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

REPORT

93rd meeting

Strasbourg via KUDO, 14–16 December 2020

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CDDH (2020)R93 Addendum2

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CDDH (2020)R93 Addendum3

Draft explanatory memorandum to the draft Recommendation CM/Rec(2021)... of the Committee of Ministers to member States on measures against trade of goods used for the death penalty, torture or other cruel, inhuman or degrading treatment or punishment

SUMMARY

1. The Steering Committee for Human Rights (CDDH) held its 93rd meeting via KUDO due to the current health crisis, from 14 to 16 December 2020, with Mr Morten RUUD (Norway) in the Chair.
2. At this meeting, the CDDH decided to:
 - (a) Submit to the Committee of Ministers, for possible adoption, the following two draft instruments:
 - (i) Draft Recommendation CM/Rec(2021)... of the Committee of Ministers to the member states on the development and strengthening of effective, pluralist and independent national human rights institutions. Having adopted this draft instrument, the CDDH considered that the work of its Drafting Group CDDH-INST had been completed;
 - (ii) Draft Recommendation CM/Rec(2021)... of the Committee of Ministers to the member States on measures against the trade of goods used for torture and other cruel, inhuman or degrading treatment or punishment and the death penalty
 - (b) Propose to the Committee of Ministers to postpone the mandate for the CDDH in the field of human rights and artificial intelligence until 2022 in order for the CDDH to start its work in the light of the conclusions to be reached in 2021 by other bodies, in particular by the Ad Hoc Committee on Artificial Intelligence (CAHAI). In 2021, the CDDH will continue to follow and contribute, as appropriate, to the work of such relevant bodies.
3. The CDDH re-elected Mr Morten RUUD (Norway) as Chairperson and Ms Kristīne LĪCIS (Latvia) as Vice-Chair. It elected two Bureau members (Ms Brigitte OHMS (Austria) and Ms Babette KOOPMAN (the Netherlands)). It extended until the end of 2021 the mandate of the current Chairperson of its Committee of Experts on the system of the Convention (DH-SYSC, Mr Hans-Jörg BEHRENS (Germany)) and appointed Ms Krista OINONEN (Finland) Rapporteur on Human Rights in Culturally Diverse Societies and Ms Nicola WENZEL (Germany) Rapporteur on Human Rights and Business.
4. As regards the system of the European Convention on Human Rights, the CDDH:
 - (i) Took note of the decisions by the Committee of Ministers – “Securing the long-term effectiveness of the system of the European Convention on Human Rights: evaluation of the Interlaken Process and next steps” (4 November 2020);
 - (ii) Took note of the progress made and the remaining difficulties in the work underway within the CDDH Ad Hoc negotiation Group on the Accession of the European Union to the European Convention on Human Rights (“Group 47+1”);
 - (iii) Provided guidance to its Drafting Group on effective processing and resolution of cases relating to inter-State disputes (DH-SYSC-IV) regarding, in particular, the scope of its terms of reference and took note of the state of preparation of the High-level Conference on these issues which will take place on 12 and 13 April 2021, under the German Chairmanship of the Committee of Ministers;
 - (iv) Provided guidance to its Drafting Group on enhancing the national implementation of the system of the European Convention on Human Rights (DH-SYSC-V) in particular, concerning the scope of its terms of reference;
 - (v) Continued the preparation of the Seminar *Pluricourts – CDDH: National implementation of the European Convention on Human Rights – How to put the “shared responsibility” into practice?* (Strasbourg, June 2021);

5. As regards the other items on its agenda, the CDDH:

- (i) Exchanged views and decided on the procedure for finalising, in early 2021, its Explanatory Memorandum concerning the future Recommendation CM/Rec(2021) ... of the Committee of Ministers to member States on measures against the trade of goods used for torture and other cruel, inhuman or degrading treatment or punishment and the death penalty;
- (ii) Exchanged views on the consequences of the current health crisis in member states in terms of the protection and promotion of human rights and expressed its readiness to examine these issues in greater depth in the light of any decisions to be taken by the Committee of Ministers;
- (iii) Adopted by written procedure before the present meeting its comments to the Committee of Ministers on the Parliamentary Assembly Recommendations 2166(2019) - "*Human rights and business - what follow-up to Recommendation CM/Rec(2016)3 of the Committee of Ministers*" and 2171(2020) - "*Concerted action against human trafficking and the smuggling of migrants*";
- (iv) Took note of the follow-up envisaged in 2021 by the Secretary General to the work of the CDDH on strengthening the protection of social rights in Europe;
- (v) Took note of the entry into force of the Council of Europe Convention on access to official documents (*Tromsø Convention*) and of the timetable for the establishment in 2021 of the monitoring mechanisms provided for by this Convention;
- (vi) Established its Drafting Group on Human Rights and the Environment (CDDH-ENV) entrusted with the finalisation of a revised Manual on Human Rights and the Environment and the preparation of a draft non-binding instruments of the Committee of Ministers (e.g. a Recommendation; Guidelines) on Human Rights and the Environment;
- (vii) Organised its work for 2021 on:
 - (a) the implementation of Recommendation CM/Rec(2016)3 on human rights and business;
 - (b) the implementation of the CM Guidelines (2016) on the protection and the promotion of human rights in culturally diverse societies;
 - (c) the impact of the Covid-19 pandemic on human rights in the member states;
 - (d) the possible CDDH contribution to activities aimed at improving the protection of social rights;
 - (e) Migration and human rights;
 - (f) the preparation of the draft Programme of activities of the CDDH and the DH-SYSC for 2022-2023;
- (viii) Exchanged views and supported the decisions of the Committee on bioethics (DH-BIO) concerning the organisation of its activities for 2021 in the framework of its Strategic Action Plan 2020-2025;
- (ix) Adopted a thematic form to assist its committees and drafting groups to integrate gender equality in all their work;

- (x) Took note of the information provided by its focal points in other fora and by its rapporteurs;
- (xi) Decided on the personalities to be invited to its next meetings;
- (xii) Exchanged views on the status of signatures and ratifications of the conventions for which the CDDH is responsible;
- (xiii) Took note of recent publications of the work of the CDDH and decided on the primary publications in 2021;
- (xiv) Adopted its provisional calendar of meetings for 2021.

MEETING REPORT

1. The Steering Committee for Human Rights (CDDH) held its 93rd meeting via KUDO due to the current health crisis from 14 to 16 December 2020 in Strasbourg under the Chairmanship of Mr Morten RUUD (Norway).

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

2. The Director of Human rights, M. Christophe POIREL, welcomed the participants on behalf of the Director General of the DGI and outlined the main achievements of the CDDH since its last plenary meeting (November 2019). He stressed the importance of the ongoing files and welcomed the commitment of the Steering Committee and its Secretariat in fulfilling their terms of reference despite the difficulties related to the current pandemic. The Chairperson of the CDDH thanked the Director and declared the meeting open. The CDDH adopted its agenda as it appears in Appendix I below and agreed with the order of business proposed by the Bureau.

ITEM 2: RECOMMENDATIONS OF THE PARLIAMENTARY ASSEMBLY

3. The Secretariat provided information on the follow-up given by the Secretariat of the Committee of Ministers to the comments adopted by written procedure by the CDDH since its 92nd meeting regarding the Recommendations of the Parliamentary Assembly 2166(2019) – “*Human rights and business – what follow-up to Committee of Ministers Recommendation CM/Rec(2016)3?*” and 2171(2020) – “*Concerted action against human trafficking and the smuggling of migrants.*”

ITEM 3: WORK ON THE SYSTEM OF THE CONVENTION

3.1. Follow-up to the Interlaken Declaration

4. The Chair referred to the decisions of the Committee of Ministers “*Securing the long-term effectiveness of the system of the European Convention on Human Rights: evaluation of the Interlaken process and next steps*” adopted at the 130th Ministerial Session (videoconference, Athens, 4 November 2020; see Appendix IV below). At this presentation and the following exchange of views, the CDDH noted that, in these decisions, the Committee of Ministers has in particular:
 - (i) Endorsed the general conclusion contained in the *Contribution of the CDDH to the evaluation provided for by the Interlaken Declaration* that, while no overall restructuring of the Convention mechanism is necessary at present, the Council of Europe as a whole must pursue its efforts to ensure that the Convention system can continue to meet the many challenges facing Europe in the field of human rights, including through an effective response by the Court to pending applications;
 - (ii) Reinforced its support for the ongoing work of the CDDH, through its Committee of Experts on the System of the European Convention on Human (DH-SYSC) and its Drafting Groups DH-SYSC-IV and DH-SYSC-V (see below);
 - (iii) Stressed the need for an early entry into force of Protocol No. 15 to the Convention and the interest of State Parties to sign and ratify Protocol No. 16;

- (iv) Indicated its willingness to consider additional means of ensuring recognition of the status and seniority of the judges of the Court, thus providing additional guarantees to preserve their independence, including after the end of their mandate;
- (v) Urged all the member states to ensure that full effect is given to Recommendation CM/Rec(2008)2 of the Committee of Ministers on effective means to be implemented at domestic level for the rapid execution of the European Court of Human Rights' judgments;
- (vi) Expressed satisfaction for the resumption of negotiations on the accession of the European Union to the Convention (see below).

3.2 CDDH ad hoc negotiation Group on the EU accession to the ECHR (“47+1 Group”)

5. The Chair of the “47+1 Group”, Ms Tonje MEINICH (Norway), presented to the CDDH the work of the Group in 2020, notably an informal meeting held in June and two negotiation meetings each of three-days held in September/October and November respectively. At the occasion of the September/October meeting, the Secretary General of the Council of Europe and the Vice-President of the European Commission for Values and Transparency had issued a joint statement, stating their hope that the negotiations can be brought to a speedy and successful conclusion for the benefit of Europe as a whole.
6. Ms Meinich thanked the CDDH for having elected her as the Chair of the Group and informed about the Group’s election of Mr Alain CHABLAIS (Switzerland) as Vice-Chair. She recalled the basic principles for the negotiations (as stated in paragraph 7 of the explanatory report to the draft Accession Agreement) and reported that the meetings were held so far in a constructive spirit. While these are surely difficult and complex negotiations, she stated that there appears to be a feeling in the Group that the problems are not insurmountable and that compromise solutions can be found if all delegations value the importance and added value EU accession to the ECHR will bring. Ms Meinich informed the CDDH about the areas for which the discussion had sufficiently advanced so that concrete proposals had already been discussed, as well as those areas for which proposals were expected at the forthcoming meetings. At its last meeting, the Group also held an exchange of views with representatives from civil society and national human rights institutions which it considered as very useful and which would be repeated in the future.
7. Some delegations took the floor and, while highlighting the importance of the EU’s accession to the Convention, underlined that such accession should be made possible in line with the basic principles for the negotiations. They also pointed to a common statement by the 20 Council of Europe member states which are not members of the EU, which is appended to the report of the September-meeting of the “47+1 Group” (see Appendix III of the document CDDH47+1(2020)R6).
8. The CDDH took note of the progress made and the remaining difficulties in the work underway within the "Group 47+1" and wished the Group much success in continuing its work in order to achieve its mandate. The next meeting of the Group is scheduled for February 2021.

3.3 Drafting Group on effective processing and resolution of cases relating to inter-State disputes (DH-SYSC-IV)

9. The Chair of the DH-SYSC-IV, Mr Alain Chablais (Switzerland), informed the CDDH about the state of play in the Drafting Group notably the discussions and the work done during, between and after its 1st meeting (19-21 February 2020) and its 2nd meeting (9-11 September 2020, via videoconference). The Chair noted with appreciation the work already carried out by DH-SYSC-IV despite the fact that it has to address a number of highly sensitive issues.
10. The CDDH then considered several questions submitted by the Drafting Group concerning the interpretation of its terms of reference ([DH-SYSC-IV\(2020\)07Rev](#)). These questions had been prepared following the Bureau's decision at its 104th meeting (29 October 2020) to invite the Co-Rapporteurs, the Chair and the Vice-Chair of the DH-SYSC-IV to formulate them as concretely as possible and to transmit them to the CDDH for decision during the present meeting.

Questions 1 and 2

Question 1 - Do individual applications raising an issue identified in an inter-State case, whether they are lodged before or after the relevant inter-State case is lodged before the Court, but when there is no unanimous consensus amongst the members of DH-SYSC-IV that such individual applications "arise from a situation of conflict between States", fall within the mandate of the DH-SYSC-IV?

Question 2 - Do individual applications relating to situations in which no inter-State application has been lodged with the Court and there is no unanimous consensus amongst the members of DH-SYSC-IV that they are linked to an inter-State conflict but when such individual applications are linked to inter-State conflict situations due to the existence of certain other connecting factors fall within the mandate of DH-SYSC-IV? For example, when individual applications concern disputes over the control of a particular territory; or when they relate to situations in which two States have been/will be called upon to answer before the Court for a situation regarding their jurisdiction; or when there is a need to resolve an overarching issue/s in an inter-State case.

11. In respect of *questions 1 and 2*, the CDDH recalled the Copenhagen Declaration which in its part entitled "*The caseload challenge – the need for further action*" contains the following relevant provisions:
 - *Paragraph 45: "The challenges posed to the Convention system by situations of conflict and crisis in Europe must also be acknowledged. In this regard, it is the Court's present practice, where an inter-State case is pending, that individual applications raising the same issues or deriving from the same underlying circumstances are, in principle and in so far as practicable, not decided before the overarching issues stemming from the inter-State proceedings have been determined in the inter-State case."*
 - *Paragraph 54: "[the Conference] Invites the Committee of Ministers, in consultation with the Court, and other stakeholders, to finalise its analysis, as envisaged in the Brighton Declaration, before the end of 2019, of the prospects of obtaining a balanced case-load, inter alia, by [...] c) exploring ways to handle more effectively cases related to inter-State disputes, as well as individual applications arising out of situations of inter-State conflict, without thereby limiting the jurisdiction of the Court, taking into consideration the specific features of these categories of cases inter alia regarding the establishment of facts."*

12. The CDDH also recalled the terms of reference of the DH-SYSC-IV, notably that the Drafting Group *“is called upon to elaborate proposals on how to handle more effectively cases related to inter-State disputes, as well as individual applications arising from situations of conflict between States, without thereby limiting the jurisdiction of the Court, taking into account the specific features of these categories of cases, inter alia regarding the establishment of facts”*.
13. One delegation stated that in accordance with the Copenhagen Declaration and the relevant provisions of the DH-SYSC-IV mandate this mandate only covers individual applications arising from a situation of conflict between States or related to an Inter-State dispute, i.e. raising the same issues or deriving from the same underlying circumstances as a pending inter-State case. The delegation noted that the term “inter-State dispute” is only used in the Court’s case-law with regard to inter-State cases, specifically where the applicant is a State. It further stressed that conflicts which are not of an inter-State nature cannot be considered “inter-State conflicts”.
14. On this basis, in response to questions 1 and 2, the CDDH instructed the DH-SYSC-IV to adopt an open approach as regards referring to the statistical report prepared by the Registry of the Court on applications linked to inter-State disputes and to pursue further its reflections and discussions on the basis of the information contained therein.
15. Without taking a position at the present meeting on the Registry’s report, the CDDH envisaged to hold a discussion on this matter at its 94th meeting in June 2021, taking into account, *inter alia*, the conclusions of the High-Level Conference of experts on the effective processing and resolution of cases relating to inter-State disputes which take place on 12 and 13 April 2021 under the auspices of the German Presidency of the Committee of Ministers.
16. One delegation expressed the position that the individual applications referenced in questions 1 and 2 fall outside the scope of the terms of reference of the DH-SYSC-IV.

Question 3

Should the DH-SYSC-IV analyse the totality of decisions and judgments delivered by the European Commission of Human Rights and the Court on inter-State cases and possibly on related individual cases in the section concerning statistics?

17. In respect of question 3, the CDDH instructed the DH-SYSC-IV to include references to all the decisions and judgments delivered by the European Commission of Human Rights and the Court in inter-State cases in the section of the draft CDDH report concerning statistics, noting that the jurisprudence relating to these decisions and judgments should be analysed wherever the DH-SYSC-IV considers it necessary in the draft CDDH report.

Question 4

Does the mandate of the DH-SYSC-IV allow the Group to consider and possibly submit concrete proposals to amend the existing provisions of the Convention? In particular, does the mandate allow the group to consider and possibly submit concrete proposals to amend existing provisions of the Convention concerning admissibility criteria?

