

Strasbourg, 31 March 2010

DH-GDR(2010)002

STEERING COMMITTEE FOR HUMAN RIGHTS
(CDDH)

COMMITTEE OF EXPERTS ON THE REFORM OF THE COURT
(DH-GDR)

REPORT

2nd meeting

24-26 March 2010

Summary

During its meeting the Committee, in particular:

- Identified and specified the relevant parts of the Interlaken Declaration to whose implementation the CDDH and its subordinate bodies could contribute;
- Made suggestions on how to proceed with work on each such part;
- Specified the issues to be examined at its next meeting (5-7 May 2010);
- Established a timetable for its work in 2010 and decided upon working methods;
- Elected its Vice-chairperson.

Item 1: Opening of the meeting, adoption of the order of business, election of a Vice-chairperson

1. The Committee of experts on the reform of the Court (DH-GDR) held its second meeting in Strasbourg from 24-26 March 2010 with Mrs Anne-Françoise TISSIER (France) in the chair. The list of participants appears at Appendix I. The agenda, as adopted, appears at Appendix II. The Committee elected Mr Frank SCHÜRMANN (Switzerland) as its Vice-chairperson by acclamation.

Item 2: Terms of reference and the Interlaken Declaration

2. The Committee considered its terms of reference in the light of information given in particular by the Chairperson of the CDDH and the Secretariat.¹

3. Mrs Almut WITTLING-VOGEL (Germany), Chairperson of the CDDH, reported on the previous day's meeting of the CDDH Bureau, at which implementation of the Interlaken Declaration and, in particular, the repartition of work between the subordinate bodies of the CDDH had been discussed. She noted in particular that the Bureau had endorsed the proposals set out in the Secretariat document on this point.²

4. The Secretary of the Committee provided information on subsequent developments in the Committee of Ministers and its Liaison Committee with the Court and the expectations for follow-up work by the CDDH and its subordinate bodies. In particular:

- on 10 March 2010, the Ministers' Deputies adopted a series of decisions on action to be taken following the Interlaken Conference, along with initial ad hoc terms of reference for the CDDH to consider relevant parts of the Interlaken Declaration;³
- on 16 March 2010, the Committee of Ministers' Liaison Committee with the Court (CL-CEDH) heard and discussed a presentation by the President of the Court on action being taken and foreseen by the Court following Interlaken.

5. Mr Jeroen SCHOKKENBROEK, Head of the Human Rights Development Department, reported on the Ministers' Deputies' meeting of 24 March, at which the Secretary General had presented a document on the modalities of implementation of the Interlaken Declaration and Action Plan.⁴ The Deputies took note of the Secretary General's document and decided to establish a working group (GT-SUIVI.Interlaken) to steer, under their authority, the follow-up process to the Interlaken Declaration as a whole.⁵ The following points were highlighted during the Committee's discussions:

- delegations at the GT-SUIVI.Interlaken may be assisted by experts from the national capitals, at their authorities' expense;
- the GT-SUIVI.Interlaken would liaise closely with the CDDH as the latter discharged its ad hoc terms of reference and would provide further guidance as and when necessary;
- although GT-SUIVI.Interlaken meetings and documentation would not be public (in accordance with to the usual practice), civil society representatives participating in the work of the CDDH would through this participation be able to follow GT-

¹ For the DH-GDR's terms of reference, see Appendix IV

² See doc. DH-GDR(2010)001

³ See doc. CDDH(2010)002 rev.; the CDDH ad hoc terms of reference appear at Appendix V

⁴ See doc. CM(2010)31

⁵ See doc. CM/Del/Dec(2010)1080/1.7

SUIVI.Interlaken activities, since the CDDH was required to keep itself informed of action being taken by other actors and had the possibility of commenting on them;

- the Committee thought it desirable, in view of the tight deadlines set out in the CDDH's ad hoc terms of reference, that informal and flexible channels of communication be established between the GT-SUIVI.Interlaken on the one hand and the CDDH and its subordinate bodies on the other, in addition to the formal CDDH reporting procedure: it could already be envisaged to invite the GT-SUIVI.Interlaken Chairperson to exchange views with the CDDH or DH-GDR as well as, if necessary, that the Chairpersons of these latter two bodies participate in one or more meetings of the GT-SUIVI.Interlaken.

