

Strasbourg, 29 October 2013

DH-GDR(2013)R5

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

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

**MEETING REPORT
5th meeting**

29-31 October 2013

At its 5th meeting (29-31 October 2013), the DH-GDR, in particular:

- concerning the GT-GDR-D, received information on follow-up to its work;
- concerning the GT-GDR-E, approved draft CDDH reports on whether more effective measures are needed in respect of States that fail to implement Court judgments in a timely manner, the review of the functioning of the Advisory Panel of experts on candidates for election as judge to the Court and the question of whether or not to amend the Convention to enable the appointment of additional judges to the Court, as they appear at Addenda I – III respectively;
- concerning the GT-GDR-F, exchanged views on the terms of reference; decided to hold an open call for information, proposals and views and gave guidance on its organisation; received information on the forthcoming Oslo Conference (7-8 April 2014); and made a proposal on the composition of the GT-GDR-F to the CDDH and elected the following members: Austria, Belgium, Finland, Italy, Latvia, the Russian Federation, Spain and the United Kingdom;
- concerning the GT-GDR-G, elected the following members: the Czech Republic, Estonia, Italy, The Netherlands, Romania, the Russian Federation and Switzerland.

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

1. The Committee of experts on the reform of the Court (DH-GDR) held its 5th meeting in Strasbourg from 29-31 October 2013 with Mr Vit SCHORM (Czech Republic) in the chair. The list of participants appears at Appendix I. The agenda, as adopted, appears at Appendix II.

Item 2: Work of Drafting Group “D” on the reform of the Court (GT-GDR-D) – results and follow-up

2. The Secretariat provided information on the decisions of the Committee of Ministers at its 1178th meeting (17-18 September 2013), by which it adopted the Toolkit to inform public officials about the State’s obligations under the Convention and the Guide to good practice in respect of domestic remedies, and took note of the CDDH report containing conclusions and possible proposals for action on ways to resolve the large number of applications arising from systemic issues identified by the Court.

3. The Guide to good practice will be published shortly in hard copy. Following the guidance given by the CDDH Bureau (see the meeting report, doc. CDDH-BU(2013)R88, para. 10) and approved by the CDDH (see CDDH(2013)R78, para. 6), the Toolkit will be exploited in various forms: (i) a website presenting the text in a pedagogic, interactive manner, and (ii) a folded publication containing leaflets with the essential elements of the text and a USB key containing its entirety, to which access can thereby be had in the absence of an internet connection.

4. The Committee recalled the importance of member States’ playing an active role in the translation into official languages, where necessary, and dissemination of the Guide and the Toolkit, as encouraged also by the CDDH.

Item 3: Work of Drafting Group “E” on the reform of the Court (GT-GDR-E)

5. Mr Morten RUUD (Norway), Chairperson of the GT-GDR-E, presented the work of the Group.

3.1 Whether more effective measures are needed in respect of States that fail to implement Court judgments in a timely manner

6. The Committee examined and approved the draft CDDH report on whether more effective measures are needed in respect of States that fail to implement Court judgments in a timely manner as it appears at Addendum I, for transmission to the CDDH at its next meeting (26-29 November 2013).

7. In doing so, it wished to record that there was a need for comparable statistics setting out the situation before both the Court and the Committee of Ministers. It also asked the Secretariat to investigate whether it would be possible for a presentation on

Council of Europe co-operation activities intended to support States' execution of judgments to be given at a forthcoming CDDH meeting.

8. Concerning the 'origins of the problem', one expert proposed an additional cause of failure to execute judgments in a timely manner, namely "objective impossibility for the State Party to implement a particular judgment"; this proposal did not receive support. One expert reserved its position regarding the contents of the list of situations giving rise to repetitive applications, as it appears in paragraph 2.

3.2 Review of the functioning of the Advisory Panel of experts on candidates for election as judge to the European Court of Human Rights

9. The Committee examined and approved the draft CDDH report on the review of the functioning of the Advisory Panel of experts on candidates for election as judge to the European Court of Human Rights as it appears at Addendum II, for transmission to the CDDH at its next meeting (26-29 November 2013).

