



Strasbourg, 14 December 2020

CJ/ENF-ISE(2020)OJ2ANN

**COMMITTEE OF EXPERTS**  
**ON THE RIGHTS AND THE BEST INTERESTS OF THE CHILD**  
**IN PARENTAL SEPARATION AND IN CARE PROCEEDINGS (CJ/ENF-ISE)**

**Second meeting, 14 and 18 December 2020**

**AGENDA (ANNOTATED)**

**Monday, 14 December 2020**

<b>1. Opening of the meeting and welcome</b>	9.30 am
<u>Working document</u>	
<ul style="list-style-type: none"> <li>• List of participants - CJ/ENF-ISE(2020)LOP2</li> </ul>	

Chair: Mr Seamus S. Carroll (Ireland)

<b>2. Adoption of the agenda</b>	9.35 am
<u>Working documents:</u>	
<ul style="list-style-type: none"> <li>• Draft agenda - <a href="#">CJ/ENF-ISE(2020)OJ2Rev1</a></li> <li>• Draft Annotated Agenda and Order of Business - CJ/ENF-ISE(2020)OJ2ANN</li> </ul>	

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

<b>3. Statement by the Chair and the Secretariat</b>	9.40 am
<u>Reference documents</u>	
<ul style="list-style-type: none"> <li>• <a href="#">Terms of reference of the CJ/ENF-ISE</a></li> <li>• Report of the CDCJ/CDENF joint Bureaux meeting - <a href="#">CDCJ&amp;CDENF/Bu(2020)PV1</a></li> <li>• Working methods and workplan - <a href="#">CJ/ENF-ISE(2020)04Rev1</a></li> </ul>	

CJ/ENF-ISE is invited to take note of the information provided by the Chair and the Secretariat, in particular on the report of the joint meeting of the Bureaux of the CDCJ and CDENF, the conclusions of the plenary meeting of the CDCJ (4-5 and 23-24 November 2020) and of the CDENF (16-18 November 2020) as well as the presentations made by the Chair of the CJ/ENF-ISE at the plenary meetings of the CCJE (5 November 2020) and CCPE (18 November 2020).

The Committee is also invited to take note of the updated working methods and workplan.

<b>4. Presentation on the ECHR's case law on the protection of the best interests of the child in parental separation situations and care proceedings</b>	9.50 am
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- Intervention by Ms Ksenija Turković, Judge at the European Court of Human Rights, followed by discussion.

CJ/ENF-ISE is invited to hold an exchange of views with Judge Ksenija Turković and take note of any follow-up required in order to ensure that its deliverables are in line with the relevant standards and good practice, including the case law of the European Court of Human Rights, as set out in the CJ/ENF-ISE's terms of reference.

<p><b>5. 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</b></p> <p><b>5.1 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</b></p> <p><b>5.2 Proposal for specific instruments and/or practical tools to give guidance to member States and other stakeholders in this area</b></p>	11.00 am
<p><u>Working documents</u></p> <ul style="list-style-type: none"> <li>• Compilation of contributions received from member states and observers to the questionnaire on care proceedings - CJ/ENF-ISE(2020)05B (restricted)</li> <li>• Compilation of contributions received from civil society to the questionnaire on care proceedings - CJ/ENF-ISE(2020)06B (restricted)</li> <li>• Working paper - Preliminary summary of standards, guidance and practice and related gaps - <a href="#">CJ/ENF-ISE(2020)07B</a></li> <li>• Preliminary annotated outline of a draft feasibility study - <a href="#">CJ/ENF-ISE(2020)08B</a></li> </ul> <p><u>Reference documents</u></p> <ul style="list-style-type: none"> <li>• Questionnaire on care proceedings – CJ/ENF-ISE(2020)3B</li> <li>• Best interests of the child in care proceedings - relevant international and European instruments - <a href="#">CJ/ENF-ISE(2020)INF3</a></li> </ul>	

- Presentation by Ms Daja Wenke, consultant to the CJ/ENF-ISE, on the contributions received from member states and observers on the questionnaire; on the preliminary summary of standards, guidance and practice and related gaps and on the preliminary annotated outline of the draft feasibility study.

CJ/ENF-ISE is invited to:

- Take note of the presentation made by the consultant;
- Examine the working documents and hold an exchange of views in order to agree on the main aspects that should be covered by the feasibility study; to identify good practices and possible gaps that deserve particular attention and to make preliminary

proposals on possible practical instruments and/or tools that could be developed by the CJ/ENF-ISE.

