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DG-I (2005) 2

DG I – LEGAL AFFAIRS

RESULTS 2004

This document contains the main results of the activities carried out by DG – I in 2004; it does not include an exhaustive list of all the activities implemented.

Normative activity

Conventions

Adoption

- Additional Protocol to the Convention on Human Rights and Biomedicine, concerning Biomedical Research (adopted on 30 June - to be opened for signature in January 2005)

Entry into force

- European Landscape Convention (ETS No. 176) (1 March)
- Additional Protocol to the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, regarding supervisory authorities and transborder data flows (ETS No. 181) (1 July)
- Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters (ETS No. 182) (1 February)
- Convention on Cybercrime (ETS No. 185) (1 July)

Over 730 legal acts (signatures, ratifications, accessions, denunciations, reservations, declarations and objections) concerning all the treaties of the Council of Europe were the object of almost 300 notifications to more than 50 States and international organisations.

Finalisation

- Draft Council of Europe Convention on action against trafficking in human beings
- Draft Council of Europe Convention on laundering, the financing of terrorism, search, seizure and confiscation of the proceeds from crime

Recommendations

Adoption

- Recommendation Rec(2004) 1 on financial and budgetary management at local and regional levels
- Recommendation Rec(2004) 9 on the concept of “membership of a particular social group” (MPSG) in the context of the 1951 Convention relating to the status of refugees
- Recommendation Rec (2004) 10 on the protection of the human rights and dignity of persons with mental disorder

- Recommendation Rec(2004) 12 on processes of reform of boundaries and/or structure of local and regional authorities
- Recommendation Rec (2004) 20 on the judicial review of administrative acts

Finalisation

- draft Recommendation containing an application form for use under the European Agreement on the Transmission of Applications for Legal Aid (ETS 092) and its Additional Protocol (ETS 179)
- draft Guidelines on Forced Returns
- draft Recommendation on the conditions of detention of remand prisoners
- draft Recommendation on the financial resources of local and regional authorities
- two draft legal instruments (recommendation and convention) on regional self-government
- draft Recommendation on teaching neighbouring languages in border regions
- draft Recommendation on good practices in and reducing obstacles to transfrontier and interterritorial co-operation between territorial communities or authorities

Intergovernmental and assistance cooperation

Constitutional matters

- Adoption by the European Commission for Democracy through Law (Venice Commission) of 35 opinions and reports on constitutions, the functioning of democratic institutions, constitutional justice, state territorial structure, protection of minorities, protection of human rights, electoral matters and political parties¹.
- Training of officials and relevant legal professionals on electoral issues in Azerbaijan, Moldova and Ukraine.
- Seminars and conferences with the Constitutional Courts of Armenia, Azerbaijan, Bosnia and Herzegovina, Romania, the Russian Federation, Slovenia, Spain, “the former Yugoslav Republic of Macedonia” and Belarus.
- Within the framework of the Seminars UniDem (Universities for Democracy) conferences on “Constitutional Practice in Central and Eastern Europe” (Poland) and “European Standards of Electoral Law in Contemporary Constitutionalism” (Bulgaria).
- Legal training of civil servants within the framework of Campus UniDem (Trieste, Italy).

¹ See the full list in Appendix.

Public International Law

- The CAHDI continued to function as the European Observatory of reservations to international treaties and to review outstanding reservations to international treaties; including outstanding and non-outstanding reservations to anti-terrorist international treaties. Examination and transmission to the Committee of Ministers of the list of possibly problematic reservations to international treaties applicable to the fight against terrorism.
- Adoption of the Opinion on Parliamentary Assembly Recommendation 1602 (2003) on immunities of the Members of the Parliamentary Assembly and consideration of the Parliamentary Assembly Recommendation 1650 (2004) – Links between Europeans living abroad and their countries of origin.
- Implementation of the second phase of the Pilot project on State practice regarding immunities of States and their property and preparation of an analytical report.
- Consideration of the structure and functioning of the Office of the Legal Adviser of the Ministry of Foreign Affairs in the member and observer states and the implementation at national level of UN sanctions and respect for human rights.
- Review of developments concerning the instruments for the protection of victims of armed conflicts and those relating to the International Criminal Court and international criminal tribunals established by UN Security Council Resolutions 927(1993) and 995 (1994).

Law drafting technique and legislative process

- Continuation of the co-operation with the State Duma of the Russian Federation concerning the role of legal expertise in the legislative process, the development of methodological aid tools to law drafters and on Russian legal terminology issues arising from the Council of Europe legal instruments.
- Assistance, in the framework of the administrative reform activities in the Russian Federation, to the elaboration of a draft law regulating access to information held by the authorities, including draft legislative and regulatory acts.

