



CDDH(2019)R91  
Strasbourg, 25 July 2019

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

### **REPORT**

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91<sup>st</sup> meeting

Strasbourg, 18–21 June 2019

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## Texts adopted during the meeting

### **CDDH(2019)R91 Addendum 1**

Draft Recommendation CM/Rec(2019)... of the Committee of Ministers to member States on the system of the European Convention on Human Rights in university education and professional training

### **CDDH(2019)R91 Addendum 2**

Report on measures taken by the member States to implement relevant parts of the Brussels Declaration

### **CDDH(2019)R91 Addendum 3**

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

### **CDDH(2019)R91 Addendum 4**

Draft Recommendation No. Rec (...) [2019] ... of the Committee of Ministers to member States on the development of the Ombudsman institution

### **CDDH(2019)R91 Addendum 5**

Practical Guidance on Alternatives to Immigration Detention: Fostering Effective Results

### **CDDH(2019)R91 Addendum 6**

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

### **CDDH(2019)R91 Addendum 7**

Draft chapters of the future CDDH Report on the place of the European Convention on Human Rights in the European and international legal order

## Deadlines for possible contributions

*(as adopted by the CDDH at its 91<sup>st</sup> meeting, 18–21 June 2019)*

### **Monday 15 July 2019** by 18:00:

1. to send to [DGI-CDDH@coe.int](mailto:DGI-CDDH@coe.int): drafting proposals on the Report, provisionally adopted by the CDDH in June 2019, on the measures taken by the member States to implement relevant parts of the Brussels Declaration (CDDH(2019)R91 Addendum 2);
2. to send to [DGI-CDDH@coe.int](mailto:DGI-CDDH@coe.int): drafting proposals on following elements, provisionally adopted by the CDDH in June 2019 (CDDH-BU(2019)R101Addendum), resulting from the Copenhagen Declaration that should be reflected in the future Interlaken follow-up report:
  - *a comprehensive analysis of the European Court of Human Rights' backlog of cases;*
  - *prompt and efficient handling of cases, in particular repetitive cases by means of a friendly settlement or a unilateral declaration; and*
  - *situation of judges of the European Court of Human Rights after the end of their mandate*

The preliminary draft of the Contribution will subsequently be send to the DH-SYSC and to the CDDH on Monday 16 September, with the possibility for member States to react with drafting proposals to be sent by Monday 7 October 2019;

### **Monday 16 September 2019** by 18:00:

3. to send to [DGI-CDDH@coe.int](mailto:DGI-CDDH@coe.int): drafting proposals on the selection of good national practices on the Ombudsman Institution (Compendium of good practices) accompanying the Draft Recommendation R(...)[2019] of the Committee of Ministers to the member States on the development of the Institution of the Ombudsman;

### **Monday 7 October 2019** by 18:00:

4. to send to [DGI-CDDH@coe.int](mailto:DGI-CDDH@coe.int): drafting proposals on the draft Contribution of the CDDH to the evaluation provided for by the Interlaken Declaration;

### **Monday 14 October 2019** by 18:00:

5. to send to [DGI-CDDH@coe.int](mailto:DGI-CDDH@coe.int): drafting proposals on the consolidated version (sent by the Secretariat before 1 September 2019) of the Preliminary draft of a feasibility study on the CDDH work related to the prohibition of the trade in goods used for torture and the death penalty;
6. to send to [SOGI@coe.int](mailto:SOGI@coe.int): drafting proposals on the consolidated version (sent by the Secretariat before 1 September 2019) of the draft CDDH Report on the follow-up of the implementation of the Committee of Ministers' 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.

## SUMMARY

1. The Steering Committee for Human Rights (CDDH) held its 91<sup>st</sup> meeting from 18 to 21 June 2019 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: <sup>1 2</sup>
  - (a) adopted its comments on Recommendation of the Parliamentary Assembly 2145(2019) - *Withdrawing nationality as a measure to combat terrorism: a human rights-compatible approach?* (see Appendix III);
  - (b) adopted its proposals for the Intergovernmental Programme of Activities 2020–2021 (see Appendix IV);
  - (c) concerning the **system of the European Convention on Human Rights**:
    - (i) provisionally adopted the following chapters of the future CDDH report on the place of the European Convention on Human Rights in the European and international legal order (CDDH(2019)R91 Addendum 7):
      - *Methodology of interpretation by the European Court of Human Rights and its approach to international law* (theme 1, sub-theme (i));
      - *Interaction between the resolutions of the Security Council and the European Convention on Human Rights* (theme 1, sub-theme (iii));
      - *Interaction between international humanitarian law and the European Convention on Human Rights* (theme 1, sub-theme (iv));
      - *Challenge of the interaction between the Convention and other international human rights instruments to which Council of Europe member States are parties* (theme 2);
    - (ii) adopted its draft Recommendation Rec(2019) ... of the Committee of Ministers to member States on the system of the European Convention on Human Rights in university education and professional training, accompanied by a selection of good national practices (CDDH(2019)R91Addendum 1);

<sup>1</sup> Regarding the name “North Macedonia” used in this document, the position of the Republic of Bulgaria is that “*the only constitutional name of the State is Republic of North Macedonia and it should be used erga omnes*”.

<sup>2</sup> In response, the delegation of North Macedonia has stated that “*the full name of the country is the Republic of North Macedonia and the short name is North Macedonia. Both forms are equally valid and used in line with the established rules and practice of international organisations, including the Council of Europe, and based on the principle of equality and sovereign rights of states*”.

- (iii) provisionally adopted<sup>3</sup> its Report on measures taken by the member States to implement relevant parts of the Brussels Declaration (CDDH(2019)R91Addendum 2);
- (iv) provisionally adopted<sup>4</sup> the following Draft additional elements resulting from the Copenhagen Declaration that should be reflected in the future *Contribution of the CDDH to the evaluation provided for in the Interlaken Declaration* (CDDH-BU(2019)R101 Addendum):
  - *comprehensive analysis of the backlog of cases before the European Court of Human Rights;*
  - *the prompt and efficient handling of cases, in particular repetitive cases pending before the Court, by friendly settlements or unilateral declarations and*
  - *the post-mandate situation of judges of the Court;*
- (v) had an in-depth exchange of views on the Draft elements resulting from the Copenhagen Declaration concerning inter-State applications which will be reflected in the *Contribution of the CDDH to the evaluation provided for in the Interlaken Declaration* and decided to take up this point again at its next meeting in the light of the proposals of its Committee of experts on the system of the European Convention on Human Rights (DH-SYSC);

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

- (i) adopted its Report identifying good practices and making proposals with a view to improving the implementation of social rights in Europe (CDDH(2019)R91Addendum 3);
- (ii) adopted its draft Recommendation Rec(2019) ... of the Committee of Ministers to member States on the development of the Ombudsman institution, accompanied by a selection of good national practices<sup>5</sup> (CDDH(2019)R91Addendum 4);
- (iii) adopted its Practical Guidance on Alternatives to Immigration Detention: Fostering Effective Results (CDDH(2019)R91Addendum 5);
- (iv) adopted its 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 (CDDH(2019)R91Addendum 6);

<sup>3</sup> It was decided to adopt this text by a silent procedure on 15 July 2019 at 18:00. If the member States submit *drafting proposals* before that date, the Secretariat will submit them to the Chair and the Bureau.

<sup>4</sup> It was agreed that drafting proposals could be sent to the Secretariat by 15 July 2019. The Secretariat will consolidate the document taking into account such proposals and send out a draft by 15 September 2019.

<sup>5</sup> As regards the selection of good national practices, drafting proposals can be sent to the Secretariat by 16 September 2019 at 18:00.

- (v) exchanged views on its draft feasibility Study on CDDH work on the prohibition of the trade in goods used for torture and the death penalty and decided on the procedure for its adoption<sup>6</sup>;
  - (vi) exchanged first views on its draft follow-up Report on the implementation of Recommendation CM/Rec(2010)5 of the Committee of Ministers to member States on measures to combat discrimination on grounds of sexual orientation or gender identity and decided on the procedure for its adoption<sup>7</sup>;
  - (vii) received a practical demonstration of the online digital Platform on Human rights and business and took note of the replies so far received to the questionnaire circulated in January 2019 (document CDDH(2019)01), while further replies were encouraged;
  - (viii) held a CDDH Workshop on the protection of victims of terrorist acts, organised under the aegis of the French Presidency of the Committee of Ministers (see the Programme in [Appendix VII](#));
  - (ix) exchanged views with Mr Jan KLEIJSEN, Director of the Information Society and Action Against Crime Directorate (DG I);
  - (x) exchanged views with the Advisor and with the CDDH Rapporteur for Gender **Equality** on gender equality issues in the context of human rights;
- (e) as regards **bioethics**, took note of the work in progress within the Committee on Bioethics (DH-BIO), and approved its proposals of activities for the next biennium and its draft Strategy Action Plan 2020–2025;
- (f) took note of the information provided by its **focal points** representing the CDDH in other bodies;
- (g) decided on **guests** to be invited to its future meetings;
- (h) exchanged views on the state of signatures and ratifications of the **conventions** for which the CDDH is responsible;
- (i) took note of the current status of **publications of the CDDH work** as well as of the publications foreseen ([Appendix X](#));
- (j) adopted its **calendar** of meetings for the second semester of 2019 and its preliminary calendar for the 2020–2021 biennium ([Appendix XI](#)).

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<sup>6</sup> A consolidated version of the text will be sent to the member States around 1 September 2019. The member States may, if they wish, send their drafting proposals to the Secretariat until 15 October 2019 at 18:00.

<sup>7</sup> A consolidated version of the text will be sent to the member States on 1 September 2019. The member States may, if they wish, send their drafting proposals to the Secretariat SOGI until 15 October 2019 at 18:00.

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

1. Following the opening of the meeting by the Chair, the CDDH adopted its draft agenda as it appears in Appendix I below and agreed with the order of business proposed by the Bureau. The list of participants appears in Appendix II.

2. The Director General of the Directorate General Human Rights and Rule of Law (DGI), Mr Christos GIAKOUMOPOULOS, informed the Committee on the current budgetary situation of the Organisation and its possible impact on the CDDH work regarding human and budgetary resources if the contingency plan should be implemented as of January 2020. The CDDH thanked the Director General for his contribution and recalled the priority need of its Secretariat to have the necessary human and budgetary resources to accomplish its functions.

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

3. The CDDH exchanged views on Recommendation of the Parliamentary Assembly 2145(2019) "*Withdrawing nationality as a measure to combat terrorism: a human rights-compatible approach?*", transmitted by the Ministers' Deputies to the CDDH for information and possible comments. Further to this exchange, it adopted its comments as they appear in Appendix III below.

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

4. In the light of information presented by the Secretariat on the budgetary situation and in terms of human resources, the CDDH proceeded to an exchange of views on the work to be fulfilled before the end of 2019.

5. It decided to grant an additional day to the forthcoming DH-SYSC and Bureau meetings so that these two bodies will have the necessary time to consolidate the draft Report prepared by the DH-SYSC-II and its future *Contribution to the evaluation provided for by the Interlaken Declaration*.

6. The CDDH also considered that, should the budgetary situation and the human resources of its Secretariat allow it, it would be appropriate for its CDDH-INST Drafting Group to hold its next meeting this year. However, given the CDDH's exceptionally heavy workload in November, it decided that the next meeting will take place in February 2020 as one of its priorities for its intergovernmental Programme of activities 2020–2021.

7. Regarding the proposals for the intergovernmental Programme of activities 2020–2021, the CDDH identified its priorities as they appear in Appendix IV below.

**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)**

8. The 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), Ms Florence MERLOZ (France), presented to the CDDH the results of the 5<sup>th</sup> meeting (5–8 February 2019, report DH-SYSC-II(2019)R5) and of the 6<sup>th</sup> meeting (22–24 May 2019, report DH-SYSC-II(2019)R6) of the Drafting Group.