Item 3: Exchange of views on issues the DH-GDR should address

6. The remainder of the meeting was devoted to the identification and examination of the issues that the DH-GDR considered to fall within its competence. In doing so, it also identified issues which, in its opinion, could be addressed by the DH-PR. As it examined each point, it also decided upon working methods and the timetable for further examination of these issues.

7. The Committee expressed its thanks to the United Kingdom and Belgian experts for volunteering to act as rapporteurs on proposals concerning access to the Court (introducing a fee for applicants) and proposals for dealing with repetitive applications that would not require amendment of the Convention respectively. The Committee noted that it was essential that interested parties send their views on these issues to the rapporteurs in order to provide material for their reports (for further details see Appendix III.)

8. In view of its future workload, the Committee considered it crucial that sufficient human and budgetary resources be made available to allow the CDDH and its subordinate bodies to manage the additional workload resulting from Interlaken follow-up, including the need to establish and maintain a website dedicated to its activities concerning the reform of the Convention system, so as to ensure transparency and accessibility to external stakeholders.

9. The conclusions of these discussions appear at Appendix III.

Annexe I**List of participants/ Liste de participants****ARMENIA / ARMENIE**

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Apologised / Excusé

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Excused / excusé

* * *

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Annexe II**Agenda (as adopted)****Item 1: Opening of the meeting, adoption of the order of business, election of a Vice-chairperson**General background documents

- Draft Annotated Agenda – 2nd DH-GDR meeting (24-26 March 2010) DH-GDR(2010)OJ001
- Decisions of the Committee of Ministers on the action to be taken following the Interlaken Conference & Terms of reference of the CDDH and subordinate bodies involved in follow-up work to Interlaken CDDH(2010)002
- Interlaken Declaration CDDH(2010)001
- “Background documents” for the Interlaken Conference H/Inf (2010) 2
- “Preparatory contributions” for the Interlaken Conference H/Inf (2010) 3
- CDDH Activity Report on guaranteeing the long-term effectiveness of the control system of the European Convention on Human Rights CDDH(2009)007 Add. I
- Implementation of the Interlaken Declaration – the role of the CDDH (document prepared by the Secretariat) DH-GDR(2010)001

Item 2: Terms of reference and the Interlaken Declaration**Item 3: Exchange of views on issues the DH-GDR should address**

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Appendix III

Implementation of the Interlaken Declaration – methods, results and timetable

A. Issues to be addressed by the DH-GDR in May 2010

Relevant issues arising under the Interlaken Declaration Action Plan	CDDH Activity Report proposals	Responsible CDDH body	Working methods & foreseen results	Timetable
<p><i>i. Access to the Court</i></p> <p>3. [T]he Conference calls upon the Committee of Ministers to consider any additional measure which might contribute to a sound administration of justice and to examine in particular under what conditions new procedural rules or practices could be envisaged, without deterring well-founded applications.</p>	<p>“The Court’s more rigorous practice with respect to application of the six-month time-limit is to be supported.”</p>	DH-GDR	<p><i>Fees</i></p> <ul style="list-style-type: none"> - the United Kingdom expert has volunteered to act as Rapporteur on the issue of introducing a fee for applicants - interested parties are invited to send their views to the Rapporteur (rob.linham@justice.gsi.gov.uk) to be reflected in his report (copy to the Secretariat, david.milner@coe.int) - the draft report will then be circulated for comment before being finalised - the report will address the issues of (i) what possible approaches exist, (ii) why fees may be beneficial, (iii) why they may not, (iv) what other issues are involved & (v) brief information on the situation concerning the highest national courts - on the basis of this information, the DH-GDR will return to the issue at its next meeting - following these further discussions, it will present the report to the CDDH for possible adoption, with a view to transmission to the Committee of Ministers with the first progress report - depending on the CDDH’s conclusions, the CDDH may ask the CM to give instructions on whether and how to proceed with further work <p><i>Other issues concerning access to the Court</i></p> <ul style="list-style-type: none"> - experts who wish to comment on other issues concerning access to the Court are invited to send their comments to the Secretariat (david.milner@coe.int) 	<p>Provision of information to the Rapporteur: by <u>16/04/10</u></p> <p>Next discussion in DH-GDR: <u>5-7/05/10</u></p> <p>Discussion in CDDH: <u>15-18/06/10</u></p> <p>First CDDH report to CM: <u>end June 2010</u></p>
<p><i>ii. Repetitive applications – friendly settlements and unilateral declarations</i></p>		DH-GDR	<ul style="list-style-type: none"> - the Belgian expert has volunteered to act as Rapporteur (isabelle.niedlispacher@just.fgov.be) on proposals for dealing 	<p>Provision of information to</p>

