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**EUROPEAN COMMITTEE ON CRIME PROBLEMS**  
**(CDPC)**

**COUNCIL FOR PENOLOGICAL CO-OPERATION**  
**(PC-CP)**

**MEMORANDUM CONCERNING THE ELECTION OF MEMBERS  
OF THE PC-CP WORKING GROUP**

Document prepared by the PC-CP Secretariat  
Directorate General I - Human Rights and Rule of Law

- I. **The current composition of the PC-CP Working Group**
- II. **The professional position of the current members of the PC-CP Working Group**
- III. **Draft terms of reference of the PC-CP for 2016-2017**
- IV. **Resolution CM/Res(2011)24 on intergovernmental committees and subordinate bodies, their terms of reference and working methods**

## **I. THE CURRENT COMPOSITION OF THE PC-CP WORKING GROUP**

1. Since 2011 the PC-CP has changed its format and currently its members (9 in number) are elected as members of the PC-CP Working Group composed of independent experts while as the PC-CP itself meets in a plenary format once a year (where are represented all 47 member states together with the 9 members of its Working Group). In conformity with Resolution CM/Res(2011)24 the 9 members may be elected for two years, renewable once.

2. The current members of the PC-CP Working Group are as follows:

<b>Ms Alina Barbu (Romania) (Vice-Chair - 2014-2015)</b>	<b>elected</b>	<b>2011</b>
<b>Mr Harald Føsker (Norway)</b>	<b>elected</b>	<b>2011</b>
<b>Mr Jörg Jesse (Germany) - <i>proposed for Vice-Chair (p.3)</i></b>	<b>elected</b>	<b>2011</b>
<b>Mr Peter Lindström (Sweden)</b>	<b>elected</b>	<b>2010<sup>1</sup></b>
<b>Mr Mauro Palma (Italy) (Vice-Chair - 2011-2013) (Chair - 2014 - 2015)</b>	<b>elected</b>	<b>2011</b>
Mr Antanas Jatkevičius (Lithuania)	elected	2012
Mr Vivian Geiran (Ireland)	elected	2013
Mr Attila Juhász (Hungary)	elected	2013
Mr Dominik Lehner (Switzerland)	elected	2013

3. The terms of office of **five** of the members of the PC-CP Working Group (**in bold**) will expire at the end of the December 2015 plenary session of the CDPC. It is proposed to elect **Mr Jörg Jesse (Germany) Vice-Chair** of the PC-CP for one year (2016-2017) replacing the outgoing member Ms Alina Barbu (Romania). It is also proposed to elect Mr Vivian Geiran (Ireland) **Chair** for one year (2016-2017) replacing the outgoing member Mr Mauro Palma (Italy).

4. The **four outgoing members** need to be replaced by **four new members** elected at the CDPC plenary session in December 2015.

5. The terms of office of Mr Antanas Jatkevičius were renewed for two more years (until the end of 2016) at the CDPC plenary meeting in 2014.

6. It is proposed to renew for two more years the terms of office of the remaining 3 members elected in 2013, who all expressed their willingness to remain members of the PC-CP Working Group.

7. The attention of the CDPC national delegations is drawn to the necessity to elect members whose professional expertise and linguistic abilities allow them to participate fully in the work of the PC-CP. A balanced gender and geographical distribution should also be achieved as a result of the elections.

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<sup>1</sup> Mr Lindström was elected in accordance with the old procedure for a 5-year mandate

## **II. PROFESSIONAL POSITION OF THE MEMBERS OF THE PC-CP WORKING GROUP**

Alina BARBU

Legal expert, Directorate of Drafting Legislation, Ministry of Justice, Romania

Harald FØSKER

Director of International Co-operation, Norwegian Correctional Service, Norway

Vivian GEIRAN

Director of the Probation Service, Ireland

Antanas JATKEVIČIUS

Head of Criminal and Administrative Law Unit, Legal Department, Office of the Parliament, Research Fellow, Lithuanian Institute of Law, Lithuania

Jörg JESSE

Director General, Prison and Probation Administration, Acts of Clemency, Ministry of Justice, Mecklenburg Western Pomerania, Germany

