



COUNCIL OF EUROPE CONSEIL DE L'EUROPE

Strasbourg, 27 September 2000
DH-PR(2000)010rev2

STEERING COMMITTEE FOR HUMAN RIGHTS
(CDDH)

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

48th meeting, 6–8 September 2000

REPORT

Introduction

1. The Committee of Experts for the Improvement of Procedures for the Protection of Human Rights (DH-PR) held its 48th meeting at the Human Rights Building in Strasbourg (Directorate Room), from 6 – 8 September 2000. The meeting was chaired by Mr Carl Henrik EHRENKRONA (Sweden). 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:

- prepared a revised version of the Rules adopted by the [Committee of Ministers](#) for the application of Article 46 (2) of the [European Convention on Human Rights](#) and decided to transmit this text to [the CDDH](#) for examination and possible adoption at its 49th meeting (3-6 October 2000) and onward transmission to the Committee of Ministers; see Appendix III;
- prepared a draft letter that the Chairman of the CDDH could address to the Chairman of the Committee of Ministers when transmitting the above-mentioned text; see Appendix IV;
- held an exchange of views with two representatives of the Registry of the [European Court of Human Rights](#) on the developments which have taken place in the functioning of the Court (item 4 of the Agenda).

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

3. See introduction.

Items 2-3: Continuation of work on the revision of the Rules adopted by the Committee of Ministers for the application of former Article 54 of the European Convention on Human Rights and procedure to be followed when transmitting the new Rules to the Committee of Ministers

4. Following the terms of reference received by the CDDH from the Ministers Deputies at their 653rd meeting (16-17 December 1998) the DH-PR continued its work on the revision of the Rules adopted by the Committee of Ministers for the application of former Article 54 of the [European Convention on Human Rights](#).

5. The DH-PR based its work on the elements drawn up by the DH-PR at its last meeting (12-14 April 2000, see Appendix IV to the meeting report ([DH-PR \(00\) 6](#))) and on the report of the Working Group on 8-9 June 2000, which had drawn up a first draft based on these elements (see Appendix IV to the meeting report of the Working Group, [GT-DH-PR \(00\) 3](#)). It was recalled that the Committee had agreed that the revision of the Rules of Procedure should constitute mainly a transfer of the existing Rules and practice of the Committee of Ministers in supervising the Court's judgments to a set of new Rules adapted to the conditions created by [Protocol No. 11](#). In addition the new Rules should reflect the general policy of transparency held by the [Council of Europe](#) today. In light of the above considerations, the DH-PR adopted draft new Rules for the application of current Article 46 of the Convention for transmittance to the CDDH for examination and possible adoption at its 49th meeting (3-6 October 2000) and onward transmission to the Committee of Ministers (see Appendix III). In addition a draft letter from the Chairman of the CDDH to the Chairman of the Committee of Ministers was prepared to accompany the text; it appears in Appendix IV.

6. At the proposal of the Chairman, the DH-PR decided to examine first the text of the draft rules drawn up by the Working Group of the DH-PR during its last meeting on 8 – 9 June 2000 (see [GT-DH-PR \(00\) 3](#), Appendix IV), and then to look more deeply into the question of the necessity of an explanatory memorandum, or other similar document to set out the considerations underlying the different rules proposed. Below follows a summary of the main points raised during the discussions.

Rule 1. General provisions

Paragraph a.

7. The main discussion on this point focused on the question of how to make it clear that the Rule did not seek to compel the Committee of Ministers to deal with Article 46 cases only at special “human rights” meetings, but that such cases could, where found appropriate, be dealt with at any meeting of the Committee as is the case today. Various wordings were proposed. The DH-PR decided that the wording suggested in paragraph 1 a of Rules was sufficiently flexible to allow the Committee all the leeway it needed in order to ensure the effectiveness of its control of execution.

Paragraph b. and c.

8. An important discussion took place on the question of how to ensure that the reference to the “ordinary” rules of the Committee and of the Deputies was clear enough. A number of proposals were submitted on this subject.

9. Several experts pointed out that it could be useful to make an explicit reference to the Committee of Ministers ordinary voting rules in order to avoid any ambiguity in this respect, but following the discussion this was not considered necessary. It was agreed, however, to include a rule to the effect that the Chairperson presiding in the Committee of Ministers should not preside during the examination of cases concerning his or her own country (Rule 1 c). This would constitute a codification of an existing practice which the DH-PR found important to be upheld.

