



## NEWSLETTER

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

#### December 2023

### CPT

The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) published one report in December 2023, together with the Government's response, on the ad hoc visit which took place from 23 May to 3 June 2022 to **Portugal** to evaluate the effectiveness of investigations into allegations of police ill-treatment. The CPT delegation also examined the situation of women held in prison and the treatment of patients in psychiatric and forensic care.

The Committee also carried out three monitoring visits in December: an ad hoc visit to **Greece** from 21 November to 1 December with the aim of examining the treatment of foreign nationals deprived of their liberty under immigration legislation and reviewing the progress made by the authorities in implementing the CPT's recommendations in relation to immigration matters since its visits in 2018 and 2020; a periodic visit to the **Slovak Republic** from 28 November to 8 December in order to assess the treatment and safeguards afforded to persons deprived of their liberty by the police, and the treatment and conditions of detention of persons in prison; and an ad hoc visit to **Overseas France** from 28 November to 14 December, in the regional territories of Guadeloupe and French Guiana, in order to assess the conditions of detention of persons deprived of liberty in prisons affected by overcrowding, as well as to examine the treatment and safeguards afforded to involuntary patients in psychiatric establishments and in the hospitals where they are held pending their involuntary admission to a psychiatric facility.

### Venice Commission

On 15-16 December the Venice Commission held its [137th Plenary Session](#) in Venice. During this session the Commission adopted eight opinions and amicus curiae briefs concerning **Armenia, Georgia, Kosovo\*<sup>i</sup>, the Republic of Moldova, and Ukraine**.

On 4 December the President of the Venice Commission participated in the [meeting](#) of the Monitoring Committee of the Parliamentary Assembly of the Council of Europe, hosted by the Italian Parliament at the Italian Chamber of Deputies in Rome. The meeting focused on "The strategies and tools of the Council of Europe to ensure the respect of human rights, rule of law and democracy obligations in the **resolution of conflicts**".

On 7-8 December the Commission and the Academy for European Human Rights Protection held an [international conference in Cologne entitled "Money and democracy – an uneasy relationship"](#). The event brought together Venice Commission members, politicians, academics, representatives of international organisations. It explored ways in which undue influence of big money on democratic decision-making may be exposed, monitored, contained or even prevented.

On 4 December a representative of the Commission Secretariat participated in the second meeting under the [High-Level Dialogue "Good Democratic Governance in Ukraine: achievements, challenges and the way forward in post-war period"](#). The meeting brought together key national stakeholders who discussed perspectives for good democratic governance reforms in Ukraine.

On 4-6 December a Venice Commission expert and the Deputy Secretary took part in the [Second Summit for Electoral Democracy](#) entitled: "Electoral authorities facing disinformation" in Mexico City. It was organized by the National Electoral Institute of Mexico (INE). The main aim of the Summit was to discuss the role of electoral authorities in combating misinformation and fake news.

Lastly, the Venice Commission accompanied the PACE [election observation delegation in Serbia](#) to advise on the legal framework of the early parliamentary elections of 17 December. The delegation took part in joint briefings with other international organisations, before and after the elections, and observed the opening, voting and counting processes of the elections.

## Register of Damage for Ukraine

In December, the Register's work focused on organising and holding the meeting of the Board of the Register of Damage for Ukraine, one of the Register's main bodies, which proposes the rules and regulations governing the work of the Register.

At its inaugural meeting in The Hague (11-15 December), the Board elected Robert Spano, Partner at Gibson, Dunn & Crutcher and former President of the European Court of Human Rights, as its Chair, and Dr Chiara Giorgetti, Professor at Richmond Law School, as Vice-Chair. It also adopted its Rules of Procedure and discussed as a matter of urgency the categories of eligible claims. Deputy Minister of Justice of Ukraine Iryna Mudra presented a proposal for categories of claims, which was adopted by the Government of Ukraine on 1 December 2023. The proposed categories encompass loss of life, torture, sexual violence, personal injury, involuntary displacement, forced relocation, property and revenue loss, economic loss, damage to critical infrastructure, governmental facilities, historic/cultural heritage, and environmental damage.

