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COMMITTEE OF THE PARTIES

Council of Europe Convention on the protection of children against sexual exploitation and sexual abuse (T-ES)

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Rules of procedure

Adopted by the Committee at its 2nd meeting
(Strasbourg, 29-30 March 2012)

Prepared by the Children's Rights Division,
Justice and Human Dignity Directorate
www.coe.int/children; www.coe.int/lanzarote

The Committee of the Parties (hereinafter “the Lanzarote Committee”),

Having regard to Chapter X of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201) (hereinafter referred to as “the Convention”),

Pursuant to paragraph 3 of Article 39 of the Convention,

Adopts the present Rules of Procedure:

PART I – THE LANZAROTE COMMITTEE

Rule 1 – Functions

1.1 Monitoring of the implementation of the Convention

Pursuant to paragraphs 1 and 3 of Article 41 of the Convention and in accordance with Part II of these Rules, the Lanzarote Committee shall monitor the implementation of the Convention and, where appropriate:

- a. facilitate the effective use and implementation of the Convention, including the identification of any problems and the effects of any declaration or reservation made under the Convention;
- b. express an opinion on any question concerning the application of the Convention.

1.2 Observatory on the protection of children against sexual exploitation and sexual abuse

Pursuant to paragraphs 2 and 3 of Article 41 of the Convention and in accordance with Part III of these Rules, the Lanzarote Committee shall facilitate the collection, analysis and exchange of information, experiences and good practices between States to improve their capacity to prevent and combat sexual exploitation and sexual abuse of children. Where appropriate, the Lanzarote Committee shall:

- a. facilitate the exchange of information on significant legal, policy or technological developments;
- b. express an opinion on any question concerning the application of the Convention.

Rule 2 – Composition

2.1 Members

1. Pursuant to Article 39 of the Convention, members of the Lanzarote Committee shall be representatives of the Parties to the Convention.¹
2. Parties to the Convention shall nominate – as their representatives – experts of the highest possible rank in the field of children’s rights, in particular of the protection of children against sexual exploitation and sexual abuse.
3. Each member of the Lanzarote Committee may be accompanied by other national representatives. Where a Party designates more than one representative, only one of them shall have the right to vote and reimbursement of travel and subsistence expenses.

2.2 Participants

1. The following may appoint representatives to participate in the meetings of the Lanzarote Committee with no right to vote:
 - a. the Parliamentary Assembly of the Council of Europe;
 - b. the Congress of Local and Regional Authorities of the Council of Europe;

¹ Pursuant to Article 45 of the Convention, the member States of the Council of Europe, the non member States which have participated in its elaboration and the European Union may become Parties to the Convention. Pursuant to the procedure set out in Article 46 of the Convention also any non member State of the Council of Europe, which has not participated in the elaboration of the Convention may become a Party. According to Article 2.g of the Vienna Convention on the Law of Treaties (1969), a State Party should be understood as a “State which has consented to be bound by the treaty and for which the treaty is in force”.

- c. the Council of Europe Commissioner for Human Rights;
- d. relevant Council of Europe intergovernmental committees;
- e. the Conference of INGOs of the Council of Europe;
- f. any other Council of Europe body invited to do so by the Committee of Ministers after consulting the Lanzarote Committee.

Where applicable, the defrayal of expenses of these participants shall be governed by the rules or terms of reference of the institutions and bodies listed above.

2. The following may appoint representatives to participate in the meetings of the Lanzarote Committee with no right to vote nor defrayal of expenses:
 - a. member states of the Council of Europe that are not yet Parties to the Convention;
 - b. states which have observer status with the Council of Europe;
 - c. the European Union;
 - d. the United Nations;
 - e. other intergovernmental organisations and any other entity, authorised to participate in meetings of steering and ad hoc committees by virtue of a resolution or decision of the Committee of Ministers.

