



Strasbourg, 26 November 2021

CJ/ENF-ISE(2021)09 prov.

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

4th meeting, 13 et 14 December 2021

Agenda Item 8: Terms of reference: exchange of views on the future work programme and implementation of tasks in 2022-2023

CJ/ENF-ISE: Working methods and workplan proposal

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

Summary and issues for consideration

This document was prepared by the CDENF and CDCJ secretariats.

At its 4th meeting on 13-14 December 2021, 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(2021)09 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 reference for 2020 - 2021](#), as adopted by the Committee of Ministers.
2. The proposed workplan, reproduced in Appendix I, takes into account the necessity to adapt, where appropriate, new working methods due to the current COVID-19 pandemic, in particular on the need to use new technologies, videoconferences, participation in meetings via video-link and written procedures in order to pursue the implementation during the period of 2022-2023, subject to the adoption of its new 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.
3. During the biennium 2022-2023, 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. Article 14 (c) of Appendix 1 to [Resolution CM/Res\(2021\)3](#) 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. The CJ/ENF-ISE will be supported by several consultants, who will be dealing with parental separation situations and with care proceedings in the implementation of its research tasks.

Appendix I
Workplan proposal
(last update: 26 November 2021)

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	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)	CJ/ENF-ISE
Joint meeting of CDCJ and CDENF Bureaux - Examination and approval of the draft questionnaires before circulation	7 October 2020 (videoconference)	CDCJ and CDENF Bureaux
- Circulation of the questionnaires (deadline to reply: 30 November 2020)	October 2020	CoE Secretariat
- Preliminary desktop research on existing international and European standards in the	October - November 2020	Consultants

relevant fields, including practical tools / analysis of the possible lacunae / drafting of proposals for instruments and/or practical tools (working papers)		
- Participation of the Chair to the CCJE Plenary	4 November 2020	CJ/ENF-ISE Chair
- Participation of the Chair to the CDCJ Plenary	4 November 2020	CJ/ENF-ISE Chair
- Participation of the Chair to the CDENF Plenary	16 November 2020 (videoconference)	CJ/ENF-ISE Chair
- Participation of the Chair to the CCPE Plenary	18 November 2020	CJ/ENF-ISE Chair
2nd meeting of the CJ/ENF-ISE <ul style="list-style-type: none"> - Presentation on the ECHR's case law on the protection of the best interests of the child in parental separation situations and care proceedings. - Planning of hearings and child participation methodology - Compilation of replies received (December 2020) and transmission to consultants - Approval of desktop research 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) - Discussion on synergies and cooperation with other relevant international and European initiatives 	14 and 18 December 2020 (videoconference)	CJ/ENF-ISE
- Elaboration of the draft feasibility studies (including draft proposals for the types of instrument to be carried out)	January-March 2021	Consultants
- Call for information to CDCJ and CDENF on national stakeholders	January 2021	CoE Secretariat
- Survey for practitioners on gaps and practical guidance needed	February 2021	CoE Secretariat
- Translation of the draft feasibility studies	March-April 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 	14-15 April 2021 (videoconference)	CJ/ENF-ISE
- Participation of the Chair in the CDENF-GT-VAE Meeting	22 April 2021 (videoconference)	CJ/ENF-ISE Chair
- Circulation of the feasibility studies to CJ/ENF-ISE members and observers for comments until the 23 of April.	23 April 2021	CJ/ENF-ISE
- Review of the draft feasibility studies in the light of comments made by CJ/ENF-ISE	30 April 2021	Consultants
- Translation of the updated draft feasibility studies	May 2021	CoE Secretariat
- Consultation of CDCJ and CDENF delegations on the draft feasibility studies and the types of instruments/tools to be prepared by CJ/ENF-ISE	May - June 2021	CDCJ CDENF
- CDENF Regional Discussion on "children's rights and alternative care", with participation of CJ/ENF-ISE Chair and delegations	1 June 2021	CoE Secretariat

