

Strasbourg, 29 May 2015

DH-GDR(2015)R8

STEERING COMMITTEE FOR HUMAN RIGHTS
(CDDH)

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

MEETING REPORT

8th meeting

27-29 May 2015

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

1. The Committee of experts on the reform of the Court (DH-GDR) held its 8th meeting in Strasbourg from 27 to 29 May 2015 with Mr Morten RUUD (Norway) and Ms Isabelle NIEDLISPACHER (Belgium) in the chair. The list of participants appears in Appendix I. The agenda, as adopted, appears in Appendix II. The Committee heard a welcoming presentation by Mr Christos GIAKOUMOPOULOS, Director, Human Rights.

Item 2: Information on the High-Level Conference on “*the implementation of the European Convention on Human Rights, our shared responsibility*” (Brussels, 26-27 March 2015)

2. Ms Isabelle NIEDLISPACHER (Belgium), presented the results of the Brussels High-Level Conference and the provisional version of the Proceedings, made available in the meeting room. It is foreseen that the final version of the Proceedings will be published in view of the CDDH meeting (17-19 June 2015). The experts are invited to submit to the Secretariat (DGI-CDDH-Reform@coe.int), by **Friday 5 June 2015**, any changes they wish to make to the text.

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

3. The Chairperson of the GT-GDR-F, Mr Martin KUIJER (The Netherlands), presented the work of the Group. The Committee examined the consolidated draft CDDH final report on the longer-term future of the Convention system, as revised following the 6th GT-GDR-F meeting (doc. GT-GDR-F(2015)010) and welcomed the progress made to date. It endorsed the overall structure, as well as the adopted methodology, as they appear in paragraphs 29 to 31.

4. Concerning Sections I to III, the Committee instructed the GT-GDR-F to combine and, where possible, shorten them so that they form a substantive introduction to the report.

5. Concerning the presentation of the Brussels Declaration in Section IV, the Committee instructed the GT-GDR-F to summarise the relevant parts thereof, insofar as it does not open new discussions, and approved the decision of the Group to reflect on the implementation and further follow-up of the Declaration.

6. The Committee instructed the GT-GDR-F to analyse and discuss in greater detail the following issues addressed in Section IV:

- the role of national parliaments;
- the selection and election of the judges of the Court, on the basis of a holistic approach;
- the award of compensation by the Court pursuant to Article 41 of the Convention (para. 35. e) ii) of the Brighton Declaration);
- the execution of the Court’s judgments and their supervision including on just satisfaction, in close cooperation with the Department for the Execution of judgments of the European Court of Human Rights;
- the reopening of domestic proceedings following a judgment of the Court, taking into account the exchange of views at the present meeting (see Item 4).

7. Concerning part D (the Convention mechanism in the European and international legal order), the Committee decided to instruct the GT-GDR-F to identify all of the challenges regarding this part (the interaction between the Convention and other instruments of the Council of Europe; other regional/international human rights instruments and protection mechanisms, as well as human rights law and other branches of international law), and to discuss possible responses to these issues.

8. Concerning possible conclusions, the Committee invited experts to submit their contributions to the GT-GDR-F with a view to their examination at its 7th meeting (8-10 September 2015).

9. The Secretariat will elaborate a revised version of the text based on written contributions submitted in view of the meeting (doc. GT-GDR-F(2015)011 REV.), drafting proposals made during the discussions, as well as any new contributions by the experts, which they are invited to submit to the Secretariat (DGI-CDDH-Reform@coe.int) by **Friday 26 June**.

Item 4: Information concerning the implementation of the Convention and execution of the Court's judgments – Re-examination or reopening of cases following judgments of the Court

10. The Committee held a fruitful exchange of views on the basis of the written contributions, and their synthesis, on the re-examination or reopening of cases following judgments of the Court, with particular focus on good practices and practical and procedural difficulties encountered. It benefited from the practical experience presented by a Representative of the Department for the Execution of judgments of the European Court of Human Rights.

11. Regarding the follow-up of this exercise, the Committee agreed that:
- All the contributions will be published on a dedicated webpage that will be updated regularly;
 - The Secretariat will elaborate an overview presenting the main information, issues and challenges identified during the exchange of views, on the basis also of the written contributions and their synthesis. To this end, experts are invited to send any additional information, including legislative provisions and case-law, to the Secretariat (DGI-CDDH-Reform@coe.int) by **Friday 17 July 2015**. The overview will be submitted to experts by written procedure for their possible comments with a view to its online publication.

