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

REPORT

95th meeting

Hybrid meeting, Strasbourg, 23 – 26 November 2021

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SUMMARY

1. The Steering Committee for Human Rights (CDDH) held its 95th meeting via KUDO due to the current health crisis, from 23 to 26 November 2021, with Mr Morten RUUD (Norway) in the Chair.
2. At this meeting, the CDDH:
 - decided to submit to the Committee of Ministers comments on the Parliamentary Assembly Recommendations 2211(2021) “Anchoring the right to a healthy environment: need for enhanced action by the Council of Europe” and 2213(2021) “Addressing issues of criminal and civil liability in the context of climate change”.
 - elected its Chair (Ms Kristine LĪCIS (Latvia)) and Vice-Chair (Ms Krista OINONEN (Finland)); re-elected 3 Bureau members (Mr Jan SOBCZAK (Poland), Mr Alfonso BREZMES (Spain), and Mr Alain CHABLAIS (Switzerland)), and elected one new Bureau member (Ms Nicola WENZEL (Germany)); re-elected the Committee of Experts on the System of the European Convention on Human Rights (DH-SYSC) Chair (Mr Hans-Jörg BEHRENS (Germany)); elected 10 members for the new Drafting Group on Human Rights in situations of crisis (CDDH-SCR) (Armenia, Azerbaijan, Estonia, Georgia, Montenegro, Netherlands, Norway, Poland, Portugal and Turkey); and elected by acclamation the Chair of the CDDH-SCR (Mr Jan SOBCZAK (Poland)).
3. As regards the system of the European Convention on Human Rights, the CDDH:
 - took note of the Progress Report 2020 – 2021 on the effective processing and resolution of cases relating to inter-State disputes, presented by the Chair of the DH-SYSC; welcomed the work done by the DH-SYSC and its Drafting Group DH-SYSC-IV, which provides a basis for further consideration of matters falling within the mandate of DH-SYSC and does not limit further discussions on this subject;
 - took note of the draft Guidelines of the Committee of Ministers to member States on the prevention and remedying of violations of the European Convention on Human Rights, as being prepared by its Drafting Group DH-SYSC-V, and instructed the DH-SYSC-V to revise the text of the draft Guidelines in accordance with the guidance provided by DH-SYSC at its 6th meeting;
 - took note of the progress and 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”; 10th and 11th meetings (29 June – 2 July and 5 – 8 October 2021)) including the preparation for the 12th meeting (7 – 10 December 2021)).
4. As regards the other items on its agenda, the CDDH:
 - exchanged views on the ongoing work of its Drafting Group on Human Rights and the Environment (CDDH-ENV) and provided guidance to the CDDH-ENV with a view to the CDDH being able to submit a draft non-binding instrument on Human Rights and the Environment to the Committee of Ministers before 30 June 2022; invited members to submit any comments on this draft text in writing by 22 December 2021; exchanged views in preparation of the future work of the CDDH-ENV further to the decision taken by the Ministers’ Deputies at their 1416th meeting (3 November 2021) concerning Parliamentary Assembly Recommendation 2211(2021);
 - exchanged views on possible future work on follow-up to the implementation of 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;

- adopted the Guide on family-based care for unaccompanied and separated children presented by its Drafting Group on Migration and Human Rights (CDDH-MIG), and decided to transmit it to the Committee of Ministers for information; in light of this and other documents that had been produced, considered that the CDDH-MIG had fulfilled its terms of reference;
- adopted the Report on the implementation of the Recommendation CM/Rec(2016)3 of the Committee of Ministers to member States on Human Rights and Business, subject to final confirmation by the States concerned of the factual content of the Report by 3 December 2021, and decided to transmit it to the Committee of Ministers for information;
- exchanged views on 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;
- exchanged views on the ongoing work within the Drafting Committee on trafficking for the purpose of labour exploitation (DH-TET) at its first meeting (4 – 5 October 2021) and on its future work, with a view to the CDDH being able to submit a draft Recommendation to the Committee of Ministers before 30 June 2022;
- exchanged views on the preparation of the CDDH and the DH-SYSC Programme of activities for 2022 – 2025 and endorsed a Roadmap for the implementation of its terms of reference during this period; decided to establish a Drafting Group on human rights in situations of crisis (CDDH-SCR) in order to conduct work on relevant deliverables expected under these terms of reference;
- took note of the information provided by the Secretariat regarding the situation of the Consultation of the Parties and the Group of Specialists established under the Council of Europe Convention on Access to Official Documents (CETS No. 205 - Tromsø Convention);
- took note of the information provided by the Secretary of the Committee on bioethics (DH-BIO) on the outcome of its 19th meeting (2 – 5 November 2021) (see the [abridged report of the DH-BIO meeting](#) for more information);
- took note of the information provided by its focal points for other Council of Europe bodies, and exchanged views on how to enhance the operation of its system of focal points;
- exchanged views with its Rapporteur on gender equality Mr Philippe WERY (Belgium) about the evaluations carried out by the CDDH's subordinate groups of the gender equality aspects of their activities; appreciated and encouraged the good and regular use of the thematic form "*The gender equality dimension in the work of the CDDH and its subordinate bodies*" and the taking of this dimension into account during all of their meetings;
- decided to leave to the Bureau of the CDDH the decision whom to invite to its next meetings, and when, in light of the development of the pandemic situation;
- exchanged views on the status of signatures and ratifications of the conventions for which the CDDH is responsible;
- took note of the recent publications of the work of the CDDH and decided on the forthcoming publications by the end of 2022; took note that the Manual on Human Rights and the Environment would be published in January 2022;
- took note of the information provided by Mr Barra LYSAGHT (Ireland) on the organisation by the Irish Chairmanship of the Ministers' Deputies – Human Rights (CM-DH) and the

Department for the Execution of Judgments of a thematic debate on “Effective national co-ordination: a key factor in reinforcing the domestic capacity for rapid execution of judgments of the European Court of Human Rights” on 7 March 2022;

- took note of the information provided by Ms Maria AVERSANO (Italy) on the organisation by the Italian Presidency of the Committee of Ministers of a Conference of Ministers of Justice on the theme of “Crime and criminal justice – the role of restorative justice in Europe” in Venice on 13 – 14 December 2021;
- adopted its provisional calendar of meetings for 2022.

MEETING REPORT

1. The Steering Committee for Human Rights (CDDH) held its 95th meeting in a hybrid format due to the current health crisis from 23 to 26 November 2021 in Strasbourg under the Chairmanship of Mr Morten RUUD (Norway) (see [list of Participants in Appendix II](#) below). Recalling that this would be Mr Ruud's final meeting as its Chair, and recalling his many years of service to the Council of Europe in a variety of positions, the CDDH thanked him warmly for his contribution to its work and for his patient, constructive and consensual leadership over the past two years, which had been particularly important given the unprecedented disruption due to the pandemic.

2. Mr Christophe POIREL, Director of Human Rights welcomed the participants and presented the recent changes within the directorate. He introduced Mr Daniele CANGEMI, the new Head of the Human Rights, Justice and Legal Co-operation Standard-Setting Activities Department, and Mr David MILNER, the new Secretary of the CDDH and Head of the Human Rights Intergovernmental Cooperation Division. The CDDH took note of this information and welcomed Mr Cangemi and Mr Milner.

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

3. The CDDH adopted its agenda as it appears in [Appendix I](#) below and agreed with the order of business proposed by the Secretariat.

ITEM 2: RECOMMENDATIONS OF THE PARLIAMENTARY ASSEMBLY

4. The CDDH examined the draft comments prepared by the Bureau regarding the following Recommendations of the Parliamentary Assembly:

- [Recommendation 2211\(2021\)](#) "Anchoring the right to a healthy environment: need for enhanced action by the Council of Europe"
- [Recommendation 2213\(2021\)](#) "Addressing issues of criminal and civil liability in the context of climate change"

5. At the end of its exchange of views, the CDDH adopted its comments on the two Recommendations (see [Appendix III](#) below) and decided to transmit them to the Committee of Ministers.

6. The CDDH also took note of information from the Secretariat concerning the Committee of Ministers' adoption of replies to Parliamentary Assembly Recommendations 2204(2021), "Media freedom, public trust and the people's right to know", and 2213(2021), "Addressing issues of criminal and civil liability in the context of climate change", on which the CDDH had commented.

ITEM 3: WORK ON THE SYSTEM OF THE CONVENTION

3.1. Committee of experts on the system of the European Convention on Human Rights (DH-SYSC)

7. The Chair of the DH-SYSC, Mr Hans-Jörg BEHRENS (Germany), informed the CDDH about the 6th meeting of DH-SYSC (26 – 28 October 2021), which was held in a hybrid format. This was the first meeting during the current biennium due to the delays that the Drafting Group

on the effective processing and resolution of cases relating to inter-State disputes (DH-SYSC-IV) and Drafting Group on enhancing the national implementation of the system of the European Convention on Human Rights (DH-SYSC-V) had experienced in their respective activities because of the Covid 19 pandemic.

8. The DH-SYSC had examined the Activity Report 2020 – 2021 on the effective processing and resolution of cases relating to inter-State disputes, prepared by DH-SYSC-IV. In order to better reflect the analytical nature of the report, it was decided to change its title to “Progress Report”. The DH-SYSC also agreed that the Statistical Report on conflict-related applications provided by the Registry of the Court should be transformed from an appendix to the Progress Report into a separate information document ([CDDH\(2021\)21](#)), to which reference could be made in its current and future work. Delegations had been invited to submit their comments on this document to the Secretariat by 15 November 2021, for compilation into a single document and transmission to the Registry. The DH-SYSC had adopted the Progress Report 2020 – 2021 on the effective processing and resolution of cases relating to inter-State disputes ([DH-SYSC\(2021\)R6 Addendum](#), the Progress Report 2020 – 2021), and had decided to transmit it to the CDDH for consideration at the present meeting. Mr BEHRENS invited the CDDH to take note of the Progress Report with approval, observing that there was no requirement to transmit it to the Committee of Ministers. He also invited the CDDH to provide further guidance to the DH-SYSC-IV for its future work.

9. After a discussion on the nature and consequences of its decision, the CDDH took note of the Progress Report 2020 – 2021, having regard to the fact that no proposals for consideration by the Committee of Ministers are made at this stage and that under the new terms of reference, the DH-SYSC is expected to elaborate a report on the effective processing and resolution of cases related to inter-State disputes, including possible proposals to the Committee of Ministers, by 31 December 2022. The CDDH welcomed the work done by the DH-SYSC and its Drafting Group DH-SYSC-IV, which provides a basis for further consideration of matters falling within the mandate of DH-SYSC and does not limit discussion in the DH-SYSC-IV, DH-SYSC or the CDDH.

10. Mr BEHRENS further informed the CDDH that the DH-SYSC had discussed during its 6th meeting the draft Guidelines of the Committee of Ministers to member States on the prevention and remedying of violations of the European Convention on Human Rights were prepared by DH-SYSC-V ([DH-SYSC-V\(2021\)02REV3](#)). The DH-SYSC had provided guidance and recommendations to the DH-SYSC-V concerning the revision of this text, which appear in the report of its meeting ([DH-SYSC\(2021\)R6](#)).

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

11. The Chair of the DH-SYSC-IV, Mr Alain CHABLAIS (Switzerland) informed the CDDH briefly about the meetings and activities of the Drafting Group during the 2020 – 2021 biennium. He noted that the Drafting Group had not had the opportunity to hold the planned hearing with experts. However, the Group had benefited from the discussions during the conference on ‘Inter-State cases under the European Convention on Human Rights’ organised by the German Presidency of the Committee of Ministers on 12 and 13 April 2021.

12. The Drafting Group had finalised a report which analyses a number of challenges regarding the effective processing and resolution of cases relating to inter-State disputes and provides a framework of inquiry into possible responses to the identified challenges. In particular, the report covers issues regarding the parallel processing of inter-State applications and related individual applications, the plurality of international proceedings, the establishment of the facts, just satisfaction in inter-State cases, and friendly settlement. Mr Chablais noted that

a number of these issues were sensitive for some delegations. He thanked the initial rapporteurs, Ms Jenny DORN (Germany), Mr Chanaka WICKREMASINGHE (UK), and their successors, Ms Kathrin MELLECH (Germany) and Mr James GAUGHAN (UK). He also thanked the Vice Chair of the Drafting Group Mr Elias KASTANAS for his support in orienting the work of Group.

