

Strasbourg, 21 November 2024

CDCJ(2024)32

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

**103<sup>rd</sup> plenary meeting**

19-21 November 2024

Strasbourg, Palais de l'Europe, Room 6

**ABRIDGED MEETING REPORT**

**CDCJ website: [www.coe.int/cdcj](http://www.coe.int/cdcj)  
CDCJ email address: [DGI-CDCJ@coe.int](mailto:DGI-CDCJ@coe.int)**

## Opening of the meeting and adoption of the agenda

The European Committee on Legal Co-operation (CDCJ) held its 103<sup>rd</sup> plenary meeting in Strasbourg on 19-21 November 2024 with Mr Eral Knight (United Kingdom) in the chair.

The agenda of the meeting appears in Appendix 1. The full report of the meeting including the list of participants<sup>1</sup> is available on the CDCJ's website.

## List of items for decision by the Committee of Ministers

The CDCJ invites the Committee of Ministers:

- to take note of the abridged report of its 103<sup>rd</sup> plenary meeting held in Strasbourg on 19-21 November 2024;
- to adopt the draft Council of Europe convention for the Protection of the Profession of Lawyer and to take note of its explanatory report;

## List of items for information of the Committee of Ministers

The CDCJ:

- had its meeting opened by Mr Gianluca Esposito, Director General, DGI – Human Rights and Rule of Law;
- took note of the information provided by the chair and the secretariat on developments having occurred since the 102<sup>nd</sup> plenary meeting (11-13 June 2024) and their possible implications for the CDCJ's work;
- welcomed the newly designated members of the committee;
- took note of the state of play of the implementation of CDCJ activities and progress made since the 102<sup>nd</sup> plenary meeting of the CDCJ;
- undertook an in-depth examination of the draft Council of Europe Convention for the Protection of the Profession of Lawyer and its draft explanatory report, both revised by the Committee of experts on the protection of lawyers (CJ-AV) at its last meeting (9-11 September 2024) in the light of the comments made by the CDCJ at its 102<sup>nd</sup> plenary meeting and written comments made by several delegations; took into account during this examination comments and concerns raised by some delegations before and during the meeting (further detail is found in the full meeting report)<sup>2</sup>; approved by consensus the draft convention and adopted its draft explanatory report; entrusted the secretariat with the task of transmitting the draft convention and its explanatory report as soon as possible to the Committee of Ministers, for submission to the Parliamentary Assembly for opinion, with a view to the adoption of the convention by the Committee of Ministers in 2025, during the Luxembourg chairmanship; started exploring ways for the CDCJ to contribute to promoting the future convention amongst both member and non-member states of the Council of Europe and decided to further discuss it after the Committee of Minister's adoption of the convention; took also note of the report of the 9<sup>th</sup> and last meeting of the CJ-AV;
- examined the preliminary draft report of the first thematic review by the CDCJ on the Council of Europe Plan of Action on Strengthening Judicial Independence and Impartiality (Sofia Action Plan), dealing with the career and training of judges in member states; provided the secretariat with the necessary comments and guidance for the further preparation of the review; also examined the draft questionnaire to member states aiming to collect additional information from member states necessary for the elaboration of the review, and adopted it; and entrusted the secretariat with the circulation of the said questionnaire to the CDCJ and the Consultative Council of European Judges (CCJE);
- examined the draft feasibility study for a non-binding legal instrument on access to nationality for stateless children and exchanged views with the consultant on the way forward; agreed to revise [Recommendation CM/Rec\(2009\)13 on the nationality of children](#), and complement it with a checklist for

<sup>1</sup> At this plenary meeting of CDCJ, 38 member states were represented by 39 participants: 23 women and 16 men, 59% and 41% respectively.

<sup>2</sup> The CDCJ carefully reviewed the proposed amendments submitted ahead of the meeting by the delegations of Austria, Belgium, Denmark, Ireland, Spain and Sweden, as well as those raised by other delegations during the plenary meeting, which is reflected in the full meeting report.

policy makers; after a final editorial review and in the light of comments and guidance provided during the meeting, instructed the secretariat to transmit the feasibility study to the Committee of Ministers for information and authorised its publication under the responsibility of its author; also examined the draft compendium of good practices on access to nationality for stateless children as prepared by the CDCJ limited working group on migration (CDCJ-MIG) and provided the necessary guidance for its further development in 2025;

