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Strasbourg, 10 November 2016

DH-SYSC(2016)R2

STEERING COMMITTEE FOR HUMAN RIGHTS  
(CDDH)

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

**(DH-SYSC)**

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**MEETING REPORT**

**2<sup>nd</sup> meeting**

**8–10 November 2016**

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

1.     The Committee of Experts on the system of the European Convention on Human Rights (DH-SYSC) held its 2<sup>nd</sup> meeting in Strasbourg from 8 to 10 November 2016 with Ms Isabelle NIEDLISPACHER (Belgium) in the chair. The list of participants appears in Appendix I. The agenda, as it was adopted, appears in Appendix II.

2.     Mr Mikhail LOBOV, Head of the Human Rights Policy and Cooperation Department proceeded to a welcome speech. He welcomed the important work conducted by the drafting groups DH-SYSC-I (see item 2.1) and DH-SYSC-REC (see item 3), and warmly thanked their respective chairs, Mr Vít A. SCHORM (Czech Republic) and Ms Emanuela TOMOVA (Bulgaria) for their great dedication in the work and their support given to the Secretariat. Mr Lobov furthermore informed the Committee of the presentation, to the Committee of Ministers, of the report on the measures taken by member States in order to implement the relevant parts of the Brighton Declaration. The Committee of Ministers has taken note of this in its 1264<sup>th</sup> meeting (14 September 2016). The Committee has thereby fulfilled the first specific task of its mandate (specific task i)). The Secretariat will make sure to inform the Committee on a continuous manner of the follow-up given by the Committee of Ministers to its work.

3.     The Committee welcomed the holding on 7 November 2016 of the presentation by the Department for the Execution of Judgments of the European Court of Human Rights of the new search tools – HUDOC-EXEC – and information on the state of execution of the judgments of the Court opened by Ms Geneviève Mayer, Head of the Department, with the participation of John HUNTER, Head of the Department of Information Technology of the Court's Registry. Mr Frederik SUNDBERG, Deputy Head of the Department for the execution of the judgments of the Court has notably presented the new transparency and visibility tools of the monitoring process (country factsheets, thematic factsheets, website). The Committee welcomed these tools, which will strengthen the visibility of the monitoring process of the execution of judgments of the Court.

4.     The Committee welcomed the holding, also on 7 November, of a presentation of the Council of Bars and Law Societies of Europe (CCBE) represented by Mr. Laurent PETTITI, followed by an exchange of views on questions of common interest for the Government Agents and lawyers. It welcomed this initiative, underlining the importance of exchanges with its observing members, which may enrich the Committee's reflexions.

## **Item 2:     Follow-up of the CDDH report on the longer-term future of the system of the Convention**

### ***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)***

5.     The Chairperson of the DH-SYSC-I, Mr Vít A. SCHORM (Czech Republic), presented to the Committee the Group's work to date. The Committee thanked Mr Schorm and welcomed the results of the DH-SYSC-I. It examined the elements identified by the

Group during its second meeting,<sup>1</sup> pronounced itself on the four themes identified in the working document (doc. DH-SYSC-I (2016)007) and gave the following guidance for the future work.

6. The Committee underlined its guidance, endorsed by the CDDH,<sup>2</sup> notably that it should “examine possible measures to respond to the challenges identified with an inclusive approach (*i.e.* without excluding responses that would require an amendment to the Convention) while focusing on practical solutions improving the current system. This work should involve a feasibility study”. The Committee however specified that the final report resulting from the Group’s work should contain a comprehensive analysis of the themes, including the examination of alternative models.

