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STEERING COMMITTEE FOR HUMAN RIGHTS (CDDH)

REPORT

90th meeting

Strasbourg, 27–30 November 2018

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SUMMARY

1. The Steering Committee for Human Rights (CDDH) held its 90th meeting from 27 to 30 November 2018 in Strasbourg with Mr Hans-Jörg BEHRENS (Germany) in the Chair. The agenda, as adopted, appears in [Appendix I](#). The list of participants is contained in [Appendix II](#).
2. At this meeting the CDDH, in particular:
 - (a) adopted its comments ([Appendix III](#)) on the following Parliamentary Assembly Recommendations:
 - 2140(2018) – Unlimited access to member States, including “grey zones”, by Council of Europe and United Nations human rights monitoring bodies;
 - 2141(2018) – Family reunification of refugees and migrants in the Council of Europe member States;
 - (b) exchanged views on the implementation of its current terms of reference and on the work it wishes to continue/begin during the next biennium, in the light notably of suggestions made by the Bureau, as well as the priorities of the forthcoming Presidencies of the Committee of Ministers ([Appendix IV](#)); in this context, took note of the current difficult staffing situation of the Secretariat;
 - (c) concerning the **system of the European Convention on Human Rights**:
 - (i) provided guidance on the on-going work within the Drafting Group on the place of the European Convention on Human Rights in the European and international legal order (DH-SYSC-II) ([Appendix V](#));
 - (ii) approved the preliminary draft prepared by the Drafting Group DH-SYSC-III for a Recommendation of the Committee of Ministers on the system of the European Convention on Human Rights in university education and professional training, to be finalised in 2019 ([Appendix VI](#));
 - (iii) decided on the deadlines for the conclusion of the analysis of the national reports on the implementation of the Brussels Declaration;
 - (iv) approved the draft table of contents of the future CDDH report “*Contribution to the evaluation provided for by the Interlaken Declaration*” ([Appendix VII](#)) and agreed on the working methods for adding several themes deriving from the Copenhagen Declaration; exchanged views on the 2nd High-level Expert Conference on the Implementation of this Declaration (Kokkedal, Denmark, 31 October - 2 November 2018);
 - (v) took note of the work carried out by the Committee of Ministers Rapporteur Group on Human Rights (GR-H) regarding the selection and election of judges at the Court;
 - (vi) exchanged views on the “*Seminar on the occasion of the 20th anniversary of the New Court*” organised by the Finnish Presidency of the Committee of Ministers in co-operation with the Court and the CDDH ([Appendix VIII](#));
 - (vii) agreed on the work to be carried out during the next meeting of its Committee of experts on the system of the ECHR (DH-SYSC) in October 2019;

(d) concerning the **development and promotion of human rights:**

- (i) provided guidance to its Drafting Group on Social Rights (CDDH-SOC) regarding the continuation and finalisation 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; decided that this Group will also be in charge of the work regarding university education and professional training on the European Social Charter system (Appendix IX);
- (ii) held the CDDH Workshop on the *Protection and Promotion of the civil society space in Europe*, organised under the aegis of the Finnish Presidency of the Committee of Ministers (Appendix X);
- (iii) approved the structure for revising the Recommendation No. R(85)13 of the Committee of Ministers on the institution of the ombudsman, as suggested by its Drafting Group on Civil Society and National Human Rights Institutions (CDDH-INST) (Appendix XI);
- (iv) took note of the preliminary draft *Handbook on alternatives to immigration detention* prepared within its Drafting Group on Migration and Human Rights (CDDH-MIG) and provided guidance in view of its finalisation, as well as for other work to be carried out by the Group in 2019 and beyond, namely starting work on drafting guidelines on alternatives to the immigration detention of children as well as conducting a brief feasibility study on future work relating to the reception of refugee and migrant children;
- (v) took note of the work in progress on preparing, within its Drafting Group on freedom of expression and links to other human rights (CDDH-EXP), of a *Guide to good and promising practices on the way of reconciling freedom of expression with other rights and freedoms, in particular in culturally diverse societies*, and gave guidance in view of its finalisation at its next meeting in March 2019;

(e) as regards the **follow-up to the implementation of instruments already adopted by the CDDH:**

- provided guidance for the establishment of the Online Platform on Human Rights and Business ;
- adopted its report on the review of the implementation of Recommendation CM/Rec(2014)2 of the Committee of Ministers on the promotion of the human rights of older persons and decided to transmit it to the Committee of Ministers (CDDH(2018)R90 Addendum);
- exchanged views on the Conference on “*Policy For Progress: Ending FGM and Forced Marriage*” (London, 15–16 November 2018) (Appendix XII);
- exchanged views on the state of preparation of a Workshop on the *Protection of victims of terrorist acts* planned for June 2019 under the aegis of the French Presidency of the Committee of Ministers (Appendix XIII);
- exchanged views on the follow-up to the Council of Europe Convention on access to official documents and on the possibility of organising an awareness-raising Workshop under the aegis of the Finnish Presidency of the Committee of Ministers;
- exchanged views on the follow-up to the Recommendation CM/Rec(2010)05 of the Committee of Ministers on measures to combat discrimination based on sexual orientation or gender identity, in view of the adoption in June 2019 of its

progress report on the implementation of the Recommendation;

- (f) concerning **bioethics**: adopted its opinion for the DH-BIO 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 (Appendix XIV); examined the on-going and future activities within the DH-BIO;
- (g) took note of the information provided by its **focal points** to other bodies (Appendix XV);
- (h) decided on **special guests** to be invited to its future meetings;
- (i) exchanged views with its Rapporteur for Gender **Equality**;
- (j) exchanged views on the state of signatures and ratifications of the **Conventions** for which the CDDH is responsible;
- (k) held **elections** (Appendix XVI);
- (l) took note of the current status of **publications** of the CDDH work as well as of the publications foreseen (Appendix XVII);
- (m) adopted its **calendar** of meetings for 2019 (Appendix XVIII).

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. The list of participants is contained in [Appendix II](#).

ITEM 2: RECOMMENDATIONS OF THE PARLIAMENTARY ASSEMBLY

2. The Secretariat recalled that following the decisions of the Committee of Ministers adopted at their 1321st meeting (4 July 2018), the CDDH had been invited to examine and make possible comments on five Parliamentary Assembly Recommendations¹ adopted by the latter at its summer plenary session (25–29 June 2018). As the Committee of Ministers had set 30 September 2018 as the deadline for replies, the Bureau of the CDDH considered it necessary to examine the draft comments by electronic means. Consequently, the Bureau of the CDDH and then the CDDH examined and adopted comments electronically with a view to their timely transmission to the Committee of Ministers.

3. With regard to the two Parliamentary Assembly Recommendations adopted at its autumn plenary session (8–12 October 2018), transmitted to the CDDH for information and possible comments, the CDDH held an exchange of views at the end of which the CDDH adopted its comments as they appear in [Appendix III](#) below.

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

4. The Head of the Human Rights Policy and Development Department, Mr Mikhail LOBOV, informed the Committee of the current budgetary situation of the Organisation and the implications for the work of the CDDH in terms of financial and human resources.

5. The CDDH noted in particular the current staffing difficulties of its Secretariat and the fact that these difficulties are likely to worsen in 2019 and during the next biennium.

6. The CDDH reiterated its desire to give priority, in 2019 and during the next biennium, to the finalisation of its current work in the light of the current mandate received from the Committee of Ministers ([Appendix IV](#)). In this spirit, it confirmed its current calendar of activities for 2019, it being understood that some meetings could be postponed if the situation of its Secretariat were to deteriorate.

¹ Parliamentary Assembly Recommendations :

2133 (2018) – “Protecting human rights defenders in Council of Europe member States”, 2135 (2018) – “Extra-territorial processing of asylum claims and the creation of safe refugee shelters abroad”,

2136 (2018) – “Human rights impact of the “external dimension” of European Union asylum and migration policy: out of sight, out of rights?”,

2137 (2018) – “International obligations of Council of Europe member States: to protect life at sea” and

2138 (2018) – “Persecution of LGBTI people in the Chechen Republic (Russian Federation)”.

7. While welcoming the commitment of its Secretariat and the quality of its work, the CDDH urged the Committee of Ministers and the Secretary General to identify solutions that could be applied rapidly. It noted with concern that, if the human resources of its Secretariat were to decrease in the very near future, some of the work requested by the Committee of Ministers in priority areas for the Organisation, such as the protection of social rights or the place of the ECHR in the European and international legal order, would probably not be able to be completed within the requested timeframe, which could have consequences for the follow-up of these questions by the Ministers' Deputies themselves.

8. Furthermore, the CDDH noted that, in addition to the work included in its terms of reference for the current biennium, it had received an ad hoc mandate from the Committee of Ministers to draw up in 2019 a feasibility study on a possible legal instrument concerning the prohibition of trade in goods used for torture and the death penalty.²

9. With regard to the preparation of the Intergovernmental Programme 2020–2021, the CDDH noted that it would be called upon to submit its formal proposals to the Committee of Ministers in June 2019, and already indicated that its priority would be to finalise work in progress.

- (i) It also noted that the successive Presidencies of the Committee of Ministers which would be held until the end of 2021³ might propose to undertake intergovernmental activities within the CDDH's field of competence. It marked its availability, but stressed that it would have to be endowed with the necessary human and budgetary resources to carry out any additional tasks.
- (ii) Other possible areas of work could be found in Appendix IV of document CDDH(2018)17. The CDDH considers them in principle very relevant, and in the light of the budgetary situation it would discuss in June 2019 their feasibility during the next biennium, or at a later stage. These issues include notably: (i) how to deal more effectively with interstate dispute cases; (ii) the situation of the judges of the Court after the end of their term of office;⁴ (iii) the effective dissemination at national level of the judgments and decisions of the Court, including where appropriate in the national language(s);⁵ (iv) strengthening of international regulations prohibiting trade in goods used for torture and the death penalty; (v) the promotion of the human rights of older persons (non-discrimination, autonomy and participation, protection against violence, social and employment protection, adequate access to health care, access to justice)

² Following the reply adopted on 12 September 2018 by the Ministers' Deputies at their 1323rd meeting concerning Recommendation 2123 (2018) of the Parliamentary Assembly.

³ Finland: 21 November 2018 - 17 May 2019
 France: 17 May 2019 - November 2019
 Georgia: November 2019 - May 2020
 Greece: May - November 2020
 Germany: November 2020 - May 2021

⁴ Following the decisions taken by the Deputies for the implementation of the Copenhagen Declaration.

⁵ In the light in particular of the conclusions of the *Round Table Implementation of the ECHR in the domestic legal systems: Experience in the translation and dissemination of the judgments of the European Court in a comparative perspective*, held in Strasbourg on 15 October 2018. During this event, the experiences and challenges posed by the dissemination and translation of the judgments of the Strasbourg Court in Italy, Poland, the Russian Federation and other member States were discussed in a practical perspective, so as to achieve an effective and reliable dissemination of the case-law of the Court.

on the basis of the existing international standards in the field of human rights, in particular the ECHR and the European Social Charter; (vi) promoting access to public documents by raising awareness of the Tromsø Convention; (vii) deepening links between human rights and the environment.

10. At the end of the discussion, the Chairperson reported on his participation in the 1st meeting of the Chairpersons of the intergovernmental committees of the Council of Europe (Strasbourg, 20 September 2018), which was followed by a meeting with the Secretary General. The CDDH welcomed the initiative to organise such a meeting, which had made it possible to better know the work of the other committees, to establish synergies and to share good practices.

ITEM 4: SYSTEM OF THE EUROPEAN CONVENTION ON HUMAN RIGHTS

11. With regard to the work related to the system of the European Convention on Human Rights, the CDDH examined the work in progress in the Drafting Groups DH-SYSC-II and DH-SYSC-III and in the Committee of Experts on the system of the Convention (DH-SYSC); the follow-up to the Interlaken, Brussels and Copenhagen Declarations, as well as issues regarding the selection and election of the Judges of the Court. Furthermore, it exchanged views on the Seminar organised on 26 November 2018 on the occasion of the 20th anniversary of the new Court.

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

12. 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 work of the 4th meeting of the Group (25–28 September 2018).

13. During this meeting, the Group discussed in particular Theme 1 (The challenge of the interaction between the Convention and other branches of international law, including international customary law) of the draft future report of the CDDH on the European Convention on Human Rights in the European and international legal order.

14. The Chairperson of the Drafting Group explained that the Group, at this stage:

- (i) had provisionally adopted the draft chapters on sub-themes i) (Methodology of interpretation by the European Court of Human Rights and its approach to international law) and iii) (Interaction between the resolutions of the Security Council and the European Convention on Human Rights) and transmitted them to the CDDH for information and possible guidance. The Group considered that its examination of the two sub-themes was closed as to the substance, it being understood that a review would take place at the end of the biennium to harmonise the form of the entire document and that the texts could be updated in the event that the Court would make new important judgments before the final adoption of the entire future report in 2019;
- (ii) examined in detail the revised draft chapter on sub-theme ii) (State responsibility and extraterritorial application of the European Convention on Human Rights) prepared by the co-Rapporteurs. As a result of this review, the Group requested the Secretariat to prepare a revised version of this chapter, under the responsibility of the Chair, in order to take into account the in-depth discussions that took place at the meeting; this version would form the basis of the work at the next meeting (February 2019). In line with the Group's instructions, the Chair further reported on

the state of the works on this chapter to the CDDH, with a view to obtaining possible guidance for the February 2019 meeting;

- (iii) decided not to retain the proposal made by one delegation to address also questions relating to the execution of judgments in the future report and notably in its chapter on State responsibility and extraterritorial application of the Convention, but agreed to submit this issue to the CDDH at its forthcoming meeting for final guidance on this matter;
- (iv) postponed the examination of the draft chapter on sub-theme (iv) (Interaction between international humanitarian law and the European Convention on Human Rights) to its next meeting (February 2019) in view of time constraints.