3.3 Whether or not to proceed to amend the Convention to enable the appointment of additional judges to the Court

10. The Committee examined and approved the draft CDDH report on the question of whether or not to amend the Convention to enable the appointment of additional judges to the Court as it appears at Addendum III, for transmission to the CDDH at its next meeting (26-29 November 2013).

11. The Committee concluded by thanking the GT-GDR-E and its Chairperson for their invaluable contributions to its work.

Item 4: Future activities

4.1 Drafting Group "F" (GT-GDR-F) – Longer-term future of the Convention system and the Court

12. The Committee exchanged views on the very broad terms of reference given to the CDDH on this issue. It noted the possibility of the Committee of Ministers requesting the opinion of the Parliamentary Assembly on the issues falling within the terms of reference. It observed that the GT-GDR-F would base itself on the factual situation prevailing at the time of its work, including developments since the Brighton Conference.¹

13. The Committee decided to proceed with an 'open call for information, proposals and views', the results of which would be examined by the GT-GDR-F. It underlined the importance of publicising the process as widely and effectively as possible, with national authorities also invited to play a role in this. It gave guidance to the Secretariat on the list of headings that contributors would be invited to indicate as applicable to their submissions, and on the presentation and administration of the request to potential contributors. It agreed to fix a deadline of 27 January 2014 for

¹ The Committee agreed to the request of one delegation to append a statement of its national position on this issue to the present report: see Appendix IV.

submission of contributions, which would have to be in one of the official languages of the Council of Europe.

14. Mr Morten RUUD (Norway) provided information on the draft programme and state of preparation of the conference on the long-term future of the European Court of Human Rights being organised under the auspices of the Council of Europe by the *PluriCourts* academic network, which will take place on the outskirts of Oslo, Norway on 7-8 April 2014. The conference will be followed immediately by a meeting of the CDDH, which will take place in central Oslo from, 8-11 April.

15. As regards the composition of the GT-GDR-F, the Committee agreed to make the proposal to the CDDH that appears in Appendix III. It then proceeded to elect the following eight member States to nominate experts whose participation in the work of the GT-GDR-F would be reimbursed by the Council of Europe: Austria, Belgium, Finland, Italy, Latvia, the Russian Federation, Spain and the United Kingdom.

4.2 Drafting Group “G” (GT-GDR-G) – “Upgrading” certain provisions of the Rules of Court & the procedure for amendment of the Rules of Court

16. The Committee elected the following seven member States to nominate experts whose participation in the work of the GT-GDR-G would be reimbursed by the Council of Europe: the Czech Republic, Estonia, Italy, The Netherlands, Romania, the Russian Federation and Switzerland.

17. The Committee gave the following guidance to the GT-GDR-G:
- the starting point should be articles 24 and 25 of the Convention;
 - relevant work of the DH-PS should be taken into account, without duplicating earlier discussions and bearing in mind why the DH-PS had been unable to go further, e.g. because of national constitutional problems with certain proposals.
 - there would be a need to identify objective criteria for distinguishing between provisions of the Rules of Court, such as, on the one hand, those that concerned only the internal organisation of the Court and, on the other, those affecting the rights and obligations of the parties to proceedings and the status of the Court and of the judges, and possibly others;
 - the outcome of the work should present various possible solutions, possibly including introduction of a Statute of the Court;
 - the GT-GDR-G should address the issues of the right of initiative, e.g. to amend provisions currently found in the Rules of Court, and the consultation process involved, as well as the extent to which paragraph 12.c)iii) of the Brighton Declaration had been followed and what effect it had achieved;
 - it should examine existing practices, for example the way in which the pilot judgment procedure had been introduced, and relevant changes introduced by Statutory Resolutions of the Committee of Ministers.

Item 5: Other business

18. The Committee took note that the Austrian Chairmanship was organising a conference in Vienna on 15 November 2013 under the title “Working together for Europe”. The Conference would address the question of the legal framework for

interaction between the Council of Europe and the European Union and its consequences for member States of the two organisations.

