

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Strasbourg, 7 August 2025

CDCJ(2025)13

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

104th plenary meeting

16-18 June 2025

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 104th plenary meeting in Strasbourg on 16-18 June 2025 with Eral Knight (United Kingdom) in the Chair.
2. The agenda of the meeting appears in Appendix 1. The abridged and full meeting reports, including the list of participants¹ are available on the CDCJ's website.
3. The CDCJ devoted the morning of 16 June to a conference entitled "Protecting lawyers, preserving access to justice", to mark the adoption and opening for signature of the [Council of Europe Convention for the Protection of the Profession of Lawyer \(CETS No. 226\)](#) signed by 17 member states to date, opened by Gianluca Esposito, Director General Human Rights and Rule of Law; the keynote speakers were Bjørn Berge, Deputy Secretary General, Michael O'Flaherty, Commissioner for Human Rights, Ambassador Gabriel Revel, Permanent representative of Monaco and Chair of the GR-J, Ambassador Patrick Engelberg, Permanent representative of Luxembourg, Vladimir Vardanyan, member of the Parliamentary Assembly of the Council of Europe, and the Chair of the CDCJ – see the programme in Appendix 2. This event was followed on-line by more than 100 participants. The list of participants in the conference, including the stakeholders who contributed to the preparation of this legal instrument, is available on the CDCJ's website.

3. Statement of the Chair and Secretariat

4. The CDC took note of the information provided by the Chair and by the secretariat on the developments that occurred since the 103rd plenary meeting (19-21 November 2024) and their possible implications for CDCJ's work, in particular (1) the opening for signature of the [Council of Europe Convention for the Protection of the Profession of Lawyer \(CETS No. 226\)](#) in Luxembourg on 13 May 2025, (2) the successful conference on "Protecting lawyers, preserving access to justice" of 16 June 2025 to mark the adoption and opening for signature of this convention, (3) the participation of the Chair of the CDCJ in the 3rd meeting of the Secretary General with chairs of intergovernmental committees held on 24 April 2025, (4) the adoption by the Committee of Ministers, on 28 May 2025, of two recommendations on the protection of the rights and best interests of the child in parental separation proceedings ([CM/Rec\(2025\)4](#)) and care proceedings ([CM/Rec\(2025\)5](#)), prepared jointly by the CDCJ and the Steering Committee for the Rights of the Child (CDENF), which will be launched at the next CDCJ plenary meeting in November in a joint event with the CDENF, (5) the follow-up regarding the [European Convention on Information on Foreign Law](#) (ETS No. 062) and its [Additional Protocol](#) (ETS No. 097) and the [Guide for practitioners on administration detention of migrants and asylum seekers](#), (6) the preparation of the 2025 Opinions of the Consultative Council of European Judges (CCJE) and the Consultative Council of European Prosecutors (CCPE), (7) the ongoing work within the CDENF's Committee of Experts on access to child-friendly justice through multidisciplinary and Interagency services (ENF-JUS), (8) the outcome of the Conference of 21 May 2025 organised by the Steering Committee for Human Rights in the fields of Biomedicine and Health (CDBIO) on Artificial Intelligence (AI) healthcare and human rights on the impact of AI on the "patient-doctor" relationship, (9) the results of the 3rd plenary meeting of the Steering Committee on Democracy (CDDEM) on the revision of Recommendation [CM/Rec\(2007\)14](#) on the legal status of non-governmental organisations in Europe and its Working Group on Parameters for the application and implementation of the Reykjavík Principles of Democracy (GT-P) held on 6-7 March 2025, and (10) the 2025 Annual report of the Secretary General of the Council of Europe "[Towards a new democratic pact for Europe](#)", in particular the relevant aspects linked to justice such as the protection of lawyers and judicial independence and efficiency.

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

5. The chair welcomed the newly designated members of the CDCJ who joined the committee since its last plenary meeting in November 2024 (Armenia, Finland, Georgia and Hungary), who introduced themselves and informed the committee of their delegations' priority areas of interest.

