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THB-CP(2008)RAP1

COMMITTEE OF THE PARTIES COUNCIL OF EUROPE CONVENTION ON ACTION AGAINST TRAFFICKING IN HUMAN BEINGS

1st meeting of the Committee of the Parties
(Strasbourg, 5 and 8 December 2008)

MEETING REPORT

Gender Equality and Anti-Trafficking Division
Directorate General of Human Rights and Legal Affairs – DG-HL

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INTRODUCTION

1. *The Committee of the Parties of the Council of Europe Convention on Action against Trafficking in Human Beings* (hereinafter referred to as “the Committee”) held its first meeting in Strasbourg, on 5 and 8 December 2008 in conformity with article 37, paragraph 2, of the *Council of Europe Convention on Action against Trafficking in Human Beings* [CETS No 197] (hereinafter referred to as “the Convention”), which requires that the Committee should meet within a period of one year following the entry into force of the Convention in order to elect the members of the *Group of Experts on Action against Trafficking in Human Beings* (hereinafter referred to as “GRETA”).

2. As stipulated in Article 37, paragraph 1 of the Convention, the members of the Committee are the representatives on the Committee of Ministers of the Council of Europe of the following member states parties to the Convention: Albania, Armenia, Austria, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Denmark, France, Georgia, Latvia, Malta, Moldova, Montenegro, Norway, Portugal, Romania and Slovakia. All parties were represented at the meeting. The list of participants is set out in Appendix II to this report.

AGENDA ITEMS 1 AND 2: OPENING OF THE MEETING AND ADOPTION OF THE AGENDA

3. The meeting was opened by Mr Philippe Boillat, Director General of Human Rights and Legal Affairs who chaired the meeting pending the election of the Chair and the Vice-Chair. Mr Boillat welcomed the participants to the first meeting of the Committee and underlined the importance of this Committee as one of the two pillars of the Convention’s monitoring mechanism. He also underlined that this first meeting represented the starting point in the setting-up of this new Council of Europe human rights monitoring mechanism. Furthermore, he pointed out the important task to be carried out by this Committee, electing the members of the other pillar of the monitoring mechanism, the *Group of Experts on Action against Trafficking in Human Beings* (GRETA).

4. The agenda, as adopted by the Committee, is set out in Appendix I to this report.

AGENDA ITEM 3: ADOPTION OF THE RULES OF PROCEDURE OF THE COMMITTEE OF THE PARTIES

5. Pursuant to Article 37, paragraph 3 of the Convention, the Committee adopted its Rules of Procedure as set out in Appendix III to this report by consensus.

AGENDA ITEM 4: ELECTION OF THE CHAIR AND THE VICE-CHAIR

6. In accordance with rule 4 of its Rules of Procedure, the Committee elected Ambassador Pēteris Kārlis Elferts, Permanent Representative of Latvia to the Council of Europe, as Chair for a first term of office of one year starting on 5 December 2008 and Ambassador Bruno Gain, Permanent Representative of France to the Council of Europe, as Vice-Chair, also for a first term of office of one year starting on 5 December 2008.

7. The newly elected Chair expressed his gratitude for the confidence which the Committee showed in him and underlined the important responsibility of the Committee in ensuring the follow-up to GRETA’s reports and conclusions on the implementation of the Convention by the parties. He called for sufficient financial and human resources to be made available to GRETA and the

Committee in order to ensure the successful functioning of this new human rights monitoring mechanism.

AGENDA ITEM 5: ELECTION OF THE MEMBERS OF THE FIRST COMPOSITION OF GRETA

8. The Committee took note of the information provided by the Jurisconsult of the Council of Europe concerning legal issues relating to the admissibility of GRETA candidates and the possibility of electing a candidate who has dual nationality, as set out in document THB-CP(2008)4. Taking into account the information provided, the Committee agreed to apply the principle that effective nationality takes precedence. Furthermore, it noted that the Committee had been identified as the competent body to decide on the admissibility of candidatures for GRETA.

9. With regard to the dual nationality of one of the candidates nominated by France, the Committee took note of the information provided by the French representative that the effective nationality of this candidate was French and not Portuguese, for the following reasons: she had been raised in France, her schooling and studies had taken place in this country and she exercised her political rights there. Therefore, the possible election of this candidate as member of GRETA would not exclude the election of another candidate of Portuguese nationality as member of GRETA.

