



COUNCIL OF EUROPE    CONSEIL DE L'EUROPE

Strasbourg, 16 May 2000  
DH-PR(2001)005

STEERING COMMITTEE FOR HUMAN RIGHTS  
(CDDH)

---

**COMMITTEE OF EXPERTS FOR THE IMPROVEMENT  
OF PROCEDURES FOR THE PROTECTION  
OF HUMAN RIGHTS  
(DH-PR)**

---

49th meeting, 25-27 April 2001

---

**REPORT**

---

**TABLE OF CONTENTS**

## Introduction

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

Item 2: Follow-up to the European Ministerial Conference on Human Rights (Rome, 3-4 November 2000)

Item 3: Examination of the questions raised in Recommendation 1477 (2000) of the Parliamentary Assembly concerning the execution of judgments of the European Court of Human Rights

Item 4: Possibility for action by the DH-PR to ensure that national legislation allows for compensation for violations found by national authorities thus avoiding the case being referred to Strasbourg

Item 5: Possible contribution to the monitoring exercise on the functioning of the judicial system (deadline: end 2002): Examination, notably in the light of the case-law of the European Court of Human Rights, of the situation with regard to :

Item 6 : Election of the vice-president

Item 7: Items to be placed on the agenda of the next meeting

Item 8 : Dates of the next meeting

Item 9 : Other business

## APPENDICES

Appendix I : LIST OF PARTICIPANTS / LISTE DE PARTICIPANTS

Appendix II: AGENDA

Appendix III: Joint reply by the Chairmen of the CDDH and of the DH-PR to the letter of 19 September 2000 from the President of the European Court of Human Rights

\* \* \*

## **Introduction**

1. The Committee of Experts for the Improvement of Procedures for the Protection of Human Rights (DH-PR) held its 49th meeting at the Human Rights Building in Strasbourg (Directorate Room), from 25 - 27 April 2001. The meeting was chaired by Mr Roeland BÖCKER (Netherlands). The list of participants appears in Appendix I. The agenda as adopted appears in Appendix II.

2. At this meeting, the DH-PR, in particular:

(i) started its work on the follow-up to [the European Ministerial Conference on Human Rights](#) (Rome, 3-4 November 2000) and held, in this context, a meeting with [the CDDH Reflection Group](#) on the reinforcement of the human rights protection mechanism ;

(ii) started to examine the questions raised by the [Parliamentary Assembly](#) in its [Recommendation 1477 \(2000\)](#) concerning the execution of judgments of [the European Court of Human Rights](#) ;

(iii) held the election of its vice-chair ;

(iv) adopted the present report as a whole.

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

3. See introduction.

## **Item 2: Follow-up to the European Ministerial Conference on Human Rights (Rome, 3-4 November 2000)**

4. The DH-PR took note of the decisions taken by the Ministers' Deputies at their 736<sup>th</sup> meeting (10-11 January 2001) and by the CDDH at its 51<sup>st</sup> meeting (27 February-2 March 2001) on the follow-up to the Conference.

5. In particular, it noted that, in their decision No 9, the Deputies instructed the CDDH to examine ways and means of assisting member States with a view to a better implementation of the Convention in their domestic law and practice, including the provision of effective remedies. In the meantime they instructed the European Committee on Legal Co-operation (CDCJ) to continue and intensify its work on the independence and efficiency of justice, including the length of proceedings. For this work, it was planned that the CDCJ would co-operate with the CDDH and the European Committee on Crime Problems (CDPC). Equally, the CDDH was invited to inform itself about the work of the CDCJ and the CDPC, so as to avoid any duplication of work between these committees.

6. The DH-PR noted that the CDDH had entrusted it with the task of undertaking the relevant work on the follow-up to this decision including all the issues dealt with in paragraph 14 of the Resolution I adopted by the Ministerial Conference which includes the examination of ways and means of "assisting member States with a view to a better implementation of the Convention in their domestic law and practice" (See report of the [CDDH \(2001\) 15](#)). The terms of reference are therefore very broad at this stage.

7. The DH-PR undertook the successive examination of the various sub-paragraphs of paragraph 14 of Resolution I adopted by the Ministerial Conference.

***Improving the implementation of the Convention in law and in practice in member States, including the existence of an effective remedy at national level (paragraph 14 (i));***

8. The DH-PR considered that, in the light of the above-mentioned decision No 9 of the Deputies, the consideration of this issue was one of its priority tasks. It noted that, in order to ensure the co-ordination with the work done by the other bodies indicated in the above-mentioned decision No 9, it was decided that the chairmen of the DH-PR and of the Committee of Experts on the Efficiency of Justice (CJ-EJ) would meet together with their secretariats during the present meeting. Firstly, the Secretary of the CJ-EJ, Mr Gianluca ESPOSITO presented to the DH-PR the work done by this Committee on the general question of the efficiency of justice, including the length of judicial proceedings. He indicated that the CDCJ had discussed its mandate in March 2001. It had oriented its action in two directions:

- first, the adoption of an international instrument containing guiding principles, defined, notably, on the basis of existing recommendations and resolutions;
- then the inventory in another instrument of different measures allowing for the implementation of the principles – a sort of collection of “good practices”. The basic approach was one of co-operation on a voluntary basis. Drafts were to be prepared for October 2001 and the work was expected to continue for 1-2 years. A partial agreement could provide the necessary legal framework.