Local and regional democracy

- Adoption of the Handbook of public ethics at local level during a high level international conference under the Dutch Chairmanship of the Committee of Ministers (Noordwijkerhout, Netherlands, 31 March – 1 April), following a series of national consultations.
- Proposals designed for "Strengthening Local Government and Democratic Participation in a Changing World" at an international Conference under the Norwegian Chairmanship of the Committee of Ministers (Oslo, 30 September – 1 October).

- Adoption of a report and guidelines on: “Administrative and territorial reforms creating territorial communities or authorities at different levels“ and of national reports on the “Structure and operation of local and regional democracy” in the Czech Republic and Lithuania.
- First South-eastern Europe regional ministerial conference on “Effective democratic governance at local and regional level” (Zagreb, 25-26 October): preparation of draft Work programmes for better local government; signing of a Memorandum of Understanding by the Ministers and the decision to meet in Skopje (“the former Yugoslav Republic of Macedonia”) in eighteen months to review the measures taken at both national and regional levels in order to implement the Work programmes.
- Development of the LOREG database (which currently contains 1208 documents, national legislations and Council of Europe’s documents regarding local and regional democracy).
- Legislative reforms in local government:
 - territorial reforms, sharing of powers between central, regional and local levels of the public administration (Albania, Bulgaria, Bosnia and Herzegovina, Moldova, Serbia and Montenegro, “the former Yugoslav Republic of Macedonia”);
 - drafting or revision of legislation on local government, including the financial arrangements, status of property, status of major cities (Georgia, “the former Yugoslav Republic of Macedonia”);
 - provision of legal advice on establishing national associations of local authorities (Georgia, Moldova);
 - finalisation and publication of the conclusions of the project implemented in Ukraine as from 2002 in the area of local finance, comprising a joint expert analysis and recommendations for the future development of a financial equalisation system and local taxation.
- Development of legislative reforms in the field of sharing of powers between central, regional and local authorities in the Russian Federation, local self-government and local finance: follow-up to the co-operation with the Presidential Commission in charge of federalism and local self-government; appraisal of a number of draft Federal Laws and draft amendments to sectoral laws; appraisal of draft regional laws in the field of local self-government, local finances and property; preparation and publication of the analytical Report on the relationship of the executive bodies of the Federation and the Subjects of the Russian Federation.
- Progress in the implementation of the Action plan, agreed in 2003, on legislative reform in the field of local self-government in Armenia; provision of legal advice on required modifications to the main Azerbaijani legislation on local self-government and local finance.
- Launching of an action plan to strengthen local government in Moldova: identification of specific objectives for furthering the decentralisation reforms and formulation of specific proposals with respect to the measures to be taken within the framework of the reforms.

- Development of a comprehensive decentralisation strategy in Georgia. Preparation of a Draft Action Plan, terms of reference for a State Commission on Decentralisation and the ongoing provision of expertise by a resident-expert on local government matters.
- Implementation of capacity-building programmes for local authorities based on the Council of Europe Benchmark of an Effective Democratic Local Authority: (i) in South-Eastern Europe, three Best Practice programmes in local authority services (Albania, Croatia, Slovenia) and two Peer Review programmes of local authority leadership and strategic management (Bulgaria, Croatia); ii) in the Southern Caucasus, local authority Leadership Development and Training of Trainers programmes (Georgia).
- Development of “National Training Strategies” for local government (Armenia, Albania, Georgia), based on training needs analyses and engaging all stakeholders. Support to the establishment of a national training system in “the former Yugoslav Republic of Macedonia”.
- Establishment (in cooperation with the Congress of local and regional authorities of the Council of Europe) of an embryonic National Association of Local Authorities and a Training Co-ordination Agency in Georgia.
- Finalisation and publication of the conclusions of the project implemented in Ukraine as from 2002 in the field of capacity building.
- Support to the implementation of the specific pilot projects on “Development of Democratic Citizenship and Responsive Leadership at Local Level” (Bulgaria, Romania; 3 pilot projects); development of partnerships between the Bulgarian and Romanian pilot municipalities and other local authorities from Norway and Spain. Drafting of a manual on “Development of Democratic Citizenship and Responsive Leadership at Local Level” (Bosnia and Herzegovina, Serbia and Montenegro).

