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Strasbourg, 9 July 2021

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

REPORT



94th meeting

Strasbourg via KUDO, 15 – 18 June 2021

TABLE OF CONTENTS

Executive Summary

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

ITEM 2: RECOMMENDATIONS OF THE PARLIAMENTARY ASSEMBLY

ITEM 3: WORK ON THE SYSTEM OF THE CONVENTION

3.1. Follow-up to the Interlaken Declaration

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

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

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

ITEM 4: ENVIRONMENT AND HUMAN RIGHTS

ITEM 5: CIVIL SOCIETY AND NATIONAL HUMAN RIGHTS INSTITUTIONS

ITEM 6: PROHIBITION OF THE TRADE IN GOODS USED FOR TORTURE AND DEATH PENALTY

ITEM 7: HUMAN RIGHTS AND BUSINESS

ITEM 8: MEASURES AGAINST TRAFFICKING FOR THE PURPOSE OF LABOR EXPLOITATION

ITEM 9: PREPARATION OF THE CDDH PROGRAMME OF ACTIVITIES FOR 2022 – 2025

ITEM 10: ACCESS TO OFFICIAL DOCUMENTS

ITEM 11: GENDER EQUALITY

ITEM 12: BIOETHICS

ITEM 13: CONVENTIONS

ITEM 14: CDDH FOCAL POINTS AND RAPPORTEURS

ITEM 15: INVITEES

ITEM 16: PUBLICATIONS

ITEM 17: CALENDAR

ITEM 18: OTHER BUSINESS

ITEM 19: ACKNOWLEDGEMENTS

Appendix I Agenda

Appendix II List of participants

Appendix III Opening address by the Director General of Human Rights and Rule of Law, Mr Christos GIAKOUMOPOULOS

Appendix IV CDDH Comments adopted by the CDDH on Recommendations of the Parliamentary Assembly

Appendix V 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”* (adopted on 21 May 2021, at the 131st Ministerial session, Visio conference, Hamburg)

- Appendix VI** Programmes of events organised since the 93rd meeting (December 2020):
- Seminar *Pluricourts* “Effective implementation of the European Convention on Human Rights – enhancing domestic dialogue and co-ordination”;
 - Workshop “*Environment, Human Rights and Business: a framework for addressing environmental protection challenges*”
 - High-level meeting on the promotion of Recommendation CM/Rec(2021)1 of the Committee of Ministers to member states on the development and strengthening of effective, pluralist and independent national human rights institutions, as well as the follow-up given to, or foreseen, for its implementation;
 - Webinar on measures against the trade in goods used for the death penalty, torture and other cruel, inhuman or degrading treatment or punishment;
- Appendix VII** Terms of reference of the Drafting Committee on trafficking for the purpose of labour exploitation (DH-TET) and composition of the Committee
- Appendix VIII** Draft terms of reference for the CDDH and the DH-SYSC (2022 – 2025)
- Appendix IX** Committee on Bioethics, Decisions of the 18th meeting (1 – 4 June 2021)
- Appendix X** CDDH Focal points and Rapporteurs to other bodies
- Appendix XI** Composition of the Bureau, Presidencies, Rapporteurs and Drafting Groups,
- Appendix XII** Publications
- Appendix XIII** Calendar

Texts adopted at the meeting

- Addendum 1:** Draft Recommendation CM/Rec(2021)... of the Committee of Ministers to member States on the publication and dissemination of the European Convention on Human Rights, the case-law of the European Court of Human Rights and other relevant texts
- Addendum 2:** Manuel *Human Rights and Environment* (3rd edition)

SUMMARY

1. The Steering Committee for Human Rights (CDDH) held its 94th meeting via KUDO due to the current health crisis, from 15 to 18 June 2021, with Mr Morten RUUD (Norway) in the Chair.
2. At this meeting, the CDDH:
 - (a) decided to submit to the Committee of Ministers, for possible adoption, its draft Recommendation CM/Rec(2021)... of the Committee of Ministers to member States on the publication and dissemination of the European Convention on Human Rights, the case-law of the European Court of Human Rights and other relevant texts;
 - (b) adopted its comments on the five Recommendations of the Parliamentary Assembly communicated to it by the Committee of Ministers since the 93rd meeting of the CDDH (14 – 16 December 2020);¹
 - (c) transmitted to the Committee of Ministers, for information, its revised text for the 3rd edition of the CDDH Manual on Human Rights and the Environment.
3. As regards the system of the European Convention on Human Rights, the CDDH:
 - (i) took note of the Decisions of the Committee of Ministers – “Securing the long-term effectiveness of the system of the European Convention on Human Rights” (21 May 2021);
 - (ii) took note of the progress and remaining questions in the ongoing work of the CDDH Ad Hoc negotiation Group on the European Union accession to the European Convention on Human Rights (“47+1 Group”; 8th and 9th meetings (2 – 4 February and 23 – 25 March 2021) and of the preparation for the 10th, 11th and 12th meetings (29 June – 2 July, 5 – 8 October and 7 – 10 December 2021);
 - (iii) exchanged views on the ongoing work within its Drafting Group on effective processing and resolution of cases relating to inter-State disputes (DH-SYSC-IV : 3rd meeting, 14 – 16 April 2021) and, taking into account, *inter alia*, the reflections of the high-level Conference of experts on the effective processing and resolution of cases relating to inter-State disputes (12 – 13 April 2021), gave orientation to the Group with a view of the preparation of its 4th meeting (22 – 24 September 2021);
 - (iv) exchanged views on the ongoing work within its Drafting Group on enhancing the national implementation of the system of the European Convention on Human Rights (DH-SYSC-V, 2nd meeting, 29 – 31 March 2021) and, in the light notably of the conclusions of the Seminar *PluriCourts* – CDDH (15 June 2021; see below), gave orientation to the Group with a view to preparing at its 3rd meeting (6 – 8 October 2021) the draft Guidelines on the prevention and remedying of violations of the European Convention on Human Rights;
 - (v) Held the *PluriCourts - CDDH Seminar: National implementation of the European Convention on Human Rights – enhancing domestic dialogue and co-ordination* (15 June 2021).

¹ Recommendations of the Parliamentary Assembly 2180(2020) - “The impact of the Covid-19 pandemic on human rights and the rule of law”; 2182(2020) - “Justice by algorithm – the role of artificial intelligence in policing and criminal justice systems”; 2183(2020) - “Preventing discrimination caused by the use of artificial intelligence”; 2185(2020) - “Artificial intelligence in health care: medical, legal and ethical challenges ahead” and 2190(2020) - “Effective guardianship for unaccompanied and separated migrant children”.

4. As regards the other items on its agenda, the CDDH:
- (i) exchanged views on the ongoing work within its Drafting Group on Human Rights and the Environment (CDDH-ENV, 1st meeting, 28 – 30 April 2021) and, in the light notably of the conclusions of the Workshop *"Environment, Human Rights and Business: a framework for addressing environmental protection challenges"* (April 2021), provided guidance to the Group with a view to preparing, at its 2nd meeting (October 2021), a draft non-binding instrument on Human Rights and the protection of the Environment;
 - (ii) exchanged views on the follow-up to the implementation of Recommendation CM/Rec(2021)1 of the Committee of Ministers to member states on the development and strengthening of effective, pluralist and independent national human rights institutions (31 March 2021), in particular the high-level meeting (26 April 2021) jointly organised by ENNHRI, the German Chairmanship of the Committee of Ministers and the CDDH, to promote this new instrument;
 - (iii) exchanged views on the follow-up to the implementation of Recommendation CM/Rec(2021)2 of the Committee of Ministers to member states on measures against the trade in goods used for the death penalty, torture and other cruel, inhuman or degrading treatment or punishment (31 March 2021) in particular the Webinar (17 May 2021) jointly organised by Amnesty International, The Omega Research Foundation, the German Chairmanship of the Committee of Ministers and the CDDH to promote this new instrument;
 - (iv) exchanged views on the state of preparation on the future CDDH report on the implementation of the Recommendation CM/Rec(2016)3 on human rights and business, in the light notably of the conclusions of the Workshop: *"Environment, Human Rights and Business: a framework for addressing environmental protection challenges"* (27 April 2021);
 - (v) exchanged views on the preparation of the CDDH and the DH-SYSC Programme of activities for 2022 – 2025;
 - (vi) appointed the members in respect of the CDDH of the Drafting Committee on trafficking for the purpose of labour exploitation (DH-TET) and exchanged views on its terms of reference and the organisation of work, with a view to the CDDH being able to submit a draft Recommendation to the Committee of Ministers before 30 June 2022;
 - (vii) regarding the Council of Europe Convention on access to official documents (Tromsø Convention CETS No. 205), took note of (i) the adoption by the Committee of Ministers on 3 March 2021 of Resolution CM/Rec(2021)2 on the rules on the election procedure of the members of the Group of Specialists on Access to Official Documents; (ii) the procedure of nomination of candidates to the Group by the Parties; (iii) the methodology for the preparation of reports by the Parties under Article 14, paragraph 1 of the Tromsø Convention; (iv) the meeting of the Consultation of the Parties which is planned to take place on 29 September 2021 to elect the members of the Group of Specialists and (v) the meeting of the Group to be held on 6 – 7 December 2021;
 - (viii) appreciated the fact that all the CDDH subordinate bodies that have met since the last meeting of the CDDH (December 2020) have made good use of the thematic form *"Taking into account the gender equality dimension in the work of the CDDH and its subordinate bodies"*;
 - (ix) exchanged views on the current and future work of the Committee on bioethics (DH-BIO);

- (x) took note of the information provided by its focal points in other fora;
- (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 the recent publications of the work of the CDDH and decided on the forthcoming publications by the end of 2021;
- (xiv) adopted its provisional calendar of meetings for the second semester 2021 and the first of 2022.

MEETING REPORT

1. The Steering Committee for Human Rights (CDDH) held its 94th meeting via KUDO due to the current health crisis from 15 to 18 June 2021 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 General of Human rights, Mr Christos GIAKOUMOPOULOS, welcomed the participants and outlined the important challenges of the Steering Committee during the next quadriennium. He expressed also, on behalf of the DGI Secretariat, his deepest gratitude to Mr Alfonso DE SALAS, Secretary of the CDDH, on the occasion of his upcoming retirement. The address by the Director General appears in Appendix III below. The Chairperson of the CDDH thanked Mr Giakoumopoulos 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 CDDH examined the draft comments prepared by the Bureau regarding the following Recommendations of the Parliamentary Assembly:

- 2180(2020) - *"The impact of the Covid-19 pandemic on human rights and the rule of law"*;
- 2182(2020) - *"Justice by algorithm – the role of artificial intelligence in policing and criminal justice systems"*;
- 2183(2020) - *"Preventing discrimination caused by the use of artificial intelligence"*;
- 2185(2020) - *"Artificial intelligence in health care: medical, legal and ethical challenges ahead"*
- 2190(2020) - *"Effective guardianship for unaccompanied and separated migrant children"*.

4. At the end of its exchange of views, the CDDH adopted its comments on the five Recommendations (see Appendix IV below) and asked the Secretariat to transmit them to the Committee of Ministers.

ITEM 3: WORK ON THE SYSTEM OF THE CONVENTION

3.1. Follow-up to the Interlaken Declaration

5. The CDDH took note of 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 131st Ministerial Session (videoconference, Hamburg, 21 May 2021; see Appendix V below). At this presentation and the following exchange of views, it noted that, in these decisions, the Committee of Ministers has in particular:

- (i) instructed the Ministers' Deputies to examine whether and how to enhance the tools available to the Committee to supervise cases of non-execution or persistent refusal to execute the final judgments of the Court;

- (ii) welcomed the intergovernmental ongoing work on the effective processing and resolution of cases relating to inter-State disputes and instructed the Ministers' Deputies to examine also questions arising from the process of the execution of judgments in such cases;
- (iii) welcomed the intergovernmental work on enhancing the national implementation of the system of the European Convention on Human Rights and in particular the progress made on Guidelines to member States on preventing, and ensuring remedies for, violations of the Convention, and encouraged their rapid conclusion; called upon the States Parties to continue strengthening the implementation of the Convention at the national level in accordance with previous declarations on securing the long-term effectiveness of the system of the European Convention on Human Rights;
- (iv) welcomed the imminent entry into force of Protocol No. 15 to the Convention.

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

6. The Chair of the "47+1 Group", Ms Tonje MEINICH (Norway), presented to the CDDH the work of the Group since the last plenary in December 2020. This concerned notably the results of the 8th and 9th meeting of the "47+1 Group" which were held in February and March 2021, respectively. Both meetings had been conducted in a constructive atmosphere. By now the Group has discussed proposals for all issues which in the view of the European Union (EU) and its 27 member states need to be addressed for a revision of the accession instruments. The Group was able to reach consensus on wording for several issues, notably reservations made under Article 57 ECHR in the context of the co-respondent mechanism and the coordination of Article 53 ECHR with Article 53 of the EU Fundamental Rights Charter (even though the exact placement in the accession instruments for the latter issue remains to be decided). Other discussions may not yet have triggered consensus on amendments but have carried the work significantly forward. Some delegations have indicated that they wish to also discuss other issues which are not contained in the proposals by the EU.

7. The Chair of the "47+1 Group" informed the CDDH about the work programme of its next meeting of the "47+1 Group" which will be held from 29 June - 2 July 2021. The meeting will focus on the EU's specific mechanisms of the procedure before the European Court of Human Rights, the issue of inter-party applications (Article 33 ECHR) and the principle of mutual trust between EU member states. Moreover, the "47+1 Group" will hold another exchange of views with civil society and national human rights institutions. Further meetings of the "47+1 Group" are scheduled for October and December 2021.

8. The Chair of the "47+1 Group" drew the attention of the CDDH to recent statements by various Council of Europe organs with regard to EU accession to the ECHR, which underlined the importance of the EU's accession to the ECHR and the work entrusted to the CDDH and the "47+1 Group". Those included notably the statement by the Foreign Ministers of the 47 Council of Europe member states at the occasion of its ministerial session in Hamburg on 21 May 2021, the Strategic Framework for the Council of Europe elaborated by the Secretary General as well as the Parliamentary Assembly's Resolution 2369 (2021) on "The Assembly's vision on the strategic priorities for the Council of Europe" of 20 April 2021.

9. The CDDH thanked the Chair of the "47+1 Group" for the information and wished her and the Group a good continuation of the negotiations.

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

10. The Chair of DH-SYSC, Mr Hans-Jörg BEHRENS (Germany) informed the CDDH about the High-Level Conference of experts on effective processing and resolution of cases relating to inter-State Disputes (12 – 13 April 2021). Several CDDH members noted with satisfaction that the discussions of the Conference provided useful reflexions for the work of the DH-SYSC-IV.

11. 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 its 3rd meeting (14 – 16 April 2021, via videoconference). He thanked the Co-Rapporteurs Ms Kathrin MELLECH (Germany) and Mr James GAUGHAN (United Kingdom) and noted with appreciation positive atmosphere and the spirit of compromise in which the meeting had taken place. Several outstanding questions, however, remain relating primarily to some proposals tabled in connection with the parallel processing of inter-State and related individual applications as well as the application by the Court of rules of international law on state responsibility.

12. In view of the difficulties linked to the holding of meetings online, the differences of views of delegations on some issues, the need to take into account the ongoing development of the relevant case-law of the Court and the desirability to continue and deepen the discussion on possible proposals, the Drafting Group had taken the view that it would not be feasible to finalise at its 4th meeting (22 – 24 September 2021) a draft final activity report of the CDDH for the Committee of Ministers containing reflections and possible proposals of the CDDH, as was provided for in its terms of reference for the biennium 2020 – 2021. The DH-SYSC-IV had, therefore, decided to finalise at its 4th meeting a report recording the work it has carried out during this biennium which should be transmitted to DH-SYSC for its consideration at its upcoming meeting (26 – 28 October 2021) and subsequently to the CDDH at its upcoming meeting (24 – 16 November 2021). The Drafting Group had agreed to propose to the CDDH to consider extending the mandate of the Drafting Group for the quadrennium 2022 – 2025 using as a basis the draft report on the work carried out during the biennium 2020 – 2021.

