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COUNCIL OF EUROPE CONSEIL DE L'EUROPE

The Council of Europe Convention on Action against Trafficking in Human Beings received its tenth ratification on 24 October 2007. It will therefore enter into force on 1 February 2008. GRETA, the group of independent experts on action against trafficking in human beings responsible for monitoring implementation of the Convention, will be set up in 2008.

Georgia
Albania
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Bulgaria
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Austria
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Cyprus
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Human rights information bulletin

No. 72, July-October 2007

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Protocol No. 13 was ratified by **France** on 10 October 2007.

[Note: The Protocol bans the death penalty in all circumstances, including for crimes committed in times of war and imminent threat of war.]

European Social Charter

The European Social Charter (revised) was signed by **Turkey** on 27 June 2007.

Turkey made the following declaration:

"In accordance with Part III, Article A, of the European Social Charter (revised), the Republic of Turkey declares that it considers itself bound by the following articles, paragraphs and sub-paragraphs of Part II of the revised Charter: Article 1, Article 2, paragraphs 1, 2, 4, 5, 6 and 7, Article 3, Article 4, paragraphs 2, 3, 4 and 5, Articles 7 to 31."

Council of Europe Convention on Action against Trafficking in Human Beings

The Convention was signed by **Hungary** on 10 October 2007, and ratified by **Croatia** on 5 September 2007, **Denmark** on 19 September 2007 and **Cyprus** on 24 October 2007.

The Convention will enter into force on 1 February 2008.

Denmark made the following reservation and declaration:

"In accordance with Article 31, paragraph 2, of the Convention, Denmark reserves the right not to apply Article 31, paragraph 1.e., of the Convention.

[Note: Article 31, paragraph 1.e., says: Each Party shall adopt such legislative and other measures as may be necessary to establish jurisdiction over any offence established in accordance with this Convention, when the offence is committed against one of its nationals.]

Denmark declares that the Convention shall not apply to the Faroe Islands and Greenland until further decision."

Protecting children against sexual exploitation and abuse

The new Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse was opened for signature on 25 October 2007. It was signed the same day by Austria, Belgium, Bulgaria, Croatia, Cyprus, Finland, France, Germany, Greece, Ireland, Italy, Lithuania, Moldova, the Netherlands, Norway, Poland, Portugal, Romania, San Marino, Serbia, Slovenia, Sweden, "the former Yugoslav Republic of Macedonia" and Turkey.

See also page page 53.

Internet: http://conventions.coe.int/

European Court of Human Rights

The judgments summarised below constitute a small selection of those delivered by the Court. More extensive information can be found in the HUDOC database of the case-law of the European Convention on Human Rights.

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

Court's case-load statistics (provisional), 1 July-31 October 2007:

- 432 (457) judgments delivered
- 399 (425) applications declared admissible, of which 362 (385) in a judgment on the merits and 37 (40) in a separate decision
- 7 508 (7 547) applications declared inadmissible
- 410 (418) applications struck off the list.

The figure in parentheses reflects the fact that a judgment/decision may concern more than one application.

The procedure of joint examination of admissibility and merits under Article 29 §3 of the Convention is now used frequently. Separate admissibility decisions are only adopted in more complex cases. This facilitates the processing of applications, doing away with one procedural step.

Internet: 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.

Lindon, Otchakovsky-Laurens and July v. France

Articles 6 §1 and 10 (no violation)

Judgment of 22 October 2007. Concerns: allegation by a publishing house and an author of a violation of the right to freedom of speech. The author also complained of a lack of fairness of the proceedings.

Facts and complaints

The applicants, Mathieu Lindon, Paul Otchakovsky-Laurens and Serge July, are French nationals who were born in 1955, 1944 and 1949 respectively and who all live in Paris. Mr Lindon is a writer, Mr Otchakovsky-Laurens is the chairman of the board of directors of the publishing company POL, and Mr July was the publication director of *Libération* at the time in question.

In August 1998 POL published a novel by Mr Lindon called *Le Procès de Jean-Marie Le Pen* (Jean-Marie Le Pen on Trial). The novel recounts the trial of a Front National militant who, while putting up posters for his party with other militants, committed the cold-blooded murder of a young man of North African descent and later admitted that it was a racist crime. The novel is based on real events and in particular the murders, in 1995, of Brahim Bouaram, a young Moroccan who was thrown into the River Seine by skinheads during a Front National march, and of Ibrahim Ali, a young Frenchman of Comorian origin who was killed in Marseilles by Front National militants. The novel raises questions about the responsibility of Mr Le Pen, Chairman of the Front National, for murders committed by militants, and about the effectiveness of strategies to combat the far right.

Following the publication of the novel, the Front National and Mr Le Pen brought defamation proceedings against Mr Lindon and Mr Otchakovsky-Laurens.

On 11 October 1999 the Paris Criminal Court convicted Mr Otchakovsky-Laurens of defamation and Mr Lindon of complicity in that of-

fence. They were each fined the equivalent of €2 286.74 and ordered to pay, jointly, €3 811.23 in damages both to Mr Le Pen and the Front National. The court found four passages from the book to be defamatory:

1 that Mr Le Pen led "a gang of killers" and that "people would have voted for Al Capone too";
2 that the Front National used violence against anyone who left the party;
3 that behind each of Mr Le Pen's assertions "loomed the spectre of the worst abominations of the history of mankind"; and,
4 that he was a "vampire" who thrived on the "bitterness of his electorate, but sometimes also on their blood, like the blood of his enemies" and that he was a liar who used defamation against his opponents to deflect accusations away from himself.

On 16 November 1999 *Libération* published a petition, signed by 97 contemporary writers, in its "Rebonds" column protesting about the conviction of Mr Lindon and Mr Otchakovsky-Laurens. The petition disputed whether the passages in question were in fact defamatory and reproduced them verbatim.

Mr July was subsequently summoned by the Front National and Mr Le Pen to appear before the Paris Criminal Court, which, in a judgment of 7 September 2000, found him guilty of defamation and sentenced him to pay a fine equivalent to €2 286.74 and €3 811.23 in damages, for having reproduced the relevant passages from the novel.

In a judgment of 13 September 2000 on an appeal lodged by Mr Lindon and Mr Otchakovsky-Laurens, the Paris Court of Appeal upheld their convictions in respect of three passages (1, 3 and 4 above). The court reasoned that the author had sufficiently distanced himself only from the views expressed in relation to passage No. 2; the other three passages had not been subjected to basic verification and were not sufficiently dispassionate. On 27 November 2001 a further appeal on points of law was dismissed by the Court of Cassation.

On 21 March 2001 Mr July's conviction was upheld by the Paris Court of Appeal, which found that the authors of the petition had intended to show their support for Mr Lindon "by repeating with approval, out of defiance, all the passages that had been found defamatory by the court, and without really calling into question the defamatory nature of the remarks". The court went on: "its line of argument is built around reference to precise facts. There was therefore an obligation to carry out a meaningful investigation before making particularly serious accusations such as incitement to commit murder, and to avoid offensive expressions". On 3 April 2002 the Court of Cassation dismissed Mr July's appeal on points of law.

The applicants complained that their criminal convictions were in violation of Article 10. Mr July also complained, under Article 6 §1, that he was not heard by an independent court, as two of the three judges on the bench of the Paris Court of Appeal which ruled on his case had also sat on the bench which upheld the convictions of Mr Lindon and Mr Otchakovsky-Laurens.

Decision of the Court

Article 10

The Court found that applicants' convictions had a clear, legal basis (sections 29 and 32 of the Freedom of the Press Act of 29 July 1881). French case-law indicated that Section 29 of the act covered fiction, where the honour or reputation of a clearly identified individual was concerned. The Court further found that their conviction pursued the legitimate aim of protecting the reputation or rights of others.

Concerning the writer and publisher

The Court reiterated that those who creates or distributes a work, for example of a literary nature, contributes to the exchange of ideas and opinions which was essential for a democratic society. Hence the obligation on the state concerned not to encroach unduly on their freedom of expression. However, it appeared that the penalty imposed on Mr Lindon and Mr Otchakovsky-Laurens concerned not the arguments expounded in the novel but the content of certain passages.

The Court recalled that novelists, other creators and anyone exercising freedom of expression had duties and responsibilities.

The domestic courts' view on whether the passages in question were defamatory could not be criticised in view of the virulent content of those passages and the fact that they specifically named the Front National and its chairman.

It was also apparent that it was for the author's benefit that the Court of Appeal sought to determine those remarks from which the author clearly distanced himself in his work. As a result, the court found that one of the four passages was not defamatory.

The Court of Appeal's findings that the three passages had not been subjected to basic verification was in line with the European Court's case-law. In order to assess the justification of a statement, a distinction needed to be made between statements of fact and value judgments. While the existence of facts could be demonstrated, the truth of value judgments was not susceptible of proof. Even where a statement amounted to a value judgment, however, there had to exist a sufficient factual basis to support it. Generally speaking there was no need to make that distinction when dealing with extracts from a novel. It nevertheless became fully pertinent when, as in the applicants' case, the work in question was not one of pure fiction but introduced real characters or facts. It was all the more acceptable to require the applicants to show that the allegations contained in the passages from the novel that were found to be defamatory had a "sufficient factual basis" as they were not merely value judgments but also allegations of fact. Overall the Court considered that the Court of Appeal had adopted a measured approach and that it had made a reasonable assessment of the facts.

Having regard to the content of the offending passages, the Court also considered that the Court of Appeal's finding that they were not sufficiently "dispassionate" was compatible with its case-law.

It was true that, while an individual taking part in a public debate on a matter of general concern was required not to overstep certain limits as regards respect for the reputation and rights of others, he or she was allowed to have recourse to a degree of exaggeration or even provocation, or to make somewhat immoderate statements.

It was also true that the limits of acceptable criticism were wider as regards a politician or a political party – such as Mr Le Pen and the Front National – when discussing them in that capacity, than as regards a private individual. This was particularly true in the applicants' case as Mr Le Pen, a leading politician, was known for the virulence of his speech and his extremist views, on account of which he had been convicted a number of

times on charges of incitement to racial hatred, trivialising crimes against humanity, making allowances for atrocities, apologia for war crimes, proffering insults against public figures and making offensive remarks. As a result, he had exposed himself to harsh criticism and had therefore to display a particularly high degree of tolerance in that context.

The Court nevertheless considered that the Court of Appeal made a reasonable assessment of the facts in the applicants' case in finding that to liken an individual, though a politician, to the leader of "a gang of killers", to assert that a murder, even one committed by a fictional character, was "advocated" by him, and to describe him as a "vampire who thrives on the bitterness of his electorate, but sometimes also on their blood", "oversteps the permissible limits in such matters".

Considering that those involved in political struggles should show a minimum degree of moderation and propriety, the Court also noted that the passages were such as to stir up violence and hatred, going beyond what was tolerable in political debate, even in respect of a figure who occupied an extremist position in the political spectrum.

The Court therefore found that the "penalty" imposed on the applicants was based on "relevant and sufficient" reasons. The amount of the fine was also moderate. The Court concluded that the measures taken against the applicants were not disproportionate to the legitimate aim pursued and that the interference with the applicants' right to freedom of expression was necessary in a democratic society.

Concerning the newspaper

It appeared to the Court that Mr July was convicted because *Libération* had published a petition which reproduced extracts from the novel containing "particularly serious allegations" and offensive remarks, and whose signatories, repeating those allegations and remarks with approval, denied that the extracts were defamatory in spite of a finding to that effect against Mr Lindon and Mr Otchakovsky-Laurens.

The Court reiterated that protecting the right of journalists to impart information on issues of general interest required that they act in good faith and on an accurate factual basis and provide "reliable and precise" information in accordance with the ethics of journalism. Freedom of expression carried with it "duties and responsibilities", which also applied to the media even with respect to matters of serious public concern. Moreover, those "duties and responsibilities" were liable to assume significance when there was a risk of attacking the reputation of a named individual and infringing the "rights of others". Thus, special grounds were required before the media could be dispensed from their ordinary obligation to verify factual statements that were defamatory of private individuals.

Having regard to the moderate nature of the fine and the damages that Mr July was ordered to pay, to the content of the passages and to the potential impact on the public of the remarks found to be defamatory on account of their publication by a national daily newspaper with a large circulation, the Court found that the interference was proportionate to the aim pursued. The Court concluded that the domestic court could reasonably find that the interference with the exercise by the applicant of his right to freedom of expression was necessary in a democratic society, in order to protect the reputation and rights of Mr Le Pen and the Front National.

There had therefore been no violation of Article 10 concerning any of the applicants.

Article 6 §1

In Mr July's case, the fear of a lack of impartiality stemmed from the fact that two of the three judges on the bench which upheld his conviction for defamation had already ruled on the defamatory nature of three of the offending passages from the novel which were cited in the petition. The Court understood that that situation might have aroused doubts in Mr July's mind as to the impartiality of the "tribunal" which heard his case, but considered that such doubts were not objectively justified.

In addition, the Court was unable to find the slightest indication that those judges might have felt personally targeted by the offending article. There was therefore no evidence to suggest that the two judges in question were influenced by personal prejudice when they passed judgment.

The Court noted that, even though they were connected, the facts in the two cases differed and the "accused" was not the same. It was moreover clear that the judgments delivered in the case of Mr Lindon and Mr Otchakovsky-Laurens did not contain any presupposition as to the guilt of Mr July.

In the judgment given on 21 March 2001 in Mr July's case, the Paris Court of Appeal referred back, in respect of the defamatory nature of the passages in question, to the judgment that it had given on 13 September 2000 in the case of Mr Lindon and Mr Otchakovsky-Laurens. However, in the Court's view, that did not objectively justify Mr July's fears as to a lack of impartiality on the part of the judges. The judgment of 13 September 2000 had found certain passages of the book to be defamatory. That aspect of the judgment was final and the Court of Appeal, or any other domestic court, was bound by it.

The question of the good or bad faith of Mr July remained open, however, and had not been prejudiced by the first judgment. There was no evidence to suggest that the judges were in any way bound by their assessment in the first case.

Concluding that Mr July's doubts concerning the impartiality of the Court of Appeal were not objectively justified, the Court held, unanimously, that there had been no violation of Article 6 §1.

J.A. Pye (Oxford) Ltd and J.A. Pye (Oxford) Land Ltd v. the United Kingdom

Article 1 of Protocol No. 1 (no violation)

Judgment of 30 August 2007. Concerns: alleged violation of Article 1 of Protocol No. 1 following the applicants' loss of ownership of land through "adverse possession" to a neighbour.

Facts and complaints

The applicants are two United Kingdom companies, J.A. Pye (Oxford) Ltd and J.A. Pye (Oxford) Land Ltd. J.A. Pye (Oxford) Land Ltd was the registered owner of a plot of 23 hectares of agricultural land in Berkshire (United Kingdom). J.A. Pye (Oxford) Ltd was the former owner of the land.

The value of the land was disputed. The applicant companies claimed, in losing the land, they had lost over 10 million pounds sterling (GBP).

The United Kingdom Government put the value of the land in 1996 at £785 000, and in July 2002 at £2.5 million.

The owners of property adjacent to the land, Mr and Mrs Graham ("the Grahams"), occupied the land under a grazing agreement until 31 December 1983. On 30 December 1983 the Grahams were instructed to vacate the land as the grazing agreement was about to expire. They did not do so.

In January 1984 the applicants refused a request for a further grazing agreement for 1984 because they anticipated seeking planning permission for the development of all or part of the land and considered that continued grazing might damage the prospects of obtaining such permission. From September 1984 until 1999 the Grahams continued to use the land for farming without the applicants' permission.

In 1997, Mr Graham registered cautions (official warnings) at the Land Registry against the applicant companies' title on the grounds that he had obtained title by adverse possession (occupation of property contrary to the rights of the real owner).

The applicant companies sought the cancellation of the cautions before the High Court and issued further proceedings seeking possession of the disputed land.

The Grahams contested the applicant companies' claims under the Limitation Act 1980, which provides that a person cannot bring an action to recover any land after the expiration of 12 years of adverse possession by another. They also relied on the Land Registration Act of 1925, which provided that, after the expiry of the 12-year period, the registered owner held the land in trust for the squatter.

On 4 February 2000 the High Court held that, since the Grahams enjoyed factual possession of the land from January 1984 and adverse possession took effect from September 1984, the applicant companies had lost their title to the land under the 1980 Act, and the Grahams were entitled to be registered as the new owners.

The applicant companies appealed successfully, but the Grahams appealed to the House of Lords. On 4 July 2002 the House of Lords restored the order of the High Court. However, Lord Bingham of Cornhill stated that the decision was one he had reached "with no enthusiasm". He said: "Where land is registered it is difficult to see any justification for a legal rule which compels such an apparently unjust result, and even harder to see why the party gaining title should not be required to pay some compensation".

The Land Registration Act 2002 – which does not have retroactive effect – now enables a squatter to apply to be registered as owner after ten years' adverse possession but requires that the registered owner be notified of the application. The registered proprietor then has two years to regularise the situation (for example, by evicting the squatter), failing which the squatter is entitled to be registered as the owner.

The applicants alleged that the United Kingdom law on adverse possession, by which they lost land with development potential to a neighbouring landowner, was in violation of Article 1 of Protocol No. 1 to the Convention.

Decision of the Court

Article 1 of Protocol No. 1

The Grand Chamber considered that Article 1 of Protocol No. 1 was applicable as the applicant companies had lost ownership of 23 hectares of agricultural land as a result of the operation of the 1925 and 1980 acts.

The Grand Chamber also noted that the applicant companies lost their land as the result of the operation of rules on limitation periods for actions for recovery of land. The relevant provisions of the 1925 and 1980 acts were part of general land law, and were concerned to regulate, among other things, limitation periods in the context of the use and ownership of land as between individuals. The applicant companies were therefore affected, not by a "deprivation of possessions" within the meaning of Article 1 of Protocol No. 1, but rather by a "control of use" of land.

The Grand Chamber further considered that the existence of a 12-year limitation period for actions for recovery of land as such pursued a legitimate aim in the general interest. And, it was to be noted that the relevant provisions of the 1925 and the 1980 Acts were not abolished by the Land Registration Act of 2002.

In addition, a large number of European countries possessed some form of mechanism for transferring title based on similar principles and without payment of compensation to the original owner.

The Grand Chamber accepted that to extinguish title where the former owner was prevented, as a consequence of the application of the law, from recovering possession of land could not be said to be manifestly without reasonable foundation. There was therefore a general interest in both the limitation period itself and the extinguishment of title at the end of the period.

In terms of whether a fair balance had been struck between the demands of the general interest and the interest of the individuals concerned, the Grand Chamber observed that the rules contained in both the 1925 and the 1980 Acts had been in force for many years before the first applicant even acquired the land. In particular, it was not open to the applicant companies to say that they were not aware of the legislation, or that its application to their case came as a surprise to them.

Very little action on the part of the applicant companies would have stopped time running. The evidence was that if the applicant companies had asked for rent, or some other form of payment, in respect of the Grahams' occupation of the land, it would have been forthcoming, and the possession would no longer have been "adverse". Even in the unlikely event that the Grahams had refused to leave and refused to agree to conditions for their occupation, the applicant companies need only have commenced an action for recovery, and time would have stopped running against them.

A requirement of compensation for the situation brought about by a party failing to observe a limitation period would sit uneasily alongside the very concept of limitation periods, whose aim was to further legal certainty by preventing a party from pursuing an action after a certain date. The Grand Chamber reiterated that, even under the provisions of the Land Registration Act 2002, no compensation was payable by a person who was ultimately registered as a new owner of registered land on expiry of the limitation period.

The Grand Chamber also recalled that the applicant companies were not without procedural protection. While the limitation period was running, and if they failed to agree terms with the Grahams which put an end to the "adverse possession", it was open to them to remedy the position by bringing a court action for re-possession of the land. Such an action would have stopped time

running. After expiry of the period, it remained open to the applicant companies to argue before the domestic courts, as they did, that the occupiers of their land had not been in "adverse possession" as defined by domestic law.

It was true that, since the entry into force of the Land Registration Act 2002, the registered owner (who had to be given notice of an application for adverse possession by a squatter) was in a better position than the applicant companies at the relevant time. However, the 2002 act was not in force at the relevant time. In any event, legislative changes in complex areas such as land law took time to bring about, and judicial criticism of legislation could not of itself affect the conformity of the earlier provisions with the Convention.

It was not disputed that the land lost by the applicant companies, especially those parts with development potential, would have been worth a substantial sum of money. However, limitation periods, if they were to fulfil their purpose, had to apply regardless of the size of the claim. The value of the land could not therefore be of any consequence to the outcome of the applicant companies' case.

The Court concluded that the fair balance required by Article 1 of Protocol No. 1 was not upset in the applicant companies' case.

Selected Chamber judgments

Anguelova and Iliev v. Bulgaria

Articles 2 and 14 (violation)

Judgment of 26 July 2007. Concerns: failure by the authorities to take appropriate steps to investigate a racially motivated killing and to prosecute those responsible.

Facts and complaints

The applicants, Ginka Dimitrova Anguelova, and her son, Mitko Dimitrov Iliev, are Bulgarian nationals.

They are the mother and brother of Angel Dimitrov Iliev, of Roma origin, who was attacked by seven teenagers in the evening of 18 April 1996, in Shumen (Bulgaria). He was severely beaten and also stabbed several times by one of the assailants. Although he was later taken to hospital, he died the following morning.

The police detained the assailants and questioned them on the day of the attack. One of them, G.M.G. – after being identified by two of the others (N.K. and S.H.) as the person who had stabbed Angel Dimitrov Iliev – was charged with murder stemming from an act of hooliganism. The investigators were informed by another of the assailants, D.K., that the attack had been racially motivated because the victim was of Roma origin.

An autopsy of the victim was performed on 20 April 1996. It established that he had been stabbed three times in the thigh and twice in the abdomen. He also had bruises on his face and the back of his head. The autopsy concluded that the cause of death was internal haemorrhaging, resulting from the severance of the profunda femoris artery in his thigh.

On 15 and 16 May 1996 four of the assailants were charged with hooliganism of exceptional cynicism and impudence.

On 14 June 1996 the Shumen Public Prosecutor's Office found that there was a lack of evidence that G.M.G. had stabbed the victim, dismissed the charges against him and released him. He was then charged in the same way as the other four assailants. And, on 21 June 1996, N.R. and S.H. were charged with having made false statements against G.M.G.

On 26 June 1996 the second assailant was charged with negligent homicide. He pleaded not guilty.

The applicants made unsuccessful attempts to gain information on the progress of the case on several occasions. However, in the spring of 1999, their lawyer was granted access to the case file.

On 18 October 1999 the applicants filed a request to be recognised as civil claimants in the criminal proceedings and, on 18 December 1999, they filed a complaint about the length of the proceedings. It appears that no action was taken in response to their complaint.

Subsequently, a number of face-to-face meetings were organised between some of the assailants and the investigating authorities were asked to submit their reports.

On 17 April 2000 Ginka Dimitrova Anguelova was recognised as a civil claimant in the criminal proceedings.

On 12 June 2001 the investigator in charge concluded that the case should go to trial and the case file was transferred to the Shumen Regional Prosecutor's Office. There was then no development in the criminal proceedings for four years.

On 18 March 2005 the prosecutor's office dismissed the hooliganism and false incrimination charges against all the assailants who had been juveniles at the relevant time, because the time limit for bringing a case against them had expired. Relying on the evidence collected and the tests conducted in the course of the preliminary investigation, the prosecutor's office also dismissed the charges against the second assailant for negligent homicide and remitted the case for further investigation, with instructions that G.M.G. be again charged with murder stemming from an act of hooliganism. A hooliganism charge remained in relation to another of the accused, who had been 18 years old at the time of the attack.

On 22 April 2005 the applicants and the victim's three sisters filed a request to be recognised as civil claimants in the criminal proceedings and claimed damages.

On 16 May 2005 the applicants' lawyer was informed that the case file had been requested and was being held by the Ministry of Justice. The Court has not been informed of any further developments in the criminal proceedings.

The applicants alleged that the authorities failed to carry out a proper investigation capable of leading to the trial and conviction of the individuals responsible for the ill-treatment and death of their relative. They also complained that domestic criminal legislation contained no specific provisions or penalties for racially-motivated crimes. Lastly, the applicants alleged that the excessive length of the criminal proceedings had prevented them from gaining access to a court to claim damages. They

relied on Article 2, Article 3 (prohibition of inhuman or degrading treatment), Article 13 (right to an effective remedy), Article 14 and Article 6 §1 (right to a fair hearing) of the Convention.

Decision of the Court

Article 2

The Court observed that the preliminary investigation into Angel Dimitrov Iliev's death had been opened almost immediately after the attack on 18 April 1996. Within less than a day investigators had identified those who had perpetrated the attack and had detained or questioned all of them and had charged the first assailant. At the same time, the investigators had been informed by one of the assailants, D.K., that the attack had been racially motivated because the victim was of Roma origin. Within another month, medical and other reports had been requested and the remaining five assailants had been charged. The Court further observed that the changes in the testimonies of those assailants who had at first blamed G.M.G. for stabbing the victim had initially been dealt with expeditiously by the authorities.

Over the next three years, however, the preliminary investigation became protracted for undisclosed reasons, with investigative procedures being performed approximately once a year. From 1999 to 2001 there was more activity on the part of the authorities, but nothing further of substance transpired. Then, for a period of four years, between 2001 and 2005, there were absolutely no further developments and the criminal proceedings remained at the investigation stage until the case before the European Court was communicated to the Bulgarian Government. As a result of the accumulated delays, the time limit had expired for prosecuting the majority of the assailants. Thus, in spite of the authorities having identified the assailants almost immediately after the attack and having determined with some degree of certainty the identity of the person who had stabbed the victim, no one was brought to trial for the attack on the applicants' relative over a period of more than 11 years. The Court further observed that the government had failed to provide any convincing explanations for the length of the criminal proceedings.

The Court recognised that the preliminary investigation was still pending against two of the assailants, but, considering the length of the proceedings so far, it found it questionable whether either of them would ever be brought to trial or be successfully convicted. The Court also did not consider that the applicants should have waited for the completion of the criminal proceedings before filing their complaints before the Court, as the conclusion of those proceedings would not remedy their overall delay in any way.

As to whether Bulgaria's legal system provided adequate protection against racially motivated offences, the Court observed that there were no specific crimes for racially motivated murder or serious bodily injury and no explicit penalty-enhancing provisions relating to such offences. However, the Court considered that other means might also be employed to attain the desired result of punishing perpetrators with racist motives. The possibility existed in domestic legislation to impose a more severe sentence depending on, among other things, the motive of the offender. The Court further observed that the authorities had charged the assailants with aggravated offences, which, although failing to make a direct reference to the perpetrators' racist motives, provided for more severe sentences than those envisaged under domestic legislation for racial hatred offences. Thus, it did not consider that domestic legislation and the lack of penalty-enhancing provisions for racist murder or serious bodily injury were responsible for hampering or constraining the authorities from conducting an effective investigation into Angel Dimitrov Iliev's death and applying existing domestic legislation effectively.

The Court concluded that the authorities had failed in their obligation under Article 2 to effectively investigate Angel Dimitrov Iliev's death promptly, expeditiously and with the required vigour, considering the racial motives of the attack and the need to maintain the confidence of minority groups in the ability of the authorities to protect them from the threat of racist violence. There had therefore been a violation of Article 2.

Articles 3 and 13

The Court did not consider it necessary to make a separate finding under Articles 3 and 13.

Article 14

The Court noted that the racist motives of the assailants in perpetrating the attack against Angel Dimitrov Iliev had become known to the authorities at a very early stage of the investigation, when D.K. had given a statement to that affect on 19 April 1996. The Court considered it completely unacceptable that, while aware that the attack was incited by racial hatred, the authorities had not completed the preliminary investigation against the assailants and brought them to trial expeditiously. On the contrary, they allowed the criminal proceedings to procrastinate and to remain at the investigation stage for more than 11 years. As a result, the time limit had expired for prosecuting the majority of the assailants. In addition, the Court observed that the authorities had failed to charge the assailants with any racially-motivated offences. It noted in that respect the widespread prejudices and violence against Roma during the relevant period and the need to continuously reassert society's condemnation of racism and to maintain the confidence of minorities in the authorities' ability to protect them from the threat of racist violence. The Court concluded that the authorities had failed to make the required distinction from other, non-racially motivated offences, which constituted unjustified treatment irreconcilable with Article 14. Consequently, it found that there had been a violation of Article 14 taken in conjunction with Article 2.

The Court did not consider it necessary to make a separate finding under Article 14 taken in conjunction with Article 3.

Article 6 §1

The Court noted that the applicants had not brought a civil claim against Angel Dimitrov Iliev's assailants and that, had they done so, the competent civil court would have been able to accept it for examination. It was true that the court would have, in all likelihood, stayed the proceedings, had it found that the relevant facts involved criminal acts. However, the civil courts were not bound by a refusal or delay by the prosecuting authorities to investigate. In circumstances where the applicants did not bring a civil action, it was pure speculation to consider that the civil proceedings would have remained stayed for a long period, as claimed by the applicants. Their complaint that the length of the criminal proceedings

effectively denied them access to a court to claim damages was therefore declared inadmissible.

Bekir-Ousta and others v. Greece

Article 6 §1 (no violation); Article 11 (violation)

Judgment of 11 October 2007. Concerns: rejection by a court of an application by a Muslim minority to register an association.

Facts and complaints

The seven applicants, Hasan Bekir-Ousta, Apti Pentzial, Haki Tsiligir, Ali Nalbant, Ali Nizam, Retzep Kahriman and Suleyman Kara-Housein, are Greek nationals living in Evros prefecture (Greece).

In 1995, together with other members of the Muslim minority in western Thrace, they set up a non-profit-making association called the Evros Prefecture Minority Youth Association. The association sought, in particular, "to harness the intellectual potential of young people belonging to the minority, safeguard and promote minority traditions, develop relations between its members and protect democracy, human rights and friendship especially between the Greek and Turkish peoples". In March 1996 the Greek courts rejected an application to have the association registered, pointing out that the Treaty of Lausanne recognised only a Muslim, and not a Turkish, minority in western Thrace. The courts found that the title of the association was confusing, creating the impression that nationals of a foreign country, and in particular Turkish nationals, were permanently resident in Greece and that the association they had set up was not aimed at serving the interests of the Muslim minority in Evros. The applicants challenged the decision rejecting their application before the Greek courts, without success.

Relying, in particular, on Articles 6 §1 (right to a fair hearing within a reasonable time), 11 (freedom of assembly and association) and 14 (prohibition of discrimination) of the European Convention on Human Rights, the applicants complained of the refusal by the Greek courts to register their association and of the length of the relevant proceedings.

Decision of the Court

The European Court of Human Rights considered that the proceedings in question had not exceeded a "reasonable time" within the meaning of Article 6 §1 of the Convention and held unanimously that there had been no violation of that provision. It further acknowledged that the interference complained of had pursued a legitimate aim, namely to prevent public disorder, but observed that the applicants' intentions had not been tested in practice, as the association had never been registered. In addition, even assuming that the true aim of the association had been to promote the idea that an ethnic minority existed in Greece, that did not amount to a threat to a democratic society. There was nothing in the association's articles of association to suggest that its members advocated the use of violence or anti-democratic methods. Furthermore, the Greek courts had the power to order that an association be dissolved if its aims were contrary to the law or at variance with those set forth in its articles of association. The Court therefore held unanimously that there had been a violation of Article 11 and that there was no need to examine the complaint separately under Article 14. It further held that the finding of a violation constituted in itself sufficient just satisfaction for the non-pecuniary damage sustained.

Bukta and others v. Hungary

Article 11 (violation)

Judgment of 17 July 2007. Concerns: alleged violations of Articles 10 and 11 when a demonstration was broken up by the police.

Facts and complaints

The applicants, Dénesné Bukta, Ferdinánd Laczner and Jánosné Tölgyesi, are Hungarian nationals who were born in 1943, 1945 and 1951 respectively. They live in Budapest.

On 1 December 2002 the Romanian Prime Minister made an official visit to Budapest and gave a reception at the Hotel Kempinski to celebrate Romania's national day, notably the annexation in 1918 of Transylvania, formerly part of Hungary, to Romania. The day before, the Hungarian Prime Minister declared that he would attend the reception. The applicants believed that he should not attend an event commemorating a negative part of Hungarian history. Approximately 150 persons, including the applicants, gathered in front of the hotel whilst the reception was taking place in order to demonstrate. They had not given the police any warning of their demonstration despite the legal requirement to give three days' notice. On hearing a noise like a detonation, the police, who were present anyway, forced the demonstrators to disperse. The applicants brought proceedings in which they requested that the police's intervention be declared unlawful. Those proceedings were, ultimately, dismissed on the ground that the demonstration had been disbanded due to the fact that the police had not been informed about the demonstration.

Relying on Article 10 (freedom of expression) and Article 11 (freedom of assembly), the applicants complained that their peaceful demonstration had been disbanded only because the police had not had prior notification.

Decision of the Court

The Court noted that the domestic courts had not examined whether the demonstration had been peaceful and had based their decisions purely on the lack of warning given to the police. Given that there was no evidence to suggest that the demonstration had been a danger to public order, to disband it had been a disproportionate restriction on the applicants' right to freedom of peaceful assembly. The Court therefore held that there had been a violation of Article 11. It further held

that there was no need to examine the complaint separately under Article 10 and that the finding of a violation constituted in itself just satisfaction for any non-pecuniary damage.

Cobzaru v. Romania

Judgment of 26 July 2007. Concerns: alleged inhuman and degrading treatment while in police custody and failure by the authorities to carry out a prompt, impartial and effective investigation.

Articles 3, 13 and 14 (violation)

Facts and complaints

The applicant, Belmondo Cobzaru, is a Romanian national who was born in 1973 and lives in Mangalia (Romania).

According to the applicant, in the evening of 4 July 1997 he went to the flat where he lived with his girlfriend Steluța M. (the flat belonged to her) and found the door locked. He asked his neighbours whether they had seen Steluța, but was told nobody had seen her. Fearing that she might have attempted to take her life, as she had already done in the past, he forced open the door of the flat in the presence of his neighbour, Rita G. He found nobody there. As he was leaving the apartment block, he met Steluța's brother-in-law, Crinel M., accompanied by three men armed with knives, who tried to attack him.

Later that day, at around 8 p.m., Crinel M. called the police and lodged a complaint against the applicant for trying to break into Steluța's flat. The police report concluded that there were no traces of rummaging or violence in the flat. Rita G., who was present during the investigation, stated that the applicant had broken into the flat in her presence, fearing that Steluța might have committed suicide.

Between 8 and 9 p.m., the applicant claimed that he went to Mangalia City Police Department, accompanied by his cousin Venușa L. and complained to the duty police officer that some individuals had attempted to attack him as he was leaving his flat.

At around 10 p.m. police officers Gheorghe G., Curti D. and Ion M. came back from the on-site investigation they had carried out at Steluța's flat. The applicant maintained that they punched and kicked him and that he was hit with a wooden stick. Four plainclothes officers observed the assault, but did not intervene. He was then forced to sign a document stating that he had been beaten up by Crinel M. and other individuals. On leaving, the applicant showed Venușa the bumps on his head and the other marks caused by the blows to his back.

Later that evening the applicant was admitted to the emergency ward of Mangalia Hospital with injuries diagnosed as craniocerebral trauma.

On 8 July 1997 he was examined by a forensic medical expert, who noted in his report that the applicant had severe headaches and stomach aches, difficulty in walking and extensive bruising. The report concluded that the injuries were the result of the applicant having been hit "with hard, blunt objects" and that he would need 14 to 15 days to recover.

On that same day the applicant lodged a complaint with the head of the Mangalia Police Department against police officers Curti D. and Gheorghe G.

On 10 or 11 July 1997 written statements were taken from police officers Gheorghe G., Curti D. and Ion M, who all denied having beaten the applicant. None of them mentioned having seen any bruises on the applicant's face on his arrival at the police station.

The police officer on duty on 4 July 1997 also made a statement in which he said that the applicant arrived at the police station before the police patrol returned from the flat and in which he made no mention of any bruises on the applicant's face on his arrival at the police station.

The applicant and his father lodged complaints with two military prosecutor's offices concerning the alleged ill-treatment and the applicant claimed pecuniary and non-pecuniary damages.

On 18 September 1997 Venușa L. made a statement that she had gone with the applicant to the police station and that about 30 minutes later he had come out and shown her the bruises on his hand, back and fingers.

On 6 October 1997 the three accused police officers presented a new version of events, stating that the applicant arrived at the police station after they came back from the on-site investigation of 4 July 1997, and that he had bruises on his body on his arrival.

On 12 November 1997 the military prosecutor of Constanța refused to open a criminal investigation in respect of the applicant's complaints against police officers Gheorghe G. and Curti D., on the grounds that the facts had not been established. The prosecutor noted that both the applicant and his father were known as "antisocial elements prone to violence and theft", in constant conflict with "fellow members of their ethnic group". The prosecutor considered that the statement given by Venușa L. could not be taken into consideration since she was also a gypsy – and, moreover, the applicant's cousin – and therefore her testimony was insincere and subjective.

The applicant appealed. On 4 May 1998 the Constanța Chief Military Prosecutor dismissed the appeal on the grounds that no evidence had been adduced that the police officers had beaten the applicant, "a 25-year-old gypsy" "well known for causing scandals and always getting into fights".

The applicant appealed unsuccessfully.

The government submitted that the applicant had been beaten up by Crinel M. and that those facts had been confirmed by some of the witnesses heard during the investigation, in particular by the applicant's girlfriend and by three police officers, who had noted very recent marks of violence on the applicant's face when he arrived at the police station. The government indicated that the medical forensic report did not mention bruises on the applicant's face.

The applicant complained that he was subjected to inhuman and degrading treatment while in police custody and that the authorities failed to carry out a prompt, impartial and effective investigation into his allegations. He relied on Article 3, Article 13, Article 14 and Article 6 §1 (right to a fair hearing) of the Convention.

Decision of the Court

Article 3

The Court considered that the degree of bruising found by the doctors who examined Mr Cobzaru indicated that his injuries were sufficiently serious to amount to ill-treatment within the scope of Article 3.

It was not disputed that the applicant was the victim of violence on 4 July 1997 either shortly before going to the police station or while he was there. Having regard to the seriousness of his injuries, the Court found it inconceivable that, had the applicant arrived at the police station with bruises on his body, the police officers would not have noticed them. Moreover, had the police noticed any bruises, they should normally have questioned him as to their origin and either taken him to the hospital or called a doctor.

The Court observed that there was no evidence of anyone hitting the applicant before he entered the police station.

It was not until 6 October 1997 that three police officers presented a new version of events, stating that the applicant had bruises on his body on his arrival at the police station. None of the eyewitnesses to the altercation between the applicant and Crinel M. confirmed that version of events (that Crinel M. had beaten up the applicant) and Crinel M. had consistently denied it.

The findings of fact made by the prosecutors were entirely based on the accounts of October 1997 given by the police officers accused of ill-treatment, or their colleagues. Not only did the prosecutors accept without reserve the submissions of those police officers, they also appeared to have disregarded crucial statements from eyewitnesses, Rita G. and Venuța L.

The investigation carried out by the domestic authorities appeared to have had other shortcomings. In particular, a failure to question certain key witnesses or to pursue obvious lines of questioning.

Finally, the Court noted a number of contradictions in the investigation file, including the time when the applicant arrived at the police station.

The Court concluded that the government had not satisfactorily established that the applicant's injuries were caused otherwise than by the treatment inflicted on him while he was under police control at the police station on the evening of 4 July 1997 and that those injuries were the result of inhuman and degrading treatment. Accordingly, there had been a violation of Article 3 concerning the ill-treatment of the applicant.

The Court further concluded that the state authorities failed to conduct a proper investigation into the applicant's allegations of ill-treatment, in violation of Article 3.

Article 6 §1 and Article 13

The Court found it unnecessary to determine whether there had been a violation of Article 6 §1 and decided to examine, under Article 13, the applicant's complaint that he did not have a civil remedy.

The Court noted that the authorities had had an obligation to carry out an effective investigation into his allegations against the police officers, but had failed to do so. Consequently, any other remedy available to the applicant, including a claim for damages, had limited chances of success. While the civil courts had the capacity to make an independent assessment of fact, in practice the weight attached to a preceding criminal inquiry was so important that even the most convincing evidence to the contrary would often be discarded and such a remedy would prove to be only theoretical and illusory. The Court concluded that, in the particular circumstances of the applicant's case, the possibility of suing the police for damages was merely theoretical. It therefore found that the applicant had been denied an effective remedy in respect of his alleged ill-treatment by the police, in violation of Article 13.

Article 14

Was the ill-treatment based on racial prejudice?

The Court noted that the applicant did not refer to any specific facts in order to substantiate his claim that the violence he sustained was racially motivated. Instead, he argued that his allegation should be evaluated within the context of documented and repeated failure by the Romanian authorities to remedy instances of anti-Roma violence and to provide redress for discrimination.

However, the concern expressed by various organisations about the numerous allegations of violence against Roma by law enforcement officers and the repeated failure of the Romanian authorities to remedy the situation and provide redress for discrimination did not suffice to allow the Court to consider that it had been established that racist attitudes played a role in the applicant's ill-treatment.

Were possible racist motives investigated?

The Court observed that the numerous anti-Roma incidents which often involved state agents following the fall of the communist regime in 1990, and other documented evidence of repeated failure by the authorities to remedy instances of such violence were known to the public at large, as they were regularly covered by the media. It appeared from the evidence submitted by the applicant that all those incidents had been officially brought to the attention of the authorities and that, as a result, various programmes had been set up to eradicate such discrimination. Undoubtedly, such incidents, as well as the policies adopted by the highest Romanian authorities in order to fight discrimination against Roma, were known to the investigating authorities in the applicant's case, or should have been known, and therefore special care should have been taken in investigating possible racist motives behind the violence against him.

However, there was no attempt on the part of the prosecutors to verify the behaviour of the police officers involved in the violence, ascertaining, for instance, whether they had been involved in the past in similar incidents or whether they had been accused of displaying anti-Roma sentiment.

Did the authorities racially discriminate against the applicant?

The Court noted that prosecutors made tendentious remarks in relation to the applicant's Roma origin throughout the investigation and that no justification was provided by the government for those remarks.

The Court recalled that it had already found that similar remarks made by the Romanian judicial authorities regarding an applicant's Roma origin were purely discriminatory. In the applicant's case, the Court found that the tendentious remarks made by the prosecutors in relation to his Roma origin disclosed a general discriminatory attitude of the authorities, which reinforced the applicant's belief that

any remedy in his case was purely illusory.

Conclusion

The Court concluded that the failure of the law enforcement agents to investigate possible racial motives in the applicant's ill-treatment combined with their attitude during the investigation constituted discrimination in violation of Article 14 taken in conjunction with Articles 3 and 13.

Colibaba v. Moldova

Judgment of 23 October 2007. Concerns: ill-treatment in detention and failure to conduct an effective investigation.

Article 3 (violations) and failure of the state to comply with Article 34 (right of individual petition)

Facts and complaints

The applicant, Vitalie Colibaba, is a Moldovan national who was born in 1978 and lives in Chişinău.