2.3 Observers

1. Pursuant to paragraph 3 of Article 40 of the Convention, representatives of civil society, in particular of non-governmental organisations (“NGOs”), may be admitted as observers following the procedure set out in Resolution CM/Res(2011)24.²
2. The Lanzarote Committee may also authorise, on an *ad hoc* basis, the participation as observers of representatives of additional bodies, in particular:
 - a. private sector organisations involved in information and communication;
 - b. tourism and travel agencies;
 - c. financial institutions;
 - d. other relevant civil society actors.
3. In accordance with Resolution CM/Res(2011)24, observers shall have no right to vote nor defrayal of expenses.

Rule 3 – Chairperson

1. The Lanzarote Committee shall elect a Chairperson and a Vice-Chairperson from among its members.
2. The Chairperson shall conduct proceedings and sum up conclusions whenever she/he thinks necessary. She/he may call to order a speaker who departs from the subject under discussion or from the Lanzarote Committee’s functions set out in Rule 1 above. The Chairperson shall retain the right to speak and to vote in her/his capacity as a member of the Lanzarote Committee.
3. The Vice-Chairperson shall replace the Chairperson if the latter is absent or otherwise unable to preside the meeting. If the Vice-Chairperson is absent, the Chairperson shall be replaced by another member of the Bureau, appointed by the latter, or where there is no Bureau, by a member of the Lanzarote Committee appointed by the Lanzarote Committee.
4. The terms of office of the Chairperson and Vice-Chairperson shall be of one year, renewable once.
5. The election of the Chairperson and Vice-Chairperson shall require a two-thirds majority at the first ballot and a simple majority at the second ballot. The elections are held by secret ballot, unless the Lanzarote Committee decides otherwise by unanimity.
6. The Lanzarote Committee shall strive to achieve gender balance, as well as geographical balance while electing its Chairperson and Vice-Chairperson.

² See Point III.C.a of Resolution CM/Res(2011)24.

Rule 4 – Bureau

1. The Lanzarote Committee shall appoint a Bureau consisting of the Chairperson, the Vice-Chairperson and up to three other members of the Lanzarote Committee. The functions of the Bureau are:
 - a. to assist the Chairperson in conducting the Lanzarote Committee's business;
 - b. to supervise the preparation of meetings at the Lanzarote Committee's request;
 - c. to ensure continuity between meetings as necessary;
 - d. to execute other additional specific tasks delegated by the Lanzarote Committee.
2. The other members of the Bureau shall be elected in the same manner as the Chairperson and Vice-Chairperson, taking into account geographical distribution and gender balance. Their terms of office shall be of one year, renewable once.

Rule 5 – Secretariat

The Secretary General shall provide the Lanzarote Committee with the necessary staff, including an Executive Secretary, as well as with the administrative and other services it may require.

Rule 6 – Languages

1. The official languages of the Lanzarote Committee shall be those of the Council of Europe.
2. A member of the Lanzarote Committee may speak in a language other than the official languages. In this case the member concerned shall be responsible for arranging interpretation into one of the official languages at her/his expense.
3. Any document written in a language other than the official languages shall be translated into one of the official languages, the member, participant or observer submitting it being responsible for making the necessary arrangements and covering the costs.

Rule 7 – Venue of meetings

1. The Lanzarote Committee shall normally be convened at the premises of the Council of Europe in Strasbourg.
2. Exceptionally, the Secretary General may authorise, if there is no objection from the government of the state on whose territory it is intended to hold the meeting and if suitable technical facilities are available on-the-spot, to convene the Lanzarote Committee elsewhere, in particular in other Council of Europe premises, in accordance with the principles of sound management and within the resources available.

Rule 8 – Convening of meetings

1. Pursuant to paragraph 2 of Article 39 of the Convention, the Lanzarote Committee shall meet whenever at least one third of the Parties or the Secretary General so requests. It shall hold such meetings as are required for the exercise of its functions as set out in Rule 1.
2. The meetings shall be convened by the Secretary General of the Council of Europe in accordance with the single procedure set out in Resolution CM/Res(2011)24. The place, date and opening time of the meeting, its probable duration and the subjects to be dealt with shall be notified to all members, participants and observers. Convocations shall be circulated six weeks in advance of the meeting, except in cases of urgency which shall be duly explained.
3. Members, participants and observers who are unable to attend a meeting or a part thereof shall notify, in due time, the Secretariat who shall inform the Chairperson.

