

Strasbourg, 17 September 2010

DH-GDR(2010)017

STEERING COMMITTEE FOR HUMAN RIGHTS
(CDDH)

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

REPORT

4th meeting

15-17 September 2010

Item 1: Opening of the meeting and adoption of the order of business

1. The Committee of experts on the reform of the Court (DH-GDR) held its fourth meeting in Strasbourg from 15-17 September 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.

Item 2: Exchange of views with the Chairperson of the GT-SUIVI.Interlaken

2. The Committee, having taken note of the synopsis of the 29 June 2010 meeting of the GT-SUIVI.Interlaken,¹ at which the CDDH's first report on implementation of the Interlaken Declaration was examined and responses given to the questions posed therein, exchanged views with Ambassador Eleanor FULLER (United Kingdom), Chairperson of the GT-SUIVI.Interlaken.

3. In the course of the exchange of views, Ambassador Fuller made the following points:
- it was important that a "package" of measures not requiring amendment of the Convention be ready in time for the Interlaken follow-up conference to be organised by the Turkish chairmanship of the Committee of Ministers at Cesme-Izmir on 21-22 April 2011 – this should be borne in mind by the CDDH when asking for any extension of its terms of reference, as appeared inevitable;
 - some issues should have been finalised by the Deputies before then, including reform of the supervision of execution of judgments and establishment of an advisory panel of experts to evaluate candidates for the post of judge of the Court;
 - the GT-SUIVI.Interlaken would return to this latter issue at its next meeting (12 October 2010), on the basis of a document containing a draft resolution,² with a view to reaching an early conclusion – DH-GDR members were encouraged to make their comments on the issue known to their Permanent Representatives in good time;
 - the GT-SUIVI.Interlaken had not expressed great enthusiasm at the idea of a Committee of Ministers' Recommendation to member States on national selection procedures for candidates for the post of judge of the Court, but there had been interest in the idea of a compendium of good practices, which could be prepared by the CDDH within its existing terms of reference;

In response to questions asked during the meeting, Ambassador Fuller also stated that:

- the CDDH could make proposals for consultations with civil society in the context of the Interlaken process;
- it could also make proposals on the framework for member States' reports on measures taken to implement relevant parts of the Interlaken Declaration, to be presented to the Committee of Ministers before the end of 2011, and on how these reports should be analysed and followed up.

4. The Committee thanked Ambassador Fuller for her participation in its meeting and for an interesting and productive exchange of views.

¹ See doc. GT-SUIVI.Interlaken(2010)CB5.

² See doc. GT-SUIVI.Interlaken(2010)10 (this document is restricted and has not been distributed to the DH-GDR).

Item 3: Filtering – inadmissible applications & Repetitive applications – judicial treatment

5. The Committee took note of information provided by the Registry concerning (i) the proportions of strike-out or inadmissible cases with and without legal representation in 2009 and the first half of 2010 and (ii) the reasons for inadmissibility in 2009 for decisions against all states combined and state-by-state for the ten highest case-count states.³ It also heard a presentation by Mr John DARCY of the Registry of the Court on the functioning of the new single judge procedure following the entry into force of Protocol No. 14 on 1 June 2010. (Mr Darcy's presentation can be seen in full at [Appendix III.](#))

6. The Committee then heard a presentation by its Rapporteur on the issues of filtering – a new filtering mechanism and repetitive applications – judicial treatment, Mrs Almut WITTLING-VOGEL (Germany), and took note of the Secretariat's compilation of contributions to preparation of the report.⁴ The following points emerged during the ensuing exchange of views:

Whether there was a current need to implement a new filtering mechanism

- it was noted that the CDDH's ad hoc terms of reference required it to elaborate specific proposals, with different options, for a filtering mechanism: some experts felt that proposals could be elaborated with the proviso that the time was not yet ripe to take decisions on implementation;
- there was a need to clarify whether efforts to assist the Court should be focused on increasing the capacity of the Registry or judicial capacity;
- several experts felt that the impact of Protocol No. 14 should be assessed before deciding on the need for a new filtering mechanism; several others considered that the Protocol No. 14 procedures were insufficient and that further reform was urgently necessary;
- at present, judicial time spent as single judges on inadmissibility decisions was time taken away from more important cases, even though the Court was also confronted with an overload of these;