Transfrontier co-operation

- Enhancing the role and effectiveness of Euroregions:
 - international conference on Euroregions “New challenges and opportunities” (Lithuania);
 - drafting of a proposal for a new legal instrument concerning the establishment of Euroregional co-operation groupings;
 - preparation of two comparative studies of the Euroregional statutes: one for Euroregions involving Lithuania and its neighbours and another one for Euroregions in South-Eastern Europe.
- Raising awareness of the consequences of EU enlargement: finalisation of an Action Plan entitled “Developing dialogue, co-operation and trust across European frontiers: the role and the contribution of the Council of Europe” as a possible contribution to the Third Summit of the Heads of State and Government to be held in Warsaw in May 2005.

- Promotion of the legal instruments and policies for cross-border cooperation: Information seminar on the Madrid Outline Convention (ETS No. 106) in Bosnia and Herzegovina; bilateral seminars on transfrontier co-operation between Turkey and Georgia and between Azerbaijan and the Russian Federation; trilateral meeting on transfrontier co-operation between Bulgaria, Greece and Turkey.

European Charter of regional or minority languages

- Adoption by the Committee of Experts of evaluation reports on Austria, Croatia, Finland, Liechtenstein, the Netherlands and Switzerland. Adoption by the Committee of Ministers of recommendations to the governments of Denmark, Finland Hungary, the Netherlands, Slovenia, Switzerland and the United Kingdom.
- “On-the-spot” visits to Armenia, Croatia, Germany, the Netherlands, Slovakia and Spain.
- Promotion of the Charter in Armenia with a view to facilitating the implementation of the treaty.

Nationality

- Adoption of principles and rules on the avoidance of statelessness in relation to State succession with a view to preparing an international instrument in this field.
- 3rd European Conference on Nationality organised on the theme “Nationality and the Child” (Strasbourg): proposals for the development of the principles of the European Convention on Nationality with regard to acquisition of nationality of the country of residence by first - and second - generation migrant children; change of nationality of the parents and its effects on the nationality of the child; avoidance of statelessness of children, including those affected by international adoption who are at risk of statelessness in the event of their adoption falling through or the adoption procedure breaking down.
- Contribution to solutions on the issues regarding citizenship and the prevention of statelessness in Azerbaijan, dual nationality in Europe (Bratislava) and multiple nationalities (Chisinau). Recommendations for the reform of the nationality legislation in Bosnia and Herzegovina, Lithuania, Serbia and Montenegro and in "the Former Yugoslav Republic of Macedonia". Training of the officials in charge of implementing the new amendments to the citizenship law of the Russian Federation and in "the Former Yugoslav Republic of Macedonia".

Refugees and asylum seekers

- Expert opinions on the compatibility of draft laws in Serbia and Montenegro and in Ukraine with the standards of the Council of Europe in the field of refugee law.
- Training workshops (Serbia and Montenegro, Ukraine), for judges, policy makers and border guard on European standards in the field of asylum (Armenia) and training courses on refugee law for national authorities in charge of refugee status

determination (Albania, Armenia, Azerbaijan, Bulgaria, Croatia, Moldova, Serbia-Montenegro, "the Former Yugoslav Republic of Macedonia").

Independence and efficiency of Justice

- The European Commission for the Efficiency of Justice (CEPEJ):
 - adopted the first Report: "European judicial systems 2002 – Facts and figures on the basis of a survey conducted in 40 Council of Europe Member States", on the basis of the answers to the Pilot Scheme for the evaluation of judicial systems;
 - adopted the Framework-Programme "A new objective for judicial systems: the processing of each case within an optimum and foreseeable timeframe", including 18 Lines of action to be detailed in concrete measures;
 - elaborated recommendations to Croatia and Slovenia on "Practical ways of combating delays in the justice system, excessive workloads of judges and case backlogs";
 - elaborated recommendations to Malta on: "Advancing legal and judicial approaches to mediation in civil, family and commercial matters";
 - communicated to the Committee of Ministers a Report on "the efficiency of the national judicial systems in their responses to terrorism".
- Adoption by the Consultative Council of European Judges (CCJE) of the Opinion No. 6 (2004) on fair trial within a reasonable time and judge's role in trials, taking into account alternative means of dispute settlement.
- Celebration of the 2nd European Day of Civil Justice, co-organised by the European Commission and the Council of Europe, in Bautzen, Germany, with the Czech and Polish authorities, as well as within some 15 member States of the Council of Europe.
- Reform of judicial systems:
 - recommendations for further reform of the judicial legislation in Armenia, Moldova and Ukraine;
 - creation of the Azerbaijan/Council of Europe Working Group on the independence, selection, appointment and evaluation of judges;
 - continuous support to the reforms of the judicial system in Bosnia and Herzegovina (resident expert);
 - recommendations for the reforms of judicial procedures in "the Former Yugoslav Republic of Macedonia".
- Setting up of a Bureau of the Lisbon Network for the training of judges and prosecutors.
- Launching of a specific cooperation for judicial modernisation in Turkey within the framework of the "Judicial modernisation and prison reforms Programme" of the European Commission: assistance to the Ministry of Justice for judicial organisation, the development of the Judicial Academy and the Forensic Medicine Institute (technical cooperation office set up in Ankara).
- Finalisation of the inception phase and launching of the implementation of the CARDS Regional project for South-eastern European countries (Albania, Bosnia and