18. In respect of question 4, the CDDH noted that the DH-SYSC-IV should feel free to discuss and elaborate all the proposals that it considers necessary having due regard to its terms of reference, notably the provision *“without thereby limiting the jurisdiction of the Court.”*

19. The CDDH believed that, while the DH-SYSC-IV should be free to discuss and, if it decides that it is appropriate, to propose to the CDDH ideas about changing the Convention it should not engage in any drafting work on any amending protocols to the Convention; should the CDDH ever decide to move in this direction, the task would be entrusted to a specific Drafting Group.

Question 5

Does the theme of the application of international law on state responsibility fall within the mandate of the DH-SYSC-IV? Do the Articles on Responsibility of States for Internationally Wrongful Acts fall within the mandate of the DH-SYSC-IV?

20. In respect of question 5, the CDDH recalled that the DH-SYSC-IV is called to elaborate proposals in the light, in particular, of the reflections carried out during the elaboration of, *inter alia*, the CDDH Report on the place of the European Convention on Human Rights in the European and international legal order ([CDDH\(2019\)R92Addendum1](#)).
21. The CDDH recalled that this report has extensively dealt with the theme of the application of International Law of State Responsibility by the Court, notably issues related to the Draft Articles on Responsibility of States for Internationally Wrongful Acts, adopted by the International Law Commission in 2001 (ARSIWA).
- Without excluding the possibility that certain aspects of the DH-SYSC-IV analysis might relate to ARSIWA, and could, therefore, be taken into account, the CDDH took the view that questions related to ARSIWA should not become the main focus of the DH-SYSC-IV report.
 - Therefore, it instructed the Drafting Group that, if it decides that it would be appropriate to deal with these questions, it should do so by building on the CDDH Report on the place of the European Convention on Human Rights in the European and international legal order and making sure that there is no repetition of discussions and reflections carried out during the elaboration of that report nor duplication of activities already completed.
22. One delegation expressed the position that the answer to question 5 should be yes and that issues relating to international law on state responsibility and ARSIWA falls within the scope of the terms of reference of the DH-SYSC-IV.

Question 6

Is the use of terms “the Nagorno-Karabakh conflict”, the “Republic of Nagorno-Karabakh” (the “NKR”) and “the line of contact between Azerbaijan and the “Nagorno-Karabakh Republic”(“NKR”) in line with the mandate of the of DH-SYSC-IV?

23. In respect of question 6, after an exchange of views between the delegations concerned, instructed the DH-SYSC-IV to use terminology that is consistent with the terminology used by the Court and the relevant bodies of the United Nations.

3.4 Drafting Group on enhancing the national implementation of the system of the European Convention on Human Rights (DH-SYSC-V)

24. The Chair of the DH-SYSC-V, Mr Vít Alexander SCHORM (Czech Republic), informed the CDDH about the work carried out at the 1st meeting of the Drafting Group (14-16 October 2020, via videoconference). The DH-SYSC-V had a discussion, on the basis of a document

prepared by the consultant Mr Fredrik SUNDBERG (document DH-SYSC-V(2020)02), regarding the scope of draft guidelines covering all of the action at national level expected from States Parties to prevent and remedy violations of the Convention.

25. Furthermore, the DH-SYSC-V had agreed on elements of the structure of draft guidelines, a first draft of which will be examined at its 2nd meeting (29-31 March 2021).
26. The CDDH discussed the question referred by Drafting Group as to whether proposals to amend the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements in order to enable bar associations to make submissions under Rule 9 with a view to promoting the involvement of all national stakeholders fall within the DH-SYSC-V's terms of reference.
27. Two delegations were of the opinion that the draft guidelines, according to the terms of reference of the DH-SYSC-V, concern action at national level expected from State Parties to prevent and remedy violations of the Convention. On this basis, they concluded that possible proposals to amend the Rules of the Committee of Ministers fall outside of the scope of the DH-SYSC-V's terms of reference. One of these delegations pointed out that, in any case, the examination of such proposals and the preparation of amendments to the Rules of Procedure of the Committee of Ministers do not belong to the CDDH.
28. Several delegations expressed the point of view that such involvement of bar associations and all stakeholders could be a useful tool to enhance the implementation of the Convention at the national level. The CDDH agreed that the Drafting Group should feel free to discuss this question and, if it deems it appropriate, signal to the Committee of Ministers and/or its Rapporteur Groups the relevance of considering further action.
29. The CDDH endorsed the majority opinion that the DH-SYSC-V is free to discuss this question and, if it deems it appropriate, to submit proposals to it on the matter; however, at this stage of the work, the Group is not called upon to engage in the drafting of proposals for amendments to Rule 9 of the Rules of Procedure of the Committee of Ministers.
30. Regarding the draft guidelines, the Chair of the Group also noted that while it was clear that issues arising at the stage of the execution of judgments and decisions in cases concerning the extraterritorial application of the Convention were covered by the terms of reference of the DH-SYSC-V, the latter, at the moment, has no input on the basis of which to approach this aspect of its terms of reference. In addition, he took note of the suggestion of one delegation to consider the role of Government Agents in enhancing the national implementation of the system of the Convention.
31. As regards the other item of the Group's terms of reference, that is the update the Recommendation (2002)13 on the publication and dissemination in the member States of the text of the European Convention on Human Rights and of the case-law of the European Court of Human Rights, the Chair of the Group noted with satisfaction that the latter is at a more advanced state of reflections and examination. The DH-SYSC-V should examine a new draft recommendation, based on proposals made by the consultant, Mr Fredrik Sundberg ([document DH-SYSC-V\(2020\)03](#)), at its upcoming meeting (29-31 March 2021) with a view to submit its final draft text to the CDDH for examination and possible adoption at the 94^e meeting of the latter (June 2021).

3.5 Preparation of the Seminar *Pluricourts - CDDH: National implementation of the European Convention on Human Rights – How to put the “shared responsibility” into practice?*

32. The CDDH took note of the information provided by the Chair of *Pluricourts*, Prof. Geir Ulfstein (Norway) and the Secretariat on the preparation of the Seminar a major event which had to be postponed twice due to the sanitary crisis. The draft programme as it stands at this point appears in [Appendix V below](#). The CDDH concluded that the draft programme of the CDDH should be amended as it may be necessary and agreed that this event should take place on Tuesday 15 June 2021, the day before the 94th CDDH meeting provisionally scheduled for 16 to 18 June 2021. *Pluricourts* will keep the CDDH abreast of the preparations of the Seminar via the Secretariat of the Steering Committee.

ITEM 4: ENVIRONMENT AND HUMAN RIGHTS

33. The Secretariat and the Chair of the Drafting Group on Environment and Human Rights (CDDH-ENV), Kristīne LĪCIS (Latvia) presented the draft terms of reference of the CDDH-ENV which took into account the Joint Declaration on Human Rights and the Environment of the outgoing and incoming Chairmanships of the Committee of Ministers (15 May 2020). The draft terms of reference as proposed by the Bureau included the following three tasks:

- (i) the updating of the Manual on Human Rights and the Environment,
- (ii) the elaboration of a new instrument on human rights and the environment, and
- (iii) consideration of the need for further work in this field, bearing in mind the obligations of the member States under the European Convention on Human Rights and the steady development of the case-law by the European Court of Human Rights and national courts that foster the interconnection between the protection of the environment and human rights.

34. Much interest was expressed in the work to be undertaken by the CDDH in this field considered to be very timely. The CDDH Rapporteur on gender equality, Mr Philippe WERY (Belgium) stressed in particular the need to take into account the gender aspect in the upcoming work. Several other delegations referred to the negative impact that environmental degradation had specifically on vulnerable groups which should also be taken into account in the Group's work.

35. The CDDH agreed with the three tasks included in the draft terms of reference of the CDDH-ENV. However, with regard to the second task the CDDH preferred to maintain the precise wording of the terms of reference given to the CDDH by the Committee of Ministers at the end of 2019 which referred to the elaboration of a draft non-binding instrument of the Committee of Ministers (e.g. recommendation, guidelines) recalling existing standards in this field (see [Appendix VI](#)).

36. In view of the great interest shown by member States in contributing to this work, the CDDH appointed ten member States¹ entitled to send experts to participate in the work of the CDDH-ENV at the Organisation's expenses, it being understood that any other member State is invited to send an expert to participate at its own expenses. The Secretariat noted

¹ The following ten member States were appointed to send an expert to participate in the CDDH-ENV at the expenses of the Council of Europe: Austria, Finland, France, Germany, Latvia (Chair), Poland, Romania, Russian Federation, Spain, Switzerland, Turkey. All other member state can participate to the meetings at their own expenses and on an equal basis with the above mentioned states. The Chair of the Drafting Group, Ms Kristine LICIS (Latvia) was appointed by the CDDH at its 92nd meeting (26-29 November 2019).

that two meetings had been scheduled for the CDDH-ENV in 2021, the first in April and the second in September (see the provisional calendar appearing in [Appendix XIV](#)).

37. Furthermore, the CDDH was informed by the German delegation about the holding of a Seminar on the Environment, Human Rights and Business on the eve of the first meeting of the CDDH-ENV. This event is envisaged under the auspices of the German Chairmanship of the Committee of Ministers in co-operation with the CDDH. In noting that cooperate responsibility plays an important role in this field, the CDDH emphasised that the outcome of the seminar should be taken into account in the work of the CDDH-ENV.
38. Finally, the CDDH welcomed the publication “Environmental Protection and Human Rights” which contains the proceedings of the High-level Conference on the Environmental Protection and Human Rights (Strasbourg, 27 February 2020) and the second edition of the Manual from 2012. This publication had already been distributed to the relevant bodies and in particular to the European Court of Human Right which had expressed its appreciation.

ITEM 5: ARTIFICIAL INTELLIGENCE AND HUMAN RIGHTS

39. Ms Manushak ARAKELYAN (Armenia) provided a report on behalf of Mr. Tigran GALSTYAN, the CDDH’s focal point in the CAHAI, which is appears in [Appendix VII](#).
40. Also, the Secretariat provided an overview of the Council of Europe’s work on Artificial Intelligence (AI), in particular the activities of Ad hoc Committee on Artificial Intelligence (CAHAI), highlighting a progress report to the Committee of Ministers (23 September 2020), the creation of three CAHAI working groups² as well as the ongoing examination of a preliminary draft feasibility study including the main elements of a future legal framework.
41. The Secretariat drew the Committee’s attention that the study had concluded, *inter alia*, that a robust legal framework will likely consist of a combination of binding and non-binding legal instruments, that complement each other. A binding instrument, a convention or framework convention could consolidate general common principles while including more granular provisions in line with the rights, principles and obligations identified in the feasibility study. This instrument could be combined with additional binding or non-binding sectoral Council of Europe instruments to address challenges brought by AI systems in specific sectors.
42. The Chair recalled that the Bureau had agreed at its 104th meeting, on the basis of a proposal from the Secretariat, to invite the CDDH to consider the desirability of postponing its preparation of a handbook on human rights and AI until the next biennium, once other relevant bodies of the Council of Europe have presented their conclusions and recommendations in respect of their ongoing work.
43. The CDDH agreed that in order to avoid duplications of its activities with those of other relevant Council of Europe bodies, notably the CAHAI and to make sure that its work builds on their conclusions, to propose to the Committee of Ministers to postpone the mandate for the CDDH in the field of human rights and AI until 2022. This will enable the CDDH to start its work in the light of the conclusions to be reached in 2021 by other relevant bodies, in particular CAHAI. Pending this period of time the CDDH will continue to follow and contribute, as appropriate, to the work of such relevant bodies in various ways such as through its Focal Point in CAHAI, national delegations and the Secretariat.

² The working Groups are in charge of respectively policy development, legal frameworks and consultations and outreach.

ITEM 6: CIVIL SOCIETY AND NATIONAL HUMAN RIGHTS INSTITUTIONS

44. The Chair of the Drafting Group on Civil Society and National Human Rights Institutions (CDDH-INST), Ms Krista OINONEN (Finland) presented the revised text of the draft Recommendation CM/Rec(2021)... of the Committee of Ministers to member States on the development and strengthening of effective, pluralist and independent national human rights institutions.
45. She recalled that the draft Recommendation had been prepared during the 6th meeting of the Drafting Group's meeting (4-6 March 2020) with contributions from the Commissioner for Human Rights and the Conference of INGOs, as well as from the European Network of National Human Rights Institutions (ENNHRI), the Office of the United Nations High Commissioner for Human Rights (OHCHR), the Office for Democratic Institutions and Human Rights (ODIHR) of the Organization for Security and Co-operation in Europe (OSCE) and the European Union Agency for Fundamental Rights (FRA). Subsequently the preliminary text had been circulated to CDDH delegations whose comments were taken into account in the finalisation of the text.
46. The CDDH welcomed the quality of the text proposed by the CDH-INST and the fruitful steps taken by the Chair of the Group to reach consensus. Recalling the tacit procedure decided by the CDDH, once the possible requests sent by delegations had been incorporated the draft Recommendation, the CDDH noted that the text was considered formally adopted on 29 October 2020. The text of the draft Recommendation appears in document CDDH(2020)R93 Addendum I.
47. For her part, the Secretary General of ENNHRI, Ms Debbie KOHNER informed the CDDH that as soon as adopted by the Committee of Ministers, ENNHRI would organise a meeting during the first half of 2021 - possibly an online event should the current circumstances persist - in order to draw awareness on the Recommendation among its members and a variety of stakeholders. She warmly invited all CDDH members to take part in this event. Finally, she welcomed working with the CDDH and other Council of Europe bodies in the follow-up to the Recommendation which was foreseen to be reviewed in five years' time (see Appendix VIII).
48. In adopting this draft instrument, the CDDH considered the work of its Drafting Group CDDH-INST completed. The Secretariat noted that, after the legal and linguistic checks by the relevant services of the Council of Europe, the text would be transmitted to the Committee of Ministers for examination for possible adoption.

ITEM 7: MIGRATION AND HUMAN RIGHTS

49. The Chair informed on the ongoing work within the CDDH Drafting Group on Migration and Human Rights (CDDH-MIG) which will hold its next meeting from 16 to 18 March 2021.
50. He reported that the Group has received very positive and constructive comments on the draft document on family-based care for unaccompanied and separated migrant children and should probably be able to finalise its work next year as planned.
51. As for CDDH work on alternatives to immigration detention, the Chair recalled that this continues to be widely cited and referenced and Council of Europe invited to take the stage in the field on varied different engagements. Based on the CDDH-work, a new online HELP-course was published this summer on international refugee day. Due to the current pandemic, it has not yet been launched in any Member State or anywhere, but even without any formal launching of publicity there are already around 700 users online who have

subscribed to it, which constitutes a remarkable success, in the field, of the CDDH-work in this area.

ITEM 8: PROHIBITION OF THE TRADE IN GOODS USED FOR TORTURE AND DEATH PENALTY

52. The CDDH welcomed the work leading to the adoption by electronic procedure on 6 November 2020 of its draft Recommendation CM/Rec(2021) ... of the Committee of Ministers to member states on measures against the trade in goods used for the death penalty, torture or other cruel, inhuman or degrading treatment or punishment. It warmly thanked its consultant, Dr Michael CROWLEY (Bradford University / Omega Research Foundation), its two Rapporteurs Ms Nicola WENZEL (Germany) and Mr Chanaka WICKREMASINGHE (United Kingdom)³ and the Secretariat. It noted that this draft text, which was unanimously welcomed during the meeting as a highly relevant instrument in the fight against the death penalty and torture, not only constitutes an important aid to member states and NGOs fighting against these practices in Europe, but also sends a strong signal to other international bodies. The CDDH noted that the Committee of Ministers will examine the draft Recommendation, with a view to its possible adoption in spring 2021. This text appears in document CDDH(2020)R93 Addendum 2.
53. The Rapporteur Ms Nicola WENZEL (Germany) presented the draft explanatory memorandum, prepared in consultation between her, the Consultant and the Secretariat. This text was sent to the participants in the CDDH with a view to its possible discussion and adoption at the present meeting.
54. The CDDH, while commending the quality of the draft explanatory memorandum and expressing its thanks to the authors, decided to limit itself during the present meeting to a general exchange of views and to grant additional time to delegations that might wish to make comments or drafting proposals. The text of the draft memorandum appears in document CDDH(2020)R93 Addendum 3.
- Any proposals sent to the Secretariat (DGI-CDDH@coe.int) by Friday 22 January 2021 will be examined by the Rapporteur Ms Wenzel in conjunction with the Consultant and the Secretariat.
 - The consolidated text will be sent to the CDDH participants before the end of January 2021 with a view to its possible adoption by electronic procedure at the beginning of February 2021.
 - It will then be communicated to the Committee of Ministers for information and will be published together with the text of the Recommendation as soon as it has been adopted.