13. Mr Chablais recalled that the Progress Report 2020 – 2021 provides a basis for further consideration of matters falling within the mandate of DH-SYSC-IV and does not limit further discussions of those matters. Proposals for the consideration of the Committee of Ministers during the next quadrennium should be formulated on this basis.

14. The Chair of the CDDH thanked Mr Chablais and the DH-SYSC-IV for their excellent work. The Drafting Group should continue its work in 2022 in its current composition and with its current presidency in order to prepare, under the authority of the DH-SYSC and on the basis of the Progress Report 2020-2021, a CDDH report on the effective processing and resolution of cases related to inter-State disputes, including possible proposals to the Committee of Ministers. The draft CDDH report should be submitted to the CDDH for decision at its 97th meeting (6 – 9 December 2022). In accordance with the Copenhagen Declaration (paragraph 54, c) proposals to handle more effectively cases related to inter-State disputes, as well as individual applications arising out of situations of inter-State conflict, should be made without limiting the jurisdiction of the Court and taking into consideration the specific features of these categories of cases, *inter alia*, regarding the establishment of facts.

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

15. The Chair of DH-SYSC-V, Mr Vít Alexander SCHORM (Czech Republic) informed the CDDH about the work of the Drafting Group in 2020 and 2021. In particular, he recalled the finalisation of [Recommendation CM/Rec\(2021\)4](#) 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, noting that it had been adopted by the Committee of Ministers on 22 September 2021.

16. As regards its 3rd meeting (12 – 14 October 2021), Mr Schorm noted that the Drafting Group had examined and provisionally agreed on a large part of the text (up to paragraph 78) of the draft Guidelines of the Committee of Ministers to member States on the prevention and remedying of violations of the European Convention on Human Rights ([DH-SYSC-V\(2021\)02REV3](#), the draft Guidelines). For lack of time, the Drafting Group had not examined the amendments proposed by delegations in respect of the remainder of the text. The DH-SYSC-V had accepted one delegation's request to consider the implementation of judgments of the European Court of Human Rights in the context of extraterritoriality at a subsequent meeting. Mr Schorm recalled that the DH-SYSC at its 6th meeting had provided guidance to the Drafting Group on the draft Guidelines.

17. The CDDH thanked the DH-SYSC-V for the successful work carried out so far. The DH-SYSC-V should continue its work in 2022 in its current composition and with its current presidency in order to finalise, under the authority of the DH-SYSC, the draft Guidelines. In order to advance with this work, the CDDH asked the Chair and the Secretariat, in cooperation with the consultant, to prepare a revised version of the draft Guidelines in line with the guidance provided by the DH-SYSC, for examination by the DH-SYSC-V at its 4th meeting (23 – 24 March 2022).

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

18. The Chair of the “47+1 Group”, Ms Tonje MEINICH (Norway), presented to the CDDH the work of the Group since the last CDDH meeting in June 2021. This concerned notably the Group’s 10th and 11th meetings, which were held in June-July and October 2021, respectively.

19. At these meetings, the Group had continued to work on the questions arising from Opinion 2/13 of the Court of Justice of the European Union. It has concentrated its work on the first three “Baskets” of issues, notably the specific mechanisms for the EU before the European Court of Human Rights (Basket 1), inter-party applications (Basket 2) and mutual trust between EU member states (Basket 3). Based on a non-paper from one delegation, the Group also had a discussion at its October meeting on issues that had not been addressed in the opinion of the Court, which concerned notably Articles 6-8 of the draft Accession Agreement and the relevant parts of its appendices.

20. Ms Meinich noted that the questions under discussion are both technically difficult and politically sensitive, which may explain why the Group has so far only reached consensus on some minor points. The discussions in the Group are, however, constructive, with delegates generally considering that the proposals tabled had narrowed down the problems and moved the discussions in the right direction.

21. Ms Meinich added that all proposals on the table are publicly available on the CDDH website, either as Secretariat documents or as appendices to the meeting reports. The Secretariat had also circulated a consolidated version of the draft accession instruments which contains all work proposals in a single document.

22. At its 10th meeting, the Group had held another exchange with the representatives of civil society and national human rights institutions, which delegates considered as very fruitful and as providing a necessary degree of transparency to the negotiations. Hence the Group decided to continue with these exchanges in the future.

23. The Group’s next meeting will take place from 7 – 10 December 2021. For that meeting, the EU has tabled concrete proposals for Basket 4 (“The situation of EU acts in the area of the Common Foreign and Security Policy that are excluded from the jurisdiction of the Court of Justice of the European Union”). This area had previously been discussed by the Group only on the basis of building blocks submitted by the EU.

24. Finally, Ms Meinich informed the CDDH about her participation (upon invitation) on 5 November 2021 in a hearing before the Committee on Legal Affairs and Human Rights of the Parliamentary Assembly (PACE), in view of the preparation of a PACE report on “Legal aspects of the EU’s accession to the European Convention on Human Rights”.

25. The CDDH thanked Ms Meinich for the information and encouraged the “47+1 Group” to continue its work towards a successful conclusion of these important negotiations.

ITEM 4: ENVIRONMENT AND HUMAN RIGHTS

26. The Chair of the Drafting Group on Human Rights and Environment (CDDH-ENV), Ms Kristīne LĪCIS (Latvia), reported to the CDDH on the progress of work carried out during the second meeting of the Drafting Group (3 – 5 November 2021).

27. Ms Līcis recalled two important developments that had occurred since the Group's first meeting, namely the adoption by the United Nations Human Rights Council, on 8 October 2021, of Resolution 48/13 on "The human right to a clean, healthy and sustainable environment", and the adoption by the Parliamentary Assembly of the Council of Europe (PACE), at its 4th part of the 2021 Session (Strasbourg, 27 – 30 September 2021), of a number of texts concerning the environment and climate change. These developments would have an impact on the Group's ongoing and further work.

28. The CDDH-ENV had during its second meeting focused mainly on the revision of the preliminary text of the draft non-binding instrument on human rights and the environment, with a view to its adoption by the CDDH at its next meeting in June 2022.

29. The CDDH agreed that the most appropriate form for this non-binding instrument would be a recommendation. As to the content of the draft recommendation, the CDDH invited delegations and participants to submit comments by 22 December 2021 (to be addressed to DG-CDDH@coe.int), to be taken into account by the Drafting Group at its next meeting on 26 – 28 January 2022.

30. The CDDH also exchanged views on the need for the elaboration of an explanatory memorandum to the draft recommendation. The CDDH agreed that the extensive list of relevant sources which appeared as endnotes in the revised draft text would provide valuable subsidiary guidance to member States, and recalled that the updated Manual on human rights and the environment, adopted by the CDDH at its 94th meeting (15 – 18 June 2021), was an additional source of valuable information.

31. The CDDH then exchanged views on the future work of the CDDH-ENV, further to the decision taken by the Ministers' Deputies at their 1416th meeting (3 November 2021) concerning Parliamentary Assembly Resolution 2211(2021). It agreed that any consideration of further work should be based on a detailed analysis that would identify eventual gaps in the legal framework or enforcement, the best ways to fill eventual gaps, and the possible impact of any additional instrument(s), including on the workload of the European Court of Human Rights and the European Committee of Social Rights. Several delegations considered that the declaration presented by ENNHRI at the Drafting Group meeting provided valuable elements for further work. It was recalled that the United Nations had focused on the link between human rights and the environment during the past 10 years, with the Special Rapporteur on Human Rights and the Environment having conducted substantive work of relevance for the work of the CDDH-ENV.

32. The Secretariat informed the CDDH that the Committee of Ministers, on 10 February 2022, would hold an exchange of views on human rights questions with experts from capitals. This would include a thematic discussion on the issue of 'human rights and the environment', to be introduced by the Council of Europe Deputy Secretary General, Mr Björn Berge, and the UN Special Rapporteur on human rights and the environment, Mr David R. Boyd. This discussion was likely to provide further impetus for future work of the CDDH in this field.

33. The CDDH thanked the CDDH-ENV Chair and the Drafting Group members for the excellent work accomplished so far.

34. Finally, the Secretariat informed the CDDH of the imminent publication of the updated Manual on Human Rights and the Environment (3rd edition), which was expected in January 2022.

ITEM 5: CIVIL SOCIETY AND NATIONAL HUMAN RIGHTS INSTITUTIONS

35. The Secretariat informed the CDDH of the recent publication entitled “Civil Society and Human Rights”, containing three Committee of Ministers recommendations on the need to strengthen the protection and promotion of civil society space in Europe (CM/Rec(2018)11), the development of the ombudsman institution (CM/Rec(2019)6), and the development and strengthening of effective, pluralist and independent national human rights institutions (CM/Rec(2021)1)).

36. The CDDH then exchanged views on possible future work on follow-up to the implementation of the three aforementioned recommendations. It noted that two events were foreseen under the terms of reference of the CDDH for the forthcoming quadrennium 2022 – 2025: one by the end of 2023, on the development of the Ombudsman institution (CM/Rec(2019)6) and on NHRIs; and another by the end of 2024, on the development and strengthening of effective, pluralist and independent national human rights institutions (CM/Rec(2021)1).

37. Ms Debbie KOHNER, Secretary General of the European Network of National Human Rights Institutions (ENNHRI), explained that all three recommendations were of relevance to ENNHRI. Regarding the implementation of Recommendation CM/Rec(2021)1, Ms Kohner informed the CDDH of ENNHRI's planned project to be carried out between 2022 and 2025 covering (i) Data collection, (ii) Tool development and (iii) Tailored implementation.

38. The CDDH thanked the Secretary General of ENNHRI for presenting the planned project and expressed its willingness to continue its cooperation with ENNHRI and other organisations during the evaluation of Recommendation CM/Rec(2021)1, as foreseen in the CDDH's mandate. The CDDH further invited member States which would hold the presidency of the Committee of Ministers to consider organising an event in this area within the framework of their presidency.

ITEM 6: MIGRATION AND HUMAN RIGHTS

39. The Chair of the Drafting Group on Migration and Human Rights (CDDH-MIG), Mr Morten RUUD (Norway), presented the results of its 8th meeting (6 – 8 October 2020), notably the draft Guide on family-based care for unaccompanied and separated children. He recalled that the Analysis and Practical Guide on alternatives to immigration detention were widely used and disseminated, providing a basis for capacity-building and awareness-raising activities at national and European levels. He also informed the CDDH that in the course of its work, the Drafting Group had received examples of national practice from delegations, which had been supplemented by Secretariat desk research. The Secretariat had put these elements together into a “Compilation of Practice”, which could usefully be published as an adjunct to the Guide.

40. The CDDH welcomed the work undertaken by the Drafting Group; adopted the Guide on family-based care for unaccompanied and separated children, having accepted an amendment submitted by one member; and decided to transmit it to the Committee of Ministers for information. It asked the Secretariat to distribute the Compilation of Practice to CDDH members, and invited members to submit to the Secretariat any further contributions or corrections of its existing content. It asked the Bureau then to decide on the appropriate procedure for adopting the Compilation of Practice, either by electronic consultation or at the next CDDH meeting.

41. In light of the adoption of the Guide and the other results of the work of the CDDH-MIG, the CDDH considered that it had fulfilled its terms of reference, and thanked its Chair and members for their successful work.

ITEM 7: HUMAN RIGHTS AND BUSINESS

42. Ms Nicola WENZEL (Germany), the CDDH Rapporteur on Human Rights and Business, presented the draft report on implementation of Recommendation CM/Rec(2016)3 of the Committee of Ministers to member States on Human Rights and Business. She recalled the [Workshop](#) under the German Presidency of the Committee of Ministers on “Environment, Human Rights and Business: a framework for addressing environmental protection challenges” (27 April 2021), which had ensured multistakeholder participation of relevant actors from civil society and the private sector. She noted that the revised draft included updates regarding two member States and a HELP Course on human rights and business, and reflected the CDDH’s comments on relevant PACE Recommendations 2211(2021) and 2213(2021).

