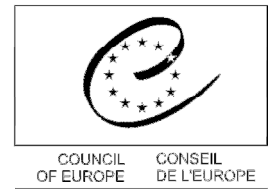


DIRECTORATE GENERAL OF HUMAN RIGHTS  
AND LEGAL AFFAIRS

LEGAL AND HUMAN RIGHTS CAPACITY BUILDING  
DEPARTMENT

**Division II - National Human Rights Structures Unit**



Strasbourg, 25 September 2009

**Regular Selective Information Flow  
(RSIF)  
for the attention of the National Human Rights Structures (NHRs)  
Issue n°24  
covering the period from 31 August to 13 September 2009**

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the **National Human Rights Structures Unit (NHRS Unit)**  
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*The **selection** of the information contained on this Issue and deemed relevant to NHRs  
is made under the responsibility of the NHRS Unit*

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## Introduction

This Issue is part of the "Regular Selective Information Flow" (RSIF). Its purpose is to keep the National Human Rights Structures permanently updated of Council of Europe norms and activities by way of regular transfer of information, which the National Human Rights Structures Unit of the DG-HL (NHRS Unit) carefully selects and tries to present in a user-friendly manner. The information is sent to the Contact Persons in the NHRSSs who are kindly asked to dispatch it within their offices.

Each issue covers two weeks and is sent by the NHRS Unit to the Contact Persons a fortnight after the end of each observation period. This means that all information contained in any given issue is between two and four weeks old.

Unfortunately, the issues are available in English only for the time being due to limited means. However, the majority of the documents referred to exists in English and French and can be consulted on the websites that are indicated in the Issues.

The selection of the information included in the Issues is made by the NHRS Unit. It is based on what is deemed relevant to the work of the NHRSSs. A particular effort is made to render the selection as targeted and short as possible.

Readers are expressly encouraged to give any feed-back that may allow for the improvement of the format and the contents of this tool.

The preparation of the RSIF is generously supported by funding from the Ministry of Foreign Affairs of Germany.



**Auswärtiges Amt**

## Part I : The activities of the European Court of Human Rights

### A. Judgments

No judgments were published for the period under observation.

### B. The decisions on admissibility / inadmissibility / striking out of the list including due to friendly settlements

Those decisions are published with a slight delay of two to three weeks on the Court's Website. The observation period for this Issue concerning the decisions is the period from 10 to 23 August 2009.

No decisions were published for the period under observation.

### C. The communicated cases

The European Court of Human Rights publishes on a weekly basis a list of the communicated cases on its Website. These are cases concerning individual applications which are pending before the Court. They are communicated by the Court to the respondent State's Government with a statement of facts, the applicant's complaints and the questions put by the Court to the Government concerned. The decision to communicate a case lies with one of the Court's Chamber which is in charge of the case.

There is in general a gap of three weeks between the date of the communication and the date of the publication of the batch on the Website. Below you will find the links to the lists of the weekly communicated cases which were published on the Court's Website:

- on 14 September 2009 : [link](#)

The list itself contains links to the statement of facts and the questions to the parties. This is a tool for NHRSs to be aware of issues involving their countries but also of other issues brought before the Court which may reveal structural problems. Below you will find a list of cases of particular interest identified by the NHRS Unit.

NB. The statements of facts and complaints have been prepared by the Registry (solely in one of the official languages) on the basis of the applicant's submissions. The Court cannot be held responsible for the veracity of the information contained therein.

Please note that the Irish Human Rights Commission (IHRC) issues a monthly table on priority cases before the European Court of Human Rights with a focus on asylum/ immigration, data protection, anti-terrorism/ rule of law and disability cases for the attention of the European Group of NHRIs with a view to suggesting possible amicus curiae cases to the members of the Group. Des Hogan from the IHRC can provide you with these tables ([dhogan@ihrc.ie](mailto:dhogan@ihrc.ie)).

