

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Strasbourg, 25 September 2023

CJ/ENF-ISE(2023)11

Committee of Experts on the Rights and the Best interests of the Child in Parental Separation and in Care Proceedings (CJ/ENF-ISE)

Eight Meeting

Strasbourg, 4-6 October 2023

Elections of the Chair and Vice-Chair

Item 4 of the draft agenda

Elections of the Chair and Vice-Chair

Background information

At its 6th meeting (Dublin, 4-5 October 2022), the CJ/ENF-ISE elected Thomas Knoll-Biermann (Germany) as Chairperson for a first one-year term of office, renewable once, and Stéphanie Hébrard (France) as Vice-chairperson for a first one-year term of office, renewable once. Both terms of office will come to an end early October 2023.

Action to be taken

At its 8th meeting (4 – 6 October 2023), the CJ/ENF-ISE is invited to hold elections for the Chair and Vice-Chair of the CJ/ENF-ISE for a term of office of one year.

I. Introduction

1. Under its Terms of Reference, and 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 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. In line with Art 12.a of the Rules of Procedure for Council of Europe intergovernmental committees, Appendix 1 to Resolution CM/Res(2021)3, every committee shall elect a Chair amongst its members.

2. The Chair shall conduct proceedings and sum up the conclusions whenever he or she thinks necessary. He or she may call to order a speaker who departs from the subject under discussion or from the committee's terms of reference. The Chair shall retain the right to speak and to vote in her/his capacity as a member of the committee, except in cases where an additional expert from the same country has been appointed to sit on that committee (Art 12.b Rules of Procedure for Council of Europe intergovernmental committee).

3. In accordance with the same Art 12.a of the Rules of Procedure for Council of Europe intergovernmental committees, every committee shall also elect a Vice-Chair. The Vice-Chair shall replace the Chair if the latter is absent or otherwise unable to preside 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 (Art 12.c Rules of Procedure for Council of Europe intergovernmental committee).

4. The term of office of the Chair and Vice-Chair shall be of one year. It may be renewed once.

II. Process and procedure for the elections of the Chair and Vice-Chairperson

5. CJ/ENF-ISE members who wish to be candidates or who would like to propose a candidate for the position of Chair or Vice-Chairperson are invited to inform the Secretariat (ENF-ISE@coe.int) as soon as possible and no later than **29 September 2023, by 2.00 pm (CET)**, in response to the general call for expressions of interest.

6. The elections will take place on **5 October 2023 (morning)**.
7. Elections of the Chair and Vice-Chair require a two-thirds majority of members entitled to vote at the first ballot, a simple majority of members entitled to vote at the second ballot and the highest number of votes at the third ballot. In the CJ/ENF-ISE the election shall be held by a show of hands unless a member of the committee requests a secret ballot (Art. 12.d Rules of Procedure for Council of Europe intergovernmental committees).
8. The results of the elections will be announced immediately after the voting is concluded.

Appendix

Rules of procedure for Council of Europe intergovernmental committees and subordinate bodies, applicable to CJ/ENF-ISE

Relevant provisions in the Rules of Procedure for the Council of Europe intergovernmental committees (Appendix 1 to Resolution CM/Res(2021)3 on intergovernmental committees and subordinate bodies, their terms of reference and working methods), with respect to the Chair, Vice-Chair and working methods:

“Article 12 – Chair

- a. Every committee shall elect a Chair and Vice-Chair. However, the Chair of a subordinate body may be appointed by the steering or ad hoc committee to which it is answerable.
- b. The Chair shall conduct proceedings and sum up the conclusions whenever he or she thinks necessary. He or she may call to order a speaker who departs from the subject under discussion or from the committee’s terms of reference. The Chair shall retain the right to speak and to vote in her/his capacity as a member of the committee, except in cases where an additional expert from the same country has been appointed to sit on that committee.
- c. The Vice-Chair shall replace the Chair if the latter is absent or otherwise unable to preside 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.
- d. Election of the Chair and Vice-Chair shall require a two-thirds majority of members entitled to vote at the first ballot, a simple majority of members entitled to vote at the second ballot and the highest number of votes at the third ballot. In steering committees, the election shall be held by secret ballot, in other committees by a show of hands, unless a member of the committee requests a secret ballot.
- e. The term of office of the Chair and Vice-Chair shall be one year. It may be renewed once.

Article 14 – Working methods

- a. Committees may appoint a rapporteur, a drafting committee or both. The provisions of this resolution shall apply *mutatis mutandis* to the functioning of a drafting committee.
- b. Where necessary, in order to expedite the progress of their work, committees may entrust a rapporteur or a limited number of committee members with a specific task to be fulfilled by their next meeting, using primarily information technologies.

[...]”