Rule 2. Inscription of cases on the agenda

10. This rule was agreed upon without observations.

Rule 3. Information to the Committee of Ministers on the measures taken in order to abide by the judgment

11. At the general level, some experts would have preferred to inverse the order of the two sub-paragraphs in order first to establish what would be examined and then how this was to be done. The majority of experts preferred, however, to keep the order as suggested in Rule 3.

Paragraph a.

12. This sub-paragraph was agreed upon without discussion.

Paragraph b.

13. The experts considered after lengthy discussions on the scope of the States' obligations under Article 46 of the Convention (see [DH-PR \(00\) 6](#), para. 21), that it would be appropriate

to let the text indicate the difference of nature between the obligation to pay just satisfaction awarded by the Court, which placed upon the State a clear obligation to carry out a concrete act, and the obligation to take individual and general measures, which were obligations of a different character, where the states enjoy a discretion as to the choice of the means to be used. It was noted that this distinction appeared clearly in the Court's recent Grand Chamber judgment in the case of *Scozzari and Giunta v. Italy* of 13 July 2000 (§249). The text of para. b was drawn up so as to reflect this distinction. One expert expressed a different view on this matter.

14. A discussion was held as to the necessity of giving examples of what is meant by individual and general measures respectively, and if so, where to place them. Following the discussion, and in view of the decision not to have an explanatory memorandum to the draft rules (see below para. 21), the majority of experts found that examples of such measures should appear in a footnote to the text.

Rule 4. Control intervals

15. This rule was agreed upon without any further discussion, except for a few drafting points.

Rule 5. Access to information

16. The principle laid down in this rule was thoroughly discussed at the previous meeting of the DH-PR (see [DH-PR \(00\) 6](#), paras. 25-28) and in the Working Group, (see [GT-DH-PR \(00\) 3](#), para. 13-15). The text proposed by the Working Group was agreed upon and adopted without any further discussions. However, one expert made the point that every State ought to have the right to decide whether or not information provided by that State should be confidential. It was agreed, however, to entrust this decision to the Committee of Ministers as appears from the proposed rule. The rule applies only to the examination of cases under Article 46 of the Convention and is not intended to derogate from the general rule regarding the confidentiality of the Committee of Ministers' deliberations as laid down in Article 21 of the Statute of the Council of Europe.

Rule 6. Communications to the Committee of Ministers

17. The possibility for the individual applicant to address the Committee of Ministers in writing and to have communications considered by the Committee gave rise to certain discussions at the previous meeting of the DH-PR (see DH-PR (00) 6, paras. 23-24). The draft rule, which is based on the footnote to Rule 2a in the present rules, was now agreed upon without any substantial discussion.

Rule 7. Interim resolutions

18. The rule on interim resolutions gave rise to a substantial discussion about the object and purpose of such resolutions. Views were divided as to how far such resolutions could go in indicating to a state what measures to take in order to comply with a judgment (see DH-PR (00) 6, paras 20-22). The text agreed upon in Rule 7 gives examples of different kinds of interim resolutions taking into account the situation where the Committee of Ministers wishes to express its dissatisfaction with the information provided by a state about measures taken or not taken. The rule should be seen in the light of the fact that the Working Group's proposal for a special rule on measures to be taken in case of non-conformity with Article 46 (1) of the Convention was not accepted (see DH-PR (00) 6, paras. 31-38).

19. In this regard, several experts made the point that the question of sanctions was too important to be dealt with in the framework of the Rules of Procedure. Another point raised by experts was that the Convention no longer contained any provisions on sanctions, as had done the former Article 32. These experts concluded that the Committee of Ministers could not issue sanctions under Article 46, but only under the Statute of the Council of Europe. Some experts pointed out in reply that this formal difference would be of little practical importance as the Committee could also well apply the Statute during a human rights meeting. Those experts who supported the inclusion of this Rule regarding sanctions indicated that it had an important pedagogical function and would not transgress the Committee of Ministers' powers under the Convention.

