



NEWSLETTER

DG Human Rights and Rule of Law (DGI)

(September 2022)

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Venice Commission

The Commission received/started working on the following **requests for opinion/ *amicus curiae* briefs** on:

- **Armenia** – draft law on the institute of the appeal against the decisions of the Supreme Judicial Council - Minister of Justice
- **Armenia** - asset confiscation – Constitutional Court
- **Bosnia and Herzegovina** – draft law on courts - Minister of Justice
- **Bosnia and Herzegovina** – functioning of the State Court (principle of two instances) - Constitutional Court
- **Kazakhstan** - Constitutional Law on the Commissioner for Human Rights - Commissioner for Human Rights
- **Republic of Moldova** – draft law on the Supreme Court of Justice - Minister of Justice
- **Romania** - three draft laws on judiciary: on the status of judges, on the organisation of the judiciary and on the Superior Council of the Judiciary – PACE Monitoring Committee
- **Turkey** – amendments to the Press Law (jointly with the DG-I) - PACE Monitoring Committee

The Commission organised **country visits** to **Andorra** ([22-23/09](#)), **Bulgaria** ([26-27/09](#)), **Kazakhstan** ([29-30/09](#)), **Mexico** ([21-22/09](#)), **Republic of Moldova** ([15-16/09](#) and [22-23/09](#)) and **Serbia** ([29-30/09](#)) in the framework of the preparation of the forthcoming opinions.

The Commission **organised the following events**:

- **Civil society: empowerment and accountability** - [International Round Table](#) - Strasbourg, 13/09/2022
- **Kyrgyz Republic** – "Judicial independence in the context of constitutional reforms" - [International conference](#) – Bishkek, 16/09/2022.

On 7/09/2022 the President of the Venice Commission, Ms Claire Bazy Malaurie, on the occasion of the presentation of the 2021 Annual Report of Activities of the Commission to the Committee of Ministers of the Council of Europe, exchanged views with the Permanent Representatives of the member States.

See also : [Holding referendums during wars and military threats is against European standards](#) - 21/09/2022

CPT

On 2 September, the report on the 2021 visit to [Greece](#) was published, together with the response of the Greek authorities.

The CPT held high-level talks in [Greece](#) on 7-8 September.

On 14 September, the report of the 2020 visit to [Germany](#) was published, together with the response of the German authorities.

The CPT carried out periodic visits to Croatia from 19 to 29 September, to [San Marino](#) from 19 to 22 September, and ad hoc visits to Türkiye from 19 to 28 September, and to Romania from 19 to 30 September.

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

Human Rights intergovernmental co-operation

On 27 September, the Committee of Ministers adopted three new legal instruments prepared under the responsibility of the Steering Committee of Human Rights (CDDH): a [Recommendation on human rights and the protection of the environment](#), a Recommendation on preventing and combating trafficking in human beings for the purpose of labour exploitation and a set of [guidelines on preventing and remedying violations of the European Convention on Human Rights](#).

On 13-15 September, the CDDH Drafting Group on Human Rights and the Environment ([CDDH-ENV](#)) held a hearing with international experts on the need for and feasibility of a binding instrument in this field. The Drafting Group on Cases relating to Inter-State Disputes ([DH-SYSC-IV](#)) at its 6th meeting adopted a draft CDDH report to the Committee of Ministers on the effective processing and resolution of cases related to inter-State disputes. The [1st meeting](#) of the Drafting Group on Issues relating to Judges of the European Court of Human Rights ([DH-SYSC-JC](#)) took place on 28-30 September, with the group discussing the scope and structure of its future report and organising its further work.

Legal Co-operation

Mr Antonio Vercher Noguera, President of the Consultative Council of European Prosecutors (CCPE) took part in an exchange of views with the Committee of Ministers on 15 September.

