COUNCIL OF EUROPE CONSEIL DE L'EUROPE

HUMAN RIGHTS INFORMATION BULLETIN

No. 51

July-October 2000

Directorate General of Human Rights
January 2001

Contents

The Council of Europe has its permanent headquarters in Strasbourg (France). It operates through a variety of bodies:

- The governing body is the Committee of Ministers, composed of the Ministers of Foreign Affairs of the 41 member states or, on a daily basis, their permanent representatives in Strasbourg.
- The other statutory organ is the Parliamentary Assembly, comprising 582 members from the 41 national parliaments, as well as special guests from certain European non-member states.
- The Congress of Local and Regional Authorities of Europe, also composed of 582 members, represents the entities of local and regional self-government within the member states.
- The European Court of Human Rights, comprising a resident judge from each contracting Party, is the judicial body competent to adjudicate complaints brought against a state by individuals, associations or other contracting states on grounds of violation of the European Convention on Human Rights.

These bodies and the many intergovernmental committees are served by a multinational European Secretariat under the authority of a Secretary General elected by the Parliamentary Assembly for a term of five years.

Human rights information bulletin No. 51

an update on human rights activities within the Council of Europe

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I. Convention activities

A. European Convention on Human Rights

1. State of signatures and ratifications of the Convention and its protocols at 31 October 2000

Member states	ECHR		Protocol No. 1		Protocol No. 4		Protocol No. 6		Protocol No. 7	
	Signed	*Ratified*	*Signed*	*Ratified*	*Signed*	*Ratified*	*Signed*	*Ratified*	*Signed*	*Ratified*
Albania	13/07/95	02/10/96	02/10/96	02/10/96	02/10/96	02/10/96	04/04/00	**21/09/00**	02/10/96	02/10/96
Andorra	10/11/94	22/01/96	—	—	—	—	22/01/96	22/01/96	—	—
Austria	13/12/57	03/09/58	13/12/57	03/09/58	16/09/63	18/09/69	28/04/83	05/01/84	19/03/85	14/05/86
Belgium	07/05/92	07/09/92	07/05/92	07/09/92	03/11/93	—	28/04/83	10/12/98	03/11/93	—
Bulgaria	07/05/92	07/09/92	07/05/92	07/09/92	03/11/93	—	07/05/99	29/09/99	03/11/93	—
Croatia	06/11/96	05/11/97	06/11/96	05/11/97	06/11/96	05/11/97	06/11/96	05/11/97	06/11/96	05/11/97
Cyprus	16/12/61	06/10/62	16/12/61	06/10/62	06/10/88	03/10/89	07/05/99	19/01/00	02/12/99	**15/09/00**
Czech Republic*	21/02/91	18/03/92	21/02/91	18/03/92	21/02/91	18/03/92	21/02/91	18/03/92	21/02/91	18/03/92
Denmark	04/11/50	13/04/53	20/03/52	13/04/53	16/09/63	30/09/64	28/04/83	01/12/83	22/11/84	18/08/88
Estonia	14/05/93	16/04/96	14/05/93	16/04/96	14/05/93	16/04/96	14/05/93	17/04/98	14/05/93	16/04/96
Finland	05/05/89	10/05/90	05/05/89	10/05/90	05/05/89	10/05/90	05/05/89	10/05/90	05/05/89	10/05/90
France	04/11/50	03/05/74	20/03/52	03/05/74	22/10/73	03/05/74	28/04/83	17/02/86	22/11/84	17/02/86
Georgia	27/04/99	20/05/99	17/06/99	—	17/06/99	13/04/00	17/06/99	13/04/00	17/06/99	13/04/00
Germany	04/11/50	05/12/52	20/03/52	13/02/57	16/09/63	01/06/68	28/04/83	05/07/89	19/03/85	—
Greece	28/11/50	28/11/74	20/03/52	28/11/74	—	—	02/05/83	08/09/98	22/11/84	29/10/87
Hungary	06/11/90	05/11/92	06/11/90	05/11/92	06/11/90	05/11/92	06/11/90	05/11/92	06/11/90	05/11/92
Iceland	04/11/50	29/06/53	20/03/52	29/06/53	16/11/67	16/11/67	24/04/85	22/05/87	19/03/85	22/05/87
Ireland	04/11/50	25/02/53	20/03/52	25/02/53	16/09/63	29/10/68	24/06/94	24/06/94	11/12/84	—
Italy	04/11/50	26/10/55	20/03/52	26/10/55	16/09/63	27/05/82	21/10/83	29/12/88	22/11/84	07/11/91
Latvia	10/02/95	27/06/97	21/03/97	27/06/97	21/03/97	27/06/97	26/06/98	07/05/99	21/03/97	27/06/97
Liechtenstein	23/11/78	08/09/82	07/05/87	14/11/95	—	—	15/11/90	15/11/90	—	—
Lithuania	14/05/93	20/06/95	14/05/93	24/05/96	14/05/93	20/06/95	18/01/99	08/07/99	14/05/93	20/06/95
Luxembourg	04/11/50	03/09/53	20/03/52	03/09/53	16/09/63	02/05/68	28/04/83	19/02/85	22/11/84	19/04/89
Malta	12/12/66	23/01/67	12/12/66	23/01/67	—	—	26/03/91	26/03/91	—	—
Moldova	13/07/95	12/09/97	02/05/96	12/09/97	02/05/96	12/09/97	02/05/96	12/09/97	02/05/96	12/09/97
Netherlands	04/11/50	31/08/54	20/03/52	31/08/54	15/11/63	23/06/82	28/04/83	25/04/86	22/11/84	—
Norway	04/11/50	15/01/52	20/03/52	18/12/52	16/09/63	12/06/64	28/04/83	25/10/88	22/11/84	25/10/88
Poland	26/11/91	19/01/93	14/09/92	10/10/94	14/09/92	10/10/94	18/11/99	**30/10/00**	14/09/92	—
Portugal	22/09/76	09/11/78	22/09/76	09/11/78	27/04/78	09/11/78	28/04/83	02/10/86	22/11/84	—
Romania	07/10/93	20/06/94	04/11/93	20/06/94	04/11/93	20/06/94	15/12/93	20/06/94	04/11/93	20/06/94
Russia	28/02/96	05/05/98	28/02/96	05/05/98	28/02/96	05/05/98	16/04/97	—	28/02/96	05/05/98
San Marino	16/11/88	22/03/89	01/03/89	22/03/89	01/03/89	22/03/89	01/03/89	22/03/89	01/03/89	22/03/89
Slovakia*	21/02/91	18/03/92	21/02/91	18/03/92	21/02/91	18/03/92	21/02/91	18/03/92	21/02/91	18/03/92
Slovenia	14/05/93	28/06/94	14/05/93	28/06/94	14/05/93	28/06/94	14/05/93	28/06/94	14/05/93	28/06/94
Spain	24/11/77	04/10/79	23/02/78	27/11/90	23/02/78	—	28/04/83	14/01/85	22/11/84	—
Sweden	28/11/50	04/02/52	20/03/52	22/06/53	16/09/63	13/06/64	28/04/83	09/02/84	22/11/84	08/11/85
Switzerland	21/12/72	28/11/74	19/05/76	—	—	—	28/04/83	13/10/87	28/02/86	24/02/88
"The former Yugoslav Republic of Macedonia"	09/11/95	10/04/97	14/06/96	10/04/97	14/06/96	10/04/97	14/06/96	10/04/97	14/06/96	10/04/97
Turkey	04/11/50	18/05/54	20/03/52	18/05/54	19/10/92	—	—	—	14/03/85	—
Ukraine	09/11/95	11/09/97	19/12/96	11/09/97	19/12/96	11/09/97	05/05/97	04/04/00	19/12/96	11/09/97
United Kingdom	04/11/50	08/03/51	20/03/52	03/11/52	16/09/63	—	27/01/99	20/05/99	—	—

* The dates of signature and ratification given for the Czech Republic and Slovakia are those, respectively, of the signature and ratification by the Czech and Slovak Federal Republic, by which the former two states consider themselves bound.

Updates to the table of signatures and ratifications are available on the Internet at the site: http://conventions.coe.int/.

2. Reservations and declarations

European Convention on Human Rights

Switzerland

Reservation contained in the instrument of ratification, deposited on 28 November 1974 – Or. fr. – and withdrawn by a letter from the Federal Department of Foreign Affairs of Switzerland, dated 24 August 2000, registered at the Secretariat General on 29 August 2000 – Or. Fr.

The rule contained in Article 6, paragraph 1, of the Convention that hearings shall be public shall not apply to proceedings relating to the determination of civil rights and obligations or of any criminal charge which, in accordance with cantonal legislation, are heard before an administrative authority.

The rule that judgment must be pronounced publicly shall not affect the operation of cantonal legislation on civil or criminal procedure providing that judgment shall not be delivered in public but notified to the parties in writing.

Ukraine

By a letter dated 3 July 2000, registered at the Secretariat General on 10 July 2000, the Permanent Representative of Ukraine informed the Secretary General of the Council of Europe that the Law "On the Disciplinary Statute of the Armed Forces of Ukraine" of 24 March 1999 had introduced amendments to Article 3 of the Law of Ukraine "On the Ratification of the Convention for the Protection of Human Rights and Fundamental Freedoms, 1950, First Protocol and Protocols Nos. 2, 4 and 11 thereto" which is now worded as follows:

"The provisions of Article 5, paragraph 3, of the Convention for the Protection of Human Rights and Fundamental Freedoms of 1950 shall apply in the part that does not contradict Articles 48, 49, 50 and 51 of the Disciplinary Statute of the Armed Forces of Ukraine concerning the imposition of arrest as a disciplinary sanction."

The amendments entered into force on 24 March 1999. The Permanent Representative of Ukraine emphasised that the changes were purely formal and consisted mainly in a renumbering of certain provisions of the Interim Disciplinary Statute (Articles 50, 51, 52 and 53 became Articles 48, 49, 50 and 51).

3. European Court of Human Rights

Between 1 July and 31 October 2000, the Court dealt with 3324 cases:

- *2438 applications declared inadmissible*
- *61 applications struck off*
- *217 applications declared admissible*
- *452 applications communicated*
- *156 judgments delivered*

Owing to the large number of judgments delivered during this period, only those which present a particular interest (on this occasion, those delivered by the Grand Chamber) are summarised in this part. The summaries are based on information provided by the Registry of the European Court of Human Rights. They are not binding on the supervisory organs of the European Convention on Human Rights.

The list of the judgments adopted and these of the key decisions appears in Appendix II. It presents, in tabular form ordered by country, judgments and alleged violation, and decisions with the article in question and the decision about admissibility. All judgments adopted by the Court together with the full text, can be found on the Internet at http://www.echr.coe.int/.

1. Judgments

Elsholz v. Germany

Judgment of 13 July 2000

Facts

The applicant, Egbert Elsholz, a German national, lives in Germany. He is the father of the child C., born out of wedlock on 13 December 1986. Since November 1985 the applicant lived with the child's mother and her elder son. In June 1988 the mother, together with the two children, moved out of the flat. The applicant continued to see his son frequently until July 1991. On several occasions, he also spent his holidays with the two children and their mother. Subsequently, no more visits took place. When questioned by an official of the Erkrath Youth Office (*Jugendamt*) at his home in December 1991, C. stated that he did not wish to have further contacts with his father.

In December 1992 the Mettmann District Court (*Amtsgericht*) dismissed the applicant's request to be granted a right of access (*Umgangsregelung*). The District Court considered that contacts with the father would not enhance the child's well-being.

The applicant's renewed request to be granted access was dismissed by the Mettmann District Court in December 1993. The Court referred to its prior decision of December 1992 and found that the conditions under Article 1711.2 of the Civil Code (*Bürgerliches Gesetzbuch*) concerning the father's right to personal contact with his child born out of wedlock were not met. It noted that the applicant's relationship with the child's mother was so strained that the enforcement of access rights could not be envisaged. If the child were to be with the applicant against his mother's will, this would put him into a loyalty conflict which he could not cope with and which would affect his well-being. The Court added that it was irrelevant which parent was responsible for the tensions. After two long interviews with the child, the District Court reached the conclusion that his development would be endangered if the child had to take up contacts with his father contrary to his mother's will. The District Court furthermore considered that the facts of the case had been established clearly and exhaustively for the purposes of Article 1711 of the Civil Code. It therefore found it unnecessary to obtain an expert opinion.

On 21 January 1994 the Wuppertal Regional Court (*Landgericht*), without a hearing, dismissed the applicant's appeal. The Regional Court found, in line with the decision appealed against, that the tensions between the parents had negative effects on the child, as was confirmed by the hearings with the child held in November 1992 and December 1993, and that contacts with his father were not therefore in the child's best interest, even less so because these contacts had in fact been interrupted for about two and a half years. It was irrelevant who was responsible for the break-up of life in common. What mattered was that in the present situation contacts with the father would negatively affect the child. This conclusion, in the Regional Court's view, was obvious, which was why there was no necessity of obtaining an opinion from an expert in psychology. The Regional Court finally observed that there was no necessity to hear the parents and the child again since there was no indication that any findings more favourable for the applicant could result from such a hearing.

In April 1994 a panel of three judges of the Federal Constitutional Court (*Bundesverfassungsgericht*) refused to entertain the applicant's constitutional complaint (*Verfassungsbeschwerde*).

The applicant complained that the German court decisions dismissing his request for access to his son, a child born out of wedlock, amounted to a breach of Article 8, that he had been a victim of discriminatory treatment in breach of Article 14 read in conjunction with Article 8 and that his right to a fair hearing guaranteed under Article 6 (1) had been breached.

Law

Article 8

The Court recalled that the notion of family under this provision was not confined to marriage-based relationships and may encompass other *de facto* "family" ties where the parties are living together out of wedlock. A child born out of such a relationship is *ipso jure* part of that "family" unit from the moment and by the very fact of his birth. Thus there existed between the child and his parents a bond amounting to family life. The Court further recalled that the mutual enjoyment by parent and child of each other's company constituted a fundamental element of family life, even if the relationship between the parents had broken down, and domestic measures hindering such enjoyment amounted to an interference with the right protected by Article 8.

The Court considered that the decisions refusing the applicant access to his son interfered with the applicant's exercise of his right to respect for his family life as guaranteed by paragraph 1 of Article 8. Such interference constituted a violation of Article 8 unless it was "in accordance with the law", pursued an aim or aims that were legitimate under paragraph 2 of this provision and could be regarded as "necessary in a democratic society".

In the Court's view the court decisions of which the applicant complained had a basis in national law, namely, Article 1711.2 of the Civil Code as in force at the relevant time, and were clearly aimed at protecting the "health or morals" and the "rights and freedoms" of the child. Accordingly they were in accordance with the law and pursued legitimate aims within the meaning of paragraph 2 of Article 8.

In determining whether the impugned measure was "necessary in a democratic society", the Court considered whether, having regard to the particular circumstances of the case and notably the importance of the decisions to be taken, the applicant had been involved in the decision-making process, seen as a whole, to a degree sufficient to provide him with the requisite protection of his interests. The combination of the refusal to order an independent psychological report and the absence of a hearing before the Regional Court revealed, in the Court's opinion, an insufficient involvement of the applicant in the decision-making process. The Court thus concluded that the national authorities overstepped their margin of appreciation, thereby violating the applicant's rights under Article 8.

Conclusion: violation (13 votes to 4)

Article 14 taken together with Article 8

The Court did not find it necessary to consider whether the former German legislation as such, namely, Article 1711.2 of the Civil Code, made an unjustifiable distinction between fathers of children born out of wedlock and the facts of the present case that a divorced father would have been treated more favourably. There had accordingly been no violation of Article 14 in conjunction with Article 8.

Conclusion: no violation (unanimously)

Article 6 (1)

The Court, having regard to its findings with respect to Article 8, considered that in the present case, because of the lack of psychological expert evidence and the circumstance that the Regional Court did not conduct a further hearing, the proceedings, taken as a whole, did not satisfy the requirements of a fair and public hearing within the meaning of Article 6 (1). There had thus been a breach of this provision.

Conclusion: violation (13 votes to 4)

Article 41

The Court found it impossible to assert that the relevant decisions would have been different if the violation of the Convention had not occurred. However, it could not, in the Court's opinion, be excluded that if the applicant had been more involved in the decision-making process, he might have obtained some degree of satisfaction and this could have changed his future relationship with the child. In addition, the applicant certainly suffered non-pecuniary damage through anxiety and distress. The Court thus concluded that the applicant suffered some non-pecuniary damage which is not sufficiently compensated by the finding of a violation of the Convention and awarded him DEM 35,000.

The Court further awarded the applicant DEM 12,584.26 for costs and expenses.

Scozzari and Giunta v. Italy

Judgment of 3 July 2000

Facts

The first applicant, Dolorata Scozzari, a Belgian and Italian national, lives in Italy. She also acts on behalf of her children, G., aged thirteen, who has dual Belgian and Italian nationality, and M., aged six and who has Italian nationality.

The second applicant, Carmela Giunta, is an Italian national, who was born in 1939 and lives in Brussels. Since the end of 1998 she has also had a home in Italy. She is the first applicant's mother.

On 9 September 1997, in view of the dramatic situation in the first applicant's home, a situation that had been largely brought about by the violence of the first applicant's husband towards both her and the children and the fact that the elder child had been subjected to paedophile abuse by a "social worker", the Florence Youth Court suspended the first applicant's parental rights and ordered the children's placement with the "Il Forteto" community, near Florence. Two of the main leaders of that community had been convicted in 1985 of the ill-treatment of three handicapped people (a girl and two boys) who had stayed there. One of them was also convicted of sexual abuse. The case-file

shows that the two men continue to hold positions of responsibility within the community and are actively involved in the proceedings concerning the first applicant's children and in the arrangements for looking after them.

On 9 September 1997 the Youth Court ordered that the first applicant should have contact with the younger child only, but she was prevented from doing so in practice. Subsequently, it ordered that she should receive counselling in preparation for contact with the younger child. Visits that had already been arranged were, however, suspended in July 1998. Subsequently, following the Youth Court's decision of 22 December 1998 to allow contact with both children, the first applicant was allowed to visit them for the first time on 29 April 1999. A second visit took place on 9 September 1999, but social services decided to suspend all visits thereafter.

The first applicant, who purported also to be acting on behalf of her children, complained of infringements of Article 8 of the Convention in that her parental rights had been suspended, her children had been taken into care, the authorities had delayed before finally allowing her to see the children, too few contact visits had been organised and the authorities had placed the children at "Il Forteto".

The second applicant also alleged a violation of Article 8, complaining that the authorities had discounted the possibility of her being given the care of her grandsons and delayed organising contact with them.

Law

Government's preliminary objections

The Italian Government had contested, firstly, the first applicant's standing also to act on behalf of her children. They went on to contend that the Belgium Government had no standing to intervene, since their intervention was based solely on the fact that the elder child was a Belgian national.

The Court said that minors could apply to the Court even, or indeed especially, if they were represented by a mother who was in conflict with the authorities. It considered that in the event of a conflict over a minor's interests between a natural parent and the person appointed by the authorities to act as the child's guardian, there was a danger that some of those interests would never be brought to the Court's attention and that the minor would be deprived of effective protection of his rights under the Convention. Consequently, even though the mother had been deprived of parental rights – indeed, that was one of the causes of the dispute which she had referred to the Court – her standing as the natural mother sufficed to afford her the necessary power to apply to the Court on the children's behalf, also, in order to protect their interests. The Government's preliminary objection had, therefore, to be dismissed, both as regards the *locus standi* of the first applicant's children and the standing of the Belgium Government to intervene in the proceedings.

Article 8 – suspension of the first applicant's parental authority and the removal of the children

The Court noted that the first applicant's domestic circumstances seriously deteriorated in 1994. It was particularly struck by the negative role played by her former husband. The case file showed that it was he who had been largely responsible for the violent atmosphere within the family through his repeated assaults on the children and his former wife.

However, it had to be noted, too, that even after separating from her former husband, the first applicant had found it difficult to look after her children (a report by a neuropsychiatrist employed by the local health authority indicated that the first applicant was suffering from a personality disorder and was incapable of managing the complex situation of her family and children). The problem was compounded by the severe trauma suffered by the elder child as a result of the paedophile abuse of him by a social worker who had succeeded in ingratiating himself with the first applicant's family. The Court considered that, against that background, the authorities' intervention was based on relevant and sufficient reasons and was justified by the need to protect the children's interests. Consequently, there had been no violation of Article 8 of the Convention on that account.

Conclusion: no violation (unanimously)

Article 8 – contact between the first applicant and her children

The Court considered, firstly, that the decision of 9 September 1997 to prohibit any contact between the first applicant and her elder son did not appear to have been based on sufficiently valid reasons. It was true that the child had gone through a very difficult and traumatic experience. However, a measure as radical as the total severance of contact could be justified only in exceptional circumstances. While the complex circumstances that were harmful to the family life and the development of the children had fully justified their being temporarily taken into care, the grave situation within the first applicant's family did not justify by itself contact with the elder child being severed.

The Court further noted that although the decision of 9 September 1997 had provided for the organisation of visits with the younger son, nothing further was done until 6 March 1998, when the Florence Youth Court finally decided to require visits to be preceded by a preparatory programme for the mother. However, nothing had come of that as, just two days before the first visit had been due to take place on 8 July 1998, the Youth Court had decided, at the request of the deputy public prosecutor, who had just started an investigation concerning the children's father, to suspend the visits that had already been scheduled. It was difficult to identify the basis on which the Youth Court had reached such a harsh and drastic decision, since the

deputy public prosecutor's application had been based on the mere possibility, unsupported by any objective evidence, that the scope of the investigation might be enlarged to include the mother. The Court had to conclude that both the deputy public prosecutor and the Youth Court had acted irresponsibly.

Subsequently, despite the Youth Court's order of 22 December 1998 for the resumption of visits by 15 March 1999, the first visit did not take place until 29 April 1999. What was more, it did not prove to be the beginning of regular and frequent contact to assist the children and their mother in re-establishing their relationship. Continued separation could certainly not be expected to help cement family bonds that had already been put under considerable strain.

It was apparent from the case file that, from the first visit, social services had played an inordinate role in the implementation of the Youth Court's decisions and adopted a negative attitude towards the first applicant, one for which the Court found no convincing objective basis (for example, having carefully examined the video and audio recordings of the visits, the Court had found both the visits themselves and their outcome to be far less negative than the reports of social services suggested). In reality, the manner in which social services had dealt with the situation up till then had helped to accentuate the rift between the first applicant and the children, creating a risk that it would become permanent. The fact that there had been only two visits (after one and a half year's separation) since its decision of 22 December 1998 should have incited the Youth Court to investigate the reasons for the delays in the programme, yet it had merely accepted the negative conclusions of social services, without conducting any critical analysis of the facts.

Consequently, there had been a violation of Article 8 on that point.

Conclusion: violation (unanimously)

Article 8 – decision to place the children with the "Forteto" community

The Court noted that two of the principal leaders and co-founders of "Il Forteto" had been convicted in 1985 by the Florence Court of Appeal of the ill-treatment and sexual abuse of three handicapped people staying in the community.

The Court was not called upon to express an opinion on "Il Forteto" as such or on the general quality of care which that community offered to children placed there. Nor was it for the Court to become involved in the debate between the supporters and opponents of "Il Forteto". However, the fact that the two members of the community convicted in 1985 continued to hold positions of responsibility within the community could not be regarded as innocuous and meant that a detailed examination of the concrete situation of the first applicant's children was called for.

The Court noted that, contrary to the assertions of the respondent Government, the evidence on the case file showed that the two leaders concerned played a very active role in bringing up the first applicant's children. The Court had strong reservations about that.

The Court's reservations were reinforced by the fact that, as the Government acknowledged, the Youth Court had been aware of the convictions of the two members of the community concerned when it took the decisions regarding the first applicant's children, (though it was true that neither had committed any further offences since 1985). A further contributory factor was the sexual abuse to which the elder child had been subjected in the past. The combination of those two factors (the past sexual abuse against the elder child and the criminal antecedents of the two community leaders), made the first applicant's concerns about her children's placement at "Il Forteto" understandable from an objective standpoint.

It also had to be noted that the authorities had at no point explained to the first applicant why, despite the men's convictions, sending the children to "Il Forteto" did not pose a problem. Parents should not be forced, as they had been in the case before the Court, merely to stand by while their children were entrusted into the care of a community whose leaders included people with serious previous convictions for ill treatment and sexual abuse. The situation had been compounded by the following two sets of circumstances.

Firstly, some of the leaders of "Il Forteto", including one of the two men convicted in 1985, appeared to have contributed substantially to delaying or hindering the implementation of the decisions of the Florence Youth Court to allow contact between the first applicant and her children.

Secondly, the evidence pointed to the first applicant's children having been subjected to the mounting influence of the leaders at "Il Forteto", including, once again, one of the two men convicted in 1985. That influence had been exerted with the aim of distancing the boys, particularly the elder boy, from their mother.

In the Court's view, the facts showed that the leaders of "Il Forteto" responsible for looking after the first applicant's children had helped to deflect the implementation of the Youth Court's decisions from their intended purpose of allowing visits to take place. Moreover, it was not known who really had effective care of the children at "Il Forteto".

That situation should have prompted the Youth Court to increase its level of supervision. However, it did not do so. In practice, the leaders concerned worked in a community which enjoyed very substantial latitude and did not appear to be subject to effective supervision by the relevant authorities.

Furthermore, experience showed that when children remained in the care of a community for a pro-

tracted period, many of them never returned to a real family life outside the community. Accordingly, the Court saw no valid justification for there being no time-limit on the care order concerning the first applicant's children, especially as that appeared to be in contravention of the relevant provisions of Italian law.

The fact of the matter was that the absence of any time-limit on the care order, the negative influence of the people responsible for the children at "Il Forteto", coupled with the attitude and conduct of social services, were in the process of driving the first applicant's children towards an irreversible separation from their mother and long-term integration within "Il Forteto".

Consequently, in the aforementioned circumstances, the children's uninterrupted placement to date at "Il Forteto" did not satisfy the requirements of Article 8 of the Convention.

Conclusion: violation (unanimously)

Article 8 – position of the second applicant

The Court noted that the evidence on the case file indicated that the second applicant would have had substantial difficulty in looking after the children properly. The Court consequently considered that the authorities' decision not to entrust the children into the second applicant's care had been based on reasons that remained relevant even after the second applicant's move to Italy, which in any event was interrupted by her trips to Belgium.

With regard to contact between the second applicant and the children, the Court noted that her attitude had initially been characterised by a degree of incoherence. Subsequently, despite the decision of the Florence Youth Court on 22 December 1998 that contact between the second applicant and the children should start before 15 March 1999, she had failed to get in touch but had simply waited to hear from social services, even after the expiry of the time-limit fixed by the Youth Court. Although the Court was not persuaded by the Government's explanation for the delay in implementing the Youth Court's order concerning the second applicant, it considered that she had not furnished any valid explanation for her failure to act after the time-limit had expired or to inform the relevant authorities when she travelled to Belgium. The Court concluded that there had been no violation of Article 8 as regards the second applicant.

Conclusion: no violation (unanimously)

Article 3

Although the fact that some of the witness statements produced by the first applicant gave cause for concern and the Government had not contested their veracity, the Court agreed with the opinion of the Commission that there was nothing on the case file to indicate that the children had been subjected to treatment contrary to Article 3 of the Convention at "Il Forteto". It also had to be noted in that connection that the first applicant had not lodged a criminal complaint with the relevant domestic authorities. Consequently, there had been no violation of Article 3.

Conclusion: no violation (unanimously)

Article 2 of Protocol No. 1

The Court noted that the case file showed that the first applicant's elder son had begun school shortly after arriving at "Il Forteto". The younger child has just started nursery school. Furthermore, with regard to the influence of "Il Forteto" on the children's upbringing, the Court referred to its conclusions on the placement of the children within that community. Consequently, there had been no violation of Article 2 of Protocol No. 1.

Conclusion: no violation (unanimously)

Article 41

The Court pointed out that it followed from Article 46 of the Convention that a judgment in which the Court found a breach imposed on the respondent State a legal obligation not just to pay those concerned the sums awarded by way of just satisfaction, but also to choose, subject to supervision by the Committee of Ministers, the general and/or, if appropriate, individual measures to be adopted in their domestic legal order to put an end to the violation found by the Court and to redress so far as possible the effects. Furthermore, subject to monitoring by the Committee of Ministers, the respondent State remained free to choose the means by which it would discharge its legal obligation under Article 46 of the Convention, provided that such means were compatible with the conclusions set out in the Court's judgment. Accordingly, under Article 41 of the Convention the purpose of awarding sums by way of just satisfaction was to provide reparation solely for damage suffered by those concerned to the extent that such events constituted a consequence of the violation that could not otherwise be remedied.

The Court considered that the first applicant had undoubtedly sustained non-pecuniary damage. Ruling on an equitable basis, it awarded her ITL 100,000,000.

It considered, further, that the children had personally sustained damage, too. Ruling on an equitable basis, it awarded each child in person ITL 50,000,000.

As to the costs incurred before the Convention institutions, the Court awarded the applicant's lawyer ITL 17,685,000 (after deduction of the sum which the lawyer had received on account from the first applicant, which the State was to pay to the latter, and the sums already paid to her by way of the legal aid granted to the applicants by both the Commission and the Court.)

Kudła v. Poland

Judgment of 26 October 2000

Facts

The applicant was charged with fraud and forgery and detained on remand in August 1991. After numerous requests for release had been refused, the detention order was finally quashed in June 1992, on the basis of a psychiatric report which stated that the applicant showed persistent suicidal tendencies. The applicant subsequently failed to attend a hearing in his case in February 1993 and, as he did not submit the medical certificate requested by the court within the specified time limit, an arrest warrant was issued. The applicant was arrested in connection with a traffic offence in October 1993 and placed in detention on remand. Numerous requests for release were refused over the next year and in January 1995 the applicant attempted to commit suicide. However, an application for release was refused by the Regional Court on the basis of a report by prison officers to the effect that the attempt was simply attention-seeking. Several further requests were rejected before the applicant was convicted in June 1995. The conviction was quashed in February 1996 and a retrial ordered. In May 1996 the detention order was quashed, subject to payment of bail of 10,000 zlotys. The applicant's appeals against the amount, in which he invoked the risk of suicide, were unsuccessful. He was finally released in October 1996 after bail had been lodged. He was again convicted in December 1998, the sentence imposed was reduced on appeal in October 1999 and a cassation appeal is pending before the Supreme Court.

Law

Article 3

This provision cannot be interpreted as laying down a general obligation to release a detainee on health grounds or to place in a civil hospital in order to have particular treatment, but the State must nevertheless ensure that a detainee is held in conditions compatible with his dignity and that his health and well-being are adequately secured, in particular by the provision of appropriate medical care. In this case, the applicant regularly sought and obtained medical attention and there is nothing to show that the authorities can be held responsible for his attempted suicide. Neither was there any subsequent failure to provide psychiatric observation – indeed, regular assistance was given. Thus, while the detention may have exacerbated the applicant's feelings of distress and anguish, it has not been established that he was subjected to ill-treatment of a sufficiently severe level to come within the scope of Article 3.

Conclusion: no violation (unanimously)

Article 5 (3)

The period of detention to be examined is made up of two terms, the first running from the date of Poland's recognition of the right of petition (1 May 1993) until the applicant's initial conviction in June 1995 and the second from the quashing of his conviction in February 1996 until his release in October 1996 (the period from the conviction until the quashing being excluded as falling under Article 5 (1) (a)). The total period is thus 2 years 4 months and 3 days. It does not appear to be contested that the principal reason the detention was ordered was the applicant's failure to comply with the time-limit for submitting a medical certificate, giving rise to the belief that there was a risk of his absconding. This reason could initially suffice to warrant his detention but with the passage of time it became less relevant, particularly as he had already spent almost a year in detention before being re-arrested. Only very compelling reasons would justify the length of the detention and no such reasons can be identified in this case. The reason relied on were thus not sufficient.

