

COMPENDIUM

# FIGHTING CRIME WHILE PROTECTING HUMAN RIGHTS

COUNCIL OF EUROPE  
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## ACHIEVEMENTS IN THE CRIMINAL LAW FIELD

- Standard-setting on criminal law
- Mechanisms to combat money laundering and terrorist financing
- Cooperation and technical assistance
- Council of Europe Convention on Cybercrime (Budapest Convention)

## COMBATING TRAFFICKING IN HUMAN BEINGS

- Council of Europe Convention on Action against Trafficking in Human Beings

## THE ANTI-CORRUPTION AND INTEGRITY ANGLE

- Council of Europe Convention on the Manipulation of Sports Competitions (Macolin Convention)
- Council of Europe Anti-doping Convention
- Council of Europe Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events (Saint-Denis Convention)
- Group of States against Corruption (GRECO)

## THE HUMAN RIGHTS ANGLE

- Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention)
- Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention)
- The Council of Europe and abolition of the death penalty
- The criminal justice sector
- Falsification of medical products
- Trafficking in human organs

**ACHIEVEMENTS  
IN THE  
CRIMINAL LAW  
FIELD**

## Standard-setting on criminal law

The Council of Europe, in particular through its Steering Committee on Criminal Matters (the [European Committee on Crime Problems](#) (CDPC)), identifies priorities for intergovernmental legal co-operation, elaborates standard-setting texts and implements activities in the fields of criminal law and procedure, criminology and penology. Our effective intergovernmental co-operation on common and transnational criminal law and policy takes place in the broader European context, covering a full range of relevant areas including investigation, extradition, sentencing, execution of penal sanctions and measures, and rehabilitation of offenders.

- Set up in 1958, the CDPC elaborates conventions, recommendations as well as studies and reports. In addition to its regular meetings, the CDPC also organises conferences on specific topics of interest in the criminal law field, amongst others the Council of Europe Conferences of Ministers of Justice.
- To date, over 40 Criminal law [Conventions](#) were developed under the authority of the CDPC, as well as a large number of [Recommendations](#) in areas where it was not possible or necessary to adopt a binding legal instruments.
- The CDPC has provided key legal and technical guidance and oversight to many high-profile Council of Europe Conventions, including the Convention against domestic violence (leading to the Istanbul Convention), the Budapest Convention on Cybercrime, the Lanzarote Convention against Child Sexual Abuse, the MEDICRIME Convention, the Nicosia Convention on Offences relating to Cultural Property.
- Further information about the mandate, current and past activities and publications of the CDPC can be found on its website: [www.coe.int/CDPC](http://www.coe.int/CDPC)

The CDPC is assisted in its activities by two subordinate committees, for which it provides a coordinating, supervising and monitoring role:

- The Committee of experts on the operation of European conventions on co-operation in criminal matters (PC-OC)
- Council for penological co-operation (PC-CP)

The Committee of Experts on the Operation of European Conventions on Co-operation in Criminal Matters (PC-OC) is the forum in which, since 1981, experts from member and observer states and organisations come together to improve international co-operation in criminal matters and identify solutions to practical problems encountered in the application of Council of Europe Conventions in this field and in particular extradition, mutual legal assistance and transfer of sentenced persons ([List of Conventions](#))

- The PC-OC monitors the application of these conventions and proposes new instruments when appropriate.

- It also produces helpful tools, such as country information, model forms, practical guidelines, etc. for practitioners who deal with these instruments.
- Further information regarding the functioning and activities of the PC-OC is to be found on its website ([www.coe.int/tcj](http://www.coe.int/tcj)) which is very rich in useful information, tools and documentation for practitioners involved in international co-operation on criminal matters.

The Council for penological co-operation (PC-CP) is the Committee of experts dealing with the execution of penal sanctions and measures. It drafts common European standards, in particular related to the work of the prison and probation services as well as to juvenile justice agencies.

- A number of important legal instruments were adopted during the early years of our Organisation by the Committee of Ministers. They are regularly updated and complemented, based on the evolving case-law of the [European Court of Human Rights](#) and the work of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment ([CPT](#)). The most well-known texts are the European Prison Rules, the Council of Europe Probation Rules, the European Rules on community sanctions or measures, the European Rules for juvenile offenders subject to sanctions or measures, and recommendations on remand in custody, health care in prison, foreign prisoners, long-term sentences, prison overcrowding, conditional release, electronic monitoring, children with imprisoned parents and restorative justice. All these instruments can be found in the [Compendium](#). Many of them are also translated into other languages.
- The Council of Europe annual Conferences of the Directors of Prison and Probation Services ([CDPPS](#)) gather together the Directors from the 47 Council of Europe member states, as well as from its observer states and from important international organisations.
- For more than 30 years now Annual Penal Statistics are collected and published by the Council of Europe (*Statistiques Pénales Annuelles du Conseil de l'Europe*) containing data on prisons and on probation sanctions and measures ([SPACE](#)). These statistics attract a lot of media attention and are well-known worldwide.
- For more information regarding the above legal instruments, reports, publications and events, please consult the dedicated web site: [www.coe.int/prison](http://www.coe.int/prison)

## Mechanisms to combat money laundering and terrorist financing

The Council of Europe is pursuing a comprehensive approach against money laundering and the financing of terrorism by setting standards in the form of Conventions and recommendations, by monitoring compliance not only with Council of Europe standards but also those of the Financial Action Task Force (FATF) and other relevant international instruments, such as UN conventions and UN Security Council Resolutions.

In 1990, the Council of Europe became the first international organisation to adopt a dedicated international legal instrument aimed at tackling the threat of money laundering – the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (the “Strasbourg” Convention, No. ETS 141). Further efforts led to the creation in 1997 of the Select Committee of Experts on the Evaluation of Anti Money Laundering Measures (PC-R-EV), later renamed to Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL). After the terrorist attacks of 11 September 2001, the Committee also began applying international standards designed to combat terrorist financing.