It was indicated during the debate that, in all likelihood, these instruments would not be binding.

9. The experts of the DH-PR noted that there was little likelihood of an overlap between the DH-PR’s examination of domestic remedies from the perspective of the [European Convention on Human Rights](#) and the activities of the CJ-EJ and its working groups.

10. As regards the DH-PR’s activity in this area, the discussion centred on the scope of the exercise and the working method (particularly, the possibility of a survey of good practices through a questionnaire).

11. As to the scope, the experts noted that the mandate covered the very broad question of effective remedies of alleged Convention violations. Several experts noted that this was a huge enterprise and that priorities had to be made. Experts agreed that one of the most important priority areas was that of remedies in respect of allegedly unreasonably long proceedings in accordance with the Court’s jurisprudence in the Kudla case against Poland. Several experts pointed to recent or ongoing legislative work or reflection in their countries in this area (notably Finland, Greece, Italy, Poland, Portugal and Slovakia). Some (notably France) pointed at important developments in the jurisprudence of the national courts. Another area that attracted attention was the availability of adequate reparation in case a national court or authority concludes to a violation of the Convention, either directly or indirectly (in the form of a violation of national law).

12. As regards the working method, several experts expressed concern about the heavy workload created by questionnaires. The question was notably raised whether, on the issue under discussion, the responses to the questionnaire recently sent out by the Monitoring Unit (Directorate of Strategic Planning of [the Council of Europe](#)) did not provide adequate information. Several experts indicated, however, that their replies did not address the specific issues raised in the DH-PR. After a discussion it was agreed that information on the state of effective remedies in the above mentioned priority areas will be submitted to the Secretariat

on a voluntary basis. The Secretariat indicated that any such information should be submitted before 1 June 2001 (preferably in the form of a computer file). The experts decided to resume consideration of the issue in the form of a “tour de table” at their next meeting.

***Systematic screening of the compatibility of draft legislation and regulations, as well as of administrative practice, with the standards fixed by the Convention (paragraph 14 (ii))***

13. The experts noted that the question over the future of this exercise, which had been raised at the last DH-PR meeting, had been solved in favour of its continuation by the position taken by the Ministers in Rome (Resolution 1, paragraph 14). Most experts found the exercise very interesting. Several experts expressed regret at not having yet submitted their replies to the questionnaire sent out (document [DH-PR \(2001\) 1](#)) and committed themselves to do so before the next meeting. One expert expressed concern about the fact that the exercise seemed to imply too much expert involvement in the legislative process to the detriment of the free expression of the will of the population.

14. Some very preliminary observations were made on the basis of the existing material. As far as legislation was concerned, member States appeared in general to integrate the control of Convention conformity of new legislation in the ordinary legislative process. There was still little information regarding practices developed under these systems in order to take into account the Convention requirements. Only few States had developed some special system for this control and, for the time being, no major plans appeared to exist to establish such systems in the other States.

15. The experts agreed to await the presentation of the further contributions promised before pursuing their examination of the item. It was agreed that these contributions should, as far as possible, be sent to the Secretariat before 1 June 2001 (if possible in computer format).

***Publication and dissemination of the Court’s judgments (paragraph 14 (iii))***

16. The DH-PR agreed on the importance of this point, which had been on its agenda for several meetings, and felt that it was now necessary to reach some conclusions. The latter might relate to the Court or to member States.

- As far as the Court was concerned, the DH-PR noted the detailed reply sent by the President, Mr WILDHABER, to the letter from the Chairman of the CDDH (see [DH-PR \(2001\) 2](#), Appendices I and III). In his reply, the President of the Court refers inter alia to the measures that it is considering in order to facilitate the identification of important cases. It was decided that the Chairs of the CDDH and the DH-PR would send him a joint letter welcoming the planned measures and emphasising notably the need for them to be rapidly implemented. That could but facilitate the task of those member States which did not have Council of Europe languages as their official languages when disseminating case-law, and help with the identification of important cases.

- As far as the member States were concerned, the DH-PR was aware of the diversity of national situations. It was decided that the Secretariat would prepare for the next meeting a draft recommendation which, while taking this diversity into account, would emphasise the importance of the publication and dissemination of case-law, if appropriate in the national language. Such an instrument could help with national decision-making, for finding the funds needed for translation, for instance.

***Training in human rights (paragraph 14 (iv))***

17. On this issue, the DH-PR decided to defer its examination to its next meeting, in September. It also agreed to invite to that meeting some members of [the European Committee for the Prevention of Torture \(CPT\)](#) and of the “Police and Human Rights” programme who had worked particularly on that theme. The DH-PR was conscious of the importance of avoiding any duplication of other work on training already under way in those bodies. The DH-PR also noted that the CDDH would examine the question of a European programme for human rights education at its next meeting (6-9 November 2001).

