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CONSEIL DE L'EUROPE

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

**CDCJ LIMITED WORKING GROUP ON MIGRATION (CDCJ-MIG)**

**TERMS OF REFERENCE FOR 2024-2026**

(adopted by the CDCJ at its 101<sup>st</sup> plenary meeting, 15-17 November 2023)

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

## CDCJ LIMITED WORKING GROUP ON MIGRATION (CDCJ-MIG)

### TERMS OF REFERENCE FOR 2024-2026

#### Role

1. In line with [Resolution CM/Res\(2021\)3 on intergovernmental committees and subordinate bodies, their terms of reference and working methods](#) (applicable as of 1 January 2022), and article 14 (b)<sup>1</sup> of Appendix I, a limited working group of CDCJ on migration (CDCJ-MIG) will be established to assist the CDCJ in carrying out its mandate in connection with statelessness and access to nationality concerning specifically children, as a contribution to the Council of Europe Action Plan on Protecting Vulnerable Persons in the Context of Migration and Asylum in Europe (2021-2025) and the Council of Europe Strategy for the Rights of the Child (2022-2027) (*deliverables 6 and 7 of its terms of reference*).

#### Specific tasks

2. The CDCJ-MIG will support the work of the CDCJ by:
  - a) Preparing, for examination and adoption by the CDCJ, a compendium of good practices in respect of legal aid and representation, access to information and to justice for children in procedures relating to the determination of nationality or statelessness;
  - b) Preparing, for examination and approval/adoption by the CDCJ, a non-binding legal instrument regarding stateless children's access to nationality, including guidance on child-sensitive procedures relating to the determination of nationality or statelessness, based on the outcome of a feasibility study;
  - c) referring to the CDCJ any significant issues arising in the context of the drafting process, with proposed solutions if possible;

#### Composition

3. The CDCJ-MIG will be composed of up to eight experts designated by CDCJ heads of delegations,<sup>2</sup> who are interested in contributing to the aforementioned and have specific knowledge of law, policy and practice in the field of statelessness and access to nationality, in particular in respect of children.
4. Participation is also open to one representative from participating institutions, organisations, bodies and committees with relevant experience in this area, in line with the terms of reference of the CDCJ.

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<sup>1</sup> "Where necessary, in order to expedite the progress of their work, committees may entrust a rapporteur or a limited number of committee members with a specific task to be fulfilled by their next meeting, using primarily information technologies."

<sup>2</sup> In case of a large number of nominations, the participation of designated experts will be confirmed following a selection process led by the CDCJ Bureau, taking into account established expertise in the relevant field of the persons concerned, and due regard being given to geographical and gender representation.

**Working methods and expected results**

5. The working group will perform its functions and responsibilities in person or online from January 2024 to October 2026, with a finalisation of the compendium on good practice for adoption by the CDCJ by December 2025 and a non-binding legal instrument for adoption/approval by the CDCJ by December 2026.

6. It shall be assisted in its work by the Secretariat of the CDCJ, and within the limits of budgetary appropriations, by one or two consultants with specific knowledge and expertise relating to statelessness and access to nationality, in particular regarding children, as well as relevant case law of the European Court of Human Rights.

7. CDCJ delegations' substantive input and comments would also be sought by electronic means, in between meetings and at appropriate stages, to enable the working group to deliver a proposed text for the compendium of good practices and a proposed text for a non-binding legal instrument that would reflect the views of the members. The CDCJ will take the final decision on any changes of a substantive nature of the draft compendium of good practices and the draft legal instrument submitted by the CDCJ-MIG.