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

WORKING METHODS OF THE CDCJ

As revised and adopted by the CDCJ at its 106th plenary meeting (2-4 June 2026)

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

Introduction

1. This statement of the working methods of the CDCJ was adopted by the CDCJ on 3 June 2026, after consideration of a draft text at its 106th plenary meeting (2-4 June 2026) and following the proposals made by its Bureau.

I. General

2. Rules of the Committee of Ministers governing the operation of steering committees are set out in Resolution CM/Res(2021)3-consolidated on intergovernmental committees and subordinate bodies, their terms of reference and working methods.
3. The CDCJ is a steering committee with planning and steering functions, directly answerable to the Committee of Ministers.
4. This statement of working methods is intended to facilitate the work of the CDCJ within the framework of its terms of reference and Resolution CM/Res(2021)3-consolidated. The working methods described herein are statements of good practice for the committee and its members to follow. They are not intended to be binding rules.

II. Terms of reference

5. Terms of reference for steering committees coincide with the four-year programming period introduced in 2021 for the Programme and Budget of the Council of Europe. They are approved for a first biennial period, while for the second biennial period they are approved on a provisional basis, subject to confirmation upon the adoption of the budget for the reference period. In addition to the main tasks of the committee, the terms of reference specify the expected deliverables to be achieved by the committee within the set time frame. In the Programme and Budget, the theory of change reflects the outputs, immediate outcomes, intermediate outcomes and expected impact, in line with the key strategic priorities set in the [Reykjavik Declaration "United around our values"](#), adopted at the 4th Summit of Heads of State and Government of the Council of Europe (16-17 May 2023), the New Democratic Pact, and the Committee's identified priorities.

III. The Bureau

6. The Bureau is composed of the Chairperson, Vice-Chairperson and five members. They are elected in their personal capacity and in accordance with the rules of procedure for Council of Europe committees.¹

- **Functions and tasks**

7. The key functions of the Bureau are:
 - Assist the Chairperson in conducting the committee's business;
 - Supervise the preparation of the meetings of the committee;
 - Ensure continuity between plenary meetings of the committee;
 - Execute other additional specific tasks as delegated by the committee.

¹ Appendix 1 to Resolution CM/Res(2021)3-consolidated on intergovernmental committees and subordinate bodies, their terms of reference and working methods, Articles 12 and 13.

8. Its role in preparing plenary meetings of the committee includes, *inter alia*:
 - Examining the texts of draft instruments and draft publications completed by drafting groups before consideration by the CDCJ in plenary, and in the light of comments received from CDCJ delegations after formal consultation on the text;
 - Approving the draft agenda of plenary meetings, including the order of business and timetable.
9. Other specific tasks of the Bureau include:
 - Reviewing the progress of working/drafting groups and of other activities of the Committee;
 - Preparing proposals for future activities, in consultation with CDCJ delegations;
 - Appoint CDCJ members to represent the Committee in the work of other Council of Europe bodies and committees, where entrusted by the CDCJ to do so;
 - Advising on the choice of members of subordinate committees and bodies based on expression of interest and CVs.

IV. Activities

10. The activities of the CDCJ will aim to achieve the deliverables set out in its terms of reference. A workplan should be drawn up and agreed by the CDCJ giving details for the implementation of the activities foreseen for the next four-year Programme and Budget and two-year cycles.
 - ***Promoting and/or providing guidance on standards***
11. Some of the CDCJ's activities during each two-year cycle should be devoted to promoting and/or providing guidance on existing standards that have been developed by the Committee.
 - ***Review of conventions for which the CDCJ is the reference committee and recommendations prepared by the CDCJ***
12. The Council of Europe conventions for which the CDCJ is the reference committee are listed in the appendix to the Committee's terms of reference. The CDCJ also prepared many recommendations adopted by the Committee of Ministers. The CDCJ will identify conventions from the said list and recommendations from amongst those it prepared so as to prepare reviews of their implementation and make suggestions from possible improvements as part of its regular work under its terms of reference.
 - ***Drafting treaties, recommendations and other instruments***
13. As a general rule, the preparation of Committee of Ministers treaties, recommendations and other instruments will be undertaken by a drafting group of CDCJ members (whose expenses will be covered by the Council of Europe budget), or a subordinate body, assisted where necessary by one or more independent experts and the participation of observer organisations. Members of such a drafting group or subordinate body, as well as the chairperson, will be selected by the CDCJ based on the information provided by the candidates put forward by a delegation on their expertise on the subject-matter concerned. Participation in their meetings will be open to representatives of other member states than those represented by members at their own expense if they wish to attend meetings in person.