10. The Committee took note that Austria had withdrawn its list.

5.1 Admissibility of the candidatures for GRETA (rule 9, paragraph 1, and rule 13 of CM/Res(2008)7)

11. The Committee proceeded with the examination of the admissibility of the candidatures for GRETA, in pursuance of article 36, paragraph 2, of the Convention and in conformity with *Resolution CM/Res(2008)7 on rules on the election procedure of the members of the Group of Experts on Action against Trafficking in Human Beings* (hereinafter referred to as the "Resolution"). The Committee agreed that all the candidates were admissible.

5.2 Explanations for providing a single sex list (rule 10, paragraph 2, of CM/Res(2008)7)

12. The Committee noted that Albania, Cyprus, Latvia and Slovakia had provided single-sex lists and in accordance with rule 10, paragraph 2, it invited the representatives of these parties to provide an explanation. The representatives of the concerned parties underlined that the candidates proposed were the best qualified and most competent in the field of action against trafficking in human beings.

13. In the light of the explanations given by the representatives of the parties, the Committee decided to accept the lists of candidates received from these parties.

5.3 Assessment of whether the candidates nominated met the requirements for membership of GRETA (rule 9, paragraph 2, of CM/Res(2008)7)

14. The Committee held a tour de table concerning the qualification and the capacity requirements of the candidates presented by the parties. The Committee took note and held an exchange of views on the comments received from civil society concerning the candidates for

membership of the first composition of GRETA contained in document THB-CP(2008)5. The Permanent Representative of Bulgaria brought to the attention of the Committee a letter received from Mr Daniel Valtchev, Deputy Prime-Minister and Chairperson of the National Commission for combating trafficking in human beings in response to the letter received from the Bulgarian non-governmental organisation "Animus Association" Foundation. As the request of the Bulgarian member of the Committee, the letter from Mr Valtchev is set out in Appendix IV to this report.

15. In accordance with rule 9, paragraph 2 of the Resolution, the Committee examined the candidatures. The representatives of the parties declared that all the candidates met the qualification and capacity requirements for membership of GRETA as set out in Article 36 of the Convention and rules 2 to 5 of the Resolution.

16. Furthermore, the Committee agreed that any comments received from civil society regarding candidates for membership of GRETA should continue to be distributed to the Committee for information.

5.4 Election of the members of GRETA

17. In accordance with Article 36, paragraph 2 of the Convention, GRETA should be composed of a minimum of 10 members and a maximum of 15 members. After an extensive exchange of views concerning the most suitable number of members for the first composition of GRETA, the Committee decided to proceed with the election of the members of GRETA and to make an evaluation of the composition of GRETA after the election of the tenth member. Following the election of the tenth member, the Committee held an exchange of views and then continued the election procedure which resulted in the election of a total of 13 members.

18. In accordance with Article 36 of the Convention, and bearing in mind that the composition of GRETA should reflect a gender and geographical balance and should have a multidisciplinary expertise (rule 6 of the Resolution), that the main legal systems should be represented (rule 7 of the Resolution) and that no two members of GRETA may be nationals from the same State (rule 8 of the Resolution), the Committee proceeded with the elections of the members of GRETA in accordance with Rule 14 of the Resolution.

19. The Committee elected the following members for the first composition of GRETA:

- Vessela BANOVA (Bulgarian)
- Louise CALLEJA (Maltese)
- Josie CHRISTODOULOU (Cypriot)
- Davor DERENCINOVIC (Croatian)
- Vladimir GILCA (Moldovan)
- Hanne Sophie GREVE (Norwegian)
- Nicolas LE COZ (French)
- Alexandra MALANGONE (Slovak)
- Nell RASMUSSEN (Danish)
- Leonor Maria Da Conceição Cruz RODRIGUES (Portuguese)
- Gulnara SHAHINIAN (Armenian)
- Robert STRATOBERDHA (Albanian)
- Diana-Florentina TUDORACHE (Romanian).

20. In accordance with Rule 16 of the Resolution, the members of GRETA were elected for a term of office of four years, beginning on 1 January 2009.