The Board aims to finalise the rules and regulations, including the categories of claims, by considering the proposal and ensuring their alignment with the Register's Statute. It also stresses the urgency of collecting claims, prioritising those most affected by the war and claims related to critical infrastructure of Ukraine. The spring of 2024 is the planned start date for the submission of claims.

Among other items on the agenda, the Board received a comprehensive briefing by RD4U's Executive Director Markiyan Kliuchkovskiy on the work carried out in developing the various systems and functions of the Register. The Board particularly welcomed the extensive preparatory work already undertaken by the Executive Director and RD4U's Secretariat.

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

The **CEPEJ** held its [41st plenary](#) meeting, where an assessment tool for the operationalisation of its 2018 Ethical Charter on AI, guidelines on alternative dispute resolution methods online, a report on case weighting for prosecutors, and the draft of its activity programme for 2024 and 2025 were adopted. CEPEJ also organised the [Annual Forum of Judicial Administrators](#) in **Georgia**, the [closing event](#) of a pilot project offering

legal aid in **Latvia**, [training](#) for non-judicial staff from all **Albanian** first-instance courts on judicial time management, and court coaching in **Bosnia-Herzegovina**.

Under the **HELP** Programme, the course on Cybercrime and Electronic Evidence was [launched](#) in **Spain** for **EU** judges, prosecutors and lawyers. Other courses were launched, including on Violence against Women in **Greece**, Hate crime/hate speech in **North Macedonia**, Human Rights in Sports in **Spain**. The **HELP** [course](#) on the ECHR, ESC and EU Charter Interplay was presented in a Forum organised by the EU Fundamental Rights Agency. An online information session on **HELP in Universities** was organised, with a [special HELP Training](#) of Trainers for University professors for **Ukraine**. Under the [Central Asia Rule of law Programme](#), the **HELP** course on prevention of violence against women was [launched](#) in **Uzbekistan**.

Under **bilateral co-operation programmes**: Human Rights Day was marked in **Armenia** by a [seminar](#) on Human Rights education in the armed forces. In **Ukraine**, the CoE supported an [International Conference](#) on the role of the judiciary in overcoming war challenges. Other highlights included: in **Azerbaijan**, a working Group meeting on the adoption of the Action plan on the execution of ECtHR judgments; in the **Republic of Moldova**, a [forum](#) on Human Rights and Equality; in **Montenegro**, a moot court at the University's legal clinics; in **Türkiye**, workshops notably on prohibition of discrimination in professional life. In **Uzbekistan**, the CoE supported a [conference](#) with the Law Enforcement Academy and in **Kazakhstan**, a conference on the Implementation of International Human Rights norms into national law and practice.

Under **multilateral cooperation programmes**: the [Enhancing Subsidiarity project](#) and [ECHR-KS](#) platform were presented to the **Irish** Supreme Court, during a training for lawyers from the **Belgian, French and Luxembourg** Bar associations. The [TJENI](#) project held an event in **Cyprus** to take stock of the achievements of the project and its first assessment visit to **Greece** aiming to design the project's support to national partners in the ongoing digital transformation.

## Execution of Judgments of the ECtHR

The Department for the execution of judgments of the ECtHR was engaged in the **1483<sup>rd</sup> CM Human Rights meeting**, during which the CM adopted [41 decisions concerning 23 member States](#), including interim resolutions in four groups of cases. The CM also adopted 45 final resolutions in respect of 83 judgments and decisions of the ECtHR concerning 20 States. The Department also published a [new thematic factsheet on reproductive rights](#).

The Department continues to work in close cooperation with the **UN bodies** to remind **Russia** of its unconditional legal obligation to implement the European Court's judgments. The Department welcomed the United Nations Special Rapporteur on the situation of Human Rights in Russia, Mariana Katzarova, to Strasbourg on 12-13 December. During her visit, the Special Rapporteur held several meetings, including with the Secretary General and the Department, and held an exchange of views with the Committee of Ministers. The execution of the European Court's judgments against the **Russian Federation** and contacts with Russian human rights defenders were among the main topics of these meetings.

