



NEWSLETTER

DG Human Rights and Rule of Law (DGI)

July & August 2023

CPT

The Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) held its [111th plenary meeting](#) from 3 to 7 July 2023.

The Committee published 3 reports in July 2023: the report on its May 2022 periodic visit to [Latvia](#), together with the response of the Latvian authorities, was published on 11 July. On 13 July the Committee published [two reports](#) on its ad hoc visits to Belgium carried out from 7 to 10 November and to Cyprus from 7 to 9 November 2022, in the context of a Frontex-supported return operation to the Democratic Republic of Congo, together with the responses of the Belgian and Cypriot authorities.

On 31 August the Committee published the report on its November 2022 ad hoc visit to [Greece](#), together with the response of the Greek authorities.

Venice Commission

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

- **Armenia** - the draft amendments to the Electoral Code and related legislation - Ministry of Justice;
- **Bulgaria** - the draft amendments to the Constitution - Minister of Justice
- **Chile** - the 2023 process of constitutional reform - Senate, President;
- **Kosovo** - the revised draft amendments to the Law on the Prosecutorial Council - President of the National Assembly;
- **Kyrgyz Republic** - the draft Constitutional Law on the Ombudsman – Ombudsman;
- **Lebanon** - the draft law on the Administrative Judiciary - Ministry of Justice;
- **Republic of Moldova** :
 - the draft Law on the anti-corruption judicial system and on amending of some normative acts - President of the Republic;
 - the amendments to the Electoral Code and other related laws concerning ineligibility of persons connected to political parties declared unconstitutional - President of the Parliament;
 - the draft laws on the Intelligence and Security Service and on counterintelligence and external intelligence activity - President of the Parliament;
- **Montenegro** - the draft law on the Government - Minister of Public Administration
- **Ukraine** :
 - the 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 - Chairman of the High Council of Justice;

- the draft law on Amendments to Article 51 of the Rules of Procedure of the Verkhovna Rada on political liability of Members of Parliament associated with political parties whose activities have been suspended - Chairman of the Verkhovna Rada;
- the draft law amending certain legislative acts of Ukraine which restrict the participation in the state power of persons associated with political parties whose activities are prohibited by law - PACE, Monitoring Committee.

On 26 July 2023 the Commission issued, upon the request of the PACE Monitoring Committee, its [Urgent Opinion](#) on the Law on the State Commission to Investigate Russian Influence on Internal Security in **Poland** between 2007 and 2022 and on the draft law amending that Law.

On 5 July 2023 the Commission published the [issue 2022/3 of the e-Bulletin on Constitutional Case-Law](#) with 247 new precis of key judgments from some 31 national and two international courts.

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

The [CEPEJ organised the second meeting](#) of the South Mediterranean Network of Justice Inspection Services in Taghazout, **Morocco**, from 3-4 July followed by an online meeting on 1 August, to adopt the constitutive charter. The first [court coaching activities](#) in the pilot courts in **Bosnia and Herzegovina** took place on 3-4 July. On 6-7 July, non-court staff of the **Tirana** Appeal Court [were trained](#) on CEPEJ judicial time management tools. In **Tunisia**, the CEPEJ organised trainings on judicial communication, digitalisation of justice, and CEPEJ tools on 11, 14-15 and 17 July and 4 August.

Key activities in the Division of Co-operation Programmes: in **Armenia**: [High-Level Conference on Prosecutorial Independence and Accountability](#), a [workshop on reopening of](#)



[criminal cases](#) and [round-table discussions](#) on the concept paper of the new law on Police Guard and associated legal acts; in **Georgia** - a needs assessment report on court-annexed and private mediation in civil cases was completed; in the **Republic of Moldova** – a [round table](#) with actors from the justice system and civil society; in **North Macedonia** – a series of [micro-promotions](#), organised

in 15 different cities and rural areas on Free Legal Aid; in **Türkiye** - the Court of Cassation visited Helsinki and held discussions on the judicial system of the high courts; in **Ukraine**- a [new project « Facilitating housing solutions for the war-affected people in Ukraine»](#) and [1st Steering committee meeting](#) was launched in Kyiv, a conference on Administrative Justice and [meetings with the Ukrainian authorities and civil society](#) and with [Ukrainian partners](#) ; trainings for [investigators and prosecutors](#), for [trainee prosecutors](#), for [prosecutors-mentors](#) and [in service training for police officers](#).

Execution of Judgments of the ECtHR

In July and August, the Department for the Execution of Judgments of the ECHR was involved in the preparation of the **1475th DH meeting** of the Committee of Ministers scheduled for 19-21 September, during which it is expected that about 40 judgments/groups of judgments of the ECHR will be examined (see indicative list of cases [CM/Del/OT\(2023\)1475-prel](#)).

