



Strasbourg, 1 February 2013

GT-GDR-C(2013)R2

STEERING COMMITTEE FOR HUMAN RIGHTS
(CDDH)

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

2nd Meeting

Strasbourg

Wednesday 30 January – Friday 1 February 2013

Agora, Meeting Room G04

MEETING REPORT

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

1. Drafting Group “C” on the reform of the Court (GT-GDR-C) held its 2nd meeting in Strasbourg from 30 January – 1 February 2013 with Mr Martin KUIJER (The Netherlands) in the chair. The list of participants appears at Appendix I. The agenda, as adopted, appears at Appendix II. The Group heard a welcoming presentation by Mr Jörg POLAKIEWICZ, Head of the Human Rights Policy and Development Department.

Item 2: Interim measures under Rule 39 of the Rules of Court

2. The Rapporteur, Mrs Yasmine AHMED (United Kingdom), presented her draft CDDH report on interim measures under Rule 39 of the Rules of Court. The Group examined and adopted the draft CDDH report as it appears at Addendum I, with a view to its transmission to the DH-GDR for examination at its next meeting (13-15 February 2013). The Group thanked the Rapporteur for her contribution to its work.

Item 3: “Representative application procedure”

3. The Rapporteur, Mr Morten RUUD (Norway), presented his draft CDDH report on the advisability and modalities of a “representative application procedure”. The Group examined and adopted the draft CDDH report as it appears at Addendum II, with a view to its transmission to the DH-GDR for examination at its next meeting (13-15 February 2013). The Group thanked the Rapporteur for his contribution to its work.

Item 4: Adoption of the conclusions and meeting report

4. With the adoption of the two above-mentioned draft CDDH reports, 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****MEMBERS / MEMBRES****ARMENIA / ARMENIE**

Mr Arthur GRIGORYAN, Second Secretary, Legal Department, Ministry of Foreign Affairs of the Republic of Armenia, Government Building N2, Republic Square, Yerevan 0010

BULGARIA / BULGARIE

M^{me} Yordanka PARPAROVA, Direction des droits de l'homme, Ministère des Affaires Étrangères 2, rue Aleksandar Zhendov, Sofia 1040

FINLAND / FINLANDE

Mr Arto KOSONEN, Government Agent, Director of the Unit for Human Rights Court and Conventions, Legal Service, Ministry of Foreign Affairs, P.O. Box 411, FI-00023 Valtioneuvosto

FRANCE

M^{me} Emmanuelle TOPIN, Conseiller, Direction des affaires juridiques, Sous-direction des droits de l'Homme, Ministère des affaires étrangères, 57 boulevard des Invalides, F-75007 Paris

GREECE / GRECE

Mr Dimitrios KALOGIROS, Adviser at the State Legal Council, Ministry of Foreign Affairs, Akadimias 3, 10671, Athens

THE NETHERLANDS / PAYS-BAS

Mr Martin KUIJER, Chairperson of the GT-GDR-C / Président du GT-GDR-C, Senior legal adviser human rights law, Ministry of Justice, Legislation Department, room H.511, Schedeldoekshaven, P.O. Box 20301, 2500 BZ The Hague

Ms Clarinda COERT, Ministry of Justice, Legislation Department, room H.505, Schedeldoekshaven, P.O. Box 20301, 2500 BZ The Hague

Ms Françoise SCHILD, Legal counsel, International Law Division, Human Rights Cluster, Ministry of Foreign Affairs of the Netherlands, P.O. Box 20061, 2500 EB The Hague

NORWAY / NORVEGE

Mr Morten RUUD, Norwegian Ministry of Justice and Public Security, Legislation Department, Oslo

POLAND / POLOGNE

Ms Marta KACZMARSKA, Senior Expert, Department for the Proceedings before International Human Rights Protection Bodies, Ministry of Foreign Affairs of Poland, Al. J. Ch. Szucha 23, 00-580 Warsaw

ROMANIA / ROUMANIE

Mrs Cristina MORARIU, Legal Adviser, Ministry of Foreign Affairs, Bucarest

SLOVAK REPUBLIC / REPUBLIQUE SLOVAQUE

Mrs Soňa DANOVÁ, Human Rights Department, Ministry of Foreign and European Affairs of the Slovak Republic, Hlboká cesta 2, 833 36 Bratislava

SWEDEN / SUEDE

Ms Sara FINNIGAN, Permanent Representation to the Council of Europe, 67 allée de la Robertsau, F-67000 Strasbourg

SWITZERLAND / SUISSE

M^{me} Cordélia EHRICH, Département fédéral de justice et police DFJP, Office fédéral de la justice OFJ, Domaine de direction droit public, Droit européen et protection internationale des droits de l'homme, Bundesrain 20, 3003 Berne

TURKEY / TURQUIE

Ms Gönül ERÖNEN, Adjointe au Représentant permanent de la Turquie auprès du Conseil de l'Europe, 23, boulevard de l'Orangerie, F-67000 Strasbourg

Mr Nurullah YAMALI, Counsellor, Permanent Representation of Turkey to the Council of Europe, 23, boulevard de l'Orangerie, F-67000 Strasbourg

Mme Işık BATMAZ, Legal Expert, Représentation permanente de la Turquie auprès du Conseil de l'Europe, 23, boulevard de l'Orangerie, F-67000 Strasbourg

UNITED KINGDOM / ROYAUME-UNI

Mrs Yasmine AHMED, Assistant Legal Adviser, UK Foreign and Commonwealth Office Foreign & Commonwealth Office, King Charles Street, London SW1A 2AH