15. The Group had further held an exchange of views on Theme 2 (The challenge of the interaction between the Convention and other international human rights instruments to which the Council of Europe member States are parties), following a presentation on the topic by Professor Photini PAZARTZIS (Greece, Professor and Director of the Public International Law Centre at the National and Kapodistrian University of Athens, Member of the UN Human Rights Committee) which was much appreciated by the Group.

16. The Group had finally invited the CDDH to authorise an additional day for the Group's meeting in February 2019 to allow it to complete the examination of Theme 1 by finalising the draft chapters on sub-themes ii) and iv).

17. In June 2019, the CDDH would be invited to examine the parts of the draft report that will be completed at that time and, in the light of its guidance, the Group would finalise the text at its 7th meeting (11–13 September 2019) for transmission to the CDDH for adoption at its 92nd meeting (26–29 November 2019). The detailed work schedule of the DH-SYSC-II appears in [Appendix V](#) below for information.

18. During its discussion of the work of the Drafting Group, the CDDH expressed its appreciation for the considerable amount of work already accomplished by the Group on this complex subject-matter.

19. Furthermore, the CDDH:

- (i) gave some guidance concerning the draft chapters of sub-themes i) and iii) which should be reflected in the finalised text of the report;
- (ii) exchanged views on whether questions relating to the execution of judgments should be addressed in the future report and notably in its chapter on State responsibility and extraterritorial application of the Convention. All but one delegation considered that this goes beyond the scope of the future report to be drafted by the DH-SYSC-II on the European Convention on Human Rights in the European and international legal order and the analysis of the risks of fragmentation arising from diverging interpretations. It was however, acknowledged that difficulties may indeed arise for the States at the stage of the execution of judgments in situations of extraterritoriality. This could be briefly mentioned in the future report, but should not be discussed in detail since it went beyond the scope of the report as discussed. In any event, the unconditional character of the obligation to execute the Court's judgments under Article 46 of the Convention had to be recalled in this context;

- (iii) authorised the DH-SYSC-II, subject to the availability of the necessary funds, to prolong its next meeting (6–8 February 2019) by one day (5 February 2019) in order to enable it to complete the drafting of Theme 1 by finalising the draft chapters on sub-themes ii) and iv).

4.2 The ECHR in university education and professional training (DH-SYSC-III)

20. The CDDH was informed of the work accomplished by the Drafting Group on the follow-up to Recommendation Rec(2004)4 (DH-SYSC-III) at its meeting in October 2018, in particular of the preliminary draft of the revised Recommendation and its basic principles (Appendix VI below).

21. The CDDH welcomed the progress accomplished, approved the abovementioned preliminary draft and provided guidance to the DH-SYSC-III, with a view to finalising its work within the deadline set by the Committee of Ministers (31 December 2019).

4.3 Follow-up to the *Interlaken Declaration* - Preparation of the final report

22. It is recalled that the Interlaken Declaration (2010) sought to establish a roadmap for the reform process towards long-term effectiveness of the Convention system.⁶ It notably invited the Committee of Ministers to decide, before the end of 2019, whether the measures adopted in the course of the reform process had proven to be sufficient to assure sustainable functioning of the control mechanism of the Convention or whether more profound changes would be necessary.⁷

23. The CDDH exchanged views on how to organise the work on the follow-up to the Interlaken Declaration in order to submit to the Committee of Ministers, by the end of 2019, a CDDH final report entitled *Contribution to the evaluation provided for by the Interlaken Declaration*.

24. From this perspective, the CDDH:

- (i) adopted the preliminary draft table of contents of the future report as it appears in Appendix VII below;
- (ii) concerning the content and format of the future report, considered it advisable that the document submitted to the Committee of Ministers be as brief as possible, with references to existing documents for more details, and written in an accessible language. It should contain a table of contents and a concluding section, which should include an evaluation of whether the measures adopted so far in the Interlaken reform process had proven to be sufficient to ensure a sustainable functioning of the system of the Convention or whether more profound changes would be necessary. This question had been partly answered in previous CDDH reports which should be reflected in the future report. Moreover, the latter could contain proposals for further reflection and/or future action.⁸

⁶ See the Interlaken Declaration of 19 February 2010 of the High Level Conference on the Future of the European Court of Human Rights, PP 10.

⁷ See the Interlaken Declaration, Implementation of the Action Plan, point 6.

⁸ As for the additional elements which the Ministers' Deputies had invited the CDDH to include in its future contribution to the evaluation of the Interlaken Process at their meeting on 30 May 2018, see item 4.5 below.

4.4 Follow-up to the *Brussels Declaration*

25. The Secretariat informed the CDDH of the status of the follow-up to the Declaration adopted by the Committee of Ministers at the High-level Conference on “Implementation of the European Convention on Human Rights, our shared responsibility” held in Brussels on 26–27 March 2015.⁹

- (i) This follow-up included in particular a compilation (available at the meeting) and an analysis, to be carried out by the Secretariat, of the information received from 24 member States on the national implementation of the Declaration.
- (ii) The analysis should be presented to the CDDH at its meeting in June 2019. The results of the analysis should equally be reflected in the *Contribution to the evaluation provided for by the Interlaken Declaration* (see item 4.3 above).
- (iii) It was further agreed that the Secretariat would send a first draft of the analysis to the member States not having submitted information on the national implementation of the Brussels Declaration by 8 April 2019 so that these States could submit national information supplementing the draft analysis by 30 April 2019.

4.5 Follow-up to the *Copenhagen Declaration*

26. Following the High-Level Conference regarding the reform of the Convention system in Copenhagen on 12–13 April 2018, the Ministers’ Deputies, at their meeting on 30 May 2018,¹⁰ had invited the CDDH to include the following additional elements in its future *Contribution to the evaluation provided for by the Interlaken Declaration* (see item 4.3 above):

- (i) a comprehensive analysis of the Court’s backlog of cases, identifying and examining the causes of the influx of cases from the States parties in order to identify the most appropriate solutions at the level of the Court and the States parties;
- (ii) proposals on how to facilitate the prompt and efficient handling of cases, in particular repetitive cases, which the parties were prepared to settle by means of a friendly settlement or a unilateral declaration;
- (iii) proposals on how to handle more effectively cases related to inter-State disputes, as well as individual applications arising from situations of conflict between States, without thereby limiting the jurisdiction of the Court, taking into account the specific features of these categories of cases, *inter alia* regarding the establishment of facts, and;
- (iv) questions relating to the situation of judges of the European Court of Human Rights after the end of their mandate, mentioned in paragraphs 154 and 159 of the 2017 CDDH Report on the process of selection and election of judges of the European Court of Human Rights (document CM(2018)18-add1).

⁹ https://www.echr.coe.int/Documents/Brussels_Declaration_ENG.pdf

¹⁰ 1317th meeting of the Deputies, decisions following the 128th Session of the Committee of Ministers held in Helsingør (Denmark) on 17-18 May 2018. Reference documents: CM/PV(2018)128-prov, CM/PV(2018)128-add, CM(2018)OJ-prov5, SG(2018)1, CM/Inf(2018)10, CM/Inf(2018)11, CM(2018)18-add1.

27. The Registry of the European Court of Human Rights confirmed that it could provide the CDDH with statistics which would enable the later to analyse the Court's backlog. The delegations stressed the importance of legible statistical material which would enable the CDDH to identify the main areas (such as conflict cases, condition of detention cases etc.) and the reasons for the Court's case-load. The Registry further explained that it could provide the CDDH with a document on a future non-contentious stage of the proceedings before the Court and an updated report on the situation of judges at the end of their mandate.

28. As regards the working methods for elaborating the a draft text covering these four subjects, the CDDH, having regard to the fact that the budgetary situation did not permit the setting up of another Drafting Group, agreed that the Bureau, with the help of the Secretariat, would elaborate a first draft proposal on the basis of written contributions from the member States' delegations, to be submitted by 28 February 2019 on the basis of an explanatory document to be prepared by the Secretariat. To that end, the Bureau meeting in Helsinki in May 2019 should be prolonged by one day to be devoted to this work. The usefulness of the participation at this meeting (at their own expense) of experts from some States which are not represented in the Bureau but which can provide substantive contributions was also discussed. Concerning the specific question regarding the establishment of facts in cases related to inter-State disputes, the CDDH noted that the outcomes of the seminar "Evidence before International Courts: Distinct Fora, Similar Approaches?" held in Moscow on 9 November 2018 could provide a good basis for the discussion.

29. The CDDH would be invited to consider the first draft text at its 91st meeting (June 2019). It could then decide whether it would be desirable to organise a broader discussion, in particular, on the third topic of the effective handling of cases related to inter-State disputes, possibly involving experts, for instance, during the DH-SYSC meeting in October 2019. The CDDH should adopt the text as a part of the *Contribution to the evaluation provided for by the Interlaken Declaration* at its 92nd meeting (November 2019) for transmission to the Committee of Ministers.

30. The Danish delegation in the CDDH and the Chair of the CDDH informed the Steering Committee of the outcome of the Second High-level Expert Conference on the Implementation of the Copenhagen Declaration (Kokkedal, Denmark, 31 October – 2 November 2018).¹¹ The topics addressed at the conference included building a common human rights culture by dialogue, the case-load challenge and European supervision. The Chair and delegations stressed the interest for all sides of the discussions with different members of the academia and practitioners and thanked the Danish authorities for their hospitality.

4.6 Selection and election of judges at the Court

31. Regarding the questions related to the selection and the election of the Judges of the Court, Mr Vít Alexander SCHORM (Czech Republic), former Chair of the Drafting Group DH-SYSC-I which had elaborated the 2017 CDDH Report on the process of selection and election of judges of the European Court of Human Rights (document [CM\(2018\)18-add1](#)), as well as the

¹¹ Organised by the Danish authorities, this meeting aimed in particular at:

- (a) monitoring the implementation at national level of the Copenhagen Declaration;
- (b) exchanging views on the general developments of the Court's case-law with regard in particular to the independence of the Court and the binding nature of its judgments;
- (c) initiating a dialogue on the theme "Building a Common Human Rights Culture" with a view to more firmly anchoring the development of human rights in European democracies, with particular emphasis on the dialogue between the courts and on the issue of third party interventions.

Secretariat, informed the CDDH of the work conducted by the Committee of Ministers' Rapporteur Group on Human Rights (GR-H).

32. As part of the follow-up to the Copenhagen Declaration, the Ministers' Deputies, at their above-mentioned meeting on 30 May 2018,¹² instructed their Rapporteur Group on Human Rights (GR-H) to consider, in co-operation with the Parliamentary Assembly, and on the basis of the said 2017 CDDH report, the entire process of selecting and electing judges to the Court in order to ensure its fairness, transparency and efficiency, and that the most qualified and competent candidates are elected. In accordance with this mandate, the GR-H had met:

- (i) on 4 September 2018 with Mr Vít Alexander SCHORM (Czech Republic), former Chair of the Drafting Group DH-SYSC-I;¹³
- (ii) on 18 October 2018 Ms Nina VAJIĆ, Chair of the Advisory Panel of Experts on Candidates for Election as Judge to the European Court of Human Rights, and Mr Wojciech SAWICKI, Secretary General of the Parliamentary Assembly.

33. It was noted that the Secretariat of the Committee of Ministers had prepared a document with proposals for decisions on the issue of the selection and election of judges to the Court, taking into account the above-mentioned exchanges of views as well as the Parliamentary Assembly draft Resolution on the Procedure for the election of judges to the European Court of Human Rights, prepared on the basis of a report by the Parliamentarian Boriss CILEVICS. As for the CDDH, it was expected that it would examine in 2019 issues relating to the situation of judges of the Court after the end of their mandate (see § 26 above). It might further be charged with reviewing the Committee of Ministers' 2012 Guidelines on the selection of candidates for the post of judge at the European Court of Human Rights.

4.7 Seminar on the occasion of the 20th anniversary of the New Court

34. The CDDH exchanged views on the "Seminar on the occasion of the 20th Anniversary of the New Court" (Strasbourg, 26 November 2018), organised by the Finnish Presidency (November 2018 - May 2019) of the Committee of Ministers in co-operation with the European Court of Human Rights and the CDDH (the Programme appears in Appendix VIII below). This event had focused on the journey made by the current single Court since its establishment following the entry into force of Protocol No. 11 to the ECHR on 1 November 1998. The twentieth anniversary has thus provided an opportunity to highlight the achievements of the Court and the remaining challenges.

35. The delegations commended the Finnish authorities for the seminar, which had gathered four former Presidents of the Court and the current President and shown that the Convention system had been able to come up with solutions to the challenges it was facing, but also the need to keep safeguarding the Court in the forthcoming years.

¹² See footnote 10 above.