On 21 September in **Skopje** (North Macedonia), the European Committee on Legal Cooperation (CDCJ) co-organised with the UNHCR a roundtable on "[Access to social and economic rights and integration related services for refugees and stateless persons](#)". National authorities and experts working in the field, representatives from Council of Europe and UNHCR, civil society, academia and stateless individuals discussed new avenues for enhancing the protection of asylum seekers, refugees and stateless persons and contributing to developing good practices.

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

Digitalisation of justice: the **CEPEJ Advisory Board on Artificial Intelligence (AIAB)** held its 1st meeting. It advises CEPEJ working groups on strategies for the use of AI in judicial systems, monitoring emerging AI applications in the justice sector, and registering them in a "Resource Centre on Cyberjustice and Artificial Intelligence". The CEPEJ **European Cyberjustice Network (ECN)** held a seminar mainly on the [CEPEJ Guidelines on how to drive change towards Cyberjustice](#) and the [Toolkit for the implementation of these Guidelines](#). The new project "Fostering Transparency of Judicial Decisions and Enhancing National Implementation of the ECHR" (**TJENI**) was launched in a conference in Strasbourg; it will

provide expertise and technical support in **Cyprus, Hungary, Lithuania, Poland, Romania and Slovenia** on case law transparency and accessibility, with the aim of improving consistency between national jurisprudence and case-law from the European Court of Human Rights.

Multi-faceted support to **Ukraine** goes on. [CEPEJ experts presented to Ukrainian stakeholders their findings and recommendations for revising the legislation to implement remote judicial hearings](#) under martial law or state of emergency. The Expert Advisory Group to the Prosecutor General prepared two information notes on **trial in absentia** in times of war. Events took place on the documentation of **war crimes** and on **judicial protection of IDPs and people affected by war**. A **joint CoE/EU/UNHCR** practical seminar for **lawyers supporting Ukrainians refugees in EU Member States** took place in the Warsaw Bar premises (replay [here](#)).

Developments relating to other **bilateral cooperation** activities comprise a CEPEJ workshop in **Albania** on judicial training and data collection processes. CoE consultations in **Montenegro** led to new draft amendments to the Law on the Judicial Council and Judges. Events took place among others in **Armenia** on the application of the newly adopted criminal justice legislation; in **Bosnia and Herzegovina** on induction to the newly appointed judges and prosecutors; in **Georgia** on international co-operation of prosecutors, on constitutional law and human rights; in **Montenegro** on Alternative Dispute Resolution and on the selection of trainers for the judiciary; in **Serbia** on the harmonisation of case-law in commercial courts; in **Türkiye** on CoE standards in criminal and civil proceedings and on the implementation of judgments of the Turkish Constitutional Court. A cross-country review of codes of conduct of lawyers was presented in **Armenia, Georgia, Republic of Moldova** and **Ukraine**. The CEPEJ KoSEJ II action organised [two training sessions](#) in **Kosovo**^{*i} on CEPEJ tools and performance indicators, and a workshop on court users' satisfaction surveys to improve the quality of services.

Execution of Judgments of the ECtHR

The Department was engaged in the **Committee of Ministers 1443 DH meeting (20-22 September)** supervising the implementation of ECHR judgments. During this meeting the Committee adopted 31 decisions concerning 19 member states, including Interim Resolutions in the [Mammadli v. Azerbaijan](#) group of cases and the [Georgia v. Russia \(I\)](#) case. 72 Final Resolutions were adopted by the Committee in respect of 137 ECHR judgments and decisions, concerning 28 member states.

The Department issued a [new thematic factsheet on Personal Data Protection](#). It provides examples of general and individual measures reported by States in the context of the execution of the ECHR judgments concerning various aspects of the protection of personal data: collection and use of personal data, search and seizure of personal data, including correspondence, monitoring of correspondence in prison, health-related personal data, access to, erasure and destruction of personal data, interception of communications and personal data, surveillance in the workplace and mass surveillance.