9. The Chair of the DH-SYSC-II further presented to the CDDH the content of the following four draft chapters of the future CDDH report on the place of the European Convention on Human Rights in the European and international legal order which is being elaborated by the Drafting Group and which the latter provisionally adopted<sup>8</sup>:

- (a) Sub-theme i) of Theme 1, on *Methodology of interpretation by the European Court of Human Rights and its approach to international law* (document DH-SYSC-II(2018)23 as provisionally adopted at the 4<sup>th</sup> meeting of the DH-SYSC-II in September 2018);
- (b) Sub-theme iii) of Theme 1, on the *Interaction between the Resolutions of the Security Council and the European Convention on Human Rights* (document DH-SYSC-II(2018)25 as provisionally adopted at the 4<sup>th</sup> meeting of the DH-SYSC-II in September 2018);
- (c) Sub-theme iv) of Theme 1, on the *Interaction between international humanitarian law and the European Convention on Human Rights* (document DH-SYSC-II(2019)35 as provisionally adopted at the 5<sup>th</sup> meeting of the DH-SYSC-II in February 2019); and
- (d) Theme 2, on the *Challenge of the interaction between the Convention and other international human rights instruments to which Council of Europe member States are parties* (document DH-SYSC-II(2019)36 as provisionally adopted at the 5<sup>th</sup> meeting of the DH-SYSC-II in February 2019).

10. The CDDH expressed its appreciation for the considerable amount of work already accomplished by the Drafting Group. It then examined and provisionally adopted the above-mentioned four draft chapters of its future report (see CDDH(2019)R91 Addendum 7).

11. The CDDH took note of the fact that sub-theme (ii) of Theme 1, on *State responsibility and extraterritorial application of the European Convention on Human Rights*, is still under consideration in the DH-SYSC II and that the remaining paragraphs of this chapter, which have not yet been provisionally adopted, shall be examined at the Group's 7<sup>th</sup> and last meeting in September 2019, together with the finalised report, which will be submitted to the DH-SYSC-II for adoption at that meeting.

12. The CDDH further observed that the DH-SYSC-II had already provisionally adopted Theme 3, on the *Challenge of the interaction between the Convention and the legal order of the European Union and other regional organisations*, at its recent 6<sup>th</sup> meeting (22–24 May 2019). This chapter will be directly integrated in the finalised report which will be submitted to the DH-SYSC-II for adoption at its September meeting. That report shall then be transmitted to the DH-SYSC for consideration at its meeting in October and subsequently to the CDDH for consideration and adoption at its meeting in November.

13. The CDDH further discussed the working methods in order to arrive at an adoption of the future CDDH report on the place of the European Convention on Human Rights in the European and international legal order. It stressed that it was for the Working Group to decide in which way to present its work to the DH-SYSC and the CDDH, including on those parts of the text which have not yet been provisionally adopted if no consensus could be found in this respect within the Group. It was further suggested that the judgments and decisions of the European Court of Human Rights were quoted in a homogeneous manner, mentioning the case name, decision body, application number, relevant paragraph number and date of the judgment / decision.

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<sup>8</sup> The DH-SYSC-II explained in its meeting reports that "Provisional adoption means that the Group has examined the text of the draft chapter paragraph by paragraph and made amendments both on the content and on the form of the text. The text may be updated in case the European Court of Human Rights delivered new important judgments prior to the final adoption of the entire future report in 2019, and in order to harmonise the entire text of the future report and take into account possible orientations given by the CDDH." (see [DH-SYSC-II\(2019\)R6](#), footnote 1).

14. The Turkish delegation further referred in that context to the fact that the DH-SYSC-II invited the Rapporteurs of the different chapters “to send to the Secretariat any update, in accordance with what has been agreed upon at the moment of provisional adoption,<sup>(...)</sup> as a result of new judgments or decisions”.<sup>9</sup> It reiterated its position that it was opposed to reopening the discussions on the parts of the report which had been provisionally adopted. Therefore, no new text other than references to important judgments in the footnotes should be inserted in the provisionally adopted parts of the report.

15. Concerning the participation on the Council of Europe’s budget at the DH-SYSC-II’s 7<sup>th</sup> and last meeting (18–20 September 2019), it was recalled that the CDDH, at its 88<sup>th</sup> meeting (December 2017, CDDH(2018)R90, Appendix XVI), agreed that in addition to the costs of the eight members of the Group, the costs of one representative from each of the Member States of the Council of Europe which have previously participated in one or more of the meetings of the Group would also be covered by the budget of the Organisation.<sup>10</sup>

16. The detailed schedule of the work of DH-SYSC-II is given in Appendix V below, for information.

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

17. The CDDH welcomed the work accomplished by its Drafting Group on the follow-up to Recommendation Rec(2004)4 (DH-SYSC-III) with Ms Vasileia PELEKOU (Greece) in the Chair. It was recalled that the Group, which met once (16–17 October 2018),<sup>11</sup> prepared a preliminary Draft Recommendation CM/Rec(2019)... of the Committee of Ministers to member States on the system of the European Convention on Human Rights in university education and professional training, accompanied by a selection of good national practices.

18. The CDDH then proceeded to a detailed examination of the text of its Draft Recommendation including the selection of good national practices, in the light also of the written comments and proposals received from the CDDH participants, adopted it (CDDH(2019)R91Addendum 1) and decided to transmit it to the Committee of Ministers.

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

19. The CDDH noted that the Secretariat would prepare its draft *Contribution to the evaluation provided for by the Interlaken Declaration*<sup>12</sup> during the summer, following the draft table of contents adopted and the guidance given by the CDDH at its November 2018 meeting.<sup>13</sup> That draft shall

<sup>9</sup> See the report of the 6<sup>th</sup> meeting of the DH-SYSC-II, document DH-SYSC-II(2019)R6, § 10. For the understanding by the DH-SYSC-II of “provisional adoption” see the previous footnote.

<sup>10</sup> See document DH-SYSC-II(2019)R6, § 12 for the 31 member States covered.

<sup>11</sup> For the meeting report see document DH-SYSC-III(2018)R1.

<sup>12</sup> The Interlaken Declaration adopted on 19 February 2010 at the High Level Conference on the future of the European Court of Human Rights established a roadmap for the reform process towards long-term effectiveness of the Convention system. In the section on the implementation of the Action Plan, the Committee of Ministers was invited to decide, before the end of 2019, whether the measures adopted during the reform process have proved sufficient to ensure a sustainable functioning of the Convention’s control mechanism or whether more fundamental changes are needed.

<sup>13</sup> The Steering Committee expressed the wish that the future report:

- (i) is as brief as possible in both contents and form, with references to existing documents for further details, and should be written in accessible language;

then be distributed on Monday 16 September 2019 to the participants both in the DH-SYSC and in the CDDH meetings, with the possibility to react on it with drafting proposals by Monday 7 October 2019.

20. It was further noted that the Court's Registry had provided the CDDH with a document entitled "*Securing the long-term effectiveness of the supervisory mechanism of the European Convention on Human Rights: the Court's action in 2018-2019*" (document CDDH(2019)25) in order to provide up-to-date information to the CDDH for the preparation of the draft *Contribution*.

21. The draft *Contribution* will be transmitted to the DH-SYSC for discussion and adoption at its meeting in October 2019, which will largely be devoted to consolidating the text, and subsequently to the CDDH for discussion and adoption at its meeting in November 2019.

22. In the light of the decisions to be taken in early 2020 by the Committee of Ministers in the follow-up to its Interlaken report, the CDDH further exchanged views with Mr Geir ULFSTEIN, Professor at the Faculty of Law of the University of Oslo, a representative of *PluriCourts* (Centre for the Study of the Legitimate Roles of the Judiciary in the Global Order).

(i) Professor Ulfstein informed the CDDH that *Pluricourts* was ready to organise one or more seminars related to the follow-up to the Interlaken report, including, *inter alia*, a substantive contribution to possible work on the effective treatment of inter-State cases and individual applications lodged with the Strasbourg Court arising from situations of inter-State conflicts or on the national reception of the Convention.

(ii) The CDDH welcomed these proposals and agreed that two seminars could be envisaged during the next biennium (2020–21) within the CDDH on the topics to be dealt with in the follow-up to the Interlaken report, namely, one in June 2020 organised by *Pluricourts* in Strasbourg, and one organised in the framework of the German Chairmanship of the Committee of Ministers in April 2021 in Germany. The event to be organised in June 2020 could have a format similar to the seminars which took place in Kokkedal (Denmark) and should be prepared by *Pluricourts* in close co-operation with the Secretariat and the Chair. The exact choice of the topics would depend on the CDDH's terms of reference for that biennium and thus has to be determined at a later stage.

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- (ii) contains a table of contents and a concluding section which should include an assessment of whether the measures adopted so far in the Interlaken reform process have proved sufficient to ensure a sustainable functioning of the Convention system or whether further changes are needed. This question has already been partially answered in previous CDDH reports, which should be reflected in the future report, which could also contain proposals for further reflection and/or action;
  - (iii) contains the additional elements requested by the Ministers' Deputies at their meeting on 30 May 2018; see item 4.5 below;

see document CDDH(2018)R90, §§ 22–24 and, for the draft table of contents, Appendix VII to that meeting report.

#### 4.4 Follow-up to the *Brussels Declaration*

23. The CDDH welcomed the draft report on *Measures taken by the member States to implement relevant parts of the Brussels Declaration*<sup>14</sup> (document CDDH(2019)17rev) prepared in the light of the national information received (documents CDDH(2018)23 and CDDH(2019)21, bilingual). It then examined and provisionally adopted its report by a silent procedure on 15 July 2019 at 18:00.

24. If the member States send drafting proposals before that date, the Secretariat will submit them to the Chair and the Bureau. The text (see CDDH(2019)R91Addendum 2) will then be transmitted to the Committee of Ministers for information.

#### 4.5 Follow-up to the *Copenhagen Declaration*

25. It was recalled that following the High Level Conference on the reform of the Convention system held in Copenhagen on 12-13 April 2018<sup>15</sup>, the Ministers' Deputies, at their meeting on 30 May 2018, invited the CDDH to include the following additional elements in its future *Contribution to the evaluation provided for by the Interlaken Declaration* (see point 4.3 above):

- (i) a comprehensive analysis of the Court's backlog, identifying and examining the causes of the influx of cases from States Parties in order to identify the most appropriate solutions at the level of the Court and States Parties. To this end, the Registry of the Court has provided the CDDH with statistics on the evolution of the Court's workload over 10 years, which allow for an analysis of the Court's backlog (document CDDH(2019)08);
- (ii) proposals on how to facilitate the expeditious and efficient handling of cases, in particular repetitive cases, which the parties are ready to settle by friendly settlement or unilateral declaration; to this end, the Registry of the Court has provided the CDDH with a document (available in English only) entitled "*Encouraging the resolution of proceedings before the Court through a non-contentious procedural phase*" (CDDH(2019)09);
- (iii) proposals on how to deal more effectively with cases relating to inter-State disputes, as well as individual applications arising from situations of conflict between States, though without limiting the jurisdiction of the Court, taking into account the specificities of these categories of cases, in particular with regard to fact-finding; to this end, the Registry of the Court has provided the CDDH with a document (available in English only) entitled "*Proposals for a more efficient processing of inter-State cases*" (CDDH(2019)22);

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<sup>14</sup> Declaration adopted by the Committee of Ministers at the High Level Conference on "The implementation of the European Convention on Human Rights, our shared responsibility" held in Brussels on 26-27 March 2015. [https://www.echr.coe.int/Documents/Brussels\\_Declaration\\_ENG.pdf](https://www.echr.coe.int/Documents/Brussels_Declaration_ENG.pdf)

<sup>15</sup> 1317<sup>th</sup> meeting of the Deputies, decisions following-up the 128<sup>th</sup> 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.

- (iv) questions relating to the situation of judges of the European Court of Human Rights after the end of their term of office, mentioned in paragraphs 154 and 159 of the CDDH 2017 Report on the selection and election of judges of the European Court of Human Rights (document CM(2018)18-add1). The Registry provided a document also on this subject ("*Recognition in domestic law of service in international courts*", available in English only, CDDH(2019)07).

26. It was recalled that the member States were further invited to send contributions on these topics (their answers are compiled in document CDDH(2019)12) and that the Bureau of the CDDH, at its 101<sup>st</sup> meeting (Helsinki, 15–17 May 2019), examined and adopted the document entitled *Draft additional elements resulting from the Copenhagen Declaration that should be reflected in the future Interlaken follow-up report* (document CDDH-BU(2019)R101 Addendum).

27. The CDDH examined and provisionally adopted<sup>16</sup> the *Draft additional elements* in so far as they concern the above-mentioned points (i), (ii) and (iv). It further had an in-depth exchange of views in so far as they concern point (iii) which will be reflected in the CDDH *Contribution to the evaluation provided for by the Interlaken Declaration* and decided to take up this point again at its next meeting in the light of the proposals of the DH-SYSC.

