

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Strasbourg, 10 May 2021

CDCJ(2021)11

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

96th plenary meeting
17 May 2021

(by videoconference)

ANNOTATED AGENDA

CDCJ website: www.coe.int/en/web/cdcj/home

CDCJ e-mail address: DGI-CDCJ@coe.int

Document prepared by the Secretariat
Directorate General of Human Rights and Rule of Law - DGI

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1. Opening of the meeting

1. The 96th meeting of the European Committee on Legal Co-operation (CDCJ), to be held by videoconference on 17 May 2021, will be opened by Mr João Arsénio de Oliveira (Portugal) in the Chair.
2. The list of participants will be sent to registered participants prior the meeting and will be made available on the CDCJ's website after the meeting.

2. Adoption of the agenda

3. The draft agenda is contained in document CDCJ(2021)OJ1 rev.

3. Statement of the Chair and the Secretariat

Item for information

Action required

- Take note of the information provided by the Chair and the Secretariat.

i. Committee of Ministers

4. At their 1400th meeting, on 31 March 2021, the Committee of Ministers' Deputies took note of the abridged report of the 95th plenary meeting of the CDCJ (document – [CM\(2021\)136¹](#)), of the study on the feasibility of a new European legal instrument on the profession of lawyer; and adopted the guidelines on the efficiency and the effectiveness of legal aid schemes in the areas of civil and administrative law. The draft guidelines on online dispute resolution mechanisms in civil and administrative court proceedings were scheduled for examination by the Rapporteur Group on Legal Co-operation (GR-J) at its meeting of 11 May 2021 and possible adoption by the Committee of Ministers' Deputies on 12 May 2021. On 6 May, the examination of the draft guidelines by the Rapporteur Group on Legal Co-operation (GR-J) was postponed to 15 June, in the presence of the Chair of the CDCJ, who will have an exchange of views with the GR-J on CDCJ's achievements during this biennium and future priorities. It is anticipated that the guidelines would be adopted by the Committee of Ministers during their 1408th meeting on 30 June and released shortly thereafter.

5. Complete information on these decisions and other relevant decisions taken by the Committee of Ministers since the last CDCJ plenary meeting can be found on the CDCJ's [restricted website](#).

ii. Meetings of the CDCJ Bureau

6. The CDCJ Bureau met on three occasions since the last CDCJ plenary meeting: extraordinary meeting on 11 December 2020, 109th meeting on 23-24 February 2021 and 110th meeting on 20-21 April 2021, all held by videoconference. The reports on these meetings were communicated to CDCJ members and are also available on the restricted website (See documents [CDCJ-BU\(2020\)13](#), [CDCJ-BU\(2021\)7](#) and [CDCJ-BU\(2021\)14](#)).

¹ Document [CDCJ\(2020\)8](#).

4. Review of progress

4.1 Implementation of the Sofia Action Plan (CDCJ written contribution to Secretary General's report) – specific task (ii)

Item for information

Action required

- Take note of progress made and of the next steps.

7. The CDCJ is invited to take note of the draft detailed outline of the CDCJ written contribution of the Secretary General's report on the state of implementation of the Plan of Action on Strengthening judicial independence and impartiality ("Sofia Action Plan") that the Bureau approved at its 110th meeting (20-21 April 2021) – document [CDCJ-BU\(2021\)9](#). The preparation of the draft elements of the report is undertaken by the Secretariat with the support of an independent consultant, taking into account the responses received from member States and members of the Conference of INGOs (document [CDCJ-BU\(2021\)10](#)) and the work to date by other Council of Europe bodies and committees.

8. The CDCJ is also invited to take note that this contribution does not prevent the Committee, in accordance with its terms of reference, to identify and examine any new and emerging challenges to member states in areas within its expertise, including with respect to justice and the rule of law in the programme for the next biennium (paragraph 12 [CDCJ-BU\(2020\)13](#)). The draft report is expected to be finalised in the course of June and circulated for comments prior to its submission to the Secretary General for consideration. It should be noted that the draft report should complement the findings of the Secretary General's report on the State of Democracy, Human Rights and the Rule of Law which will be issued in May 2021.

4.2. Statelessness: International conference and technical meetings

Item for information

Action required

- Welcome the adoption by the Committee of Ministers of the new [Action Plan](#) on Protecting Vulnerable Persons in the Context of Migration and Asylum in Europe (2021-2025) and take note of the actions falling within the remit of CDCJ's competence and expected deliverables
- Take note of progress made and of the next steps

9. On 5 May 2021, the Committee of Ministers adopted the Council of Europe's [Action Plan on Protecting Vulnerable Persons in the Context of Migration and Asylum in Europe](#) (2021-2025), which is overseen by the Special Representative of the Secretary General on Migration and Refugees, Ambassador Drahoslav Štefánek. The action plan specifies notably the "development operational manuals and handbooks [...] on reception and detention conditions." Under Pillar 2, it refers explicitly to the international conference on statelessness and technical meetings on statelessness planned by the CDCJ and envisages actions to support access to law and justice, child-friendly justice initiatives and legal aid schemes for vulnerable persons in the context of migration and asylum, including stateless persons.

10. The Secretariat will update the Plenary on the state of progress in the organisation of the international conference on statelessness and the technical meetings, by the Council of Europe/CDCJ and the UNHCR jointly.