Conclusion: violation (unanimously)

Article 6 (1)

The length of appeal or cassation proceedings should be taken into account in assessing the overall reasonableness, and in the absence of any evidence that the Supreme Court has given judgment, the proceedings have lasted over 9 years, including 7 years and 5 months from the date of Poland's recognition of the right of petition. This period cannot be regarded as reasonable.

Conclusion: violation (unanimously)

Article 13

In certain previous cases, the Court has considered that it was not necessary to examine a complaint under Article 13 when a violation of Article 6 had been found, there being no legal interest in re-examining the same subject-matter under the less strict requirements of the former provision. However, there is no overlap when, as in this case, the violation of Article 6 concerns the length of proceedings, this being a separate issue from the question of the availability of an effective remedy to complain about such length. While the Court has in the past nevertheless declined to rule on an Article 13 complaint in such circumstances, this case-law should be re-examined in the light of the continuing accumulation of applications relating to the length of proceedings, and it is thus necessary to examine the Article 13 complaint separately. The subsidiary character of the Convention machinery is articulated in Article 13 and Article 35 (1) and the former gives direct expression to the States' obligation to protect human rights primarily within their own legal systems. While there is no prevailing pattern within Contracting States of remedies for excessive length of proceedings, there are examples which demonstrate that such remedies can be created and operate effectively. The correct interpretation of Article 13 is that it guarantees an effective remedy for an alleged breach of the right to have a court case determined within a rea-

sonable time. In this particular case, the Government submitted that the aggregate of several remedies satisfied the requirements of Article 13 but did not indicate whether and how the applicant could obtain relief by having recourse to those measures. It was not suggested that they could have expedited the determination of the charges against him or provided him with adequate redress for the existing delays. Consequently, the measures referred to do not meet the standard of "effectiveness".

Conclusion: violation (16 votes to 1)

Article 41

The Court found that the applicant had failed to demonstrate that the pecuniary damage he claimed had been caused by being held in detention for the relevant period. It awarded him 30,000 zlotys (PLN) in respect of non-pecuniary damage and also made an award in respect of costs.

Maaouia v. France

Judgment of 5 October 2000

Facts

The applicant, a Tunisian national, entered France in 1980 at the age of twenty-two and in 1992 married a French national there with whom he had been living for nine years. In 1988 Alpes-Maritimes Assize Court sentenced him to six years' imprisonment for offences committed in 1985. He was released in April 1990. In August 1991 a deportation order was made against him, but he did not become aware of its existence until it was served on him on 6 October 1992 when he attempted to regularise his immigration status at a centre for administrative formalities. The applicant refused to leave France and was prosecuted for failing to comply with a deportation order. In November 1992 Nice Criminal Court sentenced him to one year's imprisonment and made an order excluding him from French territory for ten years. That decision became final in April 1997. Meanwhile, in December 1992 the applicant had sought judicial review of the deportation order before the administrative courts. In a judgment which became final in March 1994, Nice Administrative Court quashed the deportation order, *inter alia*, on the ground that no notice had been served on the applicant requiring him to appear before the Deportation Board. On the strength of the Administrative Court's judgment, the applicant applied to the Principal Public Prosecutor's Office at Aix-en-Provence Court of Appeal on 12 August 1994 for rescission of the exclusion order. In July 1995 the applicant renewed that application and requested a date for hearing as it had been outstanding for some time. After an inquiry concerning the applicant had been carried out the principal public prosecutor's office informed the applicant in November 1997 that the case would be heard on 26 January 1998. On that date the Court of Appeal granted the applicant's application and rescinded the exclusion order on the ground that the deportation order had been quashed. The applicant also made various attempts to regularise his status with the immigration authorities and recently obtained a ten-year residence permit with the right to seek employment. The applicant complained of the unreasonable length of the proceedings to obtain rescission of the exclusion order.

Law

Article 6 (1)

Although the Court had not previously examined the issue of the applicability of Article 6 (1) to procedures for the expulsion of aliens, the Commission had consistently expressed the opinion that the decision whether or not to authorise an alien to stay in a country of which he was not a national did not come within the scope of Article 6 (1) of the Convention. The provisions of the Convention had to be construed in the light of the entire Convention system and, in the case before the Court, it had to be noted that Article 1 of Protocol No. 7, which France had ratified, contained procedural guarantees applicable to the expulsion of aliens. In addition, the preamble to that instrument referred to the need to take "further steps to ensure the collective enforcement of certain rights and freedoms by means of the Convention..." Taken together, those provisions showed that the States were aware that Article 6 (1) did not apply to procedures for the expulsion of aliens and wished to take special measures in that sphere. That construction was supported by the explanatory report. By adopting Article 1 of Protocol No. 7 the States had clearly intimated their intention not to include such proceedings within the scope of Article 6 (1) of the Convention. In the light of the foregoing, the proceedings for the rescission of the exclusion order did not concern the determination of a "civil right" for the purposes of Article 6 (1) and the fact that the exclusion order had had major repercussions on the applicant's private and family life or on his prospects of employment could not suffice to bring those proceedings within the scope of civil rights protected by Article 6 (1). Exclusion orders did not concern the determination of a criminal charge either. In that connection, the Court noted that their characterisation within the domestic legal order was open to different interpretations. However, that point could not, by itself, be decisive and other factors, notably the nature of the penalty concerned, had to be taken into account. On that subject, the Court noted that, in general, exclusion orders were not characterised as criminal within the member States of the Council of Europe. Such orders, which in most States could also be made by the administrative authorities, constituted a special preventive measure for the purposes of immigration control and did not concern the determination of a criminal charge for the purposes of Article 6 (1). The fact that they were imposed in the context of criminal proceedings could not alter their essentially preventive nature. It followed that proceedings for rescission of such measures could not be regarded as being in the criminal sphere either. The Court therefore

concluded that decisions regarding the entry, stay and deportation of aliens did not concern the determination of civil rights or obligations or of a criminal charge, within the meaning of Article 6 (1).

Conclusion: Article 6 not applicable (15 votes to 2)

Mennitto v. Italy

Judgment of 3 October 2000

Facts

In 1984 the Campania Regional Council enacted Regional Law no. 11, Article 26 of which authorised local public health services ("USLs") to grant allowances to families caring for disabled relatives at home. Application of the Regional Law gave rise to a number of appeals and it became apparent during the appeal proceedings that there was a conflict of jurisdiction between the ordinary and the administrative courts. The Court of Cassation held that a claimant could not assert a personal right until the administrative authority had adopted a decision to award the allowance and specified the amount to be paid. Where no decision had been taken a claimant could only plead a legitimate interest. In a number of cases the Campania Regional Administrative Court ("the RAC") recognised the right of the relatives of disabled persons to receive the allowance provided for in the Regional Law and held that a USL did not have discretion to fix the amount of the sum payable but was required to restrict itself to a mere arithmetical calculation. The Consiglio di Stato held that the Region could not evade the obligation to provide the funds necessary for application of Regional Law no. 11, and that the amount of the allowance could not be reduced by the administrative authority, thus confirming that the latter had no discretion to fix the amount to be paid. In 1989 the USL decided that the applicant's son satisfied the conditions entitling his family to payment of the allowance. Pursuant to that decision, the applicant received a sum for the months of November and December 1985. In June 1993 he served the USL with a notice to pay, pointing out that he had not received the full amount of the allowance. As the USL did not reply, the applicant brought proceedings against it in the RAC. In August 1993 he unsuccessfully requested the RAC to fix a date for the hearing. In July 1995 he again asked for a date to be fixed for a hearing, this time going through the urgent procedure. The case was heard on 14 January 1997. The RAC held that the administrative authority had no discretionary power in such cases and that its role should have been restricted to verifying whether the claimant satisfied the statutory qualifying conditions, and if so calculating the sum he was to be paid. Noting that the applicant did satisfy the statutory conditions, it held that the USL should therefore have ruled on his application. However, applying the case-law of the Court of Cassation, it held that he had only a legitimate interest in obtaining such a decision and refused his application because in it he had asserted a right to the allowance. In June 1997 the USL appealed against the above judgment to the Consiglio di Stato. By a decision of 30 August 1997 the Consiglio di Stato stayed execution of the RAC's judgment. In November 1997 the body which had taken the place of the USL, noting that the courts had given judgment against the administrative authorities in numerous similar cases, reached a settlement with the applicant. The Consiglio di Stato took formal note of the agreement and struck the case out of its list on 25 November 1997.

Law

Article 6 (1)

Applicability: The Government did not deny that there had been a dispute between the applicant and the administrative authority over the existence of a right, and that this dispute had been sufficiently serious to have been determined by the RAC. Moreover, the outcome of the proceedings whose length was complained of had undoubtedly been decisive for the applicant, since it concerned recognition of his right to obtain the full amount of the allowance. Although the RAC had held that the applicant had no right to receive the allowance, it had noted that the administrative authorities had no discretion over the amount of the allowance, which was fixed by law. The same RAC had, moreover, held that persons in the same situation as the applicant were entitled to the allowance. The Consiglio di Stato had likewise affirmed that the administrative authorities had no discretion and ruled that the Region was under a duty to provide the funds needed to ensure that the allowance was paid to beneficiaries in the amount laid down by law. It was not necessary for the Court to consider whether a mere legitimate interest came within the scope of the autonomous concept of "rights" within the meaning of Article 6. It was sufficient to note that the RAC and the Consiglio di Stato had not followed the case-law of the Court of Cassation on that point and that the latter court did not have authority to impose a solution of the legal question in issue on the administrative courts. Consequently, the applicant could reasonably assert the right to payment of the allowance, especially as he had already received two monthly instalments. Such a right, being of an economic nature, was a "civil" right within the meaning of the Court's case-law. Article 6 (1) was therefore applicable (fifteen votes to two). The period to be taken into consideration had begun with the application to the RAC in August 1993, had ended when the Consiglio di Stato struck the case out of its list in December 1997, and had lasted nearly four years and five months. The existence in Italy of a practice incompatible with the Convention resulting from an accumulation of breaches of the "reasonable time" requirement was an aggravating circumstance of any violation. The Mennitto case was one more instance of that practice.

Conclusion: violation (15 votes to 2)

Article 41

The Court awarded the applicant ITL 5,000,000 for non-pecuniary damage and a sum for costs and expenses.

Hasan and Chaush v. Bulgaria

Judgment of 26 October 2000

Facts

The first applicant was Chief Mufti of Bulgarian Muslims; the second was a teacher at the Islamic Institute and submits that he worked on a part-time basis as secretary to the Chief Mufti's Office. A dispute between two rival factions of the Muslim community arose in the late 1980s and in 1992 the Directorate of Religious Denominations declared the election of G. in 1988 null and void. At a national conference organised by the interim leadership, the first applicant was elected as Chief Mufti; the new leadership was registered by the Directorate of Religious Denominations. However, in 1994 G.'s supporters held a national conference and elected an alternative leadership, which applied for registration as the legitimate leadership of Bulgaria's Muslims. Following a change of government, the Deputy Prime Minister issued a decree apparently approving the statute adopted at this alternative conference and the Directorate of Religious Denominations registered the leadership including G. No reasons were given and the decision was not notified to the first applicant. The new leadership forcibly ejected the first applicant and his staff from the Chief Mufti's Office and took over all documents and assets; the second applicant maintains that he was *de facto* dismissed. The prosecution authorities refused to take any action. The first applicant's appeal to the Supreme Court, on behalf of the Chief Mufti's Office, was dismissed on the basis that the Council of Ministers (under which the Directorate of Religious Denominations comes) enjoyed full discretion with regard to registration of religious groups. The first applicant was re-elected Chief Mufti at a national conference organised by him in 1995, but no reply was given to his requests for registration. He appealed to the Supreme Court, which held that the tacit refusal was unlawful. However, the Deputy Prime Minister refused to register the applicant because a leadership of the Muslims had already been registered. The applicant again appealed to the Supreme Court, which quashed the refusal, but the Council of Ministers continued to refuse registration. Eventually a joint conference was held and a new leadership elected and registered.

Law

Government's preliminary objection (non-exhaustion of domestic remedies)

This was raised after the Commission's decision on admissibility and there is therefore estoppel.

Article 9

The personality of ministers of religion is undoubtedly of importance to every member of a religious community and participation in the life of the community is thus a manifestation of one's religion. Where organisation of the religious community is at issue, Article 9 must be interpreted in the light of Article 11 – the believer's freedom of religion encompasses the expectation that the community will be allowed to function free from arbitrary State intervention; indeed, the autonomous existence of religious communities is indispensable for pluralism and thus at the very heart of the protection which Article 9 affords. Since the applicants are active members of their religious community and the events complained of concerned their freedom of religion, Article 9 is applicable.

A failure of the authorities to remain neutral in the exercise of their powers in the field of registration of religious communities must lead to the conclusion that the State interfered with the believers' freedom to manifest their religion. Except in very exceptional cases, the right to freedom of religion excludes any discretion on the part of the State to determine whether religious beliefs or the means used to express them are legitimate. State action favouring one leader of a divided religious community or to force the community to come under a single leadership against its wishes would likewise constitute an interference. In this case, the changes in the leadership of the Muslim community were announced without any reasons being given and the effect was to favour one faction, granting it the status of the single officially recognised leadership while depriving the first applicant of the possibility of continuing to represent at least part of the community. There was therefore an interference with the applicants' right to freedom of religion. However, since the relevant law does not provide for any substantive criteria for registration and there are no procedural safeguards against arbitrary exercise of discretion, the interference was not prescribed by law. Furthermore, the repeated refusal of the Council of Ministers to comply with the Supreme Court's judgments was a clearly unlawful act of particular gravity.

Conclusion: violation (unanimously)

Article 11

The Court considered that no separate issue arose under this provision, since Article 9 had already been interpreted in the light of Article 11.

Conclusion: not necessary to examine (unanimously)

Article 13

The scope of the obligation under this provision varies depending on the nature of the right involved. Article 13 cannot be seen as requiring a possibility for every believer to institute in his individual capacity formal proceedings challenging a decision concerning

the registration of his religious leaders; the individual believer's interests can be safeguarded by their turning to their leaders and supporting any legal action which the latter may initiate. The State may thus fulfil its obligation by providing remedies which are accessible only to representatives of the community. Since the Supreme Court accepted the case for examination, a representative of the religious community was provided with access to a judicial remedy. However, the court refused to examine the substantive issues, holding that the Council of Ministers had full discretion, so that the initial appeal was not an effective remedy. The two further appeals were not effective either, as the Council of Ministers refused to comply with the judgments. Moreover, the Government have not indicated how criminal proceedings could have led to an examination of the substance of the applicants' complaints and have not indicated any other remedy.

Conclusion: violation (unanimously)

Article 6 (1)

The applicants have not substantiated the legal basis and content of their alleged civil rights and have not shown that there are any obstacles preventing them from bringing civil proceedings in respect of their right to remuneration.

Conclusion: no violation (unanimously)

Article 1 of Protocol No. 1

The applicants did not reiterate their complaints under this provision.

Conclusion: not necessary to examine (unanimously)

Article 41

The Court considered that the second applicant had not established a causal link between the violation and the loss of income or other pecuniary damage which he claimed, since the case did not concern his position as a teacher but the interference resulting from the forced removal of the leadership of his community. It further noted that while the first applicant must have suffered some pecuniary damage he had not supported his claim by reliable documentary evidence. His claim for pecuniary damage could not therefore be granted. However, the Court recognised that the inability to provide proof might be due to a certain extent to the denial of access to documents and it therefore took these circumstances into account in assessing the claim for non-pecuniary damage. It awarded him BGN 10,000 in that respect. It also made an award in respect of costs and expenses.

Iatridis v. Greece

Judgment of 19 October 2000

The European Court of Human Rights awarded the applicant 21,791,578 drachmas (GRD) for pecuniary damage, GRD 5,000,000 for non-pecuniary damage and GRD 12,000,000 for costs and expenses. The judgment was delivered under **Article 41** (just satisfaction) of the European Convention on Human Rights.

The Court held that the Greek Government was to pay the aforementioned sums in compensation for financial losses incurred as a result of the unlawful occupation of an open-air cinema run by the applicant. In the judgment on the merits which it delivered on 25 March 1999 the Court had found a violation of Article 1 of Protocol No. 1 (peaceful enjoyment of possessions) and Article 13 of the Convention (right to an effective remedy) and had not determined the question of just satisfaction.

2. Composition of the Court at 31 October 2000 by order of precedence

Mr	**Luzius Wildhaber**	*Swiss*	President
Ms	**Elisabeth Palm**	*Swedish*	Vice-president
Mr	**Christos Rozakis**	*Greek*	Vice-president
Mr	**Georg Ress**	*German*	Section president
Mr	**Jean-Paul Costa**	*French*	Section president
Mr	**Benedetto Conforti**	*Italian*	
Mr	**Antonio Pastor Ridruejo**	*Spanish*	
Mr	**Luigi Ferrari Bravo**	*Italian*	Elected as judge in respect of San Marino
Mr	**Gaukur Jörundsson**	*Icelandic*	
Mr	**Giovanni Bonello**	*Maltese*	
Mr	**Lucius Caflisch**	*Swiss*	Elected as judge in respect of Liechtenstein
Mr	**Loukis Loucaides**	*Cypriot*	
Mr	**Jerzy Makarczyk**	*Polish*	
Mr	**Pranas Kñris**	*Lithuanian*	
Mr	**Ireneu Cabral Barreto**	*Portuguese*	
Mr	**Riza Türmen**	*Turkish*	
Ms	**Françoise Tulkens**	*Belgian*	
Ms	**Viera Strážnická**	*Slovakian*	
Mr	**Corneliu Bîrsan**	*Romanian*	
Mr	**Peer Lorenzen**	*Danish*	
Mr	**Willi Führmann**	*Austrian*	
Mr	**Karel Jungwiert**	*Czech*	
Sir	**Nicolas Bratza**	*British*	
Mr	**Marc Fischbach**	*Luxemburger*	
Mr	**Volodymyr Butkevych**	*Ukrainian*	
Mr	**Josep Casadevall**	*Andorran*	
Mr	**Boštjan Zupancic**	*Slovenian*	
Ms	**Nina Vajic**	*Croatian*	
Mr	**John Hedigan**	*Irish*	
Ms	**Wilhelmina Thomassen**	*Dutch*	
Mr	**Matti Pellonpää**	*Finnish*	
Ms	**Margarita Tsatsa Nikolovska**	*citizen of "the Former Yugoslav Republic of Macedonia"*	
Mr	**Tudor Pantiru**	*Moldovan*	
Ms	**Hanne Sophie Greve**	*Norwegian*	
Mr	**András Baka**	*Hungarian*	
Mr	**Rait Maruste**	*Estonian*	
Mr	**Egils Levits**	*Latvian*	
Mr	**Kristaq Traja**	*Albanian*	
Ms	**Snejana Botoucharova**	*Bulgarian*	
Mr	**Mindia Ugrekhelidze**	*Georgian*	
Mr	**Anatoly Kovler**	*Russian*	
Mr	**Michele de Salvia**	*Italian*	Registrar
Mr	**Paul Mahoney**	*British*	Deputy Registrar
Ms	**Maud de Boer-Buquicchio**	*Dutch*	Deputy Registrar

4. The Committee of Ministers' actions under the European Convention on Human Rights

The Committee of Ministers acts to ensure the collective guarantee of the rights and fundamental freedoms contained in the Convention and its protocols under the following articles:

Under **Article 32** of the former version of the Convention (see the transitional provisions in Protocol No. 11) it has responsibility for deciding, for cases that are not referred to the Court, whether or not there has been a violation of the Convention; and for awarding, where necessary, just satisfaction to the victims. The Committee of Ministers' decision concerning the violation – which can be equated with a judgment of the Court – may, since 1995, take one of two forms: an "interim" resolution, which at the same time makes public the Commission's report; or a "traditional" resolution (adopted after the complete execution of the judgment), in which case the Commission's report remains confidential for the entire period of the execution.

So in the same way as it supervises the execution of the Court's judgments, the Committee of Ministers is also responsible for supervising the execution of its own decisions; and its examination is not complete until all the measures for the execution of the judgment have been carried out. Where the Committee of Ministers decides to publish immediately its decision on the violation, a "final" resolution is adopted once all the measures required for its execution have been carried out.

The Committee of Ministers' decisions on just satisfaction are not published separately but appear as "traditional" or "final" resolutions.

Under **Article 54** of the former version of the Convention, now **Article 46** of the Convention as modified by Protocol No. 11, the Committee of Ministers has the responsibility for supervising the carrying out of the measures adopted by the defending states for the implementation of the Court's judgments. These may be measures that concern the applicant, such as payment of just satisfaction, reopening of proceedings at the origin of the violation, reversal of a judicial verdict or discontinuation of expulsion proceedings; or measures to prevent the repetition of the violation, such as changing legislation or case-law, appointing extra judges or magistrates to absorb a backlog of cases, building detention centres suitable for juvenile delinquents, introducing training for the police, or other similar steps.

Owing to the large number of resolutions adopted by the Committee of Ministers under these articles, they are listed here in tabular form, with only those which present a particular interest being summarised. Further information may be obtained from the Directorate General of Human Rights at the Council of Europe, or through the Committee of Ministers' Internet site at http://cm.coe.int/.

The following summary presents resolutions adopted at the 716th, 721st and 727th meetings of the Ministers' Deputies (held over the period July-October 2000). The resolutions printed *in italics* in the lists are of particular interest, and are summarised after the appropriate table.

A. Final resolutions (in cases where an interim resolution has already been published)

Case		Resolution	Article(s)
J.-M.R.	v. Austria	F (2000) 94	6.1
Leclerq	v. France	F (2000) 97	6.1
Piedebout	v. France	F (2000) 98	6.1
Melise	v. Italy	F (2000) 124	6.1
Pellegrini Adolfo	v. Italy	F (2000) 100	1 Prot. 1
Da Silva e Sousa	v. Portugal	F (2000) 127	6.1
P.S.	v. Slovakia	F (2000) 90	6.1
Orefici	*v. Spain*	*F (2000) 121*	*5.3*
C.B.	v. Switzerland	F (2000) 103	6.1
B.E.V.	v. United Kingdom	F (2000) 91	6.1
Lane	v. United Kingdom	F (2000) 92	6.1

Orefici v. Spain

Application No. 34109/96

Resolution DH (2000) 121, 2 October 2000

The applicant complained of the excessive length of his detention on remand. In Interim Resolution DH (2000) 23, the Committee of Ministers had said that there had been a violation of Article 5 (3).

In this resolution the Committee of Ministers noted that the Government of Spain had paid the applicant the sum provided for in the judgment and had taken the following measures:

Appendix to Resolution DH (2000) 121
Information provided by the Government of Spain during the examination of the Orefici case by the Committee of Ministers

On 25 February 2000, the report adopted by the European Commission on Human Rights in the present case was transmitted to all the authorities concerned, mainly the Investigating Judge (*Juez de Instrucción*) No. 11 and the President of the Third Section of the *Audiencia Provincial*, both of Málaga. Furthermore, on the same date, the report was also sent to the presidents of the *Consejo General del Poder Judicial* and of the Constitutional Court. Finally, the report has been published in the *Boletín Oficial del Ministerio de Justicia*.

Accordingly, the Government of Spain is of the opinion that it has complied with its obligations under former Article 32 of the Convention.

B. "Traditional" resolutions establishing whether or not there has been a violation and supervising the decision

Case		Resolution	Article(s)
W.O.	v. Switzerland	(2000) 104	6.1

C. "Traditional" resolutions concluding the supervision of a judgment of the European Court of Human Rights

Case		Resolution	Article(s)
Pfleger	v. Austria	(2000) 132	6.1 (friendly settlement)
Assenov and Others	*v. Bulgaria*	*(2000) 109*	*5.3, 5.4, 13*
Nikolova	*v. Bulgaria*	*(2000) 110*	*5.3, 5.4*
Pitsillos	v. Cyprus	(2000) 95	6.1 (friendly settlement)
Grosse	v. Denmark	(2000) 133	6.1 (friendly settlement)
Kurt Nielsen	v. Denmark	(2000) 134	6.1
Cloez	v. France	(2000) 96	6.1 (friendly settlement)
Sidiropoulos and Others	*v. Greece*	*(2000) 99*	*11*
Vilborg Yrsa Sigurðardóttir	*v. Iceland*	*(2000) 111*	*5.3, 6.2*
Aggiato	v. Italy	(2000) 114	6.1 (friendly settlement)
C.	v. Italy	(2000) 130	6.1 (friendly settlement)
Fragola	v. Italy	(2000) 112	6.1 (friendly settlement)
Galloni	v. Italy	(2000) 115	6.1 (friendly settlement)
Lombardo Vincenzo	v. Italy	(2000) 116	6.1 (friendly settlement)
M.R. II	v. Italy	(2000) 117	6.1 (friendly settlement)
Martinelli Giancarlo	v. Italy	(2000) 118	6.1 (friendly settlement)
Mastroeni	v. Italy	(2000) 119	6.1 (friendly settlement)
Moni Angelo Salvatore	*v. Italy*	*(2000) 89*	*8 (friendly settlement)*
Penna	v. Italy	(2000) 120	6.1 (friendly settlement)
Roselli IV	v. Italy	(2000) 113	6.1 (friendly settlement)
Mikulski	v. Poland	(2000) 131	5.3 (friendly settlement)
Da Conceição Gavina	v. Portugal	(2000) 101	6.1
Ferreira de Sousa and Costa Arauio	v. Portugal	(2000) 102	6.1
Freitas Lopes	v. Portugal	(2000) 125	6.1
Marques Gomes Galo	v. Portugal	(2000) 126	6.1
I.S.	v. Slovakia	(2000) 128	6.1
J.K.	*v. Slovakia*	*(2000) 129*	*6.1, 1 Prot. 1 (friendly settlement)*
Hertel (H.U.H.)	*v. Switzerland*	*(2000) 122*	*10*
Gaskin	*v. United Kingdom*	*(2000) 106*	*8*
McLeod	*v. United Kingdom*	*(2000) 123*	*8*
Perks and Others	*v. United Kingdom*	*(2000) 93*	*6.3.c*

Assenov and Others v. Bulgaria

Application No. 24760/94

Resolution DH (2000) 109, 2 October 2000

The complaints concerned, in particular, the lack of thorough and effective investigations into the circumstances of ill-treatment allegedly inflicted to the first applicant, to the lack of judicial review of the decision to detain the first applicant on remand, to the impossibility of challenging the lawfulness of this detention at regular intervals, to the excessive length of this detention and to irregular hindrance to the right of individual application to the Convention organs. In its judgment (28 October 1998) the Court held that there had been violations of Articles 3, 5 (3), 5 (4), 13 and 25 (1).

In this resolution the Committee of Ministers noted that the Government of Bulgaria had paid the applicants the sum provided for in the judgment and had taken the following measures:

Appendix to Resolution DH (2000) 109
Information provided by the Government of the Republic of Bulgaria during the examination of the Assenov and Others case by the Committee of Ministers

In view of its obligation to abide by the judgments of the European Court of Human Rights (Article 46 of the European Convention on Human Rights), Bulgaria adopted, following the Assenov and Nikolova (judgment of 25 March 1999) judgments, a number of comprehensive measures to prevent further violations of the Convention similar to those found in these cases.

I. Legislative measures

On 22 July 1999, the National Assembly of Bulgaria adopted a major reform of criminal procedure. The law in question, which was published in the *Official Gazette* (No. 70/1999) on 6 August 1999 and came into force on the same date, amended the provisions which had been the direct cause of the violations of Article 5 found by the Court in the aforementioned cases.

– Power to detain on remand

The law of 6 August 1999 amended in particular the provisions of Articles 152 and 201 of the Code of Criminal Procedure relating to the powers of a prosecutor or investigator to detain persons for a prolonged period without any judicial review. The new Article 152a stipulates that detention on remand shall be ordered by the competent court of first instance at the request of a prosecutor or investigator (paragraphs 1 and 2). The maximum periods of detention without judicial review are 72 hours, where detention on remand is requested by a prosecutor, and 24 hours, where it is requested by an investigator (paragraph 3). A single-judge court decides after a public hearing attended by the accused, his counsel and the prosecutor whether the accused should be detained on remand (paragraph 5).

– Reasons for ordering and prolonging detention on remand

The Government recalls that the legislation applying to the facts of the case at the time still provided for obligatory detention on remand, particularly in cases where the accused was a recidivist (former Article 152, paragraph 3 of the Code of Criminal Procedure). This obligation was already abolished by an amendment published in the Official Gazette on 8 August 1997 (No. 64/1997).

The law of 6 August 1999, adopted following the Assenov and Nikolova judgments, made further amendments to Article 152, in particular the part providing for an exemption from detention on remand solely where the accused was able to prove that there was no risk of his absconding or re-offending (former paragraph 2 of Article 152).
The new Article 152 stipulates that detention on remand shall be ordered in cases concerning criminal offences punished by deprivation of liberty, where it emerges from the case file that there is a real danger of the accused absconding or re-offending (new Article 152, paragraph 1). When this danger no longer exists, detention on remand shall be replaced by a less severe measure (new Article 152, paragraph 3). In addition, the maximum period of detention on remand before the case is referred to a court is two months, except where the accused is charged with a serious wilful crime or a crime carrying a prison sentence of at least 15 years. In these two cases, the maximum periods of detention on remand before the case is referred to a court are one and two years respectively. At the end of these periods, the accused is released by order of the prosecutor (new Article 152, paragraph 5).
The Bulgarian Government considers that the new text of Article 152 therefore puts sufficient emphasis on the exceptional nature of detention on remand, obliges prosecutors and investigators to prove to the judge that there are valid and objective reasons (eg a danger of the accused absconding or re-offending) for ordering and prolonging detention on remand, and also puts sufficient emphasis on the need for special diligence in conducting the investigation by imposing strict time-limits on detention on remand during the pre-trial investigation stage.

– The right to challenge the lawfulness of detention (habeas corpus)
The law of 6 August 1999 removed the last remaining restrictions on a detained person's right to challenge the lawfulness of detention on remand, which could lead to violations of Article 5, paragraph 4 of the Convention similar to those found in the Assenov and Nikolova cases. Under the new Article 152b, anyone may apply to a court to review the lawfulness of detention and order his or her release. The application may be lodged via the officer responsible for the investigation, who immediately informs the prosecutor and refers the matter to the court (paragraph 3). The court is required to consider the case within three days, at a public hearing attended by the accused, his counsel and the prosecutor (paragraph 4). The court announces its decision after the hearing. An appeal against this decision may be lodged within a seven-day time-limit with a higher court.
Should the court refuse to order the accused's release, it may fix a period not exceeding two months during which a further application for release is not admissible, except in the case of a sudden deterioration in the detained person's health (paragraph 7). Such decisions may also be appealed to a higher court within a three day time-limit.
In the Government's view, it is clear that this provision constitutes only a faculty for the courts to prevent manifestly ill-founded applications. In view of the Convention's direct effect, this provision can on no account prevent the courts from hearing at any time applications for release based notably on the fact that the reasons for ordering detention on remand no longer exist. The Government therefore considers that this provision is consistent with the requirement in Article 5, paragraph 4 as defined in the court's case-law (see in particular the Assenov judgment, para. 162 *in fine*), and that the courts will not allow its application to result in a person's detention in the absence of the objective and valid reasons laid down in Bulgarian law and in Article 5, paragraph 3 of the Convention.