5. Review of progress

6. The CDCJ took note of the state of play of the implementation of the CDCJ activities in accordance with its terms of reference for 2024-2027 and, in line with the decision made by the CDCJ at its plenary meeting of November 2024 (document CDCJ(2025)01 rev).
7. After examination, it agreed on the revision proposed by the secretariat to deliverable 11 in the current CDCJ terms of reference in light of the CDCJ Bureau's discussion at its 122nd meeting of March 2025, and to carry out, as a first step, a feasibility study on the need for an instrument on the use of AI in context of policing, the administration of justice and borders/migration (document CDCJ(2024)01 rev). It exchanged views on the

¹ At this plenary meeting of CDCJ, 33 member States were represented by 34 participants: 19 women and 15 men, 56% and 44% respectively.

revised CDCJ deliverable 11 and provided guidance to the secretariat on the conduct of this activity – see item 7, paragraphs 12-13 below.

8. The CDCJ examined potential activities connected to past instruments prepared by the CDCJ or the preparation of new instruments, as well as the CDCJ deliverables and/or activity priority order for 2026-2027. The CDCJ was invited to consider its future activities, notably on possible work on use of artificial intelligence (taking into account the approach proposed by its Bureau at its 122nd meeting (20-21 March 2025)). The secretariat will prepare a document detailing the proposals for discussion at the 105th plenary meeting, that would include: the revision of [Recommendation No. R \(86\) 12 concerning measures to prevent and to reduce the excessive workload in the courts](#), a report on the implementation of [Recommendation CM/Rec\(2017\)2 on the legal regulation of lobbying activities in the context of public decision making](#), a report on the implementation and/or awareness raising activity on [Recommendation CM/Rec\(2009\)11 on principles concerning continuing powers of attorney and advance directives for incapacity](#), an activity related to [medical liability](#) (likely in co-operation with the CDBIO), the re-examination of [Recommendation CM/Rec\(2014\)7 on the protection of whistleblowers](#), maintaining trust in public institutions by providing safeguards for public officials, and the connection between justice (civil, commercial and administrative law) and economic growth. Some of these activities may be carried out within the framework of the current terms of reference and/or in the future ones for 2026-2027 mandate.

9. Furthermore, the committee agreed to discuss, at its next plenary meeting, the idea raised by the secretariat of closer involvement of the members of CDCJ in the implementation reviews of legal instruments under its responsibility, by appointing a rapporteur among its members to closely follow the preparation of a report or a study prepared by a consultant. The secretariat invited the members to submit their candidatures in the area of law and/or on a topic of interest to them. When starting a new activity, the members would be contacted to express their interest.

Justice and the Rule of Law

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

10. The CDCJ took note of the information provided by the secretariat on the preparation of the first thematic review by the CDCJ focused on the career and training of judges, as a follow-up to the [Council of Europe Plan of Action on Strengthening Judicial Independence and Impartiality](#) (Sofia Action Plan).

11. It examined the draft report in the light of the additional information received from the members of the CDCJ and of the Consultative Council of European Judges (CCJE) in response to the questionnaire which was circulated in view to update the data (document CDCJ(2024)13 prov4). The committee noted that the draft report will be circulated in September and that the CDCJ members will be invited to examine it carefully before submitting their written comments in October (deadline to be confirmed). The chair invited the member states that already wish to submit their comments to do so. The CDCJ will examine the draft report and the comments received at its next plenary meeting (18-20 November 2025) when it will also discuss the possible follow-up activities to the report. CDCJ members were invited to submit their proposals on the latter before the plenary meeting to help the discussion and to decide on possible future activity.

7. The use of artificial intelligence for policing, the administration of justice and borders/migration – Study on the feasibility of a draft legal instrument (*main deliverable 11*)

12. The CDCJ discussed and agreed to the revision of deliverable 11 as indicated in paragraph 7 above. Having regard to the activities developed or being developed within the Council of Europe in the field of AI and in particular with regard in particular to the various tools already developed by the European Commission for the Efficiency of Justice (CEPEJ), it was considered advisable to undertake a feasibility study before deciding on the preparation any new legal instrument. The CDCJ considered that such a study would make it possible to identify more restricted areas within the three main themes (policing, administration of justice and borders/migration) where added value could be achieved. Future work could be, for example, the revision of existing legal instruments – such as those referred to in the handbook “The Administration and You” – in order to factor in the impact of the use of AI. It was noted that some member states are also involved in the transposition of European Union regulations on AI, which could inform future work carried out by the CDCJ. Therefore, the CDCJ decided to undertake this feasibility study by the end of 2027 at the latest and possibly earlier subject to its workload and available resources.

