



DH-SYSC-II(2018)09

02/03/2018

STEERING COMMITTEE FOR HUMAN RIGHTS
(CDDH)

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

**DRAFTING GROUP ON THE PLACE OF THE EUROPEAN
CONVENTION ON HUMAN RIGHTS IN THE EUROPEAN AND
INTERNATIONAL LEGAL ORDER
(DH-SYSC-II)**

3rd meeting

ANNOTATIONS ON THE DRAFT AGENDA

Strasbourg, Agora building, Meeting room G01

Tuesday 3 (9:30) – Thursday 5 April 2018 (End of the meeting: 13:00)

The agenda and the documents of the meeting are available on the website

www.coe.int/cddh

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	Reference documents concerning all items on the agenda:
DH-SYSC(2018)01	Terms of reference of the Committee of Experts on the System of the European Convention on Human Rights (DH-SYSC) for 2018–2019
DH-SYSC-II(2018)009	Annotations on the draft agenda
CDDH(2017)R88	Report of the 88 th CDDH meeting (5–7 December 2017)
DH-SYSC(2017)R4	Report of the 4 th DH-SYSC meeting (9–10 November 2017)
DH-SYSC-II(2017)R2	Report of the 2 nd DH-SYSC-II meeting (20–22 September 2017)
CDDH(2017)R87	Report of the 87 th CDDH meeting (6–9 June 2017)
DH-SYSC(2017)R3	Report of the 3 rd DH-SYSC meeting (10–12 May 2017)
DH-SYSC-II(2017)R1	Report of the 1 st DH-SYSC-II meeting (30–31 March 2017)
CDDH(2015)R84 Addendum I	CDDH report on the longer-term future of the system of the European Convention on Human Rights
CDDH(2015)004	Brussels Declaration
CDDH(2012)007	Brighton Declaration
CDDH(2011)010	Izmir Declaration
CDDH(2010)001	Interlaken Declaration
DH-SYSC(2016)009	Decisions adopted at the 1252 nd 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)
CM/Res(2011)24	Committee of Ministers' Resolution CM/Res(2011)24 on intergovernmental committees and subordinate bodies, their terms of reference and working methods
	ITEM 1: OPENING OF THE MEETING, ADOPTION OF THE AGENDA AND OF THE ORDER OF BUSINESS
	<u>Working documents:</u>
DH-SYSC-II(2018)OJ1	Draft agenda
DH-SYSC-II(2018)OT1	Draft order of business
<i>After the opening of the meeting by the Chairperson, Ms Florence MERLOZ (France), the Group is invited to adopt the agenda and the order of business.</i>	

	ITEM 2: DISCUSSION ON THE DRAFT CHAPTER OF THEME 1 SUBTHEMES ii) AND iii)
	<u>Reference documents:</u>
DH-SYSC-II(2018)008	Comments on the draft chapter of Theme 1 subthemes ii) and iii), in view of the 3 rd DH-SYSC-II meeting
DH-SYSC-II(2018)004	Contribution for the preparation of draft chapter of Theme 1, subtheme ii) by Contributor Mr Marten Zwanenburg
DH-SYSC-II(2018)006	External voluntary contributions on Theme 1, subthemes ii) and iii) from two Italian universities
DH-SYSC-II(2017)002	Context of the work of the DH-SYSC-II on the future Report of the CDDH
	<ul style="list-style-type: none"> Item 2.1: Subtheme ii) - State responsibility and extraterritorial application of the ECHR
	<u>Working document:</u>
DH-SYSC-II(2018)007	Draft chapter on Theme 1, subtheme ii)
	<ul style="list-style-type: none"> Item 2.2: Subtheme iii) - Interaction between the resolutions of the Security Council and the ECHR
	<u>Working document:</u>
DH-SYSC-II(2018)005	Draft chapter on Theme 1, subtheme iii)
<p><i>The Group is invited to examine the draft chapters of Theme 1, subthemes ii) on state responsibility and extraterritorial application of the European Convention on Human Rights, and iii) on interaction between the resolutions of the Security Council and the European Convention on Human Rights, as prepared by the Co-Rapporteurs for Theme 1.</i></p> <p><i>In this framework, the Group is invited to hear a presentation by the ad hoc expert Mr Rick LAWSON, Professor at Leiden University, on the topic of state responsibility and extraterritorial application of the European Convention on Human Rights.</i></p>	
	ITEM 3: DISCUSSION ON THEME 1, SUBTHEMES i) AND iv)
	<u>Reference documents:</u>
DH-SYSC-II(2017)002 (see above)	Context of the work of the DH-SYSC-II on the future Report of the CDDH
	<ul style="list-style-type: none"> Item 3.1: Subtheme i) - Methodology of interpretation by the ECtHR and its approach to international law
	<ul style="list-style-type: none"> Item 3.2: Subtheme iv) - Interaction between international humanitarian law and the ECHR
<p><i>The Group is invited to hold a brainstorming discussion on Theme 1, subthemes i) on methodology of interpretation by the European Court of Human Rights and its approach to international law, and iv) on interaction between international humanitarian law and the European Convention on Human Rights.</i></p>	

In this framework, the Group is invited to hear a presentation by the ad hoc expert Mr Sébastien TOUZÉ, Professor at Paris II Panthéon-Assas University, on the topic of interaction between international humanitarian law and the European Convention on Human Rights.

	ITEM 4: ORGANISATION OF FUTURE WORK
	<u>Working document:</u>
DH-SYSC-II(2018)003	Draft revised planning of the work of the DH-SYSC-II
	<ul style="list-style-type: none"> • Item 4.1: Revised planning
	<ul style="list-style-type: none"> • Item 4.2: Future invitees
<p><i>The Group is invited to take any further decisions necessary to the organisation of its future work.</i></p> <p><i>Regarding future invitees, the Group is invited to decide which possible ad hoc experts it wishes to invite to its future meetings to contribute to the general discussion during the meeting and to make short presentations on specific themes.</i></p> <p><i>It is recalled that during its 88th meeting, the CDDH took note of the on-going work of the Group, in particular the draft outline and the planning (doc. CDDH(2017)R88, § 9) and authorised the Group to hold an additional 7th meeting in 2019.</i></p> <p><i>Furthermore, welcoming the high number of member States which had participated in the 2nd meeting of the Group, the CDDH agreed that, in the future, the costs of representatives from these States could also be covered by the budget of the Council of Europe, subject to the availability of budgetary resources and according the following rotation system:</i></p> <ul style="list-style-type: none"> • 3rd meeting (3–5 April 2018) and 5th meeting (March 2019): Albania, Austria, Azerbaijan, Bosnia-Herzegovina, Denmark, Finland, Germany, Greece, Russian Federation, United Kingdom • 4th meeting (25–28 September 2018) and 6th meeting (May 2019): Greece, Poland, Romania, Russian Federation, Serbia, Spain, Sweden, Turkey, Ukraine, United Kingdom • 7th meeting (September 2019): <i>It is envisaged that the Council of Europe will cover the costs of all the participants.</i> 	
	ITEM 5: ADOPTION OF THE MEETING REPORT
	<u>Working document:</u>
DH-SYSC-II(2018)R3	Draft report of the 3 rd DH-SYSC-II meeting (3–5 April 2018)
<p><i>The Group is invited to adopt the report of the meeting.</i></p>	

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