Options for improving filtering

- it may be easier – assuming an increase in budgetary allocations for the Court would be easier to achieve than amendment of the Convention – to increase the number of Registry lawyers than the number of judges;
- it was suggested that a third option might be to exploit the Convention's provisions on ad hoc judges, whether to perform filtering or other judicial functions;
- opinions were divided on whether or not inadmissibility decisions in clear-cut cases must be made by judges or could be made by senior members of the Registry;
- it may be possible for different systems to operate for backlog as opposed to newly arrived applications;

Comments on certain options discussed

- it was also suggested that special filtering judges with relatively short-term mandates may not become fully operational for a significant proportion of their term of office;
- several experts expressed particular reserve at the idea that filtering judges could also deal with repetitive cases; on the other hand, it was suggested that filtering judges could be part of the composition of three-judge committees.

³ See doc. COURT_n3196915_v1.

⁴ See doc. DH-GDR(2010)009.

7. With no consensus in the group and many issues remaining subject to disagreement or uncertainty, the Committee agreed to ask its Rapporteur to prepare a revised version of her report, taking into account comments made during the meeting. Interested parties would also have the opportunity to contribute to the revised draft report by e-mail to the Rapporteur (wittling-al@bmj.bund.de, copy to the Secretariat: david.milner@coe.int): contributions received by 30 September 2010 would be taken into account; the Secretariat would prepare an up-dated compendium of contributions. This revised draft report, which would remain that of the Rapporteur and not yet become that of the Committee, would be submitted to the CDDH at its next meeting for examination in plenary. On the basis of the CDDH's comments, the Rapporteur would then prepare a further version of the report, to be discussed at the following DH-GDR meeting (1-3 December 2010). Ultimately, the DH-GDR would seek to adopt a draft report for submission to the CDDH at its meeting in April 2011, possibly with a view to transmission to the Committee of Ministers as part of the CDDH's interim report on proposals for measures requiring amendment of the Convention, required by 15 April 2011.

8. The Committee made the following suggestions to the Rapporteur concerning the structure of the revised draft report:

- there should be a clear statement that the issue remained controversial and that there was no consensus yet on either its desirability or possible modalities;
- the information contained in Mr Darcy's presentation should be reflected;
- this should be completed by the questions that appeared in the initial draft report referring to the impact of Protocol No. 14 on the processing of clearly inadmissible cases;
- the question of whether a new filtering mechanism was needed should be separated from those concerning its form and the modalities for its introduction;
- different options, including as regards who would be responsible for filtering, should be more visible;
- the revised draft report should make as clear as possible that other possible options were not excluded.

Item 4: The pilot judgment procedure

9. The Committee exchanged views on the issue of the pilot judgment procedure, taking note of the Secretariat's compilation of contributions to the Court's preparation of possible rules of court governing the pilot judgment procedure and the report of the Seminar on pilot judgments organised by London Metropolitan University (Strasbourg, 14 June 2010).⁵

10. The Committee decided to (i) suggest that the CDDH in its Final report indicate to the Court that the DH-GDR stood ready to assist with its work on the possible preparation of rules of court and (ii) to keep the issue of the pilot judgment procedure on its agenda.

Item 5: Election of judges to the European Court of Human Rights

11. The Committee took note of the Court President's initiative to propose that the Committee of Ministers establish a screening panel to ensure that candidates for judge meet Convention requirements and the Registry's subsequent document on the issue presented to the GT-SUIVI.Interlaken on 29 June 2010 (see also under para. 3 above).⁶

⁵ See docs DH-GDR(2010)011 and DH-GDR(2010)012 respectively.

⁶ See docs. COURT_n3167201_v1 and GT-SUIVI.Interlaken(2010)8 respectively.