Herzegovina, Croatia, Serbia and Montenegro, "the Former Yugoslav Republic of Macedonia ") to strengthen the independence and efficiency of justice and enhance judicial cooperation in the region.

- Development of training institutions for judges and public prosecutors:
 - development of the Albanian Magistrates' School (resident-expert; initial and continuous training curricula, action plan for the sustainability of the School);
 - recommendations on the draft Law on "The High School of Justice of Armenia";
 - setting up of a Commission of experts on the legal framework of the initial and continuous training of magistrates, in charge of carrying out a global analysis of the training curricula (initial and continuous training) in Azerbaijan;
 - continuous support to the judicial training Centres in Bosnia and Herzegovina (resident-expert);
 - recommendations on the draft the Law on " The High School of Justice of Georgia";
 - development of the Russian Academy of Justice (training of the trainers for the Academy);
 - recommendations on the implementation of the European standards of initial training and on the reform of the curricula of the judicial training institutions in Serbia and Montenegro;
 - recommendation on the statute of the Kosovo Judicial Institute and participation in the training of the Institute;
 - recommendations for the development of the Judicial Academy of Ukraine;
 - participation in the training of the Romanian National Institute for Judges and Prosecutors.
- Strengthening of the organisation of the Bars:
 - development of the continuous training sessions of lawyers within the framework of the Regional Council of the Bars of South-Eastern European countries (Ankara, Turkey);
 - recommendations for legislative and institutional reforms in Albania, Armenia, Moldova and the Russian Federation.
- Recommendations for the development of legal aid systems in Armenia, Moldova, Kosovo (Serbia and Montenegro) and the Russian Federation.
- Development of mechanisms of enforcement of court decisions in civil and commercial cases:
 - adoption of an action plan in Russia; assistance to the implementation of the action plan in Albania,
 - technical assistance for the setting up of a European Enforcement Training Centre for enforcement agents (i.e. bailiffs) in Bulgaria;
 - recommendations for legislative and institutional reforms in Armenia, Azerbaijan, Bulgaria, Croatia, Georgia (law adopted), Moldova, Serbia and Montenegro, Sweden, "the Former Yugoslav Republic of Macedonia";
 - adoption of an action plan in Ukraine.

Prosecutors

- Fifth Conference of Prosecutors General of Europe (Celle, Germany, May): recommendations as regards prosecution based on the legality principle or the opportunity principle.
- Recommendations for legislative reforms in Ukraine.
- Training on the relevant European standards with the General Prosecution Service of the Federation of Russia.

Protection of children

- Finalisation of the tool "REACT" against sexual exploitation and abuse of children and of a Report on the steps taken by States to comply with the commitments they entered into at the World Congress of Yokohama in 2001.

Administrative law

- Preparation of a report on the feasibility and desirability of preparing a recommendation concerning good administration and/or a consolidated model code of good administration.
- Contribution to the legislative reforms in the field of administrative law and justice (Azerbaijan, Bosnia and Herzegovina, Moldova, Serbia and Montenegro).

Information Society

- Promotion of the Convention on Information and Legal Co-operation concerning "Information Society Services" (ETS 180): 10 States indicated their interest in signing and ratifying it.

Legislative reforms in criminal matters

- Recommendations for legislative reforms in the criminal field (criminal codes and criminal procedure codes) and training for their proper implementation in Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Georgia, Moldova, Romania, Russia, Serbia and Montenegro, including Kosovo (Serbia and Montenegro), "the former Yugoslav Republic of Macedonia" and Ukraine.

