



NEWSLETTER

DG Human Rights and Rule of Law (DGI)

(November 2022)

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Venice Commission

The Commission issued **Urgent Opinions** on:

- **Ukraine** - [the draft law amending procedure for selecting candidate judges of the Constitutional Court](#) (24/11/2022)
- **Romania** - [three Laws concerning the justice system](#) (18/11/2022)

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

- **Kosovo***ⁱ - Follow-up opinion regarding the amendments on the draft law on the State Bureau for verification and compensation of unjustified assets - President of the Assembly of Kosovo - 18/11/2022
- **Montenegro** – Urgent opinion on the amendments to the Law on the President of Montenegro - President – 09/11/2022
- **Republic of Moldova**:
 - Joint (with the DGI) Follow-up opinion on the draft law on the Supreme Court of Justice - Minister of Justice - 11/11/2022
 - *Amicus curiae* brief on the prohibition of political parties - President of the Constitutional Court ad interim - 17/11/2022
- **Serbia – Follow-up** opinion on three revised draft laws implementing the constitutional amendments on the judiciary - Minister of Justice - 15/11/2022

The Commission co-organised the following **activities** in November:

- "ARTIFICIAL INTELLIGENCE AND ELECTORAL INTEGRITY" - 19th European Conference of Electoral Management Bodies – 14 - 15/11/2022, Strasbourg, **France**
- DIGITAL TRANSFORMATION OF PUBLIC ADMINISTRATION - 16th UniDem Med seminar - 23 - 24/11/2022, Rabat, **Morocco**

The President of the Venice Commission, Ms Claire Bazy Malaurie, made a [public statement](#) concerning the Constitutional Court of **Montenegro** on 23/11/2022. Mr Gianni Buquicchio, President Emeritus, Special Representative of the Commission made the [statement](#), on behalf of the World Conference on Constitutional Justice, in support of the Constitutional Court of the **Central African Republic** on 3/11/2022.

CPT

Between 7 and 10 November, the CPT monitored the treatment of foreign nationals during a return flight from [Belgium and Cyprus](#) to the Democratic Republic of the Congo. From 8-11 November, the CPT carried out an ad hoc visit to [Greece](#).

In addition, the CPT carried out a rapid reaction visit to the [United Kingdom](#) from 25 to 28 November 2022.

On 29 November, the CPT published the report on the 2021 visit to [Belgium](#).

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

Human rights intergovernmental co-operation: The [Access Info Group](#), the monitoring body set up under the Convention on access to official documents (the Tromsø Convention), held its [first meeting](#) on 16-17 November. It elected Helena Jäderblom, President of the Swedish Supreme Administrative Court, as its chairperson, adopted its rules of procedure, and decided on working methods for examining the first national reports on implementation of the convention.

The CDDH ad hoc negotiation group ("[46+1 Group](#)") on EU accession to the ECHR held its [16th meeting](#) on 22-24 November. Discussions focused on the issue of voting in the Committee of Ministers when supervising the implementation of judgments of the European Court of Human Rights in which the EU is a party.

Legal co-operation : The Committee of Experts on the Protection of Lawyers (CJ-AV) held its [3rd meeting](#) on 8-10 November. On 17 November, the CDCJ President took part in an exchange of views with the GR-J presenting *inter alia* the ongoing work of the CJ-AV and the CDCJ [report](#) on the review of the implementation of the Council of Europe Plan of Action on Strengthening Judicial Independence and Impartiality ("[Sofia Action Plan](#)")

At its [99th plenary meeting](#), on 23-25 November, the CDCJ decided to undertake regular thematic reviews as a follow-up to the Sofia Action Plan and to its report. Other topics discussed included: the draft convention on the protection of the profession of lawyer, administrative detention of migrants, the rights and best interests of the child in parental separation and care proceedings, gender mainstreaming in law reform processes, and the use of artificial intelligence and other algorithmic systems in administrative decision-making.



Human Rights and Biomedicine: At its [second plenary meeting](#), on 2-4 November, the [Steering Committee for Human Rights in the fields of Biomedicine and Health](#) (CDBIO) approved a draft Committee of Ministers' recommendation on "equitable access to medicinal products and medical equipment in a situation of shortage" and a "Guide to health literacy – contributing to trust building and equitable access to healthcare". On 10 November, the CDBIO organised a [workshop](#) to explore why public dialogue has an added value for policy makers notably in the development and regulation of genomic medicine.

