

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

DH-SYSC-II(2018)R4

28/09/2018

STEERING COMMITTEE FOR HUMAN RIGHTS

(CDDH)

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COMMITTEE OF EXPERTS ON THE SYSTEM  
OF THE EUROPEAN CONVENTION ON HUMAN RIGHTS

(DH-SYSC)

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**DRAFTING GROUP ON THE PLACE OF THE EUROPEAN  
CONVENTION ON HUMAN RIGHTS IN THE EUROPEAN AND  
INTERNATIONAL LEGAL ORDER**

**(DH-SYSC-II)**

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**MEETING REPORT**

4<sup>th</sup> meeting

25 – 28 September 2018

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**Item 1:        OPENING OF THE MEETING, ADOPTION OF THE AGENDA AND OF THE ORDER OF BUSINESS**

1.        The Drafting Group on the place of the European Convention on Human Rights in the European and international legal order (DH-SYSC-II) held its 4<sup>th</sup> meeting in Strasbourg from 25 to 28 September 2018. The list of participants appears in Appendix I.
2.        The Chair, Ms Florence MERLOZ (France) stressed that the meeting was aimed at the discussion and adoption of Theme 1 of the future report on the place of the Convention in the European and international legal order which was being elaborated by the Group; that theme deals with the challenge of the interaction between the Convention and other branches of international law, including international customary law. Furthermore, an exchange of views would be held on Theme 2 of the future report, on the challenge of the interaction between the Convention and other international human rights instruments to which the Council of Europe member States are parties.
3.        The Chair welcomed that two invitees would attend the present meeting, Ms Photini PAZARTZIS (Greece, Professor and Director of the Athens Public International Law Center at the National & Kapodistrian University of Athens, Member of the UN Human Rights Committee), and Mr Petr VALEK (Czech Republic, Director of the International Law Department of the Czech Ministry of Foreign Affairs and Vice-Chair of the Council of Europe's Committee of Legal Advisers on Public International Law (CAHDI)). She further informed the Group that one of the co-Rapporteurs for Theme 1, Professor Alexei ISPOLINOV (Russian Federation), was unfortunately unable to attend.
4.        The Group adopted the agenda (see Appendix II) and the order of business (DH-SYSC-II(2018)OT2).

**Item 2:        DISCUSSION ON, AND ADOPTION OF THE DRAFT CHAPTERS OF THEME 1 – CHALLENGE OF THE INTERACTION BETWEEN THE CONVENTION AND OTHER BRANCHES OF INTERNATIONAL LAW, INCLUDING INTERNATIONAL CUSTOMARY LAW**

5.        The Group examined three of the four draft chapters of Theme 1 of its report, which covers the challenge of the interaction between the Convention and other branches of international law, including international customary law. These draft chapters were prepared by the co-Rapporteurs Professor Alexei ISPOLINOV and Mr Chanaka WICKREMASINGHE (United Kingdom). The Chair thanked both Rapporteurs in the name of the Group for the considerable work accomplished.

**Item 2.1: Subtheme i) – Methodology of interpretation by the ECtHR and its approach to international law**

6.        Mr Chanaka Wickremasinghe presented the draft chapter on Methodology of interpretation by the European Court of Human Rights and its approach to international law (document DH-SYSC-II(2018)14). In its general discussion on the chapter there was a consensus within the Group that the structure of the text should be amended notably so as to contain separate sections on the Vienna Convention on the law of treaties (VCLT) and the European Court of Human Rights' perspective. Furthermore, the parts of the text on the "living instrument doctrine" of the Court and its link to Article 31 VCLT should be further developed and the conclusions drawn in the chapter be formulated in a more nuanced way.

7. The Group proceeded to the examination of the draft chapter paragraph by paragraph and agreed on a number of amendments in the light of the discussions and the written contributions received from the experts on the draft chapter (document DH-SYSC-II(2018)18).

8. The Group provisionally adopted<sup>1</sup> the revised draft chapter of Theme 1, subtheme i) with a view to its submission to the Bureau of the CDDH at its 100<sup>th</sup> meeting (8–9 November 2018) and to the CDDH for information, discussion and possible orientation at its 90<sup>th</sup> meeting (27–30 November 2018). The draft chapter will be integrated into the future report and shall, as a part of that report, be finally adopted by the Group in its last meeting in 2019.

## **Item 2.2: Subtheme ii) – State responsibility and extraterritorial application of the ECHR**

9. Mr Chanaka Wickremasinghe presented the draft chapter on State responsibility and extraterritorial application of the European Convention on Human Rights as revised by the co-Rapporteurs following the discussion in the previous 3<sup>rd</sup> meeting of the Group (document DH-SYSC-II(2018)16).

