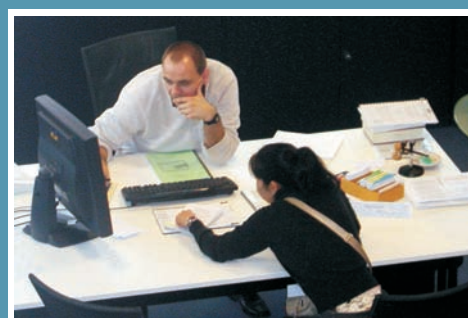


Human rights information bulletin

No. 69, 1 July-31 October 2006



*In this issue: a look
at the Library of the
European Court of
Human Rights: how
to make best use of
its services*



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Treaties and conventions

Signatures and ratifications

Signatures and ratifications of Council of Europe treaties in the field of human rights between 1 July and 31 October 2006.

See also the simplified table of ratifications, page 93.

Andorra

On 17 July 2006 Andorra ratified Protocol No. 14 to the Convention for the Protection of Human Rights and Fundamental Freedoms, amending the control system of the Convention.

Austria

On 12 October 2006 Austria ratified the Council of Europe Convention on Action against Trafficking in Human Beings.

Belgium

On 14 September 2006 Belgium ratified Protocol No. 14 to the Convention for the Protection of Human Rights and Fundamental Freedoms, amending the control system of the Convention.

Denmark

On 5 September 2006 Denmark signed the Council of Europe Convention on Action against Trafficking in Human Beings.

Finland

On 29 August 2006 Finland signed the Council of Europe Convention on Action against Trafficking in Human Beings.

Moldova

On 18 October 2006 Moldova ratified Protocol No. 13 to the Convention for the Protection of Human Rights and Fundamental Freedoms, concerning the abolition of the death penalty in all circumstances.

Poland

On 12 October 2006 Poland ratified Protocol No. 14 to the Convention for the Protection of Human Rights and Fundamental Freedoms, amending the control system of the Convention.

Romania

On 17 July 2006 Romania ratified Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms.

On 21 August 2006 it ratified the Council of Europe Convention on Action against Trafficking in Human Beings.

Turkey

On 2 October 2006 Turkey ratified Protocol No. 14 to the Convention for the Protection of Human Rights and Fundamental Freedoms, amending the control system of the Convention.

Reservations and declarations

Moldova

Protocol No. 13 to the Convention for the Protection of Human Rights and Fundamental Freedoms, concerning the abolition of the death penalty in all circumstances

Declaration contained in the instrument of ratification deposited on 18 October 2006 – Or. Engl.

Moldova declares that, until the full re-establishment of the territorial integrity of the Republic of Moldova, the provisions of the Protocol shall be applied only on the territory controlled effectively by the authorities of the Republic of Moldova.

Serbia

Convention for the Protection of Human Rights and Fundamental Freedoms

Reservation contained in the instrument of ratification deposited on 3 March 2004 – Or. Engl. At the same time, the Minister of Foreign Affairs of Serbia and Montenegro handed over to the Secretary General a Note Verbale from the Ministry of Foreign Affairs of Serbia and Montenegro containing a brief statement of the laws concerned – Or. Engl. (See Declaration under Article 57) – and updated by a letter from the Permanent Representative of Serbia, dated 20 July 2006,

registered at the Secretariat General on 20 July 2006 – Or. Engl.

While affirming its willingness fully to guarantee the rights enshrined in Articles 5 and 6 of the Convention, Serbia and Montenegro declares that the provisions of Article 5, paragraph 1[c] and Article 6, paragraphs 1 and 3, shall be without prejudice to the application of Articles 75 to 321 of the Law on Minor Offences of the Republic of Serbia (*Sluzbeni glasnik Socijalistickre Republike Srbije*, No. 44/89; *Sluzbeni glasnik Republike Srbije*, Nos. 21/90, 11/92, 6/93, 20/93, 53/93, 67/93, 28/94, 16/97, 37/97, 36/98, 44/98, 65/2001) that regulate proceedings before magistrates' courts.

Further information: <http://conventions.coe.int/>

European Court of Human Rights

The judgments summarised below constitute a small selection of those delivered by the Court. Exhaustive information can be found in the HUDOC database of the case-law of the Convention.

The summaries of cases presented here are produced for the purposes of the present Bulletin, and do not engage the responsibility of the Court.

[The figure in parentheses is due to the fact that a judgment/decision may concern more than one application.]

(Provisional) Court's case-load statistics, 1 July-31 October 2006:

- 459 (488) judgments delivered
- 388 (416) applications declared admissible, of which 336 (359) in a judgment

on the merits and 52 (57) in a separate decision

- 7 258 (7 261) applications declared inadmissible
- 246 (260) applications struck off the list.

HUDOC database: <http://hudoc.echr.coe.int/>

Grand Chamber judgments

The Grand Chamber (17 judges) deals with cases that raise a serious question of interpretation or application of the Convention, or a serious issue of general importance. A Chamber may relinquish jurisdiction in a case to the Grand Chamber at any stage in the procedure

before judgment, as long as both parties consent. Where judgment has been delivered in a case, either party may, within a period of three months, request referral of the case to the Grand Chamber. Where a request is granted, the whole case is reheard.

Judgment of 11.07.2006

Concerns:

Administration of an emetic to make the applicant regurgitate a bag of cocaine and utilisation of the evidence so obtained.

Conclusions of the Court: violation of the articles in question.

Jalloh v. Germany

Prohibition of inhuman and degrading treatment (Article 3), right to a fair trial (Article 6)

Facts and complaints

The applicant is a national of Sierra Leone, who lives in Germany.

Arrested by two policemen who suspected him of drug-trafficking, the applicant swallowed a tiny bag he had in his mouth. As no drugs were found on him, the competent public prosecutor ordered that he be given an emetic to force him to regurgitate the bag. As he refused to take medication to induce vomiting, four police officers held him down while a doctor inserted a tube through his nose and administered a salt solution and Ipecacuanha syrup by force. The doctor also injected him with apomorphine, a morphine derivative. As a result the applicant regurgitated a small bag containing cocaine. He was immediately placed in

detention on remand and charged with drug-trafficking.

His lawyer advanced that (i) the evidence against him had been obtained illegally, (ii) the police officers and the doctor who had participated in the operation were guilty of causing bodily harm in the exercise of official duties, (iii) the administration of toxic substances was prohibited and the measure was disproportionate as it would have been possible to obtain the same result by waiting until the bag had been excreted naturally.

The applicant was convicted and the Federal Constitutional Court declared his constitutional complaint inadmissible: it found that all available remedies had not been used and that the measure in question did not give rise to any con-

stitutional objections concerning the protection of human dignity or prevention of self-incrimination.

Decision of the Court

Article 3

The Court reiterated that the Convention did not, in principle, prohibit recourse to a forcible medical intervention that would assist in the investigation of an offence.

However, in the present case, the authorities could simply have waited for the drugs to pass out of the applicant's system naturally, that being the method used by many other member States of the Council of Europe.

The Court noted that neither the parties nor the experts could agree on whether the administration of emetics was dangerous. As to the manner in which the emetics were administered, the Court noted that the applicant's resistance – who, moreover did not understand German – was overcome after using force verging on brutality, which caused him pain, anxiety and humiliation.

In conclusion, the Court found that the applicant had been subjected to inhuman and degrading treatment contrary to Article 3.

Article 6

The Court noted that the evidence was nevertheless obtained by a measure which breached one of the core rights guaranteed by the Convention. Furthermore, the drugs obtained by the impugned measure proved the decisive element in

securing the applicant's conviction.

Lastly, the public interest in securing the applicant's conviction could not justify allowing evidence obtained in that way to be used at the trial. Accordingly, the use in evidence of the drugs obtained by the forcible administration of emetics to the applicant had rendered his trial as a whole unfair.

Despite that finding, the Court considered it appropriate to address also the applicant's argument that the manner in which the evidence had been obtained and the use that had been made of it had undermined his right not to incriminate himself.

The public interest in securing the applicant's conviction could not justify recourse to such a grave interference with his physical and mental integrity. Further, although German law afforded safeguards against arbitrary or improper use of the measure, the applicant, in reliance upon his right to remain silent, had refused to submit to a prior medical examination and had been subjected to the procedure without a full examination of his physical aptitude to withstand it. Lastly, the drugs thereby obtained were the decisive evidence in his conviction.

Consequently, the Court would also have been prepared to find that allowing the use at the applicant's trial of evidence obtained by the forcible administration of emetics had infringed his right not to incriminate himself and therefore rendered his trial as a whole unfair.

The Court awarded the applicant €10 000 in respect of non-pecuniary damage.

Court/European Commission on Human Rights case-law cited in the judgment

Herczegfalvy v. Austria, *Schmantzer v. Austria*, *Ilijkov v. Bulgaria*, *Krastanov v. Bulgaria*, *Nikolova v. Bulgaria*, *Raninen v. Finland*, *Mouiel v. France*, *Selmouni v. France*, *Klaas v. Germany*, *Schmidt v. Germany*, *Norway*, *Sweden* and *Netherlands v. Greece*, *Papamichalopoulos and others v. Greece*, *Peers v. Greece*, *Heaney and McGuinness v. Ireland*, *Labita v. Italy*, *Peters v. the Netherlands*, *Venemac v. the Netherlands*, *X v. the Netherlands*, *Teixeira de Castro v. Portugal*, *Kalachnikov v. Russia*, *Barberà, Messegué and Jabardo v. Spain*, *Tirado Ortiz and Lozano Martin v. Spain*, *Funke v. Switzerland*, *Hurtado v. Switzerland*, *J.B. v. Switzerland*, *Schenk v. Switzerland*, *Içöz v. Turkey*, *Koç v. Turkey*, *Gennadi Naoumenko v. Ukraine*, *Allan v. the United Kingdom*, *Chahal v. the United Kingdom*, *Choudhary v. the United Kingdom*, *D. v. the United Kingdom*, *Findlay v. the United Kingdom*, *Ireland v. the United Kingdom*, *Keenan v. the United Kingdom*, *Khan v. the United Kingdom*, *P.G. and J.H. v. the United Kingdom*, *Price v. the United Kingdom*, *Saunders v. the United Kingdom*.

Note

The Court gives guidance for police authorities when carrying out searches using such invasive methods.

The judgment leaves open the general question of whether evidence obtained by an act qualified as inhuman and degrading treatment, but not torture, automatically renders a trial unfair.

Separate opinions

Concurring and dissenting opinions were expressed. They deal with questions such as: the scope of prohibition of torture and inhuman or degrading treatment, the borderline between torture and ill-treatment, the *raison d'être* for the privilege against self-incrimination.

Judgment of 4.07.2006
Case judged by a
chamber of the Court on
27 January 2005 and
referred to the Grand
Chamber upon the appli-
cant's request.

Concerns:

**Length of time spent in
solitary confinement.**

**Conclusions of the Court:
non-violation of
Article 3, violation of
Article 13**

Ramirez Sanchez v. France

Prohibition of inhuman and degrading treatment (Article 3), right to an effective remedy (Article 13)

Facts and complaints

The applicant – better known as “Carlos the Jackal” – is a Venezuelan national who is currently detained in France. He was placed under investigation in connection with a series of terrorist attacks and sentenced to life imprisonment. For more than eight years he was held in solitary confinement due to his dangerousness, the need to maintain order and security in the prison and the risk of his absconding. On each occasion, the applicant underwent medical examinations to determine his fitness for solitary confinement. Although initially they did not oppose the measure, from July 2000 onwards the doctors were no longer prepared to sanction it and refused to certify that the applicant was fit enough to remain in solitary confinement.

In October 2002 the applicant was transferred in another prison, where he was held under the ordinary prison regime. However, following a telephone interview for a television programme in which he refused to express any remorse to the victims of his crimes – he put the number of dead at between 1 500 and 2 000 – he was transferred to another prison, where he was once again held in solitary confinement. Since January 2006 he is held under the ordinary prison regime.

The applicant complained that his prolonged solitary confinement from 15 August 1994 to 17 October 2002 and from 18 March 2004 to 6 January 2006 had violated Article 3 of the European Convention on Human Rights. He also alleged that the authorities had not followed the correct procedure for prolonging his solitary confinement, in breach of Article 13 of the Convention.

Decision of the Court

Article 3

The Court observed that, even in the most difficult circumstances, such as the fight against terrorism and organised crime, the Convention prohibited in absolute terms torture and inhuman or degrading treatment or punishment.

It acknowledged that the applicant's detention had posed serious difficulties for the French authorities and under-

stood that they should have considered it necessary to take extraordinary security measures to detain a man who during the 1970s was viewed as the most dangerous terrorist in the world and who, in addition, had never expressed any remorse.

Conditions in which the applicant was held

The Court found that the physical conditions in which the applicant had been detained were proper and complied with the European Prison Rules that had been adopted by the Committee of Ministers on 16 January 2006. These conditions had also been considered as “globally acceptable” by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment in its visit from 14 to 26 May 2000.

The Court further noted that the applicant had received numerous visits and, therefore, had not been in complete sensory isolation or total social isolation.

Duration of the solitary confinement

The Court noted that a prisoner's segregation from the prison community did not in itself amount to inhuman treatment. In many States parties to the Convention more stringent security measures existed for dangerous prisoners.

However, substantive reasons had to be given when a protracted period of solitary confinement was extended and such measures were to be resorted to only exceptionally and after every precaution had been taken.

In that connection, the Court noted that the decisions to prolong the applicant's

Court/European Commission on Human Rights case-law cited in the judgment

Ahmed v. Austria, Assenov and others v. Bulgaria, Rohde v. Denmark, K. and T. v. Finland, Raninen v. Finland, Selmouni v. France, Ensslin, Baader and Raspe v. Germany, Dougos v. Greece, Peers v. Greece, Argenti v. Italy, Gallico v. Italy, Guerra and others v. Italy, Indelicato v. Italy, Labita v. Italy, Messina No. 2 v. Italy, Natoli v. Italy, Ilaşcu and others v. Moldova and Russia, Lorse and others v. the Netherlands, Mathew v. the Netherlands, Kudla v. Poland, Kalachnikov v. Russia, Kröcher-Möller v. Switzerland, Göç v. Turkey, İlhan v. Turkey, Öcalan v. Turkey, Refah Partisi and others v. Turkey, Chahal v. the United Kingdom, Ireland v. the United Kingdom, Kingsley v. the United Kingdom, Silver and others v. the United Kingdom, V. v. the United Kingdom

solitary confinement were taken in accordance with the instruction set out in the circular of 8 December 1998, which was applicable in his case. The applicant had received very regular visits from doctors, and himself had stated that he was in perfect mental and physical health.

The Court nevertheless wished to emphasise that solitary confinement, even in cases entailing only relative isolation, could not be imposed on a prisoner indefinitely. Moreover, it was essential that the prisoner should be able to have an independent judicial authority review the merits of and reasons for a prolonged measure of solitary confinement. It would also be desirable for alternative solutions to solitary confinement to be sought for persons considered dangerous. The Court noted in particular that after being held in normal conditions the applicant was returned to solitary confinement after giving an interview in which in which he had refused to express any remorse to the victims of his crimes. The authorities had not, therefore, sought to humiliate or debase him by systematically prolonging his solitary confinement, but to find a solution adapted to his character and dangerousness. Lastly, the Court also had regard to the Government's concerns that the applicant might use communications either inside the prison or on the outside to re-establish contact with members of his terrorist cell, to seek to proselytise other prisoners or to prepare an escape.

In conclusion, the Court that the conditions in which the applicant was held during the period under consideration had not reached the minimum level of severity necessary to constitute inhuman or degrading treatment within the meaning of Article 3 of the Convention. Despite the very special circumstances obtaining in the case, the Court

was concerned by the particularly lengthy period the applicant had spent in solitary confinement and had duly noted that since 5 January 2006 he had been held under the ordinary prison regime, a situation which, in the Court's view, should not in principle be changed in the future.

Article 13

In 1996 the applicant had appealed to the administrative court against an order for him to be held in solitary confinement. The appeal was dismissed on 25 November 1998, on the ground that the order was an internal measure that could not be referred to the administrative courts. In that connection, the Court noted that the Conseil d'Etat had changed its jurisprudence on that subject in July 2003 by accepting that a decision to place a prisoner in solitary confinement could be reviewed by the administrative courts.

Accordingly, the Court concluded that there had been a violation of Article 13, on account of the lack of a remedy in French law that would have allowed the applicant to contest the decision to prolong his detention in solitary confinement.

Note

The Court held that it is essential that prisoners should be able to have an independent judicial authority review the merits of and reasons for a prolonged measure of solitary confinement. It also sought desirable that alternative solutions to solitary confinement be sought for persons considered dangerous and for whom detention in an ordinary prison under the ordinary regime is considered inappropriate.

Separate opinions

A dissenting opinion was expressed, along which such a long period of solitary confinement as the one the applicant was subjected to have attained the minimum level of severity required to constitute inhuman treatment.

Chamber judgments

Judgment of 17.10.2006

Concerns:

Disappearance of the applicant's son after being apprehended by Russian military servicemen in Chechnya.

Conclusions of the Court: violation of the articles in question.

Bazorkina v. Russia

Right to life (Article 2), prohibition of inhuman or degrading treatment (Article 3), right to liberty and security (Article 5), right to an effective remedy (Article 13)

Facts and complaints

The applicant is a Russian national who lives in Ingushetia (Russia). She complained on her own behalf and on behalf of her son, Khadzhi-Murat Yandiyev.

The applicant submitted that in August 1999 her son went to Grozny, Chechnya, and that she had not heard from him since. On 2 February 2000, she saw her son being interrogated by a Russian officer in a television news programme about the capturing of the village of Alkhan-Kala. She later obtained a full copy of the recording, made by a reporter for NTV (Russian Independent TV) and CNN. At the end of the questioning the officer in charge gave instructions for the soldiers to "finish off" and "shoot" the applicant's son. The CNN journalists who filmed the interrogation later identified the interrogating officer as Colonel-General Alexander Baranov, the commander of the troops which captured Alkhan-Kala.

Immediately after the applicant began a search for her son, visiting detention centres and prisons and applying to various authorities. In August 2000 she was informed that her son was not being held in any prison in Russia.

In November 2000 a military prosecutor issued a decision not to open a criminal investigation into Mr Yandiyev's disappearance. A month later the same prosecutor stated that there were no reasons to conclude that military servicemen were responsible for the actions shown in the videotape.

In July 2001 a criminal investigation was opened by the Chechnya Prosecutor's Office into the abduction of Mr Yandiyev by unidentified persons. It later transpired that he had been placed on a missing persons list.

In November 2003 Ms Bazorkina's application to the European Court of Human Rights was communicated to the Russian Government. Following the Court's decision on admissibility, the Government submitted a copy of the criminal investigation file.

The investigation established that the applicant's son had been detained on 2 February 2000 in Alkhan-Kala. Immediately after arrest he was handed over to servicemen of the Ministry of Justice for transportation to a pre-trial detention centre. Mr Yandiyev did not arrive at any pre-trial detention centre and his subsequent whereabouts could not be established.

Colonel-General Baranov was questioned twice about the events and stated that he had not given an order to "shoot" Mr Yandiyev, but that he had intended to stop his aggressive behaviour and to prevent possible disturbances. He stressed that the servicemen surrounding him were not his subordinates and thus could not have taken orders from him.

Between July 2001 and February 2006 the investigation was adjourned and reopened six times.

The applicant submitted that her son was ill-treated and killed by federal forces and that no effective investigation was carried out into the circumstances of his ill-treatment and "disappearance". She also maintained, for herself, that she suffered anguish and emotional distress in connection with the "disappearance" of her son.

Decision of the Court

Article 2

The presumed death of Mr Yandiyev

The Court recalled that detained persons were in a vulnerable position and that the authorities were under a duty to protect them. The obligation on the authorities to account for the treatment of a

Court/European Commission on Human Rights case-law cited in the judgment

Ribitsch v. Austria, Anguelova v. Bulgaria, Assenov and others v. Bulgaria, Selmouni v. France, Klaas v. Germany, Avsar v. Turkey, Aydin v. Turkey, Çakici v. Turkey, Ertak v. Turkey, Gül v. Turkey, Güleç v. Turkey, İlhan v. Turkey, Kaya v. Turkey, Mahmut Kaya v. Turkey, Ögur v. Turkey, Salman v. Turkey, Süheyla Aydin v. Turkey, Tanrikulu v. Turkey, Tepe v. Turkey, Timurtas v. Turkey, Boyle and Rice v. the United Kingdom, Ireland v. the United Kingdom, McCann v. the United Kingdom, McKerr v. the United Kingdom.

detained individual was particularly stringent where that individual died or disappeared after being taken into police custody.

The Court observed that it was undisputed that Mr Yandiyev was detained during a counter-terrorist operation and that there had been no reliable news of him since that date.

In the absence of any plausible explanation submitted by the Russian Government, the Court was satisfied that Mr Yandiyev had to be presumed dead following unacknowledged detention. Noting that the authorities did not rely on any ground of justification in respect of use of lethal force by their agents, it followed that liability is attributable to the Russian Government. Accordingly, the Court found that there had been a violation of Article 2.

The inadequacy of the investigation

The Court noted that, the investigation was opened a year and five months after the events at issue and was plagued by inexplicable delays. Furthermore, most of the actions necessary for solving the crime occurred only after December 2003, when the applicant's complaint was communicated to the Russian Government. The Court found that those delays alone compromised the effectiveness of the investigation and could not but have had a negative impact on the prospects of arriving at the truth.

The Court also noted a number of serious omissions which were evident to the prosecutors, who ordered certain steps to be taken. However, their instructions were either not followed or were followed with an unacceptable delay.

In the light of those circumstances, the Court found that the authorities failed to carry out an effective criminal investigation into the circumstances surrounding the disappearance and presumed death of Mr Yandiyev and held that there had been a violation of Article 2.

Article 3

Concerning the suffering inflicted upon the applicant

The Court noted that the applicant had seen her son, on video, being questioned and led off by soldiers following remarks inferring that he would be executed, and

the absence of any plausible explanation as to what became of him caused her to suffer distress and anguish, and that the manner in which her complaints had been dealt with by the authorities could be construed as amounting to inhuman treatment. The Court concluded therefore that there had been a violation of Article 3.

The allegation that the applicant's son had been subjected to ill-treatment in detention

Since the information before it does not enable the Court to find beyond all reasonable doubt that the applicant's son was subjected to ill-treatment, the Court considered that there was insufficient evidence for it to conclude that there has been a violation of Article 3 on this account.

Article 5

The fact that the federal authorities concealed their involvement in Mr Yandiev's detention constitutes a most serious failing to their obligations and is incompatible with the very purpose of Article 5.

Furthermore, the authorities failed to take prompt and effective measures to safeguard Mr Yandiyev against the risk of disappearance. He was held in unacknowledged detention in the complete absence of the safeguards contained in Article 5 and that there had been a violation of the right to liberty and security of person guaranteed by that provision.

Article 13

The Court found that the applicant should have been able to avail herself of effective and practical remedies capable of leading to the identification and punishment of those responsible and to an award of compensation. However, in view of the fact that the criminal investigation was ineffective, the Court found that the State had failed in its obligation under Article 13. Consequently, it found that there had been a violation of Article 13 in connection with Articles 2 and 3.

The Court awarded the applicant €35 000 for non-pecuniary damage, to be paid to the applicant's legal representatives.

Note

In addition to the fact that the judgment deals with the crucial question of enforced disappearances in Chechnya, it raises the question of the subsidiary nature of the role of the European

Court of Human Rights, which should not take the role of a first-instance tribunal of fact. Nonetheless, where allegations are made under Articles 2 and 3 of the Convention the Court must apply a particularly thorough scrutiny even if certain domestic proceedings and investigations have already taken place.

Judgment of 17.10.2006

Concerns:

Ill treatment of a 12-year-old boy while in police custody.

Conclusions of the Court: violation of the article in question.

Okkali v. Turkey

Prohibition of torture (Article 3)

Facts and complaints

The case concerned alleged ill-treatment inflicted by the police on a 12-year-old boy, apprentice in a garage, accused by his employer of stealing some money.

The young boy was taken by his employer to a police station, where he was interrogated by a superintendent and an officer.

When his father went to the police station, he signed a declaration that his son had not been tortured or ill-treated, and that he did not wish him to be examined by a doctor.

However, once outside the police station the boy staggered, tottered and vomited. Back at home, his parents saw numerous injuries and bruises on his body. The child then told his father that he had been beaten by his interrogators.

Numerous and large haematomas and bruising were observed by a doctor in a hospital – who hospitalised the child – and two forensic doctors.

The public prosecutor questioned the police officers involved and indicted them for “obtaining by a public official of a confession under torture”. The Assize Court acknowledged that the child had been beaten by police officers but decided to reclassify the offence as “assault and ill-treatment”. It handed down the minimum sentence, which it mitigated on account of the defendants’ good conduct during the trial, then commuted the prison sentence to a fine and ordered a stay of execution. The applicant lodged an appeal on points of law and the Court of Cassation, reclassifying the offence as the obtaining of a confession under duress, referred the case back to the Assize Court. The Assize Court once again handed down the minimum penalty, which it reduced, and then ordered a stay of execution. That judgment was upheld by the Court of Cassation.

On this matter, cf. Parliamentary Assembly Recommendation 1719 (2005) on enforced disappearances, as well as the recent UN Convention, the first universally binding treaty that defines enforced disappearance as a human rights violation and prohibits it.

The applicant brought an action for damages against the Ministry of the Interior. The administrative courts dismissed his action as being time-barred.

Decision of the Court

It was not in dispute that the applicant had been the victim of ill-treatment by police officers: the criminal complaint lodged by the applicant had led to their conviction.

The Court regretted that neither the domestic judgments nor the Government’s observations had contained any reference to the particular seriousness of the impugned act on account of the victim’s age, or to any domestic legislation on the protection of minors. Moreover, the fact that the proceedings had resulted in impunity left some doubt as to the dissuasive effect of the judicial system that was supposed to protect anyone, whether minors or adults, from acts in breach of the absolute prohibition laid down in Article 3.

In addition, the applicant alleged that the police officers in question had subsequently been promoted, which the Government did not mention in their observations. The Court did not draw any significant conclusion from that omission but nevertheless regarded it as noteworthy.

The domestic courts had mitigated the sentences given to the defendants on the ground that they had made “fully explained confessions”, and had ordered a stay of execution on account of their remorse. However, those grounds were not substantiated by the case file. In the

Court/European Commission on Human Rights case-law cited in the judgment

De Cubber v. Belgium, Assenov and others v. Bulgaria, Laurence Dujardin v. France, Slimani v. France, Manoussakis and others v. Greece, Aquilina v. Malta, De Haan v. the Netherlands, Abdulsamet Yaman v. Turkey, Kaya v. Turkey, Öneriyildiz v. Turkey, Parlak, Aktürk and Yay v. Turkey, A. v. the United Kingdom, McKerr v. the United Kingdom.

Court's view, the judges' decision suggested that their power of discretion had been used to lessen the consequences of an extremely serious unlawful act rather than to show that such acts could in no way be tolerated.

In conclusion, the Court considered that the criminal-law system, as applied in the applicant's case, had proved to be far from rigorous and had had no dissuasive effect capable of ensuring the effective prevention of unlawful acts such as those complained of by the applicant. The Court accordingly found that the impugned criminal proceedings, in view

of their outcome, had failed to provide appropriate redress for an infringement of the principle enshrined in Article 3. The Court awarded the applicant €10 000 for non-pecuniary damage.

Note

The Court reaffirms its constant case-law, under which an official and effective investigation must be carried out when an individual makes a credible assertion that he has suffered treatment infringing Article 3 at the hands of the police or other similar authorities. It states that this requirement concerns the whole procedure, including the judgment stage.

Rivière v. France

Prohibition of inhuman or degrading treatment (Article 3)

Facts and complaints

The applicant is a prisoner sentenced to life imprisonment, eligible for release since 1991. He married in prison.

In July 2002 the regional parole court dismissed an application for the applicant's release on licence, finding that there were no clear and structured plans to provide him with proper social, educational, medical and psychological support on his release.

In the context of his subsequent appeal the applicant was examined by a psychiatrist who issued a certificate stating that the applicant was psychotic with suicidal tendencies and that his condition required hospital treatment.

After making a fresh application to be released on licence, the applicant was examined by several experts, who concluded that the applicant, whose psychiatric disorder had emerged during his time in prison, was now suffering from a chronic mental illness, in particular involving a compulsion towards self-strangulation.

In January 2004 the regional parole court refused an application for the applicant's release on licence, holding that although his condition had improved in psychiatric terms, his proposal to live on his release with a wife with whom he had never previously cohabited was unfeasible.

Decision of the Court

The Court noted, among other things, that the applicant had received psychi-

atric and psychological support, had twice been compulsorily admitted to hospital, and is seeing a psychiatrist once a month and a psychiatric nurse once a week. The Court was aware in those circumstances that the prison authorities had not remained passive and had made efforts to alleviate the applicant's mental disorder from a medical point of view.

However, the Court noted that Article D.398 of the Code of Criminal Procedure provided that prisoners with mental disorders could not be held in an ordinary prison but were to be compulsorily admitted to hospital by order of the prefect. That provision was confirmed by Article L.3214-1 of the Public Health Code, which stated that detainees suffering from mental disorders should be admitted to a specially designed wing of an ordinary health-care institution, and is also provided for in Recommendation No. R (98) 7 of the Committee of Ministers of the Council of Europe concerning the ethical and organisational aspects of health care in prison.

Lastly, the Court pointed out that prisoners with serious mental disorders and suicidal tendencies required special measures geared to their condition, regardless of the seriousness of the

Judgment of 11.07.2006

Concerns:

Conditions of detention inappropriate for a person with a mental disorder.

Conclusions of the Court: violation of the article in question.

Court/European Commission on Human Rights case-law cited in the judgment

Aerts v. Belgium, Gelfmann v. France, Matencio v. France, Mouisel v. France, Peers v. Greece, Kudla v. Poland, Hurtado v. Switzerland, Gennadi Naoumenko v. Ukraine, Ilhan v. Turkey, Keenan v. the United Kingdom, McGlinchey and others v. the United Kingdom, Price v. the United Kingdom.

offence of which they had been convicted.

In those circumstances, the Court considered that the applicant's continued detention without medical supervision appropriate to his current condition entailed particularly acute hardship and caused him distress or adversity of an intensity exceeding the unavoidable level of suffering inherent in detention. It accordingly concluded that he had been subjected to inhuman and degrading treatment.

The Court awarded the applicant €5 000 for non-pecuniary damage.

Judgment of 8.08.2006

Concerns:

Torture inflicted while in police custody, length of detention pending trial and inability to have its lawfulness reviewed, length and unfairness of criminal proceedings.

Conclusions of the Court:
violation of the articles in question.

Hüseyin Esen v. Turkey

Prohibition of torture (Article 3), right to liberty and security (Article 5 §3), right to have lawfulness of detention decided speedily by a court (Article 5 §4), right to a fair trial within a reasonable time (Article 6 §1), right to an effective remedy (Article 13)

Facts and complaints

On 9 September 1996 the applicant was arrested on suspicion of belonging to the illegal armed organisation MLKP (Marxist-Leninist Communist Party) and was taken into police custody at the headquarters of the anti-terrorism branch of Istanbul Security Directorate.