The Bulgarian Government considers that the legislative measures adopted conform to the requirements of Article 5, paragraphs 3 and 4 of the Convention as interpreted by the Court, and that these measures therefore prevent new violations of the Convention.

II. Dissemination of judgments; administrative measures for raising awareness

The Government ensured the translation of the Assenov and Nikolova judgments and their publication in the Bulletin of the Ministry of Justice and European Legal Integration (Assenov judgment: No. 2/1999, Nikolova judgment: No. 3/1999), a journal which is widely distributed in legal circles and to all state authorities.

Following the Assenov judgment, on 29 March 1999, the Ministry of Justice and European Legal Integration sent letters to the Minister for the Interior, the Chief Public Prosecutor and the Director of the Investigation Service drawing their attention to this judgment of the Court and to the supervision of its execution by the Committee of Ministers of the Council of Europe (Article 46, paragraph 2 of the Convention). Appendices to these letters contained a full translation of the Assenov judgment and the detailed observations made in the Committee of Ministers concerning the adoption of general measures in execution of that judgment. The letters invited the authorities to bring the judgment and the observations on its execution to the attention of the officials concerned in order to prevent further similar violations from occurring in future.

Subsequently, on 21 September 1999, the Director of the Bulgarian National Police Service sent all the police departments in the capital and all the regional police departments a circular stressing the need to prevent further violations similar to those found in the Assenov case, including violations of the obligation not to hinder in any way the effective exercise of the right of individual application to the Convention bodies (former Article 25, new Article 34 of the Convention). Moreover, the circular specifically reminded police officers of their obligation to conduct speedy and efficient investigations into all allegations of inhuman and degrading treatment committed by the police or security forces.

The Government considers that these measures will ensure, in particular, that the authorities responsible for maintaining law and order will take account of the requirement for speedy and thorough investigations into allegations of ill-treatment so as to prevent further violations of Articles 3 and 13 of the Convention. The Government thinks that these measures will also make it possible to prevent in future any unacceptable incidents involving hindrance of the right to bring individual applications freely to the European Court of Human Rights (new Article 34 of the Convention).

The Government considers that all the above-mentioned measures will effectively prevent new violations of the Convention similar to those found in the Assenov and Nikolova cases. In general, the Government believes that the state authorities are now aware of the essential role played by the Convention and the Court's judgments in Bulgarian law and that, consequently, the authorities will not fail to take direct account of the requirements of the Convention, as interpreted by the judgments of the Court, in the performance of their duties.

In the light of the foregoing, the Government is of the opinion that Bulgaria has fulfilled its obligations relating to the execution of the Court's judgments in these cases under former Article 53 of the Convention (new Article 46, paragraph 1, of the Convention).

Nikolova v. Bulgaria

Application No. 31195/96

Resolution DH (2000) 110, 2 October 2000

The complaints concerned the lack of judicial review of the decision to detain the applicant on remand and to the impossibility of challenging the lawfulness of this detention at regular intervals. In its judgment (25 March 1999) the Court held that there had been violations of Article 5 (3) and (4).

In this resolution the Committee of Ministers noted that the Government of Bulgaria had paid the applicants the sum provided for in the judgment and had taken the measures referred to in the *Assenov* case above.

Vilborg Yrsa Sigurðardóttir v. Iceland

Application No. 32451/96

Resolution DH (2000) 111, 2 October 2000

The case concerned the district court's rejection of a request for compensation introduced by the applicant in respect of her arrest and detention on remand although she had been acquitted in the subsequent criminal proceedings. In its judgment (30 May 2000) the Court took formal note of the friendly settlement reached between the applicant and the government and struck the case out of its list.

In this resolution, the Committee of Ministers noted that the Government of Iceland had paid the applicant the sum provided for in the friendly settlement and had taken the following measures:

Appendix to Resolution DH (2000) 111
Information provided by the Government of Iceland during the examination of the Vilborg Yrsa Sigurðardóttir case by the Committee of Ministers

Following the lodging of the application before the organs of the European Convention on Human Rights, the contested section 150, paragraph 2, of the Code of Criminal Procedure (Act No. 74/1974) was repealed by Act No. 36/1999, which entered into force on 1 May 1999.

The new Section 175, paragraph 1, provides for compensation to accused persons in the following terms:

"A claim for indemnification according to this Chapter may be granted if investigation has been discontinued or an indictment not issued because the conduct allegedly committed by the accused was deemed not to be criminal or proof thereof could not be obtained, or if the accused was acquitted for this reason by a judgment from which appeal did not take place or could not have taken place. Indemnification may however be rejected or reduced if the accused caused or contributed to the measures on which he bases his claim."

Moni Angelo Salvatore v. Italy

Application No. 35784/97

Resolution DH (2000) 89, 24 July 2000

The applicant complained about the monitoring of his correspondence ordered by the judge responsible for the execution of sentences when the applicant was in prison. In its judgment (11 January 2000) the Court took formal note of the friendly settlement reached between the applicant and the government and struck the case out of its list.

In this resolution, the Committee of Ministers noted that the Government of Italy had paid the applicant the sum provided for in the friendly settlement; and the Italian authorities indicated that, in order to prevent in the future the occurrence of situations similar to those denounced by the applicant under Article 8 of the Convention and relating to the monitoring of his correspondence, on 23 July 1999, the Italian Government tabled before the Senate a bill (No. 4172) aiming at amending Law No. 354 of 26 July 1975, in particular regarding the monitoring of prisoners' correspondence. According to the Minister of Justice's report to the Senate, this bill should remedy the violations found by the Court in cases similar to the present case.

Sidiropoulos and Others v. Greece

Application No. 26695/95

Resolution DH (2000) 99, 24 July 2000

The applicants complained that that the refusal by national courts to register their association had infringed their right to freedom of association. In its judgment (10 July 1998) the Court had held that there had been a violation of Article 11.

In this resolution, the Committee of Ministers noted that the Government of Greece had paid the applicant the sum provided for in the judgment and had taken the following measures:

Appendix to Resolution DH (2000) 99
Information provided by the Government of Greece during the examination of the Sidiropoulos and others case by the Committee of Ministers

Since the judgment of the European Court of Human Rights in the Sidiropoulos and others case, on 10 July 1998, no similar violation of the Convention has been found, which confirms the exceptional nature of the case.

In order to draw the attention of the courts directly concerned, the President of the Supreme Court (Arios Pagos) sent on 30 October 1998 a circular to the judicial authorities in the Department of Florina enclosing a Greek translation of the judgment of the European Court in this case.

Furthermore, the judgment of the Court was published in extenso in the *Syntagma* legal review No. 2 of 1999, and a comment on the judgment can be found in the *Diki* legal journal (November 1999). Finally, this judgment was also referred to in the book *European Convention on Human Rights*, 1999, p. 46. This book has been distributed, freely, to all first instance judges, courts of appeal and the Court of cassation.

The Government of Greece is of the opinion that, considering the direct effect today given to judgments of the European Court in Greek law (see notably the case of Papageorgiou against Greece, Resolution DH (99) 714), the Greek courts will not fail to prevent the kind of judicial error that was at the origin of the violation found in this case. Accordingly, the Government of Greece is of the opinion that it has complied with its obligations under Article 53 of the Convention.

J.K. v. Slovakia

Application No. 29021/95

Resolution DH (2000) 129, 2 October 2000

The applicant complained of the lack of judicial remedies against a fine imposed by the administrative

authorities. In its judgment (21 March 2000) the Court took formal note of the friendly settlement reached between the applicant and the government and struck the case out of its list.
In this resolution the Committee of Ministers noted that the Government of Slovakia had paid the applicant the sum provided for in the friendly settlement; and that measures had been adopted in implementation of the Court's judgments in two previous similar in order to prevent new violations of Article 6 due to the lack of judicial remedies against certain administrative decisions, and that these measures had made possible a judicial review of the administrative decisions concerning minor offences, without any exception, whatever the amount of the fine imposed.

Hertel v. Switzerland

Application No. 25181/94

Resolution DH (2000) 121, 2 October 2000
The applicant complained of the fact that he had been prohibited from publishing his research results about the hazardous effects of microwave ovens on human health. In its judgment (25 August 1998) the Court held that there had been a violation of Article 10.
In this resolution, the Committee of Ministers noted that the Government of Switzerland had paid the applicant the sum provided for in the judgment and had taken the measures referred to in the appendix. It noted also that the applicant had brought a further application concerning the restrictions still applicable after the retrial judgment and that the Court remains competent to assess the compatibility with the Convention of such restrictions.

Appendix to Resolution DH (2000) 122
Information provided by the Government of the Swiss Confederation during the examination of the Hertel case by the Committee of Ministers
The Hertel judgment of 25 August 1998 was brought to the attention of the Federal Court and excerpts were published notably in the *Journal des tribunaux – Droit européen* (No. 52, October 1998, pages 188-190).
In order to erase the consequences of the violation found by the European Court of Human Rights, the applicant filed an application for retrial before the Swiss Federal Court in conformity with Article 139.*a*.1 of the Swiss Federal law on judicial organisation, providing for review of judicial proceedings in order to give effect to judgments from the Strasbourg Court. In its judgment of 2 March 1999, the Federal Court took note of the violation of the applicant's freedom of expression found by the European Court of Human Rights and, accordingly, modified the challenged decision by clarifying its content and softening the scope of the restrictions imposed on Mr Hertel.
As a result, it has now been clarified that the restrictions to the applicant's freedom to express himself on the harmful effects of microwave ovens only apply in case the applicant would address a large public, stating that the harmful effects of microwave ovens on human health are a scientifically proven fact without referring to the controversial nature of the issue. The Government of the Swiss Confederation considers that the Federal Court judgment has remedied the violation of Article 10, as regards the applicant's situation.
The Government also considers that these measures will prevent in the future the risk of new violations similar to the one found in this case and that Switzerland has thus fulfilled its obligations under Article 53 in this case.

Gaskin v. the United Kingdom

Application No. 10454/83

Resolution DH (2000) 106, 24 July 2000
The case concerned the applicant's complaint regarding continuing lack of access to his case-file held by a local social authority relating to his period in care by the Liverpool City Council following the death of his mother. In its judgment (7 July 1989) the Court had held that there had been a violation of Article 8.
In this resolution, the Committee of Ministers noted that the Government of the United Kingdom had paid the applicant the sum provided for in the judgment and had taken the following measures:

Appendix to Resolution DH (2000) 106
Information provided by the Government of the United Kingdom during the examination of the Gaskin case by the Committee of Ministers
While the present case was pending before the organs of the European Convention on Human Rights two new enactments improved the right of access to records held by the social services: the Access to Personal Files Act 1987 and the Access to Personal Files (Social Services) Regulations 1989 (see e.g. the judgment of the European Court of Human Rights in the Gaskin case, paragraph 29). The new provisions reinforced the right of access to records held by the social authorities in particular, and ensured better administrative review of refusals to give out information. They did not, however, have any retroactive effect and did not, as required under the Court's judgment, provide for a fully independent review of a refusal to disclose information. The legislative work required to ensure full compliance with the Gaskin judgment became more complex than expected, in particular because of the new political ambition to enact legislation providing for a general right of access by the public to documents held by the authorities and because of the issue of the European Communities' Directive 95/46/EC in October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data. In the meantime, in order to avoid any unclarities in the application of the existing regulations, the Minister of Social Affairs sent out a set of guidance notes in 1996.
The Data Protection Bill, which addressed the question of access to information directly relating to the person seeking access, was sent to Parliament in January 1998. The ensuing Data Protection Act was adopted on 16 July 1998.
The new Act applies to data, including both computerised data and manual records, containing information relating to the person seeking access and also binds the Crown (Section 63). It has entered into force in different steps and the whole Act eventually came in force on 1 March 2000. The Act notably attaches conditions to data processing, including obtaining and recording data, regulates individuals' rights to be informed about processing and to obtain copies of data and provides for administrative and judicial remedies.

Of particular relevance for the Gaskin case is Section 7 of the Act, which defines the right of access to personal data, and Section 68, which indicates that accessible records include health records, educational records and other public records which are clarified in Schedule 12, paragraphs 1, 2 and 3.

Section 7, subsection (4) provides the general principle that consent to disclosure shall be given unless any other individual can be identified from the information disclosed, in which case the other person must give his or her consent, or otherwise where it is reasonable, in the light of all the circumstances, to give out the information without the consent of the other individual. The right of access is, however, also subject to a number of other limitations found notably in part IV of the Act. Disclosure may thus, for example, be refused in the interest of national security (Section 28), if it would prejudice the prevention or detection of crime, the apprehension or prosecution of offenders or the assessment or collection of any tax or duty or of any imposition of a similar nature (Section 29), if it would prejudice the proper discharge of certain functions such as protecting members of the public against financial losses due to dishonesty, malpractice or other seriously improper conduct or for securing the health, safety and welfare of persons at work (Section 31). The Secretary of State may provide for further limitations notably as regards information as to the physical and mental health or condition of the person seeking access (Section 30).

Section 7 (9) specifies that a court will have the power to order a data controller to comply with a request for access if it is satisfied that the latter failed to comply with the request in contravention of the relevant provisions of the Act. Under part V, the person concerned may also turn to the Data Protection Commissioner (an official appointed by Her Majesty), who may issue an enforcement notice ordering access to the data controller concerned (Section 40).

Schedule 8 contains certain transitional provisions. Whereas it is clear that new data, created after 24 October 1998, will be covered in full by the Act, old manual records will in principle be exempt from its application until 24 October 2001. There is, however, an exception notably for "Gaskin-type" manual records, i.e. records held by social services authorities: in paragraph 3 of the Schedule, and, as from 1 March 2000, individuals may seek access to such records and may have any refusal of access reviewed by a court.

The Government is of the opinion that the risk of new violations of the Convention similar to that found in the Gaskin case was clearly reduced as a result of the interim measures already taken when the case was pending before the Convention organs. The risk has disappeared altogether with the adoption of the new Data Protection Act 1998 which goes considerably further than was required under the Gaskin judgment, as it provides for a general principle of public access to personal data (including documents and manual records), whether held by private enterprises/persons or authorities), and ensures that there exists efficient review, including review by a court, of any refusal to give out such personal data. The new legislation furthermore applies retroactively so as to enable access also to personal data compiled before the entry into force of the new Act.

The Government considers that, in view of the measures taken, and the particular circumstances surrounding the enactment of the new legislation, it has conformed with the requirements of Article 53 of the Convention.

McLeod v. the United Kingdom

Application No. 24755/94

Resolution DH (2000) 123, 2 October 2000

The applicant complained that the entry of the police into her house to prevent a breach of the peace and the subsequent failure of the courts to grant her legal protection amounted to a violation of her rights to respect for her home and private life and to the peaceful enjoyment of her possessions. In its judgment (23 September 1998) the Court held that there had been a violation of Article 8.

In this resolution, the Committee of Ministers noted that the Government of the United Kingdom had paid the applicant the sum provided for in the judgment and had taken the following measures:

Appendix to Resolution DH (2000) 123
Information provided by the Government of the United Kingdom during the examination of the McLeod case by the Committee of Ministers

On 8 June 1999, the Operational Policing Policy Unit at the Home Office addressed a letter to the Public Order Committee of the Association of Chief Police Officers containing some guidelines. In this letter, apart from referring to the particular facts of the McLeod case and the finding of the violation by the European Court of Human Rights, attention was drawn to the fact that "before the police enter private premises to prevent a breach of the peace, they need to have reason to believe that disorder might occur".

Furthermore, a copy of the above-mentioned letter, including a copy of the judgment as to the law, has also been sent to the Director National of Police Training and to the Principal of Education, Training Support at Harrogate.

The Government of the United Kingdom is of the opinion that this will prevent the repetition of the kind of violation found in the present case and consider, accordingly, that it has fulfilled its obligations under former Article 54 of the Convention.

Perks and Others v. the United Kingdom

Application Nos. 25277/94, 25279/94, 25280/94, 25281/94, 25285/94, 28048/95, 28192/95 and 28456/95

Resolution DH (2000) 93, 24 July 2000

The applicants complained that their detention, as a result of non-payment of poll tax, was unlawful insofar as the magistrates' courts exceeded the limit of their jurisdiction; that they could not claim any compensation for unlawful detention; and that they were not legally represented and had no right to legal aid in the proceedings before the magistrates' court. In its judgment (12 October 1999) the Court had held that there that there had been a violation of Article 6, paragraphs 1 and 3.*c*.

In this resolution, the Committee of Ministers noted that the Government of the United Kingdom had paid the applicants the sums provided for in the judgment; had taken measures to avoid new violations of the same kind as the one found in this case, notably through the amendment by the Lord Chancellor of the Legal Advice and Assistance (Scope) Regulations 1989 by the Legal Advice and Assistance (Scope) (Amendment) Regulations 1997 (see Resolution DH (97) 506 in the Benham case); and that the Court's

judgment had been sent out to the authorities directly concerned.

D. Interim resolutions following up a judgment of the Court

Case		Resolution	Article(s)
Loizidou	*v. Turkey*	*I (2000) 105*	*1 Prot. 1*

Loizidou v. Turkey

Application No. 15318/89

Interim Resolution DH (2000) 105, 24 July 2000

The Committee of Ministers, acting under the terms of Article 54 of the Convention for the Protection of Human Rights and Fundamental Freedoms (hereinafter referred to as "the Convention"),

Deeply deploring the fact that, to date, Turkey has still not complied with its obligations under the judgment delivered by the European Court of Human Rights on 28 July 1998 in the case of Loizidou against Turkey;

Recalling its Interim Resolution DH (99) 680 of 6 October 1999, in which, *inter alia*, the Committee of Ministers strongly urged Turkey to pay the just satisfaction awarded in this case so as to ensure that Turkey, as a High Contracting Party, meets its obligations under the Convention;

Recalling that, subsequently, the Chairman of the Committee of Ministers wrote to his Turkish counterpart recalling that, as for all Contracting Parties, Turkey's obligation to abide by judgments of the Court is unconditional;

Stressing that Turkey has had ample time to fulfil in good faith in the present case its obligations,

Emphasises that the failure on the part of a High Contracting Party to comply with a judgment of the Court is unprecedented;

Declares that the refusal of Turkey to execute the judgment of the Court demonstrates a manifest disregard for its international obligations, both as a High Contracting Party to the Convention and as a member State of the Council of Europe;

In view of the gravity of the matter, strongly insists that Turkey comply fully and without any further delay with the European Court of Human Rights' judgment of 28 July 1998.

E. Resolutions of a general nature

Interim Resolution DH (2000) 135, 25 October 2000

Excessive length of judicial proceedings in Italy. General measures

The Committee of Ministers, under the terms of Article 46 para. 2 (former Article 54) and of former Article 32 of the Convention for the Protection of Human Rights and Fundamental Freedoms (hereinafter referred to as "the Convention"),

Recalling that all the High Contracting Parties to the Convention have undertaken to abide by the Court's judgments and the Committee of Ministers' decisions and are thus required to take the necessary steps to conform herewith, notably by adopting general measures preventing new violations of the Convention similar to those already found;

Recalling that excessive delays in the administration of justice constitute an important danger, in particular for the respect of the rule of law;

Having regard to the great number of decisions by the Committee of Ministers and to the incessant flow of judgments of the European Court of Human Rights ("the Court") finding Italy in violation of Article 6 of the Convention on account of the excessive length of judicial proceedings before the civil, criminal and administrative courts;

Recalling that the question of Italy's adoption of general measures to prevent new violations of the Convention of this kind has been before the Committee of Ministers since the Court judgments, in the 1990s, highlighted the existence of serious structural problems in the functioning of the Italian judicial system;

Recalling the information provided by the Government of Italy on the general measures already adopted to accelerate judicial proceedings (see Resolutions DH (92) 26, DH (95) 82, DH (97) 336 and Interim Resolutions DH (99) 436 and DH (99) 437);

Recalling that in the two last Interim Resolutions the Committee decided to resume, in one year at the latest, the examination of the question as to whether the measures announced by the Italian Government would effectively prevent new violations of the Convention;

Having resumed this examination, and noting with satisfaction that recently the highest Italian authorities have manifested, both at the national level and before the organs of the Council of Europe, their solemn commitment to finding eventually an effective solution to the present situation and the progress made in the implementation of the major reform of the Italian judicial system, undertaken in order notably to find long-term remedies, to ensure special expediency in the treatment of the oldest and most deserving cases and to alleviate the burden of the Court;

Noting that the reforms include the following three different lines of action, namely:

– the deep structural modernisation of the judicial system for better long-term efficiency (notably through the introduction of Article 6 of the Convention into the Italian Constitution, the streamlining of the jurisdictions of the civil and administrative courts, the increased reliance on the single judge, the creation of the office of justices of the peace and also the subsequent extension of their competence to minor crimi-

nal offences, new simplified dispute settlements mechanisms, the modernisation of a number of procedural rules);

– special actions dealing with the oldest cases pending before the national civil courts or aiming at improvements which, while being of a structural nature, may already produce positive effects in the near future (in particular the creation of the sezioni stralcio, provisional court chambers composed of honorary judges, entrusted with the solution of civil cases pending since May 1995, an important increase of the number of judges and administrative personnel and two important resolutions by the Consiglio superiore della Magistratura, (the Supreme Council of the Magistrature) laying down a number of monitoring mechanisms and issuing special guidelines for judges in order to prevent further unreasonably long proceedings and to speed up those which have already been incriminated by the European Court of Human Rights);

– the reduction of the flow of applications to the Court and the speeding up of compensation procedures by means of the creation of a domestic remedy in cases of excessive length of procedures (the Private Member's Bill was approved on 28 September 2000 by the Senate, and is expected to be adopted in the near future);

Acknowledging that the measures of the first group, aiming at a structural reform of the whole Italian judicial system, cannot be expected to produce major effects before a reasonable time has elapsed, although it is already possible to see the first signs of a positive trend in the statistics recently provided to the Committee of Ministers by the Italian authorities;

Noting that some other measures, and in particular the creation of the *sezioni stralcio*, which were intended to ensure a special and accelerated procedure for the oldest civil cases, have not been thoroughly implemented, although recently the number of honorary judges recruited has reached 75% of the total originally planned;

Noting with interest the innovative character of the measures of the third group which, furthermore, constitute an acknowledgement at the national level, both symbolic and concrete, of the national authorities' full and direct responsibility for the violations of the Convention on account of the excessive delays in the administration of justice, but emphasising, nevertheless, that the creation of the new domestic remedy does not in any way obviate the obligation to pursue with diligence the adoption of the general measures required to prevent new violations;

Concluding accordingly that Italy, while making undeniable efforts to solve the problem and having adopted measures of various kinds which allow the concrete hope of an improvement within a reasonable time, has not, so far, thoroughly complied with its obligations to abide by the Court's judgments and the Committee of Ministers' decisions finding violations of Article 6 of the Convention on account of the excessive length of judicial proceedings,

• calls upon the Italian authorities, in view of the gravity and persistence of the problem:

– to maintain the high priority now given to the reform of the Italian judicial system and to continue to make rapid and visible progress in the implementation of the reforms,

– to continue their examination of further measures that could help effectively to prevent new violations of the Convention on account of the excessive length of judicial proceedings,

– to inform the Committee of Ministers with the greatest diligence of all steps undertaken to this effect;

• decides to continue the attentive examination of this problem until the reforms of the Italian judicial system become thoroughly effective and a reversal of the trend at domestic level is fully confirmed;

• decides, meanwhile, to resume its consideration of the progress made, at least at yearly intervals, on the basis of a comprehensive report to be presented each year by the Italian authorities.

B. European Social Charter

1. State of signatures and ratifications of the Charter and its protocols at 31 October 2000

Member states	European Social Charter		Additional Protocol		Protocol amending the European Social Charter		"Collective Complaints" Protocol		European Social Charter (Revised)	
	Signed	*Ratified*	*Signed*	*Ratified*	*Signed*	*Ratified*	*Signed*	*Ratified*	*Signed*	*Ratified*
Albania	—	—	—	—	—	—	—	—	21/09/98	—
Andorra	—	—	—	—	—	—	—	—	—	—
Austria	22/07/63	29/10/69	04/12/90	—	07/05/92	13/07/95	07/05/99	—	07/05/99	—
Belgium	18/10/61	16/10/90	20/05/92	—	22/10/91	**21/09/00**	14/05/96	—	03/05/96	—
Bulgaria	—	—	—	—	—	—	—	(1)	21/09/98	07/06/00
Croatia	08/03/99	—	08/03/99	—	08/03/99	—	08/03/99	—	—	—
Cyprus	22/05/67	07/03/68	05/05/88	—	21/10/91	01/06/93	09/11/95	06/08/96	03/05/96	**27/09/00**
Czech Republic*	27/05/92	03/11/99	27/05/92	17/11/99	27/05/92	17/11/99	—	—	—	—
Denmark	18/10/61	03/03/65	27/08/96	27/08/96	—	**	09/11/95	—	03/05/96	—
Estonia	—	—	—	—	—	—	—	—	04/05/98	**11/09/00**
Finland	09/02/90	29/04/91	09/02/90	29/04/91	16/03/92	18/08/94	09/11/95	17/07/98	03/05/96	—
France	18/10/61	09/03/73	22/06/89		21/10/91	24/05/95	09/11/95	07/05/99	03/05/96	07/05/99
Georgia	—	—	—	—	—	—	—	—	30/06/00	—
Germany	18/10/61	27/01/65	05/05/88	—	—	**	—	—	—	—
Greece	18/10/61	06/06/84	05/05/88	18/06/98	29/11/91	12/09/96	18/06/98	18/06/98	03/05/96	—
Hungary	13/12/91	08/07/99	—	—	13/12/91	—	—	—	—	—
Iceland	15/01/76	15/01/76	05/05/88	—	—	**	—	—	04/11/98	—
Ireland	18/10/61	07/10/64	—	—	14/05/97	14/05/97	—	—	—	—
Italy	18/10/61	22/10/65	05/05/88	26/05/94	21/10/91	27/01/95	09/11/95	03/11/97	03/05/96	05/07/99
Latvia	29/05/97	—	29/05/97	—	29/05/97	—	—	—	—	—
Liechtenstein	09/10/91	—	—	—	—	—	—	—	—	—
Lithuania	—	—	—	—	—	—	—	—	08/09/97	—
Luxembourg	18/10/61	10/10/91	05/05/88	—	21/10/91	**	—	—	11/02/98	—
Malta	26/05/88	04/10/88	—	—	21/10/91	16/02/94	—	—	—	—
Moldova	—	—	—	—	—	—	—	—	03/11/98	—
Netherlands	18/10/61	22/04/80	14/06/90	05/08/92	21/10/91	01/06/93	—	—	—	—
Norway	18/10/61	26/10/62	10/12/93	10/12/93	21/10/91	21/10/91	20/03/97	20/03/97	—	—
Poland	26/11/91	25/06/97	—	—	18/04/97	25/06/97	—	—	—	—
Portugal	01/06/82	30/09/91			24/02/92	08/03/93	09/11/95	20/03/98	03/05/96	—
Romania	04/10/94	—	—	—	—	—	—	—	14/05/97	07/05/99
Russia	—	—	—	—	—	—	—	—	**14/09/00**	—
San Marino	—	—	—	—	—	—	—	—	—	—
Slovakia*	27/05/92	22/06/98	27/05/92	22/06/98	27/05/92	22/06/98	18/11/99	—	18/11/99	—
Slovenia	11/10/97	—	11/10/97	—	11/10/97	—	11/10/97	(1)	11/10/97	07/05/99
Spain	27/04/78	06/05/80	05/05/88	24/01/00	21/10/91	24/01/00	—	—	**23/10/00**	—
Sweden	18/10/61	17/12/62	05/05/88	05/05/89	21/10/91	18/03/92	09/11/95	29/05/98	03/05/96	29/05/98
Switzerland	06/05/76	—	—	—	—	—	—	—	—	—
"The former Yugoslav Republic of Macedonia"	05/05/98	—	05/05/98	—	05/05/98	—	—	—	—	—
Turkey	18/10/61	24/11/89	05/05/98	—	—	**	—	—	—	—
Ukraine	02/05/96	—	—	—	—	—	—	—	07/05/99	—
United Kingdom	18/10/61	11/07/62	—	—	21/10/91	**	—	—	07/11/97	—

* = Date of signature by the Czech and Slovak Federal Republic.

** = State whose ratification is necessary for the entry into force of the protocol.

(1) = Party to the European Social Charter (revised) (ETS 163) which has accepted the procedure provided for in this Protocol (ETS 163, Article D).

2. Reservations and declarations

European Social Charter

Cyprus

Denunciation contained in a Note Verbale from the Ministry of Foreign Affairs of the Republic of Cyprus, handed to the Secretary General at the time of deposit of the instrument of ratification of the revised Charter, on 27 September 2000 – Or. Engl.

In accordance with Article 37 of the Charter, the Republic of Cyprus gives notice of its intention to denounce Article 2, paragraph 3, and Article 7, paragraph 7, of the European Social Charter.

The denunciation is made for purely technical reasons so that the ratification of the Revised Charter will be possible. The denunciation will in no way constitute a regression in the protection afforded to workers as the existing legislation safeguards the right of all employees to three weeks annual holiday with pay. The European Committee of Social Rights has in its conclusions confirmed the compliance of the situation in Cyprus with the aforesaid provisions of the Charter.

European Social Charter (revised)

Cyprus

Declaration contained in a Note Verbale from the Permanent Representation of Cyprus, handed to the Secretary General at the time of deposit of the instrument of ratification, on 27 September 2000 – Or. Engl.

In accordance with Part III, Article A, of the revised European Social Charter, the Republic of Cyprus considers itself bound by Articles 1, 5, 6, 9, 10, 11, 12, 14, 15, 19, 20, 24 and 28 as well as by the following paragraphs: paragraphs 1, 2, 5 and 7 of Article 2, paragraphs 1, 2 and 3 of Article 3, paragraphs 1, 2, 3, 4, 6, 8 and 10 of Article 7, paragraphs 1, 2 and 3 of Article 8, paragraphs 2 and 3 of Article 13, paragraph 4 of Article 18, and paragraph 3 of Article 27.

Estonia

Declaration contained in a Note Verbale from the Ministry of Foreign Affairs of Estonia, handed at the time of deposit of the instrument of ratification on 11 September 2000 – Or. Fr.

In accordance with Part III, Article A, paragraph 2, of the Charter, the Republic of Estonia notifies that it considers itself bound by the following articles of Part II of the Charter: Article 1 (paragraphs 1-4, in full), Article 2 (paragraphs 1-3, 5-7), Article 3 (paragraphs 1-3), Article 4 (paragraphs 2, 3, 4, 5), Article 5 (in full), Article 6 (paragraphs 1-4, in full), Article 7 (paragraphs 1-4, 7-10), Article 8 (paragraphs 1-5, in full), Article 9 (in full), Article 10 (paragraphs 1, 3, 4), Article 11 (paragraphs 1-3, in full), Article 12 (paragraphs 1-4, in full), Article 13 (paragraphs 1-3), Article 14 (paragraphs 1, 2, in full), Article 15 (paragraphs 1-3, in full), Article 16 (in full), Article 17 (paragraphs 1, 2, in full), Article 19 (paragraphs 1-12, in full), Article 20 (in full), Article 21 (in full), Article 22 (in full), Article 24 (in full), Article 25 (in full), Article 27 (1-3, in full), Article 28 (in full), Article 29 (in full).

