



CDDH(2019)26 21/11/2019

STEERING COMMITTEE FOR HUMAN RIGHTS (CDDH)

DRAFT

ANNOTATIONS ON THE DRAFT AGENDA AND ORDER OF BUSINESS

92nd meeting

Strasbourg, 26–29 November 2019 *Agora* Building, Room G.03

Executive Summary

During its 92nd meeting (Strasbourg, 26 - 29 November 2019), the CDDH will be called upon to, in particular:

- a. adopt the following texts:
 - (i) CDDH Report on the place of the European Convention on Human Rights in the European and international legal order and the executive summary therein (see item 4.1);
 - (ii) Contribution of the CDDH to the evaluation provided for by the Interlaken Declaration (see item 4.2);
 - (iii) CDDH feasibility study on a legal instrument on the prohibition of the trade in goods used for torture or other cruel, inhuman or degrading treatment or punishment and for the death penalty (see item 5.4);
 - (iv) Report of the CDDH on the implementation of Recommendation CM/Rec(2010)5 of the Committee of Ministers to member States on measures to combat discrimination on grounds of sexual orientation or gender identity (see item 6.3);
- b. take note of and, if appropriate, adopt comments on six Recommendations adopted by the Parliamentary Assembly (see item 2);
- c. exchange views on the terms of reference entrusted to it by the Committee of Ministers:
 - (i) organise the work on the EU Accession to the ECHR (see item 3);
 - (ii) examine the state of finalisation of the work for the current 2018-2019 biennium (see item 3);
 - (iii) organise the work for 2020-2021 and adopt specific mandates for its relevant drafting Groups (see item 3);
- d. give orientation to:
 - (i) the Committee of Experts on the System of the European Convention on Human Rights (DH-SYSC) (see item 3.1);
 - (ii) the Committee on Bioethics (DH-BIO) (see item 8);
 - (iii) the drafting Group on Civil Society and National Human Rights Institutions (CDDH-INST) (see item 5.1);
 - (iv) the drafting Group on Human Rights and Migration (CDDH-MIG) (see item 5.2);
- e. start the organisation of its future work on:
 - (i) human rights and environment (CDDH-ENV) (see item 5.3);
 - (ii) artificial intelligence and human rights (CDDH-INTEL) (see item 3):
- f. exchange views on follow-up to:
 - (i) social rights (see item 6.1);
 - (ii) human rights and business (see item 6.2);
 - (iii) gender equality (see item 7);
- g. proceed to elections (see item 12);
- h. adopt its calendar for 2020 (item 14).

<u>Introductory remark</u>

The Bureau will hold a meeting on Tuesday 26 November 2019, from 9:00 to 9:30 in the *Agora building*, 6th floor, room B6.06.C.

The 92nd plenary meeting of the CDDH will start on Tuesday 26 November 2019 at 9:30 in the *Agora building*, room G03.

- The draft agenda appears in Appendix I below;
- The draft order of business appears in Appendix II below.

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

- 1. In the light of the report of the 91st meeting of the CDDH (18–21 June 2019, CDDH(2019)R91), the Secretariat prepared the draft agenda and order of business (see <u>Appendices I and II</u> below). The Bureau examined them at its 102nd meeting (Paris, 13–15 November 2019).
- 2. The Director General of the Directorate General of Human Rights and Rule of Law (DGI), Mr Christos GIAKOUMOPOULOS, will attend the opening of the meeting and inform the Steering Committee of the terms of reference the Committee of Ministers will give to the CDDH for 2020-2021, notably on the issue of accession by the European Union to the ECHR. He will also give insights of the prospects for the Organisation during the next biennium.

ITEM 2: RECOMMENDATIONS OF THE PARLIAMENTARY ASSEMBLY

- 3. At their 1351th bis meeting (10 July 2019), the Ministers' Deputies transmitted three Recommendations adopted by the Parliamentary Assembly at its summer Plenary Session (24-28 June 2019) to the CDDH for information and possible comments. The texts of these recommendations appear in document CDDH(2019)27:
 - (i) Recommendation 2158 (2019) "Ending coercion in mental health: the need for a human rights-based approach";
 - (ii) Recommendation 2160(2019) "Stop violence against, and exploitation of, migrant children";
 - (iii) Recommendation 2161(2019) "Pushback policies and practice in Council of Europe member States".
- 4. At their 1357th meeting (16 October 2019), the Ministers' Deputies transmitted three Recommendations adopted by the Parliamentary Assembly at its autumn Plenary Session (30 September 4 October 2019) to the CDDH for information and possible comments. The texts of these recommendations appear in document CDDH(2019)27:
 - (iv) Recommendation 2162 (2019) "Improving the protection of whistle-blowers all over Europe":
 - (v) Recommendation 2163 (2019) "Ombudsman institutions in Europe the need for a set of common standards";

- (vi) Recommendation 2164 (2019) "Protecting and supporting the victims of terrorism".
- 5. Document CDDH(2019)27 also contains the comments suggested by the Bureau at its 102nd meeting (Paris, 13-15 November 2019) concerning these texts, for consideration and possible adoption by the CDDH at its 92nd meeting (26–29 November 2019).

ITEM 3: IMPLEMENTATION OF THE TERMS OF REFERENCE OF THE CDDH FOR 2018-2019 AND PREPARATION FOR 2020-2021

6. In the light of the Bureau's suggestions (see report CDDH-BU(2019)R102), the CDDH will be invited to examine the state of finalisation of the work entrusted to it by the Committee of Ministers for the current 2018-2019 biennium.¹

3.1. Organisation of the work on the system of the Convention

- 7. In accordance with the draft terms of reference for the next biennium entrusted to it by the Committee of Ministers at its 1361st meeting which took place from 19 to 21 November 2019 (the terms of reference will appear in <u>Appendix III</u> below as soon as they are adopted) and in the light of the Committee of Ministers' decisions on the follow-up to the evaluation provided for in the Interlaken Declaration, the CDDH is expected to submit proposals to the Committee of Ministers on:
 - i. the effective processing and resolution of cases relating to inter-State disputes (deadline: 31 December 2021);
 - ii. the national implementation of the system of the European Convention on Human Rights, in order to assist the State authorities involved in the operation of the Convention and in the process of execution of judgments to fulfil their mission in the best possible way, in the light of existing national best practices. To this end, develop guidelines covering all of the action at national level expected from States Parties to prevent and remedy violations of the Convention, accompanied by a Guide to existing best practices (deadline: 31 December 2021)².
- 8. On this basis the CDDH is invited at its 92nd meeting to:
 - i. set a DH-SYSC drafting Group on effective processing and resolution of cases relating to inter-State disputes (DH-SYSC-IV) tasked with preparing proposals on the subject matter during 2020-2021. The CDDH is also invited to designate ten member States which may send an expert at the Organisation's expenses noting that this Group will be open as usual to the participation of all member States, and to appoint the Chair of the Group;
 - ii. set a DH-SYSC drafting Group working on the national implementation of the system of the European Convention on Human Rights (DH-SYSC-V) tasked with preparing proposals on the subject matter during 2020-2021. The CDDH is also invited to designate ten member States which may send an expert at the

¹ In particular, the Chair of the CDDH-SOC, Mr Vít Alexander SCHORM (Czech Republic) will present to the CDDH in November the results of the joint GR-H and GR-SOC meeting in July 2019 and will recall that the Ministers' Deputies took note of the second *Report identifying good practices and making proposals to improve the implementation of social rights in Europe.* These two CDDH reports were the subject of particular attention at the Seminar on *Strengthening the Protection of Social Rights in Europe for greater unity and equality*", organised by the French Chairmanship of the Committee of Ministers on 19 September 2019 in Strasbourg.

² See document CDDH(2019)R91, Appendix IV.

Organisation's expenses noting that this Group will be open as usual to the participation of all member States, and to appoint the Chair of the Group.

- 9. In this context and in the light of the decisions to be taken by the Committee of Ministers at the beginning of 2020 as a follow-up to the Contribution of the CDDH to the evaluation provided for by the Interlaken Declaration, the CDDH will be invited to exchange further views on the two events envisaged by the CDDH last June at its 91st meeting, namely:
 - i. a Seminar to be organised by *Pluricourts*³ in June 2020 in Strasbourg;⁴
 - ii. a Conference to be organised under the aegis of the German chairmanship of the Committee of Ministers in April 2021 in Germany.
- 10. The Secretariat will present the timetable for the work of the DH-SYSC during the next biennium 2020-2021.