The applicant alleged that, while in police custody, he was ill-treated by police officers attempting to extract a confession from him. The officers struck him, hung him by the arms, hosed him with water, issued death threats to him and administered electric shocks. He had then, under duress, signed a statement confessing to membership of the illegal organisation and involvement in its activities.

On 18 September 1996 the applicant was examined by a doctor at the Istanbul Institute for Forensic Medicine, who noted marks consistent with the allegations of ill-treatment.

The same day the applicant was brought before a judge, who ordered his detention pending trial. Criminal proceedings were instituted against the applicant, who was charged with involvement in armed action aimed at destroying the constitutional order and replacing it with a State based on Marxist-Leninist principles.

Note

The Court reaffirms that even if the Convention does not contain any provision relating specifically to the situation of persons deprived of their liberty, the detention of a sick person in inappropriate conditions can constitute a treatment contrary to Article 3.

In a separate opinion, a judge considered that the judgment did not give a clear answer to the applicant's complaint, which did not rely on the quality of the medical care during his detention, but on the fact that his case would require a psychiatric treatment outside prison. He saw a difficulty, for the Government, to fulfil its obligation to put an end to a lasting violation of the Convention.

The applicant made several requests to be released. These were rejected by Istanbul State Security Court, which based its decisions on the contents of the case file, the evidence and the nature of the offence. However, the applicant was released on 30 January 2002.

On 31 January 2003 the state security court found the applicant guilty as charged and sentenced him to 12 years and six months' imprisonment. That decision was set aside, and the case is currently pending before the Istanbul Assize Court.

In the meantime, on 14 October 1996, the applicant and sixteen co-defendants lodged complaints alleging ill-treatment on the part of the seven police officers who had questioned them in police custody. On 25 April 2002 the assize court characterised the acts as torture and sentenced the police officers to imprisonment and ordered that they be temporarily suspended from their posts. On 5 May 2004, however, the Court of Cassation declared the criminal prosecution time-barred.

Decision of the Court

Article 3

The Court noted that the medical report drawn up at the end of the applicant's time in police custody reported signs of ill-treatment and prescribed seven days' sick leave for the applicant. It noted fur-

ther that the Istanbul Assize Court had characterised the acts to which the applicant had been subjected as torture. In those circumstances, the Court considered that the violence inflicted on the applicant, taken as a whole and having regard to its duration and purpose, had been particularly serious and cruel and capable of causing “severe” pain and suffering. It should therefore be classified as torture.

Article 13

The Court observed that an investigation had been launched in response to the complaint lodged by the applicant, which had resulted in the conviction of the police officers concerned for torture. However, the criminal prosecution had become time-barred after five years, with the result that the police officers’ convictions had been quashed. The Court therefore had to determine whether the investigation and the criminal proceedings had been conducted with diligence and whether the judicial proceedings could be said to have been “effective” or not.

In that connection, the Court noted that the assize court had waited almost five years after the complaint was lodged before delivering its judgment convicting the police officers, while the Court of Cassation had taken two years to examine the case. The Turkish Government had not produced any evidence to justify the lack of headway made by the proceedings.

The Court considered that the judicial authorities had a duty to do everything in their power to ensure that the criminal proceedings were completed before the limitation period expired. A prompt response by the authorities in cases involving allegations of ill-treatment

could generally be regarded as essential in maintaining public confidence in their adherence to the rule of law and in preventing any appearance of collusion in or tolerance of unlawful acts. In the applicant’s case, the Court observed that the police officers had been able to act with complete impunity in spite of the concrete evidence against them established by the court of first instance.

In the circumstances, the Court took the view that the Turkish authorities could not be considered to have acted promptly to ensure that the police officers implicated did not enjoy virtual impunity. It therefore held that there had been a violation of Article 13.

Article 5 §§3 and 4

The Court noted that the applicant had been held in detention pending trial for five years and four months. However, in the written grounds of the orders for his continued detention, the judicial authorities had failed to specify how the risk that the applicant might abscond or destroy evidence could have persisted for so long. Furthermore, although “the state of the evidence” could be understood as indicating the existence and persistence of serious indications of guilt and, in general, those circumstances could be relevant factors, they could not on their own justify the continuation of the detention for such a long period. Consequently, the Court held that there had been a violation of Article 5 §3.

The Court further observed that all the requests for release made by the applicant had been rejected for identical reasons. It considered that the applicant had not had an effective remedy by which to challenge the lawfulness of his detention pending trial. It therefore held that there had been a violation of Article 5 §4.

Article 6 §1

The Court noted that the proceedings in issue had lasted for more than nine-and-a-half years to date. Having regard to the circumstances of the case, it considered that such a period was excessive and did not satisfy the “reasonable-time” requirement.

The Court awarded the applicant €10 000 for non-pecuniary damage.

Court/European Commission on Human Rights case-law cited in the judgment

Assenov v. Bulgaria, Iljiov v. Bulgaria, I.A. v. France, Letellier v. France, Pélissier and Sassi v. France, Selmouni v. France, Tomasi v. France, Wemhoff v. Germany, Portington v. Greece, Contrada v. Italy, Guerra and others v. Italy, Indelicato v. Italy, Labita v. Italy, De Jong, Baljet and Van Den Brink v. the Netherlands, Van Der Sluijs, Zuiderveld and Kappele v. the Netherlands, Kudla v. Poland, Kalachnikov v. Russia, W. v. Switzerland, Abdulsamet Yaman v. Turkey, Aksoy v. Turkey, Bati and others v. Turkey, Büyükdag v. Turkey, Demirel v. Turkey, Mansur v. Turkey, Özgür Kiliç v. Turkey, Sahmo v. Turkey, Salman v. Turkey, Paul and Audrey Edwards v. the United Kingdom.

Judgment of 12.10.2006

Concerns:

5-year-old child detained in a transit centre and removed to the country of origin without being accompanied by a parent.

Conclusions of the Court: violation of the articles in question.

Mubilanzila Mayeka and Kanika Mitunga v. Belgium

Prohibition of inhuman treatment (Article 3), right to liberty and security (Article 5 §4), right to respect for family life (Article 8)

Facts and complaints

The applicants, Pulchérie Mubilanzila Mayeka and her daughter Tabitha Kaniki Mitunga are Congolese nationals. Mrs Mubilanzila Mayeka obtained refugee status in Canada in July 2001. She asked her brother, a Dutch national living in the Netherlands, to collect Tabitha, who was then five years old, from the Democratic Republic of the Congo and to look after her until she was able to join her in Canada.

On 18 August 2002 shortly after arriving at Brussels airport, Tabitha was detained in a transit centre because she did not have the necessary documents to enter Belgium. The uncle who had accompanied her to Belgium returned to the Netherlands. On the same day a lawyer was appointed by the Belgian authorities to assist Tabitha. An application for asylum that had been lodged on behalf of Tabitha was declared inadmissible by the Belgian Aliens Office, as well as a request to place the child in the care of foster parents.

On 16 October 2002 the Chambre de conseil of the Brussels Court of First Instance held that Tabitha's detention was incompatible with the New York Convention on the Rights of the Child and ordered her immediate release. On the same day the Office of the High Commissioner for Refugees sought permission from the Aliens Office for Tabitha to remain in Belgium while her application for a Canadian visa was being processed and explained that her mother had obtained refugee status in Canada.

The following day, 17 October 2002, Tabitha was removed to the Democratic Republic of Congo.

At the end of October 2002 Tabitha joined her mother in Canada following the intervention of the Belgian and Canadian Prime Ministers.

Decision of the Court

Article 3

Tabitha's detention

- Regarding Tabitha's rights

The Court noted that Tabitha was held in the same conditions as adults. Owing to her very young age, the fact that she was an illegal alien in a foreign land, that she was unaccompanied by her family from whom she had become separated and that she had been left to her own devices, Tabitha suffered considerable distress. In the Court's view, her detention demonstrated a lack of humanity to a degree that amounted to inhuman treatment.

The Court therefore held that Tabitha's rights under Article 3 had been violated on account of her conditions of detention.

- Regarding her mother's rights

The Court had no doubt that, as a mother, Ms Mubilanzila Mayeka had suffered deep distress and anxiety as result of her daughter's detention.

Tabitha's deportation

- Regarding Tabitha's rights

The Court considered that the Belgian authorities had not sought to ensure that Tabitha would be properly looked after or had regard to the real situation she was likely to encounter when she returned to her country of origin. In view of the conditions of its implementation, her removal was bound to have caused her extreme anxiety. It demonstrated such a total lack of humanity towards a very young, unaccompanied minor as to amount to inhuman treatment. The Court further found that, by deporting Tabitha, Belgium had violated its positive obligations to take requisite measures and preventive action.

Court/European Commission on Human Rights case-law cited in the judgment

Aerts v. Belgium, Csonka v. Belgium, De Wilde, Ooms and Verzyp v. Belgium, Moustaqim v. Belgium, Amrollahi v. Denmark, Hokkanen v. Finland, Nuutinen v. Finland, Raninen v. Finland, Amuur v. France, Beldjoudi v. France, Bozano v. France, Ghanoré v. France, Mokrani v. France, Selmouni v. France, Adam v. Germany, K.-F. v. Germany, Niemietz v. Germany, Von Hannover v. Germany, D.G. v. Ireland, Keegan v. Ireland, Beyeler v. Italy, Botta v. Italy, Slivenko v. Latvia, Nsona v. the Netherlands, Winterwerp v. the Netherlands, Johansen v. Norway, Ignaccolo-Zenide v. Romania, Eriksson v. Sweden, Olsson v. Sweden, Boultif v. Switzerland, Çaciki v. Turkey, Hamiyet Kaplan and others v. Turkey, A. v. the United Kingdom, Chahal v. the United Kingdom, Osman v. the United Kingdom, Soering v. the United Kingdom, Weeks v. the United Kingdom, Z. and others v. the United Kingdom.

– Regarding her mother’s rights

The Court noted, in particular, that the Belgian authorities had not troubled to advise Ms Mubilanzila Mayeka of her daughter’s deportation and that she only became aware of her daughter’s expulsion after she had already been deported. The Court had no doubt that this caused Ms Mubilanzila Mayeka deep anxiety. The disregard such conduct showed for her feelings and other evidence in the file led the Court to find that the threshold of gravity had been attained.

Article 8

Tabitha’s detention

One of the consequences of Tabitha’s detention was to separate her from her uncle, with the result that she had become an unaccompanied alien minor, a category in respect of which there was a legal void at the time. The detention had significantly delayed her reunion with her mother. The Court further noted that, far from assisting her reunion with her mother, the authorities’ actions had hindered it. Since there was no risk of Tabitha’s seeking to evade the supervision of the Belgian authorities, her detention in a closed centre for adults served no purpose and other measures could have been taken.

Tabitha’s deportation

When they deported Tabitha the Belgian authorities not only failed to facilitate her reunion with her mother, they also failed to ensure that she would be cared for on her arrival in Kinshasa. Accordingly, Belgium had failed to comply with its positive obligations and had disproportionately interfered with the applicants’ rights to respect for their family life.

Article 5

Tabitha’s detention

Tabitha was detained in a closed centre intended for illegal foreign aliens in the same conditions as adults. The Court considered that the Belgian legal system at the time and as it functioned in the case before it had not sufficiently protected her right to liberty.

Tabitha’s deportation

The Court noted that the Belgian authorities had decided on the date of Tabitha’s departure the day after she lodged her application to the chambre de conseil for release from detention, that is to say even before the chambre de conseil had ruled on it. They had not sought to reconsider the position at any stage. Moreover, the deportation had proceeded despite the fact that the 24 hour-period for an appeal by the public prosecutor had not expired and that a stay applied during that period. Tabitha’s successful appeal against detention was thus rendered futile.

The Court awarded the applicants €35 000 for non-pecuniary damage.

Note

The Court recalled that, when assessing the level of severity of an ill-treatment, regard must be had to the fact that the Convention is a “living instrument which must be interpreted in the light of present-day conditions” [and] that “the increasingly high standard being required in the area of the protection of human rights and fundamental liberties correspondingly and inevitably requires greater firmness in assessing breaches of the fundamental values of democratic societies.” In the case, the absolute protection afforded by Article 3 should have taken precedence over the status of illegal immigrant.

Chraidi v. Germany

Right to liberty and security (Article 5 §3)

Facts and complaints

The applicant, Yasser Chraidi, is a stateless person who was born in Lebanon where he now lives. When lodging his application, he was detained in Berlin. On 24 May 1996 the applicant was extradited to Germany from Lebanon and held in detention. He was accused of

having organised the bomb attack. On 13 November 2001 he was convicted of aiding and abetting murder, attempted murder and causing an explosion.

The applicant complained, in particular, about the excessive length of his detention on remand which lasted approximately five-and-a-half years.

Judgment of 26.10.2006

Concerns:

Length of a detention on remand of an individual suspected of having organised a bomb attack.

Conclusions of the Court: no violation of the article in question.

Decision of the Court

Whether it is reasonable for an accused to remain in detention must be assessed in each case. Continued detention can be justified in a given case only if there are specific indications of a genuine requirement of public interest which, notwithstanding the presumption of innocence, outweighs the rule of respect for individual liberty.

As regards the grounds for the applicant's continued detention, the Court noted that the competent judicial authorities advanced three principal reasons: the applicant remained under a strong suspicion of having committed the crimes he was accused of, the serious nature of these offences and the applicant would be likely to abscond if

released, given the sentence which he risked incurring if found guilty as charged. As regards the third reason, the Court observed that the possibility of a severe sentence alone is not sufficient after a certain lapse of time to justify the continued detention based on the danger of flight. But it observed that the applicant never had a fixed dwelling nor social bonds in Germany which would have prevented him from absconding if released, and that under German legislation no hearing could be held against an accused who absconded and whose whereabouts are unknown.

It remained to the Court to be ascertained whether the judicial authorities displayed "special diligence" in the conduct of the proceedings. Having regard to the prosecution of offences committed in the context of international terrorism, the competent national courts acted with the necessary special diligence and there had been no violation of Article 5 §3.

Note

In a separate, concurring, opinion a judge wonders about the use of the words "international terrorism". He expressed apprehension that it could lead to the belief that it constitutes a specific category of crime.

Court/European Commission on Human Rights case-law cited in the judgment

B. v. Austria, De Wilde, Ooms and Versyp v. Belgium, Nedyalkov v. Bulgaria, Amuur v. France, I.A. v. France, Cordier v. Germany, Dzelili v. Germany, Eckle v. Germany, Jansen v. Germany, Klass and others v. Germany, Wemhoff v. Germany, Cuzardi v. Italy, Labita v. Italy, Pantano v. Italy, Beck v. Norway, Kudla v. Poland, Dalban v. Romania, Van der Tang v. Spain, Brogan and others v. the United Kingdom, Murray v. the United Kingdom, Khoudoyorov v. Russia, Korchuganova v. Russia, Rieme v. Sweden, Lynas v. Switzerland, W. v. Switzerland, Brogan and others v. the United Kingdom, Murray v. the United Kingdom.

Judgment of 27.07.2006

Concerns:

Lack of an oral hearing before the Administrative Court.

Conclusions of the Court: violation of the article in question.

Jurisc and Collegium Mehrerau v. Austria

Access to a court (Article 6 §1)

Facts and complaints

The applicants are Ivan Jurisc, and the Collegium Mehrerau, a monastery situated in Austria.

In 1998 the monastery applied to the Bregenz Labour Market Service for an employment permit allowing it to employ Mr Jurisc as a farm labourer. The application was dismissed in accordance with the Employment of Foreigners Act, as the maximum quota fixed for the employment of foreigners in the region in question had been exceeded. The decision was confirmed by a upper service and, without a oral hearing, by the Administrative Court.

The applicant monastery complained about the lack of an oral hearing before the Administrative Court. Mr Jurisc claimed that he was denied access to a court as he had not been party to the proceedings concerning the requested employment permit.

Decision of the Court

Applicability of Article 6 §1 to the monastery

The Court noted in particular that under conditions of the Employment of Aliens Act, the applicant monastery, as potential employers had an arguable ground to claim the right to an employment permit. It also noted that, since the validity of an employment contract was dependent on the grant of an employment permit, the outcome of the proceedings directly concerned the applicant's civil rights. The Court therefore held unanimously that the Article was applicable to the pro-

Court/European Commission on Human Rights case-law cited in the judgment

Fehr and others v. Austria, Ringeisen v. Austria, Schelling v. Austria, Speil v. Austria, Craxi v. Italy, Mennitto v. Italy, B.v. the Netherlands, Belziuk v. Poland, Varela Assalino v. Portugal, Schuler-Zraggen v. Switzerland, Osman v. the United Kingdom, Roche v. the United Kingdom.

ceedings concerning the monastery's request for an employment permit.

Applicability of Article 6 §1 to Mr Jurisic

The Court found that since Mr Jurisic's potential employers claimed the right to the issue of an employment permit, it followed that he too had a right to adjudication on his request for an employment permit. It considered that his right to conclude a valid employment contract was arguable, and that the dispute he wished to bring before the domestic tribunals was both directly decisive for this "civil" rights. Article 6 §1 was therefore applicable to his proceedings.

Examination of the complaint

The Court found that the subject matter of the proceedings before the Administrative Court was not of such a highly technical or exclusively legal nature that

it justified dispensing with an oral hearing. It therefore held that there had been a violation of Article 6 §1 in that respect.

The Court noted that the Employment of Aliens Act prevented Mr Jurisic from bringing his claim for an employment permit before the domestic authorities. In view of that fact and its conclusion that Article 6 §1 was applicable, the Court held that there had been a violation of his right of access to a court and held unanimously that it was not necessary to examine his complaint regarding the lack of an oral hearing.

Note

In a partly dissenting opinion, a judge considers that Austrian legislation does not grant a foreigner the right to an employment permit and, consequently, general *locus standi* in such proceedings.

Dubinskaya v. Russia

Access to a court (Article 6 §1)

Facts and complaints

In May 1995 the applicant, who had been severely injured in a traffic accident in Moscow brought a civil action against the car owner and driver seeking compensation for damage.

In October 1995 the Chertanovskiy District Court, in an interim decision which was submitted to the Moscow Bureau for forensic medical examinations, ordered a medical examination of the applicant. According to the Government, the District Court repeatedly asked the applicant's lawyer to produce additional medical information requested by the Bureau. In the absence of any reply, the court discontinued the proceedings.

The applicant maintained that neither she nor her lawyer had received such requests and that they had not been informed that the court had closed the proceedings.

In 2002 the applicant was informed that due to the failure to present the additional medical information the applicant's claim was never registered and no medical examination was ever carried out.

Decision of the Court

Admissibility of the claim

The Russian Government argued that the Court did not have competence *ratione temporis* to examine the applicant's complaint because the proceedings in her case had been discontinued by an interim decision of the Chertanovskiy District Court in the end of 1995, that is before 5 May 1998 when the Convention entered into force in respect of Russia.

The Court reiterated that it may have regard to the facts prior to ratification inasmuch as they could be considered to have created a situation extending beyond that date or may be relevant for the understanding of facts occurring after that date. Turning to the facts of the present case, it had to establish whether, on the date when the Convention entered into force in respect of Russia, the applicant's claim was still pending before the domestic courts.

The Court recalled that judicial proceedings are considered to be pending until

Judgment of 27.07.2006

Concerns:

Length of a proceeding.

Conclusions of the Court:

violation of the articles in question.

Court/European Commission on Human Rights case-law cited in the judgment

Brumărescu v. Romania, Hornsby v. Greece, Burdov v. Russia, Teteriny v. Russia, Voytenko v. Ukraine.

the parties are definitely able to find out the content of the written judgment in the determination of the merits of a dispute or a decision on discontinuation of the proceedings. Moreover, the applicant having introduced her claim in compliance with the formal requirements and having been advised that a medical examination would be carried out but without further notices from the District Court, on 5 May 1998 she could have reasonably assumed that the proceedings on her claim were still pending. Taking into account the above considerations, the Court considered that it had competence *ratione temporis* to examine the applicant's complaint and dismissed

Judgment of 18.07.2006

Concerns:

Failure to give sufficient reasons for a decision to refuse to award a higher pension.

Conclusions of the Court: violation of the article in question.

Pronina v. Ukraine

Right to a fair trial (Article 6 §1)

Facts and complaints

In March 2000 the applicant lodged a claim with the Yalta City Court against the local social welfare department, challenging the refusal of the latter to award her a higher pension. In her claim, the applicant maintained, among other things, that under Article 46 of the Constitution, her pension should not be lower than the minimum living standard.

Her complaint was rejected by the Yalta City Court and later, on appeal, by the Supreme Court. Neither court considered her arguments under Article 46 of the Constitution.

The applicant complained, in particular, that the domestic courts had failed to give sufficient reasons for their decisions in her civil case.

Decision of the Court

The Court noted that the domestic courts made no attempt to analyse the

Court/European Commission on Human Rights case-law cited in the judgment

Coëme and others v. Belgium, Gorizdra v. Moldova, Ruiz Torija v. Spain, James and others v. the United Kingdom.

Merits

The Court noted that the applicant had never obtained a judgment on the merits, and contrary to the Government's assertion found that it was unreasonable to expect her to re-submit her action more than 13 years after the circumstances that had given rise to that claim had occurred.

The Court held unanimously that there had been a violation of Article 6 §1 on account of the domestic authorities' failure to examine the applicant's civil claim and awarded Ms Dubinskaya €5 000 in respect of pecuniary and non-pecuniary damage.

applicant's claim under Article 46 of the Convention, despite explicit references she made before every judicial instance. The Court therefore found that, by ignoring the point altogether, even though it was specific, pertinent and important, the courts fell short of their obligations under Article 6 §1.

The Court awarded the applicant €1 500 for non-pecuniary damage.

Note

The Court reiterated that Article 6 obliges courts to give reasons for their judgments, but the extent to which this duty to give reasons applies may vary according to the nature of the decision and in the light of the circumstances of the case and the differences existing in the Contracting States with regard to statutory provisions, customary rules, legal opinion and the presentation and drafting of judgment. In the Ukrainian legal system, where a physical person has no right of individual petition to the Constitutional Court, it is for the domestic courts to look into the issue of the compatibility of legal acts with the Constitution and, in case of doubt, to request that constitutional proceedings be initiated.

Jeličić v. Bosnia and Herzegovina

Right of access to a court (Article 6 §1), Protection of property (Article 1 of Protocol No. 1)

Facts and complaints

The case concerned the non-restitution by the former Privredna Banka Sarajevo Filijala Banja Luka of foreign-currency savings deposited prior to the dissolution of the former Socialist Federal Republic of Yugoslavia, this despite a final and enforceable judgment in her favour.

Decision of the Court

Article 6 §1

The Government maintained that the present case was exceptional as the judgment in question concerned the release of the applicant's "old" foreign-currency savings. It would be unacceptable to execute that judgment without reimbursing other "old" foreign-currency savers at the same time, such a course of action being simply impossible due to the magnitude of the "old" foreign-currency savings.

The Court disagreed considered that the situation of the applicant was significantly different from that of the majority of "old" foreign-currency savers who had not obtained any judgment ordering the release of their funds. She should not be prevented from benefiting from the success of the litigation on the ground of alleged financial difficulties experienced by the State.

The Court did not consider that the payment of the award made by the domestic courts in the applicant's case, even with the accumulated default interest, would be a significant burden for the State let alone result in the collapse of its economy as suggested by the Government. Further, the evidence was that judgments ordering the release of "old" foreign-currency savings were the exception rather than the norm. That had been corroborated by the case-law of the

Court/European Commission on Human Rights case-law cited in the judgment

Hornsby v. Greece, Brumărescu v. Romania, Burdov v. Russia, Teteriny v. Russia, Voytenko v. Ukraine.

former Human Rights Chamber, the Human Rights Commission within the Constitutional Court and the Constitutional Court of Bosnia and Herzegovina: they had determined more than one thousand "old" foreign-currency cases and a final and enforceable judgment ordering the release of savings had been made in only five cases.

The Court concluded that the essence of the applicant's right of access to court was thereby impaired.

Article 1 of Protocol No. 1

The Court recalled that the impossibility of obtaining the execution of a final judgment in an applicant's favour constituted an interference with the right to the peaceful enjoyment of possessions.

The interference with the applicant's possessions was not justified in the circumstances of the applicant's case. Therefore, there had also been a violation of the right to protection of property.

The Court awarded the applicant €163 460 in respect of pecuniary damage and €4 000 for non-pecuniary damage.

Note

The Court recalled that the right to a court embodied by Article 6 §1 would be illusory if a Contracting State's domestic legal system did not protect also the implementation of judicial decisions. Execution of a judgment given by any court must therefore be regarded as an integral part of the "trial" for the purposes of Article 6.

At present approximately 85 similar cases, submitted on behalf of more than 3 750 applicants, are pending before the European Court of Human Rights.

Parliamentary Assembly adopted Resolution 1410 (2004) on the repayment of the deposits of foreign exchange made in the offices of the Ljubljanska Banka not on the territory of Slovenia. The report of the Committee on Legal Affairs and Human Rights, (Doc. 10135) gives full information on the question.

Judgment of 31.10.2006

Concerns:

Impossibility for the applicant to withdraw money from a foreign-currency bank account opened prior to the dissolution of the former socialist Federal Republic of Yugoslavia despite having obtained a judgment in her favour.

Conclusions of the Court: violation of the articles in question.



Questions and answers: the Library of the European Court of Human Rights

“A library is not a luxury, but one of the necessities of life.” – Henry Ward Beecher



When was the Library set up?

The Court Library was established in 1966, and has an ongoing acquisitions policy.

What does the collection consist of?

As a specialised library, the Library of the European Court of Human Rights holds a sizeable collection of writings on human rights and on the European Convention on Human Rights. The Court develops its collection not only in the area of human rights, but also in the fields of national case-law and legislation of the member states, comparative law, and to a lesser extent constitutional and public international law.

The Library holds a rich collection of periodicals covering human rights law and public international law. It includes subscription and non-subscription titles, as well as current and defunct titles. A full list can be found on the Library's Web site.

What makes the Court library different from other law libraries?

Its vocation to provide a reference resource for the European Court of Human Rights means that its catalogue has a unique in-depth indexing of monographs and periodical articles to identify themes.

The thesaurus of indexing terms, which is available on-line, is particularly detailed, employing much of the same terminology as that used in the Court. Indexing is sufficiently precise to enable searches to be made on the basis of individual articles of the Convention or its protocols.

Who is the Library for?

The Library serves the European Court of Human Rights and the Registry, that is, the research needs arising from the Court's judicial and publishing activities.

Other user communities are also encouraged to consult and exploit the resources on offer in the Library. The Library staff are committed to making access to the collection as user-friendly as possible.

Does that mean anyone can visit the Library?

Yes, but for practical reasons external visitors have to make an appointment.

Library facts and figures

Area	705 square metres on two floors
Collection	25 000 monographs 3 187 chapters in books 118 periodicals 14 126 periodical articles: 2 358 items of doctrine
Catalogue	The iLink on-line catalogue includes the old card catalogue (1966-86) converted in 2005
Languages	Items in the collection are mainly in the Council of Europe's two official languages, English and French; but other languages such as German, Italian, etc., are also represented

During opening hours they may work in the reading room and consult the collection. Computer workstations offer access to the Library catalogue, to HUDOC and to the Internet.

Library staff are on hand to help with enquiries and with catalogue searches. However, they cannot offer a legal assistance service.

Visiting the Library

In person The Library is in the Human Rights Building, on the intersection of quai Ernest Bevin and allée des Droits de l'homme, Strasbourg. It is *essential* to make an appointment before visiting.

Postal address Library of the European Court of Human Rights, Council of Europe, F-67075 Strasbourg Cedex

Telephone +33 (0)3 90 21 41 53

E-mail bibliotheque@echr.coe.int

Internet <http://www.echr.coe.int/library/>

Opening hours Monday-Friday, 10.00-17.00
See the Web site for a list of days when the library is closed for public holidays or other reasons

How is the collection arranged? Is everything on open shelves?

The Library has six "collections": the reference collection; books and chapters of books – which are catalogued according to the Universal Decimal Classification

(UDC) scheme; periodicals; doctrine (comprising offprints and copies of articles from periodicals on the Convention); unpublished theses and dissertations; and the "dossier" (files) collection (formerly "Classeur vertical"), comprising offprints, pamphlets, documents and copies of articles on the subjects covered by the Library.

All except the theses are on open shelves, but locating items in the "dossier" collection requires a librarian's assistance.

Can users borrow books?

For Court and Council of Europe staff and trainees the Library provides a loan service. External visitors may not borrow books.

It is possible to make photocopies in the Library (within the limits of copyright restrictions).

What about on-line resources?

The Library catalogue, iLink, can be consulted on the Internet 24 hours a day, 7 days a week.

To keep users regularly informed about the latest additions to the collection, the Library produces a *New Acquisitions Bulletin*, published on the Internet four times a year.

Between issues, users can keep up to date with new publications by consulting the listings on the Internet. These lists are updated daily.

In addition, the contents pages of periodicals are available on the Internet.

Can I read the full text of articles on the Web?

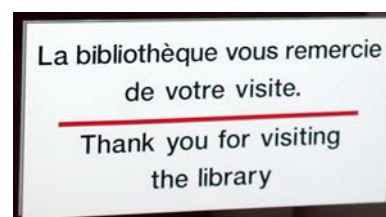
It is the policy of the Library, whenever possible, to make articles available in electronic format.

In most cases, however, books and periodicals are copyrighted, and the Library is not authorised to reproduce their contents. But it does offer downloadable versions of many papers submitted by individual lawyers and judges. Look for the links marked **url** in the catalogue.



And in a new departure, starting at the beginning of 2007, the Library will begin making available the publications of the Council of Europe's Directorate General of Human Rights, including both the back catalogue and new publications. In certain cases the electronic version may be available via the Library Web site before the printed edition.

The directorate's series of "Human rights handbooks" are the first titles to be put on line.



Execution of the Court's judgments

The Committee of Ministers supervises the execution of the Court's final judgments by ensuring that all the necessary measures are adopted by the respondent states in order to redress the consequences of the violation of the Convention for the victim and to prevent similar violations in the future.

The Convention entrusts the Committee of Ministers with the supervision of the execution of the European Court of Human Rights' (ECHR) judgments (Article 46, paragraph 2). The measures to be adopted by the respondent state in order to comply with this obligation vary from case to case in accordance with the conclusions contained in the judgments.

The applicant's individual situation

With regard to the applicant's individual situation, the measures comprise notably the effective payment of any just satisfaction awarded by the Court (including interest in case of late payment). Where such just satisfaction is not sufficient to redress the violation found, the Committee ensures, in addition, that specific measures are taken in favour of the applicant. These measures may, for example, consist in granting of a residence permit, reopening of criminal proceedings and/or striking out of convictions from the criminal records.

Preventing new violations

The obligation to abide by the judgments of the Court also comprises a duty of preventing new violations of the same kind as that or those found in the judgment. General measures, which may be required, include notably constitutional or legislative amendments, changes of the national courts' case-law (through

the direct effect granted to the European Court's judgments by domestic courts in their interpretation of the domestic law and of the Convention), as well as practical measures such as the recruitment of judges or the construction of adequate detention centres for young offenders, etc.

