



Strasbourg, 20 October 2017

DH-SYSC-I(2017)R4

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 SYSTEM OF THE
CONVENTION
(DH-SYSC-I)

MEETING REPORT

4th meeting

18 – 20 October 2017

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

1. 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) held its 4th meeting in Strasbourg, from 18 to 20 October 2017, with Mr Vít A. SCHORM (Czech Republic) in the Chair. The list of participants appears in Appendix I. The agenda, as it was adopted, appears in Appendix II.

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

2. The Group proceeded to the examination of all the questions addressed in the revised draft report on the process of selection and election of judges of the European Court of Human Rights (doc. DH-SYSC-I(2017)020), in particular the themes concerning (i) the selection procedure; (ii) the election process; (iii) the conditions of employment and working conditions at the Court; and (iv) *ad hoc* judges.

3. The Group instructed the Secretariat in cooperation with the Chairperson to draft an executive summary on the basis of the substance of the revised draft report and the conclusions therein. Furthermore, the Group agreed on certain amendments to the revised draft report, and decided to place the conclusions of the draft revised report in the executive summary.

4. The Group adopted the revised draft report, as it appears in the Addendum, with a view to its submission to the DH-SYSC at its 4th meeting (9–10 November 2017).

5. Consequently, with the finalisation of the revised draft report on the process of selection and election of judges of the European Court of Human Rights, the Group considered that it had fulfilled its terms of reference in 2017. It welcomed the constructive approach shown by members throughout its work, and thanked all the actors who have contributed to its work. It also expressed its thanks to its Chairman and the Secretariat for their extensive efforts in support of the Group's work.

Item 3: Organisation of future work

6. The revised draft report will be submitted to the DH-SYSC for examination at its 4th meeting (9–10 November 2017), in view of its transmission to the CDDH for adoption. The Group agreed that it does not need any more meetings.

7. In view of the 4th DH-SYSC meeting (9–10 November 2017), the experts are invited to send written contributions on the revised draft report on the process of selection and election of judges of the European Court of Human Rights (doc. DH-SYSC-I(2017)020) to the Secretariat (DGI-CDDH-Reform@coe.int) by **Monday 6 November 2017, 1:00 p.m.**

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Appendix I

List of participants / Liste des participants

MEMBER STATES / ETATS MEMBRES

ARMENIA/ARMENIE

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

BELGIUM/BELGIQUE

Mme Isabelle MINNON, Attachée, Co-Agent du Gouvernement de la Belgique auprès de la Cour européenne des droits de l'homme, SPF Justice, Direction générale de la Législation et des Libertés et Droits fondamentaux, Service des droits de l'Homme

CZECH REPUBLIC / REPUBLIQUE TCHÈQUE

M. Vít A. SCHORM, Agent du Gouvernement devant la Cour, Ministère de la Justice Chairman of DH-SYSC / Président du DH-SYSC-I

DENMARK/DANEMARK

Mr Martin BANG, Senior Advisor, Department of Law, Ministry of Justice

Ms Maja Elkær TARGÅRD, Head of Section, Ministry of Justice

ESTONIA/ESTONIE

Ms Katri LÕHMUS, Lawyer, International Law Division of the Legal Department, Ministry of Foreign Affairs

FINLAND/FINLANDE

Ms Katja KUUPPELOMÄKI, Legal Officer, Unit for Human Rights Courts and Conventions, Legal Service, Ministry for Foreign Affairs

FRANCE

Mme Elise TROALEN, Rédactrice, Sous-direction des droits de l'homme, Direction des affaires juridiques, Ministère de l'Europe et des affaires étrangères

GERMANY/ALLEMAGNE

Mr Oliver BEER, Federal Ministry of Justice and Consumer Protection

LATVIA/LETTONIE

Ms Renāte RŪSE-AUZIŅA, Jurisconsult of the Government Agent Office before International Human Rights Organisation, Ministry of Foreign Affairs

