



Strasbourg, 14 September 2020

CJ/ENF-ISE(2020)04

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

Agenda item 8

CJ/ENF-ISE: Working methods and workplan

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CJ/ENF-ISE: DETAILED WORK PLAN PROPOSAL AND WORKING METHODS

Note prepared by the CDENF and CDCJ Secretariats

Summary and issues for consideration

This document was prepared by the CDENF and CDCJ secretariats and was also examined and discussed by the bureaux of the CDENF and the CDCJ. A further joint meeting of the CDCJ and CDENF Bureaux is scheduled to take place early October with respect to working methods.

At its first meeting, on 25 September 2020, the CJ/ENF-ISE is invited to:

- hold an exchange of views on the proposed workplan, timelines and any implications with respect to its working methods;
- approve, subject to any further changes required, the present document CJ/ENF-ISE(2020)04 and the proposed workplan.

1. The main tasks and deliverables 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) are set out in its [terms of references](#), as adopted by the Committee of Ministers.
2. The proposed workplan, reproduced in Appendix I, takes into account the necessity to adapt new working methods due to the current COVID-19 pandemic, in particular on the need to use of new technologies, videoconferences, participation in meetings via video-link and written procedures in order to pursue the implementation of 2020-2021 terms of reference. Such adaptations apply also to the processes and necessary interactions between the steering committees - the CDENF and the CDCJ - and their subordinate body, the CJ/ENF-ISE. **The workplan should be examined and approved by the Bureaux of both steering committees in order to enable the Secretariat to proceed with the required arrangements.**
3. During the biennium 2020-2021, the CJ/ENF-ISE is expected to hold 2 three days meetings each year. The possibility for members, participants and observers to take part in physical meetings of the CJ/ENF-ISE will depend on the evolution of travel and quarantine restrictions in member States. Therefore, the current proposed workplan takes into account the possibility that additional virtual sessions (3 hours) and/or days of physical meetings of the CJ/ENF-ISE may be required to be organised. As regards budgetary implications, the current proposals do not necessitate additional funding.
4. Articles 14.c of Appendix 1 to [Resolution CM/Res\(2011\)24](#) on intergovernmental committees and subordinate bodies, their terms of reference and working methods, provides that "*in exceptional cases and for specialised tasks which cannot be carried out by a member of the committee or by the Secretariat, committees may [...] have recourse to consultants[...]*".
5. It is also proposed that the CJ/ENF-ISE be supported by two consultants (or respectively 2 teams involving each a lead consultant and a more junior consultant) in the implementation of its research tasks. Such recourse is usually organised through calls for consultancy, based on a clear description of the profile and expertise required, which should be agreed upon by the Bureaux of both steering committees. A proposed description of their terms of reference is included in annex II. The calls for interest for consultancies have been issued and the outcome of these processes will be notified to applicants early October 2020.

Appendix I
Proposed workplan
(last updated: 14 September 2020)

Activities/task	DATES / PLACES	Responsibility
- Consensus reached on the composition of the Committee	June/ July 2020	CDCJ & CDENF Bureaux
- Take note of the workplan of the CJ/ENF-ISE and the terms of reference of the consultants - Consensus reached on the Chair and Vice-Chair of the CJ/ENF-ISE - Examination of criteria for other observer requests to CJ/ENF-ISE	July 2020	CDCJ & CDENF Bureaux
- Notification on the consensus reached to the CDCJ and CDENF members and observers	July 2020	CDCJ & CDENF
- Notification of all CJ/ENF-ISE members of the proposed workplan and meetings schedule - Call to CJ/ENF-ISE for written contributions to advance the preparatory work on the questionnaires on law, policy and practices in the relevant fields	July 2020	CJ/ENF-ISE
- Launch of the call for interest for consultancy services on the protection of the best interests of the child and his/her rights in situations of parental separation. Launch of the call for interest for consultancy services on the protection of the best interests of the child in domestic law proceedings by public authorities to limit parental responsibilities or place a child in care.	July 2020 (deadline extended to 25 September)	CoE Secretariat
- Preparation of the draft questionnaires based on the basis of CJ/ENF-ISE responses	16 September 2020	CoE Secretariat
- Finalisation of the procedure as a result of the calls for interest	End September	CoE Secretariat
1st meeting of the CJ/ENF-ISE - Presentation of the members of the Committee and other participants - Finalisation and approval of the draft questionnaires (for final approval by CDCJ and CDENF) - Preliminary exchange of views on possible instruments/tools to be prepared in the fields and provision of instructions and guidance to the consultants for the drafting of the feasibility studies. - Presentation of CoE's typology of legal instruments - Child participation dimension of the CJ/ENF-ISE	24-25 September 2020 (videoconference, working languages to be confirmed)	CJ/ENF-ISE
- Examination and approval of the draft questionnaires before circulation	October 2020	Joint meeting of CDCJ and CDENF Bureaux
- Circulation of the questionnaires (deadline to reply: 30 November 2020)	October 2020	CoE Secretariat
- Preliminary desktop researches on existing international and European standards in the relevant fields, including practical tools / analysis of the possible lacunae / drafting of proposals for instruments and/or practical tools (working papers)	October - November 2020	Consultants
2nd meeting of the CJ/ENF-ISE	11-12 December 2020 (date tbc)	CJ/ENF-ISE