In view of the large number of cases reviewed by the Committee of Ministers, only a thematic selection of those appearing on the agendas of the 970th and 976th Human Rights (DH) meetings¹ (July and October 2006) is presented here. Further information on the cases mentioned below as well as all others is available from the Directorate General of Human Rights, and on the Internet site of the Department for the Execution of Judgments of the European Court of Human Rights (DG II).

As a general rule, information concerning the state of progress of the adoption of the execution measures required is published some ten days after each DH meeting, in the document called "annotated agenda and order of business" available on the Committee of Ministers' Web site (see Article 14 of the new Rules for the application of Article 46, §2, of the Convention adopted in 2006²).

1. Bimonthly meetings devoted to the supervision of the execution of judgments.

2. Replacing the Rules adopted in 2001.

Internet site of the Department for the Execution of Judgments: http://www.coe.int/T/E/Human_Rights/execution/

Internet site of the Committee of Ministers: <http://www.coe.int/cm/>

Main points

970th (July) and 976th (October) DH meetings

During the 970th and 976th meetings (July and October 2006), the Committee respectively supervised payment of just

satisfaction in some 574 and 612 cases. It also looked at around 38 and 129 cases of individual measures (or groups of cases)

to erase the consequences of violations (such as striking out convictions from criminal records, re-opening domestic judicial proceedings, etc.) and at 18 and 159 cases (or groups of cases) involving general measures to prevent similar violations (e.g. constitutional and legislative reforms, changes of domestic case-

law and administrative practice). The Committee also started examining 150/370 new Court judgments and considered 16/45 draft final resolutions concluding that States have complied with the Court's judgments. The Committee notably considered:

Individual measures to grant redress for violations of the applicants' rights, notably

- **Responses to the 4th Interim Resolution in the case of *Ilaşcu and others v. Russia and Moldova*** where the Court found the applicants' detention in the "Moldavian Republic of Transnistria" to be arbitrary and unlawful and ordered the immediate release of the applicants still in detention (ResDH (2006) 26 of 10 May 2006);

- **Responses of Turkey and Italy to the CM's repeated calls to reopen domestic criminal proceedings** or otherwise redress the situation of the applicants convicted in violation of their right to a fair trial and still serving heavy prison sentences (case of *Hulki Güneş*, ResDH (2005) 113 and *Dorigo*, ResDH (2005) 85); also **Belgium's and Bulgaria's responses to similar problems** will be examined respectively in *Goktepe* and *Stoichkov and Kounov* cases;

- **Re-establishing parents' access to or regular relationship with their children**, to remedy violations of their right to family life, by **Germany** (case of *Görgülü*), **Italy** (case of *Bove*), **Poland** (case of *Zawadka*), **Portugal** (case of *Reigado Ramos*) and **Romania** (case of *Pini and Bertani and Manera and Atripaldi*);

- **Possibility of obtaining reopening of proceedings or other measures** to remedy violations of the right to a fair trial by **France** (case of *Yvon*) and **Italy** (cases of *Bracci*; *F.C.B.*), **Russia** and **Poland** (paternity proceedings in the cases of *Shofman* and *Róžański*, respectively);

- **Quashing the applicant's criminal convictions imposed in Turkey** for a refusal to perform compulsory military service on the ground of his conscientious objection (case of *Ülke*);

- **Remedying to the persistent infringement of the freedom of association of the applicant association and its members, already found in several judgments since 2001** (cases of *United Macedonian Organisation Ilinden-Pirin and others* and *United Macedonian Organisation Ilinden and others*);

- **Remedying the shortcomings identified by the Court in domestic investigations** into abuses by members of security forces of the United Kingdom and of the Russian Federation allegedly committed respectively in Northern Ireland and the Chechen Republic.

General measures (constitutional, legislative or other reforms, including the setting up of effective domestic remedies), taken or under way, to prevent new violations similar to those found in the judgments, notably with regard to:

- **Turkey's response to the Court's judgment in the case of *Xenides-Arestis*** concerning the property rights of displaced Greek Cypriots in Cyprus; **Further developments** on this and other issues (notably missing persons) raised **in the context of the execution of the *Cyprus v. Turkey* judgment**;

- **The implementation of States' obligation to co-operate with the**

Court in its on-site investigations, *inter alia* with a view to the adoption of a Resolution on the matter (Article 38 §1(a) of the Convention) (see also ResDH (2001) 66);

- **The problem of excessive length of judicial proceedings, and/or setting up an effective domestic remedy in this respect, in 22 countries** (cases against Belgium, Bulgaria, Croatia,

Cyprus, Czech Republic, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Luxembourg, “the former Yugoslav Republic of Macedonia”, Malta, Poland, Portugal, Romania, Russia, Slovakia, Slovenia, Ukraine);

- **Structural problem of non-execution of domestic judicial decisions in Russia, Ukraine, Georgia** revealed by numerous judgments and complaints. A similar problem also recently raised in **Albania** (case of *Qufaj Co. Sh. P. K.*);

- **Discrimination against specific groups or members thereof in Bulgaria** (case of *UMO Ilinden and others*), **Romania** (case of *Moldovan and others*) and **Russia** (cases of *Timishev*; *Gartukayev*);

- **The effective protection by 9 respondent states of detainees’ rights** (Bulgaria, Italy, Latvia, Poland, Romania, Russia, Switzerland, Turkey, the United Kingdom);

- **Actions of the Russian security forces in Chechnya** (*Khashiyev* and other cases);

- Progress achieved by **recent bankruptcy reform** (case of *Luordo and many*

others) and the recent developments with a view to resolve the **problem of unlawful expropriation in Italy** (*Belvedere* and other cases);

- **The protection of publishers’ or demonstrators’ freedom of expression in Austria** (case of *Albert-Engelmann GmbH*) and **Finland** (cases of *Goussev and Marenk*; *Soini and others*);

- **Delay in adoption by Bulgaria of legal reform** allowing for judicial review of expulsion decisions taken on national security grounds (case of *Al-Nashif*);

- **Assessment of the new Polish compensation mechanism** for the abandoned “Bug-River” property introduced in response to *Broniowski* judgment;

- **The systemic problem recently highlighted by the Court** regarding restrictions on landlords’ rights in **Poland** (case *Hutten-Czapska*);

- **Measures needed to avoid inhuman and degrading treatment by forcefully obtaining evidence in Germany** (case of *Jalloh*).

Texts adopted at the July and October meetings

After examination of these points, as well as of the other cases on the agendas

of the meetings, the Deputies adopted, in particular, the following texts.

Selection of decisions adopted

Decision adopted at the 970th meeting

Five cases against Italy

Bracci (judgment of 13/10/2005, final on 15/02/2006), *Dorigo Paolo* (Interim Resolutions DH (99) 258 of 15/04/99 (finding of a violation), ResDH (2002) 30, ResDH (2004) 13 and ResDH (2005) 85 (adoption of individual measures)), *F.C.B.* (judgment of 28/08/91, Resolution DH (93) 6 and Interim Resolution ResDH (2002) 30), *R.R.* (judgment of 09/06/2005, final on 12/04/2006) and *Sejdovic* (judgment of 01/03/2006 – Grand Chamber)

“The Deputies,

1. recalling that the judgments of the Court imply, under Article 46 of the Convention, the legal obligation to erase as far as possible the consequences of the violations found for the applicant and to prevent similar further violations;

2. noted that in several similar cases submitted to the supervision of the Committee of Ministers the best appropriate way to erase the consequences of the violations of the **right to a fair trial** is the reopening of the domestic proceedings impugned (cases of *Dorigo*, *F.C.B.*, *R.R.*, *Bracci*, *Sedjovic*);

3. noted with great interest the recent jurisprudential efforts in the cases of *Dorigo* and *F.C.B.* to reopen the proceedings impugned but regretting that despite these efforts the applicants are still suffering some consequences of the violations after many years;

4. invited the Italian authorities to complete their efforts with a view to ensuring, either by case-law or legislative

reform, that the consequences of proceedings found to be in violation with the Convention in all the cases concerned, may be rapidly erased in accordance with Italy's legal obligations;
5. decided to resume consideration of the progress in the implementation of the

judgments and decisions concerned at the their 976th meeting (17-18 October 2006), on the basis of further information to be provided by the authorities regarding the individual and general measures envisaged."

4 cases against Greece (length of procedures)

Decision adopted at the 976th meeting

Damilakos (judgment of 30/03/06, final on 30/06/06), Ekdoseis N. Papanikolaou A.e. (judgment of 04/05/2006, final on 04/08/2006), Kollokas (judgment of 30/03/06, final on 30/06/06) and Mantzila (judgment of 04/05/2006, final on 04/08/2006)

"The Deputies,

1. noted with concern the systemic problem highlighted in these cases and that measures adopted so far seem to be insufficient for the prevention of new similar violations;

2. agreed to pay particular attention to this problem and accordingly to resume consideration of these cases at their 982nd meeting (5-6 December 2006) (DH), on the basis of further information to be provided by the authorities of the respondent state concerning payment of the just satisfaction and to join them, at the same meeting, with the case of Manios, to supervise the general measures proposed to prevent new, similar violations."

Goktepe v. Belgium

Decision adopted at the 976th meeting

Judgment of 02/06/2005, final on 02/09/2005

"The Deputies, having examined the information provided by the Belgian authorities and concerning the situation of the applicant,

1. invited the Belgian authorities to ensure as far as possible *restitutio in integrum* for the applicant, who is still imprisoned as a result of a conviction in violation of his **right to a fair trial** resulting from the collective application

of aggravating circumstances to all the co-accused;

2. agreed to resume consideration of this case at their 982nd meeting (5-6 December 2006) (DH), on the basis of further information to be provided by the authorities of the respondent state concerning individual measures to put an end to the violation and erase, as far as possible, its consequences for the applicant as well as general measures proposed to prevent new, similar violations."

Reigado Ramos v. Portugal

Decision adopted at the 976th meeting

Judgment of 22/11/2005, final on 22/02/2006

"The Deputies, having examined the state of execution of this judgment,

1. noted the urgent need for the authorities rapidly to take individual measures to enforce the agreement regarding the applicant's **visiting rights**;

2. recalled that an action plan for the execution of this case has also been awaited since July 2006;

3. decided to resume consideration of this case at their 982nd meeting (5-6 December 2006) (DH), on the basis of further information to be provided by the authorities of the respondent state."

Shofman v. the Russian Federation

Decision adopted at the 976th meeting

Judgment of 24/11/2005, final on 24/02/2006

"The Deputies, having considered the progress made in ensuring execution,

1. invited the Russian authorities in particular to take the necessary measures to

put an end to the violation and erase, as far as possible, its consequences for the applicant, for example through the re-opening of the **paternity proceedings**;

2. decided to resume consideration of this case at their 982nd meeting

(5-6 December 2006) (DH), on the basis of information to be provided by the authorities of the respondent state concerning the payment of the just satisfac-

tion, the general measures proposed to prevent new, similar violations, as well as the individual measures.”

Decision adopted at the 976th meeting

Al-Nashif and others v. Bulgaria

Judgment of 20/06/02, final on 20/09/02

“The Deputies, having examined the information provided by the Bulgarian authorities concerning the measures adopted or being planned to abide by the judgment:

1. noted with concern that the legislative reform necessary for the execution of this judgment is still at an early stage and that the applicants still suffer the consequences of the violations found by the European Court in this case, as the first applicant’s situation concerning his **right to return to Bulgaria** is not definitely determined;

2. invited the Bulgarian authorities to take all necessary measures to finalise rapidly the legislative reform and to ensure an efficient redress at national level in respect of the violations already found in respect of the applicants;

3. decided to resume consideration of all the necessary measures for the implementation of this judgment at their first DH meeting in 2007, on the basis of further information to be provided by the authorities of the respondent state concerning the progress of the legislative reform and the adoption of the individual measures.”

Decision adopted at the 976th meeting

Two cases against Georgia (right to a fair trial)

Iza Ltd and Makrakhidze (judgment of 27/09/2005, final on 27/12/2005) and Amat-G Ltd and Mebaghishvili (judgment of 27/09/2005, final on 15/02/2006)

“The Deputies, having taken note of the structural nature of the violations found in these cases,

1. recalled that the Georgian authorities had been required in March 2006 to prepare an action plan, concerning the general measures proposed to prevent new,

similar violations and the appropriate individual measures to put an end to the violations and erase, as far as possible, their consequences for the applicants;

2. agreed to resume consideration of these items at their first meeting in 2007 (DH), on the basis of further information to be provided by the authorities of the respondent state concerning individual and general measures.”

Decision adopted at the 976th meeting

Three cases against Greece

Konti-Arvaniti (judgment of 10/04/03, final on 10/07/03), Athanasiou (judgment of 29/09/05, final on 29/12/05) and Sflomos (judgment of 21/04/05, final on 21/07/05)

“The Deputies,

1. noted with concern the systemic problem of **lack of effective domestic**

remedy highlighted in these cases which deserved particular attention;

2. decided to resume consideration of these items at their 2nd DH meeting in 2007 on the basis of further information to be provided by the authorities of the respondent state concerning the general measures urgently required to prevent new, similar violations.”

Decision adopted at the 976th meeting

Dorigo Paolo v. Italy (right to a fair trial)

Interim Resolutions DH (99) 258, 15/04/99 (finding of a violation), ResDH (2002) 30, ResDH (2004) 13 and ResDH (2005) 85 (adoption of individual measures)

“The Deputies,

1. agreed to resume consideration of this item at their 987th meeting (13-14 February 2006) (DH), in the light of further information to be provided by the authorities of the respondent state concerning the individual measures proposed to put an end to the violation and

to erase to the extent possible its consequences for the applicant;

2. adopted the press release summarising the positions of the Committee of Ministers and the Italian authorities concerning the questions raised in this case.”

Fadeyeva v. the Russian Federation (exposure to industrial pollution)

Decision adopted at the 976th meeting

Judgment of 09/06/2005, final on 30/11/2005

“The Deputies, noting the information received on 13/10/2006 from the Russian authorities concerning individual and general measures required by the judgment, decided to resume consideration

of this case at their 982nd meeting (5-6 December 2006) (DH), with a view to assessing the progress made in the execution of the judgment and examining further measures to be adopted to that effect.”

Two cases against Greece

Decision adopted at the 976th meeting

Dougoz (judgment of 06/03/01, final on 06/06/01) and Peers (judgment of 29/09/99, final on 19/04/01)

“The Deputies,

1. noted with concern the remaining structural problem of **detention conditions** in Greece, despite the general measures adopted to date;

2. noted with interest the information presented by the Greek Delegation at this meeting concerning the ongoing efforts to remedy this problem, following Interim Resolution ResDH (2005) 21, adopted on 7 April 2005;

3. called upon the Greek authorities to make it a priority to achieve rapid and visible progress towards the resolution of this structural problem;

4. agreed to resume consideration of these cases at their first DH meeting in 2007 and invited the Greek authorities to present to the Committee of Ministers, on this occasion, an action plan for full implementation of these judgments, including the provision of effective domestic remedies for similar violations of Article 3, in accordance with Committee of Ministers’ Recommendation Rec (2004) 6 to member states on the improvement of domestic remedies.”

Two cases against the Russian Federation

Decision adopted at the 976th meeting

Baklanov (judgment of 09/06/2005, final on 30/11/2005) and Frizen (judgment of 24/03/2005, final on 30/11/2005)

“The Deputies, having examined progress made in ensuring execution,

1. welcomed the decision of the Russian Supreme Court to re-open proceedings in the Baklanov case, following the judgment of the European Court, as well as the new judgment delivered as a result of these new proceedings;

2. encouraged the Russian authorities rapidly to enforce this new judgment so

as to put an end to the continuing violation of the applicant’s **property rights** and invited them to inform the Committee of the progress made in this respect;

3. invited the Russian authorities to provide information concerning possible general measures required to prevent new similar violations;

4. decided to resume consideration of these cases at their 982nd meeting (5-6 December 2006) (DH) on the basis of the information to be provided by the authorities.”

Twenty cases against the Russian Federation

Decision adopted at the 976th meeting

Gartukayev (judgment of 13/12/2005, final on 13/03/2006) and 19 other cases

“The Deputies,

1. expressed concern with the increasing number of cases concerning the Russian Federation in which **delays** were regis-

tered **in providing the Committee with information regarding the execution of the Court’s judgments**;

2. noted that these delays were not necessarily indicative of any failure in taking the measures required by the judgments;

3. invited the Russian authorities to inquire into the reasons for this situation and to remedy any problems identified;

4. decided to resume consideration of all these cases at their 982nd meeting (5-6 December 2006) (DH)."

Information documents opened to public access

During the period concerned, the Committee of Ministers decided to make public the following information documents:

Memorandum CM/Inf/DH (2006) 4 revised 2 and Addendum revised 3 to this memorandum

concerning the group of cases of McKerr (judgment of 04/05/01, final on 04/08/01) and 5 other cases

This document deals with the **action of security forces in Northern Ireland**, notably the shortcomings in investigation of deaths giving rise to possible violations; lack of independence of investigating police officers; lack of

public scrutiny and information to victims' families on reasons for decisions not to prosecute (violation of Article 2).

Memorandum CM/Inf/DH (2006) 19 revised 2

concerning the group of cases of Timofeyev (judgment of 23/10/03, final on 23/01/04) and 34 other cases

This document deals with the failure or the **serious delay by administration in abiding by final domestic judicial decisions** and violations of applicants' right to peaceful enjoyment of their possessions (violations of Article 6 §1 and Article 1 of Protocol No. 1).

Final Resolutions

Once the Committee has ascertained that the necessary measures have been taken by the respondent state, it closes the case by a Resolution in which it takes note of the overall measures taken to comply with the judgment.

During the period concerned, the Committee adopted in all 23 *Final Resolutions*, (closing the examination of 60 cases), among which 10 took note of the adoption of new general measures. Some examples follow:

Resolution ResDH (2006) 45

States' obligation to co-operate with the European Court of Human Rights

At its 970th DH meeting, the Committee of Ministers adopted the above Resolution, deploring the fact that violations of contracting states' obligation of co-operation with the European Court of Human Rights had continued to be found in recent judgments by the Court.

The Committee recalled the fundamental nature of the obligation to co-operate and called upon contracting states to ensure that all measures have been taken so that relevant authorities may comply with requests for assistance from the Court, and to ensure that authorities effectively seised with such requests comply strictly with them.

Final resolution ResDH (2006) 46

Judgment of the European Court of Human Rights of 3 December 2002 (final on 3 March 2003) in the case of Nowicka v. Poland

At its 970th DH meeting, the Committee of Ministers adopted the above Final Resolution, putting an end to the supervision of execution of a 2003 final judg-

ment of the European Court of Human Rights concerning Poland.

The case dealt with the unjustified **length of detention** for purpose of psychiatric examination in context of private prosecution for defamation, restrictions on family visits to detainee (Article 5 §1 and Article 8).

Final resolution ResDH (2006) 49

Judgment of the European Court of Human Rights of 15 July 2003 (final on 15 October 2003) in the case of the Fortum Corporation v. Finland

At its 976th DH meeting, the Committee of Ministers adopted the above Final

Resolution, putting an end to the supervision of execution of a 2003 final judgment of the European Court of Human Rights concerning Finland.

The case dealt with the non-adversarial and thus inequitable nature of certain

proceedings brought against the applicant company before the Supreme Administrative Court in 1995 by the Competition Office, in that two memoranda submitted to the Court by the Competition Office had not been communicated to the applicant. The European Court concluded that the applicant company, sentenced to a fine, had not been given an opportunity to comment on these memoranda and therefore had been unable to participate properly in the proceedings (violation of **Article 6 § 1**).

**Appendix
to Resolution ResDH (2006) 49:
Information provided by the Govern-
ment of Finland during the examination
of the Fortum Corporation case by the
Committee of Ministers**

General measures

At the material time, Finnish law contained no general provision on how parties to administrative proceedings were to submit their comments in writing. On 1 December 1996 the Administrative Judicial Procedure Act (*hallintolainkäyttölaki, förvaltningsprocesslag* 586/1996) entered into force. This law applies to proceedings before the Supreme Administrative Court and contains an explicit provision on the hearing of parties (Article 34).

The Government of Finland also indicated that, in order to draw domestic

courts' attention to the requirements of the Convention in the application of this new provision, the European Court's judgment has been translated and published in the *Finlex* database and was widely disseminated with a covering letter to various authorities concerned.

Individual measures

The Government of Finland recalls that according to the Administrative Judicial Procedure Act, sections 63 and 64, a decision may be annulled. Application for annulment must be lodged within five years from the date upon which the decision became final. In very specific circumstances, the decision may also be annulled after that time. According to section 67, the decision may be annulled or set aside in whole or in part. If the case needs to be reconsidered, it can either be returned to the deciding authority or, if the matter is found to be clear, be immediately amended by the authority. Under the existing legislation the applicant company may thus ask for reopening of the proceedings before the Supreme Administrative Court.

The Government of Finland considers that in view of these developments there no longer exists any risk of new violations similar to those found in this case and that it has therefore fulfilled its obligations under Article 46, paragraph 1, of the Convention.

Judgment of the European Court of Human Rights of 12 July 2001 (Grand Chamber) in the case of K. and T. v. Finland

At its 976th DH meeting, the Committee of Ministers adopted the above Final Resolution, putting an end to the supervision of execution of a 2001 judgment of the Grand Chamber of the European Court of Human Rights concerning Finland.

The case dealt in particular with the authorities' failure to respect the applicants' **right to family life**, first on account of the emergency care order concerning one of the first applicant's daughters and secondly on account of the failure to take proper steps to reunite the applicants' family (violations of Article 8).

**Appendix
to Resolution ResDH (2006) 50:**

**Information provided by the Govern-
ment of Finland during the examination
of the K. and T. case by the Committee of
Ministers**

*Final resolution ResDH
(2006) 50*

The government recalls at the outset, as regards the general measures, that the violations found in this case concerned the authorities' failure to respect the applicants' right to family life. On the date of the judgment of the European Court a press statement was released and the judgment has since been widely disseminated to all relevant authorities and published in the judicial database FINLEX (www.finlex.fi). In addition the government has initiated various training activities, including a seminar which brought together members of the courts of highest instance. The Ministry for Social Affairs and Health furthermore initiated a thorough survey of all child

custody cases submitted to the European Court of Human Rights.

The government is of the opinion that, considering that the Convention has direct effect in Finnish law and that the domestic law should be interpreted in accordance with the judgments of the European Court (see Resolution DH (96) 607 in the *Kerojärvi* case), the authorities concerned will use their best endeavours to prevent the occurrence of violations similar to those found by the European Court in the present case.

As regards the individual measures, the government observes that the only possible remedy for the violation relating to the original care order is the just satisfac-

tion awarded by the Court as no violation has been found in respect of the subsequent care orders. It further notes that although the Grand Chamber found a violation as regards the absence of efforts to reunite the family for the past, it found no such violation for the more recent period including the time since the Court's judgment.

In view of these particular circumstances, the government considers that no special individual measures are required in this case.

The Government of Finland thus considers that it has fulfilled its obligations under Article 46, paragraph 1, of the Convention.

Final resolution ResDH (2006) 51

Judgment of the European Court of Human Rights of 21 March 2002 (final on 21 June 2002) in the case of Nikula v. Finland

At its 976th DH meeting, the Committee of Ministers adopted the above Final Resolution, putting an end to the supervision of execution of a 2002 final judgment of the European Court of Human Rights concerning Finland.

The case dealt with a disproportionate interference with the applicant's **freedom of expression** on account of her conviction in 1994 for defamation (under Article 27 §2 of the Criminal Code in force at the time of the facts) following certain statements she made, as a lawyer, during a trial. She was sentenced to pay damages to the plaintiff as well as costs (violation of Article 10).

The provisions concerning defamation were amended in 2000 (Act. No. 531/2000) and provide that persons may no longer be charged with defamation in circumstances similar to those of this case.

**Appendix
to Resolution ResDH (2006) 51:
Information provided by the Govern-
ment of Finland during the examination
of the Nikula case by the Committee of
Ministers**

Individual measures

The Government of Finland recalls that sums that the applicant had been sentenced to pay as a result of her conviction have been reimbursed to her in the framework of the just satisfaction

awarded by the Court, which also took into account the moral damage suffered as well as the costs and expenses paid.

Furthermore, the judicial records do not contain any mention of the applicant's conviction.

In addition, the applicant may, under Finnish law, seek the reopening of criminal proceedings having infringed the European Convention of Human Rights.

General measures

The Government of Finland recalls that measures were taken in 2000, after the facts at the origin of this case and before the finding of a violation by the Court, which avoid new violations of the same kind, in particular through amendments to the Criminal Code by Act No. 531/2000. According to the amended legislation, criticism aimed at the conduct of another person in his or her political or business activity, public office or function, scientific, artistic or other comparable public activity, is not considered defamation where the criticism clearly does not exceed the limits of acceptable conduct.

The government further observes that the Convention, as interpreted by the European Court of Human Rights, has direct effect in the Finnish legal order (see e.g. Resolution DH (96) 607 in the *Kerojärvi* case) and indicates in this context that the Court's judgment has been published in the *Finlex* database and a separate press statement has been released on the date of the judgment. In addition the judgment has been sent out with a cover letter to various pertinent

authorities, i.e. the Supreme Court, High Administrative Court, Parliamentary Ombudsman, Chancellor of Justice, Appeals Court of Vaasa, District Court of Kokkola, Ministry of Justice and the State Prosecutor's office;

Conclusions

The Government of Finland considers that in the light of the foregoing ele-

ments, all consequences of the violation for the applicant have been erased and that there no longer exists any risk of new violations similar to those found in this case and that it has therefore fulfilled its obligations under Article 46, paragraph 1, of the Convention.

Judgment of the European Court of Human Rights of 13 February 2003 (final on 13 May 2003) in the case of Chevrol v. France

At its 976th DH meeting, the Committee of Ministers adopted the above Final Resolution, putting an end to the supervision of execution of a 2003 final judg-

ment of the European Court of Human Rights concerning France.

Final resolution ResDH (2006) 52

The case dealt with the fact that the *Conseil d'Etat* held itself to be bound by a ministerial opinion with regard to the applicability of an international treaty (violation of **Article 6 § 1**).

Judgment of the European Court of Human Rights of 8 April 2004 – Grand Chamber in the case of Assanidze v. Georgia

At its 976th DH meeting, the Committee of Ministers adopted the above Final Resolution, putting an end to the supervision of execution of a 2004 judgment of the Grand Chamber of the European

Court of Human Rights concerning Georgia.

Final resolution ResDH (2006) 53

The case dealt with the continued **unlawful detention** (more than three years) of the applicant by the authorities of the Autonomous Republic of Abkhazia despite his acquittal by the Supreme Court of Georgia (violation of Articles 5 § 1 and 6 § 1)

Judgment of the European Court of Human Rights of 23 September 2004 (final on 23 December 2004) in the case of Kotsaridis v. Greece

At its 976th DH meeting, the Committee of Ministers adopted the above Final Resolution, putting an end to the supervision of execution of a 2004 final judgment of the European Court of Human Rights concerning Greece.

judgment (more than five years for two degrees of jurisdiction).

Final resolution ResDH (2006) 54

**Appendix
to Resolution ResDH (2006) 54:
Information provided by the Government of Greece during the examination of the Kotsaridis case by the Committee of Ministers**

Individual measures

This case dealt with a violation of the principle of **equality of arms**, in that in April 2000 the indictment chamber of the Athens Court of Appeal rejected the applicant's petition for a hearing before it but, having nonetheless allowed the public prosecutor to present his motion to prolong his pre-trial detention, confirmed the applicant's continued detention (violation of Article 5 § 4). The case also concerned the **excessive length of certain criminal proceedings** (violation of Article 6 § 1): proceedings brought against the applicant on charges of incitement to theft of antiquities and of handling stolen goods began in August 1998 and were still pending when the European Court rendered its

The judgment of the Court was rapidly transmitted to the courts involved in order to draw their attention to their obligation under Article 46, paragraph 1, of the Convention to accelerate, as far as possible, the excessively long proceedings at issue. The proceedings pending at the time of the European Court's judgment were ended by judgment No. 37/2005 of the Athens Assize Court imposing on the applicant a penalty of eight years, ten months and four days for smuggling antiques.

General measures

II.1. *As regards the violation of Article 5, paragraph 4*, to prevent as far as possible new violations and as an interim meas-

ure, the European Court's judgment was promptly translated and published on the official website of the State Legal Council (www.nsk.gr). It was also promptly sent out to the Ministry of Justice and competent judicial authorities. In addition, soon after the European Court's judgment, a legislative amendment procedure was initiated in order to fully abide by it. Thus, Law 3346/2005 was adopted and entered into force on 17 June 2005. This Law amended Article 287, paragraph 1 (a), of the Code of Criminal Procedure which now provides, in conjunction with Article 287, paragraph 1 (b), that at least five days before the session of the indictment chamber deciding upon extension of pre-trial detention, the person concerned should always be summoned to appear before the chamber and present his views in person or through his legal counsel. The chambers may now reach a decision – which is always reasoned – only after having heard the person concerned, or his counsel, and the prosecutor.

II.2 *As regards the violation of Article 6, paragraph 1*, Greece has adopted a series of legislative and other measures to accelerate proceedings before criminal courts (see Final Resolution DH (2005) 66 on Tarighi Wageh Dashti and 7 other cases against Greece, 18 July 2005), with a view to preventing similar violations.

In addition, the Greek authorities envisage legislation to introduce into Greek law an effective remedy for this kind of violations, in accordance with the Committee of Ministers' Recommendation Rec (2004) 6 on the improvement of domestic remedies.

Conclusion

The Government of Greece considers, in view of the measures taken, that the violations of the Convention found by the European Court in this case have been fully remedied and that Greece has therefore complied with its obligations under Article 46, paragraph 1, of the Convention.

Final resolution ResDH (2006) 55

Judgment of the European Court of Human Rights of 5 April 2001 (final on 5 July 2001) in the case of H.B. v. Switzerland

At its 976th DH meeting, the Committee of Ministers adopted the above Final Resolution, putting an end to the supervision of execution of a 2001 final judgment of the European Court of Human Rights concerning Switzerland.

This case involved the role of the examining magistrate of the Canton of Solothurn who ordered the applicant's arrest and provisional detention, bearing in mind the possibility that this same magistrate could intervene on the prosecution side in subsequent criminal proceedings if the case were to be referred to a district criminal court. This being so, the European Court considered that the applicant was not brought before an "officer authorised by law to exercise judicial power" (violation of **Article 5 § 3**).

Appendix to Resolution ResDH (2006) 55

Information provided by the Government of Switzerland during the examination of the H.B. case by the Committee of Ministers

Individual measures

The judgment of the European Court was transmitted on 6 July 2001 to the applicant, so that he might lodge an application for a review of the final criminal judgment which had been delivered in the proceedings at issue in this case (judgment of the Federal Tribunal of 13 April 1999).

General measures

The judgment of the European Court was sent out on 12 April 2001 to the Federal Tribunal and to the relevant authorities of the canton of Solothurn (Department of Justice and Constructions). On 9 and 10 May, the judgment was sent to the other cantonal Departments of justice.

Having thus been informed of the European Court's judgment, the authorities of the Solothurn canton immediately took measures to avoid new, similar violations. According to these measures,

which were not legislative but consisted of a practice, an investigating magistrate may no longer remand someone in custody who is involved in proceedings conducted by the same judge, the power to remand having been transferred to another judge.

