



REGULAR SELECTIVE INFORMATION FLOW

for the attention of the National Human Rights Structures

Issue#124

[1-31 October 2014]

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Information **selected** by the « Versailles St-Quentin Institutions Publiques » research centre (Versailles St-Quentin-en-Yvelines University, France), under the responsibility of the Directorate of Human Rights (DG I) of the Council of Europe
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Introduction

This Issue is part of the "Regular Selective Information Flow" (RSIF). Its purpose is to keep the National Human Rights Structures permanently updated of Council of Europe norms and activities by way of regular transfer of information, which the Directorate of Human Rights carefully selects and tries to present in a user-friendly manner. The information is sent to the Contact Persons in the NHRs who are kindly asked to dispatch it within their offices.

Each Issue covers one month and is sent by the Directorate of Human Rights (DG I) to the Contact Persons a fortnight after the end of each observation period. This means that all information contained in any given issue is between four to eight weeks old.

The selection of the information included in the Issues is made by the "Versailles-St-Quentin Institutions Publiques" research centre (VIP – University of Versailles-St-Quentin-en-Yvelines, France) under the responsibility of the Directorate of Human Rights. It is based on what is deemed relevant to the work of the NHRs (including Ombudsman Institutions, National Human Rights Commissions and Institutes, Anti-discrimination Bodies). A particular effort is made to render the selection as targeted and short as possible. Readers are expressly encouraged to give any feedback that may allow for the improvement of the format and the contents of this tool.

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PartOne

GENERAL INFORMATION

This part presents a selection of information of general importance for the National Human Rights Structures.

This information was issued during the period under observation (1-31 October 2014) by the European Court of Human Rights, the European Committee of Social Rights, the Committee of Ministers, the Parliamentary Assembly and other Council of Europe monitoring mechanisms.

A. Judgments

1. Judgments deemed of particular interest to the NHRs

The judgments presented under this heading are the ones for which a separate press release is issued by the Registry of the Court as well as other judgments considered relevant for the work of the NHRs. They correspond also to the themes addressed in the Peer-to-Peer Workshops. The judgments are thematically grouped. The information, except for the comments drafted by the Directorate of Human Rights, is based on the [press releases of the Registry of the Court](#).

Some judgments are only available in French.

Please note that the Chamber judgments referred to hereunder become final in the circumstances set out in Article 44 § 2 of the Convention: “a) when the parties declare that they will not request that the case be referred to the Grand Chamber; or b) three months after the date of the judgment, if reference of the case to the Grand Chamber has not been requested; or c) when the panel of the Grand Chamber rejects the request to refer under Article 43”.

Note on the Importance Level:

According to the explanation available on the Court’s website, the following importance levels are given by the Court:

1 = High importance, Judgments, which the Court considers, make a significant contribution to the development, clarification or modification of its case law, either generally or in relation to a particular state.

2 = Medium importance, Judgments, which do not make a significant contribution to the case law but nevertheless do not merely apply existing case law.

3 = Low importance, Judgments with little legal interest - those applying existing case law, friendly settlements and striking out judgments (unless these have any particular point of interest).

Each judgment presented in section 1 and 2 is accompanied by the indication of the importance level.

- **III-treatment / Conditions of detention / Deportation (Art. 3)**

FAKAILO DIT SAFOKA AND OTHERS V. FRANCE ([IN FRENCH ONLY](#)) (No. 2871/11) - Importance 3 - 02 October 2014 - Violation of Article 3 - Inadequacy of the applicants’ cells compared to European standard

The case concerned the conditions of detention of five French nationals held in police custody in Nouméa (New Caledonia) after they occupied the tarmac of Nouméa airport.

The Court first declared as inadmissible the applicants’ complaint about their conditions of detention in Camp Est in Nouméa due to the failure to exhaust domestic remedies; and it declared as admissible their complaint relating to conditions of detention in police custody in the cells of the police headquarters in Nouméa.

It then observed the cells’ lack of ventilation, of lit and of natural light. It also noted that the applicants held in shared cells had not had a toilet closed off from the main room. Furthermore, the amount of

space in the cells had been inadequate. In fact, it had varied between one square metre and two square metres per person. As to the Court, such inadequacies have made the atmosphere even more stifling, resulting to a detention contrary to human dignity.

The Court then concluded that such conditions of detention had caused the applicants physical and mental suffering and that their dignity had been undermined, amounting to inhuman and degrading treatment, in breach of Article 3.

Article 41 (Just satisfaction)

The Court held that domestic authorities were to pay the applicants EUR 6,000 in respect of non-pecuniary damage and EUR 10,559 in respect of costs and expenses.

BEGHELURI AND OTHERS V. GEORGIA (No. 28490/02) - Importance 2 - 07 October 2014 - Violation of Article 3 (ill-treatment) - Domestic authorities' failure to prevent attacks against the applicants - Violation of Article 3 (investigation into ill-treatment) - Domestic authorities' failure to take a step to identify and question the alleged perpetrators of the attacks - Violation of Article 9 - Domestic authorities' failure to ensure the applicants' ability to exercise their right - Violation of Article 14 in conjunction with Articles 3 and 9 - Domestic authorities' discriminatory "state of mind"

The case concerned the complaint of 99 applicants, all of whom, with one exception, are Jehovah's Witnesses, that they have been subjected to large-scale religiously motivated violence in the years of 2000-2001.

Violation of Article 3 (ill-treatment)

The Court noted that domestic authorities did not challenge some applicants' allegations that they had been ill-treated. The latter had brought detailed descriptions and specific evidence of the violent attacks to which they had been subjected.

It observed, in those cases, that the police had failed to prevent the attacks and more important, that State officials had been directly involved in several cases. In fact, the applicants had submitted a domestic authorities' document revealing a plan to prevent the meeting of Jehovah's witnesses from taking place. Although they were aware of the sensitivity of the case and the possibility of a violent confrontation, they had not taken appropriate security measures.

That is why it held that there had been a violation of Article 3 with regard to 32 of the applicants. There had been no violation of Article 3 for the others: due to the lack of violence affecting their physical and emotional integrity for some of them; the lack of evidence for the others; and the fact that the remaining others had been unharmed.

Violation of Article 3 (investigation into ill-treatment)

The Court observed that in several cases, no investigation had been conducted; and in the remaining cases, the investigations had been plagued by several defects. Indeed, there had been significant delays in opening criminal proceedings, between a few weeks and several months; there had been no medical examinations of the applicants who had alleged physical abuse; no hearings of the alleged perpetrators and no steps had been taken to identify and question the State officials involved.

It also found that the applicants had not been sufficiently involved in the criminal proceedings. In particular, some of them had been refused formal victim status; and those who had been granted victim status had not been informed of the progress of the proceedings.

Given those deficiencies, the Court concluded that there had been a systematic practice of domestic authorities of refusing to effectively investigate acts of violence against Jehovah's Witnesses, creating a climate of impunity and encouraging other attacks, in breach of Article 3.

Violation of Article 9

The Court noted that domestic authorities had not challenged the applicants' allegations that they had been assaulted because of their religious beliefs. Accordingly, those incidents had amounted to an interference with the right to freedom of religion of the applicants who were Jehovah's Witnesses.

It found that domestic authorities had not given any justification for such interference.

The Court then considered that they had failed in their duty to take the necessary measures to ensure that Jehovah's Witnesses were able to exercise their right to freedom of religion. Therefore, Article 9 had been breached.

Violation of Article 14 in conjunction with Articles 3 and 9

The Court found it established that the various forms of violence directed against the applicants had been motivated by a bigoted attitude towards the community of Jehovah's Witnesses. It also found that such discriminatory state of mind had led to domestic authorities' failure to effectively investigate in religiously motivated violence. Therefore, there had been a violation of Article 14 in conjunction with Articles 3 and 9.

Article 41 (Just satisfaction)

The Court held that Georgia was to pay EUR 350 to each of those applicants with regard to whom it had found a violation, in respect of non-pecuniary damage and EUR 15,000 to the applicants jointly in respect of costs and expenses.

SHARIFI AND OTHERS V. ITALY AND GREECE ([IN FRENCH ONLY](#)) (No. 16643/09) - Importance 2 - 21 October 2014 - Violation of Article 13 taken together with Article 3 concerning Greece – Shortcomings in asylum procedure - Violation of Article 4 of Protocol No. 4 concerning Italy - Domestic authorities' failure to carry out an individualised analysis of the situation of each applicant - Violation of Article 3 concerning Italy - Domestic authorities' failure to ensure sufficient guarantees in the application of asylum by Greek authorities - Violation of Article 13 taken together with Article 3 and Article 4 of Protocol No. 4 – Lack of effective access to the asylum procedure on account of collective expulsion by domestic authorities

The case concerned a complaint of 32 Afghan nationals, two Sudanese nationals and one Eritrean national that they were to return immediately to Greece after they had illegally entered Italy, with the fear of subsequent deportation to their respective countries of origin, where they faced the risk of death, torture or inhuman and degrading treatment. The Court had identified four groups of applicants in this regard and considered that it was appropriate to continue the examination of the application only for the fourth group. Indeed, four applicants had maintained regular contact with their representative, at least indirectly.

Violation of Article 13 taken together with Article 3 concerning Greece

The Court had to examine the tangible opportunities available to the applicants in order to obtain necessary assistance to gain access to the asylum procedure. It noted that domestic authorities had several inherent difficulties in managing the flow of migrants and asylum seekers. Indeed, the Court had found that the information brochure issued to the applicants, which contained the essential information in order to challenge the deportation decision, had been given to them in Arabic although they did not necessarily understand that language. It also noted that the asylum seekers were living in a state of precariousness, lacking any essential services.

It considered that there had been a risk of direct or indirect return to Afghanistan of the applicants so that the latter had a specific interest in being able to avail themselves of a remedy for the purposes of Article 13.

Therefore, there had been a violation of Article 13 taken together with Article 3 in respect of the four applicants in that fourth group.

In contrast, it declared their complaint of ill-treatment by crews of the vessels, police officers and in the administrative detention centres as ill-founded, given the lack of details and the fact that the complaints had not been sufficiently substantiated.

Violation of Article 4 of Protocol No. 4 concerning Italy

The Court first stated that Article 4 of Protocol No. 4 was applicable to refusals to allow entry to the national territory to persons who had arrived illegally in Italy.

It noted that the persons concerned were deprived of any substantive and procedural rights, in the light of several reports of international sources. In fact, persons without papers were only informed about the procedures relating to the right of asylum through the goodwill of the border police; and most of the time, they were immediately handed over to the captains of ferries for return to Greece.

The Court took note that the participation of an interpreter and officials from the Italian Council for Refugees was required during the identification process given that the applicants have to express their

wish to benefit from asylum or other forms of international protection, at that time. However, it did not seem that CIR had been involved.

The Court considered that domestic authorities ought to have carried out an individualised analysis of the situation of each applicant rather than deporting them all. Therefore, there had been a violation of Article 4 of Protocol No. 4 because the measures to which the four applicants had been subjected in the port of Ancona amounted to collective and indiscriminate expulsions.

Violation of Article 3 concerning Italy

The Court reiterated that the State carrying out the return had to ensure that the destination country offered sufficient guarantees in the application of its asylum policy to prevent the person concerned being removed to his country of origin without an assessment of the risks faced.

Given that the Court had already found a violation of Article 13 taken together with Article 3 concerning Greece on account of the lack of access to the asylum procedure and the risks faced by the applicants in case of return to Afghanistan, it held that domestic authorities had failed to examine the applicants' individual situations and to verify how Greek legislation on asylum was applied in practice.

Therefore, there had been a violation of Article 3 in respect of the four applicants.

