



REGULAR SELECTIVE INFORMATION FLOW

for the attention of the National Human Rights Structures

Issue#129

[1 – 30 April 2015]

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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.

The preparation of the RSIF has been supported as from 2013 by the "Versailles St-Quentin Institutions Publiques" research centre of the University of Versailles St-Quentin-en-Yvelines. It is entrusted to Léa Guémené, Camille Joly, Pavlos Aimilios Marinatos, Quentin Michael, Clara Michel, Guillaume Verdier and Manon Wagner with the technical help of Quentin Michael and under the supervision of Laure Clément-Wilz, Ph.D, European Law Associate Professor.

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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 (1-30 April 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.

PartOne

§1 - EUROPEAN COURT OF HUMAN RIGHTS

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.

- **Right to life (Art. 2)**

MUSTAFA TUNC AND FECIRE TUNC V. TURKEY (No. 24014/05) - Importance 1 - 14 April 2015 - No violation of Article 2 - (i) No failure of domestic authorities to guarantee an independent investigation - (ii) Sufficient possibility for the applicants to exercise their rights

The case concerned the death of the applicant’s son during his military service, while assigned to a site belonging to a private oil company. The applicants alleged that the investigation to determine the circumstances surrounding the death of their relative had not satisfied the requirements of Article 2 of the Convention.

First, the Court examined the adequacy of the investigation. It recalled that by requiring a State to take appropriate steps to safeguard the lives of those within its jurisdiction, Article 2 imposes a duty on that State to secure the right to life by putting in place effective criminal-law provisions and effective official investigation, leading to the establishment of the facts and, where appropriate, the identification and punishment of those responsible.

In this case, the Court observed that domestic authorities had taken sufficient measures to collect and secure evidence relating to the events in issue and that those responsible for the investigation explored the various possible lines of inquiry. The Court found no such shortcomings as might call into question the overall adequacy and promptness of the investigation conducted by the domestic judicial authorities.

As to the participation of the deceased's relatives in the investigation, the Court first noted that the prosecution service had issued a decision not to prosecute and that a full copy of this decision was provided to the applicants. Furthermore, the Court noted that the domestic court, which examined their appeal, accepted certain of the applicants' arguments, since the judges ordered supplementary investigative measures. The Court thus considered that the applicants were able to exercise their rights effectively.

Finally, the Court examined the independence of the investigation. With regard to the independence of the investigations conducted by the military prosecutor, the Court noted that he gathered all the evidence that it was necessary to obtain, and he could not reasonably be criticised for failing to take a particular investigative measure. With regard to the independence of the review carried out by the military court, the Court noted that, having regard to the regulations in force at the material time, there were factors which cast doubt on the statutory independence of the military court which was called upon to examine the applicants' appeal against the decision by the prosecutor's office not to bring a prosecution.

While accepting that it could not be considered that the entities that played a role in the investigation enjoyed full statutory independence, the Court found that these considerations were not in themselves sufficient to conclude that the investigation had lacked independence. It reiterated that Article 2 of the Convention does not require absolute independence, and that it must be assessed *in concreto*, on the basis of the facts of the specific case. In this regard, the Court noted that the members of the court had no hierarchical or tangible link with the gendarmerie in general. In conclusion, the Court considered that the investigation conducted in this case was sufficiently thorough and independent and that the applicants were involved in it to a degree sufficient to protect their interests and to enable them to exercise their rights.

The Court thus held that there was no violation of Article 2.

MEZHIYEVA V. RUSSIA (No. 44297/06) - Importance 3 - 16 April 2015 - Violation of Article 2 - (i) Domestic authorities' failure to protect the life of the applicant and her husband - (ii) Domestic authorities' failure to conduct an effective investigation into the events that led to the death of the applicant's husband

The case concerned the severe injury of the applicant and the death of her husband because of a bomb planted on a bridge, which exploded under the wheel of the bus he drove. The applicant alleged that the military servicemen who controlled the checkpoint at the bridge prevented the emergency services from rescuing quickly her husband, as nobody was allowed to approach the bus immediately. The investigation was subsequently suspended and reopened on several occasions.

