



NEWSLETTER

DG Human Rights and Rule of Law (DGI)

(December 2022)

Venice Commission

The Commission held the 75th meeting of the Council for Democratic Elections on 15.12.2022 and its [133rd plenary session](#) on 16—17.12.2022 and in Venice. Following the plenary session, the Enlarged Bureau of the Venice Commission held an exchange of views with the Presidential Committee of the PACE on 17.12.2022.

The Commission issued its [Urgent Opinion](#) on the Law on amendments to the Law on the President of **Montenegro** on 9.12.2022.

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

- **Azerbaijan** - Opinion on the Law on Political Parties – PACE, Monitoring Committee – 15.12.2022
- **Ukraine** – *Amicus curiae* brief relating to the procedure for appointing to office and dismissing the Director of the National Anti-Corruption Bureau and the Director of the State Bureau of Investigation - Constitutional Court, Acting President – 12.12.2022
- **Georgia** – Opinion on the draft law on de-oligarchisation – Parliament, Chairperson – 1.12.2022
- **Georgia** – Joint follow-up opinion of the Venice Commission and the OSCE/ODIHR on the amendments to the organic Law on Common Courts - Parliament, Chairperson – 22.11.2022
- **Republic of Moldova** – Urgent opinion on the draft Law on counterintelligence and intelligence activity, as well as on the draft law on the intelligence and security service - Parliament, President – 18.11.2022
- **EU** – Report on key principles of democracy in Union governance – European Parliament, President – 12.10.2022

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

- **Kazakhstan** - Adversarial trial and equality of arms in criminal proceedings - [International conference](#) – 08 - 09/12/2022
- **Hungary** - Parliamentary elections and the referendum held on 3 April 2022 - [Post-election Webinar](#) - 17/12/2022

The President of the Venice Commission, Ms Claire Bazy Malaurie, participated in the Interparliamentary Committee Meeting of the European Parliament on the situation of the rule of law in the EU on 1.12.2022. The President also met with the EC Vice President Věra Jurová and the EP President Roberta Metsola in Brussels on 5 December 2022.

On 28.12.2022 the Supreme Court of The Gambia joined [the World Conference on Constitutional Justice](#) which now has 119 members. The issue 2022/1 of the e-Bulletin on Constitutional case-law can be consulted [here](#).

CPT

The CPT carried out an ad hoc visit to the [Republic of Moldova](#) from 5 to 13 December. In addition, an ad hoc visit to [Azerbaijan](#) was carried out from 12-19 December.

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



Human rights intergovernmental co-operation: The Steering Committee for Human Rights ([CDDH](#)) at its [97th meeting](#) (6-9 December) adopted a report on the effective processing and resolution of cases relating to inter-State disputes, accompanied by a draft Committee of Ministers' Declaration on the same topic, and a report on member States' practice in relation to derogations from the ECHR in situations of crisis. It organised a Workshop on "Implementing human rights and environmental due diligence" and exchanged views with the chairpersons of the Venice Commission and the Steering Committee for Human Rights in the fields of Biomedicine and Health (CDBIO). It also agreed that in future, it would give preference to the expression "droits humains" (as opposed to "droits de l'homme") in the French versions of its texts.

Legal co-operation: The CDJ published two comparative studies, one [on access of persons conceived by gamete donation to information on their origins](#) and the other [on administrative law and the use of artificial intelligence and other algorithmic systems in Administrative Decision-Making in the Council of Europe member States](#). The CCJE, at its 23rd plenary meeting, adopted [Opinion No. 25 \(2022\) on freedom of expression of judges](#), which strikes a balance between this freedom and professional limitations due to specific duties of judges. The CCJE Bureau adopted an Opinion following a request by the Association of Judges of Montenegro concerning the retirement of judges. On 29 November 2022, the CCPE President took part in an exchange of views with the CDPC presenting the recent CCPE [Opinion No. 17 \(2022\) on the role of prosecutors in the protection of the environment](#) and the proposal to update the CM Recommendation [Rec\(2000\)19](#) on the role of public prosecution in the criminal justice system.