Rule 9 – Agenda

1. The Secretariat, in close consultation with the Chairperson, shall draw up the draft agenda which shall be concrete, operational and result-oriented.
2. The agenda shall be adopted by the Lanzarote Committee at the beginning of the meeting.

Rule 10 – Documents, list of decisions and meeting reports

1. The Secretariat shall be responsible for distributing all the working documents for the meetings of the Lanzarote Committee.
2. Documents requiring a decision shall be sent, in the official languages, to members at least three weeks before the opening of the meeting at which the decision is to be taken. However, in exceptional cases, if no member objects, the Lanzarote Committee may deliberate on a document submitted at a later stage.
3. Documents shall be made public after the meeting of the Lanzarote Committee for which they were prepared, unless the Lanzarote Committee decides otherwise.
4. At the end of each meeting, the Executive Secretary shall submit to the Lanzarote Committee a list of the decisions taken during the meeting for its approval. Unless the Lanzarote Committee decides otherwise, the list of decisions shall be public.
5. No later than one month after the last meeting day, the Secretariat shall submit a draft meeting report to the Chairperson for her/his approval. The draft report is then sent to all members, participants and observers who may suggest amendments to the draft report within ten working days. In consultation with the Chairperson, the Secretariat finalises the meeting report as soon as possible and makes it public.
6. Information technology should be used whenever possible.

Rule 11 – Privacy of meetings

Meetings shall not be held in public, unless the Lanzarote Committee decides otherwise.

Rule 12 – Quorum

There shall be a quorum if a majority of the members of the Lanzarote Committee are present.

Rule 13 – Proposals

1. Any proposal must be submitted in writing in one official language if a member of the Lanzarote Committee so requests. In that case it shall not be discussed until the proposal has been circulated.
2. Proposals made by participants and observers may be put to a vote if sponsored by a member of the Lanzarote Committee.

Rule 14 – Order of voting on proposals or amendments

1. Where a number of proposals relate to the same subject, they shall be put to the vote in the order in which they were submitted. In case of doubt, the Chairperson shall decide.
2. Where a proposal is the subject of an amendment, the amendment shall be put to the vote first. Where several amendments to the same proposal are presented, the Lanzarote Committee shall vote first on whichever departs furthest in substance from the original proposal. It shall then vote on the next furthest removed from the original proposal, and so on until all the amendments have been put to the vote. However, where the acceptance of one amendment necessarily entails rejection of another, the latter shall not be put to the vote. The final vote shall then be taken on the proposal as amended or not amended. In case of doubt as to the order of priority, the Chairperson shall decide.

3. Parts of a proposal or amendment may be put to the vote separately.
4. In the case of proposals with financial implications, the most costly shall be put to the vote first.

Rule 15 – Points of order

During the discussion of any matter, a member of the Lanzarote Committee may at any time raise a point of order, and the point of order shall immediately be decided upon by the Chairperson in accordance with these Rules. Any appeal against the decision of the Chairperson shall immediately be put to the vote. A member may not, in raising a point of order, speak on the substance of the matter under discussion.

Rule 16 – Order of procedural motions

Procedural motions shall take precedence over all other proposals except points of order. They shall be put to the vote in the following order:

- a. suspension of the sitting;
- b. adjournment of discussion on the item in hand;
- c. postponement of a decision on the substance of a proposal until a specified date;
- d. closure of the discussion on the item in hand.

Rule 17 – Reconsideration of a question

When a decision has been taken, re-examination may only occur if a member to the Lanzarote Committee so requests, and if this request receives a two-thirds majority of the votes cast.

