

Extract from CM(2023)131-add (pages 73-74)

Draft Terms of reference of the

Committee of Experts on fighting the smuggling of migrants (PC-TM)

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\(2021\)3](#) on intergovernmental committees and subordinate bodies, their terms of reference and working methods.

Category: Subordinate body

Duration: 1 January 2024 – 31 December 2025

Programme: Upholding safety, security and integrity of society and persons

Sub-programme: Criminal law - Terrorism

Deliverable

Under the authority of the Committee of Ministers, and of the European Committee on Crime Problems (CDPC), the PC-TM is instructed to complete the following deliverable, within the following deadline:

	Category ▼	Priority ▼	Deadline ▼
1. Draft legal instrument on fighting smuggling of migrants The Committee shall consider putting a special focus on the protection of victims of smuggling and designing a comprehensive framework for the protection and assistance of victims and witnesses, also taking gender equality aspects into consideration, as well as on the effective prevention, investigation, prosecution and on international co-operation. The Committee shall consider including a monitoring mechanism to ensure compliance of States Parties with the provisions of the legal instrument. The Committee shall take into account the standards of the Council of Europe in the fields of human rights, criminal law and judicial co-operation which are specific to this offence, in particular on the basis of existing legal instruments dealing with migrants' smuggling and those dealing with other serious forms of crime which are related to it. It shall also take into account the existing universal and regional international legal instruments dealing with migrants' smuggling, in particular the relevant UN Palermo Protocol.	C	1	31/12/2025
Key A: deliverable under preparation (2022-2023 terms of reference or Committee of Ministers' decision) or deliverable foreseen in the terms of reference provisionally approved for 2024-2025 and reviewed where relevant in the framework of the preparation of the draft Programme and Budget 2024-2027 B: review of implementation/re-examination foreseen by the recommendation/protocol/convention C: newly proposed deliverable			

Composition

• Members

Governments of member States are invited to designate one or more representatives of the highest possible rank with recognised expertise in fighting the smuggling of migrants and criminal law.

The Council of Europe will bear the travel and subsistence expenses of one representative from each member State (two in the case of the State whose representative has been elected Chair).

Each member of the Committee of Experts shall have one vote. Where a government designates more than one member, only one of them is entitled to take part in the voting.

- 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;
- Congress of Local and Regional Authorities of the Council of Europe;
- European Court of Human Rights;
- Conference of INGOs of the Council of Europe;
- Committees or other bodies of the Council of Europe engaged in related work, 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;
- other international organisations, including United Nations Office for Drugs and Crime (UNODC); International Criminal Police Organisation (INTERPOL); Organisation for Security and Co-operation in Europe (OSCE); Organisation for Economic Co-operation and Development (OECD); Financial Action Task Force (FATF).

- Observers

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

- States having been invited by decision of the Committee of Ministers to participate in the negotiations.

Observer status may be requested in accordance with Article 8 of [Resolution CM/Res\(2021\)3](#) on intergovernmental committees and subordinate bodies, their terms of reference and working methods.

Working methods

The rules of procedure of the Committee are governed by [Resolution CM/Res\(2021\)3](#) on intergovernmental committees and subordinate bodies, their terms of reference and working methods.

	Plenary meetings ▼		
	Members incl. Chair	Meetings per year	Days per meeting
2024	47	2	2
2025	47	2	2

The PC-TM will appoint from amongst its members a Gender Equality Rapporteur.

The Chair of the PC-TM will be invited to attend meetings of the CDPC and/or its Bureau to inform them on progress with its work.

Budgetary information*

	Meetings per year	Days per meeting	Members reimbursed	Plenary in €K	Bureau in €K	Working groups in €K	Secretariat (A, B)
2024	2	2	47	66.5	-	-	1 A; 1 B
2025	2	2	47	66.5	-	-	1 A; 1 B

*The costs include the per diem, travel costs, interpretation, translation and document printing. These costs are calculated on the basis of standard costs.