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



NATIONAL HUMAN RIGHTS STRUCTURES UNIT

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

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

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Introduction

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

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

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

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

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

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

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

A. Judgments

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 NHRSS. 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 NHRS 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.

No judgment of has been published by the Court under the period of observation of this issue (08.08.2011 – 04.09.2011)

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 1 to 28 August 2011**.

They are aimed at providing the NHRSS 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>
Bulgaria	23 Aug. 2011	Todorov (no 19552/05) link	Alleged violations of Art. 3 (sentenced to an irreducible life sentence) ; Art. 6 § 3 c) (sentenced to pay the fees of a lawyer appointed by the court) ; Art. 13 (lack of an effective remedy)	Partly adjourned concerning alleged violation of Art. 6§3, partly inadmissible as manifestly ill-founded (no violation of the rights and freedoms protected by the Convention concerning alleged violations of Art. 3 and 13)
Bulgaria	23 Aug. 2011	Simeonov (no 21980/04) link	Alleged violations of Art. 3 (alleged ill-treatment during arrest and detention, lack of an effective investigation), Art. 5 (failure to promptly present the applicant to a judge, excessive length of pre-trial detention), Art. 6 §§ 1, 2, and 3 b),	Partly adjourned concerning lack of medical care in detention and the lack of legal assistance during the first days of pre-trial detention, partly inadmissible as manifestly ill-founded (no violation of the rights and freedoms protected by

			c) and d) (in particular, alleged violation of domestic rules of proceedings and tribunals' lack of impartiality), Art. 8 (request by the defense to held hearings in camera rejected), Art. 12 (hindrance to the applicant to marry and to found a family because of his life sentence), Art. 13 (lack of an effective remedy), Art. 14 (discrimination of the applicant because of tribunals' impartiality) and Art. 2 of Prot. 1 (inability of the applicant to further his education because of his conviction).	the Convention concerning alleged violations of Art.8, 12, 13 and 2 Protocol 1).
Croatia	23 Aug. 2011	Kovac (no 49910/06) link	Alleged violations of Art. 9 and 10 (fine imposed on the applicant for contempt of court by stating in particular in her appeal application that judges were corrupt), Art. 6 § 1 (unfairness and outcome of proceedings)	Inadmissible (non-respect of the six-month requirement ; proceedings leading to the imposition of the fine did not concern the determination of a "criminal charge" within the meaning of Article 6 § 1)
Denmark	23 Aug. 2011	J.K. and 63 Others (no 53482/10) link	Alleged violation of Art. 3 and 13 (alleged risk of ill-treatment to asylum seekers if returned to Greece and onwards ; lack of an effective remedy)	Struck out of the list (applicants no longer wished to pursue their application after the Danish government decided to process their application for asylum)
Denmark	23 Aug. 2011	G.F. and 88 Others (no 52975/10) link	Idem.	Idem.
Denmark	23 Aug. 2011	S.P. (no 75285/10) link	Idem.	Idem.
Denmark	23 Aug. 2011	Z.K. and 27 Others (no 37199/10; 1417/11 etc.) link	Idem.	Idem.
Greece	23 Aug. 2011	Vagenas (no 53372/07) link	Alleged violations of Art. 7 (sentenced to a heavier penalty than applicable at the time the offense was committed), Art. 6 § 1 (unfairness of proceedings)	Incompatible <i>ratione materiae</i> and inadmissible for non-exhaustion of domestic remedies
Italy	23 Aug. 2011	Basileo and Others (no 11303/02) link	Alleged violations of Art. 1 of Prot. 1 (inability of the applicants to get their debts paid because of excessive length of proceedings), Art. 6 § 1 and Art. 13 (lack of effective access to a tribunal)	Inadmissible as manifestly ill-founded (debts were paid to the applicants in 1995).
Latvia	23 Aug. 2011	Bojarinovs (no 7047/02) link	Alleged violation of Art. 5 §§ 1 e) and 4 (illegality and length of confinement [approx. 9 months] in a psychiatric hospital)	Struck out of the list (the applicant no longer wished to pursue his application)
Moldova	23 Aug. 2011	Dimitrov (no 22254/08) link	Alleged violation of Art. 5	Idem.
Moldova	23 Aug. 2011	Galuşchin (no 29568/06) link	Alleged violation of Art. 6 (judgments not sufficiently reasoned, no hearing of the applicant's representative the higher courts), Art. 6 § 3 (lack of possibility for the applicant to question the prosecution's witnesses)	Inadmissible as manifestly ill-founded (no violation of the rights and freedoms protected by the Convention)
Poland	23 Aug. 2011	Śliwiński (no 5906/05) link	Alleged violation of Art. 3 (overcrowding and inadequate conditions of detention)	Struck out of the list (the applicant no longer wished to pursue his application)
Poland	23 Aug. 2011	Zawadzki (no 2774/05) link	Alleged violation of Art. 6 (lack of access to the Supreme Court)	Idem.
Poland	23	Łochińska-	Alleged violation of Art. 2	Struck out of the list (friendly