7.a)i. [The Conference calls upon States Parties to] facilitate, where appropriate, within the guarantees provided for by the Court and, as necessary, with the support of the Court, the adoption of friendly settlements and unilateral declarations	“Where appropriate, States should be encouraged to make unilateral declarations so as to allow the Court to strike certain cases out of its list.”		<p>with repetitive applications that would not require amendment of the Convention, including but not limited to those concerning friendly settlements and unilateral declarations</p> <ul style="list-style-type: none"> - members are invited to send their views to the Rapporteur to be reflected in her report (copy to the Secretariat, david.milner@coe.int) - the draft report will then be circulated for comment before being finalised - on the basis of this information, the DH-GDR will return to the issue at its next meeting - following these further discussions, it will present the report to the CDDH for possible adoption, with a view to transmission to the Committee of Ministers with the first progress report - depending on the CDDH’s conclusions, the CDDH may ask the CM to give instructions on whether and how to proceed with further work 	<p>the Rapporteur: by <u>16/04/10</u></p> <p>Next discussion in DH-GDR: <u>5-7/05/10</u></p>
<p>iii. Pilot judgment procedure</p> <p>7.b) [The Conference ...] stresses the need for the Court to develop clear and predictable standards for the “pilot judgment” procedure as regards selection of applications, the procedure to be followed and the treatment of adjourned cases [...]</p>	“The Court should elaborate an explanation of what the pilot judgment procedure involves. A manual could be drafted whereby States would share their various experiences of the pilot judgment procedure.”	DH-GDR	<ul style="list-style-type: none"> - the DH-GDR noted the Court’s willingness to respond to the strong wish of member States and of civil society and other representatives of applicants to be kept informed and associated in the appropriate way with preparation of future Rules governing the pilot judgment procedure - in this connection, it decided to return to the issue at its next meeting, with a view to considering the question of the appropriate legal level of text for any possible codification of the procedure 	<p>Next discussion in DH-GDR: <u>5-7/05/10</u></p> <p>p.m. London Metropolitan University seminar on pilot judgments: <u>14/06/10</u> (Strasbourg)</p>
<p>iv. Election of judges</p> <p>8.a) [The Conference calls upon States Parties and the Council of Europe to] ensure, if necessary by improving the transparency and quality of the selection procedure at both national and European levels, full satisfaction of the</p>	(None)	DH-GDR	<ul style="list-style-type: none"> - the DH-GDR underlined the particular importance of this issue and the need for States to commit themselves fully to it - the Secretariat will assemble existing documentation (including PACE texts and the Court’s advisory opinions) - members are invited to send suggestions for how to proceed further to the Secretariat (david.milner@coe.int) - on this basis, the DH-GDR will return to the issue at its next 	<p>Provision of information to the Secretariat: by <u>23/04/10</u></p> <p>Next discussion in DH-GDR:</p>

