



DH-SYSC-II(2019)R5

08/02/2019

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)

MEETING REPORT

5th meeting

5 – 8 February 2019

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 5th meeting in Strasbourg from 5 to 8 February 2019. The list of participants appears in Appendix I.
2. The Chair, Ms Florence MERLOZ (France) opened the meeting, evoking the different subjects on the agenda with the aim to advance in the drafting of the future report of the CDDH on the place of the Convention in the European and international legal order. The Chair also informed the Group that one of the co-Rapporteurs for Theme 1, Professor Alexei ISPOLINOV (Russian Federation), was unfortunately unable to attend the meeting.
3. Mr Alfonso DE SALAS, Head of the Human Rights Intergovernmental Co-operation Division, informed the Group of recent changes in the Secretariat, namely the arrival of a new assistant working on topics concerning the Unit on the system of the European Convention on Human Rights.
4. The Group adopted the agenda (see Appendix II) and the order of business (DH-SYSC-II(2019)OT1).

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 two of the four draft chapters of Theme 1 of its future report, which covers the challenge of the interaction between the Convention and other branches of international law, including international customary law. The two draft chapters were the draft chapter of Theme 1, subtheme iv) (Interaction between international humanitarian law and the European Convention on Human Rights), and the revised draft chapter of Theme 1, subtheme ii) (State responsibility and extraterritorial application of the European Convention on Human Rights), as amended following the 4th DH-SYSC-II meeting.
6. The Chair thanked the co-Rapporteurs, Mr Alexei Ispolinov and Mr Chanaka WICKREMASINGHE (United Kingdom), as well as the Secretariat in the name of the Group for the considerable work accomplished.

Item 2.1: Subtheme ii) – State responsibility and extraterritorial application of the ECHR

7. The Chair presented the revised draft chapter on State responsibility and extraterritorial application of the European Convention on Human Rights, as amended by the Secretariat, under the responsibility of the Chair, in the light of the discussions at the 4th DH-SYSC-II meeting and the orientations given by the CDDH at its 90th meeting¹ (document DH-SYSC-II(2018)24).²

¹ See CDDH(2018)R90, § 19.

² See DH-SYSC-II(2018)R4, § 13.

8. The Group examined the text paragraph by paragraph and agreed on a number of amendments. It provisionally adopted³ paragraphs 1 to 45 included and 57 to 60 included of the revised draft chapter of Theme 1 subtheme ii). The Group decided that the remaining paragraphs of this draft chapter shall be examined at its 6th meeting in May 2019 with a view to its submission to CDDH for information, discussion and possible orientations at its next meeting.

Item 2.2: Subtheme iv) – Interaction between international humanitarian law and the ECHR

9. Mr Chanaka Wickremasinghe, the co-Rapporteur of Theme 1, presented the draft chapter on the interaction between international humanitarian law and the European Convention on Human Rights (document DH-SYSC-II(2018)15).

10. Following a general discussion, the Group examined the text of the draft chapter paragraph by paragraph and agreed on a number of amendments.

11. The Group provisionally adopted⁴ the draft chapter of Theme 1, subtheme iv) with a view to its submission to the CDDH for information, discussion and possible orientations at its 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 September 2019.

Item 3: DISCUSSION ON, AND ADOPTION OF 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

12. Ms Sofia KASTRANTA (Greece), the Rapporteur of Theme 2, presented the draft chapter 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, as revised by the Rapporteur in the light of the experts' written comments prior to this meeting (document DH-SYSC-II(2019)29).

13. Following a general discussion, the Group examined the text of the draft chapter paragraph by paragraph and agreed on a number of amendments.

³ 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.

⁴ See footnote 2 for an explanation of provisional adoption. Regarding the chapter of Theme 1, subtheme iv), it was decided that one paragraph, namely paragraph 13, shall be consolidated at the occasion of the final adoption of the future report. Moreover, the way in which dissenting opinions to the judgments of the European Court of Human Rights are referred to in the text of the future report should be harmonised on the occasion of the final adoption of the text.

14. The Group provisionally adopted⁵ the draft chapter of Theme 2 with a view to its submission to the CDDH for information, discussion and possible orientations at its 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 September 2019.