MONEYVAL is a permanent monitoring mechanism of the Council of Europe reporting directly to the Committee of Ministers. MONEYVAL is also an integral part of the Global anti-money laundering network of organisations led by the Financial Action Task Force (FATF), which includes 9 FATF-style regional bodies (FSRBs) covering various parts of the globe. MONEYVAL is the largest FSRB due to the number of states and territories subject to its independent assessments. MONEYVAL membership comprises 30 Council of Europe member states, 2 non-member states, and several territories. In addition, 12 international organisations hold observer status with MONEYVAL.

Evaluating its 34 member states and territories against the global standard to combat money laundering and terrorist financing is the core mandate of MONEYVAL. Through peer pressure, its members are constantly updating their anti-money laundering and counter-terrorist financing (AML/CFT) legislation, institutions and operational practices. MONEYVAL’s reports are crucial to demonstrate the level of compliance of a specific jurisdiction. They are public and widely used by financial institutions around the globe to assess AML/CFT compliance when conducting business in a given jurisdiction. A negative report can have detrimental economic effects: banks risk losing access to the global financial system and investments may decrease.

The Council of Europe further reinforced its anti-money laundering efforts in 2005 with the adoption of the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (the “Warsaw” Convention, No. CETS 198). This convention strengthens current international standards, inter alia, by setting higher requirements for freezing, seizure and confiscation measures, the management of frozen and seized property. The thematic monitoring procedure under this convention was designed to avoid duplication of MONEYVAL and FATF, by focussing specifically on its innovative provisions.

- Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL):  
<https://www.coe.int/fr/web/moneyval/home>

- Conference of the Parties to the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (the “Warsaw” Convention):  
<https://www.coe.int/en/web/cop198>
- Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (the “Strasbourg” Convention):  
<https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/141>

## Cooperation and technical assistance

The **Economic Crime Cooperation Division (ECCD)** is responsible for the Council of Europe's cooperation and technical assistance activities concerning measures against corruption, money laundering and terrorist financing.

The Division's activities comprise a wide variety of interventions focusing on implementation of international standards addressing recommendations provided by monitoring bodies such as GRECO and MONEYVAL (FATF or other FSRBs when applicable).

Through its interventions the Division supports the beneficiary jurisdictions in:

- Enhancing their legislative frameworks and strengthening of institutional set-ups to fight corruption, money laundering and terrorist financing as well as on other matters relating to the fight against economic crime
- Developing policies and strategic documents
- Strengthening of capacities of state institutions, specialised anti-corruption and anti-money laundering bodies, law enforcement, prosecution services and the judiciary

A non-exhaustive list of the subject matters and themes covered by the ECCD interventions includes the following:

*In the fight against corruption:*

- developing codes of conduct and ethics, integrity testing, etc
- addressing conflict of interests
- asset declarations, including methodologies for verification of declarations
- political party and election campaign financing
- illicit enrichment

*In relation to the fight against money laundering and terrorist financing:*

- Conducting AML/CFT national and sectoral risk assessments
- Investigation, prosecution and adjudication of ML/FT
- Financial investigations
- Transparency of beneficial ownership
- Targeted financial sanctions
- Application of risk-based approaches to supervision, etc

*Confiscation and Asset recovery*

*International cooperation in criminal matters*

To date the Division has implemented technical assistance interventions and supported reform processes in over 30 jurisdictions including Council of Europe member states, EU member states,



and states and jurisdictions that are not member states but benefit from the Council of Europe's neighbourhood policies.

ECCD website: [www.coe.int/econcrime](http://www.coe.int/econcrime)

Publications: [Publications \(coe.int\)](http://Publications.coe.int)

Technical Papers (most are available on request only) page: [Technical Papers and Expert Opinions \(coe.int\)](http://TechnicalPapersandExpertOpinions.coe.int)

The Division also issues a quarterly newsletter, if you wish to subscribe to the newsletter you may do so on the home page of the ECCD general website.

The **Criminal Law Cooperation Unit (CLCU)** is responsible for the provision of technical assistance to the member States in the field of prisons, probation, police, and in the fight against falsified medical products. Our work is based on the Council of Europe standards and findings of our monitoring bodies such as the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) and the European Court of Human Rights (ECtHR).

We respond to individual needs of the member States and we support the national authorities' efforts in meeting their obligations and commitments coming from the membership to the Council of Europe.

The CLCU intervention follows the principles of the theory of change and comprises a wide variety of interventions which could be in short summarised as follows:

- Enhancing the legislative and strengthening of the institutional frameworks in line to the Council of Europe standards and the ECtHR jurisprudence that will provide a basis for further change through its implementation.
- Developing policies and strategic documents to support coordinated and strategic approach to the reform processes.
- Strengthening of capacities of state institutions and its human capacities to carry on the reform and apply the newly introduced standards in their daily work.

This comprehensive approach although not necessarily applied in its full in every project we implement has provided support to over 20 jurisdictions across 47 Council of Europe member States, including the EU member States.

Currently we implement fully fledged 15 projects in 11 member States and we also provide advice on prison and probation related issues in further 6 EU member States.

[Council of Europe Criminal law cooperation \(coe.int\)](http://CouncilofEuropeCriminalLawCooperation.coe.int)  
[Publications \(coe.int\)](http://Publications.coe.int).

Regarding the fight against falsified medical products the CLCU currently implements a preparatory project in support of implementation of the MEDICRIME Convention and given the global nature of the Convention the project is currently dealing with the assessment of the legislative frameworks' ability to apply the Convention in 39 countries, a mix of Council of Europe member States and non-member States, Parties to the Convention and non-Parties.

[The MEDICRIME Convention \(coe.int\)](http://TheMEDICRIMEConvention.coe.int)

## Convention on Cybercrime of the Council of Europe (Budapest Convention)

### WHAT IS THE PURPOSE OF THE CONVENTION?

The Budapest Convention on Cybercrime is regarded as the most comprehensive and relevant international agreement on cybercrime and electronic evidence to date.

