



# **PRACTICAL IMPACT** OF THE COUNCIL OF EUROPE MONITORING MECHANISMS

in improving respect for human rights  
and the rule of law in member states

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

# **Practical impact of the Council of Europe monitoring mechanisms**

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and the rule of law in member states

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and Rule of Law  
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οὐκ ἔστι δὲ εὐνομία τὸ εὖ κείσθαι  
τοὺς νόμους, μὴ πείθεσθαι δέ.

**Good laws, if they are not obeyed,  
do not constitute good  
government.**

***Aristotle, Politics***

## Foreword

The foundations of a free and peaceful Europe based on solidarity remain unchanged. Despite the disturbing resurgence of nationalist rhetoric and identity-based discourse, the last twenty years have confirmed European citizens' commitment to overcoming differences and asserting their sense of unity, while maintaining the positive and fertile nature of their cultural diversity. Promoting democracy and the rule of law as well as safeguarding human rights and fundamental freedoms forms the core of the common values that unite the Council of Europe's 47 member states. They constitute the very substance of our societies and we are determined to provide the resources and tools needed to achieve that goal.

In this new European architecture, the Council of Europe strives not only to develop common rules and standards, but also to establish a system for enforcing these standards by anticipating any malfunctioning. At the centre are several well-established specialised monitoring mechanisms with recognised expertise, pro-

fessionalism and working methods suited to their competence. They enable the Council of Europe to supervise the implementation of its standards, discern cases of non-compliance and propose solutions or address recommendations to each of its member states.

At the Ministers' Deputies' meeting on 20 January 2010, the Council of Europe's Secretary General, Thorbjørn Jagland, said that "the Council of Europe must be the lighthouse of Europe, a house for early warning". The instruments for monitoring human rights and rule of law forms part of this early warning system, one that works on behalf of member states and sets out to reflect the concerns of European citizens, with a view to meeting the main challenges of modern society.

Philippe Boillat  
*Director General of Human Rights  
and Rule of Law*

## Introduction

Over a period of almost sixty years, the Council of Europe has made considerable gains in the sphere of human rights, as also in the furtherance and safeguard of the principle of the rule of law. These gains – never truly gained unless we remain watchful – comprise not only *norms* (linked with civil and political rights, social rights, rights of minorities, action against racism, corruption, trafficking in human beings, money laundering and tax havens), but also *active supervision of compliance with these norms*.

This supervision is carried out by means of several well-established specialised mechanisms with working methods suited to their competence, and recognised expertise and professionalism. Thanks to these mechanisms, the Council of Europe is able to supervise the implementation of its standards, discern cases of non-compliance, and propose solutions or address recommendations to each of its member states.

The Committee of Ministers, especially in its mission of overseeing the execution of the binding judgments of the European Court of Human Rights, the European Commissioner for Human Rights, the European Committee of Social Rights, the European Committee for the Prevention of Torture, the European Commission against Racism and Intolerance, the Advisory Committee of the Convention for the Protection of National Minorities, the Group of States against Corruption, the Committee of Experts on the Evaluation of Anti-Money Laundering Measures (MONEYVAL), the Committee of Experts of the Charter of Regional and Minority Languages and the Group of Experts against Trafficking in Human Beings, collectively, most fittingly exemplify the mechanisms of

warning and censure regarding the situation of democracy and human rights in Europe. They operate in complete consonance with the concerns of citizens anxious to live in an environment of justice and freedom securing their rights.

This document<sup>1</sup> describes the way in which the Council of Europe mechanisms pertaining to human rights and rule of law have worked towards definite improvements in legislation, practice and the situation of individuals in the member states. The second part of the document brings together a selection of recent examples of situations where the Council of Europe member states have taken measures to improve the position regarding human rights, and also against corruption and money laundering, whether directly or indirectly, wholly or partially, as a result of the action of one of the Council of Europe monitoring mechanisms.

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<sup>1</sup> This document does not purport to be exhaustive; the examples given merely serve to illustrate the national impact of the Council of Europe monitoring mechanisms in the sphere of human rights and rule of law. Nor does it show the significant results achieved in the sphere of human rights and rule of law through activities of the classic intergovernmental type leading to the adoption of reports and legal instruments (for example treaties, recommendations, guidelines) by the Committee of Ministers, the specific activities of the European Commission for Democracy through Law (Venice Commission), the European Committee for the Efficiency of Justice (CEPEJ), the assistance and awareness-raising activities intended to aid compliance with the prescribed standards, and those of other Council of Europe institutions with a wider field of action, such as the Parliamentary Assembly and the Congress of Local and Regional Authorities.

# Part 1: The mechanisms and organs of protection

## The European Convention on Human Rights

Practical examples: see page 17

All States Parties to the European Convention on Human Rights (ECHR) undertake to secure to everyone within their jurisdiction the rights and freedoms enshrined in the Convention, and to provide effective remedies in case of alleged breaches. Respect of these obligations is ensured by the European Court of Human Rights (the Court) in response to complaints by individuals or member states.

When the Court finds, in its judgments, that a violation of the Convention has occurred, States Parties are legally bound to execute the judgments by paying the pecuniary compensation awarded and by adopting any other individual measure necessary to erase the consequences of the violation found by the Court (for example, releasing a person placed under pre-trial detention, granting a residence permit to an alien threatened by expulsion, restitution of confiscated property, reunification of children with their parents, etc.). This may require the possibility to reopen the proceedings and/or review the domestic decisions with a view to remedying the violations found.<sup>1</sup>

Furthermore, when the Court finds that there has been a violation of the Convention, this often requires the respondent state, and often encourages also other states, to take general measures to comply with the Court's judgment. This can lead to legislative or reg-

ulatory measures, but often problems can be solved through the adaptation of the domestic courts' case-law, since the Court's judgments enjoy a direct effect in the vast majority of member states. Even the mere introduction of an application before the Court can sometimes lead to expediting or accelerating the amendments to national legislation and regulations or changes in the domestic courts' case-law.

The correct execution of each and every judgment is supervised by the Committee of Ministers of the Council of Europe. Even if the execution sometimes encounters various practical or even political obstacles (e.g. a rapid succession of governments which makes difficult a governmental action), the execution is eventually always ensured (more than 15 000 cases have been before the Committee for supervision of execution).

*The ECHR is a fundamental element of European democratic stability and constitutes a fundamental element of the European public order.* The general acceptance of the ECHR by all the European States and its compulsory supervisory mechanism in the 1990s has thus made an essential contribution to the development of the present confidence in the European relations through the development of a real common standard of governance in the whole of Europe, based on democracy, rule of law and respect for human rights. On several occasions, the existence of this common standard has also contributed to finding solutions to situations of international tension and developing responses to crisis situations.

*The ECHR is also a fundamental element of European co-operation and integration.* The

<sup>1</sup> See in this context notably the Committee of Ministers' Recommendation No. R (2000) 2 on the re-examination or reopening of certain cases at domestic level following judgments of the European Court of Human Rights (19 January 2000, 694th meeting of the Ministers' Deputies) and the judgment V.G.T.n° 2 vs. Switzerland (Grand Chamber) of 30 June 2009.

evolving interpretation of the ECHR by the European Court of Human Rights and the effective supervision of the execution of its judgments, including the taking of all legislative and other actions necessary to remedy violations found, ensures a constant improvement of the legal systems of member states – the Committee of Ministers of the Council of Europe regularly supervises the implementation of several hundreds of legislative and other reforms to ensure compliance with the ECHR standard, as identified in judgments of the Court.

To provide answers to the challenges raised by the societal, technological or political developments in Europe or by the increasing number of applications addressed to the Court, the control system set up by the Convention constantly evolves. In the framework of the recent reforms, the Protocol No. 14, amending the Convention, was adopted and entered into force on 1 June 2010. Two other protocols, No. 15 and No. 16 have been since drafted, underlining in particular the national responsibility for the implementation of the Convention, the principle of sub-

sidiarity, and authorising the domestic supreme courts to address the European Court with questions subject to preliminary ruling. The goal of these reforms are:

- at national level, to increase member states' awareness and respect of the ECHR standards through several recommendations adopted by the Committee of Ministers;
- at European level, to ensure the effectiveness of the supervision system by improving the consideration of applications and the rapid execution of judgments.

Accepting the external supervision provided by the ECHR gives evidence of the legitimacy of the actions of member states' governments in their relations with their populations – the rights protected are effectively those of every individual; the execution of judgments requires ensuring full and concrete redress for the individual applicants. This acceptance of external supervision also assists in providing legitimacy to the member states' international actions, in particular in the field of human rights.

Internet: <http://www.echr.coe.int/>; <http://www.coe.int/execution/>

## European Social Charter

**Practical examples: see page 28**

The European Social Charter is the counterpart to the ECHR setting out fundamental economic and social rights. Like the ECHR it establishes a mechanism that ensures the respect of these rights by the States Parties.

The European Committee of Social Rights (ECSR) is an independent quasi-judicial body which interprets the rights enshrined in the European Social Charter and rules on the

### **A monitoring procedure based on national reports**

Every year the States Parties submit a report indicating how they implement the Charter in law and in practice. Each report concerns some of the accepted provisions of the Charter. The ECSR examines the reports and decides whether or not the situations in the countries concerned are in conformity with the Charter. Its decisions, known as *Conclusions*, are published every year.

If a State takes no action on a ECSR's decision to the effect that it does not comply with

### **A collective complaints procedure**

Under a Protocol that entered into force in 1998, complaints of violations of the Charter may be lodged with the European Committee of Social Rights by national and international organisations (such as trade unions, employers' organisations and international NGOs).

conformity with the Charter of legislation and practice in the States Parties.<sup>1</sup>

The monitoring procedure of the Charter is based on:

- national reports submitted by the States Parties,
- a collective complaints procedure.

<sup>1</sup> There are currently 43 States Parties to the Charter.

the Charter, the Committee of Ministers may address a recommendation to that state, asking it to change the situation in law and/or in practice.

The Committee of Ministers' work is prepared by a Governmental Committee comprising representatives of the governments of the States Parties to the Charter, assisted by observers representing European employers' organisations and trade unions.

The European Committee of Social Rights examines the complaint and, if the formal requirements have been met, declares it admissible before adopting a decision on the merits.

The successive reforms and substantive additions have transformed the Charter into a

highly powerful instrument, inducing change in law and practice in such areas as trade union rights, prohibition of children work, social and health cover, equality and opportunity for persons with disabilities.

The instances of States Parties bringing national situations into conformity with the Charter are numerous and significant. Moreover, their number has considerably increased since the early 1990s as a result of the Council of Europe's efforts to relaunch the Charter, notably through the application of the 1991 Turin Protocol, which amended the supervisory machinery of the Charter, and the introduction of the collective complaints procedure.

The examples appearing in Part 2 cover a wide variety of situations including cases where states have brought the situation into conformity following the ECSR's conclusions or decisions in collective complaints, or further action by the Governmental Committee (warnings) and the Committee of Ministers (recommendations). The examples also give an indication of the cross-fertilisa-

tion that takes place between the case-law of the ECSR and that of the European Court of Human Rights.

The nature of the measures taken by States also varies: adoption of new legislation, new case law by domestic courts, administrative measures and collective agreements by the social partners.<sup>1</sup>

In addition to the examples listed there are many cases where the transposition of directives and other Community texts co-incides with bringing the situation into conformity with the Charter (a coincidence which is not surprising given that much Community law in the social field is based on normative principles initially established by the Charter). Moreover, this process does not concern exclusively the member states of the European Union, but has also a significant impact on the legislation and practice of certain non-EU member states.

1 A more comprehensive list of examples can be consulted on the Charter's website (country factsheets).

**Internet:** <http://www.coe.int/socialcharter/>

## European Convention for the Prevention of Torture

**Practical examples: see page 34**

The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) organises visits to places of detention, in order to assess how persons deprived of their liberty are treated. These places include prisons, juvenile detention centres, police stations, holding centres for immigration detainees, psychiatric hospitals, social care homes, etc.

CPT delegations have unlimited access to places of detention, and the right to move inside such places without restriction. They interview persons deprived of their liberty in private, and communicate freely with anyone who can provide information.

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

After each visit, the CPT sends a detailed report to the State concerned. This report includes the CPT's findings, and its recommendations, comments and requests for information. The CPT also requests a detailed response to the issues raised in its report. These reports and responses form part of the ongoing dialogue with the States concerned.

Since its creation in 1990, the CPT has carried out almost 300 visits to all the 47 member states of the Council of Europe.

The list of examples is not exhaustive and only provides a selection of some measures taken by the States Parties following recommendations made by the CPT.

## Framework Convention for the Protection of National Minorities

**Practical examples: see page 38**

The Framework Convention for the Protection of National Minorities, which came into force in 1998, now has 39 States Parties and a special monitoring agreement on implementation of the Framework Convention in Kosovo<sup>2</sup> was signed between the Council of Europe and UNMIK in 2004. The Convention is a unique treaty aimed at advancing minority rights in fields ranging from media

and education to discrimination and participation.

2 All reference to Kosovo, whether to the territory, institutions, or population, in this text shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo

The Framework Convention is coupled with a dynamic monitoring mechanism, designed to foster constructive dialogue with all the parties concerned. The monitoring mechanism involves country visits and country-specific opinions by the Advisory Committee of independent experts. These form the basis for the Committee of Ministers' targeted conclusions and recommendations. All the States Parties are treated on an equal footing and direct dialogue between the Advisory Committee and the representatives of national minorities and civil society is pursued during the visits and follow-up activities.

**Internet:** <http://www.coe.int/minorities/>

The monitoring process has revealed shortcomings in the implementation of some important principles in the Framework Convention. At the same time, the dialogue initiated with the authorities and minorities has also produced significant advances. These have concerned not only improvements in legislative and institutional terms but also actual practices, where there has been a very direct impact on the situation of national minorities. While not the only factor in bringing about the progress recorded, the Framework Convention's monitoring has in many cases played a key part in prompting such improvements.

## European Charter for Regional or Minority Languages

**Practical examples: see page 43**

The European Charter for Regional or Minority Languages is the European legal frame of reference for the protection and promotion of languages used by traditional national and ethnic minorities. At present, the Charter has been ratified by 25 states. Another eight states have signed it. Six states committed themselves to ratifying the Charter when acceding to the Council of Europe, but have not yet done so.

The Charter obliges its States Parties to actively promote the use of minority languages in virtually all domains of public life: education, courts, administration, media, culture, economic and social life, and trans-frontier co-operation. Within its scope are the languages traditionally used within a state's territory, but it does not cover those connected with recent migratory movements or dialects of the official language.

**Internet:** <http://www.coe.int/minlang>

The Charter provides for a monitoring mechanism to evaluate at three-yearly intervals how the treaty is applied in a State Party. The Committee of Experts is responsible for carrying out this monitoring mechanism. Its role is to evaluate a State Party's compliance with its undertakings, to recommend improvements in legislation, policy and practice, and to report to the Committee of Ministers.

Once every two years, the Secretary General of the Council of Europe has to present to the Parliamentary Assembly a detailed report on the application of the Charter. This ensures that the members of the 47 parliaments of Greater Europe are kept informed about the application of the Charter, enabling them to bring political pressure to bear if necessary to encourage national governments to take appropriate measures.

## European Commission against Racism and Intolerance

**Practical examples: see page 45**

The European Commission against Racism and Intolerance (ECRI) is a Council of Europe human rights body entrusted with combating racism<sup>1</sup>, racial discrimination<sup>2</sup>, xenophobia, antisemitism and intolerance. It is composed of independent members

- 1 According to General Policy Recommendation (GPR) No. 7 racism means the belief that a ground such as "race", colour, language, religion, nationality or national or ethnic origin justifies contempt for a person or a group of persons or the notion of superiority of a person or a group of persons.
- 2 According to GPR No. 7 racial discrimination is any differential treatment based on a ground such as "race", colour, language, religion, nationality or national or ethnic origin, which has no objective and reasonable justification.

appointed on the basis of their moral authority and recognised expertise.

ECRI, in accordance with its statute, carries out country monitoring activities, dealing with all member states of the Council of Europe on an equal footing. This part of its work is conducted in five-year cycles, nine or ten countries being covered every year. The country reports are drafted following careful analysis of background information and a contact visit. Before their publication ECRI engages in confidential dialogue with the national authorities. Each report contains an analysis of the situation in the State concerned and recommendations to its Government on how to tackle the problems identi-

fied. ECRI's 5th round of country monitoring work (2013-2018) focuses on four topics common for all member States and a number of topics specific to each one of them. The four common topics are legislative issues, hate speech, violence and integration policies. Issues concerning lesbian, gay, bisexual and transsexual persons (LGBT) are addressed where they occur under topics such as hate speech or violence. In the framework of the interim follow-up procedure ECRI requests priority implementation of two specific recommendations within two years. The two other statutory activities of ECRI are the drawing up of general policy recommendations addressed to all member states (containing guidelines for national strategies, policies and legislation) and the development of relations with civil society (information and awareness-raising activities). The three aspects of ECRI's work are closely linked and interdependent. The country reports bring to light particular

**Internet:** <http://www.coe.int/ecri/>

problems and, taken as a whole, highlight the main trends in Europe. Some of the phenomena identified call for concerted action and ECRI develops proposals for adequate responses in its general policy recommendations. Information, awareness raising activities and close collaboration with national specialised bodies<sup>1</sup> help with the implementation of the general and country-specific recommendations. Acknowledging that problems exist is an essential precondition for combating racism and intolerance effectively. Thanks to ECRI, it is clear today that these phenomena occur throughout Europe, not only in their most extreme and serious forms, but also in everyday life, presenting major and sometimes insurmountable obstacles for many individuals.

<sup>1</sup> Independent authorities whose mandate includes the fight against discrimination on grounds such as "race", colour, language, religion, citizenship and national or ethnic origin.

## Council of Europe Convention on Action against Trafficking in Human Beings

Practical examples: see page 47

The Council of Europe Convention on Action against Trafficking in Human Beings [CETS No. 197] (hereinafter: "the Convention") was opened for signature in Warsaw on 16 May 2005 and entered into force on 1 February 2008.

This Convention is considered to be one of the Council of Europe's most important achievements in its 60 years of existence and the most important human rights treaty of the last decade. The first European treaty in this field, it is a comprehensive instrument focusing mainly on the protection of victims of trafficking and the safeguarding of their rights. It also aims to prevent trafficking and to prosecute traffickers. The Convention is not restricted to member states; non-member states and the European Union also have the possibility of becoming party to the Convention.

The monitoring mechanism of the Convention consists of two pillars: the Group of Experts on Action 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 non-members of the Council of Europe.

GRETA is the only independent human rights monitoring mechanism in the field of action against trafficking in human beings set up by an international legally binding instrument. GRETA is responsible for monitoring implementation of the Convention by the Parties and, to that end, adopts reports evaluating the measures taken by the parties to implement the Convention. Those Parties which do not fully respect the measures contained in the Convention will be required to step up their action. On the basis of the GRETA report and conclusions on a given party, the Committee of the Parties may adopt recommendations addressed to that party on measures to be taken in order to implement GRETA's conclusions.

Pursuant to Article 38 of the Convention, GRETA evaluates the parties' implementation of the Convention following a procedure divided into rounds. For each round, GRETA selects the specific provisions on which the evaluation procedure will be based. Furthermore, it may adopt a questionnaire on the parties' implementation of the provisions concerned. On the basis of the information gathered from a party's reply to the questionnaire and other information, including information obtained by GRETA from civil society or through a visit by a GRETA delegation to the country concerned, GRETA

prepares a draft report containing its analysis concerning the implementation of the provisions on which the evaluation is based, as well as its suggestions and proposals concerning the way in which the Party concerned may deal with the problems which have been identified. This draft report is submitted to the party concerned for comment, and GRETA adopts the final report, taking those comments into account.

GRETA has decided that the first evaluation round will last four years, from the beginning of 2010 to the end of 2013. For the first evaluation round, GRETA has selected convention provisions that will provide an overview of implementation of the Convention by each of the parties. The first evaluation round

started up in February 2010 with the sending of the questionnaire to the first ten countries to become parties to the Convention, which must reply by 1 September 2010 at the latest.

The Convention's effectiveness is measured in terms of the effectiveness of its monitoring mechanism. The mechanism provided for in the Convention, and in particular GRETA's independent expertise, is one of its strong points and it is certain that GRETA's first reports and conclusions, due in 2011, will have a real impact in the area of action against trafficking in human beings, not only for the country directly concerned but also for all the countries and players involved in combating this scourge.

**Internet:** <http://www.coe.int/trafficking>

## Council of Europe Commissioner for Human Rights

**Practical  
examples: see  
page 48**

The Commissioner for Human Rights is an independent and impartial non-judicial institution within the Council of Europe, mandated to promote awareness of and respect for human rights in the 47 member states. The Office of the Commissioner for Human Rights was established in 1999 (Resolution (99) 50). The activities of the Commissioner focus on three major, closely-related areas: a system of country visits and dialogue with national authorities and civil society; thematic reporting and advising on the systematic implementation of human rights; and awareness-raising activities.

The Commissioner carries out visits to member states to monitor and evaluate the human rights situation. These are focused visits for defining key problems and issuing precise recommendations. In the course of the visits, he meets with the highest representatives of government, parliament, the judiciary, civil society and national human rights structures. He also talks to ordinary people with human rights concerns, and visits places of human rights relevance, including prisons, psychiatric hospitals, centres for asylum seekers, schools, orphanages and settlements populated by vulnerable groups. Further to the visits, country-specific reports are published and the implementation of the recommendations is monitored as part of an ongoing, balanced dialogue with all member states.

In order to provide advice and information on the protection of human rights and the prevention of violations, the Commissioner may release opinions and other thematic

documents regarding specific human rights issues. The Commissioner also promotes awareness of human rights in Council of Europe member states by organising and taking part in seminars and events on various human rights themes. He further contributes to the debate and the reflection on current and important human rights matters through the publication of periodic articles and Issue Papers.

The Commissioner pays specific attention to the defence of human rights and engages in close co-operation with national human rights structures.

Since the entry into force of Protocol No. 14 to the European Convention on Human Rights, the Commissioner has the right to intervene *ex officio* as a third party in the Court's proceedings, by submitting written comments and taking part in hearings.

The Commissioner's activity also contributes to the early solution of emerging crises or to post-conflict reconstruction efforts.

The Commissioner's status as an independent institution within the Council of Europe allows him a unique flexibility to work with other institutions, including human rights monitoring mechanisms and intergovernmental and parliamentary committees. The Commissioner co-operates with all of the Council of Europe bodies and with a broad range of international institutions, most importantly the United Nations and its specialised offices, the European Union and the Organisation for Security and Co-operation in Europe (OSCE).

**Internet:** <http://www.commissioner.coe.int/>

## Group of States against Corruption – GRECO

Practical examples: see page 53

The Group of States against Corruption (GRECO) was established in 1999 as a partial agreement by 17 Council of Europe member States. Currently, GRECO – which is open not only to member States of the Council of Europe – comprises 49 members (48 European countries and the USA). All European Union Member States have joined GRECO. The number of member States is likely to grow further in the future.