28. Finally, it is recalled that the CDDH should adopt its report *Contribution to the evaluation provided for in the Interlaken Declaration*, including the draft additional elements resulting from the Copenhagen Declaration, at its 92<sup>nd</sup> meeting (November 2019) for transmission to the Committee of Ministers before 31 December 2019.

#### **4.6 Update of the accompanying Guide to Good Practice to Recommendation CM/Rec(2010)3 on effective remedies for excessive length of proceedings**

29. It was recalled that under its terms of reference for the current (and the previous) biennium, the CDDH was mandated, concerning effective remedies for excessive length of proceedings, to update the accompanying Guide to Good Practice to Recommendation CM/Rec(2010)3.

30. In its exchange of views on that subject-matter, the CDDH considered that this topic was no longer one of the urgent issues for the effectiveness of the Convention system which should be treated as a priority. It considered that this subject-matter should rather be included in the activities on the topic of national implementation of the Convention which the CDDH could propose to the Committee of Ministers further to the Interlaken report.

#### **4.7 Organisation of work at the next DH-SYSC meeting (October 2019)**

31. The CDDH exchanged views with the Chairperson of the DH-SYSC, Ms Brigitte OHMS (Austria), on the work to be carried out by the DH-SYSC at its meeting which should last from 15–18 October 2019. That meeting will focus on the review of the work of the DH-SYSC-II (see point 4.1 above) and on the consolidation of the text of the draft *Contribution to the evaluation provided for by the Interlaken Declaration* (see point 4.3 above).

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<sup>16</sup> Drafting proposals can be sent to the Secretariat by 15 July 2019. The Secretariat will take them into account in the draft text which will be sent by 16 September 2019. The experts from DH-SYSC and CDDH will then have the possibility to send drafting proposals on this latest version by 7 October 2019.

## ITEM 5: DEVELOPMENT AND PROMOTION OF HUMAN RIGHTS

### 5.1 Social rights (CDDH-SOC)

32. The Chair of the Drafting Group on Social Rights (CDDH-SOC), Mr Vít A. SCHORM (Czech Republic), presented to the CDDH the results of the 4<sup>th</sup> and last meeting of the Group (3–5 April 2019). The Chair of the Group stressed in particular that:

- (i) taking account of the budgetary constraints which would have made it very difficult to hold a further meeting initially scheduled this year, succeeded in finalising the draft second *Report identifying good practices and making proposals with a view to improving the implementation of social rights in Europe* (CDDH-SOC(2019)R4 Addendum) in that meeting;
- (ii) the Group welcomed the participation, in particular, of the President of the ECSR, Professor Giuseppe PALMISANO, of a representative of the Governmental Committee of the European Social Charter, of a member of the European Social Cohesion Platform and of the Head and Deputy Head of the Department of the European Social Charter in the meetings of the CDDH-SOC and thanked them for their speeches and contributions. He further stressed the fact that a representative of the European Trade Union Confederation (ETUC) as well as representatives of the Conference of INGOs of the Council of Europe, of the Academic Network on the European Social Charter and Social Rights (ANESC) and of the European Network of Human Rights Institutions (ENNHRI) had equally participated in the meetings. This had permitted a broad exchange of views which was reflected in the draft second report elaborated by the Group.
- (iii) The text of the draft second report had been sent to the participants in the CDDH meetings for possible comments until 3 June 2019. These comment were compiled in document CDDH(2019)15.

33. The CDDH congratulated the President of the CDDH-SOC, the Group and its Secretariat for the finalisation of the draft second report. It then examined the text of its report in the light of the written comments received and adopted the report (see CDDH(2019)R91Addendum 3), with a view to its transmission to the Committee of Ministers for information and for the possible follow-up that it would like to give to the report.

34. The CDDH further welcomed the fact that a Seminar on "*Reinforcing social rights protection in Europe: towards more cohesion and equality*", organised by the French Chairmanship of the Committee of Ministers, was scheduled for 19 September 2019 in Strasbourg and was to take into account the above-mentioned second CDDH report.

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

35. The Chairperson of the Drafting Group on Civil Society and National Human Rights Institutions (CDDH-INST), Ms Krista OINONEN (Finland), presented to the CDDH in June the results of the 5<sup>th</sup> meeting of the Group (27 February-1 March 2019, report CDDH-INST(2019)R5). This meeting made it possible to finalise the draft Recommendation R (...) [2019] of the Committee of Ministers to member States on the development of the Ombudsman institution.

36. The CDDH congratulated the CDDH-INST, its Chair and its Secretariat for the quality of the work accomplished in a short period of time. At the end of its examination, the CDDH adopted the text as it appears in document CDDH(2019)R91Addendum4 and decided to transmit it to the Committee of Ministers for adoption, together with a selection of national good practices drawn up by a consultant expert (Collection of good practices). With regard to this selection, the CDDH set a deadline of 16 September 2019 for sending drafting proposals to the Secretariat [DGI-CDDH@coe.int](mailto:DGI-CDDH@coe.int).

37. In this context, the CDDH noted with satisfaction the adoption on 16 March 2019 by the European Commission for Democracy through Law, on 19 March 2019, of the 25 "Principles on the Protection and Promotion of the Ombudsman Institution" ("The Venice Principles"), to which the CDDH has contributed, in particular through the Chair of the CDDH-INST and the representative of the CDDH to the Venice Commission.

38. Furthermore, the CDDH noted that the work of CDDH-INST should now focus 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 promotion and protection of human rights. On this subject:

- (i) the CDDH endorsed the approach of the CDDH-INST that this updating work should be done in the light of the work that led to the draft new Recommendation on the development of the Ombudsman institution. The complementarity of the two instruments as well as the specificity of the NHRIs should be clearly presented;
- (ii) the CDDH agreed with the structure proposed by the CDDH-INST for the future draft Recommendation No. R(97)14 revised<sup>17</sup> as well as with the proposal of the latter to associate with its work representatives of several specialised bodies;<sup>18</sup>
- (iii) the CDDH noted the importance of not losing momentum in its work and, at the same time, the need to keep civil society issues on the CDDH agenda. Given the CDDH's exceptionally heavy workload in November, it decided that the next meeting will take place in February 2020 as one of its priorities in its Intergovernmental Program of Activities 2020 -2021.

### 5.3 Human rights and migration (CDDH-MIG)

39. The Chair of the Drafting Group on Migration and Human Rights (CDDH-MIG), Mr Morten RUUD (Norway), presented to the CDDH the results of the 6<sup>th</sup> meeting of the CDDH-MIG (26-28 March 2019, report CDDH-MIG(2019)R6). This allowed for finalising the draft of the *Practical Guidance on Alternatives to Immigration Detention: Fostering Effective Results* (CDDH-MIG(2019)02).

40. The Guidance, which is based on the *Analysis of the Legal and Practical Aspects of Effective Alternatives to Detention in the Context of Migration* published by the CDDH in 2018, aims to concretely explain how to implement alternatives to detention effectively in terms of respect for human rights, immigration procedures and cost effectiveness.

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<sup>17</sup> The structure chosen is the following:

\* an updated preamble reflecting, in particular: (a) the work done on the draft new Recommendation on the Development of the Ombudsman Institution; (b) the complementarity of the two instruments and (c) the specificity of NHRIs;

\* an operative part recommending to observe the principles contained in the Appendix and to carry out a follow-up of the implementation;

\* an Appendix consisting of four sections: (I) establishment of NHRIs in line with the Paris Principles; (II) strengthening NHRIs in line with the key characteristics of the Paris Principles; (III) creation and development of a safe and conducive environment for NHRIs; (IV) cooperation and support to NHRIs by local, regional, national and international actors, in particular the Council of Europe.

<sup>18</sup> Representatives of the *Global Alliance of National Human Rights Institutions* (GANHRI), the *European Network of National Human Rights Institutions* (ENNHRI) and one or more NHRIs.

41. The CDDH congratulated the CDDH-MIG, its Chair, Rapporteur and Secretariat for the success and quality of the work accomplished in this particularly demanding field. After examining the text, the CDDH adopted its *Practical Guidance on Alternatives to Immigration Detention: Fostering Effective Results* (CDDH(2019)R91Addendum5) and decided to transmit it to the Committee of Ministers for information.

42. The CDDH was pleased to note that the work of the CDDH-MIG has already been warmly welcomed at the International Conference on *Effective Alternatives to the Detention of Migrants*, organised jointly in Strasbourg by the Council of Europe, the European Commission and the European Migration Network on 4 April 2019. The work of CDDH in the field is widely referenced and has been used and disseminated by other international institutions. This work has furthermore been a source of inspiration for developing a specific HELP<sup>19</sup> course on alternatives to detention in the context of migration.<sup>20</sup>

43. The CDDH decided that the work of the CDDH-MIG should continue in 2019 and during the next biennium. In order to determine the order of priority of future tasks to be carried out in terms of content and format, the CDDH-MIG launched a written consultation on future work in May 2019 (CDDH-MIG(2019)08). The CDDH decided to focus, in the first instance, on *alternative family based care for unaccompanied and separated children*. If time and resources allow, potential *guidelines on alternatives to immigration detention* might simultaneously be explored.

44. In order to ensure sufficient scope for future work, the CDDH proposed that the mandate for 2020-2021 should state that, "on the basis of the work carried out in 2018-2019, a draft of one or more non-binding instruments of the Committee of Ministers (for example recommendation, guidelines, manual of good practice etc.) will be prepared concerning human rights issues in the context of migration".

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

45. The Chair of the Drafting Group on freedom of expression and links to other human rights (CDDH-EXP), Mr Hans-Jörg BEHRENS (Germany) presented the outcome of the fourth and final meeting of the Group (20–22 March 2019, CDDH-EXP(2019)R4) aimed at finalising the 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. He highlighted the valuable cooperation and contributions received from, among others, the Steering Committee on Media and Information Society (CDMSI) and the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe (ODIHR).

46. The CDDH congratulated the Drafting Group, its Chairperson and its Secretariat for the quality and the scale of the work performed. It adopted the text as it appears in document CDDH(2019)R91Addendum6 and decided to transmit it to the Committee of Ministers for information. This Guide will be accompanied by the compilation of measures and practices in force in the member States prepared by the CDDH-EXP.

47. With the adoption this text, the CDDH considered that it had fulfilled the terms of reference concerning this topic with which it had been entrusted by the Committee of Ministers for the current biennium.

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<sup>19</sup> *The European Programme for Human Rights Education for Legal Professionals (HELP)*.

<sup>20</sup> The first meeting of the Group took place on 13 June 2019. Two other meetings are foreseen in 2019 (1 October and 29 December). This course for law professionals is combined with two others dealing respectively with asylum and rights of migrant children.



**ITEM 6: FOLLOW-UP TO ACTIVITIES CARRIED OUT BY THE CDDH****6.1 Human rights and business**

48. The Secretariat made a presentation on screen concerning the technical progress of the Online Platform for human rights and business, in the light of the information contained in document CDDH(2019)20. This presentation related both to the public website of the Platform and the collaborative working space for experts.

49. As to the contents of the Platform, noting that the questionnaire sent by the Secretariat (document CDDH(2019)06) received ten replies from member States and four from National Human Rights Institutions, the CDDH:

- (i) recalled that further replies to the questionnaire are still welcome, and reiterated that the information gathering for the platform will be a continuous process;
- (ii) requested CDDH experts to: (i) register into the HELP platform their respective agents responsible for their National Action Plan and for human rights and business issues; (ii) communicate these enrolment details to the Secretariat in order for the participants to be given access to the collaborative space (see instructions contained in document CDDH(2019)01 for further details).

50. Finally, the CDDH took note of the information provided by the Secretariat on the forthcoming update to the HELP course on Business and Human Rights, and of the possibility to organise technical workshops for member States Representatives on this subject.

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

51. The CDDH took note of the progress of the draft feasibility study on a legal instrument prohibiting trade in goods used for torture or other cruel, inhuman or degrading treatment or punishment and for the death penalty (document CDDH (2019)03). This draft study, prepared by an external consultant, follows the Committee of Ministers' request to the CDDH on 12 September 2018 "to have a study on the feasibility of a legal instrument in this field, taking into account existing work in the framework of the Council of Europe and other international fora as well as examples of good practice that will be collected through the new Online Platform for human rights and business".