13. The CDDH praised the DH-SYSC-IV for having made significant progress in its analysis of the issues despite the complexity and sensitivity of the subject-matter and the difficulties relating to remote-participation of its members. It expressed full support for the proposals of the Drafting Group regarding the continuation of its work on the basis of the draft report attached to the 3rd meeting report of the DH-SYSC-IV as well as the extension of its mandate as already included in the draft programme of activities for 2022 – 2025 (see item 9 below). In addition, the CDDH recalled the decision taken at the 131st meeting of the Committee of Ministers, which took place in on 21 May 2021 in Hamburg ‘Securing the long-term effectiveness of the system of the European Convention on Human Rights’. The CDDH took note that the Committee of Ministers welcomed the intergovernmental work on the effective processing and resolution of cases relating to inter-State disputes and instructed the Ministers’ Deputies to examine also questions arising from the process of the execution of judgments in such cases.

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

14. The Chair of the DH-SYSC-V, Mr Vít Alexander SCHORM (Czech Republic), informed the CDDH about the work carried out at the 2nd meeting of the Drafting Group (29 – 31 March 2021, via videoconference). He presented the Draft Recommendation CM/Rec(2021)... of the Committee of Ministers to member States on the publication and dissemination of the European Convention on Human Rights, the case-law of the European Court of Human Rights and other relevant texts which had been finalised by the DH-SYSC-IV and, thereafter, transmitted to the CDDH for possible amendment proposals in order to facilitate its consideration by the CDDH at

the upcoming plenary meeting. Taking into account the amendment proposals submitted in this context (doc CDDH(2021)11) the Bureau had made some suggestions for the CDDH's consideration (document CDDH(2021)10Rev2).

15. The CDDH examined this text together with some amendment proposals submitted by some delegations during the meeting.

16. After its examination, it approved the draft recommendation as it appears in Addendum 1 (document CDDH(2021)R94 Addendum1) and decided to transmit it to the Committee of Ministers for its consideration and possible adoption.

17. The Chair of DH-SYSC-V informed the CDDH about the ongoing work on the draft guidelines to prevent and remedy violations of the Convention on human rights. He recalled that the members of the Drafting Group are invited to send comments by 30 June 2021. Furthermore, he informed the CDDH on following items:

- (i) the Drafting Group decided to raise with the CDDH the issue arising at the stage of the execution of judgments and decisions concerning the extraterritorial application of the Convention. That being said, and in the absence of concrete contributions as to how this issue could be discussed, the Drafting Group had not been in a position to address it. Consequently, the delegations intending to discuss this issue are invited to provide concrete drafting proposals for the Group's consideration;
- (ii) the work will continue in the light of the comments received as well as of the multi-stakeholder discussions held during the Seminar "*Effective implementation of the European Convention on Human Rights – enhancing domestic dialogue and co-ordination*" (via KUDO, 15 June 2021). This event gave rise to many ideas and interesting proposals which will be a source of inspiration for the work of the DH-SYSC-V (see programme of the Seminar in Appendix VI);
- (iii) Due, notably, to the difficulties related to the remote participation of the members the DH-SYSC-V may need more time to finalise its work on the draft Guidelines during the upcoming quadrennium.

18. The CDDH (i) welcomed the success of the Seminar and thanked the representatives of *Pluricourts* and the Secretariat for the excellent organisation of the event; (ii) praised the DH-SYSC-V for excellent work on the draft Recommendation and draft guidelines and endorsed the idea of continuing the work of the Group beyond 2021 as reflected in the draft program of activities for 2022 – 2025 to be submitted to the Committee of Ministers; (iii) confirmed the interest of continuing to benefit from the assistance of the expert consultant, Mr. Fredrik SUNDBERG, throughout the preparation work of the draft Guidelines; (iv) noted that its Committee of experts DH-SYSC will examine the consolidated draft text before its submission to the CDDH for consideration and possible adoption.

19. Finally, the CDDH welcomed the decisions taken at the 131st meeting of the Committee of Ministers (Hamburg, 21 May 2021) "*Securing the long-term effectiveness of the system of the European Convention on Human Rights*" (see item 3.1 in the agenda above) and, keeping this text in mind:

- (i) invited the interested delegations to submit to the DH-SYSC-V concrete drafting proposals on the topic of issues arising at the stage of the execution of judgments and decisions concerning the extraterritorial application of the Convention;

- (ii) (ii) invited the DH-SYSC-V to continue its discussions, in the light notably of the possible drafting proposals which will be submitted by the delegations.

ITEM 4: ENVIRONMENT AND HUMAN RIGHTS

20. The CDDH-ENV Chair, Ms Kristīne LĪCIS (Latvia) reported on the outcome of the first meeting of the Drafting Group from 28 to 30 April which had mainly been devoted to the updating of the draft Manual on Human Rights and the Environment which contained principles emerging from the relevant caselaw of the European Court on Human Rights and from the conclusions and decisions of the European Committee of Social Rights. The CDDH-ENV had also exchanged views on the elaboration of a non-binding instrument in this field and had subsequently prepared preliminary draft elements.

21. Regarding the draft Manual, the CDDH congratulated its Drafting Group on the impressive outcome achieved during its first meeting. It proceeded with an examination of the text and decided to adopt it as it appears in Addendum 2 to the present meeting report (document CDDH(2021)R94 Addendum2).

22. Regarding the national good practices, which appear in Appendix VI of the Manual, the CDDH agreed to give delegations until 25 June to submit any changes regarding these texts. They are also invited to submit any possible amendments they might have regarding to the French translation. The CDDH noted that the Secretary General will be invited to preface this text in order to highlight its importance in the context of the current priorities within the Organisation.

23. Regarding the future non-binding instrument to be drafted by the CDDH-ENV in the light notably of the Manual, the CDDH considered it important that it does not lower the level of requirements of the already existing standards. It agreed that the added value of such an instrument is the interconnectedness between human rights and the environment and that it is, therefore, important to examine closely whether the instrument should include general principles on human rights as well as on environmental law. The CDDH exchanged views on the preliminary elements for the future instrument (document CDDH-ENV(2021)03Rev) and noted, in particular the following aspects:

- (i) with regard to the recommendation to implement the concept of “due diligence”, it suggested to take into account the OECD Guidelines for Multinational Enterprises as well as the OECD Guidance on Due Diligence for Corporate Responsibility in order to ensure consistency of international standards;
- (ii) it supported the idea to add principles on education and awareness, as well as the need to adopt a scientific approach on the matter;
- (iii) it invited the CDDH-ENV to continue its drafting work at its 2nd meeting based on the preliminary elements. While noting that, at this stage, these elements took the form of a Recommendation of the Committee of Ministers, the CDDH invited its Group to revert to the question on the format when once the content will be more comprehensive.

24. As for the need to continue the work in this field once the CDDH has finalised the draft non-binding instrument that has been requested of it, it felt that it was premature to express formally any preference at this initial stage, as it will depend on the outcome of the non-binding instrument. However, some delegations expressed already that, in their view, the time was not yet ripe for preparing a binding instrument while others felt that such an option should not be excluded at present. In any events, the CDDH noted that the interconnectedness between human rights and the environment was indeed a new complex field which was constantly evolving, and which attracted much interest both from inside as well as outside the Organisation.

25. Finally, the CDDH agreed to postpone the 2nd meeting of the CDDH-ENV until 27 – 29 October 2021, which would give delegations more time for consultations at the national level. Such a postponement will enable the Secretariat, under the guidance of the CDDH-ENV Chair, to take into account all the contributions from member States so as to have ready a preliminary text of the draft instrument by mid-September. Thus the CDDH invited member States to submit any further contributions to the drafting proposals (contained in document CDDH (2021)03.rev) by 15 August (DGI-CDDH@coe.int). A third and final meeting of the Drafting Group is planned at the end of January 2022.

ITEM 5: CIVIL SOCIETY AND NATIONAL HUMAN RIGHTS INSTITUTIONS

20. The Chair of the Drafting Group on Civil Society and National Human Rights Institutions (CDDH-INST), Ms Krista OINONEN (Finland) informed the CDDH on the adoption by the Ministers' Deputies on 31 March 2021 of the Recommendation CM/Rec(2021)1 of the Committee of Ministers to member States on the development and strengthening of effective, pluralist and independent national human rights institutions, as well as of the follow-up given to, or foreseen, for its implementation.

21. She referred, in particular, to the high-level meeting organised online on 26 April 2021 jointly by ENNHRI, the German Chairmanship of the Committee of Ministers and the CDDH to promote the new instrument (the Programme of the meeting appears in Appendix VI below). For her part, the Chairperson of ENNHRI, Ms. Debbie KOHNER, underlined the importance of continuing efforts to implement and raise awareness of this instrument as well as the synergies to be developed to this end during the next quadrennium

28. The CDDH welcomed the adoption of the Recommendation by the Committee of Ministers and noted the exemplary manner in which the adoption of the text was followed by immediate high-level action aimed at its implementation. It shared the approach expressed by the Chairperson of ENNHRI and draw attention to the decision of the Committee of Ministers on this matter at its 131st Session (Hamburg 21 May 2021; see Appendix V below).²

ITEM 6: PROHIBITION OF THE TRADE IN GOODS USED FOR TORTURE AND DEATH PENALTY

29. The CDDH Rapporteur, Ms Nicola WENZEL (Germany) informed the CDDH on the adoption by the Ministers' Deputies on 31 March 2021 of Recommendation CM/Rec(2021)2 of the Committee of Ministers to member States on measures against the trade in goods used for the death penalty, torture and other cruel, inhuman or degrading treatment or punishment.

30. She mentioned in particular the Webinar organised on 17 May 2021 jointly by Amnesty International, The Omega Research Foundation, the German Presidency of the Committee of Ministers and the CDDH to promote this new instrument (the Programme of the Webinar appears in Appendix VI below). For his part, the CDDH consultant, Dr. Michael CROWLEY (Omega Research Foundation), underlined the importance of continuing efforts to implement and raise awareness of this instrument, as well as the synergies to be developed to this end during the next quadrennium.

² Reiterated the importance of further strengthening the role and meaningful participation of civil society organisations as well as national human rights institutions in the Organisation, in line with, inter alia, the Helsinki Ministerial decisions on civil society; instructed its Deputies and invited the Secretary General to vigorously pursue the work to this end, implement the Secretary General's follow-up proposals to the Helsinki decisions and report back on the results at the Ministerial Session in May 2022.

31. As for the previous item on the agenda, the CDDH welcomed the adoption of the Recommendation by the Committee of Ministers and noted the exemplary manner in which the adoption of the text was followed by immediate high-level action aimed at its implementation. It shared the approach expressed by the Rapporteur and by the CDDH Consultant, stressing the fact that the content of the Recommendation makes it possible to assert, in other bodies, the very firm European position on this subject.

ITEM 7: HUMAN RIGHTS AND BUSINESS

32. The Secretariat informed the Bureau about the *Workshop "Environment, Human Rights and Business: a framework for addressing environmental protection challenges"* which took place on 27 April 2021 under the auspices of the German Presidency of the Committee of Ministers (the Programme of the Workshop appears in Appendix VI below). The CDDH noted in particular that this event has:

- (i) explored the environmental protection dimension of relevant international instruments, notably the United Nations General Principles on Business and Human Rights; explored practical examples provided by companies regarding access to effective remedies; stimulated a dialogue on possible actions by the Council of Europe, including possibilities for a standard-setting work and a higher engagement with private business actors.
- (ii) ensured a multi-stakeholder dialogue with the participation of governmental agencies responsible for environmental protection, representatives of international organisations such as the United Nations Working Group on Business and Human Rights and the International Commission of Jurists, lawyers involved in litigation of environmental protection cases, NGOs active in the field of supporting access to radiation for victims of human rights violations as well as a number of scholars.

33. The CDDH welcomed the outcome of the Workshop. This event is part of the evaluation exercise which is currently conducted by the CDDH on the implementation of Recommendation CM/Rec(2016)3 of the Committee of Ministers to member states on human rights and business. The CDDH noted that it will have to adopt a report on the implementation of this instrument to be transmitted to the Committee of Ministers by the end of 2021. In this respect, the Steering Committee:

- (i) took note of the very comprehensive draft report prepared by the Secretariat (document CDDH(2021)13) as well as of the latest updates of the information submitted by several delegations;
- (ii) invited the delegations which have not yet provided information on the implementation of the Recommendation to do so by 30 August 2021;
- (iii) decided to consider the draft report at its 95th meeting (23 – 25 November 2021) in view of its transmission to the Committee of Ministers;
- (iv) invited the delegations to provide updated information in order to update the Council of Europe's Platform for Human Rights and Business;
- (v) invited its Drafting Group CDDH-ENV to examine, in the framework of its task to elaborate a non-binding instrument on human rights and the environment, the issue of *due diligence* of business enterprises.³

³ This invitation follows a suggestion made at the Workshop "Environment, Human Rights and Business: a framework for addressing environmental protection challenges" (27 April 2021) to explore the issue of corporate due diligence in terms of, inter alia, the identification, assessment, prevention, mitigation, monitoring, communication, accountability

34. Finally, the CDDH noted that the question of the protection of human rights through non-judicial remedies against companies would deserve to be explored within the Council of Europe, particularly in light of existing good practices in some countries, and that this issue should be reflected in the report to be submitted to the Committee of Ministers.

ITEM 8: MEASURES AGAINST TRAFFICKING FOR THE PURPOSE OF LABOR EXPLOITATION

35. The CDDH was informed by the Secretariat of the mandate given by the Ministers' Deputies in April 2021⁴ to the Drafting Committee on trafficking for the purpose of labour exploitation (DH-TET, see [Appendix VII](#) below).

36. The CDDH noted that this new multidisciplinary body, which involves the Secretariats of the DGI and the DGII, has been placed under the authority of the CDDH and will be responsible for preparing a draft Recommendation of the Committee of Ministers by 30 June 2022.

37. The CDDH elected the members of the DH-TET who will participate in meetings at the expense of the Council of Europe on behalf of the CDDH.

- (i) To this end, it designated the experts on behalf of Austria, France, Germany, Greece and Norway and noted that the experts on behalf of Finland and the Netherlands will participate in the work at the expense of their authorities. Participation is open to all member states of the Council of Europe on an equal footing.
- (ii) It appointed Mr Morten RUUD (Norway) as Chairman of the DH-TET.
- (iii) It noted that (i) the Governmental Committee of the European Social Charter and the European Code of Social Security has appointed its expert (Switzerland); (ii) the European Committee on Crime Problems (CDPC) will elect four members at its meeting at the end of June 2021; (iii) the Secretary General will soon appoint five independent experts.

38. The CDDH noted that the basic documents for the 1st meeting will be provided by the Secretariat of the Group of Experts on Action against Trafficking in Human Beings (GRETA).

39. The CDDH noted that the DH-TET will hold two meetings by the end of 2021 and two more meetings in the first half of 2022 and sets the date for the 1st meeting (by electronic means) for 15 – 17 September 2021.

ITEM 9: PREPARATION OF THE CDDH PROGRAMME OF ACTIVITIES FOR 2022 – 2025

40. The Secretariat presented the draft Terms of Reference for the CDDH and DH-SYSC for the 2022 - 2025 quadrennium (see [Appendix VIII](#) below).

41. The CDDH noted that these draft terms of reference fall within the framework of the draft general work programme of the Council of Europe, which is submitted by the Secretary General to the Committee of Ministers for adoption.

42. In its exchange of views on this subject, it kept in mind the decisions on *the Strategic Framework of the Council of Europe and forthcoming activities* adopted at the 131st Session of

for, addressing and remedying the potential and/or actual adverse impacts on human rights and the environment, including climate change.

⁴ 1401st meeting, 14 – 15 April 2021.

the Committee of Ministers (Hamburg, 21 May 2021, see [Appendix V](#)), which largely refer to the content of the CDDH's future terms of reference for 2022 – 2025.

43. The CDDH welcomed the draft terms of reference, considering that it fully corresponds to the main tasks assigned to the CDDH and to the current priorities in the field of Human Rights in Europe. It stressed the need to allow the CDDH to act within the draft terms of reference with all the necessary flexibility to respond effectively to any new priorities that may arise in the next four years.

44. The CDDH decided to organise at its 95th meeting (November) the work on human rights in the context of major crises (CDDH-COVID) and on human rights and artificial intelligence (CDDH-INTEL). At that time, it will proceed with the designation of the relevant Drafting Groups or, if that is not possible, with the designation of the Chair of each Group, so that the Secretariat has immediate access to a contact person for the preparation of the meetings.

ITEM 10: ACCESS TO OFFICIAL DOCUMENTS

45. The Secretariat informed the CDDH on (i) the entry into force of the Council of Europe Convention on Access to Official Documents (Tromsø Convention, [CETS No. 205](#)) in respect of Iceland on 1 June 2021; (ii) the adoption by the Committee of Ministers on 3 March 2021 of Resolution CM/Res(2021)2 on rules on the election procedure of the members of the Group of Specialists on Access to Official Documents; (iii) the process of nomination of candidates for the Group by the Parties; (iv) the methodology for the preparation of reports by the Parties under Article 14, paragraph 1 of the Tromsø Convention.