12. The Committee also returned to the question of a possible Committee of Ministers' recommendation on national selection procedures for candidates for judge of the Court and/or a guide to good practice, taking into account the GT-SUIVI.Interlaken's response to the issue as raised in the CDDH's first report on implementation of the Interlaken Declaration and the statements made by Ambassador Fuller during the exchange of views (see para. 5 above).⁷ It recalled the vital importance of high-quality judges to the functioning and standing of the Court and noted that there would be a significant number of elections in the next few years, greatly changing the composition of the Court. Ensuring that national selection procedures produced the best possible candidates, fully satisfying the requirements of Article 21 ECHR, was thus an urgent priority.

13. The Committee supported the idea of beginning with a compilation of national practices, work that would best be done on the basis of information obtained from all 47 member States. A body of plenary composition would then refer to this compilation whilst exchanging views and experience in the aim of providing mutual assistance in optimising national selection procedures, including the question of how to attract the best applicants, with a view in particular to the significant number of forthcoming elections.

Item 6: Access to the Court – fees for applicants

14. The Committee exchanged views with Mr Julien LHUILLIER of the University of Lausanne, expert consultant, on his preparation of a study on the various systems in certain member States requiring applicants to superior courts to pay a fee or other sum. The Committee took note of the procedure Mr Lhuillier intended to follow, which would consist of the following steps:

- contacts with members of the network of national contact persons established by the European Commission for the Efficiency of Justice (CEPEJ) in order to identify which countries had relevant courts with fees for applicants (this has already been done, with 25 replies so far received, 21 of which mentioned the existence of fees);
- identification of suitable interlocutors in the relevant courts, preferably with knowledge of both the historical and current situations concerning the fee system;
- distribution of the questionnaire to these interlocutors and subsequent receipt of answers;
- obtaining any necessary clarification and further detail of the answers received;
- preparation of a synthetic analysis of the information obtained, with a view to its thematic presentation according to different elements of fee systems;
- contacts with the European Court of Human Rights, in order better to understand the Court's needs and capacities and the context in which the study would be used;
- completion of the study by the end of 2010.

15. On the basis of a draft questionnaire presented by Mr Lhuillier,⁸ the Committee made further suggestions for the preparation of his study, notably to address the following issues:

- with particular attention, the matter of administrative costs associated with fees;
- where fees had been introduced specifically to reduce the number of applications to lower courts, what had been the effect of this (where fees for such applications had not been introduced for this specific purpose, no further questions should be put concerning lower courts, since otherwise the questionnaire would be too difficult to administer and the results too difficult to analyse);

⁷ See docs GT-SUIVI.Interlaken(2010)CB5 and CDDH(2010)010 Addendum I respectively.

⁸ See doc. DH-GDR(2010)016.

- whether legal aid was available to cover the payment of the fee;
- whether legal representation was compulsory for applications to the relevant court, along with an indication of the average cost of such representation;
- what was the level of fees and whether, in cases where the fee had existed for some time, there had been a point at which the fee had been increased specifically in order to reduce the number of inadmissible applications, and with what result;
- on the basis of the systems studied, what possible models could be identified that might be suitable for transposition, with any necessary modifications, for use in the Convention system.

16. In order to assist the expert in his work, the Committee agreed that members should send him any useful information, such as the names of possible interlocutors, studies, reports etc. (julien.lhuillier@unil.ch). It also requested its Chairperson to write a letter to the Chairperson of the CEPEJ, formally informing him of the Committee's work and its interest in the expert's study and inviting CEPEJ members to provide their full assistance; this letter should also invite the CEPEJ to send its most suitably qualified member to participate in the Committee's meeting at which the eventual study would be examined.

17. The Committee recalled that the GT-SUIVI.Interlaken had also noted that a cost-benefit analysis, determining the implications of introducing a fee system, was necessary before any decision could be taken. It considered that such an analysis could be performed by the Court and/ or a suitable expert on the basis of the possible models identified in the expert's study, with the results to be examined by the DH-GDR as a next step in its work.

