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CONSEIL DE L'EUROPE

Strasbourg, 16 January 2024

CDCJ(2023)32

**EUROPEAN COMMITTEE ON LEGAL CO-OPERATION
(CDCJ)**

101st plenary meeting

15–17 November 2023

Strasbourg, Palais de l'Europe, Room 7

MEETING REPORT

**CDCJ website: www.coe.int/cdcj
CDCJ email address: DGI-CDCJ@coe.int**

1-2. Opening of the meeting and adoption of the agenda

1. The European Committee on Legal Co-operation (CDCJ) held its 101st plenary meeting in Strasbourg on 15-17 November 2023, with Mr Christoph Henrichs (Germany) in the Chair.
2. The agenda of the meeting is contained in Appendix I. The abridged and full meeting reports as well as the list of participants¹ are available on the CDCJ's website.

3. Statement of the Chair and Secretariat

3. The CDCJ took note of the information provided by the Chair and Mr Gerald Dunn, Secretary to the CDCJ on recent developments having taken place since its 100th plenary meeting (30 May-1 June 2023) and their possible implications for the activities of the CDCJ.
4. The Secretariat informed the CDCJ of the publication of the Guide for practitioners on the administrative detention of migrants and asylum seekers and the Practical guide on mainstreaming gender in public and private law reform processes (together with its short version), both adopted by the CDCJ at its 100th plenary meeting.
5. The Secretary informed the CDCJ of his participation in a meeting of the Working Party on Civil Law Matters (General Questions) of the Council of the European Union, on invitation of the Swedish Chairmanship and more specifically the Swedish member of the CDCJ, Ms Signe Öhman, who chaired the Working Party, with a view to presenting the activities of the CDCJ in common areas of interest. This was seen as a positive initiative to promote the activities of the CDCJ within EU institutions.
6. The Secretary also informed the CDCJ about the work of the Consultation Group on Children of Ukraine (CGU). The CGU aims to exchange information and good practices on the status and needs of children from Ukraine residing in Council of Europe member states. The first meeting, to be held on 30 November-1 December 2023, was to focus on challenges in the registration, reception and care of unaccompanied children from Ukraine. The Committee saw interest in following the work of the CGU given the possible links with some of its activities, particularly on statelessness and access to nationality in respect of children.

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

7. The Chair welcomed the new members of the Committee (Austria, Belgium, Croatia, France, Netherlands, Serbia and Spain) as well as a member who participated in-person for the first time (Ireland). They introduced themselves and informed the Committee of their delegations' priority areas of interest in the context of the work of the CDCJ.
8. The Chair also paid special tribute, on behalf of the CDCJ, to Mr Werner Schütz, the outgoing member for Austria, and expressed the deep gratitude of the Committee for his long-standing participation, his expertise and his innumerable and always constructive contributions to the work of the Committee along the many years he sat as member for Austria.

5. Review of progress

9. The CDCJ took note of the state of play of the implementation of the CDCJ activities (document [CDCJ\(2022\)15 rev6](#)), of the changes occurred since the 99th plenary meeting of the CDCJ (23-25 November 2022) in the state of signatures and ratifications of treaties under the responsibility of the Committee (document [CDCJ\(2023\)INF02](#)), as well as of the follow-up action given by the CDCJ or by the Committee of Ministers in respect of the texts adopted by the Parliamentary Assembly and the Congress of Local and Regional Authorities during the six past years, on which the CDCJ was asked to provide an opinion (document [CDCJ\(2022\)09 rev5](#)).

¹ At this plenary meeting of CDCJ, 34 member States were represented by 36 participants: 19 women and 17 men, 53% and 47% respectively.

10. Regarding the status of treaty ratifications falling under the responsibility of the CDCJ, the Committee observed a steady number of ratifications/accessions in recent years in respect of conventions pertaining to the protection of animals.²

11. The CDCJ agreed with the proposal of the Secretariat to streamline its information documents in order to avoid repetition and simplify the mapping of its meetings and those of its subsidiary bodies.