21. The Committee wished GRETA every success in its important task of monitoring implementation of the Convention.

AGENDA ITEM 6: DATE OF THE NEXT MEETING

22. The Committee requested the acting Executive Secretary of the Council of Europe Convention on Action against Trafficking in Human Beings to propose a suitable date for the next meeting after consultation with the GRETA President who would be invited to attend this meeting.

AGENDA ITEM 7: OTHER BUSINESS

23. The Committee requested the Secretary General of the Council of Europe to proceed swiftly with the nomination of the Executive Secretary of the *Council of Europe Convention on Action against Trafficking in Human Beings* and other necessary staff, as laid down in Rule 6 of the Rules, in order to ensure the efficient functioning of the new monitoring mechanism (Committee of the Parties and GRETA).

24. The Secretariat informed the Committee that in cooperation with the GRETA members it would endeavour to organise the first meeting of GRETA during the first quarter of 2009.

ADOPTION OF THE LIST OF ITEMS DISCUSSED AND DECISIONS TAKEN

25. The Committee adopted the list of items discussed and decisions taken set out in document THB-CP(2008)LD1.

APPENDIX I

AGENDA

1. Opening of the meeting

I. ITEMS FOR DECISION

2. Adoption of the draft agenda

Working document

- Draft agenda THB-CP(2008)OJ1 prov2

3. Adoption of the rules of procedure of the Committee of the Parties of the *Council of Europe Convention on Action against Trafficking in Human Beings*

Working document

- Draft Rules of procedure of the Committee of the Parties THB-CP(2008)2 prov

4. Election of a chair and a vice-chair

5. Election of the members of the first composition of the *Group of Experts on Action against Trafficking in Human Beings (GRETA)*

5.1 *Admissibility of the candidatures for GRETA (rule 9, paragraph 1, and rule 13 of CM/Res(2008)7)*

5.2 *Explanations for providing a single sex list (rule 10, paragraph 2, of CM/Res(2008)7)*

5.3 *Assessment of whether the candidates nominated meet the requirements for membership of GRETA (rule 9, paragraph 2, of CM/Res(2008)7)*

5.4 *Election of the members of GRETA*

Working documents

- Names and curricula vitae of candidates submitted by the Parties to the Convention for the election of the first composition of the *Group of Experts on Action against Trafficking in Human Beings (GRETA)* received by the Secretary General of the Council of Europe at the latest on 1 October 2008 THB-CP(2008)1
- Corrigendum concerning the curriculum vitae of a candidate submitted for the election of the first composition of the *Group of Experts on Action against Trafficking in Human Beings (GRETA)* received by the Secretary General of the Council of Europe at the latest on 1 October 2008 THB-CP(2008)1 corr
- Name and curriculum vitae of a candidate submitted by Austria for the election of the first composition of the *Group of Experts on Action against Trafficking in Human Beings (GRETA)* received by the Secretary General of the Council of Europe on 10 October 2008 THB-CP(2008)1 add
- Indicative matrix providing an overview of the core expertise of the candidates for GRETA membership, their geographical area, knowledge of main legal systems, sex and nationality THB-CP(2008)3 rev

-
- Legal issues relating to the admissibility of GRETA candidatures and the competent body to decide on this admissibility, as well as the possibility of electing a candidate who has a dual nationality
 - Comments received from civil society concerning the candidates for membership of the first composition of GRETA

THB-CP(2008)4

THB-CP(2008)5

6. Date of the next meeting**II. ITEMS FOR INFORMATION****7. Other business****III. ADOPTION OF THE LIST OF ITEMS DISCUSSED AND DECISIONS TAKEN**

APPENDIX II

LIST OF PARTICIPANTS

Parties to the Convention/ Parties à la Convention

ALBANIA/ALBANIE

M. Fatjon PENI
Représentant Permanent Adjoint
auprès du Conseil de l'Europe

ARMENIA/ARMÉNIE

Mme Nazeli HAMBARZUMYAN
Deputy to the Permanent Representative
to the Council of Europe

AUSTRIA/AUTRICHE

Mr George-Wilhelm GALLHOFER
Deputy to the Permanent Representative
to the Council of Europe

