



## NEWSLETTER

### DG Human Rights and Rule of Law (DGI)

#### February 2023

### CPT

The CPT held high level talks in [Poland](#) on 21 February. The aim of the talks was to relaunch the dialogue between the CPT and the Polish authorities in a spirit of cooperation, in particular as regards the implementation of the Committee's long-standing recommendations concerning the treatment of persons deprived of their liberty.

On 23 February, the CPT published its report on its December 2021 periodic visit to [Lithuania](#), together with the response of the Lithuanian authorities. In addition, the CPT held high level talks in [Lithuania](#) on 27 February. The main objective of the talks was to discuss the action taken by the government to address the long-standing recommendations to improve the situation in prisons as set out in the aforementioned report.

### Venice Commission

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

- **Montenegro** - Follow-up Opinion to the opinion on the draft amendments to the Law on the Judicial Council and Judges - Minister of Justice – 22.02.2023;
- **Republic of Moldova**:
  - Interim opinion on the draft law on limiting excessive economic and political influence in public life (de-oligarchisation) - Minister of Justice – 13.02.2023;
  - Joint opinion of the Venice Commission and the DGI on the draft law on the external assessment of judges and prosecutors – 13.02.2023.

In the framework of the preparation of the March plenary session, the Commission's rapporteurs held meetings with the authorities concerning the following draft opinions:

- **Azerbaijan** – the Law on Political Parties;
- **Bosnia and Herzegovina** - the draft law on courts;
- **Georgia** – follow-up to four latest opinions concerning the Organic Law on Common Courts;
- **Kyrgyzstan** - the Rules of Procedure of the Jogorku Kenesh (the parliament) and on amendments to the Law on the Rules of Procedure of the Jogorku Kenesh concerning the procedure for ratification of international treaties;
- **Republic of Moldova** - the draft law of on the external assessment of Judges and Prosecutors (Law on full vetting).

On 14.02.2023 the President of the Commission Ms Claire Bazy Malaurie made the statement on "[ISRAEL - Justice reform should not jeopardise meaningful judicial review by independent courts](#)" and on 24.02.2023 the statement entitled "[One year into the war of aggression of the Russian federation against Ukraine](#)".

On 10.02.2023 the Supreme Court of **Malawi** joined the [World Conference on Constitutional Justice](#) which now has 121 members.

The President Emeritus, SR of the Commission Mr Gianni Buquicchio, participated in an international conference on the occasion of the 20th anniversary of the creation of the Mediator Institution Kingdom of **Morocco** entitled « Ensuring the development dimension of human rights effectiveness in public policies: What role for ombudsmen and mediators? », organised on 28.02.2023 in Rabat.

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

The *ad hoc* working group tasked with the development of a tool to fight judicial backlogs [met for the first time](#). It will meet monthly to finalise the tool in time for the June CEPEJ plenary. The [CEPEJ-GT-EVAL met](#) to finalise its questionnaire for the next CEPEJ Evaluation report and carried out a support mission to **Greece**. The CEPEJ provided expert advice to enforcement agents in **Republic of Moldova** and [held closing events](#) for cooperation projects in **Georgia** and **Azerbaijan**, where it also [held trainings](#) on court performance reporting.

Under [TJENI](#) project, a roundtable on the personal data in the context of online publication of judicial decisions was held in Brussels, providing a platform for exchanges between project beneficiaries (**Cyprus, Hungary, Lithuania, Poland, Romania** and **Slovenia**) and observers (**Ireland, France, Portugal** and **Greece**), CoE and EU experts. A European NPM Forum online [workshop](#) gathered over 100 participants, providing a space to exchange knowledge and practice on the rights of persons with mental health issues in prison. A study visit of the **Moroccan** NPM to the Italian NPM took place.