#### I. The selection procedure

##### *The selection criteria (Article 21 of the Convention)*

7. As regards selection criteria as such, the Committee examined the proposals and agreed upon the following:

- (i) The modification of the term of office’s duration: The Committee agreed that the duration of the term must preserve the independence of judges and the institutional stability of the Court. It noted that the concerns related to the nine-year term, which could form an obstacle in the career of younger judges, may be diluted in the framework of responses provided as regards the recognition of service as a judge at the Court and future employment perspectives. It considered however that the question deserves to be further explored, notably as to the possibility to introduce an automatically renewable six-year term.
- (ii) If the formal introduction of a minimum age for candidates does not seem to be envisaged in the light of the diversity of national systems, it is an issue of concern to be examined in connection with the necessity to emphasise professional (judicial) experience in domestic legislation as was also noted by the CDDH in its report on the longer-term future of the system of the Convention (doc. CDDH(2015)R84 Addendum I, § 105).
- (iii) The modification of linguistic requirements has been excluded, recalling that there are some indispensable minimum requirements so that judges can be operational in an international court having French and English as its two official languages.
- (iv) The possibility for States or for the Committee on the election of judges to the European Court of Human Rights to present a list of less than three candidates should be further examined.

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<sup>1</sup> See document DH-SYSC-I (2016)R2, Appendix III.

<sup>2</sup> See doc. CDDH(2016)R85, §§ 4 and 13 and doc. DH-SYSC(2016)R1, § 7.

*National selection procedures*

8. As regards the national selection procedures, the Committee underlined the importance of the full implementation of the Guidelines of the Committee of Ministers on the selection of candidates for the post of judge at the European Court of Human Rights and agreed upon the following:

- (i) In light of the information related to the national selection procedures appearing in Appendix I of working document DH-SYSC-I(2016)007, the Committee decided, as had been envisaged by the CDDH,<sup>3</sup> that follow-up work should be conducted.
- (ii) This follow-up should take into account the fact that it is necessary to preserve the particularities of the national system. A first step could be to update the examples of good practices of the Guidelines of the Committee of Ministers on the selection of candidates for the post of judge at the European Court of Human Rights.
- (iii) The update of the guidelines or the elaboration of a recommendation stating the essential characteristics which every national selection procedure should present could constitute an additional step, if it is found necessary.

9. As regards the interpretation of the criteria, the Committee considered that the guidelines should be the text of reference for all actors in the process with a view to their application, while respecting the diversities of national systems. The risk of diverging interpretations of the criteria by the different actors of the process has been raised. The Committee considered that it would be useful that the Secretariat obtains more elements concerning notably the substance of the complementary information solicited by the Panel to the member States.

*The role of the Advisory Panel in the selection process*

10. As regards the role of the Advisory Panel in the selection process, the Committee agreed upon the following:

- (i) As regards the Panel's intervention, the Committee has agreed that all avenues should be explored. Some experts were in favour of the position of the DH-SYSC-I for the reinforcement of the role of the Panel in selection processes at the national level, if need be by means of revision of the Guidelines of the Committee of Ministers on the selection of candidates at national level in order to specify that the consultation of the Panel is an integral part of the selection process by national authorities before the transmission of the list to the Parliamentary Assembly. Other experts envisaged a different role for the Panel, which could (also) exercise its advisory function within the Parliamentary Assembly. The Committee considered that in the framework of the analysis to be

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<sup>3</sup> § 104 of the CDDH report (doc. CDDH(2015)R84 Addendum I).

carried out, all pros and cons of the above options for the entire process should be examined.

- (ii) The Committee would like to explore the possibility for the Panel to interview candidates if this is deemed necessary. It has been however argued that it would multiply the amount of interviews held and thereby prolong the selection process of candidates.
- (iii) The Committee has also not retained the proposal of making the opinion delivered by the Panel binding, deeming it would go against the advisory nature of the Panel.
- (iv) As regards the means allocated to the Panel, the Committee has agreed that the Panel should be allocated the resources necessary to achieve its task.

