



## NEWSLETTER no 04-22

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

(April 2022)

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### Venice Commission

In April 2022 the Commission received the following **requests for opinion on**:

- **Mongolia** – Draft law on political parties – OSCE/ODIHR (joint opinion) - 06/04/2022
- **Turkey** - Amendments to the electoral law – PACE Monitoring Committee – 01/04/2022
- **Tunisia** – Decree-law N°22 of 22 April 2022 amending and supplementing the organic law on the Independent Superior Electoral Body (ISIE) - EU Delegation in Tunisia 27/04/2022 (Urgent Opinion)

The Commission held country meetings in the framework of the preparation of the draft opinion on the draft law amending Legislative Decree n° 150/1983 on the Organisation of the Judiciary in **Lebanon** (Beirut, 26-27/04/2022).

The Commission organised in **Kazakhstan** an international conference entitled "Constitutional and international aspects of the upholding of the rule of law" (online, 22/04/2022).

The Commission participated in the following activities:

- **Serbia** - Presidential and early parliamentary elections – legal assistance to the PACE election observation mission - 01 - 04/04/2022
- **Switzerland** - Freedom of expression in political speech – international conference - 28 - 29/04/2022

The President and the Secretary of the Commission held a series of meetings with the Tunisian authorities, including the President of **Tunisia** (Tunis, 31/3 – 01/04 2022).

### CPT

On 20 April, the CPT's President held an exchange of views with the Ministers' Deputies, and, on 21 April, the CPT published the [31<sup>st</sup> annual general report on its activities \(2021\)](#).

The CPT carried out a periodic visit to [Poland](#) from 21 March to 1 April, and a periodic visit to [Italy](#) from 28 March to 8 April.

In addition, the Committee published two visit reports, namely on the 2021 ad hoc visit to [Romania](#) (on 14 April), together with the response of the authorities, and on the 2021 ad hoc visit to [Albania](#) (on 26 April).

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

### Human Rights intergovernmental co-operation

The 5<sup>th</sup> meeting of the *CDDH Drafting Group on effective processing and resolution of cases relating to inter-State disputes* ([DH-SYSC-IV](#)), at its 5<sup>th</sup> meeting, approved elements for a report to the Committee of Ministers, which will include practical proposals. The *CDDH Drafting Group on human rights and the environment* ([CDDH-ENV](#)) at its 4<sup>th</sup> meeting, on 6-8 April, CDDH-ENV adopted a draft Committee of Ministers recommendation. The *CDDH Drafting Committee on trafficking for the purpose of labour exploitation* ([DH-TET](#)) at its 4<sup>th</sup> and final meeting on 26-28 April, adopted a draft Committee of Ministers recommendation. Both draft texts will be further examined, for adoption, by the CDDH at its meeting in June.

### Legal Co-operation

The [CCJE](#), [CCPE](#) and [CEPEJ](#) Presidents launched an online platform for solidarity between European legal professionals to assist Ukrainian judges and prosecutors and facilitate their communication with other member State colleagues.

Opinion No. 24 (2021) on the evolution of the Councils for the Judiciary and their role in independent and impartial judicial systems is now available in [Croatian](#).

The newly established [Committee of Experts on the Protection of Lawyers \(CJ-AV\)](#) held its [1<sup>st</sup> meeting](#) (6-8 April 2022), embarking on the work of a future legal instrument to strengthen the protection of the profession of lawyer. Mr Seamus Carroll, Chair of the [Committee of Experts on the rights and best interests of the child in the context of parental separation and in care proceedings \(CJ/ENF-ISE\)](#), moderated the deep dive conversation on promoting legal clinics as a means of strengthening children's access to justice, during the High-level Conference "[Beyond the horizon: a new era for the rights of the child](#)" (**Rome**, 7-8 April 2022).