¹³ The report of the CDDH was sent to the Committee of Ministers in March 2018 and was widely distributed at the High Level Conference in Copenhagen. At its meeting in Helsingør, the Committee of Ministers referred explicitly to measures concerning the selection and election of judges and recognition of service as a judge of the Court, stressing that improvements in the current selection and election procedures could be envisaged, notably through increased cooperation between the different actors (States Parties, the Committee of Ministers, the Parliamentary Assembly and the Expert Advisory Panel on Candidates for the election of judges to the Court). In this context, it had praised the value of the Report presented by the CDDH in March 2018.

4.8 Organisation of work at the next DH-SYSC meeting (2019)

36. Lastly, the CDDH considered that, despite budgetary constraints in 2019, it was of utmost importance that the DH-SYSC could meet on 16-18 October 2019 as it has to finalise the work of the Drafting Groups DH-SYSC-II and DH-SYSC-III and the draft *Contribution to the evaluation provided for by the Interlaken Declaration*.

ITEM 5: DEVELOPMENT AND PROMOTION OF HUMAN RIGHTS

5.1 Social rights (CDDH-SOC)

37. Regarding the work of the Drafting Group on social rights (CDDH-SOC), the Chair of the Group, Mr Vít A. SCHORM (Czech Republic), recalled that at its 3rd meeting (5-7 September 2018) the Group had, in particular:

- (i) conducted a detailed review of the structure and substantive content of the future second report identifying good practices and making proposals for improving the implementation of social rights in Europe. The CDDH-SOC had adopted a draft table of contents of the second report¹⁴ (see [Appendix IX](#)). It had further agreed on the second report's essential contents regarding the member States' commitment under the relevant instruments, the monitoring procedures under the treaty system of the European Social Charter, effective national implementation of social rights, awareness, visibility and respect of the Charter system and the relationship of Council of Europe instruments with other instruments for the protection of social rights. The dissemination of the first draft of the second report for written comments was scheduled for 25 February 2019;
- (ii) appreciated the fact that both the President of the European Committee of Social Rights (ECSR) and the Head of the Department of the European Social Charter and his Deputy had again participated in the meeting. The President of the ECSR, Professor Giuseppe PALMISANO, had made a presentation containing interesting proposals aimed at simplifying notably the State reporting procedure without changes to the current treaty system of the European Social Charter and had exchanged views with the Group.

38. The CDDH thanked the CDDH-SOC for the significant work already accomplished and

- (i) endorsed the draft table of contents of the future second report to be submitted to the CDDH identifying good practices and making proposals with a view to improving the implementation of social rights;
- (ii) considered, concerning the request made by the CDDH-SOC that university education and professional training on the system of the European Social Charter be taken into account in the context of the review by the DH-SYSC-III of Recommendation Rec(2004)4 of the Committee of Ministers to member states on the European Convention on Human Rights in university education and professional training, that it would be more appropriate that such work be conducted directly by the CDDH-SOC. That work could be combined with the elaboration of proposals regarding an assessment, at the national level, of the impact of draft laws, existing laws and administrative practice on the social rights laid down in the Charter. The results of the work on these two topics could possibly be reflected in the same draft Recommendation. It was for the CDDH-

¹⁴ Document CDDH-SOC(2018)R3, Appendix IV.

SOC to organise its work in this respect, which could follow the finalisation of the second report end of 2019;

- (iii) decided, as regards the dates for the meetings of the CDDH-SOC in 2019, having regard to the limited staff available in the Secretariat, that the 5th meeting of the Drafting Group on Social Rights (CDDH-SOC), scheduled for 25–27 September 2019, could only be held under the condition that sufficient staff was available in the Secretariat;
- (iv) welcomed the initiative of the future French Presidency of the Committee of Ministers to organise a Workshop on Social Rights and took note of the intention of the French authorities to organise the Workshop in the margins of a meeting of the Governmental Committee of the European Social Charter in September 2019.

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

39. The Chairperson of the Drafting Group on civil society and national human rights institutions (CDDH-INST), Ms Krista OINONEN (Finland), presented the work accomplished during the 4th meeting (19-21 September 2018). At this meeting the Group finalised and submitted to the CDDH for electronic adoption the following documents:

- (i) a draft Recommendation of the Committee of Ministers on the need to strengthen the protection and promotion of the civil society space in Europe;
- (ii) a draft Compilation of measures and practices in place in the Council of Europe member States with an accompanying overview document; and
- (iii) a draft Opinion of the CDDH on the draft “Venice Principles on the Protection and Promotion of the Ombudsman Institution”.

40. The Chairperson informed the CDDH that at their 1330th meeting held on 28 November 2018 the Ministers’ Deputies had adopted Recommendation CM/Rec(2018)11 of the Committee of Ministers to member States on the need to strengthen the protection and promotion of civil society space in Europe, and had taken note of the compilation and the overview. These documents provided a basis for discussion at the CDDH Workshop on the protection and promotion of the civil society space which had taken place on 29 November 2018 afternoon, under the auspices of the Finnish Presidency. The programme of the Workshop, which was greatly appreciated by the participants, is attached as Appendix X below.

41. As for the CDDH Opinion on the draft Venice Principles, the Chairperson reported that it was timely transmitted to the Venice Commission and discussed during the oral consultation organised by the Venice Commission in Paris on 31 October 2018, which the Chairperson of the CDDH-INST attended as the only Government representative. Nearly all comments made by the CDDH had been taken on board by the Venice Commission.

42. The Chairperson further reported that the Group had agreed on a possible structure for revising the Recommendation No. R(85)13 of the Committee of Ministers on the institution of the ombudsman (Appendix XI), and that it envisaged to accompany this instrument with an explanatory memorandum based on a possible survey concerning namely current challenges and good national practices; such study, to be carried out by an external consultant, was nonetheless subject to funding through a voluntary contribution from a member State.

43. Concerning the Group's work 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, the Chairperson suggested that, given the budgetary and personal constraints of the CDDH, this work might be postponed until 2020.

44. The CDDH took note of these important achievements and thanked the Group for the significant work accomplished.

5.3 Human rights and migration (CDDH-MIG)

45. The Chair of the Drafting Group on Migration and Human Rights (CDDH-MIG), Mr Morten RUUD (Norway), reported on the work of the 5th meeting of the Group (23-25 October 2018). He welcomed in particular the participation of the Director of the Human Rights Directorate, Mr Christophe POIREL.¹⁵

46. The Chair of CDDH-MIG informed the CDDH that its Analysis *Legal and practical aspects of effective alternatives to detention in the context of migration* has recently been published in both English and French, with a German version forthcoming. The Chair noted that at its 5th meeting the Drafting Group in particular:

- (i) had continued its work on the draft *Handbook on alternatives to immigration detention*. The Group paid particular attention to the guidance given to it by the CDDH during its 89th meeting to make the Handbook short, user-friendly and visual, without any footnotes. The Group intends to conclude the draft at its next meeting (26-28 March 2019);
- (ii) had discussed the overall work to be carried out by the Group in 2019 and beyond. The Group agreed that the first priority would be the conclusion of the draft Handbook, but potential guidelines on alternatives to immigration detention as well as work on reception conditions for children would simultaneously be explored. The Group had asked the Rapporteur and the Secretariat to draft potential options and timelines for further work in this area, noting that any substantial work on the reception conditions of refugee and migrant children could only be concluded in the next biennium.

47. The CDDH welcomed the progress made by the CDDH-MIG and endorsed the proposal of the Group for its priorities and future work. It also took note of a joint Council of Europe and European Union Conference on alternatives to immigration detention to be held in Strasbourg 4 April 2019.

48. The Chair of CDDH-MIG and Ms Maria de Fátima GRAÇA CARVALHO (Portugal), who is the CDDH focal point to CDCJ, also informed of developments in the work of the Committee of experts on administrative detention of migrants (CJ-DAM). They noted that the work of CJ-DAM had temporarily been suspended after the submission of a widely debated proposal by the European Commission and a decision by the European Committee on Legal Co-operation (CDCJ) to submit the matter to the Committee of Ministers (CM). The CDDH exchanged views on these developments and voiced concern over any suggestions that may restrict the scope of

¹⁵ It is recalled that the Group has the following mandate: 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).

the work and undermine human rights protection. The CDCJ was invited to further consult with the CDDH on any final draft instrument that may be elaborated in the continuation.

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

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

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

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

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

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

ITEM 6: MONITORING ACTIVITIES CARRIED OUT BY THE CDDH

6.1 Human rights and business

54. The CDDH received an update from the Secretariat on the preparation of the Online Platform on Human Rights and Business. The CDDH noted in particular:

- (i) the draft questionnaires which will provide the platform with a first round of information and submissions, and thanked the European Network of National Human Rights Institutions (ENNHRI) and the European Union Agency for Fundamental Rights (FRA) for their comments on the drafts. The finalised questionnaires will be circulated by early January 2019 and replies will be expected by the end of March 2019;
- (ii) the provisional timeline of the project. Preliminary results could be examined by the CDDH at its 91st meeting (June 2019) as well as the possibility of organising an event at the United Nations Forum on Business and Human Rights in November 2019 to promote the Platform;
- (iii) the intention to involve private business entities as progress is made in the establishment of the Platform, it being understood that responses from Member States and national human rights institutions will be treated as a priority.

55. The representative of the European Network of National Human Rights Institutions (ENNRHI) informed the CDDH of the Network's support for the Platform and its involvement in the information collection process. The Network will circulate the questionnaires among its members, including to its working group on Business and Human Rights.

56. The CDDH welcomed these developments and in particular the voluntary contributions made by the German and Dutch authorities, which had made it possible to start work on setting up the Platform's information system and updating the human rights and business training courses provided under the HELP Programme.

57. The CDDH endorsed the idea of organising workshops or seminars in connection with the Platform. However, considering its upcoming calendar, it suggested that such events should rather be considered in the context of the next biennium.

6.2 Promotion of human rights of older persons

58. The CDDH exchanged views on the issue of human rights of older persons. It adopted its Report on the implementation of the Committee of Ministers' Recommendation CM/Rec(2014)2 on the promotion of the human rights of older persons (see [CDDH\(2018\)R90 Addendum](#)) and decided to transmit it to the Committee of Ministers, accompanied by the compilation of the responses received in reply to the relevant questionnaire (see document CDDH-AGE(2018)03Rev).

59. Noting the importance of this subject in Europe in the coming years, the CDDH considered it important to keep it in its work programme.

6.3 Female genital mutilation and forced marriage

60. The CDDH exchanged views on the outcome of the International Conference "Policy for Progress: Ending FGM and Forced Marriage" (London, 15-16 November 2018) organised by the UK authorities in partnership with the Council of Europe. The event gathered nearly 200 policy makers from Council of Europe member States and beyond, international and regional organisations, non-governmental organisations, members of affected communities and survivors of FGM and forced marriages and provided an excellent opportunity to exchange good practices and to network. The event also provided huge visibility to the Istanbul Convention and the GREVIO's monitoring work as well as to the recent *Declaration of the Committee of Ministers on the need to intensify the effort to prevent and combat female genital mutilation and forced marriage in Europe* and to the *Guide to good and promising practices aimed at preventing and combating female genital mutilation and forced marriage*, prepared by the CDDH ([Appendix XII](#)).

6.4 Victims of terrorist acts

61. In the light of information contained in document CDDH(2018)12, the French delegate Ms Florence MERLOZ (France) presented the state of preparation of the CDDH Workshop on the protection of victims of terrorist acts to be held in June 2019 during the 91st CDDH meeting, under the aegis of the French Presidency of the Committee of Ministers. This event will in particular raise awareness of the revised Guidelines on the protection of Victims of Terrorist Acts, prepared by the CDDH and adopted by the Committee of Ministers on 19 May 2017 at its 127th meeting (Nicosia, Cyprus), and share national good practices in this field. It will also provide an opportunity for an exchange of views between representatives of governments and national associations for the protection of victims of terrorist acts.

62. The CDDH welcomed this initiative and takes as a basis for the further preparation of the Workshop the draft programme contained in Annex XIII below.

6.5 Access to official documents

63. The CDDH welcomed the fact that the Finnish Presidency of the Committee of Ministers plans to organise an awareness-raising event on the Tromsø Convention next spring, the year 2019 marking the 10th anniversary of the Convention's opening for signature, which will enter into force once one more member State deposits its instrument of ratification. In this respect, it noted the work well advanced in one member State with a view to a forthcoming ratification.

64. Finally, it welcomes the initiative of the Georgian authorities to organise an event on human rights and the environment during their future Presidency of the Committee of Ministers (November 2019 - May 2020), an area in which access to information held by public authorities is particularly important. In this context, it could be particularly useful to raise awareness of the Council of Europe Convention on Access to Official Documents.

6.6 Combating discrimination on grounds of sexual orientation or gender identity

65. Ms Eleni TSETSEKOU, Head of 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 replies to the questionnaire received so far from the member States. 36 member States have already submitted their replies to the Secretariat. The analysis so far shows positive developments in terms of legislative changes in member States.

66. With regard to a possible follow-up Conference to the Recommendation, the CDDH noted the possibility of organising a two-hour event during the 25th Anniversary of ECRI in Paris (September 2019). The event would be organised by the Secretariat (SOGI Unit) in cooperation with the European Network of Government Focal Points, under the aegis of the French Presidency of the Committee of Ministers.

