



# REGULAR SELECTIVE INFORMATION FLOW

for the attention of the National Human Rights Structures

Issue#128

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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 March 2015) 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)**

#### **S.Z. v. BULGARIA ([IN FRENCH ONLY](#)) - No. 29263/12 - Importance 2 - 3 March 2015 - Violation of Article 3 - Domestic authorities’ failure to provide efficient criminal proceedings**

The case concerned the applicant’s complaint about the ineffectiveness of the criminal proceedings for the false imprisonment, assault, rape and trafficking in human beings perpetrated against her. She complained in particular about the lack of an investigation into the possible involvement of two police officers, the failure to prosecute two of her assailants, and the excessive time taken to investigate and try the case.

The Court considered appropriate to examine the applicant’s complaints solely under Article 3.

It reiterated that, when a person claimed to be victim of a violation of Article 3, domestic authorities must conduct an effective investigation to permit the establishment of the facts and the identification and punishment of those responsible. The Court also considered that the investigation must be sufficiently detailed and objective in order to be effective.

First of all, the Court found that the complexity of the case did not justify its excessively long length of 14 years. The Court then noted domestic authorities' lack of diligence. Firstly, it took into consideration that the investigation had been closed and re-opened four times due to procedural irregularities, and that resulted in an excessive delay and in the prosecution of certain less serious offences being time-barred. Moreover, the Court underlined the lack of investigation concerning certain aspects of the case, particularly with regard to the involvement of two police officers, and with regards to the alleged existence of an organised criminal network. Likewise, the authorities had not taken concrete steps to find the two other people identified by the applicant. Lastly, the Court took into consideration that the excessive length of the proceedings had undeniably negative repercussions on the applicant, who was already psychologically vulnerable, and who had been left in a state of uncertainty regarding the possibility of securing the trial and punishment of her assailants.

The Court accordingly held that there had been a violation of Article 3.

#### Article 41 (just satisfaction)

The Court held that Bulgaria was to pay the applicant EUR 15,000 euros in respect of non-pecuniary damage and EUR 2,500 in respect of costs and expenses.

#### **VARGA AND OTHERS V. HUNGARY (Nos. 14097/12, 45135/12, 73712/12, 34001/13, 44055/13, AND 64586/13) - Importance 1 - 10 March 2015 - Violation of Article 3 in conjunction with Article 13 - Domestic authorities' failure to provide an effective legal remedy in respect of inhuman and degrading conditions of detention**

The case concerned the complaint of six prisoners about the bad conditions of their detention in different prisons, such as the lack of personal space, the fact that only a curtain separated the rest of their cell from the lavatory, that some cells were infested with insects and that there was inadequate ventilation, sleeping arrangements as well as limited possibilities for detainees to shower or to spend time away from their cells.

Furthermore, the applicant asserted that there was no effective remedy in domestic law with which they could complain about their detention conditions.

#### Article 3

First, the Court reiterated that when assessing conditions of detention, account has to be taken of the cumulative effects of these conditions. Thus, when a detainee disposes of less than three-square metres of personal space, this could sometimes be compensated for by the cumulative effects of the conditions of detention, such as the brevity of incarceration or freedom of movement.

In this case, the Court noted that domestic authorities did not dispute the facts as submitted by the applicants concerning the actual dimension and occupancy of the cells in which they were held during their detentions. In particular, as concerned the fourth applicant, Mr Pesti, the Court considered that his lack of personal space – maximum of 2.86 metres – had been severe enough to constitute degrading treatment under the Convention, especially in view of the fact that that situation had lasted three years. As regards the remaining applicants, the Court took into account other relevant factors – the lavatory arrangements, insect infestation, inadequate ventilation, sleeping arrangements and limited possibilities for detainees to shower or to spend time away from their cells – in addition to the focal complaint of overcrowding.

The Court concluded that there had been a violation of Article 3.

#### Article 13

Moreover, the Court found that the domestic remedies suggested by domestic authorities to complain about detention conditions, although accessible, were ineffective in practice. Indeed, the Court noted that even if detainees obtained an injunction requiring the prison authorities to make good a violation of their right to adequate living space and sanitary conditions, their personal situation in an already overcrowded facility could only be improved at the expense and to the detriment of other detainees.

The Court therefore held that there had been a violation of Article 13, read in conjunction with Article 3, on account of the absence of an effective remedy for detainees to complain about their conditions of detention.

#### Article 41 (just satisfaction)

The Court held that Hungary was to pay Mr Varga EUR 5,000 euros, Mr Lakatos and Mr Tóth EUR 14,000 each, Mr Pesti EUR 3,400, Mr Fakó EUR 11,500 and Mr Kapczár EUR 26,000 in respect of non-pecuniary damage. A total of EUR 12,150 was awarded for costs and expenses.

**LYALYAKIN V. RUSSIA (No. 31305/09) - Importance 3 - 12 March 2015 - Violation of Article 3 - Domestic authorities' failure to demonstrate the need to maintain military discipline to justify the applicant's degrading treatment**

The case concerned the applicant's complaint about degrading treatment during his several attempts to escape from the army. Indeed, the applicant alleged that he was threatened with death when he was caught the first time, and that he was stripped naked in front of the other servicemen the second time. After the applicant's complaint, domestic authorities conducted five rounds of investigation, but none of them led to an opening of a criminal case.

The Court first reiterated the importance of Article 3, which prohibits in absolute terms torture or inhuman or degrading treatment or punishment, irrespective of the circumstances and the victim's behaviour. The severity, the duration and the object of the ill-treatment, as well as its effect on the victim had to be assessed to determine whether it fell within the scope of Article 3.

The Court then held that domestic authorities had a duty to ensure that a person performs military service in conditions which are compatible with respect for his human dignity, even if it admitted that in such context, degree of suffering might be inevitable.

In this case, the Court rejected domestic authorities' argument saying that the impugned treatment was used to prevent soldiers from making attempt to escape, considering that the need to use the impugned measures had not been convincingly demonstrated by domestic authorities.

Therefore, the Court held that the applicant forcible public undressing constituted degrading treatment. It concluded to a breach of Article 3.

Article 41 (Just satisfaction)

The Court held that Russia was to pay the applicant EUR 15,000 in respect of non-pecuniary damage and EUR 825.72 in respect of costs and expenses.

**MURŠIĆ V. CROATIA (No. 7334/13) - Importance 2 - 12 March 2015 - No violation of Article 3 - Sufficient compensation for the applicant's lack of space in prison**

The case concerned the applicant's allegation of inadequate detention conditions, mainly on account of a lack of personal space.

The Court first held that, in the context of deprivation of liberty, the suffering and humiliation involved must go beyond that inevitable element of suffering and humiliation connected with the detention, in order to fall under Article 3 of the Convention. Based on previous cases, the Court considered that the cumulative effects of the applicant's detention conditions had to be taken into account.

Thus, the Court noted that the personal space afforded to the applicant fell short of the CPT's recommendation of 4 square metres of personal space per prisoner. However, the Court did not consider it so extreme as to justify in itself finding a violation of Article 3 of the Convention, as it was for short, non-consecutive periods of time. Furthermore, the Court observed that the applicant's lack of personal space was compensated by the freedom to move outside of his cell for three hours a day, as well as the access to natural light, air and water in his cell. The Court also noted that the applicant had access to various out-of-cell recreational facilities.

The Court therefore held that there had been no violation of Article 3.

**S.J. V. BELGIUM (No. 70055/10) - Importance 1 - 19 March 2015 - Friendly settlement between Nigerian mother suffering from AIDS and facing expulsion**

The case concerned the refusal of the applicant's request for asylum, in which she stated that she left Nigeria because she was pregnant and forced to have an abortion. In addition, the applicant was diagnosed as HIV positive with a serious immune system deficiency requiring an appropriate treatment. She also contested domestic authorities' refusal of her request for leave to remain on

medical grounds, which was taken on the grounds that the treatment she needs was available in Malta, where she also applied for asylum, and in Nigeria, her country of origin.

The applicant alleged that her expulsion to her country of origin would expose her to a risk of treatment contrary to Article 3 of the Convention and would infringe her right to respect for her private and family life as guaranteed by Article 8 of the Convention. She also complained of the lack of an effective remedy within the meaning of Article 13 of the Convention.

The Court received a proposal for a friendly settlement from domestic authorities, stating that the applicant's case is characterised by strong humanitarian considerations weighing in favour of regularising her residence status and that of her children. The applicant accepted the proposal subject to the condition that "she and her three children be granted unconditional and indefinite leave to remain", that she be awarded compensation in an amount of EUR 7,000 in respect of pecuniary and non-pecuniary damage.

Accordingly, the Court struck the case out of the list under Article 39 § 3 of the Convention.

- **Right to liberty and security (Art. 5)**

**CORBET AND OTHERS V. FRANCE ([IN FRENCH ONLY](#)) - Nos. 7494/11, 7493/11 AND 7989/11 - Importance 3 - 19 March 2015 - Violation of Article 5 § 1 - Domestic authorities' failure to give a legal basis for measures taken between police custody and presentation to the investigating judge**

The case concerned four applicants, who were involved in putting together a rescue bid for the airline Air Liberté, which was declared insolvent. One of them was accused of criminal conversion and misappropriation of corporate assets and was held in police custody. He complained that he was presented to the investigating judge after fifty-three hours, while the legal term of custody was forty-eight hours.