13. Daniel Pap, Secretary of the CDDH Drafting Group on human rights and artificial intelligence (CDDH-IA), and Vadim Pak, Adviser in the Secretariat of the Committee on Artificial Intelligence (CAI), presented to the committee the work carried out in the field of artificial intelligence in their respective sector, respectively (1) the draft Handbook on human rights and artificial intelligence prepared by the CDDH; and (2) the Council

of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law (CETS No. 225), the guidance on risk and impact assessment for AI systems (“HUDERIA”) specifically tailored to the protection and promotion of human rights, democracy and the rule of law. The CDCJ took note of the relevant information and thanked both of them.

Public Law

8. National climate litigation (*main deliverable 4*)

14. The CDCJ took note of the update provided by the secretariat and one of the consultants on the preparation of a draft study on national climate litigation.

15. It examined, with the assistance of Joanna Setzer (Grantham Research Institute, London School of Economics), the revised detailed outline of the draft study (document CDCJ(2024)17 rev). The final draft study will take into account the information provided by member states on their relevant domestic case-law in response to the questionnaire which was circulated in view to update the data (document CDCJ(2025)06 rev). The CDCJ provided the consultants with the necessary guidance to finalise the work before submission to the CDCJ for adoption at its 105th plenary meeting.

16. The committee considered it important to inform the CDDH of the results of this study given their ongoing work on human rights and the environment.

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

17. The CDCJ took note of the progress made by the CDCJ limited working group on migration (CDCJ-MIG), including the outcome of its 3rd meeting (23-25 April 2025) and its updated workplan for 2025-2026.

18. It examined, with the assistance of the consultant of the CDCJ-MIG, René de Groot, the draft revised Recommendation CM/Rec(2009)13 on the nationality of children and the draft compendium of good practice on access to nationality for stateless children as prepared in light of the comments and additional information received from CDCJ delegations (document CDCJ-MIG(2025)02 prov2).

19. Regarding the aforementioned draft revised recommendation, several delegations indicated that they wished that the expression “lawful and habitual residence” features in full in the revised recommendation wherever it is used; that the notion of “reasonably” be made more specific in principle 4; expressed reservations as to the indication of a specific time-limit in principle 7; that a formulation be found that takes into account that some states already have stateless and nationality determination procedures where those are mentioned; that the question of the shared burden of proof be clarified; and expressed reservations as to the inclusion of a right to birth registration for children born abroad and as to an absolute principle preventing a link between birth registration and immigration control. The CDCJ provided the consultant with the necessary guidance to pursue the work, including the preparation of the draft explanatory memorandum to this revised recommendation.

20. Moreover, following the resignation of the Swedish member of the CDCJ-MIG, Jens Ölander, the CDCJ examined the Bureau's proposal to replace him with the candidate from Azerbaijan, Ruhlan Nabiyeu (amongst the three candidatures received) following the Bureau's initial preference order. The committee approved the change of membership of the CDCJ-MIG. The CDCJ instructed the secretariat to inform the person concerned and the working group of this decision swiftly.

21. Finally, it took note of the Global Alliance to End Statelessness's Inter-Regional Network Lab “Regional Action, Global Impact – Leveraging Regional Approaches and the Role of Inter-Governmental Organizations in Addressing Statelessness” co-organised by the Council of Europe, the Organization of American States (OAS), CLARCIEV, and the UNHCR on 20 May 2025.

Family law and children's rights

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

22. The CDCJ took note of the update by the secretariat on the start of the work of the recently established Committee of Experts on access to origins (CJ-OR) on a draft recommendation on the rights of donor-conceived persons to know their origins, including the report of its first meeting held on 3-5 June 2025 (document CJ-OR(2025)09).

23. The committee exchanged views with the chair of the CJ-OR, Thomas Knoll-Biermann (Germany), and the consultant, Laurence Brunet, on the ongoing work and provided them with the necessary guidance to pursue the work.

24. It examined the request by Child Identity Protection (CHIP) for observer status to the CJ-OR in light of the established criteria to assess such requests and, after having heard online the Executive Director of CHIP, Mia Dambach, who presented the request and the added value for the CJ-OR of the expertise of the organization advocating for the protection of children's identity rights in family relations, decided to grant it observer status. The CDCJ instructed the secretariat to inform promptly the person concerned and the Committee of Experts of this decision.

11. Thematic review of the guidelines on child-friendly justice (focus: civil and administrative proceedings) (*main deliverable 9*)

25. The committee took note of the update by the secretariat on the work carried out by the Steering Committee for the Rights of the Child (CDENF) notably: the report of the 11th plenary meeting of the CDENF (1-2 April 2025), the outcome of the Mid-Term Review Conference of the Strategy for the Rights of the Child for 2022-2027 (3-4 April 2025), the ongoing work within the CDENF's Committee of Experts on access to child-friendly justice through multidisciplinary and Interagency services (ENF-JUS).

