

DIRECTORATE GENERAL OF HUMAN RIGHTS
AND LEGAL AFFAIRS

LEGAL AND HUMAN RIGHTS CAPACITY BUILDING
DEPARTMENT

LEGISLATIVE SUPPORT AND NATIONAL HUMAN
RIGHTS STRUCTURES DIVISION

NATIONAL HUMAN RIGHTS STRUCTURES UNIT



Strasbourg, 9 December 2009

**Regular Selective Information Flow
(RSIF)
for the attention of the National Human Rights Structures (NHRsS)
Issue n°29
covering the period from 9 to 22 November 2009**

*The **selection** of the information contained in this Issue and deemed relevant to NHRsS
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

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.

- **Risk of death or ill-treatment in the event of deportation**

Kaboulov v. Ukraine (no. 41015/04) (Importance 2) – 19 November 2009 – No violation of Article 2 – No real risk of capital punishment being applied to the applicant in the event of extradition – Violation of Article 3 – Risk of ill-treatment if expelled to Kazakhstan – Violation of Article 13 – Lack of an effective remedy to challenge the extradition on the ground of the risk of ill-treatment on return – Violation of Article 5 §§ 1, 2, 4, 5 – Unlawfulness of detention – Failure to inform the applicant of the reasons for his detention – Lack of sufficient procedural guarantees in domestic legislation for the review of the lawfulness of the applicant’s detention – Lack of an enforceable right to compensation – Violation of Article 34 – Deprivation of the right to individual application

The applicant claims to be a citizen of the Russian Federation and also claims to have citizenship of the Republic of Kazakhstan. He is currently detained in a pre-trial detention centre in Ukraine. In June 2003 he was accused in Kazakhstan, in his absence, of having committed a murder and the Kazakh authorities issued an international search warrant for him. Aggravated murder is an offence punishable by death in Kazakhstan. The applicant was arrested in August 2003 in Ukraine and has been detained ever since. His detention record specified that Mr Kaboulov was detained on suspicion of having committed a murder; it indicated that he had been acquainted with the reasons for his arrest but did not specify when that had happened. Mr Kaboulov stayed in a sobering-up facility to be treated for alcoholic intoxication after which he was transferred to a police station where he remained until September 2004 when a court ordered his detention. The ground for detention relied upon by the court

was the fact of the existence of a search order for Mr Kaboulov issued in Kazakhstan relating to his extradition.

In September 2004 the Kazakh authorities requested the Prosecutor General of Ukraine to detain Mr Kaboulov pending extradition and presented assurances that the applicant would not be liable for the death penalty in Kazakhstan and that his rights and lawful interests would be protected. The Ukrainian authorities agreed to extradite him. Between October 2004 and December 2004, Mr Kaboulov's lawyer and mother brought several sets of proceedings challenging his detention and the decision to extradite him. The outcome of some of the proceedings is still unknown.

Mr Kaboulov complained about the unlawfulness of his detention and about the inability to challenge it or to receive compensation. He stated that his extradition to Kazakhstan endangered his life, well-being and jeopardised his right to a fair trial. He further complained that Ukrainian authorities exerted pressure on him to withdraw his application to the Court.

Article 2 complaint: issues relating to capital punishment in the event of extradition

The Court noted that no executions had been carried out in Kazakhstan in 2007 - 2008 and death sentences imposed had been commuted to life imprisonment. Furthermore, there was a moratorium on the enforcement of capital punishment, extended by a law in 2004. The Kazakh authorities had given assurances that the applicant would not be liable for the death penalty. The Court concluded unanimously that no real risk existed of the applicant being executed if extradited to Kazakhstan and, therefore, there had been no violation of Article 2.

Article 3 complaint: risk of ill-treatment in the event of extradition

The Court considered the reports of various international and domestic organisations describing numerous credible reports of outbreaks of torture, ill-treatment of detainees, routine beatings and the use of force against criminal suspects by the Kazakh law-enforcement authorities to obtain confessions, and no effective investigations being carried out into such allegations. Those reports had also noted very poor prison conditions including overcrowding, poor nutrition and untreated diseases. Given that the Kazakh authorities had not presented any evidence, reliable sources or reports capable to counter the above assertions, the Court found that Mr Kaboulov ran a real and serious risk of being ill-treated. The Court noted that the aforementioned reports had credibly shown that that had been the case in respect of any criminal suspect held in custody in Kazakhstan. The Court held unanimously that the applicant's extradition to Kazakhstan would be in violation of Article 3 of the Convention.

Article 13 complaint: lack of an effective remedy to challenge the applicant's extradition

The Court observed that several unsuccessful sets of proceedings had been brought on behalf of Mr Kaboulov and the courts had refused to examine some of them for lack of jurisdiction. In addition, the Court took note of the domestic law and practice, including the resolution of the Plenary Supreme Court of Ukraine adopted in October 2004, which established the limits for review of lawfulness of the requests for detention pending extradition. It came to the conclusion that the applicant did not have an effective domestic remedy to challenge his extradition on the ground of the risk of ill-treatment on return. The Court found a violation of Article 13 on these grounds.

Article 5 § 1: unlawful detention

The Court considered separately two periods during which Mr Kaboulov had been detained: his initial detention from 23 August 2004 until the judicial decision of 13 September 2004 authorising his detention with a view to his extradition, and his subsequent detention following that judicial decision.

The Court found that the domestic authorities had not provided specific justification for Mr Kaboulov's initial prolonged detention. It noted that even supposing that the real reason behind the applicant's initial detention had been his extradition, the Ukrainian legislation did not provide for a sufficiently accessible, precise and foreseeable extradition procedure. The Court held unanimously that the applicant's detention in the initial period was not compatible with the requirements of Article 5 § 1.

As to his subsequent detention after the judicial decision of 13 September 2004 authorising it, the Court found unanimously that there had also been a violation of Article 5 § 1 (f) because the Ukrainian law did not provide for a sufficiently accessible, precise and foreseeable procedure capable to prevent arbitrary detention pending extradition.

Article 5 § 2: failure to inform the applicant of the reasons for his detention

The Court noted that the only document on which the Ukrainian authorities relied to show that Mr Kaboulov had been informed of the reasons for his detention had been the detention record for his initial arrest. It did not contain any specific time or date when Mr Kaboulov was informed of the reasons for his detention. The Court found that there had been no reliable indication of whether, in the

period from 23 August till 13 September 2004, Mr Kaboulov had ever been informed of the reasons for his detention. The Court held unanimously that there had been a violation of Article 5 § 2.

Article 5 § 4: inability to challenge his continued detention

The Court noted that, since October 2004, Mr Kaboulov had brought several proceedings for review of the lawfulness of his continued detention which brought no result. His requests for release had not been examined on their merits. The Court recalled that it had already found that the Ukrainian legislation did not provide for an effective and accessible procedure to challenge the lawfulness of a detention pending extradition. The Court concluded unanimously that there had been a violation of Article 5 § 4.

Article 5 § 5: lack of compensation for the unlawful detention

The Court considered its duty was to establish whether or not Ukrainian law affords the applicant an enforceable right to compensation for the breaches of Article 5 in his case. The Court noted that Mr Kaboulov had been detained in accordance with the domestic law and consequently he had not been entitled for compensation for unlawful detention under the Ukrainian legislation. The Court thus found that Ukrainian law did not afford the applicant an enforceable right to compensation as required by Article 5 § 5.

Article 34: obstacles to the right to individual petition

The Court noted that it had received a letter from Mr Kaboulov in September 2008 stating that he wished to withdraw his application before the Court. That letter had been accompanied by another letter from the Governor of the detention facility where Mr Kaboulov had been held, which had confirmed that the authorities knew the content of Mr Kaboulov's letter. The authorities had sent his letter with a separate accompanying letter making comments on its contents. The Court found unanimously that this had been incompatible with Article 34 of the Convention.

- **Right to a fair trial**

Kolesnik v. Ukraine (no. 17551/02) (Importance 3) – 19 November 2009 – Violation of Article 6 §§ 1 and 3 (c) and (d) – Self-incriminating statements made in the absence of a lawyer cannot serve as the main basis for a criminal conviction – Domestic authorities' failure to secure the presence of crucial witnesses before the court

The applicant is currently detained in Zhytomyr Prison in Ukraine. In November 1998, together with three other persons, he was arrested on suspicion of aggravated murder and robbery. During the initial questioning and a subsequent reconstruction of the events, conducted without legal assistance, the applicant confessed that he and other suspects had killed two persons in August and October 1998 respectively. The applicant later alleged that the police had forced him to confess and to waive his right to a lawyer. Assigned a lawyer in the meantime, the applicant retracted his confession and claimed his innocence when questioned by the prosecutor in March 1999. In July of the same year the Regional Court remitted the case to the Prosecutor of the Region for additional investigation, as it found that the investigation authorities had violated certain provisions of the Code of Criminal Procedure. In particular, the court found that the criminal charges against the applicant would have required his legal representation at the initial stage of the proceedings.

After the additional investigation had been carried out, the Regional Court convicted the applicant – who pleaded innocent – in February 2001 of aggravated murder and robbery and sentenced him to 14 years' imprisonment. The conviction was mainly based on the applicant's self-incriminating statements made during the initial questioning and the testimony of three witnesses. The testimony of two other witnesses, who had confirmed the applicant's alibi, was not taken into consideration, as the court doubted their credibility. The judgment was upheld by the Supreme Court in May 2001.

