



NEWSLETTER

DG Human Rights and Rule of Law (DGI)

(October 2022)

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Venice Commission

The Commission issued its [Urgent Joint Opinion on the draft amendments to the Penal Code of Türkiye](#) regarding the provision on "false or misleading information" on 7/10/2022.

On 21-22/10/2022 the Commission held its [132 plenary session](#) in Venice and adopted/endorsed 13 texts. The Council for Democratic Elections held its 74th meeting on 20/10/2022 prior to the plenary.

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

- **Armenia –**
 - Amicus curiae Brief on asset confiscation - Constitutional Court
 - Opinion on amendments to the Judicial Code
- **Bosnia and Herzegovina –**
 - Opinion on the draft law on the courts - Ministry of Justice
 - Amicus curiae brief on the question of the appellate review in the Court of Bosnia and Herzegovina – Constitutional Court
- **Georgia** - Joint opinion on draft amendments to the Election Code - Chairperson of the Parliament
- **Serbia** - Opinion on two draft Laws implementing the Constitutional Amendments of the Prosecution service - Ministry of Justice
- **Montenegro** - Opinion on the draft law on amendments to the Law on the Judicial Council and Judges - Ministry of Justice
- **Romania** - Urgent Opinion on three draft Laws concerning the justice system of Romania - PACE Monitoring Committee
- **Ukraine –** Urgent Opinion on the draft law "On Amendments to Certain Legislative Acts of Ukraine on improving the procedure for the selection of candidates for the position of judge of the Constitutional Court" – Parliament

On 04 - 07/10/2022 the Commission in cooperation with the Constitutional Court of Indonesia organised the 5th Congress of the World Conference on Constitutional Justice (WCCJ) on "[Constitutional Justice and Peace](#)". Some 500 participants from more than 90 countries attended the event. The Congress adopted the [Bali Communiqué](#).

The Venice Commission has been selected as the winner in the category "Specific progress towards the main objectives of the GNEJ" of the 2021 edition of the Global Network of [Electoral Justice \(GNEJ\) Awards](#).

In October 2022 Commission's representatives participated in the election observation missions in Bosnia and Herzegovina and Bulgaria.

CPT

On 18 October, the report on the 2021 periodic visit to [Bulgaria](#) was published, together with the response of the Bulgarian authorities. The Committee held its [109th plenary](#) from 24-28 October, during which 4 visit reports were adopted. The meeting was held entirely in person. On 3 October, the CPT announced that they had carried out an ad hoc visit to [Türkiye](#) from 20-29 September, and also a periodic visit to [Croatia](#) from 19-29 September. On 4 October, the CPT announced that a periodic visit to [Romania](#) had been carried out from 19-30 September.

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

Human rights intergovernmental co-operation: The CDDH ad hoc negotiation group ("46+1" group) on EU accession to the ECHR held its [15th meeting](#) on 5-7 October. The Group reached provisional agreement on the issue of requests for advisory opinions under Protocol No. 16 ECHR and on an issue relating to the selection of candidates for judge at the European Court of Human Rights by the EU. It continued its discussion of the issues relating to voting by the CM on the implementation of the Court's judgments by the EU and took note of the EU's efforts to find a solution to the problem of cases relating to acts under the EU's common foreign and security policy.

The [CDDH drafting group on human rights in situations of crisis](#) (CDDH-SCR) adopted a draft report on member States' practice in relation to derogation from the ECHR in situations of crisis, for possible adoption by the CDDH at the latter's December meeting.

Legal co-operation: At its 17th plenary meeting (3-4 October), the Consultative Council or European Prosecutors (CCPE) adopted its [Opinion No. 17 \(2022\) on the role of prosecutors in the protection of the environment](#) and agreed on priorities for its work in 2023.

The conference "[Hear our voices – the rights and best interests of the child in parental separation and care proceedings](#)", held in Dublin on 3 October under the Irish Presidency of the Committee of Ministers, brought together over 200 participants. The conference was followed by a [hearing](#) to enable professionals to provide further input to the work of the [Committee of Experts on the Rights and the Best Interests of the Child in Parental Separation and in Care Proceedings](#) (CJ/ENF-ISE), which held its [6th meeting](#) immediately after.