The Court first reiterated that Article 2 of the Convention implies a duty for States to investigate deaths that may have occurred in breach of the Convention, in an independent, effective and accessible to the victim's family way. In this case, the Court noted that domestic authorities had complied with their obligation to promptly open an investigation, as it had been started on the very day of the explosion.

However, in the Court's view, the periods of no apparent activity in the investigation and its ten years duration could not be considered as adequate. Furthermore, the Court found that the applicant was not sufficiently involved in the investigation for her to safeguard her legitimate interests. Indeed, although she witnessed the events, she had not been called to the prosecutor's office for questioning or always been informed about the investigative measures. As she was only provided with limited information, the Court considered that there had not been a sufficient degree of public scrutiny in this case. Lastly, the Court observed that the investigation had not been capable of establishing the circumstances surrounding the explosion and the identity of the perpetrator or perpetrators.

There had accordingly been a violation of Article 2 on account of the ineffectiveness of the investigation.

At the same time, as a result of the ineffective investigation, there was no sufficient factual basis to enable the Court to find that the Russian authorities had been responsible for the incident leading to

the death of the applicant's husband and her own serious injuries, or to find that the applicant and her husband had not been provided with the necessary help quickly enough after the explosion.

There had accordingly been no violation of Article 2 as regards the authorities' failure to protect their lives.

Article 41 (Just satisfaction)

The Court held that Russia was to pay the applicant EUR 30,000 in respect of non-pecuniary damage and EUR 3,000 in respect of costs and expenses.

PISARI V. THE REPUBLIC OF MOLDOVA AND RUSSIA (No. 42139/12) - Importance 3 - 21 April 2015 - Violation of Article 2 - (i) Domestic authorities' liability for the death of the applicants' son - (ii) Domestic authorities' failure to conduct an effective investigation involving the applicants

The case concerned the killing of the applicants' son by a Russian soldier, because he failed to stop at several peacekeeping checkpoints in a Moldovan security zone, which was put in place according to an agreement that aimed to end the military conflict in this area. Furthermore, the case also concerned the manner in which the subsequent investigation into his death was run, and the refusal of the applicants' request to have a copy of the Russian authorities' decision, on the grounds that they were not a party to the proceedings, their earlier requests to be recognised as victims having been rejected.

The Court took the view that when State servicemen are deployed in another State's territory, the extra territorial force they use may extend a State's jurisdiction to cover those affected by their servicemen's actions. Turning to the facts of the present case, the Court held that the Russian Federation should be held responsible for consequences arising from a Russian soldier's actions even though they had not occurred in Russia. The Court noted that the purpose of the shooting in this case was to apprehend the driver of the car and therefore to effect a lawful arrest within the meaning of Article 2 § 2 (b) of the Convention. However, the Court had to examine whether the force used in pursuit of the above aim was "absolutely necessary" in the circumstances of the case. Having considered the degree of risk posed by the use of a firearm to the lives of the occupants of the car, the available alternative means of stopping the car, the lack of appropriate equipment at the checkpoint for immobilising cars, the Court found that the killing of the applicant's son constituted a use of force which was not absolutely necessary for the purpose of effective lawful arrest within the meaning of Article 2 § 2 (b) of the Convention. Accordingly, the Court finds that there has been a breach of Article 2 of the Convention.

Moreover, the Court underlined that the Russian authorities did not involve the applicants in the investigation of the circumstances of the killing of their son. The applicants were not allowed to exercise any procedural rights and were not even informed about the discontinuation of the proceedings against the soldier. The Court also took into consideration the fact that the Russian Government did not advance any arguments to explain why the applicants had been refused the status of victims in the criminal proceedings and had not been allowed to intervene in them.

The Court thus held that there was a violation of Article 2 of the Convention under its procedural head as well.

Article 41 (just satisfaction)

The Court held that the Russian Federation was to pay the applicants EUR 35,000 in respect of non-pecuniary damage and EUR 5,580 in respect of costs and expenses.