Violation of Article 13 taken together with Article 3 and Article 4 of Protocol No. 4 concerning Italy

The Court took into consideration its previous conclusions in this case and observed that there was a clear link between the collective expulsions of the applicants in the port of Ancona and the fact that they had been prevented from applying for asylum or other domestic procedures, which satisfied the requirements of Article 13.

Then, the Court held that there had been a violation of Article 13 taken together with Article 3 of the Convention and Article 4 of Protocol No. 4.

Article 41 (Just satisfaction)

The Court held that Greece was to pay jointly to the four applicants EUR 5,000 euros in respect of costs and expenses.

[MAMAZHONOV V. RUSSIA](#) (No. 17239/13) - Importance 2 - 23 October 2014 - Violations of Article 3 - Domestic authorities' failure to examine the real risks of ill-treatment in case of the applicant's return to Uzbekistan; domestic authorities' failure to prevent the risk of the applicant's disappearance - Violation of Article 34 - Applicant's impossibility to participate in the proceedings before the Court as a consequence of domestic authorities' failure to prevent the applicant's disappearance

The case concerned the applicant's allegation that he would be ill-treated if he were extradited to Uzbekistan. He had disappeared while the Court examined his case.

Violations of Article 3

The Court first considered that domestic authorities had had substantial grounds for believing that the applicant faced a real risk of ill-treatment on his return to Uzbekistan, given the reports made by international non-governmental organisations and UN agencies about defects in the criminal justice system in Uzbekistan; and because they were aware of the fact that the applicant had been accused of religiously and politically motivated crimes.

It noted that domestic authorities, relying on diplomatic assurances given by Uzbek authorities, had authorised the applicant's extradition without examining effectively his claim and the real risks, in breach of Article 3.

Nevertheless, no particular improvement had been made under Uzbek criminal justice system, which shows that persons accused of religiously and politically motivated crimes were at risk of ill-treatment. Then, the authorisation of the applicant's transfer to Uzbekistan had exposed him to a real risk of treatment contrary to Article 3.

Furthermore, the Court found that domestic authorities had failed to take preventive measures to avert the risk of the applicant's disappearance. Indeed, the latter had been let alone out of the detention facility and outside of the normal working hours, without the assistance of his representative in spite of the requests made about the time of his client's release. In addition, after his disappearance, no preventive measures had been taken to avert the risk of abduction. Several shortcomings had appeared in the procedure, amounting to a violation of domestic authorities' obligation to protect the

applicant from treatment contrary to Article 3. In particular, there had been a loss of precious time as there had been six days between the notification of the applicant's disappearance and the first step of preliminary inquiry; there had been an unexplained suspension of investigative activities since August 2013; and the applicant's abduction for forcible transfer purposes had not been envisaged even as a working theory.

Given those circumstances, the Court concluded that domestic authorities had not conducted an effective investigation into the applicant's disappearance and possible forcible transfer to Uzbekistan, in breach of Article 3.

No violation of Article 3 about domestic authorities' responsibility in the applicant's disappearance

The Court found no proof that domestic authorities had been involved in the applicant's disappearance or that they had failed to act of unlawful removal by others. Therefore, there had been no breach of Article 3 in this respect.

Violation of Article 34

The Court reiterated that Contracting States undertook to refrain from any act or omission that might hinder the effective exercise of the right of individual petition. Domestic authorities' failure to prevent the applicant's disappearance and his possible transfer to Uzbekistan, as well as the irregularities reoccurring in extradition cases, had forced the Court to conclude that they had not complied with the interim measure it had indicated.

According to the Court, the applicant's disappearance had prevented him from participating in the proceedings before the Court. Domestic authorities had therefore failed to comply with their obligations under Article 34.

Article 46

The Court found it indispensable for the domestic authorities to pursue criminal investigation into the applicant's disappearance with the utmost care and to take all further measures within its competence in order to put an end to the violations found and make reparations for their consequences.

It had reiterated that a genuine and rigorous application of the Supreme Court's ruling of 14 June 2012 by all domestic courts was capable of improving domestic remedies in extradition and expulsion cases.

Rule 39

The Court considered it indispensable to maintain the application of the previously indicated measures under Rule 39 in order to ensure the proper conduct of the proceedings before it and until the judgment became final as the applicant's whereabouts were still unknown.

Article 41 (Just satisfaction)

The Court held that Russia was to pay to one of the applicant's representatives EUR 7,500 in respect of non-pecuniary damage, to be held for the applicant in trust until such time as payment may be enforced, as well as, in respect of costs and expenses, EUR 5,000 and EUR 11,400 to the applicant's other representative.

- **Right to a fair trial (Art. 6)**

HANSEN V. NORWAY (No. 15319/09) - Importance 2 - 02 October 2014 - Violation of Article 6 §1 - Domestic authorities' failure to give sufficient reason to examine a civil appeal

The case concerned domestic authorities' refusal to admit for examination a civil appeal due to a filtering mechanism that had been introduced by changes in domestic law in order to stop unmeritorious appeals to the high courts. The applicant had argued in his appeal that the duration of hearing on his case had been shortened from an initial three days to five hours, which substantially reduced his opportunity to have witnesses heard in his favour or documentary evidence presented.

The Court observed that domestic authorities' refusal to admit the applicant's appeal for examination had been justified by paraphrasing the provision in domestic law saying that an appeal could be refused if the High Court found it clear that it would not succeed. According to the Court, domestic authorities had decided such a refusal without examining the applicant's interests.

It also noted that High Court's decision could be appealed before the Supreme Court as far as the subject is related to points of procedure. Then, it observed that the applicant had been unable to

exercise effectively his right of appeal to the Supreme Court against the High Court procedure, in breach of Article 6 §1.

Finally, it welcomed the fact that such current national judicial practice now impose a general obligation for domestic authorities to state reasons for a decision refusing admission of an appeal.

Article 41 (Just satisfaction)

The Court held that the domestic judicial and legislative changes relating to this issue and the finding of a violation constituted adequate just satisfaction for the applicant. It awarded him EUR 12,500 in respect of costs and expenses.

XYNOS V. GREECE (IN FRENCH ONLY) (No. 30226/09) - Importance 2 - 09 October 2014 - No violation of Article 6 § 1 and Article 13 - Out of time proceedings - Violation of Article 6 §1 - Domestic authorities' failure to justify the delay in the compliance with the judgment

The case concerned the excessive length of sets of proceedings before domestic civil and criminal courts following the application of pilot judgments with the belated enforcement of an Audit court judgment in favour of the applicant.

No violation of Article 6 § 1 (right to a fair hearing within a reasonable time) and Article 13

The Court had examined the effectiveness of the compensatory remedy introduced in domestic legal system after a pilot judgment. It concluded that this remedy could be regarded as effective and accessible where a "reasonable time" was exceeded in court proceedings.

As regards the proceedings for the readjustment of the applicant's retirement pension, the Court observed that they had ended more than six months before the application was lodged, leading to the inadmissibility of this part of the complaint.

Then, concerning the proceedings in order to seek damages, the Court noted that they were still pending and had been started before the entry into force of the concerned domestic law. That is why the Court considered that the applicant's heirs should use the compensatory remedy introduced by the new domestic law after the completion of proceedings before the Audit Court. Therefore, this part of the complaint had to be rejected for non-exhaustion of domestic remedies.

For the same reasons, the complaint under Article 13 had to be rejected.

Violation of Article 6 § 1

The Court found that the applicant's appeal had been upheld. However, domestic authorities had not complied with that judgment until 14 months later. The Court did not find any complex question that might justify such a delay in compliance with the judgment.

According to the Court, such a failure to comply within a reasonable time with the Audit Court judgment had rendered ineffective the right of access to a court, in breach of Article 6 §1.

Article 41 (Just satisfaction)

The Court held that Greece was to pay the applicant's heirs EUR 2,000 jointly in respect of non-pecuniary damage.

BAYTAR V. TURKEY (IN FRENCH ONLY) (No. 45440/04) - Importance 2 - 14 October 2014 - Violation of Article 6 - Domestic authorities' failure to guarantee the applicant the assistance of an interpreter

The case concerned the applicant's questioning in police custody without the assistance of an interpreter although she did not have sufficient command of Turkish language.

The Court first reiterated that the assistance of an interpreter must be guaranteed in the case where the defendant does not have the command of the language used in court. The applicant was in such case about Turkish language.

The Court found that she had not been assisted by an interpreter when she was questioned by the police. It considered therefore that the applicant could not have the questions put to her interpreted and could not form an idea as accurate as possible of the alleged offences; nor could she fully appreciate the consequences of waiving her right to keep silent and the right to legal assistance. In conclusion, there had been a violation of Article 6 § 3 (e) taken together with Article 6 § 1.

Article 41 (Just satisfaction)

The Court held that Turkey was to pay the applicant EUR 1,500 in respect of non-pecuniary damage and EUR 1,300 in respect of costs and expenses.

FURCHT V. GERMANY (No. 54648/09) - Importance 3 - 23 October 2014 - Violation of Article 6 § 1 – Police incitement to commit offences

The case concerned the incitement of the applicant by undercover State officials to commit offences. He had then been convicted and sentenced to five years' imprisonment.

The Court found that the undercover measure in the applicant's case had amounted to police incitement to commit the offences. It also observed that the applicant had had no criminal record and that there had been no objective suspicions that he was involved in drug trafficking. As to the Court, he was seen as a means to establish contacts with another suspect.

The Court found that though the applicant had explained to one of the undercover police officers that he was no longer interested in participating in a drug deal, the officer had persuaded him to arrange the drug sale.

Besides, the Court had reiterated that Article 6 §1 did not permit the use of evidence obtained as a result of police incitement. However, the applicant's conviction had been based on that material. This means that he had not been provided with sufficient redress and could still claim to be a victim of the alleged breach of the Convention.

The Court then concluded that given that the criminal proceedings against him had been unfair and that he was still a victim, although domestic courts had already acknowledged his incitement by a State authority to commit the offences, there had been a violation of Article 6 § 1.

Article 41 (Just satisfaction)

The Court held that Germany was to pay the applicant EUR 8,000 in respect of non-pecuniary damage and EUR 8,500 in respect of costs and expenses.

MELO TADEU V. PORTUGAL (IN FRENCH ONLY) (No. 27785/10) - Importance 3 - 23 October 2014 - Violation of Article 6 § 2 – Administrative courts' refusal to take into account criminal courts' findings - Violation of Article 1 of Protocol No. 1 - Domestic authorities' failure to strike a fair balance between the applicant's right to the peaceful enjoyment of her possessions and the requirements of the general interest

The case concerned a tax enforcement procedure initiated against the applicant in order to collect a tax debt owed by the company of which she was considered to be the *de facto* manager. Although she had been acquitted in criminal proceedings, this procedure had continued.

Violation of Article 6 § 2

The Court observed that the tax procedure had continued in spite of the applicant's acquittal in criminal proceedings. It had considered that such acquittal had to be taken into account in any subsequent proceedings. In fact, the administrative courts had refused to examine the question on the merits, assuming that the existence of a prior judgment of acquittal was not a question to be resolved. According to the Court, by doing so, domestic authorities had regarded as established an element, which had already been found unsubstantiated by criminal courts.

Then, it concluded that the way domestic authorities had acted had cast doubt on the merits of the applicant's acquittal, in breach of the principle of presumption of innocence. There had therefore been a violation of Article 6 § 2.

Violation of Article 1 of Protocol No. 1

The Court had first considered that the shareholding interest held by the applicant had constituted a possession within the meaning of Article 1 of Protocol No. 1. It had reiterated that any interference with the peaceful enjoyment of possessions should be lawful and not arbitrary.