10. The Group held a general discussion on the structure and global approach taken in the draft chapter. It decided in particular that, after reconsideration, the chapter should first address the issue of jurisdiction and then that of State responsibility, as such a structure was more logical. Furthermore, it was decided to include an introductory paragraph explaining the different notions used in the chapter and how they are related to one another. Moreover, in line with what the Group had decided in its 3<sup>rd</sup> meeting, the development of the case-law of the Court should be presented in a more objective manner;<sup>2</sup> recourse may be had notably to the description of the relevant cases in the Case-law Guide on Article 1 of the Convention issued by the Court's Registry and the Factsheet on extra-territorial jurisdiction of States Parties issued by the Court's Press Unit. Furthermore, while the States' concerns shall be expressed notably regarding the difficulties to determine the scope of their obligations under the Convention in cases of extraterritorial application of the Convention, the text, including in the Discussion/analysis of challenges parts, should be presented in a more balanced way.

11. The Group then proceeded to the examination of the draft chapter paragraph by paragraph and agreed on the nature of a number of amendments to be made in the light of the discussions and the written contributions received from the experts on the revised draft chapter (document DH-SYSC-II(2018)18).

12. The proposal of one delegation to address also questions relating to the execution of judgments in the future report and notably in its chapter on State responsibility and extraterritorial application of the Convention was not retained by the Group. The Group agreed, however, to submit this issue to the CDDH at its forthcoming meeting (27–30 November 2018) for final orientation on this matter.

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<sup>1</sup> Provisional adoption means that the Group has examined the text of the draft chapter paragraph by paragraph and made amendments both on the content and on the form of the text. The text may be updated in case the European Court of Human Rights delivered new important judgments prior to the final adoption of the entire future report in 2019, and in order to harmonise the entire text of the future report and take into account possible orientations given by the CDDH. Regarding the chapter of Theme 1, subtheme i), it was decided that two paragraphs, namely §§ 31 and 37, shall be consolidated at the occasion of the final adoption of the future report.

<sup>2</sup> See the Report of the Group's 3<sup>rd</sup> meeting, document DH-SYSC-II(2018)R3, in particular §§ 10 (iii) and 11 (ii).

13. The Group decided that the draft chapter of Theme 1, subtheme ii) should be revised in the light of the discussions by the Secretariat under the responsibility of the Chair. The revised version of the draft chapter shall be circulated to the Group for information prior to the next CDDH meeting (27–30 November 2018). The subject of State responsibility and extraterritorial application of the European Convention on Human Rights shall be submitted to the CDDH for general discussion and orientation on the basis of an overview to be given by the Chair over the state of the works. After the CDDH, the experts will be invited to submit drafting proposals in writing on the revised draft chapter in the light also of possible orientations given by the CDDH in view of further discussions in the forthcoming meetings.

### **Item 2.3: Subtheme iii) – Interaction between the resolutions of the Security Council and the ECHR**

14. Mr Chanaka Wickremasinghe further presented the draft chapter on the Interaction between the resolutions of the Security Council and the European Convention on Human Rights as amended by the co-Rapporteurs following the discussion in the last meeting of the DH-SYSC-II.

15. Following a general discussion, the Group examined the text of the draft chapter paragraph by paragraph and agreed on a number of amendments. These concerned, in particular, a restructuring of the draft chapter by addressing “measures not involving the use of force, such as economic sanctions” before “the use of military force” in all descriptive parts of the chapter. The Group further added some quotations, precisions and references to the text.

16. The Group provisionally adopted<sup>3</sup> the revised draft chapter of Theme 1, subtheme iii) with a view to its submission to the Bureau of the CDDH and to the CDDH for information, discussion and possible orientations at their respective next meeting. The draft chapter will equally be integrated into the future report and shall, as a part of that report, be finally adopted by the Group in its last meeting in 2019.

### **Item 2.4: Subtheme iv) – Interaction between international humanitarian law and the ECHR**

17. In view of time constraints, the Group postponed the examination of the draft chapter of Theme 1 subtheme iv) to the next meeting.

