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LEGAL AND HUMAN RIGHTS CAPACITY BUILDING DEPARTMENT
NATIONAL HUMAN RIGHTS STRUCTURES
PRISONS AND POLICE DIVISION



NATIONAL HUMAN RIGHTS STRUCTURES UNIT

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**Regular Selective Information Flow
(RSIF)
for the attention of the National Human Rights Structures (NHRs)
Issue n°71
covering the period from 25 July to 7 August 2011**



“Promoting independent national non-judicial mechanisms for the protection of human rights,
especially for the prevention of torture”
(“Peer-to-Peer II Project”)

Joint European Union – Council of Europe Programme

*The **selection** of the information contained in this Issue and deemed relevant to NHRs
is made under the responsibility of the NHRs Unit*

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TABLE OF CONTENTS

INTRODUCTION	4
PART I: THE ACTIVITIES OF THE EUROPEAN COURT OF HUMAN RIGHTS	5
A. Judgments	5
1. Judgments deemed of particular interest to NHRs	5
2. Other judgments issued in the period under observation	9
3. Repetitive cases	9
4. Length of proceedings cases	10
B. The decisions on admissibility / inadmissibility / striking out of the list including due to friendly settlements	10
C. The communicated cases	10
D. Miscellaneous (Referral to grand chamber, hearings and other activities)	11
PART II: THE EXECUTION OF THE JUDGMENTS OF THE COURT	12
A. New information	12
B. General and consolidated information	12
PART III: THE WORK OF OTHER COUNCIL OF EUROPE MONITORING MECHANISMS	13
A. European Social Charter (ESC)	13
B. European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)	13
C. Framework Convention for the Protection of National Minorities (FCNM)	13
D. Group of States against Corruption (GRECO)	13
E. Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL)	13
F. Group of Experts on Action against Trafficking in Human Beings (GRETA)	13
PART IV: THE INTER-GOVERNMENTAL WORK	14
A. The new signatures and ratifications of the Treaties of the Council of Europe	14
B. Recommendations and Resolutions adopted by the Committee of Ministers	14
C. Other news of the Committee of Ministers	14
PART V: THE PARLIAMENTARY WORK	15
A. Resolutions and Recommendations of the Parliamentary Assembly of the Council of Europe (PACE)	15
B. Other news of the Parliamentary Assembly of the Council of Europe	15

PART VI: THE WORK OF THE OFFICE OF THE COMMISSIONER FOR HUMAN RIGHTS 16

A. Country work..... 16

B. Thematic work..... 16

PART VII: ACTIVITIES AND NEWS OF THE PEER-TO-PEER NETWORK (Under the auspices of the NHRS Unit of the Directorate General of Human Rights and Legal Affairs)..... 17

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 funded under the so-called Peer-to-Peer II Project, a European Union – Council of Europe Joint Project entitled “Promoting independent national non-judicial mechanisms for the protection of human rights, especially the prevention of torture”.

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

A. Judgments

1. Judgments deemed of particular interest to NHRs

The judgments presented under this heading are the ones for which a separate press release is issued by the Registry of the Court as well as other judgments considered relevant for the work of the NHRs. They correspond also to the themes addressed in the Peer-to-Peer Workshops. The judgments are thematically grouped. The information, except for the comments drafted by the NHR Unit, is based on the [press releases of the Registry of the Court](#).

Some judgments are only available in French.

Please note that the Chamber judgments referred to hereunder become final in the circumstances set out in Article 44 § 2 of the Convention: “a) when the parties declare that they will not request that the case be referred to the Grand Chamber; or b) three months after the date of the judgment, if reference of the case to the Grand Chamber has not been requested; or c) when the panel of the Grand Chamber rejects the request to refer under Article 43”.

Note on the Importance Level:

According to the explanation available on the Court’s website, the following importance levels are given by the Court:

1 = High importance, Judgments which the Court considers make a significant contribution to the development, clarification or modification of its case-law, either generally or in relation to a particular State.

2 = Medium importance, Judgments which do not make a significant contribution to the case-law but nevertheless do not merely apply existing case-law.