It also held that a fair balance should be struck between the demands of general interest of the community and the requirements of the protection of the individual's fundamental rights. However, it

observed that domestic authorities had failed to strike such a fair balance while refusing to release from attachment the applicant's interest in the company in spite of her acquittal, in breach of Article 1 of Protocol No. 1.

Article 41 (Just satisfaction)

The Court held that Portugal was to pay the applicant EUR 4,300 in respect of non-pecuniary damage and EUR 6,154 for costs and expenses.

PELTEREAU-VILLENEUVE V. SWITZERLAND ([ONLY IN FRENCH](#)) (No 60101/09) – Importance 2 – 28 October 2014 – Violation of Article 6 § 2 – Breach of the applicant's right to be presumed innocent

The case concerned an alleged breach of the right to be presumed innocent in a decision for sexual abuse.

Article 6 § 2 (presumption of innocence)

The Court examined whether the outcome of the criminal proceedings had cast doubt on the applicant's innocence even though he had not been found guilty.

The Court noted that, on the discontinuance of the criminal proceedings, while it was necessary to characterise the alleged offences in order to determine the length of the potential sentences and thus to establish that the prosecution was time-barred, the applicable provisions of domestic law did not oblige the Principal Public Prosecutor to declare that the charges had been made out. In the Court's view, the terms used left no doubt to the Principal Public Prosecutor that the applicant was guilty, whereas he could simply have expressed the existence of suspicion.

In addition, the content of the decision had been reported in the press and had thus carried significant weight in the procedure. While the public might have had an interest in being kept informed, an opinion concerning the guiltiness should not have been expressed. There was no doubt that his reputation would be seriously affected.

Therefore, the Court found that the reasoning of the discontinuance decision had breached the applicant's right to be presumed innocent and constituted a violation of Article 6 § 2 of the Convention.

Just satisfaction (Article 41)

The Court held that the domestic authorities had to pay the applicant EUR 12,000 in respect of non-pecuniary damage and EUR 15,000 for costs and expenses.

- **Right to respect for private and family life (Art. 8)**

[JEUNESSE V. NETHERLANDS](#) (No. 12738/10) - Importance 3 - 03 October 2014 - Violation of Article 8 – Domestic authorities' failure to take into account exceptional circumstances justifying the right for an alien to reside in the country

The case concerned domestic authorities' decision to refuse to allow a Surinamese woman to reside in the Netherlands though she was married to a Dutch national, with whom she had three children, all of Dutch nationality.

The Court had reiterated its well-established case-law that only exceptional circumstances would make the removal of a non-national family member contrary to Article 8 when the family life was created at a time when the members had been aware that the immigration status of one of them was such that the persistence of that family life would from the outset be precarious.

The Court noted that the applicant had been aware, well before she commenced her family life in the Netherlands, of the precariousness of her situation. It had therefore to examine whether there had been any exceptional circumstances in the applicant's case.

It had considered that the applicant's position was not comparable to other potential immigrants in that she had been born a Dutch national but had lost her nationality while Suriname had become independent.

It also noted that all members of her family were Dutch nationals and that moving to Suriname would entail hardship for the family.

Furthermore, it found that while she had failed to comply with the obligation to leave the Netherlands, domestic authorities had tolerated her presence during 16 years, a period that had enabled her to develop strong family ties in Netherlands.

Moreover, it observed that the applicant did not have criminal record.

The Court lastly considered that domestic authorities had failed to pay enough attention to the applicant's children best interests while taking the decision to deny her residence in the Netherlands, nor had they assessed evidence as to the practicality, feasibility and proportionality of such decision.

Therefore, the Court held that her situation had indeed been exceptional and that domestic authorities had failed to strike a fair balance between the personal interests of the applicant and her family consisting in staying together in the Netherlands on the one hand, and the public order interests on the other hand, consisting in controlling immigration, in breach of Article 8.

Article 41 (Just satisfaction)

The court held that the Netherlands was to pay the applicant EUR 1,714 in respect of non-pecuniary damage and EUR 564.50 in respect of costs and expenses.

KONOVALOVA V. RUSSIA (No. 37873/04) - Importance 2 - 09 October 2012 - Violation of Article 8 - Lack of procedural safeguards against arbitrary interference with the applicant's right to private life

The case concerned the applicant's complaint that medical students had attended her childbirth and had had access to her confidential medical information, without her consent.

The Court observed that the fact that medical students had access to confidential medical information about the applicant and had attended the birth of her baby amounted to an interference with her private life.

It first found that such interference had had a legal basis under the domestic law in force at the time; and observed that the provision did not contain any safeguards to protect patients' privacy rights and was of a general nature.

Furthermore, it took the view that the involvement of medical students in the study process had been vaguely referenced as the matter had been presented to the applicant in such a way to suggest that she had no choice.

In addition, the Court noted that domestic authorities had failed to take into account the applicant's vulnerability at the time of notification of possible presence of medical students during her childbirth; nor did they examine the adequacy of the information in the hospital's booklet. Moreover, they did not taken into account the availability of alternative arrangements whether the applicant objected their presence.

Therefore, as there had been no procedural safeguards against the arbitrary interference with the applicant's privacy rights in the domestic law at the time, the presence of medical students during the birth of the applicant's baby had not been in accordance with the law, in breach of Article 8.

Article 41 (Just satisfaction)

The Court held that Russia was to pay the applicant EUR 3,000 in respect of non-pecuniary damage and EUR 200 in respect of costs and expenses.

- **Freedom of expression (Art. 10)**

GOUGH V. THE UNITED KINGDOM (No. 49327/11) – Importance 2 – 20 October 2014 – No violation of Article 8 – Domestic authorities' success to gauge a level of seriousness of the case – No violation of Article 10 – Fair balance struck between the right to freedom of expression and the accepted public behaviour in public

The case concerned the repeated arrest, prosecution, conviction and imprisonment for breach of the peace because of the nudity of the applicant in public places.

Article 10 (freedom of expression)

The court reiterated that the freedom of expression extended both to the substance of the ideas

expressed and the form of conveyance. The fact that the defendant chose to be naked in public to express his opinion could be seen as a form of expression which falls within Article 10 and his arrest, conviction and detention could as a result constitute an interference with that article.

The repressive measures taken against the defendant were in accordance with domestic law whose aim is to prevent from disorder and crime. The court noted that those measures were not the result of a blanket ban on public nudity. It considered that each arrest, conviction and sentence followed upon careful consideration.

The court held that, at first, the defendant received a short custodial sentence. It was only after a number of convictions that the courts began to impose more significant custodial sentences. Efforts were made to impose less severe penalty but the defendant refused to remain clothed in public. The Court recognized that the measures were undeniably severe, in that the defendant had served seven years in prison, but considered that his own responsibility could not be ignored.

It emphasised that the defendant's exercise of the right to freedom of expression had to be in accordance with the domestic laws. The court held that he could have had many other avenues for expressing his opinion or for initiating a public debate on the subject.

The Court also found that the defendant was under a duty to demonstrate tolerance towards the sensibility to the views of the public, as he claimed tolerance towards himself. Indeed the defendant claimed his right to appear naked at all times and in all places, including in the courts, without any consideration to the views of the public who might consider his behaviour offensive.

The Court eventually held that since this intransigence had led to his imprisonment, it was the consequence of his repeated violation of the law, in full knowledge of the consequences, through conduct, which went against the standards of accepted public behaviour in any modern democratic society. Therefore, the Court considered that there was no violation of Article 10 of the Convention.

Article 8 (right to respect for private life)

The Court noted that Article 8 could not be taken to ensure protection to a case, which has a minimal level of seriousness. It was doubtful whether this level had been reached, having regard to the absence of support for such a choice to appear fully naked in public in any democratic society.

In any case, there had been no violation of Article 8 for the same reasons given by the Court concerning Article 10.

Other complaints

The applicant complained about his treatment while in prison but the Court found that he had failed to bring proceedings in the domestic courts to seek redress for the alleged violations of his rights. The complaints were accordingly inadmissible.

ERLA HLYNSDOTTIR V. ICELAND (No. 2) (No. 54125/10) - Importance 3 - 21 October 2014 - Violation of Article 10 - Domestic authorities' failure to justify the alleged bad faith of the applicant on relevant and sufficient grounds

The case concerned the applicant's complaint that she has been found liable for defamation following the publication of an article about a high-profile criminal case involving the director of a rehabilitation centre for people with drug and alcohol addictions and his wife, suspected of sexual abuse. The article contained several statements by a former female patient describing how the wife had been involved in the sexual abuse. The applicant was found liable for defamation as regards one of these statements: "... not appropriate that the one who hunts for him works in a primary school."

The Court first observed that the article related to an issue of serious public concern as it had been published in the context of a high-profile criminal investigation. It was not convinced by domestic authorities' conclusion that the defamatory sentence contained an insinuation about a criminal act. In fact, it had considered that such conclusion was the result of an interpretation and was not derived explicitly for the sentence itself. They had actually failed to prove it. Nor was it convinced that the reasons on which domestic courts had relied were relevant to the legitimate aim of protecting the wife's rights and reputation because libel action in respect of series of other statements had been rejected, including the article referring to the active participation of the wife of the rehabilitation centre's director in sexual activities with female patients.

Furthermore, the Court observed that there had been a sufficient factual basis for the allegation in question. Besides, it found that the applicant had sought to achieve a balance of her reporting as she

had interviewed the couple's legal representative, on the one hand; and the officer of police department in charge of the investigation, on the other hand.

Therefore, it held that domestic authorities had failed to base their judgment on relevant and sufficient grounds that could prove that the applicant had acted in bad faith or without due diligence. They had also failed to balance her right to freedom of expression as a journalist and the right of the director's wife to her reputation, in breach of Article 10.

Article 41 (Just satisfaction)

The Court held that Iceland was to pay the applicant EUR 2,500 in respect of pecuniary damage as she was ordered to pay this amount to the director's wife; and EUR 5,500 in respect of non-pecuniary damage.

MURAT VURAL V. TURKEY (No. 9540/07) - Importance 2 - 21 October 2014 - Violation of Article 10 - Disproportionate sentence of 13 years' imprisonment - Violation of Article 3 of Protocol No. 1 – General and automatic ban on prisoners' right to vote

The case concerned the applicant's complaint about the length of prison sentence (more than 13 years) he had to serve for pouring paint over statues of Atatürk, the founder of the Republic of Turkey; and about his disenfranchisement for more than 11 years.

Violation of Article 10

The Court was not convinced by domestic authorities' objection that the applicant's actions fell outside the scope of freedom of expression as they were to be considered as acts of vandalism. Indeed, it found Article 10 applicable. Furthermore, the applicant had stated his intention to express his lack of affection for Atatürk; and he had not been found guilty of vandalism but of having insulted the memory of the latter.

As to the Court, his prison sentence and his disenfranchisement as result of his conviction had amounted to an interference with his rights under Article 10.

The Court first observed that such interference had been prescribed by domestic law and had pursued the legitimate aim of protecting the reputation or rights of others.

It noted that conducts which domestic authorities consider as insulting to Atatürk's memory and damaging to the sentiments of Turkish society, were criminalised. However, it was struck by the extreme severity of the sentence of more than 13 years' imprisonment imposed on the applicant.

It considered that no reasoning could be sufficient to justify the imposition of such a severe punishment for the actions in question. According to the Court, the sentence imposed had been disproportionate to the legitimate aim pursued.

Violation of Article 3 of Protocol No. 1

The Court had reiterated its case law that a general, automatic and indiscriminate restriction on the right to vote, applied to all those serving custodial sentences, was incompatible with Article 3 of Protocol No. 1.