## **Item 3: DISCUSSION ON THEME 2 – CHALLENGE OF THE INTERACTION BETWEEN THE CONVENTION AND OTHER INTERNATIONAL HUMAN RIGHTS INSTRUMENTS TO WHICH THE COUNCIL OF EUROPE MEMBER STATES ARE PARTIES**

18. The Group heard a presentation by the *ad hoc* expert Professor Photini Pazartzis on the topic of Theme 2, that is the challenge of the interaction between the Convention and other international human rights instruments to which the Council of Europe member States are parties (see for the notes of the presentation document DH-SYSC-II(2018)20). The presentation was followed by an exchange of views between Professor Pazartzis and the Group.

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<sup>3</sup> See footnote 1.

19. Ms Sofia KASTRANTA (Greece), the Rapporteur of Theme 2, gave an introductory presentation on the future draft chapter on this theme on the basis of written notes previously distributed to the Group (see document DH-SYSC-II(2018)22).

20. In its exchange of views on the subject-matter with the aim of providing some guidance to the Rapporteur, the Group agreed on the following:

- (i) The future draft chapter should mainly focus on the interaction of the European Convention on Human Rights with the International Covenant on Civil and Political Rights (ICCPR), while including other universal human rights treaties as appropriate where direct divergences with the European Convention on Human Rights system may exist, in particular the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT);
- (ii) In line with the aim of the future report to focus on risks of fragmentation, the Group considered that, in addition to divergences between the European Court of Human Rights and notably the UN Human Rights Committee (HRC), divergences between UN human rights treaty bodies and organs themselves could also be mentioned, as far as relevant in the context of the future draft chapter;
- (iii) Both substantive and procedural (in particular concerning admissibility criteria) divergences should be explored, and the future draft chapter should be structured along these two topics;
- (iv) The Group highlighted the importance of dialogue between the European Court of Human Rights and the relevant UN treaty bodies;
- (v) Furthermore, the Group agreed that the risk of “forum shopping” between the various bodies, interim measures, as well as the legal status of the Views adopted by the HRC and other treaty bodies should be discussed in the draft chapter.

#### **Item 4: ORGANISATION OF FUTURE WORK**

21. It was recalled that during its 88<sup>th</sup> meeting, the CDDH agreed that the costs of representatives from ten additional States could also be covered, in addition to those of the eight members of the Group (Bulgaria, Croatia, Czech Republic, France, Italy, Latvia, the Netherlands and Norway), by the budget of the Council of Europe, subject to the availability of budgetary resources and according the following rotation system:

- 5<sup>th</sup> meeting (February 2019): Albania, Austria, Azerbaijan, Bosnia-Herzegovina, Denmark, Finland, Germany, Greece, Russian Federation and the United Kingdom;
- 6<sup>th</sup> meeting (May 2019): Greece, Poland, Romania, Russian Federation, Serbia, Spain, Sweden, Turkey, Ukraine and the United Kingdom;
- 7<sup>th</sup> meeting (September 2019): It is envisaged that the Council of Europe will cover the costs of all the participants.

#### **Item 4.1: Revised planning**

22. The Group adopted the revised planning of its work, as it appears in Appendix III. The Group further decided to ask the CDDH to be granted an additional meeting day in February 2019.

#### **Item 4.2: Future invitees**

23. Regarding future invitees, the Group decided, subject to the availability of budgetary resources,<sup>4</sup> to invite an *ad hoc* expert on the topic of the challenge of the Interaction between the Convention and the legal order of the EU and other regional organisations (Theme 3) to its upcoming 5<sup>th</sup> meeting, held from 6-8 February 2019 in Strasbourg. Experts are invited to notify the Secretariat by **26 October 2018** of any *ad hoc* experts they propose. The *ad hoc* expert will again be invited to make a short presentation on the topic and to contribute to the general discussion during the meeting. In order to facilitate the discussions during the meeting, the *ad hoc* expert will also be invited to submit a short written presentation to the Group prior to the meeting.

#### **Item 5: ADOPTION OF THE MEETING REPORT**

24. At the end of its meeting, the Group adopted the present meeting report in the two official languages of the Organisation.

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<sup>4</sup> The *ad hoc* expert's travelling and subsistence expenses will be borne by the Council of Europe, in accordance with its applicable reimbursement Rules.