## II. The election process

11. As regards the election process, the Committee agreed upon the following:

- (i) The Committee has agreed that work should concentrate on the improvement of the current system in which the election of judges to the Court falls under the Parliamentary Assembly, in accordance with the Convention, as a guarantee of the democratic legitimacy of the judges. In the framework of the exhaustive analysis which should be conducted, alternative models should however also be explored.
- (ii) The Committee considered that suggestions should be drawn up in order to feed into the work of the Parliamentary Assembly on this issue. These reflections and suggestions would notably relate to the composition of the Committee on the Election of Judges to the European Court of Human Rights, the holding of interviews, voting regulations and the quorum, or to the communication and the interaction between the Panel and the Assembly or its Committee on the Election of Judges in order to prevent, to the extent possible, the hazards of the political process and to ensure the election of the best judge to the European Court of Human Rights.
- (iii) It would also be important that the eventual strengthening of the motivation of the Panel's decisions be explored in order to facilitate the work of the Committee on the Election of Judges, with respect to confidentiality in order not to harm the reputation of candidates.

## III. Conditions of employment and working conditions at the Court

12. As regards working conditions at the Court, the Committee decided that this question will be examined in the light of the Court's expected contribution. It recalled that this contribution will be submitted to the Court sitting in plenary session with a view to its transmission in due course to the DH-SYSC-I before its 3<sup>rd</sup> meeting (27 February–1<sup>st</sup> March 2017).

13. As regards conditions of employment and notably the issue of recognition of service as a judge by States, the Committee decided that the question will be further explored in the light of the Court's contribution exposing the difficulties encountered up to this day as well as the contributions of States in order to decide on the need for possible follow-up work.

#### IV. *Ad hoc* judges

14. The Committee decided that a distinct regime for *ad hoc* judges is notably justified by the rarity of the procedure's use. It decided not to consider this question further. It noted that the Court could envisage prolonging or rendering more flexible the two-year period for the list of *ad hoc* judges. It has been however noted that the designation procedure of the *ad hoc* judge from a list previously submitted by the concerned State could be more transparent.

15. As regards the organisation of future work, the Committee decided the following:
- The Secretariat is instructed to prepare a revised version of the working document based on:
    - Comments formulated during the discussions of DH-SYSC during the present meeting and of DH-SYSC-I during its 2<sup>nd</sup> meeting,
    - As well as all new contributions of experts, who are invited to send them to the Secretariat ([DGI-CDDH-Reform@coe.int](mailto:DGI-CDDH-Reform@coe.int)) by **Wednesday 14 December 2016**;
  - This working document will be sent to the experts by **Wednesday 8 February 2017**;
  - Experts will be invited to comment on this draft by **Wednesday 22 February 2017**, so that the comments can be transmitted in due course to the DH-SYSC-I before its 3<sup>rd</sup> meeting.

#### 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)*

16. The Ministers' Deputies "[have 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).

17. As regards the working methods, the Committee welcomes Norway's<sup>4</sup> proposal relating to the organisation of a seminar for the launch of Group's work, during the 1<sup>st</sup> meeting of DH-SYSC-II (29–31 March 2017). This seminar will be jointly organised by the PluriCourts academic network represented by its directors, Mr Morten RUUD (Norway) and the Secretariat of the DH-SYSC. The draft programme will be elaborated by PluriCourts in cooperation with the Secretariat of the DH-SYSC on the basis of the mandate given by the Committee of Ministers in light of the challenges identified in the CDDH report on the longer-term future of the system of the Convention. Experts who wish to formulate proposals in this regard are invited to transmit them in writing to the Secretariat by **Wednesday 23 November 2016**.

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<sup>4</sup> See document DH-SYSC(2016)011.

18. The Committee proceeds to the designation of the Group's members (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**

19. The Chairperson of the DH-SYSC-REC, Ms Emanuela TOMOVA (Bulgaria), presented to the Committee the Group's work to date. The Committee thanked her and welcomed the results of the first meeting of the DH-SYSC-REC. It proceeded to an exchange of views and decided that the finalising of the compilation of good practice, in the form of a guide, which will be presented to the Committee of Ministers for adoption, must be given priority. This would constitute an important source of inspiration and a particularly useful methodological tool for the implementation of the recommendation by the coordinator at the national level and would be consistent with the call issued in the Brussels Declaration. Similarly to the guide to good practice in respect of domestic remedies, a guide on efficient domestic capacity for the rapid execution of the judgments of the Court could gather in one place good practices and also include an analytical part, not prescriptive, introducing these examples and explaining the developments since the elaboration of the recommendation Rec(2008)2 as well as an enriched stocktaking on its implementation. The Committee agreed that the recommendation's update is henceforth unnecessary.

