



Strasbourg, 7 April 2017

DH-SYSC(2017)OJ003

STEERING COMMITTEE FOR HUMAN RIGHTS
(CDDH)

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

(DH-SYSC)

3rd meeting

**Wednesday 10 (9:30 a.m.) – Friday 12 May 2017
(End of the meeting: 1 p.m.)**

**Strasbourg, Agora building,
Meeting room G01**

DRAFT ANNOTATED AGENDA

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

General reference documents

- Draft annotated agenda DH-SYSC(2017)OJ003
 - Draft order of business DH-SYSC(2017)OT003
 - Report of the 86th CDDH meeting (6-8 December 2016) [CDDH\(2016\)R86](#)
 - CDDH report on the longer-term future of the system of the European Convention on Human Rights [CDDH\(2015\)R84](#)
 - Report of the 2nd DH-SYSC meeting (8-10 November 2016) [Addendum I](#)
 - Report of the 1st DH-SYSC meeting (25-27 April 2016) [DH-SYSC\(2016\)R2](#)
 - Brussels Declaration [DH-SYSC\(2016\)R1](#)
 - Brighton Declaration [CDDH\(2015\)004](#)
 - Izmir Declaration [CDDH\(2012\)007](#)
 - Interlaken Declaration [CDDH\(2011\)010](#)
 - Rome Declaration [CDDH\(2010\)001](#)
 - 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](#)
- 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](#)
- Comment from the Court on the report of the CDDH on the longer-term future of the Convention system [Addendum I](#)
- 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) [#5281071](#)
- 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\(2016\)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 on the follow-up to the CDDH report on the longer-term future of the system of the European Convention on Human Rights (DH-SYSC-I)

Working document

- Draft report on the processes of selection and election of judges of the [DH-SYSC-I\(2017\)014](#)

European Court of Human Rights

Reference documents (selective list)

- Exchange of views between Mr John Murray, President of the Advisory Panel of Experts on Candidates for Election as Judge to the European Court of Human Rights and the Ministries' Deputies [DH-SYSC-I\(2017\)016](#)
- Legal opinion from the Directorate of legal advice and public international law [DH-SYSC-I\(2017\)015](#)
- Request for legal advice addressed to the DLAPIL [DH-SYSC-I\(2017\)012REV](#)
- Contributions submitted in view of the 3rd DH-SYSC meeting [DH-SYSC-I\(2017\)013](#)
- Contributions submitted in view of the 3rd DH-SYSC-I meeting [DH-SYSC-I\(2017\)009REV](#)
- Contribution from the European Court of Human Rights [DH-SYSC-I\(2017\)011](#)
- 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](#)
- 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
- Relevant provisions relating to other International or Regional courts or tribunal [DH-SYSC-I\(2016\)004](#)
- Report of the 3rd DH-SYSC-I meeting (27 February -1st March 2017) [DH-SYSC-I\(2017\)R3](#)
- Report of the 86th CDDH meeting (6-8 December 2016) [CDDH\(2016\)R86](#)
- Report of the 2nd DH-SYSC meeting (8-10 November 2016) [DH-SYSC\(2016\)R2](#)

The Chairperson of the DH-SYSC-I, Mr Vit A. SCHORM (Czech Republic), will present to the Committee the Group's work to date, relating to the whole selection and election process of judges. It should be recalled that at its 2nd meeting (8-10 November 2016), the Committee of experts on the system of the European Convention on Human Rights (DH-SYSC) examined the elements identified by the DH-SYSC-I at its 2nd meeting (19-21 October 2016, see DH-SYSC-I(2016)R2 Appendix III), pronounced itself on the four themes identified (selection procedure, election process, conditions of employment and working conditions at the Court and ad hoc judges) and gave guidance for the future work (see §§ 6 to 14 of the meeting report (DH-SYSC(2016)R2). At its 86th meeting (6-8 December 2016), the CDDH welcomed the results of the work to date and endorsed the guidance given by the DH-SYSC to the DH-SYSC-I (CDDH(2016)R86, §§ 4-6.) At its 3rd meeting (27 February – 1st March 2017), the Drafting Group proceeded to the examination of all the questions addressed in the working document DH-SYSC-I(2017)010 and gave general guidance to the Secretariat regarding the revision of the working document with a view to the submission of a draft report to the DH-SYSC for its 3rd meeting (10–12 May 2017), under the responsibility of the Chair and the Secretariat (see document DH-SYSC-I(2017)R3). Furthermore, the Drafting Group decided to seek the advice of the Directorate of Legal Advice and Public International Law on certain questions (see document DH-SYSC-I(2017)012REV).

