

Ad hoc terms of reference of the Group of Specialists on access to official documents (DH-S-AC)

1.	Name of Committee:	Group of Specialists on access to official documents (DH-S-AC)
2.	Type of Committee:	Ad hoc Advisory Group
3.	Source of terms of reference:	Committee of Ministers, upon proposals of the 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 of 17 May 2005);
-		the Road map for the implementation of the Action Plan (974th meeting of the Deputies – 27 September 2006, item 1.6), Chapter I.3;
-		Decision No. CM/866/04052005, adopted by the Ministers' Deputies at their 925th meeting (3-4 May 2005), giving ad hoc terms of reference to the Steering Committee for Human Rights (CDDH) with a view to starting work on drafting a free-standing legally binding instrument establishing the principles on access to official documents;
-		Recommendation Rec(2002)2 on access to official documents, adopted by the Committee of Ministers on 21 February 2002 at the 784th meeting of the Ministers' Deputies;
-		the Convention for the Protection of Human Rights and Fundamental Freedoms (1950, ETS No. 5) and the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (1981, ETS No. 108).
		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 Group is instructed to:
		finalise the explanatory report of the draft European Convention on access to official documents.
5.	Composition of the Committee:	

5.A	<p>Members</p> <p>The Group shall be composed of 15 representatives with the relevant qualifications in issues concerning access to official documents, appointed by the following member states: Belgium, Bulgaria, Denmark, France, Germany, Italy, Netherlands, Norway, Poland, Portugal, Russian Federation, Spain, Sweden, Turkey and United Kingdom.</p>
	<p>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.</p> <p>Each member state participating in the meetings of the Group has the right to vote in procedural matters.</p>
5.B	<p>Participants</p>
i.	<p>The European Committee on Legal Co-operation (CDCJ) may send 2 representatives to meetings of the Group, without the right to vote and at the charge of the corresponding Council of Europe budget sub-head.</p>
ii.	<p>The following committees may each send one representative to meetings of the Group, without the right to vote and at the charge of the corresponding Council of Europe budget sub-heads:</p> <ul style="list-style-type: none"> - Consultative Committee of the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS No. 108) (T-PD); - Steering Committee on the Media and New Communication Services (CDMC).
iii.	<p>The Parliamentary Assembly may send (a) representative(s) to meetings of the Group, without the right to vote and at the charge of its administrative budget.</p>
iv.	<p>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 charge of the body that (s)he (they) represent(s).</p>
5.C	<p>Other participants</p>
i.	<p>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.</p>
ii.	<p>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 Group, without the right to vote or defrayal of expenses.</p>

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.
5.D	Observers
	The following non member state: - Belarus;
	and the following non-governmental organisations: - Amnesty International; - International Commission of Jurists (CIJ); - International Federation of Human Rights (FIDH); - the European Co-ordinating Group for National Institutions for the Promotion and Protection of Human Rights; - European Roma and Travellers Forum; - International Council on Archives; - Article XIX; - Open Society Justice Initiative;
	may send (a) representative(s) to meetings of the Group, without the right to vote or defrayal of expenses.
6.	Working methods and structures:
	Within the limits of available budgetary appropriations and to expedite the progress of its work, the Group may, where necessary, call on external experts or consultants. 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 30 March 2008.