***Reservations and ratifications (paragraph 14 (v) and (vi))***

18. The task deriving from these items comprised a regular assessment of the need for the reservations made to the Convention and an examination of States’ position with a view to ratification of the protocols to the Convention. The DH-PR decided to return to this item at its next meeting notably in the light of an exchange of views with the Secretary of the Committee of Legal Advisers on Public International Law (CAHDI) and of the updating of document [CDDH\(00\) 2](#), which covered the reservations to the Convention made by States party.

\* \* \*

**Work of the CDDH Reflection Group on the reinforcement of the human rights protection mechanism**

19. The DH-PR held a joint meeting with the members of the CDDH [Reflection Group on reinforcement of the human rights protection mechanism \(CDDH-GDR\)](#), which was set up by the CDDH to follow up the decision No 10 of the Ministers’ Deputies on the follow-up to the Ministerial Conference. The Chairman of the Group, Mr Martin EATON (United Kingdom), presented to the DH-PR the work carried out at the last meeting of the Group (23-25 April 2001). The final version of the report of that meeting ([CDDH-GDR \(2001\) 5](#)) will be sent to the members of the DH-PR for information. It was decided that those who so wished would be able to send to the Secretariat by 15 May 2001 any suggestions they considered useful for the continuation of the Group’s work. The Group’s next meeting was scheduled for 5 to 8 June 2001.

\* \* \*

**Item 3: Examination of the questions raised in Recommendation 1477 (2000) of the Parliamentary Assembly concerning the execution of judgments of the European Court of Human Rights**

20. The experts noted that the preliminary answer of the CDDH to [Recommendation 1477](#) and the CDDH’s decision to pursue in the DH-PR the examination of the questions raised would be examined by the Deputies on 16 May 2001. In this perspective they agreed to resume consideration of the various points at the next meeting (September 2001), in the light of the position taken by the Deputies. They decided, however, to proceed already at this stage to a first exchange of views.

***Recommendation (i): Granting the Committee of Ministers with the power to seize the Court with a request for interpretation***

21. This specific recommendation received little support from the experts.

22. Many experts shared the views expressed by President Wildhaber in his letter (see paragraph 16 above) to the Chairman of the Committee of Legal Affairs and Human Rights about the wisdom of maintaining the present distribution of powers between the Court and the Committee of Ministers. Most experts added that they also saw little practical scope for such a possibility, as the kind of problems referred to by the Assembly occurred only in exceptional cases. Furthermore, in these exceptional cases, there was always the possibility for the respondent Government to seek an interpretation under Rule 79 of the Rules of Court within one year from the judgment.

23. Different opinions were expressed as to the adequacy of this time limit. Some experts considered that a longer time limit would be preferable, as execution problems might not, for a number of reasons, appear until it was too late for such a request. Others considered that an extension of the time limit would give the impression that the Committee of Ministers did not supervise execution with enough diligence.

24. Reference was also made to Article 47 of the Convention, whilst all accepted the extremely limited scope of this provision. Some experts also noted the possible opposition between the granting of such a power of interpretation and the present Article 19 of the Convention.

***Recommendation (ii): Introduction of a system of “astreintes”***

25. As to the recommendation concerning the introduction of a system of “astreintes”, most experts were hesitant, although they in general acknowledged the need for the Committee of Ministers to develop responses to situations of resistance to execution. It was noted that the Committee of Ministers was presently engaged in a reflection on this general problem.

26. Some experts expressed themselves in favour of a system of “astreintes”. They pointed to the fact that, within the framework of the draft codification of the rules on State responsibility undertaken by the United Nations’ International Law Commission, it has recently been accepted that this responsibility could also include monetary sanctions. These experts also pointed out the positive experiences in the field of “astreintes” within the European Union, in particular in a recent case against Greece.

27. Other experts were, however, of the opinion that these experiences could not be adapted to the special system set up under the Convention. They highlighted its special characteristics, in particular as regards the scope and nature of any general measures required and the time limit for their implementation, all of which were left very much to the discretion of the States. Thus it was difficult to compare with the EU where the “astreintes” operated in respect of precise pre-negotiated obligations, mostly in the form of Directives (with clearly established obligations and time-limits). Some experts replied, however, that there are certain obligations flowing from a judgment of the Strasbourg Court that were also very clear and precise under the ECHR (for example, payment of just satisfaction), so that there was, in this respect, little difference with the EU situation.

Furthermore, other experts doubted the possibility of being able to overcome a political resistance through the imposition of “astreintes”.

28. In addition, many experts highlighted the problem of identifying situations that really merited sanctions as compared to other situations of delay in execution (fall of a government, new elections, necessity to make comprehensive legislative changes or to co-ordinate legislative activity with the European Union). The necessity of involving the Court in any

such assessment was stressed. Some experts, however, considered that the resulting burden on the Court posed a problem.