Convention's criteria for office as a judge of the Court, including knowledge of public international law and of the national legal systems as well as proficiency in at least one official language. In addition, the Court's composition should comprise the necessary practical legal experience;			meeting	<u>5-7/05/10</u>
<p>v. <i>Enabling the Court to concentrate on its essential role</i></p> <p>2. With regard to the high number of inadmissible applications, the Conference invites the Committee of Ministers to consider measures that would enable the Court to concentrate on its essential role of guarantor of human rights and to adjudicate on well-founded cases with the necessary speed, in particular those alleging serious violations of human rights.</p>	(None)	DH-GDR	<ul style="list-style-type: none"> - the DH-GDR considered this to be a cross-cutting issue allowing scope for exploration of further issues at any stage of work - it expressed its willingness to examine any relevant issue in the course of its work 	(No specific time-table)

B. Issues to be addressed by the DH-GDR in September 2010

<p>i. <i>Filtering – inadmissible applications</i></p> <p>6.b) [The Conference] stresses the interest for a thorough analysis of the Court's practice relating to applications declared inadmissible.</p>	(None)	DH-GDR	<ul style="list-style-type: none"> - the Court indicated its readiness to provide information on the typology of reasons for inadmissibility and on the modalities and first results of implementation of the new single judge procedure - on the basis of this information, the DH-GDR will return to the issue at its September meeting, when it will next address the issue of a new filtering mechanism (see B.ii. below) 	Next discussion in DH-GDR: <u>September 2010</u>
<p>ii. <i>Filtering – a new filtering mechanism</i></p> <p>6.c)ii. [The Conference recommends...] to the Committee of Ministers to examine the setting up of a filtering mechanism within the Court going beyond the single judge procedure and the</p>	"The creation of a judicial committee, including its budgetary	DH-GDR	<ul style="list-style-type: none"> - the DH-GDR will return to this issue on the basis of further information to be provided by the Court (see under B.i. above) 	Next discussion in DH-GDR: <u>September 2010</u>

<p>procedure provided for in i). [i.e. a mechanism within the existing bench likely to ensure effective filtering].</p> <p><i>N.b. the CDDH ad hoc terms of reference require it “to elaborate specific proposals..., with different options, for a filtering mechanism within the European Court of Human Rights.”</i></p>	<p>implications, should be examined further.”</p>			
<p>iii. Repetitive applications – judicial treatment</p> <p>7.c)i. [...] consider whether repetitive cases could be handled by judges responsible for filtering (see above Section C [para. 6.c)ii.]);</p>	<p>(None)</p>	<p>DH-GDR</p>	<p>- insofar as the two issues have been linked, the DH-GDR will return to this issue when it next discusses a new filtering mechanism (see under B.ii. above)</p>	<p>Next discussion in DH-GDR: <u>September 2010</u></p>