Human Rights and Biomedicine: The CDBIO [conclusions](#) of the re-examination process of Article 13 of the Oviedo Convention on intervention on the human genome were published. The CDBIO considered that no changes were necessary to the provisions of the Oviedo Convention, but clarifications were provided on certain terms as an addendum to the Explanatory Report to the Convention.

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

The **CEPEJ** published its evaluation report "[European judicial systems – 2022 Evaluation cycle \(2020 data\)](#)" and held the [15th plenary meeting of its Network of pilot courts](#). The CEPEJ Working Groups on the [Evaluation of Judicial Systems](#), [Quality of Justice](#), [Judicial Time Management](#), and [Cyberjustice and Artificial Intelligence](#) all met in October. The CEPEJ

European Cyberjustice Network held its 2nd annual meeting to discuss the "[Guidelines on electronic court filing and digitalisation of courts](#)." Cooperation activities included: **Azerbaijan** – fact-finding mission [on mediation](#); **Latvia** - [workshops](#) on mediation and legal aid; **Georgia** - study visit from court managers to The **Netherlands**; **Republic of Moldova** - recommendations for enforcement agents; Kosovo*ⁱ [advice on the evaluation of judges](#).



Regarding **human rights training**, the new [HELP online course on Human Rights in the Armed Forces](#) has been published. HELP courses were launched under the EU-CoE "HELP in the EU III" project: Fight against Racism and Homophobia for [Romanian and Spanish](#) legal professionals, [Labour Rights for Polish and Lithuanian](#) and [HELP/CCBE launch: Ethics for EU lawyers](#). A new project was signed "HELP -

Judicial Training on Rule of Law and Fundamental Rights", funded by the EU Justice Programme (2021-2027).



Support to **Ukraine** continues, with notably: meetings in Strasbourg with the [Prosecutor General](#) and representatives of the Parliamentary Commissioner for Human Rights; [webinars](#) for lawyers (protection of rights of IDPs); expert discussion with prosecutors on trials in absentia and ECHR standards etc. Selection of other activities: **Azerbaijan** – launch of a new project on execution of ECtHR judgments; **Bosnia and Herzegovina** – meetings on execution of ECtHR judgments, launch of legal clinics at law faculties; **Croatia**, conference on the new project "Digital by default: optimisation of efficiency and quality of judicial services and transparency of judicial decisions"; **Georgia** – regional meeting of the Justice Co-ordination Council on child victims and witnesses, round table on digitalisation of law, workshops on undue influence for judges and prosecutors; **Montenegro** – visit of prosecutors to the **Slovak Republic**; **North Macedonia** – launch of an e-library for the Academy for Judges and Prosecutors, completion of awareness-raising campaign on free legal aid; **Serbia** – consultations on amendments to the draft laws on judiciary, training on judicial reasoning; **Türkiye** – thematic visits of Turkish judges to Strasbourg, Rome, Madrid, Barcelona; **Morocco**, technical support workshop for NPM members; **Tunisia**, training of new NPM members. A **European NPM conference** on "Monitoring the rights of specific groups of people deprived of their liberty" was organised in the framework of the joint EU/CoE Project "European NPM Forum".

Execution of Judgments of the ECtHR

The Execution Department issued a **[new thematic factsheet on reopening of domestic judicial proceedings following the European Court's judgments](#)**. It presents an overview of the general principles concerning reopening of domestic judicial proceedings, as well examples of the relevant State practice examined by the Committee of Ministers in the context of the execution of the ECHR judgments concerning various provisions of the Convention.

The Department carried out a mission to **Croatia** on the implementation of the ECHR judgments concerning violations of property rights due to statutory limitations on the landlords' use of flats subject to protected leases (*Statileo group*) and *M.H. and Others* concerning treatment of asylum-seekers at borders. Meetings were held with the Government Agent, Ministers of Spatial Planning and of Interior, the State Attorney General and other authorities.

