

CDDH(2021)08
04/06/2021

STEERING COMMITTEE FOR HUMAN RIGHTS COMITÉ DIRECTEUR POUR LES DROITS DE L'HOMME

(CDDH)

**Focal points representing the CDDH in other bodies-events /
Points focaux représentant le CDDH dans d'autres instances-événements**

Introduction

At its 105th meeting (27-28 May 2021) the Bureau noted that, since the 93rd plenary meeting of the CDDH (14–16 December 2020), the participation of representatives of the Steering Committee in other work has taken place mainly in the framework of ad hoc events organised by the Chairmanship of the Committee of Ministers. The Bureau asked the Secretariat to reflect it in the present document and, on behalf of the CDDH, warmly thanked the representatives of the Steering Committee who carried out this additional task.

Lors de sa 105^e réunion (27-28 mai 2021) le Bureau a noté que, depuis la 93^e réunion plénière du CDDH (14–16 décembre 2020) la participation de représentants du Comité directeur dans d'autres travaux a eu lieu surtout dans le cadre d'évènements ponctuels organisés par la Présidence du Comité des Ministres. Le Bureau a demandé au Secrétariat de consigner cette participation dans le présent document et, au nom du CDDH, a remercié vivement les représentants du Comité directeur qui ont assumé cette tâche supplémentaire.

ENNHRI High-level meeting / Réunion de haut niveau

Recommendation CM/Rec(2021)1 on the development and strengthening of effective, pluralist and independent national human rights institutions / Recommandation CM/Rec(2021)1 sur le développement et le renforcement d'institutions nationales des droits de l'homme efficaces, pluralistes et indépendantes

(26 – 27 April/avril 2021, Videoconference)

Ms Krista OINONEN (Finland / Finlande)



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

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

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

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

Programme

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

		<p>the Council of Europe; Former rapporteur on PACE Resolution 2301 (2019)</p> <ul style="list-style-type: none"> • Christophe Poirel, Director of Human Rights of the Council of Europe • Antoine Buyse, Director of the Netherlands Institute of Human Rights (SIM); Member of the Conference of INGOs of the Council of Europe • Bärbel Kofler, Federal Government Commissioner for Human Rights Policy and Humanitarian Assistance, German Presidency of the Committee of Ministers of the Council of Europe <p>Response by: NHRI Heads of Institution Q&A with wider audience</p>
11.50–12.00	Break	
12.00–13.15	<p>From CoE Independent Oversight to national implementation cooperation with & support for NHRIs</p> <p><u>Moderator:</u> Erinda Ballanca, People's Advocate of Albania</p>	<ul style="list-style-type: none"> • Robert Spano, President of the European Court of Human Rights (<i>video message</i>) <p><u>Moderated roundtable:</u></p> <ul style="list-style-type: none"> • Dunja Mijatović, Commissioner for Human Rights of the Council of Europe • Iulia Antoanella Motoc, Judge at the European Court of Human Rights with respect to Romania • Karin Lukas, President of the European Committee of Social Rights, Council of Europe • Veronika Bilková, Member of the Bureau of the Venice Commission, Council of Europe <p>Response by: NHRI Heads of Institution Q&A with wider audience</p>
13.15–13.30	Closing Remarks	<ul style="list-style-type: none"> • Sigrid Jacoby, Representative of the German Federal Government for Matters Relating to Human Rights • Debbie Kohner, ENNHRI Secretary-General

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

* for ENNHRI members only

WORKSHOP “Environment, Human Rights and Business: A framework for addressing environmental protection challenges” / **ATELIER** « Environnement, droits de l'homme et entreprises : un cadre pour examiner les défis liés à la protection de l'environnement »

(27 April/avril 2021, Videoconference)

Ms Kristine LICIS (Latvia / Lettonie)

Ms Nicola WENZEL (Germany / Allemagne)

Programme

9:00-9:15

Welcoming remarks

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

9:15-10:15

Setting the scene

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

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

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

Moderator:

Ms Kristine LĪCIS

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

Speaker:

Prof Surya DEVA

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

Panel Discussion with:

- **Mr Lado CHANTURIA**
Judge, European Court of Human Rights
- **Ms Chiara MACCHI**
Postdoctoral Researcher, Law Group, Wageningen University
- **Mr Carlos LOPEZ**
International Commission of Jurists (ICJ)