The applicant complained that the criminal proceedings against him had been unfair. He alleged that at the initial stage of the investigation he had been forced to incriminate himself and that the main investigative measures had been conducted without a lawyer. He also submitted that he had not been able to examine key witnesses against him as they had failed to attend the trial.

The Court noted that the domestic courts had acknowledged the violation of the applicant's procedural rights during the initial stage of the investigation, in particular his right to defence. Nevertheless the applicant's self-incriminating statements, obtained in the absence of a lawyer and in circumstances giving rise to a suspicion that both the waiver of the right to legal representation and the applicant's confessions had been obtained against his will, had served as a key element in his conviction. The Court therefore unanimously held that there had been a violation of Article 6 §§ 1 and 3 (c).

The Court further reiterated that all evidence normally had to be produced at a public hearing with the accused having the possibility to examine or have examined witnesses against him or her, and in his or her presence. In the present case the applicant had not had the opportunity to confront the three key witnesses against him either at the investigation stage or during the trial. According to the evidence and explanations presented by the Ukrainian Government, the domestic authorities had not taken sufficient steps to ensure the presence of those witnesses before the court. Despite these shortcomings, the witnesses' testimonies had formed an important part of the body of evidence for the applicant's conviction. The applicant had therefore been denied a fair trial in this respect too. Consequently, the Court held unanimously that there had been a violation of Article 6 §§ 1 and 3 (d).

The Court moreover unanimously held that the finding of a violation constituted in itself sufficient just satisfaction for the non-pecuniary damage sustained by the applicant.

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

R.R. v. Romania (no. 1) (no. 1188/05) (Importance 2) – 10 November 2009 – No violation of Article 8 – Domestic authorities' appropriate and sufficient efforts to protect the exercise of the applicant's parental rights

Following R.R.'s divorce from D.J., in 2000, custody of their daughter, then aged four, was awarded to the mother (D.J.). Several sets of judicial proceedings ensued, concerning in particular the father's access rights in respect of his daughter, which were fixed on 10 November 2005 at three weeks per year during the summer holidays. Those rights were to be exercised in a context where his former wife often took their daughter to stay for long periods in the United States, after she had remarried with an American national. The father made numerous requests to the Romanian administrative and judicial authorities to obtain an acknowledgment of the wrongful nature of his daughter's repeated removal and to secure her return to Romania. He relied in particular on the Hague Convention on the Civil Aspects of International Child Abduction of 25 October 1980 (the "Hague Convention"). Apart from two decisions by the Romanian courts in May 2005 (declaring wrongful the child's removal and her non-return to Romania) and in August 2006 (prohibiting mother and child from leaving Romania, where they were staying for the summer) – decisions which had legal effect for only a few weeks – the constant position of the Romanian administrative and judicial authorities in response to the father's requests was that since he did not have custody of the child, he was not justified in seeking her return. The removal of a child is wrongful under the Hague Convention only where there is a breach of custody rights. The father was, however, entitled to seek the protection of his access rights, and he did so, obtaining the Romanian authorities' assistance where necessary (for example when, in the summer of 2008, mother and daughter did not spontaneously return to Romania to allow the father to exercise his access rights). In 2005 the father brought proceedings to obtain custody. In March 2008 custody was awarded to him in a decision that has not yet become final. The proceedings are still pending.

The applicant complained that the measures taken by the Romanian authorities to protect his parental rights had been inadequate.

The Court noted that the authorities, throughout the proceedings, had maintained their position that the only right of which the father was entitled to seek protection under the Hague Convention was his right of access (and not any right to the child's permanent return). The Romanian courts had validated that position after adversarial proceedings and there was nothing to suggest that their conclusions were arbitrary or contrary to the provisions of the domestic or international law that they applied. The Court also observed that every time the child had been removed to the United States, the father's complaints under the Hague Convention had been dealt with sufficiently promptly, in view of the particular circumstances of the case, without any inaction being attributable to the Romanian courts.

The Court took the view that after the father's access rights had been finally fixed at three weeks in the summer, Article 8 of the Convention, construed in the light of the Hague Convention, obliged the Romanian authorities to adopt measures mainly to secure the child's return for the three weeks during which the father was to exercise his annual right of access. This is in fact what happened when the father sought protection of his access rights in the summer of 2008, under the Hague Convention; he was successful and the measure was prompt.

The Court found that the Romanian authorities had made appropriate and sufficient efforts to protect the exercise of the parental rights that had been granted to the father and they had therefore not disregarded his right to respect for his family life. The Court held, unanimously, that there had been no violation of Article 8.

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 judgment¹. For a more complete information, please refer to the following link:

- Press release by the Registrar concerning the Chamber judgments issued on 10 Nov. 2009: [here](#).
- Press release by the Registrar concerning the Chamber judgments issued on 19 Nov. 2009: [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>
Bulgaria	19 Nov. 2009	Tonchev (no. 18527/02)	Violations of Art. 6 § 1 No violation of Articles 3 and 8	Excessive length of proceedings and infringement of the right of access to a court on account of domestic authorities' failure to ensure the applicant with effective redress Insufficient evidence to conclude to a violation of Articles 3 and 8	Link
Finland	10 Nov. 2009	Landgren (no. 17889/07)	Violation of Art. 6 § 1	Excessive length of criminal proceedings	Link
Malta	10 Nov. 2009	Schembri and Others (no. 42583/06)	Violation of Art. 1 of Prot. 1	Inadequate compensation for the expropriation of the applicants' land	Link
Spain	10 Nov. 2009	Juez Albizu (no. 25242/06)	Violation of Art. 6 § 1 (fairness)	Domestic court's failure to provide sufficient reasoning to justify the inadmissibility of the applicant's appeal in civil proceedings	Link
Turkey	10 Nov. 2009	Arat (no. 10309/03)	No violation of Art. 3 (treatment) Violation of Art. 3 (investigation) Violation of Art. 6 § 1 (fairness)	Justified use of necessary police force on account of the applicant's resistance Lack of an effective investigation Failure to communicate to the applicant the written opinion of the Principal Public Prosecutor at the Court of Cassation	Link
Turkey	10 Nov. 2009	Bolukoç and Others (no. 35392/04)	Violation of Art. 6 § 3 (c) in conjunction with Art. 6 § 1	Lack of legal assistance while in police custody See also <i>Salduz v. Turkey</i>	Link
Ukraine	19 Nov. 2009	Glinov (no. 13693/05)	Violation of Art. 8	Prison authorities' monitoring of the applicant's correspondence with the Court	Link
Ukraine	19 Nov. 2009	Telegina (no. 2035/03)	Violation of Article 6 § 1	Excessive length of criminal proceedings	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 role of the NHRSs 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.

¹ The “Key Words” in the various tables of the RSIF are elaborated under the sole responsibility of the NHRS Unit of the DG-HL

<u>State</u>	<u>Date</u>	<u>Case Title</u>	<u>Conclusion</u>	<u>Key words</u>
Bosnia and Herzegovina	10 Nov. 2009	Čolić and Others (nos. 1218/07, 1240/07, 1242/07, etc.) link	Violation of Art. 6 § 1 (fairness) and Art. 1 of Prot. 1	Domestic authorities' failure to enforce final judgments in the applicants' favour awarding them compensation for war damage
Romania	10 Nov. 2009	Demetrescu (no. 5046/02) link	Violation of Art. 1 of Prot. 1	Domestic authorities' failure to enforce a final judgment in the applicant's favour awarding compensation after nationalisation
Romania	10 Nov. 2009	Rotaru (no. 34325/05) link	Violation of Art. 1 of Prot. 1	Infringement of the right to peaceful enjoyment of possessions on account of the applicant's inability to enjoy her property as a result of deficiencies in domestic laws See <i>Radovici and Stănescu v. Romania</i>
Turkey	10 Nov. 2009	Cin and Others (no. 305/03) link	Violation of Art. 1 of Prot. 1	Deprivation of the applicants' property and total lack of compensation
Ukraine	19 Nov. 2009	Korabelnikov (no. 29860/05) link Lazarenko (no. 26855/05) link Savinskiy and Shevchenko (nos. 34168/05 and 45750/07) link	Violation of Art. 6 § 1 (fairness) and Art. 1 of Prot. 1	Domestic authorities' failure to enforce final judgments in the applicants' favour
Ukraine	19 Nov. 2009	Skaloukhov and Others (nos. 8107/06, 8473/06 etc.) link	Violation of Art. 6 § 1 (fairness)	Idem.

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>
Finland	10 Nov. 2009	Horsti (no. 39509/08)	Link
Slovakia	10 Nov. 2009	Fekiač and Fekiačová (no. 39202/04)	Link
Slovakia	10 Nov. 2009	Sika (No. 6) (no. 868/05)	Link
Ukraine	19 Nov. 2009	Lazaruk (no. 6261/04)	Link
Ukraine	19 Nov. 2009	Tverdokhlebov (no. 27341/05)	Link

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. Therefore the decisions listed below cover **the period from 19 October to 1 November 2009**.