ITEM 7: BIOETHICS

67. The work carried out by the Bioethics Committee (DH-BIO) at its 14th meeting (20-23 November 2018) was presented by Ms Laurence LWOFF, Secretary of the Committee. In particular, she noted that the Committee is in the process of developing a draft Guide to Public Debate on Biomedicine and Health. This publication should in particular be practical, promote public debate and consultation on fundamental bioethical issues, target institutions and decision-makers, highlight experiences and good practices and enable decision-makers to benefit from the results of public engagement. It is planned to include examples of good practice in public debates on biomedicine and health.

68. In this context, the CDDH noted with interest the initiative of the future French Presidency of the Committee of Ministers to organise an event at the DH-BIO meeting in June 2019 on the public debate on human rights issues in the biomedical field. The aim would be to highlight the work of the Council of Europe in this field.

69. The CDDH welcomed the ongoing and future work of DH-BIO. With regard to the draft Additional Protocol on the protection of the dignity and fundamental rights of persons with mental disorder with regard to placement and involuntary treatment, the CDDH adopted its opinion for the DH-BIO, in the light of the Bureau's suggestions and the comments sent by several delegations. In its opinion, the CDDH:

- (i) recalled the position it had already expressed on this draft instrument; appreciated the DH-BIO's work in explaining the aims of the exercise and considered it important to continue and deepen this work;
- (ii) supported the renewed efforts of the DH-BIO to recall the exceptional nature of involuntary measures as a last resort and to encourage the use of alternative and support measures;
- (iii) encouraged the DH-BIO to determine, taking into consideration the comments received during the public consultation, when and how to continue work in this area;
- (iv) brought to the attention of the DH-BIO the comments sent by the delegations within the CDDH of Belgium, Estonia, Finland and Switzerland.

70. The CDDH's opinion appears in Appendix XIV below.

ITEM 8: FOCAL POINTS

71. The CDDH took note of information provided by the experts in document CDDH(2018)15. In this context, it noted in particular the report of the Chairperson of the CDDH on his participation in the 1st Meeting of the Chairs of the Inter-governmental Committees (see § 10 above)¹⁶, as well as the reports prepared by Ms Krista OINONEN (Finland)¹⁷, Ms Brigitte OHMS (Austria)¹⁸, Mr Joan FORNER ROVIRA (Andorra)¹⁹ and Ms Maria de Fátima GRAÇA CARVALHO (Portugal)²⁰.

72. The list of focal points appears in Appendix XV below.

ITEM 9: GUESTS

73. The CDDH confirms its interest to meet soon the following persons:

¹⁶ 1st Meeting of the Chairs of the Inter-governmental Committees (Strasbourg, 20 September 2018); See document CDDH(2018)15 for the concept note and Message from the Chairs of Intergovernmental Committees to the Secretary General following their first meeting.

¹⁷ Fundamental Rights Forum organised by FRA (Vienna, 24-27 September 2018), meeting of the International Ombudsman Institute (Brussels 1-2 October 2018); Annual conference of the European Network of National Human Rights Institutions (ENNHRI) (Athens, 25 October 2018); Oral consultation with the Venice Commission working Group on the protection and promotion of the ombudsman institution (Paris, 31 October 2018).

¹⁸ 116th Plenary Session of the Venice Commission (Venice, 19-20 October 2018).

¹⁹ Meeting of the IACC - Independent inquiry on child sexual abuse (London, 27 October 2018).

²⁰ 93rd plenary meeting of the European Committee on legal co-operation (CDCJ) (Strasbourg, 14-16 November 2018).

- Mr Rainer HOFMANN, Independent person who sits on the Management and Executive Boards of the European Union Agency for Fundamental Rights (FRA), at its 91st meeting (June 2019), 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 91st meeting (June 2019), on the implications on human rights of developments in the field of artificial intelligence.
- Ms Dunja MIJATOVIC, new Council of Europe Commissioner for Human Rights, at its 92nd meeting (November 2019), on the work she considers to be a priority in the exercise of her high office.

ITEM 10: GENDER EQUALITY

74. The CDDH exchanged views with its Rapporteur for Gender Equality, Mr Philippe WERY (Belgium). He suggested that, in the future, the agenda of the plenary meeting should give a more prominent place to the issue of gender equality and that exchanges on this subject should take place throughout the work of the Steering Committee, in particular during the examination of texts prepared by the various Drafting Groups.

75. The CDDH welcomed the fact that its composition and that of its subordinate bodies is becoming increasingly balanced in terms of gender equality and that this trend was confirmed during the elections held on Thursday 29 November 2018 (see item 12 below).

ITEM 11: CONVENTIONS OF THE COUNCIL OF EUROPE

76. The CDDH exchanged views on the state of signatures and ratifications of the instruments under its responsibility²¹ in the light of the information contained in document CDDH(2018)07.

- (i) With regard to Protocol No. 15, two States parties to the Convention have not yet ratified it. The CDDH stressed the need for the instrument to enter into force soon and thanked the representatives of the two countries concerned for their information on the work currently being carried out in their respective capitals to this end.
- (ii) The CDDH welcomed the entry into force of Protocol No. 16 on 1 August 2018 and noted with interest the first request for an advisory opinion submitted to the Court on 16 October 2018.²²
- (iii) With regard to the Tromsø Convention on Access to Official Documents, the CDDH noted the well advanced work in one member State with a view to ratification in the near future and welcomed the initiative of the Finnish Presidency of the Committee of Ministers to organise an event in spring 2019.

²¹ Protocols Nos. 15 and 16 to the European Convention on Human Rights; European Agreement relating to Persons participating in Proceedings of the European Commission and Court of Human Rights; Council of Europe Convention on Access to Official Documents.

²² The French *Court of Cassation*, in a judgment of 5 October 2018, decided to submit to the European Court of Human Rights a request for an advisory opinion on matters relating to gestation for others and compliance with the requirements of Article 8 of the Convention.

ITEM 12: ELECTIONS

77. The CDDH held elections for the Chair and the vice-Chair of the Steering Committee as well as for two members of its Bureau. It also held elections for the Chair of the Committee of experts on the System of the European Convention on Human Rights (DH-SYSC) and confirmed the elected Chair of the DH-BIO (see Appendix XIV below).

ITEM 13: PUBLICATIONS

78. The Secretariat informed the Committee of the current status of publications of the CDDH's work as well as planned publications in both electronic and printed versions, subject to the availability of resources (see Annex XVII below).

79. The CDDH welcomed this activity, which is essential for effective intergovernmental cooperation, and requests the Secretariat to systematically include in future meeting reports an annex showing the state of preparation of publications.

ITEM 14: CALENDAR

80. Bearing in mind the difficulties mentioned under item 3 above, the CDDH adopted its calendar for 2019 in which some envisaged meetings are enclosed in square brackets. In view of the priority of the work on the Convention system, it authorised the DH-SYSC-II and the Bureau to add one day at their next respective meetings. It also confirms the priority attached to the work of the CDDH-MIG and the CDDH-SOC. It sincerely hopes that appropriate solutions, including through voluntary contributions, will make it possible to hold these meetings, which are necessary to respond in good time to the various mandates received from the Committee of Ministers.

81. The calendar as adopted by the CDDH appears in Appendix XVIII below.

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Appendix I

Agenda*(90th meeting of the CDDH, 27–30 November 2018)*

	ITEM 1: OPENING OF THE MEETING, ADOPTION OF THE AGENDA AND ORDER OF BUSINESS
CDDH(2018)17	Annotations on the draft agenda and order of business
CDDH(2018)R89	Report of the 89 th CDDH meeting (19–22 June 2018)
CDDH-BU(2018)100	Report of the 100 th Bureau meeting (Berlin, 8–9 November 2018)
	ITEM 2: RECOMMENDATIONS OF THE PARLIAMENTARY ASSEMBLY
CDDH(2018)18	Texts of the Recommendations and elements for possible comments
	ITEM 3: IMPLEMENTATION OF THE TERMS OF REFERENCE OF THE CDDH FOR 2018-2019 AND PREPARATION FOR 2020-2021
Appendices III and IV of document CDDH(2018)17 above	Terms of Reference of the CDDH for the biennium 2018-2019
	ITEM 4: SYSTEM OF THE EUROPEAN CONVENTION ON HUMAN RIGHTS
	4.1 The place of the Convention in the European and international legal order (DH-SYSC-II)
DH-SYSC-II(2018)R4	Report of the 4 th meeting (25–28 September 2018)
DH-SYSC-II(2018)23	Chapter of Theme 1, subtheme i): Methodology of interpretation by the European Court of Human Rights and its approach to international law
DH-SYSC-II(2018)25	Chapter of Theme 1, subtheme iii): Interaction between the resolutions of the Security Council and the European Convention on Human Rights
Appendix V of document CDDH(2018)17 above	Planning of the work
	4.2 The ECHR in university education and professional training (DH-SYSC-III)
DH-SYSC-III(2018)R1	Report of the meeting of 16–17 October 2018
Appendix VI of document CDDH(2018)17 above	Preliminary draft recommendation (2004)4
	4.3. Follow-up to the <i>Interlaken Declaration</i> - Preparation of the final report of the CDDH

CDDH(2018)22	Preliminary draft structure for the final CDDH report "Contribution of the CDDH to the evaluation provided for by the Interlaken Declaration: Preliminary draft table of contents"
	4.4. Follow-up to the <i>Brussels Declaration</i>
CDDH(2018)23 (<i>Bilingual</i>)	Compilation of national reports on the implementation of the Brussels Declaration
	4.5. Follow-up to the <i>Copenhagen Declaration</i>
§19 and §20 of document CDDH(2018)17 above	Information document
	4.6. Selection and election of judges at the Court
CM(2018)18-add1	CDDH report
Item 4.6 of document CDDH(2018)17 above	Information on this item
	4.7. Seminar on the occasion of the 20th anniversary of the New Court
Appendix VII of document CDDH(2018)17 above	Draft programme of the Seminar on 26 November 2018
	4.8. Organisation of work at the next DH-SYSC meeting (2019)
See CDDH-BU(2018)R100 above	Suggestions by the Bureau
	ITEM 5: DEVELOPMENT AND PROMOTION OF HUMAN RIGHTS
	5.1 Social rights (CDDH-SOC)
CDDH-SOC(2018)R3	Report of the 3 rd meeting (5–7 September 2018)
See CDDH-BU(2018)R100 above	Suggestions by the Bureau
	5.2 Civil society and national human rights institutions (CDDH-INST)
CDDH-INST(2018)R4	Report of the 4 th meeting (19–21 September 2018)
Appendix VIII of document CDDH(2018)17 above	Draft programme of the Workshop on 29 November 2018
Appendix IX of document CDDH(2018)17 above	Possible structure for the revision of Recommendation No. R(85)13
	5.3 Human Rights and migration (CDDH-MIG)
CDDH-MIG(2018)R5	Report of the 5 th meeting (23–25 October 2018)

CDDH-MIG(2018)07	Draft handbook
	Examples of potential design and layout of the handbook
	5.4 Freedom of expression and links to other human rights (CDDH-EXP)
CDDH(2018)27	Draft guide to good and promising practices on the way of reconciling freedom of expression with other rights and freedoms, in particular in culturally diverse societies
	ITEM 6: MONITORING OF ACTIVITIES CARRIED OUT BY THE CDDH
	6.1 Human Rights and Business
CDDH(2018)20	Online Platform on Human Rights and Business - Information provided by the Secretariat
	6.2 Promotion of human rights of older persons
CDDH-AGE(2018)04Rev	CDDH report
CDDH-AGE(2018)03Rev	Compilation of the replies received
	6.3 Female genital mutilation and forced marriage
CDDH(2018)28	Information on the International Conference <i>Policy For Progress: Ending FGM and Forced Marriage</i>
	6.4 Victims of terrorist acts
CDDH(2018)12	State of preparation of the Council of Europe Workshop on the protection of victims of terrorist acts (20 June 2019)
See CDDH-BU(2018)R100 above	Suggestions by the Bureau
	6.5 Access to official documents
CDDH(2018)29	Briefing note
	6.6 Combating discrimination on grounds of sexual orientation or gender identity
CDDH(2018)21	Information document
	ITEM 7: BIOETHICS
DH-BIO(2018)abrRAP14	Abridged report of the 14 th meeting of the Committee on bioethics (DH-BIO) (20–23 November 2018)
CDDH(2018)25	Draft opinion of the CDDH for the DH-BIO on the draft Additional Protocol on the protection of the dignity and fundamental rights of persons with mental disorder with regard to placement and involuntary treatment
CDDH(2018)19	Draft Additional Protocol concerning the protection of human rights and dignity of persons with mental disorder with regard

	to involuntary placement and involuntary treatment Frequently asked questions
	ITEM 8: FOCAL POINTS
CDDH(2018)15	Focal points representing the CDDH in other bodies/events: information provided by the focal points
	ITEM 9: GUESTS
Item 9 of document CDDH(2018)17 above	
	ITEM 10: GENDER EQUALITY
Item 14 of document CDDH(2018)17 above	Information on this item
	ITEM 11: CONVENTIONS
CDDH(2018)07 (updated version 15/11/2018)	Information document
	ITEM 12: ELECTIONS
CM/Res(2011)24	CM Resolution on committees working methods
CDDH(2017)17	Procedure for elections within the CDDH
	ITEM 13: PUBLICATIONS
Appendix XIII of document CDDH(2018)17 above	Information on this item
	ITEM 14: CALENDAR
Appendix XIV of document CDDH(2018)17 above	Current calendar

