



CDDH(2022)R97
Strasbourg, 13/01/2023

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

REPORT

97th meeting

Strasbourg, 6 – 9 December 2022

TABLE OF CONTENTS

Executive Summary

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

ITEM 2: RECOMMENDATIONS OF THE PARLIAMENTARY ASSEMBLY

ITEM 3: WORK ON THE SYSTEM OF THE CONVENTION

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

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

3.1.2 Drafting Group on issues relating to judges of the European Court of Human Rights (DH-SYSC-JC)

3.2 CDDH ad hoc negotiation Group on the EU accession to the ECHR ("46+1 Group")

ITEM 4: ENVIRONMENT AND HUMAN RIGHTS

ITEM 5: HUMAN RIGHTS IN SITUATIONS OF CRISIS

ITEM 6: MEASURES AGAINST HUMAN TRAFFICKING FOR THE PURPOSE OF LABOUR EXPLOITATION

ITEM 7: HUMAN RIGHTS AND BUSINESS

ITEM 8: BIOETHICS

ITEM 9: ACCESS TO OFFICIAL DOCUMENTS

ITEM 10: GENDER EQUALITY

ITEM 11: CONVENTIONS

ITEM 12: REPRESENTATIVES IN OUTSIDE ACTIVITIES

ITEM 13: ELECTIONS

ITEM 13: INVITEES

ITEM 15: PUBLICATIONS

ITEM 16: FOURTH SUMMIT

ITEM 17: CALENDAR

ITEM 18: OTHER BUSINESS

Appendix I Agenda

Appendix II List of participants

Appendix III Presentation by Ms Siobhan O'Sullivan, Chairperson of the Steering Committee for human rights in the fields of Biomedecine and Health (CDBIO)

Appendix IV CDDH Focal points and Rapporteurs to other bodies

Appendix V Composition of the Bureau, Presidencies, Rapporteurs and Drafting Groups

Appendix VI Calendar

Texts adopted at the meeting

- Addendum 1:** Comments adopted by the CDDH on Recommendations of the Parliamentary Assembly
- Addendum 2:** Draft Declaration of the Committee of Ministers on the effective processing and resolution of cases relating to inter-State disputes
- Addendum 3:** Report on the effective processing and resolution of cases relating to inter-State disputes
- Addendum 4:** Report on member States' practice in relation to derogations from ECHR in situations of crisis including comments received from member States

SUMMARY

Information on the meeting

The Steering Committee for Human Rights (CDDH) held its 97th meeting in Strasbourg, from 6 to 9 December 2022, with Ms Kristine LICIS (Latvia) in the Chair.

The agenda of the meeting appears in the Appendix.

Items for decision by the Committee of Ministers

The CDDH adopted the following draft instrument and decided to transmit it to the Committee of Ministers for possible adoption:

- draft Declaration of the Committee of Ministers on the effective processing and resolution of cases relating to inter-State disputes.

The CDDH adopted the following text and decided to transmit it to the Committee of Ministers for its consideration:

- Comments on Parliamentary Assembly Recommendations 2238(2022), “Safe third countries for asylum seekers”, and 2240(2022), “Preventing vaccine discrimination”.

The CDDH adopted the following texts and decided to transmit them to the Committee of Ministers for information:

- CDDH Report on the effective processing and resolution of cases relating to inter-State disputes;
- CDDH Report on member States’ practice in relation to derogations from European Convention on Human Rights in situations of crisis.

Items for information of the Committee of Ministers

- The CDDH re-elected Kristine LĪCIS (Latvia) as its Chair and Krista OINONEN (Finland) as its Vice-Chair, re-elected two Bureau members (Brigitte OHMS (Austria) and Babette KOOPMAN (Netherlands)), and elected Alain CHABLAIS (Switzerland) as the Chairperson of the DH-SYSC.

Regarding the system of the European Convention on Human Rights, the CDDH:

- exchanged views on the results of the written consultation of the Committee of Experts on the system of the European Convention on Human Rights (DH-SYSC) regarding the draft CDDH report on the effective processing and resolution of cases relating to inter-State disputes, as prepared by the DH-SYSC-IV;
- exchanged views on the results of the 6th meeting of the Drafting Group on the effective processing and resolution of cases relating to inter-State disputes (DH-SYSC-IV), notably its completion of a draft CDDH report on this issue; considered that, following the adoption of the CDDH Report, the DH-SYSC-IV had fulfilled its mandate;
- exchanged views on the results of the 1st meeting of the Drafting Group on issues relating to judges of the European Court of Human Rights (DH-SYSC-JC), including the appointments of Maria AVERSANO (Italy) as Vice-chairperson and of Thibault DUFÉTEL (United Kingdom) and Adrian SCHEIDEGGER (Switzerland) as co-rapporteurs.

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

- held a Workshop on “Implementing Human Rights and Environmental Due Diligence” and exchanged views on its future activities in the field of business and human rights;
- exchanged views on the results of the 14th, 15th and 16th meetings of the CDDH ad hoc negotiation group (“46+1 Group”) on European Union accession to the European Convention on Human Rights;

- exchanged views on the results of the 5th meeting of the Drafting Group on human rights and the environment (CDDH-ENV), including the exchange of views held with independent experts on the need for and feasibility of a further instrument or instruments in this field, and on the Group's future work on this issue;
- exchanged views on the results of the 2nd meeting of the Drafting Group on human rights in situations of crisis (CDDH-SCR), notably the finalisation of a draft CDDH Report on member States' practice in relation to derogations from the ECHR in situations of crisis, and on the Group's future work on a Toolkit for human rights impact assessment of the measures taken by the State in situations of crisis;
- took note of information concerning the Convention on Access to Official Documents (CETS No. 205 - Tromsø Convention) provided by the Secretariat, notably the results of the 1st meeting of the Council of Europe Access Info Group;
- exchanged views with Siobhán O'SULLIVAN, Chairperson of the Steering Committee for Human Rights in the fields of Biomedicine and Health (CDBIO);
- exchanged views with Claire BAZY MALAURIE, President of the European Commission for Democracy through law (Venice Commission);
- decided to leave to its Bureau the decision on whom to invite to its next meetings;
- took note of the information provided by its representatives in outside activities; appointed Liliya ELENKOVA (Bulgaria) as its representative to the European Commission for the Efficiency of Justice (CEPEJ) and Tim KOLK (Estonia) as its representative to the Committee on Artificial Intelligence (CAI);
- exchanged views on the ongoing work within the Committee on Artificial Intelligence (CAI), notably on the treatment of human rights issues in the "Zero Draft [Framework] Convention" currently under consideration, and gave guidance to its representative to the CAI;
- exchanged views with its Rapporteur on gender equality, Philippe WERY (Belgium), on the evaluations carried out by its subordinate groups of the gender equality aspects of their activities; agreed that in future, it would give preference to the use of the expression "droits humains" where appropriate in the French versions of documents prepared by the CDDH, without excluding the use of "droits de l'homme";
- exchanged views on the state of signatures and ratifications of the Council of Europe treaties for which the CDDH is responsible;
- took note of the recent publications of the work of the CDDH;
- took note of information regarding the preparations for a Fourth Summit of Head of State and Government of the Council of Europe (Reykjavik, Iceland, 16 – 17 May 2023) and the recent decision of the Ministers' Deputies' decision to prepare a new four-year Programme as from 2024, building on the outcome of the Fourth Summit;
- adopted its calendar of meetings during the first semester of 2023 and took note of a provisional calendar of meetings during the second semester of 2023.

Resource implications

The CDDH noted recent changes within its Secretariat, namely the recruitment of Yanna PARNIN as secretary of the CDDH-SCR, and the retirement of Merete BJERREGAARD and Edo KORLJAN.

Evaluation of completed activities

The CDDH welcomed the adoption by the Committee of Ministers, on 27 September 2022, of Recommendation CM/Rec(2022)20 of the Committee of Ministers to member States on human rights and the protection of the environment, of Recommendation CM/Rec(2022)21 of the Committee of Ministers to member States on preventing and combating trafficking in human beings for the purpose of labour exploitation, and of the Guidelines of the Committee of Ministers to member States on the prevention and remedying of violations of the Convention for the protection of human rights and fundamental freedoms.

