

CDDH(2018)R89  
16 July 2018

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

### **REPORT**

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89<sup>th</sup> meeting  
Strasbourg, 19–22 June 2018

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## SUMMARY

1. The Steering Committee for Human Rights (CDDH) held its 89<sup>th</sup> meeting from 19 to 22 June 2018 in Strasbourg with Mr Hans-Jörg BEHRENS (Germany) in the Chair. The agenda, as adopted, appears in [Appendix I](#) below. The list of participants appears in [Appendix II](#) below.

2. At this meeting the CDDH, in particular:

(a) adopted its comments on the following Parliamentary Assembly Recommendations (see [Appendix V](#) below):

- 2121(2018) – “The case for drafting a European convention on the profession of lawyer”. In the framework of the examination of this text, the CDDH held an exchange of views with the representative of the Council of Bars and Law Societies of Europe (CCBE) (see [Appendix VI](#) below);
- 2122(2018) – “Jurisdictional immunity of international organisations and rights of their staff”;
- 2123(2018) – “Strengthening international regulations against trade in goods used for torture and the death penalty”. In the framework of the examination of this text, the CDDH held an exchange of views with the representatives of Amnesty International and of the NGO Omega Research Foundation (see [Appendix VI](#) below);
- 2125(2018) – “State of emergency: proportionality issues concerning derogations under Article 15 of the European Convention on Human Rights”;
- 2126(2018) – “Humanitarian needs and rights of internally displaced persons in Europe”;
- 2129(2018) – “Copenhagen Declaration, appreciation and follow-up”;
- 2130(2018) – “Legal challenges related to hybrid war and human rights obligations”;
- 2132(2018) – “Detainees with disabilities in Europe”.

(b) exchanged views on the implementation of its current terms of reference (see [Appendix III](#) below) and on the work during the next biennium, in the light, in particular, of information given by the Director General of the DGI on the Organisation's current budgetary situation, as well as by the representatives of the States holding the forthcoming Chairmanships of the Committee of Ministers regarding the priorities of their respective chairmanships;

(c) concerning the system of the European Convention on Human Rights:

- (i) exchanged views with the Danish delegation on the high-level Conference in Copenhagen, Denmark, 11–13 April 2018;
- (ii) took note of the information given by the latter as well as by the Secretariat on the decisions of the 128<sup>th</sup> Session of the Committee of Ministers (Elsinore, Denmark, 18 May 2018) on the follow-up to be given to the Copenhagen Declaration adopted at the Conference;
- (iii) took note of the work of the Drafting Group on the place of the European Convention on Human Rights in the European and international legal order (DH-SYSC-II) during its 3<sup>rd</sup> meeting (3–5 April 2018) and gave guidance for the future work;

- (iv) took note of the start of the work by the Drafting Group DH-SYSC-III on the updating of Recommendation (2004)4 of the Committee of Ministers to member States on the European Convention on Human Rights in university education and professional training.
- (d) concerning the development and promotion of human rights, examined the ongoing work in its different Drafting Groups and gave guidance for the future work. In that context, the CDDH:
- (i) adopted its Analysis of the legal framework of the Council of Europe for the protection of social rights in Europe, prepared by the CDDH-SOC, and decided to transmit it to the Committee of Ministers for information (see CDDH(2018)R89add1);
  - (ii) approved the approach of the CDDH-SOC for the drafting of the future report of the CDDH which will identify good practices and make, as appropriate, proposals with a view to improving the implementation of social rights and to facilitating in particular the relationship between the Council of Europe instruments with other instruments for the protection of social rights;
  - (iii) took note of the ongoing preparation, within its Drafting Group CDDH-EXP, of a Guide to good practices on the way of reconciling freedom of expression with other human rights and freedoms, in particular in culturally diverse societies and gave guidance in view of the finalisation of this work in 2019;
  - (iv) exchanged views on the ongoing preparation, within its Drafting Group CDDH-MIG, of a draft Manual on the effective alternatives to the detention of migrants and asylum seekers;
  - (v) adopted<sup>1</sup> the Draft Declaration on the need to strengthen the protection and promotion of the civil society space, prepared by the CDDH-INST, and decided to transmit this text to the Committee of Ministers for possible adoption (see CDDH(2018)R89add2);
  - (vi) took note of the overview document on the protection and promotion of civil-society space, based on the compilation of measures and practices in place in the Council of Europe member States, and gave guidance to the CDDH-INST for the continuation of its work;
- (e) concerning bioethics, decided to draft an opinion on the draft Additional Protocol concerning the protection of human rights and dignity of persons with mental disorders with regard to involuntary placement and treatment; took note of the ongoing and future work by the DH-BIO;
- (f) as regards the follow-up to the implementation of instruments already adopted by the CDDH:
- took note of the progress of the work concerning the establishment of the Online Platform on Human Rights and Business in synergy with the HELP Unit; exchanged views on the possibility to and modalities for developing and establishing that Platform;

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<sup>1</sup> Adoption *ad referendum* going to an end by 16 July 2018 end of business.

- exchanged views on the state of preparation of the Conference on “Policy For Progress: Ending Female Genital Mutilation (FGM) and Forced Marriage” (London, 15–16 November 2018) (see draft Programme in [Appendix VII](#) below);
  - exchanged views on the state of preparation of a Workshop on the protection of victims of terrorist acts;
  - exchanged views on the awareness-raising to be conducted concerning the Council of Europe Convention on Access to Official Documents;
  - exchanged views on the practical arrangements concerning the transmission of the replies to the questionnaire on the implementation of Recommendation CM/Rec(2010)05 of the Committee of Ministers to member States on measures to combat discrimination on grounds of sexual orientation or gender identity;
- (g) decided to prepare an opinion on the draft “Venice principles on the protection and promotion of the institution of the Ombudsman”;
- (h) exchanged views on the state of signatures and ratifications of the Conventions for which the CDDH is responsible;
- (i) took note of the information given by its focal points with other bodies and appointed its focal points for the Ad hoc Committee for the Rights of the Child (CAHENF) and the Committee of the Parties to the Convention of the Council of Europe on the Protection of Children against Sexual Exploitation and Sexual Abuse (“Lanzarote Committee”) (see [Appendix VIII](#) below);
- (j) decided on the personalities to be invited to its future meetings;
- (k) exchanged views on the publications and dissemination of publications of the CDDH and of the Annual Report on the supervision of the execution of judgments and decisions of the Court;
- (l) conducted a follow-up to its work on the promotion of human rights of older persons through an Exhibition at the initiative of the Permanent Representation of the Federal Republic of Germany as well as by a Workshop of the CDDH under the auspices of the Croatian Chairmanship of the Committee of Ministers concerning the implementation of Recommendation CM/Rec(2014)2 on the promotion of human rights of older persons; decided to inform the Committee of Ministers in due course of the results of the Workshop and the member States’ replies to the questionnaire on the national implementation of this instrument;
- (m) adopted the calendar of meetings of the CDDH and its subordinate bodies for the second semester of 2018 and for 2019 (see [Appendix IX](#) below);
- (n) adopted the deadlines for the continuation of its various work (see [Appendix X](#) below).

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

1. Following the opening of the meeting by the Chairperson, the CDDH adopted its agenda as it appears in Appendix I below and approved the order of business proposed by the Bureau.

2. The new Director General of the DGI, Mr Christos GIAKOUMOPOULOS, welcomed the participants and was pleased with this first meeting with the Steering Committee in his capacity of Head of the Directorate General Human Rights and Rule of Law. For long he had followed the work of the CDDH, the Organisation's flagship body in the field of intergovernmental co-operation regarding human rights.

3. Mr Giakoumopoulos then introduced to the CDDH the new Director of Human Rights within the DGI, Mr Christophe POIREL.

4. In his address, the Director General referred namely to the following two issues:

- (i) the current contacts between the Council of Europe and the European Commission with a view to a possible relaunch of the EU accession process to the Convention. On 14 June 2018 the Secretary General, Thorbjørn JAGLAND, had addressed a letter to the President of the European Commission, Mr Jean-Claude JUNCKER in which he invited the European Commission to resume negotiations with the Council of Europe on accession, so that the process could be successfully completed as quickly as possible (this letter appears in Appendix IV below).
- (ii) The Council of Europe Action Plan on the Protection of Refugee and Migrant Children in Europe (2017-2019; see brief information note on this subject in Appendix IV below);

5. The CDDH took note of the accession negotiations and, as the Bureau had already pointed out at its last meeting, indicated that this issue would become a priority for the CDDH as soon as there were clear signals of a political will to move forward. As regards the work relating to the protection of refugee and migrant children in Europe, it is subject to an exchange of views under item 5.3 of its agenda (see below, §§ 31).

**ITEM 2: RECOMMENDATIONS OF THE PARLIAMENTARY ASSEMBLY**

6. Regarding the eight Parliamentary Assembly Recommendations transmitted to it for information and possible comments, the CDDH considered that all the subject-matters addressed in these texts warranted comments by the CDDH<sup>2</sup>.

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<sup>2</sup> Recommendations of the Parliamentary Assembly

2121 (2018) - "The case for drafting a European convention on the profession of lawyer"

2122 (2018) - "Jurisdictional immunity of international organisations and the rights of their staff"

2123 (2018) - "Strengthening international regulations against trade in goods used for torture and the death penalty"

2125 (2018) - "State of emergency: Proportionality issues concerning derogations under Article 15 of the European Convention on Human Rights";

2126 (2018) - "Humanitarian needs and rights of internally displaced persons in Europe"

2129 (2018) - "Copenhagen Declaration, evaluation and follow-up"

2130 (2018) - "Legal challenges related to hybrid war and human rights obligations"

2132 (2018) - "Detainees with disabilities in Europe".

7. The CDDH exchanged views with the representatives of the Council of Bars and Law Societies (CCBE) during its examination of Recommendation 2121 (2018)<sup>3</sup> as well as with the representatives of *Amnesty International* and with the NGO *Omega Research Foundation* during its examination of Recommendation 2123(2018)<sup>4</sup>. The texts of the speeches delivered by the mentioned representatives appear in Appendix VI below.

8. Following a detailed examination of each Recommendation, the CDDH adopted comments as set out in Appendix V below.

### **ITEM 3: IMPLEMENTATION OF THE TERMS OF REFERENCE OF THE CDDH FOR 2018-2019**

9. As regards the implementation of its terms of reference for 2018-2019 (as set out in Appendix III below), the CDDH was informed about the current budgetary situation of the Organisation and the implications for the CDDH Secretariat in terms of financial and human resources. These issues were mentioned by the Director General of the DGI in his opening speech. The CDDH expressed high appreciation of its Secretariat and considered it crucial that sufficient budgetary and human resources were available for carrying out its tasks.

10. During its exchange of views the CDDH:

- (i) made adjustments in its calendar of activities (see item 13 below). In particular, it decided to postpone the autumn 2018 meeting of the CDDH-EXP as well as to combine the next DH-SYSC meeting with that of the CDDH in June 2019, in accordance with a formula to be determined by the Bureau in November 2018, upon consultation with the DH-SYSC Chairperson and the Secretariat;
- (ii) decided to invite the Chairs of the DH-SYSC and of the CDDH-SOC to the next meeting of the Bureau in November 2018, in order to prepare the discussions at the CDDH plenary in November 2018 concerning the respective work of these bodies;
- (iii) took note of the activities envisaged by the Chairmanships of the Committee of Ministers during the present biennium 2018–2019<sup>5</sup>;
- (iv) indicated that in November 2018 it would hold an in-depth exchange of views on the activities it wishes to pursue/launch during the next biennium 2020-2021, so as to submit its formal proposals to the Committee of Ministers in June 2019. It is recalled that the latter will adopt its decisions in this regard in autumn 2019.

### **ITEM 4: SYSTEM OF THE EUROPEAN CONVENTION ON HUMAN RIGHTS**

11. The CDDH examined the follow-up to the Copenhagen Declaration as well as the work under way in the Drafting Groups DH-SYSC-II, DH-SYSC III and in the Committee of Experts on the system of the Convention (DH-SYSC).

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<sup>3</sup> "The case for drafting a European convention on the profession of lawyer"

<sup>4</sup> "Strengthening international regulations against trade in goods used for torture and the death penalty"

<sup>5</sup> Croatia (May - November 2018); Finland (November 2018 - May 2019); France (May 2019 - November 2019); Georgia (November 2019 - May 2020)



#### 4.1 Follow-up to the Copenhagen Declaration

12. The delegation of Denmark in the CDDH presented the results of the High-level Conference "*Continuing Reform of the European Court of Human Rights Convention System - Better Balance, Improved Protection*", organised by the Danish Chairmanship of the Committee of Ministers and held in Copenhagen on 11–13 April 2018. The CDDH expressed its appreciation of the event and warmly thanked the Danish authorities for their hospitality.

13. The CDDH exchanged views with the Danish delegation on the Copenhagen Declaration adopted at this Conference. Referring to § 41 of this Declaration, the Danish delegation announced that Denmark will host another informal meeting between States Parties and other stakeholders to discuss the implementation of the Copenhagen Declaration, presumably in October 2018 in Kokkedal.

14. Moreover, the CDDH took note of the information provided by the delegation of Denmark as well as by the Secretariat on the decisions of the 128<sup>th</sup> Session of the Committee of Ministers (Elsinore, Denmark, 18 May 2018) concerning the follow-up to be given to the Declaration of Copenhagen.

#### 4.2 The place of the Convention in the European and international legal order (DH-SYSC-II)

15. The Chairperson of the Drafting Group on the place of the European Convention on Human Rights in the European and international legal order (DH-SYSC-II), Ms. Florence MERLOZ (France), reported on the works of the Group's 3<sup>rd</sup> meeting (3–5 April 2018). In this context the Chairperson:

- (i) stated that Mr Petr VÁLEK (Czech Republic), Vice-Chairperson of the Committee of Legal Advisers on Public International Law of the Council of Europe (CAHDI), had participated in the meeting and provided a valuable contribution to the Group's work;
- (ii) informed the CDDH that she had presented the Group's work to the CAHDI on 22 March 2018 upon the invitation of the latter. She furthermore pointed out that the presentations made to the Group by two *ad hoc* experts, Professor Rick LAWSON (University of Leiden) and Professor Sébastien TOUZÉ (University Paris II Panthéon-Assas) were much appreciated and useful for the Group;<sup>6</sup>
- (iii) stated that, at its 3<sup>rd</sup> meeting, the Group had considered issues concerning (i) State responsibility and extraterritorial application of the European Convention on Human Rights (ECHR) and (ii) interaction between the resolutions of the Security Council and the ECHR on the basis of two chapters presented by the co-rapporteurs.<sup>7</sup> In addition, the Group held a first discussion on the issues of (iii) the methodology of interpretation by the European Court of Human Rights and its approach to international law and (iv) the interaction between international humanitarian law and the ECHR. The co-rapporteurs had been invited to submit to the Group, before 29 June 2018, draft chapters prepared or revised in the light of the decisions taken by the Group at the meeting. The Chair emphasised that the purpose of the

<sup>6</sup> Prof. LAWSON and TOUZÉ made presentations on respectively (i) State responsibility and extraterritoriality of the Convention; and (ii) the interaction between international humanitarian law and the Convention.

<sup>7</sup> Mr Chanaka WICKREMASINGHE (United Kingdom) and Prof. Alexei ISPOLINOV (Russian Federation).

work was not to give instructions to the Court, but to preserve the effectiveness of the Convention system against the risk of fragmentation of the international legal order.

16. The Chairperson of DH-SYSC II recalled that at its forthcoming 4<sup>th</sup> meeting (25–28 September 2018), the DH-SYSC-II would discuss and adopt the entire chapter on the challenge of interaction between the Convention and other branches of international law (Theme 1) of its future report, which consists of the four parts mentioned above. Furthermore, it would hold a first discussion on the challenge of the interaction between the ECHR and other international human rights instruments to which the Council of Europe member States are parties (Theme 2).

17. During its exchange of views on the work of the Drafting Group, the CDDH expressed its appreciation to the Chairperson for the considerable amount of work already accomplished by the Group on this complex issue. In this regard, the CDDH:

- (i) recalled that by the end of this biennium (92<sup>nd</sup> meeting, November 2019) it should adopt the future report on the place of the Convention in the European and international legal order. It was part of the discussions on the longer-term future of the ECHR system and should be reflected in the "contribution of the CDDH to the Interlaken process" at the end of 2019.
- (ii) noted that it had been agreed that the follow-up to be given to the future report will depend on the findings and proposals made by the latter and should be determined after the finalisation of the report. An overview of the "contribution of the CDDH to the Interlaken process" should be prepared for the CDDH meeting in November 2018.

18. *Committee of Experts on the system of the European Convention on Human Rights (DH-SYSC)* - With regard to the work of the DH-SYSC, the CDDH took note of the Council of Europe's budgetary restrictions and noted that the main task of the DH-SYSC at its next meeting would be to consolidate the work currently conducted by its DH-SYSC-II Drafting Group<sup>8</sup>. It was agreed that the meeting of the DH-SYSC scheduled for 18–19 October 2018 would be postponed until 2019, which would enable the Committee of Experts to take a decision on the work of the DH-SYSC-II at an advanced stage of the latter's work.

#### **4.3 The ECHR in university education and professional training (DH-SYSC-III)**

19. The CDDH was informed about the preparatory work of the Drafting Group on the follow-up to Recommendation Rec(2004)4 (DH-SYSC-III) and the envisaged next steps. In particular, two documents prepared by the Secretariat had recently been distributed - one (DH-SYSC-III(2018)02) containing proposals on the method of updating Recommendation Rec(2004)4 and the other (DH-SYSC-III(2018)03) containing updated information on the implementation of Recommendation Rec(2004)4 by the member States.

20. The CDDH invited all its participants to submit their comments and proposals. Moreover, it invited national delegations in particular to check the information concerning their own country before 16 July 2018, so that the Secretariat could prepare a consolidated version of the two documents by September 2018. It was at present envisaged that the

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<sup>8</sup> Furthermore, the DH-SYSC will be called upon to organise relevant work on the Guide to Good Practice that accompanies Recommendation Rec (2010) 3 of the Committee of Ministers to member States on effective remedies for excessive length of proceedings.

members of the Group would pursue their exchanges electronically; a meeting in Strasbourg might nevertheless be envisaged for December 2018 or January 2019.

## **ITEM 5: DEVELOPMENT AND PROMOTION OF HUMAN RIGHTS**

21. The CDDH considered the work in progress within its various Drafting Groups on the development and promotion of human rights in the following areas: social rights; freedom of expression and links with other human rights; human rights and migration; and civil society and national human rights institutions.