Appendix II

List of participants*(90th meeting of the CDDH, 27–30 November 2018)***MEMBERS / MEMBRES****ALBANIA / ALBANIE**

Ms Evi SADUSHAJ, Deputy to the Permanent Representative, Permanent Representative of the Albanian Government Agent to the ECtHR, Permanent Mission of the Republic of Albania to the Council of Europe

ANDORRA / ANDORRE *(Apologised)***ARMENIA / ARMENIE**

Mr Tigran H. GALSTYAN, Acting Head of Division / International Treaties and Law Department, Ministry of Foreign Affairs, Erevan

AUSTRIA / AUTRICHE

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

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

BELGIUM / BELGIQUE

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

Ms Isabelle NIEDLISPACHER, co-Agent du Gouvernement, SPF Justice, Service des Droits de l'Homme

BOSNIA AND HERZEGOVINA / BOSNIE-HERZEGOVINE

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“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

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Mr. Can ÖZTAŞ, Deputy Permanent Representative, Permanent Mission of the Republic of Turkey to COE

Ms. Günseli GUVEN, Legal Counsellor, Permanent Mission of the Republic of Turkey to COE

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

Mr Jean-Bernard MARIE

CCBE

Mr Piers GARDNER, Chair of the Permanent Delegation, Strasbourg

OBSERVERS / OBSERVATEURS**HOLY SEE / SAINT-SIÈGE**

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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

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

Ms Cecilia Ines DE ARMAS MICHELIS

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

Mr Stefan CLAUWAERT, ETUI Senior Researcher, ETUC Representative in the European Social Charter Governmental Committee

Amnesty International

Ms Rita PATRICIO

International Commission of Jurists (ICJ) / Commission internationale de Juristes (CIJ)

Ms Róisín PILLAY, Senior Legal Advisor, Europe programme, International Commission of Jurists

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

Ms Diane MURRAY, Conférence des Eglises européennes, Conference of European Churches

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

Mr Edo KORLJAN, Administrator, Administrateur

Ms Irena MARKOVA, Administrator, Administratrice

Ms Cipriana MORARU, Administrator, Administratrice

Ms Elisa SAARI, Assistant Lawyer / Juriste Assistant

Mme Corinne GAVRILOVIC, Assistant / Assistante

Mme Camille DURAND, Trainee / Stagiaire

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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

Ms Corinne McGEORGE

Ms Lucie DE BURLET

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Appendix III

**Comments adopted by the CDDH on Recommendations
of the Parliamentary Assembly transmitted to it
by the Ministers' Deputies**

(90th CDDH meeting, 27–30 November 2018)

**I. CDDH COMMENTS ON PARLIAMENTARY ASSEMBLY RECOMMENDATION 2140 (2018) –
“UNLIMITED ACCESS TO MEMBER STATES, INCLUDING “GREY ZONES”, BY COUNCIL OF
EUROPE AND UNITED NATIONS HUMAN RIGHTS MONITORING BODIES”**

1. The Steering Committee for Human rights takes note of Parliamentary Assembly Recommendation 2140 (2018) : *“Unlimited access to member States, including “grey zones”, by Council of Europe and United Nations human rights monitoring bodies”*. It shared its concerns about the difficulties encountered by Council of Europe and United Nations human rights monitoring bodies, as well as by other international organisations, to access to member States' territories, including “grey zones”.
2. The CDDH recalls that the Council of Europe's treaties are applicable on the whole territory of each contracting Party. It observes at the outset that the supervisory bodies acting under the European Convention on Human Rights have, on many occasions, made use of their competencies to carry out inquiries on the ground, including in such zones, with a view to establishing the facts. The European Court of Human Rights fully retains this power, all Contracting Parties being bound by the duty to cooperate with a view to establishing the facts pursuant to Article 38 of the Convention.
3. Concerning the monitoring bodies established by other instruments of the Council of Europe, the CDDH notes that their visits help formulating proposals aimed at improving respect for the conventions in the visited countries. However, whereas the CPT benefits from a presumption that all member States consent to its visit thanks to the combination of Articles 8 and 9 of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, this is not the case for other monitoring bodies such as the Group of States against Corruption (GRECO), the Group of Experts on Action against Trafficking in Human Beings (GRETA), the Advisory Committee of the Framework Convention for the Protection of National Minorities, or the European Commission against Racism and Intolerance (ECRI).
4. Consequently, the CDDH considers that it could be useful to reflect upon the opportunity and feasibility of establishing, within the Council of Europe, a rebuttable presumption of consent to the visits carried out by the monitoring bodies which work on some aspects on human rights protection.
5. Finally, the CDDH shares the approach of the Assembly according to which the strengthening of human rights monitoring in the “grey zones” should be discussed in liaison with the United Nations, with a view, as appropriate, to conducting joint actions by both Organisations.

**II. CDDH COMMENTS ON PARLIAMENTARY ASSEMBLY RECOMMENDATION 2141 (2018) –
“FAMILY REUNIFICATION OF REFUGEES AND MIGRANTS IN THE COUNCIL OF EUROPE
MEMBER STATES”**

1. The Steering Committee for Human rights takes note of Parliamentary Assembly Recommendation 2141 (2018) *“Family reunification of refugees and migrants in the Council of Europe member States”*. It underlines the necessity to protect the right to respect for family life as recognised by Article 8 of the European Convention on Human Rights and the relevant case-law of the Court.

2. The CDDH recalls Article 19(6) of the European Social Charter which obliges Contracting States to facilitate the family reunion of migrant workers who legally reside in the country, and the relevant conclusions of the European Committee of Social Rights,²³ specifying that this provision also apply to refugees.
3. The CDDH draws attention to Recommendation CM/Rec (2007)9 of the Committee of Ministers to member States on life projects for unaccompanied migrant minors. Paragraphs 18 and 24 encourage member States to seek the parents/guardians of unaccompanied minors, establishing contact to facilitate possible family reunification and/or to expedite departure to a third country to join family members. It also recalls Recommendation No. R(99)23 of the Committee of Ministers on family reunion for refugees and other persons in need of international protection, as well as Recommendation (2002)4 on the legal status of persons admitted for family reunification.
4. In this context, the CDDH welcomes the work of the Special Representative of the Secretary General for Migration and Refugees. This work includes the drafting of a manual on the standards and good practices for restoring family links and family reunification. The manual aims at facilitating the cooperation and training of relevant professionals in Council of Europe member States. The CDDH Drafting Group on Migration and Human Rights (CDDH-MIG) has also, *inter alia*, addressed the topic of the right to respect for family life in the context of immigration detention and alternatives to immigration detention. Furthermore, in October 2018, it deliberated on future work on reception conditions for migrant and refugee children. The Commissioner for Human Rights has also addressed the issue of family reunification of refugees in Europe in an Issue paper in 2017.²⁴
5. As regards the issue of human trafficking emphasized in the Parliamentary Assembly Recommendation 2141 (2018), the CDDH highlights in particular the on-going work of the Group of Experts on Action against Trafficking in Human Beings (GRETA) in the field, which in recent years has prioritised and outlined targeted prevention measures against the human trafficking of unaccompanied or separated minors and irregular migrant children.

* * *

²³ See a summary of the ECSR Conclusions 2015 including on article 19(6) in the Activity Report 2015 of the European Committee of Social Rights.

²⁴ Issue paper by the Council of Europe Commissioner for Human Rights, "Realising the right to family reunification of refugees in Europe", 2017, available at: <https://rm.coe.int/prems-052917-gbr-1700-realising-refugees-160x240-web/1680724ba0>.

Appendix IV

Terms of reference of the CDDH for the biennium 2018-2019

(as adopted by the Committee of Ministers at its 1300th 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>Pillar: Human Rights Sector: Protecting Human Rights / Promoting Human Rights and dignity Programme: 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"> (i) work on the protection, development and promotion of human rights in Europe to: <ul style="list-style-type: none"> (a) contribute to enhancing the protection of human rights by improving the effectiveness of the control mechanism of the European Convention on Human Rights and the implementation of the Convention at national and European levels, this work being a permanent priority for the CDDH; (b) provide effective responses at the normative and general policy levels to the challenges posed to human rights in European societies; (ii) follow the implementation of the non-binding instruments that it has prepared as well as conventions for which it has been given supervision by the Committee of Ministers; (iii) advise other bodies of the Organisation to ensure that their activities concerning human rights duly reflect the requirements of the Convention and the case-law of the Court; (iv) contribute to co-operation and support activities to national initiatives in the field of the protection, development and promotion of human rights; (v) without prejudice to the missions of intergovernmental committees of the Council of Europe that already follow the work of monitoring mechanisms, follow the activities of the relevant monitoring and other bodies protecting human rights; (vi) where necessary, co-ordinate transversal intergovernmental activities in the field of human rights including bioethics; (vii) take due account of a gender perspective and to building cohesive societies in the performance of its tasks; (viii) in accordance with decisions <u>CM/Del/Dec(2013)1168/10.2</u> 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,²⁵ in co-operation, where appropriate, with the relevant convention-based bodies, and report back to the Committee of Ministers.
SPECIFIC TASKS
<p>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).</p>

²⁵ Cf. Relevant decision of the Committee of Ministers (CM/Del/Dec(2013)1168/10.2) and list of Conventions in CM(2017)132.

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;²⁶
- (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 possible rank in the field of human rights.

The Council of Europe will bear the travel and subsistence expenses of one representative from each

²⁶ Several delegations made declarations upon adoption of this Recommendation at the Deputies' 1081st meeting (31 March 2010).

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 Roma²⁷ 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 CDDH Bureau and/or plenary meetings.

²⁷ 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.

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.

CDDH	
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

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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>Pillar: Human Rights Sector: Protecting Human Rights Programme: 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
<ul style="list-style-type: none"> (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). (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). (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). (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 CM/Rec(2008)2), 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. (v) Concerning university education and professional training in human rights, update Recommendation Rec(2004)4 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). (vi) Concerning effective remedies for excessive length of proceedings, update the accompanying Guide to Good Practice to Recommendation CM/Rec(2010)3 (deadline: 31 December 2019).
COMPOSITION
<p>Members: Governments of member States are invited to designate one or more representatives of the highest possible rank in the field of human rights.</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). Each member of the committee shall have one vote. Where a government designates more than one member, only one of them is entitled to take part in the voting.

Participants:

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

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

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

- European Union (one or more representatives, including, as appropriate, the European Union Agency for Fundamental Rights (FRA));
- Observer States to the Council of Europe: Canada, Holy See, Japan, Mexico, United States of America;
- 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 Roma²⁸ 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.

²⁸ 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.

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**

PILLAR/SECTOR/PROGRAMME
<p>Pillar: Human Rights Sector: Promoting Human Rights and Dignity Programme: 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"> (i) conduct regular re-examinations foreseen in the Convention and its Additional Protocols; (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; (iii) contribute to raising awareness and facilitating the implementation of these principles; (iv) assess ethical and legal challenges raised by developments in the biomedical field; (v) co-operate with the European Union and relevant intergovernmental bodies, in particular with a view to promoting consistency between the normative texts; (vi) in accordance with decisions <u>CM/Del/Dec(2013)1168/10.2</u> 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 conventions²⁹ for which it has been given responsibility and report back to the Committee of Ministers.
SPECIFIC TASKS
<ul style="list-style-type: none"> (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. (ii) On the basis of the results of the international conference organised on the occasion of the 20th anniversary of the Oviedo Convention, a draft Strategic Action Plan on human rights and technologies is finalised. (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. (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. (v) Subject to the results of the international conference organised on the occasion of the 20th 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.

²⁹ Cf. Relevant decision of the Committee of Ministers (CM/Del/Dec(2013)1168/10.2) and list of Conventions in CM(2017)132.

COMPOSITION**Members:**

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

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

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

Participants:

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

- Parliamentary Assembly of the Council of Europe;
- 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);³⁰
- 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.

³⁰ 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.

DH-BIO	
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 V

Planning of the work of the DH-SYSC-II

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

5th meeting: 5-8 February 2019

- Adoption of the draft chapter on Theme 1 subtheme iv) and the draft chapter on Theme 2
- Adoption of the revised draft chapter on Theme 1 subtheme ii)
- Discussion on Theme 3 (+ *ad hoc* expert)

6th meeting: 22-24 May 2019

- Adoption of the draft chapter on Theme 3
- Discussion on the revised draft Report

The Chair, in coordination with the Rapporteurs and the Secretariat, compiles the chapters into one coherent draft Report with an introduction and a conclusion.