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

CESTARO V. ITALY (IN FRENCH ONLY) - No. 6884/11 - Importance 2 - 7 April 2015 - Violation of Article 3 - Domestic authorities' failure to prevent the applicant's ill-treatment and to guarantee adequate and effective criminal legislation

The case concerned the applicant's alleged torture during police intervention which occurred at the end of the G8 summit in Genoa in July 2001, in a school made available by the municipal authorities for non-governmental organisations. Indeed, a police unit entered the school around midnight to carry out a search for evidence that might lead to the identification of members of the "black blocks", leading

to acts of violence. The applicant, as well as other occupants, were strongly bitten on various parts of their bodies, causing them multiple fractures.

First, the Court agreed with domestic jurisdiction about the fact that the impugned acts had been perpetrated with “a punitive aim, an aim of reprisal, seeking to cause the humiliation and the physical and mental suffering of the victims”, and that those acts could be described as “torture” within the meaning of Article 1 of the Convention for the Prevention of Torture and other Cruel, Inhuman or Degrading Punishment or Treatment. The Court also noted the absence of any causal link between the applicant’s behaviour and the use of force by the police during the intervention. In addition, the Court found that the violent operational procedures followed by the police did not comply with the purpose stated by domestic authorities. Taking into account this context and the police’s attempt to hide evidence, the Court concluded to the intentional and premeditated trait of the applicant’s ill-treatment, which amounted to “torture” within the meaning of Article 3 of the Convention.

Then, the Court reiterated that Article 3 of the Convention, combined with the State’s general duty to «secure to everyone within [its] jurisdiction the rights and freedoms defined (...) [the] Convention» according to Article 1 of the Convention, requires an effective official investigation that must lead to the identification and punishment of those responsible.

The Court found that there had been a violation of Article 3 of the Convention on account of ill-treatment sustained by the applicant and of inadequate criminal legislation concerning the punishment of acts of torture which was not an effective deterrent to prevent the repetition of such acts.

The Court noted the failure to identify the perpetrators of the ill-treatment, due to the objective difficulty of the public prosecutor’s office in establishing definite identifications but also due to a lack of police cooperation. Furthermore, the Court observed that the offences of calumny, abuse of public authority, and wounding and grievous bodily harm alleged to have been committed during the impugned events had become time-barred before the decision on appeal.

With regard to the foregoing, the Court considered that the authorities’ response was inadequate, given the seriousness of the facts. In the Court’s view, domestic criminal legislation applied in the present case had proved both inadequate as regards the need to punish acts of torture and devoid of the necessary deterrent effect to prevent other similar violations of Article 3 in the future.

The Court found that there had been a violation of Article 3 of the Convention on account of ill-treatment sustained by the applicant and of inadequate criminal legislation concerning the punishment of acts of torture, which was not an effective deterrent to prevent the repetition of such acts.

Article 41 (just satisfaction)

In view of the circumstances of the case and the compensation already obtained by the applicant at domestic level, the Court held that Italy was to pay him EUR 45,000 in respect of non-pecuniary damage.

M.E. v. SWEDEN AND W.H. v. SWEDEN (Nos. 71398/12 AND 49341/10) - Importance 1 - 8 April 2015 - No violation of Article 3 - Domestic authorities’ legitimate solution for asylum seekers

The case concerned two asylum seekers facing expulsion to their country of origin. The first one is a Libyan national, claiming that he was at risk of persecution and ill-treatment if he was expelled to Libya, primarily because of his homosexuality but also due to previous problems with the Libyan military authorities following his arrest for smuggling illegal weapons. The second one is an Iraqi national, who faced a risk of ill-treatment as a single woman of Mandaean denomination, a vulnerable ethnic and religious minority. Both their application for asylum were denied by national authorities, but their expulsions were suspended on the basis of an interim measure granted by the European Court of Human Rights under Rule 39 of the Rules of Court, which indicated that the applicants should not be expelled to their country of origin whilst the Court was considering their cases.

Concerning the first applicant, the Court held that there were no substantial grounds for believing the applicant would be subjected to ill-treatment on account of his sexual orientation if he was returned to Libya in order to apply for family reunion from there. As to the second applicant, the Court considered that she could reasonably relocate to another Region, where neither the general situation nor her personal circumstances would put her at risk of inhuman and degrading treatment. In both cases, the Court decided to continue to indicate to domestic authorities under Rule 39 of its Rules of Court not to

expel the applicants to their country of origin until the Court judgment became final or until further order. After that, both applicants were granted a residential permit.