On 21 April 2006 he was arrested on charges of assaulting a police officer. He alleged that on 25 and 27 April, while in detention, he was tortured by three police officers in order to force a confession from him. Mr Colibaba claimed that his hands and feet were tied together behind his back and a metal bar from a coat hanger was passed under his arms. His body suspended and his head covered with a coat, he was beaten with a chair on the back of his head. His hands were covered with cloth, so that there would be no marks left from the rope, and loud music was played so that his cries would not be heard. Those acts were accompanied by verbal and psychological aggression. Later the same day, the applicant attempted to commit suicide by cutting his veins. On 27 April he was allowed for the first time to have contact with his lawyer. He was subsequently tortured again: he was hit on the head with a two-litre plastic bottle full of water, punched and kicked.

The Moldovan authorities contested all those allegations.

On 29 April the applicant was taken by the police officers who had allegedly ill-treated him for a medical examination. A medical report dated 28 April 2006 concluded that, apart from the injury caused by his attempted suicide, Mr Colibaba did not have any other signs of violence on his body. On 16 May 2006 he was released from detention and sought medical assistance at the Memori Rehabilitation Centre for Torture Victims. A medical report issued by the centre on 16 June 2006 stated that he had suffered from cranial trauma. That trauma was confirmed by the Institute of Neurology and Neurosurgery of the Ministry of Health in a report following a medical examination on 18 May 2006.

The applicant's lawyer lodged a criminal complaint, which was ultimately dismissed on 24 May 2006. The Moldovan courts based their decision on the medical report of 28 April 2006, the fact that the three policemen had denied all the accusations and that no coat hanger had been found in the office where the applicant had allegedly been tortured. On appeal, the applicant argued that he was refused a complete independent medical examination, in breach of Article 3 of the Convention. He also informed the courts of the medical examinations he had had at his instigation which established that he had been tortured. The appeal was dismissed, as the courts simply repeated the reasons given in the decision of 24 May 2006.

In June 2006 the Moldovan Prosecutor General wrote a letter to the Moldovan Bar Association, in which he referred to the "phenomenon" of Moldovan lawyers involving international organisations which specialise in the protection of human rights in the examination of criminal cases. He cited the example of the applicant's case, about which the lawyer had complained to Amnesty International and added that "these organisations are used as an instrument for serving personal interests and for avoiding the criminal responsibility of suspected persons". He also wrote that such practices by lawyers were defamatory towards the state and that the Prosecutor General's Office was to examine whether it would bring criminal proceedings against the applicant's lawyer. The Moldovan Bar Association qualified the letter as an attempt to intimidate lawyers.

Relying on Article 3 and Article 13, Mr Colibaba complained that he was a victim of severe police brutality and that the authorities failed to carry out an adequate investigation into his allegations. He also complained about the letter from the Prosecutor General to the Moldovan Bar Association, alleging that it was intended to intimidate and therefore hindered his application to the Court, in breach of Article 34.

Decision of the Court

Article 3

Concerning the ill-treatment

The Court noted that it was undisputed that between 21 April 2006 and 16 May 2006, the applicant was in police detention.

In their decision, the Moldovan courts had relied on the medical report dated 28 April 2006 and, in the government's submissions to the Court, it was argued that the medical reports dated 16 June and 18 May 2006 had not proved that the applicant had been suffering from cranial trauma when released from detention.

The Court was not convinced by those arguments. The report issued by the Memoria Centre was dated 16 June 2006, but had clearly stated that the applicant had come to the centre on 16 May 2006. Moreover, the medical report dated 18 May 2006 confirmed the centre's findings.

Similarly, even though the report relied on by the Moldovan courts was dated 28 April 2006, it clearly appeared from its content and from the parties' submissions that the actual medical examination had taken place on 29 April 2006. Moreover, the applicant had been taken for a medical examination by the police officers who had allegedly ill-treated him and the medical examination took place in their presence. In such circumstances, the Court found it difficult to give weight to such a medical report.

The Court therefore concluded that the applicant's cranial trauma had been caused during his detention and considered that the Moldovan courts had not given any explanations concerning the origin of that injury. It therefore held unanimously that there had been a violation of Article 3 concerning Mr Colibaba's ill-treatment.

Concerning the lack of an effective investigation

The Court noted a series of serious shortcomings in the investigation conducted by the national authorities. The applicant's request to the prosecutor's office to have an independent medical examination had been rejected without any plausible reasons. The Moldovan courts had disregarded his submission, in his appeal, that he had not been allowed such an examination, and had also not paid attention to the medical report of 18 May 2006 which had indicated signs of ill-treatment.

The Court therefore considered that the Moldovan authorities had not made a serious attempt to investigate the applicant's complaints of ill-treatment and held unanimously that there had been a violation of Article 3.

Article 34

Having examined the Prosecutor General's letter, the Court tended to agree with the applicant that it had not seemed to have been merely a call to lawyers to observe professional ethics as claimed by the government. The language employed by the Prosecutor General, the fact that he had expressly named the applicant's lawyer and the warning that a criminal investigation would be brought as a result of the latter's allegedly improper complaint to international organisations could easily have been construed as amounting to intimidation.

Even though it was not clear whether the Prosecutor General had known about the present application when he had written the letter, the wording could in any event have had a chilling effect on the intention to bring or pursue an application before the Court. The Court therefore held unanimously that the Moldovan state had failed to comply with its obligations under Article 34.

Article 13

The Court held unanimously that it was not necessary to examine separately the complaint under this article.

Hasan and Eylem Zengin v. Turkey

Article 2 of Protocol No. 1 (violation)

Judgment of 9 October 2007. Concerns: teaching of religious culture and ethics.

Facts and complaints

Hasan Zengin and his daughter Eylem Zengin are Turkish nationals who were born in 1960 and 1988 respectively, and live in Istanbul.

Mr Zengin and his family are followers of Alevism, a branch of Islam which has deep roots in Turkish society and history and represents one of the most widespread faiths in Turkey (after the Hanafite branch of Islam, which is one of the four schools of Sunni Islam). Alevism was influenced by certain pre-Islamic beliefs and two great Sufis of the 12th and 14th centuries. Its religious practices differ from those of the Sunni schools in certain aspects such as prayer, fasting and pilgrimage. In particular, according to the applicants, Alevis do not pray five times daily as in the Sunni rite but express their devotion through religious songs and dances (semah); they do not attend mosques, but meet regularly in cemevi (meeting and worship rooms); and do not consider the pilgrimage to Mecca as a religious obligation.

At the time the present application was lodged, Eylem Zengin was attending the seventh grade of the State school in Avcılar, Istanbul. As a pupil at a state school, she was obliged to attend classes in religious culture and ethics. Under Article 24 of the Turkish Constitution and section 12 of Basic Law No. 1739 on national education, religious culture and ethics is a compulsory subject in Turkish primary and secondary schools.

Mr Zengin submitted requests in 2001 to the Directorate of National Education and before the administrative courts for his daughter to be exempted from lessons in religious culture and ethics. Pointing out that his family were followers of Alevism, he claimed that, under international treaties such as the Universal Declaration of Human Rights, parents had the right to choose the type of education their children were to receive. He also alleged that the course in question was incompatible with the principle of secularism and was not neutral as it was essentially based on the teaching of Sunni Islam.

All of his requests were dismissed, lastly on appeal before the Supreme Administrative Court in a judgment of 5 August 2003, on the grounds that the course in religious culture and ethics was in accordance with the constitution and Turkish legislation.

The applicants maintained, in particular, that the way in which religious culture and ethics were taught in Turkey infringed Miss Zengin's right to freedom of religion and her parents' right to ensure her education's conformity with their religious convictions as guaranteed under Article 2 of Protocol No. 1 (right to education) and Article 9 (freedom of thought, conscience and religion). The applicants notably alleged that the course's syllabus lacked objectivity because no detailed information about other religions was included and was taught from a religious perspective which praised the Sunni interpretation of the Islamic faith and traditions.

Decision of the Court

Article 2 of Protocol No. 1

Firstly, the Court determined whether the course's content-matter was taught in an objective, critical and pluralist manner. To that end, it examined the Ministry of Education's guidelines for lessons in religious culture and ethics and school textbooks submitted by the applicants.

It found that the syllabus for teaching in primary schools and the first cycle of secondary school and the relevant textbooks gave greater priority to knowledge of Islam than to that of other religions and philosophies.

In particular, the syllabus included study of the prophet Mohammed and the Koran. Pupils had to learn several suras from the Koran by heart and study, with the support of illustrations, daily prayers. They also had to sit written tests.

The textbooks did not just give a general overview of religions but provided specific instruction in the major principles of the Muslim faith, including its cultural rites, such as the profession of faith, the five daily prayers, Ramadan, pilgrimage, the concepts of angels and invisible creatures and belief in the other world.

On the other hand, pupils received no teaching on the confessional or ritual specificities of the Alevi faith, even though its followers repre-

sented a large proportion of the Turkish population. Information about the Alevis was taught in the ninth grade but the Court, like the applicants, considered that the fact that the life and philosophy of the two great Sufis, who had had a major impact on the movement, were only taught at such a late stage was insufficient to compensate for the shortcomings of the primary and secondary school teaching.

The Court therefore found that religious culture and ethics lessons in Turkey could not be considered to meet the criteria of objectivity and pluralism necessary for education in a democratic society and for pupils to develop a critical approach towards religion. In the applicants' case, the lessons did not respect the religious and philosophical convictions of Miss Zengin's father.

Secondly, the Court examined whether appropriate means existed in the Turkish educational system to ensure respect for parents' convictions.

Following a decision by the Supreme Council for Education of July 1990, it was possible for children "of Turkish nationality who belong to the Christian or Jewish religion" to be exempted from religious culture and ethics lessons. That decision necessarily suggested that the lessons were likely to create conflict for Christian or Jewish children between the religious instruction given by the school and their parents' religious or philosophical convictions. Like the Council of Europe's European Commission against Racism and Intolerance (ECRI), the Court considered that that situation was open to criticism: if the course intended to be about different religious cultures, there was no reason to make it compulsory for Muslim children alone.

The fact that parents were obliged to inform the school authorities of their religious or philosophical convictions was an inappropriate way to ensure respect for freedom of conviction. Moreover, in the absence of any clear text, the school authorities always had the option of refusing exemption requests, as in Miss Zengin's case.

Consequently, the Court considered that the exemption procedure did not use appropriate methods and did not provide sufficient protection to those parents who could legitimately consider that the subject taught was likely to raise a conflict of values in their children. That was especially so where no choice had been envisaged for the children of parents who had a religious or philosophical conviction other than that of Sunni Islam and where the exemption procedure involved the heavy burden of disclosing their religious or philosophical convictions.

Accordingly, the Court concluded that there had been a violation of Article 2 of Protocol No. 1.

Article 9

The Court considered that no separate issue arose under Article 9.

Jorgic v. Germany

Judgment of 12 July 2007. Concerns: interpretation of the crime of genocide in the German courts.

Articles 5 §1, 6 §1 and 7 (no violation)

Facts and complaints

The applicant, Nicola Jorgic, is a national of Bosnia and Herzegovina, of Serb origin, who was born in 1946 in Doboj (Bosnia). He legally resided in Germany from 1969 to 1992. At the time of lodging his application, he was serving a sentence of life imprisonment in Bochum (Germany).

In 1992 Mr Jorgic returned to his place of birth, Doboj. In December 1995 he was arrested on his return to Germany and placed in pre-trial detention on the grounds that he was strongly suspected of having committed acts of genocide during the "ethnic cleansing" which took place in the Doboj region between May and September 1992.

Mr Jorgic was accused of setting up a paramilitary group which had participated in the arrest, detention, assault, ill-treatment and killing of Muslim men from three villages in Bosnia between the beginning of May and June 1992. In June 1992 he had also shot 22 inhabitants of another village, including women, the elderly and disabled. Subsequently, Mr Jorgic and his paramilitary group had chased some 40 men from their village and had ordered them to be ill-treated and six of them to be shot. A seventh injured person was burnt alive along with the corpses of those six men. In September 1992 he had killed a prisoner with a wooden truncheon in order to demonstrate a new method of ill-treatment and killing.

In a judgment of 26 September 1997, the Düsseldorf Court of Appeal, relying on Article 220a of the Criminal Code, convicted the applicant of those accusations. He was found guilty, in particular, of acting with intent to commit 11 counts of genocide, murder of 22 people and dangerous assault and deprivation of liberty. Stating that his guilt was of a particular gravity, the court sentenced him to life imprisonment.

The court stated that it had jurisdiction over the case pursuant to Article 6 No. 1 of the Criminal Code. There was a legitimate reason for criminal prosecution in Germany, as this was in accordance with Germany's military and humanitarian missions in Bosnia and Herzegovina and the applicant had resided in Germany for more than 20 years and had been arrested there. Furthermore, agreeing with the findings of an expert in public international law, the court found that the German courts were not debarred under public international law from trying the case. In particular, neither Article VI of the Convention on the Prevention and Suppression of the Crime of Genocide (Genocide Convention) (1948), nor Article 9 of the Statute of the International Criminal Tribunal for the Former Yugoslavia (ICTY Statute) (1993) excluded the jurisdiction of German courts over acts of genocide committed outside Germany by a foreigner against foreigners.

The court also found that the applicant had acted with intent to commit genocide within the meaning of Article 220a of the Criminal Code. Referring to the views expressed by several legal experts, it stated that the "destruction of a group" within the meaning of Article 220a of the Criminal Code meant destruction of the group as a social unit in its distinctiveness and particularity and its feeling of belonging together; a biological-physical destruction was not necessary. It concluded that the applicant had therefore acted with intent to destroy the group of Muslims in the north of Bosnia, or at least in the Doboj region.

Ultimately, following further proceedings before the domestic courts, the judgment of the Düsseldorf Court of Appeal of 26 September 1997 remained final

regarding the applicant's conviction for genocide and on eight counts of murder, including the court's finding that his guilt was of a particular gravity.

Relying in particular on Article 5 §1 (a) (right to liberty and security) and Article 6 §1 (right to a fair trial), Mr Jorgic alleged that the German courts had not had jurisdiction to convict him. Moreover, he complained that his conviction for genocide was in breach of Article 7 §1 (no punishment without law) in particular because the national courts' wide interpretation of that crime had no basis in German or public international law.

Decision of the Court

Article 5 §1 (a) and Article 6 §1

The Court observed that the German courts' interpretation of Article VI of the Genocide Convention in the light of Article I of that convention and their establishment of jurisdiction to try the applicant on charges of genocide was widely confirmed by the statutory provisions and case-law of numerous other contracting states to the European Convention on Human Rights and by the statute and case-law of the ICTY. Furthermore, Article 9 §1 of the ICTY Statute confirmed the German courts' view, providing for concurrent jurisdiction of the ICTY and national courts, without any restriction to domestic courts of particular countries.

The Court further noted that the German courts' interpretation of the applicable provisions and rules of public international law was not arbitrary. They therefore had reasonable grounds for establishing their jurisdiction to try the applicant on charges of genocide. It followed that the applicant was heard by a tribunal established by law within the meaning of Article 6 §1 of the Convention.

The Court therefore concluded that the applicant was lawfully detained after conviction "by a competent court" within the meaning of Article 5 §1 (a) of the Convention.

Article 7

The Court considered that, while many authorities had favoured a narrow interpretation of the crime of genocide, there had already been several authorities which had interpreted the offence of genocide in a wider way, in common with the German courts. In those circumstances it found that the applicant, if need be with the assistance of a lawyer, could reasonably have foreseen that he risked being charged with and convicted of genocide for the acts he had committed. In that context the Court also noted that the applicant was found guilty of acts of a considerable severity committed over a long period.

Those requirements having been met, it was for the German courts to decide which interpretation of the crime of genocide under domestic law they wished to adopt. Accordingly, the Court concluded that the applicant's conviction for genocide was not in breach of Article 7 §1 of the Convention.

Krasnov and Skuratov v. Russia

Article 3 of Protocol No. 1 *Judgment of 19 July 2007. Concerns: right to stand for elections.*

Facts and complaints

The applicants, Aleksandr Viktorovich Krasnov and Yuriy Ilyich Skuratov, are Russian nationals who were born in 1956 and 1952 respectively. They both live in Moscow.

The case concerned the applicants' complaint that they had been disqualified from the general elections to the state Duma because they had submitted inaccurate information in their applications to be registered as candidates. Mr Krasnov was accused of claiming to be Head of the District Council of the Presnenskiy District of Moscow, whereas at the time of his application, he had in fact been dismissed from that post. Mr Skuratov had allegedly declared that he was acting Head of the Law Department at Moscow State Social University whereas he had been transferred to a post of professor of the same department. He was also accused of not having confirmed that he was a member of the communist party. Ultimately, neither applicant took part in the elections.

They relied on Article 3 of Protocol No. 1 (right to free elections). Mr Skuratov also complained that he had been the only candidate nominated by the Communist Party to have been denied registration, in breach of Article 14 (prohibition of discrimination).

Decision of the Court

As concerned Mr Krasnov, the Court found that it was inconceivable that he could have been unaware of the fact that someone else had been appointed to his post. He had therefore submitted information which could have misled voters. The Court therefore held unanimously that there had been no violation of Article 3 of Protocol No. 1 concerning Mr Krasnov.

As concerned Mr Skuratov, the Court noted that the domestic courts had given conflicting reasons as to why they had believed that he had given incorrect information about his employment. In addition, those reasons had had no legal basis. Nothing suggested that he had acted in bad faith and, in any case, the argument that the difference between the post of professor and acting head of department could mislead voters, could not be taken seriously. It never having been claimed that he had not been a member of the Communist Party, the Court could not accept that the decision to disqualify him from the elections had been to prevent voters having misconceptions about his political leanings. Accordingly, the Court found that there had been a violation of Article 3 of Protocol No. 1 of concerning Mr Skuratov. It further held that there was no need to examine his complaint separately under Article 14.

L v. Lithuania

Judgment of 11 September 2007. Concerns: impossibility of obtaining recognition of transsexual's new gender.

Article 3 (no violation); Article 8 (violation). Under Article 41 the Court held that Lithuania should adopt the required subsidiary legislation to Article 2.27 of its Civil Code on gender-reassignment of transsexuals

Facts and complaints

The case concerned an application brought by a Lithuanian national, Mr L., who was born in 1978 and lives in Klaipėda (Lithuania). At birth he was registered as a girl, with a name clearly identifiable as female. However, from an early age, he submits that he felt his gender was male rather than female. He has been in a stable relationship with a woman since 1998.

On 18 May 1997 the applicant consulted a micro-surgeon about gender reassignment, who recommended that he consult a psychologist. He therefore went to Vilnius Psychiatric Hospital for tests in November 1997, where he was diagnosed as a transsexual. On 16 December 1997 a doctor at Vilnius University Santariškės Hospital also diagnosed the applicant as a transsexual and advised that he consult a psychologist.

An entry in the applicant's medical file of 28 January 1998 included a recommendation that he pursue hormone treatment with a view to eventual gender reassignment surgery, following which he was officially prescribed hormone treatment for two months.

The applicant submits that in 1999 his doctor refused to prescribe hormone therapy, in view of the legal uncertainty as to whether or not full gender reassignment could be carried out. Thereafter the applicant continued the hormone treatment "unofficially".

In 1999 the applicant went to Vilnius University, where his request to be registered under his chosen male name was accepted on compassionate grounds. However, his request during that same year that his name on all official documents be changed to reflect his male identity was refused.

From 3 to 9 May 2000 the applicant underwent "partial gender reassignment surgery", namely a breast removal procedure, in the light of the new Civil Code which was due to be adopted. Article 2.27 §1 of the code, which entered into force on 1 July 2003, provides that "an unmarried adult has the right to gender reassignment (*pakeisti lytį*) in a medical way, if that is medically possible". The second paragraph of the provision stipulates that "the conditions and procedure for gender reassignment shall be established by law". The applicant agreed with the doctors that a further surgical step would be carried out following the adoption of the relevant laws governing those "conditions and procedures". No such laws have as yet been adopted.

In 2000, with the assistance of a Lithuanian Member of Parliament, the applicant chose a new name and surname for his birth certificate and passport, which were of Slavic origin, to avoid disclosing his gender; Lithuanian names and surnames are gender-sensitive. However, his personal code on his new birth certificate and passport (and on his Vilnius University diploma) remains unchanged; as it starts with the number four, it identifies his gender as female.

The applicant maintained that he faced a vast amount of daily difficulties; for example, he was unable to apply for a job, pay social security contributions, consult a doctor, communicate with the authorities, obtain a bank loan or cross the state border without his female gender being disclosed. As a consequence, he alleged that he was condemned to social ostracism because he looked masculine but, in official papers, was identified as a woman. That state of affairs had left him in a permanent state of depression with suicidal tendencies.

Relying on Articles 3, 8, 12 (right to marry) and 14 (prohibition of discrimination), Mr L. complained about the lack of legislation allowing him to complete gender reassignment surgery and pursue his life as a person of male gender. He alleged, in particular, that the state's inaction in adopting that legislation was a concession to the negative attitude of the majority of the population towards a transsexual minority.

Decision of the Court

Article 3

An examination of the facts had shown that the applicant had suffered understandable distress and frustration but not circumstances of such an intense degree as to warrant considering his complaint under Article 3. The Court found it more appropriate to analyse that aspect of the applicant's complaint under Article 8. Consequently, the Court held that there had been no violation of Article 3.

Article 8

The Court observed that Lithuanian law had recognised transsexuals' right to change not only their gender but also their civil status. However, there was a gap in the relevant legislation: the law regulating full gender-reassignment surgery, although drafted, had yet to be adopted. In the meantime, no suitable medical facilities are easily accessible in Lithuania.

That legislative gap had left the applicant in a situation of distressing uncertainty as to his private life and the recognition of his true identity. Budgetary restraints in the public health service might have justified some initial delays in implementing the rights of transsexuals under the Civil Code but not a delay of over four years, i.e. since 1 July 2003 when the relevant provisions had come into force. Given that only about 50 people (according to unofficial estimates) had been affected, the budgetary burden on the state would not have been expected to be unduly heavy. Consequently, the Court considered that a fair balance had not been struck between the public interest and the rights of the applicant. The Court therefore concluded that there had been a violation of Article 8.

Articles 12 and 14

The Court observed that the applicant's complaint under Article 12 was premature, in that, should he complete full gender-reassignment surgery, his status as a man would be recognised together with the right to marry a woman. The key issue was that of the legislative gap which had already been analysed under Article 8. It further observed that the applicant's complaint concerning discrimination was essentially the same as considered under Articles 3 and 8. The Court therefore held by six votes to one that there was no need to examine Mr L.'s complaints separatelyunder Articles 12 and 14.

Makhmudov v. Russia

Articles 5 §1, 5 §5, 11 (violations)

Judgment of 26 July 2007. Concerns: banning of a demonstration.

Facts and complaints

The applicant, Rustam Khamidovich Makhmudov, is a Russian national who was born in 1950 and lives in Moscow. At the relevant time he was a district councillor.

The case concerned Mr Makhmudov's complaint that Moscow's administrative authorities had not authorised a demonstration scheduled for 4 September 2003 at the Zashchitnikov Neba Square in Moscow under the pretext that it expected an outbreak of terrorist activities in that district. The demonstration was organised by a non-governmental organisation which aimed to protect citizens' rights in town planning and was to protest in particular against the planned construction of a luxury block of flats and to cast a vote of no confidence against the city authorities. Despite the refusal, the applicant – one of the demonstration's co-organisers – and a few dozen residents gathered on the square on 4 September. The police dispersed the crowd by force. The applicant was later taken out of a car by force and escorted to the district police station, where he was detained for the night and not given any food or drink. Over the following days the Day of the City was celebrated in Moscow and several public festivities sponsored by the Mayor took place despite the potential "terrorist threat". On 5 September 2003 the applicant was charged with disobeying lawful police orders and organising an unauthorised assembly. The proceedings were subsequently discontinued concerning the disobeying of a lawful order but the applicant was found to have breached procedure for organising public assemblies. His appeals were rejected. The applicant also brought civil proceedings for damages against the district police station but his claim was dismissed.

Relying in particular on Article 11 (freedom of assembly and association), Mr Makhmudov complained that, on the one hand, Moscow's administrative authorities had felt obliged to cancel his assembly because of a potential "terrorist threat" but, on the other hand, had not cancelled public festivities scheduled for the same period. He further complained that his detention at the police station had been unlawful, for which he was unable to obtain compensation, and he had not been brought promptly before a judge, in breach of Article 3 (prohibition of inhuman or degrading treatment) and Article 5 §1 and §5 (right to liberty and security).

Decision of the Court

The Court declared the applicant's complaint under Article 3 inadmissible for non-exhaustion of domestic remedies. The government had failed to produce any evidence of a "terrorist threat" which led the Court to conclude that the domestic authorities had acted in an arbitrary manner. It therefore found there had been no justification for the interference with the applicant's right to freedom of association and held, unanimously, that there had been a violation of Article 11. The Court further found that the applicant's arrest had not been based on a "reasonable suspicion" and held, unanimously, that there had been a violation of Article 5 §1. The applicant had been subjected to an administrative arrest, meaning it would not have been sufficient for that arrest to be found unlawful to receive compensation. The applicant would also have had to prove that the state officials had been at fault. It followed that the applicant had not had an enforceable right to compensation; and the Court held, unanimously, that there had been a violation of Article 5 §5.

Musayeva and others v. Russia

Articles 2, 3, 5 and 13 (violations, plus one finding of no violation). Failure of the state to comply with Article 38 §1 (a) in that the Russian Government refused to submit the documents requested by the Court

Judgment of 26 July 2007. Concerns: deaths following a military operation in Chechnya.

Facts and complaints

The applicants, Aminat Dautovna Musayeva, Alamat Reshetovich Musayev and Elza Uvaysovna Zurapova, are Russian nationals who were born in 1954, 1946 and 1977 respectively and live in the village of Gekhi (Chechnya).

Aminat Dautovna Musayeva and Alamat Reshetovich Musayev are a married couple. They had four children, two of whom – Ali Musayev, born in 1972, and Umar Musayev, born in 1977 – lived together with their parents in a household comprising two houses in Gekhi. Elza Uvaysovna Zurapova was married to Ali Musayev.

The case concerns the events of 8 August 2000 when, following the blowing up of a Russian armoured personnel carrier (APC) in the vicinity of Gekhi, a military operation was carried out in the village in the course of which Ali Musayev and Umar Musayev were taken away and placed in detention.

For two days after those events federal troops sealed off the village of Gekhi. When the restrictions were lifted, Aminat Dautovna Musayeva went to Urus-Martan and notified the head of the district administration of her sons' detention.

She then went to the district military commander's office where she noticed her elder son's car, in which he had been taken away, in the courtyard. When she enquired about her sons and the car, the military commander told her that he had no information concerning Ali and Umar Musayev and advised her to come back in two days.

On 11 or 12 August Mrs Musayeva went to the military commander's office again. She was again told that he had no information about the whereabouts of her sons.

Despite repeated enquiries to different authorities at various levels, Mrs Musyeva was unable to obtain any information about what had happened to her sons.

On 13 September the brothers' father exhumed four bodies from a grave near the Gekhi cemetery in the presence of a police officer and officials from the local administration. All four corpses showed signs of having met a violent death. He identified two of the bodies as being his sons.

Criminal proceedings were instituted in connection with the deaths of the two Musayev brothers. The proceedings were, however, suspended on several occasions on the basis that it was impossible to identify the alleged perpetrators. In August 2002 their mother was

granted the status of victim of a crime and civil claimant, but shortly afterwards the investigation into the death of the Musayev brothers was again suspended and the proceedings remained adjourned until October 2004, when, after the family's application to the European Court of Human Rights had been communicated to the Russian Government, the brothers' mother was informed that the proceedings had been resumed. There followed further suspensions and resumptions of the proceedings.

In the meantime Aminat Dautovna Musayeva and Alamat Reshetovich Musayev had issued separate sets of civil proceedings against the Ministry of Finance in the Basmanny District Court of Moscow, seeking compensation in connection with the unlawful detention of their sons. However, the court concluded that the applicants' claims had no basis in domestic law and dismissed them. An appeal to the Moscow City Court was rejected.

The applicants complained, in particular, of the torture and death of their relatives following their unlawful detention, of the absence of adequate investigation into these events, and the lack of effective remedies in respect of those violations. They relied on Articles 2, 3, 5 and 13 of the Convention.

Decision of the Court

Article 2

Killing of the applicants' relatives

It was agreed between the parties that on 8 August 2000 Ali and Umar Musayev had been apprehended by federal servicemen in the course of a special operation and delivered to the temporary headquarters of the federal forces near the village of Gekhi. On the facts of the case, it was clear that they had been taken into custody in apparent good health and their bodies had been found later showing signs of having met a violent death. The Court considered it established that the two brothers had died while detained by the federal forces. Given the absence of any plausible explanation, the government had failed to account for their deaths during their detention and the Russian State's responsibility for these deaths was therefore engaged. There had accordingly been a violation of Article 2.

Investigation into the killings

As to the effectiveness of the investigation carried out into the killing of the Musayev brothers, the Court first noted that despite the family's numerous complaints and enquiries, the authorities had made no attempt to investigate the circumstances of the detention and disappearance of Ali and Umar Musayev during the period when they remained missing. Moreover, although the authorities had been made instantly aware of the brothers' deaths, the official investigation had not commenced until more than two months after the detention of the applicants' relatives and more than a month after the discovery of their remains.

Once the investigation had been opened it had been plagued with inexplicable shortcomings in taking the most essential steps. In particular, no forensic examination or autopsy of the bodies was ever carried out. The investigation could only be described as dysfunctional when it came to establishing the extent of the military and security personnel's involvement in the deaths of the applicants' relatives. It did not appear that any meaningful efforts had been undertaken to investigate the possible involvement of such personnel in the murder.

Furthermore, there had been a substantial delay in granting the status of victim to Mrs Musayeva. Finally, the investigation remained pending from October 2000 to August 2002, when it had been suspended for over two years and not resumed until October 2004. After that it remained pending at least until August 2006. Between October 2000 and August 2006 the investigation was adjourned and reopened at least seven times. The prosecutors on several occasions ordered certain steps to be taken, but there was no evidence that those instructions had ever been complied with.

In the light of those defects and with regard to the inferences drawn from the government's submission of evidence, the Court concluded that the authorities had failed to carry out a thorough and effective investigation into the circumstances surrounding the deaths of Ali and Umar Musayev. There had therefore been a further violation of Article 2.

Article 3

As regards Umar Musayev, the Court noted that his medical death certificate had confirmed the presence of various injuries on his body. The government had provided no plausible explanation as to the origin of those injuries, which had therefore to be considered attributable to a form of ill-treatment for which the authorities were responsible.

Having regard to the document submitted by the applicants, which certified the presence of multiple injuries and stab wounds on Umar Musayev's body, the Court found that the treatment inflicted on him involved very serious and cruel suffering that could be characterised as torture within the meaning of Article 3. Accordingly, there had been a breach of Article 3.

In the case of Ali Musayev, the applicants had not submitted any documentary evidence confirming the presence of injuries to his body. The Court was therefore unable to establish, to the necessary degree of proof, that he had been ill-treated, and found that this complaint had not been substantiated. Against that background, the Court found no violation of Article 3 in respect of Ali Musayev.

Article 5

It had been established that the brothers had been apprehended on 8 August 2000 by federal servicemen and had not been seen until 13 September 2000, when their corpses were found. The government had produced no formal acknowledgement of or justification for their detention during the period in question. Ali and Umar Musayev had thus been victims of unacknowledged detention in complete disregard of the safeguards enshrined in Article 5. This constituted a particularly grave violation of their right to liberty and security enshrined in Article 5.

Article 13

In circumstances where a criminal investigation into a death or deaths had been ineffective and the effectiveness of any other remedy that might have existed, including the civil remedies, had consequently been undermined, the state had failed in its obligation under Article 13. There had therefore been a violation of Article 13 in connection with Articles 2 and 3, in so far as this latter provision was breached as a result of the treatment inflicted on Umar Musayev.

Article 38 §1 (a)

Under this provision the contracting states were required to furnish all necessary facilities to the Court,

whether it was conducting a fact-finding investigation or performing its general duties as regards the examination of applications. Failure on a government's part to submit such information which was in their hands, without a satisfactory explanation, might not only give rise to the drawing of inferences as to the well-foundedness of the applicants' allegations, but could also reflect negatively on the level of compliance by the state concerned with its obligations under Article 38 §1 (a). In a case where the application raised issues of the effectiveness of the investigation, the documents of the criminal investigation were fundamental to the establishment of facts and their absence might prejudice the Court's proper examination of the complaint.

The Court had on several occasions requested the government to submit a copy of the investigation file opened into the killing of the applicants' relatives. In reply, the government had produced only copies of procedural decisions instituting, suspending and reopening criminal proceedings, those of investigators' decisions taking up the criminal case and letters informing Mrs Musayeva of the suspension and reopening of the criminal proceedings in the case.

The Court considered the government's explanations concerning the disclosure of the case file insufficient to justify withholding the key information which it had requested. Having regard to the importance of co-operation by the government in Convention proceedings and the difficulties associated with the establishment of the facts in cases such as the present one, the Court found that the Russian Government had fallen short of their obligations under Article 38 §1 (a) on account of their failure to submit copies of the documents requested in respect of the murder of Ali and Umar Musayev.

Peev v. Bulgaria

Articles 8, 10 and 13 (violation)

Judgment of 26 July 2007. Concerns: alleged interference by a public authority with the applicant's private life.

Facts and complaints

The applicant, Peycho Ivanov Peev, is a Bulgarian national who was born in 1968 and lives in Sofia. He was employed as an expert at the Criminology Studies Council of the Prosecutor's Office of the Supreme Court of Cassation.

On 13 May 2000 the daily newspaper *Trud* published a letter written by Mr Peev in which he criticised the Chief Prosecutor. In retaliation, the applicant alleged that a search was unlawfully carried out of his office and that a draft letter of resignation was seized and used against him with the result that he was dismissed from his post. Following civil proceedings he brought against the Prosecutor's Office of the Supreme Court of Cassation, the domestic courts declared in March 2002 that the termination of his contract was unlawful. That judgment ordered the applicant to be reinstated to his former post and awarded him compensation. He was never reinstated but, in April 2003 and independently of the court order, he was given an appointment in a similar body (now under the authority of the Ministry of Justice) to his former post.

He relied, in particular, on Article 8 (right to respect for private and family life and for correspondence), Article 10 (freedom of expression) and Article 13 (right to an effective remedy).

Decision of the Court

The Court found that Mr Peev could reasonably have expected his desk and filing cabinets to be treated as private property, particularly given the personal belongings he had kept there. The Court concluded that the search had amounted to interference by a public authority with the applicant's private life. The government had not relied on any domestic law or regulations governing the prosecutor's office to justify the fact that the applicant's office had been searched even though no criminal investigation had been brought against him. The Court therefore found that that interference had not been "in accordance with the law" and held, unanimously, that there had been a violation of Article 8.

The Court noted that Mr Peev's office had been sealed off and searched and he had been dismissed very shortly after the publication of his letter. The sequence of those events led the Court to conclude that the measures taken against the applicant had resulted from the accusations in his letter. Those measures amounted to restrictions which interfered with the applicant's right to freedom of expression. Given that the applicant's dismissal had already been found unlawful in the domestic proceedings, that interference had not been "prescribed by law". Accordingly, the Court found unanimously that there had been a violation of Article 10.

The Court further noted that the domestic proceedings in which Mr Peev had challenged his dismissal had only concentrated on his complaint about whether he had actually lawfully given his resignation. No remedy had been provided with which he could effectively complain about his freedom of expression having been breached. Neither did the government indicate a remedy whereby the applicant could have obtained redress for the unlawful search of his office. The Court therefore held unanimously that there had also been a violation of Article 13 in conjunction with Articles 8 and 10.

Teren Aksakal v. Turkey

Articles 2 and 3 (violation)

Judgment of 11 September 2007. Concerns: allegations of torture against the security forces.

Facts and complaints

The applicant, Teren Aksakal, is a Turkish national who was born in 1940 and lives in Istanbul. She is the widow of Mr Cengiz Aksakal.

In October 1980 Mr Aksakal was taken into custody and questioned in Artvin province on suspicion of belonging to the illegal organisation Dev-Yol. He was admitted to hospital on 3 November 1980, after being taken ill, and died on 12 No-

vember 1980. An autopsy report revealed multiple wounds, bruises and grazes to his body. The applicant brought criminal proceedings in January 1981. In a judgment delivered on 30 December 1997, which became final on 30 January 2003, the domestic courts sentenced two officers from the Artvin gendarmerie to two years and one month's imprisonment, finding that they had been complicit in acts of torture inflicted on Mr Aksakal. They concluded that Mr Aksakal had died as a result of his "existing illness" and following torture inflicted by civilians who had taken part in his questioning and whose identity could not be established. The judgment was never executed and the two officers continued to serve in the army throughout the proceedings and until their retirement.

Relying on Article 2 (right to life), Article 3 (prohibition of torture and inhuman or degrading treatment) and Article 13 (right to an effective remedy), the applicant complained that her husband had been subjected to torture by the authorities responsible for his detention, resulting in his death. She also complained of various shortcomings in the criminal proceedings, which had been concluded in 2003 and had resulted in her husband's torturers and killers effectively going unpunished.

Decision of the Court

The Court decided that, with regard to Turkey's substantive negative obligation to refrain from torture and intentional killing, it could only hold that it had no jurisdiction (ratione temporis), as the events leading to Mr Aksakal's death and complained of by his widow had occurred before 28 January 1987, the date on which Turkey had recognised the right of individual petition. However, the Court declared admissible the applicant's complaints concerning the effectiveness and efficiency of the investigations into her allegations.

Given the shortcomings in the proceedings, the failure to meet the requirements of promptness and reasonable diligence and, lastly, the fact that the perpetrators of the violations complained of had effectively enjoyed impunity, the Court considered that the criminal proceedings had been far from rigorous and were not capable of acting as an effective deterrent to acts such as those in question. In the specific circumstances of the case, the Court therefore concluded that the outcome of the proceedings in question had not offered appropriate redress for the breach of the values enshrined in Articles 2 and 3. Accordingly, the Court held by five votes to two that there had been a violation of Articles 2 and 3. It also held unanimously that there was no need to examine the complaint separately under Article 13.

Vassilios Stavropoulos v. Greece

Judgment of 27 September 2007. Concerns: procedure before the national courts in rejecting a claim for entitlement to social housing.

Article 1 of Protocol No. 1 (inadmissible); Article 6 §2 (violation)

Facts and complaints

The applicant, Vassilios Stavropoulos, is a Greek national who was born in 1944 and lives in Argos (Greece).

On 9 June 1987 a decision by the administrative board of the Workers' Housing Association revoked an order entitling the applicant to social housing, on the ground that he owned other property which he had not declared in his housing application. The applicant was subsequently prosecuted for fraud and making a false statement, and was eventually acquitted of all the charges in June 1991. In the meantime, in September 1987 he submitted an appeal to the administrative courts, seeking to have the administrative board's decision overturned. At the close of those proceedings, which ended in May 2004, both the administrative court of appeal and the Supreme Administrative Court upheld the disputed decision and held that the criminal courts had "not found that the offences with which the applicant had been charged had not existed on the ground that there was an absence of malicious intent", but had instead acquitted him "on account of doubts as to his guilt".

Relying on Article 6 §2 (presumption of innocence), the applicant complained that the administrative courts had ruled on his guilt in disregard of his acquittal in the criminal proceedings. Relying on Article 1 of Protocol No. 1 (protection of property), he also complained that there had been an infringement of his right to peaceful enjoyment of his possessions.

Decision of the Court

The Court declared inadmissible the complaint under Article 1 of Protocol No. 1. It further considered that both the Supreme Administrative Court and the administrative court of appeal had used terms which overstepped the administrative context of the dispute and left no doubt as to the applicant's presumed intention to omit from his declaration all of the properties owned by him. It held that such reasoning was incompatible with respect for the presumption of innocence. The Court therefore concluded, by six votes to one, that there had been a violation of Article 6 §2.

Verein gegen Tierfabriken Schweiz (VgT) v. Switzerland

Judgment of 4 October 2007. Concerns: continued prohibition on broadcasting a television commercial, despite a judgment of the Court finding a violation of the right to freedom of expression.

Article 10 (violation)

Facts and complaints

The applicant is a Swiss-registered animal-protection association which, among other things, campaigns against experiments on animals and battery farming.

In response to various advertisements produced by the meat industry, it made a television commercial which showed a noisy hall with pigs in small pens and compared the conditions to those in concentration camps. The commercial ended with the words: "Eat less meat, for

the sake of your health, the animals and the environment".

Permission to broadcast the commercial was refused on 24 January 1994 by the Commercial Television Company (AG für das Werbefernsehen – now Publisuisse SA) and at final instance by the Federal Court, which dismissed an administrative-law appeal by the applicant association on 20 August 1997.

The applicant association lodged an initial application (No. 24699/94) with the European Court of Human Rights, which in a judgment of 28 June 2001 held that the Swiss authorities' refusal to broadcast the commercial in question had breached the association's freedom of expression. It found a violation of Article 10 and awarded costs to the applicant of 20 000 Swiss francs (around €12 000).

On 1 December 2001, on the basis of the Court's judgment, the applicant association applied to the Federal Court for revision of the final domestic judgment prohibiting the commercial from being broadcast. In their respective observations of 10 January and 15 February 2002, which were duly communicated to the applicant association, the Federal Department of Environment, Transport, Energy and Communication and the Swiss Radio and Television Company submitted that the request for revision should be refused.

In a judgment of 29 April 2002 the Federal Court refused the request for revision, finding that the applicant association had not provided a sufficient explanation of the nature of "the amendment of the judgment and the redress being sought" and had been unable to show how revision of the judgment was the only means of affording redress. It added that the association had not sufficiently shown that it still had an interest in broadcasting the commercial, which now appeared out of date, almost eight years after it had initially intended to do so.

The Committee of Ministers of the Council of Europe, which is responsible for supervising execution of the Court's judgments, had not been informed of the Federal Court's refusal of the request for revision and accordingly ended its examination of the applicant association's initial application (No. 24699/94) by adopting a resolution in July 2003. However, the resolution noted the possibility of lodging a request for revision with the Federal Court.

In July 2002 the applicant association lodged the application in the present case with the Court, contesting the refusal of its request for revision. The Court pointed out, in particular, that the grounds given by the Federal Court as to the applicant association's interest in broadcasting the television commercial were capable of giving rise to a fresh interference with its freedom of expression.

It therefore held that the association's complaint under Article 10 concerning the Federal Court's refusal to revise its judgment of 20 August 1997 should be viewed as raising a new issue not determined by the judgment of 28 June 2001.

The applicant association alleged that the continued prohibition on broadcasting the television commercial in question, after the Court had found a violation of its freedom of expression, constituted interference in breach of its freedom of expression under Article 10.

Decision of the Court

Article 10

The Court noted that the Federal Court had refused the applicant association's request for revision on the grounds that the association had not provided a sufficient explanation of the nature of "the amendment of the judgment and the redress being sought". That approach appeared overly formalistic, seeing that it followed from the circumstances of the case as a whole that the association's request concerned the broadcasting of the commercial in question, which had been prohibited by the Federal Court itself on 20 August 1997.

The Court further noted that the Federal Court had held that the applicant association had not sufficiently shown that it still had an interest in broadcasting the commercial in its original version. In doing so, it had effectively taken the place of the association in deciding whether there was still any purpose in broadcasting the commercial and had itself failed to explain how the public debate on battery farming had changed or become less topical since 1994.