3.2. Organisation of the work on the development and promotion of human rights

- 11. In accordance with the draft terms of reference for the next biennium given to it by the Committee of Ministers at its 1361st meeting which took place from 19 to 21 November 2019 (the terms of reference will appear in <u>Appendix III</u> below as soon as they are adopted) the CDDH is invited to:
 - i. entrust its drafting Group on Migration (CDDH-MIG) with making proposals) in 2020, in the light of the suggestions made by the drafting Group in October 2019 to the CDDH, one or more draft non-binding instruments of the Committee of Ministers or other tools (for example a recommendation, guidelines, good practice handbook) concerning human rights issues in the context of migration;
 - ii.entrust its drafting Group on Civil Society and National Human Rights Institutions (CDDH-INST) with making proposals in 2020, on the basis of the work conducted in 2018-2019, regarding the revision of Recommendation No R(97)14 of the Committee of Ministers to member States on the establishment of independent national institutions for the promotion and protection of human rights;
 - iii.appoint a rapporteur to represent the CDDH in the Ad Hoc Committee on Artificial Intelligence (CAHAI) and to make proposals on the organisation of the work of the CDDH under its draft terms of reference on the subject matter.

3.3. Organisation of the work on the EU accession to the ECHR

12. In the light of the discussions within the Bureau at its 102nd meeting (Paris,13-15 November 2019) and updated information to be provided by the Secretariat,⁵ the CDDH

³ Centre for the Study of the Legitimate Roles of the Judiciary in the Global Order, Oslo (Norway).

⁴ The June 2020 event could have a similar format to the seminars held in Kokkedal (Denmark) and should be prepared by *Pluricourts* (represented notably by Professor Geir ULFSTEIN, Faculty of Law, University of Oslo) in close co-operation with the Secretariat and the Chair of the CDDH. The exact choice of themes for the two events will depend on the mandate of the CDDH for this biennium and will therefore have to be determined at a later stage.

will be invited to exchange views on the work expected from the CDDH in 2020-2021 concerning the accession of the European Union to the ECHR and, if appropriate, make arrangements for the organisation of this work on the basis of the specific mandate that the Committee of Ministers could give to the CDDH by 26 November 2019.

ITEM 4: SYSTEM OF THE EUROPEAN CONVENTION ON HUMAN RIGHTS

4.1 The place of the Convention in the European and international legal order

- 13. In the absence of the Chairperson of the Committee of Experts on the System of the European Convention on Human Rights (DH-SYSC), Ms Brigitte OHMS (Austria), the Chairperson of the DH-SYSC-II drafting Group, Ms Florence MERLOZ (France), will report on the work carried out by the Committee of experts at its 5th meeting (15-18 October 2019, document DH-SYSC(2019)R5) on the draft CDDH Report on the place of the European Convention on Human Rights in the European and international legal order (document DH-SYSC(2019)R5Addendum1)⁶.
- 14. She will recall that, in preparation of the November CDDH meeting, the Secretariat sent the following texts on 31 October to all participants in the CDDH meetings:
 - i. the <u>draft executive summary</u> (document CDDH(2019)37) of the draft Report elaborated by an informal *ad-hoc* group composed of interested delegations in the DH-SYSC⁷. The text was accompanied by a letter of the Chair of the DH-SYSC inviting the participants in the CDDH meetings to send comments on the draft executive summary in the form of drafting proposals to the Secretariat (<u>DGI-CDDH@coe.int</u>) by 8 November 2019. The draft executive summary should be considered by the Bureau at its 102nd meeting (13-15 November 2019) and then be submitted to the CDDH for possible adoption at its 92nd meeting, together with the final CDDH Report on the place of the European Convention on Human Rights in the European and international legal order;
 - ii. the <u>draft CDDH Report on the place of the European Convention on Human Rights in the European and international legal order</u> in English and French (document DH-SYSC(2019)R5 Addendum 1). This text is submitted to the CDDH for possible adoption at its 92nd meeting. The participants in the CDDH meetings were invited to send comments on this text in the form of drafting proposals to the Secretariat (DGI-CDDH@coe.int) by 18 November 2019.

⁵ On 31 October 2019 Mr Jean-Claude Juncker, the President of the European Commission and Mr Frans Timmermans, the First Vice-President of the European Commission informed by letter Ms Marija Pejčinović Burić, Secretary General of the Council of Europe, that the EU stands ready to resume the negotiations on its accession to the European Convention on Human Rights.

⁶ She will refer notably to the declarations made by two delegations and to the intention expressed by two other delegations to also make a declaration during the CDDH's consideration of the text in November. The representatives of these delegations (Armenia, Azerbaijan, the Republic of Moldova and the Russian Federation) will be invited by the Chairman of the CDDH to take the floor on their respective declarations during the examination of the draft report. The texts of the Armenian and Azerbaijani declarations will be circulated as soon as they are received by the Secretariat. The texts of the Moldovan and Russian declarations appear respectively in Appendices IV and III of the meeting report DH-SYSC(2019R5.

⁷ See meeting report DH-SYSC(2019)R5, § 11.

4.2 Follow-up to the Interlaken Declaration

- 15. In the absence of the Chairperson of the Committee of Experts on the System of the European Convention on Human Rights (DH-SYSC), Ms Brigitte OHMS (Austria), the Chairman of the CDDH will report on the work carried out by the Committee of experts at its 5th meeting (15-18 October 2019, document DH-SYSC(2019)R5) on the draft Contribution of the CDDH to the evaluation provided for by the Interlaken Declaration (document DH-SYSC(2019)R5 Addendum 2).
- 16. He will recall that, in preparation of the November CDDH meeting, the Secretariat sent this text in English on 31 October to all participants in the CDDH meetings, inviting them to send comments on this text in the form of drafting proposals to the Secretariat (<u>DGI-CDDH@coe.int</u>) by 18 November 2019. The draft Contribution is submitted to the CDDH for consideration and possible adoption of the final Contribution at its 92nd meeting.

4.3 Exchange of information regarding the implementation of the Convention and the execution of the Court's judgments

17. The Secretariat will present the exchange of views held by the DH-SYSC on the implementation of the Convention and the execution of the Court's judgments⁸.

4.4. Other issues

- 18. The Secretariat will inform the CDDH on:
 - i. the adoption by the Ministers' Deputies of Recommendation CM/Rec(2019)5 of the Committee of Ministers to member States on the system of the European Convention on Human Rights in university education and professional training;⁹
 - ii. the proposals being considered within the Council of Europe to commemorate the upcoming 70th anniversary of the European Convention on Human Rights by an event which should involve the CDDH in November 2020;
 - iii. recent and upcoming changes in the staff within the DH-SYSC Secretariat and its drafting groups.
- 19. The Chair of CDDH will inform the CDDH about his participation in the Conference of Ministers of Justice: Digital challenges to justice in Europe, organised in the framework of the French Presidency of the Committee of Ministers on 14 and 15 October 2019.

⁸ On this occasion the DH-SYSC exchanged views with Ms Clare OVEY, Deputy Head of the Department for the Execution of Judgments of the European Court of Human Rights, and with Ms Stéphanie FLECKINGER, Head of the Central Office of the same Department, who presented the HUDOC-EXEC database.

⁹ Adopted by the Committee of Ministers on 16 October 2019 at the 1357th meeting of the Ministers' Deputies. This instrument drafted by the CDDH appears to be a key legal tool for the HELP Programme since it substantiates its mandate and it values clearly its current contribution for preventing violations and promoting human rights in Europe through university education and professional training on the Convention system. The HELP Programme is disseminating the adoption of the Recommendation to HELP focal and info points as well as partner universities. A post will be drafted on the HELP website and social media. The HELP Programme will also contribute to assess the implementation of the Recommendation no later than five years after its adoption.

ITEM 5: DEVELOPMENT AND PROMOTION OF HUMAN RIGHTS

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

- 20. The Chairperson of the drafting Group on Civil Society and National Human Rights Institutions (CDDH-INST), Ms Krista OINONEN (Finland) will present the results achieved at the end of the current biennium, namely:
 - i. the adoption by the Ministers' Deputies, of Recommendation CM/Rec(2019)6 of the Committee of Ministers to member States on the development of the Ombudsman institution¹⁰;
 - ii. the adoption by the CDDH of the structure for the revision of Recommendation No. R(97)14 of the Committee of Ministers to member States on the establishment of independent national institutions for the promotion and protection of human rights.
- 21. The CDDH will be invited to provide guidance for further work on the revision of this Recommendation. It should be noted that the European Network of National Human Rights Institutions (ENNHRI)¹¹ will organise a Consultation meeting in Brussels at the beginning of February 2020 with the participation of the Chair of the CDDH-INST and the Secretariat, with a view to providing inputs to the revision of the Recommendation. The CDDH-INST could then meet in Strasbourg on 4-6 March 2020.

