



Strasbourg, 14 October 2016

DH-SYSC-I (2016)OJ002 REV

**STEERING COMMITTEE FOR HUMAN RIGHTS
(CDDH)**

**COMMITTEE OF EXPERTS ON THE SYSTEM OF THE EUROPEAN
CONVENTION ON HUMAN RIGHTS
(DH-SYSC)**

**DRAFTING GROUP I ON THE FOLLOW-UP TO THE CDDH REPORT
ON THE LONGER-TERM FUTURE OF THE CONVENTION
(DH-SYSC-I)**

2nd meeting

**Wednesday 19 (9:30) – Friday 21 October 2016
(end of the meeting: 1 p.m.)**

Strasbourg, Agora building, Meeting room G01

REVISED DRAFT ANNOTATED AGENDA

Item 1: Opening of the meeting, adoption of the agenda and order of businessGeneral documents

- Draft annotated agenda [DH-SYSC-I\(2016\)OJ002 REV](#)
- Draft order of business [DH-SYSC-I\(2016\)OT002](#)
- Report of the 1st DH-SYSC meeting (25-27 April 2016) [DH-SYSC\(2016\)R1](#)
- Report of the 85th CDDH meeting (15-17 June 2016) [CDDH\(2016\)R85](#)
- Report of the 1st DH-SYSC-I meeting (29 June – 1 July 2016) [DH-SYSC-I\(2016\)R1](#)
- CDDH report on the longer-term future of the system of the European Convention on Human Rights [CDDH\(2015\)R84 Addendum I](#)
- Brussels Declaration [CDDH\(2015\)004](#)
- Brighton Declaration [CDDH\(2012\)007](#)
- Izmir Declaration [CDDH\(2011\)010](#)
- Interlaken Declaration [CDDH\(2010\)001](#)
- Rome Declaration
- 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](#)

After the opening of the meeting by the Chairperson, Mr Vít A. SCHORM (Czech Republic), the Group is invited to adopt the agenda and order of business.

Item 2: Work on the selection and election process of judges of the European Court of Human RightsWorking document

- Working document in view of the 2nd DH-SYSC-I meeting [DH-SYSC-I\(2016\)007](#)
(*prepared by the Secretariat*)

Main reference documents

- Contributions in view of the 2nd DH-SYSC-I meeting [DH-SYSC-I\(2016\)005 REV](#)
- 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](#)
- Report of the 1st DH-SYSC-I meeting (29 June – 1 July 2016) [DH-SYSC-I\(2016\)R1](#)
- Working document in view of the 1st DH-SYSC-I meeting [DH-SYSC\(2016\)003](#)
- Relevant provisions relating to other International or Regional Courts or tribunals [DH-SYSC-I\(2016\)004](#)
- 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](#)
- Guidelines of the Committee of Ministers on the selection of candidates for the post of judge at the European Court of Human Rights [CM\(2012\)40-final](#)
[CM\(2012\)40-addfinal](#)
- Report of the CDDH on the review of the functioning of the Advisory Panel of Experts on Candidates for Election as Judge to the European Court of Human Rights [CDDH\(2013\)R79 Addendum II](#)
- Contributions submitted in the framework of the GT-GDR-F work [DH-SYSC-I\(2016\)001](#)
- Compilation of information submitted in the framework of the national reports on the implementation of the Brighton Declaration [DH-SYSC-I\(2016\)002](#)
- Procedure for electing judges to the European Court of Human Rights - Information document prepared by the Secretariat of the Parliamentary Assembly – Committee on the election of judges to the Court [AS/Cdh/Inf \(2016\) 01 rev 4](#)
- Country-by-country table of progress - Information document prepared by the Secretariat of the Parliamentary Assembly – Committee on the election of judges to the Court
- Activity Report of the Advisory Panel of Experts on Candidates for Election as Judge to the Court (2010-2013) [Advisory Panel \(2013\)12 EN](#)
- Activity Report of the Advisory Panel of Experts on Candidates for Election as Judge to the Court (2014-2015) [Advisory Panel \(2016\)1](#)
- Comparative survey on the recognition of service as a Judge of the European Court of Human Rights [DD\(2013\)1321](#)

It is recalled that, at its 1st meeting (25-27 April 2016), the Committee of experts on the system of the European Convention on Human Rights (DH-SYSC) held an exchange of views with all actors concerned by the selection and election process of judges of the Court, namely

the Parliamentary Assembly, represented by Mr Wojciech SAWICKI, Secretary General of the Parliamentary Assembly, accompanied by Mr Andrew DRZEMCZEWSKI, Head of the Legal Affairs and Human Rights Department ; the Registry of the European Court of Human Rights, represented by Mr Roderick LIDDELL, Registrar of the Court, and the Advisory Panel of Experts on Candidates for Election as Judges to the Court, represented by Mr John MURRAY, Chairperson, accompanied by Mr Jörg POLAKIEWICZ, Director of Legal Advice and Public International Law.

The Committee gave the following guidance to the DH-SYSC-I:

- *consider all the parameters of the selection and election process in light of the CDDH report on the longer term future of the Convention system while preserving the credibility of the Court. The situation of judges of the Court once their term of office has expired will as well be considered, also in light of information provided by member States;*
- *take into consideration a) the work and reflections of all actors concerned, including good practices developed and outstanding challenges, while ensuring the appropriate level of confidentiality and b) the previous work carried out by the CDDH including the work of the Ad Hoc Working Group on national practices for the selection of candidates for the post of judge at the European Court of Human Rights (CDDH-SC);*
- *examine the procedures and practices of selection/election of judges in other international and regional courts and in highest national courts;*
- *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.*

At its 85th meeting (15-17 June 2016), the CDDH endorsed the abovementioned guidance. It further underlined that:

- *the working methods of the DH-SYSC-I should correspond to those which are normally followed by the other groups working under the CDDH or the DH-SYSC;*
- *the DH-SYSC asked the DH-SYSC-I to take into consideration the work and reflections of all the actors concerned, while ensuring the appropriate level of confidentiality. The Chair of the Group and the Secretariat will ensure this, notably when drafting the meeting reports but all the participants to this work also bear the responsibility for this.*
- *States that wish to participate in the work of the DH-SYSC-I are invited to appoint an experienced representative.*

At the end of its 1st meeting, the DH-SYSC-I instructed the Secretariat to prepare a new working document in view of the 2nd meeting of the Group, in accordance with the aforementioned guidelines drawn up by the DH-SYSC and endorsed by the CDDH, namely presenting 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 include a feasibility study.

To this end, the Group invited experts to send any contribution on the themes addressed in its work and considered that it could also be useful to obtain 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 (see paragraph 6 and Appendix III of the meeting report (doc. DH-SYSC-I(2016)R1)).

The Group is invited to examine the working document prepared by the Secretariat in light of the guidance given by the DH-SYSC and CDDH and of the contributions received.

Item 3 : **Organisation of future work**

The Group is invited to examine the working document prepared by the Secretariat in light of the guidance given by the DH-SYSC and CDDH and of the contributions received. It is further invited to discuss its working methods for the present meeting, in particular with a view to its exchange of views with Mr Wojciech SAWICKI, Secretary General of the Parliamentary Assembly.

Item 4 : **Adoption of the conclusions and the meeting report**

Working document

- Draft Report of the 2nd DH-SYSC-I meeting (19-21 October 2016) DH-SYSC-I(2016)R2

The Group is invited to adopt the conclusions and the meeting report.

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