C. DH-GDR suggestions for issues that could be addressed by the DH-PR

<p>i. Awareness and implementation of Convention standards</p> <p>4.a) [The Conference ... calls upon the States Parties to commit themselves to] continuing to increase, where appropriate in co-operation with national human rights institutions or other relevant bodies, the awareness of national authorities of the Convention standards and to ensure their application;</p> <p>[...]</p> <p>c) taking into account the Court’s developing case-law, also with a view to considering the conclusions to be drawn from a judgment finding a violation of the Convention by another State, where the same problem exists</p>	<p>“Study ... the implementation and impact of Rec(2002)13. The Court should publish up-to-date information on its case-law on admissibility.”</p> <p>“Greater use should be made of third party interventions. [Proposals to the Court concerning</p>	<p>DH-PR</p>	<p>- at this stage, there is no suggestion that the CDDH prepare further Committee of Ministers’ instruments or undertake a general review of implementation of existing instruments</p> <p>- members are invited to send specific proposals concerning awareness and implementation of the existing recommendations to the Secretariat (david.milner@coe.int)</p> <p>- there may be interest in organising colloquies on specific issues, in particular recent developments in the Court’s caselaw (subject to additional resources, to be decided by the Committee of Ministers)</p> <p>- the possibility of elaborating a handbook on admissibility could also be considered, whilst bearing in mind the forthcoming Handbook on the issue to be published by the Court (expected by September 2010)</p>	<p>Provision of information to the Secretariat: by <u>14/04/10</u></p> <p>Discussion in DH-PR: <u>21-23/04/10</u></p>
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<p>within their own legal system; [...]</p> <p>f) ensuring review of the implementation of the recommendations adopted by the Committee of Ministers to help States Parties to fulfil their obligations.</p>	<p>press releases & time limits.]”</p> <p>(See under 4.a) above)</p>			
<p>ii. Execution of Court judgments</p> <p>4.b) [The Conference ... calls upon the States Parties to commit themselves to...] fully executing the Court’s judgments, ensuring that the necessary measures are taken to prevent similar violations;</p>	<p>“Respondent States should promptly and effectively implement general measures identified in pilot judgments.”</p>	DH-PR	<ul style="list-style-type: none"> - the DH-GDR noted that this fell within the primary responsibility of States Parties - it also considered that there may be a link with both other execution-related issues and that of domestic remedies (see C.i. above and C.iii. and iv. below) 	<p>Discussion in DH-PR: <u>21-23/04/10</u></p>
<p>iii. Domestic remedies</p> <p>4.d) [The Conference ... calls upon the States Parties to commit themselves to...] ensuring, if necessary by introducing new legal remedies, whether they be of a specific nature or a general domestic remedy, that any person with an arguable claim that their rights and freedoms as set forth in the Convention have been violated has available to them an effective remedy before a national authority providing adequate redress where appropriate;</p>	<p>“A non-binding CM instrument on domestic remedies for excessive length of proceedings should be drafted.” (Since implemented as CM Rec(2010)3, prepared by the CDDH and adopted by the CM on 24/02/10)</p>	DH-PR	<ul style="list-style-type: none"> - there may be interest in preparing further CM recommendations on domestic remedies for specific forms of violation (cf. CM Rec(2010)3 on effective remedies for excessive length of proceedings) - members are invited to send proposals for such issues to the Secretariat (david.milner@coe.int) - the Secretariat will also contact the Court to enquire as to whether any such issues arise from the case-law - it should also be noted that the Polish authorities are planning a seminar likely to be on the issue of general domestic remedies, as well as on a simplified Convention amendment procedure 	<p>Provision of information to the Secretariat: by <u>14/04/10</u></p> <p>Discussion in DH-PR: <u>21-23/04/10</u></p>
<p>iv. Supervision of execution of judgments</p> <p>11.a) [The Conference stresses the urgent need for the Committee of Ministers to [...] develop the means which will render its supervision of the execution of the Court’s judgments more effective and transparent. In this regard, it invites</p>	<p>(None)</p>	DH-PR	<ul style="list-style-type: none"> - the DH-GDR noted that the CM/DH could discuss possible specific contributions from the CDDH at its next meeting - it considered that the DH-PR might prove an appropriate forum should the CDDH be asked to contribute - it observed that the DH-PR had already worked on supervision of execution of judgments through a working group of “hybrid” composition, including also experts designated by 	<p>Discussion in DH-PR: <u>21-23/04/10</u></p> <p>Next CM/DH meeting: <u>1-3/06/10</u></p>

<p>the Committee of Ministers to strengthen this supervision by giving increased priority and visibility not only to cases requiring urgent individual measures, but also to cases disclosing major structural problems, attaching particular importance to the need to establish effective domestic remedies;</p> <p>11.b) review its working methods and its rules to ensure that they are better adapted to present-day realities and more effective for dealing with the variety of questions that arise.</p>			<p>the CM and co-operating closely with the Secretariat's Execution Department</p> <ul style="list-style-type: none"> - the DH-PR could give preliminary consideration to the issue at its next meeting, with a view to discussions and possible decisions at the CM/DH's next meeting - in the light of the outcome of the CM/DH meeting, the CDDH could itself return to the issue at its next meeting 	<p>Discussion in CDDH: <u>15-18/06/10</u></p>
<p>v. <i>Simplified procedure for amending the Convention</i></p> <p>12. The Conference calls upon the Committee of Ministers to examine the possibility of introducing by means of an amending Protocol a simplified procedure for any future amendment of certain provisions of the Convention relating to organisational issues. This simplified procedure may be introduced through, for example:</p> <ul style="list-style-type: none"> a) a Statute for the Court; b) a new provision in the Convention similar to that found in Article 41(d) of the Statute of the Council of Europe. <p><i>N.b. the CDDH ad hoc terms of reference require it "to elaborate specific proposals ... for a filtering mechanism within the European Court of Human Rights and proposals for making it possible to simplify amendment of the Convention's provisions on organisational issues."</i></p>	<p>"Further work should be undertaken on a Statute for the Court."</p>	DH-PR	<ul style="list-style-type: none"> - the DH-GDR noted: - that the CDDH has already instructed the DH-PR to consider the issue at its next meeting and that this instruction should be interpreted in the light of the CDDH's post-Interlaken ad hoc terms of reference, which require it "to elaborate specific proposals for making it possible to simplify amendment of the Convention's provisions on organisational issues"; - that the results of the DH-PR exploratory work could be transmitted to the CDDH at its next meeting - that the Polish authorities are planning a seminar likely to be on the issue of this issue, as well as on general domestic remedies 	<p>Discussion in DH-PR: <u>21-23/04/10</u></p> <p>Discussion in CDDH: <u>15-18/06/10</u></p>