### **5.1 Social rights (CDDH-SOC)**

22. The Chairperson of the Drafting Group on Social Rights CDDH-SOC, Mr Vít A. SCHORM (Czech Republic), reported on the work of the 2<sup>nd</sup> meeting of the Group (2–4 May 2018). He welcomed the participation in the meeting of the President of the European Committee of Social Rights (ECSR) and the Head of the Department of the European Social Charter and his Deputy, during which the President of the ECSR, Professor Giuseppe PALMISANO and Mr Christos GIAKOUMOPOULOS, Director General of the Directorate General of Human Rights and Rule of Law, had made presentations.

23. The Chairperson of the CDDH-SOC pointed out that at its 2<sup>nd</sup> meeting the Drafting Group had in particular:

- (i) discussed and adopted the draft Analysis of the legal framework of the Council of Europe for the protection of social rights in Europe (first report);
- (ii) exchanged views on the replies to the questionnaire on good practices on the implementation of social rights at national level;
- (iii) held a first exchange of views on the structure and substantive content of the second report which the CDDH was expected to draft by the end of 2019 and which would identify good practices and formulate, as appropriate, proposals towards improving the implementation of social rights and in particular towards facilitating the articulation of Council of Europe instruments with other instruments for the protection of social rights;
- (iv) decided that the Secretariat would provide preliminary preparatory work for the structure and substantive content of the second report for the 3<sup>rd</sup> meeting of the CDDH-SOC (5–7 September 2018) taking into account any instructions that would be issued.<sup>9</sup>

24. The CDDH welcomed the remarkable work undertaken by the CDDH-SOC. Following a detailed examination of the draft text submitted by the Drafting Group, the CDDH adopted its "Analysis of the legal framework of the Council of Europe for the protection of social rights in Europe" and decided to transmit it to the Committee of Ministers for information (see CDDH(2018)R89add1).

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<sup>9</sup> It is envisaged that the Secretariat prepares a working document combining the draft overview over the possible contents of the second report presenting proposals with a view to improving the implementation of social rights (document CDDH-SOC(2018)08) with elements of the Summary (CDDH-SOC(2018)07) and of the Short analysis of the replies to the questionnaire (CDDH-SOC(2018)06). The document will also include the conclusions drawn from the Analysis of the legal framework of the Council of Europe for the protection of social rights in Europe (document CDDH(2018)R89add1).

25. The CDDH also exchanged views on the content of the future second report. In this context, the Steering Committee:

- (i) approved the approach proposed by the CDDH-SOC for the preparation of the future report;<sup>10</sup>
- (ii) noted that the future second report should include proposals based on the challenges identified in particular in the first report as well as in the replies to the above-mentioned questionnaire and focus on the question of how the current system for the protection of social rights could be strengthened and made more efficient. On the other hand, the reasons for not having a larger number of Member States that have ratified the Revised Charter or the Additional Protocol to the European Social Charter providing for a system of collective complaints should be analysed;
- (iii) invited participants to make written proposals on the content of the future second report until the end of August 2018.

## **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 3<sup>rd</sup> 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,

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<sup>10</sup> According to the CDDH-SOC (see the report of its 2nd meeting, CDDH-SOC (2018) R2, §§ 14-15), the second report should in particular

- (i) focus on the Charter system and address the grounds why the member States have not to date given it a more important role and how these grounds could be addressed;
- (ii) give reasons to member States for ratifying the Revised Charter and for accepting the collective complaints procedure, notably to promote social cohesion;
- (iii) address the complexity of the national reporting system under the Charter and how it could be improved, as well as the positive aspects and added value, but also the issues raised by the collective complaints procedure;
- (iv) address other specific aspects mentioned in §14 of the report of the 2nd meeting of the CDDH-SOC.

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.

### **5.3 HUMAN RIGHTS AND MIGRATION (CDDH-MIG)**

28. The CDDH took note with satisfaction of the information provided to promote the dissemination in the member States of the analysis adopted by the CDDH on the "legal and practical aspects of effective alternatives to detention in the context of migration".

29. The Chairperson of the Drafting Group on Human Rights and Migration (CDDH-MIG), Mr Morten RUUD (Norway) then presented the work accomplished during the 4<sup>th</sup> meeting of the Group on 21–23 March 2018. He pointed out that, at that meeting the Group had in particular examined the preliminary structure of the Handbook on effective alternatives to detention of migrants and asylum seekers.

30. The CDDH welcomed the progress accomplished. In view of the complexity and sensitive character of the issues addressed by this Drafting Group, it considered that the future work of the Group should be limited to a better implementation of the existing basic standards in this area without trying to establish new rules. To this end, the Handbook on effective alternatives to detention of migrants and asylum seekers, to be drafted by the CDDH-MIG at its meeting in October 2018, should focus on the didactic and practical aspects. Furthermore, the CDDH took note of the CDDH-MIG's intention to discuss with external experts at its 5<sup>th</sup> meeting (23–25 October 2018).

31. Finally, the CDDH exchanged views on the possible work regarding the protection of refugee and migrant children in Europe, which had been mentioned by the Director General of the DGI in his opening speech. To this end, the CDDH considered the concise information on the matter distributed during the meeting (see [Appendix IV](#) below). At this stage, the CDDH noted that work in this area could probably begin at the end of 2019 with a view to the possible drafting of such an instrument during the 2020-2021 biennium. The CDDH-MIG was invited to hold an exchange of views on this issue during its 5<sup>th</sup> meeting (23–25 October 2018).

### **5.4 Civil society and national human rights institutions (CDDH-INST)**

32. The Chairperson of the Drafting Group on civil society and national human rights institutions (CDDH-INST), Ms. Krista OINONEN (Finland), informed the CDDH that at its 3<sup>rd</sup> meeting (14–16 March 2018) the Group had prepared a preliminary draft Declaration of the Committee of Ministers on the need to strengthen the protection and promotion of the civil society space in Europe (document CDDH-INST(2018)04Rev).

33. The CDDH reviewed the contents of the document and praised the quality of the work accomplished. At the end of its examination, it adopted *ad referendum* until 16 July 2018 its draft Declaration as set out in document CDDH(2018)R89add2 and decided to transmit it to the Committee of Ministers for possible adoption.

34. The Chairperson further mentioned that 22 member States and many members of the European Network of National Human Rights Institutions (ENNHRI) had responded to

the CDDH-INST(2017)06 questionnaire and that their contributions had been compiled in document CDDH-INST(2018)05Rev, which the Group had considered at its 3<sup>rd</sup> meeting. The Group considered it difficult to make a selection of the "good practices" transmitted by the member States, and for this reason it had decided to prepare, in addition to the Compilation of the national contributions received in reply to the questionnaire (CDDH-INST(2018)05Rev), a summary document presenting some general conclusions which could be drawn from the contributions. The CDDH then took note of this summary document (CDDH-INST(2018)06).

35. The CDDH welcomed the initiative of the Finnish authorities, in the framework of their Chairmanship of the Committee of Ministers, to organise a Workshop on civil society space. It would take place on 29 November 2018 in the afternoon during the 90<sup>th</sup> meeting of the CDDH.

36. Finally, the Chair of the CDDH-INST reported that, following an exchange of views at its 3<sup>rd</sup> meeting with the Head of the Independent Human Rights Institutions Division and the Secretariat of the Venice Commission, the Drafting Group had agreed to extend its work to a possible updating of Recommendation No. R(85)13 of the Committee of Ministers on the institution of the ombudsman, in addition to the work - foreseen in its mandate - on 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.

37. The CDDH endorsed this decision and provided guidance to the CDDH-INST for its further work, in particular to give priority to the work on Recommendation No. R(85)13, as the Venice Commission is working in parallel on the "Venice Principles" on the protection and promotion of the ombudsman institution.

38. With regard to the said principles, the CDDH took note of the information provided by its focal point in the Venice Commission, Ms Brigitte OHMS (Austria), (see item 8 below).

- (i) The Venice Commission had indeed decided to codify a set of constitutional and legal principles specifically devoted to the institution of the Ombudsman<sup>11</sup> and had in particular asked the CDDH to give its opinion on the draft text currently being elaborated.
- (ii) The CDDH welcomed this work and considered that its future opinion on the Venice Principles should be prepared by its CDDH-INST Drafting Group at its meeting on 19–21 September 2018, particularly in the light of the comments expressed by the participants at the present meeting of the CDDH.

#### **ITEM 6: MONITORING ACTIVITIES CARRIED OUT BY THE CDDH**

39. The CDDH exchanged views and gave guidance on the current work on monitoring some of the work it has already done in the following areas: human rights and business; female genital mutilation and forced marriage; victims of terrorist acts; access to public documents; discrimination based on sexual orientation or gender identity.

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<sup>11</sup> The project contains 23 principles inspired by the "Paris Principles" concerning national institutions for the protection and promotion of human rights. The project constitutes a set of guidelines including: (i) the criteria and procedures for the election of the Ombudsman, including terms of office and reasons for early leave; (ii) the need to give the Ombudsman the power to investigate cases, to access sensitive files where necessary, to make recommendations and to advise on legislation or general administrative rules; (iii) the human and material resources to be provided to the Ombudsman to fulfill his mandate.

### **6.1 Human rights and business**

40. The Secretariat informed the CDDH of the developments in the ongoing work on the creation and implementation of the Online Platform on human rights and business (document CDDH(2018)05) in synergy with the HELP Unit<sup>12</sup> of the Division of National Implementation of Human Rights. During the exchange of views that followed, the CDDH:

- (i) addressed the issue of financial contributions needed from member States to enable the establishment and launch of this platform;
- (ii) examined the practical arrangements for developing and enriching the future platform, notably information from the different stakeholders, including member States and other actors such as the European Fundamental Rights Agency (FRA) or the European Network of National Human Rights Institutions (ENNHRI), but also companies. The latter should be more involved in the project.

41. Following this exchange, the CDDH requested the Secretariat to prepare a document containing:

- (i) information provided by ENNHRI;
- (ii) information on the various programmes under way within the HELP Programme and
- (iii) the different avenues for developing the platform.

### **6.2 Female genital mutilation and forced marriage**

42. The representative of the United Kingdom provided information on the London Conference "Policy for Progress: Ending FGM and Forced Marriage", organised under the auspices of the Council of Europe, which was postponed to 15 and 16 November 2018 (see [Appendix VII](#) below). The objective of the Conference is to raise awareness of the CDDH's recent Guide to good and promising practices aimed at preventing and combating female genital mutilation and forced marriage, as well as to promote the exchange of practices and develop cooperation in this area.

43. He invited member States to nominate national experts who could be invited to the Conference and also to inform the Conference organisers by 6 July 2018 using the e-mail address indicated in the provisional programme of the Conference which had been distributed during this meeting.

### **6.3 Victims of terrorist acts**

44. The delegate of France informed that her authorities were planning to organise a Workshop on the protection of victims of terrorist acts during the French Chairmanship of the Committee of Ministers (May–November 2019). Preliminary information is contained in document CDDH(2017)06. This event, scheduled for June 2019 during the 91<sup>st</sup> meeting of the CDDH, would be prepared in close cooperation with the Secretariat and notably be based on the replies to be submitted by member States to a questionnaire on the protection of victims of terrorist acts. The workshop will aim namely at:

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<sup>12</sup> The European Programme for Human Rights Education for Legal Professionals (HELP) supports Council of Europe member States in the implementation of the European Convention on Human Rights at national level.

- (i) raising awareness among member States of the revised Guidelines on the protection of victims of terrorist acts, which had been prepared by the CDDH<sup>13</sup> and adopted by the Committee of Ministers on 19 May 2017;
- (ii) evaluating the implementation of these Guidelines in the member States and
- (iii) exchanging views on good practice in protecting the human rights of victims of terrorist acts. Since the rights of victims must be protected in close cooperation with civil society, an exchange of views will take place with the associations concerned.

45. The CDDH welcomed this initiative. It requested the participants to provide the Secretariat (DGI-CDDH@coe.int) by 28 September 2018 with their comments on the content of the above-mentioned document CDDH(2017)06, as well as information on relevant associations and stakeholders of civil society<sup>14</sup> who should be invited to complete the questionnaire contained therein. On this basis, a list of civil society representatives invited to participate in the Workshop will be established at a later stage.

#### **6.4 Access to public documents**

46. The CDDH exchanged views on the issue of access to public documents. Several delegations reiterated their interest in raising awareness of the Tromsø Convention. This could, if necessary, be done via a workshop that could take place in the framework, for example, of the future Georgian Chairmanship of the Committee of Ministers (November 2019–May 2020), given that Georgia is the one of the member States that have already signed the Convention.

#### **6.5 Discrimination on grounds of sexual orientation or gender identity**

47. Ms Evgenia GIAKOUMOPOULOU, representative from the "Sexual Orientation and Gender Identity" Unit (SOGI), informed the CDDH of the status of the follow-up work on the implementation of the 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. In particular, she referred to the questionnaire that had been sent out on this subject and to the fact that few responses had been received at this stage. The CDDH decided to extend the deadline for replying until Friday 31 August 2018 (see [Appendix XI](#) below).

48. With regard to a possible follow-up Conference to the Recommendation, the CDDH took note of the possibility of organising a half-day Workshop at the 91<sup>st</sup> or 92<sup>nd</sup> meeting of the CDDH (June or November 2019). This event would be organised by the Secretariat (SOGI Unit) in cooperation with the European Network of Government Focal Points, under the aegis, if so, of the future French Chairmanship of the Committee of Ministers. The Workshop could focus for example on one or two issues of common interest to the governments of member States in the area of equality policies. The CDDH will revert to this matter and to practical modalities of such event at its next meeting (November 2018).

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<sup>13</sup> The CDDH welcomed the recent publication of a volume containing the text of the revised Guidelines as well as the text of the Guidelines of the Committee of Ministers on human rights and the fight against terrorism (11 July 2002) and the Proceedings of the High Level Seminar which took place on 13-14 June 2005.

<sup>14</sup> In this context, the delegate of ENNHRI expressed the availability of her institution to cooperate with the Secretariat in gathering information on the work carried out by human rights defenders on the protection of human rights victims of terrorist acts.



**ITEM 7: BIOETHICS**

49. The Secretary of the Committee on Bioethics (DH-BIO), Ms. Laurence LWOFF, reported on the works during the 13<sup>th</sup> meeting of the Committee (22–25 May 2018, document DH-BIO/RAP 13).

50. In this context, the CDDH noted that the DH-BIO had invited it to provide, by 12 November 2018, its opinion on the draft Additional Protocol on the protection of human rights and dignity of persons with mental disorders with regard to involuntary placement and treatment.<sup>15</sup> In order to be able to adopt its opinion within the time-limit fixed (12 November 2018), the CDDH invited its participants to send their comments-information-proposals on the draft Additional Protocol to the Secretariat (DGI-CDDH@coe.int) by Monday 15 October 2018.

51. Furthermore, the CDDH took note the DH-BIO's work concerning:

- (i) the modification of the human genome;
- (ii) preparation of a guide on public debate which will include concrete examples of initiatives for public debate on new technologies in the bio-medical field;
- (iii) preparation of the Strategical action plan aimed to responding to the challenges raised in respect of human rights by the developments, notably technological, in the bio-medical field, based in particular on the results of the Conference organised at the occasion of the 20<sup>th</sup> anniversary of the Oviedo Convention;
- (iv) contribution of the DH-BIO to the work of the CAHENF, relating in particular to the multidisciplinary age assessment of migrant children<sup>16</sup>.

**ITEM 8: FOCAL POINTS**

52. The CDDH was informed by the experts (focal points) representing it in other fora about the work carried out since its 88<sup>th</sup> meeting (5–7 December 2017). In this context, it took note in particular of:

- (i) the presentation on the Venice Commission's work by Mrs Brigitte OHMS (Austria);
- (ii) the presentation of the work of the European Committee on Legal Co-operation (CDCJ) by Ms Maria de Fátima GRAÇA CARVALHO (Portugal).

53. Furthermore, the CDDH reviewed the current list in order to decide on the relevance of maintaining all the focal points. The CDDH reiterated that, in many cases, the focal points were limited to collecting information on the results of meetings of other bodies. Their physical participation in the meetings of these bodies would be examined on a case by case basis in the light of the agendas.

54. Finally, the CDDH appointed Ms Brigitte KONZ (Luxembourg) as focal point respectively for the Ad hoc Committee for the Rights of the Child (CAHENF) and the Committee of the Parties to the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Abuse ("Lanzarote Committee").

55. The list of focal points as approved by the CDDH is set out in [Appendix IX](#) below.

<sup>15</sup> At its 13<sup>th</sup> meeting (22-25 May 2018) the DH-BIO agreed to send the draft Protocol, for comment, to the CDDH, the European Committee for the Prevention of Torture (CPT), the Parliamentary Assembly, the Commissioner for Human Rights and the Conference of the INGOs. On 18 June 2018, the Chair of the DH-BIO, Ms Beatrice IOAN, sent a letter to this respect to the Chair of the CDDH.

<sup>16</sup> One of the key questions is whether the medical examination should be the last or the first recourse.

**ITEM 9: GUESTS**

56. During this meeting, the CDDH exchanged views with:

- (i) the representative of the Council of Bars and Law Societies of Europe (CCBE), Mr Laurent PETTITI, Lawyer at the Paris Bar, in the framework of its discussions on the Recommendation PACE 2121(2018) - "The case for drafting a European convention on the profession of lawyer" (see item 2 above);
- (ii) *Amnesty International* representatives, Ms Ara MARCEN NAVAL and Ms Rita PATRICIO, and the representative of the *Omega Research Foundation*, Dr Michael CROWLEY, in the framework of its work on Recommendation PACE 2123(2018) - "Strengthening international regulations against trade in goods used for torture and the death penalty" (see item 2 above).

57. The CDDH thanked these speakers for their presentations which were clear and interesting. A summary of these is contained in Appendix VI below.

58. With regard to future meetings, the CDDH instructed the Secretariat to make the necessary contacts in order to exchange views with the following personalities:

- Ms Dunja MIJATOVIC, new Council of Europe Commissioner for Human Rights, at its 90th meeting (November 2018), on the priorities she intends to pursue in the exercise of her high office;
- Mr Rainer HOFMANN, Independent person who sits on the Management and Executive Boards of the European Union Agency for Fundamental Rights (FRA), at its 90<sup>th</sup> meeting (November 2018), on the work of common interest carried out or envisaged by the Agency;
- Mr Jan KLEIJSEN, Director of the Information Society and the Action Against Crime (DGI), at its 91<sup>st</sup> meeting (June 2019), on the implications on human rights of developments in the field of artificial intelligence.