The Committee is invited to exchange views on the draft report prepared following the 3rd meeting of the Drafting Group and to give any necessary guidance for the 4th and final meeting of the Group (18-20 October 2017).

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

Reference document

- Report of the 1st DH-SYSC-II meeting (30-31 mars 2017) [DH-SYSC-II\(2017\)R1](#)
- Proceedings of the Seminar (to be published)
- Proposal by Norway for a kick-off brainstorming seminar for DH-SYSC-II [DH-SYSC\(2016\)011](#)

The Chair of the DH-SYSC-II, Ms Florence MERLOZ (France), will present to the Committee the results of the 1st meeting of the Group following the kick-off brainstorming seminar, co-organized by the PluriCourts academic network and the Secretariat of the DH-SYSC, following an initiative by Norway.

The Committee is invited to exchange views and to give guidance to the DH-SYSC-II, responsible for 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. This guidance should concern both substance and working methods.

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

Working document

- [DH-SYSC-REC\(2017\)008](#)
raft Guide to good practice on the implementation of Recommendation CM/Rec(2008)2 of the Committee of Ministers on efficient domestic capacity for rapid execution of judgments of the European Court of Human Rights

Reference documents

- Contributions submitted following the 2nd meeting of the DH-SYSC-REC [DH-SYSC-REC\(2017\)007REV](#)
- Preliminary draft Guide to good practice on the implementation of Recommendation CM/Rec(2008)2 of the Committee of Ministers on efficient domestic capacity for rapid execution of judgments of the European Court of Human Rights [DH-SYSC-REC\(2017\)006](#)
- Compilation of contributions submitted in view of the 2nd DH-SYSC-REC meeting [DH-SYSC-REC\(2017\)005](#)
- Revised draft consolidated document on the implementation of Recommendation CM/Rec(2008)2: Good practices and stocktaking [DH-SYSC-REC\(2016\)003REV](#)
- 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 2nd DH-SYSC-REC meeting (6-8 March 2017) [DH-SYSC-REC\(2017\)R2](#)
- Report of the 1st DH-SYSC-REC meeting (23-25 May 2016) [DH-SYSC-REC\(2016\)R1](#)

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 Chair of the DH-SYSC-REC, Ms Emanuela TOMOVA (Bulgaria), will present to the Committee the outcome of the work of the

Group. It should be recalled that at its 2nd meeting, the DH-SYSC welcomed the results of the 1st meeting of the DH-SYSC-REC, held 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. The Committee agreed that the recommendation's update was henceforth unnecessary. At its 86th meeting, the CDDH welcomed the work carried out by the DH-SYSC-REC and endorsed the guidance given by the DH-SYSC to the Group. At its 2nd meeting (6-8 March 2017), the Drafting Group proceeded to the examination of the preliminary draft Guide to good practice and gave guidance to the Secretariat for the preparation of the draft Guide with a view to its presentation to the DH-SYSC.

The Committee is invited to examine, with a view to its adoption, the draft Guide to good practice on the implementation of Recommendation (2008)2, also containing the stocktaking of the latter, so that it can be transmitted to the CDDH for adoption at its 87th meeting (6-8 June 2017) with a view to its presentation to the Committee of Ministers before 30 June 2017.

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

Working document

- Overview of the exchange of views held by the DH-SYSC at its 1st meeting on the verification of the compatibility of legislation with the Convention (arrangements, advantages, obstacles)

[DH-SYSC\(2016\)013](#)

Reference documents

- Contributions on document DH-SYSC(2016)013 submitted with a view to the 3rd DH-SYSC meeting
- Report of the 2nd DH-SYSC meeting (8-10 November 2016)
- Report of the 1st DH-SYSC meeting (25-27 April 2016)
- 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-SYSC\(2017\)003REV](#)

[DH-SYSC\(2016\)R2](#)

[DH-SYSC\(2016\)R1](#)

[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 the follow-up of this exercise, the Committee decided that all contributions will be published on a specific web page which will be updated regularly and that the Secretariat will draw up an "overview of good practice".