	Aug. 2011	Stawikowska and Stawikowski (no 8731/10) link	(inefficiency and length of investigation and judicial proceedings concerning criminal responsibility in connection with medical care which the first applicant had received when giving birth to her son)	settlement reached)
Poland	23 Aug. 2011	Szczerbowski (no 44025/05) link	Alleged violation of Art. 5 §§ 1 and 3 (unlawfulness and excessive length of detention [1 year and 2 months]), Art. 13 (lack of an effective remedy)	Partly struck out of list (unilateral declaration of the Government recognizing the unlawfulness and excessive length of detention and granting compensation to the applicant), partly inadmissible as manifestly ill-founded (release of the applicant)
Russia	23 Aug. 2011	Igor Novikov (no 26989/06) link	Alleged violations of Art. 5 §§ 1 and 3 (unlawfulness and excessive length of detention on remand)	Struck out of the list (the applicant no longer wished to pursue his application)
Russia	23 Aug. 2011	Bashurov (no 20975/06) link	Alleged violation of Art. 3 (alleged ill-treatment by police officers during an administrative arrest in response to the applicant's drunken behavior ; lack of an effective investigation)	Idem.
Russia	23 Aug. 2011	Vladimir Kuznetsov (no 22027/08) link	Alleged violations of Art. 3 (alleged systematic inhuman and degrading treatment during military service), Art. 13 (lack of an effective investigation)	Inadmissible (lack of a sufficient evidential basis as to the complaint under Art.3 ; no violation of the rights and freedoms protected by the Convention as to the complaint under Art.13)
Russia	23 Aug. 2011	Komarchenko (no 15884/04) link	Alleged violation of Art. 6 § 1 (authorities' failure to enforce judgment ; excessive length of patent proceedings ; judgments not pronounced publicly)	Partly struck out of list (unilateral declaration of Government concerning non-enforcement of the judgment), partly inadmissible (no violation of the rights and freedoms protected by the Convention)
Russia	23 Aug. 2011	Kalinin (no 33417/03) link	Alleged violation of Art. 3 (appalling conditions of detention in a temporary detention ward and remand center), Art. 5 (unfairness of arrest and pre-trial detention), Art. 6 (unfairness of proceedings), Art 7 and Art. 1 of Prot 4 (conviction on the sole the ground of the applicant's inability to fulfill a contractual obligation)	Struck out of the list (the applicant no longer wished to pursue his application)
Spain	23 Aug. 2011	Valencia Díaz (no 22557/09) link	Alleged violations of Art. 6 §§ 1, 2 and 8 §§ 1, 2 (conviction on the basis of inadmissible evidences [intercepted phone conversations])	Inadmissible as manifestly ill-founded (the applicant freely confessed the facts)
Ukraine	23 Aug. 2011	Panasyuk (no 19906/04) link	Alleged violation of Art. 6 § 2 (breach of presumption of innocence by investigator's statements published in the local press), Art. 6 §§ 1 and 3 (d), Art. 7 (court's failure to properly assess evidence, to correctly apply the law incorrectly and to question the forensic medical expert), Art. 6 § 3 (c) (failure to provide the applicant with a lawyer at the initial stages of the investigation)	Partly inadmissible as manifestly ill-founded (no violation of the rights and freedoms protected by the Convention); partly inadmissible for non-respect of the six-month requirement (concerning the remainder of the application)
Ukraine	23 Aug. 2011	Lisichenko (no 5598/03) link	The applicant complained that the domestic courts failed to consider his argument that the amount of his pension had been determined contrary to the requirements of the Constitution	Inadmissible (The Court held that its role is not to reconsider issues under the national law which have been determined by the domestic courts)

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 August 2011: [link](#)
- on 29 August 2011: [link](#)
- on 5 September 2011: [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 August 2011 on the Court's Website and selected by the NHRS Unit

The batch of 16 August 2011 concerns the United Kingdom.