43. In connection with a possible revision of Recommendation CM/Rec(2016)3, as suggested in PACE Recommendation 2211(2021), Ms Wenzel noted that the CDDH has already invited its Drafting Group on Human Rights and the Environment (CDDH-ENV) to examine the issue of due diligence of business enterprises. Therefore, the draft report on implementation of Recommendation CM/Rec(2016)3 proposes that once the work of CDDH-ENV is finalised, the CDDH could consider further normative work, including revision of Recommendation CM/Rec(2016)3. The draft report also proposes that the CDDH continues with the examination of the implementation of the Recommendation CM/Rec(2016)3 during the next quadrennium, with a particular focus on due diligence and access to effective remedies in the field of environmental protection.

44. The rapporteur thanked ENNHRI and the European Coalition on Corporate Justice for their letters calling for closer participation of stakeholders in the review of the implementation of Recommendation CM/Rec(2016)3. She looked forward to engaging more closely with stakeholders in future, including in the context of the expected workshop, conference, or dialogue on human rights and business. ENNHRI supported the proposals of the Rapporteur regarding continued thematic work on implementation of Recommendation CM/Rec(2016)3.

45. Two delegations provided updates on the information concerning them contained in the draft report. The Italian delegation informed the CDDH about the priority being given to human rights and business by the Italian Presidency of the Committee of Ministers, which will include an event in Rome on this topic on 28 March 2022.

46. The CDDH adopted the Report on the implementation of Recommendation CM/Rec(2016)03 of the Committee of Ministers to member States on Human Rights and Business (CDDH(2021)13Rev2), subject to final confirmation by the States concerned of the factual content of the Report by 3 December 2021, and decided to transmit it to the Committee of Ministers for information.

47. Mr Michael CROWLEY presented proposals on behalf of Amnesty International and Omega Research Foundation regarding the promotion and implementation of [Recommendation CM/Rec\(2021\)2](#) of the Committee of Ministers to member states on measures against the trade in goods used for death penalty, torture and other cruel, inhuman or degrading treatment or punishment. These proposals consist of four main activities: (i) holding a workshop for member States’ trade control officials and other relevant stakeholders; (ii), devoting a section of the Online Platform for Human Rights and Business to Recommendation CM/Rec(2021)2, which would serve as an archive of relevant national legislation and measures and annual reports on the implementation of this Recommendation; (iii), engaging with key stakeholders, in particular the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), for example through a joint event; and (iv), promoting Recommendation CM/Rec(2021)2 as a benchmark for the development of international standards in relevant fora, notably the ongoing UN process towards global standards for ‘torture-free trade’.

48. The Secretariat informed the CDDH that it had prepared a submission to the aforementioned UN process based on Recommendation CM/Rec(2021)2, which would be transmitted to the Office of the UN High Commissioner for Human Rights.

49. The CDDH took note of the proposals by Amnesty International and Omega Research Foundation. The Chair expressed support for including a section dedicated to regulation of the trade in goods used for torture and the death penalty in the Online Platform on Human Rights and Business. Follow-up to this recommendation should remain on the agenda of the CDDH.

50. The CDDH discussed the possible enhancement of the Online Platform for Human Rights and Business. It also heard a presentation by Mr Tigran KARAPETYAN, Head of Division of Transversal Challenges and Multi-lateral Projects (DGI), concerning a project proposal to create a Council of Europe Platform for human rights and environmentally friendly and responsible business practices. This platform is envisaged as a forum where businesses can have access to the Council of Europe expertise, exchange best practices, and use practical tools to track and account for human rights and environmental impact of their practices.

51. Some delegations raised questions about how companies could seek Council of Europe expertise through this new platform and whether member States concerned would have an opportunity to participate in the relevant processes. Other questions focussed on how best practices would be identified and how overlap between the proposed project and the existing Online Platform on Human Rights and Business could be avoided. Mr Karapetyan responded by stating that the format of interaction with companies and the criteria for identifying best practices would be developed in the future. He underlined the difference between the proposed new platform and the existing Online Platform on Human Rights and Business, as well as the potential synergies between the two. The CDDH took note of the initiative and wished it success.

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

52. The Chair of the Drafting Committee on trafficking for the purpose of labour exploitation (DH-TET), Mr Morten RUUD (Norway), informed the CDDH of the results of its first meeting (4 – 5 October 2021). Mr Ruud outlined the next steps in the preparation of the draft recommendation of the Committee of Ministers on preventing and combating trafficking in human beings for the purpose of labour exploitation, including a paragraph-by-paragraph reading of a revised draft recommendation during the second meeting (29 – 30 November 2021).

53. The CDDH took note that the DH-TET would hold three further meetings, in November 2021 and February and April 2022, before finalising the draft recommendation with a view to its adoption by the CDDH at its next meeting in June 2022.

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

54. The CDDH exchanged views on the draft Terms of Reference for the CDDH and DH-SYSC for the 2022 - 2025 quadrennium (see [Appendix IV](#) below), following their adoption by the Ministers' Deputies on 24 November 2021. On this basis, the CDDH examined and endorsed the Roadmap for the implementation of its activities during the forthcoming quadrennium, as presented by the Secretariat (see [Appendix V](#) below). It also established and adopted terms of reference for a Drafting Group on human rights in situations of crisis (CDDH-SCR).

55. The CDDH held a preliminary exchange of views on the future work of the CDDH-SCR. Concerning the work on derogations, one member considered the terms of reference to be perhaps too wide and difficult to implement. It was noted that despite the fact that nearly all member States had adopted similar restrictions during the pandemic, only ten of them had derogated from the European Convention on Human Rights; it would be interesting to examine why some had considered this necessary, whilst others had not. It was also noted that the terms of reference were not limited to pandemic measures, but to situations of crisis in general, which in principle would cover all derogations. The CDDH also agreed that the CDDH-SCR should consider derogations to other international human rights treaties in the course of its work. One member suggested that the CDDH-SCR establish close working contacts with the Committee of Legal Advisers on Public International Law (CAHDI).

ITEM 10: ACCESS TO OFFICIAL DOCUMENTS

56. The Secretariat informed the CDDH about the state of progress in establishing the monitoring bodies of the Council of Europe Convention on Access to Official Documents (CETS No. 205) – the Tromsø Convention. Only nine out of the 11 Parties to the Convention had proposed candidates for the Group of Specialists (Access Info Group). Given that the Tromsø Convention required this Group to have at least ten members, it will not be possible to establish the Group within the expected period of one year following the entry into force of the Convention (1 December 2020). The Consultation of the Parties, however, will nevertheless hold its constitutive meeting on 29 November 2021.

57. The CDDH welcomed the Secretariat's support to member States which are considering accession to the Tromsø Convention, with a view to helping them address legal and technical questions concerning the accession. The CDDH invited its members to continue promoting accession to ratification of the Tromsø Convention in their capitals, and expressed its hope that more member States will accede to and ratify the Tromsø Convention and that its monitoring mechanism will soon begin work.

ITEM 11: GENDER EQUALITY

58. The CDDH Rapporteur on Gender Equality, Mr Philippe WERY (Belgium), informed the CDDH about the evaluation carried out by CDDH subordinate groups of the gender equality aspects of their activities. This evaluation had been based on the thematic form "The gender equality dimension in the work of the CDDH and its subordinate bodies" adopted by the CDDH.

59. Mr Wery considered that all CDDH subordinate bodies had made good use of the form, and provided various examples of the integration of gender equality aspects (in respect of disabled persons, older women, and in relation to judgments of the ECtHR concerning discrimination issues). Another good example was provided by one subordinate body which took into account the gender equality dimension in both the preamble and the appendix to the draft instrument that it prepared. A number of subordinate bodies considered that their activities allow for the equal participation of women and men, and that no other aspects of their work raised gender equality issues.

60. The CDDH appreciated and encouraged the good and regular use of the thematic form, and the taking of the gender equality dimension into account during all meetings. It was of the opinion that this approach needs to be maintained and that gender equality aspects should be taken into account from the moment an activity is programmed. Particular attention should also be paid to the ongoing work of the Gender Equality Commission.

ITEM 12: BIOETHICS

61. The Secretary of the Committee on bioethics (DH-BIO) informed the members of the CDDH of the outcome of the 19th plenary meeting of the DH-BIO (2 – 5 November 2021) (see Decisions in [Appendix VI](#) below).

62. The CDDH noted that the DH-BIO had decided to present the draft Additional Protocol to the Convention on Human Rights and Biomedicine, concerning the protection of human rights and dignity of persons with regard to involuntary placement and involuntary treatment in mental healthcare services, to the Committee of Ministers for decision. In parallel, the DH-BIO agreed to make public a compendium of good practices aiming at promoting voluntary measures in mental health care.

63. The CDDH took note that its Chair had participated in the [roundtable on human rights and neurotechnologies](#), co-organised with the OECD, on 9 November 2021. The report of this round table, to be finalised in early 2022, will be sent to all CDDH members.

64. Finally, the CDDH took note that, following adoption of new terms of reference by the Committee of Ministers on 24 November 2021, the Committee on Bioethics would become the Steering Committee for Human Rights in the fields of Biomedicine and Health (CDBIO) as of 1 January 2022, and no longer be subordinate to the CDDH. However, the terms of reference of both the CDBIO and the CDDH provide for regular exchange of views between the two committees, the modalities of which will need to be defined.

ITEM 13: CONVENTIONS

65. The CDDH welcomed the 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.

- Protocol No. 16 to the European Convention on Human Rights entered into force with respect to [Bosnia and Herzegovina](#) on 01/07/2021, following its ratification on 09/03/2021.
- North Macedonia signed Protocol no. 16 on 9 September 2021.
- Azerbaijan signed Protocol no. 16 on 18 November 2021.
- [Spain](#) signed the Council of Europe Convention on Access to Official Documents (CETS No. 205) on 23 November 2021.

ITEM 14: CDDH FOCAL POINTS AND RAPPORTEURS

66. The CDDH noted that since its 94th meeting (15 – 18 June), due to the persistence of the pandemic, the other bodies to which it had appointed representatives had met mainly through electronic means (see [Appendix VII](#) below). It heard a report from its Focal Point for the European Commission for Democracy through Law (Venice Commission), Ms Brigitte OHMS (Austria), and took note of the participation of its rapporteur on social rights, Mr Vít Alexander SCHORM (Czech Republic), in the meeting of the Committee of Ministers' Ad Hoc Working Party on the European Social Charter system (GT-CHARTÉ) on 25 November 2021. It confirmed the Bureau's decision to appoint Mr Schorm to represent it at GT-CHARTÉ meetings.

67. The CDDH also took note that its Focal Point for the Ad hoc Committee on Artificial Intelligence (CAHAI), Mr Tigran H. GALSTYAN (Armenia), was no longer able to fulfil this responsibility. It welcomed the offer by Mr Vahagn PILIPOSYAN (Armenia) to propose a new candidate for this role.

68. The Chair then reminded the CDDH that it had not yet appointed focal points for several of the committees whose work was of interest, and called for volunteers. The CDDH then appointed the following members, whom it thanked for their willingness:

- Steering Committee on Media and Information Society (CDMSI): Mr Hans-Jörg BEHRENS (Germany);
- Steering Committee on Anti-discrimination, Diversity and Inclusion (CDADI): Mr Elias KASTANAS (Greece);
- Committee of experts on Roma and Traveller Issues (ADI-ROM): Mrs Romana KUZMANIĆ OLUIĆ (Croatia).

69. The CDDH supported its Chair's proposal to systematise the work of the Focal Points. It asked the Secretariat to liaise with each Focal Point, prior to the meetings of the bodies for which they were responsible, to remind them of the need to submit short written reports on the relevant results of those meetings, for consideration by the CDDH.

ITEM 15: ELECTIONS

70. The CDDH held elections, with the following results:
(see [Appendix VIII](#) below)

- CDDH Chair: elected Ms Kristine LĪCIS (Latvia);
- CDDH Vice-Chair: elected Ms Krista OINONEN (Finland);
- CDDH Bureau: re-elected 3 Bureau members (Mr Jan SOB CZAK (Poland), Mr Alfonso BREZMES (Spain), and Mr Alain CHABLAIS (Switzerland)), and elected one new Bureau member (Ms Nicola WENZEL (Germany));
- DH-SYSC Chair: re-elected Mr Hans-Jörg BEHRENS (Germany);
- CDDH-SCR: elected 10 members whose expenses would be reimbursed by the Council of Europe (Armenia, Azerbaijan, Estonia, Georgia, Montenegro, Netherlands, Norway, Poland, Portugal and Turkey);
- CDDH-SCR Chair: elected Mr Jan SOB CZAK (Poland), by acclamation.

