



DH-SYSC-IV(2020)01

08/01/2020

STEERING COMMITTEE FOR HUMAN RIGHTS  
(CDDH)

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COMMITTEE OF EXPERTS ON THE SYSTEM OF THE EUROPEAN  
CONVENTION ON HUMAN RIGHTS  
(DH-SYSC)

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**DRAFTING GROUP ON THE EFFECTIVE PROCESSING AND RESOLUTION  
OF INTER-STATE DISPUTES  
(DH-SYSC-IV)**

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**Terms of Reference of the DH-SYSC-IV during the 2020-2021 biennium**

Extracts of the terms of reference given by the Committee of Ministers to the  
CDDH and DH-SYSC regarding the work of the DH-SYSC-IV  
and relevant extracts of the 92<sup>th</sup> CDDH meeting report

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## STEERING COMMITTEE FOR HUMAN RIGHTS (CDDH)<sup>1</sup>

*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:** Steering Committee

Terms of reference valid from: **1 January 2020 until 31 December 2021**

### MAIN TASKS

Under the authority of the Committee of Ministers, and bearing in mind the Council of Europe legal standards as well as the relevant jurisprudence of the European Court of Human Rights, the CDDH will conduct the intergovernmental work of the Council of Europe in the human rights field and will advise and give its legal expertise to the Committee of Ministers on all questions within its field of competence. In particular, the CDDH will:

- (i) work on the protection, development and promotion of human rights in Europe to:
  - (a) contribute to enhancing the protection of human rights by improving the effectiveness of the control mechanism of the European Convention on Human Rights and the implementation of the Convention at national and European levels, this work being a permanent priority for the CDDH;

### SPECIFIC TASKS

- (i) Orient and oversee the work of the Committee of Experts on the System of the European Convention on Human Rights (DH-SYSC) (see DH-SYSC terms of reference).

## Committee of Experts on the System of the European Convention on Human Rights (DH-SYSC)<sup>2</sup>

*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 2020 until 31 December 2021**

### PILLAR/PROGRAMME/SUB-PROGRAMME

**Pillar:** Human Rights

**Programme:** Effective ECHR implementation

**Sub-Programme:** Effectiveness of the ECHR system at national and European level

<sup>1</sup> Terms of reference as adopted by the Committee of Ministers at its 1361<sup>st</sup> meeting, 19–21 November 2019).

<sup>2</sup> Idem.

**SPECIFIC TASKS**

The specific tasks will be carried out in light of the Committee of Ministers' decisions on the follow-up to the evaluation set out by the Interlaken Declaration.

- (i) Develop proposals to improve the effective processing and resolution of cases relating to inter-State disputes.
- (ii) Enhance the national implementation of the system of the European Convention on Human Rights, in order to assist the State authorities involved in the operation of the Convention and in the process of the execution of judgments to fulfill their mission in the best possible way, in the light of existing national best practices. To this end, develop guidelines covering all of the action at national level expected from States Parties to prevent and remedy violations of the Convention, accompanied by a Guide of existing best practices and update Recommendation (2002)13 on the publication and dissemination in the member States of the text of the European Convention on Human Rights and of the case-law of the European Court of Human Rights.

**COMPOSITION****Members:**

Governments of member States are invited to designate one or more representatives of the highest possible rank in the field of human rights.

The Council of Europe will bear the travel and subsistence expenses of one representative from each member State (two in the case of the State whose representative has been elected Chair).

Each member of the committee shall have one vote. Where a government designates more than one member, only one of them is entitled to take part in the voting.

**Participants:**

The following may send representatives, without the right to vote and at the charge of their corresponding administrative budgets:

- 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;
- HELP Network Consultative Board;
- Committees or other bodies of the Council of Europe engaged in related work, as appropriate.

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

- European Union (one or more representatives, including, as appropriate, the European Union Agency for Fundamental Rights (FRA));
- Observer States to the Council of Europe: Canada, Holy See, Japan, Mexico, United States of America;
- other international organisations (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, Office of the United Nations High Commissioner for Refugees).

**Observers:**

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

- Belarus;
- non-member States with which the Council of Europe has a Neighbourhood Partnership including relevant co-operation activities;
- Non-governmental organisations (Amnesty International, European Trade Unions Confederation (ETUC), International Commission of Jurists (ICJ), International Federation of Human Rights (FIDH), European Roma and Travellers Forum, Open Society Justice Initiative (OSJI)), as well as the European Network of National Human Rights Institutions (ENNHRI).

**WORKING METHODS****Plenary meetings:**

48 members, 2 meetings in 2020, 3 days

48 members, 2 meetings in 2021, 3 days

The Committee will also appoint a Gender Equality Rapporteur from amongst its members.

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

Whenever appropriate, it will prioritise environmentally sound working methods, such as virtual meetings facilitated by information technology and written consultations.

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**Relevant extracts of the 92<sup>th</sup> CDDH meeting report (26-29 November 2019)**

[...]

**ORGANISATION OF WORK FOR 2020–2021****3.1. Organisation of the work on the system of the Convention**

7. With a view to submitting to the Committee of Ministers, before 31 December 2021, its proposals on effective processing and resolution of cases relating to inter-State disputes, the CDDH decided to set up a **DH-SYSC Drafting Group on effective processing and resolution of cases relating to inter-State disputes (DH-SYSC-IV)**.
8. The CDDH gave the DH-SYSC-IV the following terms of reference:

“In the light, in particular, of the reflections carried out during the elaboration of (i) the Contribution of the CDDH to the evaluation provided for by the *Interlaken Declaration*; (ii) the follow-up given by the CDDH to the relevant paragraphs of the *Copenhagen Declaration* and (iii) the CDDH Report on the place of the European Convention on Human Rights in the European and international legal order, the DH-SYSC Drafting Group on effective processing and resolution of cases relating to inter-State disputes (DH-SYSC-IV) is called upon to elaborate proposals on how to handle more effectively cases related to inter-State disputes, as well as individual applications arising from situations of conflict between States, without thereby limiting the jurisdiction of the Court, taking into account the specific features of these categories of cases, *inter alia* regarding the establishment of facts. In this context and under the supervision of the Committee of Experts on the System of the European Convention on Human Rights (DH-SYSC), the Group is tasked to prepare:

- (a) a draft CDDH report to be submitted to the forthcoming high-level expert conference on inter-State disputes in the framework of the ECHR system to be held in spring 2021 under the auspices of the German Chairmanship of the Committee of Ministers<sup>3</sup> (deadline: 15 October 2020);
- (b) a draft final activity report of the CDDH for the Committee of Ministers containing the reflections and possible proposals of the Steering Committee in this field (deadline: 15 October 2021).”

<sup>3</sup> The spring 2021 event could have a similar format as the seminars held in Kokkedal (Denmark) and should be prepared by *Pluricourts (Centre for the Study of the Legitimate Roles of the Judiciary in the Global Order)*, represented notably by Professor Geir ULFSTEIN, Faculty of Law, University of Oslo, Norway) in close co-operation with the Secretariat and the Chair of the CDDH.

9. The CDDH designated the eleven member States<sup>4</sup> which may send an expert at the expense of the Organisation, it being understood that the Group is, as usual, open to the participation of all member States.
10. The CDDH elected Mr Alain CHABLAIS (Switzerland) Chair of DH-SYSC-IV.

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<sup>4</sup> Armenia, Azerbaijan, Croatia, Georgia, Germany, Greece, Netherlands, Russian Federation, Serbia, Slovenia, Switzerland (Chair).