

COMMITTEE OF EXPERTS ON THE RIGHTS AND THE BEST INTERESTS OF THE CHILD IN PARENTAL SEPARATION AND IN CARE PROCEEDINGS (CJ/ENF-ISE)

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

Terms of reference valid from: **1 January 2020 until 31 December 2021**

PILLAR/PROGRAMME/SUB-PROGRAMME
<p>Pillar: Human Rights / Rule of Law Programme: Equality and Human Dignity / Rule of Law-based institutions Sub-programme: Children's Rights/ Legal Co-operation</p>
SPECIFIC TASKS
<p>(i) Undertake a review of law, policy and practice on how the best interests of the child and their rights are protected in situations of parental separation.</p> <p>(ii) Undertake a review of law, policy and practice on how the best interests of the child are protected in domestic law proceedings by public authorities to limit parental responsibilities or place a child in care.</p> <p>(iii) Prepare, as appropriate, on the basis of the above-mentioned reviews, guidelines or other policy instruments or practical tools to give guidance to member States and other stakeholders in this area, in line with international and European standards and good practice, including the case-law of the European Court of Human Rights, relevant conventions of the Council of Europe and the United Nations Convention on the Rights of the Child.</p>
COMPOSITION
<p>Members:</p> <p>The Committee of Experts shall be composed of 10 representatives of member States of the highest possible rank and/or independent experts (5 designated by the CDCJ and 5 by the CDENF according to each steering committee's procedures), with established expertise, including at international level, in law, policy and practice relating to family law and children's rights.</p> <p>Its composition will give due regard to geographical representation and periodic rotation of member States and will take account of the gender equality dimension.</p> <p>The Council of Europe will bear the travel and subsistence expenses of these 10 members. Other member States may send a representative to the meetings of the Committee of Experts at their own expense.</p> <p>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.</p> <p>The Chair and Vice-Chair of the Committee of Experts shall be designated by CDCJ and CDENF in common agreement.</p> <p>Participants:</p> <p>The following may send representatives, without the right to vote and at the charge of their corresponding administrative budgets:</p> <ul style="list-style-type: none"> - Parliamentary Assembly of the Council of Europe; - Congress of Local and Regional Authorities of the Council of Europe; - European Court of Human Rights; - Council of Europe Commissioner for 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. <p>The following may send representatives, without the right to vote and without defrayal of expenses:</p> <ul style="list-style-type: none"> - European Union (one or more representatives, including, as appropriate, the European Commission, the European Union Agency for Fundamental Rights (FRA)); - Hague Conference on Private International Law (HCCH); - other international organisations including: United Nations Committee on the Rights of the Child (UNCRC), United Nations Children's Fund (UNICEF), the Committee on the Elimination of Discrimination against Women (CEDAW), Office of the High Commissioner on Human Rights (OHCHR), World Health Organisation (WHO), United Nations Special Representative of the Secretary-General on Violence against Children (UN SRSG VAC), Council of the Baltic Sea States (CBSS); - Observer States to the Council of Europe: Canada, Holy See, Japan, Mexico and United States of America.

Observers:

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

- Belarus;
- non-member States with which the Council of Europe has a Neighbourhood partnership including relevant cooperation activities;
- European Network of Ombudspersons for Children (ENOC);
- Defence for Children international (DCI);
- International Association of Youth and Family Judges and Magistrates (IAYFJM);
- International Social Service (ISS);
- other civil society and professional communities, as appropriate.

WORKING METHODS**Meetings:**

10 members, 2 meetings in 2020, 3 days

10 members, 2 meetings in 2021, 3 days

The Chair or Vice-Chair of the CJ/ENF-ISE will be invited to attend the meetings of the CDCJ and of the CDENF and/or their Bureaux to report on progress with the work of the CJ/ENF-ISE.

The rules of procedure of the Committee of Experts are governed by Resolution CM/Res(2011)24 on intergovernmental committees and subordinate bodies, their terms of reference and working methods.

Whenever appropriate, it will prioritise environmentally sound working methods, such as virtual meetings facilitated by information technology and written consultations.

BUDGETARY INFORMATION*

	Meetings per year	Number of days	Members	Plenary €K	Bureau €K	Working groups	Secretariat (A, B)
2020	2	3	10	27.0			0.5 A; 0.5 B
2021	2	3	10	27.0			0.5 A; 0.5 B

*The costs include the per diem, travel costs, interpretation, translation and document printing. These costs are calculated on the basis of the 2020 standard costs.