Human Rights and Biomedicine: The final steering committee meeting of the cooperation project on "Human Rights and Biomedicine" implemented within the framework of the Armenia Action Plan (2019-2022), held on 15 December 2022 in Yerevan, marked the [successful completion of the project](#). It also paved the way for a new project under the newly adopted Armenia Action Plan (2023-2026).

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

On 20 December 2022, a round table was held in Strasbourg to examine the Human Rights situation in the **occupied Autonomous Republic of Crimea and the city of Sevastopol, Ukraine**. The Director General of Human Rights and the Rule of Law Mr Christos Giakoumopoulos moderated the event, which was co-organised by DGI and the Directorate of Political Affairs and External Relations (DAPRE).

The round table gathered Ukrainian stakeholders, including the Permanent Representative of the President of Ukraine in the Autonomous Republic of Crimea, representatives of the Crimea Platform, the Office of the Parliament Commissioner for Human Rights of Ukraine, Crimean Tatars (Mejlis of the Crimean Tatar People) as well as prominent NGOs. The President of the

Committee of Ministers' Deputies, the Secretary General and the Commissioner for Human Rights addressed the participants.

The event provided an opportunity for an exchange of views on the human rights situation in Crimea in the aftermath of the Russian armed aggression. It is a part of the consultation process aimed at preparing a second report for the Council of Europe's Secretary General (the first report was published on 4 May 2022). The reports aim to provide the Committee of Ministers with a basis for assessing the situation and deciding on potential measures to take.



The [CEPEJ held its 39th plenary](#) on 6-7 December. It elected its new President Francesco DEPASQUALE (**Malta**), adopted Guidelines on gender diversity in the recruitment and promotion of judges, a Guide on promoting administrative mediation, a note on the preparation of a new CEPEJ backlog reduction tool, and presented the first assignments of the Advisory Bureau on Artificial Intelligence (AIAB). A study visit on the **Portuguese** enforcement system was organised for the Ministry of Justice of **Azerbaijan**. Expert recommendations were developed for the implementation of the new judicial map in **Albania**. Two workshops were held in **Tunisia** to train more than 80 court clerks in document and archive protection. The FH II closing event for the Western Balkans Scoreboard was held in **Brussels**, where the results of the data collection were discussed with the beneficiaries.

Following activities were organised through co-operation projects (non-exhaustive). **Albania**: upgrade of the High Judicial Council's decisions database; **Armenia**: presentation of the Armenian version of the book [Taking a Case to the European Court of Human Rights](#) (photo); **Georgia**: launch of a [new project](#) promoting the alternative dispute resolution mechanism; **Greece**: [video](#) presented on migrant children (28th Athens International Film Festival). **Republic of Moldova**: Human Rights Forum with the Ombudsperson (photo), and study visit for the Council for preventing discrimination and ensuring equality; **Montenegro**: Communications Strategy and Action Plan of the Prosecutorial Council; **North Macedonia**: capacity-building for legal aid providers, and upgrade of High Judicial Council's decisions database and of the Supreme Court's case-law information system; **Serbia**: public discussions of new judicial laws, and trainings on case-law harmonization (courts of appeal); **Türkiye**: ToT for conciliators on handling cases for juvenile victims and offenders. **Ukraine**: judges' study visit to **Croatia** and **Slovenia** on justice in war time; [JustConf Ukraine 2022](#), a flagship annual event for criminal justice professionals; presentation of the [research on the application of pre-trial detention and house arrest in Ukraine](#); [HELP course](#) in Ukrainian on Procedural Safeguards in Criminal Proceedings and Victims' Rights; training on effective monitoring mechanisms at places of deprivation of liberty, including in the war context (photo); [thematic report](#) of the Ombudsperson on the rights of the war-affected; IT equipment delivered to the [War Crimes Department](#) of the Office of the Prosecutor General and to the State Judicial Administration. In **Kosovo***ⁱ – a thematic workshop with the Constitutional Court on the right to an effective remedy. In **Tajikistan** a [conference](#) on mechanisms of human rights protection was held; in **Uzbekistan** participation in the [Global Forum on Human Rights Education](#).