Appendix I**List of participants****MEMBERS / MEMBRES****ARMENIA / ARMENIE**

Mr Aram HAKOBYAN, Deputy to the Permanent Representative, Permanent Representation of Armenia to the Council of Europe

**AUSTRIA / AUTRICHE**

Ms Stefanie DÖRNHÖFER, LL.M., Federal Ministry of Constitutional Affairs, Reforms, Deregulation and Justice, Constitutional Service

**AZERBAIJAN / AZERBAÏDJAN**

Ms Saadat NOVRUZOVA, Senior adviser, Human Rights Protection Unit, Department of Work with Law Enforcement Bodies, Administration of the President

**BOSNIA AND HERZEGOVINA / BOSNIE-HERZEGOVINE**

Ms Belma SKALONJIĆ, Government Agent, Office of the Agent of the Council of Ministers before the European Court of Human Rights in Strasbourg, Ministry for Human Rights and Refugees

**BULGARIA / BULGARIE**

Ms Svetlana STOYANOVA STAMENOVA, Trainee Attaché, Human Rights Directorate, Ministry of Foreign Affairs

**CROATIA / CROATIE (excused)****CZECH REPUBLIC / REPUBLIQUE TCHÈQUE**

Mr Vladimír PYSK, Office of the Government Agent before the European Court of Human Rights, Ministry of Justice of the Czech Republic

**DENMARK / DANEMARK**

Ms Sarah LARSEN VAABENGAARD, Head of Section at the Constitutional Law and Human Rights Division, Danish Ministry of Justice

**ESTONIA / ESTONIE**

Ms Kerli TIIK, Deputy to the Permanent Representative, Permanent Representation of Estonia to the Council of Europe

**FINLAND / FINLANDE**

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

**FRANCE**

Mme Florence MERLOZ, Sous-directrice des droits de l'homme, Direction des affaires juridiques, Ministère de l'Europe et des affaires étrangères, Présidente du DH-SYSC-II

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

**GERMANY / ALLEMAGNE**

Ms Cornelia WÖLK, Staff Counsel, Ministry of Justice

**GREECE / GRÈCE**

Mme Sofia KASTRANTA, Conseiller juridique adjoint, Département Juridique Spécial, Ministère des affaires étrangères

**ITALY / ITALIE**

Ms Maria Laura AVERSANO, Co-Agent of the Italian Government at the Ministry of Foreign Affairs

**LATVIA / LETTONIE**

Ms Kristīne LĪCIS, Representative of Latvia before European Court of Human Rights, Ministry of Foreign Affairs

**NETHERLANDS / PAYS-BAS**

Ms Babette KOOPMAN, Agent to the European Court of Human Rights for the Government of the Netherlands, Ministry of Foreign

Ms Clarinda COERT, Senior legal adviser human rights law, Legislation Department and Legal Affairs, Ministry of Justice and Security

**NORWAY / NORVÈGE**

Ms Tonje RUUD, Legal Adviser, Ministry of Justice and Public Security, Legislation Department, Ministry of Justice and Public Security

Ms Elin WIDSTEEN, International Law Adviser, Norwegian Ministry of Foreign Affairs, Legal Affairs Department, Section for Humanitarian and Criminal Law

**POLAND / POLOGNE**

Ms Katarzyna HOLY, II Secretary, Department for Proceedings before International Human Rights Protection Bodies, Ministry of Foreign Affairs

Ms Bogumiła WARCHALEWSKA, Secretary at the Permanent Representation of the Republic of Poland to the Council of Europe

**ROMANIA / ROUMANIE**

M. Mihail-Andreas MITOSERIU, attaché diplomatique, Direction de l'Agent Gouvernemental auprès de la Cour Européenne des Droits de l'Homme, Ministère des Affaires Étrangères

Ms Ileana POPESCU, Secrețar I/Premier Secrétaire, Direction du droit international et du droit de l'Union Européenne, Ministère des Affaires Étrangères de Roumanie

**RUSSIAN FEDERATION / FÉDÉRATION DE RUSSIE**

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

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

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

**SERBIA / SERBIE**

Ms Natasa PLAVŠIĆ, Agent of the Republic of Serbia before the European Court of Human Rights

**SPAIN / ESPAGNE**

Mr Alfonso BREZMES MARTÍNEZ DE VILLARREAL, Senior State Attorney of the Constitutional Law & Human Rights Department, Ministry of Justice

**SWEDEN / SUÈDE**

Ms Katarina FABIAN, Deputy Director, Department for International Law, Human Rights and Treaty Law, Ministry for Foreign Affairs

**SWITZERLAND / SUISSE**

Mr Christophe SPENLE, Chef suppléant de la Section droits de l'homme, Direction du droit international public, Département fédéral des affaires étrangères



Ms Carolin NEHMÉ, Jurist, International Humanitarian Law & International Criminal Justice Directorate of International Law DIL Swiss Federal Department of Foreign Affairs FDFA