14. CDCJ members will be consulted at important stages of the preparation of the draft instrument and their comments taken into account by the drafting group or subordinate body.
15. Apart from exceptional circumstances where time constraints prevent it, representatives of the target group for the draft instrument or other relevant stakeholders will be consulted on the issue. Such consultation may take various forms, depending on the results sought (e.g. hearing, international conference, surveys at national level, written consultation, etc).
16. Once finalised by the drafting group or subordinate body, the draft text will be the object of a formal consultation with CDCJ members at least three months before the plenary meeting at which it is to be examined with a view to its approval and submission to the Committee of Ministers for adoption.
17. In order to organise the plenary debate as effectively as possible, CDCJ delegations will be requested to provide, before a date fixed by the Secretariat prior to the meeting, drafting proposals with supporting comments on the draft recommendation or other instrument. A compilation of those proposals will be circulated ahead of the meeting. Proposals for redrafting that are submitted in writing and circulated prior to the meeting will be given priority during the plenary debate. However, nothing will prevent members from taking the floor whether or not they have previously indicated their wish to do so, and from submitting oral and/or written proposals in response to proposed reformulations by other members.
18. Every draft treaty, recommendation or other instrument should, in general, be accompanied by an explanatory memorandum/report that will be examined in parallel to the related instrument and adopted by the CDCJ.

- ***Commissioning comparative and feasibility studies***

19. A comparative or feasibility study will generally be the preliminary step for any standard-setting activity. Such a study will provide an opportunity for CDCJ members to provide relevant information on the law, policy and practice in their respective jurisdictions. Comparative studies may also be undertaken on topics of general interest.
20. Comparative and feasibility studies will generally be undertaken by independent consultants, commissioned by the Secretary General.

- ***Identifying new activities***

21. The steering committee is expected to hold an exchange of views annually in order to evaluate its activities and advise the Committee of Ministers and the Secretary General on future priorities in its sector, including possible new activities and those that might be discontinued. The CDCJ should be in a position to propose activities before the beginning of the planning cycle and to modify and make fresh proposals during it up until such time as the Programme is adopted by the Committee of Ministers.
22. In order to be able to make an effective contribution to the planning cycle, it is important that CDCJ members advise the Committee of activities that they would like it to undertake. In Year N-2, the CDCJ should formally invite its members to submit activity proposals and set up a process for their development and submission to the Secretary General.

- ***Opinions***

23. At the request of the Committee of Ministers, the CDCJ submits opinions to the Committee of Ministers on texts from other organs or bodies of the Council of Europe. Most usually, these are recommendations of the Parliamentary Assembly on which the opinion of the CDCJ is requested so that the Committee of Ministers can submit a reply to the Parliamentary Assembly on the recommendation. The opinion of the CDCJ may also be requested on draft instruments prepared by other steering committees. In such cases, the request may come from the Committee of Ministers or directly from the steering committee concerned before finalising a draft instrument and submitting it to the Committee of Ministers for adoption.
24. In cases where the opinion has to be submitted before the next plenary meeting, the Bureau of the CDCJ is authorised to prepare and submit an opinion on behalf of the committee. Where time allows, CDCJ delegations will be invited to comment on a draft opinion and their comments taken into account by the Bureau.

V. Conferences of Ministers of Justice

25. The CDCJ contributes where necessary to the preparation of Council of Europe conferences of ministers of justice (subject to invitation), in co-operation with other relevant steering committees and bodies.