Mr Attila JUHÁSZ

Prison Governor, Heves County Remand Prison, Hungary

Dominik LEHNER

Head of Penal Services, Justice and Security Department, Basel-City, Switzerland

Peter LINDSTRÖM

Associate Professor, Stockholm County Police, Sweden

Mauro PALMA

Advisor to the Minister of Justice on penitentiary issues, Deputy Director of the Prison Administration, Italy

**Current geographical distribution:** Germany, Hungary, Ireland, Italy, Lithuania, Norway, Romania, Sweden, Switzerland

**Gender distribution:** 8 men and 1 woman

**Professional expertise:** 4 prison experts; 2 probation experts; 2 lawyers; 1 police expert

### III. DRAFT TERMS OF REFERENCE VALID FROM: 1 JANUARY 2016 UNTIL 31 DECEMBER 2017

#### **Council for Penological Co-operation (PC-CP)**

*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

Draft Terms of reference valid from: **1 January 2016 until 31 December 2017**

<b>MAIN TASKS</b>
<p>Under the authority of the Committee of Ministers and under the supervision of the European Committee on Crime Problems (CDPC), the PC-CP is instructed to:</p> <ul style="list-style-type: none"><li>(i) follow the developments related to the national policies and practices in the field of execution of penal sanctions and measures in the Council of Europe member States;</li><li>(ii) follow the development of European prison systems and of the services entrusted with the implementation of alternatives to pre-trial detention and with the implementation of community sanctions and measures with special attention being paid to avoiding situations leading to prison overcrowding;</li><li>(iii) assess the functioning and implementation of the European Prison Rules, the European Rules on community sanctions and measures, the European Rules for juvenile offenders subject to sanctions or measures, the Council of Europe Probation Rules as well as of other relevant Committee of Ministers recommendations, and make proposals for improving their practical application and, if necessary, for their updating with a view to achieving coherence and comprehensiveness of the standards in the area;</li><li>(iv) prepare binding and non-binding instruments, studies and reports on penological matters;</li><li>(v) formulate opinions on penological matters at the request of the CDPC, of member States or on its own initiative;</li><li>(vi) prepare the Council of Europe Conferences of Directors of Prison and Probation Services and ensures their follow-up as instructed by the Committee of Ministers, and following proposals made by the CDPC;</li><li>(vii) provide guidance and assistance with regard to the collection and publication of the Annual Penal Statistics of the Council of Europe SPACE I and SPACE II.</li></ul>
<b>PILLAR/SECTOR/PROGRAMME</b>
<p><b>Pillar :</b> Rule of law <b>Sector :</b> Ensuring Justice <b>Programme :</b> Prisons and Police</p>
<b>SPECIFIC TASKS</b>
<ul style="list-style-type: none"><li>(i) Revise of the European Rules on community sanctions and measures (Recommendation R(92)16 and Recommendation Rec(2000)22 and their explanatory memorandum);</li><li>(ii) Revise and update the commentary to the European Prison Rules (Recommendation CM/Rec(2006)2);</li><li>(iii) Organise in 2016 and in 2017 the Council of Europe Conference of Directors of Prison and Probation Services;</li><li>(iv) Finalise the White Paper on prison overcrowding;</li><li>(v) Ensure the collection and publication of SPACE I and SPACE II statistics in due time in 2016 and in 2017;</li><li>(vi) In the framework of the Council of Europe Action Plan on the fight against violent extremism and</li></ul>

radicalisation leading to terrorism (a) assist the national authorities in implementing the Guidelines for the prison and probation services facing radicalisation and violent extremism<sup>2</sup> and (b) draft a manual containing indicators of radicalisation of prisoners to violent extremism and good practices regarding prevention of and dealing with this phenomenon.

## COMPOSITION

### Members:

The PC-CP shall be composed of one representative per member State, designated by the Government of that State from among officials of the highest possible rank in the relevant field.

The PC-CP Working Group shall be composed of 9 members, elected by the CDPC in their personal capacity for a period of two years (renewable), with the following desirable qualifications: high-level representatives of prison administrations, of probation services and of juvenile justice agencies, researchers or other experts having a thorough knowledge of penological questions.

The Council of Europe will bear the travel and subsistence expenses of one representative per Council of Europe member State at the plenary meeting of the PC-CP as well as the travel and subsistence expenses of the nine members of the PC-CP Working Group members.