**ITEM 10: CONVENTIONS OF THE COUNCIL OF EUROPE**

59. The CDDH exchanged information on the state of signatures and ratifications of the instruments for which it is responsible<sup>17</sup> in the light of the information provided in document CDDH(2018)07 prepared by the Secretariat. It noted that in four member States that have signed but not yet ratified Protocol No. 15 to the European Convention on Human Rights, the ratification process was underway and it was hoped that this instrument would enter into force in the coming months.

60. With regard to Protocol No. 16, which would enter into force on 1 August 2018 in respect of the ten ratifying States<sup>18</sup>, the CDDH considered that its progressive implementation by the Court would be a decisive factor in encouraging new ratifications. The CDDH instructed its Secretariat to follow the developments in the implementation of Protocol No. 16 with a view to preparing, at an appropriate stage, a document presenting the most relevant modalities for the future follow-up, by the CDDH, to this implementation.

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<sup>17</sup> 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.

<sup>18</sup> Albania, Armenia, Estonia, Finland, France, Georgia, Lithuania, San Marino, Slovenia, Ukraine.

61. The CDDH also exchanged views on the possible relaunch of the EU's accession process to the Convention (see item 1 above) and on the awareness-raising work regarding the Council of Europe Convention on access to public documents (see item 6.4 above).

## **ITEM 11: PUBLICATIONS**

62. The CDDH exchanged views with Mr Fredrik SUNDBERG, Acting Head of the Department of the Execution of judgments of the European Court of Human Rights, on the 2017 Annual Report on the execution of judgments and decisions of the Court and on the perspectives of publication of this tool in the forthcoming years.

(i) The CDDH welcomed the high quality of the report, which was a major source of information for the member States and notably for Government Agents, and appreciated to receive an overview, at regular intervals, of the relevant developments in the process of the supervision of the execution of judgments concerning all member States.

(ii) In view of the budgetary restrictions, it might be reflected whether the thematic overview of the most important developments in the supervisory process in the reference year contained in the report could be replaced by an overview which could be consulted online and would be updated at any time, as soon as the IT instruments would allow access to such an overview.

63. In addition, the CDDH took note of recent texts published by the CDDH, in particular on "Protection of Victims of Terrorist Acts", "Selection and Election of Judges of the European Court of Human Rights" and "Female genital mutilation and forced marriage".

64. In addition, it noted that the content of the publication of the "Yearbook of the European Convention on Human Rights" was checked by the CDDH Secretariat.

## **ITEM 12: PROMOTING THE HUMAN RIGHTS OF OLDER PEOPLE**

65. In response to the mandate received from the Committee of Ministers concerning the review of the implementation of Recommendation CM/Rec(2014)2 of the Committee of Ministers to member States on the promotion of the human rights of older persons (19 February 2014) the CDDH carried out several works during the present meeting. They would be reflected in the activity report that the Steering Committee would adopt in November 2018 for transmission to the Committee of Ministers, in fulfilling the mandate received for the present biennium.

### **12.1 Exhibition**

66. The CDDH welcomed the initiative of the Permanent Representation of the Federal Republic of Germany, in cooperation with the Croatian Chairmanship of the Committee of Ministers, to organise a photographic Exhibition which was inaugurated on Thursday 21 June 2018 in the lobby of the Agora building. This travelling exhibition, which had already been presented in Geneva, provided useful elements of reflection for the Workshop which subsequently took place in the CDDH.

### **12.2 Workshop**

67. At its present meeting, the CDDH organised on Thursday, 21 June 2018, its Workshop on the promotion of the human rights of older persons, under the aegis of the Croatian Chairmanship of the Committee of Ministers. This event was part of the review of

the implementation by member States of the aforementioned Recommendation CM/Rec(2014)2. The workshop programme is attached as Appendix XI. below.

(i) The CDDH particularly appreciated the practical approach taken towards the topic during the Workshop, especially during the second working session.

(ii) It exchanged views on the public targeted by an event of this kind, some experts having wished that the Workshop be addressed to a wider audience than the participants in the CDDH. The question posed was whether the CDDH should and could organise a promotional event to sensitise stakeholders other than the usual participants of its meetings. In this context, the budgetary and human resources limitations that prevent a broader participation and involvement in such events were mentioned, as well as the fact that those events are not reserved to the CDDH members, who are encouraged to be accompanied by representatives of the relevant State authorities (provided that they come at their own expense). It was also reiterated that the the Workshop proceedings would be published, notably with a view to transmitting to the national authorities the issues raised at the Workshop, including the very interesting information and statistics presented.

### **12.3 Answers to the questionnaire**

68. The CDDH noted the large number of replies from member States to the Secretariat's questionnaire which would be duly reflected the conclusions of its activity report for the Committee of Ministers.

#### **ITEM 13: CALENDAR**

69. In the light of its discussion of item 3 above (terms of reference of the CDDH for 2018–2019), the CDDH exchanged views on its calendar for 2018 and 2019 (see Appendix X below).

(i) It decided to postpone the holding of the CDDH-EXP and DH-SYSC meetings initially scheduled for the autumn of 2018 (see items 5.2 and 4.2 above);

(ii) For other meetings, it decided to keep the dates currently fixed and noted that any change in dates entailed considerable difficulties for both the Secretariat and the experts;

(iii) With regard to the next meeting (November 2018), the CDDH noted that the day before this meeting, on Monday 26 November 2018, there would be a meeting for Government Agents with the Registry of the Court in the morning and, in the afternoon, the Workshop planned by the Finnish authorities to celebrate and take stock of the 20 years of the new Court.

#### **ITEM 14: ACKNOWLEDGMENTS**

70. The CDDH expressed its deep gratitude to Mr. Frank SCHÜRMAN (Switzerland), a long-time member of the CDDH, for his exemplary commitment to the Steering Committee and wished him all the best for the future.

Appendix I**Agenda**

	<b>ITEM 1: OPENING OF THE MEETING, ADOPTION OF THE AGENDA AND ORDER OF BUSINESS</b>
<a href="#">CDDH(2018)03</a>	Annotations on the draft agenda and order of business
<a href="#">CDDH(2017)R88</a>	Report of the 88 <sup>th</sup> CDDH meeting (5–7 December 2017)
<a href="#">CDDH-BU(2018)R99</a>	Report of the 99 <sup>th</sup> Bureau meeting (Andorra la Vella, 17–18 May 2018)
	<b>ITEM 2: RECOMMENDATIONS OF THE PARLIAMENTARY ASSEMBLY</b>
<a href="#">CDDH(2018)04</a> <a href="#">CDDH-(2018)04add</a>	Texts of the Recommendations and elements for possible comments
	<b>ITEM 3: IMPLEMENTATION OF THE TERMS OF REFERENCE OF THE CDDH FOR 2018–2019</b>
<a href="#">CDDH (2018)01</a>	Terms of Reference of the CDDH for the biennium 2018–2019
	<b>ITEM 4: SYSTEM OF THE EUROPEAN CONVENTION ON HUMAN RIGHTS</b>
<a href="#">DH-SYSC(2017)R4</a>	Report of the 4 <sup>th</sup> meeting of the DH-SYSC (9–10 November 2017)
	<b>4.1 Follow-up to the Copenhagen Declaration</b>
	Copenhagen Conference - Continued Reform of the European Human Rights Convention System - Better Balance, Improved Protection (11–13 April 2018)
	<a href="#">Copenhagen Declaration</a>
	<a href="#">Decisions of the Committee of Ministers at its 128<sup>th</sup> Session (Elsinore, Denmark, 18 May 2018)</a>
	<a href="#">Decisions of the Ministers' Deputies (30 May 2018) following up to the Elsinore Session</a>
	<b>4.2 Place of the ECHR in the European and international legal order (DH-SYS- II)</b>
<a href="#">DH-SYSC-II(2018)R3</a>	Report of the 3 <sup>rd</sup> meeting (3–5 April 2018)
	<b>4.3 The ECHR in university education and professional training (DH-SYSC-III)</b>
<a href="#">DH-SYSC-III(2018)02</a>	Points to consider prepared by the Secretariat in light of Recommendation Rec(2004)4 of the Committee of Ministers on the European Convention on Human Rights in university

	education and professional training
<a href="#">DH-SYSC-III(2018)03</a>	Information on the implementation of Recommendation Rec(2004)4 of the Committee of Ministers on the European Convention on Human Rights in university education and professional training
	<b>ITEM 5: DEVELOPMENT AND PROMOTION OF HUMAN RIGHTS</b>
	<b>5.1 Social rights (CDDH-SOC)</b>
<a href="#">CDDH-SOC(2018)R2</a>	Report of the 2 <sup>nd</sup> meeting (2–4 May 2018)
<a href="#">CDDH-SOC(2018)R2 Addendum</a>	Draft Analysis of the legal framework of the Council of Europe for the protection of social rights in Europe
<a href="#">CDDH-SOC(2018)06</a>	Short analysis of the replies to the questionnaire related to the good practices on the implementation of social rights at national level
	<b>5.2 Freedom of expression and links to other human rights (CDDH-EXP)</b>
<a href="#">CDDH-EXP(2018)02</a>	(for information) Compilation of good practices received from member States as well from the European Network of National Human Rights Institutions (ENNHRI)
<a href="#">CDDH-EXP(2018)R3</a>	Report of the 3 <sup>rd</sup> meeting (25–27 April 2018)
<a href="#">CDDH-EXP(2018)R3 Addendum Revised</a>	Draft guide to good practices on the way of reconciling freedom of expression with other rights and freedoms, in particular in culturally diverse societies
	<b>5.3 Human Rights and migration (CDDH-MIG)</b>
<a href="#">CDDH(2017)R88add2</a>	(for information) Analysis of the legal and practical aspects of effective alternatives to detention in the context of migration
<a href="#">CDDH-MIG(2018)R4</a>	Report of the 4 <sup>th</sup> meeting (21–22 March 2018)
	<b>5.4 Civil society and national human rights institutions (CDDH-INST)</b>
<a href="#">CDDH-INST(2018)R3</a>	Report of the 3 <sup>rd</sup> meeting (14–16 March 2018)
<a href="#">CDDH-INST(2018)04Rev</a>	Draft Declaration on the need to strengthen the protection and promotion of the civil society space
<a href="#">CDDH-INST(2018)05Rev</a>	Compilation of the national contributions received in reply to the questionnaire
<a href="#">CDDH-INST(2018)06</a>	Draft overview document on the protection and promotion of the civil-society space, based on the compilation of measures and practices in place in the Council of Europe member States

	<b>ITEM 6: FOLLOW-UP OF ACTIVITIES CARRIED OUT BY THE CDDH</b>
	<b>6.1 Human Rights and Business</b>
<a href="#">CDDH(2018)05</a>	Note by the Secretariat on the follow-up to the implementation of Committee of Ministers' Recommendation <a href="#">CM/Rec(2016)3</a> on human rights and business
	<b>6.2 Female genital mutilation and forced marriage</b>
<a href="#">Link</a>	Declaration of the Committee of Ministers and Guide to good and promising practices aimed at preventing and combating female genital mutilation and forced marriage (13 September 2017)
	<b>6.3 Victims of terrorist acts</b>
CDDH(2018)06	Note by the Secretariat on the state of preparation of the Workshop on protection of victims of terrorist acts (2019)
<a href="#">Link</a>	Revised Guidelines of the Committee of Ministers on the protection of victims of terrorist acts (19 May 2017)
	<b>6.4 Access to official documents</b>
<a href="#">Link</a>	Text of the Council of Europe Convention on Access to Official Documents (2009)
	<b>6.5 Discrimination on grounds of sexual orientation or gender identity</b>
<a href="#">CDDH(2018)02</a>	Questionnaire on the implementation of Committee of Ministers' Recommendation CM/Rec(2010)5 on measures to combat discrimination on grounds of sexual orientation or gender identity
<a href="#">CDDH(2018)02add</a>	(for information) List of members of the European Governmental / LGBTI Focal Points Network
	<b>ITEM 7: BIOETHICS</b>
<a href="#">DH-BIO/abr RAP13</a>	Abridged report of the 13 <sup>th</sup> meeting of the Committee on bioethics (DH-BIO) (22–25 May 2018)
	<b>ITEM 8: FOCAL POINTS</b>
	<b>ITEM 9: INVITEES</b>
	<b>ITEM 10: CONVENTIONS</b>
<a href="#">CDDH(2018)07</a>	Note by the Secretariat
	<b>ITEM 11: PUBLICATIONS</b>

	<b>ITEM 12: PROMOTION OF HUMAN RIGHTS OF OLDER PERSONS Exhibition and Workshop</b>
<a href="#">CDDH-AGE(2018)Programme</a>	Workshop Programme
<a href="#">CDDH-AGE(2018)02</a>	Request of information on the implementation of Recommendation CM/Rec(2014)2 of the Committee of Ministers on the promotion of human rights of older persons
<a href="#">CDDH-AGE(2018)03</a>	Compilation of answers received
<a href="#">CDDH-AGE(2018)04</a>	[DRAFT] CDDH Report on the implementation of the Committee of Ministers' Recommendation CM/Rec(2014)2 on the promotion of human rights of older persons
<a href="#">CDDH-AGE(2018)05</a>	Information regarding general measures taken to implement the relevant judgments of the European Court of Human Rights related to rights of older persons
<a href="#">CDDH-AGE(2018)06</a>	Relevant statistical data concerning demographic trends pertaining to ageing in the Council of Europe member States
	<b>ITEM 13: CALENDAR</b>
	<b>ITEM 14: ACKNOWLEDGMENTS</b>

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Appendix II**List of participants / Liste des participants**  
(89<sup>th</sup> meeting of the CDDH, 19–22 June 2018)**MEMBERS / MEMBRES****ALBANIA / ALBANIE**

Ms Alma HICKA, Ministry of Justice, Tirana

**ANDORRA / ANDORRE**

Mr Joan FORNER ROVIRA, Directeur, Département pour les Affaires bilatérales et consulaires, Ministère des Affaires Extérieures, Andorra la Vella

**ARMENIA / ARMENIE**

Mr Tigran H. GALSTYAN, 2ème Secrétaire / Département juridique, Ministère des Affaires étrangères, Erevan

**AUSTRIA / AUTRICHE**

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

**AZERBAIJAN / AZERBAIDJAN**

Mr Chingiz ASGAROV, Head of the sector on protection of human rights, Department for Coordination of Law Enforcement Agencies, Administration of the President, Prezident Sarayi, Baku

**BELGIUM / BELGIQUE**

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

**BOSNIA AND HERZEGOVINA / BOSNIE-HERZEGOVINE**

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

**BULGARIA / BULGARIE**

Ms Svetlana S. STAMENOVA, Human Rights Directorate, Trainee Attaché, Ministry of Foreign Affairs, Sofia

**CROATIA / CROATIE**

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

**CYPRUS / CHYPRE** (*Apologised*)**CZECH REPUBLIC / REPUBLIQUE TCHEQUE**

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

**DENMARK / DANEMARK**

Mr Jan VAN DEURS, Deputy Head of Division, Department of Law, Ministry of Justice, Copenhagen

**ESTONIA / ESTONIE**

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

**FINLAND / FINLANDE**

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

**FRANCE**

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

**GEORGIA / GEORGIE**

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

**GERMANY / ALLEMAGNE**

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

Dr. Nicola WENZEL, Head of Unit, Human Rights Protection, Government Agent before the ECtHR, Federal Ministry of Justice and Consumer Protection, Berlin

**GREECE / GRECE**

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

**HUNGARY / HONGRIE**

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

**ICELAND / ISLANDE**

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M. Piero VAIRA, Représentant Permanent adjoint, Représentation Permanente de l'Italie auprès du Conseil de l'Europe

Mme Silvia Moretti Stagiaire

**LATVIA / LETTONIE**

Ms Kristine LICE, Government Agent before the ECtHR, Representative of the Government before International Human Rights Organisations, Ministry of Foreign Affairs, Riga

**LIECHTENSTEIN**

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

**LITHUANIA / LITUANIE**

Ms Karolina BUBNYTE-ŠIRMENÉ, Government Agent before the ECtHR, Ministry of Justice, Vilnius

**LUXEMBOURG**

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

**MALTA / MALTE**

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

**REPUBLIC OF MOLDOVA/ REPUBLIQUE DE MOLDOVA**

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

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**MONACO**

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

**MONTENEGRO**

Ms Valentina PAVLIČIĆ, Government Agent before the ECtHR, Serdara Jola Piletića Podgorica

**NETHERLANDS / PAYS-BAS**

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

Ms Clarinda COERT, Senior legal adviser human rights law, Legislation Department and Legal Affairs, Ministry of Security and Justice, The Hague

**NORWAY / NORVEGE**

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

**POLAND / POLOGNE**

Ms Marta KACZMARSKA, Chief specialist, Department for the Proceedings before International Human Rights Protection Bodies, Ministry of Foreign Affairs of Poland

**PORTUGAL**

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

**ROMANIA / ROUMANIE**

Ms Catrinel BRUMAR, Government Agent before the ECtHR, Ministry of Foreign Affairs, Bucharest

**RUSSIAN FEDERATION / FEDERATION DE RUSSIE**

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

**SAN MARINO / SAINT-MARIN**

Ms Michela BOVI, Co-Agent of the Republic of San Marino before the EctHR, San Marino

**SERBIA / SERBIE**

Ms Nataša PLAVŠIĆ, Government Agent before the ECtHR, The State Attorney's Office, Agency Sector before the European Court of Human Rights, Beograd

**SLOVAK REPUBLIC / REPUBLIQUE SLOVAQUE**

Mr Tomas GRUNWALD, Deputy to the Permanent Representative, Permanent Mission to the Council of Europe, Strasbourg

**SLOVENIA / SLOVENIE**

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

**SPAIN / ESPAGNE**

Mr Francisco SANZ, Agent du Gouvernement auprès de la CEDH, Service juridique des Droits de l'Homme, Ministère de la Justice, Madrid

**SWEDEN / SUEDE**

Ms Katarina FABIAN, Ministry for Foreign Affairs, Stockholm

**SWITZERLAND / SUISSE**

Mr Frank SCHÜRMAN, Agent du Gouvernement auprès de la CEDH, Chef de l'Unité Droit européen et Protection Internationale des droits de l'Homme, Office fédéral de la justice, Berne

**“THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA” / “L’EX-RÉPUBLIQUE YOUGOSLAVE DE MACÉDOINE”**

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

**TURKEY / TURQUIE**

Mr Tolga BAŞBOZKURT, Rapporteur Judge, Ministry of Justice

Ms Duygu ÇELİK, Experte Juridique, Ministère des Affaires Etrangères

M. Can ÖZTAŞ, Adjoint au Représentant Permanent, Ministère des Affaires Etrangères

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

**UKRAINE** (*Apologised*)**UNITED KINGDOM / ROYAUME-UNI**

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

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

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

**Department for the execution of judgments of the European Court of Human Rights / Service de l’exécution des arrêts de la Cour européenne des droits de l’homme**

