



Strasbourg, 13 December 2021

CJ/ENF-ISE(2021)OJ2ANN

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

4<sup>th</sup> meeting, 13 and 14 December 2021

**AGENDA (ANNOTATED)**

**Monday, 13 December 2021**

<b>1. Opening of the meeting and welcome</b>	9.30 am
<u>Reference document</u>	
<ul style="list-style-type: none"> <li>List of participants - CJ/ENF-ISE(2021)LOP2 prov.</li> </ul>	

Chair: Mr Seamus S. Carroll (Ireland)

<b>2. Adoption of the draft agenda and order of business</b>	9.35 am
<u>Working document</u>	
<ul style="list-style-type: none"> <li>Draft agenda - CJ/ENF-ISE(2021)OJ2 prov.</li> <li>Draft annotated agenda - CJ/ENF-ISE(2021)OJ2 ANN</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 document</u>	
<ul style="list-style-type: none"> <li>Report of the 2<sup>nd</sup> joint meeting of CDCJ and CDENF Bureaus - <a href="#">CDCJ&amp;CDENF/Bu(2021)PV1</a></li> <li></li> </ul>	

The CJ/ENF-ISE is invited to take note of :

- the report of the 2<sup>nd</sup> joint meeting of the Bureaus of the CDCJ and CDENF (24 June 2021) and in particular on the form and scope of the legal instrument(s) (see point IV of the report);
- the appointment of Mr Thomas Knoll-Biermann (Germany) and Ms Salomé Adroher Biosca (Spain) as members of the CJ/ENF-ISE.

<b>4. Reviews of law, policy and practice on how the best interest of the child and their rights are protected in situations of parental separation and in domestic law proceedings by public authorities to limit parental responsibilities or place a child in care (specific tasks (i) and (ii))</b>	9.50 am
<u>Reference document</u> <ul style="list-style-type: none"> <li>• Feasibility study on a legal instrument on the protection of the best interests of the child in situations of parental separation – <a href="#">CJ/ENF-ISE(2021)08A</a></li> <li>• Feasibility study of a legal instrument on the 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 - <a href="#">CJ/ENF-ISE(2021)08B</a></li> </ul>	

CJ/ENF-ISE is invited to take note of the finalisation and publication in July 2021 of:

- Feasibility study on a legal instrument on the protection of the best interests of the child in situations of parental separation ;
- Feasibility study of a legal instrument on the 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>5. Draft legal instrument on the protection of the best interests of the child and his/her rights in parental separation situations and/or care proceedings (specific task (iii) – examination of the draft instrument)</b>	10.00 am
<u>Working document</u> <ul style="list-style-type: none"> <li>• Preliminary draft legal instrument on the best interests of the child in parental separation situations and care proceedings – CJ/ENF-ISE(2021)10 (restricted)</li> </ul> <u>Reference document</u> <ul style="list-style-type: none"> <li>• Compilation of comments from CJ/ENF-ISE on the preliminary draft instrument - CJ/ENF-ISE(2021)11 (restricted)</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> <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. Nuala Mole and Ms. Daja Wenke, consultants to the CJ/ENF-ISE, of the preliminary draft legal instrument on the protection on the best interests of the child in parental separation situations and care proceedings.

CJ/ENF-ISE is invited to:

- Take note of the presentation made by the consultants;
- Examine the preliminary draft legal instrument and provide proposals for amendments;
- Provide guidance and proposals for drafting the explanatory memorandum;
- Agree on the feasibility of developing a combined instrument (parental separation situations and care proceedings).

<b>Lunch break</b>	1.00 pm
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<b>5. (Continued) Draft legal instrument on the protection of the best interests of the child and his/her rights in parental separation situations and/or care proceedings</b>	2.30 pm
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<b>End of the 1<sup>st</sup> day</b>	5.30 pm
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**Tuesday, 14 December 2021**

<b>5. (Continued) Draft legal instrument on the protection of the best interests of the child and his/her rights in parental separation situations and/or care proceedings</b>	9.30 am
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<b>Lunch break</b>	1.00 pm
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<b>5. (Continued) Draft legal instrument on the protection of the best interests of the child and his/her rights in parental separation situations and/or care proceedings</b>	2.30 pm
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<b>6. Consultations of relevant stakeholders</b>	
<b>6.1 Planning of child participation</b>	3.00 pm
<b>6.2 Planning of consultations of other stakeholders</b>	

Working document

- Concept note on child consultations: workplan – CJ/ENF-ISE(2021)05rev

Reference document

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

- Oral information by the Secretariat on progress made since the last meeting and on the revised concept note on child participation .
- Presentation by Ms Barbara Nemeth, Hintalovon Foundation, Council of Europe service provider , on the proposed methodology for child consultations.

Following a public call for tender carried out from 30 July to 6 September 2021, Hintalovon Child Rights Foundation was selected and contracted to develop a methodology for, and to carry out the child consultations in collaboration with up to five member States between January and May 2022.

CJ/ENF-ISE is invited to take note of:

- Review and approve the revised concept note on child participation and implementation modalities as set out in the workplan;
- Hold an exchange of views with Ms Barbara Nemeth on the proposed methodology for child consultation and agree on next steps to be taken.

<b>7. Update on key developments and other events by members and observers</b>	4.00 pm
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CJ/ENF-ISE is invited to take note of the information provided orally by members, participants and observers on key developments and other events.

<b>8. Terms of reference: exchange of views on the future work programme and implementation of tasks in 2022-2023</b>	4.30 pm
<u>Working document</u> <ul style="list-style-type: none"> <li>Working methods and workplan proposal (2022-2023) - CJ/ENF-ISE(2021)09 prov.</li> </ul> <u>Reference document</u> <ul style="list-style-type: none"> <li>Terms of reference of the CJ/ENF-ISE (2022-2023)</li> <li><a href="#">CM/Res(2021)3</a> on intergovernmental committees and subordinate bodies, their terms of reference and working methods</li> </ul>	

- Presentation by the Secretariat of the adopted Terms of reference for 2022-2023, of changes introduced by CM/Res(2021)3 and any implications for the Committee and its future work programme for 2022-2023.

CJ/ENF-ISE is invited to:

- Welcome the adoption of the Terms of Reference of the CJ/ENF-ISE (2022-2023) by the Committee of Ministers at its 1418<sup>th</sup> Meeting (23-25 November 2021);
- Take note of the entry into force, as from 1 January 2022, of Resolution CM/Res(2021)3 on intergovernmental committees and subordinate bodies, their terms of reference and working methods;
- Review and approve the working methods and work plan for 2022-2023, subject to any further amendments it considers necessary;
- Take note of the organisation of the Launching Conference of the Council of Europe Strategy for the Rights of the Child (2022-2027) on 7 - 8 April 2022 (Rome, Italy);
- Take note of the holding of a hearing of key stakeholders (organised in the framework of the future Irish Presidency of the Committee of Ministers of the Council of Europe), possibly back-to-back with the 6<sup>th</sup> meeting of the CJ/ENF-ISE (3-5 October 2022, dates and location to be confirmed).

<b>9. Any other business</b>	5.00 pm
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<b>10. Date place of the next meeting</b>	5.10 pm
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CJ/ENF-ISE is invited to agree on the dates of its next meeting, which is proposed to be held from 2-4 May 2021. Depending on the sanitary situation, this meeting would be held either in Strasbourg or by videoconference.

<b>11. Approval of the meeting report</b>	5.15 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>	5.20 pm
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<b>End of the meeting</b>	5.30 pm
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