



CDDH-EXP(2019)01

04/03/2019

STEERING COMMITTEE FOR HUMAN RIGHTS (CDDH)

**Extract of the terms of reference given by the Committee of Ministers to the CDDH
regarding the work of the CDDH-EXP during the 2018-2019 biennium**

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

**and relevant extracts of the 89th and 90th CDDH meeting reports
(19–22 June and 27–30 November 2018)**

Extract of the terms of reference given by the Committee of Ministers to the CDDH regarding the work of the CDDH-EXP during the 2018–2019 biennium

(as adopted by the Committee of Ministers at its 1300th meeting, 21–23 November 2017)

Links between freedom of expression and other human rights and freedoms

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

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Extract of the report of the 89th CDDH meeting

(19–22 June 2018, document CDDH(2018)R89)

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

26. The Chairperson of the Drafting Group on freedom of expression and links with other human rights (CDDH-EXP), Mr Hans-Jörg BEHRENS (Germany), informed the Committee of the progress made on the preparation of the draft Guide to good and promising practices. He pointed out that at its 3rd meeting (25–27 April 2018), the Drafting Group:

- (i) had received contributions from several relevant Council of Europe bodies (Secretariat of the Venice Commission, CDMSI and Gender Equality Adviser);
- (ii) had noted that the Group's field of work is very large and growing, which is why it would be very useful to receive examples of good practices from as many member States as possible.

27. The CDDH welcomed the progress made and provided the following guidance to the Drafting Group:

- (i) additional examples of good and promising practices would bring added value and thus invited those member States which had not yet contributed to do so by 30 September 2018 (merete.bjerregaard@coe.int);
- (ii) as the aim of the work is to provide concrete guidance on how to reconcile freedom of expression with other rights and freedoms, especially in culturally diverse societies, the language of the future guide will have to be adapted, keeping in mind the spirit that the recipients of the text will not necessarily be lawyers;

- (iii) it would be useful to add more principles from the Court's case law regarding hate speech and access to information;
- (iv) a summary could finally be added at the beginning of the document, which might be particularly useful in the event that the Guide and its annexes would constitute a lengthy document.

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Extract of the report of the 90th CDDH meeting

(27–30 November 2018, document CDDH(2018)R90)

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

49. Concerning the drafting of a Guide to good and promising practices to reconcile freedom of expression with other rights and freedoms, in particular, in culturally diverse societies, the CDDH took note of the work in progress on this huge topic which included a selection of several topical issues (document CDDH(2018)27).

50. The revised draft Guide, which took into account the new contributions received from a number of member States as well as the recent work of other international and regional organisations and other relevant Council of Europe bodies, in particular the case law of the European Court of Human Rights, will be examined and finalised at the 4th meeting of the drafting Group on 20–22 March 2019.

51. It was also important to take into account the good practices on freedom of expression collected within the framework of the work of the CDDH-INST.

52. The CDDH welcomed the significant work already accomplished. It considered it useful to include an executive summary reflecting the purpose of the Guide as well as forward-looking conclusions which also take into account the work on artificial intelligence which was high on the agenda of the Finnish Presidency of the Committee of Ministers.

53. Finally, the CDDH considered that the future work of the CDDH-INST in 2019 and beyond should include the perspective of freedom of expression in the light of the work carried out by the CDDH-EXP.

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