



Strasbourg, 18 March 2008

DH-PR(2008)001

STEERING COMMITTEE FOR HUMAN RIGHTS
(CDDH)

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

REPORT

63rd meeting

Strasbourg, 5-7 March 2008

Introduction

1. The Committee of Experts for the Improvement of Procedures for the Protection of Human Rights (DH-PR) held its 63rd meeting in Strasbourg on 5-7 March 2008 under the chairmanship of Mr Vit SCHORM (Czech Republic). The list of participants appears in Appendix I and the agenda, as adopted, in Appendix II.

Group A – Current work

2. The Chairperson proceeded to report on the recent meeting of the Bureau of the CDDH (Paris, 28-29 February 2008).¹ In particular, he informed the meeting of the discussions concerning Group A, whose 4th meeting, planned for 4-6 February 2008, had regrettably been postponed due to the absence of documents that had been expected from the Department for Execution of Judgments of the Court. The Bureau had concluded that it would be desirable for Group A's mandate to be extended until the end of 2008, allowing it to complete its work by holding two further meetings in June and September 2008, before which the Execution Department had promised to provide the expected documents. The Secretariat clarified that the documents in questions concerned objective indicators suggesting a situation of slow or negligent execution and an inventory of existing tools available to the Committee of Ministers for responding to such situations.

Group B - Review of the implementation of the three “priority” recommendations

3. Following the 10th meeting of its Working Group B, the DH-PR continued consideration of the draft reviews prepared by its rapporteurs on the three “priority” recommendations, namely Rec(2004)6 on the improvement of domestic remedies, Rec(2000)2 on the re-examination or reopening of certain cases and Rec(2004)5 on the verification of compatibility with Convention standards. After lengthy and detailed discussion, the three reviews were adopted as they appear at Appendices III, IV and V of the draft activity report adopted during the meeting, which appears in Addendum to the present report.

4. One issue that attracted particular debate was the proposal, made by the rapporteur on Recommendation Rec(2004)6, to repeat in the respective review a specific conclusion previously drawn in April 2006, namely that the Secretariat draft a Handbook containing member States good practices in ensuring full compliance with the requirements of Article 13 of the Convention.² Whilst some delegations thought that such a handbook could prove useful, others considered that it could add little to the current review exercise, which was itself explicitly intended to produce non-exhaustive lists of examples of good practice, with a view to enabling states to improve their implementation of the recommendations. These latter delegations also felt that, in these circumstances, such a task would impose a disproportionate burden on the Secretariat's very limited resources. The DH-PR therefore decided to omit the proposal from its adopted draft but to leave the decision on its inclusion in the final review to the CDDH, with the DH-PR's discussions to be reflected in its meeting report.

¹ See the meeting report in doc. CDDH-BU(2008)001.

² See doc. CDDH(2006)008 Addendum I, § 4.

Draft activity report

5. The DH-PR then turned its attention to adoption of the draft activity report. Following lengthy and detailed discussions, the DH-PR adopted the draft activity report.³

6. In particular, the DH-PR held a lengthy debate on its possible future activities, taking into account the relevant conclusions of the CDDH Bureau. Whilst it did not wish to prejudice later discussions in the CDDH, it nevertheless felt that it was important to reflect upon its current mandate, the activities pursued under it and the progress achieved, and on the basis of its experience and expectations to present proposals for possible future activities. It therefore decided to include the following ideas in its meeting report, with the aim of providing material for the CDDH's own deliberations on the issue.

7. As for Group A, the DH-PR considered that it could continue its incomplete work on execution of judgments, on the basis of the two documents expected from the department for the execution of judgments.⁴ To this end, it could hold further meetings in 2008, following production of each of the documents. This would enable the DH-PR subsequently to propose concrete measures on these issues that the CDDH could submit to the Ministers' Deputies before the end of the year. For this to take place, however, the CDDH would need to request that the Ministers' Deputies prolong the mandate of Group A until the end of 2008, given that the current mandate of Group A would come to an end on 30 April 2008.

8. Even if Group B had now discharged its mandate, the DH-PR could retain responsibility for the "national aspect of the Reform." In this connection, the Secretariat could update the compilations of information concerning implementation of the relevant recommendations, on the basis of information submitted by the member States in the event of significant domestic developments. The instruments themselves, along with the compilations and the reviews of implementation, could be made accessible via a web-site devoted to the wider issue of the CDDH's activities on reform of the Convention system.