52. The CDDH took note that this request follows the reply of the Committee of Ministers to Recommendation 2123(2018) of the Parliamentary Assembly "Strengthening international regulations against trade in goods used for torture and death penalty" and that this draft feasibility study has been prepared on the basis of the outline approved by the Bureau at its May 2019 meeting as well as in the light of, in particular, replies to a questionnaire elaborated by the consultant.

53. The CDDH thanked the consultant for his in-depth work and decided to return to this text during its next meeting. To this end, it noted that:

- (i) the Secretariat, together with the expert-consultant, will proceed to the formal consolidation of the text in order to make it more accessible to non-experts;
- (ii) this consolidated version will be sent to the participants in the CDDH on 1 September 2019 in order to permit the States to send their drafting proposals until 14 October 2019;

- (iii) the draft feasibility study will be examined by the CDDH during its 92<sup>nd</sup> meeting (26–29 November 2019) with a view to its possible adoption and subsequent transmission to the Committee of Ministers before the end of the year.

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

54. The CDDH exchanged views with the French delegate, Ms Florence MERLOZ, concerning the preparatory work of the Workshop on the protection of victims of terrorist acts to be held during the current meeting on Thursday 20 June 2019, from 14:00 to 18:00 and organised by the CDDH under the aegis of the French Presidency of the Committee of Ministers.

55. The CDDH took particular note of document CDDH(2019)10 which contains information provided by twenty member States in response to a questionnaire from the Secretariat, as well as the analysis of the replies by the latter (document CDDH(2019)23). These documents provide a basis for discussion at the Workshop, which is primarily intended as a forum for the exchange of good practices in the implementation of the Revised Guidelines of the Committee of Ministers on the protection of victims of terrorist acts, adopted on 19 May 2017.

56. The CDDH warmly thanked the French authorities for this event which is one of the follow-up activities, at national level, to instruments adopted by the Committee of Ministers. The programme of the Workshop appears in Appendix VI below.

### **6.4 Access to official documents**

57. The Finnish delegate, Ms Krista OINONEN, presented to the CDDH the results of the event organised by the Finnish Chairmanship of the Committee of Ministers on 6 March 2019 in Strasbourg to raise awareness of the Tromsø Convention (CETS No. 205). This event marked the 10<sup>th</sup> anniversary of the opening for signature of this treaty, which will enter into force upon the deposit of the next instrument of ratification by a member State. Detailed information on this event can be found in document CDDH(2019)13.

58. The CDDH welcomed the holding of this event and noted that the entry into force of this Convention could take place in the coming months.

### **6.5 Combating discrimination on grounds of sexual orientation or gender identity**

59. Mr Jeroen SCHOKKENBROEK, Director of Anti-discrimination (Directorate General of Democracy, DGII) presented the follow-up work of the Sexual Orientation and Gender Identity Unit (SOGI) as to the implementation of Recommendation CM/Rec(2010)5 of the Committee of Ministers to member States on measures to combat discrimination on grounds of sexual orientation or gender identity.

- (i) He provided an overview of the progress made and the significant challenges that remain for the implementation of this instrument in member States with regard to both the existence of appropriate national standards and their practical application. He pointed out for instance that only twenty-six member States have legislation against hate speech that also covers hate speech on grounds of sexual orientation.
- (ii) He also presented the draft CDDH report (document CDDH(2019)24) prepared by the SOGI Unit in response to the terms of reference received from the Committee of Ministers. This draft reflects in particular the information sent by 42 member States.

60. The CDDH thanked the Director for the thorough work accomplished and decided to come back to this text at its next meeting. To this end, it noted that:

- (i) the Secretariat of the SOGI Unit, in co-ordination with the CDDH Secretariat, will consolidate the form of the text in order to focus in particular on the presentation of existing good practices in the member States, and to indicate references to the sources used;
- (ii) this consolidated version will be sent to the participants of the CDDH on 1 September 2019 in order to allow States to send their drafting proposals by 14 October 2019;
- (iii) the draft report will be examined by the CDDH at its 92<sup>nd</sup> meeting (26-29 November 2019) with a view to its possible adoption and transmission to the Committee of Ministers before the end of the year.

61. Finally, the CDDH noted with interest that a Round Table will be organised in Paris on 26 September 2019 (morning) on hate speech and homophobic and transphobic violence. This event will take stock of the current situation in Europe following the evaluation of the implementation of the Recommendation of the Committee of Ministers on the measures to combat discrimination on grounds of sexual orientation or gender. This event will take place in the framework of the 25<sup>th</sup> anniversary of the European Commission against racism and intolerance (ECRI) and is organised by ECRI in co-operation with the European network of governmental LGBTI focal points, under the aegis of the French Presidency of the Committee of Ministers.

#### **ITEM 7: GENDER EQUALITY**

62. The CDDH exchanged views with the Special Advisor for Gender Equality of the Council of Europe, Ms Carlien SCHEELE, the new Secretary of the Gender Equality Commission (GEC) of the Council of Europe, Ms Caterina BOLOGNESE, and with its Gender Equality Rapporteur, Mr Philippe WERY (Belgium).

63. The CDDH reiterated its appreciation for the GEC's work to address current challenges and to remove obstacles to achieving concrete and comprehensive gender equality within member States and the Organisation. It fully endorsed the Gender equality strategy between men and women 2018-2023.

64. The CDDH noted that it could usefully contribute, during the next biennium, to the implementation of this Strategy by presenting not only its contribution during the last decade to the gender equality policies of the Council of Europe (see document CDDH(2019)14) but also future opportunities in this field.

65. At the end of this exchange of views, the CDDH agreed that, on the basis of a draft text to be prepared jointly by the Secretariats of the GEC and the CDDH, it could examine a CDDH report on Human Rights aspects of gender equality to be possibly adopted during the next biennium.

#### **ITEM 8: BIOETHICS**

66. Ms Laurence LWOFF, Secretary of the Committee on Bioethics (DH-BIO), presented the work carried out at the 15th meeting (4–7 June 2019, document DH-BIO(2019) abrRAP15). She referred in particular to:

- (i) the holding of a high level seminar on public debate on human rights challenges in the biomedical field. This event, organised under the auspices of the French Presidency of the

Committee of Ministers, took place within the framework of the work of the DH-BIO on challenges raised by developments in the biomedical field, including technological developments, which includes the preparation of a Guide aiming at facilitating the implementation of Article 28 (Public debate) of the Oviedo Convention ;

- (ii) the progress made in the work on the draft Additional Protocol on the protection of the human rights and dignity of persons with mental disorders with regard to involuntary placement and involuntary treatment. In particular, the CDDH noted that the DH-BIO, on the basis of Article 29 of the Oviedo Convention, agreed to entrust its Bureau, assisted by the Secretariat, to prepare a proposal requesting an advisory opinion on legal questions concerning the interpretation of the Oviedo Convention which will be examined during the 16th plenary meeting of the DH-BIO. This request for an advisory opinion could focus on the interpretation of certain provisions of the Oviedo Convention, in particular concerning involuntary treatment (Article 7 of the Oviedo Convention) and the conditions for the application of possible restrictions to the exercise of the rights and protective provisions contained in this Convention (Article 26). Independently of this possible request for an advisory opinion of the Court, the work on the Protocol will continue with the aim notably to strengthen aspects of alternative and preventive measures;
- (iii) the launching, with the support notably of INGOs and the Parliamentary Assembly, of a study on good practices in mental health - how to promote voluntary measures ;
- (iv) the priorities foreseen by the DH-BIO for the next biennium, which are supported by the CDDH, namely:
  - (i) Finalisation of the draft Additional Protocol for the protection of human rights and dignity of persons with mental disorders with regard to involuntary placement and involuntary treatment.
  - (ii) Carrying out and publication of the study on good practices in mental health care - How to promote voluntary measures (subject to funding).
  - (iii) Launching of the Strategic Action Plan with particular focus on the human rights challenges raised by new technologies, such as neurotechnologies.
  - (iv) Examination of ethical and legal issues raised by developments in genome editing technologies, in relation to Article 13 of the Oviedo Convention.
  - (v) Mapping legislation and best practices with a view to developing a guide for health care professionals on children's participation in the decision making process.
  - (vi) Launching of the Guide on Public Debate.
  - (vii) Further translation and dissemination of the HELP course, keeping in mind the double target audience: legal but also health professionals
- (v) the draft Strategic Action Plan 2020-2025 examined by the DH-BIO (document DH-BIO(2019)22Rev). This Action Plan aims at protecting the dignity, freedoms and human rights of individuals with regard to applications of biology and medicine, addressing in particular key human rights challenges raised by evolutions in the biomedical field. In particular, the draft Plan:
  - (i) identifies a number of important challenges raised by technologies which are emerging (i.e. genome sequencing, genetic testing, genomic modification, etc.) and converging (i.e. nanotechnologies, biotechnologies, information technologies, cognitive sciences), as well as their applications in the health care field ;
  - (ii) is based around four thematic pillars : (i) governance, (ii) equity, (iii) integrity and (iv) cooperation and communication.

67. The CDDH noted that DH-BIO delegations have been invited to send their comments on the actions now proposed in the framework of the draft Strategic Action Plan 2020–2025 by 26 July 2019 and that it will be kept informed about the outcome of this consultation.

#### **POINT 9: CONVENTIONS**

68. In the light of the information contained in document CDDH(2019)16Rev, the CDDH held an exchange of views on the state of signatures and ratifications of treaties under its responsibility.<sup>21</sup>

- (i) As for Protocol no. 15 to the Convention,<sup>22</sup> it noted that ratification by Bosnia and Herzegovina is expected shortly, once the new Parliament has begun its work;
- (ii) The CDDH also noted that Protocol No. 16 to the Convention has been ratified by 13 member States and that the Court has already delivered an Advisory Opinion;<sup>23</sup>
- (iii) Finally, it noted that the Council of Europe Convention on access to public documents could enter into force in the coming months.

#### **ITEM 10: FOCAL POINTS**

69. The CDDH took note of the information provided by its focal points to other bodies, in particular regarding the ongoing work within the CDCJ and the Venice Commission.

70. The CDDH will proceed at its meeting in November 2019 to designate its focal points for the places that would be vacant. The current situation is set out in Appendix VII below.

#### **ITEM 11: INVITEES**

71. The CDDH exchanged of views with Ms Tatiana TERMACIC, member of the Secretariat in charge of the relations with the European Union Agency for Fundamental Rights (FRA), who took the floor on behalf of Professor Rainer HOFMANN, an independent person appointed by the Council of Europe to represent it before the FRA. The speech that Professor Hofmann had planned for his meeting with the CDDH appears in Appendix VIII below. The CDDH thanked Ms Termacic and Professor Hofmann for their contributions.

72. The CDDH met Mr Jan KLEIJSSSEN, Director of the Information Society and Actions against crime (DGI) on the human rights implications of developments in the field of artificial intelligence. M. Kleijssen illustrated the challenges of these developments in terms of the protection of human dignity and the transversal nature of this topic which involves a number of bodies within the Council of Europe. As an example, he evoked the foreseeable radical changes that artificial intelligence can introduce in the fields of, for example, the administration of justice, culture or the media. He pointed out that the Organisation was considering setting up an Ad-hoc committee in which the various bodies involved, including the CDDH, would be represented. The work of this Ad-hoc committee should determine in 2020 whether or not standard-setting activities

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<sup>21</sup> 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.

<sup>22</sup> At the time of the meeting of the CDDH, Protocol No. 15 to the Convention had been ratified by all member States other than Bosnia and Herzegovina and Italy, see document CDDH(2019)16Rev.

<sup>23</sup> Advisory Opinion concerning the recognition in domestic law of a legal parent-child relationship between a child born through a gestational surrogacy arrangement abroad and the intended mother, Request no. P16-2018-001, 10 April 2019.

in this field are possible within the Council of Europe. The CDDH thanked Mr Kleijssen for his contribution and noted that issues concerning Human Rights and artificial intelligence are among its priorities for 2021.

73. Finally, the CDDH noted that it is planned to invite Ms Dunja MIJATOVIC, Council of Europe Commissioner for Human Rights, to the 92<sup>nd</sup> CDDH meeting (November 2019) to discuss the work she considers to be a priority in the exercise of her high office.

#### **ITEM 12: PUBLICATIONS**

74. The Secretariat informed the Committee of the current status of publications of the CDDH work as well as publications planned for 2019, in both electronic and printed versions, subject to the necessary human and budgetary resources. Appendix X below contains information in this respect.

