



Paris, 15 March 2024

CDCJ-BU(2024)03

**BUREAU OF THE
EUROPEAN COMMITTEE ON LEGAL CO-OPERATION
(CDCJ-BU)**

120th meeting
14-15 March 2024
Council of Europe Office in Paris and online

MEETING REPORT

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

1. The Bureau of the European Committee on Legal Co-operation (CDCJ) held its 120th meeting on 14-15 March 2024 (Paris), with Mr Eral Knight (United Kingdom) in the Chair.
2. The agenda of the meeting is contained in Appendix I. The list of participants appears in Appendix II.

3. Statement of the Chair and the Secretariat

3. The Bureau took note of the information provided by the Chair, the Vice-Chair, Ms Signe Öhman (Sweden), and the Secretariat about any developments having occurred since the last CDCJ plenary meeting (15-17 November 2023) and of any implications they may have on CDCJ activities.
4. The Vice-Chair informed the Bureau about the 2nd Meeting of the Secretary General of the Council of Europe with the Chairs of Intergovernmental Committees where she represented the CDCJ (1 February 2024). Discussions had focused on the follow-up to be given to the commitments made by member states at the 4th Summit of Heads of State and Government in Reykjavík (16-17 May 2023), in particular to respond to democratic backsliding and to take into account the use of new digital technologies, in order to address challenges to the fundamental values of the Council of Europe around the rule of law, human rights and democracy. The Vice-Chair indicated that she had underlined the importance of further co-operating with the European Union and improving the visibility of the work of the Council of Europe, including in the capitals, for instance through ministerial conferences. The relevance of stronger co-operation between intergovernmental committees had also been underlined during this meeting.
5. The Chair informed the Bureau that he participated in the plenary meeting of the Steering Committee on Media and Information Society (CDMSI) on 30 November 2023 in order to put forward the proposals agreed on at the last plenary meeting of the CDCJ concerning the draft Committee of Ministers Recommendation on Countering Strategic Lawsuits against Public Participation (SLAPPs). All these proposals were accepted, and the draft recommendation was approved by the CDMSI at this meeting. The draft recommendation was to be examined by the Group of Rapporteurs on Human Rights Group (GR-H) of the Committee of Ministers at its meeting of 26 March 2024.
6. The Secretariat informed the Bureau about the new Council of Europe [Gender Equality Strategy](#) (2024-2029) and the strategic objectives most relevant to its work. The Gender Equality Rapporteur and member of the Bureau, Ms Alexandra Terés Erich (Andorra), informed the Bureau that she had participated in training for Gender Equality Rapporteurs where she had drawn attention to the Practical Guide on Gender Mainstreaming in Public and Private Law Reform Processes, adopted by the CDCJ last year, which had met with great interest among other participants. In view of the above, the Bureau agreed that it would be worth exploring further opportunities of promotion for this guide and its shorter version. In addition, the Secretariat informed the Bureau that internal guidelines on gender-inclusive language were adopted at the same time as the new strategy and would have to be followed in all documents produced by the CDCJ.
7. The Secretariat also provided an update on the revised Handbook “The Administration and You” adopted by the CDCJ in December 2023, which was to be published before its next plenary meeting.

8. The Bureau was informed about the work undertaken for the promotion of the Guide for practitioners on Administrative Detention of Migrants and Asylum Seekers, also adopted last year. The Guide was already translated into Greek, and further translations were expected. The Secretariat will work closely with the newly appointed Special Representative of the Secretary General on Migration and Refugees, Mr David Best, and with National Preventive Mechanisms (NPMs) to further promote this guide.

9. The Secretariat also informed the Bureau about the forthcoming meeting of the Group of Rapporteurs on Legal co-operation (GR-J) of the Committee of Ministers on 19 March 2024, during which an exchange of views with Mr Christoph Henrichs (Germany), as Chair of the CJ-AV, will take place to discuss the future convention for the protection of the profession of lawyer, which is to be completed by the end of the year and subsequently forwarded for adoption to the Committee of Ministers.

4. Review of progress

10. The Bureau took note of the information provided by the Secretariat on recent developments and progress made in achieving the deliverables of the new terms of reference of the CDCJ in the light of the stocktaking document (document CDCJ(2024)02prov).