Item 7: Preparation of the draft CDDH Final Report on measures that do not require amendment of the Convention

18. In accordance with the CDDH's ad hoc terms of reference, the Committee prepared a draft final report on measures that do not require amendment of the ECHR, for transmission to the CDDH with a view to its finalisation and subsequent submission to the Committee of Ministers. The draft report, as adopted, appears at Addendum I.

19. The Committee also recalled that the Interlaken Declaration has called on member States to inform the Committee of Ministers, before the end of 2011, of the measures taken to implement relevant parts of the Declaration. It considered that this exercise would benefit from (i) clarification of the modalities for presentation of information by member States, in order to make the information received as digestible as possible, and (ii) preparation for the reception and examination of and follow-up to this information by the Committee of Ministers. It decided to suggest that the CDDH propose in its Final Report to the Committee of Ministers that the DH-GDR address these issues at its next meeting, in order to provide the appropriate assistance to member States as soon as possible so that they might begin preparing their reports at the earliest opportunity.

Item 8: Organisation of future work

20. The Committee exchanged views on the organisation of its future work, including the following: (i) the possible dates of future meetings, (ii) priority issues for its next meeting and (iii) working methods.

21. As regards these questions, the Committee:

- took note of the calendar of meetings of the CDDH and the bodies answerable to it, with the next meeting of the CDDH to take place on 2-5 November 2010 and those of the DH-GDR on 1-3 December 2010 and 9-11 February 2011;
- decided to discuss at its next meeting the following issues: (i) filtering – inadmissible applications and repetitive applications – judicial treatment (see paras. 7-9 above); (ii) election of judges – national selection procedures (see paras. 12-13 above); and (iii) member States’ reports on implementation of relevant parts of the Interlaken Declaration (see paragraph 19 above), subject to further or alternative issues arising as a result of intervening decisions.

22. On the basis of the foregoing and of the overall results of the present meeting, the Committee prepared a revised version of the table setting out the methods, results and timetable for its work on implementation of the Interlaken Declaration. The revised table can be found at Appendix IV.

Item 9: Other business

23. The Committee recalled that the Council of Bars and Law Societies of Europe (CCBE) had applied to the Secretary General of the Council of Europe for observer status with the Committee. In accordance with Committee of Ministers’ Resolution (2005)47, it fell to the Committee to take position on this application. Members had been consulted over the summer and informed that, in accordance with the usual procedure, in the absence of any formal opposition, it would be considered that the CCBE was admitted as an observer to the DH-GDR. There had been two replies, one clearly in favour, the other equivocal. In order to avoid any uncertainty, the Chairperson asked the Committee again to take position.

24. The Committee decided to admit the CCBE to its meetings as an observer.

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

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Apologised / excusé

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* * *

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European Group of National Human Rights Institutions / Groupe européen des Institutions nationales des Droits de l'Homme

Apologised / excusé

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International Commission of Jurists (ICJ) / Commission internationale de Juristes (CIJ)

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Mr Petr HNÁTK, Administrator / Administrateur, Human Rights Intergovernmental Cooperation Division / Division de la coopération intergouvernementale en matière de droits de l'Homme,

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Interpreters/Interprètes:

Philippe QUAINÉ

Nicolas GUITTONNEAU

Isabelle MARCHINI

Olivier OBRECHT

Appendix II

Agenda (as adopted)

Item 1: Opening of the meeting, adoption of the agenda and order of business

General background documents (* documents already distributed at previous meetings)

- Draft annotated agenda DH-GDR(2010)OJ002
- Report of the 70th meeting of the CDDH (15-18 June 2010) CDDH(2010)010
- Report of the 3rd meeting of the DH-GDR (5-7 May 2010) DH-GDR(2010)008 +
Addendum I + Addendum II
- 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 *