5.2 Human Rights and Migration (CDDH-MIG)

- 22. The Chairman of the CDDH drafting Group on Human Rights and Migration (CDDH-MIG), Mr. Morten RUUD (Norway), will present the results achieved at the 7th meeting of the Group (23-24 October 2019, CDDH-MIG(2019)R7).
 - i. The meeting was devoted to the preparation of the work for the next biennium, which would focus mainly on the placement of unaccompanied and separated children in families. To this end, the Group exchanged views with three speakers¹² and took note of all their suggestions.
 - ii. The CDDH-MIG adopted a preliminary draft table of contents of a future Guide on the topic and established a work plan to achieve this (a draft text will be sent for written comments on 28 January 2020 with an invitation to share good practices and/or practical challenges/proposals that could enrich it).
 - iii. The CDDH-MIG considered holding its next meeting from 31 March to 2 April 2020.

¹⁰ Adopted by the Committee of Ministers on 16 October 2019 at the 1357th meeting of the Ministers' Deputies. The Secretariat will soon publish this text together with a selection of national good practices. The Ministers' Deputies appreciated that the CDDH took fully into account the 25 "Principles for the Protection and Promotion of the Ombudsman Institution" ("the Venice Principles") adopted on 19 March 2019 by the European Commission for Democracy through Law. It is recalled that the CDDH contributed actively to the drafting of the Principles through the President of the CDDH-INST and the CDDH representative to the Venice Commission.

¹¹ Meeting in Brussels around mid-February 2020.

¹² Ms Liedewij DE RUIJTER DE WILDT representing "*NIDOS*", Ms Miriana GIRALDA representing the "*Centre for Excellence for Children's Care and Protection (CELCIS)*" and Ms Michela COSTA representing "*Hope and Homes for Children*". Their presentations are included in the meeting report CDDH-MIG(2019)R7, <u>Appendix III</u>.

23. The CDDH will be invited in November to provide guidance for this further work of the CDDH-MIG.

5.3 Human Rights and Environment (CDDH-ENV)

- 24. The representative of the Georgian delegation will be invited to present the state of preparation of the high-level Conference on Environmental protection and human rights to which will take place in Strasbourg on 27 February 2020. This event is organised under the aegis of the Georgian chairmanship of the Committee of Ministers in close cooperation with the Secretariat of the CDDH, which is directly responsible, in close contact with DGII, for the coordination of the contribution of the various entities in the Council of Europe concerned by this transversal issue.
- 25. In the light of the expected terms of reference to be received from the Committee of Ministers in November 2019 on this issue and in the light also of the results of the Conference in February 2020, the CDDH will be invited, at its 93rd meeting in June 2020 to set up a drafting Group (CDDH-ENV) with a specific mandate in order to organise the work for 2020-2021. The CDDH will be called in June 2020 upon to designate the ten delegations that may send a representative at the Organisation's expense and to elect, from among them, the expert who will chair the group. The first meeting could be held in the fall of 2020.

5.4 Prohibition of trade in goods used for torture and the death penalty

- 26. Further to the Committee of Ministers' request to the CDDH on 12 September 2018 to prepare a feasibility study of a legal instrument on the prohibition of the trade in goods used for torture or other cruel, inhuman or degrading treatment or punishment and for the death penalty¹³, a draft text was prepared by a consultant expert together with the Secretariat.
 - i. The CDDH had a first exchange of views on the document at its 91st meeting (June 2019) and gave several orientations.
 - ii. A consolidated version was sent to CDDH participants in September 2019 for possible drafting proposals until 14 October 2019. In the light of the proposals received¹⁴, the Secretariat prepared the final version contained in document CDDH (2019)03.
 - iii. The consultant expert, Mr Michael Crowley, University of Bradford, Research Associate at *The Omega Research Foundation*, will present the draft text to the CDDH on 28 November 2019.
- 27. The CDDH is invited to consider the draft feasibility study CDDH(2019)03 in view of its possible adoption and subsequent transmission to the Committee of Ministers within the deadline received (31 December 2019). It is also to be noted that the EU's Commissioner for Trade, Ms Cecilia MALMSTRÖM, will meet the CDDH on Tuesday 26 November from 15:30 to 16:15 for an exchange of views on the issue.

¹³ Possible work in this field should be conducted taking into account the existing work in the Council of Europe and other international fora, as well as examples of good practice that will be collected through the new Digital Platform on Human Rights and Business.

¹⁴ Comments were received from Poland, Switzerland and Turkey.

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

6.1 Social rights

- 28. The Chair of the former drafting Group on Social Rights (CDDH-SOC), Mr. Vít A. SCHORM (Czech Republic), will present the follow-up given by the Committee of Ministers to the Second CDDH Report identifying good practices and making proposals with a view to improving the implementation of social rights in Europe (CDDH(2019)R91Addendum3).
- 29. The CDDH will also be informed of the outcome of the Seminar "Reinforcing social rights protection in Europe: to achieve greater unity and equality", organised by the French Chairmanship of the Committee of Ministers in Strasbourg on 19 September 2019, in the light of the above-mentioned CDDH Report.

6.2 Human rights and business

- 30. The Secretariat will inform on:
 - i. the work in progress concerning the CDDH Online Platform for Human Rights and Business;
 - ii. the work in progress concerning the update of the HELP course on business and human rights and the organisation of practical workshops for representatives of member States;
 - iii. the participation of the Director of Human Rights, on behalf of the Council of Europe, in a panel (Wednesday 27 November 2019) during the UN Forum on Business and Human Rights in Geneva;
 - iv. the participation of the Finnish expert and of the Secretariat in the Conference *Business and Human Rights Towards a Common Agenda for Action* ((Brussels, 2 December 2019) organised by Finland's Presidency of the Council of the EU in collaboration with *Shift*¹⁵.

6.3 Combating discrimination on grounds of sexual orientation or gender identity

- 31. Further to the Committee of Ministers' request to the CDDH, the Sexual Orientation and Gender Identity Unit (SOGI) prepared a draft Report of the CDDH on the implementation of Recommendation CM/Rec(2010)5 of the Committee of Ministers to member States on measures to combat discrimination on grounds of sexual orientation or gender identity.
 - i. The CDDH had a first exchange of views on the document at its 91st meeting (June 2019) and gave several orientations.
 - A consolidated version was sent to CDDH participants in September 2019 for possible drafting proposals until 14 November 2019. In the light of the proposals received, the Secretariat prepared the final version contained in document CDDH (2019)24.

¹⁵ This multi-stakeholder conference will discuss topical issues in the field of business and human rights and means to find constructive ways to take forward this critical agenda in both the Member states and at the EU level, in the light of the UN Guiding Principles on Business and Human Rights (2011) which sets clear expectations of business and also of states to ensure that companies carry out their operations with respect for human rights and that, where impacts occur, those who are affected have access to effective remedy. One purpose of the event is how to most effectively scale up implementation.

- iii. A representative of the SOGI Unit will present the draft text to the CDDH on 28 November 2019.
- 32. The CDDH is invited to consider the draft report CDDH(2019)24, which reflects the information received concerning forty-two member States, in view of its possible adoption and subsequent transmission to the Committee of Ministers within the deadline received (31 December 2019).
- 33. Finally, the CDDH will be informed by the French delegation and the secretariat on the Round Table on hate speech and homophobic and transphobic violence which took place in Paris on 26 September 2019 ion the occasion of the 25th anniversary of the European Commission against Racism and Intolerance (ECRI). It was organised by the SOGI Unit in cooperation with the European Network of LGBTI Government Focal Points and under the aegis of the French Presidency of the Committee of Ministers.¹⁶

6.4 Access to official documents

- 34. In the context of the adoption of the terms of reference for the next biennium, it is expected that the Committee of Ministers gives a specific mandate to the CDDH to organise, as necessary, thematic debates on the situation of member States with regard to the right of access to official documents, in particular with regard to the signing and ratification of the 2009 Tromsø Convention (CETS No. 205, deadline: 31 December 2021).
- 35. The CDDH will be invited to exchange brief views on this issue, concerning the possible entry into force of the Convention in the coming months.