3 = Low importance, Judgments with little legal interest - those applying existing case-law, friendly settlements and striking out judgments (unless these have any particular point of interest).

Each judgment presented in section 1 and 2 is accompanied by the indication of the importance level.

- **Conditions of detentions / Ill-treatment**

Musiałek and Baczyński v. Poland (no. 32798/02) (importance 3) – 26 July 2011 – Violation of Article 3 – Overcrowding and inappropriate medical care in detention

The applicants served prison sentences during different periods, and complained about the inadequate conditions of their detention, essentially due to overcrowding. The first applicant also complained that, while suffering from a serious medical condition, he did not receive an adequate medical care in detention.

Article 3

The Court held that, during its first detention period, the first applicant shared a 16 square meters cell with 7 prisoners. The Court also noticed that overcrowding is a structural problem in Poland. The Court also noticed that the authorities did not follow up the doctors’ recommendations that the applicant undergo two operations and that the delays in assessing his condition had serious and irreparable consequences on his health, e.g. the recommended amputation of the applicant’s right-hand little finger. Moreover, the Court added that the very nature of the applicant’s condition made him more vulnerable than the average detainee. In consequence, his detention in the conditions described above coupled with the authorities’ failure to provide him with adequate surgical treatment or to release him without undue delay to seek such treatment at liberty has unnecessarily exposed him to a risk to his health. There has accordingly been a violation of Article 3 of the Convention

- **Right to respect for private and family life**

Georgel and Georgeta Stoicescu v. Romania (no. 9718/03) (Importance 1) – 26 July 2011 – Violation of Article 8 – Domestic authorities’ failure to protect a woman from a stray dog attack – Violation of Article 6 § 1 – Domestic authorities’ failure to secure an effective right of access to a court

The case concerned the attack of the applicant, then aged 71, by stray dogs. Following the attack, the applicant was left with a head injury and a fractured thigh bone and needed to spend four days in hospital. After being discharged, she was prescribed medical treatment, but could not afford to pay for it. She lived in a constant state of anxiety and never left home for fear of another attack. The applicant then became totally immobile and was declared disabled and granted free medical care.

The applicant complained that she had been attacked because of the local authorities’ failure to take adequate measures to control stray dogs in Bucharest. She also complained that her two civil actions for damages had been dismissed.

Article 8

The Court noted that the Romanian authorities had extensive and detailed information on the problem of stray dogs. After the attack on the applicant, the authorities acknowledged that there was a particular problem with attacks by stray dogs. However, the Court noted that, despite existing regulations, the situation remained critical, with several thousands people being injured by stray dogs in Bucharest alone. The Court agreed with the Romanian Government that responsibility for the general situation of stray dogs in Romania also lay with civil society. But the Court observed that the **Romanian Government had failed to identify any concrete measures taken by the authorities at the time of the incident to implement existing laws.**

The Court therefore found that the inadequate measures taken by the Romanian authorities to deal with stray dogs in the applicant’s case, combined with their failure to provide her with appropriate redress for her injuries, was in violation of Article 8.

Article 6 § 1

The Court noted in particular that the applicant did not obtain a final ruling on the merits of her civil claim because her case was repeatedly dismissed without examination, on the ground that she sued the municipal authorities responsible for the setting up services for stray dogs and not the municipal authorities responsible for implementing the councils’ policies. The Court found that **shifting onto the applicant the duty of identifying the authority against which she should bring her claim, was a disproportionate requirement and failed to strike a fair balance between the public interest and her rights.** Consequently, the Court found that the applicant did not have an effective right of access to a court.

Article 41

The Court held that Romania was to pay the applicant EUR 9,000 in respect of non-pecuniary damage and EUR 20 in respect of costs and expenses.

Judge López Guerra expressed a separate opinion.