The Court accordingly considered that the reasons given by the Swiss Federal Court, having regard to the case as a whole and to the interest of a democratic society in ensuring and maintaining freedom of expression in matters of indisputable public interest, were not "relevant and sufficient" to justify the interference in issue. There had therefore been a violation of Article 10.

New services on the website of the Court

RSS news feeds

The Court now makes RSS news feeds available on its website – a facility which provides Internet users with automatic electronic updates on subjects of interest to them.

As part of a package of improvements being made to the Court's online communication activities, Internet users can now access a special page on the site offering RSS news feeds for news, webcasts of public hearings and monthly information notes, which provide details of cases of particular legal interest along with some statistics. The news feeds provide headlines, summaries and links to related content on the website. This is just one of the new developments being introduced by the Court to its website, the aim being to make information on the Court's work more easily accessible to the public and media as well as legal specialists and applicants.

HUDOC now includes pending and recent cases

It is now also possible to look up summaries of the Court's pending and recent cases through HUDOC, the online database containing case-law of the Court and other relevant texts adopted as part of the Convention. In the coming months HUDOC will also be providing summaries of the most significant cases to have been brought before the Court. These case summaries come from the monthly information

notes, which have existed since November 1998 and are available on the Court's website shortly after the end of the month to which they refer. The 100th information note has just been issued.

Webcasts

In June 2007 the Court introduced webcasting, allowing Internet users to watch its public hearings from anywhere in the world and download extracts of interest. At the same time it started providing information about the most important cases at an earlier stage in the proceedings; a weekly list of cases which have been officially communicated to the relevant government, linked to a document setting out the facts, the applicant's complaints and questions from the Court.

Internet: http://www.echr.coe.int/echr/rss.aspx

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 (CM) with the supervision of the execution of the European Court of Human Rights' 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 notably comprise 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, include granting a residence permit, reopening criminal proceedings and/or striking out of convictions from the criminal records.

The prevention of 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 notably include 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 1007th Human Rights (HR) meeting[1] (15-17 October 2007) is presented here. Further information on the cases below as well as on all other cases is available from the Directorate General of Human Rights and Legal Affairs, as well as on the website of the Department for the Execution of Judgments of the European Court of Human Rights (DG-HL).[2]

As a general rule, information concerning the state of progress of the adoption of the execution measures required is published some 10 days after each HR meeting, in the annotated agenda and order of business documents available on the Committee of Ministers' website[3] (see Article 14 of the new rules for the application of Article 46, §2, of the Convention adopted in 2006).[4]

Interim and Final Resolutions are accessible through www.echr.coe.int on the Hudoc database: select "Resolutions" on the left of the screen and search by application number and/or by the name of the case. For resolutions referring to grouped cases, resolutions can more easily be found by their serial number: type in the "text" search field, between brace brackets, the year followed by NEAR and the number of the resolution. Example: {2007 NEAR 75}

1. Meeting specially devoted to the supervision of the execution of judgments.
2. www.coe.int/Human_Rights/execution
3. www.coe.int/t/CM/home_en.asp
4. Replacing the Rules adopted in 2001.

1007th HR meeting – General Information

During the 1007th HR meeting (15-17 October 2007), the Committee supervised payment of just satisfaction in some 675 cases. It also monitored, in some 114 cases (or groups of cases), the adoption of individual measures to erase the consequences of violations (such as striking out convictions from criminal records, reopening domestic judicial proceedings, etc.) and, in some 120 cases (or groups of cases), the adoption of 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 418 new Court judgments and considered draft final resolutions concluding, in 145 cases respectively, that states had complied with the Court's judgments.

Main points examined on individual measures to grant redress for violations of applicants' rights

Turkey's response to the CM's two interim resolutions urging the reopening of domestic criminal proceedings or otherwise provide redress to the applicant convicted in violation of his right to a fair trial and still serving a heavy prison sentence (*Hulki Güneş*, ResDH (2005) 113, CM/ResDH (2007) 26); two other cases raise similar issues (*Göçmen, Söylemez*);

Follow-up given to decision to **reopen unfair criminal proceedings and regular access to medical examinations while in detention** (*Popov*), and progress of domestic proceedings brought by the applicant against the prosecutor's refusal to prosecute persons involved in the death of her son whilst imprisoned (*Tarariyeva*) in the Russian Federation.

Residence registration of the applicant (*Tatishvili*) or **re-entry of the applicant into the state's territory** (*Bolat*) in the Russian Federation.

Re-establishing parents' access to or regular relationships with their children, to remedy violations of their right to family life in the Czech Republic (*Zavřel*), Germany (*Görgülü*), Romania (*Lafargue*), Serbia (*V.A.M.*) and Switzerland (*Bianchi*).

Putting an end to the **applicant's repeated prosecution** in Turkey for his refusal to perform compulsory military service on the ground of his conscientious objection (*Ülke*);

Measures taken to ensure **compliance with domestic court decisions** ordering the closure of a gold mine and three power plants polluting the environment in Turkey (*Taskin, Öçkan, Ahmet Okyay*).

Remedying the **persistent infringement of the freedom of association of the applicant association** and its members in Bulgaria, as found in several judgments since 2001 (*UMO Ilinden-Pirin and others; UMO Ilinden and others*) or the **persistent refusal to register the applicant's church** in Moldova (*Biserica Adevãrat Ortodoxã din Moldova and others*).

Main points examined as regards general measures (constitutional, legislative and/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

Issue of missing persons, property rights of the Greek-Cypriots in the northern part of Cyprus and property rights of displaced Greek-Cypriots (*Cyprus v. Turkey*).

Assessment of **measures taken or outstanding**, necessary to ensure full compliance by the Russian Federation with the judgments **concerning Chechnya** – follow-up to the high level Round Table held in July 2007 in Moscow (*Khashiyev* group).

Assessment of progress achieved to prevent **abuses by members of security forces** in southeast Turkey (143 cases and 69 friendly settlements).

Assessment of progress achieved in the adoption of measures to prevent **ill-treatment by the police** in Bulgaria and to ensure **effective investigations** in this respect (*Velikova* group) and also to prevent **inhuman and degrading treatment by the police** in Greece (*Alsayed Allaham*).

Assessment of progress achieved in **improving conditions of detention** in the Russian Federation (*Kalashnikov* group).

Progress of the reform aimed at ensuring adequate legal safeguards concerning **storage and use of personal data by intelligence services** in Romania (*Rotaru*).

Measures adopted to prevent **non-compliance with domestic court decisions** in Albania (*Qufaj Co. SH.p.k.*) and Ukraine (*Zhovne* group) and to prevent violations of the legal certainty requirement through the **supervisory review procedure** in Russia (*Ryabykh* group).

Improving **freedom of religion** in Moldova (*Metropolitan Church of Bessarabia*) and **freedom of expression** in Turkey (74 cases).

Excessive length of judicial proceedings, and/or setting up an effective domestic remedy in this respect in cases against a number of states (Austria, Czech Republic, France, Germany, Greece, Ireland, Italy, Portugal, Romania, the Russian Federation, Serbia, Slovakia, Slovenia, Switzerland, and Ukraine).

Main texts adopted

After examination of these points, as well as of the other cases on the agenda of the 1007th meeting, the Deputies have notably adopted the following texts.

Selection of decisions adopted (extracts)

During this meeting, the Committee of Ministers examined 3175 cases and adopted a decision for each of them, available on the website of the Committee of Ministers (http://www.coe.int/cm/). If the Committee concluded that the execution obligations had not been entirely fulfilled, it decided to resume consideration of the case(s) at a later meeting. In some cases, it also expressed a detailed assessment of the situation in its decision. A selection of these decisions is presented below, in alphabetical order of the name (in English) of the member state concerned.

Non-enforcement of a final domestic decision ordering a municipality to compensate the applicant company for the damage sustained following the refusal to grant a building permit (Art. 6 §1).

Qufaj Co. Sh. P. k. v. Albania

Decision adopted at the 1007th meeting. 54268/00, judgment of 18/11/2005, final on 30/03/2005

The Deputies,

1. noted that the just satisfaction awarded to the applicant company in respect of non-pecuniary and pecuniary damage, including the sums at issue in the unenforced decision, has been paid and that no other individual measure is required in this case;

2. noted with interest, as regards the general measures, that the authorities have indicated that they were elaborating measures, in particular legislative measures, to ensure the implementation of national judicial decisions;

3. furthermore noted with satisfaction that the Constitutional Court drew the consequences of the present judgment considering itself competent now to examine remedies lodged to complain of the non-implementation of national final decisions;

4. noted however that the violation resulted in particular from the absence of the necessary funds in the budget of the municipality;

5. stressed accordingly the urgency of adopting measures required to prevent similar violations, and invited the authorities to provide additional information in this respect;

6. decided to resume consideration of this item, at the latest at their second HR meeting in 2008.

Infringement of the freedom of association of organisations which aim to achieve "the recognition of the Macedonian minority in Bulgaria" – prohibition of their meetings, dissolution of their political party and refusal to register their association, based on considerations of national security (alleged separatist ideas) when the applicants had not hinted at any intention to use violence or other undemocratic means to achieve their aims (violation of Articles 11 and 13).

United Macedonian Organisation Ilinden-Pirin and others v. Bulgaria
United Macedonian Organisation Ilinden and others v. Bulgaria

Decision adopted at the 1007th meeting.
59489/00, judgment of 20/10/2005, final on 20/01/2006
59491/00, judgment of 19/01/2006, final on 19/04/2006, CM/Inf/DH (2007) 8

The Deputies,

1. took note of the continuing commitment of the Bulgarian authorities to ensure the full implementation of these judgments of the European Court of Human Rights without further delay, with a view to preventing any new violation of the freedom of association of the applicant organisations and their members;

2. took note of the information provided on the follow up given to their decision adopted at their 997th meeting (5-6 June 2007);

3. took note of the complaints of the applicants in the case of *UMO Ilinden-Pirin* concerning the outcome of the new proceedings concerning the registration of the political party;

4. noted the different problems still raised by the issue of the individual measures in the latter case;

5. invited the Bulgarian authorities in co-operation with the Secretariat to examine possible solutions to these problems within the framework of the Bulgarian legal order;

6. noted in addition as regards the general measures the ongoing training programs and the Bulgarian authorities' intention to enhance it;

7. decided to resume consideration of all the measures necessary for the implementation of these judgments, at the latest at their second HR meeting in 2008.

Infringement of the freedom of association of organisations which aim to achieve "the recognition of the Macedonian minority in Bulgaria" – prohibition of their meetings, dissolution of their political party and refusal to register their association, based on considerations of national security (alleged separatist ideas) when the applicants had not hinted at any intention to use violence or other undemocratic means to achieve their aims (Articles 11 and 13).

United Macedonian Organisation Ilinden and Ivanov v. Bulgaria
Ivanov and others v. Bulgaria

Decision adopted at the 1007th meeting.
44079/980, judgment of 20/10/2005, final on 15/02/2006
46336/99, judgment of 24/11/2005, final on 24/02/2006,

The Deputies,

1. took note of the continuing commitment of the Bulgarian authorities to ensure full implementation of these judgments of the Court without further delay, with a view to preventing any new violation of the freedom of assembly of the applicant organisations and their members;

2. noted the training efforts undertaken by the Bulgarian authorities and the ambition to pursue these efforts for the awareness raising of the competent authorities;

3. recalled that the Bulgarian authorities have been invited to take all necessary additional measures aimed at effectively guaranteeing the freedom of assembly of UMO Ilinden and the other applicants and to ensure the effectiveness of the domestic remedies in this respect;

4. noted with interest that a draft law aimed at amending the Law on Meetings and Marches with a view to ensuring the efficacy of the remedies in case of a ban of a peaceful meeting will be examined shortly by the Bulgarian Parliament;

5. invited the Bulgarian authorities to consider the possibility of better arranging the different time limits provided by the draft law in order to allow complaints against a ban of a meeting to be examined before the date foreseen for that meeting;

6. also invited the Bulgarian authorities to continue to keep the Committee of Ministers informed of the applicants' present situation concerning the exercise of their freedom of assembly;

7. decided to resume consideration of all the measures necessary for the implementation of these judgments at their 1013th HR meeting (3-5 December 2007).

Death of applicants' relatives while in police custody, ill-treatment by police officers and lack of an effective investigation in this respect (Art. 2 and/or 3 and 13), failure by police to provide timely medical care in detention (Art. 2) and irregularities concerning detention (Art. 5 §1).

***Anguelova* and seven other cases against Bulgaria principally concerning deaths or ill-treatment which took place under the responsibility of the forces of order**

Decision adopted at the 1007th meeting.
38361/97 Anguelova, *judgment of 13/06/2002, final on 13/09/2002*

The Deputies

1. adopted Interim Resolution CM/ResDH (2007) 107, as it appears in the Volume of Resolutions (see Appendix I below);

2. decided to resume consideration of these cases as regards individual measures at each of their HR meetings and as regards the general measures at the latest within 10 months.

Rivière v. France

Decision adopted at the 1007th meeting. 33834/03,judgment of 11/07/2006, final on 11/10/2007

The Deputies, in view of the debates on this case concerning the individual and general measures, decided to resume consideration of it:

1. at their 1013th HR meeting (3-5 December 2007), in the light of further information to be provided concerning the payment of default interest, if necessary;
2. after confirmation of the said payment, with a view to examining the possibility of closing the case in the light of the most recent details concerning the applicant's situation and, possibly, the general measures.

Inhuman and degrading treatment, as the conditions of the applicant's detention were not appropriate for a person with a mental disorder (Art. 3).

Zavřel v. Czech Republic

Decision adopted at the 1007th meeting 14044/05, judgment of 18/01/2007, final on 18/04/2007

The Deputies

1. noted with satisfaction the information provided by the Czech authorities on the progressive re-establishment of the contacts between the applicant and his child, on the basis of a judicial decision of 25 September 2007;
2. invited the Czech authorities to continue their efforts to ensure the full exercise of the visiting rights granted to the applicant by the domestic courts;
3. decided to resume consideration of this item at their 1013th HR meeting (3-5 December 2007) in the light of further information to be provided regarding the payment of just satisfaction, if appropriate, and at the latest at their second HR meeting of 2008 for the examination of individual and general measures, and to subsequently include it, if necessary, in the *Reslovà* group.

Prolonged inability of the applicant to secure the enforcement of the decisions granting him visiting rights, preventing him from seeing his child (Article 8).

Görgülü v. Germany

Decision adopted at the 1007th meeting. 74969/01, judgment of 26/02/2004, final on 26/05/2004, rectified on 24/05/2005

The Deputies,

1. recalled the decision of the Naumburg Court of Appeal of 15 December 2006 explicitly acknowledging the violations found by the European Court and granting the applicant extended visitation rights;
2. noted with concern that after very promising developments in the first half of 2007 as regards regular and extended meetings between the applicant and his child aimed at building a genuine father-son relationship, visits were once more interrupted as from September 2007;
3. noted the authorities' explanations on possible reasons for these recent negative developments and information on measures taken or envisaged to eliminate their harmful consequences;
4. asked the authorities of the respondent state to take all the necessary steps to secure the exercise of visiting rights by the applicant and to provide the Committee with information in this respect;
5. decided to resume consideration of this item at the latest at their 1013th HR meeting (3-5 December 2007), on the basis of a draft interim resolution, if necessary, in the light of further information to be provided concerning individual measures.

Violation by a domestic court of a father's right to custody of and access to his child born out of wedlock in 1999 (violation of Article 8).

Alsayed Allaham v. Greece

Decision adopted at the 1007th meeting. 25771/03, judgment of 18/01/2007, final on 23/05/2007

The Deputies,

1. invited the authorities to provide information on the outcome of the proceedings pending before the state council concerning compensation of damages sustained by the applicant as result of the unlawful actions of the police officers as well as possible other measures to erase as far as possible the consequences of the violations found for the applicant;
2. noted with interest the information provided on measures taken as part of an ongoing comprehensive reform examined by the Committee of Ministers in the *Makaratzis* group of cases, in particular with regard to the legislation governing disciplinary and criminal liability of police officers;
3. decided to resume consideration of this item when the judgment of the state council is delivered or at the latest at the first HR meeting in 2008, in the light of information to be provided concerning payment of just satisfaction, if necessary, and on individual measures as well as clarification in respect of general measures concerning specific issues raised by this judgment.

Inhuman and degrading treatment by the police (Article 3).

Persistent refusal of the executive to comply with a final domestic judgment ordering the registration of the applicant church (Article 9) and lack of an effective remedy in this respect (Article 13); delayed enforcement of the same judgment in its part ordering the payment of compensation for non-pecuniary damage (Article 1 Protocol 1).

Biserica Adevarat Ortodoxa din Moldova and others v. Moldova

Decision adopted at the 1007th meeting.
952/03, judgment of 27/02/07, final on 27/05/07

The Deputies,

1. as regards the individual measures, noted with satisfaction that the applicant church was registered on 16 August 2007;

2. concerning the other issues raised by the judgment, decided to resume consideration of this case at the first HR meeting of 2008 and to join it, at the same meeting, to the case of the *Metropolitan Church of Bessarabia and others* with respect to the registration procedure and the effective remedies;

3. regarding the issue of the late enforcement of judicial decisions ordering the state to pay compensation, recalled that it is examined in the framework of the *Luntre and others* group (1013th meeting, December 2007, Section 4.2).

Failure of the government to recognise the applicant church (violation of Article 9) and absence of effective domestic remedy in this respect (violation of Article 13).

Metropolitan Church of Bessarabia and others v. Moldova

Decision adopted at the 1007th meeting.
45701/99, judgment of 13/12/2001, final on 27/03/2002
Interim Resolution ResDH (2006) 12

The Deputies

1. noted with interest the adoption of a new law on religious denominations, which finally entered into force in August 2007, designed to respond to the requirements of the judgment of the European Court in this case as well as the general requirements of the European Convention on Human Right and the recommendations given by the Council of Europe experts and the preoccupations of Committee of Ministers (see in particular Interim Resolution ResDH (2006) 12);

2. nonetheless noted with concern that the new law was only partially operational, and that this situation is particularly regrettable since numerous entities of the applicant church have still not obtained their registration according to the previous regulation;

3. furthermore noted with regret that while the new law presents numerous improvements in comparison to previous drafts, some of the recommendations of the Council of Europe experts and preoccupations of the Committee of Ministers had still not been taken into consideration, in particular:

– that the requirement of a minimum of 100 members for the registration of a religious denomination had been kept in the law, even if an entity of a religious denomination may register with only 10 members and,
– that the procedures applicable are still not set out in detail in the law and their efficiency is questionable, particularly in the light of the judgment of the court in the case of *Biserica Adevãrat Ortodoxã din Moldova and others* (non-execution of a judicial decision ordering the registration of a cult);

4. noted in addition that the new law raises certain new questions under the Convention;

5. noted nonetheless that the government is asked within three months, namely by 17 November 2007, to present proposals for complementary laws to ensure the implementation of the new law and to bring existing laws into conformity with the new law, as well as to ensure the compatibility of the government's own normative acts with the new law;

6. underlined the importance of conceiving the proposals regarding the implementation of the new law so as to ensure that the new regulatory framework is fully compatible with the Convention and that the judicial remedies provided are fully effective;

7. also underlined the importance of rapidly resolving the registration difficulties encountered by a certain number of entities of the applicant church and ensuring in all cases that these difficulties do not hamper the proper functioning of these entities pending the entry into force of the new system and noted, moreover, the assurances given by the Government of Moldova in this respect;

8. decided to resume consideration of this item at the latest at the first HR meeting of 2008, in the light of information to be provided.

Excessive length of judicial proceedings before civil, criminal, administrative, family and labour courts (violation of Article 6, paragraph 1).

Oliveira Modesto and 24 other cases of length of judicial proceedings against Portugal

Decision adopted at the 1007th meeting.
34422/97 Oliveira Modesto and others, *judgment of 08/06/200, final on 08/09/2000 and other cases*
52662/99 Jorge Nina Jorge and others, *judgment of 19/02/2004, final on 19/05/2004 and other cases*
48956/99 Gil Leal Pereira, *judgment of 31/10/*

2002, final on 31/01/2003 and other cases
51806/99 Figueiredo Simoes, *judgment of 30/01/2003, final on 30/04/2003*
53795/00 Farinha Martins, *judgment of 10/07/2003, final on 10/10/2003*

The Deputies,

1. adopted Interim Resolution CM/ResDH (2007) 108 as it appears in the Volume of Resolutions (see Appendix II below);

2. decided to resume consideration of the outstanding individual measures and the general measures in these cases at their third meeting in 2008, at the latest.

Lafargue v. Romania

Decision adopted at the 1007th meeting.
37284/02, judgment of 13/07/2006, final on 13/10/2006

The Deputies,

1. noted with satisfaction the measures taken by the Romanian authorities, in particular, setting up psychological support for the child and the decision of the Bucharest Court of 22 June 2006, final in May 2007, granting visitation rights to the applicant ;

2. invited the authorities of the respondent state to provide the Committee with additional information on the effective exercise of the visiting rights by the applicant;

3. decided to resume consideration of this item at their 1013th HR meeting (3-5 December 2007), in the light of further information to be provided concerning general measures as well as on the payment of the just satisfaction, if necessary;

4. decided to resume consideration of this item at the latest at their second HR meeting of 2008, in the light of further information to be provided concerning individual measures.

Failure by respondent state to make adequate and sufficient efforts to ensure respect for applicant's right of access to his child (violation of Article 8).

Rotaru v. Romania

Decision adopted at the 1007th meeting.
28341/95, judgment of 04/05/2000 – Grand Chamber,
Interim Resolution ResDH (2005) 57

The Deputies

1. recalled Interim Resolution ResDH (2005) 57, in which the Committee of Ministers called upon the Romanian authorities to rapidly adopt the legislative reform necessary to respond to the criticism made by the Court in its judgment concerning the Romanian system of gathering and storing information by the secret services;

2. regretted that, more than seven years after the date of the judgment of the European Court, the necessary general measures had not yet been adopted and insisted on the urgency of fully executing this judgment;

3. took note in this respect of the ongoing legislative reform in the field of national security;

4. noted with interest the draft provisions relating to the possibility of challenging the holding, by the intelligence services, of information on private life or to refute the truth of such information;

5. urged the Romanian authorities to provide more concrete information on the provisions contained in the announced draft laws relating to other shortcomings identified by the European Court, and to continue to inform the Committee about progress in their adoption;

6. decided to resume consideration of this item at their first HR meeting of 2008, if appropriate, on the basis of a new draft interim resolution;

Lack of sufficient legal safeguards concerning the storage and use, by the intelligence service, of personal data (violation of Article 8) ; lack of an effective remedy in this respect (violation of Article 13); failure of a court to rule on a request of the applicant (violation of Article 6, paragraph 1).

Bolat v. Russia

Decision adopted at the 1007th meeting.
14139/03, judgment of 05/10/2006, final on 05/01/2007

The Deputies,

1. took note of the detailed information provided by the authorities on individual and general measures shortly before the present meeting;

2. decided to resume consideration of this item at their 1013th HR meeting (3-5 December 2007), in the light of this information and any other information which may be provided on individual and general measures.

Violation of freedom of movement (Article 2 Protocol 4) and unlawful expulsion of aliens (Article 1 Protocol 7).

Action of the Russian security forces during military operations in Chechnya in 1999 and 2000: the state's responsibility for killing of the applicants' relatives or failure to protect their right to life (violation of Article 2); lack of effective investigations into the killings and alleged torture (violation of Article 2 and/or Article 3, and violation of Article 13); destruction of one applicant's property (violation of Article 1, Protocol 1).

Isayeva v. Russia and six other cases

Decision adopted at the 1007th meeting.
57950/00, judgment of 24/02/2005, final on 06/07/2005 and other cases
CM/Inf/DH (2006) 32 revised

The Deputies,

1. took note with interest of the round table held on 3-4 July in Moscow on the implementation of the European Court's judgments concerning the Chechen Republic, with the participation of representatives of several Council of Europe bodies as well as federal and Chechen authorities and welcomed the fact that the discussions at this round table contributed to the identification of the outstanding measures to be taken by the authorities to comply fully with the judgments of the European Court;

2. welcomed the extensive information provided by the Russian authorities on general measures being taken or envisaged in order to prevent new, similar violations, in particular with regard to the issues raised in Memorandum CM/Inf/DH (2006) 32 revised 2;

3. underlined the particular importance of individual measures in this kind of cases and strongly encouraged the Russian authorities to inform them of the concrete steps taken to remedy the shortcomings of domestic investigations identified by the Court's judgments in respect of each case pending before the Committee and/or of the results of these investigations;

4. decided to resume consideration of these cases at their first HR meeting in 2008, in the light of the assessment to be made by the Secretariat of the information provided concerning individual and general measures and possibly on the basis of an updated version of the memorandum.

Poor conditions of pre-trial detention amounting to degrading treatment (Article 3); excessive length of this detention (Article 5 §3); excessive length of criminal proceedings (Article 6 §1).

Kalashnikov and three other cases against the Russian Federation

Decision adopted at the 1007th meeting.
47095/99, judgment of 15/07/2002, final on 15/10/2002 and other cases

Interim Resolution ResDH (2003) 123

The Deputies,

1. welcomed the measures taken by the Russian authorities with a view to improving material conditions of detention on remand;

2. noted with interest other initiatives to set up public control over places of detention and domestic remedies to complain about conditions of detention;

3. decided to resume consideration of these items at their first HR meeting in 2008 in the light of further information to be provided on general measures;

4. recalled that consideration of the specific issue of the implementation of pre-trial detention as a preventive measure and its ramifications for prison overcrowding, will be examined at the 1013th HR meeting (3-5 December 2007) in the context of the *Klyakhin* group on the basis of the document CM/Inf/DH (2007) 4.

Poor conditions of the applicant's detention in pre-trial detention facilities and in the prison disciplinary cells, combined with lack of adequate medical care, amounting to inhuman and degrading treatment (Article 3); restriction of the right to defence due to the authorities' refusal to examine the defence witnesses (Article 6 §3 (d) and §1 ; illicit pressure from the prison administration amounting to undue interference with the applicant's right of individual petition (Article 34).

Popov v. Russia

Decision adopted at the 1007th meeting.
26853/04, judgment of 13/07/2006, final on 11/12/2006

The Deputies,

1. welcomed the decision of the Russian Supreme Court of 29 August 2007 to quash the previous judicial judgment which sentenced the applicant and to reopen proceedings in this case, following the judgment of the European Court;

2. encouraged the Russian authorities to bring the new proceedings to a close in line with the Convention requirements;

3. nonetheless invited the authorities to clarify the basis upon which the applicant was held in detention on remand between the above-mentioned decision of the Supreme Court of 29 August 2007 and the decision of Preobragensky District Court of 11 September 2007 ruling on his detention in remand, as well as the reasons for this detention;

4. took note of the information provided by the authorities on other individual measures required by the judgment, in particular as to whether the applicant may have access to regular medical examinations, as well as on general measures;

5. decided to resume consideration of this item at their 1013th HR meeting (3-5 December 2007) in the light of possible further information on individual and general measures.

***Ryabykh v. Russia* and 17 other cases concerning the quashing of final judicial decisions following a supervisory review**

*Decision adopted at the 997*th *meeting. 52854/99, judgment of 24/07/03, final on 03/12/03. CM/Inf/DH (2005) 20*

The Deputies, having considered the draft law aiming at the reform of the supervisory review procedure:

1. welcomed the constructive bilateral consultations held between the Secretariat and the competent Russian authorities on the ongoing reform;

2. encouraged the Russian authorities to continue these consultations with a view to ensuring the full compliance of the aforementioned draft law with the Convention requirements;

3. urged the Russian legislature to give priority to this reform and to ensure its rapid adoption, bearing in mind its importance for enhancing the effectiveness of the Russian judicial system and for better respect of the Convention's requirements;

4. decided to resume consideration of these items at their 1013th HR meeting (3-5 December 2007), in the light of further information to be provided concerning the progress made in the adoption of the reform.

Non-respect of the final character of judicial decisions; quashing of final decisions by means of extraordinary proceedings instituted by state official (violation of Article 6, paragraph 1).

Sypchenko v. Russia

Decision adopted at the 1007th meeting. 38368/04, judgment of 01/03/2007, final on 22/05/2007

The Deputies,

1. took note of the information provided by the Russian authorities on individual measures required by the judgment of the Court, in particular of the signature of the contract of social rent between the applicant and the town council of Bataysk on 9 October 2007;

2. decided to resume consideration of this item at their 1013th HR meeting (3-5 December 2007), and to join it, at the same meeting, with the *Ryabykh* group of cases, to supervise general measures.

Non-respect of final character of judicial decisions; quashing of final decisions by means of extraordinary proceedings instituted by state official (Article 6 §1) and violations of applicants' right to peaceful enjoyment of their possessions (Article 1 Protocol 1).

Tarariyeva v. Russia

Decision adopted at the 1007th meeting 4353/03, judgment of 14/12/2006, final on 14/03/2007

The Deputies,

1. took note of the information provided by the Russian authorities concerning the individual and general measures;

2. decided to resume consideration of this item at their 1013th HR meeting (3-5 December 2007), in the light of the assessment to be made by the Secretariat of the information provided by the authorities.

Authorities' failure to protect the right to life of the applicant's son due to the lack of adequate medical care in prison and defective medical assistance at a public hospital and the inefficiency of the investigation in this respect which deprived the applicant of a civil claim for compensation (Art. 2); inhuman treatment inflicted on the applicant's son due to the poor conditions of transport and his handcuffing at the civil hospital (Art. 3).

Tatishvili v. Russia

Decision adopted at the 1007th meeting. 1509/02, judgment of 22/02/2007, final on 09/07/2007

The Deputies,

1. took note of the information provided by the Russian authorities concerning the individual and general measures;

2. decided to resume consideration of this item at their first HR meeting in 2008, in the light of the assessment to be made by the Secretariat of the information provided by the authorities.

Unjustified interference with the applicant's right to liberty of movement in refusing her residence registration in breach of domestic law (Art. 2 Prot. 4). Violation of the applicant's right to a fair trial due to the domestic courts' deficient reasoning (Art. 6 §1).

Excessive length of proceedings relating to applicant's family life and lack of an effective remedy (Article 6 §1 and 13). Double violation of the applicant's right to respect of her family life due to non-enforcement of the interim court order granting her access to her child and to the excessive length of above proceedings (Article 8).

V.A.M. v. Serbia

Decision adopted at the 1007th meeting. 39177/05, judgment of 13/03/2007, final on 13/06/2007

The Deputies,

1. noted that the European Court expressly stated that the Serbian authorities are under an obligation to enforce the interim access order of 23/07/1999 so that the applicant may have access to her child, as well as to conclude the ongoing civil proceedings related to child custody;

2. stressed that exceptional diligence is required in taking the necessary individual measures in this case, having regard to the fact that the applicant is HIV positive and has not had access to her daughter for nine years;

3. invited the Serbian authorities to inform the Committee rapidly of the individual measures they envisage taking in this regard;

4. decided to resume consideration of this item at their 1013th HR meeting (3-5 December 2007), in the light of information to be provided on the payment of just satisfaction, if necessary, and individual and general measures taken or envisaged, in particular concerning the relevant, newly adopted legislation.

Excessive length of proceedings before civil courts (Article 6 §1), lack of effective remedy against excessive length of proceedings (Article 13).

***Lukenda v. Slovenia* and 180 other cases of excessive length of judicial proceedings and lack of an effective remedy**

Decision adopted at the 1007th meeting. 23032/02, judgment of 06/10/2005, final on 06/01/2006

The Deputies

1. noted with interest the general measures taken to solve the problem of excessive length of judicial proceedings and to introduce new effective remedies against it, in particular the adoption of the Lukenda Project and the entry into force on 1 January 2007 of the Act of 26/04/2006 on the protection of the right to trial without undue delay;

2. noted also that measures have been taken to accelerate certain pending proceedings;

3. decided to resume consideration of these items at their 1013th HR meeting (3-5 December 2007), in the light of further information to be provided concerning payment of the just satisfaction, if necessary;

4. decided, moreover, to resume consideration of these items at the latest at their second HR meeting in 2008, in the light of further information to be provided concerning individual measures, namely the state of pending proceedings and their acceleration, if necessary, as well as on general measures, in particular the average length of judicial proceedings in Slovenia, the implementation of the Lukenda Project and the functioning of the new remedies against the excessive length of judicial proceedings.

Failure by the respondent state to take adequate and sufficient action to enforce the applicant's right to have his son (born in 1999) returned to Italy after abduction by the mother (Article 8).

Bianchi v. Switzerland

Decision adopted at the 1007th meeting. 7548/04, judgment of 22/06/2006, final on 22/09/2006

The Deputies decided to resume consideration of this item at their first HR meeting in 2008, in the light of a draft interim resolution to be prepared by the Secretariat and which should take stock of the actions undertaken by the Swiss authorities on individual measures and on further steps with a view to finding the child.

Fourteen violations in relation to the situation in the northern part of Cyprus since the military intervention by Turkey in July and August 1974 and concerning: Greek-Cypriot missing persons and their relatives; home and property of displaced persons; living conditions of Greek Cypriots in Karpas region of northern Cyprus; rights of Turkish Cypriots living in northern Cyprus.

Cyprus v. Turkey

Decision adopted at the 1007th meeting. 25781/94, judgment of 10/05/2001 – Grand Chamber CM/Inf/DH (2007) 10rev3, CM/Inf/DH (2007) 10/1rev, CM/Inf/DH (2007) 10/3rev2, CM/Inf/DH (2007) 10/5, CM/Inf/DH (2007) 10/6, Interim Resolutions ResDH (2005) 44, CM/ResDH (2007) 25

The Deputies,

On the issue of missing persons:

1. noted with satisfaction the progress achieved by the CMP and in particular the first returns to the families of the remains of their relatives and invited the Turkish authorities to continue to keep the Committee of Ministers informed of such developments;

2. underlined, however, that the Turkish authorities had been regularly invited to provide information on the additional measures required to ensure the effective investigations called for by the Court's judgment;

On the issue of the property rights of the enclaved persons:

3. noted that an unjustified interference in the property rights of these persons still subsists

and invited the Turkish authorities to provide further information in this respect;

4. also noted that the various issues concerning the regulation of the property rights in question require deeper consideration;

On the issue of property rights of displaced persons:

5. noted with interest the information provided by the Turkish authorities, including statistical data, on the functioning of the Immovable Property Commission established in the north of Cyprus and invited the authorities to continue to keep the Committee informed on this subject;

6. once again invited the Turkish authorities, in conformity with Interim Resolution CM/ResDH (2007) 25 of 4 April 2007, to provide, without delay, detailed and concrete information on changes and transfers of property at issue in the judgment, as well as information on measures taken to safeguard the property rights of the displaced persons as these have been recognised in the judgment of the European Court;

7. decided to resume consideration of the issues raised in this case at their 1013th HR meeting (3-5 December 2007).

Loizidou v. Turkey

Decision adopted at the 1007th meeting. 15318/89, judgment of 18/12/96 (merits), Interim Resolutions CM/ResDH (1999) 680, CM/ResDH (2000) 105, CM/ResDH (2001) 80

Continuous denial of access to the applicant's property in the northern part of Cyprus and consequent loss of control thereof (violation of Article 1, Protocol 1).

The Deputies,

1. underlined the exceptional character of the individual measures in this case, having regard to the fact that their adoption has been awaited since the judgment of the European Court on the merits, delivered in 1996;

2. deeply regretted the fact that to date the Turkish authorities had made no concrete proposal to the applicant aimed at putting an end to the continuing violation of her property rights found in this judgment and redressing its consequences;

3. strongly urged the Turkish authorities to adopt the measures necessary to remedy the consequences of the continuing violation of the applicant's property rights without further delay,

4. decided to resume consideration of this case at their 1013th HR meeting (3-5 December 2007).

Xenides-Arestis v. Turkey

Decision adopted at the 1007th meeting. 46347/99, judgments of 22/12/2005, final on 22/03/2006 and of 07/12/2006, final on 23/05/2007

Violation of the applicant's right to respect for his home (violation of Article 8) and denial of access, control, use and enjoyment of property and of compensation for this interference (violation of Article 1, Protocol 1).

The Deputies,

1. noted the information provided by the Turkish authorities on the functioning of the Immovable Property Commission established in the north of Cyprus and invited the authorities to continue to keep the Committee informed on this subject;

2. took note of two divergent interpretations put forward regarding what precisely is covered by the amount awarded in respect of pecuniary damage in the judgment on application of Article 41 of 7 December 2006;

3. considered that in any event and without prejudice to possible further clarifications, the amounts awarded by the above-mentioned judgment are due according to the modalities indicated in this judgment; accordingly urged Turkey to pay the amount awarded by the European Court without further delay;

4. recalled the Memorandum CM/Inf/DH (2007) 19 prepared by the Secretariat on the issue of the payment of the just satisfaction awarded by the European Court in the judgment of 22/12/2005;

5. considered in this respect that the elements brought to the attention of the Committee indicate that the VAT has been included in the sum awarded by the European Court in respect of the just satisfaction, which has already been paid;

6. agreed to resume consideration of the issues raised in this case at the 1013th HR meeting (3-5 December 2007).

Degrading treatment as a result of applicant's repeated convictions and imprisonment for refusal to perform compulsory military service due to convictions as a pacifist and a conscientious objector (violation of Article 3).

Ülke v. Turkey

Decision adopted at the 1007th meeting.
39437/98, judgment of 24/01/2006, final on 24/04/2006

The Deputies,

1. adopted Interim Resolution CM/ResDH (2007) 109 as it appears in the Volume of Resolutions (see Appendix III below);

2. decided to examine the implementation of the present judgment at each HR meeting until the necessary urgent measures are adopted.

Unjustified interferences with applicants' freedom of expression (publication of articles and books or the preparation of messages addressed to a public audience); lack of independence and impartiality of state security courts (violation of Article 10 and of Article 6, paragraph 1).

***Inçal* and 73 other cases against Turkey concerning freedom of expression**

Decision adopted at the 1007th meeting.
22678/93 Inçal*, judgment of 09/06/1998 and other cases*
Interim Resolutions ResDH (2001) 106 and ResDH (2004) 38; CM/Inf/DH (2003) 43 , CM/Inf/DH (2007) 20 rev.

The Deputies,

1. noted that no information had been submitted by the Turkish authorities concerning the general measures taken since the last examination of these cases at their 992nd meeting in April 2007;

2. reiterated therefore that the examples of domestic court decisions submitted previously do not allow a conclusion that the criteria used by the European Court, such as "incitement to violence" or "public interest", are consistently applied by the Turkish judges and prosecutors;

3. urged the Turkish authorities to continue their efforts to bring Turkish law fully into conformity with the Convention's requirements and thus prevent any risk of new violations similar to those found in the present cases;

4. invited the authorities to take all necessary measures to grant the applicants appropriate redress by erasing all effects of those convictions which were found by the Court in violation of the Convention;

5. decided to resume consideration of these items:

– at their 1013th HR meeting (3-5 December 2007) in the light of further information to be provided on payment of just satisfaction, if necessary;

– at the latest at their second HR meeting in 2008 in the light of information to be provided on progress in the adoption of general and individual measures, if necessary in the light of a draft interim resolution;

6. decided to declassify the memorandum prepared by the Secretariat CM/Inf/DH (2007) 20 revised.

Unfairness of proceedings, ill-treatment of the applicants while in police custody, (in the cases of *Hulki Güneº* and *Göçmen*) lack of independence and impartiality of state security courts; (in the case of *Göçmen*) excessive length of proceedings; (in the cases of *Göçmen* and *Söylemez*) absence of an effective remedy (violation of Article 6, paragraphs 1 and 3, of Article 3 and of Article 13).

***Hulki Güneş v. Turkey* and two other cases**

Decision adopted at the 1007th meeting.
28490/95, judgment of 19/06/2003, final on 19/09/2003, Interim Resolutions ResDH (2005) 113 and CM/ResDH (2007) 26

The Deputies,

1. noted with grave concern that the Turkish authorities have still not responded to Interim Resolutions ResDH (2005) 113 of November 2005 and CM/ResDH (2007) 26 of April 2007 calling upon them to abide by their obligation under Article 46, paragraph 1, of the Convention to redress the violations found in respect of the applicant and strongly urging them to remove the legal lacuna preventing the reopening of domestic proceedings in the case of *Hulki Güneş*;

2. deplored the fact that no progress had been reported by the Turkish authorities regarding a possible legislative reform designed to allow the reopening of proceedings in all such cases and that no time frame had been provided in this respect;

3. noted with grave concern that the legal lacuna also prevents the reopening of proceedings in the cases of *Göçmen* and *Söylemez* in which the European Court found that the applicants did not have a fair trial;

4. strongly urged the Turkish authorities to redress the violations found in respect of the applicants in these cases;

5. decided to resume consideration of these items at their 1013th HR meeting (3-5 December 2007) and instructed the Secretariat to prepare a draft interim resolution if no information is received on the measures to be taken.

Taşkin and others*; *Öçkan and others*; *Okyay Ahmet and others v. Turkey

Decision adopted at the 1007th meeting.
46117/99 Taþkýn and others, judgment of 10/11/2004, final on 30/03/2005, rectified on 01/02/2005
46771/99 Öçkan and others, judgment of 28/03/2006, final on 13/09/2006
36220/97 Okyay Ahmet and others, judgment of 12/07/2005, final on 12/10/2005 – Interim Resolution CM/ResDH (2007) 4

The Deputies, having noted the positive information supplied, decided to resume consideration of these items at their 1013th HR meeting (3-5 December 2007) in the light of further information to be provided on payment of the just satisfaction, if necessary, and individual measures, namely:

– in the cases of *Taşkýn and others* and *Öçkan and others*: the outcome of the proceedings in annulment of the new operation permit and the enforcement of the decision of the Izmir Administrative Court annulling the urban plan of the mining area;

– in the case of *Ahmet Okyay* and others: the installation of filter mechanisms in the power plants.

as well as in the light of information to be provided on general measures, in particular concerning the problem of non-enforcement of the domestic court decisions.

Violation of the applicants' right to their private and family life due to decisions by the executive authorities to allow continuation of a gold-mining operation likely to cause harm to the environment (violation of Article 8), the non-enforcement of domestic court decisions ordering the stay of execution of the production at the gold mine (violation of Article 6).

***Aksoy* and 210 other cases against Turkey concerning the actions of the Turkish security forces**

Decision adopted at the 1007th meeting.
21987/93 Aksoy, judgment of 18/12/1996
Interim Resolution CM/ResDH (2005) 43
CM/Inf/DH (2006) 24 revised 2

The Deputies,

1. noted the progress achieved and the outstanding issues in the light of the Secretariat's memorandum CM/Inf/DH (2006) 24 revised 2;

2. decided to declassify this memorandum;

3. decided to resume consideration of these cases at their 1013th HR meeting (3-5 December 2007), in the light of further information to be provided on payment of just satisfaction, if necessary;

4. decided further to resume consideration of these items at their second HR meeting in 2008, in the light of a draft interim resolution to be prepared by the Secretariat taking stock of the measures taken so far with a view to possible closure of some of the issues raised in interim resolution ResDH (2005) 43 and other outstanding measures to be taken.

Actions of the security forces, in particular in the southeast of Turkey (unjustified destruction of property, disappearances, infliction of torture and ill-treatment during police custody and killings committed by members of security forces); lack of effective investigation into alleged abuses by members of security forces and Turkey's failure to co-operate with the Convention organs under Article 38 of the Convention.