29. Finally, certain experts considered that the introduction of a system of “astreintes” would be contrary to the original philosophy of the ECHR system, as this was conceived by the founders to leave the States a very wide margin of appreciation in executing the judgments, a fact evidenced by the short wording of Article 46 (previously Article 54) that deals with the subject.

30. All the experts underlined the importance of the respect by States of the judgments of the Court. They noted however the existing gaps within the Convention system with regards to the means available to ensure execution of the judgments: there is no intermediate means at the disposal of the Committee of Ministers between, on the one hand, the adoption of an interim resolution and, on the other hand, exclusion from the Organisation under Article 8 of the Statute. They acknowledged, however, that any development of the existing system would have to be made with great care.

31. As to the general debate on the enlargement of the measures available to the Committee of Ministers the DH-PR noted that the Deputies had decided to hold a debate on this matter. Some experts of the DH-PR considered however that the DH-PR could contribute to this reflection process either through an informal exchange of views or within the framework of the Parliamentary Assembly’s Recommendation 1477 (2000). Indeed, in item iv (a) of this text, the [Parliamentary Assembly](#) recommends the Committee of Ministers to “be more strict towards member States which fail in their obligation to execute judgments of the Court”. The measures at the Committee’s disposal are, however, still limited. In any event the DH-PR is aware of the necessity of not being too formal in the examination of this question in order to prevent any duplication of the current reflection within the Committee itself.

***Recommendation (iii): increased use of the possibility to intervene in the proceedings before the Court***

32. As regards this item, the experts expressed a certain approval, although doubts were expressed as to the possibility of enhancing, through such action, the erga omnes meaning of the Court’s judgments.

33. It was noted that it was primarily an intervention under Article 36, para. 2, of the Convention, which could be relevant in the present context. It was further pointed out that this provision did not give States a right to intervene, but only a right to the President of the Court to invite the State to intervene. However, so far the President had regularly invited States that had expressed a wish to be invited.

34. Experts also noted that it was becoming increasingly difficult to use the possibilities offered by this provision, both as a result of the problem of identifying relevant cases with the research means available and the fact that, when identification became more easy, i.e. after the decision on admissibility, intervention was often impossible because of the short time left before judgment.

35. In addition, some experts remarked that a lot of important issues for intervention were often admissibility issues. They underlined that, in a number of cases, the possibility of intervention was effective only if a State was made aware of a case before admissibility.



36. The DH-PR decided to pursue the debate on this issue at its next meeting, including on Item (iv) of Recommendation 1477, and to present its concluding remarks to the CDDH, if possible, for examination during the November 2001 meeting.

**Item 4: Possibility for action by the DH-PR to ensure that national legislation allows for compensation for violations found by national authorities thus avoiding the case being referred to Strasbourg**

37. The DH-PR decided to examine this item at its next meeting, notably in the light of the elements for reflection submitted by the Secretariat in document [DH-PR \(2001\) 4](#).

**Item 5: Possible contribution to the monitoring exercise on the functioning of the judicial system (deadline: end 2002): Examination, notably in the light of the case-law of the European Court of Human Rights, of the situation with regard to :**

- a. fairness of prosecution proceedings in member States*
- b. court proceedings before military courts in member States.*

38. The DH-PR took note of this item that will be put on the agenda of its next meeting. It noted that the first issue is particularly broad, while the second one deals with an extremely precise subject, whose link with the activities of the Committee needs to be highlighted. It was decided that the Secretariat would contact the Monitoring Unit of the Council of Europe on these issues and would prepare a discussion paper that will be examined in September 2001. On this occasion, the DH-PR will decide on the possible work to be carried out in this field.

**Item 6 : Election of the vice-president**

39. As an introductory comment, two experts brought up the general question of candidatures to vacant positions in committees. With regard to the transparency of elections, they referred in particular to the need to ensure that information on elections, and notably the identity of (the) potential candidate(s) is/are made known to all the experts well enough in advance. The rule of respecting a fair geographical distribution was also raised within this context. During the subsequent exchange of views, it was noted that these various remarks had duly been taken into consideration for this election.

40. According to the relevant provisions of article 17 of appendix 2 to [Resolution \(76\) 3](#) on Committee structures, terms of reference and working methods, Mr Linos-Alexander SICILIANOS (Greece) was elected unanimously as vice-president of the DH-PR for one year, starting on 1st January 2001. This term of office may be renewed once.

