



Human Rights and Legal Affairs

Monitoring

Within the Directorate General of Human Rights and Legal Affairs different monitoring bodies and procedures exist to ensure compliance with Council of Europe standards. Their purpose is to identify violations and shortcomings in member States' law and practice. As a result of the monitoring bodies' work, parliaments adopt new laws, courts develop case-law, internal procedures are improved and institutional capacity at State level is enhanced in order to prevent human rights violations and combat corruption and organised crime.

Ensuring the effectiveness of the European Convention on Human Rights

Individuals who feel that their fundamental rights have been breached can address complaints to the European Court of Human Rights. When the Court finds a violation, compliance with the judgment is monitored by the Committee of Ministers (i.e. the Ministers of Foreign Affairs of the member States or their representatives), to ensure that the effectiveness of the Convention is not diminished. In addition to the payment of any just satisfaction granted to the victims of human rights violations by the Court, measures taken by States in the framework of the execution of judgment include individual measures, aimed at remedying the applicant's situation, and general measures aimed at avoiding repetition of the violation within the State in question. While the Committee of Ministers' meetings are confidential, information on the progress in adopting the measures required is public, as well as are the decisions taken by the Committee, including Interim and Final resolutions. The Committee furthermore issues an annual report on its supervision of execution of the judgments.

Preventing torture and inhuman or degrading treatment or punishment

The *European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment* (CPT) is a convention-based monitoring body. It visits places of detention, including prisons, juvenile detention centres, police stations, holding centres for immigration detainees, psychiatric hospitals, social welfare institutions, etc.

CPT delegations make visits on a periodic basis (on average once every four years), but additional "ad hoc" visits are carried out when necessary. The CPT have unlimited access to places of detention. Interviews are carried out in private, and free communication is assured with anyone who can provide information.

After each visit the CPT sends a detailed report to the State concerned. It includes the CPT's findings, its recommendations, comments and requests for information. The CPT also requests a detailed response to the issues raised. Reports and State responses form part of the ongoing dialogue with the States concerned. They are confidential, but most States have chosen to publish them.

Respecting social rights

The European Social Charter is a treaty guaranteeing social rights. Monitoring of member States' compliance with the Charter is carried out by the *European Committee of Social Rights* (ECSR), an independent body elected by the Committee of Ministers.

Governments submit an annual report outlining how they implement the Charter in law and in practice. The ECSR examines national situations and decides whether they are in conformity with the Charter.

Under a *collective complaints procedure*, complaints of violations of the Charter can be made against a State. If the ECSR decides that the complaint is admissible, an adversarial written procedure takes place between the complainant and the respondent government. There may also be an oral hearing. The ECSR adopts a decision on the merits which is transmitted to the parties and to the Committee of Ministers. Where there has been a violation, the Committee of Ministers ensures that the State concerned takes appropriate measures to remedy the situation. It adopts a resolution and may recommend specific measures.

Fighting corruption

The *Group of States against Corruption* (GRECO) is an enlarged partial agreement of the Council of Europe, meaning that non-member States and the European Community can also take part. It aims to improve its members' capacity to fight corruption in the public and private sectors, both domestically and internationally. GRECO monitors States' compliance with Council of Europe legal instruments which

aim to fight corruption. Its procedures are based on questionnaires, country visits, and reports which are submitted to peer review by GRECO. These reports contain recommendations to the States concerned, whose compliance is assessed subsequently under a separate procedure.

Tackling racism and intolerance

The *European Commission against Racism and Intolerance* (ECRI) is an independent body specialised in combating racism, xenophobia, antisemitism and intolerance. Its independent and impartial members are appointed on the basis of their recognised expertise in the field. ECRI analyses phenomena of racism and intolerance in all member States and addresses country-specific recommendations to governments for dealing with the problems. It works in five-year cycles, covering on average 9 to 10 countries per year. Each country report examines the implementation of previous recommendations made to that country, together with new challenges. Following a confidential dialogue with the national authorities, ECRI's reports are adopted in their final form and transmitted to governments by the Committee of Ministers. Reports are then made public, unless the government expressly opposes publication.

Protecting national minorities

The monitoring mechanism of the *Framework Convention for the Protection of National Minorities* consists of evaluations by an independent Advisory Committee which are used by the Committee of Ministers to assess the implementation of the Framework Convention in the States parties.

Each State provides a report outlining legislative and other measures taken to conform to the principles of the Framework Convention. The Advisory Committee then produces an opinion based on these reports and information gathered from other sources, including country visits. This is then transmitted to the Committee of Ministers, which adopts resolutions on the adequacy of the measures taken by the country concerned. Follow-up activities are organised in the State in order to implement the recommendations. Opinions, resolutions and any comments by the State party are made public.

Countering money laundering and the financing of terrorism

The aim of the *Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism* (MONEYVAL) is to ensure that States have in place effective systems to counter money laundering (AML) and the financing of terrorism (CFT) and that they comply with relevant international and European standards. After on-site evaluation visits, MONEYVAL adopts comprehensive country reports setting out individual ratings of compliance with relevant standards, specific recommended action plans, and detailed recommendations to improve the AML/CFT system. Its recommendations are followed up through regular progress reports and compliance-enhancing procedures. MONEYVAL works in close co-operation with a number of international and regional bodies, among which the Financial Action Task Force, of which it became an Associate Member in 2006.

The *Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism*, in force since 1 May 2008, provides for a monitoring mechanism to be set up in 2009 to ensure the proper implementation by parties of its provisions.

Action against trafficking in human beings

The *Council of Europe Convention on Action against Trafficking in Human Beings* is a comprehensive treaty focusing mainly on the protection of victims of trafficking and the safeguard of their human rights. It also aims to prevent trafficking and to prosecute traffickers. The entry into force of the Convention on 1 February 2008 triggered the setting-up of its independent monitoring mechanism: the *Group of Experts on Action against Trafficking in Human Beings* (GRETA), responsible for monitoring implementation of the Convention; and the Committee of the Parties, composed of government representatives of all the parties to the Convention. GRETA will publish reports evaluating the measures taken by the parties. Those parties which do not fully respect the provisions of the Convention will be required to step up their action. GRETA's final reports and the parties' comments are made public. The Committee of the Parties may, on the basis of GRETA's report and conclusions, address recommendations to the Parties.

Websites and contact details

HUDOC human rights database

www.echr.coe.int

Supervision of the execution of judgments of the European Court of Human Rights

www.coe.int/human_rights/execution

European Committee for the Prevention of Torture (CPT)

www.cpt.coe.int

European Social Charter

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

GRECO

www.coe.int/greco

ECRI

www.coe.int/ecri/

Framework Convention for the Protection of National Minorities

www.coe.int/minorities

MONEYVAL

www.coe.int/moneyval

Action to Combat Trafficking in Human Beings

www.coe.int/trafficking



Monitoring

in the field
of human rights
and legal affairs

Directorate General
of Human Rights and Legal Affairs
Council of Europe
F-67075 Strasbourg Cedex



Human Rights and Legal Affairs



ENG. Updated: June 2008