



Strasbourg, 22 April 2015

GT-GDR-F(2015)R6

STEERING COMMITTEE FOR HUMAN RIGHTS
(CDDH)

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

6th Meeting

Wednesday 15 - Friday 17 April 2015

Strasbourg, Agora, Room G02

MEETING REPORT

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

1. Drafting Group F on the reform of the Court (GT-GDR-F) held its 6th meeting in Strasbourg from 15 to 17 April 2015 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. On behalf of the Director General, Mr Mikhail LOBOV, Head of the Human Rights Policy and Co-operation Department, stressed the importance of the current Group's work in the present context of the Organisation.

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), Vice-Chair of the Group, presented the results of the Brussels High-Level Conference. The Group took note of the Brussels Declaration and agreed to a *verbatim* presentation of its relevant parts in the draft CDDH final report.

Item 3: Revised consolidated draft CDDH final report

3. The Group examined the revised consolidated draft CDDH final report (doc. GT-GDR-F(2015)006).

4. In the light of the proposals put forward during the meeting, a revised version of the text will be transmitted to the Committee of Experts on the Reform of the Court (DH-GDR) in view of its 8th meeting (27-29 May 2015) (see also item 4), except for sub Section D (the ECHR mechanism in the European and international legal order). Concerning the latter, the Group decided to discuss it in depth at its 7th meeting in September. To this end, it invited the DH-GDR to give guidance on how to address the specific issue of the EU accession to the Convention. The Group also decided to undertake a more detailed examination of certain other issues at its 7th meeting, such as the affording of just satisfaction to applicants under Article 41 of the Convention.

Item 4: Organisation of future work and other business

5. Concerning the organisation of its future work, the Group agreed on the following:

- Experts are invited to submit their comments to the Secretariat (DGI-CDDH-Reform@coe.int) on the revised consolidated draft CDDH final report (GT-GDR-F(2015)006) by **Friday 24th April**;
- The Secretariat will prepare a revised version of the text on the basis of the discussions held at the present meeting as well as of the comments submitted by the experts;
- The revised text will be sent out on **Friday 15th May**;
- Experts are then invited to submit written contributions on the revised text by **Thursday 21st May**, for transmission to the DH-GDR.

6. The 7th meeting will be held on **Tuesday 8 - Thursday 10 September 2015** (instead of 2-4 September 2015, as initially scheduled).

7. The Group took note of the holding of a Conference on [“Parliaments and the European Court of Human Rights”](#), co-organised by the Middlesex University and the Helsinki Foundation for Human Rights, in Warsaw on 12 May 2015. It also took note of the publication of [“Parliaments and Human Rights – Redressing the democratic deficit”](#), edited by Murray Hunt, Hayley Hooper and Paul Yowell (Hart Publishing, First edition, March 2015).

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

Mr Dominik HAIDER, Austrian Federal Chancellery/Constitutional Service

BELGIUM / BELGIQUE

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

CZECH REPUBLIC / RÉPUBLIQUE TCHÈQUE

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

DENMARK / DANEMARK

Mr Kristoffer AAGREN, Head of Section, 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, Ministry of Foreign Affairs and International Cooperation, Service for Legal Affairs, Diplomatic Disputes and International Agreements

LUXEMBOURG

Mme Brigitte KONZ, Juge de paix, Directrice

LATVIA / LETTONIE

Ms Kristine LICE, Government Agent, Representative of the Government of Latvia before International Human Rights Organisations, Ministry of Foreign Affairs

THE NETHERLANDS / PAYS-BAS

Mr Martin KUIJER, **Chairman 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

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 of Poland

ROMANIA / ROUMANIE

Ms Irina CAMBREA, Government Agent, Ministry of Foreign Affairs

RUSSIAN FEDERATION / FÉDÉRATION DE RUSSIE

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

Mr Vladislav ERMAKOV, Ministry of Foreign Affairs

M. Stanislav KOVPAK, Représentant du Ministère de la Justice de la Fédération de Russie, Représentation de la Fédération de Russie auprès du Conseil de l'Europe

