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EUROPEAN COMMITTEE ON LEGAL CO-OPERATION
(CDCJ)

TERMS OF REFERENCE OF THE CDCJ FOR 2012-2013

Document prepared by the Secretariat
Directorate General, Human Rights and Rule of Law - DG I

European Committee on Legal Co-operation (CDCJ)

Set up by the Committee of Ministers under Article 17 of the Statute of the Council of Europe and in accordance with Resolution CM/Res(2011)24 on intergovernmental committees and subordinate bodies, their terms of reference and working methods

Terms of Reference valid from: **1 January 2012 until 31 December 2013**

Main tasks

Under the authority of the Committee of Ministers, the CDCJ will oversee the Council of Europe's work in the field of public and private law and advise the Committee of Ministers on all questions within its area of competence, taking due account of relevant transversal perspectives. For this purpose, the CDCJ is instructed to:

- (i) steer the legal co-operation among the Council of Europe member states in order to identify new and emerging challenges to member states, make proposals to the Committee of Ministers in areas within its expertise (*inter alia* family law, children's rights, nationality, administrative law, justice and rule of law);
- (ii) plan, supervise and evaluate standard-setting activities;
- (iii) promote and facilitate co-operation and understanding between member states;
- (iv) promote and facilitate the functioning and implementation of Council of Europe conventions, agreements and protocols, as well as recommendations, including, where appropriate, of any conventional bodies established by them;
- (v) contribute to the preparation of the 31st Conference of the Ministers of Justice, in co-operation with the CDDH and the CDPC, and ensure, as appropriate, the follow-up of any decision taken by the Committee of Ministers subsequent to the Conference;
- (vi) take due account of gender and children's rights perspectives in the performance of the above-mentioned tasks;
- (vii) contribute to standard-setting work in respect of the protection of personal data and the right to private life, in close association with other relevant Council of Europe bodies (e.g. T-PD, CDSMI).

Pillar / Sector / Programme

Pillar: Rule of Law
Sector: Common Standards and Policies
Programme: Development and Implementation of Common Standards and Policies

Expected results

Expected results 2012-2013

- (i) Drawing up of instruments on the following topics:
 - standards on dispute resolution in the exercise of parental responsibilities, in particular as concerns decisions on the relocation of children (factors to be taken into account and procedures to be followed),
 - Exploration of the feasibility of and, if appropriate, elaboration of legal instruments:
 - (a) on protecting public and private sector employees who make disclosures in the public interest ("whistleblowers");
 - (b) in the field of nationality law and families (including the promotion of acquisition of citizenship);
- (ii) finalisation of the text of the draft Recommendation on the role of public prosecutors outside the criminal field for submission to the Committee of Ministers for adoption;
- (iii) ensure follow-up to be given to Resolution 1 on modern, transparent and efficient justice adopted at the 30th Council of Europe Conference of Ministers (Istanbul – November 2010) and preparation of the 31st Conference (2012).

Composition

Members:

Governments of member states are invited to designate one or more representatives of the highest possible rank in the field of public and private law, with responsibility at the national level for the planning, development and implementation of policies relevant to the work of the Committee and appointed by their governments to co-ordinate at national level all elements of government policy relevant to the work of the Committee.

The Council of Europe will bear the travel and subsistence expenses of one representative from each member state (two in the case of the state whose representative has been elected Chair).

Each member of the committee shall have one vote. Where a government designates more than one member, only one of them is entitled to take part in the voting.

Participants:

The following may send a representative without the right to vote and at the charge of their corresponding administrative budgets:

- Parliamentary Assembly of the Council of Europe;
- Congress of Local and Regional Authorities of the Council of Europe;
- European Court of Human Rights;
- Council of Europe Commissioner for Human Rights;
- Conference of INGOs of the Council of Europe;
- Council of Europe intergovernmental committees as appropriate.

The following may send a representative without the right to vote and without defrayal of expenses:

- European Union (including, as appropriate, the Fundamental Rights Agency);
- Observer States to the Council of Europe: Canada, Holy See, Japan, Mexico, United States of America;
- United Nations International Law Commission (ILC);
- Office of the United Nations High Commissioner for Human Rights (OHCHR);
- International Institute for the Unification of Private Law (UNIDROIT);
- Hague Conference on Private International Law (HCCH);
- Organisation for Economic Co-operation and Development (OECD);
- Organisation for Security and Co-operation in Europe (OSCE);
- Office for Democratic Institutions and Human Rights (OSCE-ODIHR);
- International Commission on Civil Status (ICCS).

Observers:

The following may send representatives without the right to vote and without defrayal of expenses:

- Belarus.

Working methods

Plenary meetings:

48 members, 1 meeting in 2012, 3 days

48 members, 1 meeting in 2013, 3 days

Bureau:

7 members, 2 meetings in 2012, 2 days

7 members, 2 meetings in 2013, 2 days

The Committee will also appoint a Gender Equality Rapporteur from amongst its members.

The rules of procedure of the Committee are governed by Resolution CM/Res(2011)24 on intergovernmental committees and subordinate bodies, their terms of reference and working methods.