The Director of Human Rights and the Execution Department carried out a mission to **Hungary** on the implementation of the ECHR judgments concerning several cases examined by the CM under enhanced supervision. Also, the Hungarian Ministry of Justice and the Execution Department organised in Budapest a **Round Table on professional policing**. It focused on preventing torture and other forms of ill-treatment by law enforcement agents and aimed at addressing the compatibility of Hungarian law and practice with the ECHR judgments (*Gubacsi* group of cases).

The Department met online with **Irish authorities** to discuss potential outstanding issues in relation to execution of the *O'Keffee* case, concerning the responsibility of the Irish State for the sexual abuse of the applicant, a minor in a national school in the 1970s and the lack of effective remedies for her complaints.

The Department organised a study visit to Strasbourg of the Government Agent Office of **Republic of Moldova**. The event aimed at sharpening the participants' knowledge about the mechanism of supervision of execution of the ECHR judgments and developing their technical skills in drafting action plans and reports.

A mission was also carried out to **the Netherlands** to present the practice and procedures of the CM related to the supervision of ECHR judgments and discuss certain outstanding issues on pending cases concerning the Netherlands. Meetings were held with the Government Agent and representatives from, among others, the Justice and Foreign Affairs Ministries.

Lastly the Department gave a presentation about the execution of ECHR judgments and the CM working methods to a delegation from **the Norwegian National Courts Administration** visiting Strasbourg.

Social Rights

3 October 2022: The office of the [Protector of Citizens of Serbia](#) organised a training for its staff on how to effectively monitor the implementation of the Revised [European Social Charter](#) at national level and how to engage with the [European Committee of Social Rights](#) under the [reporting procedure](#) of the Charter ([more...](#))

17-21 October 2022: The [European Committee of Social Rights](#) held its 330th session. The ECSR continued the examination of national reports for conclusions 2022 on labour rights and adopted the following decisions:

- [decision on admissibility in FIAPA v. France, Complaint No. 205/2022](#)
- [decision on admissibility and immediate measures in Open Society European Policy Institute \(OSEPI\) v. Bulgaria, Complaint No. 204/2022](#)
- [decision on admissibility and immediate measures in DCI, FEANTSA, MEDEL, Confederación Sindical de Comisiones Obreras and ATD Fourth World v. Spain, Complaint No. 206/2022](#)
- decision on the merits in CGS and FLP v. **Italy**, Complaint No. 161/2018
- decision on the merits in EDF and Inclusion Europe v. **France**, Complaint No. 168/2018
- decision on the merits in *Associazione nazionale sindacato professionisti sanitari della funzione infermieristica - Nursing Up* v. **Italy**, Complaint No. 169/2018
- decision on the merits in *Syndicat CFDT général des transports et de l'environnement de l'Aube* v. **France**, Complaint No. 181/2019 and *Syndicat CFDT de la métallurgie de la Meuse* v. **France**, Complaint No. 182/2019

24-25 October 2022: Training on monitoring and documenting the violations of social human rights in **Ukraine** during the war-time, held within the framework of the CoE Project "Continued support to promoting social human rights in **Ukraine**" ([more...](#))

Police, Detention, Drugs and Addictions

Pompidou Group

The 2022 annual and technical meetings of the SEE Airports Group took place on 4-5 October in **Ljubljana**, hosted and chaired by the authorities of **Slovenia**. Participants exchanged on methods of operational data sharing, new trends and modus operandi on smuggling illicit drugs through SEE airports and ways of tackling common challenges in the region.

Module II of the 2022 Executive Training focusing on 'Substance use addictions and online practices' took place in **Wroclaw, Poland**, on 4-7 October. The seminar presented different types of actions and practices that can help prevent and mitigate the effects of excessive Internet and electronic device use.

MedNET national correspondents met in **Nicosia** on 18-19 October for their annual 2022 meeting hosted by the **Cyprus** National Addictions Authority (NAAC), which holds MedNET Presidency for 2022 and 2023. A new project on Criminal Justice and Health in Prisons was launched. The meeting also allowed an in-depth discussion on the theme "Human rights and drug policies" in the 18 MedNET participants countries.

