



COUNCIL CONSEIL
OF EUROPE DE L'EUROPE

Strasbourg, 16 March 2006

DH-PR(2006)001

STEERING COMMITTEE FOR HUMAN RIGHTS
(CDDH)

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

REPORT

59th meeting

Strasbourg, 7-10 March 2006

1. The Committee of Experts for the Improvement of Procedures for the Protection of Human Rights (DH-PR) held its 59th meeting in Strasbourg, on 7-10 March 2006. The meeting was chaired by Ms Ingrid SIESS-SCHERZ (Austria). The list of participants appears in Appendix I. The agenda, as adopted, appears in Appendix II.

2. The meeting was devoted to the preparation of the draft Activity Report - *Reform of the European Convention on Human Rights - Declaration of the Committee of Ministers "Ensuring the effectiveness of the implementation of the European Convention on Human Rights at national and European levels"* (document DH-PR(2006)002), which will be submitted to the CDDH for examination and adoption at its 62nd meeting (Strasbourg, 4 - 7 April 2006).

3. To this end, the DH-PR carried out a detailed examination of the work done by its working groups A and B during the seven meetings they had held since the previous meeting of the DH-PR. On the basis of the draft texts submitted by these two working groups, the DH-PR prepared:

- a. draft amending proposals that the CDDH could submit concerning the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements (document DH-PR(2006)002, Appendix III);
- b. a series of practical suggestions that the CDDH could submit to the Committee of Ministers to address situations of slow or negligent execution of judgments of the European Court of Human Rights (document DH-PR(2006)002, Appendix IV);
- c. a series of conclusions and suggestions that the CDDH could submit to the Committee of Ministers with regard to the implementation of the five recommendations mentioned in the Declaration "*Ensuring the effectiveness of the implementation of the European Convention on Human Rights at national and European levels*", adopted by the Committee of Ministers at its 114th session (12-13 May 2004) (document DH-PR(2006)002).

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Comments on sub-paragraphs (a), (b) and (c)

4. Sub-paragraph (a):

- A detailed discussion took place in response to the CDDH's request that consideration be given to how to involve representatives of civil society in the process of supervising the execution of the Court's judgments. The orientation provided by the CDDH was interpreted differently by experts of the DH-PR. The question was, in particular, whether or not representatives of civil society should be allowed to submit communications to the Committee of Ministers concerning all aspects of the execution of judgments. Views within the DH-PR differed, but there was a majority in favor of allowing them to do so (see draft Rule 9).

- One expert was of the view that notably in the light of discussions within the Group of Specialists on access to official documents (DH-S-AC), it would be more appropriate, in letters (a) and (b) of paragraph 2 of proposed draft Rule 8, to only refer to “documents” and to delete reference to “information”. The majority nonetheless preferred the sub paragraphs to be worded more broadly and cover both "information and documents relating thereto". The latter approach was thus adopted (see draft Rule 8).

5. With regard to sub-paragraph (b), the DH-PR considered that the practical suggestions it had submitted were mainly preventive ones, since most of the members of Working Group A did not have the experience to tackle other aspects in detail. The DH-PR considered that the Deputies could resume the examination of the issue.

6. With regard to sub-paragraph (c), the DH-PR stressed that, at this stage, the conclusions and suggestions were based solely on information provided by Governments. It held a detailed discussion on follow-up, after the May 2006 Ministerial Session, of the review of the implementation of the five recommendations. Opinions were divided as to the appropriateness of including among the general suggestions from the CDDH to the Committee of Ministers, one which would explicitly invite it to call for comments on the implementation of the recommendations from representatives of civil society, the national institutions for the promotion and the protection of human rights and Council of Europe bodies. At the end of this discussion, a majority agreed on including a compromise text to that effect among the general suggestions to be submitted to the Committee of Ministers (see the first indent of paragraph 35 of document DH-PR(2006)002).

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7. In submitting its draft Activity Report (document DH-PR(2006)002) to the CDDH, the DH-PR considered that it had completed the terms of reference assigned to it.

