Report on the effective processing and resolution of cases related to inter-State disputes including possible proposals to the Committee of Ministers (deadline: 31 December 2022)
- b. Guidelines to prevent and remedy violations of the Convention at the national level (deadline: 31 December 2023)
- c. CDDH report evaluating the effectiveness of the system for the selection and election of Court's judges and the means to ensure due recognition for judges' status and service on the Court and providing additional safeguards to preserve their independence and impartiality (deadline: 31 December 2024)
- d. CDDH report evaluating the first effects of Protocol No.16 (deadline: 31 December 2024)
- e. CDDH report evaluating the first effects of Protocol No.15 (deadline: 31 December 2025)

- (ii) Oversee the work of its Ad Hoc Negotiating Group ("47+1") on the Accession of the European Union to the European Convention on Human Rights⁷ (see "47+1" terms of reference).

Deliverables:

- a. Finalise as a matter of priority the instruments setting out the modalities for the accession of the European Union (EU) to the European Convention on Human Rights (deadline: 31 December 2023)⁸

- (iii) Respond to the human rights challenges that European societies face by means of providing guidance to member States through preparing non-binding instruments of the Committee of Ministers (e.g. declarations, recommendations or guidelines) while ensuring co-ordination and co-operation with relevant Council of Europe bodies.

Deliverables (subject to confirmation by the CDDH in light of a mid-term review):

- a. Draft Recommendation of the Committee of Ministers to member States on human rights and the environment⁹ (deadline: 31 December 2022)
- b. Draft Recommendation of the Committee of Ministers on measures against trafficking in human beings for the purpose of labour exploitation¹⁰ (deadline 30 June 2022)
- c. Follow-up work on the CDDH report on family-based care for unaccompanied and separated migrant children (deadline 31 December 2022)
- d. Draft instrument on the effective protection of human rights in situations of crisis¹¹ based on lessons learnt from the health crisis (deadline 30 June 2023)
- e. In line with the relevant decisions of the Organisation regarding common standards with regard to artificial intelligence¹² ensure follow-up work (deadline 31 December 2024)

- (iii) In co-ordination notably with CM Presidencies and representatives of the civil society¹³, follow-up to the national implementation of various CM Recommendations prepared by the CDDH.

Deliverables:

Workshops, conferences, dialogues on the following possible subjects:

- a. Human rights and business¹⁴ (deadline 31 December 2022)

⁶ This task responds to key strategic priority No. 1 identified in the Secretary General's four-year Strategic Framework, notably by ensuring the sustainability and long-term effectiveness of the Convention through the continuous engagement of member States to implement it at national level and to execute the Court's judgments properly.

⁷ See key strategic priority No.1 identified in the four-year Strategic Framework.

⁸ See deliverable No. 1 identified in the four-year Strategic Framework.

⁹ See key strategic priority No. 10 identified in the four-year Strategic Framework, deliverable 7.

¹⁰ See key strategic priority No. 8 identified in the four-year Strategic Framework.

¹¹ See key strategic priority No. 1 identified in the four-year Strategic Framework.

¹² See key strategic priority No.9 and deliverable No. 3 identified in the four-year Strategic Framework.

¹³ See deliverable No. 8 identified in the four-year Strategic Framework.

¹⁴ Recommendation CM/Rec(2016)3.

<ul style="list-style-type: none"> b. Protection and promotion of human rights in culturally diverse societies¹⁵ working in co-operation with other relevant bodies of the Council of Europe (deadline 31 December 2022) c. Human rights of members of the armed forces¹⁶, with attention to issues concerning conscientious objection to compulsory military service (deadline 31 December 2023) d. Strengthening of the protection and promotion of the civil society space in Europe¹⁷ (deadline 31 December 2023) e. Development of the Ombudsman institution¹⁸ (deadline 31 December 2023) f. The system of the European Convention on Human Rights in university education and professional training¹⁹ (deadline 31 December 2024) g. Development and strengthening of effective, pluralist and independent national human rights institutions²⁰ (deadline 31 December 2024) h. Measures against the trade in goods used for the death penalty, torture and other cruel, inhuman or degrading treatment or punishment²¹ (deadline 31 December 2025) i. Publication and dissemination of the European Convention on Human Rights, the case-law of the European Court of Human Rights and other relevant texts²² (deadline 31 December 2025) <p>(iv) Organise thematic debates on the right of access to official documents taking into account the entry into force of the Tromsø Convention (CETS No. 205) (deadline: 31 December 2025)</p> <p>(v) Review progress towards the United Nations Sustainable Development Goals (UNSDGs), as evidenced by monitoring mechanisms and promoted through standard-setting and exchange of experiences and good practices (deadline: 31 December 2025)</p>	<div style="background-color: #e6f2ff; padding: 5px;">COMPOSITION</div> <p>Members:</p> <p>Governments of member States are invited to designate one or more representatives of the highest possible rank in the field of human rights.</p> <p>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).</p> <p>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.</p> <p>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> <p>Participants:</p> <p>The following may send representatives, without the right to vote and at the charge of their corresponding administrative budgets:</p> <ul style="list-style-type: none"> - 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. <p>The following may send representatives, without the right to vote and without defrayal of expenses:</p> <ul style="list-style-type: none"> - 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 - 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 (OHCHR).
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¹⁵ Guidelines (2016). See deliverable No. 4 identified in the four-year Strategic Framework.