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

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 (*Apologised*)

TURKEY / TURQUIE

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

Mr Harun SAĞLAM, Counsellor, 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

Ms Samantha EDE, Legal Adviser, Information and Human Rights Team, Ministry of Justice

EXTERNAL EXPERTS / EXPERTS EXTERNES

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

Mr Alvaro GIL-ROBLES, Former Council of Europe Commissioner for Human Rights

Mr Christophe GRABENWARTER, Judge, Constitutional Court of Austria; member of the Venice Commission; Professor, University of Vienna

Mr Bahadır KILINÇ, Judge, Constitutional Court of the Republic of Turkey

M. Alain LACABARATS, Président de chambre à la Cour de cassation, Cour de cassation de la France

Mr Giorgio MALINVERNI, Professeur honoraire, Université de Genève ; ancien juge à la Cour européenne des droits de l'homme

Ms Tatiana NESHATAEVA, Vice-President of the Court of the Eurasian Economic Community; Professor, Russian Academy of Justice, *Apologised*

OBSERVERS / OBSERVATEURS

HOLY SEE/ SAINT SIÈGE

Mme Andreea POPESCU

JAPAN / JAPON

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

EUROPEAN UNION / UNION EUROPÉENNE

Ms Giulia LUCCHESI, Legal Affairs Advisor, Delegation of the European Union to the Council of Europe

AMNESTY INTERNATIONAL

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

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

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

OPEN SOCIETY JUSTICE INITIATIVE

Mr Christian DE VOS, Advocacy officer

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

Jan-Michael AREND, *Apologised*

CONFERENCE OF INGOs OF THE COUNCIL OF EUROPE / CONFÉRENCE DES ONG 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

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

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

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 Mikhail LOBOV, Head of the Human Rights Policy and Co-operation Department / Chef du Service des politiques et de la coopération en matière de 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/Administrateur, 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/INTERPRÈTES

Sally BAILEY-RAVET

Lucie DE BURLET

Nicolas GUITTONNEAU

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

- Draft annotated agenda GT-GDR-F(2015)OJ006
- 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 4th meeting of the GT-GDR-F (10-12 December 2014) GT-GDR-F(2014)R4
- Report of the 5th meeting of the GT-GDR-F (18-20 February 2015) GT-GDR-F(2015)R5
- 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
- Brussels Declaration CDDH(2015)004
- 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: Information on the High-Level Conference on “*the implementation of the European Convention on Human Rights, our shared responsibility*” (Brussels, 26-27 March 2015)Background document

- Brussels Declaration CDDH(2015)004

Item 3: Revised consolidated draft CDDH final reportWorking document

- Revised consolidated draft CDDH final report on the longer-term future of the Convention system (as revised following the 5th GT-GDR-F meeting) GT-GDR-F(2015)006
Restricted

Reference documents

- Written contribution on the revised consolidated draft CDDH final report on the longer-term future of the Convention system (doc. GT-GDR-F(2015)006) submitted by Mr Gil-ROBLES GT-GDR-F(2015)009
- Written contribution on the revised consolidated draft CDDH final report on the longer-term future of the Convention system (doc. GT-GDR-F(2015)006) submitted by Austria GT-GDR-F(2015)008
Restricted
- Compilation of written contributions on the preliminary consolidated draft CDDH final report (GT-GDR-F(2015)005) following the 5th GT-GDR-F meeting GT-GDR-F(2015)007
Restricted
- Preliminary consolidated draft CDDH final report GT-GDR-F(2015)005
Restricted
- Compilation of written contributions in view of the 5th GT-GDR-F meeting GT-GDR-F(2015)004
Restricted
- 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 by Ms Kristine LICE (Latvia) and Ms Katja BEHR (Germany) GT-GDR-F(2014)034

Item 4: Organisation of future work and other business

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