M. and Others v. Bulgaria (no. 41416/08) (Importance 1) – 26 July 2011 – Violation of Article 5 §§ 1 and 4 – Violation of Article 8 – Unlawful detention of an alien waiting for his deportation; domestic authorities’ failure to secure effective proceedings to challenge the lawfulness of the detention – Violation of Article 13 – Lack of an effective remedy – Application of Article 46 – Domestic authorities’ obligation to modify the Alien act and laws to enforce the judgment of the Court

The case concerned the detention, pending expulsion from Bulgaria, of an Afghani father of two young children and the impossibility for him to effectively challenge his situation. After the withdrawal of his residence permit, the applicant had been detained for two years and eight-and-a-half months, the time for the domestic authorities to try to secure an identity document. Moreover, while a Court found that his detention order had been signed by an unauthorized official and declared it null and void, it did not order his release. The applicant complained about his unlawful detention, the threat to expel him and the lack of an effective remedy.

Article 5 § 1

The Court recalled that detention of people in order to expel them could be justified only for so long as deportation or extradition proceedings were in progress. Here, **the authorities had only attempted to secure an identity document to make the deportation possible more than three months after**

the applicant's arrest. Further, they had only reiterated their request a year and seven months later. Consequently, the applicant's detention had not been justified throughout its duration, given the lack of diligence on the part of the Bulgarian authorities.

Article 5 § 4

Since they first refused to examine his appeal, and then did not order the applicant's release while judging his detention deprived of a legal basis, the Court noted that the authorities had failed to ensure that the applicant could speedily challenge in court the lawfulness of his detention pending expulsion.

Article 8

The Court noted in particular that the applicants had established a genuine family life in Bulgaria. The deportation order had been based on a declaration which – apparently – had not mentioned the facts and evidence on which it was based. The domestic court had dismissed the applicant's appeal against the deportation order having only formalistically looked at his case. Therefore, the applicants had not been protected against arbitrariness.

Article 13

The Court found that the domestic courts neither examined properly the declaration that the applicant posed a threat to national security nor considered the applicant's complaint that he risked ill-treatment or death if deported to Afghanistan. In addition, under Bulgarian law, appeals against deportation orders on national security grounds had no suspensive effect, and the applicant's request not to deport him until his case was decided had been practically been left without examination. Accordingly, the Court concluded that Bulgarian law and practice in relation to remedies against deportation orders was in violation of Article 13.

Article 46

Given that the Court had already found similar violations in a number of cases in respect of Bulgaria decided in the past, and other comparable cases were pending before it, the Court found it necessary to assist the Bulgarian Government in the execution of their duty to enforce the Court's judgment. In particular, **the Court held that measures to enforce its judgment should include changes to the Aliens Act or other laws** in order to ensure that: 1) courts exercise thorough judicial scrutiny over the facts and reasons put forward for aliens' deportation; 2) courts examining deportation appeals balance the aim pursued by the expelling authorities against the affected individuals' human rights, including their right to respect for their family life; 3) the country to which aliens are to be deported be always indicated in a legally-binding act; 4) claims alleging a risk of death or ill-treatment in the receiving State be rigorously examined by courts; and 5) such claims, made in deportation appeals, have an automatic suspensive effect pending the examination of those claims.

Article 41 (just satisfaction)

The Court held that Bulgaria was to pay the applicant EUR 12,000 in respect of non-pecuniary damage, and EUR 3,000 for costs and expenses.

Shaw v. Hungary (no. 6457/09) (Importance 2) – 26 July 2011 – Violation of Article 8 – Domestic authorities' failure to ensure the return of a child abducted by her mother

The case concerned the failure of the Hungarian authorities to ensure the return from Hungary to Paris of a young girl who had been taken permanently out of France by her mother, making it impossible for the father, who had joint custody, to see his daughter. In particular, all the measures taken by the domestic authorities to locate the mother and the child failed, and all the proceedings brought by the applicant before Hungarian courts were dismissed.

The applicant complained that the Hungarian authorities had failed to take timely and adequate steps to reunite him with his daughter after she was abducted by her mother.

Article 8

The Court noted in particular that the Hungarian courts had failed to act expeditiously in the proceedings to return the child. In addition, despite the fact that the authorities had attempted to locate the mother and daughter, almost 11 months had passed between the delivery of the enforceable final judgment ordering the child's return and the disappearance of the child and her mother. During that period, the only enforcement measures taken had been the unsuccessful requests of the bailiff for voluntary return of the child and the relatively small fine imposed on the mother. Finally, the Court observed that the situation had been aggravated by the fact that, as a result of the Hungarian courts' findings that they could not enforce the applicant's access rights to his daughter, he had not seen the child for three-and-a-half years. The Court held that there had therefore been a violation of Article 8.