ITEM 7: GENDER EQUALITY

- 36. Further to its exchange of views with the Special Adviser for Gender Equality of the Council of Europe, Ms Carlien SCHEELE, the new Secretary of the Gender Equality Commission (GEC) of the Council of Europe, Ms Caterina BOLOGNESE, and with its Gender Equality Rapporteur, Mr Philippe WERY (Belgium) at its last meeting (June 2019, CDDH(2019)R91 item 7), the CDDH reiterated its appreciation for the GEC's work to address current challenges and to remove obstacles to achieving concrete and comprehensive gender equality within member States and the Organisation.
- 37. While fully endorsing the Gender Equality Strategy between men and women 2018-2023, the CDDH:
 - noted that it could usefully contribute, during the next biennium, to the implementation of this Strategy by presenting not only its contribution during the last decade to the gender equality policies of the Council of Europe (see document CDDH(2019)14) but also future opportunities in this field;
 - ii. agreed that, based on a draft text to be prepared jointly by the Secretariats of the GEC and the CDDH, it could examine a CDDH report on Human Rights aspects of gender equality to be possibly adopted during the next biennium. Document CDDH(2019)36 contains the requested joint text

¹⁶ This event took stock of the situation in Europe following the evaluation of the implementation of the Committee of Ministers' Recommendation on measures to combat discrimination on grounds of sexual orientation or gender identity.

prepared by the Secretariat of the GEC in cooperation with the Secretariat of the CDDH, for consideration and possible adoption by the GEC at its upcoming meeting (13-15 November 2019) and subsequent transmission to the CDDH in November:

- The document takes the form of a roadmap that could help the CDDH, with the support of its Gender Equality Rapporteur, to scrutinise the gender dimension of every activity to be conducted during the forthcoming biennium.
- 2. The GEC also suggests that, at the end of the biennium, the CDDH could adopt a report taking stock of what was done and identifying possible challenges, gaps, etc.
- 38. The CDDH is invited to exchange views on the issue with its Gender Equality Rapporteur and with Ms Cécile GREBOVAL acting on behalf of the Special Advisor for Gender Equality of the Council of Europe.

ITEM 8: BIOETHICS

- 39. The work carried out by the Committee on Bioethics (DH-BIO) at its 16th meeting (19-21 November 2019, report DH-BIO(2019)abrRAP16) will be presented by Ms Laurence LWOFF, Secretary of the Committee, as well as the terms of reference for DH-BIO during the next biennium.
- 40. It is recalled that the priorities foreseen by the DH-BIO for the next biennium, to which the CDDH gave its support last June covered the following:
 - finalization of the draft Additional Protocol on the Protection of the Human Rights and Dignity of Persons with Mental Disorders with regard to Involuntary Placement and Treatment;
 - ii. conduct and publication of a study on good practices in mental health care -How to promote voluntary measures (subject to funding);
 - iii. launch of the Strategic Action Plan (DH-BIO(2019)22Rev), with a focus on the human rights challenges of new technologies, such as neuro-technologies;¹⁷
 - iv. consideration of ethical and legal issues raised by developments in genome modification technologies, in relation to Article 13 of the Oviedo Convention;
 - v. review of legislation and good practices with a view to developing a guide for health professionals on children's participation in decision-making;

¹⁷ The DH-BIO delegations were invited to send their comments until 26 July 2019 on the actions proposed under the draft Strategic Action Plan 2020-2025. The CDDH will be informed in November about this consultation. It- is recalled that the draft Strategic Action Plan aims to protect the dignity, freedoms and human rights of the individual with regard to the applications of biology and medicine, with particular attention to meeting the essential challenges related to the evolution of the biomedical field in terms of human rights. In particular, the Plan:

⁽i) identifies a significant number of issues raised by emerging technologies (genome sequencing, genetic testing, genome modification, etc.) and converging technologies (nanotechnologies, biotechnologies, information technologies, cognitive sciences), as well as their applications in the field of health care;

⁽ii) is based on four thematic pillars: (1) governance, (2) equity, (3) integrity and (4) cooperation and communication.

- vi. launch of the Guide on Public Debate;
- vii. translation and dissemination of the HELP Course in the Member States, keeping in mind the dual target audience: legal and health professionals.
- 41. The CDDH will be invited to take note of and to express its support for the Strategic Action Plan on Human Rights and Technologies in Biomedicine to be adopted by the DH-BIO at its 16th plenary meeting (19-21 November 2019; document DH-BIO (2018) 22 REV 2). It is underlined in this context that several actions considered in this Strategic Action Plan will:
 - i. be based on previous work of the CDDH (namely on the rights of older persons) or
 - ii. rely on existing cooperation with the CDDH (draft additional Protocol concerning the protection of the dignity and human rights of persons with mental disorders with regard to involuntary placement and involuntary treatment as well as the complementary study on good practices in mental health care and the promotion of voluntary measures) or
 - iii. count on future cooperation with the CDDH in the light of its human rights expertise (e.g. neuro-technologies).

ITEM 9: CONVENTIONS

42. In the light of the information contained in document CDDH(2019)16Rev3, the CDDH will exchange views on the status of signatures and ratifications of treaties under its responsibility¹⁸.

ITEM 10: FOCAL POINTS

43. The CDDH will exchange views with its focal points to other bodies, in particular concerning the ongoing work within the CDCJ and the Venice Commission. At its meeting in November 2019, the CDDH will be invited to designate its focal points for any vacant places. The current situation is set out in Appendix IV below.

ITEM 11: INVITEES

- 44. As decided by the CDDH last June, the Secretariat contacted the Council of Europe Commissioner for Human Rights, Ms Dunja MIJATOVIC, for a possible exchange of views with the CDDH in November. Since she will not be in Strasbourg during the 92nd meeting (November 2019), it is proposed to invite her at the 93rd meeting (June 2020).
- 45. It could also be envisaged to invite the new Secretary General, Ms Marija PEJČINOVIĆ BURIĆ, to the 93rd meeting (June 2020).

¹⁸ Protocols ^{Nos.} 15 and 16 to the European Convention on Human Rights; European Agreement concerning persons participating in proceedings before the Court; Council of Europe Convention on Access to Official Documents.

ITEM 12: ELECTIONS

- 46. In addition to renewing its Bureau and electing the chairs of its committees and groups, the CDDH will be called upon to decide on the composition of the drafting Groups DH-SYSC IV and DH-SYSC V.
- 47. The CDDH will be invited to hold elections concerning the chairmanship and vice-chairmanship of the Steering Committee and the election of three/four members of its Bureau. It will also be invited to proceed to the election concerning the chairmanship of the Committee of Experts on the System of the European Convention on Human Rights (DH-SYSC) and to confirm the elected chairmanship of the DH-BIO (see Appendix V below).
- 48. It is recalled that the elections within the CDDH are governed by the Resolution concerning intergovernmental committees and subordinate bodies, their mandate and working methods CM/Res(2011)24 and the more specific rules which the Steering Committee decided in 2013¹⁹ (see *Procedure for elections in the CDDH*, document CDDH (2017) 17).

ITEM 13: PUBLICATIONS

- 49. The Secretariat will inform the Committee of the current status of publications of the CDDH's work as well as publications planned for 2020 in both electronic and printed versions, subject to the availability of resources.
- 50. Appendix VI below contains information on the subject.

ITEM 14: CALENDAR

51. <u>Appendix VII</u> below contains proposals from the Secretariat to be considered in the light of the discussions that will have taken place in the Bureau on item 3 above.

- 52. The CDDH should bear in mind that future work concerning the EU accession to the ECHR may involve significant changes in the calendar.
- 53. It is hoped that the Secretariat will be in a position to communicate information in this respect during the 92nd CDDH meeting (26-29 November 2019).

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¹⁹ See the report of the 79th meeting of the CDDH, 26-29 November 2013, CDDH(2013)R79, item 8, §§ 29-30. Text reproduced in document CDDH(2017)17.