They are aimed at providing the NHRs with potentially useful information on the reasons of the inadmissibility of certain applications addressed to the Court and/or on the friendly settlements reached.

<u>State</u>	<u>Date</u>	<u>Case Title</u>	<u>Alleged violations (Key Words)</u>	<u>Decision</u>
Austria	20 Oct. 2009	Verlagsgruppe News GMBH (No. 3) (no 43521/06) link	Alleged violation of Art. 10 (the applicant company's conviction for an article published in a weekly newspaper)	Struck out of the list (unilateral declaration of the Government)
Bulgaria	20 Oct. 2009	Kichkov (no 19190/04) link	The application concerned the State's failure to provide the applicant compensation for his expropriated property without relying on any specific provision of the Convention	Struck out of the list (friendly settlement reached)
Finland	20 Oct. 2009	Aura (no 19690/08) link	Alleged violation of Art. 8 (opening of the applicant's letters by the hospital personnel) and Art. 13 (lack of an effective remedy)	Idem.
Greece	20 Oct. 2009	Tzamalīs and Others (no 5469/07) link	Alleged violation of Art. 3 (State's failure to provide the applicants with acceptable living conditions as a result of their eviction), Art. 6 (unlawful decision ordering the eviction), Art. 8 (two fold: firstly, State's failure to provide the applicants with housing and secondly the eviction had been carried out by State agents), Art. 13 (lack of an effective investigation), Art. 1 of Prot. 1 (infringement of the right to peaceful enjoyment of possessions) and Art. 14 in conjunction with Articles 3, 6, 8, 13 and Art. 1 of Prot. 1	Inadmissible (non-exhaustion of domestic remedies)
Malta	20 Oct. 2009	Aquilina (no 51682/08) link	Alleged violation of Art. 6 (lack of impartiality of the Small Claims Tribunal)	Inadmissible as manifestly ill-founded (no circumstances to call into doubt the impartiality of the SCT)
Romania	20 Oct. 2009	D. J. and A.-K. R. ¹ (no 34175/05) link	Alleged violation of Art. 6 § 1 (unfairness of the proceedings concerning the implementation of the Hague Convention on the Civil Aspects of International Child Abduction of 25 October 1980 and those concerning the prohibition for the applicant to leave the country), Art. 2 of Prot. 4 (interference with the applicant's right to freedom of movement with her child), Art. 8 (interference with the applicant's and her daughter's right to respect for private and family life)	Partly inadmissible as manifestly ill-founded (no violation of the rights and freedoms protected by the Convention), partly inadmissible for non-exhaustion of domestic remedies and partly incompatible <i>ratione personae</i>
Romania	20 Oct. 2009	Anghelescu and Others (no 77234/01) link	Alleged violation of Art. 1 of Prot. 1 (the applicants' inability to recuperate their property nationalised by the State), Art. 6 § 1 (outcome of the proceedings)	Partly inadmissible for non-exhaustion of domestic remedies, partly inadmissible as manifestly ill-founded (no violation of the rights and freedoms protected by

¹ Please see page 8 for a related judgment

Romania	20 Oct. 2009	Udrea (no 32704/03) link	Alleged violation of Art. 1 of Prot. 1 in conjunction with Art. 14 (the allowance awarded when the applicant retired from military had been unlawfully subjected to income tax)	the Convention) Struck out of the list (friendly settlement reached)
Romania	20 Oct. 2009	Bontoi (no 44951/05) link	The applicant alleged that the differences in the case law of the Bucharest Court of Appeal concerning the sale of accommodation built with the help of State funds were of a discriminatory and an unfair nature)	Struck out of the list (applicant no longer wished to pursue his application)
Romania	20 Oct. 2009	Asurdoaei (no 34832/03) link	Alleged violation of Art. 1 of Prot. 1 in conjunction with Art. 14 (allowance awarded when the applicant retired from military had been unlawfully subjected to income tax)	Struck out of the list (friendly settlement reached)
Russia	20 Oct. 2009	Shlepneva (no 11287/04) link	Alleged violation of Art. 6 § 1 and Art. 8 (lack of an oral hearing in civil proceedings concerning the division of a flat) and violation on account of the quashing of a judgment by way of supervisory review	Struck out of the list (applicants no longer wished to pursue her application)
Russia	20 Oct. 2009	Berezovskiy (no 21237/04) link	Alleged violation of Articles, 6, 14 and 17 (excessively lengthy enforcement of a judgment in the applicant's favour)	Inadmissible as manifestly ill-founded (reasonable delay for the enforcement of the judgment)
Slovakia	20 Oct. 2009	Konček and Others (no 44369/05) link	Alleged violation of Art. 6 § 1 (excessive length of proceedings)	Partly inadmissible as manifestly ill-founded and partly inadmissible for non-exhaustion of domestic remedies
Slovenia	20 Oct. 2009	Dobravec and 9 Others (no 16060/06; 25105/06 etc.) link	Alleged violation of Art. 6 § 1 (excessive length of civil proceedings) and Art. 13 (lack of an effective remedy)	Struck out of the list (the matter has been resolved at the domestic level)
Slovenia	20 Oct. 2009	Ostrez and 6 Others (no 3215/06; 22064/06 etc.) link	Idem.	Idem.
Slovenia	20 Oct. 2009	Grojzdek and 8 Others (no 3583/06; 17510/06 etc.) link	Idem.	Idem.
Slovenia	20 Oct. 2009	Ogris and 4 Others (no 26142/05; 28459/05 etc.) link	Idem.	Idem.
Sweden	20 Oct. 2009	T.B. (no 62034/08) link	Alleged violation of Art. 2 and Art. 3 (real risk of being killed or detained without trial and tortured, if expelled to Eritrea)	Struck out of the list (the applicant wished to withdraw his application since he had been issued a permanent residence permit in Sweden by the Migration Board)
"the Former Yugoslav Republic of Macedonia"	20 Oct. 2009	Mircevski (no 31096/06) link	The applicant complained about the excessive length of civil proceedings for the annulment of a dismissal decision as well as of a breach of the principle of legal certainty without relying on any specific provision of the Convention	Struck out of the list (friendly settlement reached)
"the Former Yugoslav Republic of Macedonia"	20 Oct. 2009	Drvosanov (no 26737/07) link	The applicant complained about the excessive length of civil proceedings for annulment of the decisions of a limited liability company without relying on any	Idem.

"the Former Yugoslav Republic of Macedonia"	20 Oct. 2009	Vasevski (no 29657/07) link	specific provision of the Convention The applicant complained about the excessive length of civil proceedings for the annulment of a dismissal decision without relying on any specific provision of the Convention	Idem.
"the Former Yugoslav Republic of Macedonia"	20 Oct. 2009	Tasev and Madžovski (no 4592/06) link	The applicants complained about the lengthy non-enforcement of a final judgment in their favour without relying on any specific provision of the Convention	Idem.
"the Former Yugoslav Republic of Macedonia"	20 Oct. 2009	Duranska (no 26046/05) link	The applicant complained about the lengthy non-enforcement of a final judgment in her favour and about the deprivation of the right to a fair trial as a result of the court's refusal to admit certain evidence proposed by her and a failure to provide reasons for its decision without relying on any specific provision of the Convention	Idem.
"the Former Yugoslav Republic of Macedonia"	20 Oct. 2009	Humanitarna Organizacija `Voskresenie` (no 25650/06) link	Alleged violation of Art. 1 of Prot. 1 and Art. 13 (excessive length of compensation proceedings, lack of impartiality of the judges and discriminatory treatment)	Idem.
"the Former Yugoslav Republic of Macedonia"	20 Oct. 2009	Boševski (no 25939/06) link	The applicant complained about the excessive length of civil proceedings for annulment of a dismissal decision and about the inconsistency of the domestic courts' decisions without relying on any specific provision of the Convention	Idem.
"the Former Yugoslav Republic of Macedonia"	20 Oct. 2009	Taneski (no 26374/06) link	The applicant complained about the excessive length of criminal proceedings instituted against him for having accepted a bribe	Idem.
the Netherlands	20 Oct. 2009	Jomanday (no 31893/05) link	Alleged violation of Art. 3 and Art. 8 (obligation imposed on the applicants by the domestic authorities to return to Liberia in order to apply for a provisional residence visa), Art. 6 § 1 (length of proceedings), Art. 13 (lack of an effective remedy)	Struck out of the list (applicants no longer wished to pursue their application as they have been granted residence permits in the Netherlands)
Turkey	20 Oct. 2009	Yildiz (no 21167/06) link	Alleged violation of Art. 3 (ill-treatment while in police custody), Art. 5 § 3 (excessive length of pre-trial detention), Art. 6 §§ 1 and 2 (length of proceedings and violation of principle of presumption of innocence)	Partly adjourned (concerning the length of proceedings), partly inadmissible as manifestly ill-founded (no violation of the rights and freedoms protected by the Convention concerning the remainder of the application)
Turkey	20 Oct. 2009	Kaygan and Others (no 41317/05) link	Alleged violation of Art. 6 § 1 (excessive length of civil proceedings) and Art. 13 (lack of an effective remedy)	Inadmissible (no respect of the six-month requirement)
Turkey	20 Oct. 2009	Gümüş (no 20717/03) link	Alleged violation of Art. 6 § 1 and Art. 1 of Prot. 1 (delayed payment of additional expropriation compensation and the resulting loss)	Struck out of the list (applicant no longer wished to pursue his application)
Turkey	20 Oct. 2009	Taşpınar (no 33683/08) link	Alleged violation of Art. 3 (ill-treatment while in police custody), Art. 5 (length of detention and the applicant's inability to challenge his detention), Art. 6 § 1 (length of proceedings) and Art. 13 (lack of an effective remedy in respect of the applicant's detention)	Partly adjourned (concerning the length of detention, the applicant's inability to challenge it and the length of criminal proceedings), partly inadmissible (for non-exhaustion of domestic remedies concerning the remainder of the application)

