



Strasbourg, 16 October 2014

GT-GDR-G(2014)R2

STEERING COMMITTEE FOR HUMAN RIGHTS  
(CDDH)

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

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**DRAFTING GROUP 'G' ON THE REFORM OF THE COURT  
(GT-GDR-G)**

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**2<sup>nd</sup> meeting  
Strasbourg  
Tuesday 14 October – Thursday 16 October 2014  
Agora, Meeting room G01**

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**MEETING REPORT**

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**Item 1: Opening of the meeting and adoption of the agenda**

1. Drafting Group G on the reform of the Court (GT-GDR-G) held its 2<sup>nd</sup> meeting in Strasbourg from 14 to 16 October 2014 with Mr Vít A. SCHORM (Czech Republic) in the Chair. The list of participants appears at Appendix I. The agenda, as adopted, appears at Appendix II.

**Item 2: The procedure for the amendment of the Rules of Court and the possible ‘upgrading’ to the Convention of certain provisions of the Rules of Court**

2. Ms Cordelia EHRICH (Switzerland), rapporteur, presented the draft CDDH report containing conclusions and possible proposals for action concerning the procedure for the amendment of the Rules of Court and the possible “upgrading” to the Convention of certain provisions of the Rules of Court. It was drafted on the basis of the outline adopted by the Group at its 1<sup>st</sup> meeting and in accordance with the guidelines subsequently given by the DH-GDR and the CDDH. The Group examined and adopted the CDDH draft report as it appears at Addendum I, after having examined the written comments submitted by experts in advance of the meeting, as well as other proposals formulated during the meeting. The draft report will be transmitted to the DH-GDR for examination at its next meeting (5-7 November 2014). The Group thanked Ms Ehrich for her contribution to its work.

3. In the course of its discussions, the Group decided to record the following points in the meeting report:

- As regards the criterion for identifying proposals for amendment of the Rules of Court that should be subject to a new procedure, one expert suggested that it should be further developed to specify that the procedure should apply when the amendment would significantly affect the rights and obligations of the parties “under the Convention or creates new rights or obligations”. This suggestion did not meet with support.
- As regards use of an informal agreement between the Court and the High Contracting Parties as a means for the possible introduction of the new, most flexible procedure, the Group agreed that it would be for the Committee of Ministers to define the exact modalities.
- Generally, the Group agreed that it would now fall to the DH-GDR and then the CDDH, in fulfilment of the terms of reference, to indicate whether or not there was consensus on the different proposals set out.

**Item 3: Other business**

4. None.

**Item 4: Adoption of the conclusions and meeting report**

5. With the adoption of the above-mentioned draft CDDH report, the Group considered that it had fulfilled its terms of reference. It expressed its appreciation for the constructive approach shown by members throughout its work and its thanks to the Chairperson for the way in which he had conducted its meetings.

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Appendix I**List of participants / Liste des participants****MEMBERS / MEMBRES****CZECH REPUBLIC / REPUBLIQUE TCHEQUE**

Mr Vit A. SCHORM, Government Agent, Ministry of Justice, Chairperson of Drafting Group “G”  
/ Président du Groupe de rédaction “G”

**ESTONIA / ESTONIE**

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

**FINLAND / FINLANDE**

Mr Jaakko HALTTUNEN, Deputy Director, Legal Service, Ministry of Foreign Affairs

**FRANCE**

Mme Mathilde JANICOT, Rédacteur, Direction des affaires juridiques, Sous-direction des droits de l’Homme, Ministère des affaires étrangères

**GREECE / GRECE**

Ms Ourania PATSOPOULOU, Senior Adviser, Deputy to the Permanent Representative, Permanent Representation of Greece to the Council of Europe

**ITALY / ITALIE**

Ms Maria Teresa LEACCHE, Ministry of justice

**LATVIA / LETTONIE**

Mr Emils PĻAKSINS, Deputy Head of the Office of the Government Agent, Ministry of Foreign Affairs

**THE NETHERLANDS / PAYS-BAS**

Ms Clarinda COERT, Ministry of Justice

**POLAND / POLOGNE**

Ms Agnieszka KOZINSKA, Head of Division for Civil and Administrative Proceedings, Department for the Proceedings before International Human Rights Protection Bodies, Ministry of Foreign Affairs