The Division of Co-operation Programmes organised [a high-level visit](#) of the Ukrainian Ombudsman, who met with, *inter alia*, the Secretary General, the President of the Parliament Assembly and the Commissioner for Human Rights. The Director of Human Rights took part in a high-level [judicial reform conference](#) in Serbia, discussing further steps for the implementation of judicial reform. The co-operation projects delivered *inter alia*: in **Albania** – consultations on the execution of the Court's judgment *X and Others*; in **Georgia** – cascade trainings for prosecutors on the Court's case-law, meetings on the Code of Criminal Procedure; in the **Republic of Moldova** – launching event of the project [human rights protection of refugees and migrants](#) (photo), review of the draft law on the external assessment of judges and prosecutors jointly with the Venice Commission, a workshop for judges, prosecutors, lawyers and prison authorities on life imprisonment; in **Montenegro** - events on communications strategy with the Prosecution; in **North Macedonia** – jointly with HELP, launching of a course on child friendly justice; in **Türkiye** – [international symposium on administrative justice system](#); in **Ukraine** – e-publication of an analysis of the disciplinary practice of the prosecution service, a presentation of a report on disciplinary proceedings against judges in European countries, a round table on judicial practice on data protection law. Also, a presentation of the draft cross-country review on gender impact on the profession of lawyer and access to justice was delivered for representatives of Bar Associations from **Eastern partnership countries**.



A new version of the [HELP online course on Prohibition of Ill-treatment](#), including **during armed conflict**, is now available on the CoE HELP e-learning platform. The HELP course on [Cybercrime and Electronic Evidence](#) was launched for the first time in February for **lawyers from Slovak Republic and Bulgaria**. The new HRTF-funded "HELP in the Western Balkans" project started and held its [Steering Committee in Belgrade](#) with representatives from justice training institutions and Bars, Government agents and the Execution Department. Under the EU-funded "HELP in the EU" project, the course

on Data Protection and Privacy Rights was [launched](#) for **Latvian** and **Portuguese** legal professionals.

## Execution of Judgments of the ECtHR

The Department for the Execution of Judgments was engaged in the preparation of the **Committee of Ministers 1459<sup>th</sup> Human Rights Meeting** on 7-9 March, whose [indicative agenda](#) includes 35 ECHR judgments or groups.

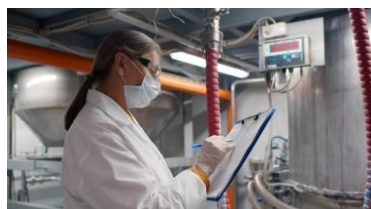
The Department participated in a meeting in **Greece** concerning the re-enacting of community service in the Greek penitentiary system. In December 2022, the Ministry of Justice adopted a decision introducing this new institution, as one of the alternatives to imprisonment, into the Greek penitentiary system. The Committee of Ministers follows the issue of alternatives to imprisonment in Greece, including community service, in the context of the supervision of the [Nisiotis](#) group of cases relating to poor conditions of detention in prisons and lack of effective remedies.

The Department took part in a meeting in **Serbia** regarding new Human Rights Trust Fund-Council of Europe "HELP" in the **Western Balkans** project. HELP courses under the new project are to be implemented jointly with the Western Balkans Justice Training Institutions and Bar Associations. The meeting gathered more than 20 representatives of the Judicial Academies and Bar Associations, and Government Agents before the European Court.

Also, the Execution Department carried out a mission to **North Macedonia** focusing on the implementation of the following ECHR judgments/groups pending implementation before the Committee of Ministers: [X.v.](#) case concerning legal gender recognition; the [Mitovi group](#), concerning parents' and grandparents' contact rights with their children and grandchildren [Trajkovski and Chipovski](#), concerning the retention of DNA samples taken in criminal proceedings; the [Kitanovski group](#) concerning excessive use of force/ill-treatment by police and ineffective criminal investigations. In this context, the Department also participated in the Roundtable on Execution of ECHR judgments and the External Oversight Mechanism (EOM) in North Macedonia. The roundtable focused on the achievements and challenges in the functioning of the EOM which was established in 2018 in cooperation with the Council of Europe to improve investigations into excessive use of force and ill-treatment by police agents.