- examined the detailed outline of the draft study on national climate litigation as prepared by the selected consultants in response to the request made by the Committee of Ministers following its [reply to the Parliamentary Assembly](#) on its Recommendation 2213 (2021) - Addressing issues of criminal and civil liability in the context of climate change; held an exchange of views with the consultants and provided them the necessary guidance to pursue their work;
- noted that the approval of the draft recommendation on the protection of the rights and best interests of the child in care proceedings and the adoption of implementation tools on the said draft recommendation and the draft recommendation on the protection of the rights and best interests of the child in parental separation proceedings, approved last year, would take place during a joint session with the Steering Committee for the Rights of the Child (CDENF) on 3 December 2024 (see full meeting report);
- took note of the information provided by the secretariat regarding the setting-up of the Committee of Experts on access to origins (CJ-OR) responsible for preparing, as from 2025, a draft recommendation on the rights of donor-conceived persons to know their origins; selected members of the CJ-OR representing member states and agreed to designate Mr Thomas Knoll-Biermann (Germany) as chair; instructed to the secretariat to contact the independent experts for whom a preference has been expressed and, based on their interest and availability, to transmit the final list to the Secretary General for their appointment; the list of the members of the CJ-OR representing member states appears in Appendix 2;
- took note of recent signatures of treaties under the responsibility of the CDCJ; reflected on the conventions and agreements under its responsibility as well as the recommendations, resolutions and guidelines it had prepared with a view to identifying which ones could be examined in order to evaluate a possible need for update or a new instrument in the area concerned or other activities; agreed to consider an evaluation of the implementation of Recommendation CM/Rec(2017)2 on the legal regulation of lobbying activities in the context of public decision making in the light of recent developments in the area, and raising awareness on Recommendation CM/Rec(2009)11 on principles concerning continuing powers of attorney and advance directives for incapacity;
- examined the draft practical guide, standard forms and FAQs, tools aiming to improve the implementation of the convention-based mechanisms of the European Convention on Information on Foreign Law (ETS No. 62) and its Additional Protocol (ETS No. 97); exchanged views with the consultant; subject to editorial changes and in the light of the comments and guidance provided during the meeting, authorised their publication on the dedicated webpage; welcomed the online webpage dedicated to the implementation of the convention-based mechanisms of the Convention and its Additional Protocol; agreed to verify and transmit to the secretariat the relevant data relating to the national bodies responsible for receiving requests and transmitting replies in order to make them available on the dedicated webpage; took note that an event would be organised in 2025 to present the webpage dedicated to the Convention and its Additional Protocol to states parties, including those who are not members of the Council of Europe, and non-States Parties as well as other key stakeholders; reiterated its invitation to member states which have not yet signed and ratified the Convention and/or its Protocol to do so;
- assessed mainstreaming of perspectives related to gender, youth, children's rights, rights of persons with disabilities, and Roma and Traveller<sup>3</sup> 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; also identified, amongst the activities within its current mandate, the activities below that meet this requirement, in view to advise the Committee of Ministers:
  - the draft recommendations on the protection of the rights and best interests of the child in parental separation and in care proceedings which take into account the Strategy for the Rights of the Child and 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;

<sup>3</sup> 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.

- 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 which take into account the Strategy for the Rights of the Child and contributes to UNSDG 10 and 16;
  - the study on national climate change litigation and the possible follow-up action to be given will contribute to UNSDG 13;
- took note of the information provided by a number of member states on their recent legislative developments in the area of public law and thanked the delegations concerned for their contributions; agreed that the next meeting will examine developments in member states in the area of private law;
  - took note of the information provided by relevant Council of Europe bodies and committees in the area of public law and thanked the contributors;
  - held an exchange of views on progress made in the activities listed in the committee's terms of reference and workplan, based on the document taking stock of the implementation of the CDCJ activities against the broader picture of the Council of Europe programme and budget for 2024-2027 and the Declaration made by the Heads of State and Government of the Council of Europe at their 4<sup>th</sup> Summit (Reykjavík, 16-17 May 2023);
  - made the necessary appointments of its thematic rapporteurs (gender equality, children's rights, rights of persons with disabilities), representatives and substitutes for 2025 as they appear in Appendix 3;
  - took note of the request by the Committee of Ministers for an opinion on Parliamentary Assembly Recommendation 2284 (2024) - "Missing migrants, refugees and asylum seekers – A call to clarify their fate" by 11 December 2024; decided to adopt its opinion on this recommendation by written procedure and asked the secretariat to transmit it to the Committee of Ministers once consolidated;
  - took note of the updated calendar of its meetings and events for 2024-2025 and confirmed the dates of its two next plenary meetings:
    - 104<sup>th</sup> meeting: 17-19 June 2025,
    - 105<sup>th</sup> meeting: 18-20 November 2025;
  - adopted the abridged report of its 103<sup>rd</sup> plenary meeting.