The Court distinguished two consecutive phases suffered by the applicant in detention. The first one is a measure of custody, the details of which are provided in the Code of Criminal Procedure. Nevertheless, the Court noted that domestic law did not provide any details on the second phase, from the expiry of a period in police custody until the detainee was brought before an investigating judge.

Based on a previous case, the Court concluded that there had been a violation of Article 5 § 1.

Article 41 (Just satisfaction)

The Court held that France was to pay Mr Corbet EUR 3,000 in respect of non-pecuniary damage and EUR 3,000 in respect of costs and expenses.

**GALLARDO SANCHEZ V. ITALY ([FRENCH ONLY](#)) - No. 11620/07 - Importance 2 - 24 March 2015 - Violation of Article 5 § 1 (f) - Domestic authorities' failure to justify the length of the applicant's detention with a view to his extradition enabling the requesting State to try the person concerned**

The case concerned the excessive length of a Venezuelan national's detention in Italy, which lasted one year and a half, with a view to his extradition to Greece.

First, the Court examined the impugned detention's compliance with domestic law. It reiterated that deprivation of liberty could be lawful in terms of domestic law but still arbitrary and thus contrary to the Convention. In this case, the Court noted that domestic courts have determined three times that the adoption and maintenance of interim measures were justified by the need to respect the international commitments of the state and by the existence of a risk of leakage of the applicant. Therefore, in the Court's view, the applicant's detention with a view to his extradition had pursued the aim for which it had been imposed and been in conformity with domestic law.

The Court then examined whether the impugned detention was arbitrary. The Court held that it was not in its task to examine whether the length of the extradition proceedings was reasonable overall, but to establish whether the length of the detention had exceeded the reasonable time necessary to achieve the aim pursued. Accordingly, if there had been periods of inactivity on the part of the authorities or a lack of diligence, the detention would cease to be justified. In order to specify the level of diligence required for each, the Court distinguished between two forms of extradition: extradition for



the purposes of enforcing a sentence and extradition enabling the requesting State to try the person concerned. In the second case, as criminal proceedings were pending, the person subject to extradition was to be presumed innocent. Because the ability of that person to exercise their defence rights was considerably limited, the Court considered that the requested State had a duty to act with special diligence. The Court noted that in the present case the applicant's case was not complex.

Having regard to the nature of the extradition proceedings and the unjustified delay during the judicial phase of the proceedings, the Court concluded that the applicant's detention had not been "lawful" within the meaning of Article 5 § 1 (f) of the Convention and that there had therefore been a violation of that provision.

#### Article 41 (Just satisfaction)

As the applicant did not submit a request for just satisfaction, the Court considered that there was no call to award him any sum under this head.

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

#### **BEHÇET TAŞ V. TURKEY ([FRENCH ONLY](#)) - No. 48888/09 - Importance 3 - 10 March 2015 - Violation of Article 6 § 1 - Domestic authorities' failure to ensure a right to a fair trial within a reasonable time**

The case concerned the damage sustained by the applicant as a result of the explosion of an anti-personnel mine, perpetrated by terrorists. Having lost his leg, the applicant brought proceedings to obtain compensation for pecuniary and non-pecuniary damages, but his demand was dismissed. He complained about the unfairness and length of the compensation proceedings instituted by him.

The Court first examined the fairness of the proceedings. It noted that according to the "objective responsibility of the State" laid down by domestic courts, individual victims of terrorist acts were entitled to compensation from the State, as it was responsible for failing to prevent terrorist attacks and, consequently, to its obligation to protect the life and physical safety of its citizens. Then, the Court pointed out that as regards the amount of compensation, it was not its task to substitute its own assessment for that of the national courts, unless their assessment was arbitrary or manifestly unreasonable. The Court noted that the review by the domestic jurisdiction to determine the impact of the applicant's disability on his work was based on expert reports against which the applicant was able to complain. The complaint concerning the alleged unfairness of the proceedings was therefore likewise manifestly ill-founded.

As regards the length of the proceedings, the Court observed that the compensation proceedings had lasted approximately eight years and three months and that their duration had not been attributable to the complexity of the case or the applicant's conduct.

Therefore, there had been a violation of Article 6 § 1.

#### Article 41 (Just satisfaction)

The Court held that Turkey was to pay the applicant EUR 3,500 in respect of non-pecuniary damage.

#### **[MOMČILOVIĆ V. CROATIA](#) (No. 11239/11) - Importance 2 - 26 March 2015 - No violation of Article 6 - Domestic authorities' legitimate and reasonable limitation of access to a court**

The case concerned the refusal by the domestic courts to examine the merits of the applicants' compensation claim against domestic authorities for the killing of their relative by a soldier, because they had not attempted to settle the claim with the responsible authorities before introducing the contentious proceedings.

The Court recalled that the rule of law in civil matters could not be conceived without there being a possibility of having access to justice. However, the right of access to a court is not absolute and may be subject to legitimate restrictions. In this case, the Court considered that the obligation to go through friendly settlement procedure before bringing their claim is a restriction on the applicant's access to court. Therefore, the Court examined whether the limitation pursued a legitimate aim and whether

there was a reasonable relationship of proportionality between the means employed and the aim sought to be achieved.

First, the Court was convinced by domestic authorities' argument, according to which the impugned restriction pursued the legitimate aim of avoiding a multiplication of claims and proceedings against the State in the domestic courts, thus promoting the interests of judicial economy and efficiency.

Then, the Court examined the applicants' argument, according to which it was unreasonable to require them to lodge a request for a friendly settlement twice concerning a claim with the same legal and factual background. And the Court noticed that after bringing their first claim for damages in front of the Court, they failed to participate diligently in the proceedings. Moreover, in the Court's view, there was no legal prejudice for the applicants' claim during the friendly settlement procedure. Indeed, it still remained open to them to comply with the friendly-settlement requirement or to file a fresh civil claim with a domestic court.

The Court therefore found no arbitrariness or unfairness in the decisions of the domestic courts and considered that the applicants' right of access to court had not been restricted. There had accordingly been no violation of Article 6 § 1.

**VOLKOV AND ADAMSKIY V. RUSSIA (Nos. 7614/09 AND 30863/1) - Importance 2 - 26 March 2015 - No violation of Article 6 § 1 – Applicant complaints' manifestly ill-founded - Lawful police conduct - Violation of Article 6 § 1 in conjunction with Article 6 § 3 (c) - Domestic authorities' failure to appoint a legal aid counsel for the applicant**

The case concerned two men experts in computer-repair service, who were asked by undercover police officers to install unlicensed program on their computers. Both applicants were subsequently convicted of copyright infringement. During the appeal procedure, the second applicant, Mr Volkov was not represented by any lawyer.

Article 6 § 1

First of all, the Court examined the applicant's complaint about having been incited by the police to commit the crime of copyright infringement. The Court found that there were sufficiently clear and specific allegations that the offences in issue were the result of police incitement. Nevertheless, the Court underlined that the police had asked the applicants to install some computer programmes, but the applicants had not alleged that the officers had specifically asked for unlicensed software. Consequently, the Court considered that the applicants brought the unlicensed software for installation on their own initiative, without unlawful incitement. The Court therefore considered that the undercover police officers' requests appeared to be regular orders of the kind usually placed by customers in response to online or newspaper advertisements for services.

It followed that the applicants' complaint was manifestly ill-founded and therefore inadmissible.

Article 6 § 1 in conjunction with Article 6 § 3 (c)

The Court noted that Mr Volkov was not represented by a lawyer in the appeal proceedings in his case. The Court found that domestic law required the authorities to appoint a legal aid counsel for him, or to adjourn the hearing until he could be adequately represented. Therefore, there was a violation of Article 6 § 1 in conjunction with Article 6 § 3 (c).

Article 41 (Just satisfaction)

The Court held that Russia was to pay Mr Volkov EUR 4,000 in respect of non-pecuniary damage and EUR 1,000 in respect of costs and expenses.

**S.C. UZINEXPORT S.A. v. ROMANIA (IN FRENCH ONLY) - No. 43807/06 - Importance 3 - 31 March 2015 - Violation of Article 6 § 1 - Domestic authorities' failure to justify a case-law discrepancy and to guarantee legal certainty**

The case concerned the applicant's seeking to obtain default interest for late payment in respect of a sum owed to it by the State. The High Court of Cassation and Justice dismissed the applicant's claim as time-barred, finding that the right to claim interest was subject to the same time limit as the capital, namely three years from the date on which the judgment in respect of the debt had become final.

The Court first observed that the High Court of Cassation and Justice judgment in this case appeared to contradict its case-law and the settled case-law of the lower courts, according to which payments of default interest were successive acts of performance in respect of which the limitation period was different from that of the principal claim. Even if the Court recalled that an evolution of case law is not in itself incompatible to the proper administration of justice, it also noted that contradictory decisions without good reason from the Highest Court, could constitute a source of legal uncertainty and of public's mistrust in the judicial system. The Court noted that neither domestic authorities nor the High Court argued that the impugned judgment constituted a development of case-law or that it was based on different facts allowing for an alternative approach.

Therefore, the Court concluded that there had been a violation of Article 6 § 1 because of the High Court of Cassation and Justice judgement was arbitrary and incompatible with the principle of legal certainty.