20. As regards the Guide's elaboration, the Committee decided to hold a 2<sup>nd</sup> meeting of the DH-SYSC-REC (from **25 to 27 January 2017**). Experts wishing to submit any additional relevant information to the Secretariat and the Group (particularly concerning the difficulties encountered and "success stories") are invited to send it to the Secretariat ([DGI-CDDH-Reform@coe.int](mailto:DGI-CDDH-Reform@coe.int)) by **Friday 2 December 2016**.

21. On the basis of discussions held during the meeting of the DH-SYSC and the aforementioned contributions, the Secretariat will elaborate a draft Guide, which will be addressed to the experts in due course before the next meeting.

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

22. The Secretariat presented the state of progress of the overview on the exchange of views containing good practices concerning the mechanisms for ensuring the compatibility of legislation with the Convention (arrangements, advantages, obstacles). The Committee instructed the Secretariat to finalise the overview and to address it to the experts by **Tuesday 20 December 2016**. Experts will then be invited to address any drafting proposals by **Friday 20 January 2017** in order for the Secretariat to elaborate a definitive version of the text for adoption during the 3<sup>rd</sup> meeting of the DH-SYSC (10–12 May 2017).

23. The Committee decided to postpone the choice of the theme for a new exchange of views to its following meeting.

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

24. The Committee held a ‘Tour de table’ on the prospects of signatures and ratifications of the different instruments as well as possible obstacles on the basis of the document prepared by the Secretariat (doc. DH-SYSC (2016)008REV). The Committee instructed the Secretariat to revise this document setting out the information gathered and to submit it to the experts by **Monday 21 November 2016**. On the basis of any proposed amendments submitted to the Secretariat ([DGI-CDDH-Reform@coe.int](mailto:DGI-CDDH-Reform@coe.int)) by **Friday 25 November 2016**, the Secretariat would prepare a revised version, which it would transmit to the CDDH for information by **Thursday 1 December 2016**. Experts who did not present information during the meeting are invited to send it to the Secretariat by **Friday 18 November 2016**, otherwise the information contained in document DH-SYSC (2016)008REV will be reproduced.

**Item 6: Elections**

25. The Committee elected experts from the following member States for its Drafting Group DH-SYSC-II: Bulgaria, Croatia, the Czech Republic, France, Italy, Latvia, the Netherlands, Norway, as well as Ms Florence MERLOZ (France), Chair of the Group.

26. The Committee reminded that the groups are open and that the other member States are welcome to send experts at the expenses of their authorities if they wish.

**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**

27. Regarding specific task v) of its terms of reference, the Committee is invited to “submit, if appropriate, proposals to the Committee of Ministers regarding the following recommendations (deadline: 31 December 2017):

- Recommendation Rec(2004)4 on the Convention in university education and professional training, along with the development of guidelines on good practice in respect of human rights training for legal professionals;
- Recommendation CM/Rec(2010)3 on effective remedies for excessive length of proceedings and its accompanying Guide to Good Practice”.

28. The Secretariat informed the Committee regarding the organisation of work concerning Recommendation Rec(2004)4 indicating that in light of the working methods decided by the Committee of experts on the reform of the Court (DH-GDR)<sup>5</sup>, a call for contributions on various aspects of the recommendation, including on examples of good practices, has been addressed to the members of the HELP network. On the basis of the large amount of information collected following this call for contributions, as well as information

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<sup>5</sup> See appendix III of the report of the 9<sup>th</sup> meeting of the DH-GDR (doc. DH-GDR(2015)R9).

provided by member States in the framework of the national report concerning the implementation of the Brighton Declaration, the Secretariat will prepare a single compilation, which will be addressed to experts by **Friday 2 December 2016**.