It observed that the applicant's deprivation of his right to vote had not ended when he was conditionally released from prison in June 2013. In addition, it had already observed that the ban on convicted prisoners' voting rights in Turkey was automatic and indiscriminate and did not take into account the nature or gravity of the offence, the length of the prison sentence or the prisoner's individual circumstances, in breach of Article 3 of Protocol No. 1 in the applicant's case.

Article 41 (Just satisfaction)

The Court held that Turkey was to pay the applicant EUR 26,000 in respect of non-pecuniary damage.

- **Freedom of assembly and association (Art. 11)**

MATELLY V. FRANCE (IN FRENCH ONLY) (No. 10609/10) - Importance 2 - 02 October 2014 - Violation of Article 11 - Domestic authorities' failure to prohibit in an absolute and general way trade unions within the armed forces

The case concerned the military personnel's prohibition to form and join an association in order to

defend their pecuniary and non-pecuniary interests.

The Court had reiterated that the right to form and join a trade union was one of the essential elements of freedom of assembly and association. It observed that the order made to the applicant to resign from his membership of the association amounted to an interference with his rights.

It first found that such interference had been prescribed by domestic law which had forbidden membership of occupational groups.

Then, it observed that this prohibition had pursued the legitimate aim of preserving the order and discipline in the armed forces.

It finally had to examine whether this interference had been necessary in a democratic society. It observed that domestic law had prohibited military personnel, purely and simply, from joining any trade-union-like group. It was aware of the fact that the special nature of the armed forces' mission required that trade-union activity should be adapted to those particular circumstances. However, it had considered that though restrictions could be imposed on the forms of action and expression of an occupational association and of the military personnel who joined it, the latter should not be deprived of the general right of association in defence of their occupational and non-pecuniary interests.

As a consequence, the Court had not been convinced by the grounds given by domestic authorities to justify the interference in the applicant's rights. It took the view that this had been neither relevant nor sufficient because it amounted to a general prohibition. The latter was unnecessary in a democratic society and disproportionate, in breach of Article 11.

Article 41 (Just satisfaction)

The Court held that domestic authorities were to pay the applicant EUR 1,400 in respect of costs and expenses.

2. Other judgments issues in the period under observation

You will find in the column “Key Words” of the table below a short description of the topics dealt with in the judgment¹.

For more detailed information, please refer to the cases.

STATE	DATE	CASE TITLE	IMP.	CONCLUSION	KEY WORDS
FRANCE	30 October 2014	PALMERO (IN FRENCH ONLY) (No. 77362/11)	3	Violation of Art. 6 § 1	Excessive length of proceedings (6 years and 5 months)
GREECE	9 October 2014	H. H. (IN FRENCH ONLY) (No. 63493/11)	3	Violation of Art. 3 (substantive)	Poor conditions of detention (overcrowding)
		MARINIS (IN FRENCH ONLY) (No. 3004/10)	3	No violation of Art. 8 taken separately and together with Art. 14	Domestic authorities' decision to favour the legal parents over the alleged biological father fell within the relevant state's margin of appreciation
	23 October 2014	NIKOLAOS ATHANASIOU AND OTHERS (IN FRENCH ONLY) (No. 36546/10)	3	Violation of Art. 3 (substantive)	Poor conditions of detention (overcrowding)
HUNGARY	21 October 2014	CSASZY (No. 14447/11)	3	Violation of Art. 8	Domestic authorities' refusal to allow the applicant to attend the funeral of his stepmother had not been necessary in a democratic society
		HABENCZIUS (No. 44473/06)	3	Violation of Art. 6 § 1	Excessive length of proceedings (5 years and 4 months)
				Violation of Art. 1 of Prot. No. 1	Domestic authorities' failure to strike a fair balance between the protection of the right of property and the requirements of the general interest concerning the retention of the applicant's laptop under seizure for 5 years which had constituted an individual and excessive burden on her
MATUZ (No. 73571/10)	2	Violation of Art. 10	Domestic authorities' failure to strike a fair balance between the applicant's right to freedom of expression on matters of general interest and of the responsibilities of employees towards their employers concerning the applicant's dismissal from the state television company after the publication of a book including internal documents of his employer		

¹ The “Key Words” in the various tables of the RSIF are elaborated under the sole responsibility of the Directorate of Human Rights

HUNGARY (CONTINUED)	28 October 2014	CAVANI (No. 5493/13)	3	Violation of Art. 8	Domestic authorities' failure to take adequate and effective measures in order to enforce the relevant court's judgment and reunite the applicant with his children
LATVIA	21 October 2014	Y (No. 61183/08)	3	No violation of Art. 3	Applicant's treatment did not reach the minimum level of severity required to fall within the scope of Art. 3 of the Convention
				No violation of Art. 13	Availability of a domestic remedy (the effectiveness of a remedy does not depend on the certainty of a favourable outcome for the applicant)
	28 October 2014	URTANS (No. 16858/11)	2	No violation of Art. 5 § 1	Justified pre-trial detention of the applicant based on a reasonable suspicion
				Violation of Art. 5 § 1	Unjustified continued pre-trial detention of the applicant based on insufficient grounds
LITHUANIA	14 October 2014	PAPLAUSKIENE (No. 31102/06)	3	Violation of Art. 1 of Prot. No. 1	Domestic authorities' failure to promptly redress the applicant's situation after the final court decision while the amounts awarded to her did not take account of the negative consequences she had to bear
	21 October 2014	DIGRYTE KLIVAVICIENE (No. 34911/06)	3	Violation of Art. 1 of Prot. No. 1	Domestic authorities' failure to strike a fair balance between the public interest and the applicant's right to peaceful enjoyment of her possessions given the conditions under which she had her title to the plot of land removed which had imposed an individual and excessive burden on her
POLAND	14 October 2014	STANKIEWICZ AND OTHERS (No. 48723/07)	3	Violation of Art. 10	Unnecessary interference with the applicants' right to freedom of expression in a democratic society
	28 October 2014	SLUSARCZYK (No. 23463/04)	3	Violation of Art. 3 (substantive)	Unnecessary imposition of "dangerous detainee" regime on the applicant which exceeded the legitimate requirements of security in prison
				Violation of Art. 3 (substantive)	Poor conditions of detention (overcrowding)
				Violation of Art. 5 § 3	Unjustified pre-trial detention of the applicant in the first set of proceedings
				No violation of Art. 5 § 3	Justified pre-trial detention of the applicant in the second and third set of proceedings
				Violation of Art. 8	Censorship of the applicant's correspondence

PORTUGAL	30 October 2014	SOCIEDADE DE CONSTRUÇÕES MARTINS & VIEIRA, LDA. AND OTHERS (Nos. 56637/10, 59856/10, 72525/10, 7646/11 AND 12592/11)	3	Violation of Art. 6 § 1	Excessive length of proceedings (14 years and 9 months)
				Violation of Art. 13	Lack of an effective remedy in that respect
ROMANIA	21 October 2014	LUNGU AND OTHERS (IN FRENCH ONLY) (No. 25129/06)	3	Violation of Art. 6 § 1	Domestic court's decision to render a radically opposed judgment on the same matter and in the absence of new facts had violated the principle of legal certainty
		MARIAN CHIRITA (No. 9443/10)	3	Violation of Art. 3 (substantive)	Domestic authorities' failure to enforce for a period of 4 years a final judgment ordering the applicant's admission to a public hospital in order to receive the appropriate medical treatment was sufficient, given the seriousness of his condition, to amount to degrading treatment
	28 October 2014	ION CARSTEA (No. 20531/06)	3	Violation of Art. 8	Domestic courts' failure to strike a fair balance between the journalist's right to freedom of expression and the applicant's right to respect for his private life given that the disputed article, which had not contributed to a debate of general interest, had seriously prejudiced his honour and reputation and had been harmful to his psychological integrity and private life
		TIREAN (No. 47603/10)	3	Violation of Art. 3 (substantive)	Poor conditions of detention (overcrowding)
RUSSIA	2 October 2014	CHURCH OF SCIENTOLOGY OF ST. PETERSBURG AND OTHERS (No. 47191/06)	3	Violation of Art. 9 interpreted in the light of Art. 11	Domestic authorities' refusal to register the applicants' group as a legal entity did not have any legal basis in domestic law
		MISAN (No. 4261/04)	3	Violation of Art. 8	Disproportionate interference with the applicant's right to respect for her private life and home on account of the search of her flat which had been carried out without relevant and sufficient grounds and in the absence of any safeguards that could have confined the impact of the measure

RUSSIA (CONTINUED)	9 October 2014	<u>LISEYTSEVA AND MASLOV</u> (Nos. 39483/05 AND 40527/10)	2	Violation of Art. 13	Lack of an effective remedy
				Violation of Art. 6 § 1	Domestic authorities' failure to enforce the final binding judgments in the applicants' favour
				Violation of Art. 1 of Prot. No. 1	Domestic authorities' failure to enforce the final binding judgments in the applicants' favour had prevented them from receiving the money to which they were entitled
		<u>SULTYGOV AND OTHERS</u> (Nos. 42575/07, 53679/07, 311/08, 424/08, 3375/08, 4560/08, 35569/08, 62220/10, 3222/11, 22257/11, 24744/11 AND 36897/11)	3	Violation of Art. 2 (substantive)	Applicants' relatives may be presumed dead following their unacknowledged detention by state agents
				Violation of Art. 2 (procedural)	Domestic authorities' failure to carry out an effective criminal investigation into the disappearances and deaths of the applicants' relatives
				Violation of Art. 3 (substantive)	Applicants' inability to ascertain the fate of their family members and the manner in which their complaints had been dealt by the domestic authorities caused them mental distress and anguish
	Violation of Art. 5			Unlawful and unacknowledged detention of the applicants' relatives by state agents	
	16 October 2014	<u>ADEISHVILI (MAZMISHVILI)</u> (No. 43553/10)	3	Violation of Art. 13 in conjunction with Art. 2 and 3	Lack of effective remedies in order to redress the ineffectiveness of the criminal investigations of the disappearance and death of the applicants' relatives
				Violation of Art. 3 (substantive)	Poor conditions of detention (overcrowding)
				No violation of Art. 8	No failure of the domestic authorities to strike a fair balance between the competing interests as the applicant's right to respect for his family life could not outweigh the risk he presented for the society, thus his expulsion had been a proportionate interference to the legitimate aim of crime prevention
		<u>CHERNETSKIY</u> (No. 18339/04)	3	Violation of Art. 3 (substantive)	Ill-treatment of the applicant while in police custody
				Violation of Art. 3 (procedural)	Ineffective investigation in that respect

