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Practical impact of the Council of Europe monitoring mechanisms

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

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οὐκ ἔστι δὲ εὐνομία τὸ εὖ κεῖσθαι 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 have never varied. Although there has been a disturbing resurgence of nationalist rhetoric and identity-based discourse, the last twenty years have mainly confirmed European citizens' commitment to overcoming differences and asserting their sense of unity, while continuing to stress the positive and fertile nature of their cultural diversity. Defending democracy and the rule of law and safeguarding human rights and fundamental freedoms remain at the core of the common values that unite the Council of Europe's 47 member states and constitute the very substance of the shared goal they have assigned to it, together with the resources and machinery needed to achieve that goal.

This is the framework of the new European architecture within which the Council of Europe strives not only to develop common rules and standards that form a European legal area based on the principle of the rule of law and human rights and strengthen the democratic nature of the necessary reforms, but also establish a system for enforcing these standards by anticipating any malfunctioning.

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 machinery 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 as closely as possible the concerns of European citizens, with a view to meeting the main challenges of modern society.

Philippe Boillat
Director General of Human Rights and Legal Affairs

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* 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.

Christos Giakoumopoulos
Director of Monitoring
Directorate General of Human Rights and Legal Affairs

* 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 16

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 occured, States Parties are legally bound to execute the judgments by paying the pecuniary compensation awarded, but also, where necessary, by adopting other individual measures to restore the applicant's rights (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.). In most states it is also possible, following the finding of a violation by the Court, to reopen the proceedings and/or review the domestic decisions with a view to remedying the violations found.*

Furthermore, when the Court finds that there has been a violation of the Convention, this often requires the respondent state, and sometimes even other states, to take general measures to comply with the Court's judgment, and the domestic courts to adapt their case-law, since the Court's judgments enjoy a direct effect in the vast majority of member states. In some instances, the introduction of an application before the Court sometimes prompts or expedites 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. No state has ever refused for any long period of time to execute any judgment (more than 10 000 cases have been before the Committee for supervision of execution).

The ECHR is a fundamental element of European democratic stability. The general acceptance of the ECHR and its compulsory supervisory mechanism in the 1990s has made an essential contribution to the development of the present confidence in international 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 in the past, the existence of this common standard has also assisted in finding solutions to international conflicts and developing responses to crisis situations.

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

* See in this context 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).

violations found, ensures a constant improvement of the legal systems of the 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.

In 2004, a reform of the control system set up by the Convention was undertaken. The reform process led to the adoption of Protocol No. 14, which entered into force on 1 June 2010, amending the Convention. The main goal is:

– at national level, to increase member states' awareness to 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.coe.int/human_rights`; `http://www.echr.coe.int/`;`http://www.coe.int/execution/`

European Social Charter

Practical examples: see page 27

The European Social Charter is the counterpart to the ECHR setting out fundamental rights in the social field. 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 conformity with the Charter of legislation and practice in the States Parties.*

The monitoring procedure of the Charter is based on:

– national reports submitted by the States Parties,

– a collective complaints procedure.

* There are currently 42 States Parties to the Charter.

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 Committee 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 Committee decision to the effect that it does not comply with 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.

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).

The Committee 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 disabled.

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 (p. ##) 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-fertilisation 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.*

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.

* 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 32

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.

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.

Internet: `http://www.cpt.coe.int/`

Framework Convention for the Protection of National Minorities

Practical examples: see page 35

The Framework Convention for the Protection of National Minorities, which came into force in 1998, now has 39 States Parties. The Convention is a unique treaty aimed at advancing minority rights in fields ranging from media and education to discrimination and participation.

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 con-

clusions 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.

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.

Internet: `http://www.coe.int/minorities/`

European Charter for Regional or Minority Languages

Practical examples: see page 37

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 transfrontier 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.

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.

Internet: `http://.www.coe.int/minlang/`

European Commission against Racism and Intolerance

Practical examples: see page 39

The European Commission against Racism and Intolerance (ECRI) is a Council of Europe human rights body entrusted with combating racism, racial discrimination, xenophobia, antisemitism and intolerance. It is composed of independent members appointed on the basis of their moral authority and recognised expertise.

ECRI, in accordance with its statute, carries out country-by-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 holds a 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 identified. ECRI's 4th round of country monitoring work (2008-2012) focuses on the implementation of previous reports' recommendations. A new interim follow-up procedure has been established under which ECRI requests priority implementation of three specific recommendations within two years.

The two other statutory activities of ECRI are the elaboration of general policy recommendations addressed to all member states (con-

taining 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 not separate from each other; they are closely linked and interdependent. The country reports bring to light particular 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 and awareness raising activities help with the implementation of the general and country-specific recommendations.

Acknowledging that problems exist is an essential precondition for combating racism and racial discrimination 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.

ECRI was at the origin of Protocol No. 12 to the European Convention on Human Rights which prohibits discrimination in general. This instrument provides states with an effective tool for combating racism; it entered into force on 1 April 2005.

Internet: `http://www.coe.int/ecri/`

Council of Europe Convention on Action against Trafficking in Human Beings

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.

Council of Europe Commissioner for Human Rights

Practical examples: see page 42

The Commissioner for Human Rights is an independent, 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 work and awareness-raising activities; and co-operation with other Council of Europe and international human rights bodies.

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.

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). The office also co-operates closely with national human rights structures, leading human rights NGOs, universities and think-tanks.

Internet: `http://www.commissioner.coe.int/`

Group of States against Corruption – GRECO

Practical examples: see page 46

The Group of States against Corruption (Greco) was established in 1999 as an enlarged partial agreement by 17 Council of Europe member states. Currently, Greco – which is open not only to European states – comprises 47 member states, including the USA. All European Union member states have joined Greco, Italy being the last to have done so in June 2007.

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 Third Evaluation Round, launched on 1 January 2007, is devoted to two distinct themes, namely the transparency of party and election campaign funding (as understood by reference to Recommendation Rec (2003) 4 on common rules against corruption in the funding of political parties and electoral campaigns) and the incriminations provided for by relevant articles of the Criminal Law Convention on Corruption (ETS No. 173) and its Additional Protocol (ETS No. 191).

In its previous rounds, Greco dealt with a wide range of issues, such as anti-corruption bodies, immunities of public officials as possible 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") and the confiscation of corruption proceeds.

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 over more than ten 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 46

Money laundering 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 the 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.

The Council of Europe established the **Committee of Experts on the Evaluation of Anti-Money Laundering Measures** (PC-R-EV) in 1997 as an anti-money laundering evaluation and peer pressure mechanism. It was subsequently re-named Moneyval. After the

events of 11 September 2001, MONEYVAL's terms of reference were revised by the Committee of Ministers to include in its remit compliance with the relevant standards on terrorist financing as some of the techniques which apply in money laundering are relevant also in identifying terrorist financing.

MONEYVAL is responsible principally for the assessment of those Council of Europe member states that are not members of the Financial Action Task Force (FATF), which was set up by G7 in 1989 to be a global standard setter in this area.

Currently 28 Council of Europe member states are evaluated by MONEYVAL. In 2006 the Committee of Ministers accepted the application of the State of Israel to join MONEYVAL's terms of reference and Israel has since been evaluated by MONEYVAL.

The Council of Europe/MONEYVAL became an associate member of the FATF in 2006. It is now a leading and well respected partner in the global network of anti-money laundering and countering the financing of terrorism (AML/CFT) assessment bodies.

MONEYVAL's objective is to improve the capacities of its states to defend themselves, the global community and the global financial system against the threats from money laundering and financing of terrorism. This is achieved through rigorous mutual evaluation and regular and systematic follow-up of progress by countries in response to the main recommendations in all MONEYVAL reports. This includes, as necessary, the imposition of a graduated series of steps, where countries are not in compliance with the MONEYVAL reference documents ("compliance enhancing procedures"). The application of these procedures seeks to ensure that the international standards are implemented effectively by MONEYVAL States and that corrective action is taken appropriately within MONEYVAL's own processes. Such measures have been taken by MONEYVAL against 7 of its members over three rounds – up to and including (in two cases) high-level missions, explaining to governments at the highest levels, the importance to the international community of effective AML/CFT measures. In one case MONEYVAL was also obliged to issue public statements about the risks the country then presented to the global financial system. As noted below, the country concerned is now making swift progress in addressing these issues.

The global economic crisis, which began in 2008, has underlined the need for strong AML/CFT regimes internationally. In April 2009, the G-20 leaders agreed to take action against non-co-operative jurisdictions and called on the FATF to "revise and reinvigorate" the review process for assessing compliance by jurisdictions with AML/CFT standards. MONEYVAL is actively contributing to the FATF's response to G-20 Ministers. MONEYVAL co-chairs the Europe/Eurasia Regional Review Group (ERRG) which is taking forward this issue in respect of a number of jurisdictions (in Europe/Eurasia) whether they are evaluated by FATF, MONEYVAL or other bodies.

MONEYVAL evaluates the implementation of relevant AML/CFT legal, financial and law enforcement measures in place in its jurisdictions. The reports are very detailed, but contain hard deliverables: ratings on compliance with and the effectiveness of the implementation of each of the 49 major global standards, and action plans for necessary improvements.

The reports follow the "Common AML/CFT Methodology", agreed in 2004 between MONEYVAL, the FATF, the International Monetary Fund (IMF) and the World Bank. The 2004 Methodology is based on the major international AML/CFT standards. These include the 40 Recommendations of the FATF and the FATF Special Recommendations on Terrorist Financing, the 1988 United Nations Convention on Illicit Traffic in Narcotic Drugs and Psychotropic Substances, the United Nations Convention against Transnational Organised Crime, the 1999 United Nations International Convention for the Suppression of the Financing of Terrorism, and the 1990 Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime. Additionally, as a European monitoring mechanism, MONEYVAL, uniquely among the global AML/CFT assessment bodies, evaluates also on Directive 2005/60/EC of the European Parliament and of the Council of 26 October 2005 on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing (the Third European Union Directive) and its implementing measures.

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

Internet: `http://www.coe.int/Moneyval/`

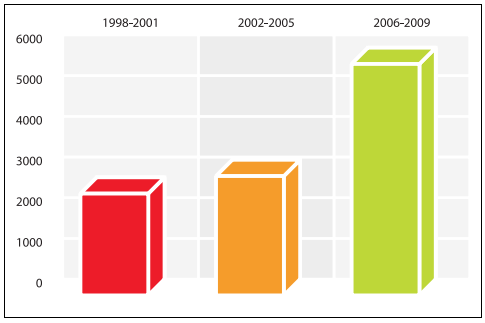
Part 2: Practical examples of the impact of the Council of Europe monitoring mechanisms on member states

The European Convention on Human Rights

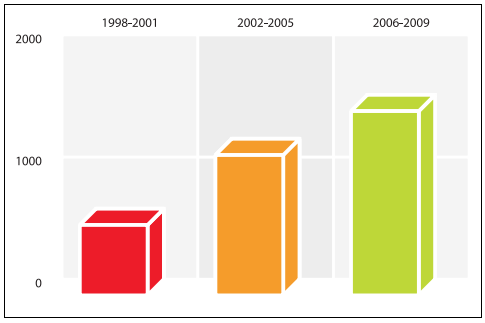
In addition to offering redress to applicants when a violation has been established by the Court, respondent states must often adopt general measures in order to comply with judgments finding violations of the European Convention on Human Rights (Article 46).* The examples below are in no way exhaustive 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 submitted to the Committee of Ministers for supervision of execution between 1998 and 2009



Cases closed by final resolution between 1998 and 2009



These graphs show, respectively, the development since 1998 of the number of new cases submitted for supervision by the Committee of Ministers, as well as cases where the exam-

* 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. At the date at which this document was prepared (August 2010) the drafting of a resolution was under way in the cases indicated as "examination in principle closed", while for the cases indicated as "examination under way" the Committee of Ministers had not completed its assessment of all the execution measures; the situation of these cases is accordingly likely to change.

ination 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, judgment of 18 November 2004, final on 30 March 2005 – examination under way).*

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).*

Armenia

Adoption of a new law regulating the procedure for holding assemblies, rallies, street processions and demonstrations *(Mkrtchyan, ResDH (2008) 2).*

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 *(Meltex Ltd and Mesrop Movsesyan, application No. 32283/04, judgment of 17 June 2008, final on 17 September 2008 – examination under way).*

Austria

Legislative reform in Austria aiming at prohibiting aliens' expulsion to countries where they would risk being subjected to inhuman or degrading treatments *(Ahmed, ResDH (2002) 99).*

Liberalisation of broadcasting *(Informationsverein Lentia and others, ResDH (1998) 142).*

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 *(A.T., CM/ResDH (2007) 76).*

Azerbaijan

Introduction in the law of explicit deadlines for the registration of legal entities *(Ramazanova, application No. 44363/02, judgment of 1 February 2007, final on 1 May 2007 – examination under way).*

