

# MULTILATERALISM 2020



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

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# KEY POINTS

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■ The Council of Europe's core mission is the protection and promotion of the European Convention on Human Rights (the Convention), requiring both the supervision of member states' compliance and the inter-governmental co-operation that creates an environment in which rights and freedoms are secured.

■ The eight priority decisions made by the 2019 Helsinki Ministerial Session are as urgent, or more urgent, than ever and substantial progress is being made towards meeting each one. There has also been important progress across other key areas of the Council of Europe's mandate.

■ In 2020, the Covid-19 pandemic has resulted in urgent new challenges to Europeans' rights under the Convention, the European Social Charter and other instruments, and the Council of Europe's rapid and extensive response has met member states' rightful expectation of policy support relating to all areas of our mandate.

■ The Organisation's action on coronavirus has included work on standards compliance and intergovernmental co-operation, with the latter performing a research and development function in which pooled knowledge, expertise and the content of our *acquis* are contributing to solutions for fluid threats in what remains a highly dynamic environment.

■ More broadly, Covid-19 has exposed both the escalating challenges facing multilateral institutions and the centrality of these institutions to finding common solutions to common problems.

■ The Council of Europe should be unabashed in taking the lead in defending multilateralism against those who would undermine it along with our common standards.

■ Continued reform efforts are essential to make the Organisation stronger and more effective.

■ The Council of Europe's rapid acceleration in the use of digital communications technology during the Covid-19 crisis has been an impressive example of where multilateral intergovernmental organisations can lead by example, with modern technology allowing us to be more responsive and helping us to achieve new goals at the same cost.

■ The practice of the Secretary General's annual report on the state of human rights, democracy and the rule of law will be renewed as of 2021 and will explore the health of our democracies based on the Council of Europe's instruments and data. The report will provide in-depth analysis and identify key shortcomings within each pillar, along with specific actions to resolve them.



Marija Pejčinović Burić  
Secretary General of the Council of Europe

# INTRODUCTION BY THE SECRETARY GENERAL

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## HELSINKI FOLLOW-UP AND THE COVID-19 PANDEMIC

**M**y mandate as Secretary General began four months after the Helsinki Ministerial Session, and the implementation of its decisions has been a key priority for me. These address needs that have not gone away. In fact, many have grown more urgent still. Less than a year later, I intended my first annual report to be an update on the considerable progress that the Council of Europe has made in following up the decisions, rather than a full review of the Organisation's work. The result, outlined in Part 1 of this report, is a tour not only of the many and specific measures taken in response to the Helsinki decisions, but also of some of the broader and ongoing contextual work that has gone into addressing the areas identified. These diverse subjects comprise some of the outstanding issues of our times, including the future of artificial intelligence, the challenges arising from global migration, and the need to ensure equality between women and men. The measures undertaken have been carefully designed and implemented, but they are by no means exhaustive. In these matters, and in all of the challenges facing human rights, democracy and the rule of law across the continent, the Council of Europe is hard at work to help national authorities apply our common standards, and find new solutions.

— One of those challenges is of course the Covid-19 pandemic, which has taken a terrible toll on life in Europe and throughout the world. Among our member states, many thousands of people have lost their lives, far-reaching restrictions have been introduced and, inevitably, a high economic price is being paid for the measures required to limit the transmission of the virus. At the time of writing, the coronavirus outbreak appears to be on the decline in Europe and confinement measures are being eased to varying degrees. However, the pain inflicted remains, and will have long-lasting consequences. The threat of a resurgence in the infection rate remains real.

— The Council of Europe's mandate for action is clear. National authorities are right to act swiftly and decisively to prevent and to mitigate the impact of Covid-19. This Organisation is right to work with them, providing the information and support they need and expect to ensure that the measures they take are both effective and in line with their legal obligations as member states. These aims should not be in conflict. On the contrary, they should run in parallel. After all, the purpose of restrictions on people's activities is, ultimately, to save lives and the right to health and to equitable access to health care are human rights that the Council of Europe defends.

For this reason, I decided to add a further section to this report. Part II outlines extensively this Organisation's wide range of responses so far to the current pandemic.

I have spoken publicly on a number of occasions to highlight areas in which the circumstances caused by the coronavirus might endanger individuals' rights and I am also pleased by the positive reception given to the [information document](#) "Respecting democracy, rule of law and human rights in the framework of the Covid-19 sanitary crisis", which I published in early April and sent to all 47 member states.

This toolkit is, however, only a headline example of our action. In fact, every institution and body within the Council of Europe has moved quickly to consider how the pandemic relates to its specific work, and how that work might be amended or supplemented in order to help address this extraordinary threat to our societies. To communicate this, a [dedicated webpage](#) was established quickly to highlight the Organisation's standards, guidelines and role in this context, and to share useful facts and information, including video interviews with experts. Interest in our action has been clear, with [our Twitter followers](#) now exceeding 400 000.

There has been significant activity by the Commissioner for Human Rights, the Council of Europe Development Bank, the Congress of Local and Regional Authorities, the Parliamentary Assembly and the European Court of Human Rights, as well as the Directorate General of Human Rights and Rule of Law and the Directorate General of Democracy, and others. The work carried out for and with member states has been conducted in Strasbourg and in our external and field offices where staff on the ground have also reshaped some of their activities. Again, the list of actions that you will read in this report is not comprehensive, but it is an extensive statement of the Organisation's capacity to adapt to Europe's needs.

Our approach has involved work on standards compliance. Equally, it has clearly illuminated the importance of intergovernmental co-operation. Multilateralism underpins the Organisation's work, its standard-setting and its capacity to draw on the

combined experience and insights of its member states to address common problems. As such, our ongoing response to Covid-19 should be understood as a counterpoint to the arguments of those in Europe today who seek to undermine multilateralism. On the key challenges of our times we must work together more closely, not less. The Council of Europe should be at the forefront in making the case for this.

The support that we have provided to member states has been speedy at a moment when confinement and social distancing restrictions have required far-reaching changes to our working methods. It is important to pay tribute to the determination and perseverance of staff throughout the Council of Europe for the efficiency with which they have adjusted to change including remote working, virtual meetings and the more extensive use of written procedures. This has not been easy, not least for those at home with children whose nurseries and schools have been closed. The Committee of Ministers' flexibility, within the confines of the rules, has allowed the intergovernmental aspects of our work to advance. The Georgian Presidency was quick to adapt, cancelling and postponing events where necessary and reformatting them where possible. The Greek Chairmanship that took office in May has adopted a similar approach, embracing its capacity to serve as an "e-chairmanship" where required. I am particularly grateful to our Directorate of Human Resources, Directorate of General Services and Directorate of Information Technology for the way in which they have organised and supported the changes in working methods, both when governments imposed confinement methods and in supporting staff to return progressively to their offices, with appropriate safety measures in place.

## PRIORITIES AND EFFICIENCY

Notwithstanding all of this, the Council of Europe continues to make progress on a plethora of additional concerns that fall within the mandate of the Organisation. This report does not attempt to cover all of these and should not be read with that purpose in mind. Next year's edition will however revert to previous practice and my annual report for 2021 on the state of human rights, democracy and the rule of law will provide a broader analysis of the state of play in Europe, based on the work of Council of Europe monitoring mechanisms and bodies. It will also use a modified version of the methodology from previous editions (see Box 1).

Our ongoing work to address these challenges is rooted in the Council of Europe [Programme and Budget 2020-2021](#), which the Committee of Ministers adopted on my recommendation last November. This document sets out the Organisation's biennial priorities, with our three thematic pillars underpinned by

” On the key challenges of our times we must work together more closely, not less. The Council of Europe should be at the forefront in making the case for this.

nine operational programmes, and will feed into a future-focused, four-year strategic outlook, which I hope will be endorsed by the Committee of Ministers, possibly at next May's Ministerial Session.

■ The content complements the priorities that I have flagged repeatedly. Implementation of the European Convention on Human Rights and other legal standards must be reinforced, and the pivotal role of the European Court of Human Rights must be upheld. The execution of judgments must be carried out smoothly and swiftly by national authorities and they in turn must be given the encouragement and support required to ensure that this happens. Human rights and the rule of law must be better protected in unresolved conflict areas and so-called "grey zones" and, working with the Committee of Ministers, ways should be sought to access these areas for relevant Council of Europe bodies.

■ Social rights in Europe should be better promoted and there should be an enhanced focus on a number of long-term and recurring negative trends in our member states. These include corruption, threats to the independence of the judiciary, threats to journalists and the free media, restrictions on civil society and human rights defenders, human trafficking for the purposes of labour exploitation, persistent gender inequality and gender-based violence, attacks on minorities, questions relating to minority languages and the surge of hate speech and populist rhetoric – often amplified by new technologies.

■ The last of these underlines the urgent need to further explore the impact of artificial intelligence on our common European standards, and what might be done in light of this.

■ Achieving all of these ambitions requires proper funding. After years of real-terms, year-on-year cuts to the Council of Europe's budget, I am glad that the Committee of Ministers agreed to my proposal to move from zero nominal growth to zero real growth for the current biennium. This has provided a degree of financial certainty that allows us to plan our action with confidence. The upward trend in extra-budgetary contributions, which increased by 34% in 2019, also enables the Organisation to do more outside its core budget activities. This is testament to the commitment of our member states and has enabled additional activities on the ground and in partnership with others, notably our biggest partner, the European Union (EU).

■ I have been clear about the importance that I attach to the Council of Europe's relationship with the EU and other international organisations such as the United Nations and the Organization for Security and Co-operation in Europe (OSCE). By working together, we can both achieve more and avoid duplication: points that I have made in my recent speeches to the [UN Human Rights Council](#), the [EU's Political](#)

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and [Security Committee](#) and the [OSCE's Permanent Council](#). This approach is in line with my commitment to effective multilateralism, as exemplified by our close co-operation with these and other international organisations in our response to the Covid-19 pandemic.

## REFORM AND EFFECTIVENESS

■ Equally, I have been clear about the value of reform to ensuring that the Organisation becomes stronger, more effective and sustainable. The Council of Europe has undergone considerable reform over recent years, but I believe that it is right to look at further means by which to improve our working methods and the member states have made clear that they share this view. I have already held consultations with the Permanent Representatives on this subject, and I will continue to engage with them as we seek ideas around which consensus can be built. In the coming months, I will make proposals for the GR-PBA to consider in the first instance.

■ In this context, it is my intention to examine options for modifying and streamlining our organisational structures and operations in order to become more agile and responsive to changing needs. This will involve a more task-force-oriented approach with greater flexibility in the assignment of our human resources to different ongoing activities. I also envisage a review of our communications strategy with a view to making sure that scarce resources in this area are deployed in the most efficient manner.

” It is my intention to examine options for modifying and streamlining our organisational structures and operations in order to become more agile and responsive to changing needs.

■ These changes will complement the important administrative reforms that are already under way. For example, the implementation of the People Strategy and the new regulatory framework that should be ready by the year's end with a view to adoption by the Committee of Ministers in 2021. Investment and innovation will be important when it comes to our buildings, conference and IT infrastructure, and there should be an examination of options for wider structural and administrative reforms.

■ The Covid-19 crisis has affected the implementation of reform as the scope, measures and schedule have had to be adapted to the new context. This has been necessary to ensure their relevance and to meet the specific needs brought about by the crisis. Indeed, the impact of the coronavirus has been to accelerate some of this work – the use of teleworking and digital collaboration, for example – and it will doubtless further inform our approach in the months ahead. This is an opportunity for the Council of Europe to show the way in which multilateral organisations can adopt cutting-edge methods and deliver more for our member states at no extra cost.

■ Underpinning every decision will be the determination to ensure that the Council of Europe is a modern, attractive organisation that delivers value for money while applying our common standards to current and future challenges. In this context, our progress on the 2019 Helsinki Ministerial Session decisions, and our work to address the challenges presented by the coronavirus epidemic, are prime examples of how we will proceed and how human rights, democracy and the rule of law will grow stronger through a multilateral approach.

