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Construire une Europe
pour et avec les enfants



CDENF/BU(2020)03

Consideration of other observers from states or organisations to CDENF and its subordinate body (CJ/ENF-ISE)

1. This document describes the applicable procedure for the admission of observers to the CDENF, in line with **Resolution CM/Res(2011)24 on intergovernmental committees and subordinate bodies, their terms of reference and working methods**. It is aimed at clarifying the rules applicable for the consideration and admission of any other observers from states or organisations other than those referred to in the terms of reference. At its first plenary meeting, the CDENF entrusted its Bureau to examine such requests before its next meeting and to formulate any proposals regarding such requests for a CDENF decision on the matter.

I. Relevant legal framework

2. The terms of reference of the CDENF, as adopted by the Committee of Ministers, include the following participants and observers:

Participants:

The following may send representatives, without the right to vote and at the charge of their administrative budgets:

- Parliamentary Assembly of the Council of Europe;
- Congress of Local and Regional Authorities of the 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.

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

- European Union: one or more representatives, including the European Commission, the European Union Agency for Fundamental Rights (FRA);
- Observer States to the Council of Europe: Canada, Holy See, Japan, Mexico, United States of America;
- other international organisations including: United Nations Committee on the Rights of the Child (UNCRC), United Nations Children's Fund (UNICEF), United Nations High Commissioner for Refugees (UNHCR), 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), United Nations Special Rapporteur on the sale of children, child prostitution and child pornography, International Organisation of the Francophonie (OIF), Council of the Baltic Sea States (CBSS).

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;

- Eurochild;

- European Network of Ombudspersons for Children (ENOC);

- Defence for Children International;

- Global Initiative to End all Corporal Punishment of Children;

- Inter-agency Panel on Juvenile justice (IPJJ);

- End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes (ECPAT international);

- Save the Children;

- SOS Children's Villages;

- Missing Children Europe;

- Confederation of Family Organisations in the European Union (COFACE);

- International Association of Youth and Family Judges and Magistrates;

- International Social Service (ISS)

- World Vision International;

- other civil society and representatives of professional communities, as appropriate.

3. Paragraph 8 of Resolution CM/Rec(2011)24 sets out the procedure to be applied for the admission of **other civil society and representatives of professional communities** relevant to the work of the CDENF as observers:

[...]

III. Composition

C. Observers

8. Observers from states or organisations other than those referred to in paragraph 7.b above. They shall be admitted to steering committees, ad hoc committees and any subordinate body answerable to them in the following manner:

a. as a general rule, upon their request to the Secretary General, observers are admitted, to steering and ad hoc committees or any subordinate body answerable to them, on the basis of a unanimous decision by that steering or ad hoc committee; in the event where unanimity is not reached, the matter may be referred to the Committee of Ministers at the request of two-thirds of the members of the committee concerned. The Committee of Ministers shall decide on the matter by a two-thirds majority of all the representatives entitled to sit on it;

II. Possible criteria for screening applications

4. Should any requests be received from **other civil society and representatives of professional communities** relevant to the work of the CDENF or CJ/ENF-ISE, to be granted the status of observers, the Bureau should discuss the possible criteria to be applied for assessing their applications and possible contribution to the committee.

5. Possible criteria to be applied could be to invite the requesting organisation to demonstrate:

- a) a broad experience in the areas of competence of the CDENF – and in this case its subordinate body CJ/ENF-ISE

- b) the ability to make an effective and high-quality contribution to the CDENF or its subordinate body (based on its capacity and related human and material resources)
- c) adequate representation at a Europe-wide, and where relevant a broader, level.

III. Process for reviewing and approving applications

6. Applications for observer status CDENF require a unanimous approval by the Committee. It is proposed that any incoming applications be first examined by the Bureau, against the final criteria, with a proposal being made for Plenary's approval. Where considered appropriate, the requesting organisation may be invited to introduce itself to the Plenary prior to a decision being taken through a vote procedure.

7. Applications for observer status with CJ/ENF-ISE require a unanimous decision by both the CDCJ and CDENF. It is therefore proposed that any incoming applications be first examined by both Bureaux, ideally during a joint meeting, against the final criteria, with a proposal being made for both plenaries' approval. A tacit written procedure could be proposed, if both bureaux agree, so that any application be considered prior to the first meeting of the subordinate body (September 2020). Following a consensus on the criteria to be applied by both CDCJ/CDENF Bureau, the secretariat can be instructed to prepare a review of incoming applicants.