

Strasbourg, 19 November / *novembre* 2024

CDCJ(2024)OJ2 ANN

103rd plenary meeting of the European Committee on Legal Co-operation (CDCJ)

19-21 November 2024
Strasbourg, Palais de l'Europe, Room 6
and
Joint session with the CDENF
3 December 2024, Online

Annotated agenda

- 1. Opening of the meeting**
- 2. Adoption of the agenda and order of business**

Working documents

- Draft agenda
[CDCJ\(2024\)OJ2](#) (*bilingual*)
- Annotated draft agenda
CDCJ(2024)OJ2 ANN prov

The CDCJ is invited to adopt the agenda and the order of business.

- 3. Statement of the Chair and Secretariat**

The CDCJ is invited to take note of the information provided by the Chair and by the secretariat on the developments that have occurred since the 102nd plenary meeting (11-13 June 2024) and their possible implications for CDCJ's operations and activities.

- 4. Tour de table: interventions by newly designated members of the CDCJ**

Background document
[Members of the CDCJ](#) (as of 14 November 2024)

Since the last plenary meeting (11-13 June 2024), new members joined the Committee. After welcoming them, the Chair will invite newly designated members to introduce themselves.

5. Review of progress

Working document

- Stocktaking: implementation of CDCJ activities
[CDCJ\(2024\)02 prov4](#)

The CDCJ is invited to take note of the state of play of the implementation of the CDCJ activities (document [CDCJ\(2024\)02 prov4](#)) and of the changes that occurred since the 102nd plenary meeting of the CDCJ (11-13 June 2024).

Justice and the Rule of Law

5.1 Protection of lawyers (*main deliverable 1*)

Working documents

- Draft convention for the protection of the profession of lawyer (working version 15) prepared by the Committee of experts on the protection of lawyers (CJ-AV)
[CDCJ\(2024\)25 rev / CJ-AV\(2022\)05 prov15 rev](#) (*bilingual – restricted*)
- Draft explanatory report (working version 8)
[CDCJ\(2024\)26 rev / CJ-AV\(2023\)10 prov8 rev](#) (*restricted*)
- Compilation of comments and drafting proposals received on the draft convention and its explanatory report
[CDCJ\(2024\)30 rev](#) (*original language – restricted*)
- Report of the 9th meeting of the CJ-AV (9-11 September 2024)
[CJ-AV\(2024\)09](#)

Background document

- Drafting proposals and comments on the draft convention and its explanatory report as a complement to the discussions at the 102nd plenary meeting of the CDCJ (11-13 June 2024)
[CJ-AV\(2024\)10 rev](#) (*original language - restricted*)

The CDCJ is invited to:

- take note of the update provided by the Chair of the Committee of Experts on the protection of lawyers (CJ-AV);
- take note of the report of the 9th and last meeting of the CJ-AV (9-11 September 2024) (document [CJ-AV\(2024\)09](#));
- undertake an in-depth examination of the draft convention for the protection of the profession of lawyer prepared by the CJ-AV (document [CDCJ\(2024\)25 rev / CJ-AV\(2022\)05 prov15 rev](#) (*restricted*)) with a view to its approval, and of its draft explanatory report (document [CDCJ\(2024\)26 rev / CJ-AV\(2023\)10 prov8 rev](#) (*restricted*)) with a view to its adoption;
- entrust the secretariat to take the necessary steps to transmit the draft texts to the Committee of Ministers as soon as possible for its submission to the Parliamentary Assembly for opinion in December 2024 and for its adoption during the Luxembourg chairmanship of the Committee of Ministers in 2025;
- discuss and explore ways for the CDCJ to contribute to promoting the future convention amongst both member and non-member states of the Council of Europe ;

The consultant of the CJ-AV, Mr Jeremy McBride, will be present to assist the committee during the discussion of this agenda item on 20 November.