ITEM 16: INVITEES

71. The CDDH recalled that it had agreed at its 94th meeting to invite high-profile personalities to an exchange of views only once this was possible in person, on Council of Europe premises. It recalled its long-standing wish to invite the Secretary General of the Council of Europe, Ms Marija PEJČINOVIĆ BURIĆ, the President of the European Court of Human Rights, Mr Robert SPANO, or the Council of Europe Commissioner for Human Rights, Ms Dunja MJATOVIĆ, to one of its future meetings.

72. On this basis, the CDDH decided to leave to its Bureau the decision whom to invite, and when, in light of the development of the pandemic situation.

ITEM 17: PUBLICATIONS

73. The CDDH noted with satisfaction the following publications, available both on its website and in hard copy:

- (i) Civil Society and Human Rights, consisting of the three following recommendations:
 - *Recommendation CM/Rec(2018)11 of the Committee of Ministers to member States on the need to strengthen the protection and promotion of civil society space in Europe;*

- *Recommendation CM/Rec(2019)6 of the Committee of Ministers to member States on the development of the Ombudsman institution;*
 - *Recommendation CM/Rec(2021)11 of the Committee of Ministers to member States on the development and strengthening of effective, pluralist and independent national human rights institutions.*
- (ii) Recommendation CM/Rec(2021)4 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 (publication imminent).

74. The CDDH also took note that the updated 3rd edition of the Manual on Human Rights and the Environment would be published in January 2022.

ITEM 18: CALENDAR

75. The CDDH adopted its calendar until 30 June 2022 and, on a provisional basis, that of the second semester 2022, to be reviewed at its 96th meeting (14 – 17 June 2022). The calendar, as adopted at the present meeting, appears in Appendix IX below.

ITEM 19: ACKNOWLEDGMENTS

76. None.

ITEM 20: OTHER BUSINESS

77. The CDDH took note of the information provided by Ms Maria AVERSANO (Italy) on the Conference of Ministers of Justice on “Crime and Criminal Justice – What Role of restorative Justice in Europe”, to be held in Venice on 13-14 December 2021. She invited CDDH members to bring the event to the attention of their national authorities, bearing in mind its relevance for implementation of Committee of Ministers’ Recommendation CM/Rec(2018)8 on restorative justice in criminal matters.

78. The CDDH also took note of the information provided by Mr Barra LYSAGHT (Ireland) on the organisation by the Irish Chairmanship of the Ministers’ Deputies-Human Rights (CM-DH) and the Council of Europe’s Department for the execution of Judgments of a thematic debate on “Effective national co-ordination: a key factor in reinforcing the domestic capacity for rapid execution of judgments of the European Court of Human Rights” on 7 March 2022.

79. The CDDH further took note of information from the Secretariat concerning the Committee of Ministers’ adoption on 20 October 2021 of Recommendation CM/Rec(2021)7 on measures aimed at protecting children against radicalisation for the purpose of terrorism, on a preliminary draft of which it had given comments.

* * *

Appendix I**Annotated agenda****ITEM 1: OPENING OF THE MEETING, ADOPTION OF THE AGENDA AND ORDER OF BUSINESS**

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 ([Appendix I](#)).

The Director General of Human Rights and Rule of Law, Mr Christos GIAKOUMOPOULOS, will inform the CDDH about the changes within the Secretariat since its 94th meeting.

[CDDH\(2021\)R94](#)

Report of the 94th CDDH meeting (15 – 18 June 2021)

[CDDH-BU\(2021\)R106](#)

Report of the 106th Bureau meeting (21 – 22 October 2021)

ITEM 2: RECOMMENDATIONS OF THE PARLIAMENTARY ASSEMBLY

Subject to a request by the Committee of Ministers, the CDDH will be invited to adopt comments on the Recommendations of the Parliamentary Assembly referred to below on the basis of Bureau's proposals prepared with the support of the Secretariat.

- Recommendation 2211(2021) – “Anchoring the right to a healthy environment: need for enhanced action by the Council of Europe”
- Recommendation 2213(2021) - Addressing issues of criminal and civil liability in the context of climate change

The Secretariat will provide information on the Committee of Ministers' consideration of the comments that the CDDH had adopted on Parliamentary Assembly Recommendation 2204(2021) - “Media freedom, public trust and the people's right to know” as well as on Recommendation 2180(2020) - “The impact of the Covid-19 pandemic on human rights and the rule of law”.

[CDDH\(2021\)15](#)

Draft CDDH comments on Recommendations of the Parliamentary Assembly

ITEM 3: WORK ON THE SYSTEM OF THE CONVENTION**3.1. Committee of Experts on the system of the European Convention of Human rights (DH-SYSC)**

The Chair of the DH-SYSC, Mr Hans-Jörg BEHRENS (Germany) will inform the CDDH on the work conducted at the 6th meeting (26 – 28 October 2021). The CDDH will be invited to discuss with a view to possibly adopting the Progress Report 2020 – 2021 of the DH-SYSC on effective processing and resolution of cases relating to inter-State disputes or to take note of it without further debate.

The CDDH will be invited to exchange views on the DH-SYSC priorities and expectations for the next meetings, bearing in mind the terms of reference given by the Committee of Ministers to the CDDH and the DH-SYSC for the forthcoming quadrennium 2022 – 2025 (see item 9).

The CDDH will be invited to discuss how to disseminate widely Recommendation CM/Rec(2021)4 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 was adopted on 22 September 2021.

DH-SYSC(2021)R6	Report of the 6 th meeting of DH-SYSC (26 – 28 October 2021)
DH-SYSC(2021)R6 Addendum	Progress report 2020 – 2021 on the effective processing and resolution of cases related to inter-State disputes
3.1.1. 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 4th meeting (22 – 24 September 2021). The CDDH will be invited to decide on the continuation of the work of the DH-SYSC-IV in 2022, bearing in mind the terms of reference given by the Committee of Ministers to the CDDH and to the DH-SYSC for the forthcoming quadriennium 2022 – 2025 (see item 9 hereafter).</i>	
DH-SYSC-IV(2021)R4	Report of the 4 th meeting of the DH-SYSC-IV (22 –24 September 2021)
3.1.2. 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 inform the CDDH about the progress of work in the Drafting Group regarding the elaboration of draft Guidelines of the Committee of Ministers to member States on the prevention and remedying of violations of the European Convention on Human Rights. The Chair of the DH-SYSC, Mr Hans-Jörg BEHRENS (Germany) will inform the CDDH about the discussions of the DH-SYSC at its 6th meeting on the draft Guidelines.</i>	
<i>The CDDH will be invited to have a general discussion on the draft guidelines and, if needed, provide guidance to the Drafting Group. Also, the CDDH will be invited to decide on the continuation of the work of the DH-SYSC-V, bearing in mind the terms of reference given by the Committee of Ministers to the CDDH and to the DH-SYSC for the forthcoming quadriennium 2022 – 2025 (see item 9).</i>	
DH-SYSC-V(2021)R3	Report of the 3 rd meeting of the DH-SYSC-V (12 – 14 October 2021)
DH-SYSC-V(2021)02REV3	Draft guidelines of the Committee of Ministers to member States on the prevention and remedying of violations of the European Convention on Human Rights.
3.2 CDDH ad hoc negotiation Group on the EU accession to the ECHR (“47+1 Group”)	
<i>The Chair of the “47+1 Group”, Ms. Tonje MEINICH (Norway) will present the conclusions of the 11th meeting of the Group as well as the organisation of its future work (5 – 8 October 2021)</i>	
47+1(2021)R11	Report of the 11 th meeting of the “47+1 Group” (5 – 8 October 2021)
ITEM 4: ENVIRONMENT AND HUMAN RIGHTS	
<i>The Chair of the Drafting Group on Human Rights and Environment (CDDH-ENV), Ms Kristīne LĪCIS (Latvia), will inform the CDDH on the progress of work during 2nd meeting of the Drafting Group (3 – 5 November 2021) notably as regards the preparation of a revised text for the elaboration of a draft non-binding instrument (e.g. recommendation, guidelines) on human rights and the environment, to be adopted by the CDDH by 30 June 2022.</i>	

The CDDH will be invited to:

- give orientation to the Drafting Group for the finalisation of the draft non-binding instrument on human rights and the environment;
- exchange views on the possible work the CDDH-ENV could conduct in addition to the draft non-binding instrument, including in the light of recent PACE recommendations (see item 2) and of possible decisions by the Committee of Ministers.

Furthermore, the Secretariat will inform on the state of preparation of the publication, in both official languages, of the Manual on Human Rights and the Environment – “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” (3rd edition) adopted by the CDDH at its 94th meeting (15 – 18 June 2021), and of its consideration by the Committee of Ministers.

[CDDH-ENV\(2021\)R2](#)

Report of the 2nd meeting of the CDDH-ENV (3 – 5 November 2021)

[CDDH-ENV\(2021\)R2 Addendum](#)

Preliminary draft recommendation on human rights and the protection of the environment, as prepared by the Drafting Group on Human Rights and Environment (CDDH-ENV), Promotion and protection of human rights by ensuring a clean, healthy and sustainable environment

[CDDH-ENV\(2021\)R1 Addendum](#)

Manual on Human Rights and the Environment, 3rd 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 Publication “Environmental Protection and Human Rights”](#)

ITEM 5: CIVIL SOCIETY AND NATIONAL HUMAN RIGHTS INSTITUTIONS

The Secretariat will provide information on the recent publication “Civil Society and Human Rights” prefaced by the Secretary General of the Council of Europe. The CDDH will be invited to discuss possible follow-up to relevant Recommendations of the Committee of Ministers regarding civil society (CM/Rec(2018)11), the Ombudsman institution (CM/Rec(2019)6) as well as national human rights institutions (CM/Rec(2021)1), bearing in mind the draft terms of reference of the CDDH and of the DH-SYSC for the forthcoming quadriennium 2022 – 2025 (see item 9 hereafter).

[CDDH Publication “Civil Society and Human Rights”](#)

ITEM 6: MIGRATION AND HUMAN RIGHTS

The Chair of the Drafting Group on Migration and Human rights (CDDH-MIG) Mr Morten RUUD (Norway) will inform the CDDH on the progress of work at the 8th meeting of the Drafting Group (6 – 8 October 2021) concerning the preparation of a CDDH Guide – “Family based care for unaccompanied and separated children”.

The CDDH will be invited to examine and possibly adopt the draft CDDH Guide “Family based care for unaccompanied and separated children” with a view to presenting it to the Committee of Ministers for information. Subject to such decision the CDDH will be invited to discuss how to promote the Guide.

[CDDH-MIG\(2021\)R8](#)

Report of the 8th meeting of the CDDH-MIG (6 – 8 October 2021)

[CDDH-MIG\(2021\)R8 Addendum](#)

Draft guide on “Family based care for unaccompanied and separated children”

ITEM 7: BUSINESS AND HUMAN RIGHTS

The CDDH Rapporteur on Human Rights and Business, Ms Nicola WENZEL (Germany) will be invited to present the draft Report of the CDDH on the implementation of Recommendation CM/Rec(2016)3 on Human Rights and Business. In the light of Bureau's proposals, as well as recent PACE Recommendations (see item 2), the CDDH will be invited to adopt the draft Report with a view to its transmission to the Committee of Ministers for information and possible follow-up.

The CDDH will also be invited to exchange views on:

- *the state of play of the Online Platform for Human Rights and Business with a view to identifying possible actions to improve the Platform during the next quadrennium 2022 – 2025;*
- *possible follow-up to proposals by Amnesty International and the Omega Research Foundation regarding Recommendation CM/Rec(2021)2 of the Committee of Ministers to member states on measures against the trade in goods used for death penalty, torture and other cruel, inhuman or degrading treatment or punishment.*

[CDDH\(2021\)13Rev](#)

Draft report on the implementation of the Recommendation CM/Rec(2016)3 on Human Rights and Business

[CDDH\(2021\)17](#)

Possible contribution by ENNHRI

[CDDH\(2021\)18](#)

Proposals for facilitating effective promulgation and implementation of Recommendation CM/Rec(2021)2 of the Committee of Ministers to member states on measures against the trade in goods used for death penalty, torture and other cruel, inhuman or degrading treatment or punishment

ITEM 8: MEASURES AGAINST HUMAN TRAFFICKING FOR THE PURPOSE OF LABOUR EXPLOITATION

The Chair of the Drafting Committee on Trafficking for the purpose of Labour Exploitation (DH-TET), Mr Morten RUUD (Norway) will present the conclusions of the 1st meeting of the Committee (4 – 5 October 2021) concerning the preparation of a draft Recommendation of the Committee of Ministers on measures against trafficking in human beings for the purpose of labour exploitation, to be adopted by the CDDH by 30 June 2022.