46. The Secretariat also provided information on the meeting of the Consultation of the Parties planned for 29 September 2021 to elect the members of the Group of Specialists and on the subsequent meeting of the Group on 6 and 7 December 2021.

ITEM 11: GENDER EQUALITY

47. The Rapporteur on Gender Equality, Mr Philippe WERY (Belgium), provided information to the CDDH on the exchanges of views that the experts of the Drafting Groups⁵ have had so far in the light of the thematic form "*Taking into account the gender equality dimension in the work of the CDDH and its subordinate bodies*" contained in document CDDH(2021)04.

48. The Rapporteur noted the interest of the new CDDH Drafting Committee on trafficking for the purpose of labour exploitation (DH-TET) to carry out this exercise at its first meeting. He also referred to the Online Conference "*Gender equality and the Istanbul Convention: a decade of action*" organised from Berlin on 11 May 2021 by the Gender Equality Division and the Violence against Women Division of the Council of Europe in partnership with the German Federal Ministry for Family Affairs, Senior Citizens, Women and Youth in the framework of the German Presidency of the Committee of Ministers of the Council of Europe.

49. The CDDH noted with satisfaction that all the subordinate bodies of the CDDH that have met since the last CDDH meeting (December 2020) have made good use of the thematic form and congratulated its Rapporteur on Gender Equality for his effective follow-up of this issue.

⁵ Drafting Group on enhancing the national implementation of the system of the European Convention on Human Rights (DH-SYSC-V); Drafting Group on effective processing and resolution of cases relating to inter-State disputes (DH-SYSC-VI); Drafting Group on Human Rights and the Environment

ITEM 12: BIOETHICS

50. The Secretary of the Committee on Bioethics (DH-BIO) Ms Laurence LWOFF presented the results of the 18th plenary meeting of the Committee (1 – 4 June 2021). In particular, she mentioned the state of the work related to the draft Additional Protocol to the Oviedo Convention concerning the protection of human rights and dignity of persons with mental disorder with regard to involuntary placement and involuntary treatment. In this regard, she noted the decision of the DH-BIO to postpone its vote on the draft Protocol to its 19th plenary meeting. This decision was taken considering the excellent progress made in the complementary work to the draft Additional Protocol on the collection of good practices on the promotion of voluntary measures in mental healthcare and so as to present the draft Protocol together with the collection which will be finalised by November.

51. The CDDH was also informed that the advisory opinion requested by the DH-BIO from the European Court of Human Rights on legal issues concerning the interpretation of some provisions of the Oviedo Convention⁶ is still pending.

52. Finally, the CDDH was informed that, in the framework of the preparation of the draft programme of activities of the Council of Europe for 2022 – 2025, it is envisaged that the DH-BIO will become again a Steering Committee that will be responsible for issues relating to human rights in biomedicine and health. The CDDH noted that the wish expressed by the members of the DH-BIO to maintain a close link with it is fully reciprocated. In particular, the CDDH expressed the wish to closely cooperate with the DH-BIO in the forthcoming work on Human Rights in the context of major crises (CDDH-COVID; see para 44 above). Furthermore, since an excellent relationship exists for many years, the CDDH strongly hoped that the Secretariat of the DH-BIO will continue to participate in the meetings of the CDDH and its Bureau to inform about the progress of the work carried out by its committee.

53. The CDDH underlined the importance of the DH-BIO work in the implementation of the Strategic Action Plan on Human Rights and Biomedical Technologies (2020 – 2025), a plan that aims to respond to the priority human rights issues raised by technological developments. It welcomed the fact that qualification as a Steering Committee will contribute to increase the visibility and impact of the DH-BIO's work. Appendix IX contains the decisions taken by the DH-BIO at its 18th meeting in June 2021.

ITEM 13: CONVENTIONS

54. The CDDH welcomed the forthcoming entry into force of Protocol n° 15 to the ECHR (1st August 2021) following the ratification by Italy on 21 April 2021. It exchanged views on the state of signatures and ratifications of other instruments under its responsibility, in particular Protocol n° 16 to the ECHR.

55. It noted that the concrete monitoring of the effects of these Protocols at the national level and with regard to the system of the Convention is among the tasks that will be assigned to the Steering Committee in the framework of the draft program 2022 – 2025. The CDDH invited its Committee of experts DH-SYSC to systematically exchange views on this item and, if necessary, to make follow-up proposals to the CDDH.

⁶ This request for an advisory opinion could concern the interpretation of some provisions of the Oviedo Convention, in particular concerning involuntary treatment (Article 7 of the Oviedo Convention) and the conditions for the application of possible restrictions on the exercise of the rights and protection provisions contained in this Convention (Article 26). Regardless of this possible request for an opinion from the Court, work on the Protocol will continue with the aim of strengthening the aspects relating to alternatives and preventive measures.

ITEM 14: CDDH FOCAL POINTS AND RAPPORTEURS

56. The CDDH noted that since its 93rd meeting (14 – 16 December 2020, document CDDH(2021)08) and due to the persistence of the pandemic, the participation of CDDH representatives in other bodies took place mainly through electronic means and especially in the framework of specific events organised by the Chair of the Committee of Ministers (see [Appendix VI](#) below).

57. The CDDH thanked warmly the CDDH representatives who took over this additional task.

ITEM 15: INVITEES

58. The CDDH noted that high-profile personalities have participated in its work since the last plenary meeting (December 2020) through major online events that have been organised. The CDDH will proceed to further formal invitations only at the end of the current pandemic, in order to exchange views in person with the invitees in the premises of the Council of Europe.

59. In particular, it wished that the Secretary General of the Council of Europe, Ms Marija PEJČINOVIĆ BURIC, could meet the CDDH at the 95th meeting (23 – 26 November 2021).

ITEM 16: PUBLICATIONS

60. The CDDH noted with satisfaction the recent publications both on its website and in hard copies:

- (i) *Development and strengthening of effective, pluralist and independent national human rights institutions*
- (ii) *Measures against the trade in goods used for the death penalty, torture and other cruel, inhuman or degrading treatment or punishment.*

61. The list of the recent publications as well as those foreseen by the end of 2021 appear in [Appendix XII](#) below.

62. The CDDH noted the improvements made to the CDDH website and the efforts of its Secretariat to publish rapidly, online and in hard copy, both the CDDH texts adopted by the Committee of Ministers as well as the Proceedings of the various events held under the aegis of the Committee of Ministers' Presidencies.

63. The CDDH decided to publish in the near future a manual compiling the Committee of Ministers' Recommendations (CM/Rec(2018)11 on the need to strengthen the protection and promotion of civil society space in Europe; CM/Rec(2019)6 on the development of the Ombudsman institution; and CM/Rec(2021)1 on the development and strengthening of effective, pluralist and independent national human rights institutions. This publication, which should be widely disseminated through the engagement of the civil society, would contain a foreword by the Secretary General.

64. Finally, it asked the Secretariat to explore the possibility for the Secretary General to also preface the forthcoming Manual on Human Rights and the Environment which will be published soon.

ITEM 17: CALENDAR

65. The CDDH adopted its calendar until 31 December 2021 (end of the current biennium) and, on a provisional basis, that of the first semester 2022 which be reviewed at its 95th meeting (November 2021) in the light, notably, of the terms of reference for the 2022 – 2025 quadriennium, that will have been adopted in the meantime by the Committee of Ministers. It noted that, in principle, the meetings until the end of 2021 will still take place by electronic means. The calendar as adopted at the present meeting, appear in Appendix XIII below.

ITEM 18: OTHER BUSINESS

66. The CDDH welcomed the contributions received from a number of delegations⁷ which helped in the preparation of the comments sent by the CDDH to the Committee on Counter-Terrorism (CTC) on the preliminary draft Recommendation CM/Rec(2021)XX of the Committee of Ministers to member states on measures aimed at protecting children against radicalisation for the purpose of terrorism.

67. These comments, prepared by the Steering Committee at the request of another body of the Organisation, are an example of good co-operation which reflects an important part of the terms of reference of the CDDH, namely, to advise other Council of Europe bodies to ensure that their activities reflect the requirements of the Convention and the relevant case-law of the Court.

ITEM 19: ACKNOWLEDGMENTS

68. Taking note of the new functions as Head of the new Department for the Implementation of Human Rights, Justice and Legal Co-operation Standards, the CDDH expressed its gratitude for the work carried out by Mr Mikhail LOBOV as Head of the former Human Rights Policy and Development Department within which the Division in charge of the Secretariat of the CDDH and the Judicial and Legal Co-operation Department was located until now. It wished him all the success in his new responsibilities.

69. Taking note of the retirement on 1 October 2021 of Mr Alfonso de SALAS, Head of the Human Rights Intergovernmental Cooperation Division, the Chairperson and the participants expressed him their deep gratitude for his work as the Secretary of the CDDH since 1997. They all wished him the best in the new phase he will soon undertake.

* * *

⁷ Andorra, Bulgaria, Finland, Luxembourg, Netherlands, Sweden, Office of the United Nations High Commissioner for Human Rights

Appendix I**Annotated agenda***(94th meeting of the CDDH, 15 – 18 June 2021)*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>	
CDDH(2020)R93	Report of the 93 rd CDDH meeting (14-16 December 2020)
CDDH-BU(2020)R105	Report of the 105 th Bureau meeting (27 – 28 May 2021)
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 Ministers⁸.</i>	
CDDH(2021)02	Comments adopted by the CDDH adopted after its 93 rd meeting (14-16 December 2020)
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 ... June 2021 regarding the follow-up to be given to the Interlaken process.</i>	
	Decisions of the Committee of Ministers – “Securing the long-term effectiveness of the European Convention on Human Rights” (21 May 2021)
	Contribution of the CDDH to the evaluation provided for by the Interlaken Declaration
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 8th (2-4 February 2021) and 9th meetings (23-25 March 2021) of the Group as well as the organisation of its future work.</i>	
47+1(2021)R8	Report of the 8 th meeting of the “47+1 Group” (2 – 4 February 2021)

⁸ To this end, the Bureau will be invited, at its May 2021 meeting, to exchange views on the draft comments prepared by the Secretariat (see CDDH (2021)02) on the following five Recommendations: 2180(2020) - “The impact of the Covid-19 pandemic on human rights and the rule of law” ; 2182(2020) - “Justice by algorithm – the role of artificial intelligence in policing and criminal justice systems” ; 2183(2020) - “Preventing discrimination caused by the use of artificial intelligence”; 2185(2020) - “Artificial intelligence in health care: medical, legal and ethical challenges ahead”; 2190(2020) - “Effective guardianship for unaccompanied and separated migrant children”.)

47+1(2021)R9	Report of the 9 th meeting of the “47+1 Group” (23 – 25 March 2021)
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 3rd meeting (14 – 16 April 2021). The CDDH will be invited to hold a discussion on the continuation of the work of the DH-SYSC-IV.</i>	
<i>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 on the results of the high-level Conference of experts on the effective processing and resolution of cases relating to inter-State disputes which took place on 12 – 13 April 2021, under the auspices of the German Presidency of the Committee of Ministers.</i>	
DH-SYSC-IV(2021)R3	Report of the 3 rd meeting of the DH-SYSC-IV (14 –16 April 2021)
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 2nd meeting of the Group (29 – 31 March 2021). The CDDH will be invited to adopt the Draft Recommendation CM/Rec(2021)... of the Committee of Ministers to member States on the publication and dissemination of the European Convention on Human Rights, the case-law of the European Court of Human Rights and other relevant texts. The CDDH will be invited to exchange views on the Seminar “ Effective implementation of the European Convention on Human Rights – enhancing domestic dialogue and co-ordination” to be held on 15 June 2021 (see draft Programme in Appendix I below).</i>	
DH-SYSC-V(2021)R2	Report of the 2 nd meeting of the DH-SYSC-V (29 – 31 March 2021)
CDDH(2021)10Rev2	Draft Recommendation CM/Rec(2021)... of the Committee of Ministers to member States on the publication and dissemination of the European Convention on Human Rights, the case-law of the European Court of Human Rights and other relevant texts
CDDH(2021)11	Compilation of comments on the Draft Recommendation CM/Rec(2021)... of the Committee of Ministers to member States on the publication and dissemination of the European Convention on Human Rights, the case-law of the European Court of Human Rights and other relevant texts
CDDH(2021)09	Draft Programme of the Seminar “ <i>Effective implementation of the European Convention on Human Rights – enhancing domestic dialogue and co-ordination</i> ”
ITEM 4: ENVIRONMENT AND HUMAN RIGHTS	
<i>The Chair of the CDDH-ENV, Ms Kristīne LĪCIS (Latvia) will inform the CDDH on the state of progress of the work of the Group on human rights and environment during and after its first meeting (28 – 30 April 2021). The CDDH will be invited to hold a discussion on the work of the CDDH-ENV and on the results of the Workshop on Environment, Human Rights and Business, which took place on 27 April 2021 under the auspices of the German Presidency of the Committee of Ministers.</i>	
CDDH-ENV(2021)R1	Report of the first CDDH-ENV meeting (28 – 30 April 2021)

CDDH-ENV(2021)R1_AddendumRev	Draft Manual on Human Rights and the Environment 3 rd edition "Principles emerging from the case-law of the European Court of Human Rights and from the conclusions and decisions of the European Committee on Social Rights"
CDDH-ENV(2021)07	Updating the Manual on human rights and the environment (2nd edition), Compilation of contributions received from CDDH-ENV members and observers
CDDH-ENV(2021)03Rev	Preliminary elements for consideration in view of a possible future non-binding instrument on human rights and the protection of the environment
CDDH-ENV(2021)08	Drafting proposals for a preliminary text of a non-binding instrument on human rights and the environment, Compilation of contributions received from CDDH-ENV members and observers
CDDH-ENV(2021)04	Legal survey on existing principles and standards to be used as a background document by the Drafting Group on Human Rights and Environment (CDDH-ENV), Prepared by Juliëtte RIERINK (LL.M.), Human Rights Research Consultant
CDDH Publication "Environmental Protection and Human Rights"	
ITEM 5: CIVIL SOCIETY AND NATIONAL HUMAN RIGHTS INSTITUTIONS	
<i>The Chair of the Drafting Group on civil society and national human rights institutions (CDDH-INST), Ms. Krista OINONEN (Finland) will inform on the adoption by the Ministers' Deputies on 31 March 2021 of Recommendation CM/Rec(2021)1 of the Committee of Ministers to member States on the development and strengthening of effective, pluralist and independent national human rights institutions. In particular, she will refer to the high-level online meeting organised on 26 April 2021 jointly by ENNHRI, the German Chairmanship of the Committee of Ministers and the CDDH to promote the new instrument.</i>	
ITEM 6: MEASURES AGAINST THE TRADE IN GOODS USED FOR THE DEATH PENALTY, TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT	
<i>The CDDH Rapporteur, Ms. Nicola WENZEL (Germany) will inform on the adoption by the Ministers' Deputies on 31 March 2021 of Recommendation CM/Rec(2021)2 of the Committee of Ministers to member States on measures against the trade in goods used for the death penalty, torture and other cruel, inhuman or degrading treatment or punishment, as well as on the follow-up given or foreseen of its implementation. She will also refer to the Webinar organised on 17 May 2021 jointly by Amnesty International, The Omega Research Foundation, the German Chairmanship of the Committee of Ministers and the CDDH to promote the new instrument.</i>	
ITEM 7: BUSINESS AND HUMAN RIGHTS	
<i>The CDDH will be invited to examine a draft report on the implementation of the Recommendation CM/Rec(2016)3 on Human Rights and Business</i>	
CDDH(2021)13	Draft report on the implementation of the Recommendation CM/Rec(2016)3 on Human Rights and Business

ITEM 8: MEASURES AGAINST TRAFFICKING FOR THE PURPOSE OF LABOR EXPLOITATION

The Secretariat will inform about the terms of reference given by the Ministers' Deputies⁹ to the Drafting Committee on Trafficking for the purpose of Labour Exploitation (DH-TET) to elaborate a draft Recommendation of the Committee of Ministers before 30 June 2022. In the light of the Bureau's suggestions, the CDDH will be invited to designate five members of the DH-TET.

[CDDH\(2021\)05](#)

Terms of reference of the DH-TET

[CDDH\(2021\)05add](#)

List of candidates

ITEM 9: PREPARATION OF THE CDDH PROGRAMME OF ACTIVITIES FOR 2022 – 2025

In the light of the proposals made by the Bureau (105th meeting, 27 – 28 May 2021) the CDDH will be invited to exchange views on its programme of activities for 2022 – 2025.

