

Strasbourg, 14 March 2024

CJ/ENF-ISE(2024)OJ1

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

9<sup>th</sup> Meeting

**20-22 March 2024**  
 Strasbourg, Agora, Room G02

### AGENDA AND ORDER OF BUSINESS

|    |   |   |
|----|---|---|
| 1. | <b>Opening of the meeting</b>   | <u>Reference document</u> <ul style="list-style-type: none"> <li>• CJ/ENF-ISE(2024)LoP1</li> </ul>  |
| 2. | <b>Adoption of the agenda and order of business</b>   | <u>Working documents</u> <ul style="list-style-type: none"> <li>• Agenda - CJ/ENF-ISE(2024)OJ1</li> <li>• Annotated agenda - CJ/ENF-ISE(2024)OJ1ANN</li> </ul>  |
| 3. | <b>Statement by the Chair and the Secretariat</b>   | <u>Reference documents</u> <ul style="list-style-type: none"> <li>• <a href="#">Report of the 101<sup>st</sup> CDCJ plenary meeting – CDCJ(2023)32</a></li> <li>• <a href="#">Report of the 8<sup>th</sup> CDENF plenary meeting – CDENF(2023)PV03</a></li> </ul>   |
| 4. | <b>Draft recommendation on the protection of the rights and best interests of the child in care proceedings and its draft explanatory memorandum (<i>deliverable (1) of the terms of reference</i>)</b> | <u>Working documents</u> <ul style="list-style-type: none"> <li>• Draft recommendation on the protection of the rights and best interests of the child in care proceedings (version 2) – CJ/ENF-ISE(2024)02 (<i>restricted</i>)</li> <li>• Draft Explanatory Memorandum (version 2) – CJ/ENF-ISE(2024)03 (<i>restricted</i>)</li> <li>• Compilation of comments received on the draft recommendation and its draft EM (version 1) – CJ/ENF-ISE(2024)04 Mos (<i>restricted</i>)</li> <li>• Compilation of comments received on the draft recommendation and its draft EM (version 2) – CJ/ENF-ISE(2024)06 Mos (<i>restricted</i>)</li> </ul> |

Reference documents

- Draft recommendation on the protection of the rights and best interests of the child in care proceedings (version 1) – CJ/ENF-ISE(2023)09 (*restricted*)
  - Draft Explanatory Memorandum (version 1) – CJ/ENF-ISE(2023)10 (*restricted*)
  - Compilation of comments received on the draft recommendation and its draft EM (version 1) – CJ/ENF-ISE(2023)11 Mos (*restricted*)
  - Draft recommendation on the protection of the rights and the best interests of the child in parental separation proceedings – CDCJ(2023)28/CDENF(2023)25 (*restricted*)
  - Explanatory Memorandum to the Draft recommendation on the protection of the rights and the best interests of the child in parental separation proceedings – CDCJ(2023)29/CDENF(2023)26 (*restricted*)
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Working documents

- Preliminary draft implementation tool(s) on the protection of the rights and the best interests of the child in parental separation proceedings – CJ/ENF-ISE(2024)05 (*restricted*)

Reference documents

5. **Implementation tools on the protection of the rights and best interests of the child in parental separation and in care proceedings** (*deliverable (2) of the terms of reference*)
- Initial reflections on practical tools to be developed for practitioners ([CJ/ENF-ISE\(2022\)09](#))
  - Draft recommendation on the protection of the rights and the best interests of the child in parental separation proceedings – CDCJ(2023)28/CDENF(2023)25 (*restricted*)
  - Explanatory Memorandum to the Draft recommendation on the protection of the rights and the best interests of the child in parental separation proceedings – CDCJ(2023)29/CDENF(2023)26 (*restricted*)
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Working document

6. **Exchange of views on the future work programme and implementation of tasks in 2024**
- [Working methods and workplan for 2024 – CJ/ENF-ISE\(2024\)01 prov.](#)