## Social Rights

**15 February:** The President of [European Committee of Social Rights](#), Aoife Nolan, issued a [statement](#) on the earthquakes in **Türkiye** and Syria underlining the importance of the Charter's core value of solidarity in a situation that poses a grave threat to the enjoyment of fundamental social rights.



**22 February:** The [European Committee of Social Rights](#) made public its [Findings 2022](#) on follow-up measures taken by seven States to implement decisions in collective complaints, notably on the gender pay gap. In none of the 11 decisions examined, violations were fully remedied but in some cases some progress was made.

### 14-15 February: Decisions of the European Committee of Social Rights in collective complaints

- The [admissibility decision in European Organisation of Military Associations and Trade Unions \(EUOMIL\) v. Ireland, Complaint No. 212/2022](#) was published on 15 February 2023. It concerns compensation for work on public holidays and increased rate of overtime work remuneration for some members of the Irish Defence Forces.

- The [decision on the merits in Confédération générale du travail \(CGT\) v. France, Complaint No. 155/2017](#) became public on 14 February 2023. It concerns the rules applying to strikes lasting less than one day in the state civil service.
- The [decision on the merits in Finnish Society of Social Rights v. Finland, Complaint No. 172/2018](#) became public on 15 February 2023. It concerns minimum levels of social security and social assistance benefits, and labour market subsidy.

**9 February:** The Department of Social Rights, in collaboration with [ENNHRI](#) and [EQUINET](#), organised an online training about how National Human Rights Institutions (NHRIs) and National Equality Bodies (NEBs) can engage with the European Committee of Social Rights (ECSR) under the [reporting procedure of the European Social Charter](#).

## Police, Detention, Drugs and Addictions

On 3 February, 140 representatives of key national stakeholders met in **Athens**, to exchange views and best practices on the way community measures and sanctions can be put in practice. This [event](#) marked the beginning of the next stage in cooperation that has been under way since 2016 and that culminated in the reintroduction of community service in the penitentiary system of Greece earlier this year.

At an [event](#) that took place on 13 February in **Skopje**, the national authorities reinstated their commitment to further consolidate the External Oversight Mechanism (EOM) over police work, in support to the execution of ECtHR judgments of the [Kitanovski group](#) of cases. The CPDL Unit will continue to provide institution- and capacity-building support to the EOM.

On 14 February the **Pompidou Group Bureau** met in Paris (it was the first statutory meeting under the new Italian Presidency). The main issue on the agenda was the follow up to the Lisbon ministerial conference, as regards in particular the implementation of the 2023-2025 work programme and the distribution of responsibilities within the Bureau members. The Bureau also endorsed the Executive Secretary's proposals for the 2023 budgetary forecast and approved the draft Presidency statement and the planned side-events in view of the 66<sup>th</sup> Session of the Commission on Narcotic Drugs (Vienna, 13-17 March).

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

### Human Rights Intergovernmental Co-operation

The CDDH ad hoc negotiation group ("[46+1](#)") on EU accession to the ECHR held its [17<sup>th</sup> meeting](#) from 31 January – 2 February. It tentatively agreed on provisions concerning the interpretation of Article 53 of the ECHR, joint responsibility, and – with one reservation – the participation of the European Parliament in the election of Court judges. It continued discussing the question of Committee of Ministers voting on decisions relating to the EU's implementation of Court judgments.

The CDDH Drafting Group on human rights and the environment ([CDDH-ENV](#)), at its [6<sup>th</sup> meeting](#) (8–10 February), adopted an outline for the draft CDDH report on the need for and feasibility of a further instrument or instruments in the field of human rights..

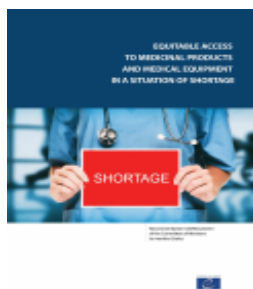
### Legal Co-operation

The CDCJ-ADMIN-AI working group, at its second meeting (14 February 2023), discussed proposals for the CDCJ's future work on issues related to the use of Artificial intelligence (AI) and other automatic decision making in the administrative procedures, and the update of the handbook "The Administration and You", to be complemented with sections analysing the emerging use of the AI in administrative procedures and its impact on the principles of good



administration. The CCPE working group, at its meeting of 16-17 February 2023, agreed on a draft structure for Opinion No. 18 (2023) on the Councils of Prosecutors as key bodies of prosecutorial self-governance.

