



Strasbourg, 15 March 2021

CJ/ENF-ISE(2021)OJ1ANN

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

Third meeting, 14 and 15 April 2021

AGENDA (ANNOTATED)

Wednesday, 14 April 2021

| | |
|-------------------------------------------------------------------------------------------------|---------|
| 1. Opening of the meeting and welcome | 9.30 am |
| <u>Reference document</u> | |
| <ul style="list-style-type: none"> • List of participants - CJ/ENF-ISE(2021)LOP1 | |

Chair: Mr Seamus S. Carroll (Ireland)

| | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| 2. Adoption of the draft agenda and order of business | 9.35 am |
| <u>Working documents</u> | |
| <ul style="list-style-type: none"> • Draft agenda - CJ/ENF-ISE(2021)OJ1 • Draft annotated agenda and order of business - CJ/ENF-ISE(2021)OJ1ANN | |

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

| | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| 3. Statement by the Chair and the Secretariat | 9.40 am |
| <u>Reference documents</u> | |
| <ul style="list-style-type: none"> • Terms of reference of the CJ/ENF-ISE • Working methods and workplan - CJ/ENF-ISE(2021)01Rev2 • Concept note for CDENF's Regional Discussion on "children's rights and alternative care" (restricted) • ECtHR Thematic Factsheet on children's rights | |

CJ/ENF-ISE is invited to take note of the information provided by the Chair and the Secretariat on the state of implementation of the CJ/ENF-ISE Terms of Reference, in particular on the additional survey prepared by the consultants and circulated to practitioners in the month of February. The Committee will also hear an update on the organisation by the Steering Committee for the Rights of the Child (CDENF) of a Regional Discussion on "children's rights and alternative care", taking place on the 1st of June 2021 and on the new Thematic Factsheet on the European Court of Human Rights case-law related to the rights of the child.

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

| | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| 4. Presentation by Benoît Van Keirsbilck, member of the UN Committee on the Rights of the Child, on UNCRC standards and principles relevant to the CJ/ENF-ISE work | 10.00 am. |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|

- Intervention by Mr Benoît Van Keirsbilck on the UN Convention on the Rights of the Child (UNCRC) standards and principles on the protection of the best interests of the child in parental separation situations and care proceedings, followed by discussion.

CJ/ENF-ISE is invited to hold an exchange of views with Mr Van Keirsbilck 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 UNCRC, as set out in the CJ/ENF-ISE's terms of reference.

| | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| 5. Protection of the best interests of the child and their rights in parental separation 5.1 Examination of the draft feasibility study 5.2 Proposal for specific instruments and/or practical tools to give guidance to member States and other stakeholders in this area | 11.00 am |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|

Working document

- Draft feasibility study on parental separation – CJ/ENF-ISE(2021)03A (restricted)

Reference documents

- Compilation of contributions to the survey for practitioners on parental separation – CJ/ENF-ISE(2021)02A (restricted)
- Summary table of ECHR Jurisprudence – [CJ/ENF-ISE\(2020\)10](#) (English only)
- Analysis of international and European standards and practical tools, identification of gaps and possible proposals – [CJ/ENF-ISE\(2020\)07A](#)
- Questionnaire on parental separation – [CJ/ENF-ISE\(2020\)3A](#)
- Compilation of contributions received from member states and observers to the questionnaire on parental separation – CJ/ENF-ISE(2020)05ARev3 (restricted)
- Compilation of contributions received from civil society to the questionnaire on parental separation – CJ/ENF-ISE(2020)06A (restricted)
- Best interests of the child and children's rights in parental separation - relevant international and European instruments - [CJ/ENF-ISE\(2020\)INF2Rev1](#)

- Presentation by Ms Nuala Mole and Professor Blandine Mallevaey, consultants to the CJ/ENF-ISE, on the draft feasibility study and proposals for instruments and/or practical tools to be developed.

