

## TERMS OF REFERENCE OF THE CAHDI FOR 2020-2021

*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:** Ad hoc Committee

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

PILLAR/PROGRAMME/SUB-PROGRAMME
<b>Pillar:</b> Rule of Law <b>Programme:</b> Rule of Law based institutions <b>Sub-programme:</b> Legal co-operation
MAIN TASKS
<p>Under the authority of the Committee of Ministers, the Committee is instructed to:</p> <ul style="list-style-type: none"> <li>(i) examine questions related to public international law;</li> <li>(ii) conduct exchanges with and co-ordinate views of member States;</li> <li>(iii) provide opinions at the request of the Committee of Ministers or at the request of other Steering Committees or Ad hoc Committees, transmitted via the Committee of Ministers;</li> <li>(iv) 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>(v) take due account of a gender perspective in the performance of its tasks;</li> <li>(vi) contribute to the achievement of the UN 2030 Agenda for Sustainable Development, in particular with regards to Goal 16: Peace, Justice and Strong institutions.</li> </ul>
SPECIFIC TASKS
<ul style="list-style-type: none"> <li>(i) Examine topical questions of public international law.</li> <li>(ii) Respond to requests for opinion or exchanges of views requested or transmitted by the Committee of Ministers.</li> <li>(iii) Continue its active role as the European Observatory of Reservations to International Treaties.</li> <li>(iv) Deepen exchanges of views on the work of the International Law Commission and of the Sixth Committee.</li> <li>(v) Continue to update and improve databases managed by the Committee related to "Immunities of States and international organisations", "Organisation and functions of the Office of the Legal Adviser of the Ministry of Foreign Affairs" and "UN sanctions and respect for Human Rights".</li> <li>(vi) Review recent developments regarding international disputes, namely cases before the European Court of Human Rights involving issues of public international law.</li> <li>(vii) Maintain contacts with lawyers and legal services of other entities or international organisations.</li> <li>(viii) Follow 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, in the area of public international law.</li> </ul>
COMPOSITION
<p><b>Members:</b></p> <p>Governments of member States are invited to appoint representatives, experts in the field of public international law, of the highest possible rank, preferably chosen among the Legal Advisers to the Ministries of Foreign Affairs.</p> <p>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).</p> <p>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.</p>

**Participants:**

The following may send representatives to meetings of the Committee without the right to vote or defrayal of expenses:

- European Union;
- States with observer status with the Council of Europe: Canada, Holy See, Japan, Mexico and United States of America;
- The Hague Conference on Private International Law;
- North Atlantic Treaty Organisation (NATO);
- Organisation for Economic Co-operation and Development (OECD);
- United Nations and its specialised agencies;
- European Organisation for Nuclear Research (CERN);
- International Criminal Police Organisation (INTERPOL);
- Organisation for Security and Co-operation in Europe (OSCE);
- International Committee of Red Cross (ICRC);
- Asian-African Legal Consultative Organisation (AALCO).

**Observers:**

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

- Australia, Belarus, Israel and New Zealand.

**WORKING METHODS****Meetings:**

48 members, 2 meetings in 2020, 2 days

48 members, 2 meetings in 2021, 2 days

The Committee will appoint its successive Chairs and Vice-Chairs as CAHDI Gender Equality Rapporteurs.

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.