Considering that both applicants had been granted permanent residence permits, essentially on account of the authorities' concerns over the deterioration of the security situation in their home countries combined with their personal circumstances, the Court considered that the matter had been resolved at national level and that the potential violations of Article 3 of the Convention had now been removed.

The Court held that there was no violation of Article 3.

MILIĆ AND NIKEZIĆ V. MONTENEGRO (Nos. 54999/10 and 10609/11) – Importance 3 – 28 April 2015 – Violation of Article 3 – Domestic authorities failure to provide an effective legal remedy in respect of ill-treatment of prisoners

The case concerned the applicants' allegation that the prison guards had beaten them with rubber batons during a search of their cell. According to the Montenegrin Government, the guards had had to use force against the applicants to overcome their resistance on entering their cell.

The Court found that, even though the applicants had lodged a compensation claim and had been awarded damages for their complaint of ill-treatment, the Supreme Court – in the compensation proceedings – had only referred to the prison guards' actions as degrading human dignity and had not therefore acknowledged a violation of the applicants' rights as clearly as would have been necessary. In any event, 1,500 euros for non-pecuniary damage was not appropriate redress for such a complaint.

As concerned the complaint of ill-treatment, the Court noted that the domestic bodies – the State Prosecutor and the disciplinary commission – had established that the prison guards had hit the applicants with rubber batons. Furthermore, the external forensic doctor who had examined the applicants confirmed that he had sustained injuries. Indeed, the domestic courts had accepted in the compensation proceedings that the guards' use of force had been excessive and this had been acknowledged by the Government, albeit without accepting that this treatment constituted torture or inhuman and degrading treatment.

The Court therefore considered that the guards' actions as described in the domestic proceedings and the injuries noted in the medical reports had constituted ill-treatment within the meaning of Article 3.

There had therefore been a violation of Article 3 as concerned both applicants.

As concerned the effectiveness of the investigation into the applicants' complaint of ill-treatment, the Court noted in particular that, although the investigating judge had immediately undertaken a number of steps to investigate, the State Prosecutor's second dismissal of the applicants' criminal took place after both the Ombudsman and the disciplinary commission had given their opinions on the incident, which both found that excessive force had been used against the applicants.

The Court was not therefore convinced that the State Prosecutor's decisions to discontinue the criminal proceedings had been based on an adequate assessment of all the relevant facts in the case or had taken into account either the Ombudsman's or disciplinary commission's findings.

There had therefore been a violation of Article 3 as concerned both applicants in respect of the investigation into their complaints of ill-treatment.

Article 41 (just satisfaction)

The Court held that Montenegro was to pay the applicants EUR 4,350 each for non-pecuniary damage. It further awarded EUR 3,520 to the first applicant and EUR 1,160 to the second applicant for costs and expenses.

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

FRANÇOIS V. FRANCE ([IN FRENCH ONLY](#)) - N°26690/11) – Importance 2 – 23 April 2015 - Violation of Article 5 § 1 – Domestic authority’s failure to justify the placement in police custody of a lawyer who had been assisting a client in the police station

The case concerned the placing of a lawyer in police custody after he had been assisting at the police station, in his professional capacity, a youth who was being held by the police. The applicant disputed the statements of the police officers present. On the complaint of the applicant, the Paris Court of Appeal found that there was no reason to call into question the joint version of the facts put forward by the police officers or to believe that the assistant public prosecutor had been misled by the custody officer.

The Court found in particular that placing the applicant in police custody and subjecting him to a full-body search and a blood alcohol test exceeded the security requirements and established an intention that was unconnected with the objective of police custody.

The Court further noted that, at the time, there were no regulations authorising a body search that went beyond mere frisking, and also that the alcohol test had been carried out even though there was no indication that applicant had committed an offence under the influence of alcohol.

Therefore, the Court took the view that the applicant’s placement in police custody was neither justified nor proportionate.

The Court concluded that there had been a violation of Article 5.

Article 41 (just satisfaction)

The Court held that France was to pay the applicant EUR 15,000 in respect of non-pecuniary damage.

