



Strasbourg, 29 January 2010

DH-I(2010)03

STEERING COMMITTEE FOR HUMAN RIGHTS  
(CDDH)

**COMMITTEE OF EXPERTS FOR  
THE DEVELOPMENT OF HUMAN RIGHTS  
(DH-DEV)**

COMMITTEE OF EXPERTS ON IMPUNITY  
(DH-I)

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**Terms of reference of the Committee of Experts on Impunity(DH-I)**

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2<sup>nd</sup> meeting  
Strasbourg, Wednesday 03 March (9.30am) – Friday 05 March 2010 (1pm)

Agora-Building, Room G04  
Council of Europe

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## **Terms of reference of the Committee of Experts on impunity (DH-I)**

- 1. Name of Committee:** Committee of Experts on impunity (DH-I)
- 2. Type of Committee:** Committee of Experts
- 3. Source of terms of reference:** Committee of Ministers on the proposal of the Steering Committee for Human Rights (CDDH)

**4. Terms of reference:**

Having regard to:

- Resolution Res(2005)47 on committees and subordinate bodies, their terms of reference and working methods;
- the Declaration and the Action Plan adopted at the Third Summit of Heads of State and Government of the Council of Europe member states (Warsaw, 16-17 May 2005, CM(2005)80 final, 17 May 2005), in particular Chapter I.2. “Protecting and promoting human rights through the other Council of Europe institutions and mechanisms”;
- reply CM/AS(2008)Rec1791 final, adopted by the Ministers’ Deputies on 11 June 2008 at their 1029th meeting, which indicated that impunity was “an issue of major concern, which it has already addressed in connection with monitoring of the execution of the judgments of the European Court of Human Rights. The Steering Committee for Human Rights (CDDH) will be invited to study the feasibility of the guidelines proposed by the Assembly, in conjunction with the European Committee on Crime Problems (CDPC)”;
- the Convention for the Protection of Human Rights and Fundamental Freedoms (1950, ETS No. 5);
- Parliamentary Assembly Recommendation 1791 (2007) on the “State of human rights and democracy in Europe” and the report of the Committee on Legal Affairs and Human Rights (Doc. 11202).

Under the authority of the Steering Committee for Human Rights (CDDH) and in relation with the implementation of Project 2008/DGHL/1409 “Substantive legal analysis of human rights issues and input in the development of Council of Europe policies on such issues”, the Committee is instructed to prepare guidelines against impunity for human rights violations, drawing on, *inter alia*, the case law of the European Court of Human Rights, and the work of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT).

**5. Composition of the Committee:**

**5.A Members**

Governments of member states are entitled to appoint representatives with the relevant qualifications relating to impunity issues.

The Council of Europe budget will bear the travel and subsistence expenses of the 13 members appointed by the following member states: Belgium, Finland, France, Luxembourg, Moldova, Netherlands<sup>1</sup>, Poland, Portugal, Russian Federation, Serbia, Slovakia, Turkey and United Kingdom.

The above-mentioned states may send (an) additional representative(s) to meetings of the Committee at their own expense. Representatives appointed by other member states may participate in the meetings of the Committee at the expense of these states.

Each member state participating in the meetings of the Committee shall have one vote on procedural matters.

## **5.B Participants**

- i. The following committees may send (a) representative(s) to meetings of the Committee, without the rights to vote and at the expense of correspondent budgetary articles of the Council of Europe:
  - the European Committee on Crime Problems (CDPC);
  - the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT).
- ii. The Parliamentary Assembly may send (a) representative(s) to meetings of the Committee, without the right to vote and at the expense of its administrative budget.
- iii. The Congress of Local and Regional Authorities of the Council of Europe may send (a) representative(s) to meetings of the Committee, without the right to vote and at the expense of its administrative budget.
- iv. The Registry of the European Court of Human Rights may send (a) representative(s) to meetings of the Committee, without the right to vote and at the expense of its administrative budget.
- v. The Council of Europe Commissioner for Human Rights may send (a) representative(s) to meetings of the Committee, without the right to vote and at the expense of its administrative budget.
- vi. The Conference of INGOs of the Council of Europe may send (a) representative(s) to meetings of the Committee, without the right to vote and at the expense of the body that (s)he (they) represent(s).

## **5.C Other participants**

- i. The European Commission, the Council of the European Union and the European Union Agency for Fundamental Rights (FRA) may send (a) representative(s) to meetings of the Committee, without the right to vote or defrayal of expenses.
- ii. States with observer status of the Council of Europe (Canada, Holy See, Japan, Mexico, United States of America) may send (a) representative(s) to meetings of the Committee, without the right to vote or defrayal of expenses.
- iii. The following bodies and intergovernmental organisations may send (a) representative(s) to meetings of the Committee, without the right to vote or defrayal of expenses :

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<sup>1</sup> The Netherlands stood down in favour of Bulgaria (January 2010)

- Organisation for Security and Co-operation in Europe (OSCE)/Office for Democratic Institutions and Human Rights (ODIHR);
- Office of the United Nations High Commissioner for Human Rights.

#### **5.D Observers**

The following non member state:

- Belarus;

and the following organisations:

- Amnesty International;
- International Commission of Jurists (CIJ);
- International Federation of Human Rights (FIDH);
- European Group of National Institutions for the Promotion and Protection of Human Rights;

may send (a) representative(s) to meetings of the Committee, without the right to vote or defrayal of expenses.

#### **6. Working methods and structures:**

In order to carry out its tasks, the Committee may, where necessary, within the limits of available budgetary appropriations, seek advice of external experts, have recourse to consultants and consult with relevant non-governmental organisations and other members of civil society, as well as other pertinent bodies.

The DH-I is entitled to invite other participants and/ or observers to meetings of the Committee, without the right to vote or defrayal of expenses. The DH-I will have to ask the CDDH for the authorisation necessary to admit observers (other than those already listed in these terms of reference).

#### **7. Duration:**

These terms of reference will expire on 31 December 2010.

**Decisions adopted by the Ministers' Deputies at their 1074<sup>th</sup> meeting,  
12-13 January 2010**

***Item 4.2***

**Steering Committee for Human Rights (CDDH) –  
Request for renewal of the terms of reference for the Committee of Experts on impunity  
(DH-I)  
(CM(2009)176)**

***Decision***

The Deputies approved the terms of reference of the Committee of Experts on impunity (DH-I), as they appear at Appendix 7 to the present volume of Decisions.