<u>State</u>	<u>Date of Decision to Communicate</u>	<u>Case Title</u>	<u>Key Words of questions submitted to the parties</u>
the United Kingdom	25 Jul. 2011	Z.B. no 44539/11	Alleged violation of Articles 2 and 3 – Risk of being killed or subjected to ill-treatment if expelled to Afghanistan

Communicated cases published on 29 August 2011 on the Court's Website and selected by the NHRS Unit

The batch of 29 August 2011 concerns the following States (some cases are however not selected in the table below): France and the Netherlands.

<u>State</u>	<u>Date of Decision to Communicate</u>	<u>Case Title</u>	<u>Key Words of questions submitted to the parties</u>
France	12 Aug. 2011	Zambotto Perrin no 4962/11	Alleged violation of Art. 8 – Deprivation of the applicant's status as natural mother of her child after the child was declared 'child in care'.
the Netherlands	10 Aug. 2011	Brbryan no 33319/11	Alleged violation of Art. 3 – Risk of being subjected to ill-treatment if expelled to Iraq

Communicated cases published on 5 September 2011 on the Court's Website and selected by the NHRS Unit

The batch of 5 September 2011 concerns France.

<u>State</u>	<u>Date of Decision to Communicate</u>	<u>Case Title</u>	<u>Key Words of questions submitted to the parties</u>
France	19 Aug. 2011	A.A. no 51859/11	Alleged violation of Art. 3 – Risk of being subjected to ill-treatment if expelled to Sudan

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

Video on the Court (19.08.2011)

"The Conscience of Europe", which is currently available in 22 languages, is a film about the Court and its working practices and activities. The documentary lasts 15 minutes and is intended for the general public. It shows specific examples of cases examined by the Court and considers its prospects over the forthcoming years and the challenges facing it.

[Watch the video](#)

Part II: The execution of the judgments of the Court

A. New information

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

B. General and consolidated information

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

http://www.coe.int/t/dghl/monitoring/execution/Reports/pendingCases_en.asp

For more information on the specific question of the execution of judgments including the Committee of Ministers' annual report for 2010 on its supervision of judgments, please refer to the Council of Europe's web site dedicated to the execution of judgments of the European Court of Human Rights: http://www.coe.int/t/dghl/monitoring/execution/Source/Publications/CM_annreport2010_en.pdf

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

http://www.coe.int/t/dghl/monitoring/execution/Documents/Doc_ref_en.asp

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

A. European Social Charter (ESC)

The International Federation for Human Rights (FIDH) lodges a complaint against Greece (09.08.2011)

FIDH has lodged a complaint against Greece which was registered on 08 July 2011 as Complaint No. 72/2011. It concerns the effects of massive environmental pollution on the health of those living along the river Asopos and near the industrial area of Inofyta, located 50 km north of Athens. ([more information](#)) ; [Complaint no. 72/2011](#)

Two complaints have been lodged against Finland by the Association of Care Giving Relatives and Friends (09.08.2011)

Two complaints have been lodged against Finland by the Association of Care Giving Relatives and Friends. Both Complaints concern the situation of health care for the elderly in Finland. [Complaint No. 70/2011](#) concerns the unequal financial aid allocated to family and friend caregivers in Finland, in that the amount varies according to their place of residence. [Complaint No. 71/2011](#) concerns the failure to lay down rules governing the cost of caring for the elderly in municipal nursing homes which deprives certain persons of access to these facilities ([more information](#)).