9. The CDDH could propose that the Communiqué of the May 2008 ministerial session of the Committee of Ministers not only take note of the report, but also:

- (i) invite all Member States to implement identified good practices;
- (ii) welcome that on some aspects of the follow-up, the Commissioner for Human Rights of the Council of Europe would be ready to continue the work;
- (iii) take note with interest of the conclusions of the seminar on the role of government agents (Bratislava, April 2008); and
- (iv) take note with interest of the forthcoming colloquy "towards stronger implementation of the Convention at national level" (Stockholm, June 2008).

10. There were numerous fields in which the DH-PR could assist the CDDH in discharging its mandate. It could consider presentations and submissions of proposals for future activities. It could also subsequently make a contribution following conclusions reached by the DH-S-GDR concerning reform of the Convention system.

³ See the Addendum to the present report.

⁴ See § 4 above.

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

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* * *

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Apologised / Excusé

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BUREAU DU COMMISSAIRE AUX DROITS DE L'HOMME DU CONSEIL DE L'EUROPE**

Apologised / Excusé

States with observer Status of the Council of Europe

Etats ayant le statut d'observateur auprès du Conseil de l'Europe

Apologised / Excusé

* * *

SECRETARIAT

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Mr David MILNER, Administrator / Administrateur, Secretary of the DH-PR / Secrétaire du DH-PR,
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Mme Michèle COGNARD, Assistant / Assistante, Human Rights Intergovernmental Cooperation
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Interpreters/Interprètes

Mme BOUX
M. TYCZKA
Mme JAIN

Appendix II**Agenda****Item 1: Opening of the meeting and adoption of the annotated agenda****Working documents**

- Draft annotated agenda	DH-PR(2008)OJ001
- Report of the 75 th meeting of the CDDH-BU (Paris, 28-29 February 2008)	CDDH-BU(2008)00...
- Report of the 62 nd meeting of DH-PR (3-5 Oct. 2007)	DH-PR(2007)004
- Terms of reference of the CDDH and bodies answerable to it (adopted by the Ministers' Deputies at their 984 th meeting, 17-18 Jan. 2007)	CDDH(2007)002 pp: 13-16 and 37-43

Item 2 Review of the implementation of the three "priority recommendations"**Working documents (all Recommendations)**

- Report of the 10 th meeting of Working Group B (6-8 Feb. 2008)	GT-DH-PR B(2008)005
- Replies to the new questionnaire received by the Secretariat	DH-PR(2006)004 Bil rev 3
- Contributions by the National Human Rights Structures (NHRSs) to the review of the implementation in their countries of the Committee of Ministers' Recommendations	CommDH/NHRS(2008)06 Rev

1) Review of the implementation of Recommendation Rec(2004)6 on improvement of domestic remedies**Working documents**

- Draft review of the implementation of Recommendation Rec(2004)6	GT-DH-PR B(2008)001rev
- Preliminary analysis of replies concerning Rec(2004)6	GT-DH-PR(2007)001 Bil
- Compendium of information contained in document CDDH(2006)008 Addenda II and III, replies to the Questionnaire of 27 July 2006 (document DH-PR(2006)002), additional replies by the states to questions posed by the Rapporteur in March 2007, as well as replies to the Questionnaire on execution of judgments of the European Court of Human Rights at the national level (Document DH-PR(2006)007rev Bil)	GT-DH-PR B(2008)004

2) Review of the implementation of Recommendation Rec(2000)2 on the re-examination or reopening of cases**Working documents**

- Draft review of the implementation of Recommendation Rec(2000)2	GT-DH-PR B(2008)005 Annex IV
- Preliminary analysis of replies concerning Rec(2000)2	GT-DH-PR(2007)004 Bil rev 1

3) Review of the implementation of Recommendation Rec(2004)5 on the verification of compatibility with standards**Working documents**

- Draft review of the implementation of Recommendation Rec(2004)5	GT-DH-PR B(2008)005 Annex III
- Preliminary analysis of replies concerning Rec(2000)2	GT-DH-PR(2007)002 Bil

Item 3 Draft activity report to be submitted to the CDDH by 15 March 2008

Working documents

- Draft activity report	CDDH(2008)...
- 3 rd meeting report of Group A (3-5 September 2007)	GT-DH-PR A(2007)004
- 8 th , 9 th and 10 th meeting reports of Group B (27 March & 2007)	GT-DH-PR B(2007)006, (2007)007 and (2008)005

1) Information documents concerning work carried out by GROUP A

a) Concerning the draft Recommendation on effective means at domestic level for the rapid execution of the Court's judgments⁵

