



NEWSLETTER

DG Human Rights and Rule of Law (DGI)

April 2023

CPT

The CPT carried out an ad hoc visit on immigration matters to the [United Kingdom](#) from 27 March to 6 April 2023. The CPT also carried out a periodic visit to [Luxembourg](#) from 27 March to 4 April 2023. An ad hoc visit to [Bulgaria](#) was carried out from 21 to 31 March 2023.

Venice Commission

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

- **Bosnia and Herzegovina**
Joint opinion (with ODIHR) on the draft law on Foreign agents of the Republika Srpska, ODIHR – 24.04.2023
- **France**
 - Opinion on the Article 49.3 of the Constitution of France and the established practice, allowing the government to force passage of a bill without a vote unless the Parliament votes a motion of no-confidence, Parliamentary Assembly, Monitoring Committee 28.04.2028
 - Opinion on the Superior Council of the Judiciary and on the status of the judiciary, Parliamentary Assembly, Monitoring Committee - 28.04.2028

The Commission's rapporteurs held several meetings with the authorities and representatives of minorities concerning the draft opinion on the law on national minorities (communities) of Ukraine.

The Commission organised / participated in the following events:

- Legal assistance to the PACE election observation mission for the early **parliamentary elections in Bulgaria** (Sofia, 02/04/2023)
- Participation of the Commission's President in the 5th meeting of the International Justice Network (RIJ) on "The rule of law and fundamental rights: a common European priority", organised by the Ministry of Justice of France (Paris, 12/04/2023)
- Presentation of the **2022 Annual Report of Activities** of the Commission to the Committee of Ministers of the Council of Europe and exchange (Strasbourg, 19/04/2023)

20th meeting of the **Joint Council on Constitutional Justice** of the Venice Commission and mini-conference on the topic "Measures taken by States in response to the COVID-19 crisis and their impact on constitutional justice – constitutional case-law on emergency situations" – in cooperation with the Constitutional Court of Bulgaria (Sofia, 24-25/04/2023).

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



The project "HELP (Human Rights Education for Legal Professionals) for **Ukraine** including during wartime" presented the work plan to partners, during its 1st Steering Committee Meeting in [Kyiv](#) (photo). The HELP course on Antidiscrimination was launched for [lawyers](#) in **Albania** and [municipal officers](#) in **Kosovo**^{*i}, under HRTF-funded "HELP in the Western Balkans". A [HELP Training-of-Trainers \(ToT\)](#) was organised in **Italy**, with the *Consiglio Nazionale Forense* (CNF) and the *Scuola Superiore della Magistratura* (ISM), under the EU-CoE project "Judicial Training on Rule of Law and Fundamental Rights".

A closing event took place in Tunis for the EU-CoE project in support of independent instances in **Tunisia** (PAII-T). [The project "Fostering Human Rights in the Armed Forces in Armenia"](#) was officially launched in Yerevan on 21 April at a high-level event. The [TJENI project](#) organised a [presentation by the French Court of Cassation](#) of its AI-based solution to improve consistency of jurisprudence by labelling of judicial decisions. The Transversal Challenges and Multilateral Projects Division held a Roundtable with European Development Finance Institutions to promote human rights and environmental protections through business investments.

Key activities within the Division of Co-operation Programmes: in Strasbourg - [an international event on migrant and refugee children](#), with participation of Iceland's Minister of Education and Children; launching events for new projects on [execution](#) in **Armenia** and on [criminal justice](#) and [war remedies](#) in **Ukraine**; in **Azerbaijan** – a [meeting on harmonisation of judicial decisions](#); a high-level international conference on torture and ill-treatment in **Kazakhstan**; in the **Republic of Moldova** – a [training for psychologists](#) working with war traumatised children; in **Serbia** - a [presentation of the comparative analysis](#) of court and prosecution staff regulations in selected member states.

The CEPEJ [Resource Centre](#) on Cyberjustice and AI [was launched on 5 April](#), listing AI tools used justice systems. It will be updated regularly. New cooperation [projects were launched](#) in **Azerbaijan**, **Bosnia-Herzegovina** and the **Republic of Moldova**. The CEPEJ pilot court Network (around 50 European courts) [met in Lublin, Poland](#).