1. The Steering Committee for Human Rights (CDDH) held its 97th meeting in Strasbourg from 6 to 9 December 2022 in Strasbourg with Kristīne LĪCIS (Latvia) in the Chair (see list of Participants in [Appendix II](#)).

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

2. The CDDH adopted its agenda as it appears in [Appendix I](#) and agreed to the order of business proposed in the draft agenda (CDDH(2022)OJ02).

ITEM 2: RECOMMENDATIONS OF THE PARLIAMENTARY ASSEMBLY

3. The CDDH examined and adopted, for transmission to the Committee of Ministers, the draft comments prepared by the Bureau on the following recommendations of the Parliamentary Assembly (see Addendum 1):

- [Recommendation 2238\(2022\)](#) “Safe third countries for asylum seekers”;
- [Recommendation 2240\(2022\)](#) “Preventing vaccine discrimination”.

4. The CDDH took note of the adoption by the Committee of Ministers of replies to the following recommendations of the Parliamentary Assembly on which the CDDH had previously adopted comments:

- [Recommandation 2213\(2021\)](#) “Addressing issues of criminal and civil liability in the context of climate change”;
- [Recommendation 2230\(2022\)](#) “Fighting and preventing excessive and unjustified use of force by law enforcement officers”;
- [Recommendation 2231\(2022\)](#) “The Russian Federation’s aggression against Ukraine: ensuring accountability for serious violations of international humanitarian law and other international crimes”.

5. The CDDH took note that the Committee of Ministers had transmitted the following recommendations of the Congress of Local and Regional Authorities to the CDDH for information and possible comments before 1 February 2023:

- [Recommendation 478 \(2022\)](#) “Hate speech and fake news: the impact on working conditions of local and regional elected representatives”;
- [Recommendation 484 \(2022\)](#) “A fundamental right to the environment: a matter for local and regional authorities – *towards a green reading of the European Charter of Local Self-government*”.

6. The CDDH invited its Bureau to examine the above recommendations of the Congress of Local and Regional Authorities, with a view to proposing responses for possible adoption by the CDDH through a written procedure and transmission to the Committee of Ministers by the deadline indicated.

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 Chairperson of DH-SYSC, Hans-Jörg BEHRENS (Germany), informed the CDDH about the DH-SYSC's examination by written procedure of the draft CDDH report on the effective processing and resolution of cases relating to inter-State disputes. Most of the comments submitted by delegations (DH-SYSC(2022)04REV) had been accommodated in the revised draft report (DH-SYSC(2022)03Rev2) that had been tabled for examination by the CDDH.

8. The Chairperson of the CDDH recalled that the Bureau, at its 108th meeting, had discussed the comments on the draft report submitted by delegations to the DH-SYSC. The Bureau had agreed to propose to the CDDH that the conclusions of the draft report implying action by the Committee of Ministers be included in a Declaration of the Committee of Ministers (CDDH-BU(2022)R108 Appendix III).

9. The CDDH noted that the draft report contains an in-depth analysis of the challenges that the Court faces in processing cases related to inter-State disputes and a set of balanced conclusions and proposals for action. It proceeded to examine the proposals for amendments to the draft report and the draft Declaration which were submitted by delegations prior to the present meeting (CDDH(2022)19). The CDDH adopted the draft Declaration of the Committee of Ministers and decided to transmit it to the Committee of Ministers for adoption (see Addendum 2). The CDDH adopted its report on the effective processing and resolution of cases relating to inter-State disputes (see Addendum 3) and decided to transmit it to the Committee of Ministers for information. It congratulated the DH-SYSC-IV for successfully fulfilling its mandate.

10. The Secretariat informed the CDDH of the adoption of the Committee of Ministers' Guidelines on preventing and remedying violations of the Convention for the Protection of Human Rights and Fundamental Freedoms, as prepared by the CDDH, by the Ministers' Deputies at their 1444th meeting on 27 September 2022.

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

11. The Chairperson of the DH-SYSC-IV, Alain CHABLAIS (Switzerland), informed the CDDH of the results of the Group's 6th meeting. He briefly recalled the main steps in the process of preparing the draft report on the effective processing and resolution of cases relating to inter-State disputes, which includes concrete proposals for the Committee of Ministers as well as ideas for consideration by the Court.

12. The draft report recognises that, following the cessation of the Russian Federation's status as a High Contracting Party to the Convention on 16 September 2022, questions have arisen as regards the processing of inter-State applications against the Russian Federation and of relate individual applications. The Group had concluded that the Court is expected to develop a strategy to deal with these cases and had therefore not formulated concrete proposals on them.

13. The Chairperson thanked the initial rapporteurs, Jenny DORN (Germany) and Chanaka WICKREMASINGHE (United Kingdom), and their successors, Kathrin MELLECH (Germany) and James GAUGHAN (United Kingdom). He also thanked the Vice-chairperson of the Drafting Group, Elias KASTANAS (Greece), for his support.

3.1.2 Drafting Group on issues relating to judges of the European Court of Human Rights (DH-SYSC-JC)

14. The Chairperson of the DH-SYSC-JC, Hans-Jörg BEHRENS (Germany), informed the CDDH of the results of the Group's first meeting, at which it had elected Maria AVERSANO (Italy) as its Vice-chairperson and Thibault DUFÉTEL (United Kingdom) and Adrian SCHEIDEGGER (Switzerland) as co-rapporteurs. The Group had focused on the scope of the draft report that it was required to elaborate and its working methods. It had discussed the idea of a possible extension of the term of office of judges of the Court from nine to 12 years, which had been proposed by the former President of the Court to the CDDH at its 96th meeting.

15. The Group had also discussed issues relating to attracting good applicants for the post of the judge at the Court as well as reported difficulties in ensuring due recognition of former judges' status and service on the Court. The Group had decided to collect concrete information on these issues from former judges and persons who might have considered applying to or had applied for the post of the judge at the Court. The Group had elaborated a preliminary outline of the draft report (DH-SYSC(2022)R1). In response, some CDDH members underlined the importance of certain issues, such as candidates' proficiency in Council of Europe languages and how to attract more women applicants.

16. The Chairperson of the DH-SYSC-JC proposed to invite Vit Schorm, the Chair of the former drafting Group on the follow-up to the CDDH Report on the longer-term future of the System of the Convention (DH-SYSC-I), to the next meeting of the CDDH to participate in its discussion of the work of the DH-SYSC-JC.

3.2. CDDH ad hoc negotiation Group on the EU accession to the ECHR ("46+1" Group)

17. The Chairperson of the "46+1" Group, Tonje MEINICH (Norway), informed the CDDH of progress made at the Group's 14th, 15th and 16th meetings. The Group had now reached preliminary agreement on three of the four 'baskets' of issues raised by the Court of Justice of the EU, with one delegation having indicated reservations on two specific points, and had identified solutions for most of the other issues raised since negotiations resumed in 2020. The main outstanding issues were thus Basket 4 (cases relating to the EU's Common Foreign and Security Policy), which the EU was hoping to resolve internally without the need for any change to the Convention system, and voting in the Committee of Ministers when supervising the implementation of Court judgments by the EU. Both of these issues were politically sensitive and technically complex and solutions to them would depend on delegations taking a pragmatic approach and being willing to compromise.

18. The Group would hold two more meetings in the first quarter of 2023, with the aim of finalising a revised package of accession instruments in time for the Fourth Summit of Heads of State and Government of the Council of Europe on 16-17 May 2023. If the Group succeeded in this, the CDDH would have to hold an extraordinary meeting in April 2023 in order formally to endorse the results and transmit them to the Committee of Ministers.

ITEM 4: ENVIRONMENT AND HUMAN RIGHTS

19. The Chairperson of the Drafting Group on Human Rights and Environment (CDDH-ENV), Kristīne LĪCIS (Latvia), informed the CDDH of the results of the Group's 5th meeting (13 – 15 September 2022). This meeting had been devoted to a hearing with independent external experts on the need for and feasibility of a new instrument or instruments in this field. Whilst several of these experts had been strongly of the view that an additional Protocol to the European Convention on Human Rights was the best approach, there was also recognition and careful examination of the challenges that would be involved, and nothing had been accepted or excluded at this stage. The Group had appointed Nicola WENZEL (Germany) as rapporteur to prepare its draft report, and asked her to prepare a draft outline report for examination at its

next meeting. The Group had also adopted a questionnaire to member States on protection at national level of the right to a clean, healthy and sustainable environment.

