

Funded  
by the European Union  
and the Council of Europe



EUROPEAN UNION

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Implemented  
by the Council of Europe

European NPM Forum

## European NPM Conference:

### The Role of NPMs in the Effective Implementation of European Court of Human Rights Judgments and CPT Recommendations

#### Tackling Police Ill-treatment and Ensuring Effective Investigations into Alleged Ill-treatment

*Online, 20-22 September 2021*

---

## CONCEPT

---

The European NPM Forum – a joint European Union-Council of Europe project, co-funded by both organisations and implemented by the Council of Europe – and the Council of Europe's Department for the Execution of Judgments of the European Court of Human Rights are jointly organising an **online conference for European National Preventive Mechanisms (NPMs)** to discuss their **role in the effective** implementation of European Court of Human Rights (the Court) judgments and European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) recommendations.

Tailored to the experience and needs of NPMs, and bearing in mind the Court's case law and CPT recommendations, the **aim of this conference** is two-fold:

1. To increase the awareness of European NPMs of the added value of the **execution of judgments process** and the importance of **effective implementation** of ECtHR judgments and CPT recommendations, both at national and European level.
  - The conference will introduce the **execution of judgments process** to NPMs and provide some **training** on how to draft effective Rule 9 submissions to the Committee of Ministers. All European NPMs are encouraged to participate to a greater extent in this process, as the effective implementation of Court judgments as well as CPT recommendations can bring about a systemic impact in strengthening the rights of persons deprived of their liberty. By mainstreaming the implementation work across their activities, NPMs can further contribute to reforming laws, policies, and practices.
2. To encourage European NPMs to tackle the problem of **police ill-treatment**, assess the **effectiveness of investigations** in alleged police ill-treatment and address **impunity** in a more systematic manner.
  - The conference will allow for engaging in a **substantive discussion on the topic of police ill-treatment and effective investigations into alleged ill-treatment** from both a practical and an execution of judgments' perspective to achieve systemic changes. All European NPMs are invited to integrate assessing the effectiveness of investigations into alleged police ill-treatment and addressing impunity in their monitoring work.

This event is the first in a series of events. As a follow-up to the conference, it is planned to hold **two online workshops in 2022**, which will allow further exploring the possibilities for European NPMs to engage into the effective implementation of Court judgments and CPT recommendations with a focus on two specific thematic areas relevant to their mandate:

- The 1<sup>st</sup> workshop will address the topic of **ill-treatment on account of poor conditions of detention and prison overcrowding**
- The 2<sup>nd</sup> workshop will deal with the topic of **ill-treatment of psychiatric patients and detainees with mental health disorders**.

The Court has delivered a range of leading and/or pilot judgments that require member States to undertake general measures to prevent future violations of the Convention. In addition, the CPT's findings and recommendations point to structural shortcomings that need to be addressed in a holistic way. **Cooperation** between the different actors both at national and European level is crucial to achieve change.

---

## BACKGROUND INFORMATION

---

2020 marked the 70<sup>th</sup> anniversary of the signing of the European Convention on Human Rights (the Convention). The **Convention system**, including the judgments of the Court and the supervision procedure under the responsibility of the Committee of Ministers of the Council of Europe, are fundamental to the principles and values that are at the heart of European project: respect for human rights, the rule of law and democracy.

The Court's judgments and their effective implementation have a profound **impact on member State's laws, policies and practices** and can trigger systemic changes when it comes to the prohibition of torture and other forms of ill-treatment. It is evident that the credibility of the Convention system depends on the full and speedy execution of judgments establishing violations.

Council of Europe member States are bound by **Article 3 of the Convention** – which prohibits in absolute terms the use of torture and other forms of ill-treatment – and have accepted to comply with final Court judgments and decisions finding violations of the Convention. As such, the States have a legal obligation to take the necessary measures (both individual and general) to remedy the violations found.

The continuous **supervision** is entrusted to the Committee of Ministers, assisted by the Department for the Execution of Judgments of the European Court of Human Rights. Cases remain under supervision until the required measures have been taken. An enhanced procedure is used for cases requiring urgent individual measures or revealing important structural problems (such as leading or pilot judgments). Where necessary, the Committee of Ministers may assist execution in different ways, notably through recommendations set out in decisions and interim resolutions. The Council of Europe can provide States with additional support in form of targeted cooperation programmes, when so requested.

During **the supervision process**, under Rule 9 of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlement, National Human Rights Institutions (NHRIs), including National Preventive Mechanisms (NPMs) as foreseen by the Optional Protocol to the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT), and Non-Governmental Organisations (NGOs) can submit communications, in writing.

Ill-treatment inflicted by law enforcement officials and ineffective investigations are among the long-standing **structural problems** which have been revealed by the CPT and which are under the Committee of Ministers' supervision on the execution of Court judgments for many years. The CPT regularly finds instances that amount to torture and other forms of ill-treatment of persons held by the police during its country visits. The Court also finds violations of Article 3 of the Convention for substantive breaches by the police and law enforcement

officials as well as for the failure to conduct an adequate investigation into such violations. Thus in 2020, 15% of all leading cases in the enhanced supervision procedure concerned ill-treatment by state agents and/or failure to investigate such allegation, making it the highest category pending execution (see [here](#), pp. 17-19).