It serves as a guideline for any country developing comprehensive national legislation against cybercrime and any other crime involving electronic evidence. In March 2020, a [survey on the global state of cybercrime legislation](#) concluded that 153 countries in the world had been influenced by it, and 106 of them had adopted domestic substantive provisions corresponding to the articles of the Budapest Convention.

To States that are Parties to this treaty it serves as a framework for international cooperation on cybercrime and electronic evidence. As a [recent report](#) highlights,

The Convention continues to evolve. A new Second Additional Protocol on enhanced cooperation and disclosure of electronic evidence is in preparation.

The Convention currently has 65 Parties and another 12 States have signed it or have been invited to accede. It is open for accession by any State prepared to implement its provisions and to engage in international cooperation on cybercrime.

### WHAT DOES THE CONVENTION REQUIRE STATES TO DO?

The Convention requires Parties to:

- establish in their criminal law a set of offences against and by means of computer systems and data;
- provide criminal justice authorities with the necessary power to investigate cybercrime and secure electronic evidence in relation to any offence entailing evidence on a computer system. These powers are to be limited by rule of law conditions and safeguards; and
- engage in effective international cooperation.

The Convention is supplemented by an [Additional Protocol covering the criminalisation of acts of a racist and xenophobic nature committed through computer systems](#) (CETS 189).

### HOW IS THE IMPLEMENTATION OF THE CONVENTION MONITORED?

The [Cybercrime Convention Committee](#) (T-CY) represents the State Parties to the Budapest Convention on Cybercrime.

Currently, 77 States participate as members (Parties) or observers (signatories or invitees) in addition to other international organizations. Based on article 46 of the Convention, the T-CY,

among other things assesses implementation of the Convention by the Parties, adopts [Guidance Notes](#) or prepares additional legal instruments.

Thus, even if a State did not participate in the negotiation of the original treaty, a new Party is able to participate in the negotiation of future instruments and the further evolution of the Budapest Convention.

Work is underway on a [second additional protocol to the Convention](#), aiming to enhance cooperation on cybercrime and electronic evidence. The preparation of the 2nd Additional Protocol commenced in September 2017 and is undertaken within the framework of the Cybercrime Convention Committee (T-CY). This new Protocol is to provide for more effective cooperation on cybercrime and electronic evidence between public authorities but also with private sector entities across borders.

Complementing the work of the T-CY is the [Cybercrime Programme Office of the Council of Europe \(C-PROC\)](#), supporting countries worldwide in the strengthening of their criminal justice capacities to respond to the challenges posed by cybercrime and electronic evidence on the basis of the Convention on Cybercrime and related instruments.

The T-CY report on the “[Budapest Convention on Cybercrime: benefits and impact in practice](#)” of July 2020 confirmed the value of the Council of Europe-specific approach through which, in a dynamic process, the standards of the Budapest Convention and the follow-up by the Cybercrime Convention Committee are constantly reinforced by capacity building by C-PROC.

Thus, the Cybercrime Convention is more than a legal document. Backed up by assessments and other follow up by the Cybercrime Convention Committee (T-CY) and the Cybercrime Programme Office of the Council of Europe (C-PROC) for capacity building worldwide, it is a framework that permits hundreds of practitioners from all over the world to share experience and create relationships that facilitate cooperation in specific cases, including in emergency situations, beyond the specific provisions foreseen in this Convention.

Moreover, the Budapest Convention facilitates cooperation with service providers and other private sector stakeholders in that it creates trust that Parties to the Convention have the necessary domestic legislation and safeguards in place and that cooperation meets rule of law requirements.

[Text of the Convention](#)

[Chart of Signatures and ratifications](#)

[Website of the Convention](#)

# **COMBATING TRAFFICKING IN HUMAN BEINGS**

## **Council of Europe Convention on Action against Trafficking in Human Beings**

### **WHAT IS THE PURPOSE OF THE CONVENTION?**

The convention aims to prevent trafficking in human beings, protect victims of trafficking, prosecute traffickers and promote co-ordination of national actions and international co-operation.

The convention applies to all forms of trafficking, whether national or transnational, whether linked to organised crime or not, to all victims of trafficking (women, men and children), and to all forms of exploitation (sexual, forced labour or services, slavery, servitude, removal of organs, etc.).

The main added value of the convention is its focus on human rights and the protection of victims. According to the convention a victim of human trafficking is a person who has been recruited, transported, transferred, harboured or received within a country or across borders, by the use of threat, force, fraud, coercion or other illegal means, for the purpose of being exploited. The convention defines trafficking as a violation of human rights and an offence to the dignity and integrity of the human being. This means that the national authorities are held responsible if they do not take action to prevent human trafficking, protect victims and effectively investigate trafficking cases.

Trafficking in human beings is a worldwide phenomenon which knows no borders, which is why the convention is relevant for countries throughout the world and is open for accession to all States. The convention has been signed and ratified by 46 Council of Europe member States and by Belarus. Israel and Tunisia have requested and obtained to be invited to accede.

### **WHAT DOES THE CONVENTION REQUIRE STATES TO DO?**

Preventing trafficking, protecting victims and prosecuting the perpetrators are the cornerstones of the Convention.

Preventing trafficking means, notably, to establish effective legislation, policies and programmes, support research, awareness raising and educational campaigns, but also to engage with media and civil society (for instance, in identifying the demand as one of the root causes of trafficking in human beings), and to strengthen coordination and cooperation among relevant actors at national and international level.

Protecting victims means placing the needs and safety of victims at the heart of all measures. This includes, for instance: to ensure that professionals (police officers, social workers, labour inspectors, medical doctors, support providers, etc.) are trained to identify victims; to allow them a reflection and recovery period of at least 30 days; to issue residence permits if their personal situation so requires or if they need to stay in the country in order to co-operate with the authorities; to provide specialised assistance, including appropriate and secure accommodation, psychological assistance, access to emergency medical treatment, counselling and information, assistance during criminal proceedings etc. ; repatriation and reintegration programmes must be

established taking into account the need to avoid re-victimization. Special measures are foreseen for the protection of child victims.