20. The Chairperson of the CDDH-ENV also informed the CDDH of the adoption of Recommendation [CM/Rec\(2022\)20](#) of the Committee of Ministers to member States on human rights and protection of the environment, as prepared by the CDDH, by the Ministers' Deputies at their 1444th meeting on 27 September 2022.

ITEM 5: HUMAN RIGHTS IN SITUATIONS OF CRISIS

21. The Chairperson of the Drafting Group on human rights in situations of crisis (CDDH-SCR), Jan SOBCZAK (Poland), informed the CDDH of the results of the Group's second meeting (11 – 13 October 2022), notably the finalisation of a draft CDDH Report on member States' practice in relation to derogations from the European Convention on Human Rights in situations of crisis, as well as the election of a new Vice-chair, Ayşen EMÜLER (Türkiye). The CDDH examined the proposals for amendment of this draft report that delegations had submitted in advance of the meeting (CDDH(2022)17). On this basis, it adopted the draft Report (see Addendum 4) and decided to transmit it to the Committee of Ministers for information. It congratulated the CDDH-SCR, its Chair, and the Group's rapporteur for this report, Cordelia EHRICH (Switzerland), for the successful completion of the first deliverable.

22. To support the future work of the CDDH-SCR on a Toolkit for human rights impact assessment of the measures taken by the State in situations of crisis, the CDDH invited its members to submit suggestions of experts on human rights impact assessments who could be invited to exchange views with the CDDH-SCR at its next meeting (8 – 10 March 2023). It also encouraged its members to provide additional information on national practice in relation to conducting human rights impact assessments of measures adopted in situations of crisis.

ITEM 6: MEASURES AGAINST HUMAN TRAFFICKING FOR THE PURPOSE OF LABOUR EXPLOITATION

23. The Secretariat informed the CDDH of the adoption of Recommendation [CM/Rec\(2022\)21](#) of the Committee of Ministers to member States on preventing and combating trafficking in human beings for the purpose of labour exploitation, as prepared by the CDDH, by the Ministers' Deputies at their 1444th meeting on 27 September 2022.

ITEM 7: HUMAN RIGHTS AND BUSINESS

24. The CDDH dedicated the first day of its meeting to a Workshop on "Implementing human rights and environmental due diligence" (CDDH(2022)15). Discussions covered a wide range of topics, including the case-law of the Court and that of the European Committee of Social Rights affirming protection against business-related human rights abuses; legal developments in some member States and in the European Union relating to mandatory human rights and environmental due diligence; the CDDH's review of the implementation of the Committee of Ministers' [CM/Rec\(2016\)3](#) on human rights and business as well as the role of the Council of Europe in ensuring a meaningful dialogue with business enterprises and stakeholders. A compilation of the speakers' presentations will be made available in a separate document.

25. The CDDH agreed to revert to its review of the implementation of [CM/Rec\(2016\)3](#) in due course, on the basis of discussion of this issue during the Workshop.

ITEM 8: BIOETHICS

26. The CDDH held an exchange of views with the newly elected Chairperson of the Steering Committee for Human Rights in the fields of biomedicines and health (CDBIO), Siobhán O'SULLIVAN. Her presentation appears in [Appendix III](#). Discussions focused on issues relating to the human rights challenges of developments in neuroscience concerning brain-computer interface technology in particular, including the suggestion that specific new human rights may be required to protect fundamental aspects of human dignity and integrity.

ITEM 9: ACCESS TO OFFICIAL DOCUMENTS

27. The Secretariat informed the CDDH of the results of the 1st meeting of the Council of Europe Access Info Group established under the Council of Europe Convention on Access to Official Documents (CETS No.205 – the Tromsø Convention), which had taken place on 16 and 17 November 2022. With the recent entry into force of the Convention in respect of Albania and Armenia, the Convention has now 13 Parties. At this meeting, the Group had elected Helena JÄDERBLOM as its President and Tetyana OLEKSIYUK as its Vice-President, adopted its Rules of Procedure, including for the evaluation and reporting procedure, agreed to publish the reports submitted by the first 11 Parties under Article 14, paragraph 1 of the Convention, and discussed a workplan for its future activities.

ITEM 10: GENDER EQUALITY

28. The CDDH exchanged views with the Rapporteur on Gender Equality, Philippe WERY (Belgium), on the evaluations carried out by its subordinate groups of the gender equality aspects of their activities. Mr WERY informed the CDDH about his participation in the Training Course on Gender Equality and Gender Mainstreaming for the Council of Europe's Gender Equality Rapporteurs on 29 and 30 November 2022.

29. The CDDH took note of the background document prepared by the Secretariat on the use of the expression “droits humains” within the Council of Europe and other international organisations. The CDDH agreed that in future, it would give preference to the use of the expression “droits humains” where appropriate in the French versions of its documents, without excluding the use of the expression “droits de l’homme”. It understood that this preference was limited in effect to its own texts and could not extend to the official titles of bodies or instruments or be applicable when quoting from the texts of other bodies.

ITEM 11: CONVENTIONS

30. The CDDH took note of information provided by the Secretariat on recent signatures and ratifications of Council of Europe conventions under the responsibility of the CDDH ([CDDH\(2022\)12Rev](#)).

ITEM 12: REPRESENTATIVES IN OUTSIDE ACTIVITIES

31. The CDDH took note of the information provided in writing by certain of its representatives on other Council of Europe bodies (CDDH(2022)13). It also heard information from representatives on bodies that had met very recently, including Hans-Jörg BEHRENS (Germany, on the CDMSI), Elias KASTANAS (Greece, on the CDADI), Brigitte OHMS (Austria, on the European Commission for Democracy through Law (Venice Commission) and the T-PD), Susan DICKSON (United Kingdom, on the CDCT), and Krista OINONEN (Finland, on the CDDG). It noted in particular the ongoing work of the CDMSI on SLAPP (strategic lawsuits against public participation); the CDCT on the definition of terrorism and a future strategy for

2023-27; and the CDDG on green public administration, which may be relevant for the CDDH-ENV, and multi-level governance, which may be relevant for the CDDH-SCR.

32. The CDDH thanked those of its representatives who had provided information in writing or orally, and encouraged all of its representatives to continue providing information, where possible in writing, on the activities of the relevant bodies in future.

33. The CDDH appointed two new representatives, namely Liliya ELENKOVA (Bulgaria) to the European Commission for the efficiency of justice (CEPEJ) and Tim KOLK (Estonia) to the Committee on Artificial Intelligence (CAI). The full list of the CDDH's representatives appears in [Appendix IV](#).

34. As regards the work of the CAI, the CDDH exchanged views on the “Zero Draft [Framework] Convention on Artificial Intelligence, Human Rights, Democracy and the Rule of Law”. It noted three particular issues of broad concern: the use of terminology, which should be consistent with that of the European Convention on Human Rights and the Court’s caselaw; the absence of a reference to remedies, which formed an essential part of the framework for human rights and business set out in the UN Guiding Principles; and the treatment of positive obligations. The CDDH asked its representative to raise these issues when participating in the work of the CAI.

ITEM 13: ELECTIONS

35. The CDDH held elections with the following results:

- CDDH Chair: reelected Kristine LĪCIS (Latvia);
- CDDH Vice-Chair: reelected Krista OINONEN (Finland);
- CDDH Bureau: reelected 2 members, Brigitte Ohms (Austria) and Babette KOOPMAN (Netherlands);
- DH-SYSC Chair: elected Alain CHABLAIS (Switzerland).