Turkey	20 Oct. 2009	Tan (no 20797/04) link	Alleged violation of Art. 6 (lack of legal assistance while in police custody)	Struck out of the list (friendly settlement reached)
Turkey	20 Oct. 2009	Tur (no 33897/04) link	Alleged violation of Art. 8 (unlawfulness of the search carried out in the applicant's home) and Art. 13 (lack of an effective remedy)	Idem.
Ukraine	20 Oct. 2009	Bondar (no 16682/04) link	Alleged violation of Art. 6 § 1 and Art. 1 of Prot. 1 (delayed enforcement of a judgment in the applicant's favour), Art. 13 (unfairness of third set of proceedings), Art. 6 § 1 (lack of access to a court), Art. 6 § 1 and Art. 13 (unfairness and excessive length of the fifth set of proceedings)	Inadmissible as manifestly ill-founded (no violation of the rights and freedoms protected by the Convention)
Ukraine	20 Oct. 2009	Dovgal (no 50726/06) link	Alleged violation of Art. 6 § 1 and Art. 1 of Prot. 1 (non-enforcement of a judgment in the applicant's favour) and Art. 13 (lack of an effective remedy)	Inadmissible (non-exhaustion of domestic remedies)
Ukraine	20 Oct. 2009	Ivanchenko (no 23688/04) link	Alleged violation of Art. 6 § 1 (unfairness of proceedings), Art. 1 of Prot. 1 (unlawful deprivation of property) and Art. 13 (lack of an effective remedy)	Partly inadmissible as manifestly ill-founded (no violation of the rights and freedoms protected by the Convention), partly incompatible <i>ratione materiae</i>
Ukraine	20 Oct. 2009	Grebenyuk (no 42747/05) link	Alleged violation of Art. 13 and Art. 1 of Prot. 1 (non-enforcement of a judgment in the applicant's favour)	Struck out of the list (applicant no longer wished to pursue his application)
Ukraine	20 Oct. 2009	Ivanov (no 7034/03) link	Alleged violation of Articles 3, 5, 6, 13, 14 and 34 (in connection with the applicant's arrest, charged with violating work safety regulations)	Idem.
Ukraine	20 Oct. 2009	Ovcharenko (no 26362/02) link	Alleged violation of Art. 6 § 1 (excessive length of proceedings and delayed enforcement of the judgment in the applicant's favour, unfairness of proceedings), Art. 1 of Prot. 1 (rejection of the applicant's claim for compensation due to a work-related accident)	Partly inadmissible as manifestly ill-founded (no violation of the rights and freedoms protected by the Convention), partly incompatible <i>ratione materiae</i>
Ukraine	20 Oct. 2009	Chontay (no 27277/05) link	The applicant complained about the delayed enforcement of a judgment in her favour	Struck out of the list (applicant no longer wished to pursue her application)

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 16 November 2009 : [link](#)
- on 23 November 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).

Communicated cases published on 16 November 2009 on the Court's Website and selected by the NHRS Unit

The batch of 16 November 2009 concerns the following States (some cases are however not selected in the table below): Montenegro and Poland.

<u>State</u>	<u>Date of communication</u>	<u>Case Title</u>	<u>Key Words of questions submitted to the parties</u>
Poland	26 Oct. 2009	Piechowicz no. 20071/07	Alleged violation of Art. 3 – Conditions of detention in Lublin Remand Centre – Alleged violation of Art. 3 and Art. 8 – Conditions of detention under the "dangerous detainee" regime – Alleged violation of Art. 5 § 3 – Length of pre-trial detention – Alleged violation of Art. 5 § 4 – Failure to provide the applicant with access to the case-file throughout the entire investigation while in custody – Alleged violation of Art. 8 – Restrictions on the applicant's contact with his family and censorship of the applicant's correspondence with various public authorities and his legal-aid counsel
Montenegro	26 Oct. 2009	Živaljević no. 17229/04	Alleged violation of Art. 6 § 1 – Excessive length of proceedings (since 1996 and still pending) concerning the applicants' expropriation requests

Communicated cases published on 23 November 2009 on the Court's Website and selected by the NHRS Unit

The batch of 23 November 2009 concerns the following States (some cases are however not selected in the table below): Austria, Belgium, Bulgaria, France, Georgia, Greece, Italy, Malta, Moldova, Romania, Russia, Switzerland, the Netherlands, the United Kingdom, Turkey and Ukraine.

<u>State</u>	<u>Date of communication</u>	<u>Case Title</u>	<u>Key Words of questions submitted to the parties</u>
Georgia	04 Nov. 2009	Sarukhanyan no. 56161/09	Alleged violation of Art. 3 – Lack of adequate medical treatment in Rustavi Prison no. 2
Greece	06 Nov. 2009	Mathloom no. 48883/07	Alleged violation of Art. 3 – Conditions of detention in the centres of detention for the foreigners of Elliniko, Amygdaleza and in the isolation cell of Korydallos prison – Alleged violation of Art. 5 § 1 – Unlawfulness and length of detention – Alleged violation of Art. 5 § 4 – The applicant's inability to challenge his detention
Romania	03 Nov. 2009	Păvălache no. 38746/03	Alleged violation of Art. 3 – Ill-treatment on account of the conditions of detention – Alleged violation of Art. 5 – Unlawful detention extension order – Alleged violation of Art. 6 § 2 – Non-respect of the principle of presumption of innocence A partial decision on admissibility is available on HUDOC¹
Russia	06 Nov. 2009	Geppa no. 8532/06	Alleged violation of Art. 2 – The applicant's son's death at the Lgov correctional colony OX-30/3 – Failure to provide him with the adequate medical care and lack of an effective investigation – Alleged violation of Art. 3 – Ill-treatment of the applicant's son – Alleged violation of Art. 13 – Lack of an effective remedy in respect of Articles 2 and 3
Russia	03 Nov. 2009	Nechto no. 24893/05	Alleged violation of Art. 3 – Ill-treatment after arrest by the police and lack of an effective investigation – Alleged violation of Art. 6 §§ 1 and 3 (d) – Inability to question the prosecution witnesses on whose testimony the conviction was based
Russia	03 Nov. 2009	Osankin no. 20506/07	Alleged violation of Art. 3 – Ill-treatment and lack of an effective investigation – Alleged violation of Art. 5 § 1 – Unlawful arrest and detention – Alleged violation of Art. 5 § 4 – Inability to challenge the lawfulness of his detention – Alleged

¹ Partial decisions are now being tracked in the RSIFs following NHRs' request, at the 3rd Meeting of the Contact Persons of the Peer-to-Peer Network, to link communicated cases with decisions and judgments, where possible

			violation of Art. 5 § 5 – Lack of any compensation for the unlawful detention – Alleged violation of Art. 2 §§ 1 and 3 of Prot. 2 – Restriction on the applicant's right to freedom of movement – Alleged violation of Art. 13 – Lack of an effective remedy
Switzerland	03 Nov. 2009	Kissiwa Koffi no. 38005/07	Alleged violation of Art. 8 – Infringement of the right to respect for family life on account of the refusal to renew the applicant's residence permit in Switzerland and risk of deportation to Liberia
the Netherlands and Greece	03 Nov. 2009	Abshir Samatar no. 36092/09 and 13 other applications	Alleged violation of Art. 3 – The applicants complain about the real risk of being subjected to ill-treatment if expelled to their country of origin and about the lack of an effective remedy in that respect – Some of them complain about the unlawfulness of their detention under Art. 5
Turkey	06 Nov. 2009	Belek and Özkurt nos. 36827/06, 36828/06	Alleged violation of Art. 10 – Conviction of the applicants for publishing several articles in a newspaper – Alleged violation of Art. 6 § 2 – Infringement of the principle of presumption of innocence The Government was requested to submit information as to whether the situation in these cases pointed to a systemic problem concerning Art. 6 § 2 of domestic law n° 3713 related to the fight against terrorism and to domestic judicial practice in this area
Turkey	06 Nov. 2009	Kaya no. 5168/05	Alleged violation of Art. 3 – Ill-treatment in police custody and lack of an effective investigation
Turkey	06 Nov. 2009	Tunç no. 48631/07	Alleged violation of Art. 10 – Conviction of the applicant for giving a public speech about the "Kurdish martyrs" in Şırnak and Silopi

D. Miscellaneous

Visit to Brussels (30.11.09)

On 1 December 2009 President Costa will be going to Brussels at the invitation of the Swedish Minister of Justice, Beatrice Ask, to take part in a meeting with the Ministers of Justice of the European Union who are gathering for the "Justice and Home Affairs" (JHA) Council. He will be accompanied by Erik Fribergh, the Registrar.