Member States may also send representatives to the meetings of the PC-CP Working Group without the right to vote or defrayal of expenses.

Each member of the PC-CP 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:

- Parliamentary Assembly of the Council of Europe;
- European Court of Human Rights;
- Council of Europe Commissioner for Human Rights;
- European Committee on Crime Problems (CDPC);
- European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT);
- Consultative Council of European Prosecutors (CCPE);
- Consultative Council of European Judges (CCJE);
- other Council of Europe intergovernmental committees as appropriate.

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

- European Union;
- Observer States to the Council of Europe: Canada, Holy See, Japan, Mexico, United States of America;
- United Nations Subcommittee on Prevention of Torture (SPT);
- United Nations Office on Drugs and Crime (UNODC);
- United Nations Children's Fund (UNICEF).

### Observers:

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

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<sup>2</sup> Currently being drafted by the PC-CP and expected to be submitted to the Committee of Ministers in December 2015

- Non-member States with which the Council of Europe has a Neighbourhood Partnership including relevant cooperation activities;
- European Organisation for Probation (CEP);
- International Centre for Prison Studies;
- Penal Reform International (PRI);
- International Association of Juvenile and Family Court Magistrates (IAJFCM);
- EuroPris.

**External consultants:**

In its work, the PC-CP shall be assisted, within the limits of its budgetary appropriations, by four scientific experts, two of whom collect SPACE statistics, with specific knowledge of relevant legislation and legal practice, of international standards and conventions relating to penitentiary issues and community sanctions and measures, as well as of the European Convention on Human Rights and the ensuing case law and of recent developments in research and practice in the different European member States.

The Council of Europe budget will bear their travel and subsistence expenses.

**WORKING METHODS**

**Working Group meetings:**

9 members and 4 consultants, 3 meetings in 2016, 3 days

9 members and 4 consultants, 3 meetings in 2017, 3 days

**Plenary meetings:**

48 national representatives, 9 members of the PC-CP Working Group, 4 consultants, 1 meeting in 2016, 3 days

48 national representatives, 9 members of the PC-CP Working Group, 4 consultants, 1 meeting in 2017, 3 days

The Committee will also appoint a Gender Equality Rapporteur from amongst its members.

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.

## **RESOLUTION CM/RES(2011)24 ON INTERGOVERNMENTAL COMMITTEES AND SUBORDINATE BODIES, THEIR TERMS OF REFERENCE AND WORKING METHODS**

*(Adopted by the Committee of Ministers on 9 November 2011 at the 1125th meeting of the Ministers' Deputies)*

The Committee of Ministers,

Having regard to Resolution Res(2005)47 on committees and subordinate bodies, their terms of reference and working methods;

Having regard to the decision taken by the Ministers' Deputies at their 1112th meeting (19 April 2011, item 1.6) on intergovernmental structures;

Having regard to Resolution CM/Res(2011)7 on Council of Europe conferences of specialised ministers;

Having regard to the Statutory Resolution CM/Res(2011)2 relating to the Congress of Local and Regional Authorities of the Council of Europe and the revised Charter appended thereto;

Having regard to Resolution Res(2003)8 on the participatory status for international non-governmental organisations with the Council of Europe;

Having regard to Statutory Resolution Res(93)26 on Observer Status;

Having regard to Resolution Res(2001)6 on access to Council of Europe documents;

Having regard to Recommendation Rec(81)6 of the Committee of Ministers to member states on the participation of women and men in an equitable proportion in committees and other bodies of the Council of Europe and to the Committee of Ministers' Declaration on Making gender equality a reality, adopted at the 119th Session of the Committee of Ministers of the Council of Europe (Madrid, 12 May 2009);

In pursuance of Articles 16 and 17 of the Council of Europe Statute,  
Resolves as follows:

### **I. Scope of this resolution**

1. This resolution shall apply to all intergovernmental committees and subordinate bodies set up by the Committee of Ministers, by virtue of Article 17 of the Council of Europe Statute.

2. If not provided otherwise, the rules set out in this resolution shall also apply *mutatis mutandis* to any committee created by the Committee of Ministers outside the scope of Article 17.