Execution of Judgments of the ECtHR

The Execution Department was engaged in the 1451st CM Human Rights meeting, at which the Committee adopted [46 decisions](#) concerning 21 member States. Three interim resolutions were adopted in the context of the supervision of [Al Nashiri v Poland](#) group of cases and [Georgia v. Russia \(I\)](#) and [Georgia v. Russia \(II\)](#) cases. Also 26 final resolutions were also adopted by the Committee in respect of 69 judgments and decisions of the European Court

concerning 16 States. The Department issued a [new thematic factsheet on Hate Crime and Hate Speech](#). It provides various examples of general and individual measures reported by States in the context of the execution of the European Court's judgments, concerning the combat against racially motivated hate crimes which may emanate from security forces, private individuals or groups targeting Roma and migrants, hate crime and hate speech targeting LGBTI persons and religiously motivated hate crime and hate speech.

An online meeting was held with the **Danish Ministry of Foreign Affairs** to give a presentation of the mandate and working methods of the Department as well as to discuss the list of pending cases against Denmark. The Department met also with a delegation of the Ministry of Justice of **France** to discuss the problem of overcrowding and poor conditions of detention in French detention facilities (case *J.M.B. v France*). The Department held separate bilateral meetings with **the Government Agents and/or Deputy Agents of Germany, Hungary and the Netherlands**, as well as the **Finnish Ministry of Foreign Affairs** to discuss the status of execution of the cases pending against these countries and other outstanding issues. A meeting was also held with the President and a delegation of the **Joint Court of Aruba, Curacao, Sint Maarten and Bonaire, Sint Eustasius and Saba**, focusing on the cases of *Corallo* and *Murray v. the Netherlands* concerning conditions of detention in the Caribbean part of the Kingdom of the Netherlands. The Department also met online with the **UK Ministry of Justice** to discuss the list of pending cases against the UK. Also the Department met online with the Modern Slavery Unit in the UK Home Office, to discuss the case of *V.C.L. and A.N.*

A delegation from the Department took part in a mission to **Chisinau, the Republic of Moldova** to discuss, with authorities, international partners and civil society, the current progress on execution of judgments and implementation of the Convention. ECtHR judgments pending execution concerning the Transnistrian region of Moldova were notably discussed.

Lastly, the Department held an online meeting with the Secretariat of the Supreme Court of **Ukraine** to discuss the execution of the *Mikhaylova* group of cases in view of the recent judgments of the European Court concerning the lack of impartiality of the domestic courts in administrative offence proceedings. Also, the Department participated in the expert discussion on the application of pre-trial detention and home arrest in Ukraine organised by the Council of Europe project "Human rights compliant criminal justice system in Ukraine".

Social Rights



5 - 9 December 2022: The European Committee of Social Rights (ECSR) held its 331st session in hybrid mode. The Committee continued the examination of the national reports for Conclusions 2022 relating to labour rights. Several pending collective complaints were also examined.

8 December 2022: The Social Rights Department organised a [seminar on strengthening the protection of social rights in Europe – the role of the European Social Charter](#) to mark the end of mandate of several members of the ECSR. Discussions included the current negotiations around the reform of the Charter system, as well as the opportunities and challenges around social rights protection in Europe. The role of the Charter in respect of the future of work and workers' rights, in particular workers in atypical forms of employment was also discussed.

13 December 2022: The ECSR and the Department of Social Rights launched an updated version of the [Digest](#) of the case-law of the ECSR on the European Social Charter. The Digest reflects the current interpretation by the Committee of each article of the Charter as resulting from its conclusions on the national situations of States Parties and its decisions in collective

complaints. The Digest also contains a presentation of the basic principles of interpretation of the Charter and a description of the reporting and collective complaints procedures.

[Video presentation](#) by Aoife Nolan, Vice President of the ECSR

Police, Detention, Drugs and Addictions

POMPIDOU GROUP

The 18th Ministerial Conference of the Pompidou Group took place in **Lisbon** on 13-14 December 2022. In their "Lisbon declaration", ministers and high-level participants from the 41 Pompidou Group member states called for a human rights centred approach in drug policies. Furthermore, they entrusted the Group to explore strategies to address new forms of addictions, in particular those related to the use of communication and information technologies.