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

A.T. V. LUXEMBOURG ([IN FRENCH ONLY](#)) - No. 30460/13 - Importance 2 - 9 April 2015 - Violation of Article 6 § 3 (c) taken together with Article 6 § 1 - (i) Domestic authorities’ failure to provide legal assistance during a police interview - (ii) Lack of communication between the applicant and his lawyer prior to his first appearance before the investigating judge

The case concerned a man who was arrested under a European Arrest Warrant issued by domestic authorities on charges of rape and indecent assault against a minor under 16. He alleged that he was not provided with effective legal assistance after he was arrested, during both the police interview and his first appearance before the investigating judge.

The Court first recalled that while the aim of Article 6 is to ensure a fair trial by a court competent to decide the "merits of the charge", it can also play a role before the referral of a judge if and to the extent that its initial failure to comply may seriously compromise the fairness of the trial.

Then, the Court reiterated that the right to a fair trial required that access to a lawyer should be provided from the first interrogation of a suspect by the police, unless it was demonstrated in the light of the particular circumstances of each case that there were compelling reasons to restrict this right.

Turning to the applicant’s first interview, the Court noted that the assistance of a lawyer during police interviews was expressly provided for by domestic law only in certain situations, not including arrest under a European Arrest Warrant. Consequently, during the interview, the applicant was automatically deprived of legal assistance. Furthermore, the Court observed that the Court of Appeal, before which the applicant had complained of a lack of legal assistance, had not examined the impugned situation and had not remedied the consequences of the failure to the applicant with legal assistance.

Turning to the applicant’s first appearance before the investigating judge, the Court considered that it had to separate the question of the lawyer’s access to the file from that of communication between the lawyer and his client.

The Court underlined the importance of consultation between the lawyer and his/her client prior to the first appearance before the investigating judge, for it was on that occasion that crucial exchanges could take place, so that the lawyer could remind the client his/her rights. The Court noted that domestic law did not guarantee such a consultation unequivocally.

The Court thus found a violation of Article 6 § 3 (c) taken together with Article 6 § 1.

TCHOKONTIO HAPPI V. FRANCE ([IN FRENCH ONLY](#)) - No. 65829/12 - Importance 2 - 9 April 2015 - Violation of Article 6 § 1 - Domestic authorities' failure to enforce a final judgment granting the applicant rehousing

The case concerned the applicant's indecent and insalubrious house conditions and the fact that she did not receive any offer of re-housing which took account of her needs and capacities, despite several decisions of domestic authorities that earmarked her case as a priority for urgent re-housing.

The Court recalled that the effective protection of the person subject to trial implies the obligation for the State or any of its organs to enforce the judgment. It noted that the judgment had not been fully enforced over three years and a half later.

Indeed, even if the fine ordered in that judgment had certainly been enforced and paid by domestic authorities, the Court observed that the applicant had not been rehoused and that the fine had no compensatory function and was not paid to the applicant but to a State-run fund.

Furthermore, the Court found that the failure to enforce the judgment in question was not based on any valid justification within the meaning of its case-law, according to which it was not open to a State authority to cite a lack of funds or other resources as an excuse for not honouring, for example, a judgment debt.

Consequently, by failing for several years to take the necessary measures to comply with the decision ordering the re-housing of the applicant, domestic authorities had deprived Article 6 § 1 of all useful effect.

The Court thus found that there had been a violation of Article 6.

Article 41 (just satisfaction)

As the applicant had not claimed just satisfaction, the Court made no award under that head.

VAMVAKAS V. GREECE (NO. 2) ([IN FRENCH ONLY](#)) - No. 2870/11 - Importance 2 - 9 April 2015 - Violation of Article 6 §§ 1 and 3 (c) - Domestic authorities' failure to ensure practical and effective respect for the applicant's defence rights

The case concerned the unexplained absence of the applicant's assigned counsel from the Court of Cassation hearing in the criminal proceedings against him, and the dismissal of his appeal as a result.

First, the Court recalled that the purpose of the Convention was to protect rights that were not theoretical or illusory but practical and effective, and that the appointment of counsel did not in itself ensure the effectiveness of defence rights.