Subsequently, a legislative reform was adopted in the same direction. The relevant legislative provisions were adopted by the Parliament of the canton of Solothurn on 5 November 2003 and the cantonal constitution has been modified following a popular vote on 16 May 2004. According to the texts adopted and in particular the new paragraphs 44 to 47^{ter} of the Code of Criminal Procedure,

detention is no longer imposed by the investigating magistrate, but by another, independent magistrate: the “detention magistrate” (*Haftrichter*).

Finally, the public has also been informed of the requirements of the Convention as they arise from the present judgment, which has been published, *inter alia* in the journal *Jurisprudence des autorités administratives de la Confédération* (65/IV [2001] No. 120).

In the light of the above, the Swiss Government considers that it has fulfilled its obligations under Article 46 of the Convention.

Cases against the United Kingdom relating to aliens’ unlawful detention and lack of compensation and various violations of their right to a fair trial: Eusebio Santa Cruz Ruiz v. the United Kingdom, (Committee of Ministers’ decisions of 19 February 1999 and of 9 June 1999); Cuscani v. the United Kingdom (judgment of 24 September 2002, final on 24 December 2002)

At its 976th DH meeting, the Committee of Ministers adopted the above Final Resolution, putting an end to the supervision of execution of 2 final 2002 judgments of the European Court of Human Rights concerning the United Kingdom. The cases involved a breach of the applicants’ right to a fair trial on account of the absence of interpretation at the hear-

ing in 1996. The Court indicated that the conduct of the defence was essentially a matter between the defendant and his counsel, but the ultimate guardian of the fairness of the proceedings is the trial judge who had been clearly apprised of the real difficulties which the absence of interpretation might create for the applicant (violation of Article 6 § 1 taken in conjunction with Article 6 § 3e).

Final resolution ResDH (2006) 56

**Appendix
to Resolution ResDH (2006) 56:
Information provided by the Govern-
ment of the United Kingdom during the
examination of the cases of Santa Cruz
Ruiz and Cuscani by the Committee of
Ministers**

Payment of just satisfaction

Case	Application No.	Decision/Judgment	Just satisfaction	Payment deadline	Date of payment	Default interest due
Santa Cruz Ruiz, Eusebio	26109/95	19/02/1999 and 09/06/1999	£7 000 (global sum)	09/09/1999	19/10/1999	Waived by applicant
Cuscani, Santo Annino Tommaso	32771/96	24/09/2002 final on 24/12/2002	Only costs and expenses: €2 200	24/03/2003	01/05/2003	Waived by applicant

Individual measures

As regards the case of Santa Cruz Ruiz, the Government recalls that the applicant was arrested on 4 January 1994 and released on 7 January 1994 on payment of the arrears of maintenance in question. All consequences of the ensuing violations of the Convention have been covered by the just satisfaction provided by the Court.

As regards the case of Cuscani, the applicant, charged with offences of fraudu-

lently evading VAT, after the impugned hearing of 26 January 1996 and his being sentenced, *inter alia*, to four years’ imprisonment, was released from prison on licence on 25 November 1996. The Government recalls that besides the just satisfaction, the applicant had his case examined in 1996 by the Criminal Case Review Commission (CCRC) which held that, whilst his conviction was arguably unsatisfactory, it could not be said to be unsafe. Since the CCRC did not consider that there was a real possi-

bility that, if referred to the Court of Appeal, the conviction and sentence by the Crown Court would not be upheld, it decided not to make such reference. No further claim has been made by the applicant.

General measures

Violation of Article 5, paragraph 1: in the Santa Cruz Ruiz case, the government recalls that this violation was due to the fact that the Hove Magistrates' Court when ordering the applicant's imprisonment in 1994 acted *ultra vires* because it mistakenly believed that the 1978 order by the Brighton County Court concerning enforcement of payment of maintenance arrears, had been registered and that the court had power to enforce it. Thus, it is evident that the violation was due to a judicial error which has not occurred again thereafter.

It is also to be noted that the Lord Chancellor's Department promptly sent a copy of the Commission's report to the above courts where the errors in question took place, as well as to the Justices' Clerk Society.

Violation of Article 5, paragraph 5: in the same case, Section 7 (1) (a), in conjunction with Section 9, of the Human Rights Act 1998 (HRA), in force since October 2000, makes it possible to bring proceedings in the domestic courts against a public authority, including courts and tribunals, which is alleged to have acted incompatibly with Article 5 of the Convention. As a consequence, a person who has been the victim of arrest or detention in contravention of the provisions of Article 5 of the Convention as a result of a judicial act now has an enforceable right to compensation as required by Article 5, paragraph 5, of the Convention.

In addition, following the dates of facts of the case, Sections 51 and 52 of the Justice of the Peace Act 1997 (which replaced Section 108 of the Courts and Legal Services Act 1990) entered into force. They provide, *inter alia*, that "an action shall lie against a justice of the peace or justice's clerk in respect of an act or omission of his in the purported execution of his duty to respect to a matter which is not within his jurisdiction if, but only if, it is proved that he acted in bad faith".

Violations of Article 6 paragraph 1, in conjunction with paragraphs 3 and 3(e): in these cases, the government stresses that the HRA, implementing the Convention in domestic law, now ensures the considerations that the Commission and the Court found decisive in these cases will be duly taken into account by all competent judicial authorities. The absolute guarantee of a fair trial under Article 6 is now directly invoked and applied by the United Kingdom courts (see e.g. *R v A* (No. 2), [2001] UKHL 251).

In this context, it is noted that the European Court's judgment in the case of Cuscani has been published in (2003) 36 *European Human Rights Reports* 1 and has been promptly sent out to competent criminal courts.

Conclusion

The Government of the United Kingdom considers, in view of the measures taken, that the violations of the Convention found by the Committee of Ministers and the European Court in these cases have been fully remedied and that the United Kingdom has therefore complied with its obligations under former Article 32 and Article 46, paragraph 1, of the Convention.

Final resolution ResDH (2006) 57

Judgment of the European Court of Human Rights of 18 February 1999 (Grand Chamber) in the case of Matthews v. the United Kingdom

At its 976th DH meeting, the Committee of Ministers adopted the above Final Resolution, putting an end to the supervision of execution of a 1999 judgment

of the Grand Chamber of the European Court of Human Rights concerning the United Kingdom.

The case involved the exclusion of Gibraltar from European Parliamentary elections in 1994 (violation of **Article 3 of Protocol No. 1**).

Other news concerning the execution of judgments

Implementation of judgments of the European Court of Human Rights in Italy: swift measures necessary

At the end of a three-day visit to Italy, the Rapporteur of the Parliamentary Assembly on the Implementation of judgments of the European Court of Human Rights, Erik Jurgens (Netherlands, SOC) urged the authorities, and in particular his parlia-

mentary colleagues, to resolve outstanding problems as a matter of top priority stressing the need for “swift measures to ensure that the Strasbourg Court and Committee of Ministers are not suffocated by Italian cases”. At the same time he welcomed the recent “Azzolini Law”, the draft text on re-opening of judicial proceedings, and other reform efforts.

Press release, 07/07/06

Major structural deficiencies in judicial systems of Italy, Russia and Ukraine causing repeated violations of the European Human Rights Convention, says Parliamentary Assembly

Major structural deficiencies in the judicial systems of Italy, Russia and Ukraine are causing large numbers of repeated violations of the European Convention on Human Rights, representing a “serious danger to the rule of law” in these three countries, according to the Council of Europe Parliamentary Assembly.

In a resolution adopted on 2 October, the Assembly criticised the excessive length of judicial proceedings in Italy, where many cases take more than the ten years the Court has ruled is a violation. In Russia, the Assembly said the most important problems were excessive length of pre-trial detention in overcrowded facilities, as well as chronic non-enforcement or quashing of judges’ decisions. There were similar problems in Ukraine, made

worse by interference with judicial independence.

The Assembly also deplored separate specific ongoing problems with implementation of judgments of the European Court of Human Rights by Italy, Turkey, Greece, and Romania.

In cases relating to abuses by security services, Russia, Turkey and the United Kingdom still needed to demonstrate conclusive results in providing redress to applicants by conducting effective investigations into the abuses, the parliamentarians said.

The Assembly called on states to set up domestic mechanisms for rapid implementation of the Court’s judgments. If left too long, non-compliance puts at stake the effectiveness of the entire Convention system, the parliamentarians said, and should be seen as a breach of a state’s obligations under the Convention and the Council of Europe Statute.

Press release, 02/10/06

Respect for court decisions in Russia: Round Table at the Council of Europe

On 30 and 31 October a high level Round Table between representatives of the Council of Europe and the Russian Federation was held to discuss solutions to the structural problem of non-enforcement of domestic court decisions against the State and its entities in the Russian Federation.

The Round Table was jointly organised by the European Commission for the Efficiency of Justice (CEPEJ) and the Department for the execution of the European Court’s judgments of the Council of Europe. The Russian Federation was notably represented by the President of the Supreme Economic Court, the Vice-President of the Supreme Court, the Director of the Federal Bailiffs’ Service, the Russian Representative

to the European Court of Human Rights, senior officials of the Presidential Administration, the Ministries of Finance and Health, the Federal Treasury and Prokuratura.

The thorough and constructive discussions have identified the main outstanding problems and led to a number of commonly agreed proposals for further reforms to ensure the State’s effective compliance with judicial decisions.

The problem of non-enforcement of domestic court decisions in the Russian Federation has been highlighted by numerous judgments of the European Court of Human Rights, which impose a legal obligation to grant redress to the applicants and to prevent new similar violations in the future.

Press release, 31/10/06

Committee of Ministers

The Council of Europe's decision-making body comprises the Foreign Ministers of all the member states, who are represented – outside the annual ministerial sessions – by their Deputies in Strasbourg, the Permanent Representatives to the Council of Europe.

It is both a governmental body, where national approaches to problems facing European society can be discussed on an equal footing, and a collective forum, where Europe-wide responses to such challenges are formulated. In collaboration with the Parliamentary Assembly, it is the guardian of the Council's fundamental values, and monitors member states' compliance with their undertakings.

Declarations

Adopted on 1 August 2006

Statement by the Chairman of the Committee of Ministers of the Council of Europe, the Minister of Foreign Affairs of the Russian Federation, Mr Sergey Lavrov, on the killings of dozens of residents of Qana (Lebanon)

Extracts from the statement

The killings and wounding of innocent civilians of all sides involved as a result of the escalation of tensions in the Middle East represent a flagrant violation of international humanitarian law, human rights, including the most important right – the right to life. The Council of Europe, being a guardian of human rights, regards these evident gross violations as unacceptable.

The Council of Europe has always reiterated that the fight against international terrorism should be waged in strict compliance with international law and human rights' standards. The Council of Europe is concerned that the recent tragic developments in the Middle East are fraught with provoking further rise in extremism and intolerance thus complicating the dialogue, which is so necessary for restoring peace in this region.

Adopted on 27 September 2006 at the 974th meeting of the Ministers' Deputies

Declaration of the Committee of Ministers on the guarantee of the independence of public service broadcasting in the member states

The Committee of Ministers of the Council of Europe,

I. Reiterates its firm attachment to the objectives of editorial independence and institutional autonomy of public service broadcasting organisations in member states;

II. Calls on member states to:

- implement, if they have not yet done so, Recommendation No. R (96) 10 on the guarantee of the independence of public service broadcasting, with particular reference to the guidelines appended thereto, and having regard to the opportunities and challenges brought about by the information society, as well as by political, economic and technological changes in Europe;

- provide the legal, political, financial, technical and other means necessary to ensure genuine editorial independence and institutional autonomy of public service broadcasting organisations, so as to remove any risk of political or economic interference;

- disseminate widely the present declaration and, in particular, bring it to the attention of the relevant authorities and of public service broadcasting organisations, as well as to other interested professional and industrial circles;

III. Invites public service broadcasters to be conscious of their particular remit in a democratic society as an essential element of pluralist communication and of social cohesion, which should offer a

wide range of programmes and services to all sectors of the public, to be attentive to the conditions required in order to fulfil that remit in a fully independent manner and, to this end, to elaborate and adopt or, if appropriate, review, and to

respect codes of professional ethics or internal guidelines.

The full text of the Declaration and Appendix can be consulted on the Web site.

Recommendations to member states

- Recommendation Rec (2006) 12 on empowering children in the new information and communications environment – adopted on 27 September 2006 at the 974th meeting of the Ministers' Deputies
- Recommendation Rec (2006) 13 on the use of remand in custody, the condi-

tions in which it takes place and the provision of safeguards against abuse – adopted on 27 September 2006 at the 974th meeting of the Ministers' Deputies

The full text of the recommendations can be consulted on the Web site.

Replies to Parliamentary Assembly recommendations

Recommendation 1754 (2006) on alleged secret detentions and unlawful inter-state transfers of detainees involving Council of Europe member states

Reply adopted on 27 September 2006 at the 974th meeting of the Deputies

Recommendation 1747 (2006) on European Prisons Charter

Reply adopted on 27 September 2006 at the 974th meeting of the Deputies)

The full text of the replies can be consulted on the Web site.

Written questions by members of the Parliamentary Assembly

Written Question No. 481 to the Committee of Ministers by Mr Jurgens: "Case of Abdelhamid Hakkar"

The question, together with its reply, are reproduced in the section on the Assembly's activities. See page 42.

Other questions

- Written Question No. 499 to the Chair of the Committee of Ministers by

Mr Bartumeu Cassany: "Decriminalisation of defamation in 'the former Yugoslav Republic of Macedonia'" – Reply of the Chair of the Committee of Ministers (CM/AS (2006) Quest499 final of 31 October 2006).

The full text of the reply can be consulted on the Web site.

Internet site : <http://www.coe.int/cm/>

Parliamentary Assembly

“The Parliamentary Assembly is a unique institution, a gathering of parliamentarians, from more than forty countries, of all political persuasions, responsible not to governments, but to our own consensual concept of what is right to do.”

Lord Russell-Johnston, former President of the Assembly

Democracy and legal development

Recommendation 1768 (2006), adopted on 5 October 2006
[See document 11011 of the Assembly]

The image of asylum-seekers, migrants and refugees in the media

Context

One of the obstacles to the integration of migrants, asylum seekers and refugees is hostility and xenophobia in certain parts of society. It arises from fears fed by populist beliefs that Europe is being overwhelmed by waves of foreigners, who, furthermore, would take jobs away from nationals, contribute to rising criminality and pose a terrorist threat.

The media play an essential role in ensuring that issues linked to migration, refugees and asylum are portrayed in a fair and balanced way and they play an essential role in the fight against racism, discrimination and all forms of intolerance.

Recommendations

The Assembly recommends, *inter alia*, that the Committee of Ministers invites the member states of the Council of Europe to:

- ensure the protection of freedom of expression in conformity with Article 10 of the European Convention on Human Rights;

- adopt and implement penal legislation against, *inter alia*, the public dissemination or public distribution, or the production or storage of material with a racist content or purpose, and also to adopt and implement legislation penalising leaders of groups promoting racism;
- ensure that legislation is adopted and implemented in member states to prevent excessive media concentrations which pose a threat to quality, pluralism and diversity in the media.

For their part, media should be invited, in particular, to:

- adopt codes of conduct as well as guidelines to tackle particular challenges such as avoiding stereotyping of migrants, asylum seekers and refugees, and avoiding anti-Semitism, anti-Christianism, Islamophobia, Romanophobia and other forms of intolerance;
- negotiate conscience clauses in contracts for media professionals, allowing reporters and journalists to refuse to produce reports on materials that they feel would be in breach of ethical commitments;
- refrain from revealing the ethnic origin or nationality of migrants, asylum seekers or refugees when arrested or convicted of crimes where such information is irrelevant to the story.

Resolution 1521 (2006) and Recommendation 1767 (2006), adopted on 5 October 2006
[See document 11053 of the Assembly]

Mass arrival of irregular migrants on Europe's southern shores

- Having recalled that it is the right of each Council of Europe member state to regulate the entry of foreign nationals and to return irregular migrants to their country of origin while respecting international human rights law, the

Assembly encourages member states to share the burden of mass arrivals. It reminds member states of their human rights and humanitarian obligations, in order that irregular migrants and asylum seekers can enjoy certain rights, among which:

- the right to life and dignity,

- detention (as a last resort) in special detention facilities, with an independent judicial scrutiny of the legality and need for continued detention,
- the right to contact anyone of their choice (lawyer, humanitarian organisation, etc.) and the assistance of an interpreter,

- an effective remedy with a suspensive effect when they can arguable claim that they would be subjected to treatment contrary to their human rights if returned,
- prohibition of collective expulsions.

European Prisons Charter

Extracts

[...]

3. The Committee of Ministers adopted Recommendation Rec (2006) 2 to member states on the European Prison Rules on 11 January 2006. In June 2006, it took note of the abridged report of the plenary meeting held by the European Committee on Crime Problems (CDPC) in April 2006. It noted in particular that a significant number of states had already taken or planned measures to ensure the implementation of the revised European Prison Rules, including legislative reforms, training, translation and distribution. It also noted the opinion of the CDPC that a binding instrument, in the form of a European prison charter, was not a feasible proposition. The Committee of Ministers observes that its expert body considered that it would be difficult for the states to reach a consensus on more than a very limited number of binding legal rules, which could impoverish and stigmatise existing standards and could, moreover, lead to weakening the importance and the impact of the European Prison Rules on the work of the prison administrations in the member states and at the European level in general.

4. The Committee of Ministers agrees with these considerations, but has entrusted the Council for Penological Co-operation with the task of re-examining the European Prison Rules every five years, or more frequently, if the case law of the European Court of Human Rights or the reports of the European Committee against torture and inhuman or degrading treatment or punishment (CPT) so require. When necessary, the Committee of Ministers will thus take measures for up-dating the European Prison Rules.

5. The Committee of Ministers has also noted the CDPC's proposal to

strengthen penitentiary reform inter alia through the elaboration of a Compendium of Council of Europe recommendations in the penitentiary field. It observes that the CDPC will be examining working methods for the elaboration of the compendium and for identifying recommendations that need to be revised and/or up-dated, at its next plenary meeting.

[...]

7. With respect to the Assembly's proposals relating to the mandate of the CPT and the possible setting up of a European prisons observatory tasked with monitoring the situation in Europe's prisons (paragraphs 9.3 and 9.4 of the recommendation), the Committee of Ministers considers that the mandate of the CPT is sufficiently strong and broad. [...] The CPT has unlimited access to all places of detention (and not only those where prisoners are being kept) and the national authorities of the Council of Europe member states make all possible efforts to follow the recommendations made by the CPT in its reports. The Committee of Ministers considers that the CPT *de facto* plays the role of a European prisons observatory.

8. The Committee of Ministers recalls that the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol provides for similar obligations for the Parties to that instrument. The system includes an international monitoring body [...] and all states parties to the Optional Protocol undertake to create at national level one or several visiting bodies for the prevention of torture and other cruel, inhuman or degrading treatment or punishment. The Committee of Ministers notes that the latter instrument has recently entered into force (22 June 2006) and has been ratified by 22 states, including 11 member states of the Council of Europe. It encourages those member states

Reply by the Committee of Ministers to Recommendation 1747 (2006) of the Assembly [Document 11041 of the Assembly]

which have not yet done so, to sign and ratify the UN Optional Protocol as soon as possible and to create their independent national monitoring bodies.

Reply by the Committee of Ministers to Recommendation 1738 (2006) of the Assembly
[Document 11023 of the Assembly]

Mechanisms to ensure women's participation in decision-making

Extracts

[...]

2. [...] Pursuant to the Recommendation, the Steering Committee for Equality between Women and Men decided to set up an information system based on the indicators set out in the appendix thereto in order to measure the progress made in women's and men's participation in political and public deci-

sion-making in the Council of Europe member states.

[...].

7. Regarding the Assembly's proposal to appoint a Council of Europe gender equality ombudsperson, the Committee of Ministers considers that gender equality should be central to Council of Europe action in line with the Organisation's values, and ought not to depend on the institution of a separate ombudsperson. [...].

Situation in member states

Recommendation 1766 (2006), adopted on 4 October 2006
[See Document 10961 of the Assembly]

Ratification of the Framework Convention for the Protection of National Minorities by member states of the Council of Europe

The Assembly called on the eight Council of Europe member states which have not yet ratified the Framework Convention to do so, and appealed for the withdrawal of reservations or restrictive declarations.

It recalled that the principle of equality and non-discrimination constitutes a fundamental right of the human person. The Assembly is surprised that only 14 states have ratified Protocol No. 12 to

the European Convention on Human Rights providing for a general prohibition of discrimination.

It requested the Committee of Ministers to revisit the Framework Convention in the light of experience gathered in its application, in order to clarify the reasons why some member states have not signed or ratified it or have ratified it with reservations or restrictive declarations. A review procedure could be necessary to make the Framework Convention more legally coherent and responsive to the actual European challenges by, *inter alia*, balancing the rights of minorities with their obligations.

Reply by the Committee of Ministers to Recommendation 1754 (2006)
[See Document SG/Inf (2006) 01]

Alleged secret detentions and unlawful inter-state transfers of detainees involving Council of Europe member states

1. The Committee of Ministers has noted with interest Parliamentary Assembly Recommendation 1754 (2006) on alleged secret detentions and unlawful inter-state transfers of detainees involving Council of Europe member states. It is presently examining a number of proposals made by the Secretary General for follow-up activities to his reports under Article 52 of the European Convention on Human Rights on the question of secret detention and transport of detainees

suspected of terrorist acts, notably by or at the instigation of foreign agencies. His proposals have been elaborated in the light, not only of his reports under Article 52, but also of Resolution 1507 (2006) and of Recommendation 1754 (2006) of the Parliamentary Assembly, as well as of the Venice Commission's Opinion No. 363/2005.

2. The Committee of Ministers underlines the need to promote democratic values and respect of human rights in the fight against terrorism. It also stresses that the proposals made reach deeply into sensitive areas of national security, law and practice. It will therefore be giving them careful consideration and

return to this issue at one of its forthcoming meetings.

3. The Committee of Ministers will inform the Assembly of the result of its discussions in due course.

European Court of Human Rights – Commissioner for Human Rights

Execution of Court's judgments in certain states

Context

Major structural deficiencies in judicial systems of Italy, Russia and Ukraine are causing large numbers of repeated violations of the European Human Rights Convention and represent, in the Assembly's opinion, a serious danger to the rule of law.

The Assembly criticises the excessive length of judicial proceedings in Italy, where many cases take more than ten years. In Russia, the most important problems are excessive length of pre-trial detention in overcrowded facilities, as well as chronic non-enforcement or quashing of judges' decisions. There are similar problems in Ukraine, made worse by interference with judicial independence.

The Assembly also deplores separate specific ongoing problems with implementation of judgments of the European

Court of Human Rights by Italy, Turkey, Greece, and Romania.

In cases relating to abuses by security services, Russia, Turkey and the United Kingdom still need to demonstrate conclusive results in providing redress to applicants.

Action called for

The Assembly calls on states to set up domestic mechanisms for rapid implementation of the Court's judgments in order not to put at stake the effectiveness of the entire Convention system.

In the Recommendation, it urges the Committee of Ministers to increase by all available means its effectiveness as the statutory guarantor of the implementation of the Court's judgments. It recommends, inter alia, to take firmer measures in cases of continuous non-compliance with a judgment by a member state due to either refusal, negligence or incapacity to take appropriate measures.

Resolution 1516 (2006) and Recommendation 1764 (2006), adopted on 2 October 2006
[See Document 11020 of the Assembly]

Abdelhamid Hakkar case

[Note: Mr Hakkar was charged with the murder of a police officer. Although he has always denied the charge, he was sentenced to life imprisonment in his absence and without being assisted by a lawyer. In June 1991 he filed an application against France with the Council of Europe's European Commission of Human Rights, which found that

the applicant had not had a fair trial. In December 1995 the Council's Committee of Ministers endorsed the Commission's opinion and adopted a decision to the effect that this violation had taken place. It has suggested that Mr Hakkar's position be reviewed at national level, but the French Minister of Justice, at that time, said that she did not consider such a review.]

Reply by the Committee of Ministers to Mr Jurgens's Written Question
[Document 11042 of the Assembly]

Recalling that in his reply to a question by Mr Jurgens in January 2004, the Chairman of the Committee of Ministers referred to the position of the French authorities to the effect that Mr Abdelhamid Hakkar, who had received a second conviction in proceedings resulting from the reopening of his case was not nonetheless required to serve two consecutive terms of imprisonment for the same offence as the first conviction would disappear as soon as the second had become final;

Noting that the second conviction could not become final at that time because it had been subject first to an appeal and then to an application in cassation by Mr Hakkar;

Observing, however, that with the decision of the Court of Cassation of 7 December 2005 rejecting Mr Hakkar's application, the second conviction is no longer subject to any possibility of appeal and is therefore final, and that as a consequence the initial conviction may finally be suppressed;

Content of Written Question No. 481

Noting furthermore that the initial life sentence included a tariff of 18 years and that this was reduced to 16 years by the second sentence but that in any event Mr Hakkar has now served 21 years in prison,

Mr Jurgens asks the Committee of Ministers:

Reply by the Committee of Ministers

1. The Committee of Ministers wishes to inform the Honourable Member that in the context of its examination of the question, the French delegation provided the following information.

2. It is assumed that the first part of the question relates to the deletion of the first life sentence pronounced at the initial trial which was found to violate the European Convention on Human Rights. In this respect the government confirms that the life sentence combined with a 16-year tariff pronounced against Mr Hakkar at his second, fair, trial replaces the initial sentence.

3. As regards the second part of the question concerning the possibilities of liberation on parole, the government points out first of all that this must be examined taking into account both Mr Hakkar's convictions for various lesser offences and the life sentence with its irreducible 16-year punitive period.

4. The government emphasises that applications to be freed on parole fall within the jurisdiction of a judicial

to inform the Assembly whether the French authorities today see any reason why Mr Hakkar should not now be able to be set free from his life sentence and a decision be taken to grant him parole with respect to his other conviction(s).

branch specialising in the enforcement of sentences (*tribunal d'application des peines*) under Article 729 et seq. of the Code of Criminal Procedure. A decision to liberate a detainee on parole is given by the Tribunal, a collegiate court which pronounces itself "having heard the representative of the prison administration and following an adversarial discussion held in chambers during which the Tribunal hears the demands of the prosecution and the observations of the detainee or, where appropriate, his counsel" (Translation, Article 712-7 of the Code of Criminal Procedure).

5. In the present case, following Mr Hakkar's application to be freed on parole submitted on 3 February 2006, the Tarbes Tribunal d'application des peines, in a decision rendered on 31 July 2006, declared the application admissible but dismissed it on the merits. Mr Hakkar appealed this decision and the case is at present pending before the Chambre de l'application des peines at Pau.

Recommendation 1763,
adopted on 2 October
2006
[See Document 11017 of
the Assembly]

Institutional balance at the Council of Europe

Among the institutional reforms the Assembly judges necessary to improve the institutional balance in the Organisation, is the reconsideration of the status of the European Court of Human Rights. It estimates that the major role of the Court and its function as one of the three pillars in the Council's structure are not adequately reflected in the institutional system and practice of the Organisation. The Assembly considers that a clarification of the status of the

Court, of its relationship with other authorities of the Council of Europe, and of its prerogatives, would recognise the changed institutional reality and further enhance the major role played by the Court.

Among the proposals concerning the strengthening of its own role, the Assembly would like to be able to bring before the European Court of Human Rights serious violations by one of the Contracting Parties of the rights guaranteed by the European Convention on Human Rights and its Protocols.

Reply by the Committee of Ministers to Recommendation 1640 (2004) of the Assembly
[Document 11039 of the Assembly]

3rd annual report on the activities of the Council of Europe Commissioner for Human Rights (year 2002)

Extracts

[...]

2. The Committee of Ministers has drawn up its reply in the light of the considerations raised by the Commissioner

on the basis of the points raised in this opinion.

3. In response to the general recommendations made by the Parliamentary Assembly, the Committee of Ministers joins the Commissioner in fully sharing the Assembly's view that it would be desirable to increase the effectiveness of the implementation of his recommendations and improve follow-up action on his reports. Particular reference is made to the proposal in paragraph 5 of the recommendation, encouraging the Commissioner to play a more active role in his task of promoting legislative change where this proves necessary.

4. In practice, this role has assumed steadily increasing importance in the Commissioner's fulfilment of his mandate: the reports on effective respect for human rights that he draws up after making evaluation visits to each member state now invariably include recommendations to the authorities for eliminating or reducing the obstacles to full enjoyment of fundamental rights. This is an essential part of the Commissioner's mandate and his recommendations, once implemented at domestic level, have beneficial consequences in preventive terms, ensuring that the member states' legal framework is more respectful of human rights. In directly tackling the sources of potential violations of the rights and freedoms safeguarded by the European Convention on Human Rights, these recommendations should at the same time serve to reduce the number of applications to the European Court.

5. Furthermore, to make his recommendations more effective, the Commissioner has set up a "monitoring" procedure designed to check, after a reasonable period, whether the state in question has applied the recommendations made by the Commissioner in his evaluation report, and if so, to what extent. The monitoring report thus drawn up is transmitted to the Committee of Ministers. In the Commissioner's view, this procedure is likely to facilitate ongoing dialogue with the

authorities of the state concerned on the reforms advocated in his report. It also serves to keep the spotlight on these reforms in the national debate.

6. In this context, the Commissioner pointed out in his opinion that any improvement in the performance of his tasks, especially in this area, demands the prior allocation of appropriate financial, and especially human, resources. [...].

7. The Assembly also makes a number of specific proposals, most of which concern changes to the Commissioner's terms of reference [...]. The Committee of Ministers understands the reasons for these proposals but takes note of the Commissioner's comments on the subject:

a. The proposals made in paragraph 7a. and b. of the recommendation both concern the relationship with the European Court of Human Rights, especially the possibility for the Commissioner either to bring cases before the Court or to intervene in cases pending before it. The Commissioner points out on this subject that Protocol No.14 to the European Convention on Human Rights has for the moment settled this issue by providing in its Article 13 for a new paragraph 3 to be added to Article 36 of the Convention to the effect that in all cases before a Chamber or the Grand Chamber, the Council of Europe Commissioner for Human Rights may submit written comments and take part in hearings.

In the Commissioner's view, this new right to take part in proceedings before the Court is of great importance. In any event, it is important to ensure that this new function in the judicial area does not detract from the performance of the many other functions assigned to him by the terms of reference. Obviously, too, the experience acquired in the performance of this new task will be useful if the Commissioner is one day empowered to bring cases before the Court, as the Assembly wishes. [...].

On the Internet: <http://assembly.coe.int/>

Commissioner for Human Rights

The Commissioner for Human Rights is an independent institution within the Council of Europe, created to promote awareness of and true respect for human rights in the member states of the Council of Europe.

Terms of reference

Functions of the Commissioner for Human Rights

According to the terms of reference assigned to him in 1999, the Commissioner's mandate includes the following main areas:

- fostering the effective observance of human rights, and assisting member states in the implementation of Council of Europe human rights standards;
- promoting education in and awareness of human rights in Council of Europe member states;
- identifying possible shortcomings in the law and practice concerning human rights;

- facilitating the activities of national ombudsperson institutions and other human rights structures; and

- providing advice and information regarding the protection of human rights across the region.

