

Terms of reference for the CDDH and the DH-SYSC (2022 – 2025)

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(2021)3 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 2022 until 31 December 2025**¹

PILLAR/PROGRAMME/SUB-PROGRAMME ▼

Pillar: Human Rights

Programme: Effective ECHR implementation

Sub-programme: Effectiveness of the ECHR System at national and European level

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 is instructed to:

- (i) ensure the follow-up of the relevant decisions taken at the 131st Session of the Committee of Ministers (Hamburg, 21 May 2021),² and in particular contribute to the implementation of the key strategic priorities relating to its specific field of expertise as identified in the Strategic Framework of the Council of Europe, and respond to the respective key findings and challenges set out in the Secretary General's 2021 Report on the state of democracy, human rights and rule of law "A democratic renewal for Europe";
- (ii) 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;
 - b) provide effective responses at the normative and general policy levels to the challenges posed to human rights in European societies;
- (iii) follow the implementation of the non-binding instruments that it has prepared as well as conventions for which it has been given responsibility by the Committee of Ministers;
- (iv) advise other bodies of the Organisation to ensure that their activities concerning human rights duly reflect the requirements of the European Convention on Human Rights and the case law of the European Court of Human Rights;
- (v) contribute to co-operation and support activities to national initiatives in the field of the protection, development and promotion of human rights;
- (vi) 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;
- (vii) orient and oversee the work of its subordinate bodies, notably the Committee of Experts on the System of the European Convention on Human Rights (DH-SYSC) and the Drafting Committee on Trafficking for the purpose of Labour Exploitation (DH-TET) (cf. separate terms of reference);

¹ These terms of reference are approved for the first biennial period 2022-2023. For the second biennial period 2024-2025, they are approved on a provisional basis, subject to confirmation upon the adoption of the budget for 2024-2025.

² [CMDel/Dec\(2021\)131/2a](#), [CMDel/Dec\(2021\)131/2b](#), [CMDel/Dec\(2021\)131/2c](#) and [CMDel/Dec\(2021\)131/3](#).

- (vii) orient and oversee the work of its *Ad Hoc* Group (“47+1”) on the accession of the European Union to the European Convention on Human Rights;
- (ix) respond to the human rights challenges that European societies face by means of providing guidance to member States through preparing non-binding instruments of the Committee of Ministers (e.g. declarations, recommendations or guidelines) while ensuring co-ordination and co-operation with relevant Council of Europe bodies;
- (x) in co-ordination notably with the presidencies of the Committee of Ministers and representatives of civil society, follow-up to the national implementation of various recommendations of the Committee of Ministers prepared by the CDDH;
- (xi) organise thematic debates on the right of access to official documents taking into account the entry into force of the Tromsø Convention (CETS 205);
- (xii) 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;
- (xiii) take due account of the following mainstreamed perspectives in the performance of its tasks: gender, youth, children’s rights, rights of persons with disabilities, and Roma and Traveller³ issues;
- (xiv) where relevant, contribute to building cohesive societies and to strengthening the role and meaningful participation of civil society in its work;
- (xv) 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,⁴ in co-operation, where appropriate, with the relevant convention-based bodies, and report back to the Committee of Ministers;
- (xvi) contribute to the achievement of, and review progress towards, the UN 2030 Agenda for Sustainable Development, in particular with regards to Goal 3: Good health and well-being, Goal 5: Gender equality, Goal 8: Decent work and economic work, Goal 10: Reduced inequalities, Goal 13: Climate action and Goal 16: Peace, Justice and Strong institutions.

MAIN DELIVERABLES ▼

Under the authority of the Committee of Ministers, the CDDH is instructed to complete the following deliverables, within the following deadlines:

	<i>Deadline</i> ▼
1. Draft Recommendation on human rights and the environment	30/06/2022
2. Draft Recommendation on measures against trafficking in human beings for the purpose of labour exploitation (cf. DH-TET terms of reference)	30/06/2022
3. Report on the effective processing and resolution of cases related to inter-State disputes including possible proposals to the Committee of Ministers (cf. DH-SYSC terms of reference)	31/12/2022 ⁵
4. Follow-up study on the CDDH report on family-based care for unaccompanied and separated migrant children	31/12/2022
5. Workshop, conference, or dialogue on human rights and business (CM/Rec(2016)3)	31/12/2022
6. Workshop, conference, or dialogue on the protection and promotion of human rights in culturally diverse societies (in co-operation with other relevant bodies of the Council of Europe)	31/12/2022