Visit to Greece (13.11.09)

President Costa visited Athens on 9 and 10 November 2009. He was accompanied by Christos Rozakis, Vice-President of the Court and judge elected in respect of Greece, and Erik Fribergh, Registrar.

On 9 November 2009 President Costa visited the Court of Cassation and was received by Georgios Kalamidas, its President. He also met Panagiotis Pikrammenos, President of the Supreme Administrative Court. President Costa gave a speech at an Athens Bar Association conference. On 10 November 2009 President Costa met Charalampos Kastanidis, Minister of Justice and Human Rights, and was also received by Dimitris Droutsas, Deputy Minister for Foreign Affairs.

[Link to the President's pages](#)

Part II : The execution of the judgments of the Court

A. New information

The Council of Europe's Committee of Ministers held its last "human rights" meeting from 1 to 4 December 2009 (the 1072th 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/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

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

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

A. European Social Charter (ESC)

International Conference on Roma migration and freedom of movement, Vienna (09.11.09)

This joint event organised by the Council of Europe's Commissioner for Human Rights, the EU Fundamental Rights Agency and the OSCE (Vienna, Austria) took place from 9-10 November 2009 in Vienna. Mrs Gioia SCAPUCCI, Administrator in the Department of the ESC attended this conference to participate in a working group on access to health care and housing in a context of migration and freedom of movement.

[Draft programme](#)

Seminar on the European Social Charter in Vienna (10.11.09)

In the framework of the Third Summit Action Plan, a seminar on the ESC took place in Vienna on 11 November 2009. This seminar aimed to provide comprehensive information to Austrian authorities with a view to a wider application of the Charter, as well as a better understanding of the Revised Charter and the collective complaint procedure. The seminar was attended by Mrs Csilla KOLLONAY-LEHOCZKY and Mr Petros STANGOS, members of the European Committee of Social Rights, and Mr Régis BRILLAT, Head of Department of the ESC and Mr Nicolas WEVELSIEP of the Department of the ESC.

[Programme](#)

Invitation to attend a Round Table on the Social Rights of Persons of Concern to UNHCR (19.11.09)

A Round Table entitled "The Social Rights of Refugees, Asylum Seekers and International Displaced Persons: a comparative perspective (1951 Convention relating to the Status of Refugees, European Convention of Human Rights, European Social Charter)" was organised on 7 December by the UNHCR Representation to the European Institutions in Strasbourg and the Department of the European Social Charter (Directorate General of Human Rights and Legal Affairs).

[More information](#)

[Background note on the colloquy](#)

[Draft programme](#)

Exchange of views in Paris organised by the PACE Monitoring Committee on the rights of vulnerable groups (19.11.09)

A hearing was held in Paris on 18 November 2009 with the heads of three Council of Europe human rights monitoring bodies, Mrs Polonca KONCAR, President of the European Committee of Social Rights, Alan PHILLIPS of the Advisory Committee of the Framework Convention for the Protection of National Minorities, and Nils MUIZNIEKS, Vice-Chair of the European Commission against Racism and Intolerance. Mrs KONCAR made a statement on the role of the ESC with regard to the rights of persons belonging to vulnerable groups.

[Link to PACE website](#)

[Mrs KONCAR's statement](#)

Meeting on the Revised European Social Charter in Berlin (20.11.09)

A meeting has been organised in Berlin on 25 November 2009 on the Revised European Social Charter to provide an opportunity to discuss and analyse various provisions of the Revised Charter with a view to the ratification of this treaty by Germany. This meeting was attended by three members of the European Committee of Social Rights: Polonca KONCAR (President), Jean-Michel BELORGEY (General Rapporteur) and Monika SCHLACHTER. Régis BRILLAT, Head of Department of the ESC and Henrik KRISTENSEN, Deputy Head, also attended this meeting.

The next session of the European Committee of Social Rights will take place from 7-11 December 2009.

An electronic newsletter is now available to provide updates on the latest developments in the work of the Committee:

http://www.coe.int/t/dghl/monitoring/socialcharter/newsletter/newsletterno1sept2009_en.asp

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

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)

ECRI's Round Table in Budapest

ECRI held a Round Table on 16 November 2009 in Budapest. The main themes of this Round Table were: 1) the follow-up given to the recommendations contained in ECRI's fourth report on Hungary, 2) racially motivated violence, 3) racism, xenophobia, antisemitism and intolerance in public discourse, and 4) implementation of anti-racial discrimination legislation and policies.

[Press Release](#)

[Programme](#)

[Explanatory Note](#)

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

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E. Group of States against Corruption (GRECO)

The Group of States against Corruption publishes its Third Round Evaluation Report on Malta (10.11.09)

GRECO has published on 10 November its Third Round Evaluation Report on Malta. The report has been made public following the agreement of the Maltese authorities. It focuses on two distinct themes: criminalisation of corruption and transparency of party funding.

Regarding the criminalisation of corruption (Theme I), GRECO finds that all the offences covered by the Criminal Law Convention on Corruption (ETS 173), as ratified by Malta, have been incorporated into the Criminal Code. However, the Additional Protocol to the Criminal Law Convention on Corruption (ETS 191) has not been ratified yet and some of the offences contained therein (i.e. bribery of arbitrators and foreign jurors) are not criminalised under Maltese law. Overall, Malta has established a solid legal framework, which would only require a few amendments to be in full compliance with the Criminal Law Convention, but it is noteworthy that in practice there appears to be a generally low level of investigated/adjudicated corruption cases in Malta.

Concerning transparency of political funding (Theme II), GRECO notes that political parties and election candidates are heavily dependent on private sources for their financing as there is almost no direct general public funding available. Political parties are under no transparency requirement or supervision in respect of their income and expenditure. The situation is slightly different in respect of election candidates, who are obliged to declare their income and expenses following elections;

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

however, the existing rules appear ineffective. Moreover, Malta has progressively become a two-party system and politics in Malta are increasingly party orientated. GRECO calls for further regulations to provide for reasonable transparency and monitoring in respect of political financing, in order to be in line with Recommendation Rec(2003)4 on common rules against corruption in the funding of political parties and electoral campaigns, the principles of which Malta currently falls short.

The report as a whole addresses 9 recommendations to Malta. GRECO will assess the implementation of these recommendations in the first half of 2011, through its specific compliance procedure.

Link to the report: [Theme I](#) and [Theme II](#)

45th Plenary Meeting of GRECO (30.11.09-04.12.09)

At its Plenary Meeting, GRECO examined in view of their adoption: draft Third Round Evaluation Reports on Germany, Ireland and Croatia; the draft Addendum to the Second Round Compliance Report on Romania; draft Third Round Compliance Reports on Finland and the United Kingdom.

GRECO adopted its Programme of Activities for 2010 and fixed the composition of the evaluation teams in charge of Third Round evaluations planned for 2010. It also selected rapporteur countries for the Third Round Compliance Procedure regarding Estonia, Iceland, Luxembourg and the Netherlands.

The Plenary determined the substantive issue to be included in GRECO's Tenth General Activity Report (2009). Modalities of enhanced cooperation with the European Union were also explored.

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

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

GRETA - fourth meeting (08-11.12.09)

The fourth meeting of GRETA will be held on 8-11 December 2009 at the Council of Europe in Strasbourg. At this meeting GRETA will examine and adopt a consolidated version of the draft questionnaire for the first round of evaluation of the implementation by the Parties of the Council of Europe Convention on Action against Trafficking in Human Beings.

* No work deemed relevant for the work of 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

10 November 2009

Switzerland ratified the Additional Protocol to the Convention on Human Rights and Biomedicine concerning Transplantation of Organs and Tissues of Human Origin ([ETS No. 186](#)).

Hungary signed Protocol No. 14bis to the Convention for the Protection of Human Rights and Fundamental Freedoms ([CETS No. 204](#)).

Montenegro signed the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities ([ETS No. 106](#)), the Additional Protocol to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities ([ETS No. 159](#)), and Protocol No. 2 to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities concerning interterritorial co-operation ([ETS No. 169](#)).

16 November 2009

Belgium, Estonia, Finland, France, Hungary, Iceland, Lithuania, Montenegro, the Netherlands, Norway, Slovenia and the United Kingdom have signed the Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority ([CETS No. 207](#)).

Belgium, France, Germany, Lithuania, Montenegro, the Netherlands, and Slovenia have signed Protocol No. 3 to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities concerning Euroregional Co-operation Groupings (ECGs) ([CETS No. 206](#)).

17 November 2009

Liechtenstein signed the Criminal Law Convention on Corruption ([ETS No. 173](#)), and the Additional Protocol to the Criminal Law Convention on Corruption ([ETS No. 191](#)).

Moldova signed Protocol No. 14bis to the Convention for the Protection of Human Rights and Fundamental Freedoms ([CETS No. 204](#)).

Latvia signed the European Convention for the Protection of Vertebrate Animals used for Experimental and other Scientific Purposes ([ETS No. 123](#)).

18 November 2009

Denmark ratified the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse ([CETS No. 201](#)).

19 November 2009

Georgia ratified the Convention on the Conservation of European Wildlife and Natural Habitats ([ETS No. 104](#)).