Justice and the Rule of Law

5.1 Council of Europe Plan of Action on Strengthening Judicial Independence and Impartiality (Sofia Action Plan)

12. Further to the decision made by the CDCJ at its 100th plenary meeting, the Committee adopted its workplan (document [CDCJ\(2023\)20 prov2](#)) for the first thematic review to be prepared as a follow-up to the Council of Europe Plan of Action on Strengthening Judicial Independence and Impartiality (Sofia Action Plan) that will focus on the state of play in member states regarding the career and training of judges.

5.2 Protection of lawyers – Committee of Experts – CJ-AV (main deliverable 1)

13. The CDCJ took note of the update provided by the Chair of the Committee of Experts on the Protection of Lawyers (CJ-AV), Mr Christoph Henrichs (Germany), on the state of play of the work on the elaboration of the draft Convention for the protection of the profession of lawyer since its 100th plenary meeting. It also took note of the reports of the CJ-AV's 5th and 6th meetings (3-5 July and 17-19 October 2023) (documents [CJ-AV\(2023\)09](#) et [CJ-AV\(2023\)12](#) respectively).

14. The CDCJ examined and discussed in the presence of the consultant of the CJ-AV, Mr Jeremy McBride, the draft text of the convention (document CJ-AV(2022)05 prov9 - restricted) and the proposed monitoring mechanism to be included in the future treaty (description provided in document [CDCJ\(2023\)26](#)), and provided feedback to the CJ-AV for the continuation of its work.

15. The CDCJ expressed support for the elaboration of the binding instrument and considered that the draft text of the convention was progressing in the right direction. At the same time, the Committee indicated that the text of the draft convention should continue being refined in a number of areas, particularly concerning the professional rights of lawyers (Article 6), notably in connection with professional associations, and the protection afforded to lawyers (Article 9).

16. Some members indicated that the text of the convention should be worded in a way that takes account of differences that may exist between the legal systems of member states on certain aspects and, for this purpose, should avoid being overly prescriptive where divergences exist. Additionally, the explanatory report should also clarify that related provisions should be read in a way that does not exclude certain existing models. They considered this as important so as not to create avoidable obstacles to ratification.

17. The CDCJ expressed its readiness to provide drafting suggestions on substantive provisions within the framework of the consultation process planned for March-April 2024 and to discuss at its next plenary meeting the draft text as revised by the CJ-AV in the light of the results of the said consultation.

18. As regards the monitoring mechanism proposed by the CJ-AV, i.e. a group of independent experts and a committee of the parties, the CDCJ supported the idea that monitoring the implementation of the convention should be as effective as possible, and that the monitoring system proposed appeared at this stage the preferable option. At the same time, they indicated that it should be ensured that the way this monitoring mechanism operates should not lead to an excessive

² The CDCJ oversees treaties such as the European Convention for the Protection of Animals Kept for Farming Purposes (ETS No. 087), the Convention for the Protection of Vertebrate Animals Used for Experimental and Other Scientific Purposes (ETS No. 123), the Convention for the Protection of Pet Animals (ETS No. 125), the Convention for the Protection of Animals for Slaughter (ETS No. 102), the Convention for the Protection of Animals during International Transport (ETS No. 065), and the revised Convention for the Protection of Animals during International Transport (ETS No. 193).

workload for states parties and, for this purpose, that the CJ-AV should shape it in such a way that ensures both effectiveness and flexibility.

Technological developments, including artificial intelligence

5.3 Administration and artificial intelligence – CDCJ working group – CDCJ-ADMIN-AI (new main deliverable 7)

19. The CDCJ reviewed the draft handbook "The Administration and You" as updated by the CDCJ limited working group on Administration and Artificial Intelligence (CDCJ-ADMIN-AI) (document CDCJ-ADMIN-AI(2023)03 prov3), with the consultants of the CDCJ-ADMIN-AI, Ms Lucie Cluzel Métayer and Ms Nadja Braun Binder, present online. This update was prepared in the light of developments in the use of artificial intelligence and of the findings of the Comparative study on administrative law and the use of artificial intelligence and other algorithmic systems in administrative decision-making in the member states of the Council of Europe (December 2022). It aims to take into account the impact of the increasing use of artificial intelligence systems and automated decision making by administrative authorities in their relationship with individuals.

