

MOVING FORWARD 2022



*Annual report
of the Secretary General
of the Council of Europe*

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Marija Pejčinović Burić
Secretary General of the Council of Europe

INTRODUCTION BY THE SECRETARY GENERAL

2022 will be remembered as a year of terrible violence and seismic change in Europe. The Russian Federation's aggression has caused profound suffering in Ukraine. Thousands are dead, thousands more are injured, and millions of citizens have become refugees. First and foremost, our thoughts are with the Ukrainian people. They have shown extraordinary grit, bravery and determination in defence of their country and their communities. Nonetheless, the images that have emerged tell a story of shocking brutality and the large-scale destruction of homes, infrastructure and human lives. We had dared to believe that pictures like this – realities like this – belonged to Europe's past. We were wrong. History has returned to our continent in the cruellest of ways. The scale of the destruction and the long-term geopolitical implications are still unfolding. However, some things are clear. The Council of Europe is united in its solidarity with Ukraine. Our capacity to carry out activities on the ground there is of course highly limited for the moment, but we will be ready to assist with tailor-made measures as soon as the violence ends. In the meantime, we are working with member states to help them support the people fleeing Ukraine, due to the Russian Federation's continued aggression. The Commissioner for Human Rights, my Special Representative on Migration and Refugees and our Development Bank are all engaged in this. We all stand united against the Russian aggression and look forward to a return to peace.

Equally clear is that the Russian Federation's actions in Ukraine cannot be reconciled with membership of the Council of Europe. As I expressed from the outset, these constitute a flagrant violation of our Organisation's Statute. The Committee of Ministers acted swiftly and decisively, first to suspend the Russian Federation's rights of representation, and then to exclude it entirely. They did this in close consultation with the Parliamentary Assembly, with the two statutory bodies working in unison. No-one wanted a situation in which removing a member state became the right thing to do. This, however, was the reality in which the Organisation found itself. The Council of Europe exists to protect and promote human rights, democracy and the rule of law and to seek greater unity among its members as a basis for peace. To retain the Russian Federation in the current circumstances would therefore strain words beyond meaning and stretch the Organisation's credibility past breaking point. This outcome was made inevitable by the Russian Federation authorities, but it is of course the Russian people who will suffer from it: 2022 will be the year in which they lose the protection of the European Convention on Human Rights, their ability to submit applications to the European Court of Human Rights and their place in this pan-European family.

More broadly, this is a warning to all of us. What has happened once could happen again. Every country that joins the Council of Europe is choosing of its own volition to abide by the values of the Organisation, the terms of its Statute and the legal standards outlined in the Convention and every other treaty that it ratifies. These commitments are important. The success of our multilateralism rests on the determination of governments to ensure that their citizens' fundamental rights are interwoven with every aspect of life on our continent. Words and pledges at ministerial sessions matter, but they are not ends in themselves. What counts is that promises are kept, results are delivered and standards are met: that there is the political will to deliver. In this context, I believe that it is time to convene a 4th Summit of Heads of States and Government of the Council of Europe. Member states would have the opportunity to recommit at the highest level to European values and to build a stronger, more united, more coherent Council of Europe, acting in the interests of every individual and playing a central role in Europe's democratic security.

■ Moving forward, the [Strategic Framework of the Council of Europe](#) is central. It distils priorities and sets out deliverables that will strengthen human rights, democracy and the rule of law to the benefit of everyone who lives within our unique and common legal space. Some of these are core, long-term challenges, while others are more recent issues to which our standards should be applied. This annual report examines progress across the 12 priorities identified in the Strategic Framework after the first year of its four-year time span. During that time, the Covid-19 pandemic has continued to pose problems and cause deep disruption in many of our member states. It has also had an impact on the Council of Europe's work and working methods as the Organisation has continued to support governments in implementing European standards in the context of a public health crisis.

■ Despite this, positive steps have been taken to address each of the strategic priorities, with evidence of both early results and the scale of what remains to be achieved. Specifically, on:

- ▶ **the implementation of the European Convention on Human Rights**, the various bodies of the Council of Europe have used visits and dialogue, opinions and reports, and third party interventions in proceedings before the Court and the Committee of Ministers in order to help ensure national authorities' compliance with the Convention; crucially, on the execution of the Court's judgments, the Committee of Ministers closed 1 122 cases last year – including 70 "leading cases", with the number of pending judgments down to one of its lowest levels since 2007;
- ▶ **ensuring freedom of expression online and offline**, there has been a range of proactive measures, including a 2021 Conference of Ministers responsible for Media and Information Society that has inspired four draft recommendations pending adoption by the Committee of Ministers and addressing, in turn, hate speech, media and communication governance, technologies affecting freedom of expression, and electoral communication and media coverage of election campaigns; nonetheless, disinformation and hate speech online have continued to grow and the number of alerts on the Platform to promote the protection of journalism and safety of journalists grew by a record number last year, reaching its highest ever level;
- ▶ **fighting growing social inequalities and poverty**, a new impetus for the implementation of the European Social Charter was exemplified by the Committee of Ministers' landmark decision to adopt 14 recommendations on the subject of equal pay; two member states ratified the revised European Social Charter and my proposals to enhance the effectiveness of the treaty system led to the Committee of Ministers establishing an ad hoc working party (GT-CHARTÉ), which is now at work on finding the best way forward;
- ▶ **non-discrimination and ensuring the protection of vulnerable groups**, where implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence is leading to tangible improvements in many countries and an interpretative tool has been launched to help tackle these crimes online and through technology; the Committee of the Parties to the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Committee) has been finalising its 2nd monitoring round report, focusing on the protection of children against sexual exploitation and sexual abuse facilitated by information and communication technologies; a range of activities have addressed antigypsyism as part of the Strategic Action Plan for Roma and Traveller Inclusion (2020-2025); a new action plan on protecting vulnerable people in the context of migration and asylum has been launched; and the Intercultural Cities programme has produced a framework for identifying and preventing systemic discrimination in public service delivery;
- ▶ **fighting inequality, racism, xenophobia and discrimination on grounds of religion or belief or any other ground**, there has been a thorough revision of two general policy recommendations on preventing and combating antisemitism, anti-Muslim racism and discrimination; a pilot thematic review of the Committee of Ministers' recommendation on measures to combat discrimination on grounds of sexual orientation and gender identity, and a new project bringing together experts and faith representatives to counter hate speech against LGBTI people; and a revised European Sports Charter that puts an emphasis on human rights in sport and the right to sport for all and calls for the active promotion of equality in sports;
- ▶ **independent, efficient and resilient judicial systems**, the European Commission for Democracy through Law (Venice Commission) has been active, issuing 12 opinions on justice reforms; the Consultative Council of European Prosecutors (CCPE) has worked to identify elements that affect the independence and impartiality of prosecutors in the context of case law from international courts; a handbook on court dashboards was created, using efficiency indicators for the biennial evaluation report on European judicial systems; the Committee of Ministers adopted recommendations on the assessment, management and

reintegration of convicted sexual offenders and on witness and collaborator protection; the ministers of justice adapted a declaration promoting the use of restorative justice at all stages of the criminal justice process; and the Group of States against Corruption (GRECO) adopted reports assessing how 25 member states have complied with its recommendations on preventing corruption of judges and prosecutors and on safeguarding the integrity, accountability and independence of the judiciary;

- ▶ **the fight against corruption and money laundering, as well as combating cybercrime**, the Group of States against Corruption adopted 43 compliance reports and two evaluation reports and found very significant gaps when it came to member states' implementation of recommendations; our monitoring body, the Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL), carried out work in 17 states or territories and adopted 10 follow-up reports with a particular focus on the regulation of cryptocurrencies, but also found only a moderate – and unsatisfactory – level of implementation in the review of its completed evaluations; and on cybercrime, the Committee of Ministers adopted the second additional protocol to the Convention on Cybercrime, which provides new tools for enhanced co-operation and the disclosure of electronic evidence, while the cybercrime programme office in Romania last year organised around 400 activities in over 140 countries worldwide;
- ▶ **the fight against human trafficking**, following on from the "Roadmap on strengthening action against trafficking in human beings for the purpose of labour exploitation", the Committee of Ministers has set up a drafting committee to prepare a recommendation to complement existing legal texts; new HELP e-learning modules have been released to support legal professionals in tackling this problem; our Action Plan on Protecting Vulnerable Persons in the Context of Migration and Asylum in Europe (2021-2025) was launched last year and offers capacity building, particularly in relation to women's safety in transit and reception centres, as well as access to information and legal aid; the 3rd evaluation round of our Group of Experts on Action against Trafficking in Human Beings (GRETA) is focusing similarly on victims' access to justice and effective remedies; and there are co-operation and capacity-building projects underway in a number of countries;
- ▶ **artificial intelligence (AI)**, on which the ad hoc Committee on Artificial Intelligence submitted to the Committee of Ministers the possible elements of a legal framework on the development, design and application of AI systems based on Council of Europe standards; work on a future legal text is now being undertaken by the Committee on Artificial Intelligence, composed of member states, observers, business, civil society and other international organisations; additionally, there have been initiatives on the relationships between AI and democracy, good governance and automated decision making, criminal law, automatic processing of personal data and profiling, healthcare, and the arts and culture, among other areas;
- ▶ **the fight against environmental degradation and climate change**, all parts of the Organisation have proactively engaged in a new impetus for action; the Steering Committee for Human Rights (CDDH) adopted the third edition of its manual on human rights and the environment based on the case law of the European Court of Human Rights and standards established by the European Committee of Social Rights (ECSR); there is ongoing consideration about the need for a new Convention on the Protection of the Environment through Criminal Law and, importantly, work began last autumn on a draft Committee of Ministers' recommendation on human rights and the protection of the environment, which is due to conclude next year, and will be followed by a study on the potential need for further legal texts;
- ▶ **supporting the role and diversity of civil society, including human rights defenders, as well as national human rights institutions in member states**, where actions over the past year included the Committee of Ministers' adoption of a recommendation on the development and strengthening of effective, pluralist and independent national human rights institutions; a range of interventions by the Commissioner for Human Rights in support of human rights defenders; a Parliamentary Assembly resolution calling on member states to comply with international legal standards on freedom of association and to tackle the continued shrinking of civil society space in several member states; and measures to strengthen the role and meaningful participation of civil society and national human rights institutions in the Organisation;
- ▶ **education for democratic citizenship and empowerment and strengthening of young people's role in decision making**, there was new material to bolster the Reference Framework of Competences for Democratic Culture and its integration into several co-operation programmes; the launch of a best practice programme in promoting academic integrity; the Observatory on History Teaching in Europe's launch of a collaboration platform for research institutions and professional history educators; ongoing

work on digital citizenship education with the publication of guidelines and thematic educational material including an animated series; work began on a draft recommendation on Roma youth participation for approval by the Committee of Ministers; and the launch of the Meta-University 2021 as an online space for confidence building between decision makers and youth civil society, and a new global education e-learning platform to help young people become active citizens who are knowledgeable about global issues.

■ This list of actions and activities is long but selective. Within the chapters that follow you will find many more examples of the new and ongoing activities that are the foundation for success in addressing our strategic priorities. You will also find references to work that is planned. This is testament both to the fact that the Organisation is only one year into the Strategic Framework's four-year perspective and to its collective determination to deliver as we move forward.

■ The Council of Europe was founded 73 years ago, in the wake of the Second World War and on the promise of "never again". For Ukraine, that promise has not held. This is not a failure of multilateralism itself, but the result of an individual country's violent pivot away from the values that underpin it. The lesson to be drawn, yet again, is that our success as an Organisation – and as a continent – relies on our member states' determination to do the right thing: to invest in human rights, democracy and the rule of law as the basis of a just future. We are doing that here in Strasbourg and throughout our 46 member states. This report shows it.



Marija Pejčinović Burić
Secretary General of the Council of Europe



CHAPTER 1

IMPLEMENTATION OF THE EUROPEAN CONVENTION ON HUMAN RIGHTS

STRATEGIC PRIORITY 1

Implementation of the European Convention on Human Rights. This is the most important legally-binding instrument for collective enforcement of human rights and fundamental freedoms in Europe and the cornerstone of values upon which our Organisation is founded. States Parties must secure its enjoyment for everyone within their jurisdiction, including in those parts of the continent affected by confrontation and unresolved conflicts. Protecting and promoting the human rights remains a clear priority for the Council of Europe and contains two major elements:

- a) ensuring the sustainability and long-term effectiveness of the European Convention on Human Rights system, as outlined in a number of decisions of the Committee of Ministers (notably in its 130th Session in Athens on 4 November 2020: assessment of the Interlaken Process and the way forward). This requires the continuous engagement of member states to implement the Convention at the national level, and of the European Court of Human Rights and the Council of Europe as a whole;
- b) strengthening member states' execution of judgments from the Court, a process whose supervision remains a clear prerogative of the Committee of Ministers. In this respect, there should be further development of the working methods and means available to this process, particularly to the Human Rights meetings of the Committee of Ministers' Deputies devoted to this matter. Changes should aim to further enhance efficiency, effectiveness and tangible impact. This would, of course, require the decision(s) of the Committee of Ministers.

■ The Council of Europe supports member states in the effective implementation of the European Convention on Human Rights (ETS No. 5, the Convention); to uphold democracy, the rule of law and individual human rights across Europe and to resolve human rights challenges at national level without the need for potential victims to apply to the European Court of Human Rights (the Court). When cases do go to the Court and a violation is found, the Council of Europe supports member states in identifying and carrying out the measures needed to fully implement the Court's judgments.

■ Council of Europe bodies regularly monitor how member states implement the Court's judgments. By virtue of the Convention (Article 46), the body in charge of supervising the execution of these judgments is the Committee of Ministers, supported by the Department for the Execution of Judgments (DEJ), which, despite the difficulties caused by the pandemic, continued to hold its four annual human rights meetings in a hybrid format. A record number of cases were examined in 2021: 161 cases or groups of cases concerning 29 states, compared to 131 cases or groups of cases for 28 states in the preceding year. The DEJ also worked with state authorities, providing feedback and guidance. The Committee of Ministers closed 1 122 cases¹ in 2021, including 170 "leading cases" revealing structural or systemic problems, as a result of the adoption by respondent states of individual, legislative or other general measures. At the end of the year, the number of judgments pending stood at 5 531, one of the lowest levels since 2007, even though a large influx of new Court judgments was received. In recent years the process has become more participatory and transparent thanks to communications from civil society and national human rights institutions,² which reached a new record number in 2021.

1. [Summaries of Final Resolutions adopted by the Committee of Ministers in 2021.](#)

2. [Information from non-governmental organisations \(NGOs\), national human rights institutions and intergovernmental organisations \(IGOs\).](#)

■ In its reports, the Parliamentary Assembly's Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee) also systematically considers how countries are implementing the Convention and uses this as one of the main criteria to assess a country's compliance with Council of Europe obligations. The monitoring reports often draw on those prepared by other Council of Europe monitoring bodies, thus adding a parliamentary dimension and creating a conduit for political dialogue. The Parliamentary Assembly's Committee on Legal Affairs and Human Rights provides political support for the supervision of judgments by the Committee of Ministers; the [most recent resolution was adopted by the Parliamentary Assembly in 2021](#).³

■ Council of Europe bodies intervened as third parties in proceedings before the Court and/or the Committee of Ministers. During the period between September 2019 and December 2021, the Commissioner for Human Rights submitted nine sets of written observations⁴ and took part in two Grand Chamber hearings⁵ in cases or groups of cases lodged against seven member states, and in one case lodged against 33 member states. She also addressed five "Rule 9" submissions⁶ to the Committee of Ministers in cases against five member states. In 2019, the Group of Experts on Action against Trafficking in Human Beings made three written observations in cases concerning human trafficking, for example the case of *S.M. v. Croatia*⁷ In January 2020, the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) submitted its first written observations to the Court in the case of *Kurt v. Austria*, the first Grand Chamber case dealing with domestic violence.⁸ Council of Europe expert bodies also prepared both general and state-specific recommendations in their fields of expertise.

■ Implementing the Convention is at the heart of the Commissioner for Human Rights' dialogue with member states and an essential part of her thematic work. Between September 2019 and December 2021, the Commissioner carried out country visits to Austria, Bulgaria, Malta and the Republic of Moldova. She also visited Bosnia and Herzegovina, Greece and Poland in connection with her thematic work on migration. During the same period, she published country visit reports⁹ on Azerbaijan, Bulgaria, the Republic of Moldova and Turkey, together with thematic and country-specific reports on stigmatisation of LGBTI people in Poland, tackling racism and violence against women in Portugal, media freedoms and freedom of expression in Hungary and Slovenia and [the humanitarian and human rights consequences following the 2020 outbreak of hostilities between Armenia and Azerbaijan over Nagorno-Karabakh](#).

■ Between 2020 and 2021, the Venice Commission adopted over 30 opinions and reports in which it commented on human rights provisions in national constitutions and legislation, using the Court's case law as its main benchmark. Opinions helped to implement Court judgments, for example in the case of *Kolevi and Others v. Bulgaria*,¹⁰ where the Venice Commission examined the legal mechanisms of applying criminal liability to a prosecutor general. It also examined the status of the Convention in national legislation, such as moves by the Russian Federation Constitutional Court to declare Court judgments non-executable for being in contradiction with the country's constitution,¹¹ stating that the role of a Constitutional Court should be to find ways of carrying out Court decisions in a constitutionally acceptable way.

■ Since the beginning of the Covid-19 pandemic, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) has carried out almost 30 periodic and ad hoc visits to various member states to examine the treatment and conditions of detention of people held in police establishments, prisons, immigration detention centres, psychiatric and social welfare institutions and military detention facilities. The CPT also paid particular attention to how the pandemic was being managed and its impact on detainees and staff. It encouraged Monaco to put in place a procedure for identifying and protecting people at increased risk from Covid-19.¹² The report on Sweden underlined the lack of systematic testing of both detainees or patients and staff and noted that most staff did not wear masks even when in

3. See <https://pace.coe.int/en/files/28996>.

4. Commissioner's written observations to the Court.

5. *M.A. v. Denmark*, Application No. 6697/18, 9 July 2021; *H.F. and M.F. v. France* and *J.D. and A.D. v. France*, Application Nos. 24384/19 and 44234/20.

6. Commissioner's Rule 9 submissions to the Committee of Ministers.

7. *S.M. v. Croatia*, Application No. 60561/14, 25 June 2020.