### **Any changes to the composition of the Committee Bureau**

The CDCJ held elections, in accordance with Resolution CM/Res(2021)3 on intergovernmental committees and subordinate bodies, their terms of reference and working methods, for the following three seats: Chairperson, Vice-Chairperson and a member of the Bureau under Article 13.d of the Rules.

- re-elected Mr Eral Knight (United Kingdom) as the Chairperson for a second term of office of one year, Ms Signe Öhman (Sweden) as the Vice-Chairperson for a second term of office of one year and Mr Guillaume Vieillard (France) as a member of the Bureau for a two-year term of office (under Article 13.d of the Rules of Procedure).

As from 1<sup>st</sup> January 2025 the Committee Bureau will set up as follows:

Chairperson: Mr Eral Knight (United Kingdom) – re-elected for a second term of office of one year, from 1 January to 31 December 2025.

Vice-Chairperson: Ms Signe Öhman (Sweden) – re-elected for a second term of office of one year, from 1 January to 31 December 2025.

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 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 term of office of two years, under Article 13.d of the Rules, from 1 January 2025 to 31 December 2026.

## Appendix 1

### 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 Protection of lawyers (*main deliverable 1*)
- 5.2 Council of Europe Plan of Action on Strengthening Judicial Independence and Impartiality (Sofia Action Plan) (*main deliverable 10*)

#### *Public law*

- 5.3 Statelessness and access to nationality (*main deliverables 6 and 7*)
- 5.4 National climate litigation (*main deliverable 4*)

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

#### *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))*

- 5.7 European Convention on Information on Foreign Law (ETS No. 62) and its Additional Protocol (ETS No. 97) (*main deliverable 5*)
6. Transversal issues:
  - a. Mainstreaming gender, youth, children's rights, rights of persons with disabilities, and Roma and Traveller<sup>4</sup> 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)

7. Developments in member states in the area of public law
8. Co-operation with other relevant Council of Europe bodies and committees, other international organisations and civil society in the area of public law
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)
10. Elections and Appointments
  - a. Elections (Chair, Vice-Chair and a Bureau member)
  - b. Appointments (CDCJ Representatives and Rapporteurs) for 2025
11. CDCJ Opinions (if any) (*main deliverable 13*)  
*Recommendation 2284 (2024) - "Missing migrants, refugees and asylum seekers – A call to clarify their fate"*
12. Any other business
13. Date and place of next meeting
14. Adoption of the abridged meeting report

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<sup>4</sup> 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.

**Appendix 2****Rights of donor-conceived persons to know their origins****Committee of Experts on access to origins (CJ-OR) – Composition****CHAIR**

Mr Thomas Knoll-Biermann (Germany)

**MEMBERS**

Croatia	Ms Aleksandra Korać Graovac	Professor, University of Zagreb
Czechia	Ms Eva Petrová	Head of Implementation Unit at the Office of the Government Agent before the European Court of Human Rights Ministry of Justice
Denmark	Ms Signe Ebbesen	Legal consultant Danish Patient Safety Authority
France	Mr Emmanuel Vernier	Secretary general of the de la Commission for access to data from third-party donors for persons born from medically assisted procreation (CAPADD) Ministry of Health
Germany	Mr Thomas Knoll-Biermann	Head of Unit for Law on Parent and Child Matter Federal Ministry of Justice
Switzerland	Ms Joëlle Schickel-Küng	Deputy Head of the Private Law Division and Co-Head of the Private International Law Unit (PIL Unit) Federal Office of Justice
United Kingdom	Ms Rachel Cutting	Director of Compliance and Information Human Fertilisation and Embryology Authority (HFEA)

## Appendix 3

### Appointments by the CDCJ for 2025

#### CDCJ Thematic Rapporteurs

Rapporteur on Gender Equality (GER)	Ms Alexandra Terés Erich (Andorra)
Rapporteur on Children's Rights	Ms Verena Cap (Austria)
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) Substitute: Mr Rodrigo Rodriguez (Switzerland)
Steering Committee for Human Rights (CDDH)	Representative: Mr Rodrigo Rodriguez (Switzerland)
Committee on Artificial Intelligence (CAI)	Representative: Ms Heddi Lutterus (Estonia)
Steering Committee for the Rights of the Child (CDENF) / Consultation Group on Children of Ukraine (CGU)	Representative: Ms Verena Cap (Austria)
Steering Committee on Anti-Discrimination, Diversity and Inclusion (CDADI)	Representative:
Steering Committee on Democracy (CDDEM)	Representative: Mr James D'Agostino (Malta)