



## NEWSLETTER

### DGI - Human Rights and Rule of Law

### February 2024

#### CPT (Secretariat of the Committee for the Prevention of Torture and inhuman or degrading Treatments or Punishments)

The CPT published two reports in February, along with the government's responses:

- the report on the ad hoc visit to the [United Kingdom](#) which took place from 27 March to 6 April 2023. The visit focused on the treatment and conditions of detention of persons deprived of their liberty under immigration law, both in immigration detention centres and in prisons.
- the report on its visit to [Poland](#), carried out from 21 March to 1 April 2022, during which particular attention was paid to the treatment and conditions of detention of persons in police custody, foreign nationals detained in Border Guard establishments, remand prisoners and forensic psychiatric patients.

The Committee carried out two ad hoc visits in February:

- to [Türkiye](#) from 13 to 22 February with the aim of assessing the situation in high-security prisons. This visit also focused on the situation regarding LGBTI and women prisoners; and
- to [Lithuania](#) from 12 to 22 February, with the objective to examine the progress made in the implementation of the CPT recommendations concerning the treatment and conditions of detention of persons held in prison establishments.

A CPT delegation, led by President Alan Mitchell, held [high-level talks](#) in Podgorica (Montenegro) on 15 and 16 February 2024, with the Deputy Prime Minister, the Minister of the Interior as well as with senior officials from the Ministry of Justice and the Administration of Enforcement of Criminal Sanctions and the Supreme State Prosecutor. The delegation also participated in a Roundtable meeting, which it co-hosted with the Montenegrin non-governmental organisation, Human Rights Action.

## Implementation of Human Rights, Justice and Legal Co-operation Standards

On 29 February and 1 March, a Seminar for HELP Contact Points from **EU Member States** focused on Rethinking human rights training in EU MS. It aimed at highlighting the impact of human rights training in delivering justice and the role of national training institutions for legal professionals; presenting the developments and the new/updated HELP courses; developing strategies for fostering effective human rights training; and mapping priorities and discussing future opportunities for implementing HELP courses in EU MS.



Key activities in bilateral co-operation projects include: **Albania**: a [Training of Trainers session](#); **Armenia**: a round table on reasonable time of proceedings; **Croatia**: as part of the "[Digital by Default](#)" project, change management coaching sessions were held with ministries and state authorities, to support them in their transition to e-communication with the courts; **Georgia**: [a series of capacity-building activities](#) for the General Prosecutor's Office; **Montenegro**: two workshops on the revision of the laws on judicial council and judges; **Republic of Moldova**: a workshop for judges on release of life-sentenced prisoners and the application of amnesty (photo), launch of a [HELP Course](#); **Türkiye**: two simultaneous training of trainers' sessions for judges and prosecutors and a seminar for judges of high Courts; **Ukraine**: a high-level conference "United for Justice. United for Heritage" (photo), [a follow-up session](#) aimed at strengthening the institutional and professional capacity of the Department of International Legal Cooperation of the Office of the Prosecutor General, and a training of judges of the High Anti-Corruption Court. In **Kosovo\***: [a workshop](#) was organised on the right to a fair trial. In **Morocco**, a day of presentation of the Collection of jurisprudence on the prevention of torture and cruel, inhuman or degrading treatment or punishment was organised in partnership with the National Human Rights Council (CNDH).



## Execution of Judgments of the ECtHR

The Department for the Execution of Judgments participated in the [Meeting of the Monitoring Committee of the Congress of Local and Regional Authorities](#) (which examines the compliance by member States with the European Charter of Local Self-Government), organised as a follow-up to the Reykjavík Declaration.

The Director General of Human Rights and Rule of Law and the Department attended a high-level technical meeting in **Ankara** with **representatives** from the Presidency, various Departments of the Ministry of Justice and the Ministry of Foreign Affairs. The meeting was organised as a follow-up to the Secretary General's official visit to Türkiye on 13 November 2023. A number of both judicial and non-judicial remedies still available in the Turkish legal system for the implementation of the individual measures in the [Kavala case](#) were discussed in detail.

The Department virtually participated in the [Roundtable](#) "Harmonisation of Ukrainian legislation with European standards in the field of combating discrimination and ensuring diversity", and held online [consultations with the High Council of Justice of Ukraine](#) to discuss the judiciary's role in the implementation of certain ECHR judgments.