On 21 October, the group of "Friends of the Chair" held an online meeting to finalise the draft work programme and Lisbon declaration, in view of the ministerial conference to be held in December. Both documents were sent to the Permanent Correspondents (PCs) for final approval. The group of friends also discussed the composition of the future Bureau and agreed on a proposal to be adopted at the 91st PC meeting on 13 December.

An international Conference 'From stigma to dignity: Sharing perspectives, mobilising potential' took place in **Ottawa, Canada** on 24-25 October. It was jointly organised by the Pompidou Group and the Ministry of Health of Canada in cooperation with UNODC and CICAD/OAS.

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

A regional conference "Towards successful management, rehabilitation and post-penal assistance to violent extremist prisoners (VEPs) in the **Western Balkans** – achievements and the way forward" (4-5 October in Albania) brought together over 70 prison and probation practitioners from the entire region, as well as local specialists and international experts who looked together at the latest developments, achievements, practices and challenges with regards to the rehabilitation of VEPs and their preparation for release.

On 10 October, trainers from the Training Centre of the National Administration of Penitentiaries of the **Republic of Moldova** strengthened their skills for teaching a new course "Working with Juveniles and Young Adults in Detention", which they subsequently (on 11 and 12 October) delivered in a pilot session to 19 specialists from 5 prisons. The course is aimed at promoting better rehabilitation of young people in detention by maintaining a positive culture through the enhancement of communication, interpersonal, mentor and crisis management skills of prison staff.

In the context of enhancing treatment programmes and protocols for patients in psychiatric establishments, a draft Concept and a Plan of Action for psycho-social rehabilitation of such patients in the Republic of Moldova, including forensic patients, was developed.

The Council of Europe has purchased and donated medical equipment to the Prison Medical Centre of **Armenia**. The equipment will help to improve the quality of the medical care provided to inmates.

Information Society – Action against crime Directorate



In October 2022 Jan Kleijssen, Director of Information society – Action against crime, travelled to **Washington DC** for meetings with high-ranking officials from the White House, the State Department, the Department of Justice, NGOs and several large tech companies.

Media



Early October, the Committee of Experts on the Integrity of Online Information ([MSI-INF](#)) held its second meeting, discussing the advancement of the draft Guidance note on countering the spread of online mis- and disinformation through fact-checking and platform design solutions in a human rights compliant manner. This month was also marked by the sad 5th anniversary of the assassination of Daphne Caruana Galizia. To counter the problem of SLAPPs in Europe, The Committee of Experts on Strategic Lawsuits against Public Participation ([MSI-SLP](#)) also held its second meeting, discussing the advancement of the Draft Recommendation on strategic lawsuits against public participation (SLAPPs). This meeting was followed by the first European anti-SLAPPs conference, organised by The European Centre for Press and Media Freedom (ECPMF) and the Coalition Against SLAPPs in Europe (CASE) in Strasbourg.

Cooperation on Freedom of Expression



Patrick Penninckx, Head of the Information Society Department provided a keynote speech in order to [Promote European standards with African Communication Regulation Authorities](#), in Marrakech, **Morocco**.

In **Georgia** media stakeholders and journalists from five Eastern Partnership countries (Armenia, Azerbaijan, Georgia, Moldova, and Ukraine) discussed [Challenges to Media in times of War](#) in a Regional Conference and visited the [photo exhibition](#) on the dangers of wartime journalists' work in Ukraine.

Stakeholders from the **Western Balkans** gathered at the [final event of the JUFREX regional action](#) taking stock of the results of JUFREX and discussing the prospects of further regional cooperation.