Rule 18 – Voting

1. Each member of the Lanzarote Committee shall have one vote. Where the delegation of a Party is composed of more than one representative, only one is entitled to take part in voting.
2. Voting requires the quorum. The decisions of the Lanzarote Committee are taken by a two-thirds majority of the votes cast.
3. Procedural matters shall be settled by a majority of the votes cast.
4. If any question arises as to whether a matter is procedural or not, it shall not be treated as procedural, unless the Lanzarote Committee so decides by a two-thirds majority of the votes cast.
5. For the purposes of these Rules “votes cast” shall mean the votes of members cast “in favour” or “against”. Members abstaining shall be regarded as not having cast a vote.

Rule 19– Working parties

1. The Lanzarote Committee may, within the framework of its general functions whenever it is necessary and within the limits of resources available, set up *ad hoc* working parties to deal with specific matters.
2. The terms of reference of such a working party shall be defined by the Lanzarote Committee.

Rule 20 – Hearings

The Chairperson, the Bureau or the Lanzarote Committee may decide to organise hearings with any qualified persons in a position to contribute to the work of the Lanzarote Committee.

Rule 21 – Periodic reports to the Committee of Ministers

The Lanzarote Committee shall inform the Committee of Ministers on the state of its work regularly and at least once a year.

PART II: MONITORING OF THE IMPLEMENTATION OF THE CONVENTION

Rule 22 – General principles

1. While carrying out its functions, the Lanzarote Committee respects the internationally recognised requirement to apply the best interests of the child principle.
2. The Committee also respects the international instruments on the protection of children's rights referred to in the Preamble of the Convention as well as those adopted subsequently such as the Guidelines of the Committee of Ministers of the Council of Europe on Child Friendly Justice adopted on 17 November 2010.

Rule 23 – General overview

1. Following ratification, every Party to the Convention shall be required to reply to a questionnaire aimed at providing the Lanzarote Committee with a general overview of the legislation, institutional framework and policies for the implementation of the Convention at the national, regional and local levels.
2. States having signed the Convention shall be invited to reply to the questionnaire referred to in paragraph 1 of this Rule.
3. The Secretariat shall compile the replies received.

Rule 24 – Thematic monitoring

1. The monitoring of the implementation of the Convention in the Parties shall be based on a procedure divided by rounds, each round concerning a theme decided by the Lanzarote Committee or any other approach deemed appropriate by the Lanzarote Committee within the scope of the Convention.
2. The Lanzarote Committee will determine the length of each monitoring round in the light of the themes selected and the provisions of the Convention to be monitored.
3. The monitoring round will be initiated by addressing a questionnaire on the implementation of the relevant provisions of the Convention with respect to the selected theme.
4. All Parties for which the Convention has entered into force within three months from the adoption of the questionnaire shall undergo the monitoring round. Parties for which the Convention enters into force three months after the adoption of the questionnaire, shall join in the following monitoring round.

Rule 25 – Independent experts

1. The Lanzarote Committee may ask its Executive Secretary to commission the services of independent experts, within the limits of budgetary appropriations, to assist it in carrying out its monitoring tasks, including the drafting of the questionnaires.
2. To this effect, the members, participants and observers of the Lanzarote Committee may suggest possible independent experts to the Secretariat.

Rule 26 – Questionnaires

1. The Lanzarote Committee shall adopt the questionnaires referred to in Rule 23 paragraph 1 and in Rule 24 paragraph 3, which shall be prepared by the Secretariat.
2. The Secretariat shall address such questionnaires to the Parties through the member in the Lanzarote Committee representing the Party to be monitored, who will act as "contact person".
3. Parties shall submit their replies in one of the official languages of the Council of Europe to the Secretariat within the time-limit set by the Lanzarote Committee. The replies shall be detailed, answer all questions and contain all relevant reference texts. The replies shall be made public unless otherwise requested by the Party concerned.

