

COUNCIL OF EUROPE Highlights 2017



Human rights,
democracy and
the rule of law



Activity report

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Thorbjørn Jagland, Secretary General of the Council of Europe, Informal meeting of Directors of Policy Planning from Ministries of Foreign Affairs of Council of Europe's Member States on "Populism and Democracy". (Strasbourg, 12 June 2017)

Foreword

Thorbjørn Jagland

Secretary General of the Council of Europe

As the Council of Europe approaches its 70th anniversary in 2019, we are facing growing risks to democracy across the continent.

— Populism, disinformation, discrimination and widespread threats to the rule of law all require our urgent attention.

— The danger posed to human rights in Europe is at its highest level since the Second World War. The protection of individuals against arbitrary measures by the state falls within our expertise and is currently our main focus.

— The Council of Europe's activities described in this document demonstrate that we are as determined as ever to uphold the rights and values enshrined in the European Convention on Human Rights.



127th Session of the Committee of Ministers in Cyprus, transfer of the chairmanship between Cyprus and the Czech Republic - **Lubomír Zaorálek**, Minister for Foreign Affairs of the Czech Republic and **Ioannis Kasoulides**, Minister for Foreign Affairs of Cyprus and Chair of the Committee of Ministers (Nicosia, 19 May 2017)



Transfer of the chairmanship between the Czech Republic and Denmark. **Anders Samuelson**, Minister for Foreign Affairs of Denmark, new Chairmanship of the Committee of Ministers, and **Lubomír Zaorálek**, Minister for Foreign Affairs of the Czech Republic.

Committee of Ministers

The texts adopted by the Committee of Ministers in 2017 can be consulted at: www.coe.int/t/cm/

The Committee of Ministers acts as the main decision-making body of the Council of Europe. It is made up of member states' foreign ministers or their permanent diplomatic representatives in Strasbourg.

During 2017, the Committee of Ministers was chaired by Cyprus until 19 May, then by the Czech Republic until 15 November and thereafter by Denmark.

The Committee of Ministers held its 127th Ministerial Session in Nicosia on 19 May 2017 during which it considered topical issues requiring special attention by the Organisation, such as the fight against terrorism and migration.

Regarding the **fight against terrorism**, the Committee of Ministers welcomed the Council of Europe Convention on Offences relating to Cultural Property (CETS No. 221), opened for signature in Nicosia, and called for its swift signature and ratification by the largest possible number of both member and non-member states. The Ministers also adopted Revised Guidelines on the protection of victims of terrorist acts. They also welcomed the progress made in the implementation of the 2016-2017 Council of Europe Action Plan on the Fight against Violent Extremism and Radicalisation Leading to Terrorism. Concerning **migration**, the Committee of Ministers adopted a Council of Europe Action Plan on Protecting Refugee and Migrant Children in Europe (2017-2019).

The Committee of Ministers took note of the Secretary General's fourth annual report, "State of democracy, human rights and the rule of law – Populism – How strong are Europe's checks and balances?"; and tasked the Ministers' Deputies to give it appropriate follow-up. The Ministers also held two informal working sessions on the themes "Building trust in democracies in Europe: addressing the challenges of racism, xenophobia, social exclusion, extremism and populism", and "Fighting terrorism: strengthening the pan-European response".

The Committee of Ministers also adopted a series of decisions regarding ways of securing the long-term effectiveness of the system of the European **Convention on Human Rights** (ETS No. 5, the Convention). In particular, it called on the States Parties to the Convention which have not yet signed and/or ratified Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms (CETS No. 213) to do so as soon as possible, and to consider signing and/or ratifying Protocol No. 16 providing for advisory opinions (CETS No. 214). It reiterated, *inter alia*, the importance of efficient domestic implementation of the Convention and of the judgments of the European Court of Human Rights (the Court) and of state action in all areas covered by the different recommendations adopted by the Committee of Ministers with respect to these issues. It encouraged the Court's continuous review and development of its working methods, including its determination to develop new tools to reduce the backlog of non-repetitive, well-founded cases.



127th Session of the Committee of Ministers in Cyprus. Group photo of the foreign affairs ministers from the Council of Europe's 47 member states with, at the centre, **Nicos Anastasiades**, President of Cyprus and **Thorbjørn Jagland**, Secretary General of the Council of Europe (Nicosia, 19 May 2017)

■ The year 2017 saw a continuation of efforts, both at European and national level, to enhance the **execution of the judgments of the European Court of Human Rights**. The Committee of Ministers closed its supervision of a record number of cases, including over 300 revealing structural problems and at the basis of some 3 000 repetitive cases. The Ministers were, however, compelled to set infringement proceedings in motion against a member state for the very first time, owing to the refusal of the Republic of Azerbaijan to execute the Ilgar Mammadov judgment relating to the continued detention of the applicant on the basis of fundamentally flawed criminal proceedings. More detailed information on the Committee of Ministers' supervision of the execution of judgments is available in its "Annual Report 2017", available as of April 2018. The Ministers also held exchanges of views with the President of the European Court of Human Rights and the Commissioner for Human Rights.

■ The situation in several member states of the Council of Europe continued to be of particular concern to the Ministers. In May, they adopted a series of decisions regarding the situation in the Autonomous Republic of Crimea and the city of Sevastopol (**Ukraine**). In particular, they reaffirmed their commitment to the principle of peaceful settlement of disputes, to the independence, sovereignty and territorial integrity of Ukraine within internationally recognised borders, and to the respect for human rights and fundamental

freedoms. The Committee of Ministers called on the Russian Federation to uphold all of its obligations under applicable international humanitarian law, international human rights law, including the European Convention on Human Rights, and the Council of Europe principles and standards, as well as to take all measures necessary to respect human rights in Crimea. It reiterated its call for full and unrestricted access to the Crimean peninsula for all human rights bodies of the Council of Europe to enable them to carry out their monitoring activities unimpeded and in accordance with their mandates, so as to urgently address a deteriorating situation in terms of human rights and fundamental freedoms. It invited the Secretary General to continue the dialogue with all parties concerned to this end.

■ In November, the Committee of Ministers adopted further decisions on Ukraine, welcoming the steps taken by Ukraine in its reform agenda and the progress achieved in areas crucial to respect for human rights, the consolidation of democratic institutions and the rule of law. It also encouraged the continuation of the reform process, so as to ensure that Ukraine's domestic legislation and practice are fully in line with the standards of the Council of Europe. It also highlighted certain specific challenges that Ukraine needs to address.



■ In May, following the presentation by the Secretary General of his 15th “Consolidated report on the conflict in **Georgia**”, the Committee of Ministers adopted a series of decisions. It reiterated the unequivocal support of the Council of Europe member states for the sovereignty and territorial integrity of Georgia within its internationally recognised borders. It also reiterated that any illegal act aimed at changing the status of the Georgian regions will have no legal effect and called upon the Russian Federation to stop and reverse this process and to comply with its obligations and commitments under international law. The Ministers expressed profound concern that the human rights situation in the Georgian regions of Abkhazia and South Ossetia had further deteriorated. They called on the authorities exercising effective control to take a number of measures on these issues. In November, the Ministers held a further discussion on the Secretary General’s 16th “Consolidated report on the conflict in Georgia”. Many of the concerns and issues remained the same as for the previous report.

■ In March, the Committee of Ministers held an exchange of views with Mr Bekir Bozdağ, Minister of Justice of **Turkey**, on the situation in this country and on the co-operation between the Council of Europe and Turkey. In 2017, the Ministers regularly discussed measures taken by the Turkish authorities under the state of emergency decree-laws adopted following the failed coup attempt in July 2016, and was kept informed about Council of Europe activities in this respect.

■ Concerning co-operation with other member states, the Committee of Ministers took note of the report on the state of implementation of the commitments entered into by Azerbaijan (from June 2015 to May 2017). It welcomed the progress made by Azerbaijan in some areas, while expressing serious concern regarding other areas, in particular the situation of civil society, underlining the importance of the role of human right defenders, journalists and political activists. It reiterated its call to Azerbaijan to fulfil its commitments as a member state of the Council of Europe, in particular under Article 46, paragraph 1, of the European Convention on Human Rights, as regards the case of Ilgar Mammadov. With respect to technical co-operation, the Ministers noted with satisfaction the final report on the implementation of the Council of Europe Action Plan for Azerbaijan 2014-2017 and instructed the Secretariat to prepare a new action plan.

■ The Committee of Ministers also took note of and welcomed the progress made in the implementation of the Council of Europe Action Plan for **Bosnia and Herzegovina** 2015-2017. It also approved the Council of Europe Action Plan for the Republic of Moldova 2017-2020, which aims to provide assistance to the **Republic of Moldova**.

Meeting of the Committee of Ministers
(Strasbourg, 15 November 2017)



■ Significant developments took place in other priority areas in 2017. Through various decisions and declarations throughout the year, the Committee of Ministers reaffirmed its unequivocal opposition to the death penalty – including any reintroduction initiatives – in all places and in all circumstances, and reiterated the objective of creating a death-penalty-free zone in Europe. It reiterated its call on the Russian Federation, as the only member state which has not yet abolished the death penalty, to take, without delay, all the necessary steps to transform the existing moratorium into a *de jure* abolition of the death penalty and to ratify Protocol No. 6 to the European Convention on Human Rights concerning the abolition of the death penalty (ETS No. 114). It also encouraged those states which have not yet signed and/or ratified Protocol No. 13 to the European Convention on Human Rights, concerning the abolition of the death penalty in all circumstances (ETS No. 187) (Armenia, Azerbaijan and the Russian Federation) to do so rapidly. Furthermore, the Committee of Ministers deeply deplored and condemned executions carried out and death sentences pronounced in the United States and in Japan, two Council of Europe observer states, as well as in Belarus. In November, the Ministers endorsed the Secretary General's proposals on strengthening and restructuring the Council of Europe's advocacy action in relation to the draft resolution on a moratorium on the use of the death penalty to be adopted by the United Nations General Assembly.

■ Several legal instruments and other texts were adopted during the year, including the Protocol amending the Additional Protocol to the Convention on the Transfer of Sentenced Persons (CETS No. 222), opened for signature in November 2017. The Ministers also adopted several recommendations, which can be consulted on the Committee of Ministers' web site. In September, it adopted a declaration on the need to intensify the efforts to prevent and combat female genital mutilation and forced marriage in Europe and took note of a guide to good practices on the same subject.

■ With regard to Roma and Travellers¹, the Committee of Ministers authorised the Secretary General to sign the revised draft statute and the act of establishment of the European Roma Institute for Arts and Culture (ERIAC). It also took note of the Secretary General's report on the implementation of the Thematic Action Plan on the Inclusion of Roma and Travellers (2016-2019), of the first report on the implementation of the Council of Europe Strategy for the Rights of the Child (2016-2021), and of the third activity report of the Committee of the Parties to the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201, Lanzarote Committee).

¹ 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 **2017 Exchange on the religious dimension of intercultural dialogue** took place in November on the theme of “Migrants and refugees; challenges and opportunities – What role for religious and non-religious groups?”

■ The Committee of Ministers continued to focus on co-operation with other international bodies in 2017. With regard to the **European Union**, it held an exchange of views with Ms Federica Mogherini, High Representative of the European Union for Foreign Affairs and Security Policy, and Mr Jyrki Katainen, Vice-President of the European Commission, on the Commission’s *White Paper on the Future of Europe*.

■ In February, the Ministers held their annual exchange of views on the United Nations (on human rights questions) with experts from the member states. It reviewed co-operation between the two organisations in the human rights field in 2016 and discussed the major themes for the Human Rights Council in 2017.

■ With regard to the Organization for Security and Co-operation in Europe (**OSCE**), the Co-ordination Group between the two organisations held two meetings in 2017 to review co-operation. The Committee of Ministers also held an exchange of views with Ambassador Florian Raunig, Head of the Task Force of the OSCE Austrian Chairmanship. In October, an exchange of views was held with Mr Peter Maurer, President of the International Committee of the Red Cross.

■ Several positive developments took place with regard to Council of Europe policy towards its neighbouring regions. The Committee of Ministers expressed satisfaction that the 2015-2017 Neighbourhood Partnerships with **Jordan, Morocco and Tunisia** had been successfully implemented and requested that new documents relating to partnership with these countries be prepared for the period 2018-2021. It also agreed to extend the implementation of the Neighbourhood Co-operation Priorities for **Kazakhstan, the Kyrgyz Republic and Palestine**² beyond 2017.

■ Finally, in June, the Committee of Ministers adopted a series of decisions concerning the allegations of corruption within the Parliamentary Assembly. It welcomed the Assembly’s decision to establish an independent external investigation body to look into these allegations and urged member states’ full co-operation, in accordance with applicable national law, with this investigation body.

2 This designation shall not be construed as recognition of a State of Palestine and is without prejudice to the individual positions of Council of Europe member states on this issue.

Stella Kyriakides,
elected President of
the Parliamentary Assembly
on October 2017



Lubomír Zaorálek, Minister for Foreign Affairs of the Czech Republic, Chairman of the Committee of Ministers

Angel Gurría, Secretary-General of the OECD

Miloš Zeman, President of the Czech Republic

Petro Poroshenko, President of Ukraine



Pavel Filip, Prime Minister of the Republic of Moldova

Giorgios Kaminis, Mayor of Athens, Greece

Duško Marković, Prime Minister of Montenegro

Morgan Johansson, Minister for Justice and Migration of Sweden



Ioannis Kasoulides, Minister for Foreign Affairs of Cyprus and Chairman of the Committee of Ministers

Prokopis Pavlopoulos, President of the Hellenic Republic

His Majesty **Felipe VI**, King of Spain



Michael Georg Link, director of the OSCE Office for Democratic Institutions and Human Rights

Nicos Anastasiades, President of Cyprus

Johannes Hahn, European Commissioner for European Neighbourhood Policy and Enlargement Negotiations

Klaus Werner Iohannis, President of Romania



Alfonso Dastis Quecedo, Minister of Foreign Affairs of Spain

Nicola Renzi, Secretary of State for Foreign Affairs, San Marino

Parliamentary Assembly

The functioning of the Parliamentary Assembly, its rules, work, events, calendar, the profiles of its members and their activities within the Assembly, as well as the texts adopted by the Assembly in 2017, can be found on the Assembly website: <http://assembly.coe.int>.

The Parliamentary Assembly of the Council of Europe, consisting of representatives from the national parliaments of member states, provides a forum for debate and proposals on Europe's social and political issues. Many Council of Europe conventions originate from the Assembly, including the European Convention on Human Rights.

Presidents of the Parliamentary Assembly:

Pedro Agramunt (Spain), until 6 October 2017.

Sir Roger Gale (United Kingdom), Acting President from 6 to 10 October 2017.

Stella Kyriakides (Cyprus), since 10 October 2017.

During its four part-sessions and the three meetings of the Standing Committee in 2017, the Parliamentary Assembly debated issues of major political relevance in Europe, adopting 46 resolutions, 18 recommendations and one opinion on a Council of Europe draft convention.

A PAN-EUROPEAN FORUM TO DEBATE MAJOR POLITICAL ISSUES

In 2017, the Assembly was confronted with unprecedented challenges, which it tackled through unprecedented measures.

On 30 June, 158 members of the Assembly tabled a motion asking for the dismissal of President of the Parliamentary Assembly, Pedro Agramunt, considering that he no longer enjoyed the confidence of the Assembly. In the ensuing weeks, some of his duties were carried out by Sir Roger Gale, most senior Vice-President of the Assembly who, following Pedro Agramunt's resignation on 6 October, became Acting President. On 10 October, the Assembly elected Stella Kyriakides (Cyprus, EPP/CD) as its new President.

Upon taking up her office, President Kyriakides announced that her priorities were, "to bring about calmness, consensus, credibility and unity, to work tirelessly and openly against corruption, to raise the bar so that we all follow the same principles and code of ethics".

With these words she referred to another major challenge with which the Assembly was confronted in the course of the year, namely allegations of corruption and fostering of interest against some of its current or former members. Having identified weaknesses and gaps in its integrity framework, the Assembly, with the adoption of Resolution 2182 (2017) on promoting and strengthening transparency, accountability and integrity of Parliamentary Assembly members, strengthened the code of conduct for its members, decided to establish a mechanism for the impartial examination of alleged breaches of ethical rules and for the fair conduct of subsequent investigations, and to review the list of applicable sanctions. Furthermore, it decided to introduce a coherent framework to strengthen transparency in its relations with extra-institutional partners.

Furthermore, the Assembly decided that an external, independent investigation should be promptly and thoroughly conducted into the merits of the allegations being made. The independent investigation body, composed of three prominent judges and experts, Sir Nicolas Bratza (United Kingdom, Chairperson), Mr Jeans-Louis Bruguière (France) and Ms Elisabet Fura (Sweden), should finalise its work by 15 April 2018.



Parliamentary Assembly Session (Strasbourg, 25 April 2017)

■ Like in 2016, following the decision of the Russian Parliament not to present the credentials of a delegation, the Assembly counted on the participation of only 46 delegations from member states. Dialogue with members of the Russian Parliament took place in the form of exchanges of views with the Standing Committee and the Presidential Committee on 10 March in Madrid and 14 December in Paris, respectively.

■ The Assembly debated pressing political issues on the European agenda, including the migration-management crisis, tackling terrorism, the protection of the rule of law in Council of Europe member states and the fight against corruption. The Assembly also debated reports on specific member states, such as Azerbaijan, Hungary, Turkey and Ukraine. In April, in the light of developments in Turkey, the Assembly decided to re-open the monitoring procedure with respect to this country.

■ In October, the Assembly adopted Resolution 2186 (2017) on the call for a Council of Europe summit to reaffirm European unity and to defend and promote democratic security in Europe, in which, reaffirming the relevance of the Council of Europe and the importance of European unity, it supported the organisation of a fourth summit and recommended that the Assembly and the Committee of Ministers initiate discussions on the rules governing participation and representation of member states in both statutory organs. As a follow-up to this resolution, a meeting of the Joint Committee was held in October. In addition, in December, the Bureau set up an ad hoc committee on the mission and role of the Assembly.

■ Among the high-level figures to address the Assembly in 2017 were King Felipe VI of Spain, the Presidents of Cyprus, the Czech Republic, Greece, Romania and Ukraine; the Prime Ministers of Moldova and Montenegro; the Ministers of Foreign Affairs of Cyprus and the Czech Republic; the European Commissioner for European Neighbourhood Policy and Enlargement Negotiations, as well as several others who addressed the Assembly during specific debates.

■ The Assembly awarded the Václav Havel Human Rights Prize to Murat Arslan (Turkey), former Rapporteur of the Constitutional Court and former President of the now-dissolved Association for the Union of Judges and Prosecutors (YARSAV); the Europe Prize to the city of Lublin (Poland); and the 2018 Council of Europe Museum Prize to the War Childhood Museum, in Sarajevo.