B. Recommendations and Resolutions adopted by the Committee of Ministers

[CM/ResCPT\(2009\)4E / 18 November 2009](#)

Election of members of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) in respect of Austria, Bulgaria, Germany, Luxembourg, Serbia, Slovenia, Turkey and the United Kingdom (Adopted by the Committee of Ministers on 18 November 2009 at the 1070th meeting of the Ministers' Deputies).

[CM/Rec\(2009\)10E / 18 November 2009](#)

Recommendation of the Committee of Ministers to member States on integrated national strategies for the protection of children from violence (Adopted by the Committee of Ministers on 18 November 2009 at the 1070bis meeting of the Ministers' Deputies).

[CM/RecChL\(2009\)6E / 18 November 2009](#)

Recommendation of the Committee of Ministers on the application of the European Charter for Regional or Minority Languages by the Slovak Republic (Adopted by the Committee of Ministers on 18 November 2009 at the 1070th meeting of the Ministers' Deputies).

C. Other news of the Committee of Ministers

Conference on civil participation in Europe (10.11.09)

Organised at the initiative of the Conference of INGOs in the framework of the Slovenian Chairmanship of the Committee of Ministers, the conference, which took place in Ljubljana on 12-13 November, brought together NGOs and representatives of public authorities in South-East Europe. The discussion revolved around the Code of Good Practice on Civil Participation in the Decision-Making Process presented at the Forum for the Future of Democracy in Kyiv.

[File: "Civil society"](#)

Call for immediate release of teenagers in South Ossetia, Georgia (16.11.09)

In their statement on 16 November, Secretary General Thorbjørn Jagland and Chairman of the Committee of Ministers, Samuel Žbogar, expressed their concern over the prolonged detention of teenagers by the de facto authorities of South Ossetia.

In their joint statement on 3 December, Chairperson of the Committee of Ministers Micheline Calmy-Rey and Secretary General Thorbjørn Jagland welcomed the release of two of the four Georgian teenagers held in Tskhinvali by the de facto authorities of South Ossetia, Georgia. They highlight the crucial role of Human Rights Commissioner Thomas Hammerberg in achieving this first positive outcome. The Commissioner in his first comment calls for further releases and investigation of cases of missing persons.

Publication of a report on minority languages in Slovakia (18.11.09)

The Committee of Ministers has on 18 November made public the second report on the situation of minority languages in Slovakia. This report has been drawn up by a committee of independent experts which monitors the application of the European Charter for Regional or Minority Languages.

[Full text of the report and the Committee of Ministers' recommendations](#)

20th Anniversary of the Convention on the Rights of the Child: Adoption of Council of Europe Guidelines on the protection of children from violence (18.11.09)

In their joint statement on 18 November following the adoption of Guidelines on the protection of children from violence, the outgoing Slovenian Chair of the Committee of Ministers, Samuel Žbogar, and the incoming Swiss Chair, Micheline Calmy-Rey, stressed the clear obligation of states to protect children from all forms of violence at all times and in all settings.

[Joint statement](#)

[Full text of the guidelines](#)

Switzerland takes over from Slovenia as Chair of the Committee of Ministers (18.11.09)

Under the joint chairmanship of Samuel Žbogar, Minister of Foreign Affairs of Slovenia, and Micheline Calmy-Rey, Federal Councillor and Head of the Federal Department of Foreign Affairs of Switzerland, the Ministers' Deputies met on 18 November in Strasbourg. Samuel Žbogar took stock of the Slovenian Chairmanship. Micheline Calmy-Rey then outlined the [priorities of the Swiss Chairmanship](#) for the coming six months, before an exchange of views with the Ministers' Deputies. During the meeting, the Committee adopted Council of Europe Policy Guidelines on Integrated National Strategies for the Protection of Children from Violence.

[File](#); [Photo Gallery](#), [Video of the press conference](#), [Meeting of the Ministers' Deputies](#)

Moratorium on death penalty in Russia (19.11.09)

"I strongly hope that Russia will now transform the existing moratorium on executions into de jure abolition of the death penalty and ratify Protocol No. 6 to the European Convention on Human Rights," said the Chairperson of the Committee of Ministers, Micheline Calmy-Rey, Minister for Foreign Affairs of Switzerland, on 19 November, following the declaration by the Russian Constitutional Court that no death penalty sentence can be pronounced or applied in Russia.

Part V: The parliamentary work

A. Resolutions and Recommendations of the Parliamentary Assembly of the Council of Europe (adopted by the Standing Committee acting on behalf of the Assembly on 20 November 2009)

Resolution 1699: [Procedural implications of Parliamentary Assembly Resolution 1600 \(2008\) on the Council of Europe and its observer states – the current situation and a way forward, and related Assembly texts](#)

Resolution 1698: [Amendment of various provisions of the Parliamentary Assembly's Rules of Procedure](#)

Resolution 1697: [Migrant women: at particular risk from domestic violence](#)

Recommendation 1891: [Migrant women: at particular risk from domestic violence](#)

Resolution 1696: [Engaging European diasporas: the need for governmental and intergovernmental responses](#)

Recommendation 1890: [Engaging European diasporas: the need for governmental and intergovernmental responses](#)

Resolution 1695: [Improving the quality and consistency of asylum decisions in the Council of Europe member states](#)

Recommendation 1889: [Improving the quality and consistency of asylum decisions in the Council of Europe member states](#)

Recommendation 1892: [The contribution of the Council of Europe in the development of the European Higher Education Area](#)

Recommendation 1893: [The future of the European Centre for Global Interdependence and Solidarity \("North-South Centre"\)](#)

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

➤ *Countries*

Conviction of bloggers in Azerbaijan 'a blow to freedom of expression', say PACE rapporteurs (12.11.09)

Andres Herkel (Estonia, EPP/CD), co-rapporteur for the monitoring of Azerbaijan, and Christoph Strässer (Germany, SOC), rapporteur on the follow-up to the issue of political prisoners in Azerbaijan by PACE expressed on 12 November their dismay at the conviction of two satirical bloggers, following a two-month trial.

Adnan Hadjizadeh, 26, and Emin Milli, 30, were accused of hooliganism after an altercation in a cafe in July and were respectively sentenced yesterday to two years and to two-and-a-half years in prison. The two activists were proposing alternative and critical information on the government's activities through the Internet. "This case is yet another blow to freedom of expression in Azerbaijan and a serious setback on the country's path to democratisation," the two rapporteurs said. "The disproportionate legal charges, the lack of transparency in the investigation process, the use of closed court hearings, and the failure to charge the other persons involved in the altercation raise wider concerns about the independence of the police and the judiciary in the country," they added.

Mr Herkel and Mr Strässer called for an appeal procedure open to international observation in line with European standards for a fair trial. The rapporteurs also underlined their intention to pay great attention to the arrest and conviction of opposition activists and representatives of civil society while preparing their respective reports on Azerbaijan.

PACE rapporteurs call for immediate release of Georgian teenagers held in Tskhinvali (18.11.09)

The two co-rapporteurs of PACE for the war between Georgia and Russia today called on the de facto authorities in Tskhinvali to release without delay the four Georgian teenagers arrested on 4 November 2009. "The arrest and prolonged detention of these young people will only increase the tensions and bad blood between the people in this bitterly divided region. Moreover, this incident once more underscores the need for full and unimpeded access for international monitors on both sides of the administrative boundary of the breakaway region of South Ossetia, as we have repeatedly called for in our reports and Assembly resolutions," said the co-rapporteurs, Mátyás Eörsi (Hungary, ALDE) and Luc Van den Brande (Belgium, EPP/CD).

[The war between Georgia and Russia: one year after](#)

Former PACE rapporteur calls for clarity over death in prison of Russian lawyer (19.11.09)

Sabine Leutheusser-Schnarrenberger (Germany ALDE), the former Rapporteur of PACE on "politically-motivated abuses of the criminal justice system in Council of Europe member states" expressed on 19 November her dismay at the death in a remand prison in Moscow of the lawyer Sergey Magnitsky, who had defended Hermitage Investment/HSBC against fraudulent manoeuvres allegedly involving high Russian officials, as described in the report adopted by the Assembly in October 2009. "I was shocked to learn of the death of the lawyer Sergey Magnitsky, who had acted in proceedings on behalf of Hermitage. I very much hope that the circumstances of his death in prison will be fully and comprehensively clarified," said Mrs Leutheusser-Schnarrenberger, who was recently appointed Federal Minister of Justice of Germany.

[Mrs Leutheusser-Schnarrenberger's report](#)

PACE President reacts to Russian Constitutional Court decision on death penalty (19.11.09)

"This is good news – and another step in the right direction," said the President of PACE, Lluís Maria de Puig, reacting to the decision of Russia's Constitutional Court concerning the death penalty on 19 November. "However Russia promised, when it joined the Council of Europe thirteen years ago, to abolish the death penalty in law and ratify Protocol No. 6 to the European Convention on Human Rights. It remains the only Council of Europe country which has not done so. I now call on Russia's parliament to act on the Court's decision and abolish the death penalty in law once and for all."

