

EUROPEAN COMMITTEE ON LEGAL CO-OPERATION



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COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

THE EUROPEAN COMMITTEE ON LEGAL CO-OPERATION

Since its creation in 1963, the European Committee on Legal Cooperation (CDCJ) has developed a large and wide-ranging number of civil law standards in the field of public and private law aimed at helping Council of Europe member states meet the challenges of rapidly evolving societies, whether they concern protection of the individual, the family, civil society, the courts and the judiciary, access to justice, the public administration, or private business.

With an output of 60 conventions and over 90 recommendations, resolutions or guidelines, the committee has provided a solid contribution to legal reform at European level. Its most recent key achievements include:

Rule of law

- ▶ **Whistleblowers** – Recommendation of the Committee of Ministers on the protection of whistleblowers (CM/Rec(2014)7)
- ▶ **NGOs** – Recommendation of the Committee of Ministers on the legal status of non-governmental organisations in Europe (CM/Rec(2007)14)

Judiciary

- ▶ **Independence** – 5-year Plan of Action on strengthening judicial independence and impartiality in Europe (2016-2021)
- ▶ **Public prosecutors** – Recommendation of the Committee of Ministers on the role of public prosecutors outside the criminal justice system (CM/Rec(2012)11)
- ▶ **Judges** – Recommendation of the Committee of Ministers on Judges: independence, efficiency and responsibilities (CM/Rec(2010)12)

Administrative law

- ▶ **Public administration** – Recommendation of the Committee of Ministers on good administration (CM/Rec(2007)7)
- ▶ **Handbook “The Administration and You”** (1996 – under revision)

Family law & children's rights

- ▶ **Adoption** – European Convention on the Adoption of Children (Revised) (CETS No. 202), 1 September 2011
- ▶ **Child-friendly justice** – Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice (2010)
- ▶ **Child relocation** – Recommendation of the Committee of Ministers on preventing and resolving disputes on child relocation (CM/Rec(2015)4)

Nationality

- ▶ **General rules** – European Convention on Nationality (CETS No. 166), 1 March 2000
- ▶ **State succession** – Council of Europe Convention on the avoidance of statelessness in relation to State succession (CETS No. 200), 1 May 2009
- ▶ **Children** – Recommendation of the Committee of Ministers on the Nationality of Children (CM/Rec(2009)13)

CURRENT AREAS OF INTEREST TO CDCJ

E-justice

Traditional justice systems are more and more innovative and increasingly introducing online solutions. Online dispute resolution mechanisms are one such development, but what are the fair trial implications? CDCJ is considering the feasibility for possible guidelines in the area.

Legal Aid

Legal aid is fundamental for access to justice. Yet civil legal aid schemes are increasingly under financial pressure and their scope varies greatly between member states. CDCJ has embarked on a review of these challenges with a view to identifying possible ways forward for member states.

Lobbying

Lobbying is both a legitimate activity in democratic societies and a potential threat to the democratic process of public decision-making. How to reconcile these two positions, provide greater transparency in the activities of lobbyists, and strengthen public confidence in public decision-making? CDCJ is working on a draft legal instrument to help member states and establish European standards.

Administrative detention of migrants

CDCJ is codifying existing international standards relating to the conditions in which migrants are held in administrative detention. The outcome of this work will enable national authorities and migrants' representatives to refer to a common set of standards in this area.

JUDICIAL REFORM AND LEGAL CO-OPERATION IN THE MEMBER STATES

— The Council of Europe implements many co-operation projects with member states to support their justice sector reform. CDCJ and its members contribute to the success of these projects with their expertise, particularly when they concern the application of standards developed by the committee, for example in the areas of:

- ▶ Civil and commercial law
- ▶ Judicial reform
- ▶ Child-friendly justice
- ▶ Administrative law
- ▶ Mediation and ADR
- ▶ Civil law procedure

THE EUROPEAN COMMITTEE ON LEGAL CO-OPERATION (CDCJ)

Mission

■ CDCJ is an intergovernmental steering committee under the authority of the Committee of Ministers, the statutory decision-making body of the Council of Europe made up of the Ministers of Foreign Affairs of the 47 member states. It is the key point of reference for all questions of civil law and procedure in the areas of public and private law, and is responsible for standard-setting and facilitating co-operation between member states in these areas, drawing up proposals for binding and non-binding legal instruments and providing, on request, advice and expertise on their implementation. It reports directly to the Committee of Ministers on its work and future priorities for the Organisation.

Composition

■ CDCJ brings together representatives from all member States of the Council of Europe, mainly from the ministries of justice. Within their administration, CDCJ members are of the highest rank, with responsibility for planning, developing, co-ordinating and implementing all elements of government policy at national level within the remit of the committee.

Working methods

■ CDCJ meets in yearly plenary sessions at the headquarters of the Council of Europe in Strasbourg. Its work is carried out, with the support of its Secretariat, in plenary meetings and by specialist working groups and committees of experts. CDCJ members represent their national authorities, provide their personal expertise to its work, and work collectively within the committee. A bureau of 7 members ensures the smooth running of the committee's work between plenary sessions.

INFORMATION

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The Council of Europe is the continent's leading human rights organisation. It comprises 47 member states, 28 of which are members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.

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