

RIGHTS AND BEST INTERESTS OF THE CHILD IN PARENTAL SEPARATION AND IN CARE PROCEEDINGS



Hearing of Stakeholders

4 October 2022, Dublin, Ireland

PROGRAMME



Presidency of Ireland
Council of Europe
May - November 2022

Présidence de l'Irlande
Conseil de l'Europe
Mai - Novembre 2022

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Introduction

The Council of Europe, through its [Committee of Experts on the Rights and the Best interests of the Child in Parental Separation and in Care Proceedings \(CJ/ENF-ISE\)](#), is currently elaborating a draft recommendation to member States on the rights and best interests of the child in parental separation and in care proceedings. This work is being conducted under the authority of the European Committee on Legal Co-operation ([CDCJ](#)) and the Steering Committee for the Rights of the Child ([CDENF](#)), which are the competent steering committees of the organisation for the aspects covered by this legal instrument.

In proceedings concerning parental separation, limitation of parental responsibilities and the placement of a child in alternative care, there are various aspects concerning the best interests of the child which remain highly sensitive and/or contentious, given the roles and power dynamics between the different actors involved.

For this reason, the CJ/ENF-ISE considered important to consult selected key actors - umbrella organisations, professional associations and international networks – on a series of selected key issues presented in this programme.

The adoption of a Recommendation by the Committee of Ministers is a collective expression of Council of Europe member states on a defined area of work where common guidance is desired and necessary in order to strengthen the rule of law, human rights and democracy in Europe. Recommendations usually provide a set of recommended actions and identify measures to be put in place, while taking into account the variety and differences of states' legal systems, institutions and capacities. This draft recommendation aims to provide guidance to member States on how to ensure that the rights of children are adequately upheld and that the best interests of the child are considered in judicial and administrative proceedings, in line with international and European standards and good practices.

The hearing will take place in Dublin, Ireland as part of an event hosted by the Irish Presidency of the Committee of Ministers of the Council of Europe.

Modalities of the hearing

The hearing will be divided in two separate sessions, each covering selected issues related to the best interests of the child and his/her rights in (1) parental separation situations and (2) care proceedings.

In order to address the selected topics from different angles, the hearing will not be held as a series of presentations, but in the form of an exchange of views among participants. Invited participants will be given an opportunity to share their views and experiences on the selected topics and to provide further input to the elaboration of the draft recommendation and its Explanatory Memorandum in the presence of the members of the CJ/ENF-ISE.

The moderator of the hearing will direct the discussions and facilitate or reframe the exchange as appropriate. The rapporteur of the hearing will present concluding remarks at the end of the hearing and will prepare a final report. This report, which will be public, will be considered by the CJ/ENF-ISE in the drafting process of the recommendation and will also be transmitted to CDCJ and CDENF for information.

Programme

9:30 – 9:40 OPENING OF THE MEETING

Welcome and introductory remarks: *Daniele Cangemi, Head of Department of Human Rights, Justice and Legal Co-operation and Standard Setting activities, Council of Europe*

9:40 – 11:10 SESSION 1 – Protection of the best interests of the child and his/her rights in parental separation proceedings

Moderator: *Seamus Carroll (Ireland), Chair of the CJ/ENF-ISE*

Topics covered

- ❖ Consideration of the best interests of the child and his or her rights in case of his/her relocation with one parent, including abroad.
- ❖ Consideration of the best interests of the child and his or her rights in cases of parental mediation and amicable separation.
- ❖ Implementation and enforcement of the decision in high-conflict parental separation.
- ❖ Consideration to be given where parental separation situations and childcare proceedings intersect in the context of high conflict parental situations.

11:10 – 11:25 Coffee Break

11:25 – 12:40 SESSION 2 – Protection of the best interests of the child and his/her rights in care proceedings

Moderator: *Thomas Knoll-Biermann (Germany), Vice-Chair of the CJ/ENF-ISE*

Topics covered

- ❖ Consideration to be given where parental separation situations and childcare proceedings intersect in the context of high conflict parental situations (continued).
- ❖ Considerations of ways and means to support the exercise of parental responsibilities in relation to children in care.
- ❖ Consideration of ways to facilitate contact between parents and children (including siblings).