Article 41

The Court held that Hungary was to pay the applicant EUR 20,000 in respect of non-pecuniary damage and EUR 12,000 for costs and expenses.

- **Freedom of expression**

Ringier Axel Springer Slovakia, a.s. v. Slovakia (no. 41262/05) (Importance 2) – 26 July 2011 – Violation of Article 10 – Newspaper owner wrongly punished for reporting that a high-ranking police officer had been supporting a prominent politician while he was urinating in public

The applicant is a publishing company, sanctioned for alleging in its newspaper that a high-ranking police officer had been supporting a prominent politician while he was urinating in a public restaurant. Domestic courts found in favor of the policeman ordering the newspaper's reporter to publish a correction and an apology, and to pay compensation. The courts found in particular that the reporter had not personally seen the policeman help the politician to urinate across the restaurant's terrace, and concluded that the reporter had failed to establish the truthfulness of the facts. The applicant company complained about being sanctioned for publishing the newspaper articles.

Article 10

The Court noted in particular that the domestic courts **had not examined whether the reporter had acted in accordance with journalists' duties and responsibilities, including whether the articles had been written in good faith and in accordance with the ethics of journalism**. Neither had the courts assessed the level of public interest in the articles or balanced any such interest against the individual interests of those concerned.

Consequently, the Court concluded that the Slovakian courts had failed to ensure that the legal protection received by the applicant company was compatible with the requirements of Article 10.

- **Right to regular, free and fair elections**

Orujov v. Azerbaijan (no. 4508/06) (Importance 2) – 26 July 2011 – Violation of Article 3 of Protocol No. 1 – Arbitrary decision of domestic authorities to disqualify a candidate from running for elections

The case concerned the disqualification of the applicant's registration as a candidate to parliamentary elections. Upon submission of the national electoral commission, domestic courts held that the applicant violated the requirements of electoral law by privately funding urban improvement works in his electoral district in order to gain voters support.

The applicant complained that his registration had been cancelled arbitrarily since domestic courts relied on thank-you letters written by peoples who either declared to live in the applicant's electoral district while this was not the case, or wrote those letters upon request of the police.

Article 3 of Protocol No. 1

The Court noted that **all evidences had been produced with the direct involvement of the police, such an initiative as the police interfering in electoral matters being in itself rather unusual**. Moreover, in the subsequent court proceedings, none of the alleged residents had testified in a manner consistent with their written statements to the police. Finally, **despite the applicant's claims as to the questionable nature of the evidence, neither the electoral commission, nor the domestic courts had effectively examined them**.

The interference with the applicant's electoral rights had thus fallen short of the standards required by Article 3 of Protocol No. 1.

Article 41 (just satisfaction)

The Court held that Azerbaijan was to pay the applicant EUR 7,500 in respect of non-pecuniary damage.

2. Other judgments issued in the period under observation

You will find in the column “Key Words” of the table below a short description of the topics dealt with in the judgment*. For more detailed information, please refer to the following links:

- Press release by the Registrar concerning the Chamber judgments issued on 26 Jul. 2011: [here](#)

We kindly invite you to click on the corresponding link to access to the full judgment of the Court for more details. Some judgments are only available in French.