OBSERVERS / OBSERVATEURS**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 / Cabinet du Président

Mrs Karen REID, Head of Filtering Section / Chef de la Section filtrage

Mme Sophie PIQUET, Head of Division / Chef de division

PARLIAMENTARY ASSEMBLY / ASSEMBLÉE PARLEMENTAIRE

Mrs Olga KOSTENKO, Parliamentary Assembly Secretariat

EUROPEAN UNION / UNION EUROPÉENNE

Mr Giovanni Carlo BRUNO, Deputy to the Head of Delegation of European Union to the Council of Europe, 8 bld de l'Orangerie, F-67000 Strasbourg

**OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES / OFFICE
DU HAUT COMMISSAIRE DES NATIONS UNIES POUR LES RÉFUGIÉS (UNHCR)**

Mr Samuel BOUTRUCHE, Legal Associate, UNHCR Representation to the European Institutions in Strasbourg

**INTERNATIONAL COMMISSION OF JURISTS / COMMISSION INTERNATIONALE DES
JURISTES**

Ms. Eva RIETER, Netherlands Lawyers' Committee for Human Rights (NJCM)/ICJ
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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 Jörg POLAKIEWICZ, Head of Human Rights Policy and Development Department /
Chef du Service des politiques et du développement 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

Mr David MILNER, Head of the Unit on the Reform of the Court / Chef de l’Unité de 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

Mlle Haldia MOKEDDEM, Assistant / Assistante, Human Rights Intergovernmental Cooperation
Division / coopération intergouvernementale en matière de droits de l’Homme

INTERPRETERS/INTERPRÈTES

Mme Isabelle MARCHINI

Mme Lucie DE BURLET

Mme Corinne McGEORGE

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Appendix II**Agenda (as adopted)****Item 1: Opening of the meeting, adoption of the agenda and order of business**General documents

- Draft annotated agenda GT-GDR-C(2012)OJ002
- Report of the 1st meeting of the GT-GDR-C (12-14 December 2012) GT-GDR-C(2012)R1
- Report of the 2nd meeting of the DH-GDR (29-31 October 2012) DH-GDR(2012)R2
- 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) CDDH(2012)009REV.
- Izmir Declaration CDDH(2011)010

Item 2: Interim measures under Rule 39 of the Rules of CourtWorking document

- Preliminary draft CDDH report on interim measures under Rule 39 of the Rules of the Court GT-GDR-C(2013)001

Reference documents

- Report of the 1st meeting of the GT-GDR-C (12-14 December 2012) GT-GDR-C(2012)R1
- Brighton Declaration CDDH(2012)007
- Izmir Declaration CDDH(2011)010
- Preliminary Opinion of the Court in preparation for the Brighton Conference GT-GDR-C(2012)001
- Practice Direction: requests for interim measures (Rule 39 of the Rules of Court) GT-GDR-C(2012)002
- Statistics on interim measures accepted and refused by State Party (1 January – 30 June 2012) GT-GDR-C(2012)003
- Rule 39 decisions by year (2008-2011) GT-GDR-C(2012)004
- Statement issued by the President of the European Court of Human Rights concerning requests for interim measures (Rule 39 of the Rules of Court) (11 February 2011) GT-GDR-C(2012)005
- Research on ECHR Rule 39 interim measures (ECRE – European Council on Refugees and Exiles / ELENA – European Legal Network on Asylum)
- Article 39 of the Rules of Court: modalities of application and procedure (Information document by the Registry of the Court) GT-GDR-C (2012)009
- Parliamentary Assembly’s resolution and recommendation on “Preventing harm to refugees and migrants in extradition and expulsion cases: Rule 39 GT-GDR-C (2012)011

indications by the European Court of Human Rights

- The Interlaken Process and the Court (document prepared by the Court) DH-GDR(2012)018

Item 3: “Representative application procedure”

Working document

- Preliminary draft CDDH report on the advisability and the modalities of a “representative application procedure” GT-GDR-C(2013)002

Reference documents

- Report of the 1st meeting of the GT-GDR-C (12-14 December 2012) GT-GDR-C(2012)R1
- Brighton Declaration CDDH(2012)007
- Proceedings of the Round Table on “The right to trial within a reasonable time and short-term reform of the European Court of Human Rights”, organised by the Slovenian Chairmanship of the Committee of Ministers (Bled, 21-22 September 2009)
- Proceedings of the Seminar on “Ten Years of the ‘New’ European Court of Human Rights 1998-2008: situation and outlook”, organised by the Court (Strasbourg, 13 October 2008) GT-GDR-C(2012)006
- “European Court Registrar calls for special measures to deal with influx of Hungarian pension cases” (press release, 11 January 2012) GT-GDR-C(2012)007
- “Statement on Case-overload at the European Court of Human Rights”, European Law Institute, 6 July 2012 GT-GDR-C(2012)008
- Lettre du Greffier de la Cour à l’Agent du Gouvernement italien (*in French only*) GT-GDR-C(2013)004
- Note prepared by the Registry of the Court further to the 1st meeting of GT-GDR-C GT-GDR-C(2013)005
- Les mesures provisoires devant la Cour européenne des droits de l’homme (Contribution du Groupe européen des institutions nationales des droits de l’homme préparée par la Commission nationale consultative des droits de l’homme (CNCDH) (*in French only*) GT-GDR-C(2013)006

Item 4: Other business

Item 5: Adoption of the conclusions and meeting report

Working document

- Draft report of the 2nd meeting of the GT-GDR-C GT-GDR-C(2013)R2