19. Finally, the Committee expressed its gratitude to its Chairperson for the excellent way in which had discharged his role over the course of the previous two years, which had been particularly active and productive.

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Appendix I

List of participants

MEMBERS / MEMBRES

ARMENIA / ARMENIE

Mr Arthur GRIGORYAN, Second Secretary, Legal Department, Ministry of Foreign Affairs of the Republic of Armenia

AUSTRIA / AUTRICHE

Ms Brigitte OHMS, Deputy Government Agent, Division for International Affairs and General Administrative Affairs, Federal Chancellery

AZERBAIJAN / AZERBAIJAN

Mr Huseyn AKHUNDOV, Deputy to the Permanent Representative of the Republic of Azerbaijan to the Council of Europe

BELGIUM / BELGIQUE

Ms Isabelle NIEDLISPACHER, co-Agent du Gouvernement, SPF Justice, Service des Droits de l'Homme

BOSNIA AND HERZEGOVINA

Ms Zikreta IBRAHIMOVIC, Deputy Agent of the Council of Ministers of Bosnia and Herzegovina before European Court of Human Rights

BULGARIA / BULGARIE

Ms Jordanka PARPAROVA, Direction des droits de l'homme, Ministère des Affaires étrangères

CZECH REPUBLIC / REPUBLIQUE TCHEQUE

Mr Vit A. SCHORM, Chairperson of the DH-GDR / Président du DH-GDR, Government Agent, Ministry of Justice

Mr Petr KONUPKA, Office of the Government Agent, Ministry of Justice,

DENMARK / DANEMARK

Ms Josephine ILCHMANN JØRGENSEN, Head of Section, The Danish Ministry of Justice

ESTONIA / ESTONIE

Ms Maris KUURBERG, Government Agent, European Court of Human Rights, Ministry of Foreign Affairs

FINLAND / FINLANDE

Mr Arto KOSONEN, Government Agent, Director of the Unit for Human Rights Court and Conventions, Legal Service, Ministry of Foreign Affairs

FRANCE

Ms Emmanuelle TOPIN, Conseiller, Direction des affaires juridiques, Sous-direction des droits de l'Homme, Ministère des affaires étrangères

GEORGIA / GEORGIE

Mr Levan MESKHORADZE, Government Agent to the European Court of Human Rights

GERMANY / ALLEMAGNE

Ms Katja BEHR, Head of Unit IV C 1, Government Agent before the European Court of Human Rights, Ministry of Justice

GREECE / GRECE

Ms Myrto GERMANI, Membre du Conseil juridique de l'Etat, Bureau du Conseiller Juridique, Ministère des Affaires Etrangères

Mme Ourania PATSOPOULOU, Membre du Conseil Juridique de l'Etat, Attachée à la Représentation Permanente de la Grèce auprès du Conseil de l'Europe

HUNGARY / HONGRIE

Mr Tamás TÓTH, Co-Agent for the Hungarian Government before the European Court of Human Rights, Section of the European Court of Human Rights, Department of Cooperation on International Crime and Human Rights, Ministry of Public Administration and Justice

ITALY / ITALIE

Mr. Giuseppe CAVAGNA, Deputy Permanent Representative, Permanent Representation of Italy to the Council of Europe

Mme Paola Accardo, Co-agent du gouvernement devant la CEDH, Permanent Representation of Italy to the Council of Europe

M. Gianluca Mauro Pellegrini, Co-agent du gouvernement devant la CEDH, Permanent Representation of Italy to the Council of Europe

LATVIA / LETTONIE

Ms Inga REINE, Legal Adviser, Permanent Representation of the Republic of Latvia to the European Union

LIECHTENSTEIN

Mr Manuel FRICK, Deputy Permanent Representative to the Council of Europe, Office for Foreign Affairs

LITHUANIA / LITUANIE

Ms Karolina BUBNYTE, Head of the Representation Division to the European Court of Human Rights, Ministry of Justice