5.2 Council of Europe Plan of Action on Strengthening Judicial Independence and Impartiality (Sofia Action Plan) *(main deliverable 10)*

Working documents

- Thematic review focused on the career and training of judges: Preliminary draft report [CDCJ\(2024\)13 prov2](#)
- Draft questionnaire to member states to collect necessary additional information [CDCJ\(2024\)14 prov](#)

Background documents

- Detailed workplan of the first thematic review by the CDCJ focused on the career and training of judges [CDCJ\(2023\)20](#)
- Revised follow-up proposals, including methodology [CDCJ\(2023\)01 prov3](#)
- [Report of the CDCJ to the Secretary General of the Council of Europe on the implementation of the “Sofia Action Plan” Council of Europe Plan of Action on Strengthening Judicial Independence and Impartiality](#)

The CDCJ is invited to:

- take note of the information provided by the secretariat;
- examine the preliminary draft first thematic review by the CDCJ as a follow-up to the [Council of Europe Plan of Action on Strengthening Judicial Independence and Impartiality](#) (Sofia Action Plan), with a focus on the state of play in member states regarding the career and training of judges (document [CDCJ\(2024\)13 prov2](#)) and to provide the secretariat with the necessary comments and guidance for the further preparation of the draft report to be presented to the CDCJ for adoption at its next plenary meeting;
- examine and adopt the draft questionnaire to member states (document [CDCJ\(2024\)14 prov](#)) aiming to collect from member states any additional information they consider necessary to be taken into account in the elaboration of a draft report, and entrust the secretariat to circulate the questionnaire to CDCJ delegations after its adoption.

Public Law

5.3 Statelessness and access to nationality *(main deliverables 6 and 7)*

Working documents

- Draft feasibility study on a non-binding legal instrument regarding stateless children's access to nationality [CDCJ\(2024\)15 prov / CDCJ-MIG\(2024\)04](#) *(restricted)*
- Draft compendium of good practices on access to nationality for stateless children [CDCJ-MIG\(2024\)05 prov2](#) *(original language – restricted)*

Background documents

- Compilation of information received from CDCJ delegations in response to the questionnaire on stateless children's access to nationality and child sensitive procedures for stateless children [CDCJ-MIG\(2024\)06 rev](#) *(original language – restricted)*
- Questionnaire circulated to CDCJ delegations [CDCJ\(2024\)06](#) *(restricted)*
- [Statelessness and the right to a nationality in Europe: progress, challenges and opportunities – Final Report \(2022\)](#)
- [Analysis of current practices and challenges regarding the avoidance and reduction of statelessness in Europe \(2021\)](#)

The CDCJ is invited to:

- take note of the update provided by the Chair of the CDCJ limited working group on migration (CDCJ-MIG) and the secretariat;
- examine the draft feasibility study on a non-binding legal instrument regarding stateless children's access to nationality (document [CDCJ\(2024\)15 prov / CDCJ-MIG\(2024\)04](#) (restricted) prepared by the consultant of the CDCJ-MIG and to entrust the latter to finalise the study in the light of the comments and guidance provided during the meeting, and authorise its publication on the committee's website subject to a final editorial review;
- examine the draft compendium of good practices on access to nationality for stateless children (document [CDCJ-MIG\(2024\)05 prov2](#) (restricted) and provide any necessary guidance to the CDCJ-MIG.

5.4 National climate litigation (*main deliverable 4*)

Working document

- Detailed outline of the draft study
[CDCJ\(2024\)17](#)

Background document

- [Committee of Ministers' reply to the Parliamentary Assembly](#) on its [Recommendation 2213 \(2021\) - Addressing issues of criminal and civil liability in the context of climate change](#)

The CDCJ is invited to:

- take note of the information provided by the secretariat;
- examine the detailed outline of the draft study as prepared in response to the request made by the Committee of Ministers following Parliamentary Assembly Recommendation 2213 (2021) and as proposed in document [CDCJ\(2024\)17](#);
- provide the consultants with any necessary comments and guidance to pursue the preparation of the draft study.

The consultants responsible for the preparation of the study, Ms Joanna Setzer and Ms Kate Higham, from Grantham Research Institute, London School of Economics, will attend the meeting online to assist the committee during the discussion of this agenda item on 21 November in the morning.