Training measures for prosecutors, investigators, police officers and judges aimed at prevent torture and inhuman and degrading treatments *(Mammadov, application No. 34445/04, judgment of 11 January 2007, final on 11 April 2007 – examination under way).*

Belgium

Legislative reform aiming at eliminating discriminations which existed in Belgian inheritance law based on marital status or which affected children born out of wedlock *(Marckx, ResDH (1988) 3).*

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 *(Bernaerts, ResDH (1995) 104).*

Introduction of the possibility to re-open criminal proceedings following a violation of the European Convention on Human Rights *(Goktepe, CM/ResDH (2009) 65).*

Bosnia-Herzegovina

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 *(Šobota-Gajić, application No. 27966/06, judgment of 6 November 2007, final on 6 February 2008 – examination in principle closed).*

Bulgaria

Decriminalisation of conscientious objection and introduction of alternative service to military obligations *(Stefanov, ResDH (2004) 32).*

Adoption of a new law on religious denominations, allowing the registrations of Jehovah's Witnesses as a legal entity *(Lotter and Lotter, ResDH (2009) 62).*

	Adoption of a new Health Act, according to which only a court is competent to order psychiatric confinement *(Varbanov, CM/ResDH (2010) 40)*. 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 *(M.C., 39272/98, judgment of 4 December 2003, final on 4 March 2004 – examination under way)*.
Croatia	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 *(Horvat, ResDH (2005) 60)*. 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 *(Mikulic, CM/ResDH (2006) 69)*.	Introduction of "hate crime" into the Criminal code, establishment of a special police division, in charge, *inter alia*, of investigations into hate crimes and implementation of a training programme aimed at improving prevention of hate crimes by raising police officers' awareness in this respect *(Šečić, 40116/02, judgment of 31 May 2007, final on 31 August 2007 – examination under way)*.
Cyprus	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 *(Aziz, CM/ResDH (2007) 77)*.
Czech Republic	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 *(Krčmář and others, ResDH (2001) 154)*. 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 *(Exel, CM/ResDH (2006) 71)*. Change of practice by the Constitutional Court as regards admissibility of constitu-	tional appeals and adoption of a law on extraordinary appeals *(Soudek, ResDH (2007) 31)*. Introduction of an obligation for courts to decide on an application for release from detention no later than within five working days *(Singh, ResDH (2007) 119)*. 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 *(Heglas, application No. 5935/02, judgment of 1 March 2007, final on 9 July 2007 – examination in principle closed)*.
Denmark	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 *(A. and others, Resolution DH (1996) 606)*.	Legislative extension of the negative freedom of association, i.e. the right not to be a member of a trade union *(Sørensen and Rasmussen, CM/ResDH (2007) 6)*.
Estonia	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 *(Alver, CM/ResDH (2007) 32)*.	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 *(Sulaoja and Pihlak, CM/ResDH (2007) 33)*.
Finland	Reform of the Child Welfare Act, regulating in more detail, *inter alia*, contacts between children placed in foster care and their	parents and implementation of a child welfare promotion training programme for

	Social Affairs staff *(K.A., CM/ResDH (2007) 34)*. 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 *(Goussev and Marenk, CM/ResDH (2007) 36)*.
France	Change of the national practice concerning the possibility, for transsexuals, to have their new sexual identity reflected in their civil status *(B., ResDH (1993) 52)*. Change of case-law, followed by legislative amendment, setting aside the difference of treatment as regards heritage between legitimate and adulterine children *(Mazurek, CM/ResDH (2005) 25)*.	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 against such length *(Etcheveste and Bidart, CM/ResDH (2007) 39)*.
Georgia	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 *(Ghavtadze, application No. 23204/07, judgment of 3 March 2009, final on 3/06/2009 – examination under way)*. 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 *(Patsouria, application No. 30779/04, judgment of 6 November 2007, final on 6 February 2008 – examination under way)*.
Germany	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 *(Öztürk, ResDH (1989) 31)*.	Change of court practice regarding publication of photos of public figures in order to balance public and private interests more satisfactorily *(Von Hannover, ResDH (2007) 124)*. Amendment of the Family Benefits Act to eliminate points of discriminatory treatment as between different categories of foreigners *(Niedzwiecki, application No. 58453/00, judgment of 17 October 2005, final on 15 February 2006 – examination in principle closed)*.
Greece	Change of the national practice concerning the offence of "proselytism" *(Kokkinakis, ResDH (1997) 576)*. 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 *(Thlimmenos, ResDH (2005) 89)*. Constitutional reform reinforcing the administration's obligation to comply with all judicial decisions and allowing compulsory execution of judgments against the state, local authorities and legal entities of public law *(Hornsby and others, ResDH (2004) 81)*.
Hungary	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 *(Sarkozi, ResDH (1998) 201)*.	Introduction of the principle of adversarial proceedings where the extension of detention on remand is considered *(Osvath, ResDH (2008) 74)*.
Netherlands	Amendment of the Dutch Civil Code concerning the right of parentage and the conditions of recognition of the biological father's paternity *(Kroon and others v. the*	*Netherlands, ResDH (98) 148*; *Camp and Bourimi v. the Netherlands, CM/ResDH (2007) 57)*.

	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 *(R.V. v. the Netherlands, CM/ResDH (2007) 86)*.
Iceland	Abolition of the stipulation of membership of a specific trade union in order to operate a	taxi business *(Sigurdur Sigurjonsson, ResDH (1995) 36)*.
Ireland	Reform of the criminal laws punishing homosexual acts in Ireland *(Norris, ResDH (1993) 62)*.	Reform of the Status of Children Act ensuring equal rights for all children, whether born in or out of wedlock *(Johnston, ResDH (1988) 11)*.
Italy	Legislative reform aiming at preventing arbitrary monitoring of prisoners' correspondence *(Diana, ResDH (2005) 55)*. Constitutional and legislative amendments, providing that statements made in a non-	adversarial context may be used in criminal proceedings only with the consent of the accused person *(Lucà, CM/ResDH (2005) 86)*.
Latvia	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 *(Podkolzina, ResDH (2003) 124)*. 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-	bility of family visits for persons on remand *(Lavents, ResDH(2009) 131)*. 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 *(Zaicevs, application No. 65022/01, judgment of 31 July 2007, final on 31 October 2007 – examination in principle closed)*.
Liechtenstein	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 *(Frommelt, CM/ResDH (2007) 55)*.
Lithuania	Reform of the legislative provisions concerning detention on remand *(Ječius, ResDH (2004) 56)*. Introduction of provisions concerning the questioning of anonymous witnesses *(Birutis, ResDH (2004) 45)*. 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 *(Girdauskas, ResDH (2007) 127)*.	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 *(Savenkovas, application No. 871/02, judgment of 18 November 2008, final on 18 February 2009 – examination in principle closed)*. Abrogation of certain restrictions to the employment of former KGB agents, including in the public sector *(Sidabras and Džiautas, application No. 55480/00+, judgment of 27 July 2004, final on 27 October 2004 – examination in principle closed)*.
Malta	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 *(Sabeur Ben Ali, CM/ResDH (2007) 8)*.
Moldova	Adoption of a new Code of Civil Procedure, repealing the possibility for the Prosecutor General to request the annulment of final judgments *(Roşca, CM/ResDH (2007) 56)*.	Reform of the Law on Religious Denominations, recognising religious freedom and providing effective remedies *(Metropolitan*

	Church of Bessarabia and others, ResDH (2010) 8). Reform of the conditions of office of judges aimed, *inter alia*, at specifying the time limits	for the discharge of their duties *(Gurov, application No. 36455/02, judgment of 11 July 2006, final on 11 October 2006 – examination in principle closed).*
Netherlands	Amendment of the Dutch Civil Code concerning the right of parentage and the conditions of recognition of the biological father's paternity *(Kroon and others, ResDH (98) 148; Camp and Bourimi, CM/ResDH (2007) 57).*	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 *(R.V., CM/ResDH (2007) 86).*
Norway	Change of case law of the Norwegian Supreme Court regarding defamation *(Bergens Tidende, CM/ResDH (2002) 69).*	
Poland	Raising of the number of psychiatric experts attached to the regional courts, and of their fees, in order to prevent delays to psychiatric reports *(Musial, ResDH (2001) 11).* Setting up of a compensation mechanism for former owners of land situated beyond the River Bug which was abandoned after the second world war *(Broniowski, ResDH (2009) 89).*	Amendment of the law on Maritime Chambers to ensure their independence and impartiality *(Brudnicka and others, application No. 54723/00, judgment of 3 March 2005, final on 3 June 2005 – examination in principle closed).* Simplification of the registration formalities for vehicles purchased at public auction *(Sildedzis, CM/ResDH (2010) 78).*
Romania	Abrogation of the provisions that allowed the annulment of final judicial decisions establishing the right to have nationalised prop-	erty restored *(Brumărescu, CM/ResDH (2007) 90).*
Russian Federation	Introduction of a new indexation system for allowances to Chernobyl victims and other measures ensuring execution of judicial decisions awarding such allowances *(Burdov, ResDH (2004) 85).*	Recognition of unmarried cohabiting couples' tenancy rights in favour of the partner of the registered tenant, after the latter's death *(Prokopovich, application No. 58255/00, judgment of 18 November 2004, final on 18 February 2005 – examination in principle closed).*
San Marino	Introduction of the possibility for the accused person to be heard in person in	appeal criminal proceedings *(Tierce and others, CM/ResDH (2004) 3).*
Serbia	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 *(Lepojic, ResDH (2009) 135).*
Slovak Republic	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 *(Krumpel and Krumpelová, CM/ResDH (2007) 10).* 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 *(Berecova, ResDH (2009) 11).* Termination of the effects of the Lustration Act excluding former officers of the State Security Agency from certain important administrative posts *(Turek, application No. 57986/00, judgment of 14 February 2006, final on 13 September 2006 – examination under way).*
Slovenia	Introduction of training and other measures intended to prevent ill-treatment of persons	held by the police *(Rehbock, ResDH (2009) 137).*

Spain	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 *(Castells, ResDH (1995) 93)*. Introduction in the Penal Code of stricter sanctions for child abduction so as to ensure a better protection of parental custody rights	*(Iglesias Gil and A.U.I., CM/ResDH (2006) 76)*. 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)*.
Sweden	Reform of judicial review of certain administrative decisions *(Pudas and Bodén, ResDH (1988) 15 and 16)*. 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 *(Janosevic, CM/ResDH (2007) 59)*.
Switzerland	Adoption of new legislative rules on telephone tapping *(Kopp, ResDH (2005) 96)*.	
"The former Yugoslav Republic of Macedonia"	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 *(Stoimenov, ResDH (2009) 139)*.
Turkey	Adoption of legislative amendments abolishing the presence of a military judge in State security courts *(Çiraklar, ResDH (1999) 555)*. 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 *(Abdurrahman Kilinç, CM/ResDH (2007) 99)*. Constitutional and legislative reforms aimed at restricting the possibility to dissolve political parties *(United Communist Party of Turkey, CM/ResDH (2007) 100)*.
Ukraine	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 *(Ukrainian Media Group, CM/ResDH (2007) 13)*. 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 *(Hunt, ResDH (2008) 64)*. Amendment of the electoral law *(Kovach, application No. 39424/02, judgment of 7 February 2008, final on 7 May 2008 – examination under way)*.
United Kingdom	Legislative reform aimed at prohibiting the use of evidence obtained under compulsion in criminal trials *(Saunders, ResDH (2004) 88)*. Reform of electoral laws, allowing Gibraltar citizens to take part in elections to the European Parliament *(Matthews, ResDH (2006) 57)*. Adoption of the Human Rights Act, providing an effective domestic remedy against alleged violations of human rights by the	authorities *(inter alia, see Hatton, CM/ResDH (2005) 29)*. Adoption of a new law concerning the financing of political parties *(Bowman, ResDH (2007) 14)*. The possibility of fully recognising the sex change of post-operative transsexuals, for purposes including access to marriage, has been written into law *(Christine Goodwin, application No. 28957/95, judgment of 11 July 2002 – Grand Chamber – examination in principle closed)*.