GRECO's objective is to improve the capacity of its members to fight corruption by monitoring – through mutual evaluation and peer pressure – their compliance with Council of Europe anti-corruption instruments, including the Twenty Guiding Principles for the fight against corruption and the Criminal and Civil Law Conventions on Corruption. GRECO thus helps to identify shortcomings in national anti-corruption policies, laws and regulations as well as institutional set-ups with a view to prompting the necessary reforms.

GRECO's monitoring comprises an evaluation procedure which is based on on-site visits and followed up by an impact assessment (“compliance procedure”) designed to appraise the measures taken by its members to implement the recommendations emanating from country evaluations.

The current Fourth Evaluation Round, launched on 1 January 2012, is devoted to the prevention of corruption in respect of parliamentarians, judges and prosecutors. In its previous three rounds, GRECO dealt with a wide range of issues, such as anti-corruption bodies, immunities of public officials as pos-

sible obstacles in the fight against corruption, the protection of individuals who report their suspicions of corruption internally to responsible persons or externally to authorities (“whistleblowers”), the confiscation of corruption proceeds, the transparency of financing of political parties and election campaigns and the incriminations of corruption.

The approach applied by GRECO is widely accepted as exemplary: GRECO's *modus operandi*, its expert appraisals of the anti-corruption policies of its members, the constructive nature of its country-specific recommendations and the impact assessment designed to appraise their implementation are considered to be model elements of a successful monitoring mechanism. Close cooperation with other international key players, such as the United Nations and the OECD – who enjoy observer status with GRECO – as well as the relevant bodies of the European Union, is given high priority in order to further enhance the effectiveness of the Council of Europe's anti-corruption endeavours and to avoid overlap and duplication.

The work carried out by GRECO for almost 15 years has led to the adoption of a considerable number of reports that contain a tremendous wealth of factual information on anti-corruption policies in Europe and the United States, with a focus on both achievements and shortcomings. These reports evidence the undeniable progress made by many of GRECO's members in the fight against corruption. Examples of achievements are presented.

**Internet:** <http://www.coe.int/greco/>

## MONEYVAL

Practical examples: see page 53

Money laundering (ML) directly threatens the rule of law. It provides organised crime with its cash flow and investment capital, and the incentive to commit more proceeds-generating crime nationally and transnationally. Fighting money laundering effectively is crucial in the fight against organised crime and corruption. In today's globalised economy, the proceeds of crimes committed in one country can easily be moved to other countries where criminals perceive the defences against money laundering may be weaker. In the fight against money laundering and acquisitive crime, the global community is therefore as strong as its weakest links.

In 1997, the Council of Europe established the *Committee of Experts on the Evaluation of Anti-Money Laundering Measures* (PC-R-EV) as an anti-money laundering evaluation and peer pressure mechanism, subsequently re-named MONEYVAL. After 9/11, MONEYVAL's statute was revised by the Committee of Ministers to include compliance with the relevant standards on terrorist financing (FT), as some of the techniques which apply to money laundering are also relevant in identifying terrorist financing.

MONEYVAL is chiefly responsible for the assessment of those Council of Europe Member States that are not members of the Financial Action Task Force (FATF – set up by the G7 in 1989 to be a global standard-

setter in this area). In 2006, MONEYVAL became an *Associate Member* of the FATF and is now a leading and well-respected partner in the global network of anti-money laundering and combatting the financing of terrorism (AML/CFT) assessment bodies.

Currently, 28 Council of Europe Member States are evaluated by MONEYVAL. In addition, the Committee of Ministers accepted the applications of the State of Israel (2006) and the Holy See (including the Vatican City State), in 2011, to join MONEYVAL's statute and both have since been evaluated by MONEYVAL. In 2012, the UK Crown Dependencies of Jersey, Guernsey and the Isle of Man became subject to MONEYVAL evaluations and have all undergone progress reports and two of the Crown Dependencies (Jersey and Guernsey) will undergo evaluation in 2014.

MONEYVAL's objective is to improve the capacities of its States and territories to defend themselves, the international community and the global financial system against the threats from money laundering and terrorist financing. This is achieved through rigorous cycles of mutual evaluations and regular country-by-country follow-up processes for deficiencies identified in MONEYVAL reports.

MONEYVAL evaluates the implementation of relevant AML/CFT legal, financial and law enforcement measures in place in its jurisdictions. Subsequent reports are detailed and contain specific deliverables in the form of ratings on compliance and effectiveness of implementation for each of the 40+9 Recommendations of the FATF. Reports also include action plans for necessary improvements.

MONEYVAL is currently concluding its 4<sup>th</sup> round of evaluation visits following up progress on the major international standards and in particular areas where the State or territory received low ratings in the 3<sup>rd</sup> round. MONEYVAL's 3<sup>rd</sup> and 4<sup>th</sup> evaluation rounds are based on the "Common AML/CFT Methodology", agreed in 2004 between MONEYVAL, the FATF, the International Monetary Fund (IMF) and the World Bank. The 2004 Methodology was grounded in the major international AML/CFT standards, including the 40+9 FATF Recommendations and Special Recommendations of 2003, the Palermo Convention<sup>1</sup>, the Terrorist Financing Convention<sup>2</sup>, the 1990 Council of Europe *Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime* (CETS no.141) and the Vienna Convention<sup>3</sup>. Additionally, as a specifically European monitoring mechanism, MONEYVAL, uniquely among the global AML/CFT assess-

ment bodies, also evaluates against the *Directive on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing*<sup>4</sup> and its implementing measures. In MONEYVAL's 5<sup>th</sup> round (preparations for which begin in 2014), MONEYVAL will evaluate on 2012 revised 40 Recommendations of the FATF and the accompanying 2013 Methodology.

Depending on the level of compliance identified in the report, jurisdictions can be subjected to a range of follow-up processes, supplemented by MONEYVAL's *Compliance Enhancing Procedures*, which allow for the imposition of a graduated series of steps to ensure compliance with and implementation of international standards by MONEYVAL States and territories. Such measures have been used by MONEYVAL over four rounds – in three cases leading to high-level missions explaining to the highest levels of government the importance for the international community of effective AML/CFT measures<sup>5</sup>. In one case, in Azerbaijan, MONEYVAL also issued public statements about the risks the country then presented to the global financial system. After this step was taken, the authorities responded very positively and enacted strong preventive legislation.

The economic crisis, which began in 2008, has underlined the need for strong AML/CFT regimes globally. In April 2009, the G20 leaders agreed to take action against non-cooperative jurisdictions and called on the FATF to "revise and reinvigorate" the review process for assessing compliance by jurisdictions; MONEYVAL is actively contributing to the FATF's response. MONEYVAL also co-

- 1 The UN *Convention against Transnational Organized Crime* (UNTOC, or Palermo Convention) is a 2000 multilateral treaty adopted by the UN General Assembly on 15 November 2000. It has three protocols: the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children*, the *Protocol against the Smuggling of Migrants by Land, Sea and Air*, and the *Protocol against the Illicit Manufacturing and Trafficking in Firearms*.
- 2 The UN *Terrorist Financing Convention* is a 1999 treaty designed to criminalise acts of financing terrorist activities and to promote police and judicial co-operation.
- 3 The UN *Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances* of 1988 (Vienna Convention) is one of three major drug control treaties currently in force and provides additional legal mechanisms for enforcing the 1961 *Single Convention on Narcotic Drugs* and the 1971 *Convention on Psychotropic Substances*.
- 4 European Parliament and Council Directive 2005/60/EC of 26 October 2005, also known as the 3<sup>rd</sup> EU Directive
- 5 A fourth high level mission will take place early in 2014 to a MONEYVAL State or territory

chairs the Europe/Eurasia Regional Review Group (ERRG), which is taking forward this issue in respect of relevant European jurisdictions, whether they are evaluated by FATE, MONEYVAL or other bodies.

All MONEYVAL reports automatically become public documents and are published on the MONEYVAL website.

**Internet:** <http://www.coe.int/Moneyval/>

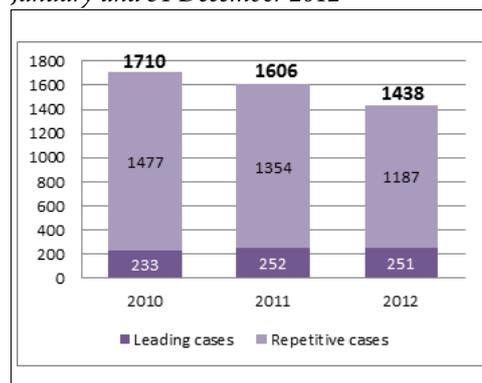
# Part 2: Practical examples of the impact of the Council of Europe monitoring mechanisms on member states

## The European Convention on Human Rights

In addition to offering redress to applicants when a violation has been established by the Court, respondent states must also adopt general measures, when the judgment reveals a structural problem (Article 46).<sup>1</sup> The examples below are in no way exhaustive and are intended only to give an idea of the impact of the judgments of the Court. The measures taken are presented in detail in the final resolutions adopted or, as regards cases still pending for examination before the Committee of Ministers, in the annotated agenda of the “human rights” meetings of the Committee of Ministers. Additionally, since 2007 the Committee of Ministers has published annual reports presenting, *inter alia*, a thematic selection of the cases examined during the year.

### Statistics on the execution of judgments of the European Court of Human Rights

New cases which became final between 1st January and 31 December 2012



Cases closed by the adoption of a final resolution in 2012



These graphs show, respectively, the development since 2010 of the number of new cases submitted for supervision by the Committee

of Ministers, as well as cases where the examination was closed by the adoption of a final resolution.

### Examples of general measures adopted following judgments of the European Court of Human Rights

**Albania** Reform of the bailiff system, with a view to ensuring effective implementation of judicial decisions (*Qufaj Co. Sh. P.K., application No. 54268/00, CM/ResDH(2011)86*).

The provisions which allowed the quashing of final judicial decisions have been repealed (*Driza, application No. 33771/02, judgment of*

*13 November 2007, final on 2 June 2008 – examination under way*).

Improvement of the legal protection of children in case of kidnapping by a parent (*Bajrami, application No. 35853/04, judgment of 12 December 2006, final on 12 March 2007, revised on 18 December 2007, final on 18 March 2008 – examination under way*).

**Andorra** Extension of the right of constitutional appeal, which can now be filed without

requiring the agreement of the public prosecutor (*Millan i Tornes, ResDH(1999)721*).

<sup>1</sup> For each example, the name of the judgment following which legislative or case-law changes occurred and, where appropriate, the references of the case itself or those of the Committee of Ministers resolutions in which they are acknowledged have been indicated.

<b>Armenia</b>	Adoption of a new law regulating the procedure for holding assemblies, rallies, street processions and demonstrations ( <i>Mkrtchyan, ResDH(2008)2</i> ).	Introduction in the broadcasting law of the obligation to give proper reasons for all decisions to select a licence-holder, refuse a licence or invalidate a licence ( <i>Meltex Ltd and Mesrop Movsesyan, 32283/04, CM/ResDH(2011)39</i> ).
<b>Austria</b>	Legislative reform in Austria aiming at prohibiting aliens' expulsion to countries where they would risk being subjected to inhuman or degrading treatments ( <i>Ahmed, ResDH(2002)99</i> ). Liberalisation of broadcasting ( <i>Informationsverein Lentia and others, ResDH(1998)142</i> ). Adoption of a new Media Act, providing, inter alia, that in criminal proceedings initiated under this Act, the court may choose not	to hold an oral, public hearing only if the persons involved have explicitly waived their right thereto ( <i>A.T., CM/ResDH(2007)76</i> ).  The Electoral Code has been amended in June 2011, and an additional safeguard incorporated into the Code of Criminal Procedure, stipulating that disenfranchisement of a prisoner is to be decided upon in the criminal judgment ( <i>Frodl, CM/ResDH(2011)91</i> ).
<b>Azerbaijan</b>	Introduction in the law of explicit deadlines for the registration of legal entities ( <i>Ramazanova, application No. 44363/02, judgment of 1 February 2007, final on 1 May 2007 – examination under way</i> ).	Training measures for prosecutors, investigators, police officers and judges aimed at prevent torture and inhuman and degrading treatments ( <i>Mammadov, application No. 34445/04, judgment of 11 January 2007, final on 11 April 2007 – examination under way</i> ).
<b>Belgium</b>	Legislative reform aiming at eliminating discriminations which existed in Belgian inheritance law based on marital status or which affected children born out of wedlock ( <i>Marckx, ResDH(1988)3</i> ).  Change of the practice of the Belgian Court of Cassation concerning the interpretation of the provisions of the criminal procedure code regulating the requests for release from	detention on remand ( <i>Bernaerts, ResDH(1995)104</i> ).  Introduction of the possibility to re-open criminal proceedings following a violation of the European Convention on Human Rights ( <i>Goktepe, CM/ResDH(2009)65</i> ).  New law on the protection of journalistic sources as regards searches or seizures ( <i>Ernst et autres, CM/ResDH(2010)39</i> ).
<b>Bosnia-Herzegovina</b>	Strengthening of sanctions in case of non-respect by a parent of the custody rights of the other parent, setting-up of measures aimed at ensuring the enforcement of rights in these cases as well as at protecting the child ( <i>Šobota-Gajić, application No. 27966/06, judgment of 6 November 2007, final on 6 February 2008 – examination in principle closed</i> ).	Amendments to the Pension and Disability Insurance Law entered into force in June 2012, providing that individuals internally displaced to the Republika Srpska during the war, and who had returned to the Federation of Bosnia and Herzegovina, are eligible to apply to the Federation of Bosnia and Herzegovina Fund Pension ( <i>Sekerović et Pasalić and other similar cases, CM/ResDH(2012)148</i> ).
<b>Bulgaria</b>	Decriminalisation of conscientious objection and introduction of alternative service to military obligations ( <i>Stefanov, ResDH(2004)32</i> ).  Adoption of a new law on religious denominations, allowing the registrations of Jehovah's Witnesses as a legal entity ( <i>Lotter and Lotter, ResDH(2009)62</i> ).  Adoption of a new Health Act, according to which only a court is competent to order psy-	chiatric confinement ( <i>Varbanov, CM/ResDH(2010)40</i> ).  Instructions have been drafted for the investigatory bodies, indicating that they must collect evidence concerning the psychological conditions of the victims in rape cases, in conformity with the principles stemming from the European Court's case-law ( <i>M.C., CM/ResDH(2011)3</i> ).
<b>Croatia</b>	Legislative reform introducing a domestic remedy against excessive length of proceedings and adoption of legislative and other	measures aimed at preventing excessive length of civil proceedings ( <i>Horvat, ResDH(2005)60</i> ).

	Adoption of a new Family Act, specifically providing for means to establish paternity rapidly in cases where the putative father refuses to co-operate in the proceedings ( <i>Mikulic, CM/ResDH(2006)69</i> ).	tions into hate crimes and implementation of a training programme aimed at improving prevention of hate crimes by raising police officers' awareness in this respect ( <i>Sečić, application No. 40116/02, judgment of 31 May 2007, final on 31 August 2007 – examination under way</i> ).
<b>Cyprus</b>	New legislation giving effect to the right to vote and to be elected in parliamentary, municipal and community elections to	Cypriot nationals of Turkish origins habitually residing in the Republic of Cyprus ( <i>Aziz, CM/ResDH(2007)77</i> ).
<b>Czech Republic</b>	Constitutional Court's public undertaking to respect the European Court's judgments and fully take them into account when interpreting the Constitution and the Convention, so as to avoid violations, notably as regards fairness of civil proceedings ( <i>Krčmář and others, ResDH(2001)154</i> ). Change of case-law by the Supreme Court, defining the circumstances in which first instance courts are obliged to hold oral hearings to examine requests for the declaration of bankruptcy and subsequent adoption of a new law on bankruptcy ( <i>Exel, CM/ResDH(2006)71</i> ). Change of practice by the Constitutional Court as regards admissibility of constitu-	tional appeals and adoption of a law on extraordinary appeals ( <i>Soudek, ResDH(2007)31</i> ). Introduction of an obligation for courts to decide on an application for release from detention no later than within five working days ( <i>Singh, ResDH(2007)119</i> ). Introduction in the code of criminal procedure of provisions on the use of lists of telephone calls in the context of criminal investigations as well as the recording of conversations by means of listening devices concealed on people's bodies ( <i>Heglas, application No. 5935/02, judgment of 1 March 2007, final on 9 July 2007 – examination in principle closed</i> ).
<b>Denmark</b>	Adaptation of the practice followed by the Danish courts concerning civil cases in order to ensure a better supervision of the compliance with the reasonable time requirement ( <i>A. and others, Resolution DH (1996)606</i> ).	Legislative extension of the negative freedom of association, i.e. the right not to be a member of a trade union ( <i>Sørensen and Rasmussen, CM/ResDH(2007)6</i> ).
<b>Estonia</b>	Setting up of a programme to build new prisons and extensively renovate existing ones. Pending the completion of the programme, introduction of temporary measures to improve the standard of arrest houses. Introduction of a complaint mechanism against ill-treatment in detention ( <i>Alver, CM/ResDH(2007)32</i> ).	Introduction of a new Code of criminal procedure, establishing time-limits to pre-trial detention, setting up a mechanism whereby the lawfulness of such detention can be regularly verified and fixing time-limits to decide about the lawfulness of the detention ( <i>Sulaoja and Pihlak, CM/ResDH(2007)33</i> ).
<b>Finland</b>	Reform of the Child Welfare Act, regulating in more detail, <i>inter alia</i> , contacts between children placed in foster care and their parents and implementation of a child welfare promotion training programme for Social Affairs staff ( <i>K.A., CM/ResDH(2007)34</i> ).	Adoption of an Act on the Exercise of Freedom of Expression in Mass Media, clarifying certain provisions on publications and their relationship with the Coercive Measures Act ( <i>Goussev and Marenk, CM/ResDH(2007)36</i> ).
<b>France</b>	Change of the national practice concerning the possibility, for transsexuals, to have their new sexual identity reflected in their civil status ( <i>B., ResDH(1993)52</i> ). Change of case-law, followed by legislative amendment, setting aside the difference of treatment as regards heritage between legiti-	mate and adulterine children ( <i>Mazurek, CM/ResDH(2005)25</i> ). Reforms aimed at avoiding the excessive length of pre-trial investigation stage in particular and the excessive length of criminal proceedings in general and introduction of an effective domestic remedy to complain

	<p>against such length (<i>Etcheveste and Bidart, CM/ResDH(2007)39</i>).</p> <p>The Aliens Act of May 1998 abolished the nationality requirement as regards allowance for disabled adults (<i>Koua Poirrez, CM/ResDH(2010)99</i>).</p>	<p>Amendment of the Criminal Code in March 2003 to establish a presumption of vulnerability for minors in case of servitude, and providing an aggravation of the penalty. The Law of November 2007 enacted as criminal offence the traffic in human beings (<i>Siliadin, CM/ResDH(2011)210</i>).</p>
<b>Georgia</b>	<p>Demolition of an insanitary prison, replaced by a more modern establishment with better amenities, and preparation of a plan of action for treating infectious diseases during detention (<i>Ghavitadze, application No. 23204/07, judgment of 3 March 2009, final on 3/06/2009 – examination under way</i>).</p>	<p>Repeal of the Penal Code provision which used to allow the imposition of a pre-trial detention measure according to the seriousness of the charge, and introduction of a new clause to the effect that a pre-trial detention measure may be ordered only where its aims cannot be achieved by a less stringent measure (<i>Patsouria, CM/ResDH(2011)105</i>).</p>
<b>Germany</b>	<p>Reform of the Court Costs Act and the Code of Criminal Procedure to the effect that, in criminal proceedings or in court proceedings under the Regulatory Offences Act, interpretation costs are payable by an accused or other person concerned who does not understand German only if these costs are imposed on him by the court on the grounds that he incurred them unnecessarily by his own default or in another culpable manner (<i>Öztürk, ResDH(1989)31</i>).</p> <p>Change of court practice regarding publication of photos of public figures in order to balance public and private interests more satisfactorily (<i>Von Hannover, ResDH(2007)124</i>).</p> <p>Amendment of the Family Benefits Act to eliminate points of discriminatory treatment as between different categories of foreigners (<i>Niedzwiecki, application No. 58453/00, judgment of 17 October 2005, final on 15 February 2006 – examination in principle closed</i>).</p>	<p>The <i>Act on Legal Redress for Excessive Length of Court Proceedings and of Criminal Investigation Proceedings</i> came into force one year after the pilot judgment became final, on 3 December 2011, ensuring an effective remedy in this respect (<i>Rumpf and 70 others, CM/ResDH(2013)244</i>).</p> <p>The applicant, born out of wedlock in 1948 in the former “German Democratic Republic”, was prevented to assert her inheritance rights vis-à-vis her late father, resident in the Federal Republic of Germany. The Code of Civil Procedure and the Fiscal Code have been amended by the “Second Act for equal inheritance rights for children born outside of marriage” entered into force in April 2011 and applicable retroactively to all cases of succession following the date of the Court’s decision (<i>Brauer, CM/ResDH(2012)83</i>).</p>
<b>Greece</b>	<p>Change of the national practice concerning the offence of “proselytism” (<i>Kokkinakis, ResDH(1997)576</i>).</p> <p>Constitutional amendment and insertion of an interpretative clause to Article 4§6 of the Greek Constitution) providing for the possibility of alternative service within or outside the arm forces by those having substantiated conscientious objection to performing armed or military duties in general (<i>Thlimmenos, ResDH(2005)89</i>).</p> <p>Constitutional reform reinforcing the administration’s obligation to comply with all</p>	<p>judicial decisions and allowing compulsory execution of judgments against the state, local authorities and legal entities of public law (<i>Hornsby and others, ResDH(2004)81</i>).</p> <p>Legislation in 2012 amended the Code of Criminal Procedure which now stipulates that a witness appearing before a criminal court can, at his discretion and without other formalities, choose between taking a religious oath and making a solemn declaration (<i>Dimitras and others, Dimitras and others n° 2, CM/ResDH(2012)184</i>).</p>
<b>Hungary</b>	<p>Adoption of measures (order of the Minister of Justice and circular addressed to directors of prisons) which exempt all correspondence between prisoners and their lawyers or international organisations from monitoring (<i>Sarkozi, ResDH(1998)201</i>).</p>	<p>Introduction of the principle of adversarial proceedings where the extension of detention on remand is considered (<i>Osvath, ResDH(2008)74</i>).</p>

<b>Iceland</b>	Abolition of the stipulation of membership of a specific trade union in order to operate a	taxi business ( <i>Sigurdur Sigurjonsson, ResDH(1995)36</i> ).
<b>Ireland</b>	Reform of the criminal laws punishing homosexual acts in Ireland ( <i>Norris, ResDH(1993)62</i> ).	Reform of the Status of Children Act ensuring equal rights for all children, whether born in or out of wedlock ( <i>Johnston, ResDH(1988)11</i> ).
<b>Italy</b>	Legislative reform aiming at preventing arbitrary monitoring of prisoners' correspondence ( <i>Diana, ResDH(2005)55</i> ).	proceedings only with the consent of the accused person ( <i>Lucà, CM/ResDH(2005)86</i> ).
	Constitutional and legislative amendments, providing that statements made in a non-adversarial context may be used in criminal	A new law entered into force in 2007 to prescribe new rules for the adoption of minors, including an "adoptability declaration" procedure for the parents ( <i>Todorova, (CM/ResDH(2010)172</i> )
<b>Latvia</b>	Reform of the Law on Election to Parliament and deletion of the provisions requiring higher proficiency in Latvian language for all persons running for parliamentary election ( <i>Podkolzina, ResDH(2003)124</i> ).	bility of family visits for persons on remand ( <i>Lavents, ResDH(2009)131</i> ).
	Introduction of the post of investigating judge responsible for upholding human rights in criminal proceedings; restriction of the monitoring of prisoners' correspondence, and adoption of a rule prescribing the possi-	Repeal by the Constitutional Court of a provision of the Code of Administrative Fine Offences which contravened, inter alia, the principle of the right to a dual level of jurisdiction in criminal cases ( <i>Zaicevs, application No. 65022/01, judgment of 31 July 2007, final on 31 October 2007 – examination in principle closed</i> ).
<b>Liechtenstein</b>	Change of the procedural practice on pre-trial detention, introducing the possibility for the detainee to be heard before a decision to	prolong his/her detention is taken ( <i>Frommelt, CM/ResDH(2007)55</i> ).
<b>Lithuania</b>	Reform of the legislative provisions concerning detention on remand ( <i>Ječius, ResDH(2004)56</i> ).	Building of new prisons and refurbishment of old ones in order to put sanitary conditions in accordance with international standards, supplying detainees with free of charge personal hygiene materials and organising sport and cultural activities for them ( <i>Savenkovas, application No. 871/02, judgment of 18 November 2008, final on 18 February 2009 – examination in principle closed</i> ).
	Introduction of provisions concerning the questioning of anonymous witnesses ( <i>Birutis, ResDH(2004)45</i> ).	Abrogation of certain restrictions to the employment of former KGB agents, including in the public sector ( <i>Sidabras and Džiautas, application No. 55480/00+, judgment of 27 July 2004, final on 27 October 2004 – examination in principle closed</i> ).
	Introduction of time-limits for completion of criminal cases, including the possibility for the investigating judge seized of a complaint relating to the excessive length of pre-trial investigation to compel the prosecutor to complete or discontinue the investigation ( <i>Girdauskas, ResDH(2007)127</i> ).	
<b>Malta</b>	Amendment to the Criminal Code, granting the Court of Magistrates the power to automatically review the merits of any person's detention and giving to detainees the right to	speedy review of the lawfulness of their continued detention ( <i>Sabeur Ben Ali, CM/ResDH(2007)8</i> ).
<b>Republic of Moldova</b>	Adoption of a new Code of Civil Procedure, repealing the possibility for the Prosecutor General to request the annulment of final judgments ( <i>Roșca, CM/ResDH(2007)56</i> ).	<i>Church of Bessarabia and others, ResDH(2010)8</i> ).
	Reform of the Law on Religious Denominations, recognising religious freedom and providing effective remedies ( <i>Metropolitan</i>	Reform of the conditions of office of judges aimed, inter alia, at specifying the time limits for the discharge of their duties ( <i>Gurov, application No. 36455/02, judgment of 11 July 2006, final on 11 October 2006 – examination in principle closed</i> ).