The network of independent authorities for access to information in the Western Balkans met in **North-Macedonia** to exchange the approaches and challenges of [proactive transparency, as well as the role of the Tromso Convention](#). In **Kosovo***, capacities of duty bearers, including [newly appointed judges and prosecutors](#), were developed on issues such a [defamation](#), whistleblowing, [insult and protection of reputation](#), and the protection and safety of journalists. In **Albania**, the JUFREX partner ResPublica [presented a Study](#) highlighting that European standards on freedom of Expression are increasingly taken into account by domestic courts. In **Serbia**, [Media Literacy Open Days](#) gathered pre-school educators and directors to discuss media literacy with the media regulator. In **Bosnia and Herzegovina** a wide range of domestic stakeholders met at Conference on "[Media and Information Literacy](#)" to discuss future MIL strategies on the basis of research produced under the CoE [MIL Project](#).

Following the Venice Commission urgent joint opinion (endorsed on its [132nd Plenary Session](#)) on the draft amendments to the Penal Code of **Türkiye** regarding the provision on "false or misleading information", the Division for Cooperation on Freedom of Expression provided specific technical expertise on applicable standards.

Artificial Intelligence

The Digital Development Unit organised and chaired the 18th Globalpolicy.AI meeting, which took place in the Council of Europe premises in Paris.



Director Kleijssen delivered keynote speeches at [AI Policy Summit 2022](#) organised by RegHorizon and ETH Zurich's Centre for Law and Economics, an event dedicated to fostering responsible AI, and at the [UNDP's Regional Workshop](#) in Istanbul on digital technologies and human rights in **Eastern Europe** and **Central Asia**.

Data Protection



October was a successful month with the 20th ratification of Convention 108+ by **Andorra**. The Unit was involved in a series of international events: the XIV Conference of the French Speaking Association of Data Protection Authorities in **Tunis** with an intervention on the co-operation system of Convention 108+ ; a co-operation conference, still in Tunis, on the conciliation of the rights to access to information and data protection as fundamental elements for democracy and the launching of a practical Guide; the input of Data Protection in a participation workshop on preventing child sexual abuse on-line, held in Leiden ; the visit of Kenyan Data Protection Authority to Brussels. Last but not least, Convention 108+ was strongly present at the 44th Global Privacy Assembly in Istanbul and the 5th Stefano Rodotà Award is now open for applications until 30 November 2022.

Cybercrime



As in previous months, the Cybercrime Programme Office (C-PROC) supported capacity building activities in all regions of the world. The T-CY undertook a visit to **Kazakhstan**. **Timor Leste** was invited to accede to the Convention on Cybercrime.

GRECO

The **Statutory Committee of GRECO** met on 5 October under the Presidency of the Permanent Representative of Finland Ambassador Nina Nordstrom and approved the budget for GRECO for 2023. GRECO carried out an **evaluation visit** to Türkiye under its 5th Evaluation Round concerning corruption among persons with top executive functions and law enforcement. GRECO published two **new reports**: the 5th Round Evaluation Report on [Montenegro](#), which deals with preventing corruption and promoting integrity in central governments (top executive functions) and law enforcement agencies and the 4th Evaluation Round Second Addendum to the Second Compliance Report on [Croatia](#) on preventing corruption and promoting integrity among MPs, judges and prosecutors.

MONEYVAL

MONEYVAL carried out mutual evaluation on-site visits to **Romania** and **North Macedonia**, and held a written procedure to adopt the follow-up reports for **Cyprus**, **Czech Republic**, **Georgia**, **Isle of Man** and **Slovakia**. MONEYVAL took part in the FATF Plenary meeting, where the CoE was also independently represented as an FATF observer. The Islamic Development Bank was granted observer status in MONEYVAL, following a decision of the Council of Europe Committee of Ministers on 5 October 2022.

Economic Crime and Cooperation

Provided an expert review of the draft Law of **Armenia** on Digital Assets and related amendments to the Anti-Money Laundering/Countering the Financing of Terrorism (AML/CFT) Law, and trained staff of the Financial Intelligence Unit (FIU) and the Central Bank of Armenia on risk-based AML/CFT supervision in the emerging sector of virtual assets.

Held training of trainers on anti-corruption for civil servants in **Cyprus**, and follow-up pilot training conducted by the newly trained trainers, targeting liaison officers in charge of the implementation of the National Horizontal Action Plan against Corruption in **Cyprus**.