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

Albania	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 *(Dybeku, application No. 41153/06, judgment of 18 December 2007, final on 18 March 2008 – examination under way)*	
Andorra	The applicant, who was unable to appeal against his conviction before the Constitutional Court, has been authorised to bring a constitutional appeal *(Millan i Tornes, ResDH (1999) 721).* 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 *(Pla and Puncernau, Application No. 69498/01, judgment of 13 July 2004, final on 15 December 2004, friendly settlement of 10 October 2006 – examination under way).*
Armenia	The applicant, convicted on the basis of statements obtained under duress, was granted a retrial *(Harutyunyan, Application No. 36549/*	*03; judgment of 28 June 2007, final on 28 September 2007).*
Austria	Presidential pardon expunged sentences and removed applicant's name from criminal records *(Bönisch, ResDH (87) 1).*	
Azerbaijan	The applicant's association in favour of homeless people was registered when the case was still being examined by the Court *(Ramazanova, application No. 44363/02, judgment of 1 February 2007, final on 1 May 2007 – examination under way).* The applicant obtained the eviction of the people illegally squatting her apartment *(Akimova, application No. 19853/03, judgment of 27 September 2007, final on 27 December*	*2007, friendly settlement of 9 October 2008 – examination under way).* The applicant, who had been wrongfully dismissed, was reappointed to her post of head of a maternity ward *(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).*
Bosnia-Herzegovina	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 *(Šobota-Gajić, application No. 27966/06, judgment of 6 November 2007, final on 6 February 2008 – examination in principle closed).* The applicant obtained the restitution of his savings, previously frozen since the dissolution of the former Yugoslavia *(Jeličić, applica-*	*tion No. 41183/02, judgment of 31 October 2006, final on 31 January 2007 – examination under way).* The applicants, previously detained under conditions which imperilled their physical integrity, have been transferred to another prison which does not pose the same problems *(Rodić and three others, application No. 22893/05, judgment of 27 May 2008, final on 1 December 2008 – examination under way).*
Bulgaria	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 *(Nankov, ResDH (2001) 59).* 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 *(Kounov, ResDH (2008) 70).*
Croatia	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 *(Kutić, ResDH (2006) 3).* 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 *(Mikulić, ResDH (2006) 69).*	The applicant obtained the restitution of his passport, seized for two years by the custom authorities for non-payment of a fine *(Napijalo, ResDH (2007) 29).*
Cyprus	Following the adoption of general measures, the applicant can henceforth enjoy his right to vote *(Aziz, CM/ResDH (2007) 77).*	
Czech Republic	The applicant, a former military judge, has been able to continue drawing the retirement allowance which was suspended in a discriminatory fashion when he was appointed as a judge to an ordinary court *(Buchen, ResDH (2007) 116).*	
Estonia	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 *(Alver, CM/ResDH (2007) 32).*	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 *(Veeber No. 2, ResDH (2005) 62).*
Finland	Granting of a residence permit to an applicant, whose expulsion to Congo would have put him at risk of being ill-treated *(N., CM/ResDH (2007) 35).*	The applicants could give their child the name they had chosen for him, which had been initially refused by the authorities *(Johansson, application No. 10163/02, judgment of 6 September 2007, final on 6 December 2007 – examination under way).*
France	The applicant case was referred for retrial, following the finding of the Court that the criminal proceedings against him had been unfair *(Mayali, CM/ResDH (2007) 46).* 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 *(Motais de Narbonne CM/ResDH (2007) 47).*
Georgia	The applicant, arbitrarily detained despite his acquittal, was released the day after the European Court's judgment *(Assanidzé, ResDH (2006) 53).* 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 *(Shamayev and 12 others, application No. 36378/02, judgment of 12 April 2005, final on 12 October 2005 – examination under way).*
Germany	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 *(Görgülü, ResDH (2009) 4).*
Greece	The applicants were granted the licenses to operate their school *(Hornsby, ResDH (2004) 81).* 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 *(Manoussakis, ResDH (2005) 87).*
Hungary	The ban on leaving the territory applying to the applicant for over ten years following a fraudulent bankruptcy has been lifted. *(Földes et Földesné Hajlik, application No. 41463/02, judgment of 31 October 2006, final on 26 March 2007 – examination in principle closed).*	The applicant obtained access to the documents concerning the secret services which he needed to consult for his research *(Kenedi, application No. 31475/05, judgment of 26 May 2009, final on 26 August 2009 – examination under way).*

	The applicant, who stood convicted of "crimes against humanity" for killing two persons during a military operation, was granted the reopening of the criminal pro-	ceedings against him *(Korbely, application No. 9174/02, judgment of 19 September 2008 – Grand Chamber – examination in principle closed).*
Latvia	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 *(Podkolzina, ResDH (2003) 124).*	entire lives in Latvia, obtained a permanent residence permit *(Slivenko, ResDH (2009) 130).*
	The applicants, who had been struck off the register of Latvian residents as "citizens of the former USSR" despite having spent their	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 *(Farbtuhs, CM/ResDH (2007) 54).*
Lithuania	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 *(Jucys, application No. 5457/03, judgment of 8 January 2008, final on 8 April 2008 – examination in principle closed).*	*Grand Chamber – examination in principle closed).* 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 *(Jasiūnienė, application No. 41510/98, judgment of 6 March 2003, final on 6 June 2003 – examination in principle closed).*
	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 *(Ramanauskas, application No. 74420/01, judgment of 5 February 2008 –*	The data relating to the applicant have been removed from the national list of prohibited aliens *(Gulijev, application No. 10425/03, judgment of 16 December 2008, final on 16 March 2009 – examination in principle closed).*
Moldova	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 *(Roşca, CM/ResDH (2007) 56).*	*36455/02, judgment of 11 July 2006, final on 11 October 2006 – examination in principle closed).* The applicant obtained that his photograph no longer be used without his agreement as a background image on identity cards *(Balan, application No. 19247/03, judgment of 29 January 2008, final on 29 April 2008 – examination under way).*
	The applicant church was recognised and registered, which allows it henceforth also to protect its property *(Metropolitan Church of Bessarabia and others, ResDH (2010) 8).*	The temporary ban on the activities of the Christian Democratic People's Party was lifted *(Christian Democratic People's Party, application No. 28793/02, judgment of 14 February 2006, final on 14 May 2006 – examination under way).*
	The applicant, who was the victim of unfair civil proceedings concerning a breach of contract by her insurance company, had the proceedings reopened *(Gurov, application No.*	
Montenegro	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 *(Bijelić,*	*application No. 11890/05, judgment of 28 April 2009, final on 6 November 2009 – examination under way).*
Poland	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 *(Malisiewicz-*	*Gąsior, application No. 43797/98, judgment of 6 April 2006, final on 6 July 2006 – examination in principle closed).* The applicants are no longer forbidden to hold marches and rallies, *inter alia*, in favour

	of homosexual rights *(Bączkowski and others, application No. 1543/06, judgment of 3 May 2007, final on 24 September 2007 – examination under way).* The applicant recovered her house and was compensated for the prejudice suffered	*(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).*
Portugal	The applicant can now exercise his visiting rights in respect of his child *(Maire, CM/ResDH (2007) 88).*	
Romania	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 *(Brumărescu, CM/ResDH (2007) 90).*
Russian Federation	The amounts due under the domestic judicial decisions were paid to the applicant *(Burdov, ResDH (2004) 85).* 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 *(Shofman, application No. 74826/01, judgment of 24 November 2005, final on 24 February 2006 – examination in principle closed).*	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 *(Tatishvili, application No. 1509/02, judgment of 22 February 2007, final on 9 July 2007 – examination under way).*
Slovak Republic	The applicant recovered the custody of her children, placed under care in an institution while she could not contest this decision *(Berecova, ResDH (2009) 11).* 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 *(Paulik, application No. 10699/05, judgment of 10 October 2006, final on 10 January 2007 – examination under way).*
Spain	The applicant's conviction has been struck off the judicial records *(Castillo Algar, ResDH (1999) 469).*	Shortly after the introduction of the application, the child was returned to the applicant, who thus recovered her custody rights *(Iglesias Gil and A.U.I., CM/ResDH (2006) 76).*
Switzerland	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 *(A.P., M.P. and T.P., ResDH (2005) 4).* 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 *(Boultif, ResDH (2009) 15).*	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 *(Bianchi, ResDH (2008) 58).* The applicant was enabled to exhumate her stillborn child from a communal grave, and have the burial organised as she wished *(Hadri-Vionnet, application No. 55525/00, judgment of 14 February 2008, final on 14 May 2008 – examination in principle closed).*
"The former Yugoslav Republic of Macedonia"	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 *(Stoimenov, ResDH (2009) 139).*

Turkey 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 *(United Communist Party of Turkey, CM/ResDH (2007) 100).*

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 *(Arslan, CM/ResDH (2006) 79).*

Ukraine 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 *(Strizhak, ResDH (2008) 65).*

United Kingdom The applicant was released and his deportation order revoked. Subsequently he has also been granted a permanent residence permit in the United Kingdom *(Chahal, ResDH (2001) 119).*

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 and his pension was increased *(Roche ResDH (2009) 20).*

European Social Charter

Austria In 2003 new legislation was adopted which strengthens the protection of children from pornography. *Article 7 §10, Conclusions XVII-2.*

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. *Article 8 §4, Conclusions XVII-2.*

Legislation which entered into force on 14 January 2006 allows all foreigners to be elected to works councils. *Article 5, Report of 112th meeting of the Governmental Committee.*

Belgium 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 15 years of imprisonment with a fine. *Article 7§10, Conclusions XVII-2.*

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. *Article 17, Conclusions XVII-2.*

Bulgaria The Act of 29 March 2005 on protection against domestic violence (SG No. 27/2005) classifies such acts as offences and provides for the adoption of restraining orders against their perpetrators. *Article 16, Conclusions 2006.*

The Integration of Persons with Disabilities Act of 17 September 2004 (SG No. 81/2004) provides for specific measures to facilitate the labour market integration of persons with disabilities. *Article 1 §2, Conclusions 2006.*

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.*

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

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.*

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.*

The 1992 Employment Contracts Act, as amended in 2004, prohibits the employment of women in general in heavy work, work that poses a health hazard or underground work. *Article 8 §3, Conclusions 2005.*

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.*

The Finnish Parliament passed a new Aliens Act (301/2004) in 2004 changing the work and residence permit policy in order to take more account of labour market needs and to speed up work permit procedures and make them more flexible. *Article 18 §1, Conclusions XVII-2.*

Act No. 650/2004 strengthens the fight against domestic violence. *Article 16, Conclusions 2006.*

The aim of Non-discrimination Act No. 21/2004 is to promote and safeguard equality in all sectors of society. *Article 16, Conclusions 2006.*

France

Act No. 2002-305 of 4 March 2002 concerning parental authority aims to facilitate application of the principle of co-parenthood which is founded on three basic premises: equality between parents, equality between children, and the child's right to two parents. *Article 17 §1, Conclusions 2005.*

Act No. 2002-1138 of 9 November 2002 on the orientation and programming of justice reinforces the care and treatment of young offenders. *Article 17 §1, Conclusions 2005.*

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.*

Further to a collective complaint the Government adopted immediate measures, such as funding of medico-social action centres (CAMSPs), funding of places in special education and home care services (SESSADs), as well as places in medico-educational establishments and services for autistic children and teenagers, increasing in the number of assistants helping with the integration of disabled schoolchildren, and launched a new long-term action plan on autism and a long-term amenities programme. *Articles 17 and E, Collective complaint International Association Autism-Europe (IAAE) v. France, No. 13/2002.*

The Act of 11 February 2005 on equal rights and opportunity, participation and citizenship for persons with disabilities seeks to facilitate the right to social and public life of disabled people. Furthermore, Circular No. 2005-124 of 14 April 2005 provides for specific measures for autistic children and their families. *Articles 17 and E, collective complaint International Association Autism-Europe (IAAE) v. France, No. 13/2002.*

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.*

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.*

Greece

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. *Article 7 §2, Conclusions XVII-2.*

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. *Article 7 §8, Conclusions XVII-2.*

Law No. 3103/2003 has removed the quota on the number of women allowed to enter the police academy. *Article 1 of the Additional Protocol to the 1961 Charter, Conclusions XVII-2.*

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. *Article 17. Collective complaint OMCT v. Greece, No. 17/2003.*

Hungary

In 2003 the Labour Code was amended to include maternity, part-time work and temporary work among the grounds of non-discrimination. *Article 1§2, Conclusions XVII-2.*

In 2002 the Government reached agreement with its social partners on renewing national tripartite social dialogue via the National Interest Reconciliation Council (OET). *Article 6§1, Conclusions XVII-2.*

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 violations of their rights. *Article 17, Conclusions XVII-2.*

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. *Article 5, Conclusions XVIII-1.*

Iceland

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 also guarantees the protection of young offenders. *Article 17, Conclusions XVII-2.*

Ireland

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 the threshold established by the ECSR. *Article 4§1, Addendum to Conclusions XVI-2.*

Italy

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. The Labour Market Act No. 30/2003 is aimed especially at reforming employment services and apprenticeship contracts. *Article 10 §1. Conclusions 2007.*

Lithuania

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 and 40 hours a week. *Article 2§1, Conclusions 2005.*

Mandatory health education programmes have been introduced, under Health Ministry Order No. 437 of 30 August 2002. *Article 11§2, Conclusions 2005.*