36. The full composition of the CDDH Bureau and the presidencies of its subordinate bodies appear at [Appendix V](#).

ITEM 14: INVITEES

37. The CDDH exchanged views with the President of the European Commission for Democracy through Law (Venice Commission), Claire BAZY MALAURIE. Ms MALAURIE recalled the unique nature and composition of the Venice Commission, with member States from around the world. She noted the wide range of issues on which it worked that were relevant for the mandate of the CDDH, and the history of productive co-operation between the two bodies on issues such as civil society, Ombuds institutions and situations of crisis. In response to questions from members, Ms MALAURIE recalled the significance of the Venice Commission’s ‘Rule of Law Checklist’ and noted its continuing extensive cooperation with the Ukrainian authorities. Simona GRANATA-MENGHINI, Secretary of the Venice Commission, provided further information on the implementation of its recommendations by States and the follow-up given to implementation.

38. The CDDH left to its Bureau the decision on whom to invite to its next meeting.

ITEM 15: PUBLICATIONS

39. The CDDH noted that the three instruments prepared by the CDDH that the Committee of Ministers had adopted in September 2022, namely the Guidelines on prevention and remedying of violations of the Convention for the Protection of Human Rights and Fundamental Freedoms, Recommendation CM/Rec(2022)20 to member States on human rights and the protection of the environment, and Recommendation CM/Rec(2022)21 to member States on preventing and combating trafficking in human beings for the purpose of labour exploitation, had been published and were available [online](#).

ITEM 16: FOURTH SUMMIT OF HEADS OF STATE AND GOVERNMENT OF THE COUNCIL OF EUROPE

40. The Secretariat informed the CDDH about preparations for the Fourth Summit of Heads of State and Government of the Council of Europe, which it had now been decided by the Committee of Ministers would take place in Reykjavik, Iceland, on 16 – 17 May 2023, under the Presidency of Iceland. The issue of relations between the Council of Europe and the European Union was expected to be an important one for the Fourth Summit, and the CDDH's work on European Union accession to the European Convention on Human Rights was thus particularly relevant. The Committee of Ministers had already adopted a decision to prepare a new four-year Programme as from 2024, building on the outcome of the Fourth Summit, that would involve giving new terms of reference to intergovernmental committees, including the CDDH. The CDDH could begin reflecting at its meeting in June 2023 on its progress in implementing the current terms of reference and the activities that it would wish to undertake under renewed terms of reference.

ITEM 17: CALENDAR

41. The CDDH adopted its calendar for the first semester 2023 and took note of the provisional dates of meetings scheduled for the second semester 2023. The calendar as adopted appears in [Appendix VI](#).

ITEM 18: OTHER BUSINESS

42. The CDDH took note that Vit SCHORM (Czech Republic), who had served the committee in various capacities for many years, had been elected Deputy Ombudsman of the Czech Republic, and that this would be the last meeting attended by Benoît CHAMOUARD (France). It thanked them both for their important and constructive contributions to its work. The CDDH also took note of the recent retirements of two members of the CDDH secretariat, Merete BJERREGAARD, former secretary of the CDDH-ENV, and Edo KORLJAN, former secretary of the CDDH-SCR, and thanked them both for their support and assistance. Finally, it welcomed a new member of the CDDH secretariat, Yanna PARNIN, who would take on the role of secretary of the CDDH-SCR.

* * *

Appendix I

Agenda

| | |
|--|---|
| 1: OPENING OF THE MEETING, ADOPTION OF THE AGENDA AND ORDER OF BUSINESS | 1 : OUVERTURE DE LA RÉUNION, ADOPTION DE L'ORDRE DU JOUR ET DE L'ORDRE DES TRAVAUX |
| CDDH(2022)R96 - Report of the 96 th meeting CDDH-BU(2022)R108 – Report of the 108 th meeting | CDDH(2022)R96 – Rapport de la 96 ^e réunion CDDH-BU(2022)R108 – Rapport de la 108 ^e réunion |
| 2: RECOMMENDATIONS OF THE PARLIAMENTARY ASSEMBLY | 2 : RECOMMANDATIONS DE L'ASSEMBLEE PARLEMENTAIRE |
| CDDH(2022)14Rev – Replies of the CM to APCE Recommendations CDDH(2022)11 – Draft CDDH comments on PACE Recommendations | CDDH(2022)14Rev – Réponses du CM aux Recommandations de l'APCE CDDH(2022)11 – Projets de commentaires du CDDH sur des recommandations de l'APCE |
| 3: WORK ON THE SYSTEM OF THE CONVENTION | 3 : TRAVAUX RELATIFS AU SYSTÈME DE LA CONVENTION |
| 3.1. Committee of Experts on the system of the European Convention of Human rights (DH-SYSC) | 3.1 Comité d'experts sur le système de la Convention européenne des droits de l'homme (DH-SYSC) |
| DH-SYSC(2022)03Rev2 - Draft CDDH report on the effective processing and resolution of cases relating to inter-State disputes CDDH-BU(2022)R108 Appendix III – Draft Declaration of the Committee of Ministers on the effective processing and resolution of cases relating to inter-State disputes CDDH(2022)19 - Compilation of comments on the Draft Committee of Ministers' Declaration on the effective processing and resolution of cases relating to inter-State and on the Draft CDDH report on the effective processing and resolution of cases relating to inter-State disputes | DH-SYSC(2022)03Rev2 - Projet de rapport du CDDH sur le traitement et la résolution efficace d'affaires relatives aux conflits interétatiques CDDH-BU(2022)R108 Annexe III – Projet de Déclaration du Comité des Ministres sur le traitement et la résolution efficace d'affaires relatives aux conflits interétatiques CDDH(2022)19 - Compilation des commentaires sur le Projet de Déclaration du Comité des Ministres sur le traitement et la résolution efficace d'affaires concernant des conflits interétatiques et sur le Projet de rapport du CDDH sur le traitement et la résolution efficace d'affaires concernant des conflits interétatiques |
| 3.1.1. Drafting Group on effective processing and resolution of cases relating to inter-State disputes (DH-SYSC-IV) | 3.1.1. Groupe de rédaction sur le traitement et la résolution efficace d'affaires relatives aux conflits interétatiques (DH-SYSC-IV) |
| DH-SYSC-IV(2022)R6 – Report of the 6th meeting DH-SYSC-IV(2022)R6 – Addendum1 - Draft CDDH report on the effective processing and resolution of cases relating to inter-State disputes | DH-SYSC-IV(2022)R6 – Rapport de la 6^e réunion DH-SYSC-IV(2022)R6 – Addendum1 - Projet de rapport du CDDH sur le traitement et la résolution efficace d'affaires relatives aux conflits interétatiques |
| 3.1.2. Drafting Group on issues relating to judges of the European Court of Human Rights (DH-SYSC-JC) | 3.1.3. Groupe de rédaction sur les questions relatives aux juges de la Cour européenne des droits de l'homme (DH-SYSC-JC) |
| DH-SYSC-JC(2022)R1 – Report of the 1st meeting | DH-SYSC-JC(2022)R1 – Rapport de la 1^e réunion |
| 3.2 CDDH ad hoc negotiation Group on the EU accession to the ECHR (“46+1 Group”) | 3.2 Groupe de négociation ad hoc du CDDH sur l'adhésion de l'UE à la CEDH (« Groupe 46+1 ») |
| 46+1(2022)R14 – Report of the 14th meeting 46+1(2022)R15 – Report of the 15th meeting 46+1(2022)R16 – Report of the 16th meeting | 46+1(2022)R14 – Rapport de la 14^e réunion 46+1(2022)R15 – Rapport de la 15^e réunion 46+1(2022)R16 – Rapport de la 16^e réunion |