■ The Assembly observed elections in Albania, Armenia, Bulgaria, Kyrgyzstan, Serbia and Turkey. In November in London, in co-operation with the Congress of Local and Regional Authorities, the Assembly organised a regional conference entitled *Misuse of Administrative Resources during Electoral Processes: A Major Challenge for Democratic Elections*.

■ The Assembly elected judges to the European Court of Human Rights in respect of Georgia, Hungary and the Netherlands.



Award ceremony of the Human Rights Prize Václav Havel. **Sir Roger Gale**, Acting President of the Parliamentary Assembly, and **Simone Gaboriau**, from the European association of judges and public prosecutors MEDEL, representing **Murat Arslan**, winner of the Prize (Strasbourg, 9 October 2017)

THE PREPARATORY WORK IN COMMITTEES

■ The Assembly's committees carried out the preparatory work leading to plenary debates, often enriching it with the organisation of conferences and other events.

■ The Committee on Political Affairs and Democracy worked on a number of topical political issues, such as corruption, populism and the preparation of the report leading to Resolution 2186 (2017). The committee also adopted a report entitled "Alarming developments in Hungary: draft non-governmental organisations (NGO) law restricting civil society and possible closure of the European Central University" and discussed developments in Spain and Turkey. It also followed the situation in non-member states, with reports on Belarus, Jordan, Kazakhstan Lebanon and Tunisia, and maintained contacts with other international organisations, especially the United Nations, the Organisation for Economic Co-operation and Development (OECD), the European Bank for Reconstruction and Development (EBRD), the Inter-Parliamentary Union (IPU) and the Interparliamentary Assembly of Member Nations of the Commonwealth of Independent States (IPA CIS).

■ The Committee on Legal Affairs and Human Rights adopted its periodic report on the implementation of judgments of the European Court of Human Rights and reiterated the need for member states to respect the principles of the rule of law in its reports entitled "Venice Commission's Rule of Law Checklist" and "New threats to the rule of law in Council of Europe member states: selected examples". It examined the abuse of Interpol's red notices for political purposes and called for the recognition that Daesh was guilty of the crime of genocide. On several occasions, the committee condemned death sentences or executions, consistently reiterating that the death penalty is cruel, inhuman and degrading and that its abolition is a precondition for membership of the Council of Europe.

■ **The Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe** (Monitoring Committee) prepared reports on the functioning of democratic institutions in Turkey and Ukraine and periodic review reports on Estonia, Greece, Hungary and Ireland, while continuing its work on the functioning of democratic institutions in Poland. In September in Athens, its Sub-Committee on Conflicts between Council of Europe Member States held an exchange of views with the representatives of the Chairperson-in-Office of the OSCE for the main official mediation mechanisms.

■ **The Committee on Migration, Refugees and Displaced Persons** prepared reports on a wide range of issues concerning the management of migration flows, emergency refugee funding, internally displaced persons (IDPs), child-friendly age assessment, family reunification and the humanitarian consequences of the war in Ukraine. Its Sub-Committee on Co-operation with Non-European Countries of Origin and Transit launched a Network on Diaspora Policies. In light of the growing numbers of migrant children, often undocumented and unaccompanied, and of the problems faced by adolescent and young adult migrants, a new sub-committee was set up on migrant children and young people. The committee continued to manage the Parliamentary Campaign to End Immigration Detention of Children, and in this framework held training sessions for parliamentarians and ombudspersons' offices to visit places where children are detained. It also published a study on alternatives to detention.

■ **The Committee on Social Affairs, Health and Sustainable Development** covered issues such as social rights, public health and the rights of groups in need of special protection. It continued its action in relation to children through a newly created Sub-Committee on Children, which in May held a parliamentary seminar in Baku, entitled Protecting and Empowering Children in the Digital Environment, and in November participated in a parliamentary seminar entitled Children's Mental Health and Child-Friendly Justice. The committee also contributed to the promotion of social rights, notably through a national parliamentary seminar entitled Fostering Socio-economic Rights in Azerbaijan from the Perspective of the European Social Charter, held in June 2017 in Baku, and a parliamentary seminar entitled Employment, Training and Equal Opportunities: how to ensure fair treatment and inclusion for all, held in October 2017 in Paris.

■ Promoting gender equality, combating violence against women and fighting racism, intolerance and hate speech were at the heart of the activities of the **Committee on Equality and Non-Discrimination**. The No Hate Parliamentary Alliance continued to engage parliamentarians through thematic hearings and national seminars, and in particular a conference in Berlin entitled Online Hate, Conspiracy Theories and Declining Confidence in the Media. The Parliamentary Network Women Free from Violence continued its awareness-raising activities, promoted its members as facilitators during the monitoring phase of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201, Istanbul Convention) and reinforced its co-operation with international partners through joint activities, notably with the Inter-Parliamentary Union and the European Parliament. Several reports were debated on various and topical issues, such as cyberdiscrimination and online hate, the protection of women refugees, the harassment of women in public space, the rights of intersex persons, the political rights of persons with disabilities and the inclusion of Roma and Travellers³.

3 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.



Committee on Legal Affairs and Human Rights, working session
(Strasbourg, October 2017)

■ **The Committee on Culture, Science, Education and Media** paid close attention to media freedom and the safety of journalists. It is currently examining issues such as the protection of editorial integrity and media freedom as a condition for democratic elections. The common thread running through the committee's other work is the determination to promote, in all its areas of expertise, commitment to the Council of Europe's values and compliance with standards in the field of human rights and good governance. This determination is reflected in the committee's reports on technological convergence, artificial intelligence and human rights; youth against corruption; the protection and promotion of regional and minority languages in Europe; working towards a framework for modern sports governance; and good football governance.

■ Focusing its activities on the status of parliamentarians, the Committee on Rules of Procedure, Immunities and Institutional Affairs conducted the preparatory work that led to the reshaping of the Assembly's integrity framework and is currently working on a number of follow-up measures.

CO-OPERATION PROGRAMMES WITH NATIONAL PARLIAMENTS

■ The Parliamentary Project Support Division continued to develop co-operation programmes at the parliamentary level to ensure better implementation by member states of key Assembly resolutions and to reach out to a greater number of members of national parliaments through peer-to-peer parliamentary seminars. Examples of topics that were covered by the PPSD in 2017 include the development of parliamentary mechanisms for the implementation of European Convention on Human Rights standards; the role of national parliaments in improving independence and pluralism of the media; social rights relating to employment, training and equal opportunities; freedom of expression and the media; effective law making; the Istanbul Convention; and the fight against corruption.



Gudrun Mosler-Törnström
President of the Congress of Local and Regional
Authorities (Strasbourg, October 2017)

**Forum for Local Democrat in
Ukraine** (Kyiv, 6 July 2017)



Congress of Local and Regional Authorities

The texts adopted by the Congress in 2016 can be found on its website www.coe.int/t/Congress/.

The Congress is the political assembly responsible for assessing the situation of local and regional democracy in the 47 Council of Europe member states and improving its quality. It implements the local and regional dimension of the Council of Europe's action in the field of democracy, human rights and the rule of law. The Congress is made up of 648 members holding elective office and represents over 200 000 local and regional authorities in Europe. The statutory activities of the Congress derive from the European Charter of Local Self-Government, a legally binding instrument which affirms the role of cities and regions as the first level at which democratic rights are exercised.

President of the Congress: Gudrun Mosler-Törnström (Austria), since October 2016

In January 2017, the newly elected President of the Congress Gudrun Mosler-Törnström held an exchange of views with the Committee of Ministers. On this occasion, she expressed her conviction that gender equality is a fundamental requirement of democracy and good governance. She underlined that the Congress' policy was to increase the representation of women in politics and to encourage policies at every level that aim to enable women to access all spheres of leadership. In 2008 the Congress introduced a quota ensuring at least 30% of the under-represented sex in the national delegations. The election of the first female president of the Congress, as well as the high number of women in national delegations – which reached 42% for the first time at the Congress renewal session in autumn 2016 – can be seen as the direct result of this proactive policy. The Congress will continue to support women's presence at local and regional level as the starting point for women's participation at all levels of government.

The Congress priorities for 2017-2020 are regrouped along two main lines of action: enhancing the quality of local and regional democracy, and building safe and inclusive societies that respect diversity. These priorities are based on the mandate of the Congress, which was defined by the first Summit of Heads of State and Government in Vienna in 1993. According to this mandate, the primary mission of the Congress is to monitor local and regional democracy and to identify tools necessary for its proper functioning.

THE CONGRESS, A POLITICAL ASSEMBLY

In January 2017, the Congress celebrated the 60th anniversary of the representation of local authorities within the Council of Europe. This anniversary marked the long-standing commitment of the Organisation, and in particular of its Parliamentary Assembly, to better take regional and local levels into account in national and European policies. The first meeting of the European Conference of Local Authorities was held on 10 January 1957, under the presidency of French Statesman Jacques Chaban-Delmas. After successive changes, in 1994 this conference finally became the Congress as it is known today.

Over the years the Congress has developed its specific institutional role of supporting enhanced local and regional self-government by defending the principles of subsidiarity, proximity, democracy, accountability, good governance and active citizenship.

As one of the two political assemblies of the Council of Europe, it provides local and regional authorities and its institutional partners with a platform to exchange ideas, experience and good practices, in particular during its sessions, committee meetings and missions in the field.

The Congress is convinced that local and regional self-government contributes to stability and democracy in each country and in Europe as a whole and it promotes the close involvement of local and regional authorities in decision-making processes at national and European levels – while also being given a proper political and legal framework and sufficient means to exercise their duties and responsibilities in serving the citizens.



Monitoring visit by the Congress to Latvia
(Riga, 13 September 2017)

THE CONGRESS, A MONITORING BODY

■ The Congress' reference text is the European Charter of Local Self-Government (ETS No. 122), a key, binding European convention which has been ratified by all 47 Council of Europe member states. The charter lays down the principles of local and regional self-government and serves as a basis for the monitoring of the quality of local and regional democracy.

■ Monitoring activities involve an ongoing political dialogue with each member state concerned, including with the central governments, elected representatives and national associations. The country-specific visits, carried out on a regular basis, give rise to reports addressing the main issues which require improvement. These reports are debated in committee meetings before being adopted during the plenary sessions, often in the presence of ministers from the countries concerned. In 2017, the monitoring activities of the Congress reached unprecedented levels as 12 visits were undertaken to monitor eight member states (Andorra, Italy, Latvia, Liechtenstein, Monaco, San Marino, Serbia and Switzerland). Two separate fact-finding visits were also organised to investigate specific issues (Belgium and Moldova).

■ National reports identify areas in which a member state should improve to fully comply with its commitments vis-à-vis European standards, as enshrined in the European Charter of Local Self-Government. Through specific recommendations addressed to national authorities, the Congress provides advice both on legislation and on practices related to local and regional authorities' competencies and aims.

■ Observing local and regional elections also contributes to the global evaluation of the situation of democracy within member states. In 2017, the Congress observed four local elections (in Finland, Armenia (Yerevan), "the former Yugoslav Republic of Macedonia" and Georgia) and carried out a mission in Bosnia and Herzegovina, in particular in the City of Mostar, in the framework of the post-electoral dialogue and further to the local elections observed by the Congress in 2016.

■ The Congress proposes a follow-up to its monitoring which may lead to the signature of a road map on the implementation of its recommendations. A post-monitoring dialogue is in progress with Armenia, Georgia, Moldova, Portugal and Ukraine. This dialogue led, for example, to a high-level visit to Ukraine in November 2017, to take stock of the developments in the field of local self-government and decentralisation reforms since the signature of a road map between the Ukrainian authorities and the Congress in 2015 and to discuss further steps in the reforms.

■ Monitoring and election observation have enabled the identification of a number of recurring issues, such as the restricted definition, allocation and exercise of local competences, the inadequacy of financial resources and the lack of consultation by central governments. These issues are common to many member states and their identification allows for a global reflection on the reforms to be carried out by states. A report on these recurring issues was adopted in 2017 and sent to the Committee of Ministers to be further discussed in 2018.

CO-OPERATION PROGRAMMES WITH MEMBER STATES

■ As a follow-up to its recommendations arising from the monitoring activities, as well as to its thematic activities, the Congress implements co-operation programmes in several member states to support local government reforms and strengthen the capacities of local leaders. These are carried out within the framework of the Council of Europe's action plans and concerned, in 2017, Albania, Armenia, Azerbaijan, Georgia, the Republic of Moldova, Ukraine and the non-member state Belarus. Funded by voluntary contributions from member states and by the European Union, these programmes are tailored to the needs of local authorities and their associations. Their purpose is to enhance the quality of local democracy through a variety of approaches which include platforms for exchange – at



Congress Electoral Assessment Mission to Georgia, election day (Tbilisi, 21 October 2017)

33rd Session of the Congress (Strasbourg, 18 October 2017)



bilateral and multilateral levels – legal advice and political mediation, and the provision of resource guides and direct support to local authorities to promote transparency and citizen participation. The Congress also supports political dialogue, especially between national and local authorities. Achievements in this regard include, in 2017, the establishment of an institutionalised consultation mechanism in Albania, discussions with the Ukrainian Verkhovna Rada to enhance legislation on the status of local councillors in the light of recent reforms, and the organisation of the first Forums on Local Democracy in Armenia and Ukraine.

Following the adoption of its South-Mediterranean Partnership programme by the Bureau in February 2017, the Congress also developed co-operation with Tunisia and Morocco based on awareness raising on local democracy and gender equality issues and training activities, on decentralisation and transfer of powers, strengthening the capacities of associations and offering legislative assistance and expertise, in particular in view of the countries’ potential accession to the Congress’ partner for local democracy status. As part of this programme, Moroccan and Tunisian mayoral delegations attended the Congress’ March 2017 Session.

THE CONGRESS’ THEMATIC PRIORITIES

In line with its 2017-2020 priorities and the priorities of the Council of Europe and its Committee of Ministers, the Congress works to promote citizen participation, raise awareness on respect for fundamental rights and gender equality, and help local and regional authorities facing societal issues such as the fight against radicalisation, integration of migrants and the fight against corruption.

Fighting corruption is a prerequisite of good local governance and gaining citizens’ trust. In 2017, in the framework of its “Roadmap of activities for preventing corruption and promoting public ethics at local and regional levels”, the Congress began updating its European Code of Conduct for the Political Integrity of Local and Regional Elected Representatives, which was adopted 20 years ago.

The overarching theme of the two Congress sessions for 2017 was decentralised policies for the successful integration of migrants. The sessions included several debates on the role of local authorities facing migration, and in particular on their role in the reception of unaccompanied refugee minors.

In November 2017, the third Summit of Mayors for the Alliance of European Cities against Violent Extremism was organised in Barcelona, after Aarhus (2015) and Rotterdam (2016). In the final declaration, the participants stressed both the need to implement co-ordinated strategies at local and regional level and the importance of prevention – in particular through intercultural and interfaith dialogue and the inclusion of all citizens.

LOCAL AND REGIONAL AUTHORITIES AS STAKEHOLDERS IN DEMOCRATIC STABILITY

Over the last 60 years, local and regional self-government has become part of the European democratic landscape and the administrative culture of the member states. While this development has not reached the same level in all European countries, the general trend has been in favour of more decentralisation.

Since the economic and financial crises of 2008, however, states have been tempted to recentralise powers, notably in the name of better budgetary control. In some countries, more worrying trends have been observed, such as harassment, forced dismissals or the arrest of elected mayors. The temptation of large regions to become independent from central states has also been observed.

The Congress is convinced that the weakening of local and regional democracy is a threat to the democratic stability of the continent. It will thus continue to work to reverse this trend, to fight against any form of retreat or defeatism and to promote self-government and decentralisation, within states’ legal frameworks. It will continue to base this work on the European Charter of Local Self-Government, which will celebrate the 30th anniversary of its entry into force in 2018.



Visit of **Emmanuel Macron**, President of the French Republic, to the European Court of Human Rights, with **Guido Raimondi**, President of the European Court of Human Rights, and **Thorbjørn Jagland**, Secretary General of the Council of Europe (Strasbourg, 31 October 2017)

European Court of Human Rights

echr.coe.int

The European Court of Human Rights oversees the implementation of the European Convention on Human Rights in the 47 Council of Europe member states. Individuals can bring complaints of human rights violations to the Strasbourg Court once all possibilities of appeal have been exhausted in the member state concerned.

President of the Court: Guido Raimondi (Italy)

VISIT BY THE PRESIDENT OF THE FRENCH REPUBLIC

On 31 October 2017, the President of the French Republic, Emmanuel Macron, paid an official visit to the European Court of Human Rights (the Court). He met the judges of the Court and spoke before an audience that included representatives of the judicial, political and diplomatic world.

■ It was the first time that a President of the French Republic had addressed the European Court of Human Rights.

■ During the visit, Guido Raimondi, President of the Court, highlighted the numerous links between the Court and France and observed that the Court was the only international court based in France. Often referred to as the “Strasbourg Court”, it further enhanced the reputation of the magnificent city of Strasbourg and lent it the coveted title of capital of human rights.

■ President Guido Raimondi stressed that the European Convention on Human Rights (ETS No. 5, the Convention) continued to be the foremost instrument giving binding effect to the rights set forth in the Universal Declaration of Human Rights, whose authors had expressed their attachment to the shared values of democracy, respect for freedoms and the rule of law. Hence, the rule of law was what set Europe apart: it was one of the achievements of our civilisation and a rampart against tyranny. Human rights were, and continued to be, a forward-looking project, a true challenge which the Court endeavoured to meet on a daily basis, despite the crises linked to terrorism and the mass arrival of migrants, despite the upheavals of history and the inward-looking attitudes emerging in some countries.

■ The President of the French Republic, Emmanuel Macron, said that the European Court of Human Rights was a unique achievement that did honour to Europe in at least two respects. Firstly, it had been built on the ruins of the Second World War in order to counter barbarity through the shared principles of humanity

and respect; and secondly, over the years it had made human rights the common good throughout Europe, its trademark, long before any foreshadowing of a European Community. Thus the Court prevailed within a circle of countries that was far wider than the current European Union. The borders of the Council of Europe were the borders of a civilisation. The 47 member states had acknowledged that the principles upheld by the Court were their common bedrock. While political and geopolitical developments often blurred this unity, the community of 47 states endured regardless of circumstances. The European Court of Human Rights was and would remain a major point of reference for Europe’s citizens.