The Department met with the **Government Agent of Ireland** to discuss the pending cases before the Committee of Ministers. It also held its online quarterly meeting with the UK Ministry of Justice to discuss the pending cases and identify priorities for 2024.

The Department held meetings in Sofia with **Bulgarian legal experts from the Ministry of Justice** to explain the process of execution of final judgments of the European Court of Human Rights. It also met officials at the **Ministry of Interior, Ministry of Agriculture,**

**the Supreme Court of Cassation, the Supreme Cassation Prosecutor's Office** and several other institutions to support the Bulgarian authorities' ongoing work to establish a formalised national procedure and increasing the domestic capacity for the implementation of the European Court's judgments against Bulgaria. Discussions were also held on the execution of cases under enhanced or standard supervision requiring legislative measures.

## Social Rights

The [European Committee of Social Rights](#) (ECSR) held its last session in 2023 from **4 to 8 December**. The Committee pursued work on the 2023 Conclusions in response to national reports on the European Social Charter provisions on children, families and migrants, and on the year's Findings in the follow-up to collective complaints under the Charter. It also deliberated on other [collective complaints](#).

The Governmental Committee of the European Social Charter and the European Code of Social Security (GC) held its [plenary session](#) from **27 November to 1 December**. During this session, the GC applied new working methods in light of the decisions of the Committee of Ministers aimed at reinforcing follow-up in the European Social Charter reporting system. The GC discussed in detail 48 cases or groups of cases of non-conformity found by the European Committee of Social Rights (ECSR) regarding labour rights. It agreed to transmit 41 recommendations to the Committee of Ministers for adoption. Several states expressed an interest in seeking assistance and further dialogue around the Charter standards on labour rights.



On the occasion of International Human Rights Day, together with the non-governmental organisation Social Platform, the Council of Europe organised on **14 December** a [round table](#) in Brussels to foster a better understanding of the key role played by the European Social Charter in safeguarding and advancing social rights. The round table (with speakers including Aoife Nolan, President of the European Committee of Social Rights, Laura De Bonfils, Secretary General of the Social Platform, Eamon Gilmore, EU Special Representative for Human Rights

and Olivier de Schutter, UN Special Rapporteur on extreme poverty and human rights) also contributed to strengthening dialogue on the key role of social rights, as enshrined in the European Social Charter, in the fight against poverty, social exclusion, and the promotion of a society based on the principles of social justice, equal opportunities and fair working and living conditions.

The [Project "Strengthening protection of social and economic rights in Georgia"](#), which started on 1 March 2021, came to an end on **31 December 2023**. The Project aimed at reinforcing the respect of social rights in Georgia in line with the provisions of the [European Social Charter](#). It served to assess key issues in the area of social rights in the country and, together with the authorities, to agree on the scope of further activities needed to address challenges related to social rights. Its accomplishments are illustrated in an insightful Project Digest – [Strengthening Protection of Social and Economic Rights in Georgia](#). The Office in Georgia organised a Project closing event on **1 December**.

## Police, Detention, Drugs and Addictions

### Pompidou Group

On 6-8 December the Pompidou Group hosted the first Annual Conference of Drug Control Networks with over 150 experts from more than 50 countries and international organisations

in attendance. It was the first edition of a new conference format launched by the Pompidou Group, bringing together participants from different law enforcements sectors.

On 14-15 December, the first working group meeting of the Pompidou Group's HELP online course on human rights in drug policy with a focus on the criminal justice system took place with the participation of experts from the legal, criminal justice, drug treatment and drug policy field, as well as representatives of other CoE entities, UNODC and EMCDDA. Experts discussed in detail the course objectives and outline. The course is planned to be finalised by October 2024.

The closing ceremony of the project "Developing a Drug Prevention Support Network for Parents and Professionals" was held in **Tbilisi, Georgia** on 18 December 2023. The event served as a platform for reflection and recognition, highlighting the joint efforts between the Pompidou Group and key stakeholders in advancing evidence-based drug prevention strategies in Georgia.