RUSSIA (CONTINUED)	16 October 2014	EDUARD SHABALIN (No. 1937/05)	3	Violation of Art. 5 § 1 (c)	Unlawful detention of the applicant (unlawful detention order)
				Violation of Art. 5 § 4	Domestic authorities' failure to inform the applicant or his legal counsel of the hearing
		KOSUMOVA (No. 2527/09)	2	No violation of Art. 2 (substantive)	Absence of sufficient evidence suggesting that the domestic authorities had been responsible for the death of the applicant's daughter
				Violation of Art. 2 (procedural)	Domestic authorities' failure to carry out an effective investigation into the circumstances of the applicant's daughter's death
		MOSTIPAN (No. 12042/09)	3	Violation of Art. 3 (substantive)	Ill-treatment of the applicant while in police custody
				Violation of Art. 3 (procedural)	Ineffective investigation in that respect
	23 October 2014			Violation of Art. 6 § 1	Unfairness of proceedings on account of the use of self-incriminating statements obtained by duress against the applicant
		SULDIN (No. 20077/04)	3	Violation of Art. 3 (substantive)	Poor conditions of detention (overcrowding)
				Violation of Art. 6 §§ 1 and 3 (d)	Unfairness of proceedings on account of the domestic authorities' failure to ensure the attendance of the key witness whose testimony had been used for the applicant's conviction thus depriving him of the opportunity to have him questioned
		VOROZHBA (IN FRENCH ONLY) (No. 57960/11)	3	Violation of Art. 8	Domestic authorities' failure to take adequate and effective measures in order to enforce the relevant court's judgment and reunite the applicant with her child
	23 October 2014	BOBROV (No. 33856/05)	3	Violation of Art. 3 (substantive)	Ill-treatment of the applicant while in police custody
				Violation of Art. 3 (procedural)	Ineffective investigation in that respect
		MELA (No. 34044/08)	3	Violation of Art. 3 (substantive)	Poor conditions of detention (overcrowding, poor sanitary facilities)
				Violation of Art. 13	Lack of an effective remedy concerning the applicant's allegations of poor conditions of detention
			Violation of Art. 5 § 1	Unlawful detention of the applicant	
V. P. (No. 61362/12)	2	Violation of Art. 8	Domestic authorities' failure to take adequate and effective measures in order to enforce the relevant court's judgment and reunite the applicant with his child		

RUSSIA (CONTINUED)	30 October 2014	DAVYDOV (No. 18967/07)	3	Violation of Art. 6 § 1	Domestic court's failure to respect the principle of legal certainty
				Violation of Art. 1 of Prot. No. 1	Domestic court's decision to quash the binding and enforceable judgment had deprived the applicant of the opportunity to receive a judicial reward he had legitimately expected to receive
		NOSKO AND NEFEDOV (Nos. 5753/09 AND 11789/10)	3	Violation of Art. 6 § 1	Unfairness of proceedings on account of the domestic courts' failure to properly examine the applicants' plea of entrapment
		SIGAREV (No. 53812/10)	3	Violation of Art. 5 § 1 (c)	Unlawful detention of the applicant (absence of a court order)
				No violation of Art. 5 § 3	Justified continuation of applicant's detention while no lack of diligence attributable to the domestic authorities had been found in handling the case
SERBIA	14 October 2014	NIKOLIC-KRSTIC (No. 54195/07)	3	Violation of Art. 6 § 1 (in both cases)	Domestic authorities' failure to enforce final domestic judgments
		POP-ILIC AND OTHERS (Nos. 63398/13, 76869/13, 76879/13, 76886/13 AND 76890/13)	2	Violation of Art. 1 of Prot. No. 1 (in the first case)	Domestic authorities' failure to enforce final domestic judgments had deprived the applicant of the opportunity to receive a judicial reward she had legitimately expected to receive
SWEDEN	16 October 2014	GOTHLIN (No. 8307/11)	2	No violation of Art. 5 § 1	Domestic authorities' measure to detain the applicant had been proportionate to the legitimate aim to induce him to fulfil his legal obligation to cooperate with them and provide them with the necessary information in order to secure the payment of his tax debt
THE CZECH REPUBLIC	2 October 2014	DELTA PEKARNY A.S. (IN FRENCH ONLY) (No. 97/11)	2	Violation of Art. 8	Disproportionate interference with the applicant company on account of the domestic competition authority's inspection of its premises without any judicial supervision which entailed a significant risk of abuse of power
THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA	23 October 2014	STOJANOVSKI AND OTHERS (No. 14174/09)	3	Violation of Art. 1 of Prot. No. 1	Unlawful interference with the applicants' right to peaceful enjoyment of their possessions on account of the domestic authorities' refusal to restore a plot of land to them
TURKEY	14 October 2014	CARKCI (No. 2) (No. 28451/08)	3	Violation of Art. 6 § 3 (c) in conjunction with Art. 6 § 1	Unfairness of proceedings on account of the lack of legal assistance afforded to the applicant while in police custody
				Violation of Art. 6 § 1	Excessive length of proceedings (12 years and 7 months)

TURKEY (CONTINUED)	14 October 2014	ERDOGAN GOKCE (IN FRENCH ONLY) (No. 31736/04)	2	Violation of Art. 10	Disproportionate interference with the applicant's right to freedom of expression in a democratic society, given his criminal conviction, for having distributed a written statement to the press setting out the main lines of his programme for the municipal elections
		PEYAM (IN FRENCH ONLY) (No. 5405/12)	3	Violation of Art. 3 (substantive)	Ill-treatment of the applicant while in police custody
				Violation of Art. 3 (procedural)	Ineffective investigation in that respect
	YILMAZ YILDIZ AND OTHERS (No. 4524/06)	2	Violation of Art. 11	Disproportionate interference with the applicants' right to freedom of assembly and association given their prosecution and the imposition of administrative fines for their participation in a peaceful demonstration	
	21 October 2014	ALIEV (No. 30518/11)	3	Violation of Art. 5 §§ 1, 2, 4 and 5	Unlawful detention pending deportation (absence of legal basis in domestic law), domestic authorities' failure to inform the applicant of the reasons for the deprivation of his liberty, lack of a prompt judicial review of the lawfulness of the applicant's detention and lack of compensation concerning the violations under Art. 5
				Violation of Art. 3 (substantive)	Poor conditions of detention (overcrowding)
				Violation of Art. 13 in conjunction with Art. 3	Lack of an effective remedy concerning the applicant's complaint of inadequate conditions of detention
		MUSAEV (No. 72754/11)	3	Violation of Art. 5 §§ 1, 2, 4 and 5	Unlawful detention pending deportation (absence of legal basis in domestic law), domestic authorities' failure to inform the applicant of the reasons for the deprivation of his liberty, lack of a prompt judicial review of the lawfulness of the applicant's detention and lack of compensation concerning the violations under Art. 5
				Violation of Art. 3 (substantive)	Poor conditions of detention (overcrowding, lack of access to outdoor exercise)
				Violation of Art. 13 in conjunction with Art. 3	Lack of an effective remedy concerning the applicant's complaint of inadequate conditions of detention

TURKEY (CONTINUED)	21 October 2014	<u>T. AND A.</u> (No. 47146/11)	3	Violation of Art. 5 §§ 1, 2, 4 and 5	Unlawful detention pending deportation (absence of legal basis in domestic law), domestic authorities' failure to inform the applicant of the reasons for the deprivation of her liberty, lack of a prompt judicial review of the lawfulness of the applicant's detention and lack of compensation concerning the violations under Art. 5 (concerning the first applicant)
				Violation of Art. 3 (substantive)	Poor conditions of detention (overcrowding) (concerning the first applicant)
				Violation of Art. 13 in conjunction with Art. 3	Lack of an effective remedy concerning the applicant's complaint of inadequate conditions of detention (concerning the first applicant)
		TEMIZALP (<u>IN FRENCH ONLY</u>) (No. 36395/06)	3	Violation of Art. 3 (substantive)	Ill-treatment of the applicant while in police custody
				Violation of Art. 3 (procedural)	Lack of an effective investigation in that respect
	28 October 2014	HEBAT ASLAN AND FIRAS ASLAN (<u>IN FRENCH ONLY</u>) (No. 15048/09)	2	Violation of Art. 5 § 4	Domestic authorities' failure to provide a copy of the domestic public prosecutor's opinion during the examination of the objections lodged by the applicants thus depriving them of the possibility to respond
Violation of Art. 5 § 5				Lack of an effective remedy by which the applicants could have obtained compensation for the violation under Art. 5	
IBRAHIM DEMIRTAS (<u>IN FRENCH ONLY</u>) (No. 25018/10)		3	Violation of Art. 3 (procedural)	Domestic authorities' failure to conduct with diligence the criminal proceedings against the perpetrators of the acts of violence against the applicant	
UKRAINE	2 October 2014	<u>VENIAMIN TYMOSHENKO AND OTHERS</u> (No. 48408/12)	2	Violation of Art. 11	Domestic authorities' blanket ban on the applicants' strike had not been based on sufficiently clear and foreseeable legislation
	9 October 2014	<u>CHANYEV</u> (No. 46193/13)	2	Violation of Art. 5 § 1	Domestic legal framework allows the continued detention of the accused without a judicial decision for a period of up to 2 months, provisions which were applied in the case of the applicant who was detained without a court ruling ordering his detention
	16 October 2014	<u>GORDIYENKO</u> (No. 27620/09)	3	Violation of Art. 3 (substantive)	Unnecessary use of force by police officers
		Violation of Art. 3 (procedural)		Ineffective investigation in that respect	

UKRAINE (CONTINUED)	16 October 2014	<u>ZALEVSKIY</u> (No. 3466/09)	3	No violation of Art. 3 (substantive)	No failure of the domestic authorities to provide a plausible explanation concerning the applicant's injuries while the use of force against him had not been excessive
				No violation of Art. 3 (procedural)	Effective investigation into the applicant's allegations of ill- treatment
		<u>VOROBYEV</u> (No. 28242/10)	3	Violation of Art. 34	Domestic authorities' failure to furnish all necessary facilities to the applicant in order not to hinder proper and effective examination of his application by the Court
	23 October 2014	<u>VINTMAN</u> (No. 28403/05)	2	Violation of Art. 8	Domestic authorities' failure to take into consideration the applicant's personal situation and his interest in maintaining his family ties (applicant's inability to obtain a transfer to a prison closer to his home)
				Violation of Art. 13 in conjunction with Art. 8	Lack of an effective remedy concerning the rejections of the applicant's requests for transfer to a prison closer to his home
				Violation of Art. 8	Monitoring of the applicant's correspondence

B. The decision on admissibility

Those decisions are published with a slight delay of two to three weeks on the Court's website. Therefore the decisions listed below cover the period from 1 to 31 August 2014. Those decisions are selected to provide the NHRSS with potentially useful information on the reasons of the inadmissibility of certain applications addressed to the Court and/or on the friendly settlements reached.

STATE	DATE	CASE TITLE	ALLEGED VIOLATION	DECISION
PORTUGAL	26 August 2014	DUARTE GOMES (No. 5337/12)	Art. 6§1 (excessive length of the criminal proceedings, impossibility for the applicant to be compensated for his pecuniary damages because of the domestic authorities inertia)	Inadmissible as manifestly ill-founded
TURKEY	26 August 2014	TAMER IN FRENCH ONLY (No. 60108/10)	Art. 2 (death of the applicants family member due to the carelessness of the medical staff, ineffective and inadequate investigation lead by the domestic authorities), Art. 6 (excessive length of the criminal proceedings), Art. 6 in conjunction with Art. 13 (lack of an effective remedy in this regard)	Partly inadmissible as manifestly ill-founded (concerning claims under Articles 2 and 13), partly incompatible <i>ratione materiae</i> with the provisions of the Convention (concerning claim under Art. 6)

C. The communicated cases

The European Court of Human Rights publishes on a weekly basis a list of the communicated cases on its website. These are cases concerning individual applications which are pending before the Court. They are communicated by the Court to the respondent State's Government with a statement of facts, the applicant's complaints and the questions put by the Court to the Government concerned. The decision to communicate a case lies with one of the Court's Chamber which is in charge of the case. A **selection** of those cases is proposed below.

NB: The statements of facts and complaints have been prepared by the Registry (solely in one of the official languages) on the basis of the applicant's submissions. The Court cannot be held responsible for the veracity of the information contained therein.

STATE	DATE OF DECISION TO COMMUNICATE	CASE TITLE	KEY WORDS OF QUESTIONS SUBMITTED TO THE PARTIES
BULGARIA	20 March 2014	PETROV IN FRENCH ONLY (No. 30336/10)	The video of the arrest of the applicant was widely broadcasted and several domestic authorities' representatives challenged the innocence of the applicant before the decision of the court.