20. Some members raised questions which needed further consideration. As a result, the CDCJ decided to opt for an adoption by written procedure, in accordance with its working methods. Members were therefore invited to submit any further comments to the amendments made during the meeting and also to those made in writing by Finland, in the form of drafting proposals, by 24 November 2023. The Committee considered that this course of action should lead to an adoption by the end of 2023 in line with its terms of reference. It authorised its publication, with the consent of the authors and subject to any necessary editorial changes, once adopted by written procedure.

Public law

5.4 Statelessness and access to nationality

21. The CDCJ took note of the information provided by the Secretariat, including on the results of the technical meeting on "Access to nationality for stateless persons" organised jointly with the European Migration Network (EMN) in Luxembourg in June 2023.

22. Further to the decision of the CDCJ (document [CDCJ\(2021\)34](#)), taken after the [Conference](#) "Statelessness and the right to a nationality in Europe: progress, challenges and opportunities", the Committee adopted new terms of reference for the CDCJ limited working group on migration (CDCJ-MIG) (document CDCJ(2023)22 prov):

- (a) preparation of a compendium of good practices in respect of legal aid and representation, access to information and to justice for children in procedures relating to the determination of nationality or statelessness;
- (b) preparation of a non-binding legal instrument regarding stateless children's access to nationality, including guidance on child-sensitive procedures relating to the determination of nationality or statelessness, based on the outcome of a feasibility study.

23. The CDCJ also adopted the workplan to meet the objectives of these terms of reference, as set out in document CDCJ(2023)21 (final).

24. The CDCJ was informed that, in December 2023, a call for expression of interest would be sent out to all delegations, inviting those wishing to participate in the group to propose the names of an expert(s) in the relevant field to represent them. It was underlined that while the group would be composed of eight members, member states not represented in the group would have the possibility of participating at their own expense.

6. Draft recommendation on the protection of the rights and best interests of the child in parental separation proceedings, and its draft explanatory memorandum (*main deliverable 2*)

25. The CDCJ held a joint session with the Steering Committee for the Rights of the Child (CDENF), in the presence of the Vice-Chair, Ms Stéphanie Hébrard, and the consultant, Ms Daja Wenke, of 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), in order to approve the draft recommendation on the protection of the rights and best interests of the child in parental separation proceedings and to adopt its draft explanatory memorandum as prepared by the CJ/ENF-ISE. Both committees jointly examined the draft recommendation together with its draft explanatory memorandum, in the light of the comments received from the CDCJ and CDENF delegations.

26. Following a final reading and last amendments, the CDCJ approved the recommendation and adopted its explanatory report³ and so did the CDENF. The delegation of Türkiye produced comments regarding the use of certain terms, such as “gender”, and references to the Council of Europe Convention on preventing and combating violence against women and domestic violence (CETS No. 210) in the explanatory memorandum (see Appendix III). The delegation of Bulgaria made a statement regarding the use of the term “gender” (see Appendix III).

27. The CDCJ and CDENF decided that this recommendation should be submitted for adoption by the Committee of Ministers together with the draft recommendation on the protection of the rights and best interests of the child in care proceedings, which will be finalised by the end of 2024, given the proximity of the two recommendations. This would also coincide with the completion of the implementation tools to be prepared for each recommendation.

28. The CDCJ and CDENF also took note of the report of the 8th meeting of the CJ/ENF-ISE (4-6 October 2023) (document [CJ/ENF-ISE\(2023\)PV02](#)).