Item 2: Exchange of views with the Chairperson of the GT-SUIVI.Interlaken

Background documents

- Synopsis of the 4th meeting of the Committee of Ministers’ Ad hoc working party on the follow-up process to the Interlaken Declaration (GT-SUIVI.Interlaken) (29 June 2010) GT-SUIVI.Interlaken(2010)CB5
- Decisions of the Ministers’ Deputies: High-level conference on the future of the European Court of Human Rights (Interlaken, 18-19 February 2010) – Action to be taken (7 July 2010) CM/Del/Dec(2010)1090/1.10

Item 3: Filtering – inadmissible applications & Repetitive applications – judicial treatment

Background document

- Document prepared by the Registry containing data on (i) the percentages of inadmissible or strike out cases with or without legal representation in 2009 and 2010, by State, and (ii) reasons for inadmissibility in 2009 for all States and state-by-state for the ten highest case-count states (with cover note) (English only) COURT_n3196915_v1
- Compilation of contributions to the preparation of the draft report on the issues of filtering – a new filtering mechanism and repetitive applications – judicial treatment (document prepared by the Secretariat) DH-GDR(2010)009

Working document

- Draft report on the issues of filtering – a new filtering mechanism and repetitive applications – judicial treatment DH-GDR(2010)010

Item 4: The pilot judgment procedureBackground documents

- Compilation of contributions to the Court's preparation of possible rules of court governing the pilot judgment procedure (document prepared by the Secretariat) DH-GDR(2010)011
- Report of the Seminar on pilot judgments organised by London Metropolitan University (Strasbourg, 14 June 2010) DH-GDR(2010)012

Item 5: Election of judges to the European Court of Human RightsBackground document

- Letter sent by the President of the Court to the Permanent Representatives of the member States of the Council of Europe (9 June 2010) COURT_n3167201_v1
- Document on the election of judges prepared by the Registry for the GT-SUIVI.Interlaken(2010)8

Item 6: Filtering – fees for applicantsWorking document

- Draft questionnaire to obtain information for a study on the various systems in certain member States requiring applicants to superior courts to pay a fee or other sum DH-GDR(2010)016

Item 7: Preparation of the draft CDDH Final Report on measures that do not require amendment of the ConventionWorking document

- Draft CDDH Final Report on measures that do not require amendment of the ECHR DH-GDR(2010)013

Item 8: Organisation of future work**Item 9: Other business**

Appendix III

The Single Judge Procedure

Presentation of Registry for GDR meeting of 15 September 2010

1. Modalities

Last May the President of the Court designated 20 judges to serve as single judges for the period 1 June 2010 to 31 May 2011. The judges have been drawn evenly from each of the Court's five Sections. The States for which each judge shall be responsible were also determined, although this is not a rigid arrangement. Rather, a certain degree of flexibility will be allowed in the operation of the system, subject always to the rule in the Convention itself that a single judge can never decide a case taken against the State in respect of which he/she has been elected.

Furthermore, while single judges will in many cases not be able to read the case file, being unfamiliar with the language in which the application was submitted, they will have a certain level of knowledge of the legal system out of which the application has arisen, since they will already have decided, in the course of their Section work, cases against such States.

The group of 20 judges includes some of the longest-serving judges as well as some of the most recent arrivals on the bench of the Court.

For most States, one single judge is sufficient. The exceptions are Russia (5 single judges), Turkey (4), Romania (3), Ukraine (3) and Poland (2).

Each single judge is paired with one or more non-judicial rapporteurs (NJR). For some, this will be a full-time role, whereas others will continue to work also on committee and Chamber cases. The President appointed approximately 60 of these from among the permanent, experienced legal staff of the Registry (from grade A2 to grade A5). Where possible, there will be rotation in NJR appointments (in most cases after 12 months). For the States with the most applications, NJRs oversee a team of assistant lawyers (e.g. 9 for Poland) working on SJ cases.

P-14 has not changed the initial stages of the procedure, i.e. the triage by the Registry and the drafting of the inadmissibility decision, which is done in the same way as previously for committee cases under Protocol No. 11.

