



## NEWSLETTER no 05-22

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

(May 2022)

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## Venice Commission

On 27/05/2022 the Commission **issued an urgent opinion** on the decree-law N°22 of 21 April 2022 amending and supplementing the organic law on the Independent Superior Electoral Body (ISIE) of **Tunisia**, requested by the European External Action Service, introduced through the Delegation of the European Union in Tunisia on 27/04/2022.

In May 2022 the Commission organised several **country visits/online meetings** in the framework of the preparation of the draft opinions on:

- **Kosovo** – the draft law N°08/L-121 on the State Bureau for Verification and Confiscation of Unjustified Assets – 10 - 11/05/2022
- **Turkey** – the amendments to the electoral law – 10/05/2022
- **Mongolia** – the draft law on political parties OSCE/ODIHR (Joint Opinion) – 10 - 11/05/2022
- **Azerbaijan** – the Media law – 11 - 12/05/2022
- **Republic of Moldova** - the draft law on the amendment of certain normative acts (implementing the constitutional amendments on the judicial system) - 16-17/05/2022
- **Georgia** – December 2021 amendments to the Organic Law on Common Courts – 18 - 19/05/2022
- **Kosovo** – the Concept Paper on the Vetting of Judges and Prosecutors – 19-20/05/2022
- **Tunisia** – the draft State Property Code – 24/05/2022

The Commission organised the following (hybrid) activities:

- **Tajikistan** – Constitutional justice and the rule of law – International round table - 10/05/2022
- **Uzbekistan** - Modernisation of the Public Administration in Central Asia and respect of the Rule of Law Principles – international conference - 12-13/05/2022
- **15th UniDem Med seminar** – Public service policies : paradigms for change - 17-18/05/2022

The Commission participated in the following activities:

- **Italy** - European Conference of Prosecutors - 04-05/05/2022
- **The Netherlands** – Online debate on the rule of law in the Senate - 10/05/2022
- **Mexico** - "International Standards of the Venice Commission: a comparative analysis of the Mexican electoral justice system" – International Conference - 12-13/05/2022

- **Dominican Republic** - XIV<sup>th</sup> Congress of the Ibero-American Conference on Constitutional Justice - 15-18/05/2022

## CPT

The CPT carried out a periodic visit to [Latvia](#) from 10-20 May, and also a periodic visit to the [Netherlands](#) from 10 – 25 May. In addition, high-level talks were held with the authorities of [North Macedonia](#) on 16 and 17 May.

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

### Legal Co-operation

The [European Conference of Prosecutors](#), co-organised by the [CCPE](#) in close co-operation with the Italian authorities within the framework of the Council of Europe [Italian Presidency of the Committee of Ministers](#) brought together on 5-6 May in **Palermo** Prosecutors General and their representatives from 46 member States and 8 non-member States. It focused on prosecutorial independence, autonomy and accountability, investigation and prosecution of environmental crimes and on mutual legal assistance and financial crimes in the virtual environment.

Progress has been made by the [CJ/ENF-ISE](#) on the elaboration of the draft recommendation on the protection of the best interests of the child and his/her rights in parental separation situations and care proceedings, by the new [CDCJ Working group on migration \(CDCJ-MIG\)](#), on the future Guide for Practitioners on administrative detention of migrants, and by the [CCJE](#) Working Group, on the draft Opinion on the freedom of expression of judges.

### Human Rights intergovernmental co-operation

The Bureau of the Steering Committee for Human Rights (CDDH) [met in Paris](#) on 5-6 May to prepare the forthcoming CDDH meeting (14-17 June). Amongst other things, it agreed to propose the creation of a new Drafting Group on issues relating to judges of the European Court of Human Rights and to invite Court President Robert Spano to the forthcoming CDDH meeting. The "46+1" ad hoc negotiation group on EU accession to the ECHR held its [13th meeting](#) from 10-13 May. The Group exchanged views with civil society representatives and reached provisional agreement on a further "basket" of issues. It will meet again on 5-8 July.

### Human Rights and Biomedicine

A [Seminar on Early Intervention on Intersex Children – Promoting the Rights of the Child](#) was organised on 31 May. The aim of the Seminar was to provide practical examples in the areas of legislation, training, decision-making process and supporting measures.