The Department has continued with its consultations with the **Armenian and Azerbaijani authorities** concerning the execution of the ECHR judgments concerning the Nagorno-Karabakh conflict (*Chiragov* v Armenia and *Sargsyan* v Azerbaijan), likewise on the agenda of the Committee's DH meeting in September.

The Department carried out a mission to **Bulgaria**. Meetings were held with the Vice-Minister of Justice, representatives of other ministries and high courts. The exchanges concerned cases regarding the rights of persons with mental disabilities (*Stanev* case), eviction or demolition orders related to a person's only home (*Yordanova and Others* group of cases), the right to respect for family life in the context of placement of children in closed boarding school (*I.G.D.* case), freedom of association (*Umo Ilinden and Others* group) or freedom of religion (*Bulgarian Orthodox Old Calendar Church* case). Possible cooperation activities were discussed to further strengthen the effectiveness of criminal investigations (*S.Z.* group).

The Department held consultations with representatives of the **Romanian Ministry of Justice and the Government Agent's Office** regarding legislative solutions envisaged to implement an ECHR judgment concerning electoral rights of national minorities in Romania (*Cegolea* case), on the agenda of the Committee's DH meeting in September.

Lastly, the Department carried out a mission to **Ukraine**. Meetings were held with the highest state authorities to take stock of the status of execution in cases raising structural and complex problems, notably *Zhovner/Yuriy Nikolayevich Ivanov* (non-execution of domestic judgments) and *Sukachov/Nevmerzhitsky* (poor conditions of detention), both on the agenda of the Committee's DH meeting in September. An online training session was given to the Ombudsman's Office on the supervision process of the execution of ECHR judgments.

Social Rights



The European Social Charter's collective complaints procedure became operational 25 years ago. The occasion was celebrated with a [conference on 6 July](#). Participants, from a wide range of stakeholders, praised the importance of the procedure for social rights protection in the Europe. The event was opened by the Deputy Secretary General. Other speakers included the Commissioner for Human

Rights, the EU Special Representative for Human Rights and the President of the European Committee of Social Rights (ECSR). A [video](#) on the collective complaints procedure was published on the occasion.



During its 335th session (**3 to 7 July**), the ECSR [adopted](#) decisions on admissibility (involving Italy and Spain) and on the merits (concerning France and Portugal). The ECSR also held an exchange of views with the UN Special Rapporteur on the rights of persons with disabilities and met a Ukrainian delegation working on a new Social Code.

A Working Group of the Governmental Committee of the European Social Charter met on **11 July** to discuss implementation of the Committee of Ministers' March 2023 Charter reform [decisions](#) (expanding HELP and promoting member states' commitments under the Charter). The meeting was hosted in Berlin by the Ministry for Social Affairs of Germany.

A delegation of Ukrainian judges-trainers visited Vilnius, on **18-20 July 2023**, with the aim to exchange experience with Lithuanian colleagues and develop course materials. The visit took place in the framework of the Council of Europe projects "[Support to the functioning of justice in the war and post-war context in Ukraine](#)" and "[Enhanced social protection in Ukraine](#)", implemented within the Council of Europe Action Plan for Ukraine "Resilience. Recovery. Reconstruction" for 2023-2026.

In the context of the project "Enhancing employment rights in the Republic of Moldova" a 4 day training (**18-21 July**) was organised for 58 employees of the State Labour Inspectorate of Moldova, to ensure a balance in labour relations through competence, integrity and professionalism.

Police, Detention, Drugs and Addictions

Pompidou Group

The Deputy Executive Secretary of the Pompidou Group participated in the Ministerial Meeting to Launch a Global Coalition to Address Synthetic Drug Threats on 7 July. The meeting was chaired by Anthony Blinken, the US Secretary of State. He was able to intervene in panel session 3 'Promote public health interventions and services to prevent and reduce drug use, overdose and other related harm'.

The Executive Secretary's proposals on the follow-up to the 4th Council of Europe Summit, presented at the Permanent Correspondents' meeting in Venice on 20 June, received broad support from member states by the 13 July deadline. As a result, the Pompidou Group will prepare guidelines on human rights and drug policies, as well as on online addiction, with the aim of turning them into draft Recommendations to be adopted by the Committee of Ministers at a later date. It will also continue its exploratory work to create an online training course as part of the Council of Europe's HELP programme.

