MONACO



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Human Rights and Rule of law

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Table of contents

I. MAIN ACHIEVEMENTS 4

Right to liberty and security 5

Functioning of justice 5

Freedoms of religion and of assembly 5

II. MAIN ISSUES PENDING BEFORE THE COMMITTEE OF MINISTERS 6

Right to respect for correspondence and privacy 7



I. Main achievements

This chapter presents short summaries of a selection of the main reforms and achievements reported in final resolutions since the Convention system was amended in 1998 by Protocol No. 11, with a clear focus on recent reforms, referring however also to important earlier developments.

In view of the wealth of cases closed, the selection concentrates on those which have led to changes of legislation, government regulations, the adoption of new policies or general guidance from superior courts. As a rule, the overview does not cover information on measures providing individual redress to applicants.

The reforms are in principle presented in the order corresponding to the thematic domains used in the specialised database HUDOC-EXEC of the Department for the Execution of Judgments of the European Court of Human Rights.

Many reforms address issues which appear to be on-going challenges in member states. The effects of reforms adopted at one point in time may thus need to be monitored and possibly revisited as conditions change.[1]

Definitions of the terms used in the context of the supervision of the execution of the European Court's judgments are available in the dedicated Glossary.

[1] The presentation is limited to the information provided at the time of the adoption of the final resolution. It is recalled in this context that the Committee of Ministers has issued Recommendation (2004)5 on the verification of the compatibility of draft laws, existing laws and administrative practice with standards laid down in the European Convention on Human Rights.

Right to liberty and security

- Lawfulness of detention

The Code of Criminal Procedure was amended in 2007, limiting the duration of pre-trial detention. Statistics show a gradual but clear drop in the number of persons held in pre-trial detention and in the average duration of such detention.

Prencipe (43376/06)
Final Resolution CM/ResDH(2011)135

Functioning of justice

- Fairness of proceedings

The right of the accused to remain silent and be assisted by a lawyer while in police custody was enshrined in the Code of Criminal Procedure in 2013, thereby bringing the police custody regime in line with the Convention.

Navone and Others (62880/11+)
Final Resolution CM/ResDH(2014)266

Freedoms of religion and of assembly

Receipt of the registration declaration of the applicant association.

Association monégasque pour le culte des témoins de Jéhovah (51657/19)
Final Resolution CM/ResDH(2023)62



II. Main issues pending before the Committee of Ministers

This chapter presents the main issues pending in cases/groups of cases currently under the Committee of Ministers' supervision. The relevant supervision procedure is indicated for each case/group of cases.

Detailed information on the status of execution of these cases as well as on the Committee of Ministers' supervision process is available on the specialised database HUDOC-EXEC of the website of the Department for the Execution of Judgments of the European Court of Human Rights.

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Right to respect for correspondence and privacy

Massive and indiscriminate retrieval of personal data from the applicant's mobile phone, including data previously deleted, outside the framework of the seizure of the investigative judge and without guarantees respecting her status as a lawyer and her professional secrecy.

Bersheda and Rybolovlev (36559/19)

Standard supervision

Status of execution



ENG

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The Council of Europe is the continent's leading human rights organisation. It comprises 46 member states, including all members of the European Union. The Committee of Ministers is the Council of Europe's decision-making body, composed by the foreign ministers of all 46 member states. It is a forum where national approaches to European problems and challenges are discussed, in order to find collective responses. The Committee of Ministers participates in the implementation of the European Convention on Human Rights through the supervision of the execution of judgments of the European Court of Human Rights.

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