7. Transversal issues

- a. Mainstreaming gender, youth, children’s rights, rights of persons with disabilities, and Roma and Traveller⁴ issues (main task xiv)
- b. Contribution to the UNSDGs - Goal 5: Gender equality and Goal 16: Peace, justice and strong institutions (main task xvii)

29. The CDCJ took note that the Committee of Ministers expects from the Committee to assess the mainstreaming of perspectives related to gender, youth, children’s rights, the rights of persons with disabilities, and Roma and Traveller issues, in the performance of its tasks, and how its work contributes to United Nations Sustainable Development Goals (UNSDG) 5 and 16.

30. The CDCJ noted that many of its activities were linked to UNSDGs 5 and 16 and contributed to them, such as the following main activities falling under its terms of reference:

- a. the draft recommendations on the protection of the rights and best interests of the child in parental separation proceedings and 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;
- b. the guide on mainstreaming gender in public and private law reform processes takes into account the Gender Equality Strategy and contributes to UNSDGs 5 and 16;
- c. the ongoing work on a draft convention for the protection of the profession of lawyer takes into account the Gender Equality Strategy and contributes to UNSDGs 5 and 16;
- d. the updated Handbook “The Administration and you” contributes to UNSDG 16;

³ In favour: 32; Against: 1 – Türkiye; Abstention: 1 – Azerbaijan.

⁴ 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.

- e. the follow-up action planned by the CDCJ 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.

8. Developments in member States in the area of public law

31. The CDCJ examined developments in member states in the area of public law and welcomed the fact that many members had provided relevant information, as appears in document [CDCJ\(2023\)24](#), proving that the new forms were effective. The Committee agreed that the next meeting will examine developments in member states in the area of private law.

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

32. The CDCJ examined developments in other parts of the Organisation of relevance to its fields of activity in the area of public law, as appears in document [CDCJ\(2023\)25](#).

10. 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 xiii)

- a. Stock-taking on CDCJ activities and draft terms of reference for 2024-2027
- b. Exchange of views on the CEPEJ Opinion aimed at proposing to the CDCJ an update of the Recommendation No. R (86) 12 concerning measures to prevent and to reduce the excessive workload in the courts

33. The CDCJ held its annual exchange of views to evaluate the completion of CDCJ activities, in the light of the document taking stock of their implementation (document [CDCJ\(2022\)25 prov5](#)) and of the information provided by the Secretariat on activities foreseen in the terms of reference of the CDCJ and its subordinate bodies for 2024-2027, as featured in document CDCJ(2023)02 prov4.

34. As part of its discussions on future activities, the CDCJ held an exchange of views with Ms Muriel Décot, Executive Secretary of the European Commission for the Efficiency of Justice (CEPEJ), and Ms Eva Konecna, Secretary to the CEPEJ working group on judicial time management (CEPEJ-GT-SATURN), on the CEPEJ Opinion proposing an update of [Recommendation No. R \(86\) 12 concerning measures to prevent and to reduce the excessive workload in the courts](#) (document [CEPEJ\(2023\)7](#)). In line with the views expressed by its Bureau in document CDCJ-BU(2023)08, the CDCJ saw merit in examining further the question of the workload of courts and how this recommendation could be updated so as to identify new ways of helping member states deal with the workload of courts. It decided to examine it further, including the timing of such an activity, having regard to other ongoing or planned activities for the years to come, and to come back to this at a subsequent plenary meeting.

11. Elections and Appointments

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

35. The CDCJ warmly thanked the outgoing Chair, Mr Christoph Henrichs, for his excellent chairmanship over the last two years. Pursuant to Resolution [CM/Res\(2021\)3](#) on intergovernmental committees and subordinate bodies, their terms of reference and working methods, the CDCJ elected its Chair (Mr Eral Knight, United Kingdom), Vice-Chair (Ms Signe Öhman, Sweden), four new Bureau members (Ms Alexandra Terés Erich, Andorra; Mr João Arsénio de Oliveira, Portugal; Mr Matija Vidmar, Slovenia; and Mr Guillaume Vieillard, France), and re-elected one Bureau member (Mr Lennart Houmann, Denmark), with effect as of 1 January 2024.