An International Forum on addictive behaviours and crimes associated with internet use took place in **Mexico City** on 19-20 December 2023. The Forum was co-organised by the Pompidou Group, the Mexican Foreign Ministry and Ministry of Security and Civil Protection and the Inter-American Drug Abuse Control Commission (CICAD) of the Organization of American States (OAS). The event was attended by over 200 representatives from 20 countries and had a wide international media coverage.

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

Since mid-December, some 220 inmates of the Kumanovo Prison in **North Macedonia** benefit from a new bakery oven and their children, while visiting, can now use a playing corner – both provided by a joint EU/CoE programme for a total value of more than 17.000€.

The Minister of Interior of the Federation of **Bosnia and Herzegovina** signed a decision introducing the [human rights module](#), created with the help of the Council of Europe, in the new training programme of the Police Academy in Sarajevo. This academy trains all new cadets/police officers and junior inspectors from all 10 Cantonal Ministries of Interior of the Federation of BiH, as well as cadets from the Federal Police Administration.

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

### Legal Co-operation

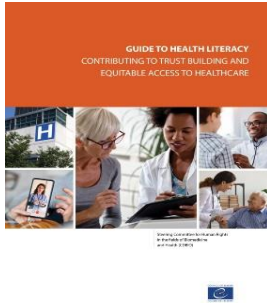
The Consultative Council of European Judges (CCJE) at its [24<sup>th</sup> plenary meeting](#) (29 November – 1 December) adopted [Opinion No. 26 \(2023\) "Moving forward: the use of assistive technology in the judiciary"](#). The Opinion provides a set of principles for the use of technology in judicial systems, with the aim to better secure effective and practical access to justice, while maintaining and enhancing judicial legitimacy and public confidence in the judiciary.

A [Webinar on Mainstreaming gender equality in law reform processes](#) was organised by the CDCJ in collaboration with the [Gender Equality Commission](#) (GEC) on 5 December 2023 to present the new [CDCJ practical guide on mainstreaming gender in public and private law reform processes](#). This guide provides practical insights into evaluating policies, including through showcasing legal initiatives, which take into account the principle of gender equality.



## Human Rights and Biomedicine

On 12 December, in Rome, the CDBIO organised a [Conference on “health literacy and human rights - trust building and equitable access to healthcare”](#), in cooperation with the National Office Against Racial Discrimination of Italy, and with the support of the Ministry of Family, Natality and Equal Opportunities and of the Ministry of Health of Italy.



The event launched the Council of Europe [Guide to health literacy](#), a practical tool to assist decision-makers, health providers and health professionals in addressing healthcare, disease prevention and health promotion. It addressed the health literacy needs of individuals and the corresponding responsibilities of health systems, to support the development of more accessible and inclusive health systems. Participants explored trends and challenges, as well as policy and practice about health literacy, patient journeys, and, as an example, health literacy in the Roma community.

## Information Society

### Media

At its last [plenary meeting](#) held on 29 November - 1 December 2023 the CDMSI completed its work on the draft of the Committee of Ministers Recommendation to member States on countering the use of strategic lawsuits against public participation (SLAPPs) and agreed to transmit it to the Committee of Ministers for consideration and final adoption. It also adopted a [Guidance Note on countering the spread of online mis- and disinformation through fact-checking and platform design solutions in a human rights compliant manner](#) and [Guidelines on the responsible implementation of AI in journalism](#), and endorsed a report on good practices for sustainable new media financing.

### Cooperation on Freedom of Expression

Freedom of expression, current challenges in the context of the on-going war, as well as the applicable European standards that guarantee and regulate this right were among the most important topics of discussion at the 2<sup>nd</sup> Council of Europe Regional Forum [“Freedom of Expression in Times of War”](#) in Chisinau on 6-7 December. This event brought together about 100 media professionals and freedom of expression activists from **Armenia, Azerbaijan, Georgia, the Republic of Moldova, and Ukraine**.

In the framework of *Peer and Advisory Support Action* for the Audiovisual Council (AC) of **Republic of Moldova**, five (senior) representatives of the AC participated in a peer-networking meeting at the OFCOM in London, UK on 13-14 December. The visit was organised to further improve the functioning of the Audiovisual Council and the efforts of the institution through measures that will reinforce the pathway towards the European integration.