<ul style="list-style-type: none"> - Compilation of replies received (December 2020) and transmission to consultants - Approval of desktop researches on existing international and European standards in the relevant fields, including practical tools / analysis of the possible lacunae / drafting of proposals for specific instruments and/or types of practical tools, including draft elements (working papers) 	(by videoconference or physical)	
<ul style="list-style-type: none"> - Elaboration of the draft feasibility studies (including draft proposals for the types of instrument to be carried out) 	January 2021	Consultants
<ul style="list-style-type: none"> - Translation of the draft feasibility studies 	February 2021	CoE Secretariat
3rd meeting of the CJ/ENF-ISE <ul style="list-style-type: none"> - Examination and finalisation of the draft feasibility studies, including draft proposals on the possible types of instruments/tools to be prepared by CJ/ENF-ISE 	End February 2021	CJ/ENF-ISE
<ul style="list-style-type: none"> - Examination of the draft feasibility studies, including the draft proposals on the types of instruments/tools to be prepared by CJ/ENF-ISE 	March 2021	Joint meeting of the CDCJ and CDENF Bureaux
<ul style="list-style-type: none"> - Review and finalisation of the draft studies in the light of comments received 	End March – Mid April 2021	Consultants
<ul style="list-style-type: none"> - Translation of the final version of the draft feasibility studies 	End April 2021	CoE Secretariat
<ul style="list-style-type: none"> - Examination and approval of the draft feasibility studies and exchange of views on the types of instruments/tools to be prepared by CJ/ENF-ISE 	May 2021	CDCJ CDENF
<ul style="list-style-type: none"> - Elaboration of the preliminary draft instruments/tools 	May 2021	Consultants
<ul style="list-style-type: none"> - Translation of the preliminary draft instruments/tools 	Early June 2021	CoE Secretariat
4th meeting of CJ/ENF-ISE <ul style="list-style-type: none"> - Examination of the preliminary draft instruments/tools 	End June 2021	CJ/ENF-ISE
<ul style="list-style-type: none"> - Revision of the draft instruments/tools in the light of comments received 	July – August 2021	Consultants
5th meeting of CJ/ENF-ISE <ul style="list-style-type: none"> - Examination (and approval) of the draft instruments/tools 	Early September 2021	CJ/ENF-ISE
CDCJ / CDENF Formal Consultation	3 months	CDCJ / CDENF
CDCJ and CDENF <ul style="list-style-type: none"> - Examination and approval of the draft instruments/tools 	November 2021	CDCJ / CDENF

Appendix II

Draft terms of reference for consultancy services (consultant and/or a team of consultants) to CJ/ENF-ISE to support its work on the protection of the best interests of the child and his/her rights in situations of parental separation and respectively on the protection of 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

Tasks

1. Draw up a feasibility study which will include a review of law, policy and practice on how the best interests of the child and their rights are protected in 1) situations of parental separation and respectively 2) domestic law proceedings by public authorities to limit parental responsibilities or place a child in care, while taking into account international and European standards in this area, 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.
2. Draw up a desktop research on existing international and European standards in the relevant fields, including practical tools / analysis of the possible lacunae / drafting of proposals for instruments and/or practical tools (in the form of working papers)
3. Submit two final reports after consultations with the CJ/ENF-ISE, and as necessary, contributions and comments by the CDENF and CDCJ
4. Assist the Committee of Experts (CJ/ENF-ISE) in its preparation of guidelines or other policy instruments or practical tools to give guidance to member States and other stakeholders on the protection of the best the child and his/her rights in situations of parental separation

Methodology

2 Consultants / and or 2 teams (up to 4 consultants - two of whom shall be appointed as lead experts) with expertise in the area of research in the two above-mentioned fields, appointed by the Secretary General.

The research teams will report to and consult regularly with the CJ/ENF-ISE. The CJ/ENF-ISE shall to be consulted throughout the preparation of the researches and the team's preliminary findings.

Duration of the contract

October 2020- December 2021