An online meeting was held with representatives of the Attorney General's Office of **Cyprus**. The discussions focused on the practice and procedures of the Committee of Ministers related to the supervision of ECHR judgments as well as the outstanding issues on pending cases against Cyprus, in particular in preparation of the DH meeting of the Committee of Ministers in December 2022.

The Department held exchanges with a delegation of the Court of Cassation of **France**. The meeting provided the occasion to inform the delegation of the process of execution of the ECHR judgments, the progress in the execution by France of ECHR judgments and possibilities of cooperation, notably in the field of human rights education among law professionals.

Representatives of the Department met with the **United Kingdom, Irish and Norwegian Delegations** in preparation for the examination of their respective cases by the Committee of Ministers at the above DH meeting. The Department also met online with representatives of the UK Ministry of Justice to discuss latest developments in the UK cases pending before the Committee of Ministers. It also held meetings with two delegations from the **Norwegian Correctional Service** to give a general overview of the mandate and methodology of work of the Department, with a special focus on the importance of execution of judgments in the penitentiary field. Lastly the Department held online meetings with the Government Agent Office of **Ukraine** to discuss the preparation of the Order of Business for the DH meeting of the Committee of Ministers in December 2022, in particular the [Levchuk](#) and [Zelenchuk and Tsytsyura](#) groups of cases.

European Social Charter

On 14 September 2022, the CM has adopted two recommendations and two resolutions concerning four collective complaints ([more...](#)). The 329th session of the ECSR was held from 12 to 16 September 2022 in hybrid mode. The ECSR adopted two decisions on admissibility in [UGT v. Spain, Complaint No. 207/2022](#) and in [FFFS v. Norway, Complaint No. 209/2022](#) and two decisions on the merits in [CGT v. France, Complaint No. 155/2017](#) and in [Finnish Society of Social Rights v. Finland, Complaint No. 172/2018](#). Moreover, the ECSR continued the examination of the national reports relating to the provisions belonging to thematic group 3 on labour rights.

On 20 September 2022, the [COE-FRA-ENNHRI-EQUINET Platform on Social and Economic Rights](#) held its [12th meeting](#) on strengthening cooperation between National Human Rights Institutions/Equality Bodies and civil society organisations working in the field of social rights in Bratislava, **Slovak Republic**. The Social Rights Departments took part at the seminar "[The Council of Europe and the UNHCR join forces to discuss access to social and economic rights and integration related services for refugees and stateless persons](#)", held on 21 September 2022 in Skopje, **North Macedonia**.

The [decision of the European Committee of Social Rights \(ECSR\) on the merits](#) in [CGT-FO v. France, Complaint No. 160/2018](#) and [CGT v. France, Complaint No. 171/2018](#) became public on 26 September 2022. The ECSR concluded unanimously that there is a violation of Article 24.b of the Charter. On 27 September 2022, the CM adopted the operational decisions to reform the European Social Charter system ([CM\(2022\)114](#)). The reform covers the statutory reporting procedure as well as a new ad hoc reporting on critical or emerging issues. It also addresses certain procedural aspects of reporting on follow-up to decisions in the collective complaints procedure. Finally, it responds to the demand by States Parties for enhanced dialogue and other means of improving follow-up to the monitoring activities under the Charter ([more...](#))

Police, Detention, Drugs and Addictions

POMPIDOU GROUP

On 7 September, the Executive Secretary had a meeting with the City of Strasbourg and the Ithaque association, which runs the Strasbourg drug consumption room. An agreement was reached to organise the 3rd European seminar on drug consumption rooms in Spring 2023 in Strasbourg (4-5 May were identified as provisional dates). The meeting was also attended by a representative of the EMCDDA, which will join the team of co-organisers.

On 20 September, the Deputy Executive Secretary presented the Pompidou Group's new self-assessment tool on drug policy compliance with human rights standards at the UN Commission on Narcotic Drugs (CND) thematic discussion on 'Responses not in conformity with the three international drug control conventions and not in conformity with applicable

international human rights obligations pose a challenge to the implementation of joint commitments based on the principle of common and shared responsibility”.