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

CPT published report on Armenia (17.08.2011)

CPT has published on August, 17th the [report](#) on its periodic visit to Armenia in May 2010, together with the [response](#) of the Armenian Government. These documents have been made public at the request of the Armenian authorities. During the visit, the CPT's delegation heard a significant number of allegations of police ill-treatment. In its report, the Committee recommends that a firm message of "zero tolerance" of ill-treatment be delivered to all police officers. In the prison field, the overwhelming majority of prisoners indicated that they were being treated in a correct manner by prison staff. However, the delegation heard a few allegations of physical ill-treatment by staff at Nubarashen Prison. The delegation's observations during the visit shed light on several key areas of concern, in particular: prison overcrowding, impoverished programs of activities for prisoners, allegations of corrupt practices by prison staff and public officials associated with the prison system, and the reliance on an informal prison hierarchy to maintain good order in penitentiary establishments. As regards psychiatric and social care institutions, the CPT has noted that new regulations on the use of means of restraint have been adopted by the Ministry of Health. That said, almost no improvements were observed with respect to the provision of psychiatric care and the implementation of legal safeguards for involuntary hospitalization of civil psychiatric patients. In their response, the Armenian authorities provide information on steps taken or envisaged to implement the CPT's recommendations.

C. European Committee against Racism and Intolerance (ECRI)

ECRI launches guidelines for governments to combat anti-Gypsyism

ECRI issued guidelines – contained in its thirteenth General Policy Recommendation – to the Council of Europe's 47 member States to fight a rising tide of anti-Gypsyism and discrimination against Roma. It proposes more than a dozen concrete measures in areas such as housing, education, health care, access to public services or the fight against racist crime. The aim of the recommendation is to provide Governments with guidelines helping to develop effective and practical policies leading to the improvement of the lives of persons belonging to the Roma community. See the General Policy Recommendation No.13: [\[en\]](#) - [\[fr\]](#)- [\[romani\]](#)

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

Protection of national minorities: Council of Europe monitoring body published report on Norway (02.09.2011)

The Advisory Committee's third opinion on the implementation of the Framework Convention for the Protection of National Minorities by Norway was made public on 31 August 2011. The Opinion contains the findings of the Committee after a visit to Norway in May 2011 and directs recommendations at the government of Norway on how to improve measures aimed at the protection of minorities. The President of the Advisory Committee, Mr Rainer HOFMANN, welcomed the fact that Norway made the Opinion public immediately upon receipt. This practice contributes to increased transparency of the monitoring process. The Advisory Committee commends several initiatives aiming at strengthening the protection against discrimination, such as the setting up of the office of the Equality and Anti-Discrimination Ombudsperson and the adoption of the Action Plan for Equality and Prevention of Ethnic Discrimination. However, while a general climate of dialogue prevails in Norwegian society, there are manifestations of intolerance against persons belonging to national minorities, notably in the media and on the Internet. Roma and the Romani/Tatars are particularly faced with difficulties, including sometimes hostile attitudes on the part of the police. The Advisory Committee therefore recommends the adoption of more resolute measures to promote tolerance and mutual respect. A Commission for Romani/Tatars was established in 2009 in order to address the injustices committed against these groups under past assimilation policies. However, access to individual compensation schemes remains difficult as documentary evidence is not always available. The authorities should adopt more proactive attitudes in this regard to enable persons concerned to obtain financial compensation as needed. Furthermore, the Advisory Committee invites the authorities to redouble their efforts to revitalize the Kven language and to ensure that the needs of persons belonging to the Kven minority in the field of preservation and promotion of their culture and language are adequately met.

E. Group of States against Corruption (GRECO)

Group of States against Corruption publishes report on Bosnia and Herzegovina (17.08.2011)

Publishing its Third Round Evaluation Report, GRECO has called on Bosnia and Herzegovina to take determined steps to enforce criminal legislation and become more efficient in convicting corruption offenders. GRECO also called for more transparency and accountability in the funding of political parties and election campaigns. Although the country has embarked on a series of reforms to align penal legislation with international standards on criminalizing of corruption, GRECO reports inconsistencies in existing criminal codes ([more](#)).

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

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

GRETA publishes its 1st General Report (01.09.2011)

In its 1st General Report, published on September 1st, 2011, GRETA takes stock of the first two and a half years of its existence and reflects on the challenges that lie ahead. GRETA is responsible for monitoring the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings, in force in 34 countries in Europe. Between September 2010 and June 2011, GRETA evaluated the first ten countries which became Parties to the Convention (Albania, Austria, Bulgaria, Croatia, Cyprus, Denmark, Georgia, Moldova, Romania and the Slovak Republic). The General Report provides information on the procedural and organizational framework for GRETA's activities and its working methods. Attention is also drawn to the establishment of working relations with other relevant actors. The report stresses that to enhance the effectiveness of international action against trafficking in human beings, it is necessary to increase co-ordination by international organizations in the different types of activities carried out and to strengthen partnerships with a view to achieving greater complementarity and synergies ([read the report](#)).