#### Article 41 (Just satisfaction)

The Court held that Romania was to pay the applicant company EUR 94,933 in respect of costs and expenses.

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

#### **Y. Y. v. TURKEY (IN FRENCH ONLY) - No. 14793/08 - Importance 1 - 10 March 2015 - Violation of Article 8 - Domestic authorities' failure to justify the necessity of the refusal to authorise access to gender reassignment surgery for a transsexual**

The case concerned the refusal by domestic authorities to grant authorisation for the applicant's gender reassignment surgery, on the grounds that, even if he perceived himself as a man, he was not permanently unable to procreate and therefore not satisfying one of the requirements laid down by domestic law.

First, the Court recalled that the concept of private life covered aspects of physical and moral integrity of individual, such as sexual identity. Based on previous cases, the Court held that it had been widely recognised at an international level that being a transsexual was a medical condition justifying treatment for the purpose of helping the persons concerned.

However, the Court noted that the present case provided a new problem encountered by transsexuals, which was different from those the Court had the opportunity to review so far. Indeed, it raised the compliance of the preliminary requirements to sexual conversion process with the Article 8 of the Convention. To determine whether the interference constituted a violation of Article 8, the Court must examine whether it was « prescribed by law » and « necessary in a democratic society ».

As to the first requirement, the Court noted that domestic law recognized transsexual persons not only the right to change sex but also to obtain legal recognition of their new gender by changing their civil status. However, Article 40 of the Civil Code determined this possibility by the permanent inability to procreate, condition on the basis of which the applicant's request was initially denied. Therefore, the Court concluded that the interference was prescribed by law.

As to the second requirement, the Court reaffirmed that, according to the established case-law, interference is considered « necessary in a democratic society » for a legitimate aim if it answers a « pressing social need » and whether it is proportionate to the legitimate aim pursued. In this regard, it is necessary that the reasons adduced by the national authorities to justify it are relevant and sufficient. Thus, the Court was convinced by domestic authorities' argument according to which the impugned decision had the legitimate aim of protecting the health and interests of the individuals concerned, having regard to the risks incurred by such operations for physical and moral security. Nevertheless, the Court did not consider that it fell within the protection of the general interest and sought to prevent such surgery from becoming commonplace or from being improperly used by the sex industry.

Moreover, the Court considered that the requirement of inability to procreate did not appear necessary in the light of the arguments advanced by domestic authorities to justify the regulation of sex change operations. Accordingly, the Court held that the rejection of the initial request for access to sex change surgery was based on a relevant ground, but it was not based on a sufficient ground. The resulting interference with the applicant's right to respect for his private life could not therefore be considered « necessary in a democratic society ».

Therefore, the Court found that Article 8 was breached.

Article 41 (just satisfaction)

The Court held that Turkey was to pay the applicant EUR 7,500 euros in respect of non-pecuniary damage.

**ZAIET, V. ROMANIA (No. 44958/05) - Importance 1 - 24 March 2015 - Violation of Article 8 - Domestic authorities' failure to give relevant and sufficient reasons to annul an adoption 31 years after it had been approved - Violation of Article 1 of Protocol No. 1 - Disproportionate interference with the applicant's property right over the disputed land.**

The case concerned the annulment of the applicant's adoption, at the instigation of her sister, on the grounds that the only aim of her adoption had been the fulfilment of the patrimonial interests of the adoptive mother and the adopted child. This annulment took place 31 years after the adoption had been approved and 18 years after the death of their adoptive mother.

Article 8

The Court first reiterated that the relations between an adoptive parent and an adopted child are as a rule of the same nature as the family relations protected by Article 8 of the Convention. It recognized that the annulment of the adoption order, 31 years after it had been issued, amounted to an interference with the applicant's right to respect for her family life.

The Court then turned to the question of whether this interference had been justified.

The Court was doubtful that the annulment of the adoption by the authorities had been in accordance with the law or that it had pursued a legitimate aim. Indeed, in the Court's view, the annulment of the applicant's adoption did not serve the interests of either the adopted child or the adoptive mother. Taking into account that the annulment proceedings were brought by the applicant's sister in order to keep for herself the whole land inherited from their adoptive mother, the Court also expresses doubts that a legitimate aim was pursued by the impugned decisions.

As to whether the authorities' decision had been "necessary in a democratic society", the Court underlined that the legal provisions governing adoption are designed primarily for the benefit and protection of children. Moreover, in the Court's view, the annulment of an adoption should not even be envisaged as a measure against an adopted child

It noted that, even assuming that they had a wide margin of appreciation in assessing the need for such a measure, the annulment of the applicant's adoption 31 years after it had been approved should have been supported by relevant and sufficient reasons. Turning to the facts of the present case, the Court found that the annulment decision was vague and lacking justification of such a radical measure. It concluded that the interference in the applicant's family life had not been supported by relevant and sufficient reasons, in violation of Article 8.

Article 1 of Protocol No. 1

The Court found that there had also been a violation of Article 1 of Protocol No. 1, on the account of the disproportionate interference with the applicant's property right over the disputed land.

Article 41 (Just satisfaction)

The Court held that Romania was to pay the applicant EUR 30,000 euros (in respect of both pecuniary and non-pecuniary damage and EUR 1,200 EUR in respect of costs and expenses.

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

**ALMEIDA LEITÃO BENTO FERNANDES V. PORTUGAL (IN FRENCH ONLY) - No. 25790/11 - Importance 3 - 12 March 2015 - No violation of Article 10 - Fair balance between the applicant's right to freedom of expression and her in-law's right to private life**

The case concerned the applicant's novel relating family dramas in the context of the Portuguese diaspora in the United States. The applicant's family accused her of tarnishing their honour and not respecting their private life. They lodged a criminal complaint against her for libel, claiming that the novel related their family history and damaged the family's reputation.

The Court observed at the outset that novels were a form of artistic expression that fell within the scope of Article 10 in that they gave the opportunity to take part in the public exchange of cultural, political and social information and ideas of all kinds. In this case, the Court agreed that the criminal proceedings against the applicant constituted an interference with her right to freedom of expression.

The Court noted that this interference was prescribed by domestic law and that it pursued a legitimate aim, namely the protection of the reputation or rights of others. The Court had to examine whether domestic authorities had struck a fair balance between the applicant's right to freedom of expression and the right of her in-laws to private life. As they were not public figures, domestic authorities were afforded a wide margin of appreciation in assessing the "necessity" of the punishment imposed on the applicant. The Court agreed with domestic courts that the applicant had overstepped the limits of her freedom of artistic creativity by disregarding the right of her in-laws to respect for their private life, on account of certain events narrated and value judgments made. As the Court held that the applicant's conviction had been based on relevant and sufficient reasons, it concluded that Article 10 had not been breached.

## 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 judgment.

For more detailed information, please refer to the cases.

STATE	DATE	CASE TITLE	IMP	CONCLUSION	KEY WORDS
ARMENIA	31 March 2015	<a href="#">DAVTYAN</a> (No. 29736/06)	3	Violation of Art. 3 (substantive)	Lack of adequate medical assistance over a prolonged period of time
		<a href="#">HELSINKI COMMITTEE OF ARMENIA</a> (No. 59109/08)	3	Violation of Art. 11	Unnecessary interference in a democratic society with the applicant organisation's right to freedom of peaceful assembly
				Violation of Art. 13	Lack of effective remedies in order to redress the applicant organisation's breach of its right to freedom of assembly
		<a href="#">NALBANDYAN</a> (Nos. 9935/06 AND 23339/06)	3	Violation of Art. 3 (substantive)	Ill-treatment of the applicants while in police custody
				No violation of Art. 3 (substantive)	Absence of evidence suggesting that the first applicant had been submitted to ill-treatment while in police custody
Violation of Art. 3 (procedural)	Ineffective investigation into the applicants' allegations of ill-treatment				
		Violation of Art. 6 § 1 taken together with Art. 6 § 3 (c)	Unfairness of proceedings on account of the applicants' deprivation of effective legal assistance		
		Violation of Art. 6 § 1	Disproportionate limitation of the applicant's right of access to court		
BULGARIA	3 March 2015	<a href="#">DIMITROVI</a> (No. 12655/09)	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 forfeiture of their property