BOSNIA AND HERZEGOVINA/ BOSNIE-HERZÉGOVINE

Ms Mirsa MUHAREMAGIC
Deputy Permanent Representative
to the Council of Europe

BULGARIA/BULGARIE

Mr Ivan PETKOV
Ambassador Extraordinary and Plenipotentiary
Permanent Representative
to the Council of Europe

Mme Détélina STAMBOLOVA-IVANOVA
Adjointe au Représentant Permanent
auprès du Conseil de l'Europe

CROATIA/CROATIE

Mme Petra LEPPEE FRAIZE
Adjointe au Représentant Permanent
auprès du Conseil de l'Europe

CYPRUS/CHYPRE

Mr Demetris SAMUEL
Deputy Permanent Representative
to the Council of Europe

DENMARK/DANEMARK

Mr Christian OLDENBURG
Ambassador Extraordinary and Plenipotentiary
Permanent Representative
to the Council of Europe

FRANCE

M. Bruno GAIN
Ambassadeur
Représentant Permanent
auprès du Conseil de l'Europe

Mme Cathy SCHMERBER
Adjointe au Représentant Permanent
auprès du Conseil de l'Europe

GEORGIA/GÉORGIE

Mr Zurab TCHIABERASHVILI
Ambassador Extraordinary and Plenipotentiary
Permanent Representative
to the Council of Europe

LATVIA/LETTONIE

Mr Pēteris Kārlis ELFERTS
Ambassador Extraordinary and Plenipotentiary
Permanent Representative
to the Council of Europe

Ms Ilva KASE
Deputy Permanent Representative
to the Council of Europe

MALTA/MALTE

Mr Joseph LICARI
Ambassador
Permanent Representative
to the Council of Europe
[Apologised/Excusé]

Mr Mark A. PACE
Deputy Permanent Representative
to the Council of Europe

MOLDOVA

M. Dinu VATAMAN
Adjoint au Représentant Permanent
auprès du Conseil de l'Europe

Mme Rodica POSTU
Adjointe au Représentant Permanent
auprès du Conseil de l'Europe

MONTENEGRO/MONTÉNÉGRO

Mr Zoran JANKOVIC
Ambassador Extraordinary and Plenipotentiary
Permanent Representative
to the Council of Europe

M. Christos GIAKOUMOPOULOS
Directeur
Direction des Monitorings

Mr Jeroen SCHOKKENBROEK
Head of the Human Rights Development Department

NORWAY/NORVÈGE

Mr Petter WILLE
Ambassador Extraordinary and Plenipotentiary
Permanent Representative
to the Council of Europe

Ms Marta REQUENA
Head of the Gender Equality and Anti-Trafficking
Division
*Acting Executive Secretary of the Council of Europe
Convention on Action against Trafficking in Human
Beings*

Ms Elin WIDSTEEN
Deputy to the Permanent Representative
to the Council of Europe

Mr Hallvard GORSETH
Administrator
Gender Equality and Anti-Trafficking Division

PORTUGAL

M. Américo MADEIRA BÁRBARA
Ambassadeur Extraordinaire et Plénipotentiaire
Représentant Permanent
auprès du Conseil de l'Europe

Mr David DOLIDZE
Administrator
Gender Equality and Anti-Trafficking Division

M. Luís SEQUEIRA
Adjoint au Représentant Permanent
auprès du Conseil de l'Europe

Ms Rona STERRICKS
Principal Administrative Assistant
Gender Equality and Anti-Trafficking Division

ROMANIA/ROUMANIE

Mr Nicolae NASTASE
Deputy Permanent Representative
to the Council of Europe

Ms Louise EVERTS
Secretarial Assistant
Gender Equality and Anti-Trafficking Division

Mme Oana ROGOVEANU
Adjointe au Représentant Permanent
auprès du Conseil de l'Europe

Mme Yvette SCHILLER
Assistante Secrétariale
Division pour l'égalité entre les femmes et les hommes
et la lutte contre la traite

SLOVAKIA/SLOVAQUIE

Mr Emil KUCHÁR
Ambassador Extraordinary and Plenipotentiary
Permanent Representative
to the Council of Europe

Mr James LAWSON
Administrator
Information and Publishing Support Unit
Central Division