12:40 – 1:00 CONCLUSIONS AND FINAL REMARKS

Rapporteur: *Bente Therese Bekkhus (Norway), CJ/ENF-ISE member*

12:40 – 12:50 **Conclusions**

12:50 – 1:00 **Final remarks by participants**

1:00 **CLOSING OF THE HEARING**

Strasbourg, 10 October / octobre 2022

CJ/ENF-ISE(2022)LOP_AUD
Bilingual

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

***Comité d'experts sur les droits et l'intérêt supérieur de
l'enfant dans le cadre des procédures de séparation
des parents ou de placement (CJ/ENF-ISE)***

Stakeholder hearing / *Audition des parties prenantes*

4 October / octobre 2022 Dublin (Ireland)

List of participants / *Liste des participants*

CJ/ENF- ISE MEMBERS / MEMBRES DU CJ/ENF-ISE

Armenia / Arménie

Ms Susanna Tadevosyan
Founder and President of the NGO “Bridge of Hope”

Croatia / Croatie

Ms Alma Bernat
Senior Counsellor – Specialist
Ministry of Labour, Pension System, Family and Social Policy

France

Ms Stéphanie Hébrard
1ere Vice-présidente
Tribunal Judiciaire de Montpellier

Germany / Allemagne

Mr Thomas Knoll-Biermann
Vice-Chair of the CJ/ENF-ISE / Vice-Président du CJ/ENF-ISE
Head of Unit
Child and Parents Law
Federal Ministry of Justice

Ireland / Irlande

Mr Seamus S. Carroll
Chair of the CJ/ENF-ISE / Président du CJ/ENF-ISE

Italy / Italie

Ms Federica Fiorillo
Judge seconded to the Ministry of Justice
Head of Department’s Office
Department of Justice Affairs

Latvia / Lettonie

Ms Dagnija Palcevska
Head of the Civil Law Department
Ministry of Justice

Norway / Norvège

Ms Bente Therese Bekkhus
Rapporteur of the Hearing / Rapporteur de l’audition
Senior Adviser
International Services
The Norwegian Directorate for Children, Youth and Family Affairs

Portugal

Ms Catarina Pral
Senior Officer
Directorate General of Social Reintegration and Prison Services
Juvenile Justice Department

Spain / Espagne

Ms Salomé Adroher Biosca
Full Professor on Private International Law
Faculty of Law
Pontifical University Comillas

**OTHER MEMBER STATES OF THE COUNCIL OF EUROPE /
AUTRES ETATS MEMBRES DU CONSEIL DE L'EUROPE**

Bosnia and Herzegovina / Bosnie Herzegovine

Ms Tijana Borovčanin
Ministry of Human Rights and Refugees

Ireland / Irlande

Ms Éimear O'Brien
Assistant Principal
Department of Children, Equality, Disability, Integration and Youth

Ms Deirdre Reidy
Higher Executive Officer
Department of Children, Equality, Disability, Integration and Youth

Mr David Lennon
Executive Officer
Department of Children, Equality, Disability, Integration and Youth

Poland / Pologne

Ms Emilia Sawicka
Legal Officer
Office of the Government Plenipotentiary for Demographic Policy
Permanent Representation of the Republic of Poland to the Council of Europe

PARTICIPANTS

Conference of INGOs of the Council of Europe / Conférence des OING du Conseil de l'Europe

Mr. Michael Grangeat
Member of the European Committee for Specialised Action for Children and Families in their living
(EUROCEF) France
Conference of INGOs representative / *Réprésentant de la Conférence des OING*

OBSERVERS / OBSERVATEURS

International Social Services (ISS) / Service social international (SSI)

Ms Sandrine Pépit
Directrice Service Social International France

CONSULTANTS

Ms Daja Wenke
Independent Researcher and Policy Analyst
Rights of the Child
Implementation of International Standards
Consultant to the CJ/ENF-ISE

STAKEHOLDERS / PARTIES PRENANTES

Association internationale francophone des intervenants auprès des familles séparées (AIFI)

Mr Alexandre Balmer
Social worker and family mediator, member of the network "Socialisation of minors", Astural,
Switzerland / *Travailleur social et médiateur familial, membre du réseau « Socialisation des mineurs
», Astural, Suisse*

Council of Bars and Law Societies of Europe / Conseil des barreaux européens (CCBE)

Ms Katell Drouet-Bassou

Chair of the CCBE Family and Successions Law Committee / *Présidente du Comité du droit de la famille et des successions du CCBE*