Initiated a peer-to-peer mentorship programme for the Special Prosecution Office of **Kosovo***, the Directorate against Economic Crime and Corruption Investigation at the Kosovo* Police and Basic Court of Pristina aiming to enhance their operational capacities in relation to investigation prosecution and adjudication of money laundering offences.

Trained the staff of the **Montenegrin** FIU on collecting and processing financial intelligence data.



In cooperation with the European Commission Directorate General for Structural Reform Support (DG REFORM) and the Bank of **Portugal**, held a multi-country workshop on "Risk-Based AML/CFT Supervision: Effective Assessment and Mitigation of Emerging Money Laundering/Terrorist Financing Risks", in Lisbon, Portugal. The aim of the workshop was to support the 14 participating countries in improving their risk-based approach supervision to anti-money laundering and countering the financing of terrorism (AML/CFT).

Held a four-day training on strategic analysis for AML/CFT for representatives of the National Office for Prevention and Control of Money Laundering and the **Romanian** Police.

Organised two capacity building events on financial investigations related to AML/CFT for 90 representatives of **Turkish** law enforcement and FIU (MASAK).

Held two Training of Trainers on international judicial cooperation in criminal matters in **Türkiye** for representatives of the Ministry of Justice, judiciary, and prosecution.

Criminal Law

The Council for Penological Co-operation (PC-CP) held their 12th plenary meeting on 25-27 October in Strasbourg. The draft White Paper regarding the management of persons with mental health disorders in prisons and under probation was finalised and sent to the CDPC. The plenary also considered a Recommendation on the ethical and organisational aspects of the use of AI by the prison and probation services. The possible contents of the 28th Council of Europe Conference of Directors of Prison and Probation Services (Berlin, 6-7 June 2023) were also considered as well as the follow-up to be given to the Venice Declaration on Restorative Justice (adopted by the Ministers of Justice in December 2021).

The Secretary to the PC-CP spoke in Prague at the Annual meeting of the European Restorative Justice Policy Network (12 October 2022) as well as at the international Conference of the Czech Probation and Mediation Service organised on the occasion of the Czech Presidency of the Council of the EU "Victims of Crime: Possibilities for restorative approach in probation and imprisonment" (13-14 October 2022).

MEDICRIME, Trafficking in Human Organs and Cultural property

The MEDICRIME Convention was presented to the International Association of French-speaking Customs Officers in **Tunisia** (4-5 October); the Minister of Health of **Tunisia** (6 October); the Spanish National School of Judges (12 October); the General Prosecutor ad interim of **Costa Rica** (20 October); representatives of national authorities of **Uzbekistan** (27 October). The 2nd meeting of the Committee of the Parties to the Convention against Trafficking in Human Organs was organised (27 October). The Nicosia Convention was presented to the Board of the RITHMS project (7 October).

Counter-terrorism

Third meeting of the CDCT Strategy Working Group

The third and final meeting of the Working Group to draft the next Council of Europe Counter-Terrorism Strategy (2023 – 2027) was held on 3-4 October. The Working Group focused on the approach to be taken towards contemporary terrorism threats in Europe and the corresponding actions and activities to be taken by the Council of Europe in cooperation with international partners. The next step in the finalisation of the draft Strategy is its consideration at the 9th Plenary meeting of the Committee on Counter-Terrorism (CDCT).

Second Conflict Zones Recommendation Follow-up meeting

The Secretariat to the Committee on Counter-Terrorism organised a second follow-up meeting to the recently adopted Recommendation on the use of information collected in conflict zones as evidence in criminal proceedings related to terrorist offences. The meeting benefitted from in-depth presentations on national practices and an exchange of views on how to source, exchange and use evidence from battlefields in terrorism-related cases.

9th CDCT Bureau Meeting

The CDCT Bureau met for the 9th time in Paris on 4-5 October. The meeting focused on the current activities to finish by the end of the year as well as the key items to be examined and approved at the next meeting of the CDCT Plenary in November 2022.

European Audiovisual Observatory

October 2022 Wrap up: <https://bit.ly/3UCt8gO>

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.