#### **Communicated cases published on 14 September 2009 on the Court's Website and selected by the NHRS Unit**

*The batch of 14 September 2009 concerns the following States (some cases however are not selected in the table below): Austria, Azerbaijan, Estonia, France, Germany, Hungary, Moldova, Montenegro, Poland, Portugal, Romania, Russia, Spain, Switzerland, the Czech Republic, "the former Yugoslav Republic of Macedonia", the United Kingdom, Turkey and Ukraine.*

<u>State</u>	<u>Date of communication</u>	<u>Case Title</u>	<u>Key Words</u>
Austria	2 Sep. 2009	Krone Verlag GmbH & Co KG no 27306/07	Alleged violation of Art. 10 – Infringement of the right to freedom of expression on account of the domestic courts' judgment ordering the applicant company to pay an allegedly unreasonably high amount of compensation for having published a series of articles concerning an ongoing debate on a child custody case
Estonia	28 Aug. 2009	Sinimeri no 17779/08	Alleged violation of Art. 5 § 1 (e) – Unlawful psychiatric hospitalisation – Domestic courts' failure to establish the gravity of the applicant's mental disorder – Unlawfulness of proceedings
Hungary	25 Aug. 2009	Csüllög no 30042/08	Alleged violation of Art. 3 – Conditions in, and ill-treatment during, detention in a strict-regime prison – Alleged violation of Art. 13 – Lack of an effective remedy
Moldova	25 Aug. 2009	Straisteanu and Agachi no 9204/08	Alleged violation of Art. 3 – Ill-treatment by the police for the purpose of extracting a confession and lack of an effective investigation – Alleged violation of Art. 6 § 1 in conjunction with Art. 6 § 3 (c) – Conviction on the basis of confessions made in the absence of a lawyer and/or a lawyer of their choice and lack of an effective remedy – Alleged violation of Art. 6 § 2 – Infringement of the right to be presumed innocent – Alleged violation of Art. 8 §§ 1 and 2 – Infringement of the right to respect for private life on account of the secret surveillance measures carried out on the applicants by the police
Montenegro	27 Aug. 2009	Mijušković no 49337/07	Alleged violation of Art. 8 – Infringement of the right to respect for family life – Non-enforcement of a decision of the Social Care Centre and of a final judgment concerning child custody proceedings
Poland	27 Aug. 2009	Kuzlak no 6484/08	Alleged violations of Art. 3 – Lack of adequate detention conditions, particularly lack of adequate medical care
Russia	27 Aug. 2009	Pryanishnikov no 25047/05	Alleged violation of Art. 10 – Infringement of the right to freedom of expression on account of the refusal of a film reproduction licence on account of illegal distribution of pornographic films
Spain	26 Aug. 2009	P.V. no 35159/09	Alleged violation of Art. 8 in conjunction with Art. 14 – Infringement of the right to respect for private and family life on account of the domestic court's decision to limit child visit rights – Discrimination on the grounds of the applicant's transsexuality
the United Kingdom	25 Aug. 2009	Boaz no 43688/07	Alleged violation of Art. 2 and 3 – Risk of ill-treatment or death if expelled to Uganda, on account of the applicant's political opinion – Alleged violation of Art. 8 – Removal might violate right to private and family life
the United Kingdom	25 Aug. 2009	Greens no 60041/08	Alleged violation of Art. 3 of Prot. 1 – Electoral Registration Office's refusal to enrol the applicants on the electoral register on the basis of their status of convicted persons detained in a penal institution – Alleged violation of Art. 13 (first case) – Lack of an effective remedy
the United Kingdom	25 Aug. 2009	Toner no 8195/08	
the United Kingdom	25 Aug. 2009	H.S. and Others no 16477/09	Alleged violation of Art. 8 – Infringement of the right to respect for the private and family life on account of the domestic authorities' refusal to transfer the applicants to the Netherlands in order to serve the remainder of their sentence in a Dutch prison – Alleged violation of Art. 14 – Difference in treatment on grounds of nationality
<b><u>Cases concerning Chechnya, Dagestan and Ingushetia: shootings and abductions</u></b>			
Russia	27 Aug. 2009	Akhmadova no 25548/07	Alleged violation of Art. 2, 3, 5 and 13 – Death and lack of procedural protection of the right to life and lack of an effective investigation, torture and ill-treatment (physical and mental suffering) and unlawful detention of the applicants' relatives and lack of an effective remedy  Further, the Government in most cases has been asked to inform the Court whether special operations were conducted in Chechnya around the time of these cases in relation to the applicants
Russia	27 Aug. 2009	Edilova no 14662/07	
Russia	27 Aug. 2009	Estamirova no 27365/07	
Russia	27 Aug. 2009	Khatuyeva no 40169/07	
Russia	27 Aug. 2009	Movsayeva and Movsayev no 20303/07	
Russia	27 Aug. 2009	Sultygov and Others no 42575/07	
Russia	27 Aug. 2009	Vitayeva and Others no 27459/07	
Russia	27 Aug. 2009	Zhebrailova and Others no 40166/07	