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

Part IV: The inter-governmental work

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

30 August 2011

Azerbaijan ratified the European Landscape Convention ([ETS No. 176](#)).

1 September 2011

The European Convention on the Adoption of Children (Revised) entered into force ([CETS No. 202](#)).

6 September 2011

Slovenia ratified : 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](#)), and 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](#)).

7 September 2011

Bosnia and Herzegovina signed and ratified the Additional Protocol to the Criminal Law Convention on Corruption ([ETS No. 191](#)).

8 September 2011

Slovenia signed the Council of Europe Convention on preventing and combating violence against women and domestic violence ([CETS No. 210](#)).

Cyprus signed the European Outline Convention on Trans-frontier Co-operation between Territorial Communities or Authorities ([ETS No. 106](#)) ; the Additional Protocol to the European Outline Convention on Trans-frontier Co-operation between Territorial Communities or Authorities ([ETS No. 159](#)) ; Protocol No. 2 to the European Outline Convention on Trans-frontier Co-operation between Territorial Communities or Authorities concerning inter-territorial co-operation ([ETS No. 169](#)) ; Protocol No. 3 to the European Outline Convention on Trans-frontier Co-operation between Territorial Communities or Authorities concerning Euro-regional Co-operation Groupings (ECGs) ([CETS No. 206](#)), and the Third Additional Protocol to the European Convention on Extradition ([CETS No. 209](#)).

B. Recommendations and Resolutions adopted by the Committee of Ministers

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C. Other news of the Committee of Ministers

International Youth Day - Statement by Kostyantyn Gryshchenko, Chairman of the Committee of Ministers (11.08.2011)

On 12 August the world celebrated the “International Youth Day” proclaimed by the United Nations. The Ukrainian Chairmanship of the Committee of Ministers of the Council of Europe regarded this as an important occasion to highlight the specific concerns, ambitions and achievements of millions of children and adolescents living on our continent. Recent political events in various parts of the world have shown us once again the strong commitment and creativity that young people develop when they engage themselves for the common good. At the same time, in other countries, we have been witnessing the disastrous effects which a general lack of perspectives may have on the young

generation. All of these events underline the importance of the Council of Europe youth agenda and its priorities: the promotion of social integration, intercultural dialogue and human rights. Protecting children is also an important task of the international community. This is why Ukraine has decided to make it one of the priorities of its Chairmanship. [Read the Statement](#).

Terrorist attack in Nigeria - Statement by Kostyantyn Gryshchenko (26.08.2011)

In his statement, Kostyantyn Gryshchenko strongly condemned the attack which has provoked the death of innocent people and expressed his hope that those who are responsible for this atrocity will be rapidly found and brought to justice. [Read the Statement](#).

Council of Europe paid tribute to victims of September 11 terrorist attacks (07.09.2011)

Chairman of the Committee of Ministers Kostyantyn Gryshchenko, President of the Parliamentary Assembly Mevlüt Çavuşoğlu and Secretary General Thorbjørn Jagland published today a joint statement in memory of the victims of the September 11 attack. "This tragic date of mourning should serve as a reminder that terrorism has no ideology, no nationality and no religion. Terrorism in all its forms is a violation of the most fundamental human right: the right to life. Regardless of where, by whom and against whom terrorist offences are perpetrated, these crimes affect us all and target humanity as a whole."