M. Adrian SCHEIDEGGER, Département fédéral de justice et police DFJP, Office fédéral de la justice OFJ

Mme Anna BEGEMANN, Adjointe au Représentant permanent de la Suisse

**TURKEY / TURQUIE**

Mr CAN ÖZTAS, Deputy Permanent Representative, Permanent Mission of the Republic of Turkey to the Council of Europe

Ms Günseli GÜVEN, Deputy to the Permanent Representative, Permanent Mission of the Republic of Turkey to the Council of Europe

Mr Muhammed Taha BÜYÜKTAVŞAN, Rapporteur Judge, Department of Human Rights Ministry of Justice

**UNITED KINGDOM / ROYAUME-UNI**

Mr Chanaka WICKREMASINGHE, Agent of the UK before the European Court of Human Rights, Legal Counsellor, Foreign and Commonwealth Office

<b>OBSERVERS / OBSERVATEURS</b>
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**COMMITTEE OF LEGAL ADVISERS ON PUBLIC INTERNATIONAL LAW / COMITE DES CONSEILLERS JURIDIQUES SUR LE DROIT INTERNATIONAL PUBLIC (CAHDI)**

Ms Marta REQUENA HUERTAS, Secretary of the CAHDI / Secrétaire du CAHDI

Ms Carolina LASÉN DIAZ, Head of the Public International Law Unit / Chef d'Unité du Droit international public

**HOLY SEE / SAINT SIÈGE**

M. Grégor PUPPINCK

Mr Glauco VECCHIATO, Stagiaire, Mission Permanente du Saint-Siège auprès du Conseil de l'Europe

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

Ms Rachael KONDAK, Registry of the European Court of Human Rights

**FONDATION RENE CASSIN-INSTITUT INTERNATIONAL DES DROITS DE L'HOMME / RENE CASSIN FOUNDATION-INTERNATIONAL INSTITUTE OF HUMAN RIGHTS**

Mme Evangelia VASALOU, Assistante de recherche / Research assistant

<b>INVITEES / INVITES</b>
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Ms Photini PAZARTZIS, Professor, Director, Athens Public International Law Center, Faculty of Law National and Kapodistrian University of Athens

Mr Petr VALEK, Director of the International Law Department at the Ministry for Foreign Affairs of Czech Republic, Vice-Chair of the Committee of Legal Advisers on Public International Law (CAHDI)

<b>SECRETARIAT</b>
--------------------

**DG I – Human Rights and Rule of Law / Droits de l’homme et Etat de droit  
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M. 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 Co-operation Division / Chef de la Division de la coopération intergouvernementale en matière de droits de l’homme, Secretary of the CDDH / Secrétaire du CDDH

Ms Dorothee VON ARNIM, Human Rights Intergovernmental Co-operation Division / Division de la coopération intergouvernementale en matière de droits de l’Homme, Secretary of the DH-SYSC-II / Secrétaire du DH-SYSC-II

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<b>INTERPRETERS/INTERPRETES</b>
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Lucie DE BURLET  
Grégoire DEVICTOR  
Chloé CHENETIER

Appendix II**Agenda**

	<b>Reference documents concerning all items on the agenda</b>
<a href="#">DH-SYSC(2018)01</a>	Extract of the terms of reference given by the Committee of Ministers to the CDDH regarding the work of the DH-SYSC during the 2018–2019 biennium and relevant extracts of the CDDH meeting reports
<a href="#">DH-SYSC-II(2017)002</a>	Context of the work of the DH-SYSC-II on the future Report of the CDDH
<a href="#">CDDH(2018)R89</a>	Report of the 89 <sup>th</sup> CDDH meeting (19–22 June 2018)
<a href="#">DH-SYSC-II(2018)R3</a>	Report of the 3 <sup>rd</sup> DH-SYSC-II meeting (3–5 April 2018)
<a href="#">CDDH(2017)R88</a>	Report of the 88 <sup>th</sup> CDDH meeting (5–7 December 2017)
<a href="#">DH-SYSC(2017)R4</a>	Report of the 4 <sup>th</sup> DH-SYSC meeting (9–10 November 2017)
<a href="#">DH-SYSC-II(2017)R2</a>	Report of the 2 <sup>nd</sup> DH-SYSC-II meeting (20–22 September 2017)
<a href="#">CDDH(2017)R87</a>	Report of the 87 <sup>th</sup> CDDH meeting (6–9 June 2017)
<a href="#">DH-SYSC(2017)R3</a>	Report of the 3 <sup>rd</sup> DH-SYSC meeting (10–12 May 2017)
<a href="#">DH-SYSC-II(2017)R1</a>	Report of the 1 <sup>st</sup> DH-SYSC-II meeting (30–31 March 2017)
<a href="#">CDDH(2015)R84 Addendum I</a>	CDDH report on the longer-term future of the system of the European Convention on Human Rights
	<a href="#">Copenhagen Declaration</a>
<a href="#">CDDH(2015)004</a>	Brussels Declaration
<a href="#">CDDH(2012)007</a>	Brighton Declaration
<a href="#">CDDH(2011)010</a>	Izmir Declaration
<a href="#">CDDH(2010)001</a>	Interlaken Declaration
<a href="#">DH-SYSC(2016)009</a>	Decisions adopted at the 1252 <sup>nd</sup> 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)
<a href="#">CM/Res(2011)24</a>	Committee of Ministers' Resolution CM/Res(2011)24 on intergovernmental committees and subordinate bodies, their terms of reference and working methods
	<b>ITEM 1: OPENING OF THE MEETING, ADOPTION OF THE AGENDA AND OF THE ORDER OF BUSINESS</b>
<a href="#">DH-SYSC-II(2018)OJ2</a>	Draft agenda

