



NEWSLETTER

DG Human Rights and Rule of Law (DGI)

September 2023

CPT

The Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) published 2 reports in September 2023: the report on its periodic visit to the Grand Duchy of [Luxembourg](#), which took place from 27 March to 4 April 2023; and the report on the situation in prisons in the [Republic of Moldova](#), following its December 2022 ad hoc visit to the country.

The Committee also carried out two monitoring visits in September 2023: an ad hoc visit to [Germany](#) from 4 to 7 September, to monitor the treatment of foreign nationals during a Frontex-supported return flight from Germany to Pakistan; and a periodic visit to [Armenia](#) from 12 to 22 September.

Venice Commission

In September the Commission was engaged in the preparation of a considerable number of opinions/follow up opinions to be adopted/endorsed at its Plenary Session on 6-7 October 2023, concerning the following countries:

- **Armenia** (draft amendments to the Electoral Code and related legislation)
- **Bulgaria** (draft amendments to the Constitution)
- **Chile** (2023 process of constitutional reform)
- **Georgia** (amendments to the Organic Law on Common Courts)
- **Kyrgyzstan** (draft law about the media; draft Constitutional law on the Ombudsman)
- **Republic of Moldova** (draft Laws on the Intelligence and Security Service and on counterintelligence and external intelligence activity; amendments to the Electoral Code and legislation concerning ineligibility of persons connected to political parties declared unconstitutional; draft Law on the anti-corruption judicial system; draft Law on the external assessment of judges and prosecutors)
- **Montenegro** (draft Law on the Government)
- **the Netherlands** (legal safeguards of the independence of the judiciary from the executive power)
- **Ukraine** (draft legislative amendments restricting the participation in the state power of persons associated with political parties whose activities are prohibited by law; draft Law on political liability of MPs associated with political parties whose activities have been suspended; draft amendments to the Law on the judiciary and the status of judges and certain Laws on the activities of the Supreme Court and judicial authorities; Law on national minorities (communities); 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 on a competitive basis).

The Commission also (co-)organised the following events:

- International Conference in Astana, **Kazakhstan**: "[Constitutional Justice – Dignity, Freedom and Justice for All](#)" - 07-08/09/2023
- International Conference in Rome, **Italy**: "[The role of Ombudsman institutions in the world: between realities and possibilities](#)" - 21-22/09/2023
- International Seminar in Madrid, **Spain**: "[Constitutions and War](#)" - 14-15/09/2023

Lastly, on 21-22 September the President of the Venice Commission, Ms Bazy Malaurie, participated in the [3rd thematic discussion of the UN Commission on Crime Prevention and Criminal Justice \(CCPCJ\) on the implementation of the III^d pillar of the Kyoto Declaration entitled "Promoting the rule of Law"](#), held in Vienna, **Austria**.

Register of Damage for Ukraine



The 2nd meeting of the Conference of Participants for the Register of Damage for Ukraine was held on 12 September in Riga, Latvia. The Conference welcomed the accession to the Register by Switzerland as a Participant – bringing the number of Participants and Associate Members to 44.

Since the 1st meeting of the Conference in June, a Host State Agreement with the Netherlands was finalised, and The Hague has become the home of

the Register. The Register now has a staff of five that work out of a temporary office facility while the search is ongoing for permanent premises.

The budget for the second half of 2023 was adopted at the meeting and the Executive Director, Mr. Markiyany Kliuchkovskiy, presented his vision for the next 15 months, including plans for recruitment, the development of the digital platform, interplay with national Ukrainian registers and cooperation with other international organisations and bodies. The meeting also launched the nomination process for Board members (elections will be held at the 3rd meeting to be held in Strasbourg on 16-17 November) and an official short name of the Register - Register of Damage for Ukraine – was adopted.

The goal is for the Register to be fully operational and in a position to start taking claims in the first quarter of 2024 and it has received large voluntary contributions from the EU and the Netherlands to cover the startup costs.