The Convention requires that trafficking in human beings must be criminalised and punished appropriately. This includes, inter alia, criminalizing the different forms of trafficking in human beings, include the possibility of legal persons to be identified as perpetrators, and effectively investigate trafficking cases. Victims are entitled to information regarding their rights and all relevant procedures, in a language which they can understand, to legal assistance and to free legal aid under specific conditions, and if necessary to protection from potential retaliation or intimidation by the traffickers. They also have a right to financial compensation for the damages suffered.

#### HOW IS THE IMPLEMENTATION OF THE CONVENTION MONITORED?

The convention sets up a monitoring mechanism to assess its implementation. This mechanism consists of two pillars: the Group of Experts on Action against Trafficking in Human Beings (GRETA), an independent expert body, and the Committee of the Parties, a body composed of official representatives of the States Parties to the Convention. Their findings and recommendations help to ensure states' compliance with the convention and guarantee its long-term effectiveness. To date, GRETA is undertaking its third evaluation round, focusing on access to justice and effective remedies for victims of trafficking.

[Text of the Convention](#)

[Chart of Signatures and ratifications](#)

[Website of the Convention](#)

**THE ANTI-  
CORRUPTION  
AND  
INTEGRITY  
ANGLE**

## **Council of Europe Convention on the Manipulation of Sports Competitions (Macolin Convention)**

### WHAT IS THE PURPOSE OF THE CONVENTION?

The main objectives of the Convention on the Manipulation of Sports Competitions are:

- to prevent, detect and sanction national or transnational manipulation of national and international sports competitions as well as
- to promote national and international co-operation between the public authorities concerned, as well as with organisations involved in sports and in sports betting.

The Convention builds upon the Council of Europe expertise in fighting corruption and money laundering and in defending sports integrity. It defines “Manipulation of sports competitions” as “an intentional arrangement, act or omission aimed at an improper alteration of the result or the course of a sports competition in order to remove all or part of the unpredictable nature of the aforementioned sports competition with a view to obtaining an undue advantage for oneself or for others”. It is compatible with all types of sports betting market organisation (prohibition, monopoly, market open to licensed operators or free market).

Into force since 2019, the Convention binds now seven Council of Europe States, although its provisions are already informing policies and legislation in many countries around the world. It has also triggered the creation of the Council of Europe network of National Platforms (also called Group of Copenhagen) which counts now 33 platforms and is leading international cooperation on the basis of the Convention’s provisions. The Convention establishes a robust framework for multi-stakeholder cooperation to fight a global phenomenon and is therefore open to accession by States from all regions.

### WHAT DOES THE CONVENTION REQUIRE STATES TO DO?

The Convention requests States, inter alia to:

- identify a national platform addressing manipulation of sports competitions, co-ordinate the policies and action of all the public authorities concerned and encourage sports organisations, competition organisers and sports betting operators to co-operate;
- identify, analyse and evaluate the risks associated with the manipulation of sports competition;
- promote reporting as well as effective mechanisms to facilitate the disclosure of any information concerning potential or actual cases of manipulation of sports competitions, including adequate protection for whistleblowers;
- take measures regarding the financing of sports organisations and the functioning of betting regulatory authorities as well as betting operators;
- fight illegal sport betting;



- criminally sanction manipulation of sports competitions when it involves either coercive, corrupt or fraudulent practices, as defined by its domestic law.

#### HOW IS THE IMPLEMENTATION OF THE CONVENTION MONITORED?

The Convention sets up a monitoring mechanism to assess its implementation: the Follow-up Committee. This Committee met for the first time in November 2021 and is composed of national delegations of the States Parties, as well as participants and observers from States, civil society and other international organisations. The Committee is assisted by Advisory Groups and Ad Hoc Working Groups.

[Text of the Convention](#)

[Charter of signatures and ratifications](#)

[Website of the Convention](#)

## The Council of Europe Anti-doping Convention

### WHAT IS THE PURPOSE OF THE CONVENTION?

The Council of Europe anti-doping Convention was the first international legal instrument in the fight against doping. It opened for signature on 16<sup>th</sup> November 1989 and entered into force on 1 March 1990. It has been [ratified by 52 states](#): all 47 Member States of the Council of Europe and five non-Member States - Australia, Belarus, Canada, Morocco, Tunisia

On 1 April 2004 an [Additional Protocol to the Convention](#) (ETS 188) entered into force with the aim of ensuring the mutual recognition of anti-doping controls and of reinforcing the implementation of the Convention using a binding control system.

### WHAT DOES THE CONVENTION REQUIRE STATES TO DO?

States are, inter alia, required to:

- restrict the availability and use of banned doping agents and methods;
- take measures to establish doping control laboratories and support sports organisations access to them;
- to devise and implement educational programmes and information campaigns emphasising the dangers to health inherent in doping and its harm to the ethical values of sport;
- encourage and promote research, in co-operation with the regional, national and international sports organisations concerned, into ways and means of devising scientifically-based physiological and psychological training programmes that respect the integrity of the human person;
- encourage their sports organisations and through them the international sports organisations to formulate and apply all appropriate measures, falling within their competence, against doping in sport, including by clarifying and harmonising their respective rights, obligations and duties;
- co-operate closely on the matters covered by the convention and encourage similar co-operation amongst their sports organisations.