| | |
|--|---|
| 4: ENVIRONMENT AND HUMAN RIGHTS | 4 : ENVIRONNEMENT ET DROITS DE L'HOMME |
| CDDH-ENV(2022)R5 – Report of the 5th meeting | CDDH-ENV(2022)R5 – Rapport de la 5^e réunion |
| 5: HUMAN RIGHTS IN SITUATIONS OF CRISIS | 5 : DROITS DE L'HOMME EN SITUATIONS DE CRISE |
| <p>CDDH-SCR(2022)R2 – Report of the 2nd meeting CDDH-SCR(2022)R2Addendum – Draft CDDH Report on member States' practice in relation to derogations from the ECHR in situations of crisis</p> <p>CDDH(2022)17 – Compilation of comments received on the Draft CDDH Report on member States' practice in relation to derogations from the ECHR in situations of crisis</p> <p>CDDH(2022)18 - Draft CDDH Report on member States' practice in relation to derogations from the ECHR in situations of crisis including comments received from member States</p> | <p>CDDH-SCR(2022)R2 – Rapport de la 2^e réunion CDDH-SCR(2022)R2Addendum – Projet de rapport du CDDH sur les pratiques des États membres en matière de dérogations à la CEDH en situations de crise</p> <p>CDDH(2022)17 – Compilation des commentaires reçus sur le projet de rapport du CDDH sur les pratiques des États membres en matière de dérogations à la CEDH en situations de crise</p> <p>CDDH(2022)2018 – Projet de rapport du CDDH sur les pratiques des États membres en matière de dérogations à la CEDH en situations de crise contenant les commentaires reçus des États membres</p> |
| 6: MEASURES AGAINST HUMAN TRAFFICKING FOR THE PURPOSE OF LABOUR EXPLOITATION | 6 : MESURES CONTRE LA TRAITE DES ÊTRES HUMAINS À DES FINS D'EXPLOITATION PAR LE TRAVAIL |
| 7: HUMAN RIGHTS AND BUSINESS | 7 : DROITS DE L'HOMME ET ENTREPRISES |
| CDDH(2022)15 - Programme of the Workshop | CDDH(2022)15 - Programme de l'Atelier |
| 8: BIOETHICS | 8 : BIOÉTHIQUE |
| <p>“Neurotechnologies and Human Rights Framework : Do We Need New Human Rights?” Rapporteur Report on the Roundtable organised by the Council of Europe and the OECD, 9 November 2021</p> | <p>« Neurotechnologies et droits de l'homme : avons-nous besoin de nouveaux droits ? » Rapport du Rapporteur sur la table ronde organisée par le Conseil de l'Europe et l'OCDE, 9 novembre 2021</p> |
| 9: ACCESS TO OFFICIAL DOCUMENTS | 9 : ACCÈS AUX DOCUMENTS PUBLICS |
| AIG(2022)LD1 – Report of the 1st meeting | AIG(2022)LD1 – Rapport de la 1^e réunion |
| 10: GENDER EQUALITY | 10 : ÉGALITÉ DE GENRE |
| <p>CDDH(2022)03 – The gender equality dimension in the work of the CDDH and its subordinated bodies</p> <p>CDDH(2020)13 – Thematic Form on Gender Equality</p> <p>CDDH-SCR(2022)09 - Thematic Form on Gender Equality</p> <p>CDDH(2022)16 - The use of the expression “droits humains” within the Council of Europe and other international organisations (background document prepared by the Secretariat)</p> | <p>CDDH(2022)03 – La dimension d'égalité de genre dans les travaux du CDDH et de ses instances subordonnées</p> <p>CDDH(2020)13 – Fiche thématique sur l'égalité de genre</p> <p>CDDH-SCR(2022)09 - Fiche thématique sur l'égalité de genre</p> <p>CDDH(2022)16 - Usage de l'expression « <i>droits humains</i> » au sein du Conseil de l'Europe et d'autres organisations internationales (document de référence préparé par le Secrétariat)</p> |
| 11: CONVENTIONS | 11 : CONVENTIONS |
| CDDH(2022)12Rev – Chart of signatures and ratifications of certain treaties under the responsibility of the CDDH - Information provided by the Secretariat | CDDH(2022)12Rev – État des signatures et ratifications de certains traités sous la responsabilité du CDDH - Informations fournies par le Secrétariat |

| | |
|---|---|
| 12: REPRESENTATIVES IN OUTSIDE ACTIVITIES | 12 : REPRÉSENTANTS DANS DES ACTIVITES EXTERNES |
| CDDH(2022)13 - Information provided by the experts CAI(2022)07 – Zero Draft [Framework] Convention on Artificial Intelligence, Human Rights, Democracy and the Rule of Law (restricted) | CDDH(2022)13 - Informations fournies par les experts CAI(2022)07 – Projet Zéro de Convention [Cadre] sur l'intelligence artificielle, les droits de l'homme, la démocratie et l'État de droit (restreint) |
| 13: ELECTIONS | 13 : ÉLECTIONS |
| | |
| 14: INVITEES | 14 : INVITÉS |
| | |
| 15: PUBLICATIONS | 15 : PUBLICATIONS |
| CDDH Publications' website | Site internet des publications du CDDH |
| 16: FOURTH SUMMIT | 16 : QUATRIÈME SOMMET |
| Report of the high-level reflection Group of the Council of Europe (October 2022) | Rapport du Groupe de réflexion de haut niveau du Conseil de l'Europe (octobre 2022) |
| 17: CALENDAR | 17 : CALENDRIER |
| | |
| 18: OTHER BUSINESS | 18 : QUESTIONS DIVERSES |

Appendix II**List of participants**

| | |
|--|---|
| ANDORRA / ANDORRE | Marc CASADEVALL TOUSEIL Juriste, Troisième secrétaire, Département des Affaires juridiques internationales et des Ressources humaines, Ministère des Affaires étrangères |
| ARMENIA / ARMÉNIE | Liana GRIGORYAN Head of Bilateral International Treaties Division, Department of Treaties and International law Diana KARAZYAN Deputy head of Office of the Representative of Armenia on International Legal Matters, Office of the Prime Minister |
| AUSTRIA / AUTRICHE | Brigitte OHMS Deputy Government Agent, Division for European and International Law, Human Rights Protection (dpt. V 7), Federal Chancellery |
| AZERBAIJAN / AZERBAIDJAN | Şahin ABBASOV Senior consultant of the Human Rights Division, Department for Work with Law Enforcement Bodies, Administration of President |
| BELGIUM / BELGIQUE | Philippe WERY Chef du Service des droits de l'homme, SPF Justice, Service des Droits de l'Homme Isabelle NIEDLISPACHER |
| BOSNIA AND HERZEGOVINA / BOSNIE-HERZEGOVINE | Monika MIJIĆ Acting agent of the Council of Ministers of Bosnia and Herzegovina before the European Court of Human Rights Jelena CVIJETIĆ Acting agent of the Council of Ministers of Bosnia and Herzegovina before the European Court of Human Rights Harisa BACVIĆ Acting Agent of the Council of Ministers of Bosnia and Herzegovina before the European Court of Human Rights |
| BULGARIA / BULGARIE | Mirena CHALEVA Diplomatic Officer, Human Rights Directorate, Ministry of Foreign Affairs |
| CYPRUS / CHYPRE | George STAVRINOU Secretary B, Deputy to the Permanent Representative Permanent Representation of Cyprus to the Council of Europe |
| CZECH REPUBLIC / REPUBLIQUE TCHÈQUE | Petr KONŮPKA Deputy Agent of the Government for the representation before the European Court of Human Rights, Ministry of Justice |

| | |
|--|--|
| DENMARK / DANEMARK | Christine SECHER Head of section, Constitutional and Human Rights Law Division, Ministry of Justice |
| ESTONIA / ESTONIE | Tim KOLK Agent du gouvernement estonien auprès de la Cour européenne des droits de l'homme, Ministère des Affaires étrangères |
| FINLAND / FINLANDE | Krista OINONEN Government Agent before the ECtHR, Director, Unit for Human Rights Courts and Conventions, Ministry for Foreign Affairs |
| FRANCE | Benoît CHAMOUARD Sous-directeur des droits de l'Homme, Direction des affaires juridiques, Ministère de l'Europe et des Affaires étrangères |
| GEORGIA / GÉORGIE | Nana TCHANTURIDZE Deputy Head of the Department of State Representation to International Courts, Ministry of Justice Nino NIKOLAISHVILI Head of the Department of State Representation to International Courts of the Ministry of Justice |
| GERMANY / ALLEMAGNE | Hans-Jörg BEHRENS LL.M., Head of Unit IV C 1 (Human Rights), Government Agent before the European Court of Human Rights, Federal Ministry of Justice Nicola WENZEL LL.M., Head of Unit IV C 1 (Human Rights), Government Agent before the European Court of Human Rights, Federal Ministry of Justice |
| GREECE / GRÈCE | Elias KASTANAS Conseiller juridique adjoint, Service juridique, Ministère des Affaires Etrangères |
| HUNGARY / HONGRIE | Zoltan TALLODI Government Agent before the ECtHR, Ministry of Justice, Department of International Criminal Law and Office of the Agent before ECHR |
| IRELAND / IRLANDE | John Finbarr LYSAGHT Agent of the Government before the ECHR, Department of Foreign Affairs |
| ITALY / ITALIE | Maria AVERSANO Attachée juridique, Représentation permanente de l'Italie auprès du Conseil de l'Europe |
| LATVIA / LETTONIE (Chairperson) | Kristine LICE Government Agent before the ECtHR, Representative of the Government before International Human Rights Organisations, Ministry of Foreign Affairs |
| LITHUANIA / LITUANIE | Karolina BUBNYTE-ŠIRMENĖ Government Agent before the ECtHR, Ministry of Justice |