29. Experts will be invited to submit any updated information regarding the above-mentioned compilation by **Tuesday 17 January 2017**.

30. In light of the aggregate of updated information, the Secretariat will prepare a working document on the implementation of Recommendation (2004)4 and proposals for follow-up, which will be sent to the experts in the course of **April 2017**.

31. Experts will be then invited to formulate any drafting proposals on the text in order for the text to be revised and transmitted in due course to the DH-SYSC before its 3<sup>rd</sup> meeting so that the Committee can decide on the follow-up to this work.

32. As regards Recommendation CM/Rec(2010)3 on effective remedies for excessive length of proceedings and its accompanying Guide to Good Practice, the Committee instructed the Secretariat to contact the Court's registry as well as other competent services such as the European Commission for the Efficiency of Justice (CEPEJ), so as to collect relevant information in view of conducting further work. The Committee welcomed in this regard the availability of the CEPEJ to contribute to its work, as expressed by the representative of the CEPEJ at the meeting. In light of the collected information, the Secretariat will elaborate a working document, which will be submitted to the DH-SYSC during its 3<sup>rd</sup> meeting in the spring of 2017 or during its 4<sup>th</sup> meeting in the fall of 2017, in function of time and resources available within the Secretariat.

### **Acknowledgments**

33. Noting that Ms Haldia MOKEDDEM left the Secretariat of the DH-SYSC, the Committee warmly thanked her for the excellent way she fulfilled her tasks and wished her lot of success in her new functions.

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Appendix I**List of participants**

\* Please note that persons marked with an asterisk only attended the presentations of the Department for the Execution of judgments of the European Court of Human Rights and of the Council of Bars and Law Societies of Europe (CCBE) on Monday 7 November 2016. / Veuillez noter que les personnes indiquées par un astérisque ont participé uniquement aux présentations du Service de l'exécution des arrêts de la Cour européenne des droits de l'homme et du Conseil des Barreaux européennes (CCBE), le lundi 7 novembre 2016.

**MEMBERS / MEMBRES****ALBANIA/ALBANIE**

Ms Evi SADUSHAJ, Deputy to the Permanent Representative of Albania to the Council of Europe, member of the Office of the Government Agent to the European Court of Human Rights

**ANDORRA / ANDORRE**

Mr Joan FORNER ROVIRA, Représentant permanent Adjoint auprès du Conseil de l'Europe \*

**ARMENIA/ARMÉNIE**

Ms Varduhi MELIKYAN, Second Secretary, Legal Department, Ministry of Foreign Affairs

**AUSTRIA/AUTRICHE**

Mrs Brigitte OHMS, Deputy Government Agent, Division for International Affairs and General Administrative Affairs, Federal Chancellery

Mr Martin REICHARD, Deputy to the Permanent Representative, Permanent Representation of Austria to the Council of Europe \*

**AZERBAIJAN/AZERBAÏDJAN**

Mr Çingiz ASGAROV, Agent of the Government of the Republic of Azerbaijan before the European Court of Human Rights

**BELGIUM/BELGIQUE**

Mme Isabelle NIEDLISPACHER, **Chairperson of the DH-SYSC/Présidente du DH- SYSC**, Co-Agent du Gouvernement de la Belgique auprès de la Cour européenne des droits de l'homme, SPF Justice, Service des Droits de l'Homme

**BOSNIA AND HERZEGOVINA/BOSNIE HERZÉGOVINE**

Ms Zikreta IBRAHIMOVIC, Deputy Agent of the Council of Ministers of Bosnia and Herzegovina before the European Court of Human Rights, Office of the Agent

**BULGARIA/BULGARIE**

Ms Emanuela TOMOVA, Head of Department, Human Rights Directorate, Ministry of Foreign Affairs