8. *Kurt v. Austria*, Application No. 62903/15, 15 June 2021.

9. Commissioner's country visit reports.

10. *Kolevi v. Bulgaria*, Application No. 1108/02, 5 November 2009; Venice Commission Opinion CDL-AD(2019)031, Bulgaria – Opinion.

11. Venice Commission Opinion CDL-AD(2020)009.–constitution.

12. The CPT's 2020 visit to Monaco (extract, in French).

close contact with people deprived of their liberty,¹³ counter to the statement of principles in the context of the Covid-19 pandemic issued on 20 March 2020.¹⁴

■ The Congress of Local and Regional Authorities of the Council of Europe (the Congress) published a compendium of texts and two human rights handbooks¹⁵ for local and regional authorities on non-discrimination, social rights and the environment. In June 2021, it adopted a report¹⁶ on the role that local and regional authorities play in combating hate speech and discrimination against LGBTI people and adopted a resolution¹⁷ on the situation of LGBTI people in Poland, calling on local and regional authorities to withdraw their anti-LGBTI declarations and family charters and to develop policies that will protect LGBTI rights.

■ The Council of Europe Action Plan on Protecting Vulnerable People in the Context of Migration and Asylum in Europe (2021-2025),¹⁸ co-ordinated by the Special Representative of the Secretary General on migration and refugees, was adopted in May 2021 and proposes activities based on the Convention, in line with relevant case law of the Court. The thematic factsheet on execution of Court judgments on migration and asylum,¹⁹ published in November 2021, complements these efforts and provides guidance to member states in this area.

■ The Roma and Travellers team has updated its existing toolkit for police officers²⁰ on Council of Europe standards on racially motivated crimes and non-discrimination with a focus on Roma and Travellers²¹ and has provided an online version and online training sessions.

■ Many other co-operation activities were carried out to assist member states in implementing specific judgments. The Directorate General of Human Rights and Rule of Law oversaw co-operation projects in Armenia and Ukraine involving a broad range of national stakeholders following Court judgments that had established violations of the right to a fair trial. Comprehensive expert advice was provided on the independence of the judiciary, non-execution of domestic judgments, access to justice, and excessive length of judicial proceedings. Projects carried out in Ukraine and the Russian Federation by the Directorate General of Democracy addressed violence against women and domestic violence. The [Sexual Orientation and Gender Identity](#)²² unit worked in close co-operation with national authorities in Georgia, Lithuania, North Macedonia and Romania to provide expertise on how to review or adopt national legislation on gender recognition and homophobic hate crime investigation, including on organising capacity-building activities.

13. The CPT's 2021 visit to Sweden (extract).

14. See www.coe.int/en/web/cpt/-/covid-19-council-of-europe-anti-torture-committee-issues-statement-of-principles-relating-to-the-treatment-of-persons-deprived-of-their-liberty-.

15. Human Rights handbook for local and regional authorities, Vol.1 and Vol.2; *Promoting Human Rights at local and regional level*.

16. Report CG(2021)40-18, 17 June 2021, Protecting LGBTI people in the context of rising anti-LGBTI hate speech and discrimination: the role of local and regional authorities.

17. Report CG(2021)40-19, 17 May 2021, The role of local and regional authorities with regard to the situation of LGBTI people in Poland.

18. Council of Europe Action Plan on Protecting Vulnerable Persons in the Context of Migration and Asylum in Europe (2021-2025).

19. Migration and asylum – Thematic factsheet on the execution of judgments of the European Court of Human Rights on migration and asylum.

20. Toolkit for Police Officers.

21. The term "Roma and Travellers" is used at the Council of Europe to encompass the wide diversity of the groups covered by the work of the Council of Europe in this field: on the one hand a) Roma, Sinti/Manush, Calé, Kaale, Romanichals, Boyash/Rudari; b) Balkan Egyptians (Egyptians and Ashkali); c) Eastern groups (Dom, Lom and Abdal); and, on the other hand, groups such as Travellers, Yenish and the populations designated under the administrative term "Gens du voyage", as well as persons who identify themselves as Gypsies. The present is an explanatory footnote, not a definition of Roma and/or Travellers.

22. Sexual Orientation and Gender Identity Unit, available at www.coe.int/en/web/sogi/home.



CHAPTER 2

FREEDOM OF EXPRESSION

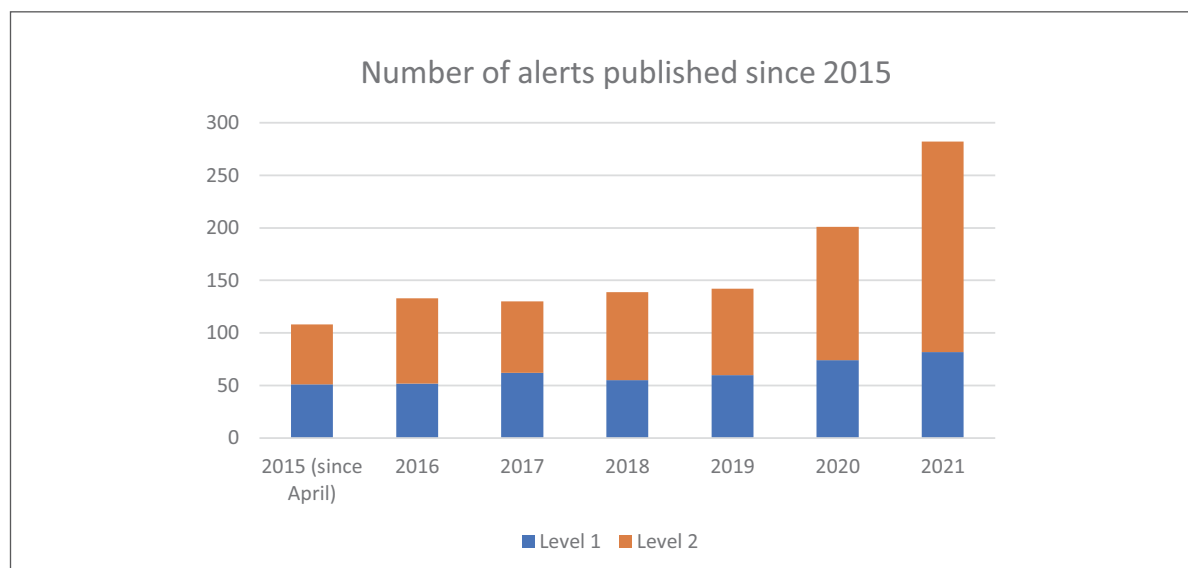
STRATEGIC PRIORITY 2

Ensuring freedom of expression, both online and offline. This is under increasing challenge, and strong action is required to uphold it as a cornerstone of democratic and pluralistic society. The Platform to promote the protection of journalism and safety of journalists will continue to play a specific and important role in this context.

■ The year 2021 was another challenging year for freedom of expression and media freedom in Europe as evidenced by 282²³ alerts on the Platform to promote the protection of journalism and safety of journalists (see Figure 1). The Covid-19 pandemic continued to weigh on journalism and the media. There was a growth of disinformation and hate speech online. Among the few positive developments was the indication that trust in traditional media has increased and that the public demands trustworthy and quality journalism. However, the personal safety of journalists and the economic and financial conditions under which the media is expected to produce that journalism continue to deteriorate.

■ The Council of Europe and its member states, in co-operation with the media, online platforms, civil society and academia, have continued working to confront these challenges and strengthen freedom of expression – the cornerstone of democracy and the key to enjoyment of other rights.

Figure 1



■ In 2021, the Conference of Ministers for Media and Information Society²⁴ focused on journalists' safety, the resilience of frameworks for protecting freedom of expression, the changing media environment and the impact of artificial intelligence on freedom of expression. The ministers resolved to take effective steps to safeguard freedom of expression in relation to these themes and to engage with civil society, academia, journalists' associations and other interested parties in constructive and meaningful policy debate. The Committee of Ministers expressed its support and transmitted the documents to relevant bodies for information and possible follow-up, and it took the conclusions of the conference into account in the preparation

23. This constitutes a 41% increase on 2020 (Figure 1).

24. See the website of the ministerial conference at www.coe.int/en/web/freedom-expression/media2021nicosia.

of the Steering Committee on Media and Information Society (CDMSI) terms of reference for 2022-25.²⁵ Four draft recommendations resulting from the ministerial conference resolutions are currently pending adoption by the Committee of Ministers. These cover:

- ▶ a comprehensive approach to combating hate speech,²⁶ providing guidance on how to address its spread and paying special attention to the online environment;
- ▶ principles for media and communication governance, building on and updating existing principles and ensuring that the role of online platforms is appropriately reflected in national regulatory frameworks;
- ▶ technologies affecting freedom of expression, especially content moderation and curation decisions, while promoting user education and independent research for evidence-based rule-making;
- ▶ electoral communication and media coverage of election campaigns, addressing challenges that have emerged due to new formats and digital campaigning techniques and focusing on the principles for political advertising online, limits of campaign support, data protection, content regulation and media coverage.

■ In 2022-2023, there will be further moves to implement the ministerial conference resolutions. The Committee of Ministers has set up three expert committees to develop guidance on countering strategic lawsuits against public participation (SLAPPs), the use of fact-checking and platform design to curb the spread of disinformation, and the use of artificial intelligence in journalism and the media.

■ Two guidance notes were adopted in 2021, on automated decision making on digital and social media platforms, content moderation and prioritisation.²⁷ These will assist member states, platforms and others in their policy and decision making in areas which are subject to growing regulatory attention.

■ The Secretary General has anchored a periodic exchange on freedom of expression and the safety of journalists within the Committee of Ministers. Co-ordinated by the Task Force on Freedom of Expression, a first keynote report²⁸ was followed by a survey of trends in threats to freedom of expression²⁹ as identified by alerts posted on the platform. These acted as the basis for debates on freedom of expression in the Committee of Ministers on 3 March and 9 December 2021, where member states provided information on domestic policies and expressed overall support for the initiative. Representatives of partner organisations were invited to attend the 9 December meeting and expressed specific concerns. From the Council of Europe, 11 member states were signatories to a joint statement on the safety of journalists and media freedom³⁰ issued on world press freedom day.³¹ On 21 October, the group invited representatives from partner organisations to discuss media freedom policy and co-operation within the Council of Europe Platform for the safety of journalists; they in turn invited the group's chair to their own meeting.

■ There was an increased impetus in defence of media freedom in Europe at meetings between partner organisations, the President of the Committee of Ministers, the Chair of Group of Rapporteurs on Human Rights (GR-H), the Secretary General and the Commissioner for Human Rights.

■ In April 2021, the Department for the Execution of Judgments of the European Court of Human Rights published a thematic factsheet on freedom of expression³² presenting legislative and case-law developments in member states undertaken as part of the execution of the Court's judgments. These include issues such as improving the safety of journalists, media freedom, pluralism and protection of journalistic sources, freedom of commercial and artistic expression, sharing electoral information and the application of laws protecting the reputation and rights of others.

■ Good practice for sustainable media financing and media and information literacy tools are being developed to support quality journalism and increase public confidence in the media, with particular attention

25. See related Committee of Ministers' decisions: CM/Del/Dec(2021)1416/5.1 at: https://search.coe.int/cm/pages/result_details.aspx?ObjectId=0900001680a44994#title=Recommendations%20-%20European%20Social%20Charter.

26. Prepared jointly with the Steering Committee on Anti-Discrimination, Diversity and Inclusion.

27. The CDMSI Guidance note on best practices towards effective legal and procedural frameworks for self-regulatory and co-regulatory mechanisms of content moderation and the CDMSI Guidance note on the prioritisation of public interest online.

28. Safety of journalists, SG/Inf(2021)2 (4 February 2021), available at <https://rm.coe.int/0900001680a15116>.

29. Current trends in threats to Freedom of Expression: interference with the coverage of public events, broadcasting bans and strategic lawsuits, SG/Inf(2021)36 (22 November 2021), available at <https://rm.coe.int/0900001680a4a958>.

30. Austria, France, Greece, Liechtenstein, Lithuania, Luxembourg, Netherlands, Norway, Sweden, Switzerland and United Kingdom.

31. Joint Statement by the Groups of Friends on the Safety of Journalists on the occasion of the World Press Freedom Day 2021, available at <https://cms.bmeia.gv.at/en/the-ministry/press/speeches/2021/05/joint-statement-by-the-groups-of-friends-on-the-safety-of-journalists-on-the-occasion-of-the-world-press-freedom-day-2021/>.

32. See <https://rm.coe.int/thematic-factsheet-freedom-expression-eng/1680a235d0>.

given to implementing existing legal texts, particularly Committee of Ministers' recommendations dealing with the digital environment and the role of intermediaries. On 17 March, the Committee of Ministers adopted Recommendation [CM/Rec\(2022\)4](#) calling on the member states to create a favourable environment for quality journalism in the digital age. The recommendation contains a set of legal, administrative and practical guidelines aimed at ensuring sustainable funding for quality media, building trust in journalism and promoting media literacy.

■ Journalists continue to face unsafe conditions: six journalists were killed in Europe during 2021, underscoring the need for better protection. Effective implementation of the Committee of Ministers' recommendation on the issue is a priority and an updated implementation guide will be produced offering practical guidance on creating dedicated national action plans on journalists' safety.

■ In the past few years, the resilience of freedom of expression in arts and culture has been tested and the insufficiency of safeguards and mounting pressure on media professionals has become evident. Initiatives are underway to tackle these challenges and ensure that the effective enjoyment of the right to freedom of expression is given high priority.

■ In 2021, work started on establishing the Council of Europe Access Info Group, a group of independent experts that will act as a monitoring body for the Convention on Access to Official Documents (CETS No. 205). The Steering Committee for Culture, Heritage and Landscape (CDCPP) is also preparing a report on the state of implementation of the recommendation on access to archives, focusing on the practices of archival institutions and on professional and academic users and users from civil society.

■ The CDCPP's 2020 Manifesto on the Freedom of Expression of Arts and Culture in the Digital Era aimed to protect artists against censorship and any form of pressure or intimidation. The 2021 Council of Europe digital exhibition "Free to Create – Create to be Free"³³ was followed by the publication of guidelines for member states. The exhibition aims to cover all member states and to grow into a living archive that showcases the status of artistic freedom in Europe in the 21st century.

■ Complementing the digital exhibition, a report on freedom of expression of arts and culture in Europe is being prepared for publication in 2022. It will provide an overview of the state of artistic freedom, themes and trends and give examples of good practice. A collection of good practices is underway, in co-operation with the information system Compendium of Cultural Policies & Trends.³⁴

33. See <https://freetocreate.art/>.

34. Available at www.culturalpolicies.net.



CHAPTER 3

THE FIGHT AGAINST SOCIAL INEQUALITIES AND POVERTY

STRATEGIC PRIORITY 3

Fighting growing social inequalities and poverty. These have been further highlighted by the current Covid-19 crisis. The most vulnerable have been hit most severely by the pandemic and Europe faces the longer-term consequences of a deep economic crisis. In light of this, the promotion of social and economic rights will be crucial at the European level and achieved through further strengthening the implementation of the European Social Charter.

■ The European Social Charter (ETS No. 35, the Charter) was opened for signature in Turin on 18 October 1961 and celebrated its 60th anniversary in 2021. To mark this occasion, the Council of Europe held a high-level panel discussion, opened by the Secretary General, and other events were held in several member states. Many declarations were adopted, both within the Organisation³⁵ and by national authorities, highlighting the importance and relevance of the rights and values championed by the Charter. However, there was also some acknowledgment of the tasks remaining and the need to strengthen the Charter and its application at a time when the ongoing challenges it addresses could not be more relevant.³⁶

■ In March 2021, the European Committee of Social Rights (ECSR) published Conclusions 2020/XXII-1 (2020) relating to employment, training and equal opportunities, and in March 2022, it published Conclusions 2021/XXII-2 (2021) on health, social security and social protection.

■ Conclusions 2020/XXII-1 (2020) highlighted the fact that in all member states discrimination on the grounds of disability, ethnic origin, sex and sexual orientation persists. The ECSR announced that it would take into account poverty levels when assessing integration and participation of people with disabilities, as these are an important indicator of how effective the state is in ensuring that people with disabilities can exercise their rights to independence, social integration and participation in the life of the community. The ECSR also noted that some countries do not have special measures for retraining and reintegrating the long-term unemployed, which is a real source of concern, particularly in the context of the pandemic.

■ In Conclusions 2021/XXII-2 (2021), the ECSR assessed compliance with Article 30 of the revised European Social Charter (ETS No. 163), which guarantees the right to protection against poverty and social exclusion. For nearly half the states concerned (five out of 11), the committee came to a finding of non-conformity because there was no overall appropriate and co-ordinated approach to combating poverty and social exclusion.³⁷ The ECSR also released a statement on ageism – a problem exacerbated by the Covid-19 pandemic – calling for elderly people to remain full members of society for as long as possible.

35. See for example, the declarations by the Committee of Ministers ([Decl\(13/10/2021](#), 13 October 2021) and the President of the Congress of Local and Regional Authorities ([Statement by the President of the Congress](#), 18 October 2021).

36. Leendert Verbeek, President of the Congress of Local and Regional Authorities ([Statement by the President of the Congress](#)).

37. Findings of conformity: five; findings of non-conformity: five; deferrals (pending information): one.

■ The ECSR continued to monitor the effect of the Covid-19 pandemic on social rights; on 24 March 2021 it adopted a statement³⁸ highlighting Charter rights which are particularly affected by the Covid-19 crisis³⁹ and providing guidance for states, workers' and employers' organisations, civil society and others on how they apply in the context of the pandemic. Public policies – including measures to combat poverty and social exclusion – must be co-ordinated across the board and go beyond a purely sectoral approach or one centred on target groups. Effective co-ordination mechanisms must exist at all levels, including in the provision of aid and services to end users.

■ Efforts to revise the treaty system of the European Social Charter continued and intensified in order to enhance its long and short-term effectiveness. In April 2021, the Secretary General presented her proposals to the Committee of Ministers on improving the implementation of social rights⁴⁰ (in preparing these proposals she relied on the work of a high-level group of experts which submitted its report in March 2021).⁴¹ The Secretary General's proposals were examined by the Committee of Ministers at the Hamburg Ministerial Session in May 2021. The Committee of Ministers appointed an ad hoc working party on improving the European Social Charter system,⁴² which held its first meetings at the end of 2021 and continued its work in 2022.