The CDDH will be invited, if need be, to give orientation to the DH-TET for the continuation of its work.

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

Terms of reference of the DH-TET

[DH-TET\(2021\)R1](#)

Report of the first meeting of the DH-TET (4 – 5 October 2021)

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

The Secretariat will inform the CDDH about the state of play with regard to the adoption by the Committee of Ministers of the draft terms of reference of the CDDH and DH-SYSC for the quadrennium 2022 – 2025. In the light of proposals made by the Bureau following its 106th meeting (21-22 October 2021), the CDDH will be invited to:

- *appoint the Chair and the members of a drafting group to work on deliverables relating to human rights in situations of crises and decide on the terms of reference of this drafting Group;*
- *discuss the organisation of its future work on other deliverables under its draft terms of reference on the basis of a preliminary draft roadmap prepared by the Secretariat upon Bureau's instruction.*

[CDDH\(2021\)16](#)

Document prepared by the Secretariat containing the CDDH and DH-SYSC terms of reference

CDDH(2021)19	Draft terms of reference of the drafting group on human rights in situations of crises
CDDH(2021)20	Preliminary draft roadmap of activities for the quadrennium 2022 – 2025
ITEM 10: ACCESS TO OFFICIAL DOCUMENTS	
<i>The Secretariat will inform the CDDH on the state of play regarding the setting up of 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.</i>	
ITEM 11: GENDER EQUALITY	
<i>The CDDH will be informed by its Rapporteur on gender equality, Mr Philippe WERY (Belgium) about the evaluations carried out by the CDDH's subordinate groups of the gender equality aspects of their activities based on the relevant form adopted by the CDDH.</i>	
CDDH(2021)04	The gender equality dimension in the work of the CDDH and its subordinated bodies
CDDH(2020)13	Thematic Form on Gender Equality
ITEM 12: BIOETHICS	
<i>The CDDH will be invited to exchange views with the Secretary of the Committee on bioethics (DH-BIO), Ms. Laurence LWOFF on the ongoing and future work of the DH-BIO.</i>	
19 th DH-BIO Decisions	Decisions of the 19 th meeting of the Committee on bioethics (DH-BIO) (2 – 4 November 2021)
ITEM 13: CONVENTIONS	
<i>The CDDH will be invited to exchange views on the state of signature/ratifications of instruments in charge of the CDDH, in particular Protocol No. 16 to the ECHR.</i>	
CDDH(2021)07Rev	Chart of signatures and ratifications of certain treaties under the responsibility of the CDDH - Information provided by the Secretariat
ITEM 14: FOCAL POINTS	
<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, and to appoint new focal points if necessary. The list of current focal points appears in Appendix II hereafter.</i>	
ITEM 15: ELECTIONS	
<i>The CDDH will be invited to proceed to the election of the Chair and Vice-Chair and four Bureau members of the CDDH, and of the Chair of DH-SYSC. In view of the implementation of its programme of activities for 2022 – 2025 (see item 9), the CDDH will also be invited to appoint the Chair and the members of a new drafting group to work on deliverables relating to human rights in situations of crises.</i>	
<i>The current situation of its Bureau, Chairs, Rapporteurs and composition of the Expert Committees and the Drafting Groups appears in Appendix III hereafter.</i>	

ITEM 16: INVITEES

The CDDH will be invited to exchange views on possible invitees to the forthcoming CDDH meetings.

CDDH-BU(2020)R106
(see item 1 above)

Report of the 106th Bureau meeting (21 – 22 October 2021)

ITEM 17: PUBLICATIONS

The CDDH will be invited to exchange views on the current and future publications in the light of the information which will be provided by the Secretariat.

[CDDH Publications' website](#)

ITEM 18: CALENDAR

The CDDH will be invited to exchange views on the draft calendar for 2022, in the light of the suggestions put forward by the Bureau at its 106th meeting (21 – 22 October 2021) (see [Appendix IV](#)).

ITEM 19: ACKNOWLEDGEMENTS**ITEM 20: OTHER BUSINESS**

The CDDH will be informed by the Secretariat of the state of play of this ongoing work, to which it contributed by means of comments adopted in March 2021.

[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

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Appendix II**List of participants****MEMBERS / MEMBRES**

ARMENIA / ARMÉNIE	Mr Vahagn PILIPOSYAN Head of International Treaties and Law Department of the Ministry of Foreign Affairs
AUSTRIA / AUTRICHE	Ms Brigitte OHMS Deputy Government Agent, Division for European and International Law, Human Rights Protection (dpt. V/7), Federal Chancellery
AZERBAIJAN / AZERBAIDJAN	Mr Şahin ABBASOV Adviser, Lead consultant, Human Rights Protection Unit, Law Enforcement Bodies Department of the Administration of the President
BELGIUM / BELGIQUE	Mr Philippe WERY Chef du Service des droits de l'homme, SPF Justice, Service des Droits de l'Homme
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	Ms Hristiana GROZDANOVA Head of Unit for Human Rights, Ministry of Foreign Affairs
CROATIA / CROATIE	Ms Romana KUZMANIĆ OLUIĆ Counsellor, Ministry of Foreign and European Affairs, Directorate General for Multilateral Affairs and Global Issues, Division for Human Rights and Regional International Organisations and Initiatives Ms Narcisa BEĆIREVIĆ Minister Plenipotentiary, Deputy to the Permanent Representative of Croatia to the Council of Europe
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	Mr Morten SCHAUMBURG-MÜLLER Deputy head of division Constitutional and Human Rights Law Division, Ministry of Justice Ms Lea Elkjær TARGÅRD Head of section Constitutional and Human Rights Law Division, Ministry of Justice

ESTONIA / <i>ESTONIE</i>	Ms Maris KUURBERG Government Agent before the ECtHR, Ministry of Foreign Affairs
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	<p>M. Vladislav ERMAKOV Adjoint au Représentant permanent de la Fédération de Russie auprès du Conseil de l'Europe</p> <p>M. Konstantin KOSORUKOV Adjoint au Représentant permanent de la Fédération de Russie auprès du Conseil de l'Europe</p> <p>Mr Alexander MOLCHANOV Office of the General Prosecutor's Office of the Russian Federation</p> <p>Mr Maxim EFIMOV Office of the General Prosecutor's Office of the Russian Federation</p>
SAN MARINO / SAINT-MARIN	<p>Ms Michela BOVI Co-Agente du Gouvernement auprès de la CEDH, Ambassade de Saint-Marin en Belgique</p>
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	<p>Mr Ahmet METİN GÖKLER Legal Counselor, , Représentation Permanente de la Turquie auprès du Conseil de l'Europe</p>
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PARTICIPANTS

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OBSERVERS / OBSERVATEURS

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<p>COUNCIL OF BARS AND LAW SOCIETIES OF EUROPE / CONSEIL DES BARREAUX EUROPÉENS (CCBE)</p>	<p>Mr Piers GARDNER Chair of the CCBE Permanent Delegation to the European Court of Human Rights (PD STRAS)</p> <p>Mr Nathan ROOSBEEK</p> <p>Mr Laurent PETTITI Chair of CCBE European Convention WG</p> <p>Ms Noemi ALARCON Chair of CCBE Migration Committee</p>

EUROPEAN TRADE UNION CONFEDERATION (ETUC) / CONFÉDERATION EUROPÉENNE DES SYNDICATS (CES)	Mr Stefan CLAUWAERT ETUC Senior Legal and Human Rights Advisor, ETUC Representative in the European Social Charter Governmental Committee
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INVITEE(S) / INVITÉ(S)

CONFERENCE OF EUROPEAN CHURCHES (CEC) / CONFÉRENCE DES ÉGLISES EUROPÉENNES (KEK)	Mr John MURRAY
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SECRETARIAT / SECRÉTARIAT

Directorate General Human Rights and Rule of Law / Direction générale Droits de l'Homme et État de droit (DG I)	
	Mr Christophe POIREL Director / Directeur, Human Rights Directorate / Direction des droits de l'Homme
	Mr Daniele CANGEMI Head of the Human Rights, Justice and Legal Co-operation Standard-settings activities Department / Chef du Service des activités normatives en matière de droits de l'homme, justice et coopération juridique
	Mr Matthias KLOTH Secretary of the CDDH <i>ad hoc</i> negotiation Group on the accession of the European Union to the European Convention on Human Rights / Secrétaire du Groupe de négociation <i>ad hoc</i> du CDDH sur l'adhésion de l'Union européenne à la Convention européenne des droits de l'homme (« 47+1 Group » / « Groupe 47+1 »).
	Ms Laurence LWOFF Secretary of the Committee on Bioethics / Secrétaire du Comité de Bioéthique (DH-BIO)

Human Rights Intergovernmental Cooperation Division / Division de la coopération intergouvernementale en matière de droits de l'Homme	
	Mr David MILNER Head of Division / Chef de Division, Secretary of the CDDH / Secrétaire du CDDH
	Ms Merete BJERREGAARD Administrator / Administrateur, Secretary of the Drafting Group on Human Rights and Environment / Secrétaire du Groupe de rédaction sur les droits de l'homme et l'environnement (CDDH- ENV)
	Ms Elvana THACI Administrator / Administrateur, Secretary of the Committee of experts on the System of the European Convention on Human Rights / Secrétaire du Comité d'experts sur le système de la Convention européenne des droits de l'homme (DH- SYSC)
	Mr Edo KORLJAN Administrator / Administrateur
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	M^{me} Corinne GAVRILOVIC Assistant / Assistante
	M. Nicolas DOMAGALSKI Assistant
	Ms Kemo WEIBEL Assistant / Assistante
Cooperation Programmes Division / Division des programmes de coopération	
	Ms Lilja GRETARSDOTTIR Head of the Division / Chef de la Division
Défis transversaux et projets multilatéraux / Transversal challenges and multilateral projects	
	Ms Jennifer SCHÜTZE-REYMANN Administrator / Administrateur

Appendix III**CDDH Comments on
Recommendations of the Parliamentary Assembly**

- [Recommendation 2211\(2021\) “Anchoring the right to a healthy environment: need for enhanced action by the Council of Europe”](#)

CDDH COMMENTS

1. The Steering Committee for Human Rights (CDDH) notes with interest Parliamentary Assembly Recommendation 2211(2021) “Anchoring the right to a healthy environment: need for enhanced action by the Council of Europe”, and the proposals contained therein to draw up additional protocols to the European Convention on Human Rights (ETS No. 5) and the European Social Charter (ETS No. 35), including the revised charter (ETS No. 163), as well as to prepare a feasibility study for a convention on environmental threats and technological hazards threatening human health, dignity and life and to revise Recommendation CM/Rec(2016)3 on human rights and business.

2. The CDDH would like to recall its previous comments regarding Recommendations 1614(2003) “Environment and human rights” and 1885(2009) “Drafting an additional protocol to the European Convention on Human Rights concerning the right to a healthy environment. In those comments, the CDDH recognised that neither the Convention nor its Additional Protocols expressly recognise a right to the protection of the environment but noted that the Convention system already indirectly contributed to the protection of the environment through existing Convention rights and their interpretation in the case law of the European Court of Human Rights, thereby offering a certain degree of protection in relation to environmental issues. In this respect, the CDDH recalls the obligations of member States under the European Convention on Human Rights and the development of the case-law by the European Court of Human Rights and national courts, that foster the interconnection between the protection of the environment and human rights. This is also shown in the “Manual on human rights and the environment – Principles emerging from the case-law of the European Court of Human Rights and the conclusions and decisions of the European Committee on Social Rights”, which was updated by the CDDH in June 2021.

3. The CDDH is also aware that the international debate on the right to a healthy environment has evolved significantly in the last decade, and notes in particular the adoption of Resolution 48/13 by the United Nations Human Rights Council recognising the right to a clean, healthy and sustainable environment “as a human right that is important for the enjoyment of human rights”. In this respect, under the aegis of the Georgian Presidency of the Committee of Ministers, the CDDH organised in February 2020 a High-level Conference on Environmental Protection and Human Rights. The Final Declaration presented by the Georgian Presidency refers, *inter alia*, to the need to upgrade the pan-European legal standards in this field.

