



DH-SYSC(2017)OJ004

24/10/2017

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

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

4th meeting

DRAFT ANNOTATED AGENDA

Strasbourg, Agora building, Meeting room G01

Thursday 9 (9:00 a.m.) – Friday 10 November 2017 (End of the meeting: 1 p.m.)

E-mail: DGI-CCDH-Reform@coe.int

<p>DH-SYSC(2017)OJ004</p> <p>DH-SYSC(2017)OT004</p> <p>CDDH(2017)R87</p> <p>CDDH(2015)R84 Addendum I</p> <p>DH-SYSC(2017)R3</p> <p>DH-SYSC(2016)R2</p> <p>DH-SYSC(2016)R1</p> <p>CDDH(2015)004</p> <p>CDDH(2012)007</p> <p>CDDH(2011)010</p> <p>CDDH(2010)001</p> <p>DH-SYSC(2016)003</p> <p>DH-SYSC(2016)009</p> <p>CDDH(2011)012</p> <p>CM/Res(2011)24</p>	<p><u>Item 1: Opening of the meeting, adoption of the agenda and order of business</u></p> <p>Draft annotated agenda</p> <p>Draft order of business</p> <p>Report of the 87th CDDH meeting (6–9 June 2017)</p> <p>CDDH report on the longer-term future of the system of the European Convention on Human Rights</p> <p>Report of the 3rd DH-SYSC meeting (10–12 May 2017)</p> <p>Report of the 2nd DH-SYSC meeting (8–10 November 2016)</p> <p>Report of the 1st DH-SYSC meeting (25–27 April 2016)</p> <p>Brussels Declaration</p> <p>Brighton Declaration</p> <p>Izmir Declaration</p> <p>Interlaken Declaration</p> <p>Rome Declaration</p> <p>Terms of reference of the Committee of experts on the system of the European Convention on Human Rights (DH-SYSC) for 2016-2017</p> <p>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)</p> <p>10th Annual Report of the Committee of Ministers on the supervision of the execution of judgments and decisions of the European Court of Human Rights, 2016</p> <p>Committee of Ministers’ Resolution CM/Res(2011)24 on intergovernmental committees and subordinate bodies, their terms of reference and working methods</p>
<p>Recommendation 2110 (2017)</p> <p>DH-SYSC(2017)005</p>	<p><u>Item 2: Recommendation 2110 (2017) of the Parliamentary Assembly on the implementation of judgments of the European Court of Human Rights</u></p> <p>Recommendation 2110 (2017) of the Parliamentary Assembly on the implementation of judgments of the European Court of Human Rights</p> <p>Recommendation 2110 (2017) of the Parliamentary Assembly of the Council of Europe on <i>the implementation of judgments of the</i></p>

	<i>European Court of Human Rights</i> – [Draft] comments for consideration by the DH-SYSC in view of their possible submission to the CDDH
CDDH(2015)R84 Addendum I #5281071 DH-SYSC(2016)009 DH-SYSC(2016)003 DH-SYSC-I(2017)R4 DH-SYSC-I(2017)R3 DH-SYSC-I(2016)R2 DH-SYSC-I(2016)R1 DH-SYSC-I(2017)020 DH-SYSC-I(2017)018 DH-SYSC-I(2017)017 DH-SYSC-I(2017)021	<p><u>Item 3: Follow-up of the CDDH report on the longer-term future of the system of the European Convention on Human Rights</u></p> <p>CDDH report on the longer-term future of the system of the European Convention on Human Rights</p> <p>Comment from the Court on the report of the CDDH on the longer-term future of the Convention system</p> <p>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)</p> <p>Terms of reference of the Committee of Experts on the System of the European Convention on Human Rights (DH-SYSC) for 2016–2017</p> <ul style="list-style-type: none"> • <u>Item 3.1 Work of the SYSC-I</u> <p>Report of the 4th DH-SYSC-I meeting (18 – 20 October 2017)</p> <p>Report of the 3rd DH-SYSC-I meeting (27 February – 1 March 2017)</p> <p>Report of the 2nd DH-SYSC-I meeting (19–21 October 2016)</p> <p>Report of the 1st DH-SYSC-I meeting (29 June – 1 July 2016)</p> <p><u>Working documents:</u></p> <p>Revised draft report on the process of selection and election of judges of the European Court for Human Rights in view of the 4th DH-SYSC-I meeting (prepared by the Chair and the Secretariat)</p> <p>Tables on the recognition of service as a judge of the European Court of Human Rights (prepared by the Secretariat)</p> <p>Selection of candidates for Election as Judge to the European Court of Human Rights: procedure and selection criteria in member States (prepared by the Secretariat)</p> <p><u>Reference documents (selective list):</u></p> <p>Research on the appointment procedures of judges at the highest national courts by national parliaments</p>