[CDDH\(2021\)06](#)

Document prepared by the Secretariat including proposals made by the Bureau (105th meeting, 27 – 28 May 2021)

ITEM 10: ACCESS TO OFFICIAL DOCUMENTS

The Secretariat will inform the CDDH on the work to set up the monitoring mechanisms provided for in the Council of Europe Convention on Access to Official Documents ([CETS No. 205](#)) following its entry into force on 1 December 2020.

[CDDH\(2020\)12](#)

Information provided by the Secretariat

ITEM 11: GENDER EQUALITY

The CDDH will be informed by its Rapporteur on gender equality, Mr Philippe WERY (Belgium) about the gender-equality thematic form proposed to be used in CDDH sub-ordinate bodies.

[CDDH\(2021\)04](#)

Taking into account the gender equality dimension in the work of the CDDH and its subordinated bodies

ITEM 12: BIOETHICS

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.

18th DH-BIO Decisions

Decisions of the 18th meeting of the Committee on bioethics (DH-BIO) (1 – 4 June 2021)

ITEM 13: CONVENTIONS

The CDDH will be invited to exchange views on the forthcoming entry into force of Protocol No. 15 to the ECHR (1 August 2021) following the ratification by Italy on 21 April 2021 as well as on the state of signature/ratification of other instruments in charge of the CDDH, in particular concerning Protocol No.16 to the ECHR.

[CDDH\(2021\)07](#)

Information provided by the Secretariat

ITEM 14: FOCAL POINTS

⁹ 1401st meeting, 14 – 15 April 2021.

<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(2021)08	Information provided by the focal points representing the CDDH in other bodies / events
ITEM 15: INVITEES	
<i>The CDDH will be invited to exchange views on possible invitees to the forthcoming CDDH meetings.</i>	
CDDH-BU(2020)R105 (see link to document, Item 1 above)	Report of the 105 th Bureau meeting (27 – 28 May 2021)
ITEM 16: PUBLICATIONS	
<i>The CDDH will be invited to exchange views on the current and future publications.</i>	
CDDH Publications' website	
ITEM 17: CALENDAR	
<i>The CDDH will be invited to exchange views on the draft calendar for the second semester of 2021 and the first semester of 2022, in the light of the suggestions put forward by the Bureau at its meeting in May 2021.</i>	
CDDH-BU(2021)R105 Appendix IX (see link to document, Item 1 above)	Proposals provided by the Bureau
ITEM 18: ACKNOWLEDGEMENTS	
ITEM 19: OTHER BUSINESS	
CDDH(2021)03	Comments of the CDDH concerning the preliminary draft Recommendation CM/Rec(2021)XX of the Committee of Ministers to member states on measures aimed at protecting children against radicalisation for the purpose of terrorism

Appendix II**List of participants***(94th meeting of the CDDH, 15 – 18 June 2021)***MEMBERS / MEMBRES**

ALBANIA / ALBANIE	
ANDORRA / ANDORRE	
ARMENIA / ARMÉNIE	
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 / AZERBAIDJAN	Mr Şahin ABBASOV Adviser, Lead consultant, Human Rights Protection Unit, Law Enforcement Bodies Department of the Administration of the President Ms Zhala IBRAHIMOVA Deputy to the Permanent Representative of the Republic of Azerbaijan to the Council of Europe
BELGIUM / BELGIQUE	Mr Philippe WERY Chef du Service des droits de l'homme, SPF Justice, Service des Droits de l'Homme Mme Isabelle NIEDLISPACHER
BOSNIA AND HERZEGOVINA / BOSNIE-HERZEGOVINE	Ms Monika MIJIĆ Acting agent of the Council of Ministers of Bosnia and Herzegovina before the European Court of Human Rights Ms Harisa BAČVIĆ Acting agent of the Council of Ministers of Bosnia and Herzegovina before the European Court of Human Rights Ms Jelena CVIJETIĆ Acting agent of the Council of Ministers of Bosnia and Herzegovina before the European Court of Human Rights
BULGARIA / BULGARIE	
CROATIA / CROATIE	Mrs Romana KUZMANIĆ OLUIĆ Counsellor, Ministry of Foreign and European Affairs, Directorate General for Multilateral Affairs and Global Issues, Division for Human Rights and Regional International Organisations and Initiatives
CYPRUS / CHYPRE	Ms Theodora CHRISTODOULIDOU Counsel of the Republic, Office of the Attorney-general (Human Right sector)

CZECH REPUBLIC / REPUBLIQUE 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, Constitutional Law and Human Rights Division
ESTONIA / ESTONIE	Ms Maris KUURBERG Government Agent before the ECtHR, Ministry of Foreign Affairs Ms Anastasia ANTONOVA Lawyer, International Law Division, Legal Department, 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 Giorgi BAIDZE Legal Adviser at the Department of State Representation in International Courts, Ministry of Justice Ms Nana TCHANTURIDZE Head of the Litigation Division of the Department of State Representation in International Courts, Ministry of Justice
GERMANY / ALLEMAGNE	Mr 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 Ms 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 Agent of the Government before the ECHR, Department of Foreign Affairs
ITALY / ITALIE	Ms Maria AVERSANO 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 Deputy Permanent Representative of the Principality of Liechtenstein, Office of Foreign Affairs, Division for Security and Human Rights
LITHUANIA / LITUANIE	Ms Karolina BUBNYTE-ŠIRMENĖ Government Agent before the ECtHR, Ministry of Justice,
LUXEMBOURG	Mme Brigitte KONZ Présidente du Tribunal, Tribunal d'Arrondissement de Diekirch
MALTA / MALTE	Mr Julian VELLA Lawyer, Office of the State Advocate
REPUBLIC OF MOLDOVA / REPUBLIQUE DE MOLDOVA	Mr Oleg ROTARI Government Agent before the ECtHR, Ministry of Justice Ms Oana EZER Government Agent, Ministry of Justice
MONACO	M. Gabriel REVEL Chef de division, Service du droit International, des droits de l'homme et des libertés fondamentales, Direction des Affaires Juridiques de la Principauté de Monaco
MONTENEGRO / MONTÉNÉGRO	Ms Valentina PAVLIĆ Government Agent before the ECtHR
NETHERLANDS / PAYS-BAS	Ms Babette KOOPMAN Government Agent before the EctHR, Ministry of Foreign Affairs Ms Michelle DUIN Michelle.duin@minbuza.nl
NORTH MACEDONIA / MACÉDOINE DU NORD	Ms Elena BODEVA Head of Council of Europe Unit, Directorate for Multilateral Relations and Security Cooperation, 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

	<p>Ms Helle Aase FALKENBERG Adviser, Norwegian Ministry of Justice and Public Security, Department of Legislation</p> <p>Ms Tonje MEINICH Deputy Director General, Legislation Department, Ministry of Justice and Public Security</p>
POLAND / POLOGNE	<p>Mr Jan SOBCZAK Government Agent, Acting Director, Department for Proceedings before International Human Rights Protection Bodies, Ministry of Foreign Affairs</p>
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INTERPRETERS / INTERPRÈTES

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Appendix III

Opening address by Mr Christos GIAKOUMPOULOS
Director General of Human Rights and Rule of Law
(only in French)

- Bienvenue à cette nouvelle réunion plénière et, hélas, encore virtuelle (une deuxième réunion plénière virtuelle après celle tenue en automne 2020) ; Les réunions en format hybrides vont reprendre partiellement dès le mois de juillet, avec la réunion du Groupe 47+1, donc on espère pour la prochaine réunion plénière du CDDH que vous pourriez vous déplacer enfin à Strasbourg ;
- Ceci dit, le Programme du CDDH reste aussi dense que d'habitude ; tel est tout d'abord le cas pour ce qui concerne vos activités sur le terrain de la Convention ; Vous avez deux dossiers extrêmement importants en la matière, celui des affaires interétatiques (SYSC-IV) et celui de la mise en œuvre de la CEDH au plan national (SYSC-V); En avril j'ai eu le plaisir de participer au séminaire de haut niveau organisé par la présidence allemande du CM, qui traitait des affaires interétatiques ; Je n'ai aucun doute que le groupe de rédaction SYSC-IV a pu pleinement en profiter pour mener à bien ses travaux ;
- Hier vous avez tenu un autre séminaire sur la mise en œuvre de la Convention au plan national, qui était beaucoup axé sur l'exécution des arrêts mais qui a également pu vous ouvrir d'autres perspectives car vous avez pu entendre aussi bien le Président de la Cour que des représentants de la Direction Générale ; Vous avez pu constater qu'il y a de nouvelles idées et de nouveaux projets intéressants en la matière ; Je suis confiant que le groupe de rédaction pourra pleinement profiter des idées et des informations partagées lors du séminaire d'hier.
- Autant pour le système de la CEDH, pour lequel le CDDH joue un rôle fondamental que d'aucuns compare avec celui «d'un comité des Hautes Parties contractantes» à la Convention (on cite ici ton article pour les canadiens) ;
- Mais si l'on regarde l'autre volet important des activités du CDDH, le volet du développement des DH, votre programme reste tout aussi dense. Vous avez finalisé à votre dernière réunion deux nouvelles recommandations qui ont eu beaucoup de succès, celle sur les mesures pour prévenir le commerce des outils utilisés pour la torture et la peine de mort et celle sur les institutions nationales des droits de l'homme. Les deux textes ont été adoptés depuis par le CM ;
- Vous avez deux autres dossiers importants à votre ordre du jour : les droits de l'homme et l'environnement, sur lequel votre groupe de travail a pu se réunir récemment pour la première fois ; mais vous avez un nouveau sujet qui se rajoute à votre ordre du jour et qui vous occupera jusqu'à l'été de l'année prochaine : c'est l'élaboration d'une recommandation sur les mesures contre la traite à des fins d'exploitation par le travail. Le sujet nous parvient à l'initiative de GRETA, l'organe de monitoring de la Convention contre la traite des êtres humains, que le CDDH connaît bien. Je suis sûr que cette tâche sera intéressante et qu'elle sera menée à bien.
- Enfin, vous aurez d'autres dossiers à traiter cette semaine, y compris le suivi de la recommandation sur les droits de l'homme et les entreprises, la mise en route de la Convention de Tromsø, la bioéthique comme d'habitude, sans oublier l'examen de votre propre programme d'activités pour le prochain biennium. Je suis fier de pouvoir vous dire que le CDDH continue à servir d'exemple d'un comité compétent, fiable, proactif et coopératif avec toutes les autres instances dans cette maison.

- Cela m'amène cependant à vous rappeler un autre point important avant de conclure mon allocution. Je pense qu'à ce stade, vous êtes toutes et tous conscient des changements qui interviennent dans votre secrétariat. Tout d'abord, un changement au niveau du chef de service qui gère les activités de votre comité. Mikhail Lobov ayant été nommé à diriger un nouveau service au sein de la Direction Générale (le service de la mise en œuvre des standards en matière de droits de l'homme, justice et coopération juridique), le poste du chef du service qui s'occupe du CDDH est devenu vacant et sera pourvu dans les semaines qui viennent.
- Mais il y a un autre changement de taille qui va affecter votre comité et que je tiens d'emblée à vous annoncer, même si beaucoup d'entre vous le savent déjà : Votre secrétaire, Alfonso de Salas, qui occupé ce poste depuis 23 ans, participe à sa dernière réunion plénière cette semaine avant son départ à la retraite en septembre. Alfonso a marqué, par son dévouement et son engagement sans réserve, le travail du CDDH et de notre Organisation toute entière. Son départ laissera un vide difficile à combler. En tant que collègue ayant bénéficié de sa camaraderie et de sa bienveillance, de sa modestie et de son éthique professionnelle, pendant les nombreuses années où nous avons travaillé côte à côte, je tiens de tout mon cœur à le remercier. Je voulais attirer votre attention sur ces changements du côté de votre secrétariat. Car l'histoire du succès du CDDH, qui sert à bien d'égards d'exemple remarquable au sein de cette organisation depuis bientôt 50 ans, c'est bien évidemment une histoire d'hommes et de femmes qui ont servi ce comité pendant toutes ces années.
- Sur cette note un peu triste, mais aussi avec optimisme pour l'avenir de vos travaux, je voudrais vous souhaiter à toutes et à tous une bonne et fructueuse réunion.

* * *

Appendix IV

CDDH Comments on Recommendations of the Parliamentary Assembly

(comments adopted by written procedure)

[Recommendation 2180\(2020\) - “The impact of the Covid-19 pandemic on human rights and the rule of law”](#)

CDDH COMMENTS

1. The Steering Committee for Human Rights (CDDH) takes note with interest of the Parliamentary Assembly’s [Resolution 2338\(2020\)](#) on the impact of the Covid-19 pandemic on human rights and the rule of law. It fully shares the invitation of the Parliamentary Assembly to the Committee of Ministers to review national experience in responding to the Covid-19 pandemic, with a view to pooling knowledge and experience and identifying good practice on how to ensure an effective response to public health emergencies that respects human rights and the rule of law.
2. The CDDH is aware of the fact that, during emergencies or similar exceptional situations, states could be tempted to seek to achieve a more rapid, flexible and effective response, with in some cases the consequence of refraining from normal checks and balances. which fact could be proven as hazardous from the perspective of human rights, democracy, and the rule of law¹⁰.
3. The CDDH felt that, to maintain the needed check and balances during exceptional situations, national authorities should identify and assess (actual or potential) human rights impacts and risks of the measures taken or envisaged to face the exceptional situation. The CDDH already expressed before the Committee of Ministers its willingness and availability to work in this field during the next four-year Programme.
4. Following the recommendations from the Parliamentary Assembly and in synergy with ongoing pandemic-related work in other sectors of the Council of Europe, work that the CDDH might conduct could result, for instance, in:
 - (i) drafting a report to the Committee of Ministers on member States’ practice in relation to derogations from the European Convention on Human Rights in case of major hazards (pandemic, natural disasters, etc.) along with the case-law of the European Court of Human Rights and the relevant texts of the Venice Commission (notably its list of “Principles governing the state of emergency” of May 2020 and its “Rule of Law Checklist”) and the work of the ad hoc Committee of Legal Advisers on Public International Law (CAHDI) as well as international legal standards, in order to provide practical guidance to member States on the issue of derogations and to enhance procedural coherence and consistency in this respect;
 - (ii) drafting a *Toolkit for human rights impact assessment of the measures taken by the state* , in case of major hazards (pandemic, natural disasters, etc.) with the purpose to assist member States in balancing tension between, on the one hand, the States’ positive obligations to respect and protect human rights and the proportionality of the restrictive measures applicable generally to the population on the other hand in case of major hazards . This text could contain a selection of national good practices;
 - (iii) based on the above-mentioned texts, a non-binding instrument (for instance, a Recommendation to member States) could be drafted at a later stage, with the purpose to assist member States to fully respect human rights, democracy and the rule of law in case of major hazards like the present covid-19 crisis.

* * *

¹⁰ Cf. Parliamentary Assembly Resolution 2338(2020), para. 4.

[Recommendation 2182\(2020\) - “Justice by algorithm – the role of artificial intelligence in policing and criminal justice systems”](#)

CDDH COMMENTS

1. The Steering Committee for Human Rights (CDDH) takes note with interest of Parliamentary Assembly’s Resolution 2342(2020) “Justice by algorithm – The role of artificial intelligence in policing and criminal justice systems”, in particular the invitation addressed by the Assembly to the Committee of Ministers when assessing the necessity and feasibility of a European legal framework for artificial intelligence, to look into the serious potential impact for human rights of the use of artificial intelligence in policing and criminal justice systems.
2. In this framework, it stresses the importance of the Parliamentary Assembly Report on the role of artificial intelligence in policing and criminal justice systems.
3. The CDDH reaffirms that all member States’ policing and criminal justice systems should operate under and within the same basic standards of human rights and the rule of law as they are enshrined in the European Convention on Human Rights (ETS No. 5) and interpreted by the case-law of the European Court of Human Rights.
4. The CDDH fully shares the Assembly’s concerns regarding a possible regulatory patchwork that may give rise to “ethics shopping”, resulting in the relocation of artificial intelligence development in states with lower ethical standards.
5. The CDDH felt that the preparation of a handbook on human rights and AI would be highly appropriate. However, to avoid duplications of CDDH activities with those of other relevant Council of Europe bodies, it was proposed to the Committee of Ministers to postpone this work until 2022-2025.
6. The CDDH follows closely the work carried out by the CAHAI and other relevant bodies such as the European Committee on Crime Problems (CDPC), i.e. its feasibility study on a future Council of Europe instrument on artificial intelligence and criminal law, and the European Committee on Legal Co-operation (CDCJ).