3. All references to the Secretary General in this resolution shall be subject to the relevant provisions of the Statute of the Council of Europe, the Staff Regulations and the rules on delegation of authority.

### **II. Categories of committees<sup>3</sup>**

4. There shall be two categories of committees set up by the Committee of Ministers:

a. *committees directly answerable to the Committee of Ministers*: steering committees with planning and steering functions and ad hoc committees with a more focused task; and

b. *subordinate bodies* of steering or ad hoc committees, with specific and limited tasks.

### **III. Composition**

A. Members

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<sup>3</sup> Unless specified otherwise, the term "committee" refers to steering and ad hoc committees and their subordinate bodies.

5. *Committees answerable to the Committee of Ministers*: they are composed of one representative of the highest possible rank in the relevant field designated by the government of each member state.<sup>4</sup>

6. *Subordinate bodies* answerable to steering or ad hoc committees: they are composed of representatives of all or of a limited number of member states of the highest possible rank in the relevant field designated by the governments of member states and/or of independent experts with established expertise in the relevant field. Where subordinate bodies are composed of a limited number of member states, due regard shall be given to geographical representation and periodic rotation of member states. Furthermore, they are open to the participation of representatives from other member states, at their own expense.

#### B. Participants

7. Participants shall take part in the meetings of committees with no right to vote nor defrayal of expenses unless otherwise indicated. They are:

a. representatives of committees or other bodies of the Council of Europe engaged in related work, as well as the Parliamentary Assembly, the European Court of Human Rights, the Congress of Local and Regional Authorities of the Council of Europe, the Council of Europe Commissioner for Human Rights and the Conference of INGOs of the Council of Europe;

b. representatives designated by states which have observer status with the Council of Europe, the European Union, intergovernmental organisations and any other entity, including social partners, authorised to participate in the meetings of steering and ad hoc committees by virtue of a resolution or decision of the Committee of Ministers.

#### C. Observers

8. Observers from states or organisations other than those referred to in paragraph 7.b above. They shall be admitted to steering committees, ad hoc committees and any subordinate body answerable to them in the following manner:

a. as a general rule, upon their request to the Secretary General, observers are admitted, to steering and ad hoc committees or any subordinate body answerable to them, on the basis of a unanimous decision by that steering or ad hoc committee; in the event where unanimity is not reached, the matter may be referred to the Committee of Ministers at the request of two-thirds of the members of the committee concerned. The Committee of Ministers shall decide on the matter by a two-thirds majority of all the representatives entitled to sit on it;

b. concerning special cases, such as the admission of non-member states without observer status to the Council of Europe, and any other case which may necessitate a political decision, the Secretary General shall refer the matter to the Committee of Ministers. This decision shall be taken by a two-thirds majority of all the representatives entitled to sit on it.

9. Observers shall have no right to vote nor defrayal of expenses.

### **IV. Terms of reference**

10. By “terms of reference” shall be understood all directives relating to the activities of a committee subject to the present resolution.

11. All committees and subordinate bodies shall have terms of reference.

12. Terms of reference of committees answerable to the Committee of Ministers shall be presented by the Secretary General and approved by the Committee of Ministers.

13. Terms of reference of subordinate bodies shall be presented by the Secretary General upon proposal by the parent committee, and approved by the Committee of Ministers.

14. All terms of reference shall be limited to a maximum period of two years in line with the biennial Programme and Budget of the Organisation, unless otherwise decided by the Committee of Ministers.

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<sup>4</sup> Where necessary, a member state is entitled to designate more than one representative.

15. Terms of reference shall include:
- a. name of committee;
  - b. category: steering committee, ad hoc committee or subordinate body;
  - c. reference to the relevant programme line/s of the Council of Europe Programme and Budget, including concrete and measurable expected results for which the committee is responsible;
  - d. where appropriate, its planning and advisory function;
  - e. where appropriate, terms of reference derived from a convention;
  - f. tasks and completion date;
  - g. specific qualifications of members;
  - h. composition of the committee: members, participants and observers and information concerning repayment of members' travelling and subsistence expenses by the Council of Europe, as set out in Appendix 2 to this resolution; and
  - i. working methods, including hearings and, if necessary and justified, proposals for consultants.
16. Terms of reference shall be accompanied by full information on their financial implications, detailing in particular, per committee, the operational budget and number of staff allocated.