Terrorism

- Implementation of activities in the priority areas for further action identified by the Multidisciplinary Group on International action against terrorism (GMT) and by the 25th Conference of the European Ministers of Justice:
 - elaboration of new legal instruments as regards:
 - protection of witnesses and collaborators of justice, including in relation to acts of terrorism;
 - special investigation techniques, including in relation to acts of terrorism;
 - identity documents and terrorism;
 - adoption and publication of a report on the concepts of "*Apologie du Terrorisme*" and "*Incitement to terrorism*";

- exchanges of information and best practices on protection, support and compensation of victims of terrorist acts;
 - elaboration of country profiles on counter-terrorism capacity;
 - adoption by the European Commission for the Efficiency of Justice (CEPEJ) of an assessment report on the effectiveness of national judicial systems in their responses to terrorism.
- Elaboration by the Committee of Experts on Terrorism (CODEXTER) of a draft Convention on the prevention of terrorism adopted in first reading in December, covering issues such as public provocation to commit acts of terrorism, recruitment and training of terrorists, liability of legal persons, protection and compensation of victims.
 - Implementation by MONEYVAL of its new methodology to assess both anti money laundering measures and measures to counter the financing of terrorism (applied in Armenia and Azerbaijan); adoption and publication of a comprehensive analysis of updated responses by MONEYVAL States to a self assessment questionnaire on compliance with the 8 Special Recommendations by FATF on Terrorist Financing; organisation of an international conference on the financing of terrorism with more than 250 participants from 38 countries in Moscow (December), in cooperation with FATF .

Money Laundering

- Adoption by MONEYVAL of detailed second round evaluation reports and public summaries on the effectiveness of anti money laundering measures in place in respect of 6 further countries (Albania, Bulgaria, Estonia, Latvia, Moldova and Russian Federation). Preparation, as regards Armenia and Azerbaijan, of Reports on Standards and Codes (ROSCs) for use by the IMF and World Bank in their financial sector assessments under new arrangements for collaboration with the international financial institutions.
- Analysis by MONEYVAL of 5 progress reports from countries one year after the adoption of their reports, as part of continuing peer pressure.
- Training with the FATF in preparation for MONEYVAL's third round of evaluations which will start in January 2005.
- Joint in depth analysis by MONEYVAL and FATF of the techniques and ways in which money is laundered in specific sectors and in respect of specific offences, including people trafficking and illegal migration.
- Implementation of the Project against money laundering in the Russian Federation (MOLI-RU)²:
 - large number of staff of the Federal Service for Financial Monitoring of the Ministry of Interior, of supervisory institutions and the financial sector trained;
 - further improvements to the legal framework against money laundering;
 - cooperation with foreign financial intelligence units strengthened;

² Joint programmes between the European Commission and the Council of Europe

- cooperation of the Federal Service with law enforcement and financial sector enhanced.
- Implementation of the Project against money laundering in Ukraine (MOLI-UA)¹ of the Council of Europe and the European Commission:
 - Ukraine removed from the FATF list of non-cooperating countries;
 - staff of the State Department for Financial Monitoring (SDFM) trained;
 - analytical software provided;
 - cooperation of SDFM with banking sector and law enforcement institutions strengthened;
 - conclusion of Memoranda of Understanding with foreign financial intelligence units supported.
- New Project against money laundering in “the former Yugoslav Republic of Macedonia” (MOLI-MK)¹ launched, aimed at strengthening the financial intelligence unit (project of the Council of Europe and the European Commission); improvement of the anti-money laundering legislation supported.
- Support to the Financial Monitoring Service of Georgia (the financial intelligence unit) through several short-term missions providing advice, training and study visits.

Corruption

- Adoption by the Group of States against Corruption (GRECO) of the last in its series of First Round Evaluation Reports (United States of America); implementation of thirteen Second Round Evaluation Visits (Albania, Belgium, Bulgaria, Denmark, France, Germany, Latvia, Lithuania, Norway, Spain, Sweden, “the former Yugoslav Republic of Macedonia” and the United Kingdom) and adoption of eleven Second Round Evaluation Reports (Belgium, Estonia, Finland, France, Iceland, Latvia, Luxembourg, Norway, Poland, the Slovak Republic and the United Kingdom).
- Adoption by GRECO of comments on Recommendation 1646 (2004) of the Parliamentary Assembly of the Council of Europe on “Improving the prospects of developing countries: a moral imperative for the world”.
- Finalisation of legal texts, through expert assistance, on economic crimes, organised crimes and financing of political parties in Armenia, Georgia, Serbia and Montenegro and “the Former Yugoslav Republic of Macedonia”; specific training sessions on organised crime in Serbia.
- Completion of the PACO Albania 2 project: strengthened and sustainable Anti-corruption Monitoring Group; improved anti-corruption action plan; achievements with regard to anti-corruption legislation, enforcement, prevention and public participation in the anti-corruption effort.
- New project PACO IMPACT launched as part of the Programme against Corruption and Organised Crime in South-eastern Europe aimed at supporting the countries of this region in the implementation of comprehensive anti-corruption plans: a range of regional and in-country training events carried out; advice provided on the improvement of existing strategies and the elaboration of new ones.