Reference document

- Terms of reference of the [CJ/ENF-ISE 2024](#)
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7. **Update on key developments and other events by members and observers**
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8. **Any other business**
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**9. Date and place of next meeting**

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**10. Approval of the meeting report**

- Meeting report - CJ/ENF-ISE(2024)PV01
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**ORDER OF BUSINESS**

| Date                 | Time (UTC+1)                   | Agenda items           |
|----------------------|--------------------------------|------------------------|
| <b>20 March 2024</b> | Morning<br>09.30 am -1.00 pm   | Items 1, 2, 3, 4       |
|                      | Afternoon<br>2.30 pm - 6.00 pm | Item 4 (continued)     |
| <b>21 March 2024</b> | Morning<br>09.00 am - 12.30 pm | Item 4 (continued)     |
|                      | Afternoon<br>2.00 pm - 5.30 pm | Item 4 (continued)     |
| <b>22 March 2024</b> | Morning<br>09.00 am -12.30 pm  | Items 4 (continued), 5 |
|                      | Afternoon<br>2.00 pm – 5.00 pm | Items 6, 7, 8, 9, 10   |

**GENERAL REFERENCE DOCUMENTS**

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| Terms of reference of the <a href="#">CJ/ENF-ISE 2024</a>   |
| Resolution <a href="#">CM/Res(2021)3</a> on intergovernmental committees and subordinate bodies, their terms of reference and working methods |

**REPORTS**

|  |   |
|--|---|
| <a href="#">CJ/ENF-ISE(2022)10</a>         | Summary report on child consultations                                 |
| <a href="#">CJ/ENF-ISE(2022)15</a>         | Report of the Stakeholder hearing                                     |
| <a href="#">CJ/ENF-ISE(2023)PV2</a>        | Report of the 8 <sup>th</sup> meeting of the CJ/ENF-ISE               |
| <a href="#">CJ/ENF-ISE(2023)PV1</a>        | Report of the 7 <sup>th</sup> meeting of the CJ/ENF-ISE               |
| <a href="#">CJ/ENF-ISE(2022)PV2</a>        | Report of the 6 <sup>th</sup> meeting of the CJ/ENF-ISE               |
| <a href="#">CJ/ENF-ISE(2022)PV1</a>        | Report of the 5 <sup>th</sup> meeting of the CJ/ENF-ISE               |
| <a href="#">CJ/ENF-ISE(2021)PV2</a>        | Report of the 4 <sup>th</sup> meeting of the CJ/ENF-ISE               |
| <a href="#">CJ/ENF-ISE(2021)PV1</a>        | Report of the 3 <sup>rd</sup> meeting of the CJ/ENF-ISE               |
| <a href="#">CJ/ENF-ISE(2020)PV2</a>        | Report of the 2 <sup>nd</sup> meeting of the CJ/ENF-ISE               |
| <a href="#">CJ/ENF-ISE(2020)PV1</a>        | Report of the 1 <sup>st</sup> meeting of the CJ/ENF-ISE               |
| <a href="#">CDCJ&amp;CDENF/Bu(2021)PV1</a> | Report of the 2 <sup>nd</sup> joint meeting of CDCJ and CDENF Bureaus |

**PREPARATORY WORKS**

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| <a href="#">Feasibility study on a legal instrument on the protection of the best interests of the child in situations of parental separation</a>  |
| <a href="#">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> |

- Best interests of the child and children's rights in parental separation - relevant international and European instruments – [CJ/ENF-ISE\(2020\)INF2Rev1](#)
- Best interests of the child in care proceedings - relevant international and European instruments - [CJ/ENF-ISE\(2020\)INF3](#)

### **ECHR case-law**

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| <a href="#">ECHR case-law relating to the child's best interest in care proceedings (June 2022-February 2024)</a> |
| <a href="#">ECHR Knowledge Sharing platform (ECHR-KS)</a>   |
| <a href="#">Right of the child to be heard in domestic proceedings on family matters (31/08/2023)</a>             |
| <a href="#">Guide on Article 8 ECHR (31/08/2023)</a>  |