Rule 8. End of supervision

20. The question was raised whether it was necessary to spell out the constant practice that the final resolutions should be accompanied by an appendix containing the information provided by the Government. After some discussion, the experts agreed that this was not necessary.

Further considerations: the necessity of an explanatory memorandum; a new Rule 1 c.; proposed procedure for transmitting the draft Rules to the Committee of Ministers

21. The DH-PR took note of document [DH-PR \(2000\) 7](#). This document contained elements, prepared by the Secretariat on instruction from the Working Group, for possible inclusion in an explanatory report or memorandum to accompany the proposed new rules.

22. After discussion the DH-PR considered that it would not be appropriate to have an explanatory memorandum to the new rules: rules of procedure were not accompanied by such documents. It noted however that the Secretariat's document contained some additional elements which merited possible inclusion in the Rules.

23. The DH-PR thus decided to introduce a new Rule 1 c., indicating that the Chairperson of the Committee should relinquish his or her office when cases to which his or her state was a party were examined (cf. above paragraph 9).

24. Following this examination of the elements presented by the Secretariat, it was agreed to propose to the CDDH that the new Rules should be sent to the Committee of Ministers with an accompanying letter. This letter could indicate that the Rules mainly codified existing practice, with the exception of the principle of public access to documents, for which a new rule was proposed. It was suggested that the letter clearly indicate that the new rule would not interfere with the general rule of confidentiality of the Committee's deliberations contained in Article 21 of the Statute of the Council of Europe.

25. A draft letter to accompany the Rules is found in [Appendix IV](#). The attention of [the CDDH](#) is drawn to this draft letter, so as to enable it to take a decision on the matter at its 49th meeting (3-6 October 2000).

26. In transmitting its proposal for new rules to be applied by the Committee of Ministers for the application of Article 46 of the Convention to the CDDH, the committee concluded that it has accomplished its work in accordance with the terms of reference given to the CDDH on the above item.

Item 4: Exchange of views with a member of the Registry of the Court on the developments which have taken place in the functioning of the European Court of Human Rights

27. The DH-PR held an exchange of views with the Registry of the Court, Mr Mahoney, Deputy Registrar, and Mr Naismith, head of the information and publication unit.

28. Mr Mahoney presented the different Working Groups of the Registry, and described the situation of the Court following the entry into force of [Protocol N° 11](#), on 1st November 1998.

29. The different Working Groups are currently studying the following problems:

(i.) the application of Article 41 of the Convention, the principal problem being that of ensuring greater consistency in awarding just satisfaction;

(ii.) the organisation of the Registry of the Court, there being a joint working group composed of members of the Registry and of the Court;

(iii.) the Rules of the Court, the working group taking into consideration the suggestions of governments and of associations of lawyers;

(iv.) the working methods of the Court, in order to streamline the procedure and reduce the amount of correspondence with applicants;

(v.) the functioning of Protocol N° 11, in order to determine whether the Court finds it appropriate to ask the Committee of Ministers for supplementary measures.

30. Regarding the situation of the Court after the entry into force of Protocol N° 11, Mr Mahoney emphasises the increase in the number of petitions, the problem of the insufficient staffing of the Court, and budgetary problems with which it is now confronted.

31. Mr Naismith stressed that there was a desire to make Court documents accessible. For financial reasons, provisional judgments will now only be sent to permanent representatives, although they will also be available on the internet. Regarding official publications, only a selection of judgments and important decisions will be published. All judgments will, however, be available on the internet. The monthly case law information notes will also continue to appear on the internet. It will contain relevant judgments and include statistics.

32. Concerning the use of the internet as a research tool, researchers have the option to subscribe to a system allowing them to receive information by e-mail on particular subjects. In response to an expert's question, Mr Naismith emphasised, however, the fact that his department faces the problem of translating documents into the two official languages. Another expert found that even a judgment which was not entirely relevant could contain important passages worth citing.

Item 5: Implementation of the Convention

a. Possibility for action by the DH-PR to ensure that there exists at the national level adequate mechanisms to ensure that draft legislation is in conformity with the Convention

33. The DH-PR held an exchange of views on whether the Committee should undertake work on this item of the agenda. It took note of the large number of replies received from the

experts to the Secretariat's questionnaire on national machinery for ensuring that draft legislation complied with the Convention (document [DH-PR \(00\) 8](#) and Addendum).