Mr Fredrik SUNDBERG, Head of Department *ad interim* / Chef de service *ad interim*

**Secretariat of the Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment / Secrétariat du comité pour la prévention de la torture et des peines ou traitements inhumains ou dégradants (CPT)**

Mr Régis BRILLAT, Executive Secretary / Secrétaire exécutif

**Department of the European Social Charter / Service de la Charte sociale européenne**

Mr Jan MALINOWSKI, Head of Department / Chef de service

**"Sexual orientation and gender identity" Unit (SOGI) / Unité "Orientation sexuelle et identité de genre (OSIG)**

Ms Eleni TSETSEKOU, Head of Unit "Sexual orientation and gender identity / Chef de l'Unité "Orientation sexuelle et identité de genre

Ms Evgenia GIAKOUMOPOULOU, Unit "Sexual orientation and gender identity / Chef de l'Unité "Orientation sexuelle et identité de genre

**European Roma and Travellers Forum / Forum européen des Roms et des gens du voyage**

Ms Sebihana SKENDEROVSKA, vice president of the ERTF

Mr Henry SCICLUNA, Adviser ERTF

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

Mr Jean-Bernard MARIE

**CCBE**

Me Laurent PETTITI, Avocat au Barreau de Paris, Membre du Conseil National des Barreaux

Mr James Piers GARDNER

**European Union / Union Européenne****OBSERVERS / OBSERVATEURS****HOLY SEE / SAINT-SIÈGE**

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

**MEXICO / MEXIQUE**

Ms Maria de Lourdes OCHOA DE LA TORRE, Mission Permanente du Mexique auprès du Conseil de l'Europe

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

Mr Oleg GOLUBEV, Counsellor of the OSCE and CoE Unit, European co-operation Department of the Ministry of Foreign Affairs

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

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

**Non governmental Organisations / Organisations non-gouvernementales****European Trade Union Confederation (ETUC) / Confédération européenne des syndicats (CES)**

*(Apologised)*

**Amnesty International**

Ms Rita PATRICIO

Ms Ara MARCEN NAVAL

Mr Daniel JOLOY

**Omega Research Foundation**

Dr Michael CROWLEY, Research Associate

**Invitees to this meeting / invités à cette réunion****Conference of European Churches (CEC) / Conférence des églises européennes (KEK)**

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

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

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

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

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

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

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

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

Ms Irena MARKOVA, Administrator / Administratrice

Ms Cipriana MORARU, Administrator / Administratrice

Mr Javier LANZUELA, Administrator / Administrateur

Mme Corinne GAVRILOVIC, Assistant / Assistante

Mme Lauryane LENEVEU, Trainee / Stagiaire

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

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

**INTERPRETERS / INTERPRÈTES**

Mr Grégoire DEVICTOR  
Mme Corinne McGEORGE  
Mme Lucie DE BURLET

\* \* \*

Appendix III**Terms of reference of the CDDH for the biennium 2018-2019***(as adopted by the Committee of Ministers at its 1300<sup>th</sup> meeting, 21-23 November 2017)*

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

**Type of committee:** Steering Committee

Terms of reference valid from: **1 January 2018 until 31 December 2019**

PILLAR/SECTOR/PROGRAMME
<p><b>Pillar:</b> Human Rights  <b>Sector:</b> Protecting Human Rights / Promoting Human Rights and dignity  <b>Programme:</b> Effectiveness of the ECHR System at national and European level / Bioethics</p>
MAIN TASKS
<p>Under the authority of the Committee of Ministers, and bearing in mind the Council of Europe legal standards as well as the relevant jurisprudence of the European Court of Human Rights, the CDDH will conduct the intergovernmental work of the Council of Europe in the human rights field and will advise and give its legal expertise to the Committee of Ministers on all questions within its field of competence. In particular, the CDDH will:</p> <ul style="list-style-type: none"> <li>(i) work on the protection, development and promotion of human rights in Europe to: <ul style="list-style-type: none"> <li>(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;</li> <li>(b) provide effective responses at the normative and general policy levels to the challenges posed to human rights in European societies;</li> </ul> </li> <li>(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;</li> <li>(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;</li> <li>(iv) contribute to co-operation and support activities to national initiatives in the field of the protection, development and promotion of human rights;</li> <li>(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;</li> <li>(vi) where necessary, co-ordinate transversal intergovernmental activities in the field of human rights including bioethics;</li> <li>(vii) take due account of a gender perspective and to building cohesive societies in the performance of its tasks;</li> <li>(viii) in accordance with decisions <a href="#">CM/Del/Dec(2013)1168/10.2</a> 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,<sup>19</sup> in co-operation, where appropriate, with the relevant convention-based bodies, and report back to the Committee of Ministers.</li> </ul>
SPECIFIC TASKS

<sup>19</sup> Cf. Relevant decision of the Committee of Ministers ([CM/Del/Dec\(2013\)1168/10.2](#)) and list of Conventions in [CM\(2017\)132](#).

**1. Protection of human rights**

Oversee the work of the Committee of experts on the reform of the Court (DH-SYSC) (see DH-SYSC terms of reference).

**2. Development and promotion of human rights**

If necessary, and to avoid any duplication, appropriate co-ordination and co-operation with relevant conventional and monitoring bodies and other Council of Europe bodies involved is to be ensured.

**Social rights**

On the basis of the analysis of the legal framework of the Council of Europe for the protection of social rights in Europe, identify good practices and make, as appropriate, proposals with a view to improving the implementation of social rights and to facilitate in particular the relationship between the Council of Europe instruments with other instruments for the protection of social rights (deadline: 31 December 2019).

**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).

**Migration**

On the basis of work conducted in 2016-2017, prepare one or more draft non-binding instruments of the Committee of Ministers (for example a recommendation, guidelines, good practice handbooks) concerning human rights issues in the context of migration, in particular effective alternatives to detention of migrants and asylum seekers (deadline: 31 December 2019).

**Civil Society, Human Rights Defenders and National Human Rights Institutions**

- (i) On the basis of work conducted in 2016-2017, prepare a draft non-binding instrument of the Committee of Ministers and a guide of good practice with the aim that member States, through their legislation, policies and practices, effectively protect and promote the civil society space (activities of organisations of the civil society, human rights defenders and national institutions for the promotion and protection of human rights) (deadline: 31 December 2018).
- (ii) In particular, proceed to the revision of Recommendation No R(97)14 of the Committee of Ministers to member States on the establishment of independent national institutions for the promotion and protection of human rights (deadline: 31 December 2019).

**Dissemination and awareness-raising**

Organise, if needed, thematic debates on the following items (deadline: 31 December 2019):

- (i) follow-up given by states to Recommendation CM(2014)2 of the Committee of Ministers to member States on the promotion of human rights of older persons;
- (ii) follow-up given by states to 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;<sup>20</sup>
- (iii) situation in member States in respect of the right of access to official documents, in particular concerning signatures and ratifications of the 2009 Tromsø Convention (CETS No. 205);
- (iv) contribution to work which may be conducted by other bodies of the Council of Europe (e.g. GEC, GREVIO, GRETA, CAHENF and CDPC) to combat female genital mutilation and forced marriage.

**Bioethics**

Oversee from the human rights perspective the intergovernmental work in the field of bioethics (see terms of reference of the DH-BIO).

**COMPOSITION****Members**

Governments of member States are invited to designate one or more representatives of the highest

<sup>20</sup> Several delegations made declarations upon adoption of this Recommendation at the Deputies' 1081<sup>st</sup> meeting (31 March 2010).



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

### **Observers**

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

- Belarus;
- Non-member States with which the Council of Europe has a Neighbourhood Partnership including relevant co-operation activities;
- European Network of National Human Rights Institutions (ENNHRI);
- Non-governmental organisations (Amnesty International, International Commission of Jurists (ICJ), European Trade Union Confederation (ETUC), International Federation of Human Rights (FIDH), European Roma<sup>21</sup> and Travellers Forum).

## **WORKING METHODS**

### **Plenary meetings**

48 members, 2 meetings in 2018, 4 days

48 members, 2 meetings in 2019, 4 days

### **Bureau**

8 members, 2 meetings in 2018, 2 days

8 members, 2 meetings in 2019, 2 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.

Subject to the agenda, the Chairs of the subordinate structures to the CDDH may be invited to attend

<sup>21</sup> The term "Roma and Travellers" is used at the Council of Europe to encompass the wide diversity of the groups covered by the work of the Council of Europe in this field: on the one hand a) Roma, Sinti/Manush, Calé, Kaale, Romanichals, Boyash/Rudari; b) Balkan Egyptians (Egyptians and Ashkali); c) Eastern groups (Dom, Lom and Abdal); and, on the other hand, groups such as Travellers, Yenish, and the populations designated under the administrative term "*Gens du voyage*", as well as persons who identify themselves as Gypsies. The present is an explanatory footnote, not a definition of Roma and/or Travellers.

CDDH Bureau and/or plenary meetings.

**SUBORDINATE STRUCTURE(S) TO THE CDDH**

The CDDH has a coordinating, supervising and monitoring role in the functioning of its subordinate bodies:

- Committee of experts on the system of the European Convention on human rights (DH-SYSC) (see separate terms of reference) and Drafting Groups;
- Committee on Bioethics (DH-BIO) (see separate terms of reference).

**APPENDIX 1 - RELEVANT DECISION OF THE COMMITTEE OF MINISTERS AND LIST OF CONVENTIONS**

**CM/Del/Dec(2013)1168/10.2 (Review of Council of Europe conventions)**

9. [The Deputies] instructed the steering and ad hoc committees to carry out, at regular intervals, within the limits of the available resources and bearing in mind the priorities of each committee, an examination of some or all of the conventions for which they have been given responsibility, in co-operation, where appropriate, with the relevant convention-based bodies, in order to:

- propose ways of improving the visibility, impact and efficiency of some or all of the conventions for which they have been given responsibility;
- draw the attention of member States to the relevant conventions;
- where necessary, identify any operational problems or obstacles to ratification of the relevant conventions, and draw the attention of member States to reservations which impact substantively on the effectiveness of their implementation;
- encourage States to regularly examine the possibility and/or desirability of becoming a Party to new Council of Europe conventions;
- assess the necessity or advisability of drafting amendments or additional protocols to the conventions for which they have been given responsibility or drafting supplementary conventions;
- and to report back to the Committee of Ministers.

<b>CDDH</b>	
5	Convention for the Protection of Human Rights and Fundamental Freedoms
9	Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms
12	European Interim Agreement on Social Security Schemes Relating to Old Age, Invalidity and Survivors
13	European Interim Agreement on Social Security other than Schemes for Old Age, Invalidity and Survivors
14	European Convention on Social and Medical Assistance
20	Agreement on the Exchange of War Cripples between Member Countries of the Council of Europe with a view to Medical Treatment
35	European Social Charter
40	Agreement between the Member States of the Council of Europe on the issue to Military and Civilian War-Disabled of an International Book of Vouchers for the repair of Prosthetic and Orthopaedic Appliances
46	Protocol No. 4 to the Convention for the Protection of Human Rights and Fundamental Freedoms, securing certain rights and freedoms other than those already included in the Convention and in the first Protocol thereto
48	European Code of Social Security

CDDH	
67	European Agreement relating to Persons participating in Proceedings of the European Commission and Court of Human Rights
68	European Agreement on Au Pair Placement
78	European Convention on Social Security
078A	Supplementary Agreement for the Application of the European Convention on Social Security
83	European Convention on the Social Protection of Farmers
93	European Convention on the Legal Status of Migrant Workers
114	Protocol No. 6 to the Convention for the Protection of Human Rights and Fundamental Freedoms concerning the Abolition of the Death Penalty
117	Protocol No. 7 to the Convention for the Protection of Human Rights and Fundamental Freedoms
126	European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
139	European Code of Social Security (Revised)
142	Protocol amending the European Social Charter
148	European Charter for Regional or Minority Languages
154	Protocol to the European Convention on Social Security
157	Framework Convention for the Protection of National Minorities
158	Additional Protocol to the European Social Charter Providing for a System of Collective Complaints
161	European Agreement relating to persons participating in proceedings of the European Court of Human Rights
163	European Social Charter (revised)
164	Convention for the protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine: Convention on Human Rights and Biomedicine
168	Additional Protocol to the Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine, on the Prohibition of Cloning Human Beings
177	Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms
186	Additional Protocol to the Convention on Human Rights and Biomedicine concerning Transplantation of Organs and Tissues of Human Origin
187	Protocol No. 13 to the Convention for the Protection of Human Rights and Fundamental Freedoms, concerning the abolition of the death penalty in all circumstances
195	Additional Protocol to the Convention on Human Rights and Biomedicine, concerning Biomedical Research
197	Council of Europe Convention on Action against Trafficking in Human Beings
203	Additional Protocol to the Convention on Human Rights and Biomedicine concerning Genetic Testing for Health Purposes
205	Council of Europe Convention on Access to Official Documents
210	Council of Europe Convention on preventing and combating violence against women and domestic violence
213	Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms
214	Protocol No. 16 to the Convention for the Protection of Human Rights and Fundamental Freedoms

### **FOR INFORMATION**

#### **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 2018 until 31 December 2019**

PILLAR/SECTOR/PROGRAMME
<p><b>Pillar:</b> Human Rights</p> <p><b>Sector:</b> Protecting Human Rights</p> <p><b>Programme:</b> Effectiveness of the ECHR System at national and European level</p>
MAIN TASKS
<p>Under the supervision of the Steering Committee for Human Rights (CDDH), the DH-SYSC will conduct the intergovernmental work intended to enhance the protection of human rights by improving the effectiveness of the system of the European Convention on Human Rights and the implementation of the Convention at national level, as assigned by the Committee of Ministers to the Steering Committee.</p>
SPECIFIC TASKS
<p>(i) Concerning the place of the European Convention on Human Rights in the European and international legal order, as well as the related challenges, prepare a draft report for the Committee of Ministers containing conclusions and possible proposals for action (deadline: 31 December 2019).</p> <p>(ii) Concerning the authority of the Court and its case-law: follow-up to the decisions that may be taken by the Committee of Ministers further to the submission, in December 2017, of the CDDH report on the process of selection and election of the judges at the European Court of Human Rights with a view to improving the current system (deadline: 31 December 2019).</p> <p>(iii) In light of the results achieved in the framework of the above-mentioned activities, contribute to the evaluation set out by the Interlaken Declaration, before the end of 2019, with a view to formulating proposals to the Committee of Ministers as to whether the measures adopted so far have proven to be sufficient to ensure sustainable functioning of the system of the Convention or whether more profound changes are necessary (deadline: 31 December 2019).</p> <p>(iv) Concerning the implementation of the Convention and execution of the Court's judgments: ensure that information is exchanged regularly - in order to assist member States in developing their domestic capacities and facilitate their access to relevant information (see paragraph 29 (a) i) of the Brighton Declaration and paragraph C. 1. g) of the Brussels Declaration); to this end, consider the different means to promote quicker exchange of information and experiences, to reinforce the status of the government agents, of the co-ordinators (c.f. para. 1 <a href="#">CM/Rec(2008)2</a>), and to provide sufficient means to the state authorities involved in the functioning of the Convention and in the process of the execution of judgments.</p> <p>(v) Concerning university education and professional training in human rights, update Recommendation <a href="#">Rec(2004)4</a> in light of important developments taken place over more than 10 years in the field in the 47 member States of the Council of Europe, notably as a result of the European Programme for Human Rights Education for Legal Professionals (HELP) of the Council of Europe (deadline: 31 December 2019).</p> <p>(vi) Concerning effective remedies for excessive length of proceedings, update the accompanying Guide to Good Practice to Recommendation <a href="#">CM/Rec(2010)3</a> (deadline: 31 December 2019).</p>
COMPOSITION
<p><b>Members:</b> 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.</p> <p><b>Participants:</b> The following may send representatives, without the right to vote and at the charge of their corresponding administrative budgets:</p> <ul style="list-style-type: none"> <li>- Parliamentary Assembly of the Council of Europe;</li> <li>- Congress of Local and Regional Authorities of the Council of Europe;</li> </ul>

- European Court of Human Rights;
- Council of Europe Commissioner for Human Rights;
- Conference of INGOs of the Council of Europe;
- HELP Network Consultative Board;
- Committees or other bodies of the Council of Europe engaged in related work, as appropriate.

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

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

#### **Observers:**

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

- Belarus;
- Non-member States with which the Council of Europe has a Neighbourhood Partnership including relevant co-operation activities;
- Non-governmental organisations (Amnesty International, European Trade Unions Confederation (ETUC), International Commission of Jurists (ICJ), International Federation of Human Rights (FIDH), European Roma<sup>22</sup> and Travellers Forum, Open Society Justice Initiative (OSJI)), as well as the European Network of National Human Rights Institutions (ENNHRI).

#### **WORKING METHODS**

##### **Plenary meetings:**

48 members, 1 meeting in 2018, 3 days

48 members, 2 meetings in 2019, 3 days

The Committee will also appoint a Gender Equality Rapporteur from amongst its members.

The rules of procedure of the Committee are governed by Resolution [CM/Res\(2011\)24](#) on intergovernmental committees and subordinate bodies, their terms of reference and working methods.

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#### **FOR INFORMATION**

##### **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\(2011\)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 2018 until 31 December 2019**

<sup>22</sup> The term "Roma and Travellers" is used at the Council of Europe to encompass the wide diversity of the groups covered by the work of the Council of Europe in this field: on the one hand a) Roma, Sinti/Manush, Calé, Kaale, Romanichals, Boyash/Rudari; b) Balkan Egyptians (Egyptians and Ashkali); c) Eastern groups (Dom, Lom and Abdal); and, on the other hand, groups such as Travellers, Yenish, and the populations designated under the administrative term "*Gens du voyage*", as well as persons who identify themselves as Gypsies. The present is an explanatory footnote, not a definition of Roma and/or Travellers.