## **D. Miscellaneous (Referral to grand chamber, hearings and other activities)**

### **Hearings (02.09.2009)**

The Court held a hearing in the case of *Carson and Others v. United Kingdom*. The case concerns the applicants' complaint whereby they allege that the United Kingdom authorities' refusal to up-rate their pensions in line with inflation as discriminatory. [Press Release](#), [webcast of the hearing](#)

## Part II : The execution of the judgments of the Court

### A. New information

The Council of Europe's Committee of Ministers held its latest "human rights" meeting from 15 to 16 September 2009 (the 1065th meeting of the Ministers' deputies).

See the [Preliminary list of items for consideration](#)  
Link to the [Decisions adopted at the meeting](#)

### B. General and consolidated information

Please note that useful and updated information (including developments occurred between the various Human Rights meetings) on the state of execution of the cases classified by country is provided:

<http://www.coe.int/t/e/human%5Frights/execution/03%5FCases/>

For more information on the specific question of the execution of judgments including the Committee of Ministers' annual report for 2008 on its supervision of judgments, please refer to the Council of Europe's web site dedicated to the execution of judgments of the European Court of Human Rights: [http://www.coe.int/t/dghl/monitoring/execution/default\\_en.asp](http://www.coe.int/t/dghl/monitoring/execution/default_en.asp)

The [simplified global database](#) with all pending cases for execution control (Excel document containing all the basic information on all the cases currently pending before the Committee of Ministers) can be consulted at the following address:

[http://www.coe.int/t/e/human\\_rights/execution/02\\_Documents/PPIndex.asp#TopOfPage](http://www.coe.int/t/e/human_rights/execution/02_Documents/PPIndex.asp#TopOfPage)



## Part III : The work of other Council of Europe monitoring mechanisms

### A. European Social Charter (ESC)

#### **Collective complaint filed against the Belgian government alleging a violation of the right to strike**

The complaint was registered on 22 June 2009. The complainant organisations allege that the situation in Belgium is not in conformity with the rights laid down in Article 6 § 4 (right to strike) of the Revised Charter. They believe that judicial intervention in social conflicts in Belgium, in particular concerning restrictions imposed on strikers' picket lines, violate this provision.

[Read the complaint](#)

#### **Workshop held in Budapest (Hungary) on the protection of the rights of elderly people (11.09.09)**

A workshop was organised, within the framework of the Peer-to-Peer Project, at the European Youth Centre in Budapest from 15-16 September 2009. As part of the workshop, Article 23 of the Revised Charter, (which guarantees the right of elderly persons to social protection) was presented by members of the European Committee of Social Rights from the Department of the European Social Charter.

[Draft Programme](#)

You may find relevant information on the implementation of the Charter in States Parties using the following country factsheets:

[http://www.coe.int/t/dghl/monitoring/socialcharter/CountryFactsheets/CountryTable\\_en.asp](http://www.coe.int/t/dghl/monitoring/socialcharter/CountryFactsheets/CountryTable_en.asp)

### B. European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)

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### C. European Commission against Racism and Intolerance (ECRI)

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### D. Framework Convention for the Protection of National Minorities (FCNM)

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### E. Group of States against Corruption (GRECO)

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### F. Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL)

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### G. Group of Experts on Action against Trafficking in Human Beings (GRETA)

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\* No work deemed relevant for the NHRs for the period under observation

**Slovenia became the 26<sup>th</sup> state to ratify the Council of Europe Convention on Action against Trafficking in Human Beings (03.09.09)**

The Council of Europe Convention on Action against Trafficking in Human Beings entered into force on 1 February 2008. The Convention was ratified by Slovenia on 3 September 2009. For Slovenia the Convention ([CETS No. 197](#)) will enter into force on 1 January 2010.