34. Furthermore, as some experts pointed out, further checks were carried out in many European countries by national human rights commissions and similar institutions. Although these bodies had only an advisory function, they contributed effectively to ensuring that national rules satisfied the requirements of the Convention.

35. The DH-PR concluded that, before contemplating any Council of Europe action in this field, it would be better to gather more information from the countries which had not yet replied to the questionnaire, and also information about the above-mentioned national human rights institutions.

36. In conclusion, it was agreed that the experts could still send the Secretariat information or further information in response to the questionnaire DH-PR (00) 8, if possible before 1 January 2001, adding if need be details on the role played by institutions or national committees for human rights which exist in their countries. The DH-DR agreed to place this item on the agenda for one of its upcoming meetings, in order to consider the matter further.

b. 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 Secretariat pointed out that the basic idea was to explore to what extent the discrepancies between national compensation rules and the compensation rules under the Convention lead to cases being referred to Strasbourg primarily in order to obtain compensation, and without raising any important question of principle as regards the interpretation of the Convention.

38. Several experts indicated their support to continue this examination as it was of the greatest importance to find means to strengthen the subsidiary character of the Convention system and limit litigation in Strasbourg to cases raising such questions of principle.

39. The CDDH decided to come back to this point at its next meeting in light of a document which will be drawn up by the Secretariat and will refer, in particular, to a number of cases which could be concerned.

Publication and circulation of the case-law and practice of the Convention organs in the Contracting States

40. The DH-PR took note of the information provided by the Hungarian expert. It asks the Secretariat to proceed as quickly as possible with an update of document [DH-PR \(00\) 5](#), by incorporating this information along with any other information it would receive before the next Committee meeting.

Item 6 : European Ministerial Conference on Human Rights (Rome, 3-4 November 2000)

41. The DH-PR took note of the texts being drawn up for the above-mentioned Conference ([CDDH \(00\) 19](#), Annex III). It noted that several sections of the draft Resolution I ("Institutional and Functional Implementation of Human Right Protection at National and European Levels") could provide political impetus for the work of the DH-PR. In particular, it noted the reference to [recommendation no. R \(2000\) 2](#), drawn up by the DH-PR, concerning the reexamination or re-opening of certain cases at the national level following judgments of

the Court. In this context, and subject to the conclusions of the Conference, the DH-PR proposes to examine at a later stage the degree of implementation of the recommendation in member States.

Item 7 : Questions which could be placed on the agenda of the next meeting

42. The DH-PR takes note of the fact that the CDDH, at its next meeting (27 February –2 March 2001), will study the follow-up of the Committee of Ministers to the conclusions of the Ministerial Conference. On this basis, the Steering Committee will determine the items to be placed on the agenda of upcoming meetings of the DH-PR.

Item 8 : Dates of the next meetings

43. Subject to the general work-schedule to be established by the CDDH, the DH-PR decided to hold its 49th meeting from Wednesday 25 to Friday 27 April 2001. The 50th meeting will take place in the fall of 2001.

Item 9 : Other business

44. The DH-PR expresses its gratitude to its Chairman Mr Carl Henrik EHRENKRONA (Sweden) whose mandate is expiring, for his excellent management of the work of the Committee.

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Appendix I

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

Apologised/excused

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Mr Christopher TYCZKA

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Appendix II**AGENDA****Item 1: Opening of the meeting and adoption of the agenda**

- Draft agenda

[DH-PR \(00\) OJ 2](#)

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

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

Item 2: Continuation of work on the revision of the Rules adopted by the Committee of Ministers for the application of Article 54 [current Article 46 (2)] of the European Convention on Human Rights, further to the entry into force of Protocol No. 11*Working Documents*

- Report of the Working Group GT-DH-PR (8-9 June 2000)

[GT-DH-PR \(00\)3](#)

* Rules adopted by the Committee of Ministers in February 1976 on the application of article 54 [current article 46(2)] of the Convention
[Appendix III](#)

* Elements elaborated by the Working Group of the DH-PR in June 2000 for the revision of those rules

[Appendix IV](#)

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

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

Information Documents

- Ad hoc terms of reference given by the Ministers Deputies to the CDDH at their 653rd meeting (16-17 December 1998)

[DH-PR \(99\) 1](#)