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

The Department supported the [8th World Congress against the Death Penalty](#), in which [the Secretary General participated](#) and the organisation of the Portuguese exhibition "[Death to Death](#)".

HELP Training-of-Trainers sessions (ToTs) were organised for **Croatia** (Judicial Academy and Government agent's Office), **Türkiye** (MoJ, Police Academy and Justice Academy) and **Ukraine** (Bar association and Prosecutor's Training Centre). The **new EU-CoE HELP project** started on "**Judicial Training on Rule of Law and Fundamental Rights**", funded by the EU Justice Programme (2021-2027). HELP contributed to the **EU expert group on judicial training** (focus on **Ukraine** and digitalisation) and the **CCBE Judicial Training** Committee. **CoE HELP courses on violence against women** have been completed by around 5,000 people.

In the **Division of Co-operation Programmes**, highlights include: **Albania** – event on execution of ECtHR judgment on discrimination of national minorities; **Armenia** – new [website](#) for the Court of Cassation; **Bosnia and Herzegovina** – event on execution of ECtHR judgment on deprivation of liberty, development of a [webpage](#) at the Centre for Judicial and Prosecutorial Training; **Georgia** – support to a [regional meeting](#) of the Justice Coordination Council on violence against women, a [conference](#) on the application of ECHR by lawyers, a [conference](#) on the criminal justice framework; **Serbia** – an information meeting on the Ethical Code for judges; **Türkiye** – trainings for judges and prosecutors; **Ukraine** – a [training on open-source intelligence techniques](#), a [webinar](#) on derogation from ECHR trainings for parliamentary assistants; **Kosovo*** - a workshop for the Constitutional Court; **Uzbekistan** - international conference on [prospects of the development of the Bar](#), [seminar](#) on data protection and human rights. A regional event on CCJE Opinion No 16 (relations between judges and lawyers) involved **Armenia, Georgia, the Republic of Moldova and Ukraine**. A workshop was held in Madrid on the rights of migrant children transitioning to adulthood with representatives from **Germany, Greece, Malta, the Netherlands and Spain**.

In the **Transversal Challenges and Multilateral Projects division**, highlights include: **Tunisia** - capacity building activities for new members of the Tunisian NPM (INPT), support to the INPT's international colloquium "The problem of impunity: causes, manifestations, and solutions"; **Armenia** – study visit of a delegation from the Ministry of Defence and the Human Rights Defender's Office at the Swedish Armed Forces in Stockholm (project "Human Rights and Women in the Armed Forces in Armenia"); a [workshop on the "Anonymisation \(pseudonymisation\) of judicial decisions"](#), organised under the [TJENI](#) project.

CEPEJ finalised its **evaluation** questionnaire for the 2022-2024 cycle. The **AI Advisory Board** met to further develop the resource centre on AI and cyberjustice and the operationalisation of the CEPEJ's AI ethical charter. Other CEPEJ highlights include: **Ukraine** – progress in the preparation of a Practical guide on [remote courts hearings](#) ;; **Azerbaijan** – a [mission to the Supreme Court](#) on case management, processing and e-filing; **Tunisia** - [workshops](#) for clerks on the protection of documents and archives.

Execution of Judgments of the ECtHR

The Director of Human Rights and the Department for the execution of judgments carried out a mission to **Greece** and held discussions with national authorities and NHRIs on the execution of ECHR judgments concerning conditions of detention in prisons ([Nisiotis](#) group) and freedom of association ([Bekir-Ousta](#) group). The [Bekir-Ousta](#) group will be re-examined by the Committee at its Human Rights meeting on 6-8 December.

The Department took part in a thematic workshop in **Italy** on the effective implementation of the ECHR judgments concerning child adoption ([Zhou](#) group of cases), children's placement in foster care and non-implementation of judicial decisions regulating parental visiting rights ([Terna](#) group of cases), domestic violence ([Talpis](#) group of cases) and secondary victimisation ([J.L. case](#)).