ITALY	27 March 2014	VIVIANI AND OTHERS IN FRENCH ONLY (No. 9713/13)	Failure of the domestic authorities to prepare and inform the population in case of eruption or natural disaster.
FINLAND	24 March 2014	KUOKKANEN AND JOHANNESDAHL (No. 38147/12)	The “ <i>reformatio in peius</i> ” was not respected by the domestic Supreme Court in a decision, while it was valid in the domestic legal system.
FINLAND	24 March 2014	M.P. AND E.B. (No. 36487/12)	Conviction of defamation for having expressed concerns during a confidential conversation with a public official while the police had decided to stop to investigate as no crime could be established.
THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA	4 April 2014	MITROV (No. 45959/09)	Lack of impartiality by the domestic authorities as the case concerned a traffic accident in which the daughter of a judge of the court had died.
FRANCE	18 March 2014	S.A. IN FRENCH ONLY (No. 21608/14)	Because of his political affiliation, the applicant fears inhuman treatments if sent back to Bangladesh.
	26 March 2014	A.N. IN FRENCH ONLY (No. 19919/13)	The applicant fears inhuman treatments if sent back to Congo.
		AYCAGUER IN FRENCH ONLY (No. 8806/12) DAGREGORIO AND MOSCONI IN FRENCH ONLY (No. 65714/11)	The applicants refused the sample of their DNA ordered by the domestic authorities. They considered this sample to be disproportionate since it is supposed to be done for a certain category of infringement while they were only convicted for their trade-union activities. Their refusal led them to be sentenced.
	28 March 2014	E.N. IN FRENCH ONLY (No. 24738/14)	The applicant fears inhuman treatments if sent back to the Central African Republic.
GEORGIA	2 April 2014	MERABISHVILI (No. 72508/13)	The applicant claims that some fabricated criminal proceedings resulted in a pre-trial detention in order to prevent him from standing as a candidate in the presidential election.
	20 March 2014	O.K. (No. 44851/09)	A child had been raised by a family without any lawful basis for his adoption, but the authorities refused to return him to his biological mother because it would be prejudicial to his own interests.

GERMANY	31 March 2014	<u>BLEY</u> (No. 68475/10)	A man condemned for tax evasion claimed an excusable mistake of law as to the wrongful nature of the acts in question while the domestic court considered that he could have easily known that it was unlawful.
GREECE	1 April 2014	LUTANYUK <u>IN FRENCH ONLY</u> (No. 60362/13)	Bad conditions of detention in prison. The applicant had to buy drinkable water and living hygiene products with his own money.
ROMANIA	18 March 2014	SANATKAR <u>IN FRENCH ONLY</u> (No. 74721/12)	Bad conditions of detention in prison. Impossibility for the applicant to practise his religion and to have meals true to his religious prescriptions.
	20 March 2014	<u>ANDRONIC</u> (No. 21517/13)	Inhuman conditions of detention in prison. Interception of the applicant's phone conversations.
		BARDAN <u>IN FRENCH ONLY</u> (No. 55669/13)	Discrimination of the applicant in the exercise of his parental rights as the domestic authorities failed to respect his right of being visited by his daughter.
		<u>CĂMĂRĂȘESCU</u> (No. 49645/09)	Constant dismissal of the applicant's complaints and failure of the domestic authorities to take any effective measures to protect her from the ill-treatment she had suffered at the hands of her violent husband.
	1 April 2014	<u>DUMITRESCU</u> (No. 55498/13)	The applicant claims that the domestic authorities violated his right to life by not making available for him a necessary medical treatment.
	20 March 2014	<u>ROMILA</u> (No. 9126/13)	The applicant was operated on without prior and informed consent. Failure of the domestic authorities to engage the doctors' responsibility.
		<u>SCHEIN</u> (No. 57682/10)	During a transfer, the applicant was handcuffed and placed in a cage at the back of the bus, while the other detainees sat on available seats.
25 March 2014	<u>D.M.D.</u> (No. 23022/13)	The authorities failed to investigate the allegations of ill-treatment inflicted by a father to his child, despite of evidence brought to them.	

ROMANIA (CONTINUED)	1 April 2014	DUMITRESCU (No. 55498/13)	The applicant claims that the domestic authorities violated his right to life by not making available for him a necessary medical treatment.
	2 April 2014	TATU (No. 43583/10)	The applicant claims that the investigation carried out in respect of his criminal complaint breached the principle of impartiality because it protected the police officers.
RUSSIA	18 March 2014	DAVYDOV AND OTHERS (No. 75947/11)	The official results of the elections did not reflect the actual results of voting and there were manipulation and irregularities at the voting stations during the process of voting.
	19 March 2014	MCILWRATH (No. 60393/13)	Failure of the domestic authorities to grant enforcement to the judicial decisions, which has enabled the applicant to see his children for more than two years.
	21 March 2014	BUGAYEV (No. 23199/13)	The applicants complain that the restoration of the time-limit for an appeal resulting in the quashing of the final judgment in their favour violated the principle of legal certainty.
SLOVAKIA	2 April 2014	ADAM (No. 68066/12)	The applicant claims that his ethnic origin was a decisive factor in the ill-treatment he suffered from during his detention.
	18 March 2014	KOKY (No. 27683/13)	Imposition of a life sentence to the applicant and no effective remedy at his disposal in that respect.
TURKEY	31 March 2014	YESIL (No. 45064/10)	The applicant claims that he was subjected to torture during his police custody, especially as he was stripped naked, hosed with cold water, subjected to electric shocks, hung by his arms, sexually harassed and raped with a truncheon.
	2 April 2014	GÜLTEKIN (No. 17081/06)	A military man died as a result of a lack of prompt and adequate medical care at his regiment because the military authorities did not follow the doctor's recommendations.

PartOne

§2 - EUROPEAN COMMITTEE OF SOCIAL RIGHTS

A. Reclamations and Decisions

1. Reclamations

[No work deemed relevant for the NHRs for the period under observation]

2. Decisions

[No work deemed relevant for the NHRs for the period under observation]

B. Other information

[No work deemed relevant for the NHRs for the period under observation]

PartOne

§3 - RECOMMENDATIONS & RESOLUTIONS

A. Recommendations

[No work deemed relevant for the NHRSs for the period under observation]

B. Resolutions

AUTHOR	DATE	TEXT NUMBER	SUBJECT MATTER	DECISION
PACE	1 October 2014	2015	The functioning of democratic institutions in Georgia	PACE called on Georgia authorities to ensure that the investigation and prosecution of former government officials are conducted in respect of the ECHR principles, and also, to improve its democratic consolidation of the country. (Read the Report-Read more-Video of the debate)
PACE	2 October 2014	2016	Threats against humanity posed by the terrorist group known as "IS" : violence against Christians and other religious or ethnic communities	PACE called on countries to condemn all acts of violence and encouraged cooperation between countries and also humanitarian aid to bring peace in the countries in the Middle East. (Recommendation 2055 - Read more)
PACE	3 October 2014	2020	The alternatives to immigration detention of children	PACE called on member States to put an end to the detention of migrant children and to promote and facilitate the application of alternatives to detention (Recommendation 2056-Read the Report)

<p>PACE</p>	<p>3 October 2014</p>	<p>2021</p>	<p>Towards optimum breast cancer services across Europe</p>	<p>PACE called on States to keep the fight against breast cancer at the top of their concerns and particularly, to ensure that women have effective access to European guidelines-compliant screening and treatment programmes (Read the Report)</p>
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PartOne

§4 - OTHER INFORMATION OF GENERAL IMPORTANCE

A. Information from the Committee of Ministers

[No work deemed relevant for the NHRs for the period under observation]

B. Information from the Parliamentary Assembly

■ Lost lives in the Mediterranean: 2014 sets sad records (03.10.2014)

PACE president called on states to implement the recommendations contained in PACE's June 2014 resolution on "The left-to-die boat: actions and reaction" which advocated "zero tolerance towards lives lost at sea". ([Read more](#))

■ 50 years of the European Pharmacopeia: a success story (06.10.2014)

On the occasion of the 50th anniversary of European Pharmacopeia, PACE President called it a Council of Europe "success story" because of the positive impact of the European Pharmacopeia on public health activities in Europe. ([Read more](#) - [Address by Ms Brasseur](#))

■ Social rights are not second class rights, says PACE President (18.10.2014)

PACE President recalled that social rights must be considered as fundamental Human Rights, indivisible, interdependent and complementary. Moreover, she encouraged national parliaments to use both The Charter and the Case law of the ECSR. ([Read more](#) - [Speech by Ms Brasseur](#) - [Programme of the conference](#)).

■ Many austerity programmes not in line with European Social Charter (17.10.2014)

The PACE Sub-Committee called upon European governments and parliaments to strengthen the protection of social rights and related mechanisms through a series of concrete measures. ([Read more](#) - [Statement by PACE Sub-committee](#)).

■ Call for reliable and durable protection for witnesses who stand up for truth and justice (30.10.2014)

According to the PACE's Legal Affairs Committee, measures need to be taken in the area of witness protection, thanks to protection mechanisms, financial and human resources. Furthermore, it called to reconsider rules on mitigating sentences and to grant immunity from prosecution in cases of organised crime and terrorism. ([Read more](#) - [Read the Report](#))

■ Parliaments must do more to ensure Strasbourg Court judgments are implemented (31.10.2014)

PACE President called on national parliaments to guarantee that the decisions of the European Court of Human Rights are implemented without delay. Moreover, PACE President called for greater solidarity at European level in regard of immigration in the wider Mediterranean region. ([Read more](#))

C. Information for the Commissioner for Human Rights

■ LGBTI children have the right to safety and equality (02.10.2014)

The Commissioner for Human Rights recalled that LGBTI children, like all the other children, are entitled to enjoy human rights and require a safe environment in order to participate fully in society ([Read more](#)).

■ Preserving Europe's social model (13.10.2014)

The Commissioner called to take decisions based on Human Rights norms and principles, particularly on the European Social Charter which would provide a solution to the economic crisis ([Read more](#)).

■ In Crimea serious human rights violations and attacks on minorities and journalists require urgent action (27.10.2014)

The Commissioner declared that investigations will be carried out against violations of human rights and that responsables will be held accountable. Moreover, he called to put in place some urgent measures to ensure minority rights and security as well as media freedom and journalists' safety. ([Read more](#)- [Read the Report](#)).

D. Information from the monitoring mechanisms

■ GRETA: Council of Europe and OSCE join forces to protect human trafficking victims' rights (09.10.2014)

The Council of Europe and the OSCE launched a joint two-day workshop that brings together judges and prosecutors to discuss key challenges in supporting the legal rights of human trafficking victims ([Read more](#); [Programme](#); [Presentations](#)).

■ Protecting the Victims of Human Trafficking in Canada and Europe (16.10.2014)

On 16 October 2014 the conference "Protecting the Victims of Human Trafficking in Canada and Europe" took place at the University of Ottawa. It was organised jointly by the Swiss and Austrian Embassies, in collaboration with the Centre for International Policy Studies, and put forward experts from the Council of Europe, the OSCE, European and Canadian governments and universities, and NGOs ([Conference programme](#)).

■ The 8th European Anti-Trafficking Day - "It is traffickers in human beings that must be brought to justice and not their victims" (18.10.2014)

On the eighth European Anti-Trafficking Day the GRETA drew attention to a major difficulty encountered in most of the 35 European states it has monitored so far: the lack of proper procedures to identify victims of trafficking ([Read more](#)).