Item 4: DISCUSSION ON THEME 3 – CHALLENGE OF THE INTERACTION BETWEEN THE CONVENTION AND THE LEGAL ORDER OF THE EU AND OTHER REGIONAL ORGANISATIONS

15. The Chair informed the Group that the *ad hoc* expert for Theme 3, Professor Olivier DE SCHUTTER (University of Louvain, Belgium), was unfortunately unable to attend the meeting, but had sent the Group a video recording of a presentation on Theme 3, that is, the challenge of the interaction between the Convention and the legal order of the European Union and other regional organisations, as well as notes of his presentation (document DH-SYSC-II(2019)33).

16. The Group watched the video recording of the presentation by Professor De Schutter.

17. Ms Kristīne LĪCIS (Latvia), the Rapporteur of Theme 3, gave an introductory presentation on the future draft chapter on this theme on the basis of the outline of the draft chapter previously distributed to the Group (document DH-SYSC-II(2019)32).

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

- (i) The outline of the draft chapter of Theme 3 constituted a good basis for the Rapporteur's work and could still evolve during the Rapporteur's drafting;
- (ii) As for the interaction between the Convention and the legal order of the European Union, the history of the relationship between the Convention and the European Union should be briefly covered;
- (iii) Furthermore, the draft chapter should present the reasoning of Opinion 2/13 of the Court of Justice of the European Union and focus on the consequences of the delayed accession of the European Union to the Convention;
- (iv) As for the analysis of the challenges in this respect, the draft chapter should generally address the challenges from the perspective of risks of fragmentation of the European legal space in the field of human rights protection. For this purpose the analysis could refer to cases concerning the Dublin regulations, the right to a fair trial, the European Arrest Warrant and the right to manifest one's religion;
- (v) As regards the possible responses to these challenges, these could comprise judicial dialogue, a call to the European Union Member States to draw the European Union institutions' attention to the Convention standards, European Union accession to the Convention and third-party interventions of the European Union before the European Court of Human Rights;

⁵ See footnote 2 for an explanation of provisional adoption. Regarding the chapter of Theme 2, it was decided that two paragraphs, namely §§ 32 and 67bis, shall be consolidated on the occasion of the final adoption of the future report.

- (vi) It could further be analysed in how far the *Bosphorus* presumption of equivalent protection could lead to a non-uniform level of protection of the fundamental rights of persons residing in different Member States of the Council of Europe, focusing in particular on the notions of equivalent protection and manifest deficiency;
- (vii) As for the interaction between the Convention and the legal order of other regional organisations, only the Eurasian Economic Union should be covered if sufficient material was available to deal with this topic; the experts, in particular those from Member States which are also parties to the Eurasian Economic Union, were invited to submit relevant material on this topic to the Rapporteur and the Secretariat.

Item 5: ORGANISATION OF FUTURE WORK

19. It was recalled that during its 88th 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:

- 6th meeting (22-24 May 2019): Greece, Poland, Romania, Russian Federation, Serbia, Spain, Sweden, Turkey, Ukraine and the United Kingdom;
- 7th meeting (11-13 September 2019): It is envisaged that the Council of Europe will cover the costs of all the participants.

Item 6: ADOPTION OF THE MEETING REPORT

20. 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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Appendix I

List of participants

MEMBERS / MEMBRES

ALBANIA / ALBANIE

Ms Evi SADUSHAJ, Deputy to the Permanent Representative, Permanent Representation of Albania to the Council of Europe

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 of the Republic of Azerbaijan

Mr Ulfat MACHANOV, Deputy to the Permanent Representative of Azerbaijan to the Council of Europe

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, Attaché, Human Rights Directorate, Ministry of Foreign Affairs

CROATIA / CROATIE (apologised)

CZECH REPUBLIC / REPUBLIQUE TCHÈQUE

Ms Kateřina RADOVÁ, Lawyer from the Office of the Government Agent at the Czech Ministry of Justice

DENMARK / DANEMARK

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

FINLAND / FINLANDE

Ms Satu SISTONEN, Legal Officer, Ministry for Foreign Affairs, Legal Service, Unit for Human Rights Courts and Conventions

FRANCE

Ms 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

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

GEORGIA / GEORGIE

Mr Irakli GIVIASHVILI, Ambassador, Permanent Representative of Georgia to the Council of Europe

GERMANY / ALLEMAGNE

Ms Petra VIEBIG-EHLERT, Legal Advisor, Federal Ministry of Justice and Consumer Protection

GREECE / GRÈCE

Ms Sofia KASTRANTA, Deputy Legal Counselor, Special Legal Department, Ministry of Foreign Affairs

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 of the Republic of Latvia

REPUBLIC OF MOLDOVA/ REPUBLIQUE DE MOLDOVA

Mr Andrei URSU, Deputy to the Permanent Representative, Permanent Representation of the Republic of Moldova to the Council of Europe