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

75. The CDDH examined its calendar of meetings for the second half of 2019 as well as the proposals made by the Secretariat for the next biennium. At the end of its exchange of views, it adopted the calendar as it appears in Appendix XI below, while noting that the holding of the meetings planned will depend on the availability of the necessary human and budgetary resources.

#### **ITEM 14: OTHER BUSINESS**

##### ***Human Rights and Environment***

76. The CDDH was informed on the state of preparation of the high-level Conference on Human Rights and Environment which will take place in 2020 under the aegis of the Georgian Presidency of the Committee of Ministers. The Secretariat of the CDDH is involved in the preparation of this event dealing with a transversal issue which concerns a number of Council of Europe bodies. The draft programme of the Conference will be communicated to the CDDH in due course, so that it can designate the level of representation it wishes for this event. The CDDH noted that issues in respect of human rights and environment are among its priorities for 2021.

\* \* \*

## Appendix I

**Agenda***(91<sup>st</sup> meeting of the CDDH, 18–21 June 2019)*

	<b>ITEM 1: OPENING OF THE MEETING, ADOPTION OF THE AGENDA AND ORDER OF BUSINESS</b>
<u>CDDH(2019)04Rev</u>	Annotations on the draft agenda and order of business
<u>CDDH(2018)R90</u>	Report of the 90 <sup>th</sup> CDDH meeting (27–30 November 2018)
<u>CDDH-BU(2019)R101</u>	Report of the 101 <sup>st</sup> Bureau meeting (Helsinki, 15–17 May 2019)
	<b>ITEM 2: RECOMMENDATIONS OF THE PARLIAMENTARY ASSEMBLY</b>
<u>CDDH(2019)05</u>	Texts of the Recommendations and elements for possible comments
	<b>ITEM 3: IMPLEMENTATION OF THE TERMS OF REFERENCE OF THE CDDH FOR 2018-2019 AND PREPARATION FOR 2020-2021</b>
CDDH(2019)04Rev, Appendix IV	Current terms of reference of the CDDH, DH-SYSC and DH-BIO (biennium 2018–2019)
CDDH(2019)04Rev, Appendix V	Proposals of the Secretariat for the draft terms of reference of the CDDH and the DH-SYSC for the biennium 2020–2021
	<b>ITEM 4: SYSTEM OF THE EUROPEAN CONVENTION ON HUMAN RIGHTS</b>
	<b>4.1 The place of the Convention in the European and international legal order (DH-SYSC-II)</b>
<u>DH-SYSC-II(2019)R6</u>	Report of the 6 <sup>th</sup> meeting (22–24 May 2019)
<u>DH-SYSC-II(2018)23</u>	Chapter of Theme 1, subtheme i): Methodology of interpretation by the European Court of Human Rights and its approach to international law, as provisionally adopted at the 4 <sup>th</sup> DH-SYSC-II meeting in September 2018
<u>DH-SYSC-II(2018)25</u>	Chapter of Theme 1, subtheme iii): Interaction between the resolutions of the Security Council and the European Convention on Human Rights, as provisionally adopted at the 4 <sup>th</sup> DH-SYSC-II meeting in September 2018
<u>DH-SYSC-II(2019)35</u>	Chapter of Theme 1, subtheme iv): Interaction between international humanitarian law and the European Convention on Human Rights, as provisionally adopted at the 5 <sup>th</sup> DH-SYSC-II meeting in February 2019
<u>DH-SYSC-II(2019)36</u>	Chapter of Theme 2: Challenge of the interaction between the Convention and other international human rights instruments to which the Council of Europe Member States are parties, as

	provisionally adopted at the 5 <sup>th</sup> DH-SYSC-II meeting in February 2019
CDDH(2019)04Rev, Appendix VI	Planning of the of the DH-SYSC-II work
	<b>4.2 The ECHR in university education and professional training (DH-SYSC-III)</b>
<u>DH-SYSC-III(2018)R1</u>	Report of the meeting of 16–17 October 2018
<u>DH-SYSC-III(2019)02</u>	Preliminary draft of the revised Recommendation Rec(2004)4 on the European Convention on Human Rights in university education and professional training
<u>DH-SYSC-III(2019)01Rev</u>	Good national practices illustrating the principles set out in Appendix I to the revised Recommendation Rec(2004)4
<u>DH-SYSC(2019)01</u> ( <i>Bilingual</i> )	Comments on the preliminary draft Recommendation Rec(2019)[...] of the Committee of Ministers to member States on the system of the European Convention on Human Rights in university education and professional training
	<b>4.3 Follow-up to the <i>Interlaken Declaration</i> - Preparation of the final report of the CDDH</b>
CDDH(2018)R90, Appendix VII	Draft table of contents of the Contribution of the CDDH to the evaluation provided for by the Interlaken Declaration
<u>CDDH(2019)25</u>	Securing the long-term effectiveness of the supervisory mechanism of the European Convention on Human Rights: the Court's action in 2018-2019
	<b>4.4 Follow-up to the <i>Brussels Declaration</i></b>
<u>CDDH(2019)17Rev</u>	Draft CDDH report on measures taken by the member States to implement relevant parts of the Brussels Declaration
<u>CDDH(2018)23</u> ( <i>Bilingual</i> )	Compilation of national reports on the implementation of the Brussels Declaration
<u>CDDH(2019)21</u> ( <i>Bilingual</i> )	Compilation of additional information received from member States on the national implementation of the Brussels Declaration
	<b>4.5 Follow-up to the <i>Copenhagen Declaration</i></b>
<u>CDDH(2019)12</u> ( <i>Bilingual</i> )	Follow-up work to the Copenhagen Declaration – Compilation of the contributions received from the member States
<u>CDDH-BU(2019)R101Addendum</u>	Draft additional elements resulting from the Copenhagen Declaration that should be reflected in the future Interlaken follow-up report
<u>CDDH(2019)07</u>	Recognition of service in international courts in national legislation



<u>CDDH(2019)08</u>	The development of the Court's case-load over ten years-statistical data for the CDDH
<u>CDDH(2019)09</u>	Encouraging resolution of the Court's proceedings through a dedicated non-contentious phase of the proceedings
<u>CDDH(2019)22</u>	Proposals for a more efficient processing of inter-State cases (Report of the European Court of Human Rights)
	<b>4.6 Update of the accompanying Guide to Good Practice to Recommendation CM/Rec(2010)3 on effective remedies for excessive length of proceedings</b>
CDDH-BU(2019)R101	Suggestions by the Bureau
	<b>4.7 Organisation of work at the next DH-SYSC meeting (October 2019)</b>
CDDH-BU(2019)R101	Suggestions by the Bureau
	<b>ITEM 5: DEVELOPMENT AND PROMOTION OF HUMAN RIGHTS</b>
	<b>5.1 Social rights (CDDH-SOC)</b>
<u>CDDH-SOC(2019)R4</u>	Report of the 4 <sup>th</sup> meeting (3–5 April 2019)
<u>CDDH-SOC(2019)R4 Addendum</u>	Draft second report identifying good practices and making proposals with a view to improving the implementation of social rights in Europe
<u>CDDH(2019)15</u> (Bilingual)	Compilation of comments received from member States on the Draft CDDH Report identifying good practices and making proposals with a view to improving the implementation of social rights in Europe
	<b>5.2 Civil society and national human rights institutions (CDDH-INST)</b>
<u>CDDH-INST(2019)R5</u>	Report of the 5 <sup>th</sup> meeting (27 February–1 March 2019)
<u>CDDH-INST(2019)01Rev</u>	Draft Recommendation No. R(85)13 on the Institution of the Ombudsman
	<b>5.3 Human Rights and migration (CDDH-MIG)</b>
<u>CDDH-MIG(2019)R6</u>	Report of the 6 <sup>th</sup> meeting (26–28 March 2019)
<u>CDDH-MIG(2019)R6Addendum</u>	Alternatives to immigration detention: Fostering effective results Practical guidance - Revised draft
<u>CDDH-MIG(2019)08</u>	Future work of the CDDH-MIG 2020-2021 - Invitation for written feedback
<u>CDDH-MIG(2019)09</u>	A brief note on replies to the invitation for written feedback
	<u>Examples of potential design and layout of the handbook</u>

	<b>5.4 Freedom of expression and links to other human rights (CDDH-EXP)</b>
<u>CDDH-EXP(2019)R4</u>	Report of the 4 <sup>th</sup> meeting (20–22 March 2019)
<u>CDDH(2019)02Rev</u>	Draft guide to good and promising practices on the way of reconciling freedom of expression with other rights and freedoms, in particular in culturally diverse societies
	<b>ITEM 6: FOLLOW-UP TO ACTIVITIES CARRIED OUT BY THE CDDH</b>
	<b>6.1 Human Rights and business</b>
<u>CDDH(2019)20</u>	Online Platform on Human Rights and Business - Information provided by the Secretariat
<u>CDDH(2019)01</u>	Online Platform on Human Rights and Business - Questionnaire to the member States
<u>CDDH(2019)06</u>	Compilation of the replies received
	<b>6.2 Prohibition of the trade in goods used for torture and death penalty</b>
<u>CDDH(2019)03</u>	Preliminary draft of a feasibility study of a legal instrument on the prohibition of the trade in goods used for torture and the death penalty
	<b>6.3 Victims of terrorist acts</b>
<u>CDDH(2019)10</u> ( <i>Bilingual</i> )	Compilation and analysis of the information received from member States
<u>CDDH(2019)23</u>	Analysis by the Secretariat of the replies to the questionnaire related to the protection of victims of terrorist acts
	<u>Draft programme of the Workshop</u>
	<b>6.4 Access to official documents</b>
<u>CDDH(2019)13</u>	Information on the event organised by the Finnish chairmanship of the Committee of Ministers (6 March 2019)
	<b>6.5 Combating discrimination on grounds of sexual orientation or gender identity</b>
<u>CDDH(2019)24</u>	Draft CDDH Report on the implementation of the Committee of Ministers' Recommendation CM/Rec(2010)5 on measures to combat discrimination on grounds of sexual orientation or gender identity
	<b>ITEM 7: GENDER EQUALITY</b>
<u>CDDH(2019)14</u>	Information from the Secretariat

	<b>ITEM 8: BIOETHICS</b>
<u>15<sup>th</sup> DH-BIO decisions</u>	Decisions of the 15 <sup>th</sup> meeting of the Committee on bioethics (DH-BIO) (4–7 June 2019)
<u>DH-BIO(2018)22Rev</u>	Draft Strategy Action Plan
	<b>ITEM 9: CONVENTIONS</b>
<u>CDDH(2019)16Rev</u>	Information document
	<b>ITEM 10: FOCAL POINTS</b>
	Focal points representing the CDDH in other bodies/events: information provided by the focal points
	<b>ITEM 11: INVITEES</b>
	Exchange of views with: <ul style="list-style-type: none"> <li>• Mr Professor Rainer HOFMANN, on behalf of the EU Agency for fundamental rights (FRA)</li> <li>• Mr Jan KLEIJSSSEN, Director of the information society and action against crime Directorate</li> </ul>
	<b>ITEM 12: PUBLICATIONS</b>
CDDH(2019)04Rev, Appendix XIV	Information on this item
	<b>ITEM 13: CALENDAR</b>
CDDH(2019)04Rev, Appendix XV	Proposals from the Secretariat
	<b>ITEM 14: OTHER BUSINESS</b>

## Appendix II

**List of participants**  
(91<sup>st</sup> meeting of the CDDH, 18–21 June 2019)

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--------------------------

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## Appendix III

**Comments adopted by the CDDH  
at its 91<sup>th</sup> meeting (18–21 June 2019)  
on the Recommendation of the Parliamentary Assembly  
transmitted to it by the Ministers' Deputies**

**I. PARLIAMENTARY ASSEMBLY RECOMMENDATION 2145(2019) - "WITHDRAWING NATIONALITY AS A MEASURE TO COMBAT TERRORISM: A HUMAN RIGHTS-COMPATIBLE APPROACH?"**

**COMMENTS BY THE CDDH**

1. The Steering Committee for Human Rights (CDDH) takes note of Parliamentary Assembly Recommendation 2145(2019) "*Withdrawing nationality as a measure to combat terrorism: a human rights-compatible approach?*", and of Resolution 2263(2019) that accompanies it.

