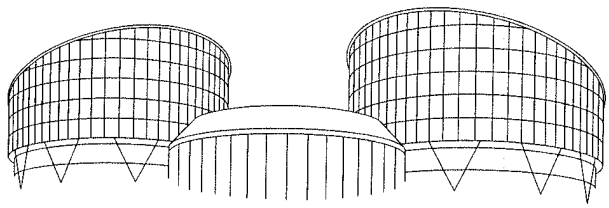


EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

AGENDA

Meeting with NGOs and applicants' representatives
Strasbourg, 15 November 2012
Human Rights Building – Meeting room RJ (Seminar Room)

Session I

9.30 a.m. Introductory remarks by President of the Court

9.45 a.m. **The Operation of Protocol No. 14**
Discussion of the operation of procedures introduced by Protocol 14, including single judge procedure, the significant disadvantage clause, Article 28 § 1 (b) (new committee competence).

11.00 a.m. Coffee break

11.15 a.m. **Reactions to Brighton and responses**
NGOs and applicants' representatives are invited to express their reactions to the Brighton Declaration, to which a panel of Judges and senior Registry staff will respond. This session will include novel proposals for reform arising out of the Brighton Declaration, including the expansion of the well-established case law procedure, advisory opinions, and the potential impact of the inclusion in the preamble of the margin of appreciation in the preamble. This session will also contain a discussion of further ideas for reducing the backlog of cases at the Court.

12.30 p.m. Lunch provided by the Court – Human Rights Building Restaurant

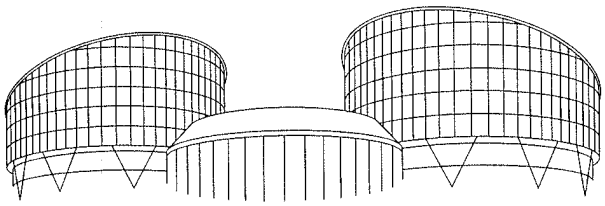
Session II

2.15 p.m. **Questions of procedure and practice**
Discussion with a panel of Judges and senior Registry staff, including technical proposals envisaged in the Brighton Declaration (online applications, amendment of the application form, previews of judgments, earlier argument on just satisfaction, four-month time limit).

3.45 p.m. Coffee break

4.00 p.m. Other points raised by participants

5.15 p.m. End of the meeting



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

ORDRE DU JOUR

Réunion avec les ONG et les représentants des requérants
Strasbourg, le 15 novembre 2012
Palais des droits de l'homme – Salle de réunion RJ (Salle de séminaires)

Session I

9 h 30 Remarques introductives par le Président de la Cour

9 h 45 **La mise en œuvre du Protocole n° 14**
Discussion sur la mise en œuvre des procédures introduites par le Protocole n° 14, notamment la procédure de juge unique, le critère de préjudice important, l'article 28 § 1 b) (nouvelle compétence des comités).

11 h 00 Pause-café

11 h 15 **Réactions à la Déclaration de Brighton et réponses**
Les ONG/représentants des requérants sont invités à faire part de leurs réactions à la Déclaration de Brighton. Des réponses seront données à cet égard par un groupe de juges et de dirigeants du greffe. Au cours de cette session seront présentées de nouvelles propositions de réforme tirées de la Déclaration de Brighton, concernant notamment la diffusion de la jurisprudence établie, les avis consultatifs ainsi que l'impact potentiel de l'introduction dans le Préambule de la Déclaration de la notion de marge d'appréciation. Cette session donnera également lieu à une discussion sur d'autres idées ayant pour but la réduction de l'arriéré d'affaires de la Cour.

12 h 30 Déjeuner offert par la Cour – Restaurant du Palais des droits de l'homme

Session II

14 h 15 **Questions procédurales et pratiques**
Discussion avec un groupe de juges et de dirigeants du greffe, concernant en particulier plusieurs propositions techniques évoquées dans la Déclaration de Brighton (requêtes en ligne, modification du formulaire de requête, accès anticipé des parties aux arrêts, soumission plus précoce des observations en matière de satisfaction équitable, délai de quatre mois).

15 h 45 Pause-café

16 h 00 Autres questions soulevées par les participants

17 h 15 Fin de la réunion

OPEN SOCIETY
JUSTICE INITIATIVE

AGENDA

Meeting with NGOs on the supervision of the execution of ECHR judgments
Friday, 16 November 2012
Human Rights Building (Seminar Room)
European Court of Human Rights, Strasbourg

9.00 a.m. **Introductory remarks**
Mr. James A. Goldston, Executive Director, Open Society Justice Initiative
Mr. Christos Giakoumopoulos, Director, Directorate of Human Rights - Directorate General 1 - Human Rights and Rule of Law

9.45 a.m. **Committee of Ministers' supervision procedure**
Mr. Joachim Holzenberger, Deputy Permanent Representative, Germany Permanent Representation
Ms. Geneviève Mayer, Head of Department, Department for the execution of judgments of the ECHR, Directorate General 1 - Human Rights and Rule of Law
Prof. Philip Leach, Professor of Human Rights, London Metropolitan University and Director, European Human Rights Advocacy Centre
Prof. Antonio Bultrini, Professor of International Law and Human Rights at the University of Florence, Florence University

Panel presentations and discussion on the supervision of execution of ECHR judgments by the Committee of Ministers. The perspective of the Execution Department, the Court, Member States, academics and civil society will be heard on the new "twin-track" procedure, on the execution of judgments' website, the follow-up to Brighton Declaration and cooperation with other Council of Europe monitoring bodies.