- Elements prepared by the Secretariat for possible inclusion in the draft recommendation	GT-DH-PR A(2007)002
- Proposals for the draft recommendation submitted by some members/participants of Group A	GT-DH-PR A(2007)001 Bil
- Collection of information submitted by member states on the execution of judgments at national level	DH-PR(2006)007Bil rev
- Avenues for reflection on the effective means at domestic level for the rapid execution of the Court's judgments: Note from the Department for the Execution of Judgments of the Court	GT-DH-PR A(2006)003
- Parliamentary Assembly Resolution 1516(2006) and Recommendation 1764(2006) on "Implementation of judgments of the European Court of Human Rights" and the Jurgens' report, of 18 Sept. 2006, doc 11020	
- Report by the Ministers' Deputies to the 116 th Session of the CM (12 May 2006)	CM(2006)39 final

b) Concerning the development of further practical proposals for the supervision of execution of judgments in situations of slow or negligent execution

- "The effectiveness of the European Convention on Human Rights at national level," Parliamentary Assembly Committee on Legal Affairs and Human Rights	AS/Jur (2007) 35 rev 2
- Conclusions and reports of the Athens Round Table on "Implementing human rights and the rule of law in Europe: the co-operation between Ombudsmen, National Human Rights Institutions and the Council of Europe Commissioner for Human Rights", 12-13 April 2007 http://www.coe.int/t/commissioner/Activities/event_files/070412NHRroundtable_en.asp	CM/AS(2007)Rec 1764
- Working methods for supervision of the execution of the European Court of Human Rights' judgments	CM/Inf/DH(2006)9 rev 3
- Report by the Ministers' Deputies to the 116 th Session of the CM	CM(2006)39 final
- Practical suggestions from the CDDH to the Ministers' Deputies to address situations of slow or negligent execution of judgments of the European Court of	CDDH(2006)008,

⁵ The Recommendation was adopted by the Ministers' Deputies at their 1017th meeting (6 February 2008)

Human Rights	Appendix IV
- Responses in the event of slow or negligent execution or non-execution of judgments of the European Court of Human Rights: Information document prepared by Directorate General II – Human Rights	CM(2003)37 rev 6

2) Information documents concerning work carried out by **GROUP B**

a) With regard to all recommendations

- Text of the recommendations and their explanatory reports or appendices	DH-PR(2005)012
- Report by the Ministers' Deputies to the 116th Session of the CM (12 May 2006)	CM(2006)39 final
- Report of the 10 th meeting of Working Group B (6-8 February 2008)	GT-DH-PR B(2008)005
- Questionnaire on the implementation of the five recommendations follow-up (27 July 2006)	DH-PR(2006)002
- Replies to the new questionnaire received by the Secretariat	DH-PR(2006)004 Bil rev 3
- Contributions by the National Human Rights Structures (NHRSs) to the review of the implementation in their countries of the Committee of Ministers' Recommendations	CommDH/NHRS(2008)06 Rev

b) With specific regard to Recommendation Rec(2004)6 on improvement of domestic remedies

- Draft review of the implementation of Recommendation Rec(2004)6	GT-DH-PR B(2008)001 rev
- Compendium of information contained in document CDDH(2006)008 Addenda II and III, replies to the Questionnaire of 27 July 2006 (document DH-PR(2006)002), additional replies by the states to questions posed by the Rapporteur in March 2007, as well as replies to the Questionnaire on execution of judgments of the European Court of Human Rights at the national level (Document DH-PR(2006)007rev Bil)	GT-DH-PR B(2008)004
- Preliminary analysis of replies concerning Rec(2004)6	GT-DH-PR(2007)001 Bil

c) With specific regard to Recommendation Rec(2004)5 on verification of compatibility

- Draft review of the implementation of Recommendation Rec(2004)5	GT-DH-PR B(2008)005 Annex III
- Preliminary analysis of replies concerning Rec(2000)2	GT-DH-PR(2007)002 Bil

d) With specific regard to Recommendation Rec(2000)2 on improvement of domestic remedies

- Draft review of the implementation of Recommendation Rec(2000)2	GT-DH-PR B(2008)005 Annex IV
- Preliminary analysis of replies concerning Rec(2000)2	GT-DH-PR(2007)004 Bil rev 1

Item 4 Any other business

Item 5 Adoption of the draft activity report and of the conclusions of the meeting

Appendix III

Draft Activity Report