Item 5: Activities during the biennium 2016-2017

12. The Committee exchanged views and adopted the draft terms of reference for the DH-GDR activities during the biennium 2016-2017, as it appears in Appendix III, to be submitted to the CDDH for possible approval in June 2015.

13. Regarding expected result ii), the Committee decided to keep the current broad wording of the mandate. The Committee noted that it was not possible, at this stage, to foresee the outcome of the final report and the concrete tasks that will be assigned to the CDDH by the Committee of Ministers. Likewise, concrete deadlines could be fixed only on the basis of those tasks.

Item 6: Recommendations of the Parliamentary Assembly

14. The Committee held an exchange of views on a draft reply to Parliamentary Assembly Recommendation 2070(2015) on “The effectiveness of the European Convention on Human Rights: the Brighton Declaration and beyond” and agreed to submit to the CDDH the draft comments as they appear in Appendix IV, for consideration by the CDDH at its next meeting (17-19 June 2015). One delegation expressed the wish to add the following text to the first sentence of para 3. This would read as follows: “The CDDH notes the Parliamentary Assembly’s invitation to take firmer measures in the event of dilatory, continuous or repetitive non-compliance with the Court’s judgments, provided that the State concerned has the objective possibility to execute the relevant judgments”. This proposal did not find support.

Item 7: Organisation of future work and other business

15. The 9th meeting of the Committee (17-20 November 2015) will mainly be devoted to the examination of the consolidated draft CDDH final report on the longer-term future of the Convention. A discussion will also be held on the planning and working methods for the biennium 2016-2017, in light of the DH-GDR Terms of Reference and on the basis of proposals by the Secretariat. This will include the identification of possible subjects for future exchanges of information concerning the implementation of the Convention and execution of the Court’s judgments. To this end, experts are invited to send their suggestions for possible themes to the Secretariat (DGI-CDDH-Reform@coe.int) by **Friday 16 October 2015**.

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Appendix I
List of participants

MEMBERS / MEMBRES

ALBANIA/ALBANIE

Ms Alma HICKA, Albanian General State Advocate, Ministry of Justice

ANDORRA / ANDORRE**ARMENIA/ARMÉNIE**

Ms Nelly SAROYAN, Counsellor, Legal Department, Ministry of Foreign Affairs

AUSTRIA/AUTRICHE

Mr Dominik HAIDER, Austrian Federal Chancellery, Constitutional Service

AZERBAIJAN/AZERBAÏDJAN

Mr Otari GVALADZE, Chief adviser, Department for Coordination of Law Enforcement Agencies

BELGIUM/BELGIQUE

Mme Isabelle NIEDLISPACHER, **Vice-Chair of the DH-GDR/Vice-Présidente du DH-GDR**,
Co-Agent du Gouvernement de la Belgique auprès de la Cour européenne des droits de l'homme, SPF
Justice, Service des droits de l'homme

BOSNIA AND HERZEGOVINA/BOSNIE HERZÉGOVINE

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

BULGARIA/BULGARIE

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

CROATIA/CROATIE

Ms Štefica STAZNIK, Government Agent of Croatia before the European Court of Human Rights

CYPRUS/CHYPRE

Ms Theodora CHRISTODOULIDOU, Counsel for the Republic of Cyprus, Law Office

CZECH REPUBLIC/REPUBLIQUE TCHÈQUE

Mr Vít A. SCHORM, Government Agent of Czech Republic before the European Court of Human
Rights, Ministry of Justice

DENMARK/DANEMARK

Mr Kristoffer AAGREN, Head of Section, Ministry of Justice, Constitutional Law and Human Rights
Division

ESTONIA/ESTONIE

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

FINLAND/FINLANDE

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

FRANCE

Mme Mathilde JANICOT, Rédactrice, Direction des affaires juridiques, Sous-direction des droits de l'homme, Ministère des Affaires étrangères

GEORGIA/GÉORGIE

Ms Mariam BILIKHODZE, Counsellor, Department of State Representation in International Courts of Human Rights, Ministry of Justice

GERMANY/ALLEMAGNE

Mr Hans-Jörg BEHRENS, Ministerialrat, Government Agent of Germany before the European Court of Human Right, Head of Division IV C 1, Federal Ministry of Justice and for Consumer Protection