- Rules adopted by the Committee of Ministers for the application of Articles 32 and 54 of the European Convention on Human Rights

- Rules of procedure of the European Court of Human Rights

- Report of the Committee on Legal Affairs and Human Rights of the Parliamentary Assembly: « *Execution of Judgements of the European Convention on Human Rights* » (Rapporteur : Mr Erik Jurgens)

Item 3: Procedure to be followed when transmitting the new Rules to the Committee of Ministers

- Report of the Working Group GT-DH-PR
(8-9 June 2000)
[GT-DH-PR \(00\)3](#) paragraphs 7 and 25

- Elements prepared by the Secretariat for the possible elaboration of a list of arguments
[DH-PR \(00\) 7](#)

Item 4 : Exchange of views with a member of the Registry of the Court on the developments which have taken place in the functioning of the European Court of Human Rights

Item 5 : Implementation of the Convention

a. Possibility for action by the DH-PR to ensure that there exists at the national level adequate mechanisms to ensure that draft legislation is in conformity with the Convention

- Report of the 47th meeting of the DH-PR
(12 – 14 April 2000)
[DH-PR \(00\) 6](#)

- Answers sent by the experts
[DH-PR \(00\) 8](#)

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

- Information document prepared by the Secretariat
[DH-PR \(00\) 9](#)

Publication and circulation of the case-law and practice of the Convention organs in the Contracting States

- Letters sent by the Chairman of the CDDH to the President of the Court and the Chairman of the Committee of Ministers, at the request of the DH-PR, concerning the publication and circulation of the judgements of the Court

- Overview of the situation
[DH-PR \(00\) 5](#)

- Rules of procedure of the European Court of Human Rights

- Report of the 47th meeting of the DH-PR
(12 – 14 April 2000)
[DH-PR \(00\) 6](#) (item 3(a), paragraphs 40-46)

Item 6 : European Ministerial Conference on Human Rights (Rome, 3-4 November 2000)

a. Information on the state of preparations for the Conference

b. Exchange of views on the draft texts to be submitted to the Conference that have a connection with the work of the DH-PR

- Draft political texts
[CDDH \(00\) 19 Appendix III](#)

Item 7: Other business

Information regarding the implementation of the Recommendation n° R (2000) 2 of the Committee of Ministers to the Member States on the re-examination or reopening of certain cases at the domestic level following judgements of the European Court of Human Rights

- Text of the Recommendation and the Explanatory Memorandum

Item 8: Items for the Agenda of the next meeting

Item 9: Dates of the next meetings

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Appendix III**Rules adopted by the Committee of Ministers for
the application of Article 46 (2)
of the European Convention on Human Rights**

Rule 1

General provisions

- a. The Committee of Ministers' supervision of the execution of judgements of the Court will in principle take place at special human rights meetings, the agenda of which are public.
- b. Unless otherwise provided in the present rules, the general rules of procedure of the meetings of the Committee of Ministers and of the Ministers' Deputies shall apply to the examination of cases under Article 46 (2) of the Convention.
- c. If the Chairmanship of the Committee of Ministers is held by the representative of a state which is a party to a case referred to the Committee of Ministers under Article 46 (2) of the Convention, that representative shall relinquish the chairmanship during any discussion of that case.

Rule 2

Inscription of the cases on the agenda

When a judgement is transmitted to the Committee of Ministers in accordance with Article 46(2) of the Convention, the case shall be inscribed on the agenda of the Committee without delay.

Rule 3

Information to the Committee of Ministers on the measures taken in order to abide by the judgement

- a. When, in a judgement transmitted to the Committee of Ministers in accordance with Article 46 (2) of the Convention, the Court has decided that there has been a violation of the Convention or its protocols and/or has awarded just satisfaction to the injured party under Article 41 of the Convention, the Committee shall invite the State concerned to inform it of the measures which the State has taken in consequence of the judgement, having regard to its obligation under Article 46 (1) of the Convention.
- b. When supervising the execution of a judgement by the respondent State, pursuant to Article 46 (2) of the Convention, the Committee of Ministers will examine whether:
 - any just satisfaction awarded by the Court has been paid, including as the case may be default interest;

and, if required, and taking into account the discretion of the State concerned to choose the means necessary to comply with the judgement, whether

- individual measures¹ have been taken to ensure that the injured party is put, as far as possible, in the same situation as he or she enjoyed prior to the violation of the Convention;
- general measures² have been adopted, preventing new violations similar to that or those found or putting an end to continuing violations.