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

Three HELP courses were launched in **Ukraine** jointly with the Prosecutor's Training Centre and the National School of Judges: "[Combating Trafficking in Human Beings](#)", "[International Cooperation in Criminal Matters](#)" and "[Procedural Safeguards in Criminal Proceedings and Victims' Rights](#)". The [Closing conference](#) of DG-reform supported project "Promotion of the rule of law and fundamental rights through high-quality online trainings in the **Croatian** Judiciary" was held in Zagreb. The [HELP course on Property Rights](#) was launched for lawyers from **Kosovo***. New HELP courses are available on [Child-friendly Justice](#), [LGBTI persons in the Asylum](#) procedure, Transition of [Migrant and Refugee Children to Adulthood](#) and [Interplay between the ECHR and the EU Charter](#) on Fundamental Rights.

The CEPEJ's Artificial Intelligence Advisory Board (AIAB) [convened](#) for its 5th meeting to discuss the operationalisation of the CEPEJ Charter on AI and update the AI tools contained in the CEPEJ Resource Centre. The CEPEJ carried out an evaluation mission of the collection and quality of data in the **Republic of Moldova**. In **Georgia**, [court coaching was held](#) at the Supreme Court and the City Courts of Rustavi and Batumi and the district court of Zugdidi. In **Latvia**, the CEPEJ [carried out a training](#) for the participants in a pilot project on legal aid. In **Kosovo***ⁱ the [CEPEJ presented a methodology to better collect and interpret judicial statistics](#) to the HJC. The Steering Committee of the Programme AP-JUST/CEPEJ/**Tunisia** met for the last time.

The Project "[Support to efficient domestic capacity for the execution of ECtHR judgments \(Phase 1\)](#)" started the development of methodology for a Multi-country Study identifying and sharing effective domestic execution mechanisms among CoE member states and work on the establishment of the "Execution Coordinators Network". In the framework of the project "[Enhancing Subsidiarity](#)" project, the ECHR-KS platform was presented to **Belgian** High Courts. The "[Digital by Default](#)" project held a Change management workshop in Split, **Croatia**, to facilitate capacity building and awareness about the e-communication. The [TJENI project](#) supported a visit of delegations from **Cyprus, Hungary, Lithuania** and **Romania** to the ECtHR in the framework of the Visiting Professionals Scheme under the Superior Courts Network.

Activities implemented in September by the Division of Co-operation Programmes include: in **Georgia**, representatives of the Ministry of Justice took part in a [study visit in Finland](#) on restorative justice while the [Training of Trainers \(ToT\) programme](#) on the European Convention on Human Rights (ECHR) had its final session; in **Türkiye**, training activities for Gendarmerie general command and judges and prosecutors; in **Ukraine**, a [round table](#) on improving the basic principles of housing policy; a side event co-organised with the Ukrainian Parliament Commissioner for Human Rights "Mariupol: (UN) Lost Hope"; in **Kosovo*** a three-days comprehensive [training on Reasoning of Judicial Decisions](#).

Execution of Judgments of the ECtHR

The Department for the execution of judgments of the ECtHR was engaged in the 1475th CM Human Rights meeting, during which the CM adopted **45 decisions concerning 20 member States**. Three interim resolutions were adopted in the context of the supervision of the groups *Ilias and Ahmed v. Hungary*, *Catan and Others v. Russian Federation* and *Xenides-Arestis v. Turkey*. The CM also adopted [28 final resolutions](#) in respect of 72 judgments and decisions of the ECtHR concerning 14 States.

The Department together with the Director of Human Rights carried out a **mission to Baku**. Exchanges on the measures required for the implementation of several pending groups of cases against **Azerbaijan** were held with the Constitutional Court, the Supreme Court, the Ministry of Justice, the Ministry of Foreign Affairs, the Prosecutor General's Office, the Office of the Ombudsperson, and the Government Agent's Office at the Presidential Administration.