7th meeting: 11-13 September 2019

- Adoption of the revised draft Report

* * *

Appendix VI

**Draft Recommendation of the Committee of Ministers
on the system of the European Convention on Human Rights in
university education and professional training**

*(prepared by the Drafting Group DH-SYSC-III
and discussed by the CDDH at its 90th meeting (27–30 November 2018)
in view of the work of the DH-SYSC-III in 2019)*

The Committee of Ministers of the Council of Europe, under the terms of Article 15.b of the Statute of the Council of Europe,

1. Reaffirming the commitment to the Statute of the Council of Europe and the latter's aim to achieve a greater unity between its members, inter alia, by promoting common standards and carrying out activities in the field of human rights and fundamental freedoms;
2. Recalling the essential role of the system of the Convention for the Protection of Human Rights and Fundamental Freedoms in the effective protection of human rights in Europe, the system including not only the Convention and the case-law of the European Court for Human Rights but also the proceedings before the Court and the execution of its judgments;
3. Bearing in mind the important developments in university education and professional training in human rights in the 47 member States of the Council of Europe, resulting from valuable efforts by both the member States and the Court as well as from the European Programme for Human Rights Education for Legal Professionals (HELP) of the Council of Europe;
4. Considering that there is, therefore, a need to update Recommendation Rec(2004)4 of the Committee of Ministers to member States on the European Convention on Human Rights in university education and professional training;
5. Recalling the subsidiary character of the supervision mechanism set up by the Convention, which implies, in accordance with its Article 1, that the rights and freedoms guaranteed by the Convention be protected in the first place at national level and applied by national authorities;
6. Taking into account that the Convention, as an integral part of the domestic legal order of all member States, has a direct effect in their domestic law, and that there is therefore a need to provide specific university education and professional training in the system of the Convention;
7. Stressing the fundamental role played by university education and professional training in the system of the Convention for preventing violations and promoting human rights;
8. Considering that it is of major importance for university education and professional training in the system of the Convention that accurate translations of selected Court's case-law are available in member States, in line with Recommendation Rec(2002)13 of the Committee of Ministers to member states on the publication and dissemination in the member states of the text of the European Convention on Human Rights and of the case-law of the European Court of Human Rights, adopted by the Committee of Ministers on 18 December 2002;
9. Recalling, in this context, the Parliamentary Assembly Recommendation (2039)2014 on "The European Convention on Human Rights: the need to reinforce the training of legal professionals", adopted on 7 March 2014, as well as the Brussels (2015) and Copenhagen (2018) Declarations adopted at the respective High Level Conferences, emphasizing the importance of the training of legal professionals;
10. Underlining the necessity to provide also targeted university education and professional training responding to the specific needs and expectations of other relevant professional sectors;
11. Recalling the conclusions of the Seminar on the role of governments agents in ensuring effective human rights protection, held on 3–4 April 2008 in Bratislava, and recognising the role of government

agents, as well as that of national training institutions, in providing, notably, professional training in the system of the Convention ;

12. Recalling the role played by various actors of the civil society, in particular by the national institutions for the promotion and protection of human rights and by non-governmental organisations, in the field of university education and professional training in the system of the Convention;

13. Taking into account the diversity of traditions and practice in the member states as regards university education, professional training and its methods, as well as awareness-raising regarding the system of the Convention;

14. Recommends that the governments of member states:

- i. ascertain that the university education and professional training concerning the system of the Convention comply with the principles set out in the Appendix I to this recommendation;
- ii. ensure, by appropriate means and action – including, where appropriate, translation - a wide dissemination of this recommendation among competent authorities and stakeholders;
- iii. examine, within the Committee of Ministers, the implementation of this recommendation five years after its adoption.

Appendix I to Recommendation

I. General principles

1. Member States should ensure university education and professional training in the system of the Convention which are in line with the needs and expectations of the different categories of public, notably those acting in the human rights field. If necessary, this task should be performed in cooperation with relevant non-State actors.

2. Member States should notably enhance the effectiveness of such university education and professional training by providing each category of public with necessary tools to comply with the obligations stemming from the Convention. To this end, member States should provide quality, targeted and accessible professional training.

II. Targeted public

3. Member States should ensure that university students of law and, as appropriate, of relevant science degrees, are offered education concerning the basic elements of the system of the Convention in their common core curriculum. In addition, optional in-depth studies should be offered to those who wish to specialise.

4. Taking into account the diversity of domestic situations, member States should ensure that a large variety of professionals are offered quality and targeted professional training in the system of the Convention, and that, if possible, such training is accessible in the language(s) of the member State. In particular, attention should be paid to the initial and continuous training of: judges, prosecutors, lawyers; legal translators; law enforcement personnel; specialised journalists; personnel dealing with vulnerable groups.

III. Specialised teachers and trainers

5. Member States should encourage, by appropriate means, that university education and professional training in the system of the Convention are provided by specialised teachers and trainers. These may include, among others, former judges and lawyers of the Court, judges and lawyers of supreme domestic courts, as well as government agents and members of their offices.

6. Professional training should be provided, as far as possible, by persons having good knowledge of the system of the Convention and practical experience from the relevant professional field.

IV. Contents of the university education and professional training

7. Member States should aim primarily at facilitating an effective access to basic and practical information about the system of the Convention through university education and professional training. This should include the ability to use available resources (HUDOC database, HELP courses, other information sources).

8. Member States should also encourage access by relevant professionals to continuous and specialised training concerning the system of the Convention.

V. Learning and training methods

9. Member States should ensure accurate translations of selected Court's case-law, in line with Recommendation Rec(2002)13 of the Committee of Ministers to member states on the publication and dissemination in the member states of the text of the European Convention on Human Rights and of the case-law of the European Court of Human Rights. Such translations should be easily accessible.

10. Member States should encourage use of the most appropriate learning and training methods, taking into account the national context and the specific needs and expectations of the targeted public. If appropriate, such methods could be set up in close cooperation with non-State actors. E-learning as well as the use of the HELP methodology should also be encouraged.

* * *

Appendix VII

**Draft table of contents of the Contribution of the CDDH
to the evaluation provided for by the Interlaken Declaration**

(as approved by the CDDH at its 90th meeting, 27–30 November 2018)

CONTEXT OF THE EVALUATION AND MANDATE OF THE CDDH AND THE DH-SYSC

1. The evaluation of the reform process towards long-term effectiveness of the system of the European Convention on Human Rights to be carried out according to the Interlaken Declaration is a further stage in the broader context of the reform of the Convention system. Since the Court took up its work in 1959, the member States of the Council of Europe have adopted several protocols to the European Convention on Human Rights with the aim of improving and strengthening its supervisory mechanism. In 1998 in particular, Protocol No. 11 to the Convention entered into force which provided for a wholly judicial system of determination of applications, replacing the original two-tier structure comprising the Court and the Commission by a permanent Court. The continuing rise in the Court's caseload was further addressed by Protocol No. 14, which entered into force in 2010 and notably provided for smaller judicial formations to deal with clearly inadmissible cases and well-founded repetitive cases.
2. In 2010 a first intergovernmental conference on the future of the Court in Interlaken marked the beginning of the so-called Interlaken process of further reform. The Interlaken Declaration sought to establish a roadmap for the reform process towards long-term effectiveness of the Convention system.³¹ It notably invited the Committee of Ministers to decide, before the end of 2019, whether the measures adopted in the course of the reform process, in particular the measures to implement Protocol No. 14 and the Interlaken Action Plan, have proven to be sufficient to assure sustainable functioning of the control mechanism of the Convention or whether more profound changes are necessary.³²
3. Since the Interlaken conference, the measures proposed to guarantee the long-term effectiveness of the Convention system have been further developed in the Declarations adopted at four further high-level conferences in Izmir (2011)³³, Brighton (2012)³⁴, Brussels (2015)³⁵ and Copenhagen (2018)³⁶.
4. According to its terms of reference for the 2018-2019 biennium, the Committee of experts on the system of the European Convention on Human Rights (DH-SYSC), under the supervision of the CDDH, is to:

³¹ See the Interlaken Declaration of 19 February 2010 of the High Level Conference on the Future of the European Court of Human Rights, PP 10.

³² See the Interlaken Declaration, Implementation of the Action Plan, point 6.

³³ See the Izmir Declaration of 26/27 April 2011 of the High Level Conference on the Future of the European Court of Human Rights.

³⁴ See the Brighton Declaration of 19/20 April 2012 of the High Level Conference on the Future of the European Court of Human Rights.

³⁵ See the Brussels Declaration of 27 March 2015 of the High-level Conference on the "Implementation of the European Convention on Human Rights, our shared responsibility".

³⁶ See the Copenhagen Declaration of 12/13 April 2018 of the High-Level Conference on "Continued Reform of the European Court of Human Rights Convention System – Better balance, improved Protection".

“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).”³⁷

5. This work is to be carried out in the light of the results achieved in the framework of the further ongoing activities of the DH-SYSC, that is, the preparation of a draft report concerning the place of the European Convention on Human Rights in the European and international legal order and the 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.³⁸
6. The following preliminary draft table of contents of the future “Contribution of the CDDH to the evaluation provided for by the Interlaken Declaration” proposes conducting the assessment of the sufficiency of the measures to ensure sustainable functioning of the Convention system adopted in the Interlaken reform process under three headings: 1) The application of the Convention at the national level – preventing and remedying breaches of the Convention; 2) Applications before the European Court of Human Rights; and 3) The execution of the judgments of the European Court of Human Rights.

DRAFT TABLE OF CONTENTS

INTRODUCTION

- Background: shared responsibility between the States Parties, the Court and the Committee of Ministers in the implementation of the Convention.

A. THE APPLICATION OF THE CONVENTION AT THE NATIONAL LEVEL – PREVENTING AND REMEDYING BREACHES OF THE CONVENTION

1. Raising awareness of, and providing training for national authorities and other actors in the Convention system on the Convention standards and procedures

- Translation of significant judgments of the Court into national languages.
- Thematic information on the Court’s case-law (with the help of the Court’s Registry).
- Training of university students, judges, prosecutors, lawyers, law-enforcement officials, officials responsible for the deprivation of a person’s liberty and members of the security forces on well-established case-law concerning their respective (future) professional fields (amongst others via the HELP programme).
- Secondment of national judges and, where appropriate, other lawyers to the Court’s Registry.
- Coordination of other existing mechanisms, activities and programmes of the Council of Europe, such as the works on Human Rights and Business and in particular the activities of the Department for the Execution of Judgments of the Court.
- Cooperation with national human rights institutions or other relevant bodies.

³⁷ See the preference given by the Committee of Ministers to the DH-SYSC as adopted by the Committee of Ministers at its 1300th meeting, 21-23 November 2017.

³⁸ Ibid.

II. Concrete measures to prevent and remedy breaches of the Convention at the national level

1. Measures to be taken, as appropriate, at the legislative, executive or judicial level:
 - Ensure that all persons with an arguable claim that their rights and freedoms as set forth in the Convention have been violated have available to them an effective remedy before a national authority providing adequate redress.
 - Implement practical measures to ensure that legislation complies fully with the Convention, including by developing parliamentary expertise to evaluate the compatibility with the Convention of draft legislation.
 - Consider setting up an optional mechanism allowing the highest national courts to request advisory opinions.
 - Encourage national courts to take into account the relevant principles of the Convention in conducting proceedings and formulating judgments.
 - Promote exchange of information and experiences concerning the implementation of the Convention at the national level, in coordination in particular with the Government Agents.

2. Measures to be taken to strengthen the role of civil society:
 - Strengthen interaction with national human rights institutions and civil society to ensure that legislation, and other measures and their application in practice comply with the Convention.
 - Consider the establishment of an independent National Human Rights Institution.

3. Measures to be taken by the Council of Europe:
 - Assisting and encouraging national implementation of the Convention by the provision of technical assistance upon request to States Parties and dissemination of good practices; targeting and coordination of technical assistance; co-operation with the European Union.

B. APPLICATIONS BEFORE THE EUROPEAN COURT OF HUMAN RIGHTS

I. Measures for dealing with the high case-load

Introduction

- Development of the situation of the case-load as from the time of the Interlaken Declaration in 2010 until 2019

1. Access to the Court and a sound administration of justice
 - Information to applicants and their representatives on the scope and limits of the Convention's protection, on admissibility criteria and the application procedure before the Court.
 - Change of procedural rules / practices (including as concerns possible fees for lodging an application etc.).
 - Improvement of the form for applications to the Court.
 - Grant applicants and their representatives who lodge applications with the Court protection from reprisals.

2. Filtering of applications
 - Examination of the necessity of a new filtering mechanism requiring amendment of the Convention.
 - Setting up of a filtering mechanism within the existing bench.
 - Provision of brief reasons in the single judges' inadmissibility decisions.

3. The order of dealing with applications – clear priority policy
4. Measures for dealing with specific cases
 - Analysis of the Court's backlog.
 - Streamlining of procedures particularly for the handling of inadmissible cases and repetitive cases (e.g. pilot judgment procedure).
 - Facilitation by member States of the adoption of friendly settlements and unilateral declarations with the support of the Court.
 - More effective handling of cases related to inter-State disputes, as well as individual applications arising from situations of conflict between States.
5. The organisational structure of the Court
 - Examination of a simplified procedure for amending certain provisions of the Convention relating to organisational issues.
 - Appointment of additional judges to the Court to deal with pending Chamber applications.
 - Sufficient funding of the Court.
 - Secondment of national judges and, where appropriate, other lawyers to the Court's Registry.

II. Measures to guarantee the authority of the Court and of its case-law

1. The selection and election of judges of the Court
 - The national selection procedure.
 - The election procedure.
 - The post-mandate situation of judges.
2. The clarity and consistency of the Court's case-law
 - Ensure clarity and consistency of the Court's judgments, in particular by the Grand Chamber.
 - Ensure a consistent application of the principles of subsidiarity and margin of appreciation.
 - Give effect to the new admissibility criterion provided for in Protocol No. 14 (*de minimis non curat praetor*).
3. The Convention in the European and international legal order
 - The accession of the European Union to the Convention.
 - Long-term strategic reflections about the future role of the Court / evaluation of the fundamental role and nature of the Court.