***Zhovner* and 202 other cases against Ukraine concerning the failure or substantial delay by the administration or state companies in abiding by final domestic judgments**

Decision adopted at the 1007th meeting.
56848/00 Zhovner, judgment of 29/06/2004, final on 29/09/2004 and other cases
CM/Inf/DH (2007) 30 (revised in English only) and CM/Inf/DH (2007) 33

The Deputies, having considered the conclusions adopted at the round table on non-enforcement of domestic judicial decisions in member states held on 21-22 June 2007 in Strasbourg,

1. welcomed the constructive exchanges during the round table and the active participation of the Ukrainian authorities;

2. encouraged the Ukrainian authorities to give appropriate follow up to the conclusions adopted at this round table and to provide information on further measures envisaged to remedy the outstanding issues, in particular on the timetable for adopting the draft law on legal process within reasonable time;

3. noted with satisfaction new recent developments with regard to the company Atomspetsbud and other measures with a view to improving the enforcement procedures;

4. decided to resume consideration of these items at their 1013th HR meeting (3-5 December 2007), in the light of information to be provided concerning payment of just satisfaction, if necessary, as well as on individual and general measures, possibly on the basis of a new version of the Memorandum CM/Inf/DH (2007) 33.

Failure or serious delay by administration in abiding by final domestic judgments; absence of effective remedy in relation to delays in the enforcement proceedings; violation of applicants' right to protection of their property violation of Article 6, paragraph 1, of Article 13 and of Article 1, Protocol 1).

Interim resolutions (extracts)

During the period concerned, the Committee of Ministers encouraged the adoption of many reforms by different means and also adopted three interim resolutions. These resolutions

may notably provide information on adopted interim measures and planned further reforms, they may encourage the authorities of the state concerned to make further progress in the adoption of relevant execution measures, or provide indications on the measures to be taken. Interim resolutions may also express the Committee of Ministers' concern as to adequacy of measures undertaken or failure to provide relevant information on measures undertaken, they may urge states to comply with their obligation to respect the Convention and to abide by the judgments of the Court or even conclude that the respondent state has not complied with the Court's judgment.
Relevant extracts from the interim resolutions adopted are presented below, by their chronological order. The full text of these resolutions is available on the website of the Department for the Execution of Judgments of the European Court of human Rights, the Committee of Ministers' website and the HUDOC database of the European Court of Human Rights.

Death of applicants' relatives while in police custody, ill-treatment by police officers and lack of an effective investigation in this respect (Article 2 and/or 3 and 13), failure by police to provide timely medical care in detention (Article 2) and irregularities concerning detention (Article 5 §1).

Interim Resolution CM/ResDH (2007) 107 – *Velikova* and seven other cases against Bulgaria relating in particular to the ill-treatment inflicted by police forces, including three deaths, and the lack of an effective investigation

Decision adopted at the 1007th meeting. 41488/98, Velikova v. Bulgaria*, judgment of 18/05/2000, final on 04/10/2000*

In this resolution, as regards individual measures, the Committee of Ministers:

1. noted that the judgments in these cases have recently been transmitted to the Prosecutor General, who is competent to ask for the reopening of the investigations into the deaths and the ill-treatment criticised by the European Court;

2. recalled in this respect the obligation for the respondent state, according to the Convention, to conduct effective investigation in the sense that it is capable of leading to a determination of whether the force used was or was not justified in the circumstances and to the identification and punishment of those responsible, as well as the position established by the Committee of Ministers according to which a continuing obligation exists to carry such investigations in these cases where procedural violations of Articles 2, 3 and 13 have been found;

3. called upon the government of the respondent state to rapidly adopt all required individual measures in these cases and to inform the Committee of Ministers regularly about this issue;

As regards general measures, the Committee of Ministers:

1. noted with interest the information provided by the government of the respondent state on general measures adopted so far or envisaged with the aim of complying with these judgments (see for more details Appendix II of the Resolution);

2. noted, however, that certain general measures remain to be taken, in particular measures aimed at:

- improving the initial and ongoing training of all members of police forces, in particular as regards the widespread inclusion of human rights in the training;
- improving procedural guarantees during detention on remand, in particular through the effective implementation of the new regulation concerning the obligation to inform persons on remand of their rights and the formalities to be followed concerning the registration of arrests;
- guaranteeing the independence of investigations regarding allegations of ill-treatment inflicted by the police, and in particular ensuring the impartiality of the investigation organs in charge with this kind of cases;

3. called upon the government of the respondent state to rapidly adopt all outstanding measures and to regularly inform the Committee of Ministers on the practical impact of the adopted measures, in particular by submitting statistical data on the investigations carried out in respect of allegations of ill-treatment by the police;

4. decided to pursue the supervision of the execution of the present judgments until all general measures necessary for the prevention of new, similar violations of the Convention are adopted and their effectiveness does not raise any doubt, and until the Committee of Ministers is satisfied that all necessary individual measures are taken, in order to erase, as far as possible, the consequences of the violations found in respect of the applicants,

5. decided also to resume consideration of these cases as regards individual measures at each of its HR meetings and, as regards the general measures, at the latest within 10 months.

Interim Resolution CM/ResDH (2007) 108 – *Oliveira Modesto* and 24 other cases against Portugal relating to the excessive length of proceedings

Excessive length of judicial proceedings before civil, criminal, administrative, family and labour courts (Article 6 §1).

adopted at the 1007th meeting.
34422/97, Oliveira Modesto v. Portugal, *judgment of 08/06/2000, final on 08/09/2000*

In this resolution, the Committee of Ministers notably: [...]

Recalling [...] the Committee of Ministers' Recommendation to member states Rec (2004) 6 regarding the need to improve the efficiency of domestic remedies;

Recalling furthermore that excessive delays in the administration of justice constitute a serious danger for the respect of the rule of law;

1. invited the Portuguese authorities to provide for acceleration as much as possible of the proceedings in the three cases still pending before the Portuguese courts, to bring them to an end as soon as possible, and to keep the Committee informed of the progress in this respect;

2. encouraged the Portuguese authorities to continue their efforts in solving the general problem of the excessive length of judicial proceedings before civil, administrative, criminal, family and labour courts, and keep the Committee informed thereof;

3. invited the authorities to provide the Committee with further information on the practical impact of all the reforms on the length of judicial proceedings, and in particular with additional comparative, statistical data in this respect;

4. invited the authorities further to continue the legislative process with a view to the adoption of the draft law on the regime of extra-contractual civil responsibility of the state and other public entities, which would provide a more stable basis for the effective remedy in civil and administrative proceedings;

5. decided to resume consideration of the outstanding individual measures and the general measures in these cases at its third meeting in 2008 at the latest.

Interim Resolution CM/ResDH (2007) 109 – *Ülke v. Turkey*

Degrading treatment as a result of the applicant's repetitive convictions and imprisonment for having refused to perform compulsory military service on account of his convictions as a pacifist and conscientious objector (Article 3).

adopted at the 1007th meeting.
39437/98, Ülke v. Turkey, *judgment of 24/01/2006, final on 24/04/2006*

In this resolution, the Committee of Ministers notably: [...]

1. urged the Turkish authorities to take all necessary measures to put an end to the violation of the applicant's rights under the Convention and to rapidly adopt the legislative reform necessary to prevent similar violations of the Convention without further delay;

2 invited in particular the Turkish authorities to rapidly provide the Committee with information concerning the adoption of the measures required by the judgment;

3. decided to examine the implementation of the present judgment at each human rights meeting until the necessary urgent measures are adopted.

Selection of final resolutions (extracts)

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 1007th meeting, the Committee adopted 40 final resolutions, (closing the examination of 145 cases), among which 25 took note of the adoption of new general measures. Some examples of extracts from the adopted Resolutions follow, in chronological order (for their full text visit the website of the Department for the execution of judgments, the website of the Committee of Ministers or the HUDOC database).

Excessive length of proceedings concerning civil rights and obligations or the determination of criminal charges before Administrative Courts (violations of Article 6, paragraph 1), unfairness of proceedings, notably on account of the lack of a public hearing (in the *Alge* and *Yavuz* cases) (violations of Article 6, paragraph 1).

Final Resolution CM/ResDH (2007) 110 – *Alge* and five other cases against Austria

Resolution adopted at the 1007th meeting. 38185/97, judgment of 22 January 2004, final on 22 April 2004

Individual measures

In all cases, the proceedings have been concluded. Concerning the cases of *Alge* and *Yavuz*, according to Article 45, paragraph 1 of the Administrative Court Act 1985, proceedings may be reopened on request by one of the parties on the grounds, *inter alia*, that during the proceedings at issue the provisions concerning the right to be heard were not complied with and if it may be assumed that the judgment could have been different.

General measures

1) Length of proceedings: In 2002 legislative measures were adopted to prevent the Administrative Court from being overburdened by clone cases. According to the new law on the Administrative Court (*Federal Law Gazette I* No. 124/2002) clone cases are now examined through a special accelerated procedure (see case of *G.S.*, judgment of 21 December 1999, Resolution ResDH (2004) 77). The number of cases pending before the Administrative Court for more than three years was considerably diminished in 2003; the average time needed for reaching a decision on the merits at this court in 2003 and 2004 was about 22 months and in 2005 about 21 months (see Activity Report 2005 of the Administrative Court issued in June 2006, available at www.vwgh.gv.at).

In addition, the respondent state informed the Secretariat of the work of the ninth committee of the Österreich Konvent project, which is examining the possibility of adopting organisational measures to deal with the case load problem of the Administrative Court. In particular, the Konvent is looking into the possibility of introducing a first-instance administrative jurisdiction at the federal and regional levels. The Konvent published its report on 31 January 2005, available at www.konvent.gv.at. It contains numerous concrete proposals for reform. A special sub-committee of the Austrian Parliament is currently discussing these proposals, meant to serve as a basis for a major administrative law reform.

2) Right to a hearing: Legislation in compliance with the Convention was adopted in September 1997 (see Resolution DH (1998) 59 in the *Linsbod* case), namely during or shortly after the period when the facts of the present cases occurred. Subsequently, a number of awareness-raising measures were taken to ensure that this new legislation is applied in accordance with the requirements of the Convention. Furthermore, the Austrian Government has indicated that the Administrative Court must pay any just satisfaction awarded to the applicant out of its own budget, a measure which could contribute towards preventing new, similar violations.

As with all judgments of the European Court against Austria concerning violations at the level of the Administrative Court, the judgments were automatically transmitted to the Presidency of that Court. Furthermore, judgments of the European Court are accessible to all judges and state attorneys through the internal database of the Austrian Ministry of Justice (RIS). Judgments of the European Court concerning Austria are regularly published in a summary version at www.menschenrechte.ac.at together with a link to the Court's judgments in English.

Discriminatory interference with the right to private life on account of the criminalisation of consensual male homosexual acts by adults with teenagers aged between 14 and 18 years old whereas consensual heterosexual or lesbian acts between adults and persons over 14 were not punishable (violations of Article 14 combined with Article 8).

Final Resolution CM/ResDH (2007) 111 – *L. and V. v. Austria* and *S.L. v. Austria*

Resolution adopted at the 1007th meeting. 39392/98 and 45330/99, judgments of 9 January 2003, final on 9 April 2003

Individual measures

In the case of *L. and V.*, the applicants may apply for the reopening of the proceedings in order to have the consequences of their convictions erased.

General measures

Article 209 was repealed on 10 July 2002 with effect from 14 August 2002. A summary of the Court's judgments and decisions concerning Austria is regularly prepared by the Federal Chancellery and disseminated widely to relevant Austrian authorities as well as Parliament and courts. Furthermore, judgments of the European Court are accessible to all judges and state attorneys through the internal database of the Austrian Ministry of Justice (RIS). Judgments of the European Court concerning Austria are regularly published in a summary version at www.menschenrechte.ac.at together with a link to the Court's judgments in English.

Final Resolution CM/ResDH (2007) 112 – *Morscher v. Austria*

Excessive length of proceedings before local and regional authorities and the Administrative Court regarding a building permit (violation of Article 6, paragraph 1).

Resolution adopted at the 1007th meeting. 54039/00, judgment of 05/02/2004, final on 05/05/2004

Individual measures

None, the proceedings are closed. In addition, the applicant has been granted planning permission to build on his land.

General measures

To ensure that local and regional authorities respect the statutory rules regarding their administrative decision-making, the Regional Government of Vorarlberg sent out an explanatory circular stressing the legal obligations of the competent authorities. The respondent state also provided detailed information regarding the use of modern information technology to accelerate administrative proceedings. Among other online projects, the internet platform www.help.gv.at provides information as well as electronic forms. This platform is expected to further facilitate administrative proceedings.

With regard to accelerating proceedings before the Administrative Court, the case presents similarities to that of *G.S.* (judgment of 21 December 1999, see Resolution ResDH (2004) 77) in the context of which a number of reforms were adopted. As a result, the respondent state indicated that in 2004 the Administrative Court managed once again to reduce the number of cases pending for more than three years.

As with all judgments of the European Court against Austria concerning a violation at the level of the Administrative Court, the *Morscher* judgment was automatically transmitted to the Presidency of that Court. Furthermore, judgments of the European Court are accessible to all judges and state attorneys through the internal database of the Austrian Ministry of Justice (RIS). Judgments of the European Court concerning Austria are regularly published in a summary version at www.menschenrechte.ac.at together with a link to the Court's judgments in English.

Final Resolution CM/ResDH (2007) 113 – *Schweighofer* and five other cases against Austria

Excessive length of criminal proceedings (violations of Article 6, paragraph 1).

Resolution adopted at the 1007th meeting. 35673/97, judgment of 09/10/2001, final on 09/01/2002

Individual measures

None: the proceedings are closed.

General measures

1) Measures taken to prevent the excessive length of criminal proceedings: In addition to providing information on the publication and dissemination of the judgments (see below), the Austrian authorities have indicated that it is possible under Section 91 of the Courts Act to apply for acceleration of pending criminal proceedings and that the European Court has considered this possibility to be an effective remedy for the purposes of Article 35, paragraph 1 of the Convention with certain exceptions. For example, the European Court noted that the procedure provided in Section 91 of the Courts Act is not applicable to delays during the pre-trial phase attributable to the public prosecutor or to administrative authorities, or to delays caused by the Supreme Court.

However, the new Code of Criminal Procedure, which was published in the *Official Journal* No. 19/2004 and is due to enter into force on 1 January 2008, guarantees the principle that proceedings should be conducted rapidly and prohibits unnecessary delays at all stages of criminal trials. The new law also provides that an accused may request termination of the trial if this principle is infringed.

The Austrian authorities have also made reference to Section 27 of the Code of Criminal Procedure which obliges criminal courts to report any delay or negligence of an authority which the court has requested to carry out a specific action to the respective superior authority or to the next instance court. This possibility also covers cases where the office of the public prosecutor does not fulfil a specific task.

Furthermore, public prosecutors are subject to dual supervision: first, under section 36 of the Law on public prosecutors (Staatsanwaltschaftsgesetz), the higher prosecution authorities (Oberstaatsanwaltschaften) have a duty of regular control. Secondly, under section 45 of the Law on civil servants (Beamten-Dienstrechtsgesetz 1979), every direct superior has to supervise staff to promote efficiency in line with current laws.

2) Redress for damage caused: The Austrian authorities have drawn attention to the provision of the Criminal Code requiring excessive length of criminal proceedings to be taken into account as a mitigating circumstance when sentencing.

3) Publication and dissemination: All judgments of the European Court against Austria concerning violations due to the length of criminal proceedings are automatically transmitted to the president of the Higher Regional Court (Oberlandesgericht) of the jurisdiction were the violation occurred, to inform all subordinate judicial authorities as appropriate.

Furthermore, the judgments of the European Court are accessible to all judges and state attorneys through the internal database of the Austrian Ministry of Justice (RIS). Judgments of the European Court concerning Austria are regularly published in a summary version at www.menschenrechte.ac.at together with a link to the Court's judgments in English.

Violation of the right to freedom of political association on account of the courts' refusal to register a political party in 1997-1998, based on insufficient grounds to justify such a radical measure (violation of Article 11).

Final Resolution CM/ResDH (2007) 114 – *Tsonev v. Bulgaria*

Resolution adopted at the 1007th meeting. 45963/99, judgment of 13/04/2006, final on 13/07/2006

Individual measures

The applicant may apply for the party's registration, as the refusal to register challenged in the European Court's judgment does not have force of *res judicata*. As to alleged non-pecuniary damage sustained by the applicant, the European Court considered that the finding of a violation constituted in itself sufficient just satisfaction. No further individual measure thus seems necessary.

General measures

As the Court noted in its judgment, at least eight other political parties were registered at the relevant time with the word *ìcommunistî* in their names. In addition, a party named Communist Party registered a change in its name into Communist Party of Bulgaria in 2000 without any hindrance related to the similarity of the name with that of other parties (§§25 and 26 of the judgment). Finally, the applicant was the chairman of another party using the word *ìrevolutionaryî* in its name and constitution, which had no difficulty being registered (§35 of the judgment).

In these circumstances, the government considers that the violation found by the European Court in this case does not reveal any structural problem concerning the registration of political parties in Bulgaria and that in consequence the publication and dissemination of the European Court's judgment to the relevant courts to enable them to take the Court's considerations into account and to draw their attention to their obligations under the Convention appear to be sufficient measures for execution.

The judgment of the European Court has been published on the website of the Ministry of Justice: http://www.mjeli.government.bg and also in the new quarterly journal *European Law and Integration*, which is published by the Ministry of Justice in 1000 copies and distributed to magistrates and academics (No. 2/2006). The judgment was sent out to the Sofia City Court and the Supreme Court of Cassation, which are the courts competent for the registration of political parties in Bulgaria.

Refusal to consider the merits of a case as the Czech courts had interpreted the procedural requirements in a manner that prevented the examination of the applicants' requests and complaints in substance (violation of Article 6, paragraph 1); lack of access to a court due to an unpredictable interpretation of the applicable procedural rules governing the admissibility of constitutional appeals (violation of Article 6, paragraph 1)

Final Resolution CM/ResDH (2007) 115 –*Běleš and others v.the Czech Republic*

Resolution adopted at the 1007th meeting. 47273/99, judgment of 12 November 2002, final on 12 February 2003

Individual measures

The representative of the applicants' association informed the Secretariat on 2 February 2004 that her clients do not intend to request a new judicial review of the decision of exclusion at issue.

General measures

Concerning the first violation of Article 6, paragraph 1, the interpretation given by the domestic courts in this specific case to the relevant procedural rules was contradicted by the subsequent case-law of the Supreme and Constitutional Courts. Moreover, the Act on the Freedom of Associations was modified in 2002 and it was made clear that appeals against decisions rendered by private associations are regulated by the provisions of the Code of Civil Procedure and should not be dealt with under the rules governing the judicial review of administrative decisions.

Concerning the possibility of bringing a case before the Constitutional Court, the rules on the admissibility of constitutional complaints had first been clarified by a Constitutional Court decision with general scope, published under No. 32/2003 in the *Czech Law Collection*. Subsequently, Parliament adopted Law No. 83/2004 (which entered into force on 1 April 2004), modifying the previous Law No. 182/1993 on the Constitutional Court. According to the new law (Article 75 §1), it is not necessary to have already lodged an extraordinary appeal, admissibility of which depends only on the discretionary assessment of the competent organ, such as the appeal on a point of law at issue in

the present case, before bringing the case before the Constitutional Court. Besides this, in those cases where an extraordinary appeal is declared inadmissible by the competent organ only on the basis of its discretionary assessment, a constitutional complaint may be lodged within 60 days from the notification of the decision dealing with the admissibility of the appeal at issue (Article 72 §4). These new provisions aim at eliminating the uncertainty which existed as regards the interpretation of the admissibility rules concerning constitutional complaints which led to the violation of the right of access to the Constitutional Court in the present case, as well as in that of *Zvolsk and Zvolsk v. the Czech Republic* (judgment of 12/11/2002, closed by Resolution CM/ResDH (2007) 30).

The judgment of the European Court has been published on the Ministry of Justice's website.

Final Resolution CM/ResDH (2007) 116 – *Bucheň v.the Czech Republic*

Resolution adopted at the 1007th meeting. 36541/97, judgment of 26/11/2002, final on 26/02/2003

Discriminatory suspension of pensions of certain former military judges (violation of Article 14 combined with Article 1 of Protocol No. 1).

Individual measures

The Ministry of Defence has decided, on the basis of the primacy of international law over domestic law, to end the suspension of the payment of the allowance at issue to the applicant, as well as to all the other people (a dozen) covered by the impugned measure.

General measures

The judgment of the European Court has been published on the website of the Ministry of Justice (www.justice.cz).

Final Resolution CM/ResDH (2007) 117 – Credit and Industrial Bank against the Czech Republic

Resolution adopted at the 1007th meeting. 29010/95, judgment of 21/10/2003 – Grand Chamber

Breach of the right of access to a court (violation of Article 6, paragraph 1).

Individual measures

On 31 September 1995 the Czech National Bank withdrew the applicant's banking licence and on 2 October 1995 the Prague Commercial Court declared it bankrupt. Since the applicant bank now lacks legal personality and the reopening of the case could have adverse financial consequences for its creditors, no individual measures arise in this case.

General measures

The domestic legislation applicable at the material time (namely the Bank Act of 1992 and the Code of Administrative Procedure of 1967) was amended in 1994 and now provides effective domestic remedies which allow a bank to challenge the reasons for a decision imposing compulsory administration before a court.

The judgment of the European Court has been translated and published on the website of the Ministry of Justice (www.justice.cz) and disseminated to the authorities concerned.

Final Resolution CM/ResDH (2007) 118 – Krasniki against the Czech Republic

Resolution adopted at the 1007th meeting. 51277/99, judgment of 28/02/2006, final on 28/05/2006

Breach of the right to a fair trial because the applicant was unable to question or have questioned the principal prosecution witnesses, who were protected by anonymity without sufficient justification (violation of Articles 6, paragraphs 1 and 3(d)).

Individual measures

The European Court found that the most appropriate form of redress in this case would be retrial *de novo* or reopening of the proceedings, if requested. According to Section 119 of the Constitutional Court Act (No. 83/2004), criminal proceedings in which the Constitutional Court has previously ruled may be reopened if an international court finds a violation of human rights or fundamental freedoms guaranteed by international treaty. The successful party must make such request within six months from the date on which the international decision becomes final.

The European Court also found that the finding of the violation constituted in itself sufficient just satisfaction for any non-pecuniary damage suffered by the applicant.

General measures

In the government's view, the direct effect given by the national courts to the case-law of the European Court will prevent new, similar violations. For this purpose, the judgment of the European Court has been published on the internet site of the Ministry of Justice (www.justice.cz). It has also been sent electronically to the presidents of regional, higher and supreme-level courts as well as to all judges of the Constitutional Court and to the ombudsman and other competent administrative and judicial authorities. It has also been reported to the Council of Ministers and a press release has been prepared by the Ministry of Justice.

Excessive length of the applicants' detention with a view to deportation and a lack of prompt examination of their applications for release (violations of Articles 5 §1(f) and 5 §4).

Final Resolution CM/ResDH (2007) 119 – *Singh v. the Czech Republic* and *Vejmola v. the Czech Republic*

Resolution adopted at the 1007th meeting. 60538/00 and 57246/00, judgments of 25/01/2005 and 25/10/2005, final on 25/04/2005 and 25/01/2006

Individual measures

The consequences of the violation found in the *Singh* case have been redressed by the European Court through the award of just satisfaction to compensate the non-pecuniary damage suffered. The applicants were freed in February 2001, one residing in the Slovak Republic, the other having remained in the Czech Republic.

In the *Vejmola* case, the applicant was released in 2000. The consequences of the violation found in this case have been redressed by the European Court through the award of just satisfaction in respect of non-pecuniary damage suffered by the applicant.

General measures

The judgment in the *Singh* case has been published on the website of the Ministry of Justice and sent out to all competent national judges with a covering letter indicating that any arrest or detention should only last a reasonable time and that proceedings to determine the lawfulness of detention should be carried out promptly. More strict national provisions concerning these issues are already in force. According to the amendments made to the Code of Criminal Procedure (entered into force on 1 January 2002), the courts now have a duty to decide promptly on an application for release from detention, and no later than within five working days.

The Czech authorities have also provided statistics concerning detention pending deportation. Since 2002 the situation seems to have improved significantly (the average length of detention pending deportation being 199 days in 2001, 87 days in 2002 and 72 days in 2004).

Excessive length of the applicant's detention on remand and the excessive length of criminal proceedings, both starting with the applicant's arrest in 1996 and coming to an end in 2001 (four years and nine months) (violation of Articles 5, paragraph 3 and 6, paragraph 1).

Final Resolution CM/ResDH (2007) 120 – *Cevizovic v. Germany*

Resolution adopted at the 1007th meeting. 49746/99, judgment of 29/07/2004, final on 29/10/2004

Individual measures

The European Court held that the finding of a violation in itself constituted sufficient just satisfaction in respect of pecuniary and non-pecuniary damages, noting in particular that the national courts had reduced his sentence in the light of the delays in proceedings. In July 2001, under an agreement reached with the prosecutor, the applicant was expelled to Croatia, his country of origin, to serve his sentence there.

General measures

The European Court found that "the competent court should have fixed a tighter hearing schedule in order to speed up the proceedings" when the proceedings had to be resumed after the applicant had already been detained for two years (paragraph 51 of the judgment).

The judgment of the European Court was sent out by government agent letter on 29 July 2004 to the domestic courts concerned, in particular to the Regional Court of Hanover. All judgments of the European Court against Germany are publicly available on the website of the Federal Ministry of Justice (www.bmj.de, Themen: Menschenrechte, EGMR) which provides a direct link to the European Court's website for judgments in German www.coe.int/T/D/Menschenrechtsgerichtshof/Dokumente_auf_Deutsch/). As the violation found does not appear to reveal a structural problem, no other general measures are deemed necessary.

Violation of the right to respect for the family life of the applicant, a second-generation Turkish immigrant, on account of an administrative decision given in 1999 expelling him to Turkey and excluding him indefinitely from German territory (violation of Article 8).

Final Resolution CM/ResDH (2007) 121 – *Keles v. Germany*

Resolution adopted at the 1007th meeting. 32231/02, judgment of 27/10/2005, final on 27/01/2006

Individual measures

In a letter of 28 March 2006 the authorities informed the applicant's legal representative that a term to the expulsion order had been set. The applicant may thus apply for a visa to return to Germany.

General measures

This case presents similarities to that of Y*ilmaz v. Germany* (application No. 52853/99, Resolution CM/ResDH (2007) 125).The judgment of the European Court was sent out by letter of the government agent of 14 November 2005 to the domestic courts and justice authorities concerned, namely the Federal Ministry of the Interior and the Ministry of Justice of Baden-Württemberg, the Federal Government Commissioner for Migration, Refugees and Integration and the Federal Constitutional Court.

All judgments of the European Court against Germany are publicly available on the website of the Federal Ministry of Justice (www.bmj.de, Themen: Menschenrechte, EGMR) which provides a direct link to the European Court's website for judgments in German www.coe.int/T/D/Menschenrechtsgerichtshof/Dokumente_auf_Deutsch/). As the violation found does not appear to reveal a structural problem, no other general measures are deemed necessary.

Final Resolution CM/ResDH (2007) 122 – *Gisela Müller v. Germany*

Excessive length of several sets of civil proceedings before the Hanseatic Court of Appeal concerning questions related to the management of a company (violation of Article 6, paragraph 1).

Resolution adopted at the 1007th meeting. 69584/01, judgment of 6/10/2005, final on 15/02/2006

Individual measures

According to the information provided by the German authorities, the domestic court has acted to advance the proceedings as far as possible. However, the proceedings are still pending in part, not least because following the death of the applicant's mother who was herself a party to the proceedings. On 26 January 2006 the court was obliged under section 246 of the Code of Civil Procedure to grant an application by the legal representative of the deceased for suspension of proceedings. The applicant requested the continuation of the proceedings, but the domestic court could not follow this request as the succession of the deceased is not clear. Thus the court has issued a judgment covering part of the matter (Teilurteil).

General measures

The judgment of the European Court was distributed by letter from the government agent dated 17 October 2005 to the courts and justice authorities concerned, namely the Senator of Justice and Constitution of Bremen and the Federal Constitutional Court.

All judgments of the European Court against Germany are publicly available on the website of the Federal Ministry of Justice (www.bmj.de, Themen: Menschenrechte, EGMR) which provides a direct link to the European Court's website for judgments in German www.coe.int/T/D/Menschenrechtsgerichtshof/Dokumente_auf_Deutsch/). As the violation found does not appear to reveal a structural problem, no other general measures are deemed necessary.

Final Resolution CM/ResDH (2007) 123 – *Storck v. Germany*

Unlawful admission and detention of the applicant in a private psychiatric clinic without consent or court order for 20 months (violation of Article 5, paragraph 1) and medical treatment against her will (violation of Article 8).

Resolution adopted at the 1007th meeting. 61603/00, judgment of 16/06/2005, final on 16/09/2005

Individual measures

Until the end of 2006 there was no explicit possibility in German law to ask for reopening of civil proceedings on the grounds that the domestic court's judgment did not interpret domestic law in the spirit of the Convention. In that respect the German Code of Civil Procedure differed from the Criminal Code of Procedure, which explicitly provides reopening in cases where the European Court found a violation which might have had repercussions on the outcome of the proceedings at issue (paragraph 359 Nr. 6 StPO).

On 31/12/2006 new legislation entered into force providing for reopening of civil proceedings in the same way as it was already the case for criminal proceedings (paragraph 580 Nr. 8 Code of Civil Procedures, introduced through the second law on modernising the judiciary, BGBl. I 2006 no. 66 of 30/12/2006). As the law does not have any retroactive effect, it appears that the applicant might not benefit from it. The applicant could not initiate criminal proceedings for deprivation of liberty (paragraph 239 StPO) and bodily harm (paragraph 223 StPO) as they were already time-barred when the applicant regained her ability to speak. Nevertheless the applicant is currently seeking reopening of domestic proceedings with a view to receiving additional compensation for pecuniary damage caused by her illegal detention. Her claim for legal aid was rejected by the Bremen Court of Appeal in February 2006. In March 2006 the applicant lodged a constitutional complaint against this decision, arguing that under German constitutional law as well as under the Convention, reopening proceedings would be possible and not futile and therefore legal aid ought to be granted. Given the constant practice of the Federal Constitutional Court, it is expected that the domestic court in its decision will fully implement the Convention as well as the European Court's case-law in order to grant full redress to the applicant.

General measures

Law reforms enacted

In the *Land* of Bremen a new Act on Measures of Aid and Protection in cases of Mental Disor-

ders (*Gesetz über Hilfen und Schutzmaßnahmen bei psychatrischen Krankheiten, PsychKG*) entered into force in 1979, providing an independent commission to visit psychiatric hospitals where patients are detained on the basis of a court order. Several years after the act entered into force, the commission extended its visit to all psychiatric hospitals. As this went beyond the strict wording of the article, visits to private clinics were carried out with the consent of the institutions concerned. The revised law of 2000 enables the commission to visit all institutions where patients are being kept against their will, at least once a year (paragraph 8, 13, 36 PsychKG Bremen of 19/12/2000). Furthermore, patients have the right to send and receive mail which must not be supervised if addressed to certain bodies, such as attorneys, courts, parliaments or the visitation commission. Similar provisions exist in most *Länder*.

In addition to the new Act on Measures of Aid and Protection in cases of Mental Disorders of 1979 (see above), new federal legislation entered into force in 1992. Since then, the placement of a minor by his/her parents in a mental institution requires an order of a court (paragraph 1631 b BGB, civil code). The same applies for adults having a guardian (paragraph 1906 BGB, civil code). Furthermore, since 1992 the reformed law on non-contentious proceedings (Freiwillige Gerichtsbarkeit, FGG) in paragraph 70 ff. provides procedural safeguards, in particular the duty of the judge to hear the patient in person (paragraph 70 c FGG), to assign a legal guardian if the patient cannot be heard because he/she is incapable of expressing him/herself, to give a person of confidence named by the patient the opportunity to be heard (paragraph 70 d FGG) and to obtain an expert opinion (paragraph 70 e FGG). The decision to put the patient in a mental institution has to be limited in time with a maximum duration of 2 years (paragraph 70 f FGG) and may be appealed by the patient, a relative, a person of confidence or the competent authorities (paragraph 70 m and d FGG).

Draft legislation authorising reopening of civil proceedings

Legislative steps have also been taken to introduce into German law, in line with Recommendation Rec (2000) 2 of the Committee of Ministers to member states, the possibility of reopening civil proceedings following a violation found by the European Court. The new law entered into force in December 2006 (see above under individual measures).

The effect given to the European Court's judgment by domestic authorities

The judgment has been widely disseminated to the domestic authorities concerned and covered by the media. Furthermore, the competent ministry of the *Land* of Bremen (Senator für Arbeit, Frauen, Gesundheit, Jugend und Soziales), sent a reminder of the current law to the responsible clinic in the present case as well as all other hospitals treating mental illnesses, stressing that a court order is mandatory in all cases. The topic will also be raised by the independent board of visitors to psychiatric hospitals on the occasion of future hospital visits.

As is the case with all judgments of the European Court against Germany, the judgment is publicly available on the website of the Federal Ministry of Justice (www.bmj.de, Themen: Menschenrechte, EGMR) which provides a direct link to the European Court's website for judgments in German (www.coe.int/T/D/Menschenrechtsgerichtshof/Dokumente_auf_Deutsch/. Furthermore, the judgment was published in the Rechtsprechungsreport of the *Neue Juristische Wochenschrift*, NJW-RR, 2006 p. 308-319.

Breach of the right to respect for private life of Princess Caroline von Hannover, the eldest daughter of Prince Rainier III of Monaco, on account of German courts' refusal of her requests to prohibit publication of a series photographs of her (violation of Article 8).

Final Resolution CM/ResDH (2007) 124 – *Von Hannover v. Germany*

Resolution adopted at the 1007th meeting. 59320/00, judgment of 24/06/2004, final on 24/09/2004 and judgment of 28/07/2005

Individual measures

Although it is possible under German law, the applicant did not take action to prevent further publication of the photographs in question after the European Court's judgment, but took action against a similar photograph (see under General Measures, No. 4 below). According to information available to the Secretariat, the photographs at issue in the European Court's judgment have not been reprinted by the German press.

General measures

Publication and dissemination of the judgment of the European Court:

The judgment has been widely published and discussed by the German legal community. As is the case with all judgments of the European Court against Germany, it is publicly available via the website of the Federal Ministry of Justice (www.bmj.de, Themen: Menschenrechte, EGMR) which provides a direct link to the Court's website for judgments in German (www.coe.int/T/D/Menschenrechtsgerichtshof/Dokumente_auf_Deutsch/). Further-

more, the judgment was disseminated by letter of the government agent to the courts and justice authorities concerned.

Change of domestic case-law:

When deciding upon similar cases, domestic courts have taken into account the judgment of the European Court, thus giving it direct effect in German law:

1) The partner of a famous singer successfully sued at the Berlin Court of Appeal (KG Urt. v. 29.10.2004, 9 W 128/04, *Neue Juristische Wochenschrift*, NJW, 2005, p. 605- 607).

2) The Convention's principles as set out in the European Court's judgments were also acknowledged, even though they were not directly relevant to the case, in a judgment of the Hamburg District Court forbidding commercial exploitation of the popularity of former Chancellor Schröder (AG Hamburg, Urt. v. 2.11.2004, 36A C 184/04, NJW-RR 2005, p. 196 - 198).

3) On the basis of the judgment of the European Court, the German Federal Civil Court upheld a judgment allowing the publication of an article about fining the applicant's husband for speeding on a French motorway. The Court stated that the public had a justified interest in this information as it constitutes an offence, making this behaviour the topic of a public discussion (BGH, Urt. v. 15.11.2005, VI ZR 286/04, available at www.bundesgerichtshof.de).

4) Concerning the applicant herself, in July 2005, the regional court of Hamburg (Landgericht), referring to the judgment of the European Court, decided in favour of the applicant, prohibiting the publication of a photograph showing her together with her husband in a St. Moritz street during a ski-ing holiday. However, in December 2005, the second instance (Appeal Court of Hamburg, *Oberlandesgericht*) reversed this decision, basing its judgment on the case-law of the German Federal Constitutional Court (*Bundesverfassungsgericht*). Upon revision to the Federal Civil Court (*Bundesgerichtshof*) sought by the applicant, the Federal Civil Court on 6 March 2007 decided that the photograph in question may be published. In its reasoning the domestic court, balancing the different interests at stake, explicitly took into account the Convention's requirements as set out in the European Court's judgment (BGH, Urt. v. 6.3.2007, VI ZR 14/06 available via www.bundesgerichtshof.de).

Final Resolution CM/ResDH (2007) 125 – *Yilmaz v. Germany*

Resolution adopted at the 1007th meeting. 52853/1999, judgment of 17/04/2003, final on 17/07/2003

Disproportionate interference in the applicant's right to family life on account of his expulsion to Turkey by an administrative decision in 1998, combined with an indefinite exclusion from German territory (violation of Article 8).

Individual measures

The respondent state indicated that the competent administrative authorities have set a term to the expulsion order, which will expire on 7 March 2007. Since the applicant has not appealed against this decision, it has become final. Article 9, paragraph 3, of the Law on aliens – now replaced by Article 11, paragraph 2 of the Residence Act – provides that before the expiration of the term set to the expulsion order, an alien's entry into the Federal Republic of Germany may exceptionally be allowed for a short period of time, when his presence is reasonably necessary or when the refusal of such a permit would be disproportionately harsh (*unbillige Härte*). Thus, the applicant may obtain a short-term residence permit in order to visit his minor child.

General measures

The judgment of the European Court has been disseminated by letter of the government agent of 24 June 2004 (with a reference to the relevant paragraphs) to the Bavarian Ministries of Interior and Justice, to the Federal Ministry of Interior, to the Federal Constitutional Court, the Federal Administrative Court and all the justice and interior authorities of the other *Länder*. All judgments of the European Court against Germany are publicly available on the website of the Federal Ministry of Justice (www.bmj.de, Themen: Menschenrechte, EGMR) which provides a direct link to the European Court's website for judgments in German www.coe.int/T/D/Menschenrechtsgerichtshof/Dokumente_auf_Deutsch/). As the violation found does not appear to reveal a structural problem, no other general measures are deemed necessary.

Unfair trial, on account of the failure of the Italian courts to ensure that the applicant had had a fair hearing in ecclesiastical proceedings before issuing their exequatur (violation of Article 6 §1).

Final Resolution CM/ResDH (2007) 126 – Pellegrini against Italy

Resolution adopted at the 1007th meeting. 30882/96, judgment of 20 July 2001, final on 20 October 2001

Individual measures

In consequences of the violation found by the Court, the applicant lost her right to a maintenance allowance, because the marriage was annulled instead of being ended by divorce. Nevertheless, on 19/06/2000 she came to an agreement with her former husband and renounced the judicial proceedings claiming her right to a maintenance allowance.

The Court dismissed the claim for pecuniary damage in so far as the applicant did not specify whether or not the agreement with her former husband covered the sum claimed to the Court for the time the payment of the allowance was suspended.

General measures

The applicable legislation in Italy explicitly provides, as a condition for giving the exequatur to proceedings declaring the nullity of marriage, the verification that the defence rights of the parties have been recognised in a manner compatible with the fundamental principles of Italian Law (see §§ 31-35 of the judgment). The case-law information on this issue submitted by the Italian authorities indicates that these provisions are normally respected in practice by the competent courts and that, therefore, the violation found in this case has an occasional and isolated character.

In order, however, to prevent any possible new, similar violation from occurring, the judgement was sent out to the Presidents of the Court of Cassation and of the Courts of Appeal, as well as to the Public Prosecutors of these Courts with a circular drawing their attention to the elements raised by the Court.

The judgment was furthermore published in Italian and commented in several legal reviews, notably in the "Law Guide" (Guida al diritto) supplement to the daily *Il Sole 24 Ore*, No. 35 of 15/09/2001.

Excessive length of certain criminal proceedings (violations of Article 6, paragraph 1).

Final Resolution CM/ResDH (2007) 127 – *Girdauskas v. Lithuania* and three other cases

Resolution adopted at the 1007th meeting. 70661/01, judgment of 11/12/2003, final on 11/03/2004

Individual measures

In the Girdauskas case, the Supreme Court delivered its final decision in November 2003. In the Meilus case, the proceedings were completed in December 2004. In the Jakumas and Kuvikas cases, no individual measures were required.

General measures

The new Code of Criminal Procedure, which entered into force on 1 May 2003, provides stricter time limits for completion of criminal cases and contains effective domestic remedies in cases when such proceedings are delayed (Articles 44 §5, 176, 215 and 240). In particular, the new code imposes a six-month time limit for pre-trial investigation and, subsequently, a 20-day time limit for referral of a case to a court for a first hearing. It also provides that upon complaint by a suspect alleging an excessively long pre-trial investigation, the investigating judge may compel the prosecutor to complete or discontinue the investigation.

Furthermore, in the Girdauskas case, the judgment of the European Court, translated into Lithuanian, has been sent to the Supreme Court, the Office of the Prosecutor General, the Kaunas Regional Court and the Kaunas City Court. In addition, the Girdauskas judgment has been published in Lithuanian translation in the annual compendium *Europos þmogaus teisiø teismo sprendimai ir Jungtiniø Tautø Þmogaus teisiø komiteto iðvados bylose prieš Lietuv[1] 2003 01 01 - 2004 01 01* (Decisions and Judgments of the European Court of Human Rights and Views of the Human Rights Committee of the United Nations in the cases against Lithuania 01/01/2003-01/01/2004). All other judgments have been published on the official website of the Ministry of Justice (www.tm.lt).

Final Resolution CM/ResDH (2007) 128 – *Jankauskas v. Lithuania*

Resolution adopted at the 1007th meeting. 59304/00, judgment of 24/02/2005, final on 06/07/2005

Individual measures

The applicant was released from prison in August 2003. He is no longer suffering from the consequences of the violation and therefore no further individual measures, other than the payment of just satisfaction, seem necessary.

General measures

Following the amendment of Article 15 §2 of the Law on Pre-trial Detention on 18 April 2000 and 5 July 2001, correspondence with the European Court is no longer subject to censorship. Also, letters sent and received by prisoners who have not been tried, with the exception of letters sent to the investigating officer, the ombudsman, the prosecutor, the state, the municipal institutions, the Ministry of Justice and other competent international institutions, might be censored exclusively by a decision of the investigating officer of the case, the prosecutor or the court. There a draft amendment to the same article also exists, which states that the correspondence with detainees' lawyers may not be censored and that their correspondence with their families or with other persons may only be censored by decision of the investigating judge or the court, for a period of two months, or for the prevention of crimes or offences or for the protection of the rights and freedoms of others. The Remand Prisons Internal Rules have also been modified on 7 September 2001 to prohibit censorship by prison staff of detainees' correspondence.

The Lithuanian translation of the judgment has been published on the website of the Ministry of Justice as well as in the annual compendium *Decisions and Judgments of the European Court of Human Rights in cases against Lithuania*. It has also been sent out with a covering letter to the Supreme Administrative Court, the General Prosecutor's Office and the Prisons Department.