■ Emmanuel Macron went on to stress that one of the fundamental principles of the system for human rights protection enshrined by the Convention was the principle of subsidiarity, and that the paramount role of the national authorities was constantly reaffirmed by the Court. The Court’s task was not to take their place, or to act as a court of fourth instance. He reiterated that the crucial role of the domestic courts was not called into question in any way, and highlighted the quality of the dialogue that existed between the Court and domestic courts, with the national margin of appreciation being key to the quality of that dialogue.

■ He observed that the Court, by respecting the preeminent role of the national authorities in upholding and securing the rights and freedoms protected by the Convention, had succeeded in striking a balance, developing a case law that was both flexible and demanding, respecting diversity without betraying its primary mission of protecting human rights. This essential respect for the particular and specific features of each state had made it possible to consolidate its unquestioned legitimacy.



Grand Chamber Hearing in the case of Berlusconi v. Italy
(Strasbourg, 22 November 2017)

NEW SYSTEM FOR SINGLE-JUDGE DECISIONS

Following the entry into force of Protocol No. 14 (CETS No. 194) in 2010, introducing the possibility for a single judge to declare applications inadmissible, the Court initiated new working methods to tackle the massive backlog of clearly inadmissible cases. In 2011 over 100 000 such applications were pending. The Court had little choice but to adopt a summary procedure for dealing with them. Applicants received a decision letter rejecting complaints in a global manner.

Now that that backlog has been eliminated and in the light of the invitation of the Contracting States in the Brussels Declaration of March 2015, the Court has adopted a new procedure, allowing more detailed reasoning to be given.

As of June 2017 the Court has therefore changed the way in which it delivers single-judge decisions. Instead of a decision letter, applicants receive a decision of the Court sitting in single-judge formation in one of the Court's official languages, which is signed by a single judge and accompanied by a letter in the relevant national language. The decision generally includes reference to specific grounds of inadmissibility. However, the Court will still issue global rejections in some cases, for instance where applications contain numerous ill-founded, misconceived or vexatious complaints.

12 000 UKRAINIAN CASES STRUCK OUT

These cases concerned the prolonged non-enforcement of final judicial decisions, and raised issues similar to those assessed in the Ivanov pilot judgment, which noted the existence of a structural problem amounting to a breach of Article 6 § 1 (right to a fair hearing within a reasonable time) and Article 13 (right to an effective remedy) of the European Convention on Human Rights and of Article 1 of Protocol No. 1 (protection of property) to the Convention (ETS No. 9).

In its Grand Chamber judgment of 12 October 2017 in the case of *Burmych and Others v. Ukraine* (applications Nos. 46852/13 et al.), the Court decided to join the applications, to strike them out of the list of cases and to transmit them to the Committee of Ministers of the Council of Europe in order to be dealt with in the framework of the general execution measures set out in the Ivanov pilot judgment.

The Court found that in accordance with the principle of subsidiarity, which underlay the whole Convention and not only the pilot judgment procedure, the matter treated by the Ivanov pilot judgment was a question of execution under Article 46 of the Convention. It therefore concluded that there was no justification for continuing to examine the cases before it.

THE CASE OF OPPOSITION POLITICIAN MR MAMMADOV

An important legal innovation for the year was the use for the first time of a new infringement procedure for the execution of Court judgments. The procedure, begun in December against Azerbaijan, was introduced into the European Convention on Human Rights in 2010 and allows the Committee of Ministers to refer a question to the European Court of Human Rights on whether a country has refused to abide by a final judgment. The Committee of Ministers initiated the procedure citing the refusal of Azerbaijan to heed its call for the unconditional release of imprisoned opposition politician Ilgar Mammadov.



Superior Courts Network Focal Points Forum
(Strasbourg, 16 June 2017)

■ The European Court of Human Rights found in 2014 that Mr Mammadov had been arrested and detained without any evidence to reasonably suspect him of having committed a criminal offence and concluding that the actual purpose of his detention had been to silence or punish him for criticising the government. It found violations of Article 5 §§ 1 and 4 (right to liberty and security), Article 6 § 2 (right to the presumption of innocence), and Article 18 (limitation on use of restrictions on rights) of the Convention.

■ If the Grand Chamber finds that Azerbaijan has failed to abide by the Court's 2014 judgment, it will refer the case back to the Committee of Ministers for consideration of the measures to be taken. A finding of no violation also leads to the case being referred back to the Committee of Ministers, which then closes its examination.

SUPERIOR COURTS NETWORK (SCN)

■ The year 2017 saw an expansion of the network exceeding all expectations. At the end of 2016 it welcomed 23 superior courts from 17 states: the SCN now comprises 64 courts from 34 different states.

■ The Court and the national superior courts agree that the Convention guarantees can only be properly applied with the benefit of reliable, ongoing co-operation between the Court and national superior courts. Throughout 2017 a series of productive exchanges took place, creating resources which have been pooled together by the SCN. The Court, for its part, has benefited from the information supplied by SCN members, particularly where it has required comparative-law studies, of which the national superior courts have been, and continue to be, highly valued sources.

■ Beyond such regular exchanges, the Court and the member courts can also ask each other impromptu questions on Convention case law. The SCN's exchanges are conducted on a day-to-day basis by the so-called "Focal Points" (contact persons) in the Registry of the Court and in the national superior courts.

■ Lastly, a major event in 2017 was the First Focal Points Forum, which was held in Strasbourg on 16 June.

■ By the end of 2017, the SCN had become a key instrument of dialogue.

SPECIAL JURISDICTION FOR PEACE IN COLOMBIA

■ Under the peace agreement concluded between the Government of Colombia and the Revolutionary Armed Forces of Colombia – People's Army ("FARC-EP") on 24 November 2016, the United Nations Secretary-General, the Criminal Chamber of the Supreme Court of Colombia, the International Centre for Transitional Justice, the Standing Committee of the State University System in Colombia and the President of the European Court of Human Rights were each invited to designate a person to serve on the selection panel which was to appoint, *inter alia*, the members of the Special Jurisdiction for Peace in Colombia. The Special Jurisdiction for Peace is charged with ending impunity, securing the truth, contributing to reparation measures for victims, and prosecuting and convicting those responsible for grave crimes committed during the armed conflict.

■ In accepting this role, President Raimondi said that it was "a sign of trust and consideration for the European Court of Human Rights and for the universal value of its jurisprudence, developed over almost 60 years of activity. This jurisprudence reaffirms day by day the vocation of the European Convention on Human Rights as an instrument in the service of 'peace and justice in the world', as is stated in its Preamble".

■ President Guido Raimondi designated Alvaro Gil Robles, a Spanish national and the first Council of Europe Commissioner for Human Rights, as member of the Selection Mechanism.



Nils Muižnieks, the Commissioner for Human Rights, visiting Bosnia and Herzegovina (Hrasnica Collective Centre, Sarajevo, 16 June 2017)

Commissioner for Human Rights

Information on the Commissioner's work in 2017 can be found on his website: www.coe.int/web/commissioner/

The Commissioner's Twitter account is @CommissionerHR.

Nils Muižnieks (Latvia) since April 2012

COUNTRY MONITORING

The Commissioner for Human Rights carried out 18 country visits and missions in 2017. He also published 5 reports, 2 memoranda and 18 substantive letters addressed to national authorities of member states.

■ On 18 and 19 January the Commissioner carried out a visit to Monaco to focus on the institutional and legal framework for the protection of human rights and the rights of persons belonging to certain vulnerable groups, such as children, persons with disabilities and LGBTI persons.

■ On 15 February the Commissioner published a memorandum on freedom of expression and media freedom in Turkey based on the findings his two visits to the country in April and September 2016. He recommended urgent measures to restore these freedoms, in particular by overhauling criminal legislation and practice, re-developing judicial independence and fully committing to the protection of free speech.

■ The Commissioner visited Slovenia from 20 to 23 March to focus on the human rights of Roma;⁴ the human rights of migrants, asylum seekers and refugees; and the impact of economic deprivation and poverty on the enjoyment of human rights. In the subsequent report published on 11 July, the Commissioner set out a number of recommendations to improve the shortcomings found in these areas.

4 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.

■ From 22 to 24 May, the Commissioner visited Switzerland. The report following this visit was published on 17 October. The Commissioner recommended measures to strengthen the institutional and legal framework for the protection and promotion of human rights, to improve the protection of the human rights of migrants, to promote social rights and to strengthen anti-discrimination measures.

■ The Commissioner visited Bosnia and Herzegovina from 12 to 16 June, focusing on issues relating to transitional justice and social cohesion, and on freedom of the media. In the report published on 7 November he called on all states in the region to strengthen co-operation regarding the prosecution of wartime crimes and urged the country's authorities to end impunity, to address all shortcomings concerning the protection of and support to witnesses and to ensure that all direct victims of wartime crimes and their families are provided with effective access to justice and adequate reparation.

■ In his visit to Luxembourg from 18 to 22 September the Commissioner called on the authorities to improve the asylum system, in particular as regards the examination of applications, the identification of vulnerable persons and the use of alternatives to detention in order to avoid the repeated confinement of unsuccessful asylum seekers.

The Commissioner
for Human Rights visiting Malta
(La Valette, 10 November 2017)



■ The Commissioner conducted a visit to Sweden from 2 to 6 October. He urged the authorities to lift limitations to refugees' family reunification; called on the authorities to ensure that rejected asylum seekers, who cannot be returned and are at risk of destitution, are treated in a manner that is both humane and human rights compliant; and stressed that the best interests of the child must be a primary consideration in all decisions relating to asylum and migration. The Commissioner also invited the Swedish authorities to pay more attention to the rights of persons with disabilities and to decrease coercive and involuntary treatment for these people. The Commissioner's report was published on 16 February 2018.

■ The Commissioner visited Malta from 7 to 10 November. He encouraged the Maltese authorities to step up efforts to enhance the protection of women's and migrants' rights, and to improve the draft law on media and defamation. Following his visit, the Commissioner sent two letters to the Maltese authorities, published in January 2018.

■ The Commissioner conducted a visit to Liechtenstein from 22 to 24 November 2017. At the end of the visit he called on the authorities to improve gender equality and the rights of persons with disabilities, and to adopt comprehensive anti-discrimination legislation.

■ From 5 to 9 February the Commissioner conducted a mission to Kosovo.⁵ In the subsequent memorandum, published on 10 April, the Commissioner called for the creation of a just and cohesive society, in particular by prosecuting and punishing all persons involved in wartime crimes, clarifying the fate of all missing persons, providing war victims with adequate reparation, and facilitating the voluntary return of displaced persons. He further highlighted the need to improve journalists' safety and freedom.

■ Concrete measures to address the discrimination Roma face in Portugal and ways to foster the participation of Roma in society were at the centre of the Commissioner's mission to Portugal from 6 to 7 March. He invited the authorities to adopt further measures to reduce the high drop-out rates among Roma pupils and combat illiteracy, and also pointed to the continuing need to eradicate substandard and segregated Roma settlements.

⁵ All references to Kosovo, whether the territory, institutions or population, in this text shall be understood in full compliance with United Nation's Security Council Resolution 1244 and without prejudice to the status of Kosovo.



■ The Commissioner carried out a mission to Cyprus from 26 to 28 March. He held meetings with the Minister of Labour, the Office of the Commissioner for Administration and Human Rights, and representatives of international organisations and civil society. During these meetings he discussed issues pertaining to the impact of the economic crisis and austerity measures on human rights, to the reception conditions of asylum seekers and to migrant integration.

■ On 29 March, the Commissioner published a report on the visit he carried out to Ireland in November 2016. In this report the Commissioner recommended removing obstacles to the equality of Travellers, promoting women's rights and gender equality and ensuring that the economic upturn benefits the most vulnerable groups. He also stressed the need to ensure inclusive education for all children, regardless of their religious background.

■ The Commissioner carried out a mission to Ukraine from 4 to 7 April. Among the topics discussed with national authorities and representatives of international organisations were accountability for serious human rights violations, missing persons, reforms in the judiciary, freedom of movement across the contact line, the situation of IDPs and the payment of pensions and social benefits to eligible persons residing on the non-government controlled territories, the pending ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No. 210, Istanbul Convention), freedom of the media and the safety of journalists and implementation of the Human Rights Strategy and Action Plan.

■ On 19 April, the Commissioner published a report on his visit to Lithuania, carried out in December 2016. In the report, the Commissioner sets out recommendations to improve the situation as regards women's rights and gender equality, the human rights of children and the human rights of persons with disabilities.

■ The Commissioner carried out a mission to Croatia from 11 to 12 May during which he followed up on his 2016 report on the country, in particular as regards the human rights of migrants, freedom of the media and the ratification of the Istanbul Convention. He held meetings with the Prime Minister and the Minister of Culture, as well as the State Secretaries for Justice, Interior, and Demography, Family, Youth and Social Policy.

■ The Commissioner carried out a mission to Finland on 6 and 7 June during which he followed up on recommendations from his 2012 report. The topics discussed with members of the government included the situation of migrants and asylum seekers, legislation and practice pertaining to family reunification, discussions concerning the legislation on surveillance and equality and non-discrimination.

■ From 29 June to 1 July the Commissioner carried out a mission to Latvia during which he met with the President, the Minister of Welfare and the Minister of Foreign Affairs. The meetings focused on actions undertaken by the authorities in some of the areas covered in the Commissioner's December 2016 report on Latvia, including the situation of non-citizen children, efforts regarding the de-institutionalisation of children, combating domestic violence and progress on ratifying the Istanbul Convention.

■ On 25 and 26 September, the Commissioner held meetings with government representatives in the Czech Republic to discuss issues concerning inclusive education and the human rights of Roma. The Commissioner stressed the need to attenuate the territorial segregation of the Roma community and encouraged the Czech authorities to promptly adopt a law on social housing.

■ The Commissioner carried out a mission to the Republic of Moldova from 9 to 13 October, focusing on domestic violence and gender equality and following up on previous recommendations from his 2013 report on the administration of justice.

■ During a mission to Poland, from 5 to 8 December, the Commissioner met with government representatives, members of the judiciary, human rights and legal experts and representatives of civil society organisations. He discussed issues pertaining to the rule of law, women's rights, sexual and reproductive health and rights, domestic violence, gender equality and the fight against discrimination.

■ As part of his continuous dialogue with the authorities of member states, the Commissioner published 18 letters covering topical issues for the countries concerned.

■ In January, he published a letter addressed to the President of the National Assembly of Slovenia in which he called on the parliament to ensure that any reform of legislation concerning migrants complies with human rights obligations.

■ In February, he strongly encouraged the members of the Parliament of Lithuania to fully abolish the use of corporal punishment and any other form of violence against children.

■ In April, the Commissioner published two letters concerning the ratification of the Istanbul Convention, one addressed to members of parliament in Latvia, and the other addressed to the Prime Minister of Croatia. He also published a letter addressed to the Speaker of the Sejm of Poland, calling on the Polish Parliament to reject the amendments to the Act on the National Council for the Judiciary as they would encroach upon the independence of the judiciary.

■ Five letters were published in May. The first called on Hungary's National Assembly to reject the law on foreign-funded NGOs, while the second was addressed to the Greek Minister of Justice and to the Alternate Minister of Interior, to express concerns about instances of alleged ill-treatment, including torture, by Greek police officers. In a letter addressed to the Prime Minister of Romania, the Commissioner urged the authorities to increase the protection of persons with disabilities. In another letter addressed to the President of the Italian Senate, he urged parliament not to weaken the protection of children's rights in the justice system. The last letter was addressed to the Deputy Head of the Administration of the President of Ukraine, in which the Commissioner calls on the Ukrainian authorities to revise the anti-corruption legislation that could negatively affect NGOs and journalists.

■ In June, the Commissioner published a letter addressed to the presidents of the Italian Senate and Chamber of Deputies, the presidents of the Justice Committees of both chambers of the parliament and the President of the Extraordinary Commission for the Protection and Promotion of Human Rights of the Senate, calling on the Italian Parliament to ensure that a bill aimed at incorporating the crime of torture into the Italian Criminal Code complies with international human rights standards.

■ In July, the Commissioner published a letter in which he called on French senators to improve the bill strengthening internal security and anti-terrorism measures so as to bring it fully into line with Council of Europe standards, particularly the case law of the European Court of Human Rights.

■ In October, the Commissioner published five additional letters. In a letter addressed to the Minister of the Interior of Spain he expressed concerns regarding allegations of disproportionate use of force by law-enforcement authorities in Catalonia on 1 October 2017. In another letter addressed to the Minister of Labour and Social Justice of Romania he urged the government to continue its co-operation with expert NGOs in order to enhance the monitoring of institutions providing care to persons with disabilities. The Commissioner also published a letter addressed to the Minister of the Interior of Italy in which he sought clarifications over Italy's maritime operations in Libyan territorial waters. Furthermore, the Commissioner published a letter addressed to the Minister of Internal Affairs of Azerbaijan, calling for thorough investigations into allegations of violations of the human rights of LGBTI persons who had been arrested and detained in Baku, and a letter addressed to the Committee on the Constitution of the Swedish Parliament, urging parliamentarians to ensure that the new national human rights institution is adequately funded, independent and effective.

■ Lastly, on 4 December, the Commissioner published a letter addressed to the Chairperson of the Parliament of Ukraine, whereby he strongly encouraged the members of the Ukrainian Parliament to accelerate the process of ratification of the Istanbul Convention.



"Women's Sexual and Reproductive Health and Rights in Europe" Campaign

THEMATIC WORK

■ In his work in 2017, the Commissioner covered a wide range of human rights topics. He paid particular attention to the human rights of immigrants and refugees, freedom of expression and media freedom and women's rights. The Commissioner continued to highlight the human rights of people with disabilities, LGBTI persons and Roma, while also focusing on children's rights and transitional justice. Racism and intolerance, counter-terrorism and human rights protection and ill-treatment in law enforcement were also among his concerns.

■ Two major research papers were published on family reunification for refugees and on women's sexual and reproductive health and rights. They provide examples of shortcomings that European states must address and the Commissioner's recommendations aimed at helping European states in this respect. He also published a position paper on inclusive education which provides an overview of school segregation in Council of Europe member states and sets forth 12 recommendations to develop more inclusive education policies.

■ The Commissioner continued to devote considerable attention to the situation of human rights defenders in Europe through his country and thematic work in 2017. In particular he raised various issues relating to the need to ensure a safe and enabling environment for the activities of NGOs in several countries.

■ Several opinion editorials, Human Rights Comments and statements were published, addressing issues as diverse as migration, women's rights, NGOs, the rights of LGBTI people, persons with disabilities, transitional justice and media freedom. The Commissioner's work was further highlighted through intense activity on social media, in particular through his Twitter account (@CommissionerHR) and Facebook page.

