

Strasbourg, 22 September 2020 CJ/ENF-ISE(2020)OJ1ANN

**COMMITTEE OF EXPERTS**

 **ON THE RIGHTS AND** **THE BEST INTERESTS OF THE CHILD**

**IN PARENTAL SEPARATION AND IN CARE PROCEEDINGS (CJ/ENF-ISE)**

**First meeting, 24 and 25 September 2020**

**DRAFT AGENDA (ANNOTATED)**

**Thursday, 24 September 2020**

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| 1. **Opening of the meeting and welcome**
 | 2 p.m. |

Chair: Mr Seamus S. Carroll (Ireland)

Welcome address

* Mr Christophe Poirel, Director of Human Rights, Directorate General Human Rights and Rule of Law
* Mr Jeroen Schokkenbroek, Director of Anti-discrimination, Directorate General of Democracy

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| 1. **Adoption of the agenda**
 | 2.20 p.m. |
| Working documents:[CJ/ENF-ISE(2020)OJ1Rev1](https://rm.coe.int/cj-enf-ise-2020-oj1-prov-draft-agenda-rev1/16809f8f02)  - Draft agendaCJ/ENF-ISE(2020)OJ1ANN - Draft Annotated Agenda and Order of Business |

CJ/ENF-ISE is invited to review and adopt the draft agenda and order of business.

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| 1. **CJ/ENF-ISE Tour de Table**
 | 2.25 p.m. |
| Working documentList of participants - [CJ/ENF-ISE(2020)LOP1](https://rm.coe.int/cj-enf-ise-2020-lop1-list-of-participants-bilingual-first-meeting-sept/pdf/16809facfe)  |

CJ/ENF-ISE members, participants and observers are invited to introduce themselves and make short interventions on their experience and expertise in the fields of children’s rights and justice, as well as specific areas of interest (up to 2 minutes per intervention).

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| 1. **Terms of reference of the CJ/ENF-ISE for 2020-2021**
 | 3.00 p.m. |
| Working documents:* [Terms of reference of the CJ/ENF-ISE](https://rm.coe.int/cj-enf-ise-2020-2021-en/1680992cb5)
* Background information – excerpts of meeting reports of the CDCJ and CDENF on the scope of work of the subordinate committee - [CJ/ENF-ISE(2020)INF1](https://rm.coe.int/cj-enf-ise-2020-inf1-excerptscahenfcdenfcdcj-en/16809f8efc)
* [Council of Europe Strategy for the Rights of the Child (2016-2021)](https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168066cff8)
* [Report: Workshop 7 – The Power of Family Relations respecting the best interests of the child in divorce or separation](https://rm.coe.int/report-pt-child-freindly-justice-conf-nov-19/16809a4653)
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* Intervention by Ms Regína Jensdóttir, Children’s Rights Coordinator of the Council of Europe and Head of the Children’s Rights Division on the background of the creation of the CJ/ENF-ISE, the terms of reference and specific tasks for 2020 and 2021.

CJ/ENF-ISE is invited to:

* take note of the presentation
* discuss the specific tasks set out in CJ/ENF-ISE Terms of reference and indicate their expectations for the work of the committee

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| 1. **Presentation of the Council of Europe’s typology of legal instruments**
 | 3.30 p.m. |

The secretariat will provide an overview of the types of legal instruments and tools elaborated by the Council of Europe, in order to assist the CJ/ENF-ISE’s future discussions on the possible instruments and tools which could be developed.

CJ/ENF-ISE is invited to:

* take note of the information provided by the secretariat and reflect on the various options and proposals provided;
* consider possible directions for the development of the future legal instruments and tools as appropriate during the discussion of item 6 of the agenda.

**6. Exchange of views on the preparation of the reviews and on the scope and nature of the Council of Europe’s possible legal instruments and/or tools to be prepared**

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| **6.1 Protection of the best interests of the child and their rights in situations of parental separation** | 3.50 p.m. |
| Working documents:* Table of contributions received – [CJ/ENF-ISE(2020)01](https://rm.coe.int/cj-enf-ise-2020-01-table-of-contributions-received/16809f8ebf)
* Compilation of written contributions – CJ/ENF-ISE(2020)02 (restricted document)
* Best interests of the child and children’s rights in parental separation - relevant international and European instruments - [CJ/ENF-ISE(2020)INF2](https://rm.coe.int/cj-enf-ise-2020-inf2-parental-separation-en/16809f8efe)
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CJ/ENF-ISE is invited to:

* hold an exchange of views and agree on the scope of the review of law, policy and practice on how the best interests of the child and their rights are protected in situations of parental separation,
* review the contributions received from its members and observers, identify the key aspects that should be addressed by the above-mentioned review and any related information gaps that should be further explored and/or collected from states through a targeted questionnaire,
* review the information paper compiling relevant excerpts of international and European instruments on the best interests of the child and children’s rights in parental separation situations and provide suggestions for its finalisation,
* discuss any other aspects related to the process for conducting and finalising the research on this dimension of the committee’s work.