DH-SYSC-II(2018)OT2	Draft order of business
	<b>ITEM 2: DISCUSSION ON, AND ADOPTION OF THE DRAFT CHAPTERS OF THEME 1 – CHALLENGE OF THE INTERACTION BETWEEN THE CONVENTION AND OTHER BRANCHES OF INTERNATIONAL LAW, INCLUDING INTERNATIONAL CUSTOMARY LAW</b>
	<b>Item 2.1: Subtheme i) – Methodology of interpretation by the ECtHR and its approach to international law</b>
DH-SYSC-II(2018)14	Draft chapter of Theme 1, subtheme i) (Methodology of interpretation by the European Court of Human Rights and its approach to international law)
DH-SYSC-II(2018)18Rev	Comments on the draft chapters of Theme 1, in view of the 4 <sup>th</sup> DH-SYSC-II meeting
	<b>Item 2.2: Subtheme ii) – State responsibility and extraterritorial application of the ECHR</b>
DH-SYSC-II(2018)16	Draft chapter of Theme 1, subtheme ii) (State responsibility and extraterritorial application of the European Convention on Human Rights)
DH-SYSC-II(2018)18Rev (see above)	Comments on the draft chapters of Theme 1, in view of the 4 <sup>th</sup> DH-SYSC-II meeting
DH-SYSC-II(2018)08	Comments on the draft chapter of Theme 1, subthemes ii) and iii), in view of the 3 <sup>rd</sup> DH-SYSC-II meeting
DH-SYSC-II(2018)21	Contribution of the Registry of the European Court of Human Rights
DH-SYSC-II(2018)12	Notes of the presentation on Theme 1, sub-theme ii) (State responsibility and extraterritorial application of the European Convention on Human Rights) submitted by Professor R. Lawson, University of Leiden (Netherlands)
DH-SYSC-II(2018)04	Contribution for the preparation of the draft chapter of Theme 1, subtheme ii) by the Contributor, Mr M. Zwanenburg
DH-SYSC-II(2018)06	External voluntary contributions on Theme 1, subthemes ii) and iii) from two Italian universities
	<b>Item 2.3: Subtheme iii) – Interaction between the resolutions of the Security Council and the ECHR</b>
DH-SYSC-II(2018)17	Draft chapter of Theme 1, subtheme iii) (Interaction between the resolutions of the Security Council and the European Convention on Human Rights)
DH-SYSC-II(2018)18Rev (see above)	Comments on the draft chapters of Theme 1, in view of the 4 <sup>th</sup> DH-SYSC-II meeting