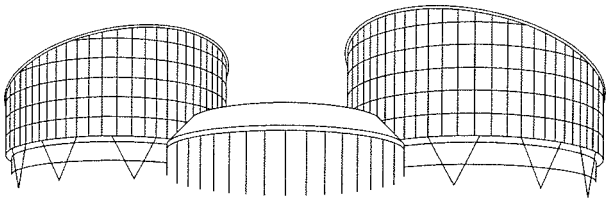
11.15 a.m. Coffee break

11.30 a.m. **Civil society participation in the monitoring of execution of judgments**
Prof. Elisabeth Lambert-Abdelgawad, Director of Research at CNRS
Ms. Kate Jones, Deputy Permanent Representative, UK Permanent Representation
Ms. Dominika Bychawska, Project Coordinator, Polish Helsinki Foundation for Human Rights
Mr. Bruce Adamson, Legal Officer, Scottish Human Rights Commission

Panel presentations and discussion will explore ways in which civil society can engage more systematically in the monitoring of execution of judgments with the Committee of Ministers and at the national level. This will include guidance on Rule 9 communications, information-sharing regarding CM-DH meetings and the role of national human rights institutions.

13.00 p.m. Closing remarks
Mr. James A. Goldston, Executive Director, Open Society Justice Initiative

13.15 p.m. End of the meeting - Lunch



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

Meeting with NGOs and applicants' representatives
Réunion avec les ONG et les représentants des requérants

Human Rights Building
Palais des droits de l'homme

List of participants / Liste des participants

Thursday 15 November 2012
jeudi 15 novembre 2012

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Organisation / Association	Last name Nom	First name Prénom	Function Fonction
Amnesty International (UK)	RAMU	Sébastien	Senior Legal Adviser, Law and Policy
APADOR-CH (Association for the Defence of Human Rights in Romania - the Helsinki Committee) (ROM)	HATNEANU	Diana	Excutive Director, Attorney-at-law
Bulgarian Gender Research Foundation (BGR)	GORBOUNOVA	Daniela	Member of the Board, Attorney
Bulgarian Helsinki Committee (BGR)	ILIEVA	Margarita	Legal Director
Center for Human Rights Union "Article 42 of the Constitution" (GEO)	JANEZASHVILI	Nazibrola	Executive Director
Center for Development of Democracy and Human Rights (CDDHR) (RUS)	SHAKHOVA	Elena	Project coordinator
Brescia Migration Law Clinic (ITA)	MASERA	Luca	Avocat
Commission droits de l'homme de la Conférence des OING (FRA)	BOURGEOIS	Stéphanie	Coordinatrice CEDH
ELSA Moldova (MDA)	CHETRUSCA	Viorel	Président
European Criminal Bar association (ECBA) (UK)	MATT MITCHELL	Holger Jonathan	Chair Member of the Advisory Board
European Human Rights Advocacy Centre (EHRAC) (UK)	LEACH	Philip	Director
European Human Rights Association (EHRA)	TELBIS MIARA	Ana-Maria Lucja	President, country-coordinator for Romania Vice-President, country-coordinator for Poland
European Roma Rights Centre (ERRC) (HUN)	ALEKSEEVA	Darya	Lawyer
Georgian Young Lawyers' Association (GEO)	ABAZADZE	Tamar	Lawyer
Helsinki Foundation for Human Rights (POL)	BYCHAWSKA-SINIARSKA	Dominika	Project Coordinator, Lawyer
Human Rights Joint Platform (TUR)	ALTIPARMAK SALMAN	Kerem Feray	Project Coordinator, University Professor Coordinator
Human Rights Priority (GEO)	MUKHASHAVRIA	Lia	Director
Hungarian Helsinki Committee (HUN)	KADAR	András	Co-chair
Interights (UK)	VANDOVA	Vesselina	Litigation Director
International Commission of Jurists (ICJ) (SUI)	PILLAY	Roisin	Director, Europe programme
the Dutch section of the ICJ (NLD)	RIETER	Eva	Member of the Board, senior researcher public international law/human rights law
Institut des droits de l'homme du barreau de Paris (FRA)	PUECHAVY	Michel	Avocat

Organisation / Association	Last name Nom	First name Prénom	Function Fonction
International Lesbian and Gay Association (ILGA World) (BEL)	WINTEMUTE	Robert	Council of Europe legal adviser to ILGA-Europe, Professor of Human Rights Law, King's College London
	WARNER	Nigel	Council of Europe legal adviser to ILGA-Europe
International Protection Centre (RUS)	MOSKALENKO	Karinna	Program Director
	PREOBRAZHENSKAYA	Oksana	Administrative Director
International Protection Centre (RUS)	GOLDMAN	Maria	Consultant
JURIX – Lawyers for Constitutional Rights and Freedoms (RUS)	SOBOLEVA	Anita	Chief Legal Counsel
JUSTICE	PATRICK	Angela	Director of Human Rights Policy
Kharkiv Human Rights Protection Group (UKR)	TOKAREV	Gennadiy	Legal Expert
Latvian Centre for Human Rights (LVA)	KAMENSKA	Anhelita	Director
Lawyers for Human Rights (MDA)	NAGACEVSCHI	Vitalie	Chairman
	ZAMA	Vitalie	Project Director
	PUIU	Tatiana	Project coordinator
Legal Education Society (AZE)	ALIYEV	Intigam	Chairman
Legal Resources Centre (MDA)	GRIBINCEA	Vladislav	Executive Director
Liberty (UK)	FERGUSON	Corinna	Legal Officer, Barrister
Media Law Institute (UKR)	SHEVCHENKO	Taras	Director
Media Rights Institute (AZE)	HAJILI	Rashid	Executive Director
"Memorial" Human Rights Centre (RUS)	KOROTEEV	Kirill	Senior Lawyer
Open Society Justice Initiative (USA)	SKILBECK	Rupert	Litigation Director
	APPLE	Betsy	Policy Officer
	BEZINYAN	Svetlana	Program Coordinator
	CHINKU	Kunda	Program Coordinator
Open Society Justice Initiative (HUN)	BERBEC	Mariana	Program Manager