VI. Synergy and transversal working

- ***Internal co-operation***

26. As a general practice, steering committees may participate in the work of other steering committees that is relevant to their own areas of competence, as is indicated in the terms of reference of each committee. Links are maintained between the respective Secretariats of these committees as well as with the other organs of the Council of Europe, in order to ensure a synergy of action.
27. As appropriate, CDCJ members are nominated to represent the Committee in the work and meetings of other steering committees and bodies of the Council of Europe, based on the relevance of the work currently undertaken by other steering committees and bodies. After each meeting or event which they attend, these representatives will prepare a short, written report for the benefit of the Committee.
28. Particular attention is given to the case-law of the European Court of Human Rights and the recommendations and resolutions of the Parliamentary Assembly, which can offer important guidance for future activities of the committee.
29. From time to time, the Secretary General and/or Committee of Ministers will identify themes of a transversal nature to which steering committees will be invited to contribute.

- ***External co-operation***

30. External co-operation is a key means of ensuring that the work of the CDCJ is in line with other actions at international level. The presence of non-member states, the European Union, UN bodies, OSCE, OSCE-ODHIR, OECD, the Hague Conference on Private International Law and the International Commission on Civil Status in the work and meetings of the CDCJ contributes to this coherence. These bodies are listed in the

Committee's terms of reference. They are invited to the plenary meetings of the CDCJ and receive the working documents for these meetings. As appropriate, one or more of them are invited to take part in the Committee's expert groups.

- ***Exchanges of views***

31. Regular exchanges of views will be organised during plenary meetings – and, where appropriate, during Bureau meetings – with representatives of other steering committees, other bodies of the Council of Europe, international organisations and their bodies, and international civil society organisations on topics of common interest.

VII. Mainstreamed perspectives

32. The CDCJ is expected to appoint from amongst its members up to five Rapporteurs on mainstreamed perspectives.² In general, the CDCJ will be mindful of how various sections of the population can be affected differently when carrying out its work in order to avoid discriminatory situations on grounds covered by the European Convention on Human Rights as interpreted by the European Court of Human Rights.
33. In the absence of candidatures at the time of decision making, the CDCJ may appoint, on a transitional basis, the Committee's Chairperson and Vice-Chairperson, one as its Rapporteur on the Rights of Persons with Disabilities and the other as its Rapporteur on Children's Rights, the division of responsibilities to be agreed between themselves.

- ***Gender equality***

34. Gender equality is a transversal priority of the Organisation. The CDCJ, as all intergovernmental bodies, is required to appoint a gender equality rapporteur.
35. Essentially, the gender equality rapporteur should watch over the programming process of his or her committee (i.e. the process of identifying priorities, preparing activity proposals, setting up and implementing the activities, and evaluating the results) in order to ensure that a gender perspective is properly integrated.
36. Before starting a new standard-setting activity related to a particular area of law or topic that the CDCJ proposes to develop, consideration will be given as to whether or not this area of law or topic impacts de facto on the equality between women and men (see Annex).
37. The gender equality rapporteur is not required to make reports. Given the importance of the work of the Bureau, the gender equality rapporteurs should preferably be appointed from amongst the members of the Bureau or be involved in the Bureau's discussions on the programme of activities, in particular future activities.
38. As part of its gender equality policy, the CDCJ will:
 - a. strive towards ensuring gender balance and gender transparency concerning the composition of its membership and that of its working groups and other subordinate bodies;
 - b. ensure that the levels of gender representation are indicated in the reports of meetings of the CDCJ and its subordinate committee and kept under review;

² Gender equality, youth, children's rights, rights of persons with disabilities, Roma and Traveller issues.

- c. use a non-sexist language in its instruments and publications, identify activities of relevance to both women and men and, as far as possible, subject activity proposals to a gender relevance test.
39. The CDCJ may occasionally organise informal meetings of interested CDCJ members to exchange good practice and reinforce the knowledge of gender mainstreaming in the justice sector and legal reform within the committee.
 40. The steps taken by the CDCJ in mainstreaming the gender equality perspective in its work will be reviewed on a regular (biennial) basis to enable the committee to provide the Committee of Ministers and Secretary General with information on its contribution to the Gender Equality Strategy, as well as to take any corrective action it might consider appropriate.

- Youth organisations

41. Considering efforts promoted by the Council of Europe to increase active participation of youth organisations in discussions across the board, the CDCJ and its subordinate bodies will engage with youth organisations, wherever the activities undertaken lend themselves to it, for instance through consultation processes organised as part of the drafting of new standards, hearings or exchanges of views.