Family law and children's rights

5.5 Rights and best interests of the child in parental separation and care proceedings (main deliverables 2 and 3)

Working documents

- Draft recommendation CM/Rec(2025) on the protection of the rights and best interests of the child in care proceedings
[CDCJ\(2024\)18 prov / CDENF\(2024\)14 prov](#) (restricted)
- Draft explanatory memorandum
[CDCJ\(2024\)19 prov / CDENF\(2024\)15 prov](#) (restricted)
- Draft implementation tool for policy makers on the protection of the rights and the best interests of the child in parental separation proceedings
[CDCJ\(2024\)20 prov / CDENF\(2024\)16 prov](#) (restricted)
- Draft implementation tool for policy makers on the protection of the rights and the best interests of the child in care proceedings
[CDCJ\(2024\)21 prov / CDENF\(2024\)17 prov](#) (restricted)
- Report of the 10th meeting of the CJ/ENF-ISE (14-16 October 2024)
[CJ/ENF-ISE\(2024\)PV02](#)

Background documents

The two new following compilations will be available for the joint session on 3rd December:

- *Compilation of comments received from CDCJ and CDENF delegations on the draft recommendation on the protection of the rights and the best interests of the child in care proceedings and its draft explanatory memorandum*
[CDCJ\(2024\)22 / CDENF\(2024\)18](#) (original language – restricted)
- *Compilation of comments received from CDCJ and CDENF delegations on the draft implementation tools for policy makers on the protection of the rights and the best interests of the child in parental separation and care proceedings*
[CDCJ\(2024\)23 / CDENF\(2024\)19](#) (original language - restricted)
- Draft recommendation on the protection of the rights and the best interests of the child in parental separation proceedings
[CDCJ\(2023\)28 rev / CDENF\(2023\)25 rev](#) (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 rev / CDENF\(2023\)26 rev](#) (restricted)

For the joint session held together with the Steering Committee for the Rights of the Child (CDENF) on 3 December 2024

The CDCJ, jointly with the Steering Committee for the Rights of the Child (CDENF), is invited to:

- undertake an in-depth examination, in the light of possible written comments received from the CDCJ and CDENF national delegations, and to approve, the draft recommendation on the protection of the rights and best interests of the child in care proceedings (document [CDCJ\(2024\)18 prov / CDENF\(2024\)14 prov](#) (restricted)) as well as, for adoption, the accompanying draft explanatory memorandum (document [CDCJ\(2024\)19 prov / CDENF\(2024\)15 prov](#) (restricted)); CDCJ members are reminded that the draft recommendation on the protection of the rights and best interests of the child in parental separation proceedings was approved, and its draft explanatory memorandum adopted, jointly by the two Steering Committees in November 2023, and that the two draft legal instruments with their explanatory memoranda will be submitted at the same time to the Committee of Ministers for an adoption in 2025;

- examine, in the light of possible comments received from CDCJ and CDENF national delegations, the draft implementation tool for policy makers on the protection of the rights and the best interests of the child in parental separation proceedings (document [CDCJ\(2024\)20 prov / CDENF\(2024\)16 prov](#) (restricted) and in care proceedings (document [CDCJ\(2024\)21 prov / CDENF\(2024\)17 prov](#) (restricted)), both prepared by the Committee of Experts on the rights and best interests of the child in the context of parental separation and in care proceedings (CJ/ENF-ISE), and to approve them jointly in view to submit them to the Committee of Ministers for an adoption in 2025.

The consultant of the CJ/ENF-ISE, Ms Daja Wenke, will be attend the meeting to assist the CDCJ and CDENF in their discussion of this agenda item on 3 December.

CDCJ members are reminded of the importance, underlined by the CDCJ Chair in June 2024, of ensuring an effective connection and online presence on 3 December in order to reach the necessary quorum for the approval process, and also of liaising with their counterparts of the CDENF to present a common position in the joint session.

- take note of the report of the 10th and last meeting of the CJ/ENF-ISE (14-16 October 2024) (document [CJ/ENF-ISE\(2024\)PV02](#)).