The first Commissioner, Mr Alvaro Gil-Robles, held the post between 15 October 1999 and 31 March 2006, while the current Commissioner, Mr Thomas Hammarberg, assumed the position on 1 April 2006.

Country visits

Official visits

Germany, 9-20 October 2006

During this two-week official visit, the Commissioner was received by the Deputy Chancellor, the Minister of Foreign Affairs, the Minister of the Interior, the Minister of Justice and Minister of Health as well as several senior officials of the federation.

Mr Hammarberg also held consultations with the presidents of federal courts, members of the parliament, the Mayor of Berlin, and several state ministers in Saxony and Bavaria.

In addition, he met leading representatives of civil society, and visited accom-

modation and detention centres for asylum-seekers, as well as a mental health care facility, and a shelter for victims of trafficking and violence.



Contact visits

The Russian Federation, Moscow, 5-7 July 2006

The Commissioner for Human Rights was in Russia from 5 to 7 July, taking part in events organised within the framework of the Russian chairmanship of the Committee of Ministers of the

Council of Europe. During this visit, he also met representatives of the Russian authorities in order to discuss the human rights situation.

The Commissioner for Human Rights travelled to Tbilisi on a contact visit where he discussed the Georgian human rights situation with the highest state officials, parliamentarians, judicial authorities and NGOs. The most important discussions focused on the state of the penitentiary system in Georgia, the situation of internally displaced persons (IDPs) and problems related to minorities. During his visit, the Commissioner also followed up on an appeal made by a local

NGO protesting against the 30-day detention of five NGO activists for holding a protest demonstration in front of a courthouse. Mr Hammarberg approached the authorities to discuss the court decision, which had been taken by a judge, as well as the lack of possibility for an appeal. He also visited one of the activists, Mr Irakli Kakabadze, who was taken to hospital with an illness on the second day of his detention.

Georgia, 12 July 2006

During this contact visit, Mr Hammarberg discussed human rights issues with Armenia's highest authorities, including the President, the Foreign Minister, the President of the National Assembly, the Minister of Justice, the President of the Supreme Court, and the

Prosecutor General. He also held talks with the Human Rights Ombudsman, and representatives of civil society; he visited temporary and permanent detention centres as well as psychiatric establishments

Armenia, 12-15 October 2006

Conferences

Events organised by the Office of the Commissioner for Human Rights

4th Round Table of European National Institutions for the Promotion and Protection of Human Rights and the Commissioner for Human Rights, Athens, 27 and 28 September 2006

Jointly with the Greek National Commission for Human Rights, the Commissioner for Human Rights held the *4th Round Table of European National Institutions for the Promotion and Protection of Human Rights and the Commissioner for Human Rights*, in Athens on 27 and 28 September.

The conference brought together the heads of national human rights institutions (NHRIs) as well as experts working on setting up such institutions. The event was opened by the President of the Hellenic Republic, and the Minister of Justice.

Participants discussed new opportunities at the European level for NHRIs and, in particular, what new functions these institutions were ready to assume in the context of Protocol No. 14 to the European Convention on Human Rights. There was also an exchange on the reflections offered by the Group of Wise Persons on how NHRIs – in conjunction with the Commissioner – might further support the European Court of Human Rights. Working groups discussed the role for NHRIs with respect to counter-terrorism legislation and practices, including the so-called rendition flights.

Conference on “Ombudswork for children”, Athens, 29 and 30 September 2006

The Commissioner for Human Rights organised the event jointly with the Russian Federal Ombudsman for Human Rights, and the Greek Ombudsman. The conference analysed how ombudsmen around Europe could protect children's rights. The work started with a discus-

sion of the different models of child-themed ombudsman institutions and the advantages that the different models offer.

This conference brought together over a hundred participants, including national and regional ombudsmen, the European

Ombudsman, Council of Europe and UN experts as well as NGO representatives. The conference, which was held in the framework of the Russian Chairmanship of the Council of Europe's Committee of Ministers, also discussed the treatment

of children's rights in daily ombudswork, and featured a session on how to more inclusively involve children in the work of these institutions. This session was also attended by child participants.

Seminar on "the evolution of moral values and human rights in a multicultural society", Strasbourg, 30 October 2006

The seminar brought together well-known secular and religious scholars, philosophers, theologians, as well as representatives of Council of Europe member states and prominent experts. The event was co-organised by the Commissioner's office and the Russian Council for Promoting the Development of Civil Society Institutions and Human Rights, in light of Russia's chairmanship of the Council of Europe's Committee of Ministers

The aim of the seminar was to discuss new approaches of understanding the subject in the context of modern social and cultural transformations in Europe, as well as the development of intercultural and interfaith dialogue around the world. Some of the key speakers

included the Ombudsman of the Russian Federation, the Metropolitane of Smolensk and Kaliningrad, the President of the Council for Promoting the Development of Civil Society Institutions and Human Rights, as well as Mr Alvaro Gil-Robles, the former Council of Europe Commissioner for Human Rights.

The discussion was guided by the ideas formulated by the Volga Forum Declaration (Nizhny Novgorod, 7-9 September 2006), and by the conclusions of earlier conferences organised by the Commissioner's Office since 2000 on the relationship between human rights principles and religious values and beliefs, in particular the 2006 Kazan conference.

Participation in other events

The Commissioner addressed a number of high-profile conferences during this period, including the following:

- On 5 July, the Commissioner addressed the *World Summit of Religious Leaders*, meeting in Moscow from 3-5 July, which brought together representatives from the major religions in the world.
- Later in the day, Mr Hammarberg took part in an NGO conference entitled "*Human Rights in Russia during the Russian chairmanship of the Committee of Ministers of the Council of Europe and the G8*". This conference brought together non-governmental organisations from 33 regions and the federal level, as well as international NGO representatives.
- In a speech to the 7th session of the *Conference of Prosecutors General of Europe* in Moscow, 5-6 July, on "*the role of the public prosecutor in the protection of individuals*", Mr Hammarberg made a case for reviewing European policies on juvenile justice. He argued for increased emphasis on early detection and preven-

tive measures as well as on the development of comprehensive rehabilitation programmes.

- On 7-8 September, an *international conference* was held in Nizhny Novgorod on *intercultural and interfaith dialogue*; this event brought together some 300 government representatives, experts and leading figures from religious communities all across Europe. The participants reviewed the challenges and opportunities of cultural diversity, the religious dimension of intercultural dialogue and the role of the media in promoting mutual understanding. In his address, the Commissioner praised the past contribution of religious leaders to the promotion of human rights values, and stressed the importance of continued dialogue between religious communities and international organisations.
- On 18 September, at the *international conference of Helsinki on housing rights*, organised jointly by the Finnish Ministry of the Environment, The Y Foundation, and the European Federation of

National Organisations Working with the Homeless, the Commissioner spoke about the importance of non-discriminatory legislation in ensuring socially inclusive housing policies, and in particular in respecting the rights of persons with disabilities, homeless people, as well as the Roma communities.

From 21 to 22 September 2006, a *European conference* was organised in St Petersburg on “*improving the quality of life of people with disabilities in Europe*”. This event marked the launch of the Council of Europe Disability Action Plan 2006-2015. On this occasion, Mr Hammarberg delivered a speech on the respect for human rights for people with disabilities.

Viewpoints

The Commissioner has published a series of “Viewpoints”, covering topical issues such as the Guantánamo scandal, the right to asylum, sexual minority rights, the independence of ombudsmen institutions, Roma evictions, social rights,

the death penalty and the rights of people with disabilities.

All these texts are available on the Commissioner’s Web site.

Co-operation

Council of Europe

The Commissioner’s status as an independent institution within the Council of Europe endows him with a unique opportunity to work with its other institutions, including human rights monitoring mechanisms and intergovernmental committees.

On 24 October the Commissioner held a discussion with the Council of Europe’s Steering Committee for Human Rights (CDDH), promoting the idea of National Action Plans for Human Rights, which have already proved useful in some countries.

The meeting was part of a series of regular consultations on the modalities of ensuring the full realisation of human rights obligations and treaties, in particular the European Convention on

Human Rights and the Revised Social Charter. Attended by government representatives from 46 member states, the meeting discussed the benefits and challenges of working with comprehensive Action Plans, as one possible tool to implement and monitor the application of agreed human rights standards.

According to the Commissioner, “systematic planning puts human rights monitoring on the domestic agenda on a permanent basis. It provides for a constructive way to work with recommendations from international monitoring bodies. Such a comprehensive approach is also likely to ensure that concerns of vulnerable groups are not forgotten, and resources are allocated when there is a strong need.”

The European Parliament

On 3 July, in an address to the European Parliament’s sub-committee on human rights in Strasbourg, the Commissioner presented his views on key human rights problems and emphasised that the European Union must increase cooperation in the area of immigration policy.

According to him, the rights of irregular migrants are often undermined in Europe and also European Union govern-

ments should share the responsibility for resolving the challenges posed by such immigration trends. He stressed that irregular migrants are entitled to a number of rights (including the right to due process, education and health care) under the established human rights order, and pledged to prepare recommendations on the practical aspects of according these rights.

Internet site of the Commissioner for Human Rights: <http://www.coe.int/commissioner/>

Convention for the Prevention of Torture

Article 3 of the European Convention on Human Rights provides that “no one shall be subjected to torture or to inhuman or degrading treatment or punishment”. This article inspired the drafting of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.

Co-operation with the national authority is at the heart of the Convention, since the aim is to protect persons deprived of their liberty rather than to condemn states for abuses.

European Committee for the Prevention of Torture (CPT)

The CPT was set up under the 1987 European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. The Secretariat of the CPT forms part of the Council of Europe’s Directorate General of Human Rights. The CPT’s members are elected by the Committee of Ministers of the Council of Europe from a variety of backgrounds: lawyers, doctors – including psychiatrists – prison and police experts, 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 the a public authority; apart from periodic visits, the Committee also organises visits which it considers necessary according to circumstances (i.e., *ad hoc* visits). The number of *ad hoc* visits is constantly increasing and now exceeds that of periodic 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.

Periodic visits

North Caucasian region of the Russian Federation

A delegation of the CPT carried out a visit to the North Caucasian region of the Russian Federation. The visit took place from 4 to 10 September 2006 and was the ninth organised by the Council of Europe Anti-Torture body to this part of Russia since 2000.

The CPT’s delegation visited the following law enforcement establishments:

- IVS (temporary detention facility) of the Temporary Operational task force of Agencies and Units (VOGOiP) of the Ministry of Internal Affairs of Russia, located on the premises of ORB-2¹ in Grozny

1. Operational/Search Bureau of the Main Department of the Ministry of Internal Affairs of Russia responsible for the Southern Federal Region.

- 1st inter-district division of ORB-2, Urus-Martan
- 4th inter-district division of ORB-2, Gudermes
- Argun District Division of Internal Affairs
- Gudermes District Division of Internal Affairs
- Leninskiy District Division of Internal Affairs, Grozny
- Naur District Division of Internal Affairs
- Shali District Division of Internal Affairs
- Urus-Martan District Division of Internal Affairs
- Zavodskiy District Division of Internal Affairs, Grozny

In the context of allegations of the unlawful detention of persons, the delegation returned to the village of Tsentoroy (Khosi-Yurt) in the Kurchaloy district. It also visited for the first time a base situated in the outskirts of Gudermes and currently used by the 9th Company of the 2nd Regiment of the Internal Affairs Patrol-Sentry Service.

During the visit, which began on 10 September 2006, the delegation of the CPT reviewed the measures taken by the Bulgarian authorities following the recommendations made by the Committee after its previous visits. Particular attention was paid to the treatment of persons detained by the police and the border police, as well as to the conditions in investigation detention facilities. The delegation also examined in detail various issues related to prisons, including the regime applied to life-sentenced prisoners and the situation of foreign prisoners. In the course of visits to psychiatric institutions, it looked into the implementation in practice of the legal safeguards related to compulsory placement under the new Health Act. A further area explored was the treatment of social care home residents. The delegation visited the following places:

Establishments under the Ministry of Internal Affairs

National Service Police:

- 2nd District Police Directorate, Pleven
- District Police Directorate, Popovo
- 2nd District Police Directorate, Russe
- District Police Directorate, Slivnitsa
- 1st District Police Directorate, Sofia
- 3rd District Police Directorate, Sofia
- Sobering-up centre, Sofia

During the visit, which began on 27 September 2006, the CPT's delegation reviewed the steps taken by the French authorities following certain recommendations made by the CPT after its previous visits: material conditions in various administrative detention centres for foreigners and at the immigration waiting area (ZAPI III) at Charles de

Gaulle Airport, and deportation procedures; the use of restraints at the National Public Health Establishment at Fresnes; and conditions of custody in police, gendarmerie and customs administration establishments.

- District Police Directorate, Targovishte

National Service Border Police:

- Regional border sector, Dragoman
- Border crossing at Dragoman
- Border police station, Kalotina
- Regional border sector, Russe

Establishments under the Ministry of Justice

- Pleven Prison (with emphasis on prisoners serving life sentences)
- Sliven Prison
- Sofia Prison

Investigation detention facilities at

- Pazardjik; Pleven; Plovdiv; Popovo; Russe; Sliven; Slivnitsa; Targovishte

Establishments under the Ministry of Health

- Byala State Psychiatric Hospital
- Karlukovo State Psychiatric Hospital
- Regional Psychiatric Dispensary with inpatient wards, Russe

Establishments under the Ministry of Labour and Social Policy

- Home for women with intellectual retardation in the village of Trustika, Popovo municipality (Targovishte Region).

Bulgaria

France

rorism operations through visits to the French Counter-Intelligence Service (“DST”), the Anti-Terrorist Division of the Central Directorate of Judicial Police (“SDAT”), and the practical implementation of these procedures in Corsica. As regards the prison system, it examined several specific detention regimes, as well as medical and psychiatric care for detainees (in particular those provided by several regional medical and psychological departments). It also visited, for the first time, a jointly managed (public-private) remand prison in Seysses, near Toulouse, as well as a Closed Educational Centre for Minors at Mont de Marsan. The delegation also assessed the conditions in which health care was provided to detainees in the secure rooms at Moulins-Yzeure Hospital.

Discussions were also held with the Ombudsman, the Ombudsman for Children, the National Consultative Commission on Human Rights, the National Ethics and Security Commission, as well as with representatives of non-governmental organisations active in areas of concern to the CPT.

The delegation visited the following places:

Law enforcement establishments

- French Counter-Intelligence Service (“DST”), Rue Nélaton, Paris
- Anti-Terrorist Division of the Central Directorate of Judicial Police (“SDAT”), Rue des Saussaies, Paris
- “Dépôt” of the Paris Police Prefecture (including the Administrative Detention Centre for Women), Quai de l’Horloge, Paris
- Moulins Police Station (Allier)
- Bastia Police Headquarters (holding cells, administrative detention premises and judicial police investigation services of Upper Corsica)
- Toulouse Police Headquarters
- Upper Corsica Gendarmerie Headquarters (holding cells and research brigade)
- St Michel Autonomous Territorial Brigade of the Gendarmerie, Toulouse
- Palaiseau, Vincennes 1 and Vincennes 2 Administrative Detention Centres for Foreigners

- Administrative Detention Centre for Foreigners in Marseille
- Blagnac 2 Administrative Detention Centre for Foreigners in Toulouse

At Roissy Charles de Gaulle Airport:

- Police Headquarters (“5720” Building)
- Immigration Waiting Zone (ZAPI III) and Border Police Divisions (at Terminals 1 (Division and Station), 2A, 2E and 2F)
- Mobile Research Brigade (Immigration) of the Border Police
- Local Removal Unit
- Holding facilities used by the Customs Administration, Terminal 2

Establishments under the authority of the Ministry of Justice

- Fresnes Remand Prison (unit for male prisoners, disciplinary and seclusion units, regional medical and psychological service (“SMPR”))
- National Public Health Establishment, Fresnes
- Seysses Remand Prison (including the SMPR)
- Moulins-Yzeure Prison (including the UCSA)
- Closed Educational Centre for Minors, Mont de Marsan
- Holding cells of the Bastia Courthouse
- Secure waiting room at the Moulins Courthouse

Establishments under the authority of the Ministry of Health

- Secure rooms at Moulins-Yzeure Hospital
- Georges Marchand Hospital, Toulouse (targeted visit on the procedures and conditions of hospitalisation of detainees)

Further, the CPT’s delegation held discussions with detainees charged with or sentenced for acts of terrorism at Borgo Prison. In this establishment it also consulted medical files on admission and interviewed persons held under ordinary criminal law who had recently been in the custody of law enforcement agencies.

During the visit, which began on 2 October, the delegation reviewed the measures taken by the Irish authorities following the recommendations made by the Committee after its previous visits. Particular attention was paid to the treatment of persons detained by the An Garda Síochána (Police) and the operation of the various safeguards in place. The delegation also examined in detail a number of issues relating to prisons, including the conditions of detention of inmates in segregation or subject to measures of protection, the phenomenon of inter-prisoner violence, the provision of health care and issues pertaining to complaints and discipline. Another area of examination related to mental health care of prisoners and the care provided to forensic psychiatric patients.

The delegation visited the following places:

Establishments under the Ministry of Justice, Equality and Law Reform

An Garda Síochána:

- Detention facilities at Athlone Garda station
- Detention facilities at Castlerea Garda station
- Detention facilities at Galway Garda station

- Detention facilities at Henry Street Garda station, Limerick
- Detention facilities at Kevin Street Garda station, Dublin
- Detention facilities at Mountjoy Garda station, Dublin
- Detention facilities at Mullingar Garda station
- Detention facilities at Roxborough Road Garda station, Limerick
- Detention facilities at Sligo Garda station
- Detention facilities at Store Street Garda station, Dublin
- Prison Service:
- Castlerea Prison
- Cloverhill Prison
- Limerick Prison
- Mountjoy Prison
- Saint Patrick's Institution for Youth Offenders

Targeted visits were also paid to Cork and Wheatfield Prisons to examine persons held in the segregation areas and those subject to measures of protection.

Establishments under the Ministry of Health and Children

- Central Mental Hospital, Dundrum

Ireland

Reports to governments following visits

After each visit, the CPT draws up a report which sets out its findings and includes recommendations and other advice, on the basis of which a dialogue is developed with the state concerned.

The Committee's visit report is, in principle, confidential; however, almost all states chose to waive the rule of confidentiality and publish the report.

Reports on the CPT's visits in July 2003 and May/June 2005 (published 12 July 2006)

Many persons interviewed by the CPT's delegation during the 2003 visit alleged that they had been ill-treated whilst in police custody. Most of these allegations related to ill-treatment during questioning by officers of the criminal police. Following examination of a number of individual cases of alleged ill-treatment, the CPT concluded that the lack of an effective and appropriate response from the prosecuting/judicial and disciplinary

authorities could only foster a climate of impunity. The Committee made specific recommendations regarding the effectiveness of investigations into possible ill-treatment by law enforcement officials.

In the pre-trial detention facilities at Elbasan and Shkodra, the CPT's delegation found extremely poor material conditions combined with a very restrictive regime. Inmates were locked up in their cells for more than 23 hours per day, frequently for prolonged periods (in some cases, up to 20 months).

Albania

The 2005 visit revealed that little progress had been made in the implementation of the recommendations previously made by the CPT. In the report on that visit, the Committee called upon the Albanian authorities to take urgent action to improve the situation. In response, the Albanian authorities provided detailed information about various measures taken to improve conditions of detention in pre-trial detention facilities. They also indicated that the 1996 Mental Health Act, which provides pro-

cedural safeguards for persons placed in psychiatric hospitals on an involuntary basis, was now being effectively implemented.

In March 2006, the CPT returned to Albania, in order to review the measures taken by the Albanian authorities in response to the recommendations made in previous visit reports. The report on that visit has just been adopted by the CPT and will be transmitted to the Albanian authorities shortly.

United Kingdom

Reports on the CPT's visits in July and November 2005 (published 10 August 2006)

During the July 2005 visit, the CPT's delegation examined the treatment of persons detained under the Terrorism Act 2000 and, in this context, visited Paddington Green High Security Police Station and Belmarsh Prison. The practical operation of the Prevention of Terrorism Act 2005 was also examined, and various persons served with control orders under that Act were met by the delegation. In addition, the delegation examined the treatment of persons detained at Campsfield House Immigration Removal Centre.

The November 2005 visit was focused on the treatment of certain persons recently detained under the Immigration Act 1971, with a view to being deported; for this purpose, the delegation visited Full Sutton and Long Lartin Prisons as well as Broadmoor Special Hospital. Particular attention was given to the mental health of the individuals concerned. The delegation also revisited Paddington Green High Security Police Station and once again met persons served with control orders under the Prevention of Terrorism Act 2005. During this visit, the delegation held an exchange of views with the United Kingdom authorities on the use of diplomatic assurances in the context of deportation proceedings and related Memoranda of Understanding.

Turkey

Report on the CPT's visit in December 2005 (published 6 September 2006)

These documents have been made public at the request of the Turkish authorities. During the December 2005 ad hoc visit, the CPT's delegation reviewed the situation in practice as regards the treatment of persons held by the law enforcement agencies (police and gendarmerie) and assessed the day-to-day operation of the

legal safeguards against ill-treatment currently in force. Attention was also given to developments in F-type (high-security) Prisons, in particular as regards communal activities for inmates and the regime applied to prisoners serving a sentence of aggravated life imprisonment. A third objective of the visit was to examine procedures for the administration of electroconvulsive therapy (ECT) in psychiatric establishments.

Andorra

Report on the CPT's visit in February 2004 (published 20 September 2006)

The report contains, in particular, recommendations to strengthen fundamental safeguards against ill-treatment of persons in police custody, and to

improve the material conditions of detention in prison establishments. The responses of the Andorran Government outline the efforts undertaken by the Government to implement the Committee's recommendations.

Norway

Response of the Government of Norway (published 4 October 2006)

The CPT published the response of the Government of Norway to the report on

the CPT's most recent visit to that country, in October 2005. The response was made public at the request of the Norwegian authorities.

Publications

Annual Report of the CPT

The 16th General Report published on 16 October stresses in particular the co-operation with UN. To facilitate that co-operation, the CPT proposes that those States – already 14 – bound by both the ECPT¹ and the OPCAT² agree that CPT visit reports and government responses be immediately and systematically forwarded to the UN Subcommittee on a confidential basis.

In addition, the General Report provides details on the 18 visits carried out by the CPT during the last twelve months, and on the level of co-operation shown towards the Committee. The CPT gives notice that “if faced with solid evidence of intimidatory or retaliatory action against a person before or after contact with a CPT delegation, or with a persistent failure to implement recommen-

1. The Convention establishing the CPT.

2. Optional Protocol to the United Nations Convention against Torture.

dations on key issues, the Committee will have little choice but to consider having recourse to its power to issue a public statement”.

The continuing trend of States lifting the veil of confidentiality and agreeing to the publication of CPT visit reports is also highlighted: 165 of the 206 visit reports drawn up to date have been placed in the public domain.

The CPT addresses the contentious issue of the use of means of restraint in psychiatric establishments, and encourages practitioners to engage with the Committee on this subject. Emphasis is placed on the total unsuitability of certain mechanical restraints still to be found in some psychiatric hospitals visited by the CPT – “Handcuffs, metal chains and cage-beds clearly fall within this category; they have no rightful place in psychiatric practice and should be withdrawn from use immediately”.

Update of “The CPT standards”

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 – are brought together in this document.

Internet site: <http://www.cpt.coe.int/>

European Social Charter

The European Social Charter sets out rights and freedoms and establishes a supervisory mechanism guaranteeing their respect by the States Parties. This legal instrument was revised in 1996: the Revised European Social Charter, which came into force in 1999, is gradually replacing the initial 1961 treaty.

Signatures and ratifications

All 46 member States of the Council of Europe have signed the 1961 Charter or the 1996 Revised Charter and 38 have ratified either of these instruments (16

the 1961 Charter and 22 the Revised Charter).

See Appendix: Simplified chart of ratifications of European human rights treaties, page 93.

About the Charter

Rights guaranteed

The rights guaranteed by the Charter concern all individuals in their daily lives, in such diverse areas as housing, health, education, employment, legal and social protection, the movement of persons, and non-discrimination.

National reports

The States parties submit a report indicating how they implement the Charter in law and in practice.

As from 2007 States will submit reports on one of the four thematic groups:

- Theme 1: Employment, training and equal opportunities
- Theme 2: Health, social security and social protection
- Theme 3: Labour rights
- Theme 4: children, families, migrants.

On the basis of these reports, the European Committee of Social Rights – com-

posed of fifteen members elected by the Council of Europe's Committee of Ministers – decides, in "conclusions", whether or not the States complied with their obligations. In the second hypothesis, if a State takes no action on a decision of non-conformity, the Committee of Ministers addresses it a recommendation asking it to change the situation.

Complaints procedure

Under a Protocol opened for signature in 1995, which came into force in 1998, complaints of violations of the Charter may be lodged with the European Committee of Social rights by certain organisations. The Committee's decision is forwarded to the parties concerned and the Committee of Ministers, which adopts a resolution, by which it may recommend that the state concerned take specific measures to bring the situation into line with the Charter.

European Committee of Social Rights (ECSR)

On 8 November 2006 (979th meeting) the Committee of Ministers declared the following candidates elected as members of the ECSR, with effect from 1 January 2007, for a term of office which will expire on 31 December 2012:

- Ms Monika Schlachter (Germany)
- Ms Csilla Kollonay Lehoczky (Hungary)
- Mr Jean-Michel Belorgey (France)
- Mr Andrzej Swiatkowski (Poland).

The Committee of Ministers also declared the following candidate elected as member of the ECSR, with effect immediately, for a term of office which

will expire on 31 December 2010 (replacing Mr Gerard Quinn):

Mr Colm O’Cinneide (Ireland).

Significant meetings

Major awareness activities

In the framework of the 7th “Académie européenne d’été” organised by the universities of Rennes and Grenoble, a **Round Table** took place from 4 to 8 September 2006 on **economic and social rights**, during which a presentation on the evolution of the Social Charter, the monitoring procedure and the European Committee of Human Rights (ECSR) was made and prompted many reactions.

Comments on the decision on the merits of the complaint *Autism-Europe v. France* (No. 13/2002) were presented on 7 October, in Paris at the International Colloquium on Autism organised by the association “Lea for Sami”.

A **Round Table on poverty and social exclusion** was organised by the Finnish Presidency of the European Union on 16 and 17 October in Tampere (Finland). Several ministers, members of the European Parliament, senior Finnish and European civil servants, social partners and various NGO participated.

The statement on the Social Charter concerned especially the right to social and medical assistance and on the right to a minimum wage.

An international **Colloquium “Social Rights in European and International Treaties”** was held on 23 and 24 October and focused on the Social Charter. The proceedings will be published.

Meetings in the framework of the Action Plan of the 3rd Summit

Erevan, 5 and 6 July 2006

The reform of the Armenian Labour Code was postponed in order to take into account the conclusions of the ECSR following the examination of the 1st report of this country, and make further amendments – in addition to those already planned – concerning provisions which might not comply with the Charter.

Tirana, 24 and 25 October 2006

This seminar, which took place after the publication of the first ECSR conclusions on Albania, enabled the authorities and other partners involved in the implementation of the Charter to develop their knowledge of this treaty, its case-law and the new system for the presentation of reports (see above). A real political will to improve the social situation has been shown in spite of the economic difficulties

Collective complaints

A new complaint was registered on 3 July 2006. It was lodged by the “*Frente Comum de sindicatos da Administração Pública*” against Portugal (No. 36/2006). It relates to Articles 6 §2 alone or combined with Article E, as well as

Articles 21 and 22. It alleges interference in the right to collective bargaining and the right to take part in the determination and improvement of working conditions in the public sector as well as trade union discrimination.

Publications

- *The European Social Charter (revised)* in Croatian (exists also in English, French, Bosnian, Dutch, German, Italian, Norwegian, Polish, Portuguese, Romanian, Russian, Slovenian)
- *The Social Charter at a glance* in Albanian (exists also in English, French, Dutch, Georgian, German, Italian, Polish, Romanian, Russian, Slovenian and Turkish).

Website: http://www.coe.int/T/E/Human_Rights/Sce/

Framework Convention for the Protection of National Minorities

The Framework Convention is the first ever legally binding multilateral instrument devoted to the protection of national minorities in general. It clearly states that the protection of national minorities forms an integral part of the international protection of human rights.

First monitoring cycle

The evaluation of the adequacy of the implementation of the Framework Convention by the Parties is carried out by the Committee of Ministers, assisted by an Advisory Committee. The Parties are required to file periodically a report containing full information on legislative and other measures taken to give effect to the principles of the Framework Convention.

The Committee of Ministers takes the final decisions (called “conclusions”) concerning the adequacy of the measures taken by the State Party. Where

appropriate, it may also adopt recommendations in respect of the State Party concerned.

The first state report concerning **Latvia** was received on 11 October.

The Advisory Committee on the Framework Convention for the Protection of National Minorities adopted its first opinion on **Portugal** on 6 October. A meeting was held in Strasbourg on 12 September with a Portuguese delegation in the context of the preparation of the 1st Opinion on Portugal.

Second monitoring cycle

Second cycle state reports

Second state reports were received in respect of **Lithuania** on 3 November,

Cyprus on 27 October and **Sweden** on 13 July.

Advisory Committee’s Opinions

The Advisory Committee adopted second opinions on **Norway** on 5 October and **Ireland** on 6 October.

The second Opinion on **Ireland**, adopted on 6 October, was made public on 30 October at the country’s initiative. The President of the Advisory Committee, Mr Alan Phillips, stressed that Ireland is the first country to make the Advisory Committee’s Opinion public immediately upon its receipt.

Mr Phillips encouraged other countries to follow this positive example and to increase thereby the transparency of the Framework Convention’s monitoring process.

Below is a summary of the Advisory Committee’s Opinion.

“Ireland has taken a number of significant measures to advance the implementation of the principles of the Framework Convention, the pertinence of which has only increased with the expanding diversity of the country.

The institutional framework to combat discrimination is advanced and legislation in this sphere has been further improved. These legal guarantees are particularly important to Travellers and to more recent minority groups, who continue to face discrimination in various contexts. It is essential that the accessibility and effectiveness of the related remedies are guaranteed.

In the area of accommodation, promising plans have been put in place, but their implementation remains uneven. Travellers continue to face significant problems also in the field of education, where the planned strategy, coupled with an implementation plan, needs to be launched and monitored rapidly. There have been a number of positive examples of Travellers' participation in decision-making, but certain new structures, such as the High Level Group on Travellers,

should step up their efforts to involve Travellers in their work."

A follow-up meeting on the implementation of the Framework Convention for the Protection of National Minorities was organised in **Estonia** on 9 October.

A meeting was held in **Croatia** on 15 and 16 September to continue the dialogue with regard to the monitoring of the Framework Convention in this country.

Election of the Bureau of the Advisory Committee

On 4 October the Advisory Committee elected members of the Bureau for a period of two years. The following members were elected: Mr Alan Phillips (President), Ms Ilze Brands-Kehris (1st Vice President) and Mr Gunnar Jansson (2nd Vice-President).