2. Bearing in mind that the European Convention on Human Rights or its Protocols do not guarantee the right to nationality/citizenship<sup>24</sup> and that, as a result, member States enjoy a wide margin of appreciation when deciding whether to grant or withdraw nationality,<sup>25</sup> the CDDH wishes to recall that, in its case-law, the Court drew attention to the fact that nationality is an element of the person's identity under Article 8 of the Convention,<sup>26</sup> but also on the fact that such a measure should be legal, devoid of arbitrariness<sup>27</sup> and not have a discriminatory effect.<sup>28</sup>

3. In the same vein, the CDDH wishes to recall the Guidelines of the Committee of Ministers on human rights and the fight against terrorism, adopted by the Committee of Ministers on 11 July 2002 at the 804<sup>th</sup> meeting of the Ministers' Deputies, which provide that:

- (i) all measures taken by States to fight terrorism must respect human rights and the principle of the rule of law, while excluding any form of arbitrariness, as well as any discriminatory or racist treatment, and must be subject to appropriate supervision;
- (ii) all measures taken by States to combat terrorism must be lawful;
- (iii) when a measure restricts human rights, restrictions must be defined as precisely as possible and be necessary and proportionate to the aim pursued.

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<sup>24</sup> Although legal doctrine makes a distinction between these two concepts, in the present comments, they are used interchangeably.

<sup>25</sup> Bearing in mind the obligations of member States in accordance with other international treaties, in particular articles 7 and 8 of the Convention on the Rights of the Child.

<sup>26</sup> See, for example, *Menesson v. France*, Application No. 65192 judgment of /11, judgment of 26 June 2014; *Genovese v. Malte*, Application No. 53/24/09, judgment of 11 October 2011, §33.

<sup>27</sup> See, for example, *Ramadan v. Malta*, Application No. 76136/12, judgment of 21 June 2016.

<sup>28</sup> *Biao v. Denmark*, Application No. 38590/10, judgment of 24 May 2016.

4. While noting that the issues concerning counter-terrorism measures relate more directly to the Steering Committee on Counter-Terrorism (CDCT) and the European Committee on Legal Co-operation (CDCJ), the CDDH considers that withdrawing nationality, as a measure to combat terrorism, may potentially raise objective human rights concerns, in particular under Article 8 of the Convention.

5. The CDDH expresses its availability, if necessary:

- (a) to make comments on any comparative study that would focus on existing laws in the member States regarding deprivation of nationality as a measure to combat terrorism;
- (b) to cooperate in the possible drafting of guidelines (if the comparative study leads to a positive conclusion on the desirability of drafting such guidelines) (i) on the criteria to be applied for the withdrawing of nationality in the context of counterterrorist measures and (ii) on alternative measures that could be envisaged.

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## Appendix IV

**Proposals of the CDDH  
for the draft terms of reference of the CDDH and the DH-SYSC  
for the biennium 2020–2021**

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

Set up by the Committee of Ministers under Article 17 of the Statute of the Council of Europe and in accordance with *Resolution CM/Res(2011)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 2020 until 31 December 2021**

<b>PILLAR/SECTOR/PROGRAMME</b>
<p><b>Pillar:</b> Rule of Law  <b>Sector:</b> Protecting Human Rights / Promoting Human Rights and dignity  <b>Programme:</b> Effectiveness of the ECHR System at national and European level / Bioethics</p>
<b>MAIN TASKS</b>
<p>Under the authority of the Committee of Ministers, and bearing in mind the Council of Europe legal standards as well as the relevant jurisprudence of the European Court of Human Rights, the CDDH will conduct the intergovernmental work of the Council of Europe in the human rights field and will advise and give its legal expertise to the Committee of Ministers on all questions within its field of competence. In particular, the CDDH will:</p> <ul style="list-style-type: none"> <li>(i) work on the protection, development and promotion of human rights in Europe to: <ul style="list-style-type: none"> <li>(a) contribute to enhancing the protection of human rights by improving the effectiveness of the control mechanism of the European Convention on Human Rights and the implementation of the Convention at national and European levels, this work being a permanent priority for the CDDH;</li> <li>(b) provide effective responses at the normative and general policy levels to the challenges posed to human rights in European societies;</li> </ul> </li> <li>(ii) follow the implementation of the non-binding instruments that it has prepared as well as conventions for which it has been given supervision by the Committee of Ministers;</li> <li>(iii) advise other bodies of the Organisation to ensure that their activities concerning human rights duly reflect the requirements of the Convention and the case-law of the Court;</li> <li>(iv) contribute to co-operation and support activities to national initiatives in the field of the protection, development and promotion of human rights;</li> <li>(v) without prejudice to the missions of intergovernmental committees of the Council of Europe that already follow the work of monitoring mechanisms, follow the activities of the relevant monitoring and other bodies protecting human rights;</li> <li>(vi) where necessary, co-ordinate transversal intergovernmental activities in the field of human rights including bioethics;</li> <li>(vii) take due account of a gender perspective and to building cohesive societies in the performance of its tasks;</li> <li>(viii) in accordance with decisions <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,<sup>29</sup> in co-operation, where appropriate, with the relevant convention-based bodies, and report back to the Committee of Ministers.</li> </ul>

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

SPECIFIC TASKS
<p><i>[Please indicate into brackets the specific tasks affected by the contingency plan (authorised budget)]</i></p> <p><b>1. Protection of human rights</b> Orient and oversee the work of the Committee of experts on the system of the European Convention on human rights (DH-SYSC) (see DH-SYSC terms of reference).</p> <p><b>2. Development and promotion of human rights</b> [Provide effective responses to the challenges that European societies face in terms of human rights, both normatively and politically, by ensuring as much as necessary, appropriate co-ordination and co-operation with relevant conventional and monitoring bodies and other Council of Europe bodies involved.]</p> <p><b>[Migration]</b> On the basis of work conducted in 2018-2019, 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 (deadline: 31 December 2020).]</p> <p><b>[Civil Society, Human Rights Defenders and National Human Rights Institutions]</b> On the basis of work conducted in 2018-2019, proceed to the revision of Recommendation No R(97)14 of the Committee of Ministers to member States on the establishment of independent national institutions for the promotion and protection of human rights (deadline: 31 December 2020).]</p> <p><b>[Human rights and environment]</b> On the basis of developments in the member States, within the Council of Europe and in other fora, update the Handbook on human rights and environment and develop a draft non-binding instrument of the Committee of Ministers (e.g. recommendation, guidelines) recalling existing standards in this field (deadline: 31 December 2021).]</p> <p><b>[Human rights and artificial intelligence]</b> On the basis of developments in the member States, within the Council of Europe and in other fora, prepare a Handbook on human rights and artificial intelligence (deadline: 31 December 2021).]</p> <p><b>[Dissemination and awareness-raising]</b> Organise, as necessary, thematic debates on the situation of member States with regard to the right of access to public documents, in particular with regard to the signing and ratification of the 2009 Tromsø Convention (CETS No. 205, deadline: 31 December 2021).]</p> <p><b>Bioethics</b> Oversee from the human rights perspective the intergovernmental work in the field of bioethics (see terms of reference of the DH-BIO).</p>
COMPOSITION
<p><b>Members</b> Governments of member States are invited to designate one or more representatives of the highest possible rank in the field of human rights. The Council of Europe will bear the travel and subsistence expenses of one representative from each member State (two in the case of the State whose representative has been elected Chair). <i>[The member States will bear the travel and subsistence expenses of their representatives<sup>30</sup>.]</i> 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 <a href="#">CM/Del/Dec(2013)1168/10.2</a> 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.</p> <p><b>Participants</b> The following may send representatives, without the right to vote and at the charge of their corresponding</p>

<sup>30</sup> Contingency plan: in principle, travel and subsistence allowances for governmental experts from member States classified as lower or middle income countries according to the World Bank Atlas method would be reimbursed upon request before the intergovernmental committee meeting takes place and subject to available budgetary funds.

administrative budgets:

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

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

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

### Observers

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

- Belarus;
- Non-member States with which the Council of Europe has a Neighbourhood Partnership including relevant co-operation activities;
- European Network of National Human Rights Institutions (ENNHRI);
- Non-governmental organisations (Amnesty International, International Commission of Jurists (ICJ), European Trade Union Confederation (ETUC), International Federation of Human Rights (FIDH), European Roma<sup>31</sup> and Travellers Forum).

### WORKING METHODS

#### Plenary meetings

*[\*Please indicate in brackets the plenary meetings under the “authorised budget”]*

48 members, 2 meetings in 2020, 4 days

48 members, 2 meetings in 2021, 4 days

#### Bureau

*[\*Please indicate in brackets the bureau meetings under the “authorised budget”]*

8 members, 2 meetings in 2020, 2 days

8 members, 2 meetings in 2021, 2 days

The Committee will also appoint from amongst its members a Gender Equality Rapporteur and a Rapporteur on Roma and Travellers Issues.

The rules of procedure of the Committee are governed by Resolution [CM/Res\(2011\)24](#) on intergovernmental committees and subordinate bodies, their terms of reference and working methods. Subject to the agenda, the Chairs of the subordinate structures to the CDDH may be invited to attend CDDH Bureau and/or plenary meetings.

### SUBORDINATE STRUCTURE(S)

The CDDH 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).

<sup>31</sup> The term “Roma and Travellers” is used at the Council of Europe to encompass the wide diversity of the groups covered by the work of the Council of Europe in this field: on the one hand a) Roma, Sinti/Manush, Calé, Kaale, Romanichals, Boyash/Rudari; b) Balkan Egyptians (Egyptians and Ashkali); c) Eastern groups (Dom, Lom and Abdal); and, on the other hand, groups such as Travellers, Yenish, and the populations designated under the administrative term “*Gens du voyage*”, as well as persons who identify themselves as Gypsies. The present is an explanatory footnote, not a definition of Roma and/or Travellers.

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

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

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

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

CDDH	
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

### 1- SUBORDINATE BODY

#### COMMITTEE OF EXPERTS ON THE SYSTEM OF THE EUROPEAN CONVENTION ON HUMAN RIGHTS (DH-SYSC)

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

**Type of committee:** Subordinate Body

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

PILLAR/SECTOR/PROGRAMME
<p><b>Pillar:</b> Human Rights  <b>Sector:</b> Protecting Human Rights  <b>Programme:</b> Effectiveness of the ECHR System at national and European level</p>
MAIN TASKS
<p>Under the orientation and supervision of the Steering Committee for Human Rights (CDDH), the DH-SYSC will conduct the intergovernmental work intended to enhance the protection of human rights by improving the effectiveness of the system of the European Convention on Human Rights and the implementation of the Convention at national level, as assigned by the Committee of Ministers to the Steering Committee.</p>
SPECIFIC TASKS
<p>In light of the decisions of the Committee of Ministers on the follow-up to the evaluation set out by the Interlaken Declaration, formulating proposals to the Committee of Ministers on :</p> <ul style="list-style-type: none"> <li>(i) the effective processing and resolution of cases relating to inter-State disputes (deadline: 31 December 2021);</li> <li>(ii) the national reception of the system of the European Convention on Human Rights, in order to assist the State authorities involved in the operation of the Convention and in the process of the execution of judgments to fulfil their mission in the best possible way, in the light of existing</li> </ul>



national best practices. To this end, develop guidelines covering all of the action at national level expected from States Parties to prevent and remedy violations of the Convention, accompanied by a Guide to existing best practices (deadline: 31 December 2021);

*[Please indicate into brackets the specific tasks affected by the contingency plan (authorised budget)]*

#### COMPOSITION

##### Members:

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

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

*[The member States will bear the travel and subsistence expenses of their representatives<sup>32</sup>.]*

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 Roma<sup>33</sup> and Travellers Forum, Open Society Justice Initiative (OSJI)), as well as the European Network of National Human Rights Institutions (ENNHRI).

<sup>32</sup> Contingency plan: in principle, travel and subsistence allowances for governmental experts from member States classified as lower or middle income countries according to the World Bank Atlas method would be reimbursed upon request before the intergovernmental committee meeting takes place and subject to available budgetary funds.