5.6 Rights of donor-conceived persons to know their origins (*main deliverable 8*)

Working document

- Proposal for the composition of the Committee of Experts on access to origins (CJ-OR) responsible for the preparation of a draft recommendation on the rights of donor-conceived persons to know their origins
[CDCJ\(2024\)31 prov](#) (*confidential*)

Background document

- [Comparative study on access of persons conceived by gamete donation to information on their origins](#)

The CDCJ is invited to:

- take note of the information provided by the secretariat;
- decide the composition of the Committee of Experts on access to origins (CJ-OR) responsible for preparing a draft recommendation on the rights of donor-conceived persons to know their origins, on the basis of the proposal contained in document [CDCJ\(2024\)31 prov](#) (*confidential*);
- examine and propose the three independent experts to be appointed by the SG as members of the CJ-OR;
- elect the Chair of the CJ-OR;
- instruct the secretariat to advise the proposed experts of the decision taken by the CDCJ on the composition of the CJ-OR;
- take note of the information given by the secretariat regarding the selection of the CJ-OR's consultant.

**Promoting and facilitating the functioning of conventions within the CDCJ's area of competence (main task (iv))
and review of Council of Europe conventions (main task (xviii))**

- [State of signatures and ratifications of the conventions and agreements for which the CDCJ has been given responsibility](#)
- [Conventions and agreements under the responsibility of the CDCJ and Recommendations, resolutions and guidelines](#) for possible future review by the CDCJ

The CDCJ is invited to:

- take note of the recent signatures and ratifications of treaties under the responsibility of the CDCJ;
- reflect on the conventions and agreements under the responsibility of the CDCJ as well as on the recommendations, resolutions and guidelines that it may consider useful to examine for a possible need to update or develop a new instrument in the area concerned.

5.7 European Convention on Information on Foreign Law (ETS No. 62) and its Additional Protocol (ETS No. 97) (main deliverable 5)

Working document

- Draft practical guide, standard forms and FAQ
[CDCJ\(2024\)07 prov4](#) (restricted)

Background documents

- [Report on the state of play and assessment of the implementation of the European Convention on Information on Foreign Law \(ETS No. 62\) and its additional protocol \(ETS No. 97\)](#)

The CDCJ is invited to:

- take note of the update provided by the secretariat;
- examine and adopt the draft practical guide, standard forms and FAQ, tools aiming at promoting the implementation of the European Convention on Information on Foreign Law (ETS No. 62) and its Additional Protocol (ETS No. 97) as contained in document [CDCJ\(2024\)07 prov4](#) (restricted);
- take note of the draft special webpage where these new tools will be consigned;
- entrust the secretariat to make appropriate contacts to inform of the availability of these tools and to disseminate them to States Parties and non-Parties to these treaties.

The consultant for this activity, Mr Nicolas Nord, will be present to assist the committee during the discussion of this agenda item on 20 November.

6. Transversal issues:

- a. Mainstreaming gender, youth, children's rights, rights of persons with disabilities, and Roma and Traveller¹ issues (main task xvi)
- b. Contribution to the UNSDGs - [Goal 5: Gender equality](#), [Goal 10: Reduce inequality within and among countries](#), [Goal 13: Climate Change](#) and [Goal 16: Peace, justice and strong institutions](#) (main task xix)

The Committee of Ministers expects from the CDCJ to assess mainstreaming of perspectives related to gender, youth, children's rights, rights of persons with disabilities, and Roma and Traveller issues, in the performance of its tasks, as well as the contribution of the Committee's work to United Nations Sustainable Development Goals 5, 10, 13 and 16.

To do so, the CDCJ will need to identify activities within its current mandate that meet this requirement, for example:

- the draft recommendations on the protection of the rights and best interests of the child in parental separation and in care proceedings as well as the work on migration and access to nationality for stateless persons (in particular regarding children) take into account the Strategy for the Rights of the Child and both contribute to UNSDG 16;
- the draft convention for the protection of the profession of lawyer takes into account the Gender Equality Strategy and contributes to UNSDGs 5 and 16;
- the updated Handbook "The Administration and you" contributes to UNSDG 16;
- the work undertaken by the CDCJ as a follow-up action to give effect to its report on the implementation of the Council of Europe Plan of Action on Strengthening Judicial Independence and Impartiality contributes to UNSDG 16;
- the work on stateless children and their access to nationality contributes to UNSDG 10 and 16;
- study on national climate change litigation and possible follow up to it will contribute to the UNSDG 13

7. Developments in member states in the area of public law

Working document

- Information collected
[CDCJ\(2024\)27 rev](#) (original language)

The CDCJ is invited to take note of the information provided by a number of member states on recent developments in the area of public law as it appears in document [CDCJ\(2024\)27 rev](#) and to thank the delegations concerned for their contributions.

