



NEWSLETTER

DG Human Rights and Rule of Law (DGI)

(January 2023)

Venice Commission

In January the Commission received/started working on the following **requests for opinion**:

- **Azerbaijan** - Joint opinion of the Venice Commission and the OSCE/ODIHR on the Law on Political Parties – PACE Monitoring Committee;
- **Georgia** – two requests by the Chairperson of the Parliament:
 - Joint opinion of the Venice Commission and the OSCE/ODIHR on the amendments to the organic Law on Common Courts;
 - Opinion on the draft law on de-oligarchisation;
- **Kyrgyzstan** - Opinion on the Regulations of the Jogorku Kenesh and on amendments to the Law on the Regulations of the Jogorku Kenesh - Minister of Justice;
- **Republic of Moldova** - Urgent opinion on the draft Law on counterintelligence and intelligence activity, as well as on the draft Law on the Intelligence and Security Service – Speaker of the Parliament;
- **Ukraine** :
 - *Amicus curiae* Brief related to the procedure for appointing to office and dismissing the Director of the National Anti-Corruption Bureau and the Director of the State Bureau of Investigation - Acting President of the Constitutional Court;
 - Opinion on the Ukrainian law on "Prevention of threats to national security related to excessive influence of persons with significant economic or political weight in public life (oligarchs)" - PACE Monitoring Committee;
 - Opinion on the Law on National Minorities (Communities) of Ukraine - PACE Monitoring Committee.

On 25.01.2023, the President of the Commission sent a letter to Mr Ruslan Stefanchuk, Chairman of the Verkhovna Rada of **Ukraine**, concerning follow-up to the opinion CDL-AD(2022)054 adopted at the December 2022 plenary session.

On 09.01.2023 the Federal Supreme Court of **Iraq** joined the World Conference on Constitutional Justice which now has 120 members.

The Commission **participated** in an international conference on "The future of human rights in the 21st century", organised by the Ombudsman institution of **Türkiye** on 11-12.01.2023. On 17.01.2023 the President of the Commission participated in the 10th Annual Meeting of the Secretary General with the Heads of the Monitoring and Advisory Bodies of the Council of Europe.

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

Human Rights Intergovernmental Co-operation

At its [second meeting](#), the Drafting Group on issues relating to judges of the European Court of Human Rights (DH-SYSC-JC) held an exchange of views with experts on issues within its mandate and adopted questionnaires to be addressed respectively to former Court judges and to persons who have considered applying or have applied at the national level for the post of judge at the European Court of Human Rights.

Legal Co-operation

The questionnaire for the preparation of the forthcoming CCPE Opinion No. 18 (2023) on the Councils of Prosecutors as key bodies of prosecutorial self-governance was disseminated to all members.

Human Rights and Biomedicine



The Steering Committee for Human Rights in the fields of Biomedicine and Health (CDBIO) launched a new "[Guide to health literacy – Contributing to trust building and equitable access to healthcare](#)", as a practical tool to assist decision-makers, health providers and health professionals. The Guide promotes the health literacy needs of individuals and the corresponding responsibilities of health systems and includes five key components: access to valid health information; access to appropriate care; communication between individuals, health professionals and health authorities; shared decision-making regarding treatments and care; access to digital spaces to understand and use health services.

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

The CEPEJ has finalised the annual study it carries out for the European Commission (DG-JUST), which will feed into the EU Justice Scoreboard. This study gathers data (2021) on indicators of the functioning of the judicial systems of EU countries and includes fact sheets per country. The CEPEJ also carried out missions to support the collection and quality control of data in the framework of the "Justice Dashboard EaP" Project in **Armenia, Azerbaijan** and **Georgia**. The objective is to support beneficiary states to achieve effective, systematic and data-driven monitoring and evaluation of their judicial systems. A campaign was conducted in the **Republic of Moldova** to raise awareness about access to justice without discrimination.

The **Council of Europe** remains the **top provider of online judicial training on human rights in Europe** thanks to its Human Rights Education for Legal Professionals ([HELP](#)) Programme and courses. The HELP in Ukraine project started in January.