Mme Soňa DANOVÁ
Adjointe au Représentant Permanent
auprès du Conseil de l'Europe

**DIRECTORATE OF LEGAL ADVICE AND
PUBLIC INTERNATIONAL LAW/
DIRECTION DU CONSEIL JURIDIQUE ET DU
DROIT INTERNATIONAL PUBLIC**

M. Manuel LEZERTUA
Directeur, Jurisconsult

Secretariat/Secrétariat

Mme Elise CORNU
Administrator
Division du Conseil juridique

**DIRECTORATE GENERAL OF HUMAN RIGHTS
AND LEGAL AFFAIRS/
DIRECTION GÉNÉRALE DES DROITS DE
L'HOMME ET DES AFFAIRES JURIDIQUES**

M. Philippe BOILLAT
Directeur Général

Interpreters/Interprètes

Ms Corinne McGEORGE
M. Nicolas GUITTONNEAU
Mme Martine CARALY

APPENDIX III

RULES OF PROCEDURE OF THE COMMITTEE OF THE PARTIES

The Committee of the Parties,

Having regard to the *Council of Europe Convention on Action against Trafficking in Human Beings* (CETS No. 197)(hereinafter referred to as “the Convention”),

Pursuant to paragraph 3 of article 37 of the Convention,

Adopts the present rules:

Rule 1 – Functions

a. Election of members of GRETA

Pursuant to paragraph 2 of article 36 of the Convention, the Committee of the Parties (hereinafter referred to as “the Committee”) shall elect the members of the *Group of Experts on Action against Trafficking in Human Beings* (hereinafter referred to as “GRETA”) in accordance with Resolution CM/Res(2008)7 on rules on the election procedure of the members of the *Group of Experts on Action against Trafficking in Human Beings* (GRETA).

b. Adoption of recommendations

Pursuant to paragraph 7 of article 38 of the Convention, without prejudice to the procedure of paragraphs 1 to 6 of the same article, the Committee may adopt, on the basis of the report and conclusions of GRETA, recommendations addressed to the party concerned (a) concerning the measures to be taken by that party to implement the conclusions of GRETA, if necessary setting a date for submitting information on their implementation, and (b) aiming at promoting co-operation with that party for the proper implementation of the Convention.

c. Observatory on trafficking in human beings

With a view to promoting international co-operation on action against trafficking in human beings in accordance with article 32 of the Convention, the Committee shall function as an international observatory on the prevention and combating of trafficking in human beings and the protection of the human rights of the victims of trafficking. For this purpose the Committee may hold debates on different aspects of trafficking in human beings.

Rule 2 – Composition

a. Members

Members of the Committee shall be the representatives on the Committee of Ministers of the Council of Europe of the member states parties to the Convention and representatives of the parties to the Convention which are not members of the Council of Europe.

Members shall have no right to defrayal of expenses.

b. Participants

Participants include representatives of states which have signed but not yet ratified the Convention, states which have ratified or acceded to the Convention but for which it has not yet entered into force, the Committee of Ministers of the Council of Europe, the Parliamentary Assembly of the Council of Europe, the Congress of Local and Regional Authorities of the Council of Europe, the Council of Europe Commissioner

for Human Rights, the Conference of International Non-Governmental Organisations of the Council of Europe, and the European Commission.

Participants shall have no right to vote or to defrayal of expenses.

c. Observers

The Committee may authorise states other than those mentioned in litra b. of this rule to send representatives as observers to its meetings on an ad hoc basis.

The Committee may authorise international governmental organisations to send representatives as observers to its meetings on an ad hoc basis, in particular the United Nations Office on Drugs and Crime (UNODC), the International Labour Organization (ILO), the United Nations Children's Fund (UNICEF), the Office of the High Commissioner for Human Rights (OHCHR), the United Nations High Commissioner for Refugees (UNHCR), the International Organization for Migration (IOM), the Organization for Security and Co-operation in Europe (OSCE), Interpol and Europol.

The Committee may authorise international non-governmental organisations to send representatives as observers to its meetings on an ad hoc basis, in particular Amnesty International, Anti-Slavery International, La Strada International and the International Federation Terre des Hommes (IFTDH).

Observers shall have no right to vote or to defrayal of expenses.

Rule 3 – Restricted composition

The Committee may decide to hold sessions in a more restricted composition than that outlined in rule 2 above; however, it may not restrict the participation of members in any session.