■ As we mark the 70th anniversary of the European Convention on Human Rights, this is testament to our Organisation's constant, evolving and essential role in protecting and promoting the interests of every European.



**Marija Pejčinović Burić**

Secretary General of the Council of Europe

## The structure of the Secretary General's future annual reports on the state of human rights, democracy and the rule of law in Europe

The practice of the Secretary General's report on the state of human rights, democracy and the rule of law will be renewed. This publication will explore the health of our democracies, based on the Council of Europe's instruments and data. It will identify key shortcomings within each pillar, along with actions to resolve them. It will also look critically at the Council of Europe's capacity to assist member states in complying with the European Convention on Human Rights and the standards derived from it.

The report will serve as a source of reflection and guidance for member states and on Council of Europe action in strengthening the democratic security of our continent.

### Structure and methodology

The format of the report will include some adjustments. There will be an analytical summary of the findings, with conclusions and corresponding proposals for action, followed by a main body, comprised of two parts.

The first part – Democratic institutions – will follow the model of the first four chapters of previous reports, using established methodology (measurement criteria and findings based on Council of Europe data). A fifth chapter will be added, focusing on the integrity of institutions and based on the data and findings of the Council of Europe's anti-corruption bodies.

The second part – Democratic environment – will be an evolution of the inclusive societies chapter in previous editions. The logic of this change is that while the functioning of our democracy depends on the strengths of institutions, the quality of the democratic environment in which these institutions operate is also crucial.

The main components of a functioning democratic environment are social inclusion, non-discrimination, the capacity to address citizens' expectations regarding the protection of their individual rights and priority concerns and the empowerment, skills, motivation and opportunities for citizens to take part in democratic processes.

In the second part of the report, two particular dimensions will be expanded: social justice and health rights, as well as gender equality, including the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention). Despite gains over the past decade, these issues have been highlighted by the Covid-19 pandemic and are a clear demonstration of the need for post-crisis collective action.

### Introduction and proposals for action

#### Part I – Democratic institutions

- efficient, impartial and independent judiciary
- freedom of expression
- freedom of assembly and freedom of association
- political institutions
- integrity of institutions

### Part II – Democratic environment

- human dignity
- inclusive society and non-discrimination
- social rights
- democratic participation

The first full report will be presented in May 2021, supporting the preparation of the next biennial budget of the Organisation.



# PART I



Helsinki Ministerial Meeting

# FOLLOW-UP ACTION TO THE HELSINKI DECISIONS

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**T**oday, the Council of Europe comprises 47 member states, representing more than 830 million Europeans, who live in a common legal space that is unprecedented in European history. Each of these individual Europeans has the ultimate right of appeal to the European Court of Human Rights, and every member state is obliged to abide by its judgments.

— The specific legal instruments developed through the Organisation's multilateral approach include more than 220 conventions. These have helped member states to apply the principles contained within the Convention and the European Social Charter to the various, complex and evolving challenges that European societies face. Compliance mechanisms and co-operation activities help ensure that agreed standards are met. Because of this, human rights, democracy and the rule of law have advanced, ensuring peace on the basis of greater unity.

— Against this backdrop, the 2019 Ministerial Session in Helsinki took stock of the urgent challenges to which the Council of Europe should turn its attention (see box). Its unanimous agreement on key decisions – specific areas for common action – have been followed up with action across the Organisation.

## Subjects for action included in the Volume of Decisions adopted at the 129th Session of the Committee of Ministers in Helsinki, 17 May 2019

- ▶ Strengthening the role and participation of civil society
- ▶ Artificial intelligence
- ▶ Action against trafficking in human beings
- ▶ Freedom of expression
- ▶ Addressing inequality, racism, xenophobia, hate speech and discrimination
- ▶ Social rights
- ▶ Challenges arising from global migration
- ▶ Equality between women and men, and fighting violence against women and domestic violence



## STRENGTHENING THE ROLE AND PARTICIPATION OF CIVIL SOCIETY

- ” – examine further options for strengthening the role and meaningful participation of civil society organisations, and national human rights institutions in the Organisation, with the view to increasing its openness and transparency towards civil society, including access to information, activities and events;
- further strengthen the Organisation’s mechanisms for the protection of human rights defenders, including the Secretary General’s Private Office procedure on human rights defenders;
- invite the Secretary General to explore the possibilities of inviting the relevant human rights NGOs to a regular exchange with a view to further enhancing co-operation between civil society and the Council of Europe and enriching the discussions of the Committee of Ministers and other Council of Europe bodies.

Volume of Decisions, 129th Session of the Committee of Ministers (Helsinki, 17 May 2019)

■ The Council of Europe co-operates with civil society in all aspects of its work and provides guidance to member states on strengthening the participation of non-governmental organisations (NGOs) in all components of our strategic triangle. The Conference of International Non-governmental Organisations (Conference of INGOs) continues to provide a dedicated space in which civil society is represented and better equipped to help ensure that international standards are understood and met.

■ The youth sector of the Council of Europe has given civil society an important say in the Organisation’s decision-making processes by virtue of a pioneering co-management system. Today, the sector’s priorities, programmes and budget are decided jointly through that mechanism. Similarly, the Platform for the Protection of Journalism and the Safety of Journalists has given NGOs unprecedented access to an intergovernmental body, allowing dialogue

between member states and civil society on media freedom issues.

■ Countries across the Council of Europe area have vibrant civil societies, which benefit to a large extent from the rights to freedom of expression, assembly and association. However, civic space in Europe is shrinking. Before the Covid-19 pandemic there was already evidence of situations resulting in excessive restrictions – legal and practical – on the work of NGOs. This has been seen in relation to human rights defenders, democracy activism and the rescue and support of migrants and refugees. The pandemic has, however, led to an increased number of emergency declarations and derogations from the European Convention on Human Rights. In some cases, their scope, duration and impact have been criticised by civil society representatives who worry that 2020 might ultimately mark the further, lasting loss of civic openness in Europe, weakening an important democratic safeguard.

■ The decisions taken at the Helsinki Ministerial Session therefore provide a very good impetus for action to protect and encourage healthy, robust and diverse civil societies and enhance their interaction with the Council of Europe.

■ Since then, measures have included:

- ▶ the September 2019 [informal meeting](#) of the Ministers' Deputies on the respective contributions of national human rights institutions and ombudspersons to human rights and the rule of law, which included contributions from the President of the European Network for National Human Rights Institutions and the presidents of national institutions;
- ▶ the Congress of Local and Regional Authorities' adoption of the [Revised Code of Good Practice for Civil Participation in the Decision-making Process](#) as a joint initiative with the Conference of INGOs on [fostering active citizenship by building partnerships with civil society](#);
- ▶ the Committee of Ministers' adoption of the [Recommendation on the development of the Ombudsman institution](#), which aims to strengthen and protect structures across Europe, establishing their firm legal basis and equipping them with the resources required to carry out their mandate independently;
- ▶ revision of the Secretary General's Private Office [procedure](#) on human rights defenders, to include the possibility of external direct reporting to the Private Office focal point (for example, by human rights defenders and NGOs), changes to the operational criteria (drawing from the experience of previous cases failing to demonstrate a causal link between a human rights defender's interaction with the Council of Europe and alleged retribution on the part of a member state) and the decision to report to the Committee of Ministers at least once a year on the types of cases being reported through the Private Office procedure;
- ▶ the Secretary General's information document on follow-up to the Helsinki decisions on civil society is under consideration by the Committee of Ministers and proposes a range of measures, including:
  - publication of a handbook/e-handbook to inform civil society/NGOs about the different forms of access and co-operation that they can pursue within the Council of Europe;
  - development of a civil society portal to help NGOs navigate the Organisation's website and find the right institutional or Secretariat address/contact point for the support or co-operation they are seeking;
  - production of an online calendar in order to help civil society actors identify ongoing or upcoming events, actions and initiatives with which they might engage;
  - the Council of Europe's rapporteur groups on Democracy, Human Rights and Legal Co-operation (GR-DEM, GR-H and GR-J) devoting one meeting each year to an exchange with civil society on common priority issues regarding democracy, human rights and the rule of law respectively: an exchange on a theme pertaining to democracy could take place around the International Day of Democracy on 15 September and could facilitate a substantive debate between decision makers and civil society in a transparent and organised manner;
  - exploring the feasibility of an annual forum, organised by the Secretary General, with the participation of civil society, all stakeholders concerned (Committee of Ministers, Parliamentary Assembly, Commissioner for Human Rights, the Conference of INGOs, relevant steering committees and others) and open to all delegations to ensure the widest possible exchange of views on the state of implementation of Council of Europe standards, related good practice and ongoing challenges.

■ It is now for the Committee of Ministers to decide on how to progress with the proposals made by the Secretary General.

■ However, several other initiatives are also expected to advance in the months ahead. These include the Steering Committee for Human Rights' revision of the Committee of Ministers Recommendation on the establishment of independent national institutions for the promotion and protection of human rights. This work is due to conclude by the end of 2020.



## ARTIFICIAL INTELLIGENCE

” – to examine the feasibility and potential elements on the basis of multi-stakeholder consultations, of a legal framework for the development, design and application of artificial intelligence, based on the Council of Europe’s standards on human rights, democracy and the rule of law.

Volume of Decisions, 129th Session of the Committee of Ministers (Helsinki, 17 May 2019)

Artificial intelligence (AI) is undoubtedly the disruptive digital technology of the beginning of this century. We are still struggling to measure the full consequences of its transformative impact on many areas of human activity, including industry, business, health, public services and elections. The important role of this technology in dealing with the Covid-19 pandemic is clear, but there remain concerns about the possible abuse of mass surveillance and its consequences for human rights, fundamental freedoms and citizens’ trust in democratic institutions.

A number of specific measures had already been proposed ahead of the Helsinki Ministerial Session, such as the [European Ethical Charter on the Use of Artificial Intelligence in Judicial Systems and their Environment](#) (European Commission for the Efficiency of Justice (CEPEJ)) and the [Guidelines on Artificial Intelligence and Data Protection](#) (Consultative Committee (T-PD)). In February 2019, the Committee of Ministers adopted a [Declaration on the manipulative capabilities of algorithmic process](#). The Parliamentary Assembly of the Council of Europe adopted the [Recommendation](#) on technological convergence, artificial intelligence and human rights, while the

Commissioner for Human Rights published, in May 2019, a recommendation on AI and human rights: [“Unboxing AI: 10 steps to protect human rights”](#).

Given the Council of Europe’s remit and experience, and the rapid development of AI in the current context, the Helsinki decision to mandate the Organisation to study the feasibility of one or more legal instruments was particularly timely.

Following Helsinki:

- ▶ the 47 member states set up an [Ad hoc Committee on Artificial Intelligence \(CAHAI\)](#) in September 2019 to examine the feasibility of a legal framework for the design, development and application of artificial intelligence. Work started immediately in co-operation with observer states, business, civil society and other international organisations including the European Union, the Organisation for Economic Co-operation and Development (OECD), the United Nations, the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the OSCE.

Further progress will be made in the months ahead, but it is important to note that this is taking place in the context of other AI-related work within the Council of Europe.

- ▶ On 8 April 2020, the Committee of Ministers adopted the [Recommendation on the human rights impacts of algorithmic systems](#).
- ▶ In November 2019, the Committee of Ministers adopted the [Recommendation on developing and promoting digital citizenship education](#). The recommendation was reinforced by a [Ministerial declaration on citizenship in the digital age](#) adopted at the Meeting of Education Ministers co-organised by the French Presidency of the Committee of Ministers and the Council of Europe on 26 November 2019. Building on this, the Committee of Ministers' 2020-21 education programme mandated the Steering Committee for Education Policy and Practice (CDPPE) to explore the implications of artificial intelligence and other emerging technologies for education generally and more specifically for their use in education.