**Item 7: Items to be placed on the agenda of the next meeting**

41. The DH-PR decided to place the following items on the agenda of its next meeting:

- 1. Opening of the meeting and adoption of the agenda
- 2. Continuation of the examination of the questions raised in Recommendation 1477 (2000) of the Parliamentary Assembly concerning the execution of judgements of the European Court of Human Rights

3. Follow-up to the European Ministerial Conference on Human Rights (Rome, 3-4 November 2000) – Continuation of the examination of the items addressed in paragraph 14 of Resolution I adopted by the Conference

14 (i) Improving the implementation of the Convention in law and in practice in member States, including the existence of an effective remedy at national level;

14 (ii) Systematic screening of the compatibility of draft legislation and regulations, as well as of administrative practice, with the standards fixed by the Convention

14 (iii) Publication and dissemination of the Court's judgments

14 (iv) Training in Human Rights

14 (v) (vi) Reservations and ratifications

4. Possibility for action by the DH-PR to ensure that national legislation allows for compensation for violations found by national authorities thus avoiding the case being referred to Strasbourg

5. Possible contribution to the monitoring exercise on the functioning of the judicial system: Examination, notably in the light of the case-law of the European Court of Human Rights, of the situation with regard to:

- a. fairness of prosecution proceedings in member States
- b. court proceedings before military courts in member States

6. Exchange of views with invited guests

7. Items to be placed on the agenda of the next meeting

8. Dates of the next meeting

9. Other business

Exchange of views on the work of the CDDH Reflection Group on reinforcement of the human rights protection mechanism (CDDH-GDR) and of the Evaluation group to examine possible means of guaranteeing the effectiveness of the European Court of Human Rights

42. During the meeting, the DH-PR expressed its wish to invite to its 50<sup>th</sup> meeting representatives of the Registry of the European Court of Human Rights, the Secretary of the Committee of Legal Advisers on Public International Law (CAHDI), and representatives from the European Committee for the Prevention of Torture (CPT) and of the Programme "Police and Human Rights".

#### **Item 8 : Dates of the next meeting**

43. Further to the decision taken by the CDDH at its 51<sup>st</sup> meeting (document [CDDH \(2001\) 15](#)) the DH-PR noted that its 50<sup>th</sup> meeting will take place from 26 to 28 September 2001.

#### **Item 9 : Other business**

*« Tour de table » on the implementation of Recommendation n° R (2000) 2 of the Committee of Ministers to member States concerning the re-examination or re-opening of certain cases at the domestic level following judgments of the European Court of Human Rights*

44. The experts referred to the developments that took place in their respective countries on the implementation of the above-mentioned Recommendation. It became clear from the “tour de table” that a number of countries plan to re-open criminal procedures and that some of them also planned to re-open civil law or administrative procedures. Since the adoption of the Recommendation, some countries such as France, Greece and Hungary have introduced legislation allowing for the re-opening of a case in criminal matter, or, as in Romania, in criminal and civil matters. Other countries are under the process of examining these issues; drafts allowing the introduction of legislation on this issue are particularly advanced in Belgium, Italy, Netherlands and in the Former Yugoslav Republic of Macedonia.

45. The Secretariat was requested to prepare a document that would show the current situation in member States. To this end, it will send to experts document [DH-PR \(99\) 3](#) which contains a certain amount of information which had already been collected on this issue to allow them to submit any relevant changes before 31 July 2001. The revised version will be examined by the DH-PR at its next meeting.

\* \* \*

**APPENDICES****Appendix I : LIST OF PARTICIPANTS / LISTE DE PARTICIPANTS****ALBANIA / ALBANIE**

Ms Pranvera HAXHINASTO, Specialist at CoE Desk, Euroatlantic Cooperation Department, Ministry of Foreign Affairs, Blv. Jeanne d'Arc, Nr. 6, TIRANA

**ANDORRA / ANDORRE****ARMENIA / ARMENIE**

Ms Marta AYVAZYAN, First Secretary, Human Rights Desk Department of International Organisations, Ministry of Foreign Affairs, Republic Square, Government House 2, YEREVAN

**AUSTRIA / AUTRICHE**

Ms Brigitte OHMS, Deputy to the Head of Division for International Affairs and General Administrative Affairs, Bundeskanzleramt-Verfassungsdienst, Ballhausplatz 2, 1014 WIEN

**AZERBAIJAN / AZERBAÏDJAN**

Ms Turan SADIG, Attache, Treaty and Legal Department, Ministry of Foreign Affairs, Gurbanov str, 4, 370009 BAKU

**BELGIUM / BELGIQUE**

M. Jan LATHOUWERS, Chef de Service, Ministère de la Justice, Direction générale de la législation pénale et des droits de l'homme, Service des droits de l'homme, Boulevard de Waterloo 115, B-1000 BRUXELLES

**BULGARIA / BULGARIE**

Mr Andrey TEHOV, Acting Director, Directorate of Human Rights, Ministry of Foreign Affairs, 2 Alexander Zhendov str, SOFIA - 1113

**CROATIA / CROATIE**

Ms Lidija LUKINA-KARAJKOVIČ, Government Agent, Office of the Government Agent, Ulica Republike Austrije 16, 10000 ZAGREB

**CYPRUS / CHYPRE**

Mr Demetrios STYLIANIDES, Former President Supreme Court, 3 Macedonia street, Lycavitos, NICOSIA

**CZECH REPUBLIC / REPUBLIQUE TCHEQUE**

Mr Jiří MALENOVSKÝ, Judge of the Constitutional Court, Joštova 8, 60200 BRNO

**DENMARK / DANEMARK**

Ms Anne Braa ANDERSEN, Ministry of Justice, Slotsholmsgade 10, DK-1216 COPENHAGEN K

