

Newsletter | N° 3: July - December 2023

LEGAL CO-OPERATION (CDCJ, CCJE, CCPE) IN THE SECOND HALF OF 2023

IN CONVERSATION WITH...

...THE NEW CHAIR OF THE CDCJ

Mr Eral Knight was elected Chair of the CDCJ at the last plenary meeting of November 2023, starting from 1 January 2024.

As he starts his first term of office, we have asked him a few questions about the key activities of the Committee.



*Mr Eral Knight (Ministry of Justice of the United Kingdom),
Chair of the CDCJ*

What does it mean to you to be chair of the CDCJ?

I am both delighted and honoured to have been elected by the CDCJ to be their new chair. In the 75th year of the Council of Europe, it is notable that the CDCJ is amongst the oldest of its intergovernmental committees - we celebrated its 60th anniversary last year. Over six decades, it has prepared a vast array of legal instruments in the fields of public and private law - about 150 in total. The committee covers extremely diverse areas of law, including court systems (with a particular focus on the independence of the judiciary), access to courts, statelessness, family law, administrative law, to name but a few. The CDCJ deals with sometimes sensitive issues (it published last year a guide for practitioners on the administrative detention of migrants and asylum seekers) or challenging issues (it published a handbook on the increasing use of AI and automated decision-making systems by public administrations in their dealings with users). What all these issues have in common is that they are topical and respond to the evolving needs of our societies. In that way, they help member states address the legal challenges of the day.

What is on the committee's agenda for the coming year?

One thing is certain, 2024 will be another busy year for the CDCJ. It will be finalising the text of a new convention for the protection of the profession of lawyers. This convention is to respond to a worrying trend whereby lawyers are prevented from freely practising and defending their clients - an essential component of any healthy justice

system. This will be the first legally binding instrument of its kind at international level. The CDCJ will also continue its important work on the rights and best interests of the child, with two recommendations on parental separation proceedings and care proceedings being sent for adoption by the Committee of Ministers, and tools being prepared to facilitate their implementation. The CDCJ will also look into procedures for stateless children to acquire a nationality and identify good practices in member states. It will also prepare tools to make the implementation of the European Convention on Information on Foreign Law more effective; this convention facilitates the flow of information between states parties when problems of foreign law arise in the course of legal proceedings in a given state. Although it entered into force in 1969 (after being drafted by the CDCJ), it remains a pivotal instrument to this day, demonstrating the enduring relevance of the past work of the CDCJ. It also shows that whatever the CDCJ achieves in 2024 has the potential of setting legal standards for a very long time; which is all the more motivating!

LEGAL CO-OPERATION ACTIVITIES



Protection of Lawyers

The [Committee of Experts on the Protection of Lawyers \(CJ-AV\)](#) held its 5th and 6th meeting in July and October on the drafting of a convention aiming to improve the protection of lawyers and the right to practice their profession without prejudice or restraint. During these meetings, the CJ-AV continued working on the text of the draft convention and examined its draft explanatory report.

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Children's Rights in Parental Separation Proceedings

The [Committee of Experts on the Rights and the Best Interests of the Child in Parental Separation and in Care Proceedings \(CJ/ENF-ISE\)](#) finalised in October 2023 the draft recommendation on the protection of the rights and the best interests of the child in parental separation proceedings. The draft recommendation was approved by the CDCJ and [CDENF](#) during a joint session in November.

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Administrative Detention of Migrants and Asylum Seekers

The CDCJ adopted a guide for practitioners on the administrative detention of migrants and asylum seekers which aims to promote the application of existing international and European standards in this area. The guide was published in November and is available [here](#).

[Read more ›](#)



AI and Administrative Law

The CDCJ adopted the update of the handbook “The administration and you” in December 2023. This update takes into account the impact of the increasing use of artificial intelligence and automated decision-making systems by administrative authorities in their dealings with individuals. The new handbook will be published online in 2024.