The Department participated in the launch of the **Croatian version of the HELP/UNHCR Course on Asylum and Human Rights**, accompanied by a seminar, attended by administrative judges, organised in cooperation with the Croatian Judicial Academy.

[An exchange of views](#) was organised between the Committee of Ministers and civil society focusing on the execution of judgments against the **Russian Federation** related to human rights violations in the **Transnistrian region of the Republic of Moldova**. Representatives of the People's Advocate (Ombudsman) of the Republic of Moldova and the NGO "Promo-Lex Association" shared information regarding the human rights situation in

the Transnistrian region of the Republic of Moldova and presented their views on issues relevant for the execution of these judgments.

On the margins of the **World Summit for Ukraine** held in Rzeszow, **Poland**, the Department took part in discussions on financing social payments and reparations for war affected persons. A separate side event for civil society organisations was held to inform them about the execution process and possibilities for their contribution, notably via the Rule 9 procedure.

Lastly, the Department participated in a meeting with the Gender Equality Unit within the [Combating Violence against Women in Ukraine – Phase II](#) project and discussed the execution of the *Levchuk v. Ukraine* group related to protection against domestic violence.

Social Rights

The [European Committee of Social Rights](#) (ECSR) published its [Annual Activity Report for 2022](#), shedding light on pressing social rights issues across Europe. In the introduction, the Committee's President Aoife Nolan emphasised that "*The ECSR looks forward in particular to the enhanced dialogue with States Parties envisaged by the Committee of Ministers and to pursuing such constructively and in a spirit of cooperation. This comes at a time when the contribution of the European Social Charter to promoting equality and social justice - and thus to democratic security and sustainability - has never been clearer or more important.*"

On **6 September 2023**, in the follow-up to European Committee of Social Rights (ECSR) decision on the merits of [collective complaints](#), the Committee of Ministers adopted several [recommendations and resolutions](#). The ECSR held its 336th session from **11 to 15 September 2023**, in Strasbourg. It adopted a number of [decisions](#) related to collective complaints.

On **11 September**, the Department of Social Rights organised an information event for Permanent Representations in Strasbourg. Aoife Nolan, President of the ECSR, and Aongus Horgan, Chairperson of the Governmental Committee explained the state of the Charter system reform process, and the challenges faced by the Charter organs. Alla Fedorova, a Ukrainian social rights expert and member of the ECSR, spoke about the value for member states and the considerable opportunities of cooperation activities designed to assist in the implementation of social rights and in responding to states' reporting obligations under the Charter.

In Riga, on **21 and 22 September**, a delegation of the [ECSR](#) discussed with representatives of the Latvian authorities the provisions of the [Charter](#) not yet accepted by Latvia. The meeting, organised together with the Ministry of Welfare of the Republic of Latvia, served to examine the situation in law and practice in relation to those provisions, and to clarify the standards applied by the ECSR.

The [COE-FRA-ENNHRI-EQUINET Collaborative Platform](#) on Social and Economic Rights held its 13th meeting on **28 September 2023 in Helsinki, Finland**. The meeting focused on social rights in the age of digitalisation, taking stock of the risks of misuse of AI and its potential negative impact on social rights. Particular attention was paid to the impact of new technologies on the labour market, on access to social services and on how to ensure a digitally inclusive society.

Police, Detention, Drugs and Addictions

Pompidou Group

A capacity building seminar for law enforcement on 'Controlling stress and reducing mental health risks in police work' took place in **Vilnius, Lithuania**, on 6-7 September 2023. The event, hosted by the Lithuanian Drug, Tobacco and Alcohol Control Department, was attended by 48 participants from 17 countries and Europol.

From 11 to 14 September, a study visit took place in **Prague** for an Egyptian delegation, in cooperation with the Drug Policy Department of **Czech Republic** and the Czech NGO SANANIM. The aim of the study visit was to increase capacities of professionals from the General Secretariat of Mental Health and Addiction Treatment of **Egypt** in the field of intervention programs for the management of substance and non-substance use disorders in adolescents.

