

CDDH(2021)06

07/06/2021

**STEERING COMMITTEE FOR HUMAN RIGHTS
(CDDH)**

**PREPARATION OF THE PROGRAMME OF ACTIVITIES
2022 – 2025**

DRAFT

TERMS OF REFERENCE FOR THE CDDH and the DH-SYSC

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 validity: from 1 January 2022 until 31 December 2025

PILLAR/ PROGRAMME/SUB-PROGRAMME
<p>Pillar: Human rights Programme: Effective implementation of the European Convention on Human Rights Sub-programme: Effectiveness of the ECHR System at national and European level / Bioethics</p>
MAIN TASKS
<p>The intergovernmental work on protection and promotion of human rights in Europe conducted by the CDDH is a direct response to the Secretary General's four-year Strategic Framework reflecting the priorities for the Council of Europe's longer-term mission.</p> <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"> (i) work on the protection, development and promotion of human rights in Europe to: <ul style="list-style-type: none"> 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. (ii) 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 (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 (iv) contribute to co-operation and support activities to national initiatives in the field of the protection, development and promotion of human rights (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 (vi) 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 deliverables and those that might be discontinued (vii) take due account of gender and children's rights perspectives and of Roma and Traveller^[3] issues, building cohesive societies, promoting and protecting rights of persons with disabilities in the performance of its tasks (viii) 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 (ix) contribute 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.

SPECIFIC TASKS AND DELIVERABLES	
(i)	<p>Oversee the work of its Committee of Experts on the System of the European Convention on Human Rights (DH-SYSC) (see DH-SYSC terms of reference)¹.</p> <p><u>Deliverables:</u></p> <ul style="list-style-type: none"> a. CDDH Report on the effective processing and resolution of cases related to inter-State disputes including possible proposals to the Committee of Ministers (deadline: 31 December 2022) b. Guidelines to prevent and remedy violations of the Convention at the national level (deadline: 31 December 2023) c. CDDH 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 (deadline: 31 December 2024) d. CDDH report evaluating the first effects of Protocol No.16 (deadline: 31 December 2024) e. CDDH report evaluating the first effects of Protocol No.15 (deadline: 31 December 2025)
(ii)	<p>Oversee the work of its Ad Hoc Negotiating Group ("47+1") on the Accession of the European union to the European Convention on Human Rights² (see "47+1" terms of reference).</p> <p><u>Deliverables:</u></p> <ul style="list-style-type: none"> a. Finalise as a matter of priority the instruments setting out the modalities for the accession of the European Union (EU) to the European Convention on Human Rights (deadline: 31 December 2023)³
(iii)	<p>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.</p> <p><u>Deliverables (subject to confirmation by the CDDH in light of a mid-term review):</u></p> <ul style="list-style-type: none"> a. Draft Recommendation of the Committee of Ministers to member States on human rights and the environment⁴ (deadline: 31 December 2022) b. Draft Recommendation of the Committee of Ministers on measures against trafficking in human beings for the purpose of labour exploitation⁵ (deadline 30 June 2022) c. Follow-up work on the CDDH report on family-based care for unaccompanied and separated migrant children (deadline 31 December 2022) d. Draft instrument on the effective protection of human rights in situations of crisis⁶ based on lessons learnt from the health crisis (deadline 30 June 2023) e. In line with the relevant decisions of the Organisation regarding common standards with regard to artificial intelligence⁷ ensure follow-up work (deadline 31 December 2024) f.
(iii)	<p>In co-ordination notably with CM Presidencies and representatives of the civil society⁸, follow-up to the national implementation of various CM Recommendations prepared by the CDDH.</p> <p><u>Deliverables:</u></p> <p>Workshops, conferences, dialogues on the following possible subjects:</p>

¹ This task responds to key strategic priority No. 1 identified in the Secretary General's four-year Strategic Framework, notably by ensuring the sustainability and long-term effectiveness of the Convention through the continuous engagement of member States to implement it at national level and to execute the Court's judgments properly.

² See key strategic priority No.1 identified in the four-year Strategic Framework.

³ See deliverable No. 1 identified in the four-year Strategic Framework.

⁴ See key strategic priority No. 10 identified in the four-year Strategic Framework, deliverable 7.

⁵ See key strategic priority No. 8 identified in the four-year Strategic Framework.

⁶ See key strategic priority No. 1 identified in the four-year Strategic Framework.

⁷ See key strategic priority No.9 and deliverable No. 3 identified in the four-year Strategic Framework.