<b>Netherlands</b>	Amendment of the Dutch Civil Code concerning the right of parentage and the conditions of recognition of the biological father's paternity ( <i>Kroon and others, ResDH(98)148; Camp and Bourimi, CM/ResDH(2007)57</i> ).	Adoption of a new law (Intelligence and Security Services Act 2002) specifying the circumstances and conditions in which the authorities can carry out measures of secret surveillance and providing a new procedure concerning requests for access to security services files ( <i>R. V., CM/ResDH(2007)86</i> ).
<b>Norway</b>	Change of case law of the Norwegian Supreme Court regarding defamation ( <i>Bergens Tidende, CM/ResDH(2002)69</i> ).	
<b>Poland</b>	Raising of the number of psychiatric experts attached to the regional courts, and of their fees, in order to prevent delays to psychiatric reports ( <i>Musial, ResDH(2001)11</i> ). Setting up of a compensation mechanism for former owners of land situated beyond the River Bug which was abandoned after the second world war ( <i>Broniowski, ResDH(2009)89</i> ).	Amendment of the law on Maritime Chambers to ensure their independence and impartiality ( <i>Brudnicka and others, application No. 54723/00, judgment of 3 March 2005, final on 3 June 2005 – examination in principle closed</i> ). Simplification of the registration formalities for vehicles purchased at public auction ( <i>Sil-dedzis, CM/ResDH(2010)78</i> ).
<b>Romania</b>	Abrogation of the provisions that allowed the annulment of final judicial decisions establishing the right to have nationalised prop-	erty restored ( <i>Brumărescu, CM/ResDH(2007)90</i> ).
<b>Russian Federation</b>	Introduction of a new indexation system for allowances to Chernobyl victims and other measures ensuring execution of judicial decisions awarding such allowances ( <i>Burdov, ResDH(2004)85</i> ).	Recognition of unmarried cohabiting couples' tenancy rights in favour of the partner of the registered tenant, after the latter's death ( <i>Prokopovich, application No. 58255/00, judgment of 18 November 2004, final on 18 February 2005 – examination in principle closed</i> ).
<b>San Marino</b>	Introduction of the possibility for the accused person to be heard in person in	appeal criminal proceedings ( <i>Tierce and others, CM/ResDH(2004)3</i> ).
<b>Serbia</b>	Acknowledgement by the Supreme Court of the direct effect of the Court's case-law in domestic law, in the context of cases concerning freedom of expression and, in partic-	ular, extension of the degree of acceptable criticism of public figures compared to private individuals ( <i>Lepojic, ResDH(2009)135</i> ).
<b>Slovak Republic</b>	Constitutional reform introducing an effective remedy against the excessive length of proceedings and adoption of legislative measures (notably a new Code of Criminal Procedure) to accelerate criminal proceedings ( <i>Krumpel and Krumpelová, CM/ResDH(2007)10</i> ). Repeal of the provisions of the Family Act and the Social Assistance Act which allowed	the administrative authorities to take urgent measures for placement of children – these decisions are henceforth taken by judges ( <i>Berecova, ResDH(2009)11</i> ). Termination of the effects of the Lustration Act excluding former officers of the State Security Agency from certain important administrative posts ( <i>Turek, CM/ResDH(2012)59</i> ).
<b>Slovenia</b>	Introduction of training and other measures intended to prevent ill-treatment of persons	held by the police ( <i>Rehbock, ResDH(2009)137</i> ).
<b>Spain</b>	Change of the case-law of Spanish courts concerning the obligation to allow the truth defence in defamation proceedings – the Spanish Constitutional court confirmed the direct applicability of the Strasbourg case-law ( <i>Castells, ResDH(1995)93</i> ). Introduction in the Penal Code of stricter sanctions for child abduction so as to ensure	a better protection of parental custody rights ( <i>Iglesias Gil and A.U.I., CM/ResDH(2006)76</i> ). Enhancing of safeguards as regards the composition of military courts and the procedural rules applicable by military judges sitting on such courts, with a view to avoiding the situation in which the same

judge hears a case at first instance and at appeal (*Perote Pellon, CM/ResDH(2005)94*).

<b>Sweden</b>	Reform of judicial review of certain administrative decisions ( <i>Pudas and Bodén, ResDH(1988)15 and 16</i> ). Issuing of guidelines notably aimed at reducing the length of taxation proceedings	and adoption of a new Tax Payment Act granting taxpayers the right to a stay of execution with respect to tax surcharges until the adoption of a decision by the competent authority ( <i>Janosevic, CM/ResDH(2007)59</i> ).
<b>Switzerland</b>	Adoption of new legislative rules on telephone tapping ( <i>Kopp, ResDH(2005)96</i> ).	
<b>“The former Yugoslav Republic of Macedonia”</b>	Supreme Court’s recognition of the fact that the Convention is an integral part of the national legal system, and that the domestic	courts must refer to the judgments of the European Court in their reasoning ( <i>Stoimenov, ResDH(2009)139</i> ).
<b>Turkey</b>	Adoption of legislative amendments abolishing the presence of a military judge in State security courts ( <i>Çiraklar, ResDH(1999)555</i> ). Amendments to the regulatory framework concerning the conditions to be fit for military service and setting up of supervision of	conditions during military service in order to prevent suicide of conscripts ( <i>Abdurrahman Kiliç, CM/ResDH(2007)99</i> ). Constitutional and legislative reforms aimed at restricting the possibility to dissolve political parties ( <i>United Communist Party of Turkey, CM/ResDH(2007)100</i> ).
<b>Ukraine</b>	Amendment of criminal and civil provisions on defamation, notably aimed at specifying the difference between “value judgments” and “factual statements” and at introducing a defence of conscientious publication ( <i>Ukrainian Media Group, CM/ResDH(2007)13</i> ). The full bench of the Supreme Court has adopted guidelines for the application of the	law by courts in cases concerning adoption and deprivation and restoration of parental rights, in order to guarantee the coherent and proper handling of cases concerning custody of children ( <i>Hunt, ResDH(2008)64</i> ). Amendment of the electoral law ( <i>Kovach, application No. 39424/02, judgment of 7 February 2008, final on 7 May 2008 – examination under way</i> ).
<b>United Kingdom</b>	Legislative reform aimed at prohibiting the use of evidence obtained under compulsion in criminal trials ( <i>Saunders, ResDH(2004)88</i> ).  Reform of electoral laws, allowing Gibraltar citizens to take part in elections to the European Parliament ( <i>Matthews, ResDH(2006)57</i> ).  Adoption of the Human Rights Act, providing an effective domestic remedy against alleged violations of human rights by the authorities ( <i>inter alia, see Hatton, CM/ResDH(2005)29</i> ).	Adoption of a new law concerning the financing of political parties ( <i>Bowman, ResDH(2007)14</i> ).  A new law ( <i>Sexual Offences Act 2003</i> ) came into force in May 2004 repealing the specific offence for any homosexual activity whatsoever engaged in privately between consenting adults ( <i>A. D. T., CM/ResDH(2010)118</i> ).  The possibility of fully recognising the sex change of post-operative transsexuals, for purposes including access to marriage, has been written into law ( <i>Christine Goodwin, application No. 28957/95, judgment of 11 July 2002 – Grand Chamber – examination in principle closed</i> ).

### Examples of individual measures adopted following judgments of the European Court of Human Rights

<b>Albania</b>	The applicant, who suffered from chronic schizophrenia and was sentenced to life imprisonment, has been transferred to a prison where he is receiving suitable medical	treatment ( <i>Dybeku, application No. 41153/06, judgment of 18 December 2007, final on 18 March 2008 – examination under way</i> )
<b>Andorra</b>	The applicant, who was unable to appeal against his conviction before the Constitutional Court, has been authorised to bring a	constitutional appeal ( <i>Millan i Tornes, ResDH(1999)721</i> ).

	The applicant, excluded from an inheritance due to being an adopted child rather than the “son of a lawful and canonical marriage”, was	able to obtain compensation for the pecuniary and non-pecuniary damage incurred ( <i>Pla and Puncernau, CM/ResDH(2011)88</i> ).
<b>Armenia</b>	The applicant, convicted on the basis of statements obtained under duress, was granted a retrial ( <i>Harutyunyan, CM/ResDH(2011)40</i> ).	
<b>Austria</b>	Presidential pardon expunged sentences and removed applicant’s name from criminal records ( <i>Bönisch, ResDH(87)1</i> ).	
<b>Azerbaijan</b>	The applicant’s association in favour of homeless people was registered when the case was still being examined by the Court ( <i>Ramazanova, application No. 44363/02, judgment of 1 February 2007, final on 1 May 2007 – examination under way</i> ). The applicant obtained the eviction of the people illegally squatting her apartment ( <i>Akimova, application No. 19853/03, judgment of 27 September 2007, final on 27 December</i>	<i>2007, friendly settlement of 9 October 2008 – examination under way</i> ).  The applicant, who had been wrongfully dismissed, was reappointed to her post of head of a maternity ward ( <i>Efendiyeva, application No. 31556/03, judgment of 25 October 2007, final on 25 January 2008; and judgment of 11 December 2008, final on 11 March 2009 – examination under way</i> ).
<b>Bosnia-Herzegovina</b>	The applicant and her son were reunited, after a five-year separation resulting from the child’s abduction by his father following the parents’ divorce ( <i>Šobota-Gajić, application No. 27966/06, judgment of 6 November 2007, final on 6 February 2008 – examination in principle closed</i> ). The applicant obtained the restitution of his savings, previously frozen since the dissolu-	tion of the former Yugoslavia ( <i>Jeličić, CM/ResDH(2012)10</i> ).  The applicants, previously detained under conditions which imperilled their physical integrity, have been transferred to another prison which does not pose the same problems ( <i>Rodić and three others, CM/ResDH(2011)93</i> ).
<b>Bulgaria</b>	The applicant, who was detained on remand, was released on bail immediately after the European Commission of Human Rights had adopted its report. Furthermore, following the finding of a violation because of the excessive length of the criminal proceedings, the competent Court gave priority to the case	and took a number of measures to accelerate the proceedings ( <i>Nankov, ResDH(2001)59</i> ). At the request of the State Prosecutor, the unfair proceedings leading to the applicant’s conviction were reopened, the conviction was quashed, and the case was referred to the appropriate court for fresh examination ( <i>Kounov, ResDH(2008)70</i> ).
<b>Croatia</b>	In a series of cases concerning excessive length of proceedings, the domestic proceedings stayed were resumed. In addition, the President of the Supreme Court and presidents of all County Courts and Municipal Courts in Croatia were urged by the Ministry of Justice to display special diligence in the conduct of the proceedings concerning these cases ( <i>Kutić, ResDH(2006)3</i> ). The domestic proceedings, the excessive length and inefficiency of which were called	into question in the European Court’s judgment, were ended. The defendant’s paternity was established and the applicant was granted maintenance ( <i>Mikulić, ResDH(2006)69</i> ). The applicant obtained the restitution of his passport, seized for two years by the custom authorities for non-payment of a fine ( <i>Napijalo, ResDH(2007)29</i> ).
<b>Cyprus</b>	Following the adoption of general measures, the applicant can henceforth enjoy his right to vote ( <i>Aziz, CM/ResDH(2007)77</i> ).	
<b>Czech Republic</b>	The applicant, a former military judge, has been able to continue drawing the retirement allowance which was suspended in a discrim-	inatory fashion when he was appointed as a judge to an ordinary court ( <i>Buchen, ResDH(2007)116</i> ).

<b>Denmark</b>	The residence permit of a Somali minor has been reinstated, after the initial refusal to renew it upon her return to Denmark after a	more than two years long “re-education” stay in Kenya decided by her parents ( <i>Osman, CM/ResDH(2012)117</i> )
<b>Estonia</b>	The applicant was transferred to a different prison than the one where he had suffered from ill-treatment and was released shortly after. The Court awarded him a just satisfaction in respect of the non-pecuniary damage suffered ( <i>Alver, CM/ResDH(2007)32</i> ).	The applicant, convicted of tax evasion on the basis of provisions not yet in force at the material time, was tried again and acquitted by the Supreme Court which in so doing acknowledged the direct effect of the European Court’s judgments ( <i>Veeber No. 2, ResDH(2005)62</i> ).
<b>Finland</b>	Granting of a residence permit to an applicant, whose expulsion to Congo would have put him at risk of being ill-treated ( <i>N., CM/ResDH(2007)35</i> ).	The applicants could give their child the name they had chosen for him, which had been initially refused by the authorities ( <i>Johansson, application No. 10163/02, judgment of 6 September 2007, final on 6 December 2007 – examination under way</i> ).
<b>France</b>	The applicant case was referred for retrial, following the finding of the Court that the criminal proceedings against him had been unfair ( <i>Mayali, CM/ResDH(2007)46</i> ). The applicants, who had suffered from an excessive burden as a result of a compulsory	purchase of land, were compensated for the pecuniary damage sustained, taking into account the present market value of the land and the compensation already paid in the past ( <i>Motais de Narbonne CM/ResDH(2007)47</i> ).
<b>Georgia</b>	The applicant, arbitrarily detained despite his acquittal, was released the day after the European Court’s judgment ( <i>Assanidzé, ResDH(2006)53</i> ). The decision to extradite one of the applicants to Russia, where he risked ill-treatment,	was set aside by the Supreme Court of Georgia after the judgment of the European Court ( <i>Shamayev and 12 others, application No. 36378/02, judgment of 12 April 2005, final on 12 October 2005 – examination under way</i> ).
<b>Germany</b>	The applicant was granted sole custody of his child, born out of wedlock and initially placed in a foster family after the biological	mother had abandoned him ( <i>Görgülü, ResDH(2009)4</i> ).
<b>Greece</b>	The applicants were granted the licenses to operate their school ( <i>Hornsby, ResDH(2004)81</i> ). The applicants were granted a permit to establish a place of worship. In addition, their	case was reopened and their conviction was quashed, thus definitively putting an end to their prosecution ( <i>Manoussakis, ResDH(2005)87</i> ).
<b>Hungary</b>	The ban on leaving the territory applying to the applicant for over ten years following a fraudulent bankruptcy has been lifted. ( <i>Földes et Földesné Hajlik, application No. 41463/02, judgment of 31 October 2006, final on 26 March 2007 – examination in principle closed</i> ). The applicant obtained access to the documents concerning the secret services which he needed to consult for his research ( <i>Kenedi, application No. 31475/05, judgment of 26 May</i>	<i>2009, final on 26 August 2009 – examination under way</i> ).  The applicant, who stood convicted of “crimes against humanity” for killing two persons during a military operation, was granted the reopening of the criminal proceedings against him ( <i>Korbely, application No. 9174/02, judgment of 19 September 2008 – Grand Chamber – examination in principle closed</i> ).
<b>Latvia</b>	Following the judgment, the legislative amendments made enabled the applicant, a member of the Russian-speaking minority, to stand for election without needing to prove her knowledge of the Latvian language ( <i>Podkolzina, ResDH(2003)124</i> ).	The applicants, who had been struck off the register of Latvian residents as “citizens of the former USSR” despite having spent their entire lives in Latvia, obtained a permanent residence permit ( <i>Slivenko, ResDH(2009)130</i> ).

	The applicant, detained under conditions not suited to his age (84 years) and state of health, was released shortly after the application was lodged with the Court ( <i>Farbtuhs, CM/ResDH(2007)54</i> ).
<b>Lithuania</b>	<p>The applicant was fully compensated and, following the reopening of his case by the Supreme Court, obtained the payment of the interests claimed, relating to the prejudice suffered following the seizure of mink furs in the framework of criminal proceedings in which he was eventually acquitted (<i>Jucys, application No. 5457/03, judgment of 8 January 2008, final on 8 April 2008 – examination in principle closed</i>).</p> <p>The applicant, who had been convicted of corruption committed at the instigation of state officials, had his conviction set aside, together with the ban on working in judicial institutions (<i>Ramanauskas, application No. 74420/01, judgment of 5 February 2008 – Grand Chamber – examination in principle closed</i>).</p> <p>The applicant obtained the implementation of the judicial decision she had been expecting for eight years; she was accordingly allocated a plot of land, as compensation for the one nationalised during the Soviet period (<i>Jasiūnienė, application No. 41510/98, judgment of 6 March 2003, final on 6 June 2003 – examination in principle closed</i>).</p> <p>The data relating to the applicant have been removed from the national list of prohibited aliens (<i>Gulijev, application No. 10425/03, judgment of 16 December 2008, final on 16 March 2009 – examination in principle closed</i>).</p>
<b>Luxembourg</b>	<p>Exequatur of a Peruvian judgment of adoption by a judgment of Luxembourg Court in December 2007, following the refusal initially held by the Courts in application of a case-law rule preventing a full adoption to a non-married person (<i>Wagner et J.M.W.L., CM/ResDH(2013)33</i>).</p>
<b>Moldova</b>	<p>The applicant obtained the enforcement of a final domestic judgment in his favour. In addition, the Court awarded him just satisfaction in respect of the pecuniary and non-pecuniary damage sustained as a result of the overturning of the original judgment (<i>Roșca, CM/ResDH(2007)56</i>).</p> <p>The applicant church was recognised and registered, which allows it henceforth also to protect its property (<i>Metropolitan Church of Bessarabia and others, ResDH(2010)8</i>).</p> <p>The applicant, who was the victim of unfair civil proceedings concerning a breach of contract by her insurance company, had the proceedings reopened (<i>Gurov, application No. 36455/02, judgment of 11 July 2006, final on 11 October 2006 – examination in principle closed</i>).</p> <p>The applicant obtained that his photograph no longer be used without his agreement as a background image on identity cards (<i>Balan, application No. 19247/03, judgment of 29 January 2008, final on 29 April 2008 – examination under way</i>).</p> <p>The temporary ban on the activities of the Christian Democratic People's Party was lifted (<i>Christian Democratic People's Party, application No. 28793/02, judgment of 14 February 2006, final on 14 May 2006 – examination under way</i>).</p>
<b>Montenegro</b>	<p>The applicants obtained the implementation of the judgment ordering the eviction from their apartment of a third party who had been squatting there for 15 years (<i>Bijelić, application No. 11890/05, judgment of 28 April 2009, final on 6 November 2009 – examination under way</i>).</p>
<b>Poland</b>	<p>The applicant's conviction for defamation, for criticism expressed during the electoral campaign against another candidate, was erased from her criminal file and her custodial sentence was not enforced (<i>Malisiewicz-Gąsior, application No. 43797/98, judgment of 6 April 2006, final on 6 July 2006 – examination in principle closed</i>).</p> <p>The applicants are no longer forbidden to hold marches and rallies, <i>inter alia</i>, in favour of homosexual rights (<i>Bączkowski and others, application No. 1543/06, judgment of 3 May 2007, final on 24 September 2007 – examination under way</i>).</p> <p>The applicant recovered her house and was compensated for the prejudice suffered (<i>Hutten-Czapska, application No. 35014/97, judgment of 19 June 2006 – Grand Chamber; (Article 41) judgment of 28 April 2008 – Grand Chamber – friendly settlement – examination under way</i>).</p>
<b>Portugal</b>	<p>The applicant can now exercise his visiting rights in respect of his child (<i>Maire, CM/ResDH(2007)88</i>).</p>

<b>Romania</b>	In a series of cases concerning the annulment of final judgments which acknowledged the applicants' property rights on nationalised properties, the state either returned the con-	fiscated properties to the applicants or paid an amount of money corresponding to the current value of the property at issue ( <i>Brumărescu, CM/ResDH(2007)90</i> ).
<b>Russian Federation</b>	<p>The amounts due under the domestic judicial decisions were paid to the applicant (<i>Burdov, ResDH(2004)85</i>).</p> <p>The applicant was able to contest the presumption of paternity in respect of his wife's son, having proved that he was not the father of the child, and was relieved of the obligation to pay maintenance (<i>Shofman, application No. 74826/01, judgment of 24 November 2005, final on 24 February 2006 – examination in principle closed</i>).</p>	<p>The applicant, a “national of the former Soviet Union”, was able to have her place of residence registered and thus to obtain access to medical assistance, social security, retirement pension entitlement, the right to own property, the right to marry, etc. In addition, she obtained Russian citizenship (<i>Tatishvili, application No. 1509/02, judgment of 22 February 2007, final on 9 July 2007 – examination under way</i>).</p>
<b>Slovak Republic</b>	The applicant recovered the custody of her children, placed under care in an institution while she could not contest this decision ( <i>Berecova, ResDH(2009)11</i> ).	The applicant, availing himself of DNA tests which were not formerly available, was granted the reopening of the proceedings contesting paternity and the amendment of the birth certificate naming him as father ( <i>Paulik, 10699/05, CM/ResDH(2013)195</i> ).
<b>Spain</b>	<p>The applicant's conviction has been struck off the judicial records (<i>Castillo Algar, ResDH(1999)469</i>).</p> <p>Shortly after the introduction of the application, the child was returned to the applicant, who thus recovered her custody rights (<i>Iglesias Gil and A.U.L., CM/ResDH(2006)76</i>).</p> <p>Release of the applicant on 22 October 2013 following a decision given by the <i>Audiencia Nacional</i> in response to the urgent individual measure indicated by the European Court,</p>	<p>due to the retrospective application of a new precedent set by the Supreme Court which was not foreseeable for the applicant and which adversely modified the scope of the penalty that had been imposed to her, authorising her continued detention beyond the date initially foreseen for her final release (<i>Del Rio Prada, appl. No. 42750/09, judgment final on 21/10/2013 – examination under way</i>)</p>
<b>Switzerland</b>	<p>Following the revision by the Federal Court of the judgment which had been censured by the European Court of Human Rights, the cantonal tax authorities were obliged to reimburse the fine imposed on the applicants, with interest accruing to the sum (<i>A.P., M.P. and T.P., ResDH(2005)4</i>).</p> <p>The prohibition of entry to Switzerland ordered against the applicant was removed and he was able to re-enter the territory and to obtain a residence permit of indefinite duration (<i>Boultif, ResDH(2009)15</i>).</p>	<p>The authorities were able to locate the applicant's child, abducted by the mother and hidden in Mozambique, thus allowing the applicant to be reunited with his son (<i>Bianchi, ResDH(2008)58</i>).</p> <p>The applicant was enabled to exhume her stillborn child from a communal grave, and have the burial organised as she wished (<i>Hadri-Vionnet, application No. 55525/00, judgment of 14 February 2008, final on 14 May 2008 – examination in principle closed</i>).</p>
<b>“The former Yugoslav Republic of Macedonia”</b>	The applicant, convicted in criminal proceedings which were unfair, being founded on the opinion of non-independent experts, was granted the reopening of the criminal	proceedings, and an independent expert's report was ordered ( <i>Stoimenov, ResDH(2009)139</i> ).
<b>Turkey</b>	The political bans imposed on the applicants, who were leaders or active members of the dissolved parties, have been lifted. The obstacles to re-registering the parties have been removed ( <i>United Communist Party of Turkey, CM/ResDH(2007)100</i> ).	The applicants' convictions under former Article 8 of the Anti-Terrorism Law were erased ex officio and the restrictions on their civil and political rights were also automatically lifted ( <i>Arslan, CM/ResDH(2006)79</i> ).