The Department and the Implementation of Human Rights, Justice and Legal Co-operation Standards Department organised a study visit for the Secretariat of the **Romanian Council**

for Magistracy. This visit allowed the visitors to acquaint themselves with the work of the European Court and Council of Europe monitoring bodies, as well as with the process of execution of the Court's judgments, notably those concerning judicial and/or prosecutorial practice. The Department took also part in an information seminar for the staff of the **Senate of Romania** on the work of the Council of Europe on preventing and combating discrimination against LGBTI persons and Roma and Travellers, organised by the Council of Europe Sexual Orientation and Gender Identity Unit and the Roma and Travellers Team.

The Department held a meeting with a team of the **FRONTEX** Fundamental Rights Monitors, during the latter's study visit to Strasbourg organised by the Office of the Secretary General's Special Representative on Migration and Refugees. Lastly, the Department carried out a mission to **Georgia** to discuss the execution of the ECHR judgments, including reforms in the criminal justice system and functioning of the parliamentary oversight mechanism. Outstanding issues in the cases examined by the Committee of Ministers under enhanced supervision procedure were discussed in bilateral meetings with the Supreme Court, the Ministries of Justice and Internal Affairs, the Special Investigation Service, the General Prosecutor's Office and the Public Defender's Office."

Social Rights

30 November 2022: The Committee of Ministers elected four new members to the [European Committee of Social Rights](#) (ECSR): Aoife Nolan (**Ireland**), Kristine Dupate (**Latvia**), Carmen Salcedo Beltran (**Spain**), Monika Šimůnková (**Czech Republic**).

30 November 2022: The [decision of the ECSR on the merits](#) in *Syndicat CFDT de la métallurgie de la Meuse v. France*, Complaint No. 175/2019, became public ([more...](#))

29 November 2022: The COE project "[Continued support to promoting social human rights in Ukraine](#)" developed information brochures about the details of obtaining temporary protection and ensuring the social rights of Ukrainians who are forced to seek protection in **the Czech Republic, Germany, Italy, Poland, Romania, Slovak Republic** and **Spain** ([more...](#))

23 November 2022: The European Committee for Social Cohesion (CCS) published a report on the [Impact of Digitalisation and IT Developments on Social Rights and Social Cohesion](#), prepared by Gaabriel TAVITS and Arman SARGSYAN and organised a seminar on "Social Cohesion: Challenges anew" in Strasbourg and via videoconference ([more...](#))

21-25 November 2022: The [Governmental Committee](#) of the European Social Charter and the European Code of Social Security, at its 145th meeting, proposed 5 recommendations to be submitted to the CM under Articles 13§1, 14§1 and 23 ([more...](#))

3 November 2022: Karin Lukas, President of the ECSR, held an exchange of views with the CM Deputies ([Intervention of Karin Lukas before the Committee of Ministers Delegates](#)).

Police, Detention, Drugs and Addictions

Pompidou Group:

At the Irish national drug forum, held in **Dublin** on 2 November, the Pompidou Group had a prominent place, in connection with the Irish Presidency of the Council of Europe (May – November 2022). The Executive Secretary made a keynote presentation and had a bilateral meeting with the Minister of State responsible for public health, well-being and national drug strategy.

The Deputy Executive Secretary delivered the keynote speech at the opening of the 10th International Conference on Pathological Gambling and Other Behavioral Addictions on 14-15 November 2022 in **Warsaw**.

From 21 to 25 of November, the Pompidou Group participated actively in the 2022 edition of the European Conference on Addictive Behaviours and dependencies ("**Lisbon** addictions"), co-organised by the Portuguese General-Directorate for Intervention on Addictive Behaviours and Dependencies (SICAD) and the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA). The Pompidou Group Secretariat members were involved in different events, such as the co-organisation of a joint event on gender and drugs, and the presentation of the new self-assessment tool on drug policy compliance with human rights, together with its online application.

Co-operation in Police and Deprivation of Liberty (CPDL): A [Closing conference](#) on 24 November in Ankara marked the end of the Project "Enhancing the effectiveness of civil monitoring boards in line with European standards", which contributed to a change of mindset towards prison monitoring in various ways and set preconditions for more independent, efficient and self-sustainable prison monitoring boards in **Türkiye**.