LUXEMBOURG

Ms Valentina SPINEDI, Intern, Permanent Representation of Luxembourg

NETHERLANDS/PAYS-PAS

Ms Kanta ADHIN, Deputy Agent to the Court, Ministry of Foreign Affairs

Ms Johanna PALM, Human Rights Advisor, Ministry of Security and Justice

NORWAY/NORVÈGE

Mr Morten RUUD, Special Adviser, Ministry of Justice

POLAND/POLOGNE

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

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RUSSIAN FEDERATION / FEDERATION DE RUSSIE

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

M. Vladislav ERMAKOV, Adjoint au Représentant permanent de la Fédération de Russie auprès du Conseil de l'Europe

Mrs Ksenia ROGOZYANSKAYA, consultant

Ms Olga ZINCHENKO, attaché in the Ministry of Foreign Affairs of the Russian Federation

SWEDEN/SUÈDE

Ms Helen LINDQUIST, Desk Officer, Department for International Law, Human Rights and Treaty Law, Ministry for Foreign Affairs, Government Offices of Sweden

TURKEY / TURQUIE

Mr Ahmet Metin GÖKLER, Judge-Rapporteur, Ministry of Justice

Mr Mustafa Tayip ÇİÇEK, Counsellor (Rapporteur Judge)

UNITED KINGDOM/ROYAUME-UNI

Mr Rob LINHAM, Assistant Director, Human Rights and Intergovernmental Relations, Ministry of Justice

OBSERVERS / OBSERVATEURS/OBSERVATEURS

HOLY SEE/ SAINT SIÈGE,

Mr John Baptist ITARUMA, Deputy Permanent Observer, Mission permanente du Saint-Siege auprès du Conseil de l'Europe

REGISTRY OF THE EUROPEAN COURT OF HUMAN RIGHTS / GREFFE DE LA COUR EUROPÉENNE DES DROITS DE L'HOMME

Mr John DARCY, Adviser to the President and the Registrar, Private Office of the President

CONFERENCE OF INGOS OF THE COUNCIL OF EUROPE / CONFÉRENCE DES ONG DU CONSEIL DE L'EUROPE

M. Jean-Bernard MARIE, Représentant de la Conférence auprès du CDDH

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SECRETARIAT

**DG I – Human Rights and Rule of Law / Droits de l'homme et Etat de droit
Council of Europe / Conseil de l'Europe, F-67075 Strasbourg Cedex**

Mr Mikhail LOBOV, Head of Human Rights Policy and Co-operation Department / Chef du Service des politiques et de la coopération en matière de droits de l'homme

M. Alfonso DE SALAS, Head of the Human Rights Intergovernmental Cooperation Division / Chef de la Division de la coopération intergouvernementale en matière de droits de l'homme, Secretary of the CDDH / Secrétaire du CDDH

M. Jérémie SPEISER, Assistant Administrator / Administrateur Assistant, Human Rights Intergovernmental Co-operation Division / Division de la coopération intergouvernementale en matière de droits de l'homme, Secretary of DH-SYSC-I / Secrétaire du DH-SYSC-I

Ms Elisa SAARI, Assistant Lawyer / Juriste Assistant, Human Rights Intergovernmental Co-operation Division / Division de la coopération intergouvernementale en matière de droits de l'homme

Ms Simona MARINA, Assistant/Assistante, Human Rights Intergovernmental Cooperation Division / Division de la coopération intergouvernementale en matière de droits de l'homme

Ms Kemo WEIBEL, Unit on the System of the ECHR / Unité sur le système de la CEDH (DH-SYSC), Human Rights Intergovernmental Cooperation Division / Division de la coopération intergouvernementale en matière de droits de l'homme

Ms Grazia SCOCCA, Human Rights Intergovernmental Cooperation Division / Division de la coopération intergouvernementale en matière de droits de l'homme, Intern / Stagiaire

Mme Chloé GUERIN, Human Rights Intergovernmental Cooperation Division / Division de la coopération intergouvernementale en matière de droits de l'homme, Intern / Stagiaire

INTERPRETERS / INTERPRÈTES

Ms Cynera JAFFREY

Ms Rémy JAIN

Ms Christine TRAPP

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Appendix II

Agenda (as adopted)