<b>Ukraine</b>	The applicant, whose case had been dismissed when he was unable actually to take part in the hearing owing to a problem of notification, was granted the reopening of	the civil proceedings concerning the rehabilitation of his father's memory ( <i>Strizhak, ResDH(2008)65</i> ).
<b>United Kingdom</b>	The applicant was released and his deportation order revoked. Subsequently he has also been granted a permanent residence permit in the United Kingdom ( <i>Chahal, ResDH(2001)119</i> ).	and his pension was increased ( <i>Roche ResDH(2009)20</i> ).
	The applicant was able to have the pathology affecting him recognised as being linked with the tests undergone during his military service; his level of incapacity was reviewed	The applicants were released from custody by the Iraqi authorities in July and August 2011 respectively. Prior to their release, the UK took all possible steps to obtain assurances from the Iraqi authorities that the applicants would not be subjected to the death penalty ( <i>Al-Sadoon and Mufdhi, CM/ ResDH(2012)68</i> )

## European Social Charter

<b>Austria</b>	In 2003 new legislation was adopted which strengthens the protection of children from pornography. <i>Article 7 §10, Conclusions XVII-2</i> .  Section 6 of the Maternity Protection Act 1979 BGB1.II21 as amended by BGB1 No. 100/2002 prohibits in general the employment of pregnant and nursing women in	work between 8.00 p.m. and 6.00 a.m. <i>Article 8 §4, Conclusions XVII-2</i> .  The provision of Aliens Employment Act, which required employers to make foreign workers redundant first when reducing manpower or to avoid having to reduce the working hours of all employees, was repealed in 2011. <i>Article 1§2, Conclusions XX-1</i> .
<b>Azerbaijan</b>	<i>Further to Act No. 924-IIIQD, 4 December 2009, the second part of Article 249 of the Labour Code, which previously allowed light work for children who have reached the age of 14, was repealed in order to be in line with the Article 7 of the Charter. At the same time, according to the aforementioned Act the second part of Article 258 of the Labour Code which provided for employment of children of</i>	<i>14 years of age in family businesses for light work or apprenticeships, was repealed. Article 7§1, Conclusions 2011</i>  <i>The total number of participants in active measures was 121,399 persons in 2010, a significant increase from 16,711 persons on 2007. Article 1§1, Conclusions 2012.</i>
<b>Belgium</b>	Article 383 bis of Penal Code creates a new offence of child pornography: it prohibits, inter alia, the selling, distribution, renting, displaying and possession of pornographic material of children up to 18 years of age, with penalties of up to 15 years of imprison-	ment with a fine. <i>Article 7§10, Conclusions XVII-2</i> .  By an amendment to the Judicial Code in 2003, in adoption proceedings it would become an obligation to hear all children once they have reached the age of 12 years. <i>Article 17, Conclusions XVII-2</i> .
<b>Bulgaria</b>	Legislation adopted in 2006 lifted the ban on strike in certain sectors. Governmental Commission established to examine the follow-up to violations of the right to strike found by the ECSR. <i>Article 6§4, CSIB and al. v. Bulgaria, complaint No. 32/2005</i> .  Adoption of Decree No. 27 of 9 February 2009 establishing a procedure for the reimbursement of expenses of hospital treatment for persons without resources on a perma-	nent basis. <i>Article 11§§1, 2 and 3 and Article 13§1, European Roma Rights Center v. Bulgaria, complaint No. 46/2007</i> ,  In 2007 the Healthy and Safe Working Conditions Act was amended to strengthen provisions on occupational health services and include penalties in case of breaches. Labour inspection visits show increased coverage of enterprises offering occupational health services. <i>Article 3§4, Conclusions 2009</i> ,
<b>Croatia</b>	Government decision to withdraw a biology textbook, which had been found to contain discriminatory statements, from the national curriculum relating to sexual and reproduc-	tive health education. <i>Article 11§2, Interights v. Croatia, complaint No. 45/2007</i> , see also Committee of Ministers Resolution Res(2009)7.

New labour legislation which repeals the prohibition on women performing night work with certain exceptions relating to maternity

entered into force on 1 January 2010. *Article 1 of the Additional Protocol, Conclusions XX-1 (2012).*

**Cyprus** Law No. 127 (I) 2002 guarantees that persons with disabilities are equally treated with other employees by their employer as regards the procedure for application for employment, recruitment, promotion, dismissal, compensation, training and other terms and conditions of employment. Regulations implementing this law provide for the payment of special grants to employers who

employ persons with disabilities. *Article 15 §2, Conclusions 2005.*

*The Defence Regulations 79A and 79B authorising the requisitioning of workers and prohibition of strikes in cases other than those permitted by the Revised Charter were repealed by an Order of the Council of Ministers. Article 6§4, Conclusions 2010*

**Czech Republic** Notification No. 288/2003 includes a ban on employment of minors in hazardous occupations and specifies work and workplaces which are prohibited for young people and the conditions under which young people may, in exceptional circumstances, carry out this work within the scope of vocational training. *Article 7 §2, Conclusions XVII-2.* The Labour Code as amended provides for different types of additional holiday and reduced working hours for workers in dan-

gerous and unhealthy occupations. *Article 2 §4, Conclusions XVIII-2.*

Adoption of an anti-discrimination legislation (No. 198/2009) on 17 June 2009 which bans discrimination in areas including access to employment, business, education, health-care and social security on the grounds of sex, age, disability, race, ethnic origin, nationality, sexual orientation, religious affiliation and faith. *Article 1§2 Conclusions XX-1*

**Denmark** The Government introduced a new public health programme for the years 2002-10 which aims to increase life expectancy, improve quality of life and reduce health inequalities. *Article 11§1, Conclusions XVII-2.* Under the Inheritance Act No. 727 of 14 August 2001, children born out of wedlock inherit in the same way as legitimate children. *Article 17, Conclusions XVII-2.*

The system of vocational training was reformed by Act No. 446 of 10 June 2003 on vocational training for adults. More account is taken of the needs of unskilled workers, immigrants, refugees and unemployed people. *Article 10 §3, Conclusions XVIII-2.* The Act on Protection against Dismissal due to Association Membership was amended in 2006 in order to protect the right not to be a member of a union including during recruitment.. *Article 5, Conclusions XIX-3.*

**Estonia** The 1992 Employment Contracts Act, as amended in 2004, prohibits the termination of an employment contract of a pregnant woman or of a person raising a child under three years of age. *Article 8 §2, Conclusions 2005.*

Self-employed workers are now explicitly covered by the relevant health and safety legislation. *Article 3§2, Conclusions 2009.*

Amendments to the Defence Forces Service Act shortened alternative service from 12-18 months to 8-12 months as of July 2010. *Article 1§2, Conclusions 2012*

Equal Treatment Act (2009) prohibits discrimination on the grounds of disability with regard to: conditions of access to employment, self-employment and occupation, including selection criteria, recruitment conditions and promotion; entry into employment contracts or contracts for the provision of services; appointments, working conditions, remuneration, termination of employment contracts or contracts for the provision of services, or release from office. *Article 15§2, Conclusions 2012*

**Finland** In 2002 the Ministry of Social Affairs and Health issued Decree No. 128/2002 after consultation with employers' and workers' organisations containing the current extensive list of examples of work to be classified as dangerous for young employees. *Article 7 §2, Conclusions XVII-2.*

As from 1 August 2006, the right to temporary child-care leave has been extended to

non-custodial parents. In order to facilitate the reconciliation between work and family for parents of children with disabilities or long-term illnesses, the right to partial child-care leave has also been extended until the time when the child in need of special care and treatment reaches the age of 18. *Article 27§2, Conclusions 2011*

The adoption of the Government's Programme to Reduce Long-term Homelessness in 2008 with the central objective of halving long-term homelessness between the years 2008 and 2010. The Programme not only attained the objective, but exceeded it. The "Housing First" –principle has been recom-

mended as an example on how to tackle homelessness. *Article 31§2, Conclusions 2011*

**France** The discrimination in matters of succession towards children born of an adulterous relationship was removed by Law of 3 December 2001. *Article 17§1, Conclusions 2003.*

Circular DHOS/DSS/DGAS No. 141 of 16 March 2005 allows the giving of urgent medical care to foreigners illegally resident in France who do not benefit from state medical assistance. *Articles 13 §4 and 17, Collective complaint No. 14/2003, FIDH.*

Adoption of Act 102/2005 on equal rights and opportunities, participation and citizenship of persons with disabilities

Implementation of Circular No. 2005-124 which provides for specific measures for autistic children and their families.

A first Action Plan on Autism 2005-2007 provided inter alia for additional education places. A second plan for the period 2008-2010 foresees further measures. *Article 15§§ 1 et 2 and Article 17, International Association Autism-Europe v. France, complaint No. 13/2002, and Conclusions 2008, Article 15§§1 and 2.*

Since 1 December 2008 all persons recognised by the Mediation Commission as having priority needs for housing or shelter and who have not had any suitable offers may

The Non-Military Service Act 1466/2007 which entered into force in 2008 shortened alternative service from 395 days to 362 days. *Article 1§2, Conclusions 2012*

lodge a complaint with the administrative tribunal.

Implementation of the Act on the enforceable right to housing of 5 March 2007. *Article 31§3, ATD Fourth World v. France, complaint No. 33/2006,.*

A decision by the Court of Cassation of 27 September 2007 states that "where it is impossible for employees to take annual paid leave during the year stipulated by the Labour Code or a collective agreement because of absences linked to an employment injury or occupational disease, the accrued leave shall be carried over to be taken after they have resumed work", *Article 7§7, Conclusions 2011.*

Law No. 2009/323 of 25 March 2009 introduced a new measure to assist persons in situations of extreme social deprivation, whose prospects of integration and improved autonomy were poor. These are the so-called pensions de famille (family boarding houses) which provide long-term accommodation and an opportunity for the person concerned to re-establish social ties, partly thanks to the daily presence of a landlord or landlady. *Article 31§2, Conclusions 2011.*

**Germany** The Government adopted an Action Plan to protect children and young people against sexual violence and exploitation and to combat child abuse, child pornography, trafficking in children and child prostitution.

Moreover, the Act of 23 July 2002 on the Protection of Young People was amended to protect young persons from harmful material in the media (Internet, television, radio). *Article 7 §10, Conclusions XVII-2 (2005).*

Under the amendment of 20 June 2002 to the Act on Maternity Leave, in case of premature birth the postnatal leave is extended in order to compensate the lost prenatal leave and to enable female employees to have fourteen weeks, maternity leave in total. (Before this amendment, six weeks were theoretically granted, but this period might be less depending on the date of birth). *Article 8 §1, Conclusions XVII-2 (2005).*

Section 9 of the Act amending military law of 31 July 2008 (BGBl. I, p.1629), 19 added the following paragraph 6 to section 16 of the Employment Protection Act: "Sections 1, paragraphs 1, 3 and 4, and sections 2 to 8 of this Act shall also apply to foreigners employed in Germany if they are required to honour their military service obligations in their country of origin. This provision shall apply only to nationals of States Parties to the European Social Charter of 18 October 1961 (BGBl. II, 1964, p. 1262) who are lawfully resident in Germany". On this basis, migrant workers from the States Parties to the 1961 Charter who are lawfully present on German territory are now treated no less favourably than German nationals and nationals of the EU member states or parties to the EEA agreement with regard to employment conditions for those just finishing military service. *Article 19§4, Conclusions XIX-4 (2011).*

<b>Greece</b>	<p>Act No. 3144/03, adopted in 2003, determines activities and occupations in which the employment of minors between the age of fifteen and eighteen is prohibited. <i>Article 7 §2, Conclusions XVII-2 (2005).</i></p> <p>Under Section 33 of Act No. 2956/01 and Presidential Decree No. 407/2001, the prohibition of night work has been extended to cover all categories of young workers. <i>Article 7 §8, Conclusions XVII-2 (2005).</i></p> <p>Law No. 3103/2003 has removed the quota on the number of women allowed to enter the police academy. <i>Article 1 of the Additional Protocol to the 1961 Charter, Conclusions XVII-2 (2005).</i></p>	<p>Section 21 of Law No. 3328/2005 explicitly prohibits corporal punishment of students in secondary schools and a harmonisation of the legislation is under way in order to explicitly prohibit corporal punishment in all institutions and forms of care for children. Furthermore, Act No. 3500/2006 prohibits corporal punishment within the family and in cases of abuse of parental authority provides for sanctions including withdrawal of parental authority by the courts. <i>Article 17, complaint OMCT v. Greece, No. 17/2003.</i></p> <p>In 2008, reforms were launched to improve the social assistance system. Law No. 3631/2008 established the National Social Cohesion Fund. <i>Article 13§1, Conclusions XIX-2 (2009).</i></p>
<b>Hungary</b>	<p>In 2003 the Labour Code was amended to include maternity, part-time work and temporary work among the grounds of non-discrimination. <i>Article 1§2, Conclusions XVII-2 (2005).</i></p> <p>Act No. IX of 2002, which amended the Act on the Protection of Children, establishes a children's rights representative with a view to protecting the rights of children who are in protective care as set down in the Act and to assisting children in learning their rights and advocating for them, for example by assisting them in initiating complaints on alleged vio-</p>	<p>lations of their rights. <i>Article 17, Conclusions XVII-2 (2005).</i></p> <p>Freedom to organise, including the prohibition of discrimination on the grounds of TU membership in this respect are governed in detail by Act CXXV of 2003 on the Promotion of Equal Treatment and Equal Opportunity. <i>Article 5, Conclusions XVIII-1 (2006).</i></p> <p>Under Act on the legal status of civil servants amended by Law LXXXIII 2007, all public service posts in Hungary, excluding certain key ones, will now be open to nationals of States Parties. <i>Article 1§2, Conclusions XIX-1 (2008).</i></p>
<b>Iceland</b>	<p>The Child Protection Act No. 80/2002 states that corporal punishment of children is prohibited in homes and institutions for children and lays down the procedure for placing children in foster care or in homes or institutions and sets out measures which take into account all the needs of children and guarantee their safety and well-being. This Act</p>	<p>also guarantees the protection of young offenders. <i>Article 17, Conclusions XVII-2 (2005).</i></p> <p><i>A new Gender Equality Act was adopted in February 2008. Article 1§2, Conclusions XIX-1 (2008).</i></p>
<b>Ireland</b>	<p>Introduction of a statutory minimum wage (2000 Act on the National Minimum Wage). The minimum wage for a single person with at least two years of work experience meets</p>	<p>the threshold established by the ECSR. <i>Article 4§1, Addendum to Conclusions XVI-2 (2003).</i></p>
<b>Italy</b>	<p>The Education and Training Reform Act No. 53/2003 links up the two traditionally distinct systems of education and vocational training. Under the new system, pupils are obliged to attend school of one form or another until they are 18.</p>	<p>The Labour Market Act No. 30/2003 is aimed especially at reforming employment services and apprenticeship contracts. <i>Article 10 §1, Conclusions 2007.</i></p>
<b>Latvia</b>	<p>As from 1 January 2006 police staff are entitled to establish and join trade unions and</p>	<p>enjoy union prerogatives under the Police Act. <i>Article 5, Conclusions XIX-3</i></p>
<b>Lithuania</b>	<p>Under Act No. IX-1672 of 1 July 2003 on Safety and Health at Work the standard working time may not exceed 12 hours a day</p>	<p>and 40 hours a week. <i>Article 2§1, Conclusions 2005.</i></p> <p>Mandatory health education programmes have been introduced, under Health Ministry</p>

	Order No. 437 of 30 August 2002. <i>Article 11§2, Conclusions 2005.</i>	<i>Adoption of Law 17-589 of 2006 on Social Services whereby temporary residents have access to social services in the same way as permanent residents. Article 14§1, Conclusions 2009.</i>
	Law No. 114-5115 on Equal Opportunities of 2003 prohibits any direct or indirect discrimination on the grounds of sex in the following fields: access to employment, vocational education and training, recruitment, dismissal and working conditions including remuneration and promotion. <i>Article 20, Conclusions 2006.</i>	<i>Amendments (No. X-1602 of 17 June 2008) mean that the duty to provide reasonable accommodation is now embodied in the Law on Equal Treatment. Article 15§2, Conclusions 2012</i>
	<i>Law on support for employment entered into force on 1 August 2006, according to which unemployed persons taking part in vocational training programme are entitled to an education grant. Article 10§5, Conclusions 2008.</i>	<i>The Law on the Social Integration of the Disabled Persons now provides for general anti-discrimination provisions explicitly protecting persons with disabilities in the fields of housing, transport, telecommunications and cultural and leisure activities. Article 15§3, Conclusions 2012.</i>
<b>Luxembourg</b>	Act of 28 November 2006 encompassing a general prohibition of direct and indirect dis-	crimination on grounds of disability. <i>Article 15§1, Conclusions XIX-1 (2008).</i>
<b>Malta</b>	Legal Notice No. 440 of 2003 and Act No. XXII of 2002 on employment and industrial relations, as well as Regulations of 2003 on employment of young persons establish that the minimum employment age shall not be lower than the minimum age at which compulsory full-time schooling ends (16) and	regulate work by young persons. <i>Article 7§1, Conclusions XVII-2 (2005).</i>
		Legal Notice No. 247/2003 on organisation of working time regulates night work, which cannot exceed 8 hours in any 24-hour period. <i>Article 8§4, Conclusions XVII-2 (2005).</i>
<b>Republic of Moldova</b>	The Labour Code (Article 5), as amended by Law No. 154-XV of 2003, strengthens equality of rights and opportunities of employees, in particular as regards promotion, qualification and work experience, vocational training and retraining. <i>Article 20, Conclusions 2006.</i>	Law No. 156-XVI on the organisation of (alternative) civil service, which brought the length of non-military national service into line with that of military service (12 months), came into force on 7 September 2007. <i>Article 1§2, Conclusions 2012.</i>
<b>Netherlands</b>	In 2002 a special help-desk for young people ( <i>Jongerenloket</i> ) was opened on the Ministry of Social Affairs and Employment Web site providing information about work conditions and the kind of work children are legally permitted to do at various ages. <i>Article 7 §10, Conclusions XVII-2 (2005).</i> The Work and Care Act, from its entry into force on 1 December 2001, formally estab-	lishes entitlement to maternity leave of 16 weeks: six weeks prior to the birth and ten-week postnatal leave. <i>Article 8 §1, Conclusions XVII-2.</i>  The closed shop clause in the collective agreement covering print workers has been removed. <i>Article 5, Conclusions XVIII-1 (2006).</i>
<b>Norway</b>	Equal access to health care is one of the basic principles of the Patients' Rights Act, which came into force on 1 January 2001. <i>Article 11§1, Conclusions 2005.</i>	A new chapter introduced into the Working Environment Act No. 4/2004 strengthens equal treatment in the working world. <i>Article 20, Conclusions 2006.</i>
<b>Poland</b>	In the field of control of air pollution, the legal framework has been strengthened through the adoption of the Environmental Protection Act of 27 April 2001 and through various implementing regulations. <i>Article 11 §3, Conclusions XVII-2 (2005).</i> Article 2 of the Act of 6 May 2010 "On the Prevention of Family Violence" amends the Family Code (1964) by inserting a new article	96 which prohibits all corporal punishment in childrearing: "persons exercising parental care, care or alternative care over a minor are forbidden to use corporal punishment, inflict psychological suffering and use any other forms of child humiliation". <i>Article 17, Conclusions XIX-4 (2011)</i>  According to an act adopted on 24 August 2007, which entered into force on 10 October

2007, foreign nationals wishing to practise medicine in Poland must still obtain authorisation from the Chamber of Physicians, but authorisation must now be granted if the

person concerned meets certain conditions, listed in the report, none of which depend on applicant's nationality. *Article 1§2, Conclusions XX-1 (2012).*