	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. *Article 20, Conclusions 2006.*
Luxembourg	The minimum age requirement for entitlement to the guaranteed minimum wage has been lowered from 30 to 25 years and the condition of residence reduced to 5 years (Act of 29 April 2000). *Article 13 §1, Conclusions XVI-1.*
Malta	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. *Article 7§1, Conclusions XVII-2.* Legal Notice No. 247/2003 on organisation of working time regulates night work, which cannot exceed 8 hours in any 24-hour period. *Article 8§4, Conclusions XVII-2.*
Moldova	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. *Article 20, Conclusions 2006.*
Netherlands	In 2002 a special help-desk for young people (*Jongerenloket*) 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. *Article 7 §10, Conclusions XVII-2.* The Work and Care Act, from its entry into force on 1 December 2001, formally establishes entitlement to maternity leave of 16 weeks: six weeks prior to the birth and ten-week postnatal leave. *Article 8 §1, Conclusions XVII-2.* The closed shop clause in the collective agreement covering print workers has been removed. *Article 5, Conclusions XVIII-1.*
Norway	Equal access to health care is one of the basic principles of the Patients' Rights Act, which came into force on 1 January 2001. *Article 11§1, Conclusions 2005.*	A new chapter introduced into the Working Environment Act No. 4/2002 strengthens equal treatment in the working world. *Article 20, Conclusions 2006.*
Poland	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. *Article 11 §3, Conclusions XVII-2.*	An Act of 1 January 2002 lays down rules on contagious diseases and introduces preventive measures. *Article 11 §3, Conclusions XVII-2.*
Portugal	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.* In 2002 a Special Action Plan against Waiting Lists for Sugery (Peclec) was adopted in order to abolish such waiting lists within two years. *Article 11 §1, Conclusions XVII-2.*	Decree-Law No. 4/2001 provides for the legalisation of foreign nationals of countries not belonging to the European Union who stay on Portuguese territory and have employment contracts or offers to work but do not have the necessary work and residence permits. *Article 18 §1, Conclusions XVII-2.* 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.*

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.*

The new law on the protection and promotion of the rights of the child contains a provision on the prohibition of corporal punishment of children within the family and in institutions. *Article 17, 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, Vol. 2.*

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.*

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.*

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.*

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.*

Under Act No. 128/2001, the material scope of workers' right to information and consultation has been further extended to cases of outsourcing and of change in company ownership. *Article 2 of the Additional Protocol of the 1961 Charter, Conclusions XVII-2.*

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, Collective complaint Confederation of Swedish Enterprise v. Sweden, No. 12/2002.*

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.*

Under Section 82 of the Regulation on Seafarers of 31 July 2002, young workers under 18 must now undergo regular medical examinations every 12 months. *Article 7 §9, Conclusions XVII-2.*

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.*

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.*

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 health-care 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.

Azerbaijan The CPT recommended that conditions at the Republican Psychiatric Hospital No. 1 in Mashtaga be improved. In their response, the Azerbaijani authorities indicate that a refurbishment of Ward 12 has been launched and that the isolation rooms have been abolished.

Further, in response to recommendations made by the CPT concerning material conditions at the Regional Psycho-Neurological Dispensary in Sheki, the artificial lighting and heating in the patients' rooms has been improved, new washbasins have been installed, the shower facilities have been repaired and the food has improved in quality and quantity.

Bosnia and Herzegovina The CPT recommended that the Federation of Bosnia and Herzegovina take the necessary measures to provide funding for the missing complement of 40 prison officers in Zenica Prison and to recruit them immediately. In response, the authorities stated that Zenica Prison is in the course of recruiting of 50 new employees, prison policemen-guards and two pedagogues.

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.

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 such ward in terms of mission statement and 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.

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 the authorities stated that the Region of Sealand had confirmed that this illegal method of immobilisation had been discontinued.

Finland Upon a recommendation of the CPT to put an end to the practice of "slopping out" (whereby prisoners are obliged to use buckets in their cells to comply with the calls of nature), the Finnish authorities have drawn up detailed plans to resolve this problem throughout the prison system by 2011-2012.

France 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).

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 plan 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 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.

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 Psychiatric 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.

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.

Serbia Following recommendations by the CPT as regards the Special Institution for Children and Juveniles in Stamnica, 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.

Slovak Republic 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 Procedure 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.

Turkey 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 at the end of 2009.

United Kingdom As regards persons detained in police stations under the Terrorism Act 2000, the CPT recommended that the United Kingdom authorities improve the material conditions

at Paddington Green Police Station for stays of longer than a few days. In response, the United Kingdom authorities stated that they were taking the necessary measures to improve the conditions of detention at this police station (improved access to light, better in-cell equipment, new external exercise facilities and the whole suite re-painted and upgraded).

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

Albania 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.

Armenia 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.

Azerbaijan Regional branches of Ombudsman's office have been established which increases accessibility of this institution for persons belonging to national minorities.

A Concept for State support for the development of media in Azerbaijan has been adopted which aims, *inter alia* to provide increased support for media programmes on ethnic and religious tolerance.

The Law on Freedom of Assembly was amended so as to remove a number of restrictions and ease the full enjoyment of this right in practice.

Bosnia and Herzegovina The Anti-Discrimination Law has been adopted and an amended Election Law has reduced the threshold for minority candidates to be able to stand for election.

The Council of National Minorities at the Parliamentary Assembly of Bosnia and Herzegovina was set up with an aim to increase participation of the national minorities in law and policy making regarding matters concerning them. Similar councils were set up at the level of the Republika Srpska and at the level of the Federation.

Bulgaria Adoption of the Protection against Discrimination Act together with the establishment of the Commission for Protection against Discrimination provides a clear legal anti-discrimination basis, including in the field of employment.

Specialised consultative organs on Roma issues have been established with an aim to facilitate Roma participation in decision-making process.

Croatia 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.

Cyprus	Roma living on the territory under the effective control of the Government now have access to the protection of the Framework Convention.	Measures have been taken to enable Turkish Cypriots to more effectively participate in public affairs and social, economic and cultural life.
Czech Republic	The use of minority languages in the public sphere has been advanced, including through new legislation governing this area.	
Denmark	The authorities took measures aimed at ensuring that the administrative reforms do not impair the participation of persons	belonging to the German minority in local and regional decision-making processes.
Estonia	Estonia removed language proficiency requirements from candidates to parliamentary and local government elections and clarified the right to communicate with govern-	ment officials in a minority language, following related criticism expressed by the Advisory Committee.
Finland	Following recommendations of the Advisory Committee, Finland took steps for further development of minority media and amended the subsidy system taking into account the specific situation of minority language print media.	Finland also made efforts to further improve the participation and consultation arrangements on minority issues through establishing a new Regional Advisory Board for Ethnic Relations in Southern Finland.
Georgia	The ratification of the Framework Convention has triggered a discussion regarding the need for 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.
Germany	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.
Hungary	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.
Ireland	Ireland has stepped up data collection related to minorities in a number of fields, including in connection with the population census.	
Italy	Positive steps have been taken at regional and municipal levels to encourage the use and visibility of minority languages in their terri-	torial areas of protection, including through regional agencies created for this purpose.
Moldova	Steps have been taken for improving the legislative framework to combat discrimination. Possibilities to be taught minority languages have expanded through new minority language teaching textbooks and more "experi-	mental 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.
Netherlands	The Netherlands has made commendable efforts with respect to the implementation of the Framework Convention to the Frisians living in Fryslan. Measures have been taken	to facilitate the use of Frisian in relations with the administration and the judiciary and increase instruction in Frisian.

Norway	Laws concerning place names and personal names have been reformed to ensure that, for	example, Sami and Kven languages can be used more widely in these contexts.
Poland	Joint Commission of Government and National and Ethnic Minorities has been	established with a wide range of consultative prerogatives.
Romania	New measures have been taken to accelerate the restitution of church property and possessions of ethnic communities.	
Russia	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.
Serbia	Possibilities for persons belonging to national minorities to learn their mother tongues have been expanded, particularly	concerning Bosnian, Bunjevac, Macedonian and Roma languages. Serbian public media increased 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.
Spain	Steps have been taken to improve the participation of Roma in decision-making and	increased attention has been given to the cultural dimension in Roma programmes.
Sweden	Sweden has developed promising web-based educational tools to advance minority language education and to address the shortage of educational materials in this sphere. New consultation structures have been introduced to enhance the participation of	persons belonging to national minorities in decision-making processes. The central government has sought to engage local authorities more closely in issues concerning national minorities.
"The former Yugoslav Republic of Macedonia"	The new Strategy for Development of Broadcasting Activity envisages that broadcasting standards promote culture of tolerance and inter-ethnic understanding, as well as, provide for better access to media by ethnic communities. The newly-adopted Law on the use of languages spoken by at least 20% of citizens reg-	ulates the use of minority languages in local governance. The Law promoting and protecting rights of persons belonging to communities which represent less than 20% of the population has also been adopted.
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.
United Kingdom	The law on racially aggravated offences has been extended to include religiously-aggravated offences and a new criminal offence of	incitement to religious hatred in England and Wales has been introduced.

European Charter for Regional or Minority Languages

Austria	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.

Croatia The Charter has enhanced minority language rights in Croatia and contributed to the adoption of the Act on Education in the Languages and Scripts of National Minorities in 2000.

Cyprus 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.

Czech Republic 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.

Denmark 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. 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.

Finland 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.

Germany In 2004, the *Land* of Schleswig-Holstein adopted a law for the promotion of North Frisian in public life containing provisions concerning, *inter alia*, the use of North Frisian in relations with administrative authorities and the employment of Frisian-speaking civil servants.

Hungary 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.

Netherlands Ratification of the Charter marked the legal recognition of Limburgish, Low Saxon, Romani and Yiddish.

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. Also, a new decree on family names entered into force in 2003, permitting the use of Frisian names in official documents.

Norway The Inner Finnmark court was established as the country's only bilingual court in 2004, serving the Sámi language administrative area.

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.

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.

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.

Slovakia 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-

lished in accordance with the provisions of the Charter.

Slovenia By ratifying the Charter, Slovenia entered into the legal obligation to protect and promote the autochthonous Croatian, German and Serbian languages in public life.

Sweden 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. 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 Sámi is spoken is now included in the Sámi administrative area.

United Kingdom 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 licence was issued to the Irish-language radio station Raidió Fáilte in Northern Ireland.

Also, the authorities have suggested a Code of Courtesy when dealing with regional or minority language speakers.

The Cornish-speakers have agreed on a common orthography for the public use of Cornish.

European Commission against Racism and Intolerance

General changes

ECRI has helped develop laws and practices – at national and European level – so that racism, racial discrimination, xenophobia, antisemitism and intolerance can be effectively combated. It has made people understand that "racism" and "racial discrimination" are evolving concepts; they now include phenomena that affect individuals or groups not only because of their colour or ethnic origin but also because of their language, religion or nationality.

ECRI's General Policy Recommendation No. 2 on national specialised bodies to combat racism and racial discrimination has been a useful tool for NGOs and others who lobby states to give such institutions a broader mandate and more independence than foreseen in the corresponding European Union directive.

ECRI's General Policy Recommendation No. 7 on national legislation to combat racism and racial discrimination has been widely used by member States' governments in legislative reforms they have recently undertaken. This recommendation has been used as a yardstick against which to measure the adequacy of national-law provisions – the aim being comprehensive antidiscrimination legislation.

ECRI continues to promote Protocol No. 12 to the European Convention on Human Rights and is pleased to note that, so far, 17 states have ratified it.

Country-specific examples

Andorra In accordance with ECRI's recommendations, the Andorran authorities took a number of measures to assist the integration of non-Andorrans, for instance through free Catalan lessons. A 2004 law amending the "Qualified Law on Nationality" makes it easier to meet the residency requirements for obtaining Andorran citizenship. ECRI welcomed its enactment as a first step to aligning the naturalisation regulations with European standards.

Belgium ECRI, in its third report on Belgium, recommended that measures be taken to ensure the effective application of a new criminal law provision stating that hatred, contempt or

hostility based on, *inter alia*, presumed race, skin colour, descent, national or ethnic origin, nationality, religious beliefs or language constitutes a specific aggravating factor for a number of offences. The Belgian authorities conducted, to this effect, training for police officers, prosecutors, judges and lawyers and introduced awareness-raising measures. In accordance with ECRI's recommendations, steps have been taken to counter racist discourse. Criminal complaints were filed against individuals and legal persons advocating racism. Also proceedings were initiated to suspend the public funding of political parties displaying hostility to fundamental freedoms and human rights.

Bulgaria ECRI welcomed the application by the Bulgarian courts of the 2004 Protection against Discrimination Act, particularly in cases relating to Roma. In accordance with ECRI's recommendation, the Bulgarian authorities set up a Commission for Protection against Discrimination in 2005. They have also taken measures to combat discrimination against Roma children in school and Roma mediators were recruited in the fields of employment and health.