Organisation / Association	Last name Nom	First name Prénom	Function Fonction
Open Society Justice Initiative (UK) Open Society Justice Initiative (BEL)	ISOBEL FERNANDEZ	Marion Claire	Associate Legal Officer Consultant
OSCE Mission to Moldova	BALAN MARAHOVSCAIA STETSUIC ABRAMOVA DAVID-CIMPOIES	Alexei Oxana Igor Iuliana Daniela	
PROMO-LEX Association (MDA)	HRIPLIVÎI POSTICA	Nicoleta Alexandru	Human Rights Lawyer Human Rights Program Director
Public Union of Democracy and Human Rights Resource Centre (AZE)	MUSTAFAYEV	Asabali	President
Public Verdict Foundation (RUS)	NOVIKOVA	Asmik	Head of research programs
Stichting Russian Justice Initiative (RUS)	KUSHLEYKO	Anastasia	Legal Director, Legal Assistance "Astrea"
Sutyajnik (RUS)	BELIAEV BURKOV	Sergey Anton	President Head of project
Turin Human Rights Migration Law Clinic (ITA)	VEGLIO	Maurizio	Lawyer
Union internationale des avocats (FRA)	FATAS MOSQUERA	Carlos	Co-Directeur des droits de l'homme et la défense
Unione forense per la tutela dei diritti umani (ITA)	TURRI	Alessandra	Legal Officer

Kate	Jones	DPR to the Council of Europe	Permanent Representation of the United Kingdom to the Council of Europe
Kerem	Altiparmak	Assistant Professor in Human Rights Law	Ankara University
Kirill	Koroteev	Senior Lawyer	"Memorial" Human Rights Center
Levente	Baltay	Legal aid attorney	Hungarian Civil Liberties Union (HCLU)
Lucja	Miara	Vice President	European Human Rights Association
Matthieu	Birker	Adviser	Office of the Commissioner for Human Rights
Melanie	Bilocq	DPR to the Council of Europe	Permanent Representation of France to the Council of Europe
Meskerem	Geset	Deputy executive director	IHRDA
Nicoleta	Hriplivii	Lawyer	PROMO-LEX Association
Nigel	Warner	Council of Europe legal adviser	International Lesbian and Gay Association (ILGA Europe)
Özgur	Derman	Head of Division 2	Department of the Execution of ECHR judgements
Phillip	Leach	Professor of Human Rights and Director of the Human Rights and Social Justice Research Institute and European Human Rights Advocacy Centre (EHRAC)	London Metropolitan University
Rashid	Hajili	Executive director	Media Rights Instiute
Roisin	Pillay	Director of the Europe programme	International Commission of Jurists (ICJ)
Sarah	Bega	Legal assistant	Permanent Representation of Germany to the Council of Europe
Sara	Finnegan	Deputy to the Permanent Representative	Permanent Representation of Sweden to the Council of Europe
Sergey	Beliaev	Director	Sutyajnik
Stephan	Rutkowski	DPR to the Council of Europe	Permanent Representation of Austria to the Council of Europe
Tanja	Leikas-Botta	Deputy to the Permanent Representative	Permanent Representation of Finland to the Council of Europe
Vesselina	Vandova	Litigation director	Interights
Vitalie	Zama	Project director	Lawyers for Human Rights
Vladislav	Gribincea	Executive director	Center for Legal Resources
Zoé	Bryanston-Cross	Head of section, Division 1	Department of the Execution of ECHR judgements

Meeting with NGOs on the supervision of the execution of ECHR judgments

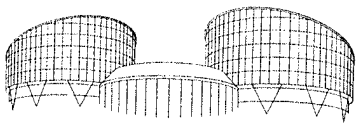
Friday, 16 November 2012

Meeting Participants

First Name	Last Name	Title	Organization
Agnieszka	Szklanna	Secretary	Secretariat of the Committee on Legal Affairs and Human Rights
Allesandra	Turri	Lawyer	Unione Forense per la tutela dei diritti umani
Anastasia	Kushleyko	Legal Director	Stichting Russian Justice Initiative
Andras	Kadar	Co-chair	Hungarian Helsinki Committee
Andrea	Saccucci	Lawyer	Unione Forense per la tutela dei diritti umani
Anton	Burkov	Professor	Sutyajnik
Antonio	Bultrini	Professor of International Law and Human Rights	Florence University
Asmik	Novikova	Head of research programmes	Public Verdict Foundation
Barbora	Rittichova	Lawyer disability rights	League of Human Rights (LIGA)
Bruce	Adamson	Lawyer	Scottish Human Rights Commisison
Christos	Giakoumopoulos	Director	Directorate of Human Rights
Corinne	Amat	Head of Division 1	Department of the Execution of ECHR judgements
Darya	Alekseeva	Lawyer	European Roma Rights Centre (ERRC)
Daniel	Krey	Legal assistant	Permanent Mission of Germany to the Council of Europe
David	Milner	Secretary of the DH-GDR	Secretariat of the CDDH
Diana-Olivia	Hatneanu	Executive director	APADOR-CH (Association for the Defence of Human Rights in Romania - the Helsinki Committee)
Dimitrina	Lilovska	Head of section, Division 1	Department of the Execution of ECHR judgements
Dominika	Bychawska	Project coordinator	Helsinki Foundation for Human Rights
Elizabeth	Lambert-Abdelgawad	Directrice de recherche	Centre national de la recherche scientifique (CNRS)
Fredrik	Sundberg	Deputy Director	Department of the Execution of ECHR judgements
Genevieve	Mayer	Head of department	Department of the Execution of ECHR judgements
Gennadiy	Tokarev	Lawyer	Kharkiv Human Rights Protection Group
Irène	Kitsou-Milonas	Head of Section, Division 2	Department of the Execution of ECHR judgements
Jan	Rademaker	DPR to the Council of Europe	Permanent Representation of the Netherlands to the Council of Europe
Joachim	Holzenberger	DPR to the Council of Europe	Permanent Representation of Germany to the Council of Europe
John	Darcy	Adviser to the Court's President and Registrar	European Court of Human Rights