MONTENEGRO

Mr Zoran PAZIN, State Agent to the ECHR

THE NETHERLANDS / PAYS-BAS

Mr Martin KUIJER, Senior legal adviser human rights law, Ministry of Justice

Ms Liselot EGMOND, Deputy Agent for the Government of the Netherlands, Ministry of Foreign Affairs

NORWAY / NORVEGE

Mr Morten RUUD, Special Adviser Ministry of Justice

POLAND / POLOGNE

Eliza Suchożebrska, Government Co-Agent of Poland before the European Court of Human Rights

PORTUGAL

Ms Maria de Fátima GRAÇA CARVALHO, Agente du Gouvernement, Procureur-Général adjointe

REPUBLIC OF MOLDOVA / REPUBLIQUE DE MOLDOVA

Mr Lilian APOSTOL, Agent for the Government of the Republic of Moldova, Ministry of Justice

ROMANIA / ROUMANIE

Ms Irina CAMBREA, Government Agent, Ministry of Foreign Affairs

RUSSIAN FEDERATION / FEDERATION DE RUSSIE

Mr Nikolay MIKHAILOV, Office of the Representative of the Russian Federation at the European Court of Human Rights, Deputy Head, Ministry of Justice of the Russian Federation

SERBIA / SERBIE

Ms Vanja RODIC, Senior Legal Adviser, Agency Sector before the European Court of Human Rights, Ministry of Justice and Public Administration, Office of the Agent before the ECHR

SLOVAK REPUBLIC / REPUBLIQUE SLOVAQUE

Ms Marica PIROSIKOVA, Government Agent, Ministry of Justice

SLOVENIA / SLOVENIE

Ms Tanja TRTNIK, Senior Adviser, Ministry of Justice

SPAIN / ESPAGNE

Mr Rapahël Andrés LEON CAVERO, State Attorney-Human Rights Area, Office of the State Attorney, Ministry of Justice

SWEDEN / SUEDE

Ms Helen LINDQUIST, Special Advisor, Department for International Law, Human Rights and Treaty Law, Ministry for Foreign Affairs

SWITZERLAND / SUISSE

Mr Adrian SCHEIDEGGER, Agent suppléant du Gouvernement suisse devant la Cour européenne des droits de l'homme et le CAT, Département fédéral de justice et police DFJP, Office fédéral de la justice OFJ, Représentation de la Suisse devant la Cour européenne des droits de l'homme et le CAT

“THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA” / “L’EX-RÉPUBLIQUE YOUGOSLAVE DE MACÉDOINE”

Ms Danica DJONOVA, Head of Unit, Government Agent Office, Ministry of Justice

TURKEY / TURQUIE

Mr Timur DEMIR, Rapporteur Judge, Human Rights Department, Ministry of Justice

Ms Burcu ERTUGRUL, Ministry of Foreign Affairs

Ms Aysen EMÜLER, Legal Expert, Représentation permanente de la Turquie auprès du Conseil de l’Europe

UKRAINE / UKRAINE

Ms Nataliia SHAKURO, Deputy Head of Department for reformation of Law-enforcement and justice bodies, Presidential Administration

UNITED KINGDOM / ROYAUME-UNI

Mr Rob LINHAM, Head of Council of Europe Human Rights Policy, Ministry of Justice

OBSERVERS / OBSERVATEURS

HOLY SEE/ SAINT SIÈGE

Ms Andreea POPESCU

JAPAN / JAPON

Mr Takaaki SHINTAKU, Consul of the Consulate General of Japan in Strasbourg

Conference of INGOs of the Council of Europe / Conférence des OING du Conseil de l’Europe

Mr Jean-Bernard MARIE

Parliamentary Assembly / Assemblée parlementaire

Mr Andrew DRZEMCZEWSKI, Head of Department, Legal Affairs & Human Rights Department / Chef du Service des questions juridiques et des droits de l’homme

Registry of the European Court of Human Rights / Greffe de la Cour européenne des droits de l’homme