Rule 4

Control intervals

- a. Until the State concerned has provided information on the payment of the just satisfaction awarded by the Court or concerning possible individual measures, the case shall be placed on the agenda of each human rights meeting of the Committee of Ministers, unless the Committee decides otherwise.
- b. If the State concerned informs the Committee of Ministers that it is not yet in a position to inform the Committee that the general measures necessary to ensure compliance with the judgement have been taken, the case shall be placed again on the agenda of a meeting of the Committee of Ministers taking place no more than six months later, unless the Committee decides otherwise; the same rule shall apply when this period expires and for each subsequent period.

Rule 5

Access to information

Without prejudice to the confidential nature of Committee of Ministers' deliberations, in accordance with Article 21 of the Statute of the Council of Europe, information provided by the State to the Committee of Ministers in accordance with Article 46 (1) of the Convention and the documents relating thereto shall be accessible to the public, unless the Committee decides otherwise in order to protect legitimate public or private interests. In deciding such matters, the Committee of Ministers shall take into account reasoned requests by the State or States concerned, notably in order to protect the interest of an injured party or a third party not to disclose his or her identity.

Rule 6

Communications to the Committee of Ministers

- a. The Committee of Ministers is entitled to consider any communication from the injured party with regard to the payment of the just satisfaction or the taking of individual measures.
- b. The Secretariat shall bring such communications to the attention of the Committee of Ministers.

Rule 7

Interim resolutions

¹ For instance, the striking out of an unjustified criminal conviction from the criminal records, the granting of a residence permit or the re-opening of impugned domestic proceedings (see on this latter point Recommendation [N°R \(2000\) 2](#) of the Committee of Ministers to the member States on the re-examination or reopening of certain cases at domestic level following judgements of the European Court of Human Rights, adopted on 19 January 2000 at the 694th meeting of the Ministers' Deputies).

² For instance, legislative or regulatory amendments, changes of court practice or publication of the Court's judgement in the language of the respondent State and its dissemination to the authorities concerned.

In the course of its supervision of the execution of a judgement, the Committee of Ministers may adopt interim resolutions, notably in order to provide information on the state of progress of the execution or, where appropriate, to express concern and/or to make relevant suggestions with respect to the execution.

Rule 8

End of supervision

When the Committee of Ministers has established that the State concerned has taken all the necessary measures to abide by the judgement, it shall adopt a resolution concluding that its functions under Article 46 (2) of the Convention have been exercised.

* * *

Appendix IV**Draft letter**

Rules for the application of Article 46(2) of the European Convention on Human Rights following the entry into force of Protocol No. 11

Sir,

At their 653rd meeting (16-17th December 1998), the Ministers' Deputies adopted ad hoc terms of reference for the Steering Committee on Human Rights (CDDH) and fixed the completion date of these terms of reference at 31st December 2000. According to these terms, the Steering Committee was entrusted the task of preparing a revised version of the Rules adopted by the Committee of Ministers concerning the application of former Articles 32 and 54 of the European Convention on Human Rights, bearing in mind, in particular, the new situation created by the entry into force of Protocol No. 11 to the Convention.

I have the pleasure of enclosing, herewith, the new rules drawn up by the Steering Committee in completion of the above-mentioned terms of reference.

The new rules aim at codifying existing practice within the Committee of Ministers for the application of Article 46(2) of the Convention, and they are designed for the purpose of complying with the role of the Committee of Ministers under Protocol No. 11.

In addition a new rule, Rule 5, on access to information has been introduced. This new rule is intended to correspond to the policy of transparency within the Council of Europe of today. It applies, however, only to the examination of cases under Article 46 of the Convention and is not intended to derogate from the general rule regarding the confidentiality of the Committee of Ministers' deliberations laid down in Article 21 of the Statute of the Council of Europe.

Yours faithfully,

Guido RAIMONDI
Chairman of the CDDH

The Chairman of the Committee of Ministers
Mr. Pietro Ercole Ago
Permanent Representative of Italy to the Council of Europe