Infringement of the right to respect for the applicant's correspondence as, while in remand prison, all his correspondence had been opened and read in his absence by the prison authorities (violation of Article 8).

Final Resolution CM/ResDH (2007) 129 – *Ciliz v. the Netherlands*

Resolution adopted at the 1007th meeting. 29192/95, judgment of 11/07/2000

Individual measures

In 1999, the applicant re-entered the Netherlands with a temporary visa. He obtained employment and submitted a new application for a formal access arrangement in relation to his son. This was rejected in December 1999. The applicant appealed against this decision and, following the judgment of the European Court of Human Rights, he was granted an automatically renewable residence permit, irrespective of whether he had a working permit or not, which afforded him the possibility to continue the procedure without any risk of being expelled during the proceedings.

General measures

The judgment of the European Court has been published in *Nederlands Juristen Blad*, 6/10/2000, p. 1752, in *NJCM-Bulletin* 2002, p. 253; in *AB* 2001, p. 117 and in *JV* 2000, p. 187. The judgment was also circulated to the relevant administrative and judicial authorities by a special circular on the law related to aliens called *Tussentijds Bericht Vreemdelingencirculaire* (TBV, no. 5081206/00/IND). Furthermore, the Netherlands authorities recalled that in addition to the publication, all judgments of the European Court concerning the Netherlands are made public by the Ministry of Foreign Affairs through its yearly report to Parliament as well as by the Ministry of Justice through a newsletter addressed to the judiciary.

The government is of the opinion that, considering that the Convention has direct effect in Dutch law and that the domestic law should be interpreted in accordance with the judgments of the European Court (see *Lala and Pelladoah*, Resolutions DH (95) 240 and DH (99) 241), the authorities concerned will use their best endeavours to prevent the occurrence of violations similar to that found by the European Court in the present case.

Failure of the authorities to adequately preserve the applicant's right to respect of his family due to their decision to expel him while proceedings concerning his right of access were still pending, depriving him of any opportunity to resume contact with his son (violation of Article 8).

Final Resolution CM/ResDH (2007) 130 – *M.M. v. the Netherlands*

Resolution adopted at the 1007th meeting. 39339/98, judgment of 8 April 2003, final on 24 September 2003

Individual measures

The recordings and any transcriptions thereof are no longer in the possession of the Netherlands authorities.

General measures

Given the direct effect of European Court's judgments in the Netherlands, all authorities concer-

Illegal interception of telephone conversations of the applicant, by a private person with the help of the police (violation of Article 8).

ned are expected to align their practice to the present judgment by strictly respecting the conditions set forth by the Netherlands legislation for interception of telephone conversations. For this purpose, the judgment has been published in several legal journals in the Netherlands (*NJCM-Bulletin* 2003, 654; *NJB* 2003, 18; and *EHRC* 2003, 45), and it has been brought to the attention of all courts and public prosecutors.

Disproportionate interference with the freedom of expression of the applicant, on account of his conviction for defamation, following the publication of an editorial criticising a candidate for a municipal election (violation of Article 10).

Final Resolution CM/ResDH (2007) 131 – *Lopes Gomes da Silva v. Portugal*

Resolution adopted at the 1007th meeting. 37698/97, judgment of 28/09/2000, final on 28/12/2000

Individual measures

The fine paid by the applicant as a consequence of the conviction has been reimbursed in the framework of the just satisfaction awarded by the Court and his judicial file does not contain any mention of the conviction at issue in this case. Accordingly, all the consequences, for the applicant, of the violation found in this case have been remedied.

General measures

In order to facilitate the adaptation of the competent courts' interpretation of the limits of permissible criticism when assessing defamation cases, the judgment of the European Court of Human Rights has been rapidly translated into Portuguese and published in November 2000 in the legal journal *Sub Judice* and in the *Revista Portuguesa de Ciência Criminal*. It has furthermore been the subject of pedagogical discussions at Universities and at the Centre for Judicial Studies in Portugal.

The government is of the opinion that, in view of the supra-legal status of the Convention, as interpreted by the European Court, in Portuguese law (Constitutional Court judgments Nos. 345/99 of 15 June 1999 and 533/99 of 12 October 1999), the Portuguese courts will interpret the relevant provisions in accordance with the Convention so as to avoid new violations s*imilar to that found in the* Lopes Gomes da Silva case.

Unfairness of certain proceedings concerning civil rights and obligations before the administrative courts (Federal Insurance Court) on account of the failure to disclose some documents to the applicants with the consequence that they could not reply (violation of Article 6, paragraph 1).

Final Resolution CM/ResDH (2007) 132 – *Contardi and Spang v. Switzerland*

Resolution adopted at the 1007th meeting. 7020/02 and 45228/99, judgments of 12/07/2005 and 11/10/2005, final on 12/10/2005 and on 11/01/January 2006

Individual measures

Under Swiss administrative law the applicants may request the reopening of domestic proceedings following the European Court's judgment.

General measures

Stating that the principle of equality of arms is a basic element of fairness of proceedings and citing its case-law, the European Court held that even where the documents had little or no impact on the decision, it was above all the litigant's confidence in the work of justice which was at stake. This confidence is based, *inter alia* on the knowledge that he could have the opportunity to express his views on every document in the file (see paragraph 44).

These principles have been explicitly incorporated into Swiss law by judgments of the Federal Court of 28 December 2005 (1P.784/2005) and of 3 April 2006 (1P.59/2006), available under www.bger.ch/index/juridiction demonstrating the direct effect of the European Court's judgments.

The judgments of the European Court were sent out to the authorities directly concerned and brought to the attention of the cantons via a circular. Furthermore, the judgment of the European Court in the case of *Contardi* was published in *Verwaltungspraxis der Bundesbehörden* (Digest of Confederal Administrative Case-law), VPB 69.131, available via www.vpb.admin.ch/deutsch/doc/69/69.131.html and mentioned in the yearly report of the Federal Council on the activities of Switzerland in the Council of Europe in 2005.

Inhuman and degrading treatment of a prisoner prior to her death (violation of Article 3) and lack of an effective domestic remedy in this respect (violation of Article 13)

Final Resolution CM/ResDH (2007) 133 – *McGlinchey and others v. the United Kingdom*

Resolution adopted at the 1007th meeting. 50390/99, judgment of 29/04/2003, final on 29/07/2003

General measures

1) As regards the violation of Article 3, in order to prevent new, similar violations, a programme, completed in 2006, was set up to improve prison health policy on the handling of substance abusers and addicts. It involved the transfer of health services for prisoners from the Prison Service to Primary Care Trusts (PCTs). The aim of this transfer is to improve

the quality and appropriateness of health care services for prisoners and to maintain these services within the National Health Service (NHS). A network of prison/PCT partnerships has been established to facilitate the transfer at operational level, and these services were effectively mainstreamed within the NHS in 2006.

These developments were accompanied by a £40m increase in resources. A number of PCTs have chosen to invest some of this funding in enhancing the clinical management of drug-dependent prisoners. In 2006 the government planned to invest £28m in clinical drug services in prisons. This figure is expected to increase to £60m in 2007 and funding will continue thereafter. The purpose of this funding is to enhance clinical and psychological management of drug dependence in prisons to meet national and international standards of good practice.

It is also to be noted that at the beginning of 2005 there were drug rehabilitation programmes in 103 establishments. In 2004/2005 an innovative, short-duration drug treatment programme, which can be carried out in around four months, was also introduced at 32 establishments, aimed at short-term prisoners. Data have shown a significant increase of prisoners who now benefit from these health services. Finally, research has demonstrated that drug treatment delivered in prison is effective in helping offenders stay drug free and reducing levels of re-offending.

2) As regards the violation of Article 13, the Human Rights Act 1998, in force since October 2000, covers claims for damages by relatives acting on behalf of deceased persons and therefore provides an effective remedy in cases such as the present one.

Finally, it is noted that the Court's judgment was immediately sent out to the Prison Service and published in *European Human Rights Reports* at 2003 (4) EHRR 466.

Final Resolution CM/ResDH (2007) 134 – *T. and V. v. United Kingdom*

adopted at the 1007th meeting.
24724/94 and 24888/94, judgments of 16 December 1999

Unfair trial, the applicants (10 years old at the material time) having been unable "to participate effectively in the criminal proceedings against them" (violation of Article 6, paragraph 1) and violation of the right to an independent tribunal because the tariff, in sentences during Her Majesty's pleasure, was set by the Home Secretary (violation of Article 6, paragraph 1); violation of the right to have the lawfulness of one's detention reviewed by a court (violation of Article 5, paragraph 4).

Individual measures

Although reopening of the proceedings was in principle possible under the law of England and Wales, this avenue was not explored: the applicants and their representatives stated that they did not intend to request reopening.

It is furthermore recalled that the initial judge in the case recommended tariffs – the compulsory part of the sentence – of eight years. The Lord Chief Justice recommended a period of 10 years. The Home Secretary, exercising the special powers he had (but has no longer in respect of juveniles as a consequence of the European Court's judgment), increased the tariffs to 15 years. His decision was quashed by the House of Lords but no further decision was taken on the length of the tariffs. Following the European Court's judgment the Home Secretary sought the views of the Lord Chief Justice who recommended the original tariffs set by the trial judge of eight years.

The Home Secretary accepted the original tariffs set by the judge. These tariffs expired in November 2000.

General measures

As regards the trial:

On 16 February 2000, the Lord Chief of Justice issued a Practice Direction which deals with the criticism made by the Strasbourg Court in relation to the trial of children and young persons before the Crown Court.

The Practice Direction sets out the following principle: "The trial process should not itself expose the young defendant to avoidable intimidation, humiliation and distress. All possible steps should be taken to assist the young defendant to understand and participate in the proceedings".

It also sets out recommendations to this end to be followed before the trial, in particular at the plea and directions hearing, and during the trial itself. It recommends, *inter alia* and in reply to the criticisms made in the Court's judgment, that: "The trial should, if practicable, be held in a courtroom in which all the participants are on the same or almost the same level" and "The court should be prepared to restrict attendance at the trial to a small number, perhaps limited to some of those with an immediate and direct interest in the outcome of the trial. The court should rule on any challenged claim to attend."

The Practice Direction specifies that it does not apply to appeals and committals for sentence, but that "regard should be paid to the effect of it if the arrangements for hearing any appeal or committal might otherwise be prejudicial to the welfare of a young defendant".

Moreover, in the event that similar facts were to arise, the Human Rights Act 1998 would require the competent judicial authorities to duly take into account the consideration found

to be decisive by the European Court in the present cases.

As regards the tariff setting aspect:

The Home Secretary no longer sets the tariff for juveniles convicted of murder and sentenced to detention during Her Majesty's pleasure under section 90 of the Powers of Criminal Courts (Sentencing) Act 2000.

In response to the *T. & V.* judgments, the Government of the United Kingdom enacted section 82A of the Powers of Criminal Courts (Sentencing) Act 2000. Section 82A provides judicial determination of the minimum term to be served by those under 18 years olds with a life sentence, with effect from 30 November 2000.

In addition, the Home Secretary invited the Lord Chief Justice to review the minimum terms imposed by the Home Secretary on young offenders convicted of murder who were still in custody. The Lord Chief Justice issued a Practice Statement on 27 July 2000 agreeing to review all such tariffs, and the Home Secretary agreed that all tariffs announced for both new and existing cases before section 82A came into force would be set in accordance with the Lord Chief Justice's recommendation.

Section 82A was replaced on 18 December 2003 with section 269 of the Criminal Justice Act 2003, which provides judicial determination of the minimum term for a mandatory life sentence for all offenders, whether children or adults.

Internet:
Site of the Department for the Execution of Judgments:
http://www.coe.int/T/E/Human_Rights/execution/
Site of the Committee of Ministers: http://www.coe.int/cm/

Committee of Ministers

The Council of Europe's decision-making body comprises the Foreign Affairs 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.

Protection of children against sexual exploitation and abuse

Adoption of the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse

Taking action to protect children as part of the programme Building a Europe for and with children

This new Convention is the first instrument to establish sexual abuse of children as a criminal offence, including abuse committed in the home or within the family, with the use of force, coercion or threats. In addition to the offences most often committed against children – sexual abuse, child prostitution, child pornography, the forced participation of children in pornographic performances – the text also addresses the issue of "grooming" children for sexual purposes and "sex tourism".

Its adoption is part of the Council of Europe's three-year programme, Building a Europe for and with children.

Employment of migrant workers

Reply to Parliamentary Assembly Recommendation 1782 (2007) on the situation of migrant workers in temporary employment agencies

Combating abusive practices in the transnational recruitment of people

The Committee of Ministers shares the concerns of the Parliamentary Assembly with regard to abusive practices in the transnational recruitment of people and acknowledges the need to develop and enforce strategies to combat irregular recruitment and trafficking of workers, to regulate labour recruitment and to apply efficient enforcement mechanisms and to organise information campaigns on the rights of migrant workers and their working conditions.

It considers that many of the problems identified by the recommendation could be resolved through the satisfactory application in domestic law and practice of the rights guaranteed by the European Social Charter, which should be understood as a minimum legal basis for the protection and the assistance of migrant workers in temporary employment agencies, with a view to their integration into the host state. Particularly relevant provisions concern strict observance of the non-discrimination principle laid down by Article E of the Revised Charter, as well as maintaining a system of labour inspection appropriate to national conditions laid down in Article A, paragraph 4 of the Revised Charter. Accordingly, the Committee of Ministers encourages those member states which have not yet signed or ratified the European Social Charter to envisage doing so as soon as possible.

The Committee of Ministers also adopted, on 26 September 2007, a Reply to Parliamentary Assembly Recommendation 1781 (2007) on agriculture and illegal employment in Europe.

Death penalty

European Day against the Death Penalty to be held annually on 10 October

This day will be a European contribution to the World Day against the Death Penalty, which is also held on 10 October every year.

The Council of Europe has been a pioneer in the abolition process which has made Europe a de facto death-penalty-free zone since 1997. Two protocols to the European Convention on Human Rights outlaw the death penalty: Protocol No. 6, the first legally-binding instrument providing for the unconditional abolition of the death penalty in peacetime, and No. 13, concerning the abolition of the death penalty in all circumstances.

On 9 October, the leaders of the Council of Europe and the European Union gathered at an international conference against the death penalty in Lisbon, organised by the Portuguese Presidency of the European Union with the support of the European Commission. Many other leading figures from the political sphere and civil society took part in the Conference, which reaffirmed Europe's commitment to the worldwide abolition of the death penalty and called for a global moratorium.

Freedom of expression and information

Safeguarding fundamental rights in information and communications

Recommendation CM/Rec (2007) 11 on promoting freedom of expression and information in the new information and communications environment, adopted on 26 September 2007

The development of information and communication technologies and services should contribute to everyone's enjoyment of the rights guaranteed by Article 10 of the European Convention on Human Rights, for the benefit of each individual and the democratic culture of every society. Communication using these technologies must also respect the right to privacy and to secrecy of correspondence. Freedom of communication on the Internet should not prejudice human dignity or human rights and fundamental freedoms of others, especially children.

On the basis of these considerations, the Committee of Ministers recommends that the governments of member states take all necessary measures to promote the full exercise and enjoyment of human rights and fundamental freedoms in the new information and communications environment, in particular the right to freedom of expression and information. To this end, it proposes guidelines empowering individual users to fully understand and exercise their rights and freedoms in terms of information and communications, and to provide reliable information, flexible content and transparency in the processing of information.

The speed, diversity and volume of content and communications circulating in the new information and communications environment can challenge the values and sensibilities of individuals. A fair balance should be struck between the right to express freely and to share information in this new environment, and respect for human dignity and the rights of others, bearing in mind that the right to freedom of expression may be subject to formalities, conditions and restrictions in order, *inter alia*, to protect children and respect intellectual property rights.

The Committee of Ministers also encourages governments to ensure affordable access to new information and communications infrastructure in order that all individuals can fully exercise their rights and freedoms.

Rights and responsibilities of media professionals in crisis situations

Guidelines on protecting freedom of expression and information in times of crisis, adopted on 26 September 2007

Deeply concerned by the fact that crisis situations, such as wars and terrorist attacks, seriously threaten human life and liberty, and the fact that these situations may tempt governments to impose excessive restrictions on the exercise of human rights, the Committee of Ministers proposes guidelines aimed at complementing the Guidelines on human rights and the fight against terrorism adopted in July 2002.

In crisis situations, member states should assure the safety of media professionals to the maximum possible extent. In the case of killings or other attacks on media professionals, the authorities should investigate promptly and thoroughly and, where applicable, bring the perpetrators to justice under a transparent and rapid procedure.

Member states should instruct military and civilian agencies in charge of managing crisis situations to take practical steps in order to promote understanding and communication

with media professionals covering such situations.

They should guarantee freedom of movement and access to information to media professionals in times of crisis, rapidly and without discrimination.

The right of journalists not to disclose their sources of information should be protected, as well as the right to keep any documents and materials that they gather. Any exceptions to this principle should be strictly in conformity with Article 10 of the European Convention on Human Rights and the relevant case law of the European Court of Human Rights.

In crisis situations, member states should not misuse libel and defamation legislation nor should they, as a result, limit freedom of expression. Furthermore, they should not restrict the public's access to information beyond the limitations allowed by Article 10.

Media professionals must adhere, especially in times of crisis, to the highest professional and ethical standards. This forms part of their special responsibility to make factual, accurate and comprehensive information available to the public in crisis situations while being attentive to the rights of other people, their particular sensitivities and possible feelings of uncertainty and fear.

NGOs are also invited to contribute to the safeguarding of freedom of expression and information in crisis situations.

Declaration on the protection and promotion of investigative journalism, adopted on 26 September 2007

Protection and promotion of investigative journalism

The Council of Europe supports investigative journalism which accurately, extensively and critically reports on matters of special public concern.

The Committee of Ministers calls on member states to protect and promote investigative journalism by taking suitable measures to ensure the safety of media professionals, safeguarding their freedom of movement and their right to protect their sources of information. The Committee also calls on member states to ensure that media professionals are not subject to intimidation.

Member states are also invited to take into consideration and to incorporate into domestic legislation, where appropriate, the recent case law of the European Court of Human Rights, which interprets Article 10 of the European Convention on Human Rights in such a way as to extend its protection not only to the freedom to publish, but also to journalistic research.

The Committee of Ministers is concerned by a trend towards increasing recent restrictions on freedom of expression and information, particularly in the name of protecting public safety and fighting terrorism.

Reply to Assembly Recommendation 1783 (2007) on the threats to the lives and freedom of expression of journalists, adopted on 26 September 2007

Condemnation of attacks on journalists

The Committee of Ministers joins the Parliamentary Assembly's unequivocal condemnation of attacks on journalists in Europe, and it considers that it is essential for such attacks to be properly and promptly investigated and for the instigators and perpetrators to be brought to justice.

The Committee recalls that, according to the case law of the European Court of Human Rights, a violation of Article 10 of the European Convention on Human Rights can result not only from direct interference by the state in freedom of expression, but also from the state's failure to fulfil its obligation to guarantee protection for someone known to be in danger or under threat because of that person exercising their right to freedom of expression.

The Committee of Ministers has considered the Assembly's proposal for preparing common policy guidelines on possible action by police and law enforcement authorities for protecting journalists who receive serious threats. It has decided that such guidelines are not necessary at the present time, given that a number of these issues are treated in the above-mentioned guidelines on protecting freedom of expression and information in times of crisis, adopted on 26 September 2007.

The Committee of Ministers recalls that it has instructed the Secretariat to establish an internet space where media professionals and other interested parties can exchange views on protecting freedom of expression and information in times of crisis and discuss the challenges to freedom of expression that they experience. In this context, the Committee of Ministers notes that a Group of Specialists on Human Rights Defenders is presently exploring what intergovernmental action by the Council of Europe could be envisaged to improve the protection of human rights defenders and promote their activities.

With regard to the Parliamentary Assembly's recommendation to establish a mechanism for identifying and analysing attacks against journalists and other serious violations of media

freedom in Europe, the Committee of Ministers draws attention to the fact that the Steering Committee on the Media and New Communication Services has started to examine the possibility of developing a mechanism to monitor the situation of freedom of expression and of the media in Council of Europe member states. In doing this, it is taking into account, in order to avoid any duplication, work undertaken and any relevant mechanisms established by other international organisations such as the OSCE.

Finally, the Committee of Ministers recalls that it recently adopted a series of decisions aimed at achieving greater synergy between the activities of the Council of Europe and the United Nations in human rights matters, covering also issues relating to freedom of expression and the safety of journalists.

Gender equality in education

Recommendation CM/Rec(2007)13 of the Committee of Ministers to member states on gender mainstreaming in education, adopted on 10 October 2007

Recommendation to member states on gender mainstreaming in education

This recommendation is designed to promote and encourage measures specifically aimed at implementing gender mainstreaming at all levels of the education system of Council of Europe member states, with a view to achieving gender equality by enshrining gender education in law.

The Committee of Ministers proposes the creation of mechanisms throughout the education system, to promote, implement, monitor and evaluate gender mainstreaming in all aspects of schools.

The Ministers state that the principle of equality between women and men needs to be enshrined in education laws as a fundamental principle of democratic citizenship which should be specifically addressed in schools' policies and curricula. In their view, schools can become instruments of positive change and are in a unique position in society for promoting gender equality, raising awareness, correcting misinformation and offering new modes of behaviour.

The recommendation also reminds member states that preparing girls and women to participate, on an equal footing, in all aspects of community life, including decision making, is vital to achieving a truly democratic society and for social cohesion.

Legal status of non-governmental organisations in Europe

Recommendation CM/Rec (2007) 14 on the legal status of non-governmental organisations in Europe adopted on 10 October 2007

Recognising the rights of NGOs

The existence of many NGOs is a manifestation of the right of their members to freedom of association and of their host country's adherence to principles of democratic pluralism. NGOs provide an essential contribution to the development and realisation of democracy and human rights. Their operation entails responsibilities as well as rights. This recommendation specifies these rights by laying down the minimum standards for the ways in which NGOs can pursue their objectives, the conditions for their formation and membership, rules for acquiring legal personality, for their management, fundraising, property and public support, accountability and participation in decision making.

Ratification of the Framework Convention for the Protection of National Minorities

Reply to Recommendation 1766 (2006) adopted by the Committee of Ministers on 5 September 2007

Full text of the reply

1. The Committee of Ministers welcomes the long-standing commitment of the Parliamentary Assembly to the protection of national minorities and notes the Assembly's efforts to promote the ratification and implementation of the Framework Convention for the Protection of National Minorities, to which 39 states are now Parties. It takes note of the Parliamentary Assembly's view that the Framework Convention has played a fundamental role in improving the protection of national minorities in Europe.
2. The Committee of Ministers observes that states which are not Parties to the Framework Convention can explain their position on minority issues and discuss legal or other obstacles that have prevented them from signing or ratifying the Framework Convention in the context of the Committee of Experts on Issues relating to the Protection

of National Minorities (DH-MIN). The Committee of Ministers further points out that it has taken important steps to ensure the application of the Framework Convention's monitoring mechanism in areas outside the effective jurisdiction of States Parties, notably in Kosovo, where monitoring is pursued on the basis of a specific agreement between the UNMIK and the Council of Europe.

3. The Committee of Ministers recalls that the Framework Convention does not exclude declarations or reservations by States Parties and that several states have submitted them upon signing or ratifying the Convention. At the same time, the Committee of Ministers has, in the past, stressed that States Parties to the Framework Convention should be judicious in their use of reservations or declarations, and it has continued to examine reservations and declarations in connection with the monitoring of the Framework Convention. Furthermore, the opinions of the Advisory Committee on the Framework Convention contain a number of comments related to this question, which is being addressed in continuous dialogue between the Advisory Committee and States Parties.
4. As regards the Parliamentary Assembly's proposal to review the Framework Convention in the light of experience gathered in its application, the Committee of Ministers recalls that, aside from the monitoring process, views and experiences related to the Framework Convention are being shared in the Committee of Experts on Issues relating to the Protection of National Minorities (DH-MIN), where the Parliamentary Assembly enjoys observer status.
5. In recognition of the importance of discussions on these and other matters concerning national minorities, the Committee of Ministers recently extended the mandate of the DH-MIN by two years.
6. As for the proposal of the Assembly to make the Framework Convention "more legally coherent and responsive to current European challenges by, *inter alia*, balancing the rights of minorities with their obligations", the Committee of Ministers would like to refer to Article 20 of the Framework Convention, according to which people belonging to national minorities are to respect national legislation and the rights of others when exercising their rights flowing from the principles of the Framework Convention. The Committee of Ministers stresses that the Framework Convention is a human rights instrument, and this has to be borne in mind when discussing proposals such as the one made by the Parliamentary Assembly.
7. As for the need to ensure "protection of cultural diversity, the consolidation of intercultural solidarity, social cohesion and the civil nation's unity", the Committee of Ministers refers to related provisions of the Framework Convention, including its Articles 5 and 6. It also recalls the relevance of other Council of Europe instruments, such as the European Charter for Regional or Minority Languages.
8. As regards Protocol No. 12 to the European Convention on Human Rights, the Committee of Ministers would like to highlight the fact that a number of specific activities have been undertaken to facilitate and encourage ratification. It further notes that the proceedings of the seminar "Non-discrimination: a human right", organised to mark the entry into force of Protocol No. 12, were published by the Council of Europe in June 2006.

Internet: http://www.coe.int/cm/

Parliamentary Assembly

"The Parliamentary Assembly of the Council of Europe continues to set great store by the vision of those who founded the Council of Europe: it strives to promote human rights and human dignity and champions openness and democracy. Just as it did 50 years ago, it allows Europeans to voice their opinions and involves them in the building of Europe."

René van der Linden, President of the Assembly

Evolution of human rights

Migrants and asylum seekers

The alarming increase in the number of people attempting to enter Europe illegally – often risking their lives and making themselves vulnerable to exploitation – means that new reponses are needed.

The controversial proposal to set up processing centres for migrants outside the European Union, closer to countries of origin, is based on valid reasons but raises a number of issues and concerns.

The Assembly considers that the setting up of such centres should not absolve the destination countries from observance of their international obligations, nor should they undermine national policies and practices. Furthermore, if such centres are established, they should be part of a comprehensive approach to tackling the asylum-migration nexus, involving countries of origin, transit and destination. Finally, they should first be set up within the European Union before extending the experiment to the rest of Europe or beyond.

The Assembly calls on the European Union to take into account Council of Europe standards in the field of human rights and refugee law in any future discussions or proposals, and for the Council of Europe Commissioner for Human Rights to follow developments in this field. It also calls for greater co-operation with the International Organisation for Migration, which it congratulates for its work.

The Assembly considers that regularisation programmes could be one part of an overall strategy for tackling the problem of irregular migrants.

– Assessment of transit and processing centres as a response to mixed flows of migrants and asylum seekers: Recommendation 1808 and Resolution 1569, adopted on 1 October 2007 (Doc. 11304)
– Regularisation programmes for irregular migrants: Recommendation 1807 and Resolution 1568, adopted on 1 October 2007 (Doc. 11350)
– Activities of the IOM: Recommendation 1806, adopted on 1 October 2007 (Doc. 11351)

Prostitution: which stance to take?

The Assembly unreservedly condemns forced prostitution and trafficking in human beings as modern-day slavery and insists that member states are encouraged to ratify the Council of Europe Convention on Action against Trafficking in Human Beings.

The Assembly recommends that child prostitution – which it considers as never being voluntary – is addressed in the relevant bodies of the Council of Europe.

There is not, however, a consensus in Europe on adult voluntary prostitution. Some member states are in favour of absolute prohibition and others are in favour of regulation. The Assembly therefore encourages the Committee of Ministers to recommend that Council of Europe member states formulate an explicit policy on prostitution. In particular, they must avoid discriminatory rules and policies which criminalise prostitution and penalise prostitutes.

Recommendation 1815, adopted on 4 October 2007 (Doc. 11352)

Towards decriminalisation of defamation

Recommendation 1814 and Resolution 1577, adopted on 4 October 2007 (Doc. 11305)

The press's right to report and debate freely is a cornerstone of democracy. On the other hand, journalists and commentators also have an obligation to act in good faith and to provide accurate, trustworthy information. It may prove necessary for the state to intervene, provided that there is a solid legal basis and that it is clearly in the public interest. The Assembly nonetheless urges member states to apply these laws with the utmost restraint since they can seriously infringe freedom of expression. For this reason, the Assembly insists that there be procedural safeguards enabling anyone charged with defamation to have the opportunity to substantiate their statements in order to absolve themselves of possible criminal responsibility. As to statements which prove to be inaccurate, they should not be punishable provided that they were made without knowledge of their inaccuracy, without intention to cause harm, and their truthfulness was checked with proper diligence.

The Assembly deplores the fact that in a number of member states, prosecution for defamation is misused in what could be seen as attempts by the authorities to silence media criticism. It notes with great concern that in many member states, the law provides for prison sentences for defamation, and it asks for their abolition without delay. It likewise condemns abusive recourse to unreasonably large awards for damages and interest in defamation cases. Lastly, it reaffirms that protection of journalists' sources is of paramount public interest.

The concept of preventive war and its consequences for international relations

Resolution 1580, adopted on 4 October 2007 (Doc. 11375)

The Assembly calls on Council of Europe member states to reject the principle of unilateral preventive war, and to finalise an agreement on the reform of the United Nations Security Council, with a view to restoring its initial role.

The reform of the United Nations should enable the Security Council to act more swiftly and effectively against the risk of gross human rights violations, genocide or "ethnic cleansing" taking place in countries which are unwilling or unable to protect their own populations.

The dangers of creationism in education

Resolution 1580, adopted on 4 October 2007 (Doc. 11375)

Creationism (the denial of the evolution of species) is a threat to the values which are the very essence of the Council of Europe. The Assembly is concerned about the actions of supporters of this theory who would like to see their ideas form part of the teaching of science.

In the name of freedom of expression and individual belief, creationist ideas, as with other aspects of theology, could possibly be presented as an addition to cultural and religious education. The Assembly asks for firm opposition to the teaching of creationism as a subject within a general educational syllabus.

Situation of human rights in member states

Honouring of obligations and commitments by Moldova

Recommendation 1810 and Resolution 1572, adopted on 2 October 2007 (Doc. 11374)

The Assembly appreciates the efforts of the Moldovan authorities to strengthen democratic institutions in the country and considers that now is the right moment to complete the decisive reforms which are being carried out in order to implement essential democratic practices. Further improvements should be made to the legislation on the judiciary, the general prosecutor's office, political parties, local self-government, and elections. It also invites the Moldovan authorities to spare no effort in attempting to reach a solution to the Transnistrian conflict.

Parliaments united in combating domestic violence against women: mid-term campaign assessment

Concluding a debate on the mid-term assessment of the Council of Europe campaign, Stop domestic violence against women, the Assembly called on national parliaments to step up their actions, pass laws on violence against women or monitor the application of such laws, and set up a group of male parliamentarians committed in this field.

National parliaments were also invited to prepare an assessment of the parliamentary dimension of the campaign, based on the key measures identified by the Equal Opportunities Committee, which include making domestic violence against women, including marital rape, a criminal offence; making provision for the removal of violent spouses or partners; setting up safe shelters; guaranteeing effective access to the courts and allocating sufficient budgetary resources for the implementation of the law.

Recommendation 1817 and Resolution 1582, adopted on 5 October 2007 (Doc. 11372)

Court and Commissioner

Member states' duty to co-operate with the European Court of Human Rights

The European Court of Human Rights lacks investigatory resources, and it is up to national authorities to help it establish the facts in a case. But there are sometimes signs of a lack of willingness to effectively investigate allegations of killing, disappearance, beating or threatening of applicants initiating cases before the Court. In some cases, the intention of whitewashing the perpetrators of these acts is clearly apparent. Lawyers working for applicants have faced intimidation, while in some cases countries have declined to disclose case files and other relevant documents, or even refused to allow a planned fact-finding visit of the Court to take place.

The Assembly encourages the Court to continue taking an assertive stand in counteracting pressure exerted on applicants and their lawyers. It believes that the requirement of exhausting internal remedies ought to be applied with considerable flexibility in the cases of applicants who are subjected to intimidation or other pressure. The Assembly also considers that the instrument of interim measures (Article 39 of the Rules of the Court) could be used more widely in order to prevent irreparable damage.

Recommendation 1809 and Resolution 1571, adopted on 2 October 2007 (Doc. 11183)

Council of Europe Commissioner for Human Rights: stock-taking and perspectives

The Assembly stresses the need to endow the Commissioner with the human and financial resources needed to enable him to match the hopes placed in this institution and the prospects for widening his mandate. It supports the idea of a possible unconditional financial contribution from the European Union to fund the Commissioner's activities; its modalities will have to be specified in such a way as to safeguard the Commissioner's independence, which constitutes an absolute prerequisite for him to perform his duties properly.

Concerning more particularly the role of the Commissioner in the monitoring of the European Convention on Human Rights, the Assembly considers that he should make a key contribution by identifying and helping to eliminate practices liable to trigger applications to the domestic courts and, ultimately perhaps, the Strasbourg Court. The Assembly encourages the Commissioner in his efforts to tackle the roots of human rights violations and to develop alternative or complementary out-of-court means of securing protection of those rights. In particular, it calls on the Commissioner to foster the implementation in each member state of independent mediation systems.

In connection with the monitoring of the execution of Court judgments, the Commissioner is well placed to inform the Court and the Committee of Ministers as to whether or not practices or situations already declared in breach of the Convention by the Court persist or have actually been stopped, and urges them to do so.

Recommendation 1816 and Resolution 1581, adopted on 5 October 2007 (Doc. 11376)

Publication

New Council of Europe book reviews lawfulness of detention at Guantánamo Bay

What rights do the people detained by the United States at Guantánamo Bay have? How lawful is their detention? Should consideration be given to amplifying the Geneva Conventions and changing international law?

The new Council of Europe publication, *Guantánamo: violation of human rights and international law?*, presents the findings of the inquiry of the Parliamentary Assembly and the legal opinion of the Venice Commission, two Council of Europe bodies.

Published in English and French and using accounts by former detainees, the book criticises the fate of prisoners in Afghanistan and Guantánamo Bay and the treatment inflicted on them. It also provides food for thought about the changes that need to be made to international law in this field.

The book is the first in the new collection "Point of view – Point of law", which is designed to bring together, in a single volume and on a topical issue, the positions of the Parliamentary Assembly and the Venice Commission, a body providing advice on constitutional matters.

Point of view – Point of law: *Guantánamo: violation of human rights and international law?*
ISBN 978-92-871-6294-6, 120 p., €13.

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.

Mandate

According to the mandate assigned to him in 1999, the Commissioner conducts his activities in the following areas:

- Helping to promote education in and awareness of human rights in the member states;
- Facilitating the activities of national and ombudsmen institutions and other human rights structures;
- Identifying possible shortcomings in the law and practice concerning human rights;
- Fostering the effective observance of human rights, and assisting member states in the implementation of Council of Europe human rights standards;
- Providing advice and information regarding the protection of human rights across the region.

Country visits

Official visits

Azerbaijan, 3-7 September 2007

The Council of Europe's Commissioner for Human Rights, Thomas Hammarberg, carried out a five-day visit to Azerbaijan to comprehensively assess the country's human rights situation. He met the President, Ilham Aliyev, members of the government, the parliament and the judiciary, as well as the ombudsperson and leading human rights experts from civil society. He also visited several camps and settlements for internally displaced persons (IDPs).

The aim of the visit was to take stock of the Azerbaijani authorities' compliance with their obligations towards the Council of Europe on a broad range of human rights-related issues, including the independence and functioning of the judiciary, conditions of detention, prohibition of torture and ill-treatment, freedom of expression, and treatment of people who have been internally displaced as a result of the Nagorno Karabakh conflict. The agenda also focused on children's rights, violence against women, disability issues, and discrimination.

Armenia, 7-11 October 2007

The Commissioner for Human Rights carried out a five-day official visit to Armenia to assess the human rights situation in the country.

Mr Robert Kotcharian, President of Armenia, and Mr Thomas Hammarberg, the Council of Europe's Commissioner for Human Rights

There was a broad range of human rights issues on Mr Hammarberg's agenda, including the functioning of the judiciary, conditions of detention, prohibition of torture and ill-treatment, freedom of expression, freedom of assembly, minorities' rights, conscientious objectors, rights of refugees, and social and economic rights. Mr Hammarberg visited various police stations, detention centres, shelters and psychiatric facilities in Yerevan and Gyumri.

He also held meetings with the highest authorities of the state, including the President, Robert Kotcharian, the Prime Minister, Serzhe Sargsyan, and the Chairman of the Parliament, Tigran Torosyan. He also met parliamentarians, the Presidents of the Constitutional Court and the Court of Cassation, the ombudsman, local authorities, the Head of the Armenian Church and representatives from civil society.

Albania, 29 October - 2 November 2007

The Council of Europe's Commissioner for Human Rights paid a five-day official visit to Albania to assess the overall human rights situation in the country.

Mr Hammarberg's agenda focused on a wide range of issues including the functioning of the judiciary, conditions of detention, torture and ill-treatment, trafficking in human beings, gender equality, Roma and minority rights, and social and economic rights. He also visited various locations such as police stations, detention centres, shelters and psychiatric facilities in Tirana, Shkodra, Vlorë and Elbasan.

During the visit, the Commissioner met top state authorities including the President, Bamir Topi, the Prime Minister, Sali Berisha, and the Speaker of Parliament, Jozefina Topalli. Further talks were held with ministers and parliamentarians, the Presidents of the Constitutional Court and High Council of Justice, the Prosecutor General, the ombudsman and local authorities.

Contact visits

Romania, 20-21 September 2007

The Commissioner for Human Rights carried out a contact visit to Romania to discuss the overall human rights situation in the country-with national authorities and non-governmental organisations (NGOs). Talks focused, in particular, on ways to better protect the Roma population, the fate of young people infected with HIV, decriminalisation of defamation and enhanced protection against ill-treatment during pre-trial detention.

The Commissioner also participated in a round table, organised by Save the Children, about the work of ombudsmen for children.

Returning from this visit, Mr Hammarberg expressed his support for the call for more work to be done by ombudsmen in order to protect children, stating that a number of serious problems relating to child rights remains.

He welcomed the work of the Romanian ombudsman for children but recommended that further resources should be allocated to monitoring procedures and independent initiatives for the improvement of the rights of the child, as proposed by Save the Children.

Turkey, 22-23 October 2007

Commissioner Hammarberg paid a two-day contact visit to Ankara to discuss the implementation of human rights standards in Turkey with national authorities and NGOs.

During the visit, Mr Hammarberg met representatives of the government, including the Deputy Prime Minister and the Ministers of State and Justice, as well as high level representatives from the Ministry of Interior and Foreign Affairs, the Chief Prosecutor of Ankara and the President of the Human Rights Commission of the Turkish Grand National Assembly (TGNA).

Other visits

Russian Federation, Moscow, 2-6 July 2007

The Commissioner met representatives from the Russian authorities, namely the first Deputy Prime Minister, Dmitry Medvedev, the Foreign Minister, Sergey Lavrov, the Chechen Ombudsman, Nurdi Nukhazhiev, as well as representatives from civil society. The issues discussed included the follow up to Commissioner Gil-Robles' assessment report of April 2005, the ratification of Protocol No. 14 and the implementation of the Russian law on NGOs.

Latvia and Estonia, 30 September to 2 October 2007

Commissioner Hammarberg went to Latvia and Estonia to discuss the implementation of the recommendations set out in his memoranda to the governments, which were presented in May and July this year, with the national authorities.

The aim of the visit was to enhance the ongoing dialogue with the national authorities as a follow up to the earlier findings and also to discuss recent developments in the countries. To this end, Mr Hammarberg met several high-level officials along with the ombudsmen, civil servants and NGOs. The issue of access to citizenship was also raised on this occasion.

Events organised by the Office of the Commissioner

Expert workshop on Housing rights: positive duties and enforceable rights Budapest, 24-25 September 2007

Commissioner Hammarberg took part in a workshop on housing rights that was organised by his office and which took place at the Council of Europe's European Youth Centre in Budapest. Participants examined how the positive duty of states to guarantee these rights could be put into practice without discrimination.

The workshop brought together over 20 experts, representatives from academia, NGOs, national governments and international organisations. Following a keynote address by the UN Special Rapporteur on adequate housing, Miloon Kothari, the participants discussed six key themes: the positive duty of states and individual enforceability; quality standards and the definition of adequate housing; forced evictions and security of tenure; non-discrimination and positive measures; sitting tenants in central and eastern Europe and property restitution; and, finally, monitoring housing rights.

Reports

On 11 July 2007, the Commissioner's second quarterly report was presented to the Ministers' Deputies.

On the same day, the Ministers' Deputies considered the Commissioner's assessment report on Germany. The report reviews the current state of human rights protection in Germany and makes a number of concrete recommendations. It points to the shared responsibility of the federation and the 16 German Länder for promoting and upholding human rights.

Mr Hammarberg also presented two new memoranda on Denmark and Estonia. These memoranda contain an assessment of progress on the implementation of the recommendations made in 2004 by the previous Commissioner, Mr Gil-Robles. They also include new recommendations to the Danish and Estonian authorities.

On 3 October 2007, Mr Hammarberg presented a report on the human rights record of Ukraine. He expressed the hope that the incoming government in Kiev will implement his concrete recommendations on the administration of justice, police behaviour, minority rights and the social and health sectors.

Other events

Round Table on the execution of European Court of Human Rights judgments
Moscow, 3-4 July 2007

The Commissioner for Human Rights participated in a Round Table on the execution of European Court of Human Rights judgments regarding the Chechen Republic. This event was co-organised by the Russian Federal Ombudsman for Human Rights, Vladimir Lukin, and the Directorate General of Human Rights and Legal Affairs of the Council of Europe.

Conference on International Justice for Children, organised as part of the Council of Europe campaign, Building a Europe for and with Children
Strasbourg,
17-18 September 2007

This conference brought together high-level representatives from international courts, organisations and civil society, as well as international experts and jurists.
On this occasion, Mr Hammarberg drew up a list of means in order to make children's complaints possible before international courts, to which they should be given unrestricted access. He also underlined that children should be able to apply to the courts at any age and that relevant information should be available in child-friendly language. He also spoke in favour of a simplification of procedures. "International and national courts alike should endorse procedures which are adapted to children's vulnerability", he added, "otherwise children might come up against insurmountable barriers".

Annual meeting of the European Network of Ombudspersons for Children (ENOC)
Barcelona,
19-21 September 2007

The Office of the Commissioner for Human Rights was present at this meeting, during which the issue of children with disabilities and their right to live an ordinary life was the main focus. The meeting allowed the office to strengthen its relations with ombudspersons for children, especially with regard to the campaign against corporal punishment. Following an invitation from the Commissioner, the network decided to hold its next enlarged bureau meeting in Strasbourg in early 2008.

Human Dimension Roma and Sinti Special Day
Warsaw, OSCE,
27 September 2007

In his opening speech at the OSCE, Commissioner Hammarberg called for enhanced political participation of Roma people and made recommendations to ensure that this right is respected.
"The Roma populations are grossly under-represented in local and national assemblies and government administrations all over Europe", said the Commissioner. "Proactive measures are absolutely needed. Seats should be reserved for Roma representatives, particularly on local level." Mr Hammarberg also focused on the role of institutional parties, stressing that they should begin entering into constructive relations with Roma, taking their problems seriously and taking a clear stance against anti-Gypsyism, especially during election campaigns."