Debate "Participatory democracy: an antidote to populism?" **Anna Rurka**, President of the Conference of INGOs (Strasbourg, 9 November 2017)



Inauguration of the exhibition "Draw me abolition (Together against the death penalty)" organised by the Conference of INGOs of the Council of Europe (Strasbourg, 10 October 2017)



Conference of International Non-Governmental Organisations (INGOs)

More can be found on www.coe.int/en/web/ingo/home
Twitter: @CoE_NGO – Facebook: @CONFINGO

President of the Conference of INGOs: Anna Rurka (Poland)

CIVIL SOCIETY'S VOICE IN THE COUNCIL OF EUROPE

In 2017, the Conference of International Non-Governmental Organisations (INGOs) worked to improve the calibre and diversity of the participating INGOs, with two objectives in mind: to better represent civil society in all its variety in Europe and to enhance its contribution to the Council of Europe's intergovernmental co-operation projects. The conference particularly welcomed the adoption, in September, by the Committee of Ministers of the Guidelines on civil participation in political decision making, which was a collaborative effort between the conference and the European Committee on Democracy and Governance (CDDG). The conference participated in the 2017 World Forum for Democracy, sponsoring an interactive lab that looked at innovative examples of deliberative and participatory democratic decision making and how such practices could contribute to a reinforcement and renewal of popular rather than populist democracy.

A VOICE OF SOLIDARITY WITH EUROPEAN CIVIL SOCIETY

Unfortunately, 2017 saw the continuation of a troubling trend towards increased restrictions, obstacles and threats towards civil society organisations, NGOs and human rights defenders across Europe. Delegations from the conference visited Ireland, Cyprus, Estonia and Serbia to meet with civil society representatives and public authorities. The visits allowed the conference to identify good practices in civil participation and public support for NGOs as well as to highlight the difficulties and challenges being faced by civil society, notably due

to restrictive or ambiguous legislation. The conference also continued its informal dialogue with civil society representatives from Turkey and established a dialogue with civil society organisations in Belarus. It adopted a resolution on protecting the freedoms of association and expression in Turkey under the state of emergency. The Expert Council on NGO Law produced analyses of the impact of the state of emergency on freedom of association in Turkey, of draft legislation in Hungary and Romania, and considered the impact of anti-money laundering measures on NGOs. Recommendations on "Surveillance of lawyers: the need for standards safeguarding client confidentiality" and "Business and Human Rights" were adopted during the two plenary sessions. The themes of the conference's event for the International Day against the Death Penalty were preventing a return of the death penalty to Europe and continuing to work towards its abolition. The event was held in collaboration with the Secretary General of the Council of Europe. The conference also highlighted the mobilisation of women as a driving force for change with a session side-event co-organised with the Parliamentary Assembly's Committee on Equality and Non-discrimination. In order to draw attention to the continuing challenges to the freedom of association in Europe, the conference published a declaration commemorating the 10th anniversary of the adoption of Committee of Ministers Recommendation CM/Rec(2007)14 on the legal status of non-governmental organisations in Europe, and also called upon the member states to renew their commitment to implementing this important European standard.



António Guterres, Secretary-General of the United Nations, meets **Thorbjørn Jagland**, Secretary General of the Council of Europe (Strasbourg, 17 May 2017)



László Trócsányi, Hungarian Minister of Justice, meets **Thorbjørn Jagland**, Secretary General of the Council of Europe (Strasbourg, 24 April 2017)



Thorbjørn Jagland, Secretary General of the Council of Europe, made an official visit to the Republic of Moldova and met with President **Igor Dodon** (Chişinău, 31 May 2017)

External relations

www.coe.int/en/web/DER/

POLICY OF THE COUNCIL OF EUROPE TOWARDS NEIGHBOURING REGIONS

The policy towards neighbouring regions was carried out in close co-operation with the European Union. Neighbourhood Partnerships with the three main Council of Europe partners, namely Jordan, Morocco and Tunisia, were further implemented in 2017. These partnerships (for 2015-17) combine and strengthen the two pillars of the policy: political dialogue and co-operation activities. Co-operation has also further developed with Kazakhstan, the Kyrgyz Republic and Palestine⁶ through Neighbourhood Co-operation Priorities. Regional activities also continued and Council of Europe conventions are now more widely adhered to by neighbouring countries. Parameters of the post-2017 policy were also agreed on, in particular the preparation of new partnership documents with Jordan, Morocco and Tunisia for the period 2018-21.

RELATIONS WITH THE EUROPEAN UNION, THE UNITED NATIONS AND THE ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE (OSCE)

European Union

The year 2017 marked the 10th anniversary of the Memorandum of Understanding between the Council of Europe and the European Union (EU) which remains the basis for further development of co-operation between the two organisations. Close co-operation is needed more than ever to better address increasing challenges, preserve the coherence and efficiency of the European human rights system and combat the growing threats to democratic institutions and the rule of law. Accordingly, the strategic partnership with the EU was further strengthened through its three pillars: political dialogue, legal co-operation and co-operation

⁶ This designation shall not be construed as recognition of a State of Palestine and is without prejudice to the individual positions of Council of Europe member states on this issue.

projects. High-level dialogue was particularly intensive throughout 2017. As in previous years, a substantial portion of joint activities was carried out through joint programmes in Council of Europe member states and in the neighbouring regions. The Council of Europe Liaison Office in Brussels and the Delegation of the EU to the Council of Europe further facilitated the reinforcement of the co-operation described above.

UN

The main areas of co-operation with the UN included the implementation of Agenda 2030, the Human Rights Council, the Universal Periodic Review, the status of women and migration. The co-operation between the two organisations was also strengthened thanks to the Council of Europe Liaison Offices in Geneva and Vienna.

OSCE

Relations with the OSCE focused on a broad spectrum of activities in the field, at intergovernmental and parliamentary levels or between institutions and specialised bodies. The Council of Europe Liaison Offices in Vienna and Warsaw facilitated this co-operation.

RELATIONS WITH OTHER ORGANISATIONS AND NON-MEMBER COUNTRIES

The Council of Europe maintained regular contacts and relations with other organisations active in the areas of human rights, democracy and the rule of law, such as La Francophonie, the League of Arab States, the Order of Malta or International IDEA. Preferential relations were maintained with the observer states (the Holy See, Canada, Japan, Mexico and the USA), in addition to interactions with more than 70 non-member states that were focused on the fields where the Council of Europe's *acquis* presents a global comparative advantage.



Democratic Security Debate: "How populism endangers democracy and how to fight it". Professor **Jan-Werner Müller**, Institute of Human Sciences (IWM) in Vienna, and Professor of Politics at Princeton University (Strasbourg, 17 February 2017)



World Forum for Democracy 2017,
Schools of Political Studies,
participants in hemicycle
(Strasbourg, 10 November 2017)

Policy Planning and Political Advice

POLICY PLANNING

The fourth annual report of the Council of Europe's Secretary General, *State of democracy, human rights and the rule of law – Populism – How strong are Europe's checks and balances?*, was published in April 2017 ahead of the ministerial session of 19 May in Nicosia. As with previous reports, the report looked at the key building blocks of democratic security and the developments over the last 12 months in the Council of Europe member states with regard to the independence of the judiciary, freedom of expression, freedom of assembly, freedom of association, political institutions and inclusive societies.

■ The fourth report focused on the resilience of the Council of Europe member states in response to the challenges posed by populism and on ways to boost their defences against populist attacks. It highlighted weaknesses and difficulties in complying with Council of Europe standards and revealed a number of specific problems which should be expressly addressed in the Council of Europe's programme as well as through specific actions.

■ As of January 2018, the Platform to promote the protection of journalism and safety of journalists received 372 alerts on media freedom threats concerning 37 member states, highlighting the overall decline in the protection of journalists in the Council of Europe member states. The alerts fell within one of the following areas: threats to the physical integrity and security of journalists; harassment and intimidation of journalists; detention and imprisonment of journalists; impunity; other acts having chilling effect on media freedom. By the end of 2017, five journalists had been killed in the Council of Europe member states and 13 murder cases from previous years remained unpunished. The rate of the most serious incidents, categorised by the platform as level 1, went up from 38% of the total number of alerts in 2016 to 48% of the total in 2017.

■ Two new international media freedom organisations joined the platform in 2017, confirming the interest of the journalist organisations in having a continuous dialogue with the Council of Europe on the media freedom issues.

■ Directors of policy planning from the ministries of foreign affairs of Council of Europe member states met in Strasbourg, with the participation of representatives from international organisations, including the EU and the Organization for Security and Co-operation in Europe and the Office for Democratic Institutions and Human Rights (OSCE/ODIHR), to exchange ideas under the banner of "Populism and democracy". A discussion with the Secretary General on his annual report was followed by a debate, highlighting current trends and features of populism in Europe today, as well as the need to present new, compelling narratives and engage in collective action in order to counter populist and illiberal trends which draw on an imaginary past, present and future.

■ In association with Ecole Nationale d'Administration (ENA), five debates on democratic security were organised in 2017. Debates focused on current issues such as: "How populism endangers democracy and how to fight it" by Professor Jan-Werner Müller, Princeton University; "Protecting democracy in the digital age" by Ambassador Wolfgang Ischinger, Chairman of the Munich Security Conference; "Alt-right, far-right, 'near-right': mainstreaming extremes" by Matthew Feldman, Teesside University; "A close look at the disinformation ecosystem" by Claire Wardle, Director of First Draft; "Radicalisation and disengagement – myths and reality" by Professor Peter Neumann, King's College London.

■ A collection of 13 debates on democratic security, organised since 2015, was published under the title *Safe and free – Democratic security and human rights*.

SCHOOLS OF POLITICAL STUDIES

■ Entering its 23rd year of activity, the Council of Europe Network of Schools of Political Studies continues to offer high-level training to emerging leaders in 24 countries throughout the European continent and in the southern Mediterranean region. Information about the schools' activities is disseminated on a dedicated website.

■ The schools in Tunisia and Morocco continued to consolidate their foothold as active participants in democratic governance and in the progress made in the region in the framework of the South Programme II.

■ Several schools continue to experience political barriers which prevent them from carrying out their mission. The Moscow School of Civic Education, which was the first ever School of Political Studies, remains registered under the "foreign agent legislation" by the Russian authorities. The network has supported the school by holding major events, including a joint seminar with the Visegrád School in Warsaw and an international forum entitled "In search of lost universalism" in November in Berlin, marking the 25th anniversary of the School of Civic Education, co-organised by the Association of Schools of Political Studies.

■ Ilgar Mammadov, Director of the Baku school, has now been imprisoned for almost five years while the definitive ruling of the European Court of Human Rights of May 2014 continues to be ignored by the authorities. In December 2017, the Committee of Ministers of the Council of Europe voted in favour of launching infringement proceedings against Azerbaijan in Mr Mammadov's case. This means that the case will be sent back to the European Court of Human Rights, who will decide whether Azerbaijan has failed to fulfil its obligation to abide by the Court's judgment. This is the first time that the Committee of Ministers has triggered infringement proceedings, which are foreseen in Article 46, paragraph 4 of the European Convention on Human Rights (ETS No. 5).

■ As for previous sessions, about 540 participants from Schools of Political Studies attended the 6th session of the World Forum for Democracy, on the topic "Is populism a problem?" In addition to the overall forum events, special events had been organised specifically for the schools, notably meetings at the European Court of Human Rights, bilateral meetings, networking lunches and a diploma ceremony in the presence of the Secretary General of the Council of Europe.

■ The Schools of Political Studies network has reinforced its effectiveness through four peer-exchange and knowledge-sharing seminars. Moreover, 17 out of 21 schools held an alumni seminar.

■ During the 2017 training cycle, the issue of migration and asylum policies in Europe was given special attention by many schools. In particular, the second Civic Roundtable for Schools of Political studies alumni and young leaders from countries in which there is no School of Political Studies, held in Strasbourg in July,

addressed "Forced migration and asylum: Dynamics and policy responses in Europe and its neighbourhood". At the World Forum for Democracy, the schools sponsored a panel discussion on "What responses to anti-migrant populist rhetoric and action?"

POLITICAL ADVICE

■ Following an in-country Secretariat visit to Azerbaijan in March 2017, a regular report on the country's compliance with its obligations and commitments towards the Organisation covering the period from June 2015 to May 2017 was presented to the Committee of Ministers who took a related decision on the basis of the conclusions and recommendations of the report.

■ The regular 15th and 16th consolidated reports of the Secretary General on the conflict in Georgia were presented to, and debated by, the Committee of Ministers on two occasions in April and November 2017. As on previous occasions, the reports took stock of the situation in Georgia following the August 2008 conflict, provided information on the related activities of the Council of Europe and put forward further action for the Organisation in terms of confidence-building measures. The Ministers' Deputies took a decision on the Council of Europe and the conflict in Georgia in May 2017 as a follow-up to the presentation of the 15th consolidated report.

■ Regarding functioning of the Information Point in Minsk, the project continued working actively to consolidate the action and visibility of the Organisation in the country through organisation and support of some 43 Council of Europe-related events (lectures, round tables, visits and conferences). These activities covered a wide range of issues which are of particular relevance for Belarus – Council of Europe co-operation: criminal procedures and human rights; youth policy and the accession of Belarus to the Bologna Process; the prevention of violence against women, anti-doping and co-operation in the area of sport, bioethics, cultural heritage; the fight against drugs, terrorism and organised crime; and human rights education. Moreover, the Information Point continued to provide support to the follow-up to the 2016 conference Abolition of the Death Penalty and Public Opinion backing up the enlarged meeting of the National Assembly of the Republic of Belarus working group on death penalty issues. Furthermore, the information on Council of Europe standards and policies continued to be extensively disseminated to the representatives of public authorities, officials, public associations, practicing lawyers and representatives of the academic community. Special attention was paid to the human rights competitions for young people: in 2017 the Information Point organised, together with the International Law and Arbitration Association (BILA Association), a nationwide competition "Erga Omnes: Law of the Council of Europe" which attracted numerous students from 18 Belarusian educational establishments, including regional universities.



Christos Giakoumopoulos,
Council of Europe Director General for Human
Rights and the Rule of Law visited the Belarusian
State University (Minsk, 19 December 2017)

Finally, exchanges between legal professions and co-operation with the mass media and civil society were fostered in 2017: the Information Point organised and supported several visits to the Council of Europe for regional journalists, rectors of regional universities, representatives of NGOs and representatives of the legal services of Belarusian state authorities which are involved in co-operation with the Organisation.

The Directorate of Political Affairs (DPA) continued to implement confidence-building measures in post-conflict, frozen or protracted conflict zones. In 2017, this programme supported the dissemination of Council of Europe standards and contributed to dialogue and capacity building of professionals in the affected regions. The main beneficiaries of the programme are representatives of both banks of the river Nistru/Dniester in the Republic of Moldova, representatives from Tbilisi and Sukhumi and, to a limited extent, from Tskhinvali, as well as different local officials and population groups from Bosnia and Herzegovina. The CBM programme for Tbilisi, Sukhumi and Tskhinvali evolved in terms of the diversity of thematic issues, while ensuring follow-up to previous initiatives. New projects focused, in particular, on training on European standards and practices in human rights for members of public defenders' offices and prison staff, and a concrete follow-up to discussions on bilingual education (held during the meetings between the ombudspersons from Tbilisi and Sukhumi in 2016) through a study visit to the Basque country in Spain. Ongoing projects continued to be carried out and were developed further, notably resulting in the publication of archive material from

the Soviet period concerning victims of repression from 1937 to 1938 in Abkhazia and their presentation in Tbilisi and Sukhumi in October; the continuation of activities related to the prevention of drug use and to drug treatment; modern museum management techniques and conservation (with the participation of experts from Tskhinvali), and women's and children's rights. All of these activities paved the way for continuation and further development of confidence-building measures in 2018. Concerning confidence-building measures across the river Nistru/Dniester, in 2017 the DPA launched a new confidence-building project on education, focusing on language learning and teaching in a multicultural environment. Moreover, the CBM programme contributed to the promotion of reconciliation and the fostering of dialogue in Bosnia and Herzegovina, through the launch of new initiatives related to women and the reconciliation process. At the same time, the programme focused on the continuation of the project co-operation carried out over the previous 18 months, aimed at facilitating co-operation between municipalities divided by the entity line.



Thorbjørn Jagland, Secretary General of the Council of Europe, and **Nils Engstad**, President of the Consultative Council of European Judges, opened the European Conference of Judges entitled Judicial Integrity and Corruption, at the Council of Europe (Strasbourg, 7 November 2017)

Mykola Gnatovskyy (centre), President of the Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), discusses the situation in prisons with **Zoran Zaev** (left), Prime Minister of "the former Yugoslav Republic of Macedonia" (Skopje, 14 October 2017)



Directorate General **Human Rights and the Rule of Law**

coe.int/en/web/t/dgi

HUMAN RIGHTS DEVELOPMENT AND IMPLEMENTATION

Execution of judgments of the European Court of Human Rights

The year 2017 saw a continuation of the efforts to enhance the execution of judgments of the European Court of Human Rights.

Progress in the adoption of legislative, regulatory, jurisprudential or other measures to remedy structural problems revealed by European Court judgments continued, notably in many cases linked with long-standing problems like the excessive length of judicial proceedings, the non-execution of domestic judgments, the excessive length of pre-trial detention, and different questions linked with detention conditions. Important reforms were also adopted in response to other problems, such as the right to family life, freedom of assembly and freedom of expression. Also, individual redress continued to be speedily provided to applicants. As a result the Committee of Ministers closed its supervision of a record number of cases, including over 300 relating to structural problems, on the basis of some 3 000 repetitive cases. The Committee of Ministers was, however, compelled to engage for the first time, infringement proceedings against a member state, the Republic of Azerbaijan, due to its refusal to execute the Ilgar Mammadov judgment relating to the continued detention of the applicant, an opposition politician, on the basis of fundamentally flawed criminal proceedings.

System of the European Convention on Human Rights

In December, the Steering Committee for Human Rights (CDDH) submitted its report on the process of selection and election of judges of the European Court of Human Rights to the Committee of Ministers. The CDDH examined options, in co-operation with the Court and Secretariat General of the Assembly to ensure that highly qualified candidates are attracted by posts for judges at the Court and that appropriate national selection procedures are put in place for choosing the best candidates.



HELP Annual Network Conference, “HELP for friendly justice” (Strasbourg, 20 June 2017)

Development and promotion of human rights

■ In June, the CDDH adopted its analysis on the impact of current national legislation, policies and practices on the activities of civil society organisations, human rights defenders and national institutions for the promotion and protection of human rights. On this basis, it will prepare a guide of good practices of implementation of existing national legislation and will explore the possibility of drafting a non-binding legal instrument in this field.

■ In December, the CDDH adopted its analysis of the legal and practical aspects of effective alternatives to detention in the context of migration, which will be submitted to the Committee of Ministers. This analysis will form the basis for further intergovernmental work aimed at drafting non-binding legal instruments on this issue.