**5. Administrative detention of migrants
Draft report on the conditions of administrative detention of migrants and proposals for possible avenues for the completion of the work**

Item for information and decision

Action required

- Examine and, subject to any amendments as may be necessary adopt the report and proposals for possible future avenues
- Instruct the Secretariat to submit the report to the Committee of Ministers

11. According to its terms of reference, the CDCJ is entrusted by the Committee of Ministers to prepare by the end of this year a report on the work so far completed on the conditions of administrative detention of migrants, together with the proposals for possible avenues for the completion of this work.

12. The CDCJ is invited to examine the draft report and the proposals for future avenues and deliverables in 2022 and beyond if appropriate, as they appear in document [CDCJ\(2021\)5](#). This document is the result of the discussions held within the Bureau at its 110th meeting on 20-21 April 2021.

13. After consideration of this document, and in light of any comments submitted by the delegations by 11 May 2021 as well as during the plenary meeting, , the CDCJ is invited to adopt the report and the proposals for possible avenues for completion, and to instruct the Secretariat to communicate the report to the Committee of Ministers, so that the proposals can be considered in the future programme of activities and budget for 2022-2025 .

6. Preparation of the draft Programme and Budget of the Council of Europe for 2022-2025 – Exchange of views

Item for information and decision

6.a CDCJ Priority actions and activities for 2022–2025

6.b Future Draft Terms of reference of the CDCJ and its subordinate bodies

Action required

- Take note of the state of implementation of CDCJ activities for the current biennium (2020-2021) in accordance with its terms of reference
- Examine the Bureau's proposals for CDCJ draft workplan and proposed priorities, as set out in the document [CDCJ\(2021\)9](#) and the corresponding draft terms of reference, to review and complement them as necessary, and agree on the general directions and priority actions for the CDCJ for 2022-2025
- Instruct the Secretariat to inform the Committee of Ministers about the CDCJ's decisions in this regard and invite the Chair to communicate on these priorities during its exchange of views with the Rapporteur Group on Legal Co-operation (GR-J) on 15 June 2021.

14. At its 95th meeting in November 2020, the CDCJ agreed on the proposals for activities to be undertaken during the biennium 2022-2023 on the topics identified, taking account of the need to pursue the implementation of certain activities.

15. Since the last plenary meeting, the Council of Europe has decided to change to a four-year programming and planning and, therefore, the CDCJ needs to consider and prepare accordingly its workplan. Taking into account the timeframe for the preparation process of the upcoming and first quadrennial Council of Europe programme and budget (2022-2025), and the new four-year Strategic Framework of the Council of Europe outlining the key strategic priorities of the Organisation for 2022-2025 (document [SG/Inf\(2020\)34](#)), proposals for CDCJ priority actions and activities, tasks and deliverables were prepared under the authority of the Bureau to outline the deliverables which could be proposed for the future draft terms of reference of the Committee, which took into account the possibility of resuming to two plenary meetings per year. The Secretariat also provided a state of implementation of CDCJ activities for this biennium (2020-2021) in accordance with its current terms of reference.

16. The Bureau took note of the information provided by the Secretariat, exchanged views on the Secretariat's proposals and supported the need for two annual Plenaries. The results of its discussion appear in document [CDCJ\(2021\)9](#) which was circulated 2021. CDCJ delegations were required to submit by 11 May 2021 any written comments for the Committee to take into account in the decision-making process.

17. In view of this plenary meeting, having regard to the schedule of submission of proposals for discussions within the relevant Council of Europe structures, y, the Secretariat prepared draft terms of reference for the CDCJ and its proposed subordinate bodies for 2022-2025 (document CDCJ(2021)13) to submit to the Committee for approval.

18. The Committee is invited to take note of the progress made in implementing the CDCJ activities for 2020-2021; to examine the proposals set out in the document [CDCJ\(2021\)9](#), which are reflected accordingly in the draft terms of reference for the CDCJ and its proposed subordinate bodies, to review and complement them as necessary, and agree on the general directions and priority actions for the CDCJ for 2022-2025, and instruct the Secretariat to communicate those to the relevant Council of Europe structures responsible for the preparation of the programme and budget.

19. The Committee is invited to instruct the Secretariat to inform the Committee of Ministers about the CDCJ's decisions with regard to the priority actions and activities for 2022–2025 and invite the Chair to communicate them during his exchange of views with the Rapporteur Group on Legal Co-operation (GR-J) on 15 June 2021.

6.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

Item for information

Action required

- Take note of the information provided by the Secretariat.

20. The CDCJ is invited to take note of the update provided by the Secretariat on the ongoing discussion within the Committee of Ministers' Deputies regarding the pending revision of [Resolution CM/Res\(2011\)24](#) on intergovernmental committees and subordinate bodies, their terms of reference and working methods. The CDCJ will note the possible impact on its own working methods (document [CDCJ\(2017\)3](#)).

7. Any other business

21. CDCJ members who wish to raise any other issue are invited to advise the Chair and the Secretariat (DGI-CDCJ@coe.int) before the meeting.

8. Date and place of next meeting

22. The CDCJ should confirm the dates of its next plenary meeting which is scheduled to take place by videoconference on 18-19 November 2021 (1st session) and, if need be, on 1-2 December 2021(2nd session), according to the calendar of CDCJ meetings and other events for 2021 agreed by the Bureau at its 110th meeting (see document CDCJ(2021)4Rev1 to be sent to CDCJ delegations shortly).

9. Approval of the abridged meeting report

23. The CDCJ will be invited to approve the abridged meeting report during the meeting and the full meeting report by written procedure after the meeting.