GREECE/GRÈCE

Ms Ourania PATSOPOULOU, Attachée à la Représentation Permanente de la Grèce auprès du Conseil de l'Europe

Mr Konstantinos GEORGIADIS, Legal Adviser, Office of the Greek Government Agent before the European Court of Human Rights

HUNGARY/HONGRIE

Ms Mónika WELLER, Co-Agent of the Government of Hungary before the European Court of Human Rights, Ministry of Justice

ICELAND / ISLANDE

IRELAND/IRLANDE

Mr Peter WHITE, Government Agent of Ireland before the European Court of Human Rights, Assistant Legal Adviser, Legal Division, Department of Foreign Affairs and Trade

ITALY/ITALIE

Mme Giovanna PICCARRETA, Représentante permanente adjointe de l'Italie auprès du Conseil de l'Europe

Mme Paola ACCARDO, Co-agent du gouvernement de l'Italie auprès de la Cour européenne des droits de l'homme, Représentation permanente de l'Italie auprès du Conseil de l'Europe

LATVIA/LETTONIE

Ms Sandra KAULINA, Head of the Government Agent Office, Ministry of Foreign Affairs

LIECHTENSTEIN

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

LITHUANIA/LITUANIE

Ms Karolina BUBNYTE, Government Agent of the Republic of Lithuania to the European Court of Human Rights, Ministry of Justice

LUXEMBOURG

MALTA/MALTE

Mr Maurizio CORDINA, Lawyer, Office of the Attorney General,

REPUBLIC OF MOLDOVA/RÉPUBLIQUE DE MOLDOVA

Ms Iulia GHEORGHIES, Head of the Governmental Agent's Division, Ministry of Justice

MONACO**MONTENEGRO****NETHERLANDS/PAYS-BAS**

Mr Martin KUIJER, Senior Legal Adviser Human Rights Law, Ministry of Security and Justice, Legislation Department

Ms Kanta ADHIN, Senior Legal Adviser Human Rights, Ministry of Foreign Affairs

NORWAY/NORVÈGE

Mr Morten RUUD, **Chairman of the DH-GDR/Président du DH-GDR**, Special Adviser, Ministry of Justice

Ms Helle Aase FALKENBERG, Legal adviser, Ministry of Justice

POLAND/POLOGNE

Ms Eliza SUCHOŻEBRSKA, Government Co-Agent of Poland before the European Court of Human Rights, Department of Proceedings before International Human Rights Protection Bodies, Ministry of Foreign Affairs

PORTUGAL

Ms Ana GARCIA MARQUES, Lawyer within the Office of the Agent of the Portuguese Government before the European Court of Human Rights

ROMANIA/ROUMANIE

Ms Irina CAMBREA, Government Agent of Romania before the European Court of Human Rights, Ministry of Foreign Affairs

RUSSIAN FEDERATION/FÉDÉRATION DE RUSSIE

Mr Nikolay MIKHAYLOV, Deputy Head of the Office of the Russian Federation before the European Court of Human Rights, Ministry of Justice

Ms Kseniya ROGOZYANSKAYA, Attaché, Permanent Representation of Russian Federation to the Council of Europe

SAN MARINO/SAINT-MARIN

Ms Aurora FILIPPI, Legal expert, Directorate of Legal Affairs, Department of Foreign Affairs

SERBIA/SERBIE

Ms Snezana ŠOŠKIĆ, Senior Legal Advisor, Agency Sector before the European Court of Human Rights, State Attorney Office

SLOVAK REPUBLIC/RÉPUBLIQUE SLOVAQUIE

Ms Marica PIROŠÍKOVÁ, Government Agent of the Slovak Republic before the European Court of Human Rights, Ministry of Justice

SLOVENIA/SLOVÉNIE

Mr Matija VIDMAR, Judicial System Legislation Directorate, Ministry of Justice

SPAIN/ESPAGNE

Mr Rafael Andrés LEON CAVERO, Government Agent of Spain before the European Court of Human Rights, Senior State Attorney, Head of the Human Rights Area, Ministry of Justice

SWEDEN/SUÈDE

Mr Olof WIDGREN, Special Adviser, Department for International Law, Human Rights and Treaty Law, Ministry of 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

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

Ms Irena CUCULOSKA, Junior Associate, Office of the Government Agent before the European Court of Human Rights, Ministry of Justice