Part V: The parliamentary work

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

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

➤ *Countries*

PACE rapporteurs express concern at the ongoing detention of former Ukrainian PM Yulia Tymoshenko (11.08.2011)

Mailis Reps (Estonia, ALDE) and Marietta de Pourbaix-Lundin (Sweden, EPP/CD), co-rapporteurs for the monitoring of Ukraine by PACE, have expressed concern at the ongoing detention of former Ukrainian Prime Minister Yulia Tymoshenko. “Her detention, ostensibly for contempt of court, strengthens the perception of the political nature of the charges against her,” said the two rapporteurs. They added that this ongoing criminal procedure underscores the urgent need for further judicial reforms in Ukraine, as current legislation seems to provide for the possibility that political decisions can be criminalized when a new administration does not agree with them. “Any politically-motivated prosecution of former government members would be unacceptable. We call upon the Ukrainian authorities to ensure Ms Tymoshenko’s immediate release and to exercise maximum restraint in the context of the trial against her as well as other former government members,” added the co-rapporteurs. Ms Reps and Ms de Pourbaix-Lundin will visit Ukraine from 19 to 23 September in the framework of the Assembly’s ongoing monitoring of Ukraine.

PACE inquiry into responsibility for loss of life in the Mediterranean Sea: visit to Italy (07.09.2011)

Tineke Strik (Netherlands, SOC), the rapporteur of PACE carrying out an inquiry into responsibility for loss of life in the Mediterranean Sea, in particular the death of "boat people" fleeing Libya, made a fact-finding visit to Rome on 6 and 7 September 2011. During her visit the rapporteur looked in particular into the way boats are intercepted – or not intercepted – by national coastguard forces, or by military vessels under either NATO or national command.

Armenia: PACE’s Monitoring Committee welcomes a constructive attitude and calls for further democratic development (08.09.2011)

The outcome of the latest general amnesty in Armenia, the renewed impetus to investigate the 10 deaths during the March 2008 events, and the resulting start of a constructive dialogue between the opposition and ruling coalition mean that the chapter on the March 2008 events can finally be considered closed”, said the Monitoring Committee of PACE. In a draft resolution, based on a report by Axel Fischer (Germany, EPP/CD) and John Prescott (United Kingdom, SOC), the committee welcomed the political will demonstrated by “the authorities and indeed all political forces to resolve this issue in line with Council of Europe standards and recommendations”. According to the committee, the 2008 events and their aftermath have set clear priorities for the democratic development of the country.

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

➤ Themes

PACE President defended multiculturalism at Danish Parliament Ramadan reception (22.08.2011)

PACE President Mevlüt Çavusoglu has told participants at a Ramadan reception in the Danish Parliament that “the best model for living together” is to bring cultures and religions together in a spirit of respect, dialogue and tolerance. He acknowledged recent challenges to European multiculturalism and called for open debate on the topic, as in the Parliamentary Assembly, but added: “Our response should be a truly intercultural approach, which allows culturally different groups within society to interact.” “Immigration should not be seen as a threat but as an opportunity to learn from each others’ differences and experiences,” he said, provided integration was reciprocal. [Speech by PACE President.](#)

Hünfeld receives 2011 Europe Prize during ceremony (29.08.2011)

The German town of Hünfeld (Hesse) received the 2011 Europe Prize at a ceremony on Saturday 27 August which brought together a large public and local personalities. The 2011 Europe Prize has been awarded jointly to the town of Hünfeld and its French twin-town, Landerneau.

Bureau and Political Affairs Committee meeting in Caserta (01.09.2011)

At the invitation of the Italian delegation to the PACE, its Bureau, the Political Affairs Committee and the Committee on Rules of Procedure met in Caserta (Italy) on 5 and 6 September. The Political Affairs Committee discussed the granting of “partner for democracy”.

Portrayal of migrants and refugees during election campaigns: changing approaches (02.09.2011)

“Many people in Europe today are overwhelmed by the speed of globalization, economic crisis and fear of losing grips with the identity of their communities in the face of perceived inflows of migrants and changing societies,” stated Daphné Dumery (Belgium, NR), PACE rapporteur on the portrayal of migrants and refugees during election campaigns, at the close of a three-day visit to Copenhagen and Stockholm. “These fears are exploited by extremist parties, whose passionate anti-immigration rhetoric resonates with voters while moderate politicians struggle with reacting to these messages rather than proactively delivering their own,” she said.

