



Strasbourg, 4 November 2016

DH-SYSC(2016)OJ002

STEERING COMMITTEE FOR HUMAN RIGHTS
(CDDH)

**COMMITTEE OF EXPERTS ON THE SYSTEM OF THE
EUROPEAN CONVENTION ON HUMAN RIGHTS**

(DH-SYSC)

2nd meeting

**Tuesday 8 (9.30 a.m.) – Thursday 10 November 2016
(end of the meeting: 1 p.m.)**

**Strasbourg, Agora building,
Meeting room G03**

REVISED DRAFT ANNOTATED AGENDA

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

General reference documents

- Revised draft annotated agenda [DH-SYSC\(2016\)OJ002](#)
New: 04/11/2016
- Draft order of business [DH-SYSC\(2016\)OT002](#)
- Report of the 85th CDDH meeting (15-17 June 2016) [CDDH\(2015\)R85](#)
- CDDH report on the longer-term future of the system of the European Convention on Human Rights [CDDH\(2015\)R84](#)
[Addendum I](#)
- Report of the 1st DH-SYSC meeting (25-27 April 2016) [DH- SYSC\(2016\)R1](#)
- Brussels Declaration [CDDH\(2015\)004](#)
- Brighton Declaration [CDDH\(2012\)007](#)
- Izmir Declaration [CDDH\(2011\)010](#)
- Interlaken Declaration [CDDH\(2010\)001](#)
- [Rome Declaration](#)
- Terms of reference of the Committee of Experts on the system of the European Convention on Human Rights (DH-SYSC) for 2016-2017 [DH-SYSC\(2016\)003](#)
- Decisions adopted at the 1252nd meeting of the Ministers Deputies on the CDDH Report on the longer-term future of the system of the European Convention on Human Rights (30 March 2016) [DH-SYSC\(2016\)009](#)
- 9th Annual Report of the Committee of Ministers on the supervision of the execution of judgments and decisions of the European Court of Human Rights, 2015 [Link to the document](#)
- Committee of Ministers' Resolution CM/Res(2011)24 on intergovernmental committees and subordinate bodies, their terms of reference and working methods [CDDH\(2011\)012](#)

After the opening of the meeting by the Chairperson, Ms Isabelle NIEDLISPACHER (Belgium), the Committee is invited to adopt the agenda and the order of business.

Item 2: Follow-up of the CDDH report on the longer-term future of the system of the European Convention on Human Rights

Reference documents

- CDDH report on the longer-term future of the system of the European Convention on Human Rights [CDDH\(2015\)R84 Addendum I](#)
- Comment from the Court on the report of the CDDH on the longer-term future of the Convention system [#5281071](#)
- Decisions adopted at the 1252nd meeting of the Ministers Deputies on the CDDH Report on the longer-term future of the system of the European Convention on Human Rights (30 March 2016) [DH-SYSC\(2016\)009](#)
- Terms of reference of the Committee of Experts on the system of the European Convention on Human Rights (DH-SYSC) for 2016-2017 [DH-SYSC\(2016\)003](#)

2.1 Work of the Drafting Group I of the DH-SYSC on the follow-up to the CDDH report on the longer-term future of the Convention (DH-SYSC-I)

- Report of the 2nd DH-SYSC-I meeting (19-21 October 2016) [DH-SYSC-I\(2016\)R2](#)
- Working document in view of the 2nd DH-SYSC-I meeting (*prepared by the Secretariat*) [DH-SYSC-I\(2016\)007](#)
- Exchange of views with Mr Wojciech SAWICKI, Secretary General of the Parliamentary Assembly of the Council of Europe, summary prepared by the Secretariat [DH-SYSC-I\(2016\)008](#)
New: 04/11/2016
- Information regarding the various opinions and experiences concerning the national processes of selection of the candidates for the post of judge at the Court and of election of the judges of the Court DH-SYSC-I(2016)006 rev Restricted
- Contributions in view of the 2nd DH-SYSC-I meeting [DH-SYSC-I\(2016\)005 rev](#)
- Report of the 1st DH-SYSC-I meeting (29 June – 1 July 2016) [DH-SYSC-I\(2016\)R1](#)

The Chairperson of the DH-SYSC-I, Mr Vít A. SCHORM (Czech Republic), will present to the Committee the Group's work to date, relating to the whole selection and election process.

The Committee is invited to exchange views on the work of the DH-SYSC-I and to give any necessary guidance for its future work.

2.2 Work of the Drafting Group II of the DH-SYSC on the follow-up to the CDDH report on the longer-term future of the Convention (DH-SYSC-II)

Reference document

- Proposal by Norway for a kick-off brainstorming seminar [DH-SYSC\(2016\)011](#)

for DH-SYSC-II

New: 04/11/2016

At their 1252nd meeting, the Ministers' Deputies welcomed the report of the CDDH on the longer-term future of the system of the European Convention on Human Rights, took note of the Court's comments on the report, and agreed on its follow-up.

Concerning the work entrusted to the CDDH, the Deputies notably agreed on the following: "instructed the CDDH to carry out a detailed analysis of all questions relating to the place of the Convention in the European and international legal order and on the medium-term and longer-term prospects, in the light of the relevant paragraphs of the report (conclusion § 203 iii)." This work was entrusted to the Drafting Group II on the follow-up to the CDDH report on the longer-term future of the Convention (DH-SYSC-II).

The Committee is invited to exchange views and to give guidance to DH-SYSC-II, responsible for analysing all questions relating to the place of the Convention in the European and international legal order and on the medium-term and longer-term prospects, concerning potentially, both substance and working methods of the Drafting Group in light notably of the proposal of Norway concerning the organisation of the Group's 1st meeting (29-31 March 2017). The composition of DH-SYSC-II will be determined at the meeting (see item 6).