Czech Republic The Czech Parliament adopted, in 2008, a new Criminal Code which entered into force on 1 January 2010. The code provides that the racist motivation of an ordinary offence will be deemed an aggravating circumstance and prohibits, amongst others, violence against a group of inhabitants and individuals, the defamation of a "nation, race, ethnic or other group of persons", incitement to racial, national, ethnic, class or religious hatred and the promotion of restrictions on human rights and freedoms. In accordance with ECRI's recommendations, measures have been taken to ensure the effective application of criminal law provisions; these include initial training for police officers and preventive programmes at local level.

Germany The General Equal Treatment Act, which entered into force on 18 August 2006, reflects to a large degree ECRI's General Policy Recommendation No. 7 on national legislation to combat racism and racial discrimination. The General Equal Treatment Act provides protection against discrimination in many fields covered by private law. ECRI welcomed also the setting-up of the Federal Anti-Discrimination Agency. In accordance with ECRI's recommendations, the German authorities intensified the prosecution of right-wing extremist, xenophobic and antisemitic crimes. The police are taking an increasingly active stance to prevent such crimes. In conformity with an ECRI recommendation, the authorities have facilitated immigrants' integration by, for example, providing language courses and removing certain barriers to the acquisition of German citizenship.

Greece In accordance with ECRI's recommendation, Greece introduced, in 2005, a law on the implementation of the principle of equal treatment regardless of racial or ethnic origin, religious or other beliefs, disability, age or sexual orientation. This law prohibits direct and indirect discrimination and protects against harassment and instructions to discriminate. The Greek Ombudsman was entrusted with monitoring compliance. ECRI welcomed the fact that the Ombudsman's powers in relation to anti-discrimination were broadly in keeping with the principles laid out in its General Policy Recommendation No. 2 on specialised bodies for combating racism, xenophobia, antisemitism and intolerance at national level. In 2008 the Greek Parliament adopted a law amending the Criminal Code, stating that committing an offence on the basis of, inter alia, ethnic, racial or religious hatred is considered an aggravating circumstance, as recommended in ECRI's General Policy Recommendation No. 7 on national legislation to combat racism and racial discrimination.

Hungary ECRI welcomed the setting up of an Equal Treatment authority in 2005, which monitors compliance with the Equal Treatment Act; the authority's decisions are binding. At a national Round Table organised in Budapest on 16 November 2009, an interesting exchange of views took place between representatives of ECRI and Hungarian politicians, judges, scholars and persons active in the human rights field. The topics discussed included freedom of expression and racism, xenophobia, antisemitism and intolerance in public discourse and ways of responding to racially motivated violence.

Latvia

On 21 October 2006 the Latvian Parliament amended Article 48 of the Criminal Code which now stipulates that racist motivation is an aggravating circumstance for ordinary crimes. There have also been efforts to train judges, prosecutors and the police in identifying racist motivation; the competent bodies were encouraged to investigate all cases involving racism that were brought before them.

As a follow-up to ECRI's third report on Latvia, a Round Table was organised in Riga on 19 May 2008 with the participation of representatives of public institutions, NGOs and ECRI members. The main themes discussed were the implementation of anti-discrimination laws and ways of responding to racist incidents in Latvia.

Liechtenstein

ECRI was pleased to note that, in line with its recommendations, the authorities commissioned studies on discrimination in employment and education. ECRI welcomed also the fact that consideration was given to setting up a data collection system.

Malta

Article 82A of the Maltese Criminal Code now covers racist insults and threats as well as incitement to racial hatred, as recommended in ECRI General Policy recommendation No. 7 on national legislation to combat racism and racial discrimination. In addition, Malta introduced anti-discrimination legislation which reflects to a large degree ECRI's General Policy Recommendation No. 7 on national legislation to combat racism and racial discrimination. Legal Notice 461/2004 (Employment and Industrial Relation Act) and subsequent amendments prohibit discrimination on a number of grounds, including racial or ethnic origin and religion, in employment-related areas. Legal Notice 85/2007 (Equal Treatment of Persons Order) prohibits discrimination on racial or ethnic origin in areas not related to employment.

Moldova

ECRI, in its second report on Moldova, recommended that the authorities adopt a comprehensive body of civil and administrative legislation designed to combat discrimination in all spheres of life. In its third report in 2008, it welcomed the inclusion of anti-discrimination provisions in the new Labour Code. Article 5 of the Labour Code sets forth the principle of equal rights and opportunities and the principle of non-discrimination as two of the basic principles applying to labour relations. Article 8 prohibits any direct or indirect form of discrimination on grounds of, inter alia, race, national origin and religion.

Netherlands

In 2004 the Dutch Parliament amended the Criminal Code provisions on racist insults, incitement to racial hatred, discrimination and violence, dissemination of racist material, and racial discrimination in the exercise of a public service, profession or trade; it thereby increased the maximum sentences for these offences. ECRI was pleased to note that its recommendation to improve the implementation of criminal legislation in relation to racism had been taken into account. In 2003, the Public Prosecution Service issued new instructions on the handling of cases of racism and racial discrimination. Public prosecutors were thereby required to prosecute these offences vigorously and systematically. In addition, they had to request harsher sentences (up by 25%) for offences with racist motivation.

Norway

In accordance with ECRI's recommendations, the authorities amended both the Constitution and the Criminal Code in order to punish racist statements effectively. The Constitution now allows for higher sentences and the maximum penalty in the Criminal Code was raised. The new Anti-Discrimination Act reflects to a large degree ECRI's General Policy Recommendation No. 7 on national legislation to combat racism and racial discrimination. The implementation of the Act is ensured by the Equality and Anti-discrimination Ombud (LDO) and the Equality and Anti-Discrimination Tribunal; these institutions commenced their work in 2006. Since 2008 the Antidiscrimination Ombud can also act as *amicus curiae* before civil courts. The police and prosecution authorities increasingly focused their attention on combating racism and racial discrimination and promoting diversity.

Russian Federation On 23 September 2008 ECRI organised a Round Table in the Russian Federation. Government officials, representatives of ECRI, the Office of the Prosecutor General and NGOs as well as scholars came together to discuss the recommendations made in ECRI's third Report on Russia. Special attention was given to the issues of racist violence and racism, xenophobia, antisemitism and intolerance in public discourse.

San Marino The Department of Training of San Marino, in line with ECRI's recommendations, set up new courses to provide school teachers of all levels with multicultural skills; these courses form part of the initial two-year training (there is for instance a course on Intercultural Pedagogy) and then of in-service training. ECRI has been particularly pleased to note that all teachers are now required to follow 20 hours of in-service training on issues such as respect for difference and non-discrimination.

Slovakia Several measures have been taken to implement ECRI's recommendation to strengthen the Slovak anti-discrimination legislation and to ensure its effective application. The 2006 Criminal Code contains several provisions on racially-motivated crimes, including incitement to racial hatred, and makes the racist motivation of a crime an aggravating circumstance. The 2004 Anti-Discrimination Act is broadly in keeping with European standards and training is provided to future judges on human-rights-related issues. Following ECRI's recommendation in favour of concrete, widespread and sustainable improvement in the situation of Roma in Slovakia, the Slovak authorities adopted a medium-term strategy for the development of the Roma national minority in 2008-2013; this proposes solutions in the fields of, *inter alia*, education, health, healthcare and the media. A number of Roma police officers have been recruited and Roma health workers have been specifically tasked with improving the Roma communities' awareness of health issues.

Switzerland The Swiss authorities took a number of measures recommended by ECRI to prevent police misconduct. Significant efforts have been made in the field of training and awareness-raising. A growing number of cantonal and municipal police officers undergo initial and in-service training in intercultural skills. In addition, some police forces established charters or codes of conduct and created bodies responsible for supervising compliance with them.

On 1 December 2009 ECRI issued a statement two days after the Swiss popular initiative which approved the inclusion, in the Federal Constitution, of a provision banning the construction of minarets. The statement received a lot of public attention and contributed to the ensuing public debate.

Ukraine As requested by ECRI, in 2007 the Office of the Ombudsman conducted a monitoring exercise on the situation of minority groups in Ukraine. On 4 April 2009 ECRI organised a Round Table in Ukraine, which brought together government officials, judges, researchers, academics and NGO representatives. The topics discussed included (a) responding to racially motivated violence and (b) racism, xenophobia, antisemitism and intolerance in the public sphere including public discourse.

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:

Belgium In July 2009, following the Commissioner's visit and Report, which recommended a transparent and egalitarian procedure of regularisation of irregular migrants, an administrative circular laid down the criteria allowing irregular migrants to obtain a regularisation of their residence in Belgium. In April 2009, the *Conseil du Contentieux des étrangers* stayed the return of asylum seekers from Belgium to Greece, drawing upon the Commissioner's Report on the human rights of asylum seekers in Greece, dated 4 February 2009.

Bosnia and Herzegovina	In August 2009 a comprehensive Anti-discrimination Law entered into force, in line with the Commissioner's recommendation made in his 2008 Report. This law includes for the first time prohibition of discrimination on the grounds of "gender identity, expression or sexual orientation".	In line with recommendations contained in the aforementioned Report, in July 2008 the government adopted an action plan for solving problems of Roma in the field of employment, education, housing and health care, in co-operation with Roma communities and organisations.
Bulgaria	After the publication of the Commissioner's 2002 and 2006 Reports, in which the authorities were urged to enhance measures for the improvement of the living conditions of Roma, the government adopted an Action Plan for 2007-2008, as part of the National Programme for Improving the Living Conditions of Roma.	In response to the recommendation to provide good quality education to Roma children, the National Programme for the Development of Primary, Secondary and Preparatory Education (2006-2015) was adopted, with a view to, among others, better integrating Roma children into schools.
Croatia	Following recommendations made by the Commissioner in 2005, Croatia has practically completed the process of repossession by displaced persons of their property:	19 200 housing units have been returned to their owners. Repossession of agricultural land ended in 2009.
Cyprus	Following recommendations made in the Commissioner's 2008 Report, the "cabaret artist visa" was abolished in November 2008 and a new visa scheme for performing and creative artists was introduced. The new scheme aims at better control, putting the burden of proof on the employer to obtain the visa.	Furthermore, the authorities adopted a new National Action Plan on Combating Trafficking in Persons 2010-2012. The plan was drafted by the Multidisciplinary Group which also includes NGOs and focuses on prevention, protection and prosecution as well as on data collection, education and training, monitoring and evaluation of implementation.
Finland	Following recommendations made by the Commissioner in 2001 and 2005, the Finnish Child Welfare Act was reformed in 2007. Decisions on custody are now taken by child welfare authorities if an agreement on the	measure between the parents and the child has been reached. If there is no agreement, the administrative court takes the decision. The best interest of the child is the central premise of the 2007 Act.
France	A few weeks following the Commissioner's visit to the Roissy-Charles de Gaulle airport in January 2008, the French authorities closed down "ZAPI 4", an inappropriate area which had been used to accommodate persons seeking asylum at the airport.	During his visit to France in May 2008 the Commissioner met with migrant Roma in their settlement in Strasbourg. In January 2009, following concerns expressed by the Commissioner, local authorities provided the migrant Roma families with adequate housing.
Georgia	As part of his efforts to address the consequences of the August 2008 conflict, the Commissioner negotiated the release of several persons held by both sides, thereby contributing to family reunification. In December 2009, five Georgian teenagers who had been held in detention in Tskhinvali were released, as well as five ethnic Ossetians detained by the Georgian side. In March 2010, the Georgian authorities released the remaining six ethnic Ossetians detained after the conflict and the South Ossetian de facto	authorities released six ethnic Georgians detained in August 2009. All in all the Commissioner has contributed to more than one hundred releases in these circumstances. In line with recommendations handed over by the Commissioner to the local authorities of Shida-Kartli region in November 2009, the budget in a number of municipalities of this region was tailored to address the needs of the conflict-affected population by including them in social assistance, healthcare and employment programmes.

Greece Following the Commissioner's visit and Report of 2009 indicating the existence of serious, chronic deficiencies in the national system of refugee protection, the government took measures in order to overhaul and amend the framework of asylum law and practice.

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.

Italy Following recommendations made by the Commissioner in 2008 and 2009, the Italian government announced the preparation of legislation to provide Italian nationality to stateless minors whose parents had left the former Yugoslavia if at least one of their parents was in Italy prior to January 1996, and that they would ratify the 1997 European Convention on Nationality without any reservation.

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.

Lithuania In the context of amending certain laws, such as the 2002 Law on the Protection of Minors against the Detrimental Effect of Public Information, proposals to introduce provisions discriminating against persons on the grounds of sexual orientation were abandoned. This was in accordance with the Commissioner's letters to the Prime Minister of Lithuania and to the Speaker of the *Seimas*, published on 17 February 2010.

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.