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Appendix I

Draft agenda

of the 92nd CDDH meeting (26-29 November 2019, Strasbourg, Agora, room G.03)

The agenda and documents relating to the meeting will be available on the website www.coe.int/cddh

| | ITEM 1: OPENING OF THE MEETING, ADOPTION OF THE AGENDA AND ORDER OF BUSINESS | | |
|----------------------------------|---|--|--|
| CDDH(2019)26 | Annotations on the draft agenda and order of business | | |
| CDDH(2019)R91 | Report of the 91st CDDH meeting (18–21 June) | | |
| CDDH-BU(2019)R102 | Report of the 102 nd Bureau meeting (Paris, 13–15 November 2019) | | |
| | ITEM 2: RECOMMENDATIONS OF THE PARLIAMENTARY ASSEMBLY | | |
| CDDH(2019)27 | Texts of the Recommendations and elements for possible comments | | |
| | ITEM 3: IMPLEMENTATION OF THE TERMS OF REFERENCE OF THE CDDH FOR 2018–2019 AND PREPARATION FOR 2020–2021 | | |
| CDDH-BU(2019)R102 (see above) | Suggestions by the Bureau | | |
| | 3.1 Organisation of the work on the system of the Convention | | |
| | 3.2 Organisation of the work on the development and promotion of human rights | | |
| CDDH(2019)26 Appendix III | Terms of reference of the CDDH, DH-SYSC and DH-BIO for 2020–2021 and proposals for the organisation of the future work by the Secretariat | | |
| CDDH(2019)35 | Information note on the Council of Europe's work on Artificial Intelligence | | |
| | 3.3 Organisation of the work on the EU accession to the ECHR | | |
| | ITEM 4: SYSTEM OF THE EUROPEAN CONVENTION ON HUMAN RIGHTS | | |
| | 4.1 The place of the Convention in the European and international legal order | | |
| DH-SYSC(2019)R5 | Report of the 5 th DH-SYSC meeting (15–18 October 2019) | | |

| · | · |
|---|--|
| DH-SYSC(2019)R5Addendum1 | Draft CDDH report on the place of the European Convention on Human Rights in the European and international legal order |
| CDDH(2019)29 (bilingual) | Comments on the draft CDDH report on the place of the European Convention on Human Rights in the European and international legal order |
| CDDH(2019)R91Addendum7 | Draft chapters of the future CDDH Report on the place of the European Convention on Human Rights in the European and international legal order provisionally adopted by the CDDH at its 91st meeting (18-21 June 2019) |
| CDDH(2019)37 | Executive summary prepared by an <i>ad hoc</i> Group of experts of the DH-SYSC concerning the draft CDDH report on the place of the European Convention on Human Rights in the European and international legal order |
| | Letter by Ms Brigitte OHMS, Chairperson of the DH-SYSC, to the CDDH |
| CDDH(2019)38 (bilingual) | Compilation of comments received on the executive summary prepared by an <i>ad hoc</i> Group of experts of the DH-SYSC concerning the draft CDDH report on the place of the European Convention on Human Rights in the European and international legal order <i>(document CDDH(2019)37 above)</i> |
| DH-SYSC-II(2019)R7 | Report of the 7 th DH-SYSC-II meeting (17–20 September 2019) |
| | 4.2 Follow-up to the Interlaken Declaration |
| DH-SYSC(2019)R5Addendum2 | Draft Contribution of the CDDH to the evaluation provided for by the Interlaken Declaration |
| CDDH(2019)30 (bilingual) | Comments on the draft Contribution of the CDDH to the evaluation provided for by the Interlaken Declaration |
| CDDH(2018)R90 Appendix VII | Draft table of contents of the Contribution of the CDDH to the evaluation provided for by the Interlaken Declaration, as approved by the CDDH at its 90 th meeting (27–30 November 2018) |
| CDDH-BU(2019)R101Addendum | Draft additional elements resulting from the Copenhagen Declaration that should be reflected in the future Interlaken follow-up report |
| CDDH(2019)R91Addendum2 | Report on measures taken by the member States to implement relevant parts of the Brussels Declaration |
| Publication (CDDH(2015)R84Addendum1) | CDDH report on the longer-term future of the system of the European Convention on Human Rights |

| | 4.3 Exchange of information regarding the implementation of the Convention and the execution of the Court's judgements |
|--------------------------------------|---|
| DH-SYSC(2019)R5 (see above - item 4) | Report of the 5 th DH-SYSC meeting (15–18 October 2019) |
| DH-SYSC(2019)06 | Background paper for a discussion on the exchange of information regarding the implementation of the Convention and the execution of the Court's judgments |
| | 4.4 Other issues |
| | ITEM 5: DEVELOPMENT AND PROMOTION OF HUMAN RIGHTS |
| | 5.1 Civil society and national human rights institutions (CDDH-INST) |
| CDDH-INST(2019)R5 | Report of the 5 th CDDH-INST meeting (27 February–1 st March 2019) |
| | Suggestions by the Bureau for the organisation of the work at the forthcoming CDDH-INST meeting (March 2020) |
| | 5.2 Human Rights and migration (CDDH-MIG) |
| CDDH-MIG(2019)R7 | Report of the 7 th meeting (23–24 October 2019) |
| | 5.3 Human Rights and Environment (CDDH-ENV) |
| CDDH(2019)32 | State of preparation of the high-level Conference Environmental Protection and Human Rights, organised under the aegis of the Georgian Chairmanship of the Committee of Ministers (Strasbourg, 27 February 2020) |
| | 5.4 Prohibition of the trade in goods used for torture and death penalty |
| CDDH(2019)31 | Revised draft of a feasibility study of a legal instrument on the prohibition of the trade in goods used for torture and the death penalty |
| CDDH(2019)31 Addendum | Drafting proposals received from member States |
| | ITEM 6: FOLLOW-UP TO ACTIVITIES CARRIED OUT BY THE CDDH |
| | 6.1 Social rights (CDDH-SOC) |
| | Information on the follow-up to the CDDH-SOC work |
| | 6.2 Human Rights and business |
| CDDH(2019)33 | Online Platform on Human Rights and Business - Information provided by the Secretariat |

| | 6.3 Combating discrimination on grounds of sexual orientation or gender identity | | |
|---|--|--|--|
| CDDH(2019)28 | Revised draft CDDH Report on the implementation of the Committee of Ministers' Recommendation CM/Rec(2010)5 or measures to combat discrimination on grounds of sexual orientation or gender identity | | |
| | 6.4 Access to official documents | | |
| CDDH(2019)34 | Information provided by the Secretariat | | |
| | ITEM 7: GENDER EQUALITY | | |
| CDDH(2019)36 | Information provided by the Secretariat | | |
| | ITEM 8: BIOETHICS | | |
| | Decisions of the 16 th meeting of the Committee on bioethics (DH-BIO) (19–21 November 2019) | | |
| | Strategic Action Plan on Human Rights and Technologies in Biomedicine | | |
| | ITEM 9: CONVENTIONS | | |
| CDDH(2019)16Rev3 | Information provided by the Secretariat | | |
| | ITEM 10: FOCAL POINTS | | |
| | Focal points representing the CDDH in other bodies/events: information provided by the focal points | | |
| | ITEM 11: INVITEES | | |
| CDDH(2019)R91(see above) | Report of the 91st CDDH meeting (18–21 June 2019) | | |
| | ITEM 12: ELECTIONS | | |
| CDDH(2019)R91(see above) Appendix IX | Report of the 91st CDDH meeting (18–21 June 2019) | | |
| CDDH-BU(2019)R102 | Report of the 102 nd Bureau meeting (Paris, 13–15 November 2019) | | |
| CM/Res(2011)24 | CM Resolution on committees working methods | | |
| CDDH(2017)17 | Procedure for elections within the CDDH | | |
| | ITEM 13: PUBLICATIONS | | |
| CDDH(2019)26 Appendix VI | Information provided by the Secretariat | | |
| | | | |

CDDH(2019)26

| | ITEM 14: CALENDAR |
|------------------------------|--------------------------------|
| CDDH(2019)26 Appendix VII | Proposals from the Secretariat |
| | ITEM 15: OTHER BUSINESS |

Appendix II

Draft order of business

92nd meeting of the CDDH (26–29 November 2019)

Remark - The Bureau will hold a meeting on Tuesday 26 November 2019, from 9:00 to 9:30 in the *Agora building*, 6^{th} floor, room B6.06.C.