On 27 July, a training seminar was organised for directors of all 17 prisons in the **Republic of Moldova** aiming to provide information about the in-prison Therapeutic Community (TC) for treating drug addictions operated in Pruncul prison. Directors were presented the TC concept and benefits of the programme, and discussed strategies for recruiting and preparing beneficiaries from their prisons to integrate the TC.

On 31 July, the Pompidou Group Secretariat participated online in the celebration of the 5th anniversary of the prison-based Therapeutic Community (TC) 'Catharsis', together with the top management of the Ministry of Justice, the National Administration of Penitentiaries as well as experts from the Romanian and Norwegian TC who were instrumental in its creation. The Pompidou Group expressed its further support for expanding the TC concept in the country and highlighted the various changes the programme has brought for its residents along with no recidivism: repaired relationships with the families, a healthier life, a clear plan for the future, a new job and university education among others.

Co-operation in Police and Deprivation of Liberty

The Council of Europe and the **Slovenian** Prison Administration [finalized a new Risk and Needs Assessment Tool](#) that will be used to determine the level of risk and classify each prisoner, identify the needs of detainees as part of their individual sentence plan, including in view of reintegration into the society. The tool will be supplemented by a Roadmap and Guide for implementation later this year.

In July and August, the Council of Europe together with the Special Investigation Service (SIS) of **Georgia** conducted [eight outreach meetings](#) with the local population in different regions of the country. The objective of the meetings was to raise public awareness about

the mandate of the SIS in the protection of individuals against ill-treatment and inform of the ways to contact the Service.

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

Human Rights Intergovernmental Co-operation

The [Access Info Group](#) established to monitor the [Convention on access to official documents](#) (Tromsø Convention) held its [3rd meeting](#) from 4-6 July. The Group notably examined the draft First Baseline Evaluation Report on the implementation of the convention by the first 11 Parties, agreed on further questions to be put to some the Parties, and instructed the Secretariat to prepare a revised draft Report for examination at its next meeting (14-16 November).

Legal Co-operation

At its [5th meeting](#) (3-5 July), the Committee of Experts on the Protection of Lawyers (CJ-AV) continued working on the text of the draft convention on the protection of lawyers and examined possible options for a monitoring mechanism. The CDCJ working group on administration and artificial intelligence (CDCJ-ADMIN-AI) pursued its work on updating the handbook "Administration and You", in order to factor in the use of the algorithmic or non-algorithmic decision making used in administrative procedures and adapt principles of good administration accordingly.

The [Report](#) on the implementation of the European Convention on Information on Foreign Law (ETS No. 62) and its additional protocol (ETS No. 97), adopted by the CDCJ at its 100th plenary meeting, was published on 26 July. It paves the way for work on devising tools to facilitate their use by practitioners.

The Council of Europe in collaboration with the Prosecutor General's Office of Armenia organised a high-level conference "Prosecutorial Independence in Upholding the Rule of Law". The CCPE was represented on this occasion and its relevant opinions were presented, in particular Opinion No. 9 (2014) on European norms and principles concerning prosecutors, including Rome Charter, as reflected in the [outcome document](#).

Information Society – Action against crime

Media



Patrick Penninckx, Head of the Information Society Department, presented the latest freedom of expression work and related issues such as media freedom, access to information and combatting hate speech and disinformation at the [Liverpool University Summer School](#) (7 July) and at the [European Seniors Union Summer Academy](#) in **Leuven** (12 July).

Cooperation on Freedom of Expression

A new [study](#) published under the [HFIII PROFREX](#) action in **North Macedonia** has assessed the viability and sustainability of the audio-visual media sector. The [HFIII PROFREX action](#) in **Kosovo***ⁱ, presented its goals and activities at a donor coordination meeting organised by the Academy of Justice. In **Bosnia and Herzegovina**, a new [mapping](#) of stakeholders under the [EFEx project](#) supports the process of monitoring and reporting on international

obligations related to freedom of expression and information as a joint initiative with the Ministry of Human Rights and Refugees.

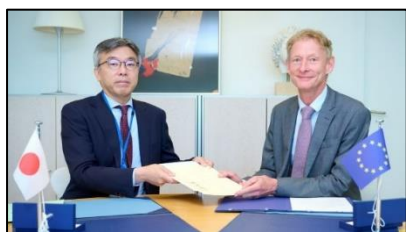
Artificial Intelligence

The 1st Informal Drafting Group meeting of the CAI was held on 12 July. Patrick Penninckx, Head of the Information Society Department presented the advancement of the Council of Europe work on AI to the [Flemish Parliament](#) (6 July), [Liverpool University Summer School](#) (7 July), [European Seniors Union Summer Academy](#) in Leuven (12 July), as well as several public institutions in [Uruguay](#) (25-27 July) and [Argentina](#) (1-2 August).