Rule 4 – Chair and vice-chair

The Committee shall elect a chair and a vice-chair from among its members.

The term of office of the chair and vice-chair shall be one year. It may be renewed once.

Election of the chair and vice-chair 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.

The chair shall conduct proceedings and sum up the conclusions whenever she/he thinks necessary. She/he may call to order a speaker who departs from the subject under discussion or from the Committee's functions set out in rule 1 above. The chair shall retain the right to speak and to vote in her/his capacity as a member of the Committee.

The vice-chair shall replace the chair if the latter is absent or otherwise unable to preside over the meeting. If the vice-chair is absent, the chair shall be replaced by another member of the bureau, appointed by the latter, or where there is no bureau by a member of the Committee appointed by the Committee.

Rule 5 – Bureau

The Committee may appoint a bureau consisting of the chair, the vice-chair and up to three other members of the Committee.

The functions of the bureau are:

- to assist the chair in conducting the Committee's business;
- to supervise the preparation of meetings at the Committee's request;
- to ensure continuity between meetings as necessary;
- to execute other additional specific tasks delegated by the Committee.

Other members of the bureau shall be elected in the same manner as the chair and vice-chair. They shall be elected immediately after the chair and vice-chair. The term of office of such members shall be one year and may be renewed.

Rule 6 – Secretariat

The secretariat of the Committee shall consist of the Executive Secretary of the *Council of Europe Convention on Action against Trafficking in Human Beings* (hereinafter referred to as “the Executive Secretary”) and other necessary staff appointed by the Secretary General of the Council of Europe.

Rule 7 – Seat of the Committee

The Committee shall be convened at the premises of the Council of Europe in Strasbourg.

Rule 8 – Official languages

The official languages of the Committee shall be those of the Council of Europe.

A committee member may speak in a language other than the official languages, in which case she/he must herself/himself provide for interpretation into one of the official languages.

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 9 – Convening meetings

The Committee shall be convened by the Secretary General of the Council of Europe. The Committee shall meet whenever one-third of the parties, the President of GRETA or the Secretary General so requests.

The Executive Secretary shall notify the members of the Committee of the place, date and opening time of the meeting, its probable duration and the subjects to be dealt with. Convocation letters should, except on grounds of urgency which shall be duly explained, be sent at least six weeks in advance of the meeting.

Analogous arrangements shall apply to the participants and to observers when invited.

Information technology should be used whenever possible.

Rule 10 – Agenda

The Executive Secretary shall draw up the draft agenda for a meeting. If the chair of the Committee has already been elected, she/he shall be consulted in advance.

The Executive Secretary shall make available the draft agenda and a provisional list of working documents to the members at least four weeks before the opening of the meeting.

Analogous arrangements shall apply to the participants and to observers when invited.

Information technology should be used whenever possible.

The agenda shall be adopted by the Committee at the beginning of its meeting.

Rule 11 – Documents, lists of decisions and meeting reports

The Executive Secretary shall be responsible for preparing and distributing working documents for the Committee. Documents requiring a decision shall be sent, in both official languages, to members at least four weeks before the opening of the meeting at which the decision is to be taken. In exceptional cases, however, the Committee may, if no member objects, consider a document submitted later. Working documents shall be public after the meeting of the Committee for which they were prepared unless the Committee decides otherwise on an ad hoc basis.

At the end of each meeting, the Executive Secretary shall submit to the Committee for its approval a list of decisions taken during the meeting. The approved list of decisions is public.

As soon as possible after each meeting, the Executive Secretary shall submit to the chair and the members of the Committee for their approval a meeting report, in both official languages, containing a summary of the Committee's deliberations. Approved meeting reports shall be public. However, the Committee may decide not to make public any part of a meeting report related to a session conducted in accordance with rule 3 above.

Information technology should be used whenever possible.

Rule 12 – Quorum

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

Rule 13 – Privacy of meetings

Meetings shall be held in camera.

Rule 14 – Working methods

The Committee may appoint a rapporteur, a drafting committee or both.

The Committee may entrust a limited number of its members with a specific task to be fulfilled by its next meeting.

The Committee may request, within the limits of budgetary appropriations, the Executive Secretary to have recourse where appropriate to the service of one or more consultants.