ITEM 9: HUMAN RIGHTS AND BUSINESS

55. The Secretariat provided information on the ongoing work regarding the preparation for examination, in 2021, of the implementation of Recommendation CM/Rec(2016)3 of the Committee of Ministers to the member states on Human Rights and Business.
56. It is recalled that this instrument provides that the governments of member States shall review the implementation of this instrument no later than five years after its adoption.
57. The Secretariat presented the activities it has carried out to collect and process information on the implementation of Recommendation CM/Rec(2016)3, including a questionnaire sent

³ Called to other functions, he ceased his work as Rapporteur in the course of 2020.

to member States in January 2019 (document CDDH(2019)01) and in June 2020 as well a specific questionnaire on access to remedies sent to the relevant Council of Europe steering and convention-based committees (document CDDH(2020)26 also in June 2020.

58. The Secretariat also outlined some of the main themes and issues that emerge from a preliminary examination of the information collected, such as national action plans, dissemination and translation of Recommendation CM/Rec(2016)3, inter-institutional co-ordination, training, access to remedies through state or non-state based mechanisms as well as national measures to provide additional protection to certain groups of people including workers, children, indigenous people or pursuing other goals such as gender equality, protection of the environment etc.
59. The CDDH agreed with the proposals of the Secretariat to circulate a compilation of responses from member States and of the information collected to the CDDH members for comments, further contributions and/or corrections in January. On this basis, a report on the implementation of Recommendation CM/Rec(2016)3 will be prepared and circulated by the Secretariat at the end of March so that the CDDH can consider it at its next plenary meeting in 2021. The CDDH decided to appoint Ms Nicola WENZEL (Germany) Rapporteur on Human Rights and Business with a view to providing stewardship to the preparatory process of the review of the implementation of Recommendation CM/Rec(2016)3.

ITEM 10: ACCESS TO OFFICIAL DOCUMENTS

60. The Secretariat informed the CDDH about the fact that the Council of Europe Convention on Access to Official Documents (CETS No 205) - Tromsø Convention – entered into force on the 1st of December 2020.⁴ Some of the envisaged milestones towards the creation of its two monitoring bodies, respectively the Group of Specialists on Access to Official Documents (Article 11 of the Convention) and the Consultation of the Parties (Article 12 of the Convention) include a meeting of the Parties scheduled on 18 January 2021, the consideration by the Committee of Ministers of a draft resolution on the election procedure for the Group of Specialists in spring 2021, the first meeting of the Consultation of the Parties in the fall 2021 aiming to elect the members of the Group of Specialists, and the latter's first meeting in last quarter of 2021. A more detailed explanation of these steps is contained in document CDDH(2020)12.
61. Also, the Secretariat informed the CDDH that the Thematic Co-ordinator on Information Policy (TC-INF) held an exchange of views on Tromsø Convention on 17 November 2020 at the conclusion of which called on all member States who have not done so to sign and ratify the Convention - as it guarantees a basic right in a democracy: the public's right to know. The Council of Europe has also launched a dedicated website to the Tromsø Convention [TROMSØ CONVENTION \(coe.int\)](https://www.coe.int/t/treaties/tromso_convention). The delegation of Slovenia informed the CDDH about the fact that it may possibly ratify the Tromsø Convention in the future.
62. The Chair expressed the hope that more Council of Europe member States will ratify the Tromsø Convention which is an important tool, *inter alia*, for the exercise of freedom of expression. The CDDH took note of the information provided by the Secretariat and agreed that it will continue to support the Tromsø Convention in its activities such as the recent publication and dissemination by its Secretariat on the Convention.

⁴ The Parties to the Convention are Bosnia and Herzegovina, Estonia, Finland, Hungary, Lithuania, Norway, Montenegro, the Republic of Moldova, Sweden and Ukraine.

ITEM 11: GENDER EQUALITY

63. The CDDH is informed by its Rapporteur on gender equality, Mr Philippe WERY (Belgium) on the draft thematic form proposed to be used by the subordinated bodies of the CDDH ([CDDH\(2020\)13](#)). The CDDH decided to endorse this form and to invite all its subordinate groups to address its questions in the context of implementing their mandate.

ITEM 12: BIOETHICS

64. The Secretary of the Committee on Bioethics (DH-BIO) Ms Laurence LWOFF presented the results of the 17th plenary meeting of the Committee (3-6 November 2020). She referred more specifically to following issues addressed by the DH-BIO at the meeting:

- (i) consideration of the revised draft Additional Protocol concerning the protection of human rights and dignity of persons with regard to involuntary placement and involuntary treatment in mental health services, together with its revised draft Explanatory Report, with a view to, subject to the agreement of the delegations, a possible approval at the 18th meeting;
- (ii) discussion on genome editing technologies in relation to article 13 of the Oviedo Convention with a view to agreeing on whether clarification or revision is needed;
- (iii) examination of the priority actions proposed by the Bureau in the light of the human rights issues raised by the COVID-19 pandemic i.e., under the Equity pillar of the Strategic Action Plan on Human Rights and Technologies in Biomedicine (2020-2025), focusing first on equity of access to vaccines and considering a possible statement on this issue.
- (iv) The development of guidelines for the participation of children in the decision-making process on matters related to their health, carried out in cooperation with the Steering Committee on Children Rights.

65. The Secretary of the DH-BIO also referred to the information document published by the Secretary General on 15 September 2020 entitled: “*A Council of Europe contribution to support member states in addressing healthcare issues in the context of the present public health crisis and beyond*”. This document refers to key instruments in the field, notably the Oviedo Convention, together with the European Convention on Human Rights, the European Social Charter and the *Medicrime* Convention.

66. In this context, the Secretary General is proposing a new multilateral and multidimensional cooperation project. The objective of the project would be to “*enable member states to fully employ relevant Council of Europe instruments and mechanisms with a view to strengthening their preparedness to protect human rights during health crisis.*”

- The Secretariat of the DH-BIO, in collaboration with the Cooperation Division in the field of human rights, is currently developing the project.
- In this framework, a collection of (or database with) different national court decisions could be established, which have examined measures that interfere with human rights. It may also include, if already available, relevant decisions and judgments from the European Court of Human Rights.

67. The CDDH thanked the Secretary of the DH-BIO and decided that, in the future, the DH-BIO abridged report would be appended to the abridged report of the CDDH which will be sent to the Committee of Ministers for information.

ITEM 13: TOUR DE TABLE ON THE INTEREST OF POSSIBLE CDDH WORK RELATED TO THE HEALTH CRISIS AND ITS CONSEQUENCES ON HUMAN RIGHTS IN THE MEMBER STATES

68. The CDDH held an exchange of views on possible future work related to the pandemic crisis and its consequences in all Council of Europe member states for the protection and promotion of human rights. The Secretariat introduced a reflection paper (CDDH(2020)14) on the impact of the Covid-19 pandemic on human rights, which included the results of a preliminary discussion of the CDDH Bureau on the topic and which provided a number of possible options for approaching the subject. Many delegations which took the floor welcomed the paper and considered it a very useful basis for any possible future work by the CDDH on the topic.
69. While some delegations noted that the crisis was ongoing and thus remained somewhat cautious to identify good practices by Council of Europe member states, other delegations opined that by the time the CDDH would take up any possible future work there would be a sufficient degree of responses to the pandemic which would allow the establishing of such good practices.
70. There was general support for looking into the necessity to elaborate further guidance with regard to the safeguards for human rights during the taking of exceptional measures in response to a pandemic crisis.
71. Several delegations supported the idea of further looking into providing practical guidance on the issue of derogations under Article 15 ECHR in order to enhance coherence in this respect, while other delegations considered that it was rather for the European Court of Human Rights to pronounce itself on the issue of derogations.
72. Delegations agreed in general that the CDDH should take a holistic approach (i.e. not to limit itself on the situation of one particular vulnerable group or one particular human right), mindful that other committees in the Council of Europe would approach the pandemic from more specific angles in line with their mandates.
73. There was general agreement that any duplication with ongoing work within the Council of Europe should be avoided. Some delegations noted that it may be feasible to take a broader approach on the subject (which could also encompass future civil crises of a different kind, such as natural or environmental disasters), whereas others considered that any work should primarily focus on the present pandemic and its impact on human rights. The importance of an approach which would encompass both civil and political as well as economic and social rights was underlined by a number of delegations, in light of the impact the pandemic had had on practically all human rights.
74. Many delegations underlined that the CDDH could make a useful contribution to the topic by providing guidance on the quality of decision-making during a pandemic (e.g. decision-makers having proper regard to the importance of human rights and ensuring transparency of the decision-making process), without necessarily pronouncing itself on substantive issues. The representative of ENNHRI offered to share any collected information from its members on the pandemic-related aspects of human rights with the CDDH upon request. Some delegations stressed the importance of reconciling the additional workload with available Secretariat resources.

75. In light of this discussion, the CDDH expressed its readiness to examine these issues in greater depth in the light of any decisions to be taken by the Committee of Ministers. The Secretariat will keep the CDDH informed about ongoing pandemic-related work in other parts of the Council of Europe.

ITEM 14: OTHER POSSIBLE CDDH WORK IN 2021

76. The CDDH proceeded to an exchange of views on its work in 2021. It noted in this respect that:

- (i) the continuation of the work of the "47+1" Group will have priority in 2021;
- (ii) the finalisation of the ongoing work within its Drafting Groups DH-SYSC-IV, DH-SYSC-V, CDDH-MIG and CDDH-ENV will also constitute a priority objective.
- (iii) As mentioned above, the CDDH expressed the wish to undertake work relating to the health crisis and its consequences on human rights in member states if the Committee of Ministers gives it a mandate to do so.
- (iv) The Bureau will consider, at its 105th meeting (27-28 May 2021), proposals for work with a view to the discussion to be held at the 94th meeting of the CDDH (16-18 June 2021) to prepare the draft Programme of Activities 2022-2023 to be submitted to the Committee of Ministers for decision by the latter in autumn 2021. In this context, it considered that:
 - (a) the possible terms of reference which the Committee of Ministers will give it following its decisions of 4 November 2020 on the Interlaken Declaration will constitute the priority work of the DH-SYSC;
 - (b) the possible revision of Recommendation CM/Rec(2010)4 on human rights of members of the armed forces as well as possible work on conscientious objection to compulsory military service should be included in its Programme for the next biennium according to modalities to be discussed, possibly through a Drafting Group which would be entrusted with the examination of both issues;
 - (c) the time will probably be come in 2022 to undertake work, within a Drafting Group of the CDDH, on human rights and artificial intelligence.

77. Contribution of the CDDH to the key priorities of the Organisation - As a background to be borne in mind during the discussions on the Programme of Activities 2022-2023, the CDDH fully endorsed the detailed reply of its Chairperson M. Morten RUUD (Norway) sent on 28 September 2020 to the Secretary General of the Council of Europe concerning the letter and the questionnaire the latter sent to the respective Chairs of the Steering Committees, Ad hoc Committees and CDADI Committee inviting them to identify the key priorities for the Organisation in order to best respond to the challenges facing European societies. This detailed reply is contained in document CDDH(2020)16.

ITEM 15: CONVENTIONS

78. The CDDH held an exchange of views on the state of signatures and ratifications of the treaties under its responsibility, in particular on the state of ratification of Protocols No. 15 (still awaiting ratification by one member state in order to enter into force) and No. 16 (ratified since the meeting of the CDDH November 2019, by Luxembourg and the Slovak Republic) to the European Convention on Human Rights. It noted that the DH-SYSC will in the future, as it was the case when it was able to meet, monitor these instruments. The CDDH welcomed the entry into force of the Council of Europe Convention on Access to Official Documents (Tromsø Convention) and took note of the calendar for the establishment in 2021 of the monitoring mechanisms provided for by this Convention.
79. The state of signatures and ratifications of the various instruments concerned is set out in Appendix IX below.

ITEM 16: CDDH FOCAL POINTS AND RAPPORTEURS

80. The CDDH confirmed the list of its focal points within other bodies and of its Rapporteurs for the next biennium as it appears in Appendix XI below.
81. The CDDH took note of the oral and written information provided by the focal points who have represented it in other bodies/events since the 92nd meeting (26-29 November 2020). The written information appears in document CDDH(2020)16. Those relating in particular to human rights and artificial intelligence (a subject which the CDDH does not wish to address before 2022) are reproduced in Appendix VII below.

ITEM 17: INVITEES

82. The CDDH noted with satisfaction the intention of the Secretary General, Ms Marija PEJČINOVIĆ BURIC to meet the CDDH at the 94th meeting of the CDDH (16-18 June 2021) as well as the intention of the President of the European Court of Human Rights, Mr Robert SPANO, to participate in the Seminar organised by *Pluricourts* and the CDDH on 15 June 2021.
83. With regard to the personalities to be invited at its 95th meeting (23-26 November 2021), the CDDH asked the Secretariat to invite the Council of Europe Commissioner for Human Rights, Ms Dunja MIJATOVIĆ, and the future Chairperson of the so-called "Consultation of the Parties" mechanism provided for by the *Tromsø Convention*.

ITEM 18: ELECTIONS

84. The CDDH re-elected the Chairperson Mr Morten RUUD (Norway) and the Vice-Chair Ms Kristīne LĪCIS (Latvia) and elected two Bureau members (Ms Brigitte OHMS (Austria) and Ms Babette KOOPMAN (Netherlands)). It decided to extend until the end of 2021 the current mandate of the Chairperson of its Committee of Experts on the system of the Convention (DH-SYSC, Mr Hans-Jörg BEHRENS (Germany)). It appointed Ms Krista OINONEN (Finland) Rapporteur on Human Rights in Culturally Diverse Societies and Ms Nicola WENZEL (Germany) Rapporteur on Human Rights and Business. It also held elections for the composition of the CDDH-ENV.
85. The table summarising the composition of the Bureau, the Chairmanships and the Drafting Groups following these elections appears in Appendix XII below.

ITEM 19: PUBLICATIONS

86. The CDDH noted with satisfaction the publication, both on its website and in hard copy, of its Contribution to the evaluation foreseen by the Interlaken Declaration. The publication also contains the Opinion of the Court on the CDDH's Contribution as well as the Follow-up Decisions adopted by the Committee of Ministers on 4 November 2020. The CDDH is very grateful to the Secretary General for her preface.
87. It also appreciated the recent publication of its Report on the place of the Convention in the European and international legal order.
88. The list of recent publications and those planned for 2021 appear in Appendix XIII below.
89. CDDH websites - the Secretariat informed on the ongoing improvements to the CDDH site and of the proposals under consideration, for the time being within the Secretariat, to have dedicated websites (which would be linked to the main site) dealing respectively with (i) access to official documents, (ii) human rights and business and (iii) the participation of civil society representatives in intergovernmental work on human rights.
90. The CDDH welcomed the quality and speed of the publication of the texts of which the CDDH is the author and, in particular, the very clear and attractive manner in which recent publications appear on the [website](#) of the Steering Committee.

ITEM 20: CALENDAR

91. The CDDH exchanged views on the important changes that had to be introduced in the calendar approved by the Plenary in November 2019 due to the security measures dictated by the current Covid-19 pandemic.
92. Recalling that further changes could be introduced depending on the health situation, which remains uncertain for the coming months, the CDDH reiterated that no bookings for travel or accommodation should be made before receipt of the official invitation to the meetings.
93. The provisional calendar up to 31 December 2021 (end of the current biennium) as adopted by the CDDH at the present meeting appears in Appendix XIV below.

ITEM 21: ACKNOWLEDGMENTS

94. The CDDH noted that Mr Chanaka WICKREMASINGHE (United Kingdom) had to leave the Bureau and the CDDH in the course of 2020, having been called to other functions. It expressed its deep gratitude to him for his exemplary commitment and outstanding contribution to the work of the CDDH, within the Bureau and the Drafting Groups and as Rapporteur of the CDDH on several particularly complex and sensitive issues. It wished him every success in his new functions. The CDDH also thanked another outgoing member of the Bureau, namely Ms Maris KUURBERG (Estonia) and expressed its satisfaction that it would still benefit from her presence in the plenary meetings.
95. The CDDH would also like to thank one of its oldest experts, Mr Peter WHITE (Ireland) for his always constructive and appreciated contribution to the work of the Steering Committee over many years.