- Portugal** The new Labour Code of 2003 and its Implementation Act No. 35/2004 contain provisions which aim to reduce the number of working children under 16 years of age. *Article 7 §1, Conclusions 2006.*
- Article 152 of the Penal Code was amended in 2007 (by Law 59/2007) to prohibit the corporal punishment of children in the home. *Article 17§1, Conclusions 2011 World Organisation against Torture v. Portugal 34/2006*
- Adoption of legislation explicitly prohibiting direct and indirect discrimination on the basis of disability with respect to education and training, as well as in the field of access to employment and working conditions. *Article 15§§1 and 2, Conclusions 2008.*
- Romania** Section 16 of Government Emergency Ordinance No. 96/2003 on protection of maternity at the workplace provides that women are obliged to take 42 days postnatal leave. *Article 8 §1, Conclusions 2005.*
- Law 217/2003 on the prevention and fight against acts of domestic violence contains provisions on the setting up of a National Agency for Family Protection and the Statute of Family Assistants. *Article 17§1, Conclusions 2005.*
- Slovakia** Under Section 63 of the new Labour Code, the period of notice has been extended to 3 months in the case of workers dismissed for so-called economic reasons. *Article 4 §4, Conclusions XVI-2 (2003).*
- Several legislative and regulatory measures on the protection of health and safety at work have been adopted on the minimum safety and health requirements covering many risks. *Article 3 §1, Conclusions XVIII-2 (2007).*
- Under Act No. 5/2004 on employment services, equal access to continuing training and re-training is guaranteed to Slovak nationals and nationals of the other Contracting Parties to the Charter, provided that they are legally resident in Slovakia. *Article 10 §3, Conclusions XVIII-2 (2007).*
- Slovenia** The new Employment Relations Act (ZDR), as from its entry into force on 1 January 2003, provides protection against notice of termination of contract and dismissal during a pregnancy, whilst on maternity leave or parental leave and while a woman is breastfeeding a child. *Article 8 §2, Conclusions 2005.*
- From the 2003/2004 school year it is no longer permitted to create classes that include only Roma pupils. A working group is preparing a strategy for a more effective inclusion of Roma in the education process. *Article 17, Conclusions 2005.*
- Under Section 104 of the 2003 Housing Act, tenants' leases may not be terminated if, because of exceptional circumstances that could not have been anticipated, such as death in the family, loss of employment or serious illness, they are unable to pay the rent and other charges (water, electricity, telephone, etc.), on condition that they have applied for subsidised rent and informed the owner of their situation. *Article 31 §2, Conclusions 2005.*
- In 2010 a new Act on Equal Opportunities for People with Disabilities was adopted. The purpose of this act is to prevent and eliminate discrimination of people with disabilities, and to encourage equal opportunities of people with disabilities in all areas of life. It also specifically prohibits discrimination in access to*
- Decree-Law No. 58/2002 together with the Application Decree No. 16/2002 set out that a "training clause" is to be introduced in employment contracts entered into with minor workers over the age of 16 years who have not successfully finished their compulsory education or do not have any professional qualification. *Article 7 §3, Conclusions XVII-2 (2005).*
- A new Solidarity Supplement for the Elderly was established by Decree-Law
- No. 232/2005 of December 2005 in order to combat poverty among the elderly. *Article 23, Conclusions 2009.*

goods and services available to the public and sets out an obligation to provide appropriate accommodation and remove physical and

communication barriers that prevent access of people with disabilities to goods and services. Article 15§3, Conclusions 2012

- Spain** The principle of equal pay was enhanced by Act No. 33/2002, under which Article 28 of the Workers' Statute now covers remuneration in all its aspects. *Article 1 of the Additional Protocol of the 1961 Charter, Conclusions XVII-2 (2005)*..  
With the entry into force of the Equality Act, domestic workers, like other workers, cannot be dismissed for reasons pertaining to pregnancy or maternity. *Article 8§2, Conclusions XIX-4 (2011)*.  
The First Schedule to Law No. 54/2007 on International Adoption amended the Civil Code to remove the "right" of parents and guardians to use "reasonable and moderate" forms of "correction" from Articles 154 and 268 of the Civil Code. *Article 17, Conclusions XIX-4 (2011)*.
- Sweden** Following the entry into force of the Senior Livelihood Act in 2004, senior livelihood support is payable to persons aged 65 or over who are domiciled in Sweden and have no pension at all or whose pension is not sufficient to live on. *Article 23, Conclusions 2005*.  
New substitutive collective agreements between trade unions and companies have been signed in order to repeal closed shop clauses. *Article 5, complaint Confederation of Swedish Enterprise v. Sweden, No. 12/2002*.
- "The Former Yugoslav Republic of Macedonia"** The upper limit on the amount of compensation in cases of discrimination was repealed in August 2008 following the adoption of the amended version of the Law on Labour Relations. The amount of compensation is now determined case by case. *Article 1§2, Conclusions 2012*
- Turkey** The new Labour Act No. 4857 stipulates that children who attend school may work for a maximum of two hours per day and ten hours per week. During holidays, working hours may not exceed seven hours per day and thirty-five hours per week. *Article 7 §3, Conclusions XVII-2 (2005)*..  
Law No. 5510 on Social Insurance and Universal Health Insurance (October 2008), establishes a compulsory universal health insurance for all citizens *Article 11§1 Conclusions 2009*  
Immunisation programmes against common childhood diseases have increased the vaccination coverage rates significantly, for example the coverage rate for the vaccine against measles, mumps and rubella increased from 75% to 95% since 2003. *Article 11§3, Conclusions 2009*.  
*As a result of the repeal of Section 3/II-A of Social Insurance Act No. 506, foreign nationals with a permit to work in Turkey are automatically covered against long-term risks, including unemployment. Article 12§4, Conclusions 2009*.  
Section 14 of the Law No. 5378 on Persons with Disabilities that entered into force on 7 July 2005 prohibits discrimination in relation to the employment of persons with disabilities *Article 15§2 Conclusions 2012*
- United Kingdom** The Regulations 2000 on Protection of Children at Work removed the provision that allowed children between the ages of 10-13 to undertake work for their parents in agricultural or horticultural activities and limited the hours that children below the minimum school-leaving age may work during term-time to 12 hours per week. *Article 7 §3, Conclusions XVII-2 (2005)*..  
The Sexual Offences Act 2003 introduced new offences of trafficking of people, especially of children, for the purposes of sexual exploitation. *Article 7 §9 Conclusions XVII-2(2005)*.

## European Convention for the Prevention of Torture

- Albania** The CPT called upon the Albanian authorities to take all necessary measures to ensure that all prisoners in pre-trial detention centres are granted at least one hour of outdoor exercise per day (including on Sundays). In response, the Albanian authorities confirmed that this recommendation had been implemented in the entire prison system.  
The CPT severely criticised the poor quality of the healthcare provided to prisoners at Korca Pre-Trial Detention Centre and requested that the Albanian authorities carry out a comprehensive review of the healthcare service in the establishment. In

response, the Albanian authorities indicated that, following a review of the health-care service at Korca, a disciplinary procedure had been initiated against the establishment's

doctor, which resulted in his dismissal. Subsequently, a new doctor was recruited on a full-time basis.

**Armenia** The information gathered during the 2010 visit shed light on several areas of concern, in particular: prison overcrowding, impoverished programmes of activities for prisoners, allegations of corrupt practices by prison staff and public officials associated with the prison system, and reliance on an informal inmate hierarchy to maintain good order in prisons. In their response, the Armenian authorities referred to measures being taken to combat prison overcrowding, including by placing increased emphasis on alternatives to imprisonment and by making early release mechanisms more efficient. Further, the building of new prisons, within the framework of a "prison infrastructure reform pro-

gramme", is expected to decrease overcrowding, improve conditions of detention for various categories of inmate and reduce the risks of inter-prisoner intimidation.

In its 2011 visit, the CPT concluded that conditions under which life-sentenced prisoners were accommodated at Kentron Prison could be considered as amounting to inhuman treatment. In their response, the Armenian authorities indicated that the legal provisions on the segregation of prisoners serving life sentences would be reviewed after a fully-fledged individual risk assessment procedure is put in place.

**Bulgaria** The CPT called upon the Bulgarian authorities to transfer without delay the investigation detention facility in Plovdiv – in which the conditions could fairly be described as inhuman and degrading – to an appropriate

building. In response, the Bulgarian authorities indicated that a new investigation detention facility was opened in Plovdiv on 10 June 2009, and that conditions in it comply with international standards.

**Cyprus** After recommendations by the CPT to establish an independent and effective law enforcement accountability mechanism, the authorities set up an Independent Authority

for the Investigation of Complaints and Allegations vested with responsibility for investigating police misbehaviour of any kind.

**Czech Republic** In the report on the 2006 visit, the CPT recommended the ending of the routine handcuffing of life-sentenced prisoners in Valdice Prison, whenever they were taken out of their cells. During the 2008 visit, the CPT observed that handcuffs were no longer applied systematically for all out-of-cell movements, but only on the basis of an individual risk assessment.

vision; set strategic and operational objectives for Section E and ensure that the necessary resources are allocated to fulfil the redefined purpose; and ensure that all personnel who work in Section E are committed to the ethos of the unit, and are properly trained to work with challenging prisoners. In their response, the Czech authorities indicated that a substantial part of the instructors and specialised staff in Section E were replaced in mid-2008 and that, consequently, there have been positive changes (including the replacement of the operating management in Section E) in accordance with the CPT's findings and recommendations.

In the report on the 2008 visit, the CPT recommended that the Czech authorities initiate a comprehensive review of the high security ward at Valdice prison (Section E) in order to: define more clearly the purpose of this ward in terms of mission statement and

**Denmark** In 2008, the CPT recommended that efforts be made to clean and refurbish the detention units of the Ellebæk Institution (an establishment for foreign nationals detained under aliens legislation), to improve the bedding arrangements, and to make the environment more appealing. In their response, the authorities indicated that: the Ellebæk Institution is inspected more frequently; painting works are being carried out on a continuous basis; new mattresses have been purchased for each room. Moreover, inmates and detainees suffering from back disorders can

apply for a pressure-relieving top mattress made of the same fire-retardant material as the standard mattress. The Ellebæk Institution has also inspected the bed linen and bought 50 new sets.

At the Maximum Security Department of Nykøbing Sjælland Psychiatric Hospital, the CPT recommended that a degrading form of physical immobilisation (whereby the patients' arms were attached to a belt and the feet attached to each other by straps) be ended. The Danish authorities stated that the Region of Sealand had confirmed that

this illegal method of immobilisation had been discontinued.

- France** In the field of psychiatry, the CPT recommended during its 2010 visit that urgent action be taken in respect of persons awaiting placement in units for difficult patients and prisoners suffering from psychiatric disorders. It emerged during the visit that these categories of patients were generally kept for prolonged periods, often under restraint, in seclusion rooms in general psychiatry departments. In response, the French authorities informed the Committee of the envisaged setting-up of psychiatric intensive care units at the Paul Guiraud hospital complex and of the planned increase of the number of places available in units for difficult patients in order to better meet the needs of the patients concerned. They also indicated that, pending the construction of further psychiatric hospital units for prisoners, a document was under preparation with a view to preventing abusive resort to isolation and restraint vis-à-vis prisoners hospitalised in general psychiatry departments and that the necessary adjustments to the current organisation of care were under consideration.
- In reaction to recommendations by the CPT, the French authorities also informed the Committee of steps taken or envisaged to improve conditions of detention in police and gendarmerie cells and in administrative holding centres for foreign nationals. The CPT called upon the French authorities to rapidly adopt a penitentiary law incorporating European standards relating to deprivation of liberty. In its response, the Government indicated that it was about to submit a penitentiary bill to Parliament. This was subsequently adopted (penitentiary law No. 2009-1436 of 24 November 2009, published in the *Official Journal* on 25 November 2009).
- Georgia** After its 2012 visit, the CPT recommended that measures be taken to ensure that all prisoners are offered the possibility to take outdoor exercise for at least one hour every day. In their response, the Government submitted that currently all inmates in all establishments are offered the possibility to outdoor exercise for at least one hour every day.
- Germany** In the report on the 2005 visit to Germany, the Committee recommended that the general visit entitlement for juvenile prisoners of a minimum of 1 hour per month be significantly increased. In January 2008, legislation was enacted in all German Länder, increasing the visit entitlement for juvenile prisoners to a minimum of 4 hours per month.
- Hungary** In order to implement the CPT's recommendations aimed at improving the situation of prisoners held in special security conditions (KBK units), the authorities planned to adopt new regulations in 2010. Further, the number of working prisoners at Tiszalök Prison has significantly increased, thanks to closer cooperation between the prison management and the private contractor, as was recommended by the CPT.
- Italy** During its 2012 visit, material conditions were poor in the cells at the Florence and Palermo State Police Headquarters (Questura). In their response, the Italian authorities stated that these cells had been taken out of service and that alternative - more suitable - places of detention had been found. The male unit at the Bologna Identification and Expulsion Centre (CIE) was in a poor state of repair, apparently due to repeated acts of vandalism by detainees. In their response, the Italian authorities informed the Committee about the temporary closure of the CIE in Bologna in order to carry out renovation work. The 2008 visiting delegation made an immediate observation at the end of the visit, requesting the Italian authorities to carry out a complete revision of the seclusion and restraint procedures in force at the Aversa Judicial Psychiatric Hospital (OPG) based on the CPT's established standards in this matter. In response, the Italian authorities announced that the management of the OPG had approached the local health authorities with the aim of bringing the Aversa OPG's procedures in this matter into line with those applied in public health establishments.
- Latvia** The CPT called upon the Latvian authorities to withdraw from service the entire remand block at Cēsis Juvenile Correctional Centre, where the material conditions were found to be unfit for human detention. In response, the authorities indicated that the remand

block had been closed and the juveniles detained there had been transferred to a different institution.

The CPT called upon the Latvian authorities to devise and implement a comprehensive regime of out-of-cell activities in respect of life-sentenced prisoners. In their response,

the authorities indicated that the life-sentenced prisoners at the medium regime level held at Daugavpils Prison could now spend the whole day in recently constructed facilities, i.e. an outdoor yard, an activity room and a gymnasium.

**Liechtenstein**

The CPT recommended that a person detained by the police have the – formally recognised – right to inform a relative of their situation from the very outset of their deprivation of liberty. In their response, the Liechtenstein authorities indicated that the adoption of a new legal provision on this

subject was foreseen. Article 128a of the Code of Criminal Procedure, under which a person apprehended must be informed, from the moment of his apprehension or immediately afterwards, of their right to notify a relative or other trusted person as well as their lawyer, came into force on 1 January 2008.

**Malta**

During its 2011 visit, the CPT noted that at both Lyster and Safi Detention Centres for foreigners, material conditions have improved since the previous visit. In particular, at Lyster Barracks, these improvements are significant: the Hermes Block, which had been in a very poor state of repair at the time of the 2008 visit, had been completely refurb-

ished and the Tent Compound, which had also been criticised by the Committee in the report on the 2008 visit, had been dismantled. It is noteworthy that all foreign nationals received personal hygiene products on a regular basis and were also supplied with clothes and footwear.

**Moldova**

The CPT made recommendations aimed at improving the effectiveness of the investigations into allegations of police ill-treatment in the context of the post-election events of April 2009. After the Committee's visit, a number of criminal proceedings have been opened against police officers, including members of the "Fulger" special police force. Further, a criminal investigation has been

initiated against the persons who served as Minister of Internal Affairs and Head of the Chişinău General Police Directorate at the time of the events. Moreover, in order to ensure better identification, members of the "Fulger" special police force have been instructed to wear badges and an individual identification number during operations.

**Montenegro**

In response to recommendations made by the CPT concerning patients' living conditions at the Dobrota Special Psychiatric Hospital, most wards have been refurbished, large-capacity dormitories have been replaced by smaller structures, the sanitary facilities have been improved, and the dining room has been reconstructed.

After the visit in 2008, the CPT recommended that the Montenegrin authorities review the selection, training and supervision of security staff assigned to the Forensic Psychiatric Unit at Dobrota Special Psychi-

atric Hospital. In their response, the authorities indicate that they have established a protocol defining the rights and responsibilities of the security service and that special training is being provided to security staff.

Following recommendations made by the CPT concerning the Komanski Most Institution for People with Special Needs, the Montenegrin authorities have recruited additional staff, have separated children from adult residents, and have improved residents' living conditions.

**Netherlands**

The CPT recommended that the Dutch authorities cease using the "Kalmar" and "Stockholm" boats for the detention of irregular migrants, as they provided unsuitable conditions. In their response, the Dutch authorities indicated that the "Stockholm" boat had already been taken out of service and that the "Kalmar" boat would have to remain open until the middle of 2011, when a new detention centre on the grounds of Rotterdam Airport was scheduled to open. During its subsequent visit, the CPT noted

that these boats used as facilities for holding immigration detainees had been taken out of service.

The Dutch authorities also responded positively to the CPT recommendation that measures be taken to allow detainees held in solitary confinement on the "Kalmar" boat to have access to more suitable outdoor exercise yards, and for shelters against inclement weather to be installed in all the exercise yards.

<b>Serbia</b>	Following recommendations by the CPT as regards the Special Institution for Children and Juveniles in Stannica, the Serbian authorities have adopted an action plan for	improving living conditions at the institution and have allocated financial resources for the implementation of this plan.
<b>Slovak Republic</b>	In 2005 the CPT reiterated its recommendation to provide written information to all persons deprived of their liberty by the police, on their rights, at the very outset of their deprivation of liberty. Pursuant to Articles 121, 122 and 34 of the Code of Penal Pro-	cedure as amended in 2005, prior to the first interrogation, the investigative authorities now must read and explain to the apprehended person his/her rights, and the latter must confirm on a form listing such rights that he/she has understood them.
<b>Slovenia</b>	In order to address the issue of overcrowding in Ljubljana Prison described by the CPT, the Slovenian Prison Administration has reported a number of measures: transferring prisoners to other prisons; changing the intended use of other premises to rooms; daily monitoring of occupancy in rooms, with five being the maximum number of prisoners in a cell measuring 18 m <sup>2</sup> ; relaxing regimes in the remand prison section by	allowing cells to be unlocked longer so that prisoners can also have access to corridors; increasing the amount of time prisoners can spend outdoors; erecting a roof to make it possible for prisoners to spend time outdoors even in less favourable weather conditions; increasing the possibilities for telephone contacts from two to six days a week; increasing the possibilities for participation in various organised activities.
<b>Turkey</b>	In several visit reports, the CPT recommended that Abdullah Öcalan, who was the sole inmate of the prison on the island of Imralı, be integrated into a setting where contacts with other inmates and a wider	range of activities were possible. The prisoner is now able to participate in certain collective activities following the transfer of five other prisoners to Imralı Prison.
<b>Ukraine</b>	During its visit in 2009 at Correctional Colony No. 89, the CPT had received numerous allegations of physical ill-treatment of prisoners by staff, in particular in the maximum-security unit. The delegation's findings during the subsequent visit in 2012 suggested that there has been a definite improvement as regards the manner in which prisoners are treated by staff. It appeared that the penitentiary and prosecuting authorities,	at both central and regional levels, have paid increased attention to the situation of inmates held in the maximum-security unit and that action taken had started to bear fruit. Most prisoners with whom the delegation spoke pointed to the significant changes in the attitude of staff towards them, notably after dismissals or staff re-deployments following the CPT's previous visit.
<b>United Kingdom</b>	In response to the CPT's recommendation that the necessary steps be taken to ensure that all 17-year-olds detained by the police are treated as juveniles and not as adults, the United Kingdom authorities responded that as part of the review of the Police and Criminal Evidence Act 1984 the Government proposed to extend the definition of "juvenile" to under 18.  At Manchester Prison, the CPT recommended that steps be taken to ensure that Category A vulnerable and own protection	prisoners were not systematically accommodated in the segregation block; further, regardless of their location, they should all be provided with a meaningful regime. In response, the United Kingdom authorities stated that since 7 May 2009 vulnerable Category A prisoners were being held on the Vulnerable Prisoners (VP) unit where they have access to a much broader provision of services and facilities. VP Category A prisoners were no longer held in the Segregation Unit.

## Framework Convention for the Protection of National Minorities

<b>Albania</b>	Albania has made efforts to develop its legislative and other provisions with a view to improving the implementation of the Framework Convention. Within this context, the amended Criminal Code made racial motivated offences an aggravating factor; the Law	on Personal Data Protection has been adopted and a State Committee on Minorities was set up with the task to make recommendations to the government in order to improve situation of persons belonging to minorities.
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<b>Armenia</b>	Armenia has set up a new department dealing with minority issues and introduced legislation to guarantee the right to use	minority languages in written and oral communication with the administration.
<b>Austria</b>	A compromise between the Carinthian local authorities and Slovene minority representatives with regard to bilingual topographical signs and the use of Slovenian as an official language in areas with a mixed population was reached in June 2011. The successful	system of bilingual education has been extended to kindergartens and progress has been made with regard to the availability and quality of minority language TV and radio broadcasting.
<b>Azerbaijan</b>	Regional branches of Ombudsman's office have been established which increases accessibility of this institution for persons belonging to national minorities. Some numerically small national minorities were registered as separate groups for the first time in the census of 2009, which was prepared	and conducted in line with internationally accepted standards, including as regards the principle of free self-identification. At the end of 2012, a call for tender directed at non-governmental organisations for the financing of projects identified the development of national minority cultures as a priority field.
<b>Bosnia and Herzegovina</b>	Comprehensive antidiscrimination legislation was enacted at State level in 2009. In addition to the national minority laws already in force at State and Entity levels, Tuzla and Sarajevo Cantons have adopted legislation with respect to national minorities, and councils of national minorities have	been established at both State and Entity levels as well as in these two cantons. A population census including information broken down by ethnic affiliation, religion and language was held in October 2013 – the first such exercise to be conducted since 1991.
<b>Bulgaria</b>	Adoption of the Protection against Discrimination Act together with the establishment of the Commission for Protection against Dis-	crimination provides a clear legal anti-discrimination basis, including in the field of employment.
<b>Croatia</b>	New legislative and other steps have been taken to improve participation of national minorities in administration and other key	areas and to improve the implementation of the constitutional law on national minorities.
<b>Cyprus</b>	Measures have been taken to enable Turkish Cypriots to more effectively participate in public affairs and social, economic and cultural life. In view of the growing diversity of Cypriot society, efforts have been made to improve and complete the anti-discrimination legislative and institutional framework and to increase awareness about human rights, tolerance, and the principles of	equality and non-discrimination. Additional measures have been taken to enable Turkish Cypriots to more effectively participate in public affairs and social, economic, and cultural life. Practical steps have also been taken to support persons who have recently settled in Cyprus and are not officially covered by the Framework Convention.
<b>Czech Republic</b>	The use of minority languages in the public sphere has been advanced, including through new legislation governing this area.	
<b>Denmark</b>	The efforts to combat racism and racist violence have been pursued and various schemes to promote cultural diversity and encourage tolerance are being implemented, in particular the Action Plan for Ethnic Equal Treatment and Respect for the Individual, which was adopted in July 2010. Improvements have been made to the system of registering racist incidents used by the Danish	security service (PET) and guidelines have been drawn up to encourage the reporting of hate crimes. The adoption of specific measures, such as the employment of school mediators and appropriate additional tutoring, has enabled a reduction in absenteeism and dropping out of schools among Roma pupils as well as an improvement in their performance at school.
<b>Estonia</b>	Estonia removed language proficiency requirements from candidates to parliamentary and local government elections and clar-	ified the right to communicate with government officials in a minority language, following related criticism expressed by the

	Advisory Committee. The legislative framework for the promotion of equal treatment has been strengthened and the number of non-citizens has considerably decreased following concerted naturalisation campaigns, that targeted among others the under 15 year olds.
<b>Finland</b>	Finland has strengthened its legislative and institutional anti-discrimination framework, among others to better take account of instances of multiple discrimination. In addition, national and local Action Plans to promote equal treatment have been developed. The National Policy on Roma was adopted in 2009 and special efforts have been made in 2011 and 2012 to support and promote the language and cultural identity of the Sami.
<b>Georgia</b>	The ratification of the Framework Convention has triggered a discussion regarding the need for a more comprehensive national legislative framework for the protection of national minorities. The Government has stressed the need to promote tolerance and integration through elaboration of the Concept on tolerance and civic integration.
<b>Germany</b>	Since the ratification of the Framework Convention, the federal authorities have regularly convened “implementation conferences” at which minority representatives have an opportunity to discuss their concerns with local, regional and federal authorities. Measures have been taken by both central government and a number of Länder to end the use of discriminatory or stigmatising language within the police force. Rules have been adopted against the communication of information to the media on the ethnic background of persons suspected of criminal offences. Financial support for the Foundation for the Sorbian People was substantially increased for the period 2009-2013 and agreement on funding to cover the transport costs of pupils attending private Danish language schools in Schleswig-Holstein found.
<b>Hungary</b>	The launch of a new Hungarian national radio station has made it possible to broadcast national minority programmes in their own languages for twelve hours a day. An explicit ban on segregation at school was introduced in the Law on Equal Treatment and the Promotion of Equal Opportunities. The authorities have adopted legislative, financial and educational measures to improve the integration of Roma children into the school system.
<b>Ireland</b>	Ireland has stepped up data collection related to minorities in a number of fields, including in connection with the population census.
<b>Italy</b>	Several regions or provinces have adopted laws governing the protection of the linguistic minorities living in their territories and bilingualism is guaranteed in areas such as the Autonomous Province of Bolzano – South Tyrol and the Aosta Valley.
<b>Latvia</b>	The procedure for the acquisition of citizenship by children of “non-citizens” was simplified in 2011 and 2013. In a number of regions and institutions, pragmatic solutions have been found to enable minority representatives to submit correspondence in minority languages and obtain a response in Latvian, with a summary provided in the minority language. The Advisory Council on National Minority Education Matters is actively involved in ministerial discussions and policy development and the President has been regularly attending meetings of the Consulting Council on National Minorities,
<b>Lithuania</b>	Important new pieces of legislation, such as the Law on Education and the anti-discrimination legislation have come into force. A new draft law on national minorities is being discussed in the parliament. Efforts are made to address the socio-economic difficulties faced by the Roma.
<b>Republic of Moldova</b>	A comprehensive anti-discrimination law was adopted. Possibilities to be taught minority languages have expanded through new minority language teaching textbooks and more “experimental schools” providing education in minority languages. Moldova developed a range of agreements aiming at developing cross border co-operation in the field of minority protection.