CJ/ENF-ISE is invited to:

- Take note of the presentation made by the consultants;
- Finalise the feasibility study in view of its communication for review and comments to the steering committees (CDCJ and CDENF) and hold an exchange of views on the practical instruments and/or tools to be developed by the CJ/ENF-ISE.

| | |
|-------------------------------------------------------------------------------------------------------------|----------|
| Lunch break | 12.00 pm |
| 5. (Continued) Protection of the best interests of the child and their rights in parental separation | 2.00 pm |
| End of the 1st day | 4.30 pm |

Thursday, 15 April 2021

| | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| <p>6. 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</p> <p>6.1 Examination of the draft feasibility study</p> <p>6.2 Proposal for specific instruments and/or practical tools to give guidance to member States and other stakeholders in this area</p> | 9.30 am |
| <p><u>Working document</u></p> <ul style="list-style-type: none"> Draft feasibility study on care proceedings - CJ/ENF-ISE(2021)03B (restricted) <p><u>Reference documents</u></p> <ul style="list-style-type: none"> Compilation of contributions to the survey for practitioners on care proceedings – CJ/ENF-ISE(2021)02B (restricted) Preliminary summary of standards, guidance and practice and related gaps - CJ/ENF-ISE(2020)07B Questionnaire on care proceedings – CJ/ENF-ISE(2020)3B Compilation of contributions received from member states and observers to the questionnaire on care proceedings - CJ/ENF-ISE(2020)05BRev3 (restricted) Compilation of contributions received from civil society to the questionnaire on care proceedings - CJ/ENF-ISE(2020)06B (restricted) Best interests of the child in care proceedings - relevant international and European instruments - CJ/ENF-ISE(2020)INF3 | |

- Presentation by Ms Daja Wenke, consultant to the CJ/ENF-ISE, on the draft feasibility study and proposals for instruments and/or practical tools to be carried out.

CJ/ENF-ISE is invited to:

- Take note of the presentation made by the consultant;
- Finalise the feasibility study in view of its communication for review and comments to the steering committees (CDCJ and CDENF) and hold an exchange of views on the practical instruments and/or tools to be developed by the CJ/ENF-ISE.

| | |
|--------------------|----------|
| Lunch break | 12.00 pm |
|--------------------|----------|

| | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| 6. (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 | 2.00 pm |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|

| | |
|---------------------------------------------------------------------------------------------------|---------|
| 7. Organisation of consultations with relevant stakeholders, including child participation | 3.00 pm |
| 7.1 Organisation of consultations with stakeholders | |
| 7.2 Planning of child participation | |

Working documents

- Concept note on the organisation of consultations with stakeholders – [CJ/ENF-ISE\(2021\)04](#)
- Concept note on child consultations – [CJ/ENF-ISE\(2021\)05](#)

Reference document

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

- Presentations by the Secretariat on the planning and timetable for undertaking consultations with stakeholders, including children;

CJ/ENF-ISE is invited to:

- Take note of the presentation made by the Secretariat;
- Review and approve the updated planning and timetable prepared by the Secretariat on the organisation of the consultative process of the key stakeholders and on the participation of children in the elaboration process of the draft instruments.

| | |
|------------------------------|---------|
| 8. Any other business | 3.45 pm |
|------------------------------|---------|

| | |
|----------------------------------|---------|
| 9. Dates of next meetings | 3.50 pm |
|----------------------------------|---------|

CJ/ENF-ISE is invited to agree on the dates of the next meeting which should be held, according to the workplan, at the beginning of July. Depending on the sanitary situation, this meeting would be held either in Strasbourg or by videoconference.

| | |
|-------------------------------------------|---------|
| 10. Adoption of the meeting report | 4.10 pm |
|-------------------------------------------|---------|

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.

| | |
|-----------------------------------|---------|
| Closing words by the Chair | 4.15 pm |
|-----------------------------------|---------|

| | |
|---------------------------|---------|
| End of the meeting | 4.30 pm |
|---------------------------|---------|