| | |
|--|--|
| MALTA / MALTE | Julian VELLA Lawyer, Office of the State Advocate |
| REPUBLIC OF MOLDOVA / RÉPUBLIQUE DE MOLDOVA | Ms Doina MAIMESCU Head of the Government Agent's Office, Ministry of Justice Mr Dumitru OBADĂ Government Agent, Ministry of Justice |
| MONACO | Jean-Laurent RAVERA Chef du Service du droit international, des droits de l'homme et des libertés fondamentales, Agent du Gouvernement auprès de la CEDH |
| MONTENEGRO / MONTÉNÉGRO | Valentina PAVLIČIĆ Government Agent before the ECtHR |
| NETHERLANDS / PAYS-BAS | Babette KOOPMAN Government Agent before the EctHR, Ministry of Foreign Affairs Clarinda COERT Senior Legal Adviser Human Rights Law, Ministry of Justice and Security, Legislation Department and Legal Affairs |
| NORTH MACEDONIA / MACÉDOINE DU NORD | Elena BODEVA Head of Unit - Directorate for Multilateral Relations, Ministry of Foreign Affairs |
| NORWAY / NORVÈGE | Tonje MEINICH Deputy Director General, Legislation Department, Ministry of Justice and Public Security |
| POLAND / POLOGNE | Jan SOB CZAK Government Agent before the ECHR, Deputy Director, Legal and Treaty Department, Ministry of Foreign Affairs |
| PORTUGAL | Ricardo MATOS Government Agent before the ECHR, Procureur-Général Adjoint de la République |
| ROMANIA / ROUMANIE | Dragoș HOTEA Director of the Division of Human Rights, Protection of Minorities and CoE, Ministry of Foreign Affairs |
| SAN MARINO / SAINT-MARIN | Michela BOVI Co-Agente du Gouvernement auprès de la CEDH, Ambassade de Saint-Marin en Belgique |
| SERBIA / SERBIE | Zorana JADRIJEVIĆ MLADAR State Attorney Deputy Government Agent of the Republic of Serbia before the ECHR, The State Attorney's Office, The Agency Department before the European Court of Human Rights |
| SLOVAK REPUBLIC / RÉPUBLIQUE SLOVAQUE | Miroslava BÁLINTOVÁ Government Agent before the ECHR, Ministry of Justice |
| SLOVENIA / SLOVÉNIE | Matija VIDMAR Secretary, Department for International Cooperation and EU law, Ministry of Justice |

| | |
|-------------------------------------|---|
| SPAIN / ESPAGNE | Francisco SANZ Agent du Gouvernement auprès de la CEDH, Service juridique des Droits de l'Homme, Ministère de la Justice |
| SWEDEN / SUÈDE | Daniel GILLGREN Deputy Director, Department for International Law, Human Rights and Treaty Law, Ministry for Foreign Affairs |
| SWITZERLAND / SUISSE | Alain CHABLAIS Département fédéral de justice et police DFJP, Office fédéral de la justice OFJ, Agent du Gouvernement suisse devant la Cour européenne des droits de l'Homme |
| TÜRKIYE | Ayşen EMÜLER Experte Juridique, Ministère des Affaires Etrangères, Représentation Permanente de Türkiye auprès du Conseil de l'Europe Ahmet Müşerref YAKIŞIK Vice-Président du Département, Ministère de la Justice Hilal KOÇALI Deputy to the Permanent Representative, Legal Matters, Permanent Representation of Türkiye to the Council of Europe Mustafa CELAYİR Legal counselor, Représentation Permanente de Türkiye auprès du Conseil de l'Europe, Strasbourg |
| UKRAINE | Marharyta SOKORENKO Agent of Ukraine before the European Court of Human Rights, Ministry of Justice Viktor NIKITIUK Deputy Permanent Representative of Ukraine to the Council of Europe |
| UNITED KINGDOM / ROYAUME-UNI | Susan DICKSON Foreign and Commonwealth Office |

PARTICIPANTS

| | |
|--|---|
| HOLY SEE / SAINT-SIÈGE | Christine JEANGÉY Officiel, Chargée des Droits de l'Homme et du Droit Humanitaire, Dicastère pour le service du développement humain intégral |
| JAPAN / JAPON | Tetsushi HIRANO Chargé de mission, Consulate General of Japan |
| MEXICO / MEXIQUE | José Alfonso SUÁREZ DEL REAL Y AGUILERA Mission Permanente du Mexique auprès du Conseil de l'Europe |
| CONFERENCE OF INGOs OF THE COUNCIL OF EUROPE / CONFÉRENCE DES OING DU CONSEIL DE L'EUROPE | Jean-Bernard MARIE |

| | |
|---|---|
| DELEGATION OF THE EUROPEAN UNION TO THE COUNCIL OF EUROPE / DÉLÉGATION DE L'UNION EUROPÉENNE AUPRÈS DU CONSEIL DE L'EUROPE | Yumi CODRUS-FUJITA Manon BAERT |
|---|---|

OBSERVERS / OBSERVATEURS

| | |
|--|--|
| EUROPEAN NETWORK OF NATIONAL HUMAN RIGHTS INSTITUTIONS / RÉSEAU EUROPÉEN DES INSTITUTIONS NATIONALES DES DROITS DE L'HOMME (ENNHRI) | Debbie KOHNER Secretary General, Permanent Secretariat Katrien MEUWISSEN Senior Human Rights Officer (Accreditation), Permanent Secretariat |
| CCBE | Piers GARDNER Chair of the CCBE Permanent Delegation to the European Court of Human Rights (PD STRAS) |
| ADVISORY COUNCIL ON YOUTH / CONSEIL CONSULTATIF SUR LA JEUNESSE (CCJ) | Nikol PARVANOVA , Responsible for the ECHR and ESC caselaw portfolio in the Advisory Council on Youth. |

INVITEE(S) / INVITÉ(S)

| | |
|---|---|
| EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW (VENICE COMMISSION) / COMMISSION EUROPÉENNE POUR LA DÉMOCRATIE PAR LE DROIT (COMMISSION DE VENISE) | Claire BAZY-MALAUURIE, President / Présidente |
| STEERING COMMITTEE FOR HUMAN RIGHTS IN THE FIELDS OF BIOMEDICINE AND HEALTH / COMITÉ DIRECTEUR POUR LES DROITS DE L'HOMME DANS LES DOMAINES DE LA BIOMÉDECINE ET DE LA SANTÉ (CDBIO) | Siobhàn O SULLIVAN (Ireland / Irlande), Chairperson / Présidente CDBIO |

SECRETARIAT / *SECRETARIAT*

| | |
|--|--|
| Directorate General Human Rights and Rule of Law / Direction générale Droits de l'Homme et État de droit (DG I) | |
| | Christophe POIREL Director / Directeur, Human Rights Directorate / Direction des droits de l'Homme |
| | 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 |
| Human Rights Intergovernmental Cooperation Division / Division de la coopération intergouvernementale en matière de droits de l'Homme | |
| | David MILNER Head of Division / Chef de Division, Secretary of the CDDH / Secrétaire du CDDH |
| | Elvana THACI Administrator / Administratrice, 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) |
| | Yanna PARNIN Administrator / Administratrice, Secretary of the Drafting Group on Human Rights in situations of crisis / Secrétaire du Groupe de rédaction sur les droits de l'homme en situations de crise (CDDH-SCR) |
| | Sarah BELHADJMILED Assistant Lawyer / Juriste assistant |
| | Corinne GAVRILOVIC Assistant / Assistante |
| | Nicolas DOMAGALSKI Assistant / Assistante |
| | Sorina LECLER Assistant / Assistante |
| | Annica EDL Trainee / <i>Stagiaire</i> |