3. Activities of the supervisory bodies of the Charter

European Committee of Social Rights

Supervision based on the reporting system

At its 171st session (11-15 September 2000) and its 172nd session (9-13 October 2000), the European Committee of Social Rights (ECSR) adopted and made public an Addendum to Conclusions XV-1 containing the conclusions on Ireland, the Netherlands, the Netherlands Antilles, Poland and Luxembourg. The Committee also continued the examination of national reports on the application of the Charter during cycle XV-2 (from 1995 to 1998)

Collective complaints procedure

On 9 October 2000, a joint public hearing was held concerning the three collective complaints from the European Federation of Employees in Public Services (EUROFEDOP) vs France, Italy and Portugal (respectively Nos. 2, 4 and 5/2000) which relate to Articles 5 and 6 of the Charter and the Revised Charter, i.e. the right to organise and the right to bargain collectively. The European Committee of Social Rights will submit its decisions on the merits in three reports to be addressed to the Committee of Ministers.

The ESCR adopted its decision on the merits of complaint No 6/1999 vs France which relates to Article 1, para. 2 (prohibition of all forms of discrimination in employment), Article 10 (the right to vocational training) and Article E (non-discrimination) of the Revised Charter, and transmitted it in a report to the Committee of Ministers.

Governmental Committee of the European Social Charter

At its 95th and 96th meetings (26-29 September and 23-27 October 2000), the Governmental Committee examined national situations for supervision cycle XV-1 and adopted the Form for the submission of reports on the application of the Revised Social Charter. This form is to be adopted by the Committee of Ministers by the end of the year.

It also took note of the 7th report adopted by the European Committee of Social Rights on certain provisions of the Charter which have not been accepted.

The Belgian delegate attended a Seminar organised by the European Trade Union Confederation on

"Social rights and rights to organise today in a Europe to be enlarged: a challenge for the ETUC and for the trade unions of the future member states", in Bratislava (11-12 October 2000).

The Luxembourg delegate attended the meeting of the Committee of Experts on Promoting Access to Employment (CS-EM) on 19 and 20 October 2000 in Strasbourg, and reported on this meeting at the 96th meeting of the Governmental Committee.

The "2000 Information Forum on National Policies in the field of Equality between Women and Men" took place in Bratislava from 19 to 21 October 2000. It was attended by the Slovakian delegate who presented a detailed report to the Governmental Committee.

C. European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment

1. State of signatures and ratifications of the Convention and its protocols at 31 October 2000

Member states	Convention		Protocol No. 1		Protocol No. 2	
	Signed	*Ratified*	*Signed*	*Ratified*	*Signed*	*Ratified*
Albania	02/10/96	02/10/96	02/10/96	02/10/96	02/10/96	02/10/96
Andorra	10/09/96	06/01/97	04/11/99	**13/07/00**	04/11/99	**13/07/00**
Austria	26/11/87	06/01/89	04/11/93	30/04/96	04/11/93	30/04/96
Belgium	26/11/87	23/07/91	04/11/93	12/09/96	04/11/93	12/09/96
Bulgaria	30/09/93	03/05/94	04/03/97	27/10/97	04/03/97	27/10/97
Croatia	06/11/96	11/10/97	10/05/00	**	10/05/00	**
Cyprus	26/11/87	03/04/89	02/02/94	10/09/97	02/02/94	10/09/97
Czech Republic*	23/12/92	07/09/95	28/04/95	07/09/95	28/04/95	07/09/95
Denmark	26/11/87	02/05/89	04/11/93	26/04/94	04/11/93	26/04/94
Estonia	28/06/96	06/11/96	28/06/96	06/11/96	28/06/96	06/11/96
Finland	16/11/89	20/12/90	04/11/93	04/11/93	04/11/93	04/11/93
France	26/11/87	09/01/89	04/11/93	19/08/98	04/11/93	14/08/96
Georgia	16/02/00	20/06/00	16/02/00	20/06/00	16/02/00	20/06/00
Germany	26/11/87	21/02/90	04/11/93	13/12/96	04/11/93	13/12/96
Greece	26/11/87	02/08/91	04/11/93	29/06/94	04/11/93	29/06/94
Hungary	09/02/93	04/11/93	04/11/93	04/11/93	04/11/93	04/11/93
Iceland	26/11/87	19/06/90	08/09/94	29/06/95	08/09/94	29/06/95
Ireland	14/03/88	14/03/88	10/04/96	10/04/96	10/04/96	10/04/96
Italy	26/11/87	29/12/88	30/10/96	08/03/99	30/10/96	08/03/99
Latvia	11/09/97	10/02/98	11/09/97	10/02/98	11/09/97	10/02/98
Liechtenstein	26/11/87	12/09/91	04/11/93	05/05/95	04/11/93	05/05/95
Lithuania	14/09/95	26/11/98	14/09/95	26/11/98	14/09/95	26/11/98
Luxembourg	26/11/87	06/09/88	04/11/93	20/07/95	04/11/93	20/07/95
Malta	26/11/87	07/03/88	04/11/93	04/11/93	04/11/93	04/11/93
Moldova	02/05/96	02/10/97	02/10/97	02/10/97	02/10/97	02/10/97
Netherlands	26/11/87	12/10/88	05/05/94	23/02/95	05/05/94	23/02/95
Norway	26/11/87	21/04/89	04/11/93	04/11/93	04/11/93	04/11/93
Poland	11/07/94	10/10/94	11/01/95	24/03/95	11/01/95	24/03/95
Portugal	26/11/87	29/03/90	03/06/94	20/03/98	03/06/94	03/02/00
Romania	04/11/93	04/10/94	04/11/93	04/10/94	04/11/93	04/10/94
Russia	28/02/96	05/05/98	28/02/96	05/05/98	28/02/96	05/05/98
San Marino	16/11/89	31/01/90	04/11/93	05/12/96	04/11/93	05/12/96
Slovakia*	23/12/92	11/05/94	07/03/94	11/05/94	07/03/94	11/05/94
Slovenia	04/11/93	02/02/94	31/03/94	16/02/95	31/03/94	16/02/95
Spain	26/11/87	02/05/89	21/02/95	08/06/95	21/02/95	08/06/95
Sweden	26/11/87	21/06/88	07/03/94	07/03/94	07/03/94	07/03/94
Switzerland	26/11/87	07/10/88	09/03/94	09/03/94	09/03/94	09/03/94
"The former Yugoslav Republic of Macedonia"	14/06/96	06/06/97	14/06/96	06/06/97	14/06/96	06/06/97
Turkey	11/01/88	26/02/88	10/05/95	17/09/97	10/05/95	17/09/97
Ukraine	02/05/96	05/05/97	26/01/98	**	26/01/98	**
United Kingdom	26/11/87	24/06/88	09/12/93	11/04/96	09/12/93	11/04/96

* = Date of signature of the convention by the Czech and Slovak Federal Republic.

** = State whose ratification is necessary for the entry into force of the protocol.

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

The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) was set up under the 1987 European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. It is composed of persons from a variety of backgrounds: lawyers, medical doctors, prison experts, persons with parliamentary experience, etc. The CPT's task is to examine the treatment of persons deprived of their liberty. For this purpose, it is entitled to visit any place where such persons are held by a public authority; apart from periodic visits, the Committee also organises visits which appear to it to be required in the circumstances (i.e. *ad hoc* visits). The CPT may formulate recommendations to strengthen, if necessary, the protection of persons deprived of their liberty against torture and inhuman or degrading treatment or punishment.

Scope of intervention of the CPT

Situation at 15 August 2000

Note: This is an unofficial representation of States in Europe. For technical reasons it has not been possible to show the entire territory of certain States.

Between 1 July and 31 October 2000 the CPT carried out visits to the following places and published the following reports:

Visits

Turkey
(16-24 July 2000)

One of the main purposes of the visit was to examine the steps being taken by the Turkish authorities to introduce smaller living units for prisoners and, more specifically, the F-type prison project. The CPT's delegation also reviewed the treatment of persons deprived of their liberty by the police.

The delegation carried out visits to the following places of detention: (Bursa E type Prison, Kartal Special Type Prison, Sincan F type Prison (this establishment has not yet entered into service), as well as Police establishments in Ankara and Istanbul).

The delegation also went to the following establishments, in order to interview prisoners: Ankara Central Closed Prison; Bursa Special Type Prison; Istanbul Prison and Detention House (Bayrampasa); Uskudar Pasakapisi Prison (Istanbul); Uskudar Umraniye E type Prison (Istanbul).

The delegation met the Minister of Justice, and the President of the Human Rights Inquiry Commission of the Turkish Grand National Assembly, as well as senior officials from the Foreign Affairs, Interior and Justice Ministries. In particular, it had extensive talks with the Director General of the Prisons Directorate, and other Justice Ministry officials, about the F type prisons. It also met senior public prosecutors, concerning the police.

It also held discussions with representatives of non governmental organisations: the Human Rights Association, the Human Rights Foundation of Turkey, the Turkish Medical Association, and the Forensic Medicine Practitioners Association.

Ukraine
(10-26 September 2000)

A CPT delegation carried out a 16-day visit to Ukraine. The visit began in Kyiv on 10 September 2000. It was the Committee's third visit to Ukraine, the previous visits having taken place in 1998 and in 1999.

The CPT's delegation followed up a number of issues examined during the previous two visits concerning, in particular, the treatment of persons deprived of their liberty by the law enforcement agencies and of persons held in prison establishments. Issues tackled for the first time in Ukraine included deprivation of liberty in establishments under the authority of the Ministry of Defence.

The delegation visited thirteen police establishments, five prisons, two psychiatric establishments and two military detention facilities. It held several discussions with political officials.

Siberia
(25 September-9 October 2000)

A CPT delegation carried out a two-week visit to the Russian Federation. The visit began on 25 September 2000 and was organised within the framework of the CPT's programme of periodic visits for 2000. It was the Committee's fifth visit to the Russian Federation.

The delegation focused its attention on Siberia, where it visited places of detention in the Irkutsk and Novosibirsk Regions and the Krasnoyarsk Territory.

Places visited included military detention facilities and a penal colony for women.

This was the first time that a CPT delegation had examined the treatment of persons held in such places in the Russian Federation. The delegation also reviewed conditions of detention in the largest pre-trial establishment in Moscow, first visited by the CPT in 1998.

Slovak Republic
(9-19 October 2000)

A delegation of the CPT carried out a ten-day visit to the Slovak Republic. The visit began in Bratislava on 9 October 2000. It was the Committee's second visit to Slovakia; the previous visit took place in 1995.

The delegation visited eight police establishments, two prisons and two social services establishments.

The delegation was received by the Minister for the Interior, the Minister for Justice, the Minister for Labour, Social Affairs and the Family, and the Minister for Health.

Publication of CPT reports

Under Article 11 of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, the information gathered by the Committee in relation to a visit, its report and its consultations with the State concerned are confidential. However, the State may agree to lift the rule of confidentiality.

The **Andorran** Government decided to make public the reports the CPT visit to Andorra in May 1998 and of its responses. (CPT/Inf (2000) 11 and CPT/Inf (2000) 12 [FR]).

The **Finnish** Government decided to make public its follow-up report in response to the report drawn up by the CPT after its visit to Finland in June 1998. (CPT/Inf (2000) 17 [EN]).

The **Norwegian Government** has requested the publication of the report of the CPT on its visit to Norway in September 1999 and of its response. (CPT/Inf (2000) 15 [EN] and CPT/Inf (2000) 16).

CPT documents are available from the European Committee for the Prevention of Torture and Inhuman and Degrading Treatment or Punishment, Council of Europe, F-67075 Strasbourg Cedex or on the CPT's Internet site: http://www.cpt.coe.int, cptdoc@coe.int.

Co-operation with the International Criminal Tribunal for the Former Yugoslavia (ICTY)

In the course of 1999, the ICTY asked whether the CPT would consider accepting the task of monitoring, in certain States, the treatment of persons serving sentences imposed by the Tribunal. A way of collaborating is being examined.

3. Members of the CPT at 31 October 2000 by order of precedence

Mrs Silvia Casale	*British* President
Mrs Ingrid Lycke Ellingsen	*Norwegian* 1st Vice-President
Mr Volodymyr Yevintov	*Ukrainian* 2nd Vice-President
Mr Arnold Oehry	*Liechtensteiner*
Mr Leopoldo Torres Boursault	*Spanish*
Mr Safa Reisoğlu	*Turkish*
Mr Ivan Zakine	*French*
Mrs Gisela Perren-Klingler	*Swiss*
Mr John Olden	*Irish*
Mr Florin Stănescu	*Romanian*
Mr Mario Benedettini	*San Marinese*
Mrs Jagoda Poloncová	*Slovakian*
Mrs Christina Doctare	*Swedish*
Mr Adam Łaptaš	*Polish*
Mr Zdenek Hájek	*Czech*
Mrs Emilia Drumeva	*Bulgarian*
Mr Pieter Reinhard Stoffelen	*Dutch*
Mr Ole Vedel Rasmussen	*Danish*
Mrs Renate Kicker	*Austrian*
Mr Pierre Schmit	*Luxemburger*
Mr Andres Lehtmets	*Estonian*
Mr Davor Strinović	*Croatian*
Mr Aurel Kistruga	*Moldovan*
Mr Rudolf Schmuck	*German*
Mr Aleš Butala	*Slovene*
Mr Yuri Kudryavtsev	*Russian*
Mrs Veronica Pimenoff	*Finnish*
Ms Maria Teresa Pizarro Beleza	*Portuguese*
Mr Fatmir Braka	*Albanian*
Mr Nikola Matovski	*citizen of "the Former Yugoslav Republic of Macedonia"*
Mr Petros Michaelides	*Cypriot*
Mr Marc Nève	*Belgian*
Mr Eugenijus Gefenas	*Lithuanian*
Mr Antoni Aleix Camp	*Andorran*
Mr Mario Felice	*Maltese*
M. Pétur Hauksson	*Icelandic*
Mrs Ioanna Babassika	*Greek*

D. Framework Convention for the Protection of National Minorities

I. State of signatures and ratifications of the convention at 31 October 2000

Member states	Framework Convention		First report	
	Signed	*Ratified*	*date due*	*date received*
Albania	29/06/95	28/09/99	01/01/00	
Andorra				
Austria	01/02/95	31/03/98	01/07/99	
Belgium				
Bulgaria	09/10/97	07/05/99	**01/09/00**	
Croatia	06/11/96	11/10/97	01/02/99	16/03/99
Cyprus	01/02/95	04/06/96	01/02/99	12/02/99
Czech Republic	28/04/95	18/12/97	01/04/99	01/04/99
Denmark	01/02/95	22/09/97	01/02/99	06/05/99
Estonia	02/02/95	06/01/97	01/02/99	22/12/99
Finland	01/02/95	03/10/97	01/02/99	16/02/99
France				
Georgia	21/01/00			
Germany	11/05/95	10/09/97	01/02/99	
Greece	22/09/97			
Hungary	01/02/95	25/09/95	01/02/99	21/05/99
Iceland	01/02/95			
Ireland	01/02/95	07/05/99	**01/09/00**	
Italy	01/02/95	03/11/97	01/03/99	03/05/99
Latvia	11/05/95			
Liechtenstein	01/02/95	18/11/97	01/03/99	03/03/99
Lithuania	01/02/95	23/03/00		
Luxembourg	20/07/95			
Malta	11/05/95	10/02/98	01/06/99	27/07/99
Moldova	13/07/95	20/11/96	01/02/99	
Netherlands	01/02/95			
Norway	01/02/95	17/03/99	**01/07/00**	
Poland	01/02/95			
Portugal	01/02/95			
Romania	01/02/95	11/05/95	01/02/99	24/06/99
Russia	28/02/96	21/08/98	01/12/99	08/03/00
San Marino	11/05/95	05/12/96	01/02/99	03/02/99
Slovakia	01/02/95	14/09/95	01/02/99	04/05/99
Slovenia	01/02/95	25/03/98	01/07/99	
Spain	01/02/95	01/09/95	01/02/99	
Sweden	01/02/95	09/02/00		
Switzerland	01/02/95	21/10/98	01/02/00	
"The former Yugoslav Republic of Macedonia"	25/07/96	10/04/97	01/02/99	
Turkey				
Ukraine	15/09/95	26/01/98	01/05/99	02/11/99
United Kingdom	01/02/95	15/01/98	01/05/99	26/07/99

Non-member state	Framework Convention		First report	
Armenia	25/07/97	20/07/98	01/11/99	
Azerbaijan	Accession	26/06/00		
Bosnia-Herzegovina	Accession	24/02/00	01/06/01	

The Framework Convention is open for signature by the member states and by any other state so invited by the Committee of Ministers.

2. State of work under the monitoring mechanism

The Advisory Committee held its 8th plenary meeting from 18 to 22 September 2000. At this meeting it was able to adopt its first opinions (22 September 2000) concerning the following States Parties: Finland, Denmark, Hungary and Slovakia. The Advisory Committee hopes to be in a position to adopt further opinions in the coming months. In that context it is noted that delegations from the Advisory Committee made the following visits: in Romania from 19 to 21 June, in the Czech Republic from 16 to 18 October and in Croatia from 23 to 26 October.

Now that the first opinions have been submitted to the Committee of Ministers, it will be the task of the latter to draw up its first conclusions and possible recommendations in respect of the States Parties concerned. As a rule, the opinions of the Advisory Committee will be made public together with the Committee of Ministers' conclusions and recommendations.

E. European Convention on Transfrontier Television

1. State of signatures and ratifications of the Convention at 31 October 2000

Member states	Convention	
	Signed	*Ratified*
Albania	02/07/99	
Andorra		
Austria	05/05/89	07/08/98
Belgium		
Bulgaria	20/05/97	03/03/99
Croatia	07/05/99	
Cyprus	03/06/91	10/10/91
Czech Republic	07/05/99	
Denmark		
Estonia	09/02/99	24/01/00
Finland	26/11/92	18/08/94
France	12/02/91	21/10/94
Georgia		
Germany	09/10/91	22/07/94
Greece	12/03/90	
Hungary	29/01/90	02/09/96
Iceland		
Ireland		
Italy	16/11/89	12/02/92
Latvia	28/11/97	26/06/98
Liechtenstein	05/05/89	12/07/99
Lithuania	20/02/96	**27/09/00**
Luxembourg	05/05/89	
Malta	26/11/91	21/01/93
Moldova	03/11/99	
Netherlands	05/05/89	
Norway	05/05/89	30/07/93
Poland	16/11/89	07/09/90
Portugal	16/11/89	
Romania	18/03/97	
Russia		
San Marino	05/05/89	31/01/90
Slovakia	11/09/96	20/01/97
Slovenia	18/07/96	29/07/99
Spain	05/05/89	19/02/98
Sweden	05/05/89	
Switzerland	05/05/89	09/10/91
"The former Yugoslav Republic of Macedonia"		
Turkey	07/09/92	21/01/94
Ukraine	14/06/96	
United Kingdom	05/05/89	09/10/91

Non-member state	Convention	
	Signed	*Ratified*
Holy See	17/09/92	07/01/93

The Convention is open for signature by the member states, by other States Party to the European Cultural Convention, and by the European Economic Community.

2. Reservations and declarations

Lithuania

Declaration contained in a Note Verbale from the Permanent Representation of Lithuania handed to the Secretary General at the time of deposit of the instrument of ratification, on 27 September 2000 – Or. Engl:

While ratifying the Convention, no competent authority was designated as provided for in paragraph 2 of Article 19 thereof.

The Government of the Republic of Lithuania will designate competent institution within the shortest possible period.

For other activities concerning the Media Section, see Part II.C, Directorate General of Human Rights.

II. Other human rights activities of the Council of Europe

A. Committee of Ministers

Recommendations to member states

The social sciences and the challenge of transition

Recommendation No. R (2000) 12, 13 July 2000

Considering, *inter alia*, that the social sciences play a strategic role in building a society based on democracy, particularly in those countries which have just emerged from totalitarian regimes, the Committee of Ministers recommends that the governments of member states take steps to implement, in their policy, law and practice, a number of principles and measures in order to renew the social sciences.

European policy on access to archives

Recommendation No. R (2000) 13, 13 July 2000

The aim of the text adopted by the Committee of Ministers is to ensure that European citizens enjoy the same conditions of access to archive documents and to regulate the access deadlines for archives.

Security of residence of long-term migrants

Recommendation No. Rec (2000) 15, 13 September 2000

Considering that for immigrants, security of residence is the first step in settling down and integrating into their new host society, the Committee of Ministers recalls that it is also vital for social stability in member states.

In the eyes of the majority population, security of residence shows that the public authorities have accepted that newcomers may stay for un unlimited period, that they will probably wish to stay and one day become fully-fledged citizens, and that unequal treatment of them can no longer be justified by their insecure status in society.

The recommendation sets out a number of principles and minima criteria that the member states should apply in their law and administrative practice in order to:

- determine the categories of persons who should be recognised as long-term immigrants;
- define the conditions justifying expulsion;
- ensure equal access to employment and other economic activities;
- guarantee equal treatment with nationals in a number of areas connected with professional activity;
- afford special protection for second-generation immigrants, taking account of the principle of proportionality;
- guarantee minimum procedural, administrative and judicial guarantees in the event of withdrawal of a residence permit or an expulsion order;
- grant the possibility of acquiring the state's nationality.

Health promotion policies

Recommendation No. Rec (2000) 18, 21 September 2000

Considering, *inter alia*, that the contracting states have to ensure equitable access to health care of appropriate quality and that the strengthening and maintaining of health is a key priority, the Committee of Ministers sets objectives to the member states in order to develop comprehensive and coherent strategies in this field.

Role of public prosecution

Recommendation No. Rec (2000) 19, 6 October 2000

The Committee of Ministers recommends the member states to take inspiration from principles enumerated in the recommendation which aim at enhancing the efficiency of national criminal justice systems and of international co-operation.

Prevention of criminality

Recommendation No. Rec (2000) 20, 6 October 2000

The Committee of Ministers recommends member states to introduce national strategies of early psycho-social intervention for the prevention of deliquency of children suffering from deficits in their socialisation.

Exercise of the profession of lawyer

Recommendation No. Rec 2000 (21), 25 October 2000

The Committee of Ministers gives the governments of member states guidelines for ensuring the profession of lawyer. They cover, *inter alia*, access to the profession, initial and in-service training, the role and duties of lawyers, access of all persons to lawyers, the organisation of Bars and disciplinary measures.

The recommendation is the first legal instrument prepared by the Council of Europe on the professionof lawyer, which is crucial both to the protection and defence of individual rights and to the establishment and enforcement of the rule of law.

Committee of Ministers' replies to recommendations of the Parliamentary Assembly

Protection of human rights and dignity of the terminally ill and the dying

Intermim reply to Assembly Recommendation 1418 (1999)

The Committee of Ministers tackles three points raised by the Assembly: palliative care, the right of the terminally ill or dying to self-determination, and euthanasia.

It stresses that the protection of individual's fundamental rights is a matter for the member states, under the supervision, where appropriate, of the European Court of Human Rights. Consequently, it has instructed the Steering Committee for Human Rights to formulate an opinion on the recommendation.

National procedures for nominating candidates for election to the European Court of Human Rights

Reply to Assembly Recommendation 1429 (1999)

Having sought the opinion of the European Court of Human Rights on the questions raised in the recommendation, the Committee of Ministers informs the Assembly that it shares its point of view that the national procedures for selecting candidates should satisfy a number of important criteria, including in particular transparency and fairness. At the same time it invites the governments of member states to foster a better balance between women and men when drawing up the national lists of candidates. It also agrees with the Assembly that the requisite linguistic skills are essential for the efficient functioning of the Court. Concerning the preferences expressed by the states for a particular candidate, the Committee of Ministers notes that this can be ignored by itself and by the Assembly. As to the question of consulting national parliaments, the Committee of Ministers acknowledges that although this could contribute to satisfying the criteria mentioned above, it is a matter for individual states.

Adoption of the European Convention on the Legal Protection of Services based on, or consisting of, Conditional Access

A convention for the protection of broadcasting and on-line services offered through conditional access systems was adopted on 6 October by the Committee of Ministers. The aim of this instrument, which complements a parallel European Community Directive, is to offer operators and providers of pay television and radio, as well as remunerated on-line services, protection against the illicit reception of their services at the wider European level.

The convention requires ratifying states to establish a number of activities in this domain as criminal or administrative offences, for example the manufacturing of illicit decoders or smart cards for pay-tv services or the distribution or commercialisation of the latter. The personal use of an illicit decoder or smart card is not made a criminal offence under the convention, but parties may go beyond the convention on this point.

By the adoption of this convention, the Council of Europe will be supporting European broadcasters and on-line service providers against the financial losses which they suffer as a result of illegal decoding devices and hacking activities in general.

The full version of the texts adopted by the Committee of Ministers may be consulted on the Committee of Ministers' Internet site at http://cm.coe.int/.

B. Parliamentary Assembly

Human rights situation in member states

Honouring of obligations and commitments by Croatia
Resolution 1223 and Recommendation 1473 (2000), 26 September 2000

Estimating that Croatia has made "significant progress" with its democratic reforms, the Assembly decided to close the monitoring procedure begun in November 1996 when the country acceded to the Organisation. It encourages the country's authorities to pursue their policy of consolidatring democratic reforms and moving towards European integration.

Conflict in the Chechen Republic
Resolution 1227 and Recommendation 1478 (2000), 28 September 2000

The Assembly condemned Russia's conduct of its military campaign in the Chechen Republic and the resulting human rights violations, deemed unacceptable in terms of the Council of Europe's principles and objectives.

It accepted that there were some encouraging developments, based on the results of its ad hoc committee's visit to Chechnya and its participation in the hearing organised by the Russian State Duma in September 2000.

It urged Russia to act without delay on the reports made by the human rights machinery put in place and to speed up its search for a political solution.

On the other side, the Assembly urged the Chechen fighters to respect fully human rights and international humanitarian law, renounce hostage taking, stop combat operations and open dialogue with the Russian authorities, including the local administration.

The parliamentarians recommended that the Committee of Ministers monitor Russia's action to fulfil its obligations under the European Convention on Human Rights and in response to the Assembly's recommendations and resolutions; monitor progress on investigations and prosecutions of those responsible for abuses; and urge member states, in the absence of meaningful progress, to pursue other means, including an interstate complaint before the European Court of Human Rights.

They supported the efforts of those in the State Duma and the Russian delegation to the Assembly who were trying to bring peace, democracy, human rights protection and stability to the Chechen Republic. They expressed the hope that by January 2001, progress would have proved sufficiently convincing for the Russian delegation to enjoy again its full rights.

Democracy and legal development

Discrimination faced by homosexuals
Recommendation 1474 (2000), 26 September 2000

The Assembly points out the persistance of homophobic attitude towards homosexuals in certain member States. Aware that recognition of these rights first requires a change in public percpetions, the Assembly requested the Committee of Ministers to add sexual orientation to the grounds for discrimination prohibited by the European Convention on Human Rights; to add to the staff of the European Commissioner for human rights and in existing fundamental rights protection and mediation structures, an individual with special responsibility for questions of discrimination on grounds of sexual orientation; and to extend the terms of reference of the European Commission against Racism and Intolerance to include such discrimination.

It also invited member states to include sexual orientation among the prohibited grounds for discrimination in their national legislation, to revoke all legislative provisions rendering homosexual acts between consenting adults liable to criminal prosecution, and to apply the same minimum age of consent for humosexual as for heterosexual acts. It also called on to take positive measures to combat homophobic attitudes, to take disciplinary action against anyone discriminating against homosexuals, to adopt legislation permitting registered partnership, and to accept homosexuals' persecution as a ground for asylum.

Treatment of asylum seekers in European airports
Recommendation 1475 (2000), 26 September 2000

The Assembly called upon European states to improve the treatment of the asylum seekers in the airports.

Stressing the need for treatment in compliance with international agreements on refugees, the Assembly recognised that the increasing numbers of asylum seekers are creating specific problems, in particular concerning airport reception facilities and the personnel.

The Recommendation calls upon the member states to adopt a number of measures to harmonise their national policies at European level in order to put an end to often incoherent or unreasonably long procedures which can lead to fundamental human rights violations.

European Court of Human rights

Execution of the judgments of the Court
Resolution 1226 and Recommendation 1477 (2000), 26 September 2000

The Assembly sharply criticized the slowness or reluctance of certain states to execute the judgments of the European Court of Human Rights. It pointed out that member states undertook to comply with the Court's final judgments in ratifying the European Convention on Human Rights.

Although the convention stipulates that the Committee of Ministers is responsible for supervising the execution of judgments, there is no provision in the Convention for sanctions to be taken in the event of persistent failure to execute judgments. The Assembly proposes to introduce into the Convention a system of daily fines for states that persistently fail to execute a Court's judgment.

The Assembly believes that responsibility for this situation rests partly with the Committee of Ministers, which does not exert enough pressure when supervising the execution of judgments. It urges the executive body of the Council of Europe to be tougher on member states that fail in their obligations, and to take the measures provided for in the Statute in the event of continued refusal.

With regard to the member states,s the Assembly recalls their obligations, and in particular the duty to ensure first and foremost all the rights and freedoms laid down in the Convention, to take the necessary measures to prevent any repetition of the violation established and to remedy the applicant's individual situation. It further suggests that states take the necessary steps to give direct effect to the Court's judgments so that national courts can apply them directly.

With regard to the Court, whose judgments are sometimes not sufficiently clear, the Assembly recommends greater consistency and a more active role in terms of advising states on how to implement judgments.

The Assembly proposes to exercise tighter supervision when monitoring cases, by keeping a permanent record of the execution of judgments and by holding regular debates about cases which are still pending.

European Union

European Union Charter of Fundamental Rights
Resolution 1228, Recommendation 1479, and Order No. 567 (2000), 29 september 2000

The Assembly invited the European Union and the Committee of Ministers of the Council of Europe to enter into negotiations without delay in order to enable the Union to accede to the European Convention on Human Rights as soon as possible. The European Union treaties and the European Convention on Human Rights should be amendedd accordingly.

It stressed the importance of a consistent approach to human rights protection throughout Europe in order to avoid the emergence of new dividing lines and diverging interpretations of fundamental rights, and called on the European Union:

– to ensure that the draft Charter of Fundamental Rights and its ultimate application fully reflect and preserve the protection extended by the European Convention on Human Rights and the European Court of Human Rights to every person within the jurisdiction of European Union member states, and
– to ensure that the social rights guaranteed by the Charter correspond to those set forth in the Council of Europe revised European Social Charter.

The Assembly believes that the European Union's draft Charter of Fundamental Rights represents progress in strengthening the protection of human rights in Europe.However, its aim can be achieved only if the Union's institutions are also bound by the European Convention on Human Rights and if the acts carried out on behalf of the European Union are subject to the external supervision of the European Court of Human Rights.

The full version of the texts adopted by the Parliamentary Assembly is available on the Assembly's Internet site at http://stars.coe.fr

C. Directorate General of Human Rights

The Directorate General of Human Rights assists the Committee of Ministers to carry out its functions in the context of the European Convention on Human Rights. It provides secretarial support for bodies established under the European Social Charter, the European Convention for the Prevention of Torture, and the Framework Convention for the Protection of National Minorities.

Its activities, either intergovernmental or defined by conventions, cover the fight against racism and intolerance (European Commission against Racism and Intolerance – ECRI), equality between women and men (Steering Committee for Equality between Women and Men – CDEG), media and democracy (Steering Committee on Mass Media – CDMM – and European Convention on Transfrontier Television), human rights awareness – with particular emphasis at present on its programme aimed at the police – and the Human Rights Co-operation and Awareness programmes.