#### **V. Planning, monitoring and evaluation function of committees**

17. Steering and ad hoc committees advise the Committee of Ministers and the Secretary General on the priorities and other matters with regard to their sectors, in particular on the relevance of activities in line with the priorities and criteria adopted by the Committee of Ministers.
18. The Secretariat shall inform members of committees and subordinate bodies of:
- a. the institutional and regulatory framework of the Organisation, as set out in the Statute of the Council of Europe and other relevant texts including the present resolution;
  - b. programme line(s) under their responsibility and budgetary appropriations in the Programme and Budget of the Organisation;
  - c. results of monitoring mechanisms and procedures that may have an impact on their work while respecting applicable confidentiality rules;
  - d. the progress review report of the Programme and Budget so that they can examine and discuss it and report back on their respective parts;
  - e. relevant co-operation activities and activities in the field; and
  - f. relevant activities of other international organisations with a view to avoiding duplication and achieving synergies.

#### **VI. Working methods**

19. The functioning and operation of committees and subordinate bodies shall be governed by the Rules of Procedure set out in Appendix 1 to this resolution. Committees' work shall include relevant transversal perspectives in all areas of their work.

#### **VII. Documents and meeting reports**

20. The Secretary General shall be responsible for preparing and distributing documents to be discussed by the committees, as well as drafting the reports of their meetings, unless otherwise expressly provided for by the Committee of Ministers.

21. Committees shall prepare reports of their meetings. These reports shall include an evaluation of completed activities and a presentation of ongoing and planned work, together with the identification of its source and deadlines, as well as proposals for future activities and identification of activities that might be discontinued. These reports shall be made available, in both official languages, no later than one month after the last meeting day of the committee. Committees shall also adopt abridged meeting reports before the end of their meetings. Documents shall, where appropriate, contain an executive summary, action to be taken and resource implications.

#### **VIII. Compendium of terms of reference**

22. The Secretariat shall compile and keep up to date a "Compendium of terms of reference" containing:
- a. the present resolution and any subsequent amendments to it;
  - b. Resolution Res(2004)25 on service contracts of consultants;
  - c. the terms of reference of all intergovernmental committees and subordinate bodies;
  - d. the terms of reference derived from conventions, or special statutes given to intergovernmental committees set up under them; and
  - e. any other decision or message of the Committee of Ministers or the Secretary General relating to terms of reference;
  - f. the information foreseen in paragraph 16.

#### **IX. Convening of meetings**

23. All meetings of committees and subordinate bodies shall be convened by the authority of the Secretary General by a single procedure in accordance with the authorisation given by the Committee of Ministers and with the general practices of good management. The Secretary General shall ensure that meetings are planned, convened and serviced as efficiently and economically as possible.

24. Convocations and preliminary draft agendas of meetings shall be circulated at least six weeks before the proposed date, except in cases of urgency, which shall be duly explained. Convocations shall specify the name of the committee, the place, date, opening time of the meeting, its duration, the subjects to be dealt with and the list of participants at the previous meeting. When appropriate, it shall contain an invitation to nominate a member, taking into account the relevant texts on participation of women and men in an equitable proportion in committees and other bodies of the Council of Europe and indicating the qualifications he or she should preferably possess.

25. For committees answerable to the Committee of Ministers, convocations shall be sent to nominees specified by the Permanent Representations with the Permanent Representations in copy. Nominations made by governments through Permanent Representations will remain valid until any change is notified or confirmed by them.

26. For subordinate bodies, convocations shall be sent as appropriate to nominees specified by Permanent Representations or by the parent committee or, in the absence of such a known nominee, to the Permanent Representations or to the Chair of the committee concerned respectively. Permanent Representations shall receive copies of convocations sent to designated members. Nominations made by governments through Permanent Representations will remain valid until any change is notified.

27. The Secretariat shall send the draft agenda, a provisional list of working documents and the documents themselves to the nominees, or in the absence of such a nomination, to the Permanent Representation concerned, at least 20 days before the meeting date. This documentation shall be made available to the Permanent Representations. Use should be made of information technology whenever possible.