The SJ/NJR tandem is the engine of the procedure. The former relies on the latter to provide a fair, balanced, reliable, concise yet complete summary and analysis of the pertinent facts and the Convention issues. Case notes and draft decisions are presented to the SJ in batches at regular intervals. The batch can contain dozens of cases, and even hundreds if similar, simple cases have been grouped together where possible (e.g. where all applicants have failed to exhaust the same applicable domestic remedy, or have all raised complaints that fall beyond the scope of the Convention).

The SJ normally has a two-week period to consider the drafts presented. They indicate their consent by signing the cover page of the document (approval sheet), which sets out the reference numbers of all applications presented for decision. The approval sheet will be permanently archived by the Court, all other papers on the case being destroyed one year later, in keeping with the Court's general practice in this regard.

The SJ will seek any clarification or additional information they deem necessary in order to be able to reject a case as inadmissible. This can be cleared up by a phone call to or an exchange of e-mails with the NJR. If more time is needed, the case will be adjourned. If the

SJ disagrees with the NJR's proposal, he/she will indicate where the case should be dealt with – committee or chamber.

Once the SJ has taken his/her decision, the applicants concerned will receive a standard letter from the Court, signed by the NJR and indicating the name of the SJ who took the decision, the date and the ground(s).

Examples of recent NJR notes and letters to applicants were displayed during the presentation.

There will inevitably be a period of adjustment as SJs become accustomed to their role as sole decision-maker in a case. Discussions with one judge showed that he found himself taking extra care with such cases, but this was more than compensated for by the additional flexibility that the SJ system allows compared to the previous committee system.

It may be possible to streamline the internal procedure further by moving towards a completely, or at least mainly paperless system. In terms of legal analysis of such cases, there appears to be little scope to do less. NJR notes typically contain just one or two brief paragraphs explaining what is clearly wrong with the case.

The number of SJs, which is not fixed by the Convention, might be revised downwards on 1 June 2011, or at another future date. One argument in favour of this would be that by concentrating the function on a smaller group of judges it would foster both efficiency and uniformity, and would mean that more judges would be completely available to work on priority cases. Today the 20 SJs work on SJ cases on a part-time basis. An arrangement with less judges working on a near full-time basis (they should continue to sit as national judge in Chamber and Grand Chamber cases) can be envisaged. One suggestion made at a seminar on filtering held at the Court in early September was that as few as 5 judges could do this work, on the assumption that they would be able to take an average of 160 decisions per week during the periods of normal activity (41 weeks per year).

2. Registry Resources and Workload

At the beginning of September 2010, there were 256 case-processing lawyers in the Registry (excluding lawyers with the rank of Deputy Section Registrar and higher). 120 of these were assistant lawyers. While all of these work on SJ cases, it is hard to quantify this precisely, or to give an accurate average figure. Some assistant lawyers work on SJ cases only, especially in the first 1-2 years of their contracts. The others work on a mix of SJ cases and on cases raising issues of well-established case law (WECL cases).

It can be said that something like 65-75% of the working time of assistant lawyers as a group is spent on SJ cases, with the remainder being devoted to WECL cases.

Typically, an assistant lawyer will be expected to deal with 400-500 SJ cases per year.

This allows for a very rough calculation:

Approx. 80 assistant lawyers doing approx. 400 SJ cases per year
= Approx. 32,000 SJ decisions (actual figure for 2009 = 33,065)

The internal procedure no longer takes place within the framework of the Sections. This releases senior Registry staff (Section Registrars and Deputy Section Registrars) from an onerous task, allowing them to concentrate fully on WECL cases and normal Chamber work.

However, as a certain degree of centralised management is desirable, the Registry has drawn up plans to create a distinct filtering secretariat as of 1 January next. This will see the largest

filtering teams brought together under the supervision of a senior official (Deputy Section Registrar rank) – some 45-50 assistant lawyers as well as their supervising NJRs. It will not be a watertight distinction. Assistant lawyers working on “smaller” countries (in terms of number of SJ cases) will remain attached to their present divisions but will channel their work into the filtering secretariat. Assistant lawyers in the filtering secretariat will work on WECL cases as they do today. The objectives pursued are to (i) ensure smooth , efficient, uniform application of the SJ system, with centralised supervision and evaluation, and (ii) to prevent an increase in the backlog of pending SJ cases and to the extent possible to progressively eliminate it.