PILLAR/SECTOR/PROGRAMME
<p><b>Pillar:</b> Human Rights  <b>Sector:</b> Promoting Human Rights and Dignity  <b>Programme:</b> Bioethics</p>
MAIN TASKS
<p>Under the authority of the Committee of Ministers, the DH-BIO shall 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.</p> <p>Under the supervision of the Steering Committee for Human Rights (CDDH), the DH-BIO will conduct intergovernmental work on the protection of human rights in the field of biomedicine assigned to it by the Committee of Ministers. The DH-BIO will in particular:</p> <ul style="list-style-type: none"> <li>(i) conduct regular re-examinations foreseen in the Convention and its Additional Protocols;</li> <li>(ii) develop further the principles laid down in the Convention on Human Rights and Biomedicine, as appropriate, also in the light of the relevant case-law of the ECHR;</li> <li>(iii) contribute to raising awareness and facilitating the implementation of these principles;</li> <li>(iv) assess ethical and legal challenges raised by developments in the biomedical field;</li> <li>(v) co-operate with the European Union and relevant intergovernmental bodies, in particular with a view to promoting consistency between the normative texts;</li> <li>(vi) in accordance with decisions <a href="#">CM/Del/Dec(2013)1168/10.2</a> 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<sup>23</sup> for which it has been given responsibility and report back to the Committee of Ministers.</li> </ul>
SPECIFIC TASKS
<ul style="list-style-type: none"> <li>(i) 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 is finalised.</li> <li>(ii) On the basis of the results of the international conference organised on the occasion of the 20<sup>th</sup> anniversary of the Oviedo Convention, a draft Strategic Action Plan on human rights and technologies is finalised.</li> <li>(iii) A training course on essential principles for the protection of human rights in the biomedical field intended for legal and health professionals is launched in the framework of the HELP programme.</li> <li>(iv) A round table is organised, in co-operation with the Consultative Committee of the Convention for the protection of individuals with regard to automatic processing of personal data (T-PD), on the challenges for human rights raised by developments in the field of genetics, including for children's rights.</li> <li>(v) Subject to the results of the international conference organised on the occasion of the 20<sup>th</sup> anniversary of the Oviedo Convention, draft guidelines for the promotion of public debate on human rights challenges raised by developments in science and technologies are developed.</li> </ul>
COMPOSITION
<p><b>Members:</b></p> <p>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, including in relation to emerging technologies, and able to consider these from a human rights perspective.</p> <p>The Council of Europe will bear the travel and subsistence expenses of one representative from each member State (two in the case of the State whose representative has been elected Chair).</p>

<sup>23</sup> Cf. Relevant decision of the Committee of Ministers ([CM/Del/Dec\(2013\)1168/10.2](#)) and list of Conventions in [CM\(2017\)132](#).

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;
- Consultative Committee of the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (T-PD), Committee (Partial Agreement) on Transplantation of Organs and Tissues (CD-P-TO) and Committee (Partial Agreement) on Blood Transfusion (CD-P-TS),<sup>24</sup>
- 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;
- Observer States to the Council of Europe: Canada, Holy See, Japan, Mexico, United States of America;
- Other international organisations: European Science Foundation (ESF), OECD, UNESCO and WHO.

#### **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**

#### **Meetings:**

48 members, 2 meetings in 2018, 4 days

48 members, 2 meetings in 2019, 4 days

#### **Bureau**

7 members, 2 meetings in 2018, 2 days

7 members, 2 meetings in 2019, 2 days

The Chair or Vice-Chair of 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.

<sup>24</sup> European Directorate for the Quality of Medicines and Healthcare.

**APPENDIX 1 - RELEVANT DECISION OF THE COMMITTEE OF MINISTERS AND LIST OF CONVENTIONS****CM/Del/Dec(2013)1168/10.2 (Review of Council of Europe conventions)**

9. [The Deputies] instructed the steering and ad hoc committees to carry out, at regular intervals, within the limits of the available resources and bearing in mind the priorities of each committee, an examination of some or all of the conventions for which they have been given responsibility, in co-operation, where appropriate, with the relevant convention-based bodies, in order to:

- propose ways of improving the visibility, impact and efficiency of some or all of the conventions for which they have been given responsibility;
- draw the attention of member States to the relevant conventions;
- where necessary, identify any operational problems or obstacles to ratification of the relevant conventions, and draw the attention of member States to reservations which impact substantively on the effectiveness of their implementation;
- encourage States to regularly examine the possibility and/or desirability of becoming a Party to new Council of Europe conventions;
- assess the necessity or advisability of drafting amendments or additional protocols to the conventions for which they have been given responsibility or drafting supplementary conventions;
- and to report back to the Committee of Ministers.

<b>DH-BIO</b>	
164	Convention for the protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine: Convention on Human Rights and Biomedicine
168	Additional Protocol to the Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine, on the Prohibition of Cloning Human Beings
186	Additional Protocol to the Convention on Human Rights and Biomedicine concerning Transplantation of Organs and Tissues of Human Origin
195	Additional Protocol to the Convention on Human Rights and Biomedicine, concerning Biomedical Research
203	Additional Protocol to the Convention on Human Rights and Biomedicine concerning Genetic Testing for Health Purposes

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Appendix IV  
**Brief points on Council of Europe**  
**Action Plan on protecting refugee and migrant children in Europe (2017-2019)**

for the 89<sup>th</sup> meeting of CDDH, 19 June 2018  
**For information of the CDDH**

- CoE Action Plan on refugee and migrant children adopted in May 2017 by the Committee of Ministers. Its implementation is advancing according to the expectations, despite the heavy agenda of all 17 entities, monitoring and inter-governmental bodies involved;
- CDDH has had a pivotal role in successfully implementing already several important actions under this Action Plan. One was holding the Conference in October 2017 in Prague on promoting alternatives to children's immigration detention; another was completing in December 2017 a seminal *Analysis of the legal and practical aspects of effective alternatives to detention in the context of migration*. Its current follow-up work on this Analysis is expected to further consolidate what was done so far and to make the application of alternatives a reality in Council of Europe member states.
- The Action Plan provides for another important action, which is meant to protect the rights of refugee and migrant children. It proposes for 2018-2019 the preparation of guidelines on reception conditions of refugee and migrant children.
- There are some existing useful tools/guidance and there have been some specific initiatives lately, but there is still a need for more guidance in this area – particularly for children in families and addressing the special needs of migrant/refugee children.
- The available documents [see background info below], as useful as they may be, do not cover all Council of Europe member states, which are particularly affected by mass movements of refugees and migrants. For this reason, there is a need to draft guidelines for Council of Europe.
- The text of the Action Plan refers to a draft Recommendation to be submitted to the Committee of Ministers on this subject.

“Proposed further action for 2018-2019

A draft Recommendation to be submitted to the Committee of Ministers on appropriate standards for the reception and accommodation of refugee and migrant children (in open structures, i.e. in a non-custodial environment)”.

- Encourage the CDDH to put this subject on their agenda for 2019.

Background information

- Existing guidance:
  - EASO is currently working on its third practical tool, to follow and complement its [Guidance on reception conditions](#) (operational standards and indicators) with a focus on unaccompanied children. The purpose of this guidance, which is expected to be published in autumn 2018, is to support Member States in the implementation of key provisions of the Reception Conditions Directive, ensuring an adequate standard of living for unaccompanied children and taking into account their special reception needs.
  - Child rights advocates usually use existing standards concerning children in alternative care such as: the UN Alternative Care Guidelines, Quality 4 Children Standards, and existing national standards – as any measures for reception/accommodation/care should be equitable.
  - EASO and partners have also worked on standards in specific contexts – such as in hotspots in Greece and Italy.

- Some national UNICEF and UNHCR offices (such as UNICEF Germany and UNHCR Austria) have also worked on standards and monitoring guidelines for reception conditions based on UN standards and good practice.
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*Council of Europe*  
*The Secretary General*

Strasbourg, 14 June 2018

Dear President,

More than three years have passed since the Opinion 2/13 of 18 December 2014 in which the Court of Justice of the European Union found the draft Agreement on the Accession of the European Union to the European Convention on Human Rights to be incompatible with EU Treaties.

The European Union's continued commitment to its accession to the Convention has been confirmed ever since by the European Commission, European Parliament and member states in the EU Council.

More recently, all States Parties to the Convention reaffirmed the importance of the European Union's accession to the Convention through a Declaration adopted in April by the Council of Europe Ministerial Conference in Copenhagen.

This firm and renewed commitment strongly suggests that the time has come for further action to be taken by both our institutions to enhance the accession process. I am confident that there is a way to revise the Draft Accession Agreement while respecting both the requirements of EU law and the integrity of the Convention system. I further note that specific proposals have already been elaborated to that effect within the Commission.

I have repeatedly praised your strong personal commitment to the EU's accession to the Convention, making it possible to consider all potential ways to overcome the legal obstacles identified in the Opinion of the Court of Justice.

I therefore hope that the European Commission will soon be in a position to present a consolidated proposal for a revision of the draft Accession Agreement and thus allow accession negotiations to be resumed with the Council of Europe.

..I..

Mr Jean-Claude Juncker  
President of the European Commission

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Appendix V  
**Comments adopted by the CDDH at its 89<sup>th</sup> meeting (19-22 June 2018)**  
**on Recommendations of the Parliamentary Assembly**  
**transmitted to it by the Ministers' Deputies**

**I. CDDH COMMENTS ON PARLIAMENTARY ASSEMBLY RECOMMENDATION 2121(2018) – “THE CASE FOR DRAFTING A EUROPEAN CONVENTION ON THE PROFESSION OF LAWYER”**

1. The Steering Committee for Human Rights (CDDH) takes note of Parliamentary Assembly Recommendation 2121(2018) - “*The case for drafting a European convention on the profession of lawyer*”. It fully shares the concerns regarding threats, in certain national contexts, to the security and independence of lawyers as well as to their ability to perform their professional duties effectively. Like the Assembly, the CDDH stresses that the free exercise of the profession of lawyer is indispensable to the full implementation of the fundamental right to a fair trial guaranteed by Article 6 of the European Convention on Human Rights. In this context:

- (i) the possibility to establish an early-warning mechanism to respond to immediate threats to lawyers’ safety and independence and to their ability to perform their professional duties effectively deserves detailed examination<sup>25</sup>;
- (ii) training activities concerning Recommendation No R(2000)21 of the Committee of Ministers to member States on the freedom of exercise of the profession of lawyer and other relevant instruments<sup>26</sup> need to be carried out in the framework of bilateral co-operation. These activities could aim at raising awareness of State representatives about the key role played by lawyers in a democratic society and about the need to respect and protect the free exercise of their profession<sup>27</sup>;
- (iii) finally, the current work regarding the implementation of Recommendation 2085(2016) on “Strengthening the protection and role of human rights defenders in Council of Europe member States” should fully consider including the situation of lawyers.

2. As for solutions and replies to the issues of threats and harassment mentioned in the Recommendation, the CDDH considers that:

- (i) for short-term solutions and immediate replies, establishing an early-warning mechanism could indeed be useful;

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<sup>25</sup> This examination should be carried out notably in the light of the experience acquired by the current Platform to promote the protection of journalism and safety of journalists, by the Working Group on Human Rights Defenders set up within the Human Rights Committee of the Conference of INGOs of the Council of Europe and by the action carried out by the Commissioner for Human Rights in favour of human rights defenders.

<sup>26</sup> These instruments comprise, *inter alia*, the Charter of core principles of the European legal profession of the Council of Bars and Law Societies of Europe, the Turin Charter on the exercise of the profession of lawyer in the twenty-first century of the International Association of Lawyers, as well as the Standards for the Independence of the Legal Profession, International Principles on Conduct for the Legal Profession and the Guide for Establishing and Maintaining Complaints and Discipline Procedures of the International Bar Association.

<sup>27</sup> These activities would also aim at reminding that numerous provisions of Recommendation No. R(2000)21 are an expression of already binding standards under the European Convention on Human Rights.

- (ii) for long-term solutions, the European Convention on Human Rights system, notably through binding judgments of the Court under, in particular, Articles 2, 3, 6 and 8 and 10 of the Convention, constitutes an effective and sufficient framework.

3. With this in mind, the CDDH wonders whether a binding international legal instrument would be the appropriate framework to address situations which may concern only certain countries to varying degrees. In any event, it would be necessary to specify further the intended personal scope envisaged for a new convention (protection of the profession of lawyer in general / protection of lawyers acting as Human Rights defenders) and to ensure that the new control mechanism to be established in the framework of such an instrument would have a real added value, in terms of competence, effectiveness and transparency, and taking into account the budgetary consequences.

4. The CDDH would be ready, if appropriate, to contribute to the work of the competent bodies on this matter which the Committee of Ministers would deem necessary.

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## II. CDDH COMMENTS ON PARLIAMENTARY ASSEMBLY RECOMMENDATION 2122(2018) – “JURISDICTIONAL IMMUNITY OF INTERNATIONAL ORGANISATIONS AND RIGHTS OF THEIR STAFF”

1. The Steering Committee for Human Rights (CDDH) takes note of Parliamentary Assembly Recommendation 2122(2018) - “*Jurisdictional immunity of international organisations and rights of their staff*”.

2. The CDDH notes that appropriate legal instruments have been developed by the most important international organisations regarding their accountability for human rights violations towards their own staff<sup>28</sup>. It concurs with the Assembly on the need of providing access to an effective remedy to staff members of international organisations aimed at protecting their labour rights since such a remedy is not available under the national legal systems of member States.

3. Concerning the Council of Europe, its Staff Regulations<sup>29</sup> show that the Administrative Tribunal of this Organisation has been set up to decide upon appeals against decisions taken in the administrative complaints procedure. The CDDH considers that, in the light of relevant practices existing in member States or in other international organisations, the Secretariat of the Council of Europe could analyse in which cases it would be appropriate for trade unions to have *locus standi* before the Administrative Tribunal.

4. In its previous comments on Parliamentary Assembly Recommendation 2037(2014) about *Accountability of international organisations for human rights violations*<sup>30</sup>, the CDDH already shared the approach of the Committee of Legal Advisers on Public International Law (CAHDI) regarding conflict resolution mechanisms between international organisations and their staff. The CDDH agrees with the Assembly that the CAHDI remains the body best

<sup>28</sup> <https://rm.coe.int/accountability-of-international-organisations-for-human-rights-violati/1680761005>

<sup>29</sup> Part VII of the Staff Regulations of the Council of Europe sets out the system of dispute settlement between staff members and the organisation; in this regard, Article 59 sets out the so-called “complaints procedure” and under Article 60 an appeal procedure can be launched before the Administrative Tribunal “in the event of either explicit rejection, in whole or part, or implicit rejection of a complaint lodged under Article 59”.

<sup>30</sup> Recommendation 2037 (2014) was adopted by the Assembly on 31 January 2014.

placed to discuss, on a regular basis, the extent to which internal remedies in international organisations are compatible with human rights.

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### **III. CDDH COMMENTS ON PARLIAMENTARY ASSEMBLY RECOMMENDATION 2123(2018) – “STRENGTHENING INTERNATIONAL REGULATIONS AGAINST TRADE IN GOODS USED FOR TORTURE AND THE DEATH PENALTY”**

1. The Steering Committee for Human Rights (CDDH) takes note of Parliamentary Assembly Recommendation 2123(2018) – “*Strengthening international regulations against trade in goods used for torture and the death penalty*”.

2. It takes note of the legal and political instruments that have already been adopted in different fora in this respect as well as the call of the Assembly that member States put in place a legislation regulating trade in goods used for the death penalty, torture and inhuman or degrading treatment or punishment.

3. On this last point, the CDDH recalls that paragraphs 24 and 27 of the Appendix to Recommendation CM/Res(2016)3 of the Committee of Ministers to member States on human rights and business already contain specific provisions for member States aimed at preventing business enterprises domiciled within their jurisdiction from trading in such goods and at informing business enterprises of potential human rights consequences of their operations<sup>31</sup>.

4. Furthermore, it notes that the Council of Europe has already recognised the need to exchange information between the States on the existing best practices on combating the trafficking in goods used for torture and the death penalty. Indeed, an online Platform on Human Rights and Business is currently being put in place within the departments of the Organisation in charge of cooperation in the human rights field (HELP Programme).

5. The CDDH believes it important that this Platform, which it initiated, becomes a powerful tool for:

- (i) raising awareness of member State authorities about international and regional mechanisms for the protection of human rights and about the reports of independent organs of the civil society as regards the situation of the death penalty, torture and inhuman or degrading treatment or punishment in third countries which they should take into account when examining requests for authorisation of trade in relevant goods;

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<sup>31</sup> *Paragraph 24*: “In order not to facilitate the administration of capital punishment or torture in third countries by providing goods which could be used to carry out such acts, member States should ensure that business enterprises domiciled within their jurisdiction do not trade in goods which have no practical use other than for the purpose of capital punishment, torture, or other cruel, inhuman or degrading treatment or punishment”;

*Paragraph 27*: “Member States should be in a position to inform business enterprises referred to in paragraph 20 on the potential human rights consequences of carrying out operations in conflict-affected areas, and in other sectors or areas that involve a high risk of a negative impact on human rights, and provide assistance to these business enterprises, in line with relevant international instruments, such as the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones or the OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas. Member States should facilitate business enterprises’ adherence to sector-specific standards, such as the Voluntary Principles on Security and Human Rights and the International Code of Conduct for Private Security Providers. Member States should consider performing a sector-risk analysis in order to identify the sectors in which activities are most at risk of having a negative impact on human rights”.

- (ii) providing periodic reports on the States' regulatory activities in this area, including decisions given on requests for authorisation of trade in specific goods and the specific reasons for those decisions.

6. The CDDH supports the call for ratification by all member States of the Council of Europe, of Protocols Nos. 6<sup>32</sup> and 13<sup>33</sup> to the Convention.

7. Finally, the CDDH considers it very useful that the Committee of Ministers draws attention to this matter with a view to reaffirm that Europe is strongly opposed to the death penalty, torture and inhuman or degrading punishment or treatment at worldwide level. The CDDH would be ready to draft a non-binding legal instrument (e.g. a political Declaration) if the Committee of Ministers decides to give it a mandate to this end.

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#### **IV. CDDH COMMENTS ON PARLIAMENTARY ASSEMBLY RECOMMENDATION 2125(2018) – “STATE OF EMERGENCY: PROPORTIONALITY ISSUES CONCERNING DEROGATIONS UNDER ARTICLE 15 OF THE EUROPEAN CONVENTION ON HUMAN RIGHTS”**

1. The Steering Committee for Human Rights (CDDH) takes note of Parliamentary Assembly Recommendation 2125(2018) – “*State of emergency: Proportionality issues concerning derogations under Article 15 of the European Convention on Human Rights*”. It considers that the Assembly addresses therein an important challenge which the system of protection of human rights as guaranteed by the Convention is currently facing.

2. Indeed the CDDH notes with concern that States increasingly need to consider having recourse to their right of derogation. It draws attention to the update, in April 2018, of the factsheet “Derogation in time of emergency”, published by the European Court of Human Rights<sup>34</sup>.