■ The Parliamentary Assembly adopted recommendations supporting the Secretary General's proposal to reform the implementation of the Charter⁴³ and emphasised the need for member states to honour their undertakings, especially in the context of the Covid-19 pandemic.⁴⁴

■ The Council of Europe continued to work with member states to increase the number of ratifications of the revised European Social Charter and the 1995 Additional Protocol Providing for a System of Collective Complaints and to persuade them to accept more Charter provisions. Germany ratified the revised European Social Charter in March 2021. Spain also ratified the revised Charter in May 2021 and accepted all the provisions and the collective complaints procedure in a declaration. To date, 42 member states have ratified the Charter (35 the revised Charter; seven the 1961 Charter) and 16 states are bound by the collective complaints' procedure. At the end of November 2021, Bulgaria announced its intention to accept several further provisions of the revised Charter.

■ Throughout 2021, a new impetus was given to the implementation of the European Social Charter, both on collective complaints and in the context of the reporting procedure.

■ The Committee of Ministers showed increased commitment on collective complaints. A major step forward came on 17 March 2021, when it adopted 14 recommendations in respect of the 14 states concerned by a series of complaints lodged by the University Women of Europe (UWE) on the subject of equal pay.⁴⁵ This is a new situation, as it had been the Committee of Ministers' practice over the previous 20 years to adopt non-binding resolutions rather than recommendations.⁴⁶ Bearing in mind the importance of the question and the fact that the gender pay gap concerns all the Organisation's member states, the Committee of Ministers also adopted a political declaration on equal pay and equal opportunities for women and men in employment (also dated 17 March 2021).⁴⁷ This declaration, which is directly based on Charter standards and decisions, marks a precedent: it is the first time that the ECSR's decisions have prompted member states to make a declaration of this type. This strong commitment continued throughout the year. On 16 June and 22 September 2021, the Committee of Ministers adopted five recommendations concerning five decisions in which the ECSR had found violations of the Charter. Most of these related to the rights of the child, particularly the right to inclusive education of children with intellectual disabilities.⁴⁸

38. Available at <https://rm.coe.int/statement-of-the-ecsr-on-covid-19-and-social-rights/1680a230ca>.

39. Apart from the right to protection of health (Article 11 of the Charter), on which a statement of interpretation was issued in April 2020, see <https://rm.coe.int/statement-of-interpretation-on-the-right-to-protection-of-health-in-ti/16809e3640>.

40. Secretary General's proposals "Improving the implementation of social rights – reinforcing the European Social Charter system", SG/Inf(2021)13, 22 April 2021.

41. "Social Rights Monitoring in the Council of Europe – Ways Forward", available at <https://rm.coe.int/report-high-level-group-experts-social-rights-19-3-2021-en/1680a42f0b>.

42. CM/Del/Dec(2021)1413/4.5.

43. Recommendation 2210 (2021) "Socio-economic inequalities in Europe: time to restore social trust by strengthening social rights", available at <https://pace.coe.int/en/files/29492/html>.

44. Recommendation 2205 (2021)1 "Overcoming the socio-economic crisis sparked by the Covid-19 pandemic", available at <https://pace.coe.int/en/files/29351/html>.

45. Recommendations adopted in the context of the European Social Charter supervision system (CM/RecChS(2021)1 to CM/RecChS(2021)14).

46. See Article 9 of the Additional Protocol to the European Social Charter Providing for a System of Collective Complaints, available at <https://rm.coe.int/168007cdad>.

47. Decl(17/03/2021)1.

48. Recommendations adopted in the context of the European Social Charter supervision system (CM/RecChS(2021)15 to CM/RecChS(2021)19).

■ The Governmental Committee of the European Social Charter and the European Code of Social Security also strengthened its supervision, adopting 19 proposals for recommendations on equal pay to persuade the states concerned to remedy the situations of non-conformity. These proposals will be submitted to the Committee of Ministers in 2022.



CHAPTER 4

NON-DISCRIMINATION

STRATEGIC PRIORITY 4

Non-discrimination and ensuring the protection of vulnerable groups. Worrying developments and adverse trends in this area too call for an enhanced and strengthened focus on prevention in order to ensure democratic and inclusive societies. Strong emphasis should be put on combating all forms of violence against women and domestic violence, in particular through the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention) as well as through its further ratification by member states.

Additional focus should be devoted to the enhanced fight against the sexual exploitation of children, in particular through the implementation of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (the Lanzarote Convention). The protection of the rights of the national minorities, LGBTI persons, refugees and migrants, especially unaccompanied minors and the elderly, as particularly vulnerable groups will also receive additional impetus at the level of the Organisation. The promotion of equality between women and men, as well as gender mainstreaming, will also remain in the focus.

■ Violence against women and children and discrimination of people with a national minority background, particularly Roma and Travellers, have been exacerbated by the Covid-19 pandemic.

■ The Council of Europe's key legal texts for supporting states in putting in place preventive and protective measures for the benefit of all women and girls, the [Convention on Preventing and Combating Violence against Women and Domestic Violence](#) (CETS No. 210),⁴⁹ has encouraged progress in this area, illustrated by the [Mid-term Horizontal Review by the Group of Experts on Action against Violence and Domestic Violence](#). The review has revealed growing levels of support services for victims of violence, an increase in the training of professionals and ongoing legislative changes coupled with an increase in budgets, often embedded in wider gender equality policies and programmes. These results are a stark reminder of the importance of multilateral frameworks for furthering human rights and non-discrimination. It is imperative that all member states ratify this convention and embed its requirements in policy and practice. Liechtenstein and the Republic of Moldova ratified the Istanbul Convention in 2021 and 2022 respectively.

■ The importance of the convention is also illustrated by the [interpretative tool](#)⁵⁰ recently published by GREVIO which highlights its relevance by offering recommendations on how to address growing forms of violence against women and girls online and through technology.

■ The [Gender Equality Commission \(GEC\)](#)⁵¹ provides intergovernmental support for member states' gender equality policies, including preventing and combating violence against women and girls. In 2021 the GEC completed work on a draft recommendation on protecting the rights of migrant, refugee and asylum-seeking women and girls, whose plight and exposure to violence call for concerted policy efforts. In 2022 guidelines will be developed on the role of men and boys in gender equality policies and in policies to combat violence against women.

49. Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, available at <https://rm.coe.int/168008482e>.

50. GREVIO General Recommendation No. 1 on the digital dimension of violence against women, adopted on 20 October 2021, available at <https://rm.coe.int/grevio-rec-no-on-digital-violence-against-women/1680a49147>.

51. See [Gender Equality Commission \(coe.int\)](#).

■ In 2021 bilateral and regional programmes continued to support member states willing to engage in preventing and combating violence against women. A new tool was developed as part of the [Help programme](#)⁵² to offer free online training on the subject for law-enforcement personnel.

■ The gender dimension is present across all thematic areas. For example, it is part of the work on cyber-crime under the [Budapest Convention](#)⁵³ and on freedom of expression and information undertaken by the [Steering Committee on Media and the Information Society](#).⁵⁴ This area will be further explored in 2022, with a view to preventing and combating online violence against women journalists and ensuring the public's right to seek information.

■ Sexual violence against children continues to grow as a global threat, particularly online. Protecting children's rights in the digital environment has been at the heart of the work of the Committee of the Parties to the [Convention on the Protection of Children against Sexual Exploitation and Sexual abuse](#)⁵⁵ and the [Steering Committee for the Rights of the Child \(CDENF\)](#).⁵⁶ Access to, and the safe use of, technology for children is one of the pivotal objectives of the latest strategy for the rights of the child (2022-2027) which has been prepared as part of an inclusive process with member states, international and civil society organisations, and 220 children from 10 countries.

■ The Lanzarote Committee focused on finalising its [2nd monitoring round](#)⁵⁷ report on the protection of children against sexual exploitation and sexual abuse facilitated by information and communication technologies (ICTs), addressing the challenges raised by child self-generated sexual images and/or videos. The committee is also at the origin of an independent expert report on [respecting human rights and the rule of law when using automated technology to detect online child sexual exploitation and abuse](#).⁵⁸

■ The Lanzarote Committee is preparing pilot country profiles on national legal frameworks, policies and promising practices that may help ensure compliance with the Lanzarote Convention and monitoring recommendations.⁵⁹ In 2022, it will launch compliance procedures with its monitoring findings on the protection of children against sexual abuse in the circle of trust.⁶⁰

■ The Council of Europe encouraged member states to address weaknesses in legislation on child, youth, family and social protection services and in the justice, education and health systems that might increase the risk of children being subjected to human rights violations, especially for those in vulnerable socio-economic and personal situations. As part of this effort, the CDENF focused on the protection of children's rights in migration, on the best interests of the child during parental separation and care proceedings, and on strengthening reporting systems for violence against children.

■ In 2022, the CDENF will explore the impact of AI technologies on children's rights, the challenges faced by children as defenders of human rights, children's continuous access to quality mental health services, and the prevention of certain forms of violence through age-appropriate and comprehensive sex education.

■ Protecting the rights of national minorities is integral to human rights and essential for stability, democratic security and peace. However, monitoring conducted by the committees of independent experts of the [European Charter for Regional or Minority Languages \(ECRML\)](#)⁶¹ and the [Framework Convention for the Protection of National Minorities \(FCNM\)](#)⁶² shows that action is still required from states to effectively protect minority rights. Reforms of the monitoring mechanisms have already accelerated the process and led to

52. Council of Europe Programme on Human Rights Education for Legal Professionals (HELP), available at www.coe.int/en/web/help/courses.

53. Convention on Cybercrime of the Council of Europe, available at www.coe.int/en/web/cybercrime/the-budapest-convention.

54. Steering Committee on Media and Information Society, available at www.coe.int/en/web/freedom-expression/cdmsi.

55. Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse, available at www.coe.int/en/web/children/lanzarote-convention.

56. Steering Committee for the Rights of the Child, available at www.coe.int/en/web/children/cdenf.

57. The protection of children against sexual exploitation and sexual abuse facilitated by information and communication technologies (ICTs), available at www.coe.int/en/web/children/2nd-monitoring-round.

58. See <https://rm.coe.int/respecting-human-rights-and-the-rule-of-law-when-using-automated-techn/1680a2f5ee>.

59. This follows the statement "Making the circle of trust truly safe for children" on the occasion of the 7th edition of the [European Day on the Protection of the Children against Sexual Exploitation and Sexual Abuse](#) issued on 18 November 2021 by six Council of Europe member states (Andorra, Belgium, Luxembourg, Monaco, San Marino and Slovenia) and joined by all member states of the Council of Europe, as well as the European Union and Tunisia.

60. 1st monitoring round, Protection of children against sexual abuse in the circle of trust, available at www.coe.int/en/web/children/1st-monitoring-round.

61. The European Charter for Regional or Minority Languages is the European convention for the protection and promotion of languages used by traditional minorities. Together with the Framework Convention for the Protection of National Minorities it constitutes the Council of Europe's commitment to the protection of national minorities.

62. See www.coe.int/en/web/minorities/home.

increased dialogue. Co-ordination between the two committees has been strengthened, especially by aligning reporting obligations and organising co-ordinated visits.

■ Examples of good practice and co-operation have been shared to help member states implement monitoring recommendations. The [Steering Committee on Anti-Discrimination, Diversity and Inclusion \(CDADI\)](#)⁶³ plays an important role in encouraging policy change – its study on the active political participation of young people from national minority groups will form the basis for future standard-setting work in this area.

■ Protection of national minorities has been high on the agenda during the [Hungarian Presidency of the Committee of Ministers](#)⁶⁴ with a series of conferences highlighting persistent conflicts along ethnic, linguistic or religious dividing lines and other issues concerning respect for diverse cultural identities and minority rights.

■ Roma and Travellers, estimated to number around 10 to 12 million people in Europe, are one of the most vulnerable minorities, facing high levels of discrimination and exclusion, and suffering from social deprivation. The Covid-19 pandemic negatively affected access to healthcare and other public services for these communities. The Council of Europe [Strategic Action Plan for Roma and Traveller Inclusion \(2020-2025\)](#)⁶⁵ contributes to the protection and promotion of the human rights of Roma and Travellers and to the improvement of their situation. Activities in 2021 focused on the fight against discrimination and antigypsyism through inclusive education, political participation, good local governance and empowerment of Roma women and youth, often in co-operation with the European Union.

■ The [Committee of Experts on Roma and Traveller Issues \(ADI-ROM\)](#),⁶⁶ in consultation with the [Council of Europe Dialogue with Roma and Traveller civil society](#),⁶⁷ released a study on the causes, prevalence and consequences of antigypsyism with recommendations for possible responses by governments. [Roma political schools](#)⁶⁸ trained over 150 Roma women and men in several member states on participation in public and political life. The [8th International Roma Women's Conference](#),⁶⁹ a subsequent [report](#)⁷⁰ and the capacity-building activities conducted by the EU–Council of Europe Joint Programme “[Roma Women's Access to Justice \(JUSTROM\)](#)”⁷¹ helped empower Roma and Traveller women. Roma youth participation was promoted through the [Roma Youth Conference](#)⁷² held under the [German Presidency](#).⁷³

■ Protecting the rights of refugees and migrants is a priority and the Council of Europe [Action Plan on Protecting Vulnerable People in the Context of Migration and Asylum in Europe \(2021-2025\)](#)⁷⁴ provides targeted measures to identify and address vulnerabilities in asylum and migration procedures. It provides legislative expertise, policy advice and support in response to specific requests and aims to encourage new action in priority areas.

■ Some important activities have already been carried out, such as the preparation of a recommendation on protecting the rights of migrant, refugee and asylum-seeking women and girls; a [thematic factsheet on the execution of Court judgments on migration and asylum issues](#),⁷⁵ [guidance on family-based care for unaccompanied and separated children](#),⁷⁶ and a [model framework for an intercultural integration strategy at national](#)

63. The Steering Committee on Anti-Discrimination, Diversity and Inclusion leads the Council of Europe's intergovernmental work to promote equality for all and to build more inclusive societies that offer adequate protection from discrimination and hate and where diversity is respected.

64. See www.coe.int/en/web/congress/hungarian-presidency-of-the-council-of-europe-committee-of-ministers.

65. “Combating antigypsyism and discrimination, supporting equality, and fostering democratic participation, promoting public trust and accountability, and supporting access to inclusive quality education and training: these are the aims of this Strategic Action Plan on Roma and Traveller Inclusion (2020-2025)”.

66. See www.coe.int/en/web/roma-and-travellers/composition.

67. See www.coe.int/en/web/roma-and-travellers/dialogue-with-civil-society.

68. “Promoting Roma Political Participation and Civic Engagement”, available at <https://rm.coe.int/roma-political-schools-23112021-en/1680a4a2e0>.

69. International Roma women's conference: “Protecting the human rights and dignity of Roma and Traveller women in times of crises” 24 November 2021, available at www.coe.int/en/web/portal/-/international-roma-women-s-conference-protecting-the-human-rights-and-dignity-of-roma-and-traveller-women-in-times-of-crises-.

70. “Empowerment of Roma and Traveller Women: A Change Under Construction. Towards a Roadmap for Advancing Gender Equality of Roma and Traveller Women in Council of Europe member states”, available at <https://rm.coe.int/empowerment-of-roma-and-traveller-women-a-change-under-construction-to/1680a4bd40>.

71. The joint EU/Council of Europe programme “Roma Women's Access to Justice”, JUSTROM3, received grants until August 2021 and consultants were contracted in the four countries of implementation: Bulgaria, Greece, Italy and Romania.

72. Roma Youth, Together for emancipation and empowerment, the role of history in the participation and inclusion of Roma young people 7, 8 and 9 April 2021, available at www.coe.int/en/web/youth/roma-youth-together-2021.

73. See www.coe.int/en/web/congress/german-presidency-of-the-council-of-europe-committee-of-ministers.

74. See https://search.coe.int/cm/pages/result_details.aspx?objectid=0900001680a25afd.

75. See <https://rm.coe.int/thematic-factsheet-migration-asylum-eng/1680a46f9b>.

76. See <https://rm.coe.int/steering-committee-for-human-rights-cddh-guide-on-family-based-care-fo/1680a4d5d9>.

level.⁷⁷ An international [conference on statelessness and the right to a nationality in Europe](#)⁷⁸ was organised by the Council of Europe and UNHCR on 24 September 2021, and further work on this topic is underway.

■ Effective integration policies contribute to protecting the human rights of migrants and refugees, preventing discrimination and fostering community cohesion. Such policies, based on an intercultural approach, are particularly important at local level. The [Intercultural Cities programme](#) (ICC)⁷⁹ supports local and regional authorities worldwide in developing comprehensive intercultural strategies and achieving the best from diversity. In 2021, the programme focused on systemic discrimination, producing a framework for policy and practice on identifying and preventing systemic discrimination⁸⁰ in public service delivery, and on [discrimination via algorithmic decision making](#).⁸¹

■ Certain young people have faced social exclusion and discrimination because of shortcomings in the response to the Covid-19 pandemic. These can include young refugees and migrants in transition to adulthood and young people living in rural areas, who have unequal access to rights – young Roma people are particularly affected. Although there has been progress, persistent obstacles remain, and some are even getting worse. An intersectional approach that tackles structural and systemic forms of discrimination is urgently needed to build inclusive societies. Future work will focus on intercultural competence and on developing tools for dismantling negative stereotypes that hinder community cohesion and equal opportunities. A [model framework](#)⁸² and a draft Committee of Ministers recommendation on multilevel policies and governance for intercultural integration has been developed to promote intercultural integration policies at local regional and national levels.

77. See <https://rm.coe.int/prems-093421-gbr-2555-intercultural-integration-strategies-cdadi-web-a/1680a476bd>.

78. Statelessness and the right to a nationality in Europe: progress, challenges and opportunities (23-24 September 2021), available at www.coe.int/en/web/cdcj/statelessness-and-the-right-to-a-nationality-in-europe-progress-challenges-and-opportunities.

79. The Intercultural Cities programme (ICC) supports cities in reviewing their policies through an intercultural lens and developing comprehensive intercultural strategies to help them manage diversity positively and realise the diversity advantage.