■ World Bank Law, Justice and Development Week 2014: GRETA President at session on human trafficking (22.10.2014)

On 22 October 2014 a session entitled "Human Trafficking: Development Threat and Human Rights Violation" took place as part of the World Bank's Law, Justice and Development (LJD) Week 2014 in Washington, USA. This session discussed trends, good practices, gaps and the way forward to combat this phenomenon ([More](#)).

■ ECRI: Symposium on equality data (14.10.2014)

On 26 November, the European Network Against Racism (ENAR), the Open Society Foundations (OSF) and the Migration Policy Group (MPG) organised a symposium on equality data in Brussels, under the auspices of the Secretary General of the Council of Europe.

■ GRECO: Parliamentary Hearing on “Gender dimensions of corruption” (03.10.2014)

On 1 October, the GRECO jointly organised a hearing on Gender dimensions of corruption with the Committees of the Parliamentary Assembly on Rules of Procedure, Immunities and Institutional Affairs and on Equality and Non-Discrimination ([Programme](#)).

■ GRECO: the 65th Plenary Meeting (from 06.10.2014 to 10.10.2014)

[Decisions](#)

PartTwo

INFORMATION BY COUNTRY

This part presents a selection of information, which is deemed to be mainly relevant for only one country.

Please, refer to the index above (p.3) to find the country you are interested in. Only countries concerned by at least one piece of information issued during the period under observation are listed below.

Albania

A. Execution of the judgments of the European Court of Human Rights

[No work deemed relevant for NHRs during the period under observation]

B. Resolutions, signatures and ratifications

[No work deemed relevant for NHRs during the period under observation]

C. Other information

■ ECRI: Committee commission to prepare report on Albania (02.10.2014)

A delegation of the ECRI visited Albania from 15 to 19 September 2014 as the first step in the preparation of a monitoring report. During its visit, ECRI's delegation gathered information on legislation, hate speech, violence, integration policies, LGBT issues and other topics ([Read more](#)).

Armenia

A. Execution of the judgments of the European Court of Human Rights

[No work deemed relevant for NHRs during the period under observation]

B. Resolutions, signatures and ratifications

[No work deemed relevant for NHRs during the period under observation]

C. Other information

■ Commissioner for Human Rights: Armenia should address gender inequality and enhance the independence of the judiciary (05.10.2014)

The Commissioner called for restoring equality in the application of human rights between men and women and encouraged the adoption of laws against domestic violence. Furthermore, he called for making justice more efficient by ensuring its independence and fighting against abuse ([Read more](#)).

■ PACE: President called on Azerbaijan to free Ilgar Mammadov (14.10.2014)

PACE President called on Azerbaijan to free Ilgar Mammadov, as well as speed up reforms to implement European Convention on Human Rights standards. ([Read More](#) - [Conclusions of the visit in Azerbaijan by Ms Brasseur](#))

Austria

A. Execution of the judgments of the European Court of Human Rights

[No work deemed relevant for NHRs during the period under observation]

B. Resolutions, signatures and ratifications

[No work deemed relevant for NHRs during the period under observation]

C. Other information

■ CPT: Visit to Austria (03.10.2014)

A delegation of the CPT carried out a periodic visit to Austria from 22 September to 1 October 2014. In the course of the visit, the delegation reviewed the measures taken by the Austrian authorities in response to various recommendations made by the CPT after its previous visits ([Read more](#)).

Azerbaijan

A. Execution of the judgments of the European Court of Human Rights

[No work deemed relevant for NHRs during the period under observation]

B. Resolutions, signatures and ratifications

[No work deemed relevant for NHRs during the period under observation]

C. Other information

■ Human Rights Commissioner: Stop reprisals against human rights defenders (24.10.2014)

The Commissioner raised with the authorities the issue that legislation should not make human rights work impossible ([Read more](#)).

Bosnia and Herzegovina

A. Execution of the judgments of the European Court of Human Rights

CASE	DATE	RESOLUTION	CONCLUSION
Al Hamdani (No. 31098/10)	9 July 2012	CM/ResDH(2014)186	Examination closed
Milisavljevic (No. 7435/04)	3 June 2009	CM/ResDH(2014)187	Examination closed
Dukic (No. 4543/09)	19 September 2012	CM/ResDH(2014)187	Examination closed

B. Resolutions, signatures and ratifications

[No work deemed relevant for NHRs during the period under observation]

C. Other information

[No work deemed relevant for NHRs during the period under observation]

A. Execution of the judgments of the European Court of Human Rights

CASE	DATE	RESOLUTION	CONCLUSION
Perusko (No. 36998/09)	15 April 2013	CM/ResDH(2014)191	Examination closed

B. Resolutions, signatures and ratifications

[No work deemed relevant for NHRs during the period under observation]

C. Other information

[No work deemed relevant for NHRs during the period under observation]

A. Execution of the judgments of the European Court of Human Rights

[No work deemed relevant for NHRs during the period under observation]

B. Resolutions, signatures and ratifications

[No work deemed relevant for NHRs during the period under observation]

C. Other information

■ PACE: Flag and Plaque of Honour awarded to Nicosia (Cyprus) (15.10.2014)

Nicosia has been awarded both the Flag and the Plaque of Honour of the Council of Europe ([Read more](#)).

Estonia

A. Execution of the judgments of the European Court of Human Rights

[No work deemed relevant for NHRs during the period under observation]

B. Resolutions, signatures and ratifications

[No work deemed relevant for NHRs during the period under observation]

C. Other information

■ FCNM: Election of an expert in respect of Estonia (31.10.2014)

The Committee of Ministers of the Council of Europe adopted on 24 October a Resolution (CM/ResCMN(2014)11) regarding the election of an expert to the list of experts eligible to serve on the Advisory Committee on the Framework Convention for the Protection of National Minorities, and the appointment of an ordinary member of the Advisory Committee in respect of a casual vacancy in respect of Estonia - Ms Tatjana Muravjova ([Link to the resolution](#)).

Finland

A. Execution of the judgments of the European Court of Human Rights

[No work deemed relevant for NHRs during the period under observation]

B. Resolutions, signatures and ratifications

[No work deemed relevant for NHRs during the period under observation]

C. Other information

■ CPT: Visit to Finland (07.10.2014)

A delegation of the CPT carried out a visit to Finland from 22 September to 2 October 2014. It was the CPT's fifth periodic visit to Finland. The visit provided an opportunity to assess the progress since the Committee's 2008 visit ([Read more](#)).

■ Publication of preliminary observations after the visit to Finland (31.10.2014)

During the visit, the CPT's delegation reviewed measures taken by the Finnish authorities in response to the Committee's recommendations made after its 2008 visit, in particular as regards the safeguards offered to persons detained by the police, the situation of remand prisoners in police and prison establishments, and of foreign nationals held under aliens' legislation. As regards prisons, special attention was paid to the phenomenon of inter-prisoner violence and intimidation as well as to the situation and regime of the prisoners held in high security and closed units. The delegation also visited a psychiatric hospital where it examined the situation of civil involuntary and forensic unit patients. The preliminary observations made by the CPT's delegation at the end of the visit are published today at the request of the Finnish authorities ([More about preliminary observations](#)).

Georgia

A. Execution of the judgments of the European Court of Human Rights

CASE	DATE	RESOLUTION	CONCLUSION
Ivane Sanasiradze (No. 64566/09)	8 April 2014	CM/ResDH(2014)192	Examination closed

B. Resolutions, signatures and ratifications

[No work deemed relevant for NHRs during the period under observation]

C. Other information

[No work deemed relevant for NHRs during the period under observation]

A. Execution of the judgments of the European Court of Human Rights

[No work deemed relevant for NHRs during the period under observation]

B. Resolutions, signatures and ratifications

[No work deemed relevant for NHRs during the period under observation]

C. Other information

■ CPT: Publication of a report on Greece (16.10.2014)

The CPT has published the report on its eleventh visit to Greece, which took place in April 2013, together with the response of the Greek authorities ([Read more](#)).

Hungary

A. Execution of the judgments of the European Court of Human Rights

[No work deemed relevant for NHRs during the period under observation]

B. Resolutions, signatures and ratifications

[No work deemed relevant for NHRs during the period under observation]

C. Other information

■ PACE: Plaque of Honour to be awarded to the town of Ajka (Hungary) (03.10.2014)

The Hungarian city of Ajka received the Council of Europe Plaque of Honour thanks to the European efforts of this city. ([Read more](#))

Italy

A. Execution of the judgments of the European Court of Human Rights

[No work deemed relevant for NHRs during the period under observation]

B. Resolutions, signatures and ratifications

[No work deemed relevant for NHRs during the period under observation]

C. Other information

■ PACE: Italy must promptly implement Strasbourg Court judgments (27.10.2014)

A PACE rapporteur encouraged the Italian authorities to continue their reforms, particularly those aimed at improving the efficiency of justice and ensuring the payment to compensate victims of lengthy judicial proceeding. ([Read more](#) - [addendum](#))

Lithuania

A. Execution of the judgments of the European Court of Human Rights

[No work deemed relevant for NHRs during the period under observation]

B. Resolutions, signatures and ratifications

[No work deemed relevant for NHRs during the period under observation]

C. Other information

■ FCNM: Publication of the 3rd Advisory Committee Opinion (13.10.2014)

The Council of Europe Advisory Committee on the Framework Convention for the Protection of National Minorities has published its Third Opinion on Lithuania together with the government comments ([Read more](#)).

Netherlands

A. Execution of the judgments of the European Court of Human Rights

CASE	DATE	RESOLUTION	CONCLUSION
Evert Prak (No. 3869/08)	27 May 2014	CM/ResDH(2014)193	Examination closed

B. Resolutions, signatures and ratifications

[No work deemed relevant for NHRs during the period under observation]

C. Other information

■ Human Rights Commissioner: Migrants' and children's rights need better protection in the Netherlands (14.10.2014)

The Commissioner called on Dutch authorities to solve some shortcomings regarding rights of migrants by facilitating them the access to residence permits, but also regarding rights of children by improving juvenile justice system and by ensuring the equal access to education. ([Read more](#))

A. Execution of the judgments of the European Court of Human Rights

CASE	DATE	RESOLUTION	CONCLUSION
Ciechonska (No. 19776/04)	14 September 2011	CM/ResDH(2014)190	Examination closed
Weber and others (No. 23039/02)	27 July 2010	CM/ResDH(2014)190	Examination closed
Bak (No. 1956/06)	11 February 2014	CM/ResDH(2014)194	Examination closed
Bnaszkowski (No. 9188/12)	21 January 2014	CM/ResDH(2014)194	Examination closed
Biczak (No. 4140/12)	4 March 2014	CM/ResDH(2014)194	Examination closed
Bohatkiewicz (No. 26309/12)	4 February 2014	CM/ResDH(2014)194	Examination closed
Brzezinski (No. 17981/13)		CM/ResDH(2014)194	Examination closed
D.R. (No. 61376/11)	21 January 2014	CM/ResDH(2014)194	Examination closed
Dariusz Domagała (No. 49992/11)	1 April 2014	CM/ResDH(2014)194	Examination closed
Dydo (No. 2267/05)	11 February 2014	CM/ResDH(2014)194	Examination closed
Haince (No. 34232/12)	4 February 2014	CM/ResDH(2014)194	Examination closed
Piotr Jakubowski (No. 36571/12)	18 March 2014	CM/ResDH(2014)194	Examination closed
Jarzab (No. 11373/12)	4 February 2014	CM/ResDH(2014)194	Examination closed
Jurak (No. 7639/12)	21 January 2014	CM/ResDH(2014)194	Examination closed
Kijowski (No. 16480/12)	4 February 2014	CM/ResDH(2014)194	Examination closed
Kozielski (No. 10998/12)	4 March 2014	CM/ResDH(2014)194	Examination closed
Kozik (No. 22709/12)		CM/ResDH(2014)194	Examination closed
Kuzlak (No. 29864/12+)	18 February 2014	CM/ResDH(2014)194	Examination closed