A legal review and assessment in the framework of HF3- PROFREX contributed through technical advice to the new rules on funding of the public broadcaster of **Montenegro** aimed at enhancing its independence. HF PROFREX Actions raised awareness and capacities in **Kosovo**<sup>\*ii</sup> (gendered disinformation); **North Macedonia** ([gender sensitive reporting](#)); and in **Bosnia and Herzegovina** [SLAPPs](#). Furthermore, in Bosnia and Herzegovina [work](#) continued on the human rights monitoring and reporting tools being developed under EFEx project.

## Artificial Intelligence

On 5 – 8 December 2023 the Committee on Artificial Intelligence of the Council of Europe held a meeting of the members of its Drafting Group followed by its 8<sup>th</sup> Plenary meeting.

## Data Protection

The Bureau of the Committee of Convention 108 held its [60<sup>th</sup> meeting](#) on 13-14 December concentrating on the third module (from processor to processor) of the [Model Contractual Clauses](#) for the transfer of personal data, while continuing its work on the interpretation of Article 11 of the modernised Convention, and on the draft Guidelines on data protection in the context of voter registration and authentication. The Data Protection Unit participated in the first meeting of the [CEPS Task Force on EU-US Data Transfers and their Impacts on Trust, Rule of Law and Privacy](#) on 7 December. It also took part in the 2023 edition of the [Octopus Conference](#), held in Bucharest from 13 to 15 December.

## Cybercrime

[Octopus Conference 2023](#), held from 13-15 December 2023 in Bucharest, Romania, [brought together](#) more than 500 cybercrime experts from all over the world. This was also a great occasion to review the impact of the capacity building provided through the [Cybercrime Programme Office](#) (C-PROC) on its 10-year anniversary. Since its inception, C-PROC supported around 2000 activities involving more than 130 countries. On the last day of the [conference](#), [Cameroon acceded](#) to the [Budapest Convention](#), becoming its 69<sup>th</sup> Party.

The following documents were published in December: [Discussion paper: Freedom of expression within the context of action on cybercrime – Practical considerations](#); [Global State of Cybercrime Legislation 2013-2023: A cursory Overview](#); [Implementing the First Protocol to the Convention on Cybercrime on Xenophobia and Racism: Good practice study](#).

# GRECO AND ACTION AGAINST ECONOMIC CRIME

## GRECO



Group of States against Corruption  
Groupe d'États contre la corruption

The President of GRECO issued a [statement](#) ahead of the International Anti-Corruption Day on 9 December 2023, calling for a determined action to make the fight against environmental corruption a policy priority. He also spoke about GRECO's contribution to the fight against corruption in its nearly 25 years of existence at the [10<sup>th</sup> Session of the Conference of the State Parties to the United National Convention against Corruption](#) (COSP-10), held in Atlanta from 11 to 15 December 2023.

GRECO also published 3 reports concerning the 4<sup>th</sup> Round (corruption among MPs, judges and prosecutors): the Addendum to the 2<sup>nd</sup> Compliance Report on [Luxembourg](#) and [Serbia](#) and the 4<sup>th</sup> Interim Compliance Report on [Türkiye](#). Moreover, GRECO published the 5<sup>th</sup> Round Evaluation Report on the [United States of America](#), dealing with corruption concerning top executive functions and the Federal Bureau of Investigation.

## MONEYVAL and Criminal Asset Recovery Division



At its 66<sup>th</sup> Plenary meeting (11 to 15 December 2023), MONEYVAL examined and adopted the mutual evaluation reports of **Azerbaijan** and **Montenegro** under the 5th evaluation round, as well as the follow up reports of **Cyprus**, **Lithuania** and **Slovenia**. Furthermore, MONEYVAL decided upon the measures to be applied to the **Czech Republic** and **Lithuania** under its Compliance Enhancing

Procedures.