It accompanied the Director General of Human Rights and Rule of Law and the Secretary to the Venice Commission in [high level-meetings in Warsaw](#) with the Ministry of Justice and the Ministry of Foreign Affairs to discuss the execution of cases concerning the rule of law in **Poland**.

It further went on mission to **Lithuania** and held [meetings with the Minister of Justice](#) as well as [other authorities](#). The Department also met online with the **United Kingdom** authorities' working on the implementation of the [V.C.L. and A.N.](#) case (scheduled for examination at the CM Human Rights meeting in September 2024) to discuss the preparation of the upcoming action plan.

Lastly, the Department was engaged in the preparation of the CM 1492nd **Human Rights meeting on 12-14 March**, whose [indicative agenda](#) includes 39 ECHR judgments or groups, and it is working on the preparation of the upcoming [High-Level Conference 'Of Unsound Mind': Convention-compliant approaches to the execution of judgments concerning involuntary detention and treatment on mental health grounds](#), which will be held on 27 March in Strasbourg in cooperation with the CM **Presidency of Liechtenstein**.

## Human Rights, Justice and Legal Co-operation Standard-Setting activities

### Human Rights Intergovernmental Co-operation:

The CDDH Drafting Group on Human Rights in situations of crisis ([CDDH-SCR](#)) finalised at its [6<sup>th</sup> meeting](#), from 31 January to 2 February, a [draft Committee of Ministers Recommendation](#) to member States on the effective protection of human rights in situations of crisis, along with a draft explanatory memorandum. The draft will be examined by the CDDH at its 100<sup>th</sup> meeting in June and, if approved, will be transmitted to the Committee of Ministers for adoption.

### Legal Co-operation:

On 20 February, the Committee of Experts on the Protection of Lawyers ([CJ-AV](#)) launched a stakeholder consultation process on the draft Convention for the protection of the profession of lawyer, involving a number of Council of Europe bodies, international organisations as well as a selection of international NGOs promoting and protecting the rights of lawyers. Contributions received will be taken into account in the finalisation of the draft Convention, which is due to be completed by the end of 2024.

The Consultative Council of European Prosecutors (CCPE) held its Bureau meeting and [40<sup>th</sup> Working Group meeting](#) in Strasbourg on 15-16 February 2024 to discuss the draft structure for CCPE Opinion No. 19 (2024) on managing prosecution services to ensure their independence and impartiality.

### European Commission for the Efficiency of Justice (CEPEJ):

During its [46<sup>th</sup> meeting](#) (7-8 February), the CEPEJ-GT-EVAL continued to prepare the next edition of the Evaluation Report on European judicial systems to be published in October 2024. The CEPEJ European Cyberjustice Network held a [webinar](#) on 20 February on generative AI tools, with a focus on tools from Portugal and Spain concerning communication with citizens on legal matters and summarising of texts.

The CEPEJ held a workshop on judicial inspection and judicial statistics in [Georgia](#) on 3 and 4 February, and one on CEPEJ tools on court efficiency and quality of justice in [Albania](#) on 9 February. The closing event for the CoE/EU cooperation project on legal aid and mediation took place in Riga, [Latvia](#), on 21 February. On 22-23 February, in the framework of a CoE/EU

project, CEPEJ experts visited the offices of the Attorney General and State Advocate of [Malta](#), in order to assess their functioning with regard to case flow, case management, timeframes of proceedings and statistics. The CEPEJ participated at an international conference on digital transformation, held on 8-9 February in Tangier, [Morocco](#).

## Digital Development and Governance

### **Data Protection and Artificial Intelligence**

The Digital Development and Governance Department contributed on 19<sup>th</sup> February to an on-line event organised by Ministry of Foreign Affairs of **Türkiye**, Department of Political Affairs, with support of Council of Europe, Co-operation Programmes Division, Türkiye Unit. Both the effects of the AI on Fundamental Rights and the Protection of Personal Data were presented to more than 60 participants from various Turkish ministries and bodies. The Department also participated in the Meeting on State of Artificial Intelligence Regulations, Policies, and Upcoming Challenges on 9 February in Rome, **Italy**. The conference brought together international organisations (OECD, NATO, COE), heads of data protection authorities (**IT, SP, JP, DE, FR, CAN, US, BE, EDPS**) and experts (Google, Meta, Microsoft, Mastercard, Novartis, etc) to discuss the current evolution of AI technologies and the international convergence towards common AI policies and regulations.

