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## 1407<sup>th</sup> meeting, 16 June 2021

10 Legal questions

### 10.3 European Committee on Legal Co-operation (CDCJ)

a. Abridged report of the 96<sup>th</sup> plenary meeting (17 May 2021)

Item to be considered by the GR-J at its meeting on 15 June 2021

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#### Opening of the meeting and adoption of the agenda

The European Committee on Legal Co-operation held its 96<sup>th</sup> meeting by videoconference on 17 May 2021, with Mr João Arsénio de Oliveira (Portugal) in the Chair.

The agenda of the meeting is contained in the appendix. The full report of the meeting including the list of participants is available on the CDCJ's website.

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

The CDCJ:

- adopted the report on the work so far completed on the conditions of administrative detention of migrants and proposals for possible avenues for the completion of this work (see document CM(2021)77-add) and decided to communicate the report to the Committee of Ministers to decide on the deliverables, as proposed by the CDCJ in 2022 and, as appropriate, any other ones to be considered in the future programme of activities and budget for 2022-2025;
- invited the Committee of Ministers to take note of the abridged report of its 96<sup>th</sup> meeting (17 May 2021).

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

The CDCJ:

1. took note of the opening remarks by the Chair and the Secretariat concerning the adoption and publication of the Guidelines on the efficiency and the effectiveness of legal aid schemes in the areas of civil and administrative law; the publication of the Secretary General's 2021 report on "State of democracy, human rights and the rule of law"; and the on-going preparation of the draft Council of Europe Strategy for the Rights of the Child (2022-2027) and related implications for CDCJ's future work programme ;
2. examined and adopted the report on the work accomplished so far by the CDCJ's former subordinate body, the Committee of Experts on the administrative detention of migrants (CJ-DAM) as well the proposals for possible avenues for the completion of this work;
3. took note of the progress in the preparation of the contribution of the CDCJ to the report of the Secretary General on the implementation of the Council of Europe Plan of Action on Strengthening judicial independence and impartiality since its adoption in 2016. The CDCJ noted that this contribution would not prevent the Committee from identifying and examining new and emerging challenges faced by member States in the areas of its expertise, i.e. justice and the rule of law, in line with its mandate;

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<sup>1</sup> This document has been classified restricted until examination by the Committee of Ministers.

4. welcomed the intervention by Ambassador Dragoslav Štefánek, Special Representative of the Secretary General on Migration and Refugees, informing the CDCJ of the adoption by the Committee of Ministers on 5 May 2021 of the Action Plan on protecting vulnerable persons in the context of migration and asylum in Europe (2021-2025) and took note of the planned actions and expected deliverables contained therein, especially those that fall within the field of competence of the CDCJ;

5. took note of the progress made for the organisation in September 2021 of several technical meetings followed by a one-day international conference on statelessness, in co-operation with the UNHCR;

6. took note of the state of implementation of the CDCJ's activities according to its 2020-2021 terms of reference, as they appear in the working document CDCJ(2021)9-Final, taking into account the updated workplans for the specific activities as agreed by the Bureau, which take into consideration the need for possible adjustments given the continued context of the pandemic and related constraints, and that several activities would require follow-up actions, subject to a decision by the Committee of Ministers to that effect;

7. held an exchange of views in the framework of the preparation of the first draft quadrennial programme and budget of the Council of the Europe which takes into account the priorities set out in the Secretary General's Strategic Framework for 2022-2025; approved the general directions and the proposals for priority activities of the CDCJ and deliverables to be submitted to the Committee of Ministers for 2022-2025, which would be reflected in the future draft terms of the reference of the Committee and of its proposed future subordinate bodies (see working document CDCJ(2021)13). The CDCJ noted the clear need to revert to two plenaries per year in order to be able to implement the proposed work programme, to ensure that the new programming approach retains the necessary flexibility to adapt and respond to member States' new emerging needs, and invited the Chair of the CDCJ to communicate on the agreed priorities during his forthcoming exchange of views with the Rapporteur Group on Legal Co-operation (GR-J) on 15 June 2021;

8. agreed to hold the 97<sup>th</sup> plenary meeting on 18-19 November 2021 and, if necessary, to continue on 1-2 December 2021.

### **Resource implications**

9. The financing of the activities described in this report is ensured for 2021 is ensured; the financing of the activities for the next quadrennium will be examined in the context of the new programmatic framework 2022-2025.

### **Evaluation of completed activities**

10. The members expressed their satisfaction with the follow-up undertaken to implement the actions and the decisions taken by the CDCJ as a result of its 95<sup>th</sup> plenary meeting, and their appreciation of the active role of the Bureau in this context. The CDCJ welcomed the adoption on 31 March 2021 of the Guidelines of the Committee of Ministers of the Council of Europe on the efficiency and the effectiveness of legal aid schemes in the areas of civil and administrative law, and expressed their expectation that the Guidelines would be widely disseminated to competent authorities in member States. The feasibility study on a new, binding or non-binding, European legal instrument to protect the profession of lawyer was made public in the form of a publication, in April 2021.

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

Not applicable.

## Appendix

### Agenda

1.	<b>Opening of the meeting</b>
2.	<b>Adoption of the agenda and order of business</b> Annotated draft agenda
3.	<b>Statement of the Chair and Secretariat</b> Address by Ambassador Dragoslav Štefánek, Special Representative of the Secretary General on Migration and Refugees
4.	<b>Review of progress</b>
4.1	<b>Implementation of the Sofia Action Plan (CDCJ written contribution to Secretary General's report) – specific task (ii)</b> Draft detailed outline  <u>Background document</u> Compilation of responses received from member States and members of the Conference of INGOs (latest update: 14/04/2021)
4.2	<b>Statelessness: International conference and technical meetings - specific task (vii)</b>  <u>Background document</u> Analysis of current practices and challenges regarding the avoidance and reduction of statelessness in Europe
5.	<b>Administrative detention of migrants – specific task (ix)</b> Draft report on the conditions of administrative detention of migrants and proposals for possible avenues for the completion of the work. Comments received from member States on CDCJ(2021)5  <u>Background documents</u> CJ-DAM work European Committee on Legal Co-operation (CDCJ) - Codification of international standards on the administrative detention of migrants: future direction of the work [1339th meeting, 6 March 2019] GR-J – 19 September 2019 - 06/19 European Committee on Legal Co-operation (CDCJ) - Codification of international standards on the administrative detention of migrants: future direction of the work - Document distributed at the request of the European Union [English only]
6.	<b>Preparation of the draft Programme and Budget of the Council of Europe for 2022-2025 – Exchange of views on:</b>  a. CDCJ Priority actions and activities for 2022–2025  b. Future Draft Terms of reference of the CDCJ and its subordinate bodies  c. On-going consultations on the work of steering and ad-hoc committees: pending revision of Resolution CM/Res(2011)24 on intergovernmental committees and subordinate bodies, their terms of reference and working methods  <u>Background documents</u> Strategic Framework of the Council of Europe Report by the Secretary General on the Review of Council of Europe Conventions Overview of conventions and agreements under the responsibility of the CDCJ
7.	<b>Any other business</b>
8.	<b>Date and place of next meeting</b>
9.	<b>Approval of the abridged meeting report</b>