**ESTONIA / ESTONIE**

Ms Mai HION, First Secretary, Division of Human Rights, Ministry of Foreign Affairs, Rävåla pst 9, 15049 TALLINN

**FINLAND / FINLANDE**

Mr Arto KOSONEN, Director, Agent for the Government, Legal Department, Ministry of Foreign Affairs, P.O. Box 176, SF-00161 HELSINKI

**FRANCE**

Mme Michèle DUBROCARD, Sous-Directrice des Droits de l'Homme, Direction des Affaires juridiques, Ministère des affaires étrangères, 37 Quai d'Orsay, F-75007 PARIS

**GEORGIA/GEORGIA**

Mr Konstantin KORKEKELIA, General Representative to the European Court of Human Rights, Office of General Representative to the European Court of Human Rights, Ministry of Justice, Rustaveli avenue 30, 380046 TBILISI

**GERMANY / ALLEMAGNE**

Ms Dorothee SINGER, Executive assistant to the Agent for Human Rights, Federal Ministry of Justice, Jerusalem Strasse 27, D-11017 BERLIN

**GREECE / GRECE**

M. Linos-Alexander SICILIANOS, Professeur agrégé, Université d'Athènes, Département d'études internationales, 14 Sina Street, 10672 ATHENES

**HUNGARY / HONGRIE**

Mr Lipot HÖLTZL, Deputy Secretary of State, Ministry of Justice, Kossuth Ter 4., H-1055 BUDAPEST

**ICELAND / ISLANDE**

Ms Björg THORARENSEN, Director of Police and Judicial Affairs, Ministry of Justice, Arnarhvali, 150 REYKJAVIK

**IRELAND / IRLANDE**

Mr James GAWLEY, Legal Adviser to the Council of Europe and Human Rights Sections, Department of Foreign Affairs, 80 St. Stephen's Green, IRL-DUBLIN 2

**ITALY / ITALIE**

Mr Sandro RICCI Magistrate, Legislative service, Ministry of Justice, Via Arenula 70, I - 00186 ROMA

M. Guido RAIMONDI, Cour de Cassation, Parquet Général, Palais de Justice, Piazza Cavour, I-00199 ROME

**REPUBLIC OF LATVIA / REPUBLIQUE DE LETTONIE**

Ms Ieva BILMANE, Head of Administrative Legal Division, Ministry of Foreign Affairs, Brivibas Blvd 36, RIGA Lv-1395,

**LIECHTENSTEIN**

**LITHUANIA / LITUANIE**

Mr Darius STANIULIS, Adviser of Law Division, Ministry of Foreign Affairs, J. Tumo-Vaizganto 2, 2600 VILNIUS

**LUXEMBOURG**

**MALTA / MALTE**

Dr Susan SCIBERRAS, LL.D, Lawyer, Attorney General's Office, The Palace, VALLETTA

**REPUBLIC OF MOLDOVA/REPUBLIQUE DE MOLDAVIE**

M. Vitalie PARLOG, Direction Agent Gouvernemental et Relations Internationales, Ministère de la Justice, str. 31 August, 82, MD - 2012 CHISINAU

**NETHERLANDS / PAYS-BAS**

Mr Roeland BÖCKER, Chairman of the DH-PR/Président du DH-PR, Ministry of Foreign Affairs, Dept. DJZ/IR, P.O. Box 20061 - 2500 EB THE HAGUE

Ms Mappie VELDT, Legal Counsel, Ministry of Foreign Affairs, Dept. DJZ/IR, P.O. Box 20061 - 2500 EB THE HAGUE

**NORWAY / NORVEGE**

Mr Eirik VINJE, Senior Executive Officer, Legislation Department of the Royal Norwegian Ministry of Justice, Post Box 8005 Dep, N-0030 OSLO

**POLAND / POLOGNE**

Mr Krzysztof DRZEWICKI, Minister Counsellor, Deputy Permanent Representative of Poland to the Council of Europe, Agent of the Government before control organs of the ECHR, 2, rue Geiler, F-67000 STRASBOURG

Mr Grzegorz ZYMAN, Legal Advisor, Ministry of Foreign Affairs, Legal Department, Al. Szucha 23, 00-580 WARSZAWA 7

**PORTUGAL**

M. Antonio Henriques GASPARG, Procureur Général adjoint, procuradoria Geral da Republica, Rua da escola Politecnica, 140, P-1100 LISBOA

**ROMANIA / ROUMANIE**

Ms Cristina TARCEA, Director, The Government Agent Department, 17, rue Apolodor, BUCAREST RO-70 663 BUCAREST

**RUSSIAN FEDERATION / FEDERATION DE RUSSIE**

M. Yuri BERESTNEV, Chef du Bureau de l'Agent de la Fédération de Russie auprès de la Cour européenne des Droits de l'Homme, oulitsa Ilyinka, 8/4, pod.20 GGPU, Présidenta Rossii, 103 132 MOSCOW