On 18 November, the Council of Europe [handed over](#) to the Training Centre of the Directorate General of Prison Administration of **Albania** 22,000 euro worth of computer and video equipment to help improve the delivery of online initial and continuous trainings to some 4,500 prison staff. On 29 and 30 November representatives of the three ministries of justice and prison practitioners of **Bosnia and Herzegovina** [visited](#) the French Department of Prison Administration, including the Disengagement Prison Unit in Nancy, where they learned about the set-up and functioning of the facility that accommodates and manages violent extremist prisoners, the role of prison intelligence and multi-agency cooperation.

A 3-year project "Improvement of the treatment of persons deprived of liberty" was [officially launched](#) on 22 November in Pristina, **Kosovo***, in the presence of the national stakeholders.

On 29 November, a [successful completion of two projects](#) – "Enhancing health care and human rights protection in prisons" and "Support the scaling-up of the probation service" – was marked in **Armenia**.

Information Society – Action against crime Directorate

Media



On 3 November 2022, the Bureau of the Steering Committee on Media and Information Society (CDMSI) held its 23rd meeting. The Head of the IS Department Patrick Penninckx attended a High-Level Conference to mark the 10th anniversary of the UN Plan of Action on the Safety of Journalists and the Issue of Impunity. Mr Penninckx also represented the CoE in an event marking the 25th anniversary of the Mandate of the OSCE RFOM, "There is no security without media freedom". The Information Society Department on behalf of the Council of Europe co-organized with the EBU (European Broadcasting Union) co-organised and participated in a [conference on "Public Service Media for Democracy"](#) in which the Secretary General of the Council of Europe Marija Pejčinović Burić gave an opening speech. On 25 November, Head of Media and Internet Division Artemiza-Tatiana Chisca delivered a keynote speech presenting the work of the CoE on disinformation in the framework of the University of Geneva's annual Human Rights week.

Cooperation on Freedom of Expression



Through PAII-T project in **Tunisia**, representatives of 40 Tunisia' institutions received a [training on access to information](#), providing efficiency tools when handling requests on access to public documents introduced by citizens. Staff from the Regulatory Authority of **Serbia** participated to a [Workshop](#) and a working visit with the **Croatia's** homologue authority. This exchange allowed to further and jointly enhance implementing aspects of the EU AVSMD. In **Bosnia and Herzegovina**, [Guidelines](#) on developing Media Information and Literacy (MIL) policy and [Recommendations](#) for strategic development of MIL network were made available to the Communication Regulatory Agency (CRA). Human rights defenders and members of the **Azerbaijan's** Bar Association and civil society representatives received two training sessions on International Legal Standards on Data Protection and Privacy. In **Ukraine**, the Council of Europe expert's presented and explained the Council of Europe opinion on the Draft Law "On Media" through two sessions among Ukrainian partners and EU delegation representatives; while a high level [Webinar on electronic evidence of war crimes and role of journalists, media and social media](#) took place in the hybrid form from Strasbourg. In **Moldova**, an expertise opinion from DGI on the alignment of the Audiovisual Media Services Code with European Standards was made available to the authorities (the National Regulatory Authority [Audiovisual Council] and Public Media Services. Similarly, in **Georgia**, an expertise opinion from DGI on Key Aspects of the draft amendments to the Law of Georgia on Broadcasting was provided an initial advice to be followed through an entire amendment package review before the end of 2022 for the Georgian Parliamentary committee.

Artificial Intelligence



The Committee on Artificial Intelligence held its Second Bureau meeting on 4 November 2022. The CAI's Bureau was presented the draft Methodology for risk and impact assessment of AI (HUDERIA) prepared by the Secretariat with the assistance of experts from the Alan Turing Institute, the UK. The Third Plenary meeting, at which HUDERIA will be examined by the committee, is scheduled for 11 – 13 January 2023. The Chair of the CAI Ambassador Thomas Schneider took part in the European Conference of Electoral Management Bodies organised by the Venice Commission. He presented the work of the CAI and had interesting exchanges with representatives of electoral bodies from all over the world. Jan Kleijssen, Director of Information society – Action against crime delivered keynote speeches at various events dedicated to the promotion of trustworthy AI: Rhodes Technology and Society Forum, the ALLAI Responsible AI conference and Annual Conference on AI transformation in Public Sector organised by the Istanbul Bar Association.