III. Dialogue of the Court with the actors in the Convention system

- Judicial dialogue between the Court and the highest courts of the States Parties.
- Introduction of a power of the Court, which States Parties could optionally accept, to deliver advisory opinions upon request on the interpretation of the Convention in the context of a specific case at domestic level.
- Third-party interventions in cases pending before the Court.
- High-level ministerial conferences.
- Dialogue of the Court's President with the Committee of Ministers.
- Regular meetings between the Government Agents and the Registry of the Court.
- Consultations with applicants' representatives and civil society.

C. THE EXECUTION OF THE JUDGMENTS OF THE EUROPEAN COURT OF HUMAN RIGHTS

I. Ensuring domestic capacities for the rapid execution of judgments

- Develop domestic capacities taking into account the indications in Recommendation 2008(2) and share good practices.
- Develop the States Parties' capacity to rapidly submit comprehensive action plans, make them widely accessible among those involved in the execution process and ensure their follow-up.
- Facilitate the role of the Government Agents or other officials responsible in co-ordinating the execution of judgments.
- Facilitate the role of the national parliaments in scrutinising the effectiveness of implementation measures.

II. Ensuring an efficient and transparent process of supervision of the execution of judgments by the Committee of Ministers

- Refine the procedures to ensure an effective and transparent supervision of the execution of the Court's judgments.
- Prioritisation (cases requiring urgent individual measures and cases disclosing major structural problems).
- Reinforced subsidiarity (States' choice of means to conform to the Convention obligations).
- Foster the exchange of information and best practices between States Parties particularly for the implementation of general measures.
- Foster the accessibility of information relevant for the execution of judgments
- Increased cooperation with other international organisations, national human rights institutions and non-governmental organisations.
- Enhance, where necessary, the Department for the Execution of Judgment's bilateral dialogue with States Parties to facilitate the execution process.
- Take effective measures in respect of a State Party that fails to comply with its obligations under Article 46.
- Ensure sufficient budgetary resources, including the secondment of national judges or officials to the Department for the Execution of Judgments

III. Developing interaction with other stakeholders

- Increased cooperation with the Court and its Registry as well as the Parliamentary Assembly in matters relating to the execution of judgments.
- Encourage the relevant entities of the Council of Europe to take account of issues relating to the execution of judgments in their cooperation activities.
- Awareness-raising activities by the Parliamentary Assembly of the Council of Europe for members of national parliaments to follow the execution of judgments.
- Facilitation, on a case-by-case basis, of the execution of judgments raising complex issues by the Secretary General and the Commissioner for Human Rights.

CONCLUSIONS

* * *

Appendix VIII

Seminar on the occasion of the 20th anniversary of the New Court

(Organised by the Finnish Presidency of the Committee of Ministers in cooperation with the European Court of Human Rights and the Steering Committee for Human Rights (CDDH))

Monday 26 November 2018, 15:15 – 18:30
Human Rights Building, Press Room, webcast

PROGRAMME

15:15 *Participants arrive, coffee available*

OPENING SESSION

15:30 **Mr Hans-Jörg BEHRENS**, Chair of the Steering Committee for Human Rights (CDDH), Council of Europe

15:35 **Mr Thorbjørn JAGLAND**, Secretary General of the Council of Europe

15:45 **Mr Guido RAIMONDI**, President of the European Court of Human Rights

15:55 **Ms Liliane MAURY PASQUIER**, President of the Parliamentary Assembly of the Council of Europe

16:05 **Ms Dunja MIJATOVIĆ**, Commissioner for Human Rights

16:15 **Ms Satu MATTILA-BUDICH**, Ambassador, Permanent Representative of Finland to the Council of Europe

SESSION I – THE COURT AT PRESENT: ITS ASSETS, ITS RESULTS**Opening comments**

16:20 **Mr Roderick LIDDELL**, Registrar of the Court

From the old Court to the new Court

16:25 **Sir Nicolas BRATZA**, former President of the Court

The reform process from the Court's perspective

16:35 **Mr Jean-Paul COSTA**, former President of the Court

16:45 Discussion**Presentation of the "Impact" project**

17:05 **Mr Daniel HÖLTGEN**, Director of Communications, Council of Europe

17:15 *Anniversary cake and coffee*

SESSION II – THE COURT: PERSPECTIVES

- 17:40** **The challenges at the end of the “Interlaken process”**
Ms Florence MERLOZ, Chair of the Drafting Group on the place of the European Convention on Human Rights in the European and International Legal Order (DH-SYSC II)
- 17:50** **A view from the inside of the Court**
Ms Pauliine KOSKELO, Judge at the Court
- 18:00** **NGO perspective to the work of the Court**
Mr Philip LEACH, European Implementation Network
Mr Saman ZIA-ZARIFI, Secretary General, International Commission of Jurists
- 18:10** **Discussion**
- 18:30** **Concluding remarks**
Mr Hans-Jörg BEHRENS, Chair of the CDDH

Reception offered by the Finnish Presidency of the Committee of Ministers

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Appendix IX

Social rights

Draft table of contents
of the “second report” to be submitted to the CDDH identifying good practices and making proposals with a view to improving the implementation of social rights

EXECUTIVE SUMMARY**INTRODUCTION**

1. Terms of reference and methodology
2. Review of the background
3. Main results of the Analysis of the legal framework of the Council of Europe for the protection of social rights in Europe
4. Main challenges examined in the Report

I. THE MEMBER STATES’ COMMITMENT UNDER THE RELEVANT INSTRUMENTS³⁹

1. Current challenges⁴⁰
2. CDDH proposals

II. THE MONITORING PROCEDURES UNDER THE TREATY SYSTEM OF THE EUROPEAN SOCIAL CHARTER

1. Common features to the monitoring procedures
 - (a) Current challenges
 - (b) CDDH proposals
2. State reporting procedure
 - (a) Current challenges
 - (b) CDDH proposals
3. Collective complaints procedure
 - (a) Current challenges
 - (b) CDDH proposals

III. EFFECTIVE NATIONAL IMPLEMENTATION OF SOCIAL RIGHTS

1. Current challenges
2. CDDH proposals

IV. THE AWARENESS, VISIBILITY AND RESPECT OF THE CHARTER SYSTEM

1. Current challenges
2. CDDH proposals

V. RELATIONSHIP OF COUNCIL OF EUROPE INSTRUMENTS WITH OTHER INSTRUMENTS FOR THE PROTECTION OF SOCIAL RIGHTS

1. Current challenges
2. CDDH proposals

CONCLUSIVE REMARKS

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³⁹ The report shall address under this heading, in particular, the question of the ratification of the (revised) Charter and of the 1995 Additional Protocol and the acceptance of additional provisions of the (revised) Charter.

⁴⁰ For each challenge, the document could present (a) the background; (b) the reasons given by the relevant stakeholders (Council of Europe Member States / representatives of the monitoring bodies / Secretariat); (c) the analysis thereof.

Appendix X

**Programme of the Workshop
“Protection and promotion of the civil society space in Europe”**

*(organised by the CDDH at its 90th meeting
under the aegis of the Finnish Presidency of the Committee of Ministers)*

Place and date: Strasbourg, Palais de l’Europe, room 8, Thursday 29 November 2018 (14:00-17:15)

Participants: representatives of member States, Council of Europe, international organisations, civil society

Moderator: Ms Debbie KOHNER, European Network of National Human Rights Institutions

14:00 – Opening session

(3’) Welcome to the participants by Mr Hans-Jörg BEHRENS, Chair of the CDDH

(3’) Speech by Ms Henna KOSONEN, Deputy Permanent Representative of Finland to the Council of Europe

(7’) Speech by Ms Gabriella BATTAINI-DRAGONI, Deputy Secretary General of the Council of Europe

(7’) Speech by Ms Krista OINONEN, Chair of the CDDH-INST

14:20 – Working session I – Commitment of the Council of Europe and other international partners to protect and promote the civil society space in Europe

(7’) Speech by Ms Agnieszka SZKLANNA, Secretary to the Committee on Legal Affairs and Human Rights, Parliamentary Assembly of the Council of Europe

(7’) Speech by Mr Furkat TISHAEV, Advisor, Office of the Council of Europe Commissioner for Human Rights

(7’) Speech by Ms Waltraud HELLER, **Programme Manager Civil Society Cooperation**, European Union Agency for Fundamental Rights

(7’) Speech by Ms Dragana KORLJAN, Coordinator, Justice, Protection and Social Rights Unit, Special Procedures Branch, OHCHR

(7’) Speech by Ms Jennifer CROFT, Deputy Head of the OSCE/ODIHR Human Rights Department

Discussion – *What should be the further steps to strengthen the role of the civil society in Europe?*

15:20 – Coffee break

15:45 – Working session II – Current challenges facing civil society actors in Europe

(7’) Speech by Ms Anna RURKA, President of the Conference of the INGOs of the Council of Europe

(7’) Speech by Ms Hanna MACHINSKA, Deputy Commissioner for Human Rights of Poland

(7’) Speech by Mr Philip LYNCH, Director of the International Service for Human Rights

(7’) Speech by Mr Ilie CHIRTOACĂ, Legal Resources Centre from Moldova

(7’) Speech by Mr Pdraig HUGHES, Media Legal Defence Initiative

Discussion – *How to reverse shrinking democratic space in Europe?*

17:10 – Conclusion

(5’) Concluding remarks by Mr Hans-Jörg BEHRENS, Chair of the CDDH

17:15 – *Vin d’honneur* offered by the Finnish Presidency of the Committee of Ministers

Appendix XI

**Structure for revising the Recommendation No. R(85)13
of the Committee of Ministers on the institution of the ombudsman**

(approved by the CDDH at its 90th meeting, 27–30 November 2018)

Preamble (updated);

Operational part recommending to observe the principles contained in the Appendix and to proceed to a follow-up of the implementation;

Appendix comprising four sections:

- I. General principles, main tasks of the ombudsman;
- II. Diversity of ombudsman institutions;
- III. Fundamental characteristics of the ombudsman institution (such as independence and effectiveness, impartiality, fairness, possibility for the ombudsman to conduct a credible review process, confidentiality, accessibility);
- IV. Cooperation and dialogue (between ombudsman institutions, civil society organisations, national human rights structures and their networks, State authorities, international and regional organisations).

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Appendix XII

Conference
"Policy for progress: Ending FGM and Forced Marriage"

*(organised by the UK Home Office in cooperation with
the Council of Europe, London, 15–16 November 2018)*

1. The one and a half days Conference, held in Wembley just outside the centre of London, was organised in an excellent manner by the Home Office, which on 5 October launched an eight week campaign to tackle FGM as well as a public consultation on whether to introduce a mandatory duty for professional to report cases of forced marriage. From the UK Government's side the event was opened by Mr Sajid JAVID, Home Secretary, and it was subsequently further addressed by Ms Harriett BALDWIN, Minister of State for Africa and Minister of State for International Development, and by Ms Victoria ATKINS, Parliamentary Under Secretary of State for Crime, Safeguarding and Vulnerability and Parliamentary Under Secretary of State (Minister for Women).

2. The Conference was attended by some 200 participants on the first day and by approximately 170 on the second day gathering expert policy makers, international and regional organisations, NGOs, members of the affected communities and survivors of FGM and forced marriage. The Council of Europe member States were represented either by their relevant ministries or by their diplomatic delegations in London. Five members of the former CDDH-MF Drafting Group attended from Belgium, Norway, Spain, Poland and the Conference of INGOs.

3. The Council of Europe was represented, at Secretariat level, by the Parliamentary Assembly which recently adopted two resolutions on *Female Genital Mutilation in Europe* and *Forced Marriage in Europe*, GREVIO as the monitoring body of the Istanbul Convention which contains specific provisions on criminalizing FGM and Forced Marriage, and the CDDH which recently published its *Guide to good and promising practices aimed at preventing and combating female genital mutilation and forced marriage* including the *Declaration of the Committee of Ministers on the need to intensify the effort to prevent and combat female genital mutilation and forced marriage in Europe*.

4. The programme alternated between plenary sessions and workshops on specific topics offering plenty of opportunities to explore ways of tackling FGM and forced marriage and to network. In particular the following good practices, also included in the CDDH Guide, were presented and discussed:

- FGM and Forced Marriage Protection Orders in the UK
- FGM prosecutions in France
- Role of men in tackling FGM and forced marriage, Belgium and the UK
- Role of young people and the impact of education in tackling FGM and forced marriage, UK
- Improving the children's social care response to FGM, UK
- #StopTheMarriage / #StoppBryllupet innovative communications campaign in Norway
- Consular Co-operation Initiative (CCI) for forced marriage, UK and Netherlands
- 'Marry When You Are Ready' project – supporting Roma communities across Europe
- Creating tailored strategies to address a range of so called 'honour-based' crimes - a partnership approach to tackling harmful practices including forced marriage, UK
- FGM Information Sharing System as part of the National Health Service, UK

CDDH(2018)R90

5. The importance of collecting data and research for measuring the true prevalence and impacts of these hidden crimes was stressed by the European Institute for Gender Equality and the United Nations Population Fund.

6. The discussions confirmed that despite differences as to their practical aspects, these violations are linked and that a FGM survivor is at high risk of entering a forced marriage. It was clear that there is a need to further develop measures and policies if FGM and forced marriage are to be eliminated in Europe. A specific area of concern raised was the protection issues associated by asylum applications from FGM and forced marriage survivors.