Meeting with the President of Turkey, Abdullah Gül
Strasbourg,
3 October 2007

The discussions focused on the need to continue the reform process in Turkey to ensure full respect for human rights.
While recognising the vast progress made in recent years, the Commissioner expressed concern about cases of prosecutions against individuals for peaceful expressions of opinions. He also suggested moves to ensure respect for religious minorities in Turkey.
Mr Hammarberg placed particular emphasis on the need to establish an effective and independent ombudsman institution in Turkey, and offered co-operation in this endeavour.
The President and the Commissioner were also alarmed by growing xenophobia and islamophobia in Europe and agreed on the need to do more to protect the rights of migrants across the continent.

Communication and information work

The communication and information work largely consisted of interviews, public relations activities, publications and the dissemination of fortnightly viewpoints.

Viewpoints

A number of viewpoints have been published on the Commissioner's website. These concern subjects such as the excessive length of court proceedings, media diversity, the need to protect journalists and whistle blowers, the right of individuals to apply to the Court, gender balance in politics, the rights of migrant children who are victims of human rights violations, and child poverty. Several daily and weekly news publications featured these viewpoints, in particular those relating to media freedom and the protection of journalists.

Earlier viewpoints are now available as a single publication – *Human rights in Europe: Mission Unaccomplished.*

All of these texts are available on the Commissioner's website: http://commissioner.coe.int

Speeches and statements

On 24 October 2007, in a speech delivered at the European Policy Centre in Brussels, Commissioner Hammarberg stressed the need to improve Europe's efforts to implement human rights standards and practices. "There is no place for complacency about human rights issues" he said. "A more serious political response by European institutions and governments is needed. We know what the problems are, and yet there is an implementation deficit". The speech placed emphasis on the need for governments and international organisations to adopt effective measures to bridge the gap between declarations and implementation.

The Commissioner pointed out that, while international mechanisms have to be impartial and beyond suspicion in carrying out their functions, governments should listen carefully to independent monitors, underlining that "a true human rights policy must have an element of self-criticism".

Mr Hammarberg also deeply criticised the lack of a clear stand by European governments against the human rights violations caused by the US "war on terror" and called for "a more principled and unified European position in global human rights efforts".

Internet: http://www.coe.int/commissioner/

Law and policy

Intergovernmental co-operation in the human rights field

One of the Council of Europe's vital tasks in the field of human rights is the creation of legal policies and instruments. In this, the Steering Committee for Human Rights (CDDH) plays an important role. The CDDH is the principal intergovernmental organ answerable to the Committee of Ministers in this area, and to its different committees.

The CDDH, meeting in Strasbourg on 6-9 November 2007, decided to establish a Reflection Group (CDDH-GDR) to follow up the recommendations contained in the Wise Persons' Report on the long-term effectiveness of the ECHR control mechanism and other sources. Also in relation to the effectiveness of the ECHR and as anticipated in the 71st edition of this bulletin, the CDDH adopted a draft recommendation on efficient domestic capacity for rapid execution of judgments of the European Court of Human Rights.

In response to the work of the Secretary General and Parliamentary Assembly on alleged secret detentions and unlawful transfers of detainees involving Council of Europe member states, the CDDH adopted extensive comments, expressing its readiness to undertake relevant intergovernmental activities and to make specific suggestions for such work.

The CDDH also took decisions for further work on ongoing issues including human rights in a multicultural society (expressing the hope that the Ministers' Deputies would indicate whether the Committee of Ministers intended to make a new declaration on this issue), access to public documents (considering a draft Convention and work related to a draft explanatory report), human rights defenders (adopting a draft declaration of the Committee of Ministers) and human rights protection in the context of accelerated asylum procedures (requesting an extension of its mandate in order to prepare draft guidelines).

Internet: http://www.coe.int/t/e/human_rights/cddh/

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 national authorities 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 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

Moldova
14-24 September 2007

This fourth periodic visit to Moldova provided an opportunity to assess the progress made since the previous periodic visit in 2004 and the ad hoc visit in November 2005. Particular attention was paid to the treatment of people detained by the police and to the practical operation of safeguards against ill-treatment. The Committee's delegation stressed the need for a more proactive approach from prosecutors, judges and senior police officers to make sure that no case of ill-treatment goes unnoticed and that the perpetrators of such acts are punished.

It examined in detail various issues related to prisons, including the treatment provided to prisoners suffering from tuberculosis and the situation of life-sentenced prisoners. Further, it visited penitentiary establishment No. 13 in Chisinau in order to examine the manner in which staff had handled recent mass disobedience by inmates.

In addition, the delegation visited Chisinau Clinical Psychiatric Hospital and, for the first time in Moldova, a social care home for people with psychiatric and mental disorders, in Cocieri. As regards the latter establishment, particular concerns were expressed with respect to the numerous allegations of ill-treatment of residents by staff and the high number of deaths of residents in recent years.

The preliminary observations are published with the agreement of the Moldovan authorities.

Spain
19 September to
1 October 2007

This was the CPT's fifth periodic visit to Spain.

During the visit, the CPT's delegation reviewed the treatment of people detained by various police services (including the Policia Nacional, the Guardia Civil, the Ertzaintza and the Mossos d'Esquadra). It also examined the practical application of safeguards against ill-treatment and conditions of detention in police establishments. The delegation visited a number of prisons, focusing on various categories of prisoners, including those in disciplinary segregation and in special departments. It paid particular attention to the use of mechanical restraints in prisons. Finally, the delegation reviewed the treatment of unaccompanied foreign minors in the Canary Islands and of people not admitted to Spanish territory at Barajas International Airport.

At the end of the visit, the delegation presented its preliminary observations to the Spanish authorities.

Ad hoc visits

This visit focused on the treatment of prisoners in the Chelyabinsk Region of the Russian Federation. The delegation visited two strict-regime penitentiary establishments, Colony No. 1 in Oktyabrskyi settlement and Colony No. 6 in Kopeysk. In addition, it paid a visit to the Special Purpose Unit ("Spetsnaz") of the Federal Service for the Execution of Punishments (FSIN) in the Chelyabinsk Region. Further, the delegation went to Prison Hospital (LPU) No. 3 in Chelyabinsk in order to interview two prisoners transferred from Colony No. 1 and to study medical documentation.

Russian Federation
2-10 September 2007

The visit provided an opportunity to discuss the implementation of previous recommendations made by the CPT concerning the Russian prison system with the Director of the FSIN. In addition, the delegation met the Governor of the Chelyabinsk Region, as well as the Prosecutor in Charge of Supervising Legality in Establishments for the Execution of Sentences in the Chelyabinsk Region.

During the visit, which was the CPT's fifth to Switzerland, the delegation followed up a certain number of issues examined during previous visits, in particular, the fundamental safeguards against ill-treatment offered to people in police custody and the situation of people deprived of their liberty under aliens legislation. In the prisons, particular attention was paid to the conditions of detention of people against whom a compulsory placement measure or institutional therapeutic measures had been ordered, as well as to conditions in the security units. The delegation also examined the situation of juveniles and young adults placed in educational institutions.

Switzerland
24 September to
5 October 2007

Over the course of the visit, the delegation met the Federal Councillor, Head of the Federal Department of Justice and Police. It also held discussions with several senior officials from that department and from the cantons it visited, as well as with representatives of the Conference of Directors of the Cantonal Justice and Police Departments.

The main objective of the visit was to examine the steps taken by the national authorities to implement recommendations made by the CPT following the periodic visit in May 2006. The CPT's delegation focused on the treatment and conditions of detention of sentenced and remand prisoners. In this context, it assessed developments in relation to prison healthcare services and examined the use of means of restraint within prisons. Particular attention was also paid to the issue of safeguards against ill-treatment of people detained by law enforcement officials.

"The former Yugoslav Republic of Macedonia"
14-18 October 2007

Over the course of the visit, the CPT's delegation held meetings with the Minister of the Interior, the Minister of Justice, and the Deputy Minister of Foreign Affairs, as well as with the Director of the Directorate for the Execution of Sanctions, and other senior officials from relevant ministries. The delegation also met the Deputy State Prosecutor.
At the end of the visit, the delegation presented its preliminary conclusions to the national authorities.

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 choose to waive the rule of confidentiality and publish the report.

Italy
Publication on 5 July 2007

Report on the ad hoc visit in June 2006 together with the Italian authorities' response

The main objective of the visit was to examine the steps taken by the Italian authorities with regard to the detention of immigrants, in response to the recommendations made by the Committee after its previous visit to Italy in November and December 2004. For this purpose, the CPT carried out follow-up visits to the former holding centre for foreign nationals at Agrigento and to the First Help and Assistance Centre at Lampedusa. The Committee also visited, for the first time, the reception and holding centre for foreign nationals at Crotone and the holding centre for female foreign nationals at Ragusa. The issue of deportations of foreign nationals carried out from Crotone and Lampedusa Airports was also examined.

In their response, the Italian authorities provide detailed information on the measures taken to implement the recommendations made by the CPT in the visit report.

Spain
Publication on 10 July 2007

Reports on visits in July and August 2003 and December 2005 together with the Spanish Government's responses

These documents have been made public at the request of the Spanish authorities.

Both reports highlight the Committee's concerns about the practical safeguards in place to prevent ill-treatment by law enforcement officials. In the report on the 2005 visit, the CPT concluded, following a detailed analysis of a number of individual cases, that the safeguards in place for people deprived of their liberty by law enforcement agencies did not provide adequate protection from ill-treatment. Consequently, the CPT called upon the Spanish authorities to review the existing legal framework and operation of safeguards against ill-treatment for people deprived of their liberty.

The treatment of foreigners detained under aliens legislation is examined in both reports. The CPT visited Melilla in 2005 in order to examine the procedures for the interception and treatment of foreign nationals by the Guardia Civil at Spain's border with Morocco. The CPT recommended that the authorities take appropriate measures to ensure that the temporary holding centre for immigrants (CETI) in Melilla could cope with the large numbers of arrivals at the centre.

The report on the 2003 visit contains a series of recommendations concerning the treatment of inmates placed in special units because they are considered to be "dangerous" or "unsuited to an ordinary prison regime". The situation of patients and prisoners in penitentiary psychiatric hospitals and of children in detention facilities is also examined.

In their responses, the Spanish authorities indicate the measures that they have taken or intend to take in order to implement the CPT's recommendations.

Czech Republic
Publication on 12 July 2007

Report on the periodic visit in March, April and June 2006, together with the Czech authorities' response

These documents have been made public at the request of the Czech Government.

The CPT received no allegations of recent physical ill-treatment of people during their period of custody in police establishments. However, a number of allegations of excessive use of force by police officers at the time of apprehension were heard.

The CPT continues to have serious concerns about the special regime in Mírov and Valdice Prisons for people sentenced to life imprisonment. The Committee also highlighted the situation of other prisoners held in the high-security unit (Section E) at Valdice Prison. As to the conditions of detention in Ostrava and Liberec Prisons, the CPT makes a number of recommendations, notably concerning the poor quality of the food available to prisoners.

At Brno and Dobrany psychiatric hospitals, the CPT was pleased to note that the use of net beds appeared to be decreasing. However, the treatment of patients on protective treatment raised a number of issues, including the application of castration measures, both chemical and surgical.

The delegation also visited the social care homes of Brandýs nad Labem, Prague 1 and Strelice, paying special attention to the legal safeguards surrounding the placement of a resident in such an institution.

Albania
Publication on
6 September 2007

Report on the ad hoc visit in March 2006, together with the Albanian authorities' response

Both documents have been made public at the request of the Albanian Government.

The main objective of the visit was to examine the steps taken by the Albanian authorities to implement various recommendations made by the CPT after its previous visits to Albania. Particular attention was paid to the treatment of people detained by the police and the conditions under which people were being held in police pre-trial detention facilities. The delegation also explored whether the 1996 Mental Health Act, which includes a number of guarantees intended to safeguard the fundamental rights of psychiatric patients, was being effectively implemented.

The CPT's delegation found that little progress had been made in implementing long-standing recommendations made by the Committee. For instance, in the pre-trial detention facilities at Durres and Fier, the material conditions of detention still left a great deal to be desired (e.g. severely overcrowded cells, no mattresses/blankets and very poor hygiene conditions), and inmates were still not allowed any in-cell activities (such as reading books, playing board games or listening to the radio). In addition, the 1996 Mental Health Act was apparently still not being implemented in practice.

In their response, the Albanian authorities provide detailed information on the steps taken in the light of the recommendations made by the CPT in the visit report. In particular, the state of repair and conditions of hygiene in pre-trial detention facilities have been improved, and inmates are now allowed to engage in various activities inside their cell. The authorities also confirm that all involuntary admissions to psychiatric hospitals are now systematically notified to the competent courts.

Malta
Publication on
10 September 2007

Report on the visit in June 2005 together with the response of the Maltese Government

These documents have been made public at the request of the Maltese authorities.

The main objective of the June 2005 visit was to assess the implementation of the recommendations concerning the detention centres for foreign nationals made by the CPT after its earlier visit in January 2004. For this purpose, the CPT carried out follow-up visits to Lyster and Safi Barracks as well as to several police holding facilities. The CPT also sought detailed information concerning the judicial inquiry into incidents at Safi Barracks in January 2005 and went to Mount Carmel Psychiatric Hospital and to Corradino Correctional Facility in order to meet foreign detainees and consult medical files.

In their responses, the Maltese authorities highlight several measures taken in response to the CPT's recommendations, mainly relating to the legal safeguards to be offered to irregular immigrant detainees and their living conditions.

Ireland
Publication on
10 October 2007

Report on the fourth periodic visit (October 2006) together with the response of the Irish authorities

Over the course of the visit, the CPT reviewed the treatment of people detained by the Irish police, the Garda Síochána. It also examined the treatment of inmates and conditions of detention in a number of prisons, as well as visiting the Central Mental Hospital in Dundrum.

The majority of people met by the CPT made no complaints about their treatment while in police custody. However, a considerable number of people did allege verbal and physical ill-treatment by Gardai, and in some cases injuries consistent with the allegations were observed. The CPT has welcomed the initiatives undertaken by the Irish government to stamp out ill-treatment by the Garda, such as the establishment of the Garda Síochána Ombudsman Commission and the progressive installation of CCTV in police stations. However, as the Irish authorities acknowledge, there is clearly no room for complacency in this area.

As regards prisons, the CPT was concerned by the increasing level of violence between prisoners, fuelled by the widespread availability of illicit drugs and the existence of a gang culture. The problem of violence appeared to be particularly rife in three of the prisons visited (Limerick, Mountjoy and St Patrick's Institution) and, in this context, the management of prisoners placed under protective custody was exam-

ined. The CPT also noted that while some progress had been made in the provision of healthcare, there was still a need to improve access to psychiatric care and reinforce drug treatment programmes. More generally, the CPT observed that several of the prisons visited remained overcrowded with poor living conditions, and that they offered only a limited range of activities for prisoners.

With respect to the Central Mental Hospital in Dundrum, the CPT noted that there have been positive developments concerning the treatment of patients, staffing levels and, to a certain extent, patients' living conditions.

In their response, the Irish authorities have provided information on the steps being taken to address the issues raised by the CPT. In particular, they express their determination to put an end to ill-treatment by Gardai, highlighting a number of specific measures. The Irish authorities acknowledge the emergence of violence within the prison system and refer to a wide range of initiatives being taken to tackle this growing phenomenon. They also provide detailed information on the planned development of prison facilities in Ireland over the next few years.

Georgia
Publication on
25 October 2007

Report on the third periodic visit (March and April 2007)

The report has been made public at the request of the Georgian authorities.

In the course of the visit, the CPT's delegation gained the impression that the situation as regards the treatment of people detained by the police in Georgia had considerably improved. Only a few isolated allegations of physical ill-treatment were heard, all but one of which referred to the excessive use of force at the time of arrest. The CPT has welcomed the progress made in this area by the Georgian authorities, which is the result of a series of measures taken in recent years, including a new approach to the selection and training of police staff and a reinforcement of internal control and external monitoring mechanisms. At the same time, it is clear that the authorities must remain vigilant. The CPT has made several recommendations aimed particularly at strengthening the formal safeguards against ill-treatment and improving the screening for injuries.

In the area of prisons, one particularly welcome outcome of the ongoing reform of the penitentiary system is the clampdown on corruption. However, the steep increase in the prison population, which has more than doubled since the CPT's previous periodic visit in 2004, and the ensuing overcrowding undermine the efforts made to create a humane penitentiary system. The most extraordinary overcrowding was observed at the main pre-trial facility, Prison No. 5 in Tbilisi, where living space per prisoner was frequently below 0.5 m². The CPT has called upon the Georgian authorities to redouble their efforts to combat prison overcrowding, in particular by adopting policies designed to limit or modulate the number of people sent to prison.

No allegations of recent physical ill-treatment of prisoners by staff were heard at four of the five penitentiary establishments visited. However, at Prison No. 6 in Rustavi, the delegation received numerous and consistent allegations of prisoners being beaten upon admission as well as in other contexts. The CPT has recommended that the management of the prison deliver a clear message to custodial staff that physical ill-treatment and verbal abuse of inmates, as well as other forms of disrespectful or provocative behaviour, are not acceptable and will be dealt with severely.

The provision of health care to prisoners remains problematic, due to the shortage of staff, facilities and resources. The CPT is particularly concerned that the progress observed during the second periodic visit in the area of combating tuberculosis is jeopardised by the steep increase in the prison population.

No allegations of ill-treatment were received at the two psychiatric institutions visited, Asatiani Psychiatric Institute in Tbilisi and Kutiri Psychiatric Hospital. However, both establishments suffered from overcrowding, though patients' living conditions were generally better at Kutiri. The report also includes an assessment of the legal safeguards applicable to involuntary psychiatric patients under the new Law on Psychiatric Care.

Following an immediate observation made by the CPT's delegation at the end of the visit, the Georgian authorities have closed down the "Hauptvacht" (military detention facility) in Tbilisi, which provided totally inadequate conditions for detention.

Publication of the 17th General Report

On 14 September 2007, the CPT published its 17th General Report. In this report, it denounces secret detention, an illegal practice that has been resorted to particularly in the context of the fight against terrorism. Secret detention amounts in itself to ill-treatment and – due to the removal of fundamental safeguards which it entails – inevitably heightens the risk of resorting to other forms of ill-treatment. Responding to reports that certain secret detention facilities were located in European countries, the CPT invites anyone who is in possession of information concerning such facilities to bring it to the attention of the Committee.

The CPT also comments on the related issue of extra-judicial transfers from one country to another, so-called "renditions". The Committee is particularly concerned by the practice of rendition for the purposes of detention and interrogation outside the normal criminal justice system. "Operations of this kind inevitably involve a risk of ill-treatment for the person concerned that no 'assurances' can ever fully remove; it follows that the authorities of Parties (to the European Convention for the Prevention of Torture) should never offer assistance in the context of such operations".

The General Report provides details on the 17 visits carried out by the CPT during the last 12 months. The Committee draws attention to the widespread problems of prison overcrowding, violence between prisoners and inadequate activities for prisoners. The level of co-operation shown to the CPT by national authorities is also highlighted. In this regard, the Report emphasises that the Committee's purpose is to bring about necessary change with a view to strengthening the protection of people deprived of their liberty against ill-treatment; "Only if the CPT's dialogue with a state leads to the achievement of that purpose can one speak of effective co-operation".

Internet: 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

To date, 43 member states of the Council of Europe have signed the revised European Social Charter. The remaining four member states have signed the 1961 charter and 39 states have ratified one of the two instruments (24 have ratified the revised charter and 15 have ratified the 1961 charter).

About the Charter

Guaranteed rights

The Social Charter guarantees rights in a variety of areas, such as housing, health, education, employment, legal and social protection, movement of persons, and non-discrimination.

National reports

The states parties submit a yearly report indicating how they implement the charter in law and in practice.

On the basis of these reports, the European Committee of Social Rights – comprising 15 members elected by the Council of Europe's Committee of Ministers – decides, in "conclusions", whether or not the states have complied with their obligations. If a state is found not to have complied, and if it takes no action on a decision of non-conformity, the Committee of Ministers adopts a recommendation asking it to remedy the situation.

Complaints procedure

Under a protocol which opened for signature in 1995 and 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 to the Committee of Ministers, which adopts a resolution in which it may recommend that the state concerned takes specific measures to bring the situation into line with the obligations laid down by the charter.

European Committee of Social Rights (ECSR)

Following the resignation of Beatrix Karl, the Committee of Ministers, at its 1005th session on 26 September 2007, elected Lyudmila Harutyunyan, an Armenian, as a member of the ECSR, with immediate effect for a term of office which will expire on 31 December 2010.

Significant meetings

Seminar as part of the Action Plan of the Council of Europe Third Summit

Andorra-la-Vieille (Andorra), 6 September 2007

This meeting aimed at providing government officials with advice on the drafting of the first report on the application of the revised Social Charter by Andorra and giving general information on the implementation of this treaty to governmental authorities in order to ensure the effectiveness of fundamental social rights.

Joint programmes between the Council of Europe and the European Union: Promoting the democratic process in Ukraine and South-Caucasus

Tbilisi (Georgia), 3-4 July 2007
Erevan (Armenia), 11-12 July 2007
Kiev (Ukraine), 10-11 October 2007

These three seminars were organised in order to provide training to administration officials and representatives of the federal ministries involved in the drafting of the first national report that Armenia, Georgia and Ukraine should submit under the new reporting system which came into force this year.

Meeting on non-accepted provisions of the Social Charter

Tirana (Albania), 24-25 October 2007

As Albania has not accepted many provisions, the aim of this meeting was to encourage this state to accept further provisions.

ECSR representatives explained the latest developments of the Committee's case-law to the ministerial authorities, and indepth discussions took place concerning issues in connection with some articles which Albania is likely to accept in the near future. A large scale programme of reforms in the field of social and employment policy is underway in the country.

Major awareness-raising event

San Rossore (Pisa, Italy), 19 July 2007

A large international meeting on children's rights, organised by UNICEF and the Tuscany Region and held on 19 July 2007, provided an opportunity to present the work done by the Council of Europe in the area of children's rights, in particular the rights guaranteed by the Social Charter in the fields of education, health and protection against any form of exploitation, corporal punishment and social exclusion, including for children of migrants.

Collective complaints: latest developments

Public hearing on the merits of two complaints, Strasbourg, 17 September 2007

The European Committee of Social Rights held a public hearing on the merits of two complaints concerning France and related to the right to housing:

International Movement ATD Fourth World (complaint No. 33/2006)

The International Movement ATD Fourth World alleges a violation of Article 16 (the right of the family to social, legal and economic protection), Article 30 (the right to protection against poverty and social exclusion) and Article 31 (the right to housing) in conjunction with Article E (non-discrimination) of the revised European Social Charter.

In particular, ATD Fourth World considers that the French procedure on the prevention of evictions is flawed and that there is a lack of social housing. The organisation contests the way in which social housing is allocated to the poorest people and argues that appeal procedures are too lengthy in cases involving delays in allocation and that the situation is discriminatory, in particular with regard to families living in poverty.

European Federation of National Organisations Working with the Homeless (FEANTSA) (complaint No. 39/2006)

The European Federation of National Organisations Working with the Homeless (FEANTSA) alleges a violation of Article 31 (the right to housing) of the revised European Social

Charter. It considers that the measures in place in France to reduce the number of homeless people are insufficient, that the construction of social housing is inadequate and that a significant number of households live in poor housing conditions, notably with regard to sanitation and overcrowding. Furthermore, it argues that the implementation of legislation on the prevention of evictions is dysfunctional.

The federation also alleges that the system for allocating social housing and appeal procedures do not function properly and that there is discrimination in access to housing with regard to immigrants.

In addition to the two international non-governmental organisations and the French Government, the Finnish Government was also represented at this hearing as it had asked, in accordance with Article 33§4 of the ECSR Rules of procedure, to participate in this hearing in order to call for the rejection of the complaint lodged by FEANTSA.

The Committee shall deliberate and a decision on the merits of these complaints shall be adopted shortly.

Decisions on admissibility

On 16 October 2007, two collective complaints were declared admissible by the ECSR:

International Federation of Human Rights (FIDH) v. Ireland (No. 42/2007)

The complaint relates to Article 23 (the right of elderly persons to social protection) read in conjunction with Article E (non-discrimination) and to Article 12§4 (the right to social security) of the revised European Social Charter. It is alleged that the situation constitutes a discrimination against people in receipt of Irish contributory old age pensions who do not reside permanently in Ireland, because they do not have access to the free travel scheme when they return to Ireland.

Sindicato dos Magistrados do Ministério Público (SMMP) v. Portugal (No. 43/2007)

The complaint relates to Article 12§1, 2, 3 (the right to social security) of the revised European Social Charter. It is alleged that staff from the Public Prosecutor's Office in Portugal are excluded from the Social Welfare Service of the Ministry of Justice (Legislative Decree No. 212/2005 of 9 December 2005).

New collective complaints

One new complaint was registered on 8 August 2007: **International Helsinki Federation for Human Rights (IHF) v. Bulgaria** (No. 44/2007)

The complaint relates to Article 13§1 (the right to social and medical assistance) alone or in conjunction with Article E (non-discrimination) of the revised European Social Charter. It is alleged that Bulgarian legislation as from 1 January 2008 will no longer ensure the right to adequate social assistance to unemployed persons without sufficient resources. This will particularly affect Roma and women.

Publications

The European Social Charter (revised) has been published in Albanian and in Estonian (it also exists in English, French, Armenian, Azeri, Bosnian, Croatian, Dutch, German, Italian, Norwegian, Polish, Portuguese, Romanian, Russian, Slovenian and Spanish).

The Social Charter at a glance has been published in Bosnian (it also exists in English, French, Albanian, Azeri, Croatian, Dutch, Georgian, German, Hungarian, Italian, Polish, Romanian, Russian, Slovenian, Spanish and Turkish).

Internet: http://www.coe.int/t/e/human_rights/esc/

European Commission against Racism and Intolerance (ECRI)

The European Commission against Racism and Intolerance (ECRI) is an independent human rights monitoring body specialising in issues related to combating racism and racial discrimination in the 47 member states of the Council of Europe.

ECRI's statutory activities are:

– country-by-country monitoring,
– working on general themes,
– maintaining links with civil society.

Country-by-country monitoring

As part of this work, ECRI closely examines the situation of racism and intolerance in each of the member states of the Council of Europe. Based on the analysis that it undertakes, ECRI draws up, in the form of country reports, suggestions and proposals addressed to governments on how to overcome the problems of racism and intolerance identified in each country.

In 2007 ECRI will complete its third round of country-by-country monitoring work. The third round reports focus on implementation, by examining whether and how effectively the recommendations contained in ECRI's previous reports have been applied. The reports also examine specific issues in more depth, which are chosen according to the situation in each country. ECRI's country-by-country approach concerns all Council of Europe member states equally and covers nine to ten countries per year. A contact visit takes place in each country prior to the preparation of the relevant country report.

In the second half of 2007 ECRI carried out contact visits to **Liechtenstein**, **Malta**, **Moldova**, **San Marino** and **Serbia**. The aim of ECRI's contact visits is to obtain as complete a picture as possible of the situation regarding racism and intolerance in each country. 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. Reports on these five countries should be adopted and published by ECRI in spring 2008.

Working on general themes

ECRI's work on general themes covers important areas of current concern in the fight against racism and intolerance which are frequently identified in the course of ECRI's country monitoring. As part of this work, ECRI adopts general policy recommendations addressed to the governments of member states, intended to serve as guidelines for policy makers.

General policy recommendations

To date, ECRI has adopted 11 general policy recommendations, covering 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; combating anti-Semitism; combating racism and racial discrimination in and through school education; and combating racism and racial discrimination in policing.

On 4 October 2007 ECRI published General Policy Recommendation No. 11 on combating racism and racial discrimination in policing. This important legal text provides law and policy makers with concrete and practical guidelines for combating racism and racial discrimination in policing, a problem which ECRI has identified throughout Europe.

This recommendation, which is the result of a consultation process with various concerned parties, aims to help the police to promote security and human rights for all through adequate policing. It covers racism and discrimination in the context of combating all crime, including terrorism. It stresses the importance of providing effective safeguards against racist acts committed by the police in order to ensure respect for human rights and that all segments of society have confidence in the police, thereby enhancing overall security. This legal text focuses particularly on racial profiling; racial discrimination and racially motivated misconduct by the police; the role of the police in combating racist offences and monitoring racist incidents; and relations between the police and members of minority groups.

Ethnic data collection

In November 2007 ECRI published a study report entitled *"Ethnic" statistics and data protection in the Council of Europe countries*, carried out by an outside consultant, Patrick Simon, from the French national statistics agency, Institut national d'études démographiques.

The study presents an overview of the existing legal and practical framework for ethnic data collection in Europe and provides a basis for answering the question of whether data protection laws really hinder the collection of the data needed to combat racial discrimination, or whether the unsatisfactory state of statistics on this type of discrimination is due to other factors.

Maintaining links 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 relevant spheres at international, national and local level. In 2002 ECRI adopted an action programme 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 table in Ireland

On 15 November 2007 ECRI held a round table in Dublin. The main themes of this round table were: ECRI's third report on Ireland (published on 24 May 2007); promoting equality and diversity in the workplace; safeguarding the rights of the Traveller community and building an integrated society in Ireland.

Publications

- Expert seminar: Combating racism while respecting freedom of expression, Proceedings, Strasbourg, 16-17 November 2006, July 2007.
- ECRI General Policy Recommendation No. 11 on combating racism and racial discrimination in policing, adopted on 29 June 2007, October 2007.
- Compilation of ECRI's General Policy Recommendations, October 2007.
- "Ethnic" statistics and data protection in the Council of Europe countries – Study Report, Patrick Simon, November 2007.

Internet: http://www.coe.int/ecri/

Equality between women and men

The Council of Europe has, since 1979, been promoting European co-operation to achieve real gender equality. The Steering Committee for Equality between Women and Men (CDEG) is responsible for co-ordinating these activities.

Campaign to combat violence against women, including domestic violence

Launched during a high-level conference held in the Spanish Senate in Madrid on 27 November 2006, the Council of Europe Campaign to Combat Violence against Women, including Domestic Violence, has gained momentum over the course of 2007.

Many activities have been implemented under the three dimensions of the campaign: governmental; parliamentary; local and regional. Because of the campaign's three-tier approach, activities reach out to decision makers at various levels of society and involve many different actors.

To support implementation of the campaign at national level, national governments and parliaments have been invited to nominate national focal points, high-level officials and contact parliamentarians. To date, 46 national parliaments and 45 governments have appointed committed individuals to liaise with the Council of Europe on issues related to the campaign and to spearhead and initiate action at national level, preferably through national campaigns. With a view to taking stock of the Council of Europe's campaign at national level, focal points have prepared interims reports on the actions that have taken place so far. In a similar way, the Parliamentary Assembly has published a mid-term assessment of the parliamentary dimension of the campaign, which calls for parliaments to reinforce their actions at national level.

In order to share information on current initiatives and good practices in preventing and combating violence against women, five intergovernmental regional seminars have been organised along the core objectives and messages of the campaign, as laid out in the campaign blueprint: legal and policy measures, support and protection of victims, data collection and awareness raising.

Three of these regional seminars took place during the first half of the year, and they addressed the following topics: Legal measures to combat violence against women, including domestic violence (The Hague, the Netherlands, 21-22 February 2007), Men's active participation in combating domestic violence (Zagreb, Croatia, 9-10 May 2007) and Data collection as a prerequisite for effective policies to combat violence against women, including domestic violence (Lisbon, Portugal, 5 July 2007).

The other two seminars organised as part of the campaign were devoted to exploring the role and scope of protection and support services for victims of violence. The fourth seminar, held in Skopje on 11 and 12 September, examined the roles of the police, health care professionals and social workers in supporting and assisting the victims of violence and their families. Government and NGO representatives from seven countries (Albania, Bulgaria, Croatia, Serbia, Slovenia, "the former Yugoslav Republic of Macedonia" and Turkey) took part in this seminar.

The fifth seminar, held in Espoo, Finland on 9 and 10 October 2007, concluded this year's series of regional seminars. Over 100 participants from nine countries (Denmark, Estonia, Finland, Iceland, Latvia, Lithuania, Norway, the Russian Federation and Sweden) attended this seminar, which focused on the scope and quality of support and protection services provided for victims. The seminar highlighted states' obligation to combat violence against women and to protect women from violence. A

large part of the seminar was also devoted to the organisation of and preconditions for providing protection and support services.

The proceedings from all seminars will soon be available at www.coe.int/stopviolence/intergov.

Further action

The Council of Europe will study the possibility of establishing guidelines on the collection of official data on violence against women, with a view to setting up administrative data systems that go beyond the internal records required by statutory agencies such as the police, the judiciary, and public health and social welfare services.

The Council of Europe will also consider drawing up standards for support services for victims of particular forms of violence such as domestic violence, sexual assault and rape.

An overview of planned campaign activities and much more information on the campaign can be found at www.coe.int/stopviolence.

The campaign will come to an end with a closing conference in June 2008. On this occasion, the Council of Europe Task Force to Combat Violence against Women, including Domestic Violence, will present its conclusions and an evaluation of the measures and actions taken at national level to combat violence against women, as well as making recommendations to the Council of Europe for future action. In this way, the task force will outline the steps to be taken in order to eliminate violence against women, which is the ultimate goal of the campaign.

Internet: http://www.coe.int/equality/

Action against trafficking in human beings

Trafficking in human beings constitutes a violation of human rights and is an offence to the dignity and the integrity of the human being. In 2005, to fight this modern form of slavery, the Council of Europe adopted a comprehensive treaty aimed at preventing trafficking, protecting victims and prosecuting traffickers. The Council of Europe Convention on Action against Trafficking in Human Beings [CETS No. 197] enters into force on 1 February 2008.

The Council of Europe Convention on Action against Trafficking in Human Beings (CETS No. 197) was opened for signature in Warsaw on 16 May 2005 at the Third Summit of Heads of State and Government of the Council of Europe. On 24 October 2007, the convention received its 10th ratification and will therefore enter into force on 1 February 2008. On 30 November 2007, 10 member states had ratified the convention: Albania, Austria, Bulgaria, Croatia, Cyprus, Denmark, Georgia, Moldova, Romania and Slovakia.

This new and comprehensive convention, the first European treaty in this field, focuses mainly on the protection of victims of trafficking and the safeguarding of their rights. It also aims to prevent trafficking and to prosecute traffickers. In addition, the convention provides for the establishment of an effective and independent monitoring mechanism capable of controlling the implementation of the obligations contained in the convention.

The convention is not restricted to Council of Europe members states; non-members states and the European Community may also become parties to the convention.

Scope of the convention

The Council of Europe's convention is the first international legally binding instrument which affirms that trafficking in human beings constitutes a violation of human rights and is an offence to the dignity and integrity of the human being. It applies to all victims of trafficking: women, men and children; it applies to all forms of exploitation: sexual exploitation, forced labour or services, etc; it covers all forms of trafficking: national and transnational, related or not to organised crime.

Measures provided by the convention

- Awareness-raising for potential victims of trafficking and actions aimed at discouraging "consumers" are among the main measures to prevent trafficking in human beings.
- Victims of trafficking must be recognised as such in order to avoid police and public authorities treating them as illegal migrants or criminals.
- Victims of trafficking shall be granted physical and psychological assistance and support for their reintegration into society. Medical treatment, counselling and information as well as appropriate accommodation are among the measures provided. Victims are also entitled to receive compensation.
- Victims are entitled to a minimum of 30 days to recover and escape from the influence of the traffickers and to take a decision regarding their possible co-operation with the authorities. A renewable residence permit may be granted if their personal situation so requires or if they need to stay in order to co-operate in a criminal investigation.

- Trafficking will be considered as a criminal offence: traffickers and their accomplices will therefore be prosecuted.
- The private life and the safety of victims of trafficking will be protected throughout the course of judicial proceedings.

Monitoring implementation of the convention

The entry into force of the convention triggers the establishment of its monitoring mechanism which, in accordance with the convention, must be in place one year after its entry into force. The monitoring mechanism consists of two pillars:

- the Group of Experts against Trafficking in Human Beings (GRETA), a technical body, composed of independent and highly qualified experts, and
- the Committee of the Parties, a more political body, composed of the representatives in the Committee of Ministers of the parties to the convention and of representatives of parties who are non-members of the Council of Europe.

GRETA is responsible for monitoring implementation of the convention by the parties. GRETA will regularly publish reports evaluating the measures taken by the parties, and those parties which do not fully respect the measures contained in the convention will be required to step up their action.

The Committee of the Parties may also, on the basis of GRETA's report and conclusions, make recommendations to a party concerning the measures to be taken to follow up GRETA's conclusions.

The convention recognises the important role which civil society, in particular non-governmental organisations (NGOs), plays in preventing trafficking and protecting and assisting victims. Consequently, the convention encourages co-operation between public authorities, NGOs and members of civil society.

Council of Europe Campaign to Combat Trafficking in Human Beings

The entry into force of the convention also marks the end of the Council of Europe Campaign to Combat Trafficking in Human Beings, launched in 2006 under the slogan Human being – not for sale. A total of 41 member states participated in one or more of the 11 regional information and awareness-raising seminars which were organised to highlight the different measures which can be taken to prevent this new form of slavery, to protect the human rights of victims and to prosecute the traffickers and their accomplices. The seminars were attended, on average, by between 100 and 150 participants, most of whom were representatives from governments, national parliaments and NGOs.

One of the key features of the awareness-raising strategy aimed at civil society was a comic strip for young people entitled You're not for Sale, whcih was prepared and widely distributed in 16 languages. The convention is currently available in 15 languages of Council of Europe member states One of the last events organised as part of the campaign was a conference devoted to the convention's monitoring mechanism (Strasbourg, 8-9 November 2007) which aimed to familiarise Council of Europe member states, observer states, international organisations and NGOs with this new independent human rights monitoring mechanism.

In 2008, activities will focus on setting up the monitoring mechanism but the Council of Europe will, at the same time, continue to seek the widest possible ratification of the Council of Europe Convention on Action against Trafficking in Human Beings [CETS No. 197]. On 30 November 2007, 27 Council of Europe member states had signed but not yet ratified the convention: Andorra, Armenia, Belgium, Bosnia and Herzegovina, Finland, France, Germany, Greece, Hungary, Iceland, Italy, Ireland, Latvia, Luxembourg, Malta, Montenegro, Netherlands, Norway, Poland, Portugal, San Marino, Serbia, Slovenia, Sweden, "the former Yugoslav Republic of Macedonia", Ukraine and the United Kingdom. Further ratifications are expected in the coming months.

Internet: http://www.coe.int/trafficking/

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.

Second Monitoring cycle

The second Advisory Committee Opinion on the United Kingdom was made public by the government on 26 October 2007.

Summary of the Opinion

Since the adoption of the Advisory Committee's first opinion in November 2001, the United Kingdom authorities have taken further steps to improve the implementation of the Framework Convention. Legislation on racial equality has been strengthened and new legislative provisions protecting individuals against religious discrimination have been introduced. New legislation has been adopted in England and Wales aimed at improving the availability of authorised sites for Gypsies and Travellers. Public authorities have taken steps to strengthen equal opportunities in their functions and recruitment practices, including through the collection of data on the situation of minority groups.

In May 2007, an important power-sharing agreement was reached between Northern Ireland's leading nationalist and loyalist parties, marking the resumption of Northern Ireland's devolved government, established in 1998 under the historic Belfast (Good Friday) Agreement. Significant efforts have been made in Northern Ireland to promote integration between Protestants and Catholics, although housing estates and schools still tend to be split along sectarian lines. The United Kingdom Government and devolved Executives have taken major steps to promote the languages and cultures of the peoples of Wales, Scotland and Northern Ireland, although there is still room for improvement, especially in Northern Ireland.

Notwithstanding the United Kingdom's particularly advanced approach to promoting non-discrimination and equality, problems persist in a number of areas due to inconsistencies in the legislation and shortcomings in its implementation. Inequalities continue to affect people belonging to ethnic minorities in the fields of employment, education, housing, health and access to justice. Negative and inaccurate reporting by certain sectors of the media contributes to hostile attitudes towards certain groups, in particular Gypsies and Travellers, asylum seekers, migrant workers and Muslims. An increase in incidents motivated by racist and religious hatred has been recorded in various parts of the country.

There is a need to identify new ways of promoting the participation of people belonging to ethnic minorities in public affairs, including by stepping up consultations and other forms of dialogue with the broadest possible spectrum of minority representatives.

Submission of State Reports

During the period July – October, the second cycle State Report was received from **Bosnia and Herzegovina**.

First monitoring cycle

The Committee of Ministers adopted a first cycle resolution with respect to **Portugal** on 5 September 2007.

In its resolution, the Committee of Ministers invites Portugal to take appropriate account of the various comments in the Advisory Committee opinion as well as the following conclusions:

(Extract from the resolution)

Although the state report states that there are no national minorities in Portugal, the position expressed by the Portuguese authorities with regard to the scope of application of the Framework Convention has evolved, in particular concerning Article 6 of the Framework Convention, whose relevance has been recognised. The authorities are encouraged to take further steps in this respect, including engaging in consultations on the Framework Convention with the groups considered by the authorities to be ethnic minorities .

Efforts have been made by the authorities to adopt legislative, institutional and practical measures to combat discrimination and racism. Integration and the promotion of multicultural education have remained high on the agenda. Moreover, measures have been taken to improve the socio-economic and educational situation of the Roma. However, a number of Roma are still at a disadvantage in these areas and they face discrimination, social exclusion and marginalisation.

Further measures should be developed, in co-operation with the people concerned, to promote the full and effective equality of the Roma, in particular in the areas of housing, education, employment and health, and to continue to combat prejudice and hostility against them.

Submission of State Reports

During the period July – October, first cycle State Reports were received from **Georgia** and **Montenegro**.

Other activities

Consultation Seminar on the Advisory Committee's Draft Commentary on Participation of Persons belonging to National Minorities in Cultural, Social and Economic Life and Public Affairs (2-3 October 2007)

Following the adoption of its first thematic commentary on education in March 2006, the Advisory Committee launched its work on the theme of participation of persons belonging to national minorities. A draft has been prepared on the basis of country-specific opinions and a first phase of written consultations has been organised.

The aim of the meeting jointly organised by the Council of Europe and the European Academy of Bolzano on 2 and 3 October, was to provide an additional opportunity for national minority organisations to contribute to the work of the Advisory Committee and to share their experiences on the issue of participation.

Internet: http://www.coe.int/cddh/

Human rights co-operation and awareness

Bilateral and multilateral human rights co-operation 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 and awareness-raising

Moscow (Russian Federation)
3-4 July 2007

Round table on the implementation of the ECHR and compliance with Court judgments in the Chechen Republic

This round table was part of the Council of Europe's and the Russian Federation's 2007 Co-operation Programme for Chechnya. The discussions focused in particular on the execution of the judgments of the European Court of Human Rights (ECtHR) as part of the mechanism of the European Convention on Human Rights (ECHR). The Convention's requirements, the measures needed to comply with the Court's judgments and improvement of the legislative framework to ensure compliance with the Convention in planning and conducting operations by the security forces were also discussed. The participants included Vladimir Lukin, Commissioner on Human Rights in the Russian Federation; Konstantin Kosachev, Head of Delegation of the Russian State Duma in the Parliamentary Assembly of the Council of Europe; Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe; Veronika Milinshuk, Representative of the Russian Federation at the European Court of Human Rights, and Abdulkakhir Izrayilov, Deputy Prime Minister of the Chechen Republic.