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

Two projects aimed at providing methodological technical assistance in anonymisation and categorisation of judicial decisions (aimed at strengthening the rule of law through increasing of transparency and consistency of national jurisprudence) started in **Croatia, Cyprus, Hungary, Lithuania, Poland, Romania** and **Slovenia**. The fourth phase of the EU/CoE Project *SPACE reports and European NPM Forum* started in May. Among others, with its peer-

to-peer network, it will continue to maintain and support the EU network of independent prison monitoring bodies.

The Council of Europe Project "Human Rights and Women in the Armed Forces in **Armenia-Phase II**" trained the personnel of the Human Rights Defender's office on international humanitarian law and human rights in armed conflicts and post-conflict situations, the military police and lawyers of the military units on the new Criminal and Criminal Procedure Codes of Armenia, journalists of Armenia on media in security & defence sector.

On 11 and 12 May, the CEPEJ, in cooperation with the European Network of Justice Inspection Services (RESIJ) and the General Inspectorate of Judicial Affairs of the Superior Council of the Judiciary of **Morocco** organised a regional conference leading to the creation of a South Mediterranean network of justice inspection services. On 12 and 13 May, the [CEPEJ organised a conference with the Tunisian Court of Cassation on joint chambers, attended by more than 60 judges and prosecutors](#). On 23 May, the CEPEJ/Spain bilateral cooperation Project "[Promoting cyberjustice in Spain through change management](#)" was officially closed.

The [Director General of Human Rights and Rule of Law met the Prosecutor of the International Criminal Court, Karim A.A. Khan QC](#), in the Hague, to discuss co-ordination of assistance to the Office of the Prosecutor General of **Ukraine**. Representatives from the **Turkish** Ministry of Justice and of the judiciary made a study visit to the Council of Europe as well as in French courts and investigative bodies (in particular dealing with cybercrime). A CoE delegation visited **Tajikistan** in the context of the co-operation programme for raising awareness on European human rights standards among legal professionals.

A series of training activities were organised in the Balkan region: for the Ministry of Justice of **North Macedonia** – with providers of legal aid, for the **Serbian** Constitutional Court – on compensations in cases of human rights violation, and for the **Montenegrin** Judicial training Centre – on communication. In **Armenia, Georgia, and Republic of Moldova** action plans on the introduction of mechanisms for an effective defence of lawyers were developed.

## Execution of Judgments of the ECtHR

The Department for the Execution of Judgments met with representatives of **the United Kingdom** Ministry of Justice and the Scottish Government in Strasbourg to discuss general procedures and issues concerning execution of ECHR judgments. Among other things, the Department shared information on best practices on submitting action plans and action reports and the participants shared thoughts on how cooperation between the authorities of the United Kingdom and the Department could be further improved.

The Department organised a meeting with representatives from the Ministry of Justice of **Bulgaria**. The discussions focused, in particular, on the authorities' work aimed at the implementation of ECHR judgments related to the systemic problem of ineffective criminal investigations, including the lack of guarantees for their independence concerning the Chief Prosecutor and other high-ranking officials close to him or her ([S.Z. and Kolevi cases](#)). Discussions also tackled the need to follow-up the Bulgarian Government's road map of August 2021 for the execution of ECHR judgments, so as to implement without further delay these judgments, many of which are pending before the Committee of Ministers for more than five years.

The Department participated in a seminar, organised in Naples by the Italian School of the Judiciary, on the implementation of the ECHR judgments against **Italy** concerning child adoption ([Zhou group of cases](#)), children's placement in foster care ([R.V. and Others](#)) and non-implementation of judicial decisions regulating parents' visiting rights ([Terna group of cases](#)). The seminar provided an opportunity for dialogue and experience-sharing aimed at

identifying solutions to the shortcomings highlighted by the ECHR judgments and the Committee of Ministers' decisions.

The Department held on-line consultations with the **Greek authorities** on certain ECHR judgments whose execution has been pending before the Committee of Ministers for more than ten years. The discussions focused on cases concerning the structural problem of poor conditions of detention in prisons and lack of an effective remedy ([Nisiotis group](#)) and the registration of associations ([Bekir-Ousta group](#)).

## European Social Charter

The Council of Europe Project "[Strengthening Protection of Social and Economic Rights in Georgia](#)" facilitated a workshop for the Labour Inspection Office of **Georgia** on 5 May 2022.

