



Strasbourg, 12 December 2014

GT-GDR-F(2014)R4

STEERING COMMITTEE FOR HUMAN RIGHTS
(CDDH)

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

4th Meeting

Strasbourg

Wednesday 10 December – Friday 12 December 2014

Palais de l'Europe, Meeting Room 3

MEETING REPORT

Item 1: Opening of the meeting, adoption of the agenda and election of the Chairperson

1. Drafting Group F on the reform of the Court (GT-GDR-F) held its 4th meeting in Strasbourg from 10-12 December 2014 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 Christos GIAKOUMOPOULOS, Director, Human Rights. The Group reelected Mr KUIJER as Chairperson for the coming year, until the end of its work.

Item 2: Presentations by invited ‘ad hoc experts’

2. Following presentation of their proposals, the Group exchanged views with Dr Kanstantsin DZEHTSIAROU (University of Surrey), Prof. Russell MILLER (Washington and Lee University) and Prof. Geir ULFSTEIN (University of Oslo). It thanked them all, as well as Dr Başak ÇALI, (Koç University), for their valuable contributions to its work. The Group noted that written contributions by speakers would be made available.

Item 3: Alternative models for the Convention control mechanism (continued from the 3rd meeting)

3. The Group continued its exchange of views on possible alternative models for the Convention control mechanism, which it had provisionally determined would be addressed in Section VI of the CDDH final report.

4. The Group appointed Mr Ota HLINOMAZ (Czech Republic) as Rapporteur to prepare a draft text for the final report.

Item 4: Organisation of future work

5. Experts are invited to submit any comment or proposal to the Secretariat (irene.kitsou-milonas@coe.int; virginie.flores@coe.int):

- regarding Section VI of the CDDH final report on possible alternative models for the Convention control mechanism, **by 7 January 2014**, in order that they may be taken into account by the Rapporteur whilst preparing the draft report;
- regarding all other sections of the CDDH final report, **by 23 January 2015**, in order that they may be taken into account by the Chair and the Secretariat whilst preparing the preliminary consolidated draft report.

6. The next meeting will be held on 18-20 February 2015. By then; the Secretariat will provide an updated version of the ‘road-map’ on progress towards the draft CDDH final report.

Item 5: Other business

7. The Group took note of information provided by the Chair concerning a seminar on “Shifting the Convention System: Counter-dynamics at the National Level”, co-organised by the University of Antwerp and the University of Leuven, held in Antwerp (Belgium) on 30-31 October 2014. The Group reiterated its invitation to members to provide information to the Secretariat on any other relevant events taking place in their countries.

8. Finally, the Group expressed its most sincere gratitude to Mr David MILNER for his contribution to its work over the past year and wished him all the best for his new functions within the Organisation.

* * *

Appendix I**List of participants****MEMBERS / MEMBRES****AUSTRIA / AUTRICHE**

Mr Ronald FABER, Federal Chancellery of the Republic of Austria, Constitutional Service,
Head of Department V/5

BELGIUM / BELGIQUE

Apologised

CZECH REPUBLIC / RÉPUBLIQUE TCHÈQUE

Mr Ota HLINOMAZ, Office of the Government Agent, Ministry of Justice

DENMARK / DANEMARK

Ms Josephine ILCHMANN JØRGENSEN, Head of Section, the Danish Ministry of Justice, EU Law
and Human Rights Division

FINLAND / FINLANDE

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

FRANCE

Mme Elodie JUNG, Ministère des Affaires étrangères Direction des affaires juridiques, Sous-direction
des droits de l'Homme

GERMANY / ALLEMAGNE

Mr Hans-Jörg BEHRENS, Head of Unit IVC1, Human Rights Protection; Government Agent before
the European Court of Human Rights, Bundesministerium der Justiz und für Verbraucherschutz

GREECE / GRÈCE

Mme Ourania PATSOPOULOU, Conseillère, Membre du Conseil juridique de l'Etat, Adjointe au
Représentant permanent de la Grèce auprès du Conseil de l'Europe