| TUESDAY | WEDNESDAY | THURSDAY | FRIDAY |
|--|--|---|--|
| 26 November | 27 November | 28 November | 29 November |
| 9:30 | :h30 | 9 :30 | 9 :30 |
| Item 1: OPENING | Item 2: PACE RECOMMENDATIONS | 5.4 Study trade tools torture | Item 9: CONVENTIONS |
| Item 4: ECHR SYSTEM 4.1 DH-SYSC-II Report 4.2 Interlaken Report | Item 3: TERMS OF REFERENCE 2018-2019 and 2020-2021 3.1. Organisation of the work on the system of the | Item 7: GENDER EQUALITY Item 8: BIOETHICS | Item 10: FOCAL POINTS Item 13: PUBLICATIONS |
| 4.3 Implementation of judgments | 3.2. Organisation of the work on the development and promotion of HR | Item 11: INVITEES | Item 14: CALENDAR Item 15: OTHER BUSINESS |
| | 3.3. Organisation of the work on the EU accession to the ECHR | 11:15 <u>Item</u> 12: ELECTIONS | Adoption of the draft abridged report |
| | Item 5: DEVELOPMENT AND PROMOTION OF HUMAN RIGHTS | | |
| | 5.1 CDDH-INST | | |
| | 5.2 CDDH-MIG | | |
| | 5.3 CDDH-ENV | | |
| 13:00 Lunch break | 13:00 Lunch break | 13:00 Lunch break | 13:00 End of the meeting |
| Item 4: continuation 4.1 continuation | Item 6: FOLLOW-UP WORK | [If necessary, continuation of remaining items] | |
| 15:30-16:15 | 6.1 Social rights | | |
| 5.4 Study trade tools torture – Meeting with the EU's Commissioner | 6.2 Human Rights and Business | | |
| for Trade | 3.3 Combat discrimination | | |
| 4.2 continuation 4.4 Other | 6.4 Access official documents | | |
| 4.4 Ollici | | | |
| 18:00 End of session | 18:00 End of session | 18:00 End of session | |

Appendix III

Terms of reference of the CDDH, DH-SYSC and DH-BIO for 2020 - 2021

[as adopted by the Committee of Ministers at its 1361st meeting, 19-21 November 2019]

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)24on intergovernmental committees and subordinate bodies, their terms of reference and working methods.

Type of committee: Steering Committee

Terms of reference valid from: 1 January 2020 until 31 December 2021

PILLAR/ PROGRAMME/SUB-PROGRAMME

Pillar: Human Rights

Programme: Effective ECHR implementation

Sub-programme: Effectiveness of the ECHR System at national and European level / Bioethics

MAIN TASKS

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:

- (i) work on the protection, development and promotion of human rights in Europe to:
 - (a) contribute to enhancing the protection of human rights by improving the effectiveness of the control mechanism of the European Convention on Human Rights and the implementation of the Convention at national and European levels, this work being a permanent priority for the CDDH;
 - (b) provide effective responses at the normative and general policy levels to the challenges posed to human rights in European societies;
- (ii) follow the implementation of the non-binding instruments that it has prepared as well as conventions for which it has been given supervision by the Committee of Ministers;
- (iii) advise other bodies of the Organisation to ensure that their activities concerning human rights duly reflect the requirements of the Convention and the case-law of the Court;
- (iv) contribute to co-operation and support activities to national initiatives in the field of the protection, development and promotion of human rights;
- (v) without prejudice to the missions of intergovernmental committees of the Council of Europe that already follow the work of monitoring mechanisms, follow the activities of the relevant monitoring and other bodies protecting human rights;
- (vi) where necessary, co-ordinate transversal intergovernmental activities in the field of human rights including bioethics;
- (vii) 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 those that might be discontinued;
- (viii) 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;
- (ix) 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 cooperation, where appropriate, with the relevant convention-based bodies, and report back to the Committee of Ministers;
- (x) contributes 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

- (i) Orient and oversee the work of the Committee of Experts on the System of the European Convention on Human Rights (DH-SYSC) (see DH-SYSC terms of reference).
- (ii) Provide effective responses to the challenges that European societies face in terms of human rights, both normatively and politically, by ensuring as much as necessary appropriate co-ordination and co-operation with relevant conventional and monitoring bodies and other Council of Europe bodies involved. Where appropriate, develop a draft non-binding instrument of the Committee of Ministers (e.g. declaration, recommendation, guidelines) on the prohibition of trade in goods used for torture and the death penalty.
- (iii) On the basis of work conducted in 2018-2019, prepare one or more draft non-binding instruments of the Committee of Ministers or other tools (for example a recommendation, guidelines, good practice handbook) concerning human rights issues in the context of migration.
- (iv) On the basis of work conducted in 2018-2019, proceed to the revision of Recommendation No R(97)14 of the Committee of Ministers to member States on the establishment of independent national institutions for the promotion and protection of human rights.
- (v) On the basis of developments in the member States, within the Council of Europe and in other fora, update the Handbook on Human Rights and the Environment and, if appropriate, develop a draft non-binding instrument of the Committee of Ministers (e.g. recommendation, guidelines) recalling existing standards in this field.
- (vi) On the basis of developments in the member States, within the Council of Europe and in other fora, prepare, if appropriate, a Handbook on Human Rights and Artificial Intelligence and contribute to possible standard-setting work which would be undertaken within the Organisation.
- (vii) Organise, as necessary, thematic debates on the situation of member States with regard to the right of access to official documents, in particular with regard to the signing and ratification of the 2009 Tromsø Convention (CETS No. 205).
- (viii) Supervise from the human rights perspective the intergovernmental work in the field of bioethics (see DH-BIO terms of reference).
- (ix) 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.

COMPOSITION

Members:

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

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

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

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

Participants:

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

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

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

- European Union (one or more representatives, including, as appropriate, the European Union Agency for Fundamental Rights (FRA));
- Observer States to the Council of Europe: Canada, Holy See, Japan, Mexico, United States of America;

 other international organisations (Organisation for Security and Co-operation in Europe (OSCE) / Office for Democratic Institutions and Human Rights (ODIHR), Office of the United Nations High Commissioner for Human Rights).

Observers:

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

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

WORKING METHODS

Plenary meetings:

48 members, 2 meetings in 2020, 4 days

48 members, 2 meetings in 2021, 4 days

Bureau meetings:

8 members, 2 meetings in 2020, 2 days 8 members, 2 meetings in 2021, 2 days

The Committee will also appoint from amongst its members a Gender Equality Rapporteur, 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 its subordinate bodies:

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

* * *

Committee of Experts on the System of the European Convention on Human Rights (DH-SYSC)

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

Type of committee: Subordinate Body

Terms of reference valid from: 1 January 2020 until 31 December 2021

PILLAR/PROGRAMME/SUB-PROGRAMME

Pillar: Human Rights

Programme: Effective ECHR implementation

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

SPECIFIC TASKS

The specific tasks will be carried out in light of the Committee of Ministers' decisions on the follow-up to the evaluation set out by the Interlaken Declaration.

- (i) Develop proposals to improve the effective processing and resolution of cases relating to inter-State disputes.
- (ii) Enhance the national implementation of the system of the European Convention on Human Rights, in order to assist the State authorities involved in the operation of the Convention and in the process of the execution of judgments to fulfill their mission in the best possible way, in the light of existing national best practices. To this end, develop guidelines covering all of the action at national level expected from States Parties to prevent and remedy violations of the Convention, accompanied by a Guide of existing best practices and update Recommendation (2002)13 on the publication and dissemination in the member States of the text of the European Convention on Human Rights and of the case-law of the European Court of Human Rights.

COMPOSITION

Members:

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

The Council of Europe will bear the travel and subsistence expenses of one representative from each member State (two in the case of the State whose representative has been elected Chair). Each member of the committee shall have one vote. Where a government designates more than one member, only one of them is entitled to take part in the voting.

Participants:

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

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

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

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

Observers:

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

- Belarus:
- non-member States with which the Council of Europe has a Neighbourhood Partnership including relevant co-operation activities;
- Non-governmental organisations (Amnesty International, European Trade Unions Confederation (ETUC), International Commission of Jurists (ICJ), International Federation of Human Rights (FIDH), European Roma and Travellers^[5] Forum, Open Society Justice Initiative (OSJI)), as well as the European Network of National Human Rights Institutions (ENNHRI).

WORKING METHODS

Plenary meetings:

48 members, 2 meetings in 2020, 3 days

48 members, 2 meetings in 2021, 3 days

The Committee will also appoint a Gender Equality Rapporteur from amongst its members. The rules of procedure of the Committee are governed by Resolution CM/Res(2011)24 on intergovernmental committees and subordinate bodies, their terms of reference and working methods. Whenever appropriate, it will prioritise environmentally sound working methods, such as virtual meetings facilitated by information technology and written consultations.