Data Protection



An eventful month of November for personal data protection. It was first the genomic medicine, as the Chair of the Convention 108 Committee took an active part in the DBIO online workshop on public dialogue on this thematic, on 10/11. Then, intelligence oversight when the Council of Europe hosted the [5th International Intelligence Oversight Forum](#), from 14-15/11. Finally, back to face-to-face meeting, the Convention 108 Committee held its [43rd plenary meeting](#) in Strasbourg from 16 to 18 November, adopted the Guidelines on Digital National Identity, continued its work begun under its 2022-2025 work programme, invited the Organisation of American States (OAS) and the Commission de

l'Informatique et des Libertés (CIL) of **Burkina Faso** to take part in its work and also dealt with the modalities of the participation of the Russian Federation to the Committee, thereby answering the CM's request concerning the consequences of its aggression against Ukraine. It has also elected its new Bureau and met with the two winners of the Stefano Rodotà 2022 Award, who received their Prizes.

Cybercrime



As in previous months, the Cybercrime Programme Office (C-PROC) supported capacity building activities in all regions of the world. The Council of Europe in cooperation with the Legislative Assembly and Public Ministry of **Costa Rica** organised two events in San Jose: [Americas Regional Forum](#) for international cooperation on cybercrime and electronic evidence was held from 7 to 9 November and [The International Conference on promoting the role of women in preventing, investigating and prosecuting cybercrimes](#) took place from 10 to 11 November. T-CY held its 27th Plenary on 29-30 November in Strasbourg. Within this framework, **Brazil** acceded to [the Budapest Convention](#) and [Second Additional Protocol](#) was signed by 6 States (**Croatia, Moldova, Slovenia, Sri Lanka, Ukraine** and the **United Kingdom**)."

GRECO

GRECO carried out evaluation visits to **Romania** and **Czech Republic** (5th evaluation round - preventing corruption and promoting integrity in central government and in law enforcement).

During its 92nd [Plenary Meeting](#) on 28 November – 2 December, GRECO adopted 3 evaluation reports relating to the 5th evaluation round on **Austria, Bosnia and Herzegovina** and **Bulgaria** and 8 compliance reports on **Albania, Finland, Germany, Iceland, Latvia, Luxembourg, Norway** and **Slovenia**. It also adopted 4 compliance reports relating to the 4th evaluation round (corruption among MPs, judges and prosecutors) on **Malta, Romania, Spain** and **Switzerland**.

GRECO published the 2nd Interim Compliance Report on **Germany** relating to the 4th evaluation round. The Executive Secretary of GRECO, Hanne Juncker, spoke at a high-level conference in the **Republic of Moldova** on 'new tools in corruption prevention and risk assessment' and the Vice President of GRECO, Monika Olsson, spoke at a high-level conference in **Croatia** on 'revolving doors and cooling-off periods'.

MONEYVAL

The Conference of the Parties to the CETS 198 (Warsaw Convention) held its 14th Plenary meeting in Strasbourg on 15-16 November 2022. It adopted a Thematic monitoring report on the implementation of Article 6 of the Convention concerning the management of frozen or seized property by State Parties, a series of follow-up reports, and a new Interpretative Note on the implementation of Article 10 concerning corporate liability. It took a decision on limiting the participation of the Russian Federation in the work of the Conference. On 17 November the Conference of the Parties held a Joint Session with the Committee of Experts on the Operation of European Conventions on Co-operation in Criminal Matters (PC-OC) to discuss the need for the development of Council of Europe standards in the field of asset recovery.

MONEYVAL adopted through written procedure, and published, the follow-up reports of **Cyprus, Czech Republic, Georgia, Isle of Man** and **Slovakia**.

Economic Crime and Cooperation

Held a workshop for supervisors of the securities sector in **Azerbaijan** to help them implement effective measures against money laundering and terrorist financing.

Conducted a training for investigators, prosecutors and financial intelligence officers from **Armenia, Azerbaijan, Georgia, Republic of Moldova** and **Ukraine** on financial investigations.