The Committee is invited to adopt the overview of mechanisms for ensuring the compatibility of legislation with the Convention (arrangements, advantages,

obstacles). It is also invited to decide on the possible holding of an exchange of information at its 4th meeting, and if appropriate, on the choice of a theme.

Item 5: ‘Tour de table’ on the 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\(2016\)008REV3](#)

At its 84th meeting, the CDDH decided to entrust the DH-SYSC with the systematic follow-up of 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). The DH-SYSC held two “tours de table” at its two plenary meetings in 2016. The results of these “tours de table” are reflected in the relevant working document. At its 86th meeting, the CDDH welcomed the second “tour de table” held by the DH-SYSC on the charts of signatures and ratifications of Protocols 15 and 16 of the Convention. It took note of the progress made and encouraged member States to pursue their efforts with a view to the signature and/or ratification of the said instruments and invited the DH-SYSC to pursue this exercise regularly in that format (see CDDH(2016)R86, §13).

The Committee is invited to hold a new ‘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: Work on Recommendation Rec(2004)4 on the European Convention on Human Rights in university education and professional training

Working document

- Working document containing proposals on Recommendation (2004)4 [DH-SYSC\(2017\)001](#)

Reference document

- Information on the implementation of Recommendation Rec(2004)4 of the Committee of Ministers on the European Convention on Human Rights in university education and professional training [DH-SYSC\(2016\)012](#)

Regarding specific task v) of its terms of reference, the Committee is invited to submit, where appropriate, proposals to the Committee of Ministers concerning Recommendation Rec(2004)4 on the Convention in university education and professional training, as well as the development of guidelines on good practices in human rights training for legal

professionals. In the light of the working methods decided by the Committee of Experts on the Reform of the Court (DH-GDR),¹ a call for contributions on various aspects of the Recommendation, including examples of good practice, was addressed to members of the HELP network. On the basis of the information collected following this call for contributions and the information provided by member States in the context of their national reports on the implementation of the Brighton and Brussels Declarations, the Secretariat has prepared a single compilation. Experts were invited to submit updated information concerning this compilation. On the basis of all the information thus updated, a working document containing proposals regarding Recommendation (2004)4 has been prepared by the Secretariat.

The Committee is invited to examine the working document containing proposals concerning Recommendation (2004)4, and to give any useful guidance for the follow-up to this work.

Item 7: DH-SYSC Terms of reference for the next biennium

Working document

- Draft terms of reference for DH-SYSC for the next biennium 2018-2019 [DH-SYSC\(2017\)002](#)
(document prepared by the Secretariat)

It is expected that the CDDH will approve at its 87th meeting the draft terms of reference for the DH-SYSC for the next biennium (2018-2019), reflecting the essential tasks that the DH-SYSC wishes to be assigned, as well as the relevant activities that should be carried out to this effect. The CDDH will submit the approved draft to the Committee of Ministers for possible adoption by the latter by the end of 2017.

The Committee is invited to exchange views and to adopt its draft terms of reference for the biennium 2018-2019. The draft will be submitted to the CDDH for possible approval in June 2017.

Item 8: Election

Reference documents

- Committee of Ministers' Resolution CM/Res(2011)24 on [CDDH\(2011\)012](#)
intergovernmental committees and subordinate bodies, their terms of reference and working methods

Following the departure of its Vice-Chairperson Mr Paul McKell (United Kingdom), the Committee is invited to proceed to the election of a new Vice-Chairperson.

Item 9: Organisation of future work

Reference document

¹ See Appendix III of Report of the 9th DH-GDR meeting (doc. DH-GDR(2015)R9, [Appendix III](#)).

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

[DH-SYSC\(2016\)R2](#)

The Committee is invited to take any decisions necessary for the organisation of its future work, in particular concerning Recommendation CM/Rec(2010)3 on effective remedies for excessive length of proceedings and its accompanying Guide to Good Practice. Furthermore, and on the basis of the information presented by the Secretariat, the Committee should also decide on the procedure for the analysis of the national reports regarding the implementation of the Brussels Declaration.

Item 10: Adoption of the conclusions and the meeting report

Working document

- Draft report of the 3rd DH-SYSC meeting (10-12 May 2017)

DH-SYSC(2017)R3

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

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