

Newsletter | N° 4: January - June 2024

[Lettre d'information version française](#)

LEGAL CO-OPERATION (CDCJ, CCJE, CCPE) DURING THE FIRST HALF OF 2024

IN CONVERSATION WITH...

...THE NEW PRESIDENT OF THE CCJE

Ms Leonie Reynolds has been President of the CCJE since 1 January 2024.

As she starts her first term of office, we have asked her questions on how she sees her new role and more generally the work of the CCJE.



The Hon. Ms. Justice Leonie Reynolds of the High Court of Ireland, President of the CCJE

What does it mean to you to be President of the CCJE?

It is of course a great honour to preside over the CCJE, which is a unique body composed exclusively of serving judges from across the 46 member states of the Council of Europe. It represents a wealth of judicial experience coming together to address real issues faced by judges in their work. Ultimately, the CCJE is of course here to contribute to safeguarding the independence of the judiciary, as a cornerstone of the justice systems of our democracies. Every year the CCJE decides on the topic it considers important to focus on and produces an in-depth legal opinion based on existing standards. By way of example, in the last two years, the CCJE dealt with two vital and very topical questions: the freedom of expression of judges in an age of increasing presence of social media in our societies in general, and the use of modern technologies by the judiciary, in order to find the right balance for their use in the decision-making process. As you see, the CCJE never shies away from dealing with topics that are challenging and always provides recommendations that make a difference in the way justice operates in our countries. The number of translations that

are made of each opinion is testament to their relevance and added value across Europe.

What is the CCJE working on this year?

The CCJE has decided to devote this year's opinion to the disciplinary liability of judges. It is important that such proceedings are never instrumentalised and politicised in order to preserve the full independence of judges. For this reason, the CCJE is looking into the legal and procedural framework for the disciplinary liability of judges, safeguards against undue interference in such proceedings, as well as the independent, impartial and transparent manner in which these proceedings should be held, guarantees for the participation of judges against whom the proceedings were initiated, possibilities of appeal of the decisions taken, proportionality of sanctions and other relevant aspects. It is as complex as it is crucial to address this issue, and the CCJE is well under way in the preparation of this opinion that will be adopted in November 2024. In addition to this opinion, the CCJE is also working on a study on diversity and inclusivity in the judiciary, another topic well worth exploring as we live in increasingly diverse societies across the continent.

LEGAL CO-OPERATION ACTIVITIES



Protection of Lawyers

The [Committee of Experts on the Protection of Lawyers \(CJ-AV\)](#) held its 7th and 8th meeting in January and May 2024 and continued its work on the drafting of the future convention aiming to improve the protection of lawyers and the right to practice their profession without prejudice or



Children's Rights in Parental Separation and Care Proceedings

The [Committee of Experts on the Rights and the Best Interests of the Child in Parental Separation and in Care Proceedings \(CJ/ENF-ISE\)](#) held its 9th meeting in March 2024 and

restraint. The CDCJ will approve the draft convention and adopt its explanatory report at its 103rd plenary meeting (19-21 November 2024), with a view to an adoption of the draft convention by the Committee of Ministers in 2025.

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reviewed the draft recommendation on the protection of the rights and best interests of the child in care proceedings, which was then sent for written consultation until 31 July 2024. It is also working on implementation tools on parental separation and care proceedings.

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Stateless Children and Access to Nationality

The [CDCJ limited working group on migration \(CDCJ-MIG\)](#) held its 1st meeting on stateless children and their access to nationality online in May. The CDCJ-MIG is tasked with preparing a compendium of good practices and a non-binding new legal instrument in the area.

The CDCJ-MIG has circulated a questionnaire to member states to collect information on procedures governing statelessness and acquisition of nationality in respect of children by 31 July 2024. On 6 June 2024 a multistakeholder meeting on “Children and Statelessness” was organised jointly by the Council of Europe and the



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

The CDCJ is currently working on the elaboration of a draft practical guide and other practical tools to promote the implementation of the European Convention on Information on Foreign Law (ETS No. 62) and its Additional Protocol (ETS No. 97). All these tools will be made available on a dedicated webpage.