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

The new [HELP online course on Cybercrime and Electronic Evidence](#), developed with CoE Cybercrime Programme Office, has been published at <https://help.elearning.ext.coe.int> with the Budapest Convention on Cybercrime as the main reference and covering 7 substantive modules. **Almost 40 lawyers and seconded officials from the Registry of the European Court of Human Rights participated in a [HELP Training of Trainers session organised jointly with the ECtHR](#) to strengthen the pool of HELP certified tutors.**

The Director General of Human Rights and Rule of Law met with the President of the **Ukrainian** Supreme Court and the Ukrainian Parliament Commissioner for Human Rights to discuss Ukraine's needs in the context of Russian Federation's military aggression. A [Council of Europe expert advisory group](#) was established to provide strategic legal advice to the Office of the Prosecutor General of Ukraine in addressing gross human rights violations. In **Armenia**, national stakeholders discussed a draft of the 2022-2026 Judicial and Legal Reforms Strategy. In **Turkey**, judges and prosecutors took part in a ToT session on improving legal reasoning of criminal judgments. The role of the Court of Cassation in ensuring a uniform application of the law was contemplated at the [Ankara Regional Case Law Forum](#). In **Serbia**, a regional human rights school was organised for law students. In **Bosnia and Herzegovina**, a two-day training on legal reasoning and legal drafting in criminal cases was conducted for judges and legal advisors.



A new data collection was started by the [CEPEJ](#) in the context of the CEPEJ study for the [EU Justice Scoreboard](#). The assessment of the “[Justice Dashboard Eap](#)” project was sent to the European Commission. CEPEJ President [Mr Ramin Garagurbanli participated](#) in the high-level [Forum for the Digital Transformation of Justice](#) organised by the Ministry of Justice of **Spain** to present CEPEJ cyberjustice tools and the results of cooperation projects with DG-REFORM. Trainings and meetings on CEPEJ topics such as digitalisation, mediation, indicators and court user satisfaction were organised in **Spain**, [Albania](#), [Tunisia](#), and [Kosovo](#)<sup>1</sup>.

## Execution of Judgments of the ECtHR

The Director of Human Rights and a delegation of the Department carried out a mission to **Romania**. The high-level exchanges focused on avenues to strengthen the domestic capacity to respond rapidly and efficiently to the European Court’s judgments. The following major issues were notably discussed: conditions in psychiatric hospitals and issues related to involuntary psychiatric placement and treatment; the criminal law response to sexual offences, including when victims are children; overcrowding, material conditions and healthcare in prisons; and actions of law enforcement agents and related legislative safeguards.

The Department carried out a mission **to Bosnia and Herzegovina**. Meetings were held in Mostar with the Prime Minister and the Minister of Finance of the Herzegovina-Neretva Canton as well as the Cantonal Public Defender. The discussions focused on how to move forward with payment by the authorities of Herzegovina-Neretva Canton of amounts of just satisfaction awarded by the European Court and on the implementation of their action plan for enforcement of domestic decisions adopted in response to the *Kunić and Others* group of judgments. The Department also organised a training session for the Government Agents’ Office on effective drafting of action plans/reports in order to achieve submission of comprehensive information on the implementation of ECHR judgments.

A meeting was held in Brussels between the Department and **the Office of the Agent of the Belgian Government**. The procedure for the execution of ECHR judgments was explained at length to the new members of the Office and an overview was given of the Belgian cases currently under supervision by the Committee of Ministers. In particular, the [Vasilescu](#) and [Mugemangango](#) cases, scheduled for examination at the next DH meeting in June 2022, were discussed.

## European Social Charter

The [Academic Network on the European Social Charter and Social Rights](#) (ANESC) organised the first edition of a “Moot Court” related to the European Social Charter. This bilingual (French-English) competition was based on a fictitious collective complaint and included a written and an oral phase (a simulated « hearing » before the [European Committee of Social Rights](#)). The oral phase took place at University Saint-Louis-Brussels, **Belgium** on 1 April 2022. The University of Ferrara won the competition ([more](#)).

On 20 April 2022, the Committee of Ministers adopted:

- A [recommendation in the follow-up to collective complaint](#) No. 173/2018 by the ICJ and ECRE against **Greece** on the accommodation and treatment of refugee children.
- 17 recommendations proposed by the Governmental Committee in the follow-up to conclusions in the reporting procedure, concerning the gender pay-gap and equal opportunities for women and men in employment.