Child Friendly Justice European Network / Réseau européen de justice adaptée aux enfants (CFJ-EN)

Ms Nuala Mole

Member of the Steering Committee of the Child Friendly Justice's European Network

Missing Children Europe

Ms Aagje Leven

Secretary General / *Secrétaire Générale*

Eurochild

Mr Ciaran O'Donnell

Policy and Projects Officer / *Responsable des politiques et des projets*

Dr Maria Corbett, Chief Executive

Child Law Project & Eurochild individual member / *Projet sur le droit de l'enfant et membre individuel d'Eurochild*

International Federation of Social Workers / Fédération Internationale des Travailleurs Sociaux (IFSW)

Ms Anna Deneher

Main representative / *Représentante principale*

Ms Ana Radulescu

President / *Présidente*

International Mediation Centre for Family Conflict and Child Abduction / Centre international de médiation pour les conflits familiaux et l'enlèvement d'enfants (MiKK e.V.)

Ms Isabel Fernandez de Castillejo

Chair / *Présidente*

Mr Shai Ordan

Vice-Chair / *Vice-Président*

International Academy of Family Lawyers / Académie internationale des avocats de la famille (IAFL)

Mr Alberto Pérez Cedillo

President of the European Chapter / *Président de la section européenne*

University College Cork

Prof. Conor O'Mahony

Deputy Dean School of Law / *Doyen adjoint de la Faculté de droit*

Prof. Louise Crowley

BCL LLM PhD (Cardiff) - MA (Teaching and Learning in Higher Education) - Solicitor / BCL LLM PhD (Cardiff) - MA (*Enseignement et apprentissage dans l'enseignement supérieur*) – Avocate

COUNCIL OF EUROPE SECRETARIAT / SECRÉTARIAT DU CONSEIL DE L'EUROPE

DGI – Directorate General of Human Rights and Rule of Law / Direction générale Droits de l'Homme et Etat de droit

Mr Daniele Cangemi

Head of Department of Human Rights, Justice and Legal Co-operation Standard Setting activities /
Chef de service des Activités normatives en matière de droits de l'homme, justice et coopération juridique

Legal Co-operation division / Division de la Coopération juridique

Ms Sopho Gelashvili

Co-secretary / *Co-secrétaire*

Secretary to the European Committee on Legal-Co-operation / *Secrétaire du Comité européen de coopération juridique (CDCJ)*

DGII – Directorate General of Democracy and Human Dignité / Direction générale de la démocratie et de la dignité humaine

Ms Regina Jensdottir

Council of Europe Children's Rights Co-ordinator, Head of the Children's Rights Division / *Coordinatrice des droits des enfants du Conseil de l'Europe, Cheffe de la Division des droits des enfants*

Ms Maria Asensio Velasco

Policy Officer / *Agente des politiques*

Ms Katherine Austin

Trainee / *Stagiaire*

CJ/ENF-ISE SECRETARIAT / SECRÉTARIAT DU CJ/ENF-ISE

Mr Philippe Krantz

Legal Officer / *Juriste*

Co-Secretary to the CJ/ENF-ISE / *Co-Secrétaire du CJ/ENF-ISE*

European Committee on Legal Co-operation Secretariat (CDCJ) / *Secrétariat du Comité européen de coopération juridique (CDCJ)*

Division of Legal Co-operation (DGI) / *Division de la Coopération juridique (DGI)*

E-mail: Philippe.KRANTZ@coe.int

Ms Laura Márquez Malia

Assistant / *Assistante*

European Committee on Legal Co-operation Secretariat (CDCJ) / *Secrétariat du Comité européen de coopération juridique (CDCJ)*

Division for Legal Co-operation (DGI) / *Division de la Coopération juridique (DGI)*

Email: Laura.MARQUEZ@coe.int / ENF-ISE@coe.int

Ms Katrin Uerpmann

Secretary to the Steering Committee for the Rights of the Child / *Secrétaire du Comité Directeur pour les droits de l'enfant*

Co-Secretary to the CJ/ENF-ISE / *Co-Secrétaire du CJ/ENF-ISE*

Children's Rights Division (DGII) / *Division des Droits des enfants DGII*

E-mail: Katrin.UERPANN@coe.int

INTERPRETERS / INTERPRÈTES

Mr Alexandra Humbling

Ms Marie Delumeau