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GROUP OF EXPERTS ON ACTION AGAINST TRAFFICKING IN HUMAN BEINGS (GRETA)

Rules of procedure for evaluating implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the parties

adopted on 17 June 2009 and amended on 21 November 2014
(the rules as amended will enter into force on 1 January 2015)

Rules of procedure for evaluating implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the parties

The *Group of Experts on Action against Trafficking in Human Beings* (GRETA),

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

Having regard to its *Internal rules of procedure*,

In accordance with paragraph 1 of Article 36 of the Convention, GRETA shall monitor the implementation of this Convention by the parties

Pursuant to paragraphs 1 to 6 of Article 38 of the Convention,

Adopts the present rules:

PART I: EVALUATION PROCEDURE

Rule 1 – Evaluation by rounds

The *Group of Experts on Action against Trafficking in Human Beings* (hereinafter referred to as “GRETA”) shall evaluate the implementation of the *Council of Europe Convention on Action against Trafficking in Human Beings* (hereinafter referred to as the “Convention”) by the parties following a procedure divided in rounds.

Rule 2 – Duration of rounds

The duration of each evaluation round shall be four years unless otherwise decided by GRETA by unanimity.

Rule 3 – Initiation of rounds

The first evaluation round with regard to a party is initiated by addressing the questionnaire for this round to the party at the earliest one year and at the latest two years following the entry into force of the Convention for the party concerned. Subsequent rounds for a party are initiated by addressing the questionnaire for each round four years from the date the party received the previous questionnaire, unless otherwise decided by GRETA under Rule 2 above with regard to the duration of the previous round.

All parties shall undergo all evaluation rounds unless otherwise decided by GRETA by unanimity.

Rule 4 – Provisions to be evaluated

GRETA shall select the specific provisions of the Convention on which each evaluation round shall be based.

For the first evaluation round, GRETA shall select the provisions of the Convention which will provide an overview of implementation of the Convention by each party.

PART II: MEANS OF EVALUATION

Rule 5 – Questionnaire and replies

For each evaluation round GRETA shall prepare a questionnaire on the implementation by the parties of the specific provisions of the Convention on which the evaluation is based. The questionnaire shall be public.

The questionnaire shall be addressed to the parties, if possible through the “contact person” appointed by the latter to liaise with GRETA. The parties shall respond to the questionnaire within the time-limit set by GRETA. The replies to the questionnaire shall be detailed, answer all questions and contain all necessary reference texts. The replies to the questionnaire shall be returned to the Executive Secretary of the Convention.

GRETA shall publish replies to the questionnaire unless otherwise requested by the party concerned.

Rule 6 – Requests for additional information

GRETA may request additional information from the parties if it appears that the replies to the questionnaire are not exhaustive or are unclear, or if it is necessary to supplement or clarify the information obtained during country visits. The provisions in paragraph 2 of Rule 5 above apply *mutatis mutandis*.

GRETA shall decide whether a request for additional information is public or confidential.

GRETA shall treat replies to requests for additional information as confidential unless a party requests publication.

Rule 7 – Urgent requests for information

If GRETA 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 make an urgent request for information to any party or parties to the Convention.

Taking into account the information submitted by the party or parties concerned, as well as any other reliable information available to it, GRETA may designate rapporteurs to assess the specific situation and, if necessary, carry out a visit to the party or parties concerned.

GRETA shall transmit its findings and conclusions from the assessment to the party or parties concerned and shall make them public, together with eventual comments from the party or parties concerned.

When GRETA is not in session, the Bureau may, in case of urgency, decide on GRETA’s behalf on making an urgent request for information and carrying out of a visit to the party or parties concerned. The President shall report to GRETA at its next meeting on any action which has been taken under this rule.

Rule 8 – Information from civil society

GRETA may decide to address the questionnaire adopted under Rule 5 above or any other request for information to specific non-governmental organisations, other relevant organisations and members of civil society of the parties, which shall be invited to respond to it within the time-limit set by GRETA. They shall be active in the field of action against trafficking in human beings and include national coalitions of organisations or national branches of international non-governmental organisations. Moreover, they shall have access to reliable sources of information and be capable of carrying out the necessary verifications of this information. The replies to the questionnaire or requests for information shall be returned to the Executive Secretary of the Convention.

