

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

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

CJ/ENF-ISE: Working methods and workplan 2023-2024

enf-ise@coe.int
www.coe.int/enf-ise

CJ/ENF-ISE: WORKING METHODS AND WORKPLAN 2023-2024

At its 8th meeting (4-6 October 2023), the CJ/ENF-ISE examined and approved the revised work programme, timetable and working methods of the Committee for 2023-2024, subject to the extension of its mandate by the Committee of Ministers.

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, and [renewed for the period 2022-2023](#).
2. Following the request for guidance issued at by the CJ/ENF-ISE at its 6th meeting, the two parent Committees, the Steering Committee for the Rights of the Child (CDENF) and the European Committee for Legal Cooperation (CDCJ), at their respective plenary meetings in November 2023:
 - agreed that the CJ/ENF-ISE should continue its work by drawing up two separate draft recommendations, one relating to parental separation and one to care proceedings,
 - agreed to advise the Committee of Ministers, on the need to extend the terms of reference of the CJ/ENF-ISE up to 2024,
 - instructed the CJ/ENF-ISE to ensure that a draft legal instrument would be finalised by the committee for approval by both steering committees (CDCJ and CDENF) by the end of 2023 and the second draft recommendation at earliest convenience in 2024, subject to the proposed extension of the mandate of CJ/ENF-ISE.
3. The revised workplan takes into account the guidance issues by the two parent Committees. Given the more advanced state of maturity of the current work on the best interests of the child in parental separation proceedings, it is proposed to organise the work of CJ/ENF-ISE in a way enabling the CJ/ENF-ISE to complete a draft Recommendation on parental separation, together with its Explanatory Memorandum, for consideration by the two parent committees by the end of 2023, and to complete the draft on care proceedings by the end of 2024. It also contains proposals for the completion of the implementation tools to be developed by CJ/ENF-ISE.
4. Under its current mandate, the CJ/ENF-ISE shall hold two three-days meetings each year. In accordance with Article 14 (d) of Appendix 1 to Resolution CM/Res(2021)3 on intergovernmental committees and subordinate bodies, their terms of reference and working methods, time- and cost-efficiency shall be a guiding principle for committee work, and the committee shall prioritise best possible use of digital technologies including for meetings and written consultations.
5. In line with 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, the CJ/ENF-ISE will be supported by consultants, who will provide necessary background research and support in the drafting process, as appropriate.

Appendix¹**Workplan
(last update: 13 October 2023)**

Activities/task	DATES / PLACES	Responsibility
- Preparation of a preliminary draft recommendation on the best interest of the child in parental separation proceedings	online 20 and 24 January 2023	ENF-ISE Chair and Vice-chair and 2 Rapporteurs
- Elaboration of the preliminary draft explanatory memorandum to the draft recommendation on parental separation	February 2023	Secretariat/Consultant
7th meeting of CJ/ENF-ISE - In-depth review of the draft recommendation on parental separation - First exchange on the work on the best interests of the child in care proceedings	6-8 and 24 March 2023 Strasbourg	CJ/ENF-ISE
- Review of the draft explanatory memorandum on parental separation	March – April 2023	Secretariat/Consultant
- Elaboration of the preliminary draft recommendation on the best interest of the child in care proceedings and its preliminary draft explanatory memorandum	March – Early September 2023	Secretariat/Consultant
Written consultation of CDCJ, CDENF and selected stakeholders on the draft recommendation on parental separation and its preliminary draft explanatory memorandum + Written consultation of CJ/ENF-ISE on the preliminary draft explanatory memorandum	May – Early July 2023	CDCJ / CDENF Selected stakeholders CJ/ENF-ISE
- First examination and exchange of views on the draft recommendation on parental separation	30 May – 01 June 2023	CDCJ / CDENF
- Review of the draft recommendation on parental separation and its preliminary draft explanatory memorandum in light of the comments made by CDCJ and CDENF delegations and selected stakeholders	July – Early September 2023	Secretariat/Consultant
8th meeting of CJ/ENF-ISE - Review and finalisation of the draft recommendation on parental separation and its draft explanatory memorandum	4-6 October 2023 Strasbourg	CJ/ENF-ISE