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ABOUT JUDGES AND PROSECUTORS



Ms Anke Eilers (Germany), CCJE President, 1 January 2023 to 31 December 2023

Consultative Council of European Judges

Opinion No. 26 (2023) “Moving forward: the use of assistive technology in the judiciary” was adopted by the CCJE at its 24th plenary meeting (29 November-1



Ms Jana Zezulová (Czech Republic), CCPE President, 1 January 2023 to 31 December 2023

Consultative Council of European Prosecutors

Opinion No. 18 (2023) on Councils of Prosecutors as key bodies of prosecutorial self-governance was adopted by the CCPE at its 18th plenary meeting (19-20 October

technology can support the work of judges and parties to court proceedings and promote speed and efficiency in the administration of justice. The Opinion sets out principles whose aim is to better secure access to justice, while maintaining and enhancing judicial legitimacy and public confidence in the judiciary.

A thematic study on lessons learnt as a result of the COVID-19 pandemic and their effect on the administration of justice was also adopted during the plenary meeting.

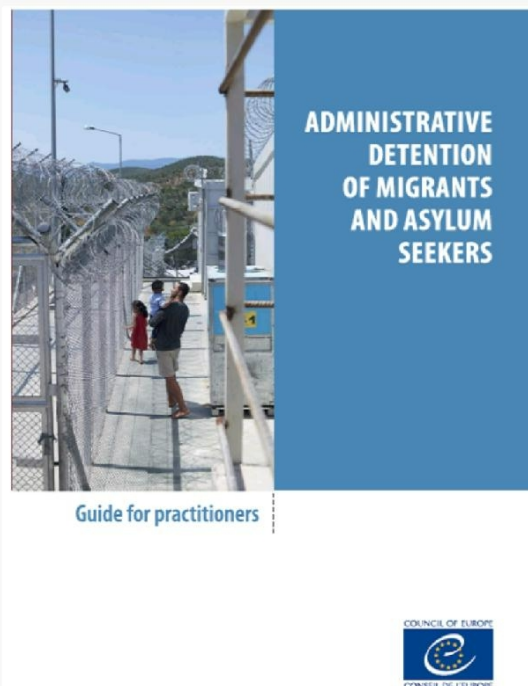
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institutional value for securing the effective and impartial functioning of the prosecution services through their independent decision-making. It also provides recommendations on the status, composition, competence and functioning of Councils.

It further adopted a thematic study on digitalisation in the work of the prosecution services and international co-operation as well as an Overview of Councils of Prosecutors and other bodies dealing with prosecutorial self-governance in member States.

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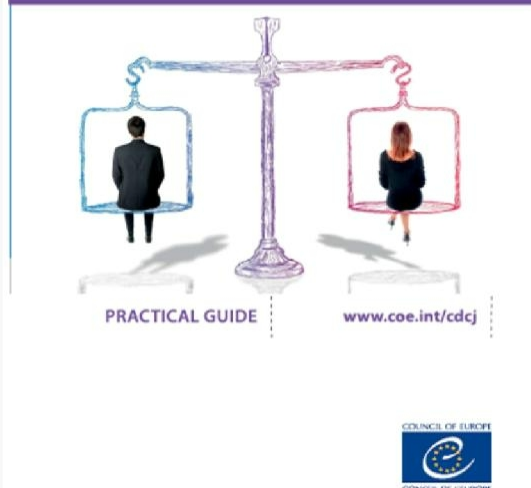
PUBLICATIONS



Guide for practitioners on the administrative detention of migrants and asylum seekers

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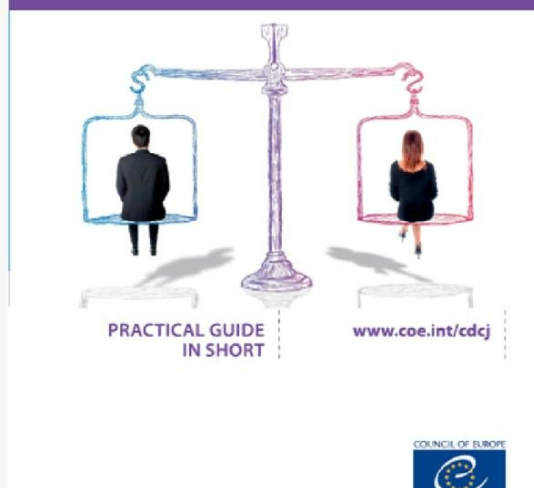
MAINSTREAMING GENDER IN PUBLIC AND PRIVATE LAW REFORM PROCESSES



Practical guide gender mainstreaming

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Council of Europe, Avenue de l'Europe F-67075 Strasbourg Cedex
Tel. +33 (0)3 88 41 20 00

www.coe.int