80. Policy Brief “Identifying and Preventing Systemic Discrimination at the Local Level”, October 2020, available at <https://rm.coe.int/icc-policy-brief-identifying-and-preventing-systemic-discrimination-at/1680a00ef5>.

81. Policy Brief “Preventing the potential discriminatory effects of the use of artificial intelligence in local services”, October 2020, available at <https://rm.coe.int/icc-brief-preventing-the-potential-discriminatory-effects-of-the-use-o/1680a03272>.

82. Model Framework for an Intercultural Integration Strategy at the National Level – Intercultural integration strategies: managing diversity as an opportunity, available at <https://rm.coe.int/prems-093421-gbr-2555-intercultural-integration-strategies-cdadi-web-a/1680a476bd>.



CHAPTER 5

THE FIGHT AGAINST INEQUALITY, RACISM, XENOPHOBIA AND DISCRIMINATION ON GROUNDS OF RELIGION

STRATEGIC PRIORITY 5

Fighting inequality, racism, xenophobia and discrimination on grounds of religion or belief or any other ground. It is crucial to step up the fight against these adverse and growing phenomena, including by combating all forms of hate speech and hate crime. The role of the European Commission against Racism and Intolerance (ECRI) in the revision and strengthening of the relevant standards remains pivotal.

■ Racism, xenophobia, discrimination, hatred and violence against migrants and minorities continue to undermine cohesion, stability and human rights in Europe. The Council of Europe has reinforced its monitoring and standard-setting and capacity-building actions to support member states in finding effective and sustainable solutions.

■ The European Commission against Racism and Intolerance (ECRI)⁸³ completed a thorough revision of two general policy recommendations, on preventing and combating antisemitism⁸⁴ and on anti-Muslim racism and discrimination, including contemporary forms. The recommendations offer member states a systemic approach; adjusting their policy frameworks, taking educational and other preventive action, establishing effective systems to monitor and stop hate speech online, providing appropriate protection and support to victims, and ensuring effective prosecution of all criminal acts targeting Jewish or Muslim people or those perceived as such.

■ ECRI engaged with various partners on LGBTI equality and dedicated its 2021 annual seminar with equality bodies⁸⁵ to this topic before starting its work on a new General Policy Recommendation in 2022.

■ ECRI was also alarmed by the use of inflammatory rhetoric, the wide dissemination of hateful and dehumanising content, especially on the internet, and by reports of atrocities committed in the context of confrontations and conflicts in Europe. It issued a statement⁸⁶ calling on everyone involved, including those at the highest level, to take action and engage in confidence-building measures.

83. The European Commission against Racism and Intolerance (ECRI) is a unique human rights monitoring body which specialises in questions relating to the fight against racism, discrimination (on grounds of “race”, ethnic/national origin, colour, citizenship, religion, language, sexual orientation, gender identity and sex characteristics), xenophobia, antisemitism and intolerance in Europe; it prepares reports and issues recommendations to member states.

84. ECRI’s General Policy Recommendation No. 9 revised on 1 July 2021, available at www.coe.int/en/web/european-commission-against-racism-and-intolerance/recommendation-no.9.

85. Joining Forces to Promote and Protect the Human Rights of LGBTI Persons on 18 October 2021, available at www.coe.int/en/web/european-commission-against-racism-and-intolerance/seminar-20211.

86. Statement of the European Commission Against Racism and Intolerance (ECRI), “On Preventing and Combating Ultra-Nationalistic and Racist Hate Speech and Violence in Relation to Confrontations and Unresolved Conflicts in Europe1”, adopted by ECRI at its 85th plenary meeting (30-31 March 2021), available at <https://rm.coe.int/statement-of-ecri-on-preventing-and-combating-ultra-nationalistic-and-/1680a20d58>.

■ During its sixth country monitoring cycle, ECRI looked into three main areas: effective equality and access to rights, including LGBTI equality; action against hate speech and hate-motivated violence; and integration and inclusion. It carried out 15 country visits and covered one third of member states.⁸⁷

■ ECRI completed its follow-up to the fifth country monitoring cycle in 2021. It noted that the vast majority of member states have made efforts to implement ECRI's priority recommendations but regretted that they were often not carried out fully. While delays may partly be explained by the Covid-19 pandemic or changes of government, it is crucial that member states introduce effective systems to ensure that ECRI's recommendations are properly implemented.

ANTISEMITISM AND RELIGIOUS INTOLERANCE

■ The fight against rising antisemitism is a **priority**⁸⁸ for the Organisation, as is combating anti-Muslim racism and other forms of religious intolerance. The Secretary General's **Special Representative**,⁸⁹ appointed at the end of 2020, ensures the co-ordinated and collective expertise of the Council of Europe is put to full use against these specific threats. The Special Representative represents the Council of Europe in meetings of the international Special Envoys and Co-ordinators Combating Antisemitism (**SECCA**)⁹⁰ and enables regular co-operation with the respective representatives of the Organization for Security and Co-operation in Europe (**OSCE**), **UN** and **EU**. In response to outbreaks of antisemitic violence in parts of Europe in May 2021, the Special Representative published an **article**⁹¹ in nine member states urging European governments to counter hate speech online and to better promote education about the Holocaust.

■ Two informal Committee of Ministers meetings were held during the **German**⁹² and **Hungarian**⁹³ presidencies to discuss dangerous trends and identify counter strategies. Attacks on Christians, though rare in the Council of Europe area, were also highlighted as an area of concern. Co-operation with national bodies such as France's DILCRAH, Germany's antisemitism commissioner and the UK's special envoy for freedom of religion or belief are important to share best practices. On 8 November 2021, a conference was organised in Paris jointly with the Israeli Foreign Affairs Ministry on government, parliamentary, civil society and business responses to antisemitism with the participation of high-level French officials and parliamentarians.

■ The Special Representative undertook a consultation with Muslim organisations in eight member states to estimate the dimension, nature and threats of anti-Muslim online hate speech. The results of the **survey**⁹⁴ – reported in international media – indicate that attacks online have become as threatening, or even more so, to Muslim communities as attacks offline.

■ Interreligious dialogue between young people can make an important contribution to strengthening common European values, human dignity and mutual respect. This was the conclusion of a **seminar**⁹⁵ with young citizens of Strasbourg from different cultural and religious backgrounds entitled "Young people facing hate speech today: impact and solutions". A similar exchange is envisaged in 2022 with young representatives from different countries.

87. As of 1 February 2022.

88. Malmö International Forum on Holocaust Remembrance and Combating Antisemitism, available at www.coe.int/en/web/portal/-/secretary-general-at-malmo-international-forum-on-holocaust-remembrance-and-combating-antisemitism; the Secretary General's speech: www.coe.int/fr/web/secretary-general/speeches-and-op-eds/-/asset_publisher/JMmT2OuzAtbW/content/malmo-international-forum-on-holocaust-remembrance-and-combating-antisemitism.

89. See www.coe.int/en/web/antisemitic-anti-muslim-hatred-hate-crimes/home.

90. Intervention at the international meeting of special envoys and co-ordinators combating antisemitism, available at www.coe.int/en/web/antisemitic-anti-muslim-hatred-hate-crimes/-/intervention-at-the-international-meeting-of-special-envoys-and-coordinators-combating-antisemitism.

91. On 11 June 2021. See www.coe.int/en/web/antisemitic-anti-muslim-hatred-hate-crimes/-/the-recent-escalation-of-antisemitic-attacks-requires-a-europe-wide-response-governments-should-join-forces-to-prevent-new-waves-of-antisemitism-by-co.

92. Informal meeting of Ministers' Deputies 25 March 2021: Conclusions by the Special Representative 26 March 2021, available at www.coe.int/en/web/antisemitic-anti-muslim-hatred-hate-crimes/-/informal-meeting-of-ministers-deputies-25-march-2021-conclusions-by-the-special-representative.

93. The Council of Europe stands united in the fight against antisemitism, 24 September 2021, available at www.coe.int/en/web/antisemitic-anti-muslim-hatred-hate-crimes/-/the-council-of-europe-stands-united-in-the-fight-against-antisemitism-.

94. On 7 July 2021. See www.coe.int/en/web/antisemitic-anti-muslim-hatred-hate-crimes/-/online-hate-speech-is-a-growing-and-dangerous-trend.

95. Youth and inter-cultural dialogue: building Europe based on common values, human dignity and mutual respect 15 December 2021, available at www.coe.int/en/web/antisemitic-anti-muslim-hatred-hate-crimes/-/youth-and-inter-cultural-dialogue-building-europe-based-on-common-values-human-dignity-and-mutual-respect.

HATE SPEECH

Hate speech negatively affects the right to private life, the right to freedom of expression and the right to be free from discrimination.

ECRI has noted a rise in racist and LGBTI-phobic hate speech, particularly in the context of election campaigns and the Covid-19 pandemic. The need to act was stressed by ministers at the [Conference of Ministers responsible for Media and Information Society](#),⁹⁶ held on 10 and 11 June 2021, especially in the [resolution on the impacts of the Covid-19 pandemic on freedom of expression](#).⁹⁷

A draft Committee of Ministers recommendation on combating hate speech was jointly prepared by the [Steering Committee on Anti-Discrimination, Diversity and Inclusion](#)⁹⁸ and the [Steering Committee on Media and Information Society](#) (CDMSI)⁹⁹ to assist member states in responding to hate speech while balancing different human rights. The recommendation applies to hate speech offline and online; covers criminal, civil and administrative law; proposes self and co-regulatory models, awareness raising, education, training, monitoring, national co-ordination and international co-operation and support to those targeted by hate speech.

[Co-operation initiatives](#)¹⁰⁰ are provided to support member states and others to design and implement comprehensive strategies to prevent and combat hate speech. New [user-friendly online tools](#)¹⁰¹ help define the best responses while awareness-raising and capacity-building initiatives in the [Western Balkans](#),¹⁰² [Caucasus](#)¹⁰³ and [Ukraine](#)¹⁰⁴ have enabled law enforcement, legal professionals and civil society to provide redress and victim support.

HATE CRIMES

Hate crimes are often fuelled by hate speech and affect not only the victims but society as a whole. Addressing hate crime effectively requires action from states, civil society and independent institutions, including national human rights institutions, ombudspersons or equality bodies.

Joint Council of Europe/European Union projects have long seen NGOs and independent institutions as essential stakeholders. This has strengthened co-operation between equality bodies and NGOs on improving access to justice for victims of hate crime through non-judicial redress mechanisms and increased their use.

Law-enforcement bodies have benefited from training on hate crime, while procedures and tools for data gathering have also improved. A new online training tool for police forces is under development and will include educational modules on investigating hate crimes based on ECRI General Policy Recommendation No. 11 on [combating racism and racial discrimination in policing](#).¹⁰⁵

From 2022, the [European Committee on Crime Problems](#) (CDPC)¹⁰⁶ and the [Steering Committee on Anti-Discrimination, Diversity and Inclusion](#)¹⁰⁷ will work on a recommendation on combating hate crime. It will build on the Court's case law, existing Council of Europe texts and monitoring bodies' recommendations in areas such as victim's rights, investigation and prosecution, restorative justice and crime prevention mechanisms.

96. See www.coe.int/en/web/freedom-expression/media2021nicosia-conference-documents.

97. See <https://rm.coe.int/coeminaimedia-resolution-on-covid-and-foe-en/1680a2dc8e>.

98. The Steering Committee on Anti-Discrimination, Diversity and Inclusion steers the Council of Europe's intergovernmental work to promote equality for all and build more inclusive societies that offer adequate protection from discrimination and hate and where diversity is respected.

99. Under the authority of the Committee of Ministers, the CDMSI steers the Council of Europe's work in the fields of freedom of expression, media, internet governance and other information society-related issues and oversees the work on personal data protection.

100. The Council of Europe carries out a range of programmes to address discrimination, inequality and exclusion and strengthen inclusion. These programmes are guided by the Organisation's standards to safeguard democratic values and fundamental human rights.

101. This online toolkit equips the user with easy-to-use tools, checklists and resources. It will help the use of counter and alternative narratives to promote human rights and democratic principles that push back against hate speech and discriminatory narratives. Available at <https://pjp-eu.coe.int/en/web/human-rights-speech/home>.

102. Horizontal Facility II – Promotion of diversity and equality in the Western Balkans, available at www.coe.int/en/web/inclusion-and-antidiscrimination/horizontal-facility-ii.

103. Strengthening access to justice for victims of discrimination, hate crime and hate speech, available at www.coe.int/en/web/inclusion-and-antidiscrimination/eap-regional-project.

104. Ukraine – protecting national minorities, including Roma, and minority languages, available at www.coe.int/en/web/inclusion-and-antidiscrimination/ukraine-protecting-national-minorities-including-roma-and-minority-languages.

105. See www.coe.int/en/web/european-commission-against-racism-and-intolerance/recommendation-no.11.

106. See www.coe.int/en/web/cdpc/home.

107. See www.coe.int/en/web/committee-antidiscrimination-diversity-inclusion/home.

EQUALITY

■ The Council of Europe has taken important steps to strengthen its action on equality in relation to sexual orientation, gender identity and expression, and sex characteristics.

■ The [Steering Committee on Anti-Discrimination, Diversity and Inclusion](#), with the European Governmental LGBTI Focal Points Network (EFPN), carried out a pilot thematic review of the implementation of [CM/Rec\(2010\)5 on measures to combat discrimination on grounds of sexual orientation or gender identity](#)¹⁰⁸ in Cyprus, Lithuania, North Macedonia and Spain. This focused on legal gender recognition and involved multistakeholder national round tables, leading to reinforced dialogue and new policy developments. From 2022, CDADI will continue to review the recommendation and will start work on standards to ensure equality of rights of intersex people.

■ A new project was launched to counter hate speech targeting LGBTI people, bringing together human rights experts, Orthodox Christian theologians and church representatives. Future priorities include projects on LGBTI asylum seekers, on LGBTI equality in employment and on countering anti-gender narratives.

■ The revised [European Sports Charter](#)¹⁰⁹ adopted on 13 October 2021 puts an emphasis on human rights in sport and the right to sport for all and calls for equality in sport to be actively promoted.

■ The EU/Council of Europe joint project on combating hate speech in sport aims to build a human rights framework to address the threat. This contributes to the Council of Europe [Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events](#)¹¹⁰ – also known as the Saint-Denis Convention – which calls for clear policies and procedures to prevent racist or other discriminatory behaviour, and replaces violence-focused responses with an integrated approach based on safety, security and service. On the occasion of the first meeting of the Committee of the Saint-Denis Convention, an online leadership dialogue on racism and hate speech at sports events was held on 14 April 2021.¹¹¹

108. Recommendation CM/Rec(2010)5 of the Committee of Ministers to member States on measures to combat discrimination on grounds of sexual orientation or gender identity, available at www.coe.int/en/web/sogi/rec-2010-5.

109. See <https://rm.coe.int/recommendation-cm-rec-2021-5-on-the-revision-of-the-european-sport-cha/1680a43914>.

110. See www.coe.int/en/web/sport/safety-security-and-service-approach-convention.

111. Council of Europe, "Racism and hate speech at sports events", 7 April 2021, available at www.coe.int/en/web/sport/a-common-framework-against-racism-and-hate-speech-at-sports-events.



CHAPTER 6

INDEPENDENT, EFFICIENT AND RESILIENT JUDICIAL SYSTEMS

STRATEGIC PRIORITY 6

The independence, efficiency and resilience of the judicial systems of our member states. The ongoing Covid-19 crisis has further shown the importance of strengthening these. The overall preservation and further promotion of relevant European standards related to the rule of law, including in emergency situations, will be high on the Organisation's agenda. The activities of the European Commission for Democracy through Law (the Venice Commission) are of particular importance.

■ The judiciary continued to be at the forefront of efforts to fight the pandemic in 2021, a task which means preserving fundamental freedoms and protecting the most disadvantaged members of society. The Council of Europe's legal and advisory texts provide broad and detailed guidance, with preservation and promotion of standards relating to the rule of law, including in emergency situations, remaining high on the agenda.

■ The Council of Europe also supported the implementation of the standards and recommendations of its advisory and monitoring bodies in the context of national reforms.¹¹²

INDEPENDENCE AND IMPARTIALITY

■ The Council of Europe supported member states by advising them on judicial reforms, with the Venice Commission issuing 12 opinions. It noted the risk of corruption and the lack of transparency and accountability within the judiciary as possible reasons for such reforms, while stressing that any reforms should not encroach on the independence of judges, should not lead to further politicisation of judicial systems and should not be initiated simply to replace senior office holders.¹¹³

■ The Venice Commission also paid attention to the way legislative changes were prepared and adopted. In one opinion,¹¹⁴ it reiterated its concerns that some countries had modified their legislation on judicial systems during a state of emergency in an expedited procedure with little or no public consultation.

■ A common feature of many such reforms was the reorganisation of judicial or prosecutorial councils, coupled with early termination of the mandates of incumbent members. The Venice Commission supported¹¹⁵ the idea of increasing the number of lay members in prosecutorial councils to avoid corporatism but stressed that the composition of councils should remain pluralistic. Early termination of mandates of incumbent members may be justified only if it leads to a major improvement in the current system.

112. For instance, in the context of a national reform process relating to structural safeguards for the independence and effective functioning of the judicial and prosecutorial councils in the Republic of Moldova and in the context of developing and applying a methodology for conducting integrity checks of judicial nominees by the Armenian Corruption Prevention Commission.

113. [CDL-AD\(2021\)012](#), Montenegro – Opinion on the draft amendments to the Law on the State Prosecution Service and the draft law on the Prosecutor's Office for organised crime and corruption, and [CDL-AD\(2021\)030](#), Montenegro – Urgent Opinion on the revised draft amendments to the Law on the State Prosecution Service, issued pursuant to Article 14a of the Venice Commission's Rules of Procedure on 10 May 2021.

114. [CDL-AD\(2021\)036](#), Hungary – Opinion on the amendments to the Act on the organisation and administration of the Courts and the Act on the legal status and remuneration of judges adopted by the Hungarian parliament in December 2020.

115. [CDL-AD\(2021\)051](#), Kosovo* – Opinion on the draft amendments to the Law on the prosecutorial Council. See also [CDL-AD\(2021\)047](#), Republic of Moldova – Opinion on the amendments of 24 August 2021 to the law on the prosecution service.

* 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.