The EU-CoE Joint [Project](#) aimed on the establishment of a new Court Service in **Cyprus** was completed on 18 January (achievements include the preparation of recommendations for new governance and management structures, detailed action plan to guide the Cypriot authorities towards establishment of the new Court Service). Action Plans were agreed with **Cyprus, Lithuania, Poland, Romania** and **Slovenia** to support piloting of solutions dedicated to online publication and consistency of judicial decisions. **Croatian** judges and prosecutors were

trained on the "*Ne Bis in idem*" principle. In **Ukraine**, the launch of the new Action Plan on 1 January marked the **start of five new projects**: Strengthening judicial and non-judicial remedies for the human rights protection of war-affected people; Facilitating Housing Solutions for the War-Affected People; Support to the functioning of justice in the war and post-war context; Fostering Human Rights in the Criminal Justice System; Strengthening Ukrainian Law Enforcement Agencies During War and Post-War Period. Other co-operation activities organised include: in **Azerbaijan** – a seminar on execution of ECtHR judgments (photo); **Montenegro** – a seminar for the Prosecutorial Council; **North Macedonia** – assessment on free legal aid published and disseminated; **Serbia** – training on the use of case-law harmonisation database; **Türkiye** – a training on reasoning in criminal judgments and Article 5 of ECHR, a needs analysis for stakeholders of family justice, a seminar on mediation; **Ukraine** – international conference on the role of supreme courts in modern democracies. In the "Project to support independent bodies in **Tunisia**", Council of Europe experts and the Tunisian NPM agreed on a timetable to consider next concrete steps in setting up the complaints mechanism.

Execution of Judgments of the ECtHR

The Department for the Execution of ECHR Judgments (DEJ) participated in the training organised by the Cooperation Department in Baku, **Azerbaijan** concerning the preparation of Action Plans/ Reports. The participants, representing the Presidential Administration, the General Prosecutor's office, the Supreme Court and the Ministry of Justice, were provided with detailed information on deadlines, structure and possible contents of Action Plans/Reports.

A meeting was held between DEJ representatives and the Presidents of the **Belgian** supreme courts (Court of Cassation, Council of State and Constitutional Court). The meeting focused on the main ECHR judgments concerning their country whose execution is pending before the Committee of Ministers, and on the closure of cases in 2022. It was also intended to highlight the central role played by national courts in the full and effective implementation of ECHR judgments.

DEJ carried out its first mission to **Finland**. Meetings were held with the Ministry of Foreign Affairs, the Government Agent's Office and the Ministry of Justice to discuss the delays in submission of information related to the execution of the cases concerning Finland. Discussions with the Ministry of Health and Social Affairs focused on the execution of [X v. Finland](#), concerning forcible administration of medical treatment to psychiatric patients without legal safeguards. DEJ also met with the Presidents of both the Supreme Court and the Supreme Administrative Court, as well as several Justices and the Chief Secretaries from the same institutions on the direct application of the Convention in domestic case law.

The Department held a meeting with the National Coordinator International Positions from the **Netherlands** (Ministry of Foreign Affairs). DEJ also held a meeting with the Prosecutor General of **Romania** to discuss issues related to the domestic criminal investigations into the CIA extraordinary rendition programme and the repression of the demonstrations after the fall of the Communist regime in Romania.

The Department met online with the **UK Ministry of Justice** to prepare the upcoming the mission of the Department to London scheduled for March 2023. Lastly, DEJ met with the President of the **Ukrainian Supreme Court**. The central role of national courts for the full and effective implementation of the ECHR judgments was underlined and some important changes in domestic case-law were discussed.

Social Rights

23 – 27 January 2023: The [European Committee of Social Rights](#) held its first session of the year in hybrid mode. The Committee adopted its Conclusions for 2022 in respect of 33 States Parties to the Charter concerning the provisions belonging to Thematic group 3 (labour rights). These conclusions will be published by the end of March 2023. During this session, the Committee elected its new [Bureau](#) (President, Vice-Presidents and General Rapporteur).

The book "[The Revised European Social Charter - An article-by-article commentary](#)", authored by Karin Lukas, former President of the [European Committee of Social Rights](#), has been made available free of charge on www.elgaronline.com thanks to the financial assistance of the [Council of Europe](#). It provides an analysis of the Charter based on the case law of the European Committee of Social Rights.

A new collective complaint, [European Roma Rights Centre \(ERRC\) v. Czech Republic \(Complaint No. 220/2023\)](#), was registered on 2 January 2023. The ERRC alleges that the situation in the Czech Republic constitutes a violation of Article 16 of the Charter on the issue of equal access to pre-school education for Romani children and children facing poverty and social exclusion.

Police, Detention, Drugs and Addictions

Pompidou Group

On 4 January, the (new) Italian Presidency [published a statement](#) in which it highlighted its commitment to the Pompidou Group and its priorities for implementing the new work programme in the coming three years.