- Publication of the results of the Octopus Interface meeting 2003: Specialised anti-corruption services – good practice in Europe.
- Training and promotion of European standards against corruption in Azerbaijan, Turkey and Ukraine.
- Cooperation with Transparency International in the organisation of meetings on the financing of political parties (France and Armenia)
- Support provided:
 - to the Georgian Monitoring Group on the financing political parties and election campaigns, including legal opinions on draft legislation regulating political finance;
 - to the authorities of Moldova in the re-design of the national anti-corruption strategy and action plan; subsequent adoption of the revised strategy and action plan by the Government; follow up project to provide further support elaborated;
 - to the Romanian authorities in the design of the new anti-corruption strategy 2005 – 2007, in cooperation with the National Institute of Criminology.
- Design of a new technical cooperation project to support the Duma of the Russian Federation in the harmonisation of the legislation with international anti-corruption standards.

Technical cooperation against organised crime and other forms of serious crime

- New CARDS Police (CARPO) regional project to strengthen police capacities against organised and other forms of serious crime launched (project of the Council of Europe and the European Commission) focusing on the countries of South-eastern Europe: training and other measures carried out on witness protection, use of special investigative techniques, judicial cooperation, crime analysis and regional cooperation among financial intelligence units.
- Preparation of the organised crime situation report 2004, including a topical chapter on cybercrime.
- Publication of :
 - the book “Combating organised crime – the best practice surveys of the Council of Europe”;
 - the PACO Manual on judicial cooperation against corruption and organised crime in South-eastern Europe.

Cybercrime

- Promotion of the Convention on cybercrime and its Additional Protocol, including in Bulgaria, Romania (subsequent ratification by Romania of the European Convention), Russian Federation; these efforts have enabled the Convention to enter into force on 1 July 2004.

- Organisation of the Octopus Interface Conference on "the Challenge of Cybercrime" (Strasbourg, September): new impetus added to broad ratification of the convention on cybercrime and its protocol in Europe and beyond.

Trafficking in human beings

- Finalisation of the draft Convention on trafficking in human beings.

Police and security services

- Setting up of the Council for Police Matters (PC-PM), an advisory body to the CDPC, in charge *inter alia* of examining the implementation of the European Code of Police Ethics (Rec (2001)10).
- Training of police officers and promotion of the European standards in the field of police activities in the countries in transition.
- Recommendations for legislative reforms in Armenia, Moldova, Turkey and for the draft codes of police ethics in Bulgaria, Romania and Montenegro (Serbia and Montenegro).
- Purchase of documentation regarding police law and international law for Police Academies of Moscow (Russian Federation).

Prison system

- Finalisation of a pre-draft of the revised European Prison Rules.
- Publication of the 2003 inquiry on prison population of the Annual Penal Statistics of the Council of Europe (SPACE I).
- An ad hoc Conference of Directors of Prison Administration (CDAP) and Probation Service (Rome, November) to discuss the updating of the EPR, community sanctions and measures (with special attention to conditional release) and management of long-term sentences.
- Implementation of the Action plans for the reform of penitentiary systems and the training of prison staff (Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Georgia, Moldova, the Russian Federation, Serbia and Montenegro, Ukraine) as regards in particular prison staff training, prison management, treatment of detainees, long term imprisonment, health care in prison, alternative sanctions and measures; support to the functioning of the probation service in Kosovo (Serbia and Montenegro).
- Launching of the support to prison reforms in Turkey within the framework of the "Judicial modernisation and prison reforms Programme" of the European Commission: support to the training of prison staff and prison management. (Technical cooperation office set up in Ankara).

Data Protection

- Publication of guiding principles for the protection of personal data with regard to smart cards
- Multilateral conference on the rights and responsibilities of data subjects (Prague, October) : recommendations and action proposals for a better information and awareness of data subjects.
- Support to legislative reforms in Slovak Republic and Montenegro (Serbia and Montenegro).