PACE President says ‘Partner for Democracy’ status for Palestinian National Council a logical development (06.09.2011)

In a speech before the Political Affairs Committee, meeting on September 6th in Caserta, Italy, the President of PACE has underlined that the request for “Partner for Democracy” status with the Assembly, submitted by the Palestinian National Council, came as “a logical development” as the Assembly had been co-operating closely with Palestinian representatives for a number of years. With regard to Morocco, he underlined that developments there prove that the new status was a powerful tool to engage with neighbors of the Council of Europe who are ready to subscribe to its standards and values. He also recalled that he had been actively promoting the Partnership status during his recent visits to Kazakhstan and Kirghizstan. With regard to Egypt a visit to explore possibilities for co-operation could be scheduled after the elections. Referring to the Arab Spring, the PACE President stressed that the biggest challenge was to make sure that the slogans of freedom, dignity and democracy were translated into concrete actions.

Towards a common space for human rights protection across the continent (06.09.2011)

In a debate in Caserta, Italy, on the impact of the Lisbon Treaty on the Council of Europe, based on a report by Kerstin Lundgren (Sweden, ALDE), the Political Affairs Committee argued that the partnership between the EU and the Council of Europe should lead to a common space for human rights protection across the continent in the interest of all European people. In a draft resolution and recommendation also adopted today, the committee calls on the Committee of Ministers to strengthen the Council of Europe’s role as “the benchmark for human rights, rule of law and democracy in Europe” and to ensure that this role is fully recognized by all EU institutions. The Council of Europe

should also emphasize its advisory role and expertise in the context of the EU's neighborhood policies, particularly with countries that are full Council of Europe member states or belong to its neighborhood.

Committee on Rules of Procedure gave the go-ahead for PACE reform (06.09.2011)

As part of the reform of the PACE, the Committee on Rules of Procedure adopted a package of measures to increase the Assembly's political relevance and effectiveness, make it more visible, rationalize its operational resources and improve the commitment and participation of its members.

Abuse of state secrecy, hearing on the rule of law in member states (07.09.2011)

The Committee on Legal Affairs and Human Rights of the Parliamentary Assembly of the Council of Europe (PACE) held a meeting in Paris on 7 September. Its agenda included adoption of the report by Dick Marty (Switzerland, ALDE) on the abuse of state secrecy and national security, which places obstacles in the path of parliamentary and judicial scrutiny of human rights violations.

No 'trade-off' between fighting terrorism and protecting human rights (07.09.2011)

There is no need for a "trade-off" between protecting human rights and effective counter-terrorist action, according to PACE's Committee on Legal Affairs, as safeguards exist in human rights law itself. Adopting a draft resolution based on a report by Lord John E. Tomlinson (United Kingdom, SOC), the committee reminded States Parties to the European Convention on Human Rights that they are duty-bound to secure within their jurisdiction the rights and freedoms guaranteed therein.

PACE committee: secret services must be held accountable for torture, abduction or renditions (07.09.2011)

Secret services and intelligence agencies must be held accountable for human rights violations such as torture, abduction or renditions and not shielded from scrutiny by unjustified resort to the doctrine of "state secrets", according to the Legal Affairs Committee of the Parliamentary Assembly of the Council of Europe (PACE). In a draft resolution adopted in Paris on September 7th, based on a report by Dick Marty (Switzerland, ALDE), the committee also gave its verdict on judicial or parliamentary inquiries launched after two major reports by Mr Marty five years ago named European governments which had hosted CIA secret prisons or colluded in rendition and torture.

Lives lost in the Mediterranean: PACE inquiry to prevent impunity (07.09.2011)

PACE inquiry into who is responsible for the more than 1,000 'boat people' thought to have perished in the Mediterranean since January 2011 while trying to reach European soil from North Africa is meant to prevent impunity, PACE rapporteur Tineke Strik (Netherlands, SOC) has said at the end of a two-day visit to Rome (6 and 7 September 2011). "There is an obligation to help all people in distress. If anyone did not live up to this responsibility and deliberately did not assist them, they must not be allowed to get away with it."

