



Strasbourg, 2 March 2023

CJ/ENF-ISE(2023)OJ1ANN

## Committee of experts on the rights and the best interests of the child in parental separation and in care proceedings (CJ/ENF-ISE)

7<sup>th</sup> Meeting

6 - 8 March 2023

Agora Room G04, Strasbourg, France

### ANNOTATED AGENDA

#### Monday, 6 March

<b>1. Opening of the meeting</b>	9.30 am
<u>Reference document</u>	
<ul style="list-style-type: none"> <li>• Draft List of participants - <a href="#">CJ/ENF-ISE(2023)LOP1</a></li> </ul>	

Chair: Mr Thomas Knoll-Biermann (Germany)

<b>2. Adoption of the draft agenda and order of business</b>	9.35 am
<u>Working documents</u>	
<ul style="list-style-type: none"> <li>• Draft agenda - <a href="#">CJ/ENF-ISE(2023)OJ1</a></li> <li>• Draft annotated agenda - CJ/ENF-ISE(2023)OJ1 ANN prov</li> </ul>	

The 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>• Abridged Report of the 99th CDCJ plenary meeting - <a href="#">CDCJ(2022)39</a></li> <li>• Abridged Report of the 6<sup>th</sup> CDENF plenary meeting - <a href="#">CDENF(2022)AR03</a></li> </ul>	

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

- 1) the guidance issued by the two parent committees (CDCJ and CDENF) at their respective plenary meeting in November 2022:
  - that the CJENF-ISE continue its work under its terms of reference by drawing up two separate draft recommendations, one relating to parental separation, thereby ensuring that a draft legal instrument would be finalised by the committee for approval by both steering committees (CDCJ and CDENF) by the end of 2023 and the second draft recommendation at earliest convenience in 2024;
  - to instruct the Secretariat to review the workplans of the CJ/ENF-ISE accordingly;
  - to advise the Committee of Ministers on the need to extend the terms of reference of the CJ/ENF-ISE up to the end of 2024.
- 2) The proposed follow-up to be given to the above guidance, notably by
  - preparing a preliminary draft Recommendation on the best interests of the child in parental separation situations, for finalisation by the CJ/ENF-ISE and approval during a joint session of the two parent committees on 16 November 2023;
  - Developing a draft Recommendation relating to care proceedings in parallel in view of its finalisation in 2024.

<b>4. Exchange of views on the future work programme and implementation of tasks in 2023 and beyond</b>	10.00 am
<u>Working document</u> Working methods and workplan – <a href="#">CJ/ENF-ISE(2023)01</a>	

The CJ/ENF-ISE is invited to:

- exchange on the follow-up to be given to the joint guidance issues by the two parent committees;
- to examine and approve the revised work programme, timetable and working methods of the Committee, subject the extension of the mandate of CJ/ENF-ISE until the end of 2024.

<b>12:30 – 2 :00 pm Lunch Break</b>
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<b>5. Draft recommendation on the protection of the best interests of the child and his/her rights in parental separation situations and its explanatory memorandum</b> (deliverable (1) of the terms of reference)	2.00 pm
<u>Working document</u> <ul style="list-style-type: none"> <li>• Preliminary Draft recommendation on the best interests of the child in parental separation situations – CJ/ENF-ISE(2023)02 (<i>restricted</i>)</li> <li>• Preliminary Draft recommendation – Compilation of comments – CJ/ENF-ISE(2023)03Mos (<i>restricted</i>)</li> <li>• Preliminary Draft Explanatory Memorandum – CJ/ENF-ISE(2023)02 ADD (<i>restricted</i>)</li> </ul>	

**Reference documents**

- Draft recommendation on the best interests of the child in parental separation situations and care proceedings – CJ/ENF-ISE(2022)07 prov3 (*restricted*)
- Compilation of comments from CJ/ENF-ISE on the draft legal instrument, following the 6th meeting (4-5 October 2022) – CJ/ENF-ISE(2022)16Mos (*restricted*)
- Compilation of ECtHR case law – [CJ/ENF-ISE\(2022\)INF1](#)

The CJ/ENF-ISE is invited to

- examine and revise the preliminary draft legal instrument, taking into account written comments received before the meeting;
- examine the preliminary draft Explanatory Memorandum and to provide further guidance to the consultant

<b>Coffee break</b>	3.30 pm
<b>5. Draft recommendation on the protection of the best interests of the child and his/her rights in parental separation situations and its explanatory memorandum (continued)</b>	3.50 pm
<b>End of the 1<sup>st</sup> day</b>	5 pm

**Tuesday, 7 March 2023**

<b>5. Draft recommendation on the protection of the best interests of the child and his/her rights in parental separation situations and its explanatory memorandum (continued)</b>	9.30 am
<u>Working and Reference documents: see above</u>	
<b>Coffee break</b>	11.00 am
<b>5. Draft recommendation on the protection of the best interests of the child and his/her rights in parental separation situations and its explanatory memorandum (continued)</b>	11.20 am
<b>Lunch break</b>	12.30 pm
<b>5. Draft recommendation on the protection of the best interests of the child and his/her rights in parental separation situations and its explanatory memorandum (continued)</b>	2.00 pm
<b>End of the 2<sup>nd</sup> day</b>	5 pm

**Wednesday, 8 March 2023**

<b>5. Draft recommendation on the protection of the best interests of the child and his/her rights in parental separation situations and its explanatory memorandum (continued)</b>	9.00 am
<u>Working and Reference documents: see above</u>	

<b>Lunch break</b>	12.00 pm
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<b>6. Draft recommendation on the rights and the best interests of the child in care proceedings (deliverable (1) of the terms of reference)</b>	1.30 pm
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CJ/ENF-ISE is invited to hold a first exchange on the structure and key areas to be addressed in the Draft recommendation on the rights and the best interests of the child in care proceedings.

<b>7. Child participation process and development of child friendly materials and other implementing tools (deliverable (2) of the terms of reference)</b>	2.30 pm
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**Child participation process and development of child friendly materials and other implementing tools**

The CJ/ENF-ISE is invited to exchange and agree on a methodology and time-line, as proposed in the revised workplan, for the development of child-friendly materials and other implementing tools.

<b>8. Update on key developments and other events by members and observers</b>	3.00 pm
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<b>9. Any other business</b>	3.30 pm
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<b>10. Date and place of next meeting</b>	3.50 pm
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CJ/ENF-ISE is invited to agree on the dates of the next meeting of CJ/ENF-ISE, which will be held in person in Strasbourg in 2023.

<b>11. Approval of the meeting report</b>	4.00 pm
<u>Working document</u> Meeting report -	

The CJ/ENF-ISE is invited to adopt the draft abridged meeting report.

<b>End of the meeting</b>	4.30 pm
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