**SAN MARINO / SAINT MARIN**

**SLOVAKIA / SLOVAQUIE**

Mr Igor NIEPEL, Directorate of Human Rights, Division for co-operation with the Council of Europe, Ministry of Foreign Affairs, Hlboká cesta 2, 833 36 BRATISLAVA

Mr Peter VRŠANSKÝ, Agent of the Slovak Republic before the European Court of Human Rights, Ministry of Justice, Župné nám. c.13, 813 11 BRATISLAVA

**SLOVENIA/SLOVENIE**

Mr Lucijan BEMBIČ, State Attorney General, Državno Pravobranilstvo, Trdinova 4, 1000 LJUBLJANA

**SPAIN / ESPAGNE**

M. Francisco BORREGO BORREGO, Avocat d'Etat, Sous-Directeur Général, Chef du service juridique des Droits de l'Homme, Ministère de la Justice, Calle Ayala, no 5, E-28001 MADRID

**SWEDEN / SUEDE**

Ms Eva JAGANDER , Director, Ministry for Foreign Affairs (FMR), SE-103 39 STOCKHOLM

**SWITZERLAND / SUISSE**

M. Frank SCHÜRMAN, Chef de Section, Section des droits de l'homme et du Conseil de l'Europe, Office fédéral de la justice, Département fédéral de Justice et Police, Taubenstrasse 16, CH - 3003 BERNE

**"The former Yugoslav Republic of Macedonia"/"L'Ex-République yougoslave de Macédoine"**

Ms Mirjana LAZAROVA-TRAJKOVA, Legal Adviser, Ministry of Interior, "Dimce mir cev" BB, 1000 SKOPJE

**TURKEY / TURQUIE**

Mr Ahmet IMIRZALIOĞLU, Judge, Ministry of Justice, Adalet Bakanligi, Milli Mudafa cad ek bina, Kat 8, KIZILAY ANKARA

Mme Deniz AKÇAY, Adjoint au Représentant permanent de la Turquie auprès du Conseil de l'Europe, 23, boulevard de l'Orangerie, F-67000 STRASBOURG

**UKRAINE**

Ms Larysa MYRONENKO, Conseiller, Head of CoE and Council of Europe Division, Ministry of Foreign Affairs, 1, Mykhaylivskg sq., 252018 KYIV

**UNITED KINGDOM / ROYAUME-UNI**

Mr Christopher WHOMERSLEY, Legal Counsellor, Foreign and Commonwealth Office, King Charles Street, GB - LONDON SW1A 2AH

Mr Martin EATON, Acting Deputy Legal Adviser, Foreign & Commonwealth Office, King Charles Street, GB - LONDON SW1A 2AH

\* \* \*

**EUROPEAN COMMISSION/COMMISSION EUROPEENNE**

\* \* \*

**OBSERVERS/OBSERVATEURS**

**HOLY SEE/SAINT-SIEGE**

**UNITED STATES OF AMERICA / ETATS UNIS D'AMERIQUE**

**CANADA**

**JAPAN/JAPON**

M. Pierre DREYFUS, Assistant, General Consulate of Japan, "Tour Europe" 20, Place des Halles, F-67000 STRASBOURG

**MEXICO/MEXIQUE**

**AMNESTY INTERNATIONAL**

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

**INTERNATIONAL FEDERATION OF HUMAN RIGHTS (FIDH) / FEDERATION  
INTERNATIONALE DES LIGUES DES DROITS DE L'HOMME**

**SECRETARIAT**

**Directorate General of Human Rights - DG II/Direction Générale des droits de l'homme -  
DG II  
Council of Europe/Conseil de l'Europe, F-67075 Strasbourg Cedex**

M. Pierre-Henri IMBERT, Director General of Human Rights/Directeur Général des Droits de  
l'Homme

Mr S. Günter NAGEL, Head of the Department for the execution of judgments of the European  
Court of Human Rights/Chef du Service de l'exécution des arrêts de la Cour européenne des  
Droits de l'Homme

Mr Fredrik SUNDBERG, Principal Administrator/Administrateur principal/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, Secretary of the DH-PR/Secrétaire du  
DH-PR

M. Alfonso DE SALAS, Head of the Intergovernmental Cooperation Unit/Chef de l'Unité de la  
coopération intergouvernementale

M. Mikaël POUTIERS, Administrator/Administrateur

Mme Michèle COGNARD, Administrative Assistant/Assistante administrative

\* \* \*

Interpreters/Interprètes

Mr Christopher TYCZKA

Mr Derrick WORSDALE

\*\*\*



## **Appendix II: AGENDA**

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

Draft agenda

[DH-PR \(2001\) OJ 1](#)

Report of the 48th meeting of the DH-PR  
(6-9 September 2000)

[DH-PR \(2000\) 10 rev.](#)

### **Item 2: Follow-up to the European Ministerial Conference on Human Rights (Rome, 3-4 November 2000)**

Texts adopted by the Conference

[H/Conf \(2000\) 1](#)

Decisions of the Ministers' Deputies on the follow-up to be given to the texts adopted by the Conference