* * *

[Recommendation 2183\(2020\) - “Preventing discrimination caused by the use of artificial intelligence”](#)

CDDH COMMENTS

1. The Steering Committee for Human Rights (CDDH) takes note with interest of the Parliamentary Assembly Resolution 2343(2020), in particular the invitation addressed by the Assembly to the Committee of Ministers, when assessing the necessity and feasibility of an international legal framework for artificial intelligence, to look into the serious potential impact for the rights to equality and non-discrimination.
2. The CDDH reaffirms that all member States are required to respect the rights of equality and non-discrimination in accordance with the European Convention on Human Rights (ETS No. 5) and the European Social Charter (ETS No. 35 and No 163) as they are interpreted by the European Court of Human Rights and the European Committee of Social Rights, respectively.
3. The CDDH supports the work of the CAHAI and other relevant bodies such as the Steering Committee on Anti-Discrimination, Diversity and Inclusion (CDADI) whose 2022-2023 workplan envisages the preparation of a sectoral instrument on AI, non-discrimination and equality.
4. The CDDH felt that the preparation of a handbook on human rights and AI would be highly appropriate. However, to avoid duplications of CDDH activities with those of other relevant Council of Europe bodies, it was proposed to the Committee of Ministers to postpone this work until 2022-2025.

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[Recommendation 2185\(2020\) - "Artificial intelligence in health care: medical, legal and ethical challenges ahead"](#)

CDDH COMMENTS

1. The Steering Committee for Human Rights (CDDH) takes note with interest of the Parliamentary Assembly Recommendation 2185(2020) - "Artificial intelligence in health care: medical, legal and ethical challenges ahead" and its "Report on Artificial intelligence in health care: medical, legal and ethical challenges ahead".

2. The CDDH agrees that AI applications in healthcare constitute a changing environment and full respect for human rights, including social rights, needs to underpin public policy making for healthcare and guide further technological progress. To achieve that more mature AI mechanisms can be deployed safely from a human rights perspective, and that benefits from innovation are spread fairly and equitably across society, a collaborative and multidisciplinary approach is required across the Council of Europe. Hence, the CDDH welcomes the invitation of the Parliamentary Assembly to the Committee of Ministers to mandate relevant Council of Europe bodies to conduct work regarding AI-related risks and challenges, in particular in healthcare.

3. The CDDH takes also note of the invitation from the Assembly to the Committee of Ministers to encourage member States to take concrete action allowing to establishing ethical principles for AI and its responsible use, while giving effect to everyone's right to health as set out in the European Social Charter and while securing population's full access to public healthcare services.

4. The CDDH reiterates the pertinence of existing Council of Europe legal instruments, in particular the European Convention on Human Rights (ETS No. 5), the Convention on Human Rights and Biomedicine (ETS No. 164, "Oviedo Convention") and the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS No. 108) and its amending protocol (CETS No. 223, "Convention 108+") in relation to AI-driven transformations in healthcare. The CDDH reaffirms that all member States are required to respect the rights and principles enshrined therein till a dedicated legal instrument on AI is adopted.

5. The CDDH examined its mandate in the field of human rights and AI during its 93rd plenary meeting (14 to 16 December 2020) which was postponed until 2022 in order to avoid duplications of its activities with those of other relevant Council of Europe bodies, such as the Ad hoc Committee on Artificial Intelligence (CAHAI), Committee on Bioethics (DH-BIO), Committee of Experts on Human Rights Dimensions of Automated Data Processing and Different Forms of Artificial Intelligence (MSI-AUT) and the Committee on Social Affairs, Health and Sustainable Development.

6. In the light of the conclusions to be reached in 2021 by other bodies, the CDDH could, for instance:

- (i) consider the feasibility of updating the Recommendation CM/Rec(2016)3 on human rights and business in order to reflect modern challenges and member States' obligations under the European Social Charter (including the right to health);
- (ii) draft a report in relation to the work conducted by all the involved Council of Europe bodies with the purpose of identifying any areas where further work is needed;
- (iii) draft, in co-operation notably with the Committee on Bioethics (DH-BIO), a *Toolkit* with measures for practical guidance to assist member States in dealing effectively with medical, legal and ethical challenges posed by AI applications in health care.

[Recommendation 2190\(2020\) - “Effective guardianship for unaccompanied and separated migrant children”](#)

CDDH COMMENTS

1. The Steering Committee for Human Rights (CDDH) takes note with interest of the Parliamentary Assembly’s Resolution 2354 (2020) on effective guardianship for unaccompanied and separated migrant children and it fully shares the invitation of the Parliamentary Assembly to the Committee of Ministers to enhance the implementation of the Recommendation CM/Rec(2019)11.

2. The CDDH underlines the importance to have effective guardianship systems in all Council of Europe member States, especially regarding unaccompanied and separated children. It notes that the Steering Committee for the Rights of the Child (CDENF), the Drafting Group on Migration and Human Rights (CDDH-MIG) and the Network of Focal Points on Migration could contribute significantly in reaching this goal.

3. As to its work on the issue, the CDDH recalls that it was mandated by the Committee of Ministers to draft a document on family-based care for unaccompanied and separated migrant children. It is foreseen to finalise it in 2021.

* * *

Appendix V

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”

(adopted at the 131st Ministerial session, 21 May 2021
Visioconference, Hamburg)

[...]

2a. THE STRATEGIC FRAMEWORK OF THE COUNCIL OF EUROPE AND FORTHCOMING ACTIVITIES

Decisions

On the Strategic Framework of the Council of Europe in the coming four years:

The Committee of Ministers,

Recalling its decisions adopted at the 129th Session of the Committee of Ministers, its Declaration on the occasion of the 70th anniversary of the Council of Europe and resolved to uphold and promote the Organisation’s long-term strategic role:

1. expressed its appreciation for the Secretary General’s Strategic Framework of the Council of Europe (SG/Inf(2020)34) and invited her to submit relevant proposals for approval by its Deputies and to regularly report on implementation;
2. welcomed the Secretary General’s progress report on reform measures and agreed to introduce a four-year programming period for the Organisation, including a comprehensive mid-term review, while continuing the existing two-year budgetary cycle;
3. stressed that the Programme and Budgets for the next four-year period should take into account the appended Guidelines entitled “The Council of Europe in the coming four years”.

Annex: “The Council of Europe in the coming four years”

Firstly: The Organisation’s essential role and responsibility in today’s Europe

1. The Council of Europe plays an essential role in achieving greater unity between its member States and safeguarding the human rights and fundamental freedoms of over 840 million citizens throughout the European continent. The European Court of Human Rights and the Convention have made an extraordinary contribution to the protection and promotion of human rights and the rule of law in Europe and play a central role in maintaining democratic security and improving good governance across the continent.
2. The Organisation has a particular responsibility for ensuring the implementation of its conventions through a comprehensive system of monitoring, developing new legally binding standards in response to new challenges and, according to need, providing expert advice and technical assistance through its co-operation programmes to its member States.
3. Today, the Organisation has a particular role to play in its areas of expertise in effectively responding to challenges and crises, such as those arising from the Covid-19 pandemic.
4. Its member States are committed to the values which are the common heritage of their peoples and the true source of individual freedom, political liberty and the rule of law, principles which must form the basis of all genuine democracies.

5. They are guided by a political philosophy of openness, inclusion and unity in diversity, and by a common commitment to multilateralism, expressed through their membership of the Council of Europe and adherence to its convention system and to multilateral co-operation based on the respect of norms of international law.

Secondly: With regard to co-operation among the Council of Europe's key institutions and other bodies and their respective contribution

6. The Committee of Ministers has the key role in providing political guidance, leadership and impetus to the work of the Organisation, while recognising the important role of the Parliamentary Assembly in supporting democracy and taking political initiatives, and acknowledging the executive functions of the Secretary General, being responsible for the overall co-ordination, communication and implementation of the Programme and Budget of the Organisation.

7. Since the Ministerial Session in Helsinki in 2019, contacts and co-operation between the statutory organs of the Organisation – the Committee of Ministers, the Parliamentary Assembly and the Secretary General – have improved considerably, facilitating more coordinated and effective responses to current and emerging challenges. The Parliamentary Assembly has made a constructive contribution with its report: The Assembly's vision on the strategic priorities for the Council of Europe.

8. At the same time, the Ministers underlined the decisive and complementary roles played by its various institutions, including the Commissioner for Human Rights and the Congress of Local and Regional Authorities, and intergovernmental structures.

Thirdly: With regard to other important aspects of its work, including the co-operation with its main international partners

9. There is a need to work for the widest possible adherence to the conventions of the Council of Europe, promoting their implementation in order to strengthen common standards, as well as agreeing to new ones to fill gaps and respond to emerging challenges, throughout the continent and beyond.

10. The accession of the European Union to the European Convention on Human Rights is of particular importance to ensure that the Convention applies in a comprehensive and uniform manner across Europe. It should strengthen the European Convention on Human Rights at the heart of the pan-European system of human rights protection.

11. Practical co-operation between the Council of Europe and, in particular, the European Union, the OSCE and the United Nations, as well as other international organisations, needs to be further enhanced and the contribution of the Council of Europe to the relevant Sustainable Development Goals (SDGs) be emphasised. With respect to the Council of Europe's Policy towards neighbouring regions, the Council reaffirms its determination to consolidate progress in co-operation with the beneficiaries and looks forward to the conclusion of the ongoing review of the policy.

12. The wide mandate of the Council of Europe is recognised, covering a range of important activities, including those not specifically highlighted in the Strategic Framework of the Secretary General, in areas ranging from preventing torture and combatting terrorism to youth, culture and sports.

13. In light of the devastating social and economic consequences of the Covid-19 pandemic, the Council of Europe, together with member States, needs to jointly define remedies and solutions which could be effective in fighting violence against women and children, as well as to ensure equitable access to social rights and to health and providing protection for groups in vulnerable situations; it also needs to address increasing inequality, racism, xenophobia, hate speech and discrimination on grounds of religion or belief or any other ground.

14. National security and public safety can only be effectively protected in a democracy which fully respects the rule of law and provides for an independent and effective judiciary. This requires parliamentary control of a declared state of emergency and its duration, and a judicial review of the measures taken to avoid abuse, while acknowledging that it is ultimately for the European Court of Human Rights to assess and decide whether the respective measures taken by States Parties are in conformity with the European Convention on Human Rights.

15. The Council of Europe remains concerned about unresolved conflicts that still affect certain parts of the continent, putting at risk the security, unity and democratic stability of member States, and threatening the human rights of the populations concerned. Working together for reconciliation and political solutions in conformity with the norms and principles of international law remains essential.

16. There is a need to further strengthen and streamline the Council of Europe by increasing the effectiveness of its activities, structures and working methods, promoting its agility and adaptability, and enhancing transparency and efficiency, in order to ensure that it plays its due role in a changing Europe. The need for additional reforms throughout the entire Organisation is therefore critical and the efforts of the Secretary General in this regard are most welcome.

17. Finally, it is necessary to increase the knowledge and visibility of the work of the Council of Europe, through coordinated regular events in all member States, taking advantage of field offices, existing networks, youth groups, civil society, universities and research institutions and other partners with a view to promoting the Council of Europe's core values, ideals and principles, which are our common heritage, among the new generations and the general public.

On forthcoming activities of the Council of Europe:

The Committee of Ministers

1. encouraged the implementation of recently adopted recommendations and guidelines, such as:
 - Recommendation CM/Rec(2021)1 on the development and strengthening of effective, pluralist and independent national human rights institutions;
 - Recommendation CM/Rec(2021)2 on measures against the trade of goods used for the death penalty, torture and other cruel, inhuman or degrading treatment or punishment;
 - Guidelines on the links between terrorism and transnational organised crime;
 - Guidelines on upholding equality and protecting against discrimination and hate during the Covid-19 pandemic and similar crises in the future;
2. encouraged also ongoing work on the following instruments with a view to its finalisation by the time of the 132nd Ministerial Session in May 2022:
 - a recommendation by the Committee of Ministers on action against trafficking in human beings for the purpose of labour exploitation;
 - a recommendation by the Committee of Ministers on migrant, refugee and asylum-seeking women and girls;
 - a recommendation by the Committee of Ministers on human rights and the protection of the environment;
 - examination of the feasibility and appropriateness of modernising the Convention on the Protection of Environment through Criminal Law (ETS No. 172) or of preparing a new instrument;
3. welcomed its Deputies' report on Council of Europe monitoring – strengthening cohesion and synergies (CM(2021)50-final), endorsed its conclusions and instructed its Deputies to ensure a proper follow-up;
4. with respect to Council of Europe monitoring mechanisms, invited the Secretary General to continue her regular dialogue with the chairs of the monitoring bodies with a view to strengthening synergies and co-ordination and to report back in time for the Ministerial Session in May 2022;

5. in the context of the 60th anniversary of the 1961 European Social Charter (ETS No. 35), stressed the importance of the Charter in guaranteeing social rights across the continent; took note of the recent report of the Secretary General “Improving the implementation of social rights – reinforcing the European Social Charter system” as well as the continuing intergovernmental work on this issue and invited its Deputies to take these into account in the ongoing consideration on the Social Charter system and report on progress in time for the Ministerial Session in May 2022;
6. welcomed the work undertaken by the Committee of Ministers and the Secretary General as a follow up to the Helsinki Declaration concerning freedom of expression, media freedom and the safety of journalists, and instructed its Deputies to pursue their regular review and dialogue on these issues, including in the light of the forthcoming Conference of Ministers responsible for Media and Information Society, as well as the Organisation’s further standard-setting on freedom of expression and digital technologies;
7. took note of the proposals set out in document CM(2021)71 to strengthen relations between the Council of Europe and other international organisations, including in the context of the implementation of the Sustainable Development Goals (SDGs), and invited its Deputies and the Secretary General to implement them;
8. recalling that its Deputies will carry out a review of the Council of Europe Policy towards neighbouring regions before the end of 2021, instructed them to also reflect in this context on the contribution of the Organisation to the international order and global governance, as well as to the achievement of the Sustainable Development Goals (SDGs);
9. in the context of the 10th anniversary of the opening for signature of the Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No. 210, Istanbul Convention), and following the Conference “Gender equality and the Istanbul Convention: a decade of action”, reconfirmed its full commitment to preventing and combating violence against women and domestic violence; in this regard, took note of the significant contribution that the Istanbul Convention, with its set of high-level standards, has already made in the States Parties to the Convention and recalled that the Convention remains open for accession to all States;
10. encouraged member States to actively engage in the follow up of the 3rd European Youth Work Convention, organised online from 7 to 10 December 2020 by the German EU Council Presidency and the German Chairmanship of the Committee of Ministers of the Council of Europe: “The European Youth Work Agenda – A strategic framework for strengthening and further developing youth work” (The Bonn Process);
11. stressed the importance of multilateral co-operation and co-ordination in addressing the current healthcare challenges and welcomed the initiatives taken by the different institutions of the Council of Europe in this respect; underlined notably the recommendations by the Committee on Bioethics on how to ensure equitable access to vaccination, the guidance and assistance provided to member States in accordance with the relevant instruments of the Council of Europe, including on the Convention on the Counterfeiting of Medical Products and Similar Crimes Involving Threats to Public Health (CETS No. 211, Medicrime Convention); suggested that interested States that have not yet done so may consider signing and/or ratifying the latter; and encouraged the relevant institutions to pursue their efforts in this field, including through exchanges of good practices;
12. reiterated the importance of further strengthening the role and meaningful participation of civil society organisations as well as national human rights institutions in the Organisation, in line with, inter alia, the Helsinki Ministerial decisions on civil society; instructed its Deputies and invited the Secretary General to vigorously pursue the work to this end, implement the Secretary General’s follow-up proposals to the Helsinki decisions and report back on the results at the Ministerial Session in May 2022.

[...]