\* No work deemed relevant for the NHRSs for the period under observation

## Part IV: The intergovernmental work

### A. The new signatures and ratifications of the Treaties of the Council of Europe

**Georgia** ratified on 1 September 2009 Protocol No. 14bis to the Convention for the Protection of Human Rights and Fundamental Freedoms ([CETS No. 204](#)).

**"The former Yugoslav Republic of Macedonia"** signed on 3 September 2009 Protocol No. 14bis to the Convention for the Protection of Human Rights and Fundamental Freedoms ([CETS No. 204](#)), and ratified the Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine-Convention on Human Rights and Biomedicine ([ETS No. 164](#)), the Additional Protocol to the Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine, on the Prohibition of Cloning Human Beings ([ETS No. 168](#)), and the Additional Protocol to the Convention on Human Rights and Biomedicine concerning Transplantation of Organs and Tissues of Human Origin ([ETS No. 186](#)).

**Slovenia** ratified on 3 September 2009 the Additional Protocol to the Convention on Human Rights and Biomedicine concerning Genetic Testing for Health Purposes ([CETS No. 203](#)).

**Albania** signed and ratified on 9 September 2009 the European Convention on Cinematographic Co-production ([ETS No. 147](#)).

**Slovakia** signed on 9 September 2009 the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse ([CETS No. 201](#)).

**Norway** approved on 11 September 2009 the Council of Europe Convention on Access to Official Documents ([CETS No. 205](#)).

### B. Recommendations and Resolutions adopted by the Committee of Ministers

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### C. Other news of the Committee of Ministers

#### **Statement by Samuel Žbogar on the breakthrough in the negotiations between Turkey and Armenia (01.09.09)**

The Chairman of the Committee of Ministers welcomed on 1 September the decision of the authorities of Armenia and Turkey to start internal political consultations on two protocols concerning the establishment of diplomatic relations and the development of bilateral relations between them. "This important decision for a common better future deserves the support of the international community," he declared. The Minister for Foreign Affairs of Slovenia, Samuel Žbogar, expressed his hope that this process will rapidly bring a successful result, so that Armenia and Turkey overcome the wounds of the past and establish normal relations in their mutual interest, in the spirit of the Statute of the Council of Europe.

#### **Statement by Samuel Žbogar on the completion of the mandate of the Secretary General, Terry Davis (02.09.09)**

In a letter of 2 September, the Chairman of the Committee of Ministers and Minister for Foreign Affairs of Slovenia, Samuel Žbogar, expressed his gratitude to the former Secretary General of the Council of Europe, Terry Davis, for his dedicated work during his term of office which ended on 31 August. He stressed that Mr Davis has made a substantial contribution to furthering the values of the Council of

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\* No work deemed relevant for the NHRSs for the period under observation

Europe, values to which he is firmly committed. Minister Žbogar is looking forward to the election of the new Secretary General in the Autumn Session of the Parliamentary Assembly.

#### **1064th meeting of the Ministers' Deputies (09.09.09)**

At their 1064th meeting on 9 September 2009, the Ministers' Deputies adopted two new treaties. The first is an additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority [CM\(2009\)76](#) and the second is Protocol No. 3 to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities concerning Euroregional Co-operation Groupings (ECGs) [CM\(2009\)77](#). The Deputies decided to open the two Protocols for signature on the occasion of the 16th Session of the Council of Europe Conference of Ministers responsible for Local and Regional Authorities (Utrecht, the Netherlands, 16-17 November 2009).

The Ministers' Deputies also held an exchange of views with Mrs Corien Jonker, Chairperson of the Committee on Migration, Refugees and Population of the Parliamentary Assembly in the context of their agenda item concerning the Council of Europe and the conflict in Georgia.