### HOW IS THE IMPLEMENTATION OF THE CONVENTION MONITORED?

The Monitoring Group of the Anti-Doping Convention (T-DO) is the body in charge of monitoring the implementation of the Anti-Doping Convention. It is composed of governmental experts and officials from anti-doping organisations and sports federations who lead the monitoring work of anti-doping policies among its 52 States Parties

It is assisted in its work by four permanently functioning Advisory Groups:

- Advisory Group on Compliance (T-DO COMP)
- Advisory Group on Education (T-DO ED)
- Advisory Group on Legal Issues (T-DO LI)
- Advisory Group on Science (T-DO SCI)

The T-DO:

- launches an annual questionnaire among the States Parties on their national anti-doping policies and practices, analyses the results and suggests improvements;
- carries out [evaluation visits](#) to assist States Parties putting in place policies and programmes which help to comply with the requirements laid down in the Convention and
- helps the States Parties to implement the Convention by adopting specific recommendations on issues of common concerns, such as
  - [independence](#) and fairness (*work in progress*) of hearing process in antidoping;
  - on [sharing information](#) between law enforcement and anti-doping agencies;
  - on ensuring whistleblower protections (*work in progress*)

[Text of the Convention](#)

[State of signatures and ratifications](#)

[Text of the additional protocol](#)

[Website](#)

## **Council of Europe Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events (Saint-Denis Convention)**

### WHAT IS THE PURPOSE OF THE CONVENTION?

The purpose of the Council of Europe Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events is to ensure that football and other sports events provide a safe, secure and welcoming environment for all individuals inside and outside of sports venues. It does so by promoting integrated measures (including balancing the safety, security and service pillars) and a multiagency approach involving a plurality of equally important public and private actors.

The Convention builds upon the experience accumulated through the implementation of the European Convention on Spectator Violence (1985). In addition to being a tool for safeguarding the rule of law, it promotes and protects the fundamental rights of all participants in sporting events, namely the right to life, liberty, security and peaceful assembly and the prohibition of discrimination.

Opened for signature in 2016, it is the only international legally binding instrument establishing institutional cooperation between all relevant stakeholders in the field of safety, security and service at sports events. It binds already 20 European States and is open to accession by States from all regions in the world with the State of Qatar having already requested to accede.

The Convention is complemented by a Recommendation which includes good practices and a checklist for policy makers and practitioners.

### WHAT DOES THE CONVENTION REQUIRE STATES TO DO?

The Convention requests States to:

- promote, ensure and respect human rights of all participants in sporting events;
- encourage public bodies and private stakeholders – national government, municipal authorities, police, football authorities, supporters and local communities - to adopt national strategies and coordination arrangements, and work together in the preparation and running of football matches and other sports events;
- ensure that sports infrastructures and event operations management comply with national and international standards and regulations, for effective crowd management and safety; and
- ensure that spectators feel welcome and well-treated throughout events, including by making venues more inclusive and accessible.

### HOW IS THE IMPLEMENTATION OF THE CONVENTION MONITORED?

The Convention sets up a monitoring mechanism to assess its implementation: the Committee on Safety and Security at Sports Events. The Committee is composed of national delegations of the States Parties, as well as participants and observers from States, civil society and other international organisations. The Committee is assisted by Advisory Groups (on Legal Issues, Monitoring and International Cooperation), and Ad Hoc Working Groups (on European and World competitions, e.g., EURO 2021 and Football World Cup Qatar 2022).

[Text of the Convention](#)

[Charter of signatures and ratifications](#)

[Website of the Convention](#)

## Group of States against Corruption (GRECO)

### WHY A BODY AGAINST CORRUPTION

Corruption poses threats to the very essence and core values of our societies and institutions, i.e. pluralist democracy, human rights and the rule of law. It undermines fairness, justice and the equal treatment of citizens, endangers good governance and the stability of democratic institutions, it distorts competition and hinders economic development and the moral foundations of society. Corruption is not limited to the national context and takes many forms. It appears at all levels of society – in the public sector as well as in the private sector.

### WHAT IS GRECO

the Group of States against Corruption (GRECO) was established in 1999 by the Council of Europe to monitor States' compliance with the organisation's anti-corruption standards. GRECO's objective is to improve the capacity of its members to fight corruption by monitoring their compliance with Council of Europe anti-corruption standards through a dynamic process of mutual evaluation and peer pressure. It helps to identify deficiencies in national anti-corruption policies, prompting the necessary legislative, institutional and practical reforms. GRECO also provides a platform for the sharing of best practice in the prevention and detection of corruption.

Membership in GRECO, which is an enlarged agreement, is not limited to Council of Europe member States. Any State which took part in the elaboration of the enlarged partial agreement, may join by notifying the Secretary General of the Council of Europe. Moreover, any State which becomes Party to the Criminal or Civil Law Conventions on Corruption automatically accedes to GRECO and its evaluation procedures. Currently, GRECO comprises 50 member States (48 European States, Kazakhstan and the United States of America).

### HOW DOES GRECO WORK

Corruption needs to be addressed with a multidisciplinary approach. The Group of States against Corruption (GRECO) has a broad focus in countering corruption by recommending remedial action to States (institutions and bodies). It monitors observance of the Council of Europe's anti-corruption legal instruments (including the Twenty Guiding Principles for the Fight against Corruption, the Criminal Law Convention on Corruption and its Additional Protocol, the Civil Law Convention on Corruption, the Recommendation on Common Rules against Corruption in the Funding of Political Parties and Electoral Campaigns), as well as other Council of Europe instruments of relevance, e.g. on whistleblowers, access to official documents and lobbying. It also considers instruments and opinions of other mechanisms of the Council of Europe, such as the Venice Commission, the Consultative Council of European Judges, the Consultative Council of European Prosecutors, and the case law of the European Court of Human Rights. GRECO's evaluation, compliance and *ad hoc* procedures contribute to strengthening the credibility of, and trust in, public, political and private institutions, nationally and internationally.

GRECO divides its monitoring work into evaluation rounds, each covering specific themes and/or sectors of society, such as incrimination, political financing, members of parliament, government officials, judges, etc. The monitoring combines a dynamic process of mutual evaluation and peer pressure, leading to country specific evaluation reports, including a detailed analysis and a set of tailor-made recommendations drawn up following an on-site visit and validation by GRECO.

Subsequent impact assessments (“compliance procedures”) serve to verify achievements and to further progress towards compliance with GRECO’s recommendations. In addition, GRECO can address urgent issues, such as institutional or legislative changes in member States through its special *ad hoc* procedure. A high profile is maintained in external relations to secure additional support. In this context, GRECO maintains an effective co-operation and coordination with its observers, notably the United Nations, the OECD, OSCE/ODHIR, International IDEA and the European Union.