Co-operation

■ Member states increasingly relied on Council of Europe support to ensure effective and coherent implementation of the European Convention on Human Rights at national level. Tailor-made projects aimed at facilitating the execution of the Court’s judgments, notably through supporting criminal justice reforms and ensuring a harmonised application of European standards in national jurisdictions in Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Georgia, Montenegro, Moldova, Serbia, “the former Yugoslav Republic of Macedonia”, Turkey, Ukraine and Kosovo.⁷ Activities were carried out to maintain human rights dialogue and co-operation in the Russian Federation and Belarus.

⁷ All references to Kosovo, whether to 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.

■ Noteworthy achievements include judgments by the Constitutional Court of Montenegro establishing cases of ill-treatment in line with the case law of the European Court of Human Rights. Legal amendments in line with European standards were adopted in Armenia, Moldova and Ukraine. In Azerbaijan and Turkey, sustainable judicial training structures were strengthened, leading to in-depth human rights training of over 3 000 judges and prosecutors.

■ The year 2017 also saw the increased relevance of courses developed by Human Rights Education for Legal Professionals (HELP). Property rights, reasoning of criminal judgments, child-friendly justice, violence against women and domestic violence were among the new topics addressed. As a result, some 2 500 legal professionals improved their capacities and skills after successfully completing HELP courses organised with judiciary schools and bar associations in almost all of the member states.



Working session of the **European Committee of Social Rights** (Strasbourg, 7 December 2017)



Conference on Social and Economic Rights for Forcibly Displaced Persons during the Conflicts in former Yugoslavia, at the Parliament of Bosnia and Herzegovina (Sarajevo, 27-28 June 2017)

SPECIFIC HUMAN RIGHTS ISSUES

Prevention of torture and inhuman or degrading treatment

■ In 2017, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) carried out 10 periodic visits (Belgium, Bulgaria, Croatia, Cyprus, Estonia, Montenegro, Poland, Slovenia, Turkey, Ukraine) and eight ad hoc visits (Albania, Azerbaijan, Hungary, Italy, the Russian Federation (Chechen Republic), Serbia, United Kingdom (Northern Ireland and the Sovereign Base Areas on Cyprus)), totalling 162 days in the field.

■ The CPT also held high-level talks with authorities in Albania, Azerbaijan, Lithuania, “the former Yugoslav Republic of Macedonia” and the United Kingdom to investigate action being taken by respective governments to address recommendations of the recent CPT visit reports.

■ In July, the public statement on Belgium, issued in application of Article 10 (2) of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (ETS No. 126), addressed the ongoing failure of the Belgian authorities to put in place a minimum level of service to guarantee the rights of inmates during periods of industrial action by prison staff.

■ At the request of the national authorities concerned, 17 visit reports and government responses were made public. In its 26th annual General Report, the CPT published its standards on remand detention, revised standards on means of restraint in psychiatric establishments for adults, as well as a factsheet on immigration detention.

■ An exchange of letters was signed in November between the CPT and the International Criminal Court (ICC) in The Hague permitting the CPT to assist the ICC in the monitoring of persons it has sentenced where the person concerned is imprisoned in a member state of the Council of Europe which has specifically indicated the CPT as the monitoring body.

Social rights

■ The European Committee of Social Rights examined for the first time 15 collective complaints lodged by the same organisation, the University Women of Europe (UWE), against each of the 15 states which have accepted the procedure. The organisation alleges that these states fail to observe the principle of equal pay for women and men for work of equal value in breach of Articles 1, 4, 20 and E of the European Social Charter (revised) (ETS No. 163) as well as the original (1961) European Social Charter (ETS No. 35) and Article 1 of the 1988 Additional Protocol (ETS No. 128). On 4 July, the European Committee of Social Rights declared the 15 complaints admissible.

■ A conference entitled Social and Economic Rights for Forcibly Displaced Persons during the Conflicts in former Yugoslavia was held in Sarajevo in June. The regional challenges in implementing economic and social rights agreed within the Sarajevo Declaration Process and the implementation of those rights in post-conflict situations were discussed with the aim of promoting a greater use of the European Social Charter (revised), including the acceptance of the collective complaints procedure. The conference also examined the contribution of INGOs in the country reporting procedure or through the collective complaints mechanism.

Bioethics

■ The 20th anniversary of the Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine: Convention on Human Rights and Biomedicine (ETS No. 164, Oviedo Convention) was celebrated in 2017. To mark this event, a conference was held in Strasbourg under the auspices of the Committee of Ministers' Czech chairmanship. It addressed key human rights challenges raised by new scientific and technological developments in the biomedical field. The outcome of the conference will provide the basis for a strategic action plan to be adopted by the Committee on Bioethics (DH-BIO).

■ A guide for the implementation of the principle of prohibition of financial gain with respect to the human body and its parts from living or deceased donors was also adopted. It will be an important tool for the implementation of a key principle laid down in Article 21 of the Oviedo Convention.

■ Belarus benefited from activities for the promotion and protection of human rights in biomedicine.

Freedom of expression

■ The following high-level events were (co-)organised in 2017:

- ▶ the conference entitled "Promoting dialogue between the European Court of Human Rights and the media freedom community", together with the European Centre for Press and Media Freedom;
- ▶ the "Colloquium on the role of media actors in confronting terrorism" with media actors, audiovisual regulatory bodies, media self-regulatory bodies, government representatives, civil society representatives and academics;
- ▶ the publication of the study *Journalists under pressure: Unwarranted interference, fear and self-censorship in Europe*, based on experiences of nearly 1 000 journalists from across Europe, including Belarus.

■ Significant progress in the creation of a public broadcaster in Ukraine was achieved in 2017. The public broadcaster was registered as a legal entity (Public

Joint-Stock Company National Public Broadcasting Company of Ukraine), its supervisory board was elected, and its statute was adopted. The general director and members of the management board were elected through a transparent and competitive procedure in April.

Internet freedom and governance

■ Key activities in 2017 included:

- ▶ the Internet Freedom Conference entitled "The role and responsibilities of internet intermediaries" (13 October, Vienna), co-organised by the Austrian chairmanship of the OSCE, the Czech Chairmanship of the Committee of Ministers and the Council of Europe;
- ▶ the first Balkan School on Internet Governance, held in Sarajevo, Bosnia and Herzegovina, with the aim of creating a well-informed community from the Balkans and increasing participation from the region in the global discussions on internet governance.

■ On 8 November, the Committee of Ministers decision to create a co-operation platform with internet companies culminated in an exchange of letters between the Secretary General and eight leading technology firms (Apple, Deutsche Telekom, Facebook, Google, Microsoft, Kaspersky Lab, Orange and Telefónica) and six associations (Computer and Communications Industry Association (CCIA), DIGITALEUROPE, the European Digital SME Alliance, the European Telecommunications Network Operators' Association (ETNO), GSMA and the multi-stakeholder Global Network Initiative (GNI)). This unique project is aimed at creating a shared commitment to address a multitude of challenges, including the abuse of information and communication technology for criminal purposes and the duty to promote the enjoyment of human rights online. It provides internet companies with an unprecedented opportunity to sit side-by-side with governments when shaping internet policy.

Data protection

■ The Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS No. 108) pursued its globalisation with Tunisia becoming its 51st party and Argentina and Mexico being invited to accede. Furthermore, the modernisation of this convention has reached its final phase of discussion in the Committee of Ministers.

■ The Guidelines on the protection of individuals with regard to the processing of personal data in a world of Big Data provided a general framework for appropriate policies and measures to make effective the principles and provisions of the convention in this context.



European Audiovisual Observatory: **Key trends from the Audiovisual Markets and Regulation conference** (Strasbourg, 16 March 2017)

■ Eastern Partnership countries benefited from support in their legislative endeavours to comply with international and European standards on personal data protection, as well as enhancing the capacities of their supervisory authorities.

European Audiovisual Observatory – Enlarged partial agreement

■ The European Audiovisual Observatory marked its 25th anniversary in 2017 with several events: a new logo; a conference on the key trends in the audiovisual industries; a specialised film conference on the impact of video on demand (VoD) organised during the Cannes Film Festival; a conference on media literacy hosted by the Observatory’s Polish presidency; a conference on convergence and a debate on legal VoD services in Russia. The Observatory rounded off its birthday celebrations with a “year in review” conference for its executive council and a legal workshop on the challenges of film funding. Legal subjects covered in its reports included VoD services and their obligation to boost European films, media ownership, media literacy

in Europe, media freedom in Russia, media coverage of elections, exceptions to copyright and European advertising law. The Observatory’s studies on the economics of the media in Europe included the Key Trends report, the Yearbook Online Service, the origin of films and television content in VoD catalogues in the EU, the access to film works contained in Europe’s film archives, audiovisual media services targeting other countries, VoD aggregators, the relation between cinema and VoD distribution, and the origin, age and circulation of films broadcast on television.



GRECO's Conference on the closing of the fourth evaluation round (Prague, 9 November 2017)

Economic crime

THE RULE OF LAW

Action against crime

■ In July, the Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism (CETS No. 190, Riga Protocol) entered into force. By harmonising the criminal justice response to the phenomenon of foreign terrorist fighters, the Riga Protocol facilitates international co-operation in countering terrorism. The Committee on Counter-Terrorism (CDCT/CODEXTER) prepared a recommendation on terrorists acting alone for adoption by the Committee of Ministers in 2018 and started discussions on the feasibility of formulating a Council of Europe-wide legal definition of terrorism.

■ The Committee of Experts on Criminal Law (CDPC) finalised the new Convention on Offences relating to Cultural Property (which will supersede the previous "Delphi" Convention of 1985, ETS No. 119), setting out criminal law provisions to curb the trafficking and destruction of cultural property by organised crime and terrorist groups. The CDPC also finalised a recommendation on children with imprisoned parents, to be adopted in 2018, and which concerns over 2 million children in Europe.

■ The Committee of Ministers adopted revised European rules on community sanctions and measures. The new text, modernising a recommendation dating from 1992, contributes to the improved use of sanctions other than imprisonment. It also promotes the reintegration into society of convicted persons after they have served their sentences.

■ The Council of Europe's support for reform within prison and probation services continued, with increased focus on exit programmes. Dealing with radicalisation received more attention. For the first time, the Council of Europe looked closer into ways to ensure the equivalence of health care in prison, in accordance with the Organisation's standards.

Money laundering

■ In its 20th anniversary year, the Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL) finalised the ad hoc-review of the counter-terrorist financing legislation of its 34 members while continuing with the fifth round of mutual evaluations. MONEYVAL discussed recent trends, such as virtual currencies and the laundering of proceeds from human trafficking. Two workshops were held in New York and Washington DC on "de-risking", in order to improve understanding of this phenomenon and its consequences.

Corruption (GRECO)

■ The Group of States against Corruption (GRECO) adopted nearly 50 evaluation and compliance reports, which largely focused on the prevention of corruption of members of parliament, judges and prosecutors. GRECO also adopted its first evaluation reports under the fifth evaluation round on preventing corruption and promoting integrity in central governments and law-enforcement agencies, and the evaluations of the Parliamentary Assembly of the Council of Europe (PACE) and the Conference of INGOs' integrity frameworks.

■ In concluding its fourth evaluation round, GRECO stressed the tendency to over-rely on the repressive aspects of fighting corruption, explaining that the strength and effectiveness of preventive mechanisms were too often underestimated. In addition, one in every five GRECO recommendations points to the need for supervision and enforcement of the legislative framework in place.

■ In certain countries, new legislative initiatives reversed reforms previously undertaken to comply with GRECO's recommendations, leading GRECO to either assess the new legislation or remind the authorities of the countries concerned of its relevant recommendations through urgent ad hoc evaluations.

Co-operation

■ In countering economic crime, the Council of Europe co-operated with 20 countries in the prevention of corruption, money laundering, terrorism and its financing, and improving criminal asset recovery and mutual legal assistance. The Council of Europe provided recommendations on improving the asset declaration systems and on improving the transparency of political party and election campaign financing to Albania, Montenegro and Ukraine. Albania and Montenegro included most of these recommendations in new legislation in 2017. In Russia, technical co-operation helped the drafting of legislation regarding the protection of whistle-blowers, which was submitted to the Russian Parliament in December. The Council of Europe supported the national risk assessments concerning money laundering and terrorist financing in Bulgaria and Georgia. For the first time, a new Council of Europe methodology on national risk assessment was piloted in Bulgaria. In Tunisia, a comprehensive anti-corruption assessment using the GRECO methodology facilitated the country's application for GRECO membership.

Cybercrime

■ The global impact of the Convention on Cybercrime (ETS No. 185, Budapest Convention) further increased with accessions by states from different regions of the world. In 2017, Chile, Costa Rica, Greece, Monaco and Tonga ratified this treaty, raising the number of parties to 56 states. Another 14 states have either signed or have been invited to accede to the convention. Furthermore, Andorra, Greece, Moldova, Monaco and Senegal became parties to the Additional Protocol to the Convention on Cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems (ETS No. 189), bringing the number of parties to 29 states.

■ Work was launched on the second additional protocol to the Budapest Convention after approval by the Cybercrime Convention Committee (T-CY). This new protocol will deal with enhanced international co-operation and cover specific solutions regarding effective mutual legal assistance, direct co-operation with service providers in other jurisdictions, rules for existing practices of trans-border access to data, and safeguards including data protection requirements.

■ The effective application of the Budapest Convention is supported through assessments and guidance notes, as well as through the setting-up of specific working groups to offer solutions and tackle new challenges. In 2017, a Guidance Note #10 - Production orders for subscriber information (Article 18 of the Budapest Convention) was adopted and the working group on cyber bullying and other forms of online violence initiated its work. Its recommendations will aim at strengthening action against cyber violence and reinforcing synergies between relevant Council of Europe standards.

■ The Cybercrime Programme Office of the Council of Europe (C-PROC), based in Romania, continued to carry out its activities worldwide to strengthen legislation, institutions and practices in line with the Budapest Convention and recommendations by the T-CY. Projects were implemented in the Eastern Partnership region, South-East Europe and Turkey, Africa, Asia-Pacific region and Latin America. Co-operation in the Southern Neighbourhood region gained new momentum with the launch of the CyberSouth project covering Algeria, Jordan, Lebanon, Morocco and Tunisia as initial priority countries.

Drug use and illicit trafficking

■ The Pompidou Group adopted a statement and commitment on bringing human rights into drug policy development, implementation, monitoring and evaluation. Other salient outputs include reports on costs and unintended consequences of drug control and on principles on opioid agonist treatment, and work continued on post-traumatic stress disorders and vulnerability to substance use.

■ With the Pompidou Group's support, the treatment of people with substance use disorders in prison improved with the opening of a therapeutic community in Moldova and the enhanced prevention and treatment for young people in conflict with the law in Ukraine. The Pompidou Group animated discussions on alternatives to imprisonment in Eastern Partnership countries, and supported data-gathering and drug-treatment training for health-care specialists in the southern Mediterranean.

■ Early discussions on the next work cycle point to stepping up work on human rights, with children, women, migrants, and health at the centre of drug policy, and with a premium on neutral and non-stigmatising language in drug policy. Growth continued, with Tunisia becoming the 40th member of the Pompidou Group and several other countries in the wings.

JUSTICE AND LEGAL CO-OPERATION

Venice Commission

■ The Venice Commission endorsed the 2017 constitutional reform of Georgia, including the change of the constitutional regime (from presidential to parliamentary system, and indirect elections of the president) but criticised the postponement of the change to the proportionate electoral system and the bonus system of unallocated vote distribution.

■ Proposed constitutional amendments in Turkey were assessed as a “dangerous step backwards” for democracy. The commission also examined the extent to which Turkey’s Emergency Decree-Laws – passed in the wake of the failed 2016 coup attempt – included measures that went beyond what was permitted by international standards and the Turkish Constitution.

■ The legal aspects of the constitutional crisis in Venezuela and the revision of the competences of the branches of power and of the system of checks and balances, the subject of the amendments to the Constitution of Kazakhstan, were also analysed.

■ In its opinion on the Hungarian law on foreign-funded NGOs, the Venice Commission noted the legitimate aims of the legislator, but criticised excessive obligations and disproportionate sanctions. Assessing the Ukrainian Law on Education, the commission said that sufficient minority language teaching needed to be maintained; unequal treatment of non-EU languages was problematic.

■ Every third opinion adopted by the Venice Commission in 2017 concerned the judiciary. In its two opinions on Poland the commission concluded that the 2016-2017 reforms constituted a “grave threat” to the judiciary and that the offices of the minister of justice and public prosecutor general had to be separated again. Laws governing the judiciary in Armenia and Bulgaria, the accountability of judges in “the former Yugoslav Republic of Macedonia”, judicial appointments in Slovakia, the criminal liability of judges in Moldova and criminal peace judgeships in Turkey were also examined.

■ In its opinion on the draft law on anti-corruption courts in Ukraine, the commission said that many of the provisions provided a good basis for the establishment of a highly specialised anti-corruption court, but recommended reducing the risk of its being considered unconstitutional.

■ In the field of elections and political parties, the commission analysed the amended Bulgaria’s electoral code, Moldova’s draft laws on financing of political parties and electoral campaigns and Armenia’s legislation on referendums. Plans to reform the electoral system and presidential powers in Moldova were critically assessed. In its *Amicus curiae* brief for the European Court of Human Rights in the case of *Berlusconi v. Italy* the commission analysed the existing international standards and national practices on minimum procedural guarantees that a state must provide in the framework of a procedure of disqualification from holding an elective office.

■ The commission co-organised in Saint Petersburg the 14th European Conference of Electoral Management Bodies on operational efficiency in elections. Three UniDem Campus seminars for high-level civil servants of the southern Mediterranean region also took place in Tunis (March 2017), Skhirat (September 2017), and Algiers (November 2017). A conference entitled Interaction between Political Majority and Opposition in a Democracy was held in Bucharest. The commission was also instrumental in the organisation of the second general assembly of the Organisation of Arabic-speaking Electoral Management Bodies, which discussed the independence of electoral administrations.

■ In September, more than 420 participants from 91 courts attended the 4th Congress of the World Conference on Constitutional Justice (WCCJ) entitled “The rule of law and constitutional justice in the modern world”, co-organised with the Constitutional Court of Lithuania. The membership of the WCCJ has now reached 112.

■ The commission’s comprehensive Rule of Law Checklist as a tool for assessing the respect for this major democratic standard was endorsed by the Congress and the Parliamentary Assembly of the Council of Europe.

— 1992 —



— 2017 —

PROCURATURA REPUBLICII MOLDOVA 25 de ani



Conference on legal co-operation on the occasion of the 25th anniversary of the Public Prosecution Service of the Republic of Moldova (Chişinău, 27 January 2017).