ITEM 22: OTHER BUSINESS

96. Deadline for the adoption of this report - The CDDH noted that on 15 January 2021 the Secretariat will send to all participants in CDDH meetings the draft meeting report as validated by the Chairperson.

- Delegations wishing to do so may send to the Secretariat (DGI-CDDH@coe.int) until Friday 22 January 2021 any proposals for amendments which, as usual, should concern only the form.
- The meeting report will be considered as adopted by electronic procedure on Monday 25 January 2021.
- It will be communicated to the Committee of Ministers for information.

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Appendix I**Agenda***(93rd meeting of the CDDH (14–16 December 2020))*The agenda and documents for the meeting are available at www.coe.int/cddh

ITEM 1: OPENING OF THE MEETING, ADOPTION OF THE AGENDA AND ORDER OF BUSINESS	
<i>The Chair of the CDDH, Mr Morten RUUD (Norway) will open the meeting and invite the CDDH to adopt the agenda and order of business.</i>	
<i>The Chair and the Secretariat will inform about the procedure for holding the elections. The Secretariat will inform on the way the latter will be organised via KUDO.</i>	
CDDH(2019)R92	Report of the 92 nd CDDH meeting (26–29 November 2019)
CDDH-BU(2020)R104	Report of the 104 th Bureau meeting (29 October 2020)
ITEM 2: RECOMMENDATIONS OF THE PARLIAMENTARY ASSEMBLY	
<i>The Secretariat will present the texts approved by the CDDH by written procedure since its last meeting and subsequently sent to the Secretariat of the Committee of Ministers.</i>	
CDDH(2020)08	Comments by the CDDH adopted after its 92 nd meeting (26–29 November 2019)
ITEM 3: WORK ON THE SYSTEM OF THE CONVENTION	
3.1. Follow-up to the Interlaken Declaration	
<i>The CDDH is invited to exchange views on the decisions adopted by the Committee of Ministers at its Ministerial Session on 4 November 2020 regarding the follow-up to be given to the Interlaken process.</i>	
CM/Del/Dec(2020)130/4	Decisions of the Committee of Ministers – “Securing the long-term effectiveness of the European Convention on Human Rights: assessment of the Interlaken Process and the way forward” (4 November 2020)
CDDH(2019)R92Add2 Publication	Contribution of the CDDH to the evaluation provided for by the Interlaken Declaration
Comment by the European Court of Human Rights	
3.2 CDDH ad hoc negotiation Group on the EU accession to the ECHR (“47+1 Group”)	
<i>The Chair of the “47+1 Group”, Ms. Tonje MEINICH (Norway) will present the conclusions of the 6th meeting (29 September - 1 October 2020) and the 7th meeting of the Group (24-27 November 2020) as well as the organisation of its future work.</i>	
47+1(2020)2	Chair’s paper to structure the discussion of the 6 th meeting
47+1(2020)R6	Report of the 6 th meeting of the “47+1 Group” (29 September -1 October 2020)

47+1(2020)R7	Report of the 7 th meeting of the “47+1 Group” (24-27 November 2020)
	3.3 Drafting Group on effective processing and resolution of cases relating to inter-State disputes (DH-SYSC-IV)
<i>The Chair of the DH-SYSC-IV, Mr Alain CHABLAIS (Switzerland) will inform the CDDH about the progress of work in the Drafting Group during and after its 2nd meeting (9-11 September 2020) and refer questions regarding the scope of the DH-SYSC-IV’s terms of reference. The CDDH will be invited to provide guidance to the Drafting Group on the referred questions. The Chair of the Committee of experts on the system of the European Convention on Human Rights (DH-SYSC) Mr Hans-Jörg BEHRENS (Germany) will inform the CDDH about the preparation of the high-level Conference of experts on the effective processing and resolution of cases relating to inter-State disputes (12 and 13 April 2021, to be organized under the auspices of the German Presidency of the Committee of Ministers).</i>	
DH-SYSC-IV(2020)07Rev	Questions regarding the scope of the DH-SYSC-IV’s terms of reference
DH-SYSC-IV(2020)05Rev	Compilation of comments by member States on the Draft CDDH report on the effective processing and resolution of cases relating to inter-State disputes (document DH-SYSC-IV(2020)04)
DH-SYSC-IV(2020)06Rev	Compilation of drafting proposal and comments received after the 2 nd meeting of DH-SYSC-IV (9-11 September 2020) by member States on the Draft CDDH report on the effective processing and resolution of cases relating to inter-State disputes (document DH-SYSC-IV(2020)04Rev)
DH-SYSC-IV(2020)R2	Report of the 2 nd meeting of the DH-SYSC-IV (9–11 September 2020)
DH-SYSC-IV(2020)04Rev	Draft CDDH report on the effective processing and resolution of cases relating to inter-State disputes
	3.4 Drafting Group on enhancing the national implementation of the system of the European Convention on Human Rights (DH-SYSC-V)
<i>The Chair of DH-SYSC-V, Mr Vít Alexander SCHORM (Czech Republic) will present the conclusions of the 1st meeting of the Group (14-16 October 2020) as well as the organisation of its future work. The CDDH will be invited to take a decision on the question referred by DH-SYSC-V whether proposals to amend the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements in order to enable the bar associations to make submissions under Rule 9 with a view to promoting the involvement of all national stakeholders, fall within the DH-SYSC-V’s terms of reference.</i>	
DH-SYSC-V(2020)R1	Report of the 1 st meeting of the DH-SYSC-V (14–16 October 2020)
	3.5 Preparation of the Seminar <i>Pluricourts - CDDH : National implementation of the European Convention on Human Rights - How to put the “shared responsibility” into practice?</i>
<i>The CDDH will be invited to exchange views on the preparation of the Seminar <i>Pluricourts - CDDH</i>, postponed to 2021 due to the COVID-19 pandemic.</i>	
CDDH(2020)01	Information provided by the Secretariat

ITEM 4: ENVIRONMENT AND HUMAN RIGHTS

The CDDH will be invited to adopt the terms of reference of the Drafting Group on Human Rights and the Environment (CDDH-ENV) and to designate its nine members. It is reminded that the CDDH, at its 92nd meeting (26-29 November 2019) elected Ms Kristīne LĪCIS (Latvia) Chair of this Group. Furthermore, the CDDH will be informed about the possibility of holding, in conjunction with the 1st meeting of the CDDH-ENV, a Seminar on Environment, Human Rights and Business, which is envisaged to be organised under the auspices of the German Presidency of the Committee of Ministers in cooperation with the CDDH.

[CDDH\(2020\)05](#)

Secretariat's proposals for the terms of reference of the CDDH-ENV

[CDDH Publication "Environmental Protection and Human Rights"](#)

ITEM 5: ARTIFICIAL INTELLIGENCE AND HUMAN RIGHTS

The CDDH will be invited to discuss on the terms of reference of the Drafting Group on Human Rights and Artificial Intelligence (CDDH-INTEL) and, if necessary, to designate its Chair and ten members.

[CDDH\(2020\)09](#)

Secretariat's proposals for the terms of reference of the CDDH-INTEL

[CDDH\(2020\)10Rev](#)

Information on the Council of Europe's work on Artificial Intelligence

ITEM 6: CIVIL SOCIETY AND NATIONAL HUMAN RIGHTS INSTITUTIONS

The Chair of the Drafting Group on civil society and national human rights institutions (CDDH-INST), Ms Krista OINONEN (Finland) will inform on the work having led to the adoption by the CDDH, following an electronic procedure, of the draft Recommendation CM/Rec(2020)... of the Committee of Ministers to the member States on the development and strengthening of effective, pluralist and independent national human rights institutions.

[CDDH-INST\(2020\)R6](#)

Report of the 6th meeting of the CDDH-INST (4–6 March 2020)

[CDDH \(2020\)R93Addendum1](#)

Draft Recommendation as adopted by the CDDH

ITEM 7: MIGRATION AND HUMAN RIGHTS

The Chair of the Drafting Group on Migration and Human Rights (CDDH-MIG) Mr Morten RUUD (Norway) will present the work planned by the Group in 2021.

[CDDH-MIG\(2019\)R7](#)

Report of the 7th meeting of CDDH-MIG (23–24 October 2019)

ITEM 8: PROHIBITION OF THE TRADE OF GOODS USED FOR TORTURE AND DEATH PENALTY

The Chair and the Secretariat will inform on the work having led to the adoption by the CDDH, following an electronic procedure, of the draft Recommendation CM/Rec(2020)... of the Committee of Ministers to the member States on measures against the trade of goods used for torture and other cruel, inhuman or degrading treatment or punishment and the death penalty.

[CDDH \(2020\)R93Addendum2](#)

Draft Recommendation as adopted by the CDDH

CDDH (2020)R93Addendum2
Appendix

Draft explanatory memorandum to the draft Recommendation CM/Rec(2020)... of the Committee of Ministers to member States on measures against trade of goods used for the death penalty, torture or other cruel, inhuman or degrading treatment or punishment

ITEM 9: HUMAN RIGHTS AND BUSINESS	
<i>The Secretariat will provide information about the ongoing work with regard to preparations for the evaluation, in 2021, of the implementation of Recommendation CM/Rec(2016)3 on Human Rights and Business.</i>	
CDDH(2020)11	Draft Report on the implementation of the Recommendation CM/Rec(2016)3
ITEM 10: ACCESS TO OFFICIAL DOCUMENTS	
<i>The Secretariat will inform about the entry into force of the Council of Europe Convention on access to official documents (CETS No. 205) on 1st December 2020.</i>	
CDDH(2020)12	Information provided by the Secretariat
ITEM 11: GENDER EQUALITY	
<i>The CDDH will be informed by its Rapporteur on gender equality, Mr Philippe WERY (Belgium) about the gender-equality form proposed to be used in CDDH sub-ordinate bodies.</i>	
CDDH(2020)13	Draft Form prepared by the CDDH Rapporteur on gender equality
ITEM 12: BIOETHICS	
<i>The CDDH will be invited to exchange views with the Secretary of the Committee on bioethics (DH-BIO), Ms. Laurence LWOFF on the ongoing and future work of the DH-BIO.</i>	
17th DH-BIO Decisions	Decisions of the 17 th meeting of the Committee on bioethics (DH-BIO) (2–6 November 2020)
ITEM 13: TOUR DE TABLE ON THE INTEREST OF POSSIBLE CDDH WORK RELATED TO THE HEALTH CRISIS AND ITS CONSEQUENCES ON HUMAN RIGHTS IN THE MEMBER STATES	
<i>In the light of the suggestions of the Bureau (19 May and 29 October 2020) the CDDH will be invited to exchange views on the interest of possible work related to the health crisis and its consequences in the member States.</i>	
CDDH(2020)14	Information provided by the Secretariat
ITEM 14: OTHER POSSIBLE CDDH WORK IN 2021	
<i>In the light of the suggestions of the Bureau (19 May and 29 October 2020) the CDDH will be invited to exchange views on possible work in 2021 related to (i) the possible revision of Recommendation CM/Rec(2010)4 on human right of members of armed forces ; (ii) conscientious objection to compulsory armed military service, and (iii) the contribution of the CDDH to the key priorities for the Organisation.</i>	
CDDH(2020)03	Contribution by the NGO EUROMIL regarding Recommendation CM/Rec(2010)4
CDDH(2020)04	Survey on the conscientious objection to compulsory armed military service in Europe
CDDH(2020)16	Detailed reply from the Chair of the CDDH regarding the Organisation's key priorities in order to respond in the best way to the challenges faced by the European societies

ITEM 15: CONVENTIONS	
<i>The CDDH will be invited to exchange views on the state of signature/ratification of instruments in charge of the CDDH, concerning Protocols No.15 and No.16 ECHR.</i>	
CDDH(2020)15	Information provided by the Secretariat
ITEM 16: CDDH FOCAL POINTS AND RAPPORTEURS	
<i>The CDDH will be invited to exchange views on possible information provided by the focal points representing the Steering Committee in other bodies / events.</i>	
CDDH(2020)16 (see above, Item 14)	Information provided by the focal points representing the CDDH in other bodies / events
ITEM 17: INVITEES	
<i>The CDDH will be invited to exchange views on possible invitees to the forthcoming CDDH meetings.</i>	
CDDH-BU(2020)R104 (see above, Item 1)	Report of the 104 th Bureau meeting (29 October 2020)
ITEM 18: ELECTIONS	
<i>The CDDH will proceed to elections via KUDO.</i>	
Resolution(2011)24	
CDDH-BU(2020)R104 Appendix VIII (see above, Item 1)	Report of the 104 th Bureau meeting (29 October 2020)
ITEM 19: PUBLICATIONS	
<i>The CDDH will be invited to exchange views on the current and future publications.</i>	
CDDH Publications' website	
ITEM 20: CALENDAR	
<i>The CDDH will be invited to exchange views on the draft calendar for 2021, in the light of the suggestions put forward by the Bureau at its meeting on 29 October 2020. In this context, the CDDH will be invited to decide on dates for the Seminar Pluricourts-CDDH (cf. item 3.5 above).</i>	
CDDH-BU(2020)R104 Appendix X (see above, Item 1)	Report of the 104 th Bureau meeting (29 October 2020)
ITEM 21: ACKNOWLEDGEMENTS	
ITEM 22: OTHER BUSINESS	

Appendix II**List of participants***(93rd meeting of the CDDH, 14-16 December 2020)***MEMBERS / MEMBRES****ALBANIA / ALBANIE****ANDORRA / ANDORRE**

Mr. Jordi CANUT MARTÍ, Third Secretary, Ministry of Foreign Affairs, Department of multilateral affairs and cooperation

ARMENIA / ARMÉNIE

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

Ms Manushak ARAKELYAN, Head of Multilateral Treaties Division of Treaties and International Law Department, Ministry of Foreign Affairs

AUSTRIA / AUTRICHE

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

AZERBAIJAN / AZERBAÏDJAN

Mr Şahin ABBASOV, Adviser, Human Rights Protection Unit, Law Enforcement Bodies and Military Issues Department of the Administration of the President

BELGIUM / BELGIQUE

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

BULGARIA / BULGARIE

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

CROATIA / CROATIE

Mrs Romana KUZMANIĆ OLUIĆ, Counsellor, Ministry of Foreign and European Affairs

CYPRUS / CHYPRE

Ms Theodora CHRISTODOULIDOU, Counsel of the Republic, Office of the Attorney-general

CZECH REPUBLIC / RÉPUBLIQUE TCHÈQUE

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

DENMARK / DANEMARK

Ms Maria CARLSSON, Deputy Head of Division, Ministry of Justice

ESTONIA / ESTONIE

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

FINLAND / FINLANDE

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

FRANCE

M. Benoît CHAMOULARD, Sous-directeur des droits de l'Homme, Direction des affaires juridiques ministère de l'Europe et des Affaires étrangères

GEORGIA / GÉORGIE

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

Mr Giorgi BAIDZE, Ministry of Justice of Georgia, Specialist at the Department of State Representation to the International Courts

Mr Nino NIKOLAISHVILI, Ministry of Justice of Georgia, Specialist at the Department of State Representation to the International Courts

Ms Nana CHANTURIDZE, Ministry of Justice of Georgia, Specialist at the Department of State Representation to the International Courts

GERMANY / ALLEMAGNE

Dr. Hans-Jörg Behrens, LL.M. (London), Ministerialrat, Leiter des Referats IV C 1, Menschenrechte Verfahrensbevollmächtigter der Bundesregierung vor dem Europäischen Gerichtshof für Menschenrechte Bundesministerium der Justiz und für Verbraucherschutz

Dr. Nicola WENZEL, LL.M., Head of Human Rights Division, Agent before the European Court of Human Rights Federal Ministry of Justice and Consumer Protection

GREECE / GRÈCE

Mr Elias KASTANAS, Conseiller juridique adjoint, Service juridique, ministère des Affaires Etrangères

HUNGARY / HONGRIE

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

ICELAND / ISLANDE

Ms Elísabet GÍSLADÓTTIR, Legal Advisor, Ministry of Justice

IRELAND / IRLANDE

Mr Barra LYSAGHT, Legal Division, An Roinn Gnóthaí Eachtracha, Department of Foreign Affairs

ITALY / ITALIE

Ms Emma RIZZATO, Magistrato, Gabinetto del Ministro, Ministero delle Giustizia

LATVIA / LETTONIE

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

LIECHTENSTEIN

Ms Helen LOREZ

LITHUANIA / LITUANIE

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

LUXEMBOURG

M^{me} Brigitte KONZ, Présidente du Tribunal d'Arrondissement de Diekirch

MALTA / MALTE

Dr Julian VELLA, Lawyer, Office of the State Advocate

REPUBLIC OF MOLDOVA/ RÉPUBLIQUE DE MOLDOVA

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

Ms Oana EZER, Government Agent, Ministry of Justice

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MONACO

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

MONTENEGRO / MONTÉNÉGRO

Ms Valentina PAVLIČIĆ, Government Agent before the ECtHR

NETHERLANDS / PAYS-BAS

Ms Kanta ADHIN, Deputy Agent to the European Court of Human Rights, Ministry of Foreign Affairs

Ms Babette KOOPMAN, Government Agent before the ECtHR, Ministry of Foreign Affairs

NORTH MACEDONIA / MACÉDOINE DU NORD

Mr. Toni Pavloski

Director of the Directorate for Multilateral Relations and Security Cooperation at the Ministry of Foreign Affairs

NORWAY / NORVÈGE

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

Mr Isa RAMA, Adviser, Norwegian Ministry of Justice and Public Security, Legislation Department

Ms Helle Aase FALKENBERG, Adviser, Norwegian Ministry of Justice and Public Security, Department of Legislation

Ms Tonje MEINICH, Deputy Director General, Legislation Department, Ministry of Justice and Public Security

POLAND / POLOGNE

Mr Jan SOBCZAK, Government Agent, Acting Director, Department for Proceedings before International Human Rights Protection Bodies, Ministry of Foreign Affairs

PORTUGAL

Ms Maria de Fátima GRAÇA CARVALHO, Agente du Gouvernement auprès de la CEDH, Procureur-Général adjointe

ROMANIA / ROUMANIE

Mr Dragoș HOTEA, Director, Directorate for Human Rights, Protection of Minorities and CoE, Ministry of Foreign Affairs,

RUSSIAN FEDERATION / FÉDÉRATION DE RUSSIE

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

Ms Olga ZINCHENKO, Third Secretary of the Department for Humanitarian Cooperation and Human Rights.