Rule 15 – Hearings

The chair or the Committee may decide to organise hearings with experts and other qualified persons in a position to contribute to the work of the Committee.

Rule 16 – Proposals

Any proposal must be submitted in writing in one of the official languages if a member so requests. In that case it shall not be discussed until it has been circulated.

Rule 17 – Order of voting on proposals or amendments

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 with regard to the order of proposals or amendments, the chair shall decide.

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 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 chair shall decide.

Parts of a proposal or amendment may be put to the vote separately.

In the case of proposals with financial implications, the most costly shall be put to the vote first.

Rule 18 – Order of procedural motions

Procedural motions shall take precedence over all other proposals or motions 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 discussion on the item in hand.

Rule 19 – Reconsideration of a question

When a decision has been taken it is only re-examined if a member of the Committee so requests, and if this request receives a two-thirds majority of the votes cast.

Rule 20 – Voting

Each member of the Committee shall have one vote; however, where the delegation of a party is composed of more than one representative, only one of them is entitled to take part in the voting.

Voting requires the quorum.

The decisions of the Committee are taken by a two-thirds majority of the votes cast.

Procedural questions shall be decided by a majority of the votes cast. If any question arises as to whether a matter is procedural or not, it shall not be treated as procedural unless the Committee so decides by a two-thirds majority of the votes cast.

For the purposes of these rules “votes cast” shall mean the votes of members cast for or against. Members abstaining shall be regarded as not having cast a vote.

Rule 21 – Specific rules for the election of GRETA members

Rule 17, 19 and 20 above do not apply to the election of members of GRETA.

The Executive Secretary shall draw up an indicative matrix providing an overview of the core expertise of the candidates for GRETA membership and any member of GRETA whose term of office will not end until after the term of office of the member to be elected begins, their geographical area, knowledge of main legal systems, sex and nationality. If the chair of the Committee has already been elected, she/he shall be consulted in advance.

The Committee shall elect members of GRETA in as many rounds as may be necessary to meet the needs of GRETA. In each round, the candidate(s), up to a maximum of three, receiving the most votes, but at least a majority of the votes cast, shall be elected members of GRETA. In each round, the number of votes of each member of the Committee shall be the same as the number of members of GRETA to be elected in that

round; however, where the delegation of a party is composed of more than one representative, only one of them is entitled to take part in the voting.

Voting requires the quorum.

The members of the Committee can only vote for one national of each state and only give one vote to each candidate.

Should two or more candidates receive the same number of votes, resulting in more than the maximum number of candidates receiving the necessary amount of votes to be elected in any given round, the Committee shall proceed with a vote to elect one or more of these candidates as (a) member(s) of GRETA.

Should the preceding paragraphs of this rule result in the election of two candidates or more who are nationals of the same state, only the candidate with the highest number of votes shall be elected as a member of GRETA.

Procedural matters shall be settled by a majority of the votes cast. For the purpose of votes on procedural matters, "votes cast" shall mean the votes of members cast for or against. Members abstaining shall be regarded as not having cast a vote.

Rule 22 – Periodic meetings with the President of GRETA

The Committee shall periodically meet with the President of GRETA to be informed about the state of the work of GRETA and progress in preparing its reports and conclusions concerning the measures taken by the parties to implement the provisions of the Convention, as well as any other issue relating to the good functioning of the monitoring mechanism of the Convention.

Rule 23 – Periodic reports to the Committee of Ministers

The Committee shall periodically inform the Committee of Ministers on the state of its work.

Rule 24 – Amendments to the rules of procedure

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

APPENDIX IV

LETTER FROM MR DANIEL VALTCHEV, DEPUTY PRIME-MINISTER OF BULGARIA
AND CHAIRPERSON OF THE NATIONAL COMMISSION FOR COMBATING
TRAFFICKING IN HUMAN BEINGSREPUBLIC OF BULGARIA
COUNCIL OF MINISTERSNATIONAL COMMISSION FOR COMBATING TRAFFICKING IN
HUMAN BEINGS№ Tx-02.556
04.12.....2008TO DIRECTORATE GENERAL
OF HUMAN RIGHTS AND LEGAL
AFFAIRS, GENDER EQUALITY AND
ANTI-TRAFFICKING DIVISION
COUNCIL OF EUROPE

Regarding: *Distributed email to all country-missions, parties of the European Council Convention for Combating Trafficking in Human Beings regarding the Bulgarian national election procedure and nominees for GRETA experts.*

SIRS/MADAMS,

In response to an email sent to your attention on November 25th, 2008 by the Bulgarian foundation "Association Animus", I am addressing you in my capacity of a Deputy Prime Minister and a Chairperson of the National Commission for Combating Trafficking in Human Beings under Council of Ministers/ Bulgarian Government. I would like to bring to your attention the election procedure which was led by the National Commission in September 2008.