The European Committee on Democracy and Governance (CDDG) is studying the impact of digital transformation – including AI – on democracy and governance, covering the interaction between such technologies and elections. This project is expected to finish by the end of 2020 and may result in the production of guidelines for a recommendation by the Committee of Ministers. The CDDG has appointed a rapporteur who is ensuring complementarity with CAHAI's work.

The European Committee on Crime Problems (CDPC) is addressing the implications of AI for criminal law, using driving automation as a commonplace example. It is examining the scope and substance of relevant national criminal legislation and international law, where and how regulatory powers are established within competent national authorities and the potential for an international legal instrument to provide common standards for the criminal-law aspects of automated technologies. [Responses to the CDPC's questionnaire](#) and feasibility study show a strong appetite among national authorities for a such an instrument. The CDPC will therefore start work on the drafting process this year, which would aid the development of specific national legislation. The questions it will address include responsibility for damage caused by robot conduct (including corporate liability), the rules for e-evidence and procedural rights and

issues concerning international co-operation, including evidence gathering and mutual legal assistance.

A learning course for equality bodies on the prevention and redress of AI-driven discrimination is currently under preparation. This follows a recommendation that human rights monitoring bodies should aim for better enforcement of non-discrimination norms in AI-related cases and a study commissioned by the European Commission against Racism and Intolerance (ECRI) [on discrimination, artificial intelligence and algorithmic decision making](#).

A publication on the e-relevance of arts and culture in the age of artificial intelligence is due for release in the second half of 2020. In December 2019, Eurimages published a [study on the impact of predictive technologies and AI on access to a diversified cultural offer](#), in view of the feasibility of a new convention and a new fund to promote independent production in TV series.

The new Council of Europe [Youth sector strategy 2030](#), launched in January, includes a focus on the “pervasive influence of technology and the digital space on the ways in which young people live their lives”. A seminar was organised in December 2019 to begin this work.

Following the Committee of Ministers Recommendation on [Guidelines to respect, protect and fulfil the rights of the child in the digital environment](#), the Steering Committee for the Rights of the Child will issue an implementation guide in July 2020, translating these principles into practice. The guidance aims to support the development of AI policies, strategies and measures which protect, provide for and empower children, and to ensure that AI is designed and used to respect and protect children's rights.

Member states, businesses and broader society are now calling for better co-ordination between international and regional organisations on their AI-related work. Future instruments should therefore fit into a broader mechanism for global regulation of digital transformation, as encouraged by the United Nations report “The Age of Digital Interdependence”. In the context of its mandate to protect and promote human rights, democracy and the rule of law, the Council of Europe will play its part in seeking to achieve this.



## ACTION AGAINST TRAFFICKING IN HUMAN BEINGS

” – to examine ways of strengthening action against trafficking in human beings...

Volume of Decisions, 129th Session of the Committee of Ministers (Helsinki, 17 May 2019)

— Trafficking in human beings and forced labour are an affront to the human rights, dignity and integrity of their victims. Despite the existence of a comprehensive international legal framework and significant attention at international and national level, their prevalence persists. In fact, countries are detecting and reporting more victims, not fewer. According to data collected by the Council of Europe Group of Experts on Action against Trafficking in Human Beings (GRETA), between 2015 and 2018, there was a 44% increase in the number of presumed and formally identified victims of human trafficking in the 47 States Parties to the Council of Europe Convention on Action against Trafficking in Human Beings (Anti-trafficking Convention). While sexual exploitation remains the predominant motive for human trafficking, there has been an increase in the number of identified victims of trafficking for the purpose of labour exploitation. Many victims remain unidentified and unprotected, and the number of prosecutions and convictions is still low in many countries. This highlights the necessity for reinforced prevention, as well as further training of law-enforcement officials, prosecutors, judges, labour inspectors and other relevant professionals.

— The Council of Europe has a range of standards and instruments to address human trafficking for the purpose of labour exploitation. In addition to the

Anti-trafficking Convention and the monitoring work of GRETA, these include the case law of the European Court of Human Rights, the European Social Charter and capacity-building initiatives, such as the Human Rights Education for Legal Professionals (HELP) online training for legal professionals. However, there is a growing acknowledgement of the need to involve the private sector in the fight against human trafficking, through prevention efforts aimed at all stages of companies' supply chains, and by holding companies accountable in cases of human rights abuses. The misuse of information and communication technology (ICT) to recruit, exploit and control victims has also created new challenges. At the same time, ICT provides new opportunities to investigate crimes, identify and assist victims and share information, which is why the Council of Europe is creating multi-stakeholder synergies to better combat human trafficking.

— Consequently:

- ▶ the Ministers' Deputies held an initial exchange of views on proposals for strengthening action in this area, leading to a meeting between the then Secretary General, the then President of the Committee of Ministers and with the participation of Permanent Representations, members of GRETA and the Secretariat.

► the Secretary General has presented her “Roadmap on strengthening action against trafficking in human beings for the purpose of labour exploitation” (November 2019), which includes the decision to establish an ad hoc GRETA working group that has already met on multiple occasions as it begins its work to:

- prepare a compendium of good practice based on GRETA’s country evaluation reports;
- draft a guidance note for member states to help them recognise and take the appropriate steps to address the problems they face.

■ GRETA’s ad hoc working group will include new and updated thinking in its forthcoming publications, including how to tackle trafficking in the digital age. This was the subject of a Council of Europe round table held in late 2019. The working group’s final conclusions are due to be presented at GRETA’s 38th plenary session to be held in late 2020. It will then be for the Committee of Ministers to consider what follow-up action to take.

■ The European Committee of Social Rights (ESCR) has requested reports and responses by states on the question of forced labour for the purposes of labour exploitation. These will cover the existence of relevant legislation regarding the identification and protection of victims, the prosecution of exploiters and the requirements for businesses to detail actions taken to investigate their supply chains for forced labour. The responses to this reporting procedure will feed into the ESCR’s conclusions on the implementation of the European Social Charter in 2020. The information gathered will also be incorporated into GRETA’s work.

■ In implementing the Committee of Ministers [Recommendation on human rights and business](#), the Steering Committee for Human Rights (CDDH) is developing a platform to collect and disseminate information on initiatives taken by member states

to promote the social/ethical behaviour of private companies, which will be pertinent to this issue.

■ A new Human Rights Education for Legal Professionals module will be prepared to support practitioners in addressing trafficking for the purpose of forced labour.

■ Aside from the roadmap and the working group, GRETA’s ongoing work is intended to strengthen Council of Europe action in this area on an ongoing basis. For example, its third evaluation cycle is now under way and focuses on access to justice and effective remedies for trafficking victims. The first nine country visits were carried out in the second half of 2019 and the first reports are due for adoption in 2020.

■ Similarly, co-operation and capacity-building activities continue, with the aim of implementing GRETA’s recommendations. These have been carried out in four member states and in the Southern Neighbourhood region. GRETA intends to organise a regional conference in the western Balkans to share information and ideas on the specifics of trafficking for labour exploitation there.

■ GRETA’s work with other international organisations is designed to ensure action against trafficking that is co-ordinated within and outside Europe’s borders. Its recent contribution to an issue brief by the Inter-agency Co-ordination Group against Trafficking in Persons for the Purpose of Labour Exploitation (ICAT) is a case in point. The GRETA secretariat is also supporting the establishment of International Labour Organization (ILO) training for European law-enforcement actors on forced labour, human trafficking and other forms of severe labour exploitation. This is intended to contribute to meeting Strategic Development Goal 8.7, which aims to eradicate forced labour and end modern slavery and human trafficking. The training programme is due to be launched later this year.



## FREEDOM OF EXPRESSION

” – recalling the importance of freedom of expression, online and offline, as a cornerstone of a democratic and pluralistic society, agreed to reinforce the Organisation’s work in this field and to enhance its co-operation and dialogue with the relevant tools of the Council of Europe, including the Platform to promote the protection of journalism and safety of journalists.

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While the technologies that can facilitate freedom of expression flourish, attacks and civil and criminal lawsuits against journalists have increased in number over recent years, as have surveillance, censorship and direct intimidation and threats. During 2019, two journalists were killed in Europe in relation to their work. Both murders remain unresolved. Journalists are often directly attacked for their work in a hostile climate that is exacerbated by the inflammatory rhetoric of senior politicians and others in positions of power.

The shift to digital media and the flow of online advertising revenue away from traditional media and towards internet platforms have created a precarious economic situation for many journalists across Europe, who have seen political or business interference in their work, as well as worsening employment conditions. These factors have variously put a strain on the pluralism, quality and integrity of journalism in many Council of Europe member states.

The Covid-19 pandemic has only underlined the indispensable nature of freedom of expression and media independence. People need journalists to hold those in power to account and to ensure access to information, particularly acute in times of crisis. The Helsinki decisions in this area are therefore pertinent and pressing.

Following Helsinki, the Organisation has:

- ▶ developed an [implementation guide](#) for the Committee of Ministers [Recommendation on the protection of journalism and safety of journalists and other media actors](#), providing member states with a set of good practices and a self-assessment tool for reviewing implementation of the recommendation in their jurisdictions;

- ▶ established three new expert committees to provide guidance to member states on:
  - the impact of digital technologies on freedom of expression (subordinate to the Steering Committee on Media and Information Society (CDMSI));
  - the media environment and reform (subordinate to the CDMSI);
  - combating hate speech (subordinate to the Steering Committee on Anti-discrimination, Diversity and Inclusion (CDADI) and the CDMSI);
- ▶ prepared an online course on the safety of journalists and an expert-informed training manual to support the work of legal practitioners, judges, law-enforcement officials and media practitioners across Europe;
- ▶ finalised a [draft recommendation on promoting a favourable environment for quality journalism in the digital age](#), encouraging member states to:
  - nurture quality journalism as a public good, with a combination of public and private, fiscal and financial measures and substantial investment;
  - promote media literacy and participation among the general public;
  - improve working conditions for journalists, for example by promoting employment tenure and rights, reinforcing professional associations, addressing work-related health issues and responding to the specific difficulties faced by women journalists;
- ▶ finalised the [Recommendation on the human rights impacts of algorithmic systems](#), adopted by the Committee of Ministers on 8 April 2020, which provides guidance to public and private sector actors on creating an environment in which both human rights and innovation can take root. The guidelines cover multiple aspects of the design, development and deployment of algorithmic systems and encourage member states to:
  - raise public awareness of the possible impacts of algorithmic systems and put in place effective risk-management mechanisms;
  - establish effective regulatory and supervisory frameworks that detect, prevent and remedy related human rights violations, whether stemming from public or private actors.

Both recommendations were prepared by expert committees, drawing on expertise from member states and civil society representatives, as well as independent experts.

To further contribute to the implementation of the Helsinki decisions, several activities are planned for the months ahead.

These include a Council of Europe Conference of Ministers responsible for Media and Information. A political declaration is foreseen in addition to resolutions on the impact of digital technologies on freedom of expression, the changing media environment and the safety of journalists. The CDMSI's work in the years to come will be shaped by what is decided there.

The organisation of debates on the freedom of expression will continue, including with the partners of the Platform for the Protection of Journalism and Safety of Journalists.

Following meetings with the partners of the Safety of Journalists Platform, the Secretary General announced her intention to provide regular written reports to the Committee of Ministers, focusing on evolving challenges to the freedom of expression in member states, including on issues stemming from alerts brought to the attention of the Council of Europe by the platform partners. These reports will include information about the implementation of freedom of expression standards at member state level. They will also include follow-up actions and recommendations in response to the alerts and information about the development and implementation by member states of national action plans on the safety of journalists.

Co-ordination of work on freedom of expression within the Council of Europe remains of prime importance. In addition to close, day-to-day co-operation, the Task Force on Freedom of Expression has been reinvigorated, with a view to maximising impact and advising the Secretary General about trends and making policy proposals.