<sup>33</sup> The term "Roma and Travellers" is used at the Council of Europe to encompass the wide diversity of the groups covered by the work of the Council of Europe in this field: on the one hand a) Roma, Sinti/Manush, Calé, Kaale, Romanichals, Boyash/Rudari; b) Balkan Egyptians (Egyptians and Ashkali); c) Eastern groups (Dom, Lom and Abdal); and, on the other hand, groups such as Travellers, Yenish, and the populations designated under the administrative term "*Gens du voyage*", as well as persons who identify themselves as Gypsies. The present is an explanatory footnote, not a definition of Roma and/or Travellers.

**WORKING METHODS****Plenary meetings:**

*[\*Please indicate in brackets the plenary meetings under the "authorised budget"]*

48 members, 1 meeting in 2020, 3 days

48 members, 2 meetings in 2021, 3 days

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

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

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## Appendix V

**Planning of the work of the DH-SYSC-II**

*(as approved at the 91<sup>st</sup> CDDH meeting, 18–21 June 2019)*

**6<sup>th</sup> meeting: 22-24 May 2019**

- Adoption of the draft chapter on Theme 3
- Adoption of a part of the remaining paragraphs of the revised draft chapter on Theme 1 subtheme ii)
- Discussion on formal aspects of the future draft Report

The Secretariat circulates paragraph 51 and paragraphs 93 to 103 included of Theme 1 subtheme ii) in a separate document, together with the written comments already submitted by the delegations, for written comments: 3 June 2019

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

The Secretariat circulates the draft Report to the experts: 8 July 2019

Deadline for sending the experts' written comments<sup>34</sup> on the draft Report and on paragraph 51 and paragraphs 93 to 103 included of Theme 1 subtheme ii) to the Secretariat: 21 August 2019

The Secretariat compiles the written comments and circulates them to the experts together with the revised draft Report: 2 September 2019

**7<sup>th</sup> meeting: 18-20 September 2019**

- Adoption of the remaining paragraphs of the revised draft chapter on Theme 1 subtheme ii)
- Discussion and adoption of the revised draft Report

Transmission of the Report for adoption to the DH-SYSC (meeting: 16-18 October 2019) and to the CDDH (meeting: 26-29 November 2019)

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<sup>34</sup> As for the provisionally adopted text, only written comments on the form of the text or regarding updates of the case law are expected.

## Appendix VI

**Workshop**  
**“Protection of Victims of Terrorist Acts”**  
**organised by the Steering Committee for Human Rights (CDDH)**  
**under the aegis of the French Presidency of the Committee of Ministers**  
**Strasbourg, 20 June 2019**

## PROGRAMME

- 14:00 **OPENING SESSION**
- 14:00 **Mr Hans-Jörg BEHRENS**, Chair of the Steering Committee for Human Rights (CDDH), Council of Europe
- 14:05 **Ambassador Jean-Baptiste MATTEI**, Permanent Representative of France to the Council of Europe, Chair of the Committee of Ministers
- 14:10 **Mr Christos GIAKOUMOPOULOS**, Director General, Directorate General Human Rights and Rule of Law, DGI - "The revised Guidelines on the protection of victims of terrorism in context"
- 14:20 **Mr Wojciech SAWICKI**, Secretary General of the Parliamentary Assembly of the Council of Europe - "Protecting and supporting the victims of terrorism"
- 14:30 **Mr Linos-Alexandre SICILIANOS**, President of the European Court of Human Rights "Terrorism and Human Rights - challenges for the European Court of Human Rights"
- 14:40 **WORKING SESSION I**  
**The revised Guidelines of the Committee of Ministers on the protection of victims of terrorist acts**
- 14:40 **Mr Chanaka WICKREMASINGHE**, CDDH Representative before the Council of Europe Counter-Terrorism Committee (CDCT) - "Presentation of the revised Guidelines on the protection of victims of terrorist acts"
- 14:50 **Mr Mario JANEČEK**, President of the Council of Europe Counter-Terrorism Committee (CDCT) "Activities of the Counter-Terrorism Committee"
- 15:00 **Mr Ledi BIANKU**, former judge of the European Court of Human Rights, Associate Professor, University of Strasbourg - "The European Convention on Human Rights and victims of terrorism"
- 15:10 **Ms Annick HIENSCH**, Liaison Officer, UN Office of Counter-Terrorism, "United Nations action in support of victims of terrorism"
- 15:15 **Mr Edo KORLJAN**, CDDH Secretariat - "Analysis of replies of the Council of Europe Member States to the CDDH questionnaire"
- 15:20 **Discussion**
- 15:50 **Coffee break**

- 16:20 **WORKING SESSION II**  
**Best practices in the protection of human rights of victims of terrorist acts**
- 16:20 **Ms Elisabeth PELSEZ**, Interdepartmental Delegate for victims support, France  
"The French system of caring for and supporting victims of terrorism"
- 16:35 **Ms Jelena WATKINS**, Psychotherapist and Support Officer for Disaster Action, "Lessons learnt in the UK in provision of psychosocial support following terror attacks at home and abroad"
- 16:45 **Ms An VERELST**, Psychiatrist, Ghent University, Belgium  
INVICTM International Network Supporting Victims of Terrorism and Mass Violence  
"Psychosocial support to victims of terrorism in Belgium"
- 17:00 **Mr Ahmet MOLLAMAHMUTOĞLU**, Reporter Judge, Ministry of Justice, Turkey  
"Legal and financial aid provided to the victims of terrorist acts in Turkey"
- 17:10 **Ms Aleksandra IVANKOVIĆ**, Deputy Director, Victim Support Europe  
"Addressing the needs of victims of terrorism"
- 17:25 **Discussion**
- 18:00 **Conclusion**  
Concluding remarks and official closing of the Workshop by the Chair of the CDDH
- 18:10 ***Vin d'honneur* offered by the French Presidency of the Committee of Ministers**

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## Appendix VII

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

*(list adopted by the CDDH at its 91<sup>st</sup> meeting, 18–21 June 2019)*

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): [to be nominated]
7. Ad hoc Committee of experts on Roma and Traveller Issues (CAHROM): Ms Svetlana GELEVA (North Macedonia)
9. Committee on Counter Terrorism (CDCT): 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)

**CDDH RAPPORTEURS**

14. Rapporteur on Roma and Traveller Issues: Ms Svetlana GELEVA (North Macedonia)
15. Rapporteur on gender equality: Mr Philippe WERY (Belgium)

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## Appendix VIII

**Intervention on behalf of Mr Rainer HOFMANN,  
the Independent Person appointed by the Council of Europe  
within the EU Fundamental Rights Agency (FRA),  
Strasbourg, 91<sup>st</sup> CDDH meeting, 20 June 2019**

Dear Chairperson,  
Distinguished Ambassadors,  
Ladies and Gentlemen,

1. Allow me to start by thanking you for having invited me to this exchange of views with you as members of the CCDH on the work of common interest carried out or envisaged by EU Fundamental Rights Agency (FRA), actually the first one for me in my capacity as ‘independent person appointed by the Council of Europe’ sitting in the FRA’s Management Board and Executive Board, a position I am holding since July 2015.
2. I should like to begin by briefly reminding us of the legal basis of the cooperation between the CoE and FRA and its main objectives and methods. Then, I shall equally briefly point out some of the areas where we have witnessed, over the last years, an ever-increasing fruitful cooperation between the two institutions. Finally, and most importantly, I shall identify three areas which I should like to present to you as possible areas of new – or at least re-newed or increased – cooperation.

**I. The legal basis of the cooperation between CoE and its principal objectives and methods**

3. As you know, the cooperation between the CoE and FRA is based on the FRA Founding Regulation<sup>35</sup> and on the 2008 Agreement between the European Community and the Council of Europe on cooperation between FRA and the CoE.<sup>36</sup> It establishes a general cooperation framework with the aim of avoiding duplication and ensuring complementarity and added value to the work of both institutions.
4. The key objectives and strategic priorities of the cooperation relate to the promotion and protection of human rights throughout the European Union and mainly focus on: developing joint projects in areas of mutual concern; engaging in a continuous dialogue with all stakeholders in order to improve the situation of fundamental rights in Europe; coordinating communication activities to increase awareness regarding fundamental rights; informing each other on the results of the activities of each institution; and exchanging data and consulting each other at operational level.

**II. Principal areas of cooperation**

5. From a thematic point of view, this cooperation mainly focuses on: Victims of crime and access to justice; Equality and non-discrimination mainly based on the six grounds prohibited by EU law ; Information society and respect for private life and protection of personal data; Judicial cooperation, except in criminal matters; Migration, borders, asylum and integration of refugees and migrants; Racism, xenophobia and related intolerance; Rights of the child; Integration and social inclusion of Roma.
6. The best known and probably the most successful (and important) result of this cooperation are, of course, the Handbooks jointly produced by the CoE, the ECtHR and FRA. They relate to very diverse and at the same time crucially important areas such as Data Protection;<sup>37</sup> Asylum, Borders and Immigration;<sup>38</sup> Non-Discrimination Law;<sup>39</sup> Rights of the Child; and Access to Justice;

<sup>35</sup> Council Regulation (EC) No. 168/2007 of 15 February 2007, OJ L 53, 22.2.2007, 1.

<sup>36</sup> OJ L 186, 15.7.2008, 7.

<sup>37</sup> An updated version was published in 2018.

<sup>38</sup> An updated version will be published towards the end 2019.

furthermore, I should like to stress that the drafting of a new Handbook on European Law relating to Cybercrime and Fundamental Rights is well under way and its publication expected for next year.

7. I have chosen the example of the Handbooks as they most clearly show the high amount of complementarity in the work of the two institutions: The Agency is mainly tasked to collect reliable, evidence-based data to allow for a truly facts-based human rights policy. Such data, made available in the general annual Fundamental Rights Reports as well as FRA surveys such as the forthcoming Fundamental Rights survey, the Roma and migrants surveys and the LGBT survey and in issue-specific reports on, e.g. access to justice, discrimination and intolerance including antisemitism; rights of minorities, or domestic violence against women, assist a number of CoE bodies, such as the Court<sup>40</sup> and, in particular, treaty-monitoring bodies such as the European Commission against Racism and Intolerance (ECRI), the European Committee of Social Rights (ECSR), the Group of Experts on Action against Violence against Women (GREVIO) but also the Advisory Committee on the Framework Convention for the Protection of National minorities (ACFC,) the European Commission of the Efficiency of Justice (CEPEJ), the Special Representative of the Secretary General on Migration and Refugees or the Venice Commission, to name just a few, in performing their duties of treaty interpretation, monitoring and implementation; for obvious reasons, the FRA reports are especially relevant if these bodies do not deal with single cases but seek to produce more general assessments such as, e.g., the existence of indirect discrimination in national education systems or systemic deficiencies in national detention facilities.
8. Moreover, such data might assist the relevant CoE organs in their twofold task of effectively addressing, on a daily basis and by political means, human rights issues in Europe as well as seeking to protect and promote human rights by normative work, such as the drafting of treaties or the setting of standards in legally non-binding documents.
9. On the other hand, it is clear that FRA relies in its advisory work on draft EU legislation not only on the EU Fundamental Rights Charter and human rights related EU secondary legislation, its precise meaning identified and reflected in the pertinent jurisprudence of the CJEU, but also on standards set by both the ECtHR in applying the ECtHR and the various CoE treaty-based monitoring bodies.
10. Another project which might create tangible results based on cooperation not only between FRA and the CoE, but also with UN and other human rights actors, is the European Union Fundamental Rights Information System (EFRIS) that will be released at the end of 2019. However, due to the limited time available, I shall limit myself to only mentioning this initiative as a promising example of quite a number of activities involving both the CoE and FRA.

### III. Suggestions for new Areas of Cooperation

11. Let me now turn to three areas which I should like to suggest as new areas of cooperation, or, in any case, of highly intensified cooperation: Artificial Intelligence (AI) and its (potential) Impact on Human Rights; Protection of Civil Society Actors in Culturally Diverse Societies; and Methods of Alternative Dispute Resolution (ADR) and its Impact on Human Rights.
12. It is a truism that AI is on everybody's mind. However, maybe not everybody is as much concerned with AI's potential impact on human rights as the CoE. It is well-known that the Finnish Presidency of the CoE Committee of Ministers and the CoE jointly organized, on 27 and 28 February 2019, a high-level conference on the impact of AI on human rights, democracy and the rule of law; among the panelists was FRA Director Michael O'Flaherty who spoke on the impact of AI-powered techniques on such human rights as privacy and freedom of expression. It is equally well-known that, as a kind of follow-up to this conference, the Foreign Ministers of CoE member states agreed, at their meeting in Helsinki on 17 May 2019, to examine the feasibility and potential elements of a legal framework for the development, design and application of artificial intelligence. It might be less known that, on 5 June 2019, FRA published a paper on 'Data quality and artificial intelligence – mitigating bias and error to protect fundamental rights'.