DH-SYSC-II(2018)08 ( <i>see above</i> )	Comments on the draft chapter of Theme 1, subthemes ii) and iii), in view of the 3 <sup>rd</sup> DH-SYSC-II meeting
DH-SYSC-II(2018)06 ( <i>see above</i> )	External voluntary contributions on Theme 1, subthemes ii) and iii) from two Italian universities
	<b>Item 2.4: Subtheme iv) – Interaction between international humanitarian law and the ECHR</b>
DH-SYSC-II(2018)15	Draft chapter of Theme 1, subtheme iv) (Interaction between international humanitarian law and the European Convention on Human Rights)
DH-SYSC-II(2018)18Rev ( <i>see above</i> )	Comments on the draft chapters of Theme 1, in view of the 4 <sup>th</sup> DH-SYSC-II meeting
DH-SYSC-II(2018)13 ( <i>available in French only</i> )	Notes of the presentation on Theme 1, sub-theme iv) (Interaction between international humanitarian law and the European Convention on Human Rights) made by Professor S. Touzé, Paris II Panthéon-Assas University (France)
DH-SYSC-II(2018)10 ( <i>available in French only</i> )	Contribution for the preparation of the draft chapter of Theme 1, subtheme iv) (Interaction between international humanitarian law and the European Convention on Human Rights) by the Contributor, Professor A. Kovler
DH-SYSC-II(2018)11	External voluntary contribution on Theme 1, subtheme iv) (Interaction between international humanitarian law and the European Convention on Human Rights) by Professor Dr. I. Viarengo, and Dr. F. Favuzza, University of Milan (Italy)
	<b>ITEM 3: DISCUSSION ON THEME 2 – CHALLENGE OF THE INTERACTION BETWEEN THE CONVENTION AND OTHER INTERNATIONAL HUMAN RIGHTS INSTRUMENTS TO WHICH THE COUNCIL OF EUROPE MEMBER STATES ARE PARTIES</b>
DH-SYSC-II(2018)22	Notes on the draft chapter of Theme 2 (Challenge of the interaction between the Convention and other international human rights instruments to which the Council of Europe member States are parties) submitted by the Rapporteur, Ms Sofia Kastranta, in view of the 4 <sup>th</sup> meeting of the DH-SYSC-II
DH-SYSC-II(2018)20	Notes of the presentation on Theme 2 (Challenge of the interaction between the Convention and other international human rights instruments to which the Council of Europe member States are parties) submitted by Professor P. Pazartzis, University of Athens (Greece)
	<b>ITEM 4: ORGANISATION OF FUTURE WORK</b>
	<b>Item 4.1: Revised planning</b>
DH-SYSC-II(2018)19	Draft revised planning of the work of the DH-SYSC-II
	<b>Item 4.2: Future invitees</b>

	<b>ITEM 5: ADOPTION OF THE MEETING REPORT</b>
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### Appendix III

#### **Revised planning of the work of the DH-SYSC-II**

##### **1<sup>st</sup> meeting: 30-31 March 2017**

- Brainstorming Seminar on the place of the Convention in the European and international legal order, co-organised by the *PluriCourts* academic network
- Beginning of the work of the Drafting Group

##### **2<sup>nd</sup> meeting: 20-22 September 2017**

- Nomination of Rapporteurs and Contributors
- Discussion on Theme 1, subthemes ii) and iii)

The Contributors for **Theme 1 covering subthemes ii) and iii)** send their contributions to the co-Rapporteurs: 30 November 2017

The co-Rapporteurs send the draft chapter of **Theme 1 covering subtheme iii)** to the Secretariat: 8 February 2018

The Secretariat circulates the English version of the draft chapter of **Theme 1 covering subtheme iii)** to the experts for written comments: 8 February 2018 (the French version will follow as soon as possible)

The co-Rapporteurs send the draft chapter of **Theme 1 covering subtheme ii)** to the Secretariat: mid-February 2018

The Secretariat circulates the English version of the draft chapter of **Theme 1 covering subtheme ii)** to the experts for written comments: mid-February 2018 (the French version will follow as soon as possible)

Deadline for written comments on the draft chapters of **Theme 1 covering subthemes ii) and iii)** from the experts to the Secretariat: 12 March 2018

The Secretariat compiles the written comments and circulates them to the experts: 23 March 2018

##### **3<sup>rd</sup> meeting: 3-5 April 2018**

- Discussion of draft chapter on Theme 1, subthemes ii) and iii) (+ *ad hoc* expert)
- Discussion on Theme 1, subthemes i) and iv) (+ *ad hoc* expert)

Deadline for *ad hoc* expert suggestions: 19 April 2018

The co-Rapporteurs send a first draft of the new chapter on **Theme 1, subthemes ii) and iii)**, showing the broad lines along which the draft chapter will be revised, to the Secretariat with a view to its circulation at the 89<sup>th</sup> CDDH meeting in June: 1 June 2018

The Contributors for **Theme 1 covering subthemes i) and iv)** send their contributions to the co-Rapporteurs: 1 June 2018

The co-Rapporteurs send the revised draft chapter of **Theme 1 covering subthemes ii) and iii)** and the draft chapter of **Theme 1 covering subthemes i) and iv)** to the Secretariat: 29 June 2018

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The Secretariat circulates the English version of the revised draft chapter of **Theme 1 covering subthemes ii) and iii)** and of the draft chapter of **Theme 1 covering subthemes i) and iv)** to the experts for written comments: 29 June 2018