M. Stanislav KOVPAK, Représentant du ministère de la Justice

Mr Vladislav ERMAKOV, Adjoint au Représentant permanent de la Fédération de Russie auprès du Conseil de l'Europe

SAN MARINO / SAINT-MARIN

Ms Michela BOVI, Co-Agente du Gouvernement auprès de la CEDH, Ambassade de Saint-Marin en Belgique

SERBIA / SERBIE

Ms Zorana JADRIJEVIĆ MLADAR, Acting State Attorney Deputy Government Agent of the Republic of Serbia before the ECHR, The State Attorney's office

SLOVAK REPUBLIC / RÉPUBLIQUE SLOVAQUE

Ms Karina KICUROVA, Representative of the Permanent Mission of Slovakia to the Council of Europe

SLOVENIA / SLOVÉNIE

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

Mr Helmut HARTMAN, Legal adviser, Permanent Representation of Slovenia to the CoE, Strasbourg

SPAIN / ESPAGNE

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

Mr Alfonso BREZMES MARTÍNEZ DE VILLARREAL, Agent before the ECtHR, Head of the Human Rights Area of the Constitutional Law & Human Rights Department, Ministry of Justice

SWEDEN / SUÈDE

Mr Adrian ENGMAN, Head of Litigation Team, Ministry for Foreign Affairs

SWITZERLAND / SUISSE

M. Alain CHABLAIS, Dr. iur., Département fédéral de justice et police DFJP, Office fédéral de la justice OFJ, Agent du Gouvernement suisse devant la Cour européenne des droits de l'Homme

TURKEY / TURQUIE

M^{me} Aysen EMÜLER, Experte Juridique, ministère des Affaires Etrangères, Représentation Permanente de la Turquie auprès du Conseil de l'Europe

Ms Duygu ÇELİK, Experte juridique des droits de l'homme, ministère des Affaires Etrangères

Mr Ahmet METİN GÖKLER, juge rapporteur, ministère de la Justice

Mr Hacı Ali AÇIKGÜL, Judge, Head of the Human Rights Department, Ministry of Justice

Mr Ahmet MÜŞERREF YAKIŞIK, deputy head of Department, Ministry of Justice

Mr Yakup YILDIRIM, Legal Counselor, Représentation Permanente de la Turquie auprès du Conseil de l'Europe

UKRAINE**UNITED KINGDOM / ROYAUME-UNI**

Ms Susan DICKSON, Foreign and Commonwealth Office

Ms Debra GERSTEIN, Foreign and Commonwealth Office

INVITEE / INVITÉ

Dr Michael CROWLEY, Omega Research Foundation

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

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

Directorate of Legal Advice and Public International Law/Directeur du Conseil Juridique et du droit international public (DLAPIL)

Mr Jörg POLAKIEWICZ, Director / Directeur

CDDH(2020)R93

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

Mr Jean-Bernard MARIE

CCBE

Mr Piers GARDNER, Chair of the Permanent Delegation

EUROPEAN UNION / UNION EUROPÉENNE

Mr Efthymios TZIOKAS, Political and Legal Affairs, EU Delegation to the Council of Europe

OBSERVERS / OBSERVATEURS**HOLY SEE / SAINT-SIÈGE**M^{me} Christine JEANGÉY, Officiel, Chargée des Droits de l'Homme et du Droit Humanitaire, Dicastère pour le service du développement humain intégral**Non-member State / Pays non-membre****European Network of National Human Rights Institutions (ENNHRI) / Réseau européen des institutions nationales des droits de l'Homme**

Ms Debbie KOHNER, Secretary General

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

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

Mr Stefan CLAUWAERT, ETUC Senior Legal and Human Rights Advisor, ETUC Representative in the European Social Charter Governmental Committee

Amnesty International

Ms Rita PATRICIO

Mr Sébastien RAMU

Mr Patrick WILCKEN

Ms Verity COYLE

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

Ms Roisin PILLAY

Mr Massimo FRIGO, Legal Advisor at the Europe Programme of the ICJ

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

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

SECRETARIAT / Secrétariat**Directorate General Human Rights and Rule of Law / Direction générale Droits de l'Homme et Etat de droit (DG I)**

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

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

Mr Matthias KLOTH, Secretary of the CDDH *ad hoc* negotiation Group on the accession of the European Union to the European Convention on Human Rights / Secrétaire du Groupe de négociation ad hoc du CDDH sur l'adhésion de l'Union européenne à la Convention européenne des droits de l'homme (« 47+1 Group » / « Groupe 47+1 »).

Ms Laurence LWOFF, Secretary of the Committee on Bioethics / Secrétaire du Comité de Bioéthique (DH-BIO)

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

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

Ms Merete BJERREGAARD, Administrator / Administrateur, Secretary of the Drafting Group on Civil Society and National Human Rights Institutions / Secrétaire du Groupe de rédaction sur la société civile et les institutions nationales des droits de l'homme (CDDH-INST)

Ms Elvana THACI, Administrator / Administrateur, Secretary of the Committee of experts on the System of the European Convention on Human Rights / Secrétaire du Comité d'experts sur le système de la Convention européenne des droits de l'homme (DH-SYSC)

M^{me} Corinne GAVRILOVIC, Assistant / Assistante

INTERPRETERS / INTERPRÈTES

M^{me} Chloé CHENETIER

M^{me} Lucie DE BURLET

M^{me} Julia TANNER

* * *

Appendix III**CDDH Comments on
Recommendations of the Parliamentary Assembly***(comments adopted by written procedure)***I. Recommendation 2166(2019) – “Human rights and business – what follow-up to Committee of Ministers Recommendation CM/Rec(2016)3?”****CDDH COMMENTS**

1. The CDDH takes note with interest of Parliamentary Assembly’s Recommendation 2166(2019) – “*Human rights and Business – What follow-up to Committee of Ministers Recommendation CM/Rec(2016)3?*”. The CDDH finds the text sent the Assembly very timely, since the Committee of Ministers is expected to review the implementation of its Recommendation to member States on Human Rights and Business (hereinafter CM/Rec(2016)3) during the present biennium. At this stage, and as a preliminary response to the recommendations put forward by the Assembly, the CDDH would like to inform on the following concerning the various paragraphs of the Assembly’s text:

Paragraph 1.1 of the Assembly’s text

2. Council of Europe activities aimed at raising awareness on and promoting this text include the *HELP Course on Business and Human Rights* which introduces participants to the relevant existing international legal framework and explores the applicable jurisprudence of the European Court of Human Rights. A page in the [HELP Online Platform](#) has also been created where member States can register their relevant representatives or interlocutors in order to upload information or engage with other users.
3. In addition, a *Handbook for Legal Practitioners* was published in 2019.
 - i. This introduces the regional and international standards and mechanisms relevant to addressing business and human rights issues in Europe.
 - ii. It is intended to serve as a resource for legal practitioners, and others, across government, business, civil society, the media and in independent bodies, such as ombudsmen and national human rights institutions.

Paragraph 1.2

4. The CDDH will be invited to discuss questions related to the scope, process, stakeholders’ participation and time-frame of the examination of the implementation of CM/Rec(2016)3 as required under this recommendation. The CDDH’s [Online Platform](#) for Human Rights and Business provides a good basis for preparatory reflections and related discussions.

Paragraph 1.3

5. The CDDH’s discussion mentioned in the previous paragraph may address, *inter alia*, the desirability and feasibility of conducting reviews of the implementation of CM/Rec(2016)3 beyond 2021.

Paragraph 1.4

6. The CDDH welcomes the support for its work on Human Rights and Business. It underlines the need to reinforce its human resources available to enable to carry out its work, notably the examination of the implementation of CM/Rec(2016)3 and ensuring the continuous operations of the Platform.

Paragraph 1.5

7. The Platform was published on 27 November 2019.
- i. Information contained on its public pages includes links to relevant standards and guidance in the field of business and human rights at the level of the UN, Council of Europe, the Organisation for Economic Co-operation and Development (OECD), and the International Labour Organisation (ILO).
 - ii. Also, an index of the published National Action Plans on Business and Human Rights is available and searchable by State.
 - iii. CDDH members have also provided information regarding actions taken to implement CM/Rec(2016)3; this information is searchable by State or by pillar of the UN Guiding Principles on Business and Human Rights.
 - iv. The Platform features information covering 21 States, 19 National Action Plans and 30 selected practices.
 - v. The CDDH contributes to update the Platform with information. A compilation of replies by member States on a questionnaire regarding the implementation of Rec(2019)6 is available in the document [CDDH\(2016\)06](#).
 - vi. The Platform is intended to serve as a continually updated resource. States and National Human Rights Institutions are still encouraged to submit responses to the questionnaire and to contribute implementation practices and relevant information to the Platform.

Paragraph 1.6

8. At present 19 member States have published a National Action Plan, with two more in the process of developing a plan. All of these are featured in the Platform. The CDDH discussions that will take place in the context of examining the implementation of CM/Rec(2016)3 (see paragraph 4 above) may create opportunities for encouraging remaining States to develop national action plans, and those States that have already adopted such plans, to share their expertise and experience and support other members in drafting national action plans.

Paragraph 1.7

9. The CDDH Secretariat has engaged in cooperation with other international organisations and will continue to do so.
- i. The Secretariat [co-organised a session](#) with the European Union External Action Service (EEAS) at the 2019 UN Forum on Business and Human Rights, on 27 November 2019 in Geneva.
 - ii. The session “Strengthening regional voices to the top on business and human rights: the role of regional organisations” featured a panel comprising officials from the Council of Europe, African Union, European Union, and the Belgian and Finnish Governments.
 - iii. The Secretariat attended in a speaking capacity the Business & Human Rights Peer Learning Meeting (Brussels, 23 May 2019), organised by the Belgian Government.
 - iv. Additionally, it contributed to a [perspectives paper](#) which was published in connection with the conference *Business and Human Rights: Towards a Common Agenda for Action* organised by the Finnish Presidency of the Council of the European Union (Brussels, 2 December 2019). The perspectives paper underlined, *inter alia*, the complementarity of

- action between the Council of Europe and the EU in ensuring the implementation of the UN Guiding Principles on Business and Human Rights throughout the European region.
- v. The Secretariat also maintains regular contact with counterparts at the UN, EU and OECD, and welcomes further and more sustained collaboration. A representative from the European Union Agency for Fundamental Rights (FRA) is envisioned to attend the next working group meeting for the update of the HELP online course on Human Rights and Business.
 - vi. The CDDH Secretariat remains open to cooperate and collaborate with counterparts in other International Organisations and will seek to ensure our work is complementary and mutually supportive.

Paragraph 1.8

10. The Secretariat follows the outcomes of relevant processes and takes them into account, as appropriate, into its work. The relevance of the Council of Europe's participation in the OEIGWG may be considered in the context of reflections and discussions regarding the examination of the implementation of CM/Rec(2016)3.

Paragraph 1.9

11. The CDDH process of examination of the implementation of CM/Rec(2016)3 may provide an opportunity to consider and assess the desirability and/or feasibility of revising CM/Rec(2016)3.

II. Recommendation 2171(2020) – “Concerted action against human trafficking and the smuggling of migrants.”

CDDH COMMENTS

1. The Steering Committee for Human Rights (CDDH) takes note of and appreciates the Parliamentary Assembly's recommendation to examine the means of strengthening the prohibition of human trafficking.
2. The protection of vulnerable persons, including victims of human trafficking, is a cross-cutting theme throughout the work of CDDH on migration and the Steering Committee expresses its serious concern in respect of these issues.
3. The CDDH considers however that the monitoring mechanism established under the Convention on Action Against Trafficking in Human Beings ([CETS No. 197](#)) is best placed to consider this recommendation of the Parliamentary Assembly in the light of its mandate and expertise in this field. The CDDH stands, of course, ready to offer its contribution, support and cooperation on the topic.