From 19 to 22 September a delegation of 23 experts from **Algeria, Egypt, Jordan, Lebanon, Morocco, Palestine*ⁱⁱ and Tunisia** visited **Italy** to learn more about its model of recovery, which is based on close cooperation between the public sector's treatment services and the therapeutic communities of the private social sector. On the last day, the 7 delegations met with the Department for Antidrug Policies (DPA) of Italy. This visit has been organised in cooperation with the Italian Department for Antidrug Policies, Presidency of the Council of Ministers of **Italy**.

On 27 September, an online meeting of the PG Bureau took place, addressing the following main issues: the Pompidou Group contribution to the follow-up to the 4th Council of Europe Summit, the TSI project proposal on online gaming and gambling (possibly to be financed by the European Commission), the proposal of **Mexico** to organise an international capacity building forum on harms and crimes associated with Internet use.

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

Human Rights Intergovernmental Co-operation

The CDDH Drafting Group on human rights in situations of crisis ([CDDH-SCR](#)) at its [4th meeting](#) (12-14 September) adopted a [draft Toolkit](#) for human rights impact assessment of the measures taken by the State in situations of crisis, for examination and possible adoption by the CDDH at its 99th plenary meeting. The CDDH Drafting Group on issues relating to judges of the European Court of Human Rights ([DH-SYSC-JC](#)), at its [4th meeting](#) (20-22 September), and the CDDH Drafting Group on human rights and the environment ([CDDH-ENV](#)) at its 8th meeting on 25-26 and 28-29 September continued the elaboration of a the respective draft CDDH reports on these issues. On 21 September, the Vice-chairperson of the CDDH, Krista OINONEN (Finland), presented Committee of Ministers' Recommendation [CM/Rec\(2019\)6](#) at the International Ombudsman Conference on "The role of Ombudsman Institutions in the world: between realities and possibilities", held in Rome.

Legal Co-operation

The CDCJ working group on administration and artificial intelligence (CDCJ-ADMIN-AI), finalised the text of the draft revised manual "The administration and you", which takes into account the growing use of artificial intelligence in administrative decision making, with a view to its examination and possible adoption at the 101st plenary of the CDCJ.

The President of the Consultative Council of European Judges (CCJE), Ms Anke Eilers, held an exchange of views with the Committee of Ministers on 27 September during which recent

work and activities of the CCJE were presented, notably Opinions [No. 24 \(2021\)](#) on the evolution of the Councils of Justice and [No. 25 \(2022\)](#) on freedom of expression of judges.

Human Rights and Biomedicine

The drafting group for the development of a new HELP course on mental health and human rights held its first meeting in Strasbourg on 12-13 September. The course is being developed as part of a cooperation programme on Human Rights and Biomedicine in **Armenia**.

Information Society – Action against crime

Media



An informal exchange of the Committee of Ministers on the potential [impact of immersive realities](#), such as the Metaverse, on human rights, the rule of law and democracy was organized by the Media and Internet Governance Division. At their last meeting on 18-19 September 2023, the Committee of Experts on the Integrity of Online Information (MSI-INF) finalized draft policy documents on [countering the spread of online mis- and disinformation](#), for final approval by the CDMSI before the end of the year. Patrick Penninckx, Head of the Information Society Department, made a presentation entitled "[Fake news and Information in the digital era](#)" for students of Strasbourg University.

Cooperation on Freedom of Expression



A [survey](#) and [training of trainers](#) on media literacy of pre-school children was organised in support to **Serbia's** Media Regulator through [PROFLEX Serbia](#). In **Bosnia and Herzegovina**, the [EFEX](#) facilitated' [Working Group](#) developed a new methodology for a pilot report on freedom of expression. Additionally, [PROFLEX](#) organised [training](#) for about 20 judges on defamation cases and SLAPPs. In **Azerbaijan**, a three-day training on media literacy/countering disinformation was provided for 25 journalism students. A Council of Europe Advisory Paper on the "Institutional formation of self (co)-regulation of mass media" was made available to **Armenia's** Ministry of Justice. In **Georgia**, the Charter of Journalistic Ethics (Press Council) was revised in the context of its institutional reform. In **Republic of Moldova**, thanks to a Council of Europe' methodology *on sexist speech in the media*, the Audiovisual Council voted and adopted its *decision* to monitor sexist discourse during the upcoming local electoral campaign.