Mr Patrick TITIUN, Chef de Cabinet du Président de la Cour / Head of Office of the President of the Court , European Court of Human Rights, Cour européenne des droits de l’Homme

Department for the Execution of Judgments of the Court/ Service de l'Exécution des Arrêts de la Cour

Ms Geneviève MAYER, Head of Department, Department for the Execution of Judgments of the Court / Adjoint à la Chef de Service, Service de l'exécution des arrêts de la Cour

Mr Fredrik SUNDBERG, Deputy to the Head of Department, Department for the Execution of Judgments of the Court / Adjoint à la Chef de Service, Service de l'exécution des arrêts de la Cour

Directorate of Legal Advice and Public International Law/Directeur du Conseil Juridique et du droit international public (DLAPIL)

Mr Jörg NOBBE, Legal Advice Unit/Unité du Conseil Juridique

SECRETARIAT

**DG I – Human Rights and Rule of Law / Droits de l'Homme et Etat de droit
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Mr Alfonso DE SALAS, Head of the Human Rights Intergovernmental Cooperation Division / Chef de la Division de la coopération intergouvernementale en matière de droits de l'Homme, Secretary of the CDDH / Secrétaire du CDDH

Mr David MILNER, Head of the Unit on the reform of the Court / Chef de l'Unité pour la réforme de la Cour, Human Rights Intergovernmental Cooperation Division / Division de la coopération intergouvernementale en matière de droits de l'Homme, Secretary of the DH-GDR / Secrétaire du DH-GDR

Ms Virginie FLORES, Administrator/Administrateur, Human Rights Intergovernmental Cooperation Division / Division de la coopération intergouvernementale en matière de droits de l'Homme

Ms Corinne GAVRILOVIC, Assistant/Assistante, Human Rights Intergovernmental Cooperation Division / Division de la coopération intergouvernementale en matière de droits de l'Homme

Ms Naomi FENWICK, Trainee/stagiaire, Human Rights Intergovernmental Cooperation Division / Division de la coopération intergouvernementale en matière de droits de l'Homme

Ms Beatriz ROMEO, Trainee/stagiaire, Human Rights Intergovernmental Cooperation Division / Division de la coopération intergouvernementale en matière de droits de l'Homme

INTERPRETERS/INTERPRÈTES

Sally BAILEY-RAVET

Lucie DE BURLET

Julia TANNER

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Appendix II

Agenda (as adopted)

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

General reference documents

- Draft annotated agenda [DH-GDR\(2013\)OJ005Rev](#)
- Report of the 78th CDDH meeting (25-28 June 2013) [CDDH\(2013\)R78](#)
- Report of the 77th CDDH meeting (19-22 March 2013) [CDDH\(2013\)R77](#)
- Report of the 4th DH-GDR meeting (5-7 June 2013) [DH-GDR\(2013\)R4](#)
- Report of the 3rd DH-GDR meeting (13-15 February 2013) [DH-GDR\(2013\)R3](#)
- Decisions taken at the 122nd session of the Committee of Ministers (23 May 2012) [CDDH\(2012\)008](#)
- Ministers' Deputies' decisions on the follow-up to the 122nd session of the Committee of Ministers (Strasbourg, 23 May 2012) [CM/Del/Dec\(2012\)1145/1.6](#)
- Interlaken Declaration [CDDH\(2010\)001](#)
- Izmir Declaration [CDDH\(2011\)010](#)
- Brighton Declaration [CDDH\(2012\)007](#)
- Follow-up to the High-level Conference on the Future of the European Court of Human Rights (Brighton, 18-20 April 2012) (document prepared by the Secretariat) [CDDH\(2012\)009 REV.](#)

Item 2: Work of Drafting Group “D” on the reform of the Court (GT-GDR-D) – results and follow-up

Reference document

- Steering Committee for Human Rights: decisions of the Ministers' Deputies [CM/Del/Dec\(2013\)1178/4.2def](#)

Item 3: Work of Drafting Group “E” on the reform of the Court (GT-GDR-E)

