

Appendix 1 – Core Council of Europe mechanisms and institutions and other important areas of activity

I. Core Council of Europe mechanisms and institutions

European Convention on Human Rights

By virtue of Article 1 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (**ECHR**, CETS 5, 1950), States Parties undertake to secure for everyone in their jurisdiction the rights and freedoms enshrined in the Convention. In ratifying the Convention and its protocols, the States Parties accept a dual commitment, namely to ensure that their domestic law is compatible with the Convention and to offer effective remedies to anyone who believes that his or her rights and freedoms under the Convention have been violated.

Since November 1998 and the entry into force of Protocol No 11 to the ECHR (ETS No 155), the control mechanism has been strengthened and become entirely judicial. A single and permanent **European Court of Human Rights** replaced the two-tier system composed of a European Commission and a European Court of Human Rights. Both individuals and States may bring applications before the Court.

Final judgments are binding on States Parties. The Committee of Ministers (CM) is required to ensure that States comply with judgments, in particular by verifying that the necessary steps are taken to stop ongoing violations and prevent new violations in future as well as to remedy the situation of the applicants.

The European Court of Human Rights is the most successful international human rights control mechanism in existence today.

For further information see:

Court website: <http://www.echr.coe.int/ECHR/>

Execution of court judgments: http://www.coe.int/T/E/Human_Rights/execution/

Reform of the Court: http://www.coe.int/t/e/human_rights/ECHRReform.asp; Reform of the Convention:

[http://www.coe.int/t/e/human_rights/cddh/3._committees/01.%20steering%20committee%20for%20human%20rights%20\(cddh\)/06.%20activity%20reports/2006/01._CDDH\(2006\)008%20\(ECHR%20reform\).asp#TopOfPage](http://www.coe.int/t/e/human_rights/cddh/3._committees/01.%20steering%20committee%20for%20human%20rights%20(cddh)/06.%20activity%20reports/2006/01._CDDH(2006)008%20(ECHR%20reform).asp#TopOfPage)

Article 52 (inquiries by the Secretary General):

<http://conventions.coe.int/Treaty/en/Treaties/Html/005.htm>

European Social Charter

The European Social Charter (CETS 35, 1961), which is rapidly being replaced by the Revised European Social Charter (CETS 163, 1996), complements the ECHR in the field of economic and social rights. **The European Committee of Social Rights (ECSR)** is the monitoring body responsible for ascertaining whether or not national law and practice in the State Parties are in conformity with the Charter. By virtue of an additional protocol (CETS 158, 1995), which came into force in 1998, collective complaints of violations of the Social Charter may be lodged with the ECSR by social partners and, under certain conditions, non-governmental organisations. This mechanism of collective complaints is quasi-judicial in character.

In respect of national reports, the ECSR adopts “conclusions”, in respect of collective complaints it adopts “decisions”.

If a State takes no action with respect to a Committee decision of non-conformity, the CM addresses a recommendation to that State, asking it to change the situation in law or in practice.

For further information see: http://www.coe.int/T/E/Human_Rights/Esc

European Convention for the Prevention of Torture

The European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CETS 126, 1987 and Protocols ETS 151 and 152, 1993), provides non-judicial preventive machinery to protect persons deprived of their liberty by a public authority. It is based on a system of visits by the **European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT, also known as Anti-Torture Committee)**. The CPT is entitled to visit any place of detention (e.g. prisons and juvenile detention centres, police stations, holding centres for detained immigrants and psychiatric hospitals), to assess how persons deprived of their liberty are treated and, if necessary, to recommend improvements. This work is based on the principle of confidential dialogue with the authorities. If a State Party fails to co-operate or refuses to improve the situation in the light of the Committee's recommendations, the Committee may decide, by a majority of two-thirds of its members, and after the Party has had an opportunity to make known its views, to make a public statement on the matter (Article 10(2) of the Convention).