The [European Committee for Social Cohesion](#) (CCS) held its first meeting on 17-18 May 2022 in Strasbourg and by video conference. The Committee took note inter alia of the CCS [Terms of reference](#) for 2022-2025 and exchanged views on its action plan for 2022-2023.

The [European Committee of Social Rights](#) (ECSR) held its 327th session from 16 to 20 May in Strasbourg and by video conference. The ECSR continued the examination of national reports on the provisions of the ESC belonging to thematic group on labour rights. In addition, [the ESCR adopted](#) two decisions on the merits (Panhellenic Association of Pensioners of the OTE Group Telecommunications (PAP-OTE) v. **Greece**, Complaint No. 165/2018 and Unione Sindacale di Base – Settore pubblico impiego (USB) v. **Italy**, Complaint No. 152/2017). The ECSR unanimously declared inadmissible the complaint Comitato Nazionale Quadri Direttivi della Pubblica Amministrazione (CO.N.QUA.DIR – P.A.) and Cassa Mutua Nazionale tra i Cancellieri e Segretari Giudiziari v. **Italy**.

## Police, Detention, Drugs and Addictions

### Group Pompidou

On 9 May, the 6<sup>th</sup> working group meeting of the Support Network of Professionals (SNP) working on drug-related challenges with refugees, migrants and IDPs was held in Strasbourg. The 10 experts from Algeria, Croatia, Cyprus, Greece, Hungary, Israel, Slovak Republic, Spain and Portugal discussed new migration challenges at national and European level and the final aspects of the Handbook and the Guiding Principles for professionals working in the field of addictions with these target groups.

On 10-12 May took place the 3rd meeting on the role of police in drug prevention in Brussels/Pajottenland, **Belgium**, hosted by Pajottenland Local Police. Participating police officers discussed new approaches in prevention by police such as the deflection model developed in the US, using a solution-focused approach to addressing young people and police contribution to an integrated prevention approach at community level in Belgium.

The 90th meeting of the Permanent Correspondents of the Pompidou Group was held on May 17 in Rome. On this occasion, the PG member States made progress in the preparation of the Ministerial Conference to be held in **Lisbon** on 13-14 December 2022, including an in-depth discussion on the future priorities and activities of the Group for the period 2023-2025. The theme ("Human rights at the heart of drugs and addictions policies") and the programme of the ministerial conference were adopted.

The day after, the Pompidou Group organised a seminar as part of the Italian Chairmanship programme of the Council of Europe on the topic of Drugs Facilitated Sexual Assaults (DFSA). The phenomenon of DFSAs is closely linked to the issue of protecting and promoting women's fundamental rights and preventing gender-based violence. Representatives of GREVIO (Group

of experts on Action against Violence against Women and Domestic Violence), of the European Institute for Gender Equality (EIGE) and the European Agency for Fundamental Rights (FRA) contributed to the sharing of knowledge.

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

On 11-12 May the Council of Europe contributed to the 25<sup>th</sup> international police congress in **Berlin** – a large-scale EU-wide event, dedicated to risks and opportunities created by the current trends and changes in the European society, technology and climate.

In Bosnia and Herzegovina, the Ministry of Interior of the **Sarajevo** Canton has officially published [“Instructions on the treatment of persons deprived of liberty”](#) incorporating operational procedures from the manual “Human rights of persons deprived of liberty in police custody”.

On 19-20 May, a joint Working Group with the National Probation Inspectorate of the **Republic of Moldova** finalised a new Curriculum for initial training of probation counsellors which will strengthen their skills in resocialisation of offenders released on probation, their reintegration into society, and preventing re-offending.

Following the support to draft the 2022-2027 Strategy for Development of System of Enforcement of Criminal Sanctions in **Serbia**, CPDL helped the authorities to prepare the accompanying Action Plan and ensuring its conformity with Council of Europe standards and CPT recommendations.

At a regional conference “Towards improved practices in preventing radicalisation and countering violent extremism in prisons and staff training in the Western Balkans” in **Montenegro** (17-18 May) 50 practitioners from prison and probation administrations, civil society and academia took stock of the progress made by the penitentiary systems in 6 countries of the region in applying to practice findings and recommendations of six previous regional sessions on related topics.