Execution of Judgments of the ECtHR

The Department for the Execution of Judgments issued a [new Thematic Factsheet on Excessive Formalism by Courts](#). It provides examples of general and individual measures reported by States in the context of the execution of the European Court's judgments focusing on the following specific issues: excessively formalistic rules of procedure; excessively formalistic interpretation of procedural requirements; assessment by courts of statutes of limitation; payment of court fees; clerical errors; and excessively formalistic decisions concerning detention.

The Director of Human Rights and the Department carried out a mission to **Belgium** to discuss with national authorities cases pending execution before the Committee of Ministers, in particular those relating to structural problems concerning conditions of detention in prisons ([Vasilescu](#) case), including internees in psychiatric wings (group [L.B.](#) and pilot judgment [W.D.](#)), and the excessive length of judicial proceedings ([Bell](#) group). It was agreed to strengthen co-operation with the Council of Europe on the establishment of an effective preventive remedy against poor conditions of detention.

The Department and the CPT participated in a meeting in **Paris** with the French authorities on the state of execution of the [J.M.B. and others](#) case concerning prison conditions. The

discussions focused on the method of calculating prison capacity and the functioning of the new preventive judicial remedy concerning poor conditions of detention.

The Department organised a meeting of the Network of Experts on the Implementation of ECHR judgments by **Ukraine** in Warsaw. It was a unique opportunity for the Network to gather in person for the first time since the escalation of the Russian Federation's military aggression against Ukraine. The discussions focused on a number of longstanding, structural and complex problems identified by the European Court. The Network included representatives of the Ministry of Justice, the Supreme Court, the Higher Council of Justice, the Verkhovna Rada, the Office of the Prosecutor General, the State Bureau of Investigations, the Council of Judges and the Ministry of Interior.

The Department met with the Consultative Board of the Programme for Human Rights Education for Legal Professionals ([HELP](#)). The Department noted that HELP may be one of the major tools by which awareness raising and systematic training on ECHR may be pursued, in order to resolve especially persistent, structural or complex problems at national level.

Social Rights

The decision of the [European Committee of Social Rights \(ECSR\) on the merits in European Disability Forum \(EDF\) and Inclusion Europe v. France, Complaint No. 168/2018](#) became public on **17 April 2023**.

In their complaint, EDF and Inclusion Europe alleged that France did not respect the right of persons with disabilities to live an independent life, social integration and full participation in the life of the community, because they are not guaranteed access to social support services and facilities, and because children with disabilities are not offered inclusive mainstream education. In its decision on the merits, the ECSR concluded unanimously that there is a violation of Article 15§3, Article 15§1, Article 11§1 and Article 16 of the Charter. The decision was broadly reported in French media and in social media.

A new complaint, [European Federation of National Organisations working with the Homeless \(FEANTSA\) and International Federation for Human Rights \(FIDH\) v. France, Complaint No. 224/2023](#) (*French only*) was registered on **3 April 2023**.

It concerns Articles 1 (the right to work), 11 (the right to protection of health), 30 (the right to protection against poverty and social exclusion), 31 (the right to housing) and E (non-discrimination) of the Charter. FEANTSA and FIDH complain that, in the absence of a specific legal framework, rules proliferate seeking to repress the way in which homeless people use public spaces. As a result, the rights of homeless people are allegedly breached as regards work, protection of health, protection against poverty and social exclusion, housing and non-discrimination.

Police, Detention, Drugs and Addictions

Pompidou Group

The participation of the consultant in the children and family affected by drug use and the Secretariat in a field visit on day care, treatment services, therapeutic community and after day care in the **Czech Republic** from 13 to 15 April, was a rare occasion to see the reality of the situation, to speak with actors in the field and with young people facing problems of drug dependence. It also made it possible to get the agreement of the director of the therapeutic community to be part of the advisory group in charge of developing guidelines for comprehensive services for children and families affected by drug dependence.