Hosted by Portugal, which has been presiding the Pompidou Group since 2019, the conference, gathered some 150 participants, including ministers, representatives from 46 governments and six international organisations or agencies, as well as drug policy experts, law enforcement, health and justice officials, and civil society representatives. During the conference, Ministers assessed the impact of current trends in drug use and drug trafficking, as well as behavioural addictions, such as excessive and compulsive video gaming, gambling or online shopping. On the basis of a report drawn up by their Permanent Correspondents, they also reviewed the Group's activities and achievements during the period from 2019 to 2022 and adopted a new work programme for 2023-2025.

At the end of the conference, the Portuguese Health Minister Manuel Pizarro handed over the presidency to Italy, represented by the Under Secretary of State of the Presidency of the Council of Ministers of Italy, Alfredo Mantovano. The Pompidou Group Executive Secretary Denis Huber and the EMCDDA Director Alexis Goosdeel also signed an appendix to the existing MoU between the two organisations, updating their joint co-operation priorities.

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

A three-month piloting of rehabilitation tools and programme for violent extremist offenders in two prisons in **Albania** was successfully completed; it confirmed the applicability of these instruments within the Albanian prison context. E-probation management system has been launched in **Armenia** that will facilitate the work of probation officers and help track the progress of the beneficiaries they supervise. A [telemedicine and electronic medical system](#) for prison healthcare has been launched in **Armenia**, with the necessary hard- and software installed in all 10 penitentiary institutions of the country. It will ensure paper-free and unified data processing, while enabling inmates to access specialized medical care remotely. The Armenian Scientific Association of Psychologists completed a four-month pilot therapeutic programme in the Abovyan penitentiary. The programme was aimed at improving mental health care in **Armenian** penitentiaries; it offers a range of psychological counselling and therapeutic options that involve patients in rehabilitative psycho-social activities and prepare them for a more independent life and/or reintegration into their families after release.

A high-level conference on the role of psychologists and social workers in the process of rehabilitation and resocialisation held on 20-21 December in Tbilisi – the first of this kind to ever take place in **Georgia** – paved the way to a better cooperation and coordination of social and psychological work between all governmental stakeholders.

A [meeting](#) of officials from 27 prisons and the Special Prison Hospital on 7 December in Belgrade, **Serbia** marked the success of five years of efforts aimed at fostering the capacity of staff specialised in rehabilitation of prisoners to work with violent offenders, domestic

violence perpetrators, drug and alcohol abusers. The relevant programmes are now delivered in all prisons across the country, with positive feedback coming from both prisoners and programme facilitators.

Information Society – Action against crime Directorate

Media



The [Steering Committee on Media and Information Society](#) (CDMSI) met in Strasbourg on 7-9 December to assess progress on the preparation of new policy instruments of the three subordinate committees, MSI-RES, MSI-INF and MSI-SLP. Committee members also held discussions with the Council of Europe Commissioner for Human Rights, Ms Dunja Mijatović; with Ms Cecilia Dalman Eek, Vice-President of the Congress of Local and Regional Activities and with META representatives on user's rights.

Director of Information Society and Action against Crime, Jan Kleijssen took part in the 17th United Nations Internet Governance Forum (IGF) hosted by the government of Addis Ababa (**Ethiopia**), as the keynote speaker at a panel on the regulatory challenges of addressing advanced technologies (AI and Metaverse). During this event, the CoE also co-organised an open forum on Promoting democratic culture online through digital citizenship education, an open forum on how to combat hate speech, as well as a workshop on Cyber-attacks and evidence.