Yerevan (Armenia)
10-12 July 2007

Train-the-trainers course for Armenian law enforcement officials

The second of a series of four training courses on Police and Society was devoted to identifying violations of human rights in the daily work of police officers and how to address them at operational level, as well as ways of mainstreaming human rights considerations and obligations into police decision-making. The aim was to improve police capacity in order to prevent potential violations of the ECHR, based on relevant ECtHR case-law, in particular as regards the treatment of detained persons. The session gathered representatives of the Armenian Ministry of Interior, the Armenian police academy and heads of the Armenian police districts. They were all trainers who had been given the mandate of sharing the knowledge acquired to staff in their departments. During the training, presentations were made on human rights and the application of legislation in the United Kingdom and in Sweden, and interactive workshops were organised in order to bring the professional skills of the police officers into line with the requirements of the case-law of the ECtHR.

Krasnoyarsk (Russian Federation)
13-14 July 2007

Training seminar on the domestic application of the European Convention on Human Rights

This training seminar for Russian lawyers was organised as part of the joint programme between the European Commission and the Council of Europe entitled Enhancing the capacity of legal professionals and law enforcement officials in Russia to apply the ECHR in domestic legal proceedings and practices. It focused particularly on people's right to liberty and security.

Moscow (Russian Federation)
14-15 August 2007

VIIth Summer School of Human Rights

This summer school, on international and domestic mechanisms of the protection of human rights and freedoms, was organised as part of the joint programme between the European Commission and the Council of Europe entitled Enhancing the capacity of legal professionals and law enforcement officials in Russia to apply the ECHR in domestic legal proceedings and practices. The participants were postgraduate students, university professors, NGO employees and human rights activists. A lawyer from the Registry of the ECtHR participated in the event and provided an overview of the protection system for human rights in Europe. The contents and application of the ECHR were discussed and the participants obtained practical knowledge and skills required for lodging an application before the ECtHR.

Baku (Azerbaijan)
10-11 September 2007

Training seminar for future prosecutors' trainers on the ECHR

This second two-day training seminar, organised for future prosecutors' trainers on the ECHR, focused on methodology. This session was made possible thanks to a voluntary contribution by the Government of Sweden that was earmarked for the Council of Europe's training activities in Azerbaijan in the field of human rights.

Strasbourg
10-13 September 2007

Study visit for Turkish judges and prosecutors

A study visit was organised for 40 judges and prosecutors who participated in the training seminars organised as part of the project to support the implementation of human rights reforms in Turkey. The study visit focused on the recent developments related to the case-law of the ECtHR and other Council of Europe institutions and bodies. The participants were able to attend the public hearing in the Grand Chamber in the case of *Burden and Burden v. the United Kingdom*.

Pristina (Kosovo)
10-14 Septembre 2007

Training seminar on investigating alleged human rights violations and report writing

This training was organised for lawyers from the Ombudsperson Institution in Kosovo (OIK), and focused on investigating alleged human rights violations and writing investigation reports. This session was financed by a voluntary contribution by the Government of Sweden that was earmarked for Council of Europe activities in Kosovo (Serbia).

Peja (Kosovo)
18-19 September 2007
Prizren (Kosovo)
22-23 October 2007

Cascade training seminar for judges and prosecutors on the ECHR

These training seminars for judges and prosecutors on Articles 2 and 3 of the ECHR were organised as part of the bilateral co-operation activities of the Council of Europe in the field of human rights.

Belgrade (Serbia)
20-21 September 2007

Regional conference on the role of the Supreme Courts in the domestic implementation of the ECHR

This regional conference on the role of the Supreme Courts in the domestic implementation of the European Convention on Human Rights was organised as part of Serbia's Chairmanship of the Committee of Ministers of the Council of Europe. It was co-ordinated by the Directorate General of Human Rights and Legal Affairs in collaboration with the Supreme Court of Serbia, the Serbian Foreign Affairs Ministry and the Council of Europe Belgrade Office. Judges from 13 Council of Europe member states shared their countries' experiences and discussed the obstacles to effective implementation of human rights legislation.

Baku (Azerbaijan)
24 September 2007

Round table on improving the implementation of the ECHR in Azerbaijan

This round table on improving the co-operation between the Commissioner for Human Rights of the Republic of Azerbaijan and the Azeri national authorities aimed to facilitate an in-depth discussion between the ombudsman, civil society and national author-

ities on the current state of the implementation of the ECHR in Azerbaijan, and to explore ways of enhancing co-operation between these stakeholders. Proposals that were put forward included the possibility for civil society to be closely associated with the preparation of opinions on the compatibility of draft legislation made by the ombudsman, or to point out gaps in the execution of judgments of the ECtHR by national authorities.

Tivat (Republic of Montenegro)
25-26 September 2007

Training seminar for lawyers on selected articles of the ECHR

This training seminar for junior lawyers focused on Articles 6 and 13 of the ECHR. It was made possible thanks to a voluntary contribution by the Government of Ireland which was earmarked for the Council of Europe's training activities in Montenegro in the field of human rights.

Tirana (Albania)
26-27 September 2007

Conference on improving the implementation of the ECHR

This conference focused on improving the implementation of the ECHR in Albania by enhancing the co-operation between the government agent and national authorities. It was organised as part of the Council of Europe's bilateral co-operation activities in the field of human rights.

Kiev (Ukraine)
26-28 September 2007

In-depth seminar for national ECHR judges' trainers

The third in-depth seminar on the national application of the ECHR, for judges who are themselves trainers in the ECHR, was organised as part of the Council of Europe/European Commission joint programme Fostering a Culture of Human Rights, which aims to promote education, training, monitoring and awareness of human rights. The participants included appeal court judges specialising in civil, administrative and commercial cases. The lectures were given by the Estonian representative at the ECtHR and a lawyer from the Court's Registry. The national ECHR judges' trainers will proceed to train their peers in regions of Ukraine through cascade seminars in November 2007.

Tirana (Albania)
27-28 September 2007

Training seminar for future judges' and prosecutors' trainers on the ECHR

This seminar was organised for future judges' and prosecutors' trainers on Articles 6 and 8 of the ECHR and Article 1 of Protocol No. 1. It was the second of a series of three and was carried out in co-operation with the School of Magistrates of Albania.

Armenia
September 2007

Cascade seminars for lawyers on the ECHR

Three cascade seminars for lawyers on the ECHR were held in Yerevan (for central regions), Vanadzor (for eastern regions) and Gyumri (for western regions). They were organised in co-operation with the Chamber of Advocates of Armenia (http://www.pastaban.am) with the assistance of qualified experts trained by the Council of Europe. The seminars highlighted the ECHR's substantive provisions and their domestic application in criminal proceedings as well as the standard-setting case-law of the ECtHR and the case-law in the Council of Europe member states.

Ukraine
September 2007

ECHR cascade seminars for prosecutors

The first series of four cascade seminars for prosecutors on the ECHR were held in Sudak (for the Autonomous Republic of Crimea), Dnipropetrovsk (for the Dnipropetrovsk region), Vinnytsa (for the Vynnytsa region) and Lutsk (for the Volyn region). These seminars were organised in co-operation with the Office of the Prosecutor General of Ukraine (http://www.uap.org.ua) as part of the Council of Europe/European Commission joint programme Fostering a Culture of Human Rights, which aims to promote education, training, monitoring and awareness of human rights, with the assistance of qualified experts trained by the Council of Europe. The seminars highlighted the ECHR's substantive provisions and their domestic application in criminal proceedings as well as the standard-setting case-law of the ECtHR and the case-law in the Council of Europe member states.

Bosnia and Herzegovina
September to December 2007

Cascade training seminars for judges and prosecutors on the application of the ECHR

Six two-day cascade training seminars for judges and prosecutors on the application of the ECHR were planned for different locations in Bosnia and Herzegovina. These activities were made possible thanks to a voluntary contribution by the Government of Norway which was earmarked for the Council of Europe's training activities in Bosnia and Herzegovina in the field of human rights.

Strasbourg
1-4 October 2007

Study visit by Polish judges

This study visit to the Council of Europe by Polish judges was part of the seminar entitled Implementation of the European Convention on Human Rights into the Polish Legal System and was organised by the Information Office of the Council of Europe in Warsaw in co-operation with the Directorate General of Human Rights and Legal Affairs.

Bijeljina, Tuzla, Orasje, Doboj, Bihac, Banja Luka, Zenica, Sarajevo, Istocno Sarajevo, Foca, Mostar, Trebinje, Busovaca (Bosnia and Herzegovina)
1-8 October 2007

Prison staff training team's meetings with prison management

The prison staff training team comprising prison professionals working in specialist facilities for both treatment and security, paid a series of visits to prisons in Bosnia and Herzegovina, accompanied by the prison reform project staff. The aim of these visits was to assess the training delivered over the past year, which had focused primarily on complaints procedures, risks, needs assessment and evaluating relevant future training needs to complement the training needs of security staff members (searches, escort, control, restraint etc). The level of commitment found in each prison varied, and largely depended on the willingness of the management to engage with the modernisation and professionalisation of the prison service.

Tbilisi (Georgia)
2-4 October 2007

Human rights training for police officers

This training focused on interrogation techniques and was organised as part of the joint programme between the European Commission and the Council of Europe on Fostering a Culture of Human Rights, which aims to promote education, training, monitoring and awareness of European human rights standards. It was conducted in co-operation with the Police Academy of the Ministry of Internal Affairs of Georgia.

Sarajevo (Bosnia and Herzegovina)
10-25 October 2007

Visit of the lead expert on prison reform in Bosnia and Herzegovina

The lead expert's task is to maintain the momentum of the prison reform process in Bosnia and Herzegovina by maintaining links with international organisations working in this field and to assist local authorities in expressing their needs and plans. In addition, during each visit, he contributes to the implementation of development work with prison management by introducing them to modern management techniques and providing professional advice on matters such as adoption of new legislation, incidents in prisons, escapes, contingency plans etc. The experts also work with the prison staff training team, assisting them in upgrading and developing their training skills.

Strasbourg and Luxembourg
15-19 October 2007

Study visit to the Council of Europe

This study visit was organised for members of the Human Rights Presidency and Turkish human rights committees who participated in the training seminars organised as part of the project to support the implementation of human rights reforms in Turkey. The visit aimed to familiarise participants with the working methods of the national human rights institutions and of the bodies within the Council of Europe. The participants also met the European Ombudsman, the Council of Europe Commissioner for Human Rights, the Deputy Secretary General of the Council of Europe and the judges of the European Court of Human Rights elected from Turkey and Belgium.

Strasbourg
17-19 October 2007

Study visit of the Armenian Ombudsman

This study visit by the Armenian Ombudsman and six lawyers from his office to the Council of Europe was organised in order to familiarise them with the Council of Europe's main human rights treaties and mechanisms that are relevant to the work of non-judicial mechanisms for the protection of human rights, such as ombudsman institutions.

Pyatigorsk (Russian Federation)
18-19 October 2007

Training seminar on investigating cases of abducted and missing persons

This seminar, for Chechen police officers and human rights NGOs, aimed to familiarise the participants with existing international legal standards and practices regarding the investigation of cases of abducted and missing persons (effective investigations, interviews, evidence gathering, roles of NGOs) and human rights protection in pre-trial detention (right to liberty and security, pre-trial detention standards, conditions, lawfulness, non-arbitrariness, length, judicial supervision, presumption of innocence). The participants included representatives of the Ministry of the Interior, judges, prosecutors, lawyers and human rights NGOs. This seminar was part of the Council of Europe's and the Russian Federation's 2007 Co-operation Programme for Chechnya.

Bakovici, Sokolac, Fojnica, Zenica, Modrica (Bosnia and Herzegovina)
22-26 October 2007

Assessment visit to prisons and mental health facilities

Two international experts on psychiatry and mental health legislation, together with their local counterparts have commenced their work on reviewing and assessing the current mental health legislation in Bosnia and Herzegovina. The group began its work by paying an assessment visit to facilities housing mentally ill patients throughout Bosnia and Herznogovina and this was followed by meetings organised by the project's staff.

Kislovodsk (Russian Federation)
24-25 October 2007

Workshop on international and national mechanisms of legal protection of displaced persons

The Council of Europe and the United Nations High Commissioner for Refugees organised a workshop on international and national mechanisms of legal protection of displaced persons in the Russian Federation. Legal professionals and civil society representatives discussed ways to improve the situation of internally displaced persons, in particular as regards the right to property, in the light of relevant international and European standards.

Sudak (Ukraine)
24-26 October 2007

Training workshop for Ukrainian law enforcement officials on human rights standards

The main themes of this workshop were human rights and investigation, definitions of violence against women and children, and the Rotterdam Charter. The topics covered included policing in a multi-ethnic society, tolerance in policing, human rights in daily policing and police work as regards domestic violence as an example of respecting human rights.

Kazan (Russian Federation)
29-30 October 2007

Training seminar for Russian lawyers

This seminar focused on the domestic application of the European Convention on Human Rights with particular focus on the right to property and police entrapment. It was organised as part of the joint programme between the European Commission and the Council of Europe entitled Enhancing the capacity of legal professionals and law enforcement officials in Russia to apply the European Convention on Human Rights in domestic legal proceedings and practices.

Mostar (Bosnia and Herzegovina)
30-31 October 2007

Training seminar on the ECHR

This seminar for lawyers was organised as part of the bilateral co-operation activities of the Council of Europe in the field of human rights. It focused on Article 1 of Protocol 1 of the ECHR, including the case-law of the Constitutional Court of Bosnia and Herzegovina related to the application of Article 6 of the ECHR.

Baku (Azerbaijan)
29 October-1 November 2007

Seminar on the domestic application of the ECHR

This was an in-depth seminar on the domestic application of the ECHR for candidates who are currently in the selection process to become judges. This seminar was organised as part of the joint programme between the European Commission and the Council of Europe on Fostering a Culture of Human Rights, which aims to promote education, training, monitoring and awareness of European human rights standards.

Ukraine
September 2007

Cascade seminars on the ECHR

The second series of four cascade seminars on the ECHR was held in Donetsk (for the Donetsk region), Zhytomyr (for the Zhytomyr region), Zaporizhia (for the Zaporizhia region) and Uzhhorod (for the Uzhhorod region). These seminars were organised in co-operation with the Office of the Prosecutor General and the Association of Prosecutors of Ukraine (http://www.uap.org.ua) as part of the Council of Europe/European Commission joint programme entitled Fostering a Culture of Human Rights. The seminars highlighted the ECHR's substantive provisions and their domestic application in criminal proceedings as well as respective standard-setting case-law of the European Court of Human Rights and the case-law in the Council of Europe member states.

Internet: http://www.coe.int/awareness/

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 of various human rights institutes and their activities in 2007. The information, provided by the institutes, is presented in the language in which it was drafted.

Austria/Autriche

Austrian Human Rights Institute

Edmundsburg, Mönchsberg 2, 5020 Salzburg, Austria
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 – 15
E-mail: office@menschenrechte.ac.at (Secretariat)/newsletter@menschenrechte.ac.at (newsletter)
Website: http://www.menschenrechte.ac.at/

Publications

Newsletter Menschenrechte

A publication in German which, since 1992, has been published six times a year with a circulation of 500 copies.

It gives 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.

Menschenrechte konkret

In May 2007 volume No. 2 of the series *Menschenrechte konkret* (*Human rights in concrete*) was published. Entitled *Der Europäische Gerichtshof vor neuen Herausforderungen. Aktuelle Entwicklungen in Verfahren und Rechtsprechung* (*The European Court of Human Rights facing new challenges. Current developments in case-law and proceedings*), it contains lectures given by experts on the procedure before the European Court of Human Rights under Protocol No. 14 about the enforcement of judgments of the European Court of Human Rights and on specific aspects of its latest jurisdiction, each of them in relation to Austria.

Events

On 14 and 15 June 2007 the institute celebrated its 20th anniversary by running an international symposium entitled Freedom of the Media, Media power and Protection of Personality. The lectures will be published as volume 10 of the institute's series *Schriften des*

Österreichischen Instituts für Menschenrechte (*Publications of the Austrian Human Rights Institute*).

Projects

The institute participates, together with the Ludwig Boltzmann Institute of Human Rights (Vienna) and the European Training Centre for Human Rights and Democracy (Graz), in a project run by the Austrian Association of Judges, with a view to improving the knowledge of prospective judges of the rights guaranteed by the European Convention on Human Rights.

Documentation

The institute's homepage provides visitors with a free accessible archive, comprising all the volumes of the *Newsletter* (containing Strasbourg case-law in abridged form starting from 1992) as well as the titles in its library. Potential applicants also have access to useful information on how to bring complaints before the European Court of Human Rights (see website). The institute is contributing to making Strasbourg Court decisions available in a comprehensive database of Austrian laws and court decisions (Rechtsinformationssystem des Bundes – RIS).

Library

The library's collection of volumes in the field of human and fundamental rights currently comprises more than 1 900 titles and 26 periodic journals.

Legal advice

The institute is a platform for anyone who seeks legal advice concerning alleged violations of his/her human rights, especially of those guaranteed by the European Convention on Human Rights. This service is free of charge.

National correspondent

In its function as a national correspondent to the Council of Europe, the institute delivered a total of 55 documents to the Directorate General of Human Rights. Some of them are regularly included in the national sections of the *Yearbook of the ECHR*; they also form the basis for a periodical report in the *Zeitschrift für Öffentliches Recht* (ZÖR – Vienna).

Bosnia and Herzegovina/Bosnie-Herzégovine

Human Rights Centre of the University of Sarajevo

University Campus, Zmaja od Bosne 8, Sarajevo 71000, Bosnia and Herzegovina

Tel./Fax: +387 33 66 82 51

E-mail: hrc_sa@hrc.unsa.ba

Website: http://www.hrc.unsa.ba/

The Human Rights Centre of the University of Sarajevo (HRC Sarajevo) was founded in December 1996. Its goal is to contribute to the implementation of internationally recognised human rights by informing academics and the wider community, providing relevant literature, lectures, expert advice, research and reports, and issuing human rights publications. The HRC Sarajevo is an interdisciplinary centre and it co-operates with similar institutions, non-governmental organisations, and state and international bodies.

Activities and projects

Human rights retraining for lawyers from the former Yugoslavia

Given the situation in the Balkans and the new tasks linked with the implementation of international treaties signed by the countries of former Yugoslavia, there is a need to spread knowledge on international treaties and their implementation in national judicial systems as well as before the international and European courts.

Faced with the numerous legal provisions that have been enacted in this transitional EU-streaming period as well as the structural deficiencies, the legal system is still having difficulty offering sufficient protection of human rights. With the aim of making the judiciary more familiar with the protection of human rights, the Human Rights Retraining for Lawyers from the Former Yugoslavia Project was created in 2000. The main objective of this project is to enable lawyers who are active in various branches of the judiciary and in legal professions to better understand human rights issues, to become aware of the importance of human rights and to acquire the knowledge

necessary for protecting human rights and contributing to the processes of reconciliation in the region. This project was implemented in co-operation with the Belgrade Centre for Human Rights, the Croatian Helsinki Committee, Human Rights Action Montenegro and FORUM Macedonia.

Training sessions (co-organised)

- Prohibition of discrimination. (Lovran, Croatia, 5-7 October 2006)
- Right to peaceful enjoyment of property. Economic, social and cultural rights. Corruption. (Skopje, Macedonia, 19-21 October 2006)
- Rights of vulnerable groups and minorities. Domestic violence. Protection of minors. Human trafficking. (Belgrade, Serbia, 1-3 March 2007)
- Right to a fair trial. Organised crime. Derogation of human rights. (Sarajevo, Bosnia and Herzegovina, 29-31 March 2007)
- Meeting of supreme court judges from the region and Norway. (Belgrade, Serbia, 27-28 April 2007)
- Meeting on common teaching methodology. (Sarajevo, Bosnia and Herzegovina, 13-14 April 2007)

Human security in the western Balkans: the impact of transnational terrorist and criminal organisations on the peace-building process in the region (HUMSEC)

HUMSEC is a European Commission FP6 project which aims to contribute to the better understanding of the relationship between transnational terrorist groups and criminal organisations in the western Balkans and their role in the process of peace development in region.

- Workshop: Bečići, Montenegro, 26-28 April 2007
- Summer Academy: Lectures by Miroslav Zivanovic (Human Rights Centre) and Drew Engel (Prosecutor, Court of Bosnia and Herzegovina) at the Academy in Graz, Austria
- Annual Conference: Over 90 experts, academics and practitioners from all over the world participated in the conference held in Sarajevo, 4-6 October 2007

Initiative for reconciliation in the Dayton Triangle: young leaders in dialogue process, co-operation, trust and overcoming the past

This project aims to support the process of reconciliation in the Dayton Triangle (Bosnia and Herzegovina, Croatia and Serbia). A seminar for this project took place in Zagreb in March 2007 in which 10 young politicians from Bosnia and Herzegovina participated, thanks to sponsorship from the Human Rights Centre.

Platform Bosnia and Herzegovina, Phase II – Contribution to Constitutional Reform

This project represents the second phase of the Platform Bosnia and Herzegovina, Phase I project, whose aim was to reach out to the public of Bosnia and Herzegovina through the organisation of 10 round tables throughout the country on the future of the Bosnia and Herzegovina Constitution, as well as through debates between youth and government representatives, academic panel discussions, the publication of articles about constitutional debate in national newspapers, the financing of an international research conference on constitutional reform and the support of local research projects about the constitution.

- Balkan Investigative Reporting Network Bosnia and Herzegovina (BIRN BiH) is one the partners involved in this project component responsible for implementation of the project Reporting on Constitutional Changes.
- Public debates on this subject which included the participation of over 700 citizens took place between April and September 2007.

Protection of asylum seekers in Croatia and the surrounding region

The aim of this project is the overall improvement of the protection system for asylum seekers in Croatia, Bosnia and Herzegovina, Serbia and Montenegro in order to ensure the application and implementation of international legal standards and to raise awareness for everyone involved in the asylum process. The project leader is the Croatian Law Centre and HRC Sarajevo is a partner for Bosnia and Herzegovina.

Library and Documentation Department

The Library and Documentation Department (LDD) is an organisational unit of the Human Rights Centre of the University of Sarajevo and was established at the beginning of 2004. The LDD assists human rights research and teaching through the provision of information and resources in order to support researchers, teachers and students. It offers retraining in in-

formation technologies and systems and provides information and library-archiving to senior researchers, professors and management. It also offers advice on paths of study that are available in the field of human rights.

Publications

– *Constitutional Changes Monitor* (*Monitor ustavnih promjena*), weekly, ISSN 1840-1724 (Bosnian edition); ISSN 1840-1732 (English edition). Published 49 issues during 2007.

• *Strategije istraûivanja i pretraûivanja informacija : vodiË za pravne profesionalce* (*Strategies of Information Research and Retrieval: Guide for Legal Professionals*), 2007 (106 pages) ISBN 978-9958-9541-4-6

• Abazovic, D.; Kaljanac M., Koöar M.: *Izgubljeni u tranziciji : generacije 1968-1974: Studija na osnovu intervjua (Lost in Transition: Generations 1968-1974: An Interview Study)*, 2007 (43 pages) ISBN 978-9958-9541-5-3

Finland/Finlande

Institute for Human Rights

Åbo Akademi University, Gezeliusgatan 2, 20500 Turku/Åbo, Finland
Tel.: + 358 22 15 47 13
Fax: + 358 22 15 46 99
Website: http://www.abo.fi/instut/imr/

The main services for the public are: the human rights library, the Council of Europe and United Nations depository library, the bibliographic reference database for human rights literature (FINDOC) and the database for Finnish case-law pertaining to human rights (DOMBASE).

Recent publications

• *Leading Cases of the Human Rights Committee*, compiled by Raija Hanski and Martin Scheinin. Second, revised edition (2007). ISBN: 952-12-1801-0. 506 pp.

Courses and events

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.

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. Arranged in co-operation with the Finnish Red Cross.

Presentation by Mr Mats Lindfelt who successfully defended his doctoral thesis *Fundamental Rights in the European Union: Towards Higher Law of the Land?*, 2 March 2007.

Possibilities for Women's Participation and the Role of Finland in the Peace Process, 21 March 2007

An information seminar on Aceh, organised by Crisis Management Initiative (CMI) and the Institute for Human Rights at Abo Akademi University.

Forthcoming courses

Master's Degree Programme in International Human Rights Law, 2008-2010

A two-year programme open to applicants holding a law degree or another bachelor's degree with subjects relevant to the legal protection of human rights.

Application deadline: 31 March 2008.

Advanced Course on the International Protection of Human Rights, 18-29 August 2008.

Application deadline: 15 April 2008.

France

Centre de recherche sur les droits de l'homme et le droit humanitaire (CRDH)

Locaux et bibliothèque : 158 rue Saint-Jacques, 75005 PARIS
Adresse postale : 12 place du Panthéon, 75231 PARIS CEDEX 05
Tel: +33/(0)1 44 41 49 16 (dir. 49 15)/Fax 01 44 41 49 17
E-mail: jbenzimra-hazan@u-paris2.fr
Website: http://www.crdh.fr/

Créé en 1995 par les doyens Mario Bettati et Gérard Cohen-Jonathan, le Centre de recherche sur les droits de l'homme et le droit humanitaire (**CRDH**) est dirigé depuis 2003 par le professeur Emmanuel Decaux, responsable l'Université Panthéon-Assas (Paris II) du **Master 2 de Droits de l'homme et Droit humanitaire** de l'Université – l'un des diplômes les plus attractifs de l'Université selon une enquête parue le 31 mai 2007 dans le *Nouvel Observateur*.

Composante fondatrice du **Pôle international et européen de Paris II** (PIEP), qui fédère l'ensemble des centres de recherche de l'Université dans les domaines du droit international, public et privé, du droit européen et des relations internationales, le CRDH a des activités propres qui prolongent les enseignements du Master. Mais au-delà même du troisième cycle d'études juridiques, il sert d'abord de support à la recherche doctorale individuelle – une quarantaine d'étudiants y préparent leurs thèses, dont le CRDH soutient ensuite le cas échéant la promotion et la publication – et à la **recherche collective** à travers l'organisation de manifestations scientifiques, la participation à des programmes ou réseaux d'échanges et l'animation de chantiers scientifiques.

Parmi les **colloques internationaux** organisés par le CRDH, on signalera :

- *Les Nations Unies et les droits de l'homme – Enjeux et défis d'une réforme,* colloque sous les auspices du ministère des affaires étrangères et de l'Organisation internationale de la Francophonie (oct. 2004). Les actes ont été publiés chez Pedone en 2006 (coll. Fondation Marangopoulos pour les droits de l'homme) ;
- *L'OSCE, trente ans après l'Acte de Helsinki – Bilan et perspectives de la nouvelle Europe*, conjointement avec le Centre Thucydide de Paris II, sous les auspices du ministère des affaires étrangères (nov. 2006). Les actes sont à paraître chez Pedone début 2008 (coll. Fondation Marangopoulos pour les droits de l'homme) ;
- *La pauvreté – Un défi pour les droits de l'homme*, conjointement avec la Fondation Marangopoulos pour les droits de l'homme (16 et 17 mai 2008).

Parmi les journées d'étude du CRDH, on signalera :

- *La tierce intervention devant la Cour européenne des droits de l'homme*, conjointement avec l'Institut de formation aux droits de l'homme du barreau de Paris (travaux à paraître en 2008 chez Bruylant, coll. « Droit et Justice ») ;
- *La responsabilité des entreprises multinationales en matière de droits de l'homme* (9 février 2007 ; à paraître en 2008, Bruylant, coll. « Droit et Justice ») ;
- *La Convention internationale pour la protection de toutes les personnes contre les disparitions forcées* (11 mai 2007 ; à paraître en 2008, Bruylant, coll. « Droit et Justice ») ;
- *La diplomatie des droits de l'homme*, conjointement avec le *Irish Centre for Human Rights* (7 déc. 2007).

Le CRDH organise aussi un cycle régulier de **conférences d'actualité**, qui, en accueillant des spécialistes, diplomates, experts internationaux, magistrats et avocats, praticiens membres d'ONG, ainsi que des universitaires étrangers, pour débattre de questions internationales actuelles, s'adressent en priorité aux étudiants de troisième cycle et aux doctorants mais sont aussi ouvertes à tout public intéressé. Parmi les dernières conférences organisées, on citera :

- *Le rôle de la HALDE dans la lutte contre toutes les discriminations,* par Yves Doutriaux, Conseiller d'Etat, conseiller juridique de la HALDE, Ancien représentant permanent de la France auprès de l'OSCE (déc. 2007) ;
- *La protection des journalistes en situation de crise : Témoins, acteurs, victimes ?*, par Alex-Andre Balguy-Gallois, Consultant juridique de « Reporters sans frontières » (nov. 2007).

Le CRDH 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 début 2008. Un second volume sera ensuite consacré au *Pacte international relatif aux droits économiques, sociaux et culturels*. Le CRDH a récemment contribué à la publication des *Mélanges en l'honneur du juge Laïty Kama – Des droits de l'homme au droit international pénal* (dir. E. Decaux, A. Dieng et M. Sow, Nijhoff, 2007).

Le CRDH assure depuis six ans la publication d'une **revue électronique** *Droits fondamentaux,* avec le soutien de l'Agence universitaire de la Francophonie (AUF) : http://www.droits-fondamentaux.org/.

Ses équipes de chercheurs assurent une série de **chroniques d'actualité**, notamment la chronique annuelle de la jurisprudence de la Cour européenne des 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*.

Enfin, une **association des étudiants** du CRDH s'attache à maintenir le contact entre les différentes promotions, établir un Annuaire afin de faciliter les échanges et la recherche de stages et de débouchés professionnels, permettre un meilleur suivi des diplômés et assurer l'ouverture internationale de la formation (associationcrdh@gmail.com).

Ainsi, les étudiants du CRDH participent régulièrement aux **concours** internationaux de plaidoirie, le concours René Cassin et concours Jean Pictet notamment.

Centre de recherches et d'études sur les droits de l'homme et le droit humanitaire (CREDHO)

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Website http://www.credho.org/

Le CREDHO, créé en 1990, fonctionne en réseau depuis 1995 avec deux composantes : le CREDHO-Paris Sud, dirigé par le professeur Paul Tavernier, et le CREDHO-Rouen, dirigé par le professeur Patrick Courbe.

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, 12 volumes parus). Les membres du CREDHO interviennent dans de nombreux colloques en France et à l'étranger et leurs contributions sont publiées par les soins des organisateurs de ces manifestations. Ils participent également aux activités d'enseignement en matière de droits de l'Homme et de droit humanitaire, dans les universités françaises et étrangères. Le CREDHO peut aussi fournir des services de consultation dans les domaines de sa compétence. En outre, il accueille quelques étudiants étrangers avancés.

- 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.

Colloque annuel (La France et la CEDH)

La onzième session d'information du CREDHO sur *La France et la Cour européenne des droits de l'Homme (jurisprudence en 2006*) s'est tenue le 22 février 2007 à la Faculté Jean Monnet à Sceaux, sous la présidence de M. Vladimiro Zagrebelsky, Juge à la Cour européenne des droits de l'Homme et de Vincent Berger, Jurisconsulte de la Cour, avec la participation de Bruno Genevois, Président de Section au Conseil d'Etat français.

Vladimiro Zagrebelsky, Vincent Berger et Olivier Bachelet

Les principales contributions ont porté sur : La Cour de Strasbourg et l'exécution des arrêts, notamment en Italie ; le rôle du jurisconsulte ; le terrorisme et les droits de l'Homme (affaire

Carlos) ; l'interprétation de la Convention à la lumière du droit communautaire ; le rôle du commissaire du gouvernement dans les juridictions administratives et financières (affaire Martinie) ; la protection des données personnelles en matière médicale.

Les Actes sont sous presse aux Editions Bruylant, dans la collection du CREDHO (n° 12).

Droit international humanitaire coutumier : enjeux et défis contemporains (colloque, Paris, 12 mars 2007)

Le CREDHO a organisé avec le CICR un colloque international à l'occasion de la publication de la version française de l'étude réalisée par le CICR sur le droit international humanitaire coutumier.

Paul Tavernier et Pierre de Cocatrix

Ce colloque s'est déroulé à la Maison du Barreau et a réuni de nombreux participants. Il a été ouvert par Philip Spoerri, directeur du droit international au CICR ; Maurice Kamto, ministre de la Justice du Cameroun ; Pierre de Cocatrix, directeur de cabinet du secrétaire général de l'OIF, qui a lu le message de M. Abdou Diouf ; Paul Tavernier a développé des remarques introductives et Jean-Marie Henckaerts, conseiller juridique au CICR, a présenté l'étude. Les débats se sont organisés autour de trois tables rondes consacrée aux thèmes suivants : droit international humanitaire et règles coutumières au XXI[e] siècle ; le droit international humanitaire coutumier : reflet de valeurs fondamentales ? ; règles coutumières et mise en œuvre du droit international humanitaire. Le colloque a été clôturé par l'intervention brillante du président de la Cour pénale internationale, Philippe Kirsch.

Phillip Spoerri, Maurice Kamto edt Jean-Marie Henckaerts

Les Actes seront publiés prochainement dans la collection du CREDHO (n° 13).

Collaboration avec d'autres instituts des droits de l'Homme

Le CREDHO collabore 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.

Il coopère également depuis nombreuses années avec le Centre for Human Rights de Pretoria (Afrique du Sud) pour la publication des *Human Rights Law in Africa Series*. Il a préparé la version française publiée chez Bruylant en 2005 (2 vol. XXXI-2117 pages, collection du CREDHO n° 10).

Le CREDHO collabore avec l'Institut de formation en droits de l'Homme du Barreau de Paris. Il participe à une clinique juridique (Law clinic) avec l'Institut de formation en droits de l'Homme du Barreau de Paris et le CRDH en vue de la préparation de mémoires d'amici curiae devant la Cour européenne des droits de l'Homme.

Publications pendant l'année 2006-2007

- *Bulletin d'information du CREDHO n° 16/2006*, 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 (parution en décembre sur papier et ultérieurement sur le site du CREDHO).
- *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 en 2006 et disponible sur le site du CREDHO).
- *Bibliographie systématique des ouvrages et articles parus en français depuis sur les droits de l'Homme, les libertés publiques, les droits fondamentaux et le droit humanitaire* depuis 1987 (mise à jour en 2006 et disponible sur le site du CREDHO).
- *Bibliographie thématique et critique sur Islam et droits de l'Homme* (mise à jour en 2006 et disponible sur le site du CREDHO).
- Olivier Bachelet, « Face à l'alternative « rétroactivité ou immédiateté », la Cour européenne ne récidive pas. Note sous l'arrêt de Grande Chambre de la Cour européenne des droits de l'Homme, Achour c. France du 29 mars 2006 », *Revue trimestri-*

*elle des droits de l'Homme,*n° 69, 1er janvier 2007, pp. 233-245

- Paul Tavernier (sous la direction de), *La France et la Cour européenne des droits de l'Homme. La jurisprudence en 2005 (présentation, commentaires et débats)* (Bruxelles : Bruylant, 2006, IX-243 p.,coll. du CREDHO n° 11).
- Paul Tavernier et Emmanuel Decaux (sous la direction de), *Chronique de jurisprudence de la Cour européenne des droits de l'Homme. Année 2005* (Journal du droit international (Clunet), n° 3, 2006, pp.1071-1173).
- Paul Tavernier et Emmanuel Decaux (sous la direction de), *Chronique de jurisprudence de la Cour européenne des droits de l'Homme. Année 2006* (Journal du droit international (Clunet), n° 2, 2007, pp.675-736).
- Paul Tavernier (sous la direction de), *Regards sur les droits de l'Homme en Afrique*, Paris, L'Harmattan/Presses universitaires de Sceaux (PUS), sous presse.
- « Variations sur le thème de l'autodétermination des peuples (de Reims à La Haye) », in *Mélanges offerts à Jean Salmon. Droit du pouvoir, pouvoir du droit*, Bruxelles, Bruylant, 2007.
- Paul Tavernier, « Les droits et obligations de l'avocat et la notion de défense concrète et effective au sens de la Convention européenne des droits de l'Homme », in : *L'avocat dans le droit européen*, Bruxelles, Bruylant, 2007.
- Paul Tavernier, « Sécurité internationale, droit international humanitaire et droits de l'Homme. Quelques réflexions sur le rôle des juridictions internationales », pp. 541-558, in *La sécurité internationale entre rupture et continuité. Mélanges en l'honneur du professeur Jean-François Guilhaudis,* Bruxelles, Bruylant, 2007.
- Paul Tavernier,« La contribution de la jurisprudence de la Cour européenne des droits de l'Homme relative au droit de la responsabilité internationale en matière de réparation. Une remise en cause nécessaire », *Revue trimestrielle des droits de l'Homme*, n° 72, 1er octobre 2007, pp. 945-966

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L'Institut international des droits de l'homme, fondé en 1969 par René Cassin, œuvre en toute indépendance pour la protection et le développement des droits de l'homme à travers l'enseignement et la recherche. L'Institut remplit ses missions de diverses façons, notamment en organisant des sessions d'enseignement et des séminaires, en publiant des ouvrages relatifs au droit international des droits de l'homme et en développant son fonds documentaire.

Activités d'enseignement

Session d'enseignement en droit international

Il est particulièrement réputé pour la session d'enseignement en droit international et en droit comparé des droits de l'homme qu'il organise chaque année, au mois de juillet, à Strasbourg. Ce programme de quatre semaines est destiné à des étudiants de niveau universitaire avancé, des enseignants, des chercheurs, des membres d'organisations non-gouvernementales, et de manière générale à toutes les personnes qui, de par leur profession, sont confrontées à des questions relatives aux droits de l'homme.

Programme du Centre international pour l'enseignement des droits de l'homme dans les universités (CiedhU)

Parallèlement à la session annuelle, le programme du Centre international pour l'enseignement des droits de l'homme dans les universités (CiedhU) a lieu également au mois de juillet. Le but de ce programme, principalement destiné aux universitaires, est de transmettre des méthodes d'enseignement des droits de l'homme de leur permettre de développer cet enseignement dans leurs universités respectives.

Cours d'été sur les réfugiés

D'autres activités d'enseignement sont organisées par l'Institut. Parmi celles-ci figure le cours d'été sur les réfugiés destiné aux profes-

sionnels et aux non-professionnels des droits de l'homme. Cette session – organisée au mois de juin en collaboration avec le Haut-commissariat des Nations Unies pour les Réfugiés et avec l'aide de l'Organisation internationale de la Francophonie – a pour objectif de promouvoir, le droit et la protection des réfugiés.

Sessions et des séminaires à l'étranger

L'Institut organise en outre des sessions et des séminaires à l'étranger. A la fin du mois d'août et au début du mois de septembre 2007 a eu lieu une session à Iași, en Roumanie, avec la participation de la Faculté de droit de l'Université A.I Cuza. La délégation de l'Institut était composée des professeurs Michel de Salvia, Vlad Constantinesco, et Jean-François Flauss.

Publications

Les actes des séminaires et des journées d'études organisés par l'Institut font l'objet d'une publication.

Ainsi, les actes de la journée d'étude du 2 décembre 2005, qui portait sur *l'effectivité des recours internes dans l'application de la Convention européenne des droits de l'homme*, ont été publiés aux éditions Bruylant, dans la collection Droit et Justice-Némésis, sous la direction des Professeurs Gérard Cohen-Jonathan, Jean-François Flauss et de M^me^ Elisabeth Lambert-Abdelgawad. Cet ouvrage tente 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.

L'ouvrage « *La liberté d'information en droit international* », sous la direction du Doyen Cohen-Jonathan, réunit les versions écrites des conférences thématiques prononcées au mois de juillet 2004 lors de la 35^e^ session d'enseignement de l'IIDH. Il est publié aux Collections des Publications de l'Institut international des droits de l'homme.

L'année 2007 a vu la publication de plusieurs ouvrages par l'Institut, notamment :

- l'ouvrage de M. Fabien Marchadier, lauréat du prix de thèse de l'Institut international des droits de l'homme 2006, portant sur « les objectifs généraux du droit international privé à l'épreuve de la Convention européenne des droits de l'homme »,
- la thèse de M. David Szymczak, intitulée « La Convention européenne des droits de l'homme et le juge constitutionnel national »,
- la thèse de M. Ludovic Hennebel sur « La Convention américaine des droits de l'homme, mécanismes de protection et étendue des droits et libertés », préfacée par M. Antônio A. Cancado Trindade, ancien président de la Cour interaméricaine des droits de l'homme.

Parmi les autres publications récentes de l'Institut, il est possible de citer, dans la collection « Publications de l'Institut international des droits de l'homme, Institut René Cassin de Strasbourg », Bruylant :

- Claudia Sciotti-Lam, *L'applicabilité des traités internationaux relatifs aux droits de l'homme en droit interne* (704 p.), 2004
- Gérard Cohen-Jonathan et Jean-François Flauss (éd.), *Les organisations non gouvernementales et le droit international des droits de l'homme* (251p.), 2005
- Dans la collection « Droit et Justice », Nemesis/Bruylant :
- Gérard Cohen-Jonathan et Jean-François Flauss (dir.), *Droit international, droits de l'homme et juridictions internationales* (152 p.), 2004
- Jean-François Flauss et Elisabeth Lambert-Abdelgawad (dir.), *L'application nationale de la Charte africaine des droits de l'homme et des peuples* (266 p.), 2004
- 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
- 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
- Gérard Cohen-Jonathan et Jean-François Flauss (dir.), *Mesures conservatoires et droits fondamentaux – Actes de la table ronde du 11 juillet 2002,* (311 p.) 2005

Bibliothèque

L'Institut international des droits de l'homme dispose d'une bibliothèque ouverte au public pour une consultation sur place. Elle contient plus de sept mille monographies sur les droits de l'homme, de la documentation issue d'organisations internationales et d'organisations non-gouvernementales et de nombreuses revues spécialisées. Les ouvrages présents

portent sur de nombreux aspects liés à la problématique des droits de l'homme, tels que, entre autres, le droit international des droits de l'homme, les systèmes régionaux de protection des droits de l'homme (européen, interaméricain et africain), la protection des réfugiés, ou l'enseignement et la pédagogie des droits de l'homme.

Institut de formation en droit 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. Les 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.

Publication 2007

- La Convention européenne des droits de l'homme et la justice française, Gazette du Palais 10 -12 juin 2007.
- Le droit de la famille et la convention européenne des droits de l'homme, publié avec l'Institut des droits de l'homme du Barreau de Bruxelles, Editions Bruylant, collection Droit et Justice, 67, Rue de la Régence B 1000 Bruxelles, Belgique.

Activités 2007

Formation – Recherche

L'Institut a assuré la formation des avocats stagiaires dans le cadre de l'Ecole de Formation Professionnelle des Barreaux de la Cour d'Appel de Versailles, sur le module Pratique du droit international des Droits de l'Homme. L'Institut est également intervenu pour organiser une journée de formation, dans le cadre de la formation continue, auprès de l'Ecole des Avocats Sud Ouest Pyrénées en avril 2007.

