



# Human Rights and Legal Affairs

## Standard-setting

The standard-setting activities of the Council of Europe are rooted in the common values and principles of the Organisation's member States.

Standard-setting falls under the responsibility of the Committee of Ministers, which delegates the task of studying contemporary issues of concern across Europe to intergovernmental expert committees (steering committees) made up of representatives from member States, nominated by their governments. Observers from other countries and intergovernmental and non-governmental organisations, as well as members of the Parliamentary Assembly, often attend the committees' conferences and meetings and contribute to the discussions. These committees make proposals to the Committee of Ministers on new legal standards or adapting existing ones concerning issues within their competence.

The expert committees meet in plenary session and often also in smaller groups of specialists. The latter are flexible structures and are dissolved once they have completed their specific task.

The expert committees report to the Committee of Ministers, which decides what action to take. In some cases the Ministers will transmit recommendations to member States, highlighting steps that may be taken at national level in order to solve specific problems and bring domestic practice or legislation into line with Council of Europe standards. In other cases, when the level of concern warrants it, the Committee of Ministers will open a legally binding treaty, or convention, for signature and ratification by States. These Council of Europe conventions may provide for the setting up of independent monitoring bodies to supervise compliance by the States which ratify them.

Within the Directorate General of Human Rights and Legal Affairs, the Directorate of Standard-Setting assures the secretariat of five steering committees, their subordinate bodies and several conventional committees, organises ministerial conferences and seminars and co-operates with the European Union, the Organization for Security and Co-operation in Europe and the United Nations.

## Expert committees

### Steering Committee for Human Rights (CDDH)

The CDDH defines policy and co-operation activities with regard to the promotion and protection of human rights and fundamental freedoms and identifies the priorities for the activities of its committees of experts and groups of specialists. As a result of the standard-setting and follow-up work of the CDDH, three new protocols have been added to the European Convention on Human Rights: the prohibition of all forms of discrimination (Protocol No. 12), the abolition of the death penalty in all circumstances (Protocol No. 13), and the amendment of the control system set up by the Convention in view of the ever-increasing number of cases (Protocol No. 14).

The Committee of Ministers has also adopted other legal instruments following input from the CDDH, including the *Guidelines on human rights and the fight against terrorism*. In addition, a draft Council of Europe Convention on Access to Official Documents, which has been prepared by the CDDH, is currently under consideration by the Committee of Ministers.

### Steering Committee for Equality between Women and Men (CDEG)

The CDEG is the intergovernmental body which is responsible for organising, implementing and conducting the Council of Europe's activities which aim to promote gender equality on the basis that gender equality is an integral part of human rights and a fundamental criterion of democracy. The CDEG also organises the Council of Europe Conference of Ministers responsible for equality between women and men.

As part of its mandate, the CDEG plays a pioneering role in elaborating European standards in the field of gender equality, for example concerning balanced participation of women and men in political and public decision-making and on the protection of women against violence. The CDEG's work to promote gender equality and to overcome obstacles to its implementation was recently consolidated in Recommendation CM/Rec (2007) 17 on gender equality standards and mechanisms.

### Steering Committee on the Media and New Communication Services (CDMC)

The CDMC's mandate is to develop Council of Europe standards on media and new communication and information services. The work of the CDMC and its subordinate bodies covers a wide range of issues relating to freedom of expression and information, focusing recently on media and journalism in times of crisis, public service media, media coverage of elections, the

public service value of the Internet, protecting children from harmful content on the Internet, and media literacy.

The CDMC and the Media and Information Society Division made a considerable contribution to the UN-led Internet Governance Forum in Rio de Janeiro in November 2007. Subsequently, the CDMC decided to prepare a draft declaration on protecting the dignity, security and privacy of children on the Internet. The Council of Europe will also play a prominent role in the third Internet Governance Forum in Hyderabad (India) in December 2008, proposing workshops and expert interventions on a variety of topics.

### European Committee on Legal Co-operation (CDCJ)

The CDCJ is responsible for many of the legal activities of the Council of Europe such as family law (including the protection of children), rule of law (including administrative law), civil law and access to justice, and nationality. Its main tasks are:

- defining the policy of legal intergovernmental co-operation and fixing priorities in the fields of public and private law;
- promoting law reform and co-operation in administrative law, data protection, family law, information technology and law, justice, nationality, refugees and asylum seekers.