8. Co-operation with other relevant Council of Europe bodies and committees, other international organisations and civil society in the area of public law

Working document

- Information collected
[CDC\(2024\)28](#) (original language)

The CDCJ is invited to take note of the information provided by relevant Council of Europe bodies and committees, other international organisations and civil society in the area of public law as it appears in document [CDC\(2024\)28](#) and to thank the contributors for this information.

¹ The term "Roma and Travellers" is used at the Council of Europe to encompass the wide diversity of the groups covered by the work of the Council of Europe in this field: on the one hand a) Roma, Sinti/Manush, Calé, Kaale, Romanichals, Boyash/Rudari; b) Balkan Egyptians (Egyptians and Ashkali); c) Eastern groups (Dom, Lom and Abdal); and, on the other hand, groups such as Travellers, Yenish, and the populations designated under the administrative term "*Gens du voyage*", as well as persons who identify themselves as Gypsies. The present is an explanatory footnote, not a definition of Roma and/or Travellers.

9. Evaluation of completed activities / Annual exchange of views to evaluate its activities and to advise the Committee of Ministers on future priorities in its sector, including possible new activities and those that might be discontinued (*main task xv*)

Working document

- Stocktaking: implementation of CDCJ activities
[CDCJ\(2024\)02 prov4](#)

As every year, the CDCJ is invited to hold an exchange of views to:

- assess the achievements in the work foreseen in the committee's terms of reference and workplan, on the basis inter alia of document [CDCJ\(2024\)02 prov4](#) taking stock of the implementation of the CDCJ activities, additional information provided by the secretariat as well as the [Council of Europe programme and budget 2024-2027](#) and the [Declaration made by the Heads of State and Government of the Council of Europe at their 4th Summit \(Reykjavik, 16-17 May 2023\)](#) : "United around our values" which set the priorities of the Organisation;
- agree on future priorities in its sector, including possible new activities and those that might be discontinued, of which the Committee of Ministers should be advised.

10. Elections and Appointments

- a. Elections (Chair, Vice-Chair and a Bureau member)

Working documents

- Information note
[CDCJ\(2024\)INF02](#) (*bilingual – restricted*)
 - Candidates' biographies
[CDCJ\(2023\)INF03](#) (*original language – confidential*)
- b. Appointments (CDCJ Representatives and Rapporteurs) for 2025
[CDCJ\(2024\)29](#)

The CDCJ is invited, on 20 November 2024 at 9.30 am, to:

- elect by secret ballot, in line with [Resolution CM/Res\(2021\)3 on intergovernmental committees and subordinate bodies, their terms of reference and working methods](#):
its Chairperson (second term of office of one year),
its Vice-Chairperson (second term of office of one year),
one member of the Bureau for a two-year term of office (under Article 13.d of the Rules of Procedure);
- make the necessary appointments of its thematic rapporteurs (gender equality, children's rights, rights of persons with disabilities), representatives and substitutes for 2025, on the basis of the information contained in document [CDCJ\(2024\)29](#) and of the candidatures received by the secretariat following the call for expression of interest launched by e-mail of 14 October 2024 or by the Chairperson before the beginning of the plenary meeting or the appointment process scheduled right after the elections.

CDCJ members who wish to renew or express their interest for any of the positions are requested to inform the secretariat preferably before the plenary meeting, otherwise the Chair and/or the secretariat at the very beginning of the meeting.

11. CDCJ Opinions (if any) (*main deliverable 13*)

12. Any other business

Delegations are invited to raise, prior or at the early beginning of the meeting, any other issues and present them.