Alan Phillips, elected president of the Bureau of the Advisory Committee



Monitoring of Cyprus and the United Kingdom

At their 974th meeting (27 and 28 September), the Deputies, recalling the decision taken at their 832nd meeting (19 March 2003) concerning authorisation of the Advisory Committee to commence monitoring without state reports; and taking note of the fact that Cyprus and the United Kingdom have failed to supply state reports 24 months after the expiry of the time-limit laid

down by Article 25, paragraph 1, of the Framework Convention and Committee of Ministers' Resolution (97) 10, decided in the light of the present debate to authorise the Advisory Committee to commence monitoring in respect of these two states as provided in the above-mentioned decision and without prejudice to any other monitoring procedure.

Seminar on national minorities and education

A seminar on minorities and education was organised on 18 October in Strasbourg within the Chairmanship of the Russian Federation of the Committee of Ministers of the Council of Europe. It brought together some 100 government representatives, experts, researchers and representatives of civil society from across Europe. Those taking part examined the latest developments relating to the protection of national minorities, in particular in the field of education. The

participants considered possible responses to linguistic concerns as well as other important subjects of relevance to national minorities in our increasingly multicultural societies.

The seminar focused on aspects concerning education within the Framework Convention and highlighted pertinent work of other international organisations, including the OSCE High Commissioner on National Minorities.

Intergovernmental activities

The Committee of Experts on Issues relating to the Protection of National Minorities (DH-MIN) held its fourth meeting on 19-20 October in Strasbourg. Among the main topics discussed at the meeting were: the specific regulations relevant for national minorities contained in electoral laws and the laws on political parties, access of national minorities to media, with particular emphasis of new media (digital broadcasting and ICTs), impact of international non-discrimination norms on the protection of national minorities and good practices in the field of consultative mechanisms of national minorities.

With regard to this last topic, the DH-MIN decided to issue the “Handbook on consultation mechanisms of national minorities”, based on contributions prepared by Marc Weller, Director of the European Centre for Minority Issues. The aim of this handbook is to assist States in developing further their consultation policies of minorities, including through the enhancement of their minority consultative mechanisms.

The discussions on the themes of media, non-discrimination and electoral law will be pursued in the future (subject to the approval by the Committee of Ministers of the new mandate of the DH-MIN beyond 31 December 2006).

The DH-MIN adopted a report outlining its activities over the last two years, and decided – with regard to future work – to take up new themes gradually, so as not to over-burden the Committee’s agenda. Proposed new themes include: the issue of permissibility of data collection concerning national minorities and appropriate methods for gathering such data, the promotion of the use of native languages in minority communities and the use of the existing binding and non-binding instruments concerning the protection of national minorities and non-discrimination in relation to new communities. In addition, at the request of the Committee of Ministers, the DH-MIN will examine the text of a draft response to Recommendation 1735 (2006) of the Parliamentary Assembly on the concept of “nation”.

Monitoring mission

Mr Rainer Hofmann, former President of the Advisory Committee on the Framework Convention, was appointed by the Secretary General of the Council of Europe as a Council of Europe expert, to assist the Romanian-Ukrainian Joint Intergovernmental Commission on National Minorities in its monitoring of

the situation of the respective minorities in Romania and Ukraine. The first monitoring visit was carried out to the Chernivtsi region, Ukraine, from 10 to 14 October. A second monitoring visit will be carried out to Botosani and Suceava counties in Romania, in November.

**The Framework Convention on the Internet: <http://www.coe.int/minorities/>
e-mail: minorities.fcnm@coe.int**

Human rights co-operation and awareness

Bilateral and multilateral human rights assistance and awareness programmes are being implemented by the Directorate General of Human Rights of the Council of Europe. They are intended to facilitate the fulfilment by member states of their commitments in the human rights field.

Training activities

Kosovo

Cascade training seminars for judges and prosecutors

Mitrovica (5-6 July), Pristina (4-5 September) and Gjilan (2-3 October), Kosovo – UNMIK Administration (Republic of Serbia)

A series of six training seminars took place during 2006 in Kosovo. It aims at strengthening the knowledge of judges and prosecutors on key concepts of the European Convention on Human Rights (ECHR).

The seminars in Mitrovica and in Pristina focused on the right to liberty and

security of person and the right to a fair trial, as protected in the ECHR and other international human rights instruments and in Kosovo legislation and practice. The seminar held in Gjilan dealt with Article 2 (right to life) and Article 3 (prohibition of torture) of the ECHR. They were organised in co-operation with the Kosovo Judicial Institute. The trainers were local judges and prosecutors who have previously qualified as ECHR trainers under a programme of the Human Rights Co-operation and Awareness Division (HRCAD).

Russian Federation

Seminar on the application of the ECHR by law enforcement officers in Chechnya

Pyatigorsk, 22-23 August 2006

The seminar aimed to familiarise the law enforcement officers with relevant jurisprudence of the European Court of Human Rights (ECtHR) relating to their daily work, including the use of force and police conduct *vis-à-vis* the civilian population and suspects, arrest (conditions, lawfulness, non-arbitrariness), interrogations, gathering of evidence, prosecutions, effective investigations

and fighting impunity and pre-trial detention standards (length, justification, judicial supervision, presumption of innocence). The participants were representatives of the Ministry of the Interior, Ministry of Justice, Prosecution Service, Federal Security Service, Federal Service for Execution of Sentences, and lawyers, judges and members of the local legislature in Chechnya. This activity is part of the 2006 Programme of Co-operation Activities of the Council of Europe and the Russian Federation in respect of Chechnya.

Albania

Study session on the ECHR in the context of the summer university "Democracy and participation"

Vlora, 25 August 2006

The study session was organised for young Albanian human rights activists, in co-operation with the association KRIK Albania and a network of

Albanian university institutes and associations. It included lectures on the European system of human rights protection, positive obligations under the ECHR and the role of civil society in strengthening protection of civil and political rights in south-eastern Europe.

Study sessions on the new “Act on the protection of a right to trial without undue delay” of Slovenia

Brdo, 25-26 September 2006, Ljubljana, 23-24 October 2006

The sessions were organised in collaboration with the Ministry of Justice of Slovenia for judges and state attorneys on the new “Act on the protection of a right

to trial without undue delay” which will enter into force in Slovenia on 1 January 2007. Discussions focused on the standards of the ECHR as regards reasonable time for legal proceedings and the right to an effective remedy before a national authority, as well as experiences from other European countries in this field.

Slovenia

Seminar for Russian judges’ trainers on “New trends in the jurisprudence of the ECtHR” in cases related to Article 1 of Protocol No. 1 to the ECHR

Kazan, 26-28 September 2006

The seminar was part of a series of training sessions for judges’ trainers supported by HRCAD and organised by the Russian Academy of Justice under the Joint Programme between the Council of Europe and the European Commission (Russia VIII). The participating judges were presidents of regional courts. Their level of ECHR-related knowledge is already quite good and they are expected to act as multipliers for other judges within their courts.

Training session on human rights and ethnic minorities for the Russian Militia

Omsk, 4-6 October 2006

Training seminars on human rights standards and policing minority ethnic communities for the Russian Militia are organised in different regions of the Russian Federation as part of the HRCAD “Police and Human Rights Programme”. The third session on human rights and ethnic minorities of a series of four was held for law enforcement officers from the training institutes of the Russian Ministry of the Interior in the region of Omsk. The previous seminars were held in Volgograd (April 2006) and in Chelyabinski (July 2006).

Russian Federation

First annual meeting of the European Programme for Human Rights Education for Legal Professionals (HELP)

Strasbourg, 17 October 2006

The objective of the meeting, which brought together 38 member states, was to discuss the results of the previous meetings. On those occasions, a large majority of the representatives of training structures for the judiciary had confirmed that, although training on the ECHR took place in their country, the level of knowledge of the ECHR and the skills/mentality needed to apply it were still insufficient. The HELP Programme will develop tools and materials that respond to these needs. Three working

groups were therefore created to work on the following subjects:

- The integration of the ECHR into the curricula of training structures/schools;
- The development of training materials on human rights;
- The preparation of a manual on training methodology for use by the ECHR trainers.

The secretariat also presented a trial version of an internet site, inter alia containing information and a database on training materials and methods, training events and a list of ECHR experts. The Internet site will have interactive functions for communication and exchange of information.

Strasbourg

Study visits

Study visits were organised to Strasbourg for the Deputy Head of the Office of the Government Agent of Moldova (4-8 September 2006) and for the Human Rights Defender (Ombudsman)

of the Republic of Armenia (20-22 September 2006) and to Budapest to the Office of the Government Agent of Hungary for three members of the Office of the Government Agent of Serbia before

the European Court of Human Rights (11-15 September 2006).

These visits aimed at familiarising participants with the practical functioning of the European human rights protection system.

Translations

In order to raise public and professional awareness of the Council of Europe human rights instruments in the countries where co-operation activities are being carried out, HRCAD provides publications dealing with human rights issues in non-official languages. The translations are available on-line.

Glossary of ECHR terminology

A glossary of ECHR terminology has been drawn up and translated into Albanian, Azerbaijani, Bosnian, Georgian, Romanian, Russian, Serbian and Turkish. The objective is to provide reliable translations of terms which can be

found in the text of the ECHR itself or in the case-law of the ECtHR. The glossary can be useful for translators and interpreters but also for legal professionals who use the ECHR directly in their domestic legal system.

Short guide to the ECHR

The publication *Short guide to the European Convention on Human Rights* (Donna Gomien, 2005, Council of Europe Publishing) has been translated into Bosnian/Croatian/Serbian. The translation was produced by HRCAD in co-operation with the Information Office of the Council of Europe in Sarajevo.

Web site: <http://www.coe.int/awareness/>

Equality between women and men

Since 1979, the Council of Europe has been promoting European co-operation to achieve real equality between the sexes. The Steering Committee for Equality between Women and Men (CDEG) has the responsibility for co-ordinating these activities.

Campaign to combat trafficking in human beings

The Council of Europe Campaign to Combat Trafficking in Human Beings was launched in 2006. It aims to raise awareness among governments, parliamentarians, NGOs and civil society of the extent of the problem of trafficking in human beings in Europe today. The campaign also aims to promote the widest possible signature and ratification of the Council of Europe Conven-

tion on Action against Trafficking in Human Beings.

As part of the campaign, regional information and awareness-raising seminars are organised. During the period covered by this *Bulletin*, two seminars were held, under the title *Action against Trafficking in Human Beings: Prevention, Protection and Prosecution*: one in Riga (Latvia) in September 2006 and one in Rome (Italy) in October 2006.

This second regional information and awareness-raising seminar was organised in co-operation with the Latvian Ministry of the Interior and with the support of the Latvian Ministry of Foreign Affairs and the Council of Europe Information Centre in Riga.

The purpose of the seminar was two-fold. It substantiated the Council of Europe Convention as an efficient instrument for combating trafficking in human beings by means of its multidisciplinary approach incorporating measures for preventing trafficking,

protecting the human rights of victims and prosecuting traffickers.

Furthermore, the participants presented and discussed measures and actions against trafficking in human beings taken at national level by the participating countries, in particular in the light of the multidisciplinary measures of the Council of Europe Convention. The seminar constituted a valuable opportunity for participants to exchange and share their experiences of national legislative measures and policies to combating trafficking in human beings

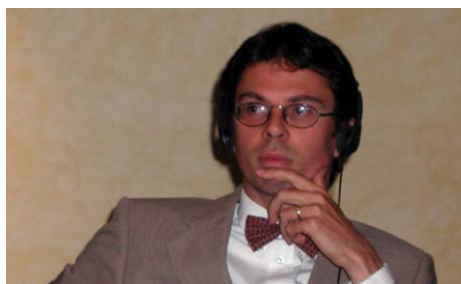
Riga, 21-22 September 2006

The third information and awareness-raising seminar – co-organised with the Department of Rights and Equal Opportunities of the Presidency of the Council of Ministers of Italy – was dedicated to Italy, a Council of Europe member state which, for more than ten years, has faced an increase in trafficking in human beings.

During this event, Council of Europe speakers together with national experts in human rights, criminal and prosecution matters as well as NGO representatives discussed the specific situation in Italy and measures taken in other coun-

tries (Albania, Greece, Malta, Portugal, Spain and Turkey).

Jean-Sébastien Jamart, keynote speaker at the Rome seminar



Special attention was paid to the promotion of the Council of Europe Con-

Rome, 19-20 October 2006

vention on Action against Trafficking in Human Beings which is a new and effective tool at European level to combat this new form of slavery. A

presentation on the role of the Council of Europe Commissioner for Human Rights in the fight against trafficking was held.

Internet: <http://www.coe.int/equality/>

European Commission against Racism and Intolerance (ECRI)

The European Commission against Racism and Intolerance (ECRI) is an independent human rights body monitoring issues related to racism and racial discrimination in the 46 member states of the Council of Europe.

ECRI's programme of activities comprises three inter-related aspects: country-by-country approach; work on general themes; and activities in relation to civil society.

Country-by-country approach

Within this approach, ECRI closely examines the situation concerning racism and intolerance in each of the member states of the Council of Europe. Following this analysis, ECRI draws up suggestions and proposals addressed to governments as to how the problems of racism and intolerance identified in each country might be overcome, in the form of a country report.

In 2003, ECRI started work on the third round of this country-specific monitoring. The third round reports focus on implementation, by examining whether and how effectively the recommendations contained in ECRI's previous reports have been implemented. The reports also examine in more depth specific issues, chosen according to the situation in each country. ECRI's country-by-country approach concerns all Council of Europe member states on an equal footing and covers 9 to 10 countries per year.

In autumn 2006 ECRI carried out contact visits in Azerbaijan, Finland, Ireland and Monaco, as part of the process of preparing third round reports on these

countries. The aim of ECRI's contact visits is to obtain as detailed and complete a picture as possible of the situation regarding racism and intolerance in the respective countries, prior to the elaboration of the country reports. The visits provide an opportunity for ECRI's rapporteurs to meet officials from ministries and national public authorities, as well as representatives of NGOs and anyone concerned with issues falling within ECRI's remit.

At its next plenary meeting in December 2006, ECRI will discuss the draft reports of these four countries which, after a process of confidential dialogue, will be adopted and published by ECRI in spring 2007.

Work on general themes

ECRI's work on general themes covers important areas of current concern in the fight against racism and intolerance, frequently identified in the course of ECRI's country monitoring work. This work has often taken the form of General Policy Recommendations addressed to the governments of member states, intended to serve as guidelines for policy makers.

General Policy Recommendations

ECRI has adopted to date nine General Policy Recommendations, covering some very important themes, including: key

elements of national legislation to combat racism and racial discrimination; the creation of national specialised

bodies to combat racism and racial discrimination; combating racism against Roma; combating Islamophobia in Europe; combating racism on the Internet; combating racism while fighting terrorism; and combating antisemitism.

ECRI has also produced compilations of good practices to serve as a source of inspiration in the fight against racism.

In December 2005 ECRI decided on the themes of its two future General Policy Recommendations. The first will deal with measures to improve access to school education as a factor for integration as well as the role of school education in combating racism and racial discrimination. The second will be devoted to combating racism and racial discrimination in policing.

At its 40th plenary meeting (27-30 June 2006), ECRI considered the text of a

draft General Policy Recommendation No. 10 on combating racism and racial discrimination in school education. The text has since then been the subject of a written consultation process involving relevant circles (national specialised bodies, concerned NGOs, teachers' and parents' associations), prior to its submission to ECRI for final adoption at ECRI's 41st plenary meeting (12-15 December 2006).

With regard to the preparation of ECRI's future General Policy Recommendation No. 11 on combating racism and racial discrimination in policing, the working group responsible for drafting the text held a consultation meeting with outside experts specialised in this field on 7 July 2006, in order to further define its scope and content. It is foreseen that ECRI will adopt General Policy Recommendation No. 11 in June 2007.

Relations with civil society

This aspect of ECRI's programme aims at spreading ECRI's anti-racist message as widely as possible among the general public and making its work known in all relevant spheres at international, national and local level. In 2002 ECRI adopted a programme of action to consolidate this aspect of its work, which involves, among other things, organising round tables in member states and strengthening co-operation with other interested parties such as NGOs, the media, and the youth sector.

ECRI's round tables

Croatia, 5 July 2006

On 5 July 2006 ECRI held a Round Table in Zagreb.



The main themes of this Round Table were: ECRI's Third Report on Croatia (published on 14 June 2005); the situation of ex-Yugoslav minority groups in Croatia; the legislative and institutional framework for combating racism and racial discrimination and problems faced by the Roma community in Croatia.

Denmark, 10 October 2006

On 10 October 2006 ECRI held a round table in Copenhagen.



The main themes of this Round Table were: ECRI's Third Report on Denmark

(published on 16 May 2006); racism and xenophobia in political and public discourse; the legislative and institutional framework for combating racism and racial discrimination and immigration and integration policies and practices in Denmark.

Inter-agency co-operation

On 12 September 2006 a third High Level Inter-Agency meeting between ECRI, the European Union's Monitoring Centre on Racism and Xenophobia (EUMC), the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) and the Office of the United Nations High Commissioner for Human

Rights (OHCHR) was held to discuss ways to further strengthen co-operation and co-ordination (Vienna, 12 September 2006). This high-level meeting was followed by a working-level meeting on the issue of hate crime data collection on 18 October 2006 in Vienna.

ECRI's Internet site: <http://www.coe.int/ecri/>

European human rights institutes

Through their research and teaching activities, the institutes play an important part in the development of human rights awareness.

The following, non-exhaustive, list gives an outline of the resources and actions of these human rights institutes. The information, provided by the institutes, is presented in the language in which it was drafted.

Austria

Austrian Human Rights Institute

Österreichisches Institut für Menschenrechte

Edmundsburg, Mönchsberg 2, A-5020 Salzburg

Tel: +43/(0)662 84 31 58-11 (Secretariat); +43/(0)662 84 31 58-13, 14 (Newsletter/documentation)/ Fax: +43/(0) 662 84 31 58

E-mail: office@menschenrechte.ac.at (Secretariat);

newsletter@menschenrechte.ac.at (Newsletter/documentation)

Website: www.menschenrechte.ac.at

Publications

Newsletter Menschenrechte

A publication in the German language which, since 1992, has been published six times a year, giving precise and timely information about recent decisions of the European Court of Human Rights, the European Court of Justice, the UN Human Rights Committee and the Austrian supreme instances. The annual subscription is €51.

Mobilfunk, Mensch und Recht (mobile communications, individuals and the law): In the November 2006 volume, No. 1, of the new series *Menschenrechte konkret* (human rights in concrete) was published. It contains the lectures held by experts in the medical, philosophical,

legal and environmental fields in the course of a round-table discussion held on 16 December 2005, a summary of the discussion and an exhaustive annex. The publication expresses, *inter alia*, deep concerns about procedural and other shortcomings in Austrian Law regarding the erection and operation of mobile phone base stations (Articles 2, 6 and 8 of the European Convention on Human Rights) and the jurisprudence of Austrian Courts denying so-called electro-sensitive people an effective complaint (within the meaning of Article 13 of the Convention) against adverse health effects caused by electromagnetic radiation.

Workshops, seminars, conferences

– On 20 January and 25 February 2006 the Institute ran a workshop under the topic “*The new Aliens Law and its impact on other fields of law*”.

– On 29 September 2006 the Institute invited lawyers, students and other interested people to a half-day seminar about the new procedure before the *European Court of Human Rights* and the enforcement of judgments of the Court in Austria and specific aspects of its latest jurisdiction. The lectures will be published as volume 2 of *Menschenrechte konkret*.

– On 7 November 2006 a conference took place at the Austrian Supreme Court on the *impact of Strasbourg judgments on Austria's highest courts*. This event was organised by the Austrian Association of Judges in co-operation with the Institute.

– Preparations for celebrating the Institute's 20th anniversary are going on. There will be an international symposium on the *freedom of the press* in the middle of June 2007.

A database comprising all the volumes of the *Newsletter Menschenrechte* has been placed at the disposal of the Austrian Supreme Court to support the public via

Internet with information of the jurisprudence of the European Court of Human Rights (<http://www.ris.bka.gv.at/jus/>).

Documentation

The collection of volumes in the field of human and fundamental rights comprises 1 760 titles and 23 journals.

Library

The Institute is a platform for anyone who seeks legal advice concerning an

alleged violation of his/her human rights. The service is free.

Legal advice

Institute for Human Rights

Åbo Akademi University, Gezeliussgatan 2, FIN-20500 Turku/Åbo

Tel: +358/2 215 4713/Fax: +358/2 215 4699

Website: <http://www.abo.fi/instut/imr/>

Main services for the public are: human rights library, Council of Europe and United Nations depository library, bibliographic reference database for human

rights literature (FINDOC), database for Finnish case-law pertaining to human rights (DOMBASE).

Leading Cases of the Human Rights Committee, compiled by Raija Hanski and

Martin Scheinin. Second, revised edition. ISBN: 952-12-1801-0. 506 pp.

Recent publications

Master's Degree Program in International Human Rights Law, 2007-2009

Starting in September 2007; open for applicants holding a law degree or another bachelor's degree with subjects relevant to the legal protection of human rights.

Deadline for applications: 30 March 2007.

Advanced Course on the International Protection of Human Rights, 13-24 August 2007

An intensive course for post-graduate students with a good basic knowledge of human rights law.

Deadline for applications: 16 April 2007.

Challenges to International Humanitarian Law, 12-16 November 2007

An intensive specialisation course for both undergraduates and post-graduate students with a basic knowledge of humanitarian law.

Deadline for applications: September 2007.

Forthcoming training courses

CRDH

Centre de recherche sur les droits de l'homme et le droit humanitaire

Université Panthéon-Assas, Paris II, 158, rue Saint-Jacques, F-75005 Paris

Adresse postale : 12 Place du Panthéon, F-75231 Paris Cedex 05

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Le CRDH est l'une des composantes les plus actives du Pôle international et européen de Paris II de l'Université Panthéon-Assas, mis en place en 2004 pour fédérer l'ensemble des centres de

recherche dans le domaine du droit international public et privé, du droit européen et des relations internationales. Une quarantaine d'étudiants y préparent leur thèse de doctorat.

France

Colloquies and study days

Le CRDH sert de support à la recherche collective à travers l'organisation de colloques et de journées d'étude, la participation à des programmes ou réseaux internationaux d'échanges et l'animation de chantiers scientifiques.



Le CRDH a ainsi organisé plusieurs **colloques internationaux** :

- En octobre 2004, *Les Nations Unies et les droits de l'homme, enjeux et défis d'une réforme*, colloque sous les auspices du ministère français des affaires étrangères et de l'Organisation internationale de la Francophonie. Les actes ont été publiés chez Pedone, Paris, en 2006 (collection de la Fondation Marangopoulos pour les droits de l'homme).
- En novembre 2006, *L'OSCE, trente ans après l'Acte d'Helsinki, bilan et perspectives de la nouvelle Europe*, avec le concours du centre Thucydide et sous les auspices du ministère français des affaires étrangères. A paraître (Pedone, Paris, 2007).

Publications

Le CRDH publie une revue électronique sur les droits de l'homme, *Droits fondamentaux*, avec le soutien de l'Agence universitaire de la Francophonie (AUF) : <http://www.droits-fondamentaux.org/>.

Il lance de nouveaux chantiers scientifiques, avec la publication de *commentaires collectifs portant sur les principaux traités internationaux relatifs aux droits de l'homme* : un premier volume, consacré au Pacte international relatif aux droits civils et politiques, paraîtra chez Economica, Paris, au printemps 2007. Un second volume sera consacré au Pacte international relatif aux droits économiques, sociaux et culturels en 2008.

Enfin les équipes du CRDH assurent une série de *chroniques d'actualité*, notamment la chronique annuelle de la jurisprudence de la Cour européenne des

Parallèlement, des **journées d'étude** sont régulièrement organisées, notamment en liaison avec l'Institut de formation en droits de l'homme du Barreau de Paris, avec lequel un « atelier juridique » a été créé pour favoriser l'intervention à titre d'*amicus curiae* dans les affaires contentieuses.

- Les travaux de la journée organisée à Strasbourg, avec l'Institut international des droits de l'homme, sur le thème *Mesures conservatoires et droits fondamentaux* ont été publiés chez Bruylant, Bruxelles, coll. « Droit et Justice » n° 65, 2005, dir. G. Cohen-Jonathan & J.-F. Flauss.
- Les travaux de la journée d'étude organisée à Paris sur *La tierce intervention devant la Cour européenne des droits de l'homme* dir. E. Decaux et C. Pettiti, sont à paraître (Bruylant, Bruxelles, coll. « Droit et Justice » 2007).

Pour 2007, deux journées d'étude sont en préparation, l'une consacrée à *la responsabilité des entreprises multinationales en matière de droits de l'homme* (février 2007), l'autre à *la Convention internationale pour la protection de toutes les personnes contre les disparitions forcées* (mai 2007).

Droits de l'Homme, avec le CREDHO, pour le Journal du droit international (Clunet), la chronique de l'Organisation pour la sécurité et la coopération en Europe dans l'Annuaire de droit européen. Par ailleurs, son directeur, Emmanuel Decaux, et Marina Eudes ont publié une refonte des fascicules du Jurisclasseur consacrés au Conseil de l'Europe.

Parmi les *thèses* récemment soutenues, on citera, notamment, celle de Marina Eudes sur « La pratique judiciaire interne de la Cour européenne des Droits de l'Homme » (prix Jacques Mourgeon de la SFDI), Pedone, Paris, 2006, et celle de Mouloud Boumghar consacrée à « Une approche de la notion de principe à la lumière de la jurisprudence de la Cour européenne des Droits de l'Homme, qui paraîtra prochainement.

CREDHO

Centre de recherches et d'études sur les droits de l'homme et le droit humanitaire

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Le CREDHO, créé en 1990, fonctionne en réseau depuis 1995 avec deux

composantes : le CREDHO-Paris Sud, et le CREDHO-Rouen.

Le CREDHO est un centre de recherches universitaire dont les activités essentielles sont la recherche bibliographique (systématique et critique, générale et thématique) ainsi que la recherche de type académique donnant lieu à l'organisation de colloques, dont les Actes sont publiés dans la collection du CREDHO (aux Editions Bruylant, Bruxelles, onze volumes parus). Les membres du CREDHO participent à des activités d'enseignement en matière de droits de l'homme et de droit humanitaire, dans les universités françaises et étrangères. Il accueille quelques étudiants étrangers avancés. Il peut aussi

fournir des services de consultation dans les domaines de sa compétence.

Les projets de recherches du CREDHO s'ordonnent autour des quatre axes suivants :

- constitution de bases de données informatisées sur les droits de l'homme, les libertés publiques et le droit humanitaire ;
- aspects de la judiciarisation des droits fondamentaux en Europe ;
- mondialisation et universalité des droits de l'homme ;
- mondialisation et pénalisation du droit international.

Research

Colloque annuel : La France et la Convention européenne des Droits de l'Homme (arrêts rendus en 2005)

La 12^e session d'information du CREDHO sur la France et la Cour européenne des Droits de l'Homme (jurisprudence en 2005) s'est tenue le 27 février 2006 à la Faculté Jean Monnet à Sceaux.

Des communications ont été présentées sur « La responsabilité internationale de l'Etat au regard de la Convention à raison d'actes pris en vertu de ses obligations internationales » et sur « L'incidence de la jurisprudence de la Convention sur le fonctionnement de la Cour de Cassation ». La jurisprudence relative aux conditions de détention, aux écoutes téléphoniques, à la liberté d'expression et à l'équité de la procédure a été passée en revue. Les affaires Siliadin (esclavage domestique) et Maurice et Draon (indemnisation des enfants handicapés congénitaux) ont retenu particulièrement l'attention.

Les Actes ont été publiés aux Editions Bruylant à Bruxelles, dans la collection du CREDHO (n° 11).

Colloquies, round tables

Séminaire : « Regards sur les droits de l'homme en Afrique » (23 novembre 2006)

Parmi les participants du séminaire : de gauche à droite, Madjid Benchikh, Roland Adjovi et Habib Ghérari



Ce Séminaire a été organisé à l'occasion de la publication du deuxième volume du Recueil juridique des droits de l'homme en Afrique. La première partie a été consacrée à une table ronde présentant les regards croisés de spécialistes du droit constitutionnel, de l'anthropologie juridique, de la philosophie et du droit européen. La seconde partie a permis de jeter un regard plus concret sur le fonctionnement de la justice et des droits de

l'homme en Afrique ainsi que sur les juridictions internationales ayant compétence en ce domaine (TPIR, CPI et Justice transitionnelle).

Publications

Le CREDHO collabore régulièrement avec le CRDH (Université de Paris II) et publie depuis plusieurs années, sous la direction de Paul Tavernier et Emmanuel Decaux, la *Chronique de jurisprudence de la Cour européenne des Droits de l'Homme au Journal du droit international*. La chronique portant sur l'année 2005 figure dans le n° 3/2006, pp. 1071-1173.

Il coopère également depuis de nombreuses années avec le Centre for Human Rights de Pretoria (Afrique du Sud) pour la publication des *Human Rights Law in Africa Series*. En 2005-2006, il a publié le volume II : Recueil juridique des droits de l'homme en Afrique (2000-2004), Bruxelles : Bruylant, 2 tomes, XXXI-2117 p. Le Centre de Pretoria vient de recevoir le prix des droits de l'Homme décerné par l'UNESCO.

Le CREDHO a participé au colloque organisé les 12-13 mai 2005 par le CRDFED (Faculté de droit de Caen) sur « La portée de l'article 3 de la Convention européenne des Droits de l'Homme ».

Les « conclusions générales » ont été tirées par Paul Tavernier. Les Actes sont publiés aux Ed. Bruylant (sous presse).

Le CREDHO entretient une collaboration avec l'Institut de formation en droits de l'homme des avocats européens (IDHAE) et l'Institut de formation en droits de l'homme du Barreau de Bordeaux. Il a participé au colloque de Bordeaux des 13 et 14 octobre 2006 sur « L'avocat dans le droit européen ». Paul Tavernier y a présenté un rapport sur « Les droits et obligations de l'avocat et la notion de défense concrète et effective au sens de la Convention » (publication des Actes en cours).

Le CREDHO était représenté au colloque organisé les 30-31 mars 2006 par la Faculté de droit de Limoges sur « L'effectivité des arrêts de la Cour européenne des Droits de l'Homme ». Paul Taver-

Les Actes seront publiés en 2007 aux Editions L'Harmattan.

niery a présenté un rapport sur « L'injonction répressive et l'astreinte ». Les Actes du colloque sont en cours de publication.

Publications pendant l'année 2005-2006

– *Bulletin d'information du CREDHO n° 15/2005* contenant, notamment, une bibliographie des ouvrages, thèses et articles parus en français sur les droits de l'homme, les libertés publiques et le droit international humanitaire.

– *Liste des thèses de doctorat sur les droits de l'homme, les libertés publiques, les droits fondamentaux et le droit humanitaire soutenues depuis 1984 dans les universités francophones* (mise à jour 2005 disponible sur le site du CREDHO).

– *Bibliographie systématique des ouvrages et articles parus en français sur les droits de l'homme, les libertés publiques, les droits fondamentaux et le droit humanitaire depuis 1984* (mise à jour 2005 disponible sur le site du CREDHO).

– *Bibliographie thématique et critique sur Islam et droits de l'homme* (mise à jour disponible sur le site du CREDHO).