3. SECURING THE LONG-TERM EFFECTIVENESS OF THE SYSTEM OF THE EUROPEAN CONVENTION ON HUMAN RIGHTS

Decisions

The Committee of Ministers

Recognising the importance of securing the long-term effectiveness of the system of the European Convention on Human Rights in challenging times for the rule of law and human rights in democratic societies caused, inter alia, by the Covid-19 pandemic and the measures to combat its effects;

Recalling 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;

Reaffirming the unconditional obligation of States Parties to abide by the final judgments to which they are Party and their responsibility to resolve the systemic and structural human rights problems identified by the Court;

Reiterating the fundamental importance of an efficient supervision of the execution of judgments in order to ensure the long-term sustainability and credibility of the Convention system;

Recalling the various decisions adopted during the Interlaken process to this effect, most recently at the 130th Ministerial Session (Athens), at which the Committee agreed to continue to enhance the efficiency of the process of supervision of execution of the Court's judgments, particularly its Human Rights meetings, including by appropriate recourse to political leverage to deal with cases of non-execution or persistent refusal to execute the Court's judgments;

1. instructed the Ministers' Deputies to examine whether and how to enhance the tools available to the Committee to supervise cases of non-execution or persistent refusal to execute the final judgments of the Court;
2. welcomed the intergovernmental work on the effective processing and resolution of cases relating to inter-State disputes and instructed the Ministers' Deputies to examine also questions arising from the process of the execution of judgments in such cases;
3. welcomed the intergovernmental work on enhancing the national implementation of the system of the European Convention on Human Rights and in particular the progress made on Guidelines to member States on preventing, and ensuring remedies for, violations of the Convention, and encouraged their rapid conclusion; called upon the States Parties to continue strengthening the implementation of the Convention at the national level in accordance with previous declarations on securing the long-term effectiveness of the system of the European Convention on Human Rights;
4. welcomed the imminent entry into force of Protocol No. 15 to the Convention.

* * *

Appendix VI

Programmes of events organised since the 93rd meeting (December 2020)

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

10:00 Opening and welcome addresses

Mr Christophe POIREL, Director of Human Rights (DGI), Council of Europe (10 min)
Mr Robert SPANO, President of the European Court of Human Rights (10 min)
Mr Morten RUUD, Chair of the Steering Committee for Human Rights (CDDH) (10 min)

10:30 Execution of the Strasbourg Court judgments as the cornerstone of the implementation of the Convention at the national level

This session will take stock of the main issues at the stage of execution of judgments, notably those relating to domestic capacities, resources, action plans and political will.

Framing intervention: *Ms Clare OVEY*, Head of Department for the Execution of Judgments of the European Court of Human Rights, Council of Europe (10 min)

Discussants:

Mr Alfonso BREZMES MARTÍNEZ DE VILLARREAL, Agent for the Kingdom of Spain before the European Court of Human Rights, Head of the Area of Human Rights of the Constitutional & Human Rights Department, Ministry of Justice (*national experiences of limitations/ barriers in respect of domestic structures and mechanisms for the implementation of judgments*) (10 min)

Mr Jan SOBCZAK, Agent of the Polish Government before the European Court of Human Rights, Deputy Director, Legal and Treaty Department, Ministry of Foreign Affairs (*national experiences of limitations/ barriers in respect of domestic structures and mechanisms for the implementation of judgments*) (10 min)

Ms Debbie KOHNER, Secretary General, *European Network of National Human Rights Institutions* (ENNHRI) (*barriers/limitations encountered by NHRIs in participating in the execution of judgments*) (10 min)

Ms Başak ÇALI, Professor, Hertie School, Berlin (Germany) (10 min)

Discussion and intervention by *Mr Matthew SAUL*, Associate Professor, Inland University of Applied Sciences (Norway) (10 min) and *Mr Øyvind STIANSEN*, Postdoctoral Fellow, University of Oslo (Norway) (10 min)

12:00

LUNCH BREAK

14:00 Inter-agency co-ordination and multi-stakeholder dialogue as a pre-condition for an effective execution of judgments

While acknowledging that the conditions for an effective execution of the Strasbourg Court’s judgments are country-specific and there is no one-size-fits-all strategy this session will seek to identify good practices in establishing, building and strengthening working relationships that are conducive to better results. This session will seek to engage government agents to share their experiences on dissemination of information amongst government agencies and other stakeholders, timely preparation and submission of Action Plans, monitoring progress in the execution of judgments.

Framing intervention: *Mr Fredrik SUNDBERG*, former Head of the Department for the Execution of judgments of the European Court of Human Rights (10 min)

Discussants:

Mr Vit 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) (*sharing best practices on creation of multi-stakeholder working group – Committee of experts on the execution of the Court’s judgments and the implementation of the Convention*) (10 min)

Mr Murray HUNT, Legal Adviser to the Joint Committee on Human Rights of the United Kingdom Parliament (*mainstreaming accountability of the executive on execution matters in legislative oversight and budget approvals*) (10 min)

Mr Leif BERG, Head of Knowledge Management – Senior Legal Adviser, Directorate of the Jurisconsult (*the role of dialogue with superior national courts in promoting the application of the Convention at the national level*) (10 min)

Dr Marcin SZWED, Lawyer, Strategic Litigation Programme, Helsinki Foundation for Human Rights (*sharing good experiences of engagement with the executive, the parliament or national courts*) (10 min)

Discussion and intervention by *Ms Janneke GERARDS*, Professor, Utrecht Law School (Netherlands) (10 min)

15:30 Making full use of the co-operation with the Council of Europe

The Council of Europe provides support to its member States on wide variety of general measures that may be required to execute the judgments of the Court, ranging from amendments to the Constitution, legislative reform, changing judicial practice, training law enforcement officers, judges, prosecutors and other actors. How can member States make the most of this support?

Framing intervention: *Mr Mikhail LOBOV*, Head of Department for the Implementation of Human Rights, Justice and Legal Co-operation Standards, Directorate General Human Rights and Rule of Law (DGI), Council of Europe (10 min)

Discussants:

Mr Pavlo PUSHKAR, Head of Division, Department for the Execution of Judgments of the European Court, Council of Europe (10 min) (*sharing good practices of its co-operation projects*) (10 min)

Ms Simona GRANATA-MENGHINI, Secretary of the European Commission for Democracy through Law (“the Venice Commission”) (*sharing good practices of its co-operation projects contributing to the execution of judgments*) (10 min)

Mr Hans-Jörg BEHRENS, Chair of the Committee of experts on the system of the European Convention on Human Rights (DH-SYSC) (*highlighting the holistic approach of the CDDH to functioning of the system of the Convention and the special attention to the execution of judgments, plus the role of CDDH as a forum of the government agents sharing best practices*) (10 min)

Discussion (30 min)

17:00 Main takeaways and conclusion of the seminar

Mr Geir ULFSTEIN, PluriCourts

Workshop
Environment, Human Rights and Business:
A framework for addressing environmental protection challenges

Strasbourg, Tuesday 27 April 2021
 KUDO videoconference

9:00-9:15 Welcoming remarks

- **Mr Christophe POIREL**, Director of Human Rights, Council of Europe
- **Ms Sigrid JACOBY**, Representative of the German Federal Government for Matters Relating to Human Rights

9:15-10:15 Setting the scene

The nexus between human rights and business responsibilities to protect the environment in international human rights law

Drawing on the international framework on human rights and business this session will discuss the different models for state and business responsibilities to protect the environment.

- Environment and the ECHR: How does the European Court of Human Rights address environmental matters in its case-law?
- What are the states' human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment?
- What are the environmental aspects of business responsibilities regarding human rights? What is the scope of such responsibilities?

Moderator:
Ms Kristine LĪCIS

Chairperson of the Council of Europe Drafting Group on Environment and Human Rights (CDDH-ENV)

Speaker:
Prof Surya DEVA

UN Working Group on the issue of human rights and transnational corporations and other business enterprises

Panel Discussion with:

➤ **Mr Lado CHANTURIA**
Judge, European Court of Human Rights

➤ **Ms Chiara MACCHI**
Postdoctoral Researcher, Law Group, Wageningen University

➤ **Mr Carlos LOPEZ**
International Commission of Jurists (ICJ)

Discussions

10:15-10:30 Break

10:30-11:30

How to facilitate access to effective remedies for victims of human rights violations related to business and the environment?

- What is the environmental dimension of the international framework on accountability and access to effective remedies for victims of business-related human rights abuse?
- What results have the State-based and non-State-based grievance mechanisms yielded so far?

- What barriers do individuals face to access effective remedies? How to overcome them?
- How can NGOs and NHRIs facilitate access to effective remedies, e.g., by accepting complaints, investigating abuses, conducting public inquiries, raising awareness, providing legal assistance and supporting human rights defenders?

Moderator:
Ms Nicola WENZEL

*Ministry of Justice and
Consumer Protection, Germany*

Speaker:
Ms Ulla GLAESSER

*European University Viadrina -
The potential of non-judicial
remedies*

Panel Discussion with:

- **Ms Margreet VRIELING**
Fair Wear Foundation
- **Mr Richard MEERAN**
Leigh Day
- **Ms Maddalena NEGLIA**
*International Federation
of Human Rights (FIDH)*

Discussion

11:30-11:45

Break

What is the concrete business' environmental responsibility today and in the near future? What can the Council of Europe contribute?

Companies usually implement separate components or join selected initiatives regarding environmental aspects of corporate social responsibility. While allowing businesses to present their good practices and initiatives aimed at increasing environmental sustainability and ensuring respect for human rights, this session will ask:

- Is such a voluntary and fragmentary approach enough to create a higher level of social consciousness in the business world to act in favour of environmental integrity?
- How can the Council of Europe support businesses to better understand, identify and address links between human rights and environment-related risks and strengthen their capacities to contribute positively to the efforts to address global environmental challenges?
- How can Council of Europe co-operation programmes help member States incentivise human rights and environmentally - conscious and responsible business practices?

Moderator:
Mr Daniel KLEIN

*KleinCarazo, International
Lawyers & Consultants*

Speaker:
Ms Bettina RECHENBERG

*German Environment Agency
– How can businesses
implement environmental due
diligence?*

Panel Discussion with:

- **Mr Thorsten PINKEPANK**
*Director Sustainability
Relations, BASF*
- **Ms Lila KARBASSI**
*Chief of Programmes
UN Global Compact*
- **Mr Hermann OTT**
Client Earth
- **Mr Jan MALINOWSKI**
*Executive Secretary of the
European Social Charter*
- **Mr Tigran KARAPETYAN**
*Head of Unit, Cooperation
programmes, DGI, Council
of Europe*

Discussion

13:15 **Closing remarks**

Mr Mikhail LOBOV

Head of Department, Human Rights Policy and Co-operation Department, DGI, Council of Europe

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High-Level Meeting

Council of Europe Committee of Ministers 'Recommendation on the development and strengthening of effective, pluralist and independent national human rights institutions' 26 – 27 April 2021 – online

The adoption by the Council of Europe Committee of Ministers of the 'Recommendation on the development and strengthening of effective, pluralist and independent national human rights institutions (NHRIs)' represents a milestone for further embedding NHRIs' central role in the promotion and protection of human rights in Europe, including through effective cooperation with the Council of Europe.

This Public High-Level Meeting on 26 April has brought together heads of European NHRIs with Council of Europe key actors, including civil society organisations. It aimed to explore avenues for further strengthening cooperation and support between the Council of Europe and NHRIs at national level, and for meaningful participation of NHRIs and ENNHRI in the Council of Europe, in follow-up of the adopted Recommendation.

NHRI heads reconvened for an internal meeting on 27 April, to identify strategic priorities for NHRIs and ENNHRI in follow-up of the Recommendation, and to forge closer cooperation with the Council of Europe, for better promotion and protection of human rights across the region.

This event was co-organised by the European Network of National Human Rights Institutions (ENNHRI) and the German Presidency of the Council of Europe's Committee of Ministers. The protection of human rights by the Council of Europe, including in cooperation with its member states' NHRIs, is a priority of the German Presidency.

Monday 26 April 2021 – Public High-Level Meeting		
Time (CET)	Session	Speakers
10.00-10.05	Welcome	Caroline Fennell, ENNHRI Chair; Commissioner at Irish Human Rights and Equality Commission
10.05-10.15	NHRI Recommendation's Added Value and Potential	Krista Oinonen, Director, Ministry of Foreign Affairs Finland; Chair of CDDH Drafting Group on Civil Society and National Human Rights Institutions
10.15-11.50	From CoE Intergovernmental Processes to national implementation - cooperation with & support for NHRIs <u>Moderator:</u> Michael Windfuhr, Deputy Director of the German Institute for Human Rights	<u>Keynote speech by:</u> <ul style="list-style-type: none"> Bärbel Kofler, Federal Government Commissioner for Human Rights Policy and Humanitarian Assistance, German Presidency of the Committee of Ministers of the Council of Europe <u>Moderated roundtable:</u> <ul style="list-style-type: none"> Lord Richard Balfe, Member of the Parliamentary Assembly of the Council of Europe; Former rapporteur on PACE Resolution 2301 (2019)

		<ul style="list-style-type: none"> • Christophe Poirel, Director of Human Rights of the Council of Europe • Antoine Buyse, Director of the Netherlands Institute of Human Rights (SIM); Member of the Conference of INGOs of the Council of Europe • Bärbel Kofler, Federal Government Commissioner for Human Rights Policy and Humanitarian Assistance, German Presidency of the Committee of Ministers of the Council of Europe <p>Response by: NHRI Heads of Institution Q&A with wider audience</p>
11.50-12.00	Break	
12.00-13.15	From CoE Independent Oversight to national implementation cooperation with & support for NHRIs <u>Moderator</u> : Erinda Ballanca, People's Advocate of Albania	<ul style="list-style-type: none"> • Robert Spano, President of the European Court of Human Rights (<i>video message</i>) <p><u>Moderated roundtable</u>:</p> <ul style="list-style-type: none"> • Dunja Mijatović, Commissioner for Human Rights of the Council of Europe • Iulia Antoanella Motoc, Judge at the European Court of Human Rights with respect to Romania • Karin Lukas, President of the European Committee of Social Rights, Council of Europe • Veronika Bílková, Member of the Bureau of the Venice Commission, Council of Europe <p>Response by: NHRI Heads of Institution Q&A with wider audience</p>
13.15-13.30	Closing Remarks	<ul style="list-style-type: none"> • Sigrid Jacoby, Representative of the German Federal Government for Matters Relating to Human Rights • Debbie Kohner, ENNHRI Secretary-General

Tuesday 27 April 2021 – Internal Strategic Meeting*		
Time (CET)	Session	Speakers
9.30	Introduction	Chair/Secretariat
9.30-10.15	Strategic opportunities at CoE mechanisms for NHRIs	Chair/Secretariat
10.15-10.30	Break	
10.30-11.15	Strategic opportunities at national level for NHRIs	Chair/Secretariat
11.15-11.30	Wrap-Up	Debbie Kohner, ENNHRI Secretary-General

* for ENNHRI members only

WEBINAR

Co-organised by the German Chairmanship of the Committee of Ministers, the Steering Committee for Human Rights (CDDH), Amnesty International and Omega Research Foundation

**Measures against the trade in goods used for the death penalty,
torture and other cruel, inhuman or degrading treatment or punishment:
Implementation of the Council of Europe Recommendation CM/Rec(2021)2**

Strasbourg, Monday 17 May 2021
10:00-13:00, KUDO videoconference

10:00-10:30 Welcoming and introductory remarks

Moderator:

Ms Krista OINONEN

Finnish representative within the Steering Committee for Human Rights (CDDH) and Member of its Bureau

- **Ms Bärbel KOFLER**, Commissioner for Human Rights Policy and Humanitarian Assistance, Federal Ministry for Foreign Affairs of Germany, Chair of the Committee of Ministers of the Council of Europe
- **Ms Marija PEJČINOVIĆ BURIĆ**, Secretary General of the Council of Europe
Video promoting the Council of Europe Recommendation (2 minutes)
- **Ms Agnès CALLAMARD**, Secretary General of Amnesty International

10:30-11:45 PART I***How to best implement the Recommendation CM/Rec(2021)2 ?***

In the follow-up to the adoption of the Recommendation by the Committee of Ministers on 31 March 2021, this session will discuss the steps for its proper implementation in member States and the role of the Council of Europe, member States and civil society.

Moderator:

Ms Krista OINONEN

Finnish representative within the Steering Committee for Human Rights (CDDH) and Member of its Bureau

Speakers:

Dr Michael CROWLEY

Omega Research Foundation/CDDH
Consultant

Overview of trade in torture and execution technologies in Europe

Mr Nico HIRSCH

Member of the CPT elected in respect of
Luxembourg (CPT)

Nature of misuse of law enforcement equipment and restraints within the Council of Europe

Ms Nicola WENZEL

German Representative within the Steering Committee for Human Rights (CDDH) and Rapporteur of the CDDH

Key Recommendation obligations for member States: next steps ahead for the Council of Europe

Ms Laura AUGER-PEREZ

Senior Expert, European Commission –
Service for Foreign Policy Instruments

Lessons from development and implementation of the EU Anti-Torture Regulation

Discussion and debate

11:45-12:00 *Break*

12:00-12:50 **PART II**

How to promote international action to address the trade in goods used for death penalty, torture and other ill-treatment?

