

EUROPEAN COMMITTEE ON LEGAL CO-OPERATION



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COUNCIL OF EUROPE



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THE EUROPEAN COMMITTEE ON LEGAL CO-OPERATION

Since its creation in 1963, the European Committee on Legal Co-operation (CDCJ) has developed a large and wide-ranging number of binding and non-binding standards in the field of public and private law aimed at helping Council of Europe member states meet the challenges of rapidly evolving societies, whether they concern the courts and the judiciary, access to justice, the public administration, or private business, protection of the individual, the family, or civil society.

With an output to date of 60 conventions and 90 recommendations, resolutions or guidelines, the CDCJ, as a steering committee, is providing a solid contribution to legal reform at pan-European level. Its most recent key achievements include:

Rule of law

- ▶ **Lobbying** – Recommendation of the Committee of Ministers on the legal regulation of lobbying activities in the context of public decision making (CM/Rec(2017)2)
- ▶ **Whistleblowers** – Recommendation of the Committee of Ministers on the protection of whistleblowers (CM/Rec(2014)7)
- ▶ **NGOs** – Recommendation of the Committee of Ministers on the legal status of non-governmental organisations in Europe (CM/Rec(2007)14)

Judiciary

- ▶ **Independence** – Council of Europe Plan of Action on strengthening judicial independence and impartiality (2016)
- ▶ **Public prosecutors** – Recommendation of the Committee of Ministers on the role of public prosecutors outside the criminal justice system (CM/Rec(2012)11)
- ▶ **Judges** – Recommendation of the Committee of Ministers on Judges: independence, efficiency and responsibilities (CM/Rec(2010)12)

Civil and administrative law

- ▶ **Legal aid** – Guidelines of the Committee of Ministers on efficiency and effectiveness of legal aid schemes in the areas of civil and administrative law (2021)
- ▶ **Online dispute resolution** – Guidelines of the Committee of Ministers on online dispute resolution mechanisms in civil and administrative court proceedings (2021)

- ▶ **Electronic evidence** – Guidelines of the Committee of Ministers on electronic evidence in civil and administrative proceedings (2019)
- ▶ **Public administration** – Recommendation of the Committee of Ministers on good administration (CM/Rec(2007)7)
Handbook “The Administration and You” (2018)

Family law and the rights of the child

- ▶ **Adoption** – European Convention on the Adoption of Children (Revised) (CETS No. 202)
- ▶ **Child-friendly justice** – Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice (2010)
- ▶ **Child relocation** – Recommendation of the Committee of Ministers on preventing and resolving disputes on child relocation (CM/Rec(2015)4)

Nationality

- ▶ **Nationality and military obligations** – European Convention on Nationality (CETS No. 166)
- ▶ **Statelessness** – Council of Europe Convention on the avoidance of statelessness in relation to State succession (CETS No. 200)
- ▶ **Children** – Recommendation of the Committee of Ministers on the Nationality of Children (CM/Rec(2009)13)

CURRENT AREAS OF INTEREST TO CDCJ

Profession of lawyer

- ▶ Lawyers play a central role in the administration of justice, the defence of human rights, democracy and the rule of law. Given that they are, individually or institutionally, increasingly the target of attacks of all kinds, the CDCJ is elaborating a legal instrument which aims to strengthen the protection of the profession of lawyer by setting out minimum standards for this purpose.

Rule of law

- ▶ The CDCJ contributes actively to the rule of law work of the Council of Europe. The CDCJ carried out a review of the implementation of the Council of Europe Plan of Action on Strengthening Judicial Independence and Impartiality (Sofia Action Plan) for the period 2016 to 2021, as a result of which it decided to undertake regular focused thematic reviews in order to exchange views and address identified gaps, challenges and related developments in member states in this area.

Family law and the rights of the child

- ▶ The CDCJ, in co-operation with the Steering Committee for the Rights of the Child, is preparing two recommendations and relating implementing tools aimed at providing guidance on how to uphold and protect the rights and the best interests of the child in the context of parental separation and in care proceedings.

Migration law, including child-friendly justice, access to nationality and statelessness

- ▶ The CDCJ is to issue a guide for practitioners on administrative detention of migrants and asylum seekers to support implementation of existing international standards in this field. Also, it will continue, in close co-operation and in consultation with relevant international and European organisations and networks, its work to prevent and address statelessness and children's access to nationality, including by providing guidance on child sensitive procedures in administrative and migration law matters and in respect of legal aid and representation.

Information on foreign law

- ▶ The CDCJ is promoting the implementation of the European Convention on Information on Foreign Law (ETS No. 62) and its additional protocol (ETS No. 97), by examining their application by State Parties and considering any further measures to enhance international co-operation amongst them for the purpose of information-sharing on their law and procedure in civil and commercial fields, on their judicial organisation, as well as on substantive and procedural law in the criminal field and laws on the enforcement of penal measures.

Private and public law reforms and gender mainstreaming

- ▶ The CDCJ is to issue a practical guide for officials involved in law reform in the public and private law areas. The purpose of this guide is to assist policy makers and civil servants in their day-to-day work and in determining if the law under consideration is likely to reinforce or reduce gender equality and prevent discrimination.

Access to information on origins

- ▶ The CDCJ approved in 2022 a "Comparative study on access of persons conceived by gamete donation to information on their origins". It decided to elaborate a recommendation setting out principles and measures aimed at ensuring donor-conceived persons' access to their origins, and intends to initiate this work in the next activity programme.

THE EUROPEAN COMMITTEE ON LEGAL CO-OPERATION (CDCJ)

Mission

■ The CDCJ is an intergovernmental steering committee under the authority of the Committee of Ministers, the statutory decision-making body of the Council of Europe made up of the Ministers of Foreign Affairs of the 46 member states. It is the key point of reference for all questions of civil law and administrative law in the areas of public and private law, and is responsible for standard setting and facilitating co-operation between member states in these areas, drawing up proposals for binding and non-binding legal instruments and providing, on request, advice and expertise on their implementation. It reports directly to the Committee of Ministers on its work and future priorities for the Organisation.

Composition

■ The CDCJ brings together representatives from all member states of the Council of Europe, mainly from the ministries of justice. Within their administration, CDCJ members are of the highest rank, with responsibility for planning, developing, co-ordinating and implementing all elements of government policy at national level within the remit of the committee.

Working methods

■ The CDCJ meets twice a year in plenary sessions at the headquarters of the Council of Europe in Strasbourg. Its work is carried out, with the support of its Secretariat, in plenary meetings and by specialist working groups and subordinate committees of experts. CDCJ members represent their national authorities, provide their personal expertise to its work, and work collectively within the committee. A bureau of seven members ensures the smooth running of the committee's work between plenary sessions.

INFORMATION

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The Council of Europe is the continent's leading human rights organisation. It comprises 46 member states, including all members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.

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