For further information see: <http://www.cpt.coe.int/en/>

Fight against racism

The European Commission against Racism and Intolerance (ECRI) was established by the first Summit of Heads of State and Government of the member States of the Council of Europe in Vienna in 1993. The adoption, in 2002, of a Statute for ECRI has consolidated this body's role as an independent human rights monitoring body (Res (2002)8). ECRI's task is to combat racism, xenophobia, anti-Semitism and intolerance throughout Europe and ECRI's action covers measures to combat, in particular, violence, discrimination and prejudice faced by persons or groups of persons, notably on grounds of "race", colour, language, religion, nationality and national or ethnic origin. This work is carried out on the basis of country-by-country monitoring and thematic recommendations, as well as networking with civil society.

For further information see: http://www.coe.int/T/E/human_rights/Ecri/

Protection of national minorities

In accordance with Articles 24-26 of the **Framework Convention for the Protection of National Minorities** (CETS 157, 1995), which entered into force in 1998, this instrument lays down minimum standards for the protection of national minorities designed to serve as a basis for national legislation and practices in this field (see CM Res. (97)10). The monitoring of the implementation of the Framework Convention is carried out by the **Advisory Committee composed of independent experts** which issues opinions on States' compliance with the provisions of the Framework Convention. The Committee of Ministers issues recommendations on the basis of the main conclusions in the opinions.

For further information see: http://www.coe.int/T/E/human_rights/minorities/,

Commissioner for Human Rights

The post of Council of Europe Commissioner for Human Rights which was created in 1999 by CM Res. (99) 50, is defined as "a non-judicial institution to promote education in, awareness of and respect for human rights, as embodied in the human rights instruments of the Council of Europe" (Art. 1). The Commissioner functions "independently and impartially" (Arts. 2 and 6).

The Commissioner acts as a preventive body in the human rights field, without prejudice to the range of supervisory machinery already in existence within the Organisation. The Commissioner is a dynamic link between the CM and PACE, and the various institutions at both national and international levels.

Apart from his/her promotional role for human rights and its counselling and assistance services, the Commissioner has also assumed a "watchdog" function by issuing reports, opinions and recommendations both thematic and country-specific.

For further information see: http://www.coe.int/t/commissioner/default_EN.asp

Committee of Ministers

The Committee of Ministers is the executive organ of the CoE which, on the basis of the "Declaration on compliance with commitments accepted by member States of the Council of Europe", adopted in November 1994, has developed a range of procedures for ensuring compliance with the undertakings entered into by each of the member States.

In addition, the Committee of Ministers is the body responsible for supervising execution of the Court's judgments under the ECHR.

For further information see: "Compliance with member states' commitments: The Committee of Ministers' Monitoring Procedures" Monitor/Inf (2005)1, January 19, 2005.

Parliamentary Assembly

The **Monitoring Committee** of the Parliamentary Assembly of the Council of Europe (**PACE**) was set up in 1997 (see PACE Res 1115 (1997)). It is responsible for verifying the fulfilment of obligations assumed by member states under the terms of the Organisation's Statute, the ECHR and all other CoE conventions, as well as honouring of specific commitments undertaken by member states upon accession. Relying on cooperation and dialogue with national delegations of countries under a monitoring procedure, its findings and recommendations are based, *inter alia*, on fact-finding visits.

According to its Rules of Procedure, in case of "persistent failure to honour obligations and commitments and lack of co-operation in the Assembly's monitoring procedure", the Assembly may challenge the credentials of a national delegation, *inter alia*, on the basis of a report prepared by the Monitoring Committee.

In addition, the work of specific committees, notably the **Committee on Legal Affairs and Human Rights** and **Political Affairs Committee**, contributes significantly to the Assembly's monitoring function. The Committee on Legal Affairs and Human Rights plays a major role in promoting and defending human rights. Its Rapporteurs carry out inquiries on specific legal and human rights issues. It is also responsible for a whole variety of activities that make it, *de facto*, the Assembly's legal advocate. The Political Affairs Committee considers the general policy of the Council of Europe especially political developments raising particular concern. It reports, when necessary, on urgent political situations and crises in member states.