The Deputy Executive Secretary gave a presentation on Human Rights and Drug Policies on 16 April at the Irish Citizens' Assembly on Drugs Use. The Citizens' Assembly has been established by the Parliament of **Ireland** to consider the legislative, policy and operational changes Ireland could make to significantly reduce the harmful impacts of illicit drugs on individuals, families, communities and wider Irish society.

The Secretariat participation in the EU4Monitoring Drugs (EU4MD) II: Project Advisory Committee, on 19 April in **Brussels** demonstrated the good cooperation between this EMCDDA project and MedNET, and in particular MedSPAD.

The Pompidou Group participated on 19 April in the 4th meeting of Interagency Technical Working Group (ITWG) on the Prevention and Treatment of Drug Use and Drug Use Disorders. The online meeting was co-organised by UNODC and WHO. The Pompidou Group's participation in ITWG aims to strengthen interagency co-operation and develop common synergies of work.

An international capacity building workshop - The role of Parents in Drug Prevention was held on 19-20 April in **Tbilisi, Georgia**. More than 20 participants - representatives of the Georgian state institutions, civil society organisations, as well as the private sector, along with experts from Iceland and Israel discussed the role of parents in drug prevention, wider stakeholder cooperation and international practices.

Co-operation in Police and Deprivation of Liberty

On 3 and 4 April, 19 specialists from 5 **Moldovan** prisons were trained on applying the new Policy and Standard Operating Procedures (SOPs) for combating the spread of criminal subculture among underage inmates in the Detention Centre for Minors and Young People. On 5 and 6 April, 23 officers from prisons for adults were trained on applying the Policy and SOPs for managing inter-prisoner violence. These sessions concluded a series of capacity building activities aimed at fighting criminal subculture in Moldovan prisons.

The Federal Police Administration of **Bosnia and Herzegovina**, responsible for the coordination and harmonisation of practice of 10 Cantonal Ministries of Interior, published on its website a handbook "[Human rights of persons deprived of liberty in police custody](#)" (developed under the Horizontal Facility action) which helps to promote the application of a human rights approach by police officers in their daily work.

On 25 April in Pristina, **Kosovo***, the findings and recommendations pertaining to the legal status and regulatory frameworks of the Institute of Forensic Psychiatry, Special Institute for Persons with Mental and Physical Disabilities and the Prison Health Department of the Ministry of Health were presented to the national stakeholders at a high-level Round Table. The participation of both Ministers concerned with the issue (Health and Justice) clearly demonstrated the commitment of the Government to tackle the issue.

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

Human Rights Intergovernmental Co-operation

The Steering Committee for Human Rights (CDDH) held an extraordinary meeting on 4 April to examine the results of the work of the CDDH ad hoc negotiation group "46+1" on accession of the EU to the ECHR. The CDDH adopted its [interim report](#) to the Committee of Ministers, including the 46+1 group's report (with the revised draft accession instruments in appendix), which notes that the EU intends to resolve internally the outstanding issue concerning cases relating to the Common Foreign and Security Policy. The EU will inform the

CDDH at regular intervals on progress on this issue, which the CDDH will continue actively to follow.

Legal Co-operation

The CCJE continued drafting its Opinion No. 26 (2023) - "Moving forward: use of technologies in the judiciary". On 19 April 2023, the CCPE Bureau adopted a Statement on the drafting of a new Convention on the Protection of the Environment through Criminal Law. It offered CCPE expert assistance to the newly established Committee of Experts on the Protection of the Environment through Criminal Law (PC-ENV), particularly in the light of its Opinion No. 17 (2022) on the role of prosecutors in the protection of the environment.

Human Rights and Biomedicine

On the occasion of the 70th anniversary of the discovery of the DNA double helix, the Steering Committee for Human Rights in the fields of Biomedicine and Health ([CDBIO](#)) has published a [report](#) regarding public dialogue on genomic medicine. The report reflects the main findings, positions and conclusions of a workshop organised on this theme, on 10 November 2022, in the context of the [Strategic Action Plan on Human Rights and Technologies in Biomedicine \(2020-2025\)](#).