Country	First Name	Last Name	Title	Organization
Bulgaria	Margarita	Ilieva	Legal Director	Bulgarian Helsinki Committee
Ukraine	Taras	Shevchenko	Director	Media Law Institute - Ukraine
Hungary	Andras	Kadar	Co-chair	Hungarian Helsinki Committee
United Kingdom	Vesselina	Vandova	Litigation Dorector	Interights
Russia	Anastasia	Kushleyko	Legal Director	Stichting Russian Justice Initiative
United Kingdom	Angela	Patrick	Director of Human Rights Policy	Justice
Latvia	Anhelita	Kamenska	Director	Latvian Centre for Human Rights
Russia	Anita	Soboleva	Chief Legal Counsel	JURIX/Lawyers for Constitutional Rights and Freedoms
Russia	Anton	Burkov	Professor	Sutyajnik
Russia	Asmik	Novikova	Head of Research Programmes	Public Verdict Foundation
the Czech Republic	Barbora	Rittichova	Lawyer disability rights	League of Human Rights (LIGA)
Hungary	Darya	Alekseeva	Lawyer	European Roma Rights Centre (ERRC)
Romania	Diana-Olivia	Hatneanu	Executive Director	APADOR-CH (Association for the Defence of Human Rights in Romania - the Helsinki Committee)
Poland	Dominika	Bychawska	Project Coordinator	Helsinki Foundation for Human Rights
Russia	Elena	Shakhova	Lehal Program Coordinator	Citizen Watch
Bulgaria	Daniela	Gorbounova	Board member, Attorney	Bulgarian Gender Research Foundation
United Kingdom	Jonathan	Mitchell	Member of the Advisory Board	European Criminal Bar Association
Hungary	Levente	Baltay	Legal aid attorney	Hungarian Civil Liberties Union (HCLU)
Italy	Maurizio	Veglio	Lawyer	Turin Human Rights Law Clinic
Italy	Luca	Masera	Lawyer	CGIL, Brescia Migration Law Clinic
Georgia	Nazibrola	Janezashvili	Executive Director	Center for Human Rights Union
Moldova	Nicoleta	Hriplivii	Lawyer	PROMO-LEX Association
Azerbaijan	Rashid	Hajili	Executive Director	Media Rights Instiute
Switzerland	Roisin	Pillay	Director of the Europe programme	International Commission of Jurists (ICJ)
Russia	Sergey	Beliaev	Director	Sutyajnik
Georgia	Tamar	Abazadze	Lawyer	Georgian Young Lawyers' Association

Moldova	Vitalie	Zama	Project Director	Lawyers for Human Rights
Ukraine	Gennadiy	Tokarev	Lawyer	Kharkiv Human Rights Protection Group
Moldova	Vladislav	Gribincea	Executive Director	Center for Legal Resources
the Netherlands	Eva	Rieter	Board member	ICJ-Netherlands
United Kingdom	Corinna	Ferguson	Legal Officer	Liberty
United Kingdom	Phillip	Leach	Director of the Human Rights and Social Justice Research Institute and European Human Rights Advocacy Centre (EHRAC)	London Metropolitan University
Turkey	Kerem	Altiparmak	Assistant Professor in Human Rights Law	Ankara University
Russia	Kirill	Koroteev	Senior Lawyer	Memorial Human Rights Center



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

Meeting with NGOs 15 November 2012

Developments in the area of case-law information in print and online

New HUDOC database

The Registry has introduced a number of changes in order to further improve access to the Court's case-law. The most important of these was the replacement of the current HUDOC database, which had been in service for over a decade, with a new, completely redesigned, system which was launched in June 2012. In addition to offering a brand new interface and greater stability, the new system provides a series of new functionalities that make the process of searching the case-law simpler and more effective for the end-user. A manual and a video tutorial have been made available on the HUDOC Help page. A further video tutorial (on advanced searching) is being finalised.

Further improvements to the HUDOC interface are in the pipeline and the interface is also being developed in Russian and Turkish versions.

Communication of the Court's leading case-law

The Court has also taken steps to make its leading cases better and more rapidly known to the public both on its website and in its database. The Bureau now makes a selection of the most important cases for each past quarter and these are listed online: http://www.echr.coe.int/ECHR/EN/Header/Case-Law/Decisions+and+judgments/Reports+of+judgments/

In addition, work is underway to create a separate e-Reports collection of these cases in the new HUDOC. All cases in this collection will appear in an enhanced format, together with individual summaries to facilitate a rapid understanding of the case.

The Registry is also preparing to make material available in new formats compatible with e-readers, IPads, smartphones and the like. It also continues to examine various options for the Court's official series *Reports of Judgments and Decisions*, including print-on-demand solutions.

Case-law translations into other languages

Almost 2,200 translations into 22 languages have been made available in HUDOC which is now increasingly serving as a one-stop-shop (*guichet unique*) for translations into languages other than English and French. The language-specific filter in the new HUDOC allows for rapid searching of these translations, including in free text.

NGOs are invited to offer, for inclusion in HUDOC, any ECHR case-law translations to which they have rights. Even translations of case summaries may be of interest. Please refer to the technical guidelines available at: http://www.echr.coe.int/ECHR/en/HUDOC/translations (scroll down). The NGOs are further invited to suggest additional Internet sites which they consider ought to be added to the list of third-party links available at: http://www.echr.coe.int/ECHR/en/HUDOC/translations (scroll down to see the list).

Case-law translations project supported by the Human Rights Trust Fund

In April 2012 the Registry started a project entitled "*Bringing Convention standards closer to home: Translation and dissemination of key ECHR case-law in target languages*" with the support of the Human Rights Trust Fund (http://www.coe.int/humanrightstrustfund). This three-year project aims to improve the understanding and domestic implementation of ECHR standards by commissioning translations of key Court case-law and ensuring its dissemination to legal professionals in Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Georgia, Moldova, Montenegro, Serbia, "The former Yugoslav Republic of Macedonia", Turkey and Ukraine. In the first phase of the project nearly 500 translations of judgments and over 1,100 translations of legal summaries have been commissioned for delivery before the end of 2012 (total number for all nine languages). The translations will be published in HUDOC. More information on this project as well as the country-specific lists of cases being translated will appear online in the coming days.

Case-law Information Note contents now available in HUDOC

The Case-law Information Note continues to provide a monthly round-up of the most significant developments in the Court's case-law in the form of summaries of all pending Grand Chamber cases and of judgments, admissibility decisions and communicated cases considered to be of particular jurisprudential interest. The individual summaries are classified by reference to the Convention provision to which they relate and by keywords. These summaries are now also available (as 'Legal Summaries') in the new HUDOC database, where they are fully searchable. The complete Notes are available online at http://www.echr.coe.int/ECHR/EN/Header/Case-Law/Case-law+analysis/Information+notes/ and a subscription option is available for the paper version.

