

DIRECTORATE GENERAL
HUMAN RIGHTS AND RULE OF LAW
HUMAN RIGHTS DIRECTORATE



We promote, protect and develop
human rights and justice
through standard setting,
monitoring and co-operation

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COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

The **HUMAN RIGHTS DIRECTORATE** works to promote, protect and develop human rights and rule of law and to ensure the compliance of the Council of Europe's member states. For this, the directorate puts into practice the Council of Europe's unique strategic triangle of standard setting, monitoring and co-operation, which establishes mutual links between developing legally binding standards which are monitored by independent mechanisms and supplemented by co-operation and support activities.

■ Through intergovernmental co-operation, the directorate develops and provides common standards in the field of human rights and the rule of law. The directorate has responsibility, in particular, for the activities of the Steering Committee for Human Rights (CDDH), the Steering Committee on Legal Co-operation (CDCJ) and the European Commission for the Efficiency of Justice (CEPEJ). By providing the secretariats of the monitoring bodies, it strengthens the effectiveness of the supervisory mechanisms set up by the European Convention on Human Rights (ETS No. 5) and other relevant treaties.

■ The directorate is also responsible for human rights and rule of law co-operation and support activities, financed by the Council of Europe's budget and by other sources, including voluntary contributions, joint programmes with the European Union, the Norway Grants and the Human Rights Trust Fund (HRTF).

■ At the same time, it co-ordinates and develops synergies with other national and international organisations working in the same field – the United Nations, the OSCE and the European Union, including the Fundamental Rights Agency.



MONITORING: ASSISTANCE TO TREATY BODIES

SUPERVISING THE EXECUTION OF THE JUDGMENTS OF THE COURT:

Individuals who feel that their fundamental rights have been breached can address complaints to the European Court of Human Rights. When the Court finds a violation, compliance with the judgment is supervised collectively by all member states in the Committee of Ministers, assisted by the Department for the Execution of Judgments of the Court. Effective supervision is essential for the functioning of the Convention system.

■ The supervision process aims at ensuring that individual applicants get full redress (i.e. the payment of any just satisfaction granted by the Court and other individual measures required to erase, as far as possible, the consequences of the violations) and that general measures are adopted in order to avoid further similar violations by the state in question. Up-to-date information on the progress of execution is made public over the Internet. In the context of the supervision process, states concerned may benefit from different co-operation activities organised by the Council of Europe, seek inspiration from the recommendations and opinions rendered by different expert bodies and obtain different forms of targeted support (e.g. advice, including expertise on draft laws, round tables).

P REVENTING TORTURE AND INHUMAN TREATMENT: The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) is a monitoring body based on the European Convention ETS No. 126. The CPT visits all types of places of deprivation of liberty (including prisons, police stations, juvenile detention centres, holding centres for immigration detainees, psychiatric hospitals, social welfare institutions, etc.). States are visited on a periodic basis and additional ad hoc visits are carried out when necessary.



■ The CPT has unlimited access to any place where people are deprived of their liberty and may interview detainees in private. After each visit, the CPT sends a report to the state concerned; it includes the CPT's findings and its recommendations. Governments are requested to provide a response to the report. Reports and government responses form part of the CPT's ongoing dialogue with the states concerned. Reports and responses remain confidential until the state concerned requests their publication. In its 24 years of existence, the CPT has carried out more than 350 visits.

RESPECT FOR SOCIAL RIGHTS: The European Social Charter (ETS No. 35) is a treaty which guarantees social rights. Member states' compliance with the Charter is monitored by the independent European Committee of Social Rights.

■ Every year state parties submit a report indicating how they implement the Charter in law and in practice. The committee examines the national situations and decides about their conformity with the Charter. Under the collective complaints procedure, complaints of violations of the Charter can be made against a state. If admissible, an adversarial written procedure – sometimes even an oral hearing – takes place between the complainant and the respondent government. The committee adopts a decision and transmits it to the parties and to the Committee of Ministers. In case of a violation, the Committee of Ministers adopts a resolution and may recommend specific measures, ensuring that the state concerned takes appropriate measures to remedy the situation.

■ The European Code of Social Security (ETS No. 48) and its protocol, as well as the Revised European Code of Social Security (ETS No. 139), set standards in order to harmonise the level of social security across Europe; they establish the basic criteria and core principles embodied in the "European social security model".



STANDARD SETTING: HUMAN RIGHTS AND THE RULE OF LAW

HUMAN RIGHTS DEVELOPMENT: Developing human rights law and policy at the European level is essential in order to ensure full and effective protection of human rights and the prevention of violations in our constantly evolving societies. The Council of Europe has a pioneering and unique role in this field, and a competitive advantage over other international organisations.