In a fast-changing area, driven in part by technological innovation, these actions are designed to ensure that the Council of Europe keeps pace with the challenge of ensuring that Article 10 of the European Convention on Human Rights is given full effect.



*Domenica Ghidei Biidu, Vice Chair of the European Commission against Racism and Intolerance (ECRI), member for The Netherlands*

## ADDRESSING INEQUALITY, RACISM, XENOPHOBIA, HATE SPEECH AND DISCRIMINATION

” –underlined the need to address increasing inequality, racism, xenophobia, hate speech and discrimination on grounds of religion or belief or any other ground mentioned in the report of the Secretary General...

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■ The Covid-19 crisis has shed light on the need to strengthen European societies’ defences against discrimination and prejudice based on national or ethnic origin, skin colour, language, faith, sexual orientation or gender identity. Indeed, deficits in the safeguards which exist in all Council of Europe member states have become even clearer than at the time of the Helsinki Ministerial Session.

■ In recent months there have been examples of increased racial profiling and attacks against persons belonging to minorities, insufficient available information in minority or migrant languages, a lack of support for victims of racist or homophobic violence, vicious hate speech online, deplorable sanitary facilities in refugee camps and Roma<sup>1</sup> settlements and increased gender-based or LGBTI-focused abuse. These problems always undermine the cohesion of societies. When there is an emergency, they also prevent communities

from dealing with the crisis at hand as successfully as they might.

■ The manifestations of discrimination and hatred towards various groups must be addressed specifically, as the Council of Europe does through its standards, monitoring and capacity building. These are essential. An impact study published last year found that some 90% of respondents considered ECRI’s contribution to the fight against racism and intolerance to be “important”. In 2019 and 2020, a range of programmes and assistance activities, foreseen before the Helsinki Ministerial Session, have helped national authorities to review legislation and policies relating to anti-discrimination and minority inclusion, strengthen the capacity of equality bodies and law-enforcement institutions to support victims and offer redress, and raise public awareness.

■ Council of Europe action following Helsinki has included:

- ▶ the Committee of Ministers setting up the [Steering Committee on Anti-Discrimination, Diversity and Inclusion](#), which will meet as soon as possible in 2020 and will work to protect against discrimination and hate, promote equality for all and build more inclusive societies;
- ▶ ECRI starting its sixth country monitoring cycle and adopting the [Roadmap to Effective Equality](#),

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 present is an explanatory footnote, not a definition of Roma and/or Travellers.

” Increasing influence of ultra-nationalistic and xenophobic politics across Europe, online and offline hate speech, institutional racism, antisemitism and anti-Muslim hatred – we have been observing these alarming trends in Europe over the past several years. The Covid-19 pandemic and recent protests in Europe and worldwide have brought these problems into the limelight and underlined the urgency to build robust defences against them.

*Domenica Ghidei Biidu*

which sets out priorities for the coming years and calls for member states to establish effective systems to implement its recommendations, with new priorities such as:

- revising its general policy recommendations on combating intolerance and discrimination against Muslims and on the fight against antisemitism;
- drawing up a new general policy recommendation on LGBTI issues;
- contributing to a review of the Charter of European Political Parties for a Non-Racist Society;
- ▶ the conclusion of a review of member states’ implementation of the [Committee of Ministers Recommendation on measures to combat discrimination on grounds of sexual orientation or gender identity](#) (the first international legal instrument in this field), conducted by the Steering Committee for Human Rights, with 42 member states replying to the questionnaire and showing:
  - many member states’ progress regarding legal and social recognition of LGBTI people, same-sex partnerships and/or marriages, and reproductive rights and general protection from discrimination;
  - persistent challenges and human rights violations in some countries, particularly regarding the safety of LGBTI people and Pride events, the right to family life and the right to non-discrimination;
- ▶ the new [Strategic Action Plan for Roma and Traveller Inclusion](#) (2020-25) that will:
  - combat discrimination and anti-Gypsyism and support effective equality;
  - promote democratic participation, public trust and accountability;
  - improve access to inclusive quality education and training;
  - take account of the intersectional needs of specific groups of Roma and Travellers;
  - accompany a range of other ongoing Roma-related activities including the Council of Europe’s partnership in the European Roma Institute for Arts and Culture (ERIAC) which organised the Tangible Heritage Network in the second half of 2019, with six events held across several member states and featuring 106 active contributors and thousands of participants;
- ▶ revision of the monitoring processes of the Framework Convention for the Protection of National Minorities (FCNM) and the European Charter for Regional or Minority Languages (ECRML), to ensure increased efficiency, transparency and reaction capacity.

Looking forward, CDADI will undertake several major initiatives. These include the development of a new and comprehensive legal instrument on combating hate speech. There will be a multilevel policy framework for intercultural integration based on the lessons learnt from the implementation of the Committee of Ministers [Recommendation on intercultural integration](#) at the local level. In co-operation with the European Governmental LGBTI Focal Points Network – and drawing from the recent CDDH study – it will also start preparations for the third review of

the implementation of the Recommendation on measures to combat discrimination on grounds of sexual orientation or gender identity.

■ CDADI will also oversee the collection and analysis of information relating to the improved political participation of minority youth. This will be used to provide elements for new local and national policies in member states.

■ ECRI will progress with the initiatives outlined in its new Roadmap to Effective Equality including, in the longer term, drafting a new recommendation to combat discrimination and intolerance against LGBTI people. Similarly, it will move forward with its sixth country monitoring cycle, which will prioritise improvement in the effectiveness of equality bodies and access to rights – including for irregularly present migrants and LGBTI people – and combating hate speech and hate-motivated violence, and promoting inclusive integration, particularly for migrants and Roma. More generally, the Council of Europe will continue to protect the rights of minority groups through its capacity-building activities based on case law from the European Court of Human Rights and the Organisation's standards, in addition to ECRI's monitoring.

■ The Council of Europe will also continue to implement several field programmes in partnership with the European Commission. These address priority areas including the need to combat discrimination on all grounds (Partnership for Good Governance, the Horizontal Facility for Western Balkans and Turkey) and a range of measures to support Roma, such as promoting inclusive education for Roma children (INSCHOOL), Roma women's access to justice (JUSTROM), promoting good governance and community empowerment at local level (ROMACTED) and increasing the capacity of local authorities to shape and fund Roma inclusion strategies (ROMACT).

■ Unfortunately, hate speech, racism and discriminatory behaviour also continue to be a problem in relation to sports. In June 2019, the Standing Committee of the European Convention on Spectator Violence and Misbehaviour at Sports Events and in particular at Football Matches held a round-table discussion on this subject. National delegations and observers to the committee and representatives from Council of Europe monitoring mechanisms exchanged information on recent developments. They agreed on providing further guidance to promote measures to prevent and combat racism and other discriminatory behaviour at sporting events and to foster co-operation between public authorities, event organisers and the sport movement.



## SOCIAL RIGHTS

” – reaffirmed the importance of social rights across the continent, and invited member States that have not yet done so to consider signing and/or ratifying the revised European Social Charter and its Additional Protocol providing for a system of collective complaints...

*Volume of Decisions, 129th Session of the Committee of Ministers (Helsinki, 17 May 2019)*

Together, the European Convention on Human Rights and the European Social Charter comprise the basis of human rights protection in Europe today. Social rights include the rights to health care, housing, fair remuneration and social assistance. They are essential to human dignity and they contribute to the social cohesion that is a measure of a democracy's success. Trust in democratic systems is undermined when social rights, justice and progress are not delivered. Because of this, they are embedded in many of the activities undertaken throughout the Council of Europe.

There has been long-term progress in the realisation of social rights in Europe. In some cases, this has been linked directly to the implementation of the European Social Charter or to the case law of the European Committee of Social Rights. There has also been occasional but severe backsliding and social rights in Europe have not yet recovered from the impact of the subprime mortgage crash in 2008. Millions of people remain at serious risk of falling into poverty. Child poverty persists and, together with homelessness and inequality, the situation has worsened in some countries.

The Covid-19 pandemic risks having a strong negative impact on these rights. By putting human and social rights at the heart of the coronavirus response and post Covid-19 reconstruction, we can ensure that our member states are better enabled to build socially cohesive and sustainable societies.

Member states should make every effort to ensure that their social rights obligations are met. Those that have not ratified the revised European Social Charter and its Additional Protocol providing for a collective complaints system should do so. The Helsinki decisions recommended this as a way of increasing protection for some of the most vulnerable and marginalised people in Europe.

Following Helsinki:

- ▶ the Council of Europe has continued its dialogue with member states and its support for additional ratifications of the revised European Social Charter and the Additional Protocol on collective complaints, as well as the acceptance of additional provisions under the Charter;

- ▶ the CDDH has published its 2019 report [“Improving the Protection of Social Rights in Europe Volume II: report identifying good practices and making proposals with a view to implementing social rights in Europe”](#), which not only echoes the Helsinki sentiments but sets out facts, good practice and proposals on implementation and monitoring of social rights and suggests reforms to provide greater legal certainty and efficiency when it comes to the collective complaints procedure. These are intended both to reassure member states about the benefits and to make ratification more attractive;
- ▶ the Council of Europe’s rapporteur group on Social and Health Questions has begun consideration of some of the CDDH report’s suggestions based on decisions taken by the Committee of Ministers.

■ On 27 May 2020, the Ministers’ Deputies took note of the conclusions and recommendations of the review process on the implementation of the Committee of Ministers [Recommendation on the access of young people from disadvantaged neighbourhoods to social rights](#), also known as Enter!. This was the first ever review process to be carried out on a Committee of Ministers recommendation in the youth field.

■ To mitigate the social impact of the Covid-19 outbreak, the Council of Europe Development Bank, with its social mandate and strong track record in promoting social investments, has provided timely assistance to member states by adjusting its financing instruments and by scaling up its financing.

■ The Council of Europe remains committed to working with member states to increase the number of ratifications of the revised Social Charter (nine member states have ratified only the original 1961 version and four have not ratified at all) and the 1995 Additional Protocol providing for a system of collective complaints (only 15 states are bound currently). The Organisation will also continue to support, upon their request, those national authorities that choose to do so. In one member state, the governing coalition’s agreement includes the commitment to the ratification of both instruments.



## CHALLENGES ARISING FROM GLOBAL MIGRATION

” –recalled the need to continue addressing the challenges arising from global migration.

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Migration continues to be a global phenomenon and one of the defining challenges that Europe will face in the years to come. The root causes of migration (instability, demographic and economic development, climate change, etc.) are increasingly present in Europe’s neighbouring regions and beyond.

Within their national competences, member states seek individual solutions, including more effective border protection, which impacts on the conditions applied to asylum seekers and refugees. Immigration detention is being used to manage migration flows. Many countries are applying a more limited protection status that bestows fewer rights on recipients. The exceptional situation created by the Covid-19 pandemic, with lockdown all over Europe, has added to the notion of “closed states”, as the protection of public health for its citizens became primordial.

In recent years, almost all member states of the Council of Europe have faced challenges concerning irregular entries into their territories and the processing of an increasing number of asylum claims made by people with complex backgrounds and mixed motivations for migration. States have had to address the additional vulnerability of refugee and migrant women and children, especially unaccompanied and

separated children. While enforcing national immigration laws and combating trafficking and the smuggling of migrants, Council of Europe member states often face difficulties in applying the human rights standards to which they have committed.

It is in this context, and based on its mandate, that the Council of Europe addresses the challenges of refugees and migration: to assist its member states in upholding human rights and the rule of law throughout the migratory process. The Organisation’s solid legal framework provides a good basis for effective national asylum procedures. A fair system, which treats everyone with dignity and respect and grants protection to those in need, is a more credible system. Full compliance with human rights standards will mean fewer challenges to decisions made and to actions undertaken in the migratory process. It also strengthens the case for returning those not granted protection status to their countries of origin.

Since the Helsinki decisions last year, the Council of Europe has undertaken a range of specific actions, most importantly implementing the Council of Europe Action Plan on Protecting Refugee and Migrant Children in Europe (2017-2019).