– Laurence Burgorgue-Larsen (sous la direction de), *Chronique de jurisprudence européenne comparée (2005)* (Revue du droit public, n° 4, 2006).

– Paul Tavernier, « Droit de propriété et protection de l'environnement devant la Cour de Strasbourg », pp. 61-80, in IDHAE, La protection du droit de propriété par la Cour européenne des Droits de l'Homme, Bruxelles : Bruylant, 2005, 125 p.

– Paul Tavernier, « Le droit de l'homme à un environnement sain, le droit de propriété et les libertés économiques », pp. 219-237, in Annuaire international des droits de l'homme, I, 2006 (Bruxelles : Bruylant ; Athènes : Ant. N. Sakkoulas, 705 p.).

Institut International des Droits de l'Homme

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Sessions annuelles d'enseignement

Les sessions d'enseignement de l'Institut regroupent chaque année en juillet des étudiants de niveau avancé, enseignants et chercheurs, membres de professions juridiques, fonctionnaires nationaux et internationaux, membres d'ONG. Elles permettent une étude approfondie du droit international et du droit comparé des droits de l'homme ainsi que du droit humanitaire et du droit pénal international.

– La 37^e session d'été d'enseignement, dont les conférences thématiques portaient sur « *Protection internationale des droits de l'homme et droits des victimes* », a réuni à Strasbourg, du 3 au 28 juillet 2006, 330 participants, issus de 75 pays. Pour cette édition, l'Institut a fait appel à une cinquantaine de professeurs, originaires de 20 pays du monde.

– Parallèlement à la session annuelle, a lieu le programme du Centre international pour l'enseignement des droits de l'homme dans les Universités (CiedhU). Le but de ce programme, principalement destiné aux universitaires, est de transmettre des méthodes d'enseignement des droits de l'homme.

– La 38^e session annuelle d'enseignement (juillet 2007) portera sur « *Migrations de populations et protection des droits de l'homme* ». Elle devrait être, pour la première fois, professée en cinq langues (le russe ayant été ajouté aux quatre langues initiales de la session, à savoir le français, l'anglais, l'espagnol et l'arabe).

9^e cours d'été sur les réfugiés (Strasbourg, 12-23 juin 2006)

Pour la neuvième année consécutive, l'IIDH et la délégation pour la France du Haut Commissariat des Nations Unies pour les Réfugiés (HCR) ont organisé une session conjointe d'enseignement sur le Droit des réfugiés. Ce cours, de renommée internationale, est la plus importante formation sur le droit des réfugiés qui existe dans le monde francophone. 46 personnes, provenant de 26 pays différents, y ont participé.

Sessions de formation externes

Prague, 12-13 juin 2006

Sur sollicitation de l'Institut d'Etat et de Droit de la République tchèque, l'Institut a co-organisé, les 12 et 13 juin 2006, un séminaire consacré à des aspects choisis d'actualité de la protection européenne des droits de l'homme, notamment la *réforme du Protocole 14 à la Convention européenne des Droits de l'Homme* et la *protection des droits fondamentaux au niveau de l'Union européenne*. Les actes de ce séminaire feront l'objet d'une publication sous les auspices de l'Université Charles de Prague.

Iasi, 28 août-6 septembre 2006

En collaboration avec la Faculté de droit de l'Université A.I. Cuza de Iasi, l'Institut a organisé une session d'enseignement consacrée à la protection européenne des droits de l'homme. Cette session intensive, comprenant des cours magistraux et séminaires, a porté sur *l'étude de la protection des droits de l'homme dans le cadre du Conseil de l'Europe* (Convention européenne des Droits de l'Homme et Charte sociale européenne principalement) *et au niveau de l'Union européenne*. Elle sera reconduite en 2007 et devrait pouvoir accueillir un public plus nombreux, notamment des participants des pays limitrophes de la Roumanie.

Formation permanente

Session indonésienne (Strasbourg/Jakarta, avril, juin et décembre 2006)

Pour la troisième année consécutive, l'IIDH a organisé une session anglophone de formation aux droits de l'homme pour des participants indonésiens. Cette formation est fondée sur un Memorandum of Understanding signé entre l'ambassade de France à Jakarta et le Direktorat (Ministère de la justice indonésien). Cette session, dont la thématique était *la démocratie, les droits de l'homme et la résolution des conflits*, a concerné un groupe de 25 personnes, essentiellement composé de fonctionnaires travaillant pour le ministère de la justice.

Teaching

Formation des avocats (Strasbourg, novembre 2006)

Deux membres de l'Institut ont animé une journée de formation destinée aux avocats du Grand Est de la France, sur « L'actualité de la jurisprudence de la Cour européenne des Droits de l'Homme ». Une nouvelle session de formation devrait être organisée en 2007.

Journée d'étude (Strasbourg, 2 décembre 2005)

Une journée d'étude a eu lieu sur le thème de « *L'effectivité des recours internes dans l'application de la Convention euro-*

péenne des Droits de l'Homme ». Dans le contexte de l'adoption du Protocole n° 14 et de ses suites, l'objectif était de dresser la réalité, les modalités et l'effectivité des recours internes dans divers domaines, selon une approche de droit comparé, en vue d'une meilleure application de la Convention européenne. Cette journée a associé universitaires, juges de la Cour européenne et administrateurs de la Direction des Droits de l'Homme du Conseil de l'Europe. Les Actes ont été publiés dans la collection « Droit et Justice », Bruylant, Nemesis.

Research activities**Prix de thèse René Cassin**

Le prix de thèse « Droits de l'Homme » René Cassin a été décerné pour la première fois en 2006, en vue de récompenser une recherche francophone en droit international, régional, comparé des droits de l'homme ou théorie juridique des droits de l'homme. Il a été attribué à M. Fabien Marchadier (Université de Limoges), pour sa thèse sur

« *Les objectifs généraux du droit international privé à l'épreuve de la Convention européenne des Droits de l'Homme* ».

L'ouvrage sera publié aux éditions Bruylant. Un premier accessit a été attribué à M^{me} Florence Jacquemot (Université de Montpellier I), auteur d'une thèse portant sur « *Le standard européen de société démocratique* ».

Publications

– Les conférences thématiques de la session annuelle d'enseignement font l'objet d'une publication dans le cadre de la Collection de l'Institut aux éditions Bruylant ; est ainsi en cours de publication la session sur « *La liberté d'information en droit international* » (dir. Gérard Cohen-Jonathan).

– Dans la même collection est paru : Gérard Cohen-Jonathan et Jean-François Flauss (éd.), *Les organisations non gouvernementales et le droit international des droits de l'homme* (251p.), 2005.

– Sont en voie de publication : M. Fabien Marchadier, « *Les objectifs généraux du droit international privé à l'épreuve de la Convention européenne des Droits de l'Homme* », Bruylant, Collection de l'IIDH ; M. David Szymczak, « *La Convention européenne des Droits de l'Homme et le juge constitutionnel national* », Bruylant.

Collection « Droit et Justice », Nemesis-Bruylant

Gérard Cohen-Jonathan et Jean-François Flauss (dir.), *La réforme du système de contrôle contentieux de la Convention européenne des Droits de l'Homme – Le Protocole n° 14 et les Recommandations et Résolutions du Comité des Ministres* (256 p.) 2005 (vol. 61) ;

Gérard Cohen-Jonathan et Jean-François Flauss (dir.), *Le rayonnement international de la jurisprudence de la Cour européenne des Droits de l'Homme*, (276 p.) 2005 (vol. 64) ;

Gérard Cohen-Jonathan et Jean-François Flauss (dir.), *Mesures conservatoires et droits fondamentaux*, (311 p.) 2005 (vol. 65) ;

Gérard Cohen-Jonathan, Jean-François Flauss et Elisabeth Lambert Abdelgawad (dir.), *De l'effectivité des recours internes dans l'application de la Convention européenne des Droits de l'Homme*, (312 p.) 2006 (vol. 69).

Institut des droits de l'homme du Barreau de Bordeaux

Maison de l'Avocat, 18-20, rue du Maréchal Joffre, F-33000 Bordeaux

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L'Institut a pour but de favoriser la formation des avocats en droits de l'homme, en droit pénal international et, plus généralement, en toutes matières juridiques susceptibles d'assurer la défense des droits de l'individu en

Europe et dans le monde et de promouvoir et de faire respecter, aux plans régional, national et international, les droits de la défense, la suprématie du droit, la lutte contre les racismes et l'intolérance, sous toutes leurs formes.

Aims

L'IDHBB a aussi pour mission d'assurer la remise du Prix international des droits de l'homme Ludovic Trarieux, fondé en 1984 par le Bâtonnier Bertrand Favreau, en faveur d'un « avocat, sans distinction de nationalité ou de barreau, qui aura

illustré par son œuvre, son activité ou ses souffrances, la défense du respect des droits de l'homme, des droits de la défense, la suprématie du droit, la lutte contre les racismes et l'intolérance sous toutes leurs formes ».

Ludovic Trarieux Prize

L'IDHBB a organisé diverses autres manifestations et notamment :

- le 8 juillet 2006, un colloque pour commémorer le centenaire de la réhabilitation du capitaine Dreyfus par la Cour

de cassation, dont les travaux seront publiés courant 2007 ;

- les 13 et 14 octobre, un colloque sur le thème « l'avocat dans le droit européen », dont les actes seront publiés.

Colloquies

Institut de formation en droits de l'homme du Barreau de Paris

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L'Institut des Droits de l'Homme du Barreau de Paris a pour activité principale la formation des avocats français et étrangers au droit international des droits de l'homme. Ses formations sont également accessibles à des juristes non avocats.

L'Institut organise des sessions de formation avec le concours des Ecoles de formation des Barreaux, et des conférences et séminaires avec d'autres associations et universités.

Publications à paraître

Handicap et protection du droit européen et communautaire : Entre droit européen et

droits internes, publié avec l'Institut des droits de l'homme des avocats européens, Editions Bruylant.

Publications

Formations programmées

- *Pratique du droit international des droits de l'homme*, Ecole de Formation Professionnelle des Barreaux de la Cour d'appel

de Paris, juin 2007, Ecole de Formation Professionnelle des Barreaux de la Cour d'appel de Versailles en 2007.

Training

Institut des droits de l'homme des avocats européens

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Créé en 2001, à Luxembourg, sous l'égide de l'Union des avocats européens, l'Institut des droits de l'homme des avocats européens a pour mission :

- l'étude des droits de l'homme, et plus particulièrement de la Convention européenne des Droits de l'Homme et des libertés fondamentales du 4 novembre

Aims

1950 et ses protocoles ainsi que la Charte des droits fondamentaux de l'Union européenne ;

– la formation des avocats en droit international des droits de l'homme en vue de la défense devant les juridictions internationales et notamment les cours et tribunaux pénaux internationaux ;

– la défense et les interventions en faveur des libertés et droits fondamentaux de l'avocat sans limitation de frontières ;

– l'organisation de manifestations, colloques, séminaires et la participation à des publications relatives aux droits de l'homme.

Ludovic Trarieux Prize

Dean Spielmann, juge luxembourgeois à la Cour européenne des Droits de l'Homme, remet le prix Ludovic Trarieux à l'épouse du gagnant, Parvez Imroz.



L'IDHAE assure, depuis 2003, la coordination du « Prix International des Droits de l'Homme – Ludovic Trarieux ».

En 2006, le Prix a été remis à M. Parvez Imroz, avocat au Cachemire, qui défend la cause des droits de l'homme depuis la fin des années 80. Il est le fondateur et le président de la Coalition de la Société Civile de l'Etat indien du Jammu-et-Cachemire (J&K Coalition of Civil Society (JKCCS)), qui travaille à unir les efforts des organes de la société civile du Cachemire. Le Prix a été remis à son épouse car Parvez Imroz n'a pas été autorisé à quitter le territoire indien.

Emergency action

L'IDHAE gère le service d'actions urgentes des instituts « Avocats Urgente Alerte », Observatoire sans frontières des violations des droits de la défense et des droits de l'homme des avocats dans le monde, qui a envoyé plus de cinquante appels divers en faveurs d'avocats vic-

times de violations de leurs droits fondamentaux dans le monde.

En 2006, Cuba, l'Iran et la République Démocratique du Congo ont été au centre des préoccupations de l'IDHAE.

Colloques

– Entre autres manifestations, l'IDHAE a organisé, les 13 et 14 octobre, à l'Ecole Nationale de la Magistrature, un colloque sur le thème « l'avocat dans le droit européen ». Les Actes seront publiés.

– Il organisera, conjointement avec la Faculté de droit, de sciences politiques et de gestion de La Rochelle (France), la première Université de Printemps des Droits de l'Homme les 11-12 mai 2007.

Publications

En 2006, l'IDHAE a publié les ouvrages suivants :

– *La protection du droit de propriété par la Cour européenne des Droits de l'Homme*, Bruxelles, Bruylant

– *Handicap et protection du droit européen et communautaire – Entre droit européen et droits internes*, Bruxelles, Bruylant.

Germany

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Publications

En Allemand :

– Eckart Klein (ed.) : La séparation des pouvoirs et les droits de l'homme

(*Gewaltenteilung und Menschenrechte*), BVW – Berliner Wissenschaftsverlag, vol. 27

MenschenRechtsMagazin (en Allemand)

No. 3/2005

- Vue d'ensemble sur le travail des organes chargés de la surveillance des traités de l'ONU (*Überblick über die Arbeit der UN-Vertragsüberwachungsorgane im Jahr 2005*)
- La protection des droits de l'homme dans le cadre de l'OCDE trente ans après l'Acte final d'Helsinki (*Menschenrechtsschutz im Rahmen der OSZE dreißig Jahre nach der Schlussakte von Helsinki*)
- Le pouvoir de police au Brésil (*Polizeigewalt in Brasilien*)
- Les Etats membres du Conseil de l'Europe : la Suède (*Mitgliedstaaten des Europarates: Schweden*)

No. 1/2006

- Rapport sur le travail du comité des droits de l'homme des Nations Unies en 2005 – Partie I (*Bericht über die Arbeit des Menschenrechtsausschusses der Vereinten Nationen im Jahr 2005 – Teil I*)
- Tradition ou mimésis ? L'Eglise catholique et les droits de l'homme (*Tradition oder Mimese? Die Katholische Kirche und die Menschenrechte*)
- Les Etats membres du Conseil de l'Europe : la Finlande (*Mitgliedstaaten des Europarates: Finnland*)
- Le nouveau Conseil des droits de l'homme des Nations Unies (*Der neue*

- 7-11 septembre 2005, Baschkortostan : Les mécanismes de protection non juridictionnels pour la garantie des droits de l'homme en Brandebourg et Baschkortostan (*Schutzmechanismen nichtgerichtlicher Art für die Gewährleistung der Menschenrechte in Brandenburg und Baschkortostan*)
- 9-11 novembre 2005, Potsdam : Formation en matière de droits de l'homme pour les enfants et les jeunes – Colloque sur la recherche pratique en matière de formation aux droits de l'homme (*Menschenrechtsbildung für Kinder und Jugendliche – Symposium zur praxisbezogenen Forschung in der Menschenrechtsbildung*)
- 10-12 novembre 2005, Potsdam : La séparation des pouvoirs et les droits de l'homme (*Gewaltenteilung und Menschenrechte*)

schaffene Menschenrechtsrat der Vereinten Nationen)

No. 2/2006

- Rapport sur le travail du comité des droits de l'homme des Nations Unies en 2005 – Partie II (*Bericht über die Arbeit des Menschenrechtsausschusses der Vereinten Nationen im Jahr 2005 – Teil II*)
- Possibilités et limites de la société civile dans la protection des droits fondamentaux des citoyens (*Möglichkeiten und Grenzen der Zivilgesellschaft beim Schutz der Grundrechte der Bürger*)
- Les conditions d'une activité légale des organisations non-gouvernementales dans le domaine des droits de l'homme pour la protection des droits de l'homme en République fédérale d'Allemagne et dans le land de Brandebourg (*Voraussetzungen legaler Tätigkeit menschenrechtlich orientierter Nichtregierungsorganisationen zum Schutz der Menschenrechte in der Bundesrepublik Deutschland und im Land Brandenburg*)
- La commission d'enquête éthique et le Droit de la médecine moderne du Bundestag allemand (*Die Enquete-Kommission Ethik und Recht der modernen Medizin des Deutschen Bundestages*)
- La protection des droits fondamentaux en Europe : Un regard vers la France (*Der Grundrechtsschutz in Europa: Ein Blick nach Frankreich*)

Série de conférences « Grenzgänge »

- 16 novembre 2005, Berlin : La fin du fini ? Vivre et mourir aujourd'hui (*Das Ende der Endlichkeit? Leben und Sterben heute*)
- 17 mai 2006, Berlin : Dignité ou vie ? Discours juridiques actuels entre l'interdiction de la torture et la loi relative à la sécurité aérienne (*Würde oder Leben? Aktuelle Rechtsdiskurse zwischen Folterverbot und Flugsicherheitsgesetz*)
- 6 juin 2006, Potsdam : Série de conférences : La philosophie des droits fondamentaux et des droits de l'homme
- 23-24 juin, Potsdam : Conférence des Nations Unies, 2006 : Un an après le Sommet mondial des Nations Unies 2005, bilan des efforts de réforme (*Ein Jahr nach dem UN-Weltgipfel 2005, eine Bilanz der Reformbemühungen*)

Conferences, colloques

Training courses**Série de conférences : questions choisies sur la protection des droits de l'homme (Vortragsreihe: Ausgewählte Fragen des Menschenrechtsschutzes)**

- Tobias Gries : L'obligation des troupes armées allemandes envers les droits de l'homme pendant leurs engagements à l'étranger (*Menschenrechtsbindung deutscher Streitkräfte in Auslandseinsätzen*)
- Judith Schmidt/Niels Rochlitzer : Tradition ou mimésis ? L'Eglise catholique et les droits de

l'homme (*Tradition oder Mimese? Die Katholische Kirche und die Menschenrechte*)

- Jan Kurlemann : L'Union européenne et les droits de l'homme : Le rôle du Parlement européen (*Europäische Union und Menschenrechte: Die Rolle des Europäischen Parlaments*)
- Philippe Gréciano : La protection des droits de l'homme en Europe (*Grundrechtsschutz in Europa*)
- Dominik Steiger : Droits de l'homme en temps de guerre ? (*Menschenrechte im Krieg?*)

Greece**Marangopoulos Foundation for Human Rights (MFHR)**

1 Lycavittou Street, GR-106 72 Athens

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E-mail: info@mfhr.gr; secretariat@mfhr.gr; library@mfhr.gr

Website: <http://www.mfhr.gr/>

A full list of human rights education, promotion and protection activities can be found on the MFHR website.

Teaching

The Marangopoulos Chair was established at the International Institute of Human Rights in Strasbourg in 1989. The MFHR has continuously ensured that, every year, distinguished professors and experts teach courses at this chair,

focusing on a topical issue during the summer session of the Institute.

Moreover, the MFHR undertook the organisation and funding of the UN Model competition activities, involving, every year, dozens of Greek High Schools.

Awards and prizes**Scholarships**

The MFHR grants yearly scholarships for the participation of at least one University postgraduate student in the Study Session of the International Institute of Human Rights in Strasbourg.

Believing that every policy concerning social and political problems – general or special – must be mainstreamed by human rights principles and rules, the MFHR started, last year, to award two prizes (consisting in two scholarships abroad) for two post-graduate Greek stu-

dents having written the best papers-essays on one topic selected by the MFHR. The first prizes will be awarded in mid-January 2007.

Prizes to students

Since 1995, the MFHR has co-organised, with the UNCHR Athens Office, yearly essay and drawing contests concerning refugees, open to all students at the primary and secondary education level, throughout the country.

Legal and paralegal assistance

The MFHR offers free legal aid to persons whose fundamental human rights and freedoms have been infringed upon

and who are unable to pay for legal counsel (mainly immigrants, asylum-seekers and detainees).

Cases brought before international bodies

The MFHR's judicial activity includes bringing cases before the Council of Europe's Human Rights Court and other supervisory bodies. Among the recent cases presented, the MFHR underlines:

- *Case of Tanyeri and others v. Turkey* (application No. 74308/01) regarding the detention of Turkish nationals in white cells. The case was struck from the list, by a decision of 6 December 2005, after the applicants – who were set free –

informed the MFHR of their intention to discontinue the procedures.

– As an international NGO entitled to file collective complaints under the 1998 Protocol to the European Social Charter, the MFHR has presented *Collective Complaint No. 30/2005 against the Greek State*, alleging violations of Article 11 (right to protection of health), Article 2 § 4 (right to reduced working hours or additional holidays for workers in dangerous or

unhealthy occupations), Article 3 §1 (safety and health regulations at work) and Article 3 §2 (provision for the enforcement of safety and health regulations by measures of supervision) of the European Social Charter. The European Committee of Social Rights declared the complaint admissible on 10 October 2005, and is now examining the merits of the case.

The MFHR's website – presented in both Greek and English versions – offers Greece's most comprehensive overview of human rights affairs, with up-to-date news on the situation of human rights in Greece and abroad, information on events, conferences and seminars on human rights in Greece and abroad, reports and conclusions of International, European

and domestic human rights organisations, national and international legislation and jurisprudence with human rights implications, as well as the case law of the European Court of Human Rights (with a special focus on Greece). Comments on important current international events from a human rights perspective are also published weekly.

Website

The MFHR Youth Group was founded in May 2003, its members being mainly university students, organises activities in the field of human rights. The Youth Group has concluded, in December 2006, a two-and-a-half year research project on

Child Pornography on the Internet. It has also adopted two statement-declarations on the illegality of "pre-emptive anti-terrorist" wars from a human rights perspective, and on the need for the absolute prohibition of torture.

Youth Group

– *Presentation of the MFHR's new publications*, public event with the participation of the authors and commentators (Athens, 17 January 2005).

– *Corruption and Human Rights*, Round-table discussion with leading European and Greek experts on corruption and criminology (Athens, 1 March 2005).

– *The Dissolution of the UN Human Rights Commission: the upcoming reform of the UN Human Rights system*, Press conference organised by the MFHR (Athens 28 June 2005).

– *Dangerous trends for human rights in the UN and the EU*, open event organised by the MFHR on the occasion of the 57th anniversary of the Universal Declaration of Human Rights (Athens, 8 December 2005).

– *The Problem of Cameras in General - the Example of the Camera Across our Founda-*

tion, Press conference (Athens, 8 May 2006).

– *Fourth Round Table of European National Institutions for the Promotion and Protection of Human Rights and the Council of Europe Commissioner for Human Rights*, participation by the MFHR (Athens 27-28 September 2006).

– *Anti-Criminal Policy and Human Rights*, an international criminology course held under the framework of the International Society of Criminology and jointly organised by the MFHR and the Hellenic Society of Criminology (Athens, 20-21 November 2006).

– *UN Mechanisms for human rights protection: recent developments and prospects*, open event organised by the MFHR on the occasion of the 58th anniversary of the Universal Declaration of Human Rights (Athens, 11 December 2006).

Conferences and meetings

The MFHR has published 53 volumes on different human rights-related subjects with both Greek and foreign publishing houses, including its own series with the Pedone, a French publisher. A full list of these publications is available on the MFHR website.

Latest titles

– *Lay participation in the Criminal Justice System in Europe*, Editor: D. Spinellis, Athens-Komotini, Ant. N. Sakkoulas Publishers, 2004, 84p. (in Greek, annexes in English).

Publications

- *The crisis of UN*, Editor: Tina Stavri-naki, Athens-Komotini, Ant. N. Sakkoulas Publishers, 2005, 215 p. (in Greek).
- Marina Eudes, *La pratique judiciaire interne de la Cour européenne des Droits de l'Homme*, Paris, A. Pedone Publications (in the "Série de la Fondation Marangopoulos pour les droits de l'homme"), 2005, 564 p. (in French).
- *Les Nations Unies et les droits de l'homme*, Editor: E. Decaux, Paris, A.

Pedone Publications (in the "Série de la Fondation Marangopoulos pour les droits de l'homme"), 2006, 348 p. (in French).

- *L'état actuel des droits de l'homme dans le monde – Défis et perspectives*, Editor : Alice Yotopoulos-Marangopoulos, A. Pedone Publications (in the "Série de la Fondation Marangopoulos pour les droits de l'homme"), 2006, 301 p. (in French and English).

Library and documentation centre

The MFHR, has, since 1979, made a great effort to provide professors, scholars, judges, lawyers and others with updated information concerning human rights law, as well as to assist undergraduate, graduate and postgraduate students to prepare their theses and carry out research. The MFHR Library is considered one of the best specialised libraries in Europe for human rights publications. Recent acquisitions are posted on the MFHR website, and computerised searches can be conducted on the library's database.

The Foundation library has books and the most important periodicals available

in six languages: Greek, English, French, German, Italian and Spanish. Its collection comprises more than 5 000 books, yearbooks and periodicals on international and human rights law as well as the complete series of decisions of the European Court and European Commission of Human Rights in Strasbourg, case-law of the Court of Justice of the European Communities in Luxembourg, UN conventions, reports and resolutions, reports and publications of UN agencies, the Organisation for Security and Co-operation in Europe (OSCE), the Council of Europe and NGOs.

Italy

Intercenter Messina

International Centre of Sociological, Penal and Penitentiary Research and Studies

Via Ghibellina 59, I-98122 Messina

Tel: +39 90 710 554/Fax: +39 090 719 263

E-mail: intercen@tin.it

Conferences and seminars

- Table Ronde sur « *le procès en contumace* entre les réformes législatives et les obligations internationales » (novembre 2005)
- *ONU 1945-2005* : les soixante ans des Nations Unies (décembre 2005)
- Forum des ONG : « *Intégration des migrants en Europe – Quel rôle pour les ONG ?* »

- La nouvelle Charte Arabe – Dialogue italo-arabe (décembre 2005)
- Séminaire international sur « *la police de proximité* »
- Réunion du groupe international sur les lieux saints (décembre 2006).

Training courses

XXV^e Cours international d'études sur « *les systèmes de police locale* » (mai 2006)

Research

Les paradigmes démocratiques et les droits de l'homme dans le bassin méditerranéen.

- Peace Conference on “Sources of Conflict and prospects for Peace in the Mediterranean Basin – Within the North-South relations”
- La Nouvelle Charte Arabe – Dialogue Italo-Arabe

- Les Actes du XXV^e Cours international d'études sur « *les systèmes de police locale* » (mai 2006) sont en cours de publication.

Publications

Interdepartmental Centre on Human Rights and the Rights of Peoples

Centro interdipartimentale di ricerca e servizi sui diritti della persona e dei popoli

University of Padua, Via Anghinoni, 3, I-Padova

Tel: (39)049 827 3685/3687/Fax: (39)049 827 3684

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The Interdepartmental Centre on Human Rights and the Rights of Peoples, established in 1982, is the specialised structure of the University of Padua devoted to carry out educational, formational and research activities. It is the venue of the “Pace diritti umani/Peace human rights” Archives Database of the Region of Veneto and collaborates, on the basis of appropriate conventions, with the Child Ombudsman, the Ombudsman and the Department for International relations, Human Rights, Development Cooperation and International Solidarity of the Region of Veneto.

The Centre organises the Course on human rights, peace and intercultural dialogue for Secondary School Teachers in co-operation with the Regional Directorate of the Italian Ministry of Education and the Region of Veneto.

In 1997 the Centre promoted the European Master's Degree in Human Rights and Democratisation (E.MA) in Venice, being its co-ordinator until 2003, and nowadays it actively participates together with other 38 European universities. E.MA is a European Union major Project on human rights education and

benefits also by the active support of the Region of Veneto and of the Municipality of Venice. In the E.MA context the Centre has promoted the establishment in 2003 of the “European Joint Degree in Human Rights and Democratisation”, an integrated academic diploma in the framework of the “Bologna Process”, and the foundation of “the European Inter-University Centre for Human Rights and Democratisation”, EIUC, based in Venice (an association of the E.MA universities, with legal personality).

Since 1999 the Centre has been the venue of the UNESCO Chair on Human Rights, Democracy and Peace.

So far the Centre has carried out nineteen annual Post-Graduate Courses on Human Rights and the Rights of Peoples and the triennial Post-Graduate School in Institutions and Techniques of Human Rights Protection (from 1988 until the academic year 2001/2002). As from 2003 the Centre has supervised the two years Advanced Degree Course on Institutions and Politics of Human Rights and Peace. Since last year the Centre organises the Annual Training Course on Disability and Human Rights.

“Peace human rights” Archives Database

The Archives “Pace diritti umani/Peace human rights” is one of the most relevant Italian databases that promotes a political culture based on the paradigm of human rights internationally recognised and of positive peace.

NGOs database

In the framework of the Regional “Peace Human Rights Archive”, the Centre

update a comprehensive NGO database collecting data, contacts, and activities of any NGO in the Veneto Region dealing with human rights, co-operation and development. All records can be consulted on the web site of the Centre.

“Human Rights at School” Database

Collection of documents and updating materials on children rights in the school context, in particular didactical projects.

Databases

Library**The Library Piergiorgio Cancellieri**

This specialised structure provides more than 6 000 volumes, national and international scientific reviews, relevant materials of international organisations, both governmental and non governmental. The Library is connected with

the Library of the European Master Degree in Human Rights and Democratisation, E.MA, Monastery of San Nicolo in Venice-The Lido. Through the Library, the access is made possible to other pertinent database and reviews online.

Training courses**Academic programmes**

The Centre is currently involved in the organisation of the following degree courses at the Faculty of Political Science, University of Padua:

- Course on Political Science, International Relations, Human Rights (three years);
- Advanced Course (Laurea magistrale) on Institutions and Politics of Human Rights and Peace (two years).

It participates in the organisation of the:

- European Master's Degree in Human Rights and Democratisation, E.MA (one year, second semester in Padua)

The curriculum of all courses is interdisciplinary and both theory- and policy-oriented, and reflects the indivisible links between human rights, democracy, peace, human security, human development. Through the European Master, the Padua Centre contributes to create and develop a European network of curriculum development and staff exchange among universities in the field of human rights and democratisation.

As regards the Degree and Post-graduate Courses in Padua, deadline for application for the academic year 2007/2008: August 2007. For information: <http://www.centrodirittiumani.unipd.it/>

As regards the European Master in Venice, deadline for the academic year 2007/2008: 7 March 2007. For information: <http://www.ema-humanrights.org/>.

Post-graduate courses on Human Rights and the Rights of Peoples

- The 18th annual post-graduate Course on Human Rights and the Rights of Peoples (2006-2007) on "Law, Institutions and global democracy making: the role of schools, local governments and civil society organisations", organised with the co-operation of the Region of Veneto and the Regional Office of the Italian Ministry of Education.

- The 19th annual post-graduate Course on Human Rights and the Rights of Peoples (2006-2007) on "The Ombudsman institutions and activities from the City to the European Union", organised with the co-operation of the Ombudsman and the Child Ombudsman of the Region of Veneto.

- The second course on "Human Rights and Disability. Equal opportunities, Non discrimination and taking over" (2006-2007), organised with the co-operation of the Disabled Peoples' International (DPI), Italian Federation for Handicap Overcoming (FISH) and the National Council on Disability (CND), Region of Veneto.

