

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Strasbourg, 18 May 2016

CJ-DAM(2016)1

**EUROPEAN COMMITTEE ON LEGAL CO-OPERATION
(CDCJ)**

**COMMITTEE OF EXPERTS ON
ADMINISTRATIVE DETENTION OF MIGRANTS
(CJ-DAM)**

TERMS OF REFERENCE OF CJ-DAM

*(adopted by the Committee of Ministers
at the 1241st meeting (Budget) of Ministers' Deputies, 24-26 November 2015)*

Document prepared by the Secretariat
Directorate General of Human Rights and Rule of Law – DGI

COMMITTEE OF EXPERTS ON ADMINISTRATIVE DETENTION OF MIGRANTS (CJ-DAM)

Set up by the Committee of Ministers under Article 17 of the Statute of the Council of Europe and in accordance with Resolution CM/Res(2011)24 on intergovernmental committees and subordinate bodies, their terms of reference and working methods.

Type of committee: Subordinate body

Terms of reference valid: from **1 January 2016 until 31 December 2017**

MAIN TASKS
<p>Under the authority of the European Committee on Legal Co-operation (CDCJ), the committee of experts is instructed to codify existing international standards relating to the conditions in which migrants are to be held in closed administrative centres and, as appropriate, in other places of non-penal detention in the form of a recommendation of the Committee of Ministers and using as a model the European Prison Rules.</p> <p>The committee of experts should draw upon the conclusions of the CDCJ drafting group set out in the report of its meeting on 15-17 June 2015 (document CDCJ-GT-RAM(2015)8) including the proposed draft structure for the codifying instrument as set out in Appendix III to the report.</p>
PILLAR/SECTOR/PROGRAMME
<p>Pillar: Rule of Law</p> <p>Sector: Strengthening the Rule of Law</p> <p>Programme: Development and Implementation of Common Standards and Policies</p>
SPECIFIC TASKS
<p>Prepare an instrument codifying European Immigration Detention Rules.</p>
COMPOSITION
<p>Members:</p> <p>The committee of experts will be composed of 12 experts, of which 11 designated by the member States and selected by CDCJ and the chairperson designated by CDCJ from amongst its members. The experts shall be of the highest possible rank and have thorough knowledge of law, policy and practice relating to immigration detention.</p> <p>The Council of Europe budget will bear the travel and subsistence expenses of the above-mentioned persons.</p> <p>In addition, all member States may send representatives (or additional representatives as the case may be) to the meetings of committee of experts at their own expense.</p> <p>Participants:</p> <p>The following may send representatives, without the right to vote and at the charge of their corresponding administrative budgets:</p> <ul style="list-style-type: none">- Parliamentary Assembly of the Council of Europe;- Congress of Local and Regional Authorities of the Council of Europe;- European Court of Human Rights;- Council of Europe Commissioner for Human Rights;- Conference of INGOs of the Council of Europe;- European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT);- Steering Committee for Human Rights (CDDH);- Other Council of Europe intergovernmental committees as appropriate.

The following may send a representative without the right to vote and without defrayal of expenses:

- European Union (including, as appropriate, the Fundamental Rights Agency and Frontex Agency);
- Observer States to the Council of Europe: Canada, Holy See, Japan, Mexico, United States of America;
- United Nations Refugee Agency (UNHCR);
- Organisation for Security and Co-operation in Europe (OSCE);
- Office for Democratic Institutions and Human Rights (OSCE-ODIHR);
- International Organisation for Migration (IOM).

Observers:

The following may send a representative, without the right to vote and without defrayal of expenses:

- Belarus.

External consultant(s):

In its work, the committee of experts will be assisted, within the limits of its budgetary appropriations, by one or two scientific expert(s) with specific knowledge of law, policy and practice relating to immigration detention issues, at international level and in the different member States, as well as relevant case law of the European Court of Human Rights.

The Council of Europe budget will bear the travel and subsistence expenses of the above-mentioned scientific expert(s).

WORKING METHODS

Meetings:

12 members, 3 meetings in 2016, 3 days

12 members, 3 meetings in 2017, 3 days

A hearing of civil society (practitioners, government officials, and other stakeholders) will be organised in order to consult more widely on the draft codification.

The committee of experts will ensure a gender equality perspective in its work.

The rules of procedure of the committee of experts are governed by Resolution CM/Res(2011)24 on intergovernmental committees and subordinate bodies, their terms of reference and working methods.