Moldova In his Report following the visit to Moldova in April 2009, the Commissioner recommended that thorough and comprehensive inquiries be carried out into the events of 6 and 7 April 2009 in Chisinau. In October 2009, the Moldovan Parliament established the Commission on the elucidation of the causes and consequences of the events that took place after 5 April 2009, which delivered its final report on 7 May 2010.

Netherlands In 2009 the Issue Paper on Gender Identity and Human Rights, published by the Commissioner, served as the major document of reference for the government's draft legislation aimed at revising the law on gender recognition.

Poland Following the Commissioner's 2007 Memorandum to the Polish Government, the authorities established a Working Group for the Implementation of the Commissioner's recommendations. The Working Group elaborated a "Plan for the Implementation of the Recommendations Formulated by the Council of Europe Commissioner for Human Rights in the 2007 Memorandum", which was adopted by the Polish Council of Ministers in April 2008.

In 2008 the post of Government Plenipotentiary for Equal Treatment was created, following the Commissioner's recommendation to set up a single specialised body to combat various forms of discrimination.

Russian Federation Following his visit to the North Caucasus in September 2009, the Commissioner underlined the importance of NGOs which monitor and report on human rights. Since then, the President of the Russian Federation held three meetings with NGOs monitoring the situation of human rights in the region, including with "Memorial", Moscow Helsinki Group, Human Rights Watch and others. President Medvedev also instructed his special representative in the North Caucasus, Mr Alexander Khloponin, to prepare by October 2010 proposals for the establishment of a Council for Development of Civil society in the region.

The Commissioner's long-standing recommendation to provide the necessary forensic expertise and capacity to establish the truth

about past disappearances has recently been addressed with President Medvedev's instruction to his aforementioned representative to create such forensic laboratories in the Chechen Republic by October 2010.

Serbia

Following the Commissioner's 2008 country visit and his recommendations, Serbia adopted a general Anti-discrimination Law that entered into force in April 2009.

In 2009 Serbia enacted the Law on National Minority Councils, in line with the Commissioner's recommendations. The elections for National Minority Councils took place throughout Serbia in June 2010.

Spain

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 prevention of torture at the domestic level.

"The former Yugoslav Republic of Macedonia"

Following recommendations made by the Commissioner in his 2008 Report "the former Yugoslav Republic of Macedonia" ratified the Council of Europe Convention on Action against Trafficking in Human Beings and the Optional Protocol to the UN Convention against Torture. The Ombudsman was designated as a national preventive mechanism for the prevention of torture at the domestic level.

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.

During his visit to Turkey in May 2010, the Commissioner was informed of improved co-ordination and collaboration of the Turkish authorities with UNHCR. Furthermore, ministerial circulars issued in March 2010 instructed local authorities to use their margin of appreciation and not demand any longer residence fee (*ikamet*) from asylum seekers and refugees. The authorities also announced to abolish the residence fee for asylum seekers and refugees in the context of the asylum law reform under way, in accordance with the Commissioner's recommendation.

Ukraine

The Commissioner recommended in his report on the 2006 visit to Ukraine to set up the local and appellate administrative courts foreseen under the Code of Administrative Justice. Since then, 27 local and 7 appellate administrative courts have been established in Ukraine.

United Kingdom

Following the Commissioner's recommendations in 2008, the United Kingdom government declared a moratorium on the deportations of Sri Lanka Tamils whose asylum applications had been rejected. This led to the striking out by the European Court of Human Rights of 386 relevant applications.

The Commissioner was engaged during his 2008 visit to the United Kingdom in ongoing discussions on proposals to detain suspects of terrorism for up to 42 days without charge. The Commissioner referred to this as an excessive measure. The United Kingdom government finally dropped its plan to introduce the 42-day detention.

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

The Commissioner's Reports have an impact on member states also through the Court's case-law, since they are cited 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.

In 2010 the Commissioner made two third-party interventions before the Court, upon the latter's invitation, in cases concerning returns of asylum seekers to Greece by virtue of the Council Regulation (EC) No. 343/2003 ("Dublin Regulation") (*Ahmed Ali* and 13

other cases against the Netherlands and Greece, and *M.S.S.* against Belgium and Greece (Grand Chamber).

Group of States against Corruption – GRECO

The following list of examples covers 41 of the 47 current members of GRECO which – at the time of writing – have been subject to a formal impact assessment ("compliance procedure"). The remaining six countries (Austria, Italy, Liechtenstein, Monaco, Russian Federation and Switzerland), which joined GRECO between July 2006 and January 2010 will undergo this procedure at a later stage. All of them (except Liechtenstein) have already submitted themselves to a joint first and second round evaluation. The relevant evaluation reports which contain a number of recommendations for improvements of the countries' anti-corruption legal frameworks and institutional setups can be accessed at GRECO's home page (www.coe.int/greco/).

Albania In response to GRECO recommendations, the Albanian authorities have strengthened noticeably both the preventive and the repressive side of tackling corruption, including by introducing codes of conduct and specific ethical rules into public administration and by concrete measures to encourage public officials to report suspicions of corruption. Albania has also introduced criminal liability for legal persons with a view to prosecuting businesses which – for their own benefit – allow or even compel employees to commit acts of corruption and other offences.

Andorra An ambitious programme of anti-corruption awareness-raising and training initiatives has been adopted and implemented; a special coordinator has been appointed to facilitate the domestic reform process on the basis of GRECO's recommendations. In this context, legislation has been enacted making the interception of communications, including telephone conversations, permissible in respect of a wider range of corruption offences. In addition, further special investigation methods, such as controlled deliveries and undercover operations can now be used to investigate corruption cases.

Armenia Legislation on banking secrecy has been amended to enable law enforcement authorities to obtain all relevant information on account holders and operations on bank accounts even before formal charges are brought, as well as to prevent banks from disclosing judicial requests for information to their customers. In the past, this latter practice had detrimental effects on the efficacy of corruption investigations.

Azerbaijan Legislative measures have been taken to introduce explicit ethical rules for civil servants, designed to preserve integrity and to prevent situations of conflicting interests and corruption. The Civil Service Commission was given the task of monitoring the level of observance of the rules in order to identify shortcomings and to make practical proposals for further improvement of the existing ethical arsenal.

Belgium Pending the final creation of a register of legal persons, such as business companies, found guilty of bribery offences, practical measures have been taken to centralise existing data regarding both companies concerned and the legal basis on which they have been convicted. 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 procedures.

Bosnia and Herzegovina A Strategy and an Action Plan for the fight against corruption covering the period 2009-2014 has been adopted and legislation enacted to establish a dedicated anti-corruption agency entrusted, *inter alia*, with the monitoring of the Strategy's and Action Plan's components.

Bulgaria The Bulgarian authorities have enhanced the capacity of the police to deal with economic crime and corruption by setting up specialised units. Moreover, a system has been established for the collection and processing of data relating to the investigation, prosecution and adjudication of corruption offences, as well as with regard to requests for and the granting of mutual assistance in this area. The authorities have also designed specific anti-corruption programmes for public administration at local and regional levels, as a complement to reforms, implemented or under way, at national level.

Croatia A package of measures has been introduced in order to enhance integrity in public administration, including comprehensive legislation on conflicts of interest, the issuing of a code of ethics, the setting-up of a Department of Ethics – responsible for organising training on professional ethics and serving as a public service ethics watchdog – and the designing of a new regulatory framework for the civil service introducing, *inter alia*, a merit-based recruitment system.

Cyprus The Public Service Law has been amended to place civil servants under a clear obligation to report suspicions of corruption in order to break the spiral of silence often connected with corrupt dealings and other abuses of official positions. Furthermore, the authorities of Cyprus have established a system for the declaration of assets and interests of high state officials, including Members of Parliament, the President of the Republic, the Attorney-General and Ministers. Rules and supervisory arrangements have also been introduced to deal with situations where public officials move to the private sector, in order to avoid situations of conflicting interests.

Czech Republic The Criminal Code and the Code of Criminal Procedure have been amended to allow for the seizure and forfeiture of assets of an equivalent value to the proceeds of corruption, as well as the effective seizure and forfeiture of relevant assets and property transferred to third parties**.**

Denmark The Danish authorities have introduced a dedicated Code of Conduct in the Public Sector. Among other matters, it contains guidelines on how to handle suspicions of bribery offences in public administration. In response to a specific recommendation by GRECO, it has been clarified that public employees are entitled to report suspicions of corruption directly to the police and not only to their superiors.

Estonia Following a series of recommendations resulting from GRECO's ongoing 3rd Evaluation Round, under which Estonia was one of the first countries to be evaluated, a process of updating criminal legislation to comply with the Criminal Law Convention is under way. Estonia has also recently embarked on a thorough review of its legislation governing the financing of political parties and election campaigns, including comprehensive rules for transparency and the setting-up of a monitoring mechanism entrusted with the supervision of the new financing regime.

Finland The Ministry of Justice has created an Anti-Corruption network, composed of representatives from more than ten public authorities and five private sector bodies. This network has taken responsibility for the co-ordination and improvement of anti-corruption policies in Finland and for enhancing procedures concerning detection, investigation and prosecution of corruption offences. Furthermore, GRECO's Third Round Evaluation Report has led to the establishment of two ministerial expert groups, one entrusted with elaborating proposals for amendments to the Penal Code – to strengthen compliance with the Criminal Law Convention – and the other with thoroughly reviewing legislation and practice in light of Recommendation Rec (2003) 4 of the Committee of Ministers on common rules against corruption in the funding of political parties and electoral campaigns which forms a basis for the ongoing Third Evaluation Round.

France French legislation has made provision for the setting-up of additional courts – the *pôles économiques et financiers* – specialising in economic and financial matters including corruption; these have been created in the major crime areas, with a broader multi-regional jurisdiction. At police level, a specialised, multidisciplinary anti-corruption

	squad, the *Brigade centrale de lutte contre la corruption (BCLC)*, has also been established	with special expertise to deal with the more complex corruption cases.
Georgia	The salaries of prosecutors have been increased significantly and fairer and more objective disciplinary proceedings for possible infringements introduced, in order to remove incentives for corrupt dealings. Moreover, the authorities have adopted a	developed Anti-Corruption Strategy which has been completed by an Action Plan. The latter provides up-to-date information regarding deadlines and agencies responsible for the implementation of the various measures.
Germany	New Freedom of Information Legislation has been introduced, providing, in particular, that a person no longer has to demonstrate a personal or legal interest in the information requested. Furthermore, the possibility of intercepting communications has been extended and now also applies to serious cor-	ruption offences. In the same vein, new legislation has been introduced allowing civil servants, at both the federal level and that of the *Länder*, to report suspicions of corruption not only to their superior and to the competent superior official authority, but also directly to a law enforcement authority.
Greece	The Internal Affairs Division of the Greek police, which is responsible i.a. for the investigation of bribery and extortion cases within the police force has been strengthened by a range of legal measures. Its jurisdiction now also extends to active and passive bribery	offences committed by or against a member of the various entities vested with law enforcement functions and, more generally, any public employee of the domestic public administration.
Hungary	Hungary has embarked on a comprehensive programme including preventive and awareness-raising measures, aimed at progressively	eliminating the practice of gratuities, rewards and other forms of private remuneration paid to public employees in the healthcare sector.
Iceland	The adoption of GRECO's first round evaluation report has generated a vast public debate on corruption and the best courses of action to be followed to address this problem. General awareness raising programmes have	since been initiated by the Government. The police force dealing with economic crime and corruption has been reinforced in terms of staff.
Ireland	The Irish authorities have reviewed the system of initial and in-service training of police and prosecutors in relation to corruption investigations and have introduced	special courses on the Irish anti-corruption legislative framework, the different typologies of corruption and the relevant investigation techniques.
Latvia	Latvia has strengthened noticeably its legislative arsenal for dealing with corruption offences, in particular by introducing (crim-	inal) liability of legal persons, including for offences of bribery, trading in influence and money laundering.
Lithuania	The Government has established a Commission for the Co-ordination of the Fight against Corruption, an interdepartmental body responsible for the implementation of the National Anti-Corruption Programme and the coordination of the preventive anti-	corruption policies at both State level and the level of the municipalities. The Commission has also been given the tasks of identifying areas for improvement and making concrete proposals for measures to be taken by the competent state agencies.
Luxembourg	The new 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 should	improve possibilities for depriving offenders of the illegal benefits of their corrupt dealings whether of a purely monetary nature or comprising any other valuables.
Malta	Malta has adopted a Public Administration Act which comprises a Code of Ethics. The Code clarifies beyond doubt that public	employees have a duty to report to an appropriate authority unethical behaviour or other wrongdoing (including corruption) by any

other employee during the course of duties. This duty has been complemented by measures to protect those who report ("whistle-blowers") from any form of open or disguised retaliation for doing so.