TURKEY/TURQUIE

Mr Yücel ARSLAN, Judge Rapporteur, Human Rights Department, DG for International Law and Foreign Relations, Ministry of Justice

Mr Harun SAĞLAM, Counsellor, Ministry of Justice, Permanent Representation of Turkey to the Council of Europe

M^{me} Aysen EMÜLER, Experte juridique, Représentation permanente de la Turquie auprès du Conseil de l'Europe

UKRAINE**UNITED KINGDOM/ROYAUME-UNI**

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

OBSERVERS / OBSERVATEURS**HOLY SEE/ SAINT SIÈGE**

Mme Andreea POPESCU

JAPAN / JAPON

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

AMNESTY INTERNATIONAL

Mr Sébastien RAMU, Senior Legal Adviser (*Apologised*)

OPEN SOCIETY JUSTICE INITIATIVE

Mr Christian DE VOS, Advocacy Officer (*Apologised*)

EUROPEAN NETWORK OF HUMAN RIGHTS INSTITUTIONS (ENNHRI) / RÉSEAU EUROPÉEN DES INSTITUTIONS NATIONALES DES DROITS DE L’HOMME

Ms Sinead LUCEY, Irish Human Rights and Equality Commission

EUROPEAN TRADE UNION CONFEDERATION (ETUC) / CONFEDERATION EUROPEENNE DES SYNDICATS (CES)

Mr Klaus LÖRCHER, Conseiller des droits de l'homme

CONFERENCE OF INGOS OF THE COUNCIL OF EUROPE / CONFÉRENCE DES OING DU CONSEIL DE L’EUROPE

M. Jean-Bernard MARIE, Représentant de la Conférence des OING auprès du CDDH

**REGISTRY OF THE EUROPEAN COURT OF HUMAN RIGHTS / GREFFE DE LA COUR
EUROPÉENNE DES DROITS DE L'HOMME**

Mr John DARCY, Adviser to the President and the Registrar, Private Office of the President,
European Court of Human Rights

PARLIAMENTARY ASSEMBLY / ASSEMBLÉE PARLEMENTAIRE

Mr Andrew DRZEMCZEWSKI, Head of Department, Legal Affairs and Human Rights Department

**DEPARTMENT FOR THE EXECUTION OF JUDGMENTS OF THE EUROPEAN COURT
OF HUMAN RIGHTS / SERVICE DE L'EXÉCUTION DES ARRÊTS DE LA COUR
EUROPÉENNE DES DROITS DE L'HOMME**

Mr Fredrik SUNDBERG, Deputy to the Head of Department

Mme Corinne AMAT, Chef de la Division I

SECRETARIAT

DG I – Human Rights and Rule of Law / Droits de l'homme et Etat de droit
Council of Europe / Conseil de l'Europe, F-67075 Strasbourg Cedex

Mr Christos GIAKOUMOPOULOS, Director / Directeur, Human Rights Directorate / Direction des
droits de l'Homme

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**

Mme Irène KITSOU-MILONAS, Head of the Unit on the reform of the Court / Chef de l'Unité sur 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**

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

Mme Haldia MOKEDDEM, Assistant/Assistante, Human Rights Intergovernmental Cooperation
Division / Division de la coopération intergouvernementale en matière de droits de l'Homme

INTERPRETERS/INTERPRETES

Chloé CHENETIER

Lucie DE BURLET

Jean-Jacques PEDUSSAUD

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Appendix II
Agenda (as adopted)