<sup>1</sup> All references to Kosovo, whether to 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.

- A [resolution](#) in the follow-up to collective complaint No. 153/2017 by an Italian trade union on the alleged abuse of fixed-term contracts in Sicily. [The European Committee of Social Rights had found no violation of the Charter.](#)

On 21 April 2022, the CoE Project "[Strengthening the Protection of Social and Economic Rights in Georgia](#)" launched the online HELP course on Labour Rights as Human Rights in **Georgia**.

## Police, Detention, Drugs and Addictions

### **Pompidou Group**

On 12-13 April 2022, the Pompidou Group hosted its 15th meeting on the control of drug precursors' diversion at the Council of Europe headquarters. The overall aim of this meeting is to reduce illicit trafficking and to prevent the abuse of (pre-)precursors through information exchange on new trends, risk assessment, best practices, improved control, risk management, profiling, detection and investigative measures.

On 13-14 April 2022, the Pompidou Group hosted its 9th annual meeting of the expert group on 'Drugs Online' at the Council of Europe headquarters. The focus this year was on online drug trafficking trends and modus operandi, tools for law enforcement cooperation, encryption technologies, instant messaging applications and case studies.

On 13 April, the Pompidou Group coordinated the 2nd online technical meeting of the European Group on Gender and Drugs. The focus was on the implementation of a gender approach in prevention, treatment and criminal justice.

A Secretariat mission took place in **Chisinau** (Republic of Moldova) on 20-21 April to discuss with national authorities ongoing cooperation activities and the results of 10 years of cooperation within the Criminal Justice and Prison Project. On that occasion, the Pompidou Group presented a study conducted with Yale University on the role of criminal subculture on access to medication-assisted treatment in Moldovan prisons and launched the recently developed e-learning module on Opioid Agonist Treatment (OAT) to be used for training of medical staff working in the Penitentiary System.

The final Module III of the new academic course of the Pompidou Group's International Drug Policy Academy - Drug Policy Executive Course - took place in Valetta, **Malta** from 26 to 29 April 2022. This module was focused on monitoring, evaluation and communication.

### **Co-operation in Police and Deprivation of Liberty (CPDL)**

Representatives of penitentiary systems of **North Macedonia** and **Serbia** visited their counterparts in Bosnia and Herzegovina to learn from their experience in preventing radicalisation in prisons and disengaging violent extremist prisoners. In North Macedonia, 12 prison doctors and medical staff enhanced their knowledge on preventing and treating transmissible diseases, in the course of a training session. Following a dedicated working group meeting, officials in the Albanian penitentiary are drafting an Action Plan to roll out the Risk and Needs Assessment and Individual Sentence Planning at the national level.

In **Georgia**, a manual on the provision of healthcare to detainees with substance-use related problems has been developed for medical personnel of temporary detention facilities. The new law on the Special Investigation Service was analysed for compliance with European standards. Also, a new project on enhancing mental healthcare in the penitentiary and probation systems (due to run until the end of 2023) was launched.

## Information Society

### Artificial Intelligence



The Committee on Artificial Intelligence (CAI) held its 1st Plenary meeting in **Rome** on 4 – 6 April. The CAI elected Mr Thomas Schneider (Switzerland) as Chair, Mr Gregor Strojic (Slovenia) as Vice-Chair and seven other Members of the Bureau. The meeting was preceded by a “High-Level Segment” on 4 April, co-organised with the Italian Presidency.

The High-Level Segment was attended by Mr Benedetto Della Vedova, Undersecretary of State (MoFA), Italy, and Mr Bjørn Berge, Deputy Secretary General and featured a number of eminent speakers from government, academia and business focusing on AI and human rights.