Legal co-operation

■ The European Committee on Legal Co-operation (CDCJ) reviewed the follow-up action taken by member states with regard to Committee of Ministers Recommendation CM/Rec(2009)11 on principles concerning continuing powers of attorney and advance directives for incapacity. Its report will be published in 2018.

■ Work also began on reviewing the compatibility of online dispute resolution mechanisms with Article 6 of the European Convention on Human Rights.

■ A first draft of a legal instrument codifying the European rules on the administrative detention of migrants was submitted to a public and online consultation of key stakeholders and civil society. The results were fed into the next stage of the drafting process.

■ Support was provided to national authorities and judicial bodies of 10 member and non-member states (Armenia, Belarus, Georgia, Kazakhstan, Moldova, Montenegro, Russian Federation, Serbia, Turkey and Ukraine) with regard to their reforms in the justice sector.

■ Highlights of this co-operation include the first ever nationwide and comprehensive court users' satisfaction survey in Armenia; support for the complete renewal of the Supreme Court in Ukraine with the testing, selection and appointment of all its judges; the assessment of the justice sector reform strategy in Moldova; and support for the drafting of an ethical code for judges and prosecutors in Turkey, which it is anticipated will be adopted in 2018.



CEPEJ Crystal Scales of Justice Prize awarding ceremony (Edinburg, 27 October 2017)



Duro Sessa (Croatia), new President of the Consultative Council of European Judges, elected in November 2017 (Strasbourg, 9 November 2017)

Independence and efficiency of justice

More than 25 member states indicated that they used the last evaluation report published by the CEPEJ to guide their reforms. The CEPEJ has made available an interactive database for users to easily obtain detailed and comparable information on the functioning of judicial systems. It also provided the European Commission with information on 27 states to enable it to prepare the “EU Justice Scoreboard”. Recommendations were made to improve the system of judicial data collection in Cyprus, the Czech Republic and Georgia.

The CEPEJ SATURN Centre made data available on judicial timeframes by case categories in more than 30 states. New tools for judicial time management were developed, including as regards the management of judicial time regulations for criminal cases, the way of weighting cases in courts, and the setting-up of dashboards for court management, all in the light of the requirements of Articles 5 and 6 of the European Convention on Human Rights. New tools to improve the quality of judicial services as regards electronic case-management systems, access to justice in the digital age, communication of courts and the challenges posed by artificial intelligence and predictive justice were also being developed.

The 2017 Crystal Scales of Justice Prize was awarded to the Norwegian Judicial Administration for its project entitled “Assistance to witnesses in Norwegian courts”; three other initiatives received a special mention of the jury.

The achievements and the methodology of the CEPEJ were used to guide judicial reforms, including through co-operation projects (Albania, Azerbaijan, Latvia, Moldova, Slovakia, Turkey, Kosovo,⁸ Morocco, Tunisia and Jordan).

⁸ All references to Kosovo, whether the territory, institutions or population, in this text shall be understood in full compliance with United Nation’s Security Council Resolution 1244 and without prejudice to the status of Kosovo.

European judicial standards were developed through the Consultative Council of European Judges’ (CCJE) Opinion No. 20 (2017) on the role of courts with respect to the uniform application of the law, and the Consultative Council of European Prosecutors’ (CCPE) Opinion No. 12 (2017) on the role of prosecutors in relation to the rights of victims and witnesses in criminal proceedings. Information related to the situation of the judiciary and judges in the member states was updated by the CCJE, which also formulated opinions on specific questions on the status of judges in Bulgaria and Poland. The main challenges to judicial independence and impartiality in the member states were raised by the Bureaus of the CCJE and the CCPE, following the proposal by the Secretary General of the Council of Europe in his third annual report, *State of democracy, human rights and the rule of law in Europe – An imperative for the security of Europe* (2016), and contributing to the implementation of the Council of Europe’s Plan of Action on Strengthening Judicial Independence and Impartiality.



Mission of **Tomáš Boček**, the Special Representative of the Council of Europe Secretary General on Migration and Refugees in Bulgaria (Lyubimets, 15 November 2017)

THE SPECIAL REPRESENTATIVE OF THE SECRETARY GENERAL ON MIGRATION AND REFUGEES

■ In March, the Special Representative published a thematic report on migrant and refugee children. The report drew on the findings of the fact-finding missions he had carried out in 2016. In order to tackle these challenges, a Council of Europe Action Plan on Protecting Refugee and Migrant Children (2017-2019) was adopted in May. It proposes a number of measures organised into three pillars: access to rights and child-friendly procedures, providing effective protection

and enhancing integration. The implementation of the action plan is co-ordinated by the Office of the Special Representative.

■ The Special Representative carried out fact-finding missions to Serbia and two transit zones in Hungary and Bulgaria. His report on his 2016 mission to Italy, on Serbia and the Hungarian transit zones were published. They all contain concrete recommendations as to the support the Council of Europe can provide to tackle the issues identified.



World Forum for Democracy,
closing session (Strasbourg, 9 November 2017)



Thorbjørn Jagland,
Secretary General of the
Council of Europe and
Roman Dorrokhov,
Editor-in-chief, The Insider,
Democratic Innovation Prize
laureate, World Forum for
Democracy (Strasbourg,
10 November 2017)

Directorate General Democracy

www.coe.int/en/web/democracy

DEMOCRATIC GOVERNANCE AND ANTI-DISCRIMINATION

Good governance

■ The Committee of Ministers adopted the Guidelines for civil participation in political decision making and revised its 2001 recommendation on the participation of citizens in local public life. The Centre of Expertise for Local Government Reform supported member states in their public administration and decentralisation reforms through legislative advice and capacity building in areas such as territorial amalgamation, inter-municipal co-operation, local finance, human resource management and cross-border co-operation, notably in Albania, Armenia, Greece, Serbia and Ukraine.

Electoral assistance

■ The new Recommendation CM/Rec(2017)5 on standards for e-voting was adopted by the Committee of Ministers of the Council of Europe, and an e-learning platform was developed to strengthen the capacities of domestic election observers. A presentation of the *Regional study on women's political representation in Eastern Partnership countries* was organised in five countries of the Eastern Partnership in order to underline the regional challenges highlighted in the study.

World Forum for Democracy

■ The sixth edition of the World Forum for Democracy, "Is populism a problem?", took place in Strasbourg from 8 to 10 November. More than 150 speakers, including politicians, journalists, international leaders and civil society representatives, provided their views on the question of populism and its impact on traditional party and media structures as well as on multilateralism. Some 2 000 participants from more than 80 countries discussed approximately 40 innovative initiatives and ideas to counter populist trends and to safeguard pluralistic and open democracies.



World Forum for Democracy closing session.
The duo Manushan, Iran, *The song of the forbidden and the exile* (Strasbourg, 10 November 2017)

Civil society

■ The Civil Society Division continued to promote an enabling environment for the functioning of NGOs and for their active participation in democratic decision making. This work got a new impetus through the adoption of the new Committee of Ministers Guidelines on civil participation in political decision making.

■ The two-volume study *Civil participation in decision making in the Eastern Partnership countries* was published. In Azerbaijan, authorities and civil society worked together to prepare amendments to the NGO-related laws in line with European standards. In Ukraine, concepts were developed for a public participation academy and for an interactive platform for co-operation between NGOs and the Kyiv City Council.

Building inclusive societies

■ The Intercultural Cities programme has enlarged its network to 121 cities worldwide. A manual and training videos on designing and implementing anti-rumour strategies, a guide for creating diversity-inclusive online media, and a set of guidelines for creating inclusive business incubators, were developed. Policy briefs on participatory and deliberative democracy strategies; refugee policies; and migrant-enterprise policies for the intercultural city, were released. The Inclusive Integration Policy Lab was set up to facilitate dialogue between national and local authorities on coherent multi-level policies for migrant inclusion.

European Commission against Racism and Intolerance

■ The European Commission against Racism and Intolerance (ECRI) published 11 reports and visited eight countries. It published its conclusions on the implementation of the priority recommendations in respect of nine countries and adopted a new version of ECRI General Policy Recommendation No. 2 on equality bodies to combat racism and intolerance at national level, which draws on best practices and contains standards to help member states to further strengthen their equality bodies. Its core recommendations are as follows: member states should establish a strong and independent equality body; equality bodies should promote equality and prevent discrimination, support people exposed to discrimination and intolerance and pursue litigation on their behalf; member states should establish the necessary framework to ensure the independence and effectiveness of equality bodies.

Minorities and regional or minority languages

■ In 2017, the Advisory Committee on the Framework Convention for the Protection of National Minorities (ACFC) adopted seven opinions and carried out seven visits, including one visit by an enlarged ACFC working group. During the same time period, the Committee of Ministers adopted six resolutions in the context of the control system of the Framework Convention for the Protection of National Minorities (ETS No. 157).

■ In relation to the European Charter for Regional or Minority Languages (ETS No. 148), five Committee of Ministers recommendations and eight Committee of Experts evaluation reports were adopted. Five country reports were made public.

Discrimination on the grounds of sexual orientation or gender identity (SOGI)

■ The Council of Europe conducted technical assistance activities in 11 countries, providing expertise in the adoption of new laws and in the drafting and review of national action plans. Peer-to-peer exchanges on legal gender recognition and on data collection on hate crime against LGBTI persons were organised. A manual entitled “Policing hate crime against LGBTI persons: training for a professional police response”, as well as the “Good practice guide on values based campaigning for legal recognition of same-sex partnerships”, were published.

Roma issues

■ Implementation of the Thematic Action Plan on the Inclusion of Roma and Travellers⁹ (2016-19) continued. Anti-Roma and anti-Traveller prejudice, stereotypes, discrimination and violence (“anti-Gypsyism”) were tackled notably through the adoption of a new Committee of Ministers’ recommendation on improving access to justice for Roma and Travellers in Europe, training on the rights of Roma for prison staff and police officers, and the launch of the European Roma Institute for Arts and Culture (ERIAN) in Berlin, Germany.

■ The EU–Council of Europe joint programme JUSTROM provided legal advice and aid to approximately 7 000 Roma and Traveller women in five member states. At the 6th International Roma Women Conference, 13 political parties signed a pledge to strengthen the political participation and representation of Roma and Traveller women. The fourth meeting of the Council of Europe Dialogue with Roma and Traveller civil society adopted nine recommendations on how to improve the transition between education and employment for young Roma and Travellers.

9 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.



Award ceremony for the sixth edition of the Dosta! Congress Prize. **John Warmisham**, Congress Spokesperson on Roma issues, **Thorsten Afflersbach**, Head of Division for the Roma and Travellers Team of the Council of Europe, **Göksun Dinç**, **Salih Şentürk**, **Uğur Gazi Yorgun**, from Şişli (Turkey) and **Gudrun Mosler-Törnström**, President of the Congress of Local and Regional Authorities of the Council of Europe (Strasbourg, 19 October 2017)



Ratification of the Istanbul Convention by **Elke Ferner**, Parliamentary State Secretary of the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (BMFSFJ) of Germany, in the presence of **Thorbjørn Jagland**, Secretary General of the Council of Europe (Strasbourg, 12 October 2017)

■ Innovative solutions to Roma inclusion issues were developed and promoted through EU–Council of Europe joint programmes, such as ROMED, which provided for the participation of Roma citizens in local processes in six member states, and ROMACT, which was implemented in 105 municipalities in five member states. ROMACTED, launched in May, promotes good governance and community empowerment in over 50 municipalities in the Western Balkans and Turkey. INSCHOOL aims at promoting inclusive education in 27 pilot and support schools. The European Alliance of Cities and Regions for Roma Inclusion regroups 140 cities and regions from 29 member states. The municipalities of Şişli (Turkey), Volos (Greece) and Gliwice (Poland) were awarded the sixth Dosta! Congress Prize for their innovative local-level Roma inclusion projects.

■ The work of the ad hoc Committee of Experts on Roma and Traveller Issues (CAHROM) concentrated on five thematic areas: Roma school mediators, eastern Roma groups (Lom, Dom and Abdal), the lack of identity papers and access to social services, Romani language, and the teaching of Roma history and the Roma Holocaust.

HUMAN DIGNITY AND EQUALITY

Gender equality

■ The findings of the analytical report monitoring the implementation of Committee of Ministers recommendation on balanced participation of women and men in political and public decision making (issued in September 2017), put forward a set of recommendations to step up efforts to close the democratic gap and increase women's participation in political and public life. A draft recommendation to prevent and combat sexism is also in preparation.

■ Targeted co-operation projects, *inter alia*, with Eastern Partnership countries, southern Mediterranean countries, as well as with Bulgaria, the Czech Republic, Poland, Romania and the Slovak Republic, have continued to provide national authorities with tools and expertise to comply with gender equality standards and to translate them into tangible measures.

Violence against women

■ Six more member states of the Council of Europe ratified the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No. 210, Istanbul Convention), bringing the number of states parties to 28, and opening the way for the election of five more members to the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) – bringing the total to 15. The European Union also signed this convention. GREVIO completed its monitoring of Albania, Austria, Denmark and Monaco, on the basis of reports submitted both by state authorities and civil society, dialogues with government representatives and country visits. GREVIO's first four reports were adopted and published in 2017 and will be examined by the Committee of the Parties to the Istanbul Convention in 2018.

Trafficking in human beings

■ In 2017, the Group of Experts on Action against Trafficking in Human Beings (GRETA) carried out 11 country evaluation visits: nine as part of the second round of evaluation of the Convention on Action against Trafficking in Human Beings (CETS No. 197) (to Azerbaijan, Luxembourg, the Netherlands, Serbia, Slovenia, Spain, Sweden, “the former Yugoslav Republic of Macedonia”, Ukraine), one as part of the first evaluation round (Estonia) and one following an urgent procedure (Hungary). GRETA’s 6th General Report focused on the identification and protection of child victims of trafficking. Capacity-building activities to support the implementation of the convention were organised in several member states.

Rights of persons with disabilities

■ The Council of Europe Strategy on the Rights of Persons with Disabilities – Human Rights: A Reality for All (2017-2023) was launched in Nicosia on 27 and 28 March 2017. Five studies were published in 2017 on each of the Strategy’s priority areas (equality and non-discrimination; awareness raising; accessibility; equal recognition before the law and protection from exploitation, violence and abuse). They contain useful and practical resources for activities at national and local levels to ensure implementation of the Strategy and the United Nations Convention on the Rights of Persons with Disabilities.

Children’s rights

■ As regards the rights of children affected by the current refugee crisis, the ad hoc Committee for the Rights of the Child (CAHENF) focused on the elaboration of guidelines on guardianship and age assessment, while the Lanzarote Committee, the monitoring body of the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201, the Lanzarote Convention), adopted a special report entitled “Protecting children affected by the refugee crisis from sexual exploitation and sexual abuse”, and conducted an on-the-spot visit to transit zones at the Serbian-Hungarian border.

■ Concerning information and communication technologies, the CAHENF finalised guidelines for member states to respect, protect and fulfil children’s rights in the digital environment; the Lanzarote Committee launched a monitoring round focusing on the protection of children against sexual exploitation and sexual abuse facilitated by information and communication technologies and a number of tools to support digital parenting were launched at the European Day for the Protection of Children against Sexual Exploitation and Sexual Abuse (18 November).



Signature of the Council of Europe Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events by **Wolfgang Sobotka**, Austrian Federal Minister of the Interior, and **Thorbjørn Jagland**, Secretary General of the Council of Europe (Strasbourg, 22 February 2017)

Sport

■ In 2017, the Enlarged Partial Agreement on Sport (EPAS) celebrated its 10th anniversary. Activities on the promotion of good governance in sport included participation in the creation of the International Partnership against Corruption in Sport (IPACS) and the identification of measures that member states should take. A new joint project with the EU resulted in the creation of awareness and training tools to stop child sexual abuse in sport.

■ The new Council of Europe Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events (CETS No. 218) entered into force on 1 November 2017. It has already been signed by 27 countries and ratified by seven member states. Support was provided to the member states to align their policy and practice with the provisions of the convention (particularly in the context of the preparation of the UEFA Euro 2020).

■ Activities on the promotion of the objectives and principles of the Council of Europe Convention on the Manipulation of Sports Competitions (CETS No. 215) included the creation of the Group of Copenhagen to support and promote the establishment of national platforms.

Council of Europe Development Bank (CEB) – Partial Agreement

■ The CEB approved 41 projects for an overall investment amount of €3.9 billion. In 2017, more than 55% of approved projects were directly or indirectly for the benefit of migrants, refugees and displaced persons. The projects also aim to provide social housing for vulnerable population groups, including migrants and refugees and their families, persons with disabilities and the elderly, including the construction or modernisation of school and health facilities, the preservation of jobs and the mitigation of the impact of climate change.



No Hate Speech Movement, Youth campaign for human rights online (Strasbourg, 28 June 2017)

■ The CEB’s Migrant and Refugee Fund continued to support its member countries in ensuring that migrants and refugees who arrive on their territory have access to basic human rights, such as shelter, food and medical aid, as well as personal security. By the end of 2017, donors had contributed €25.5 million to the fund. The CEB approved 18 projects, totalling more than €22 million in eight countries, predominantly along the so-called Balkan route.

■ The CEB pursued its active role in the Regional Housing Programme, which aims to provide sustainable housing solutions in Bosnia and Herzegovina, Croatia, Montenegro and Serbia. It also continued to provide technical assistance for the preparation of social projects through different trust accounts, such as the Slovak Inclusive Growth Account, the Norwegian Trust Fund for Private Sector and Infrastructure, the Spanish Social Cohesion Account and the Italian Fund for Innovative Projects.

DEMOCRATIC PARTICIPATION AND CITIZENSHIP

Education

■ The complete *Reference Framework of Competences for Democratic Culture*, consisting of the core model, descriptors and supporting documents to help implementation was presented at the October 2017 forum in Prague. The framework is being prepared for publication and will be available early in 2018.

■ Some 40 countries participated in the review of the implementation of the Charter on Education for Democratic Citizenship and Human Rights Education and the June 2017 review conference adopted a declaration calling for further efforts to support its implementation. Guidelines on digital citizenship education policies are currently in preparation.

■ The Council of Europe is helping improve access to education for refugees by facilitating the recognition of qualifications that cannot be adequately documented. With Greek authorities and the recognition information centres (ENICs) of Greece, Italy, Norway and the United Kingdom, the Council of Europe launched a pilot project for a Refugee Qualifications Passport. A toolkit for language support for adult refugees was also launched.

■ Joint EU–Council of Europe projects to build capacity in education systems were completed on human rights and minority protection in South-East Europe, and on integrity in higher education in Armenia, and seven EU–Council of Europe programmes in the Western Balkans and Turkey on democratic competences and anti-corruption measures were launched.