Artificial Intelligence

The 2nd Informal Drafting Group meeting of the CAI was held in **Paris** on 6 and 7 September, followed by the 7th CAI Bureau meeting. Also, on 14 September, Mr Patrick Penninckx, Head of the Council of Europe Information Society Department, met the members of the European Parliamentary Association and [presented the mandate and activities of the CAI](#), as well as its cooperation with the EU and other partners.

Data Protection

On 7 September, [Switzerland](#) became the 28th Party to the [Amending Protocol](#) to Convention 108, known as [Convention 108+](#). The [Bureau of the Committee of Convention 108](#) held its 59th meeting in Paris on 27-29 September and continued its work on the interpretation of

Article 11 of the modernised Convention, as well as on the 2nd module of the model contractual clauses for the transfer of personal data and the draft Guidelines on the processing of sensitive personal data for the purposes of voter registration and authentication.

Cybercrime

From 4 to 7 September 2023, the Council of Europe, alongside Team Cymru, co-organised the [Underground Economy Conference](#) in Prague, Czech Republic. The event brought together around 500 experts representing law enforcement agencies, the cybersecurity community, private industry and academia from over 80 countries worldwide. Through the [Octopus Project](#), the Council of Europe contributed to a [round table on the compatibility of the Malaysian law](#) with the [Budapest Convention](#) and to the 23rd edition of [the International Symposium on Cybercrime Response](#) that was held from 13 to 15 September 2023 in Seoul, South Korea.

GRECO

GRECO carried out two evaluation visits to [Armenia](#) and [Switzerland](#) under its 5th Evaluation Round on preventing corruption and promoting integrity in central governments (top executive functions) and law enforcement agencies. GRECO also published an Evaluation Report on [Romania](#) relating to the 5th Round. In the context of its synergies work with partner international peer-review mechanisms, the GRECO Secretariat took part in a meeting with the OAS Follow-Up Mechanism for the Implementation of the Inter-American Convention against Corruption (MESICIC) Panel on preventing and managing conflicts of interest, the Resumed 14th Session of the Implementation Review Group (IRG) of the United Nations Convention against Corruption (UNCAC) and the Third Thematic Discussion of the UN Commission on Crime Prevention and Criminal Justice (CCPCJ) on Pillar III – Promoting the Rule of Law. Also, the GRECO Secretariat took part in the first meeting of the EU network against corruption.

MONEYVAL and Criminal Asset Recovery

The evaluations of Montenegro and of Azerbaijan by MONEYVAL continued with face-to-face meetings held between the assessment team and the country delegation from 6 to 8 September 2023 and respectively 12 to 14 September. The reports will be considered for adoption at the forthcoming plenary meeting from 11 to 15 December 2023.

MONEYVAL started its assessment of Jersey with an evaluation visit taking place from 27 September to 11 October 2023.

The Chair of MONEYVAL and the President of the Conference of the Parties to the COP to CETS 198, together with a delegation of MONEYVAL experts from Montenegro, Andorra and Romania contributed to the 2nd meeting held by the FATF/ Interpol FIRE platform aimed to advance actions and policies on asset recovery (Lyon, 19-20 September 2023). From 26 to 27 September 2023, Elżbieta Frankow-Jaśkiewicz, Chair of MONEYVAL, took part in an event held in Bonn on « Risk and consequence : the future of FATF recommendation 8 for financial integrity and for civil society », organised by the EU AML/CFT Global Facility, Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH Global Program 'Combating Illicit Financial Flows', and the Global NPO Coalition on FATF.