Joint handbook projects with the EU Fundamental Rights Agency

The first handbook co-published with FRA – on European law on non-discrimination – has now been published in 24 languages: http://www.echr.coe.int/ECHR/EN/Header/Case-Law/Case-law+analysis/Handbook+on+non-discrimination/ An update was published this year.

A second handbook – on European law relating to asylum, border control and immigration – is due to be launched in the spring of 2013. Further handbooks – on European law on data protection and children's rights – are scheduled for 2014-15.

Admissibility Guide

The Practical Guide on Admissibility Criteria has now been translated into some 20 languages and some further translations are still expected: http://www.echr.coe.int/ECHR/EN/Header/Case-Law/Case-law+analysis/Admissibility+guide/

Research reports

The Research Division is increasingly making its reports public online: http://www.echr.coe.int/ECHR/EN/Header/Case-Law/Case-law+analysis/Research+reports/ The Registry is looking for partners interested in translating and publishing these reports in print and/or online.

Factsheets

Over 40 factsheets now exist in English, French and German. A selection also exists in Polish and Russian. The factsheets are available here: http://www.echr.coe.int/ECHR/EN/Header/Press/Information+sheets/Factsheets/

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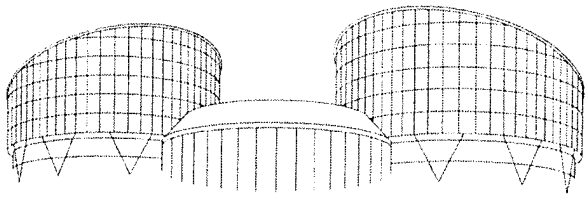
For more information:

- on the activities of the Case-Law Information and Publications Division please contact Leif Berg, + 33 3 88 41 23 67 or leif.berg@echr.coe.int;

- on the activities of the Press Unit (e.g., the factsheets) please contact Patrick Titiun, + 33 3 88 41 32 76 or patrick.titiun@echr.coe.int



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

16/10/2012

THE INTERLAKEN PROCESS AND THE COURT

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10. Interim measures – Rule 39 requests
11. Priority applications
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Introduction

The purpose of this note is to present the situation in the Court with particular regard to the reform work set in motion after the Interlaken Declaration and Action Plan, and the follow-up Conferences in Izmir and Brighton.

The Interlaken process calls for action on the part of different actors in the Convention system, notably Council of Europe member States, the Committee of Ministers and the Court. This note sets out the most recent information concerning the Court's contribution.

Since the Interlaken Conference the Court has pursued an intense programme of reform. In order to ensure that this work is done harmoniously and with the support of the members of the Court, the President has appointed a special committee – the Reform Committee – to advise him. Work is also going on in the Court's two Standing Committees; the Committee on Working Methods and the Rules Committee.

1. Latest statistics (at 1 October 2012)

The number of incoming applications to the Court is relatively stable and at the same level as last year. This is a new development. Previously, and ever since its start in 1998, the Court has been used to a steady increase of 10 to 15% every year.

Since the beginning of this year the Court has allocated 50,150 new applications to a judicial formation. During that same period it has disposed of 61,350 applications, which represents an increase of 76% compared to the previous year.

The number of applications in which judgments were delivered has also increased in 2012, standing at 1,134 (+6% compared to 1 October 2011).

The number of applications communicated to Governments has decreased by 6% this year.

The total number of pending applications now stands at 139,500. This represents a 10% decrease over one year, and a reduction of over 20,000 since the highest ever number pending applications recorded (160,200 on 1 September 2011).

2. Audit of the Court

At the Interlaken Conference, the Liechtenstein Foreign Minister called for an audit of the Court. Such calls were repeated later on. In the course of the spring of 2012, the Court's activity was the subject of a thorough audit carried out by the External Auditors of the Council of Europe. The result of the audit will be presented to the Committee of Ministers on 24 October 2012. The audit report and its recommendations[1] widely subscribe to the strategic choices made by the Court and advise the Court to continue pursuing the objectives it has fixed. The report recognises that the Court cannot be expected to achieve much more without further resources. In short the report makes it clear that the Court is working efficiently. It can be concluded that States are getting good value for the money allocated to the Court.

3. Administrative autonomy of the Court

The need for the Court to have a substantial degree of administrative autonomy was recognised by the recent delegation to the Registrar of some of the powers of the Secretary General in relation to staff matters. This measure sought to address issues both of principle and of sound management.

There are however other areas of administrative action and authority, notably in relation to the budget, where the needs of the Council of Europe Secretariat and the Court are different and where the current situation could be improved. It would actually enhance efficiency if these different needs were taken into account in respect of the Court's budget and its implementation. The current system, in particular reporting duties imposed on the Registry simply because they are imposed on other parts of the Secretariat, generates unnecessary work, for example internal quarterly reporting.

Another issue is the application to the Court of the technical abatement in the allocation of budgetary resources with the result that the budget does not cover fully expenditure on salaries for the posts assigned to the Registry. The Court shares the External Auditors' view on this question and proposes to abolish this system at least in so far as it concerns the Court. Similarly, the justification for the salary ceiling does not apply with the same force to the Court as to the rest of the Council of Europe. In reality it may result in allocated resources not being used in the most effective way.

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1. See CM document (2012) 100 pp. 100-115.

Moreover, as the External Auditors have recognised, there is some difficulty in assessing the true cost of the Court since various heads of expenditure are not covered by the Court's budget. This raises questions of transparency. Finally, the issue of a more equitable system of contribution to the Court's budget ought to be addressed. The Registrar will discuss these matters with the Secretary General with a view to finding solutions.

