

Terms of reference of the Committee of Experts on Trafficking in Human Organs, Tissues and Cells (PC-TO)

1. **Name of Committee:** Committee of Experts on Trafficking in Human Organs, Tissues and Cells (PC-TO)
2. **Type of Committee:** Committee of Experts
3. **Source of terms of reference:** Committee of Ministers
4. **Terms of reference:**

Under the authority of the European Committee on Crime Problems (CDPC), and on the basis of drafts prepared by the Secretariat taking into account the Council of Europe Convention of Human Rights and Biomedicine and its Additional Protocol concerning Transplantation of Organs and Tissues of Human Origin, the Council of Europe Convention on Action against Trafficking in Human Beings, the WHO Guiding Principles on Human Cell, Tissue and Organ Transplantation, the Declaration of Istanbul on Organ Trafficking and Transplant Tourism, the joint Council of Europe/United Nations Study "Trafficking in organs, tissues and cells and trafficking in human beings for the purpose of the removal of organs" and the additional opinion of the Steering Committee on Bioethics (CDBI), the European Committee of Crime Problems (CDPC) and the European Committee on Transplantation of Organs (CD-P-TO) prepared by experts of the three steering committees, the Committee shall prepare:

i) a draft criminal law convention against trafficking in human organs;

and, if appropriate,

ii) a draft additional protocol to the aforesaid draft criminal law convention against trafficking in human tissues and cells.

The Committee shall, in particular, examine the advisability of including tissues and cells within the scope of the proposed instruments. If the Committee considers this advisable, the trafficking thereof should be the subject of an additional protocol.

The Committee shall ensure that the draft convention and its possible draft additional protocol provide added value, *inter alia*, when addressing the following issues in their respective fields:

- criminalisation of trafficking in human organs;
- criminalisation of trafficking in human tissues and cells;
- prevention of trafficking in human organs;
- prevention of trafficking in human tissues and cells;
- assistance to victims;
- international co-operation.

The Committee shall further ensure that the aforesaid draft instrument(s) are fully compatible with already existing, relevant international and supranational legally binding standards.

The Committee shall consider the previous and current work carried out in this field by the relevant international and supranational organisations, notably the European Union, and the previous work of the Council of Europe in this area.

5. Composition of the Committee:

5.A Members

Governments of member states are entitled to appoint representatives having special expertise in the field of criminal law, bioethics and transplantation of organs, tissues and cells.

The Council of Europe budget will bear the travel and subsistence expenses of one representative from each member state.

5.B Participants

- i. The Parliamentary Assembly may send a representative, without the right to vote and at the charge of its budget.
- ii. The following committees may each send a representative, without the right to vote and at the charge of the corresponding Council of Europe budget sub-heads:
 - the European Committee on Crime Problems (CDPC);
 - the Steering Committee on Bioethics (CDBI);
 - the European Committee on Transplantation of Organs (CD-P-TO).

5.C Other participants

- i. The European Union may send representatives to the meetings of the Committee, without the right to vote or defrayal of expenses.
- ii. States with observer status with the Council of Europe (Canada, Holy See, Japan, Mexico, United States of America) may send (a) representative(s) to the meetings of the Committee, without the right to vote or defrayal of expenses.
- iii. The following international organisations may send (a) representative(s), without the right to vote or defrayal of expenses, to meetings of the Committee:
 - United Nations Office for Drugs and Crime (UNODC);
 - World Health Organisation (WHO);
 - International Criminal Police Organisation (INTERPOL).

5.D Observers

States having been invited by decision of the Committee of Ministers to participate in the negotiations, without the right to vote or defrayal of expenses.

6. Working methods and structures:

One plenary meeting of four days.

7. Duration:

These terms of reference expire on 31 December 2011.