¹⁶ Recommendation CM/Rec(2010)4.

¹⁷ Recommendation CM/Rec(2018)11.

¹⁸ Recommendation CM/Rec(2019)6.

¹⁹ Recommendation CM/Rec(2019)5.

²⁰ Recommendation CM/Rec(2021)1.

²¹ Recommendation CM/Rec(2021)2.

²² Recommendation CM/Rec(2021)...

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 and Travellers Forum.²³
- Council of Bars and Law Societies of Europe (CCBE).

WORKING METHODS**Plenary meetings:**

48 members, 2 meetings in 2022, 4 days
 48 members, 2 meetings in 2023, 4 days
 48 members, 2 meetings in 2024, 4 days
 48 members, 2 meetings in 2025, 4 days

Bureau meetings:

8 members, 2 meetings in 2022, 2 days
 8 members, 2 meetings in 2023, 2 days
 8 members, 2 meetings in 2024, 2 days
 8 members, 2 meetings in 2025, 2 days

The Committee will also appoint from amongst its members a Gender Equality Rapporteur, a Children's Rights Rapporteur, a Rapporteur on the Rights of Persons with Disabilities and a Rapporteur on Roma and Traveller 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.

Whenever appropriate, it will prioritise environmentally sound working methods, such as virtual meetings facilitated by information technology and written consultations.

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 supervises the Committee of Experts on the System of the European Convention on Human Rights (DH-SYSC) (see separate terms of reference) and Drafting Groups.

COMMITTEE OF EXPERTS ON THE SYSTEM OF THE EUROPEAN CONVENTION ON HUMAN RIGHTS

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 2022 until 31 December 2025**

PILLAR/PROGRAMME/SUB-PROGRAMME ▼

Pillar: Human Rights

Programme: Effective ECHR implementation

Sub-programme: Effectiveness of the ECHR system at national and European level

DELIVERABLES ▼

Under the authority of the Steering Committee for Human Rights (CDDH), the DH-SYSC is instructed to complete the following deliverables, within the following deadlines:

²³ 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.

		Deadline ▼
1	CDDH Report on the effective processing and resolution of cases related to inter-State disputes including possible proposals to the Committee of Ministers	31/12/2022
2	Guidelines to prevent and remedy violations of the Convention at the national level	31/12/2023
3	CDDH report evaluating the effectiveness of the system for the selection and election of Court's judges and the means to ensure due recognition for judges' status and service on the Court and providing additional safeguards to preserve their independence and impartiality	31/12/2024
4	CDDH report evaluating the first effects of Protocol No.16	31/12/2024
5	CDDH report evaluating the first effects of Protocol No.15 (deadline 31 December 2025)	31/12/2025
COMPOSITION ▼		
<p>Members: Governments of member States are invited to designate one or more representatives of the highest possible rank in the field of the system of the European Convention on Human Rights.</p> <p>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).</p> <p>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.</p> <p>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> <p>Participants: The following may send representatives, without the right to vote and at the charge of their corresponding administrative budgets:</p> <ul style="list-style-type: none"> - Parliamentary Assembly of the Council of Europe; - Congress of Local and Regional Authorities of the Council of Europe; - European Court of Human Rights; - Commissioner for Human Rights of the Council of Europe; - 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 <p>The following may send representatives, without the right to vote and without defrayal of expenses:</p> <ul style="list-style-type: none"> - 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; - 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). <p>Observers: The following may send representatives, without the right to vote and without defrayal of expenses:</p> <ul style="list-style-type: none"> - 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 and Travellers²⁴ Forum, Open Society Justice Initiative (OSJI)), as well as the European Network of National Human Rights Institutions (ENNHRI). - Council of Bars and Law Societies of Europe (CCBE). 		
WORKING METHODS ▼		

²⁴ 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.