Appendix IV

Decisions by the Committee of Ministers
“Securing the long-term effectiveness of the system of the European Convention
on Human Rights: evaluation of the Interlaken process and next steps”
(4 November 2020)

(adopted at the 130th Ministerial session, Visioconference, Athens)

Decisions

The Committee of Ministers,

On the occasion of the 70th anniversary of the European Convention on Human Rights (the “Convention”), underlining the extraordinary contribution of the Convention system to the protection and promotion of human rights and the rule of law in Europe, and to the implementation of the Universal Declaration on Human Rights, as well as its central role in maintaining and fostering democratic stability across the Continent;

Reiterating its firm and enduring commitment to the Convention system;

Reaffirming the fundamental importance of the right of individual application to the European Court of Human Rights (the “Court”) as a cornerstone of the Convention system and the responsibility of the respondent States to resolve the systemic and structural human rights problems identified by the Court in its judgments;

Emphasising the importance of the principle of subsidiarity, and the related doctrine of the margin of appreciation, for the implementation of the Convention at national level, and of the concept of shared responsibility between the States Parties, the Court and the Committee of Ministers to ensure the proper functioning of the Convention system;

Welcoming the work undertaken by the States Parties within the Council of Europe in the Interlaken Process, which has significantly contributed to timely and tangible developments in the Convention system;

Welcoming also the effective measures adopted in this decade of reform steered by the Committee of Ministers, particularly the Court’s efforts which include the latter’s use of the pilot-judgment procedure, efficient filtering of applications and accelerated adjudication of repetitive cases based on well-established case law;

Underlining the importance of the dialogue between the Court and national courts, including through the Superior Courts Network, aimed at ensuring an exchange of information on Convention case law as a means of developing an enhanced understanding of their respective roles in carrying out their shared responsibility for applying the Convention;

Recalling further the measures adopted by the Committee of Ministers, in particular the new procedures increasing effectiveness and transparency of its supervision of the execution of the Court’s judgments;

Underlining that the highest degree of consistency and clarity of the Court’s judgments contributes to the effective and rapid implementation of the Convention by the States Parties;

Emphasising also the importance of national human rights institutions, Ombudsman institutions, equality bodies and other human rights structures in the implementation of the Convention, and the valuable contribution of civil society organisations to the promotion and protection of the rights enshrined in the Convention;

Resolved to ensure the continued effectiveness of the Convention system:

1. agreed that, whilst no comprehensive reform of the Convention machinery is now needed, further efforts should be pursued by the Council of Europe as a whole to ensure that the Convention system can continue to respond effectively to the numerous human rights challenges Europe faces, including through the efficient response of the Court to pending applications;
2. called upon all States Parties to give full effect to the principle of subsidiarity by complying with their obligations to secure to everyone within their jurisdiction the rights and freedoms defined in the Convention, to abide by the judgments of the Court rendered against them, to ensure the promotion and effective implementation of the Convention, and to translate and disseminate the Court's case law at national level;
3. noting that Protocol No. 15 was opened for signature over seven years ago, urged the State Party which has not yet done so to ratify it;
4. invited the States Parties to consider signing and ratifying Protocol No. 16 to the Convention with a view to further enhancing the interaction between the Court and national courts, thereby reinforcing implementation of the Convention, in accordance with the principle of subsidiarity;
5. invited its Deputies to consider the legal and practical aspects of the Court's proposal to supervise States' compliance with their obligations pursuant to unilateral declarations;
6. in the interests of the effectiveness and credibility of the Convention system, called upon all Convention actors to continue to guarantee the highest standard of qualifications, independence and impartiality of the Court's judges; agreed to consider further means to ensure due recognition for judges' status and service on the Court and providing additional safeguards to preserve their independence, including after the end of their terms; and invited the Deputies to evaluate again by the end of 2024, in light of further experience, the effectiveness of the current system for the selection and election of the Court's judges;
7. emphasised the importance of allocating sufficient resources to the Court so it may accelerate the handling of pending cases;
8. urged all member States to ensure that the Committee of Ministers' Recommendation CM/Rec(2008)2 on efficient domestic capacity for rapid execution of the European Court's judgments is given full effect;
9. agreed to continue to enhance the efficiency of the process of supervision of execution of the Court's judgments, particularly its Human Rights meetings, by further developing its working methods and means available, including by appropriate recourse to political leverage to deal with cases of non-execution or persistent refusal to execute the Court's judgments, and agreed on the importance of sufficient resources for the Department for the Execution of Judgments;
10. encouraged the development in this context of enhanced synergy with the Court as well as with the other relevant Council of Europe stakeholders, in particular with the Parliamentary Assembly and the Commissioner for Human Rights;
11. equally emphasised the importance of maximising the potential of the Council of Europe to support States Parties in the execution process and in the implementation of the Convention at national level, including through co-operation projects such as the HELP Programme (Human Rights Education for Legal Professionals), and by developing synergies with the knowledge sharing platform developed by the Court, in order to facilitate Convention-compliant adjudication by national courts;

12. encouraged States Parties which have not already done so to consider the establishment or strengthening of effective, pluralist and independent national human rights institutions;

13. welcomed the contributions made by States Parties to the special account set up by the Secretary General to allow the Court to deal with the backlog of all well-founded cases, and to the Human Rights Trust Fund, whilst encouraging further contributions;

14. underlined the benefit of the continued practice of secondments of national judges and high-level lawyers to the Court's Registry and encouraged States Parties to pursue their efforts in this respect; and encouraged them also to consider the secondment of national judges or officials to the Department for the Execution of Judgments;

15. welcomed the resumption of the negotiations on the accession of the European Union to the Convention;

16. invited its Deputies to evaluate the first effects of Protocols No. 15 and No. 16 after five years from their respective entry into force, and reiterated the importance of the ongoing intergovernmental work on national implementation of the Convention, with a view to assessing the developments at the Ministerial Session in May 2021.

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Appendix V

**Seminar *Pluricourts*-CDDH: National implementation of the
European Convention on Human Rights –
How to put the “shared responsibility” into practice?**

Draft programme**SEMINAR**

**NATIONAL IMPLEMENTATION OF THE
EUROPEAN CONVENTION
ON HUMAN RIGHTS
HOW TO PUT THE “SHARED
RESPONSIBILITY” INTO PRACTICE?**

Co-organised by the Centre for the Study of the Legitimate Roles of the Judiciary in the Global Order (*PluriCourts*), University of Oslo (Norway) and the Steering Committee for Human Rights (CDDH)

SÉMINAIRE

**MISE EN ŒUVRE NATIONALE DE LA
CONVENTION EUROPÉENNE DES
DROITS DE L'HOMME
COMMENT METTRE EN PRATIQUE LA
« RESPONSABILITÉ PARTAGÉE » ?**

Co-organisé par le *Centre for the Study of the Legitimate Roles of the Judiciary in the Global Order (PluriCourts)*, Université d'Oslo (Norvège) et le Comité directeur pour les droits de l'homme (CDDH)

Strasbourg, Tuesday 15 June 2021 / Strasbourg, mardi 15 juin 2021

subject to the evolution of the COVID-19 pandemic/
sous réserve de l'évolution de la pandémie de Covid-19

DRAFT PROGRAMME / PROJET DE PROGRAMME

Welcome address and opening of the Seminar	09:00	Allocution de bienvenue et ouverture du Séminaire
Mr Christos GIAKOUMOPOULOS Director General, Directorate General Human Rights and Rule of Law (DGI)	09:00	M. Christos GIAKOUMOPOULOS Directeur Général, Direction Générale Droits de l'Homme et État de Droit (DGI)
Mr Robert SPANO President of the European Court of Human Rights	09:10	Mr Robert SPANO Président de la Cour européenne des droits de l'homme
Mr Geir ULFSTEIN Director of <i>PluriCourts</i>	09:20	M. Geir ULFSTEIN Directeur de <i>PluriCourts</i>
SESSION I	09:30	SESSION I
Ensuring conformity of domestic legislation and practice with the ECHR and the practice of the Court		Garantir la conformité de la législation et la pratique internes avec la CEDH et la pratique de la Cour

Member States should not only assess draft laws or regulations for their conformity with the ECHR and the practice of the Court but also their existing legal frameworks at any point in time. How are member States delivering on their obligations? How is the ECHR incorporated in domestic law, notably national constitutions? What are the contributions of the executives, the parliaments and the domestic courts?

Les États membres devraient non seulement évaluer à tout moment la conformité des projets de lois ou de règlements avec la CEDH et la pratique de la Cour mais aussi, à tout moment, la conformité de leur actuel cadre juridique. Comment les États membres respectent-ils leurs obligations? Comment la CEDH est-elle introduite dans le droit interne, notamment dans les constitutions nationales ? Quelle est la contribution respective de l'exécutif, du parlement et des tribunaux internes ?

Moderator: **Mr Morten RUUD**
Chair of the CDDH

Modérateur : **M. Morten RUUD**
Président du CDDH

Mr Linos-Alexandre SICILIANOS
Former President of the European Court of
Human Rights

09:35

M. Linos-Alexandre SICILIANOS
Ancien Président de la Cour européenne des
droits de l'homme

Ms Simona GRANATA-MENGHINI
Deputy Secretary of the
European Commission for Democracy through
Law (Venice Commission)

09:50

M^{me} Simona GRANATA-MENGHINI
Secrétaire adjointe de la Commission
Européenne pour la démocratie par le droit
(Commission de Venise)

Ms Almut WITTLING-VOGEL
Federal Government Commissioner for Human
Rights Issues (Germany)

10:05

M^{me} Almut WITTLING-VOGEL
Commissaire aux droits de l'homme auprès
du Gouvernement fédéral (Allemagne)

[Mr Régis DE GOUTTES
Prime General Attorney, Court of Cassation
(France)]

10 :20

[M. Régis DE GOUTTES
Premier Avocat général honoraire à la Cour
de Cassation (France)]

Comments from academics

Commentaires d'universitaires

Mr Eric VOETEN
Professor, Georgetown University
(United States)

10:40

M. Eric VOETEN
Professeur, Université de Georgetown
(Etats-Unis)

Mr Matthew SAUL
Associate Professor, Inland University of Applied
Sciences (Norway)

10:50

M. Matthew SAUL
Professeur Associé, Université d'Etat de
sciences appliquées (Norvège)

Discussion

Discussion

COFFEE BREAK / GROUP PHOTO

11:20

PAUSE CAFÉ / PHOTO DE GROUPE

SESSION II

11:45

SESSION II

**How does the Council of Europe support
national actors?**

**Comment le Conseil de l'Europe soutient-il
les acteurs nationaux ?**

The Court and Council of Europe's bodies, including the Committee of Ministers and its steering committees, the Parliamentary Assembly and the Commissioner for Human Rights offer numerous avenues and tools to support national actors in ensuring conformity of all domestic action with the ECHR. This session will take stock of what is achieved in this regard and what more can be done.

La Cour et les instances du Conseil de l'Europe, y compris le Comité des Ministres et ses comités directeurs, l'Assemblée parlementaire et la Commissaire aux droits de l'homme offrent nombre de voies et outils pour aider les acteurs nationaux à garantir la conformité de toute action nationale avec la CEDH. Cette session fera le point sur ce qui est réalisé à cet égard et sur ce qui peut encore être fait.

Moderator: **Mr Morten RUUD**
Chair of the CDDH

Modérateur : **M. Morten RUUD**
Président du CDDH

[Mr Roderick LIDDELL
Registrar, Registry of the European Court of
Human Rights]

12:05

[M. Roderick LIDDELL
Greffier, Greffe de la Cour européenne des
droits de l'homme]

Mr Mikhail LOBOV , Head of Human Rights Policy and Co-operation Department, Directorate General Human Rights and Rule of Law (DG I)	12:20	M. Mikhail LOBOV , Chef du Service des politiques et de la coopération en matière de droits de l'Homme, Direction Générale des droits de l'homme et État de droit (DGI)	
Comments		Commentaires	
Mr Robert SPANO Président of the European Court of Human Rights	12:30	M. Robert SPANO Président de la Cour européenne des droits de l'homme	
Ms Başak ÇALI Professor, Hertie School, Berlin (Germany)	12:40	M^{me} Başak ÇALI Professeur, <i>Hertie School</i> , Berlin (Allemagne)	
Discussion		Discussion	
LUNCH BREAK	13:00	PAUSE DÉJEUNER	
SESSION III		SESSION III	
The execution of judgments of the Court – how to achieve further progress?		Exécution des arrêts de la Cour – Comment parvenir à de nouvelles avancées ?	
<i>The execution of the Court's judgments is the cornerstone of the implementation of the ECHR at the national level. Action taken by a State at a specific time following a judgment of the Court should address remedies in respect of violations, including redress for the applicants, as well friendly settlements. What are the roles and contributions of the Committee of Ministers, government agents, national parliaments and supreme courts in execution matters?</i>			
<i>L'exécution des arrêts de la Cour est la pierre angulaire de la mise en œuvre de la CEDH au niveau national. S'agissant de l'action menée par un État à un moment précis à la suite d'un arrêt de la Cour, il faudrait évoquer les recours en cas de violation, y compris la réparation pour les requérants, ainsi que les règlements amiables. Quels sont le rôle et la contribution respectifs du Comité des Ministres, des agents du gouvernement, des parlements nationaux et des cours suprêmes en matière d'exécution ?</i>			
Moderator: Mr Hans-Jörg BEHRENS Chair of the Committee of experts on the system of the European convention on Human Rights (DH-SYSC)		Modérateur : M. Hans-Jörg BEHRENS Président du Comité d'experts sur le système de la Convention européenne des droits de l'homme (DH-SYSC)	
Mr Fredrik SUNDBERG former Head of Department for the Execution of Judgments of the European Court of Human Rights	14:30	M. Fredrik SUNDBERG ancien Chef du Service de l'exécution des arrêts de la Cour Européenne des Droits de l'Homme	
Ambassador Roeland BÖCKER Permanent Representative of the Netherlands to the Council of Europe	14:45	M. l'Ambassadeur Roeland BÖCKER Représentant permanent des Pays-Bas auprès du Conseil de l'Europe	
[Mr Stanislav KOVPAK Representative of the Ministry of Justice of the Russian Federation to the Council of Europe]	15:00	[M. Stanislav KOVPAK Représentant du ministère de la Justice de la Fédération de Russie auprès du Conseil de l'Europe]	
[Mr Titus CORLEATAN Member behalf of Romania within the Parliamentary Assembly of the Council of Europe]	15:15	[M. Titus CORLEATAN Membre au titre de la Roumanie au sein de l'Assemblée parlementaire du Conseil de l'Europe]	
Mr Martin KUIJER Judge at the Supreme Court of the Netherlands	15:30	M. Martin KUIJER Juge à la Cour Suprême des Pays-Bas	

Comments		Commentaires
Mr Philip LEACH Professor, Middlesex University (United Kingdom)	15:40	M. Philip LEACH Professeur, Université de Middlesex (Royaume-Uni)
Mr Øyvind STIANSEN Postdoctoral Fellow, University of Oslo (Norway)	15:50	M. Øyvind STIANSEN Chercheur, Université d'Oslo (Norvège)
COFFEE BREAK	16:00	PAUSE CAFÉ
SESSION IV	16:20	SESSION IV
How can the civil society and National Human Rights Institutions (NHRIs) contribute to the execution of judgments of the Court?		Comment la société civile et les Institution nationales des droits de l'homme (INDH) peuvent-elles contribuer à l'exécution des arrêts de la Cour ?
<i>Civil society plays an increasingly active role in supporting the execution of the Court's judgments. National Human Rights Institutions can make submissions before the Committee of Ministers. Several member States involve NGOs in preparing their national action plans regarding the execution of judgments. How can we strengthen the participation of civil society in execution matters? How can we create an enabling environment for civil society to play its role?</i>		
<i>La société civile joue un rôle de plus en plus actif en appui de l'exécution des arrêts de la Cour. Les institutions nationales des droits de l'homme peuvent transmettre des contributions au Comité des Ministres. Plusieurs États membres impliquent des ONG dans la l'élaboration de leurs plans d'action national concernant l'exécution des arrêts. Comment renforcer la participation de la société civile en matière d'exécution ? Comment créer un environnement lui permettant de jouer son rôle ?</i>		
Moderator: tbc		Modérateur: tbc
Ms Debbie KOHNER Secretary General, European Network of National Human Rights Institutions (ENNHRI)	16:25	M^{me} Debbie KOHNER Secrétaire Générale, Réseau européen des Institutions nationales des droits de l'homme (ENNRHI)
Ms Rita PATRICIO Senior Executive Officer, Amnesty International (United Kingdom)	16:40	M^{me} Rita PATRICIO Administratrice executive, Amnesty International (Royaume-Uni)
Ms Janneke GERARDS Professor, Utrecht Law School (Netherlands)	16:55	M^{me} Janneke GERARDS Professeur, Faculté de droit, Université d'Utrecht (Pays-Bas)
Open discussion	17:05	Discussion libre
Exchange of Convention-based knowledge between ECHR actors at all levels and the ways to improve it		Échange d'expériences sur la Convention entre les divers acteurs concernés à tous les niveaux et manière d'améliorer de tels échanges à l'avenir
Moderator: Mr Christophe POIREL Director of Human Rights, Directorate General Human Rights and Rule of Law (DGI)		Modérateur : M. Christophe POIREL Directeur des droits de l'homme, Direction Générale des droits de l'homme et État de droit (DGI)

Takeaways and final remarks	17:45	Leçons à tirer et remarques finales
Mr Vít Alexander SCHORM , Chair of the Drafting Group on enhancing the national implementation of the system of the European Convention on Human Rights (DH-SYSC-V)		M. Vít Alexander SCHORM , Président du Groupe de rédaction sur le renforcement de la mise en œuvre au niveau national du système de la Convention Européenne des droits de l'homme (DH-SYSC-V)
<i>Vin d'honneur</i>	18:00	<i>Vin d'honneur</i>

* * *

Appendix VI**Terms of reference for the CDDH Drafting Group on
Human Rights and Environment
(CDDH-ENV)**

*(adopted by the CDDH
at its 93rd meeting, 14-16 December 2020)*

The CDDH gives the following terms of reference to its Drafting Group on Human Rights and Environment (CDDH-ENV):

"On the basis of developments in member States, within the Council of Europe and in other fora, and in the light, in particular, of the *Joint Declaration on Human Rights and the Environment of the outgoing and incoming Chairmanships of the Committee of Ministers* (15 May 2020), the CDDH-ENV is instructed to:

- (i) Update the Manual on Human Rights and the Environment (deadline: 15 May 2021);
- (ii) in the light of the draft updated Manual, prepare a draft non-binding instrument (e.g., recommendation; guidelines) on human rights and the environment (deadline: 31 October 2021);
- (iii) Consider the need for further work in this field, bearing in mind the obligations of the member States under the European Convention on Human Rights and the steady development of the case-law by the European Court of Human Rights and national courts that foster the interconnection between the protection of the environment and human rights".⁵

* * *

⁵ Cf. recital 2 of the *Joint Declaration on Human Rights and the Environment of the outgoing and incoming Chairmanships of the Committee of Ministers* (15 May 2020).

