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Committee on Legal Affairs and Human Rights

Overview of core Council of Europe human rights monitoring mechanisms and related activities

Information document prepared by the Secretariat

I. Core Council of Europe human rights monitoring 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](#) (the Convention, ECHR, CETS No. 5, 1950), States Parties undertake to secure for everyone within 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 and practice 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 (CETS No. 155, 1994), the control mechanism has been strengthened and become entirely judicial. A single and permanent [European Court of Human Rights](#) (the Court) 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.

The Convention was last amended by [Protocol No. 14](#) to the ECHR (CETS No. 194, 2004), which entered into force in June 2010. It instituted a nine-year single term of office for judges and has, *inter alia*, introduced a mechanism to assist the supervision of enforcement of judgments by the Committee of Ministers.

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 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 ECHR is the most successful international human rights control mechanism in existence today.

For further information see:

Court website: <http://www.echr.coe.int/Pages/home.aspx?p=home&c=>

Execution of Court judgments: http://www.coe.int/t/dghl/monitoring/execution/default_EN.asp?

Supervision of the execution of Court judgments by the Committee of Ministers:

<https://wcd.coe.int/ViewDoc.jsp?id=999329&Site=CM&BackColorInternet=C3C3C3&BackColorIntranet=EDB021&BackColorLogged=F5D383>; http://www.coe.int/t/cm/iGuide/III19_en.asp

Reform of the Court: <http://www.echr.coe.int/Pages/home.aspx?p=court/reform&c=>

Election of judges to the Court: http://www.assembly.coe.int/CommitteeDocs/2014/ajinfdoc03_2014.pdf

Facts and figures on the Court (2013): http://echr.coe.int/Documents/Facts_Figures_2013_ENG.pdf

Article 52 ECHR (inquiries by the Secretary General):

http://www.coe.int/t/dghl/standardsetting/hrpolicy/others_issues/article_52/article_52_EN.asp

European Social Charter

The [European Social Charter](#) (CETS No. 35, 1961), which is gradually being replaced by the [Revised European Social Charter](#) (CETS No. 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 State Parties are in conformity with the Charter. By virtue of an [additional protocol](#) (CETS No. 158, 1995), which came into force in 1998, collective complaints of violations of the Social Charter may be lodged with the ECSR. 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, for it to change the situation in law and/or in practice.

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

European Convention for the Prevention of Torture

The [European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment](#) (CETS No. 126, 1987 and Protocols [CETS No. 151](#) and [152](#), 1993) provides for a non-judicial preventive machinery to protect persons deprived of their liberty. It is based on a system of visits by the [European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment \(CPT\)](#). The CPT visits places 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. 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 to make a public statement on the matter (in accordance with Article 10(2) of the convention).

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

Committee of Ministers

The [Committee of Ministers](#) is the executive organ of the Council of Europe which, on the basis of the "[Declaration on compliance with commitments accepted by member States of the Council of Europe](#)", adopted in November 1994, possesses a range of procedures to ensure compliance with the undertakings entered into by member States.

For further information see: "[Overview of the monitoring procedures under the responsibility of the Committee of Ministers](#)", DPA/Inf(2012)03, 22 March 2012.

Parliamentary Assembly

The [Monitoring Committee](#) (Committee on the Honouring of Obligations and Commitments by member States of the Council of Europe) 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](#) (CETS No. 1), the ECHR and its protocols and all other Council of Europe 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 on fact-finding visits. According to Rule 8.2.b. of 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](#) (AS/Jur) and the [Committee on Political Affairs and Democracy](#) (AS/Pol), contribute significantly to the Assembly's monitoring functions. The AS/Jur 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 adviser. The Committee on Political Affairs and Democracy 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.

For further information see: <http://assembly.coe.int> and [Assembly Resolution 1923 \(2013\) on "Reinforcing selection processes for experts of key Council of Europe human rights monitoring mechanisms"](#)

Congress of Local and Regional Authorities

The [Congress of Local and Regional Authorities of Europe](#), established in 1994 by [Statutory Resolution \(94\)3](#), was reinforced by the [CM Res \(2000\)1](#) and subsequently by [CM Res \(2011\)2](#). On this basis, the Congress monitors effective implementation of the principles contained in the [European Charter of Local Self-Government](#) (CETS No. 122, 1985). In addition, the Congress has instituted a [system of monitoring](#) which comprises two procedures: *ex-officio* and monitoring on request. In order to facilitate the implementation of recommendations made, the Congress engages in a post-monitoring and post-observation dialogue with the national authorities of member States (see [Res 353 \(2013\)](#)).

