



CDDH-EXP(2019)R4
22/03/2019

STEERING COMMITTEE FOR HUMAN RIGHTS
(CDDH)

**DRAFTING GROUP ON FREEDOM OF EXPRESSION
AND LINKS TO OTHER HUMAN RIGHTS
(CDDH-EXP)**

REPORT

4th meeting
20–22 March 2019

Item 1: Opening of the meeting and adoption of the draft agenda

1. The CDDH Drafting Group on freedom of expression and links to other human rights (CDDH-EXP) held its fourth meeting in Strasbourg from 20 to 22 March 2019, with Mr Hans-Jörg BEHRENS (Germany) in the Chair. The list of participants is contained in Appendix I.

2. The Chairperson welcomed everyone to the meeting and explained that at this last meeting, the Group would have to finalise the text of the draft Guide. Accordingly the proposed agenda was adopted as it appears in Appendix II.

3. The Group was also welcomed by Mr Alfonso DE SALAS, Head of the Human Rights Intergovernmental Co-operation Division and Secretary of the CDDH, who explained the procedural aspects of the adoption by the CDDH of the texts approved by the CDDH-EXP.

Item 2: Finalisation of draft Guide to good and promising practices on the way of reconciling freedom of expression with other rights and freedoms, in particular in culturally diverse societies

4. The Secretariat informed the CDDH-EXP that since its previous meeting in April 2018, further contributions have been received on relevant national legal measures and policies which have been taken into account in the rolling text of the draft Guide.

5. In particular the chapter on hate speech had been expanded drawing on the relevant case law of the European Court of Human Rights as well as the work of other international and regional bodies. Mr Viktor KUNDRÁK from OSCE Office for Democratic Institutions and Human Rights (ODIHR) provided an overview of OSCE/ODIHR's relevant work and in particular provided clarifications on the distinction between "hate speech" and "hate crime".

6. The Group examined, paragraph by paragraph, the revised text of the draft Guide to good and promising practices which had been prepared by the Secretariat in the light of conclusions of the previous CDDH-EXP meeting in April 2018 as well as the instructions given by the CDDH at its meetings in June and November 2018. Having examined the text of the draft Guide, the Group at the end drafted some general conclusions. A second reading followed of the paragraphs that were amended during the first reading of the draft Guide.

7. The Group recalled that, as the Guide is not a monitoring report, it was not necessary to list every member State where a common national practice existed. The Guide included only the most illustrative examples. All the examples of national measures and practices which had been submitted would however be included in the Compilation which contained all the contributions received from member States.

8. The Group entrusted the Secretariat with authority to make any remaining editorial changes in the document, and gave guidance as to how certain words and typography should be used consistently through the document. A French translation of the Guide would also be prepared as soon as possible and circulated. The Secretariat will circulate the finalised draft Guide to the members of the Group by 15 April 2019 at the latest. The Group is invited to submit comments on the finalised draft Guide by 24 April 2019. The draft Guide will then be sent to the Bureau of the CDDH for further consideration.

Item 3: Exchange of views on proposals for follow-up work (publication and dissemination)

9. For the publication of the Guide, the Group considered it useful to attach to the document the Analysis mainly of relevant jurisprudence of the European Court of Human Rights, which earlier had been prepared by the Drafting Group and adopted by the CDDH. It was agreed that a publication format similar to the one of the “Guide to good and promising practices aimed at preventing and combating female genital mutilation and forced marriage” was suitable and would provide the necessary visibility of the present Guide.

10. The Group was informed about the changes to the revised Compilation of measures and practices in place in the member States (CDDH-EXP(2018)02), prepared by the Secretariat. It then read through the proposed text for an Introduction and approved the Compilation, which will be submitted to the CDDH when adopting the draft Guide to good and promising practices.

Item 4: Adoption of the meeting report

11. The Group adopted the present meeting report in English and French.

Item 5: Other business

12. With the approval of the Guide to good and promising practices, the Group considered that it had fulfilled its terms of reference. It expressed its appreciation for the constructive approach shown by all members throughout its work and thanked the Chairperson of the meeting for the way in which the meetings had been conducted. The Group also paid tribute to the work of its Secretariat throughout its deliberations.

Appendix I

LIST OF PARTICIPANTS**AZERBAIJAN / AZERBAÏDJAN**

Mr Elshan BAYRAMOV, adviser, Human Rights Protection Unit, Department of Work with Law Enforcement Bodies, Administration of the President of the Republic

ESTONIA / ESTONIE

Ms Maris KUURBERG, Government Agent before the European Court of Human Rights, Legal Department, Ministry of Foreign Affairs

FINLAND / FINLANDE

Ms Katja KUUPPELOMÄKI, Legal Officer, Unit for Human Rights Courts and Conventions Legal Service, Ministry for Foreign Affairs

FRANCE (*Apologised*)**GERMANY / ALLEMAGNE** (*Chair*)

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

HUNGARY / HONGRIE

Mr Zoltan TALLODI, Agent before ECHR, Ministry of Public Administration and Justice

REPUBLIC OF MOLDOVA / REPUBLIQUE DE MOLDOVA

Ms Doina MAIMESCU, Adviser, Department Agent for the Government, Ministry of Justice of the Republic of Moldova