■ The Consultative Council of European Judges (CCJE) discussed whether membership of a professional judges' association could be an obstacle to becoming a member of a judicial council and concluded that there is no justified reason to prohibit, discriminate or exclude members or office holders of associations of judges from holding office.¹¹⁶

■ The CCJE examined the evolution of councils for the judiciary and their role in independent and impartial judicial systems,¹¹⁷ looking at developments at international and domestic level and providing further guidance on essential aspects of their functioning.

■ Several Venice Commission opinions dealt with more general questions on the organisation of judicial systems. In an opinion on the new constitution of Kyrgyzstan,¹¹⁸ the Venice Commission warned against broad presidential powers over judicial appointments and objected to the probationary periods for judges. The re-establishment of constitutional courts or redefinition of their competences was at the heart of opinions on Cyprus,¹¹⁹ Kazakhstan¹²⁰ and Kyrgyzstan.¹²¹

■ The Council of Europe plan of action on strengthening judicial independence and impartiality (Sofia Action Plan)¹²² remains the critical text guiding member states in this area. Its implementation is under review by the European Committee on Legal Co-operation (CDCJ). The review, to be finalised in 2022, will examine reforms by member states that introduce additional safeguards limiting pressure from the executive and legislature, and will identify persistent challenges and negative trends.

■ The Consultative Council of European Prosecutors (CCPE) identified elements that affect the impartiality and independence of prosecutors, both in law and practice, in the context of case law from international courts, primarily the European Court of Human Rights,¹²³ reinforcing institutional independence of prosecution services and the functional independence of individual prosecutors.

■ The Committee of Ministers has asked the CDCJ to prepare a new legal text on the profession of lawyer, following a study looking at options to strengthen protection, given that lawyers have been subject to situations that have prevented them from performing their professional duties without fear of persecution.¹²⁴

■ The Committee of Ministers has dealt with a number of cases concerning independence of the judiciary during its supervision of execution of Court judgments. In *Kövesi v. Romania*, which concerned the undue, premature termination of the chief prosecutor's mandate because she criticised legislative reforms affecting the judiciary, it welcomed the swift response by the authorities. In *Oleksandr Volkov v. Ukraine*, covering issues related to the independence and impartiality of the judiciary and the system of judicial discipline and careers, it stressed the importance of the irremovability of judges as a key element of judicial independence and expressed its concerns about a law reducing the number of supreme court judges. It noted with satisfaction that the Ukrainian Constitutional Court subsequently declared that law unconstitutional.

EFFICIENCY

■ The European Committee for the Efficiency of Justice (CEPEJ) responded to the pandemic by adopting guidelines on videoconferencing in judicial proceedings¹²⁵ and on electronic court filing (e-filing) and the digitalisation of courts.¹²⁶ It set up a mechanism to operationalise the main principles governing artificial

116. Opinion of the CCJE Bureau following a request by the Judges' Association of Serbia to make an assessment as to whether holding office as an elected member of the High Council of Justice (HCJ) is compatible with membership or holding office in a professional judges' association, 10 May 2021.

117. Opinion No. 24 (2021) of the Consultative Council of European Judges (CCJE) on "the Evolution of the Councils for the Judiciary and their role in independent and impartial judicial systems".

118. CDL-AD(2021)007, Kyrgyzstan – Joint Opinion of the OSCE/ODIHR and the Venice Commission on the Draft Constitution of the Kyrgyz Republic.

119. CDL-AD(2021)043, Cyprus – Opinion on three Bills reforming the Judiciary.

120. CDL-AD(2021)010, Kazakhstan – Opinion on the Concept paper for improving the legal framework of the Constitutional Council of the Republic of Kazakhstan.

121. CDL-AD(2021)007, Kyrgyzstan – Joint Opinion of the OSCE/ODIHR and the Venice Commission on the Draft Constitution of the Kyrgyz Republic.

122. "Council of Europe Plan of Action on Strengthening Judicial Independence and Impartiality", adopted by the Committee of Ministers on 13 April 2016, document (CM(2016)36 final), available at <https://rm.coe.int/1680700285>.

123. Opinion No. 16 (2021) of the Consultative Council of European Prosecutors (CCPE) on the implications of decisions of international courts and treaty bodies as regards the practical independence of prosecutors.

124. Available at <https://rm.coe.int/eng-examen-de-faisabilite-d-un-instrument-juridique-europeen-couv-texte/1680a22790>.

125. See <https://rm.coe.int/cepej-2021-4-guidelines-videoconference-en/1680a2c2f4>.

126. See <https://rm.coe.int/cepej-2021-15-en-e-filing-guidelines-digitalisation-courts/1680a4cf87>.

intelligence in the field of justice,¹²⁷ launched an online resource centre on artificial intelligence and cyber-justice and a European e-justice network to analyse the existing use of AI from a human rights perspective.

■ A handbook on court dashboards was created, using efficiency indicators from the biannual evaluation report on European judicial systems.¹²⁸ This will help court managers to design management dashboards to track, analyse and display data on the performance of courts. These tools constitute the first steps in implementing the recently adopted four-year CEPEJ action plan on digitalisation for better justice,¹²⁹ which aims to reconcile new technologies and respect for fundamental rights. In a similar vein, the European Committee on Legal Co-operation (CDCJ) published [guidelines on online dispute resolution mechanisms in civil and administrative court proceedings](#) and [on efficiency and effectiveness of legal aid schemes in the areas of civil and administrative law](#).

■ The Committee of Ministers adopted two new recommendations on criminal justice: one on the assessment, management and reintegration of convicted sexual offenders¹³⁰ and the other on witness and collaborator protection.¹³¹ The European Committee on Crime Problems (CDPC) started drafting legal standards on environmental protection through criminal law, the application of artificial intelligence in criminal matters, extradition, mutual legal assistance, the treatment of prisoners, the protection of victims and restorative justice.

■ The Ministers of Justice adopted a declaration at a conference in Venice in December, promoting the use of restorative justice at all stages of the criminal justice process and regardless of the type of crime, calling for training for all involved.¹³²

■ The Committee of Ministers examined cases concerning excessive length of proceedings, including cases against Italy related to civil (for example *Trapani and Others v. Italy*), criminal (Ledonne No. 1) and administrative proceedings (for example *Abenavoli and Others v. Italy*). It noted positive trends in all three sectors, identifying areas requiring further action, and lending its support to ongoing reforms in civil and criminal matters. In the *Gazsó v. Hungary* case concerning excessive length of judicial proceedings and lack of effective domestic remedies, the Committee of Ministers welcomed an important first step with the introduction of a compensatory remedy for lengthy civil proceedings.

■ The CDCJ co-organised an international conference with the UN refugee agency UNHCR to strengthen efforts to end statelessness in Europe. It reviewed legal challenges to statelessness, taking into account that problems encountered by stateless individuals sit uneasily with the principles of access to justice, which require an effective remedy and a fair solution for everyone.

INTEGRITY AND RESILIENCE

■ Preserving judicial integrity and fighting corruption is a priority. The Commissioner for Human Rights stressed this in her human rights comment “Corruption undermines human rights and the rule of law”,¹³³ criticising rushed juridical reforms in several member states which have reinforced the executive’s strong influence on the judiciary through parliament, seriously undermined its independence and weakened judicial oversight of the executive and its capacity to fight corruption.

■ The Group of States against Corruption adopted reports assessing how 25 member states of the enlarged agreement¹³⁴ have complied with its recommendations on preventing corruption of judges and prosecutors and on safeguarding the integrity, transparency, accountability and independence of the judiciary.

■ GRECO examined national reforms covering ethical principles and rules of conduct; recruitment, career and conditions of service; supervision and enforcement; and judicial self-governing bodies. Where satisfactorily

127. Contained in the 2018 CEPEJ Ethical Charter on the use of artificial intelligence in judicial systems and their environment.

128. See <https://rm.coe.int/cepej-2021-8-handbook-on-court-dashboards-en/1680a2c2f6>.

129. See <https://rm.coe.int/cepej-2021-12-en-cepej-action-plan-2022-2025-digitalisation-justice/1680a4cf2c>.

130. See Recommendation CM/Rec(2021)6.

131. See https://search.coe.int/cm/pages/result_details.aspx?objectid=0900001680a5fe33.

132. Venice Commission, “Declaration of the Ministers of Justice of the Council of Europe Member States on the role of restorative justice in criminal matters”, 14 December 2021, Venice, Italy.

133. Available at <https://go.coe.int/WQEUu>.

134. Andorra, Armenia, Austria, Belgium, Bosnia and Herzegovina, the Czech Republic, Denmark, Georgia, Germany, Hungary, Iceland, Italy, Lithuania, Malta, Republic of Moldova, Monaco, the Netherlands, Portugal, Russian Federation, Spain, Switzerland, Ukraine and the United States were assessed as part of regular compliance procedures under the Fourth Evaluation Round tackling “Corruption prevention in respect of MPs, judges and prosecutors”, while Poland and Romania were assessed as part of a compliance process under Rule 34 (urgent ad hoc evaluations), which may be triggered if GRECO receives reliable information indicating that an institutional reform, legislative initiative or procedural change in a member state may result in serious violation of a Council of Europe anti-corruption standard subject to GRECO evaluation.

implemented, they contributed to greater transparency in judges' and prosecutors' recruitment, promotion, transfer and dismissal; to codes of conduct being adopted or revised and more adequately supervised; to better training, advice and counselling mechanisms; to improvements in making judges' and prosecutors' secondary activities transparent; to better safeguard against undue influence; and more efficient and effective enforcement of applicable laws and rules.

■ GRECO found that several member states had not implemented recommendations on strengthening the role of judicial councils as guarantors of judicial independence, on limiting the immunity of judges to a "functional" one and on ensuring judges' independence from politics. GRECO's compliance procedures boost integrity and resilience to corruption and help make the judiciary more credible and worthy of public trust.

■ The idea of vetting judges and prosecutors continued to gain popularity in some member states. Generally, the Venice Commission was supportive of mechanisms which ensured the integrity of judges – in particular, those related to the verification of their asset declarations.¹³⁵ In an opinion on Ukraine,¹³⁶ the Venice Commission endorsed the idea of a temporary vetting body with international participation to check the integrity of both members of the high council of justice and candidates but stressed that vetting should not become a permanent procedure. In the Republic of Moldova, the Venice Commission supported the idea of integrity checks targeted at candidates for positions on judicial and prosecutorial councils.¹³⁷

135. As demonstrated, for instance, in [CDL-AD\(2021\)028](#), Ukraine – Urgent joint opinion of the Venice Commission and the Directorate General of Human Rights and Rule of Law of the Council of Europe on the draft Law amending provisions of the Code of Administrative offences and the Criminal Code regarding the liability of public officials for inaccurate asset declaration (No. 4651 of 27 January 2021).

136. [CDL-AD\(2021\)018](#), Ukraine – Urgent joint opinion of the Venice Commission and the Directorate General of Human Rights and the Rule of Law (DGI) of the Council of Europe on the draft law on amendments to certain legislative acts concerning the procedure for electing (appointing) members of the High Council of Justice (HCJ) and the activities of disciplinary inspectors of the HCJ (Draft law No. 5068).

137. [CDL-AD\(2021\)046](#), Republic of Moldova – Joint opinion of the Venice Commission and the Directorate General of Human Rights and Rule of Law (DGI) of the Council of Europe on some measures related to the selection of candidates for administrative positions in bodies of self-administration of judges and prosecutors and the amendment of some normative acts.



CHAPTER 7

THE FIGHT AGAINST CORRUPTION, MONEY LAUNDERING AND CYBERCRIME

STRATEGIC PRIORITY 7

The fight against corruption and money laundering, as well as combating cybercrime. Central to this is the work of the Group of States against Corruption (GRECO), and the implementation of its recommendations, and the Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL). The implementation of the Council of Europe Convention on Cybercrime, as the global standard, is crucial for fostering the rule of law in member states.

CORRUPTION

■ The Group of States against Corruption continued to monitor how its 50 members are observing the Council of Europe's anti-corruption standards, adopting 43 compliance reports¹³⁸ and two evaluation reports.¹³⁹ Seven onsite visits were carried out,¹⁴⁰ including a first visit to Kazakhstan. The focus was on the integrity of members of government, members of parliament (MPs), the judiciary and the police.¹⁴¹ Cross-cutting challenges included porous or non-existent integrity policies, weak regulatory and institutional frameworks, insufficient transparency and weak accountability and enforcement mechanisms.

■ Implementation was uneven: only 12.2% of recommendations concerning members of government were fully complied with, compared to 28.7% for the police, 35.85% for MPs, 46.97% for judges and 53.64% for prosecutors.¹⁴² Further progress depends on continued peer pressure for reform.

■ GRECO's findings served as a framework for the technical assistance and co-operation activities delivered by the Economic Crime and Co-operation Division (ECCD), focusing on legislative reforms, strengthening institutional set-ups, capacity building and sharing of good practices among practitioners. They cover electronic asset declaration systems, including enhanced verification methods; prevention and management of conflicts of interest; anti-corruption education for civil servants and teachers; monitoring anti-corruption action by public stakeholders; methodological tools to make legislation corruption proof; mutual legal assistance in criminal matters; detection and investigation of illicit enrichment; and business integrity and anti-corruption compliance in the private sector.

138. Third Evaluation Round Compliance Reports: Belarus, Denmark and Switzerland. Fourth Evaluation Round Compliance Reports on: Andorra, Armenia, Austria, Belgium, Bosnia and Herzegovina, the Czech Republic, Denmark, Georgia, Germany, Hungary, Iceland, Italy, Lithuania, Malta, the Republic of Moldova, Monaco, the Netherlands, Portugal, Russian Federation, Spain, Switzerland, Ukraine and the United States of America. Fourth Round Compliance Reports incorporating related follow-up to Article 34 reports: Poland and Romania. Article 34 follow-up reports: Greece and Slovenia. Fifth Evaluation Round Compliance Reports: Belgium, Croatia, Denmark, Estonia, France, Malta, the Netherlands, North Macedonia, Poland, the Slovak Republic, Spain, Sweden and the United Kingdom.

139. On Greece and Lithuania, within the framework of the Fifth Evaluation Round.

140. To Greece, Hungary, Ireland, Lithuania, Montenegro and Serbia in the framework of the Fifth Evaluation Round, and to Kazakhstan – in the framework of the Joint First and Second Evaluation Rounds.

141. The integrity of MPs and the judiciary is assessed by the Fourth Round "Prevention of corruption in respect of MPs, judges and prosecutors". The integrity of members of government and police officers is assessed by the Fifth Round "Preventing corruption and promoting integrity in central government (top executive functions) and law enforcement agencies".

142. The statistics are not intended to be the basis of any ranking or direct comparison between countries when it comes to compliance with GRECO's recommendations or successful action against corruption. The aim is to provide a snapshot of progress made within GRECO's procedures vis-à-vis each member state. The member states are at different stages of GRECO's procedure for the respective evaluation rounds and the duration of a monitoring procedure varies according to the rate of national implementation – from the baseline evaluation report through the compliance procedure until the closing of the round in respect of a particular state.

■ The ECCD undertook a regional assessment in the Western Balkans and Turkey¹⁴³ as part of efforts to help member states prevent corruption in public procurement, followed by meetings to report back and present alternative tools to effectively manage corruption risks. It developed an introductory level e-learning course for civil servants on corruption prevention, which will soon be made publicly available through the HELP programme.

■ The Council of Europe Platform on Ethics, Transparency and Integrity in Education (ETINED) – a network of professionals formed to share knowledge and best practice on the issue, set up by the Steering Committee for Education (CDEDU) – developed a draft policy recommendation on countering education fraud to improve international co-operation, including a monitoring mechanism. It is expected to be adopted by the Committee of Ministers in 2022. A new best practice programme for promoting academic integrity was introduced during 2021 and will be maintained in 2022. ETINED also plans to work on data collection, the role of the higher education institution codes of ethics, ethics in digital education and research integrity.

MONEY LAUNDERING

■ The Council of Europe continued its comprehensive efforts to tackle money laundering and terrorism financing through the work of two monitoring bodies – MONEYVAL and 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). MONEYVAL's review of completed evaluations showed a moderate level of implementation and effectiveness across the membership, which is below the satisfactory threshold. Continued peer pressure through mutual evaluation is essential to improve the quality of national measures.

■ Throughout 2021, a total of 17 MONEYVAL states or territories were subject to active monitoring processes such as onsite visits, adopted reports and follow-up or compliance procedures. MONEYVAL continued its fifth round of mutual evaluations with by reports on Croatia, the Holy See, Poland and San Marino. The process is ongoing for six other members: Bulgaria, Estonia, Liechtenstein, Monaco, North Macedonia and Romania. The committee adopted 10 follow-up reports, with a particular focus on the regulation of cryptocurrencies. MONEYVAL continued to adapt its working practices to the Covid-19 pandemic and managed to make the highest number of mutual evaluations compared to eight other regional bodies in the FATF-led Global Network.

■ In 2021, MONEYVAL acted with other regional bodies to prompt the FATF to launch a reform of its global network on the transparency of gatekeepers in the legal and company formation sector.¹⁴⁴

■ The ECCD supported MONEYVAL and member states such as Azerbaijan, Montenegro and North Macedonia to strengthen legislative, institutional and policy frameworks on the fight against money laundering and terrorist financing. Several countries, including Azerbaijan, Bulgaria, Romania and Slovakia, received substantive support in conducting risk assessments, which are crucial in developing sound policies against money laundering and terrorist financing. Methodologies were finalised for the sectoral assessment of money laundering and terrorist financing risks related to virtual assets and virtual asset service providers and for financing national risk assessment. Azerbaijan, Bulgaria, Croatia, the Czech Republic, Estonia, Portugal, Romania, Slovakia and Ukraine received advice and assistance on the practical application of these methodologies.

CYBERCRIME

■ The Convention on Cybercrime (ETS No. 185, the Budapest Convention) continued to play a key role in shaping the international criminal justice response to cybercrime. This was confirmed at the Octopus conference and special event marking its 20th anniversary in November 2021,¹⁴⁵ organised with the Hungarian Presidency of the Committee of Ministers and featuring over 1 200 participants from some 120 countries, with ministers and senior officials from Africa, the Americas, Asia and Europe underlining the global scope and impact of this treaty. Some 66 states – including 45 Council of Europe member states – are now party to the convention, two have signed and 12 others have been invited to accede. Over 125 countries have adopted substantive criminal provisions in line with the treaty and over 180 have participated in Council of Europe activities on cybercrime in recent years.¹⁴⁶

143. Albania, Bosnia and Herzegovina, Kosovo*, Montenegro, North Macedonia, Serbia and Turkey.

144. "Gatekeepers" refers to certain designated non-financial businesses and professions, such as lawyers, notaries, accountants, as well as trust and company service providers.