<u>Jacek Lewandowski</u> (No. 16438/12)	1 April 2014	<u>CM/ResDH(2014)194</u>	Examination closed
<u>Lis</u> (No. 27346/09)	18 February 2014	<u>CM/ResDH(2014)194</u>	Examination closed
<u>Martyna</u> (No. 3212/12)	4 February 2014	<u>CM/ResDH(2014)194</u>	Examination closed
<u>Mazurkiewicz</u> (No. 1712/13)	11 March 2014	<u>CM/ResDH(2014)194</u>	Examination closed
<u>Mech</u> (No. 55354/12)	4 February 2014	<u>CM/ResDH(2014)194</u>	Examination closed
<u>Michalski</u> (No. 35913/11)		<u>CM/ResDH(2014)194</u>	Examination closed
<u>Nowak</u> (No. 81215/12)	4 March 2014	<u>CM/ResDH(2014)194</u>	Examination closed
<u>Pelian</u> (No. 36763/12)	4 February 2014	<u>CM/ResDH(2014)194</u>	Examination closed
<u>Piaseczny</u> (No. 46322/12)	5 December 2013	<u>CM/ResDH(2014)194</u>	Examination closed
<u>Pilarski</u> (No. 10782/12)	14 January 2014	<u>CM/ResDH(2014)194</u>	Examination closed
<u>Roguska</u> (No. 5586/05)	11 March 2014	<u>CM/ResDH(2014)194</u>	Examination closed
<u>Rosiak</u> (No. 30487/12)	4 February 2014	<u>CM/ResDH(2014)194</u>	Examination closed
<u>Ruminski</u> (No. 30594/09)	4 March 2014	<u>CM/ResDH(2014)194</u>	Examination closed
<u>Saj</u> (No. 2867/05)	11 February 2014	<u>CM/ResDH(2014)194</u>	Examination closed
<u>Siwiak</u> (No. 18250/13)	4 February 2014	<u>CM/ResDH(2014)194</u>	Examination closed
<u>Slowinski</u> (No. 23836/12)		<u>CM/ResDH(2014)194</u>	Examination closed
<u>Stanczykowski</u> (No. 75347/11)	11 February 2014	<u>CM/ResDH(2014)194</u>	Examination closed
<u>Stanowski</u> (No. 12129/10)	18 February 2014	<u>CM/ResDH(2014)194</u>	Examination closed
<u>Stawicki</u> (No. 6015/12)	14 January 2014	<u>CM/ResDH(2014)194</u>	Examination closed
<u>Janusz Strzalkowski</u> (No. 13120/13)	18 March 2014	<u>CM/ResDH(2014)194</u>	Examination closed
<u>Szymanski</u> (No. 76559/11)	11 February 2014	<u>CM/ResDH(2014)194</u>	Examination closed
<u>Szymczak</u> (No. 25269/12)	4 February 2014	<u>CM/ResDH(2014)194</u>	Examination closed

Krzysztof Waleczko (No. 42860/11)	8 April 2014	CM/ResDH(2014)194	Examination closed
Wojton (No. 53403/10)	4 February 2014	CM/ResDH(2014)194	Examination closed
Zak (No. 64991/11)	4 March 2014	CM/ResDH(2014)194	Examination closed

B. Resolutions, signatures and ratifications

[No work deemed relevant for NHRs during the period under observation]

C. Other information

[No work deemed relevant for NHRs during the period under observation]

Portugal

A. Execution of the judgments of the European Court of Human Rights

[No work deemed relevant for NHRs during the period under observation]

B. Resolutions, signatures and ratifications

[No work deemed relevant for NHRs during the period under observation]

C. Other information

■ GRETA: Round table to support anti-trafficking efforts in Portugal (30.10.2014)

The Anti-Trafficking Division of the Council of Europe, in co-operation with the National Rapporteur for Human Trafficking and the Commission for Citizenship and Gender Equality of Portugal, organised on 30 October in Lisbon a round-table meeting for some 40 representatives of relevant ministries, public agencies and non-governmental organisations ([Read more](#)).

Romania

A. Execution of the judgments of the European Court of Human Rights

CASE	DATE	RESOLUTION	CONCLUSION
Agache and others (No. 2712/02)	20 January 2010	CM/ResDH(2014)188	Examination closed
Ileana Constantinescu (No. 32563/04)	11 March 2013	CM/ResDH(2014)189	Examination closed

B. Resolutions, signatures and ratifications

[No work deemed relevant for NHRs during the period under observation]

C. Other information

[No work deemed relevant for NHRs during the period under observation]

Russia

A. Execution of the judgments of the European Court of Human Rights

[No work deemed relevant for NHRs during the period under observation]

B. Resolutions, signatures and ratifications

[No work deemed relevant for NHRs during the period under observation]

C. Other information

■ CPT: Round table with Russian authorities (02.10.2014)

Representatives of the CPT participated in a round table with the Russian authorities in Moscow on 24 September 2014. The event, which was organised by the Ministry of Justice of the Russian Federation in cooperation with the CPT, was held following the publication of the CPT's reports on two visits to the country (together with the respective government responses) – the 2011 ad hoc visit to the North Caucasian Region of the Russian Federation and the 2012 periodic visit to the country ([Read more](#)).

■ PACE: The Council of Europe Plaque of Honour awarded to Volgograd (Russian Federation) (30.10.2014)

The city of Volgograd received the Plaque of Honour of the Council of Europe thanks to its multiple European activities ([Read more](#))

Spain

A. Execution of the judgments of the European Court of Human Rights

[No work deemed relevant for NHRs during the period under observation]

B. Resolutions, signatures and ratifications

[No work deemed relevant for NHRs during the period under observation]

C. Other information

■ PACE: The Council of Europe Plaque of Honour awarded to the city of Lleida (Spain) (14.10.2014)

The Spanish city of Lleida received the Plaque of Honour of the Council of Europe ([Read more](#)).

Switzerland

A. Execution of the judgments of the European Court of Human Rights

[No work deemed relevant for NHRs during the period under observation]

B. Resolutions, signatures and ratifications

[No work deemed relevant for NHRs during the period under observation]

C. Other information

■ GRETA: Committee's first evaluation visit to Switzerland (07.10.2014)

A delegation of the GRETA carried out an evaluation visit to Switzerland from 29 September to 3 October 2014. The visit was organised in the context of the first round of evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings ([Read more](#)).

“The former Yugoslav Republic of Macedonia”

A. Execution of the judgments of the European Court of Human Rights

[No work deemed relevant for NHRs during the period under observation]

B. Resolutions, signatures and ratifications

[No work deemed relevant for NHRs during the period under observation]

C. Other information

■ CPT: Visit of the committee (23.10.2014)

A delegation of the CPT carried out a visit to “the former Yugoslav Republic of Macedonia” from 7 to 17 October 2014. It was the CPT's eleventh visit to this country ([Read more](#)).

Turkey

A. Execution of the judgments of the European Court of Human Rights

CASE	DATE	RESOLUTION	CONCLUSION
Araç (No. 21319/12)	11 February 2014	CM/ResDH(2014)196	Examination closed
Arslan (No. 10673/12)	28 January 2014	CM/ResDH(2014)196	Examination closed
Babayigit (No. 67344/11)	11 February 2014	CM/ResDH(2014)196	Examination closed
Beyaztas (No. 32004/06)	10 December 2013	CM/ResDH(2014)196	Examination closed
Bulduk (No. 35557/12)	28 January 2014	CM/ResDH(2014)196	Examination closed
Caçan (No. 13924/09)	10 December 2013	CM/ResDH(2014)196	Examination closed
Celebi (No. 38324/12)	28 January 2014	CM/ResDH(2014)196	Examination closed
Cetin (No. 19450/13)	11 February 2014	CM/ResDH(2014)196	Examination closed
Deniz (No. 11869/12)	28 January 2014	CM/ResDH(2014)196	Examination closed
Dogantemur (No. 43690/11)	28 January 2014	CM/ResDH(2014)196	Examination closed
Dönmez (No. 19448/13)	11 February 2014	CM/ResDH(2014)196	Examination closed
Duran (No. 55768/11)	29 January 2013	CM/ResDH(2014)196	Examination closed
Ekri (No. 78554/11)	10 December 2013	CM/ResDH(2014)196	Examination closed
Er (No. 67798/11)	11 February 2014	CM/ResDH(2014)196	Examination closed
Erdogan (No. 55248/10)	10 December 2013	CM/ResDH(2014)196	Examination closed
Gün (No. 18380/09)	10 December 2013	CM/ResDH(2014)196	Examination closed
Hazar (No. 15810/12)	28 January 2014	CM/ResDH(2014)196	Examination closed
Inal (No. 5488/09)	10 December 2013	CM/ResDH(2014)196	Examination closed

Irez (No. 5809/09)	20 December 2013	CM/ResDH(2014)196	Examination closed
Iritas (No. 10551/12)	28 January 2014	CM/ResDH(2014)196	Examination closed
Isikli (No. 44158/09)	28 January 2014	CM/ResDH(2014)196	Examination closed
Izci and Döndü (No. 33186/09)	10 December 2013	CM/ResDH(2014)196	Examination closed
Kayhan (No. 13583/12)	28 January 2014	CM/ResDH(2014)196	Examination closed
Köklü (No. 58774/11)	28 January 2014	CM/ResDH(2014)196	Examination closed
Özcan (No. 67895/11)	28 January 2014	CM/ResDH(2014)196	Examination closed
Sahin (No. 20084/12)	11 February 2014	CM/ResDH(2014)196	Examination closed
Sirin (No. 19427/13)	11 February 2014	CM/ResDH(2014)196	Examination closed
Yardimci (No. 19451/13)	11 February 2014	CM/ResDH(2014)196	Examination closed

B. Resolutions, signatures and ratifications

[No work deemed relevant for NHRs during the period under observation]

C. Other information

[No work deemed relevant for NHRs during the period under observation]

Ukraine

A. Execution of the judgments of the European Court of Human Rights

[No work deemed relevant for NHRs during the period under observation]

B. Resolutions, signatures and ratifications

[No work deemed relevant for NHRs during the period under observation]

C. Other information

■ PACE: President condemns ceasefire violations in the east of Ukraine (03.10.2014)

Despite of the ceasefire and numerous calls to respect it, fighting had continued and the death toll had been still on the rise. Thus PACE President decided to condemn the violation of the ceasefire in the east of Ukraine ([Read more](#)).

■ PACE: Many positive aspects regarding Ukraine elections (21.10.2014)

International observers said that there were many positive aspects in the Ukrainian elections in regard of human rights and the Parliament should take the opportunity to advance key reforms ([Read more - PACE to observe the early parliamentary elections in Ukraine](#))

United Kingdom

A. Execution of the judgments of the European Court of Human Rights

[No work deemed relevant for NHRs during the period under observation]

B. Resolutions, signatures and ratifications

[No work deemed relevant for NHRs during the period under observation]

C. Other information

■ MONEYVAL: Fourth Round on-site evaluation visit to the UK Crown Dependency of Guernsey (28.10.2014)

A MONEYVAL team of evaluators visited the UK Crown Dependency of Guernsey from 6 to 11 October 2014 under the 4th evaluation round. The evaluation team met representatives from various authorities involved in the prevention of money laundering and the financing of terrorism in Guernsey ([More information](#) – Scroll down to reach the information)