Data Protection

And 27 Ratifications for [Convention 108+](#): On 7 July [Bosnia and Herzegovina](#) deposited the instrument of ratification of the [Amending Protocol](#) to the Convention for the protection of individuals with regard to the automatic processing of personal data. Lastly, the [Guidelines on data protection for the processing of personal data for anti-money laundering/countering financing of terrorism purposes](#) can be found on the website.

Cybercrime



[Japan](#) (10 August 2023) became 2nd state to ratify the [Second Additional Protocol](#) to the [Budapest Convention on Cybercrime](#). In addition to Japan and **Serbia** having ratified it, the Second Additional Protocol has so far been signed by 40 other Parties to the Budapest Convention. On 3 July [Kiribati](#) was invited to accede to the Convention on Cybercrime, bringing the number of countries that signed or were invited to accede to the Convention to 21. The Cybercrime Programme Office (C-PROC) supported various capacity building activities in all regions of the world. Of those, [Training of Trainers on cybercrime and electronic evidence](#) (10-14 July 2023), delivered in **Côte d'Ivoire** and supported by [GLACY+](#) as well as [East Africa Legislative Summit on the Budapest Convention](#) (26-28 July 2023) delivered in **Tanzania** with the support of [Octopus Project](#), can be highlighted. The Council of Europe supported participation of more than 40 experts in the [6th session of the UN Ad Hoc Committee](#) tasked to prepare a new international treaty on cybercrime.

GRECO

GRECO published two Compliance Reports on **Poland**. One [report](#) relates to the 5th Round which deals with preventing corruption and promoting integrity in central governments (top executive functions) and law enforcement agencies, while the other [report](#) relates to the 4th Evaluation Round which covers prevention of corruption and promotion of integrity in respect of members of parliament, judges and prosecutors.

MONEYVAL

MONEYVAL published on 12 July its evaluation [report](#) on **North Macedonia** and on 18 July its [report](#) on **Romania**, calling on the respective authorities to further strengthen measures to combat money laundering (ML) and financing of terrorism (FT) and financing of proliferation (FP). MONEYVAL also made public a [report](#) on «Money laundering and terrorism financing risks in the world of virtual assets » in MONEYVAL members States and territories.

Elżbieta Frankow-Jaśkiewicz, Chair of MONEYVAL, took part in the 5th and final regional consultation for non-profit organisations (NPOs) of Asian Pacific region (25-27 July 2023) providing insights into the state of play regarding the evaluations conducted by MONEYVAL with respect to the implementation of the FATF Recommendation 8, including challenges and best practices to improve the effectiveness of measures designed to combat ML and TF while safeguarding the legitimate activities of NPOs in MONEYVAL member States and territories.

Economic Crime and Cooperation (ECCD)

Within the framework of the PGG III **Azerbaijan**, undertook an analysis of the draft rules and methodology for corruption risk assessment in public institutions in Azerbaijan and provided recommendations for their improvement.

The Inter-agency Working Group on the assessment of money laundering and terrorist financing risks of virtual assets in **Bosnia and Herzegovina** benefited from advice on additional data collection and analysis, aimed at enhancing the findings of the draft assessment report.

Representatives of the **Bulgarian** FIU benefited from a two-day training on conducting operational analysis, as well as a one-day training on conducting strategic analysis.

Advised the Financial Intelligence Unit of **Kosovo*** (FIU-K) and the Central Bank (CBK) on the supervisory framework models and provided recommendations aimed at strengthening cooperation mechanisms between the two. As a result, FIU-K and CBK signed a memorandum of Understanding aiming to enhance communication and coordination towards facilitating their efforts in identification, prevention and combatting money laundering and terrorist financing.

Two training sessions on international judicial cooperation in criminal matters were organised on 11-13 July 2023, in Van, **Türkiye** for judges and prosecutors from the Van province. These trainings focused on mutual legal assistance (MLA) and extradition, including presentation concrete case studies, presentation of good practices, international standards, and relevant Turkish law.

Criminal Law

MEDICRIME, Trafficking in Human Organs and Cultural property

The **Ivory Coast** has deposited (20 July) the instrument of ratification of the [MEDICRIME Convention](#). Since then, work has mainly been centred around the preparation of the implementation of the convention at national level through different meetings with national authorities (24 and 31 July). In particular, within the framework of the [CRIMFAMED project](#) (Fight against falsified medical products - Global Programme), financed by a voluntary contribution from France, the Ivory Coast is being supported in its internal process of domestication of the MEDICRIME Convention in partnership with **UNODC**.

European Audiovisual Observatory

Summer period wrap-up [here](#).

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.