

TERMS OF REFERENCE OF THE GROUP ON HUMAN RIGHTS OF MEMBERS OF THE ARMED FORCES (DH-DEV-FA)

1.	Name of committee:	GROUP ON HUMAN RIGHTS OF MEMBERS OF THE ARMED FORCES (DH-DEV-FA)
2.	Type of Committee:	Ad hoc Advisory Group
3.	Source of terms of reference:	The Committee of Ministers on the proposal of the Steering Committee for Human Rights (CDDH)
4.	Terms of reference:	
	Having regard to:	
-	the 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”;	
-	the Decision No. CM/870/18012007, adopted by the Ministers’ Deputies at their 984th meeting (17-18 January 2007), giving ad hoc terms of reference to the Steering Committee for Human Rights (CDDH) to prepare a recommendation on human rights of members of the armed forces.	
	Under the authority of the Steering Committee for Human Rights (CDDH) and in relation with the implementation of Projects 2008/DGHL/1408 “Coherence and synergies in the development of HR law and policy of different fora (UN, EU, OSCE)” and 2008/DGHL/1409 “Substantive legal analysis of HR issues and input in the development of COE policies on such issues”, the Committee is instructed to:	
i.	finalise the drafting of a recommendation along the lines proposed in paragraph 10 of Parliamentary Assembly Recommendation 1742 (2006) – “Human rights of members of the armed forces” whilst also taking into account the recommendation as a whole. In doing so, due account shall be taken of the work carried out on this topic in other international organisations, and notably the UN and the OSCE.	
5.	Composition:	
5.A	Members	
	The Group is composed of a maximum of 13 specialists with the relevant qualifications concerning issues related to human rights in the armed forces, appointed by the governments of the following member states: Austria, Belgium, Denmark, Finland (Chair), France, Hungary, Latvia, Poland, Portugal, Russian Federation, Slovak Republic, Turkey 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.	
5.B	Participants	
i.	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.	
ii.	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.
iii.	The European Commission against Racism and Intolerance (ECRI) 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 Steering Committee on the Media and New Communication Services (CDMC) may send (a) representative(s) to meetings of the Committee, without the right to vote and at the expense of the corresponding Council of Europe budget sub-head.
5.C	Other participants
i.	The European Commission and the Council of the European Union 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 : 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
	Belarus, non-member state, and the following non-governmental organisations: Amnesty International; International Commission of Jurists (CIJ); International Federation of Human Rights (FIDH); European Roma and Travellers Forum; Conference of European Churches (KEK); Human Rights Watch; International Helsinki Foundation; International Committee of the Red Cross (ICRC); European Organisation of Military Associations (EUROMIL); Coalition to Stop the Use of Child Soldiers; 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:
i.	The Group will finalize the draft recommendation for consideration by the plenary of the DH-DEV before transmission to the CDDH.
ii.	Within the limits of available budgetary appropriations, the Committee may organise hearings with representatives of NGOs and of national institutions for the promotion and protection of human rights (NHRIs), as well as with any other third party in a position to contribute to its work.
7.	Duration:
	These terms of reference will expire on 31 December 2009. This is an exceptional extension of the former terms of reference with no substantial amendments for a limited period of 1 year to allow the Group to complete its work.