<b>Montenegro</b>	The Law on the Prohibition of Discrimination was adopted in 2010. It provides remedies to victims of discrimination through courts and by way of applying to the Protector of Human Rights. The Council for the Protection against Discrimination, overseen by the Prime Minister and composed of senior ministers and representatives of non-	governmental organisations, was established in 2011. The electoral legislation has been amended in 2011 and 2012 to create favourable conditions for election of national minority deputies to the Parliament. Political parties representing national minorities may, by pooling of votes on a collective list, more easily reach the required threshold of 3 percent.
<b>Netherlands</b>	The legal and institutional framework to combat discrimination in the Netherlands has been strengthened. The creation of the Netherlands Institute for Human Rights, the active role of the Ombudsman, the development of a local system of monitoring and reporting of discrimination in each municipality as well as new measures adopted to tackle the problem of intolerance on the Internet, reflect the will of the Dutch authorities to fight firmly against all forms of dis-	crimination. The new Language Act recognises Frisian as the second national language of the Netherlands and substantial efforts have been made to provide persons belonging to the Frisian minority with increased opportunities to learn the Frisian language in all levels of education. An enhanced intercultural content, including on the Frisian language and culture, has been included in the general education curricula.
<b>Norway</b>	An Action Plan (2009-2012) for Equality and Prevention of Ethnic Discrimination has been developed and an educational project to promote the social inclusion of the Roma in different spheres of life is being implemented in Oslo. The efforts made in recent years to remedy the injustices committed under the past policies of assimilation against the Romani/Taters have been intensified, in par-	ticular with the establishment of the Commission for Romani/Taters. Norway continues to support by annual financial subsidies the educational and cultural activities organised by the representatives of national minorities. Additional measures have also been taken to revitalise and to promote the Kven culture, such as the standardisation process of the Kven language.
<b>Poland</b>	An Anti-Discrimination Act was adopted in 2010, to strengthen further prior legislation adopted to implement the EU Directives on Racial Equality and on Employment	Equality. The Act defines the respective roles of the Commissioner for Civil Rights Protection (Ombudsman) and the Government Plenipotentiary for Equal Treatment.
<b>Romania</b>	The Law on Education adopted in 2011 has provided Romania with a more detailed legal framework for education and established legal guarantees for persons belonging to national minorities. The law stipulates that persons belonging to national minorities have the right to be educated in their mother	tongue at all levels of pre-university education. Schools or classes with education in the minority language can be established upon request of parents or legal guardians, without identifying any minimum threshold of the number of children required.
<b>Russian Federation</b>	Following concerns expressed by the Advisory Committee, legislation prohibiting the use of minority languages in all federal radio and TV broadcasting was amended to allow radio/TV companies to broadcast at the federal level in the languages of minorities. Substantial efforts have been made to reduce the number of stateless persons in the	Russian Federation. A comprehensive Concept Paper on the Sustainable Development of Numerically Small Indigenous Peoples of the North, Siberia and Far East was adopted in 2009. An Action Plan on Socio-Economic and Cultural Development of Russian Roma was adopted at federal level in February 2013.
<b>Serbia</b>	The 2009 Law on the Prohibition of Discrimination has significantly strengthened the legal framework in place regarding protection from discrimination on grounds relevant to persons belonging to national minorities. A number of laws having a particular impact on the rights of persons belonging to national minorities have been enacted or	amended to ensure the adequate protection of these rights. There have also been a number of important institutional developments, including the election of national minority councils in 2010 based on the 2009 Law on National Councils of National Minorities.

Serbian public media has broadened its programming in minority languages.

**Slovak Republic** The anti-discrimination legislation has been further improved and the competences of the national equality body extended. Positive measures have been introduced aiming to redress social and economic inequalities and disadvantages faced by persons belonging to vulnerable groups.

**Slovenia** Legislation has been enacted laying down a clearer definition of the specific rights granted to the Roma minority and clarifying the responsibilities of the various levels of authorities responsible for implementing these rights.

**Spain** The authorities at state and regional levels have continued to develop long-term policies and programmes to promote equal opportunities for the Roma. The Institute of Roma Culture was established in 2007 to promote Roma culture, history and language.

**Sweden** The Sami are now recognised at constitutional level as an indigenous people. The adoption of the National Minorities and National Minority Languages Act and the Language Act has expanded the geographical areas in which the Finnish, Meänkieli and Sami languages can be used in contacts with the administrative authorities and increased the opportunities for persons belonging to national minorities to have an impact in decision-making on issues of concern to them. More children are also entitled under this legislation to pre-school activities in minority languages and the conditions for access to minority language schooling have been relaxed. Comprehensive antidiscrimination legislation has also been enacted.

**Switzerland** The legal and institutional framework concerning the protection of national minorities has been considerably improved since the last monitoring cycle. Two new important laws relevant to persons belonging to national minorities entered into force: the 2010 Federal Law on the National Languages and Understanding between the Linguistic Communities (LLC) and the 2012 Federal Law on the Promotion of Culture (LEC).

**“The former Yugoslav Republic of Macedonia”** The Anti-discrimination Law was adopted in April 2010 and the Commission for Protection Against Discrimination has been established. The law provides a clear legal basis for protection against discrimination and establishes a judicial procedure for its enforcement.

**Ukraine** The rights contained in the Framework Convention have been extended to cover groups such as Boikos, Hutsuls and Rusyns and new legislation concerning minorities is being prepared. Anti-discrimination legislation was adopted in 2012 and a Strategy for the Protection and Integration of Roma was adopted in 2013. Changes were introduced in 2010 to offer final examinations in minority language schools in the language of schooling and some pedagogical centres for the teaching of minority languages have been created.

**United Kingdom** A new comprehensive Equality Act was enacted in 2010 and includes innovative approaches and provisions that could advance the protection of minority ethnic communities. The authorities continue to collect extensive equality data in order to evaluate the needs of persons belonging to minority ethnic communities and improve policies and measures aimed at combating direct and indirect discrimination.

**Kosovo**  
All reference to Kosovo, whether to the territory, institutions, or population, in this text shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.

The Croat and Montenegrin communities were officially recognised as minority communities through amendment of the relevant legislation in December 2011. The Roma IDP camp ‘Osterode’ was closed at the end of 2012 and all remaining residents have been resettled. Comprehensive and ambitious policy documents for the integration of the Roma, Ashkali and Egyptian communities have been adopted and implementation is on-

going. Substantial progress has been made related to the preservation and protection of cultural and religious sites and a fund for support to minority media has been constituted and is disbursing grants to selected beneficiaries. A comprehensive community policing strategy was adopted in 2012. The Office of the Language Commissioner was put in place with the mandate to oversee and promote implementation of the language leg-

isolation, including an effective complaints mechanism.

## European Charter for Regional or Minority Languages

<b>Armenia</b>	Armenia has produced more textbooks for the teaching of the Assyrian, Kurdish and Yezidi languages in schools.	
<b>Austria</b>	Austria amended its Broadcasting Act in 2001 and included the provision of minority language programmes in the public service	mandate of the ORF. It also established a legal basis allowing the ORF to co-operate with private broadcasters in this respect.
<b>Croatia</b>	The Charter has enhanced minority language rights in Croatia and contributed to the adoption of the Act on Education in the Lan-	guages and Scripts of National Minorities in 2000.
<b>Cyprus</b>	Cyprus recognised Cypriot Maronite Arabic as a regional or minority language under the Charter following a Committee of Ministers’	recommendation. Ever since, a language revitalisation process has begun and the language has been codified.
<b>Czech Republic</b>	In order to facilitate the implementation of the Charter, the Czech government allocated funds to municipalities for the instalment of bilingual (Polish-Czech) signs in the Karviná and Frydek-Místek districts.	Moravian Croatian has been recognised as a regional or minority language in terms of the Charter (Part II).
<b>Denmark</b>	As recommended by the Committee of Ministers, Denmark adopted a number of special arrangements to ensure the protection of the German language after the municipal reform in Southern Jutland/North Schleswig. In particular, financial grants from the municipalities and Southern Jutland County for cultural activities were maintained.	The Danish authorities also supported radio broadcasts in German following a recommendation by the Committee of Ministers. Pursuant to the respective provision of the Charter, the regional hospital of Southern Jutland now offers its patients the possibility to communicate in German with the hospital staff.
<b>Finland</b>	Following ratification of the Charter, the Sámi Language Act was adopted. It aims to ensure the right of the Sámi to develop their language and culture and to use it in relations with judicial and administrative authorities.	In the Upper Lapland Regional Office language training has been offered to increase the number of Sámi-speaking officials who are needed to implement obligations under the Charter and the Sámi Language Act.
<b>Germany</b>	In 2004, the <i>Land</i> of Schleswig-Holstein adopted a law for the promotion of North Frisian in public life containing provisions concerning, <i>inter alia</i> , the use of North Frisian in relations with administrative authorities and the employment of Frisian-speaking civil servants. In 2010 the authorities amended the Lower Saxony Media Act. The law now requires broadcasters to include in an adequate manner in their programme the regional and	minority languages spoken in their coverage area. Lower Saxony’s 2011 decree “The Region and its Languages” provides for the possibility of regional or minority language education, leading, in most cases, to bilingual education. In 2012, the Free State of Saxony adopted an Action Plan to Encourage and Revive the Use of the Sorbian Language, aimed at increasing the knowledge of and about Upper Sorbian, and its use in public life.
<b>Hungary</b>	Hungary amended the Act on Criminal Procedure (2002), the Act on Civil Procedure (2002) and the Act on the General Rules of Official Procedure and Servicing in Public Administration (2004), as recommended by the Committee of Experts. The amendments clarified that everyone may use, orally and in	writing, a minority language, that interpreters shall be employed if the person wishes to use a minority language, and that translation and interpretation costs shall be borne by the state. These provisions have ever since been invoked by persons belonging to national minorities.

	<p>The availability of transport for pupils to schools where a minority language is taught has improved, thus contributing to the maintenance of minority language education in rural areas. Also, more minority schools have been taken over by self-governments of</p>	<p>national minorities (bodies of cultural autonomy).</p> <p>Furthermore, a public radio channel exclusively devoted to broadcasting in minority languages was created (Radio MR4), including daily radio programmes in Beás and Romani.</p>
<b>Netherlands</b>	<p>Ratification of the Charter marked the legal recognition of Limburgish, Low Saxon, Romani and Yiddish.</p> <p>The Dutch authorities have taken several steps to facilitate and encourage the use of Frisian before judicial authorities, including the organisation of courses in Frisian for new court employees and judges. Frisian speakers have the right to use their language in court</p>	<p>even outside the territory of the Province of Friesland.</p> <p>A new decree on family names entered into force in 2003, permitting the use of Frisian names in official documents.</p> <p>In addition, the Friesland province has been granted the competence to issue, in consultation with the national authorities, an education curriculum which also regulates Frisian-language education.</p>
<b>Norway</b>	<p>The Inner Finnmark court was established as the country's only bilingual court in 2004, serving the Sámi language administrative area.</p> <p>Norway has modified the Health-Care Personnel Act and taken measures in the health and social sector within the Sámi administrative district to provide staff having a command of Sámi.</p>	<p>As part of the implementation of the Charter, a pool of experts in Sámi language and information technology was established, which advises public administration on issues such as legislative documents in Sámi and Sámi spelling.</p> <p>Following a recommendation by the Committee of Ministers, Norway recognised Kven as a language in its own right and subsequently set up the Kven Language Council.</p>
<b>Serbia</b>	<p>The high legal status granted to Romani under the Charter (Part III) has contributed to the improvement of the largely negative</p>	<p>public image of this language. In addition, it prepares the co-official use of Romani by municipalities.</p>
<b>Slovakia</b>	<p>The Slovak Republic made significant undertakings under the Charter to promote the Bulgarian, Croatian and Polish languages. In 2001, a governmental Council for National Minorities and Ethnic Groups was estab-</p>	<p>lished in accordance with the provisions of the Charter.</p> <p>Furthermore, complaints to the Public Defender of Rights can also be submitted in the minority languages covered by the Charter.</p>
<b>Slovenia</b>	<p>By ratifying the Charter, Slovenia entered into the legal obligation to protect and</p>	<p>promote the autochthonous Croatian, German and Serbian languages in public life.</p>
<b>Spain</b>	<p>In 2010, the Parliament of Catalonia granted Aranese the status of a co-official language in the whole territory of Catalonia.</p>	
<b>Sweden</b>	<p>Ratification of the Charter marked the first legal recognition of Yiddish. Furthermore, it led to the adoption of the Act on the Right to use Sámi in Administrative Authorities and Courts of Law and the Act on the Right to use Finnish and Meänkieli in Administrative Authorities and Courts of Law in 1999.</p> <p>Further to recommendations made by the Committee of Experts, Sweden extended the administrative areas in which the Finnish and Sámi languages can be used in relation with the administration and branches of public services in 2009. The area where South</p>	<p>Sámi is spoken is now included in the Sámi administrative area.</p> <p>The Language Act adopted in 2009 establishes the responsibility of the public sector to protect and promote the languages of the national minorities and gives these minorities the opportunity to learn, develop and use their languages.</p> <p>In 2011, the Education Act entered into force, defining the use of minority languages in pre-schools.</p>

<b>Ukraine</b>	In 2012, the Parliament of Ukraine adopted the “Law of Ukraine On the Principles of State Language Policy”, replacing the former Soviet language law of 1989.
<b>United Kingdom</b>	<p>Ratification of the Charter was the first step towards official recognition of Scots and Cornish as regional or minority languages. Following a recommendation by the Committee of Ministers in 2004, a broadcasting license was issued to the Irish-language radio station Raidió Fáilte in Northern Ireland.</p> <p>Also, the authorities have suggested a Code of Courtesy when dealing with regional or minority language speakers.</p> <p>The Cornish-speakers have agreed on a common orthography for the public use of Cornish.</p>

## European Commission against Racism and Intolerance

### General changes

ECRI has helped set up institutions and develop laws and practices to combat racism, racial discrimination, xenophobia, antisemitism and intolerance.

Today most member States – drawing inspiration inter alia from ECRI’s General Policy Recommendation (GPR) No. 2 – have established independent bodies whose mandate includes the fight against discrimination on grounds such as “race”, colour, language, religion, citizenship and national or ethnic origin (specialised bodies). ECRI’s GPR No. 7 on national legislation to combat racism and

racial discrimination has been widely used in legislative reforms as a yardstick against which to measure the adequacy of national-law provisions. In recent years Albania, the Republic of Moldova, Poland and Serbia have adopted comprehensive anti-discrimination legislation. Other countries such as Bulgaria, Croatia, Cyprus and San Marino have strengthened their criminal law provisions. ECRI now contributes to the fine-tuning of these legal instruments. It also promotes the ratification of Protocol No. 12 to the ECHR. So far, 18 states have ratified it.

### Country-specific examples

<b>Albania</b>	In February 2010, Parliament enacted the law on protection against all discrimination. It covers discrimination in the public and private sector based on race, colour, religious	convictions, language and ethnic origin. It also established the institution of the Commissioner on the Protection against Discrimination.
<b>Andorra</b>	On 6 May 2008 Andorra ratified Protocol No.12. The authorities have also taken measures to encourage the judiciary to apply it, such as training in fundamental rights for	judges and prosecutors. In 2010 a National Equality Commission was set up in order to address anti-discrimination issues and to implement a Plan for Equality.
<b>Armenia</b>	Legislation facilitates the setting up of kindergartens in communities where ethnic minorities live. There are no longer limits on the amount of time private broadcasting stations may spend on ethnic-minority programmes.	A new law on Refugees and Asylum has been enacted and all its implementation decrees have been drafted. All persons enjoying temporary protection have been granted refugee status.
<b>Austria</b>	In 2010, the Austrian Press Council was re-established to enforce compliance with ethical standards and rules of conduct. The Council has adopted a code of honour, which provides guidance on topics such as the prevention of discrimination on the basis of	race, religion, gender, national origin or any other ground. In 2011 legislation was enacted providing that the Ombudspersons cannot receive instructions and are autonomous and independent.
<b>Belgium</b>	In June 2013, a Circular was adopted, which provides for the designation of contact persons within the national and local police responsible for racism, homo- and	transphobia. The Belgian courts have begun using the option under the Anti-racism and Anti-discrimination Acts to suspend the civil and political rights of persons convicted for

	racism or racial discrimination, including hate speech.	
<b>Croatia</b>	The Constitution was amended to recognise the existence of 22 national minorities in Croatia. The Criminal Code was revised;	hate motivation is an aggravating factor in the determination of the penalty.
<b>Czech Republic</b>	In July 2011, the government adopted a new nine-year policy, which aims to improve access to housing for groups at risk of social exclusion. The authorities will support the construction of flats, strive to remove bar-	riers to access to existing flats and strengthen the legal framework for social housing. This is expected to become a tool for combating discrimination of Roma in this field.
<b>Georgia</b>	In 2013, ECRI was asked to review the draft Law on the Elimination of All Forms of Discrimination.	
<b>Germany</b>	Germany has ratified the Additional Protocol to the Convention on Cybercrime, an international instrument the adoption of which	had been recommended by ECRI in its GPR No. 6 of 15.12.2000. Anti-discrimination agencies have been set up in several Länder.
<b>Republic of Moldova</b>	On 25 May 2012 a new law was enacted guaranteeing equality and setting up, as from 1	January 2013, the Council to Prevent and Combat Discrimination and Ensure Equality.
<b>Monaco</b>	Sovereign order No. 4 524 was published in 2013 setting up the office of the High Commissioner on the Protection of the Rights, Civil Liberties and Mediation. Physical and legal persons claiming to have been victims	of discrimination are given the right to bring a complaint before the High Commissioner. Several conferences and training sessions on human rights and racism were held in 2012 and 2013 for judges and police officers.
<b>Netherlands</b>	New detailed instructions were issued by the Public Prosecution Service providing for: the appointment of regional prosecutors and police officers specialised in dealing with discrimination and racist offences; the obligation for the police to register all offences with racist motivation; the systematic detection	and monitoring of racism and discrimination; and cooperation with local government. The instructions also highlight the need for a firm response by the competent authorities to breaches of criminal law provisions against racism.
<b>Poland</b>	Parliament enacted the Anti-discrimination Act, which entered into force on 1 January 2011. It prohibits discrimination based on sex, race, ethnic origin, nationality, religion, belief or sexual orientation and entrusts the	Human Rights Defender and the Government Plenipotentiary for Equal Treatment with the task of “implementing the principle of equal treatment”.
<b>Russia</b>	Large numbers of persons were granted citizenship. Regional ombudsmen exist in 71 out of 83 constituent entities. Criminal law now provides that racial hatred or enmity is an aggravating circumstance. The number of	criminal prosecutions for hate crime has increased, law-enforcement authorities targeting the most aggressive ultranationalist groups.
<b>San Marino</b>	New provisions against discrimination based on racial, ethnic, religious and sexual orientation and incitement thereto were added to	the Criminal Code. The divulgence, by any means, of ideas based on superiority or racial or ethnic hatred is also a criminal offence.
<b>Serbia</b>	On 26 March 2009 a law was enacted prohibiting discrimination on the grounds of skin colour, citizenship, national affiliation or ethnic origin, language and religious beliefs. It covers discrimination as well as victimisation, racist organisations, hate speech, harassment and humiliating treatment. In 2010,	the Commissioner for the Protection of Equality was elected. He is entrusted with monitoring compliance with the 2009 law. His powers include taking action when cases of discrimination occur and to bringing cases to court.