Reference documents

- Report of the 2nd GT-GDR-E meeting (17-19 September 2013) [GT-GDR-E\(2013\)R2](#)
- Report of the 1st GT-GDR-E meeting (22-24 May 2013) [GT-GDR-E\(2013\)R1](#)

3.1 Whether more effective measures are needed in respect of States that fail to implement Court judgments in a timely manner

Working document

- Draft CDDH report on whether more effective measures are needed in respect of States that fail to implement Court judgments in a timely manner [GT-GDR-E\(2013\)R2 Addendum I](#)

Reference documents

- Compilation of contributions on the draft CDDH report on whether more effective measures are needed in respect of States that fail to implement Court judgements in a timely manner (*submitted ahead of the 5th DH-GDR meeting*) [DH-GDR\(2013\)017](#)
- Compilation of comments on whether more effective measures are needed in respect of States that fail to implement Court judgments in a timely manner Court [*prepared for the 2nd GT-GDR-E meeting*] [GT-GDR-E\(2013\)009](#)
- Programme of the exchange of views with representatives of civil society and other independent experts [and list of invited participants] [GT-GDR-E\(2013\)001](#) [Appendix]
- Memorandum on the Parliamentary Assembly's proposal to introduce a system of financial sanctions or *astreintes* on states who fail to implement judgments of the Strasbourg Court [GT-GDR-E\(2013\)002](#)
- Observations by ETUC to the GT-GDR-E on 'execution of judgments' (English only) [GT-GDR-E\(2013\)003](#)
- Open Society Justice Initiative Briefing Paper on enhancing the supervision of execution of Court judgments [GT-GDR-E\(2013\)005](#)
- Proposals by A. Bultrini concerning supervision by the Committee of Ministers of execution of judgments [GT-GDR-E\(2013\)006](#)
- CDDH report containing conclusions and possible proposals for action on ways to resolve the large numbers of applications arising from systemic issues identified by the Court [CDDH\(2013\)R78 Addendum III](#)
- Measures to improve the execution of the judgments and decisions of the Court – Working document under discussion within the GT-REF.ECHR [GT-REF.ECHR\(2013\)2rev2](#)

3.2 Review of the functioning of the Advisory Panel of experts on candidates for election as judge to the European Court of Human Rights

Working document

- Draft CDDH report on the review of functioning of the Advisory Panel of experts on candidates for election as judge to the European Court of Human Rights [GT-GDR-E\(2013\)R2 Addendum II](#)

Reference documents

- Compilation of contributions on the draft CDDH report on the review of the functioning of the Advisory Panel of Experts on candidates for election as judge to the European Court of Human Rights (*submitted ahead of the 5th DH-GDR meeting*) [DH-GDR\(2013\)018](#)

- Compilation of comments on review of the functioning of the Advisory Panel of experts on candidates for election as judge to the Court *[prepared for the 2nd GT-GDR-E meeting]* [GT-GDR-E\(2013\)010](#)
- Written contribution by the Advisory Panel GT-GDR-E(2013)004Rev
- Statement made by Mr Klaas de Vries at the Standing Committee of the Parliamentary Assembly, 8 March 2013 [GT-GDR-E\(2013\)008](#)
- Supplementary Operating Rules of the Advisory Panel GT-GDR-E(2013)016
- Committee of Ministers' Resolution on the establishment of an Advisory Panel of experts on candidates for election as judge to the European Court of Human Rights [CM/Res\(2010\)26](#)
- Ministers' Deputies exchanges of views with Mr Luzius Wildhaber, Chairman of the Advisory Panel of Experts on Candidates for Election as Judge to the European Court of Human Rights (4 April 2012 & 30 January 2013) [DH-GDR\(2013\)005](#)

3.3 Whether or not to proceed to amend the Convention to enable the appointment of additional judges to the Court

Working document

- Draft CDDH report on whether or not to proceed to amend the Convention to enable the appointment of additional judges to the Court [GT-GDR-E\(2013\)R2](#)
[Addendum III](#)