1. European Social Charter

In the framework of the joint Programme Council of Europe – European Commission, a multilateral conference was held in Sofia from 5 to 7 July 2000 on "The protection of fundamental rights in Europe through the European Social Charter", during which the relationship between Community law and the European Social Charter was examined.

Another multilateral meeting took place in Golitsyno (Moscow Region) on 18-20 July 2000. The Secretariat of the Social Charter participated in the meeting. It was organised by the International Commission of Jurists and the Centre for the Development of Democracy and Human Rights and the Civil Society Foundation, with a view to promoting fundamental social rights in civil society.

Further to the signature by the Russian Federation, on 14 September 2000, of the Revised Social Charter, a "Russia Task Force" has been set up to prepare the ratification. A first meeting with the Russian Interdepartmental Steering Group for Co-ordination of the Ratification of the Revised European Social Charter took place on 11 October 2000 in Strasbourg during which a list and a planning of activities have been decided so that Russia may initiate legislative reforms.

2. European Committee for the Prevention of Torture (CPT)

10th Annual Report (CPT/Inf (2000) 13 [EN])

The CPT published its 10th Annual General Report on its activities for 1999. This report is a document published under Article 12 of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. It includes, as in previous years, a first section on the activities in 1999 and a second one on the organisational issues. The third section deals, every year, with a new topic in order to give a clear indication to national authorities of its views. This 10th Report is about women deprived of their liberty.

In all Council of Europe member States, women inmates represent a comparatively small minority of persons deprived of their liberty. This can render it very costly for States to make separate provision for women in custody, with the result that they are often held at a small number of locations (on occasion, far from their homes and those of any dependent children), in premises which were originally designed for (and may be shared by) male detainees. In these circumstances, particular care is required to ensure that women deprived of their liberty are held in a safe and decent custodial environment. Topics discussed include mixed gender staffing, separate accommodation for women deprived of their liberty, equality of access to activities, ante-natal and post-natal care, hygiene and health issues.

"Substantive" sections in six languages

On 11 September the CPT published the document "Substantive" sections in six languages (English, French, Russian, Ukrainian, Albanian, Lithuanian), available on the site: http://www.cpt.coe.int/en/docssubstantive.htm. In a number of its General Reports the CPT has described some of the substantive issues which it pursues when carrying out visits to places of deprivation of liberty. The Committee hopes

in this way to give a clear advance indication to national authorities of its views regarding the manner in which persons deprived of their liberty ought to be treated and, more generally, to stimulate discussion on such matters. The "substantive" sections drawn up to date – which deal with police custody, imprisonment, training of law enforcement personnel, health care services in prisons, foreign nationals detained under aliens legislation, involuntary placement in psychiatric establishments and juveniles and women deprived of their liberty – have been brought together in this document.

3. Minorities

A. Intergovernmental co-operation

The work of the Intergovernmental Committee of expert on issues relating to the protection of national minorities (DH-MIN) remains suspended since March 1999 because of a lack of available resources. The following documents related to the work of DH-MIN on the participation of minorities in decision-making processes are de-classified:

Replies to the questionnaire on Forms of Participation of Minorities in Decision-making processes
DH-MIN (99) 1

Synthesis of the replies to the questionnaire on Forms of Participation of Minorities in Decision-making processes
DH-MIN (99) 2

"The participation of Minorities in Decision-making processes" – Expert study submitted on request of the DH-MIN by the Max Planck Institute for Comparative Public Law and International Law, Heidelberg
DH-MIN (2000) 1

At this time it looks unlikely that DH-MIN will resume its work prior to the expiry of its current mandate on 31 December 2001.

The Council of Europe Secretariat remains involved in legislative expertise concerning the new law and regulations on the use of the state language in Latvia, together with the Office of the OSCE High Commissioner on National Minorities. A document outlining the views of the Secretariat was prepared for the Committee of Ministers in September 2000 (SG/Inf (2000) 33).

B. Joint Programme "National Minorities in Europe"

The joint programme between the European Commission and the Council of Europe entitled "National Minorities in Europe" came to an end on 30 June 2000. At the final event of the programme, the 7th meeting of Government Offices for National Minorities in Jurmala, Latvia (12-13 June 2000), bringing together representatives from 21 governments, as well as representatives of NGOs and institutions who took part in various minority activities, conclusions were unanimously adopted calling both on the European Commission and the Council of Europe to continue the activities developed and the process set in motion under the joint programme.

4. European Commission against Racism and Intolerance (ECRI)

European Conference against racism

Over 500 participants met between 11 and 13 October at the Council of Europe in Strasbourg for the European Conference against racism *All different all equal: from principle to practice*, which constituted Europe's contribution to the UN World Conference against racism, racial discrimination, xenophobia and related intolerance. The World Conference takes place in Durban, South Africa in 2001.

The European Conference against racism covered four main themes: legal protection against racism and related discrimination at sub-national, national, regional and international levels; policies and practices to combat racism and related discrimination at national and sub-national levels; education and awareness-raising to combat racism, related discrimination and extremism at sub-national, national, regional and international levels; information, communication and the media.

Participants, including senior government officials, Council of Europe, European Union and United Nations bodies, and non-governmental organisations, discussed the problems and challenges currently facing Europe and put forward proposals of good practice to follow in Europe and elsewhere. These discussions are reflected in detailed General Conclusions adopted by all participants. Ministers of Council of Europe member States also adopted a Political Declaration, committing themselves to a number of legal, policy and educational measures (see Appendix I).

The General Conclusions emphasise the need to mainstream the fight against racism and involve those persons most affected by racist and xenophobic acts in the elaboration, monitoring and evaluation of policy. They advocate general and comprehensive anti-discrimination legislation at national level, embracing the concept of direct and indirect discrimination, and the establishment of independent specialised bodies at national, regional and local levels to promote equal treatment irrespective of racial or ethnic origin or religion. The General Conclusions also address combating hate speech and racist material on the internet.

Forum for NGOs

A Forum for Non-Governmental Organisations entitled *End Racism Now!* immediately preceded the European Conference. Some 250 NGO representatives discussed their input to the four main themes of the conference, and added a fifth topic on immigration and asylum in relationship to xenophobia and racial discrimination.

New reports

Continuing its second cycle of monitoring member States' laws, policies and practices to combat racism, racial discrimination, xenophobia, anti-Semitism and related intolerance, ECRI issued five new country reports in June concerning France, Greece, Norway, Poland and Slovakia.

Compiled following a contact visit to the country in question, the second reports examine the implementation of proposals made by ECRI to the government in the previous report, provide a general update and also contain a deeper analysis of selected issues of particular concern in that country.

ECRI recognised that in all five countries positive developments have occurred. At the same time, the reports detail ECRI's continuing grounds for concern. These include:

In **France**, racism and discrimination are particularly acute *vis-à-vis* young people of immigrant background. Discrimination and exclusion are identified as problems especially in employment, education, housing and access to public places. The situation regarding undocumented immigrants, including in some of France's overseas territories, and the behaviour of some law enforcement officials, is also of concern.

Problems of racism, intolerance, discrimination and exclusion affect particularly the Roma/Gypsy population, Albanians and other immigrants, as well as members of the Muslim minority, in **Greece**. These problems are connected to the generally low level of recognition within Greek society of its multicultural reality, an acknowledgement which is all the more urgent given the new patterns of migration to Greece in recent years.

Housing, access to employment and to services and goods are key areas in which persons belonging to minority groups face discrimination and disadvantage in **Norway**. A high level of voter support for populist parties using racist discourse is also a matter of concern. Despite the more multi-ethnic nature of Norwegian society today, there seems to be a certain lack of acceptance of the possibility of Norwegian identity encompassing persons of different ethnic origin or religion.

In **Poland**, legislation for combating racism is insufficiently implemented, and the introduction of legislative provisions dealing explicitly with national and ethnic minorities is proving slow to realise. The general attitude of society seems rather closed towards difference, and feelings of anti-Semitism remain pervasive. There appears to be little concrete knowledge or monitoring of the extent of racism and discrimination within society, which in turn means that specific measures to combat these phenomena are often lacking in various fields.

Real problems remain in **Slovakia** in the implementation of legislation to combat racism, particularly as regards the reactions of the police and prosecuting authorities to racist attacks and harassment. The extent of discrimination and overt hostility towards members of the Roma community does not seem to be fully acknowledged, and much remains to be done in all fields of life – including education, employment and housing – to redress the situation of this very vulnerable group.

During 2000, ECRI's rapporteurs have visited Albania, Austria, Croatia, Cyprus, Denmark, Germany, the Netherlands, Russian Federation, "the Former Yugoslav Republic of Macedonia", Turkey and the United Kingdom. Reports on these countries will be published during 2001.

ECRI's programme of country work for 2001 comprises visits to Estonia, Finland, Georgia, Ireland, Italy, Latvia, Malta, Portugal, Romania and Ukraine.

General Policy Recommendation No. 5 (intolerance towards Muslims)

ECRI's work on general themes continued with its adoption of General Policy Recommendation No. 5 concerning the fight against intolerance and discrimination towards Muslims. In this ECRI expresses concern at signs that religious intolerance towards Islam and Muslim communities is increasing in countries where this religion is not observed by the majority of the population. It regrets that Islam is sometimes portrayed inaccurately on the basis of hostile stereotyping, the effect of which is to make this religion seem a threat, and recommends a series of measures for governments to take in different sectors in order to fight against intolerance and discrimination towards Muslims.

Good practices in the media

ECRI has also published a compilation of 21 examples of "good practices" to combat racism and intolerance in the European media, covering the press, radio, television, training, unions and associations and awards.

Racism on the Internet

To respond to the serious problem of how to curb the dissemination of racist and anti-Semitic materials over the Internet, ECRI, in collaboration with the Swiss Institute of Comparative Law (Lausanne), has published a report on *Legal instruments to combat racism*

on the Internet. The report covers the technical and legal environment of the Internet, legal issues involved in the work of law enforcement and investigation authorities and the responsibility of the various persons involved in the Internet. It contains chapters on the position under public international law and soft law instruments. ECRI makes a number of conclusions based on the report's findings.

Publications

The concluding documents of the conference and NGO Forum – Political Declaration, General Conclusions, Report of the General Rapporteur (Mr Alvaro Gil-Robles, Commissioner for Human Rights), working group reports and the Report of the NGO Forum) and, in English and French, the country-by-country reports can be found on the website: http://www.ecri.coe.int.

5. Equality between women and men

A. Trafficking in human beings for the purpose of sexual exploitation

In the framework of the Stability Pact for South-Eastern Europe, the Equality Division, in co-operation with the Directorate General of Legal Affairs, organised an *International Seminar on action against trafficking in human beings in South-Eastern Europe* in Athens from 29 June to 1 July 2000, at the invitation of the Greek authorities. The seminar was organised in partnership with the United Nations High Commissioner for Human Rights, OSCE/ODIHR and the IOM, and with the support of Japan.

During the seminar, the participants prepared and adopted recommendations for actions to be undertaken at national level, including launching and implementing *National Action Plans* against trafficking; also elements for a *Regional Action Plan against trafficking in human beings* were prepared and adopted.

A compilation of the main legal texts dealing with trafficking at international, regional and national levels was prepared for the seminar.

B. Gender mainstreaming

An *ad hoc expert meeting on gender mainstreaming* was organised on 19-20 September 2000 to exchange information on good practices in the field of gender mainstreaming as well as the obstacles encountered in its implementation. Future steps to be taken by the Council of Europe in this field were proposed.

C. Human rights of girls and young women

An Information Forum on national policies in the field of equality between women and men was organised by the Steering Committee for Equality (CDEG) in Bratislava (Slovakia) from 19 to 21 October on the following theme: *Human rights of girls and young women in Europe: questions and challenges for the 21st century*. Working groups discussed the following sub-themes: violence against girls and young women, sex education and reproductive health, socialisation and stereotypes, participation in society.

A certain number of recommendations to governments, NGOs and the Council of Europe were adopted, and these will be taken into account by the CDEG for its future work.

D. Activities for the development and consolidation of democratic stability

A seminar on the prevention of violence against women, with the participation of representatives of the government, parliament and NGOs, was held in Moscow on 13-14 September. A seminar on the fight against trafficking in human beings for the purpose of sexual exploitation was held in Chişinău (Moldova) on 26-27 September.

6. Media

A. Steering Committee on the Mass Media (CDMM)

The CDMM organised in Strasbourg, on 13 September 2000, a Conference on new digital platforms for audiovisual services and their impact on the licensing of broadcasters. The Conference provided an opportunity to exchange information and experience among the participants with the aim of identifying possible common pan-European approaches concerning the regulatory framework for broadcasting in the digital age.

On the initiative of the CDMM, the Committee of Ministers adopted on 6 October 2000 the European Convention on the legal protection of services based on, or consisting of, conditional access, and decided to open the Convention for signature on 24 January 2001. This Convention, which deals with the protection of encrypted radio and television services and online pay services, is designed to supplement at the pan-European level a Directive which has been adopted on the same subject within the framework of the European Union.

During the course of its 54th meeting, held in Strasbourg on 17-20 October 2000, the CDMM held a hearing on regulation, co-regulation and self-regulation in the context of new communication and information services. The reports presented by the three speakers at the hearing are available on the web site of the Media Division (http://www.humanrights.coe.int/media). At the same meeting, the CDMM approved a draft Recommendation on the independence and functions of regulatory authorities for the broadcasting sector and the draft Explanatory Memorandum thereto. The CDMM also prepared

draft terms of reference for a number of new subordinate bodies that would be responsible for implementing the political Declaration adopted at the 6th European Ministerial Conference on Mass Media Policy (Cracow, 15-16 June 2000).

B. Groups of specialists

The Group of Specialists on media law and human rights (MM-S-HR) has prepared a draft Declaration dealing with the freedom of the media to disseminate information and opinions about political figures and public officials.

7. Human rights awareness

A. Compatibility studies

Compatibility studies aimed at ensuring the conformity of domestic legislation and practice with the requirements of the European Convention on Human Rights, its Protocols and case law are continuing. Such studies have been completed in Estonia, Croatia, Hungary, Latvia, Lithuania, Moldova, the Russian Federation and "the former Yugoslav Republic of Macedonia". The Directorate General of Human Rights has also started work for Armenia and Georgia and the final reports are expected shortly. For Albania, the compatibility report is due very shortly. At the time of writing, consideration is being given to co-operation in this area with the Serbian authorities. The Russian Federation authorities are currently preparing a project with the Council of Europe for studying the laws in the 89 regions of the federation for their compatibility with European human rights standards. After renewed steps were taken to start up a compatibility exercise for Ukraine, a final report is expected in December 2000, as well as a conference organised in Kyiv on 14 and 15 December 2000 to present the results of the compatibility study to relevant institutions.

In addition to such comprehensive reviews of national legislation, the Directorate General of Human Rights provides legislative expertises on an *ad hoc* basis, based on requests for comments on individual new or draft legislation and its compatibility with the European Convention on Human Rights.

B. Training

The Council of Europe's training programme for judges throughout the **Russian Federation** completed its second year, with a further 300 presidents of civil and criminal courts receiving training at the Judges' Legal Academy in Moscow in European standards for fair trial; freedom of religion; right to property; liberty and security of person; respect for private and family life, and the right not to be subjected to torture. For the first time, the RF Procuracy General also requested seminars on the European Convention on Human Rights. These were given at the three procuracy teaching institutes in Moscow, St Petersburg and Irkutsk.

In **Ukraine**, regional training workshops for judges took place in 2000 in co-operation with the Supreme Court of Ukraine. Presidents of regional and district courts from the Poltava, Cherkassy and Mykolayiv regions received training on the right to a fair trial, the right to liberty and security and freedom of expression. The Council of Europe is presently studying with the Ministry of Justice ways of organising systematic training for judges on the European Convention on Human Rights. The training of lawyers in co-operation with the Ukrainian Union of Advocates, which started in 1999, is successfully continuing. So far, training was provided on how to submit applications before the European Court of Human Rights, the right to a fair trial, the right to liberty and security and freedom of expression. The right to property will be studied at the December 2000 session.

The first training of judges in the European Convention on Human Rights took place in **Georgia** in co-operation with the Supreme Court. The co-operation continued with the constitutional Court of Armenia in 2000. It is planned to begin a similar co-operation with the Constitutional Court of Azerbaijan in December 2000. The aim of these training activities for judges in Caucasus is to develop curricula to be used for systematic training in the future.

The first regional conference for judges of constitutional courts and of other courts from the **three Caucasus countries**, the Russian Federation and Ukraine on the ECHR were held under the auspices of the Council of Europe in Yerevan, Armenia.

Provision of general information and a more in-depth training in ECHR continued in co-operation with various NGOs in all three Caucasus countries. These activities focused on the whole spectrum of issues arising under the ECHR.

Contributing to the promotion and protection of human rights in **Kosovo**, and the development of a functioning, independent judiciary there, constitutes an important challenge for the Council of Europe. The Council of Europe has organised training for some 300 judges and prosecutors over a series of 10 workshops between June and September on the right to liberty and security and the right to a fair trial under the European Convention on Human Rights which is applicable in Kosovo under UNMIK Regulation 24 of 12 December 1999. This training has been carried out in the five major towns in Kosovo and additional workshops are under preparation for judges and prosecutors, and for lawyers.

In **Montenegro**, several training workshops on the European Convention on Human Rights have been

organised, continuing a programme begun in 1999 aimed at providing practical training for officials, judges, law enforcement representatives, legal practitioners and human rights activists on the different articles of the Convention and the aspects and principles particularly relevant to Montenegro. Similar training activities have been organised for audiences from Serbia.

In **Bosnia and Herzegovina**, a series of 10 intensive four-and-a-half day workshops on the ECHR for judges and prosecutors was launched in Sarajevo in September, with a second workshop taking place in Banja Luka in October. The workshops form part of a comprehensive three-year programme which relies heavily on local expertise and aims at strengthening local training capacity. Other training seminars and workshops were organised for judges in Struga and Skopje, "the former Yugoslav Republic of Macedonia", in Sofia, Bulgaria, and in Chisinau, Moldova.

In **Latvia and Lithuania**, the final seminar and consultation were held with Judicial Training Centres concerning the prospects for the training of judges in human rights with their own local resources.

The Latvian Institute on Human Rights carried out the first Summer School on Human Rights for lawyers from the Baltic States and the CIS countries. The School was conducted in Russian and gave specific examples of the Baltic experiences in learning human rights.

Under the programme of Information Meetings for judges and lawyers on the European Convention on Human Rights, the Human Rights Co-operation and Awareness Division contributed to a colloquy on "the challenge on the EU Charter" organised in Leiden (Netherlands) by the Human Rights Centre of the University of Leiden, on 4 and 5 September 2000. Other Information Meetings were organised on 6 October 2000 in Glasgow (United Kingdom) in co-operation with the Centre for the Study of the Human Rights Law, and on 5-8 October 2000 in Prague (Czech Republic) in co-operation with the International Federation of Action by Christian for the Abolition of Torture (FIACAT).

C. Ombudsman/Stability Pact

The Council of Europe remains the lead intergovernmental organisation working to establish parliamentary ombudsman institutions in the 89 Subjects of the Russian Federation. A further seven workshops were carried out during the period in question: five in new areas like Moscow region; Dagestan (north Caucasus); Kaliningrad (Baltic coast); Smolensk and Kaluga (central Russia) and Krasnodar (south) – and two to consolidate work done with previous participants. Eight regions had active ombudsmen by the end of the year and a further 25 had adopted ombudsman legislation.

The Council of Europe is becoming increasingly involved in assisting the office of the Public Defender of Georgia. It is also assisting in the process of establishing such offices in Armenia and Azerbaijan.

The Council of Europe, as sponsor of the Task Force on Good Governance created under the Stability Pact for South Eastern Europe, is co-ordinating the implementation of a Project aimed at furthering the process of establishing and reinforcing independent national human rights protection institutions, including Ombudsman institutions, in the countries in South East Europe. The main thrust of the project, and the format for its implementation, have been agreed in co-operation with the key partners in the region, as well as other relevant institutions and organisations, and its individual elements are organised in collaboration with these partners and organisations. A number of activities have already been carried out in South East Europe, including with the newly established Ombudsperson Institution of Kosovo, and more are under preparation.

D. Death penalty

Abolition of the death penalty remains a priority for the Council of Europe and the work is continuing to ensure that capital punishment is abolished throughout the Council of Europe member States. Recent positive developments have been the ratification of Protocol No. 6 to the European Convention on Human Rights, abolishing the death penalty in peace time by Ukraine in April 2000, by Poland in October 2000 and Albania in September 2000. The Council of Europe is following up this decision in order to ensure that the rationale behind the decision to abolish is explained to the Albanian public and to relevant professional groups such as judges, prosecutors, lawyers, law enforcement, teachers, doctors and the media.

In October 2000 the Council of Europe was the joint organiser of a conference in the Russian Federation on "Clemency". The conference marked the launch of a three-year programme to humanise Russian federal penal policy, which is being spearheaded by the Clemency Commission of the Presidential Administration. It is hoped that one priority will be speedy ratification of Protocol No. 6 by the Russian Federation.

E. Documentation, awareness-raising and human rights education

The largest project to have been completed recently is the translation into Russian of extracts of 90 key judgments of the European Court of Human Rights, and plans are afoot to launch website versions of Russian-language case law.

In **Ukraine**, the Ukrainian Legal Foundation published in 2000 three issues of the Journal "European Court of Human Rights. Judgments. Commentaries" containing the translation into Ukrainian of the most

relevant decisions of the Court for Ukraine. A fourth issue is expected before the end of 2000. These publications were made possible thanks to the Council of Europe's support and advice. However, the demand for case-law of the European Court of Human Rights in Ukrainian remains very high.

In **Georgia**, the translation of key judgments of the European Court of Human Rights started in 2000 with the prospect of continuing in 2001.

In the **three Baltic States**, the work on the translation of judgments continued in 2000. The demand for this type of information remains and is growing in view of the first judgments rendered with respect to these States.

For **Albania**, a first volume of extracts of 45 key judgments in Albanian will be ready shortly. A broad range of translation and publication projects are also under way for other countries in South East Europe. In particular, the demand for human rights materials in local languages in **Kosovo** continues to be very high. Collections of human rights publications are also being provided to key institutions and organisations in **Montenegro**.

In these projects the Council of Europe relies heavily upon local partners for their implementation and upon voluntary contributions by member States for their financing. A document showing all the documentation available in different language versions is available. The Council of Europe has been responsible for the elaboration and implementation of a large-scale campaign to raise awareness among the public and the administration in Kosovo of the Ombudsperson Institution. Work is continuing on the development of a general human rights public awareness-raising campaign.

The Human Rights Co-operation and Awareness Division contributed to the organisation of a summer programme on Human Rights Education for Professionals from the Balkan States which was jointly organised by the Greek NGO "Human Rights Defence Centre" and the Turkish Helsinki Citizens Assembly, in Ancient Olympia (Greece) from 17 to 27 September.

A member of the Division attended the expert meeting on mid-term global evaluation of the UN Decade for Human Rights Education (1995-2004), which was organised by the Office of the UN High Commissioner for Human Rights in Geneva (Switzerland) from 7 to 9 August 2000. The outcomes of this expert meeting were included in the analytical report of the High Commissioner on the mid-term global evaluation of the Decade (UN Doc. A/55/360) which is available through UNHCR's website at the following address: http://www.unhchr.ch/Huridocda/Huridoca.nsf

F. Police and Human Rights

Activities

Within the framework of the *ADACS Programme for 2000*, several seminars and training workshops were carried out between July and October, notably in Azerbaijan, Bulgaria, Croatia, the Czech Republic, Estonia, Georgia, and Slovenia. Two "Train the Trainers" workshops were carried out in Lithuania and "the former Yugoslav Republic of Macedonia" using voluntary contributions to the *Police and Human Rights 1997-2000* programme.

The first "Master Class" dedicated to train experts in the field of police and human rights took place in Warnsveld, the Netherlands at the very end of June. Approximately twenty participants from across Europe had the opportunity to benefit from this exceptional training opportunity, which was designed to develop their professional competency with regard to the respect and promotion of human rights in the different police services of Europe.

Late October saw a concentration of activity in many countries to mark "Police and Human Rights Week". Running from 30 October to 4 November, this special week coincided with the 50th anniversary of the signing of the ECHR. Of the 41 member States, more than half participated in the week by holding various events such as conferences, publications, open-house, media coverage, etc.

Material

The two brochures:"Police Practice and Human Rights – A European Introduction" and "A Visit by the CPT – What's it all about? 15 Questions and Answers for Police" were translated into Croatian and Georgian for widespread distribution in each country. The CPT brochure, the Workbook and the Reference Brochure were also published in Czech.

The introductory video "Let's be Careful out There!" was reproduced for sale through the Council of Europe in English and French.

The Joint Informal Working Group has now finalised the guide "Policing in a Democratic Society – Is your Police Service a Human Rights Champion?" and the published version will be presented at the *Police and Human Rights 1997-2000* closing conference on 11 and 12 December 2000. The guide aims to increase understanding of human rights and their application to everyday, operational policing. There are three language versions: English, French and German.

D. Human rights institutes

The following human rights institutes have supplied the Directorate General of Human Rights with information on their activities during the past academic year. Contributions are presented in alphabetical order by country, and in the language in which they were received.

Austria / Autriche

Ludwig Boltzmann Institute of Human Rights
Heßgasse 1
A-1010 Vienna
tel. +43-1-4277-27420
fax +43-1-4277-27429
e-mail bim.staatsrecht@univie.ac.at
site http://www.univie.ac.at/bim

Current activities

For several years now the Institute has been working in collaboration with the Human Rights Department and the Development Co-operation Department of the Austrian Ministry for Foreign Affairs. Currently our focus is on the elaboration of human rights-related projects in Bhutan, Uganda and Ethiopia, being priority countries of the Austrian development co-operation. In addition, work on Guiding Principles on human rights and democratisation in the context of development co-operation has also started in 1999.

As a research priority BIM has recently concentrated on the preparation of studies on Austrian implementation of international human rights treaties, such as the UN Convention on the Elimination of All Forms of Racial Discrimination, the UN Convention Against Torture and the UN Convention on the Rights of the Child. Furthermore, BIM has been commissioned to draft model legislation for an Austrian anti-discrimination law.

In 1999 the project "Combating trafficking in women and forced prostitution – a comparative legal study and network-building initiative" was started. Based on various eastern and central European country studies the relationship between trafficking, organised crime, corruption and severe human rights violations will be analysed and counter-strategies proposed.

One of the significant results of the 1998 Human Rights Year has been the establishment of a Co-ordinating Office of Austrian Human Rights NGOs, which has been hosted by the Boltzmann Institute since its inception. In addition, the Institute is actively involved in NGO efforts to improve the structural framework of a human rights discourse in Austria, e.g. through lobbying for a parliamentary human rights committee and human rights co-ordinators within the ministries.

With the beginning of the 1998/99 academic year BIM Vienna University for the first time participated in the EU-sponsored Post-Graduate Programme "European Master's Degree in Human Rights and Democratisation". Another academic training programme, on the "right to information and information law", jointly prepared by BIM and the Vienna University, started on 4 October 1999.

Denmark / Danemark

Danish Centre for Human Rights
Studiestraede 38
DK-1455 Copenhagen
Denmark
tel. +45 33 30 88 88
fax +45 33 30 88 00
e-mail center@humanrights.dk
site http://www.humanrights.dk

Activities

Last year's work at the Centre was based on four areas of competency adopted in the Centre's strategic plan:

- development of knowledge of human rights standards
- analysis of the role of human rights in the development of society and how a society can build up more capacity in relation to the protection of human rights
- protection of vulnerable groups
- human rights in social and cultural practice.

Based on these four areas of competency, the Centre staff worked with human rights both for research purposes and practically, and we examined conditions both in Denmark and abroad.

Research and exchange programmes

Last year was the first time the Centre received a class of foreign students as a result of its involvement in the European Master's Programme in Human Rights and Democratisation. The students studied for six months at the Centre, writing a master's thesis and attending a special series of lectures at the Centre on the theme "Culture and Human Rights". In addition to the six graduate students, we also had six foreign students under the special Research Partnership Programme, and a guest researcher from New Zealand. At the Centre there are twenty researchers employed, who represent a variety of topics and traditions, which supplement each other. A central element in their work is the legal research on the conventions and other human rights instruments and their importance, but also broad social science and cultural anthropology research concerning history, fundamental values and practical implementation of human rights.

Guest researchers, who mainly come from programme countries of Danida (Danish International Development Assistance, the Ministry for Foreign Affairs) can often make considerable contributions to various specific development projects in which the Centre is involved. In general, the connection between research and project work has been appreciably strengthened in recent years resulting in mutual inspiration. This field still has a huge unexploited potential, and it is a challenge to develop it in the years to come. At the same time there will be many interesting opportunities to analyse all the project activities accomplished by the Centre during the last ten years, a period in which many experiments were made in close collaboration with a local partner. In future it will be important to sum up the experiences and on that basis enter the second generation of human rights project work. With this purpose in mind the Centre has published all the evaluation reports of its projects hoping that others will add their constructive input to the process.

Publications

The professional dialogue about our projects with the surrounding world is a life nerve for the Centre, taking place as it does alongside the usual dialogue through research, lecturing, information and other external activities. Since the summer of 1999 the Centre has produced seventeen publications, and the staff gave more than 200 lectures on different aspects of human rights. Not surprisingly, this increased the pressure on the Centre library, which has become one of the principal human rights libraries in northern Europe.

One of the more significant publications to be mentioned is our first status report on the human rights situation in Denmark. The status report is a summary of a number of analyses prepared each year by the Centre in relation to specific bills of law. When the Danish Parliament (*Folketinget*) has decided to adopt bills violating Denmark's international obligations in spite of the advice of the Centre, the main elements of the criticism are included in the report. Further, the report contains summaries of court decisions concerning violations. Finally, the report reproduces decisions by the European Court of Human Rights against Denmark and the criticism about Denmark raised by various United Nations treaty bodies. A similar report will be prepared each year, the purpose being to make Denmark observe her international obligations.

In coming years the Centre will continue developing its areas of competency. At the same time we will focus our research on the potential contributions by new technology to our field of work. The Internet holds a great potential, not least in connection with the teaching of human rights. But new technology does not provide the whole solution. It will also become ever more important to create knowledge and understanding of human rights as widely as possible. Bearing this in mind, the coming years offer many challenges to the sixty or so highly motivated and competent staff who daily frequent the Centre.

Newsletter of the Danish Centre for Human Rights available at the following address: http://www.humanrights.dk/update/update.htm

Newsletter: from No. 5 (March 2000) to No. 9 (October 2000)

Germany / Allemagne

Menschenrechtszentrum
University of Potsdam
Heinestrasse 1
D-14482 Potsdam
Tel. + 49 (331) 70 76 72
Fax + 49 (331) 71 92 99
e-mail klein@rz.uni-potsdam.de

Colloques

- 3-5 janvier 1999, Jérusalem : "Human Dignity" – Conférence à l'occasion du 50e anniversaire de la Déclaration universelle des droits de l'homme. Cette conférence a réunit nombre de représentants venant d'Israël, d'Allemagne et des Etats-Unis issus de différents domaines scientifiques. Les dix-huit exposés présentés au cours de cette conférence ont eu pour objet les différents aspects de la dignité humaine, tels que ses origines histo-

riques, son rôle dans la théologie, son importance au sein du droit international, sa protection par le droit constitutionnel allemand et israélien ainsi que plusieures approches philosophiques. Le colloque a été organisé en coopération avec le *Minerva Center for Human Rights* rattaché à la Hebrew University de Jérusalem.