**ROMANIA / ROUMANIE**

Ms Sorana POPA, Juriste, Bureau de l’Agent du Gouvernement, Ministère des Affaires Etrangères

**RUSSIAN FEDERATION / FEDERATION DE RUSSIE**

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

Mr Vladislav ERMAKOV, Ministry of Foreign Affairs

Ms Kseaiya ROGORYANSKAYA, Représentation permanente auprès du Conseil de l'Europe

**SWITZERLAND / SUISSE**

Ms Cordelia EHRICH, Département fédéral de justice et police DFJP, Office fédéral de la justice

**TURKEY / TURQUIE**

Mr Aysen EMÜLER, Représentation permanente de la Turquie auprès du Conseil de l'Europe

Mr Harun SAĞLAM, Conseiller, Ministère de la Justice, Représentation permanente de la Turquie auprès du Conseil de l'Europe

**UNITED KINGDOM / ROYAUME-UNI**

Ms Anna McLEOD, Assistant Legal Adviser, Counter-Terrorism and Human Rights Team, FCO Legal Directorate, Foreign and Commonwealth Office

<b>OBSERVERS / OBSERVATEURS</b>
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**HOLY SEE/ SAINT SIÈGE**

Mme Andreea POPESCU

**JAPAN / JAPON**

Mr Takaaki SHINTAKU, Consul (Attorney), Consulate-General of Japan

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

Mr Jean-Bernard MARIE

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

Mr John DARCY, Conseiller du président et du greffier / adviser to the President and the Registrar, Private Office of the President, European Court of Human Rights, Cabinet du Président, Cour européenne des droits de l'Homme

<b>SECRETARIAT</b>
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**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 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

Mme Virginie FLORES, Administrator / Administrateur, Human Rights Intergovernmental Cooperation Division / Division de la coopération intergouvernementale en matière de droits de l'Homme, Secretary of the GT-GDR-G / Secrétaire du GT-GDR-G

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

**INTERPRETERS/INTERPRÈTES**

Ms Corinne McGEORGE  
Ms Isabelle MARCHINI  
Ms Christine TRAPP  
Mr Derrick WORSDALE

## Appendix II

### **Agenda (as adopted)**

#### **Item 1:       Opening of the meeting and adoption of the agenda**

##### General background documents

- Draft annotated agenda GT-GDR-G(2014)OJ002
- Report of the 1<sup>st</sup> meeting of the GT-GDR-G (12-14 February 2014) GT-GDR-G(2014)R1
- Report of the 81<sup>st</sup> meeting of the CDDH (24-27 June 2014) CDDH(2014)R81
- Report of the 6<sup>th</sup> meeting of the DH-GDR (4-6 June 2014) DH-GDR(2014)R6
- Report of the 5<sup>th</sup> meeting of the DH-GDR (29-31 October 2013) DH-GDR(2013)R5
- Brighton Declaration CDDH(2012)007

#### **Item 2:       The procedure for the amendment of the Rules of Court and the possible ‘upgrading’ to the Convention of certain provisions of the Rules of Court**

##### Working document

- Draft CDDH report on the procedure for the amendment of the Rules of Court and the possible ‘upgrading’ to the Convention of certain provisions of the Rules of Court GT-GDR-G(2014)003

##### Reference documents

- Rules of Court
- Compendium of States’ contributions for the 2<sup>nd</sup> meeting of GT-GDR-G GT-GDR-G(2014)002
- Compendium of States’ contributions for the 1<sup>st</sup> meeting of GT-GDR-G GT-GDR-G(2014)001
- CDDH Final Report on a simplified procedure for amendment of certain provisions of the Convention CDDH(2012)R75  
Addendum I
- Interlaken Follow-up: Simplified Procedure for Amending the Convention (Idea of a Court Statute) (document submitted by the Court) #3272054\_v1
- Letter from the President of the Court to the Chairperson of the CDDH, 12 June 2012 #3981532

#### **Item 3:       Other business**