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

A. Country work

Impunity and insecurity undermine human rights protection in the North Caucasus (06.09.2011)

“The situation in the North Caucasus continues to present major challenges for the protection of human rights. The efforts made to improve the quality of life of the people living in the region should continue, but greater determination is needed to put an end to serious human rights violations, such as abductions, disappearances and ill-treatment of detained persons”, said the Council of Europe Commissioner for Human Rights, Thomas Hammarberg, releasing the [report](#) on his visit to the Russian Federation from 12 to 21 May 2011. [\(more\)](#)

B. Thematic work

Ten years of “global war on terror” undermined human rights – also in Europe (01.09.2011)

The ten-year anniversary of the atrocious Nine Eleven attacks is an occasion for some reflection. Almost three thousand lives were ended indiscriminately by a criminal conspiracy to turn passenger aircraft into weapons of mass destruction. This was a crime against humanity, the gravity of which must not be forgotten. Respects should again be paid to those who lost their loved ones, acknowledging that their pain endures, said Thomas Hammarberg, Council of Europe Commissioner for Human Rights in his latest Human Rights Comment published on September 1st. The anniversary is also an occasion to analyze whether the official responses to the attacks have been proper and effective. [\(more\)](#)

Europeans must account for their complicity in CIA secret detention and torture (05.09.2011)

From late 2001 onwards, the US Central Intelligence Agency developed a vast network of clandestine counter-terrorism operations to capture and detain its most wanted suspects. The CIA's partner agencies in various foreign countries – including across Europe – lent their close collaboration. The value of the intelligence produced by this network has been questioned; but one clear result was a pattern of abusive and excessive actions in flagrant violation of human rights, said Thomas Hammarberg, Council of Europe Commissioner for Human Rights in his latest Human Rights Comment published on September 5th. [\(more\)](#)

Methods for assessing the age of migrant children must be improved (09.08.2011)

Age can determine the future for a migrant. If recognized as a child, he or she might be granted the right to stay. If considered an adult, the migrant could quickly end up in detention and be deported. The crucial dividing line is at 18 years of age, said Thomas Hammarberg, Council of Europe Commissioner for Human Rights in his Human Rights Comment published on August, 9th. [Read the Comment](#)

Excessive use pre-trial detention runs against human rights (18.08.2011)

Twenty-five per cent of the individuals kept in prison in Europe today are in pre-trial detention, “detained on remand”. They have not been tried at all or are waiting for the review of an earlier sentence. As their guilt is not established, they are in principle to be regarded as innocent. The only justification for locking them up could be to ensure effective investigation - secure all available evidence, prevent collusion and interference with witnesses - or to ensure that they do not abscond. There is an obvious human rights dilemma here, said Thomas Hammarberg, Council of Europe Commissioner for Human Rights in his Human Rights Comment published on August 18th. [Read the Comment.](#)

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

2nd Regional Conference with the Russian Public Monitoring Committees (PMCs) of places of detention (10-11.08.2011)

The Conference brought together around 100 participants, including members of the PMCs from two Federal Districts (Siberia and Far East), the Federal Ombudsman, regional Ombudsmen, the relevant representative of the Civic Chamber of the Russian Federation, representatives of the Federal Penitentiary Services (FSIN) as well as international and foreign experts in the field of torture prevention. The participants discussed the regional PMCs' difficulties, needs and priorities in order to establish how their professional capacities could be strengthened. At the same time, the PMCs' relations with other stakeholders at federal and regional level has been addressed and any opportunities for further co-operation identified. This conference was the second of four regional conferences to be held throughout the Russian Federation within the so-called Russian PMC Pre-Project, the purpose of which is to design a fully fledged multi-annual co-operation project (the Russian PMC Project) to be implemented with the PMCs and other relevant stakeholders under the aegis of the Russian Federal Ombudsman and the Council of Europe in 2012-14. The first regional conference was held in Perm from 28 to 29 July 2011.

Methodology of the Interpretation of Legal Acts (05-09.09.2011)

Following a request from the Head of the High Qualification Commission of judges of Ukraine, the Joint Programme between the European Union and the Council of Europe on Transparency and Efficiency of the Judicial System of Ukraine (TEJSU Project) organized the first of a series of three train-the-trainers on the Methodology of the Interpretation of Legal Acts (Alushta, 5-9 September 2011). The aim of the training was to prepare judges-trainers for the National School of Judges of Ukraine and for its regional branches, in order to get an insight into the definition and meaning of the legal interpretation of acts. A total of twenty-five judges from the Supreme Court, the High Specialised Court for civil and criminal cases, the High Administrative Court, the High Commercial Court and also the appeal courts from all over Ukraine, who declared beforehand their willingness to disseminate their newly acquired knowledge among their colleagues, were trained by international and local experts.