<b>BULGARIA</b> <i>(CONTINUED)</i>	10 March 2015	<a href="#">HALIL ADEM HASAN</a> (No. 4374/05)	3	Violation of Art. 3 (substantive)	Poor conditions of detention (restricted access to toilet facilities, unjustified prolonged isolation)
				Violation of Art. 13 taken in conjunction with Art. 3	Lack of an effective remedy concerning the conditions and regime in which the applicant had been detained
				Violation of Art. 8	Systematic monitoring of the applicant's correspondence
<b>CROATIA</b>	12 March 2015	<a href="#">ADZIC</a> (No. 22643/14)	3	Violation of Art. 8	Domestic authorities' failure to take the necessary measures in order to facilitate the reunion between the applicant and his son
<b>GREECE</b>	5 March 2015	<b>TSITSIRIGGOS (No. 2)</b> <i>(IN FRENCH ONLY)</i> (No. 18230/09)	3	Violation of Art. 5 § 4	Domestic court's rejection of the applicant's demand to appear in person, depriving him from the opportunity to adequately challenge the continuation of his detention
	12 March 2015	<b>BOUROS AND OTHERS</b> <i>(IN FRENCH ONLY)</i> (Nos. 51653/12, 50753/11, 25032/12, 66616/12, 67930/12)	3	Violation of Art. 3 (substantive)	Poor conditions of detention (overcrowding, poor hygiene, lack of heating)
<b>ITALY</b>	24 March 2015	<b>ANTONIO MESSINA</b> <i>(IN FRENCH ONLY)</i> (No. 39824/07)	3	Violation of Art. 5 § 1 (a)	Unlawful detention of the applicant (the delay in granting the reduction of the applicant's sentence prolonged its duration by 8 months and 20 days)
				Violation of Art. 5 § 5	Lack of a compensatory remedy concerning the unlawful detention of the applicant
<b>MALTA</b>	19 March 2015	<a href="#">KOLAKOVIC</a> (No. 76392/12)	3	Violation of Art. 5 § 3	Domestic authorities' failure to exercise the requisite diligence in pursuing the bail proceedings while the applicant was in detention
	19 March 2015	<a href="#">KOLAKOVIC</a> (No. 76392/12)	3	Violation of Art. 5 § 3	Domestic authorities' failure to exercise the requisite diligence in pursuing the bail proceedings while the applicant was in detention
<b>MOLDOVA</b>	3 March 2015	<a href="#">PISAROGLU</a> (No. 21061/11)	3	Violation of Art. 3 (substantive)	Poor conditions of detention (overcrowding, poor hygiene, poor quantity and quality of food)
<b>POLAND</b>	3 March 2015	<a href="#">M.C.</a> (No. 23692/09)	3	Violation of Art. 3 (substantive)	Domestic authorities' failure to adequately secure the physical and psychological integrity and well-being of the applicant
				Violation of Art. 3 (procedural)	Ineffective investigation into the applicant's allegations of ill- treatment by inmates
	24 March 2015	<a href="#">STETTNER</a> (No. 38510/06)	3	No violation of Art. 5 § 3	Justified continuation of applicant's detention given the complexity of the investigation while no lack of diligence attributable to the domestic

					authorities had been found in handling the case
				Violation of Art. 5 § 4	Lack of a prompt judicial review of the applicant's pre-trial detention
<b>ROMANIA</b>	3 March 2015	<b>RADOVANCOVICI</b> <b>(IN FRENCH ONLY)</b> <b>(No. 45358/13)</b>	3	Violation of Art. 3 (substantive)	Poor conditions of detention (overcrowding)
<b>RUSSIA</b>	12 March 2015	<b>KOPANITSYN</b> <b>(No. 43231/04)</b>	2	Violation of Art. 34	Hindrance to the applicant's right to individual petition (opening and examination of the letter by a domestic prosecutor who tried to dissuade the applicant from lodging the complaint)
	26 March 2015	<b>GAMBULATOVA</b> <b>(No. 11237/10)</b>	3	Violation of Art. 2 (substantive)	Applicant's son may be presumed dead following his unacknowledged detention by state agents
				Violation of Art. 2 (procedural)	Domestic authorities' failure to carry out an effective criminal investigation into the disappearance and death of the applicant's son
				Violation of Art. 3 (substantive)	Applicant's inability to ascertain the fate of her son and the manner in which her complaints had been dealt by the domestic authorities caused her mental distress and anguish
				Violation of Art. 5	Unlawful and unacknowledged detention of the applicant's son by state agents
				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 applicant's son

RUSSIA (CONTINUED)	25 March 2015	<a href="#">ZHEBRAILOVA AND OTHERS</a> (No. 40166/07)	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)	Ill-treatment of one of the applicants at the hands of state agents
				Violation of Art. 3 (procedural)	Ineffective investigation into the applicant's allegations of ill-treatment
				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
				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. 13 in conjunction with Art. 3	Lack of an effective remedy in order to redress the ineffectiveness of the investigation concerning the applicant's allegations of ill-treatment
TURKEY	24 March 2015	<a href="#">KUCUKBALABAN AND KUTLU</a> (IN FRENCH ONLY) (No. 29764/09 AND 36297/09)	3	Violation of Art. 11	Disproportionate interference with the applicants' right to freedom of assembly and association on account of the disciplinary sanction imposed to them for having taken part in a peaceful demonstration co-organised by the trade union of which they were members
				<a href="#">SULEYMAN DEMIR AND HASAN DEMIR</a> (No. 19222/09)	3
		Violation of Art. 3 (procedural) (concerning the first applicant)	Lack of an effective investigation in that respect		



<b>TURKEY (CONTINUED)</b>	31 March 2015	<a href="#">ONER AND TÜRK</a> (No. 51962/12)	3	Violation of Art. 10	Unjustified interference with the applicant's right to freedom of expression given that his speech contained no incitement to the use of violence, armed resistance or an uprising and did not constitute hate speech
<b>UKRAINE</b>	5 March 2015	<a href="#">KOTLY</a> (No. 28718/09)	2	Violation of Art. 5 § 1	Unlawful detention of the applicant
				Violation of Art. 5 § 5	Lack of an enforceable right to compensation concerning the unlawful detention of the applicant
	19 March 2015	<a href="#">KULIK</a> (No. 10397/10)	3	Violation of Art. 8	Disproportionate interference with the applicant's private and family life, which was largely concentrated in another country, on account of the written obligation not to abscond and the seizure of his international travel passports while he was at no point summoned by the investigator in order to take part in any investigatory procedure
Violation of Art. 3 (procedural)				Ineffective investigation into the applicant's allegations of ill-treatment	
Violation of Art. 3 (substantive)				Ill-treatment of the applicant while in police custody	
				Violation of Art. 13	Lack of an effective remedy concerning the applicant's allegations of ill-treatment

## 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 periode **from 1 to 31 December 2014**. Those decisions are selected to provide the NHRs 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
<b>POLAND</b>	16 December 2014	<a href="#">Baranska v. Poland</a>	Article 2 (failure in the authorities' duty to protect the life of the applicant's daughter who attempted to commit suicide. Failure in the duty to elucidate the circumstances of the accident)	Inadmissible as ill-founded: all the measures of safety were taken and the authorities' responsiveness and investigation were effective
<b>LATVIA</b>	9 December 2014	<a href="#">Pūce v. Latvia</a>	Article 3 (the applicant was put in custody and brought to the judge without footwear. Moreover, his health was damaged because of the smokers he was kept with, and he got infected with hepatitis C while in custody), altogether with articles 5, 6, 8 and 9	Inadmissible for non exhaustion of domestic remedies and being ill-founded (Art.3). The other complaints are considered ill-founded.

<b>FINLAND</b>	9 December 2014	<a href="#">T. and Others v. Finland</a>	Article 3 (risk of ill-treatment if sent to Russia) and article 8 (violation of the applicant's right to family life if expelled while their son had gone missing)	The complaint is rejected as being ill-founded (Art. 3) and incompatible <i>ratione materiae</i> with the Convention (Art. 8).
<b>GERMANY</b>	2 December 2014	<a href="#">Kieser and Tralau-Kleinert v. Germany</a>	Article 10 (the Court's decision refraining the applicants from publishing statements violated their freedom of expression)	The application is rejected as being manifestly ill-founded: the measures taken were relevant and sufficient (Art. 10).
<b>BOSNIA AND HERZEGOVINA</b>	16 December 2014	<a href="#">Stjepanović v. Bosnia and Herzegovina</a>	Articles 2, 3, 5, 6, 8, 13 and 14 (the authorities of the country were not effective during the investigation of the disappearance of the applicants' son and their reaction had been lackadaisical)	Considering the special circumstances due to the war in the country until 2005 and the large number of war crimes pending before the national courts, the minimum requirements were not met (Art. 2), and the application is ill-founded (Art. 3, 5, 6, 8, 13 and 14)

### 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 covering the **period from 1 to 28 February 2015** 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
<b>ALBANIA</b>	6 January 2015	<a href="#">DURDAJ</a> (Nos 12720/14 AND 63543/09)	The applicants complain about the authorities' failure to enforce safety measures to protect their lives and that of their deceased child as they didn't inform them of the risks of working at the demilitarisation facility.
<b>BULGARIA</b>	15 January 2015	<b>M.M.</b> ( <a href="#">IN FRENCH ONLY</a> ) (No 75832/13)	According to the applicant, his expulsion would expose him to a real risk of being sentenced to death or subjected to torture or ill-treatment because of his sexual orientation.
<b>CROATIA</b>	9 February 2015	<a href="#">MATAS</a> (No. 40581/12)	The applicant complains about the allegedly unlawful and unreasonable restriction of his property rights by the application of measures of preventive protection of cultural heritage.