GRETA shall treat replies to the questionnaire or requests for information as confidential unless the respondent requests publication.

Rule 9 – Country visits

Subsidiarily to the information submitted in writing, GRETA may decide to carry out a country visit to the party concerned if it considers it necessary to complement this information or to evaluate the practical implementation of the measures taken.

GRETA shall appoint a delegation to carry out the country visit consisting of the Rapporteurs for the report on the party concerned and, if necessary, one or more other members of GRETA. A GRETA member who is a national of the party concerned shall not be member of the delegation. The delegation shall be accompanied by one or more members of the Secretariat of the Convention and, if necessary, interpreters. GRETA may also decide that the delegation shall be assisted by specialists in specific fields.

GRETA shall inform the party concerned of its intention to carry out the country visit. The visit to the party concerned shall be organised and carried out in co-operation with the “contact person” appointed by the latter to liaise with GRETA. GRETA may also, if necessary, decide that the delegation carrying out the visit be assisted in the organisation of the visit by one or more independent national experts.

The delegation carrying out the visit shall decide on the programme of the country visit. It shall decide on the dates of the visit and organise meetings with governmental bodies in co-operation with the “contact person”. Meetings with non-governmental organisations, other relevant organisations and members of civil society shall be organised directly with them.

Following the visit, the delegation shall report on its findings to GRETA.

Rule 10 – Other means of evaluation

GRETA may decide other appropriate means to carry out the evaluation of the implementation of the Convention by the parties. GRETA may, in particular, organise hearings with various actors in the field of action against trafficking in human beings and otherwise have recourse to the assistance of experts or consultants.

GRETA shall treat the information collected as confidential.

Rule 11 – Communications received

The Executive Secretary shall bring to the attention of GRETA any communication addressed to GRETA, unless the information contained in it falls outside its field of competence.

Any relevant communication received by individual members of GRETA shall be forwarded to the Executive Secretary who shall bring it to the attention of GRETA.

Rule 12 – Languages for communication with GRETA

Replies to the questionnaire and all requests for information or any other communication addressed to GRETA shall be submitted in one of the official languages of the Council of Europe, which are English and French.

PART III: REPORTS AND CONCLUSIONS**Rule 13 – Rapporteurs**

GRETA shall appoint Rapporteurs for each report evaluating the implementation of the Convention by a party.

Rule 14 – Draft report

The Rapporteurs shall prepare a draft report consisting of a descriptive part, an analytical part and conclusions. The descriptive part shall contain the findings related to the implementation by the party of the provisions of the Convention under evaluation. This part shall be prepared on the basis of the replies to the questionnaire and any other information collected by GRETA. The analytical part shall contain reasoned observations on the party's implementation. The conclusions shall set out suggestions and proposals concerning the way in which the party may deal with any problems which have been identified.

The draft report shall be examined, discussed and approved by GRETA in plenary.

The draft report as approved by GRETA shall be transmitted to the party concerned for comments to be provided within the time-limit set by GRETA.

GRETA shall treat as confidential the draft report and any comments to it submitted by the party concerned.

Rule 15 – Report and conclusions

If the party concerned submits comments to the draft report within the time-limit set by GRETA, they shall be taken into account by GRETA when establishing its report and conclusions.

GRETA shall adopt its report and conclusions by two-thirds majority of the votes cast.

The report and conclusions shall be transmitted to the party, which shall be invited to submit any final comments within a month of adoption.

GRETA's report and conclusions, together with eventual comments by the party concerned, shall be made public, at the expiry of the time-limit of one month to make comments, and sent to the Committee of the Parties.

An effective communication strategy shall be prepared to further the impact of GRETA's reports and conclusions.

PART IV: INFORMATION TECHNOLOGY

Rule 16 – Use of information technology

To contribute to the efficient functioning of the monitoring mechanism and to facilitate the work of all stakeholders involved, information technology, in particular any dedicated software applications, shall be used at every step of the procedure for evaluating the implementation of the Convention by the parties.

PART V: AMENDMENTS

Rule 17 – Amendment of the rules

These rules may be amended by decision taken by a majority of the members of GRETA.