### Media

On 31 March-1 April and on 4-5 April, the CDMSI Committee of Experts [MSI-RES on increasing Resilience of Media](#) and [MSI-SLP on Strategic Lawsuits against Public Participation](#) held their first meeting and discussed forthcoming work on their expected deliverables (draft guidelines on the use of digital tools including AI for journalism and Good practices for sustainable media financing; draft Recommendation on SLAPPs) The CDMSI Bureau meeting was held on 7 April. On 31 March, the ISD held a [webinar](#) focusing on the testimony of Ukrainian journalist Anna Murlykina from **Marioupol**.

On 28 and 29 April, an online conference on freedom of expression in political speech took place, organised by the **University of Geneva** with the support of the Council of Europe. The Secretary General, the Commissioner for Human Rights, Members of parliaments, judges of the European Court of Human Rights, experts from the bodies of the Council of Europe and other international Organisations and academics as well officials of the Secretariat discussed the scope of freedom of expression in political speech, of politicians and candidates, and the limits of this fundamental right, protected by Article 10 of the ECHR. It was also examined to what extent the technology of the Internet poses particular challenges.

### Cooperation on Freedom of Expression

In **Serbia**, 35 judges and prosecutors took the 2<sup>nd</sup> round of [tutored online courses](#) on “Freedom of Expression” and “Protection and safety of journalists”, co-organised with the Judicial Academy of Serbia; and 15 lawyers were [trained on hate speech](#) in cooperation with the Bar of the Federation of **Bosnia and Herzegovina**. In **North Macedonia**, and in **Georgia** journalists and lawyers discussed abusive litigation (SLAPPs) through a custom-made events. In **Kosovo**\*<sup>2</sup> the 3<sup>rd</sup> [Steering Committee](#) took place and stock of archived results of HF II/JUFREX. In **Moldova**, commitment with country’s Parliament in reviewing a draft law tackling disinformation entered into action; while in **Georgia**, the CoE Convention on Access to Official Documents brought together 16 public institutions to discuss the prospects of treaty ratification. In **Tunisia**, the EU-CoE Project supported Resource Centre for the Tunisian Audiovisual Regulator (HAICA) went fully [online](#).

### Cybercrime

The cybercrime capacity building projects implemented by the Cybercrime Programme Office (C-PROC) supported a range of activities on cybercrime in different regions of the world and published further guides and training materials. For example, the HELP training course on cybercrime and e-evidence was published. C-PROC, in cooperation with INTERPOL, published a guide on law enforcement training strategies. C-PROC held another practitioner workshop

<sup>2</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

of the International Network of Judicial Trainers focusing on Online Child Sexual Exploitation and Abuse. Reform of cybercrime legislation in **Nauru** was supported through two further workshops. **Ecuador** was invited to accede to the Convention on Cybercrime following support provided by GLACY+. The T-CY working group on undercover investigations and extension of searches held another meeting. The Cybercrime Division prepared the Conference on Enhanced Cooperation and Disclosure of Electronic Evidence and the opening for signature of the 2<sup>nd</sup> Additional Protocol to the Budapest Convention which will be held on 12-13 May in Strasbourg.

### **Data Protection**

The Council of Europe and Convention 108 were featured strongly in the 1st Privacy Symposium in **Venice**, (4-7 April) with the presence of the Chair of the Committee and a substantial input from the data protection unit. On 19 and 20 April, a two-day workshop online kicked off co-operation to support **Chile** with developing its data protection legislation. On 21 April, the head of the Data protection Unit co-moderated a symposium on data access, organised by the French Presidency of the European Council and, on 27 April, a draft data protection policy document was presented and discussed with the Task Force on the future data protection legislation of **Vanuatu**.