36. As from 1 January 2024, the composition of the Bureau of the CDCJ will therefore be as follows:

Chair: Mr Eral Knight (United Kingdom) – elected for a first term of office of one year, from 1 January to 31 December 2024.

Vice-Chair: Ms Signe Öhman (Sweden) – elected for a first term of office of one year, from 1 January to 31 December 2024.

Bureau members:

Ms Alexandra Terés Erich (Andorra) – elected for a first term of office of two years, from 1 January 2024 to 31 December 2025.

Mr Lennart Houmann (Denmark) – re-elected for a second and last term of office of two years, from 1 January 2024 to 31 December 2025.

Mr João Arsénio de Oliveira (Portugal) – elected for a first term of office of two years, from 1 January 2024 to 31 December 2025.

Mr Matija Vidmar (Slovenia) – elected for a first term of office of two years, from 1 January 2024 to 31 December 2025.

Mr Guillaume Vieillard (France) – elected for a one-year term of office under Article 13.d of the Rules, from 1 January to 31 December 2024.

b. Appointments (CDCJ Representatives and Rapporteurs)

37. In line with its terms of reference, which provide for the appointment from its members of up to five Rapporteurs on mainstreamed perspectives, including one Gender Equality Rapporteur, the Committee re-appointed Ms Alexandra Terés Erich (Andorra) as its Gender Equality Rapporteur and appointed Ms Ellen Ensing (Netherlands) as its new Rapporteur on Children's Rights and Ms Lana Morgoshia (Georgia) as its new Rapporteur on the Rights of Persons with Disabilities.

38. The CDCJ appointed its representatives/substitutes for 2024 to ensure the best possible CDCJ representation in the work of other Council of Europe bodies where the CDCJ input is needed and its expertise relevant, as they are set out in Appendix II, and invited any other interested delegations to express their interest in the outstanding vacant positions.

12. CDCJ Opinions (if any) (main deliverable 15)

CDMSI - Draft recommendation on countering the use of strategic lawsuits against public participation (SLAPPs)

39. The CDCJ took note of the comments submitted on its behalf by the Bureau on the draft recommendation on countering the use of strategic lawsuits against public participation (SLAPPs) prepared by the Steering Committee on Media and Information Society (CDMSI). It then examined the drafting proposals prepared by the Secretariat (document CDCJ(2023)31 prov) on the basis of those of the Bureau's comments that had not yet been reflected in the draft recommendation submitted to the CDMSI for approval (document CDMSI(2023)009). The CDCJ agreed with the concerns raised by the Bureau and thanked the Secretariat for its assistance in ensuring that the draft recommendation address those concerns. It adopted the aforementioned drafting proposals prepared by the Secretariat and instructed it to transmit them to the CDMSI before its 24th plenary meeting (29 November-1 December 2023). In preparation of this meeting, the CDCJ encouraged its members to contact the CDMSI delegations of their countries in order to relay these proposals during the examination of the draft recommendation by the CDMSI at its forthcoming plenary meeting.

13. Any other business

40. No other business.

14. Date and place of the next meetings

41. The CDCJ agreed on the date and place of its two next plenary meetings:

- 102nd plenary meeting: Strasbourg, 11-13 June 2024
- 103rd plenary meeting: Strasbourg, 19-21 November 2024.

