



Strasbourg, 26 September 2014

GT-GDR-F(2014)R3

STEERING COMMITTEE FOR HUMAN RIGHTS
(CDDH)

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

3rd Meeting

Strasbourg

Wednesday 24 September – Friday 26 September 2014

Agora, Meeting Room G01

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 3rd meeting in Strasbourg from 24-26 September 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.

Item 2: Exchange of views with the Registrar of the Court and the Director, Human Rights (DG-I)

2. The Group exchanged views with Mr Erik FRIBERGH, Registrar of the Court, and Mr Christos GIAKOUMOPOULOS, Director, Human Rights (DG I) on the situation of the Court and the Committee of Ministers (as regards the supervision of the Court judgments under Article 46 of the Convention). It thanked them both for their valuable contributions to its work. The Group noted that the interventions by both speakers would be made available in writing.

Item 3: Presentations by invited ‘ad hoc experts’

3. Following presentation of their proposals, the Group exchanged views with Dr Başak ÇALI, (Koç University) and Dr Alice DONALD (Middlesex University). It thanked them both for their valuable contributions to its work. The Group noted that further written contributions by both speakers would be made available following the meeting.

**Item 4: Possibilities for preserving (and reinforcing) the current system
(continued from the 2nd meeting)**

4. Further to decisions at its first and second meetings, the Group continued its exchange of views on the question of possibilities for preserving and reinforcing the current system, which it had provisionally determined would be addressed in Section V of the CDDH final report.

5. The Group invited the Secretariat to prepare draft text for the final report.

Item 5: Alternative models for the Convention control mechanism

6. The Group held a preliminary exchange of views on the possible alternative models for the Convention control mechanism. Discussion of this item will continue at the next meeting. All experts were invited to provide any information or ideas concerning alternative models in good time in advance of the next meeting.

Item 6: Organisation of future work

7. The Group exchanged views on the organisation of its future work, taking note that the Committee of Ministers had not yet taken a decision on the CDDH’s request to extend the deadline for presentation of the final report from 15 March to 31 December 2015. It expressed a strong preference for being able to complete its work in accordance with the schedule envisaged under an extended deadline, considering the alternative to be unrealistic. It examined and approved the ‘road-map’ on progress towards the draft CDDH final report, as

contained in doc. GT-GDR-F(2014)020, with a view to updating it at successive future meetings.

8. As regards the possibility of inviting ‘ad hoc external experts’ to its next meeting, the Group invited the DH-GDR to take position on the matter at its own next meeting, on the basis of proposals made by experts.

Item 7: Other business

9. The Group took note of information from experts on the following events relevant to its work:

- Meeting of Parliamentarians and Experts on “The European Court of Human Rights: Anti-democratic or Guardian of Fundamental Values”, Royal Institute of International Affairs/ Parliamentarians for Global Action, London, U.K., 13 October 2014
- Seminar on “Shifting the Convention System: Counter-dynamics at the National Level”, University of Antwerp/ University of Leuven, Antwerp, Belgium, 30-31 October 2014.

10. The Group also took note of the forthcoming VIII Warsaw Seminar on “Equal Access to Rights Guaranteed under the System of the Convention for the Protection of Human Rights and Fundamental Freedoms – Current State of Affairs and Challenges”, Ministry of Foreign Affairs/ Government Plenipotentiary for Equal Treatment, Warsaw, Poland, 24 October 2014.

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Appendix I**List of participants****MEMBERS / MEMBRES****ALBANIA / ALBANIE**

Ms Alma HICKA, Albanian General State Advocate, Ministry of Justice

Mr Roden HOXHA, Permanent Representative of Government Agent at the European Court of Human Rights, State Advocature Office of the Republic of Albania

AUSTRIA / AUTRICHE

Dr. Dominik HAIDER, Federal Chancellery of the Republic of Austria - Constitutional Service, Department V/2 and V/5

BELGIUM / BELGIQUE

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

CZECH REPUBLIC / RÉPUBLIQUE TCHÈQUE

Mr Vit A. SCHORM, Government Agent, Ministry of Justice

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

Ms Katja BEHR, Head of Unit IV C 1, Government Agent before the European Court of Human Rights, Ministry of Justice

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

M. Michail APESSOS, Vice-Président du Conseil Juridique de l'Etat, Agent Adjoint du Gouvernement

ITALY / ITALIE

M. Paolo EPIFANI, Ministère des affaires étrangères

LATVIA / LETTONIE

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

LUXEMBOURG / LUXEMBOURG

Mme Brigitte KONZ, Juge de Paix directrice, Cité judiciaire

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

Ms Noortje VAN RIJSEN, Legal Officer, Ministry of Foreign Affairs, Dept. DJZ/IR

NORWAY / NORVÈGE

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

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

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

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

UKRAINE

Mme Nataliia SEVOSTIANOVA

Mme Inna LINIOVA

Mme Elyzaveta DZIGORA

M. Ruslan IERMOLENKO

UNITED KINGDOM / ROYAUME-UNI

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

Mr Paul McKELL, Legal Counsellor, Foreign and Commonwealth Office

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, Constitutional Court judge, member of the Venice Commission, Professor, University of Vienna