## Information Society

### Artificial Intelligence



On the 6 May 2022, Patrick Penninckx, Head of the Information Society Department has presented the latest Council of Europe Policy Developments on Artificial intelligence to the participants in the [NORA start-up event](#) in **Norway**. On 24 May, the Bureau of the CAI held its first meeting (online). The meeting was mainly dedicated to the preparation of the negotiations of

an appropriate legal instrument on AI, based on the CoE standards on human rights, democracy and rule of law. On May 31<sup>st</sup> Mr Patrick Penninckx, the head of ISD, participated in a conference on the Metaverse organised by the city of Strasbourg.

### Media



On 2 May the Information Society Department published its [report on the state of freedom of expression in Council of Europe member States in 2021](#). On 2-5 May 2022, the Council of Europe participated in two panels of the [UNESCO World Press Freedom Day Conference](#) in Uruguay and co-hosted a third session on freedom of expression during conflicts, and on 5<sup>th</sup> of

June took an active part in the [Kristiansand conference on democracy and human rights](#).

The ISD was represented by the Head of the Media and Internet division, Ms Artemiza-Tatiana Chisca, at [EPRA's 55<sup>th</sup> meeting](#) on 12-13 May in Antwerp, on 17 May at the European Law Institute (ELI) webinar on the ELI report on 'freedom of expression as a common constitutional tradition in Europe' and on 18 May in Brussels, to present the Council of Europe work on Media and safety of journalists issues, at the Audiovisual and Media Working Party of the European Council. On May 31st, the Council of Europe together with the Group of Friends on freedom of expression, held the screening of the movie 'Disturbed Earth' with an introduction by the film director Didem Pekün.

## Cooperation on Freedom of Expression

In **Azerbaijan**, a virtual assessment mission in the framework of joint Opinion of the Venice Commission and the Information Society Department concerning Law "On Media" of Azerbaijan, enacted in 02/2022, was finalised. A new publication promoting European Media Literacy standards in **Bosnia and Herzegovina's** institutions was [published](#). While in **Georgia**, members of the Internet Governance Forum met to assess the progress made since the annual conference (December 2021). Three Council of Europe supported documentaries were aired through national premieres in **Moldova** in parallel with a campaign [Journalists reflect on fighting the disinformation](#). Custom made and cascade trainings for legal professionals, judges and prosecutors were provided through JUFREX 2 and its grantees in **Bosnia and Herzegovina** **North Macedonia**, **Kosovo**\*. The **Ukraine's** Public Broadcasting Company (UA:PBC) received a grant of 65.000 EUR in enabling the company to address urgent needs in order to discharge its functions, supporting the relocation from Kyiv to Lviv for 80 staff members for 30 days.



## Cybercrime



The main event in May was the international conference on enhanced cooperation and disclosure of electronic evidence and the [opening for signature of the new 2nd Additional Protocol](#) on 12-13 May 2022 at the Council of Europe in Strasbourg. Some 250 experts from over 70 countries participated in person in this conference that was part of the

Italian Presidency of the Committee of Ministers. 22 States signed this Protocol on that occasion; **Andorra** then signed it on 20 May at the ministerial session of the Committee of Ministers. The Cybercrime Programme Office (C-PROC) supported a range of capacity building activities in different regions of the world, such as a training course on ransomware for 34 countries, a workshop on data protection legislation in **Vanuatu**, a training course for magistrates in **Morocco**, a workshop for foreign policy makers in **Colombia**, or – in cooperation with the International Association of Prosecutors – a webinar on the data protection rules under the 2nd Additional Protocol to the Budapest Convention. A special attention was given to the support of the Ukrainian authorities by framing a dedicated plan of activities in view of responding to the current challenges they are facing due to the aggression by the Russian Federation against **Ukraine**.

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\* 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

The DP Commissioner was among the speakers of a WFP/EDPS workshop on Data Protection within International Organisations in Rome; Patrick Penninckx advocated for data protection and privacy in the digital era, in a workshop on "Digital transformation and access to rights, a common challenge in the French speaking space: What role for Ombudsmen?" in **Morocco**. The Chair of Convention 18 Committee joined in a vibrant call by European data protection authorities for ratification of Convention 108+ and further European collaboration, at the Data protection Spring Conference in Dubrovnik. The Data Protection Unit was strongly present at the Computer, Privacy and Data Protection Conference 2022 with two interventions, on Data protection certification – International perspective and impact, and on Limits of emergency powers: protecting privacy in exceptional circumstances. On the co-operation side, an awareness raising "[tool kit](#)" on data protection in the health sector was officially presented and launched in **Tunis** and over [100 Tunisian data protection officers were trained](#) to mapping the processing of personal data.