VIII. E-mail consultations and decision making

42. E-mail is the standard form of communication between the Secretariat and CDCJ members. Information posted on the restricted CDCJ website will, in most cases, also be the object of a notification by e-mail.
43. Between plenary sessions, CDCJ members are to be informed and consulted, as appropriate, by e-mail on the work-in-progress of its working groups and other subordinate bodies, particularly where this concerns the preparation of a draft legal instrument and the subordinate body is not composed of representatives of all member states. Comments and proposals received by the Secretariat will be collated and submitted to the relevant working group.
44. Decision making by e-mail ("written procedure") entails the following procedure. A draft decision, prepared by the Secretariat, accompanied by, or comprising, a text for comment, is sent to all CDCJ members with an indication of the date before which all comments should be received by the Secretariat. After this date, the Secretariat will propose a final decision and/or text to the Chairperson for his or her approval based on the comments received by it. Absence of any comment from a delegation will be taken as their approval (the "silent procedure" rule). The Chairperson will resolve any conflicting comments from the delegations. The decision will carry the date it is finalised by the Chairperson, together with an indication that it has been made by 'written procedure'.
45. Decisions made by written procedure will be communicated immediately to all CDCJ members, posted on the CDCJ website (restricted or public, as appropriate) and referred to in the annotated draft agenda of the next plenary meeting of the committee. Recourse to decision making by e-mail is most commonly carried out in the case of requests for opinions from the Committee of Ministers, new activity proposals, the terms of reference and composition of subordinate bodies, and the adoption of meeting reports.

IX. Organisation of plenary debates

46. Plenary meetings are an opportunity for debate and decision making. The annotated draft agenda, prepared by the Secretariat in consultation with the Chairperson and reflecting the decisions of the Bureau on the organisation of the meeting, is a key document in helping not only the Chairperson manage the order of business but also the participants in preparing for and contributing constructively to the meeting.
47. Working documents are to be sent out 20 days before the meeting (at least three weeks for documents in relation to which a decision is required).
48. Agenda items in relation to which information has already been circulated in written form prior to the meeting will not be the object of additional oral information unless agreed by the Chairperson, and time so permits.
49. Two-thirds of the members of the Committee need to be present for there to be a quorum (i.e. 32 members, being representatives of different member states). Decision making requires a quorum. It is, therefore, important that Committee members organise their travel arrangements or virtual presence in order to remain until the end of the meeting.
50. Where appropriate, break-out group discussions may be organised in order to stimulate exchanges between members, for example on opportunities for future activities.

X. Content and adoption of meeting reports

51. Reports of plenary, bureau and expert group meetings set out the decisions taken, together with a text explaining the reasons or context for each decision. General information is also included where this might be relevant to CDCJ members who have not participated in the meeting or for future reference. Reports of all meetings are circulated to CDCJ members.
52. Meeting reports are sent to the participants for approval by written procedure shortly after the meeting. The draft reports are prepared by the Secretariat and in consultation with the Chairperson if so requested before circulation.
53. An abridged meeting report containing a list of decisions and items discussed is adopted at the end of the meeting. A reading of the abridged meeting report (paragraph by paragraph) at the end of the meeting provides a useful opportunity for the participants to confirm the decisions taken earlier in the meeting and review them if necessary. However, for short meetings and those of expert groups, this is not always possible. In these cases, a summary list of decisions taken and items discussed is approved or, as appropriate, given orally at the end of the meeting.

XI. Hybrid meetings and online meetings

54. Plenary meetings will generally be held in hybrid format to facilitate participation, including of experts in the capitals where a specific topic calls for it. Regular members of the CDCJ are invited to attend in person as much as possible. Quorum will be calculated based on the delegations attending both in person and online (see also paragraph 49).
55. In line with Article 16 of Appendix 1 of Resolution CM/Res(2021)3, when it is not possible to convene the CDCJ plenary meeting in a single location, it may be held online by

videoconference. The proposal to hold a plenary meeting online will be made by the Chairperson, in consultation with the Bureau, where applicable, or by the Secretary General, and approved by the committee, subject to the availability of the necessary budgetary resources. In situations where the plenary meeting is being held in a single location, it should by default be hybrid – remote attendance of members who cannot be physically present should be made possible, subject to the availability of the necessary budgetary resources. In-person participation of one member by delegation should be encouraged.