<u>State</u>	<u>Date</u>	<u>Case Title and Importance of the case</u>	<u>Conclusion</u>	<u>Key Words</u>	<u>Link to the case</u>
Croatia	26 Jul. 2011	Juričić (no. 58222/09) Imp. 2	Violation of Article 6 § 1 No violation of Article 6 § 1	Unfairness of proceedings (lack of adversarial hearings) brought by the applicant to contest a decision relating to elections she was an unsuccessful candidate to Fairness of proceedings (oral and public hearings held by domestic authorities)	Link
Greece	26 Jul. 2011	Choromidis (no. 54932/08) Imp. 3	No violation of Article 1 of Protocol No. 1 No violation of Article 6 § 1	No disproportionate burden on the applicants on account of domestic authorities' refusal to compensate for plots adjacent to expropriated areas of their land Fairness of proceedings (judgment sufficiently reasoned)	Link
Greece	26 Jul. 2011	Karamanof (no. 46372/09) Imp. 3	Violation of Article 5 § 1	Unjustified detention of the applicant in hospital during 7 months	Link
Poland	26 Jul. 2011	Iwaszkiewicz (no. 30614/06) Imp. 2	No violation of Article 1 of Protocol No. 1	Domestic authorities' decision to withdraw the military pension of the applicants' relative after he died does not impose a disproportionate burden on their property	Link
Russia	26 Jul. 2011	Larisa Zolotareva (no. 15003/04) Imp. 3	Violation of Article 8	Domestic authorities' decision to evict the applicant from her flat by night, with no chance to voluntarily vacate it, and while the judgment against her was not yet executory	Link
Russia	26 Jul. 2011	Liu (no. 2) (no. 29157/09) Imp. 2	Violation of Article 8	Unexplained refusal of a resident permit for the applicant and subsequent deportation of the applicant to China	Link
Turkey	26 Jul. 2011	T.Ç. and H.Ç. (no. 34805/06) Imp. 2	Violation of Article 6 § 1 Violation of Article 8	Excessive length of proceedings (six years and seven months for three levels of jurisdiction) Impact of the length of proceedings on the applicant's private and family life	Link
Turkey	26 Jul. 2011	Yavuz Çelik (no. 34461/07) Imp. 3	Violations of Article 3 (procedural) Violation of Article 3 (substantive)	Lack of an effective investigation Ill-treatment of the applicant by police officers	Link

3. Repetitive cases

The judgments listed below are based on a classification which figures in the Registry's press release: “*In which the Court has reached the same findings as in similar cases raising the same issues under the Convention*”.

* The “Key Words” in the various tables of the RSIF are elaborated under the sole responsibility of the NHRS Unit of the DG-HL

The role of the NHRs may be of particular importance in this respect: they could check whether the circumstances which led to the said repetitive cases have changed or whether the necessary execution measures have been adopted.

<u>State</u>	<u>Date</u>	<u>Case Title</u>	<u>Conclusion</u>	<u>Key words</u>
Italy	26 Jul. 2011	Paleari (no. 55772/08) link Pozzi (no. 55743/08) link	Violation of Article 6 § 1	Lack of public hearings concerning the application of preventive measures
Poland	26 Jul. 2011	M.B. (no. 11887/07) link	Violation of Article 5 § 3	Excessive length of pre-trial detention (two years, seven months, twelve days)

4. Length of proceedings cases

The judgments listed below are based on a classification which figures in the Registry's press release.

The role of the NHRs may be of particular relevance in that respect as well, as these judgments often reveal systemic defects, which the NHRs may be able to fix with the competent national authorities.

With respect to the length of non criminal proceedings cases, the reasonableness of the length of proceedings is assessed in the light of the circumstances of the case and with reference to the following criteria: the complexity of the case, the conduct of the applicant and the relevant authorities and what was at stake for the applicant in the dispute (See for instance [Cocchiarella v. Italy](#) [GC], no. 64886/01, § 68, published in ECHR 2006, and [Frydlender v. France](#) [GC], no. 30979/96, § 43, ECHR 2000-VII).

<u>State</u>	<u>Date</u>	<u>Case Title</u>	<u>Link to the judgment</u>
Bulgaria	26 Jul. 2011	Hadzhinikolov (no. 24720/04)	Link
Italy	26 Jul. 2011	Capriati (no. 41062/05)	Link
Poland	26 Jul. 2011	Dobosz (no. 15231/08)	Link
Portugal	26 Jul. 2011	Leite de Oliveira (no. 51251/09)	Link
Portugal	26 Jul. 2011	Sousa Lello and Fernandes Borges (no. 28776/08)	Link
Portugal	26 Jul. 2011	Tomé Monteiro and Others (no. 43641/09)	Link

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

No decisions have been published by the Court during the period under observation (17 to 31 July 2011).