⁸ See deliverable No. 8 identified in the four-year Strategic Framework.

<ul style="list-style-type: none"> a. Human rights and business⁹ (deadline 31 December 2022) b. Protection and promotion of human rights in culturally diverse societies¹⁰ working in co-operation with other relevant bodies of the Council of Europe (deadline 31 December 2022) c. Human rights of members of the armed forces¹¹, with attention to issues concerning conscientious objection to compulsory military service (deadline 31 December 2023) d. Strengthening of the protection and promotion of the civil society space in Europe¹² (deadline 31 December 2023) e. Development of the Ombudsman institution¹³ (deadline 31 December 2023) f. The system of the European Convention on Human Rights in university education and professional training¹⁴ (deadline 31 December 2024) g. Development and strengthening of effective, pluralist and independent national human rights institutions¹⁵ (deadline 31 December 2024) h. Measures against the trade in goods used for the death penalty, torture and other cruel, inhuman or degrading treatment or punishment¹⁶ (deadline 31 December 2025) i. Publication and dissemination of the European Convention on Human Rights, the case-law of the European Court of Human Rights and other relevant texts¹⁷ (deadline 31 December 2025) <p>(iv) Organise thematic debates on the right of access to official documents taking into account the entry into force of the Tromsø Convention (CETS No. 205) (deadline: 31 December 2025)</p> <p>(v) 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 (deadline: 31 December 2025)</p>	<p>COMPOSITION</p> <p>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.</p> <p>Participants: The following may send representatives, without the right to vote and at the charge of their corresponding administrative budgets:</p> <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 - 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. <p>The following may send representatives, without the right to vote and without defrayal of expenses:</p> <ul style="list-style-type: none"> - European Union (one or more representatives, including, as appropriate, the European Union Agency for Fundamental Rights (FRA));
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⁹ Recommendation CM/Rec(2016)3.

¹⁰ Guidelines (2016). See deliverable No. 4 identified in the four-year Strategic Framework.

¹¹ Recommendation CM/Rec(2010)4.

¹² Recommendation CM/Rec(2018)11.

¹³ Recommendation CM/Rec(2019)6.

¹⁴ Recommendation CM/Rec(2019)5.

¹⁵ Recommendation CM/Rec(2021)1.

¹⁶ Recommendation CM/Rec(2021)2.

¹⁷ Recommendation CM/Rec(2021)...

- 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.¹⁸
- Council of Bars and Law Societies of Europe (CCBE).

WORKING METHODS

Plenary meetings:

48 members, 2 meetings in 2022, 4 days

48 members, 2 meetings in 2023, 4 days

48 members, 2 meetings in 2024, 4 days

48 members, 2 meetings in 2025, 4 days

Bureau meetings:

8 members, 2 meetings in 2022, 2 days

8 members, 2 meetings in 2023, 2 days

8 members, 2 meetings in 2024, 2 days

8 members, 2 meetings in 2025, 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 the Committee of Experts on the System of the European Convention on Human Rights (DH-SYSC) (see separate terms of reference) and Drafting Groups.

¹⁸ 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.

COMMITTEE OF EXPERTS ON THE SYSTEM OF THE EUROPEAN CONVENTION ON HUMAN RIGHTS

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 2022 until 31 December 2025**

PILLAR/PROGRAMME/SUB-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 Steering Committee for Human Rights (CDDH), the DH-SYSC is instructed to complete the following deliverables, within the following deadlines:		
		Deadline ▼
1	CDDH 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
2	Guidelines to prevent and remedy violations of the Convention at the national level	31/12/2023
3	CDDH 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	CDDH report evaluating the first effects of Protocol No.16	31/12/2024
5	CDDH report evaluating the first effects of Protocol No.15 (deadline 31 December 2025)	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. 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: <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; - 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 Travellers¹⁹ Forum, Open Society Justice Initiative (OSJI)), as well as the European Network of National Human Rights Institutions (ENNHRI).
- Council of Bars and Law Societies of Europe (CCBE).

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\(2011\)24](#) on intergovernmental committees and subordinate bodies, their terms of reference and working methods.

In addition, the following provisions shall apply:

The DH-SYSC holds two regular meetings a year, on a needs-basis, one of which may be hosted by a member State. When a regular meeting is hosted by a member State, arrangements with the host country shall ensure that the meeting will not entail additional costs for the Council of Europe.

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

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

¹⁹ 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.