145. See www.coe.int/en/web/cybercrime/octopus-interface-2021.

146. Council of Europe Cybercrime Programme Office, [Cursory overview of the global state of cybercrime legislation](#) (as at 31 January 2022).

■ In November 2021, the Committee of Ministers adopted the second additional protocol to the Convention on Cybercrime. Prepared over four years by the Cybercrime Convention Committee and experts from 66 countries, it provides new tools for enhanced co-operation and disclosure of electronic evidence, including direct co-operation with service providers in other countries and instant co-operation in emergency situations where lives are at risk. These are complemented by a system of safeguards to prevent misuse, including a detailed article on the protection of personal data. The protocol will provide governments with improved means to protect individuals and their rights in the online environment, demonstrating that effective measures on cybercrime and electronic evidence with strong safeguards are feasible and reconciling a free, open and global internet with effective security.¹⁴⁷ It will be opened for signature at a conference in Strasbourg on 12 May 2022.¹⁴⁸

■ The cybercrime programme office (C-PROC) in Romania ran approximately 400 activities in over 140 countries worldwide over the course of the year. Joint programmes with the European Union and projects funded by voluntary contributions (Canada, Hungary, Japan, United Kingdom and USA) focused on strengthening legislation; sustainable training for law enforcement; prosecutors and the judiciary; targeting proceeds from crime online; the protection of children against sexual exploitation and abuse; and public/private and international co-operation. Fiji, Trinidad and Tobago and Vanuatu were invited to accede to the Budapest Convention following their involvement with C-PROC and the adoption of domestic legislation. With C-PROC, the Council of Europe remains a global leader on capacity building in the fields of cybercrime and electronic evidence.¹⁴⁹

147. See www.coe.int/en/web/cybercrime/-/second-additional-protocol-to-the-cybercrime-convention-adopted-by-the-committee-of-ministers-of-the-council-of-europe.

148. See www.coe.int/en/web/cybercrime/-/save-the-date-international-conference-and-opening-for-signature-of-the-2nd-additional-protocol-to-the-convention-on-cybercrime.

149. Council of Europe Office on Cybercrime in Bucharest: C-PROC activity report for the period October 2020-2021 (SG/INF(2021)32) and information on activities carried out at www.coe.int/en/web/cybercrime/news.



CHAPTER 8

THE FIGHT AGAINST HUMAN TRAFFICKING

STRATEGIC PRIORITY 8

The fight against human trafficking. A growing number of people are victims of this crime and the current pandemic, with its potentially long-term socio-economic impact, creates a heightened risk of exploitation of vulnerable groups. Reinforced prevention efforts are therefore merited. Action will remain a priority, based on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings and on the Roadmap of the Secretary General on strengthening action against trafficking in human beings for the purposes of labour exploitation.

Recent judgments under Article 4 of the European Convention on Human Rights, which prohibits slavery, servitude and forced or compulsory labour,¹⁵⁰ show that trafficking in human beings is a reality throughout Europe.

The Organisation's efforts to stop trafficking are based on the Council of Europe Convention on Action against Trafficking in Human Beings (CETS No. 197). The convention presently covers 48 countries – all Council of Europe member states, as well as Belarus and Israel – and is monitored by the Group of Experts on Action against Trafficking in Human Beings, ensuring states change their policy, legislation and practice in line with their recommendations and those of the committee of the parties to the convention.

Data collected by GRETA shows that human trafficking for the purpose of labour exploitation has emerged as the main form in some member states.¹⁵¹ In 2020, GRETA prepared a compendium of good practices and a guidance note on preventing and combating trafficking for the purpose of labour exploitation,¹⁵² which followed the Secretary General's roadmap on strengthening action in this area¹⁵³ and the decisions taken at the Helsinki ministerial session.¹⁵⁴ These documents, the Court's case law, work being carried out by the European Committee of Social Rights and other international organisations, are being used by the drafting committee (DH-TET), set up by the Committee of Ministers in April 2021 under the authority of the Steering Committee for Human Rights,¹⁵⁵ to prepare a recommendation which is complementary to existing legal texts. DH-TET held two meetings in 2021 and has made good progress on drafting the new recommendation. One meeting was held in February 2022 and another one is planned for April 2022.

A new HELP e-learning module on trafficking for the purpose of labour exploitation was developed and added to the existing courses on labour rights and on trafficking in human beings. In 2022, the module will be translated into several languages and launched in tutored format in collaboration with national partners.

150. For example, see *Zoletic and Others v. Azerbaijan* (Application No. 20116/12), 7 October 2021; *V.C.L. and A.N. v. the United Kingdom* (Applications Nos. 77587/12 and 74603/12), 16 February 2021; *Lăcătuș v. Switzerland* (Application No. 14065/15), 19 January 2021; *S.M. v. Croatia* (Application No. 60561/14), 25 June 2020; *Chowdury and Others v. Greece* (Application No. 21884/15), 30 March 2017.

151. For example, in Belgium, Malta, the Republic of Moldova, Portugal and the United Kingdom.

152. See <https://rm.coe.int/guidance-note-on-preventing-and-combating-trafficking-in-human-beings-/1680a1060c>.

153. See SG/Inf(2019)34 and SG/Inf(2020)29.

154. See <https://rm.coe.int/mpendium-of-good-practices-in-addressing-trafficking-in-human-beings-f/16809f9b9f>.

155. See [Human trafficking for the purpose of labour exploitation \(DH-TET\) \(coe.int\)](https://rm.coe.int/human-trafficking-for-the-purpose-of-labour-exploitation-(DH-TET)-(coe.int)).

■ GRETA launched a study, based on a questionnaire sent to states, NGOs and tech companies, assessing the following: the extent to which technology impacts human trafficking; operational and legal challenges in detecting, investigating and prosecuting online human trafficking offences using information and computer technology; and strategies to overcome such challenges. The study offers evidence-based recommendations and will be published in early 2022.¹⁵⁶

■ Child trafficking has continued to increase, despite legislative and practical measures taken by member states. In the context of mixed migration flows, the number of unaccompanied or separated children has grown, and there are challenges in ensuring their protection from trafficking and exploitation. The Covid-19 pandemic has made children even more vulnerable and there are reports of increased grooming and exploitation of children online. A conference was organised in May 2021, under the German Presidency to discuss challenges and innovative approaches which can have a positive impact on combating child trafficking. It enabled the sharing of practice-oriented, multidisciplinary knowledge to improve detection of children and young people who are exploited through the internet, strengthen children's testimonies and combat the exploitation of children and young people in the family.¹⁵⁷ In June 2021, a regional conference organised as part of the in European Union–Council of Europe horizontal facility II for the Western Balkans and Turkey (2019-2022) looked at trends and new challenges in child trafficking, identified positive initiatives and discussed areas for improvement.¹⁵⁸

■ The work of the Special Representative on Migration and Refugees has contributed to raising awareness on trafficking of refugees and migrants. Assistance has been provided to Turkey as a follow-up to the 2016 fact-finding mission. The Council of Europe Action Plan on Protecting Vulnerable Persons in the Context of Migration and Asylum in Europe (2021-2025),¹⁵⁹ co-ordinated by the Special Representative, offers capacity building, particularly in relation to women's safety in transit and reception centres, as well as access to information and legal aid.

■ GRETA's third round of evaluation, launched in 2019, focuses on trafficking victims' access to justice and effective remedies. The country evaluation reports produced by GRETA examine how states protect victims and contain specific recommendations for improving respect for their rights, including access to legal aid and compensation and ensuring that victims do not themselves face punishment. GRETA has set up a network of specialised lawyers to represent trafficking victims, which meets periodically. The aim will be to reinforce this network and to build the capacity of its members to ensure victims have access to justice and compensation.

■ The failure to convict traffickers and the absence of effective sentences create a culture of impunity and undermine efforts to support victims to testify. The great majority of cases before the Court concern situations where domestic authorities were unable to recognise that human trafficking was involved and did not approach the matter as required under the relevant international standards. This highlights the need for training and specialisation of law-enforcement officials, prosecutors, judges and lawyers. The Council of Europe has developed an online training course on combating human trafficking for legal professionals, under the HELP programme, and will continue investing in capacity building.

■ Co-operation and capacity-building projects based on Council of Europe standards are being implemented in four member states,¹⁶⁰ Kosovo*,¹⁶¹ Morocco and Tunisia.¹⁶² They include guidance on the gender aspects of combating human trafficking, child-sensitive communication and how to conduct interviews in order to obtain reliable statements from child victims and on protection of the private life and personal data of victims. Training is also provided for labour inspectors, social workers and professionals in the criminal justice system.

■ Each year, the Council of Europe and the OSCE organise a meeting of national anti-trafficking co-ordinators and rapporteurs. At the November 2021 meeting, 60 representatives of Council of Europe member states, OSCE participating states and three OSCE Mediterranean partners for co-operation discussed new developments and promising practices in combating trafficking for the purpose of labour exploitation, the preparation of national trafficking action plans, the role of national rapporteurs or equivalent mechanisms in monitoring

156. See at <https://rm.coe.int/online-and-technology-facilitated-trafficking-in-human-beings-summary-/1680a5e10c>.

157. See Conference: "Ending trafficking in children and young persons – Together, towards a future without child trafficking in Europe" ([coe.int](https://rm.coe.int/online-and-technology-facilitated-trafficking-in-human-beings-summary-/1680a5e10c)).

158. See REGIONAL CONFERENCE ([onlinebase.net](https://rm.coe.int/online-and-technology-facilitated-trafficking-in-human-beings-summary-/1680a5e10c)).

159. See Migration and asylum: Council of Europe to increase protection of vulnerable persons - Newsroom ([coe.int](https://rm.coe.int/online-and-technology-facilitated-trafficking-in-human-beings-summary-/1680a5e10c)).

160. Bosnia and Herzegovina: Preventing and Combating Trafficking in Human Beings in Bosnia and Herzegovina ([coe.int](https://rm.coe.int/online-and-technology-facilitated-trafficking-in-human-beings-summary-/1680a5e10c)); North Macedonia: Preventing and Combating Human Trafficking in North Macedonia ([coe.int](https://rm.coe.int/online-and-technology-facilitated-trafficking-in-human-beings-summary-/1680a5e10c)); Serbia: Preventing and Combating Trafficking in Human Beings in Serbia ([coe.int](https://rm.coe.int/online-and-technology-facilitated-trafficking-in-human-beings-summary-/1680a5e10c)); and Turkey.

161. See Project on Preventing and Combating Trafficking in Human Beings in Kosovo* ([coe.int](https://rm.coe.int/online-and-technology-facilitated-trafficking-in-human-beings-summary-/1680a5e10c)).

162. Available at South Programme ([coe.int](https://rm.coe.int/online-and-technology-facilitated-trafficking-in-human-beings-summary-/1680a5e10c)).

and strengthening anti-trafficking action and developing mechanisms for providing assistance to victims of trafficking irrespective of their readiness to co-operate in the criminal justice process.

■ The Council of Europe is a partner of the inter-agency co-ordination group against trafficking in persons (ICAT), which brings together over 30 United Nations agencies and other international organisations. GRETA's secretariat has been involved in ICAT working group meetings and has contributed to the preparation of briefs, ensuring that the Council of Europe's standards are duly reflected. On the 20th anniversary of the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol, 2000, to supplement the United Nations Convention against Transnational Organized Crime), ICAT agreed six priority areas for action,¹⁶³ which are reflected in the activities of the Council of Europe.

■ The Council of Europe's work against trafficking on all fronts helps member states moves towards achieving the [United Nations Sustainable Development Goals \(SDG\)](#) targets 5.2, 8.7 and 16.2 to end human trafficking and modern slavery.¹⁶⁴

163. The six priority areas are: 1. building the evidence base; 2. addressing the core drivers; 3. ensuring a rights-based approach; 4. holding traffickers accountable; 5. discouraging demand; 6. systematising co-operation and multi-stakeholder partnerships.

164. Target 5.2: Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation;

Target 8.7: Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms;

Target 16.2: End abuse, exploitation, trafficking and all forms of violence against and torture of children. See www.undp.org/sustainable-development-goals.



CHAPTER 9

ARTIFICIAL INTELLIGENCE

STRATEGIC PRIORITY 9

Artificial intelligence (AI). AI and the broader impact of digital transformation and the use of new technologies on human rights, democracy and the rule of law shall be a focus of the activities of the Council of Europe.

■ Artificial intelligence (AI) impacts all areas of human activity and offers great promise for science, industry and business. It also brings significant potential risks to the enjoyment of human rights, the functioning of democracy and observance of the rule of law. The development, design and application of AI systems, in particular in the public sector, must be governed by human rights and Council of Europe standards.

■ Areas of concern include safeguarding electoral processes and democratic governance from undue interferences, ensuring that children's rights are fully respected when they interact with AI and that gender equality is respected. AI may give rise to legal and ethical issues in relation to criminal law or biomedicine and health.

■ In 2021, the ad hoc Committee on Artificial Intelligence (CAHA)¹⁶⁵ submitted a document to the Committee of Ministers outlining the possible elements for a legal framework on artificial intelligence, based on Council of Europe standards on human rights, democracy and the rule of law.¹⁶⁶ This provides the basis for an appropriate legal framework on the development, design and application of AI systems.

■ This work will be undertaken by the Committee on Artificial Intelligence (CAI),¹⁶⁷ composed of representatives of member states, observer countries, business, civil society and other international organisations, including the United Nations, the European Union, the Organisation for Economic Co-operation and Development (OECD) and the OSCE, ensuring an inclusive and comprehensive process and avoiding unnecessary overlaps.

■ This future legal text will focus on fundamental issues relating to AI systems and their impact on human rights, democracy and the rule of law. Other committees and Council of Europe bodies will contribute, in their respective areas of competence, with the CAI providing guidance and advice and ensuring a co-ordinated approach across the Organisation.

■ In addition to the CAHA, several other steering committees and bodies worked on AI during 2021.

- ▶ The European Committee on Democracy and Governance (CDDG)¹⁶⁸ published a study on the impact of digital transformation on democracy and good governance, including AI and automated decision making. The study focused on the intersection of digital technologies and the formation of democratic institutions and public decision making.¹⁶⁹ It explored how the 12 Principles of Good Democratic Governance¹⁷⁰ are impacted by digital technologies, including AI, in particular when used by public administration.
- ▶ The European Committee on Crime Problems (CDPC)¹⁷¹ carried out a feasibility study on a possible future Council of Europe text on AI and criminal law and created a drafting committee to draw up a legal text focusing on vehicles and automated driving. Discussions covered areas such as criminal liability, issues of evidence, access to AI systems data and the use of such data, international co-operation and cross-border dimensions of automated vehicles. They will continue in 2022.

165. See www.coe.int/en/web/artificial-intelligence/home.

166. See https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=0900001680a4e8a5.

167. See www.coe.int/en/web/artificial-intelligence/home.

168. See www.coe.int/en/web/good-governance/cddg.

169. See www.coe.int/en/web/good-governance/-/cddg-releases-a-study-on-the-impact-of-digital-transformation-on-democracy-and-good-governance.

170. See www.coe.int/en/web/good-governance/12-principles.

171. See www.coe.int/en/web/cdpc.

- On 3 November 2021, the Committee of Ministers adopted a recommendation on the protection of individuals with regard to automatic processing of personal data in the context of profiling.¹⁷² It highlights how profiling techniques can impact individuals by placing them in predetermined categories, often without their knowledge. The Committee of Convention 108¹⁷³ also adopted guidelines on facial recognition¹⁷⁴ which underline that this type of processing of biometric data should only be allowed with an appropriate legal basis and additional guarantees provided for by law. The guidelines also suggest that certain uses of facial recognition technologies should be banned to avoid any risk of discrimination, as should the use of facial recognition for the sole purpose of determining a person's skin colour, religious or other beliefs, sex, racial or ethnic origin, age, health or social condition, unless appropriate safeguards are provided by law.
- The European Committee on Legal Co-operation (CDCJ)¹⁷⁵ is working on a comparative study mapping activities in member states concerning the use of AI and non-AI algorithmic systems. This work will lead to an update of the handbook "The administration and you",¹⁷⁶ providing guidance to member states in the application of these systems in administrative law proceedings.
- In 2021, the Steering Committee for the Rights of the Child¹⁷⁷ completed its work on the new strategy (2022-2027) and included access to technologies and their safe use for all children among the six strategic objectives. The CDENF recommended analysing the risks posed and the possible benefits that AI technologies can provide.
- The Gender Equality Commission¹⁷⁸ co-operated with the CAHAI to ensure that gender equality issues were made visible and included in relevant policy documents. It focused on how AI systems can enable the perpetuation and amplification of existing discrimination based on sex/gender and on how to address the fact that machine learning (used to build AI-based systems) relies on datasets which could be, by their nature, biased as they reflect discrimination already present in society and the bias of those who collect and analyse that data. Other issues raised included the lack of data about women and minority groups and the lack of gender balance in most AI-related companies and professions, which heightens the risk that AI systems are developed without due regard to their potentially discriminatory impact on certain individuals and groups.
- The Steering Committee on Anti-discrimination, Diversity and Inclusion¹⁷⁹ held a discussion on AI, equality and discrimination with representatives of academia, equality bodies and civil society, exploring how AI and algorithmic decisions impact equality and discrimination. The secretariat of the Gender Equality Commission and the Information Society Department's Digital Development Unit are working closely on a study on the impact of AI systems, their potential for promoting equality – including gender equality – and the risks they may bring in relation to non-discrimination.
- The Steering Committee for Human Rights in the fields of Biomedicine and Health (CDBIO)¹⁸⁰ continued its work on AI in healthcare with particular emphasis on the impact of AI on the doctor–patient relationship.¹⁸¹ Based on a solid technical report completed in late 2021, the CDBIO is setting up a drafting group to prepare a report which addresses the opportunities and risks of AI in medical practice and clinical care, for example regarding access to care, patient autonomy and private life and the right to information. This report will be ready by early 2024.
- In 2021, the culture sector published "E-Relevance – The Role of Arts and Culture in the Age of Artificial Intelligence".¹⁸² Available from early 2022, it brings together multidisciplinary reflections, academic insights and inspiring artistic practices, and argues for a broader public debate about AI and how to build a democratic future that involves machines. The Conference of Ministers of Culture in April 2022 focuses on creativity and cultural heritage as strategic resources for a diverse and democratic Europe, mobilising

172. See <https://edoc.coe.int/en/international-law/10670-protection-of-individuals-with-regard-to-automatic-processing-of-personal-data-in-the-context-of-profiling-recommendation-cmrec20218.html>.