Information Society – Action against crime

Media



Patrick Penninckx, head of the Information Society Department, represented the Council of Europe at the "[Journalists Matter](#)" event organized by the **Cypriot** Press and Information Office, ahead Council of Europe's campaign for the safety of journalists, to be launched in the fall of 2023. The [CDMSI Bureau](#) held its 24th meeting on 13 April 2023, with its Members receiving comprehensive updates on the current work and debating future work of the CDMSI as well as future terms of reference for 2024-2027. Also in April the Committee of Experts on Strategic Lawsuits against Public Participation ([MSI-SLP](#)) examined the revised draft Recommendation on countering Strategic Lawsuits against Public Participation (SLAPPs) and Committee of Experts on Increasing Resilience of Media ([MSI-RES](#)) discussed the revised draft of the Guidelines on the use of digital tools including artificial intelligence for journalism/by journalists. 40 [Russian journalists in exile met in Gothenburg, Sweden](#), on 24-25 April to discuss how to strengthen the network of "media freedom hubs" to help journalists stationed across Europe.

Cooperation on Freedom of Expression

The Council of Europe, European Federation of Journalists, Justice for Journalists Fund and the University of Gothenburg jointly organised in Gothenburg, **Sweden** a [workshop to support Russian journalists in exile](#). In **Azerbaijan**, 40 journalists received training in media literacy and countering disinformation and media coverage of gender-based violence and countering sexist hate speech in media. An expert assessment of the Azerbaijani legislation on access to information, with recommendations, was concluded. In **Moldova**, a publication on Council of Europe standards on access to information, focusing on the relevant ECtHR and other relevant standards, including the Tromsø Convention was developed. The analysis covers access to information for journalists and civil society organisations. The first [Steering Committee of the South Programme V](#) was held online on 19 April 2023, with the participation of Ms Pilar Morales, Head of the Council of Europe Office in Tunis, Coordinator of the Neighbourhood Policy with the Southern Mediterranean and Mr Stefano Dotto Head of Sector, Good Governance and Security, Directorate General for Neighbourhood and Enlargement Negotiations (DG NEAR). A comparative study on

regulatory frameworks for access to information in States Parties to the Tromsø Convention was prepared and presented to governmental and non-governmental stakeholders in **Georgia**, in view of a possible ratification and implementation process. At the request of the Audiovisual Media Authority of **Albania**, a Council of Europe expert submitted her comments and recommendations to the proposed amended Broadcasting Code, against the background of relevant European Standards.

Artificial Intelligence



The 5th Plenary meeting of the CAI was held on 19-21 April. A webinar on the topic of "[AI and Gender: preventing bias, promoting equality](#)" was organised on the margins of the meeting. The event was moderated by Caterina Bolognese, Secretary to the Gender Equality commission of the Council of Europe and brought together national and international experts from across the world to discuss the current challenges and opportunities of fighting bias and promoting equality in AI.

Data Protection



[23 ratifications!](#) **Argentina** deposited its instruments of ratification of the amending protocol CETS N° 223 during the 2nd edition of the Privacy Symposium, in **Venice** (17-21 April).

The Privacy Symposium 2023 had dedicated a whole day to a special programme for the promotion of Convention 108+. High-level participants, notably the President of **Slovenia**, Ms Nataša Pirc Musar – an internationally recognised data protection expert – , the Deputy Secretary General M. Bjorn Berge, as well as prominent personalities from intergovernmental, regional and national political spheres, as well as data protection authorities discussed the relevance, impact and opportunities of Convention and its modernised version on the path to enter into force. Besides, on 19 April, the Data Protection Unit presented its strategy and its 2023 action plan for the data protection component of the [South V programme](#) at the 1st meeting of the Programme Steering Committee. Finally, on 3 April 2023, the CyberSouth joint project of the Council of Europe and the European Union together with the Data Protection Unit held a national workshop on "The links between cybercrime investigations and data protection regulation" with the **Algerian** Ministry of Justice and the National Authority on Data Protection (ANPDP).