L'Institut intervient également au travers de ses membres dans le Master de contentieux européen de l'Université Paris II Panthéon Assas sur les thèmes de la Convention Européenne des droits de l'homme et sur le contentieux du droit d'asile et de l'immigration. L'Institut a également des activités scientifiques et de tierce intervention dans le cadre d'un groupe de réflexion et d'intervention « law clinic » avec le CRDH de l'Université Paris II et le CREDHO de l'Université Paris XI-Sceaux.

Colloque et conférence

- La Convention européenne des droits de l'homme et la justice française, avec la Commission nationale consultative des droits de l'homme, Paris Maison du Barreau, 5 février 2007.
- Colloque avec l'Institut des droits de l'homme du Barreau de Bruxelles sur le droit de la famille et la Convention européenne des droits de l'homme, Bruxelles, 4 mai 2007.
- Droit à l'habitat et droits de l'homme en partenariat avec l'IDHAE, Bruxelles, 19 octobre 2007.
- La nouvelle génétique entre sciences et droit en partenariat avec la Commission Bioéthique et Droit de la Santé de l'Ordre des Avocats du Barreau de Paris.

Prix Ludovic Trarieux

En partenariat avec l'Institut des droits de l'homme du Barreau de Bordeaux, de l'Institut des droits de l'homme des avocats européens, et l'Unione Forense Per la Tutela Del Diritti dell'uomo (Rome), et de l'Institut des droits de l'Hommes du Barreau de Bruxelles, l'Institut des droits de l'homme du Barreau de Paris organise tous les ans le Prix international des droits de l'homme Ludovic Trarieux qui est décerné à un avocat. Il a été décerné le 19 octobre 2007 au Sénat de Belgique, à Monsieur René Gomez Manzano, Avocat à Cuba.

Formations programmées

- Les arrêts de la Cour Européenne des droits de l'homme concernant la France en 2007, en partenariat avec le CREDHO Université Paris XI, les 14 et 15 février 2008.
- La procédure devant la Cour Européenne des droits de l'homme, Maison du Barreau de Paris : 14 mai 2008.
- Formation continue des élèves avocats et avocats sur le thème de la Convention

européenne des droits de l'homme à l'Ecole de formation Professionnelle des Barreaux de la Cour d'Appel de Versailles, et formation continue à l'Ecole des Avocats Sud Ouest Pyrénées.

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LLM post-graduate course

The LLM is the qualification offered as part of the European Integration programme at the Europa-Institut of the University of Saarland in Saarbrücken. The programme is recommended by the German Foreign Ministry and is open to applicants with previous law qualifications.

Students can choose from a variety of study units, for example the European Protection of Human Rights unit, which focuses on the main features, prevailing problems and developments in human rights protection and prepares students for applying their knowledge in the future. The courses concentrate on the development of human rights in public international law and multilateral contracts, the relationship between the European Community and the European Convention of Human Rights, and the practice of the European Court of Human Rights in Strasbourg.

Part of the course is taught in German but there is the opportunity to take courses in English, allowing students to broaden their knowledge of legal English. The lecturers guarantee a highly practical and professional approach and include leading experts from the Council of Europe and the European Court of Human Rights in Strasbourg.

The proximity of the university to European legal institutions and firms allows it to hire professors and lecturers who are also practising lawyers and who can also help to arrange internships for students. The university frequently works with international law firms, building links and connections which can prove useful for graduates once they start looking for work.

Successful graduates have made good use of their LLM degrees. Graduates of the Europa-Institut have found jobs in European institutions, ministries, prestigious law firms and international companies.

Institut européen des droits de l'homme (MenschenRechtsZentrum)

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Publications

En Allemand:

– Dominik Steiger : La CIA, les droits de l'homme et le cas Khaled el-Masri. En même temps qu'un rapport sur l'applicabilité de l'art. 3 commun des Conventions de Genève à la « guerre contre le terrorisme » (*Die CIA, die Menschenrechte und der Fall Khaled el-Masri. Zugleich ein Beitrag zur Frage der An-*

wendbarkeit des gemeinsamen Art. 3 der Genfer Konventionen auf den "Krieg gegen den Terror") Studien zu Grund- und Menschenrechten, Heft 14, 2007, 195 Seiten, ISBN 978-3-939469

– Christoph Menke/ Arnd Pollmann **:** La philosophie des droits de l'homme (*Philosophie der Menschenrechte*) Zur Einführung, Hamburg: Junius 2007

– Paul Tiedemann : La dignité de la personne humaine comme notion juridique – Une explication philosophique (*Menschenwürde als Rechtsbegriff – Eine philosophische Begründung*) Schriften des MenschenRechts Zentrums der Universität Potsdam, Bd. 29, 2007.

MenschenRechtsMagazin (en Allemand) **No. 3/ 2006**

– Vue d'ensemble du travail des organes de surveillance des traités des Nations-Unies en 2006 (*Überblick über die Arbeit der UN-Vertragsüberwachungsorgane im Jahr 2006*)

– Politique commerciale et droits de l'homme: Le système préférentiel général Plus (*Handelspolitik und Menschenrechte: Das Allgemeine Präferenzsystem Plus (AP-Splus*)

– La nouvelle Convention des NU sur les droits de l'homme des gens handicapés – Une outre précision de la protection des droits de l'homme (*Die neue UN-Konvention über die Rechte von Menschen mit Behinderungen – weitere Präzisierung des Menschenrechtsschutzes*)

MenschenRechtsMagazin (en Allemand) **No. 1/ 2007**

Sujet principal : La lutte contre le traite des esclaves en droit pénal et de procédure pénale (*Themenschwerpunkt: Bekämpfung des Menschenhandels im Straf- und Strafprozessrecht)*

– Mesures internationales et européennes contre le trafic d'êtres humains (*Internationale und europäische Maßnahmen gegen den Menschenhandel)*

– La situation juridique en Autriche, en Suisse et en Allemagne *(Die Rechtslage in Österreich, der Schweiz und in Deutschland)*

– Résumé comparatif face aux efforts internationaux dirigés contre le trafic d'êtres humains *(Rechtsvergleichende Zusammenfassung mit Blick auf die internationalen Bestrebungen zur Bekämpfung des Menschenhandels*)

– Heine – "Artiste, Tribun et Apôtre" dans le signe des droits de l'homme *(Heine – "Künstler, Tribun und Apostel" im Zeichen der Menschenrechte)*

– L'agence des droits fondamentaux de l'Union européenne : Perspectives, missions, structures et alentours d'une institution nouvelle dans l'espace européen des droits de l'homme *(Die Grundrechteagentur der Europäischen Union: Perspektiven, Aufgaben, Strukturen und Umfeld einer neuen Einrichtung im Europäischen Menschenrechtsraum)*

– Rapport sur le travail du comité des droits de l'homme des Nations Unies en 2006 – Partie I

MenschenRechtsMagazin (en Allemand) **No. 2/ 2007**

– Les droits de l'homme sociaux et Justice sociale – Rapport d'un projet *(Soziale Menschenrechte & soziale Gerechtigkeit, Ein Projektbericht)*

– Soldats d'enfants sous la perspective du droit international – Partie I *(Kindersoldaten aus völkerrechtlicher Perspektive – Teil I)*

Les répercussions du libéralisme commercial sur les droits des femmes au Niger *(Auswirkungen der Handelsliberalisierung auf Frauenrechte im Niger)*

– Le développement ultérieur de la protection internationale de la propriété pour les réfugiés et des personnes expulsées *(Die Weiterentwicklung des internationalen Eigentumsschutzes für Flüchtlinge und Vertriebene)*

– La Protection juridique pour des groupes ethniques *(Rechtsschutz für Volksgruppen)*

– Rapport sur le travail du comité des droits de l'homme des Nations Unies en 2006 – Partie II

– La cour interaméricaine des droits de l'homme. Almonacid Arellano ./. Chile

– Le 2e rapport de l'OIT sur le travail des enfants: « La fin du travail des enfants – est-elle proche ? » *(Zum zweiten ILO-Gesamtbericht über Kinderarbeit: "Das Ende der Kinderarbeit – zum Greifen nah")*

Conférences/Colloques

– 26-28 octobre 2006, Potsdam : Teaching *Human Rights in Europe*, Humboldt-Universität zu Berlin (financéé par la Volkswagen-Stiftung)

- 23-25 novembre 2006, Potsdam : Cultures de dignité (*Kulturen der Würde*), organisée en coopération avec les instituts de philosophie des universités de Potsdam, Gießen et Magdeburg
- 30 novembre 2006, Potsdam : Liberté d'opinion versus liberté religieuse et des cultes (*Meinungsäußerungsfreiheit versus Religions- und Glaubensfreiheit*)
- 7 avril 2007, Potsdam : Workshop d'ouverture d'une série « 15 ans Conférence mondiale de droits de l'homme » qui examine les retentissements de cette conférence tenue à Vienne en 1993 : Universalité et l'établissement des droits de l'homme (*Universalität und Begründung von Menschenrechten, Workshop der Veranstaltungsreihe 15 Jahre Weltmenschenrechtskonferenz Wien 1993*)
- 29 juin 2007, Potsdam : Bilans de réforme et nécessité de réforme dans les mécanismes de protection des droits de l'homme et dans le NU – Haut Commissariat aux droits de l'homme, 2e workshop (*Reformbilanz und Reformbedarf bei den Mechanismen des Menschenrechtsschutzes und des Büros des UN-Hochkommissarin für Menschenrechte, 2. Workshop)*
- 2 novembre 2007, Potsdam : La lutte contre la discrimination, (*Diskriminierungsbekämpfung*) 3e workshop
- 25-27 juillet 2007, Potsdam : Conférence internationale: *The Protection of Human Rights by the United Nations Charter Bodies*, Conférence internationale (en anglais) en collaboration avec l'Hebrew University of Jerusalem et la National University of Ireland

Cours, Série de conférences sur la protection des droits de l'homme (Vortragsreihe: Ausgewählte Fragen des Menschenrechtsschutzes)

- Marten Breuer (25/01/07) : Procédure judiciaire traînée en longueur – Est-ce que l'Allemagne remplit les normes de la Convention européenne des droits de l'homme ? (*Überlange Gerichtsverfahren – Erfüllt Deutschland die Standards der EMRK?)*
- Petra Follmar-Otto (14/12/06) : Affectées du traite des femmes – Entre la lutte contre le crime, la politique de migration et les droits de l'homme (*Betroffene von Frauenhandel – Zwischen Verbrechensbekämpfung, Migrationspolitik und Menschenrechten*)
- Leopold von Carlowitz (16/11/06) : Le développement ultérieur de la protection internationale de la propriété des réfugiés et des personnes expulsées (*Die Weiterentwicklung des internationalen Eigentumsschutzes für Flüchtlinge und Vertriebene*)
- Markus Rothhaar (2/11/06) : Dignité et les droits – Remarques sur une relation irrésolue (*Würde und Rechte – Bemerkungen zu einem ungeklärten Verhältnis*)
- Margret Moyo (19/10/06) : HIV-Sida en Afrique – sur le rôle de l'église comme communauté guérissable (*HIV-Aids in Afrika – zur Rolle der Kirche als heilende Gemeinschaft*)
- Markus Rothhaar (16/01/07) : Qu'est-ce que c'est, la dignité des droits de l'homme ? (Was ist Menschenwürde?)
- 24 septembre 2007, Potsdam : Développement et droits de l'homme (*Entwicklung und Menschenrechte)*, jour d'étude des Nations Unies

Greece/Grèce

Marangopoulos Foundation for Human Rights (MFHR)

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The Marangopoulos Foundation for Human Rights (MFHR) is a non-governmental organisation and a non-profit legal entity under Greek law which was established in 1977. Its aims and objectives are the research, study, protection and promotion of fundamental human rights. MFHR takes a particular interest in the advancement of human rights education and training and the raising of public awareness in all matters affecting human rights, peace and the development of democratic institutions. To this end, it organises courses, lectures, seminars and conferences, grants scholarships and financial support, conducts research in human rights fields and issues protests. It also makes proposals for the effective treatment of problems related to civil, political, economic, social and cultural rights and offers free legal aid to persons whose fundamental rights have allegedly been violated.

Teaching

The MFHR has sponsored the Marangopoulos Chair at the International Institute for Human Rights in Strasbourg for the last 18 years, designating the speaker and funding a yearly course by a distinguished scholar in the field of human rights.

Cases brought before international bodies

On 4 April 2005 the MFHR lodged a collective complaint against Greece (No. 30/2005) to the European Committee of Social Rights, maintaining that the latter had failed to comply with Article 11 of the European Social Charter because in the main areas where lignite is mined by Public Power Corporation, the state has neither taken sufficient account of the environmental consequences nor developed an appropriate strategy to prevent and combat the risks to public health. The MFHR alleged that Articles 2§ 4 and 3 of the Charter were also violated, since national legislation does not ensure the security and safety of workers in lignite mines. On 10 October 2005 the Committee considered the complaint admissible and on 6 December 2006 decided on the merits of the case and concluded that Greece had violated Articles 11, 3§ 2 and 2§ 4 of the Charter.

In particular, as far as the right to the protection of health is concerned, the Committee considered that Greece had not managed to strike a reasonable balance between the interests of persons living in the lignite mining areas and the general interest, and found that there had been a violation of Article 11§ 1, 2 and 3 of the Charter. Furthermore, the Committee estimated that Greece had failed to effectively monitor the enforcement of regulations on health and safety at work, and there had been a violation of Article 3§ 1 and 2. The Committee recognised that the Greek legislation does not require collective agreements to provide for compensation pursuing the aim intended by Article 2 §4 and considered that the collective bargaining procedure does not offer sufficient safeguards to ensure compliance with Article 2 §4.

The Decision of the Committee was presented on 7 June 2007 at the conference on International and European Law on the Environment and Greece, organised by the MFHR. The Minister of the Environment, Physical Planning and Public Works recently imposed a fine of €1 000 000 on the Public Power Corporation (DEH).

MFHR contributions on human rights issues on national level

The MFHR has been a member of the Greek National Commission for Human Rights since its creation in January 2000. Upon request, the MFHR submitted comments on:

- the National Action Plan for the Rights of Children;
- Greek Law 3488/2006 on the implementation of equal treatment for men and women concerning access to employment, vocational training and promotion, rules and conditions of work;
- the implementation of Greek Law 3304/2005 concerning the principle of equal treatment regardless of racial or ethnic origin, religious or other beliefs, disability, age or sexual orientation.

Youth group

The MFHR Youth Group was established in 2003 and its activities include voluntary work and organising meetings. In 2007 the group made several statements and issued resolutions on current human rights matters such as the protection of the environment in relation to the tragic fires in Greece during the summer. In 2007 they also published their e-journal, *Youth Tribune for Human Rights*.

Conferences and meetings

International and European Law on the Environment and Greece

Conference at which the collective complaint of MFHR against Greece due to the activities of the DEH, and the Decision of the Committee of Social Rights of the Council of Europe were presented (5-7 June 2007);

International Day against Poverty

Press conference at the headquarters of the foundation (16 October 2007);

The UN Contribution to Gender Equality

meeting of experts organised on the occasion of the 60th anniversary of the Universal Declaration of Human Rights (6 December 2007);

The Model United Nations

The MFHR has organised the yearly Model UN, in collaboration with the UN information centre, since 1998. This year the event took place in Athens from 16 to 18 March 2007 and involved hundreds of high school students;

MFHR representatives regularly attend meetings of United Nations bodies and specialised agencies, including the following:

- Human Rights Council: 6th Session (10-28 September 2007 and 10-14 December 2007);
- Commission on Narcotic Drugs: 50th session (12-16 March 2007);
- UNESCO: Committee on NGOs of the Executive Board (27-28 September 2007).

From 26 to 28 June 2007 the MFHR was represented at the Summer Session 2007 of the Conference of INGOs of the Council of Europe. The MFHR proposed the establishment of a special commission within the context of the interior regulation which would be responsible for promoting the ratification of the Council of Europe instruments and for organising and carrying out the follow-up of their application by member states. The Committee accepted the proposal.

The MFHR was also represented at the 14th Plenary Session of the Congress of the Council of Europe which took place from 30 May to 1 June 2007;

Publications

In addition to numerous articles, essays and declarations, the MFHR published four books in 2007:

- *Child Pornography on the Internet*: Emilia Ioannidou, ed., Scientific Supervision: Dimitris Kioupis, MFHR Youth Group Series, Athens, Nomiki Vivliothiki Publishers, 2007, 183 pp. (in Greek).
- *The Winners' Defeat, Iraq, Lebanon, Palestine, Afghanistan*: Vaggelio Voyatzi, ed., Athens, Ellinika Grammata Publishers, 2007, 398 pp. (in Greek).
- *Droits de l' homme et politique anticriminelle*: Editor: Alice Yotopoulos – Marangopoulos, Sakkoulas Publishers, Bruylant Publishers, 2007 (in French and English) ;
- *La protection diplomatique sous l'angle des droits de l'homme*: Touzé Sebastien, Publications de la Fondation Marangopoulos pour les Droits de l' homme (FMDH), Éditions A. Pedone, 2007

Ireland/Irlande

Irish Centre for Human Rights

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Education and conferences

The LLM in International Human Rights Law is the centre's flagship postgraduate programme. The course aims to prepare graduates for work in the field of international human rights: with international organisations, NGOs and as individual advocates. The course emphasises the communication, analysis and critique of international human rights law and legal regimes. Other programmes offered by the centre include the LLM in Peace Support Operations, a one-year cross-border LLM programme in International Human Rights and Criminal Justice and, from September 2008, a new Master's programme in International Criminal Law. The centre also runs a PhD programme and week-long summer schools which include talks and lectures given by visiting experts. The two summer schools in 2007 focused on minority issues, indigenous peoples and human rights law, and the International Criminal Court.

A conference entitled Africa and Peace keepers: Positive Impact? took place at the university on 26 May 2007. This free and public conference addressed the impact of peace keepers in general and Irish peace keepers in particular in Africa.

Publications

Recent publications by staff members:

- Murphy, Ray, 2007. *UN Peacekeeping in Lebanon, Somalia and Kosovo: Legal and Operational Issues in Practice*, Cambridge: Cambridge University Press, 375 pp.
- Schabas, William A. 2007. *International Human Rights Law and Canadian Law: Legal Commitment, Implementation and the Charter*, 3rd ed., Toronto: Carswell, lxiv, 532 pp. (with Stéphane Beaulac).
- Jaichand, Vinodh, 2006. *Anti-discrimination for the Judiciary,* Vienna: Neuer Wissenschaftlicher Verlag (co-edited with A. Sembacher, and K. Starl).
- Vivienne & Rausch, Colette eds, 2007. *Model Codes for Post-Conflict Criminal Justice: Volume I – Model Criminal Code*, Herndon: United States Institute of Peace Press (with Hans-Joerg Albrecht and Goran Klemencic).
- Schabas, William A. ed., 2007. *Accountability for Atrocity*, Tokyo: UN University, 285 pp. (co-editor, with Ramesh Thakur and Edel Hughes).

Projects

Ireland participation in International Human Rights Law and Institutions is a three-year research project, funded by the Irish Research Council for Humanities and Social Sciences, which will be completed in February 2008. Its objective is to document and analyse Irish foreign policy towards the development and evolution of international human rights law during its formative stage. In light of the material collected on Ireland's involvement in the Council of Europe, the objective has transferred to drafting a behind-the-scenes narrative of Ireland's involvement in one of the most significant cases in international human rights law, the case of *Ireland v. United Kingdom* (1978), which was the first inter-state case brought before the European Court of Human Rights and, consequently, the first application between states before an international human rights tribunal.

In July 2006 a project website was created to provide a detailed outline of the research: http//:www.nuigalway.ie/human_rights/Projects/ireland_project/.

China Death Penalty Project

Officially launched in Beijing, China on 20-21 June 2007, the China Death Penalty Project is a three-year research project into the abolition of the death penalty in China. The project, which is funded by the European Initiative for Democracy and Human Rights, will involve research into death penalty cases as well as survey work on public opinion and the death penalty. The academic element will be complemented by a series of seminars culminating in a recommendation to the National People's Congress and public forums for discussion of the issues surrounding the death penalty. The project is being organised under the directorship of the Great Britain China Centre with the Irish Centre for Human Rights as a partner organisation. On the Chinese side the project is being led by the College for Criminal Law Science, Beijing Normal University.

Ireland-China Human Rights Academic Exchange

Building capacity within China on human rights issues is making, and will continue to make, an important contribution towards reform within China. Although China has not yet ratified the International Covenant on Civil and Political Rights, the level of serious discussion about related issues suggests that ratification is not far off.

In recognition of this, Development Cooperation Ireland awarded a grant of €80,000 to the Irish Centre for Human Rights in 2005 to build upon and deepen the exchanges and debates of

the EU-China Human Rights Network by establishing the Ireland-China Human Rights Academic Exchange.

The overall aim of the project is to promote the rule of law and respect for human rights in the People's Republic of China by building on the relationship developed between the Irish Centre for Human Rights and the Chinese Academy of Social Sciences, Beijing. The project will provide China with human rights expertise at the highest academic level from Ireland in both the context of the ratification and implementation of the two international human rights covenants and other human rights instruments. This will place Ireland in a central role in the development of human rights in China.

Italy/Italie

Interdepartmental Centre on Human Rights and the Rights of Peoples

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The Interdepartmental Centre on Human Rights and the Rights of Peoples was established in 1982 and celebrated its 25th anniversary in 2007.

Academic programmes

The centre is currently involved in the following programmes at the Faculty of Political Sciences, University of Padua:

- Degree course on Political Sciences, International Relations, Human Rights (three years).
- Master's degree on Institutions and Politics of Human Rights and Peace (two years).

The deadline for applications for the academic year 2008/2009 is August 2008. For more information visit the website.

In 1997 the centre first promoted the European Master's Degree in Human Rights and Democratisation, based in Venice, and it actively participates in the programme together with 40 other European universities. So far, 800 students from more than 50 countries have been awarded European Master's in Human Rights and Democratisation.

The deadline for applications for 2008-2009 is 14 March 2008. For more information visit http://www.ema-humanrights.org/.

Research

In 2007 the transnational research project on The Role of Intercultural Dialogue for the Development of a New (Plural, Democratic) Citizenship was concluded. The concluding conference of 1-4 March 2007 at the University of Padua provided the opportunity for a first presentation of the book edited by L. Bekemans, M. Karasinska-Fendler, M. Mascia, A. Papisca, C.A. Stephanou and P.G. Xuereb, *Intercultural Dialogue and Citizenship. Translating Values into Actions. A Common Project for Europeans and their Partners*, Venice, Marsilio, 2007, pp. 665.

The project Human Rights and Trafficking in Women and Young People. An Educational Toolkit for Teachers and Students was concluded in 2007. The goal of the project was to inform and raise awareness among high school teachers and students about issues of human rights and human trafficking for the purpose of sexual exploitation through the use of an educational toolkit. The toolkit contains information material and methods to help teachers and students acquire basic knowledge on the issue. The integral version of the toolkit is available in print and in digital format in Italian, Polish and German. Part of the material is also available in English, though only in digital format. For more information visit the website.

In 2007 the Interdepartmental Centre started a research project with the University of Pavia and the Jordan University in Amman on the subject Towards an Integrated Perspective of Human Rights and Human Development. It is envisaged that this research will assist the organisation of an MA on Human Rights and Human Development at the Jordan University, with courses also taking place at the Universities of Padua and Pavia. The research will also contribute to the establishment of a Research and Higher Education Centre on Human Development and Human Rights at the Jordan University. The opening ceremony, which was

attended by Queen Rania of Jordan, took place in Amman on 10 December 2007.

Courses for teachers

In 2006-2007 the centre organised national seminars for secondary school teachers and headteachers including:

- Education to European Citizenship: 50 Years of the Treaty of Rome, Torino, 16-18 April 2007.
- Education to European Citizenship, Senigallia (Ancona), 4-6 December 2007.
- Education to Active Citizenship and Human Rights: Italian Constitution, European Integration and Human Rights, Venice, S. Servolo Island, 22-24 October 2007.

The Piergiorgio Cancellieri Library

The library contains more than 6 000 volumes, national and international scientific reviews and materials from governmental and non-governmental organisations. The library is linked to the library of the European Master's Degree in Human Rights and Democratisation (EMA) Access is also available, through the library, to other relevant online databases and reviews.

Conferences and seminars

In 2007 the centre organised a variety of seminars and conferences including:

- National Seminar of the Italian Peace Table on Human Rights for All: The Role of Civil Society, Assisi, 6-7 July 2007.
- Seminar on Children's Rights in Italy: Third Report of the Italian NGOs Working Group on the International Convention on Children Rights, organised in co-operation with the Italian NGOs Working Group on the International Convention on Children Rights and of the Regional Children's Ombudsperson, University of Padua, 1 October 2007.
- Seminar on The Protection and Promotion of Children's Rights and Disadvantaged Children's Rights in Italy and China, organised in co-operation with the Centre for International Law Studies of the Chinese Academy of Social Sciences, University of Padua, 12 October 2007.
- Third Conference of the Region of Veneto on Human Rights, Peace and International Co-operation, Vicenza, 18-19 October 2007.

Publications

- *Pace diritti umani/Peace human rights*, edited by the Interdepartmental Centre on Human Rights and printed by Marsilio Editore, Venice (essays in Italian and English). It is strongly policy-oriented and addressed to universities, civil society organisations and national and local government institutions. Three issues were published in 2007. Recent articles include:
- A. Papisca, "Preliminary reflexions on a feasibility project for the establishment of a Civil Peace Corps (Peace Civil Service) in Italy. The primacy of human rights, nonviolence and of politics for conflict prevention and resolution", in *Pace diritti umani/Peace Human Rights*, IV, 2, 2007.
- A. Papisca, M. Mascia, "A Political Agenda for Human Rights", in *Pace diritti umani/Peace human rights*, IV, 3, 2007.

The journal is available online on the institute's website.

Other publications and CD ROMS include:

- L.Bekemans, M. Karasinska-Fendler, M. Mascia, A. Papisca, C. A. Stephanou, P. G. Xuereb, eds, *Intercultural Dialogue and Citizenship. Translating Values into Actions. A Common Project for Europeans and Their Partners*, Venezia, Marsilio, 2007, pp. 665.
- Tascabile n. 5, *Diritti umani e pace, valori universali* (*Human Rights and Peace, Universal Values*), 2007.
- *The Universal Declaration of Human Rights* (2007) (CD ROM)
- *Human Rights Educational Approaches* (2007) (CD ROM)

International Institute of Humanitarian Law

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The International Institute of Humanitarian Law is an independent and non-profit organisation whose objective is to promote the development, application and dissemination of

international humanitarian law in all its dimensions, thus contributing to the safeguarding and respect of human rights and fundamental freedoms throughout the world.

The institute has published a report of its 2006 activites which is available on its website (in English).

Training programmes

The 2008 programme of courses at the institute includes:

- Courses on international humanitarian law for military personnel (in English, French and Spanish) March to November 2008, Sanremo.
- International human rights and humanitarian law in peace operations (in English) 26-30 May, Sanremo.
- The law of armed conflict (in English) 6-17 October, Sanremo
- Course for planners and executors of naval operations (English) 24-28 November, Sanremo
- Courses on refugee law (in English, French and Spanish) April to November 2008.
- Summer course on international humanitarian law (in English) 30 June-12 July, Sanremo/Geneva

Internship programme

The institute offers a variety of internship programmes for researchers and students with an interest and background in humanitarian law. More details are available on the website.

Netherlands/Pays-Bas

Maastricht Centre for Human Rights

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The Maastricht Centre for Human Rights combines the research activities in the field of human rights of the staff members of Maastricht University's Faculty of Law. Most participants in the centre belong to the International and European Law Department and the Criminal Law Department but some come from the Constitutional Law Department and the Civil Law Department.

The centre forms part of the Netherlands Research School for Human Rights, together with its sister institutes at Erasmus University Rotterdam, Leiden University, Tilburg University, Utrecht University and the TMC Asser Institute in The Hague.

The centre's activities are focused on three broad areas: international human rights law, criminal law, and women and the law. The centre organises conferences and lectures, sponsors publications and assists in grant applications. Among its best-known achievements are the Limburg Principles on the Implementation of the International Covenant on Economic, Social and Cultural Rights (1986) and the Maastricht Guidelines on Violations of Economic, Social and Cultural Rights (1997). Some members of the centre are also involved in the European Master's Degree in Human Rights and Democratisation (Venice). This is a multidisciplinary and intensive one-year academic programme that reflects the indivisible links between human rights, democracy, peace and development.

More information on the centre's activities and publications, as well as its 2006 annual report, are available on its website.

Poland/Pologne

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Poznań Human Rights Centre was founded in 1973. It is a research institution working within the Institute of Legal Studies of the Polish Academy of Sciences. The centre was created with a view to conducting research and training experts as well as to promote knowledge in the field of human rights. Currently, one of our objectives is focusing on the combined protection offered by national constitutional rights and internationally recognised rights, in particular the application of international standards within the national legal order. The centre is headed by Professor Roman Wieruszewski and currently employs six research staff members.

Course on International Protection of Human Rights

The 16th Course on International Protection of Human Rights took place from 3 to 12 September 2007. It was organised by Poznań Human Rights Centre and the Faculty of Law and Administration at Adam Mickiewicz University in Poznań, in partnership with the Raoul Wallenberg Institute of Human Rights and Humanitarian Law in Lund, Sweden and with financial support from the OSCE Office for Democratic Institutions and Human Rights.

The main objective of the course was to enhance the participants' knowledge and understanding of the existing standards and institutional aspects of the protection of human rights at international level. This year's edition was focused additionally on issues related to the rights of national minorities. The course was made available to young researchers, lawyers, students and NGO activists. The number of participants was limited to 25.

The course consisted of 60 hours of lectures and case studies given in English. The lectures were held by eminent professors and experts in the field of human rights and international law. The case studies involved discussions of decisions of the European Court of Human Rights and the United Nations treaty bodies.

The next course will take place in September 2008 and will be advertised on the centre's website.

International co-operation

The Poznań Human Rights Centre has worked to establish contacts with a number of institutions in Poland and abroad including the Directorate of Human Rights and Legal Affairs at the Council of Europe in Strasbourg, the Office of the High Commissioner for Human Rights at the United Nations in Geneva, the Institute of Human Rights in Abo Akademii University of Turku (Finland), the Netherlands Institute of Human Rights (SIM) in Utrecht and The Raoul Wallenberg Institute of Human Rights and Humanitarian Law in Lund (Sweden).

The centre is a member of the following international educational and scientific networks:

- European Inter-University Centre for Human Rights & Democratisation (EIUC) in co-operation with Adam Mickiewicz University in Poznań,
- European Master's Degree in Human Rights and Democratisation (EMA) – in co-operation with Adam Mickiewicz University in Poznań,
- Association of Human Rights Institutes (AHRI),
- EU-China Human Rights Network

Library

Poznań Human Rights Centre has established its own library and documentation centre. The library collection consists of 3 000 volumes in Polish and other languages, mainly from the domain of human rights and constitutional law, but also concerning family law and the rights of the child. Apart from the collection of books, the library has a selection of periodicals and a variety of international and domestic documents.

Portugal

Human Rights Centre of Ius Gentium Coimbrigae (Institute of International Law and Co-operation with Portuguese-speaking States and Communities)

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Founded in 1995 under the Faculty of Law at the University of Coimbra (FDUC), the Institute of International Law and Co-operation with Portuguese-speaking States and Communities focuses on the study of current international issues and issues affecting Portuguese-speaking states and communities.

Human Rights Centre

The Human Rights Centre of Ius Gentium Conimbrigae, founded in 2000, is the first academic human rights education and research centre in Portugal.

It is a research, education, training and international exchange centre, focused on human rights issues. Therefore, partnership work is favoured and foreign lecturers, researchers and experts are often invited to the centre and its lecturers and researchers take part in several international events.

Teaching and training

The Post-graduate Course in Human Rights works concurrently as part of the European Master's Degree in Human Rights and Democratisation, established in Venice and organised by a consortium of 39 universities in the European Union, and as an independent post-graduate course, which is open to anyone interested. Partly delivered in English, the course takes a multidisciplinary and broad approach to the study of human rights.

The **summer courses**, which are in English, offer a great opportunity for cultural exchange and the students who attend come from countries all over the world. Each year's course focuses on a separate topic within the human rights international agenda.

Seminars and conferences

The **Autumn Conference** takes places every year and each one focuses on a different theme, reflecting a specific issue on the international human rights agenda.

Publications

The centre keeps an Online Portuguese Human Rights Encylopedia (http://www.fd.uc.pt/igc/enciclopedia/) which contains a wide variety of texts, case-law and information on human rights in Portugal.

Bureau de Documentation et de Droit Comparé de l'Office du Procureur-Général de la République

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Activités

Le Bureau de Documentation et de Droit Comparé est une entité créée sous la dépendance de l'Office du Procureur-Général de la République, spécialisée en Droit international et en particulier dans le domaine des droits de l'homme. Parmis ses activités :

- il assure le traitement et la diffusion d'information juridique spécialisée provenant, d'organismes internationaux ou de pays étrangers ;
- il fournit des informations à un ensemble très vaste d'utilisateurs nationaux (départements d'Etat, magistrats, etc...) en matière de protection des droits de l'homme, de droit comparé, de droit étranger, de droit international et de droit communautaire ;
- il assure la diffusion du système juridique portugais à l'étranger, par l'élaboration de rapports périodiques destinés à des organismes internationaux ;
- il procède à l'élaboration, au nom du Gouvernement portugais, d'un vaste ensemble d'informations (rapports, études, réponses à des questionnaires, etc...) destinés à des organismes internationaux, notamment les différents organes de contrôle des Nations Unies ;

- il participe à des réunions internationales promues dans le cadre d'organisations internationales ;
- il collabore à la préparation de conventions et de traités à caractère multilatéral ou bilatéral en matière de droits de l'homme;
- il organise des stages, collectifs et individuels sur les droits de l'homme. Les stages collectifs consistent à des scéances d'approche aux droits de l'homme à l'attention des étudiants en fin de formation universitaire. Les stages individuels sont destinés aux jeunes étudiants diplômés.
- il procède, au moyen de son secteur de traduction, à la traduction vers le portugais, le français ou l'anglais des textes qu'il diffuse dans l'une des langues choisies. Cette année, il a traduit des texte juridiques du portugais vers l'allemand et vice-versa.
- il dispose d'une importante bibliothèque spécialisée et qui complète celle de l'Office du Procureur-Général de la Republique.

Romania/Roumanie

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Conferences, debates, round tables

A Painful Page in the History of Human Rights

A round table on the Holocaust organised in collaboration with the Romanian Association for the United Nations and Family Forum to mark the International Day of Commemoration in Memory of the Victims of the Holocaust. (Bucharest, 29 January 2007)

Freedom of Movement. Immigration to Romania

Symposium organised in collaboration with the Romanian Association for the United Nations (ANUROM). (Bucharest, 24 February 2007)

Combating Discrimination and the Role of the Media

Round table on organised in collaboration with the UNESCO Chair for Human Rights, Democracy, Peace and Tolerance. (Bucharest, 22 March 2007)

Invest in Health, Build a Safer Future

Symposium organised in collaboration with ANUROM, Family Forum and the Independent League for the Rights of Children to mark World Health Day. (Bucharest, 5 April 2007)

Human Rights – Spiritual Dimension and Civic Action

International symposium organised in partnership with the Metropolitan Church of Moldova and Bucovina, the Roman-Catholic Bishopric of Iași, and the Al. I. Cuza University of Iași. (Iași, 15-17 June 2007)

Bioethics and Human Rights

A symposium organised by IRDO in collaboration with the Victor Dan Zlătescu Club of Cheia Association. (5-6 July 2007)

The Right to a Healthy Environment and the Right to Health

A round table organised by IRDO, in collaboration with the Victor Dan Zlătescu Club of Cheia Association and the Natural Science Museum in Cheia (22-23 August 2007).

National Strategy on Preventing and Combating Poverty

A cycle of debates on civil society's role within this strategy organised for researchers, teachers and students to mark the International Day for the Eradication of Poverty. (Bucharest, 17 October 2007)

Teaching

Combating Racial Discrimination – National and International Juridical Framework

A course organised in collaboration with the UNESCO Chair for Human Rights, Democracy, Peace and Tolerance to mark the Week of Action against Racism.

Rights of the child

Official opening of the first course on this subject to be organised in Romania. It is aimed at teachers in pre-school educational establishments and is organised by the Ministry of Education, Research and Youth in collaboration with IRDO and the teacher training centre in Mures.

Human Rights

Training course organised in collaboration with the UNESCO Chair for Human Rights, Democracy, Peace and Tolerance.

Training course organised in partnership with the teacher training centre in Slatina, as part of the programme Education for the Respect of Human Dignity.

The 13th meeting 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 and the Victor Dan Zlătescu Club of the Cheia Association

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 to which 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 to which Romania is a party*, 2nd volume, Regional instruments)
- *Drepturile omului – un sistem în evoluție* (*Human rights – a system in evolution*), Dr Irina Moroianu Zlătescu
- *Dreptul la sănătate și sănătatea acestui drept* (*The right to health and the health of this right*), Dr Octavian Popescu
- *Dreptul la învățătură drept fundamental al omului* (The right to education, a fundamental right of human beings), Dr Anda Veronica Nedelcu-Ienei

Spain/Espagne

Institute of Human Rights

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Conferences

Human Rights and Empire

Prof Dr. Costas Douzinas, 9 June 2006.

Publications

- *Anuario de derechos humanos. Nueva época. (Human rights yearbook. New era).* Volume 8, 2007 which contains various articles including:
- Garibo, Ana-Paz : "La condición jurídica de las mujeres en el mundo islámico". *("*The legal status of women in the Islamic world"*).*
- Falcón y Tella, Fernando*:* "Hacia un nuevo orden mundial: el fenómeno de la globalización". ("Towards a new world order: the phenomenon of globalisation")

Reviews

A selection of reviews:

- Nogales Naharro, Mª de los Ángeles: Review of *New challenges for Human Rights* by Fernando Falcón y Tella.
- Falcón y Tella, Fernando: Review of *La Filosofía del Derecho contemporánea. Temas y desafíos (The philosophy of contemporary law. Themes and challenges)* by Carla Faralli.
- Carabante Muntada, José María: Review of *Bioderecho. Entre la vida y la muerte (Bio-law. Between life and death)* by Andrés Ollero.
- Falcón y Tella, María José: Review of *La Eutanasia (Euthanasia)* by José Miguel Serrano Ruiz-Calderón.

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A report on the institute's 2006 activities as well as further information on its human rights research, conferences and the various Master's degree programmes that it offers are available on the website.

Document Centre

The institute has a document centre which is available for use by MA and training programme students, as well as researchers or members of other social organisations requiring advice or help in one of the areas the institute works in.

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Human Rights Law Centre

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Established in 1993, the University of Nottingham's Human Rights Law Centre is an internationally recognised human rights institution with considerable experience in the design and delivery of human rights research, technical co-operation and training. The centre consists of six working units and conducts research in a range of fields. Below is a summary of the activities and publications of each working unit.

Business and Trade Unit

Research project: Assessing the Human Rights Impact of International Trade Agreements

Publication: Harrison, J., *The Human Rights Impact of the World Trade Organisation* (Hart Publishing, 2007).

European Human Rights Law Unit

Research project: The European Social Charter Complaints Procedure.

Training and capacity building:

- Human Rights Capacity Building for Kaliningrad Legal Professionals (December 2007).
- Russian NGOs: Strategies for Human Rights Monitoring.
- Ukrainian Judiciary and NGOs: Fair Trials Standards under the ECHR.

Publications:

- Harris, O'Boyle and Warbrick, *The Law of the European Court of Human Rights* (forthcoming edition).
- Harris, D.J. "The scope of the right toa fair trial guarantee in non-criminal cases in the European Convention on Human Rights". In: Morison, J., McEvoy, K., Anthony, G., eds, *Judges, transition, and human rights. Essays in memory of Stephen Livingstone. Part I: Judges.* (Oxford University Press, 2007).

International Criminal Justice Unit

Research project: International Criminal Court Legislation Database, part of the ICC's Legal Tools Project. HRLC is one of five ICC Legal Tools Partners.

Publications:

- Hunter, E and Martin, V., "EU Efforts Towards Implementation of the International Criminal Court Statute", *AHRI International Criminal Tribunals Report*, (article forthcoming).
- Bekou, O, and Antoniadis, A, "The EU and the International Criminal Court: An Uneasy Symbiosis in Interesting Times", (2007) 7 *International Criminal Law Review*, 621-655.

Conference: The International Criminal Court and the State, University of Nottingham, (November 2007).

Training and capacity building: Government officials and civil society organisations from over 45 countries have received training and capacity building in regions such as the Caribbean (2007-8) and the Middle East (2006-7).

Technical co-operation: Bilateral drafting assistance, national bill on Implementation of the ICC Statute in Fiji (January 2006), Samoa (February 2006, enacted November 2007).

Research project: Consolidating the Profession: The Human Rights Field Officer: research, training and capacity building project in support of enhanced delivery of services by human rights field operations: http://www.humanrightsprofessionals.org/

Publications:

- O'Flaherty, M., ed., *The Human Rights Field Operation: Law, Theory and Practice* (Ashgate, 2007). A second, follow-up book on Human Rights Fieldwork will be published in 2008, collating documents presented at the Bangkok Expert Consultation (2007).
- Human Rights Manual for the Iraqi Ministry of Human Rights.

Workshop: Consolidating the Profession: The Human Rights Field Officer. Expert consultations: Geneva (October 2007), Bangkok (August 2007), Freetown (May 2006).

Training and capacity building:

- Training and capacity building for United Nations human rights field operations in West Africa (April 2007).
- Iraqi Human Rights Ministry: human rights training for the Iraqi Government.

Post Conflict and Capacity Building Unit

Film series: The Human Rights Film Series is a student-led initiative, presenting engaging and provocative human rights-orientated films with expert-led discussions.

Annual Student Human Rights Conference: This European human rights law conference provides University of Nottingham law students with an opportunity to organise an international, multi-disciplinary conference for an international audience. The programme presents keynote speaker sessions as well as panels led by student speakers.

Internships and bursaries: A number of internships are provided annually to University of Nottingham law students. Bursaries are also awarded to students on receipt of an internship within international human rights-based organisations.

Student Activities Unit

- *Human Rights Law Review* (edited for Oxford University Press, 4 issues per annum)
- *International Human Rights Reports* (published online by HRLC, 4 issues per annum)
- *Yearbook of the European Convention for the Prevention of Torture* (published annually by HRLC)
- *European Court of Human Rights Judgements* (preparation of headnotes, published by Oxford University Press)
- O'Flaherty, M., and O'Brien, C., "The reform of the United Nations Treaty bodies: a critique of the High Commissioner's concept paper". (2007) *Human Rights Law Review,* 7(1), p141-172.
- *Human Rights Law Review Special Issue: Reforms of the UN Human Rights Machinery* (volume 7 (1) 2007)
- *Yogyakarta Principles on the Application of International Human Rights Law in Relation to Sexual Orientation & Gender Identity* (March 2007)

Publications Unit

Training and capacity building:

- International Human Rights for Thai Judiciary Programme (November 2007).
- Iranian Family Court Advisors Training Course (July 2007).

Annual Programmes:

- Implementing Human Rights Conventions, Chevening Fellows Programme (Annual: January - March).
- International Human Rights Law Short Course. (Bi-annual: January-March, October-December).
- 2008 Summer School: Engaging the UN Human Rights Treaty Bodies. (16-21 June 2008).

Short Courses and Training Unit

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