3. The CDDH recalls that:

- (i) Under Article 15 of the Convention, any High Contracting Party has the right, in time of war or public emergency threatening the life of the nation, to take measures derogating from its obligations under the Convention, other than those listed in paragraph 2 of that Article, provided that such measures are strictly proportionate to the exigencies of the situation and that they do not conflict with other obligations under international law<sup>35</sup>.
- (ii) Even if in this matter the European Court of Human Rights has recognised a margin of appreciation to the States to decide on the application of Article 15, this margin is subject to the supervision by the Court. In determining whether a State has gone beyond what is strictly required, the Court gives appropriate weight to factors such as the nature of the rights affected by the derogation, the circumstances leading to, and the duration of, the emergency situation<sup>36</sup>. Even if

<sup>32</sup> To date: 46 ratifications and 1 signature not followed by ratification.

<sup>33</sup> To date: 44 ratifications and 1 signature not followed by ratification.

<sup>34</sup> European Court of Human Rights, Press Unit, Factsheet “Derogation in time of emergency”, April 2018.

<sup>35</sup> See, e.g., *Şahin Alpay v. Turkey*, no. 16538/17, 20 March 2018, § 74.

<sup>36</sup> See *Brannigan and McBride v. the United Kingdom*, nos. 14553/89 and 14554/89, 25 May 1993, § 43; *A. and Others v. the United Kingdom* [GC], no. 3455/05, 19 February 2009, § 173.

there is such a situation as to justify derogation from obligations under the Convention, the derogating measures have to address it adequately and rationally and must not be disproportionate<sup>37</sup>.

4. The CDDH further recalls that in its opinion CDL-AD(2016)010 on “The Legal Framework Governing Curfews”, adopted at its 107<sup>th</sup> Plenary Session (Venice, 10-11 June 2016), the European Commission for Democracy Through Law (Venice Commission) also pointed out (§ 95) that although it was a State’s duty to muster all its resources to combat the terrorist threat and protect its citizens from such attacks, it was also crucial in a democratic society to strike the right balance between security needs and the exercise of rights and freedoms, showing due regard for the requirements of the rule of law.

5. The CDDH does not consider it necessary to examine the State practice in relation to derogations from the Convention in order to identify legal standards and good practice and, on that basis, adopt a recommendation to member States on the matter. According to the CDDH, the aforementioned Court’s factsheet, as updated in April 2018, provides sufficient information.

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## **V. CDDH COMMENTS ON PARLIAMENTARY ASSEMBLY RECOMMENDATION 2126(2018) – “HUMANITARIAN NEEDS AND RIGHTS OF INTERNALLY DISPLACED PERSONS IN EUROPE”**

1. The Steering Committee for Human Rights (CDDH) takes note of Parliamentary Assembly Recommendation 2126(2018) – *“Humanitarian needs and rights of internally displaced persons in Europe”*.

2. The CDDH recalls that the European Court of Human Rights has recognised that the arbitrary displacement of persons from their habitual place of residence is in breach of the European Convention on Human Rights, and that it is crucial to guarantee their human rights<sup>38</sup> and to execute judgments regarding them.

3. The 11<sup>th</sup> Annual Report of the Committee of Ministers on the supervision of execution of judgments and decisions of the Court<sup>39</sup> mentions a number of pending cases concerning internally displaced people. These cases reveal important and complex structural problems, related, for many of them, to situations in post-conflict regions, demanding time and efforts in many respects. In this context, the recent Copenhagen Declaration<sup>40</sup> has strongly encouraged the Committee of Ministers to continue to use all the tools at its disposal when performing the important task of supervising the execution of judgments, including the procedures under Article 46 (3) and (4) of the Convention, keeping in mind that it was

<sup>37</sup> Compare *A. and Others v. the United Kingdom*, cited above, § 174.

<sup>38</sup> In particular the right to life, the prohibition of torture, the right to liberty and security, the right to respect for private and family life and the protection of property (Articles 2, 3, 5 and 8 of the Convention and Article 1 of Protocol No. 1). Recommendation Rec(2006)6 of the Committee of Ministers to member States on internally displaced persons recalls that “the national authorities of the member States on the territory of which internal displacement is taking place are primarily responsible for the protection and assistance of the internally displaced persons, notwithstanding the rights and obligations of other states or appropriate international organisations under international law”.

<sup>39</sup> <https://rm.coe.int/annual-report-2017/16807af92b>, pp. 194, 228 and 245.

<sup>40</sup> Adopted at the High-Level Conference meeting on 12 and 13 April 2018 at the initiative of the Danish Chairmanship of the Committee of Ministers.

foreseen that these procedures would be used sparingly and in exceptional circumstances respectively.<sup>41</sup>

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## **VI. CDDH COMMENTS ON PARLIAMENTARY ASSEMBLY RECOMMENDATION 2129(2018) – “COPENHAGEN DECLARATION, APPRECIATION AND FOLLOW-UP”**

1. The Steering Committee for Human Rights (CDDH) takes note of Parliamentary Assembly Recommendation 2129(2018) - “*Copenhagen Declaration, appreciation and follow-up*”.

2. It notes that, at its 128<sup>th</sup> ministerial session (18 May 2018) the Committee of Ministers endorsed the Declaration adopted on 13 April 2018 and invited the various stakeholders to implement it.

3. The CDDH is convinced that the Committee of Ministers will continue to take concrete and effective measures for addressing problems relating to the ineffectiveness of national implementation of the Convention, including the insufficient execution of the judgments of the Court. It also welcomes the willingness of the Assembly to continue its commitment in the process of the reform of the Convention system, in order to protect its fundamental principles, in particular the independence of the Court, to reinforce the role of national parliaments and to compel member States to account for the respect of their obligations.

4. In this respect, the CDDH considers it crucial that the Assembly continues ensuring that national parliaments effectively implement Recommendation CM/Rec(2004)5 of the Committee of Ministers to the member States on the verification of the compatibility of draft laws, existing laws and administrative practice with the standards laid down in the European Convention on Human Rights.<sup>42</sup> Indeed, as it is stated in the Copenhagen Declaration, the CDDH considers it of outmost importance that national parliaments are appropriately involved in ensuring that policies and legislation comply fully with the Convention, notably by checking, in a systematic manner and at an early stage of the process, the compatibility of draft legislation and administrative practice in the light of the Court’s jurisprudence<sup>43</sup>.

5. The CDDH also recalls that the Copenhagen Declaration referred to the 2017 CDDH report on the selection of candidates and election of judges of the Court and that in this report the various actors, including the Assembly both on its own and in close cooperation with the Committee of Ministers, are called to ensure that the most qualified and competent candidates are elected.

6. Furthermore, the CDDH recalls the importance of the involvement of national parliaments in the process of the execution of judgments, as it has been highlighted in the Brussels Declaration<sup>44</sup>.

7. Finally, the CDDH considers that the Copenhagen Declaration, which stresses the importance of an effective protection of the Convention standards at the national level, which

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<sup>41</sup> See § 24 of the Declaration.

<sup>42</sup> Adopted by the Committee of Ministers on 12 May 2004 at its 114<sup>th</sup> Session.

<sup>43</sup> See § 16 (b) of the Declaration.

<sup>44</sup> Adopted at the High-level Conference on 26 and 27 March 2015 at the initiative of the Belgian Chairmanship of the Committee of Ministers. See in particular § 2 (h) of section B of the Action Plan appended to the Declaration.



develops, in light of Protocol No. 15 to the Convention, the ideas concerning the principle of subsidiarity and the margin of appreciation of national courts, and which envisages new avenues to increase the effectiveness of the Court, provides useful elements to the reflection that the Committee of Ministers must conclude before the end of 2019 on whether the measures taken until now are sufficient to ensure sustainable functioning of the Convention's control mechanism or whether it is appropriate to envisage more significant changes.

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## VII. CDDH COMMENTS ON PARLIAMENTARY ASSEMBLY RECOMMENDATION 2130(2018) – “LEGAL CHALLENGES RELATED TO HYBRID WAR AND HUMAN RIGHTS OBLIGATIONS”

1. The Steering Committee for Human Rights (CDDH) takes note of Parliamentary Assembly Recommendation 2130(2018) – “*Legal challenges related to hybrid war and human rights obligations*”.

2. The CDDH shares the concerns of the Assembly concerning in particular cyber-attacks and mass disinformation campaigns and notes that the Council of Europe<sup>45</sup> combats the threat of cybercrime through different legal instruments, while respecting and encouraging freedom of expression and activity of the media and internet users.

3. In this context, the CDDH recalls that its Drafting Group on Freedom of Expression and links to other Human Rights is addressing misinformation in order to identify good practices to combat it in culturally diverse societies.

4. As to the development of legal standards to combat the threats of hybrid war, the CDDH stresses the importance of the Budapest Convention on Cybercrime<sup>46</sup>, the only binding international instrument in this field, and notes that an adequate monitoring is carried out on a regular basis<sup>47</sup> to guarantee compliance with its provisions. Further ratifications of this instrument would be preferable rather than drafting any new binding legal instrument on the issue.

5. The CDDH would be ready, if appropriate, to contribute to the work of the competent bodies on this matter which the Committee of Ministers would deem necessary.

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## VIII. CDDH COMMENTS ON PARLIAMENTARY ASSEMBLY RECOMMENDATION 2132 (2018) – “DETAINEES WITH DISABILITIES IN EUROPE”

1. The Steering Committee for Human Rights (CDDH) takes note of Parliamentary Assembly Recommendation 2132(2018) - “*Detainees with disabilities in Europe*”. It fully shares the concerns regarding the equality of treatment, non-discrimination, accessibility and

<sup>45</sup> See the work of its Information Society Department within the Directorate General of Human Rights and Rule of Law.

<sup>46</sup> <https://www.coe.int/en/web/conventions/full-list/-/conventions/rms/0900001680081561>

<sup>47</sup> Article 46 of the Budapest Convention sets out that the Parties shall, as appropriate, consult periodically with a view to facilitating the effective use and implementation of this Convention, including the identification of any problems thereof, the exchange of information on significant legal, policy or technological developments pertaining to cybercrime and the collection of evidence in electronic form and consideration of possible supplementation or amendment of the Convention. In order to do this the Cybercrime Convention Committee (T-CY) is the Committee of the Parties to the Budapest Convention.

reasonable accommodation within prison for detainees with disabilities. In this context, the Council of Europe has adopted several relevant instruments in order to protect human rights of persons with disabilities in prison<sup>48</sup>.

2. Furthermore, the Council of Europe Disability Strategy 2017-2023<sup>49</sup> outlines the Organisation's priorities on this issue in the period 2017-2023 and declares that "the Council of Europe promotes, protects and monitors the implementation of human rights for all, including persons with disabilities" who are "entitled to have access to and enjoy, on an equal basis with others, the full range of human rights safeguarded by the European Convention on Human Rights, the European Social Charter, the United Nations Convention on the Rights of Persons with Disabilities and other international treaties".

3. Like the Assembly, the CDDH stresses the importance of the respect of obligations already arising under the European Convention on Human Rights (ETS No. 5) and other instruments concluded concerning the situation of persons with disabilities in prison. The CDDH recalls that there is extensive case-law of the European Court of Human Rights regarding human rights of ill persons or persons with disabilities in prison<sup>50</sup>. The Court has notably reiterated that, even though the Convention cannot "be interpreted as laying down a general obligation to release a detainee on health grounds or to place him in a civil hospital to enable him to obtain a particular kind of medical treatment", under Article 3 of the Convention "the State must ensure that a person is detained in conditions which are compatible with respect for his human dignity, that the manner and method of the execution of the measure do not subject him to distress or hardship of an intensity exceeding the unavoidable level of suffering inherent in detention and that, given the practical demands of imprisonment, his health and well-being are adequately secured by, among other things, providing him with the requisite medical assistance"<sup>51</sup>.

4. The CDDH refers to the work carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), the Commissioner for Human Rights and the European Committee on Crime Problems (CDPC) on this important issue.

5. As for encouraging member States to collect and share statistics on all disability situations found in prisons and to undertake a comprehensive study on the legislation and practice in all member States, the CDDH, recalling the Committee of Ministers' reply<sup>52</sup> to the

<sup>48</sup> [Recommendation Rec\(2006\)2](#) (adopted by the Committee of Ministers on 11 January 2006 at its 952<sup>nd</sup> meeting) on the European Prison Rules; [Recommendation No. R \(98\)7](#) (adopted by the Committee of Ministers on 8 April 1998 at its 627<sup>th</sup> meeting) concerning the ethical and organisational aspects of health care in prison; [Recommendation No. R \(99\)22](#) (adopted by the Committee of Ministers on 30 September 1999 at its 681<sup>st</sup> meeting) concerning prison overcrowding and prison population inflation; [Recommendation No. Rec\(2004\)10](#) (adopted by the Committee of Ministers on 22 September 2004 at its 896<sup>th</sup> meeting) concerning the protection of the human rights and dignity of persons with mental disorder [whose articles 33 and 35 are devoted to persons who have been arrested and persons in penal institutions respectively](#).

<sup>49</sup> The [Council of Europe Disability Strategy 2017-2023](#) was adopted by the Committee of Ministers at its 1272<sup>nd</sup> Meeting on 30 November 2016.

<sup>50</sup> Some cases can be found in the [Prisoners' health-related rights factsheet](#) and in the [Persons with disabilities and the European Convention on Human Rights factsheet](#) published by the Press Unit of the European Court of Human Rights.

<sup>51</sup> Case of *Kudła v. Poland* [GC] (application no. [30210/96](#), §§ 93-94, ECHR 2000-XI), regarding a violation of Article 3 of the Convention (prohibition of torture or inhuman or degrading treatment or punishment).

<sup>52</sup> In its [reply](#) adopted at its 1262<sup>nd</sup> meeting (6 July 2016), the Committee of Ministers "considers that a study as recommended by the Parliamentary Assembly on member States' legislation and practice in relation to the compassionate release of prisoners and other categories of persons in detention would be useful" and that "in addition to severely ill detainees, such a study should cover persons with severe disabilities"; finally the

Parliamentary Assembly Recommendation 2082(2015) “On the fate of critically ill detainees in Europe”,<sup>53</sup> considers that carrying out such a study and collecting and sharing statistics would be useful in order to identify best practices and elaborate guidelines in this field if necessary.

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Committee of Ministers “encourages member States to consider collecting and sharing the statistics referred to by the Parliamentary Assembly in paragraph 3.1 of its recommendation”.

<sup>53</sup> The [Council of Europe budget and programme 2018-2019](#) includes the target of emphasising “on good management in prisons, protecting Human Rights, especially of vulnerable prisoners, and on Human Rights based policing and combating ill-treatment and impunity as regards law enforcement structures”.

Appendix VI

**Interventions of a number of Representatives of NGOs and Institutions**  
*(at the 89<sup>th</sup> meeting of the Steering Committee for Human Rights*  
*(CDDH), 19 June 2018)*

**I. Presentation of the Representative of the Council of Bars and Law Societies of Europe (CCBE), Maître Laurent PETTITI, Avocat au barreau de Paris, Membre du Conseil national des barreaux**

Monsieur le Président, Mesdames et Messieurs les délégués,

Tout d'abord je veux vous remercier d'avoir invité le Conseil des Barreaux Européens que je représente à intervenir aujourd'hui dans le cadre de l'examen par votre Comité de la recommandation votée le 24 janvier dernier par l'APCE.

Le 7 février, les délégués des Ministres ont convenu de communiquer à votre comité, au comité européen de coopération juridique, au comité européen pour les problèmes criminels et à la Commission européenne pour l'efficacité de la justice, pour information et commentaires, la recommandation 2121 (2018) « Pour une convention européenne de la profession d'avocat ».

C'est à la lumière des commentaires que le groupe de rapporteurs sur la coopération juridique sera invité à préparer un projet de réponse pour adoption.

La CEPEJ auditionnera la semaine prochaine le Conseil des barreaux européens.

Le Comité européen pour les problèmes criminels (CDPC) a, lors de sa réunion des 5 et 7 juin dernier, décidé d'attendre les avis des autres comités saisis avant de se prononcer.

Dans votre projet de commentaires en date du 31 mai dernier, vous avez rappelé que le libre exercice de la profession d'avocat est indispensable à l'exercice du droit fondamental à un procès équitable tel que garanti par l'article 6 CEDH, et dans ce cadre vous proposez la mise en place d'un mécanisme d'alerte précoce, des activités de formation à mener conformément à la Recommandation n° (R2000)21 du Comité des Ministres, et la prise en compte de la situation des avocats concernant la mise en oeuvre de la Recommandation 2085(2016).

L'objet de mon propos est d'explicitier les motifs pour lesquels la transformation d'une norme non contraignante en un instrument international obligatoire, accompagné d'un mécanisme de contrôle, serait une formule appropriée et d'une forte valeur ajoutée ( pour reprendre les termes du CDDH ) pour garantir à la profession d'avocat la sécurité et l'indépendance, alors même que la situation des avocats dans un grand nombre d'États membres du Conseil de l'Europe est préoccupante – au moins 16 Etats recensés - étant donné leur contribution à la protection des droits de l'homme et de l'État de droit, et les pressions indues dont ils sont fréquemment l'objet dans leur exercice professionnel, quand ils ne sont pas, dans les pires des cas, victimes d'agressions physiques, de disparitions forcées et d'assassinat.

**Le constat**

Lors du débat de haut niveau organisé très récemment dans le cadre de la célébration du soixante-dixième anniversaire de la Déclaration universelle des droits de l'homme et du vingt-cinquième anniversaire de la Déclaration et du Programme d'action de Vienne, le Haut-Commissaire des Nations Unies aux droits de l'homme a rappelé que la protection des

défenseurs des droits de l'homme était une question capitale, révélatrice du respect des droits de l'homme, ou plutôt de leur non-respect.

Dès 1998, le Rapporteur spécial sur l'indépendance des juges et des avocats, avait noté que des préoccupations ne cessaient d'être exprimées face à l'augmentation du nombre de plaintes faisant état de l'assimilation par les pouvoirs publics des avocats à leurs clients ou à la cause de leurs clients, en particulier, lorsque ces avocats représentaient des personnes mises en examen dans des affaires politiquement sensibles.

Le fait d'assimiler un avocat à la cause de son client pouvait être interprété, dans de nombreux cas, comme un acte d'intimidation et de harcèlement à son endroit ; les pouvoirs publics avaient l'obligation de protéger les avocats contre de tels actes.

Des années plus tard, le Rapporteur spécial a déclaré qu'il porterait aussi une attention particulière à toute tentative visant à mettre fin ou à limiter l'autonomie de l'ordre des avocats, comme il ressortait de rapports antérieurs et a souligné de nouveau qu'il était important de protéger l'indépendance des avocats

Outre le rôle fondamental des avocats en matière d'accès à la justice et le droit d'avoir accès aux services d'un avocat, le Rapporteur spécial s'est ainsi intéressé aux garanties requises pour la sécurité des avocats et l'exercice de leurs fonctions ainsi qu'à des aspects organisationnels importants des professions judiciaires.