4. Finally, the CDDH notes that it is currently mandated by the Committee of Ministers to develop “a draft non-binding instrument of the Committee of Ministers (e.g. recommendation, guidelines) recalling existing standards in this field”. The work on the elaboration of the non-binding instrument is ongoing and is expected to be concluded by 30 June 2022. In addition, the CDDH has already initiated discussion on possible further work in this area including the preparation of a study on the need for and feasibility of a further instrument or instruments on human rights and the environment, bearing in mind the Recommendation 2211(2021) of the Parliamentary Assembly .

5. As regards more specifically the recommendation to revise Recommendation CM/Rec(2016)3 on human rights and business, the CDDH, at its 95th meeting (23 – 26 November 2021) finalised a Report on the implementation of this Recommendation, with a view to transmitting it to the Committee of Ministers. The Report concluded, *inter alia*, that the question how business enterprises conduct environmental and human rights due diligence as well as the question how victims of human rights and environmental adverse impacts access remedies require closer examination. The CDDH intends therefore to pursue, in the framework of its mandate during the next quadrennium, its examination of the implementation of Recommendation CM/Rec(2016)3 on human rights and business, including on these aspects, before making proposals about its possible revision. The concepts of due diligence and corporate responsibility with respect to environment are also currently being examined by the CDDH and its drafting group CDDH-ENV in the context of the elaboration of a non-binding instrument on human rights and the environment.

* * *

- [Recommendation 2213\(2021\) “Addressing issues of criminal and civil liability in the context of climate change”](#)

CDDH COMMENTS

1. The CDDH welcomes the recommendation of the Parliamentary Assembly contained in point 3.5¹ of its Recommendation 2213(2021). It notes that environmental protection issues are part of its general review of the implementation of Recommendation CM/Rec(2016)3 of the Committee of Ministers to Member States on human rights and business. At its 95th meeting (23 –26 November 2021), the CDDH finalised a Report on the implementation of this Recommendation with a view to transmitting it to the Committee of Ministers. The report concluded, *inter alia*, that the question how business enterprises conduct environmental and human rights due diligence as well as the question how victims of human rights and environmental adverse impacts access remedies requires close examination.

2. In addition, the CDDH recalls that it discussed various aspects of responsibility of business enterprises as well as issues regarding access to effective remedies in the context of environmental protection in the Workshop that it organised in cooperation with the German Presidency of the Committee of Ministers on “Environment, Human Rights and Business: A framework for addressing environmental protection challenges”, on 27 April 2021.

3. Following-up on these lines of work and drawing inspiration from the PACE Recommendation the CDDH intends to pursue, in the framework of its mandate during the next quadrennium, its examination of the implementation of Recommendation CM/Rec(2016)3 on human rights and business with a specific focus on its standards on due diligence and access to effective remedies. The concepts of due diligence and corporate responsibility with respect to environment are also currently being examined by the CDDH and its drafting group CDDH-ENV in the context of the elaboration of a non-binding instrument on human rights and the environment.

* * *

¹ Point 3.5 of Recommendation 2213(2021) states “when tacking stock of the implementation of its Recommendation CM/Rec(2016)3 on human rights and business, reflect on how environmental issues, are taken into account by member States of the Council of Europe, in particular in the context of access to effective remedies and due diligence procedures”.

Appendix IV

**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(2021)3 on intergovernmental committees and subordinate bodies, their terms of reference and working methods.

Type of committee: **Steering committee**

Terms of reference valid from: **1 January 2022 until 31 December 2025²**

PILLAR/PROGRAMME/SUB-PROGRAMME ▼
<p>Pillar: Human Rights Programme: Effective ECHR implementation Sub-programme: Effectiveness of the ECHR System at national and European level</p>
MAIN TASKS ▼
<p>Under the authority of the Committee of Ministers and bearing in mind the Council of Europe legal standards as well as the relevant jurisprudence of the European Court of Human Rights, the CDDH will conduct the intergovernmental work of the Council of Europe in the human rights field and will advise and give its legal expertise to the Committee of Ministers on all questions within its field of competence.</p> <p>In particular, the CDDH is instructed to:</p> <ul style="list-style-type: none"> (i) ensure the follow-up of the relevant decisions taken at the 131st Session of the Committee of Ministers (Hamburg, 21 May 2021),³ and in particular contribute to the implementation of the key strategic priorities relating to its specific field of expertise as identified in the Strategic Framework of the Council of Europe, and respond to the respective key findings and challenges set out in the Secretary General's 2021 Report on the state of democracy, human rights and rule of law "A democratic renewal for Europe"; (ii) 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; (iii) 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; (iv) advise other bodies of the Organisation to ensure that their activities concerning human rights duly reflect the requirements of the European Convention on Human Rights and the case law of the European Court of Human Rights; (v) contribute to co-operation and support activities to national initiatives in the field of the protection, development and promotion of human rights; (vi) 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;

² These terms of reference are approved for the first biennial period 2022-2023. For the second biennial period 2024-2025, they are approved on a provisional basis, subject to confirmation upon the adoption of the budget for 2024-2025.

³ [CMDel/Dec\(2021\)131/2a](#), [CMDel/Dec\(2021\)131/2b](#), [CMDel/Dec\(2021\)131/2c](#) and [CMDel/Dec\(2021\)131/3](#).

- (vii) orient and oversee the work of its subordinate bodies, notably the Committee of Experts on the System of the European Convention on Human Rights (DH-SYSC) and the Drafting Committee on Trafficking for the purpose of Labour Exploitation (DH-TET) (cf. separate terms of reference);
- (viii) orient and oversee the work of its *Ad Hoc* Group (“47+1”) on the accession of the European Union to the European Convention on Human Rights;
- (ix) 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;
- (x) in co-ordination notably with the presidencies of the Committee of Ministers and representatives of civil society, follow-up to the national implementation of various recommendations of the Committee of Ministers prepared by the CDDH;
- (xi) organise thematic debates on the right of access to official documents taking into account the entry into force of the Tromsø Convention (CETS 205);
- (xii) 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 those that might be discontinued;
- (xiii) take due account of the following mainstreamed perspectives in the performance of its tasks: gender, youth, children’s rights, rights of persons with disabilities, and Roma and Traveller⁴ issues;
- (xiv) where relevant, contribute to building cohesive societies and to strengthening the role and meaningful participation of civil society in its work;
- (xv) 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,⁵ in co-operation, where appropriate, with the relevant convention-based bodies, and report back to the Committee of Ministers;
- (xvi) contribute to the achievement of, and review progress towards, the UN 2030 Agenda for Sustainable Development, in particular with regards to Goal 3: Good health and well-being, Goal 5: Gender equality, Goal 8: Decent work and economic work, Goal 10: Reduced inequalities, Goal 13: Climate action and Goal 16: Peace, Justice and Strong institutions.

MAIN DELIVERABLES ▼

Under the authority of the Committee of Ministers, the CDDH is instructed to complete the following deliverables, within the following deadlines:

	<i>Deadline ▼</i>
1. Draft Recommendation on human rights and the environment	30/06/2022
2. Draft Recommendation on measures against trafficking in human beings for the purpose of labour exploitation (cf. DH-TET terms of reference)	30/06/2022
3. Report on the effective processing and resolution of cases related to inter-State disputes including possible proposals to the Committee of Ministers (cf. DH-SYSC terms of reference)	31/12/2022 ⁶
4. Follow-up study on the CDDH report on family-based care for unaccompanied and separated migrant children	31/12/2022
5. Workshop, conference, or dialogue on human rights and business (CM/Rec(2016)3)	31/12/2022

⁴ 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.

⁵ Cf. relevant decisions of the Committee of Ministers ([CM/Del/Dec\(2013\)1168/10.2](#)) and list of Conventions in document [CM\(2021\)132](#).

⁶ Deadline postponed from 31 Dec. 2021 to 31 Dec. 2022.

6. Workshop, conference, or dialogue on the protection and promotion of human rights in culturally diverse societies (in co-operation with other relevant bodies of the Council of Europe)	31/12/2022
7. Report on member States' practice in relation to derogations from the Convention in situations of crises	31/12/2022
8. Toolkit for human rights impact assessment of the measures taken by the State in situations of crises	31/12/2022
9. Draft non-binding legal instrument on the effective protection of human rights in situations of crises based on lessons learnt from the Covid-19 pandemic	30/06/2023
10. Guidelines to prevent and remedy violations of the Convention at the national level (cf. DH-SYSC terms of reference)	31/12/2023 ⁷
11. Instruments setting out the modalities for the accession of the European Union to the European Convention on Human Rights ("47+1")	31/12/2023
12. Workshop, conference, or dialogue on human rights of members of the armed forces (CM/Rec(2010)4), with attention to issues concerning conscientious objection to compulsory military service	31/12/2023
13. Workshop, conference, or dialogue on the development of the Ombudsman institution (CM/Rec(2019)6)	31/12/2023
14. 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 (cf. DH-SYSC terms of reference)	31/12/2024
15. Report evaluating the first effects of Protocol No.16 (cf. DH-SYSC terms of reference)	31/12/2024
16. Handbook on human rights and artificial intelligence	31/12/2024
17. Workshop, conference, or dialogue on the system of the European Convention on Human Rights in university education and professional training (CM/Rec(2019)5)	31/12/2024
18. Workshop, conference, or dialogue on the development and strengthening of effective, pluralist and independent national human rights institutions (CM/Rec(2021)1)	31/12/2024
19. Report evaluating the first effects of Protocol No.15 (cf. DH-SYSC terms of reference)	31/12/2025
20. Workshop, conference, or dialogue on measures against the trade in goods used for the death penalty, torture and other cruel, inhuman or degrading treatment or punishment (CM/Rec(2021)2)	31/12/2025
21. Workshop, conference, or dialogue 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 (subject to the adoption of the recommendation prepared in 2021)	31/12/2025

⁷ Deadline postponed from 31 Dec. 2021 to 31 Dec. 2023.

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.

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;
- Commissioner for Human Rights of the Council of Europe;
- 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);
- The Council of Bars and Law Societies in Europe (CCBE).

Observer status may be requested in accordance with Article 8 of Resolution CM/Res(2021)3 on intergovernmental committees and subordinate bodies, their terms of reference and working methods.

WORKING METHODS ▼

	Plenary meetings ▼			Bureau meetings ▼		
	Members	Meetings	Days	Members	Meetings	Days
2022	48	2	4	8	2	2
2023	48	2	4	8	2	2
2024	48	2	4	8	2	2
2025	48	2	4	8	2	2

The rules of procedure of the Committee are governed by Resolution [CM/Res\(2021\)3](#) on intergovernmental committees and subordinate bodies, their terms of reference and working methods.

The CDDH will appoint from amongst its members up to 5 Rapporteurs on mainstreamed perspectives, including a Gender Equality Rapporteur.

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

The CDDH will hold regular exchanges of views with the Steering Committee on Human Rights in the fields of Biomedicine and Health (CDBIO).

SUBORDINATE STRUCTURE(S) ▼

The CDDH coordinates, supervises and follows the work of its subordinate bodies:

- Committee of Experts on the System of the European Convention on Human Rights (DH-SYSC) (cf. separate terms of reference);
- *Ad hoc* Group 47 + 1 (*ad hoc* terms of reference);⁸
- (until 30/06/2022) Drafting Committee on Trafficking for the purpose of Labour Exploitation (DH-TET) (cf. separate terms of reference).⁹

⁸ 1364th meeting, 15 January 2020, Continuation of the *ad hoc* terms of reference for the CDDH to finalise the legal instruments setting out the modalities of accession of the European Union to the European Convention on Human Rights, [CM/Del/Dec\(2020\)1364/4.3](#).

⁹ 1401st meeting, 14-15 April 2021, Terms of reference for the Drafting Committee on Trafficking for the Purpose of Labour Exploitation (DH-TET), Appendix to [CM/Del/Dec\(2021\)1401/4.2](#).