In preparation for the 6<sup>th</sup> round of mutual evaluations, MONEYVAL adopted new Rules of procedure, discussed the planning and sequencing, and endorsed a set of questionnaires and data collection documents used to support the evaluation process. MONEYVAL thanked warmly Ms Elżbieta Frankow-Jaśkiewicz (Poland) for her outstanding service to MONEYVAL's work during her mandate and welcomed Nicola MUCCIOLI (San Marino) as Chair from 1st of January 2024. MONEYVAL elected Ms Astghik KARAMANUKYAN (Armenia) and Mr Matis Mäeker (Estonia) as its Vice-Chairs, and Ms Jennifer PALPACUER (Monaco) and Mr Daniel-Marius STAICU (Republic of Moldova) for a two year term (2024-2026).

The meeting report of the 15<sup>th</sup> meeting of the Conference of the Parties to the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (CETS No. 198) is now [public](#).

## Economic Crime and Cooperation

- A public awareness campaign was launched with **Albanian** Customs and State Police on prevention of illicit cross border transportation of cash and other valuables. The campaign aims to sensitize citizens and regular travelers about the legal obligations to declare cash and other valuables, as part of an overall effort to tackle cross border money laundering and terrorist financing.
- Organised a three-day training for 25 representatives of the **Bulgarian** FIU on the use of open-source intelligence (OSINT) for operational and strategic analysis.
- The **Estonian** Financial Intelligence Unit benefited from advice on the development on its Strategic Analysis Function, as a key element for effective anti-money laundering and countering terrorist financing.
- Investigators and prosecutors from the law enforcement agencies of **Georgia** benefited from a training on applying diverse and innovative investigation methods during financial investigations.
- The Working Group responsible for the revision of the Law on whistleblower protection in **North Macedonia** has amended the law based on the recommendations and advice provided by the Council of Europe through the Horizontal Facility III action in North Macedonia.
- **Turkish** financial intelligence and law enforcement officers benefited from comparative practices and insights on development and use of financial intelligence in support of law enforcement efforts to investigate money laundering cases.

Contributed to a multi-stakeholder international forum "Financial Monitoring – 2023", held in **Ukraine** in hybrid format. The event brought together over 340 participants (remotely and on-site) and served as a platform where experts, policymakers, and other stakeholders converged to address the challenges posed by money laundering and terrorist financing.



# CRIMINAL LAW, MEDICRIME AND COUNTER-TERRORISM

## Counter-Terrorism



The [Council of Europe Committee on Counter-Terrorism \(CDCT\)](#) held its 11<sup>th</sup> Plenary meeting on 11-13 December in Helsinki, **Finland**.

The meeting focused on the negotiations on a pan-European definition of terrorism for the purposes of the Convention on the Prevention of Terrorism (CETS No 196). The new definition ensures that all contemporary and foreseeable manifestations of terrorism are adequately covered by the Convention. Following close

examination and discussion of the proposed text, the CDCT Plenary agreed on the proposed wording of the definition of terrorism.

Regarding the [Counter-Terrorism Strategy \(2023-2027\)](#), the CDCT examined its progress of implementation and approved one of the first major outputs, the *Guidelines for public and private sector authorities on preparedness and emergency responses to the immediate aftermath of terrorist attacks*. This tool provides further resources for national competent authorities on preparedness, multi-agency co-operation and coordination as well as on effective management structures and training.

The CDCT also approved the initiation of several activities including Conferences and Working Groups to take place throughout 2024. Lastly, the Plenary meeting continued to support ongoing international networks including the *Network of Contact Points for the victims of terrorism* and the *24/7 Network of Contact Points on Foreign Terrorist Fighters* which facilitate connections between practitioners from national authorities.

## MEDICRIME

As a unique legal instrument to combat the counterfeiting of medical products and other similar crimes, the [MEDICRIME Convention](#) was introduced in a webinar (7 December) to mark the [Fight the Fakes Week 2023](#) devoted to "*Africa together against substandard and falsified medicines*". **Cameroun** and **Senegal** were invited by the Committee of Ministers to sign and ratify the MEDICRIME Convention (13 December). The report on the MEDICRIME 24/7 network on cooperation and information exchange was introduced at the [34<sup>th</sup> meeting](#) of the Heads of Medicines Agencies and the Working Group on Enforcement Officers held in Madrid (**Spain**) on 13-15 December.

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<sup>i</sup>\*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