Co-operation on Freedom of Expression



In **Kosovo***, in the framework of a needs assessment for the Information and Privacy Agency, dozens of representatives of local public institutions and civil society organisations had exchanges with Council of Europe experts to discuss crucial aspects of access to public documents and data protection. Through JUFREX **Kosovo***, a [lecture for law students](#) on the European standards on freedom of expression and Hate Speech took place in view of International Human Rights Day. JUFREX **Montenegro** completed analysis of cases/jurisprudence of Montenegrin courts on freedom of expression and continued its media legislative and policy reforms support over the processes of Draft Law on Media, Draft Law on Public Broadcasting Service and Draft Law on Audio Visual Media Services, as well as on first country Media Strategy (2023-2027) which finally were submitted to the Government. Moreover, the same action in **Montenegro** continued its work on the promotion of the safety of journalists with Police Directorate through the support towards the development of Risk Assessment Guidelines for Police on Protecting the Journalists. In **Bosnia and Herzegovina**, a two-days [training](#) on media literacy research and strategy was provided by the UK's Ofcom to the Communication Regulatory Agency representatives. JUFREX **North Macedonia** had its country action [closing event](#). The National Council for TV and Radio Broadcasting of **Ukraine** received IT equipment in the framework of enabling and further strengthening their operations of its staff relocated from the territories of active military actions and/or the temporary occupied territories. The screening of "*Voice of Liliana*" award-winning documentary, produced in **Moldova** by Telefilm-Chisinau through project actions was presented in Strasbourg at the Palais de l'Europe.

Data Protection

The T-PD Bureau held its last 2022 meeting on 15 and 16 December, giving the newly elected Bureau the possibility to take stock of the year and to continue its work on the interpretation of Article 11 of Convention 108+, on data protection for the processing of personal data for Anti-Money Laundering/Countering Financing of Terrorism purposes, and on updating the Model Contractual Clauses for the transfer of personal data. It also decided to start working in 2023 on the protection of personal data in the context of elections and focus on guarantees and safeguards related to biometric data notably.

Cybercrime



As in previous months, the Cybercrime Programme Office ([C-PROC](#)) supported capacity building activities in all regions of the world. A new [Guide for criminal investigations of ransomware attacks](#) to facilitate more effective criminal justice responses to the rising threat of ransomware, prepared under the [iPROCEEDS-2](#) project, was made available. Furthermore, a High-level conference entitled "[Joining forces: applying the cybercrime frame to digital violence against women](#)" organised jointly by the Violence against Women Division and the Cybercrime Division of the Council of Europe together with the Icelandic Presidency of the Committee of Ministers was held on 6 December in Strasbourg. To mark the 20th anniversary since the opening for signature of the [First Additional Protocol](#) (January 2023), a series of activities are being organised to support countries in the action against online xenophobia and racism. One of such activities, a webinar on good practices and challenges in addressing xenophobia and racism committed online, was held on 15 December.

GRECO

The President of GRECO issued a [statement](#) on the occasion of International Anti-Corruption Day on 9 December, calling for transparency and appropriate consultation in legislative processes. GRECO carried out an evaluation visit to [Cyprus](#) (5th evaluation round - preventing corruption and promoting integrity in central government and in law enforcement).

GRECO also published the 5th Round Second Compliance Reports on [Iceland](#) and [Luxembourg](#) and the 4th Round Addendum to the 2nd Compliance Report on [Spain](#) (corruption among MPs, judges and prosecutors).

MONEYVAL



On 7-9 December 2022 MONEYVAL held its 64th Plenary meeting. The Plenary meeting was opened by the Deputy Secretary General and marked the 25th Anniversary of MONEYVAL. The Plenary discussed and adopted the mutual evaluation reports of **Estonia** and **Monaco** and the follow-up report of **Lithuania**. It held a thematic session on the links between money laundering and human trafficking with an exchange of views involving the President of GRETA.

Economic Crime and Cooperation (ECCD)

Organised a roundtable on "Emerging AML/CFT trends and challenges". The event was opened by Ms Hanne Juncher Head of the Action against Economic Crime Department and was attended by practitioners, experts and representatives of beneficiary institutions from over 20

jurisdictions. The event provided a platform for exchanging of views on the evolving AML/CFT trends as well as for identification of priority areas to be addressed through technical cooperation in the future.

Held a workshop on the latest mechanisms for confiscation of proceeds from crime for prosecutors, investigators, judges, financial intelligence and other law enforcement practitioners in **Azerbaijan**.