Cybercrime

Kazakhstan [was invited](#) to join the [Budapest Convention on Cybercrime](#). This new invitation brings the number of countries that have signed or been invited to accede to the Budapest Convention to 20. [Botnet and Malware Ecosystems Fighting Conference](#) taking place in Strasbourg from 12 to 14 April 2023, was supported by the Council of Europe. Workshops on botnets and malware that preceded the Conference, were held at the Council of Europe on 11 April 2023, [bringing together nearly 80 technical experts](#). As in previous months, the Cybercrime Programme Office ([C-PROC](#)) supported capacity building activities in all regions of the world. Of these, [Regional Cybercrime Co-operation Exercise](#) (19-21 April, Iasi, **Romania**), [In-country exercise on cybercrime and e-evidence for law enforcement, judiciary and defence attorneys](#) (4-6 April, Tbilisi, **Georgia**), both organised by the [CyberEast](#) project, and [Online workshop on the links between cybercrime and personal data protection](#) organised by the [CyberSouth](#) project and the Data Protection Unit (3 April), can be highlighted.

GRECO

GRECO published the 4th round Second Interim Compliance Report on [Armenia](#) that deals with prevention of corruption and promotion of integrity in respect of members of parliament, judges and prosecutors. GRECO continued the evaluation and compliance work within its ongoing procedures under the 5th Round (preventing corruption and promoting integrity in central governments and law enforcement agencies) and 4th Round (preventing corruption and promoting integrity among members of parliament, judges and prosecutors). GRECO also published the latest edition of its [Newsletter](#).

MONEYVAL



The Ministers and high-level officials of MONEYVAL members and territories met on 25 April 2023 in Warsaw for their first high level meeting. Opening statements were delivered by the Minister of Finance of **Poland**, the CoE's Deputy Secretary General ([speech](#)), the FATF President and the European Commission. Ministers adopted a [Declaration](#) and [MONEYVAL's strategic priorities for 2023-2027](#).

Representatives of the FATF, the European Commission, the Conference of the Parties to the Warsaw Convention and Egmont Group, expressed their support for deepening further their co-operation with MONEYVAL.

The UK Crown Dependency of Guernsey's 5th round evaluation started with a high-level exchange, followed by a training (4-5 April) attended by more than 50 representatives of Government Ministries, the financial intelligence unit, law enforcement, prosecutors, judiciary, supervisors, tax authority, registries and customs. MONEYVAL contributed to the CoE's Network of Prosecutors on migrant smuggling (3-4 April) and to the FATF's meeting on asset recovery (Paris, 20-21 April). Ela Franków-Jaśkiewicz, MONEYVAL Chair, and Oxana Gisca, vice-president of the [Conference of the Parties to the Warsaw Convention \(CETS no. 198\)](#) spoke at the International Conference on "Supranational and national AML/CFT/CPF systems: challenges and prospects" organized on 27 April in Lviv, **Ukraine**, by the OSCE Support Programme for Ukraine, the State Financial Monitoring Service of Ukraine, and the European Union Anti-Corruption Initiative (EUACI).

Economic Crime and Cooperation

Back-to-back workshops on "Enhancing effectiveness of implementation of EU sanctions by the private sector" and "New technologies and effective implementation of EU sanctions" held in **Riga, Latvia**. The events were attended by more than 860 online and in-person participants - representing **18 EU Member States** and private sector entities across the EU.

Technical paper provided advising the **Albanian** authorities on amending the "Law on international restrictive measures" with a view to its alignment with FATF recommendation 7.

The Ministry of Justice and the Agency for Prevention of Corruption in **Kosovo*** advised on the development of secondary legislation for the Law on protection of Whistleblowers, with a view to its alignment with international standards.

Workshop organised for representatives of the Financial Crime Investigation Service of **Lithuania** on "Assessing the Money Laundering and Terrorist Financing (ML/TF) risks of higher risk sectors in Lithuania".

Workshop held for the **Lithuanian** authorities to present “off the shelf” automated tools for data collection, analysis, and risk profiling of obliged entities for the purpose of risk-based AML/CFT supervision.

Representatives of the **Polish** Financial Intelligence Unit and the Financial Supervision Authority trained on the application of the Council of Europe’s Methodology for Sectoral Risk Assessment of Virtual Assets and Virtual Assets Service Providers.