■ Steps taken include:

- ▶ the development of a soft law package as part of the implementation of the action plan, comprised of:
    - the Committee of Ministers [Recommendation on effective guardianship for unaccompanied and separated children in the context of migration](#) outlining, among other things, the principles and guidance on the appointment of guardians, their roles and responsibilities, and access to information and child-friendly complaints mechanisms;
    - the Committee of Ministers [Recommendation on support for young refugees in transition to adulthood](#), which advocates additional temporary help for those who have turned 18, with the aim of helping them access their rights, become autonomous and better integrate into European societies, thereby also tackling the risk of radicalisation; the important role of youth work and the youth sector are stressed here;
  - ▶ the establishment of a range of tools that are complementary to the action plan, such as:
    - [Practical Guidance on Alternatives to Immigration Detention: Fostering Effective Results](#), adopted by the CDDH and outlining for member states why it can be beneficial to apply alternatives, what they are and how they can be made to work;
    - additional e-learning HELP courses on refugee and migrant children and on alternatives to immigration detention – for which some member states have held national launches – alongside the preparation of user-friendly manuals and other information designed to equip a range of professionals with the know-how they require;
    - dissemination of the Special Representative on Migration and Refugees' good practice guides on key child-related issues, "[Promoting child-friendly approaches in the area of migration: standards, guidance and current practices](#)" and "[Family reunification for refugee and migrant children: standards and promising practices](#)", which presents an overview of human rights, children's rights and refugee law relevant to family reunification and a series of key examples of positive practices;
  - upscaling the [European Qualification Passport for Refugees](#) (EQPR) which provides recognition of qualifications earned before arrival in Europe: a number of EQPRs have now been awarded and the project was presented as an example of good practice at the November 2019 UNESCO General Conference and the December 2019 United Nations High Commissioner for Refugees (UNHCR) Global Refugee Forum, with the Council of Europe now serving on an advisory group that is helping UNESCO to develop a complementary, global document;
  - a reference guide for literacy and second language learning for adult migrants, produced by the Council of Europe in 2019 as a means to support linguistic integration, notably by helping professionals to ensure that curricula are tailored towards the specific needs of second language literacy learners: the guide complements the Common European Framework of Reference for Languages;
  - ▶ the launch and first meeting of the Focal Points Network which will enhance co-operation and direct dialogue between the Council of Europe and national migration authorities, helping to ensure that migrants' human rights are respected;
  - ▶ some €28 million of Council of Europe Development Bank support provided by the end of 2019 through its Migrant and Refugee Fund, focusing on the needs of the most vulnerable groups (for example, unaccompanied children, single parents with children and victims of sexual and gender-based violence) with grants given for projects in 15 countries;
  - ▶ the Secretary General's appointment of a new Special Representative on Migration and Refugees, who took up post in January 2020.
- Many of these initiatives will continue to evolve. For example, the new Focal Points Network will establish itself firmly, reaching out to member states, focusing on priority areas and helping them to meet Council of Europe standards.
- Similarly, work on finding alternatives to immigration detention will continue in light of the evolving jurisprudence of the European Court of Human Rights and the substantive work that has been carried out in recent years and that was included in the final report of the last action plan.

■ In some areas, specific goals are already foreseen. They draw on developments in the field of linguistic integration and the social inclusion of young people. Policy recommendations relating to refugees and migrants are expected in the next biennium. Taking into account the mandate of the Gender Equality Commission, the possibility of a recommendation on refugee and migrant women will be explored. A draft recommendation on age assessment will be finalised, with guidelines drawing from both the Council of Europe's 2017 survey of age-assessment procedures among member states and the experience of children who have undergone such assessments in the context of migration. The purpose is to ensure age-assessment procedures are carried out in a human rights-compliant way, mitigating the potentially detrimental impact of age assessment on the child's physical and mental health.

■ In 2020, the plenary of the European Committee on Crime Problems will be asked to approve an action plan to prevent and suppress the smuggling of migrants. A draft plan, based on six "action lines", was drawn up

before the Helsinki Ministerial Session, pending a review based on consultations at national level. Its proposals include a Council of Europe Network of Prosecutors on Migrant Smuggling, the listing of 24/7 points of contact to facilitate first alert contact with national law-enforcement authorities, and the creation of a Council of Europe open database containing judicial and legislative information on migrant smuggling.

■ The Action Plan on Protecting Migrant and Refugee Children in Europe (2017-2019) has created a solid basis for enhanced co-operation with the Organisation's international partners, such as the EU and the UN (in particular UNHCR) in the field of migration. It also contributed to the Organisation's work in important areas including education and the smuggling and trafficking of human beings. It is on this basis that the Council of Europe intends to continue its transversal efforts to address challenges in the coming years. Given the success of the action plan, a new one will be drafted, with a view to continuing the Council of Europe's co-ordinated approach. The Special Representative will oversee its development.



## EQUALITY BETWEEN WOMEN AND MEN, AND FIGHTING VIOLENCE AGAINST WOMEN AND DOMESTIC VIOLENCE

” –reaffirming its commitment to equality between women and men, and to fight violence against women and domestic violence, stressed the importance in this regard of the Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention)

Volume of Decisions, 129th Session of the Committee of Ministers (Helsinki, 17 May 2019)

Increased attention is being paid at international level to the importance of achieving full *de facto* equality between women and men, and on protecting women from violence. Examples of this can be found in unprecedented initiatives at the G7 level in 2019, and in the growing international mobilisation around the implementation of Sustainable Development Goal 5, the Beijing Declaration and the Platform of United Nations and regional independent expert mechanisms on the elimination of discrimination and violence against women (Platform on EDVAW). The Council of Europe has actively contributed to these processes, and taken specific initiatives aimed at raising the profile and the impact of the Organisation and its legal instruments among its member states and in the broader global context. This includes for instance the adoption of the Resolution on financial arrangements for the participation of non-member states in the [Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence](#), and the active involvement of the Group of

Experts on Action against Violence against Women and Domestic Violence (GREVIO) in the EDVAW Platform.

GREVIO reports, including the [first multiannual report](#) published in April 2020, underline that many countries have introduced higher legislative and policy standards at the national level and created national co-ordination mechanisms as a first essential step in collecting accurate data and information.

More generally, in recent months, the Council of Europe has continued to both organise and participate in activities that increase knowledge and awareness, the sharing of best practice and the visibility of the Organisation’s work in this area. These include a conference of high-level representatives of interior ministers on the role of the police in combating domestic violence, a Committee of Ministers’ informal exchange of views on cyber-violence against women and the launch of the Council of Europe’s [anti-sexism campaign Sexism: See it. Name it. Stop it.](#)

Such initiatives remain important because GREVIO reports and other Council of Europe work show that societies are confronted with the persistence of gender-based violence, bias and stereotypes, sexism and discrimination (online and offline), as well as attempts to backtrack on reforms and measures. These include attacks on sexual and reproductive health and rights, shrinking resources for non-governmental organisations, equality bodies and co-ordinated movements – often justified as “anti-gender ideology” measures – and opposition to gender equality and women’s human rights on the basis of misconceptions and false narratives, frequently instrumentalised by populist political forces.

The Istanbul Convention has been a particular target for such attacks because it promotes the idea of women being equal to men in all spheres of life. It challenges harmful stereotypes and recognises diversity in women and in the life choices they make. Misconceptions and misrepresentations of the convention have been numerous, and this has delayed its ratification in some member states.

The Covid-19 pandemic has also highlighted risks for women in regards to their economic empowerment and security, and their safety in the context of confinement.

Given all of this, the decision at the Helsinki Ministerial Session to recommit to equality between women and men, and the Istanbul Convention, is highly important.

Steps taken since then include:

- ▶ the launch of a campaign to correct misconceptions about the Istanbul Convention and promote its ratification by member states and others;
- ▶ high-level missions carried out in specific member states to provide clarification and dispel myths;
- ▶ adoption by the European Commission for Democracy through Law (Venice Commission) of an opinion on the constitutional implications of a member state’s ratification of the treaty, further clarifying the consequences of accession;
- ▶ adoption of the Committee of Ministers [Resolution on financial arrangements for the participation of non-member states](#), aimed at ensuring the sustainability of the monitoring mechanism as countries outside the Council of Europe ratify the Istanbul Convention;

- ▶ two new non-member states given Committee of Ministers approval to accede to the treaty (Kazakhstan and Tunisia);

- ▶ co-operation and capacity-building activities on gender equality, combating violence against women and promoting the participation of women in political life undertaken in 12 member states, in Kosovo\* and in the Southern Neighbourhood region.

This work will continue and develop in the months and years ahead.

GREVIO will progress with its baseline evaluation round for all states parties, which it aims to complete in 2023. Some 13 reports have been published so far. The Organisation will also continue to provide support to member states for the implementation of its recommendations.

Similarly, information, support and capacity-building activities will be provided to member states, at their request, to prepare and support their signature and ratification of the Istanbul Convention. In this respect, a study visit and high-level contact visit are already planned in one member state, and a new project is being prepared for another.

To deepen understanding and share best practice on aspects of the Istanbul Convention and other gender equality standards, several initiatives will be taken forward. These include an international conference entitled “Women’s access to justice”, held as part of the Council of Europe and European Union Partnership for Good Governance, and inter-secretariat research to identify ways in which GREVIO and the Cybercrime Committee can find new means by which to prevent and combat technology-facilitated violence against women. This follows an informal exchange in the Committee of Ministers on violence against women in the digital space.

More broadly, there will be regular follow-up to the implementation of the [Council of Europe’s Gender Equality Strategy \(2018-2023\)](#) and the Gender Equality Commission will begin work on the elaboration of a new Committee of Ministers recommendation on migrant and refugee women, which it aims to complete by the end of 2021. This is in line with its recently adopted new terms of reference.

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

■ The awareness-raising campaign on the [Committee of Ministers Recommendation on preventing and combating sexism](#) will be intensified. This will involve partnership with an umbrella group of international NGOs and is expected to include activities in at least 10 member states.

■ The Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention) will continue to be an important tool to prevent and respond to this specific form of violence, which affects girls disproportionately. In October 2019, its monitoring body (the Lanzarote Committee) adopted a declaration on protecting children in out-of-home care from sexual exploitation and sexual abuse. The second monitoring round on the protection of children against sexual

exploitation and sexual abuse facilitated by ICTs is nearing completion, with an implementation report planned for adoption by the Lanzarote Committee at the end of 2020. This second monitoring round is supported by documents which clarify the applicability of the Lanzarote Convention to sexual offences facilitated through ICTs. These include an opinion adopted in 2019 on sexually suggestive or explicit images and/or videos generated, shared and received by children.

■ The Council of Europe will continue to work with other international organisations in order to support and promote its own instruments and initiatives, and theirs. These include the work of the G7 and the United Nations, where the Organisation will continue supporting the work of Beijing+25 action coalitions and the Commission on the Status of Women (CSW).

# PART II

# EUROPEAN COURT OF HUMAN RIGHTS COUR EUROPÉENNE DES DROITS DE L'HOMME



# COVID-19 AND THE COUNCIL OF EUROPE

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**T**he challenge posed by the Covid-19 pandemic is both significant and unprecedented: a health emergency that has caused large-scale loss of life, extensive change to people's social and professional interactions and an economic impact that will have serious consequences for many Europeans and others throughout the world. Although the full duration, scale and implications of the pandemic still cannot be quantified, it is already clear that vulnerable and disadvantaged groups are being hit particularly hard.

■ The Council of Europe exists to protect and promote human rights, democracy and the rule of law among its 47 member states at all times, and in all circumstances. The Covid-19 pandemic is no exception. National authorities across Europe have all been forced to take swift reactive measures to prevent and mitigate both the spread of coronavirus and its various impacts on people's health, well-being and livelihoods. The Organisation is standing with them and providing the support required to ensure that the decisions they make reinforce our common standards. This is important because, as the Secretary General has said, "while the virus is resulting in the tragic loss of life, we must nonetheless prevent it from destroying our way of life – our understanding of who we are, what we value, and the rights to which every European is entitled".