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European Migration Network (EMN) in Luxembourg.

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ABOUT JUDGES AND PROSECUTORS



The Hon. Ms. Justice Leonie Reynolds of the High Court of Ireland, President of the CCJE

Consultative Council of European Judges

This year's opinion of the CCJE is on the disciplinary liability of judges (Opinion No. 27) and deals, *inter alia*, with safeguards against undue interference as well as transparency in liability proceedings in order to preserve the independence of the judiciary. Draft Opinion No. 27 was examined by the CCJE Working Group at its 46th meeting on 3-5 April 2024 in Rome (Italy), which was hosted by the High Council of the Judiciary of Italy. The Working Group will pursue its work at its 47th meeting on 3-5 July 2024 in Dublin (Ireland), hosted by the Law Society of Ireland.

In February 2024, the CCJE Bureau adopted an [Opinion](#) following a



Ms. Jana Zezulová (Czech Republic), President of the CCPE since January 2023

Consultative Council of European Prosecutors

The CCPE is working this year on an opinion about managing prosecution services to ensure their independence and impartiality (Opinion No. 19), which focuses on the central role played by heads of prosecution services as the main guarantors of their independence and autonomy. The CCPE Working Group met twice in Strasbourg to examine draft Opinion No. 19, on 15-16 February 2024 (40th meeting) and 23-24 May 2024 (41st meeting).

In March 2024, the Bureau of the CCPE adopted an [Opinion](#) following a letter of the Deputy Prosecutor General and Temporary Head of the State Prosecutor's Office of Slovenia

Protest Declaration of the Slovenian Association of Judges concerning the failure to enforce a decision of the Constitutional Court of Slovenia aimed at remedying the established unconstitutionality regarding substantial differences between the salaries of judges and other public officials.

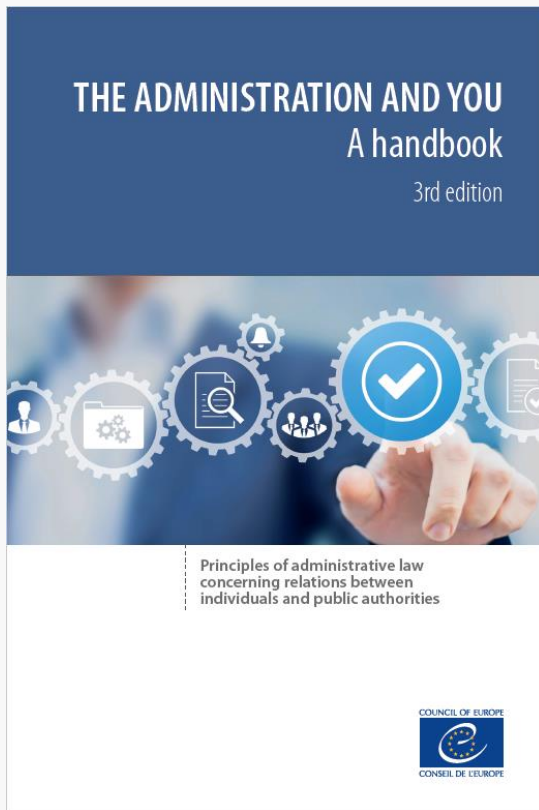
Ms Leonie Reynolds, President of the CCJE, delivered a keynote speech at the event marking the 25th anniversary of the Group of States against Corruption (GRECO) on 20 June 2024 in which she underlined the continuing excellent co-operation with the CCJE on the strengthening of the independence of the judiciary. She also drew attention to [Opinion No. 21 \(2018\)](#) of the CCJE on preventing corruption among judges.

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concerning the failure to enforce a decision of the Constitutional Court of Slovenia aimed at remedying the identified unconstitutionality regarding significant disproportions between the salary grades of judges' positions compared to the salary grades of executive and legislative branch functions which also impact prosecutors.

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PUBLICATIONS



Guide on the substantive and procedural principles of administrative law concerning relations between individuals and public authorities, including the use of AI and automated decision making

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