The MONEYVAL Secretariat is actively contributing to the elaboration of the FATF Risk-Based Guidance on Beneficial Ownership and Transparency of legal arrangements, to the work on the revision of FATF international standards regarding mutual legal assistance, freezing and confiscation, asset management and sharing, and to the project on responsibilities of law enforcement and investigative authorities and ways to enhance collaboration with asset recovery networks. The FATF is planning to discuss these documents with possible adoption in October 2023.

Economic Crime and Cooperation

- Investigators, prosecutors and analysts from **Armenia** benefited from a 2-day training in undertaking financial investigations to detect money laundering and related predicate offences.
- Within the framework of the PGG III **Azerbaijan**, organised a workshop for judges, prosecutors and investigators on prosecution and adjudication of money laundering and asset recovery cases.
- Representatives of financial supervisory authorities from **Croatia, Estonia, Italy, Germany, Latvia, the Netherlands and Spain**, benefited from a workshop on the development of AML/CFT supervisory strategies, the use of innovative supervisory techniques, and the application of specific AML/CFT measures for electronic money and payment institutions, as well as virtual assets service providers.
- Officials dealing with conflict-of-interest cases in the public administration in **Kosovo*** benefited from a workshop on enhancing practical knowledge and capacities to deal with conflict-of-interest cases based on international standards and good practices.
- Representatives of the AML/CFT supervisory authorities of Designated Non-Financial Businesses and Professions (DNFBPs) in **Lithuania**, attended a workshop focusing on the presentation of the recently developed Methodology for conducting Money Laundering and Terrorist Financing (ML/TF) Sectoral Risk Assessment (SRA) of higher risk sectors.
- National competent authorities and private sector representatives from **North Macedonia** benefited from a training on the application of the national money laundering and terrorism financing risk assessment methodology.
- Organised a roundtable discussion for representatives of law enforcement authorities in the **Republic of Moldova** to discuss the legislative framework and practices on corruption risk assessment.
- Representatives of the FIU, Security Service and prosecutors from **Ukraine** were trained on the use of open-source intelligence in money laundering cases.

Criminal Law

The Working Group of the Council for Penological Cooperation (PC-CP) held their 33rd meeting in Strasbourg on 19-21 September 2023. The participants continued their work on two CM Recommendations, namely a Recommendation on the ethical and organisational aspects of the use of AI by the prison and probation services and a Recommendation on the management of mental disorders and the promotion of positive mental health by the prison and probation services. They also visited the prison in Elsau (Strasbourg).

The restricted Group of experts on international co-operation in criminal matters (PC-OC Mod) held its 34th meeting from 26 to 28 September at the Prosecutor General's Office in Lisbon, **Portugal**. The main items on its agenda were the application of the European Convention on Mutual Assistance in Criminal Matters to co-operation with the European Public Prosecutor's Office, the modernisation of that convention and the development of guidance on the post-surrender phase in extradition proceedings.

MEDICRIME, Trafficking in Human Organs and Cultural property



Cyprus deposited the instrument of ratification of the **MEDICRIME Convention** on 5 September. Within the EUROMED Police Project, the Convention was introduced during a webinar organised by **CEPOL** (12 September) targeting both law enforcement officers and international organisations (**AFRIPOL, League of Arab States**) from the South Mediterranean region.

The Bureau of the MEDICRIME Committee gathered in **Portugal** (21-22 September) following operation *Corpus Insanus* aimed at dismantling clandestine laboratories of anabolic substances. An opinion on a draft recommendation on unaccounted disappearances of medicinal products for human and veterinary use from the legal supply chain was also adopted by the MEDICRIME Committee. The Bureau of the Committee of the Parties to **the Trafficking in Human Organs Convention** discussed possible themes for its monitoring round (19 September).

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.

ⁱⁱ * This name should not be interpreted as recognition of a State of Palestine, without prejudice to the position of each Council of Europe member state on this issue'.