On 23 September, a meeting of the group of "Friends of the Chair" was held on-line, followed by the second annual meeting of the Bureau. The main objectives were to finalise the draft work programme 2023-2025, to hold a first discussion on the draft political declaration to be adopted at the **Lisbon** ministerial conference, and to continue the preparations of the conference. The Bureau also endorsed the final version of the Permanent Correspondents' rules of procedure and the revised Pompidou Group communication strategy.

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

On 14-15 September, Finland hosted **Albanian** prison officials, sharing good practices on prisoners' employment and education in view of improving their rehabilitation and reintegration back into the society.

A delegation of prison monitors together with justice and prison officials from **Türkiye** visited Slovenia on 13-15 September, to learn about the good practices of the host country in prison monitoring and visits carried out by the National Preventive Mechanism, as well as its cooperation with prison administration and civil society.

On 22-23 September, 20 investigators of the **Georgian** Special Investigation Service strengthened their skills in recording medical evidence of alleged crimes, including those of torture and ill-treatment.

The Minister of Justice of **Armenia** has passed a decree adopting two toolkits for prisons: on suicide and deliberate self-harm prevention and risk assessment, and on mental health and in-depth assessment. Developed with the support of the Council of Europe, they were successfully piloted in selected institutions. Ministry officials, prison management, security and medical staff, psychologists and psychiatrists were trained on efficient use of the toolkits that is now mandatory upon admission of inmates in all prisons in the country.

On 12-15 September, computer hardware was delivered to four pilot prisons in **Bosnia and Herzegovina**; the Integrated Prison Management Information System software, developed earlier, will run on this hardware enabling electronic processing of all prison data and a reliable exchange of information between prison officials and policy makers.

On 22-23 September, a Working group of the High Judicial and Prosecutorial Council of **Bosnia and Herzegovina** adopted a document developed by national court police with the assistance of the Council of Europe which addresses safety and security of judges and prosecutors dealing with serious cases, including the protection of their families and property.

Information Society

Media



Jan Kleijssen, Director of Information Society - Action against Crime, took part as a panellist in the Committee of Ministers' informal exchange of views on media freedom and safety of journalists on 28 September. The Committee of Experts on Increasing Resilience of the Media ([MSI-RES](#)) held its second meeting, discussing the advancement on the Draft Guidelines on the use of digital tools including artificial intelligence for journalism/by journalists and Good practices for sustainable media financing. The Council of Europe studies [Journalists Under Pressure](#) and [A mission to inform](#) have been presented in the Media, Communication and Cultural Studies Association [Conference](#) in **Aberdeen**.

Cooperation on Freedom of Expression

In **Moldova**, young filmmakers were trained on the development of human rights documentaries, while expert support was given to the Parliament of Moldova in the review of amendments to the Audiovisual Media Services Code.

In **Georgia**, development of the institutional strategy for the Charter of Journalistic Ethics (Georgian Press Council) started; and a professional media regulation "Options Paper" was developed by the Council of Europe experts and discussed. Also in Georgia, technical discussions on the mission and future development of Georgian Internet Governance Forum took place among stakeholders.

In **Ukraine**, a DG 1 Legal Opinion on the Draft Law "On Media" (No. 2693-d) was made available to the Ukrainian government authorities at their request. Policy advising on issues of barrier-free media to the Ministry of Culture and Information Policy; and direct assistance on [communication strategy](#) for Office of Prosecutor General of Ukraine was initiated.

A media component focusing on the regional Capacity building on Freedom of Expression and Access to information in **MENA** commenced as part of the joint EU/CoE [South Programme V](#) "Protecting human rights, the rule of law and democracy through shared standards in the Southern Mediterranean".