26. The CDCJ discussed the draft report on the thematic review of the Child-Friendly Justice Guidelines at a joint session with the European Committee on Crime Problems (CDPC) where one of the two consultants responsible for the preparation of the thematic review report, Maria Andriani Kostopoulou, together with the secretariat of the CDENF, presented the preliminary draft thematic review and indicated what would be the next steps of the preparation including to ensure the full involvement of the CDCJ and CDPC.

27. At this joint session, it was agreed that the deadline (9 July) for submitting observations and drafting proposals on its civil and administrative law aspects for the CDCJ side and on its criminal law aspects for the CDPC side, was too short and called for an extension given the scale of the task and the necessary internal consultations. Therefore, it was agreed to extend this deadline until 18 August. Furthermore, considering the length of the draft report, both steering committees asked the consultants to split it to make its reading easier (two documents with the proposed areas to revisit respectively in the guidelines and in its explanatory memorandum, and a document containing the explanations for these proposed revisions). As to the content, they called in particular for attention to the accuracy of legal terms and all aspects of civil, administrative and criminal law. One CDCJ delegation also asked to withdraw references to European Court of Human Rights case law in two cases concerning their country.

28. The CDCJ emphasised that its key role in the inception of the Child-Friendly Justice Guidelines and the manifold legal implications of the topic result in a particularly strong involvement of the Committee in the issue which made its input particularly relevant for this review exercise, including in the context of the consultation process. The CDENF secretariat underlined their determination in ensuring the full involvement of both the CDCJ and CDPC in the current process in order to benefit from their legal expertise and thanked both committees in advance for their contributions, preferably in a coordinated manner at the national level.

12. Raise-awareness about Council of Europe standards and tools in its field of competence in the member states and beyond, through the neighbourhood policy and in other international and global fora where relevant (*main task xiv*)

29. The CDCJ took note of the update provided by the secretariat on the promotion of the Council of Europe Convention for the Protection of the Profession of Lawyer Treaty Office (CETS No. 226) after its adoption by the Committee of Ministers on 12 March 2025 and opening for signature in Luxembourg on 13 May 2025, as well as the various events around the Convention that are planned in the coming months, in particular in co-operation with the Council of Bars and Law Societies of Europe (CCBE). It took note of an event organised at the national level such as the Round Table held in Slovenia on 9 June 2025.

30. The CDCJ is informed that an event organised by the Czech Bar Association in cooperation with the German Federal Bar (BRAK), the German Bar Association (DAV), and the Bar Council of England and Wales was to be held in Brussels on 23 June 2025, with a video message of Björn Berge, Deputy Secretary General, and the Chair of the CDCJ, Eral Knight, as well as Christoph Henrichs (Germany), as Chair of the former CJ-AV, amongst the main speakers. Furthermore, a side-event co-organised by the Council of Europe, the CCBE, the International Bar Association Human Rights Institute (IBAHRI) and Luxembourg was to be held on 27 June 2025 during the 59th session of the United Nations Human Rights Council with Christoph Henrichs and Margareth Satterthwaite, UN Special Rapporteur on the independence of judges and lawyers, amongst the main speakers.

31. The CDCJ members confirmed their commitment for continued efforts in promoting the convention, with a view to increasing the number of signatures and ratifications so that the convention can enter into force as quickly and widely as possible to ensure the protection of the profession of lawyer while safeguarding human rights, democracy and the rule of law.

32. The chair took this opportunity to enquire of delegations about the plans of their countries in signing/ratifying the convention in the near future. A regular update on planned signatures and ratifications will be organised at each future plenary meeting.

13. Developments in member States in the area of private law

33. The CDCJ took note of the information provided by a number of member states on their legislative developments in the area of private law since the 102nd CDCJ plenary meeting (11-13 June 2024) as it appears in document CDCJ(2025)04 rev and thanked the delegations concerned for their contributions.

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

34. The CDCJ took note of the information provided by Council of Europe bodies and committees (the CDENF and the Committee of the Parties to the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, also called “the Lanzarote Committee” – T-ES), other international organisations (the Hague Conference on Private International Law - HCCH) in the area of private law as it appears in document CDCJ(2025)11 and thanked the contributors for this information.