<b>Lunch break</b>	12.00 pm
<b>5. (continued) 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</b>	2.00 pm
<b>6. Protection of the best interests of the child and their rights in parental separation</b>	3.30 pm
<p><b>6.1 Review of law, policy and practice on how the best interests of the child and their rights are protected in situations of parental separation</b></p> <p><b>6.2 Proposal for specific instruments and/or practical tools to give guidance to member States and other stakeholders in this area</b></p>	
<p><u>Working documents</u></p> <ul style="list-style-type: none"> <li>• Compilation of contributions received from member states and observers to the questionnaire on parental separation – CJ/ENF-ISE(2020)05A (restricted)</li> <li>• Compilation of contributions received from civil society to the questionnaire on parental separation – CJ/ENF-ISE(2020)06A (restricted)</li> <li>• Analysis of international and European standards and practical tools, identification of gaps and possible proposals – <a href="#">CJ/ENF-ISE(2020)07A</a></li> <li>• Preliminary outline of a draft feasibility study – <a href="#">CJ/ENF-ISE(2020)08A</a></li> <li>• Working paper prepared by the Chair of CJ/ENF-ISE for discussion purposes on practical guidelines in situations of parental separation – CJ/ENF-ISE(2020)09 (restricted)</li> <li>• Summary table of ECHR Jurisprudence – <a href="#">CJ/ENF-ISE(2020)10</a> (English only)</li> </ul> <p><u>Reference documents</u></p> <ul style="list-style-type: none"> <li>• Questionnaire on parental separation – CJ/ENF-ISE(2020)3A</li> <li>• Best interests of the child and children’s rights in parental separation - relevant international and European instruments - <a href="#">CJ/ENF-ISE(2020)INF2Rev1</a></li> </ul>	

- Presentation by Ms Nuala Mole and Professor Blandine Malleveay, consultants to the CJ/ENF-ISE, on the contributions received from the member states and observers on the questionnaire; on the analysis of international and European standards and practical tools, identification of gaps and possible proposals and on the preliminary outline of the draft feasibility study.

CJ/ENF-ISE is invited to:

- Take note of the presentation made by the consultants;
- Examine the working documents and hold an exchange of views in order to agree on the main aspects that should be covered by the feasibility study; to identify good practices and possible gaps that deserve particular attention and to make preliminary proposals on possible practical instruments and/or tools that could be developed by the CJ/ENF-ISE.

<b>End of the 1st day</b>	4.30 pm
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**Friday, 18 December 2020**

<b>6. (continued) Protection of the best interests of the child and their rights in parental separation</b>	9.30 am
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<b>7. Organisation of consultations with relevant stakeholders, including child participation</b>	11.00 am
<b>7.1 Organisation of consultations with stakeholders</b>	
<b>7.2 Planning of child participation</b>	

Working documents:

- Concept note on the organisation of consultations with stakeholders – [CJ/ENF-ISE\(2020\)11](#)
- Concept note on child participation: options for taking into account children's views in the work of the CJ/ENF-ISE – [CJ/ENF-ISE\(2020\)12](#)
- Concept note on child consultations – [CJ/ENF-ISE\(2020\)13](#)

Reference document

- [Council of Europe child participation approach](#)

- Presentations by the Secretariat on options for undertaking consultations with stakeholders, including children;
- Presentation by Ms Maria Corbett, consultant to CDENF, on undertaking participatory consultations of children, including on the particularities to take into consideration when consulting children that have experienced care proceedings.

CJ/ENF-ISE is invited to:

- Take note of the presentation made by the consultant and of the Council of Europe methodology on child participation;
- Review the concept notes prepared by the Secretariat on the organisation of consultations with stakeholders as well as on child participation;
- Discuss and make proposals on the methodology and organisation of the consultative process (including the timetable), of the key stakeholders to be involved and on the participation of children in the work of CJ/ENF-ISE.

<b>8. Council of Europe Contribution to the UNCRC Day of general discussion on “children’s rights and alternative care”</b>	12.30 pm
<u>Reference documents:</u> <ul style="list-style-type: none"> <li>• <a href="#">Concept Note</a></li> <li>• Proposal for a possible contribution by the CDENF to the 2021 UN Day of General Discussion on “Children’s Rights and Alternative Care” - <a href="#">CDENF(2020)24</a></li> </ul>	

CJ/ENF-ISE is invited to:

- Take note of the planned contribution of the CDENF to the 2021 Day of General Discussion of the UNCRC and the possible involvement of the CJ/ENF-ISE in doing so.

<b>9. Dates of next meetings</b>	12.40 pm
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CJ/ENF-ISE is invited to agree on the dates of the next meeting which should be held, according to the workplan, late February or early March 2021. Depending on the sanitary situation, this meeting would be held either in Strasbourg or by videoconference.

<b>10. Any other business</b>	12.45 pm
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<b>11. Adoption of the meeting report</b>	12.50 pm
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The CJ/ENF-ISE is invited to agree on a process whereby the Secretariat will draft the meeting report and send it to all participants for their comments and approval through a written procedure after the meeting.

<b>Closing words by the Chair</b>	1 pm
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