The Court recognised that it follows from the independence of the legal profession from the State that the conduct of the defence belongs to the defendant and his lawyer. However, the Court observed that Article 6 § 3 (c) obliged authorities to intervene only where the default of an assigned lawyer was manifest. In such cases, when put on notice, the competent authorities had to replace the defaulting lawyer or oblige him/her to perform his mission, without which the notion of free legal assistance would be meaningless.

Furthermore, the Court noted that where a lawyer decided not to act in a case or was prevented from appearing at a hearing, he/she had a duty to inform the assigning authority of the situation and to do all that was necessary as a matter of urgency to preserve his/her client's rights and interests.

In this case, the Court observed that the applicant's lawyer did not explain that he was unable to pursue his mission. In the Court's view, since it was impossible under domestic law to reverse a decision to find an appeal on points of law inadmissible, it had been for the Court of Cassation to enquire about the reasons for the non-appearance of the applicant's lawyer. The Court of Cassation had indeed been confronted with a situation of the unexplained absence of the applicant's lawyer without any request for adjournment from him, in order to clarify the situation.

Consequently, the Court found that there had been a violation of Article 6 §§ 1 and 3 (c).

Article 41 (just satisfaction)

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

MITRINOVSKI V. "THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA" (No. 6899/12) – Importance 2 – 30 April 2015 – Violation of Article 6 - Domestic authorities failure to provide for an impartial tribunal

The case concerned the dismissal from office of a judge of the Skopje Court of Appeal on the grounds of professional misconduct.

The applicant, a former judge of the Skopje Court of Appeal, complained, among other things, that the judicial body which dismissed him, the State Judicial Council (SJC), was not an independent and impartial tribunal.

The members of the SJC included, by virtue of his office, the President of the Supreme Court. It had been the President of the Supreme Court who had requested the proceedings in question, after the criminal division of the Supreme Court had established that there had been professional misconduct by two judges, including the applicant.

In these circumstances, the Court considered that the applicant had legitimate grounds for fearing that the President of the Supreme Court was already personally convinced that he should be dismissed for professional misconduct before the issue came before the SJC.

The request of the President of the Supreme Court had set in motion the proceedings before the SJC, to which he submitted evidence and arguments in support of the allegations of professional misconduct; he had thus acted as a form of prosecutor. Subsequently he had taken part in the decision as a member of the SJC. The system which allowed the President of the Supreme Court, who had initiated the proceedings in question, to take part in the decision to remove the applicant from office casted doubt on his impartiality.

The Court found it established that the role of the President of the Supreme Court in the proceedings was neither subjectively nor objectively impartial.

The Court concluded that there had been a violation of Article 6 § 1.

Just satisfaction (Article 41)

The Court held that "The former Yugoslav Republic of Macedonia" was to pay the applicant EUR 4,000 in respect of non-pecuniary damage and EUR 1,230 in respect of costs and expenses.

KAPETANIOS AND OTHERS V. GREECE (IN FRENCH ONLY) - Nos. 3453/12, 42941/12 and 9028/13 – Importance 2 – 30 April 2015 - Violation of Article 6 § 2 and of Article 4 of Protocol 7 - Domestic authorities failure to respect the *ne bis in idem* principle – Violation of Article 6 § 3 and of Article 13 – Domestic authorities failure to provide for effective domestic remedies

The case concerned the imposition of administrative fines on individuals accused of contraband who had been acquitted of a criminal offence.

Article 6 § 2 and Article 4 of Protocol 7

The Court found in particular that the fact of ordering the three applicants to pay administrative fines, even though they had been acquitted by the criminal courts of the same offence in respect of the same set of facts, was contrary both to the right to the presumption of innocence and to the right not to be tried or punished twice (*ne bis in idem*).

Article 6 §3 and Article 13

The Court also held, with regard to one applicant, that the length of the proceedings before the administrative courts, which lasted twenty-two years, had been excessive, and that at the relevant time there was no effective remedy available under domestic law in this connection.

Just satisfaction (Article 41)

The Court held that Greece was to pay EUR 14,000 to Mr Kapetanios and EUR 5,000 each to Mr Nikolopoulos and Mr Aggloupas in respect of non-pecuniary damage, and EUR 2,460 to Mr Kapetnios, EUR 2,500 to Mr Nikolopoulos and EUR 1,000 to Mr Aggloupas in respect of costs and expenses.