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

35. The CDCJ took note that the reply by the Committee of Ministers to the Parliamentary Assembly on its Recommendation 2284 (2024) on “Missing migrants, refugees and asylum seekers – A call to clarify their fate” took into account the CDCJ opinion, drawing attention to Recommendation CM/Rec(2009)12 on principles concerning missing persons and the presumption of death. The secretariat pointed out that the recommendation of 2009 would probably merit examination by the CDCJ given the developments that occurred since its adoption.

36. The CDCJ took note that there is no new request from the Committee of Ministers to the CDCJ for opinion to date.

16. Any other business

37. The secretariat informed the committee of its increasing difficulties encountered in sending emails with numerous or big documents. In order to overcome these difficulties, it proposed to the committee to transmit the documents via a Cloud link from now on, and the Committee agreed to this proposal.

17. Dates and place of the next meetings

38. The CDCJ took note of the updated calendar of its meetings and events for 2025-2026, including the dates of its 105th plenary meeting (Strasbourg, 18-20 November 2025).

39. The joint CDCJ/CDENF event to launch the adopted recommendations on the protection of the rights and best interests of the child in parental separation proceedings and in care proceedings will take place in the afternoon of 19 November 2025.

18. Adoption of the abridged meeting report

40. The CDCJ adopted the abridged report of its 104th plenary meeting as it appears in document CDCJ(2025)12.

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

6. Council of Europe Plan of Action on Strengthening Judicial Independence and Impartiality (Sofia Action Plan) (*main deliverable 10*)
7. The use of artificial intelligence for policing, the administration of justice and borders/migration – Study on the feasibility of a draft legal instrument (*main deliverable 11*)

Public Law

8. National climate litigation (*main deliverable 4*)
9. Statelessness and access to nationality (*main deliverables 6 and 7*)

Family law and children's rights

10. Rights of donor-conceived persons to know their origins (main deliverable 8)
11. Thematic review of the guidelines on child-friendly justice (focus: civil and administrative proceedings) (*main deliverable 9*)
Raise-awareness about Council of Europe standards and tools in its field of competence in the member states and beyond, through the neighbourhood policy and in other international and global fora where relevant (*main task xiv*)
12. Developments in member States in the area of private law
13. Co-operation with other relevant Council of Europe bodies and committees, other international organisations and civil society in the area of private law
14. CDCJ Opinions (if any) (*main deliverable 13*)
15. Any other business
16. Dates and place of the next meetings
17. Adoption of the abridged meeting report

Appendix 2

Programme of the Conference to mark the adoption and opening for signature of the Council of Europe Convention Protection of the Profession of Lawyer (16 juin 2025)

“Protecting lawyers, preserving access to justice”

10:00 Opening words

Gianluca Esposito, Director general, Directorate General Human Rights and Rule of Law

10:05 Keynote addresses

- Bjørn Berge, Deputy Secretary General of the Council of Europe
- Ambassador Gabriel Revel, Permanent representative of Monaco to the Council of Europe and Chair of the Committee of Ministers’ Rapporteur Group on Legal Co-operation (GR-J)
- Michael O’Flaherty, Council of Europe Commissioner for Human Rights
- Vladimir Vardanyan, member of the Parliamentary Assembly of the Council of Europe (PACE)
- Eral Knight, Chair of the European Committee on Legal Co-operation (CDCJ)

10:40 Coffee break

11:00 Panel discussion: Why lawyers and their professional associations deserve protection

- Topics: The key role of lawyers in states governed by the rule of law to make access to justice effective; how the convention addresses challenges faced by lawyers worldwide; the importance of the role, independence and protection of their professional associations

Moderator:

Daniele Cangemi, Head of Human Rights, Justice and Legal Co-operation Standard Setting activities Department, Directorate General Human Rights and Rule of Law

Panellists:

- Margaret Satterthwaite, United Nations Special Rapporteur on the independence of judges and lawyers
- Christoph Henrichs, member of the CDCJ and former Chair of the Committee of Experts on the Protection of Lawyers (CJ-AV)
- Laurent Pettiti, Chair of the Working Group “European Convention”, Council of Bars and Law Societies of Europe (CCBE)
- Judith Lichtenberg, Board member, “Lawyers for lawyers” Foundation

Question and answers

11:45 Closing remarks: The next steps for the Convention

Ambassador Patrick Engelberg, Permanent Representative of Luxembourg to the Council of Europe

12:00 Family photo followed by reception hosted by the Ambassador of Luxembourg