Moldova The Centre for Combating Economic Crimes and Corruption (CCECC) and the special Anti-corruption Prosecutor's Office have been provided with additional equipment in order to enhance their effectiveness. In this connection, specialised training of staff and methodological support have also been made available in the framework of the MOLICO programme of the Council of Europe and the European Commission, which has assisted the Moldovan authorities specifically in implementing a series of recommendations issued by GRECO.

Montenegro In order to reinforce its capacity to take reasoned policy decisions in the fight against corruption, Montenegro has carried out targeted research in order to gain a clearer insight into the scale of corruption and its various features. In this context, the role of the Directorate for Anti-corruption Activities has proved to be key in increasing awareness of anti-corruption provisions in the various laws and regulations and the need for "insiders" to report instances of malpractice to the competent authorities. Steps have also been taken to develop specific anti-corruption measures at local level, including anti-corruption strategies and training for local government officials.

Netherlands A more pro-active approach to fighting corruption and corruption risks has been adopted by the Dutch authorities. More particularly, a range of specific integrity measures has been written into the Civil Servants Act, an integrity policy study has been launched and a dedicated Internet site created in a general move to raise awareness of this issue. Moreover, a special anti-corruption task force has been set up under the auspices of the Minister of Justice.

Norway Post-Employment Guidelines for the Public Service and for politicians have been issued to maintain and further develop the public's trust in the impartiality and soundness of public administration. The Guidelines, *inter alia,* address conflicts of interest including those arising from the movement of public officials to the private sector.

Poland The Polish government has adopted a number of legislative measures to limit the discretionary powers of officials in different areas of public administration (e.g. road transport, privatisation, healthcare system etc.), in order to remove incentives for corrupt practice. Moreover, ethical issues have become an essential component of public service. As a result of this focus, several thousand civil servants have undergone training on ethical issues, including on practical aspects, using real-life examples.

Portugal Parliament has adopted legislation on "New measures to combat corruption". These have strengthened the protection of officials against disguised discrimination and other reprisals when they report suspicions of corruption or other wrongdoings in good faith, either internally, to responsible persons or, externally, to relevant authorities. In particular, there is now a presumption that any disciplinary sanction applied to a "whistle-blower" during the year following the reporting is deemed unjustified.

Romania Immunities from prosecution, sometimes enjoyed by a very extensive range of public officials and elected representatives, are genuine obstacles to an effective fight against corruption. In response to a GRECO recommendation on this critical matter, Romanian legislation has been amended to restrict the categories of persons entitled to immunity from criminal prosecution. Moreover, a National Anti-Corruption Prosecution Unit - an autonomous body with guarantees of independence and its own budget – has been set up to deal with large and medium-scale corruption offences.

Serbia Serbia has improved its public procurement procedures noticeably through a new legislative framework, the certification of public procurement officials, the development of e-procurement tools, the possibility of judicial review in procurement cases, as well as the introduction of anti-corruption clauses in

	procurement contracts and institutional independence of public procurement bodies.	
Slovak Republic	The statute of limitation of the Penal Code has been extended from 3 to 5 years with respect to the prosecution of corruption	offences, in order to allow extra time for the investigation of complex cases which often involve lengthy evidence-gathering.
Slovenia	A key achievement in the fight against corruption in Slovenia has been the creation and maintenance, of a specialised anti-corruption body, i.e. the Commission for the Prevention of Corruption, which has become a reference model for the region in terms of independ-	ence and range of responsibilities and powers (implementation of national anti-corruption strategy, education and training, supervision of financial declarations of civil servants, provision of guidance on conflicts of interest etc.).
Spain	Throughout the last decade, Spain has effectively strengthened the human and technical capacity of the police and the specialised public prosecutor's office (Special Attorney's Office for the Repression of Economic Offences related to Corruption), including by appointing special delegates to assist in the investigation and prosecution of corruption-related offences at sub-national level in Alicante, the Balearic Islands, Barcelona,	Malaga, Las Palmas and Tenerife. Moreover, a number of regulatory instruments have been introduced with a view to enhancing the transparency and integrity of public administration, including through the adoption of a Code of Ethics for public officials and the development of far-reaching conflict of interest legislation applying to public officials and members of Government.
Sweden	The Swedish Government, in co-operation with the Federation of County Councils (*Landstingsförbundet*) and the Federation of Municipalities (*Svenska kommunförbundet*), has initiated a joint project with a view to raising public officials' awareness of corrup-	tion risks and remedies. In the framework of the project, a publication "On bribery and conflicts of interest – guidelines for public sector employees" has been designed and widely circulated, including for training purposes.
"The former Yugoslav Republic of Macedonia"	Constitutional and Criminal Procedure Law have been amended in order to enable the use of special investigative means, such as wiretapping in the investigation of the most serious criminal offences, including corruption. Moreover, a Law on Free Access to Information has been adopted, the implementation of which is supervised by an independent authority, the Commission for the Protection of the Right of Free Access to	Public Information. Several new "e-governance" tools have been introduced, including a monitoring system for the implementation of the Government's Annual Programme and an information portal enabling online communication between citizens and the Government in connection with the granting of licences and public procurement proceedings.
Turkey	The Turkish authorities have issued a handbook providing guidelines to the tax authorities concerning the detection of corruption offences and the fulfillment of reporting obligations. These guidelines have been included	in the in-service training programme with a view to enhancing the expertise of tax examiners in unveiling signs of corrupt practices they might come across in the course of their duties.
Ukraine	In response to a comprehensive package of recommendations, Ukraine has entered into several long term projects aimed at reforming various institutions of the criminal justice system, such as increasing the level of specialisation of the police regarding corruption investigations, setting up a prosecution	system which is more independent from political influence and action to strengthen the independence of the judiciary. Moreover, initiatives are under way with a view to overhauling the entire public administration and to enhancing citizens' access to information held by public authorities.
United Kingdom	The United Kingdom, strongly supported by GRECO, is in the process of introducing new	legislation in respect of bribery offences. The *Bribery Bill*, submitted to Parliament in 2009,

will, if adopted, represent a major step forward in providing for a new legal framework with a fully coherent and consistent terminology concerning corruption offences, which will be beneficial for legal practitioners as well as for the wider public. The United Kingdom has also updated its legislation and practice regarding political financing in order to provide for enhanced proactive monitoring of the funding of political parties and election candidates.

United States

The US Office of Government Ethics (OGE) – which has a mandate to exercise leadership in the executive branch to prevent conflicts of interest on the part of Government employees at federal level – has taken a whole range of measures to increase Government employees' awareness of the numerous legal obligations to report misconduct as provided in various administrative regulations and in law, including through the education of ethics officials and employees on the necessity of reporting misconduct and alternatives as to where to report. Furthermore, federal states have been informed of these matters via the Council on Governmental Ethics Laws (COGEL).

MONEYVAL

Preventive regimes

All countries now have preventive legislation in place. These laws address the important customer identification and record keeping standards which need to be in place in all financial and non-financial institutions, and other businesses and professions with AML/CFT obligations, and applied when accounts are opened and transactions are conducted by natural and legal persons. Most countries have enhanced their legislation appropriately to ensure that these requirements apply also in respect of the real "beneficial owners" of accounts – i.e. those who ultimately own or control the customers, or for whom transactions are being conducted by other parties, including in the case of legal persons.

All the countries in MONEYVAL now have a legal basis for the reporting of suspicious transactions by the private sector to a Financial Intelligence Unit. In all MONEYVAL states this system is now operational.

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 prompting, have gone beyond existing international standards 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 subject to confiscation) where the defendant has been convicted of a serious proceeds-generating offence.

Investigation, prosecutions, convictions and deterrent confiscation orders

More countries, at MONEYVAL prompting, are now investigating and prosecuting the more difficult types of autonomous money laundering cases. These often require judges to infer the existence of underlying predicate crime in the absence of a conviction for the offences which generated the proceeds. Drawing such inferences from objective facts and circumstances can involve departures from previous practice in some jurisdictions.

Albania

Since its evaluation in 2006, Albania has made several changes to its legal framework: Amendments to the Criminal Code related to the financing of terrorism offence and terrorist acts (February 2007); adoption of the Act on the prevention of money laundering and terrorism financing (May 2008); Act on preventing and combating organised crime (December 2009); Act on the jurisdictional relations with foreign authorities in criminal matters (2009); and the National Strategy on the Investigation of Financial Crime (October 2009). During 2008 and 2009 reforms have enhanced the professional capacities of the General Directorate for the Prevention of Money Laundering. During 2008 and the first half of 2009, a significant increase in reports sent to the police was noted and in the number of referrals of money laundering cases to the prosecution. The total amount of proceeds frozen is also increasing.

Andorra

The 3rd round evaluation in 2005 identified an important number of deficiencies in the Andorran AML/CFT regime. As a result, the Andorran authorities have taken action at

policy level by adopting a national AML/CFT Strategy in December 2007 and by establishing a Permanent Commission on money laundering and the financing of terrorism in 2008. In 2008, the money laundering (ML) offence was amended, a new set of financing of terrorism offences was introduced and the Law on International Criminal Co-operation and the Fight against the Laundering of Money and Securities Deriving from International Crime was adopted. Together with the development of the AML/CFT legislation, corporate, accounting and financial legislation has also been updated and several relevant international conventions were ratified. The competences of the Financial Intelligence Unit were reviewed as regards supervision, regulation, investigation as well as national and international co-operation. Several actions were taken to involve the public and private sector in AML/CFT efforts through training and awareness-raising measures. Also large amounts were reported to be frozen and confiscated in AML/CFT related cases, 2 foreign judgments have been enforced and a second conviction for money laundering was achieved.

Armenia

Armenia has made considerable improvements in its AML/CFT framework in a relatively short timeframe, particularly by replacing a first AML/CFT law, enacted in 2005, with a more comprehensive law, which was adopted in 2008. It has criminalised terrorist financing (TF) in December 2004 and has introduced sequestration/freezing of property as part of adjudications on money laundering and the underlying offences as mandatory judicial action. Further steps have been taken in 2009 pursuant to the action plans endorsed by the Interagency Commission aimed at introducing changes to the relevant legislation and regulations to comply with the recommendations of Moneyval's third round evaluation report.

Azerbaijan

As a result of Moneyval's Compliance Enhancing Procedures, applied up to and including Step (vi), Azerbaijan responded very quickly in 2009 to remedy its major AML/CFT deficiencies. A preventive law, which was significantly amended prior to its adoption to meet Moneyval concerns, came into force on 25 February 2009. The law establishes requirements for suspicious transaction reporting by financial institutions and the important non financial businesses and professions that are active in the country. It also requires measures to be taken for the proper identification of customers in line with international standards. A Financial Intelligence Unit has been created to receive and analyse reports from the private sector for dissemination to law enforcement for investigation. The FIU began operations in November 2009. Since the preventive law was passed more than 100 Articles of other Azerbaijani Codes and Laws have been amended to harmonise with the AML/CFT preventive Law and a system of administrative sanctions for breaches of the preventive law has been put in place. Azerbaijan is actively addressing, through a comprehensive action plan, other strategic deficiencies identified in the last Moneyval report.

Bosnia and Herzegovina

A new state-level AML/CFT law was passed in 2004 and subsequently amended in June 2009 to incorporate the relevant international and European standards. The AML/CFT law was also supplemented by a Book of Rules which provided detailed requirements on preventive measures for all obliged persons and a revision to this has recently been issued to take into account matters raised in the 3rd round report which was adopted in December 2009. The financing of terrorism has now been criminalised in all four Criminal Codes within Bosnia and Herzegovina and the Criminal Codes have been amended to introduce legal liability of legal persons for money laundering and terrorist financing offences and since 2005, numerous persons have been convicted of money laundering offences.

Bulgaria

The liability of legal persons for criminal offences, including money laundering, was introduced in 2005. Amendments to the Law on Measures against Money Laundering and to the Law on Measures against the Financing of Terrorism were adopted in 2008. The institutional framework was also modified in 2008 with the establishment of a new state agency– the State Agency for National Security – which included the Financial Intelligence Agency (the Bulgarian FIU) as well as changes to the structure of the Ministry of Interior. Bulgaria's conviction rates as of 2008 has been significantly increasing and judicial

practice has clarified in 2008 important aspects of the application of the ML offence. A new agency has been created to proactively pursue confiscation in major proceeds-generating criminal cases.

Croatia The Croatian Government adopted an AML/CFT action plan in January 2008 which foresees 150 legislative and institutional activities for 11 institutions. On the legislative level, a new AML/CFT Law came into force on 1 January 2009, together with amendments to the criminal code, including the ML offence, terrorism and TF offences, confiscation provisions. The law has strengthened, *inter alia,* customer due diligence procedures, restrictions in cash operations and prohibition of the use of anonymous accounts. The sanctions regime has been made applicable to legal persons and their senior officials. The number of investigations, prosecutions and convictions has been increasing.