Reference documents

- Comments on whether or not to proceed to amend the Convention to enable the appointment of additional judges to the Court [GT-GDR-E\(2013\)011](#)
- Guaranteeing the authority and effectiveness of the European Convention on Human Rights (extracts from the report of the Committee on Legal Affairs and Human Rights of the Parliamentary Assembly, PACE doc. 12811, 31 January 2012) [GT-GDR-E\(2013\)007](#)
-
- Intervention of the Court Registrar to the meeting of the ad hoc Working Party on Reform of the Human Rights Convention system (GT-REF.ECHR) on 9 July 2013 (English only) GT-GDR-E(2013)012
- CDDH Final Report on measures requiring amendment of the European Convention on Human Rights/ CDDH Report on increasing the Court's capacity to process applications [CDDH\(2012\)R74](#)
[Addendum I,](#)
[Appendix IV, Section 1](#)

Item 4: Future activities

4.1 Drafting Group “F” (GT-GDR-F) – Longer-term future of the Convention system and the Court

Reference documents

- Longer-term future of the Convention system and the Court: structures and working methods for the biennium 2014-2015 (document prepared by the Secretariat) [DH-GDR\(2013\)016](#)
- Longer-term reform of the Convention system and Court: ‘open call for information, proposals and views’ (document prepared by the Secretariat) [DH-GDR\(2013\)019](#)
- Committee of Ministers’ Resolution on intergovernmental committees and subordinate bodies, their terms of reference and working methods [CM/Res\(2011\)24](#)

4.2 Drafting Group “G” (GT-GDR-G) – “Upgrading” certain provisions of the Rules of Court & the procedure for amendment of the Rules of Court

Reference document

- Committee of Ministers’ Resolution on intergovernmental committees and subordinate bodies, their terms of reference and working methods [CM/Res\(2011\)24](#)

Item 5: Other business

Item 6: Adoption of the conclusions and meeting report

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Appendix III

DH-GDR proposal for the composition of Drafting Group “F” (GT-GDR-F)

1. The Council of Europe will have a budget to reimburse the expenses of 15 members of the GT-GDR-F per meeting.
2. 8 of these would be national experts; the remainder would be external experts.²
3. GT-GDR-F will be an open group: other national experts may attend at the expense of their authorities.
4. In addition, the usual CDDH observers (Court, Parliamentary Assembly, Commissioner for Human Rights, civil society organisations, Conference of INGOs etc.) could attend at their own expense.
5. Of the 7 external experts, 4 would be permanent members. They would be nominated by the Court (2 persons), the Venice Commission and the CCJE.
6. The CDDH would invite these bodies to nominate persons on the basis of the following criteria: expertise, independence, availability for all meetings. The Court would be invited to nominate persons of diverging views. Persons nominated would need to be able to participate fully in one of the official languages of the Council of Europe.
7. The first GT-GDR-F meeting (19-21/03/14) would consist of the 8 reimbursed national experts, other national experts, the 4 permanent external experts and the observers.
8. The first meeting would analyse contributions received following the open call and *inter alia* identify those of particular interest. On this basis, it would decide which ad hoc external experts to invite to the second meeting (14-16/05/14).
9. The second meeting would analyse the results of the Oslo Conference. It would decide which ad hoc external experts to invite to the third meeting (17-19/09/14).
10. The third meeting would perform the same exercise for the fourth meeting (mid-December 2014) (and possibly so on, should there be a fifth meeting).

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² As the first GT-GDR-F meeting will take place before the results of the open call for information, proposals and views or the Oslo Conference have been examined, it would only be useful to invite the four ‘permanent’ external expert-members to this meeting. The budgetary resources thus saved would allow an additional ad hoc external expert to be invited to subsequent meetings.

Appendix IV

Item 4.1: position of the delegation of Poland

Regarding the work on longer-term future of the Convention system and the Court, the delegation of Poland considered para. 20 j) of the Brighton Declaration and the reforms introduced following the Brighton Declaration, to be also relevant for the mandate of the GT-GDR-F and for its assessment of the advisability of further reform measures.

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