UNESCO Chair on Human Rights, Democracy and Peace

The Chair, established in 1999, works in close co-operation with the Human Rights Interdepartmental Centre. Many activities are carried out in the form of joint venture of the two institutions. The Chairholder is Antonio Papisca, professor of International relations and International Protection of Human Rights, former Director of the European Master Degree in Human Rights and Democratisation. The identity of the Chair is marked, in particular, by the commitment to develop the concept of the "human right to peace", making reference to what has been provided in Italy since 1991 by many Municipalities and Provinces the Statutes of which include the formal recognition of peace as a fundamental right of the human being and of the peoples. The first example in this direction has been given by article 1 of the Bill of the Region of Veneto of 1988 (revised in 1999) on the promotion of a culture of peace and human rights. Especially in this context, the Chair and the Interdepartmental Centre co-operate actively with Ngos and movements connected with the "Pavola della Pace" (Peace Table) and the association "Italian Local Authorities for Peace and Human Rights", a network gathering hundreds

NGOs and local government institutions, in particular by providing scientific advice to prepare the “UN Peoples Assembly” (every two years) and of the related historical Peace March Perugia-Assisi. The sixth edition of the “UN Peo-

The Centre is currently carrying out two EU Projects:

- Daphne II: the Project is on “Human Rights and Trafficking in Women and Young People. An educational toolkit for teachers and students”.
- Support for setting up of Transnational Research Groups organised by the academic world: Jean Monnet Chairs, National ECSA Associations and Jean Monnet Centres of Excellence: the Project is on “The role of intercultural

The Centre organises several seminars and conferences on topics like Peace, UN Reform, Human Rights in the EU system, Intercultural dialogue, Disarmament, Children Rights, Trafficking, etc. On 1-4 March 2007 the Centre will organise an International Conference on the

Quarterly “Pace diritti umani/Peace human rights”

It is formally edited by the Padua Interdepartmental Centre and printed by Marsilio Editore, Venice (essays in Italian and in English) and is strongly policy-oriented. It is addressed to university establishments, civil society organisations, national and local government institutions.

The Bulletin Archivio Pace Diritti Umani (Peace Human Rights Archive)

It has been published since 1991 as a supplement of the Quarterly “Pace diritti umani/Peace human rights”, around 4000 copies distributed all over Italy, printed also in electronic version on the Web: <http://www.centrodirittiumani.unipd.it/>

Each edition is devoted to a specific topic. No. 1/2007 deals with human rights at the Council of Europe.

The Interdepartmental Centre continues the publication of *Quaderni* (volumes) and *Tascabili* (pocket books). The most recent are:

- Quaderno 13. Paolo De Stefani, Jane Hughes, Isabella Robbiani, Un’ospedale a

ples Assembly” took place on 7-10 September 2005 and was followed, on September 11, by the Peace March with the participation of around 300,000 people. (See also: <http://www.tavoladellapace.it/>).

dialogue for the development of a new (plural, democratic) citizenship”.

The Centre has also signed formal agreements with different bodies of the Region of Veneto (Regional Ombudsman, the Children Ombudsman, the Regional Department on Human Rights, Peace and Development Co-operation and the Regional Archive on Human Rights), to support their respective policies in the field of human rights, peace, international solidarity and intercultural dialogue

same subject of the European Research Project “Intercultural dialogue and citizenship. The role of intercultural dialogue for a new (plural, democratic) citizenship”, in co-operation with the European Commission-DG Education and Culture, and the Region of Veneto.

misura di bambino (Hospital on a children’s scale), Cleup, 2006

- Quaderno 12. Paola Degani, Politiche di genere e Nazioni Unite. Il sistema internazionale di promozione e protezione dei diritti umani delle donne (Gender policies and United Nations. The international machinery for the promotion and protection of women rights), Cleup, 2005

- Quaderno 11. Diritti umani, cittadinanza europea e dialogo interculturale. Esperienze e lavori delle scuole del Veneto (Human rights, European citizenship, intercultural dialogue. Experiences and outcomes of the Veneto schools), A.S. 2003/2004, Cleup, 2005

- Quaderno 10. Paolo De Stefani, Annalisa Buttici (eds.), Migranti minori. Percorsi di riconoscimento e garanzia dei diritti dei minori stranieri non accompagnati nel Veneto (Child migrants, Issues and projects relating to recognition and protection of foreign non accompanied children in Veneto), Cleup, 2005

- Tascabile n. 3, La difesa civica in Italia: le leggi regionali (Ombudsman institutions in Italy: the regional bills), (2005)

Special projects

Conferences and seminars

Publications

– Tascabile n. 4, Pace, diritti umani e cooperazione decentrata in Italia: le leggi regionali (Peace, human rights and

decentralised co-operation in Italy: the regional Bills) (2005).

Luxembourg Institut luxembourgeois des droits de l'homme

Université du Luxembourg

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L'Institut assure régulièrement, dans son Bulletin des droits de l'homme, la publication des décisions rendues par la Cour européenne des Droits de l'Homme dans lesquelles le Luxembourg était l'Etat défendeur. A l'avenir, il y ajoutera les Résolutions Droits de l'Homme adoptées par le Comité des Ministres du Conseil

de l'Europe concernant l'exécution des arrêts concernant le Luxembourg.

Au courant de l'année 2007, tous les volumes du Bulletin édités par l'Institut depuis 1993 seront mis sur Internet par la Faculté de Droit, d'Economie et de Finance de l'Université de Luxembourg.

Norway Norwegian Centre of Human Rights

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Research

The NCHR is a university centre at the Faculty of Law, University of Oslo. Approximately 20 researchers, among those a number of PhD students, are employed. In addition to studies of legal aspects of human rights, research is also

directed towards political, economic, social and cultural conditions for the realisation of human rights. Researchers are partly organised into discipline-based groups (law, social sciences) and partly into interdisciplinary research projects.

Training courses

– International two-year Master's degree programme on human rights
Master of Philosophy in The Theory And Practice of Human Rights
– Introduction to Human Rights Law
– Continuing education course for teachers at universities and colleges

– Internet-based course for employees of the Norwegian Foreign Service
– Electives in international human rights law and international humanitarian law for law students

National Human Rights Institution

As a National Human Rights Institution (NHRI) the NCHR shall foster greater awareness and monitor the fulfilment within Norway of internationally adopted human rights instruments. Fur-

ther, it shall provide consultation, education and information on matters concerning human rights, and initiate independent human rights related research activities.

International programmes

The Centre is involved in a number of programmes in order to strengthen human rights within Norwegian development assistance and international co-operation. This involvement is based on the Centre's own research and that of partner institutions. The projects span widely both geographically and thematically, and contribute to strengthening basic competence levels in Norway in

several areas. Geographically, these areas are mainly linked to China, South Africa and Indonesia; thematically, to democratisation (the NORDEM project), dialogue on religion (Oslo Coalition on Freedom of Religion or Belief), the Right to food, and the ICC Legal Tools project.

Nordem

The objective of NORDEM (Norwegian Resource Bank for Democracy and

Human Rights) is to make Norwegian personnel available for international assignments which promote democracy

and respect for human rights, including election observations and monitoring democratisation processes.

The NCHR library holds a highly updated and extensive collection of human rights literature – probably the best in Norway. It is open to the public, and the main parts of collection may be

searched in the library system available on its web pages: <http://www.humanrights.uio.no/english/library/>

Library

Publications series: *NORDEM Report*. Additionally, the NCHR publishes the journal *Nordisk Tidsskrift for Menneskerettigheter* (Nordic Journal of Human

Rights) jointly with the other Nordic human rights institutes and a number of NGOs.

Publications

Ius Gentium Conimbrigae (Institute of International Law and Cooperation with Portuguese-speaking States and Communities)

Faculty of Law, University of Coimbra, P-3004-545 Coimbra

Tel: +351 239 824 478/Fax: +351 239 823 353

E-mail: iusgenti@fd.uc.pt/Site Internet: <http://www.fd.uc.pt/ige/>

Portugal

– The *Post-graduate Course in Human Rights and Democratisation* works simultaneously as an integrated part of the European Master's Degree in Human Rights and Democratisation, established in Venice and organised by a consortium of over thirty universities in the European Union, and as an independent post-graduate course, which is open to anyone interested. Partly delivered in English, the course is multidisciplinary in nature, with a broad scope.

– The *Summer Courses*, which are also in English, offer a great opportunity for cul-

tural exchange. Each year's course focuses on a separate topic of the human rights agenda.



– The Centre takes part in the European Master's Degree in Human Rights.

Teaching and training

The *Autumn Conference* takes place each year on the anniversary of the Universal Declaration of Human Rights. Each year,

these international conferences focus on a specific issue of the human rights agenda.

Seminars and conferences

The Centre is a member of the *European Union Network of Experts in Fundamental Rights*, who are in charge of monitoring the EU Charter of Fundamental Rights

in the member states. The Network issues annual reports and thematic comments, whenever requested by the Union.

International co-operation

– The Centre issues publications on its different activities, namely studies on the EU Charter of Fundamental Rights, on the International Criminal Court, on women's rights, etc.

– It also publishes papers focusing on the Centre's teaching and research activities.

– The Centre keeps an *Online Portuguese Human Rights Encyclopaedia* (<http://www.fd.uc.pt/hrc/enciclopedia/>).

Publications

Romania

IRDO

Romanian Institute for Human Rights

B-dul Nicolae Bălcescu nr. 21, Bucurest

Tel: 40 21 311 4921/Fax: 40 21 311 4923

E-mail: office@irdo.ro

Conferences, debates, round tables

- Cycle of debates on “Human Rights in the European Union”, organised for researchers, teachers and students. The topics dealt with included: “Human Rights and the Communitarian Acquis”, “Draft of the European Constitution and Human Rights”, “Promotion and Protection of Human Rights: Information and Education”
- Round Table on “Average term objectives with human rights education”, on the occasion of United Nations” launching of the 2nd World Decade of Human Rights Education
- Cycle of debates on “Human Rights in the United Nations System”, organised for researchers, professors and students. The topics dealt with included: “UN Institutions and Mechanisms in the System of Human Rights”, “Special Mechanisms Established for the Application of the UN Human Rights Instruments”, “Special Procedures and Their Role for the Protection of Human Rights in the United Nations System”
- In the period 18-26 March 2006, IRDO launched the “European Week of Action against Racism”, which included debates on such topics as: “Practices and Means of School Education against Racial Discrimination”, “Equality and Non-Discrimination”, “Stadiums – A Space Free of Racism”
- Round Table on “Freedom of Expression – A Fundamental Right, the Cornerstone of All Rights and Freedoms”, organised in collaboration with the Romanian Association for the United Nations.
- International symposium on “Human Rights – Spiritual Dimension and Civic Action”, organised in partnership with the Metropolitan Church of Moldova and Bucovina, the Romanian-Catholic Bishopric, and the “Al. I. Cuza” University of Iași
- Symposium on “Protection of Human Rights at European Level”, organised in collaboration with the Romanian Association for the United Nations, the UNESCO Chair for Human Rights, Democracy, Peace and Tolerance and the Victor Dan Zlătescu Club of Cheia Association
- Round Table on “Evolution of the Romanian Population and Provision of Equality of Opportunities for Men and Women”, organised in collaboration with the Victor Dan Zlătescu Club of Cheia Association
- Round Table on “Equality of Opportunities, Equality of Treatment”, organised in collaboration with the Romanian Association for Women’s Rights to mark the 19th anniversary of the UN International Convention for the Elimination of All Forms of Discrimination against Women
- Meeting in Baia Mare on “The Council of Europe and Human Rights”, organised in collaboration with the UNESCO Chair for Human Rights, Democracy, Peace and Tolerance, to mark the 13th anniversary of Romania’s accession to the Council of Europe, as part of the cycle of activities devoted to the Council of Europe

Teaching

- Human rights training course on “Protection of Human Rights – Proceedings through the Advocate of the People and the Administrative Disputed Matters”.
- 12th edition of the International University of Human Rights, organised in collaboration with the UNESCO Chair for Human Rights, Democracy, Peace and Tolerance and the Romanian Association for the United Nations – ANUROM, in Baia Mare and Șuior.
- Training-informing courses on human rights issues addressed to the staff of the police, justice, universities, and pre-university educational units.

Periodicals

- The quarterly “Drepturile Omului” (Human Rights)
- “Info-IRDO”, a monthly information bulletin.

Publications

- Principalele instrumente internaționale privind drepturile omului la care România este parte, vol. I, Instrumente universale (Basic international human rights instruments where Romania is a party, 1st volume, Universal instruments)
- Principalele instrumente internaționale privind drepturile omului

- la care România este parte, vol. II, Instrumente regionale (Basic international human rights instruments where Romania is a party, 2nd volume, Regional instruments)
- Din jurisprudență Curții Europene a Drepturilor Omului. Cazuri cu privire la România (Jurisprudence of the European Court of Human Rights. Cases involving Romania)
- Libertatea de exprimare și protecția minorilor în audiovizual, autori Mihaela Botnaru, Rodica Anghel (Freedom of expression and protection of juveniles in the audiovisual field, authors Mihaela Botnaru, Rodica Anghel)

Publications

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Spain

Annual course on human rights

This course is organised every year. The next edition will take place during the first three months of 2007.

It is addressed to students of legal, economic and social sciences, administration officials, bodies and security forces, lawyers, social workers, economists and all other professionals related to this matter.

Lecturers of recognised national and international prestige are in charge of the conferences.

Scholarships

Among the participants in the Annual Course of Human Rights who write a paper about the protection of human rights, the IDHC awards different kinds of scholarship: internships and visits to the Office of the United Nations High

Commissioner of Human Rights, in Geneva; to the Council of Europe and the European Court of Human Rights, in Strasbourg; to the Office of the Ombudsman of Catalonia, in Barcelona; to the Office of IDHC in Barcelona, through the European program Leonardo.

Human Rights Training for Voluntary Workers

The second edition of this course will take place at the end of January 2007. The main purpose of the course is to provide those who work in different areas of co-operation for development the necessary tools to understand the international reality through the knowledge and study of the international law of human rights, humanitarian law, and international criminal law.

Teaching

The IDHC organises promotional activities in connection with human rights, such as:

- Participative process in the final drafting of the *Charter of Emerging Rights*. The text is a programmatic instrument of the international civil society called to

be adopted by state bodies and other institutional forums, which seeks to define human rights in the 21st century, and to face the new challenges of our globalised world.

- On-line resources about “*forgotten conflicts*”.

Promotional activities

The Institute does scientific advising in the field of human rights to public institutions and private entities, most of

them in respect of the “European Charter for Safeguarding Human Rights in Cities”.

Legal advice

Publications**Forgotten Conflicts Serial: Nepal**

This monograph contains a research about the conflict and compiles the speeches by the participants in a Round Table which took place in October 2006.

The Iraq conflict and international humanitarian law

Analysis of the Iraq conflict from the point of view of the applicable law to each phase of the conflict.

Library**Bibliographical resources**

The IDHC holds in its head office a vast library on human rights. More than 1 000 monographs, several collections of specialised magazines and publications of international organisations and other institutions which work for the defence, study and promotion of human rights

comprise the IDHC's bibliographical resources.

On-line resources

On the IDHC's website, the on-line library contains a selection of sources about human rights and basic legislative documentation.

Instituto de Derechos Humanos « Bartolomé de las Casas »

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Publications

– AA.VV., *Derechos fundamentales, Valores y Multiculturalismo*, (eds.) Fco. Javier Ansuátegui, J. A. López García, A. del Real y R. Ruiz, colección Derechos humanos y Filosofía del Derecho, Instituto de Derechos Humanos "Bartolomé de las Casas" y Dykinson, Madrid, 2005.

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– Campoy Cervera, I., *La fundamentación de los derechos de los niños. Modelos de reconocimiento y protección*, Dykinson, Madrid, 2006

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– Peces-Barba, G. (en colaboración con Asís Roig, R./Barranco Avilés, M^a Del C.) *Lecciones de Derechos Fundamentales*, Dykinson, Madrid, 2005.

– Pérez de la Fuente, O., *Pluralismo cultural y derechos de las minorías*, Dykinson, Madrid, 2006.

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Cuadernos « Bartolomé De Las Casas »

– N° 34. Perez Luño, A. E., *Las dimensiones de la igualdad*, Instituto de Derechos Humanos "Bartolomé de las Casas" y Dykinson, Madrid, 2005.

– N° 35. Perez De La Fuente, O., *La polémica liberal comunitarista. Paisajes después*

de la batalla, Instituto de Derechos Humanos "Bartolomé de las Casas" y Dykinson, Madrid, 2005.

– N° 36. Aranda, E., *Estudios sobre la Ley Integral de la violencia de género*, Instituto de Derechos Humanos "Bartolomé de las Casas" y Dykinson, Madrid, 2006.

– N° 37. Rodríguez Gaona, R., *El control constitucional de la Reforma a la Constitución*, Instituto de Derechos Humanos "Bartolomé de las Casas" y Dykinson, Madrid, 2006.

– N° 38. Ruiz Ruiz, R., *Lo orígenes del Republicanismo Clásico*, Instituto de Derechos Humanos "Bartolomé de las Casas" y Dykinson, Madrid, 2006.

– Rodríguez Palop, M^a E./Campoy Cervera, I./Rey Pérez, J. L. (Editores), *Desafíos actuales a los Derechos Humanos: La violencia de género, la inmigración y los medios de comunicación*, Debates del Instituto Bartolomé de las Casas num. 3, Dykinson, Madrid 2005.

– Ribotta, Silvina (ed.), *La educación en Derechos Humanos*, Debates del Instituto Bartolomé de las Casas, num. 4, Dykinson, Madrid, 2006

– Campoy Cervera, I. (ed.), *Una discusión sobre la universalidad de los derechos humanos y la inmigración*, Debates del Instituto Bartolomé de las Casas, núm. 5, Dykinson, Madrid, 2006

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sobre el derecho a la paz, Debates del Instituto Bartolomé de las Casas, núm. 6, Dykinson, Madrid, 2006

– Pintore, A., *El Derecho sin verdad*, traducción de Isabel Garrido y José Luís del Hierro, IDHBC-Dykinson, Madrid, 2005

– Zolo, D., *Los señores de la paz. Una crítica del globalismo jurídico*, traducción de Roger Campione, IDHBC-Dykinson, Madrid, 2005

Revistas Derechos y Libertades

Derechos y Libertades es la revista semestral que publica el Instituto de Derechos Humanos Bartolomé de las Casas de la Universidad Carlos III de Madrid

Director: Gregorio Peces-Barba Martínez

Subdirectores: Ángel Llamas y Francisco Javier Ansuátegui

Secretario: Oscar Pérez de la Fuente

Nº 14 (Enero/2006)

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Derechos humanos y Revolución inglesa, J.C. Davis

El liberalismo de Isaiah Berlin. La libertad, sus formas y sus límites, Juan Antonio García Amado

Aspectos constitucionales de la identidad cultural, Peter Häberle

Teorías institucionalistas del Derecho (esbozo de una voz de enciclopedia), Massimo La Torre

Hans Kelsen: una biografía cultural mínima, Mario Losano

El derecho a la salud: un derecho social esencial, José Martínez de Pisón

La positividad de los derechos sociales: su enfoque desde la filosofía del derecho, Antonio-Enrique Pérez Luño

La dialéctica de Spinoza y las paradojas de la tolerancia: ¿un fundamento para el pluralismo?, Michel Rosenfeld

Hans Kelsen y el Derecho internacional, Luis Villar Borda

La cuestión del Imperio hoy, Yves Charles Zarka

Recensiones

Francisco Javier Ansuátegui Roig, Juan Antonio López García, Alberto del Real, Ramon Ruiz Ruiz (eds.), *Derechos fundamentales, valores y multiculturalismo*, col.

Derechos humanos y Filosofía del Derecho, Dykinson, Madrid, 2005, Alberto Iglesias Garzón

Prudencio García, *El Genocidio de Guatemala a la luz de la Sociología militar*, SEPHA, Madrid, 2005, Diego Blázquez Martín

Pedro Cruz Villalón, *La constitución inédita. Estudios ante la constitucionalización de Europa*, Editorial Trotta, Madrid, 2004, Esteban Greciet García

María del Carmen Barranco Avilés, *Derechos y decisiones interpretativas*, Marcial Pons, Madrid, 2004, Patricia Cuenca Gómez

Ma José Parejo Guzman, *La eutanasia ¿un derecho?*, Thomson Aranzadi, Navarra, 2005, Óscar Celador Antón

Nº 15 (Junio/2006)

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Rousseau y la soberanía del pueblo, Yves Charles Zarka

Algunas estrategias para la virtud cosmopolita, Oscar Pérez de la Fuente

El republicanismo de Pettit y el Estado ético de Aranguren (no-dominación y acceso a la política desde la ética): una aproximación formal a ambas teorías, Juan Carlos Rincón Verdera

Pluralismo, conflictos trágicos de valores y diseño institucional. En torno a algunas ideas de Isaiah Berlin, Guillermo Lariguet

Razón práctica y argumentación en Maccormick: de la descripción a la justificación crítico-normativa, Leonor Suárez Llanos

A vueltas con el paternalismo jurídico, Miguel A. Ramiro Avilés

Cuestiones jurídicas sobre el derecho al desarrollo como derecho humano, Ana Manero Salvador

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Gregorio Robles Morchón, *La influencia del pensamiento alemán en la sociología de Émile Durkheim*, Luis Lloredo Alix

Massimo La Torre y Alberto Scerbo (a cura di), *Diritti, procedure, virtù. Seminari catanzaresi di filosofia del diritto*, Carlos Lema Añón

Asis Roig, Rafael de, *Cuestiones de Derechos*, Alberto Iglesias Garzón

Universitas, revista electrónica de filosofía, derecho y política

Sumario del Número 2, Verano de 2005

Portada

Entrevista a Craig Calhoun, por Daniel Gamper

Trabajos de investigación. Reflexiones sobre el estudio de los derechos humanos y su fundamentación, por Marline Maxine Harrison

El papel de la justicia en los procesos de reconciliación, por Marta Salomón Moreno

Ciudadanía, derechos y bienestar: un análisis del modelo de ciudadanía de T.H. Marshall, por Marcos Freijeiro Varela

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« Crisis de la ley », principios constitucionales y seguridad jurídica, por Edgardo Rodríguez Gómez

Postgrados del instituto en el curso académico 2006/07

Postgrado en Estudios Avanzados en Derechos Humanos (Director: Prof. Francisco Javier Ansuátegui Roig)

– Máster en Estudios Avanzados en Derechos Humanos

Apuntes acerca de la educación jurídica clínica, por Diego Blázquez Martín

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Una nueva izquierda es posible: rescatando el pensamiento de Rosa Luxemburgo, por Pablo E. Slavin

Dar sentido y efectividad a los derechos humanos para los niños indígenas, por Bénédicte Lucas

La gobernanza de las víctimas del terrorismo, por Ariel Alejandro Tapia Gómez

– Doctorado en Derecho (Programa Derechos Fundamentales)

– Máster en Derechos Fundamentales (Director: Prof. Miguel Ángel Ramiro Avilés)

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Sweden

In June 2006 the Institute held its annual Spöring Lönnroth debating competition for young lawyers' teams from the Nordic countries. The event took place in Helsinki. This year's winner was Club St Erik, from Stockholm.

The proceedings of the debating competition are published by the Institute.



Competition

Appendix

Simplified chart of ratifications of European human rights treaties

	European Convention on Human Rights	Protocol No. 1	Protocol No. 4	Protocol No. 6	Protocol No. 7	Protocol No. 12	Protocol No. 13	Protocol No. 14	European Social Charter	European Social Charter (Revised)	CPT European Convention for the Prevention of Torture	Framework Conv. of National Minorities	Convention on Trafficking in Human Beings
Albania	02.10.96	02.10.96	02.10.96	21.09.00	02.10.96	26.11.04		03.02.06		14.11.02	02.10.96	28.09.99	
Andorra	22.01.96			22.01.96			26.03.03	17.07.06		12.11.04	06.01.97		
Armenia	26.04.02	26.04.02	26.04.02	29.09.03	26.04.02	17.12.04		07.01.05		21.01.04	18.06.02	20.07.98	
Austria	03.09.58	03.09.58	18.09.69	05.01.84	14.05.86		12.01.04	23.01.06	29.10.69		06.01.89	31.03.98	12.10.06
Azerbaijan	15.04.02	15.04.02	15.04.02	15.04.02	15.04.02			19.05.06		02.09.04	15.04.02	26.06.00	
Belgium	14.06.55	14.06.55	21.09.70	10.12.98			23.06.03	14.09.06	16.10.90	02.03.04	23.07.91		
Bosnia and Herzegovina	12.07.02	12.07.02	12.07.02	12.07.02	12.07.02	29.07.03	29.07.03	19.05.06		07.06.00	12.07.02	24.02.00	
Bulgaria	07.09.92	07.09.92	04.11.00	29.09.99	04.11.00		13.02.03	17.11.05			03.05.94	07.05.99	
Croatia	05.11.97	05.11.97	05.11.97	05.11.97	05.11.97	03.02.03	03.02.03	30.01.06	26.02.03		11.10.97	11.10.97	
Cyprus	06.10.62	06.10.62	03.10.89	19.01.00	15.09.00	30.04.02	12.03.03	17.11.05	07.03.68	27.09.00	03.04.89	04.06.96	
Czech Republic	18.03.92	18.03.92	18.03.92	18.03.92	18.03.92		02.07.04	19.05.06	03.11.99		07.09.95	18.12.97	
Denmark	13.04.53	13.04.53	30.09.64	01.12.83	18.08.88		28.11.02	10.11.04	03.03.65		02.05.89	22.09.97	
Estonia	16.04.96	16.04.96	16.04.96	17.04.98	16.04.96		25.02.04	26.01.06		11.09.00	06.11.96	06.01.97	
Finland	10.05.90	10.05.90	10.05.90	10.05.90	10.05.90	17.12.04	29.11.04	07.03.06	29.04.91	21.06.02	20.12.90	03.10.97	
France	03.05.74	03.05.74	03.05.74	17.02.86	17.02.86			07.06.06	09.03.73	07.05.99	09.01.89		
Georgia	20.05.99	07.06.02	13.04.00	13.04.00	13.04.00	15.06.01	22.05.03	10.11.04		22.08.05	20.06.00	22.12.05	
Germany	05.12.52	13.02.57	01.06.68	05.07.89			11.10.04	11.04.06	27.01.65		21.02.90	10.09.97	
Greece	28.11.74	28.11.74		08.09.98	29.10.87		01.02.05	05.08.05	06.06.84		02.08.91		
Hungary	05.11.92	05.11.92	05.11.92	05.11.92	05.11.92		16.07.03	21.12.05	08.07.99		04.11.93	25.09.95	
Iceland	29.06.53	29.06.53	16.11.67	22.05.87	22.05.87		10.11.04	16.05.05	15.01.76		19.06.90		
Ireland	25.02.53	25.02.53	29.10.68	24.06.94	03.08.01		03.05.02	10.11.04	07.10.64	04.11.00	14.03.88	07.05.99	
Italy	26.10.55	26.10.55	27.05.82	29.12.88	07.11.91			07.03.06	22.10.65	05.07.99	29.12.88	03.11.97	
Latvia	27.06.97	27.06.97	27.06.97	07.05.99	27.06.97			28.03.06	31.01.02		10.02.98	06.06.05	
Liechtenstein	08.09.82	14.11.95	08.02.05	15.11.90	08.02.05		05.12.02	07.09.05		29.06.01	12.09.91	18.11.97	
Lithuania	20.06.95	24.05.96	20.06.95	08.07.99	20.06.95		29.01.04	01.07.05			26.11.98	23.03.00	
Luxembourg	03.09.53	03.09.53	02.05.68	19.02.85	19.04.89	21.03.06	21.03.06	21.03.06	10.10.91		06.09.88		
Malta	23.01.67	23.01.67	05.06.02	26.03.91	15.01.03		03.05.02	04.10.04	04.10.88	27.07.05	07.03.88	10.02.98	

	European Convention on Human Rights	Protocol No. 1	Protocol No. 4	Protocol No. 6	Protocol No. 7	Protocol No. 12	Protocol No. 13	Protocol No. 14	European Social Charter	European Social Charter (Revised)	CPT European Convention for the Prevention of Torture	Framework Conv. for the Protection of National Minorities	Convention on Trafficking in Human Beings
Moldova	12.09.97	12.09.97	12.09.97	12.09.97	12.09.97		18.10.06	22.08.05		08.11.01	02.10.97	20.11.96	19.05.06
Monaco	30.11.05	30.11.05	30.11.05	30.11.05	30.11.05		30.11.05	10.03.06			30.11.05		
Netherlands	31.08.54	31.08.54	23.06.82	25.04.86		28.07.04	10.02.06	02.02.06	22.04.80	03.05.06	12.10.88	16.02.05	
Norway	15.01.52	18.12.52	12.06.64	25.10.88	25.10.88		16.08.05	10.11.04	26.10.62	07.05.01	21.04.89	17.03.99	
Poland	19.01.93	10.10.94	10.10.94	30.10.00	04.12.02			12.10.06	25.06.97		10.10.94	20.12.00	
Portugal	09.11.78	09.11.78	09.11.78	02.10.86	20.12.04		03.10.03	19.05.06	30.09.91	30.05.02	29.03.90	07.05.02	
Romania	20.06.94	20.06.94	20.06.94	20.06.94	20.06.94	17.07.06	07.04.03	16.05.05		07.05.99	04.10.94	11.05.95	21.08.06
Russia	05.05.98	05.05.98	05.05.98		05.05.98						05.05.98	21.08.98	
San Marino	22.03.89	22.03.89	22.03.89	22.03.89	22.03.89	25.04.03	25.04.03	02.02.06			31.01.90	05.12.96	
Serbia	03.03.04	03.03.04	03.03.04	03.03.04	03.03.04	03.03.04	03.03.04	06.09.05			03.03.04	11.05.01	
Slovakia	18.03.92	18.03.92	18.03.92	18.03.92	18.03.92		18.08.05	16.05.05	22.06.98		11.05.94	14.09.95	
Slovenia	28.06.94	28.06.94	28.06.94	28.06.94	28.06.94		04.12.03	29.06.05		07.05.99	02.02.94	25.03.98	
Spain	04.10.79	27.11.90		14.01.85				15.03.06	06.05.80		02.05.89	01.09.95	
Sweden	04.02.52	22.06.53	13.06.64	09.02.84	08.11.85		22.04.03	17.11.05	17.12.62	29.05.98	21.06.88	09.02.00	
Switzerland	28.11.74			13.10.87	24.02.88		03.05.02	25.04.06			07.10.88	21.10.98	
"the former Yugoslav Republic of Macedonia"	10.04.97	10.04.97	10.04.97	10.04.97	10.04.97	13.07.04	13.07.04	15.06.05	31.03.05		06.06.97	10.04.97	
Turkey	18.05.54	18.05.54		12.11.03			20.02.06	02.10.06	24.11.89		26.02.88		
Ukraine	11.09.97	11.09.97	11.09.97	04.04.00	11.09.97	27.03.06	11.03.03	27.03.06			05.05.97	26.01.98	
United Kingdom	08.03.51	03.11.52		20.05.99			10.10.03	28.01.05	11.07.62		24.06.88	15.01.98	

Updated: 07.12.06
 Ratifications between **31.07.06** and **31.10.06** are highlighted

Full information on the state of signatures and ratifications of Council of Europe conventions can be found on the Treaty Office's Internet site: <http://conventions.coe.int/>

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