

Strasbourg, 22 May 2012

DH-PS(2012)R4

STEERING COMMITTEE FOR HUMAN RIGHTS
(CDDH)

COMMITTEE OF EXPERTS ON A SIMPLIFIED PROCEDURE FOR
AMENDMENT OF CERTAIN PROVISIONS OF
THE EUROPEAN CONVENTION ON HUMAN RIGHTS
(DH-PS)

Meeting Report

4th meeting
14 – 16 May 2012
Strasbourg

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

1. The Committee of experts on a simplified procedure for amendment of certain provisions of the European Convention of Human Rights (DH-PS) held its fourth meeting in Strasbourg from 14-16 May 2012 with Mrs Björg THORARENSEN (Iceland) in the chair. The list of participants appears at Appendix I. The agenda, as adopted, appears at Appendix II.

Item 2: Review of the provisional determination of which provisions of Section II of the Convention should be subject to a simplified amendment procedure

2. The Committee reviewed its provisional determination of which provisions of Section II of the Convention should be subject to a simplified amendment procedure. The outcome of this is reflected in the draft CDDH Final Report (see item 6 below).

Item 3: Options for introducing a simplified amendment procedure

3. The Committee held an exchange of views on the different options for the introduction of a simplified amendment procedure. The outcome of this exchange is reflected in the draft CDDH Final Report (see item 6 below).

Item 4: Possible national and/ or international legal problems affecting the feasibility of certain possible modalities for the introduction of a simplified amendment procedure

4. The Committee held an exchange of views on possible national and/ or international legal problems affecting the feasibility of certain possible modalities for the introduction of a simplified amendment procedure. The outcome of this exchange is reflected in the draft CDDH Final Report (see item 6 below).

Item 5: Prospects for further work

5. The Committee held an exchange of views on the prospects for further work. The outcome of this exchange is reflected in the draft CDDH Final Report (see item 6 below).

Item 6: Draft CDDH Final Report

6. The Committee examined the draft elements prepared by the Secretariat and, on the basis also of the foregoing discussions, adopted a draft CDDH Final Report (see document DH-PS(2012)R4 Addendum I), for transmission to the CDDH with a view to its possible adoption at the CDDH's next meeting.

Item 7: Other business

7. With the adoption of the draft CDDH Final Report, the Committee considered that it had fulfilled its terms of reference. It expressed its appreciation for the constructive atmosphere and spirit of compromise shown by its members throughout its work, which had allowed adoption of the draft texts by consensus, and for the way in which the Chairperson had conducted its meetings.

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Appendix I**List of participants / liste de participants****ARMENIA / ARMENIE**

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

AUSTRIA / AUTRICHE

Apologised /excusé

BELGIUM / BELGIQUE

Mme Isabelle NIEDLISPACHER co-Agent du Gouvernement, Service Public Fédéral Justice, Service des droits de l'homme, Boulevard de Waterloo 115, B-1000 Bruxelles

BULGARIA / BULGARIE

Mrs Genka GEORGIEVA, Head of Human Rights Department, Ministry of Foreign Affairs of Bulgaria, 1113, Al. Zhendov Str. No. 2, Sofia

CZECH REPUBLIC / REPUBLIQUE TCHEQUE

Mr Vit SCHORM, Government Agent, Ministry of Justice, Vyšehradská 16, 128 10 Praha 2

ESTONIA / ESTONIE

Ms Maris KUURBERG, Government Agent before the European Court of Human Rights, Ministry of Foreign Affairs Islandi väljak 1, 15049 Tallinn

FINLAND / FINLANDE

Mr Jaakko HALTTUNEN, Counsellor, Legal Service, Unit for Human Rights Courts and Conventions, Ministry for Foreign Affairs, P.O. Box 411, FI-00023 Valtioneuvosto

FRANCE

Mme Karine MANACH, Conseiller, Ministère des Affaires Etrangères, 57 boulevard des Invalides, 75007 Paris

GERMANY / ALLEMAGNE

Mrs Sonja WINKELMAIER, Federal Ministry of Justice, Mohrenstraße 37, 10117 Berlin

GREECE / GRECE

Mrs Zinovia STAVRIDIS, Legal Adviser, Special Legal Department, Ministry of Foreign Affairs, 11,V.Sofias Avenue, Athens

ICELAND / ISLANDE

Ms Björg THORARENSEN, Chairperson of the DH-PS / Présidente du DH-PS, Professor of Law, University of Iceland, 150 Reykjavik

ITALY / ITALIE

Mr Nicola LETTIERI, Expert juridique, Représentation Permanente de l'Italie auprès du Conseil de l'Europe, 3 rue Schubert, 67000 Strasbourg

THE NETHERLANDS / PAYS-BAS

Ms Liselot EGMOND, Deputy Government Agent, Ministry of Foreign Affairs, PO Box 20061, NL-2500, The Hague

NORWAY / NORVEGE

Ms Elin WIDSTEEN, Senior Adviser, Section for International Humanitarian and Criminal Law, Legal Department, Norwegian Ministry of Foreign Affairs, PO Box 8114 Dep N-00302 Oslo

POLAND / POLOGNE

Mr Michal BALCERZAK, Assistant Professor, Human Rights Department, Faculty of Law and Administration, Nicolaus Copernicus University, Gagarina str. 15, 87100 Toruń, Poland

RUSSIAN FEDERATION / FEDERATION DE RUSSIE

Mr Nikolay MIKHAILOV, Office of the Representative of the Russian Federation at the European Court of Human Rights, Deputy Head, Ministry of Justice of the Russian Federation, Zhitnaya St., 14, 119991 Moscow