Appendix IV

Terms of reference Committee of Experts on the reform of the Court (DH-GDR)

- 1. Name of Committee:** Committee of Experts on the reform of the Court (DH-GDR)
- 2. Type of Committee:** Committee of Experts
- 3. Source of terms of reference:** Committee of Ministers, upon proposals of the Steering Committee for Human Rights (CDDH)
- 4. Terms of reference:**

Having regard to :

- Resolution Res(2005)47 on committees and subordinate bodies, their terms of reference and working methods, adopted by the Committee of Ministers on 14 December 2005;
- the Declaration and the Action Plan adopted at the Third Summit of Heads of State and Government of the Council of Europe member states (Warsaw, 16-17 May 2005; CM(2005)80 final, 17 May 2005), in particular Chapter I.1 “Ensuring the continued effectiveness of the European Convention on Human Rights”;
- the Convention for the Protection of Human Rights and Fundamental Freedoms (1950, ETS No. 5) and Protocol No. 14 to the ECHR, amending the control system of the Convention (2004, ETS No. 194);
- the Declaration of the Committee of Ministers on sustained action to ensure the effectiveness of the implementation of the European Convention on Human Rights at national and European levels (adopted on 19 May 2006 at its 116th Session);
- Decision No. CM/873/11072007 containing the ad hoc terms of reference of the CDDH following the 117th Session of the Committee of Ministers (adopted by the Ministers’ Deputies at their 1002nd meeting, 11-12 July 2007).

Under the authority of the Steering Committee for Human Rights (CDDH) and in relation to project 2008/DGHL/1403 – “Enhancing the control system of the ECHR” of the Programme of Activities, the Committee is instructed to pursue its reflection on possible further reform of the ECHR control system.

5. Composition of the Committee:

5.A Members

Governments of member states are entitled to appoint representatives with the relevant qualifications concerning procedures in the framework of international human rights protection instruments, in particular the European Convention on Human Rights.

The Council of Europe budget will bear the travel and subsistence expenses of the 18 members appointed by the following member states: Austria, Belgium, Czech Republic, Denmark, Finland, France, Georgia, Germany, Latvia, Netherlands, Norway, Poland, Portugal, Russian Federation, Sweden, Switzerland, Turkey and United Kingdom.

The above-mentioned states may send (an) additional representative(s) to meetings of the Committee at their own expense. Representatives appointed by other member states may participate in the meetings of the Committee at the expense of these states.

Each member state participating in the meetings of the Committee shall have one vote on procedural matters.

5.B Participants

- i. The following committees may each send a representative to meetings of the Committee, without the right to vote and at the expense of the corresponding Council of Europe budgetary article:
 - European Commission for the Efficiency of Justice (CEPEJ);
 - European Commission for Democracy through Law (Venice Commission).
- ii. The Parliamentary Assembly may send (a) representative(s) to meetings of the Committee, without the right to vote and at the expense of its administrative budget.
- iii. The Council of Europe Commissioner for Human Rights may send (a) representative(s) to meetings of the Committee, without the right to vote and at the expense of its administrative budget.
- iv. The Registry of the European Court of Human Rights may send (a) representative(s) to meetings of the Committee, without the right to vote and at the expense of its administrative budget.
- v. The Conference of INGOs of the Council of Europe may send (a) representative(s) to meetings of the Committee, without the right to vote and at the expense of the body that (s)he (they) represent(s).