- Review of the draft feasibility studies in light of the comments received by CDCJ and CDENF delegations	June 2021	Consultants
2nd Joint meeting of the CDCJ and CDENF Bureaux - Examination and approval of the draft feasibility studies, and decision on the types of instruments/tools to be prepared by the CJ/ENF-ISE	24 June 2021 (videoconference)	CDCJ and CDENF Bureaux
- Working meeting between the Chair and the consultants on the draft instrument(s)	16 July 2021	CoE Secretariat
- Final review and publication of the feasibility studies	July 2021	CoE Secretariat
- Call for tender for the child consultation process	July - August 2021	CoE Secretariat
- Elaboration of an outline of the draft instrument(s)	July - August 2021	Consultants
- Review of the outline of the draft instrument(s)	Early September 2021	CoE Secretariat
Informal meeting of CJ/ENF-ISE with the Chair	26 September (videoconference)	CJ/ENF-ISE
- Child consultation process (mapping of other child consultation processes)	September – November 2021	CoE Secretariat
- Elaboration of the preliminary draft instrument(s)	Mid-September / October	Consultants
- Translation of the preliminary draft instrument(s)	End October 2021	CoE Secretariat
- Circulation of the preliminary draft instrument(s) to CJ/ENF-ISE for comments (3 weeks consultation)	November 2021	CoE Secretariat
- Participation of the Chair to the CDCJ Plenary	1-3 December 2021	CJ/ENF-ISE Chair
4th meeting of CJ/ENF-ISE - Examination of the preliminary draft instrument(s) - Examination on proposals for child consultations	13-14 December 2021 (hybrid meeting)	CJ/ENF-ISE
Examination of proposed Terms of Reference for the ENF-ISE for 2022-2023	September-December 2021	Committee of Ministers (CM) and relevant rapporteur groups
- Review of the preliminary draft instrument(s) - Elaboration of a preliminary draft explanatory memorandum(s)	January/February 2022	Consultants
- Organisation of child consultations	January - June 2022	Consultants
- Circulation of the revised preliminary draft instrument(s) and the preliminary draft explanatory memorandum(s) to CJ/ENF-ISE for comments	March 2022	CoE Secretariat
- Review of the preliminary draft instrument(s) and preliminary draft explanatory memorandum(s) in light of the comments received	End March – Early April 2022	Consultants
- Council of Europe launching conference of the Strategy for the Rights of the Child (2022-2027)	6-8 April 2022 Rome	CoE Secretariat + CJ/ENF-ISE Chair

5th meeting of CJ/ENF-ISE <ul style="list-style-type: none"> - Examination of the draft instrument(s) - Examination of the draft explanatory memorandum(s) - Selection of stakeholders for the written consultation and for the hearing 	2-4 May 2022	CJ/ENF-ISE
<ul style="list-style-type: none"> - Written consultation of stakeholders and steering committees 	May – June 2022	CoE Secretariat
<ul style="list-style-type: none"> - Review of the draft instrument(s) and explanatory memorandum(s) in view of the comments received and the results of the child consultations 	July – September 2022	Consultants
6th meeting of CJ/ENF-ISE <ul style="list-style-type: none"> - Hearing with selected stakeholders - Review of the draft instrument(s) and draft explanatory memorandum(s) following the hearing - Consideration of proposals for development of practical tools 	3-5 October 2022 Dublin (dates and place to be confirmed)	CJ/ENF-ISE
<ul style="list-style-type: none"> - Finalisation of the draft instrument(s) and draft explanatory memorandum(s) in view of the comments received 	October – November 2022	Consultants
3rd CDCJ and CDENF Joint Bureau meeting <ul style="list-style-type: none"> - Review of progress 	December 2022 (videoconference)	CDCJ/CDENF Bureau
7th meeting of CJ/ENF-ISE <ul style="list-style-type: none"> - Examination and approval of the draft instrument(s) and explanatory memorandum (s) 	January 2023	CJ/ENF-ISE
Formal consultation of CDCJ and CDENF	February – March 2023	CDCJ and CDENF
CDCJ and CDENF joint meeting <ul style="list-style-type: none"> - Examination and approval of the draft instrument(s) and its explanatory memorandum 	May 2023	CDCJ and CDENF
CM Rapporteur groups (GR-J & GR-SOC) meeting	2023 (tbc)	CM