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

General reference documents

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| - Revised Draft annotated agenda | DH-GDR(2015)OJ008 REV |
| - Draft order of business | DH-GDR(2015)OT008 |
| - Report of the 82 nd CDDH meeting (19-22 November 2014) | CDDH(2014)R82 |
| - Report of the 81 st CDDH meeting (24-27 June 2014) | CDDH(2014)R81 |
| - Report of the 7 th DH-GDR meeting (5-7 November 2014) | DH-GDR(2014)R7 |
| - Report of the 6 th DH-GDR meeting (4-6 June 2014) | DH-GDR(2014)R6 |
| - Brussels Declaration | CDDH(2015)004 |
| - Brighton Declaration | CDDH(2012)007 |
| - Izmir Declaration | CDDH(2011)010 |
| - Interlaken Declaration | CDDH(2010)001 |
| - Rome Declaration | |
| - 8 th Annual Report of the Committee of Ministers on the supervision of the execution of judgments and decisions of the European Court of Human Rights, 2014 | |
| - Securing the long-term effectiveness of the supervisory mechanism of the European Convention on Human Rights (decisions taken at the 125th Session of the Committee of Ministers, 19 May 2015) | DH-GDR(2015)004 |
| - Securing the long-term effectiveness of the supervisory mechanism of the European Convention on Human Rights (decisions taken at the 124th Session of the Committee of Ministers, 6 May 2014) | GT-GDR-F(2014)013 |
| - Securing the long-term effectiveness of the supervisory mechanism of the European Convention on Human Rights (decisions taken at the 122nd session of the Committee of Ministers, 23 May 2012) | CDDH(2012)008 |
| - 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. |
| - Proceedings of the Oslo Conference on the long-term future of the European Court of Human Rights | H/Inf(2014)1 |
| - Terms of reference of the Committee of Experts on the reform of the Court (DH-GDR) for 2014-2015 | DH-GDR(2014)001 |

Item 2: Information on the High-Level Conference on “the implementation of the European Convention on Human Rights, our shared responsibility” (Brussels, 26-27 March 2015)

Reference document

- Brussels Declaration CDDH(2015)004

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

Reference documents

(the full list can be found at www.coe.int/reformECHR)

- Consolidated draft CDDH final report (as revised following the 6th GT-GDR-F meeting) GT-GDR-F(2015)010
- Compilation of written contributions received following the 6th GT-GDR-F meeting GT-GDR-F(2015)011 REV
- Report of the 6th GT-GDR-F meeting (15-17 April 2015) GT-GDR-F(2015)R6
- Report of the 5th GT-GDR-F meeting (18-20 February 2015) GT-GDR-F(2015)R5
- Report of the 4th GT-GDR-F meeting (10-12 December 2014) GT-GDR-F(2014)R4
- Report of the 3rd GT-GDR-F meeting (24-26 September 2014) GT-GDR-F(2014)R3
- Report of the 2nd GT-GDR-F meeting (14-16 May 2014) GT-GDR-F(2014)R2
- Report of the 1st GT-GDR-F meeting (19-21 March 2014) GT-GDR-F(2014)R1
- Report of the 7th DH-GDR meeting (5-7 November 2014) DH-GDR(2014)R7
- Report of the 6th DH-GDR meeting (4-6 June 2014) DH-GDR(2013)R6
- Draft text on possible alternative models, prepared by Mr Ota HLINOMAZ (Czech Republic) GT-GDR-F(2015)003
- Draft text on preserving and reinforcing the current system, prepared by the Secretariat GT-GDR-F(2015)002
- Draft text resulting from discussions at the 1st and 2nd GT-GDR-F meetings (current system: essential aims, main features, expected future challenges, strengths and weaknesses), prepared respectively by Ms Kristine LICE (Latvia) and Ms Katja BEHR (Germany) GT-GDR-F(2014)034
- Compilation of the results of the ‘open call for contributions’ (prepared by the Secretariat) GT-GDR-F(2014)002
- Thematic overview of the results of the ‘open call for contributions’ (prepared by the Secretariat) GT-GDR-F(2014)003
- Proceedings of the Oslo Conference on the long-term future of the European Court of Human Rights H/Inf(2014)1
- Road-map: progress towards the draft CDDH final report GT-GDR-F(2014)020

Item 4: Information concerning the implementation of the Convention and execution of the Court's judgments – Re-examination or reopening of cases following judgments of the Court

Reference documents

- Synthesis of the contributions in view of the exchange of information on the provision in the domestic legal order for re-examination or reopening of cases following judgments of the Court (prepared by the Secretariat) DH-GDR(2015)001
- Compilation of written contributions on the provision in the domestic legal order for re-examination or reopening of cases following judgments of the Court DH-GDR(2015)002
- Report of the 7th DH-GDR meeting (5-7 November 2014) DH-GDR(2014)R7
- Report of the 6th DH-GDR meeting (4-6 June 2014) DH-GDR(2014)R6
- Exchange of information concerning the implementation of the Convention and execution of the Court's judgments: possible DH-GDR activities during the current biennium 2014-2015 (prepared by the Rapporteur, Ms Aleksandra MEŻYKOWSKA (Poland)) DH-GDR(2014)004
- Terms of reference of the Committee of Experts on the reform of the Court (DH-GDR) for 2014-2015 DH-GDR(2014)001