For further information see: <http://assembly.coe.int>

Congress of Local and Regional Authorities

The Congress of Local and Regional Authorities of Europe (**CLRAE**), established in 1994 by Statutory Resolution (94)3, was reinforced by the CM Res (2000)1. On this basis, the Congress monitors effective implementation of the principles contained in the **European Charter of Local Self-Government**. In addition, the Congress has instituted a system of monitoring local and regional democracy in member States, including local elections, which comprises two procedures: *ex-officio* and monitoring on request.

For further information please see: http://www.coe.int/T/Congress/Default_en.asp and http://www.coe.int/t/congress/4-Texts/monitoring_en.asp

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II. Other important areas of activity¹

¹ This overview is by no means intended to provide an exhaustive list of all CoE monitoring and control mechanisms. For more information, please see: http://www.coe.int/T/E/Human_rights/, "Council of Europe Monitoring Procedures: An Overview" Monitor/Inf(2004)2, 4 April, 2004, as well as the Council of Europe - Activity Report 2005 (2006), and the Council of Europe Human Rights Information Bulletin

Combating corruption and money laundering

The Group of States against Corruption (GRECO), created in 1999, is in charge of improving its members' capacity to combat corruption by monitoring, *via* its evaluation procedures, their application of the twenty guiding principles and relevant CoE conventions and recommendations, in particular the **Criminal Law Convention on Corruption** (CETS 173, 1999), the **Civil Law Convention on Corruption** (CETS 174, 1999), CM Rec(2000)10 on codes of conduct for public officials and CM Rec(2003)4 on common rules against corruption in funding of political parties and electoral campaigns.

The **Select Committee of Experts on the Evaluation of Anti-Money-Laundering Measures, MONEYVAL**, uses a mutual evaluation and peer pressure system to review the application and effectiveness of countries' legal and financial measures to combat money laundering and the financing of terrorism.

For further information see: on the topic of corruption: http://www.coe.int/t/dg1/Greco/Default_en.asp, on the topic of money laundering: http://www.coe.int/t/e/legal_affairs/legal_cooperation/combating_economic_crime/5_Money_laundering/Default.asp#TopOfPage

Advice on constitutional issues, independence and efficiency of justice

The European Commission for Democracy through Law (or "**Venice Commission**") is the Council of Europe's advisory body on constitutional matters. Established in 1990, the commission has played a leading role in the adoption of constitutions that conform to the standards of Europe's constitutional heritage.

The CM has established a **European Commission for the Efficiency of Justice (CEPEJ)** (see Res(2002)12, 2003). Its objective is to provide advice and assistance aimed at better implementation of the international legal instruments of the CoE concerning efficiency and fairness of justice, including through analysis of results achieved by different judicial systems.

The **Consultative Council of European Judges (CCJE)** is an advisory body of the CoE, set up in 2000 whose work is focused on issues relating to the independence, impartiality and competence of judges. The CCJE is the first body within an international organisation to be composed exclusively of serving judges, and in this respect, it is unique in Europe.

For further information see: <http://assembly.coe.int/>, <http://www.coe.int/cm> and <http://www.venice.coe.int>, <http://www.coe.int/cepej/> http://www.coe.int/t/dg1/legalcooperation/judicialprofessions/ccje/presentation/ccje_en.asp

Protection and promotion of regional or minority languages

The European Charter for Regional or Minority Languages (CETS 148, 1992), which entered into force in 1998, applies to languages (not linguistic minorities) and requires States to take positive measures to protect and promote the use of regional or minority languages in public and private life. The Charter is supported by an independent monitoring mechanism, consisting of a **Committee of Experts** which examines, on a three-yearly basis, State reports and carries out visits to States under evaluation.

For further information see: <http://www.coe.int/minlang> and http://www.coe.int/T/DG3/RomaTravellers/Default_en.asp