* * *

Committee on Bioethics (DH-BIO)

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

Type of committee: Subordinate body

Terms of reference valid from: 1 January 2020 until 31 December 2021

PILLAR/PROGRAMME/SUB-PROGRAMME

Pillar: Human Rights

Programme: Effective ECHR implementation

Sub-programme: Bioethics

SPECIFIC TASKS

- (i) Under the authority of the Committee of Ministers, the DH-BIO carry out the tasks assigned to the Steering Committee on Bioethics (CDBI) by the Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine (Convention on Human Rights and Biomedicine).
- (ii) Finalise a draft additional Protocol on the protection of human rights and dignity of persons with mental disorders with regard to involuntary placement and involuntary treatment.
- (iii) Launch and follow the implementation of the Strategic Action Plan 2020 2025 with a particular focus on human rights challenges raised by new technologies, such as neurotechnologies.
- (iv) Carry out a study on "good practices in mental health care how to promote voluntary measures".
- (v) Map legislation and best practices with a view to preparing a guide for health care professionals on children's participation in the decision-making process in the biomedical field.
- (vi) Examine the ethical and legal issues raised by development in genome editing technologies in relation to Article 13 of the Convention on Human Rights and Biomedicine.
- (vii) Ensure the dissemination of the training course on essential principles for the protection of human rights in the biomedical field intended for legal and health professionals in non-official languages in the framework of the HELP programme.
- (viii) Launch a Guide on Public Debate and ensure its dissemination, including in non-official languages.
- (ix) 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 those that might be discontinued.

COMPOSITION

Members:

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

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

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

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

Participants:

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

- Parliamentary Assembly of the Council of Europe;
- Council of Europe Commissioner for Human Rights;
- Conference of INGOs of the Council of Europe;
- Consultative Committee of the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (T-PD);
- Steering Committee on the Rights of the Child (CDENF);
- European Committee on Legal Cooperation (CDCJ);
- Committee on Transplantation of Organs and Tissues (CD-P-TO);
- Committee on Blood Transfusion (CD-P-TS);
- Committees or other bodies of the Council of Europe engaged in related work, as appropriate.

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

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

Observers:

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

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

WORKING METHODS

Plenary meetings:

48 members, 2 meetings in 2020, 4 days

48 members, 2 meetings in 2021, 4 days

Bureau meetings:

7 members, 2 meetings in 2020, 2 days

7 members, 2 meetings in 2021, 2 days

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

The Committee will also appoint a Gender Equality Rapporteur from amongst its members. The rules of procedure of the Committee are governed by Resolution CM/Res(2011)24 on intergovernmental committees and subordinate bodies, their terms of reference and working methods.

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

Appendix IV

CDDH focal points to other bodies

(list adopted by the CDDH at its 90th meeting, 27-30 November 2018)

Committee on Bioethics (DH-BIO): Ms Brigitte KONZ (Luxembourg)

Commission for Democracy through Law (Venice Commission): Ms Brigitte OHMS (Austria)

European Commission for the Efficiency of Justice (CEPEJ): Mr. Vít A. SCHORM (Czech Republic)

Committee of Legal Advisers on Public International Law (CAHDI): Ms Florence MERLOZ (France)

European Committee on Legal Co-operation (CDCJ): Ms Maria de Fátima GRAÇA CARVALHO (Portugal)

Steering Committee on Media and Information Society (CDMSI): Ms Kristine LICIS (Latvia)

Ad hoc Committee of experts on Roma and Traveller Issues (CAHROM): Ms Svetlana GELEVA (North Macedonia)

Advisory Committee of the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (T-PD): Ms Brigitte OHMS (Austria)

Committee on Counter Terrorism (CDCT): Mr. Chanaka WICKREMASINGHE (United Kingdom)

Committee of the Parties to the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse ("Lanzarote Committee"): Ms Brigitte KONZ (Luxembourg)

Ad Hoc Committee for the Rights of the Child (CAHENF): Ms Brigitte KONZ (Luxembourg)

European Committee on Democracy and Governance (CDDG): Ms Krista OINONEN (Finland)

Committee of Experts on the Administrative Retention of Migrants (CJ-DAM): Mr. Morten RUUD (Norway)

CDDH RAPPORTEURS

Rapporteur on Roma and Traveller issues: Ms Svetlana GELEVA (North Macedonia)

Rapporteur for gender equality: Mr Philippe WERY (Belgium)

Appendix V

Current composition of the Bureau, Presidencies and Rapporteurs (list adopted by the CDDH at its 90th meeting, 27-30 November 2018)

| BUREAU OF THE CDDH | END OF THE MANDATE | REFERENCES |
|---|---|--|
| Mr Hans-Jörg BEHRENS (Germany), Chair | 31 December 2019 (elected for 1 year not renewable) | 90 th meeting of the CDDH (November 2018) |
| Mr Morten RUUD (Norway), Vice-Chair | 31 December 2019 (elected for 1 year not renewable) | 90 th meeting of the CDDH (November 2018) |
| Mr Chanaka WICKREMASINGHE (United Kingdom) , Member | 31 December 2020 (elected for 2 years renewable once) | 90 th meeting of the CDDH (November 2018) |
| Ms Kristine LIĊIS (Latvia), Member | 31 December 2019 (elected for 2 years not renewable) | 88th meeting of the CDDH (December 2017) |
| Ms Zinovia STAVRIDI (Greece), Member | 31 December 2019 (elected for 2 years not renewable) | 88th meeting of the CDDH (December 2017) |
| Ms Florence MERLOZ (France), Member | 31 December 2020 (elected for 2 years not renewable) | 90 th meeting of the CDDH (November 2018) |
| Ms Krista OINONEN (Finland), Member | 31 December 2019 (elected for 2 years renewable once) | 88 th meeting of the CDDH (December 2017) |
| Ms Maris KUURBERG (Estonia), Member | 31 December 2020 (elected for 2 years not renewable) | 90 th meeting of the CDDH (November 2018) |
| CHAIRS | | |
| DH-BIO Ms Tesi ASCHAN (Sweden), Chair | 31 December 2019 (elected for 1 year renewable once) | 14 th meeting of the DH-BIO (November 2018) 90 th meeting of the CDDH (November 2018) |
| DH-SYSC Ms Brigitte OHMS (Austria), Chair | 31 December 2019 (elected for 1 year not renewable) | 90 th meeting of the CDDH (November 2018) |
| DH-SYSC-II Ms Florence MERLOZ (France), Chair | 31 December 2019 | 88th meeting of the CDDH (December 2017) |
| DH-SYSC-III Ms Vasileia PELEKOU (Greece), Chair | 31 December 2019 | 88 th meeting of the CDDH (December 2017) |
| CDDH-SOC Mr Vít A. SCHORM (Czech Republic), Chair | 31 December 2019 | 88 th meeting of the CDDH (December 2017) |
| CDDH-EXP Mr Hans-Jörg BEHRENS (Germany), Chair | 31 December 2019 | 88th meeting of the CDDH (December 2017) |
| CDDH-MIG Mr Morten RUUD (Norway), Chair | 31 December 2019 | 88th meeting of the CDDH (December 2017) |

| CDDH-INST Ms Krista OINONEN (Fi | NONEN (Finland), Chair | | mber 2019 | 88th meeting of the CDDH (December 2017) | |
|---|-----------------------------------|------------------|---|---|--|
| RAPPORTEURS ²⁰ | | | | | |
| DH-SYSC-II Mr Alexei ISPOLINOV (Russian Federation) – Theme 1 Mr Chanaka WICKREMASINGHE (United Kingdom) – Theme 1 Ms Sofia KASTRANTA (Greece) – Theme 2 Ms Kristine LĪCIS (Latvia) – Theme 3 | | 31 December 2019 | | 88th meeting of the CDDH (December 2017) | |
| CDDH-EXP Ms Kristine LIĊIS (Latvia) | | 31 Dece | ember 2019 | 88 th meeting of the CDDH (December 2017) | |
| CDDH-MIG Mr Frank SCHÜRMANN (Switzerland) | | 31 December 2019 | | 88 th meeting of the CDDH (December 2017) | |
| DRAFTING GROUPS | | | T | | |
| DH-SYSC-II ²¹ Bulgaria Croatia Czech Republic France Italy Latvia The Netherlands Norway | | | DH-SYSC-III ²² Armenia Belgium Greece Italy Latvia Montenegro Portugal Slovak Republic | Armenia Belgium Greece taly atvia Montenegro Portugal | |
| CDDH SOC | CDDU EVD23 | | CDDH MIC | CDDU INICT | |
| CDDH-SOC Austria | CDDH-EXP ²³ Azerbaijan | | CDDH-MIG Armenia | CDDH-INST Armenia | |
| Belgium | Estonia | | Bulgaria | Azerbaijan | |
| Czech Republic | France | | | Finland | |
| Greece | Hungary | | Czech Republic Greece | Ireland | |
| Italy | Republic of Moldova | | Iceland | Montenegro | |
| Republic of Moldova | Montenegro | | Italy | Poland | |
| Poland | Russian Federation | | Latvia | Russian Federation | |
| Portugal | North Macedonia | | Norway | Slovenia | |
| Russian Federation | Turkey | | Spain | Spain | |
| Slovenia | United Kingdom | | Turkey | North Macedonia | |

²⁰ The Rapporteur of the CDDH-SOC is now part of the Secretariat of the Council of Europe (Department for the execution of judgments) and has ended her work as a Rapporteur. The CDDH-MD finalised its work. The Rapporteur and Chair of the CDDH-INST has terminated her work as a Rapporteur.