4. The Secretariat also addresses the same questionnaire to representatives of civil society, NGOs and any other bodies involved in preventing and combating sexual exploitation and sexual abuse of children. The latter shall be invited to reply to the questionnaire in one of the official languages of the Council of Europe within the same deadline as the Parties. The replies shall be made public if the NGO or other body submitting them so requests.
5. The Secretariat may request additional information if it appears that the replies are not exhaustive or unclear. Where warranted, with the consent of the Party(ies) concerned and within the limits of budgetary appropriations, the Bureau of the Lanzarote Committee may decide to carry out a visit in the Party(ies) concerned to clarify the situation.

Rule 27 – Implementation reports

1. Based on the information collected through the questionnaire, and if need be by any other means the Lanzarote Committee deems necessary, the Lanzarote Committee will adopt reports on the implementation of the Convention with respect to the selected theme for each Party.
2. Each Party will receive a draft copy of its implementation report before it is sent to the Lanzarote Committee. This will allow the Party to comment on the draft and clarify any misunderstandings before the draft report is sent to the Lanzarote Committee for examination and adoption.
3. The implementation reports should contain at least the following elements:
 - a. a general description of the relevant legislation, case law or other documentation, including statistics, and a summary of good practices in implementing the Convention;
 - b. an overview of any problems in implementing the Convention and of the negative effects of any declaration or reservation made under the Convention;
 - c. conclusions containing recommendations as to the steps to be taken to improve the effective implementation of the Convention.
4. The implementation reports shall be transmitted to the Committee of Ministers of the Council of Europe for information together with any comment from the Party concerned. Following transmission, they shall be made public.

Rule 28 – Special reports

1. If the Lanzarote Committee receives reliable information indicating a situation where problems require immediate attention to prevent or limit the scale or number of serious violations of the Convention, it may request the urgent submission of a special report concerning measures taken to prevent possible serious or persistent cases of sexual exploitation and sexual abuse against children in any Party or Parties to the Convention.
2. Taking into account the information submitted by the Party(ies) concerned, as well as any other reliable information available to it, the Lanzarote Committee may designate one or more of its members and/or independent experts as referred to in Rule 25 to assess the specific situation and to report urgently to the Lanzarote Committee. Where warranted and with the consent of the Party(ies) concerned, the assessment may include a visit in the Party(ies) concerned.
3. After examining the findings of the assessment referred to in paragraph 2 of this Rule, the Lanzarote Committee shall transmit these findings and its recommendations to the Party(ies) concerned and, together with any comments from the Party(ies) concerned, to the Committee of Ministers of the Council of Europe for information.

PART III – OBSERVATORY ON PROTECTION OF CHILDREN AGAINST SEXUAL EXPLOITATION AND SEXUAL ABUSE

Rule 29 – Exchange of information, experience and good practices

Members, participants, observers and the Secretariat shall systematically bring to the Lanzarote Committee's attention any relevant information, experience and good practice falling within the Convention's remit with a view to improve the Parties' capacity to prevent and combat sexual exploitation and sexual abuse of children.

Rule 30 – General comments, proposals and opinions

1. Having regard to the conclusions of the implementation reports adopted to fulfil its monitoring functions, the Lanzarote Committee may decide to:
 - a. issue general comments on its interpretation of the Convention;
 - b. discuss any appropriate amendments to the Convention in the light of significant legal, policy or technological developments found during the monitoring round;
 - c. consider adopting an opinion on any question concerning the application of the Convention, pursuant to paragraph 3.b of Article 41 of the Convention;
2. Proposals of amendments to the Convention agreed upon by the Lanzarote Committee as a result of the discussions referred to in paragraph 1.b of this Rule, may be communicated to the Secretary General by the Partie(s) that support them with a view to their possible adoption in accordance with the procedure laid down in Article 44 of the Convention.

Rule 31 – Expertise

The Lanzarote Committee may provide expertise within its field of competence to Council of Europe bodies and to other bodies if considered appropriate.

PART IV – AMENDMENTS AND ENTRY INTO FORCE

Rule 32 – Amendments

The Lanzarote Committee may amend these Rules of procedure by a two-thirds majority of the votes cast.

Rule 33 – Entry into force of the Rules

The present Rules, as well as any amendment, enter into force on the day following their adoption.