■ Like most other organisations, the Council of Europe has had to adapt its working methods swiftly and extensively in the first half of 2020.

■ The Strasbourg staff and premises have followed both the French and regional confinement measures

that began in March and have adapted in real time to the evolution and current easing of the restrictions. At the peak of those restrictions, well over 80% of staff were working remotely, and 450 video conferences were being conducted each day, with around 2 000 internal and external participants. Staff in our external offices have also complied with the confinement restrictions required by their host country.

■ Legal advice from the Organisation's Directorate of Legal Advice and Public International Law (DLAPIL) acknowledged that the pandemic constituted a *force majeure* and the Secretary General and the President of the Ministers' Deputies wrote to the chairpersons of intergovernmental committees on this basis, encouraging them to make full use of electronic means to hold their meetings. Similarly, DLAPIL assisted the secretariats of intergovernmental committees, convention monitoring committees and partial agreement bodies in identifying transparent and inclusive procedures for essential decision making.

■ In doing all of this, the Council of Europe has not only been able to continue its work, but to adapt and adopt measures required to help member states in the context of the pandemic. The work undertaken reaches across all of the Organisation's institutions and bodies and has been factored into most, if not all, policy areas.

■ What follows is an indication of the kinds of work done so far. It is extensive, but by no means exhaustive. As the Covid-19 implications continue to evolve, so too will the Council of Europe's activities in support of its member states.

## A TOOLKIT FOR RESPECTING DEMOCRACY, RULE OF LAW AND HUMAN RIGHTS IN THE FRAMEWORK OF THE COVID-19 SANITARY CRISIS

■ In early April, the Secretary General published guidelines for governments across Europe on respecting democracy, the rule of law and human rights during the Covid-19 crisis. This [information document](#) was sent to all 47 Council of Europe member states.

■ The toolkit is designed to help ensure that measures taken by member states during the current crisis remain proportionate to the threat posed by the spread of the virus and are limited in time.

■ The document covers four key areas:

- ▶ derogation from the European Convention on Human Rights in times of emergency;
- ▶ respect for the rule of law and democratic principles in times of emergency, including limits on the scope and duration of emergency measures;
- ▶ fundamental human rights standards including freedom of expression, privacy and data protection, protection of vulnerable groups from discrimination and the right to education;
- ▶ protection from crime and the protection of victims of crime, in particular regarding gender-based violence.

■ The Secretary General has used the opportunity of her speeches, statements and interviews to comment on some of these issues, including the increased risk of [domestic violence against women](#) during confinement and, to mark World Press Freedom Day, the need to ensure that the pandemic is not used to silence or hinder journalists who [should be free to report on all aspect of the crisis](#) and able to scrutinise the decisions of authorities.

■ In her April [speech](#) to the online Saint Petersburg International Legal Forum, the Secretary General's remarks highlighted the need for national authorities to ensure the right to health and to equitable access to health care, both of which are set out in the Council of Europe's conventions. She also drew attention to the situation facing vulnerable groups and reiterated the warning made by the Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) that inadequate health care may impact some of these people so severely that they fall within the scope of "inhuman and degrading treatment".



■ All these issues have been subject to additional recent work within the Council of Europe's institutions.

### Prevention of torture and inhuman or degrading treatment or punishment

- ▶ The Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment issued a [statement of principles](#) in March relating to the treatment of persons deprived of their liberty in the context of the Covid-19 pandemic. This was sent to all Council of Europe member states with a request for an account of the measures that they have taken with respect to the treatment of persons deprived of their liberty in prisons and other types of establishments including health and social welfare institutions and immigration detention centres.

### Social rights

- ▶ The European Committee of Social Rights adopted a [statement of interpretation](#) on the right to protection of health (Article 11 of the European Social Charter) in times of pandemic. It endorsed many measures adopted by states in response to Covid-19 and announced the preparation of a further statement covering a broader range of other social rights (health and safety at work, rights of children and older persons, etc.).

### The independence and efficiency of justice

- ▶ In May, the Consultative Council of European Prosecutors (CCPE) adopted a new topic for its [Opinion No. 15 \(2020\)](#) on the role of prosecutors in emergency situations, in particular when facing a pandemic. The opinion, to be adopted in November 2020 at the CCPE plenary, aims to determine how prosecution services can fulfil their mission with the highest quality and efficiency in the context of an emergency, such as the current pandemic and its aftermath. It will also look at how challenges faced by prosecution services in times of emergency can be overcome.

- ▶ A [blog](#) has been established for sharing measures aimed at ensuring the effective functioning of European judicial systems in the context of the Covid-19 pandemic. Set up by the European Commission for the Efficiency of Justice, it features a compilation of initiatives implemented by 26 member states, 1 observer state and 3 institutions with CEPEJ observer status.
- ▶ CEPEJ adopted at its June plenary session a [Declaration of Principles](#) to address challenges faced by the European justice systems.
- ▶ Co-operation activities have continued, adapted to the circumstances. A translation of the information collected on the functioning of the courts in Europe during the crisis has been made available by CEPEJ to the courts of the beneficiaries. Additional expertise has been provided to tailor recommendations to some national situations.

## Media

- ▶ A [website](#) has been created to provide relevant information and guidance to member states on the role of media in the current context, and how they should be protected, including the Council of Europe's [Guidelines](#) on protecting freedom of expression and information in times of crisis.
- ▶ Preparation has started on a special report about the impact of Covid-19 on freedom of expression. This is at the request of the Bureau of the Steering Committee on the Media and the Information Society and will include examples of best practice and lessons learnt.

## Data protection

- ▶ The Chair of the Committee of the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data and the Data Protection Commissioner of the Council of Europe issued a joint [declaration](#) reminding stakeholders responsible for the fight against Covid-19 that data protection standards are fully compatible and reconcilable with other fundamental rights and relevant public interests, such as public health. These should be applied to the use of data analytics and digital technologies deployed in the context of the coronavirus pandemic. Data protection safeguards must be implemented when adopting extraordinary measures to protect people, such as digital contact tracing tools. A new dedicated [webpage](#) provides specific guidance and resources on the application of data protection principles in the context of the current health crisis.

## Artificial intelligence

- ▶ The Ad hoc Committee on Artificial Intelligence secretariat carried out an [overview](#) of articles and other publicly available information about the use of AI in the fight against the Covid-19 pandemic.
- ▶ A [webinar](#) was held to debate issues surrounding the use of tracking applications on mobile phones specifically.

## Cybercrime

- ▶ The Cybercrime Programme Office (C-PROC), together with partners, hosted a series of [webinars](#) aimed at equipping participants worldwide with knowledge about the increased incidence of cybercrime during the Covid-19 pandemic and how they can apply the principles of the Convention on Cybercrime (Budapest Convention) to detect, investigate, attribute and prosecute.
- ▶ A dedicated webpage was created with information for criminal justice authorities.

## Bioethics

- ▶ Through a [statement on 14 April](#) the Committee on Bioethics (DH-BIO) highlighted that the key human rights considerations covered in the Convention on Human rights and Biomedicine (Oviedo Convention) should guide decisions and practices in health care and biomedical research during the current health crisis. The statement stresses the fundamental principles of equitable access to health care, consent, the protection of privacy and the confidentiality of health-related data.
- ▶ The [Strategic Action Plan on Human Rights and Technologies in Biomedicine \(2020-2025\)](#) and related co-operation programmes in the field will provide a wide array of tools to assist member states in finding effective solutions to issues including those related to Covid-19.

## Access to public documents

- ▶ A new Group of Specialists on Access to Official Documents will monitor the implementation of the Council of Europe Convention on Access to Official Documents (Tromsø Convention) once it enters into force later in 2020: the convention should ensure access to information relating to authorities' understanding and decision making as they address the Covid-19 pandemic and other issues.



## Drug abuse

- ▶ The [Save Lives – Protect People](#) platform has been developed to collect and present innovative ideas and practical interventions that limit the spread of Covid-19 and prevent harm to drug users and their relatives. The project was undertaken in partnership with the Correlation – European Harm Reduction Network and the European Federation of Therapeutic Communities (EFTC) and its content is available in six languages.

## Corruption

- ▶ [Guidance](#) by the Group of States against Corruption (GRECO) has been issued on mitigating corruption risks in the context of Covid-19, complemented by an explanatory webinar with legal practitioners and policy makers.

## Crime

- ▶ The Working Party of the Council for Penological Co-operation (PC-CP) issued a [statement](#) on standards and good practice that may assist prison and probation services and other criminal justice agencies in Council of Europe member states in dealing with the Covid-19 pandemic.
- ▶ The Committee of the Parties of the MEDICRIME Convention issued [advice](#) about the risks of fake medical products to public health and how best to tackle them.
- ▶ MONEYVAL joined the Financial Action Task Force (FATF) in issuing a [paper](#) on Covid-19-related money laundering and terrorist financing risks and policy responses, as part of a co-ordinated response to the increase in coronavirus-related crimes.
- ▶ The Committee on Counter-Terrorism issued an [information note](#) on the potential risk of bioterrorism to our societies and the need to strengthen preventive measures in this area.

## Migration and refugees

- ▶ The Council of Europe and the European Union Agency for Fundamental Rights jointly prepared a note, "[Fundamental rights of refugees, asylum seekers and migrants at European borders](#)"; published in March. This note addresses the special measures put in place by member states in the event of pandemics and emphasises that protection needs cannot be set aside while implementing measures to address public health considerations at borders. It also stresses that refusing entry to all asylum applicants, or those of a particular nationality, does not comply with the right to seek asylum and could risk violating the principle of *non-refoulement*.

## Children's rights

- ▶ The Chair and Vice-Chair of the Lanzarote Committee issued an early [statement](#) outlining the increased dangers posed to young people during periods of lockdown and urging states parties to make children aware of their rights to protection and to the services and measures in place to achieve this goal. The statement was followed by the collection of data on the estimated increase of child victims during Covid-19 and the special safeguarding measures being put in place by member states during the confinement period.
- ▶ Current work by the Lanzarote Committee on the protection of children against sexual exploitation and sexual abuse facilitated by ICTs will be particularly useful for measures taken by member states during lockdown periods. This is the subject of the committee's [second thematic monitoring round](#). GREVIO issued a [statement](#) highlighting the increased risk of domestic violence for women and children.
- ▶ The European Committee of Social Rights' "[Statement of interpretation on the right to protection of health in times of pandemic](#)", calls on parties to ensure this measure is given the highest priority in policies, laws and other responses to the pandemic. It also recalls the obligations on parties to operate widely accessible immunisation programmes. In line with the [Guidelines on child-friendly health care](#), health-care activities must prioritise children's particular rights and needs.
- ▶ A dedicated webpage provides information on protecting and empowering children during the Covid-19 pandemic. Updated regularly, it contains information, guidance and resources on topics ranging from e-learning to keeping children safe online, and is aimed at parents, children and other stakeholders.