**Lors de la 35e session du Conseil des droits de l'homme en juin 2017, l'Assemblée a adopté une résolution le 22 juin 2017 :**

« *Condamnant* les atteintes de plus en plus fréquentes à l'indépendance des juges, des avocats, des procureurs et des personnels de justice, en particulier les menaces, manoeuvres d'intimidation et ingérences dont ils sont victimes dans l'exercice de leurs fonctions

*Soulignant* que les juges, les procureurs et les avocats jouent un rôle primordial dans la défense des droits de l'homme, notamment le droit absolu et intangible de ne pas être soumis à la torture et à d'autres peines ou traitements cruels, inhumains ou dégradants,

\* \* \*

## **II. Presentations by Ms Ara Marcen Naval, Advocate Advisor - Arms Control, Security Trade and Human Rights, Amnesty International, and by Mr Michael Crowley, Research Associate, Omega Research Foundation**

Amnesty International and the Omega Research Foundation, two leading NGOs working on the eradication of "trade in tools of torture", strongly welcomed the unanimous adoption by the Parliamentary Assembly of the Council of Europe's Recommendation 2123 (2018) "Strengthening international regulations against trade in goods used for torture and the death penalty", and the report adopted by the PACE Legal Affairs and Human Rights Committee that preceded it.

The PACE Recommendation 2123 (2018) urges all 47 Council of Europe member States to introduce legislation *prohibiting* trade in inherently abusive equipment, specifically including execution technologies and certain components; inhumane restraints; certain whips; and portable devices unsuitable for riot control or self-protection. Member states are also urged to *regulate* the trade in potentially legitimate security equipment that could however be

misused; and to *deny* authorisation for trade in such goods “where there are reasonable grounds for believing that they might be used for capital punishment or torture [or ill-treatment] in a third country”.

In its Recommendation, the Assembly took note “of the Council of the European Union’s Regulation (EC) No. 1236/2005 concerning trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment, as amended by Regulation (EU) No. 2016/2134.” It recognised that “this regulatory regime is the most advanced and effective in the world. It represents an approach that can and should be applied by all Council of Europe member States”. The Assembly further recognised that “since information sharing and technical co-operation, which are fundamental parts of any international regulatory mechanism, depend on normative and procedural compatibility, it is important to harmonise the regulatory systems of all the Council of Europe member States.”

Worryingly, almost half of the Council of Europe member states are not covered by this or any other regulatory regime thus enabling the trade and consequent use of such tools. Yet, there is a growing international consensus on the need to end and regulate this trade. On 18 September 2017, the Global Alliance to end trade in goods used for capital punishment and torture (the Global Alliance) was launched. Its Political Declaration has been adopted by 58 countries, including 41 Council of Europe member States, and the European Union. The Declaration recalls the essential principles of international law, condemns the trade in goods used for the death penalty, torture or inhuman or degrading treatment or punishment, commits States to taking regulatory action at national level and to co-operating at international level, and establishes a basic framework to facilitate this<sup>54</sup>. The PACE welcomed this initiative and encourage those Council of Europe member States that have not yet done so to join the Global Alliance.<sup>55</sup>

The PACE Recommendation further calls on the Committee of Ministers to:

- Provide technical support for CoE Member states introducing national legislation addressing the trade in goods used for the death penalty and “tools of torture”;
- Provide “technical guidance on how to establish and implement an effective regulatory regime”. This would enable the extension of the existing regime covering part of the Council of Europe as set out in ([EC Regulation 1236/2005](#) – the Torture Trade Regulation) to the whole Council of Europe region.

The follow up by the CDDH and the Committee of Ministers to the adoption of the PACE Recommendation in January 2018 can be the steppingstone for the Council of Europe to ensure and enable effective measures to prohibit the trade in instruments that are inherently inhumane and whose purpose is to be used for the execution of the death penalty (such as electric chairs, gas chambers and gallows), or for torture and other ill-treatment (such as body worn electric shock devices ,weighted leg irons, and spiked batons); and to effectively regulate the trade in goods designed for legitimate law enforcement use but which could be readily misused for torture and other ill-treatment (such as pepper spray and legcuffs). The failure of States to effectively regulate this trade and the use of such tools poses a great threat to human rights in Europe and around the world.

In 2016, the Committee of Ministers in CM/Rec(2016)3 on human rights and business, recommended that “In order not to facilitate the administration of capital punishment or torture in third countries by providing goods which could be used to carry out such acts,

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<sup>54</sup> See PACE Rec para 7.

<sup>55</sup> Only six Council of Europe member States have not yet subscribed the Global Alliance: Andorra, Azerbaijan, Monaco, Russia, San Marino and Turkey.

member states should ensure that business enterprises domiciled within their jurisdiction do not trade in goods which have no practical use other than for the purpose of capital punishment, torture, or other cruel, inhuman or degrading treatment or punishment.” This recognition by the Committee of Ministers of the responsibilities of States to ensure companies in their countries do not trade in torture and death penalty equipment was a significant starting point . However, it is crucial that the Committee of Ministers now provides guidance to member States in this area, in line with the PACE Recommendation, facilitating the introduction and implementation by all CoE member States of effective national and regional measures to tackle this trade. In addition to ensuring that CoE member States will thereby fulfil their obligations to prevent and combat torture and the death penalty, the adoption of such guidance by the Committee of Ministers will provide an important example to the international community and thereby support global efforts to combat this trade.

Given the Council of Europe’s prohibition on the death penalty, torture or other ill-treatment and its role in combatting such practices in the region and throughout the world, Amnesty International and the Omega Research Foundation emphasize the importance of introducing effective regulation tackling the trade in goods used for such purposes in the Council of Europe region.

Consequently, the above-mentioned organizations call on the Committee of Ministers to seize this momentous opportunity and:

- Call on member states to introduce regulations establishing control systems for the trade in goods used for the death penalty, torture or other ill-treatment. Such regulations should prohibit trade in goods which have no practical use other than for the death penalty, torture or other ill-treatment; and require authorisation of trade in goods designed for legitimate law enforcement use but which could be misused for torture or other ill-treatment; such authorisation to be withheld when there are reasonable grounds for believing that they might be employed for capital punishment, torture or other ill-treatment by the end user.
- Adopt a recommendation to member States setting out technical guidance on how to establish and implement an effective regulatory regime facilitating harmonised national systems amongst all Council of Europe member States.
- Foresee a follow up process to assess the progress in implementing the recommendation to be adopted by the Committee of Ministers on this issue, including with a view to consider adopting additional normative instruments.

### **Overview of the trade in “tools of torture” in the Council of Europe region**

Throughout 2017 and early 2018, Omega Research Foundation investigated the manufacture or marketing of inherently cruel devices with no legitimate law enforcement purpose, by companies based in CoE member States or by foreign companies promoting such goods in the CoE region.

The manufacture, promotion, supply and use of all such goods should be prohibited by all CoE member States. We have also documented the manufacture or marketing of a broader range of law enforcement equipment which if used strictly in line with human rights standards can have a legitimate purpose, but which is frequently misused for torture and other ill-treatment. The manufacture, promotion and supply of such equipment should be tightly controlled, by all CoE member States, to ensure it is not sent to those who will misuse it. Our research report: [Manufacture, trade and use of ‘tools of torture’ in the Council of Europe](#), was originally launched in January 2018 and subsequently revised in June 2018. Our findings are entirely consistent with, and reinforce those of, the independent study undertaken in 2017 by the PACE Legal Affairs and Human Rights Committee which provided

the evidentiary basis and policy framework which gave rise to PACE Recommendation 2123. Turning to our research, we uncovered evidence relating to:

**Electric shock weapons and devices:** A wide range of direct contact law enforcement electric shock weapons including electric shock batons, shields, stun guns and even stun gloves have been manufactured or marketed, since 2012, by companies in 12 Council of Europe member States. These companies have promoted electric shock weapons - to police and security forces of CoE member States and those outside the region - on their websites and also at trade fairs throughout the world. And these activities are continuing today. For example, Omega gathered evidence of a company headquartered in a Council of Europe country marketing electric shock batons, shields and stun guns at the Eurosatory 2018 trade fair held just last week in a CoE member State. Such trade fairs held in CoE member States also allow foreign companies to promote their products within the region. For example at Eurosatory 2018, Omega uncovered evidence of Chinese companies promoting a range of electric shock weapons including an electric shock “telescopic anti-riot baton” inflicting a 60,000 volt electric shock and electric shock “police arrest gloves” promoted for “melee combat”. Direct contact electric shock weapons are inherently inappropriate for law enforcement use and are instead a favoured tool of torture.

A further range of inherently inappropriate electric shock devices are intended for attachment directly to prisoners’ bodies and can be activated by remote control; they include stun belts, stun vests and stun cuffs,. Such devices are currently manufactured by companies in the Americas, Africa and Asia, and have been commercially promoted by companies in all regions of the world, including by companies in four Council of Europe member States. The trade in all such body worn electric shock devices and all direct contact law enforcement electric shock devices should be prohibited.

**Mechanical restraints:** Omega has identified companies throughout the CoE region that have manufactured or promoted standard hand cuffs and leg restraints for law enforcement purposes. Such devices if used in accordance with human rights standards, can have an important role in the safe detention and restraint of prisoners. However they are often misused to increase the level of suffering caused to individuals already under control, for example through excessive tightening, attachment to fixed objects, employment in suspension of prisoners, or to place and maintain prisoners in stress positions. Consequently the trade in such law enforcement restraints needs to be stringently regulated to ensure they are not sent to those who will misuse them for torture and ill-treatment.

In addition, Omega has uncovered a range of mechanical restraints which have been marketed to the law enforcement community despite having no legitimate law enforcement purpose. This includes certain hand or leg restraints designed to be attached to fixed objects that have been manufactured or promoted by companies in 3 Council of Europe member states. One such company currently manufactures and promotes a restraint bracelet incorporating a single handcuff and a “stationary mount in the form of a rock bolt”, which “allows you to restrict freedom of movement” of the prisoner who will be “safely chained to the wall.” The company also manufactures “Bouquet” Bracelets for restraining up to five prisoners together and allows the “possibility of fixing [a] group...to a fixed support.” Other inherently inappropriate restraint devices that have been marketed within the CoE region, either by companies based in CoE member States or abroad, for use by law enforcement officials include: thumb-cuffs, weighted leg irons; and devices incorporating multiple (in some cases metal) restraints such as interrogation or restraint chairs. CoE member States must act now to prohibit the manufacture, promotion and trade in all such devices.

**Kinetic impact weapons:** Omega has identified companies throughout the CoE region that have manufactured or promoted striking weapons (such as batons and truncheons) or launched-kinetic impact projectiles (such as rubber or plastic bullets) which can have a legitimate role in law enforcement, but which can be readily misused for ill-treatment and torture, and evidently the trade in such devices needs to be strictly controlled. Omega has



also uncovered the marketing, within the CoE region, of a range of inherently abusive spiked kinetic impact devices such as spiked batons, spiked shields and spiked assaultive arm armour intended for use by police and security forces. The trade in all such spiked weapons should be prohibited.

**Riot control agents:** Omega has identified companies throughout the CoE region that have manufactured or promoted riot control agents (RCAs) – tear gas and pepper spray - or associated delivery mechanisms ranging from hand held irritant sprays and single RCA projectile launchers to high capacity backpack sprayers, multiple projectile launchers and even tear gas dispensing drones. Given the potential for their misuse – both in prison cells and detention centres, as well as during large scale public assembly policing - the promotion and trade in such devices should be strictly regulated to ensure they are not transferred to abusive end users within the CoE region or beyond.

**Training & technical assistance:** Professional training of police and prison officers in the appropriate and safe use of security equipment can reinforce and operationalise human rights standards and good practice. However, Omega has uncovered the provision of training in potentially abusive techniques, conducted by security experts based in the CoE region. A company operating from one Council of Europe member State designs and delivers training for law enforcement and security personnel worldwide, and in certain countries this training has included employment of restraints to place prisoners in hyper-extended positions (hog-tying) and also in the use of batons for neck holds. Such techniques are similar to those that the CPT has recommended be halted. The provision of such training – apparently endorsed by senior law enforcement officials in recipient countries – risks proliferating and legitimising potentially abusive practices in those countries.

**Conclusions:** It is clear from our ongoing research that the trade in “tools of torture” is being conducted today both by companies based in a number of CoE member States, and by foreign companies promoting their goods in the CoE region. Much progress has been made over the last decade by European Union Member States in tackling this trade – notably through EC Regulation 1236/2005 and subsequent EU legislation. However, there are no harmonised standards or regulatory frameworks currently operating across the CoE region. Unless this trade is brought under control by all CoE States, stringent measures currently established in certain CoE member States will be undermined by lax or non-existent controls in others allowing unscrupulous traders to continue their activities, facilitating ill-treatment, cruelty and torture both within the region and beyond.

### III. Presentation by Ms Debbie Kohner, European Network of National Human Rights Institutions, ENNHRI

The European Network of National Human Rights Institutions (ENNHRI) Working Group on Business and Human Rights (WG BHR) includes National Human Rights Institutions (NHRIs) of Armenia, Croatia, Denmark, Finland, France, Georgia, Germany, Great Britain, Netherlands, Northern Ireland and Scotland.

ENNHRI brings the following information to attention of the CDDH:

1. The role and mandate of NHRIs in the area of business and human rights is recognised inter alia by
  - The [ICC Edinburgh Declaration of 2010](#) and [ENNHRI Berlin Action Plan](#) of 2012
  - The [UN Guiding Principles on Business and Human Rights](#) (UNGPs), endorsed unanimously by UN Human Rights Council (UNHRC) in 2011

- Repeated resolutions of the UNHRC on business and human rights<sup>56</sup>
- Council of Europe (COE) [Recommendation CM/Rec\(2016\)3](#) of the Committee of Ministers to Member States on business and human rights
- During 2013-2016, the ENNHRI WG BHR actively participated in the drafting group (CDDH CORP) of COE Committee of Ministers and contributed to the Declaration and Recommendation on BHR that resulted

2. We warmly welcome the [Declaration of the Committee of Ministers on the UN Guiding Principles on business and human rights](#) from 2014, and Recommendation CM/Rec (2016)3 as important milestones towards effectiveness of human rights in context of business activities in Europe.

3. Since 2016 ENNHRI's member institutions have been at the forefront of efforts to promote awareness and implementation of the COE Declaration and Recommendation, including:

- Hosting (with the Danish Government) and participating in a major international multi-stakeholder Workshop on the Recommendation in Copenhagen in December 2016, which concluded in several recommendations to the COE, member states and other stakeholders<sup>57</sup>
- Participating in the COE High-Level seminar on BHR in Strasbourg in June 2017<sup>58</sup>
- Hosting (together with the Scottish Government) and participating in an international multi-stakeholder workshop on NAPs in Europe in June 2018 in Edinburgh<sup>59</sup>
- Establishing an online platform providing information on European NAPs, as mentioned in the session note – [www.globalnaps.org](http://www.globalnaps.org)
- Collaborating with the COE Conference of INGOs and participating in joint events in Strasbourg
- Engaging with the COE Parliamentary Assembly Committee on Legal Affairs and Human Rights regarding the adoption of a Resolution on BHR
- Supporting development of the HELP BHR programme and forthcoming COE Handbook on BHR
- Engaging regularly with the COE Secretariat, including inviting them to participate in Copenhagen and Edinburgh workshops, and through meetings in Strasbourg.
- In particular collaborating with the COE Secretariat to coordinate efforts with regard to the proposed online platform.

4. However, the ENNHRI Business and Human Rights Working Group has expressed concerns at persistent business related human rights abuses in the context of business activities in Europe including:

- human trafficking and modern slavery,
- sexual violence and harassment especially in the workplace,
- labour rights abuses including breaches of minimum pay requirements and trade union rights, with specific issues arising in connection with agency workers and workers employed through 'umbrella companies',
- invasions of privacy and misuse of personal data,
- discrimination in employment and access to services,
- environmental degradation,
- corporate tax evasion and avoidance with implications for realisation of human rights.

<sup>56</sup> See for example, [Resolution adopted by the Human Rights Council on 22 June 2017](#), A/HRC/RES/35/7

<sup>57</sup> <https://www.humanrights.dk/projects/business-human-rights-council-europe>

<sup>58</sup> <https://www.coe.int/en/web/human-rights-rule-of-law/-/high-level-seminar-on-human-rights-and-business>

<sup>59</sup> <https://www.ioe-emp.org/events-details/article/scottish-governement-workshop-securing-sustainable-and-accountable-business-in-europe-the-role-of/>

We regret the lack of implementation of sufficient human rights due diligence procedures within European companies, and express our concerns at other grave abuses, including attacks on human rights defenders, inside and beyond Europe that implicate European corporations.

5. We furthermore note that only 17 of the 47 (35%) CoE States have adopted National Action Plans (NAPs) on business and human rights as called for by the COE Recommendation<sup>60</sup>.

6. We also observe:

- poor awareness-raising of rights and remedies, and lack of human rights education related to business activity,
- lack of analysis of widespread impact of business and corporations on rights of specific groups, in particular the rights of children, from marketing and advertising, through to ensuring that parents and caregivers have access to family-friendly working conditions,
- persistent problems of weak accountability of duty-bearers in relation to business activities, for example, in the context of OECD National Contact Points in COE member states, as well as obstacles to remedy for victims as highlighted in the COE Recommendation itself as well as recent reports by EU Fundamental Rights Agency (FRA)<sup>61</sup> and European civil society organisations.

7. The ENNHRI Business and Human Rights Working Group members reiterate that European states should commit themselves to the UNGPs and align national law and practice with the UNGPs as well as the COE Recommendation.

8. Given this, we are concerned that financial resources needed to support the implementation of the Recommendation as envisaged have not yet been allocated, suggesting lack of political will (paras. 18, 23, 27).

9. If such resources are not forthcoming, regrettably the Recommendation will be a dead letter, and would undermine the credibility, at home and abroad, of the commitment of European states and COE to address abuses linked to business activity.

10. We again call for effective implementation of the COE Recommendation and its provisions for monitoring, reporting and review on NAPs, and draw attention to proposals included in the report of the 2017 Copenhagen workshop to support this objective.

11. Besides online platform and questionnaire previously envisaged, we strongly support the proposal at para.25 for workshops within the COE Region that would bring together relevant stakeholders and practitioners, including the private sector, with a strong focus on practical issues and solutions in the field of Business and Human Rights (para.25).

12. ENNHRI remains ready to cooperate to secure effective coordination of such efforts with existing initiatives including those of European NHRIs e.g.