Item 3: Work on the Recommendation CM/Rec(2008)2 on efficient domestic capacity for rapid execution of judgments of the European Court of Human Rights

- Revised Draft consolidated document on the implementation of Recommendation CM/Rec(2008)2: Good practices and stocktaking (*prepared by the Secretariat*) [DH-SYSC-REC\(2016\)003](#)
- Compilation of drafting proposals on the draft document DH-SYSC-REC(2016)003 in view of the 2nd DH-SYSC meeting [DH-SYSC-REC\(2016\)004](#)
- Report of the 1st DH-SYSC-REC meeting (23-25 May 2016) [DH-SYSC-REC\(2016\)R1](#)
- Compilation of contributions submitted after the 1st meeting of the DH-SYSC-REC [DH-SYSC-REC\(2016\)002](#)

Concerning Recommendation CM/Rec(2008)2, the DH-SYSC is required to "take stock of its implementation, and make an inventory of good practices relating to it and, if appropriate, provide for updating the recommendation in the light of practices developed by the States Parties (deadline: 30 June 2017)" (specific task iv)). The drafting group on Recommendation CM/Rec(2008)2 (DH-SYSC-REC) was designed for this purpose.

The Chairperson of the DH-SYSC-REC, Ms Emanuela TOMOVA (Bulgaria), will present to the Committee the Group's work to date.

The Committee is invited to exchange views on the work of the DH-SYSC-REC and to give any necessary guidance for its future work.

Item 4: Exchange of information on the implementation of the Convention and the execution of judgments of the Court

Reference documents

- Report of the 1st DH-SYSC meeting (25-27 April 2016) [DH- SYSC\(2016\)R1](#)
- Possible planning and working methods of the Committee of Experts on the system of the European Convention on Human Rights (DH-SYSC) during the biennium 2016-2017, including proposals for possible themes for future exchanges of information concerning the implementation of the Convention and the execution of the Court’s judgments [DH-GDR\(2015\)007 Appendix III](#)

At its 1st meeting, the DH-SYSC held a productive exchange of views, on the basis of relevant excerpts of national reports on the implementation of the Brighton Declaration and written contributions of the experts, on the mechanisms for ensuring the compatibility of legislation with the Convention (arrangements, advantages, obstacles). Concerning follow-up on this exercise, the Committee decided that all contributions will be published on the specific web page which will be updated regularly and that the Secretariat will draw up an “overview of good practice”.

The Secretariat will present the state of progress of the “overview of good practices” as concerns the mechanisms for ensuring the compatibility of legislation with the Convention (arrangements, advantages, obstacles). The Committee is invited to decide on the possible holding of a new exchange of information at its next meeting, and if necessary, the choice of a theme for this exchange.

Item 5: ‘Tour de table’ on chart of signatures and ratifications of Protocols Nos. 15 and 16 to the Convention

Reference documents

- Chart of signatures and ratifications of Protocols Nos. 15 and 16 to the Convention and the European Agreement relating to Persons Participating in Proceedings of the European Court of Human Rights [DH-SYSC\(2016\)008REV](#)
Update: 28/10/2016

At its 84th meeting, the CDDH decided to entrust the DH-SYSC with the systematic follow-up on the prospects of signatures and ratifications of Protocols Nos. 15 and 16 to the Convention as well as the follow-up of the European Agreement relating to Persons Participating in Proceedings of the European Court of Human Rights and specified that, in addition to the request of information from concerned experts, awareness-raising actions could be envisaged to reach a higher number of signatures and ratifications of these instruments (see CDDH(2015)R84, para. 10). At its 85th meeting, the CDDH welcomed the “tour de table” held by the DH-SYSC at its 1st meeting and proposed that the DH-SYSC focuses, at its next “tour de table”, on the difficulties encountered.

The Committee is invited to hold a ‘Tour de table’ on the prospects of signatures and ratifications of the various instruments while focusing on the difficulties encountered, and to exchange views on possible awareness-raising actions.

Item 6: Elections

Reference documents

- Committee of Ministers' Resolution CM/Res(2011)24 on intergovernmental committees and subordinate bodies, their terms of reference and working methods

[CDDH\(2011\)012](#)

According to the provisions of Resolution CM/Res(2011)24 of the Committee of Ministers, the Committee is invited to proceed to the election of 8 members of DH-SYSC-II whose costs will be reimbursed, including its Chair.

Item 7: Organisation of future work concerning Recommendation Rec(2004)4 on the European Convention on Human Rights in university education and professional training as well as Recommendation CM/Rec(2010)3 on effective remedies for excessive length of proceedings and its accompanying Guide to Good Practice

Reference document

- Possible planning and working methods of the Committee of Experts on the system of the European Convention on Human Rights (DH-SYSC) during the biennium 2016-2017

[DH-GDR\(2015\)R9](#)
[Appendix III](#)

In light of the information which will be presented to it by the Secretariat, the Committee is invited to take any decisions necessary for the organisation of its future work concerning Recommendation Rec(2004)4 on the European Convention on Human Rights in university education and professional training as well as Recommendation CM/Rec(2010)3 on effective remedies for excessive length of proceedings and its accompanying Guide to Good Practice.

Item 8: Adoption of the conclusions and the meeting report

Working document

- Draft report of the 2nd DH-SYSC meeting (8-10 November 2016)

DH-SYSC(2016)R2

The Committee is invited to adopt the conclusions and the report of the meeting.

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