- 5 mai 1999, Potsdam : « Le 50e anniversaire du Conseil de l'Europe – Visions fondatrices et bilan ». A l'occasion du 50e anniversaire du Conseil de l'Europe cette conférence s'est interrogée sur le rôle de l'Organisation tel que prévu initialement et tel qu'il est perçu à l'heure actuelle. Les exposés étaient consacrés aux perspectives de ce « père fondateur » du processus d'intégration européenne, au rôle de la Convention européenne des Droits de l'Homme (et de son Protocole no 11) et aux faiblesses du Conseil de l'Europe sur le plan économique, social, culturel, scientifique et juridique.
- 1-3 juillet 1999, Potsdam: "The Duty to Protect and to Ensure Human Rights". Le devoir étatique de protéger les droits fondamentaux – sujet fondamental dans la théorie du droit constitutionnel allemand. Allant au-delà du devoir étatique de respecter les droits de l'homme, ce devoir a pour objet d'assurer la garantie du respect des droits fondamentaux dans une mesure plus large, c'est-à-dire en assurant également une protection contre les actes non étatiques. La conférence a fait un travail de synthèse entre les différentes approches qui existent sur le plan national (Allemagne et PECO, Etats-Unis, Israël), régional et universel.
- 25 et 26 novembre 1999, Potsdam : « Le 20e anniversaire de la Convention sur l'élimination de toutes les formes de discrimination à l'égard des femmes ». A l'occasion de cet anniversaire la conférence s'est surtout intéressée aux questions liées à l'entrée en vigueur du Protocole additionnel instituant la requête individuelle ainsi qu'au rôle des organisations non gouvernementales et de la presse dans le domaine des droits de la femme.

Cours

- « L'établissement du Tribunal pénal international »
- « Internet sans limites – violation de droits de l'homme par réglementation ? »
- « Interdiction de la torture »
- « La liberté d'expression et le mythe des chambres à gaz »
- « L'intervention de l'OTAN au Kosovo »
- « L'affaire Pinochet »
- « L'affaire Öcalan »
- « Les ONG et la protection internationale des droits de l'homme »
- Cour approfondi : La protection des droits de l'homme.

Publications

Sonja Köhler

- L'interdiction des expulsions en masse en droit international public, Berlin Verlag

Katja Wiesbrock

- Protection internationale des droits de l'homme contre la violation par personnes privées, Berlin Verlag

Studien zu Grund- und Menschenrechten (en allemand seulement)

- No 2, mars 1999 : « Les droits de l'homme pour tous – le 50e anniversaire de la Déclaration universelle des droits de l'homme »
- No 3, octobre 1999 : « L'interdiction du refoulement en droit international public », Bianca Hofmann
- No 4, février 2000 : « Les clauses sur le respect des droits de l'homme et leur impact sur les relations extérieures et les accords d'aide au développement de la CE/UE », Norman Weiß
- *MenschenRechtsMagazin*. No 1-3/1999 et No 1/2000 (en allemand seulement). Articles concernant notamment les activités du Comité des droits de l'homme des Nations Unies, la nouvelle procédure devant la Cour européenne des Droits de l'Homme, le 50e anniversaire de la Déclaration universelle des droits de l'homme et du Conseil de l'Europe, la Convention sur l'élimination de toutes les formes de discrimination à l'égard des femmes.

Greece / Grèce

Marangopoulos Foundation for Human Rights
1 Lycavittou Street
GR-106 72 Athens
tel. +30 13 63 74 55
fax +30 13 62 24 54

Events

- The Prevention of Human Rights Violations, a two-day international colloquium on the occasion of the 20th anniversary of the Foundation (Athens, 24-25 May 1999).
- Press Conference on measures for the effective implementation of the Worst Forms of Child Labour Convention, co-organised with many organisations on the occasion of Universal Children's Day (Athens, 9 December 1999).
- Cyprus and Human Rights, colloquium on the occasion of the 51st anniversary of the Universal

Declaration of Human Rights (Athens, 14 December 1999).

- The Ombudsman Institution in Europe and the Challenge of the Consolidation of Democracy, colloquium on the occasion of the 50th anniversary of the European Convention on Human Rights, in collaboration with the European Commission for Democracy through Law (Venice Commission) (Athens, 12-13 May 2000).
- Lecture on "The concept of 'court' under the European Convention on Human Rights" and "The new European Court of Human Rights (institutional, operational and procedural aspects)" in collaboration with the University of Athens (Athens, 19-22 May 2000).
- One year after its adoption the Marangopoulos Foundation for Human Rights organised a Press Conference on the ratification of the Worst Forms of Child Labour Convention and on Education for all Children of the World (Athens, 13 June 2000).
- Immigrants, Racism, Xenophobia: From Theory to Practice, colloquium on the occasion of the publication of ECRI's 2nd report on Greece and the preparation on the European Conference against Racism (Athens, 29-30 June 2000).
- Press Conference on the Mass Media, the Constitution and the Law, on the occasion of the amendment of Articles 14 and 15 of the Constitution, in collaboration with the Institute of Constitutional Law of the University of Athens and the League of Greek Constitutionalists (Athens, 26 September 2000).
- The New Provision on Gender Equality in the Greek Constitution under Reform, debate in memory of the late President of the Supreme Administrative Court, Vassilis Botopoulos, in collaboration with the General Secretariat for Equality and the League for Women's Rights (Athens, 9 October 2000).
- Poverty in the World: Factors and Perspectives, debate on the occasion of the International Day for the Eradication of Poverty (Athens, 17 October 2000).
- Criminal Policy – Pluridisciplinary approach – Human Rights, Colloquy in memory of J. Pinatel in collaboration with the International Society for Criminology and the Greek Society for Criminology (Athens, 13 November 2000).
- The 50-year Contribution of the European Convention on Human Rights: Problems and Perspectives, two-day Conference on the occasion of the 50th anniversary of the European Convention on Human Rights, in collaboration with the University of Athens (Athens, 18-19 December 2000).

Publications

L.A. Sicilianos

- L'ONU et la démocratisation de l'Etat : Systèmes régionaux et ordre juridique universel, Paris, Pedone, 2000, Publication Series of MFHR, No. 4, 321 pp.

P. Tavernier – A. Yotopoulos-Marangopoulos (dir.)

- La communauté académique à l'aube du troisième millénaire: droits fondamentaux et responsabilités, Bruxelles, 2000, Bruylant, 272 pp.

Chr. Bourloyianni-Vraila (ed.)

- Cyprus and Human Rights, Athens-Komotini, Ant. N. Sakkoulas publishers, 2000, 112 pp. (in Greek).

E. Kastanas – Y. Ktistakis

- Chronique de jurisprudence de la Cour européenne des Droits de l'Homme des années 1997 et 1998, Athens-Komotini, Ant. N. Sakkoulas publishers (in Greek, forthcoming).

Contributions to law reviews and collective volumes by MFHR's research staff

E. Kastanas-Y. Ktistakis

- Les affaires grecques devant la Cour européenne des Droits de l'Homme. Chronique de jurisprudence en 1998, Revue hellénique de Droit international, 1999, pp. 219-234.

L.-A. Sicilianos

- The Democratic Principle in the Universal Declaration of Human Rights, in the Universal Declaration of Human Rights – 50 years after, Sakkoulas, 1999, pp. 117-136 (in Greek).

Y. Ktistakis

- La jurisprudence pénale de la Cour européenne des Droits de l'Homme en 1999, Justice pénale, 2000, pp. 414-418 and pp. 933-936 (in Greek).

L.-A. Sicilianos

- The Prevention of Human Rights Violations – Utopia or Challenge? *To Syntagma* 2000, pp. 237-256 (in Greek).
- Les mécanismes de suivi au sein du Conseil de l'Europe, dans H. Ruiz-Fabri, L.-A. Sicilianos, J.-M. Sorel (dir.), L'effectivité des organisations internationales – Mesures de suivi et de contrôle, Athènes/Paris, Sakkoulas/Pedone, 2000, pp. 247-272 (in French).

Hungary / Hongrie

Hungarian Centre for Human Rights
Benczúr u. 33
H-1068 Budapest
Hungary
tel/fax +36 1 3428734

Publications

Vincent Berger

- Jurisprudence of the European Court of Human Rights; Hungarian translation, Budapest, 1999

Ágnes Környei

- Regionalism in universal human rights, with special regard to the Organisation of American States. Acta humana studiosorum, 1999, p. 362.

Acta Humana (Human Rights Quarterly)

- No. 35-36 devoted to the 50th anniversary of the Council of Europe: Tamás Bán, 50 years of the Council of Europe: the impact of our membership on the Hungarian legal development; János Zlinszky, On the Venice Commission on Democracy through Law – from inside; Erzsébet Kardos-Kaponyi, Equality of sexes in the light of the activities of the Council of Europe; Gábor Nagy, Incorporation of the provisions of the European Convention on Human Rights into national law; Mónika Weller, Case of Rekvényi v. Hungary; Balázs Szilágyi, Transfrontier co-operation in the spirit of the European Outline Convention.
- Acta Humana No. 37-38: Ágnes Ambrus, Statelessness. UN Conventions and the Activities of the United Nations High Commissariat for Refugees; Boldizsár Nagy, The Schengen System and Hungary: the Road to Amsterdam and Beyond; Mária Ugróczky, The Regulation of Nationality in Europe; Kinga Szurday, Data protection in connection with the Schengen Agreement and the Schengen Information System; György Gátos, Extradition treaties concluded by Hungary; Krisztina Arató, Migration of Workers from Hungary to the EU.
- Acta Humana No. 39-40 on Freedom of Religion – Today and Tomorrow: Ferenc Kondorosi, Introductory Remarks on the Freedom of Religion and Conscience; Péter Polt, The Questions of Protection of the Freedom of Conscience; Zsolt Rostoványi, Religions, Cultures, Values; Gábor Schweitzer: Churches and the Rule of Law – Questions and Hopes; Miklós Tomka, Churches – Actors of the Civil Society; Tibor Fedor, Relations between the State and the Churches in Austria; Károly Kisteleki, Relation between the State and the Churches in the United Kingdom; György Lefkánits, Regulation Concerning the Church in France; Balázs Schanda, State and Church in Germany.

Research

Research is carried out on various topics of international human rights law, such as: the protection of economic, social and cultural rights; the European system of human rights protection in comparison with other regional systems; and equality before the law and equal opportunities.

Italy / Italie

International Institute of Humanitarian Law
Villa Ormond, Corso Cavallotti 113
I-18038 San Remo
Tel. +39 0184 541848
Fax +39 0184 541600
e-mail sanremo@iihl.org
site http://www.iihl.org

Teaching and training

- Military courses

The UHL regularly organises courses in San Remo on the law of armed conflict for officers of national armed forces with the support of the International Committee of the Red Cross. These two-week courses aim at promoting, in the armed forces, a wider awareness of international humanitarian rules applicable in armed conflict situations so as to ensure a higher level of respect and compliance with such rules. Human rights in conflict situations and the special role of the UN peace-keeping forces are also dealt with. In the period under examination, eight regular courses were organised in English, French and Spanish, occasionally with classes in Arabic and Portuguese. 287 senior officers attended.

The First Advanced Military Course was organised in Venice in October, 1999. 18 officers attended. The Second Advanced Military Course took place in San Remo from 9 to 27 October, 2000. 29 officers attended.

The Third Course for Managers of Training Programmes took place from 29 November to 3 December, 1999 in San Remo. 4 participants attended.

The Second Seminar for Military Doctors took place in San Remo, in May, 2000. 16 participants attended.

- Courses on International Refugee Law

The courses on international refugee law, organised with the support and under the auspices of the LTNHCR and the Swiss Federal Office for Refugees, are meant for government officials and NGO and Red Cross or Red Crescent personnel with specific responsibilities for the problems of refugees and asylum-seekers. In the period under examination two courses were organised in English, with the attendance of 135 participants, and one in French, with the attendance of 25 participants.

Conferences, seminars and meetings of experts

· Annual Round Tables (or Congresses) on International Humanitarian Law

Through the years the IIHL has affirmed its reputation as an independent setting for experts from governments, international organisations, humanitarian institutions and individual experts to meet at the annual "Round Table" and have an informal dialogue on current problems of international humanitarian law. The titles were:

2-4 September, 1999: 24th Round Table "50th Anniversary of the Geneva Conventions". Participants: 161

31 Aug.-2 Sept., 2000: Congress "Humanitarian Action and State Sovereignty". Participants: 193

· Other meetings of experts

The IIHL decided to organise a meeting of experts in San Remo from 21 to 23 October 1999, on the protection of refugees in the light of the events of spring 1999 in Kosovo and in the Balkans in general. About forty experts attended, mainly from those troubled areas. The initiative was supported by the British Council for Refugees, the International Council of Voluntary Agencies, the Raoul Wallenberg Institute for Human Rights, and the British Government.

Research work

In 1998 the Council of the IIHL approved the conducting of a research on "Humanitarian Protection in Non-International Conflicts", which will culminate in the publication of a manual, possibly in 2001. The first meeting of experts was convened in San Remo from 2 to 4 December 1999. 25 experts were present. The second meeting took place, again in San Remo, from 18 to 22 October 2000. About 30 experts attended.

Publications

Prof J. Patrnogic

· "New Issues for International Humanitarian Law Regarding Humanitarian Assistance", with the support of Dragan European Foundation, Nagard Publishers, Milan, March, 2000.

Secretary general's report for 1999, May 2000

Newsletter "Humanitarian dialogue"

· No. 1, January-March 2000
· No. 2, April-June 2000
· No. 3, July-September 2000
· No. 4, October-December 2000 (to be published)

Norway / Norvège

Norwegian Institute of Human Rights
University of Oslo
PO Box 6832 StOlavs plass
NO-0130 Oslo
tel. +46-22842001
fax +47-22842002
e-mail admin@nihr.uio.no
site http://www.humanrights.uio.no/en/

The Norwegian Institute of Human Rights (NIHR) has been singled out as the Government's preferred choice as National Human Rights Institution according to the Paris principles. The Government has stated in a white paper plan of action that the the NIHR should be awarded this status as soon as 2001. The NIHR has met with representatives of the Danish Centre for Human Rights, among them Director Morten Kjærum, to discuss the various implications of being national institution for human rights. However, the NIHR cannot undertake the obligations of being the national institution until financial strengthening has been secured. Budget talks in Parliament will be decisive. On the international arena, the NIHR was one of the founding members of the Association of Human Rights Institutes.

Courses

· For the second year running, the Institute offers a Master of Arts in the theory and practice of human rights in 2000/2001. The course is a 12-month intensive course, starting in August, with a maximum of 15 students admitted. Language: English.
· The Institute also contributes heavily to a short course on international human rights, given by the Law faculty at the University of Oslo. Since 1 January 2000, the Institute is part of the Law faculty.

Seminars

· The annual seminar in memory of Torkel Opsahl was held in October, with contributions from judge Rune Lavin (Sweden), professor Kaarlo Tuori (Finland), as well as Jan Helgesen of the NIHR, political scientist and professor emeritus Thomas Chr. Wyller (University of Oslo), and Carsten Smith of Norway's Supreme Court. The subject of the seminar was the inclusion of a human rights catalogue in case of a constitutional reform.
· Vojin Dimtrijevic, director of the Beograd Institute of Human Rights, gave a lecture at the NIHR in November, on the topic "International support for human rights activities in the countries of former Yugoslavia".
· Radhika Coomaraswamy, UN special rapporteur on violence against women, was awarded the University of Oslo's human rights prize for 2000. The

ceremony was held in the University Aula on 28 November, and the following day she took part in a working seminar at the NIHR. The seminar was based upon a short paper by Coomaraswamy, entitled "A question of honour: Violence against women, ethnicity and armed conflict".

- Janne Haaland Matlary, former Deputy Minister for human rights and development and associated professor at the University of Oslo (political science), presented plans for a future publication to be entitled "Soft Power, Hard Values: The Impact of the Human Rights Regime in Europe" at the NIHR on 23 November. Discussions after her presentations were based on a draft for the first chapter.
- In December, nine NIHR staff members attended the Nordic-Baltic Syposium on Human Rights Education in Lund, Sweden. Philosopher Tore Lindholm and jurist Jannicke Bain were also among the speakers, giving their views on "Teaching human rights in other diciplines than law" and "Developing a human rights course for the foreign service", respectively.
- NORDEM, the Norwegian resource bank for democracy and human rights, hosted a seminar with Morten Bergsmo (legal advisor at the ICTY) in October. His presentation focused on the the current situation in East Timor and the development of legal institutions.

Library and information services

- The NIHR library boasts the most up-to-date and extensive collection of human rights materials in the country. The library is open to the public, and the main parts of its collection is searchable in BIBSYS. BIBSYS is the shared library system for all Norwegian University Libraries, the National Library, most college libraries, and a number of research libraries. The BIBSYS database contains information about books, periodicals etc. held by these libraries (7.5 million copies). Web site: http://www.bibsys.no/english.html.
- The NIHR library has been strengthened this year by an additional permanent full-time librarian's position. Hege Langlo, previously working at the Law Faculty library, joined head librarian Betty Haugen in August.

Publications

- The NIHR publishes a newsletter in Norwegian, *Nytt fra Institutt for menneskerettighter*, four times a year.
- Svein Gjerdaker will be the next editor of the Nordic human rights journal *Mennesker og rettigheter* ("Humans and rights").
- The NIHR publishes two series, "Human rights reports" and "Working papers". The report series includes work of some academic merit, whereas the working papers are typically seminar proceedings or reports on elections observations and/or human rights monitoring.

Netherlands / Pays-Bas

Maastricht Centre for Human Rights
PO Box 616
6200 MD Maastricht
tel. +31(0)43 388 32 33
fax +31)(0)43 325 78 18
e-mail C.Kuypers@IR.Unimaas.nl

This report is abridged from the Centre's 1999 annual report, available from the above address.

Areas of research

The Maastricht Centre for Human Rights focuses its research activities on the role and significance of human rights both at the domestic and international level. The leading theme is the universality of human rights. One of the points of departure is the indivisibility of all human rights, i.e. civil and political rights as well as economic, social and cultural rights. Most of the research activities of the Maastricht Centre are part of the research programme of the National School of Human Rights Research.

The research activities cover the following main areas:

1 *International norms and procedures*

Emphasis is laid on the international standard-setting and monitoring. Research comprises both universal and regional (European) components, with specific reference to the following subjects:

- The UN Committee Against Torture; its role in the interpretation, development and implementation of the Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment.
- The implementation of the International Convention on the Elimination of All Forms of Racial Discrimination.
- The role of the African Commission on Human and Peoples' rights.
- Interim measures in international human rights law and practice.
- The right to reparation for victims of gross violations of human rights and humanitarian law.
- The development of international criminal tribunals.
- The supervisory procedures within the Council of Europe (European Convention on Human Rights, European Social Charter, European Convention for the Prevention of Torture).

2 *Constitutional and treaty rights*

This part focuses on the combined protection offered by national constitutional rights and internationally recognised rights, in particular the application of international standards within the national legal order. Equally, much attention is paid to such substantive issues as non-discrimination, freedom of expression, fair trial etc., with special reference to their comparative dimensions. An overall and continuous area of interest and study is the development and impact of human rights standards in the case law of the treaty bodies of the Council of Europe and in the policies and practices of the European Union.

3 *Economic, social and cultural rights; rights of collectivities*

On the basis of the "Limburg Principles", a document drawn up at an international conference held in Maastricht in June 1986 and widely cited since then.

To mark the tenth anniversary of the Limburg Principles, the "Maastricht Guidelines on Violations of Economic, Social and Cultural Rights" have been drawn up. With these basic documents in mind the Centre continues to lay much emphasis in the significance of economic, social and cultural rights. Thus, the Centre is actively involved in efforts to strengthen the justiciability and enforcement of these rights by setting up or further developing an international complaint system in the framework of the International Covenant on Economic, Social and Cultural Rights and the European Social Charter. Research work in various stages of progress relate to:

- the right to education
- the right to food
- the right to housing
- the right to property
- the right to cultural identity
- non-discrimination as regards economic, social and cultural rights.

4 *Rights of the child*

This year a project was started on the rights of the child. More than ten members of the Centre are involved in the project. Major attention is given to the notion "the best interests of the child" as included in the Convention on the Rights of the Child. The project is interdisciplinary in nature and approaches the issues from a variety of perspectives in the field of law and social sciences. It is envisaged that the project will result in a major collective publication by members of the Centre.

5 *Human rights in foreign policy and international relations, including development co-operation*

Research focuses on:

- the Netherlands foreign policy; the discrepancy between verbal and declaratory foreign policy with regard to human rights; human rights as a new area of state policy interest
- the UN and human rights
- Israel and the role of the PLO
- human rights, development cooperation and international financial institutions
- the role of NGOs and other non-state actors.

6 *Women and law*

The Project Group on Women and Law studies the question to what extent a gender-neutral legal system is doing justice to a gender-specific or a gender-related reality. The relevance of international human rights instruments is an important perspective of this study.

An issue of special interest is the elaboration of an Optional Protocol on the right of petition system with regard to the Convention on the Elimination of All Forms of Discrimination Against Women.

7 *Criminal law and human rights*

(Comparative) research is carried out with regard to:

- female prisoners, especially mothers
- the relation between human rights and extradition
- entrustment orders
- the Committee for the Prevention of Torture (CPT) in the framework of the Council of Europe
- equality of arms; Article 6 of the European Convention on Human Rights
- Cautie and Miranda-rules; a comparison between the USA and the Netherlands
- telephone taps
- police co-operation
- liability of legal persons for environmental offences
- defence in criminal cases; the position of the lawyer
- witness examination
- Prisons Act; detention regimes.

Meetings in 1999

- In the framework of the National Research School Human Rights programme for PhD candidates, a meeting was held in Maastricht on 23 April 1999. Heleen Janssen gave a lecture on the: "*interpretatie met algemene rechtsbeginselen in verschillende vergelijkbare rechtsculturen*". Janneke Gerards gave a lecture on the: "*ontwikkeling van een toetsingsmodel voor rechterlijke toetsing aan het algemene gelijkheidsbeginsel*".
- On 21 September 1999 the director of the Centre gave a course on human rights as part of the training programme for officers of the Royal Dutch Military Police (*Koninklijke Marechaussee*).

- On 15 December 1999 the Centre held a luncheon meeting at which Mr Richard Verkijk gave a lecture on "*Transseksualiteit en het EVRM*".
- From 16 to 27 August 1999 the Centre convened, within the framework of the National School of Human Rights Research, a Summer Course on Human Rights: "Human rights in the year 2000 and beyond". The course took place in Maastricht during the first week. During the second week the participants stayed at the Catholic University in Leuven, Belgium.
- On 20 October 1999 the Centre organised a Study Conference in Maastricht devoted to the thesis of Jan Willems "Who will educate the educators?". In addition to Jan Willems other prominent speakers included Professors Baartman, Van Dantzig and Doek. The conference was very well attended and received wide media coverage.

Maastricht Perspectives

In the wake of the fiftieth anniversary of the Universal Declaration of Human Rights the Centre published the Maastricht Perspectives (eds. Theo van Boven, Cees Flinterman, Ingrid Westendorp, Maastricht 1999, ISBN 90-5681-063-4). This publication includes a representative selection of texts which were prepared and produced in Maastricht as an outcome of joint activities carried out by the Centre in co-operation with national and international partner organisations and institutions. It is intended to make these texts, earlier published in a variety of United Nations documents and international journals, more easily accessible as a contribution to the fiftieth anniversary of the Universal Declaration of Human Rights. The texts reproduced in Maastricht Perspectives are:

- The Limburg Principles on the Implementation of the International Covenant on Economic, Social and Cultural Rights (June, 1986)
- The Maastricht Guidelines on Violations of Economic, Social and Cultural Rights (January, 1997)
- 1988 Maastricht/Utrecht Statement on the Universal Declaration of Human Rights (December, 1988)
- Conclusions of the Maastricht Seminar on the Right to Restitution, Compensation and Rehabilitation for Victims of Gross Violations of Human Rights and Fundamental Freedoms (March, 1992)
- Draft Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women (September/October, 1994)

Relevant publications of staff members

Twenty staff members published book or articles in 1999. Full details appear in the annual report.

Co-operation with other organisations and institutions

The Maastricht Centre maintains co-operative relationships with many national and international institutes and organisations for developing programmes, organising workshops, exchange of information, mutual support, presentation of research and publications.

Poland / Pologne

Poznań Human Rights Centre
Institute of Legal Studies of the Polish Academy of Sciences
ul. Mielżyńkiego 27/29
PL-61-725 Poznań
tel. +48 618520 260
fax +48 618520 260

Activities

Recently the emphasis has been put on organising seminars and training attended by the employees of jurisdiction, practitioners, academic lecturers and outstanding law students.

In September 1992 the Centre initiated the organisation of annual two-week seminars called "International Protection of Human Rights". They are conducted in English by Polish and foreign experts. So far, seven such courses have been organised; this year the eighth edition of the course will take place from 6 to 15 September.

Portugal

Bureau de documentation et de droit comparé de l'Office du procureur général de la République
Rua do Vale de Pereiro nos 2, 3, 4
P-1200 Lisbon
site http://www.gddc.pt

Le Bureau de documentation et de droit comparé de l'Office du procureur général de la république a les fonctions suivantes :

- Il assure le recueil, le traitement et la diffusion d'informations juridiques spécialisées provenant d'organismes internationaux ou de pays étrangers.
- Il fournit des informations à un ensemble très vaste d'utilisateurs nationaux (départements d'Etat, magistrats, etc.…) en matière de protection des droits de l'homme, de droit comparé, de droit étranger, de droit international et de droit communautaire.
- Il assure la diffusion du système juridique portugais à l'étranger par l'élaboration de rapports périodiques destinés à des organismes internationaux.
- Il assure une contribution systématique dans le domaine des actions de coopération juridique internationale du ministère de la Justice avec l'Union européenne et des organismes internationaux, ou avec d'autres pays, nommément des pays africains de langue officielle portugaise.

- Il procède à l'élaboration, au nom du Gouvernement portugais, d'un vaste ensemble d'informations (rapports, études, réponses à des questionnaires, etc.) destinées à des organismes internationaux, il participe à des réunions internationales au sein d'organisations internationales, et il collabore à la préparation de conventions et de traités de caractère multilatéral ou bilatéral en matière de droits de l'homme et en matière pénale.
- Il développe de nombreuses activités dans le but d'assurer la pleine utilisation de systèmes informatiques par des juristes (par l'accès à des banques de données et le développement d'applications de bureautique).
- Il est chargé de l'édition du *Bulletin du ministère de la Justice* et des publications supplémentaires et assure leur expédition.

Le Bureau a l'intention de continuer à développer ses activités qui font ainsi partie du plan d'activités de ce Bureau pour l'année 2001.

Le Bureau a, de plus, rendu disponible un espace de diffusion, sur Internet, de ses activités, ainsi que de la documentation sur des organismes internationaux et des textes des instruments juridiques internationaux les plus importants, au niveau du Conseil de l'Europe et des Nations Unies, en ce qui concerne les droits de l'homme, et au niveau du Droit communautaire. Les versions française et anglaise de cette page sont en cours d'élaboration, la page elle-même se trouvant en cours de restructuration.

Actuellement, le Bureau met à disposition, sur Internet, en français et intégralement, trois banques de données sur la jurisprudence de la Cour et de la Commission européennes des Droits de l'Homme ; sur les décisions et commentaires des organes de contrôle de l'application des instruments internationaux en matière de droits de l'homme des Nations Unies ; sur les résolutions de la Commission européenne des Droits de l'Homme (de 1991 à 1995), et sur les résolutions de la Sous-Commission de lutte contre les mesures discriminatoires et de protection des minorités (de 1994 à 1995). D'autres bases seront disponibilisées à l'avenir, les banques de données OICE (organismes internationaux – Conseil de l'Europe, déjà prête et bientôt disponible, qui contient, en français, l'intégralité des textes des résolutions et des recommandations du Comité des Ministres et de l'Assemblée parlementaire du Conseil de l'Europe) et de conventions internationales ; cette base de données se réfère à tous les traités et conventions signés et ratifiés par le Portugal.

La commémoration du 50e anniversaire de la Déclaration universelle des droits de l'homme ayant eu lieu en 1998, le Bureau a ouvert, sur sa page de garde, un espace destiné à ces commémorations, par delà les activités qui ont eu lieu à cette occasion.

La Décennie pour l'Education en matière de droits de l'homme ayant été lancée à cette même époque, est appelée à se prolonger jusqu'en 2004 ; le Bureau a également ouvert sur sa page, au nom de la Commission nationale chargée de l'exécution de cette Décennie, et dans le cadre de son programme d'activités, un espace dédié à ces commémorations.

Dans ce cadre, des colloques ont été organisés, ainsi que la traduction et la diffusion, en portugais, de matériaux relatifs aux droits de l'homme, en relation avec les écoles et les collectivités locales, destinés à atteindre le grand public portugais, en particulier les jeunes.

En outre, la cassette vidéo « Debout pour les droits de l'homme ! », du Conseil de l'Europe, a été traduite et sa distribution est déjà assurée, ainsi que la brochure qui l'accompagne ; des brochures et des affiches relatives au 50e anniversaire de la Déclaration universelle des droits de l'homme sont en cours de distribution et de diffusion ; des recueils de textes officiels internationaux et de textes pédagogiques relatifs aux droits de l'homme ont été distribués et sont encore en cours de distribution; la traduction des « Séries des Nations Unies » sur les droits de l'homme a commencé; la Déclaration universelle des droits de l'homme et les textes de la Convention européenne des Droits de l'Homme et de ses protocoles, jusqu'au Protocole nº 11, et de la Convention des Nations Unies sur les Droits de l'Enfant, ont été publiés en braille et en portugais. La publication du Recueil des conventions du Conseil de l'Europe par ce dernier et un chef de rédaction national, est prévue dans un avenir proche.

Toutes ces activités vont se poursuivre dans les années à venir et forment, avec les initiatives d'autres institutions qui se grefferont sur elles, un plan d'activités éloquent.

III. Publications

Publications with ISBNs beginning 92-871- may be obtained from Council of Europe Publishing. For further information, contact:

Council of Europe Publishing
Sales Unit
Council of Europe
F-67075 Strasbourg Cedex

Tel. (33) 3 88 41 25 81
Fax (33) 3 88 41 39 10
e-mail publishing@coe.int
Internet http://book.coe.int

Other documents are generally available from:

Human Rights Information Centre
Council of Europe
F-67075 Strasbourg Cedex

Tel. (33) 3 88 41 20 24
Fax (33) 3 88 41 27 04
e-mail humanrights.info@coe.int

Human rights in general

Legislation to counter discrimination against persons with disabilities

ISBN 92-871-4422-2

This comparative analysis of legislation to counter discrimination against persons with disabilities takes stock of existing legislation covering all areas of life, such as education, mobility, accessibility, vocational guidance and training, employment, sports, leisure and culture, medical care, and so on.

Design of court systems and legal information systems

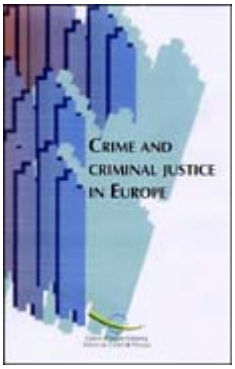
Proceedings, Vienna, April 1999 ISBN 92-871-4312-9

This report shows the main tendencies in Europe concerning the design and redesign both of court systems and legal information systems. It also gives an impression of the very rapid technological developments concerning this area.