4. Resources strategy

The Court is of the opinion that in the current financial climate it is particularly important to avoid asking for more permanent resources even if genuine structural needs exist. The Court has therefore, in line with the Interlaken Declaration, sought to obtain extra resources through the secondment of lawyers and, more recently, by the creation of a special account for States who wish to contribute specifically to the Court's efforts to deal with its backlog of cases. It is too early yet to make any assessment as to whether the contributions to the special account will be sufficient. At this stage a total of 30,000 euros has been paid into the account. If contributions to the account turn out to be limited, the Court may wish to investigate other sources of external funding, even from the private sector. It would be useful to have member States reflect on how the special account can be properly provisioned, for example an agreement among member States to transfer the unspent balance (*reliquat*) of the Council of Europe, or at least that of the Court, to the special account.

As to secondments, this has been relatively successful. Many States have responded positively to the call for secondments to the Registry. On 1 October this year, the Registry had some 45 seconded staff members. In their report the External Auditors question whether the stated policy of the Council of Europe of treating the Court as a priority area is in fact implemented in practice, this not being clearly borne out in terms of staffing levels and budgetary resources[2]. This is a matter which merits reflection at the political level.

5. E-justice policy

The Court is convinced that it is essential to pursue a forward-looking e-justice policy. The mass of applications and the data which need to be processed make it essential to maintain a highly effective IT system. There are several

2. CM (2012) 100 para. 302

areas in which this policy is relevant. Regarding general information about the Court and its activities, the website is the key. The recently launched new HUDOC data base with the Court's case-law is one example. The Court is also developing information about the case-law and its practice and advice to applicants on how to lodge applications (see below), all of which is available on the website. The second area can be said to be communication with the parties to proceedings. Here the Court will pursue its project to enable applicants to communicate with the Registry electronically. It is expected that in the foreseeable future, at least for communicated cases, most communication between applicants and the Registry will be electronic. Communication with Government Agents via secure internet sites started already in 2007 and has now been extended to 30 of the 47 Member States. The Court wishes to extend it to all Member States before the end of 2013. A third area relates to the support which information technology can provide in the internal processing of applications. Considerable progress has been made in recent years. Over the next few years it is likely that the Court will move to IT workflow solutions for the processing of all applications.

6. Information initiatives

The Court will continue to assist States in the implementation of the Convention through the information published on its website. It will update the existing material as necessary, and plans to develop it further, drawing on the work of the Jurisconsult and the Research Division. For all of these texts, the Court will co-operate with the relevant partners to have them translated into other languages.

Shortly after the Interlaken Conference the Court prepared an admissibility guide which has been widely appreciated. It has subsequently been updated. It has also been translated into a dozen national languages and can be found on the Court's website.

The Court is now preparing to publish information about the case-law under the different Articles of the Convention guaranteeing rights and freedoms. A first "Chapter" of such information, devoted to Article 5 of the Convention, has been prepared for publication.

The Court has also produced a series of thematic factsheets, available on its website, dealing with different issues in its case-law. These have been translated into German and Russian (link).

Moreover, the Court is preparing to publish an annotated version of its Rules of Court. The work on this publication has gone on for some time and a first version is now being used internally with a view to having a text ready for publication in 2013.

The Court's collection of judgments and decisions (the Reports) will be much reduced compared to previous years, containing only the most important cases decided each year. In advance of the paper version of the Reports, an electronic version is available straightaway on the Court's website (link).

These are the judgments that are particularly recommended for translation (paragraph A. 9 d) i) of the Brighton Declaration).

Finally, the Court has launched a project to make available on its website a collection of the most important judgments with translation into the national languages. This is a project which is financed by the Human Rights Trust Fund.

7. Training unit

Following a proposal from the Court, the Human Rights Trust Fund approved funding for the setting up of a Training Unit within the Court. This project concerns target States, and aims to provide professional groups (magistrates and lawyers) with high-quality training in Convention law and to contribute to the dissemination of the Court's case-law.

The training sessions, which are each limited to 20 persons, include attendance at a hearing, a meeting with the national judge and meetings with lawyers from the Registry.

Since the beginning of 2012 three training sessions have been organised. The first session for Armenian magistrates and lawyers took place in April. The second session for Serbian magistrates and lawyers took place in May. A third session for magistrates and lawyers from Azerbaijan was organised in September. A session for Albanian participants will take place before the end of 2012.

8. Dialogue with the State Parties

The Court's dialogue with States Parties takes many different forms. It has had regular exchanges with the Committee of Ministers through the so-called Liaison Committee. This format has been discontinued. Instead, as from this

year, the President of the Court will meet the Committee of Ministers, sitting at Deputies level, twice a year.

Meetings with the Government Agents have been intensified since Interlaken. The traditional biennial meetings (last one in December 2011) have been supplemented by further meetings. The Court also has biennial meetings with representatives of applicants and NGOs (next meeting in November 2012).

The Court will take steps to develop and consolidate its relations with the highest courts in the States Parties. It already has a practice of regular or periodic meetings with a significant number of these courts, and the utility of these meetings, which take place both in Strasbourg and in the different States, is beyond question. The Court will now concentrate its efforts on those States where judicial contacts have been less frequent in recent times, and hopes that the Governments concerned will help to achieve this objective.

9. Strategy to deal with applications

Since Interlaken and the subsequent entry into force of Protocol No. 14 the Court has adopted a new strategy for how to deal with applications and tackle the backlog.

(a) **Prioritisation**

Under the Court's priority policy (link), all applications are classified in one of seven different categories. These categories indicate the order in which the applications should be dealt with.

Categories 1-3 are the top priority applications. Category 4 is composed of Chamber cases which do not fall within the top three categories and which cannot be classified as repetitive applications; category 5 covers repetitive applications and categories 6 and 7 are inadmissible applications. Category 7 applications are dealt with by Single Judges.

(b) **Filtering and the Single Judge**

When a new application is lodged the aim is to identify the nature of the application immediately and to place it on the right procedural track. Applications that are clearly inadmissible are prepared at once for decision by a Single Judge, so that the applicants will only receive one letter which informs them both about the registration and about the rejection of the application.