173. See www.coe.int/en/web/data-protection/consultative-committee-tpd.

174. See <https://edoc.coe.int/en/artificial-intelligence/9753-guidelines-on-facial-recognition.html>.

175. See www.coe.int/en/web/cdcj/home.

176. See <https://book.coe.int/en/international-law/7713-the-administration-and-you-a-handbook.html>.

177. See www.coe.int/en/web/children/cdenf.

178. See www.coe.int/en/web/genderequality/gender-equality-commission.

179. See www.coe.int/en/web/committee-antidiscrimination-diversity-inclusion.

180. See www.coe.int/en/web/bioethics/cdbio.

181. See www.coe.int/en/web/bioethics/developing-a-report-on-the-application-of-ai-in-healthcare-in-particular-regarding-its-impact-on-the-doctor-patient-relationship.

182. See www.coe.int/en/web/culture-and-heritage/-/e-relevance-of-culture-in-the-age-of-ai.

them at political level to accelerate change. The conference has set new directions to complement the Council of Europe's existing conventions on cultural heritage and to encourage work towards a new legal scheme to facilitate European drama co-productions, enhancing cultural diversity and pluralism in the audiovisual sector that is currently challenged by algorithm-based business models.

- The business model of video-on-demand global platforms is based on predictive algorithms designed to pursue commercial goals by shifting audiences towards more predictable behaviours. These platforms have taken the lead from European broadcasters in commissioning content. Such a dominant position poses a challenge to the freedom of artistic creation, as independent producers and authors are increasingly sub-contractors with close to no creative decision-making power within the process, while non-European companies own European intellectual property. In response, the Council of Europe is striving to develop a financial support mechanism and a standard-setting text to encourage European drama co-production. These actions in favour of cultural diversity, independence of creation and data transparency in the audiovisual sector are built on values established within the industry by Eurimages and the European Convention on Cinematographic Co-production (ETS No. 147, revised CETS No. 220).



CHAPTER 10

THE FIGHT AGAINST ENVIRONMENTAL DEGRADATION AND CLIMATE CHANGE

STRATEGIC PRIORITY 10

The fight against environmental degradation and climate change. Addressing the challenges that these pose to the protection of human rights has become a priority, in particular as their impact will undoubtedly increase in the coming years.

■ The Council of Europe has responded to the urgency of the climate crisis by acting in its areas of competence. The Organisation's bodies, including the Parliamentary Assembly, the Commissioner for Human Rights and various intergovernmental steering committees have devoted themselves to environmental issues. This has resulted in political resolutions, policy recommendations and measures to promote co-operation between member states. Work will begin in 2022 on a possible international treaty in the area of human rights and the environment, following a proposal by the Parliamentary Assembly and decisions by the Committee of Ministers.

■ In an all-day **thematic debate** during the September 2021 part-session, members of the Parliamentary Assembly called for a paradigm shift in international and national law, as well as government policies to ensure that a healthy environment is recognised as a basic human right. One key demand made by the Assembly is that a new right to "a safe, clean, healthy and sustainable environment" be added as a protocol to the European Convention on Human Rights, which could make it legally enforceable in national courts across the continent and in the Court. Other proposals include more government regulation to strengthen corporate environmental responsibility, changes in criminal and civil liability to give greater protection to the biosphere, boosting participatory democracy as environmental concerns move up the political agenda and better use of the rule of law to tackle the climate crisis. Following the debate, the Assembly set up a network of contact parliamentarians for a healthy environment, which will ensure that its proposals are followed up and the issues stay high on the political agenda.

■ The 9th edition of the World Forum for Democracy "**Can Democracy Save the Environment?**"¹⁸³ took place from 8 to 11 November 2021 in Strasbourg. The Forum motivated participants to seek sustainable solutions to the challenges facing democracy and the environment. The discussions and debates highlighted that democracy is by far the best style of governance for facing the environmental challenge. Since democracy and a cleaner, healthier and safer environment are inextricably linked, democracy could become a more effective tool for saving the environment through deliberative procedures at grass-roots level and stronger multilateralism globally. The Forum's hallmark is its ability to give space to grass-roots, innovative or unconventional ideas and to create useful and collaborative connections between people to make sure they happen. Some 27 initiatives competed for the Democracy Innovation Award, which was won by "A Green Blue Deal for the Middle East" in recognition of its success in promoting collaboration around shared environmental challenges, especially the need for efficient water management in this part of the world.

183. Available at www.coe.int/en/web/world-forum-democracy/forum-2021.

■ The Commissioner for Human Rights published a [report](#)¹⁸⁴ in March 2021 on a round table with environmental human rights defenders entitled “Environmental Rights Activism and Advocacy in Europe: Issues, Threats, Opportunities”, which addressed the major trends in Europe. On 11 May 2021, the Commissioner published her [written observations](#)¹⁸⁵ in the European Court of Human Rights case of *Cláudia Duarte Agostinho and Others v. Portugal and 32 other States*, concerning the negative impact of climate change on a range of human rights, in particular those of younger generations. The Commissioner reaffirmed her support for environmental human rights defenders at a May 2021 online [event](#) “Young Environmental Defenders and Their Rights”, organised by the Expert Council on NGO Law, and in an [interview](#) published on 25 May 2021. The same day, she published a [human rights comment](#)¹⁸⁶ entitled “Let us make Europe a safe place for environmental human rights defenders”. In October 2021, the Commissioner delivered a [keynote speech](#)¹⁸⁷ at the virtual human rights and climate change symposium organised by the Royal Society of Edinburgh and the German National Academy of Sciences Leopoldina, welcoming the United Nations Human Rights Council’s recognition of the human right to a clean and healthy environment and noting the proposal made by the Parliamentary Assembly to anchor this right more firmly in the human rights standards of the Council of Europe.

■ The Steering Committee for Human Rights collaborated with the Georgian Committee of Ministers Presidency to organise a [High-Level Conference on Environmental Protection and Human Rights](#), which took place in Strasbourg in February 2020; and again with the German Presidency for a high-level online workshop on the “[Environment, Human Rights and Business: a framework for addressing environmental protection challenges](#)” in April 2021. In June 2021, the CDDH adopted the 3rd edition of its manual on human rights and the environment, based on the case law of the European Court of Human Rights and the standards established by the European Committee of Social Rights. In autumn 2021, the CDDH began working on a draft Committee of Ministers recommendation on human rights and the protection of the environment. This work will conclude in 2022, to be followed by a study on the need for and feasibility of further legal texts on human rights and the environment.

■ In 2021, the Steering Committee for Culture, Heritage and Landscape started preparing a set of guidelines for governments on integrated culture, nature and landscape management. A toolbox of action will become available in 2022 for use at national, regional or local level to strengthen the inseparable links between people, culture and nature and to better protect and expand cultural, natural and landscape diversity. Work carried out in the context of the Council of Europe Framework Convention on the Value of Cultural Heritage for Society (CETS No. 198, Faro Convention) and the European Cultural Heritage Strategy for the 21st century is generating collections of [good practice](#)¹⁸⁸ in cultural heritage. The European Heritage Days programme (joint programme with the European Union) is featuring “Sustainable Heritage” as its annual theme in 2022.

■ The 1988 Convention on the Protection of the Environment through Criminal Law (ETS No. 172) was opened for signature in November 1998. However, the threshold of three ratifications required for its entry into force has never been attained, with only Estonia ratifying it in 2002. The European Committee on Crime Problems (CDPC) has been assessing the need and feasibility of a new Council of Europe convention to replace the existing 1998 convention since November 2020. Its [working group](#) last met in October 2021 and will continue examining a draft feasibility study at its fourth meeting in early 2022.

■ Through the [Convention on the Conservation of European Wildlife and Natural Habitats](#) (ETS No. 104, [Bern Convention](#)), non-EU Member States increased the Emerald Network of areas of special conservation interest by 6.4 million hectares. These areas conserve wildlife and habitats, provide ecosystem services to human beings and mitigate the impact of climate change. Steps were taken to draw up practical guidance to support Mediterranean countries in protecting marine turtles’ nests which are being threatened by the economic development of beaches. A series of workshops was organised to promote good practice for the co-existence of socio-economic activities with environment and wildlife protection.

■ The Committee of Ministers adopted the following recommendations in support of the [Council of Europe Landscape Convention](#) (CETS No. 219): [CM/Rec\(2021\)9](#) on landscape and responsibility of stakeholders for sustainable and harmonious development; [CM/Rec\(2021\)10](#) on town planning and landscape; [CM/Rec\(2021\)11](#) on landscape and agriculture; and [CM/Rec\(2021\)12](#) on integration of the landscape dimension into sectoral policies.

184. See www.coe.int/en/web/commissioner/-/environmental-rights-activism-and-advocacy-in-europe-issues-threats-opportunities.

185. See www.coe.int/en/web/commissioner/-/commissioner-publishes-observations-on-the-human-rights-impact-of-climate-change.

186. Available at www.coe.int/en/web/commissioner/-/let-us-make-europe-a-safe-place-for-environmental-human-rights-defenders.

187. See [Climate change, human rights and environmental defenders – what role for the academia?](#) (coe.int).

188. Available at www.coe.int/en/web/culture-and-heritage/strategy-21-good-practices.

■ The [EUR-OPA Major Hazards Agreement \(Natural and technological disasters\)](#) supported several field projects organised by its network of scientific centres to better prepare populations for major hazards and develop national policies and strategies, such as “[Operational testing and diffusion of innovative and cost-effective monitoring systems for the monitoring and early warning of geohazards affecting watersheds and critical infrastructures](#)”.

■ Audiovisual sector professionals are increasingly questioning the environmental impact of their work. Various initiatives have emerged in recent years in different countries, especially those that encourage sustainable film production, also called “green shooting”. Given that Eurimages has a responsibility to encourage sustainable development in the face of the undeniable impact of international film co-production, the board of management established a working group on sustainability in March 2021 to explore possible ways to improve the fund’s environmental footprint and to raise awareness among its beneficiaries about green film production.

■ The Joint Council on Youth created a task force on greening the youth sector: recommendations are already being implemented. The Youth Partnership gave its support by publishing a [paper](#)¹⁸⁹ on lessons learned from the youth climate strike movement and a [checklist](#) on greening the youth sector, which serves as a guideline for youth initiatives across Europe. [Animated videos](#)¹⁹⁰ were developed for both papers, to help them to be shared among different audiences.

189. “Disobedient youth: Lessons from the youth climate strike movement”, Jamie Gorman, Ph.D., Centre for Youth Research and Development, Maynooth University, Ireland, 2021.

190. See www.youtube.com/watch?v=U4y-BLEHyC4.



CHAPTER 11

CIVIL SOCIETY, INCLUDING HUMAN RIGHTS DEFENDERS AND NATIONAL HUMAN RIGHTS INSTITUTIONS

STRATEGIC PRIORITY 11

Supporting the role and diversity of civil society, including human rights defenders, as well as national human rights institutions in member states. Besides general aspects of upholding the freedoms of assembly and association, as guaranteed under the European Convention on Human Rights, additional focus will be applied to exploring the best possible ways to ensure better participation by civil society in the activities of our Organisation, including a stronger and more active role for its representatives in the activities of our statutory bodies. This will require decisions by the Committee of Ministers and the Parliamentary Assembly respectively.

■ In its treaties, standards and activities, the Council of Europe recognises that civil society plays an irreplaceable and critical role in a democratic society. Supporting civil society – including human rights defenders and national human rights institutions – is a strategic priority, ensuring freedom of association and including civil society perspectives in the Organisation's own activities, planning and governance in line with the Secretary General's proposals¹⁹¹ on the implementation of the decisions adopted at the Ministerial Session of the Committee of Ministers in Helsinki on 17 May 2019 "A shared responsibility for democratic security in Europe – The need to strengthen the protection and promotion of civil society space in Europe".

■ As the voice of INGOs with participatory status, the [Conference of INGOs](#)¹⁹² has a privileged role as an interface between the different Council of Europe bodies and civil society. It not only shares the initiatives and concerns of civil society within the Organisation, but also carries out activities to promote its values and standards in Europe. For [World NGO Day 2021](#),¹⁹³ the Conference of INGOs hosted an event "Challenges Facing NGOs in Conflict and Post-Conflict Situations" that highlighted the work of NGOs and the difficulties they face in addressing human rights, reconciliation and the rule of law. In 2022 the focus for World NGO Day was on threats to NGOs and civic space, with a discussion of civil society initiatives to better uphold fundamental rights in Europe.

■ The Council of Europe's [co-management system in the youth field](#),¹⁹⁴ a living example of participatory democracy, will celebrate its 50th anniversary in 2022. It combines the voices of young Europeans in the Advisory Council on Youth (CCJ) and those of public authorities responsible for youth issues in the European Steering Committee for Youth (CDEJ).

191. See [SG/Inf \(2020\)8](#).

192. See www.coe.int/en/web/ingo/home.

193. On 26 February 2021, available at www.coe.int/en/web/ingo/events/-/asset_publisher/BR9aikJBXnwX/content/webinar-challenges-facing-ngos-in-conflict-and-post-conflict-situatio-1.

194. Available at www.coe.int/en/web/youth/co-management.

■ The [European Committee on Democracy and Governance](#) has set up a working group to carry out a study on new forms of deliberative and participatory democracy to complement Recommendation CM/Rec (2018)4 on the participation of citizens in local public life and the 2017 guidelines on civil participation in decision making. The [Centre of Expertise for Good Governance](#) (CEGG) continues its mission to promote respect for the 12 Principles of Good Democratic Governance.¹⁹⁵ The centre has prepared various toolkits that help local authorities identify and mobilise civil society for effective participation in policy making.

■ The [Division of Elections and Participatory Democracy](#) supports public authorities and civil society with regulatory frameworks and policies; sharing competences, standards and tools for citizen participation and civic engagement. Citizens and NGOs can learn about opportunities to engage in decision-making processes through innovative tools such as [CivicLab and the UChange game](#),¹⁹⁶ the School Participatory Budgeting Tool and the Academies of Participatory Democracy. The online platform [BePART](#),¹⁹⁷ launched by the Directorate General of Democracy, the Congress and the Conference of INGOs in March 2022, provides a space for civil society and member state institutions to share examples of good practice for civic participation.

■ The Council of Europe also works closely with national human rights institutions (NHRIs) across a wide range of thematic areas, from human rights-compliant business practices to torture prevention in both member states and countries in the Middle East, North Africa and Central Asia. The European Network of NHRIs (ENNHRI) was involved in the work of the [Steering Committee for Human Rights'](#) drafting group on civil society and national human rights institutions (CDDH-INST). This resulted in the adoption of three important recommendations by the Committee of Ministers: Recommendation [CM/Rec\(2021\)1](#)¹⁹⁸ on the development and strengthening of effective, pluralist and independent national human rights institutions; [CM/Rec\(2019\)6](#)¹⁹⁹ on the development of the Ombudsman institution; and [CM/Rec\(2018\)11](#)²⁰⁰ on the need to strengthen the protection and promotion of civil society space in Europe, which were published in October 2021 under the title "[Civil Society and Human Rights](#)".

■ The [Commissioner for Human Rights](#) is mandated to support the work of national ombudsman institutions and other NHRIs. In 2021, she participated in several human rights-related events organised by NHRIs in Germany, Ukraine and Finland. She formulated her recommendations to member states on maintaining strong national human rights institutions at a conference organised by the European Network of NHRIs on the occasion of the adoption of Recommendation [CM/Rec\(2021\)1](#). The Commissioner also urged national authorities to respect the integrity and independence of NHRIs when these came under threat, for example in Poland and Georgia.

■ Protection of [human rights defenders](#)²⁰¹ and support for their activities lie at the core of the Commissioner's mandate. In 2021, the Commissioner addressed situations where the safety, security and liberty of human rights defenders were affected by threats, criminal prosecution or imprisonment in Armenia, the Russian Federation (in the Chechen Republic), Turkey and Ukraine (in Crimea). The Commissioner also expressed concerns regarding the challenging environment for civil society in Greece, in relation to NGOs assisting migrants, refugees and asylum seekers; in the Russian Federation, particularly concerning the liquidation proceedings against two prominent human rights NGOs; in Turkey²⁰² and Slovenia.²⁰³ On several occasions the Commissioner expressed her support to civil society and human rights defenders facing unprecedented reprisals in Belarus. As part of her continuous efforts to promote an enabling environment for human rights defenders, the Commissioner organised roundtables with activists working to combat racism and Afrophobia, on environmental human rights issues and on the human rights of LGBTI people. The Commissioner issued reports on challenges human rights defenders face in the Council of Europe area and gave recommendations to member states in these fields.

195. Principle 1 stipulates citizens must be at the centre of public activity and that all women and men can have a voice in decision making – either directly or through legitimate intermediate bodies that represent their interests. Available at www.coe.int/en/web/good-governance/12-principles.

196. See www.coe.int/en/web/kyiv/-/uchange-civiclab-digital-breakthrough-in-effective-civil-participation-in-ukraine-and-beyond.

197. Available at www.coe.int/en/web/congress/civil-participation-be-part.

198. See <https://rm.coe.int/0900001680a1f4da>.

199. See <https://rm.coe.int/090000168098392f>.

200. See <https://rm.coe.int/09000016808fd8b9>.

201. Human rights defenders play a central role in making state policies human rights compliant and authorities accountable. Human rights defenders are also instrumental in defending victims of human rights violations and ensuring their access to redress and remedy. Human rights defenders are key partners of the Council of Europe Commissioner for Human Rights. See www.coe.int/en/web/commissioner/human-rights-defenders.

202. Observations of the Council of Europe Commissioner for Human Rights, [CommHR/DM/sf 005-2021](#), 25 February 2021.

203. Memorandum on "[Freedom of Expression and Media Freedom in Slovenia](#)", Council of Europe Commissioner for Human Rights, 4 June 2021.