Appendix VII

Information provided by the expert of the Republic of Armenia, in its capacity of CDDH focal point in the Ad hoc Committee on Artificial Intelligence (CAHAI)

Introduction

1. The purpose of this information note is to provide an updated overview of the activities of the Ad hoc Committee on Artificial Intelligence (CAHAI) to be included in the report of the plenary meeting of the CDDH (14-16 December 2020).

General Information

2. At their 1353rd meeting (11 September 2019), the Committee of Ministers adopted the terms of reference of the Ad hoc Committee on Artificial Intelligence (CAHAI), mandating the Committee to examine, on the basis of broad multi-stakeholder consultations, the feasibility and potential elements of a legal framework for the development, design and application of artificial intelligence, based on the Council of Europe's standards on human rights, democracy and the rule of law.

3. To date, CAHAI held three plenary meetings, the first one from 18 to 20 November 2019 where it discussed different mappings that should be included in the feasibility study to identify applicable human rights legal frameworks. During its first plenary meeting, the Committee elected its Chairperson (Gregor Stojin, Slovenia), Vice-Chairperson (Peggy Valcke, Belgium) and its Bureau (composed, in addition to the Chairperson and Vice-Chairperson, of five members from Estonia, France, Germany, Italy and Switzerland). The Committee also appointed the Gender Equality Rapporteur (Jana Novohradská, Slovak Republic). The second meeting took place on 6-8 July 2020 and member States had an exchange of views on the content of the table of contents of the Feasibility Study. The third meeting took place on 15-17 December 2020 where CAHAI discussed the Feasibility Study and the comments and proposals submitted by the member States.

4. On 23 September 2020, CAHAI submitted a progress report to the Committee of Ministers. The report included the work undertaken to date, discussions on the impact of the COVID-19 pandemic on CAHAI's activities and reflections on working methods and coordination with other relevant stakeholders in the field of artificial intelligence.

5. In terms of working methods, CAHAI agreed to create three working groups in charge of respectively policy development, legal frameworks, consultations and outreach. The progress report included a table of contents of the future feasibility study and a clear roadmap for future action towards the fulfilment of the mandate entrusted to CAHAI. The roadmap envisaged the consideration of a preliminary draft of the feasibility study including the main elements of a future legal framework during the third plenary meeting of the CAHAI, which took place in December 2020.

6. At the 1384th meeting of the Ministers' Deputies, which took place on 23rd September 2020, the Deputies instructed the CAHAI to make progress on the conclusions, as referred to in paragraph 35 of the progress report, having regard to the need to promote synergy and complementarity of CAHAI's work with that of other international organisations, as stated in paragraph 31 of the report; invited member and observer States to contribute further to the strengthening of CAHAI's activities, through voluntary contributions or any other useful means; decided to extend the membership of the Bureau of the CAHAI by two additional members, bringing the number of its members to nine.

The Feasibility Study

7. On 1 December 2020 (amended on 16 December 2020) a Feasibility Study was drafted by CAHAI-PDG (Policy Development Group), and it was circulated to the member States before the third meeting. Member States submitted several comments and proposals, which were discussed at the third meeting.

8. The Feasibility Study states that to date there is no single definition of artificial intelligence (hereafter also: AI) accepted by the scientific community. Moreover, the various international organisations that have worked on AI have also not found a consensus on the definition of AI. The same relates to non-binding instruments that have been published on this topic by the Council of Europe so far, no uniform definition of AI has been used. As a result, a future Council of Europe legal framework on AI should adopt a simplified and technologically neutral definition of its purpose, covering those practices or application cases where the development and use of AI systems, or automated decision-making systems more generally, can impact on human rights, democracy and the rule of law, and taking into account all of the systems' socio-technical implications.

9. Special emphasis is put on the opportunities and risks arising from the design, development and application of artificial intelligence on human rights, the rule of law and democracy. "Green" and "red" areas - meaning respectively positive and problematic examples of artificial intelligence applications from a human rights, the rule of law and democracy perspective, while considering the context-sensitive environment for artificial intelligence design, development and application in Europe and developments at global level (Chapter 3 of the Feasibility Study).

10. While AI systems can have a highly positive impact across society, including fostering and strengthening human rights, improving research, ameliorating healthcare, etc. the increasing use of AI systems in all areas of private and public life also carries significant challenges for human rights, democracy and the rule of law. In this context, the mapping of risks and opportunities arising from the development, design and application of AI, including the impact of AI on human rights, democracy and the rule of law is carried out specifically in relation to the rights protected by the Convention for the Protection of Human Rights and Fundamental Freedoms and aims to determine to what extent their exercise could be impacted by certain applications of AI and what strategies should be adopted to address this.

11. The Feasibility Study refers to the issue that some applications of AI systems pose a range of risks to human rights, democracy and the rule of law. These risks, however, depend on the application context, technology and stakeholders involved. To counter any stifling of socially beneficial AI innovation, and to ensure that the benefits of this technology can be reaped fully while adequately tackling its risks, it is recommended that a future Council of Europe legal framework on AI should pursue a risk-based approach targeting the specific application context.

12. It is acknowledged that despite existing international and national instruments and ethical guidelines on artificial intelligence, there is certainly a legal vacuum. The number and diversity of instruments, which are both overlapping and mutually reinforcing, complicate their interpretation and application to the artificial intelligence context in a consistent and comprehensive manner, leading to uneven protection levels.

13. On the other hand, while certain soft law instruments (e.g. ethics guidelines) set out more tailored principles on the development and use of AI systems, these are non-binding and hence limited in their effectiveness with regards to the respect of human rights, democracy and the rule of law, as their implementation entirely relies on the goodwill of those involved.

14. In order to fill the gaps in legal protection, a number of different options for a legal framework are available within the Council of Europe, including binding and non-binding legal instruments. The Feasibility Study proposes two options in the contexts of binding legal instruments: a first option that could be considered is to amend/modernise existing binding legal instruments, to complement and/or adapt them in light of the particularities of AI systems, and the second one, the adoption of a framework convention. Another option would be regulation through soft law. In this sense, there is much food for thought regarding participation from the member States at a national level, in order to adopt necessary soft law, to further operationalise it and demonstrate compliance. An appropriate legal framework will likely consist of a combination of binding and non-binding legal instruments that complement each other.

The third meeting of CAHAI

15. During its third meeting (15-17 December 2020), CAHAI held lengthy discussions on the draft Feasibility Study, which even though was supposed to be adopted by November, it was decided to continue working on the document before submitting it to the Committee of Ministers.

16. CAHAI centred its discussions on the so called green and red line areas, meaning positive and problematic examples of AI application from human rights perspective. Most of the delegations stressed on the fact that even though AI development is positive and useful, however, when developing and implementing AI, due consideration should be taken of the interests and security of the people.

17. The CAHAI will take a decision on these issues during its third plenary meeting in December 2020. The findings of the consultation, which could feed the work of elaboration of the main elements of a legal framework that the CAHAI is mandated to develop, will be first reviewed by the CAHAI and then presented to the Committee of Ministers as part of the reporting process on CAHAI activities.

18. As to the legal framework, most member States expressed interest in elaborating a convention, which would be legally binding, while some member States opted for creating soft law rules. However, considering the existence of rules for design and application of AI and their implementation, the option of drafting a convention appeared to have major support.

19. The multi-stakeholder consultation is planned to take place in 2021, under the aegis of the Working Group on Consultations and Outreach (CAHAI-COG), which is currently working in close co-operation with the CAHAI-PDG to determine the scope, the target groups and the modalities of the consultation, based on the indications previously provided by the CAHAI. In its third meeting, CAHAI emphasised the importance of the involvement and active participation of both the private and the public sectors.

20. CAHAI decided unanimously to submit the issue of granting observer status to ALLAI (foundation under dutch law) to the Committee of Ministers. Furthermore, the CAHAI unanimously re-elected the Chair (Gregor Strojín, Slovenia) and the Vice-Chair (Peggy Valcke, Belgium) for 2021.

21. After the meeting, it was agreed that information about the dates of the next meeting and an update of the activity of respective groups will be informed additionally. CAHAI-PDG asked for two additional meetings before February 2021.

Appendix VIII**Address by Ms Debbie KOHNER, Secretary General of the
European Network of National Human Rights Institutions
(ENNHRI)**

(at the 93rd CDDH meeting, 14-16 December 2020)

1. ENNHRI welcomes the draft Recommendation on NHRIs, and acknowledges the work of the drafting group, particularly its Chair Krista Oinonen, the Secretariat, and all of CDDH in achieving this strong draft Recommendation; which complements the related Recommendations adopted by the Committee of Ministers on civil society space and Ombuds institutions.
2. As noted in the order of business, ENNHRI will host an event to mark the adoption of the Recommendation. We are keen to raise awareness of the Recommendation among our members and a variety of stakeholders. All CDDH members will be warmly invited and are very welcome to attend. We are waiting for the formal adoption of the Recommendation before finalizing a date, but we plan for the event to be in the first half of 2021, and so – given the uncertainty around COVID and ENNHRI's modest resources – the event will likely be online.
3. The ENNHRI event is designed to highlight the Recommendation and support its implementation, particularly through NHRI awareness and use.
4. In addition, we welcome working with you all, and various Council of Europe Bodies, in follow-up to the Recommendation – both in the period following its adoption, and in the five years before its review. We note some excellent actions in follow-up to the Recommendation on Ombuds-institutions. Beyond this, I would like to underline two areas of focus.
5. First, We note that the Committee of Ministers has included the establishment and strengthening of NHRIs within its Decision on the Interlaken Review. ENNHRI is working on this across the Council of Europe area, and we look forward to working with
 - Member States to support the establishment and accreditation of NHRIs, by giving information on the application of the Paris Principles and follow-up to the recommendations of the Sub-Committee on Accreditation,
 - as well as the Council of Europe on strong processes to protect human rights defenders, including NHRIs.
6. Indeed, the importance of NHRIs in taking forwards the Interlaken reforms are clear throughout the CDDH publication, and ENNHRI is already participating as Observer on SYSC-V and working with the Department for Execution of Judgments on NHRI training and a resource Hub to support implementation, among other cooperation activities.
7. Therefore, secondly, once the recommendation is adopted, we look forward to working with you all, as well as the various structures within the Council of Europe to seek:
 - cooperation programmes to strengthen NHRIs and help realise their potential contribution to the implementation of the Convention and other instruments; and
 - also to find new means to enhance NHRIs' and ENNHRI's role and meaningful participation within the Council of Europe.

8. Our members have clearly expressed their readiness to engage in more formalized access to Council of Europe bodies and processes, and they have experience through formal participation rights at United Nations human rights fora.
9. ENNHRI already enjoys constructive cooperation with the Council of Europe and we stand ready to work with all relevant actors to move towards more formal participation, and thus providing a stronger contribution to our common objectives.

* * *

	Signature	Ratification	Entry into Force	Notes	R.	D.	A.	T.	C.	O.
Netherlands	22/10/2013	01/10/2015						T.		
North Macedonia	21/11/2013	16/06/2016								
Norway	24/06/2013	17/06/2014								
Poland	09/04/2014	10/09/2015								
Portugal	24/06/2013	16/01/2017								
Republic of Moldova	18/11/2013	14/08/2014								
Romania	24/06/2013	28/05/2015								
Russian Federation	19/09/2016	25/09/2017								
San Marino	24/06/2013	06/11/2013								
Serbia	13/12/2013	29/05/2015								
Slovak Republic	24/06/2013	07/02/2014								
Slovenia	24/06/2013	04/07/2017								
Spain	24/06/2013	20/09/2018				D.				
Sweden	25/06/2013	29/03/2016								
Switzerland	20/03/2015	15/07/2016								
Turkey	13/09/2013	02/05/2016								
Ukraine	20/06/2014	22/03/2018								
United Kingdom	24/06/2013	10/04/2015								

International Organisations

	Signature	Ratification	Entry into Force	Notes	R.	D.	A.	T.	C.	O.
European Union										

Notes:

a: Accession; s: Signature without reservation as to ratification; su: Succession; r: Signature "ad referendum".

R.: Reservations; D.: Declarations, Denunciations, Derogations; A.: Authorities; T.: Territorial Application; C.: Communication; O.: Objection.

II. Protocol No. 16 to the Convention for the Protection of Human Rights and Fundamental Freedoms

CETS No. 214

Treaty open for signature by the High Contracting Parties to Treaty ETS 005

Opening for signature

Place: Strasbourg
Date : 02/10/2013

Entry into force

Conditions: 10 Ratifications.
Date : 01/08/2018

Status as of: 08/10/2020 (as it appears on the [Treaty Office website](#))

Total number of signatures not followed by ratifications	7
Total number of ratifications/accessions	15

International Organisations

	Signature	Ratification	Entry into Force	Notes	R.	D.	A.	T.	C.	O.
European Union										

Notes:

a: Accession; s: Signature without reservation as to ratification; su: Succession; r: Signature “ad referendum”.

R.: Reservations; D.: Declarations, Denunciations, Derogations; A.: Authorities; T.: Territorial Application; C.: Communication; O.: Objection.

III. European Agreement relating to persons participating in proceedings of the European Court of Human Rights

CETS No. 161

Treaty open for signature by the member States of the Council of Europe

Opening for signature

Place: Strasbourg
Date : 05/03/1996

Entry into force

Conditions: 10 Ratifications.
Date : 01/01/1999

Status as of: 08/10/2020 (as it appears on the [Treaty Office website](#))

Total number of signatures not followed by ratifications	1
Total number of ratifications/accessions	40

Member States of the Council of Europe

	Signature	Ratification	Entry into Force	Notes	R.	D.	A.	T.	C.	O.
Albania	21/09/2000	26/02/2003	01/04/2003							
Andorra	24/11/1998	24/11/1998	01/01/1999							
Armenia										
Austria	07/05/1999	10/01/2001	01/03/2001							
Azerbaijan										
Belgium	19/06/1997	29/06/2000	01/08/2000							
Bosnia and Herzegovina										
Bulgaria	03/07/2000	31/05/2001	01/07/2001			D.				
Croatia	26/01/1998	02/12/1999	01/02/2000			D.				
Cyprus	12/01/1999	09/02/2000	01/04/2000							
Czech Republic	10/10/1997	24/06/1998	01/01/1999			D.				
Denmark	05/03/1996	28/08/1998	01/01/1999							
Estonia	19/05/2000	09/01/2012	01/03/2012			D.				
Finland	19/06/1998	23/12/1998	01/02/1999							
France	31/03/1998	17/11/1998	01/01/1999		R.	D.				
Georgia	10/05/2001	10/05/2001 s	01/07/2001			D.				
Germany	23/10/1996	11/09/2001	01/11/2001							

	Signature	Ratification	Entry into Force	Notes	R.	D.	A.	T.	C.	O.
Greece	26/06/1996	07/02/2005	01/04/2005			D.				
Hungary	06/05/1997	01/04/1998	01/01/1999			D.				
Iceland	27/06/1996	04/11/1998	01/01/1999							
Ireland	03/06/1998	07/05/1999	01/07/1999							
Italy	05/03/1996	06/03/1998	01/01/1999			D.				
Latvia	31/01/2006	27/07/2006	01/09/2006			D.				
Liechtenstein	21/01/1999	21/01/1999 s	01/03/1999			D.				
Lithuania	11/02/2000	18/02/2003	01/04/2003							
Luxembourg	05/03/1996	12/03/1999	01/05/1999							
Malta	03/11/1998	05/02/2015	01/04/2015			D.				
Monaco	19/03/2007	19/03/2007	01/05/2007			D.				
Montenegro										
Netherlands	02/05/1996	21/01/1997	01/01/1999					T.		
North Macedonia	16/11/1998									
Norway	12/12/2001	12/12/2001 s	01/02/2002							
Poland	02/04/2008	06/12/2012	01/02/2013		R.	D.				
Portugal	29/04/1997	11/04/2018	01/06/2018							
Republic of Moldova	04/05/1998	08/11/2001	01/01/2002		R.	D.				
Romania	28/05/1998	09/04/1999	01/06/1999							
Russian Federation										
San Marino	07/09/1998	28/08/2015	01/10/2015							
Serbia										
Slovak Republic	04/09/2002	21/05/2003	01/07/2003			D.				
Slovenia	07/05/1999	29/11/2001	01/01/2002							
Spain	24/01/2000	19/01/2001	01/03/2001			D.				
Sweden	30/04/1996	30/09/1998	01/01/1999							
Switzerland	27/08/1998	27/08/1998 s	01/01/1999			D.				
Turkey	03/07/2002	06/10/2004	01/12/2004			D.				
Ukraine	22/05/2003	04/11/2004	01/01/2005							
United Kingdom	27/10/1999	09/11/2001	01/01/2002				A.			

