

Terms of reference of the Committee of Legal Advisers on Public International Law (CAHDI)

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.

Category: *Ad hoc* committee

Duration: 1 January 2024 - 31 December 2027¹

Programme: Supporting and efficient, effective and visible Organisation

Sub-programme: Common services

Main tasks

Under the authority of the Committee of Ministers, the CAHDI is instructed to:

- i. take due account of the Reykjavik Declaration² in conducting its activities and submit proposals for its implementation as appropriate;
- ii. take account of the relevant key findings and challenges set out in the Secretary General's 2023 Report on the state of democracy, human rights and rule of law "An Invitation to Recommit to the Values and Standards of the Council of Europe";
- iii. examine questions and hold exchanges of views related to public international law;
- iv. conduct exchanges with and co-ordinate views of member States;
- v. provide opinions at the request of the Committee of Ministers or at the request of other Steering or ad hoc Committees, transmitted via the Committee of Ministers;
- vi. provide input to the Committee of Ministers in view of the regular, high-level dialogue with member States and partners on delivering on the Reykjavik Principles for Democracy;
- vii. raise-awareness about Council of Europe's standards and tools in its field of competence in the member States and beyond, through the neighbourhood policy and in other international and global fora where relevant;
- viii. 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;
- ix. 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;
- x. where relevant, contribute to strengthening meaningful engagement with civil society organisations and national human rights institutions in its work;
- xi. contribute to the achievement of, and review progress towards, the UN 2030 Agenda for Sustainable Development, in particular with regards to Goal 5: Gender Equality and Goal 16: Peace, Justice and Strong Institutions.

Main deliverables

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

	Category ▼	Priority ▼	Deadline ▼
1. Compilation and analysis of the practice of States and international organisations regarding non-legally binding instruments as well as elaborating best practices and, where relevant, guidelines in the area based on the results of the conducted analysis	C	1	31/12/2025
2. Legal opinions at the request of the Committee of Ministers	A	1	Within the deadline requested by the Committee of Ministers
3. Annual report on reservations and declarations subject to objection concerning international treaties in its role as the European Observatory of Reservations to International Treaties	A	1	31/12 of each year
4. Annual compilation of national practices from member and non-member States in different fields of public international law (peaceful settlement of disputes; immunities; service of process on a foreign State; organisations and functions of the Office of the Legal Adviser of the Ministry of Foreign Affairs; implementation of United Nations sanctions and respect for human rights	A	1	31/12 of each year
5. Exchanges of views with special guests, high level representatives of international tribunals and bodies dedicated to the development of public international law (2-3 per year)	A	1	31/12 of each year
6. Proceedings of seminar(s) on a topical issue of public international law	A	2	31/12 of each year
7. Annual participation in the debates of the Sixth Committee of the UN General Assembly and the annual exchanges of views with the UN International Law Commission	A	1	31/12 of each year

¹ These terms of reference are approved for the first biennial period 2024-2025. For the second biennial period 2026-2027, they are approved on a provisional basis, subject to confirmation upon the adoption of the budget for 2026-2027.

² [Reykjavik Declaration - United around our values](#).

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.

	Category ▼	Priority ▼	Deadline ▼
8. Annual compilation of cases before the European Court of Human Rights involving issues of public international law.	A	1	31/12 of each year
Key A: deliverable under preparation (2022-2023 terms of reference or Committee of Ministers' decision) or deliverable foreseen in the terms of reference provisionally approved for 2024-2025 and reviewed where relevant in the framework of the preparation of the draft Programme and Budget 2024-2027 B: review of implementation/re-examination foreseen by the recommendation/protocol/convention C: newly proposed deliverable			

Composition

• Members

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.

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

Committees or other bodies of the Council of Europe engaged in related work may send representatives, without the right to vote and at the charge of their corresponding administrative budgets.

The following may send representatives, without the right to vote and without 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).

• Observers

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

- Australia, Israel, the Republic of Korea and New Zealand;
- Asian-African Legal Consultative Organisation (AALCO);
- International Development Law Organization (IDLO).

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

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.

Plenary meetings ▼			
	Members incl. Chair	Meetings per year	Days per meeting
2024	47	2	2
2025	47	2	2
2026	47	2	2
2027	47	2	2

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