5.C Other participants

- i. The European Commission, the Council of the European Union and the European Union Agency for Fundamental Rights (FRA) may send (a) representative(s) to meetings of the Committee, without the right to vote or defrayal of expenses.
- ii. States with observer status of the Council of Europe (Canada, Holy See, Japan, Mexico, United States of America) may send (a) representative(s) to meetings of the Committee, without the right to vote or defrayal of expenses.
- iii. The following intergovernmental organisations may send (a) representative(s) to meetings of the Committee, without the right to vote or defrayal of expenses:
 - Organisation for Security and Co-operation in Europe (OSCE)/Office for Democratic Institutions and Human Rights (ODIHR);
 - Office of the United Nations High Commissioner for Human Rights.

5.D Observers

The following non-member state:

- Belarus;

and the following non-governmental organisations:

- Amnesty International;
- International Commission of Jurists (ICJ);
- International Federation of Human Rights (FIDH);
- European Roma and Travellers Forum;
- European Group of National Institutions for the Promotion and Protection of Human Rights;

may send (a) representative(s) to meetings of the Committee, without the right to vote or defrayal of expenses.

6. Working methods and structures:

In order to fulfil its tasks the Committee is:

- entitled to invite other participants and/ or observers to meetings of the Committee, without the right to vote or defrayal of expenses. The DH-GDR will have to ask the CDDH for the authorisation necessary to admit observers (other than those already listed in these terms of reference);
- authorised to seek, as appropriate and within its budgetary appropriations, the advice of experts, to have recourse to studies prepared by consultants and to consult relevant non-governmental organisations and other members of civil society.

7. Duration:

The present mandate will expire on 31 December 2011.

Appendix V**Initial ad hoc terms of reference for the Steering Committee for Human Rights (CDDH) to consider the relevant parts of the Interlaken Declaration**

1. **Name of Committee:** Steering Committee for Human Rights (CDDH)
2. **Source:** Committee of Ministers
3. **Duration:** These terms of reference shall expire on 31 December 2010 and 15 April 2012

4. Terms of reference:

Subject to more specific guidance which may be given by the Committee of Ministers at any time, consider all the relevant parts of the Interlaken Declaration.

In particular:

(a) to elaborate specific proposals for measures that result from the Interlaken Declaration and that do not require amendment of the European Convention of Human Rights, if necessary, additional to those it has already submitted to the Committee of Ministers;

This part of the terms of reference shall be executed through the presentation of a final report to the Committee of Ministers by 31 December 2010;

(b) to elaborate specific proposals for measures requiring amendment of the Convention, including proposals, with different options, for a filtering mechanism within the European Court of Human Rights and proposals for making it possible to simplify amendment of the Convention's provisions on organisational issues;

This part of the terms of reference shall be executed through the presentation of a final report to the Committee of Ministers by 15 April 2012; an interim activity report shall be submitted by 15 April 2011.

(c) Work on items (a) and (b) shall be pursued in parallel.

In the execution of these terms of reference, the CDDH may commission and conduct the necessary studies and consultations with other bodies, in particular the Court, as well as civil society representatives. It may assign appropriate tasks to its subordinate structures. The Court and its Registry may at all stages contribute to the execution of these terms of reference.

The CDDH shall keep itself informed of action being taken or envisaged by other actors involved in the implementation of the Interlaken Declaration and, if appropriate, may present its views thereon to the Committee of Ministers. In this context, it shall also take into account the first effects of the entry into force of the new procedures foreseen by Protocol No. 14.

The CDDH shall regularly report on progress of work and present its proposals to the Committee of Ministers as and when they are finalised. A first report shall be submitted before the end of June 2010. The Committee of Ministers shall provide the CDDH with the necessary guidance.