In 2008-2010 the CDCJ is focusing on finding solutions to several modern challenges such as incapable adults and self-determination, missing persons and presumption of death, the rights and legal status of the child, the independence, efficiency and role of judges, medical liability, access to justice for vulnerable groups, the right of the child to nationality.

### European Committee on Crime Problems (CDPC)

The CDPC oversees and co-ordinates the Council of Europe's activities in the field of crime prevention and crime control. It identifies priorities for intergovernmental legal co-operation, makes proposals to the Committee of Ministers on activities in the fields of criminal law and procedure, criminology and penology, and implements these activities. Subjects that the CDPC is currently working on include European rules for juvenile offenders, pharmaceutical crime, simplified extradition, domestic violence and promotion of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse.

The CDPC also prepares conventions, recommendations and reports. It organises conferences and colloquies in addition to its annual plenary session. Recent events include the 14th Conference of Directors of Prison Administration at which the topics of prison management and management of vulnerable priso-

ners and prisoners detained for offences relating to terrorism or organised crime were discussed.

## Scope of the standards

Standards developed within the Council of Europe address situations encountered throughout Europe. However, the solutions proposed are often applicable in other contexts or regions.

Outside Europe, the European Court of Human Rights has for many years set an example for international human rights courts in the Americas and in Africa, while the Committee for the Prevention of Torture's working methods have served as a model for the United Nations' anti-torture instrument, OPCAT. Certain Council of Europe conventions which deal with issues of global concern are opened for signature by non-member States. The United States, Canada, Japan and South Africa have signed or ratified the Convention on Cybercrime, which aims at eliminating fraudulent or criminal use of computer networks. The Convention on Action against Trafficking in Human Beings and the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse are also open for signature by observer States and the European Community.

The Council of Europe also provides various fora for debate and itself takes part in global discussions such as United Nations General Assemblies and international conferences, contributing its expertise and highlighting European standards.

## Co-operation with other international organisations (in particular UN, EU, OSCE)

This is an increasingly important area of work within standard-setting, aiming at the adoption of coherent human rights standards all over Europe and worldwide. Yearly exchanges of views in the Committee of Ministers on the human rights work of the UN, biannual meetings with the OHCHR and visits to UN bodies in Geneva and New York are organised. The Council of Europe also contributes to the sessions of the UN Human Rights Council and its Universal Periodic Review as well as to the work of the OSCE/ODIHR.

There is particularly close co-operation with the European Union. The Council of Europe is consulted during the preparation of EU legislation with a view to making it coherent and consistent with the ECHR. The Directorate also co-ordinates co-operation with the newly created EU Fundamental Rights Agency with a view to ensuring complementarity and best possible use of resources while avoiding unnecessary duplication of

## Websites and contact details

### Steering Committee for Human Rights (CDDH)

[www.coe.int/t/e/human\\_rights/cddh/](http://www.coe.int/t/e/human_rights/cddh/)

### Steering Committee for Equality between Women and Men (CDEG)

[www.coe.int/T/E/Human\\_Rights/Equality/11\\_Equality\\_Committee/](http://www.coe.int/T/E/Human_Rights/Equality/11_Equality_Committee/)

### Steering Committee on the Media and New Communication Services (CDMC)

[www.coe.int/t/e/human\\_rights/media/1\\_intergovernmental\\_co-operation/CDMC/](http://www.coe.int/t/e/human_rights/media/1_intergovernmental_co-operation/CDMC/)

### European Committee on Legal Co-operation (CDCJ)

[www.coe.int/T/E/Legal\\_Affairs/Legal\\_co-operation/Steering\\_Committees/cdcj/](http://www.coe.int/T/E/Legal_Affairs/Legal_co-operation/Steering_Committees/cdcj/)

### European Committee on Crime Problems (CDPC)

[www.coe.int/T/E/Legal\\_Affairs/Legal\\_co-operation/Steering\\_Committees/Cdpc/](http://www.coe.int/T/E/Legal_Affairs/Legal_co-operation/Steering_Committees/Cdpc/)

### Law, Policy and Intergovernmental Co-operation Division

[http://www.coe.int/t/e/human\\_rights/cddh/](http://www.coe.int/t/e/human_rights/cddh/)



# Setting standards

in the field  
of human rights  
and legal affairs

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ENG. Updated: July 2008

activities. To this effect, a co-operation agreement was concluded with the European Community in June 2008.