Held workshop on Money Laundering and Terrorism Financing Risk Assessment of legal entities on 28 November in Bratislava, Slovak Republic, bringing together participants from competent authorities of **Bulgaria, Czech Republic** and **Slovak Republic**

Developed an AML/CFT Risk Based Supervisory Manual for the Designated Non-Financial Businesses and Professions (DNFBP) in **Bulgaria** and trained representatives of competent authorities on its practical application.

Organised an awareness-raising workshop for over 80 representatives of **Bulgarian** obliged entities from various sectors, on Money Laundering and Terrorist Financing risks associated with Politically Exposed Persons and the proper conduct of customer due diligence.

Held an awareness-raising workshop on AML/CFT obligations of legal professionals in **Czech Republic**, in conducting Customer Due Diligence and reporting suspicious transactions to the Financial Analytical Office.

Organised a workshop on the use of financial intelligence and other relevant information for money laundering and terrorist financing investigations for law enforcement agencies and the FIU of **Kosovo***.

Provided support to the AML/CFT supervisory entities from **Kyrgyzstan** in revising the national framework regulating the provision of services related to e-payments and virtual assets.

In cooperation with the National Institute of Magistracy, trained **Romanian** judges on the adjudication of money laundering to achieve asset recovery.

Criminal Law

The European Committee on Crime Problems (CDPC) held its 82nd plenary meeting on 28-30 November in Strasbourg and approved a draft CM Recommendation on Rights, Services and Support for Victims of Crime and its explanatory memorandum and forwarded the draft Recommendation to the Committee of Ministers for adoption. The delegates also adopted a White Paper regarding the management of persons with mental health disorders by the prison and probation services and forwarded it to the Committee of Ministers for information and dissemination at national level. They agreed that a CM recommendation on the same subject will also be needed and instructed the Council for Penological Co-operation (PC-CP) with drafting it. The CDPC also decided that a restricted sub-group responsible to the CDPC needs to be mandated with the task of ensuring the follow-up to the Venice Declaration on Restorative Justice, adopted by the CoE Ministers of Justice in December 2021.

The Committee of Experts on the Operation of European Conventions on Co-operation in Criminal Matters (PC-OC) held its 82nd meeting on 15-17 November in Strasbourg. Main items on the agenda included accession of non-member States to conventions of the Council of Europe on international co-operation in criminal matters, practical experiences regarding extradition and mutual legal assistance proceedings, the application of the European Convention on Mutual Assistance in Criminal Matters to co-operation with the European Public Prosecutor's Office and proposals for an update of this Convention.

On 17 November, the PC-OC held a [joint session](#) with the Conference of the Parties under the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism ([C198-COP](#)) on international co-operation on asset recovery. During this joint session the two Committees discussed several issues of common interest, including non-conviction based confiscation, sharing, management and re-use of confiscated assets and confiscation and recovery of virtual assets.

MEDICRIME, Trafficking in Human Organs and Cultural property

The [MEDICRIME Convention](#) was presented to both the national authorities (members of the parliament, legal professionals and law-enforcement authorities) and the Minister of Justice from the **Democratic Republic of Congo**. The work of the [CRIMFAMED project](#) was focused on translating the training course for legal professionals into different European languages. The Convention against Trafficking in Human Organs was presented to the **Ecuador** authorities. The [CDPC](#) and [CDPPC](#) members were encouraged to join the Nicosia Convention.

Counter-terrorism

Conference on Transnational Terrorist Threats from Emerging and Re-emerging Violent Extremist Movements

The Council of Europe Committee on Counter-Terrorism (CDCT), in collaboration with the German Federal Foreign Office, held an international Conference on “Transnational Terrorist Threats from Emerging and Re-emerging Violent Extremist Movements”, on 3-4 November 2022. This Conference focused on examining the terrorist threat posed by violent far-right and violent far-left groups and ways in which this threat could be addressed through future Council of Europe action. It brought together subject matter experts from the academia, think-tanks, policy making bodies, criminal justice institutions and international and regional organisations. One of the key takeaways of the Conference is the need for more research on a number of issues that would facilitate shaping of future policies.



European Audiovisual Observatory

November 2022 Wrap up: <https://bit.ly/3VUkxX3>

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.