The GRECO mechanism ensures the scrupulous observance of the principle of equality of rights and obligations among its members. All members participate in, and submit themselves without restriction to, the mutual evaluation and compliance procedures.

[Welcome to the GRECO website \(coe.int\)](http://coe.int)

# **THE HUMAN RIGHTS ANGLE**



# **Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention)**

## **WHAT IS THE PURPOSE OF THE CONVENTION?**

The Council of Europe Convention on preventing and combating violence against women and domestic violence is the most far-reaching international treaty to tackle this serious violation of human rights. It also seeks to change the hearts and minds of individuals by calling on all members of society, in particular men and boys, to change their attitudes. In essence, it is a renewed call for greater equality between women and men, because violence against women is deeply rooted in the inequality between women and men in society and is perpetuated by a culture of intolerance and denial. The Convention sends a clear message that violence against women and domestic violence are not private matters.

The convention covers all women and girls, from any background. When serving victims, there shall be no discrimination, on any ground. States are also encouraged to apply the convention to other victims of domestic violence, such as men, children and the elderly.

The Convention has been signed by 45 Council of Europe member States and ratified by 34. The Convention is open for accession to states which are not members of the Council of Europe. Tunisia and Kazakhstan have requested and obtained to be invited to accede.

## **WHAT DOES THE CONVENTION REQUIRE STATES TO DO?**

Preventing violence, protecting victims and prosecuting the perpetrators are the cornerstones of the Convention.

Preventing violence means, inter alia, to change attitudes and harmful stereotypes that make violence against women acceptable; to train professionals working with victims; to raise awareness of the different forms of violence and their traumatising nature; to include teaching material on equality issues in the curricula at all levels of education; to co-operate with NGOs, the media and the private sector to reach out to the public.

Protecting victims means to ensuring that the needs and safety of victims are placed at the heart of all measures. This includes, for instance: to set up specialised support services that provide medical assistance as well as psychological and legal counselling to victims and their children; to set up shelters in sufficient numbers and introduce free, round-the-clock telephone helplines.

The Convention requires that violence against women must be criminalised and punished appropriately. This means introducing offences, such as domestic violence, sexual violence, female genital mutilation, forced marriage, stalking, sexual harassment, forced abortion and forced sterilisation in national legal systems. It also means ensuring that excuses on the grounds of culture, custom, religion or so-called "honour" are unacceptable for any act of violence, that victims have

access to special protection measures during investigation and judicial proceedings, and that law enforcement agencies respond immediately to calls for assistance and manage dangerous situations adequately.

Finally, the Convention requires that all these measures form part of a comprehensive and coordinated set of policies, involving state agencies and NGOs, and offer a holistic response to violence against women and domestic violence.

#### HOW IS THE IMPLEMENTATION OF THE CONVENTION MONITORED?

The convention sets up a monitoring mechanism to assess its implementation. This mechanism consists of two pillars: the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), an independent expert body, and the Committee of the Parties, a political body composed of official representatives of the States Parties to the Convention. Their findings and recommendations help to ensure states' compliance with the convention and guarantee its long-term effectiveness. To date, 17 States parties have received their first GREVIO baseline evaluation report.

[Text of the Convention](#)

[Chart of Signatures and ratifications](#)

[Website of the Convention](#)

## **Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention)**

### WHAT IS THE PURPOSE OF THE CONVENTION?

The Council of Europe Convention on the protection of children against sexual exploitation and sexual abuse is a human rights treaty dedicated specifically to prevent and respond to all forms of sexual violence against children. By putting children's rights at its heart, it adopts a victim-centred approach with far reaching provisions that improve systems and services therefore helping States to fight against all forms of violence against children.

It is open to accession by any country in the world. It already binds the 47 Council of Europe member States, with Tunisia being the first non-European State to accede.

The Lanzarote Convention inspires legislation and policies in all regions, helping countries and organisations to deliver on their commitment towards the UN SDGs by ending abuse, exploitation, trafficking and all forms of violence against children by 2030.

### WHAT DOES THE CONVENTION REQUIRE STATES TO DO?

Preventing sexual violence against children, protecting the victims and prosecuting the offenders are the cornerstones of the Lanzarote Convention.

Preventing sexual violence against children means, inter alia, to provide children as early as possible with age appropriate sexuality education; to train professionals working with children; to screen persons working in close contact with children prior to their recruitment, to co-operate with NGOs, the media and the private sector to raise awareness as well as to monitor intervention programmes and measures for potential and convicted sexual offenders.

Protecting children victims of sexual violence means ensuring that their rights and needs are placed at the heart of all measures. This includes, inter alia to set up specialised child-friendly support services that provide medical assistance as well as psychological and legal counselling; to support the setting up of helplines to provide advice even confidentially and to ensure child friendly investigation and judicial proceedings protecting the victims' safety, privacy, image and identity.

The Lanzarote Convention requires that sexual violence against children be criminalised and punished appropriately. This includes introducing child sexual abuse as a criminal offence even when a child has reached the legal age of sexual consent if the offender abuses a position of trust, authority or influence or takes advantage of a vulnerability of the child. It also requires States to criminalise sexual exploitation of children through prostitution; coercing or causing a child to participate in pornographic performances; solicitation of a child for sexual purposes and conducts related to child sexual abuse material. It also means that citizens and residents of a State Party to the Convention can be prosecuted for certain offences even if the act is committed abroad and not criminalised in the place where it is committed. It also requires that measures be taken to ensure

that offences established in accordance with the Convention are punishable by effective, proportionate and dissuasive sanctions and that the statute of limitation continues for a period of time sufficient to allow the efficient starting of proceedings after the victim has reached the age of majority.

Finally, the Convention requires that all these measures form part of a comprehensive and co-ordinated set of policies, involving state agencies and NGOs, and offer a holistic response to sexual violence against children.