**CROATIA/CROATIE**

Ms Morana BRIŠKI, Legal Advisor to the Agent, Office of the Government Agent of Croatia before the European Court of Human Rights

Ms Ankica VRKLJAN SUČIĆ, Deputy to the Permanent Representative, Permanent Representation of the Republic of Croatia to the Council of Europe \*

**CYPRUS/CHYPRE**

Ms Ioanna DEMOSTHENOUS, Legal Advisor, Permanent Representation of the Republic of Cyprus to the Council of Europe \*

**CZECH REPUBLIC/REPUBLIQUE TCHÈQUE**

Mr Vít A. SCHORM, Government Agent of Czech Republic before the European Court of Human Rights, Ministry of Justice

**DENMARK/DANEMARK**

Ms Kristine MOGENSEN, Head of Section, Ministry of Justice, Constitutional Law and Human Rights Division

Ms Maria Aviaja SANDER HOLM, The Danish Ministry of Justice, Constitutional Law and Human Rights Division

Mr Thomas SAND KIRK, Deputy Permanent Representative, Permanent Representation of Denmark to the Council of Europe \*

Ms Marie HELDGAARD LAURSEN, Permanent Representation of Denmark to the Council of Europe \*

**ESTONIA/ESTONIE**

Ms Maris KUURBERG, Government Agent of Estonia before the European Court of Human Rights, Ministry of Foreign Affairs

**FINLAND/FINLANDE**

Ms Satu SISTONEN, Legal Officer, Ministry for Foreign Affairs, Legal Service, Unit for Human Rights Courts and Conventions

Ms Henna KOSONEN, Deputy Permanent Representative, Permanent Representation of Finland to the Council of Europe \*

**FRANCE**

Mme Marie-Noémie PRIVET, Ministère des affaires étrangères et du développement international, Direction des affaires juridiques, Sous-direction des droits de l'Homme

**GEORGIA/GÉORGIE**

Ms Tamar ROSTIASHVILI, Deputy Head of the Department of State Representation to the International Courts of Human Rights

**GERMANY/ALLEMAGNE**

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

Ms Anja KEMMERLING, Permanent Representation of Germany to the Council of Europe \*

**GREECE/GRÈCE**

Mme Vasileia PELEKOU, Assesseur au Conseil Juridique de l'Etat, membre du Bureau de l'Agent du gouvernement grec

Ms Ourania PATSOPOULOU, Conseiller, membre du Bureau de l'Agent du Gouvernement devant la Cour européenne des droits de l'homme, Représentation Permanente de la Grèce auprès du Conseil de l'Europe

**HUNGARY/HONGRIE**

Ms Mónika WELLER, Co-Agent of the Government of Hungary before the European Court of Human Rights, Ministry of Justice

**ICELAND/ISLANDE**

Ms Ragna BJARNADÓTTIR, Legal Advisor, Department of Human Rights and Local Government, Ministry of the Interior

**IRELAND/IRLANDE**

Mr Peter WHITE, Government Agent of Ireland before the European Court of Human Rights, Assistant Legal Adviser, Legal Division, Department of Foreign Affairs and Trade

**ITALY/ITALIE**

Mrs Paola ACCARDO, Co-Agent du Gouvernement auprès de la Cour européenne des droits de l'homme, Représentation permanente de l'Italie auprès du Conseil de l'Europe

Mr Piero VAIRA, Représentant Permanent Adjoint, Représentation Permanente de l'Italie auprès du Conseil de l'Europe

Mr Daniele LOI, Adjoint au Représentant Permanent, Représentation Permanente de l'Italie auprès du Conseil de l'Europe

**LATVIA/LETTONIE**

Ms Natalja FREIMANE, Third Secretary, Office of the Latvian Representative, before International Human Rights Organisations, Ministry of Foreign Affairs

Ms Sandra KAULINA, Deputy Permanent Representative, Permanent Representation of the Republic of Latvia to the Council of Europe \*