8. It is recalled that, subject to decisions to be taken by the Committee of Ministers at its 118th Session in May 2006, the next meetings of the DH-PR are planned as follows:

[GT-DH-PR]	[14-16 June 2006]
[GT-DH-PR]	[20-22 September 2006]
60th DH-PR	11-13 October 2006

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Appendix I

List of participants

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EUROPEAN COMMISSION / COMMISSION EUROPEENNE

Apologised/Excusé

* * *

OBSERVERS/OBSERVATEURS

HOLY SEE/SAINT-SIEGE

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Apologised/Excusé

International Federation of Human Rights / Fédération internationale des Ligues des Droits de l'Homme (FIDH)

Apologised/Excusé

European Coordinating Group for National Institutions for the promotion and protection of human rights / Groupe européen de coordination des institutions nationales pour la promotion et la protection des droits de l'homme

Apologised/Excusé

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Interpreters/Interprètes

Mme Cynera JAFFREY

Mme Nadine KIEFFER

Mme Isabelle MARCHINI

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Appendix II

Agenda

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

Working documents

- Draft agenda DH-PR(2006)OJ001
- Abridged report of the 58th meeting of the DH-PR (8-10 November 2005) DH-PR(2005)016
- Report of the 70th meeting of the Bureau CDDH (27-28 October 2005) CDDH-BU(2005)002
- Report of the 61st meeting of the CDDH (22-25 November 2005) CDDH(2005)016
- Progress report "Reform of the ECHR" (25 November 2005) CDDH(2005)016 Addendum I
- Ad hoc terms of reference assigned to the CDDH concerning the reform of the ECHR DH-PR(2005)013

Item 2: Possible revision of the Rules adopted by the Committee of Ministers for the application of Article 46 §2 of the ECHR following the adoption of Protocol No. 14

Working documents

- Draft Rules adopted by the Committee of Ministers for the application of Article 46 §2 of the ECHR GT-DH-PR-A(2006)001
Appendix III
- Report of the 4th meeting of the GT-DH-PR A (1st-3 February 2006) GT-DH-PR-A(2006)001

Item 3: Issues regarding the rapid execution of judgments revealing a systemic problem: solutions in the event of slowness in the execution and means to improve publicity of execution

Working documents

- Draft practical suggestions [from the CDDH to the Ministers' Deputies] to address situations of slow or negligent execution of judgments of the Court GT-DH-PR-A(2006)001
Appendix IV
- Report of the 4th meeting of the GT-DH-PR A (1-3 February 2006) GT-DH-PR-A(2006)001

Item 4: Follow-up to the Recommendations adopted at the 114th Session of the Committee of Ministers (12-13 May 2004) concerning the implementation of the ECHR at national level

Working documents

- Texts of the Recommendations mentioned in the Declaration adopted at the 114th ministerial Session (12 May 2004) and their Explanatory Memoranda or Appendices DH-PR(2005)012
- Progress report "Reform of the ECHR" (25 November 2005) CDDH(2005)016 Addendum
- Report of the 4th (25-27 January 2006) and the 5th (22-24 February 2006) meetings of the GT-DH-PR-B GT-DH-PR-B(2006)003
- Draft follow-up sheets for the five recommendations GT-DH-PR-B(2006)001rev
- Provisional tables for the five recommendations GT-DH-PR-B(2006)002rev

Information documents

- Information received by the Secretariat as of 12 September 2005 concerning Rec(2000)2 DH-PR(2005)002rev
- Information received by the Secretariat as of 5 September 2005 concerning Rec(2002)13 DH-PR(2005)003rev
- Information received by the Secretariat as of 5 September 2005 concerning Rec(2004)4 DH-PR(2005)004rev
- Information received by the Secretariat as of 2 September 2005 concerning Rec(2004)5 DH-PR(2005)005rev
- Information received by the Secretariat as of 5 September 2005 concerning Rec(2004)6 DH-PR(2005)006rev
- Information received after 5 September 2005 concerning the five recommendations DH-PR(2005)014rev

Item 5 : Adoption of the draft of the final activities report to be submitted to the CDDH

Working document

- Draft of the final activities report elaborated by the Secretariat DH-PR(2006)002