NETHERLANDS / PAYS-BAS

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

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

NORWAY / NORVÈGE

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

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

POLAND / POLOGNE

Mr Przemysław GUMIELA, Ministry of Foreign Affairs

ROMANIA / ROUMANIE

Ms Oana Florentina EZER, Directeur de la Direction Agent Gouvernemental du Ministère des Affaires Etrangères et co-Agent du Gouvernement auprès de la CEDH

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

RUSSIAN FEDERATION / FÉDÉRATION DE RUSSIE

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

Mr 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

Mr Konstantin KOSORUKOV, Head of Division, Legal Department of the Ministry of Foreign Affairs of the Russian Federation

Mr Roman SEDOV, Représentation de la Fédération de Russie auprès du Conseil de l'Europe

SPAIN / ESPAGNE

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

SWEDEN / SUÈDE

Ms Charlotte HELLNER KIRSTEIN, Senior Legal Adviser, Head of the Litigation Group, Ministry for Foreign Affairs, Department for International Law, Human Rights and Treaty Law

SWITZERLAND / SUISSE

Mr Adrian SCHEIDEGGER, Eidgenössisches Justiz- und Polizeidepartement EJPD, Bundesamt für Justiz BJ

Mr Christoph SPENLÉ, Eidgenössisches Departement für auswärtige Angelegenheiten EDA, Direktion für Völkerrecht DV, Sektion Menschenrechte

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 Mustafa AYDIN, Rapporteur judge, Ministry of Justice of Turkey

Mr Ahmet Metin GÖKLER, Legal advisor, Rapporteur judge, Permanent Mission of the Republic of Turkey to the Council of Europe

UKRAINE / UKRAINE

Mr Okeksandr KARASEVYCH, Deputy Permanent Representative of Ukraine to the Council of Europe

UNITED KINGDOM / ROYAUME-UNI

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

OBSERVERS / OBSERVATEURS

HOLY SEE / SAINT SIÈGE

Mr 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, Adviser to the President and the Registrar, Registry of the European Court of Human Rights

INVITEES / INVITES

Mr Alexei ISPOLINOV, Professor, Head of the Department of International Law, Faculty of Law, Moscow Lomonosov State University (apologised)

Mr Anatoliy KOVLER (apologised)

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SECRETARIAT

DG I – Human Rights and Rule of Law / Droits de l’homme et Etat de droit

Mr Christophe POIREL, Director of the Human Rights Directorate / Directeur de la Direction des droits de l’Homme

Mr 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, Head of the Unit on the system of the European Convention on Human Rights / Chef de l’Unité sur le système de la Convention européenne des droits de l’homme, 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

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

Ms Susanne ZIMMERMANN, Administrative Assistant / Assistante administrative, Human Rights Intergovernmental Co-operation Division / Division de la coopération intergouvernementale en matière de droits de l’homme

Mr Christophe BOUCHET, Trainee at the Council of Europe / Stagiaire au Conseil de l’Europe, Ecole nationale de la magistrature française (ENM)

INTERPRETERS/INTERPRETES

Ms Lucie DE BURLET
Mr Grégoire DEVICTOR
Ms Chloé CHENETIER

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Appendix II**Agenda**

	Reference documents concerning all items on the agenda
DH-SYSC(2018)01	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
DH-SYSC-II(2017)002	Context of the work of the DH-SYSC-II on the future Report of the CDDH
CDDH(2018)R90	Report of the 90 th CDDH meeting (27–30 November 2018)
DH-SYSC-II(2018)R4	Report of the 4 th DH-SYSC-II meeting (25–28 September 2018)
CDDH(2018)R89	Report of the 89 th CDDH meeting (19–22 June 2018)
DH-SYSC-II(2018)R3	Report of the 3 rd DH-SYSC-II meeting (3–5 April 2018)
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
	Copenhagen Declaration
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