CROATIA (CONTINUED)	16 February 2015	<a href="#">KRSTANOVIĆ</a> (No. 32132/12)	The applicant complains that in securing his personal disability benefit of a disabled war veteran, he was discriminated against other disabled war veterans whose disorders allowed for a more timely diagnosis.
		<a href="#">PARAJAJDER</a> (No. 50049/12)	The applicant complains about his alleged unlawful secret surveillance and use of such evidence in the criminal proceedings against him.
		<a href="#">POJATINA</a> (No. 18568/12)	The applicant complains that the domestic law dissuaded health professional from assisting her when giving birth at home.
FINLAND	15 January 2015	<a href="#">VALKEAJÄRVI</a> (No. 34015/14)	The applicant complains that he has not been able to live fully in the municipality where he was born and grew up, even though his house there fulfils all the criteria for permanent, year-round residence.
HUNGARY	30 January 2015	<a href="#">KÖRTVÉLYESSY</a> (No. 7871/10)	According to the applicant, the authorities' overly restrictive interpretation of the notion of "no alternative traffic route" resulted in a disproportionate interference with his right to freedom of assembly.
ITALIA	17 février 2015	S.P.A. (IN FRENCH ONLY) (No 41984/04)	The applicant complains about the long refund delay of the tax credits by the administration as it's an alleged current problem in the respondent state.
LATVIA	7 January 2015	<a href="#">SERGETS AND MOČULSKIS</a> (Nos. 41744/12 AND 71064/12)	The applicants complain that the police inspected their computers without the authorisation of a judge, their private information and correspondence being freely accessible to the police employees.
LITHUANIA	2 February 2015	<a href="#">USPASKICH</a> (No. 14737/08)	The applicant complains that he could not effectively take part in an electoral campaign because of a remand measure and a house arrest.
MALTA	22 January 2015	<a href="#">MONTANARO GAUCI</a> (No. 31454/12)	The applicants complain that the requisition order over their property had not been issued in the public interest but in the private interest of a squatter.

POLAND	31 January 2015	<a href="#">PORADA</a> (No. 17705/11)	The applicant complains about the domestic regulations that prohibit prisoners from becoming a donor, which prevented him from giving bone marrow to his mother.
	5 January 2015	<a href="#">GROBELNY</a> (No. 60477/12)	The applicant complains that in spite of his recognised incapacity for work, he remained without any financial support from the State.
	14 January 2015	<a href="#">WIELOGÓRSKI</a> (No. 41244/14)	The applicant complains that his placement in the social care home was unjustified as his condition is not such as to make it impossible for him to live independently.
	17 February 2015	<a href="#">SKRZEK</a> (No. 20026/12)	The applicant complains that the State failed to prevent her husband from setting the house on fire, despite the fact that she had repeatedly informed them of his threats.
	19 January 2015	<a href="#">BUDA</a> (No. 38940/13)	The applicant complains about the domestic court's finding that users of the Internet are public figures and can't be entitled to protection.
	19 January 2015	<a href="#">HIPSZ</a> (No. 61709/12)	According to the applicant the imposition of the "dangerous detainee" regime on him amounted to inhuman and degrading treatment.
ROMANIA	10 February 2015	<a href="#">PĂTRĂUCEANU-IFTIME</a> (No. 30777/14)	The applicant complains that the refusal to grant her a divorce from her abusive husband constituted a form of tolerance towards domestic violence.
RUSSIA	9 February 2010	<a href="#">SHIOSHVILI</a> (No. 19356/07)	As a result of his ill-treatment, the applicant gave birth to a stillborn child, suffered severe emotional depression, and her children suffered health consequences of various degrees.
SLOVENIA	19 January 2015	<a href="#">KASTELIC</a> (No. 39216/13)	The applicant complains that the seizure of his rifles, and its duration amounted to an unlawful and disproportionate interference with his right to the peaceful enjoyment of his possessions.

SPAIN	17 February 2015	<a href="#"><u>LÓPEZ RIBALDA AND GANCEDO GIMÉNEZ</u></a> (Nos. 1874/13 AND 8567/13)	The applicants complain that their employer had the obligation to previously inform them about the instalment of hidden surveillance cameras into their workplace.
TURKEY	26 January 2015	<a href="#"><u>ERDEM</u></a> (No. 64727/11)	According to the applicants, the respondent Government were responsible for the killing of their son as it would have been possible for the security forces to control the demonstrators with non-life-threatening methods.
	18 February 2015	<a href="#"><u>ARPALI AND OTHERS</u></a> (No. 66859/12)	The applicant complains that the existence of metal pipes in the cells from which inmates can suspend themselves and the availability of laundry ropes eased some of their family member's suicide.
UNITED KINGDOM	5 January 2015	<a href="#"><u>BUREAU OF INVESTIGATIVE JOURNALISM AND ROSS</u></a> (No. 62322/14)	The applicants allege that they are very likely to have been the subjects of generic surveillance state, which impacted upon their ability to undertake their work of investigative journalism without fear for the security of their communication
	15 January 2015	<a href="#"><u>ROBERTS</u></a> (No. 59703/13)	The applicant complains that the introduction of extraneous evidence obtained through Internet research rendered his trial unfair.

## 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

STATE	COMPLAINANT	RECLAMATION NUMBER	SUBJECT MATTER	DECISION
IRELAND	International Federation for Human Rights (FIDH)	No. 110/2014	The FIDH alleged that the situation concerning housing in Ireland was in violation of Articles 11, 16, 17, 30 either alone or in conjunction with Article E of the Charter ( <a href="#">Decision on admissibility - Complaint No. 110/2014</a> )	Admissibility
ITALY	The Associazione sindacale « La Voce dei Giusti »	No. 105/2014	The Associazione sindacale « La Voce dei Giusti » alleges that the situation in Italy is in violation of Article 10§§1 and 2 of the Charter and of Article E taken in conjunction with Article 10 of the Charter since the national legislation determining and defining the requirements and conditions for obtaining a specialisation in “support teaching” for pupils with disabilities prevents teachers of the so-called third category on aptitude lists from having free access to the relevant training courses. ( <a href="#">Decision on admissibility - Complaint No. 105/2014</a> )	Admissibility

### 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 NHRs for the period under observation]

#### B. Resolutions

AUTHOR	DATE	TEXT NUMBER	SUBJECT MATTER	DECISION
CM	4 March 2015	<a href="#">ResCMN(2015)2E</a>	The implementation of the Framework Convention for the Protection of National Minorities by Montenegro	CM called on authorities to monitor the implementation of the Law on the Prohibition of Discrimination, to continue to assist internally displaced persons, to expand the measures aimed at promoting tolerance, to take specific measures to guarantee the right to education for all Roma children and to review legal provisions and administrative practice regulating the election.
CM	4 March 2015	<a href="#">Resolution ResCMN(2015)3</a>	The implementation of the Framework Convention for the Protection of National Minorities by Poland	CM called on Polish authorities to continue their efforts to combat discrimination and implement policies for Roma inclusion into the mainstream society.
PACE	6 March 2015	<a href="#">Resolution 2040</a>	Threats to the rule of law in Council of Europe member States : asserting the Parliamentary Assembly's authority	PACE observed that a number of its recommendations had not been implemented by the states. PACE recalled that high quality justice requires a fully independent and decently resourced judiciary. <a href="#">(Read the Report)</a>
PACE	6 March 2015	<a href="#">Resolution 2041-Recommendation 2065</a>	European institutions and human rights in Europe	PACE called on the EU and its member states to "assess the social impact" of imposed austerity measures, and to "ensure transparency and democratic and judicial control" of these decisions. Furthermore, PACE called on the EU to explore, in a regular way, possible synergies with the Council of Europe and to make use of the expertise of Council's bodies. <a href="#">(Read the Report)</a>
PACE	6 March 2015	<a href="#">Resolution 2042</a>	Ensuring comprehensive treatment for children with attention problems	PACE called on member states to address the risk factors leading to misdiagnosis of ADHD and to have a comprehensive approach to ADHD treatment. Furthermore, PACE recommended carrying out and financing research on environmental factors involved with ADHD

				<a href="#">(Read the Report)</a>
<b>PACE</b>	6 March 2015	<a href="#">Resolution 2043</a>	Democratic participation for migrant diasporas	<p>PACE called on member states to introduce the right to vote and to stand in local and regional elections for foreigners after a maximum residence period of five years. Furthermore, PACE proposed that a parliamentary network on diaspora policies be established. <a href="#">(Read the Report)</a></p>
<b>PACE</b>	6 March 2015	<a href="#">Resolution 2044</a> <a href="#">Recommendation 2066</a>	Student mobility	<p>PACE called on member states to ratify the Convention on the Recognition of Qualifications concerning Higher Education in the European Region, to streamline administrative procedures that have an impact on student mobility, and to develop and implement policy measures to encourage the return to their home countries of graduates who take part in student mobility programmes.</p> <p>Furthermore, PACE invited the Committee of Ministers to consider revising the European Agreement on Continued Payment of Scholarships to Students Studying Abroad. <a href="#">(Read the Report)</a></p>



## PartOne

# §4 - OTHER INFORMATION OF GENERAL IMPORTANCE

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### A. Information from the Committee of Ministers

#### ■ 1221st meeting of the Ministers' Deputies (04.03.2015)

CM deputies called for a prompt, impartial and transparent investigation into the circumstances of the murder of the former Deputy Prime Minister of the Russian Federation Boris Nemtsov. Furthermore, CM called on the Russian authorities to consider the medical safety of Ms Savchenko as an absolute priority and to release her without delay on humanitarian grounds. Finally, CM approved an Action Plan aimed to provide assistance to Bosnia and Herzegovina for the period 2015-2017. ([Read more](#) - [Ms Nadia Savchenko](#))

#### ■ Committee of Ministers published final versions of decisions and resolutions adopted at first special "human rights" meeting for 2015 (16.03.2015)

The Committee of Ministers made public the final versions of decisions and resolutions adopted at its first special "human rights" meeting for 2015 (11-12 March) during which it examined the state of implementation of judgments of the European Court of Human Rights. ([Read more](#))