11. In connection with deliverable 4 on the study on national climate litigation, the Bureau was informed of the follow-up to the Reykjavík Declaration of the 4th Summit of Heads of State and Government regarding the protection of the environment, with a view to countering the impact of pollution, climate change and loss of biodiversity on human rights, democracy and the rule of law. An Inter-Secretariat Task Force on the Environment was established with the aim of developing a strategy on action of the Council of Europe in this field. The Bureau agreed with the proposal of the Secretariat to start work on the study on national climate litigation without delay. The judgments of the European Court of Human Rights expected to have a bearing on the study will be taken into account as soon as they are handed down.

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

12. The Bureau took note of the update given by the Secretariat on progress made by the CJ-AV on the draft convention for the protection of the profession of lawyer and its explanatory report. The Bureau was informed that the results of the stakeholder consultation, which was launched last month, would be examined by the CJ-AV at its 8th meeting (13-15 May 2024). A revised draft would then be sent to the CDCJ for a detailed examination at its 102nd plenary meeting (11-13 June 2024). The Bureau then discussed the best possible way of organising its examination of the draft convention during the plenary meeting.

13. The Bureau exchanged views with the consultant of the CJ-AV, Mr Jeremy McBride, on the text of the draft convention and its explanatory report as they currently stand. The Bureau raised a number of issues that will be taken into account as part of the revision of the draft texts. Regarding the monitoring mechanism, the Bureau underlined the need for a procedure that would be effective while not creating an excessive burden on national authorities. To this effect, they proposed to place emphasis on the urgent procedure in exceptional circumstances where there are serious risks of violation of the convention and suggested to underline the subsidiary character of country visits in the framework of regular monitoring cycles.

4.2 Follow-up to the Review of implementation of the Council of Europe Plan of Action on Strengthening Judicial Independence and Impartiality (Sofia Action Plan) - First thematic review focused on the career and training of judges (main deliverable 10)

14. The Bureau took note of the update provided by the Secretariat on the preparation of the

first thematic review on the career and training of judges. The Secretariat indicated that, in line with the agreed workplan, information had been collected based on the relevant standards and findings of different Council of Europe bodies, which had allowed to identify a possible way of organising the future report. The Bureau agreed to the proposed preliminary structure of the future report.

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

15. The Bureau discussed the new composition of its working group on migration (CDCJ-MIG) which is to work on stateless children. It examined the different candidates proposed by the member states and selected the seven following candidates based on their specific experience on statelessness issues, geographical and gender balance as well as language skills:

Mr Armen Ghazaryan (Armenia), Ms Katarina Franjković (Croatia), Ms Katerina Radova (Czechia), Ms Kristi Anniste (Estonia), Ms Delphine Thouillon (France), Ms Sandra Cristina Da Silva Monteiro (Portugal) and Mr Jens Ölander (Sweden).

16. As agreed at its 101st plenary meeting, Mr Francesco Crisafulli (Italy) will chair the CDCJ-MIG and therefore be the eighth member of the working group. The Secretariat underlined that any member states can send representatives to attend the meetings of the CDCJ-MIG at their own cost. In this regard, the first two meetings scheduled for 2024 will be organised online.

17. It also selected the following two observers: the European Migration Network (EMN) and the European Network on Statelessness (ENS). It instructed the Secretariat to contact the further three organisations: Institute on Statelessness and Inclusion (ISI); the Hungarian Helsinki Committee; and the Law Center for Advocates.

18. The Bureau instructed the Secretariat to inform the CDCJ of the proposed composition of the CDCJ-MIG for formal approval by written procedure.

19. The Bureau took note of the revised draft workplan of the CDCJ-MIG (document CDCJ(2023)21prov2) to be adopted by the working group at its first meeting.

4.4 Rights and best interests of the child in parental separation and in care proceedings – Committee of Experts (CJ/ENF-ISE) (*main deliverables 2 & 3*)

20. The Bureau took note of the information provided by the Secretariat on the preparation of the 9th meeting of the CJ/ENF-ISE (20-22 March 2024) during which the full draft recommendation on the protection of the rights and best interests of the child in care proceedings (document CJ/ENF-ISE(2024)02) and its explanatory memorandum (document CJ/ENF-ISE(2024)03) will be examined for the first time.