## Human Rights and Biomedicine



On 1 February 2023, the Committee of Ministers adopted [Recommendation CM/Rec\(2023\)1](#) on equitable access to medicinal products and medical equipment in a situation of shortage. Prepared by the CDBIO in response to the Covid-19 pandemic and to the shortage engendered by the health crisis, the Recommendation recognises that the principle of equitable access to healthcare remains valid, both in an emergency and during routine clinical practice, whatever the cause of the shortage. The Recommendation lays down general human rights and procedural principles to ensure, inter alia, the absence of discrimination

through, for example, prioritisation based on medical criteria and compliance with the principles of accountability, transparency and inclusiveness. It also recommends ensuring that there is a system in place to prevent and mitigate situations of shortage and to better prepare for such situations.

## Information Society – Action against crime Directorate

### Media



On January 31, the Council of Europe took part in a [public hearing on the European Media Freedom Act](#), organised by the European Parliament's Committee on Civil Liberties, Justice and Home Affairs (LIBE) in association with CULT and IMCO Committees. In his intervention, Patrick Penninckx, Head of the Council of Europe Information Society Department, underlined that many requirements included in

the EMFA proposal are also subject to Council of Europe's standards on freedom of expression and its corollary media freedom which are guaranteed by Article 10 of the European Convention on Human Rights (ECHR).

### Co-operation on Freedom of Expression

In **Azerbaijan**, a "Feasibility Study/Roadmap on the curriculum development on conflict-sensitive journalism" aimed at being applied by Azerbaijani Universities' Journalism Faculties was discussed and made available to these academic institutions. In **Armenia**, following the request of the Minister of Justice, a DG I Expert Review was made available on the Draft Concept Note concerning "*Institutional formation of a system of self (co)-regulation of mass media*". In **Georgia** the Legal Opinion of the DGI on the "*Law on Broadcasting*" was transmitted to the Parliamentary Committee outlining issues of non-alignment with the AVMSD and European standards. A Legal Opinion over the alignment with EU and CoE standards concerning the new "Law on Media" in Ukraine was transmitted to the requesting Parliamentary Committee. Expert advice was made available on the Teleradio-Moldova Development Strategy for 2022-2027 and provided in the format of Technical Paper to the public broadcaster in **Moldova**. In **South-East Europe**, a result and impact achieved reporting on seven HFII JUFREX Actions (Albania, Bosnia and Herzegovina, Kosovo\*, Montenegro, North Macedonia, Serbia and Regional) was finalised and is aimed to be serving as an initial baseline for HF III identified actions. In **Bosnia and Herzegovina**, a Sida funded [EFEx](#) submitted its first results achieved following its first year of implementation.

Specific intervention for assistance on legal and institutional reform was prepared and seeking funding in response to the **Kosovo\***'s Public Broadcaster (RTK) direct request for assistance.

A project Concept Note to be followed through Cooperation Document negotiations was developed and submitted as stand-alone proposal to assist the *Freedom of Expression and of the Media* in **Kazakhstan**, for a period of 36 months. As part of the [PAII-T](#) project in **Tunisia**, Data Centre for INAI received its final batch of equipment (hardware and software, marking it as the final milestone of project's inputs prior to its end by 31 March 2023.

## **Artificial Intelligence**



The 4th Plenary meeting of the CAI was held on 1-3 February. A webinar on the topic of "[AI and Environment](#): Opportunities and challenges for sustainable development" was organised on the margins of the meeting. The event was moderated by Patrick Penninckx, Head of the Information Society Department, and brought together national and international experts from across the world to discuss current challenges and opportunities for AI in the sphere of sustainable development and environment. European law students learned Council of Europe Data Protection and Artificial Intelligence policies during a [winter school](#).