## Anti-discrimination

- ▶ The Secretariat of the Steering Committee on Anti-Discrimination, Diversity and Inclusion published an [introductory note](#) on 8 April covering the anti-discrimination, diversity and inclusion dimensions of its response to Covid-19. A study is under preparation with a view to developing guidelines for dealing with pandemics.
- ▶ ECRI published a [joint statement](#) with the European Union Fundamental Rights Agency (FRA) and the Organization for Security and Co-operation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR) on 20 March – International Day for the Elimination of Racial Discrimination – stressing the need for societies to stand together and prevent discrimination and hate crimes in times of crisis.
- ▶ ECRI's Bureau made a [statement](#) on the impact of Covid-19 and government responses on groups of concern. It called on states to take account of ECRI's general policy recommendations and co-operate with equality bodies and civil society organisations, underlining that post-Covid-19 task forces should include specialists in equality and non-discrimination.
- ▶ The Chair of the Committee of Experts of the European Charter for Regional or Minority Languages [declared](#) the importance of providing information on Covid-19 in minority languages. In a subsequent interview, she reiterated her concerns over the notable absence of official communication about Covid-19 in regional or minority languages.
- ▶ All plans under European Union–Council of Europe joint programmes on Roma and Travellers inclusion were adapted and funds re-directed to respond to the crisis. Under [INSCHOOL](#) informal groups were created to plan emergency responses in participating countries and grants were allocated to schools for interventions. Actions were implemented under [JUSTROM](#) supporting emergency responses and monitoring human rights violations. Under [ROMACTED](#), small grants for food packages and hygiene kits helped thousands of Roma families cope with the crisis. The 33 projects under the [ROMACT](#) small grants scheme reached around 15 000 people with supplies and more than 30 000 with information on staying safe.
- ▶ The Intercultural Cities (ICC) programme focused on Covid-19-related issues at its online meeting on 23 April, [analysing policy responses and good practice](#) related to intercultural integration and specific actions for persons in situations of

exclusion or vulnerability, and developing recommended actions for post-Covid-19 recovery.

- ▶ Among its online tools and activities to mitigate exclusion and vulnerability among LGBTI people, the SOGI Unit contributed to a symposium on the impact of the pandemic on LGBTI refugees and foresees the awarding of grants to innovative civil society initiatives supporting LGBTI persons during the pandemic.
- ▶ The workplans of the EU/Council of Europe anti-discrimination actions within the Horizontal Facility II programme were adjusted and a Covid-19-specific call for grants was issued on inclusion and anti-discrimination, with awards to the best 18 NGO proposals.
- ▶ Anti-discrimination campaigns were adapted to the Covid-19 situation, with messages of support for minorities and vulnerable groups. In one member state, several webinars on equality and discrimination were organised in partnership with the Public Defenders Office to facilitate exchange on the effect of Covid-19 on minorities and vulnerable groups.

## Education

- ▶ The Steering Committee for Education Policy and Practice met [online](#) to develop an education-related Covid response based on the [public responsibility for ensuring quality education](#) and aiming to develop students' [competences](#) for democratic culture.
- ▶ The [Covid section](#) on the [Education website](#), launched in early April, provides information on education policy and practice to help member states respond to the crisis.
- ▶ Projects and activities have been adapted rapidly. [Ten lesson plans on Digital Citizenship Education](#) were put online to help young learners discuss important issues arising out of the current health emergency, including cyberbullying, fake news, solidarity and living in lockdown.
- ▶ The Council of Europe has engaged in public debate, [urging universities to help shape a post-Covid world](#) that will be based on the shared values of democracy, human rights and the rule of law, as well as social justice, inclusion and equity.
- ▶ The European Network of National Information Centres on academic recognition and mobility ([ENIC Network](#)) developed measures to ensure the right to fair recognition of higher education degrees in times of crisis under the Convention on the Recognition of Qualifications concerning Higher Education in the European Region ([Lisbon Recognition Convention](#)). Working with

the UNHCR, the Council of Europe has [accelerated evaluation for refugees with health-related qualifications](#) by means of a [European Qualifications Passport for Refugees](#), which provides a methodology for assessing refugees' qualifications even when these cannot be fully documented.

- ▶ [Capacity-building projects](#) were adapted to local circumstances in addressing the Covid crisis.
- ▶ The [European Centre for Modern Languages](#) has developed a [treasure chest](#) of resources for learners, parents and teachers and organised webinars with up to 200 participants as part of the pandemic-inspired adaptation of its 2020-23 programme "[Inspiring innovation in language education: changing contexts, evolving competences](#)".

## Youth

- ▶ Under its co-management system, the Joint Council on Youth established a working group on [responses to the Covid-19](#) pandemic, offering an exchange of good practices and mutual support. Online debates and social network activities were offered to promote human rights and democracy, which are particularly important during this period of restricted access to rights.
- ▶ Following the temporary closure of the European Youth Centres in [Strasbourg](#) and [Budapest](#) in line with sanitary measures, the Youth Department developed additional e-learning tools and online resources to continue education and training for young people and those working with youth.
- ▶ The European Youth Foundation issued a [special call](#) for local pilot activities responding to needs arising from the Covid-19 pandemic. Dozens of youth-led projects applied for this financial support.
- ▶ The [Partnership](#) between the European Commission and the Council of Europe in the field of Youth launched a study on the immediate and medium-term effects of the pandemic on the youth sector and their longer-term consequences.

## Culture, nature and heritage

- ▶ The Secretariat of the Enlarged Partial Agreement on Cultural Routes launched an [online survey](#) and organised a series of webinars with Cultural Route managers, representatives of member states and academics to discuss how to overcome the challenges posed by Covid-19 to the cultural and tourism sectors.
- ▶ The Compendium of Cultural Policy and Trends information system has been [updated](#) to provide

an overview of cultural policy measures taken in member states during the pandemic, an analytical report was drawn up on the impact of pandemic on the cultural and creative sectors in Europe and a call for innovative and best practices in times of pandemic was launched.

- ▶ The [EUR-OPA Major Hazards Agreement](#) has included biological hazards in its scope of activities, launched a [Covid-19-page](#) and set up grants for EUR-OPA's [specialised centres](#) to fight Covid-19.

## Democracy and governance

- ▶ The European Committee on Democracy and Governance, is promoting the exchange of information, best practice and practical solutions for tackling the epidemic. It has launched a [dedicated webpage](#) and organised an ad-hoc high-level meeting on "A democratic response to Covid-19".
- ▶ Similarly, in the field of electoral assistance, a [dedicated website](#) was launched, presenting practical information and best practice with regard to elections at all levels during the Covid-19 era.
- ▶ The [Centre of Expertise for Good Governance](#) is developing a new toolkit to be applied in the context of co-operation projects in member states and which aims to help local authorities assess their emergency preparedness and resilience in crisis situations. Work is also under way on a new capacity-building module on leadership in crisis situations, which will be included in the centre's Leadership Academy Programme.
- ▶ The Conference of INGOs has worked to improve the network of communication between INGOs with participatory status in order to keep track of difficulties being faced by civil society in member states.
- ▶ New forms of public participation in decision making have been developed and implemented in several cities with the help of Council of Europe co-operation projects.

## Gender equality and violence against women

- ▶ Members of the Gender Equality Commission and the Committee of the Parties to the Istanbul Convention compiled an [information page](#). This facilitates the dissemination of initiatives, practices, statements and guidelines relating to the impact of the Covid-19 pandemic on women, including their increased exposure to domestic violence in the context of confinement. More than 40 member states have provided



information for the resource page, which is regularly updated. Information is also supplied on the Council of Europe institutional response (official documents, statements, etc.) and initiatives by other international organisations and by NGOs. This information is now being analysed with a view to extracting further guidance and good practice.

- ▶ The monitoring bodies of the Istanbul Convention, GREVIO and the [Committee of the Parties](#), produced statements on the impact of the pandemic on violence against women and domestic violence, providing specific guidance on the application of the principles and requirements of the treaty in exceptional circumstances.
- ▶ A high-level thematic debate, organised by the Gender Equality Commission under the aegis of the Greek Chairmanship of the Committee of Ministers, will be held on the gendered consequences of the pandemic and the role to be played by institutional mechanisms for gender equality in limiting negative consequences in the aftermath of the crisis.

### Trafficking in human beings

- ▶ GRETA adopted a [statement](#) recalling that the Council of Europe Convention on Action against Trafficking in Human Beings provides essential guidance for ensuring that the rights and safety of trafficking victims continue to be protected in the current circumstances. Victims may find themselves in an even more vulnerable position should criminals use the crisis to increase the financial profit that this crime generates. Restrictive measures imposed by Covid-19 limit the capacity for action by law enforcement and other actors who can detect victims of trafficking. These include labour inspectors, social workers, health-care staff and NGOs. Services supporting and protecting victims, such as shelters, also face limitations.
- ▶ GRETA actively contributed to international awareness-raising efforts notably through its contribution to the Inter-Agency Coordination Group against Trafficking in Persons resource page.

### PROGRAMMES AND CO-OPERATION

As far as possible, the increased demand for political support and technical assistance in the form of co-operation projects has been met. Hundreds of these co-operation activities have taken place in the form of online meetings or other remote connections, reaching out to both decision-makers and the public at large. Projects have been adjusted in terms of both working methods and delivery. [The Secretary General's toolkit](#) ensured quick feedback from member states on ways to comply with standards or the need to develop them in light of the crisis. Co-operation activities in some countries have been instrumental in providing urgent support to inmates and prison staff, including personal protective equipment. Innovative multilateral co-operation projects have been submitted with a view to addressing urgent health-care issues facing member states in the field of bioethics (Oviedo Convention) and protection against counterfeit medicines (Council of Europe Convention on the Counterfeiting of Medical Products and Similar Crimes involving Threats to Public Health (MEDICRIME Convention)).

Among the 17 Council of Europe offices and programme offices, there has been a range of Covid-19-related actions, tailored to specific circumstances. These include:

- ▶ an online [“Human Rights talks in times of Covid-19”](#) seminar dedicated to the prevention of violence against women, organised in co-operation with the Georgian Public Defender's Office, and reaching 96 000 people;
- ▶ webinars for the editors of local print media on topics including new legislation and government-introduced rules related to quarantine, media operation formats in times of unprecedented crisis, the prevention of fake news, and the use of social media in conditions of quarantine;

- ▶ support for vulnerable groups through the provision of information and visibility material, the translation of guidelines into minority languages and the distribution of food and sanitary equipment to national minorities, including Roma families;
- ▶ the supply of medical equipment to penitentiary institutions: in response to the emergency, the Council of Europe has donated protective materials to five member states. The delivery of additional items is under way and purchases are planned for prison administrations in several other countries;
- ▶ the translation and distribution to local authorities and others of the “[Statement of principles](#) relating to the treatment of persons deprived of their liberty in the context of Covid-19 pandemic”, published by the Committee for the Prevention of Torture;
- ▶ the translation of the Secretary General’s Covid-19 toolkit into host country languages either by or with the support of the Council of Europe offices, and achieved in all instances within a week of its publication.

## PARTIAL AGREEMENTS

### European Commission for Democracy through Law (Venice Commission)

- ▶ In April 2020, the Venice Commission prepared a [compilation](#) of opinions and reports on the conditions and requirements for declaring states of emergency and for adopting emergency measures (available online in several languages).
- ▶ An “Observatory on the state of implementation of declarations of states of emergency and of emergency legislation” was launched in order to collect information relating to the Venice Commission’s 62 member states.
- ▶ In May, the Commission released a new [report](#) entitled “Respect for democracy, human rights and the rule of law during states of emergency” which elaborates on the principles, conditions and necessary guarantees that should be observed during the Covid-19 crisis, including the issue of holding or postponing elections.
- ▶ Plans to organise an international conference on constitutionalism in times of emergency are under way. This will take place in November 2020, under the auspices of the Greek Chairmanship and take stock of the experience of member states in areas such as derogation from the ordinary distribution of powers and holding or postponing elections.

### Council of Europe Development Bank (CEB)

■ The CEB has provided timely, flexible and targeted financial assistance to its member states with a view to helping them counter the combined effects of a major health emergency and a financial and economic crisis.

- ▶ A €1 billion seven-year maturity, and a US\$500 million three-year maturity Covid-19 Response Social Inclusion Bond were issued.
- ▶ As of June 2020, the CEB has approved loans totalling over €2.9 billion to part-finance 15 Covid-19 related emergency projects in 14 member states.
- ▶ The CEB has [supported projects](#) to mitigate the spread and impact of the pandemic, providing funding to safeguard the availability of medical services and supplies; to counteract the economic consequences for micro, small and medium enterprises; to preserve jobs; and to assist local authorities to ensure the continuity of essential public services during the Covid-19 emergency. These projects particularly benefited vulnerable groups including the elderly, migrants and refugees, and those in the first line of defence against the pandemic, such as medical professionals.

