

## Terms of reference of the CDDH, DH-SYSC and DH-BIO for 2020 - 2021

(as adopted by the Committee of Ministers at its 1361<sup>st</sup> meeting, 19-21 November 2019)

### Steering Committee for Human Rights (CDDH)

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**

<b>PILLAR/ PROGRAMME/SUB-PROGRAMME</b>
<b>Pillar:</b> Human Rights <b>Programme:</b> Effective ECHR implementation <b>Sub-programme:</b> Effectiveness of the ECHR System at national and European level / Bioethics
<b>MAIN TASKS</b>
<p>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:</p> <ul style="list-style-type: none"><li>(i) work on the protection, development and promotion of human rights in Europe to:<ul style="list-style-type: none"><li>(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;</li><li>(b) provide effective responses at the normative and general policy levels to the challenges posed to human rights in European societies;</li></ul></li><li>(ii) follow the implementation of the non-binding instruments that it has prepared as well as conventions for which it has been given supervision by the Committee of Ministers;</li><li>(iii) advise other bodies of the Organisation to ensure that their activities concerning human rights duly reflect the requirements of the Convention and the case-law of the Court;</li><li>(iv) contribute to co-operation and support activities to national initiatives in the field of the protection, development and promotion of human rights;</li><li>(v) without prejudice to the missions of intergovernmental committees of the Council of Europe that already follow the work of monitoring mechanisms, follow the activities of the relevant monitoring and other bodies protecting human rights;</li><li>(vi) where necessary, co-ordinate transversal intergovernmental activities in the field of human rights including bioethics;</li><li>(vii) hold an exchange of views annually in order to evaluate its activities and advise the Committee of Ministers and the Secretary General on future priorities in its sector, including possible new activities and those that might be discontinued;</li><li>(viii) take due account of gender and children's rights perspectives and of Roma and Traveller<sup>[3]</sup> issues, building cohesive societies, promoting and protecting rights of persons with disabilities in the performance of its tasks;</li><li>(ix) in accordance with decisions CM/Del/Dec(2013)1168/10.2 of the Committee of Ministers, carry out, at regular intervals, within the limits of the available resources and bearing in mind its priorities, an examination of some or all of the conventions for which it has been given responsibility,<sup>[4]</sup> in co-operation, where appropriate, with the relevant convention-based bodies, and report back to the Committee of Ministers;</li><li>(x) contributes to the achievement of the UN 2030 Agenda for Sustainable Development, in particular with regards to Goal 3: Good health and well-being and Goal 16: Peace, Justice and Strong institutions.</li></ul>
<b>SPECIFIC TASKS</b>

- (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).
- (ii) Provide effective responses to the challenges that European societies face in terms of human rights, both normatively and politically, by ensuring as much as necessary appropriate co-ordination and co-operation with relevant conventional and monitoring bodies and other Council of Europe bodies involved. Where appropriate, develop a draft non-binding instrument of the Committee of Ministers (e.g. declaration, recommendation, guidelines) on the prohibition of trade in goods used for torture and the death penalty.
- (iii) On the basis of work conducted in 2018-2019, prepare one or more draft non-binding instruments of the Committee of Ministers or other tools (for example a recommendation, guidelines, good practice handbook) concerning human rights issues in the context of migration.
- (iv) On the basis of work conducted in 2018-2019, proceed to the revision of Recommendation No R(97)14 of the Committee of Ministers to member States on the establishment of independent national institutions for the promotion and protection of human rights.
- (v) On the basis of developments in the member States, within the Council of Europe and in other fora, update the Handbook on Human Rights and the Environment and, if appropriate, develop a draft non-binding instrument of the Committee of Ministers (e.g. recommendation, guidelines) recalling existing standards in this field.
- (vi) On the basis of developments in the member States, within the Council of Europe and in other fora, prepare, if appropriate, a Handbook on Human Rights and Artificial Intelligence and contribute to possible standard-setting work which would be undertaken within the Organisation.
- (vii) Organise, as necessary, thematic debates on the situation of member States with regard to the right of access to official documents, in particular with regard to the signing and ratification of the 2009 Tromsø Convention (CETS No. 205).
- (viii) Supervise from the human rights perspective the intergovernmental work in the field of bioethics (see DH-BIO terms of reference).
- (ix) Review progress towards the United Nations Sustainable Development Goals (UNSDGs), as evidenced by monitoring mechanisms and promoted through standard-setting and exchange of experiences and good practices.

## 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.

In accordance with decisions CM/Del/Dec(2013)1168/10.2 of the Committee of Ministers, in cases where there is no convention-based body including all the Parties, non-member States are invited to take part, with a right to vote, in the committee meetings pertaining to the conventions to which they are Parties.

### 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;
- 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).

**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;
- European Network of National Human Rights Institutions (ENNHRI);
- Non-governmental organisations (Amnesty International, International Commission of Jurists (ICJ), European Trade Union Confederation (ETUC), International Federation of Human Rights (FIDH), European Roma and Travellers Forum).

**WORKING METHODS**

**Plenary meetings:**

48 members, 2 meetings in 2020, 4 days

48 members, 2 meetings in 2021, 4 days

**Bureau meetings:**

8 members, 2 meetings in 2020, 2 days

8 members, 2 meetings in 2021, 2 days

The Committee will also appoint from amongst its members a Gender Equality Rapporteur, a Children's Rights Rapporteur, a Rapporteur on the Rights of Persons with Disabilities and a Rapporteur on Roma and Traveller Issues.