MONTENEGRO

Ms Jelena RAŠOVIĆ, advisor, Office of the Representative of Montenegro before the European Court of Human Rights

NETHERLANDS / PAYS-BAS

Mr Paul B.C.D.F. VAN SASSE VAN YSSELT, Ministry of the Interior and Kingdom Relations, Department of Constitutional Affairs and Legislation

NORTH MACEDONIA / MACÉDOINE DU NORD

Ms Elena BODEVA, Ministry of Foreign Affairs, Embassy of the Republic of North Macedonia in the Netherlands

POLAND / POLOGNE

Ms Aleksandra SZACHEWICZ, Department for Proceedings before International Human Rights Protection Bodies, Ministry of Foreign Affairs

RUSSIAN FEDERATION / FEDERATION DE RUSSIE

Dr. Grigory E. LUKIYANTSEV, Deputy Director, Department for Humanitarian Cooperation and Human Rights, Ministry of Foreign Affairs

SPAIN / ESPAGNE

Heide Helena NICOLAS MARTÍNEZ, Senior State Attorney, Ministry of Justice

SWITZERLAND / SUISSE

Mme Dominique STEIGER LEUBA, Collaboratrice scientifique, Département fédéral de justice et police DFJP, Office fédéral de la justice OFJ, Domaine de direction Droit public, Unité Protection internationale des droits de l'homme

TURKEY / TURQUIE

Mr Gökhan DURSUN, Chef de division, Ministère de la Justice

Ms Aysen EMÜLER, Expert juridique, Représentation permanente de la Turquie auprès du Conseil de l'Europe

Ms Günseli GÜVEN, Adjointe au Représentant Permanent, Représentation permanente de la Turquie auprès du Conseil de l'Europe

UNITED KINGDOM / ROYAUME UNI

Ms Sarah MACRORY, Assistant Legal Adviser, Europe and Human Rights, Foreign and Commonwealth Office

OBSERVERS/OBSERVATEURS

Directorate General Human Rights and Rule of Law, Media and Internet Governance / Direction générale Droits de l'Homme et Etat de droit, Médias et gouvernance de l'Internet (CDMSI)

Mr Emir POVLAKIC, Head of Division for Licensing, Digitalization and Coordination in Broadcasting, Communications Regulatory Agency

HOLY SEE / SAINT SIÈGE

M. Jean-Pierre SCHOUPE, Professeur à la faculté de droit canonique de l'Université Pontificale de la Sainte Croix

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

Sören LENZ, Conférence des Eglises européennes, Conference of European Churches

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

Jean-Bernard MARIE

RAPPORTEUR (*Apologised*)

INVITEES / INVITES

Mr Viktor KUNDRÁK, Hate Crime Officer, OSCE/Office for Democratic Institutions and Human Rights, (ODIHR)

SECRETARIAT

**DG I – Human Rights and Rule of Law / Droits de l'Homme et Etat de droit
Council of Europe / Conseil de l'Europe**

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

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

Ms Merete BJERREGAARD, Head of the Human Rights Development Unit / Chef de l'Unité "Développement des droits de l'homme", Human Rights Intergovernmental Cooperation Division / Division de la coopération intergouvernementale en matière de droits de l'Homme, *Secretary of the CDDH-EXP/ Secrétaire du CDDH-EXP*

Ms Elisa SAARI, Assistant Lawyer / Juriste Assistant, Human Rights Intergovernmental Co-operation Division / Division de la coopération intergouvernementale en matière de droits de l'homme

Mme Corinne GAVRILOVIC, Assistant/Assistante, Human Rights Intergovernmental Cooperation Division / Division de la coopération intergouvernementale en matière de droits de l'Homme

INTERPRETERS / INTERPRÈTES

Ms Rebecca BWOEN
Mr Christopher TYCZKA
Mme Sylvie BOUX

Appendix II

AGENDA

	ITEM 1: OPENING OF THE MEETING, ADOPTION OF THE AGENDA
<u>CDDH-EXP(2018)OJ1</u>	Draft agenda
<u>CDDH-EXP(2018)R3</u>	Report of the 3 rd CDDH-EXP meeting (14–16 March 2018)
<u>CDDH-EXP(2019)01</u>	Relevant extracts of the 89 th and 90 th CDDH meeting reports (19-22 June and 27–30 November 2018)
<u>CDDH-EXP(2018)02</u>	Compilation of good practices received from member States as well from the European Network of National Human Rights Institutions (ENNHRI)
	ITEM 2: FINALISATION OF DRAFT GUIDE TO GOOD AND PROMISING PRACTICES ON THE WAY OF RECONCILING FREEDOM OF EXPRESSION WITH OTHER RIGHTS AND FREEDOMS, IN PARTICULAR IN CULTURALLY DIVERSE SOCIETIES
<u>CDDH-EXP(2019)02</u>	Draft guide to good and promising practices on the way of reconciling freedom of expression with other rights and freedoms, in particular in culturally diverse societies
	ITEM 3: EXCHANGE OF VIEWS ON PROPOSALS FOR FOLLOW-UP WORK (publication and dissemination)
	ITEM 4: ADOPTION OF THE MEETING REPORT
	ITEM 5: OTHER BUSINESS