Item 5: Activities during the biennium 2016-2017

Reference documents

- Possible activities of the DH-GDR during the biennium 2016-2017 and possible terms of reference for the DH-GDR (document prepared by the Secretariat) DH-GDR(2015)003

Item 6: Recommendations of the Parliamentary Assembly

Reference documents

- Decisions of the Ministers' Deputies on texts adopted at the 2nd part of the Parliamentary Assembly's 2015 Session CM/Del/Dec(2015)1227/3.1
- Parliamentary Assembly Recommendation 2070(2015) on "The effectiveness of the European Convention on Human Rights: the Brighton Declaration and beyond" PACE Rec. 2070(2015)
- Elements for possible CDDH comments on PACE Recommendation 2070(2015) (prepared by the Secretariat) DH-GDR(2015)005

Item 7: Organisation of future work and other business

Appendix III
Draft DH-GDR Terms of Reference

Committee of experts on the European Convention on Human Rights system (DH-GDR)

Set up by the Committee of Ministers under Article 17 of the Statute of the Council of Europe and in accordance with Resolution CM/Res(2011)24 on intergovernmental committees and subordinate bodies, their terms of reference and working methods

Type of committee: Subordinate body

Terms of reference valid from: **1 January 2016 until 31 December 2017**

Main tasks
Under the supervision of the Steering Committee for Human Rights (CDDH), the DH-GDR will conduct the intergovernmental work intended to enhance the protection of human rights by improving the effectiveness of the control mechanism of the European Convention on Human Rights and the implementation of the Convention at national level, as assigned by the Committee of Ministers to the Steering Committee.
Pillar/Sector/Programme
<p>Pillar: Human Rights</p> <p>Sector: Ensuring Protection of Human Rights</p> <p>Programme: Enhancing the effectiveness of the ECHR System at national and European levels</p>
Expected results
<ul style="list-style-type: none"> (i) Concerning the measures taken by member States to implement the relevant parts of the Brighton Declaration: prepare a draft report for the Committee of Ministers containing (a) an analysis of the responses given by member States in their national reports, and (b) possible recommendations for follow-up (deadline: 30 June 2016); (ii) Concerning the longer term future of the Convention system and the Court: achieve any results expected on the basis of decisions that may be taken by the Committee of Ministers further to the submission of the CDDH report containing opinions and possible proposals on this issue (deadline: 31 December 2017); (iii) Concerning the implementation of the Convention and execution of the Court's judgments: ensure that information is exchanged regularly - in order to assist member States in developing their domestic capacities and facilitate their access to relevant information (compare i.a. paragraph 29 (a) i) of the Brighton Declaration and paragraph C. 1. g) of the Brussels Declaration); (iv) Concerning Recommendation CM/Rec(2008)2 on efficient domestic capacity for rapid execution of judgments of the European Court of Human Rights: take stock of its implementation, and make an inventory of good practices relating to it and, if appropriate, provide for updating the recommendation in the light of practices developed by the States Parties (deadline: 30 June 2017); (v) Submit, if appropriate, proposals to the Committee of Ministers regarding the following

recommendations¹ (deadline: 31 December 2017):

- Recommendation Rec(2004)4 on the Convention in university education and professional training, along with the development of guidelines on good practice in respect of human rights training for legal professionals.
- Recommendation CM/Rec(2010)3 on effective remedies for excessive length of proceedings and its accompanying Guide to Good Practice.

Composition

Members:

Governments of member States are invited to designate one or more representatives of the highest possible rank in the field of human rights.

The Council of Europe will bear the travel and subsistence expenses of one representative from each member state (two in the case of the State whose representative has been elected Chair).

Each member of the committee shall have one vote. Where a government designates more than one member, only one of them is entitled to take part in the voting.

Participants:

The following may send representatives, without the right to vote and at the charge of their corresponding administrative budgets:

- Parliamentary Assembly of the Council of Europe;
- Congress of Local and Regional Authorities of the Council of Europe;
- European Court of Human Rights;
- Council of Europe Commissioner for Human Rights;
- Conference of INGOs of the Council of Europe;
- HELP Network Consultative Board;
- committees or other bodies of the Council of Europe engaged in related work, as appropriate.