ITALY / ITALIE

Mr Paolo EPIFANI, Ministère des affaires étrangères

LATVIA / LETTONIE

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

LUXEMBOURG / LUXEMBOURG

Mme Brigitte KONZ, Juge de Paix directrice

THE NETHERLANDS / PAYS-BAS

Mr. Martin KUIJER, **Chairperson of Drafting Group 'F' / Président du Groupe de rédaction "F"**,
Senior legal adviser human rights law, Ministry of Justice, Legislation Department

Ms Noortje VAN RIJSEN, Legal Officer, Ministry of Foreign Affairs of the Netherlands, Legal Affairs
Department (DJZ/IR), International Law Division

NORWAY / NORVÈGE

Ms Helle Aase FALKENBERG, Legal adviser, Ministry of Justice

POLAND / POLOGNE

Mrs 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 of Poland

ROMANIA / ROUMANIE

Ms Catrinel BRUMAR, Agent for the Government before the European Court of Human Rights, Ministry of Foreign Affairs

RUSSIAN FEDERATION / FÉDÉRATION DE RUSSIE

Mr Vladislav ERMAKOV, Ministry of Foreign Affairs

Mr Stanislav KOVPAK, Representative of the Ministry of Justice of the Russian Federation in Strasbourg

Ms Kseniya ROGOZYANSKAYA, Consultant, Ministry of Justice of Russian Federation

SPAIN / ESPAGNE

Mr Rafael Andrés LEON CAVERO, Agent of Spain before the ECHR, Deputy, Directorate General of Constitutional and Human Rights Affairs, State Attorney, Head of the Human Rights Area, Office of the General State Attorney, Ministry of Justice

SWEDEN / SUÈDE

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

SWITZERLAND / SUISSE

Mr Frank SCHÜRMAN, Agent du Gouvernement, Chef de l'Unité Droit européen et Protection Internationale des droits de l'Homme, Office fédéral de la justice

TURKEY / TURQUIE

Ms Ayşen EMÜLER, Legal Expert, Permanent Representation of Turkey to the Council of Europe

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

UNITED KINGDOM / ROYAUME-UNI

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

Ms. Maxine MONKS, Senior Policy Adviser, Europe Human Rights, Ministry of Justice

EXTERNAL EXPERTS / EXPERTS EXTERNES

Sir Nicolas BRATZA, Former President of the European Court of Human Rights

Mr Alvaro GIL-ROBLES, Former Commissioner for Human Rights

Mr Bahadır KILINÇ, Deputy Secretary General, Constitutional Court of the Republic of Turkey

Mr Alain LACABARATS, Président de chambre à la Cour de cassation, Cour de cassation

Mr Giorgio MALINVERNI, Professeur honoraire de l'Université de Genève, Ancien Juge à la Cour européenne des droits de l'homme

Ms Tatiana NESHATAEVA, *Apologised*

Mr Christophe GRABENWARTER, *Apologised*

AD HOC EXPERTS / EXPERTS AD HOC
--

Dr Başak ÇALI, Associate Professor of International Law, Law School – Koç University

Dr Kanstantsin DZEHTSIAROU, Senior Lecturer in Law, University of Surrey, School of Law Guildford

Prof. Russell MILLER, Washington & Lee University School of Law

Prof. Geir ULFSTEIN, Co-director of PluriCourts, University of Oslo

Prof. Steven GREER, *Apologised*

Prof. Philipp LEACH, *Apologised*

OBSERVERS / OBSERVATEURS

HOLY SEE/ SAINT SIÈGE

Mme Andreea POPESCU

JAPAN / JAPON

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

EUROPEAN UNION / UNION EUROPÉENNE

Ms Giulia LUCCHESI, Legal Affairs Advisor

AMNESTY INTERNATIONAL

Mr Sébastien RAMU, Senior Legal Adviser, Law and Policy, Amnesty International, International Secretariat

OPEN SOCIETY JUSTICE INITIATIVE

Ms Zsuzsanna NYITRAY, Legal Fellow

INTERNATIONAL COMMISSION OF JURISTS (ICJ) / COMMISSION INTERNATIONALE DE JURISTES (CIJ)

Ms Róisín PILLAY, Senior Legal Adviser, Europe Programme International Commission of Jurist

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

Mr Jan-Michael AREND, German Institute for Human Rights, Personal Adviser to the Board of Directors