Ms Maria MOLODTSOVA, 1st Secretary, Department for International Humanitarian Cooperation and Human Rights, Ministry of Foreign Affairs, 32/34, Smolenskaya-Sennaya sq., 119200 Moscow

SWEDEN / SUEDE

Ms Hanna KRISTIANSSON, Legal Adviser, Ministry for Foreign Affairs, Department for International Law, Human Rights and Treaty Law, , SE-103 39, Stockholm

SWITZERLAND / SUISSE

Mme Cordelia EHRICH, Juriste, 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, CH-3003 Berne

TURKEY / TURQUIE

Ms Halime Ebru DEMIRCAN, Legal Adviser, Deputy to the Permanent Representative, Permanent Representation of Turkey to the Council of Europe, Strasbourg, France

Ms Gönül ERÖNEN, Legal Adviser, Deputy to the Permanent Representative, Permanent Representation of Turkey to the Council of Europe, Strasbourg, France

UNITED KINGDOM / ROYAUME-UNI

Ms Joanne NEENAN, Assistant Legal Adviser, Foreign & Commonwealth Office, King Charles Street, LONDON SW1A 2AH

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PARTICIPANTS**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

Parliamentary Assembly / Assemblée parlementaire

Apologised /excusé

European Union / Union Européenne

Mr Daniel TODA CASTAN, Délégation de l'Union Européenne auprès du Conseil de l'Europe, 67000 Strasbourg

The European Commission for the Efficiency of Justice / Commission européenne pour l'efficacité de la justice (CEPEJ)

Apologised /excusé

European Commission for Democracy through Law ("Venice Commission") / Commission européenne pour la démocratie par le droit (« Commission de Venise »)

Apologised /excusé

Council of Europe Commissioner for Human Rights / Commissaire aux Droits de l'Homme du Conseil de l'Europe

Apologised /excusé

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

Apologised /excusé

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OBSERVERS / OBSERVATEURS

Non governmental Organisations / Organisations non-gouvernementales

Amnesty International

Apologised /excusé

International Commission of Jurists (ICJ) / Commission internationale de Juristes (CIJ)

Apologised /excusé

International Federation of Human Rights (FIDH) / Fédération internationale des droits de l'homme (FIDH)

Apologised /excusé

European Roma and Travellers Forum / Forum européen des Roms et des Gens du voyage

Apologised /excusé

European Group of National Institutions for the Promotion and Protection of Human Rights / Groupe européen des institutions nationales de promotion et de protection des droits de l'homme

Apologised /excusé

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SECRETARIAT / SECRÉTARIAT

DG I – Human Rights and Rule of Law, Human Rights Directorate / Droits de l’Homme et État de droit, Direction des droits de l’Homme

Council of Europe, F-67075 Strasbourg Cedex / 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 David MILNER, Administrator / Administrateur, Human Rights Intergovernmental Co-operation Division / Division de la coopération intergouvernementale en matière de droits de l’Homme, Secretary of the DH-PS / Secrétaire du DH-PS

Mme Virginie FLORES, Lawyer / Juriste, Human Rights Intergovernmental Co-operation Division / Division de la coopération intergouvernementale en matière de droits de l’Homme

Mlle Aurélie JACQUOT, Assistant / Assistante, Human Rights Intergovernmental Co-operation Division / Division de la coopération intergouvernementale en matière de droits de l’Homme

Mlle Sana HUSSEIN, Trainee / Stagiaire, Human Rights Intergovernmental Co-operation Division / Division de la coopération intergouvernementale en matière de droits de l’Homme

Mlle Diane BONIFAIX, Trainee / Stagiaire, Human Rights Intergovernmental Co-operation Division / Division de la coopération intergouvernementale en matière de droits de l’Homme

INTERPRETERS / INTERPRÈTES

Ms Lucie DE BURLET

Ms Corinne McGEORGE

Mr Jean-Jacques PEDUSSAUD

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

- Draft Annotated Agenda of the 4th meeting of the DH-PS (14-16 May 2012) DH-PS(2012)OJ001
- Report of the 73rd meeting of the CDDH (6-9 December 2011) CDDH(2011)R73
- Report of the 3rd meeting of the DH-PS (19-21 October 2011) DH-PS(2011)R3

Item 2: Review of the provisional determination of which provisions of Section II of the Convention should be subject to a simplified amendment procedureBackground documents

- Report of the 2nd meeting of the DH-PS (9-11 March 2011) DH-PS(2011)R2 REV.
- Report of the 72nd meeting of the CDDH (29 March – 1 April 2011) CDDH(2011)R72 & Addendum I

Item 3: Options for introducing a simplified amendment procedureWorking document

- Modalities for the introduction of a simplified amendment procedure: possible illustrative models DH-PS(2011)002 REV.2

Item 4: Possible national and/ or international legal problems affecting the feasibility of certain possible modalities for the introduction of a simplified amendment procedureBackground documents

- Compatibility of a possible simplified amendment procedure with domestic law: Compilation of information provided by member States (document prepared by the Secretariat) DH-PS(2011)001
- Modalities for the introduction of a simplified amendment procedure: Possible illustrative models (document prepared by the Secretariat) DH-PS(2011)002 REV.2
- Internal Council of Europe procedure for preparation and adoption of international treaties (document prepared by the Secretariat) DH-PS(2011)003
- Compatibility of a possible simplified amendment procedure with domestic law: Limitations of the scope of a possible simplified amendment procedure – Extract from the information provided by member States (prepared by the Secretariat) DH-PS(2011)005

- Opinion of the Committee of legal advisers on public international law (CAHDI) DH-PS(2011)006

Item 5: **Prospects for further work**

Item 6: **Draft CDDH Final Report**

Working document

- Draft elements for the CDDH Final Report (prepared by the Secretariat) DH-PS(2012)001

Item 7: **Other business**

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