This session will examine ongoing efforts to develop national, regional and international regulation of trade in law enforcement equipment and related goods to prevent their use in torture, other ill-treatment and the death penalty, and explore how the Council of Europe can support such efforts.

Moderator:

Mr Christophe POIREL

Director of Human Rights, Council of Europe

Speakers:

Ms Anna CROWE

Assistant Director – International Human Rights Clinic, Harvard Law School

Exploring obligations on all States to regulate trade in law enforcement equipment to prevent use in torture, and the role of international trade regulation as part of global actions to combat torture.

Ms Birgit VAN HOUT

Regional Representative for Europe, UN Human Rights Regional Office for Europe (OHCHR)

Overview of the ongoing UN process examining the feasibility, scope, and parameters for possible common international standards on 'torture free trade'.

Mr Patrick WILCKEN

Deputy Director, Global Issues Programme, Amnesty International

Presenting the 'Torture and Death Penalty Trade Instrument': a civil society proposal for national, regional and international measures to regulate trade in law enforcement and death penalty equipment.

Discussion and Debate

12:50-13:00 **CLOSING REMARKS**

Dr. Hans-Jörg BEHRENS

High representative of the German Ministry of Justice,
On behalf of the German Chairmanship of the Committee of Ministers

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Appendix VII

Drafting Committee on Trafficking for the Purpose of Labour Exploitation (DH-TET)

TERMS OF REFERENCE AND COMPOSITION OF THE COMMITTEE

(as adopted by the Committee of Ministers at its 1401st meeting, 14-15 April 2021)

Drafting Committee on Trafficking for the Purpose of Labour Exploitation (DH-TET)

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

Type of committee: Subordinate body

Terms of reference valid from: **15 April 2021 until 30 June 2022**

PILLAR/PROGRAMME/SUB-PROGRAMME

Pillar: Human Rights / Rule of Law

Programme: Effective ECHR implementation / Action Against Crime, Security and Protection of Citizens

Sub-programme: Effectiveness of the ECHR system at National and European Level / Action Against Crime and Protection of Citizens

SPECIFIC TASKS

- (i) Under the authority of the Steering Committee for Human Rights (CDDH), prepare a draft recommendation of the Committee of Ministers on preventing and combating trafficking in human beings for the purpose of labour exploitation, based notably on the Compendium of Good Practices and the Guidance Note on Preventing and Combating Trafficking in Human Beings for the Purpose of Labour Exploitation developed by the Group of Experts on Action against Trafficking in Human Beings (GRETA), as well as on the case law of the European Court of Human Rights.

COMPOSITION

Members:

The Committee shall be composed of 15 members with established expertise in the fields of preventing and combating trafficking in human beings, identification, assistance and protection of victims of trafficking, labour rights and human rights, comprising 10 member States' representatives, 5 of which designated by the Steering Committee for Human Rights (CDDH), 4 by the European Committee on Crime Problems (CDPC) and 1 by the Governmental Committee of the European Social Charter and the European Code of Social Security, and 5 independent experts, appointed by the Secretary General.

The composition of the Drafting Committee will reflect an equitable geographic distribution amongst the member States and will take account of the gender equality dimension.

The Council of Europe will bear the travel and subsistence expenses of these 15 members. Other member States may send representatives without defrayal of expenses.

Each member of the Committee shall have one vote. Where a government designates more than one member, only one of them is entitled to take part in the voting.

The Chair of the Drafting Committee shall be designated by the CDDH.

Participants:

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

- Parliamentary Assembly of the Council of Europe;
- Congress of Local and Regional Authorities of the Council of Europe;
- European Court of Human Rights;
- Council of Europe Commissioner for Human Rights;
- Conference of INGOs of the Council of Europe;
- European Committee of Social Rights (ECSR);
- Group of Experts on Action against Trafficking in Human Beings (GRETA);
- European Commission against Racism and Intolerance (ECRI);
- Gender Equality Commission (GEC);
- other committees and bodies of the Council of Europe engaged in related work, as appropriate.

The following may send a representative without the right to vote and without defrayal of expenses:

- European Union (one or more representatives, including, as appropriate, the European Union Agency for Fundamental Rights – FRA, the European Labour Authority and Europol);
- other international organisations, including the Organization for Security and Co-operation in Europe/Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings (OSCE), the International Labour Organization (ILO), the International Organization for Migration (IOM), the United Nations Office on Drugs and Crime (UNODC), the United Nations High Commissioner for Human Rights (OHCHR), the United Nations High Commissioner for Refugees (UNHCR), the Organisation for Economic Co-operation and Development (OECD), the International Centre for Migration Policy Development (ICMPD), the Council of Baltic Sea States (CBSS);
- Observer States to the Council of Europe: Canada, Holy See, Japan, Mexico, United States of America.

Observers:

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

- Belarus;
- non-member States with which the Council of Europe has a Neighbourhood Partnership including relevant co-operation activities;
- non-governmental organisations: Amnesty International, La Strada International, Anti-Slavery International, the European Institute for Crime Prevention and Control (HEUNI), the International Commission of Jurists (ICJ), the International Trade Union Confederation (ITUC), Business Europe, International Organisation of Employers (IOE), International Federation of Human Rights (FIDH), European Network of National Human Rights Institutions (ENNHRI), Platform for International Co-operation on Undocumented Migrants (PICUM);
- other civil society, professional and academic communities, as appropriate.

WORKING METHODS**Meetings:**

15 members, 2 meetings in 2021, 2 days each

15 members, 2 meetings in 2022, 2 days each

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

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

Whenever appropriate, it will prioritise environmentally sound working methods, such as virtual meetings facilitated by information technology and written consultations.

COMPOSITION OF THE DRAFTING COMMITTEE DH-TET

Members on behalf of the CDDH	
AUSTRIA	Mag. Dr. Wolfgang SPADINGER Senior expert in the field of combatting and preventing human trafficking
FRANCE	M ^{me} Elisabeth MOIRON BRAUD Experte, Secrétaire générale de la Mission interministérielle pour la protection des femmes contre les violences et la lutte contre la traite des êtres humains (MIPROF)
GERMANY	Ms Nilgün ÖKSÜZ Expert, Federal Ministry for Labour and Social Affairs, Deputy Head of Division VIb4, OECD, OSZE, Council of Europe, Combating Trafficking in Human Beings for the Purpose of Labour Exploitation, ESF- and FEAD-Certifying Authority
GREECE	Dr. Heracles MOSKOFF Expert, National Rapporteur of Greece on Trafficking in Human Beings
NORWAY	Mr Morten RUUD (Chair of the DH-TET) Special adviser, Norwegian Ministry of Justice and Public Security, Legislation Department
Members on behalf of the CDPC	
Representative of the Governmental Committee on the European Social Charter	Mr Joseph FABER (Luxembourg) Chair of the Governmental Committee on the European Social Charter
Independent experts designated by the Secretary General	

Appendix VIII**DRAFT TERMS OF REFERENCE FOR
THE CDDH and the DH-SYSC (2022 – 2025)****Steering Committee for Human Rights (CDDH)**

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

Type of committee: Steering Committee

Terms of reference validity: from 1 January 2022 until 31 December 2025

PILLAR/ PROGRAMME/SUB-PROGRAMME
<p>Pillar: Human rights Programme: Effective implementation of the European Convention on Human Rights Sub-programme: Effectiveness of the ECHR System at national and European level / Bioethics</p>
MAIN TASKS
<p>The intergovernmental work on protection and promotion of human rights in Europe conducted by the CDDH is a direct response to the Secretary General's four-year Strategic Framework reflecting the priorities for the Council of Europe's longer-term mission.</p> <p>Under the authority of the Committee of Ministers, and bearing in mind the Council of Europe legal standards as well as the relevant jurisprudence of the European Court of Human Rights, the CDDH will conduct the intergovernmental work of the Council of Europe in the human rights field and will advise and give its legal expertise to the Committee of Ministers on all questions within its field of competence. In particular, the CDDH will:</p> <ul style="list-style-type: none"> (i) work on the protection, development and promotion of human rights in Europe to: <ul style="list-style-type: none"> a. contribute to enhancing the protection of human rights by improving the effectiveness of the control mechanism of the European Convention on Human Rights and the implementation of the Convention at national and European levels, this work being a permanent priority for the CDDH b. provide effective responses at the normative and general policy levels to the challenges posed to human rights in European societies. (ii) follow the implementation of the non-binding instruments that it has prepared as well as conventions for which it has been given responsibility by the Committee of Ministers (iii) advise other bodies of the Organisation to ensure that their activities concerning human rights duly reflect the requirements of the Convention and the case-law of the Court (iv) contribute to co-operation and support activities to national initiatives in the field of the protection, development and promotion of human rights (v) without prejudice to the missions of intergovernmental committees of the Council of Europe that already follow the work of monitoring mechanisms, follow the activities of the relevant monitoring and other bodies protecting human rights (vi) hold an exchange of views annually in order to evaluate its activities, and advise the Committee of Ministers and the Secretary General on future priorities in its sector, including possible new activities and deliverables and those that might be discontinued (vii) take due account of gender and children's rights perspectives and of Roma and Traveller^[3] issues, building cohesive societies, promoting and protecting rights of persons with disabilities in the performance of its tasks

- (viii) in accordance with decisions CM/Del/Dec(2013)1168/10.2 of the Committee of Ministers, carry out, at regular intervals, within the limits of the available resources and bearing in mind its priorities, an examination of some or all of the conventions for which it has been given responsibility,^[4] in co-operation, where appropriate, with the relevant convention-based bodies, and report back to the Committee of Ministers
- (ix) contribute to the achievement of the UN 2030 Agenda for Sustainable Development, in particular with regards to Goal 3: Good health and well-being and Goal 16: Peace, Justice and Strong institutions.

SPECIFIC TASKS AND DELIVERABLES

- (i) Oversee the work of its Committee of Experts on the System of the European Convention on Human Rights (DH-SYSC) (see DH-SYSC terms of reference)¹¹.

Deliverables:

- a. CDDH Report on the effective processing and resolution of cases related to inter-State disputes including possible proposals to the Committee of Ministers (deadline: 31 December 2022)
- b. Guidelines to prevent and remedy violations of the Convention at the national level (deadline: 31 December 2023)
- c. CDDH report evaluating the effectiveness of the system for the selection and election of Court's judges and the means to ensure due recognition for judges' status and service on the Court and providing additional safeguards to preserve their independence and impartiality (deadline: 31 December 2024)
- d. CDDH report evaluating the first effects of Protocol No.16 (deadline: 31 December 2024)
- e. CDDH report evaluating the first effects of Protocol No.15 (deadline: 31 December 2025)

- (ii) Oversee the work of its Ad Hoc Negotiating Group ("47+1") on the Accession of the European Union to the European Convention on Human Rights¹² (see "47+1" terms of reference).

Deliverables:

- a. Finalise as a matter of priority the instruments setting out the modalities for the accession of the European Union (EU) to the European Convention on Human Rights (deadline: 31 December 2023)¹³

- (iii) Respond to the human rights challenges that European societies face by means of providing guidance to member States through preparing non-binding instruments of the Committee of Ministers (e.g. declarations, recommendations or guidelines) while ensuring co-ordination and co-operation with relevant Council of Europe bodies.

Deliverables (subject to confirmation by the CDDH in light of a mid-term review):

- a. Draft Recommendation of the Committee of Ministers to member States on human rights and the environment¹⁴ (deadline: 31 December 2022)
- b. Draft Recommendation of the Committee of Ministers on measures against trafficking in human beings for the purpose of labour exploitation¹⁵ (deadline 30 June 2022)
- c. Follow-up work on the CDDH report on family-based care for unaccompanied and separated migrant children (deadline 31 December 2022)
- d. Draft instrument on the effective protection of human rights in situations of crisis¹⁶ based on lessons learnt from the health crisis (deadline 30 June 2023)

¹¹ This task responds to key strategic priority No. 1 identified in the Secretary General's four-year Strategic Framework, notably by ensuring the sustainability and long-term effectiveness of the Convention through the continuous engagement of member States to implement it at national level and to execute the Court's judgments properly.

¹² See key strategic priority No.1 identified in the four-year Strategic Framework.

¹³ See deliverable No. 1 identified in the four-year Strategic Framework.

¹⁴ See key strategic priority No. 10 identified in the four-year Strategic Framework, deliverable 7.

¹⁵ See key strategic priority No. 8 identified in the four-year Strategic Framework.

¹⁶ See key strategic priority No. 1 identified in the four-year Strategic Framework.

- e. In line with the relevant decisions of the Organisation regarding common standards with regard to artificial intelligence¹⁷ ensure follow-up work (deadline 31 December 2024)
- (iii) In coordination notably with CM Presidencies and representatives of the civil society¹⁸, follow-up to the national implementation of various CM Recommendations prepared by the CDDH.
- Deliverables:
Workshops, conferences, dialogues on the following possible subjects:
- a. Human rights and business¹⁹ (deadline 31 December 2022)
 - b. Protection and promotion of human rights in culturally diverse societies²⁰ working in cooperation with other relevant bodies of the Council of Europe (deadline 31 December 2022)
 - c. Human rights of members of the armed forces²¹, with attention to issues concerning conscientious objection to compulsory military service (deadline 31 December 2023)
 - d. Strengthening of the protection and promotion of the civil society space in Europe²² (deadline 31 December 2023)
 - e. Development of the Ombudsman institution²³ (deadline 31 December 2023)
 - f. The system of the European Convention on Human Rights in university education and professional training²⁴ (deadline 31 December 2024)
 - g. Development and strengthening of effective, pluralist and independent national human rights institutions²⁵ (deadline 31 December 2024)
 - h. Measures against the trade in goods used for the death penalty, torture and other cruel, inhuman or degrading treatment or punishment²⁶ (deadline 31 December 2025)
 - i. Publication and dissemination of the European Convention on Human Rights, the case-law of the European Court of Human Rights and other relevant texts²⁷ (deadline 31 December 2025)
- (iv) Organise thematic debates on the right of access to official documents taking into account the entry into force of the Tromsø Convention (CETS No. 205) (deadline: 31 December 2025)
- (v) Review progress towards the United Nations Sustainable Development Goals (UNSDGs), as evidenced by monitoring mechanisms and promoted through standard-setting and exchange of experiences and good practices (deadline: 31 December 2025)

COMPOSITION

Members:

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

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

Each member of the committee shall have one vote. Where a government designates more than one member, only one of them is entitled to take part in the voting.

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

¹⁷ See key strategic priority No.9 and deliverable No. 3 identified in the four-year Strategic Framework.

¹⁸ See deliverable No. 8 identified in the four-year Strategic Framework.

¹⁹ Recommendation CM/Rec(2016)3.

²⁰ Guidelines (2016). See deliverable No. 4 identified in the four-year Strategic Framework.

²¹ Recommendation CM/Rec(2010)4.

²² Recommendation CM/Rec(2018)11.

²³ Recommendation CM/Rec(2019)6.

²⁴ Recommendation CM/Rec(2019)5.

²⁵ Recommendation CM/Rec(2021)1.

²⁶ Recommendation CM/Rec(2021)2.

²⁷ Recommendation CM/Rec(2021)...

Participants:

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

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

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

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

Observers:

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

- Belarus
- non-member States with which the Council of Europe has a Neighbourhood Partnership including relevant co-operation activities
- European Network of National Human Rights Institutions (ENNHRI)
- Non-governmental organisations (Amnesty International, International Commission of Jurists (ICJ), European Trade Union Confederation (ETUC), International Federation of Human Rights (FIDH), European Roma and Travellers Forum.²⁸
- Council of Bars and Law Societies of Europe (CCBE).

WORKING METHODS**Plenary meetings:**

48 members, 2 meetings in 2022, 4 days
 48 members, 2 meetings in 2023, 4 days
 48 members, 2 meetings in 2024, 4 days
 48 members, 2 meetings in 2025, 4 days

Bureau meetings:

8 members, 2 meetings in 2022, 2 days
 8 members, 2 meetings in 2023, 2 days
 8 members, 2 meetings in 2024, 2 days
 8 members, 2 meetings in 2025, 2 days

The Committee will also appoint from amongst its members a Gender Equality Rapporteur, a Children's Rights Rapporteur, a Rapporteur on the Rights of Persons with Disabilities and a Rapporteur on Roma and Traveller Issues.