<p>DH-SYSC-I(2017)019</p> <p>DH-SYSC-I(2017)016</p> <p>DH-SYSC-I(2017)015</p> <p>DH-SYSC-I(2017)011</p> <p>DH-SYSC-I(2016)008</p> <p>DH-SYSC-I(2016)006 Restricted</p> <p>DH-SYSC-I(2016)004</p> <p>DH-SYSC-II(2017)R2</p> <p>DH-SYSC-II(2017)R1</p> <p>DH-SYSC-II(2017)002</p> <p>DH-SYSC-II(2017)001</p> <p>DH-SYSC(2016)011</p>	<p>Contribution submitted in view of the 4th DH-SYSC-I meeting</p> <p>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 Ministers' Deputies</p> <p>Legal opinion from the Directorate of legal advice and public international law</p> <p>Contribution from the European Court of Human Rights</p> <p>Exchange of views with Mr Wojciech Sawicki, Secretary General to the Parliamentary Assembly of the Council of Europe, during the 2nd meeting of DH-SYSC-I (summary prepared by the Secretariat)</p> <p>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</p> <p>Relevant provisions relating to other International or Regional Courts or tribunals</p> <ul style="list-style-type: none"> • <u>Item 3.2 Work of the SYSC-II</u> <p>Report of the 2nd DH-SYSC-II meeting (20-22 September 2017)</p> <p>Report of the 1st DH-SYSC-II meeting (30-31 March 2017)</p> <p>Context of the work</p> <p>Draft outline</p> <p>Proceedings of the Seminar organised for the launching of the work of the DH-SYSC-II [to be published]</p> <p>Proposal by Norway for a kick-off brainstorming seminar for DH-SYSC-II</p>
	<p><u>Item 4: Presentation from Judge Linos-Alexandre Sicilianos (Greece) of the publication <i>Filing an application to the European Court of Human Rights. The procedure in virtue of the ECHR – Practical Guide</i></u></p>
	<p><u>Item 5: Exchange of information on the implementation of the Convention and the execution of judgments of the Court</u></p> <p><u>Reference documents</u></p>

<p>DH-SYSC(2016)013 Rev</p> <p>DH-SYSC(2017)003 Rev</p> <p>DH-SYSC(2017)R3</p> <p>DH-SYSC(2016)R2</p> <p>DH-SYSC(2016)R1</p> <p>DH-GDR(2015)007</p>	<p>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)</p> <p>Contributions on document DH-SYSC(2016)013 submitted with a view to the 3rd DH-SYSC meeting</p> <p>Report of the 3rd DH-SYSC meeting (10-12 May 2017)</p> <p>Report of the 2nd DH-SYSC meeting (8-10 November 2016)</p> <p>Report of the 1st DH-SYSC meeting (25-27 April 2016)</p> <p>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</p>
<p><i>In view of its 9th meeting (17-20 November 2015), the DH-GDR identified possible themes for future exchanges of information on the implementation of the Convention and the execution of the Court's judgments. The themes identified are the following¹:</i></p> <ul style="list-style-type: none"> - <i>The States' practice concerning friendly settlements and unilateral declarations (procedures for establishing compensation, contents of friendly settlements, etc.);²</i> - <i>Third-party interventions (quality of third-party interventions, content of observations, procedures for identifying judgments of the European Court of Human Rights justifying a third-party intervention by the member States...);³</i> - <i>Mechanisms for ensuring compatibility of legislation with the Convention (arrangements, advantages, obstacles);⁴</i> - <i>Drafting and implementing action plans to execute the Court's judgments (arrangements, advantages, obstacles);⁵</i> - <i>Ensuring access to a lawyer in criminal proceedings from their outset, including in case of arrest or detention (legal and practical arrangements, advantages, obstacles) (reference cases: <i>Salduz v. Turkey</i>, <i>Plonka v. Poland</i>);⁶</i> - <i>Prevention and effective investigation in cases of excessive use of force by Police (legal and</i> 	