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

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

M. Giorgio MALINVERNI, Professeur honoraire de l'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 (*apologised*)

AD HOC EXPERTS / EXPERTS AD HOC

Professor Marten BREUER, Konstanz University

Mme Elisabeth LAMBERT-ABDELGAWAD, Directrice de recherche au CNRS, Université de Strasbourg

Ms Nuala MOLE, AIRE Centre

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

Dr Alice DONALD, School of Law, Middlesex University

OBSERVERS / OBSERVATEURS**HOLY SEE/ SAINT SIÈGE**

Mme Andreea POPESCU

JAPAN / JAPON

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

AMNESTY INTERNATIONAL

Mr Sébastien RAMU, Senior Legal Adviser, Law and Policy

OPEN SOCIETY JUSTICE INITIATIVE

Mr Christian DE VOS, advocacy office

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

Ms Róisín PILLAY, Senior Legal Adviser, Europe Programme International

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

Ms Clare COLLIER, Senior Lawyer (Solicitor-Advocate (Higher Rights, Civil)), Equality and Human Rights Commission

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

M. Jean-Bernard MARIE

REGISTRY OF THE EUROPEAN COURT OF HUMAN RIGHTS / GREFFE DE LA COUR EUROPÉENNE DES DROITS DE L'HOMME

Mr Erik FRIBERGH, Registrar, European Court of Human Rights

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

DIRECTORATE OF LEGAL ADVICE AND PUBLIC INTERNATIONAL LAW / DIRECTION DU CONSEIL JURIDIQUE ET DU DROIT INTERNATIONAL PUBLIC

Mr Jörg POLAKIEWICZ, Director

COMMITTEE OF MINISTERS / COMITE DES MINISTRES

Ms Ulrika FLODIN JANSSON

SECRETARIAT

**DG I – Human Rights and Rule of Law / Droits de l'homme et État 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 Mikhail LOBOV, Head of Human Rights Policy and Development Department / Chef du Service des politiques et du développement des droits de l'Homme

Mr David MILNER, Head of the Unit on the reform of the Court / Chef de l'Unité pour 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 KOUTZNETSOVA, 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

Julia TANNER

Chloé CHENETIER

Lucie DE BURLET

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

- Draft annotated agenda GT-GDR-F(2014)OJ003
- 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 81st meeting of the CDDH (24-27 June 2014) CDDH(2014)R81
- Report of the 6th meeting of the DH-GDR (4-6 June 2014) DH-GDR(2014)R6
- 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
- Expected results, working methods and schedule: proposals by the Chairperson of the GT-GDR-F GT-GDR-F(2014)001

Item 2: Exchange of views with the Registrar of the Court and the Director, Human Rights (DG-I)Reference documents

- Questions variously to Mr Erik Fribergh, Registrar of the Court, and Mr Christos Giakoumopoulos, Director, Human Rights GT-GDR-F(2014)014
- Written presentation by the Registrar of the European Court of Human Rights GT-GDR-F(2014)015
- Presentation to the 3rd meeting by the Registrar of the European Court of Human Rights GT-GDR-F(2014)021
- Presentation to the 3rd meeting by the Director, Human Rights GT-GDR-F(2014)022
- Consolidated Financial Statements of the Council of Europe for the year ended 31 December 2012: External Auditor's report on the Department for the Execution of Judgments of the ECHR CM(2013)100

Item 3: 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
- Previous contributions made in the context of on-going work by the ad hoc experts invited to the 3rd meeting (Dr Başak Çali and Dr Alice Donald) GT-GDR-F(2014)016
- Presentation to the 3rd meeting by Dr Alice Donald GT-GDR-F(2014)023
- Presentation to the 3rd meeting by Dr Başak Çali GT-GDR-F(2014)024

Item 4: Possibilities for preserving (and reinforcing) the current system (continued from the 2nd meeting)Reference documents

- 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
- Proceedings of the Oslo Conference on the long-term future of the European Court of Human Rights H/Inf(2014)1
- Overview of proposals made in the context of on-going work concerning preservation and reinforcement of the current system (prepared by the Secretariat) GT-GDR-F(2014)010
- Compilation of written contributions received in advance of the 2nd meeting (prepared by the Secretariat) GT-GDR-F(2014)012
REV
- Opinions of the Consultative Council of European Judges (CCJE) [[Link](#)]
- Previous contributions made in the context of on-going work by the ad hoc experts invited to the 2nd meeting (*Ms Nuala Mole, AIRE Centre, Professor Marten Breuer, University of Konstanz and Professor Elisabeth Lambert Abdelgawad, University of Strasbourg*) GT-GDR-F(2014)008
- Taking Human Rights Seriously: Attributing Supremacy to the European Convention on Human Rights (PowerPoint presentation by Professor Dr Marten Breuer, University of Konstanz) GT-GDR-F(2014)009
- Provisional list of issues identified by the GT-GDR-F at its 2nd meeting GT-GDR-F(2014)misc.1
- Summary of views concerning possibilities for preserving (and reinforcing) the current Convention system expressed at the 2nd meeting (prepared by the Secretariat) GT-GDR-F(2014)017
- Compilation of written contributions received in advance of the 3rd meeting (prepared by the Secretariat) GT-GDR-F(2014)018
- Parliamentary Assembly, “The role of Parliaments in implementing ECHR standards: Interparliamentary co-operation activities 2013-2014” PPSD (2014) 07 rev. 3