28. The same arrangements shall apply *mutatis mutandis* to participants and observers.

#### **X. Co-ordination**

29. The Secretary General shall ensure that committees and subordinate bodies are informed about activities which may have implications for the execution of their respective terms of reference.

30. In order to ensure co-ordination between the Ministers' Deputies and committees answerable to the Committee of Ministers:

a. the Chairs of committees may be invited, whenever necessary, to take part in meetings of the Deputies' relevant Rapporteur Groups, Working Parties and Thematic Co-ordinators to discuss the evaluation of activities, present ongoing work and prospects for future activities, in line with the priorities of the Organisation;

b. the Chairs of the Deputies' relevant Rapporteur Groups, Working Parties and Thematic Co-ordinators may attend meetings of committees when it is deemed that this is of importance to the respective sector activity.

31. The Secretary General shall promptly inform committees of general guidelines issued by the Ministers' Deputies as regards the content, modalities of implementation and evaluation of the intergovernmental work.

#### **XI. Review of the intergovernmental structure**

32. A progress review on the intergovernmental structure will be carried out on a regular basis bearing in mind the reports referred to in paragraph 20 and the progress review report on the implementation of the Programme and Budget provided for by the Financial Regulations.

#### **XII. Entry into force of this resolution**

33. This resolution shall enter into force on 1 January 2012 and shall repeal and replace Resolution Res(2005)47.

## **Rules of procedure for Council of Europe intergovernmental committees**

### *Article 1 – Agenda*

- a. The Secretary General, in close consultation with the Chair, shall draw up the draft agenda which should be concrete, operational and result-oriented.
- b. The agenda shall be adopted by the committee at the beginning of its meeting.

### *Article 2 – Documentation*

Documents requiring a decision, whether originating from the Secretariat or from a member, shall be sent, in the official languages (cf. Article 6 below), to members at least three weeks before the start 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. Maximum use should be made of information technology, including gathering together amendments and proposals, finalising texts and publishing decisions, provided in the latter cases that all the members of the committee have been properly informed in good time.

### *Article 3 – Privacy of meetings*

Meetings shall not be held in public.

### *Article 4 – Hearings*

Committees and subordinate bodies may organise hearings with international organisations, NGOs, research and academic institutions, experts, specialists, specialist organisations and professional organisations, in a position to contribute to their work, within the limits of available budgetary appropriations.

### *Article 5 – Quorum*

There shall be a quorum if two-thirds of the members of the committee are present.

### *Article 6 – Official languages*

- a. The official languages of the committee shall be those of the Council of Europe.
- b. In exceptional circumstances, the Secretary General may decide, in particular, in the case of steering and ad hoc committees, to provide for interpretation into one additional language other than the official languages, within the limits of available budgetary appropriations.
- c. A committee member may speak in a language other than the official languages, in which case he or she must herself/himself provide for interpretation into one of the official languages.
- d. Any document drafted in a language other than the official languages shall be translated into one of the official languages, the member from whom it originates being responsible for making the necessary arrangements.

### *Article 7 – Proposals*

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

### *Article 8 – Order of voting on proposals or amendments*

- a. 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 Chair shall decide.
- b. Where a proposal is the subject of an amendment, the amendment shall be put to the vote first. Where two or more 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.

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

#### *Article 9 – 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; and
- c. postponement of a decision on the substance of a proposal until a specified date.

#### *Article 10 – 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.

#### *Article 11 – Voting*

- a. Each member of the committee shall have one vote; however, where a government designates more than one member, only one of them is entitled to take part in the voting,
- b. Subject to any contrary provisions in these Rules, voting requires the quorum. The decisions of the steering committees are taken by a two-thirds majority of the votes cast.
- c. Except on procedural matters, other committees shall not take decisions by voting. They shall state their conclusions in the form of unanimous recommendations, or, if this proves impossible, they shall make a majority recommendation and indicate the dissenting opinions.
- d. Procedural matters shall be settled by a majority of the votes cast.
- e. Where the question arises as to whether or not a matter is procedural in nature, it may not be regarded as such unless the committee decides to that effect by a majority of two-thirds of the votes cast;
- f. 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.