In January, Italy made a renewed voluntary contribution of 120.000 euros to the Pompidou Group. 100.000 euros will be dedicated to finance MedNET activities, and 20.000 euros will be used for providing Italian interpretation at Pompidou Group statutory meetings.

Each year, the Pompidou Group participates in the high-level session of the Commission on Narcotic Drugs (CND), the UN's main decision-making body on drug-related issues. In January, the Pompidou Group started preparing several side events to be co-sponsored at the 66th session of the UN Commission on Narcotic Drugs (Vienna, Austria, 13-17 March 2023).

Law Enforcement: in January 2023 the update of the Resource Bank on Controlled Deliveries has been finalised and the access procedure is ongoing and will be finalised by February 2022. The Resource Bank is hosted by the Pompidou Group and maintained in co-operation with Europol, Eurojust, Interpol, OSCE, SELEC, and in co-ordination with the Council of Europe's Expert Committee on the Operation of European Conventions on Co-operation in Criminal Matters (PC-OC). It is based on a secure and confidential online platform and contains relevant national information (including legal basis, responsible authorities, and access to national 24/7 Single Points of Contact in real-time) related to Controlled Deliveries. At this stage more 52 countries joined the resource bank and this number is expected to rise.

Co-operation in Police and Deprivation of Liberty

The first (constituent) [meeting of the Council of Europe Network of National Correspondents of Police Authorities](#) (Police Network) took place online, on 26 January. The Police Network mission is to enhance the sharing of experience and views between police authorities of the member States as regards the Council of Europe standards and core values. The Police Network currently has 35 members and will soon further determine its objectives and activities.

Information Society – Action against crime Directorate

Media



Patrick Penninckx, Head of the Council of Europe Information Society Department took part in [public hearing on the European Media Freedom Act](#) proposal, organised by the European Parliament's Committee on Civil Liberties, Justice and Home Affairs (LIBE) in association with CULT and IMCO Committees. The Council of Europe was represented at the [conference on the European Action for Freedom of the Press](#)

and the fight against disinformation, organised by the French Secretary of State for Europe, Ms Boone. Journalism students of the European Institute of Journalism in Strasbourg were introduced to [policies on media freedom and internet governance](#) during a study visit.

Cooperation on Freedom of Expression



January 2023 marked the inception of one regional multi-action programme and one new country project. More specifically, six beneficiary- actions in **Western Balkans** (Albania, Bosnia and Herzegovina, Kosovo*¹, Montenegro, North Macedonia, Serbia and regional) commenced through the EU/CoE Joint Programme under HF III Facility on "Protecting Freedom of Expression and of the Media" (PRO-FREX) with a 4M Euro envelope and for the period of 2023-2026. Furthermore, a newly designed project "Safeguarding Freedom of Expression and Freedom of Media" (FEX-FOM) in **Ukraine** commenced under the new Action Plan for Ukraine "Resilience, Recovery and reconstruction" (2023-2026) with an initial envelope of 1.1 M Euro for the 24 months initial phase. In **Bosnia and Herzegovina**, [guidance](#) and tools for promoting MIL into children and youth were developed for and made available for the country's Communication Regulatory Agency (CRA); moreover, digital content through [studies](#) was developed for MIL awareness/ and promotion of critical thinking. In **Tunisia**, the EU/CoE Joint Programme's action [PAII-T project](#), supported exchanges between the Independent High Authority for Audiovisual Communication (HAICA) and public of a local radio on issues of the impact of disinformation and the role of local media, quality of journalism and fact-checking techniques. Moreover, three local radios in Tozeur, Gafsa and Kebili received training thus resulting in January 2023 to 60 trained journalists with 12 local radio partnerships/beneficiaries.

Artificial Intelligence



A CAI bureau meeting was held on 5 January and a CAI plenary was held on 11-13 January. A webinar on: "[Managing AI risks: national and international perspective/ initiatives](#)" was organised on the margins of the plenary. Patrick Penninckx, Head of the Information Society Department, has introduced the latest Council of Europe policies on AI at the Winter School of the European Law Students Association

ELSA entitled New Technologies and Artificial Intelligence Law.

¹ *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.