In South-East Europe, the 4th [e-Bulletin](#) on the ECtHR case-law developments was made available in all **South-East Europe** languages. In **Albania** two infographics were disseminated through [social media](#) by project partners (Albanian Press Council), to raise awareness on the complaint mechanism for breaches of the Codes of Ethics. In **Bosnia and Herzegovina**: studies on [artificial Intelligence](#) and [disinformation](#) as well as an [event](#) provided the stakeholders with international standards in promoting media literacy. The first [Steering Committee](#) of the Sida funded EFEx project met; while journalistic and media community discussed gender issues in the media at a [Conference](#) organized by the JUFREX grantee Press Council in Neum, Bosnia and Herzegovina.

Artificial Intelligence



The Committee on Artificial Intelligence (CAI) of the Council of Europe 2nd plenary [meeting](#) examined a first draft of a convention on artificial intelligence, human rights, democracy and the rule of law. Patrick Penninckx, Head of the Information Society Department, presented the Council of Europe [work on Artificial Intelligence](#) at Leuven University.

Data Protection

Besides the 56th [meeting](#) of the Bureau of Convention 108 Consultative Committee, which held a number of substantial discussions on digital identity, transborder data flows, model contractual clauses, and interpretation of Article 11 of Convention 108+, Data Protection travelled the world again. It was the theme of a lecture for the Advanced Master in Privacy, Cybersecurity and Data Management in **Maastricht**. The CoE's position regarding data protection was reaffirmed towards African digital initiative in a [conference](#) in Accra (**Ghana**) and Privacy aspects of Human Rights and their impact on future development were addressed in an event on the [State of Privacy 2022](#), marking the 25th anniversary of the Italian Data protection authority, in **Naples**. And finally, the CoE approach for the data protection was exposed in a video intervention during the 2022 World Internet Conference (WIC) Wuzhen Summit, in **China**.

Cybercrime



As in previous months, the Cybercrime Programme Office supported [capacity building activities](#) in all regions of the world. The [Underground Economy conference](#) 2022 with over 400 participants was held at the Council of Europe in Strasbourg. The Bureau and a working group of the [T-CY](#) held two meetings. The Council of Europe contributed to the UN Ad Hoc Committee in

New York tasked to prepare a new international treaty on ICT crimes.

Action against crime

GRECO carried out an **evaluation visit** to [Azerbaijan](#) under its 5th Evaluation Round concerning corruption among persons with top executive functions and law enforcement. GRECO published five **new reports** concerning its 4th Evaluation Round on preventing corruption and promoting integrity among MPs, judges and prosecutors: the Interim Compliance Report on [Bosnia and Herzegovina](#), the Second Compliance Report on [Portugal](#), the Third Interim Compliance Report on [Hungary](#) and [Belgium](#) and the Addendum to the Second Compliance Report on [Italy](#). GRECO also published three reports concerning its 3rd Evaluation Round on incriminations of corruption and transparency of party funding: the Second Addendum to the Second Compliance Report on [Bosnia and Herzegovina](#), the Addendum to the Second Compliance Report on [Switzerland](#) and the Second Addendum to the Second Compliance Report on [Denmark](#).

MONEYVAL held face-to-face meetings in the framework of the mutual evaluations of **Estonia** and **Monaco**, and launched an Intersessional consultation to approve by written procedure the follow-up reports of **Cyprus, Czech Republic, Georgia, the Isle of Man, Lithuania and Slovakia**.

The Bureau of the Conference of the Parties to CETS 198 met on 6 September.



Economic Crime and Cooperation (ECCD) held a workshop on "*Comparative solutions and good practices for Financial Intelligence Unit (FIU) strategic and operational analysis*" in **Strasbourg**. The workshop brought together practitioners from 23 FIUs from member States and beyond to discuss how to enhance the strategic and operational analysis of FIUs.

Conducted a training for **Albanian** public officials on corruption proofing of legislation.