**LIECHTENSTEIN**

Mr Manuel FRICK, Deputy Permanent Representative of Liechtenstein to the Council of Europe, Office for Foreign Affairs

Mr Daniel OSPELT, Permanent Representative, Permanent Representation of Liechtenstein to the Council of Europe \*

**LITHUANIA/LITUANIE**

Ms Karolina BUBNYTE, Head of the Division for the Representation of Lithuania before the European Court of Human Rights, Ministry of Justice

**LUXEMBOURG**

Mme Brigitte KONZ, Juge de Paix directrice, Cité judiciaire

Mme Christine GOY, Représentante permanente adjointe, Représentation permanente du Luxembourg auprès du Conseil de l'Europe \*

Mme Roberta SPOTO, Adjointe à la Représentante Permanente, Représentation permanente du Luxembourg auprès du Conseil de l'Europe \*

**MALTA/MALTE**

Mr Miguel DE GABRIELE, Lawyer, Office of the Attorney General

**REPUBLIC OF MOLDOVA/RÉPUBLIQUE DE MOLDOVA**

Ms Ruxanda REVENCU, Ad interim Government Agent of the Republic of Moldova, Ministry of Justice

Ms Corina CĂLUGĂRU, Permanent Representative, Permanent Representation of the Republic of Moldova to the Council of Europe \*

**MONTENEGRO/MONTÉNÉGRO**

Ms Vanja RADEVIC, Advisor, Office of the Representative of Montenegro before the European Court of Human Rights

Ms Bozidarka KRUNIC, Permanent Representative, Permanent Representation of Montenegro to the Council of Europe \*

Ms Ana RADUSINOVIC, Deputy to the Permanent Representative, Permanent Representation of Montenegro to the Council of Europe \*

**NETHERLANDS/PAYS-BAS**

Ms Kanta ADHIN, Deputy Government agent to the European Court of Human Rights, Legal Affairs Department, International Law Division, Ministry of Foreign Affairs

Ms Selma DE GROOT, Deputy to the Permanent Representative, Permanent Representation of the Netherlands to the Council of Europe \*

**NORWAY/NORVÈGE**

Ms Helle Aase FALKENBERG, Adviser, Norwegian Ministry of Justice and Public Security, Department of Legislation

Mr Yngve Olsen HVOSLEF, Deputy to the Permanent Representative, Permanent Representation of Norway to the Council of Europe \*

**POLAND/POLOGNE**

Ms Aleksandra ORR, Specialist, Criminal Proceedings Unit, Department of Proceedings before International Human Rights Protection Bodies, Ministry of Foreign Affairs of Poland

**PORTUGAL**

Ms Ana GARCIA MARQUES, Lawyer within the Office of the Agent of the Portuguese Government before the ECHR

**ROMANIA/ROUMANIE**

Ms Irina CAMBREA, Government Agent of Romania before the European Court of Human Rights, Ministry of Foreign Affairs

**RUSSIAN FEDERATION/FÉDÉRATION DE RUSSIE**

Mr Vladislav ERMAKOV, Ministry of Foreign Affairs

M. Stanislav KOVPAK, Représentant du Ministère de la Justice de la Fédération de Russie, Représentation de la Fédération de Russie auprès du Conseil de l'Europe

Ms Kseniya ROGOZYANSKAYA, Attaché, Ministry of Justice of Russian Federation, Permanent Representation of Russian Federation to the Council of Europe

**SERBIA/SERBIE**

Ms Nataša PLAVŠIĆ, Agent of the Republic of Serbia before the European Court of Human Rights, The State Attorney's Office, Agency Sector before the European Court of Human Rights

Mr Darko NINKOV, First Secretary, Permanent Mission of the Republic of Serbia to the Council of Europe

**SLOVAK REPUBLIC/RÉPUBLIQUE SLOVAQUIE**

Ms Marica PIROŠÍKOVÁ, Agent of the Government of the Slovak Republic before the ECHR