Organised a regional workshop on undertaking financial investigations of corruption, money laundering and terrorism financing, for law enforcement authorities, financial intelligence units and anti-corruption agencies of **Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan**.

Developed a Roadmap and Guidance for designing and implementing effective Anti-corruption compliance programs for the Agency for Prevention of Corruption, Labour Inspectorate, Chamber of Commerce of **Kosovo*** and private enterprises.

Trained public officials from line ministries and other public administration bodies in **Kosovo*** on protection of whistleblowers in public administration.

Organised a regional workshop for representatives of national authorities and civil society organisations from the **Eastern Partnership region**, the **Western Balkans** region and **Türkyie** to discuss their respective roles and cooperation in the prevention and fight against corruption, money laundering and terrorism financing.

Presented the Council of Europe methodologies on National Money Laundering/Terrorist (ML/TF) Financing Risk Assessment and Sectoral ML/TF Risk Assessment of Virtual Assets/Virtual Assets Service Providers to relevant authorities in **Türkyie**.

Criminal Law

The Secretary to the Council for Penological Co-operation (PC-CP) presented the Council of Europe White Paper on prison overcrowding at a colloquium organised by the National Council of French Barristers "Let's deal away with prison overcrowding" (Paris, **France**, 1 December 2022). The meeting was followed by more than 200 participants online and was attended by several French parliamentarians, high level judges, prosecutors, lawyers, the Director General of the French Penitentiary service and other prison service representatives, the Controller of places for deprivation of liberty and by NGOs.

The Secretary to the Council for Penological Cooperation (PC-CP) presented (online) the Council of Europe White Paper on prison overcrowding and the latest Council of Europe standards in the penitentiary area to the participants in the 2022 Thematic Discussions on the implementation of the Kyoto Declaration, organised by the Commission on Crime Prevention and Criminal Justice (CCPCJ) in Vienna, **Austria** on 5-7 December 2022.

MEDICRIME, Trafficking in Human Organs and Cultural property

As in previous months, the MEDICRIME Convention continued to be presented to national authorities of different countries such as **Ghana** (1 December), **Israel** (2 December), **Congo** (6 December), **Togo** (7 December) and **Costa Rica** (14 December) in view of their accession to it. The MEDICRIME Convention was also present at the Fight the Fakes Week 2022 and Patient Solidarity Day. The Nicosia Convention was presented at the conference "Financing of terrorism, organized crime and illicit trafficking of cultural property" (12 December) organised by the EU Project EI PACcTO. The Convention against Trafficking in Human Organs was presented to SEGIB (16 December).

Counter-terrorism

The Council of Europe Committee on Counter-Terrorism (CDCT) held its **9th Plenary meeting on 30 November – 2 December 2022**, in Strasbourg, during which a number of key future counter-terrorism initiatives were discussed.

The CDCT approved the new Council of Europe Counter-Terrorism Strategy for the period of 2023 - 2027, that looks to support members with addressing emerging terrorist threats in Europe, while ensuring the continuity of actions undertaken in this area to date. The new Strategy will be sent to the Committee of Ministers of the Council of Europe for final adoption.

The CDCT furthermore agreed on the feasibility of elaborating a pan-European definition of terrorism and to launch formal negotiations at its next Plenary meeting in May 2023.

Lastly, the CDCT also approved the findings of the analysis on the possible need for updating the Council of Europe standards on countering the financing of terrorism, in light of evolving practices in this area, as prepared by the Joint Expert Group of MONEYVAL, Consultation of the Parties to Convention No.198 (COP 198) and the CDCT.

The CDCT also discussed completed activities under its current Strategy (2018-2022), including the International Conference on Transnational Terrorist Threats from Emerging and Re-Emerging Violent Extremist Movements held on 3-4 November 2022 and additional activities including the follow-up to the recently adopted Council of Europe Recommendation CM(Rec(2022)8 to member States on the use of information collected in conflict zones as evidence in criminal proceedings related to terrorist offences.

ⁱ [1] All references to Kosovo, whether to the territory, institutions, or population, in this text shall be understood in full compliance with United National Security Council Resolution 1244 and without prejudice to the status of Kosovo.