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 1 August 2011: [link](#)
- on 8 August 2011: [link](#)

The list itself contains links to the statement of facts and the questions to the parties. This is a tool for NHRs 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).

Communicated cases published on 1 August 2011 on the Court's Website and selected by the NHRS Unit

The batch of 1 August 2011 concerns Poland.

<u>State</u>	<u>Date of Decision to Communicate</u>	<u>Case Title</u>	<u>Key Words of questions submitted to the parties</u>
Poland	11 Jul. 2011	Gatus no 61673/10	Alleged violation of Art. 10 – Alleged interference with the applicant's freedom of expression on account of her conviction for having highlighted the mismanagement of a school during a public meeting

Communicated cases published on 8 August 2011 on the Court's Website and selected by the NHRS Unit

The batch of 8 August 2011 concerns the following States (some cases are however not selected in the table below): Belgium and Poland.

<u>State</u>	<u>Date of Decision to Communicate</u>	<u>Case Title</u>	<u>Key Words of questions submitted to the parties</u>
Belgium	22 Jul. 2011	Alouch no 21437/11	Alleged violation of Art. 3 – Risks to the applicant of being subjected to ill-treatment if deported
Poland	18 Jul. 2011	Płachta and 3 other applications no 25194/08	Alleged violation of Art. 8 – Alleged violation of the applicants' right to private and family life on account of a military airport noise regulations.

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

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* No activities deemed relevant for the NHRSs for the period under observation

Part II: The execution of the judgments of the Court

A. New information

The Council of Europe's Committee of Ministers will hold its next "human rights" meeting from 13 to 14 September 2011 (the 1120DH meeting of the Ministers' deputies).

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/dghl/monitoring/execution/Reports/pendingCases_en.asp

For more information on the specific question of the execution of judgments including the Committee of Ministers' annual report for 2010 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/Source/Publications/CM_annreport2010_en.pdf

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/dghl/monitoring/execution/Documents/Doc_ref_en.asp

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

A. European Social Charter (ESC)

Recent complaint against Belgium (02.08.2011)

In a recent complaint, *Defence for Children - International (DCI) v. Belgium* (Complaint No.69/2011), the complainant organisation alleges that foreign children, accompanied or non-accompanied, who are illegal residents or asylum seekers, are currently excluded from social assistance in Belgium ([more information](#)) ; [Complaint No.69/2011](#) (French only).

The Committee of Ministers adopts a resolution (25.07.2011)

The Committee of Ministers adopted a resolution with regard to the case *International Centre for the Legal Protection of Human Rights (INTERIGHTS) v. Greece* (Complaint No 49/2008). [Resolution Res/CM/ChS\(2011\)](#)

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

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

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D. Group of States against Corruption (GRECO)

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

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

GRETA 10th meeting (21-24.06.2011)

GRETA held its 10th meeting on 21-24 June 2011 at the Council of Europe in Strasbourg. GRETA adopted its final evaluation reports on Austria, Cyprus and the Slovak Republic as amended in the light of the comments received from the respective authorities. GRETA also examined the draft reports on Albania, Bulgaria, Croatia and Denmark. Further, GRETA adopted the 1st General Report on its activities, covering the period from February 2009 to June 2011. In addition, GRETA appointed rapporteurs for the country visits to the second group of 10 parties to the Convention.

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

Part IV: The inter-governmental work

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

26 July 2011

Ireland ratified the Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters ([ETS No. 182](#)).

B. Recommendations and Resolutions adopted by the Committee of Ministers

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C. Other news of the Committee of Ministers

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

Part V: The parliamentary work

A. Resolutions and Recommendations of the Parliamentary Assembly of the Council of Europe (PACE)

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

Refugees on Turkish-Syrian border: PACE delegation congratulates the Turkish authorities for their quick response (27.07.2011)

