



Strasbourg, 5 December 2008

THB-CP(2008)2

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

Rules of procedure of the Committee of the Parties

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

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.