Access to legal norms

Proceedings, Borovets, November 1998 ISBN 92-871-4377-3

As access to legal norms is an essential element of a state governed by the rule of law, it is for the public authorities to organise the system in such a way that public access to legal norms is guaranteed and ensured that it is publicised. Technological advances are making it possible to easily and widely disseminate legal norms. In order to make these norms com-prehensible to those responsible for its application and monitoring, it is necessary to organise a coherent and comprehensible normative system. This is the only means by which easier access to sources of law by the public is possible.



Crime and criminal justice in Europe

ISBN 92-871-4378-1

Are punishments meted out by courts fair? Are courts consistent throughout Europe in their treatment of criminals? Is society more crime-ridden than ever before? Are some crimes being overlooked in the face of greater social problems?

Fairness and equality in criminal justice policy and procedures are a growing concern for specialist legal experts, for the judiciary, the police and the general public, as victims, as voters and as members of society.

Crime policy in Europe brings together fourteen crime policy specialists from across Europe who present the various new aspects of crime policy development, from the outlining of existing and recent trends of crime, to the importance of victim concerns, crime prevention and policing, through the role of the prosecution and sentencing, as well as different kinds of sanctions ranging from imprisonment to community service and other measures.

The prosecution, imprisonment and rehabilitation of criminals has changed dramatically in Europe over the past ten years due to greater freedom of movement within Europe, bringing to light inconsistent judicial systems with the added challenges of the rise of particular kinds of cross-border crime, such as drug trafficking. These recent new pressures on crime policy are forcing many of its philosophies and procedures to be re-evaluated.

This book will explain many of the new decisions being taken and options that are available to the courts. Its broad European scope will be of particular interest to students and practitioners of crime policy, to legislators, politicians, members of the law and all organisations and associations interested in the treatment and welfare of both criminals and their victims. It will answer many of the questions concerning crime policy and procedure, which the general reader is likely to ask on a daily basis.

The legal status of persons admitted for family reunion – A comparative study of law and practice in some European states

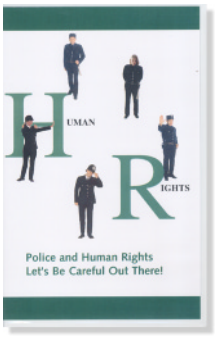
by Steve Peers, Robin Barzilay, Kees Groenendijk, Elspeth Guild ISBN 92-871-4388-9

In a comparative approach, this study describes and analyses the relevant national immigration rules and practices and refers to the main provisions on the rights of admitted family members that have been adopted at a European level.

Police

Video "Let's be careful out there!"

Ref. HR-POL-ICE



This video explores some of the implications of human rights on police work and practice in Europe. It deals mainly with the machinery set up by the Council of Europe, targeting police services in more than 40 Member States. Designed for seminars and dialogue, the video is a down-to-earth documentary, presenting views and issues from officials and police officers in a number of countries in Europe. Produced by The Danish Centre for Human Rights, in consultation with The National Danish Police College and other police services for The Council of Europe programme "Police and Human Rights 1997-2000" 22 minutes, VHS PAL

Police Practice and Human Rights – A European Introduction

A Visit by the CPT – What's it all about? 15 Questions and Answers for Police

Croatian and Georgian editions

Policing in a Democratic Society – Is your Police Service a Human Rights Champion?

There are 3 language versions: English, French and German

H (2000) 9

The guide aims to increase understanding of human rights and their application to everyday, operational policing.

CPT

CPT documents are available from the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, Council of Europe, F-67075 Strasbourg Cedex. Public documents are also available on the CPT's Internet site: http://www.cpt.coe.int/ and via e-mail: cptdoc@coe.int.

The reports and responses of the governments are generally published in one language only, English or French, as indicated below.

Report of the Government of Andorra

on the visit to Andorra in May 1998 and its responses

CPT/Inf (2000) 11 [EN]
CPT/Inf (2000) 12 [FR]

10th General Report on the CPT's activities (1999)

(includes a section on women deprived of their liberty)

Follow-up report of the Finnish Government

in response to the report of the CPT on its visit to Finland from 7 to 17 June 1998 CPT/Inf (2000) 17 [EN]

"Substantive" sections of the CPT's General Reports

in French, English, Russian, Ukrainian, Albanian and Lithuanian

Report of the Government of Norway

on the visit to Norway in September 1999 and its response

CPT/Inf (2000) 15 [EN]
CPT/Inf (2000) 16 [EN]

Social questions

Short guide to the European Social Charter

ISBN 92-871-4310-2

This aim of this publication is to provide concise and accurate information on the functioning of the Social Charter and its supervisory machinery. It is presented as a series of easy-to-use fact sheets. The Short guide is divided into three sections which present and describe:

– the Social Charter and its supervisory machinery,

– the internal procedures of the Social charter (their application and impact in the various countries), and

– the main features of the European Committee of Social Rights' case-law.

It also contains practical information on specific questions relating to the charter.

European Social Charter: Collected texts

2nd edition
ISBN 92-871-4105-3

This book is the essential and comprehensive reference for those seeking to gain knowledge of the Charter and an understanding of its mechanisms. The texts show the progress of adoptions and ratifications by an increasing number of European countries, as well as the rules of procedure of the different organs involved in the Charter's functioning: the Committee of Ministers, the Parliamentary Assembly, the European Committee of Social Rights and the Governmental Committee. It also features official decisions taken by these organs since the Charter's entry into force in order to establish, develop and implement the system for supervising its application.

The second edition provides a comprehensive update of the information and documents included in the first edition of the Collected texts published in 1997.

European Committee of Social Rights

Seventh report on certain provisions of the Charter which have not been accepted ISBN 92-871-4392-7

European Committee of Social Rights – Addendum to Conclusions XV-1

ISBN 92-871-4439-7

Social rights = Human rights

Newsletter on the European Social Charter

No. 14, September 2000

Equality between women and men

List of documents concerning equality between women and men

EG (2000) 1 rev. 2

Fact sheet on violence against women

EG (2000) 2

Compilation of the main legal instruments and analytical reports dealing with trafficking in human beings at international, regional and national levels Vol. I-II

Elements for a regional plan of action against trafficking in human beings in south-eastern Europe

EG/ATH (2000) 3

Action against trafficking in human beings in South-Eastern Europe

Proceedings, Athens, 29 June-1 July 2000 EG/ATH (2000) 5

Women in politics in the Council of Europe member States

EG (2000) 4

Council of Europe action in the field of equality between women and men

EG (2000) 5

ECRI

The concluding documents of the conference and NGO Forum – Political Declaration, General Conclusions, Report of the General Rapporteur (Mr Alvaro Gil-Robles, Commissioner for Human Rights), working group reports and the Report of the NGO Forum) and, in English and French, the country-by-country reports can be found on the website: http://www.ecri.coe.int.

ECRI's country-by-country reports

Second report on France CRI (2000) 31
Second report on Greece CRI (2000) 32
Second report on Norway CRI (2000) 33
Second report on Poland CRI (2000) 34
Second report on Slovakia CRI (2000) 35

ECRI's work on general themes

ECRI's General Policy Recommendation No. 5: combating intolerance and discrimination against Muslims CRI (2000) 21
Compilation of ECRI's General Policy Recommendations CRI (2000) 22
Good practices to combat racism and intolerance in the media CRI (2000) 19
Legal instruments to combat racism on the Internet CRI (2000) 27

Media

Council of Europe activities in the media field

DH-MM (2000) 1

Recommendations and declarations adopted by the Committee of Ministers of the Council of Europe in the media field

DH-MM (2000) 2

Recommendations and resolutions adopted by the Parliamentary Assembly of the Council of Europe in the media field

DH-MM (2000) 3

European ministerial conferences on mass media policy: texts adopted

DH-MM (2000) 4

Conference on freedom of expression and the right to privacy: Reports

Strasbourg, 23 September 1999 DH-MM (2000) 7

Conference on universal community service: access for all to internet services at community leve: General report

Malta, 2-3 November 1999 DH-MM (2000) 8

Minorities

Replies to the questionnaire on forms of participation of minorities in decision-making processes

DH-MIN (99) 1

Synthesis of the replies to the questionnaire on forms of participation of minorities in decision-making processes

DH-MIN (99) 2

The participation of minorities in decision-making processes

DH-MIN (2000)1

Expert study submitted on request of the DH-MIN by the Max Planck Institute for Comparative Public Law and International Law, Heidelberg

The Council of Europe Secretariat remains involved in legislative expertise concerning the new law and regulations on the use of the state language in Latvia, together with the Office of the OSCE High Commissioner on National Minorities. A document outlining the views of the Secretariat was prepared for the Committee of Ministers in September 2000 (SG/Inf (2000) 33).

Appendix I

European Commission against Racism and Intolerance

Political Declaration adopted by Ministers of Council of Europe member States on Friday 13 October 2000 at the concluding session of the European Conference against Racism

We, the Governments of the member States of the Council of Europe, **on the occasion of the European Conference** *All different all equal: from principle to practice*, European contribution to the World Conference against racism, racial discrimination, xenophobia and related intolerance

... commit ourselves:

To take further steps, having in mind in particular the General Conclusions of the European Conference, to prevent and eliminate racism, racial discrimination, xenophobia, anti-Semitism and related intolerance, and to monitor and evaluate such action on a regular basis. These shall include:

legal measures

- to implement fully and effectively at national level the relevant universal and European human rights instruments and to consider signing and ratifying, as soon as, and wherever, possible without reservations, those instruments for which such action has not yet been taken;
- to adopt and implement, wherever necessary, national legislation and administrative measures that expressly and specifically counter racism and prohibit racial discrimination in all spheres of public life;
- to guarantee equality to all without discrimination as to origin, by ensuring equality of opportunity;
- to assure to all victims of racism, racial discrimination, xenophobia and related intolerance adequate information, support and national legal, administrative and judicial remedies;
- to bring to justice those responsible for racist acts and the violence to which they give rise, ensuring the prohibition of racial discrimination in the enjoyment of the right to freedom of expression;
- to combat all forms of expression which incite racial hatred as well as to take action against the dissemination of such material in the media in general and on the internet in particular;

policy measures

- to establish national policies and action plans to combat racism, racial discrimination, xenophobia, anti-Semitism and related intolerance, including through the creation of independent specialised national institutions with competence in this field, or reinforcing such existing institutions;
- to pay specific attention to the treatment of persons belonging to vulnerable groups and to persons who suffer discrimination on multiple grounds;
- to integrate a gender perspective in policies and action to combat racism with a view to empowering women belonging to vulnerable groups to claim respect for their rights in all spheres of public and private life;
- to create conditions for the promotion and protection of the ethnic, cultural, linguistic and religious identity of persons belonging to national minorities where such minorities exist;
- to counter social exclusion and marginalisation, in particular by providing equal access to education, employment and housing;
- to ensure the development of specific measures, which actively involve the host society and encourage respect for cultural diversity, to promote fair treatment for non-nationals and to facilitate their integration into social, cultural, political and economic life;
- to pay increased attention to the non-discriminatory treatment of non-nationals detained by public authorities;
- to reflect on the effective access of all members of the community, including members of vulnerable groups, to the decision-making processes in society, in particular at local level;

- to develop effective policies and implementation mechanisms and exchange good practices for the full achievement of equality for Roma/Gypsies and Travellers;

educational and training measures

- to give particular attention to education and awareness-raising in all sectors of society to promote a climate of tolerance, respect for human rights and cultural diversity, including introducing and strengthening such measures among young people;
- to ensure that adequate training and awareness-raising programmes are implemented for public officials such as the police and other law enforcement officers, judges, prosecutors, personnel of the prison system and of the armed forces, customs and immigration officers as well as teachers and health and social welfare services personnel;
- to combat ethnic and religious cleansing in Europe and in other regions of the world;
- to support non-governmental organisations, strengthening the dialogue with them, with the social partners and other actors in civil society and to involve them more closely in elaborating and implementing policies and programmes designed to combat racism and xenophobia;
- to consider how best to reinforce European bodies active in combating racism, discrimination and related intolerance, in particular the European Commission against Racism and Intolerance;
- To enhance co-operation between relevant European and international institutions so as mutually to reinforce their respective action to combat racism.

Appendix II

Judgments and decisions by the European Court

Owing to the large number of judgments delivered between 1 July and 31 October 2000 and decisions taken until 30 September, they are listed here in tabular form, with only those which present a particular interest being summarised (the judgments printed in italics in the following lists are summarised in Part 3 – European Court of Human Rights). Further information may be obtained from the European Court of Human Rights, or through the Internet at http://www.echr.coe.int/

1. Judgments delivered by the Court

Case		Application	Date	Article(s)
ENTLEITNER, Helmut	Austria	29544/95	01/08	6-1 ; 41
Tele 1 Privatfernsehgesellschaft mbH	Austria	32240/96	21/09	10-1 ; 10-2 ; 41
C.H.	Austria	27629/95	03/10	6-2 ; 37-1 ; 38-1-b ; 39
POBORBIKOFF, Dimiter	Austria	28501/95	03/10	6-1 ; 41
EISENSTECKEN, Herbert	Austria	29477/95	03/10	6-1 ; 41 ; 57
LOFFLER, Hans Peter	Austria	30546/96	03/10	6-1 ; 41
G.H.	Austria	31266/96	03/10	6-1 ; 41
C.L.	Belgium	30346/96	17/10	6-1 ; 37-1 ; 38-1-b ; 39
VARBANOV, Dimitar	Bulgaria	31365/96	05/10	5-1-e ; 5-4 ; 35-3 ; 41
HASAN, Fikri Sali ; CHAUSH, Ismail	*Bulgaria*	*30985/96*	*26/10*	*6-1 ; 9 ; 11 ; 13 ; 41 ; P1-1*
LOUKA, Maro	Cyprus	42946/98	02/08	6-1 ; 41
BARFUSS, Jiri	Czech Republic	35848/97	31/07	5-3 ; 6-1 ; 41
SKOUBO, Egon Verner	Denmark	39581/98	06/07	6-1 ; 37-1 ; 39
HANSEN, Hardy	Denmark	28971/95	11/07	6-1 ; 37-1 ; 39
SLAVGORODSKI, Vitali	Estonia	37043/97	12/09	8 ; 37-1 ; 39
LAUNIKARI, Jaakko	Finland	34120/96	05/10	6-1 ; 41
PELTONEN, Mauno	Finland	27323/95	28/09	6-1 ; 37-1-a
DROULEZ, Michel	France	41860/98	18/07	6-1 ; 37-1 ; 38-1-b ; 39
M.S.	France	41453/98	18/07	6-1 ; 41
JAEGERT, Jean-Georges	France	29827/96	18/07	6-1 ; 37-1-a
CALOC, Adrien	France	33951/96	20/07	3 ; 6-1 ; 41
N'DIAYE, Wagui	France	41735/98	20/07	6-1 ; 37-1 ; 38-1-b ; 39
ABBAS, Abdelghani	France	35783/97	20/07	8 ; 37-1 ; 39
C.P. ; J.F.P. ; E.P. ; C.P. ; T.P. ; A.P.	France	36009/97	01/08	6-1
B.P.	France	38781/97	01/08	5-3 ; 6-1 ; 41
SATONNET, Michel	France	30412/96	02/08	6-1 ; 41
IKANGA, Mponga	France	32675/96	02/08	6-1 ; 41
CHERAKRAK, Djamel	France	34075/96	02/08	6-1 ; 41
BERTIN-MOUROT, Philippe	France	36343/97	02/08	6-1 ; 41
LAMBOURDIERE, Rodolphe	France	37387/97	02/08	6-1 ; 41
DESCHAMPS, Alain	France	37925/97	02/08	6-1 ; 41
GNAHORE, Benjamin	France	40031/98	19/09	6-1 ; 8-1 ; 8-2 ; 41
J.B.	France	33634/96	26/09	6-1 ; 41
GUISSET, Jean-Claude	France	33933/96	26/09	6-1 ; 34 ; 41
DONATI, Max ; DONATI, Eliane	France	37989/97	26/09	6-1 ; 37-1 ; 38-1-b ; 39
PERIE, Jean	France	38701/97	26/09	6-1 ; 37-1 ; 38-1-b ; 39
CAMILLA, Antoine ; CAMILLA, Marie-Lucie	France	38840/97	26/09	6-1 ; 37-1 ; 38-1-b ; 39
GARCIA, Joseph-Gilbert	France	41001/98	26/09	6-1 ; 41
DAGORN, Jean-Jacques	France	42175/98	26/09	6-1 ; 41
DU ROY, Albert ; MALAURIE, Guillaume	France	34000/96	03/10	10 ; 10-2 ; 41
KANOUN, Taoufik	France	35589/97	03/10	6-1 ; 41
MAAOUIA, Nouri	*France*	*39652/98*	*05/10*	*6-1*
LAGRANGE, G., P. and G.	France	39485/98	10/10	6-1 ; 41
DACHAR, Jean	France	42338/98	10/10	6-1 ; 41
DE MOUCHERON and others	France	37051/97	17/10	6-1 ; 41
CHAPUS, Patrick	France	46693/99	24/10	6-1 ; 41
CAMPS, Gabriel	France	42401/98	24/10	6-1 ; 41
ELSHOLZ, Egbert	*Germany*	*25735/94*	*13/07*	*6-1 ; 8 ; 14+8 ; 41*
KLEIN, Edgar	Germany	33379/96	27/07	6-1 ; 41
TSINGOUR, Djahit	Greece	40437/98	06/07	6-1 ; 41
SAVVIDOU, Lena	Greece	38704/97	01/08	6-1 ; 41 ; P1-1
FATOUROU, Athina	Greece	41459/98	03/08	6-1 ; 41
BIBA, Shpetim	Greece	33170/96	26/09	6-1 ; 6-3-c ; 41
KLAVDIANOS, Georgios	Greece	38841/97	17/10	6-1 ; 37-1 ; 39
KARAKASIS, Charilaos	Greece	38194/97	17/10	6-1 ; 35-1 ; 41
IKONOMITSIOS, Vassilios	Greece	43615/98	19/10	6-1 ; 41

ZARMAKOUPIS, A. ; SAKELLAROPOULOS, G.	Greece	44741/98	19/10	6-1 ; 41
IATRIDIS, Georgios	*Greece*	*31107/96*	*19/10*	*41*
APEH ULDOZOTTEINEK SZOVETSEGE ; IVANYI, P. ; ROTH, M. ; SZERDAHELYI, S.	Hungary	32367/96	05/10	6-1 ; 41
SCOZZARI, Dolorata ; GIUNTA, Carmela	*Italy*	*39221/98 ; 41963/98*	*13/07*	*3 ; 6-1 ; 8 ; 36-1 ; 46 ; P1-2*
ANTONETTO, Irma	Italy	15918/89	20/07	6-1 ; 41 ; P1-1
MATTOCCIA, Massimiliano	Italy	23969/94	25/07	6-1 ; 6-3-a ; 6-3-b ; 41
PISANO, Massimo	Italy	36732/97	27/07	6-1 ; 6-3-d
TALENTI, Pier Francesco	Italy	38102/97	27/07	6-1
DI NIRO, Carmela	Italy	43011/98	27/07	6-1 ; 41
IADAROLA, Nicola	Italy	43091/98	27/07	6-1 ; 37-1 ; 38-1-b ; 39
LEPORE, T. and M. ; IANNOTTI, T.	Italy	43102/98	27/07	6-1 ; 37-1 ; 38-1-b ; 39
PIROLA, Paolo	Italy	45065/98	27/07	6-1 ; 37-1 ; 38-1-b ; 39
TOSCANO, S., C., A. and M. R.	Italy	45068/98	27/07	6-1 ; 37-1 ; 38-1-b ; 39
PERSICHETTI & C. S.r.l	Italy	45070/98	27/07	6-1 ; 37-1 ; 38-1-b ; 39
MORENA, Filomena	Italy	45066/98	27/07	6-1 ; 41
MORETTI, Luigi	Italy	45067/98	27/07	6-1 ; 41
SARTORI, Giuseppe	Italy	45069/98	27/07	6-1 ; 41
NOVOTNY, Eliane	Italy	45072/98	27/07	6-1 ; 41
MATTIELLO, Immacolata	Italy	42993/98	27/07	6-1 ; 41
L.G.	Italy	22671/93	03/08	41 ; P1-1
MESSINA, Antonio	Italy	25498/94	28/09	8 ; 13 ; 41
GALGANI, Mauro ; DE MATTEIS, Duilio	Italy	39871/98	28/09	6-1 ; 41
DE LISI, Aniello	Italy	40974/98	28/09	6-1 ; 41
BRUNNO, Sebastiano	Italy	43053/98	28/09	6-1 ; 37-1 ; 38-1-b ; 39
ROMANO, Maria Guiseppa	Italy	43098/98	28/09	6-1 ; 37-1 ; 38-1-b ; 39
CARUSO, Alfredo	Italy	46535/99	05/10	6-1 ; 37-1 ; 38-1-b ; 39
GIOMI, Giovanni	Italy	53361/99	05/10	6-1 ; 41
MENNITTO, Mario	*Italy*	*33804/96*	*05/10*	*6-1 ; 41*
POLIZZI, Natale	Italy	45073/98	12/10	6-1 ; 37-1 ; 38-1-b ; 39
CAPUTO, Antonino	Italy	45074/98	12/10	6-1 ; 41
TRIPODI, Aldo	Italy	45078/98	12/10	6-1 ; 41
FORTUNATI, Giuseppe	Italy	45079/98	12/10	6-1 ; 41
ALTAMURA, Giuseppe ; ALTAMURA, Ciro	Italy	45084/98	12/10	6-1 ; 41
ZURZOLO, Domenico	Italy	45087/98	12/10	6-1 ; 41
MIOLA, Leone	Italy	45098/98	12/10	6-1 ; 41
PASQUETTI, Massimo	Italy	45101/98	12/10	6-1 ; 41
TRAPANI, Francesco	Italy	45104/98	12/10	6-1 ; 41
D'ANGELO, Tullio	Italy	45108/98	12/10	6-1 ; 41
GIBERTINI, Maria Luisa	Italy	45109/98	12/10	6-1 ; 41
GRAPPIO, Giuseppina	Italy	45110/98	12/10	6-1 ; 41
CONTE, Nunzio	Italy	32765/96	17/10	6-1 ; 41
O.O. ; O.M.	Italy	44335/98	17/10	6-1 ; 41
SILVERI, Angelo	Italy	44353/98	17/10	6-1 ; 41
MAZZOTTI, Pierluigi	Italy	44354/98	17/10	6-1 ; 41
PALAZZO, Andrea	Italy	44356/98	17/10	6-1 ; 41
PALOMBO, Vincenzo	Italy	44358/98	17/10	6-1 ; 41
LIPPERA ZANIBONI, Carla	Italy	45055/98	17/10	6-1 ; 41
STUDIO TECNICO AMU S.A.S.	Italy	45056/98	17/10	6-1 ; 41
BONO, Pietro	Italy	45059/98	17/10	6-1 ; 41
S.S.	Italy	45061/98	17/10	6-1 ; 41
X200 S.R.L.	Italy	45060/98	17/10	6-1 ; 41
MARI, Eleonora	Italy	45063/98	17/10	6-1 ; 41
VON BERGER, Icilio ; VON BERGER, Luciano	Italy	45064/98	17/10	6-1 ; 41
FICARA, Domenico	Italy	45062/98	17/10	6-1 ; 41
MUSMECI, Francesca	Italy	44355/98	17/10	6-1 ; 37-1 ; 38-1-b ; 39
RETTURA, Luigi	Italy	45058/98	17/10	6-1 ; 37-1 ; 38-1-b ; 39
AMBRUOSI, Virginia	Italy	31227/96	19/10	41 ; P1-1
LEONI, Pier Paolo	Italy	43269/98	26/10	6-1 ; 41
JECIUS, Juozas	Lithuania	34578/97	31/07	5-1; 5-1-c; 5-3; 5-4; 35-1; 41; 57
GRAUSLYS, Algis	Lithuania	36743/97	10/10	5-1 ; 5-1-c ; 5-3 ; 5-4 ; 6-1 ; 41 ; 57
GRAUZINIS, Arminas	Lithuania	37975/97	10/10	5-3 ; 5-4 ; 41
DAKTARAS, Henrikas	Lithuania	42095/98	10/10	6-1 ; 6-2 ; 41
J.G.	Luxembourg	21156/93	26/10	6-1 ; 36-1 ; 41
AKIN, Ayse	Netherlands	34986/97	04/07	6-1 ; 37-1 ; 38-1-b ; 39
VAN VLIMMEREN, A. H. ; VAN ILVERENBEEK, P.	Netherlands	25989/94	26/09	6-1 ; 41
CAMP, Eveline E.C.H. ; BOURIMI, Sofian A.	Netherlands	28369/95	03/10	8 ; 14+8 ; 41
CILIZ, Mehmet	Netherlands	29192/95	11/07	8-1 ; 8-2 ; 36-1 ; 41
NIEDBALA, Maciej	Poland	27915/95	04/07	5-3 ; 5-4 ; 8 ; 41
TRZASKA, Andrzej	Poland	25792/94	11/07	5-3 ; 5-4 ; 6-1 ; 41
KAZIMIERCZAK, Janusz	Poland	33863/96	27/07	5-3 ; 37-1-c
WOJNOWICZ, Krysztof	Poland	33082/96	21/09	6-1 ; 41

CHOJAK, Jacek	Poland	32220/96	12/10	5-3 ; 37-1-a
WLOCH, Adam	Poland	27785/95	19/10	5-1-c ; 5-4 ; 6-1 ; 41
SOBCZYK, Aleksander	Poland	25693/94 ; 27387/95	26/10	6-1 ; 41
KUDLA, Andrzej	*Poland*	*30210/96*	*26/10*	*3 ; 5-3 ; 6-1 ; 13 ; 41*
A.S.	Portugal	36421/97	27/07	6-1 ; 41
LOPES GOMES DA SILVA, Vicente Jorge	Portugal	37698/97	28/09	10 ; 10-2 ; 41
CASTANHEIRA BARROS, Jorge Manuel	Portugal	36945/97	26/10	6-1 ; 41
TIERCE, J.-M. ; MARRA, R. ; GABRIELLI, P.	San Marino	24954/94 ; 24971/94 ; 24972/94	25/07	6-1 ; 41
DEGRO, Frantisek	Slovakia	43737/98	06/07	6-1 ; 37-1 ; 38-1-b ; 39
TATETE, Marie-Claire	Switzerland	41874/98	06/07	2 ; 3 ; 37-1 ; 39
DIKME, Metin ; DIKME, Emine	Turkey	20869/92	11/07	3 ; 5-2 ; 5-3 ; 6-1 ; 6-3-c ; 35-1
SENER, Pelin	Turkey	26680/95	18/07	6-1 ; 10 ; 18 ; 41
EKINCI, Seho	Turkey	25625/94	18/07	2 ; 35-1
YAKAN, Osman Nuri	Turkey	43362/98	19/09	6-1 ; 37-1-a
SATIK, K., M.; OZDEMIR, A. H.; DIRIBAS, S.; YILMAZ, F.; SEFER, S. ; YAGCI, Y. ; ADIBELLI, T. ; ERMIS, M.	Turkey	31866/96	10/10	2 ; 3 ; 41
AKSOY, Ibrahim	Turkey	28635/95 ; 30171/96 ; 34535/97	10/10	10 ; 10-2 ; 14+10 ; 41
KARATAS, Seher ; BOGA, Guven	Turkey	24669/94	17/10	3 ; 37-1 ; 38-1-b ; 39
G.H.H. AND OTHERS	Turkey	43258/98	11/07	2 ; 3 ; 8 ; 13 ; 34
JABARI, Hoda	Turkey	40035/98	11/07	3 ; 13 ; 41
BUKER, Cengiz	Turkey	29921/96	24/10	6-1 ; 41
AKKOC, Nebahat	Turkey	22947/93 ; 22948/93	10/10	2; 2-1; 3; 10 ; 13; 34 ; 35-1; 41
I.J.L. ; G.M.R. ; A.K.P.	United Kingdom	29522/95 ; 30056/96 ; 30574/96	19/09	6-1 ; 6-2 ; 41
GLASER, Maric	United Kingdom	32346/96	19/09	6-1 ; 8 ; 9
HOWARTH, Jeremy	United Kingdom	38081/97	21/09	3 ; 6-1 ; 41
OLDHAM, Eric	United Kingdom	36273/97	26/09	5-4 ; 41
McDAID, J. ; WARD, S. ; GILES, S. ; LEECE, J. ; SHORTERS, T. ; THWAITES, K.	United Kingdom	34822/97 ; 34957/97 ; 34988/97 ; 35575/97 ; 35576/97 ; 35578/97	10/10	6-1 ; 37-1
A.D.T.	United Kingdom	35765/97	31/07	8 ; 14 ; 41
LUSTIG-PREAN, Duncan ; BECKETT, John	United Kingdom	31417/96 ; 32377/96	25/07	8 ; 41
SMITH, Jeanette ; GRADY, Graeme	United Kingdom	33985/96 ; 33986/96	25/07	8 ; 13 ; 41

2. Decisions taken by the Court

At the time of going to press, for certain cases adjudged partially inadmissible, the Court has not determined the article(s) concerned.