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

General documents

- Draft annotated agenda [DH-SYSC-I\(2017\)OJ004](#)
- Draft order of business [DH-SYSC-I\(2017\)OT004](#)
- Report of the 87th CDDH meeting (6–9 June 2017) [CDDH\(2017\)R87](#)
- Report of the 3rd DH-SYSC meeting (10–12 May 2017) [DH-SYSC\(2017\)R3](#)
- Report of the 3rd DH-SYSC-I meeting (27 February – 1 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](#)
- Report of the 2nd DH-SYSC-I meeting (19–21 October 2016) [DH-SYSC-I\(2016\)R2](#)
- Report of the 1st DH-SYSC-I meeting (29 June – 1 July 2016) [DH-SYSC-I\(2016\)R1](#)
- Report of the 85th CDDH meeting (15–17 June 2016) [CDDH\(2016\)R85](#)
- Report of the 1st DH-SYSC meeting (25–27 April 2016) [DH-SYSC\(2016\)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](#)

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

Working documents

- 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) [DH-SYSC-I\(2017\)020](#)
- Tables on the recognition of service as a judge of the European Court of Human Rights
(prepared by the Secretariat) [DH-SYSC-I\(2017\)018](#)
- 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) [DH-SYSC-I\(2017\)017](#)

Main reference documents

Current work

- Research on the appointment procedures of judges at the highest national courts by national parliaments [DH-SYSC-I\(2017\)021](#)
- Contribution submitted in view of the 4th DH-SYSC-I meeting [DH-SYSC-I\(2017\)019](#)
- 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 [DH-SYSC-I\(2017\)016](#)
- Legal opinion from the Directorate of legal advice and public international law [DH-SYSC-I\(2017\)015](#)
- Contribution submitted in view of the 3rd DH-SYSC meeting [DH-SYSC-I\(2017\)013](#)
- Contribution from the European Court of Human Rights [DH-SYSC-I\(2017\)011](#)
- Contributions in view of the 3rd DH-SYSC-I meeting [DH-SYSC-I\(2017\)009REV](#)
- Contributions in view of the 2nd DH-SYSC-I meeting [DH-SYSC-I\(2016\)005 REV](#)
- 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) [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 tribunals [DH-SYSC-I\(2016\)004](#)
- Comment from the Court on the report of the CDDH on the longer-term future of the Convention system [#5281071](#)

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Working documents of previous meetings

- Working document in view of the 3rd DH-SYSC-I meeting [DH-SYSC-I\(2017\)010](#)
- Working document in view of the 2nd DH-SYSC-I meeting [DH-SYSC-I\(2016\)007](#)
- Working document in view of the 1st DH-SYSC-I meeting [DH-SYSC-I\(2016\)003](#)

Meeting reports

- Report of the 87th CDDH meeting (6–9 June 2017) [CDDH\(2017\)R87](#)
- Report of the 3rd DH-SYSC meeting (10–12 May 2017) [DH-SYSC\(2017\)R3](#)
- Report of the 3rd DH-SYSC-I meeting (27 February – 1 March 2017) [DH-SYSC-I\(2017\)R3](#)

Previous work

- 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](#)
- Comparative survey on the recognition of service as a Judge of the European Court of Human Rights [DD\(2013\)1321](#)

CDDH

- 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 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](#)

Advisory Panel of Experts on Candidates for Election as Judge to the Court

- Third Activity Report of the Advisory Panel of Experts on Candidates for Election as Judge to the Court (2016–2017) [Advisory Panel \(2017\)2](#)
- Second Activity Report of the Advisory Panel of Experts on Candidates for Election as Judge to the Court (2014–2015) [Advisory Panel \(2016\)1](#)
- Activity Report of the Advisory Panel of Experts on Candidates for Election as Judge to the Court (2010–2013) [Advisory Panel \(2013\)12 EN](#)

Parliamentary Assembly

- 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
- 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

[AS/Cdh/Inf\(2017\) 01](#)

Item 3 : Organisation of future work

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