#### ■ European justice ministers back new action plan for implementing human rights judgments (27.03.2015)

The 47 member states of the Council of Europe reaffirmed their support for the European Convention on Human Rights (ECHR) and gave their backing to a series of measures to improve the implementation of judgments from the Strasbourg court. ([Read more](#) - [Brussels Declaration](#) - [Conference](#))

### B. Information from the Parliamentary Assembly

#### ■ 'We must resist the temptation to dilute the absolute ban on torture' (02.03.2015)

PACE President recalled that parliamentarians also had the responsibility to open up these opaque places where people are detained and to denounce inhumane conditions and abuses. Thus, PACE encouraged parliamentarians from the 47 Council of Europe member States to visit places where migrants are detained. ([Read more](#))

#### ■ 'We must stay vigilant against new forms of intolerance' (04.03.2015)

PACE called for greater vigilance against movements such as Pegida and Legida, which spread the belief that people of different cultures and religions cannot live together in our countries. Furthermore, PACE stressed that measures to prevent and combat racism of all kinds need to be taken in all European countries. ([Read more](#))

#### ■ Rapporteurs welcomed UNHCR proposals to improve Europe's response to mass migration (13.03.2015)

PACE rapporteurs dealing with migration welcomed the announcement by the UNHCR of proposals for European action in the Mediterranean Sea intended to protect the lives of those risking the maritime route. ([Read more](#))

#### ■ Foreign fighters in Syria: prevention as important as repression (16.03.2015)

The Council of Europe is preparing a draft protocol to the Convention on the Prevention of Terrorism, intended to criminalise the act of traveling or trying to travel abroad for terrorist purposes, funding and the organisation of this type of journey, the fact of receiving terrorist training and participating in a terrorist organisation. ([Read more](#))

#### ■ Monaco: Monitoring Committee proposed to end post-monitoring dialogue (17.03.2015)

PACE Monitoring Committee adopted a draft resolution aimed at ending the post-monitoring dialogue with Monaco in the light of the progress achieved since 2009 and the efforts made by Monaco to honour its obligations. ([Read more](#) - [Draft resolution](#) - [The progress of the Assembly's monitoring procedure](#) - [Draft agenda](#))

#### ■ PACE President strongly condemned the terrorist attack in Tunis (18.03.2015)

PACE President strongly condemned the terrorist attack on Bardo museum in Tunis which has resulted in at least 19 dead. ([Read more](#))

#### ■ Call for protection of whistleblowers in national security-related fields (18.03.2015)

PACE committee called on member states and EU to enact whistleblower protection laws also covering employees of national security or intelligence services and of private firms working in this field. Furthermore, the Committee stressed the need to grant asylum to whistleblowers threatened by retaliation in their home countries provided their disclosures qualify for protection under the principles advocated by the Assembly. ([Read more](#) - [Draft Report](#))

#### ■ The Assembly has taken responsibility in the fight to eliminate sexual violence against children (18.03.2015)

PACE recalled, during a meeting, that the Assembly has taken responsibility in the fight to eliminate sexual violence against children, and has established the Network of Contact Parliamentarians in this fight. Four years of successful campaigning stand as proof of the commitment: 36 ratifications of the Lanzarote Convention, and increased awareness about sexual abuse on European and worldwide levels. ([Read more](#))

#### ■ Hearing on freedom of expression and hate speech (19.03.2015)

PACE recalled that it's necessary to avoid becoming intolerant oneself: under the pretext of combating offensive rhetoric, the watchdogs of democracy and free public debate may ultimately disavow the very heart of democratic freedom. ([Read more](#) - [Draft agenda](#) - [No Hate Parliamentary Alliance](#))

#### ■ Access to justice is still all too often a luxury (20.03.2015)

PACE Committee on Equality and Nondiscrimination, in one of its reports, called on member states to remove existing obstacles and ensure that their citizens have equal access to justice, irrespective of their wealth or status. The report will be debated by the PACE at a forthcoming session. ([Read more](#) - [Adopted report](#))

#### ■ Stop discrimination of transgender people (20.03.2015)

PACE commission adopted a report on discrimination against transgender people in Europe by proposing the establishment of accelerated procedures that allow transgender people to change name and gender on their identity papers. In addition, PACE Commission requested the abolition of the legal obligation of sterilisation, and the removal of provisions restricting the right of transgender people to remain married. ([Read more](#) - [Adopted draft resolution](#))

#### ■ Sole custody after separation perpetuates an outdated gender role model (20.03.2014)

PACE rapporteur stressed the importance of ensuring parental equality both in law and in practice, and to promote mediation between parents in the best interest of children. ([Read more](#) - [Draft agenda](#))

#### ■ Day against Racism: education had a key role to combat prejudices (20.03.2015)

PACE president called on member states to take concrete steps to combat all forms of racism and be vigilant in the face of the rising tide of racism and hatred in societies, by recalling that education has a key role to play in combating prejudices. Furthermore, PACE president expressed her support to the Council of Europe's youth campaign against hate speech and the establishment of the "No Hate Parliamentary Alliance". ([Read more](#))

#### ■ Call for solidarity in taking in Syrian refugees (23.03.2015)

PACE called on member states to show solidarity and responsibility by granting, whenever possible, refugee status to Syrians. Furthermore, PACE called on member states to increase the funds allocated to humanitarian organisations in order to provide temporary protection to Syrian refugees. ([Read more](#) - [Adopted text](#))

#### ■ Building a new model of integration to prevent radicalisation (24.03.2015)

The Ombudsman for Children's Rights of the Wallonia-Brussels Federation proposed to build a new model of integration to prevent radicalisation through four areas. Firstly, by identifying precisely the target. Then, by developing good practice with regard to ethnic, cultural and religious communities, in order to build real partnerships and promote harmonious co-existence at local level. Also, by revisiting the issue of religion in the light of an inclusive pluralism. Lastly, by pacifying relations between "ethnic minorities" and institutions. ([Read more](#) - [Draft agenda](#))

#### ■ Doris Fiala appointed General rapporteur on Ending Immigration Detention of Children Campaign (24.03.2015)

Doris Fiala was designed as General rapporteur on Ending Immigration Detention of Children Campaign to contribute to raising awareness in member states on the need to end immigration detention of children and to adopt alternatives that fulfil the best interests of the child and allow children to remain with their family members and/or guardians in non-custodial. ([Read more](#))

#### ■ Towards a new European Social Model (24.03.2015)

PACE rapporteur called to a new vision of the European social model which should first uphold humanist values with a view to reducing inequalities on various levels. Furthermore, PACE rapporteur stressed the need to regard employment, especially youth employment. ([Read more](#) - [Draft agenda](#))

#### ■ PACE President extended her condolences to the German and Spanish peoples (25.03.2015)

PACE President extended her condolences to Spanish and German Parliaments, following the plane crash flying from Barcelona to Düsseldorf. ([Read more](#))

#### ■ Implementing the European Convention on Human Rights: a shared responsibility (26.03.2015)

PACE President reaffirmed the key role of the Parliamentary Assembly and its members to ensure that European Convention on Human Rights standards are effectively protected and implemented domestically. ([Read more](#) - [Conference website](#) - [Programme](#) - [Opening address by Anne Brasseur](#))

#### ■ Tunis: PACE President at the international march against terrorism (29.03.2015)

PACE President took part in the international march against terrorism in Tunis to express her strong support for living in a free and pluralist society. ([Read more](#))

## C. Information for the Commissioner for Human Rights

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

## D. Information from the monitoring mechanisms

#### ■ Conference "The CPT at 25: taking stock and moving forward" (02.03.2015)

#### ■ A law professor to lead the Committee (06.03.2015)

The CPT elected Mykola Gnatovskyy as its new President. Mr Gnatovskyy is Professor of International Law at Taras Shevchenko National University, Kyiv (Ukraine) ([More](#)).

#### ■ The committee announced visits to ten states in 2016 (30.03.2015)

The CPT announced its 2016 programme of periodic visits.

The Committee intends to examine the treatment of persons deprived of their liberty in the following ten countries: [Azerbaijan](#), [Italy](#), [Latvia](#), [Liechtenstein](#), [Lithuania](#), [Netherlands](#), [Portugal](#), [Russian Federation](#), [Spain](#), [United Kingdom](#).

#### ■ GRETA: Committee's 22nd meeting (from 16.03.2015 to 20.03.2015)

The Group of Experts on Action against Trafficking in Human Beings (GRETA) held its 22nd meeting from 16-20 March 2015 in Strasbourg ([List of decisions](#)).

#### ■ FCNM: International conference - Minority protection at a Crossroads (27.03.2015)

An International Conference on "Minority Protection at a Crossroads" took place on 31 March 2015 at Alandica Conference venue, Mariehamn, Åland Islands (Finland) ([Read more](#)).

**■ ECRI: Values threatened by hate speech must be reinforced, said Heads of European human rights institutions on International Day for the Elimination of Racial Discrimination (20.03.2015)**

The most effective way to counter hate speech is to reinforce the values of democracy and human rights that it threatens, the heads of three intergovernmental human rights institutions said today in a joint statement on the eve of the International Day for the Elimination of Racial Discrimination ([More](#)).