#### HOW IS THE IMPLEMENTATION OF THE CONVENTION MONITORED?

The Lanzarote Committee is the body in charge of ensuring the effective implementation by States Parties of the Lanzarote Convention. It does so by monitoring how they put the Convention into practice through legislation, policy and other measures. The Committee's findings are included in "implementation reports" that identify promising practices and highlight gaps requiring action. The Committee facilitates the collection and exchange of information and good practices between States Parties, continuously building their capacity to prevent and combat sexual violence and to implement the Convention in light of the evolving challenges.

The Lanzarote Committee is composed of one representative per State Party who is a national expert in this field. Other stakeholders regularly and actively contribute to the Committee's work, including representatives of civil society, Ombudspersons and National Human Rights Institutions and relevant international organisations. The Committee also encourages child participation to ensure that children's voices are taken into account in its monitoring rounds and work in general.

[Text of the Convention](#)

[Charter of Signatures and ratifications](#)

[Website of the Lanzarote Convention](#)

## **The Council of Europe and abolition of the death penalty**

The death penalty is a cruel, inhuman, irreversible and discriminatory punishment. It has no restorative effect on victims of crime, it has no proved dissuasive effect. It is incompatible with fundamental rights, socially unnecessary and morally unacceptable. Killing to punish perpetuates a cycle of senseless violence. The Council of Europe is firmly opposed to the death penalty in all circumstances and is resolutely committed to securing its abolition worldwide.

The territory of the 47 Council of Europe member states is a death-penalty-free zone, where no executions have taken place since 1997. The absolute ban on the death penalty in all circumstances is entrenched in both Protocols No 6 and No 13 to the European Convention on Human Rights. Protocol No 6, which prohibits the death penalty in peace time, was signed by all 47 member states. The Russian Federation, which put in place a moratorium on the death penalty following a judgment of the Constitutional Court of the Russian Federation, has not ratified it yet. Protocol No. 13, prohibiting the death penalty during war time, entered into force on 1 July 2003. It has been ratified by 44 member states. Armenia signed this Protocol but has not ratified it yet; two member states have not yet signed it (Azerbaijan and the Russian Federation). Since 2001, the Committee of Ministers has held regular exchanges of views on the abolition of the death penalty in all member states.

During the Second Summit of Heads of States and Governments in 1997, the member states called for the universal abolition of the death penalty. Thus, the Council of Europe welcomes the global trend towards abolition of the death penalty and encourages all member states to urge the authorities of those countries which still use the death penalty to follow this global trend; in this context, it welcomed the adoption on 12 December 2020 by the United Nations General Assembly of a resolution calling for a worldwide moratorium on the use of the death penalty.

Although it is not a member State, specific attention is paid to Belarus, the only European country where capital punishment still exists. While a formal moratorium could be a first step, all executions should be stopped, with the executions of those on death row put on hold. Alternative punishments, including life sentence, are available in the Criminal Code and should be used systematically. Deploring the executions that took place over the years, the Council of Europe has reiterated its readiness to provide the authorities of Belarus with assistance to formalise these steps<sup>1</sup>. Fostering the dialogue on the issue of the death penalty is therefore a priority of the Council of Europe Action Plan for Belarus 2019-2021, in close co-operation with the Belarussian Parliamentary Working Group on the abolition of death penalty. The Parliamentary Assembly of the Council of Europe is engaged in parallel exchanges with the National Assembly of Belarus. The Council of Europe stands ready to provide support to the relevant authorities, the Parliamentary Working Group, and work with civil society and the media to raise awareness among the population of the death penalty issue and to rally greater public opinion support in favour of abolition.

The Council of Europe is also attentive to the situation in two of its observer states, Japan and the United States, where the death penalty is still in force. The Committee of Ministers of the Council

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<sup>1</sup> See statement on reported executions of Mr Syamyon Berazhny and Mr Ihar Henrshankow in October 2018, Declaration of 19 June 2019 on execution of Mr Alyaksandr Zhylnikau and planned execution of Mr Vyachaslau Sukharko

of Europe has repeatedly regretted that executions continue to be carried out in these two countries<sup>2</sup>. The developments in the U.S. have been of particular concern, firstly, with the decision of the U.S. administration to resume federal executions in July 2020, after a nearly two-decade interruption, and then, with executions being carried out during a presidential transition for the first time since 1889.

The Parliamentary Assembly of the Council of Europe has actively contributed to the advocacy against the death penalty since the sixties. More recently, on 11 October 2018, the Committee on Legal Affairs and Human Rights completed a report on the Abolition of the death penalty. It provides an overview of the international and European legal framework, highlighting the situation in Council of Europe member states (the Russian Federation), observer states (United States, Japan and Israel) and states whose parliaments hold “Partner for democracy” status (Kazakhstan and Belarus). The report examines thoroughly the conditions and methods of executions and cases of death sentences carried out in those countries where the death penalty is still applied with respect to people with mental disability, mental illness, minors, elderly people, women and foreign nationals, including those deprived of the consular assistance they are entitled to under the Vienna Convention on consular relations of 24 April 1963.

In Spring 2021, the Committee of Ministers will adopt a recommendation to member states concerning the trade in goods used for torture or other cruel, inhuman or degrading treatment or punishment and the death penalty. The aim of the recommendation is to strengthen international regulations to ensure that the activities of Council of Europe member states comply with their human rights obligations to prevent torture, ill-treatment and the death penalty. It includes an exhaustive appendix of the law enforcement equipment and weapons designed to or that can be misused to torture and ill-treat people, such as for example body worn electric shock devices, mechanical restraints or kinetic impact weapons, and investigates the misuse of pharmaceutical chemicals for lethal injection executions.

On the occasion of the European and World day against the death penalty, the High Representative for Foreign Affairs and Security Policy, on behalf of the EU, and the Secretary General of the Council of Europe issue a joint statement every year on 10 October.

Abolition of the death penalty is not an end in itself. The Council of Europe is also engaged in supporting its member states to move from punitive justice to restorative justice, bearing in mind the victims’ rights and the legitimate right for detainees to hope for their release and reintegration into society. To this effect, in the framework of cooperation projects, the Council of Europe supports its member states and beyond to build criminal justice systems that will guarantee justice for all.