56. The CDCJ heads of delegation may invite experts from the capital to attend online discussions on agenda items where they consider the expertise of the said expert would benefit discussions. In such cases, the official position of the country – and wherever needed its vote – will ultimately be expressed exclusively by the CDCJ heads of delegation.
57. Meetings of the Bureau will be held in person or, where necessary, online. Meetings of subordinate committees entrusted with the drafting of an instrument will generally take place in hybrid format. Meetings of subordinate working groups will generally be held online.

XII. Documentation and visibility aspects

58. In line with Resolution CM/Res(2021)3, the documentation of the CDCJ, notably meeting reports and adopted texts, will be published unless the CDCJ decides for a specified reason that it is necessary to classify a certain document or category of documents. Documents will be published once any classification expires. Documents of the CDCJ and its subordinate bodies will be made available to all participants and observers of meetings on an equal basis with committee members.
59. The purpose of the public CDCJ website is to give visibility to the CDCJ and information to the public on its work. Reports of the meetings of the CDCJ and its subordinate bodies are posted on the website as soon as they have been adopted.
60. A restricted website, accessible to CDCJ members, participants and observers, contains the restricted working documents for each plenary meeting, Bureau meeting, and meeting of any CDCJ working/drafting group.
61. Participant lists included in documents posted on the public website will only include the following information: Country/organisation, name, job title, department and/or ministry. No personal data will be published without the express consent of the person concerned.

Text adopted by written procedure on 2 September 2014, revised by the Bureau, in accordance with the decision by the CDCJ at its 91st plenary meeting (16-18 November 2016), and its 102nd meeting (Bern, Switzerland, 29-30 June 2017), revised by the CDCJ a first time at its 97th plenary meeting (1-3 December 2021) and a second time at its 106th plenary meeting (2-4 June 2026).

Annex - Checklist for assessment of gender equality aspects and impact

The [Working Group] or [Committee] is called upon to consider the following questions during the implementation of its mandate in order to determine the extent to which its work includes a gender equality dimension or could have an impact on such equality:

1. At the beginning of its work, the [Working Group] or [Committee] will assess the possible impact it could have on gender equality by responding to the following questions:

- a) Does the work impact **individuals**, directly or indirectly?
- b) What are the possible differences between the situation of women and men in the area concerned by the work (e.g. in terms of access to and control of resources,³ participation in governance or management structures, social position, social norms)? To illustrate these potential differences, it is preferable to use statistics disaggregated by sex. Is there any available research, data, expert or organisation dealing with the issue at stake from a gender equality perspective?
- c) If there are differences between the situation of women and men in the area concerned, the document/proposal is to include a gender impact assessment.
 - o Will the work identify and take into account the special needs, priorities and circumstances of women and men, particularly the existing gender inequalities in this regard? What are the impediments that prevent fulfilment of these needs and priorities?
 - o Will the work have differing consequences for women's and men's participation and influence in decision-making? Will it strengthen the opportunities for gender balance and gender equality in decision-making in the areas addressed by the work?
 - o Will the work contribute to the promotion of or affect in any way achieving gender equality?
- d) Do the activities of the [Working Group] or the [Committee] allow for equal participation of women and men?
 - o Will the [Working Group] or the [Committee] ensure and envisage that the different perspectives/points of views of the groups identified in the analysis are adequately addressed and taken into account in the course of its work and how?

2. If the analysis of the questions above shows that there is a gender impact, the [Working Group] or [Committee] must take this into account in its work, explaining the reasons. If the analysis shows that there is no gender impact, it should nevertheless be duly noted that a gender analysis has been carried out.

3. At the end of its work, the [Working Group] or the [Committee] is called upon to make a brief self-assessment of how the gender equality dimension has been integrated in its work, including whether the work and information contained in it are presented in a gender-responsive manner and language, and if it effectively and equally reached women and men in the course of their work through the proper mediums and methods of work.

³ Income, work, responsibilities, health, safety, education/knowledge, mobility, time, etc.