Youth

■ The Youth Department communicated the Council of Europe’s values to several thousand young people through training and other activities held in the European Youth Centres in Strasbourg and Budapest, and through support given to youth activities and international NGOs by the European Youth Foundation.

■ New impetus was given to the role of youth work thanks to the adoption of the Committee of Ministers Recommendation on youth work. The No Hate Speech Movement operated in 45 countries and territories, including action days to combat sexist hate speech, anti-Semitism and discrimination against Muslims. Anti-Gypsyism and the participation of young Roma people were addressed through the Roma Youth Action Plan. Youth participation and human rights education were explored in the Euro-Arab youth co-operation programme.

Two youth centres – Marienthal in Luxembourg and Plovdiv in Bulgaria – were awarded the Quality Label for Youth Centres bringing the total number to 11. A tool to help member states assess their own youth policies was devised. As a result, Cyprus, “the former Yugoslav Republic of Macedonia” and Ukraine benefited from tailor-made youth policy support measures.

Culture, nature and heritage

The European Cultural Heritage Strategy for the 21st century (Strategy 21) was launched in Cyprus in April. The Council of Europe Convention on Offences relating to Cultural Property was opened for signature in May. The Enlarged Partial Agreement on Cultural Routes extended its membership to 30 with three new states parties, and the agreement now has 31 certified Cultural Routes. The Standing Committee of the Bern Convention adopted six new recommendations and 571 new protected areas were added to the Emerald Network. The European and Mediterranean Major Hazards Agreement (EUR-OPA Partial Agreement) continued its involvement with the European and the UN Global Forums for Disaster Risk Reduction, notably in the fields of migration, disaster risk reduction and resilience.

Eurimages

Eurimages supported 101 European co-productions for a total investment of €22.1 million, which reflects an increase of 19% in the number of projects compared to 2016. Many co-productions supported by the fund received awards: *Ana, mon Amour* by Călin Peter Netzer, *Pokot* by Agnieszka Holland, *Piata Lod/Little Harbour* by Iveta Grófová and *Insyriated* by Philippe Van Leeuw (which was also won awards in Seville) were all recognised at the Berlinale; *The Square* by Ruben Östlund received the Palme d’Or in Cannes (among other prizes in various festivals); *Foxtrot* by Samuel Maoz and Hannah d’Andrea Pallaoro won awards at the Venice International Film Festival; *Little Crusader* by Václav Kadrnka, winner of the Eurimages Co-production Development Award received the Crystal Globe in Karlovy Vary (Czech Republic) and *Sámi Blood* by Amanda Kernell was awarded the Lux Prize.

Canada became the first non-European member state to join the 37 European member states of Eurimages.

In 2017, the Committee of Ministers adopted the landmark Recommendation to member States on gender equality in the audiovisual sector. This instrument, combined with the fund’s strategy for equality between women and men in the European cinematographic industry, will allow Eurimages to play a leading role in promoting gender equality.



North-South Centre (European Centre for Global Interdependence and Solidarity)

New accessions during 2017 came from Bosnia and Herzegovina and Algeria. The North-South Centre contributed to the implementation of the Council of Europe’s policy towards its neighbouring regions through multilateral activities, such as the workshop “Strengthening the capacities of women organisations” hosted in October in Jordan.

The 22nd North-South Prize was awarded to Giusi Nicolini, former mayor of Lampedusa, for her commitment to the reception of migrants and to the defence of refugees’ rights, and to Mbarka Brahmi, for her direct engagement in the Tunisian democratic process and in the fight for social justice.

A forum in Lisbon on the topic “Interconnecting people – Managing migration, avoiding populism, building inclusive societies and reinforcing North-South dialogue” gathered over 130 senior government officials, parliaments, local and regional authorities, civil society organisations and international organisations, from both shores of the Mediterranean.

In the framework of the iLEGEND project with the European Commission, the North-South Centre reached out to and directly engaged over 300 stakeholders to promote inclusive education policies and raise awareness and critical understanding among citizens of our interdependent world.

The Square, a satirical drama written and directed by **Ruben Östlund**, a co-production of Sweden, Germany, France and Denmark, supported by the fund Eurimages, won the Palme d'Or 2017 at the Cannes Film Festival

EUROPEAN DIRECTORATE FOR THE QUALITY OF MEDICINES AND HEALTHCARE (EDQM)

■ The European Pharmacopoeia Commission adopted 35 new monographs, 189 revised monographs and 33 general texts for publication in the Ph. Eur. In the field of biotherapeutics, the adoption of the monograph for Infliximab concentrated solution, the first one on a monoclonal antibody, was an important milestone.

■ The European Pharmacopoeia Commission also continued its efforts in the field of the 3Rs (Replacement, Reduction and Refinement of animal use), for example, by the complete suppression of the test for abnormal toxicity from the European Pharmacopoeia. In addition, a promising new project was launched in collaboration with the European Partnership for Alternative Approaches to Animal Testing (EPAA) to replace an animal test for which alternatives had been sought for decades.

■ The commission also adopted 70 new reference standards (RSs) and 247 replacement batches of existing RSs, established by the EDQM Laboratory. A collection of more than 2 700 official RSs, necessary to apply the tests described in the Ph. Eur., is now available to users. The Republic of Moldova ratified the Convention on the Elaboration of a European Pharmacopoeia (ETS No. 50) in January 2017.

■ An increasing number of applications, including revisions, were received for the Certification of Suitability Procedure (CEP) and 81 manufacturing sites were covered by the EDQM inspection programme. Continued efforts have been made to strengthen the exchange of information with competent authorities worldwide and to increase acceptance of CEPs.

■ In the fight against counterfeit and illegal medicines the 3rd Anti-Counterfeit Symposium for Official Medicines Control Laboratories convened more than 100 experts from 27 countries including representatives from customs and the police. The Council of Europe Convention on the Counterfeiting of Medical Products and Similar Crimes involving Threats to Public Health (CETS No. 211, Medicrime Convention) was promoted through a workshop for inspectors in the pharmaceutical field and a workshop for the Single Points of Contact (SPOC) network. For pharmaceutical care, the final report was published on the results of the study aimed at validating four basic sets of indicators to assess the quality of pharmaceutical care in Europe. In the field of cosmetics, a compilation of safety and documentation requirements for tattoos and permanent make-up was published providing guidance on the risk assessment of tattoo inks. The third edition of the *Guide to the Quality and Safety for Tissues and Cells for Human Application* was published.

■ The Committee of Ministers adopted two new resolutions respectively on measures to protect non-resident living organ donors and on the management of patients having received an organ transplant abroad.

■ The 19th edition of the *Guide to the Preparation, Use and Quality Assurance of Blood Components* was published. It contains the Good Practice Guidelines for Blood Establishments that will be part of the EU/EEA legislation as of 2018.

■ Webinars on current hot topics brought together over 2 500 participants from 62 countries.

■ The EDQM successfully passed audits by official certification and accreditation bodies and kept its ISO 9001:2015 certification and the ISO/IEC 17025:2005 accreditation of its laboratory.



The Kingdom of Tonga, represented by **Siaosi Sovaleni**, Deputy Prime Minister, accedes to the Convention on Cybercrime, with **Gabriella Battaini-Dragoni**, Deputy Secretary General of the Council of Europe (Strasbourg, 9 May 2017)

Actions in the field and resource mobilisation

MEMBER STATES

Eastern Europe

■ The Council of Europe Action Plan for the Republic of Moldova 2017-2020 was adopted by the Committee of Ministers and launched by the Secretary General in Chişinău in May 2017. Co-operation focused on the reform of the criminal justice system, preventing and fighting corruption and money laundering, electoral assistance, strengthening national human rights and equality bodies, promoting media pluralism and strengthening local democracy.



Public presentation of the Romanian version of the publication *Study on women's political representation in Eastern Partnership countries*, by the **Council of Europe** and the **Parliament of the Republic of Moldova** (Chişinău, 26 September 2017)



Opening speech at the 18th Plenary session of the **Cybercrime Convention Committee** (Strasbourg, 27 November 2017)

■ The Cybercrime Programme Office of the Council of Europe (C-PROC), based in Romania, carried out worldwide capacity-building activities and implemented projects in Eastern Partnership countries, in South-Eastern Europe, in Southern Neighbourhood countries and in the Asia-Pacific regions, as well as in Turkey, Africa and Latin America. In 2017, Chile, Costa Rica, Greece, Monaco and Tonga ratified the Convention on Cybercrime (ETS No. 185), and Andorra, Greece, the Republic of Moldova, Monaco and Senegal became Parties to the Additional Protocol to the Convention on Cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems (ETS No. 189).

■ In Ukraine, the Council of Europe backed the reform of the prosecution service, decentralisation and local self-government reforms and the fight against corruption. A public broadcasting system was established and access to free legal aid for internally displaced persons was increased and extended. The Organisation also assisted in preparations for the ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No. 210, Istanbul Convention).

Activities in the Russian Federation included the fight against corruption, inclusive education, free legal aid, assistance to vulnerable groups and Cultural Routes. The Council of Europe Programme Office in the Russian Federation once again provided support to the International Human Rights Film Festival “Stalker”.

Co-operation activities with the Republic of Moldova, Ukraine, Armenia, Azerbaijan and Georgia (see below) were partly implemented under the Council of Europe–European Union Eastern Partnership Programmatic Co-operation Framework (PCF), Theme V: “Partnership for Good Governance”, and partly funded by other donors.

South Caucasus

In Armenia, co-operation focused on civil and criminal justice reforms, penitentiary reform, anti-corruption efforts in higher education, human rights standards in the armed forces, electoral reform, and local government reform following the constitutional amendments.

In Azerbaijan, the Council of Europe provided technical assistance to institutions including the judiciary, the penitentiary service and media, and backed legal developments regarding anti-corruption and NGO regulations. The projects on improving the efficiency and quality of justice, and on media freedom and freedom of expression were concluded.

In Georgia, the Council of Europe continued to contribute to the judicial reform. Other actions aimed at protecting internet freedom, promoting freedom of expression, increasing the professionalism and pluralism of the media, and developing parliamentary oversight of the execution of judgments of the European Court of Human Rights.

South-East Europe and Turkey

Co-operation in South-East Europe and Turkey was implemented with the support of the EU, notably through the Horizontal Facility for Western Balkans and Turkey, and other donors. An Expertise Co-ordination Mechanism was created under the Horizontal Facility to respond to requests for legislative expertise and policy advice.¹⁰ The Council of Europe promoted freedom of expression, media freedom, good governance and Roma empowerment at the local level in the region.

¹⁰ In 2017, three requests were followed up under the Expertise Co-ordination Mechanism, respectively on electoral matters, migration and constitutional amendments in the area of the judiciary.



Forum on **local democracy in Armenia** (Yerevan, 10 November 2017)



Support to the **Judicial Reform Project in Georgia** (Tbilisi, 4 December 2017)

The Council of Europe continued to back justice reform in Albania and to promote local democracy. Other actions included electoral assistance, institutional support to fight economic crime and cybercrime, fighting discrimination, protecting minority rights, and combating bullying in schools.

In Bosnia and Herzegovina, custodial and law-enforcement staff received training on human rights, and assistance was provided for co-operation between prison services and law-enforcement agencies. The Ombudsman Institution received backing in its fight against discrimination, hate crime and hate speech. Recommendations on the establishment of the new mechanism for harmonising judicial practice were also drafted.

Council of Europe action in Montenegro focused on human rights and the protection of vulnerable groups, implementation of the European Convention on Human Rights, the accountability and independence of the judiciary, education and the fight against economic crime.

■ In Serbia, the Venice Commission continued to provide guidance regarding the pending constitutional reform to further the independence of the judiciary. Substantial results were also achieved regarding human resources management at local level and with the establishment of Serbia's new national public service Staff College.

■ In “the former Yugoslav Republic of Macedonia”, projects were implemented in the law-enforcement sector, the area of electoral assistance, the justice sector, and the fight against money laundering, financing of terrorism and trafficking in human beings.

■ In Turkey, judges, prosecutors and lawyers took part in a successful cascade training programme on individual applications to the Constitutional Court. Reference documents were drafted for the standardisation of mediation training and the dissemination of mediation practices in civil disputes.

NON-MEMBER STATES

■ In 2017, co-operation with Belarus¹¹ focused on the protection of national minorities, judicial reform, the fight against corruption and economic crime, promoting local governance, and human rights training for legal professionals. A significant political development was the renewal of dialogue with the National Assembly of Belarus.

■ The new Overview of Co-operation Activities in Kosovo¹² was approved in 2017. The Council of Europe continued to conduct co-operation activities applying monitoring bodies' methodology. Support was provided in diverse areas such as the fight against corruption and economic crime, efficiency of justice, prisons, education, protection of minorities and vulnerable groups, including Roma, and support for the Ombudsperson Institution.

Southern neighbourhood

■ In Tunisia, the Council of Europe delivered legal expertise and provided support to the establishment of independent institutions foreseen in the 2014 Constitution, and to the existing audiovisual institutions. Co-operation focused on the quality of justice, the fight against corruption, the setting-up of the National Prevention Mechanism and combating violence against women and sexual violence against children. Tunisia also became a contracting party to several Council of Europe conventions and partial agreements.

11 Belarus participates in the activities implemented under EU–Council of Europe Partnership for Good Governance and other donors also provide voluntary contributions for co-operation with Belarus.

12 All references to Kosovo, whether the territory, institutions or population, in this text shall be understood in full compliance with United Nation's Security Council Resolution 1244 and without prejudice to the status of Kosovo.



Modern **training skills on anti-discrimination** for the Bosnia and Herzegovina judiciary (Mostar, 29 November 2017)



Human Resource Management in Local Self-Government in Serbia. Closing Conference and pilot municipalities awards (Belgrade, 5 December 2017)

■ In Morocco, the Council of Europe continued to support judicial reforms. Co-operation focused on anti-corruption, freedom of expression and media, data protection, combating violence against women and children, and the prevention of torture. Co-operation was initiated on local and regional matters, notably through the Intercultural Cities Network.

■ Co-operation with the Jordanian authorities continued in the fields of the efficiency of justice and the fight against corruption and money laundering. The Jordanian authorities at local and regional level were involved in the Intercultural Cities Network.

■ Co-operation with Palestine¹³ continued within the Neighbourhood Co-operation Priorities.

■ Co-operation in southern Mediterranean countries was implemented under the EU–Council of Europe South Programme II and with the support of other donors.

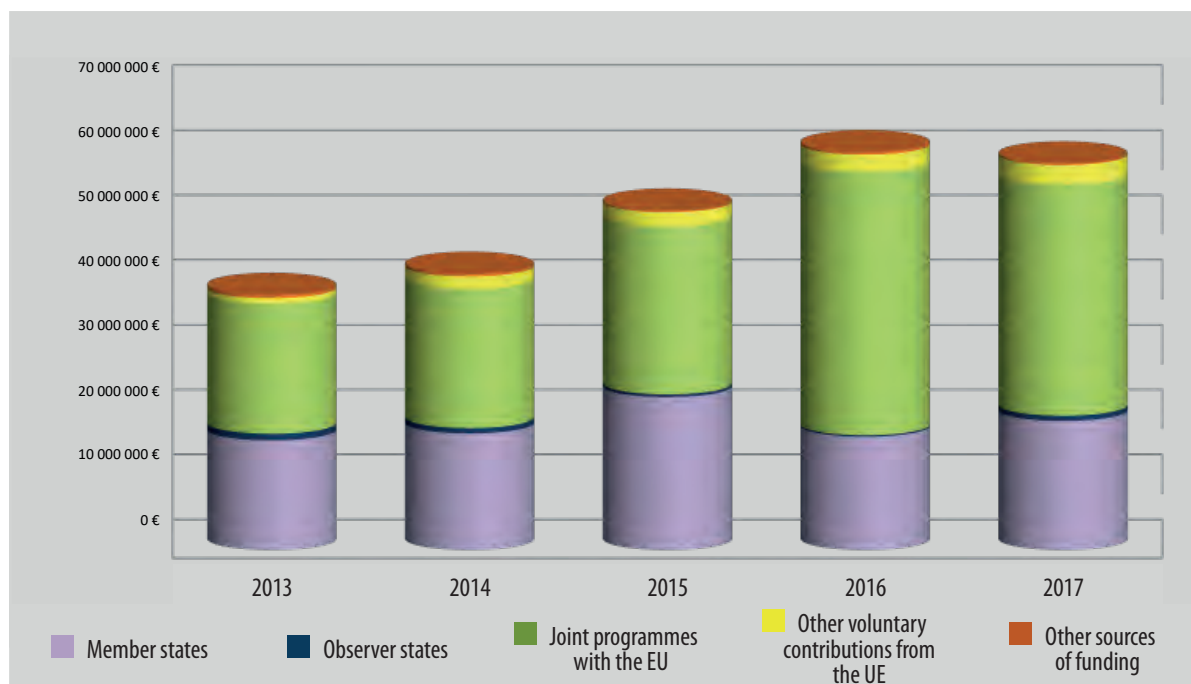
Central Asia

■ Co-operation with Kazakhstan and Kyrgyzstan continued within the Neighbourhood Co-operation Priorities framework. In Kazakhstan, the Council of Europe continued to provide assistance in reforming the criminal justice system. Co-operation in Kyrgyzstan focused mainly on the fight against corruption and electoral reform.

13 This designation shall not be construed as recognition of a State of Palestine and is without prejudice to the individual positions of Council of Europe member States on this issue.