## Part V: The parliamentary work

### A. Resolutions and Recommendations of the Parliamentary Assembly of the Council of Europe

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### B. Other news of the Parliamentary Assembly of the Council of Europe

#### ➤ *Countries*

#### **PACE co-rapporteurs visit Bosnia and Herzegovina (01.09.09)**

Mevlüt Çavusoglu (Turkey, EDG) and Kimmo Sasi (Finland, EPP/CD), co-rapporteurs of the Monitoring Committee of the PACE on Bosnia and Herzegovina started on 1 September 2009 a four-day fact-finding visit to Banja Luka, Mostar and Sarajevo to take stock of the implementation of Resolution 1626 (2008) on the honouring of obligations and commitments by Bosnia and Herzegovina towards the Council of Europe, and of progress with regard to the constitutional reform.

Talks were scheduled, in particular, with the Presidency of Bosnia and Herzegovina, Željko Komšić, Haris Silajdžić and Nebojša Radmanović, the Minister of Foreign Affairs Sven Alkalaj, the Speaker of the National Assembly of the Republika Srpska Igor Radojčić, and the Prime Minister of the Republika Srpska Milorad Dodik. They also spoke with representatives of the Constitutional Court, and with representatives of various political parties and the diplomatic corps.

[Resolution 1626 \(2008\)](#)

#### **PACE President welcomes agreement between Armenia and Turkey to normalise relations (02.09.09)**

“The agreement between Armenia and Turkey to normalise their relations is excellent news,” said Lluís-Maria de Puig, President of the PACE. “This is something that the PACE has long been hoping for, and working towards. The two governments have accepted that, whatever the difficulties of the past, they must look to the future – on behalf of all their peoples.

The Assembly, a forum where Armenian and Turkish parliamentarians work together as colleagues, stands ready to help in any way it can to advance this process.

I look forward to the ratification of these two protocols by both parliaments, beginning a new – and brighter – chapter in relations between these two Council of Europe member states.”

#### **Council of Europe must be more ambitious in tackling the human rights and humanitarian consequences of the war between Georgia and Russia (09.09.09)**

In speaking to the Committee of Ministers of the Council of Europe, on 9 September 2009 in Strasbourg, Mrs Jonker (The Netherlands, EPP/CD), Chair of the Migration and Refugee Committee called on them to get the Council of Europe involved in the so called “Geneva Process”, the political mechanism for dealing with the aftermath of the conflict. Furthermore Mrs Jonker said, “The Council of Europe needs eyes and ears on the ground in the breakaway regions of Abkhazia and South Ossetia. Without this it will at best be partially sighted, and if not deaf, then hard of hearing.”

Mrs Jonker also called on the Committee of Ministers to tackle the barrier placed by Russia and Georgia on implementation of activities. “At every turn access is blocked to carrying out activities in relation to the breakaway regions. The excuse is always linked to the problem of recognition or non-

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\* No work deemed relevant for the NHRs for the period under observation

recognition of the status of these regions. This excuse can no longer be tolerated for activities which are clearly humanitarian and of a human rights nature”.

### **The war between Georgia and Russia: one year on (10.09.09)**

In a draft resolution adopted on 9 September 2009 in Paris, PACE Monitoring Committee strongly urges the Russian authorities, before the end of the year, to give unrestricted access to EU Monitors to South Ossetia and Abkhazia, grant freedom of movement for Georgian civilians and international and humanitarian organisations over the administrative boundaries, recognise the right of return of all IDPs of this conflict and to initiate a credible investigation into alleged ethnic cleansing in South Ossetia.

The Committee deplores that – one year after the war between Georgia and Russia – little tangible progress has been achieved in addressing the consequences of the war, and that in several areas the situation has actually regressed.

The report by Luc Van den Brande (Belgium, EPP/CD) and Mátyás Eörsi (Hungary, ALDE), is due to be debated by the plenary Assembly on Tuesday 29 September.