However, the scale of the task needs to be acknowledged.

The current situation is **manifestly unsustainable**, as the figures in the following table show⁹. In particular, the number of pending SJ cases from Russia outstrips the capacity of the Court by nearly 5:1.

<i>State</i>	<i>No. of SJ cases pending [no. decided in 2009]</i>	<i>% of all pending cases for that State</i>
Russia	31,962 [6,798]	87%
Ukraine	7,163 [2,495]	68%
Turkey	6,172 [1,748]	39%
Romania	5,298 [3,947]	48%
Poland	5,200 [3,410]	84%
Moldova	2,718 [360]	73%
France	2,341 [1,399]	84%
Italy	2,246 [558]	26%
Germany	2,136 [986]*	91%
Bulgaria	2,140 [492]	67%
Total	67,376 [22,193]	81% (of all pending SJ cases)

⁹ Situation end August 2010.

Appendix IV

Implementation of the Interlaken Declaration – methods, results and timetable¹⁰

Issues to be addressed by the DH-GDR at its meeting on 1-3 December 2010

Relevant issues arising under the Interlaken Declaration Action Plan	CDDH Activity Report proposals	Working methods & foreseen results	Timetable
<p>i. Filtering – inadmissible applications</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)	<p>- the Court will provide further information on the operation of the new procedures introduced by Protocol No. 14, in particular the three-judge committees.</p>	<p>Next discussion in CDDH: <u>2-5/11/10</u></p> <p>Subsequent discussion in DH-GDR: <u>1-3/12/10</u></p>
<p>ii. Filtering – a new filtering mechanism</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 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>“The creation of a judicial committee, including its budgetary implications, should be examined further.”</p>	<p>- the German expert, as rapporteur on the issue of ‘filtering – a new filtering mechanism’ and, insofar as it is connected, ‘repetitive applications – judicial treatment’ will prepare a revised report on the basis of comments received from the DH-GDR and CDDH;</p> <p>- interested parties are invited to send any further comments to the Rapporteur (wittling-al@bmj.bund.de) to be reflected in this report (copy to the Secretariat, david.milner@coe.int)</p> <p>- on the basis of this information, the DH-GDR will return to the issue at its next meeting.</p>	<p>Provision of further information to the Rapporteuse: <u>by 30/09/10</u></p> <p>Next discussion in CDDH: <u>2-5/11/10</u></p> <p>Subsequent discussion in DH-GDR: <u>1-3/12/10</u></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</p>	(None)	<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 ii. above).</p>	<p>(see under ii. above)</p>

¹⁰ Table updated following the 3rd DH-GDR meeting (5-7 May 2010)

above Section C [para. 6.c)ii.]);			
<p>iv. Election of judges – national selection procedures</p> <p>8.a) ensure, if necessary by improving the transparency and quality of the selection procedure at both national and European levels, full satisfaction of the 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;</p>	(None)	<ul style="list-style-type: none"> - the DH-GDR considered this an urgent priority issue, in particular because of the large number of elections due in the coming years; - it therefore proposes to prepare a compilation of national practices on which to base an exchange of views and experience with a view to optimising national selection procedures. 	Next discussion in DH-GDR: <u>1-3/12/10</u>
<p>v. Enabling the Court to concentrate on its essential role</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)	<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)
<p>vi. Member States’ reports to the Committee of Ministers on implementation of relevant parts of the Interlaken Declaration</p> <p>(see “Implementation” para. 3)</p>	(None)	<ul style="list-style-type: none"> - the DH-GDR considers that the presentation, examination and follow-up of these reports would benefit from guidance that it could usefully provide. - it therefore proposes to examine these issues at its next meeting. 	Next discussion in DH-GDR: <u>1-3/12/10</u>