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Tasks/activities on parental separation proceedings
<i>Tasks/activities on care proceedings</i>
<i>Meetings</i>

<ul style="list-style-type: none"> - Communication of the approved documents to the CDCJ and CDENF for approval/adoption - First exchange on the preliminary draft recommendation on care proceedings and its preliminary draft explanatory memorandum 		
Written consultation of CJ/ENF-ISE on the preliminary draft recommendation on care proceedings and its preliminary draft explanatory memorandum	October 2023	CJ/ENF-ISE
Revision of the draft recommendation on care proceedings and its draft explanatory memorandum in light of oral observations made by CJ/ENF-ISE at its 8 th meeting and the written comments	November – December 2023	Secretariat/Consultant
<p style="text-align: center;">3rd CDCJ and CDENF Joint Bureau meeting or CDCJ/CDENF consultation meeting (if necessary)</p> <ul style="list-style-type: none"> - Final review of the draft recommendation on parental separation 	End October – Early November 2023 (half day – date to be confirmed) Online	CDCJ and CDENF Bureaus or national Delegations
<p style="text-align: center;">CDCJ and CDENF joint meeting</p> <ul style="list-style-type: none"> - Approval of the draft recommendation on parental separation - Adoption of the draft explanatory memorandum 	16 November 2023 Strasbourg	CDCJ and CDENF
<ul style="list-style-type: none"> - Elaboration of the draft implementation tools on parental separation - Elaboration of draft child-friendly materials on parental separation proceedings 	January – March 2024	Secretariat/Consultants
<ul style="list-style-type: none"> - Elaboration of the draft implementation tools on care proceedings - Elaboration of draft child-friendly materials on care proceedings 	January – March 2024	Secretariat/Consultants
<p style="text-align: center;">9th meeting of CJ/ENF-ISE</p> <ul style="list-style-type: none"> - Review of the draft recommendation on care proceedings and its draft explanatory memorandum - First examination of the draft implementation tools and child-friendly materials on parental separation and care proceedings 	20-22 March 2024 Strasbourg	CJ/ENF-ISE
<p style="text-align: center;">Written consultation of CJ/ENF-ISE, CDCJ, CDENF and selected stakeholders on the draft recommendation on care proceedings and its draft explanatory memorandum</p>	April – June 2024	CDCJ / CDENF Selected stakeholders
Review of the draft implementation tools and child-friendly materials on parental separation	April – May 2024	Secretariat/Consultants
Review of the draft implementation tools and child-friendly materials on care proceedings	April – May 2024	Secretariat/Consultants

First examination and exchange of views on the draft recommendation on care proceedings and implementation tools	June 2024 (dates to be confirmed) Strasbourg	CDCJ / CDENF
Review of the draft recommendation on care proceedings and its draft explanatory memorandum in light of the comments made by CDCJ and CDENF delegations and selected stakeholders	July – Early September 2024	Secretariat/Consultant
10th meeting of CJ/ENF-ISE <ul style="list-style-type: none"> - Review and finalisation of the draft recommendation on care proceedings and its draft explanatory memorandum - Finalisation of the implementation tools and child-friendly materials on parental separation and care proceedings - Communication of the finalised documents to the CDCJ and CDENF for approval/adoption 	October 2024 Strasbourg	CJ/ENF-ISE
4th CDCJ and CDENF Joint Bureau meeting or CDCJ/CDENF consultation meeting (if necessary) <ul style="list-style-type: none"> - Final review of the draft recommendation on care proceedings 	End October – Early November 2024 (half day – date to be confirmed) Online	CDCJ and CDENF Bureaus or national Delegations
CDCJ and CDENF joint meeting <ul style="list-style-type: none"> - Approval of the draft recommendation on care proceedings - Adoption of the draft explanatory memorandum on care proceedings - Adoption of the implementation tools and child-friendly materials on parental separation and care proceedings 	November 2024 (dates to be confirmed) Strasbourg	CDCJ and CDENF
<ul style="list-style-type: none"> - Communication of the draft recommendation on parental separation and the draft recommendation on care proceedings to the Committee of Ministers adoption - Submission the explanatory memoranda to the Committee of Ministers for information 	December 2024	Secretariat