### **PACE committee in favour of concluding Monaco's monitoring (09.09.09)**

In a vote in Paris on 9 September 2009 on a draft resolution on the honouring of obligations and commitments by Monaco, PACE Monitoring Committee said it was in favour of closing the monitoring procedure having regard to the progress achieved since 2004. The committee said it was confident that the Monegasque authorities will continue the reform commenced. Remaining commitments will be closely monitored within the so-called post-monitoring dialogue. PACE will debate the report by Leonid Slutsky (Russia, SOC) and Pedro Agramunt (Spain, EPP/CD) in Strasbourg on Thursday 1 October during its plenary session.

[Draft resolution](#)

### **Co-operation with Kazakhstan Parliament (10.09.09)**

Approving a resolution by Tadeusz Iwinski (Poland, SOC) on the request by the Parliament of Kazakhstan for observer status with PACE, the Political Affairs Committee said it would be more appropriate if future co-operation would take the form of Partnership for Democracy, a recently created new status, provided there is a specific request by the parliament of Kazakhstan.

### **Moldova: call for meaningful dialogue with the opposition (10.09.09)**

In a draft resolution adopted on 9 September 2009 at a meeting in Paris, the Monitoring Committee calls upon the new dominant coalition and the opposition in Moldova to enter into meaningful negotiations to break the deadlock and bring about the election of the President. Once the new state institutions are put in place, they should straightaway work on a far-reaching reform, including constitutional amendments if relevant, in order to establish genuine democratic safeguards against similar institutional and political deadlock situations, the co-rapporteurs on the functioning of democratic institutions in Moldova, Josette Durrieu (France, SOC) and Egidijus Vareikis (Lithuania, EPP/CD) stressed. Their report will be debated on Tuesday 29 September by PACE during its plenary session.

[Draft resolution](#)

### **PACE rapporteur's appeal for the ECHR to include the right to a healthy environment (04.09.09)**

An additional protocol to the European Convention on Human Rights, which would recognise the right to a healthy, sustainable environment, has become necessary according to José Mendes Bota (Portugal, EPP/CD), the author of a report on this issue adopted on 4 September 2009 by the Environment Committee. The inclusion of this right in the Convention would in fact enable the Court to rule directly on violations of that fundamental right, and is a natural extension of the Council of Europe's role in environmental protection. Moreover, society as a whole and each individual has a duty to pass on a healthy environment to future generations; this, the rapporteur adds, is quite simply the principle of solidarity between generations.

[Report](#)

### **Access to water: a fundamental human right (04.09.09)**

In a report adopted on 4 September 2009 in Paris by the PACE Committee on the Environment, Bernard Marquet (Monaco, ALDE) stresses the importance of recognising access to water and sanitation as a fundamental human right. According to the rapporteur, who describes in particular the worrying situation of the Maghreb, a real water culture should become widespread, founded on integrated management that accommodates the economic, ecological and social aspects. The rapporteur also calls for inter-regional and transfrontier co-operation on water issues.

The population's access to healthy water is limited. There are 41 million people in Europe who do not have access to safe drinking water, while 85 million people lack access to basic sanitation. The Middle-East and North Africa region is by far the world's most impoverished area in terms of water, with 1% of the world's freshwater resources.

Mr Marquet's report will be the first in a series of reports covering different aspects of water policy, including water in conflict situations.

[Report](#)

### **Reduction of CO2 emissions: an ambitious agreement needs to be reached in Copenhagen, says John Prescott (04.09.09)**

"If the continuity of the Kyoto Protocol is to be ensured, an ambitious, binding new agreement will have to be concluded at the UN Climate Change conference this December in Copenhagen," according to John Prescott (United Kingdom, SOC) in a report adopted on 4 September 2009 by the PACE Committee on the Environment. Developed countries must accept their historical responsibility for CO2 emissions since the dawn of the industrial age, the Rapporteur believes, and initiate deep and early cuts in their emissions according to the "polluter pays" principle.

In the committee's view, this new agreement should uphold, over the long-term, social justice and equity in energy and resource consumption, with the goal of setting per capita greenhouse gas emissions at the same level for all countries by 2050 (the equivalent of 2 tonnes of CO2 per person per year).