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

M. Jean-Bernard MARIE

EUROPEAN TRADE UNION CONFEDERATION (ETUC) / CONFÉDÉRATION EUROPÉENNE DES SYNDICATS (CES)

Mr Klaus LÖRCHER, Conseiller des droits de l'homme de la CES, Confédération européenne des syndicats

**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 & Human Rights Department

Ms Ann-Katrin SPECK, Legal Affairs & Human Rights Department

**DEPARTMENT FOR THE EXECUTION OF JUDGMENTS OF THE COURT / SERVICE DE
L'EXECUTION DES ARRETS DE LA COUR**

Mme Geneviève MAYER, Head of Department

Mr. Fredrik SUNDBERG, Deputy to the Head of Department

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

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/Administrateur, Human Rights Intergovernmental
Cooperation Division/Division de la coopération intergouvernementale en matière de droits de
l'homme

Mme Anna KUZNETSOVA, trainee / stagiaire

Mme Haldia MOKEDDEM, Assistant/Assistante, 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

* * *

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

- Draft annotated agenda GT-GDR-F(2014)OJ004
- Report of the 1st meeting of the GT-GDR-F (19-21 March 2014) GT-GDR-F(2014)R1
- Report of the 2nd meeting of the GT-GDR-F (14-16 May 2014) GT-GDR-F(2014)R2
- Report of the 3rd meeting of the GT-GDR-F (24-26 September 2014) GT-GDR-F(2014)R3
- Report of the 82nd meeting of the CDDH (19-21 November 2014) CDDH(2014)R82
- Report of the 7th meeting of the DH-GDR (5-7 November 2014) DH-GDR(2014)R7
- Brighton Declaration CDDH(2012)007
- Securing the long-term effectiveness of the supervisory mechanism of the European Convention on Human Rights (Decisions of the 122nd Session of the Committee of Ministers, 23 May 2012) CM/Dec(2012)122/2
- Decisions taken at the 124th Session of the Committee of Ministers (6 May 2014) GT-GDR-F(2014)013
- Terms of reference of the Committee of Experts on the reform of the Court (DH-GDR) for 2014-2015 DH-GDR(2014)001
- Road-map: progress towards the draft CDDH final report GT-GDR-F(2014)020
- Expected results, working methods and schedule: proposals by the Chairperson of the GT-GDR-F GT-GDR-F(2014)001

Item 2: Presentations by invited ‘ad hoc experts’Reference documents

- Compilation of the results of the ‘open call for contributions’ (prepared by the Secretariat) GT-GDR-F(2014)002
- Proceedings of the Oslo Conference on the long-term future of the European Court of Human Rights H/Inf(2014)1
- Presentation to the 3rd meeting by Dr Başak ÇALI GT-GDR-F(2014)024
- The Jurisdiction of the U.S. Supreme Court: The discretion to decide, Prof. Russell A. Miller GT-GDR-F(2014)027
- Presentation to the 4th meeting by Professor Kanstantsin Dzehtsiarou GT-GDR-F(2014)028
- Restructuring the European Court of Human Rights: preserving the right of individual petition and promoting constitutionalism, Prof. Kanstantsin Dzehtsiarou & Alan Greene GT-GDR-F(2014)029

- Note submitted by Germany GT-GDR-F(2014)025
- Presentation to the 4th meeting by Professor Geir Ulfstein GT-GDR-F(2014)032
- Presentation to the 4th meeting by Russell Miller GT-GDR-F(2014)033

Item 3: **Alternative models for the Convention control mechanism** (*continued from the 3rd meeting*)

Reference documents

- Proposals made in the context of Council of Europe work and relating to possible alternative models (document prepared by the Secretariat) GT-GDR-F(2014)026
- Note submitted by Germany GT-GDR-F(2014)025
- Propositions from Professor Neshataeva GT-GDR-F(2014)007
- Proposal on rendering binding value to the precedent cases in the case-law of the European Court of Human Rights by Dr. Bahadır Kiliç GT-GDR-F(2014)030
- Submission by the European Network of National Human Rights Institutions (ENNHRI) GT-GDR-F(2014)031
- 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

Item 4: **Organisation of future work**

Reference document

- Road-map: progress towards the draft CDDH final report GT-GDR-F(2014)020

Item 5: **Other business**

* * *