42. The Bureau, in its new composition as of 1 January 2024, agreed to hold its next meeting on 14-15 March 2024.

15. Adoption of the abridged meeting report

43. The CDCJ adopted the abridged report of its meeting.

Appendix I

Agenda

1. Opening of the meeting
2. Adoption of the agenda and order of business
3. Statement of the Chair and Secretariat
4. Tour de table: interventions by newly designated members of the CDCJ
5. Review of progress
 - Justice and the Rule of Law*
 - 5.1 Council of Europe Plan of Action on Strengthening Judicial Independence and Impartiality (Sofia Action Plan)
 - 5.2 Protection of lawyers – Committee of Experts – CJ-AV (*main deliverable 1*)
 - Technological developments, including artificial intelligence*
 - 5.3 Administration and artificial intelligence – CDCJ working group – CDCJ-ADMIN-AI (*new main deliverable 7*)
 - Public Law*
 - 5.4 Statelessness and access to nationality
6. Draft recommendation on the protection of the rights and best interests of the child in parental separation proceedings, and its draft explanatory memorandum (*main deliverable 2*)
7. Transversal issues:
 - a. Mainstreaming gender, youth, children's rights, rights of persons with disabilities, and Roma and Traveller⁵ issues (main task xiv)
 - b. Contribution to the UNSDGs - Goal 5: Gender equality and Goal 16: Peace, justice and strong institutions (main task xvii)
8. Developments in member States in the area of public law
9. Co-operation with other relevant Council of Europe bodies and committees, other international organisations and civil society in the area of public law
10. 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 xiii*)
 - a. Stock-taking on CDCJ activities and draft terms of reference for 2024-2027
 - b. Exchange of views on the CEPEJ Opinion aimed at proposing to the CDCJ an update of the Recommendation No. R (86) 12 concerning measures to prevent and to reduce the excessive workload in the courts
11. Elections and Appointments
 - a. Elections (Chair, Vice-Chair and Bureau members)
 - b. Appointments (CDCJ Representatives and Rapporteurs)

⁵ 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.

12. CDCJ Opinions (if any) (*main deliverable 15*)
CDMSI - Draft recommendation on countering the use of strategic lawsuits against public participation (SLAPPs)
13. Any other business
14. Date and place of next meetings
15. Adoption of the abridged meeting report

Appendix II

Appointments by the CDCJ for 2024

CDCJ Thematic Rapporteurs

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|---|------------------------------------|
| Rapporteur on Gender Equality (GER) | Ms Alexandra Terés Erich (Andorra) |
| Rapporteur on Children's Rights | Ms Ellen Ensing (The Netherlands) |
| Rapporteur on the Rights of Persons with Disabilities | Ms Lana Morgoshia (Georgia) |

CDCJ representatives/substitutes in other Council of Europe bodies

| | |
|---|---|
| European Commission for the Efficiency of Justice (CEPEJ) | Representative: Mr João Arsénio de Oliveira (Portugal) |
| Steering Committee for Human Rights (CDDH) | Representative: Mr Rodrigo Rodriguez (Switzerland) |
| Committee on Artificial Intelligence (CAI) | Representative: Ms Heddi Lutterus (Estonia) Substitute: Mr Rodrigo Rodriguez (Switzerland) |
| Steering Committee for the Rights of the Child (CDENF) / Consultation Group on Children of Ukraine (CGU) | Representative: Ms Ellen Ensing (Netherlands) |
| Committee on Artificial Intelligence (CAI) | Representative: Ms Heddi Lutterus (Estonia) |
| Steering Committee on Anti-Discrimination, Diversity and Inclusion (CDADI), Committee of Experts on Roma and Traveller Issues (ADI-ROM), and its new Committee of Experts on Sexual Orientation, Gender Identity and Expression and Sex Characteristics (ADI-SOGIESC) | Representative: Ms Annahit Abrahamyan (Armenia) |
| Gender Equality Commission (GEC) | Representative: Ms Alexandra Terés Erich (Andorra), CDCJ Gender Equality Rapporteur |

Appendix III

Comment of Türkiye in respect of the draft recommendation on the rights and best interests of the child in parental separation proceedings and its explanatory report as submitted by the Ministry of Family and Social Services on 7 November 2023:

"a. The draft explanatory document includes terms such as gender, gender-based violence, gender identity, and sexual orientation in several places.

b. The draft explanatory document refers to the Istanbul Convention, to which we are no longer a party.

c. In paragraph 112, the definition of violence includes various terms, including corporal punishment.

d. In paragraph 117, the concept of sexual-reproductive health care is mentioned.