■ Civil society – especially the Conference of INGOs and its Committee on Migration – also contributes to the Council of Europe [Action Plan on Protecting Vulnerable Persons in the Context of Migration and Asylum in Europe \(2021-2025\)](#).²⁰⁴ Adopted in May 2021 and co-ordinated by the [Special Representative of the Secretary General on Migration and Refugees](#), this plan provides a framework of measures to address human rights challenges affecting the most vulnerable migrants and refugees.

UPHOLDING FREEDOM OF ASSOCIATION

■ The jurisprudence of the [European Court of Human Rights](#) and the [Venice Commission's](#) guidelines are European benchmarks on the right to freedom of association. The Court issued a specific ruling in late 2021 to stop the Russian Federation from dissolving the INGO International Memorial, an organisation with participatory status at the Council of Europe, under its foreign agents' law. The [Secretary General](#) expressed regret, calling the liquidation of International Memorial devastating news for civil society in the Russian Federation and stressing civil society's essential role as a pillar of European democracy.²⁰⁵

■ The Committee of Ministers made some significant progress in 2021 supervising the [execution of judgments](#) regarding civil society,²⁰⁶ especially those concerning persecution of civil society activists through misuse of criminal law. It continued to examine the Ilgar Mammadov case and adopted further decisions and an interim resolution. Ilgar Mammadov and Rasul Jafarov's convictions were quashed, they were awarded compensation for non-pecuniary damage resulting from their unlawful arrest and imprisonment and consequently, the Committee of Ministers closed their cases on 3 September 2020.²⁰⁷ On 19 November 2021 the Supreme Court of Azerbaijan quashed the convictions of the four applicants in the case of Rashad Hasanov and Others, and the case was closed in December 2021.

■ The [Expert Council on NGO Law](#), an independent advisory board under the Conference of INGOs, studies laws which affect NGOs in Council of Europe member states and Belarus. It prepared opinions on whether member states' legislation is compatible with European standards on NGOs and published studies on young environmental defenders, NGOs in policy development, civil society perceptions of the legal status of NGOs and, in early 2022, a thematic study on the execution of Court judgments involving freedom of association. The Expert Council has also started submitting specific communications to the Committee of Ministers in the framework of its supervision of the execution of judgments.

■ The [Parliamentary Assembly](#) remains concerned by the continued shrinking of civil society space in several member states. [Assembly Resolution 2362 \(2021\)](#) "Restrictions on NGO activities in Council of Europe member States", adopted in January 2021, calls on member states to comply with international legal standards on freedom of association and to fully implement Committee of Ministers recommendations on the legal status of NGOs ([CM/Rec\(2007\)14](#)) and on the need to strengthen the protection and promotion of civil society space in Europe ([CM/Rec\(2018\)11](#)).

■ In March 2022, the Committee of Ministers adopted a [recommendation on protecting youth civil society](#)²⁰⁸ following an appeal by youth organisations to the [Advisory Council on Youth](#).²⁰⁹

ENSURING BETTER PARTICIPATION OF CIVIL SOCIETY

■ Currently, more than 300 international NGOs have been granted [participatory status](#),²¹⁰ which allows them to get involved in the Organisation's work in a variety of different ways. As part of the terms of reference and working methods for 2022-2025, the Committee of Ministers has asked all committees to strengthen the role of civil society and make sure their participation is meaningful, including by inviting NGOs to become

204. Available at <https://rm.coe.int/action-plan-on-protecting-vulnerable-persons-in-the-context-of-migrati/1680a409fc>.

205. Statement of the Secretary General, 12 November 2021 available at www.coe.int/en/web/portal/full-news/-/asset_publisher/y5xQt7QdunzT/content/secretary-general-liquidation-of-international-memorial-marks-a-dark-day-for-civil-society-in-the-russian-federation.

206. See <https://rm.coe.int/thematic-factsheet-freedom-assembly-association-eng/1680a40968>.

207. European Court of Human Rights, "Resolution CM/ResDH(2020)178 – Execution of the judgments of the European Court of Human Rights. Three cases against Azerbaijan", 3 September 2020.

208. Recommendation CM/Rec(2022)6 of the Committee of Ministers to member States on protecting youth civil society and young people, and supporting their participation in democratic processes, 17 March 2022, available at <https://rm.coe.int/0900001680a5e7f3>.

209. See https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=0900001680a5e7f3.

210. Recognising the influence of independent non-governmental organisations, the Council of Europe provides international NGOs (INGOs) with the opportunity to acquire participatory status, as regulated by CM/Res(2016)3 of the Committee of Ministers on participatory status for international non-governmental organisations with the Council of Europe.

observers. Civil society organisations and national human rights institutions also continue to play an important role in the process of supervising judgments of the Court.

■ At the Hamburg ministerial session, the Committee of Ministers stressed the importance of decisions made the previous year in Helsinki on strengthening the role and meaningful participation of civil society and national human rights institutions and asked for an update at the May 2022 ministerial session. A number of informal meetings were organised with civil society during the year based on the Secretary General's [proposals](#)²¹¹ to implement the Helsinki decisions: the rapporteur group on human rights focused on hate crime; the rapporteur group on democracy (GR-DEM) on [elections during the Covid-19 crisis](#), and the rapporteur group on justice (GR-J) on the protection of lawyers and the defence of their rights.

■ An online and print handbook for NGOs, "Working with the Council of Europe: a practical guide for civil society" is in preparation. It will provide civil society with easily searchable and user-friendly information on the Organisation. The main portal is also being transformed to make it easier to find thematic material and events of interest to NGOs.

211. SG/INF(2021)24, available at https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=0900001680a38e5b.

Edu4Europe

Forum on European Education
for Democratic Citizenship
European Youth Centre Strasbourg, 19-21 November 2019



PROGRAMME



CHAPTER 12

EDUCATION FOR DEMOCRATIC CITIZENSHIP AND YOUTH

STRATEGIC PRIORITY 12

Education for democratic citizenship and empowerment and strengthening of young people's role in decision making. This constitutes an investment in the future democratic development of European societies and a strong guarantee of future generations' commitment to the protection and promotion of human rights, democratic values and the rule of law. This is also crucial in the context of action against radicalisation/extremism in our societies.

EDUCATION

■ In the current climate of rising fragility, uncertainty and complexity, education's role in maintaining democracy critical. Through its dedicated education programme, the Council of Europe assists member states in integrating democratic ideals into their education policies and practices, preparing learners to become engaged and responsible citizens while also preserving every learner's human right to education.

■ The [Reference Framework of Competences for Democratic Culture \(RFCDC\)](#)²¹² is vital in assisting countries to develop the values, attitudes, skills, knowledge and critical understanding required for a democratic society. New material was created in 2021, including policy tools, implementation guides, publications and collaboration activities. The [EPAN Network](#)²¹³ is working in parallel to prepare a complete modular course for teacher trainers to be included in national teacher education programmes, with a gradual roll-out in members states during 2022.

■ Co-operation programmes have been set up to help integrate the RFCDC in Albania, Bosnia and Herzegovina, Moldova, Montenegro, Serbia and Turkey. In Turkey, a set of broad policy recommendations is being prepared in 110 schools. The Council of Europe helped with Albania's National Education Strategy 2021-2026. In Serbia, two new books for parents, "Growing up in a democratic family" and "Living in a democratic family", were published. In Bosnia and Herzegovina, Montenegro and Serbia secondary school students met in regional school chat rooms to discuss the challenges of online learning, human rights, empathy, nonviolence in the school environment, the media and fake news.

■ The [Steering Committee for Education](#)²¹⁴ will organise a series of thematic consultations in 2022 on the [Committee of Ministers Recommendation on the Charter on Education for Democratic Citizenship and Human Rights Education](#),²¹⁵ as part of a review of implementation.

■ A platform on the local democratic mission of higher education is being developed and will be introduced in mid-2022, with the participation of organisations representing higher education institutions from Europe and beyond.

212. Available at www.coe.int/en/web/reference-framework-of-competences-for-democratic-culture/.

213. Education Policy Advisors Network (EPAN), available at www.coe.int/en/web/reference-framework-of-competences-for-democratic-culture/education-policy-advisers-network-epan-.

214. The Steering Committee for Education oversees the Council of Europe's programmes in the field of education and advises the Committee of Ministers on education issues. Available at www.coe.int/en/web/education/cdedu.

215. See www.coe.int/en/web/edc/charter-on-education-for-democratic-citizenship-and-human-rights-education.

■ A best practice programme in promoting academic integrity²¹⁶ was launched in 2021, part of the work of ETINED.

■ The European Qualifications Passport for Refugees (EQPR)²¹⁷ featured in the Rome Communiqué of the 2020 Ministerial Conference of the European Higher Education Area²¹⁸ and in the Council of Europe Action Plan on Protecting Vulnerable Persons in the Context of Migration and Asylum in Europe. Following the influx of Afghan refugees, the EQPR hosted a series of webinars on the recognition of Afghani qualifications and established an international task force on Afghanistan. Croatia and Serbia joined the EQPR in 2021, bringing the total number of participating national recognition centres to 13.

■ The Council of Europe and the European Wergeland Centre (EWC) launched a project on strengthening resilience through education for education professionals from countries that have recently experienced terrorist attacks.

■ The Observatory on History Teaching in Europe was set up as an enlarged partial agreement in 2020 and currently has 17 full members, advancing the Council of Europe's long-term commitment to developing multi-perspective, fact-based teaching. It held its inaugural conference in December 2021, launching a collaboration platform for diverse research institutions and professional history educators.

■ The Digital Citizenship Education (DCE) programme²¹⁹ aims to provide young citizens with the attitudes, skills and knowledge for them to get involved in the digital transformation of society. It published guidelines on equitable partnerships between education institutions and the private sector,²²⁰ aiming to foster better understanding of digital citizenship education and the role that partnerships can play. The first online training course covering digital citizenship education was launched on the platform of the European Wergeland Centre and will be followed in 2022 by courses on cyberbullying, access and inclusion, active participation and learning and creativity. A model curriculum for digital citizenship education is also being developed. In autumn 2021, a new series of EduTalks@Council of Europe²²¹ was introduced, with two sessions targeted at understanding the educational potential of video games for building digital citizenship.

■ A survey to learn about parents' perceptions of digital citizenship education revealed a need for quality educational material produced by trusted organisations in accessible formats. This led to the creation of a number of thematic leaflets and the animated series "DGNAUTS", the first three parts of which will be available in February 2022.

■ In 2021, the European Centre for Modern Languages (ECML) delivered 44 training and consulting (capacity-building) programmes in 24 ECML and EU member states, employing face-to-face, online and hybrid formats and covering major themes of plurilingual and intercultural education. This will be repeated on a similar scale in 2022. A webinar on the importance of language education in building responsible digital citizenship drew over 600 people.

YOUTH

■ The Council of Europe Youth Sector Strategy 2030²²² is a blueprint to engage young people as advocates and practitioners of democratic citizenship and human rights education. The Council of Europe youth sector is the main platform developing youth policy across Europe and a living example of participative governance.

■ Reviews of the Committee of Ministers Recommendation CM/Rec(2016)7 on young people's access to rights showed that several member states have changed national legislation and processes, drawing on Council of Europe standards in youth work, youth participation and co-management, especially in the unprecedented situation due to the Covid-19 pandemic.

216. See www.coe.int/en/web/education/-/new-best-practice-programme-in-promoting-academic-integrity.

217. See www.coe.int/en/web/education/recognition-of-refugees-qualifications.

218. See https://ehea2020rome.it/storage/uploads/5d29d1cd-4616-4dfe-a2af-29140a02ec09/BFUG_Final_Draft_Rome_Communique-link.pdf.

219. See www.coe.int/en/web/digital-citizenship-education/home.

220. See https://library.parenthelp.eu/wp-content/uploads/2021/12/Guidelines-to-support-equitable-partnerships-of-education-institutions-and-the-private-sector_eng.pdf.

221. See www.coe.int/en/web/digital-citizenship-education/home/-/asset_publisher/CYfzOnAvlFf7/content/edutalks-council-of-europe-discover-the-pedagogical-potential-of-video-games-for-developing-digital-citizenship.

222. See www.coe.int/en/web/youth/youth-strategy-2030.

Participation in civil society and democratic processes

■ The Joint Council on Youth finalised a draft [recommendation](#) on protecting and supporting youth civil society which was adopted by the Committee of Ministers.²²³

■ Seminars and training sessions with 50% representation from public authorities and 50% from youth organisations have helped revive the confidence of young people in democratic institutions.

■ The Youth Partnership between the European Union and the Council of Europe carried out an [analysis](#)²²⁴ of the situation of young people from rural areas, showing evident gaps as most youth policies ignore rural areas and most policies for rural areas ignore youth. The Joint Council on Youth declared rural youth a priority for 2022 and 2023.

■ A conference on social inclusion and participation of Roma and Traveller young people was organised during the German Presidency,²²⁵ [a youth statement was published](#)²²⁶ and work began on drafting a Committee of Ministers recommendation on Roma youth participation.

Uninterrupted support to young people and youth civil society during the pandemic

■ The European Youth Foundation (EYF)²²⁷ responded to youth organisations' difficulties during the Covid-19 pandemic with increased support to local and national pilot activities. This rapid response protected youth organisations from additional financial difficulties. During the biennium 2020-2021, the EYF gave financial support to 152 local or national pilot activities, 43 international activities, 50 mid-term work plans and 68 structural grants.

■ The European Youth Centres in Strasbourg and Budapest organised numerous online projects during 2021 to complement in-house activities when the health situation allowed. Over 3 000 participants had the opportunity to participate in training programmes, seminars, conferences and workshops promoting human rights and democracy.

■ The network of youth centres in member states comprises 14 members that have the [Council of Europe's quality label](#).²²⁸ They continued offering quality youth work and non-formal education during periods with serious travel restrictions, allowing the youth department to reach young people at local and national levels throughout the pandemic.

■ The Youth Partnership organised an open online course [on youth work essentials](#), with 984 participants enrolled, drawing attention to the social value of such work and building the capacities of young people from all over the world, informing them about recent youth policy developments and the [European Youth Work Agenda](#).²²⁹

■ A youth campaign²³⁰ to revitalise democracy launched in March 2022. The campaign – Democracy Here, Democracy Now – highlights how young people can help to rebuild a healthy democratic environment in Europe.

223. Available at <https://rm.coe.int/0900001680a5e7f3>.

224. See <https://mailing.coe.int/trk/261169/2632/800207223/23051/2656/d9dd9f90/>.

225. Organised by the Youth Department and the Roma and Travellers Team of the Council of Europe in the framework of the German Presidency of the Committee of Ministers of the Council of Europe. It is prepared and implemented in co-operation with the European Roma Institute for Arts and Culture (ERIAC) and in close association with Ternype, the European Roma Grass Roots Organisations Network, Phiren Amenca and the Central Council of German Sinti and Roma.

226. See www.coe.int/en/web/youth/-/roma-youth-together-for-emancipation-and-empowerme-1.

227. The European Youth Foundation (EYF) is a fund established in 1972 by the Council of Europe to provide financial and educational support for European youth activities. It is a division in the Youth Department of the Council of Europe Directorate of Democratic Participation. See www.coe.int/en/web/no-hate-campaign/european-youth-foundation1.

228. This project aims at knowledge sharing and networking among youth centres across Europe. Available at www.coe.int/en/web/youth/quality-label-for-youth-centres.

229. A strategic framework for strengthening and further developing youth work. Available at www.eywc2020.eu/en/agenda/.

230. The campaign will run from March to October 2022 aiming to increase young people's role in the process of revitalising participatory democracy in the Council of Europe and restore mutual trust between young people and democratic institutions and processes. The campaign will focus on three key themes: democracy and access to rights, meaningful youth participation and digitalisation. Governmental and non-governmental youth partners have been invited to organise national and local activities and events according to a thematic monthly calendar.

CULTURE AND CULTURAL HERITAGE

■ Culture and cultural heritage offer a privileged space for citizenship education and democratic participation and continued to be a priority during the year. The European Heritage Days (EHD),²³¹ Europe's largest and best-known heritage activity, promoted an integrated approach to democratic participation and community empowerment. The [EHD toolkit on inclusive and diverse heritage](#)²³² continues to develop appreciation of diverse heritage through participatory, interactive and community events, inviting children and young people to share their own stories and interpretations of local and European heritage and promote intergenerational learning.

EUROPEAN CENTRE FOR GLOBAL INTERDEPENDENCE AND SOLIDARITY: THE NORTH-SOUTH CENTRE

■ In 2021, the [North-South Centre](#)²³³ developed innovative online and hybrid solutions to its work, fostering political dialogue while contributing to a healthy democratic environment by creating spaces for civil society and educators. The centre has increased its capacities to act as a platform for inter-regional co-operation to ensure that democracy develops worldwide.

■ The [Meta-University 2021](#)²³⁴ created an innovative space for confidence building between decision makers and youth civil society while teaching young people about democratic processes, intercultural dialogue and international co-operation.

■ Some 19 grants helped boost the power of civil society in Europe and in the Southern Mediterranean for projects to protect women and girls who are victims of gender-based violence, and to promote global citizenship education.

■ A new global education e-learning platform was launched, with an offer of self-paced and tutored courses for educators and youth multipliers to understand global interdependence and engage as informed and active citizens knowledgeable on global issues.

■ A new project on intersectional inclusion and several activities, including the [Lisbon Forum 2021](#),²³⁵ focused on the effect of multiple discriminations and the impact misinformation, disinformation and the digital divide have in exacerbating vulnerability.

231. Available at www.europeanheritagedays.com/.

232. Available at www.europeanheritagedays.com/EHD-Programme/Press-Corner/News/European-Heritage-Days-2021-Heritage-AllInclusive.

233. Available at www.coe.int/en/web/north-south-centre/.

234. Available at [Join the Meta-University 2021: propose your activity and contribute to the dialogue about the impact of the current digitalisation on the youth sector! – Newsroom \(coe.int\)](#).

235. Available at www.coe.int/en/web/north-south-centre/lisbon-forum-2021.



HUMAN RIGHTS, DEMOCRACY AND THE RULE OF LAW

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The Council of Europe is the continent's leading human rights organisation. It comprises 46 member states, including all members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.