Official visit by PACE President to Hungary (19.11.09)

Lluís Maria de Puig, President of PACE made an official visit to Hungary from 23 to 25 November. He was scheduled to hold meetings with President László Sólyom, the Speaker of the National Assembly Béla Katona, Prime Minister Gordon Bajnai, the State Secretary in the Foreign Ministry Vilmos Szabó, and with the State Secretary, Head of the Foreign Affairs' Office Péter Sárdi.

President de Puig was also scheduled to hold talks with the members of the Hungarian delegation to PACE and to visit the European Youth Centre in Budapest, the permanent body for the implementation of the Council of Europe's youth policy and programmes, as well as the Council of Europe Information Office.

Appointment of a new co-rapporteur for the monitoring of Azerbaijan (19.11.09)

PACE Monitoring Committee appointed Joseph Debono Grech (Malta, SOC) as new co-rapporteur for Azerbaijan on 19 November. He is replacing Evguenia Jivkova (Bulgaria, SOC).

Implementation of judgments of the European Court of Human Rights: PACE rapporteur to visit Italy (20.11.09)

Christos Pourgourides (Cyprus, EPP/CD), rapporteur of the Committee on Legal Affairs and Human Rights of PACE, made a fact-finding visit to Rome on 23 and 24 November as part of the preparation of his report on the implementation of judgments of the European Court of Human Rights. The judgments considered by Mr Pourgourides cover those not fully implemented more than five years after final delivery, or raising important implementation issues, particularly where they concern human rights violations of extreme gravity. During his visit, Mr Pourgourides was expected to meet the Deputy President of the Court of Cassation, the Chief Prosecutor of the Court of Cassation, a member of the Judicial Service Commission and the Prefect in charge of the Department of Civil Liberties and Immigration of the Ministry of the Interior. Talks were also foreseen with the Italian Government Agent to the European Court of Human Rights and representatives of political groups.

This is the third, after Bulgaria and Ukraine, in a series of visits intended to bring parliamentary pressure to bear on states where the execution of the Court's judgments meets with delays or difficulties. Mr Pourgourides will shortly go to Greece, Moldova, Romania, the Russian Federation and Turkey.

[Progress report](#)

[Addendum to the report](#)

PACE delegation makes pre-electoral visit to Ukraine (20.11.09)

An eight-member, cross-party delegation from PACE, led by Mátyás Eörsi (Hungary, ALDE), carried out a pre-electoral mission to Kyiv on 24-26 November, ahead of the presidential election in Ukraine on 17 January 2010, to assess the electoral framework and campaign so far.

The delegation intended to meet candidates, including Volodymyr Lytvyn, Yuliya Tymoshenko, Viktor Yanukovich and Viktor Yushchenko. It was also scheduled to meet the Chairman of the Constitutional Court, election officials and representatives of civil society and the media.

➤ *Themes*

Migrants can help Europe to recover from the economic crisis, PACE forum told (13.11.09)

Migration could well present a solution for Europe's recovery from the economic crisis, according to Mevlüt Cavusoglu (Turkey EDG), Chair of PACE's Sub-Committee on Migration, speaking at the end of a two-day forum, "Remain, migrate or return: what to do in a global recession?" held on 12-13 November in Antalya, Turkey.

"Migrants often adapt more easily to changes than mainstream populations," Mr Cavusoglu pointed out. "Their contribution can help countries to recover and adapt to new circumstances. Furthermore, the current crisis offers a window of opportunity to rethink our migration policies – notably how best to balance the need to control migration flows with the effective integration of our migrants." An ageing Europe still needed workers, he added, and all avenues of legal migration should be kept open.

However, there were also concerns in the short term: "Migrants can be the first in line to lose their jobs, together with their legal residence status. We heard at the Forum how those who lose their jobs are not necessarily returning to their countries of origin, placing a growing number of well-integrated migrants into an irregular situation. This makes them vulnerable."

Legal migrants should be able to retain their residence permits for a certain period of time after their work contract ends in order to be able to seek new employment, he said. They should also receive the same help in finding a new job as the local population.

Finally, migrants were often stigmatised, for example blamed for lack of jobs and other evils, which should not be tolerated. Politicians and the media should portray migrants in objective terms, recognising their positive contributions to society, Mr Cavusoglu said.

[Announcement of the forum](#)

PACE Legal Affairs Committee demands legal recognition of same-sex couples (16.11.09)

While recalling that the eradication of homophobia and transphobia requires the member States political resolve, the PACE Legal Affairs Committee meeting on 16 November in Paris adopted a draft resolution urging European governments to guarantee "legal recognition of same-sex partnerships" and the possibility of joint parental responsibility for each partner's children, or even "the right of each partner to adopt the other partner's children".

Among the range of measures specified by the rapporteur Andreas Gross (Switzerland, SOC), the text also asks that in legislation and practice transgender persons receive a guarantee of their rights to "documents that reflect an individual's preferred gender identity", as well as to gender reassignment treatment.

The committee members expressed their concern over the breach of the rights to freedom of assembly and expression of LGBT persons in several Council of Europe member States, and over "hate speech by certain public figures, including religious leaders".

[Draft resolution and recommendation](#)

Governments encouraged to sign new protocol boosting citizens' local involvement (16.11.09)

The head of PACE's Environment Committee, speaking on behalf of PACE President Lluís Maria de Puig, encouraged Council of Europe governments on 16 November to sign the new additional protocol to the European Charter of Local Self-Government, giving citizens the right to participate in the affairs of a local authority.

Speaking at the Conference of European Ministers responsible for local and regional government in Utrecht, Alan Meale (United Kingdom, SOC) said the new protocol was "both important and necessary" and would encourage citizens to take part in local life by giving them a genuine sense of belonging to their communities.

[Mr Meale's speech to Ministers](#)

[PACE opinion on the new protocol](#)

[Mr Meale's speech at the exchange of views](#)

PACE hearing: which solutions for the forceful comeback of piracy? (17.11.09)

"Over the past few years we have been witnessing a strong resurgence of piracy at sea, and European states are comparatively powerless to cope with the scale of this phenomenon," Birgen Keles (Turkey, SOC) emphasised at a hearing held on 17 November in Brussels by the PACE Political Affairs Committee. "Military deterrence has had a definite impact in curbing attacks, but cannot be the sole solution to the problem of piracy," she added. "The deep-seated causes of this phenomenon should be tackled, such as lack of good governance or poverty, and criminal sanctions should be used."

Pirates evade prosecution, as virtually no country has modern criminal legislation on piracy and it is extremely complex to identify the appropriate jurisdiction. The participants in the hearing therefore consider that timely modernisation of the legal framework and introduction of clear rules identifying the state responsible for prosecution are essential for combating piracy.

The figures are alarming. The Maritime Bureau of the International Chamber of Commerce reports 358 attacks in 2009 as against 293 in 2008, 263 in 2007 and 236 in 2006. Pirates operate chiefly in the Gulf of Aden, through which one-third of the world's maritime freight transits, in the south of the Red Sea and off the Somali coast. These figures might be an underestimation, since half of acts of piracy committed against merchant ships are thought to be unreported because the slow pace of investigations often deters shipping companies.

The hearing paid particular attention to the case of Somalia where the phenomenon has taken on disturbing proportions. In this country torn by civil war since the early 1980s, piracy has become a means of subsistence for the population.

EU plan emphasises migration processes over people, head of PACE delegation warns (17.11.09)

Plans for migration and asylum in the European Union's draft five-year plan for cross-border co-operation are too focused on the processes of migration and not enough on the people, the head of a delegation from PACE told a gathering of parliamentarians in Brussels on 17 November.

Speaking at a joint parliamentary meeting organised by the European Parliament and the Swedish Riksdag, Corien Jonker (Netherlands, EPP/CD) said the EU's "Stockholm Programme" – which is currently being finalised – would have to take account of the up to six million irregular migrants remaining within its borders: "The Programme must also deal with those who will not, or cannot be sent back".

She pointed out that the Council of Europe – which includes countries of origin for migrants heading for the EU – had been setting standards on migration and asylum for many years, in particular through judgments of its Human Rights Court and the work of its Assembly.

Mrs Jonker encouraged EU countries to sign up to existing Council of Europe conventions rather than create new structures. In particular, any new EU Trafficking Co-ordinator should not duplicate the Council of Europe's existing monitoring mechanism.

[Mrs Jonker's full statement](#)

[Conference website](#)

Effectiveness of the Court raised during discussions in Bern (20.11.09)

In their addresses at the opening of the Standing Committee of PACE in Bern on 20 November, Chiara Simoneschi-Cortesi, President of the National Council of the Swiss Confederation and

Micheline Calmy-Rey, Federal Councillor and Head of the Federal Foreign Affairs Department, recalled the major contribution of the Council of Europe and its Assembly to peace and progress in Europe. Further efforts must be made to guarantee the long-term effectiveness of the European Court of Human Rights and specifically of individual petitions, they stressed.

Ms Calmy-Rey said that it was important to reconsider and improve the arrangements for co-operation between the Committee of Ministers and the PACE. She also presented the priorities of the Swiss Chairmanship of the Committee of Ministers, namely protecting human rights and rule of law, strengthening democratic structures and enhancing the transparency and effectiveness of the Council of Europe. Lastly, she stressed the importance of continuing efforts of rapprochement with Belarus in close consultation with the PACE.