## Action against crime

### GRECO

The GRECO **Bureau** met on 23 May. GRECO published the 5th Evaluation Round compliance report on [Malta](#) on preventing corruption and promoting integrity in the central government and in law enforcement. GRECO also published the latest edition of its [Newsletter](#). The Executive Secretary of GRECO, Hanne Juncher, spoke at the OSCE Parliamentary Assembly Conference on "Combating corruption, Defending Democracy: The Role of National Parliaments" in Nicosia, Cyprus on 27-28 May 2022.

### MONEYVAL

MONEYVAL held its 63<sup>rd</sup> Plenary and working group meetings on 16-20 May 2022, and adopted mutual evaluation reports on **Bulgaria** and **Liechtenstein**, as well as follow-up reports on **Albania, Hungary, Republic of Moldova** and **Slovenia**. The Plenary took the decision to apply compliance enhancement procedures with regard to **Slovenia**. The Plenary agreed to recommend to the Committee of Ministers to accept the observer application of the Islamic Development Bank in MONEYVAL.

### Economic Crime and Cooperation (ECCD)

Developed a technical paper analysing the legislative and institutional framework on conflict of interests and incompatibilities in **Armenia**.

Conducted a workshop for the **Bulgarian** authorities to present and discuss the key findings of the assessment of the impact of the investor citizenship scheme in Bulgaria.

Representatives of the Financial sector in **Georgia** were trained on how to identify and verify beneficial ownership, in line with the new FAFT rules.

Held two trainings for representatives of **Romanian** institutions on how to conduct sectoral assessments of money laundering and terrorism financing risks for the financial sector and the virtual assets service providers sector.

Held a high level conference for representatives of the **Romanian** authorities to present the results of the national Money Laundering and Terrorist Financing National Risk Assessment, conducted pursuant to the Council of Europe Methodology.

Conducted a series of thematic meetings with representatives of beneficiary institutions from **Kosovo\*** focusing on the presentation of the different risk assessment tools and methodologies developed by the Council of Europe.

## Criminal law and Counter-terrorism

### Criminal Law

The 1st meeting of the Council of Europe Network of Prosecutors on Migrant Smuggling (CDPC-NPMS) was held on 10-11 May in Paris, in person. Its members notably agreed on the need for such a Network to foster quicker and more flexible transnational co-operation and information-sharing than through other assistance channels. They also discussed the modalities, role and possible outcomes of this Network, especially the possibility to involve third states in their future work, as well as the potential drafting of an instrument specifically dealing with migrant smuggling at a later stage.

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



Bilateral activities with different Parties have been implemented to promote both the [MEDICRIME Convention](#) and the [Nicosia convention](#) at national level. The MEDICRIME Convention was introduced to the **Ibero-American Social Security Organization**, the **HELP online**

**course** has been translated into Romanian. **Greece** [signed](#) the MEDICRIME Convention (18/05/2022). The MEDICRIME Committee participated in a drafting work meeting to support the development of a law enforcement training guide on the detection and investigation of counterfeit medical products.

### Counter-terrorism

#### 8<sup>th</sup> Plenary meeting of the CDCT

From 23<sup>rd</sup> to 25<sup>th</sup> May, the **Council of Europe Committee on Counter-Terrorism (CDCT)** held its 8<sup>th</sup> Plenary session, the first in-person after nearly two years. The CDCT took this opportunity to discuss a number of important topics that were on-hold during this period, such as the production of a pan-European definition of terrorism, as well as finalise its work on the Report on the Emerging Terrorist Threats and discuss first steps taken toward the drafting of the new Counter-Terrorism Strategy.

**The Council of Europe Network of Single Contact Points for the Exchange of Procedural Information regarding the Legal Standing of Victims of Terrorism** met in person for the first time at its 4<sup>th</sup> meeting held on 5 May 2022. The Contact Points assessed the functioning of the Network, discussed avenues for development and established relations between members.

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