



Strasbourg, 23 November 2023

CDCJ(2024)01

**EUROPEAN COMMITTEE ON LEGAL CO-OPERATION
(CDCJ)**

**TERMS OF REFERENCE OF THE CDCJ AND ITS SUBORDINATE BODIES
FOR 2024-2027**

adopted by the Committee of Ministers' Deputies
at their 1481st (Budget) meeting, 21-23 November 2023

(extract from document CM(2023)131-add final)

Document prepared by the Secretariat
Directorate General Human Rights and Rule of Law – DGI

Terms of reference of the

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

Category: Subordinate body

Duration: 1 January 2024 - 31 December 2024

Programmes: Acting for equality, diversity and respect / Building trust in public institutions

Sub-programmes: Children’s rights/ Independence and efficiency of justice

Deliverables

Under the authority of the Committee of Ministers, of the European Committee on Legal Co-operation (CDCJ) and of the Steering Committee for the Rights of the Child (CDENF), the CJ/ENF-ISE is instructed to complete the following deliverables assigned to within the following deadlines:

	Category ▼	Priority ▼	Deadline ▼
1. Draft Recommendation on the rights and the best interests of the child in care proceedings	A	1	31/12/2024
2. Implementation tool(s) on the rights and the best interests of the child in parental separation and in care proceedings	A	1	31/12/2024
<p>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</p>			

Composition

- **Members**

The Committee of Experts shall be composed of 10 representatives of member States of the highest possible rank and/or independent experts (five designated by the CDCJ and five 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. The Committee shall be composed in accordance with Article 6 of Resolution [CM/Res\(2021\)3](#) on intergovernmental committees and subordinate bodies, their terms of reference and working methods.

The Council of Europe will bear the travel and subsistence expenses of these 10 members. Other member States may send representatives without defrayal of expenses.

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;
- Commissioner for Human Rights of the Council of Europe;
- 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 (one or more representatives, including, as appropriate, the European Union Agency for Fundamental Rights (FRA));
- Observer States to the Council of Europe: Canada, Holy See, Japan, Mexico, United States of America;
- 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).

- Observers

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

- non-member States with which the Council of Europe has a Neighbourhood partnership including relevant co-operation 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);
- Missing Children Europe.

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	10	2	3

The CJ/ENF-ISE will appoint from amongst its members a Gender Equality Rapporteur.

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.

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	3	10	33.7	-	-	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 standard costs.