■ More information can be found on the CEB’s Covid-19 dedicated [website](#).

### European Directorate for the Quality of Medicines and HealthCare (EDQM)

- ▶ The EDQM has ensured the continued availability of reference standards necessary to release batches of medicines to the market and is closely monitoring “re-purposed” authorised medicines currently used in Covid-19 clinical trials. This is required in order to secure sufficient stocks in the event of one or more of these trials resulting in a positive outcome. Information on paediatric formulations and marketed products that may be useful in the treatment of Covid-19 has been compiled and published on the EDQM’s website to support health-care professionals. In a joint initiative with the British Pharmacopoeia, pharmacopoeial texts on antiviral medicines have also been made freely available.
- ▶ The European Network of Official Medicines Control Laboratories has set up contingency measures for the official control authority batch release (OCABR) of vaccines and blood products in the event that one of the laboratories encounters capacity issues or must be shut down due to the pandemic. In addition, the EDQM is co-ordinating the network’s efforts to prepare for OCABR of future Covid-19 vaccines.



## ACTIVITIES OF THE STATUTORY AND OTHER KEY BODIES OF THE COUNCIL OF EUROPE

- ▶ A vaccine task force has been established to support academic institutions and small enterprises currently involved in the search for a Covid-19 vaccine and that may have limited knowledge of regulatory requirements. As a first step, pharmacopoeial texts relevant for vaccines have been made freely available, together with training material on how to interpret and apply them.
- ▶ The EDQM is facilitating the exchange of information and fostering co-operation between member states and health authorities in order to minimise the impact of the Covid-19 pandemic in the field of substances of human origin. A webinar entitled “[Tissue donation from deceased donors during the Covid-19 pandemic](#)” was held in April and attracted more than 1 000 participants.
- ▶ The EDQM has been holding regular virtual meetings with partners and stakeholders, including the national pharmacopoeia authorities of its 39 member states, European industry associations and international counterparts, in order to respond to their specific needs in the pandemic situation and to join forces in protecting public health.

■ More information can be found on the EDQM's dedicated Covid-19 [website](#).

### Eurimages

- ▶ Eurimages and its support regulations have adapted in response to the needs of film industry professionals affected by the crisis. Priority was given to ensuring timely payments for film projects supported by the Fund at a moment when the film industry has been badly disrupted. A [special section](#) of the Eurimages [website](#) was created to cover these actions.

### North-South Centre

- ▶ The [#solidaction campaign](#) One World, Our World was launched in response to the pandemic to highlight solidarity initiatives led by individuals and civil society groups in different parts of the world. In the next phases, the campaign will take a deeper look into emerging forms of solidarity.

### Committee of Ministers

■ On 22 April the Committee of Ministers adopted a [declaration](#) on the Covid-19 pandemic, recalling that “measures to combat the disease and its wider consequences must be taken in accordance with the Organisation’s principles and the commitments entered into by member States” and underlining that “the Council of Europe, including its Development Bank, will continue to make every effort to assist its member States during this crisis and its aftermath”.

■ During April and May, the Ministers’ Deputies, with the facilitation and support of the Georgian Presidency and Greek Chairmanship, agreed to adapt their working methods until they could resume meetings in an ordinary format. They found creative and effective ways to implement their work programme and priorities through combined use of written procedures, videoconferences and online events.

■ In order to respect the confinement rules put in place by the French authorities to limit the spread of the coronavirus, the Ministers’ Deputies cancelled their physical meetings, replacing them by written procedures when possible. From early April, all Ministers’ Deputies meetings were held by written procedure and/or informal video conferences.

■ Similarly, the Ministers’ Deputies through their Chair, stressed the importance of the work of the intergovernmental committees and encouraged the chairs of these committees to explore all possibilities for ensuring the continuity of the committees’ work by adapting working methods to the use of new technologies, videoconferences and written procedures in order to pursue the implementation of the 2020-2021 terms of reference.

■ In June, physical meetings of the Ministers’ Deputies started again, with fewer staff in attendance, and other appropriate safety measures followed.

■ The Ministers’ Deputies agreed to postpone the 130th Session of the Committee of Ministers from 15 May to 4 November 2020 and to hold it in Athens, subject to further Covid-19-related developments.

## Parliamentary Assembly

■ The Parliamentary Assembly did not hold its April and June 2020 part-sessions due to measures put in place to combat Covid-19. However, it approved arrangements for the conduct of remote committee meetings. It has engaged with governments and national parliaments on how to ensure respect for human rights, democracy and the rule of law while responding to the pandemic.

■ A [special page](#) devoted to Covid-19 was opened, which includes statements by the President of the Assembly, committee chairpersons and rapporteurs.

■ The President of the Assembly launched the [#PACEVoices](#) initiative to help members stay connected and to share information on their activities.

■ Several reports are currently under preparation in the Assembly, looking at various aspects of member states' responses to the Covid-19 pandemic. These include:

- ▶ [lessons for future public health emergencies from an effective and rights-based response to the Covid-19 pandemic](#) (by the Committee on Social Affairs, Health and Sustainable Development);
- ▶ [democracies facing the Covid-19 pandemic](#) (Committee on Political Affairs and Democracy);
- ▶ [women's rights must withstand the Covid-19 crisis](#) (Committee on Equality and Non-Discrimination);
- ▶ [the impact of the Covid-19 pandemic on human rights and the rule of law](#) (Committee on Legal Affairs and Human Rights, with an opinion by the Committee on Culture, Science, Education and Media);
- ▶ [humanitarian consequences of the Covid-19 pandemic for migrants and refugees](#) (Committee on Migration, Refugees and Displaced Persons).

■ Other reports will include special references to the impact of Covid-19, notably ["Addressing sexual violence against children: stepping up action and co-operation in Europe"](#) and ["Empowering women: promoting access to contraception in Europe"](#).

■ The Assembly has held several Covid-19-related online events. One of these, with the participation of parliamentarians and experts, drew specific attention to [violence against women during Covid-19](#) and drew attention to the [Handbook for parliamentarians on the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence](#). The Committee on Social Affairs, Health and Sustainable Development held a [hearing](#) on public health and health security aspects of the crisis with experts, including the EU Commissioner for Health and the Covid-19 Special Envoy to the World Health

Organization's Director-General. The Committee on Political Affairs and Democracy discussed [the role of national parliaments and elections during emergency situations](#); the President of the Assembly, the Chairperson of the Council of Democratic Elections of the Venice Commission and academic experts all took part.

■ More information can be found on the Parliamentary Assembly's dedicated [website](#).

## European Court of Human Rights

■ The Court has continued to fulfil its public service mission by ensuring the continuity of its core activities, including the handling of urgent cases, and receiving and allocating applications to the relevant judicial formations. The Grand Chamber, Chambers, Committees and Single Judges continued to examine cases by way of a written procedure. During the period between 16 March and 10 May, more than 5 400 applications were processed. As a result of this activity the total stock of pending cases has remained stable.

■ The Court delivered 86 judgments electronically and 128 decisions, including one Grand Chamber decision during this period. The 3 819 Single Judge cases that were adopted between 16 March and 7 May, were notified after 10 May.

■ In accordance with a business continuity plan established before the lockdown period in France, the Court was able to process all requests for urgent interim measures received under Rule 39. It did this through the establishment of special Rule 39 teams, notwithstanding a substantial increase in such requests from different states where vulnerable communities were at particular risk from Covid-19.

■ Several exceptional measures were taken by the Court during the lockdown period. Most importantly, the six-month time limit for the lodging of an application (under Article 35 of the European Convention on Human Rights) was extended for three months until 15 June 2020 inclusive.

■ The time limits which had been allotted in pending proceedings, extended for a one-month period from 16 March, were also extended for a further two-month period from 16 April.

■ The Directorate of the Jurisconsult has compiled material on anti-Covid-19 measures with potential relevance to the Convention. This information was gathered from a variety of national and international sources by the Registry's Knowledge Sharing Team and has been shared regularly with the members of the Superior Courts Network.

## Congress of Local and Regional Authorities

■ Due to Covid-19, the Congress of Local and Regional Authorities cancelled its March 2020 plenary session and its president called for urgent measures and co-ordinated action to be taken by all levels of government, including the 150 000 local and regional authorities that are represented by the Congress and which are on the frontline of the fight against the pandemic.

■ On 9 June, the Congress Bureau issued a [Declaration](#) expressing concern about the impact of the Covid-19 measures on local and regional authorities in view of some member states' recovery plans in the aftermath of the crisis. The declaration highlights the far-reaching consequences which these measures may have on the sub-national level of government.

■ The Congress has maintained regular contact with national delegations and with local elected representatives and has been collecting examples of grassroots action from municipalities and regions. It has also been monitoring the action of its partner institutions and networks and provided assistance to associations of local and regional authorities through its co-operation projects. At the end of May 2020, it launched a web platform to highlight and share these activities and cases of good practice.

■ Plans are in place to hold thematic debates in the Congress' committees in September and at its October plenary session. Topics will include:

- ▶ the functioning of local and regional democracy in times of crisis, including the postponement of local elections;
- ▶ the management of (temporary) changes and distribution of competences;
- ▶ the transfer of additional responsibilities to municipalities that lack the necessary means to deliver;
- ▶ the general application of the principles of local and regional self-government.

■ In addition, the Monitoring, Governance and Current Affairs Committees respectively will discuss the reports "Safeguarding the European Charter of Local Self-Government in extreme crisis situations", "The Covid-19 pandemic and challenges for multilevel governance" and "Protecting minorities in cities and regions in times of fundamental crisis". These debates will also involve the Congress' youth delegates and international experts. The results will be reflected in the Congress priorities for 2021-2026.

■ More information can be found on the Congress's dedicated Covid-19 [webpage](#).

## Commissioner for Human Rights

■ The Commissioner for Human Rights has released a series of thematic recommendations to Council of Europe member states highlighting the need for human rights compliant responses to Covid-19. The Commissioner urged governments to provide wide access to unbiased information about the pandemic and to remain vigilant against racist or xenophobic acts. She also called on member states to mitigate the enormous pressure placed on health professionals and to ensure their health and safety at work. She stressed repeatedly that the measures taken by national authorities should be non-discriminatory and proportionate to the aims pursued.

■ The Commissioner raised awareness of the specific risks and vulnerabilities faced by many groups of people whose rights were already neglected prior to the pandemic. These include:

- ▶ the need to provide support for older people and to prepare for the implementation of social care reforms which put their human dignity at the centre;
- ▶ ensuring continuity and safety of services required by persons with disabilities;
- ▶ guaranteeing women's access to reproductive health care;
- ▶ improving living conditions and access to water and sanitation for Roma;
- ▶ the provision of emergency accommodation and long-term housing for homeless people.

■ The Commissioner drew attention to the high risk of contagion among people in prisons and advocated the use of all available alternatives to detention whenever possible and without discrimination. She called for a review of the situation of immigration detainees and stressed the importance of safe disembarkation for migrants rescued at sea. She also reacted against Covid-19-related hate speech directed against LGBTI people.

■ Several priority issues were identified by the Commissioner. She pointed out that universal and affordable health coverage creates the basis for ensuring everybody's right to the protection of their health in the face of the pandemic. A focus on gender also plays a central role in effective public health responses. The Commissioner warned against legislation, decrees or decisions that risked hampering the work of journalists and media actors, and therefore the public's right to receive information. While acknowledging the potential of digital tools to strengthen the ability to contain the spread of Covid-19, she cautioned against the data protection risks that such tools could give rise to and stressed that they should be used in a way that respects democratic rules.

■ More information can be found on the Commissioner's dedicated Covid-19 [webpage](#).

**[www.coe.int](http://www.coe.int)**

The Council of Europe is the continent's leading human rights organisation. It comprises 47 member states, including all members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.