Data Protection



A good start with the 21st [ratification of Convention 108+ by Iceland](#), under its Presidency. In addition, the 17th Data Protection Day was marked by a statement by the Chair of the Committee of Convention 108, Elsa Mein, a statement by the Council of Europe Data protection Commissioner, Jean-Philippe Walter and was also celebrated all around the world with an array of dedicated activities. It was also the occasion

to announce the winners of the [Stefano Rodotà Award](#) this year, rewarding Janis Wong for her PHD thesis titled "Co-creating data protection solutions through a Commons" and Sebastião Bernardo Bruco Geraldes de Barros Vale, Katerina Demetzou and Gabriela Zanfir-Fortuna, co-authors of the article "The Thin Red Line: Refocusing Data Protection Law on ADM, A Global Perspective with Lessons from Case-Law". Then, the Data Protection Unit took part online to the Winter Law School of the European Law Students' Association (ELSA), **Brussels**, on the topic of new technologies, data protection and artificial intelligence.

Cybercrime



To mark the 20th anniversary since the opening for signature of the [First Additional Protocol](#) (28 January 2023), a series of activities are being organised to support countries in the action against online xenophobia and racism. One of such activities, The [Conference on xenophobia and racism committed through computer systems](#) was held at the Council of Europe in Strasbourg, France, from 30 to 31 January 2023.

The event was organised in cooperation with the Icelandic Presidency of the Committee of Ministers of the Council of Europe. During the conference, [Iceland deposited the instrument of ratification](#) of the First Additional Protocol. Four States ([France](#), [Germany](#), [Greece](#), [Dominican Republic](#)) signed the Second Additional Protocol in January. As in previous months, the Cybercrime Programme Office ([C-PROC](#)) supported capacity building activities in all regions of the world.

GRECO

The Vice-President of GRECO, Ms Monika Olsson participated in the 10th Annual Meeting of the Secretary General with the Heads of the Monitoring and Advisory Bodies of the Council of Europe which took place in Strasbourg on 17 January 2023. GRECO published four **new reports** concerning the 5th Round on preventing corruption and promoting integrity in central governments and law enforcement agencies: the Evaluation Report on [Bulgaria](#), the Compliance Report on [Norway](#) and the Second Compliance Reports on [Latvia](#) and [Finland](#). GRECO also published the 4th Round Third Interim Compliance Report on [Romania](#) on preventing corruption and promoting integrity among MPs, judges and prosecutors and the Follow-up to the Ad-Hoc Report (Rule 34) on [Slovenia](#).

MONEYVAL

MONEYVAL published its mutual evaluation reports for **Monaco** and **Estonia**, and the follow-up report for **Lithuania**. It held pre-meetings in the framework of the mutual evaluations of **North Macedonia** and **Romania**.

Economic Crime and Cooperation



The Division held a regional conference on “Effective Implementation of the EU Sanctions Regime – Challenges and Good Practices” on 16-17 January 2023 in Prague, **Czech Republic**. The event gathered representatives of national competent authorities from 19 **EU** member States, and it aimed at discussing the practices and challenges in the effective implementation of the sanctions and presenting the initial results of a comparative study of the existing practices in EU member States on the identification of persons holding effective control of a company.

Supported the **Azerbaijani** authorities to improve their AML/CFT National Risk Assessment Report and the related Action Plan, by advising and proposing specific amendments to the two draft documents.

Held a workshop to enhance the knowledge and improve the capacities of **Azerbaijani** practitioners in preventing money laundering crimes related to tax evasion.

Supported **Bulgarian** authorities with conducting an expert review of the First Draft Report of the Sectoral Assessment of Money Laundering and Terrorist Financing Risks related to Virtual Assets and Virtual Asset Service Providers of Bulgaria.

Conducted an initial needs assessment of the **Croatian** Financial Services Supervisory Agency resource requirements and provided recommendations for enhancing the institutions’ supervisory activities and resourcing needs.

Held a Training of Trainers on international judicial cooperation in criminal matters in **Türkiye** for representatives of the Ministry of Justice, judiciary, and prosecution.

MEDICRIME, Trafficking in Human Organs and Cultural property

The MEDICRIME Convention was signed by the **Togolese Republic** (16 January). An online meeting was held with the Spanish National School of Judges in view of the forthcoming training of legal professionals. The [CRIMFAMED Project](#), financed by a French voluntary contribution, issued the list of experts retained after an international call for tender procedure. **France** ratified the Convention against Trafficking in Human Organs (18 January). The Secretariat and the Chair ad-interim were engaged with the final drafting of the Rules of Procedure of the Committee of the Parties following comments received from the Parties.

European Audiovisual Observatory

January 2023 Wrap up: <https://bit.ly/3wLT4fR>