This approach is based on the idea that, at the filtering stage at least, each intervention by the Registry lawyers should produce a concrete result, in other words should move an application on to the next step, whether it is inadmissibility decision or referral for processing on the merits. From this perspective the Court is considering whether, in future, the filtering process could also include communication of repetitive applications. Tests are currently being conducted. However, as regards repetitive applications the policy line pursued by the Court is that, since repetitive applications derive essentially from a failure of the execution process, finding a solution should be a matter for the Committee of Ministers and the respondent State as part of their obligations in respect of the execution of judgments (see below under repetitive applications).

With reference to paragraph C. 15 (b) of the Brighton Declaration, the question of applying the six-month time-limit more stringently is being examined by the Court's Standing Committees, in the context of a wider review of the modalities for instituting proceedings before the Court. The Plenary Court will examine proposals at the end of the year.

10. Interim measures - Rule 39 requests

At the end of 2010 the situation in the Court with regard to the handling of Rule 39 requests was problematic. Large numbers of applications had been received in the autumn of 2010 and one of the decisions taken, the automatic application of Rule 39 in cases of expulsion to Iraq, created a further surge of applications. Rule 39 requests took up a disproportionate amount of the Court's resources and the number of cases seemed to be rocketing. In respect of some States there were so many cases coming in that the Court was simply unable to deal with them within a reasonable time.

In response, the Court's President issued an important public statement clarifying the responsibilities of the different parties, i.e. national authorities, applicants and NGOs. Along with that the President issued a new practice direction (link).

The Court centralised the processing and determination of these requests with a view to guaranteeing greater efficiency and consistency. One Deputy Section Registrar was charged with co-ordinating all requests for application of Rule 39 at the Registry level. Later the decision-making function was entrusted to a smaller group of Judges (three Vice-Presidents of Sections).

An improved system for internal monitoring of these cases was set up in order to ensure that Rule 39 cases received the priority treatment which they require. From 1 July 2012 the responsibility for dealing with Rule 39 requests at the Registry level has been transferred to the Filtering Section.

The practice has gradually changed so that the decision to apply Rule 39 is increasingly combined with a decision to communicate the application to the Government (this indirectly responds to some extent to the request for information about the reasons for the application of Rule 39 and it speeds up the proceedings). Where a Rule 39 request is refused, that decision is now combined with a decision to declare the application inadmissible, when possible.

Finally, the Court has started to publish on its internet site facts and figures about the application of Rule 39.

The efforts made by the Court are reflected in the following statistics.

At the end of 2010 the Court had some 1,800 applications pending before it in which Rule 39 had been applied. On 1 July 2012 this number had gone down to 390.

In 2010 the Court dealt with a total of 3,774 Rule 39 requests; 1,443 were granted; 1,903 refused and 428 were considered to fall outside the scope of Rule 39. Thus 38 % of the requests were granted. In 2011 this percentage went down to 12 % and in the first 6 months of 2012 the Court granted a total of 65 Rule 39 requests, refused 733, while 339 were considered out of scope (6% granted).

In 2012 62 % of the applications in which Rule 39 were granted were also communicated at the same time. 12% of the applications where Rule 39 was refused were declared inadmissible at the same time.

The results of these measures have been considerable and made it possible to bring down the number of pending applications in which Rule 39 has been applied to manageable proportions. The Court will now ensure that the effective handling of these cases is maintained and that the monitoring of the pending cases is further reinforced.

11. Priority applications

The Court is focusing its efforts and case-management on the priority applications. There were more than 6,100 such applications pending on 1 October this year. More than 600 of them concern expulsion or extradition. 2,600 of these cases are backlog cases according to the definition deriving from the criteria set out in the Brighton declaration (see below under 15.). The Court is now making a strong effort to tackle these cases. It will notably use the extra resources paid into the special account to recruit more lawyers to deal with these cases.

12. Repetitive applications

On 1 October 2012 the Court had a total of 39,100 pending cases which had been identified as category V cases, that is repetitive cases. The main States concerned are ranked as follows: Italy (9,400), Turkey (7,700), Serbia (6,000), Romania (5,100), Ukraine (3,500), the United Kingdom (2,300) and the Russian Federation (1,600).

The policy of the Court when it receives repetitive applications is the following. If it concerns a fresh issue which has not previously been dealt with by the Court, it will aim to select some applications and process them in accordance with the pilot-judgment procedure, leading to a judgment indicating to the respondent State the measures which need to be taken to correct the systemic problem. The pilot-judgment is accordingly being applied with greater frequency nowadays; five pilot judgments have been delivered so far in 2012.

The great majority of these applications are however follow-up applications which would not have come to the Court had the execution process operated satisfactorily. The Court takes the view that this problem of repetitive applications must be solved at source by member States, with efficient supervision of execution by the Committee of Ministers carrying out its duties under Article 46 of the Convention.

The Registrar sent a letter to the Committee of Ministers in this regard at the end of June this year.

The Court's Committee on Working Methods has been tasked with looking at a possible default judgment procedure, with a view to bringing proposals before the Plenary Court for consideration at a later stage. The need for this kind of procedure will depend on how the Member States and the Committee of Ministers respond to the demands of the Brighton Declaration. If States and

the Committee of Ministers respond adequately, the need for a default judgment procedure would disappear.

Reference is made to paragraph D. 20 (d) of the Brighton Declaration, which requests the Committee of Ministers to give thought to a new form of procedure involving the determination of a small number of representative applications. This suggestion emerged at a time when the Court had received many thousands of individual applications against Hungary concerning with pension entitlements. The Court can report on the following developments in the situation since then. As announced in the Registrar's press release at the time (link), the Court divided most of the applications (approximately 11,500) into 37 case groups, allowing it to commence its examination of them in an orderly way.

13. Non-priority and non-repetitive applications (category IV)

The Court's intention is to apply a broader definition of the concept of well-established case-law (WECL) in the context of Committee proceedings (Article 28 § 1 (b) of the Convention). As a consequence increasing numbers of these cases should be dealt with under the summary Committee procedure.

14. Grand Chamber procedure

The Grand Chamber procedure has been examined under the guidance of a specific Working Party set up to discuss the relevant issues. In that context the Court has also examined some of the proposals made in the Interlaken process. The Plenary has discussed these matters on several occasions.