³ The term “Roma and Travellers” is used at the Council of Europe to encompass the wide diversity of the groups covered by the work of the Council of Europe in this field: on the one hand a) Roma, Sinti/Manush, Calé, Kaale, Romanichals, Boyash/Rudari; b) Balkan Egyptians (Egyptians and Ashkali); c) Eastern groups (Dom, Lom and Abdal); and, on the other hand, groups such as Travellers, Yenish, and the populations designated under the administrative term “*Gens du voyage*”, as well as persons who identify themselves as Gypsies. The present is an explanatory footnote, not a definition of Roma and/or Travellers.

⁴ Cf. relevant decisions of the Committee of Ministers ([CM/Del/Dec\(2013\)1168/10.2](#)) and list of Conventions in document [CM\(2021\)132](#).

⁵ Deadline postponed from 31 Dec. 2021 to 31 Dec. 2022.

7. Report on member States' practice in relation to derogations from the Convention in situations of crises	31/12/2022
8. Toolkit for human rights impact assessment of the measures taken by the State in situations of crises	31/12/2022
9. Draft non-binding legal instrument on the effective protection of human rights in situations of crises based on lessons learnt from the Covid-19 pandemic	30/06/2023
10. Guidelines to prevent and remedy violations of the Convention at the national level (cf. DH-SYSC terms of reference)	31/12/2023 ⁶
11. Instruments setting out the modalities for the accession of the European Union to the European Convention on Human Rights ("47+1")	31/12/2023
12. Workshop, conference, or dialogue on human rights of members of the armed forces (CM/Rec(2010)4), with attention to issues concerning conscientious objection to compulsory military service	31/12/2023
13. Workshop, conference, or dialogue on the development of the Ombudsman institution (CM/Rec(2019)6)	31/12/2023
14. Report evaluating the effectiveness of the system for the selection and election of Court's judges and the means to ensure due recognition for judges' status and service on the Court and providing additional safeguards to preserve their independence and impartiality (cf. DH-SYSC terms of reference)	31/12/2024
15. Report evaluating the first effects of Protocol No.16 (cf. DH-SYSC terms of reference)	31/12/2024
16. Handbook on human rights and artificial intelligence	31/12/2024
17. Workshop, conference, or dialogue on the system of the European Convention on Human Rights in university education and professional training (CM/Rec(2019)5)	31/12/2024
18. Workshop, conference, or dialogue on the development and strengthening of effective, pluralist and independent national human rights institutions (CM/Rec(2021)1)	31/12/2024
19. Report evaluating the first effects of Protocol No.15 (cf. DH-SYSC terms of reference)	31/12/2025
20. Workshop, conference, or dialogue on measures against the trade in goods used for the death penalty, torture and other cruel, inhuman or degrading treatment or punishment (CM/Rec(2021)2)	31/12/2025
21. Workshop, conference, or dialogue on the publication and dissemination of the European Convention on Human Rights, the case law of the European Court of Human Rights and other relevant texts (subject to the adoption of the recommendation prepared in 2021)	31/12/2025

⁶ Deadline postponed from 31 Dec. 2021 to 31 Dec. 2023.

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;
- Commissioner for Human Rights of the Council of Europe;
- 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 (OHCHR)).

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);
- The Council of Bars and Law Societies in Europe (CCBE).

Observer status may be requested in accordance with Article 8 of Resolution [CM/Res\(2021\)3](#) on intergovernmental committees and subordinate bodies, their terms of reference and working methods.

WORKING METHODS ▼

	Plenary meetings ▼			Bureau meetings ▼		
	Members	Meetings	Days	Members	Meetings	Days
2022	48	2	4	8	2	2
2023	48	2	4	8	2	2
2024	48	2	4	8	2	2
2025	48	2	4	8	2	2

The rules of procedure of the Committee are governed by Resolution [CM/Res\(2021\)3](#) on intergovernmental committees and subordinate bodies, their terms of reference and working methods.

The CDDH will appoint from amongst its members up to 5 Rapporteurs on mainstreamed perspectives, including a Gender Equality Rapporteur.