'Impunity for violence against women must end' (20.11.09)

Irrespective of her origin or background, any victim of gender-based violence residing in Europe must be able to receive protection and rehabilitation, said PACE President Lluís Maria de Puig, in a statement on the occasion of the International Day for the Elimination of Violence against Women. "In this context, the Assembly forcefully and resolutely perseveres with its commitment to promote the drafting of the future Council of Europe convention to prevent and combat violence against women, including domestic violence," he said.

[Full statement](#)

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

A. Country work

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B. Thematic work

The Joint Conference concerning Roma Migration and Freedom of Movement (09.11.09)

The serious human rights challenges faced by Roma when migrating or exercising their right to freedom of movement, as well as the security implications, were the focus of a joint international conference in Vienna on 9-10 November 2009, organised by the European Union Agency for Fundamental Rights (FRA), the Council of Europe Commissioner for Human Rights (CommHR), the OSCE Office for Democratic Institutions and Human Rights (ODIHR) and the OSCE High Commissioner on National Minorities (HCNM).

"UN Child Rights treaty 20 years: Implementation still not satisfactory" says Commissioner Hammarberg (16.11.09)

"The 20th anniversary of the UN Convention on the Rights of the Child should be a moment of reflection: many children still suffer grave violations. Their concerns are seldom given top priority in politics" said Thomas Hammarberg, Council of Europe Commissioner for Human Rights, in his Viewpoint published on 16 November. "The Convention on the Rights of the Child has become one of the most well-known and broadly supported international human rights treaties. Yet, its actual implementation has been less effective than we anticipated, mainly because of the absence of a systematic, comprehensive approach to children's rights as a political priority."

[Read the Viewpoint](#)

The child's right to respect: new publication on Janusz Korczak's work (16.11.09)

On the initiative of Commissioner Hammarberg, the Council of Europe published on 16 November the book "Janusz Korczak – The child's right to respect" which contains a series of five lectures held across Europe from 2007 to 2009. The publication presents an English translation of one of Korczak's best-known texts, The Child's Right to Respect, which contains a summary of his thinking on the relationship between children and adults. The text is introduced by Sven Hartman, Professor of Pedagogy at Stockholm University. The publication also contains a moving testimony of Irena Sendlerova, a woman who herself saved children from Nazi brutalities in the Warsaw Ghetto and who saw Korczak, his colleagues and all the children from the orphanage "My home" being marched to their death.

C. Miscellaneous (newsletter, agenda...)

The Office of the Commissioner for Human Rights publishes a regular electronic newsletter. Read the latest issue: [No.30 / 1 -31 October 2009](#)

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

Part VII : Activities of the Peer-to-Peer Network

(under the auspices of the NHRS Unit of the Directorate General of Human Rights and Legal Affairs)

Joint European Union - Council of Europe Programme: Setting up an active network of independent non judicial human rights structures ("Peer-to-Peer Project"): 3rd meeting of the Contact Persons of the Peer-to-Peer Network, Budapest, Hungary on 17-18 November 2009

The 3rd annual meeting of the Contact Persons of the Peer-to-Peer Network took place in Budapest on 17-18 November 2009 and was co-organised by the Council of Europe's Directorate General of Human Rights and Legal Affairs and the Interdepartmental Centre on Human Rights and the Rights of Peoples of the University of Padua. This meeting was funded from two sources. For participants from Council of Europe member States who are not members of the European Union (Albania, Armenia, Azerbaijan, Bosnia & Herzegovina, Croatia, Georgia, Moldova, Montenegro, the Russian Federation, Serbia, "The former Yugoslav Republic of Macedonia", Ukraine as well as Kosovo¹) participation was funded by the Peer-to-Peer Project. Whereas, for participants from EU members, participation was financed by a generous grant from the German Ministry of Foreign Affairs.

This meeting presented a good opportunity to create a forum for the active Peer-to-Peer Network to meet and evaluate the co-operation between the NHRSs and the Council of Europe so far, give valuable feedback on the past year's activities organised under the Peer-to-Peer Project, and make suggestions for future co-operation activities planned for 2010 and beyond.

The meeting focused on three key objectives, presented in the form of three working sessions:

- Taking stock of, and learning lessons from, the cooperation activities of the Peer-to-Peer Network in 2008-2009;
- Making and analysing the annual reports of the NHRSs; and
- Outlining the future activities of the Peer-to-Peer Network in 2010-2011.

An overview of the activities of the Peer-to-Peer Network in 2008-2009 and explanations of organisational changes that have occurred on the Council of Europe side were presented and discussed. There was a analysis and review of the Peer-to-Peer thematic workshops over the past year. The Contact Persons were clearly positive about the format, the themes and the organisation of the Peer-to-Peer workshops in 2009. These workshops were judged relevant and useful for the NHRSs' work, addressing both the theoretical, substantive and practical aspects of their work, corresponding to the priorities of the NHRSs and taking duly into consideration national specificities. Furthermore, the reduced number of participants allowed for in-depth discussion on each topic.

There was widespread consensus among the participants in expression of strong support for, and acknowledgment of the continued usefulness of the Regular Selective Information Flow (**RSIF**) (also supported by a grant from the German authorities). The participants considered the RSIF as a major achievement of the enhanced cooperation of the Peer-to-Peer Network, and a useful and positive tool for the NHRSs. Many of the NHRSs analysed thoroughly the RSIF content, held internal meetings on relevant topics, and acknowledged that it provided useful up-to-date information and that it helped equip some NHRSs for meetings with national authorities on relevant topics or case law issues. Further, many NHRSs translated pertinent sections into their local language, and disseminated the information widely within the NHRS and beyond. Discussions were also held on scope for improvements to be made to the RSIF in the future.

Regarding the ways in which NHRSs fulfil their obligation to produce annual reports, informative presentations were given by representatives of the Greek National Human Rights Commission and the Office of the Hungarian Parliamentary Ombudsman. Rich discussions were held on the dissemination of the reports, format, design, content, structure, NHRS use of, and relationship with, the media and methodologies for informing the public about the publication.

¹ All reference to Kosovo, whether to the territory, institutions or population, in this document shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo

A draft version of a “Compendium of Analyses of the Annual Reports issued by the NHRs of member States of the Council of Europe covering the years 2006 and 2007” and prepared under the aegis of the NHRs Unit, was presented and lively discussions regarding the usefulness of, and scope for improvements to, the Compendium ensued. Overall the participants thought that the Compendium was useful addition to the co-operation activities under the Peer-to-Peer Network. The synthesis and the introduction were positively highlighted by the participants. It was considered as a useful tool that allowed an insight by the NHRs’ own staff as to how their NHRs is perceived from the outside, and useful to gauge scope for internal improvement from the rough comparison that the Compendium provided. However various key issues were discussed on refining the Compendiums to ensure that they presented an accurate reflection of the NHRs’ annual reports before these could be approved for publication and dissemination. Further work is currently underway to refine the Compendium.

Lastly, an introduction to the forthcoming Peer-to-Peer II Project was presented and the new format of the project was explained. The new project was going to have two legs: Work on a broad range of human rights issues and specific work on the prevention of torture and ill treatment. While the first leg – a continuation of the present Peer-to-Peer Project – would continue to involve potentially all NHRs, the second leg would address the National Preventive Mechanisms against torture (NPMs) of the Council of Europe member States mandated under Article 17 of the Optional Protocol to the UN Convention Against Torture (OPCAT). Actually, the new NPM element would lead to a special branch of the NHRs Network, the European NPM Network. The new NPM-related activities would be funded not only by a new Joint European Union – Council of Europe Project that was being discussed; but also by the Council of Europe’s Human Rights Trust Fund as well as individual donor States such as Germany and Liechtenstein.

A first *tour de table* discussion was held on possible themes for the NHRs workshops in 2010-2011. The NHRs Unit will draw up the list of the themes that emerged and send it to the Contact Persons shortly for decision by written procedure.

A debriefing paper of the 3rd Contact Persons’ meeting is under preparation.

Meeting between the Project Team of the “European NPM Project” and the United Nations Sub-Committee on the Prevention of Torture (SPT) during the SPT Plenary Session at the United Nations Office, Geneva, 20th November 2009

The Council of Europe has developed the so-called “European NPM Project” with the aim to create an active network of the NPMs in Europe to foster peer exchange and provide a forum for cooperation between the SPT, the CPT and the NPMs, with the ultimate guiding principle to strengthen the prevention of torture at national level in all Council of Europe member States.

On 20 November 2009 the European NPM Project was discussed with the plenary of the SPT in Geneva, some of whose members had been involved in the design of the Project as well as in the activities under the pilot project for testing the feasibility and usefulness of the actual Project. In light of its members’ reports on these pilot activities and the first in-depth discussion with the Project Team, the SPT confirmed its readiness to strongly contribute to the European NPM Project which it perceives as creating a win-win situation for all actors involved, for the ultimate benefit of persons deprived of their liberty. The modalities of the SPT’s input in the Project, the channels for ongoing communication with the Project Team and for progress evaluation as well as the desired volume of activities for the first year of the Project (2010) were agreed upon. The SPT underlined its willingness in principle to contribute to all types of project activities and it requested that SPT members from other continents be not excluded from the European NPM Project, in line with the SPT’s universal mandate.