Held a two-day training for **Bulgarian** supervisory authorities on the risk-based AML/CFT supervision of Designated Non-financial Businesses or Professions (DNFBP).

Developed "*Guidelines on implementing AML/CFT obligations for real estate agents in Bulgaria*" and conducted an in-person training on money laundering and terrorist financing (ML/TF) risks for real estate sector representatives, in Sofia, **Bulgaria**.

Trained the employees of the **Croatian** Financial Services Supervisory Agency and the Croatian National Bank on how to conduct anti-money laundering and countering the financing of terrorism (AML/CFT) risk-based supervision of obliged entities (such as banks, insurance, investment funds etc.)

Conducted two workshops for the **Croatian** National Bank and the Croatian Financial Services Supervisory Agency with the aim of discussing development of automated data collection and AML/CFT risk-based supervision tools.

Supported the **Montenegrin** Agency for Prevention of Corruption in finalizing its Communications Strategy (2022-2025).

Supported **Kosovo*** authorities to strengthen the implementation of the standards for the prevention and suppression of terrorist financing through the NPO sector by providing guidance on conducting the risk assessment as per Council of Europe Methodology.

Initiated a mentorship programme for the Financial Intelligence Unit of **Kosovo*** and the Central Bank of Kosovo on good practices in conducting AML/CFT supervision.

Advised the authorities in **Serbia** on further strengthening the draft legislation on regulation of the beneficial ownership in parts related to registration of trusts and verification of the beneficial owner data.

Criminal Law

The 30th **PC-CP Working Group** meeting took place on 20-22 September 2022 in Strasbourg. On the agenda was the finalisation of the White Paper regarding the management of persons with mental health disorders in prisons and under probation as well as consideration of a draft CM Recommendation Artificial Intelligence and its use by the prison and probation services. The possible follow-up to the Venice Declaration on the role of restorative justice in criminal matters, adopted in December 2021 by the Ministers of Justice during the Italian Presidency of the Committee of Ministers, was also discussed.

The restricted Group of experts on international co-operation in criminal matters (PC-OC Mod) held its 32nd meeting on 27-29 September in **Strasbourg**. It examined and approved a draft policy paper on the accession of non-member States to Council of Europe conventions on international co-operation in criminal matters, continued its work on the modernisation of the European Convention on Mutual Assistance in Criminal Matters and the development of guidance on the post-surrender phase in extradition proceedings.

On 29-30 September, the **Committee of Experts on Hate Crime** met for the second time to discuss the preliminary draft Recommendation on Combating Hate Crime. Under the auspices of both the CDPC in DGI and the CDADI in DGII, the second meeting focused on the definition of hate crime, preventive measures, and how to support member States in taking a practical and comprehensive approach.

MEDICRIME, Trafficking in Human Organs and Cultural property

The work has been centred around the promotion of the criminal law conventions. On 1 July a project entitled "Countering falsified medical products" (CRIMFAMED), financed by a voluntary contribution from **France**, was launched. The MEDICRIME Convention has been introduced to the national authorities from the **Ivory Coast** in a joint meeting with **UNODC** (4-7 July); the National School of Public Prosecutors from the **Dominican Republic** (31 August); at the FDA and **OCDE** Task Force on countering illicit trade meeting held in **France** (15-16 September). Further work with **UNODC** and **UNIDROIT** has been carried out in relation to the Nicosia Convention.

Counter-terrorism

On 14 September 2022, Head of Criminal Law and Counter-Terrorism, Mr Carlo Chiaromonte, took part in the meeting of the European Union Commission for Territorial Cohesion Policy and EU Budget (COTER) to present the Council of Europe work on preparing a pan-European definition of terrorism. On the invitation of the Chair of COTER, he outlined the work done to date and next steps for the 9th Plenary meeting of the Council of Europe Committee on Counter-Terrorism (CDCT) and answered questions posed by the meeting participants.

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.