Website: [Europe against the death penalty](#)

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<sup>2</sup> See statement of 15 November 2018 on the execution of Mr. Roberto Ramos Moreno in Texas.

## The criminal justice sector

### Assessment of legal framework

- Assessment of a draft Law on amendments to the criminal procedure code of Ukraine – [Publication](#)
- Expert opinion on the draft law of Ukraine on amending certain legislative acts concerning simplification of pre-trial investigation of certain categories of criminal offences – [Publication](#)
- Expert assessment of the draft Law on amendments to the Criminal procedural code of Ukraine of the part of securing the implementation of the functions of the Prosecutor's Office – [Publication](#)
- Expert assessment of selected provisions of the draft Law amending Code of administrative offences, Criminal Code and Criminal Procedure Code of Ukraine in view of implementation of the ECtHR judgments – [Publication](#)
- Legal framework for the re-examination and re-opening of criminal proceedings following the finding of a violation by the European Court of Human Rights (assessment of legal framework of Albania) – [Publication](#)
- Analysis of the current legal framework in respect of effective remedies for the protection of the right to a fair trial within a reasonable time (Montenegro) - [Publication](#)
- Analysis of penal policy in domestic violence criminal and misdemeanour proceedings in Montenegro – [Publication](#)

### Studies/analysis

- Supporting the criminal justice reforms – tackling the criminal aspects of the judicial reforms in Georgia – [Publication](#)
- Comparative studies on the functioning of training institutions for prosecutors in Europe – [Publication](#)
- Comparative study on the workload of public prosecutors in selected Council of Europe member states – [Publication](#)
- Analysis of the Constitutional Court decisions (Montenegro) – [Publication](#)
- Comparative study on criminal responsibility of judges for deliberately unjust judgements – [Publication](#)

### Publications/researches

- Prohibition of torture, application of international standards guaranteed by Articles 3 and 6 of the European Convention of Human Rights in National Legal practice (Georgia) – [Publication](#)

- Report on the research on the application of pre-trial detention in the Republic of Moldova – [Publication](#)
- Human rights and criminal procedure – the case law of the European Court of Human Rights – [Publication](#)
- Handbook for legal practitioners – Protecting the right to a fair trial under the European Convention on Human Rights – [Publication](#)
- The right to trial within a reasonable time under Article 6 of ECHR – [Publication](#)
- Providing effective remedies to secure criminal proceedings within a reasonable time: a comparative study - [Publication](#)
- Effective remedies for length of proceedings – [Publication](#)

#### **Training materials**

- Training manual on the prohibition of torture and inhuman and degradation treatment and punishment for judges and prosecutors (Montenegro)– [Publication](#)
- The right to a fair trial and the re-opening of criminal proceedings (Albania) - [Publication](#)
- Training manual on Article 3 (Prohibition of torture) for Macedonian judges and prosecutors – [Publication](#)
- Training manual on Article 5 (Right to liberty and security) for Macedonian judges and prosecutors – [Publication](#)
- Training manual on Article 6 (Right to a fair trial) for Macedonian judges and prosecutors – [Publication](#)



## Falsification of medical products

The **falsification of medical products** and **similar crimes** are **transnational crimes** which violate the right to life and the right to the protection of health.

These crimes have **grown exponentially during the pandemic crisis**. Traditional organised criminal networks have been reinforced thanks to the commission of other similar crimes such as the theft, fraudulent scams, the diversion of legitimate vaccines and their reintroduction into the legal supply chain or black market.

The [MEDICRIME Convention](#) is the **only criminal-law instrument** countering these criminal activities. The purpose of this Convention is to **prevent** and **combat** threats to public health by the **3Ps** (**P**rosecuting these acts, **P**rotecting the rights of victims and **P**romoting national and international co-operation). It is a convention **open to any country** in the world upon invitation by the Committee of Ministers.

- 18 States have ratified the Convention (from which 3 African countries<sup>[1]</sup>),
- 14 States have signed the Convention (from which 3 non-European countries<sup>[2]</sup>)
- 3 countries have been invited by the Committee of Ministers<sup>[3]</sup>.

Efficient **international cooperation** in criminal matters is key for the purpose of investigations or proceedings concerning the offences established in accordance with the convention and to cope with situations where perpetrators from one country attack victims based in other countries.

The **MEDICRIME Committee of the Parties** is the monitoring body of the Convention.

28 October 2021, is the **10th anniversary** of the opening for signature of the convention. An international online conference will be organised and other different online webinars.

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<sup>[1]</sup> Benin, Burkina Faso, Guinea.

<sup>[2]</sup> Israel, Ivory Coast, Morocco.

<sup>[3]</sup> Congo, Niger and Tunisia. (Niger will sign the Convention on Friday 19 February 2021).

## Trafficking in human organs

The **trafficking in human organs (THO)** is a transnational crime which violates human rights and human dignity and constitutes a direct threat to public health, integrity and often the life of individuals.

The **shortage of organs**, disparities accentuated by the economic crisis, the vast differences between health systems, and the voracity of unscrupulous traffickers have, in recent years, led to an **increase in transplant tourism** and the development of an **international organ trade** where potential recipients travel abroad to obtain organs from impoverished people through commercial transactions.

The [Council of Europe convention against the trafficking in human organs](#) is the only **criminal-law instrument** countering this criminal activity. The purpose of this Convention is to **prevent** and **combat** threats to public health by the **3Ps** (**P**rosecuting these acts, **P**rotecting the rights of victims and **P**romoting national and international co-operation). It is a convention **open to any country** in the world upon invitation by the Committee of Ministers.

- 11 States have ratified the Convention,
- 15 States have signed the Convention (from which 1 non-European country<sup>[4]</sup>).

Efficient **international cooperation** in criminal matters is key for the purpose of investigations or proceedings concerning the offences established in accordance with the convention.

The Committee of the Parties is the monitoring body of the Convention working at a global level

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<sup>[4]</sup> Costa Rica.



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