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<sup>39</sup> New language versions are being published throughout 2019.

<sup>40</sup> See e.g. ECtHR, *Bălșan v Romania* (Appl. No 49645/09), 25 May 2017 (on violence against women)



13. This is only the most recent outcome of a number of activities carried out by FRA in the field of AI; I might add that a senior representative of FRA has been a member of and consistently attending the meetings and participating in the work of the EU High-level Expert Group on Artificial Intelligence which presented, on 8 April 2019, their 'Ethics Guidelines for Trustworthy AI'.
14. So, I think it goes without saying that the issue of AI and its impact on human rights literally calls for cooperation between the CoE and FRA as there are highly qualified persons available in both institutions to work on implementing relevant projects in this field of a truly shared interest. I trust that such projects would considerably benefit from the already on-going cooperation at the operational level: FRA staff members participate in meetings of the MSI-AUT Committee, there are joint sessions at RightsCon (the most recent one on 12 June 2019 in November 2019 there will be the Internet Governance Forum).
15. It is also a truism to state that, in an alarmingly increasing number of states in Europe, civil society actors involved in the protection and promotion of human rights have come under siege. This applies all the more in culturally diverse societies where there seems to be increasing pressure on such activists to refrain from publicly requesting full respect for international obligations in the field of human rights in general, and as concerns freedom of speech and related rights essential for a truly diverse and integrated society, in particular.
16. On the other hand, there is a truly alarming increase of instances of hate speech and other expressions of violent intolerance challenging the very foundations of such diverse and integrated societies; this development is additionally aggravated by the ever-increasing use of fake news disseminated through social media, both by state and private actors.
17. It is clear that the large amount of data already collected by FRA as part of its activities in various fields such as racism, xenophobia and intolerance as well as equality and non-discrimination would be a most useful tool for continued and new activities of the CoE in this field. In a 2018 report, FRA has documented challenges facing civil society organisations working on human rights in the EU. Addressing those challenges could be another area of mutual concern and cooperation.
18. Finally, as an example of already existing links in this field of activities, I should like to mention that the CoE Conference on INGO is a member of the FRA Advisory Panel.
19. My final comments are also related to a truism, namely that there is, throughout Europe, increased concern relating to the well-functioning of the respective national judicial systems as indispensable preconditions for societies based on the rule of law and capable of effectively protecting and promoting human rights.
20. This assessment resulted in an increased interest in various mechanisms of Alternative Dispute Resolution (ADR), in civil, criminal and public law. Such ADR mechanisms might indeed contribute to lowering the case-load faced by many judicial systems and, thus, contribute to the restoration of truly functional judicial systems. Moreover, they might also assist in combating corruption within the judicial system if they result in legally correct solutions as such mechanisms would offer an alternative way to achieve such solutions. It is clear, however, that in all branches of the law, such ADR mechanisms must not result in violations of human rights, both procedural and substantive ones. Again, if the CoE was to continue its involvement in this area, it might be useful to consider ways and means how to engage FRA with its unequalled capacity of data collection to provide the factual basis for assessing the existing national systems with a view to identify best practices.

**IV. Concluding Remarks**

21. I hope this overview over the existing – and I should like to stress: well-functioning – fields of cooperation between the CoE and FRA as well as my suggestions on three areas for future (increased) cooperation between the two institutions will serve as an adequate basis for our ensuing exchange of views. Obviously, these are only suggestions for topics which might be discussed between the two institutions in order to see whether joint activities on them are at all feasible and might produce tangible results.
22. On a more personal note, I should like to conclude by using this opportunity to stress that, based on some four years of relatively close insights into the cooperation mechanisms – and their implementation – between the two institutions, CoE and FRA, I do not think that there is any need to amend the existing legal framework for this cooperation as it is functioning well.
23. I thank you for your kind attention and am looking very much forward to your questions and comments.

## Appendix IX

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

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

<b>RAPPORTEURS<sup>41</sup></b>			
<b>DH-SYSC-II</b> 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 <sup>th</sup> meeting of the CDDH (December 2017)
<b>CDDH-EXP</b> Ms Kristine LĪCIS (Latvia)		31 December 2019	88 <sup>th</sup> meeting of the CDDH (December 2017)
<b>CDDH-MIG</b> Mr Frank SCHÜRMAN (Switzerland)		31 December 2019	88 <sup>th</sup> meeting of the CDDH (December 2017)
<b>DRAFTING GROUPS</b>			
<b>DH-SYSC-II<sup>42</sup></b>		<b>DH-SYSC-III<sup>43</sup></b>	
Bulgaria		Armenia	
Croatia		Belgium	
Czech Republic		Greece	
France		Italy	
Italy		Latvia	
Latvia		Montenegro	
The Netherlands		Portugal	
Norway		Slovak Republic	
<b>CDDH-SOC</b>	<b>CDDH-EXP<sup>44</sup></b>	<b>CDDH-MIG</b>	<b>CDDH-INST</b>
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	North Macedonia	Norway	Slovenia
Russian Federation	Turkey	Spain	Spain
Slovenia	United Kingdom	Turkey	North Macedonia

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<sup>41</sup> 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.

<sup>42</sup> Following a decision taken by the CDDH at its 88<sup>th</sup> meeting (5-7 December 2017), and subject to the availability of budgetary resources, it is envisaged that the following member States would also be covered by the budget of the Council of Europe to participate in the following meetings:

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

<sup>43</sup> Initially, the work of the Group will take place by electronic means.

<sup>44</sup> Chair: Germany. The expenses of the Chair are covered by the budget of the Council of Europe.

## Appendix X

**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 - Practical Guide*
- (3) *The individual application under the ECHR - Procedural Guide*
- (4) *Legal framework of the Council of Europe for the protection of social rights in Europe - Analysis*
- (5) *Report identifying good practices and making proposals with a view to improving the implementation of social rights in Europe*
- (6) *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*
- (7) *Handbook on alternatives to detention in the context of migration*
- (8) *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)*
- (9) *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)*
- (10) *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)*
- (11) *Strengthening international regulations against trade in goods used for torture and the death penalty - feasibility study*
- (12) *Human Rights and environment - Handbook (3<sup>rd</sup> publishing)*

## Appendix XI

**Calendar of meetings of the CDDH and its subordinate bodies for the second semester of 2019  
and draft calendar for the 2020–2021 biennium prepared by the Secretariat**

*(as adopted by the CDDH at its 91<sup>st</sup> meeting (18–21 June 2019))*

<b>2019</b>	
Opening of the Judicial Year	25 January
5 <sup>th</sup> meeting of the drafting Group on the place of the ECHR in the European and international legal order (DH-SYSC-II)	5–8 February
5 <sup>th</sup> meeting of the drafting Group on Civil Society and National Human Rights Institutions (CDDH-INST)	27 February–1 <sup>st</sup> March
Event on transparency and access to official documents, under the aegis of the Finnish Chairmanship of the Committee of Ministers	6 March
4 <sup>th</sup> meeting of the drafting Group on Freedom of Expression and links to other Human Rights (CDDH-EXP)	20–22 March
6 <sup>th</sup> meeting of the drafting Group on Human Rights and Migration (CDDH-MIG)	26–28 March
4 <sup>th</sup> meeting of the drafting Group on Social Rights (CDDH-SOC)	3–5 April
101 <sup>th</sup> meeting of the Bureau of the Steering Committee for Human Rights (CDDH-BU)	15–17 May
6 <sup>th</sup> meeting of the drafting Group on the place of the ECHR in the European and international legal order (DH-SYSC-II)	22–24 May
<i>Meeting of the Government Agents with the Court's Registry</i>	17 June
91 <sup>th</sup> meeting of the Steering Committee for Human Rights (CDDH) and Workshop on the protection of victims of terrorist acts	18–21 June
7 <sup>th</sup> meeting of the drafting Group on the place of the ECHR in the European and international legal order (DH-SYSC-II)	18–20 September
5 <sup>th</sup> meeting of the Committee of experts on the system of the European Convention on Human Rights (DH-SYSC)	15–18 October
7 <sup>th</sup> meeting of the drafting Group on Human Rights and Migration (CDDH-MIG)	22–24 October
102 <sup>nd</sup> meeting of the Bureau of the Steering Committee for Human Rights (CDDH-BU)	13-15 November
<i>[Meeting of the Government Agents with the Court's Registry]</i>	<i>[25 November]</i>
92 <sup>nd</sup> meeting of the Steering Committee for Human Rights (CDDH)	26–29 November

<b>2020</b>	
<i>Opening of the Judicial Year</i>	January
1 <sup>st</sup> meeting of the drafting Group on effective processing and resolution of cases relating to inter-State disputes (DH-SYSC-IV)	February
6 <sup>th</sup> meeting of the drafting Group on Civil Society and National Human Rights Institutions (CDDH-INST)	February
<i>High- level Conference on Human Rights and Environment, under the aegis of the Georgian Chairmanship of the Committee of Ministers</i>	February
8 <sup>th</sup> meeting of the drafting Group on Human Rights and Migration (CDDH-MIG)	March
1 <sup>st</sup> meeting of the drafting Group on the national reception of the system of the European Convention on Human Rights (DH-SYSC-V)	April
6 <sup>th</sup> meeting of the Committee of experts on the system of the European Convention on Human Rights (DH-SYSC)	April
7 <sup>th</sup> meeting of the drafting Group on Civil Society and National Human Rights Institutions (CDDH-INST)	May
103 <sup>rd</sup> meeting of the Bureau of the Steering Committee for Human Rights (CDDH-BU)	May
<i>Meeting of the Government Agents with the Court's Registry</i>	June
93 <sup>rd</sup> meeting of the Steering Committee for Human Rights (CDDH)	June
2 <sup>nd</sup> meeting of the drafting Group on effective processing and resolution of cases relating to inter-State disputes (DH-SYSC-IV)	September
9 <sup>th</sup> meeting of the drafting Group on Human Rights and Migration (CDDH-MIG)	September
2 <sup>nd</sup> meeting of the drafting Group on the national reception of the system of the European Convention on Human Rights (DH-SYSC-V)	October
104 <sup>th</sup> meeting of the Bureau of the Steering Committee for Human Rights (CDDH-BU)	October
7 <sup>th</sup> meeting of the Committee of experts on the system of the European Convention on Human Rights (DH-SYSC)	October
94 <sup>th</sup> meeting of the Steering Committee for Human Rights (CDDH)	November
<b>2021</b>	
<i>Opening of the Judicial Year</i>	January
3 <sup>rd</sup> meeting of the drafting Group on effective processing and resolution of cases relating to inter-State disputes (DH-SYSC-IV)	February
1 <sup>st</sup> meeting of the drafting Group on Human rights and Environment (CDDH-ENV)	February
1 <sup>st</sup> meeting of the drafting Group on human rights and artificial intelligence (CDDH-INTEL)	Mars
3 <sup>rd</sup> meeting of the drafting Group on the national reception of the system of the European Convention on Human Rights (DH-SYSC-V)	April

2 <sup>nd</sup> meeting of the drafting Group on Human rights and Environment (CDDH-ENV)	May
105 <sup>th</sup> meeting of the Bureau of the Steering Committee for Human Rights (CDDH-BU)	May
<i>Meeting of the Government Agents with the Court's Registry</i>	June
95 <sup>th</sup> meeting of the Steering Committee for Human Rights (CDDH)	June
4 <sup>rd</sup> meeting of the drafting Group on effective processing and resolution of cases relating to inter-State disputes (DH-SYSC-IV)	September
2 <sup>nd</sup> meeting of the drafting Group on human rights and artificial intelligence (CDDH-INTEL)	September
4 <sup>th</sup> meeting of the drafting Group on the national reception of the system of the European Convention on Human Rights (DH-SYSC-V)	October
8 <sup>th</sup> meeting of the Committee of experts on the system of the European Convention on Human Rights (DH-SYSC)	October
106 <sup>th</sup> meeting of the Bureau of the Steering Committee for Human Rights (CDDH-BU)	October
<i>[Meeting of the Government Agents with the Court's Registry]</i>	November
96 <sup>th</sup> meeting of the Steering Committee for Human Rights (CDDH)	November

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