Judgments of the Court can trigger **positive reforms and systems of accountability** that prevent torture and ill-treatment. Effective implementation of Court judgments requires States to take general measures to prohibit torture and other forms of ill-treatment and to protect individuals against such treatment as well as *ex officio* to re-open, resume or continue investigations in an effective and Convention-compliant manner.

On this matter, the Court has issued **leading judgments** with regard to the following States:

- **Armenia:** [Virabyan](#) (group), 2012, see also [Mushegh Saghatelyan](#) (group), 2018
- **Azerbaijan:** [Muradova](#) (group), 2009
- **Bulgaria:** [Velikova](#) (group), 2000, see also [S.Z.](#), 2015
- **Croatia:** [Mader](#), 2011, and [V.D.](#), 2011
- **Cyprus:** [Khani Kabbara](#), 2018
- **France:** [Boukrourou](#) (group), 2017
- **Georgia:** [Tsintsabadze](#) (group), 2011
- **Greece:** [Sidiropoulos and Papakostas](#), 2018
- **Hungary:** [Gubasci](#) (group), 2011
- **Italy:** [Cestraro](#) (group), 2015
- **North Macedonia:** [Kitanovski](#) (group), 2015
- **Republic of Moldova:** [Levinta](#) (group), 2008
- **Romania:** [Soare and Others](#), 2011, and [Linguar](#), 2019
- **Russian Federation:** [Mikheyev](#) (group) 2006, see also [Salikhov](#), 2012, and [Kopylov](#), 2010;
- **Serbia:** [Stanimirovic](#) (group), 2011
- **Spain:** [B.S.](#), 2012
- **Turkey:** [Bati and Others](#) (group), 2004, and [Okkali](#), 2007
- **Ukraine:** [Kaverzin](#) (group), 2012, and [Afanasyev](#) (group), 2005.

---

## FURTHER READING

---

- **Committee of Ministers of the Council of Europe:**
  - [Guidelines on eradicating impunity for serious human rights violations](#)
  - [Recommendation Rec\(2001\)10 on the European Code of Police Ethics](#)
  - [Recommendation CM/Rec\(2010\)12 on judges: independence, efficiency and responsibilities](#)
  - [Discussion paper on Combating Torture during Police Custody and Pre-Trial Detention](#) (produced on the occasion of the Conference hosted by the Danish Chairmanship of the Committee of Ministers of the Council of Europe held in Copenhagen on 22-23 March 2018)
- **Department for the Execution of Judgments of the European Court of Human Rights:**
  - [Website](#)
  - [Memorandum for the thematic debate on the obligation to investigate violations of Article 2 and 3 of the ECHR by law enforcement officials](#)
  - [The supervision process](#)
  - [NHRIs/NGOs](#)
  - [Cases](#)
  - [HUDOC EXEC](#)
  - [Country Factsheets](#)
  - [Thematic Factsheets](#) (including on [Effective investigations](#), available in 13 languages)

- [Annual Report 2020](#)
- [Report on professional policing in Greece](#) (produced following a Round-table discussion in Athens on 10 and 11 January 2019)
- **European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT):**
  - CPT standards on [Police / law enforcement](#), including:
    - [Preventing police torture and other forms of ill-treatment](#)
  - CPT standards on [Accountability / complaints mechanisms](#), including:
    - [Complaints mechanisms](#)
    - [Combating impunity](#)
    - [Documenting and reporting medical evidence of ill-treatment](#)
  - [Background paper](#) with a chapter on Combating impunity in police and prison contexts (produced on the occasion of the 25<sup>th</sup> CPT anniversary conference held on 2 March 2015)
- **Convention against Torture Initiative (CTI):**
  - [UNCAT Implementation Tool 2/2017: Safeguards in the first hours of police detention](#) (in [French](#), in [Portuguese](#), in [Spanish](#))
  - [UNCAT Implementation Tool 7/2019: Procedures and Mechanisms to handle complaints of and investigations into torture or other ill-treatment](#) (in [French](#), in [Spanish](#))
- **European Implementation Network (EIN):**
  - [Website](#)
  - [Why implementation matters](#)
  - [The implementation process](#)
  - [Why you should go involved](#)
  - [Country map](#)
  - [EIN Handbook about Implementation of Judgments of the European Court of Human Rights](#)
  - [Country reports](#)
  - [EIN Rule 9 Submission Guide](#)
- **European Network of National Human Rights Institutions (ENNHRI):**
  - [Implementation of the European Convention on Human Rights – Guidance for NHRIs on ECtHR Judgment Implementation](#)
- **Principles on Effective Interviewing for Investigations and Information Gathering (“Mendez Principles”)**
  - [Mendez Principles](#)
  - APT: [Principles on Effective Interviewing](#)
  - JustSecurity: [The Mendez Principles: A new standard for effective interviewing by police and others, while respecting human rights](#) and [The Mendez Principles: Emergence and Global Expansion of Non-Coercive Interviewing](#)