- The Danish Institute for Human Rights' (DIHR) website [www.globalnaps.org](http://www.globalnaps.org)
- ENNHRI capacity building under [NHRI.EU project](#)
- National level efforts on NAPs on business and human rights<sup>62</sup>, and exchanges of practices and expertise on implementation of NAPs amongst European NHRIs through online platforms and the ENNHRI Business and Human Rights Working Group.

<sup>60</sup> Or specific business and human rights chapters within broader human rights NAPs in the case of Georgia.

<sup>61</sup> [http://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2017-opinion-01-2017-business-human-rights\\_en.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/fra-2017-opinion-01-2017-business-human-rights_en.pdf)

<sup>62</sup> See for example the Scottish National Action Plan process, <http://www.snaprights.info/action-areas/better-world/business-and-human-rights>).

**ENNHRI**, the European Network of National Human Rights Institutions, brings together 42 National Human Rights Institutions (NHRIs) from across wider Europe. ENNHRI's mission is to promote and protect human rights across the European region. ENNHRI supports the development of European NHRIs by: advising on the establishment and accreditation of NHRIs; coordinating the exchange of information and good practice between members; organising capacity building and training on NHRI methodologies and human rights; building solidarity between European NHRIs; providing support for NHRIs under threat and facilitating NHRIs' engagement with regional and international mechanisms.

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Appendix VII**Conference**

**Policy For Progress: Ending FGM and Forced Marriage**  
**Draft agenda – activities and timings are subject to change**  
 London, 15–16 November 2018

**Day One – Thursday 15 November**

13:30	<b>Guest registration</b>
14:00	<b>Welcome from UK Government Minister</b>
	<p><b>Speaker: FGM survivor</b></p> <p><b>Panel discussion with Q&amp;A: ‘How can we better measure the true prevalence and impact of these hidden crimes?’</b></p> <p>Panellists include:</p> <ul style="list-style-type: none"> <li>• <b>UK Government Minister</b></li> <li>• <b>Edna Adan Ismail</b>, former Somaliland Government Minister, health practitioner and anti-FGM campaigner</li> <li>• <b>Professor Aisha Gill</b>, University of Roehampton</li> <li>• <b>Diana Nammi</b>, Executive Director of Iranian and Kurdish Women’s Rights Organisation</li> <li>• <b>Dr Anne-Marie Wilson</b>, Director of 28 Too Many</li> <li>• <b>Jacinta Muteshi</b>, Project Director for Population Council FGM/C Research Program</li> </ul> <p>~ Break ~</p> <p><b>Session with Q&amp;A: Supporting victims of Forced Marriage</b></p> <p>Speakers include:</p> <ul style="list-style-type: none"> <li>• <b>Khalida Salimi</b>, Founder of Sach</li> <li>• <b>Annemarie Haitsma</b>, Forced Marriage Unit, Netherlands</li> </ul> <p><b>Speaker: UK Government Minister</b></p>
18:00	<b>Networking session:</b> Opportunity to meet fellow delegates and browse exhibition

**Day Two – Friday 16 November**

08:30	<b>Guest registration</b>
09:00	<b>Welcome by UK Government Minister</b>
	<p><b>Speaker: Chiara Cosentino</b>, End FGM European Network</p> <p><b>Session with Q&amp;A: ‘Meet the Forced Marriage Unit’</b>          Overview of the work of the UK Government Forced Marriage Unit</p> <p>~ Break ~</p>

	<p><b>Workshops</b></p> <p>Opportunity to choose from a range of breakout sessions, including:</p> <ul style="list-style-type: none"> <li>• FGM and Forced Marriage Protection Orders, with the <b>UK Government</b></li> <li>• FGM prosecutions in France, with <b>Linda Weil-Curiel (France)</b></li> <li>• Role of men in tackling FGM and Forced Marriage, with <b>GAMS Belgium, FORWARD (UK) and HEROES (Germany)</b></li> <li>• Role of young people and the impact of education in tackling FGM and Forced Marriage, with <b>Integrate UK</b></li> <li>• Improving the social care response to FGM, with <b>Barnardo's (UK)</b></li> <li>• #StopTheMarriage / #StoppBryllupet innovative communications campaign, with <b>Plan Norway</b></li> <li>• Consular Co-operation Initiative (CCI) for Forced Marriage, with the <b>UK Government and Netherlands Government</b></li> <li>• 'Marry When You Are Ready' project – supporting Roma communities across Europe, with <b>Terni Bori</b></li> </ul> <p>~ Lunch ~</p> <p><b>Breakout sessions</b></p> <p>~ Break ~</p> <p><b>Discussion: 'How can we empower communities and support sustainable behaviour change?'</b></p> <p>Speakers include: <b>Julia Lalla-Maharajh</b>, Chief Executive and Founder of Orchid Project</p> <p><b>Keynote speech</b></p>
16:00	<b>Event Ends</b>

**ACTIONS:**

- The UK is keen to secure the attendance of as many international representatives as possible in order for the conference to be a success. We hope that the CDDH and wider Council of Europe will support us in raising awareness of the conference and in encouraging attendance from international colleagues.
- **Please send contact details of FGM and Forced Marriage experts from your country to be invited to the conference to [visitsandevents1@homeoffice.gsi.gov.uk](mailto:visitsandevents1@homeoffice.gsi.gov.uk) by Friday 6 July.**
- **Please share this draft agenda with your colleagues and any FGM and Forced Marriage experts who you think would be interested in participating.**
- Please do not hesitate to contact the UK Home Office at the following address if you have any questions: [visitsandevents1@homeoffice.gsi.gov.uk](mailto:visitsandevents1@homeoffice.gsi.gov.uk)

Appendix VIII**Focal points of the CDDH in other bodies**

*(List adopted by the CDDH at its 89<sup>th</sup> meeting, 19–22 June 2018)*

1. Committee on Bioethics (DH-BIO): Ms Brigitte KONZ (Luxembourg)
2. Commission for Democracy through Law (Venice Commission): Ms Brigitte OHMS (Austria)
3. European Commission for the Efficiency of Justice (CEPEJ): Mr Vít A. SCHORM (Czech Republic)
4. Committee of Legal Advisers on Public International Law (CAHDI): Ms Florence MERLOZ (France)
5. European Committee on Legal Co-operation (CDCJ): Ms Maria de Fátima GRAÇA CARVALHO (Portugal)
6. Steering Committee on Media and Information Society (CDMSI): Ms Kristine LICIS (Latvia)
7. Ad hoc Committee of experts on Roma and Traveller Issues (CAHROM): Ms Svetlana GELEVA (“The former Yugoslav Republic of Macedonia”)
8. Consultative Committee of the Convention for the protection of individuals with regard to automatic processing of personal data (T-PD): Ms Brigitte OHMS (Austria)
9. Committee of Experts on Terrorism (CODEXTER): Mr Chanaka WICKREMASINGHE (United Kingdom)
10. Committee of the Parties to the Council of Europe Convention on the protection of children against sexual exploitation and sexual abuse (“the Lanzarote Committee”): Ms Brigitte KONZ (Luxembourg)
11. Ad hoc Committee for the Rights of the Child (CAHENF): Ms Brigitte KONZ (Luxembourg)
12. European Committee on Democracy and Governance (CDDG): Ms Krista OINONEN (Finland)
13. Committee of Experts on Administrative Detention of Migrants (CJ-DAM): Mr Morten RUUD (Norway)

**CDDH RAPPORTEURS**

14. Rapporteur on Roma and Traveller Issues: Ms Svetlana GELEVA (“The former Yugoslav republic of Macedonia”)
15. CDDH Rapporteur on gender equality for 2018: Mr Philippe WERY (Belgium)

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Appendix IX  
**Calendar of meetings of the CDDH**  
**and subordinate bodies for the second semester of 2018 and for 2019**  
*(as adopted by the CDDH at its 89<sup>th</sup> meeting, 19-22 June 2018)*

2018	
3 <sup>rd</sup> meeting of the drafting Group on Civil Society and National Human Rights Institutions (CDDH-INST)	14–16 March
4 <sup>th</sup> meeting of the drafting Group on Human Rights and Migration (CDDH-MIG)	21–23 March
3 <sup>rd</sup> meeting of the drafting Group on the place of the ECHR in the European and international legal order (DH-SYSC-II)	3–5 April
<i>High-level Conference under the Danish chairmanship of the Committee of Ministers concerning the future of the ECHR system</i>	Copenhagen, 11–13 April
3 <sup>rd</sup> meeting of the drafting Group on Freedom of Expression and links to other Human Rights (CDDH-EXP)	25–27 April
2 <sup>nd</sup> meeting of the drafting Group on Social Rights (CDDH-SOC)	2–4 May
99 <sup>th</sup> meeting of the Bureau of the Steering Committee for Human Rights (CDDH-BU)	Andorra la Vella 17–18 May
13 <sup>th</sup> meeting of the Committee on Bioethics (DH-BIO)	22–25 May
89 <sup>th</sup> meeting of the Steering Committee for Human Rights (CDDH) and Workshop, under the Croatian Chairmanship of the Committee of Ministers, on the promotion of human rights of older persons	19–22 June 21 June (afternoon)
3 <sup>rd</sup> meeting of the drafting Group on Social Rights (CDDH-SOC)	5–7 September
4 <sup>th</sup> meeting of the drafting Group on Civil Society and National Human Rights Institutions (CDDH-INST)	19-21 September
4 <sup>th</sup> meeting of the drafting on the place of the ECHR in the European and international legal order (DH-SYSC-II)	25–28 September
5 <sup>th</sup> meeting of the drafting Group on Human Rights and Migration (CDDH-MIG)	23–25 October
100 <sup>th</sup> meeting of the Bureau of the Steering Committee for Human Rights (CDDH-BU)	Berlin, 8–9 November
14 <sup>th</sup> meeting of the Committee on Bioethics (DH-BIO)	20–23 November
<i>Meeting of the Government Agents with the Registry of the Court</i>	26 November morning
CDDH Workshop on the 20 <sup>th</sup> anniversary of the new Court	26 November afternoon
90 <sup>th</sup> meeting of the Steering Committee for Human Rights (CDDH) including the CDDH Workshop (29 November afternoon) on Civil Society and National Human Rights Institutions	27–30 November



<b>2019</b>	
5 <sup>th</sup> meeting of the drafting Group on the place of the ECHR in the European and international legal order (DH-SYSC-II)	6–8 February
5 <sup>th</sup> meeting of the drafting Group on Civil Society and National Human Rights Institutions (CDDH-INST)	27 February– 1 <sup>st</sup> March
4 <sup>th</sup> meeting of the drafting Group on Freedom of Expression and links to other Human Rights (CDDH-EXP)	20–22 March
6 <sup>th</sup> meeting of the drafting Group on Human Rights and Migration (CDDH-MIG)	26–28 March
4 <sup>th</sup> meeting of the drafting Group on Social Rights (CDDH-SOC)	3–5 April
101 <sup>th</sup> meeting of the Bureau of the Steering Committee for Human Rights (CDDH-BU)	16–17 May
6 <sup>th</sup> meeting of the drafting Group on the follow-up to the CDDH report on the longer-term future of the Convention (DH-SYSC-II)	22–24 May
91 <sup>th</sup> meeting of the Steering Committee for Human Rights (CDDH) and Workshop on the protection of victims of terrorist acts	18–21 June
7 <sup>th</sup> meeting of the drafting Group II on the place of the ECHR in the European and international legal order (DH-SYSC-II)	11–13 September
6 <sup>th</sup> meeting of the drafting Group on Civil Society and National Human Rights Institutions (CDDH-INST)	18–20 September
5 <sup>th</sup> meeting of the drafting Group on Social Rights (CDDH-SOC)	25–27 September
6 <sup>th</sup> meeting of the drafting Group on Freedom of Expression and links to other Human Rights (CDDH-EXP)	9–11 October
6 <sup>th</sup> meeting of the Committee of experts on the system of the European Convention on Human Rights (DH-SYSC)	16–18 October
7 <sup>th</sup> meeting of the drafting Group on Human Rights and Migration (CDDH-MIG)	22–24 October
102 <sup>nd</sup> meeting of the Bureau of the Steering Committee for Human Rights (CDDH-BU)	7–8 November
92 <sup>nd</sup> meeting of the Steering Committee for Human Rights (CDDH)	26–29 November

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## Appendix X

### **Deadlines for possible contributions**

*(as adopted by the CDDH at its 89<sup>th</sup> meeting, 19–22 June 2018 )*

#### **Friday 6 July 2018**

Contact details of national experts to be invited to the Conference “Policy For Progress: Ending Forced Genital Mutilations (FGM) and Forced Marriage” (London, 15-16 November 2018); (see the draft program of the Conference at the [Appendix IV](#) above) - to be sent to [visitsandevents1@homeoffice.gsi.gov.uk](mailto:visitsandevents1@homeoffice.gsi.gov.uk)

#### **Monday 16 July 2018**

Comments-information-proposals: (i) on the way of updating the Recommendation Rec(2004)4 on the European Convention on Human Rights in university education and professional training (document DH-SYSC-III(2018)02) and (ii) on the implementation of the Recommendation Rec(2004)4 (document [DH-SYSC-III\(2018\)03](#)) – to be sent to [DGI-CDDH-Reform@coe.int](mailto:DGI-CDDH-Reform@coe.int)

Editorial comments regarding the draft Declaration on the need to strengthen the protection and promotion of the civil society space (document CDDH (2018)R89add2) – to be sent to [DGI-CDDH@coe.int](mailto:DGI-CDDH@coe.int)

#### **Friday 17 August 2018**

Comments on the draft chapter of Theme 1 on the “Challenge of the interaction between the Convention and other branches of international law, including international customary law” (future document DH-SYSC-II(2018)10) – to be sent to [DGI-CDDH-Reform@coe.int](mailto:DGI-CDDH-Reform@coe.int)

#### **Friday 31 August 2018**

Replies to questionnaire on the implementation of the Recommendation CM/Rec(2010)05 of the Committee of Ministers to the member States on measures to combat discrimination on grounds of sexual orientation or gender identity – to be sent to [Eleni.TSETSEKOU@coe.int](mailto:Eleni.TSETSEKOU@coe.int), cc: [sogi@coe.int](mailto:sogi@coe.int).

Comments-information-proposals on the future second draft report on social rights (future document CDDH(2018)09) – to be sent to [DGI-CDDH@coe.int](mailto:DGI-CDDH@coe.int)

Comments on the draft Additional Protocol on the protection on the human rights of persons with mental disorder with regard to involuntary placement and involuntary treatment as well as the changes made to the draft explanatory report – to be sent to [DGI-CDDH@coe.int](mailto:DGI-CDDH@coe.int)

**Friday 28 September**

Comments-information-proposals (national examples of good practices to be included in the Guide of good and promising practices on the way of reconciling freedom of expression with other rights and freedoms, in particular in culturally diverse societies (document [CDDH-EXP\(2018\)R3add revised](#)) – to be sent to

[DGI-CDDH@coe.int](mailto:DGI-CDDH@coe.int), cc: [merete.bjerregaard@coe.int](mailto:merete.bjerregaard@coe.int)

Comments on the draft opinion<sup>63</sup> on the draft “Venice principles on the protection and promotion of the institution of Ombudsman” (future document CDDH(2018)08) - to be sent to [DGI-CDDH@coe.int](mailto:DGI-CDDH@coe.int)

**Monday 15 October 2018**

Comments-informations-proposals on the draft additional Protocol on the protection of human rights and dignity of persons with mental disorders with regard to involuntary placement and treatment<sup>64</sup> in view of the opinion the CDDH should give to the DH-BIO on this text by Monday 12 November 2018 - to be sent to Envoyer à [DGI-CDDH@coe.int](mailto:DGI-CDDH@coe.int)

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<sup>63</sup> A draft opinion will be prepared by the Drafting Group CDDH-INST at its 4th meeting (19–21 September 2018) and distributed to the CDDH members on 21 September for possible comments by Friday 28 September 2018. On this basis, the Bureau will take a final decision on the content of the opinion. It was agreed with the Secretariat of the Venice Commission that the CDDH opinion on the draft "Venice Principles" will be sent to the latter at the beginning of October 2018.

<sup>64</sup> At its 13<sup>th</sup> meeting (22-25 May 2018) the DH-BIO agreed to send this draft Protocol, for comments, to the CDDH, to the European Committee on the prevention of torture (CPT), to the Parliamentary Assembly, to the Commissioner on Human Rights and to the Conference of INGOs. The Chairperson of the DH-BIO, Ms Béatrice IOAN, sent a letter on this issue, on 18 June 2018, to the CDDH Chairperson.

## Appendix XI

### Programme of the Workshop

- 14:15**                    **Opening Session**
- Mr Hans-Jörg BEHRENS**, Chair of the Steering Committee for Human Rights (CDDH), Council of Europe
- Ambassador Miroslav PAPA**, Permanent Representative of Croatia to the Council of Europe, Chair of the Minister's Deputies
- Ms Gabriella BATTAINI-DRAGONI**, Deputy Secretary General of the Council of Europe
- 14:35**                    **WORKING SESSION I**  
**Presentation of the Recommendation CM/Rec(2014)2**
- Ms Brigitte KONZ**, former Chair of the Steering Committee for Human Rights (CDDH), Council of Europe
- Ms Ayşegül ELVERİŞ**, Secretary to the Committee on Social Affairs, Health and Sustainable Development, Secretariat of the Parliamentary Assembly
- Discussion: *Towards a binding legal instrument?***
- 15:20**                    **Coffee break**
- 15:50**                    **WORKING SESSION II**  
**Implementation of the principles of the Recommendation in view of the current challenges of population ageing**
- Professor Antonio CHERUBINI**, Professor of geriatric medicine  
**Ms Claudia MAHLER**, Senior Researcher and Policy Advisor at the German Institute for Human Rights, representative of [ENNHRI](#)  
**Mr Maciej KUCHARCZYK**, Policy Director of [AGE Platform Europe](#)  
**Mr Alain KOSKAS**, President of [FIAPA](#), representative of the Conference of the INGOs of the Council of Europe  
**Ms Marina MONACO**, [ETUC](#), Advisor to ETUC Confederal Secretary
- Discussion: *Ways and means for achieving at the national level the principles set out in the CM Recommendation***
- 17:20**                    **Conclusion**  
Concluding remarks by Mr Hans-Jörg BEHRENS, Chair of the CDDH  
Closing by Ms Nada ZRINUŠIĆ, Assistant Minister, Ministry for Demography, Family, Youth and Social Policy
- 17:30**                    ***Vin d'honneur* offered by the Croatian Chairmanship of the Committee of Ministers**