Bioethics

- Examination by the Steering Committee (CDBI) of the draft Additional Protocol on Human Genetics in view of its finalisation
- Exploration of the need for assistance in clinical ethics support with representatives of 18 member states (consultative conference in Bratislava, Slovak Republic)
- Evaluation of the draft CIS model Law on Biomedical Research in cooperation with representatives of the Russian Federation and Ukraine (St. Petersburg, Russian Federation), and development of training and education in research ethics with representatives of 10 member States, WHO and UNESCO (Vilnius, Lithuania)
- Creation of an educational tool designed to initiate debate with the youth concerning bioethical issues (first theme developed: organ donation; second theme in development: genetic tests)

Biological safety, including the use of animals

- Finalisation of the draft Revised Appendix A - Guidelines on accommodation and care of animals - to the European Convention for the Protection of Vertebrate Animals kept for experimental and other scientific purposes (ETS No. 123) and the draft Recommendation concerning farmed fish, in the framework of the European Convention for the Protection of Animals kept for Farming Purposes (ETS No. 87).

Cooperation with European and International institutions

European Union

- Regular exchanges of views between Troika of Committee Article 36 (Justice and home affairs) of the Council of the European Union and a delegation of the Council of Europe.
- Cooperation of the Council of Europe with its member States and the institutions of the European Union as concerns the Council of Europe's contribution to the EU *acquis*, in particular the conventional *acquis* (namely conventions in criminal matters, judicial cooperation, data protection); some 30 Conventions of the Council of Europe are now included in the *acquis communautaire*.

- Conference on "Building an area of freedom, security and justice: the challenges for Europe" (Sinaia, Romania, April): adoption of conclusions calling the Council of Europe and the European Union to strengthen the synergies to build a common legal area.
- Cooperation with the European Commission in the constitutional issues through participation in the plenary meetings of the Venice Commission.
- Co-operation in the field of access to justice, including the joint launching of a European Day of Civil Justice (see independence and efficiency of justice above).
- Co-operation with the EU Council secretariat and with the European Commission on activities in the fight against terrorism through participation in some respective meetings, including those of the Committee of Experts on Terrorism (CODEXTER).
- Implementation of Joint Programme with the European Commission :
 - for Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Georgia, Moldova, the Russian Federation, Serbia and Montenegro, Ukraine;
 - Programme "Democracy through free and fair elections" ;
 - Joint Initiative with the European Commission for Turkey;
 - Projects against money laundering in the Russian Federation and "The former Yugoslav Republic of Macedonia".
 - participation in the projects CARDS-Police and CARDS-justice in South-eastern Europe.

OSCE

- Regular cooperation through participation in the plenary meetings of the Venice Commission and with OSCE / ODIHR in electoral matters through joint recommendations / opinions and participation in the work of the Council for Democratic Elections
- Co-operation with the OSCE Secretariat General on activities in the fight against terrorism through participation in the respective meetings, including those of the Committee of Experts on Terrorism (CODEXTER).
- Formal contact between the GRECO and the Office of the Co-ordinator of OSCE Economic and Environmental Activities established.
- Regular contacts and successful cooperation between the OSCE Field Offices and the CoE presence in the capitals as regards legal affairs in Albania, Armenia, Azerbaijan, Georgia and Ukraine.

United Nations

- Cooperation with the UN Secretariat General on activities in the fight against terrorism through participation in the respective meetings of the UN Ad Hoc Committee on Terrorism and of the Council of Europe Committee of Experts on Terrorism (CODEXTER).

- Organisation of several assistance activities in co-operation with the UN Office on Drugs and Crime (UNODC) in order to support the implementation of UN Security Council Resolution No. 1373(2001) and in accordance with the request of the UN Security Council Counter-Terrorism Committee (CTC): assessment of the counter-terrorism capacity in specific regions or countries and to provide assistance for the implementation of the regional and international counter-terrorism instruments.
- Co-operation with the UN Secretariat General on activities on public international law through participation in the respective meetings of the UN International Law Commission (ILC) and the Council of Europe Committee of Legal Advisers on Public International Law (CAHDI).
- Regular contacts and specific cooperation with the UNHCR on selected issues (refugees and stateless persons, nationality, legal framework of civil society) in countries of the CIS (follow-up process to the 1996 Geneva Conference on the Problems of Refugees, Displaced Persons, Migration and Asylum issues).
- Regular contacts with UN bodies in respect of the UN Convention against corruption, and the Inter-Agency Anti-corruption Coordination meetings organised under the auspices of the UN (e.g. IGAC – International Group for Anti-Corruption Coordination).
- Cooperation with the United Nations Office on Drugs and Crime with regard to technical cooperation against money laundering, corruption and terrorism.
- Regular exchanges of information with the agencies of the United Nations working in the domain of bioethics in the framework of the UN InterAgency Committee on Bioethics, of which the Council of Europe is an associated member
- Cooperation with UNICEF against sexual exploitation of children (see above).
- Regular exchanges with the UN International Law Commission through the Council of Europe Committee of Legal Advisers on Public International Law (see above).
- Support to the Ratification of the Rome Statute on the International Criminal Court (see above).
- Cooperation with UNMIK in Kosovo for legal and judicial reforms.