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| **6.2 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** | 4.45 p.m. |
| Working documents:* Table of contributions received – [CJ/ENF-ISE(2020)01](https://rm.coe.int/cj-enf-ise-2020-01-table-of-contributions-received/16809f8ebf)
* Compilation of written contributions – CJ/ENF-ISE(2020)02 (restricted document)
* Best interests of the child in care proceedings – relevant international and European instruments – [CJ/ENF-ISE(2020)INF3](https://rm.coe.int/cj-enf-ise-2020-inf3-careproceedings-en/16809f8f00)
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CJ/ENF-ISE is invited to :

* hold an exchange of views and agree on the scope of the review of law, policy and practice on how 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,
* review the substantive contributions received from its members and observers, identify the key aspects that should be addressed by the above-mentioned review and any related information gaps that should be further explored and/or collected from states through a targeted questionnaire,
* review the information paper compiling relevant excerpts of international and European instruments in this area and provide suggestions for its finalisation,
* discuss any other aspects related to the process for conducting and finalising the research on this dimension of the committee’s work.

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**Friday, 25 September 2020**

**6. *(continued)* Exchange of views on the preparation of the reviews and on the scope and nature of the Council of Europe’s possible legal instruments and/or tools to be prepared**

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| **6.3 Preliminary exchange of views on possible legal instruments/tools to be prepared in the above-mentioned fields, considerations related to the structure of future guidelines, common factors and differences**  | 2.00 p.m. |

CJ/ENF-ISE is invited to:

* hold a first exchange of views on possible options for legal instruments and/or tools which could be proposed to be considered by the steering committees, including any relevant considerations related to the structure of possible future guidelines, identified needs of relevant professionals, target audience of these instruments/tools, expected impact and added value, etc;

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| **6.4 Identification of information gaps, discussion and approval of draft questionnaire(s)** | 3.00 p.m. |
| Working documents:* Compilation of written contributions – CJ/ENF-ISE(2020)02 (restricted document)
* Draft questionnaire – CJ/ENF-ISE(2020)03Prov (Room document)
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CJ/ENF-ISE is invited to:

* Discuss the questions that should be included in a draft questionnaire to support the preparation of the studies and the target audience of the questionnaire,
* Approve the draft questionnaire(s) and agree on its communication for final approval by the CDCJ and CDENF.

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| **7. Organisation of consultations with relevant stakeholders, including child participation** | 4.00 p.m. |

CJ/ENF-ISE is invited to:

* Discuss and agree on how to obtain the views of relevant stakeholders through an inclusive participation and consultation of a broad range of stakeholders, including children and Council of Europe’s relevant bodies,
* Take stock and note of preliminary ideas of the consultative process and initiate the development of the methodology and organisation of relevant consultations with stakeholders, including child participation.

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| **8. Discussion of the proposed workplan and organisation of future work** | 4.45 p.m. |
| Working document:* Working methods and workplan - [CJ/ENF-ISE(2020)04](https://rm.coe.int/cj-enf-ise-2020-04-working-methods-and-workplan-en/16809f8f51)
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Presentation by the secretariat of the draft workplan for the work of the CJ/ENF-ISE to the participants for their review and adoption. CJ/ENF-ISE is invited to:

* Review and approve the workplan and working methods of the CJ/ENF-ISE

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| **9. Dates of next meetings** | 5.10 p.m. |

All meetings organised before the end of 2020 will be held fully virtually. CJ/ENF-ISE is invited to take note of the dates of the next meeting (10-11 December 2020).

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| **10. Any other business** | 5.15 p.m. |

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| **11. Adoption of the abridged report** | 5.20 p.m. |

The CJ/ENF-ISE is invited to agree on a process whereby the secretariat will draft the abridged report and send it to all participants for their tacit approval through written procedure after the meeting.

Closing words by the Chair.