The Prescott report, to be debated by the Assembly in its plenary session on 29 September, takes stock of the implementation of the Kyoto Protocol and reviews developments in the positions of key Parties to the negotiations in Copenhagen, focusing on the European Union, the United States, China and Australia.

[Report \(provisional version\)](#)

### **Rape: stop shifting the blame from attacker to victim (08.09.09)**

Widespread public attitudes to rape which tend to shift the blame from the attacker to the victim are a major obstacle to the reporting, effective investigation and prosecution of cases of rape and sexual assault, according to a report adopted on 8 September 2009 in Paris by the PACE Equal Opportunities Committee on the rape of women, including marital rape. The report, which will be discussed by PACE at a coming plenary session, recommends the launch of a Council of Europe campaign to change those attitudes. The report also says the severest and most widespread forms of violence against women, including rape and sexual assault, should be included in the future Council of

Europe Convention aimed at preventing and combating violence against women and domestic violence.

[Draft resolution](#)

### **The Portuguese Socialist Party, winner of the PACE Gender Equality Prize (08.09.09)**

The Committee on Equal Opportunities of the PACE designated on 8 September 2009 the three winners of the PACE Gender Equality Prize. The first winner is the Portuguese Socialist Party, Partido Socialista, followed by the British Labour Party and Swedish left-wing party Vänsterpartiet. All three were rewarded for the steps they had taken to significantly improve women's participation in their parties or in the elected assemblies of their respective countries.

The jury, comprising Lena Hjelm-Wallén (Chair, Sweden), Leena Linnainmaa (Finland) and Dubravka Šimonović (Croatia), had shortlisted six candidates. Lluís Maria de Puig, PACE President, will present the Equality Prize on 30 September 2009 at a ceremony to be held during the autumn session of the Assembly (28 September-2 October).

### **UN: call for no veto in case of serious human rights violations (10.09.09)**

In a draft resolution adopted in Paris on 10 September 2009, PACE Political Affairs Committee calls for a transitional reform of the UN Security Council, based on the establishment of a new category of non-permanent seats, as well as the prohibition of the recourse to the veto in the case of actual or threatened serious and widespread human rights violations. They also recommended the introduction of a parliamentary dimension in order to restore the role and authority of the General Assembly. The report, by Andreas Gross (Switzerland, SOC), is due to be debated by the plenary Assembly on Wednesday 30th September.

### **PACE rapporteur: 36 states failing to heed judgments of the Court (11.09.09)**

A PACE rapporteur has expressed his "serious concern" that 36 of the 47 Council of Europe member states are now failing to fully implement within a reasonable time judgments of the European Court of Human Rights, which are supposed to be binding.

Implementing judgments normally means that the state concerned pays the victim the compensation directed by the Court, and changes its laws or practices to avoid a repetition of the violation.

Christos Pourgourides (Cyprus, EPP/CD), who regularly monitors this issue for the PACE, was presenting an updated list of outstanding judgments to the Assembly's Legal Affairs Committee in Paris. The list used two standard criteria: judgments which had not been fully implemented five years after the Court had delivered them, or which revealed major structural problems.

"Until a few years back, [we] had to deal with such cases in a dozen or so countries," Mr Pourgourides told the committee. "Now I am sad to say this situation has changed completely: there are today 36 member states who meet these criteria, which is a very bad trend and a matter of serious concern."

Presenting a progress report, Mr Pourgourides said that as a result of this rise, he was now obliged to monitor a more limited list of judgments involving only the most serious human rights issues, such as deaths or ill-treatment by state agents.

All states who have ratified the European Convention on Human Rights are obliged to fully abide by the Court's rulings. The Council of Europe's Committee of Ministers – made up of the 47 Foreign Ministers of its member states – has the duty of ensuring that the Court's judgments are fully implemented.