Appendix

List of the Opinions adopted by the European Commission for Democracy through Law (Venice Commission) in 2004

Constitutions

- interim Opinion on constitutional reforms in Armenia;
- Opinions on the draft amendments to the Constitution of the Federation of Bosnia and Herzegovina;
- Opinions on draft amendments to the Constitution of Georgia;
- Opinion on the Procedure for amending the Constitution of Ukraine;

Functioning of democratic institutions:

- Opinion on the Status and Rank of the Human Rights Ombudsman of Bosnia and Herzegovina;
- Opinion on the law on amendments to the law on the Ombudsman of Bosnia and Herzegovina;
- joint Venice Commission – Human Rights Commissioner – Directorate General of Human Rights Opinion on the draft Law on the Ombudsman of Serbia;
- Opinion on the law on the office of the Public Prosecutor of Ukraine;
- Opinion on the Possible Follow-up to Parliamentary Assembly Recommendation 1629 (2003) on “Future of Democracy: strengthening democratic institutions”;
- Opinion on Recommendation 1676 (2004) of the Parliamentary Assembly on women’s participation in elections;

Constitutional justice:

- amicus curiae Opinion on the interpretation of Articles 125 and 136 (appointment of highest judges) of the Constitution of Albania;
- Opinion on the draft rules of procedure of the Constitutional Court of Azerbaijan;
- Opinion on the draft Law to modify and complete the Constitution of Moldova introducing the individual complaint to the Constitutional Court;
- Opinion on the draft Constitutional Law of the Russian Federation on modification and amendments to the Federal Constitutional Law of the Russian Federation providing for the introduction of a written procedure before that Court;
- Opinion on the constitutional amendments relating to the Constitutional Court of Turkey;

State territorial structure:

- Opinion on the draft Constitutional Law concerning the status of Adjara, Georgia;

- Opinion on the draft law Amending the Federal Law 'On general principles governing the organisation of legislative (representative) and executive state authorities of constituent entities of the Russian Federation;
- Opinion on constitutional aspects of the draft law on the criteria to be established for the reorganisation of the administrative territorial division of the Republic of Albania;

Minorities:

- Opinion on the revised draft Law on the Exercise of Rights and Freedoms of National and Ethnic Minorities in Montenegro (Serbia and Montenegro);
- Opinion on the draft law concerning support for Romanians abroad;
- Opinions on draft laws amending the Law on National Minorities in Ukraine;
- Opinion on the draft law on the concept of state ethnic policy of Ukraine;
- Opinion on the draft law on the status of indigenous (autochthonous) peoples of Ukraine;

Human rights:

- Opinion on Human Rights in Kosovo (Serbia and Montenegro): possible establishment of review mechanisms;
- Opinion on the law on the procedure for conducting gatherings, meetings, rallies and demonstrations in the Republic of Armenia;
- amicus curiae Opinion on the relationship between freedom of expression and defamation with respect to unproven defamatory allegations of fact requested by the Constitutional Court of Georgia;
- Opinion on the draft law of Georgia on restitution of housing and property to the victims of the Georgian-Ossetian conflict;

Electoral matters and political parties:

- joint recommendations of the Venice Commission and OSCE/ODIHR on the electoral law and the electoral administration in Albania, Azerbaijan, Moldova;
- joint opinion of the Venice Commission and OSCE/ODIHR on the draft amendments to the electoral Code of Armenia;
- Opinion on the law on local elections in Romania;
- Opinion on the referendum scheduled for 17 October 2004 in Belarus;
- Guidelines on Legislation on Political Parties;
- Opinion on the draft ACEEEO Convention on Election Standards, Electoral Rights and Freedoms, following its adoption by the Council for Democratic Elections;
- Report on the compatibility of remote voting and electronic voting with the requirements of the documents of the Council of Europe, following its adoption by the Council for Democratic Elections;
- Study on restrictions on the right to vote.