²¹ Following a decision taken by the CDDH at its 88th meeting (5-7 December 2017), and subject to the availability of budgetary resources, it is envisaged that the following member States would also be covered by the budget of the Council of Europe to participate in the following meetings:

^{- 3&}lt;sup>rd</sup> meeting (3-5 April 2018) and 5th meeting (March 2019): Albania, Austria, Azerbaijan, Bosnia-Herzegovina, Denmark, Finland, Germany, Greece, Russian Federation, United Kingdom

^{- 4&}lt;sup>th</sup> meeting (25-28 September 2018) and 6th meeting (May 2019): Greece, Poland, Romania, Russian Federation, Serbia, Spain, Sweden, Turkey, Ukraine, United Kingdom

^{- 7&}lt;sup>th</sup> meeting (September 2019): it is envisaged that the Council of Europe will cover the costs of all the participants.

²² Initially, the work of the Group will take place by electronic means.

²³ Chair: Germany. The expenses of the Chair are covered by the budget of the Council of Europe.

Appendix VI

Publications

The following documents were published in 2019:

- 1. The individual application under the ECHR Procedural guide
- 2. Improving the protection of social rights in Europe:

Volume I - Analysis of the legal framework of the Council of Europe for the protection of social rights in Europe

Volume II – Report identifying good practices and making proposals with a view to improving the implementation of social rights in Europe

- 3. Good and promising practices on the way of reconciling freedom of expression with other rights and freedoms, in particular in culturally diverse societies Practical guide
- 4. Handbook on alternatives to detention in the context of migration
- 5. Protection of victims of terrorist acts Revised guidelines of the Committee of Ministers, compilation and overview of measures and practices in place in member States, Proceedings of the Seminar (20 June 2019).

It is planned to publish the following documents in 2020:

- 1. Contribution to the evaluation foreseen by the Interlaken Declaration Final report of the CDDH
- 2. CDDH Report on then place of the European convention on Human rights in the European and international legal order

Appendix: Proceedings of the Brainstorming Seminar organised for launching the work of the drafting Group DH-SYSC II

- 3. University education and professional training on the ECHR Practical guide
- 4. Protection and promotion of the civil society space in Europe Recommendation of the Committee of Ministers, compilation and overview of measures and practices in place in member states, Proceedings of the Seminar (29 November 2018)
- 5. Promotion of the human rights of older persons follow-up of Recommendation CM/Rec(2014)2 of the Committee of Ministers, compilation and overview of measures and practices in place in member States, Proceedings of the Workshop (21 June 2018)
- 6. Strengthen international regulations against trade in goods used for torture and the death penalty Feasibility study
- 7. Human Rights and Environment Manual (3rd edition).

* * *

Appendix VII

Draft calendar for the 2020-2021 biennium

(as suggested by the Bureau at its 102^{nd} meeting, 13–15 November 2019 for consideration by the CDDH at its 92^{nd} meeting (26–29 November 2019)

| 2020 | |
|--|-----------------------------|
| Opening of the Judicial Year | 31 January |
| 1st meeting of the drafting Group on the effective Processing and Resolution of inter-State Disputes (DH-SYSC-IV) | 19-21 February |
| High-Level Conference on the Environmental Protection and Human Rights under the aegis of the Georgian Chairmanship of the Committee of Ministers | Strasbourg, 27 February |
| 6 th meeting of the drafting Group on Civil Society and National Human Rights Institutions (CDDH-INST) | 4–6 March |
| 1st meeting of the CDDH <i>ad hoc</i> negotiation Group and the European Commission on the Accession of the European Union to the European Convention on Human Rights ("47+1") | 24–27 March |
| 8 th meeting of the drafting Group on Migration and Human Rights (CDDH-MIG) | 31 March–2 April |
| 1st meeting of the drafting Group on the National Implementation of the System of the European Convention on Human Rights (DH-SYSC-V) | 15–17 April |
| 103 rd meeting of the Bureau of the Steering Committee for Human Rights (CDDH-BU) | Paris, 19–20 May |
| 2 nd meeting of the CDDH <i>ad hoc</i> negotiation Group and the European Commission on the Accession of the European Union to the European Convention on Human Rights ("47+1") | 26–29 May |
| 17 th meeting of the Committee on Bioethics (DH-BIO) | 2–5 June |
| Meeting of Government Agents with the Registry of the Court | 8 June |
| Pluricourts Seminar within the CDDH meeting | Strasbourg, 9 June |
| 93 rd meeting of the Steering Committee for Human Rights (CDDH) | 9–12 June |
| 2 nd meeting of the drafting Group on the effective Processing and Resolution of inter-State Disputes (DH-SYSC-IV) | 9–11 September |
| 3 rd meeting of the CDDH <i>ad hoc</i> negotiation Group and the European Commission on the Accession of the European Union to the European Convention on Human Rights ("47+1") | 29 September – 2 October |
| 9 th and final meeting of the drafting Group on Migration and Human Rights (CDDH-MIG) | 13–15 October |
| 2 nd meeting of the drafting Group on the National Implementation of the System of the European Convention on Human Rights (DH-SYSC-V) | 14–16 October |
| 104 th meeting of the Bureau of the Steering Committee for Human Rights (CDDH-BU) | 28–29 October |
| Meeting of Government Agents with the Registry of the Court | 3 November |

| 6 th meeting of the Committee of Experts on the System of the European Convention on Human Rights (DH-SYSC) | 4–6 November |
|---|-----------------------------|
| 18 th meeting of the Committee on Bioethics (DH-BIO) | November |
| 94 th meeting of the Steering Committee for Human Rights (CDDH) | [Athens, 24–27] November |
| 2021 | |
| Opening of the Judicial Year | January |
| 3 rd meeting of the drafting Group on the effective Processing and Resolution of inter-State Disputes (DH-SYSC-IV) | February |
| 1st meeting of the drafting Group on Human Rights and the Environment (CDDH-ENV) | February |
| 1st meeting of the drafting Group on Human Rights and Artificial Intelligence (CDDH-INTEL) | March |
| 3 rd meeting of the drafting Group on the National Implementation of the System of the European Convention on Human Rights (DH-SYSC-V) | April |
| 2 nd meeting of the drafting Group on Human Rights and the Environment (CDDH-ENV) | May |
| 105 th meeting of the Bureau of the Steering Committee for Human Rights (CDDH-BU) | May |
| 7 th meeting of the Committee of Experts on the System of the European Convention on Human Rights (DH-SYSC) | May |
| 19 th meeting of the Committee on Bioethics (DH-BIO) | May/June |
| Meeting of Government Agents with the Registry of the Court | June |
| 95 th meeting of the Steering Committee for Human Rights (CDDH) | June |
| 4 th meeting of the drafting Group on the effective Processing and Resolution of inter-State Disputes (DH-SYSC-IV) | September |
| 2 nd meeting of the drafting Group on Human Rights and Artificial Intelligence (CDDH-INTEL) | September |
| 4 th meeting of the drafting Group on the National Implementation of the System of the European Convention on Human Rights (DH-SYSC-V) | October |
| 8 th meeting of the Committee of Experts on the System of the European Convention on Human Rights (DH-SYSC) | October |
| 106 th meeting of the Bureau of the Steering Committee for Human Rights (CDDH-BU) | October |
| 20 th meeting of the Committee on Bioethics (DH-BIO) | October/November |
| Meeting of Government Agents with the Registry of the Court | November |
| 96 th meeting of the Steering Committee for Human Rights (CDDH) | November |