



Strasbourg, 8 March 2017

DH-SYSC-II(2017)OJ001

STEERING COMMITTEE FOR HUMAN RIGHTS
(CDDH)

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

DRAFTING GROUP II OF THE COMMITTEE OF EXPERTS ON THE
FOLLOW-UP TO THE CDDH REPORT ON THE SYSTEM OF THE
CONVENTION (DH-SYSC-II)

1st meeting

Thursday 30 (2:30 p.m.) – Friday 31 March 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 election of a vice-president

General documents

- Draft annotated agenda DH-SYSC-II(2017)OJ001
- 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](#)
- Report of the 85th CDDH meeting (7-11 December 2015) [CDDH\(2016\)R85](#)
- Report of the 9th DH-GDR meeting (17-20 November 2015) [DH-GDR\(2015\)R9](#)
- 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](#)
- Resolution of the Committee of Ministers 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. Florence MERLOZ (France), the Group is invited to adopt the agenda. It is also invited to proceed to the election of its Vice-Chairperson according to the provisions of Resolution CM/Res(2011)24 of the Committee of Ministers.

Item 2 : Work on the place of the European Convention of Human Rights in the European and International legal order

Main reference documents

- Draft program of the Seminar organised for the launching of the work of the DH-SYSC-II, co-organized by *PluriCourts* and the Council of Europe
- 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 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](#)
- Comment from the Court on the report of the CDDH on the longer-term future of the Convention system [#5281071](#)

At their 1252nd meeting (30 March 2016), 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 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).”

The DH-SYSC, at its 2nd meeting (8-10 November 2016), and then the CDDH, at its 86th meeting (6-8 December 2016) welcomed the proposal by Norway regarding the organisation of a Seminar, co-organised by the PluriCourts academic network, represented by its Directors, Mr. Morten RUUD (Norway), and the DH-SYSC Secretariat, in cooperation with Ms. Florence MERLOZ (France), Chair of the DH-SYSC-II, which will precede the launching of the work of DH-SYSC-II, on all issues relating to the place of the Convention in the European and international legal order as well as to the mid- and longer-term perspectives. On the occasion of the above-mentioned CDDH meeting, an expert noted that the issue of a situation in which a case introduced before the Court is declared inadmissible by means of an unreasoned decision of the Committee of three judges, while the communication subsequently submitted to the United Nations Human Rights Committee is declared well-founded, should be addressed.¹ The CDDH noted that, in view of the scope of the questions covered by the work of the DH-SYSC-II, it is expected that the work on certain questions could be pursued during the next biennium. The CDDH also noted that all the questions and procedures to be examined should be defined once the DH-SYSC-II has started its work.

The Group is invited to hold an exchange of views on the question of the place of the Convention in the European and international legal order, in the light of the Seminar of 29 and 30 March 2017, with a view to determine the list of priority topics to be considered in the context of its work. The Group is also invited to define its working methods for the continuation of its work.

Item 3 : **Organisation of future work**

The Group is invited to take any further decisions necessary to the organisation of its future work.

¹ See paragraph 184 of the CDDH Report on the longer-term future of the system of the Convention and footnote 224 referring notably to *María Cruz Achabal Puertas v. Spain* (1945/2010), CCPR/C/107/D/1945/2010 (2013); 20 IHRR 1013 (2013).

Item 4 : Adoption of the conclusions and the meeting report

Working document

- Draft report of the 1st DH-SYSC-II meeting (30-31 March 2017)

DH-SYSC-II (2017)R1

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

* * *