The following may send representatives, without the right to vote and without defrayal of expenses:

- European Union (one or more representatives, including, as appropriate, the European Union Agency for Fundamental Rights (FRA));
- Observer States to the Council of Europe: Canada, Holy See, Japan, Mexico, United States of America;
- representatives of other international organisations (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, Office of the United Nations High Commissioner for Refugees).

¹ Additional information will be provided by the Secretariat in view of the decision that will be taken by the CDDH in this regard at its next meeting (17-19 June 2015).

Observers:

The following may send representatives, without the right to vote and without defrayal of expenses:

- Belarus;
- Non-governmental organisations (Amnesty International, European Trade Unions Confederation (ETUC), International Commission of Jurists (ICJ), International Federation of Human Rights (FIDH), European Roma and Travellers Forum, Open Society Justice Initiative (OSJI)), as well as the European Network of National Human Rights Institutions (ENNHRI).

Working methods**Plenary meetings**

48 members, 2 meetings in 2016, 3 days

48 members, 2 meetings in 2017, 3 days

The Committee will also appoint a Gender Equality Rapporteur from amongst its members.

The rules of procedure of the Committee are governed by Resolution CM/Res(2011)24 on intergovernmental committees and subordinate bodies, their terms of reference and working methods.

Appendix IV

**Draft CDDH comments on Parliamentary Assembly Recommendation 2070(2015) on
“The effectiveness of the European Convention
on Human Rights: the Brighton Declaration and beyond”**

1. The Steering Committee for Human Rights (CDDH) takes note of Parliamentary Assembly Recommendation 2070(2015) on “The effectiveness of the European Convention on Human Rights: the Brighton Declaration and beyond” and welcomes the fact that it has been involved in this work.² The Recommendation and the accompanying texts³ recall ideas which are already reflected in the preparatory work conducted by the Committee of Experts on the Reform of the Court (DH-GDR), through its Drafting Group “F” on the Reform of the Court (GT-GDR-F), in view of presenting to the Committee of Ministers, by the end of 2015, the CDDH final report on the longer-term future of the Convention system. Recommendation 2070(2015) also follows the Brussels High-Level Conference on “The Implementation of the European Convention on Human Rights, our shared responsibility”.

2. The CDDH notes the call to reinforce and improve all the means at the disposal of the Committee of Ministers to accelerate the execution of the judgments of the European Court of Human Rights. It notes that the issue of the execution of judgments and the supervision thereof is one of the main themes of its current and future work aimed at ensuring the effectiveness of the Convention, in particular, in light of the Brussels Declaration and its Action Plan, and following the decisions taken at the 125th Committee of Ministers Session. The CDDH also recalls its previous work in this area, notably its 2013 report on whether more effective measures need to be taken against States who fail to implement Court judgments in a timely manner.⁴

3. The CDDH notes the Parliamentary Assembly’s invitation to take firmer measures in the event of dilatory, continuous or repetitive non-compliance with the Court’s judgments. It recalls that the Brussels Conference encourages the Committee of Ministers (i) to continue to use, in a graduated manner, all the tools at its disposal, including interim resolutions, and to consider the use, where necessary, of the procedures foreseen under Article 46 of the Convention, when the conditions have been satisfied (C. 1. a) of the Declaration); and (ii) to develop, in this context, the resources and tools available, including by adding appropriate political leverage to its technical support, in order to deal with the cases of non-execution (C. 1. b) of the Declaration). The CDDH welcomes the Parliamentary Assembly’s invitation to work towards reinforcing synergies with the Parliamentary Assembly and civil society; the development of enhanced synergies for efficient supervision of the execution of judgments also appears in the Action Plan of the Brussels Declaration (C. 1. c)).

4. Finally, both the issue of the backlog of well-founded applications, notably the call to consider granting the Court a temporary extraordinary budget, and that of reinforcing the interpretative authority (*res interpretata*), are addressed in the current reflections on the longer-term future of the Convention.

² Through a hearing of the Chairs of the CDDH and the Committee of Experts on the Reform of the Court (DH-GDR), on 25 June 2014.

³ Parliamentary Assembly [Resolution 2055\(2015\)](#) on “The effectiveness of the European Convention on Human Rights: the Brighton Declaration and beyond” adopted on 24 April 2015 (see [Doc. 13719](#) and its [addendum](#), report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Yves Pozzo di Borgo (France, EPP/CD)).

⁴ Document CDDH(2013)R79 Addendum I, that will be examined by the Ministers’ Deputies.