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

Whenever appropriate, it will prioritise environmentally sound working methods, such as virtual meetings facilitated by information technology and written consultations.

Subject to the agenda, the Chairs of the subordinate structures to the CDDH may be invited to attend CDDH Bureau and/or plenary meetings.

SUBORDINATE STRUCTURE(S)

²⁸ The term "Roma and Travellers" is used at the Council of Europe to encompass the wide diversity of the groups covered by the work of the Council of Europe in this field: on the one hand a) Roma, Sinti/Manush, Calé, Kaale, Romanichals, Boyash/Rudari; b) Balkan Egyptians (Egyptians and Ashkali); c) Eastern groups (Dom, Lom and Abdal); and, on the other hand, groups such as Travellers, Yenish, and the populations designated under the administrative term "*Gens du voyage*", as well as persons who identify themselves as Gypsies. The present is an explanatory footnote, not a definition of Roma and/or Travellers.

The CDDH supervises the Committee of Experts on the System of the European Convention on Human Rights (DH-SYSC) (see separate terms of reference) and Drafting Groups.

COMMITTEE OF EXPERTS ON THE SYSTEM OF THE EUROPEAN CONVENTION ON HUMAN RIGHTS

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

Type of committee: Subordinate body

Terms of reference valid from: **1 January 2022 until 31 December 2025**

PILLAR/PROGRAMME/SUB-PROGRAMME ▼		
Pillar: Human Rights		
Programme: Effective ECHR implementation		
Sub-programme: Effectiveness of the ECHR system at national and European level		
DELIVERABLES ▼		
Under the authority of the Steering Committee for Human Rights (CDDH), the DH-SYSC is instructed to complete the following deliverables, within the following deadlines:		
		<i>Deadline</i> ▼
1	CDDH Report on the effective processing and resolution of cases related to inter-State disputes including possible proposals to the Committee of Ministers	31/12/2022
2	Guidelines to prevent and remedy violations of the Convention at the national level	31/12/2023
3	CDDH report evaluating the effectiveness of the system for the selection and election of Court's judges and the means to ensure due recognition for judges' status and service on the Court and providing additional safeguards to preserve their independence and impartiality	31/12/2024
4	CDDH report evaluating the first effects of Protocol No.16	31/12/2024
5	CDDH report evaluating the first effects of Protocol No.15 (deadline 31 December 2025)	31/12/2025
COMPOSITION ▼		
Members:		
Governments of member States are invited to designate one or more representatives of the highest possible rank in the field of the system of the European Convention on Human Rights.		
The Council of Europe will bear the travel and subsistence expenses of one representative from each member State (two in the case of the state whose representative has been elected Chair).		
Each member of the Committee shall have one vote. Where a government designates more than one member, only one of them is entitled to take part in the voting.		
In accordance with decisions CM/Del/Dec(2013)1168/10.2 of the Committee of Ministers, in cases where there is no convention-based body including all the Parties, non-member States are invited to take part, with a right to vote, in the committee meetings pertaining to the conventions to which they are Parties.		
Participants:		
The following may send representatives, without the right to vote and at the charge of their corresponding administrative budgets:		
<ul style="list-style-type: none"> - Parliamentary Assembly of the Council of Europe; - Congress of Local and Regional Authorities of the Council of Europe; - European Court of Human Rights; - Commissioner for Human Rights of the Council of Europe; - Conference of INGOs of the Council of Europe; 		

- HELP Network Consultative Board;
- Committees or other bodies of the Council of Europe engaged in related work, as appropriate

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

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

Observers:

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

- Belarus;
- non-member States with which the Council of Europe has a Neighbourhood Partnership including relevant co-operation activities;
- Non-governmental organisations (Amnesty International, European Trade Unions Confederation (ETUC), International Commission of Jurists (ICJ), International Federation of Human Rights (FIDH), European Roma and Travellers²⁹ Forum, Open Society Justice Initiative (OSJI)), as well as the European Network of National Human Rights Institutions (ENNHRI).
- Council of Bars and Law Societies of Europe (CCBE).

WORKING METHODS ▼

	Plenary meetings ▼		
	Members	Meetings	Days
2022	48	2	3
2023	48	2	3
2024	48	2	3
2025	48	2	3

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

In addition, the following provisions shall apply:

The DH-SYSC holds two regular meetings a year, on a needs-basis, one of which may be hosted by a member State. When a regular meeting is hosted by a member State, arrangements with the host country shall ensure that the meeting will not entail additional costs for the Council of Europe.

The DH-SYSC will appoint from amongst its members a Gender Equality Rapporteur.

When appropriate, it will prioritise environmentally sound working methods, such as virtual meetings facilitated by information technology and written consultations.

* * *

²⁹ The term "Roma and Travellers" is used at the Council of Europe to encompass the wide diversity of the groups covered by the work of the Council of Europe in this field: on the one hand a) Roma, Sinti/Manush, Calé, Kaale, Romanichals, Boyash/Rudari; b) Balkan Egyptians (Egyptians and Ashkali); c) Eastern groups (Dom, Lom and Abdal); and, on the other hand, groups such as Travellers, Yenish, and the populations designated under the administrative term "*Gens du voyage*", as well as persons who identify themselves as Gypsies. The present is an explanatory footnote, not a definition of Roma and/or Travellers.

Appendix IX

Decisions taken by the Committee on Bioethics (DH-BIO) at its 18th plenary meeting (1 – 4 June 2021)

Collection of examples of good practices aiming at promoting voluntary measures in mental health care

The draft Compendium including examples of good practices aiming at promoting voluntary measures in mental health care was presented by Dr Piers Gooding (Australia), consultant, who briefly described identified groups of practices and made general comments on the results achieved.

Delegations, participants and observers exchanged views on the draft Compendium and on the way forward for this work to be finalised. Delegations expressed general support of the work carried out by Dr Gooding.

Delegations, participants and observers, in particular relevant INGOs were invited to contribute to the draft Compendium with other examples of practices aiming at promoting voluntary measures in mental health care, as well as to send other relevant comments on the draft to the Secretariat by 30 June 2021.

Health literacy

The draft report “Advancing health literacy for equitable access to healthcare – towards a guide to health literacy policy, strategy and service design” was presented by the consultant experts, Leena Paakkari (Finland) and Kristine Sørensen (Denmark). This was followed by an exchange of views with delegations who highlighted several key issues to be considered in the finalisation of the report and the development of the guide.

The DH-BIO agreed with the proposal of the Bureau to set-up a small drafting group of members, experts and other representatives. The Chair welcomed the expression of interest by the two delegations and invited other delegations to express their interest to the Secretariat, at the latest by 30 June 2021.

Additional Protocol concerning the protection of human rights and dignity of persons with regard to involuntary placement and involuntary treatment within mental health care services

The Bureau has considered the excellent progress made in the complementary work to the draft Additional Protocol on the collection of good practices on the promotion of voluntary measures in mental healthcare and has recommended postponing the vote on the draft Additional Protocol to the 19th plenary meeting (November 2021) to present it together with the collection which will be finalised by then.

The Committee (by 23 votes in favour, 3 votes against and 1 abstention) agreed with the Bureau proposal and postponed the vote on the draft Additional Protocol to the 19th plenary meeting (November 2021).

Genome editing technologies

The Committee **agreed** with the proposal from the Bureau to:

- **Set up a drafting group** to provide clarifications on the terms “preventive, diagnostic and therapeutic” and to avoid misinterpretation of the applicability of this provision to “research”.
Three delegations expressed their interest in joining the group. **Other expressions of interest to become member of the drafting group should be sent to the Secretariat by 30 June 2021.**
- to **publish** the following **communiqué**:
“In accordance with its statement on gene editing technology adopted in December 2015 and its Strategic Action Plan on Human Rights and Technologies in Biomedicine (2020-2025); the Committee on Bioethics (DH-BIO) examined Article 13 of the Oviedo Convention in the light of developments in human genome editing. Taking into account the technical and scientific aspects of these developments as well as the ethical issues they raise, it considered that the conditions were not met for a modification of the provisions of Article 13. However, it agreed on the need to provide clarifications, in particular on the terms “preventive, diagnostic and therapeutic” and to avoid misinterpretation of the applicability of this provision to “research”.”

The Bureau, in coordination with the Rapporteur on genetics and genomics and with the support of the Secretariat, will make proposals for a possible work on mitochondrial transfer to be discussed by the Committee at its 19th plenary meeting.

Children’s participation in decision-making on matters relevant to their health

The summary on the survey on children participation in decision-making process in matters regarding their health was presented by the consultant expert, Dr Annagrazia Altavilla (France). This was followed by an exchange of views with delegations who have expressed general support for the further development of the Guide.

The DH-BIO agreed with the written Bureau proposal to set up a joint drafting group co-chaired by a member of the DH-BIO and a member of the CDENF. The Chair welcomed the expression of interest by one delegation. and confirmed her willingness to participate in the work of the drafting Group as DH-BIO Rapporteur on children. The other delegations are invited to express their interest in joining the drafting group to the Secretariat, at the latest by 30 June 2021.

Equitable access to treatments and equipment

The Committee welcomed the proposal from the Bureau on the way forward and the outline for an instrument prepared by Prof. Kristof Van Assche (Belgium).

The Committee agreed with the methodology and the setting up of a drafting group. The Committee suggested preparing a draft instrument with a mix of substantive and procedural principles to ensure a practical contribution to the management of shortage situations taking into account ethical principles.

The Secretariat reminded the importance of focusing the scope on shortages and scarce resources, keeping a clear distinction with the subsequent work on equity of access to innovative treatments. The Secretariat also reminded delegations that this work on treatment and equipment was considered as a priority.

Delegations were invited to express their interest in becoming a member of the drafting group or suggesting experts from their national network to the Secretariat by 30 June 2021.

Neurotechnologies

The draft report on common human rights issued raised by different application of neurotechnologies in the biomedical field was presented by Dr Marcello Lenca (Switzerland), expert consultant. This was followed by an exchange of views with delegations who thanked Dr Lenca for the quality of his work and expressed their full support for continuation of this work. The Committee agreed with the Bureau proposal for a joint organization with the OECD of the Round Table foreseen in the SAP in November 2021, with the participation of UNESCO.

The Committee agreed on designation of Dr Siobhan O'Sullivan (Ireland), as the General Rapporteur for the Round Table.

Election to the Bureau

The Committee elected, by acclamation, Mark Bale (United Kingdom), for a second terms of two years in the Bureau.

Dates of the next meetings

The DH-BIO agreed on the following dates for the next plenary meetings:

19th plenary meeting: 2-5 November 2021

20th plenary meeting: 31 May – 3 June 2022

Other business

Terms of reference

The Committee welcomed the proposal prepared by the Secretariat for its new terms of reference 2022 – 2025. It supported the suggestion to give to the Committee the status of steering committee, as Steering Committee on Human Rights in Biomedicine and Health (CDBIO).

Such change would mean that the CDBIO, starting in 2022, would be working directly under the authority of the Committee of Ministers. Delegations agreed however, on the importance and relevance of the links developed with the CDDH since 2012 and, even if the CDBIO would not anymore be subordinate to the CDDH, wished to maintain the important exchanges between the two committees.

The Committee also agreed that consideration should be given to the possibility of inviting the relevant intergovernmental committee for the setting up of a youth forum foreseen in the Strategic Action Plan.

SAP Methodology and timeframe updates

Genomics

The Committee took note of the presentation by Dr Ingo Härtel (Germany), Rapporteur on genetics and genomics, on the framing and planning of the workshop on “Promoting dialogue amongst the public, practitioners, and policy makers to ensure that patient and public interest is a key priority in the development and regulation of genomic medicine”, to be held in Autumn 2022.

The Committee agreed to set-up a small preparatory group, together with the Rapporteur, to develop the workshop.

To this end, the Chair welcomed the expressions of interest and support by 6 delegations as well as the Parliamentary Assembly of the Council of Europe and the Conference of European Churches.

Artificial intelligence

The Committee took note of the information provided by the Secretariat on the framing and planning of the action to develop a report on the application of AI in healthcare and its impact on the doctor-patient relationship, including the role of healthcare professionals in respecting the autonomy, and right to information, of the patient, and in maintaining transparency and patient trust as critical components of the therapeutic relationship.

The Committee support the proposal of the Secretariat to entrust Brent Mittelstadt, Senior Research Fellow at the Oxford Internet Institute, University of Oxford, as consultant, with the preparation of an expert report and, where possible, to present its finding at its 19th plenary meeting.

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

(List to be revised by the CDDH at its 95th meeting, 23 – 26 November 2021)

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).

* * *

Appendix XI**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 Ritva HALILA (Finland)	31 December 2021 (elected for 1 year, renewable once)	17 th meeting of the DH-BIO (November 2020)
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 COMMITTEE ON TRAFFICKING FOR THE PURPOSE OF LABOUR EXPLOITATION (DH-TET)			
CDDH	CDPC	Governmental Committee on the European Social Charter	Independent experts designated by the Secretary General
AUSTRIA		LUXEMBOURG	
FRANCE			
GERMANY			
GREECE			
NORWAY (Chair)			
DRAFTING GROUPS			
DH-SYSC-IV³⁰		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

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³⁰ 10 member States + Chair (Switzerland)

Appendix XII**Publications****TEXTS PUBLISHED BY THE CDDH IN 2021**

[Development and strengthening of effective, pluralist and independent national human rights institutions](#); (*Recommendation CM/Rec(2021)1*);

[Measures against the trade in goods used for the death penalty, torture and other cruel, inhuman or degrading treatment or punishment](#) (*Recommendation CM/Rec(2021)2 and its Explanatory memorandum*).

TEXTS TO BE PUBLISHED BY THE CDDH BY THE END OF 2021**Civil Society and Human Rights**

Compilation of Recommendations CM/Rec(2018)11 of the Committee of Ministers to member States on the need to strengthen the protection and promotion of civil society space in Europe; CM/Rec(2019)6 of the Committee of Ministers to member States on the development of the Ombudsman institution and CM/Rec(2021)1 of the Committee of Ministers to member States on the development and strengthening of effective, pluralist and independent national human rights institutions.

Manual on Human Rights and the Environment – 3rd edition

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Appendix XIII**Calendar for the second semester 2021 and
Provisional calendar for the first semester 2022**

(as adopted by the CDDH
at its 94th meeting, 15 – 18 June 2021)

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.

2nd semester 2021	
10 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”)	29 June – 2 July
<i>Opening of the Judicial Year</i>	10 September
1 st meeting of the Drafting Committee on Trafficking for the Purpose of Labour Exploitation (DH-TET)	15-17 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
1 st meeting of the Consultation of the Parties electing the members of the Council of Europe Info Access Group	29-30 September
11 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”)	5-8 October
8 th meeting of the Drafting Group on Migration and Human Rights (CDDH-MIG)	6-8 October
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)	12-14 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
2 nd meeting of the Drafting Group on Human Rights and Environment (CDDH-ENV)	27-29 October 2021
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>	22 November
95 th meeting of the Steering Committee for Human Rights (CDDH)	23-26 November
2 nd meeting of the Drafting Committee on Trafficking for the Purpose of Labour Exploitation (DH-TET)	[November/December]
1 st meeting of the Council of Europe Info Access Group	6-7 December
12 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”)	7-10 December

1 st semester 2022	
3 rd meeting of the Drafting Group on Human Rights and Environment (CDDH-ENV)	[End of January] ³¹
5 th meeting of the Drafting Group on the effective Processing and Resolution of cases relating to inter-State Disputes (DH-SYSC-IV)	Beginning of February
9 th meeting of the Drafting Group on Migration and Human Rights (CDDH-MIG)	Mid-February
3 rd meeting of the Group on Trafficking for the purpose of labour exploitation (DH-TET)	[February]
1 st meeting of the Drafting Group on human rights and artificial intelligence (CDDH-INTEL)	End of February
4 th meeting of the Drafting Group on enhancing the national implementation of the system of the European Convention on Human Rights (DH-SYSC-V)	March
1 st meeting of the Drafting Group on human rights and health crisis (CDDH-COVID)	March
13 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”)	April
4 th meeting of the Drafting Committee on Trafficking for the Purpose of Labour Exploitation (DH-TET)	[April]
107 th meeting of the Bureau of the Steering Committee for Human Rights (CDDH-BU)	End of April
20 th Meeting of the Committee on Bioethics (DH-BIO)	31 May-3 June
96 th meeting of the Steering Committee for Human Rights (CDDH)	June

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³¹ To be confirmed in November 2021, at the 95th CDDH meeting.