Case		Application	Date	Conclusion	Article(s)
SOCIETE GUERIN AUTOMOBILES	15 State of EU	51717/99	04/07	Inadmissible	6-1 ; 6-3 ; 13 ; 35-3
CERNECKI, Andrzej	Austria	31061/96	11/07	Inadmissible	P7-5
HECKER, Christian	Austria	30427/96	05/09	Partly inadmissible	6-1
KÖTTERL AND OTHERS	Austria	32957/96	05/09	Partly inadmissible	6-1 ; 13
HOFSTÄDTER, Franz	Austria	25407/94	12/09	Inadmissible	6-1 ; 35-1
UNABHÄNGIGE INITIATIVE INFORMATIONSVIELFALT	Austria	28525/95	12/09	Admissible	10
SCHARSACH AND OTHERS	Austria	39394/98	19/09	Partly inadmissible	
MIHOV, Mihail	Bulgaria	35519/97	19/09	Partly inadmissible	5-3 ; 5-4 ; 35-1
AL AKIDI, Mohamed Nuli	Bulgaria	35825/97	19/09	Partly inadmissible	5-1-a ; 5-1-c ; 5-3 ; 5-4 ; 13 ; 35-1
HRISTOV, Vladimir Ivanov	Bulgaria	35436/97	19/09	Partly inadmissible	5-1-a ; 5-1-c ; 5-3 ; 6-2 ; 6-3-b ; 6-3-c
NIKOLOV, Borislav	Bulgaria	38884/97	19/09	P. adm.; P. inadm.	5-1; 5-1-c ; 5-3 ; 5-4; 5-5; 35-1
KUTIC, Vojin ; KUTIC, Ana	Croatia	48778/99	11/07	Partly inadmissible	
UDRUGA FINANCIJSKIH ULAGACA	Croatia	45435/99	31/08	Partly inadmissible	34
UGLESIC, Julijana	Croatia	50941/99	07/09	Partly inadmissible	2
MLADENIC, N., M. and Z.	Croatia	48485/99	07/09	Partly inadmissible	3; 4; 6-1; 6-2 ; 6-3; P1-1 ; 8 ; 13 ; 35-3
LEONTIC, Krunoslav	Croatia	46926/99	14/09	Struck off the list	6-1 ; 37-1-c
ILIC, Stojanka	Croatia	42389/98	19/09	Inadmissible	6-1 ; 13 ; P1-1
LYSSIOTIS, Andreas	Cyprus	57683/00	11/07	Inadmissible	P1-1 ; 6-1
ROEPSTORFF, Michael	Denmark	32955/96	06/07	Inadmissible	6-1 ; 11
VAINIOKANGAS, Heikki	Finland	31766/96	07/09	Inadmissible	6
E.T.	Finland	33375/96	07/09	Inadmissible	6
E. AND S	Finland	40521/98	07/09	Inadmissible	8
JOLY, Pierre	France	43713/98	04/07	P. adm.; P. inadm.	6-1 ; 35-1
DELBEC, Annick	France	43125/98	04/07	P. adm.; P. inadm.	5-1-e ; 5-4 ; 34 ; 35-1
PAREGE, Jean	France	40868/98	11/07	Admissible	6-1
STELLA et la Féd. nat. des Familles de France	France	45574/99	11/07	Partly inadmissible	P1-1 ; 34
RIBES, Jean-Marie ; RIBES, Marie-Antoinette	France	41946/98 ; 50586/99	11/07	P. inadmissible	3 ; 6-1 ; 8 ; 13 ; 35-1

GAILLARD, Olivier	France	47337/99	11/07	Inadmissible	6-1 ; 6-3-b
LE SYND. DES COPR., 20 bd de la Mer à Dinard	France	47339/99	11/07	Partly inadmissible	
LOUERAT, Maurice ; LOUERAT, Christine	France	44964/98	11/07	Partly inadmissible	
S.G.	France	40669/98	11/07	P. adm.; P. inadm.	6-1 ; 35-1
FRANCISCO, José	France	38945/97	29/08	P. adm.; P. inadm.	5-5 ; 6-1 ; 13
YAPICI, Sancak	France	46370/99	05/09	Struck off the list	37-1-a
HUTT-CLAUSS, Anne ; HUTT-CLAUSS, Philippe	France	44482/98	05/09	Partly inadmissible	
MALARDE, Alain	France	46813/99	05/09	Inadmissible	P1-3 ; 13 ; 14 ; 35-1 ; 35-3
MAHIEU, Daniel	France	43288/98	12/09	Admissible	P1-1 ; 6-1 ; 35-1
EZZOUHDI, Saïd	France	47160/99	12/09	P. adm. ; P. inadm.	3 ; 8 ; 35-1
SAPL	France	37565/97	12/09	Admissible	6-1
JULIEN, Lucien	France	42276/98	12/09	Partly inadmissible	P1-1 ; 3
BOSONI, Michel ; ADOUD, Alain	France	34595/97 ; 35237/97	12/09	Admissible	6-1
BROCHU, Claude	France	41333/98	12/09	Admissible	6-1 ; 35-1
DANGEVILLE S.A.	France	36677/97	12/09	P. adm. ; P. inadm.	P1-1 ; 14 ; 35-1
KROLICZEK, Mieczyslaw	France	43969/98	14/09	Partly inadmissible	4 ; 6-1
KADRI, Hocine	France	41715/98	26/09	Admissible	6-1
L.L.	France	41943/98	26/09	Admissible	6-1 ; 35-1
SANTELLI, Pierre	France	40717/98	26/09	Admissible	6-1
LAINE, Jacques	France	41476/98	26/09	Admissible	6-1 ; 35-1
ZANNOUTI, Driss	France	42211/98	26/09	Admissible	6-1 ; 5-3 ; 35-1
HABABOU, Michael Jacques	France	48167/99	28/09	Admissible	6-1
H.T.	Germany	38073/97	11/07	Admissible	6-1
AKYÜZ, Emine	Germany	58388/00	28/09	Inadmissible	3
MIANOWICZ, Tomasz	Germany	42505/98	28/09	P. adm.; P. inadm.	6-1 ; P1-1 ; 35-1
ERDEM, Selahattin	Germany	38321/97	28/09	Admissible	5-3 ; 8
KALANTARI, Ali Reza	Germany	51342/99	28/09	Admissible	3 ; 35-1
BITROS A.B.E.E. Iron and OTHERS	Greece	37056/97	12/09	Inadmissible	P1-1 ; 6-1 ; 35-1
SKODRAS, Dimitrios	Greece	47851/99	14/09	Struck off the list	6-1 ; 37-1-a
BARRY, James	Ireland	41957/98	06/07	Inadmissible	6-1 ; 13
BEVILACQUA, Giorgio	Italy	44442/98	04/07	P. adm.; P. inadm.	6-1
MARCHI, Armando	Italy	44443/98	04/07	P. adm.; P. inadm.	6-1
GEMIGNANI, Vittorio	Italy	47772/99	04/07	P. adm.; P. inadm.	6-1
TRASPADINI, Gianluigi	Italy	44439/98	04/07	P. adm.; P. inadm.	6-1
M. S.r.l.	Italy	44406/98	04/07	P. adm.; P. inadm.	6-1
A.V.	Italy	44390/98	04/07	P. adm.; P. inadm.	6-1
CORNAGLIA, Faustino	Italy	44385/98	04/07	P. adm.; P. inadm.	6-1
PETTIROSSI, Carlo	Italy	44380/98	04/07	P. adm.; P. inadm.	6-1
CONTI, Giuliana	Italy	47774/99	04/07	Admissible	6-1
GIANNI, Eligio	Italy	47773/99	04/07	Admissible	6-1
IANNITI, Luciano AND OTHERS	Italy	44447/98	04/07	Admissible	6-1
BOCCA, Carlo	Italy	44437/98	04/07	Admissible	6-1
BUFFALO S.r.l.	Italy	44436/98	04/07	Admissible	6-1
BERLANI, Valentino Emilio	Italy	44435/98	04/07	Admissible	6-1
W.I.E. S.n.c.	Italy	44445/98	04/07	Admissible	6-1
BELUZZI ET 4 AUTRES	Italy	44431/98	04/07	Admissible	6-1
TEDESCO, Michele	Italy	44425/98	04/07	Admissible	6-1
MARZINOTTO, Danilo	Italy	44422/98	04/07	Admissible	6-1
SBROJAVACCA-PIETROBON, Giovanna	Italy	44419/98	04/07	Admissible	6-1
TAGLIABUE, Giovanni	Italy	44417/98	04/07	Admissible	6-1
SALZANO, Iolanda	Italy	44404/98	04/07	Admissible	6-1
VALENTINO, Francesco	Italy	44398/98	04/07	Admissible	6-1
VISENTIN, Gino	Italy	44395/98	04/07	Admissible	6-1
ALBERGAMO, Pasquale	Italy	44392/98	04/07	Admissible	6-1
DELLI PAOLI, Pietro	Italy	44337/98	04/07	Admissible	6-1
G.B.	Italy	44397/98	04/07	Admissible	6-1
ILARDI, Michele	Italy	47777/99	04/07	Admissible	6-1
LIBERATORE, Stefanella	Italy	44394/98	04/07	P. adm.; P. inadm.	6-1
FRANZ KAETE, Erna	Italy	46972/99	06/07	Struck off the list	6-1 ; 37-1-b
A.C. AND OTHERS	Italy	40812/98	11/07	Inadmissible	P1-1 ; 6-1
F.D.M.	Italy	38659/97	11/07	Inadmissible	6-1
MONACO RICCIOTTI, Pietro	Italy	47782/99	07/09	Struck off the list	37-1-a
MERCURI, Pasquale	Italy	47247/99	07/09	Partly inadmissible	35-1
ACCAME AND 57 MARINS	Italy	47787/99	07/09	Partly inadmissible	34 ; 35-3
S.A. ET D.D.L.	Italy	30973/96	07/09	Admissible	P1-1 ; 6-1
DE SIMONE, Pasquale	Italy	42520/98	07/09	Admissible	6-1
PAGLICCIA AND OTHERS	Italy	35392/97	07/09	Inadmissible	8 ; 35-1
LAMPERI BALENCI, Wilma	Italy	31260/96	07/09	Admissible	P1-1 ; 6-1
E.P.	Italy	34558/97	07/09	Partly inadmissible	8 ; 12
M.P. AND OTHERS	Italy	32664/96	07/09	Admissible	P1-1 ; 6-1
SENESE, Domenico	Italy	33198/96	07/09	Struck off the list	P1-1 ; 6-1 ; 37-1-a

L.D.F.	Italy	34453/97	07/09	Struck off the list	6-1 ; 37-1-a	
I.F.	Italy	31930/96	07/09	P. adm. ; P. inadm.	P1-1 ; 6-1	
PROVENZANO, Alfonsina	Italy	34713/97	14/09	Inadmissible	P1-1 ; 8 ; 34	
MASTROMATTEO, Raffaele	Italy	37703/97	14/09	Admissible	2	
PATERNO, Giuseppe	Italy	40648/98	19/09	Inadmissible	6-1	
MONACO RICCIOTTI, Pietro	Italy	44428/98	26/09	Struck off the list	37-1-a	
SERGI, Fernando	Italy	46998/99	26/09	Inadmissible	6-1	
ROTONDI, Angelo	Italy	45343/99	26/09	Inadmissible	6-1	
CAMPANA, Giuseppe	Italy	48423/99	26/09	Admissible	6-1	
E.I.	Italy	48422/99	26/09	Admissible	6-1	
ALTOMONTE, Antonino	Italy	48421/99	26/09	Admissible	6-1	
PISANO, Efisio	Italy	48420/99	26/09	Admissible	6-1	
BUONOCORE, Salvatore	Italy	48419/99	26/09	Admissible	6-1	
CESARO, Irma	Italy	48418/99	26/09	Admissible	6-1	
MOLE, Antonietta	Italy	48417/99	26/09	Admissible	6-1	
CORCELLI, Vincenzo	Italy	48416/99	26/09	Admissible	6-1	
SIENA, Giovanna	Italy	48415/99	26/09	Admissible	6-1	
CARLUCCI, Catalado	Italy	48414/99	26/09	Admissible	6-1	
MORESE, Vittorio	Italy	48413/99	26/09	Admissible	6-1	
A.M.	Italy	48412/99	26/09	Admissible	6-1	
TOZZI, Concetta	Italy	48410/99	26/09	Admissible	6-1	
REINO, Matteo	Italy	48409/99	26/09	Admissible	6-1	
CALO, Romualdo	Italy	48408/99	26/09	Admissible	6-1	
STEFANUCCI, Mara	Italy	48406/99	26/09	Admissible	6-1	
CATILLO, Lucio Mario	Italy	48405/99	26/09	Admissible	6-1	
DRAGONETTI, Carmela	Italy	48404/99	26/09	Admissible	6-1	
MINICI, Vincenzo	Italy	48403/99	26/09	P. adm.; P. inadm.	6-1	
TARTAGLIA, Cosimo	Italy	48402/99	26/09	Admissible	6-1	
ARESU, Giovanna	Italy	44628/98	26/09	Admissible	6-1	
G. D.I.	Italy	44533/98	26/09	P. adm.; P. inadm.	6-1	
COLACRAI, Antonietta	Italy	44532/98	26/09	Admissible	6-1	
PEZZUTO, Giovanni	Italy	44529/98	26/09	Admissible	6-1	
R.P., Ra.P., Ro.P., G.P., N.P., M.P. et Gi.P.	Italy	44526/98	26/09	Admissible	6-1	
RAGAS, Mario	Italy	44524/98	26/09	P. adm.; P. inadm.	6-1	
LAGANA, Giovanni	Italy	44520/98	26/09	Admissible	6-1	
CARRONE, Antonio ; CARRONE, Abbondanza	Italy	44516/98	26/09	Admissible	6-1	
V.L.	Italy	44515/98	26/09	Admissible	6-1	
IEZZI, T. ; IEZZI, E. ; CERRITELLI, D.	Italy	44514/98	26/09	Admissible	6-1	
GRECO, Orazio	Italy	44512/98	26/09	Admissible	6-1	
G.C. ET C.C.	Italy	44510/98	26/09	Admissible	6-1	
SQUILLANTE, Gennaro	Italy	44503/98	26/09	Admissible	6-1	
GUSSO, Gino ; GRASSO, Maria	Italy	44502/98	26/09	Admissible	6-1	
SCANNELLA, Giuseppe	Italy	44489/98	26/09	Admissible	6-1	
DE VITA AND OTHERS	Italy	44473/98 ; 44474/98 ; 44475/98 ; 44476/98 ; 44477/98	26/09	Admissible	6-1	
VANDI, Sandro	Italy	46511/99	26/09	Inadmissible	6-1	
SEMINARA, Domenico	Italy	44467/98	28/09	Admissible	6-1	
VAIRANO, Maria Rosaria	Italy	44459/98	28/09	Admissible	6-1	
DE SIMINE, Teresa	Italy	44455/98	28/09	P. adm.; P. inadm.	6-1	
CASTROGIOVANNI, Francesco	Italy	44448/98	28/09	Admissible	6-1	
PASTORE, Domenico Francesco	Italy	44444/98	28/09	Admissible	6-1	
G.C.	Italy	44441/98	28/09	Admissible	P1-1 ; 6-1	
MEL SUD S.r.l.	Italy	44438/98	28/09	Admissible	6-1	
FOLLO, Nicola	Italy	44424/98	28/09	Admissible	6-1	
GUERRERA, Carmine	Italy	44423/98	28/09	Admissible	6-1	
VIOLA, Antonio	Italy	44416/98	28/09	Admissible	6-1	
NAPOLITANO, Angelina	Italy	44415/98	28/09	Admissible	6-1	
DI SISTO, Gino Sebastiano	Italy	44414/98	28/09	Admissible	6-1	
QUATTRONE, Pasquale	Italy	44412/98	28/09	P. adm.; P. inadm.	6-1	RIZZO,
Giuseppe	Italy	44409/98	28/09	Admissible	6-1	
GUERRERA, Carmine	Italy	44403/98	28/09	Admissible	6-1	
SERVODIDIO, Carmela ; SERVODIDIO, Agnese	Italy	44402/98	28/09	Admissible	6-1	
SCARFONE, Angela	Italy	44389/98	28/09	Admissible	6-1	
VALVO, Rosaria ; BRANCA, Angela	Italy	44384/98	28/09	Admissible	6-1	
ALICINO, Savino	Italy	44383/98	28/09	P. adm.; P. inadm.	6-1	
RAFFA, Renata	Italy	44381/98	28/09	Admissible	6-1	
FINESSI, Roberto	Italy	44379/98	28/09	Admissible	6-1	
CENTINEO, Giovanni	Italy	44377/98	28/09	P. adm.; P. inadm.	6-1	
ROCCHI, Roberto	Italy	44375/98	28/09	Admissible	6-1	
B.S.	Italy	44364/98	28/09	Admissible	6-1	
DI DECO, Pietro	Italy	44362/98	28/09	P. adm.; P. inadm.	6-1	
FANELLI, Salvatore Antonio	Italy	44361/98	28/09	Admissible	6-1	
MARRAMA, Alessandro	Italy	44359/98	28/09	P. adm.; P. inadm.	6-1	

MASSIMO, Giuseppe	Italy	44352/98	28/09	P. adm.; P. inadm.	6-1
VENTURINI, Alberto	Italy	44346/98	28/09	Admissible	6-1
LATTANZI, Domenica ; CASCIA, Maria Agata	Italy	44334/98	28/09	P. adm.; P. inadm.	6-1
D'IMPERIO, Carmine	Italy	36008/97	28/09	Struck off the list	37-1-a
RINAUDO AND OTHERS	Italy	44345/98	28/09	P. adm.; P. inadm.	6-1
MASSIMO, Giuseppe	Italy	44343/98	28/09	P.adm. ; P. inadm.	6-1 ; 35-1
G.M.	Luxembourg	48841/99	19/09	Partly inadmissible	6-1 ; 34 ; 35-1
ATTARD, Joseph	Malta	46750/99	28/09	Inadmissible	5-5 ; 13 ; 35-1
KOK, Robert Mink	Netherlands	43149/98	04/07	Inadmissible	6-1 ; 6-2 ; 6-3-d ; 35-1
SOLOMON, Tunde	Netherlands	44328/98	05/09	Inadmissible	8
KNEL, Hortence Jeannette ; VEIRA, Mark Albert	Netherlands	39003/97	05/09	Inadmissible	8
STEUR, Peter	Netherlands	39657/98	05/09	Partly inadmissible	6-1 ; 6-2 ; 7 ; 34
YOUSEF, Ramzi Samir	Netherlands	33711/96	05/09	Admissible	8
A.D.D.B.	Netherlands	37328/97	05/09	Admissible	8 ; 13 ; 35-1
KÖKSAL, Salih ; KÖKSAL, Ercan	Netherlands	31725/96	19/09	P. adm. ; P. inadm.	2 ; 3 ; 6-2 ; 35-1
HELLUM, Olav	Norway	36437/97	05/09	Inadmissible	10 ; 34
LARSEN, Ivar	Norway	31752/96	19/09	Inadmissible	6-1 ; 35-1
THUNES, Terje	Norway	35772/97	19/09	Inadmissible	6-1
M.C.	Poland	27507/95	06/07	Inadmissible	3 ; 8
GOC, Stanislaw	Poland	48001/99	06/07	Partly inadmissible	
KEPA, Stanislaw	Poland	43978/98	06/07		
JANIK, Barbara	Poland	38564/97	06/07	Partly inadmissible	P1-1 ; 6-1 ; 13 ; 35-1
HULEWICZ, Jadwiga	Poland	35656/97	06/07	Partly inadmissible	
KUZDUBOWSKI, Mieczyslaw	Poland	38814/97	06/07	Partly inadmissible	6-1 ; 35-1
KEPKA, Janusz	Poland	31439/96 ; 35123/97	11/07	Inadmissible	6-1
J.G.	Poland	36258/97	11/07	Partly inadmissible	6-1
W.M.	Poland	39505/98	11/07	Partly inadmissible	
MIEDZIANOWSKI, Tadeusz	Poland	30220/96	11/07	Struck off the list	6 ; 7-1 ; 37-1-a
OATES, Antony Gordon	Poland	35036/97	07/09	Struck off the list	5-1-f ; 37-1-b
SZOFER, Marek	Poland	34447/97	14/09	Partly inadmissible	5-3
SELIGMAN, Henryk	Poland	33583/96	14/09	Inadmissible	P1-1 ; 35-3
STRECIWILK, Jozef	Poland	32723/96	19/09	Inadmissible	6-1 ; 6-3-d ; 34
UTHKE, Anna	Poland	48684/99	28/09	Partly inadmissible	P1-1
SKORA, Antoni	Poland	30866/96	28/09	Inadmissible	6-1
WYLEGLY, Jolanta ; WYLEGLY, Janusz	Poland	33334/96	28/09	Partly inadmissible	6 ; 13 ; P1-1 ; 35-3
CORREIA DE MATOS, Carlos	Portugal	48188/99	14/09	Partly inadmissible	6-3-c ; 35-1
GIL LEAL PEREIRA, Antonio José	Portugal	48956/99	19/09	Partly inadmissible	34
F. SANTOS Lda. ; FACHADAS, Maria José	Portugal	49020/99	19/09	Partly inadmissible	34 ; 35-3
BENTO DA MOTA, Fernando Eduardo	Portugal	42636/98	28/09	Admissible	6-1
BRANDAO FERREIRA, Joao José	Portugal	41921/98	28/09	Inadmissible	6 irrelevant
DO NASCIMENTO, Agripino Evaristo	Portugal	42918/98	28/09	Admissible	6-1
MAILLARD BOUS, Anne-Marie	Portugal	41288/98	28/09	Admissible	6-1
NIKISHINA, Natalya Vasilyevna	Russia	45665/99	12/09	Inadmissible	P1-2 ; 8 ; 9 ; 14 ; 34
MOLNAROVA, Dagmar ; KOCHANOVA, Alzbeta	Slovakia	44965/98	06/07	Partly inadmissible	P1-1 ; 6-1
OMASTA, Pavol	Slovakia	40221/98	31/08	Partly inadmissible	6 ; P1-1 ; 13 ; 35-1 ; 35-3
STANCIAK, Dusan	Slovakia	40345/98	31/08	Admissible	6-1
JAZVINSKY, Anton	Slovakia	33088/96 ; 52236/99 ; 52451/99 ; 52452/99 ; 52453/99 ; 52455/99 ; 52457/99 ; 52458/99 ; 52459/99	07/09	Partly inadm.3; 6-1; 7; 8; 11; 13; 14; 35-1; 35-3	
ORTIZ ORTIZ, Josefa AND 27 OTHERS	Spain	50146/99	07/09	Partly inadmissible	6-1 ; 35-1
NVONO ECORO, Yolanda	Spain	48729/99	14/09	Inadmissible	3 ; 5 ; 6-1 ; 6-3-a
GOLDSTEIN, Richard Lee	Sweden	46636/99	12/09	Inadmissible	3 ; 13
NJIE, Serring Momodou	Sweden	47956/99	26/09	Struck off the list	3 ; 6 ; 8 ; 37-1
JANOSEVIC, Velimir	Sweden	34619/97	26/09	Admissible	6-1 ; 35-1
F.R.	Switzerland	37292/97	11/07	Admissible	6-1
LAMBELET, José	Switzerland	33275/96	07/09	Inadmissible	6-1
ZUODAR, Yecin	Switzerland	27355/95	07/09	Inadmissible	8
TEMEL AND OTHERS	Turkey	36203/97	04/07	Partly inadmissible	5-3 ; 6-1 ; 6-3-c ; 14
DURSUN AND OTHERS	Turkey	44267/98	04/07	Partly inadmissible	5-3 ; 35-1
Y.G.	Turkey	40688/98	04/07	Inadmissible	6-1
KAPLAN, Abdullah ; KARACA, Yasar	Turkey	40536/98	04/07	Inadmissible	6-1
GÖKDEN, Harum ; KARACOL, Hüseyin	Turkey	40535/98	04/07	Inadmissible	6-1
A.Ö.	Turkey	40276/98	04/07	Inadmissible	6-1
A.R.T.	Turkey	39830/98	04/07	Inadmissible	6-1
BATUR, Mehmet Sükrü	Turkey	38604/97	04/07	Inadmissible	6-1
DURAN AND OTHERS	Turkey	38925/97	04/07	Inadmissible	6-1
ERBEK, Ahmet	Turkey	38923/97	04/07	Inadmissible	6-1
DERE, Mehmet Fatih	Turkey	43916/98	04/07	Inadmissible	6-1
ABUL, Mesut	Turkey	40807/98	04/07	Inadmissible	6-1
GÜLGÖNÜL, Sitki	Turkey	40806/98	04/07	Inadmissible	6-1
YILDIRIM, Önder	Turkey	40800/98	04/07	Inadmissible	6-1
DENDEN AND OTHERS	Turkey	40754/98	04/07	Inadmissible	6-1

EREZ, Hüseyin Kamil	Turkey	40752/98	04/07	Inadmissible	6-1
DURGUN, Halit	Turkey	40751/98	04/07	Inadmissible	6-1
M.D.	Turkey	40689/98	04/07	Inadmissible	6-1
DEMIREL, Kekil	Turkey	48581/99	04/07	Partly inadmissible	
COBAN, Küçük Hasan	Turkey	48069/99	04/07	Partly inadmissible	
ERDEM, Süleyman	Turkey	49574/99	04/07	Partly inadmissible	
ALDEMIR, Yilmaz ; EKINCI, Vedat	Turkey	50944/99	04/07	Partly inadmissible	
TASKIN AND OTHERS	Turkey	45795/99	04/07	Partly inadmissible	
YAZICI, Osman ; SAGIN, Kadir ; POLAT, Erkan	Turkey	45778/99	04/07	Partly inadmissible	
ÖZKAN, Fadime	Turkey	41977/98	04/07	Partly inadmissible	
BEKTAS, Cafer Tayyar	Turkey	41000/98	04/07	Partly inadmissible	
KOVANKAYA, Nuran	Turkey	39447/98	04/07	Partly inadmissible	
KÖROGLU, Dilek	Turkey	39446/98	04/07	Partly inadmissible	
MACIN, Emrullah ; MACIN, Riza	Turkey	52083/99	06/07	Partly inadmissible	5-1-c
CARDAKCI AND OTHERS	Turkey	39224/98	11/07	Partly inadmissible	
EFE, Sevdet	Turkey	39235/98	07/09	Partly inadmissible	3 ; 5
BABA, Murat	Turkey	35075/97	12/09	Partly inadmissible	
SEN, Ali	Turkey	42146/98	12/09	Partly inadmissible	P1-1 ; 35-1
AYDIN, Mehmet Ferit	Turkey	41954/98	14/09	Inadmissible	5-1-a ; 6
PEKER, Nurettin	Turkey	53014/99	14/09	Partly inadmissible	3 ; 5-1-a ; 14 ; 35-1
ÖNDER, Yalçin	Turkey	31136/96	14/09	Admissible	3 ; 35-1
KAPLAN, Mehmet Faruk	Turkey	24932/94	19/09	P. inadm. ; P. adm.	3 ; 5-3 ; 13 ; 14 ; 35-1
ERDOST, Muzaffer	Turkey	50747/99	19/09	Partly inadmissible	5-1-a ; 14
ZANA, Mehdi	Turkey	29851/96	19/09	P. adm. ; P. inadm.	6-1 ; 9 ; 10 ; 35-1
INCE AND OTHERS	Turkey	33325/96	19/09	Admissible	3 ; 5 ; 6 ; 8 ; 13 ; 14 ; 18 ; P1-1 ; 35-1
AYGÖRDÜ AND OTHERS	Turkey	33323/96	19/09	Admissible	3 ; 5 ; 6 ; 8 ; 13 ; 14 ; 18 ; P1-1 ; 35-1
AGGÜL AND OTHERS	Turkey	33324/96	19/09	Admissible	3 ; 5 ; 6 ; 8 ; 13 ; 14 ; 18 ; P1-1 ; 35-1
YILDIRIM AND OTHERS	Turkey	37191/97	26/09	Admissible	5-3 ; 35-1
ÜNVER, Hüseyin Cahit	Turkey	36209/97	26/09	Inadmissible	6-1 ; P1-1 ; 35-1
ALABAY, Esat Kenan ; GÜZEL, Emir	Turkey	41334/98	26/09	Admissible	9 ; 10 ; 11 ; 14
CELIK, Abdurrahman ; IMRET, Kasim	Turkey	44093/98	26/09	P. adm. ; P. inadm.	3; 5-1-c; 5-3; 6-1; 8; 13; 14; 35-1
SKYROPIIA YIALIAS LTD.	Turkey	47884/99	26/09	Admissible	P1-1 ; 14
O.A. AND OTHERS	Turkey	39543/98	26/09	Inadmissible	
ISIK, Zeynep	Turkey	50102/99	26/09	Partly inadmissible	
TALAY, Turan	Turkey	45909/99	26/09	Partly inadmissible	
UZUN, Nergiz	Turkey	48544/99	26/09	Partly inadmissible	
CAVUSOGLU, Ö. ; ÖZEN, I. ; AKDAG, V.	Turkey	47757/99	26/09	Partly inadmissible	6-1 ; 14
YILMAZ, Hamza	Turkey	46732/99	26/09	Partly inadmissible	
ERGÜL, Mahmut ; ERGIN, Fahri	Turkey	52744/99	28/09	Partly inadmissible	5-1-a ; 6-1 ; 14 ; 35-1
AKKAS, Caglar	Turkey	52665/99	28/09	Partly inadmissible	3
KURAK, Cemil ; TEMELLI, Serif	Turkey	51001/99	28/09	Partly inadmissible	P1-1
GÜNAY, Nehyet ; GÜNAY, Sadun	Turkey	51210/99	28/09	Partly inadmissible	
GÜNDOGDU, Cebrail	Turkey	49240/99	28/09	Partly inadmissible	
FALKOVICH, Sergey Mikhaylovich	Ukraine	45539/99	11/07	Inadmissible	3 ; 6-1 ; 6-2 ; 6-3-d
NERVA AND OTHERS	United Kingdom	42295/98	11/07	Partly inadmissible	
BROOK, Trevor	United Kingdom	38218/97	11/07	Inadmissible	10
ROUX, Joseph Patrick	United Kingdom	39569/98	11/07	Struck off the list	5 ; 37-1-b
CARDOSO, Roberto ; JOHANSEN, Peter	United Kingdom	47061/99	05/09	Struck off the list	3 ; 8 ; 37-1-a
BECK, John ; COPP, Howard ; BAZELEY, Kevin	United Kingdom	48535/99 ; 48536/99 ; 48537/99	05/09	Admissible	3 ; 8 ; 10 ; 13 ; 14 ; 35-1
PERKINS, Terence ; RILEY, Emma	United Kingdom	43208/98 ; 44875/98	05/09	Admissible	8 ; 14
COCKETT, Stephen	United Kingdom	39360/98	05/09	P. adm. ; P. inadm.	5-3 ; 6-2 ; 7 ; 13 ; 14
ZHU, Ha You	United Kingdom	36790/97	12/09	Inadmissible	3 ; 35-1
BAKER AND OTHERS	United Kingdom	29047/95 ; 29048/95 ; 29049/95 ; 29050/95 ; 29304/95 ; 30068/96 ; 30396/96 ; 30477/96 ; 30986/96	12/09	Struck off the list	5-1 ; 6-1 ; 6-3 ; 37-1-c
PRICE, Adele Ursula	United Kingdom	33394/96	12/09	Admissible	3 ; 35-1
SINGH AND OTHERS	United Kingdom	30024/96	26/09	P. struck off the list ; P. inadm.	2 ; 3 ; 8
ALLFREY, Patrick	United Kingdom	38914/97	26/09	Inadmissible	P1-1 ; 6-1 ; 35-1
SLOUGH AND OTHERS	United Kingdom	37679/97; 37682/97	26/09	Inadmissible	P1-1 ; 13
FINDLATER, Gordon	United Kingdom	38881/97	26/09	Inadmissible	P1-1 ; 14
ACCURACY INT. LIMITED AND OTHERS	United Kingdom	37684/97	26/09	Inadmissible	P1-1 ; 13
DENIMARK LIMITED AND OTHERS	United Kingdom	37660/97	26/09	Inadmissible	P1-1 ; 14
C.E.M. FIREARMS LIMITEDAND OTHERS	United Kingdom	37674/97 ; 37677/97	26/09	Inadmissible	P1-1 ; 13
LONDON ARMOURY LIMITED AND OTHERS	United Kingdom	37666/97 ; 37671/97 ; 37972/97 ; 37977/97 ; 37981/97 ; 38909/97	26/09	Inadmissible	P1-1 ; 13
ANDREWS, Michael Sean	United Kingdom	37657/97	26/09	Inadmissible	P1-1 ; 14
DAVIES, Vernon John	United Kingdom	42007/98	26/09	Partly inadmissible	
J.M.	United Kingdom	41518/98	28/09	Struck off the list	3 ; 8 ; 13 ; 14 ; 37-1-c

1949 **Sweden**
1949 **Norway**
1949 **Denmark**
1950 **Germany**
1993 **Czech Republic**
1956 **Austria**
1950 **Iceland**
1949 **Netherlands**
1949 **Belgium**
1949 **Luxembourg**
1949 **Ireland**
1949 **United Kingdom**
1949 **France**
1963 **Switzerland**
1978 **Liechtenstein**
1994 **Andorra**
1977 **Spain**
1976 **Portugal**
1949 **Italy**
1988 **San Marino**
1965 **Malta**

Finland 1989
Russia 1996
Estonia 1993
Latvia 1995
Lithuania 1993
Poland 1991
Ukraine 1995
Slovakia 1993
Moldova 1995
Romania 1993
Georgia 1999
Hungary 1990
Bulgaria 1992
Turkey 1950
Cyprus 1961
Greece 1949
"The former Yugoslav Republic of Macedonia" 1995
Albania 1995
Croatia 1996
Slovenia 1993

Directorate General II – Human rights
Council of Europe
F-67075 Strasbourg Cedex

Tel. +33 (0)388 41 20 00
Fax +33 (0)388 41 27 36

http://www.humanrights.coe.int