13. Date and place of next meeting

Working document

- Calendar of meetings and events for 2024-2025
[CDCJ\(2024\)03 prov3](#) (*restricted*)

The delegations are invited to:

- take note of the updated calendar of its meetings and events for 2024-2025;
- confirm the dates of its two next plenary meetings tentatively scheduled for 17-19 June 2025 (104th meeting) and on 18-20 November 2025 (105th meeting).

The Bureau, in its new composition as from 1st January 2025, is invited to have a short meeting after the plenary to agree on the dates of its next meeting(s).

14. Adoption of the abridged meeting report

- CDCJ(2024)32 prov

The CDCJ is invited to adopt the abridged report of its 103rd plenary meeting.

DRAFT ORDER OF BUSINESS

Date	Timetable CET	Agenda items
19/11/2024	9:30 – 17:00	1 – 4, 5.1
20/11/2024	9:30 – 17:00	10 (elections), 5.1 (continued if needed), 5.3, 5.6, 5.2, 5 & 9
21/11/2024	9:30 – 17:00	5.7, 5.4, 6 – 8, 11 – 14
03/12/2024	9:30 – 17:00	5.5

WORKING DOCUMENTS

Working documents are made available on the CDCJ restricted website
www.coe.int/cdcj

REFERENCE DOCUMENTS

Terms of Reference	CDCJ Terms of reference for 2024-2027
Terms of Reference	CJ/ENF-ISE – Committee of Experts on The Rights and the Best Interests of the Child in Parental Separation and in Care-Proceedings – Terms of reference for 2024
Terms of reference	CJ-AV – Committee of Experts on the Protection of Lawyers – Terms of reference for 2024
Terms of Reference	CDCJ-MIG – CDCJ limited working group on migration – Terms of reference for 2024-2026
Terms of Reference	CJ-OR– Committee of Experts on access to origins – Terms of reference for 2025-2026
CM/Res(2021)3	Resolution CM/Res(2021)3 on intergovernmental committees and subordinate bodies, their terms of reference and working methods
CDCJ(2021)24	Working methods of CDCJ / Méthodes de travail du CDCJ
CDCJ-BU(2021)15 final	Checklist for assessment of gender equality aspects and impact
CDCJ(2022)20	Criteria to assess requests for observer status with the CDCJ and its subordinate bodies and decision-making processes

CDCJ MEETING REPORTS

2-3 February 2023	Bureau: 116 th meeting	CDCJ-BU(2023)01 restricted Report
3-4 May 2023	Bureau: 117 th meeting	CDCJ-BU(2023)02 restricted Report
30 May – 1 June 2023	100 th plenary meeting	CDCJ(2023)19 Report
13-14 September 2023	Bureau: 118 th meeting	CDCJ-BU(2023)08 restricted Report
24 October 2023	Bureau: 119 th meeting	CDCJ-BU(2023)10 restricted

		Report
15-17 November 2023	101 st plenary meeting	CDCJ(2023)32 Report
14-15 March 2024	Bureau: 120 th meeting	CDCJ-BU(2024)03 restricted Report
11-13 June 2024	102 nd plenary meeting	CDCJ(2024)12 Report
3-4 October 2024	Bureau: 121 st meeting	CDCJ-BU(2024)05 restricted Report
19-21 November 2024	103 rd plenary meeting	CDCJ(2024)33 Report

MEETING REPORTS OF CDCJ SUBORDINATE BODIES

1-3 March 2023	CJ-AV: 4 th meeting	Report
6-8 +24 March 2023	CJ/ENF-ISE: 7 th meeting	Report
3-5 July 2023	CJ-AV: 5 th meeting	Report
4-6 October 2023	CJ/ ENF-ISE: 8 th meeting	Report
17-19 October 2023	CJ-AV: 6 th meeting	Report
30 January-1 February 2024	CJ-AV: 7 th meeting	Report
20-22 March 2024	CJ/ ENF-ISE: 9 th meeting	Report
13-15 May 2024	CJ-AV: 8 ^h meeting	Report
9-11 September 2024	CJ-AV: 9 ^h meeting	Report
14-16 October 2024	CJ/ ENF-ISE: 10 th meeting	Report