■ The principal role of the Steering Committee for Human Rights (CDDH) is to set up standards commonly accepted by the 47 member states with the aim of developing and promoting human rights in Europe and improving the effectiveness of the control mechanism established by the European Convention on Human Rights.

■ This work has recently led to the adoption of important binding and non-binding legal instruments, such as Protocols No. 15 and 16 to the European Convention on Human Rights, recommendations and guidelines on impunity, the application of human rights in relation to sexual orientation and gender identity, older people, members of the armed forces, as well as the draft agreement on the accession of the European Union to the European Convention on Human Rights.

■ The department is also responsible for processing the Secretary General's inquiries under Article 52 of the European Convention on Human Rights and the policy of the Council of Europe for the abolition of the death penalty in Europe and worldwide.

PUBLIC AND PRIVATE LAW: The European Committee on Legal Co-operation (CDCJ) steers the legal co-operation among member states concerning new challenges in areas such as civil law, family law, children's rights, nationality issues, administrative law, justice and rule of law questions.

■ Recently adopted legal instruments address the role of public prosecutors outside the criminal justice system, the protection of individuals with regard



to the automatic processing of personal data in the context of profiling, independence, efficiency and responsibilities of judges and child-friendly justice and most recently the draft recommendation on protecting whistle-blowers.

■ The CDCJ will increasingly provide legislative advice, training and awareness raising to national authorities and other relevant bodies.

BIOETHICS: The Convention on Human Rights and Biomedicine (Oviedo Convention, ETS No. 164) is a pioneering and unique human rights instrument in the field of bioethics. By adding four additional protocols so far, the Oviedo Convention has been developed into a global reference as the only legally binding framework in bioethics.

■ The Bioethics Unit provides the secretariat of the Committee on Bioethics (DH-BIO), which has conventional responsibilities under the Oviedo Convention and is also in charge of conducting intergovernmental work on the protection of human rights in the field of biomedicine.

CO-OPERATION: SUPPORT AND ADVICE

STRENGTHEN THE INDEPENDENCE, EFFICIENCY AND QUALITY OF JUSTICE: The European Commission for the efficiency of justice (CEPEJ) assesses the functioning of judicial systems in the member states, designs concrete tools aimed at policy makers and justice professionals and offers, on request, assistance to improve court management policies. This contributes to enhancing public confidence in national justice systems.

■ The CEPEJ produces regular reports comparing the organisation of judicial systems, monitors and develops tools to improve judicial time management, and develops specific measures on issues such as the quality of the public justice service, mediation or execution of court decisions. It is a key partner of the European Union for judicial evaluation and has become a reference point in the debate on justice in Europe and beyond.



■ The Consultative Council of European Judges (CCJE) is an advisory body on issues related to the independence, impartiality and competence of judges. Composed exclusively of judges, it is the first such body within an international organisation.

■ The Consultative Council of European Prosecutors (CCPE) is an advisory body which prepares opinions for the European Committee on Crime Problems (CDPC) on difficulties concerning the role of public prosecution in the criminal justice system and on the functioning of prosecution services in Europe.

■ The Lisbon Network promotes co-operation between the different European judicial training bodies including the setting up or further development of judicial training facilities in member states.

SUPPORT FOR THE NATIONAL IMPLEMENTATION OF HUMAN RIGHTS is provided through expert advice on structural reforms and capacity development for legal professionals. This addresses criminal justice issues, such as the adoption of criminal procedure codes, the reform of public prosecution services and the establishment of independent investigation mechanisms. Expertise is also provided for laws on ombudsperson institutions or the security services.

■ All capacity development activities for legal professionals carried out within the Council of Europe are placed under the HELP umbrella. HELP – the European Programme for Human Rights Education for Legal Professionals – provides training courses and materials that are integrated into the initial and continuous national training of judges, prosecutors and lawyers. Support is also provided to ensure a coherent and harmonised application of the European Convention on Human Rights at the national level through, inter alia, the establishment of databases of national and the European Court of Human Rights judgments.



Websites

HUDOC human rights database

www.echr.coe.int

**Supervision of the execution of judgments
of the European Court of Human Rights**

www.coe.int/execution

**European Committee
for the Prevention of Torture**

www.cpt.coe.int

European Social Charter

www.coe.int/socialcharter

Human Rights Law and Policy

www.coe.int/hrlawpolicy

HELP Programme

help.ppa.coe.int

Bioethics

www.coe.int/bioethics

European Committee on Legal Co-operation

www.coe.int/CDCJ

**European Commission
for the Efficiency of Justice**

www.coe.int/CEPEJ

Consultative Council of European Judges

www.coe.int/CCJE

Consultative Council of European Prosecutors

www.coe.int/CCPE



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