**SLOVENIA/SLOVÉNIE**

Mr Matija VIDMAR, Secretary, Department for International Cooperation and EU law, Ministry of Justice

**SPAIN/ESPAGNE**

Mr Rafael Andrés LEON CAVERO, Government Agent of Spain before the European Court of Human Rights, Senior State Attorney, Head of the Human Rights Area, Ministry of Justice

**SWEDEN/SUÈDE**

Ms Katarina FABIAN, Department for International Law, Human Rights and Treaty Law, Ministry for Foreign Affairs

Mr Daniel WÅLLANDER, Legal Adviser, Department for International Law, Ministry for Foreign Affairs

Ms Karin FLARUP, Deputy to the Permanent Representative to the Council of Europe \*

**SWITZERLAND/SUISSE**

Mr Adrian SCHEIDEGGER, Agent suppléant du Gouvernement suisse devant la Cour européenne des droits de l'homme et le CAT, le CERD et le CEDAW, Département fédéral de justice et police DFJP, Office fédéral de la justice

**"THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA" / « L'EX-RÉPUBLIQUE YOUGOSLAVE DE MACÉDOINE »**

Ms Danica DJONOVA, Head of Unit, Office of the Government Agent, Ministry of Justice, Republic of Macedonian

Ms Olgica VASILEVSKA, Deputy Permanent Representative, Permanent Representation of "the Former Yugoslav Republic of Macedonia" to the Council of Europe \*

**TURKEY/TURQUIE**

Mr Selim DOĞANAY, Deputy Head of Human Rights Department, Ministry of Justice

Mr Ibrahim YUSUFOĞLU, Rapporteur Judge, Ministry of Justice

M. Basri Yıldız, Expert Juridique, Ministère des Affaires Etrangères

M<sup>me</sup> Aysen EMÜLER, Experte juridique, Représentation permanente de la Turquie auprès du Conseil de l'Europe

**UNITED KINGDOM/ROYAUME-UNI**

Mr Paul McKELL, **Vice-Chair of the DH-SYSC / Vice-Président du DH-SYSC**, Legal Counsellor,  
Foreign and Commonwealth Office

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

Mr Grégor PUPPINCK

Mr Lorenzo BOTRUGNO

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Ms Sara WEBSTER

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

- Draft annotated agenda DH-SYSC(2016)OJ002REV
- Draft order of business DH-SYSC(2016)OT002
- Report of the 85<sup>th</sup> CDDH meeting (15-17 June 2016) CDDH(2016)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 1<sup>st</sup> 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
- Committee of Ministers' Resolution CM/Res(2011)24 on intergovernmental committees and subordinate bodies, their terms of reference and working methods CDDH(2011)012

**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 2<sup>nd</sup> DH-SYSC-I meeting (19-21 October 2016) DH-SYSC-I(2016)R2
- 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
- Working document in view of the 2nd DH-SYSC-I meeting (*prepared by the Secretariat*) DH-SYSC-I(2016)007
- 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  
Restricted
- Contributions in view of the 2<sup>nd</sup> DH-SYSC-I meeting DH-SYSC-I(2016)005
- Report of the 1<sup>st</sup> DH-SYSC-I meeting (29 June – 1 July 2016) DH-SYSC-I(2016)R1

### **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 for DH-SYSC-II DH-SYSC(2016)011

### **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 and revised in light of contributions received from member States*) DH-SYSC-REC(2016)003REV  
With Track Changes
- Compilation of drafting proposals on the draft document DH-SYSC-REC(2016)003 in view of the 2<sup>nd</sup> DH-SYSC meeting DH-SYSC-REC(2016)004
- Report of the 1<sup>st</sup> DH-SYSC-REC meeting (23-25 May 2016) DH-SYSC-REC(2016)R1
- Compilation of contributions submitted after the 1<sup>st</sup> meeting of the DH-SYSC-REC DH-SYSC-REC(2016)002

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

Reference documents

- Report of the 1<sup>st</sup> 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

**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

**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