Türkiye has raised objections and reservations regarding certain aspects of the Council of Europe Strategy Document on Children's Rights 2022-2027. Our response to the matters stated in the fourth item (excluding corporal punishment) has also been previously shared. Dissenting Opinion of the Delegation of the Republic of Türkiye on the Draft Council of Europe Strategy for the Rights of the Child (2022-2027) is reproduced below.

Dissenting Opinion of the Delegation of the Republic of Türkiye on the Draft Council of Europe Strategy for the Rights of the Child (2022-2027):

"Children's Rights in Action: from continuous implementation to joint innovation"

The delegation of the Republic of Türkiye appreciates all the efforts that has already been done by the Secretariat providing the Draft Council of Europe Strategy for the Rights of the Child (2022-2027): "Children's Rights in Action: from continuous implementation to joint innovation".

We, as the Republic of Türkiye, put great emphasis on the rights of the child. We believe that the new Strategy can make a contribution towards improving children's rights in member states of CoE. However, the goals of the Strategy can be better achieved through taking into consideration of different cultures and national legislations of all the CoE member States.

Therefore, we kindly asks the Secretariat to reflect the position of Turkish Republic in the final report of the 4 CDENF meeting on the following provisions which Türkiye cannot agree:

1. Türkiye is against all forms of discrimination, acknowledge the right to equal protection in accordance with the Universal Declaration of Human Rights. and provides services to all people in Türkiye, as human beings, regardless of their differences. However, Türkiye states its reservation in regards to any reference to the acronym LGBT and/or sexual orientation or gender identity (SOGI), particularly in the context of children due to its harmful consequences.

2. Türkiye states its reservation in regards to the usage of the word gender throughout the text of the Strategy, due to its internationally controversial scope and definitions (or lack thereof) and when not defined correctly, the ensuing harms that women and children are presented with. We consider that using language that are understood in the same way by all in international texts is important for clarity and effectiveness of the documents.

Türkiye understands the word "gender" if it is stay in this draft Strategy as a complete analogue of the word "sex".

3. As known to the Council of Europe, Türkiye has denounced the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) in accordance with article 80 of the Convention, thus would like to state that it has no obligation and commitment to it and the text of the Strategy should be read accordingly.

4. Republic of Türkiye gives great importance to child participation in all areas and appreciates the Secretariat for taking into consideration the views of children in the Draft Strategy. However, some of the proposals that were highlighted in the draft Strategy include terms such as gender, sexual orientation, transphobia, etc. that we have stated objection to in other parts of this text. For the same reasons, Türkiye states its reservation to such terms and approaches.

5. Türkiye would like to state its reservation for the point 1.2.10 regarding to develop "further standards to support States in developing comprehensive and age-appropriate sexuality education".

Statement by Bulgaria on the Draft Explanatory memorandum to the Draft Recommendation CM/Rec(2024)x of the Committee of Ministers to member States on the protection of the rights and best interests of the child in parental separation proceedings

Bulgaria attaches great importance to the topic of the protection of the rights and best interests of the child in parental separation proceedings and therefore wishes to express its support for the draft Recommendation CM/Rec(2024)x of the Committee of Ministers to member States on the protection of the rights and best interests of the child in parental separation proceedings and the Draft Explanatory memorandum thereto.

In 2018 and in 2021, the Bulgarian Constitutional Court adopted Decisions stating that the Council of Europe's Convention on Preventing and Combatting Violence against Women and Domestic Violence ("Istanbul Convention") promotes legal concepts related to the notion of gender that are incompatible with main principles of the Bulgarian Constitution. Therefore, in line with the above-mentioned Decisions of the Constitutional Court, the Republic of Bulgaria declares that the country cannot accept either the concept of gender or the gender-based approach of the Council of Europe's Convention or any other document that intends to differentiate between "sex" as a biological (women and men) category and "gender" as a social construct.