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

Set up by the Committee of Ministers under Article 17 of the Statute of the Council of Europe and in accordance with Resolution CM/Res(2021)3 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**¹⁰

PILLAR/PROGRAMME/SUB-P PROGRAMME ▼	
<p>Pillar: Human Rights Programme: Effective ECHR implementation Sub-programme: Effectiveness of the ECHR system at national and European level</p>	
DELIVERABLES ▼	
<p>Under the authority of the Committee of Ministers, and of the Steering Committee for Human Rights (CDDH), the DH-SYSC is instructed to complete the following deliverables, within the following deadlines:</p>	
	<i>Deadline ▼</i>
1. 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 ¹¹
2. Guidelines to prevent and remedy violations of the Convention at the national level	31/12/2023 ¹²
3. 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. Report evaluating the first effects of Protocol No.16	31/12/2024
5. Report evaluating the first effects of Protocol No.15	31/12/2025
COMPOSITION ▼	
<p>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.</p> <p>PARTICIPANTS: The following may send representatives, without the right to vote and at the charge of their corresponding administrative budgets:</p> <ul style="list-style-type: none"> - 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; 	

¹⁰ These terms of reference are approved for the first biennial period 2022-2023. For the second biennial period 2024-2025, they are approved on a provisional basis, subject to confirmation upon the adoption of the budget for 2024-2025.

¹¹ Deadline postponed from 31 Dec. 2021 to 31 Dec. 2022.

¹² Deadline postponed from 31 Dec. 2021 to 31 Dec. 2023.

- 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 (OHCHR), Office of the United Nations High Commissioner for Refugees (UNHCR)).

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 Travellers¹³ Forum, Open Society Justice Initiative (OSJI)), as well as the European Network of National Human Rights Institutions (ENNHRI).

Observer status may be requested in accordance with Article 8 of Resolution CM/Res(2021)3 on intergovernmental committees and subordinate bodies, their terms of reference and working methods.

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(2021)3 on intergovernmental committees and subordinate bodies, their terms of reference and working methods.

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

* * *

¹³ 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 V**Draft Roadmap for the implementation of the terms of reference of the CDDH and its subordinate bodies***i) Issues the CDDH and its subordinate bodies have been mandated to address and deadlines for deliverables*

1. The draft terms of reference for the quadrennium 2022 – 2025, subject to their final adoption by the Committee of Ministers, contain a detailed list of deliverables and of corresponding deadlines for the CDDH, which also includes deliverables to be prepared by its subordinate bodies, the Committee of Experts on the System of the European Convention on Human Rights (DH-SYSC) and the Drafting Committee on Trafficking for the purpose of Labour Exploitation (DH-TET).

22. Draft Recommendation on human rights and the environment	30/06/2022
23. Draft Recommendation on measures against trafficking in human beings for the purpose of labour exploitation (cf. DH-TET terms of reference)	30/06/2022
24. Report on the effective processing and resolution of cases related to inter-State disputes including possible proposals to the Committee of Ministers (cf. DH-SYSC terms of reference)	31/12/2022 ¹⁴
25. Follow-up study on the CDDH report on family-based care for unaccompanied and separated migrant children	31/12/2022
26. Workshop, conference, or dialogue on human rights and business (CM/Rec(2016)3)	31/12/2022
27. Workshop, conference, or dialogue on the protection and promotion of human rights in culturally diverse societies (in co-operation with other relevant bodies of the Council of Europe)	31/12/2022
28. Report on member States' practice in relation to derogations from the Convention in situations of crises	31/12/2022
29. Toolkit for human rights impact assessment of the measures taken by the State in situations of crises	31/12/2022
30. Draft non-binding legal instrument on the effective protection of human rights in situations of crises based on lessons learnt from the Covid-19 pandemic	30/06/2023
31. Guidelines to prevent and remedy violations of the Convention at the national level (cf. DH-SYSC terms of reference)	31/12/2023 ¹⁵
32. Instruments setting out the modalities for the accession of the European Union to the European Convention on Human Rights ("47+1")	31/12/2023
33. Workshop, conference, or dialogue on human rights of members of the armed forces (CM/Rec(2010)4), with attention to issues concerning conscientious objection to compulsory military service	31/12/2023
34. Workshop, conference, or dialogue on the development of the Ombudsman institution (CM/Rec(2019)6)	31/12/2023

¹⁴ Deadline postponed from 31 Dec. 2021 to 31 Dec. 2022.

¹⁵ Deadline postponed from 31 Dec. 2021 to 31 Dec. 2023.

35. 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 (cf. DH-SYSC terms of reference)	31/12/2024
36. Report evaluating the first effects of Protocol No.16 (cf. DH-SYSC terms of reference)	31/12/2024
37. Handbook on human rights and artificial intelligence	31/12/2024
38. Workshop, conference, or dialogue on the system of the European Convention on Human Rights in university education and professional training (CM/Rec(2019)5)	31/12/2024
39. Workshop, conference, or dialogue on the development and strengthening of effective, pluralist and independent national human rights institutions (CM/Rec(2021)1)	31/12/2024
40. Report evaluating the first effects of Protocol No.15 (cf. DH-SYSC terms of reference)	31/12/2025
41. Workshop, conference, or dialogue on measures against the trade in goods used for the death penalty, torture and other cruel, inhuman or degrading treatment or punishment (CM/Rec(2021)2)	31/12/2025
42. Workshop, conference, or dialogue 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 (subject to the adoption of the recommendation prepared in 2021)	31/12/2025

2. The CDDH is also asked, as it appears in its “main tasks”, to “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”. This may include, notably, follow-up work on Recommendation CM/Rec(2016)3 on Human Rights and business, which the CDDH already engaged into and which is expected to continue in future.

3. In addition, in the light of the comments the CDDH has adopted on PACE recommendations 2211(2021) – “Anchoring the right to a healthy environment: need for enhanced action by the Council of Europe” and 2213(2021) - Addressing issues of criminal and civil liability in the context of climate change, and of the preliminary discussions by the CDDH-ENV, the CDDH will proceed, after the finalisation of the draft recommendation on Human Rights and Environment, to the elaboration of a study on the need and the feasibility of a further instrument, or instruments, in this same field.

ii) Proposed allocation of deliverables to subordinate bodies

4. The CDDH and the DH-SYSC are currently supported in their work by drafting groups, established at different dates and with a mandate limited to the completion of the task, or tasks, which have been entrusted to them. At present, the active drafting groups are the CDDH-ENV, the CDDH-MIG, the DH-SYSC-IV and the DH-SYSC-V.

5. Following the finalisation of the guide– “Family based care for unaccompanied and separated children”, the work of CDDH-MIG can be considered as completed, while the work of the CDDH-ENV is expected to continue in 2022 with a view to the finalisation of the draft recommendation. As indicated in paragraph 3 above, the CDDH is expected to continue to work on the theme of environment and human rights also after the finalization of the draft recommendation, and it may consider appropriate to entrust the elaboration of the study mentioned above to the same drafting group.

6. New CDDH work in the fields of Human Rights in situations of crisis and of artificial intelligence may require the creation of new drafting groups (10 paid members) to work on the deliverables) indicated by the Committee of Ministers. In accordance with the indications provided by the Bureau, the present document assumes that a drafting group on human rights in situations of crisis (CDDH-SCR) which may begin its work already in the first semester of 2022 will be created already at the present meeting. Any decision on the possible creation of a drafting group on artificial intelligence (CDDH-AI) could be postponed to a later stage (ex. end of 2022, or June 2023), following a more thorough needs-assessment and taking into account the work carried out by other Council of Europe bodies in this field.

7. As regards the work on the system of the Convention, priority should be given to the successful completion of ongoing work by the DH-SYSC and its drafting groups by the end of 2022. Work on new deliverables (14, 15 and 19) could not, for reasons also related to budgetary and staff resources, begin before that time. New drafting groups of the DH-SYSC (DH-SYSC-JC and DH-SYSC-PRO) could be created at that time, one for the work on deliverable 14, and one for the elaboration of the reports evaluating the first effect of protocols 15 and 16 (deliverables 15 and 19).

8. The work on the elaboration of a new draft recommendation on trafficking in human beings for the purpose of labour exploitation, for which the Committee of Ministers gave mandate to the DH-TET, is expected to be concluded in spring 2022, with one more meeting foreseen in 2021 and two in the first half of 2022. No more meetings of the DH-TET are therefore foreseen after the first half of 2022.

iii) Proposal for a tentative roadmap

9. The following table suggests how existing and new structures could achieve the foreseen deliverables requiring drafting work by the deadlines imposed. It does not contain indications with respect to deliverables 5, 6, 12, 13, 17, 18, 20 and 21 (workshops, seminars etc.). It also does not contain indications with respect to deliverable 11, which is carried out by the “47+1” group. Finally, the table is without prejudice to possible additional drafting work which may arise from the implementation of other activities, notably in the context of the follow-up to existing and future instruments.

10. On the basis of the foregoing, the CDDH could adopt the tentative roadmap, as outlined in the following table, without prejudice to possible adaptation as work proceeds.

Issue / ToR Deliverable	ToR Deadline	Proposed drafting body	Estimated no. of meetings for completing the task in 2022-25	Estimated Start/ Completion dates	DH-SYSC (if appropriate) possible approval date	CDDH possible adoption date
1. Draft Recommendation on human rights and the environment	30/06/2022	CDDH-ENV	2	April 2021 – April 2022	N/A	June 2022
Study on the feasibility of future instruments in the field of human rights and the environment (not in the ToR)	n/a	CDDH-ENV	3-4	September 2022 – October 2023		December 2023
2. Draft Recommendation on measures against trafficking in human beings for the purpose of labour exploitation	30/06/2022	DH-TET	2	October 2021 – April 2022	N/A	June 2022
3. 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	DH-SYSC-IV	2	February 2020 – October 2022	November 2022	December 2022
4. Follow-up study on the CDDH report on family-based care for unaccompanied and separated migrant children	31/12/2022	CDDH-MIG	0	October 2019 – October 2021	N/A	December 2021
Report on the implementation of Committee of Ministers' recommendation CM/Rec(2016)3 on Human Rights and Business (not in the ToR)	N/A	CDDH	N/A	January 2022 – November 2023	N/A	June 2024
7. Report on member States' practice in relation to derogations from the Convention in situations of crises	31/12/2022	CDDH-SCR (NEW)	4	January 2022 – May 2023	N/A	June 2023
8. Toolkit for human rights impact assessment of the measures taken by the	31/12/2022		4 (in parallel with work on 7)	January 2022 – May 2023		June 2023

State in situations of crises 9. Draft Non-binding legal instrument on the effective protection of human rights in situations of crises based on lessons learnt from the Covid-19 pandemic	30/06/2023		2 more meetings	January 2022 – November 2023		December 2023
10. Guidelines to prevent and remedy violations of the Convention at the national level	31/12/2023	DH-SYSC-V	2	October 2020 – October 2022	November 2022	December 2022
14. 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	DH-SYSC-JC (NEW)	3	January 2023 – April 2024	May 2024	June 2024
15. Report evaluating the first effects of Protocol No.16	31/12/2024	DH-SYSC-PRO(NEW)	3 (1 in parallel with deliverable 19)	September 2023 – October 2024	November 2024	December 2024
16. Handbook (or other work) on human rights and artificial intelligence	31/12/2024	CDDH-AI (NEW)	4	September 2023 – April 2025	N/A	June 2025
19. Report evaluating the first effects of Protocol No.15	31/12/2025	DH-SYSC-PRO(NEW)	3 (1 in parallel with deliverable 15)	September 2024 – October 2025	November 2025	December 2025

Appendix VI

Decisions taken by the Committee on Bioethics (DH-BIO) at its 18th plenary meeting (2 – 4 novembre 2021)

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

- Delegations congratulated Dr Gooding (Australia) for the updated draft Compendium including examples of good practices aiming at promoting voluntary measures in mental health care.
- Delegations expressed wide support for the work carried out and agreed on the publication of the Compendium and its dissemination (including in non-official languages).
- Considering that the compendium provides a good starting point, one delegation suggested drafting a recommendation or another instrument on promoting the use of voluntary and non-coercive measures in mental healthcare services. Delegations considered that such an instrument, in addition to the Additional Protocol, would reaffirm the message that voluntary measures are the primary rule and that involuntary measures are accepted only as a last resort and remain an exception. **Delegations are invited to send their remarks on this proposal [Document DH-BIO(2021)30] by 1 December 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

- Following a thorough drafting process and extensive consultations, the delegations agree by 31 votes in favour, 1 against and 7 abstentions, to present the draft Additional Protocol to the Committee of Ministers. In accordance with this procedural decision, the draft Additional Protocol will be sent to the Committee of Ministers with a view to a decision.
- The delegations agreed with the limited editorial changes made to the Explanatory Report in the light of comments made by two delegations. The text of the finalised Explanatory report will be sent to the Committee of Ministers together with the draft Additional Protocol. It was reminded that the Explanatory Report is prepared under the responsibility of the Secretariat and will be not subject to a decision at the level of the Committee of Ministers.