<b>Slovenia</b>	On 7 July 2010 Slovenia ratified Protocol No. 12 to the ECHR, with entry into force on 1 November 2010.	
<b>Spain</b>	A new Plan for Roma Development has been adopted for 2012-2020. There are several programmes to eradicate slums and relocate the inhabitants to standard housing and some cities no longer have any slums. Specialised prosecutors have been appointed to protect victims of crime and others to	combat cybercrime. The General State Prosecution Service provides training programmes on the principles of equality and non-discrimination to law-students. By law, those applying for any civil-service post have to sit an examination on, inter alia, the principle of equality.
<b>Switzerland</b>	The impact of integration agreements has been assessed. A system of 35 core indicators is being set up, which will help measure the degree of migrants' integration. In 2011, the Confederation and the cantonal governments fixed eight key areas for the cantonal	integrations programmes for 2014-2017. The cantons and local authorities have committed themselves to setting up specialised services, which will provide legal advice against discrimination.
<b>Turkey</b>	The Law on Foreigners and International Protection No. 6 458 was enacted on 4 April 2013. Persons who apply for or who are granted international protection receive an identification document free of charge. By	Law No. 6 328, enacted in June 2012, an Ombudsman's Office was established. It can, upon receipt of a complaint, examine, investigate and make recommendations to public authorities.
<b>United Kingdom</b>	All local authorities in England have completed the Gypsy and Traveller Accommodation Assessments. Decision-making has been delegated to local authorities. In April 2012,	the authorities announced the investment of £ 60 000 000 to help local authorities and other providers with the cost of new traveller pitches until 2015.

## Council of Europe Convention on Action against Trafficking in Human Beings – GRETA

<b>Austria</b>	GRETA asked the Austrian authorities to adopt a proactive approach to the identification of victims of trafficking for the purpose of labour exploitation and to clarify what could constitute exploitation in the field of labour. Following GRETA's recommendation, a Working Group on Labour Exploitation was set up in 2012. It comprises representatives of	all relevant ministries, the <i>Länder</i> , NGOs and social partners. The Working Group has focused on reviewing the indicators for labour exploitation and improving their applicability in order to better assist the relevant authorities in the identification of victims of trafficking for the purpose of labour exploitation.
<b>Bulgaria</b>	GRETA recommended that the Bulgarian authorities design training programmes with a view to improving the knowledge and skills of relevant professionals which enable them to identify victims of trafficking and to assist and protect them.	Following GRETA's recommendations, six multidisciplinary trainings for judges, prosecutors and law enforcement officers were organised in 2012, as well as several trainings for social workers. Training was also provided to staff working in crisis centres for children.
<b>Cyprus</b>	GRETA called upon the Cypriot authorities to ensure that no additional conditions of damage or loss are required from a person who had been subjected to THB in order to qualify as a victim of THB and to benefit from assistance and protection measures. Following GRETA's recommendations, the definition of "victim of THB" was changed in the national legislation to include any natural person subjected to trafficking in	human beings, regardless of whether this person is damaged by the commission of the offence of THB.  GRETA invited the Cypriot authorities to increase the human and financial resources of the Police Office for the Prevention and Combating of Human Trafficking so that it can effectively carry out the full range of tasks within its mandate.

	<p>The number of the members of the Office has increased to 8 persons, including police investigators, a forensic psychologist, a psychologist, a criminologist and a social worker.</p> <p>GRETA recommended that the Cypriot authorities introduce a checklist to identify</p>	<p>potential THB-related risks during the visa application system.</p> <p>On 27-28 February 2013, a two-day training addressed to members of the Consular Staff took place in Nicosia. As a result, a checklist to identify potential THB-related risks during the visa application system was prepared by the Cypriot Police.</p>
<b>France</b>	<p>GRETA called upon French authorities to amend the definition of trafficking in human beings in the Criminal Code.</p> <p>In line with GRETA's recommendation, the definition of THB in the Criminal Code was amended by a law of 6 August 2013 to include expressly among the forms of exploitation</p>	<p>forced labour or services, servitude, and slavery.</p> <p>Further, pursuant to GRETA's recommendation, the French authorities have set up an inter-ministerial task force for the fight against human trafficking in order to ensure national co-ordination, in line with the Convention.</p>
<b>Republic of Moldova</b>	<p>GRETA urged the Moldovan authorities to enhance efforts to identify victims of human trafficking.</p> <p>The Government has developed new guidelines which are obligatory for all public institutions at central and local level and other</p>	<p>relevant actors. The guidelines include direct as well as indirect indicators and describe the identification and referral process. The guidelines have been distributed <i>inter alia</i> to labour inspectors and Moldovan consular staff abroad.</p>
<b>Slovak Republic</b>	<p>GRETA called upon Slovak authorities to take the necessary legislative and practical measures to ensure that compensation is made available to all victims of THB, irrespective of their nationality and residence status.</p>	<p>Following GRETA's recommendation, the Act on Compensation to Violent Crime Victims was amended in 2013. The Ministry of the Interior in co-operation with the Ministry of Justice has drawn up an information sheet for victims of trafficking on the avenues for compensation.</p>

## Council of Europe Commissioner for Human Rights

**Improvements in the area of human rights are often the result of a combination of factors, including suggestions from several actors. The following are examples of changes to which the Commissioner has contributed:**

<b>Albania</b>	<p>In his 2012 letter to the Minister of Justice of Albania, the Commissioner expressed his concern about the system of court fees in civil and enforcement proceedings, notably as concerns the obligation of payment up front. The Commissioner's letter was taken on board by the authorities and in May 2013</p>	<p>amendments to the Law on Legal Aid were enacted which tasked the State Commission for Legal Aid with granting exemptions from the payment of court fees, under certain conditions, by persons with insufficient financial resources.</p>
<b>Andorra</b>	<p>In June 2012, following the Commissioner's recommendation made after his visit in February 2012, Andorra signed the Council of</p>	<p>Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse.</p>
<b>Armenia</b>	<p>The need to introduce a genuine alternative service option and to release all imprisoned conscientious objectors has been repeatedly raised by the Commissioner, e.g. in the last report on Armenia published in May 2011. In June 2013, the new amendments to the law on Alternative Military Service entered into force. They reduced the terms of alternative military service and alternative civilian</p>	<p>service, defined a broad-based composition of an inter-agency government committee that reviews applications for alternative service, and prohibited military supervision over alternative civilian service. In November 2013 the Commissioner was informed about the release of all convicted conscientious objectors under the amended provisions.</p>

<b>Austria</b>	Following up specifically on a recommendation contained in the Commissioner's report on Austria published in September 2012, the Austrian authorities undertook to consider whether the preparation of an overarching	National Human Rights Action Plan could usefully complement the action plans currently in place in Austria in specific human rights areas.
<b>Belgium</b>	In January 2012 the Belgian <i>Conseil du Contentieux des Etrangers</i> (CCE) suspended the transfer of an asylum seeker to Malta on the basis of the "Dublin Regulation". One of the reference documents used by the CCE was	the Commissioner's report concerning, <i>inter alia</i> , the law and practice relating to refugee reception and protection in Malta, published in June 2011.
<b>Bosnia and Herzegovina</b>	The Commissioner's findings and recommendations relating to segregation in schools along ethnic lines contained in his 2008 and 2011 country reports were referred to in the April 2012 judgment of the Municipal Court in Mostar that decided on this subject-	matter. The court ordered the authorities to take adequate measures to put an end to the system of 'two schools under one roof' in line with the Commissioner's recommendations.
<b>Czech Republic</b>	The Commissioner recommended in his 2010 country report that the Czech Republic ratify the Additional Protocol to the Convention on Cybercrime concerning the criminal-	isation of acts of a racist or xenophobic nature committed through computer systems. In May 2013 the Czech Republic acceded to this instrument.
<b>Estonia</b>	The Commissioner's 2007 follow-up report on Estonia urged the Estonian authorities to seek the advice of the Bar Association to resolve difficulties with the implementation of the free legal aid mechanism under the 2005 State Legal Aid Act. The Commis-	sioner's 2013 report on Estonia noted that the State Legal Aid Act was modified in 2010 and that the Estonian Bar Association was responsible for providing legal aid and appointing legal counsel. In 2012, the legal aid budget was increased significantly.
<b>Finland</b>	The Commissioner's 2006 follow-up report on Finland encouraged the Government and the Parliament to sign and ratify the Council of Europe Convention on Action against	Trafficking in Human Beings. Finland signed the Convention in August 2006 and ratified it in May 2012.
<b>France</b>	In December 2012 a Law abolished the possibility to prosecute individuals and organisations that provide humanitarian and legal aid to irregular migrants in support of the latter's dignity and physical integrity. This Law put an end to the prosecution of migrant rights defenders (" <i>délit de solidarité</i> "), about which the Commissioner had expressed his concern on several occasions.  In July 2010 the Ministry of Justice announced an "unprecedented modernisation plan" for the French prisons. The plan was intended to address issues raised in a number of relevant international reports including the 2008 one by the Commissioner. According to the plan, 23 old prisons were to be closed and replaced by modern ones mainly between 2015 and 2017.	In April 2009, the <i>Tribunal Administratif de Paris</i> (TAP) suspended a transfer to Greece and ordered the French authorities to examine the applicant's claim for asylum. The court stated that where the French authorities believed that the receiving state would not guarantee the applicant's right to seek asylum, the French authorities should invoke the sovereignty clause ("Dublin Regulation") to examine the case. The court found that the situation in Greece gave rise to such a belief. The Commissioner's 2008 report on asylum in Greece was referred to by TAP in support of this decision. Similar decisions were rendered by the TAP, in July and December 2009, referring again to the Commissioner's report.
<b>Georgia</b>	Following the prison abuse scandal which came to light in September 2012, the Commissioner addressed a letter to Prime Minister Bidzina Ivanishvili, emphasising that the issue of ill-treatment and impunity was a long-standing concern which had been raised repeatedly by the Georgian	Ombudsman, the CPT as well as his own institution, and urged that effective investigations be undertaken into ill-treatment by public officials. In his response to the Commissioner's letter, the Prime Minister informed the Commissioner about the reforms planned for the prison system. In

response to the report of the CPT report following its November 2012 visit to Georgia (published in July 2013) which raised issues related to the above-mentioned prison abuse scandal, the Georgian Government indicated that a number of guilty verdicts in the cases concerned had been delivered by courts in Tbilisi and Kutaisi in June 2013, and that several other investigations into ill-treatment of prisoners by prison officials were on-going.

The Commissioner's July 2011 report on administration of justice in Georgia stressed *inter alia* the need to increase public trust in the judiciary and cautioned against excessive reliance on plea bargaining, bearing in mind

the powerful role played by the prosecutor in the negotiation of plea agreements. He also encouraged, wherever possible, the use of alternatives to detention on remand.

According to the monitoring of criminal courts implemented by the Georgian Young Lawyers Association (GYLA) from January to June 2013 (published in October 2013), criminal courts were displaying a "slightly greater objectivity" and showed "less inclination" towards the use of custodial sanctions during pre-trial investigation. The monitoring also revealed a reduction in the number of plea agreements and in the amount of fines imposed in this context.

- Greece** By his April 2013 report on Greece the Commissioner stressed the need to effectively sanction individuals and political organisations, including political parties such as the neo-Nazi party "Golden Dawn", involved in racist and other hate crime. In September 2013 the Greek authorities initiated the prosecution of the leader and a number of members of the above party for involvement in a "criminal organisation". Also in November 2013 a new law was promulgated that provides for the suspension of state funding to political parties subjected to this kind of criminal proceedings.
- In May 2009 the Commissioner wrote to the Greek authorities and drew their attention to the cases of 37 former Greek citizens who were reportedly stateless in Tashkent, Uzbekistan. They had left Greece during or after the 1940s' civil war and had been granted refugee status by the former Soviet Union, a status that they lost after 1991. In their reply, the Greek authorities informed the Commissioner that they had managed to locate the vast majority (25) of the above persons and to examine their individual situation. As of October 2009 five persons had acquired Greek nationality.
- Hungary** In February 2010 the Parliament passed a Bill that prohibits denials of the Holocaust. This was in accordance with the recommendations contained in the Commissioner's letter to the Prime Minister, dated 22 October 2009, where it was stressed that freedom of expression has limits given that it carries with it duties and responsibilities for the protection, *inter alia*, of the reputation or rights of others.
- Iceland** The Commissioner's 2005 report on Iceland raised concerns about the independence of the judiciary and the preponderant role of the Government Minister competent for judicial affairs in appointing judges, including Supreme Court justices. The Icelandic legislation and rules for the appointment of judges were reformed in May 2010. The amendments reinforced the independence, powers and composition of the evaluation committee and laid out objective criteria for appointments to the judiciary.
- Italy** In reports published in 2011 and 2012, the Commissioner drew attention to the lack of policies for the integration of beneficiaries of international or humanitarian protection in Italy, as well as access to housing and social care for this vulnerable group. The Commissioner's interventions heightened national and international attention to the destitution faced by many refugees and other beneficiaries of protection. The Italian authorities announced that they will substantially increase the capacity of their reception system for refugees, in line with the Commissioner's recommendations.
- Liechtenstein** In December 2008, as announced by the Prime Minister in reply to the Commissioner's 2007 letter, a law was adopted providing for the prohibition of corporal punishment, psychological harm and other degrading treatment of children.
- Luxembourg** Following a Commissioner's letter of May 2007 requesting the government to look into the legislation concerning corporal punishment, Luxembourg adopted in December 2008 a law that prohibited corporal punishment of children within the family.

<b>Republic of Moldova</b>	The Commissioner raised concerns about ill-treatment and impunity for serious crimes committed by law-enforcement officials in the Republic of Moldova, in particular in relation to the April 2009 events. In this connection, he underlined that criminal proceedings initiated against law enforcement officers on grounds of torture or ill-treatment should not be time-barred and the granting of an amnesty or pardon should not be per-	missible in principle. In 2012, Parliament passed amendments to the Criminal Code which abolished provisions concerning the statute of limitations for torture and prohibited granting of amnesty to persons sentenced for torture. The penalties for torture have also been increased and suspended sentences in such cases are no longer possible under the revised framework.
<b>Netherlands</b>	The Commissioner's 2009 report on the Netherlands urged the Dutch authorities to abolish the legal condition of sterilisation and other compulsory medical treatment as a requirement for the legal recognition of a person's gender identity. In May 2013, the Dutch House of Representatives adopted a	bill that amends gender registration legislation. Under the new legal provisions, medical treatment is no longer a prerequisite for the legal recognition of the gender identity of transgender individuals, and the condition of infertility that applied to both men and women has been abolished.
<b>Portugal</b>	In November 2010 Portugal adopted legislation on transgender persons' gender recognition. Under the new law the preferred gender can be obtained using a standardised administrative procedure within eight days. This	change was fully in line with the Commissioner's position expressed in his letter to the Portuguese Minister of Justice earlier in 2010 and his Issue Paper <i>Human Rights and Gender Identity</i> .
<b>Russian Federation</b>	Following his visits to the Russian Federation in October 2012 and April 2013, the Commissioner published his "Opinion on the legislation of the Russian Federation on non-commercial organisations in light of Council of Europe standards". This document has been used for litigation before the national courts by local NGOs and their legal representatives. In most of those cases, the Russian courts ruled against the requests by the Prosecutor's Office to apply the "Law on Foreign Agents" against various non-governmental organisations. One of the Commissioner's	recommendations to the authorities was to refrain from any further steps in relation to the application of the Law on Foreign Agents before the shortcomings in the law and its application are rectified; the Commissioner also invited the Constitutional Court to contribute to the revision process. In a recent court hearing concerning the NGO Memorial (Moscow), the judge decided to postpone the hearing, pending the decisions of the Constitutional Court and the European Court of Human Rights.
<b>Serbia</b>	Following his visit to Serbia in June 2011, the Commissioner urged the authorities to introduce an amendment to the Law on Residence and provide that persons who do not have registered residence would get temporary identity documents containing the address of the nearest social care centre. In November 2011 the Serbian parliament adopted this	amendment. This law is particularly relevant for many Roma living in Serbia who do not have permanent residence. The Commissioner's recommendation was prepared in close co-operation with the Serbian Ombudsman who has been actively involved in the above legislative procedure.
<b>Spain</b>	In February 2010 the Spanish Ombudsman was designated as a national preventive mechanism under the Optional Protocol to the UN Convention against Torture. By his Viewpoint entitled "The protection against torture must be strengthened" (18 February 2008) the Commissioner had encouraged member states to establish fully independent national preventive mechanisms for the pre-	vention of torture at the domestic level. Following a visit of the Commissioner to Spain in June 2013, during which the latter highlighted the impact of austerity measures on children's rights, the Ombudsman initiated an <i>ex officio</i> investigation on problems of nutrition faced by children as a result of austerity measures and the economic crisis.
<b>Switzerland</b>	In March 2012 the <i>Office fédéral de l'état civil</i> made public a legal opinion on <i>transsexualisme</i> by which it advised the courts not to require sterilisation or surgical genital recon-	struction for gender recognition. One of the reference documents referred to in the above opinion was the Commissioner's study on LGBT persons published in 2011.

**Turkey** Following the Commissioner's 2009 visit and Report on human rights of asylum seekers and refugees, the Turkish authorities examined the living conditions of foreign nationals coming from conflict areas who are in need of international protection. Measures were taken in spring 2010 to improve their situation in particular by providing residence documents and access of their children to education. Subsequently, the Commissioner's Office directly contributed to a process which culminated in the adoption in April 2013 of Turkey's first Foreigners and International Protection Act, which introduces a new legal framework on migration, asylum and international protection including many improvements in line with the Commissioner's recommendations

**Ukraine** Following his visit to Ukraine in November 2011, the Commissioner published in February 2012 a report on the situation in the judiciary and made a number of recommendations as to the future directions in the reform process. Several comprehensive reform efforts are currently underway and the government is taking a number of steps

**Kosovo**

All reference to Kosovo, whether to the territory, institutions, or population, in this text shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.

Of particular concern to the Commissioner has been the situation of the Roma, Ashkali and Egyptian communities living in the two lead-contaminated camps in northern Mitrovica/Mitrovicë. The Commissioner has called on numerous occasions for immediate closure of these camps and the provision of adequate medical care for their inhabitants.

**Impact through the case-law of the European Court of Human Rights**

The Commissioner's reports have an impact on human rights protection in member states also through the Court's case-law, since they are cited and relied upon in a number of judgments, such as the following:

- *M. v. Germany*, judgment of 17 December 2009, concerning preventive detention;
- *Rantsev v. Cyprus and Russia*, judgment of 7 January 2010, concerning trafficking in human beings;
- *Oršuš and others v. Croatia*, Grand Chamber judgment of 16 March 2010, concerning segregation of Roma children in education;
- *Kurić and Others v. Slovenia*, Grand Chamber judgment of 26 June 2012, addressing the issue of persons erased from the country's registry of permanent residence;

The Commissioner's reports on freedom of expression (July 2011) and the administration of justice (January 2012) in Turkey had a very strong impact on the public debate on these issues in the country. The Turkish Minister of Justice publicly expressed his government's commitment to addressing the shortcomings highlighted in the report. The recommendations directly fed into a concrete action plan endorsed by the government and representatives of the judiciary, as well as a comprehensive CoE training programme for judges and prosecutors, and were taken into account for the purposes of two legislative reform packages adopted by the Turkish Parliament.

in the areas outlined as problematic by the Commissioner in his report. Most notably, the new Criminal Procedure Code entered into force in November last year. The Government has also prepared a draft law on the Prosecutor's Office, which is currently pending in the Parliament.

This issue was addressed in the Commissioner's 2009 report and the 2009 letter to the Special Representative of the UN SG in Kosovo. The Commissioner raised this issue also in the 2009 letter to the German Chancellor and in the 2010 letter to the German Federal Minister of Interior. As of 2012 both camps were closed.

- *Aslakhanova and others v. Russia*, judgment of 18 December 2012, concerning disappearances in Chechnya;
- *Suso Musa v. Malta*, judgment of 23 July 2013, concerning the arbitrary detention of an asylum-seeker.

In 2010 the Commissioner submitted written observations as a third-party and intervened orally during the hearing before the Court's Grand Chamber on the case of *M.S.S. v. Belgium and Greece* relating to the transfer of an asylum seeker from Belgium to Greece under the Dublin Regulation. On that case the Court delivered a judgment on 21 January 2011 which had wide-ranging consequences for the protection of the human rights of asylum seekers in Europe: it recognised that the living conditions asylum seekers had to endure in Greece amounted to degrading treatment. In response, several member states suspended returns of asylum seekers to Greece. The findings of the Court

also prompted more calls within the European Union for reconsideration of the 'Dublin Regulation' itself.

## Group of States against Corruption – GRECO

The following list of examples covers 47 of the 49 current members of GRECO which - at the time of writing - had been subject to a formal impact assessment ("compliance procedure"). The relevant evaluation reports which contain a number of recommenda-

tions for improvements of the countries' anti-corruption legal frameworks and institutional setups and the subsequent compliance reports can be accessed at GRECO's home page ([www.coe.int/greco/](http://www.coe.int/greco/)).