## 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.

# Armenia

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

CASE	DATE	RESOLUTION	CONCLUSION
<a href="#">Khachatryan</a> (No. 31761/04)	1 March 2010	<a href="#">CM/ResDH(2015)37</a>	Examination closed
<a href="#">Stepanyan</a> (No. 45081/04)	27 January 2010	<a href="#">CM/ResDH(2015)38</a>	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]*

# Azerbaijan

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

CASE	DATE	RESOLUTION	VIOLATION	DECISION
<a href="#">Namat Aliyev Group</a> (No. 18705/06)	8 July 2010	<a href="#">CM/Del/Dec(2015)1222</a>	Various irregularities in the context of the 2005 elections and lack of safeguards against arbitrariness.	Follow-up to the decision adopted at the <a href="#">1208th meeting</a> .
<a href="#">Ilgar Mammadov</a> (No. 15172/13)	13 October 2014	<a href="#">CM/Del/Dec(2015)1222</a>	Imprisonment for reasons other than those permitted by Article 5 namely, to punish the applicant for having criticised the government (Article 18 taken in conjunction with Article 5).	Examination of the urgent individual measures.

## B. Resolutions, signatures and ratifications

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

## C. Other information

■ MONEYVAL: Report on the 4th round assessment visit in Azerbaijan (31.03.2015)

[Link to the report.](#)

# Belgium

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

CASE	DATE	RESOLUTION	CONCLUSION
<a href="#">Loncke</a> (No. 20656/03)	25 December 2007	<a href="#">CM/ResDH(2015)39</a>	Examination closed

## B. Resolutions, signatures and ratifications

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

## C. Other information

■ GRECO: Third Evaluation Round - Interim compliance report (05.03.2015)

[Link to the report.](#)



# Bosnia and Herzegovina

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## 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 welcomes Bosnia and Herzegovina's commitment to European agenda (13.03.2015)

PACE President welcomed the commitment of all institutions and political stakeholders to the European agenda. Furthermore, PACE president called on authorities to shoulder their responsibilities, be ready for compromise in the interests of all citizens, and agree on a reform agenda. ([Read more](#))

# Bulgaria

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

CASE	DATE	RESOLUTION	VIOLATION	DECISION
<a href="#">Al-Nashif and Others Group</a> (No. 50963/99)	20 September 2002	<a href="#">CM/Del/Dec(2015)1222</a>	Lack of adequate protection against arbitrariness in proceedings concerning expulsion measures on national security grounds due to the lack of judicial review of these measures.	Adoption of a final resolution in the cases of <i>Al-Nashif and Others</i> , <i>Hasan, Bashir and Others</i> and <i>Musa and Others</i> and assessment of the individual measures in the <i>Baltaji</i> case.
<a href="#">C.G. and Others Group</a> (No. 1365/07)	24 July 2008	<a href="#">CM/Del/Dec(2015)1222</a>	Shortcomings found in the judicial review set up in 2003 in the area of expulsion based on national security grounds.	Assessment of the progress achieved and identification of the outstanding questions in this group.

CASE	DATE	RESOLUTION	CONCLUSION
<a href="#">Raykov</a> (No. 35185/03)	22 January 2010	<a href="#">CM/ResDH(2015)40</a>	Examination closed
<a href="#">Zdravko Stanev</a> (No. 32238/04)	6 February 2013	<a href="#">CM/ResDH(2015)40</a>	Examination closed

## B. Resolutions, signatures and ratifications

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

## C. Other information

### ■ CPT: Public statement of the Committee (26.03.2015)

The CPT issued a public statement concerning Bulgaria.

The CPT's public statement is made under Article 10, paragraph 2\* of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.

This is the seventh time the CPT has made a public statement since it was set up in 1989 ([Read the public statement](#)).

### ■ GRETA: Committee's second evaluation visit to Bulgaria (02.03.2015)

A delegation of the GRETA carried out an evaluation visit to Bulgaria from 23 to 27 February 2015. The visit provided an opportunity to assess progress in the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings since the first evaluation by GRETA in 2011 ([Read the report](#)).

# Croatia

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## 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 second evaluation visit to Croatia (18.03.2015)

A delegation of the GRETA carried out a second evaluation visit to Croatia from 9 to 12 March 2015. The visit provided an opportunity to assess progress in the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings since the first evaluation by GRETA in 2011 ([Read the report](#)).

# Czech Republic

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

CASE	DATE	RESOLUTION	VIOLATION	DECISION
<a href="#">D.H. and Others</a> (No. 57325/00)	13 November 2007	<a href="#">CM/Del/Dec(2015)1222</a>	Discrimination in the enjoyment of the applicants' right to education due to their assignment to special schools (schools for children with special needs including those suffering from a mental or social handicap) between 1996 and 1999, on account of their Roma origin (violation of Article 14 in conjunction with Article 2 of Protocol No. 1).	Follow-up to the decision adopted at the <a href="#">1201st meeting</a> .

*[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 Czech Republic (31.03.2015)

The CPT published the [report](#) on its April 2014 visit to the Czech Republic ([Read the report](#)).

# Denmark

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## 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: The committee published response of Danish authorities (03.03.2015)

The CPT has published the response of the Government of Denmark to the report on the CPT's most recent visit to that country, in February 2014. The response has been made public at the request of the Danish authorities ([Link to the report](#)).

# France

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## 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

■ GRECO: Third Evaluation Round - Interim Compliance report (12.03.2015)

[Link to the report.](#)

# Georgia

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

CASE	DATE	RESOLUTION	VIOLATION	DECISION
<a href="#">Gharibashvili Group</a> (No. 11830/03)	29 October 2008	<a href="#">CM/Del/Dec(2015)1222</a>	Lack of effective investigations into allegations of violations of the right to life or ill-treatment; excessive use of force by the police in the course of arrest and/or in custody.	Follow-up to the decision adopted at the <a href="#">1208th meeting</a> .

CASE	DATE	RESOLUTION	CONCLUSION
<a href="#">Klaus and Yuri Kiladze</a> (No.7975/06)	2 May 2010	<a href="#">CM/ResDH(2015)41</a>	Examination closed

## B. Resolutions, signatures and ratifications

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

## C. Other information

### ■ PACE rapporteur criticised prolonged detention of former Tbilisi mayor

PACE rapporteur criticised the prolongation of pre-trial detention of former Tbilisi mayor Giorgi Ugulava, while his detention was prolonged past the 9-month limit on the basis of a mere modification of existing charges. ([Read more - PACE rapporteur in Georgia](#))

# Greece

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

CASE	DATE	RESOLUTION	VIOLATION	DECISION
<a href="#">M.S.S. Group (No. 30696/09)</a>	29 October 2008	<a href="#">CM/Del/Dec(2015)1222</a>	Conditions of detention of asylum seekers and irregular migrants (Art. 3) and lack of an effective remedy to challenge conditions of detention (Art 3 and 13); living conditions of asylum seekers (Art. 3); ineffective asylum procedures and lack of an effective remedy to challenge the shortcomings of the asylum procedure (Art. 3 and 13).	Assessment of the general measures regarding the asylum procedure and conditions of detention of asylum seekers and irregular migrants (including unaccompanied minors) and identification of outstanding issues.

*[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

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



# Hungary

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

CASE	DATE	RESOLUTION	VIOLATION	DECISION
<a href="#">Timar Group</a> (No. 36186/97)	9 July 2003	<a href="#">CM/Del/Dec(2015)1222</a>	Excessive length of judicial proceedings and lack of an effective remedy in this respect (violations of Articles 6§1 and 13).	To urge the authorities to intensify their efforts as regards the shortening of length of proceedings and the creation of effective remedies.

## B. Resolutions, signatures and ratifications

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

## C. Other information

■ GRECO: Third Evaluation Round - Second Compliance report (13.03.2015)

[Link to the report.](#)

# Lithuania

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

CASE	DATE	RESOLUTION	VIOLATION	DECISION
<a href="#">Paksas</a> (No. 34932/04)	6 January 2011	<a href="#">CM/Del/Dec(2015)1222</a>	Permanent and irreversible ban from standing for parliamentary elections due to the applicant's removal from presidential office following impeachment proceedings (violation of Article 3 of Protocol No. 1).	Follow-up to the decision adopted at the <a href="#">1208th meeting</a> .
<a href="#">L.</a> (No. 27527/03)	31 March 2008	<a href="#">CM/Del/Dec(2015)1222</a>	State's failure to ensure respect for private life due to the failure to implement legislation to enable a transsexual to undergo full gender reassignment surgery and to change his official documents (violation of Article 8).	Follow-up to the decision adopted at the <a href="#">1208th meeting</a> .

## B. Resolutions, signatures and ratifications

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

## C. Other information

### ■ ECRI: A commission prepares report on Lithuania (08.03.2015)

A delegation of the ECRI visited Lithuania from 23 to 27 February 2015 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, and LGBT issues ([Read more](#)).

# Romania

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

CASE	DATE	RESOLUTION	VIOLATION	DECISION
<a href="#">Bragadireanu Group</a> (No. 22088/04)	6 March 2008	<a href="#">CM/Del/Dec(2015)1222</a>	Inhuman and/or degrading treatment suffered by the applicants on account of overcrowding and poor material conditions in prisons and police detention facilities and lack of an effective remedy in that regard; inadequacy of the medical care provided to some of the applicants and several other dysfunctions regarding the protection of the prisoners' rights (violations of Article 3; violation of Article 13 in the <i>Marcu</i> case).	Assessment of the revised action plan provided by the authorities on 23 October 2014.