DH-SYSC-II(2018)23	Chapter of Theme 1, subtheme i) (Methodology of interpretation by the European Court of Human Rights and its approach to international law), as provisionally adopted at the 4 th DH-SYSC-II meeting in September 2018
DH-SYSC-II(2018)25	Chapter of Theme 1, subtheme iii) (Interaction between the resolutions of the Security Council and the European Convention on Human Rights), as provisionally adopted at the 4 th DH-SYSC-II meeting in September 2018
	ITEM 1: OPENING OF THE MEETING, ADOPTION OF THE AGENDA AND OF THE ORDER OF BUSINESS
DH-SYSC-II(2019)OJ1	Draft agenda
DH-SYSC-II(2019)OT1	Draft order of business
	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
	Item 2.1: Subtheme ii) – State responsibility and extraterritorial application of the ECHR
DH-SYSC-II(2018)24	Revised draft chapter of Theme 1, subtheme ii) (State responsibility and extraterritorial application of the European Convention on Human Rights), as amended following the 4 th DH-SYSC-II meeting
DH-SYSC-II(2019)28	Comments on the revised draft chapter of Theme 1, subtheme ii) (State responsibility and extraterritorial application of the European Convention on Human Rights), in view of the 5 th DH-SYSC-II meeting
DH-SYSC-II(2018)16	Draft chapter of Theme 1, subtheme ii) (State responsibility and extraterritorial application of the European Convention on Human Rights), as submitted by co-Rapporteurs Prof. Alexei Ispolinov and Mr Chanaka Wickremasinghe in view of the 4 th DH-SYSC-II meeting
DH-SYSC-II(2018)18rev	Comments on the draft chapters of Theme 1, in view of the 4 th DH-SYSC-II meeting
DH-SYSC-II(2018)08rev	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)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) (State responsibility and extraterritorial application of the European Convention on Human Rights) 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
	Item 2.2: Subtheme iv) – Interaction between international humanitarian law and the ECHR
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 (see above)	Comments on the draft chapters of Theme 1, in view of the 4 th DH-SYSC-II meeting
DH-SYSC-II(2018)13 (available in French only)	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 (available in French only)	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)
	ITEM 3: DISCUSSION ON, AND ADOPTION OF 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
DH-SYSC-II(2019)29	Revised 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), in the light of the experts' written comments, in view of the 5 th DH-SYSC-II meeting
DH-SYSC-II(2018)26	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)
DH-SYSC-II(2018)27	Comments 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), in view of the 5 th DH-SYSC-II meeting
DH-SYSC-II(2019)30	External voluntary contribution for the preparation of 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 Prof. M. Pedrazzi and Dr. F. Favuzza, University of Milan (Italy)
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 th 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)
	ITEM 4: DISCUSSION ON THEME 3 – CHALLENGE OF THE INTERACTION BETWEEN THE CONVENTION AND THE LEGAL ORDER OF THE EU AND OTHER REGIONAL ORGANISATIONS
DH-SYSC-II(2019)32	Outline of the draft chapter of Theme 3 (Challenge of the interaction between the Convention and the legal order of the EU and other regional organisations) submitted by the Rapporteur, Ms Kristīne Līcis, in view of the 5 th meeting of the DH-SYSC-II
DH-SYSC-II(2019)33	Notes of the presentation on Theme 3 (Challenge of the interaction between the Convention and the legal order of the EU and other regional organisations) submitted by the <i>ad hoc</i> expert Professor Olivier De Schutter
	ITEM 5: ORGANISATION OF FUTURE WORK
DH-SYSC-II(2019)31	Revised Planning of the work of the DH-SYSC-II, in view of the 5 th DH-SYSC-II meeting
	ITEM 6: ADOPTION OF THE MEETING REPORT

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Appendix III

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

1st 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

2nd 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

3rd 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 89th 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

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

4th 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

5th meeting: 5-8 February 2019

- Adoption of the draft chapter on Theme 1 subtheme iv) and the draft chapter on Theme 2
- Adoption of a number of paragraphs of the revised draft chapter on Theme 1 subtheme ii)
- Discussion on Theme 3 (+ ad hoc expert)

Deadline for Member States' experts to send material concerning the Eurasian Economic Union to the Rapporteur and the Secretariat: 28 February 2019

The Rapporteur sends the draft chapter of **Theme 3** to the Secretariat: 15 March 2019

The Secretariat circulates the original language version of the draft chapter of **Theme 3** to the experts for written comments: 18 March 2019

The Secretariat translates and circulates the translation of the draft chapter of **Theme 3** to the experts for written comments: 2 April 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

6th meeting: 22-24 May 2019

- Adoption of the draft chapter on Theme 3
- Adoption of the remaining paragraphs of the revised draft chapter on Theme 1 subtheme ii)
- Discussion on formal aspects of the future 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

7th meeting: 11-13 September 2019

- Discussion and adoption of the revised draft Report

Transmission of the Report for adoption to the DH-SYSC (meeting: [15] 16-18 October 2019) and to the CDDH (meeting: 26-29 November 2019)

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