Health literacy

- Ambassador Stefanek, Special Representative of the Secretary General for Migration and Refugees presented his mandate and the Action Plan on Protecting Vulnerable persons in the context of migration and Asylum in Europe (2021 – 2025), underlining intersecting points with the work of the DH-BIO. He welcomed the offer to support the ongoing work of the DH-BIO in the fields of health literacy and access to treatment and equipment in a time of scarcity.
- The draft outline for the guide to health literacy was presented by the chair of the drafting group with the assistance of the consultant expert, this included the desire to organise a targeted consultation on the preliminary draft guide, in early 2022. This was welcomed by delegations.
- **DH-BIO delegations were invited to provide at the latest by 1 December 2021:**
 - **good practices examples of health literacy,**
 - **any other written comments on the draft outline to the Secretariat.**

Genome editing technologies

- The Chair of the Drafting Group recalled the scope of the work entrusted to the Group and presented the outcomes of the first meeting.

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- **The delegations were invited to send to the Secretariat at the latest by Monday 29 November 2021, definitions of the terms “diagnostic”, “therapeutic” and “preventive” which exist at national level.** This invitation is also addressed to other intergovernmental organisations working in related fields, such as WHO.

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

- The Secretariat presented the timeline of the work ahead. Delegations expressed general support for the planned approach of the work to be undertaken.
- The Chair of the DH-BIO agreed to co-chair the drafting group together with the co-chair of the CDEFN.

Equitable access to scarce healthcare resources

- The Chair of the Drafting Group recalled the objectives of the work and presented the current structure of the preliminary draft guidelines and its key messages. He also presented the proposal to organise a targeted consultation on the preliminary draft guidelines in early 2022 in order for revised draft guidelines to be presented to the DH-BIO at its 20th plenary meeting.
- Delegations welcomed the progress of the drafting group and the proposals. However, they suggested keeping the title in line with the original mandate of the work.
- Several Delegations considered that making the guidelines a recommendation would increase the relevance and impact of this work.
- **Delegations were invited to provide at the latest by 1 December 2021:**
 - **Written comments on the preliminary draft guidelines, and**
 - **Suggestions of possible stakeholders to be contacted as part of the targeted consultation planned by the Drafting Group (e.g., international organisations, professional and patient organisations).**

Early intervention in intersex children

- The concept note on the organisation of the seminar on relevant legislation and practices for the promotion of children rights with regard to early intervention on intersex children was supported by delegations.
- Four delegations expressed their interest to become members of the preparatory group to organise the seminar. Two delegations formulated proposals concerning the seminar.
- **All delegations are invited to share information regarding existing practices on early intervention on intersex children in their countries, as well as relevant contacts of potential speakers for the seminar before 20 December 2021.**

Artificial intelligence

- Delegations expressed their general support for the work done by the expert consultant on “the impact of artificial intelligence on the doctor-patient relationship”. Subsequent questions raised by several delegations will be taken into account by the consultant in the finalisation of his work.
- **Delegations are invited to send any written comments on the draft study to the Secretariat, at the latest by 1 December 2021.**
- As regards membership of the new drafting group on AI, **the Chair noted the expression of interest of one delegation and subsequently invited all other delegations to express any interest to the Secretariat, at the latest by 1 December 2021.**

Promoting dialogue on genomic medicine

- With reference to the draft introductory note, the chair of the preparatory group presented the results of its first meeting which included the following question(s): “Does public dialogue on genomic medicine exist in your country? If so, who are the stakeholders, what tensions do they raise, and how does it shape any regulation? How to take into account this dialogue for the regulation of genomic medicine?”. Delegations exchanged examples of such public dialogue. **The Chair invited delegations to send any further information and examples pertaining to the question(s) to the Secretariat, at the latest by 1 December 2021.**

Election to the Bureau

- Ritva Halila (SF), Chair, and Siobhan O’Sullivan (IRL), Vice-Chair, were reelected by acclamation for a new mandate of one year. Tomas Dolezal (CZ) was reelected by acclamation to the Bureau, for a new mandate of two years.

Dates of the next meetings

- The DH-BIO agreed on the following dates for the next plenary meetings:
 - 20th plenary meeting: 31 May-3 June 2022
 - 21st plenary meeting: 15-18 November 2022 [alternative 7-10 November 2022] (tbc)

Other business

a. Classification of documents

- Delegations agreed, in principle, on changing the approach concerning the status of documents which, from now on, will be a priori public except for decisions by the Committee.

b. Round table on neurotechnologies

- The Secretariat reported on progress regarding the organisation of the Round Table on human rights issues raised by the application of neurotechnologies, underlying the high number of existing registrations, and encouraging delegations to register for the event and to disseminate information about it.

c. Cooperation activities

- The Secretariat briefly presented the main achievements of the cooperation project on the “Protection of Human Rights in biomedicine” in Armenia, including analyses of Armenian legislation corresponding with the main principles enshrined in the Oviedo Convention, work on the development of legislation for the establishment of an ethical committee and a code of ethics in Armenia, diagnostic study on human rights issues in emergency situations in Armenia including public health and humanitarian crises, as well as several launches of HELP courses on bioethics. The Project has applied for its extension in 2022.

d. Terms of reference proposal (2022-2025)

- Delegations were informed about progress achieved in the examination of the draft terms of reference (ToR) for 2022 – 2025 which provides for a modification of the status of the Committee to become a steering committee.

e. Prohibition of financial gain

- A delegation drew the attention of other delegations on issues raised in recommendations of the European society for human reproduction and embryology concerning gamete donations, with regard to the principle of prohibition of financial gain. It was recalled that this principle is addressed in the guide adopted by the DH-BIO, as well as by the CD-P-TO.

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

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

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): Mr Hans-Jörg BEHRENS (Germany)
7. Committee of experts on Roma and Traveller Issues (ADI-ROM): Ms Romana KUZMANIĆ-OLUIĆ (Croatia)
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. Steering Committee for the rights of the child (CDENF): 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): Mr Elias KASTANAS (Greece)
14. Ad hoc Committee on Artificial Intelligence (CAHA): *vacant*
15. Gender Equality Commission: *Vacant*

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Appendix VIII

Composition of the Bureau, Chairmanships, Rapporteurs and Drafting Groups*(Further to the elections during the 95th CDDH meeting, 23 – 26 November 2021)*

BUREAU OF THE CDDH	END OF THE MANDATE	REFERENCES
Ms Kristine LIČIS (Latvia) Chair	31 December 2022 (elected for 1 year, renewable once)	95 th meeting of the CDDH (November 2021)
Ms Krista OINONEN (Finland) Vice-Chair	31 December 2022 (elected for 1 year, renewable once)	95 th meeting of the CDDH (November 2021)
Ms Brigitte OHMS (Austria) Member	31 December 2022 (elected for 2 years, renewable once)	93 rd meeting of the CDDH (December 2020)
Ms Nicola WENZEL (Germany) Member	31 December 2023 (elected for 2 years, renewable once)	95 th meeting of the CDDH (November 2021)
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 2023 (elected for 2 years, not renewable)	95 th meeting of the CDDH (November 2021)
Mr Alfonso BREZMES (Spain) Member	31 December 2023 (elected for 2 years, not renewable)	95 th meeting of the CDDH (November 2021)
Mr Alain CHABLAIS (Switzerland) Member	31 December 2023 (elected for 2 years, not renewable)	95 th meeting of the CDDH (November 2021)
CHAIRS		
DH-SYSC Mr Hans-Jörg BEHRENS (Germany)	31 December 2022 (elected for 1 year, not renewable)	95 th meeting of the CDDH (November 2020)
DH-SYSC-IV Mr Alain CHABLAIS (Switzerland)		92 nd meeting of the CDDH (November 2019)
DH-SYSC-V Mr Vít A. SCHORM (Czech Republic)		92 nd meeting of the CDDH (November 2019)
"47 + 1" Ms Tonje MEINICH (Norway)		92 nd meeting of the CDDH (November 2019)
CDDH-ENV Ms Kristine LIČIS (Latvia)		93 th meeting of the CDDH (December 2020)
DH-TET Mr Morten RUUD (Norway)		94 th meeting of the CDDH (June 2021)
CDDH-SCR Mr Jan SOBCZAK (Poland)		95 th meeting of the CDDH (November 2021)

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	FINLAND	LUXEMBOURG	Ms Zuzanna MUSKAT GORSKA (Belgium)
FRANCE	SWITZERLAND		Ms Kamelia DIMITROVA (Bulgaria)
GERMANY	UNITED KINGDOM		Ms Annabel CANZIAN (France)
GREECE			Prof. Zbigniew LASOIK (Poland)
NORWAY (Chair)			Ms Caroline ROBINSON (United Kingdom)
DRAFTING GROUPS			
DH-SYSC-IV¹⁶		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-SCR		CDDH-ENV	
Armenia		Austria	
Azerbaijan		Finland	
Estonia		France	
Georgia		Germany	
Montenegro		Latvia (<i>Chair</i>)	
Netherlands		Poland	
Norway		Romania	
Poland (<i>Chair</i>)		Russian Federation	
Portugal		Spain	
Turkey		Switzerland	
		Turkey	

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¹⁶ 10 member States + Chair (Switzerland)

Appendix IX

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

*(as adopted by the CDDH
at its 95th meeting, 23 – 26 November 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.

1st semester 2022	
<i>Opening of the Judicial Year</i>	28 January
3 rd meeting of the Drafting Group on Human Rights and Environment (CDDH-ENV)	26 – 28 January
3 rd meeting of the Group on Trafficking for the purpose of labour exploitation (DH-TET)	22 – 24 February
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”)	1 – 4 March
1 st meeting of the Drafting Group on human rights in situations of crisis	8 – 10 March
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)	23 – 24 March
5 th meeting of the Drafting Group on effective Processing and Resolution of cases relating to inter-State Disputes (DH-SYSC-IV)	5 – 7 April
4 th meeting of the Drafting Committee on Trafficking for the Purpose of Labour Exploitation (DH-TET)	26 – 28 April
4 th meeting of the Drafting Group on Human Rights and Environment (CDDH-ENV)	6 – 8 April
107 th meeting of the Bureau of the Steering Committee for Human Rights (CDDH-BU)	5 – 6 May Paris
14 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”)	10 – 13 May
1 st meeting of the Steering Committee on Human Rights in the fields of biomedicine and health (CDBIO)	31 May – 3 June
<i>Meeting of the Government’s Agents with the Court’s Registry</i>	13 June
96 th meeting of the Steering Committee for Human Rights (CDDH)	14 – 17 June
15 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 July
6 th meeting of the Drafting Group on the effective Processing and Resolution of cases relating to inter-State Disputes (DH-SYSC-IV)	20 – 22 September (tbc)
5 th meeting of the Drafting Group on Human Rights and Environment (CDDH-ENV)	[...]

2 nd meeting of the Consultation of the Parties to the Tromsø Convention	[...]
5 th meeting of the Drafting Group on enhancing the national implementation of the system of the European Convention on Human Rights (DH-SYSC-V)	5 – 6 October (tbc)
2 nd meeting of the Drafting Group on human rights in situations of crises	11 – 13 October (tbc)
16 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”)	October (tbc)
108 th meeting of the Bureau of the Steering Committee for Human Rights (CDDH-BU)	27 – 28 October (tbc)
7 th meeting of the Committee of experts on the System of the European Convention on Human Rights (DH-SYSC)	9 – 11 November (tbc)
1 st meeting of the Council of Europe Access Info Group	[...]
2 nd meeting of the Steering Committee on Human Rights in the fields of biomedicine and health (CDBIO)	[...]
97 th meeting of the Steering Committee for Human Rights (CDDH)	6 – 9 December
17 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”)	December (tbc)

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