[The rapporteur's updated list](#)

[Progress report](#)

### **What future for human rights and democracy in Europe? (11.09.09)**

The PACE Political Affairs Committee and the Directorate General of Human Rights and Legal Affairs of the Council of Europe will organise a conference at the French National Assembly in co-operation with academics and representatives of civil society and youth to be held in October 2009. This event will focus on the major challenges facing the Council of Europe in the defence of human rights and democratic ideals. The conference will be opened by Lluís Maria de Puig, President of PACE, Maud de Boer-Buquicchio, acting Secretary General of the Council of Europe, Jorge Fernando Branco de



Sampaio, former President of Portugal and Jean-Claude Mignon (France, EPP/CD), leader of the French delegation to PACE.

[Special file](#)

## Part VI : The work of the Office of the Commissioner for Human Rights

### A. Country work

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### B. Thematic work

#### **“Flawed enforcement of court decisions undermines the trust in State justice” says Commissioner Hammarberg (31.08.09)**

“Court decisions are not fully respected in several European countries. This must be seen as a refusal to accept the rule of law and is a serious human rights problem” said Thomas Hammarberg, Council of Europe Commissioner for Human Rights, in his latest Viewpoint published on 31 August 2009. “Court decisions in these countries are often enforced only partly or with long delays - or sometimes not at all. This is a structural problem which should require the national authorities to take priority action”. Cases of non-enforcement of domestic judicial decisions are raised in a great number of complaints to the Strasbourg Court of human rights.

[Read the Viewpoint](#)

Read the Viewpoint in Russian ([.pdf](#) or [.doc](#))

### C. Miscellaneous (newsletter, agenda...)

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\*No work deemed relevant for the NHRSs for the period under observation

## Part VII : Cooperation activities with the NHRs

### Round table with the regional ombudsmen of the Russian Federation (3 - 4 September 2009)

Within the “Peer-to-Peer” Project, a joint European Union – Council of Europe programme, a two-day round table with the regional ombudsmen of the Russian Federation took place on 3-4 September 2009 in St. Petersburg. The event dealt with the defence of social rights by the ombudsmen of the Russian Federation and issues pertaining to the development of the institution of ombudsman in the country. It was organised by the NHRS Unit in co-operation with the Strategy Centre of St. Petersburg and the Human Rights Centre of the University of Padua and opened by a key note speech of the Commissioner for Human Rights, Thomas Hammarberg.

On the first day participants discussed how the commitments taken by Russia when ratifying the Revised European Social Charter could be translated into compliance, including the question of national and international remedies available in case of non-compliance. The Executive Secretary of the European Social Charter, Regis Brillat, explained the content and the monitoring mechanism of that treaty. The Head of Unit of the Registry of the European Court of Human Rights, Michael Lobov, elaborated on how cases concerning social rights are dealt with by European Court of Human Rights. Tatiana Margolina, Co-Chair of the Coordination Council of the Russian regional ombudsmen, reported on major social rights issues in the Russian Federation. A report by Irina Scupova, Regional Ombudsman of the Samara region, illustrated how individual cases on social and economic rights are addressed in her region by non- judicial mechanisms.

The second day was dedicated to difficulties and perspectives of the development of the institution of ombudsman in the Russian Federation. The Director of the Strategy Centre, Alexander Sungorov, gave a report on the number and kind of cases that the Russian ombudsmen deal with. This report was followed by in depth discussions among Russian ombudsmen on what does imply efficiency for ombudsmen, what should be the content of an ombudsman’s report containing recommendations and how it should be presented and circulated.

The Head of Cooperation with the NHRs, Markus Jaeger, in winding up the discussion, stressed the desirability of responding positively to the request of the Russian regional ombudsmen to be made aware of pending ECtHR cases involving applicants from their respective regions. To this end the RSIF should be mailed to each Russian ombudsman, perhaps completed by specific information on the regions concerned. On the substance, discussions and contributions showed to what extent the economic crisis is now threatening people’s essential rights in Russia. Therefore, Ombudsman should be even more proactive in defending the citizens’ rights vis à vis the administration, making full use of their mandates. Russian regional ombudsmen have a lot of potential in expanding and creatively using their mandates, and Council of Europe should support them in this endeavour. Avenues for given them opportunities to exchange experiences with regional ombudmen from other European countries are being explored by the NHRS Unit, beyond the opportunities already offered under the P2P Project to some of them in turns.