Cyprus Since the last evaluation in 2005, a new AML/CFT law has been introduced in 2007 to address MONEYVAL's recommendations and relevant European AML/CFT requirements. New directives were issued by supervisory authorities to assist in the implementation process. Trust and company service provides are now subject to AML/CFT obligations. There has been a significant augmentation of AML/CFT supervisory resources for the insurance sector. The FIU has also had its resources augmented and the number of suspicious transaction reports it receives has increased quite significantly. Since the last report, the number of money laundering investigations, prosecutions and convictions has increased, including for third party laundering, on which the examiners encouraged Cyprus to place more emphasis. Cyprus goes beyond the international standards in criminalising negligent money laundering.

Estonia Following the adoption of the third round evaluation report in 2008, the relevant governmental coordinating committee adopted an action plan for 2009 to address MONEYVAL's recommendations. The financing of an individual terrorist and collecting of funds for the purpose of terrorist financing is now punishable following amendments of the Criminal Code in April 2009. New integrity ("fit and proper") requirements were provided for in the Gambling Act (2009) for beneficial owners and managers of casinos.

Georgia Shortly after the on-site visit in 2006, the Criminal Code was amended to provide for the criminal liability of legal persons. The Georgian legal framework for confiscation in criminal cases had recently been significantly developed. Fifteen defendants had been convicted for money laundering and at least two significant terms of imprisonment had been imposed.

Hungary After the adoption of 3rd round mutual evaluation report in 2005, Hungary adopted an action plan which led to several legal and institutional developments. In response to MONEYVAL's recommendations, Hungary adopted a new AML/CFT law in 2007 which introduced, *inter alia,* an electronic suspicious transaction reporting system to enhance the efficiency of its STRs system and more detailed provisions relating to the identification of the customer and of any beneficial owner and the verification of their identity. In addition, it adopted several ministerial decrees on compulsory elements of AML/CFT internal rules, equivalent third countries, supervisory reporting obligations of financial institutions. The criminal legislation was amended in order to bring money laundering and terrorist financing offences more in line with international standards. Several relevant international and European conventions were ratified. A new department specialized in the prevention and combating of money laundering and financial crime was established within the Hungarian Financial Supervisory Authority.

Israel The Ministry of Justice signed in March 2009 an agreement for the establishment of an online database on NPOs. The Israeli FIU has taken several measures to improve the level of reporting, the quality of unusual activity reports, the effectiveness in relation to the timeliness of reporting system and awareness raising. Several AML/CFT guidance and information booklets were disseminated to relevant obliged entities. Measures to strengthen supervision of money services businesses and the Postal Bank were taken. Also, law enforcement authorities seized and confiscated substantial amounts in suspected

criminal assets and property connected with ML and TF offences.

Latvia

Since the evaluation in 2006, Latvia undertook major reforms to its legal framework. It adopted in August 2008 the Law On the Prevention of Laundering of Proceeds derived from Criminal Activity and Terrorist Financing, followed by a number of additional implementing acts. On August 11, 2009 the Cabinet of Ministers adopted the package of amendments with regard to the implementation of the Warsaw Convention which includes amendments to the Criminal Procedure Law, the Law on Credit institutions, the Law on operational activities, the Law on the Prevention of Laundering the Proceeds from Criminal Activity and of Terrorist Financing. The new provisions on the reversal of the burden of proof in confiscation cases provided are already actively being used in practice.

Liechtenstein

Since the adoption of Liechtenstein's 3rd round mutual evaluation report in July 2007, Liechtenstein's AML/CFT legal and institutional framework has been amended to comply with MONEYVAL's recommendations and other European standards. A revised AML/CFT legislation entered into force in March 2009 including a new Due Diligence Act, a new Due Diligence Ordinance, a revised Criminal Code and the revised FIU Act. Reporting requirements have been extended to include attempted occasional transactions and funds that are linked or related to, or to be used for terrorism, terrorist acts, or by terrorist organisations. Automatic freezing requirements have also been amended. The Mutual Legal Assistance Act has been amended to eliminate a number of appeal stages and to incorporate organised fiscal fraud. The FIU law has also been amended to provide an express provision for exchange of financial information at FIU level. The numbers of money laundering investigations and prosecutions have risen. The amount of confiscated proceeds has significantly increased in 2008. A first domestic ML conviction was achieved in 2008.

Malta

At the time of the adoption of the 3rd evaluation report in 2007, Malta had not achieved a conviction for money laundering, though several cases were before the courts. By the time of their first progress report one year later, there had been convictions in 3 money laundering cases and the confiscation of proceeds or the seizure of proceeds. Malta has gone beyond the global international standards and with the ratification of the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (the Warsaw Convention) it has widened its definition of money laundering criminalisation to include the suspicion that property is derived from criminal activity, which strengthens the prosecutor's armoury. The obligation to make reports on financing of terrorism, which was introduced after the on-site visit, has now been more comprehensively covered in Regulation in response to the MONEYVAL report. The number of suspicious reports passed to law enforcement by the Financial Intelligence Unit is increasing.

Monaco

The evaluation of Monaco in 2006 had identified a number of gaps in the AML/CFT system. Subsequently, the Monegasque authorities have amended the Criminal Code to address the deficiencies identified in the criminalisation of ML and TF. The legal basis to prosecute ML is now sound and laundering offences can clearly be prosecuted without a prior conviction, following a 2008 decision of the Court of Causation. Act 1.349 of 25 June 2008 established the principle of criminal liability for legal persons and incorporated it into the Criminal Code. In August 2009, a new AML/CFT law was enacted, supplemented by a comprehensive and detailed sovereign order. The new legal framework now *inter alia* prohibits anonymous transactions and holdings in treasury and cash bonds, clarifies and extends the scope of CDD requirements, defines beneficial owners and beneficiaries of legal persons and trusts and related identification and verification requirements. The Monegasque FIU has issued several specific guidance notes to financial institutions. The number of FIU staff allocated to on-site inspections and the number of AML/CFT on-site inspections have increased.

Montenegro Since the adoption of Montenegro's 3rd round report in March 2009, the Montenegrin authorities have taken a number of steps to address the identified deficiencies. In July 2009 a new Criminal Procedure Code was adopted, which *inter alia,* sets out the procedure for temporary confiscation of property and financial investigation with a view to expanded confiscation of property, and introduces in this context the reversal of the burden of proof in appropriate situations. Amendments to the Criminal Code and to the AML/CFT Law have been prepared for adoption. Rulebooks on developing risk based approach and recognising suspicious clients and transactions, including list of indicators for reporting entities and relevant authorities were adopted in 2009. Two memoranda of understanding to strengthen cooperation between the FIU, law enforcement and other competent authorities have been signed in 2010.

Poland Following its evaluation in 2006, a number of legal and institutional measures have been taken in response to MONEYVAL's recommendations. Poland has adopted a new AML/CFT Law and has amended the Criminal Code, introducing *inter alia* an autonomous TF offence and increasing sanctions for money laundering. The Polish Financial Supervision Authority was established in 2006 as the single competent supervisory authority for financial market participants.

Romania In response to the recommendations formulated by MONEYVAL in the 2008 third round evaluation report, Romania has amended and complemented the AML/CFT law and relevant governmental decisions, modifying *inter alia* the customer due diligence and reporting requirements, redefining the list of reporting entities, reviewing the National Customs Authority and supervisory authorities' competencies. Several implementing regulations of supervisory authorities and decisions of the FIU were issued aimed at applying the new AML/CFT legal framework. Romanian authorities have also adopted a new legal framework for applying international sanctions and have regulated the gambling sector in respect of AML/CFT requirements. As recommended, the number of positions allocated to the FIU increased. The FIU dealt with the backlog pending from 2005 and introduced a case prioritisation system based on identified risk indicators.

Russian Federation Following the joint FATF/MONEYVAL/EAG evaluation of the Russian AML/CFT system completed in July 2008, the authorities have prepared an Action Plan which was adopted by the Government in November 2008. Guidance on reporting for auditors and audit firms was issued by the Ministry of Finance in March 2009. The FIU has developed and adopted in May 2009 recommendations to reporting entities for developing criteria for detecting and identifying indications of unusual transactions. Russia has also introduced in June 2009 additional obligations for institutions carrying out transactions in monetary funds when with foreign politically exposed persons (PEPs) through federal legislation. From 2003 to 2009, the number of money laundering cases investigated, prosecuted and sent to court have substantially increased.

San Marino As a result of MONEYVAL's evaluation report in 2008 and Compliance Enhancing Procedures, applied at step (i), San Marino has taken prompt action to reform significantly its anti-money laundering and counter-terrorism regime and to improve its compliance with the FATF Recommendations. The new AML/CFT law entered into force in September 2008 and was complemented in 2008 and 2009 by several important delegated decrees and Congress of State decisions. In particular, in September 2009, the San Marino authorities have ensured that all bearer passbooks, regardless of their balance, will be closed or converted to nominative accounts by 30 June 2010 and that no new bearer passbooks can be issued. The criminal legislation was amended regarding the ML, terrorism and TF offences, the provisions on provisional measures and confiscation. Following serious concerns regarding the FIU, the authorities modified the institutional framework. The new Financial Intelligence Agency was established at the Central Bank and became operational in November 2008. The action taken by the key actors, namely the financial intelligence agency, the judiciary and the law enforcement authorities has started producing clear results that indicate growing effectiveness.

Serbia

As a result of deficiencies identified in the second evaluation round, Serbia has made a number of changes to improve the legal framework as well as the AML/CFT requirements on banking and non-banking financial institutions. These include substantial changes to the criminal legislation (ML offence, TF offence, and changes to the Criminal Procedure Code covering provisional measures and confiscation), and the adoption of new legislation regarding liability of legal entities and mutual legal assistance. The 2008 Law on seizure and confiscation of the proceeds from crime is undoubtedly a major step forward. A new AML/CFT Law entered into force in March 2009.

Slovak Republic

Since the 2005 on-site visit carried out under the third evaluation round, Slovakia has taken a number of measures to address the recommendations formulated by MONEYVAL and to harmonise the AML/CFT legal framework with European requirements. A new AML/CFT Law is in force since September 2008. On the legal side, the criminalisation of financing of terrorism has now been brought up to international standards. Financing of terrorism is now covered as a predicate offence to money laundering, which improves the range of international co-operation Slovakia is able to provide. There is now a stronger legal basis for the provision of appropriate feedback by the Financial Intelligence Unit to the private sector on the unusual activity reports.

Slovenia

MONEYVAL's 3rd round evaluation report identified a number of deficiencies in Slovenia's AML/CFT regime and in response to this, Slovenia passed a new AML/CFT law on 22 June 2007 which brought major changes concerning requirements on obliged entities, and introduced financing of terrorism into the preventive legislation. Several bylaws were also adopted in 2008. Furthermore, the 2008 Criminal Code remedied a number of identified deficiencies in the criminalisation of money laundering and the financing of terrorism. Slovenia has gone beyond the FATF requirements and has criminalised negligent money laundering and to date has already achieved convictions on this basis. With regard to deficiencies identified in the freezing and confiscation of terrorist assets, the Ministry of Foreign Affairs drew up a new law on restrictive measures.

"The former Yugoslav Republic of Macedonia"

Since the 2007 on-site visit under the 3rd evaluation round a new AML/CFT law entered into force in January 2008 which *inter alia* extends the competence of the FIU to terrorist financing, modified the CDD requirements and clarifies competences for supervision of reporting entities, complemented by several rulebooks. In January 2009 the Government adopted a National Strategy for Prevention of Money Laundering and the Financing of Terrorism for the period 2009 to 2011. Amendments to the Criminal Code, covering also the ML and TF offences, were adopted in 2009 by the Parliament. Several changes to the institutional framework have also been made, in particular regarding the Financial Intelligence Unit and the Ministry of Interior, the latter establishing a specialised unit against money laundering and economic organised crime. It has been confirmed that all financial supervisors now include AML/CFT checks in their supervisory programmes.

Ukraine

Ukraine was evaluated under the third round in September 2008 and the report was adopted in March 2009. Since the previous evaluation visit in 2003, a number of changes to the AML/CFT legal framework were made to improve the AML/CFT requirements on banking and non banking financial institutions. This has included development of a number of methodical instructions for reporting entities, and delivery of numerous training on AML/CFT issues, addressing several of the recommendations raised previously. The Cabinet of Ministers adopted an AML/CFT Action Plan in October 2010, which includes a detailed set of measures to be taken by the competent authorities to address identified deficiencies. Insider trading (previously not criminalised) has now become a predicate offence to money laundering. The procedure of submission and consideration of cases has been modified by a joint order in January 2009. A number of training sessions on AML/CFT issues were organised by the FIU for judges, law enforcement and supervisory agencies. A significant number of convictions for money laundering has been achieved over the last four years.