Pursuant to Rule 9 of the CM/Res (2008)7 Resolution on rules on the election procedure of the members of the Group of Experts on Action against Trafficking in Human Beings (GRETA), a competition (selection) procedure for receiving GRETA candidates' curriculum vitas was launched with an ordinance № 37-29/05.09.2008. The ordinance stipulated for all requirements, documents, addresses and deadline for submission of candidates' curriculum vitas.

According to point VII of this ordinance, an announcement for the competition procedure was published in a national newspaper "Novinar" (on September 09th, 2008), on the internet site of

the National Commission for Combating Trafficking in Human Beings (on September 08th, 2008), and a copy of it was posted in the foyer in the premises of the National Commission. Official invitation for participation in the procedure and letters with information on the application procedure were sent to the institutions that are members of the National Commission: Prosecutor General's Office, Ministry of Justice, Ministry of Interior, National Investigation Service, Ministry of Labour and Social Policy, Ministry of Foreign Affairs, Ministry of Education and Science, Ministry of Health, State Agency for Child Protection, Agency for Social Support and the Central Commission for Combating Juvenile Delinquency (on September 05th, 2008). Following these letters, the Prosecutor General's Office also published the information about the competition procedure on their internet site on September 16th, 2008.

The National Commission has Official Register for non-governmental organisations that work for the prevention and counteraction of trafficking in human beings and protection of the victims in Bulgaria. An email with information on the launch of the application procedure for GRETA, the text of the CM/Res(2008)7 Resolution and model CVs, was sent to all organisations within this Register, including foundation "Association Animus" (on September 05th, 2008). A reminding letter was sent again to all NGOs on September 16th, 2008, again including foundation "Association Animus".

Up to the deadline for submission of CVs (September 19th, 2008), a total of 15 (fifteen) candidates submitted their documents to the National Commission for participation in the selection procedure for members of GRETA - 6 (six) representing non-governmental and international institutions, 7 (seven) representatives of state and municipal institutions, and 2 (two) representatives – one University representative and a lawyer.

With an ordinance № 3Д-30/19.09.2008, following Rules 9 and 12 of the CM/Res(2008)7 Resolution, the National Commission for Combating Trafficking in Human Beings established a selection commission of 4 experts from National Commission for Combating Trafficking in Human Beings, Ministry of Justice, sector "Human trafficking" within Ministry of Interior, and Supreme Prosecution of Cassation. The Commission was chaired by Deputy Minister of Education and Science Mrs. Mukaddes Nalbant, who is also a Member of the National Commission. The selection commission examined all fifteen submitted CVs and nominated four candidates who have met the criteria set in the CM/Res(2008)7 Resolution. Out of these four candidates, three represent non-governmental organisations, and one - a state institution.

All four candidates have proved themselves as respected professionals and excellent partners to state institutions and non-governmental organisations and above all entirely devoted to the anti-trafficking cause in the years.

I believe that there are no grounds to state that the procedure for election of GRETA candidates was not transparent.

Dear Sirs/Madams,

Hence, I believe that foundation "Animus Association" have no grounds to state that the procedure for the election of GRETA candidates has not been transparent or that the selected candidates do not meet the stipulated criteria in Rules 2 to 5 of the Resolution CM/Res(2008)7 on rules on the election procedure of the members of the Group of Experts on Action against Trafficking in Human Beings (GRETA).

Dear Sirs/Madams,

please accept my assurances of highest consideration.

Sincerely,

DANIEL VALTCHEV
DEPUTY PRIME-MINISTER AND
CHAIRPERSON OF THE NATIONAL
COMMISSION FOR COMBATING
TRAFFICKING IN HUMAN BEINGS