Plenary meetings ▼			
	Members	Meetings	Days
2022	48	2	3
2023	48	2	3
2024	48	2	3
2025	48	2	3

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.

In addition, the following provisions shall apply:

The DH-SYSC holds two regular meetings a year, on a needs-basis, one of which may be hosted by a member State. When a regular meeting is hosted by a member State, arrangements with the host country shall ensure that the meeting will not entail additional costs for the Council of Europe.

The DH-SYSC will appoint from amongst its members a Gender Equality Rapporteur.

When appropriate, it will prioritise environmentally sound working methods, such as virtual meetings facilitated by information technology and written consultations.

Appendix IX**Draft calendar**

(As suggested by the Bureau in May 2021
for consideration by the CDDH in June 2021)

2021 (2nd semester)	
10 th meeting of the CDDH <i>ad hoc</i> negotiation Group and the European Commission on the Accession of the European Union to the European Convention on Human Rights ("47+1")	29 June – 2 July
<i>Opening of the Judicial Year</i>	10 September
1 st meeting of the Drafting Committee on Trafficking for the Purpose of Labour Exploitation (DH-TET)	[September]
4 th meeting of the Drafting Group on the effective Processing and Resolution of cases relating to inter-State Disputes (DH-SYSC-IV)	22-24 September
1 st meeting of the Consultation of the Parties electing the members of the Council of Europe Info Access Group	29-30 September (TBC)
11 th meeting of the CDDH <i>ad hoc</i> negotiation Group and the European Commission on the Accession of the European Union to the European Convention on Human Rights ("47+1")	5-8 October
3 rd meeting of the Drafting Group on enhancing the national implementation of the system of the European Convention on Human Rights (DH-SYSC-V)	6-8 October
8 th meeting of the Drafting Group on Migration and Human Rights (CDDH-MIG)	12-14 October
106 th meeting of the Bureau of the Steering Committee for Human Rights (CDDH-BU)	21-22 October
7 th meeting of the Committee of Experts on the System of the European Convention on Human Rights (DH-SYSC)	26-28 October
2 nd meeting of the Drafting Group on Human Rights and Environment (CDDH-ENV)	27-29 October 2021
19 th Meeting of the Committee on Bioethics (DH-BIO)	2-5 November
<i>Meeting of the Government's Agents with the Court's Registry</i>	22 November
95 th meeting of the Steering Committee for Human Rights (CDDH)	23-26 November
2 nd meeting of the Drafting Committee on Trafficking for the Purpose of Labour Exploitation (DH-TET)	[November/December]
1 st meeting of the Council of Europe Info Access Group	6-7 December (TBC)
12 th meeting of the CDDH <i>ad hoc</i> negotiation Group and the European Commission on the Accession of the European Union to the European Convention on Human Rights ("47+1")	7-10 December

2022 (1st semester)	
3 rd meeting of the Drafting Group on Human Rights and Environment (CDDH-ENV)	End of January
5 th meeting of the Drafting Group on the effective Processing and Resolution of cases relating to inter-State Disputes (DH-SYSC-IV)	Beginning of February

9 th meeting of the Drafting Group on Migration and Human Rights (CDDH-MIG)	Mid-February
3 rd meeting of the Group on Trafficking for the purpose of labour exploitation (DH-TET)	[February]
1 st meeting of the Drafting Group on human rights and artificial intelligence (CDDH-INTEL)	End of February
4 th meeting of the Drafting Group on enhancing the national implementation of the system of the European Convention on Human Rights (DH-SYSC-V)	March
1 st meeting of the Drafting Group on human rights and health crisis (CDDH-COVID)	March
13 th meeting of the CDDH <i>ad hoc</i> negotiation Group and the European Commission on the Accession of the European Union to the European Convention on Human Rights ("47+1")	[...]
14 th meeting of the CDDH <i>ad hoc</i> negotiation Group and the European Commission on the Accession of the European Union to the European Convention on Human Rights ("47+1")	[...]
4 th meeting of the Drafting Committee on Trafficking for the Purpose of Labour Exploitation (DH-TET)	[April]
107 th meeting of the Bureau of the Steering Committee for Human Rights (CDDH-BU)	End of April
96 th meeting of the Steering Committee for Human Rights (CDDH)	June