For further information see: http://www.coe.int/T/Congress/Default_en.asp

Human Rights Commissioner

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” (Article 1). The Commissioner functions “independently and impartially” (Articles 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 the Commissioner’s promotional role for human rights and in counselling and assistance services, the Commissioner has also assumed a “watchdog” function by issuing [papers](#), [opinions](#) and [recommendations](#). Moreover, the Commissioner can take part in proceedings before the Court as a third party intervener (either at the invitation of the President of the Court or, since the entry into force of Protocol No. 14 to the Convention, on his or her own initiative), by submitting written contributions and participating in hearings.

For further information see: <http://www.coe.int/en/web/commissioner/home>

II. Other important monitoring activities¹

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 (see [CM 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.

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

Protection of minorities

In accordance with Articles 24-26 of the [Framework Convention for the Protection of National Minorities](#) (CETS No. 157, 1995), which entered into force in 1998, this instrument lays down minimum standards for the protection of national minorities (see [CM Res \(97\)10](#)). The monitoring of the implementation of the Framework Convention is carried out by the Committee of Ministers, with the assistance of an [Advisory Committee of independent experts](#).

The [European Charter for Regional or Minority Languages](#) (CETS No. 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,
 on the protection of minorities: http://www.coe.int/t/dghl/monitoring/minorities/default_en.asp;
 on minority languages: http://www.coe.int/t/dg4/education/minlang/default_en.asp

Action against trafficking in human beings

The [Council of Europe Convention on Action against Trafficking in Human Beings](#) (CETS No. 197, 2005) aims to prevent and combat human trafficking for the purposes of commercial sexual exploitation or forced labour, to protect and assist victims and witnesses of trafficking, to ensure effective investigation and

¹ This overview does not provide an exhaustive list of all Council of Europe monitoring and control mechanisms. For more information, consult: “[Council of Europe Monitoring Procedures: An Overview](#)”, Monitor/Inf(2004)2, 4 April 2004, as well as the Council of Europe [Activity Report 2013 \(2014\)](#). See also “[Democracy, Human Rights and the Rule of Law in Europe: strengthening the impact of the Council of Europe’s activities](#)”, SG/Inf (2013) 15, 7 May 2013; and the Secretary General’s report on “[State of Democracy, Human Rights and The Rule of Law in Europe](#)” (2014).

prosecution, and to promote international cooperation against trafficking. This Convention possesses a [monitoring mechanism](#) (the [Group of Experts on Action against Trafficking in Human Beings](#), or **GRETA**).

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

Protecting children against sexual exploitation and sexual abuse

The [Council of Europe Convention on the protection of children against sexual exploitation and sexual abuse](#) (**Lanzarote Convention**, CETS No. 201, 2007) requires its Parties to establish specific legislation and take measures to prevent sexual violence against children, to protect the victims and to prosecute the perpetrators. The [Committee of the Parties to the Convention](#), also known as the “**Lanzarote Committee**”, is in charge of monitoring the effective implementation of the Convention. It also is in charge of facilitating the collection, analysis and exchange of information, experience and good practice to enhance Parties’ capacity to prevent and combat sexual exploitation and sexual abuse of children.

For further information see: www.coe.int/lanzarote

Preventing and combating violence against women and domestic violence

The [Council of Europe Convention on preventing and combating violence against women and domestic violence](#) (**Istanbul Convention**, CETS No. 210, 2011) places an obligation on the Parties to effectively address violence against women and domestic violence in all its forms and to take action to prevent it, protect its victims, prosecute the perpetrators and to ensure that such actions form part of a set of integrated policies. This Convention foresees a [monitoring mechanism](#), which rests on two pillars: an independent expert body, the **Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO)**, and a political body, the **Committee of the Parties**.

For further information see: www.coe.int/conventionviolence

Combating corruption, money laundering and terrorism financing

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](#) for the fight against corruption (CM Res (97) 24) and relevant Council of Europe conventions and recommendations, in particular the [Criminal Law Convention on Corruption](#) (CETS No. 173, 1999) and its [Additional Protocol](#) (CETS No. 191, 2003), the [Civil Law Convention on Corruption](#) (CETS No. 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 [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. The [Conference of the Parties](#) under the [Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism](#) (CETS No. 198, 2005) monitors the proper implementation of the Convention by the Parties and, at the request of a Party, expresses an opinion on any question concerning the interpretation and application of the Convention.

For further information see, on corruption: http://www.coe.int/t/dghl/monitoring/greco/default_en.asp; on money laundering: <http://www.coe.int/moneyval>; and on financing of terrorism: <http://www.coe.int/cop198>

Advice on constitutional issues 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.

In 2002, the CM established a [European Commission for the Efficiency of Justice \(CEPEJ\)](#) (see [Res\(2002\)12](#)). Its objective is to provide advice and assistance aimed at better implementation of the international legal instruments of the Council of Europe concerning efficiency and fairness of justice, including through analysis of results achieved by different judicial systems.

For further information see, <http://www.venice.coe.int>, http://www.coe.int/T/dghl/cooperation/cepej/default_en.asp