<b>Albania</b>	The Albanian authorities have amended the criminal legislation on corruption by, <i>inter alia</i> , addressing bribery of foreign and international officials, jurors and arbitrators, and by increasing the level of sanctions available for bribery in the private sector and trading	in influence. Albania has also put in place new legislation to enhance the transparency of political party funding, to ensure comprehensive monitoring by the Central Electoral Commission over the regular as well as the campaign funding of political parties.
<b>Andorra</b>	A programme of anti-corruption awareness-raising and training initiatives has been adopted and implemented; a special coordinator has been appointed to facilitate the reform process on the basis of GRECO's recommendations. Moreover, legislation has been enacted to allow for a broader use of	special investigative techniques (e.g. interception of communications, controlled deliveries) in connection with corruption cases. The concept of corporate liability has been introduced in the legislation, making it possible to prosecute business entities involved in corruption.
<b>Armenia</b>	The Criminal Code has been amended to address several ambiguities and to criminalise trading in influence. Training programmes for practitioners in order to explain the elements of certain bribery offences have been organised. Reform of the legislation pertaining to transparency of political	financing has been carried out, with the adoption of a new Election Code, amendments to the Law on Political Parties and the Code of Administrative Offences, including regulations on donations, spending limits and accounting.
<b>Austria</b>	A number of measures have been carried out in order to implement recommendations issued by GRECO, such as a study on the impact and nature of corruption in Austria, the establishment of the Federal Bureau of Anti-Corruption, the Public Prosecutor's Office against Corruption and the Co-ordi-	nating Body on Combating Corruption. Criminal sanctions available for corruption offences have been strengthened. Moreover, a code of conduct for public officials has been developed as well as a regulatory framework for the protection of whistleblowers.
<b>Azerbaijan</b>	Legislative measures have been taken to broaden the scope of bribery provisions with regard to domestic public officials, foreign and international officials and persons acting in the private sector. Furthermore, the provi-	sions on bribery and trading in influence have been amended, <i>inter alia</i> , to explicitly criminalise the offer and the promise of an advantage as well as the acceptance of an offer or promise.
<b>Belgium</b>	By means of a special memorandum, the various administrations and prosecutorial services concerned have been alerted to the new possibility of obtaining information on potential criminal backgrounds of legal persons – a facility which is of particular interest in the context of procurement proce-	dures. A circular has also been adopted to involve tax authorities in the recognition of corruption-related offences and their subsequent reporting to criminal law bodies. A process has been initiated with a view to reforming the political financing regulations.
<b>Bosnia and Herzegovina</b>	The Agency for the Prevention and Fight against Corruption has been set up. It is vested with diverse corruption-prevention	responsibilities, e.g. development, coordination and monitoring of anti-corruption policies and activities, data gathering and anal-

	<p>ysis, monitoring of conflicts of interest, design of integrity plans, awareness raising and education etc. Legislative improvements have been made to better gather evidence</p>	<p>and to deprive offenders of illegal proceeds acquired through corruption, including through extended confiscation and the application of special investigative techniques.</p>
<b>Bulgaria</b>	<p>Following changes to the Criminal Law, Bulgaria has carried out training in respect of a large number of judges, prosecutors and law enforcement officers on legal issues pertaining to the offences of bribery in the public sector and trading in influence. New legislation in the area of political financing</p>	<p>(new Electoral Code and amendments to the Political Party Act) have created a clearer and more robust legal framework as far as transparency is concerned (e.g. indicating permissible funding and banning anonymous donations).</p>
<b>Croatia</b>	<p>The Criminal Code has been amended to broaden the offences of bribery and trading in influence. New legislation has been adopted to enhance the transparency of the funding of political parties as well as to ensure adequate monitoring of the implementation of political financing rules. The</p>	<p>respective roles of the State Audit Office and the State Election Commission in this monitoring have been clarified and these bodies have been provided with adequate authority and resources to carry out their tasks. Administrative sanctions for violation of political financing rules have been enacted.</p>
<b>Cyprus</b>	<p>A series of legislative amendments has been introduced in order to strengthen the criminal sanctions for corruption offences and to remedy imprecise definitions of some bribery offences. Furthermore, the new Political Parties Law brings enhanced transparency into political financing, including</p>	<p>the obligation upon political parties and affiliated organisations to keep annual accounting books and to report on income and expenses pertaining to election campaigns, all under the supervision of the Auditor-General of the Republic.</p>
<b>Czech Republic</b>	<p>Measures have been taken to align the Criminal Code with the requirements of the Criminal Law Convention on Corruption (ETS 173) regarding the offence of trading in influ-</p>	<p>ence. Furthermore, the authorities have clarified that the Criminal Code covers all bribery offences, whether committed directly or through intermediaries.</p>
<b>Denmark</b>	<p>The Danish authorities have strengthened the sanctions for a number of corruption offences under the Danish Criminal Code and new criminal legislation regarding the territories of Greenland and the Faroe Islands</p>	<p>respectively has been established. These efforts have increased the country's compliance with the Criminal Law Convention on Corruption (ETS 173).</p>
<b>Estonia</b>	<p>The Penal Code has been amended so as to criminalise bribery of members of domestic, foreign and international public assemblies, arbitrators and persons working for private sector entities. Moreover, a solid legal framework for both regular political party and</p>	<p>election campaign financing has been established by improving the transparency legislation, setting up a new monitoring mechanism (the Supervision Committee) and further developing the sanctions regime.</p>
<b>Finland</b>	<p>Finland has put in place a comprehensive legal framework on political financing i.e. concerning election candidates and political parties, in line with Council of Europe standards. The improvements made have increased the general transparency of polit-</p>	<p>ical funding considerably and serve as a model to other GRECO members. Furthermore, Finland has broadened the scope of certain bribery offences and strengthened the criminal sanctions for bribery in the private sector.</p>
<b>France</b>	<p>A series of new or additional judicial and law enforcement bodies has been set up, staffed by specialists, to deal with economic and financial crime, including complex corruption cases e.g. the <i>Brigade centrale de lutte contre la corruption</i> (BCLC). The legislation</p>	<p>concerning the transparency and supervision of political financing has been amended so as to apply to all parliamentary election campaigns, including those for the election of the Senate.</p>

<b>Georgia</b>	The Criminal Code has been amended in order to bring the elements of the offences bribery and trading in influence in line with the Criminal Law Convention on Corruption (ETS 173). Furthermore, Georgia has abol-	ished the legal requirement of “dual criminality” to allow for the prosecution of corruption offences whether committed domestically or abroad, regardless of the foreign criminal legislation.
<b>Germany</b>	Consultations have been launched, both at federal and <i>Länder</i> level, with a view to further strengthening the transparency of political financing. At federal level, measures	have been initiated to clarify the legal framework and to strengthen the monitoring mechanism.
<b>Greece</b>	Various measures have been taken to increase the effectiveness of the investigation of corruption offences, including the establishment of the special Prosecutor for Corruption Crimes as well as arrangements for	speedier investigations. A National Coordinator against Corruption has been established, in order to improve the effectiveness of anti-corruption policies and coordination between relevant agencies.
<b>Hungary</b>	The Criminal Code has been amended in conformity with the requirements of the Criminal Law Convention on Corruption (ETS 173), <i>inter alia</i> , in respect of bribery	offences in the foreign context (foreign passive bribery) and with regard to complex corruption offences comprising a trilateral relationship (“trading in influence”).
<b>Iceland</b>	In response to repeated concerns about integrity risks, democratic accountability and possible corruption, Iceland has undertaken a reappraisal of its transparency measures, the ethos of its governing institutions and the concept of corruption as it should be understood in the Icelandic context. Targeted tools	have been developed to better guide public servants on deontological standards and the prevention of conflicts of interest (e.g. financial declarations of parliamentarians, codes of conduct). Additionally, the criminal sanctions in respect of corruption offences have been strengthened.
<b>Ireland</b>	Ireland has engaged in a multifaceted reform process to tackle white collar crime in its different forms. Anti-corruption legislation has been strengthened by, <i>inter alia</i> , substantially extending the jurisdiction in relation to corruption occurring outside Ireland and by providing protection for whistle blowers who	report suspected corruption whether in the country or abroad. Important efforts have been made to enhance the transparency of political financing and to strengthen the financial discipline of political parties through more stringent accounting and auditing obligations.
<b>Italy</b>	Italy has embarked on a comprehensive anti-corruption programme which places key importance on transparency and accountability in public administration. The new Anti-corruption Framework Law introduces a systemic approach to corruption prevention and integrity measures (e.g. whistle	blower protection, conflicts of interest, codes of conduct and the establishment of an independent anti-corruption authority). The law also strengthens the sanctioning regime for corruption offences, misconduct and mismanagement of public resources.
<b>Latvia</b>	Legislative amendments have been adopted in order to eliminate political interference in the selection and appointment process of the leadership of the Corruption Prevention and Combating Bureau (KNAB) and to improve the recruitment procedures of its staff. New	legislation has been introduced in respect of political financing, including regulation of the involvement of third parties in election campaigns and on the liability of natural persons for violations of political party funding rules.
<b>Liechtenstein</b>	Liechtenstein has established an oversight anti-corruption body (the Working Group for the Prevention of Corruption) which has been given a broad composition and mandate, covering both preventive and opera-	tional aspects of fighting corruption. Liechtenstein is preparing a “legal package” aimed at making it possible for the country to ratify the Criminal Law Convention on Corruption (ETS 173).
<b>Lithuania</b>	Significant amendments to the Criminal Code have been enacted, notably including clarifications of the concepts of a “bribe” and	“third party beneficiaries”. Active trading in influence has been introduced as a criminal offence. The Law on Financing and Financial

	Control of Political Parties and Political Campaigns has been amended to enhance the transparency of the financing of political parties and election campaigns, <i>inter alia</i> ,	comprising a prohibition on unregistered donations and third party election campaign financing, in order to require political parties to open special campaign accounts.
<b>Luxembourg</b>	The adoption of the Confiscation Act and other measures provide for the seizure and confiscation of assets of an equivalent value to the proceeds of any corruption offence. This improves the possibilities for depriving offenders of illegal benefits from their corrupt dealings whether of a purely mone-	tary nature or comprising any other valuables. Legislation on the transparency of political financing has been introduced and, as a result, annual reports are to be submitted to the Court of Accounts and, subsequently, to be made public.
<b>Moldova</b>	The provisions on bribery in the public and private sectors and on trading in influence have been brought into line with the standards of the Criminal Law Convention on Corruption (ETS 173), <i>inter alia</i> , by extending the elements of these offences to all the different forms of corrupt behaviour	and any kind of advantage linked to bribery and trading in influence, whether material or immaterial in nature. Professional training and awareness-raising measures targeting the authorities responsible for enforcing the legislation have been initiated.
<b>Malta</b>	The Criminal Code has been amended in order to criminalise bribery of domestic and foreign arbitrators and foreign jurors. The maximum penalty provided for the offence of trading in influence has been increased	and more effective, proportionate and dissuasive penal sanctions for all bribery offences committed by judges have been introduced.
<b>Monaco</b>	Legislation on access to public information, establishing, <i>inter alia</i> , the right for any person to obtain communication of public documents, a list of grounds on which access can be denied and possibilities to appeal any such denial has been enacted. Whistle blowing policies have been introduced in the	public sector, which provide for the protection of employees who report in good faith suspicions of corruption. Various amendments have been made to the criminal legislation, for instance, to allow for the application of confiscation and temporary measures in relation to proceeds of corruption.
<b>Montenegro</b>	An articulated approach to fighting corruption and its risks has been adopted by Montenegro. The anti-corruption legal framework has been strengthened to better detect corruption and to deprive offenders of illegally acquired proceeds from corruption; this	has resulted in a more solid track record of convictions. Likewise, valuable transparency tools have been developed for sectors at risk (e.g. public procurement and privatisation processes, education, the judiciary, etc.).
<b>Netherlands</b>	The Criminal Code has been adjusted in respect of bribery of public officials and bribery in the private sector in order to align it with the Criminal Law Convention on Corruption (ETS 173). Furthermore, the draft criminal codes for the Netherlands Antilles and Aruba have been amended in light of the same Convention. The adoption and the	entry into force of the Financing of Political Parties Act (containing the obligation on political parties and their affiliates to identify and disclose donations above a certain threshold and to submit annual financial reports etc.) is expected to increase the transparency of political financing.
<b>Norway</b>	The Political Parties Act has been amended in order to increase the transparency of political financing and to create a legal basis for the monitoring of political party financing in line with Article 14 of Recommendation	Rec(2003)4 of the Committee of Ministers to member states on common rules against corruption in the funding of political parties and electoral campaigns.
<b>Poland</b>	– A new Electoral Code has been adopted which harmonises the provisions governing elections to both Chambers of Parliament, as well as elections to the European Parliament, presidential elections and local elections. The	Code extends to matters relating to the financing of election campaigns. More information regarding political funding is published on the Internet and the new legislation requires frequent declarations of donations

received by political parties and candidates in the context of election campaigns.

<b>Portugal</b>	The Portuguese authorities have announced their intention to ratify the Additional Protocol to the Criminal Law Convention on Corruption following amendments to the Criminal Code. Efforts have been made to enhance the transparency of political	financing by introducing a common format to be followed by political parties when reporting their financial situation and ensuring that financial reports are submitted to the authorities within the legal deadlines.
<b>Romania</b>	The number of officials entitled to immunity from criminal prosecution has been reduced in order to overcome obstacles to an effective fight against corruption. Moreover, a special National Anti-Corruption Prosecution Unit has been established to deal with large and medium-scale corruption offences. Rules on	political financing are in the process of being improved; some measures have already been undertaken, e.g. to consolidate political party accounts to include all related entities and territorial structures, and to account for in-kind support at its real value.
<b>Russian Federation</b>	A large number of federal laws and orders have been enacted and/or amended as a result of evaluation of levels of corruption and of the efficiency of anti-corruption measures. Investigations of corruption offences have been centralised in the Investigative Committee – a structure established	directly under the executive powers – and supervisory commissions have been developed throughout the public administration in order to detect and prevent conflicts of interest. Annual declaration of assets has become mandatory for public officials.
<b>Serbia</b>	Serbia has undertaken a thorough review of its legislation governing the financing of political parties and election campaigns, notably to better ensure transparency,	control and responsibility in this area. A dedicated anti-corruption agency has been established and vested with important preventive and investigative powers.
<b>Slovak Republic</b>	A series of legal amendments to the Criminal Code has been adopted in order to provide for a broader coverage of bribery offences	and trading in influence (e.g. the offering of an advantage) in line with the Criminal Law Convention on Corruption (ETS 173).
<b>Slovenia</b>	Measures have been taken to promote the integrity and to curb corruption in public administration, including by better regulating incompatibilities and conflicts of interest. An interesting development is the obligation for all public institutions to	prepare and implement “integrity plans” as a tool to identify, monitor and manage each institution’s specific corruption risks. This system is being replicated in other countries in the region.
<b>Spain</b>	The Spanish authorities have stepped up criminal legislation and procedures to render investigations more expeditious and efficient. On the preventive front, transparency and public consultation mechanisms are now recognised as an essential component in the	correct functioning of the public service. Legislation on political financing has been amended and control mechanisms have been reinforced in an effort to recast public trust in the political system.
<b>Sweden</b>	The Government has established a commission of inquiry with the task of reviewing the penal law regulation of active and passive bribery. The Commission has carried out thorough work concerning a number of aspects relating to corruption and the fight	against this phenomenon and has submitted proposals for changes in the Penal Code. Following repeated criticism, the Government is in the process of establishing a legal framework in order to provide for transparency within the area of political financing.
<b>Switzerland</b>	Preventive and repressive anti-corruption mechanisms have been made more efficient, e.g. a federal policy co-ordination group has been established and oversight of the federal prosecution service has been reviewed. Various cantons and/or municipalities have	passed legislation to ensure citizens’ access to public information and have improved public audit mechanisms. Anti-corruption guidelines have been adopted and training has been provided to public officials focusing on ethics and corruption prevention.

<b>“The former Yugoslav Republic of Macedonia”</b>	Several provisions in the Criminal Code have been amended to broaden the scope of the criminalisation of various bribery offences and trading in influence in order to comply with the requirements of the Criminal Law Convention on Corruption (ETS 173). These	legislative measures have also been followed up with training events organised by the Academy for Judges and Public Prosecutors in order to familiarise practitioners with the new legislation.
<b>Turkey</b>	The authorities have initiated measures with a view to reforming the High Council of Judges and Prosecutors, strengthening the Board of Review of Access to Information and providing more independence for the Ethics Council. A central on-line registration	system of legal persons has been established and the provisions of the Code of Misdemeanours concerning the liability of legal persons have been amended in respect of, <i>inter alia</i> , corruption offences and money laundering.
<b>Ukraine</b>	Following several years of scattered reforms, the State Programme for Preventing and Combating Corruption 2011-2015, developed by the National Committee against Corruption, has been established in order to	provide a comprehensive response to the need for anti-corruption reform in terms of legislation and practice of various sectors of public administration, the judiciary etc. The Strategy is connected to a plan of action.
<b>United Kingdom</b>	The new Bribery Act came into force in 2011; the transformation of old, complex and fragmented bribery legislation into a comprehensive and clear piece of legislation had been strongly supported by various entities, including GRECO. The new law does not only simplify and consolidate the legal	framework but also introduces a new scheme of offences in the area of corruption. Newly adopted legislation governing the Electoral Commission, aiming at increased transparency and accountability in the area of political funding, provides this body with more powers, including flexible sanctions.
<b>United States</b>	The authorities have carried out a broad legal study of recent case-law in relation to various corruption offences to ensure that federal legislation and practice comply with the requirements of the Criminal Law Conven-	tion on Corruption (ETS 173), in particular, as regards the offences of bribery of foreign public officials, bribery in the private sector and trading in influence.

## MONEYVAL

*Preventive regimes* As a consequence of MONEYVAL's rounds of evaluation, all evaluated States and territories now have basically sound preventive legislation in place. These laws address the important *customer identification* (CDD) and *record-keeping* standards which need to be in place in financial and non-financial institutions for the opening of accounts and the conduct of transactions above an applicable threshold by natural and legal persons. The same standards also apply now in almost all MONEYVAL States and territories to other designated businesses and professions with AML/CFT obligations, including lawyers, accountants, trust and company service providers, casinos, real estate agents, and dealers in precious stones and metals<sup>1</sup>. Most countries have enhanced their legislation appropriately to ensure that CDD requirements

apply also in respect of the real *beneficial owners* of accounts – i.e. individuals who ultimately own or control the accounts, or for whom transactions are being conducted by other parties, including in the case of legal persons.

All MONEYVAL States and territories now have a legal basis for the reporting of suspicious transactions by the private sector to a dedicated focal point for AML/CFT issues, the *Financial Intelligence Unit* (FIU), and fully operational FIUs which analyse cases for transmission to law enforcement and for investigation and prosecution.

<sup>1</sup> These businesses are collectively referred to as *Designated Non-Financial Businesses and Professions* (DNFBPs).

*Criminal/legal AML/CFT regimes* Many countries have embraced concepts which ten years ago were not considered to be within their legal traditions, such as corporate liability for money laundering. Several countries, at MONEYVAL's prompting, have

even gone beyond existing international standards, for example in criminalising *negligent money laundering*. Some countries are also introducing the reversal of the burden of proof in establishing whether assets in the

possession of a defendant have been unlawfully obtained – and therefore are subject to confiscation – where the defendant has been

*Investigation, prosecutions, convictions and deterrent confiscation orders*

More countries, also at MONEYVAL's prompting, are now investigating and prosecuting the more difficult types of autonomous ML cases. These often require judges to infer the existence of underlying predicate

### Cyprus

In 2013, MONEYVAL agreed, exceptionally, to the Eurogroup's request that it conduct a targeted special assessment outside of MONEYVAL's normal cycle of evaluations, in the context of Cyprus' application to the Eurogroup for financial assistance. MONEYVAL was tasked with assessing the effectiveness of the Customer Due Diligence measures in place in the Cypriot banking sector. This very sensitive special assessment was conducted between 19 and 29 March 2013. This evaluation was unique as no other jurisdiction has hitherto submitted to such an exceptional and focused AML/CFT evaluation covering the effectiveness of one part only of its AML/CFT system. Most of the MONEYVAL recommendations were attached to the Memorandum of Understanding between Cyprus and the Troika<sup>1</sup>, the implementation of which is a condition of the financial assistance package. MONEYVAL's Special Assessment is published on the website.

### Slovenia

Slovenia presents a clear example of the efficiency of MONEYVAL's follow-up processes, through which MONEYVAL monitors progress on a regular basis.

Slovenia was placed into regular follow-up after its 4<sup>th</sup> round MER was discussed in March 2010, and required to report back to the plenary and provide information on the actions it had taken or was taking to address the deficiencies underlying Recommendations that were rated partially- or non-compliant. Particular emphasis was placed on the criminalisation of money laundering and procedures concerning confiscation of laundered and terrorist assets. Based on its ongoing efforts, Slovenia sought and obtained removal from this process during MONEYVAL's March 2013 plenary meeting.

With regard to the criminalisation of money laundering, Slovenia took very positive steps to enhance the effective implementation of its legislation on money laundering, including a major review of its AML/CFT Law, and has achieved a significant number of convictions for money laundering, including autonomous convictions<sup>2</sup>.

As to the confiscation of laundered property and proceeds from crime, Slovenia has

convicted of a serious proceeds-generating offence.

offences from objective facts and circumstances. This can involve departures from previous judicial practice in some jurisdictions.

A range of shortcomings with the potential to undermine the effectiveness of CDD measures was identified. Overall, the assessors were concerned that the combination of a number of features associated with international banking business (e.g., introduced business *plus* complex structures *plus* use of nominees) would bring the level of risk beyond a level that was capable of being effectively mitigated by existing CDD measures. MONEYVAL reviewed, during its December 2013 Plenary, the steps taken by the authorities to meet the 2013 MONEYVAL recommendations and will continue to closely monitor progress in its plenary meetings in 2014.

<sup>1</sup> The *Troika* is the tripartite committee led by the European Commission with the European Central Bank and the International Monetary Fund that organised loans to the governments of Greece, Ireland, Portugal and Cyprus.

adopted new laws intended to give priority to asset detection and asset recovery and provide for parallel financial investigations conducted separately from the investigations of the criminal offense itself, as recommended by MONEYVAL. For the freezing and confiscation of terrorist assets, Slovenia, through amendments to its AML/CFT Law and the ratification of the Warsaw Convention, made significant steps in addressing the identified deficiencies.

Other noteworthy improvements include the creation of a procedure to better identify politically exposed persons, the establishment of a supervisor for auditing companies and the strengthening of its FIU's powers.

Overall, it was concluded in March 2013 that Slovenia had taken significant and sufficient steps to be removed from the regular follow-up process.

<sup>2</sup> An autonomous conviction for money laundering is a conviction where money laundering is prosecuted as a stand-alone offence, without being joined with the offence(s) which generated the criminal proceeds. Successful autonomous ML cases ensure that third parties who launder on behalf of others are brought to justice.

**Holy See (including the Vatican City State, HS/VCS)**

Following the decision of the Committee of Ministers in 2011 to accept the application of the Holy See to join MONEYVAL, both the mutual evaluation report and first progress report received extended global coverage, underlining the importance of the work of MONEYVAL and the Council of Europe in this area. More significantly, the technical recommendations made by MONEYVAL in 2012 have been largely implemented by the Holy See in a fast-paced package of reforms. Thus, the Holy See has come a long way in a very short time. The first Anti-Money Laundering Law only came into force in April 2011. It has been significantly amended in the light of MONEYVAL's recommendations. The latest legislative amendments, reviewed by MONEYVAL in December 2013, contain many welcome clarifications and improvements to the AML/CFT legal structure.

The legal basis for criminalisation of ML and TF and related confiscation is now much improved, but still needs to be tested in practice.

There are important processes ongoing to ensure that the financial institutions within the HS/VCS know who their account holders are and that customer due diligence measures are applied to them in line with international standards. This work is ongoing. It appears to have generated a significant number of suspicious transaction reports, which are being analysed by the FIA<sup>1</sup> and, where appropriate, referred to the Promoter of Justice. The first judicial mutual legal assistance request has been made by the HS/VCS and this was in a ML case.

The FIA now clearly has the autonomy to negotiate Memorandums of Understanding (MoUs). MoUs have been concluded with a number of countries and more are being

1 Autorità di Informazione Finanziaria (AIF), the Holy See's Financial Intelligence Unit.

negotiated. The new professional structure of the FIA, set out in its revised statute, nonetheless needs supplementing with more trained and experienced AML/CFT staff to handle the full range of its FIU functions.

MONEYVAL recommended in 2012 that the Institute for Works of Religion (IOR)<sup>2</sup> should be prudentially supervised. Now that a decision has been taken that the FIA should become the prudential supervisor of the IOR as well as the AML/CFT supervisor, the FIA needs to recruit appropriately skilled professionals quickly to undertake these responsibilities. There have still not been formal AML/CFT inspections yet of the IOR and the Administration of the Patrimony of the Apostolic See (APSA). The 2013 report noted that the remediation processes undertaken by the IOR, and to some extent APSA, are being pursued in close conjunction with the FIA as a supervisor, though it was stressed in 2013 that the forthcoming inspections of IOR and APSA should proceed now as planned. In this context, it was noted in the 2013 progress review that a credible regime is now formally in place in terms of AML/CFT supervisory powers and sanctioning, which now also needs to be tested in practice.

Regulations are still outstanding in respect of expertise and integrity requirements for financial institutions, which need to be issued quickly. Until then, the FIA cannot take on the assessment of the fitness and propriety of management of financial institutions and the examination of potential conflicts of interest, which are important parts of its supervisory remit.

Under the biennial update procedure, the Holy See is required to report on its progress by December 2015.

2 Sometimes described as the "Vatican Bank"