## **Action against crime**

### **GRECO**

The President of GRECO, Marin Mrčela (Croatia) spoke at a hearing of the PACE Committee on Rules of Procedure, Immunities and Institutional Affairs on the report on "Respect for the rule of law and the fight against corruption within the Council of Europe" on 29 April. The Executive Secretary of GRECO, Hanne Juncker, spoke at a hearing of the LIBE Democracy, Rule of Law and Fundamental Rights Monitoring Group (DRFMG) of the European Parliament on "The situation in Greece" on 28 April. The GRECO Secretariat also spoke at a Round Table on "A Practical Approach to Transparency in Lobbying" in Estonia on 12 April. GRECO **published** four reports concerning the 4th Round (preventing corruption and promoting integrity among MPs, judges and prosecutors): the second interim compliance report on **Austria** and **Serbia**, the addendum to the second compliance report on **France** and the second compliance report on **Ukraine**, as well as the 5th Round evaluation report on **Lithuania** (preventing corruption and promoting integrity in central governments and in law enforcement).

**MONEYVAL** launched the mutual evaluations of **Montenegro** and **Azerbaijan**, and held an on-site visit to **Malta** jointly with the Financial Action Task Force (FATF). The MONEYVAL Chair took part in a high-level Ministerial meeting of the FATF on 21 April.

### **Economic Crime and Co-operation**

In co-operation with the European Commission's DG Reform, a conference was held on "Proliferation financing risks and trends – addressing current challenges" in Prague, **Czech Republic**. The conference allowed representatives of institutions from 10 EU member states to exchange views about their national practices on the subject. Peer-to-peer training on investigation, prosecution and adjudication of terrorism financing strengthened the capacities of criminal justice authorities in **Kosovo**\*.

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A conference to discuss the progress in the implementation of the project on “Preventing money laundering and terrorism financing in **Serbia**” generated strong interest on the part of the beneficiary institutions and other stakeholders in Serbia which confirmed the relevance of the project and the important contribution it makes to Serbia in introducing effective anti-money laundering measures.

A roundtable with the Ministry of Justice of **Turkey** examined findings and proposals resulting from the assessment carried out by the ECCD of the legislative framework for mutual legal assistance and extradition.

The Council of Europe e-course on “Introduction to Corruption Prevention” was launched at an online event. This is the first Council of Europe e-course on this subject and will be hosted on the HELP platform.

The Head of Department, Hanne Juncher, together with the Head of Office in Belgrade, hosted two well-attended online sessions with the CoE diplomatic community in **Belgrade** and donors, and with media and CSOs, to raise awareness about the context and priorities of the CoE’s work in the areas of economic crime, corruption, and medicrime.

## Criminal law and Counter-terrorism

### Criminal Law

At its 2nd meeting on 21-22 April 2022, the **CDPC Working Group on Victims’ Rights (CDPC-VR)** continued its examination of the draft Recommendation on Rights, Services and Support for Victims of Crime and its draft Explanatory Report, to replace Rec(2006)8 on Assistance to Crime Victims.

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

Key events have been centred around the promotion of the [MEDICRIME Convention](#) among different stakeholders: the Convention was introduced to the Colombian Deputy Minister of Justice (6 April) and to the diplomatic community in **Serbia** (12 April); a training session was organised for the **International Association of French-speaking customs officers** (22 April); a regional experience-sharing activity in 11 east and central African countries (25-29 April). **Morocco** [ratified](#) the MEDICRIME Convention (19/04/2022) and **Lithuania** [signed](#) it (21/04/2022). The [Nicosia Convention](#) entered [into force](#) on 1 April 2022, the date on which **Italy** ratified this Convention.

### Counter-terrorism

**The 8<sup>th</sup> Bureau of the Committee on Counter-Terrorism (CDCT)** met on 7 – 8 April 2022 to discuss finalised, ongoing and forthcoming activities under the auspices of the CDCT and the upcoming 8<sup>th</sup> Plenary scheduled to take place in May 2022. As major developments, the Bureau welcomed the adoption of the Recommendation on the use of information collected in conflict zones as evidence in criminal proceedings related to terrorism offences and the Recommendation on risk assessment of individuals incited or convicted for terrorism offences, finalisation of a draft Report on Emerging Terrorist Threats (to be considered by the Plenary in May) and start of work on the new Counter-Terrorism Strategy. It also took note of the advancement with implementation of outstanding actions under the current Counter-Terrorism Strategy with a view to their finalisation on schedule, until the end of 2022.