The Secretariat translates the revised draft chapter of **Theme 1 covering subthemes ii) and iii)** and the draft chapter of **Theme 1 covering subthemes i) and iv)** and circulates the French versions to the experts: 20 July 2018

Deadline for sending written comments on the revised draft chapter of **Theme 1 covering subthemes ii) and iii)** and on the draft chapter of **Theme 1 covering subthemes i) and iv)** from the experts to the Secretariat: 17 August 2018

The Secretariat compiles the written comments and sends the compilation to the experts and to the co-Rapporteurs for them to prepare a revised draft chapter of **Theme 1 covering subthemes i) and iv)**: 28 August 2018

After receiving the revised draft chapter of **Theme 1 covering subthemes i) and iv)** from the co-Rapporteurs, the Secretariat circulates the revised draft chapter of **Theme 1 covering subthemes i) and iv)** to the experts: 14 September 2018

### 4<sup>th</sup> meeting: 25-28 September 2018

- Provisional adoption of the draft chapters on Theme 1 subthemes i) and iii)
- Discussion on Theme 1 subtheme ii)
- Discussion on Theme 2 (+ *ad hoc* expert)

The Rapporteur sends the draft chapter of **Theme 2** to the Secretariat: 24 October 2018

The Secretariat circulates the original language version of the draft chapter of **Theme 2** to the experts for written comments: 26 October 2018

The Secretariat sends the provisionally adopted draft chapters of **Theme 1 subtheme i) and subtheme iii)** to the Group as soon as both language versions are finalised and to the CDDH for information and discussion at its forthcoming meeting (27-30 November 2018): November 2018

The Secretariat sends the revised draft chapter of **Theme 1 subtheme ii)** to the experts for information before the CDDH meeting (27-30 November 2018): mid-November 2018

The Secretariat translates and circulates the translation of the draft chapter of **Theme 2** to the experts for written comments: 15 November 2018

Deadline for sending the experts' written comments on the draft chapter of **Theme 2** to the Secretariat: 17 December 2018

The Secretariat compiles the written comments and sends them to the experts and to the Rapporteur for her to prepare a revised draft chapter of **Theme 2**: 19 December 2018

Deadline for sending the expert's written comments on the revised draft chapter of **Theme 1 subtheme ii)** to the Secretariat: 9 January 2019

After receiving the revised draft chapter of **Theme 2** from the Rapporteur, the Secretariat circulates it to the experts: 20 January 2019



**5<sup>th</sup> meeting: 6-8 February 2019**

- Adoption of the draft chapter on Theme 1 subtheme iv) and the draft chapter on Theme 2
- [Adoption of the revised draft chapter on Theme 1 subtheme ii)] [if one more meeting day added]
- Discussion on Theme 3 (+ *ad hoc* expert)

The Rapporteur sends the draft chapter of **Theme 3** to the Secretariat: 4 March 2019

The Secretariat circulates the original language version of the draft chapter of **Theme 3** to the experts for written comments: 6 March 2019

The Secretariat translates and circulates the translation of the draft chapter of **Theme 3** to the experts for written comments: 22 March 2019

Deadline for sending the experts' written comments on the draft chapter of **Theme 3** to the Secretariat: 23 April 2019

The Secretariat compiles the written comments and sends them to the experts and to the Rapporteur for her to prepare a revised draft chapter of **Theme 3**: 25 April 2019

After receiving the revised draft chapter of **Theme 3** from the Rapporteur, the Secretariat circulates it to the experts: 13 May 2019

**6<sup>th</sup> meeting: 22-24 May 2019**

- Adoption of the draft chapter on Theme 3
- [Adoption of the revised draft chapter on Theme 1 subtheme ii) if it was not possible to adopt it at the 5<sup>th</sup> meeting]
- Discussion on the revised draft Report

The Chair, in coordination with the Rapporteurs and the Secretariat, compiles the chapters into one coherent draft Report with an introduction and a conclusion.

The Secretariat circulates the draft Report to the experts: 1 July 2019

Deadline for sending the experts' written comments on the draft Report to the Secretariat: 16 August 2019

The Secretariat compiles the written comments and circulates them to the experts together with the revised draft Report: 2 September 2019

**7<sup>th</sup> meeting: 11-13 September 2019**

- Adoption of the revised draft Report

Transmission of the Report for adoption to the DH-SYSC (meeting: 16-18 October 2019) and to the CDDH (meeting: 26-29 November 2019)

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