## 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]*

# Russian Federation

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

CASE	DATE	RESOLUTION	VIOLATION	DECISION
<a href="#">Mikheyev Group</a> (No. 77617/01)	26 April 2006	<a href="#">CM/Del/Dec(2015)1222</a>	Torture or inhuman/degrading treatment in police custody with a view to extracting confessions and lack of effective investigations (substantial and procedural violations of Article 3); arbitrary and/or unacknowledged arrest and detention in police custody (violation of Article 5§1); use in criminal proceedings of confessions obtained in breach of Article 3 (violation of Article 6§1) and lack of an effective remedy to claim compensation for ill-treatment (violation of Article 13).	To assess the information provided in response to the last decision adopted at the <a href="#">1201st meeting</a> .
<a href="#">Khashiyev and Akayeva Group</a> (No. 57942/00)	6 July 2005	<a href="#">CM/Del/Dec(2015)1222</a>	Specific measures indicated under Art. 46 concerning the continued suffering of the families of disappeared persons and concerning the ineffectiveness of criminal investigations into all abuses.	To examine the information provided in response to the last decision adopted at the <a href="#">1208th meeting</a> .
<a href="#">Catan and Others</a> (No. 43370/04)	19 October 2012	<a href="#">CM/Del/Dec(2015)1222</a>	Violation of the right to education of the applicants, children or parents from Moldovan/Romanian language schools in the Transdnistrian region of the Republic of Moldova (violation of Article 2 of Protocol No. 1 by the Russian Federation).	Follow-up to the decision adopted at the <a href="#">1214th meeting</a> .
<a href="#">Gerasimov and Others</a> (No. 29920/05+)	1 October 2014	<a href="#">CM/Del/Dec(2015)1222</a>	Failure or serious delay of authorities in abiding by final domestic judicial decisions and lack of a remedy in respect of decisions ordering in-kind obligations (Articles 6, 13 and Article 1 of Protocol No. 1). Pilot judgment requiring the setting-up of a remedy and the granting of redress in existing applications.	To stress the importance of timely and full compliance with the new pilot judgment, in view of the Court's specific indications and the tight deadlines set.
<a href="#">OAO Neftyanaya Kompaniya Yukos</a> (No. 14902/04)	15 December 2014	<a href="#">CM/Del/Dec(2015)1222</a>	Insufficient time for the preparation of the applicant company's defence (Article 6); unlawful imposition and calculation of penalties in tax-assessment proceedings (Article 1 of Protocol No. 1); unfair proceedings to enforce payment of taxes and penalties imposed (Article 1 of Protocol No. 1).	To stress the importance of timely compliance with the Russian authorities' obligation to produce an action plan on the distribution of the just satisfaction award in respect of pecuniary damage.

## B. Resolutions, signatures and ratifications

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

## C. Other information

### ■ PACE President called for release of PACE member arrested in Moscow (01.03.2015)

PACE President recalled the Russian authorities that, as a member of the Parliamentary Assembly of the Council of Europe, Mr Honcharenko benefits from parliamentary immunity. In this connection, she called for his immediate release. ([Read more](#))

### ■ PACE President: 'Time is running out for Nadiia Savchenko' (03.03.2015)

PACE President called on Russian authorities to show compassion for the Ukrainian pilot turned parliamentarian and PACE member, who is on hunger strike in a Moscow prison. ([Read more](#))

### ■ PACE: Death penalty - concern at the latest events in Belarus and Russia (17.03.2015)

PACE rapporteur condemned the death sentence issued on 18 March by the Rechytsa district court against Siarhei Ivanou, recalling that the death penalty is inhumane and never justified. Furthermore, PACE rapporteur expressed her discontent concerning some reports, alleging that a working group at the Russian State Duma is preparing legislation to introduce capital punishment for certain crimes relating to terrorism. ([Read more](#))

### ■ PACE: The committee called upon the Russian Federation to release Nadiya Savchenko (23.03.2015)

PACE called upon the Russian Federation to release Ms Savchenko. ([Read more](#))

# Serbia

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

CASE	DATE	RESOLUTION	VIOLATION	DECISION
<a href="#">Alisic and Others</a> (No. 60642/08)	16 July 2014	<a href="#">CM/Del/Dec(2015)1222</a>	Violations of the applicants' right to peaceful enjoyment of their property on account of their inability to recover their "old" foreign-currency savings deposited in Bosnian-Herzegovinian branches of banks incorporated in Serbia and Slovenia respectively (violations of Article 1 of Protocol No. 1).n of Article 13).	To invite the Serbian and Slovenian authorities to intensify their efforts to take the necessary measures to execute this judgment within the time-frame set by the Court (16 July 2015).

## B. Resolutions, signatures and ratifications

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

## C. Other information

■ PACE President: 'Serbia is a full member of our Pan-European community of values' (12.03.2015)

PACE President Anne Brasseur called on Serbian authorities to keep the momentum of reforms in a number of priority areas, particularly in the area of the judiciary, in the media in order to strengthen pluralism and transparency of media ownership, as well as the minority rights. As some reforms require a change in the Constitution, PACE President encouraged the authorities to take full advantage of the expertise of the Venice Commission for this reform process. ([Read more](#))

## “The former Yugoslav Republic of Macedonia”

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

CASE	DATE	RESOLUTION	VIOLATION	DECISION
<a href="#">El-Masri</a> (No. 39630/09)	13 December 2012	<a href="#">CM/Del/Dec(2015)1222</a>	Various violations related to the CIA secret rendition operations.	Follow-up to the decision adopted at the <a href="#">1193rd meeting</a> .

### 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]*

# Turkey

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

CASE	DATE	RESOLUTION	VIOLATION	DECISION
<a href="#">Oya Ataman Group</a> (No. 74552/01)	5 Mars 2007	<a href="#">CM/Del/Dec(2015)1222</a>	Violation of the right to freedom of assembly, ill-treatment of applicants as a result of excessive force used during demonstrations, ineffectiveness of investigations in this respect (Article 3, 11 and 13).	Assessment of the information provided in response to the decision adopted at the <a href="#">1208th meeting</a> .
<a href="#">Opuz</a> (No. 33401/02)	9 September 2009	<a href="#">CM/Del/Dec(2015)1222</a>	Failure of the authorities to protect the life of the applicant's mother who died as a result of violence (violation of Article 2); failure to protect the applicant's bodily integrity (violation of Article 3) and toleration of domestic violence by the authorities (violation of Article in conjunction with Articles 2 and 3).	Proposal to transfer the case from the standard to the enhanced procedure.
<a href="#">Cyprus</a>	12 May 2014	<a href="#">CM/Del/Dec(2015)1222</a>	14 violations in relation to the situation in the northern part of Cyprus.	see decisions under item Aa.
<a href="#">Xenides-Arestis Group</a>	23 May 2007	<a href="#">CM/Del/Dec(2015)1222</a>	Continuous denial of access to property in the northern part of Cyprus and consequent loss of control thereof (Art. 1 Prot. 1). Violation of the right to respect for applicants' home in some cases (Art. 8).	see decisions under item Aa.
<a href="#">Varnava and Others</a>	18 September 2009	<a href="#">CM/Del/Dec(2015)1222</a>	Lack of effective investigation on the fate of nine Greek Cypriots who disappeared during the military operations by Turkey in Cyprus in 1974.	see decisions under item Aa.

## 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

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

CASE	DATE	RESOLUTION	VIOLATION	DECISION
<a href="#">Oleksandr Volkov</a> (No. 21722/11)	27 May 2013	<a href="#">CM/Del/Dec(2015)1222</a>	Unlawful dismissal of the applicant from his post as judge at the Supreme Court (Articles 6 and 8).	Follow-up to the interim resolution adopted at the <a href="#">1214th meeting</a> .

## B. Resolutions, signatures and ratifications

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

## C. Other information

### ■ PACE: “Russia is the aggressor, but Ukraine must implement the Minsk agreements” (17.03.2015)

PACE rapporteur reiterated the Assembly's position in favour of the sovereignty and territorial integrity of Ukraine and underlined that it was essential that Ukraine regain full control of its borders. ([Read more](#))

### ■ PACE: Co-rapporteurs encouraged the Ukrainian authorities to continue and further the reform process in the country (31.03.2015)

PACE rapporteurs called on Ukrainian authorities to continue the important reforms that are needed for the country, particularly, by making constitutional amendments in order to allow the implementation of the reforms and to ensure the genuine independence of the judiciary. Furthermore, PACE called on the authorities to adopt the promised amendments to the Lustration Law with a view to addressing the remaining concerns and recommendation of the Venice Commission. ([Read more](#) - [Monitoring co-rapporteurs to visit Ukraine](#) )

# United Kingdom

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

CASE	DATE	RESOLUTION	VIOLATION	DECISION
<a href="#">McKerr Group</a> (No. 28883/95)	4 August 2001	<a href="#">CM/Del/Dec(2015)1222</a>	Group of cases concerning action of the security forces in Northern Ireland in the 1980s and 1990s (Art. 2).	Follow-up to the decision adopted at the <a href="#">1201st meeting</a> .

CASE	DATE	RESOLUTION	CONCLUSION
<a href="#">McDonald</a> (No.4241/12)	20 August 2014	<a href="#">CM/ResDH(2015)42</a>	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]*