21. The Bureau was informed that the joint session of the CDCJ and CDENF for the approval of the above-mentioned draft recommendation and adoption of its explanatory memorandum would take place online on 4 December 2024 as it had not been possible to make the dates of the plenary meetings of both steering committees coincide.

22. The Bureau took note of the information provided by the Secretariat concerning the ongoing work on the implementation tools for the draft recommendation on the protection of the rights and best interests of the child in parental separation proceedings. There will be three checklists that focus on court administration, mediators and policy makers.

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

23. The Bureau took note of the information provided by the Secretariat on the activities for improving the implementation of the European Convention on Information on Foreign Law (ETS No. 62) and its additional protocol (ETS No. 97) and the revised workplan for the preparation of the proposed tools (document CDCJ(2024)04 prov).

24. The Secretariat informed the Bureau that discussions were underway with the Directorate of Information Technology (DIT) for the creation of a dedicated webpage. As to the content of this webpage, a consultant, Mr Nicolas Nord, who prepared the [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 \(ETS No. 97\)](#) adopted by the CDCJ last year, will prepare a short handbook, forms and a rubric with frequently asked questions. In addition, CDCJ delegations will be called upon to provide updated information on their contact points that will be posted on the webpage.

5. Preparation of the next plenary meeting

25. The Bureau examined and agreed to the proposed preliminary draft agenda of the CDCJ's 102nd plenary meeting (document CDCJ(2024)OJ1 prov).

6. Any other business

26. None

7. Date and place of next meeting

27. The Bureau took note of the list of meetings/events expected to take place from 2024 to 2025 (document CDCJ(2024)03prov). The Bureau agreed that, if needed, an online meeting could be held ahead of the 102nd plenary meeting. It agreed to hold its 121st meeting on 3-4 October 2024, in order to prepare the CDCJ's 103rd plenary meeting on 19-21 November 2024.

8. Adoption of the meeting report

28. The Bureau adopted the 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 the Secretariat
4. Review of progress

Justice and the Rule of Law

- 4.1 Protection of lawyers – Committee of Experts – CJ-AV (*main deliverable 1*)
- 4.2 Follow-up to the Review of implementation of the Council of Europe Plan of Action on Strengthening Judicial Independence and Impartiality (Sofia Action Plan) - First thematic review focused on the career and training of judges (*main deliverable 10*)

Public Law

- 4.3 Statelessness and access to nationality

Family law and children's rights

- 4.4 Rights and best interests of the child in parental separation and in care proceedings – Committee of Experts (CJ/ENF-ISE) (*main deliverables 2 & 3*)

Promoting and facilitating the functioning of conventions within the CDCJ's area of competence

- 4.5 European Convention on Information on Foreign Law (ETS No. 62) and its Additional Protocol (ETS No. 97) (*main deliverable 5*)
5. Preparation of the next plenary meeting
6. Any other business
7. Date and place of next meeting
8. Adoption of the meeting report

Appendix II

List of participants

MEMBERS OF THE BUREAU

ANDORRA	Ms Alexandra TERÉS ERICH Judge Seu de la Justicia
DENMARK	Mr Lennart HOUMANN Head of Department of Civil Law Ministry of Justice
FRANCE	Mr Guillaume VIEILLARD Magistrat Chef du bureau des questions institutionnelles et diplomatiques Délégation aux affaires européennes et internationales (DAEI) Ministère de la Justice
PORTUGAL	Mr João ARSÉNIO DE OLIVEIRA Head of International Affairs Department Directorate General for Justice Policy Ministry of Justice
SLOVENIA	Mr Matija VIDMAR Secretary Office for International Cooperation and Mutual Legal Assistance Ministry of Justice
SWEDEN	Ms Signe ÖHMAN (Vice-Chair) Director Division for EU Affairs Ministry of Justice
UNITED KINGDOM	Mr Eral KNIGHT (Chair) Head of Private International Law Negotiations and International Relations International Justice Policy Division Ministry of Justice

OTHER PARTICIPANTS (for agenda Item 4.1)

CONSULTANT OF THE COMMITTEE OF EXPERTS ON THE PROTECTION OF LAWYERS (CJ-AV)	Mr Jeremy McBRIDE Barrister Monckton Chambers United Kingdom
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