

60th Anniversary of the European Committee on Legal Cooperation

May 30 2023

Address by Mr Christoph Henrichs, CDCJ Chair

Mr. Deputy Secretary General,
Excellencies,
dear Colleagues – present and former,
Ladies and Gentlemen,

It is a true pleasure for me to have the opportunity to speak to you as the current Chair of the CDCJ on the occasion of the 60th Anniversary of the Committee. This anniversary actually coincides this week with the 100th plenary meeting of the CDCJ – what a strangely wonderful co-incidence –, so we have today a double occasion to celebrate the work of the CDCJ and reflect on its achievements.

First of all, I would like to thank you, Mr. Deputy Secretary General, for giving us the honour to speak to us on this occasion. It is a sign how much the work of the CDCJ is seen and appreciated throughout the organisation. In your remarks, you have already mentioned a number of milestone instruments that the CDCJ has brought about over the past 60 years. And beyond the relevance of each and every of those instruments, this list already gave an impressive picture of the broad spectrum of topics that CDCJ has been dealing with and continues to do so, from data protection to family law to the judiciary.

This is where I would like to come in with my remarks and elaborate this aspect a little further. It is probably fair to say that there are very few committees in the intergouvernemental structure of the Council of Europe that cover such a wide field of issues. The CDCJ as a classic horizontal standard-setting body is responsible for the whole of civil law, procedural and administrative law – a range for which our Ministries of Justice, from which most of our members come, need several divisions with dozens or even hundreds of experts to cover.

This wide range of topics is a unique asset for the CDCJ and a challenge for its members at the same time. It is an asset since we have the possibility to work throughout an extraordinarily wide spectrum of emerging issues, always keeping the bigger picture in mind. And it is a challenge because no one of us can be equally an expert in all of the fields covered. But some of us are in one field, others in a different field, and through the wisdom of the group – and if need be with the help of the expertise of designated experts – we have always managed to find competent solutions to the challenges posed to us.

The wide range of topics CDCJ is dealing with also becomes apparent when one looks at the **list of Conventions** adopted under the responsibility of the CDCJ. Admittedly, not all of them have gained as much relevance as classic ones like Convention 108 on data protection or the Civil Law Convention on Corruption that you, Mr. Deputy Secretary-General, just mentioned. Or have you ever heard of the European Convention for the Protection of Pet Animals? But this is not the point. Not every project can be a high-flyer in the end. Also, sometimes projects do not sound very sexy but rather technical but in the end they can provide a real added value to our citizens. And THIS is the point here: The members of the CDCJ come together to try and find common solutions to problems that are relevant for all its Member States. In doing so, we are exercising the true spirit of legal co-operation and strengthening the rule of law as one of the fundamental pillars of the Council of Europe, for the benefit of all the people throughout the member states. In this sense, the slogan on the special webpage for the 60th anniversary of the CDCJ is truly accurate: “*servicing everyone’s rights since 1963*”.

Right now, the CDCJ continues to cover a wide range of topics, increasingly dealing with challenges of modern developments of our times such as new digital possibilities and their risks. We will hear about some of these projects in more detail in the course of this event as they will be highlighted by very competent speakers in the panels that follow.

Just to summarize a few of them at this point: The **justice system** has always been at the heart of the CDCJ, both in terms of functioning and efficiency in view of new challenges and also in terms of **independence of the judiciary**. Therefore, CDCJ is

proud to contribute to this very topical issue by doing a structured follow-up to the Sofia Action plan which will keep the issue on the agenda of the CDCJ. I believe we will hear more about this in the remarks of our next speaker, the President of the GR-J.

Part of a functioning judicial system, however, are also the **lawyers** whose independent and safe exercise of their profession must be guaranteed. This is why CDCJ is currently working on a new legal instrument for their protection. Again, we will hear about this in greater detail in a panel later this morning but I can already point out that this is a true landmark project not only for the CDCJ but for the Council of Europe as a whole where we have the opportunity to develop pioneering standards far beyond the borders of the Council of Europe Member States. The huge interest this project is met with throughout the world is a clear indicator for this.

Other topics the CDCJ is currently working on include **artificial intelligence** – not as competition to the work on the framework convention being conducted in CAI but as a complement in specific sectors of administration where the topic is particularly relevant. **Family law** has also been mentioned as well as one of the key sectors CDCJ is working on. Together with the Steering Committee for the Rights of the Child CDENF we are working on Recommendations on the protection of the rights and best interests of the child in parental separation and in care proceedings – again, a very relevant and pressing topic. Beyond that we are about to take up work on the **right of donor-conceived persons to know their origins** - which again is a good example of the challenging topics CDCJ is faced with as it requires a lot of knowledge both on the legal and bio-medical side and sensitivity to tackle this question.

Finally, to highlight one more politically sensitive field where the CDCJ is very active, is the topic of migration and statelessness. Here, very typically for the work of CDCJ, CDCJ is looking into some detailed aspects that can sometimes be a little underneath the radar in the big political debate but are nevertheless of eminent practical importance, in this case the **conditions in detention facilities**, always seen in the light of the standards set by the European Convention on Human Rights and the case-law of the European Court of Human Rights.

Another aspect in this field that CDCJ is also working on is the **reduction of statelessness**, in particular currently the question how to facilitate the **access of stateless children to nationality**. This topic combines two most pressing issues – the situation of stateless refugees and the fate of children as a particularly vulnerable group. And again, this work is part of a bigger picture as it taking place within the frame of the Council of Europe Action Plan.

I could go on for much longer since the list of deliverables in the CDCJ's terms of reference is long and challenging but I would like to leave it with these examples. I hope they have highlighted the huge width of topics CDCJ is dealing with – possibly not each of them as highly visible in the political sphere as some other work that is being conducted in the Council of Europe but in every single case always well worth observing because it is valuable work. In this sense, I would like to finish with a wish, particularly to the higher levels in the organization: Keep looking out for the work of the CDCJ because it is worth it!

Having said that, I am looking forward to exploring the work of CDCJ further in the course of this anniversary event – which has been so wonderfully put together by the Secretariat, without whom and their passion and commitment the CDCJ would not be able to conduct its work. So a big thank you to you, Gerald, Sopho, and the whole team, and I thank you all for your attention.