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Appendix XIII

**Draft Program for the Workshop
“Protection of Victims of Terrorist Acts”**

*(as approved by the CDDH at its 90th meeting (27-30 November 2018)
as a working basis for the Secretariat and
the French Chairmanship of the Committee of Ministers)*

Strasbourg, 20 June 2019, at the 91st CDDH meeting

14:30 – Opening session

- (5') Welcome to the participants by the Chair of the CDDH
- (5') Introductory speech by the French Chair of the Committee of Ministers⁴¹
- (10') Speech by the [Secretary General of the Council of Europe⁴²
- (10') Speech by a [Representative from the Office of the High Commissioner for Human Rights of United Nations

15:00 – Working session I – “The Revised Guidelines of the Committee of Ministers on the protection of victims of terrorist acts”

- (10') Presentation by the CDDH representative before the CDCT
- (5') Speech by the President of the Council of Europe Counter-Terrorism Committee (CDCT)
- (5') Speech by a senior Registry official/Judge of the European Court of Human Rights

Discussion

15:50 – Coffee break

16:20 – Working session II – Best practices in the protection of human rights of victims of terrorist acts

- (8') Speech by Mme Elisabeth PELSEZ, French Interdepartmental Delegate for victims support
- (8') Speech by a representative from civil society – national victim's association
- (8') Speech by a [representative from civil society – the European Network of Associations of Victims of Terrorist Acts or the International Federation of Terrorist Victims Associations
- (8') Speech by Judge Ahmet MOLLAOGLU - *“Financial and legal aid provided to the victims of terrorist acts in Turkey”*

Discussion

17:20 – Concluding remarks

- (5') Concluding remarks and official closing of the Workshop by the Chair of the CDDH

17:25 – *Vin d'honneur* offered by the French Chairmanship of the Committee of Ministers

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⁴¹ This speech would need to recall the aim of the Workshop.

⁴² The Secretary general of the Council of Europe took the initiative to proceed to this revision in its report “Fight against violent extremism and radicalisation leading to terrorism” (CM(2016)64) presented to the Committee of Ministers at its 126th meeting at Sophia on 18 May 2016

Appendix XIV

**CDDH Opinion for the DH-BIO on the draft Additional Protocol
on the protection of the dignity and fundamental rights of persons with mental disorder
with regard to placement and involuntary treatment**

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

1. Concerning the draft Additional Protocol on the protection of the dignity and fundamental rights of persons with mental disorder with regard to placement and involuntary treatment, under preparation within the Committee on Bioethics (DH-BIO), the Steering Committee for Human Rights (CDDH) recalls the comments it adopted at its 85th meeting (15-17 June 2016, document CDDH(2016)R85, Appendix IV) in respect of Parliamentary Assembly Recommendation 2091(2016) “The case against a Council of Europe legal instrument on involuntary measures in psychiatry”. These comments read as follows:
 1. The Steering Committee for Human Rights (CDDH) notes that Article 14 of the United Nations Convention on the Rights of Persons with Disabilities (CRPD) is interpreted by the committee established under this convention as prohibiting any deprivation of liberty on the basis of a mental disability. Consequently, according to the committee established by the CRPD, any national mental health law providing for a deprivation of liberty on the basis of such a criterion is incompatible with the convention.
 2. The CDDH also notes that, stemming from this interpretation, the Parliamentary Assembly of the Council of Europe, recommends the Committee of Ministers to⁴³ :
 - (i) withdraw the proposal to draw up an additional protocol concerning the protection of human rights and dignity of persons with mental disorders with regard to involuntary placement and involuntary treatment;
 - (ii) instead focus its work on promoting alternatives to involuntary measures in psychiatry, including by devising measures to increase the involvement of persons with psychosocial disabilities in decisions affecting their health.
 3. Whilst the CDDH shares the Assembly’s willingness to do the utmost to promote alternatives, it nevertheless notes that under certain circumstances, involuntary measures may be warranted in order to prevent the patient causing harm to him/herself or other persons. The Court has said that “a mental disorder may be considered as being of a degree warranting compulsory confinement if it is found that the confinement of the person concerned is necessary as the person needs therapy, medication or other clinical treatment to cure or alleviate his/her condition, but also where the person needs control and supervision to prevent him/her from, for example, causing harm to him/herself or other persons.”⁴⁴ For this reason involuntary measures in psychiatry continue to be provided for in the laws of member States and regularly applied. Bearing in mind this reality, the CDDH notes the need to ensure that in all circumstances, involuntary measures are embedded with the guarantees required by the European Convention on Human Rights so as to (i) safeguard the human rights of the person concerned⁴⁵, and in particular provide the possibility for the right to an effective remedy against such a measure and (ii) prevent violations of the Convention similar to those already found by the European Court of Human Rights in many occasions. It underlines that this is the purpose of the additional Protocol under discussion in the DH-BIO⁴⁶.

⁴³ Recommendation 2091(2016) of the Parliamentary Assembly “The case against a Council of Europe legal instrument on involuntary measures in psychiatry”.

⁴⁴ *Bergmann v. Germany*, No. 23279/14, judgment of 7 January 2016, § 97.

⁴⁵ Involuntary measures, in particular placement, raise important human rights questions especially concerning Article 5 §1(e) (right to liberty and security), but also in some cases Articles 3 (prohibition of torture and inhuman or degrading treatment) and 8 (protection of private and family life) of the European Convention on Human Rights.

⁴⁶ The CDDH has already had the opportunity to express its opinion on the preparation of such a protocol in 2009 (document CDDH (2009)008).

4. Given that the Court regularly receives applications revealing violations of the ECHR as a result of involuntary measures, the CDDH considers that an additional Protocol to the Oviedo Convention could be an effective tool to define the indispensable legal guarantees to prevent such violations in our member States. Such an instrument would aim at better protecting the rights of the persons concerned both in law and in practice.
 5. Finally, if the CDDH is convinced that involuntary measures should be exceptional and only be envisaged in the absence of alternatives, it is also convinced that the possible drawing up of a legal instrument to lay down such measures within the Council of Europe would not diminish in any way the credibility of the Organisation, but would on the contrary encourage the progressive transition to a more uniform application of voluntary measures in psychiatry by the member States, in accordance with the spirit of the United Nations Convention on the Rights of Persons with Disabilities.
2. The CDDH appreciates the explanatory work of the DH-BIO regarding the purposes of the exercise and deems it important to continue and deepen such work. It supports the renewed efforts of the DH-BIO aiming at recalling the exceptional nature of involuntary measures as a last resort and to encourage the use of alternative and support measures.
 3. The CDDH encourages the DH-BIO to determine, taking into consideration the comments received during the public consultation, when and under which conditions to resume the work on the Additional Protocol.
 4. In this respect, the CDDH wishes to draw DH-BIO attention to the comments sent by the delegations of Belgium, Estonia, Finland and Switzerland within the CDDH. These comments appear below as an appendix to this Opinion.

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Appendix XV

Focal points of the CDDH in other bodies

(list adopted by the CDDH at its 90th meeting, 27–30 November 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 XVI

Composition of the Bureau, Chairmanships and Rapporteurs*(list adopted by the CDDH at its 90th meeting, 27–30 November 2018)*

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

RAPPORTEURS⁴⁷			
DH-SYSC-II Mr Alexei ISPOLINOV (Russian Federation) – Theme 1 Mr Chanaka WICKREMASINGHE (United Kingdom) – Theme 1 Ms Sofia KASTRANTA (Greece) – Theme 2 Ms Kristine LĪCIS (Latvia) – Theme 3		31 December 2019	88 th meeting of the CDDH (December 2017)
CDDH-EXP Ms Kristine LĪCIS (Latvia)		31 December 2019	88 th meeting of the CDDH (December 2017)
CDDH-MIG Mr Frank SCHÜRMAN (Switzerland)		31 December 2019	88 th meeting of the CDDH (December 2017)
DRAFTING GROUPS			
DH-SYSC-II⁴⁸		DH-SYSC-III⁴⁹	
Bulgaria		Armenia	
Croatia		Belgium	
Czech Republic		Greece	
France		Italy	
Italy		Latvia	
Latvia		Montenegro	
The Netherlands		Portugal	
Norway		Slovak Republic	
CDDH-SOC	CDDH-EXP⁵⁰	CDDH-MIG	CDDH-INST
Austria	Azerbaijan	Armenia	Armenia
Belgium	Estonia	Bulgaria	Azerbaijan
Czech Republic	France	Czech Republic	Finland
Greece	Hungary	Greece	Ireland
Italy	Republic of Moldova	Iceland	Montenegro
Republic of Moldova	Montenegro	Italy	Poland
Poland	Russian Federation	Latvia	Russian Federation
Portugal	"The former Yugoslav Republic of Macedonia"	Norway	Slovenia
Russian Federation	Turkey	Spain	Spain
Slovenia	United Kingdom	Turkey	"The former Yugoslav Republic of Macedonia"

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⁴⁷ The Rapporteur of the CDDH-SOC is now part of the Secretariat of the Council of Europe (Department for the execution of judgments) and has ended her work as a Rapporteur. The CDDH-MD finalised its work. The Rapporteur and Chair of the CDDH-INST has terminated her work as a Rapporteur.

⁴⁸ Following a decision taken by the CDDH at its 88th meeting (5-7 December 2017), and subject to the availability of budgetary resources, it is envisaged that the following member States would also be covered by the budget of the Council of Europe to participate in the following meetings:

- 3rd meeting (3-5 April 2018) and 5th meeting (March 2019): Albania, Austria, Azerbaijan, Bosnia-Herzegovina, Denmark, Finland, Germany, Greece, Russian Federation, United Kingdom
- 4th meeting (25-28 September 2018) and 6th meeting (May 2019): Greece, Poland, Romania, Russian Federation, Serbia, Spain, Sweden, Turkey, Ukraine, United Kingdom
- 7th meeting (September 2019): it is envisaged that the Council of Europe will cover the costs of all the participants.

⁴⁹ Initially, the work of the Group will take place by electronic means.

⁵⁰ Chair: Germany. The expenses of the Chair are covered by the budget of the Council of Europe.

Appendix XVII

Publications

It is foreseen to publish following documents in 2019:

- (1) *Contribution to the evaluation provided for by the Interlaken Declaration - final CDDH Report*
- (2) *University education and professional training on the ECHR and European Social Charter*
- (3) *The individual application before the European Court of Human Rights - Practical Guide*
- (4) *Legal framework of the Council of Europe for the protection of social rights in Europe - Analysis*
- (5) *Good and promising practices on the way of reconciling freedom of expression with other rights and freedoms, in particular in culturally diverse societies - Practical Guide*
- (6) *Handbook on alternatives to detention in the context of migration*
- (7) *Protection and promotion of civil society space in Europe - Recommendation of the Committee of Ministers, Compilation and overview of measures and practices in place in member States, Proceedings of the Seminar (29 November 2018)*
- (8) *Promotion of Human Rights of older persons - follow-up of Recommendation CM/Rec(2014)2 of the Committee of Ministers, Compilation and overview of measures and practices in place in member States, Proceedings of the Workshop (21 June 2018)*
- (9) *Protection of victims of terrorist acts - revised Guidelines of the Committee of Ministers, Compilation and overview of measures and practices in place in member States, Proceedings of the Seminar (20 June 2019)*
- (10) *Strengthening international regulations against trade in goods used for torture and the death penalty - feasibility study*
- (11) *Human Rights and environment - Handbook (3rd publishing)*

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Appendix XVIII

**Calendar of meetings of the CDDH
and its subordinate bodies for 2019**

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

2019	
Opening of the Judicial Year	25 January
5 th meeting of the drafting Group on the place of the ECHR in the European and international legal order (DH-SYSC-II)	5–8 February
5 th meeting of the drafting Group on Civil Society and National Human Rights Institutions (CDDH-INST)	27 February–1 st March
4 th meeting of the drafting Group on Freedom of Expression and links to other Human Rights (CDDH-EXP)	20–22 March
6 th meeting of the drafting Group on Human Rights and Migration (CDDH-MIG)	26–28 March
Event on transparency and access to official documents, under the aegis of the Finnish Chairmanship of the Committee of Ministers	[...]
4 th meeting of the drafting Group on Social Rights (CDDH-SOC)	3–5 April
101 th meeting of the Bureau of the Steering Committee for Human Rights (CDDH-BU)	15–17 May
6 th 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
<i>Meeting of the Government Agents with the Court's Registry</i>	17 June
91 th meeting of the Steering Committee for Human Rights (CDDH) and Workshop on the protection of victims of terrorist acts	18–21 June
7 th 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 th meeting of the drafting Group on Civil Society and National Human Rights Institutions (CDDH-INST)] ⁵¹	[18–20 September]
[5 th meeting of the drafting Group on Social Rights (CDDH-SOC)] ⁵²	[25–27 September]
6 th meeting of the Committee of experts on the system of the European Convention on Human Rights (DH-SYSC)	[15] 16–18 October
7 th meeting of the drafting Group on Human Rights and Migration (CDDH-MIG)	22–24 October
102 nd meeting of the Bureau of the Steering Committee for Human Rights (CDDH-BU)	[6] 7–8 November
<i>[Meeting of the Government Agents with the Court's Registry]</i>	[25 November]
92 nd meeting of the Steering Committee for Human Rights (CDDH)	26–29 November

⁵¹ Subject to the Secretariat's resources

⁵² Subject to the Secretariat's resources