Mr Jean-Philippe Walter, the Council of Europe Data Protection Commissioner, carried out his working visit to the Organisation on 12-13 February. A series of meetings took place with a view of preparation of the Commissioner's annual activity report.

The Director of Security, Integrity and Rule of Law Hanne Juncher spoke at various events on AI organised in Brussels by the Financial Times and Google, by Meta, and by DigitalEurope and presented the work and aims of the future CoE Framework Convention on AI.

### **Cybercrime**

The Cybercrime Programme Office supported more than 25 activities that involved the following countries: **Australia, Benin, Brazil, Cabo Verde, Cameroon, Chile, Costa Rica, Dominican Republic, Egypt, Ethiopia, Fiji, Ghana, Gambia, Hungary, Japan, Kazakhstan, Kuwait, Latvia, Lebanon, Libya, Maldives, Mauritius, Morocco, Mozambique, Nigeria, Paraguay, Philippines, Senegal, Sri Lanka, Togo, Trinidad and Tobago, Tunisia, Vanuatu, Zimbabwe**.

**Grenada and Mozambique** [were invited](#) to accede to the Budapest Convention on Cybercrime.

Through [GLACY+](#) and [Octopus Project](#), participation of 53 experts from 48 countries in the [concluding session](#) of the Ad Hoc Committee to Elaborate a Comprehensive International Convention on Countering the Use of Information and Communications Technologies for Criminal Purposes (29 January - 9 February 2024, New York) was supported.

## Criminal law

The PC-ENV held its 3<sup>rd</sup> meeting on 27-29 February 2024 at the Council of Europe in Strasbourg. The drafting committee concluded the first reading of all provisions of the draft Convention on the Protection of the Environment through Criminal Law and held an exchange of views with the Director of Legal Advice and Public International Law. The PC-ENV started therefore the second reading of Articles 1 to 28. Several provisions were agreed upon, while others still require further analysis at the next meeting.

The 4<sup>th</sup> meeting of the PC-ENV will be held during the first week of June 2024 at the Council of Europe in Strasbourg. It will be devoted to the finalisation of the provisions of the draft Convention.

## GRECO



Group of States against Corruption

Groupe d'États contre la corruption

The GRECO Bureau met on 21 February 2024 in Paris. GRECO's Working Party for the 6th Evaluation Round held in Paris its second meeting on 20-21 February 2024 and finalized the draft Questionnaire which will be submitted for consideration to GRECO's 96<sup>th</sup> plenary meeting. Moreover, the GRECO Secretariat contributed to the event "European Perspectives on Combatting Corruption and Money Laundering: How is Nordic and European Best-Practice Applicable in **Bulgaria**?" organized in Sofia on 22-23 February 2024 by the **Nordic embassies in Bulgaria** (Finnish, Swedish and Danish) and the **Norwegian embassy in Romania** (accredited Bulgaria) in partnership with the Anti-Corruption Fund Foundation (ACF).