#### *Article 12 – Chair*

- a. Every committee shall elect a Chair and Vice-Chair. However, the Chair of a subordinate body may be appointed by the steering or ad hoc committee to which it is answerable.
- b. The Chair shall conduct proceedings and sum up the conclusions whenever he or she thinks necessary. He or she may call to order a speaker who departs from the subject under discussion or from the committee’s terms of reference. The Chair shall retain the right to speak and to vote in her/his capacity as a member of the committee, except in cases where an additional expert from the same country has been appointed to sit on that committee.
- c. The Vice-Chair shall replace the Chair if the latter is absent or otherwise unable to preside 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.

- d. 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. In steering committees, the election shall be held by secret ballot, in other committees by a show of hands, unless a member of the committee requests a secret ballot.
- e. The term of office of the Chair and Vice-Chair shall be one year. It may be renewed once.

#### *Article 13 – Bureau*

a. Every steering and ad hoc committee may appoint a bureau consisting of the Chair, the Vice-Chair and a limited number of other members of the committee. The number of other members shall be specified in the committee's terms of reference. Any other committee may, if need be, appoint a bureau composed, normally, of not more than three members in addition to the Chair and Vice-Chair. 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 its Committee.

b. No decision on substantive issues shall be taken by the Bureau on behalf of the committee. In exceptional cases and due to time constraint, the Bureau may have recourse to the tacit approval of all the members of the committee through electronic communication, in order to expedite procedure on decisions requested by the Committee of Ministers.

c. Other members of the Bureau shall be appointed in the same manner as the Chair and Vice-Chair. They shall be appointed immediately after the Chair and Vice-Chair in accordance with an equitable distribution of posts, taking into account in particular geographical distribution, gender balance and, where relevant, legal systems.

d. The term of office of such members shall correspond to the duration of the mandate of the committee and may be renewed once. However, a member may, on expiry of her/his second term, be appointed Chair or Vice-Chair. In order to ensure partial replacement of the Bureau each year, the first term of at least one such member shall be limited to one year.

e. A member elected to replace another whose term of office has not expired shall complete her/his predecessor's term. The same shall apply to the offices of Chair and Vice-Chair.

#### *Article 14 – Working methods*

a. Committees may appoint a rapporteur, a drafting committee or both.

b. Where necessary, in order to expedite the progress of their work, committees may entrust a rapporteur or a limited number of committee members with a specific task to be fulfilled by their next meeting, using primarily information technologies.

c. In exceptional cases, for specialised tasks that cannot be performed by a member of the committee or the Secretariat, committees may request the Secretary General to have recourse to consultants subject to the provisions of the relevant resolution and within the limits of budgetary appropriations.

d. Time- and cost-efficiency shall be a guiding principle for committee work, including best possible use of interactive technologies for networks and meetings.

e. Agenda items for information only shall be communicated to members in advance by electronic means allowing the committee to focus during its meeting on agenda items for decision.

#### *Article 15 – Secretariat*

a. The Secretary General shall provide the committee with the necessary staff, including the committee secretary, as well as with the administrative and other services it may require.

b. The Secretary General or her/his representative may at any time make an oral or written statement on any subject under discussion.

c. Committees may ask the Secretary General to prepare a report on any question relevant to their work.

#### *Article 16 – Venue of meetings*

a. Committees shall normally be convened at the premises of the Council of Europe in Strasbourg.

b. 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 a committee elsewhere, in particular, in other Council of Europe premises, in accordance with the principles of sound management and within the resources available.

#### *Article 17 – Revision*

Any committee directly answerable to the Committee of Ministers may propose to the Committee of Ministers to amend these Rules or, in exceptional circumstances, to waive them in part.

#### *Appendix 2 to Resolution CM/Res(2011)24*

### **Payment of travelling and subsistence expenses**

The travelling and subsistence expenses of one representative per member state participating in a steering and ad hoc committees shall be borne by the Council of Europe unless otherwise indicated in the respective terms of reference,<sup>5</sup> within the limits of budgetary appropriations.

The travelling and subsistence expenses of either all or only a limited number of members of subordinate bodies, as indicated in their respective terms of reference shall be borne by the Council of Europe, within the limits of budgetary appropriations.

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<sup>5</sup> For example, where the terms of reference provide for reimbursement of the expenses of an additional member for the country whose representative has been elected Chair and in special cases set out in the terms of reference.