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

The CDDH will hold regular exchanges of views with the Steering Committee on Human Rights in the fields of Biomedicine and Health (CDBIO).

SUBORDINATE STRUCTURE(S) ▼

The CDDH coordinates, supervises and follows the work of its subordinate bodies:

- Committee of Experts on the System of the European Convention on Human Rights (DH-SYSC) (cf. separate terms of reference);
- *Ad hoc* Group 47 + 1 (*ad hoc* terms of reference);⁷
- (until 30/06/2022) Drafting Committee on Trafficking for the purpose of Labour Exploitation (DH-TET) (cf. separate terms of reference).⁸

⁷ 1364th meeting, 15 January 2020, Continuation of the *ad hoc* terms of reference for the CDDH to finalise the legal instruments setting out the modalities of accession of the European Union to the European Convention on Human Rights, [CM/Del/Dec\(2020\)1364/4.3](#).

⁸ 1401st meeting, 14-15 April 2021, Terms of reference for the Drafting Committee on Trafficking for the Purpose of Labour Exploitation (DH-TET), Appendix to [CM/Del/Dec\(2021\)1401/4.2](#).

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(2021)3 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 2022 until 31 December 2025**⁹

PILLAR/PROGRAMME/SUB-P PROGRAMME ▼	
Pillar: Human Rights Programme: Effective ECHR implementation Sub-programme: Effectiveness of the ECHR system at national and European level	
DELIVERABLES ▼	
Under the authority of the Committee of Ministers, and of the Steering Committee for Human Rights (CDDH), the DH-SYSC is instructed to complete the following deliverables, within the following deadlines:	
	<i>Deadline ▼</i>
1. Report on the effective processing and resolution of cases related to inter-State disputes including possible proposals to the Committee of Ministers	31/12/2022 ¹⁰
2. Guidelines to prevent and remedy violations of the Convention at the national level	31/12/2023 ¹¹
3. Report evaluating the effectiveness of the system for the selection and election of Court's judges and the means to ensure due recognition for judges' status and service on the Court and providing additional safeguards to preserve their independence and impartiality	31/12/2024
4. Report evaluating the first effects of Protocol No.16	31/12/2024
5. Report evaluating the first effects of Protocol No.15	31/12/2025
COMPOSITION ▼	
MEMBERS: Governments of member States are invited to designate one or more representatives of the highest possible rank in the field of the system of the European Convention on 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: <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;- Commissioner for Human Rights of the Council of Europe;	

⁹These terms of reference are approved for the first biennial period 2022-2023. For the second biennial period 2024-2025, they are approved on a provisional basis, subject to confirmation upon the adoption of the budget for 2024-2025.

¹⁰ Deadline postponed from 31 Dec. 2021 to 31 Dec. 2022.

¹¹ Deadline postponed from 31 Dec. 2021 to 31 Dec. 2023.

- 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 (OHCHR), Office of the United Nations High Commissioner for Refugees (UNHCR)).

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 Travellers¹² Forum, Open Society Justice Initiative (OSJI)), as well as the European Network of National Human Rights Institutions (ENNHRI).

Observer status may be requested in accordance with Article 8 of Resolution CM/Res(2021)3 on intergovernmental committees and subordinate bodies, their terms of reference and working methods.

WORKING METHODS ▼

	Plenary meetings ▼		
	Members	Meetings	Days
2022	48	2	3
2023	48	2	3
2024	48	2	3
2025	48	2	3

The rules of procedure of the Committee are governed by Resolution CM/Res(2021)3 on intergovernmental committees and subordinate bodies, their terms of reference and working methods.

The DH-SYSC will appoint from amongst its members a Gender Equality Rapporteur.

¹² The term "Roma and Travellers" is used at the Council of Europe to encompass the wide diversity of the groups covered by the work of the Council of Europe in this field: on the one hand a) Roma, Sinti/Manush, Calé, Kaale, Romanichals, Boyash/Rudari; b) Balkan Egyptians (Egyptians and Ashkali); c) Eastern groups (Dom, Lom and Abdal); and, on the other hand, groups such as Travellers, Yenish, and the populations designated under the administrative term "*Gens du voyage*", as well as persons who identify themselves as Gypsies. The present is an explanatory footnote, not a definition of Roma and/or Travellers.