## Economic crime and corruption

### Economic Crime and Cooperation

- Representatives of the Ministry of Finances, Ministry of Environment and Prime Minister's office from **Armenia** benefited from comprehensive training sessions on "Applying the Model Rules of Conduct for Public Officials" facilitated by the Council of Europe and integrity officers previously formed as national trainers.
- A workshop for the representatives of the **Bulgarian** AML/CFT supervisory authorities – the Financial Intelligence Unit, National Revenue Agency and the Financial Supervision Commission – was held presenting the updated AML/CFT risk-based supervision manual, including the newly developed matrixes for the Virtual Asset Service Providers, Electronic Money Institutions, and Non-Profit Organisations.
- In cooperation with the **French** Financial Intelligence Unit, a multi-country workshop was organised on the topic of decentralised finance (DeFI), virtual assets (VAs) and related money laundering and terrorist financing risks. The event gathered Financial Intelligence Units' representatives from **Belgium, France, Germany, Ireland, Luxembourg, Malta, Norway** and **Spain** for exchanges of experience as regards the current needs and challenges in terms of capacities and capabilities required for addressing risks related to VAs, non-fungible tokens, DeFi products and services.
- Representatives of the Anti-corruption Bureau of **Georgia** benefited from support in identifying the necessary steps and measures for designing, coordinating and implementing national anti-corruption policy documents.
- An Opinion on the draft law on civil forfeiture of illegal assets was developed and submitted to the Ministry of Justice of the **Republic of Moldova**, the paper will inform the law-making process on possible ways to align the draft law with international standards and best practices for non-conviction-based forfeiture.
- Practitioners from the Ministry of Internal Affairs, General Inspectorate of Police, General Inspectorate of Border Police, General Prosecutor's Office and Customs Service from the Republic of Moldova were trained on corruption risk assessment and management practices, in line with international standards and national requirements.
- Supervisory authorities in **Serbia** benefited from a training on how to conduct entity level risk assessment and onsite and offsite supervision of Virtual Asset Service Providers (VASPs). Based on project inputs supervisors revised draft methodologies for entity level risk assessment, guidelines for inspection control and questionnaires for obliged entities.

- Justices of the High Anti-Corruption Court of **Ukraine** benefited from capacity building sessions covering the topics of adjudication of corruption cases and practice of specialised judges in the anti-corruption area, delivered upon the assistance request of the National School of Judges of Ukraine, as part of the annual training program.

### **MONEYVAL and Criminal Asset Recovery:**

MONEYVAL published its 5<sup>th</sup> round evaluation reports on **Montenegro (1 February 2024)** and on **Azerbaijan (12 February 2024)**, calling on the respective authorities to further strengthen measures to combat money laundering (ML), financing of terrorism (FT) and financing of proliferation (FP).

MONEYVAL continued its **assessment of Bosnia and Herzegovina**, with an on-site visit taking place from 12 to 28 February 2024. As a result, the mutual evaluation report is scheduled for discussion and adoption at the 68<sup>th</sup> plenary meeting of MONEYVAL (December 2024).



A MONEYVAL delegation, led by its President Mr Nicola Muccioli of **San Marino**, took an active part in the Financial Action Task Force (FATF) plenary and working groups meetings (Paris, 19 to 23 February 2024). At that occasion, [the President held a meeting with FATF President](#) T. Raja Kumar of Singapore and FATF Vice-President Jeremy Weil of **Canada**, to exchange views on a number of common priorities, strategic issues and continued cooperation within the global AML/CFT framework. The FATF plenary also decided that [Gibraltar will no longer be subject to the FATF's monitoring](#) under its ongoing compliance process (the so-called "grey list"), acknowledging the jurisdiction's significant progress in addressing AML/CTF issues previously identified during the mutual evaluation. Gibraltar is expected to continue working with MONEYVAL to sustain its improvements. MONEYVAL's financial scientific expert contributed to the event "European Perspectives on Combatting Corruption and Money Laundering: How is Nordic and European Best-Practice Applicable in **Bulgaria?** (Sofia, 22-23 February 2024, see above under GRECO).

On 15 February 2024 MONEYVAL held a first team meeting of [the typologies project "Proceeds and Conflict"](#). Led by **Ukraine**, the project aims at identifying money laundering trends and typologies connected to military conflicts and sharing good practices and potential risk mitigation actions.

The President of the Conference of the Parties to CETS 198 took part in 'Good Governance Forum 2024', organised by the Institute for Development of Freedom of Information (Tbilisi, 8 February 2024).

## **Directorate of Social Rights, Health and Environment**

A dedicated [webpage](#) of the new Directorate has been published. It is available at [www.coe.int/socialrights-health-environment](http://www.coe.int/socialrights-health-environment).

### **Social Rights**

On 6 February 2024, the Department of Social Rights organised an [online training session for National Human Rights Institutions and National Equality Bodies](#) on the monitoring procedures of the European Social Charter following the reform of the monitoring system of the Charter.

The decision of the European Committee of Social Rights (ECSR) on the merits in *Union Syndicale Solidaires SDIS v. France*, Complaints No. 176/2019 and No. 193/2020 became public on 14 February 2024.