## **Data Protection**



On 9 February [Moldova signed Convention 108+](#). In addition, on 7 February, the contextualised HELP self-learning course on privacy and data protection was launched for **Latvia** and **Portugal**, and on 27 and 28 February, the working group on Article 11 of Convention 108+ (exceptions and restrictions) met in Paris to pursue work on guidance to facilitate the ratification of Protocol CETS No. 223. Data protection and the Convention 108 were also discussed across the Mediterranean on the occasion of two national workshops aiming to improve the understanding of the links between the cybercrime and personal data protection, organised under the CyberSouth co-operation programme., respectively in **Lebanon** on 17 February and **Jordan** on 23 February.

## **Cybercrime**



**Cameroon, Korea, Sierra Leone and Uruguay** [were invited to accede to the Budapest Convention](#). These new invitations bring the number of countries invited to accede to the Convention to 19. **Argentina** and **Albania** became 35<sup>th</sup> and 36<sup>th</sup> state to sign the Second Additional Protocol to the Budapest Convention and **Serbia** became the [1st state to ratify](#) it. To mark the 20th anniversary since the opening for signature of the [First Additional Protocol](#) (January 2023), a series of activities were organised to support countries in the action against online xenophobia and racism. One of such activities, a [webinar](#) on strengthening the capacities of criminal justice authorities in addressing xenophobic and racist acts committed through computer systems was held on 28 February. As in previous months, the Cybercrime Programme Office ([C-PROC](#)) supported capacity building activities in all regions of the world. Of these, [Regional training on Joint Investigative Teams under the Second Additional Protocol to the Convention on Cybercrime](#); [First Responder Training on Cybercrime and Electronic Evidence for Armenian Investigators](#) and [TF-CSIRT Meeting & 2023 FIRST Regional Symposium Europe](#), can be highlighted.

## **GRECO**

The GRECO Bureau met on 23 February in Ljubljana. GRECO published the 5<sup>th</sup> round evaluation report in respect of **Ireland** dealing with preventing corruption and promoting integrity in the central government (top executive functions) and law enforcement agencies.

## **MONEYVAL**

MONEYVAL launched the mutual evaluation on-site visits to **Azerbaijan** and **Montenegro**. The Vice-Chairs of MONEYVAL and its Secretariat took part in the Plenary meeting of the Financial Action Task Force (FATF). Notably, the FATF took the decision to suspend the membership of the Russian Federation, following a year of discussion and gradual restrictions.

## **Economic Crime and Co-operation (EEC)**

EEC division:

Trained monitors and financial officers of political parties in **Albania** on the use of the Central Election Commission's online platform for monitoring the financing of political parties and misuse of state resources.

Trained representatives of the Central Bank and the private financial sector of **Armenia** on "Money Laundering and Terrorism Financing Risks related to Virtual Assets, and the appropriate Mitigating Measures to Address those Risks".

Held a workshop on parallel financial investigations for prosecutors, investigators, judges, financial intelligence and other law enforcement practitioners in **Azerbaijan**.

Held an online workshop to support the organisational and resource development of the **Croatian** Financial Services Supervisory Agency (Hanfa) in the Anti-Money Laundering and Countering the Financing of Terrorism (AML/CFT) field.

Supported the **Estonian** authorities to improve the Legal Framework relating to the Strategic Analysis Function of the Financial Intelligence Unit (FIU), by proposing specific legal amendments.

Trained representatives of the Financial Crime Investigation Service of **Lithuania** (Lithuanian FIU) and Bank of Lithuania on the application of the Council of Europe methodology for Sectoral Risk Assessment of Virtual Assets and Virtual Assets Service Providers.

Conducted first peer-to peer mentoring activities for the Special Prosecution of **Kosovo\*** aimed at enhancing operational capacities to carry out Money Laundering investigation and prosecution.