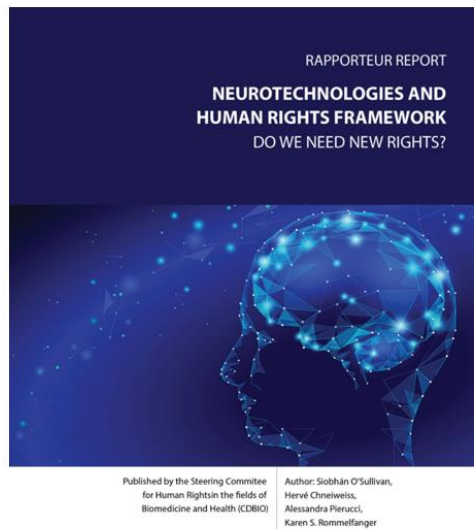
INTERPRETERS / *INTERPRÈTES*

Chloé CHENETIER-KIPPING
Grégoire DEVICTOR
Pascale MICHLIN

Appendix III**Exchange of views with the Steering Committee for Human Rights****Presentation of Ms Siobhán O’Sullivan
Chairperson of the Steering Committee for Human Rights in the fields of Biomedicine
and Health (CDBIO)**

**Steering Committee
for Human Rights in
the fields of
Biomedicine and
Health (CDBIO)**

Prof. Siobhán O’Sullivan
7/12/22



NeuroTechnology and Human Rights

- Strategic Action Plan on Human Rights and Technology's in Biomedicine (2020-2025). Embedding human rights in the development of technologies which have an application in the field of biomedicine
- Assessing the relevance and sufficiency of the existing human rights framework to address the issues raised by the applications of neurotechnology.
- Round Table November 9th 2021 Co-organised by the Council of Europe and the OECD
 - Increase attention to the human rights issues raised by the applications of neurotechnology's in the biomedical field.
 - Assess the existing human rights framework to address them with a view to prevent abuses and misuses while promoting thereby innovations and applications that are beneficial namely for human health.
 - Identify possible avenue for actions to contribute to responsible innovation in neurotechnology.

OECD



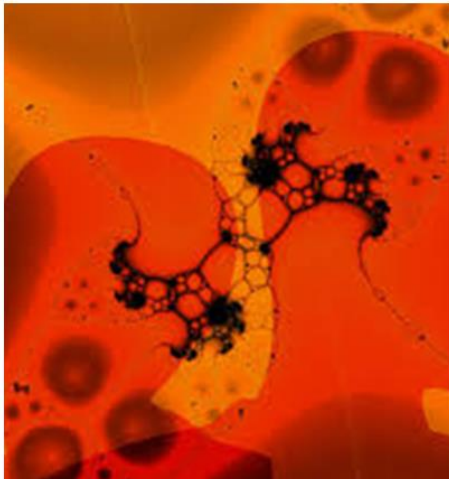
UNESCO-IBC



SHS/BIO/IBC 28/2021/3 Rev.
Paris, 15 December 2021
Original: English

REPORT OF THE INTERNATIONAL BIOETHICS COMMITTEE OF UNESCO (IBC) ON THE
ETHICAL ISSUES OF NEUROTECHNOLOGY

Session 1- Setting the Scene



- Significant investment in neurotech in last decade; global effort brain initiatives by Governments & Industry
- Record/Modify the activity of neurons in the brain
- New Opportunities to Alleviate Suffering –Ethical Imperative
- Morningside Group Proposal on Specific NeuroRights
- Evolution of Existing Rights or New Neurights

4

Session 2- Mapping the Landscape

- Classifications: Medical and Non-Medical Applications, Invasive/Non-invasive, Reversible/Irreversible
- Incomplete understanding of the functioning of the brain- what is normal functioning?
- Impact of neurotechnology's on the development of children's brains
- Care needed not to reinforce existing inequities
- Minimal regulatory oversight of non-medical applications- role of the consumer

Session 3- Rights at Stake-Privacy



- Explore extended existing rights to protect mental privacy. Extend the concept of home to cover the mind. Mental Integrity also linked to Art 3
- CoE Convention 108- level of protection of personal data depends on place data collected not where the data are processed
- Differentiation between protecting personal data and conclusions/inference drawn from data

Session 3- Rights at Stake-Integrity

- Concept of mental integrity- complex and evolving. Conceptual clarity critical to ensure sufficient and not excessive protections
- Explicit protections exist for physical integrity, same not true for mental integrity. No bright line between physical and mental integrity.
- Alternative approach to mental integrity; freedom from harmful mental interference, focus on the form of interference with autonomous decision making.
- Mental Integrity should be associated with dignity and priority based on alleviating public health burdens.



Session 3- Rights at Stake-Freedom



- Neurotechnology can be enabler of freedom and agency
- Already have rights we need?- ART 18/19 UDHR, protects the "forum Internum"
- Questions re boundary between thought and manifestation; line between legitimate influence and manipulation; if risky thoughts can be used to predict risky behaviours
- Alternative view- NT represent a paradigm shift as tech improves will become increasing difficult to track threats to freedom and manipulation.
- Need to consider questions of equity, space for identity formation, thinking the unthinkable

Session 3- Rights at Stake-Non-Discrimination

- Similarities between genetic and neuro data, similar regulatory approaches? Differences, neurodata are not static and merely probabilistic
- We already make choices based on cognitive abilities, how do we define un/acceptable use of Neurotech and define unfair treatment based on real/perceived neurological conditions/predispositions/risk factors.
- Association of Neurotech and AI and risk of bias and lack of transparency regarding nature of algorithms and people who design them
- Tech and structural biases also raise questions of fair access
- Be mindful of technosolutionism



9

New Rights or Existing Human Rights?

- No consensus re concepts, normative boundaries or terminology of neurorights. Difficulty in reaching international agreement re new HR.
- Concerns re HR inflation and undermining of existing rights.
- Importance of multi-level governance, national legislation, soft law, and importance of regulation of NT in fields outside medicine.



Future Activities



- Adaptive Interpretative Guidelines of existing human rights for Neurotechnology
- Raising awareness, facilitate public dialogue, creating capacity for civil society to engage in participatory governance.

Appendix IV**CDDH focal points and representatives in other fora**

(List as revised by the CDDH at its 97th meeting, 6 – 9 December 2022)

1. Committee on Bioethics (DH-BIO): Brigitte KONZ (Luxembourg)
2. Commission for Democracy through Law (Venice Commission): Brigitte OHMS (Austria)
3. European Commission for the Efficiency of Justice (CEPEJ): Liliya ELENKOVA (Bulgaria)
4. Committee of Legal Advisers on Public International Law (CAHDI): Zinovia STAVRIDIS (Greece)
5. European Committee on Legal Co-operation (CDCJ): **Vacant**
6. Steering Committee on Media and Information Society (CDMSI): Hans-Jörg BEHRENS (Germany)
7. Committee of experts on Roma and Traveller Issues (ADI-ROM): 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): Brigitte OHMS (Austria)
9. Council of Europe Committee on Counterterrorism (CDCT): Susan DICKSON (United Kingdom)
10. Committee of the Parties to the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse ("Lanzarote Committee"): Brigitte KONZ (Luxembourg)
11. Steering Committee for the rights of the child (CDENF): Brigitte KONZ (Luxembourg)
12. European Committee on Democracy and Governance (CDDG): Krista OINONEN (Finland)
13. Steering Committee on Anti-discrimination, Diversity and Inclusion (CDADI): Elias KASTANAS (Greece)
14. Ad hoc Committee on Artificial Intelligence (CAI): Tim KOLK (Estonia)
15. Gender Equality Commission (GEC): **Vacant**
16. Ad hoc Working Party on improving the European Social Charter system (GT-CHARTE): **Vacant**