The Committee of Ministers adopted the following recommendation and resolution on 14 February 2024 at the 1489th meeting of the Ministers' Deputies:

- [Recommendation CM/RecChS\(2024\)1](#), concerning the follow-up of the decision on the merits adopted on 4 July 2023 by the European Committee on Social Rights in the case *Associação Sindical dos Profissionais da Polícia (ASPP/PSP) v. Portugal*, Complaint No. 179/2019.
- [Resolution CM/ResChS\(2024\)1](#), concerning the follow-up of the decision on the merits adopted on 17 October 2023 by the European Committee on Social Rights in the case *Validity Foundation – Mental Disability Advocacy Centre v. Czechia*, Complaint No. 188/2019, thus making public the [decision on the merits](#).

On 14 February 2024, the Ministers' Deputies also adopted two declarations proposed by the European Committee for Social Cohesion:

- [Declaration on social cohesion at the crossroads](#);
- [Declaration on preserving social cohesion in the transition to a green economy](#).

In addition, the Ministers' Deputies adopted a [decision](#) confirming the High-level Conference on the European Social Charter in Vilnius, **Lithuania**, on 4 July 2024 and inviting GR-SOC to lead in the preparation of the conference.

On 22 February 2024, the Secretariat of the Department of Social Rights participated in an [exchange with the Department of Social Protection](#) of **Ireland** on the application of the European Code of Social Security by Ireland. Focus was put on the length of qualifying period for entitlement of unemployment and sickness benefits in Ireland.

## Reykjavik Process and Environment

The Intersecretariat **Task Force on the Environment** has carried out a stocktaking survey of existing activities, planned activities, and proposals for new ones. The results were presented and discussed at the 2<sup>nd</sup> meeting of the Task Force on 19 February 2024. The next meeting is scheduled for 15 March, with the aim to propose and debate on the elements of a first Council of Europe Strategy on the Environment and related action plan including standard-setting, monitoring and cooperation activities of existing and forthcoming environmental-related treaties, programmes and projects, as well as internal aspects, inter alia the "greening of the Council of Europe".

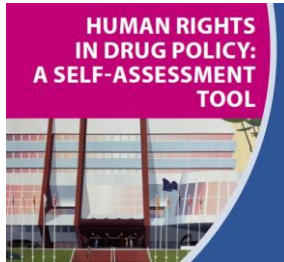
The Director of Social Rights, Health and Environment, Rafael Benitez, had an exchange of views with the rapporteur group on Human Rights (GR-H) on 20 February 2024. The exchange concerned the implementation of the Reykjavík process and the environment.

The **Group of Specialists on the European Diploma for Protected Areas** held its annual [meeting](#) on 20 and 21 February 2024 in Strasbourg. In particular, it recommended the renewal of the Diploma of seven protected areas, considered the application of the Sierra Nevada National Park in **Spain** for the European Diploma admissible and planned the celebration of the 60<sup>th</sup> anniversary of the European Diploma in 2025.

## Health, Detention and Addictions

### Pompidou Group

The Bureau met in Paris on 6 February. It endorsed the Secretariat proposals for the funding of the Pompidou Group's activities in 2024, agreed on the PG contribution to the 67<sup>th</sup> CND session (Vienna, 14-22 March) and prepared the meetings to be held in Naples on 30-31 May (94<sup>th</sup> Permanent Correspondents' meeting and Seminar on "Recovery").



At the 2<sup>nd</sup> meeting of the PG's Human rights expert group held its on 7 February 2024 in Paris a set of draft guidelines on aligning drug policies with human rights were finalising. It is envisaged that Permanent Correspondents will consider the document for adoption at their 94<sup>th</sup> meeting in May. In addition, the group conducted the first annual review of the use of the online application of the PG's Human Rights self-assessment tool.

The 3<sup>rd</sup> meeting of the Expert Group on 'Online Addictions' took place online on 21 February. Experts had a concluding discussion on their report on 'Risks and harms associated with online gaming and gambling' and agreed on the way towards preparing the draft guidelines for submission to Permanent Correspondents for consideration at their 94<sup>th</sup> meeting on 30 May 2024.

### Co-operation in Police and Deprivation of Liberty

In February, the Council of Europe handed over to the Ministry of Justice and the penitentiary administration of **Moldova** a new programme for rehabilitation of prisoners with alcohol addiction. The programme aims at increasing awareness of the causes of substance abuse, decreasing risky behaviour and reinforcing prisoners' social skills; it has been successfully piloted in 4 penitentiaries.