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.

Subject to the agenda, the Chairs of the subordinate structures to the CDDH may be invited to attend CDDH Bureau and/or plenary meetings.

**SUBORDINATE STRUCTURE(S)**

The CDDH supervises its subordinate bodies:

- Committee of Experts on the System of the European Convention on Human Rights (DH-SYSC) (see separate terms of reference) and Drafting Groups;
- Committee on Bioethics (DH-BIO) (see separate terms of reference).

# Committee of Experts on the System of the European Convention on Human Rights (DH-SYSC)

*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**

<b>PILLAR/PROGRAMME/SUB-PROGRAMME</b>
<b>Pillar:</b> Human Rights <b>Programme:</b> Effective ECHR implementation <b>Sub-Programme:</b> Effectiveness of the ECHR system at national and European level
<b>SPECIFIC TASKS</b>
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.
<b>COMPOSITION</b>
<b>Members:</b> 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.
<b>Participants:</b> The following may send representatives, without the right to vote and at the charge of their corresponding administrative budgets: <ul style="list-style-type: none"><li>- Parliamentary Assembly of the Council of Europe;</li><li>- Congress of Local and Regional Authorities of the Council of Europe;</li><li>- European Court of Human Rights;</li><li>- Council of Europe Commissioner for Human Rights;</li><li>- Conference of INGOs of the Council of Europe;</li><li>- HELP Network Consultative Board;</li><li>- Committees or other bodies of the Council of Europe engaged in related work, as appropriate.</li></ul>
The following may send representatives, without the right to vote and without defrayal of expenses: <ul style="list-style-type: none"><li>- European Union (one or more representatives, including, as appropriate, the European Union Agency for Fundamental Rights (FRA));</li><li>- Observer States to the Council of Europe: Canada, Holy See, Japan, Mexico, United States of America;</li><li>- 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).</li></ul>

**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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## Committee on Bioethics (DH-BIO)

*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**

<b>PILLAR/PROGRAMME/SUB-PROGRAMME</b>
<b>Pillar:</b> Human Rights <b>Programme:</b> Effective ECHR implementation <b>Sub-programme:</b> Bioethics
<b>SPECIFIC TASKS</b>
(i) Under the authority of the Committee of Ministers, the DH-BIO carry out the tasks assigned to the Steering Committee on Bioethics (CDBI) by the Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine (Convention on Human Rights and Biomedicine). (ii) Finalise a draft additional Protocol on the protection of human rights and dignity of persons with mental disorders with regard to involuntary placement and involuntary treatment. (iii) Launch and follow the implementation of the Strategic Action Plan 2020 – 2025 with a particular focus on human rights challenges raised by new technologies, such as neurotechnologies. (iv) Carry out a study on “good practices in mental health care – how to promote voluntary measures”. (v) Map legislation and best practices with a view to preparing a guide for health care professionals on children’s participation in the decision-making process in the biomedical field. (vi) Examine the ethical and legal issues raised by development in genome editing technologies in relation to Article 13 of the Convention on Human Rights and Biomedicine. (vii) Ensure the dissemination of the training course on essential principles for the protection of human rights in the biomedical field intended for legal and health professionals in non-official languages in the framework of the HELP programme. (viii) Launch a Guide on Public Debate and ensure its dissemination, including in non-official languages. (ix) Hold an exchange of views annually in order to evaluate its activities and advise the Committee of Ministers and the Secretary General on future priorities in its sector including possible new activities and those that might be discontinued.
<b>COMPOSITION</b>
<b>Members:</b> Governments of the member States are invited to designate one or more representatives of the highest possible rank, with appropriate expertise in the various aspects of bioethics, in particular legal, medical and scientific aspects, including in relation to emerging technologies, and able to consider these from a human rights perspective. 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. In accordance with decisions CM/Del/Dec(2013)1168/10.2 of the Committee of Ministers, in cases where there is no convention-based body including all the Parties, non-member States are invited to take part, with a right to vote, in the committee meetings pertaining to the conventions to which they are Parties.
<b>Participants:</b> The following may send representatives, without the right to vote and at the charge of their corresponding administrative budgets: <ul style="list-style-type: none"><li>- Parliamentary Assembly of the Council of Europe;</li><li>- Council of Europe Commissioner for Human Rights;</li><li>- Conference of INGOs of the Council of Europe;</li><li>- Consultative Committee of the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (T-PD);</li></ul>

- Steering Committee on the Rights of the Child (CDENF);
- European Committee on Legal Cooperation (CDCJ);
- Committee on Transplantation of Organs and Tissues (CD-P-TO);
- Committee on Blood Transfusion (CD-P-TS);
- 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;
- Observer States to the Council of Europe: Canada, Holy See, Japan, Mexico, United States of America;
- other international organisations: WHO, UNESCO, OECD and European Science Foundation (ESF).

**Observers:**

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

- Australia, Israel;
- the Conference of European Churches (KEK);
- other non-governmental organisations, including professional organisations, which could be invited by the DH-BIO to attend specific meetings of the DH-BIO in accordance with CM/Res(2011)24.

**WORKING METHODS**

**Plenary meetings:**

48 members, 2 meetings in 2020, 4 days

48 members, 2 meetings in 2021, 4 days

**Bureau meetings:**

7 members, 2 meetings in 2020, 2 days

7 members, 2 meetings in 2021, 2 days

The Chair or Vice-Chair of the DH-BIO may be invited to attend the meetings of the CDDH and its Bureau in order to inform on progress with its work.

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.