Appendix V**Composition of the Bureau, Chairmanships, Rapporteurs and Drafting Groups**

| BUREAU OF THE CDDH | END OF THE MANDATE | REFERENCES |
|---|--|---|
| Kristine LIČIS (Latvia) Chair | 31 December 2023 (not renewable) | 97th meeting of the CDDH (December 2022) |
| Krista OINONEN (Finland) Vice-Chair | 31 December 2023 (not renewable) | 97th meeting of the CDDH (December 2022) |
| Brigitte OHMS (Austria) Member | 31 December 2024 (not renewable) | 97th meeting of the CDDH (December 2022) |
| Nicola WENZEL (Germany) Member | 31 December 2023 (elected for 2 years, renewable once) | 95th meeting of the CDDH (November 2021) |
| Babette KOOPMAN (the Netherlands) Member | 31 December 2024 (not renewable) | 97th meeting of the CDDH (December 2022) |
| Jan SOBCZAK (Poland) Member | 31 December 2023 (elected for 2 years, not renewable) | 95th meeting of the CDDH (November 2021) |
| Alfonso BREZMES (Spain) Member | 31 December 2023 (elected for 2 years, not renewable) | 95th meeting of the CDDH (November 2021) |
| Alain CHABLAIS (Switzerland) Member | 31 December 2023 (elected for 2 years, not renewable) | 95th meeting of the CDDH (November 2021) |
| CHAIRS | | |
| DH-SYSC M. Alain CHABLAIS (Suisse) | 31 December 2023 (elected for 1 year, renewable once) | 97th meeting of the CDDH (December 2022) |
| DH-SYSC-JC Mr Hans-Jörg BEHRENS (Germany) | | 96th meeting of the CDDH (June 2022) |
| "46 + 1" Ms Tonje MEINICH (Norway) | | 92nd meeting of the CDDH (November 2019) |
| CDDH-ENV Ms Kristine LIČIS (Latvia) | | 93rd meeting of the CDDH (December 2020) |
| CDDH-SCR Mr Jan SOBCZAK (Poland) | | 95th meeting of the CDDH (November 2021) |

| RAPPORTEURS | |
|---------------------------------|--|
| Krista OINONEN (Finland) | Human Rights in culturally diverse societies |
| Nicolas WENZEL (Germany) | Human Rights and business |
| Philippe WERY (Belgium) | Gender equality |
| Brigitte KONZ (Luxembourg) | Children's rights |
| Brigitte KONZ (Luxembourg) | Rights of persons with disabilities |
| Romana KUZMANIC-OLUIC (Croatia) | Issues relating to Roma and Traveller |
| DRAFTING GROUPS | |
| DH-SYSC-JC | |
| Armenia | |
| Azerbaijan | |
| Belgium | |
| France | |
| Germany (<i>Chair</i>) | |
| Italy | |
| Netherlands | |
| Poland | |
| Switzerland | |
| Türkiye | |
| United Kingdom | |
| CDDH-SCR | CDDH-ENV |
| Armenia | Armenia |
| Azerbaijan | Austria |
| Estonia | Finland |
| Georgia | France |
| Montenegro | Germany |
| Netherlands | Latvia (<i>Chair</i>) |
| Norway | Poland |
| Poland (<i>Chair</i>) | Romania |
| Portugal | Spain |
| Türkiye | Switzerland |
| | Türkiye |

Appendix VI

**Calendar for the premier semestre 2023
as adopted at the 97th CDDH meeting 6 – 9 December 2022
and provisional calendar for the first semester 2023**

| | |
|-------------------|--|
| 25 – 27/01/2023 | <u>2nd meeting of the Drafting Group on issues relating to judges of the European Court of Human Rights / 2^e réunion du Groupe de rédaction sur les questions relatives aux juges de la Cour européenne des droits de l'homme (DH-SYSC-JC)</u> |
| 31/01 – 2/02/2023 | <u>17th meeting of the CDDH ad hoc negotiation Group on the Accession of the European Union to the European Convention on Human Rights / 17^e réunion du Groupe de négociation ad hoc du CDDH sur l'adhésion de l'Union européenne à la Convention européenne des droits de l'homme (« 46+1 »)</u> |
| 8 – 10/02/2023 | <u>6th meeting of the Drafting Group on Human Rights and Environment / 6^e réunion du Groupe de rédaction sur les droits de l'homme et l'environnement (CDDH-ENV)</u> |
| 8 – 10/03/2023 | <u>3rd meeting of the Drafting Group on human rights in situations of crisis / 3^e réunion du Groupe de rédaction sur les droits de l'homme en situations de crise (CDDH-SCR)</u> |
| 14 – 17/03/2023 | <u>18th meeting of the CDDH ad hoc negotiation Group on the Accession of the European Union to the European Convention on Human Rights / 18^e réunion du Groupe de négociation ad hoc du CDDH sur l'adhésion de l'Union européenne à la Convention européenne des droits de l'homme (« 46+1 »)</u> |
| 22 – 24/03/2023 | <u>2nd meeting of the Council of Europe Access Info Group / 2^e réunion du Groupe Accès à l'information du Conseil de l'Europe</u> |
| 3 – 6/04/2023 | Extraordinary meeting of the Steering Committee for Human Rights / Réunion extraordinaire du Comité directeur pour les droits de l'homme (CDDH) (t.b.c.) |
| 3 – 5/05/2023 | <u>7th meeting of the Drafting Group on Human Rights and Environment / 7^e réunion du Groupe de rédaction sur les droits de l'homme et l'environnement (CDDH-ENV)</u> |
| 15 – 17/05/2023 | <u>3rd meeting of the Drafting Group on issues relating to judges of the European Court of Human Rights / 3^e réunion du Groupe de rédaction sur les questions relatives aux juges de la Cour européenne des droits de l'homme (DH-SYSC-JC)</u> |
| 1 – 2/06/2023 | <u>109th meeting of the Bureau of the Steering Committee for Human Rights / 109^e réunion du Bureau du Comité directeur pour les droits de l'homme (CDDH-BU)</u> |
| 27 – 30/06/2023 | <u>98th meeting of the Steering Committee for Human Rights / 98^e réunion du Comité directeur pour les droits de l'homme (CDDH)</u> |
| 4 – 6/07/2023 | <u>3rd meeting of the Council of Europe Access Info Group / 3^e réunion du Groupe Accès à l'information du Conseil de l'Europe</u> |
| 12 – 14/09/2023 | <u>4th meeting of the Drafting Group on human rights in situations of crises / 4^e réunion du Groupe de rédaction sur les droits de l'homme en situations de crise (CDDH-SCR)</u> |

| | |
|-----------------|---|
| 20 – 22/09/2023 | <u>4th meeting of the Drafting Group on issues relating to judges of the European Court of Human Rights / 4^e réunion du Groupe de rédaction sur les questions relatives aux juges de la Cour européenne des droits de l'homme (DH-SYSC-JC)</u> |
| 27 – 29/09/2023 | <u>8th meeting of the Drafting Group on Human Rights and Environment / 8^e réunion du Groupe de rédaction sur les droits de l'homme et l'environnement (CDDH-ENV)</u> |
| 24 – 26/10/2023 | <u>5th meeting of the Drafting Group on human rights in situations of crises / 5^e réunion du Groupe de rédaction sur les droits de l'homme en situations de crise (CDDH-SCR)</u> |
| 8 – 9/11/2023 | <u>110th meeting of the Bureau of the Steering Committee for Human Rights / 110^e réunion du Bureau du Comité directeur pour les droits de l'homme (CDDH-BU)</u> |
| 14 – 16/11/2023 | <u>4th meeting of the Council of Europe Access Info Group / 4^e réunion du Groupe Accès à l'information du Conseil de l'Europe</u> |
| 4/12/2023 (TBC) | Meeting of the Government Agents with the Court's Registry / Réunion des Agents du Gouvernement avec le Greffe de la Cour |
| 28/11/2023 | <u>99th meeting of the Steering Committee for Human Rights / 99^e réunion du Comité directeur pour les droits de l'homme (CDDH)</u> |