On 16 February in **Yerevan, Armenia** a representative stakeholder working group discussed the development of a tailored system for assessing probation staff performance, thus making an important step towards tangible improvement of efficiency and quality of the Armenian Probation service.

On 15 and 16 February in **Skopje, North Macedonia**, the members of the External Oversight Mechanism (EOM) that now also includes civil society representatives, improved further their skills in effectively investigating ill-treatment committed by persons with police authority. They also assessed the EOM performance up to date.

### Medicrime and Trafficking in Human Organs:

**Tunisia** signed the MEDICRIME Convention (7 February). Within the Central Asia Rule of Law Programme, the MEDICRIME Convention was introduced in a webinar organised (7-9 February) targeting judges of both the Supreme Court and Judicial Administration of the **Republic of Kazakhstan**. Within the framework of the CRIMFAMED project, legal support meetings have been organised (12 and 21 February) to accompany the **Ivory Coast** in its internal process of domestication of the MEDICRIME Convention.



## Partial agreement on the COE Development Bank (CEB)

On 6 February, the Chairperson of the Administrative Council of the CEB, Wioletta Barwicka-Lofthouse, paid a first visit to Strasbourg. On this occasion, she met the Director General of DGI, Christos Giakoumopoulos, as well the Director of Social Rights, Health and Environment, Rafael Benitez. Ms Barwicka-Lofthouse then joined an introductory presentation on the CEB, delivered by the CEB Chief of Staff, Stefania Bazzoni, to Governing Board members.



On 7 February, the CEB Governor, Carlo Monticelli, held the annual exchange of views with the Ministers' Deputies. In his statement, he highlighted the start of CEB's engagement with **Ukraine in Ukraine** as a direct response to the Reykjavik Declaration's call to support the reconstruction of the country. To further support operations on the ground, the CEB is planning to open a small liaison office on the premises of the Council of Europe offices in Kyiv. Moreover, the Governor commended member States for allowing the capital increase to become effective, as well as the CEB's performance throughout 2023, which allowed it to regain full Triple-A rating.

## Venice Commission

In the course of February, the Commission was engaged in the preparation of six opinions concerning: **Bosnia and Herzegovina** on certain questions relating to the functioning of the Constitutional Court; **Bulgaria** on the Code of Ethical Conduct for Judges and on the Code of Ethical Conduct for Prosecutors and Investigators; **Hungary** on the Act LXXXVIII of 2023 on the Protection of National Sovereignty; **Lebanon** on the draft law on the administrative judiciary; **Spain** on the rule of law requirements of amnesties, with particular reference to the parliamentary bill "on the organic law on amnesty for the institutional, political and social normalisation of Catalonia". Two reports (one on *bicameralism* and another on *rationalised parliamentarism and questions of confidence*), were also under preparation. These documents are planned to be discussed for adoption at the Commission's 138<sup>th</sup> Plenary Session, on 15-16 March 2023.

The Commission also conducted country visits in the framework of the preparation of the draft opinions on **Hungary**, and **Spain**. Online consultations were also organised in the context of preparation of the draft opinions on **Bosnia and Herzegovina** and on **Lebanon**.

On 26 and 27 February, the Director General Mr Giakoumopoulos and the Secretary to the Commission, Ms Granata-Menghini, met with the Minister of Justice and the Undersecretary of State in the Ministry of Foreign Affairs of **Poland** to discuss the rule of law reforms in preparation.

In addition, on 23 February, in the framework of the European Union/Council of Europe joint programme "Central Asia Rule of Law Programme", the Commission took part online in the Conference organised in Tashkent by the Ombudsman institution of **Uzbekistan** on "Human Rights an important factor of the sustainable development of States".

Lastly, the upgraded **CODICES database** of the Venice Commission went online. This comprehensive resource for **constitutional case law** boasts a user-friendly design, improved search functionalities, and streamlined features for academics, legal professionals, and the public alike.

*\* All references to Kosovo, whether the territory, institutions or population, in this text shall be understood in full compliance with United Nations' Security Council Resolution 1244 and without prejudice to the status of Kosovo.*