Discussions

10:15-10:30

Break

10:30-11:30

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

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

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

Moderator:
Ms Nicola WENZEL

*Ministry of Justice and Consumer
Protection, Germany*

Speaker:
Ms Ulla GLAESSER

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

Panel Discussion with:

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

Discussion

11:30-11:45

Break

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

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

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

Moderator:
Mr Daniel KLEIN

*KleinCarazo, International Lawyers
& Consultants*

Speaker:
Ms Bettina RECHENBERG

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

Panel Discussion with:

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

Discussion

13:15

Closing remarks

Mr Mikhail LOBOV

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

WEBINAR “Measures against the trade in goods used for the death penalty, torture and other cruel, inhuman or degrading treatment or punishment: implementation of the Council of Europe Recommendation CM/Rec(2021)2” / **WÉBINAIRE** « Mesures contre le commerce de biens utilisés pour la peine de mort, la torture et autres peines ou traitements cruels, inhumains ou dégradants »

(17 May/mai 2021, Videoconference)

Ms Krista OINONEN (Finland / Finlande)

Ms Nicola WENZEL (Germany/ Allemagne)

Mr Hans-Jörg BEHRENS (Germany / Allemagne)

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

Programme

10:00-10:30 Welcoming and introductory remarks

Moderator:

Ms Krista OINONEN

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

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

10:30-11:45 PART I

How to best implement the Recommendation CM/Rec(2021)2 ?

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

Moderator:

Ms Krista OINONEN

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

Speakers:

Dr Michael CROWLEY

Omega Research Foundation/CDDH Consultant

Overview of trade in torture and execution technologies in Europe

Mr Nico HIRSCH

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

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

Ms Nicola WENZEL

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

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

Ms Laura AUGER-PEREZ

Senior Expert, European Commission – Service
for Foreign Policy Instruments

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

Discussion and debate

11:45-12:00 *Break*

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

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

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

Moderator:

Mr Christophe POIREL

Director of Human Rights, Council of Europe

Speakers:

Ms Anna CROWE

Assistant Director – International Human Rights
Clinic, Harvard Law School

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

Ms Birgit VAN HOUT

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

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

Mr Patrick WILCKEN

Deputy Director, Global Issues Programme,
Amnesty International

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

Discussion and Debate

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

Dr. Hans-Jörg BEHRENS

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

SEMINAR *Pluricourts* “Effective implementation of the European Convention on Human Rights – enhancing domestic dialogue and co-ordination” / **SÉMINAIRE *Pluricourts*** « Mise en œuvre effective de la Convention Européenne des droits de l’homme – améliorer le dialogue et la coordination au niveau national »

(15 June/juin 2021, Videoconference)

Mr Morten RUUD (Norway / Norvège)
 Mr Alfonso BREZMES (Spain / Espagne)
 Mr Jan SOBCZAK (Poland / Pologne)
 Mr Vít Alexander SCHORM (Czech Republic / République tchèque)
 Mr Hans-Jörg BEHRENS (Germany/Allemagne)



COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Seminar

Effective implementation of the European Convention on Human Rights – enhancing domestic dialogue and co-ordination

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

at the 94th meeting of the CDDH
 Strasbourg, 15 June 2021 by videoconference

Draft programme

10:00 Opening and welcome addresses

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

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

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

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

Discussants:

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

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

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

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

Discussion and intervention by *Mr Matthew SAUL*, Associate Professor, Inland University of Applied Sciences (Norway) and *Mr Øyvind STIANSEN*, Postdoctoral Fellow, University of Oslo (Norway) (30 min)

12:00**LUNCH BREAK**

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

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

Framing intervention: *Mr Philip LEACH*, Professor, Middlesex University (United Kingdom) (5 min)

Discussants:

Mr Vit Alexander SCHORM, Chair of the Drafting Group on enhancing the national implementation of the system of the European Convention on Human Rights (DH-SYSC-V) (*sharing best practices on creation of multi-stakeholder working group – Committee of experts on the execution of the Court's judgments and the implementation of the Convention*) (10 min)

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

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

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

Discussion and intervention by *Ms Janneke GERARDS, Professor, Utrecht Law School (Netherlands) (10 min)* and *Mr Fredrik SUNDBERG, former Head of the Department for the Execution of judgments of the European Court of Human Rights (10 min)*

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

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

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

Discussants:

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

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

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

Discussion (30 min)

17:00 Main takeaways and conclusion of the seminar

Mr Geir ULFSTEIN, PluriCourts