Online training on understanding, assessment and mitigation of risks associated with non-profit organisations for the representatives of banks in held **Ukraine**.

Investigators, prosecutors, and judges in **Uzbekistan** trained on financial investigations and interagency cooperation.

Criminal Law

The [Committee of Experts on the Protection of the Environment through Criminal Law \(PC-ENV\)](#) held its 1st meeting in Strasbourg, on 3-4 April 2023, to identify the way forward in drafting the new Convention on the Protection of the Environment through Criminal Law. The meeting was [opened by Mr Bjørn Berge](#), Deputy Secretary General of the Council of Europe. The Committee elected Mr Šimon Pepřík (Czech Republic) as Chair and Ms Cristina Mauro (France) as Vice-Chair and took note of presentations on recent initiatives in this field by the United Nations Environment Programme (UNEP), the United Nations Office on Drugs and Crime (UNODC), the European Commission, INTERPOL and the Global Initiative to End Wildlife Crime (EWC). The PC-ENV will hold its 2nd meeting on 16-18 October 2023.

The 2nd meeting of the **Network of Prosecutors on Migrant Smuggling (CDPC-NPMS)** was held on 3-4 April in Strasbourg, in person. This meeting provided an opportunity for several members to present their respective national frameworks in the field of migrant smuggling (**Greece, Slovak Republic and United Kingdom**), as well as to extend the scope of exchanges to other regional/international bodies active in this field and to third states, where most migratory flows and related criminal activities originate. In this regard, representatives from Eurojust, the ICC and the FATF, and specialised prosecutors from **Brazil and Nigeria** participated in the debates. Members of the Network also discussed its future activities, notably in view of completing remaining Actions of the [Council of Europe Action Plan in Fighting the Smuggling of Migrants](#).

The **Council for Penological Co-operation Working Group (PC-CP WG)** held their 32nd meeting on 3-5 April 2023 in Strasbourg. The Committee considered and further revised the draft CM Recommendation on the management of persons with mental disorders and the promotion of positive mental health by the prison and probation services and the draft CM Recommendation on the ethical and organisational aspects of the use of AI by the prison and probation services and noted the information presented by the GREVIO and the CAI Secretariats.

On 17 April 2023, the CDPC Secretariat presented the new Council of Europe Recommendation on Rights, Services and Support for Victims of Crime at the high-level plenary meeting of the EU Victims’ Rights Platform in Brussels, prompting exchanges amongst international fora working in this field.

The CDPC Chair, Ms Katariina Jahkola (Finland) presented the CDPC’s work and long-standing achievements at the International Seminar on the Fight against Organised Crime, held by the French Ministry of Justice (27-28 April 2023, Paris, **France**).

MEDICRIME, Trafficking in Human Organs and Cultural property

[Norway](#) signed the MEDICRIME Convention (12 April). Within the EUROMED Police Project, the MEDICRIME Convention was introduced in a webinar organised by **CEPOL** (European Union Agency for Law Enforcement Training) (26 April) targeting both law enforcement officers and international organisations (**AFRIPOL, League of Arab States**) from the South Mediterranean region. The Committee of the Parties to [the Trafficking in Human Organs Convention](#) organised its first operational meeting (24-25 April) where both its Chair (**Montenegro**), Vice-Chair (**Portugal**) and Bureau members (**Czech Republic, Spain, and Switzerland**) were elected. Different key issues to monitor the implementation of the [Santiago de Compostela Convention](#) were also discussed. A brochure promoting greater awareness of the threat posed by crimes against cultural heritage has been published ([Nicosia Convention](#)).

Counter-Terrorism

The Working Group of the Committee on Counter-Terrorism (CDCT) in-charge of preparing a Compilation of good practices with regard to deradicalisation, disengagement and social reintegration finalised its work on 26 April 2023, producing a text of the Compilation to be examined by the CDCT at its next Plenary meeting in May 2023. The Compilation provides an outline of current programmes, key elements of design, operational practices, monitoring and evaluation, and a reflection of specific considerations (e.g. human rights and gender perspective) in programme design and implementation. It moreover provides preliminary conclusions regarding the current state of play relevant for future policy development in these areas.

ⁱ *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.