

Ad hoc terms of reference of the Working Group on human rights protection in the context of accelerated asylum procedures (GT-DH-AS)

- 1. Name of Committee:** Working Group on human rights protection in the context of accelerated asylum procedures (GT-DH-AS)
- 2. Type of Committee:** Ad hoc Advisory Group
- 3. Source of terms of reference:** Steering Committee for Human Rights (CDDH)
- 4. Terms of reference:**

Having regard to:

- 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) ;
- the road map for the implementation of the Action Plan (974th meeting of the Ministers' Deputies – 27 September 2006, item 1.6), Chapter I.2;
- Decision No. CM/868/14062006, adopted by the Ministers' Deputies at their 967th meeting (14 June 2006), giving ad hoc terms of reference to the Steering Committee for Human Rights (CDDH) with a view to examining the question of human rights protection in the context of accelerated asylum procedures and, as appropriate, to draft guidelines in this field ;
- the Convention for the Protection of Human Rights and Fundamental Freedoms (1950, ETS No. 005).

Under the authority of the Steering Committee for Human Rights (CDDH) and in relation with the implementation of Project 2004/DG2/28 "Substantive legal analysis of human rights issues and input in the development of Council of Europe policies on such issues",

the Group is instructed to:

- i. examine the question of human rights protection in the context of accelerated asylum procedures and, as appropriate, to draft guidelines in this field;
- ii. in this context, to take into account the information and standards emanating from the Council of Europe and other international mechanisms, such as relevant recommendations of the Committee of Ministers, reports of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), the case law of the European Court of Human Rights, documents developed within the framework of the UNHCR and the International Law Commission.

5. Composition of the Committee:

5.A Members

The Group shall be composed of 8 specialists with the relevant qualifications in issues concerning the right of asylum, appointed by the governments of the following member states: Armenia, Finland, Latvia, Poland, Romania, Sweden, Switzerland and United Kingdom.

The Council of Europe budget will bear their travel and subsistence expenses. The above-mentioned states may send (an) additional representative(s) to meetings of the Group at their own expense. Other countries may send (a) representative(s) to meetings of the Group at their own expense.

Each member state participating in the meetings of the Group has the right to vote in procedural matters.

5.B Participants

- i. The European Committee on Legal Co-operation (CDCJ) may send (a) representative(s) to meetings of the Group, without the right to vote and at the expense of correspondent budgetary articles of the Council of Europe.
- ii. The European Committee on Migration (CDMG) may send (a) representative(s) to meetings of the Group, without the right to vote and at the expense of correspondent budgetary articles of the Council of Europe.
- iii. The European Commission against Racism and Intolerance (ECRI) may send (a) representative(s) to meetings of the Group, without the right to vote and at the expense of its administrative budget.
- iv. The Parliamentary Assembly may send (a) representative(s) to meetings of the Group, without the right to vote and at the expense of its administrative budget.
- v. The Congress of Local and Regional Authorities of the Council of Europe may send (a) representative(s) to meetings of the Group, without the right to vote and at the expense of its administrative budget.
- vi. The Registry of the European Court of Human Rights may send (a) representative(s) to meetings of the Group, without the right to vote and at the expense of its administrative budget.
- vii. The Council of Europe Commissioner for Human Rights may send (a) representative(s) to meetings of the Group, without the right to vote and at the expense of its administrative budget.
- viii. The Conference of INGOs of the Council of Europe may send (a) representative(s) to meetings of the Group, 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 and the Council of the European Union may send (a) representative(s) to meetings of the Group, without the right to vote or defrayal of expenses.
- ii. States with observer status at the Council of Europe (Canada, Holy See, Japan, Mexico, United States of America) may send (a) representative(s) to meetings of the Group, without the right to vote or defrayal of expenses.
- iii. The Organisation for Security and Co-operation in Europe (OSCE) / the Office for Democratic Institutions and Human Rights (ODIHR) may send (a) representative(s) to meetings of the Group, without the right to vote or defrayal of expenses.
- iv. The Office of the United Nations High Commissioner for Human Rights may send (a) representative(s) to meetings of the Group, without the right to vote or defrayal of expenses.
- v. The Office of the United Nations High Commissioner for Refugees may send (a) representative(s) to meetings of the Group, without the right to vote or defrayal of expenses.

5.D Observers

The following non-member states:

- Belarus;
- Republic of Montenegro;

and the following non-governmental organisations:

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

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

6. Working methods and structures:

In order to carry out its tasks, the Group may, where necessary, seek advice of external experts, have recourse to consultants and consult with relevant non-governmental organisations and other members of civil society.

The CDDH is entitled to invite other participants and/or observers to the Group, without the right to vote or defrayal of expenses.

7. Duration:

These terms of reference shall expire on 31 December 2007