Notes:

a: Accession; s: Signature without reservation as to ratification; su: Succession; r: Signature "ad referendum".

R.: Reservations; D.: Declarations, Denunciations, Derogations; A.: Authorities; T.: Territorial Application; C.: Communication; O.: Objection.

IV. Council of Europe Convention on Access to Official Documents

CETS No. 205

Treaty open for signature by the member States and for accession by non-member States and by any international organisation

Opening for signature

Place: Tromsø
Date : 18/06/2009

Entry into force

Conditions: 10 Ratifications.
Date : 01/12/2020

Status as of: 08/10/2020 (as it appears on the [Treaty Office website](#))

Notes:

a: Accession; s: Signature without reservation as to ratification; su: Succession; r: Signature "ad referendum".

R.: Reservations; D.: Declarations, Denunciations, Derogations; A.: Authorities; T.: Territorial Application;

C.: Communication; O.: Objection.

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Appendix X**Thematic form on gender equality**

*(adopted by the CDDH at its 93rd meeting,
14-16 December 2020)*

Introduction

1. At its 92nd meeting (26-29 November 2019), the CDDH decided to prepare a short checklist with questions and considerations allowing to ensure that the gender equality dimension is considered in its work and those in its subordinated bodies.
2. In this context, the CDDH Rapporteur on gender equality, Mr Philippe WERY (Belgium) prepared the present draft thematic form together with the Secretariat, to be appended to the future mandates of the various bodies.
3. It is foreseen that the CDDH will exchange views on this draft form with a view of its possible adoption at its 93rd meeting (14-16 December 2020).
4. Possible suggestions/drafting proposals should be sent to the Rapporteur (philippe.wery@just.fgov.be; cc. Secretariat DGI.CDDH@coe.int) before 15 November 2020.

**THEMATIC FORM TO APPEND TO THE TERMS OF REFERENCE OF THE
[COMMITTEE, WORKING GROUP...]**

1. ANALYSIS BY THE [WORKING GROUP] OF THE IMPACT OF ITS ACTIVITY IN TERMS OF GENDER EQUALITY

The [Working Group] is called upon to consider the following questions during the implementation of its mandate in order to determine the extent to which its work includes a gender equality dimension or could have an impact on such equality:

Question 1

Does the work involve a particular group of people, directly or indirectly?

...

Question 2

What are the possible differences between the situation of women and men in the area concerned by the work (e.g. in terms of access to and control of resources⁶, participation in governance or management structures, social position, social norms)?

...

Question 3

Do any of these differences limit the exercise of the fundamental rights of women or men?

...

⁶ Income, work, responsibilities, health, safety, education/knowledge, mobility, time, etc.

Question 4

How can the work contribute to strengthening equality between women and men in terms of the exercise of fundamental rights?

...

Question 5

Do the activities of the [Working Group] allow for equal participation of women and men?

2. INTEGRATION OR NOT OF THE GENDER EQUALITY DIMENSION

1. At the beginning of its work and based on the analysis in point 1., the [Working Group] :
 - a. envisages to take into account the gender equality dimension in its work by the following means:
 - b. considers that it is not relevant to take the gender equality dimension into account in its work for the following reasons: ...
2. At the end of its work, the [Working Group] is called upon to make a brief assessment if it has decided, at the beginning of its activity, to consider the gender equality dimension. In this assessment, it could indicate that the gender equality dimension has been considered in the following way during its work: ...

* * *

Appendix XI**CDDH focal points in other fora
and CDDH Rapporteurs**

(List adopted by the CDDH at its 93rd meeting, 14-16 December 2020)

FOCAL POINTS

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 Zinovia STAVRIDIS (Greece)
5. European Committee on Legal Co-operation (CDCJ): Ms Maria de Fátima GRAÇA CARVALHO (Portugal)
6. Steering Committee on Media and Information Society (CDMSI):
7. Ad hoc Committee of experts on Roma and Traveller Issues (CAHROM): Ms Svetlana GELEVA (North Macedonia)
8. Advisory Committee of the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (T-PD): Ms Brigitte OHMS (Austria)
9. Council of Europe Committee on Counterterrorism (CDCT): Vacant
10. Committee of the Parties to the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse ("Lanzarote Committee"): Ms Brigitte KONZ (Luxembourg)
11. Ad Hoc Committee for the Rights of the Child (CAHENF): Ms Brigitte KONZ (Luxembourg)
12. European Committee on Democracy and Governance (CDDG): Ms Krista OINONEN (Finland)
13. Steering Committee on Anti-discrimination, Diversity and Inclusion (CDADI):
14. Committee of Experts on the Administrative Retention of Migrants (CJ-DAM): Mr Morten RUUD (Norway)
15. Ad hoc Committee on Artificial Intelligence (CAHAI): Mr Tigran H. GALSTYAN (Armenia)

CDDH RAPPORTEURS

1. CDDH Rapporteur for gender equality: Mr Philippe WERY (Belgium)
2. CDDH Rapporteur on children's rights: Ms Brigitte KONZ (Luxembourg)
3. CDDH Rapporteur for the rights of persons with disabilities: Ms Brigitte KONZ (Luxembourg)
4. CDDH Rapporteur on Roma and Traveller issues: Ms Svetlana GELEVA (North Macedonia)
5. CDDH Rapporteur for social rights: Mr Vít A. SCHORM (Czech Republic)
6. CDDH Rapporteur on Human Rights and Business: Ms Nicola WENZEL (Germany)
7. CDDH Rapporteur on Human Rights in Culturally Diverse Societies: Ms Krista OINONEN (Finland).

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Appendix XII**Composition of the Bureau, Chairmanships, Rapporteurs and Drafting Groups***(Further to the elections during the 93rd CDDH meeting, 14–16 December 2020)*

BUREAU OF THE CDDH	END OF THE MANDATE	REFERENCES
Mr Morten RUUD (Norway) Chair	31 December 2021 (elected for 1 year, not renewable)	93 rd meeting of the CDDH (December 2020)
Ms Kristine LIČIS (Latvia) Vice-Chair	31 December 2021 (elected for 1 year, not renewable)	93 rd meeting of the CDDH (December 2020)
Ms Brigitte OHMS (Austria) Member	31 December 2022 (elected for 2 years, renewable once)	93 rd meeting of the CDDH (December 2020)
Ms Krista OINONEN (Finland) Member	31 December 2021 (elected for 2 years, not renewable)	92 nd meeting of the CDDH (November 2019)
Ms Babette KOOPMAN (the Netherlands) Member	31 December 2022 (elected for 2 years, renewable once)	93 rd meeting of the CDDH (December 2020)
Mr Jan SOBCZAK (Poland) Member	31 December 2021 (elected for 2 years, renewable once)	92 nd meeting of the CDDH (November 2019)
Mr Alfonso BREZMES (Spain) Member	31 December 2021 (elected for 2 years, renewable once)	92 nd meeting of the CDDH (November 2019)
Mr Alain CHABLAIS (Switzerland) Member	31 December 2021 (elected for 2 years, renewable once)	92 nd meeting of the CDDH (November 2019)
CHAIRS		
DH-BIO Ms Tesi ASCHAN (Sweden)	31 December 2020 (elected for 1 year, not renewable)	16 th meeting of the DH-BIO (November 2019) 92 nd meeting of the CDDH (November 2019)
DH-SYSC Mr Hans-Jörg BEHRENS (Germany)	31 December 2021 (elected for 1 year, renewable once)	93 rd meeting of the CDDH (December 2020)
DH-SYSC-IV Mr Alain CHABLAIS (Switzerland)	31 December 2021	92 nd meeting of the CDDH (November 2019)
DH-SYSC-V Mr Vít A. SCHORM (Czech Republic)	31 December 2021	92 nd meeting of the CDDH (November 2019)
"47 + 1" Ms Tonje MEINICH (Norway)	31 décembre 2021	92 nd meeting of the CDDH (November 2019)
CDDH-MIG Mr Morten RUUD (Norway)	31 December 2021	92 nd meeting of the CDDH (November 2019)
CDDH-ENV Ms Kristine LIČIS (Latvia)	31 décembre 2021	92 nd meeting of the CDDH (November 2019)

RAPPORTEURS elected at the 93rd meeting of the CDDH (December 2020)	
Ms Krista OINONEN (Finland)	Human Rights in culturally diverse societies
Ms Nicolas WENZEL (Germany)	Human Rights and business
DRAFTING GROUPS	
DH-SYSC-IV⁷	DH-SYSC-V
Armenia	Czech Republic (<i>Chair</i>)
Azerbaijan	Estonia
Croatia	Finland
Georgia	France
Germany	Italy
Greece	Norway
Netherlands	Poland
Russian Federation	Portugal
Serbia	Spain
Slovenia	United Kingdom
Switzerland (<i>Chair</i>)	

CDDH-MIG	CDDH-ENV
Armenia	Austria
Bulgaria	Finland
Czech Republic	France
Greece	Germany
Iceland	Latvia (<i>Chair</i>)
Italy	Poland
Latvia	Romania
Norway (<i>Chair</i>)	Russian Federation
Spain	Spain
Turkey	Switzerland
	Turkey

* * *

⁷ 10 member States + Chair (Switzerland)

Appendix XIII**Publications****TEXTS BY THE CDDH PUBLISHED IN 2020****THE INTERLAKEN PROCESS**

Measures taken from 2010 to 2019 to secure the effective implementation of the European Convention on Human Rights

ACCESS TO OFFICIAL DOCUMENTS

The Council of Europe Convention and its explanatory report

PROTECTION, PROMOTION AND DEVELOPMENT OF THE OMBUDSMAN INSTITUTION

- Recommendation CM/Rec(2019)6 of the committee of ministers to member states on the development of the ombudsman institution
- Principles on the protection and promotion of the ombudsman institution (the Venice principles)
- National good practices

THE PLACE OF THE EUROPEAN CONVENTION ON HUMAN RIGHTS IN THE EUROPEAN AND INTERNATIONAL LEGAL ORDER

Report of the Steering Committee for Human Rights (CDDH)

ENHANCING THE NATIONAL IMPLEMENTATION OF THE SYSTEM OF THE EUROPEAN CONVENTION ON HUMAN RIGHTS

The Brussels Declaration adopted at the High-level Conference held in Brussels (26-27 March 2015)

ENVIRONMENTAL PROTECTION AND HUMAN RIGHTS

- Proceedings of the High-Level Conference of 27 February 2020
(organised under the aegis of the Georgian Presidency of the Committee of Ministers)
- Manual on Human Rights and the Environment (2nd edition)

PROTECTION OF VICTIMS OF TERRORIST ACTS

- Proceedings of the Workshop of 20 June 2019
(organised by the Steering Committee for Human Rights (CDDH) under the aegis of the French Presidency of the Committee of Ministers)
- Compilation of the replies received from member States on the protection of victims of terrorist acts

HUMAN RIGHTS OF OLDER PERSONS

Recommendation CM/Rec(2014)2 of the Committee of Ministers to member states adopted on 19 February 2014

THE EUROPEAN CONVENTION ON HUMAN RIGHTS IN UNIVERSITY EDUCATION AND PROFESSIONAL TRAINING

Recommendation CM/Rec(2019)5 of the Committee of Ministers to member states on the system of the European Convention on Human Rights in university education and professional training (adopted by the Committee of Ministers on 16 October 2019 at the 1357th meeting of the Ministers' Deputies)

PUBLICATIONS PLANNED IN 2021**DEVELOPMENT AND STRENGTHENING OF EFFECTIVE, PLURALIST AND INDEPENDENT NATIONAL HUMAN RIGHTS INSTITUTIONS**

- Recommendation CM/Rec(2021)... of the Committee of Ministers to member states *prepared by the Steering Committee for Human Rights (CDDH)*

CDDH(2020)R93

MEASURES AGAINST THE TRADE OF GOODS USED FOR THE DEATH PENALTY, TORTURE OR OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

- Recommendation CM/Rec(2021)... of the Committee of Ministers to member states *prepared by the Steering Committee for Human Rights (CDDH)*
- *Explanatory memorandum*

HUMAN RIGHTS AND ENVIRONMENT

- Revision of the Manual prepared by the Steering Committee for Human Rights (CDDH)

PUBLICATION AND DISSEMINATION IN THE MEMBER STATES OF THE TEXT OF THE EUROPEAN CONVENTION ON HUMAN RIGHTS AND OF THE CASE-LAW OF THE EUROPEAN COURT OF HUMAN RIGHTS

- Update by the Steering Committee for Human Rights (CDDH) of Recommendation (2002)13 of the Committee of Ministers to member states.

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Appendix XIV**Provisional calendar for 2021**

*(as adopted by the CDDH
at its 93rd meeting, 14–16 December 2020)*

Note - The CDDH recalled that modifications may be introduced depending on the health situation, which remains uncertain for the coming months. The CDDH reiterated that no bookings for travel or accommodation should be made before receipt of the official invitation to the meetings.

2021	
Meeting of the representatives of states Parties to the Tromsø Convention	18 January
8 th meeting of the CDDH <i>ad hoc</i> negotiation Group and the European Commission on the Accession of the European Union to the European Convention on Human Rights (“47+1”)	2-4 February
<i>Meeting of the Government’s Agents with the Court’s Registry</i>	19 February
8 th meeting of the Drafting Group on Migration and Human Rights (CDDH-MIG)	16-18 March
9 th meeting of the CDDH <i>ad hoc</i> negotiation Group and the European Commission on the Accession of the European Union to the European Convention on Human Rights (“47+1”)	23-25 March
2 nd meeting of the Drafting Group on enhancing the national implementation of the system of the European Convention on Human Rights (DH-SYSC-V)	29-31 March
<i>High-Level Conference of experts on inter-state disputes in the framework of the Convention system, under the aegis of the German chairmanship of the Committee of Ministers and</i>	12-13 April
3 rd meeting of the Drafting Group on the effective Processing and Resolution of cases relating to inter-State Disputes (DH-SYSC-IV)	14-16 April
<i>Seminar Environment, Human Rights and Business, under the aegis of the German chairmanship of the Committee of Ministers and</i>	27 April
1 st meeting of the Drafting Group on Human Rights and Environment (CDDH-ENV)	28-30 April
105 th meeting of the Bureau of the Steering Committee for Human Rights (CDDH-BU)	27-28 May
18 th Meeting of the Committee on Bioethics (DH-BIO)	1-4 or 8-11 June
<i>Meeting of the Government’s Agents with the Court’s Registry</i>	14 June
<i>Pluricourts-CDDH Seminar</i> and	15 June
94 th meeting of the Steering Committee for Human Rights (CDDH)	16-18 June
2 nd meeting of the Drafting Group on Human Rights and Environment (CDDH-ENV)	8-10 September
<i>Opening of the Judicial Year</i>	10 September

4 th meeting of the Drafting Group on the effective Processing and Resolution of cases relating to inter-State Disputes (DH-SYSC-IV)	22-24 September
3 rd meeting of the Drafting Group on enhancing the national implementation of the system of the European Convention on Human Rights (DH-SYSC-V)	6-8 October
106 th meeting of the Bureau of the Steering Committee for Human Rights (CDDH-BU)	21-22 October
7 th meeting of the Committee of Experts on the System of the European Convention on Human Rights (DH-SYSC)	26-28 October
19 th Meeting of the Committee on Bioethics (DH-BIO)	2-5 November
<i>Meeting of the Government's Agents with the Court's Registry</i>	23 November
95 th meeting of the Steering Committee for Human Rights (CDDH)	23-26 November
1 st meeting of the Groupe of Specialists on access to official documents	December (TBC)

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