RESSOURCE MOBILISATION

2017 Extra budgetary resources



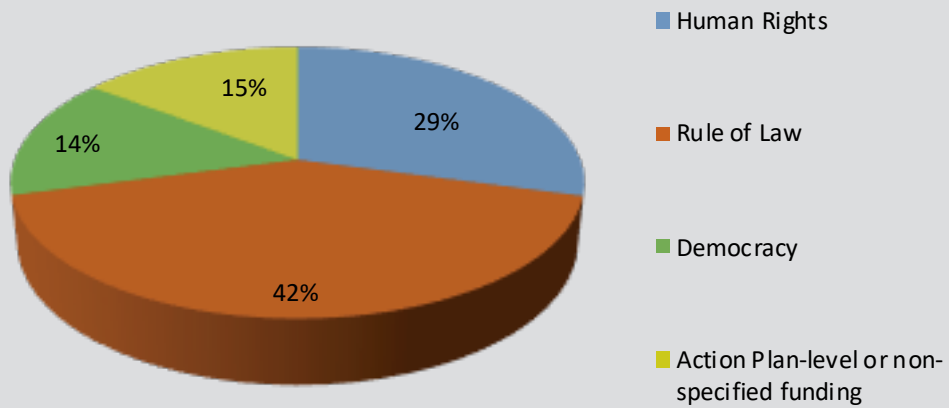
2017 compared to 2016:

- ▶ Overall receipts **decreased by 3%** to approximately **€59.5 million** (€61.2 million in 2016, €52.3 million in 2015, €42.5 million in 2014, €39.3 million in 2013, €37.7 million in 2012).
- ▶ Voluntary Contributions from **member states¹ increased by 14% to €19.8 million**. (2016 saw a decrease of 26%.)
- ▶ **35** of the 47 **member states contributed in 2016** (38 in 2016). The top ten member states represent 80% of the total receipts from member states (77% in 2016).
- ▶ **Norway, Switzerland, Denmark and Sweden** rank top among member states with contributions of €7.8 million, €2.4 million, €1.6 million and €1.2 million, respectively. The Human Rights Trust Fund² contributed €1.4 million.
- ▶ Receipts in the framework of **Council of Europe / European Union Joint Programmes decreased by 12% to €35.6 million** (€40.5 million in 2016) and accounted for 60% of total extra budgetary receipts.
- ▶ The European Union also made a number of voluntary contributions outside of joint programmes amounting to €3 million (€2.8 million to the EDQM, 200 000 to CEPEJ, 19 000 to the Bern Convention).
- ▶ Contributions from non-member states having observer status increased to €831 000, with the USA accounting for just over €750 000.
- ▶ “Other” sources of funding (i.e. not European Union, member or observer states) contributed €223 000, equivalent to approximately 0.38% of overall extra budgetary receipts.

1 Includes HRTF and EEA & Norway Grants.

2 Finland, Germany, Netherlands, Norway, Switzerland, United Kingdom.

2017 EXTRA BUDGETARY RESOURCES PER PILLAR OF THE PROGRAMME AND BUDGET



Extra budgetary resources per pillar		€
HUMAN RIGHTS		17 399 624,74
RULE OF LAW		24 779 708,59
DEMOCRACY		8 605 473,63
ACTION PLAN-LEVEL OR NON-SPECIFIED FUNDING		8 741 053,49
TOTAL		59 525 860,45



53rd meeting of the **Committee of Legal
Advisers on Public International Law**
(Strasbourg, 23 March 2017)

Public international law

www.coe.int/en/web/cahdi

In a political climate which encourages interdependence between states, international law is increasingly becoming a key factor in the organisation of inter-state relations. The Council of Europe is working to co-ordinate its member states' activities in this field of law through the Committee of Legal Advisers on Public International Law (CAHDI), an intergovernmental committee bringing together the legal advisers of the ministries of foreign affairs of the member states and of a significant number of non-members states and international organisations.

The Declaration on Jurisdictional Immunities of State Owned Cultural Property, drafted by the CAHDI, represents one example among many illustrating the valuable contribution of this committee to the development of public international law. By the end of 2017, the declaration had been signed by the ministers of foreign affairs of 18 member states and two non-member states.

In its flagship function as the European Observatory of Reservations to International Treaties, the CAHDI examines reservations and declarations subject to objection in international treaties prepared within the Council of Europe but also outside the Organisation, within the UN. The CAHDI handled 26 reservations and/or declarations in 2017. This activity contributes to international dialogue on reservations and has an impact on the subsequent actions of states with regard to their respective reservations and/or declarations.

In its role as legal adviser to the Committee of Ministers, the CAHDI examined and revised the draft model final clauses for conventions, additional protocols and amending protocols concluded within the Council of Europe, which were adopted by the Committee of Ministers on 5 July 2017.

In 2017, the CAHDI organised a seminar entitled State Immunity under International Law and Current Challenges, under the Czech Chairmanship of the Council of Europe and on the occasion of the 54th meeting of the CAHDI (Strasbourg, 20 September 2017). The seminar brought together experts in the field who presented the international legal framework of state immunity and case studies from legal practice from selected jurisdictions. In addition, the CAHDI published the proceedings of the seminar.

Over the year, CAHDI continued and strengthened its co-operation and collaboration with the UN and international tribunals. It held exchanges of views with Ronny Abraham, President of the International Court of Justice (ICJ), Guido Raimondi, President of the European Court of Human Rights, Georg Nolte, President of the International Law Commission (ILC), and Pavel Sturma, Special Rapporteur of the UN ILC. Furthermore, the Secretariat of the CAHDI participated in the debates of the Sixth Committee of the UN General Assembly and the annual exchanges of views with the UN ILC.



Press point by **Thorbjørn Jagland**,
Secretary General of the Council of Europe
and Klaus **Werner Iohannis**, President of
Romania (Strasbourg, 24 January 2017)

Communications

Working closely with media professionals and European influencers and networks, the Directorate of Communications (DC) generated greater visibility for the values and standards of the Council of Europe in 2017.

ONLINE AND AUDIOVISUAL COMMUNICATIONS

Video news feeds from the Council of Europe continued to be one of the most visible forms of the Organisation's external communications in 2017. Almost half of the 68 video news stories that were sent to leading video news agencies such as Reuters or Eurovision News Networks were related to the European Court of Human Rights. Thirty-three interviews were recorded with academics, external experts and politicians, including four Facebook live events, to bring Council of Europe topics and content to a broader audience online.

As a result of further efforts to enhance the attractiveness and credibility of the Council of Europe's online presence, to optimise content and improve the Council of Europe's ranking in search engines, the Council of Europe hub attracted an additional 1.3 million unique visitors and the number of pages viewed more than doubled in 2017. Work on a total of 144 websites was completed, with new sites created or migrated from Transit to the content management system (CMS) Liferay. Followers of the Council of Europe on Twitter and Facebook increased by 17% on the previous year. The Directorate of Communications continued to provide training to staff of operational services on CMS, web methodology, search engine optimisation and web resources.

A total of five content marketing actions were undertaken on the Human Rights Channel. Three thematic pages were created to mark the International Day Against Homophobia, Transphobia & Biphobia (17 May), the European Day for Organ Donation (9 September), and the European Day against Child Sexual Exploitation (18 November). The Directorate of Communications worked to give optimal visibility to the 2017 report of the Secretary General, 'Populism – How strong are Europe's checks and balances?' as a pervasive theme throughout the year. Two thematic landing pages on the Human Rights Channel highlighted issues relating to World Press Freedom Day on 3 May, and to Democracy Day on 15 September. Nine short videos on related topics were made for distribution via social media under the hash-tag #stand4democracy.

A new easy-to-use online communications tool was created to provide examples of the positive impact of decisions of the Strasbourg Court. Aimed at citizens, teachers, journalists, human rights defenders, government officials, the website highlights impact, by country and by theme, with regard to the most important human rights protected by the Convention. It also gives an overview of key Council of Europe conventions, and their state of implementation in member states and worldwide.

PUBLIC RELATIONS AND PUBLICATIONS

■ The Organisation's identity and values were promoted among various target groups through public relations activities and events, in particular on the occasion of the month for reaching out to others (*le mois de l'Autre*) in Strasbourg in April, the Festival of Europe in Paris in May, the Strasbourg Races and the City Cap event in Strasbourg in May.

■ Joint Open Days were held on 14 May, during which 12 400 citizens visited the European Parliament and the Council of Europe and learned more about the two organisations' activities.

■ For all these events, visual and information material (leaflets, booklets, posters, exhibition panels, etc.) were designed and produced. They were promoted via the contact database (more than 14 000 addressees) and partner sites.

■ The Council of Europe participated in the Istanbul Film Festival (Turkey), with the presentation of the FACE human rights prize to the film *Félicité*. The Organisation's publications were presented at the Brussels book fair (Belgium), the legal book fair in Paris (France), the Frankfurt book fair (Germany), and at the annual European Consortium of Political Research conference in Oslo (Norway) in September.

■ Under the partnership with Europa Park, a German theme park which receives over three million visitors a year, a permanent exhibition on the European flag and the Council of Europe was set up within the new Voletarium attraction.

■ The commercial publications have highlighted the Organisation's priorities, in particular the publications entitled *Impact of the European Convention on Human Rights in states parties* (in English and French), *Mise en oeuvre des arrêts de la Cour européenne des droits de l'homme* (in French) and *Journalists under pressure – Unwarranted interference, fear and self-censorship in Europe*.

■ The game booklet on European values aimed at children aged 8 to 12 years was translated into five additional languages and distributed in 14 countries. In particular, it was distributed in 10 000 schools in the Czech Republic under its Chairmanship of the Committee of Ministers. The reference brochure entitled "Council of Europe – An overview" was produced in three additional languages and a new brochure setting out in detail the role of the different European institutions was published in English, French and German.

■ The online publications platform continues to extend its range of digital products, with over 1 900 files available in pdf, epub and mobi formats. Material for the general public (leaflets, posters, documents for teachers, etc.) can all be consulted and downloaded free of charge from edoc.coe.int. Other publications can be ordered online on book.coe.int, the online bookshop, where excerpts from books can also be found. Together, the two sites totalled more than 518 000 visitors. In addition, over 4 000 digitised publications are available on Google Play, with 1 092 000 books consulted in 2017.

■ More than 34 400 visitors (992 groups) took part in Council of Europe study tours and guided visits, and 1 800 primary school pupils have attended an Open Day at the Palais de l'Europe in January. Over 400 customised lectures were given during personalised tours.

■ The partnership with the European Law Students Association (ELSA) network continued with the holding of the fifth Human Rights Moot Court Competition in English. Approximately 100 teams from 30 European countries pleaded in a fictitious case on security and the right to freedom, and on the prohibition of torture. The final took place in February at the European Court of Human Rights, with 20 teams from 15 different countries taking part. The partnership with the University of Strasbourg for the French version of the moot court (Concours René Cassin) continued with 300 students at the finals held in Strasbourg from 22 to 24 March 2017. ELSA Day 2017 focused on the theme of access to justice beyond borders, and the work of the Council of Europe was presented at 40 events in 15 countries. The partnership with the Strasbourg Institute of Political Studies (Sciences Po) was strengthened with the holding of the European Prize for Eloquence on 6 and 7 March, with approximately 300 participants, and with the start-of-year sparring competitions of the School for Young Orators held on 3 October, again with 300 participants.

■ The visual identity was strengthened throughout the Organisation with harmonised templates, in particular for joint programmes with the European Union, visibility items and roll-ups and banners for events.



Inna Shevchenko, women's rights activist and former member of the radical women's rights movement "Femen", talks about the #MeToo campaign and speaks out against sexual harassment and other sexual violence against women (Strasbourg, 4 December 2017)

Award ceremony of the 5th edition of the **European Human Rights Moot Court Competition**, organised by the European Law Students' Association (ELSA) – winning team, from the National University "Kiev Mokyla Academy" (Ukraine) (Strasbourg, 16 February 2017)



2017 contributions of Council of Europe member states (in euros)

MEMBER STATES	
Albania	479 331.67
Andorra	236 697.28
Armenia	483 598.51
Austria	5 450 963.82
Azerbaijan	1 318 370.35
Belgium	7 622 028.56
Bosnia and Herzegovina	561 255.12
Bulgaria	1 168 351.71
Croatia	1 063 256.12
Cyprus	506 006.86
Czech Republic	3 107 296.04
Denmark	4 490 375.28
Estonia	485 702.74
Finland	3 435 219.89
France	37 850 197.79
Georgia	541 712.13
Germany	36 065 452.87
Greece	3 532 872.35
Hungary	2 227 236.55
Iceland	499 445.74
Ireland	3 147 271.23
Italy	34 984 652.01
Latvia	574 510.55
Liechtenstein	353 485.27
Lithuania	795 221.13
Luxembourg	1 055 417.65
Malta	381 786.32
Moldova	346 001.15
Monaco	352 993.22
Montenegro	385 416.18
Netherlands	10 695 455.73
Norway	6 313 458.07
Poland	8 254 066.21
Portugal	3 298 040.24
Romania	3 577 833.04
Russian Federation	33 035 136.98
San Marino	139 757.45
Serbia	1 114 372.87
Slovak Republic	149 6338.67
Slovenia	785 129.95
Spain	18 427 572.96
Sweden	7 193 692.61
Switzerland	8 334 383.15
"The former Yugoslav Republic of Macedonia"	487 851.37
Turkey	33 849 161.62
Ukraine	4 269 377.54
United Kingdom	32 465 498.24
TOTAL CONTRIBUTIONS	327 239 252.79

2017 voluntary contributions to the Council of Europe (in euros)

MEMBER STATES

Norway	7 802 716.41		
Switzerland	2 384 893.98		
Denmark	1 601 584.24		
Human Rights Trust Fund ¹	1 437 446.95		
Sweden	1 214 162.73		
European Economic Area ²	746 512.00		
United Kingdom	734 674.10		
Slovak Republic	611 401.15		
France	548 794.58		
Italy	323 000.00		
Germany	305 000.00		
Finland	285 865.44		
Netherlands	200 000.00		
Belgium	174 179.61		
Ireland	153 434.57		
Latvia	150 000.00		
Luxembourg	141 695.91		
Monaco	129 316.86		
Portugal	125 000.00		
		Liechtenstein	122 909.75
		Czech Republic	117 874.74
		Cyprus	103 649.84
		Andorra	73 068.31
		Greece	52 755.50
		Turkey	50 000.00
		Russian Federation	45 391.33
		Romania	37 942.00
		Lithuania	35 000.00
		Austria	29 000.00
		Estonia	25 000.00
		Malta	25 000.00
		Serbia	15 722.99
		Hungary	15 000.00
		Poland	10 000.00
		Bulgaria	9 980.49
		Croatia	5 506.92
		Spain	5 000.00
		TOTAL MEMBER STATES	19 848 480.40

1. Finland, Germany, Netherlands, Norway, Switzerland, United Kingdom

2. Iceland, Liechtenstein, Norway

OBSERVERS	
United States of America	756 115.58
Japan	45 000.00
Holy See	30 000.00
TOTAL OBSERVERS	831 115.58

EUROPEAN UNION	
Joint Programmes	35 585 477.08
Voluntary Contributions	3 037 407.17
TOTAL EUROPEAN UNION	38 622 884.25

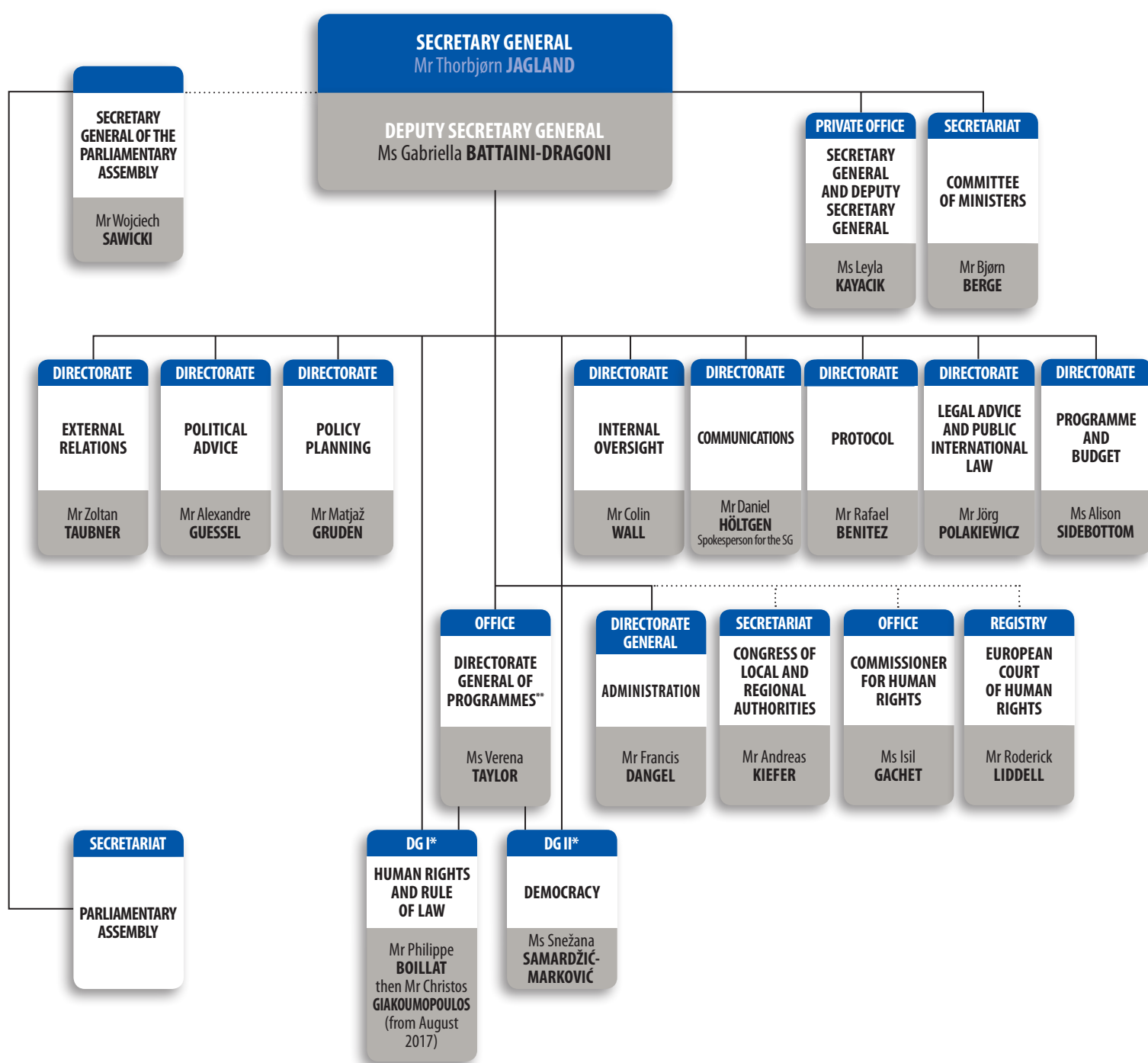
OTHERS	
Aga Khan Development Network	50 000.00
Israel	35 000.00
Gibraltar	25 000.00

Isle of Man	25 000.00
States of Guernsey	25 000.00
States of Jersey	25 000.00
Organisation internationale de la Francophonie	12 000.00
Charta 77 Foundation	7 500.00
Vaclav Havel Library	7 500.00
Faroe Islands	5 000.00
Moscow State Linguistic University	5 000.00
Nordic Council of Ministers	1 380.22

TOTAL OTHERS **223 380.224**

GRAND TOTAL 2017 **59 525 860.45**

Organisation chart of the Secretariat General of the Council of Europe in 2017



* DGI DGII report to the Secretary General

** Office of the DG PROG co-ordinates intergovernmental activities

This publication presents the work carried out in 2017 by the different bodies and sectors of the Council of Europe, highlighting its particular strengths and achievements.

www.coe.int

The Council of Europe is the continent's leading human rights organisation. It comprises 47 member states, 28 of which are 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.