At the end of a one-day visit to the Hatay region in Turkey on 26 July, a four-member delegation from the Committee on Migration, Refugees and Population of the PACE, headed by Christopher Chope (United Kingdom, EDG), stated that "the Turkish authorities must be congratulated for their quick response to the situation". The delegation, which visited two refugee camps in the Hatay region and met those involved in managing the situation said the conditions in the camps were of high standards. "The Syrians living in the camps are grateful for the efforts of the Turkish authorities and the Turkish Red Crescent who have agreed to meet their needs", the parliamentarians said. "The authorities have the answer for a crisis situation. But, as the situation could last longer and continue into the winter, we also need a sustainable solution for refugees", they added. In particular, the parliamentarians urged Turkey to reconsider and lift as soon as possible its geographical limitation to the 1951 Geneva Convention relating to the status of refugees, which limits the recognition of refugee to European refugees. The delegation considered it urgent that the international media have access to Syria and start reporting on what is really going on there.

* No work deemed relevant for the NHRSS for the period under observation

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

A. Country work

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B. Thematic work

Several hundred thousand people in Europe are stateless – they need extra protection (02.08.2011)

Having a nationality is a basic human right – so basic that it amounts to a “right to have rights”. However, even now many people remain without a nationality, said Thomas Hammarberg, Council of Europe Commissioner for Human Rights in his Human Rights Comment published on August 2nd. Even in relatively peaceful Europe they can be counted in hundreds of thousands. The UN refugee agency, UNHCR, estimates the number to be as many as 589 000. [Read the Comment](#)

Clear laws needed to protect trans persons from discrimination and hatred (26.07.2011)

Trans persons face severe discrimination in many areas of life, not least in employment, education, health care and leisure activities. Bullying at school is common-place. Surveys have demonstrated that about half of trans persons hide their gender identity at work for fear of losing their job. Forty-one transphobic murders have been reported in Europe since 2008, said Thomas Hammarberg, Council of Europe Commissioner for Human Rights in his Human Rights Comment published on the 26 of July. Newborns are recorded as a boy or a girl and this distinction becomes a legal and social fact from then on. What is characteristic for trans persons is that they experience problems in identifying with the sex assigned at birth. [Read the Comment](#)

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

**Part VII: Activities and news of the Peer-to-Peer Network
(under the auspices of the NHRS Unit of the Directorate General of
Human Rights and Legal Affairs)**

1st Regional Conference with Russian Public Monitoring Committees (PMCs) of places of detention, 28-29 July 2011

The Conference brought together around a hundred participants, including members of the PMCs from two Federal Districts (Volga and Ural), the Federal Ombudsman, regional Ombudsmen, the relevant representative of the Civic Chamber of the Russian Federation, representatives of the Federal Penitentiary Services (FSIN) as well as international and foreign experts in the field of torture prevention. The participants discussed the difficulties, needs and priorities in terms of assistance of the regional PMCs and their relationships with other stakeholders at federal and regional level. This conference was the first out of four regional conferences to be held throughout the Russian Federation within the so-called Russian PMC Pre-Project, the purpose of which is to design a full-fledged multi-annual co-operation project (the Russian PMC Project) to be implemented with the PMCs and other relevant stakeholders under the aegis of the Russian Federal Ombudsman and the Council of Europe in 2012-14.

Meeting of the Working Group charged with drafting a Strategy on Health Care in the Penitentiary System for 2011-2013, 27-28 July 2011

The working group charged with drafting a Strategy on Health Care in the Penitentiary System for 2011-2013 met on 27-28 July at Kvareli Lake Resort. The work of the group focused on the development of a primary medical care policy and an organisational structure for the provision of health care in prisons in Georgia, in line with standards of the Council of Europe. This activity is conducted in the framework of the Denmark's Georgia Programme 2010-2013 "Promotion of Judicial Reform, Human and Minority Rights". Seven representatives of the Ministry of Corrections and Legal Assistance of Georgia, two representatives of the Ministry of Labour, Health and Social Affairs of Georgia, representatives of the ICRC and two NGOs working in the prison health care field will be involved in drafting the Strategy. In addition, two international experts from the Council of Europe will contribute to the development of the Strategy. A second meeting of the working group is planned for 3-4 October 2011, followed by a round table on 5 October 2011, when the draft Strategy will be presented to the Minister of Correction and Legal Assistance and the Minister of Labour, Health and Social Affairs, for its further consideration, adoption and implementation.