One step that has been taken, for the sake of avoiding delay, is for the Grand Chamber Panel to meet on a monthly basis to consider requests for referral. As soon as possible after an application has been referred to the Grand Chamber either by a decision of the Panel or through relinquishment of jurisdiction by a Chamber, the President will compose the Grand Chamber, appoint the Judge-Rapporteur and fix the procedure in the case, including the date of the hearing.

It was suggested at the Izmir conference that the Grand Chamber Panel should give reasons when it declines a request for referral. This is not a requirement at present (Article 45 of the Convention[3]). The Court's practice of not giving reasons for Panel decisions, including when it accepts a request, is essentially a

3. See also § 105 of the Explanatory Report on Protocol No. 11

matter of practicality. Given that it has considered well over 2,000 requests under this procedure, a reasoned decision in each one would have represented a real and unnecessary burden. It does however recognise the interest of States and applicants in knowing more about the procedure. To this end it prepared a memorandum on the subject which is available on its website (link). This document contains a thorough explanation of the practice developed by the Panel since its creation, indicating the types of case that may be accepted for referral, and the types that, as a rule, are not.

The Court has also changed its practice in one respect – parties are now informed of the composition of the Panel that has taken the decision on the referral request.

The Brighton Declaration proposed that the Vice-Presidents of Sections should become *ex officio* members of the Grand Chamber (E. 25 (e)), an idea that the Court has decided not to take up. To have eleven *ex officio* members of each Grand Chamber would mean that only six other judges would be involved in each case. The Court has always attached importance to achieving balance in the composition of every Grand Chamber, especially a geographical balance. Furthermore, regular involvement in Grand Chamber cases is an important and valued aspect of the work of all of the judges of the Court.

15. Backlog

The term "backlog" has been defined differently over the years. The objectives set out in the Brighton Declaration (see D. 20 (h)) provide a basis for a new definition. An application which has not been dealt with for the first time within one year would form part of the backlog. Equally, an application which has been communicated to the Government and which thereafter has not been finally disposed of within two years from the date of communication would also be part of the backlog. Using these indications, the Court's backlog at 1 October this year stood at a total of almost 98,000 applications. The conclusion of this is that since the Court had a total of pending cases on that date which amounted to almost 140,000, the aim would be to bring down the balance of cases to something in the area of 40,000. This would be a "normal" stock of pending applications.

The backlog is constituted of some 2,600 priority applications; 15,000 non-priority and non-repetitive applications; 22,000 repetitive applications; and less than 60,000 Single Judge applications. The Court concentrates its current efforts on, on the one hand, the backlog of priority applications and, on the

other hand , the backlog of Single Judge applications using the new more efficient working methods which it has been possible to put in place since the entry into force of Protocol No 14.

16. Case-law consistency

The issue of consistency in the case-law was raised at Interlaken and the Court has since then been involved in an exchange of views on this subject with in particular the Government Agents. The work of the Court in this area was recognised in the Brighton Declaration (see E. 25 (c)) and the Court's proposal to amend Article 30 of the Convention met with support of States (see E. 25 (d)). In its preliminary opinion for the Brighton conference the Court referred to a possible change in its rules on the relinquishment of cases in favour of the Grand Chamber (Rule 72). This latter point will be examined by the Plenary Court towards the end of the year. Other possible measures to guard against inconsistencies in the case-law, going beyond the arrangements already in place[4], will also be examined.

17. Unilateral declarations

Recourse to unilateral declarations has become more and more common. They now play a significant role in the Court's work. The policy and practice in this connection were considered in depth by the Court in the course of the spring of 2012 after consultations with the Government Agents and representatives of NGOs.

The Court has adopted a new Rule 62A of the Rules of Court, which entered into force on 1 September 2012 and which governs the use of unilateral declarations.

The Court has sent an information note about its practice to the Government Agents and the representatives of NGOs and has also posted a simplified note on its website (link) for information to the general public.

4. Described in the Jurisconsult's note, *Clarity and consistency of the Court's case-law*, 8 July 2010, doc. No. 3197955

18. Meetings with Permanent Representatives

The Registry continues to organise regular half-day meetings with the Permanent Representatives of Member States. The latest meeting took place on 1 June and the next one will take place in December.

19. Some other issues

The Court has examined the following three points that appear in the Brighton Declaration and has decided not to act on them for the reasons explained below.

First, there is the suggestion in paragraph C. 15 (g) that the Court develop its case-law regarding the exhaustion of domestic remedies. The Court would simply note that the wording used in this part of the Declaration ("alleged violation of the Convention rights or an equivalent provision of domestic law") seems very close to the existing case-law, which requires the applicants to have raised their complaint at least in substance[5].

The second point is contained in paragraph C. 15 (f). This invites the Court to amend the Rules of Court so that, where requested by the respondent Government, a separate decision on admissibility is taken for the purpose of ruling on the effectiveness of a domestic remedy. The Court considers this request unjustified firstly because a provision of this sort in the Rules of Court would go against the spirit of Article 29 § 1 of the Convention, by virtue of which joint examination of the admissibility and merits of individual applications is the norm. This was plainly the intention of the High Contracting Parties when drafting Protocol No. 14 – they chose to endorse the practice that had already been developed by the Court for the sake of greater efficiency. In the Court's view, it would be incorrect to take contrary action now as a result of a political declaration. The second reason is that such a change is in any event unnecessary, since where there is a particular question of admissibility – including the issue of exhaustion of domestic remedies – the Court is at liberty to deal with that point separately in a decision. It is therefore open to a Government in any such case to invite the Court to proceed in this way. In the end it is, however, for the Court to decide.

The third point is raised in paragraph D. 20 (g) iii) - that the Court give advance copies of its decisions and judgments to the parties concerned. The Court considers this to be a problematic suggestion that would undermine the

5. See paragraph 51 of the Practical Guide on Admissibility Criteria

important principle of secret deliberations. It does not see any strong reason for modifying the rule that a judgment or decision remains secret until the moment it is delivered publicly. To send out advance copies would be to run the clear and real risk of premature disclosure of the result of a case, in particular since the Court does not have any effective means to ensure the parties' strict observance of secrecy until the moment the judgment is publicly delivered.