¹ See Appendix II of doc. [DH-GDR\(2015\)007](#)

² Theme proposed by France.

³ Theme proposed by France.

⁴ Theme proposed by Poland. See Recommendation Rec(2004)5 of the Committee of Ministers to member states on the verification of the compatibility of draft laws, existing laws and administrative practice with the standards laid down in the European Convention on Human Rights.

⁵ Theme proposed by Poland.

⁶ Theme proposed by Poland.

<p><i>practical arrangements, advantages and obstacles);⁷</i></p> <ul style="list-style-type: none"> - <i>Recommendation (2004)4 on the European Convention on Human Rights in university education and professional training and good practice in respect of human rights training for legal professionals;⁸</i> - <i>Good practices on the kind of practical measures that may be adopted to better take into account the general principles found in the Court's judgments in cases against other High Contracting Parties.⁹</i> <p>Please note that the theme "Mechanisms for ensuring compatibility of legislation with the Convention (arrangements, advantages, obstacles)" has been covered during the 2016-2017 biennium.</p>	
<p>DH-SYSC(2016)008REV5</p>	<p><u>Item 6: 'Tour de table' on the chart of signatures and ratifications of Protocols Nos. 15 and 16 to the Convention</u></p> <p>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</p>
<p>DH-SYSC(2017)R3</p> <p>CM/Rec(2004)4</p> <p>DH-SYSC(2017)001REV</p> <p>DH-SYSC(2016)012Rev</p> <p>CM/Rec(2010)3</p> <p>DH-SYSC(2017)006</p>	<p><u>Item 7: Organisation of future work</u></p> <p><u>Reference document:</u></p> <p>Report of the 3rd DH-SYSC meeting (10-12 May 2017)</p> <ul style="list-style-type: none"> • <u>Item 7.1 Possible updating of Rec(2004)4</u> <p>Recommendation Rec(2004)4 of the Committee of Ministers on the European Convention on Human Rights in university education and professional training</p> <p>Working document containing proposals on Recommendation (2004)4</p> <p>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</p> <ul style="list-style-type: none"> • <u>Item 7.2 Exchange of views on Rec(2010)3</u> <p>Recommendation Rec(2010)3 of the Committee of Ministers on remedies for excessive length of proceedings</p> <p>Contribution from the Venice Commission in view of the work on</p>

⁷ Theme proposed by Poland.

⁸ Theme proposed by the Secretariat, in the light of specific task v) of the DH-SYSC Terms of Reference.

⁹ Theme proposed by the Secretariat, on the basis of the CDDH draft Report on the longer-term future of the Convention system, as prepared by the GT-GDR-F (doc. GT-GDR-F(2015)020).

	<p>updating the Guide to Good Practice accompanying Recommendation CM/Rec(2010)3 on effective remedies for excessive length of proceedings.</p>
<p>DH-SYSC(2017)R4</p>	<p><u>Item 8: Adoption of the conclusions and the meeting report</u></p> <p><u>Working document:</u></p> <p>Draft report of the 4th DH-SYSC meeting (9-10 November 2017)</p>

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

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