[CDDH \(2001\) 3](#)

Report of the 51st meeting of the CDDH  
(27 February-2 March 2001)

[CDDH \(2001\) 15](#)

### **Examination of the items addressed in paragraph 14 of Resolution I adopted by the Conference**

Report of the 51st meeting of the CDDH  
(27 February-2 March 2001)

[CDDH \(2001\) 15](#) paragraphs 11-14

***14 (i) Improving the implementation of the Convention in law and in practice in member States, including the existence of an effective remedy at national level ;***

***14 (ii) Systematic screening of the compatibility of draft legislation and regulations, as well as of administrative practice, with the standards fixed by the Convention***

Report of the 47th meeting of the DH-PR  
(12-14 April 2000)

[DH-PR \(00\) 6](#)

Replies to the Secretariat's questionnaire

[DH-PR \(2001\) 1](#)

***14 (iii) Publication and dissemination of the Court's judgments***

Secretariat memorandum

[DH-PR \(2001\) 2](#)

Rules of procedure of the European Court of Human Rights

***14 (iv) Training in human rights******14 (v) and (vi) Reservations and ratifications*****Work of the CDDH Reflection Group on the reinforcement of the human rights protection mechanism**

Report of the 51st meeting of the CDDH  
(27 February-2 March 2001)  
[CDDH \(2001\) 15](#) paragraphs 22-26

**Item 3: Examination of the questions raised in Recommendation 1477 (2000) of the Parliamentary Assembly concerning the execution of judgments of the European Court of Human Rights**

Text of the Recommendation and opinion of the CDDH  
[DH-PR \(2001\) 3](#)

Secretariat memorandum  
[DH-PR \(2001\) 3 Addendum](#)

**Item 4: Possibility for action by the DH-PR to ensure that national legislation allows for compensation for violations found by national authorities thus avoiding the case being referred to Strasbourg**

Secretariat memorandum  
[DH-PR \(2001\) 4](#)

**Item 5: Possible contribution to the monitoring exercise on the functioning of the judicial system (deadline: end 2002): Examination, notably in the light of the case-law of the European Court of Human Rights, of the situation with regard to :**

- a. fairness of prosecution proceedings in member States*
- b. court proceedings before military courts in member States.*

**Item 6: Election of the vice-president****Item 7: Items to be placed on the agenda of the next meeting****Item 8: Dates of the next meeting****Item 9: Other business**

*« Tour de table » on the implementation of Recommendation n° R (2000) 2 of the Committee of Ministers to member States concerning the re-examination or re-opening of certain cases at the domestic level following judgments of the European Court of Human Rights*

Text of the Recommendation and the Explanatory Memorandum

**Appendix III: Joint reply by the Chairmen of the CDDH and of the DH-PR to the letter of 19 September 2000 from the President of the European Court of Human Rights**

Strasbourg, 9 May 2001

**Publication and dissemination of the Court's judgments**

Mr President,

In a letter of 20 June 2000 we transmitted to you a number of questions relating to the accessibility of the Court's judgments and decisions, raised by the Committee of experts for the improvement of procedures for the protection of human rights (DH-PR). This body is one of the sub-committees of the Steering Committee for Human Rights (CDDH).

You replied in your letter of 19 September 2000 and, in the name of the CDDH and of the DH-PR, we presently wish to express our sincere thanks for your reply and the information contained therein about the important efforts currently undertaken by the Court to make its jurisprudence more accessible.

In this connection, we wish to inform you that, at its 49<sup>th</sup> meeting (25-27 April 2001), the DH-PR held an exchange of views on the publication and dissemination of the Court's case-law at the national level, notably in the light of the information provided in your letter. On this occasion, the experts of the Committee – many of whom are agents of the governments – underlined the efforts made also by the States in order to make available to the public, in translation into the national language, not only important judgments and decisions directly concerning the State, but also other judgments of established importance. With this ambition in mind, the DH-PR was particularly interested in the information you provided as to the identification of important cases and in the possibility of having brief indications of the subject matter of cases.

The DH-PR, accordingly, strongly supports the Court's intention to flag important judgments and decisions (including inadmissibility decisions) in the database used by the Court's Web site, so that these are easily identified by the user. In this respect, the members of the DH-PR found that it would be very useful if it was possible to conduct searches on the Web site limited exclusively to these important judgments and decisions. The list of these important cases would, we presume, as a rule correspond to the list identifying judgments and decisions for publication. In this context, the experts expressed particular interest in having important inadmissibility decisions flagged.

./.

President of the European Court of Human Rights  
Mr Luzius WILDHABER

Moreover, the DH-PR welcomes the efforts announced in order to present a list of the judgments rendered since 1999 together with a brief indication of the subject matter. If these indications could also be included in the database containing the important cases (the flagged cases) research would be further facilitated.

We express in advance our sincere thanks for the interest with which you will consider the present letter.

Please accept the assurance of our highest consideration.

Krzystof DRZEWICKI  
Chairman of the CDDH

Roeland BÖCKER  
Chairman of the DH-PR