AML/CFT supervisory authorities of the **Kyrgyz Republic** and members of the Working Group on AML/CFT sectoral risk assessment received guidance on the application of the Council of Europe AML/CFT sectoral risk assessment Methodology for Virtual Assets and Virtual Assets Service Providers during a remote workshop.

Held an awareness raising seminar on prevention and fight against corruption in cooperation with the National School of Administration (Ecole Nationale d'Administration - ENA) of **Tunisia**.

## **Criminal Law**

The PC-CP WG held its 31st meeting in Strasbourg on 7-9 February. The participants considered further the draft CM Recommendation on the Ethical and Organisational Aspects of the Use of AI by the Prison and Probation services as well as the first scoping paper on a future CM Recommendation on the Management of Mental Disorders and the Promotion of Positive Mental Health by the Prison and Probation Services. They also took note of the advancement of the draft CoE legal instrument on AI; the latest case-law of the European Court of Human Rights and of the latest findings and recommendation of the CPT. Penal Reform International presented their Europe wide comparative study on non-custodial sentences and outcomes of several European projects run by them.

The scientific experts and the PC-CP Chair met on 23 February in Strasbourg to redraft the CM Recommendation on the Ethical and Organisational Aspects of the Use of AI by the Prison and Probation Services in preparation of the 32nd meeting of the PC-CP WG (3-5 April 2023).

## **MEDICRIME, Trafficking in Human Organs and Cultural property**

The [MEDICRIME Convention](#) was introduced to: a) customs authorities during different online training sessions organised by the World Customs Organisation (7 February in English; 9 February in French; 14 February in Spanish); b) central authorities from the South Mediterranean countries in the framework of the launching of a course on *international cooperation in criminal matters* within the [South Programme](#). According to the statistics on HELP self-learning courses, training on *Pharmaceutical crime and MEDICRIME* remains the best tool for promoting and disseminating the MEDICRIME Convention among the key actors combating the counterfeiting of medical products and other similar crimes involving threats to public health. The Committee of the Parties to the Santiago de Compostela Convention adopted its Rules of Procedure (24 February 2023). The information document of the [Nicosia convention](#) has been published in English, French and Spanish.

## **Counter-terrorism**

At the beginning of February, the Committee of Ministers adopted the new [Council of Europe Counter-Terrorism Strategy for 2023–2027](#). Following up on the approach adopted earlier, the Strategy envisages the implementation of 24 actions targeted at strengthening preventive, repressive and protection capacities of national authorities through the development of a set of binding and non-binding legal standards, analytical reports, and model tools. In line with the findings of the [2022 Report on Emerging Terrorist Threats in Europe](#), these actions will look to address new challenges for counter-terrorism professionals, including the rise of the violent far-right and intersection of terrorism and the violation of the rules of armed conflict, while continuing to ensure sufficient attention to activities inspired or led by ISIL (Daesh), Al Qaeda, and affiliate groups.

The Council of Europe Committee on Counter-Terrorism (CDCT) organised a Digital Conference on "[Countering Terrorist Communications: Terrorist Propaganda, Public Provocation, Recruitment and Radicalisation](#)", on 31 January to 1 February 2023. The Digital Conference focused on ways to monitor and counter activity by terrorist groups online and offline, particularly efforts by terrorist groups to recruit and gain support among their targeted constituencies, as well as those aimed at providing the means and the know-how to carry out terrorist attacks.

On 21 February, the Council of Europe Network for Victims of Terrorism held its 5<sup>th</sup> meeting in-person in Paris. This meeting provided an opportunity to foster relations between all Contact Points and international and regional organisations, explore national structures in this field through thematic presentations and to review its functioning and areas for development.

The 5<sup>th</sup> meeting of the Council of Europe 24/7 Network of Contact Points on Foreign Terrorist Fighters was held on 22 February 2023 in-person in Paris. The meeting aimed to establish relations between existing and new Contact Points and relevant international and regional organisations and examined its means of operating following the postponement of its meetings since 2019.

## **European Audiovisual Observatory**

February 2023 Wrap up: <https://bit.ly/3YgusXV>

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<sup>i</sup> \* 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.