- **No punishment without law (Art. 7)**

CONTRADA V. ITALY (NO. 3) ([IN FRENCH ONLY](#)) - No. 66655/13 - Importance 2 - 14 April 2015 - Violation of Article 7 - Domestic authorities' failure to ensure a sufficiently clear and foreseeable offense for the applicant at the time of the events

The case concerned the applicant's sentence to ten years' imprisonment for aiding and abetting a mafia-type organisation from the outside. The applicant alleged that at the time of the events, this offence was not foreseeable, given that it had been created through case-law adopted at a later date.

The Court reiterated its case-law on the principle of "no punishment without law" and examined whether the wording of the relevant provisions and how they were interpreted by the domestic courts had permitted the applicant to appreciate the legal consequences of his actions.

The Court noted that the existence of the offence of aiding and abetting a mafia-type organisation from the outside had been the subject of conflicting case-law by the Court of Cassation. The Court also observed that in the applicant's judgment, domestic court relied on judgments, which had all been delivered after the events in respect of which the applicant had been charged. In addition, the Court found that the applicant's complaint concerning the principles that the criminal law may not be applied retroactively and must be foreseeable was not examined in detail by domestic courts.

The Court concluded that the offense in question was not sufficiently clear and foreseeable for the applicant at the time of the events.

As a consequence, the Court concluded that there had been a violation of Article 7.

Article 41 (just satisfaction)

The Court held that Italy was to pay the applicant EUR 10,000 in respect of non-pecuniary damage and EUR 2,500 for costs and expenses.

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

VINCI CONSTRUCTION AND GMT GENIE CIVIL AND SERVICES V. FRANCE ([IN FRENCH ONLY](#)) - Nos. 63629/10 AND 60567/10 - Importance 2 - 2 April 2015 - Violation of Article 6 § 1 - Domestic law's insufficient provision for effective judicial review - Violation of Article 8 - Domestic authorities' failure to strike a fair balance between the legitimate search for evidence of offence under competition law and the respect of confidentiality of lawyer-client exchanges

The case concerned inspections into illegal concerted practices and seizures carried out on the premises of two companies. The applicants alleged that the seizures had been widespread and indiscriminate, in that they had concerned several electronic documents, which were not connected to the investigation or were confidential, being protected by legal professional privilege. Furthermore, they complained that no detailed inventory of the seized items had been drawn up.

They also alleged that there had been a violation of their right to a fair hearing, firstly because they had been unable to lodge a full appeal against the decision authorising the inspections and seizures, and secondly because they could only challenge the conduct of those operations before the judge who had authorised them, and who did not, in their view, meet the requisite conditions of impartiality.

Article 6 § 1

With regard to the complaint alleging a lack of impartiality on the part of the judge who ruled on the lawfulness of the conduct of inspections and seizures that he himself had authorised, the Court noted that the applicants had not exhausted the domestic remedies in this connection, and declared this part of the applications inadmissible.

With regard to the second complaint, concerning the appeal on points of law lodged against the judge's decision to grant authorisation, the Court stated that it had already held in a number of other cases that the procedure provided for at the relevant time by the Commercial Code did not allow for effective judicial review to challenge the lawfulness and merits of a decision by the liberties and detention judge (JLD), authorising inspections and seizures.

The Court therefore held that there had been a violation of Article 6 § 1 of the Convention.

Article 8

Based on previous cases, the Court first recalled that the search and seizure of electronic data, made up of computer files and the email accounts of certain employees amounted to interference with the rights protected under Article 8 of the Convention. To determine whether the interference constituted a violation, the Court must examine whether it was « prescribed by law », whether it pursued a legitimate aim and whether it was « necessary in a democratic society ».

The Court noted that the first requirement was fulfilled, since the Commercial Code and the Code of Criminal Procedure governed the inspections and seizures.

Furthermore, given that they were intended to prove the existence of illegal agreements, they also had the legitimate aims of protecting the “economic well-being of the country” and “[preventing] disorder or crime”, within the meaning of Article 8 § 2.

The Court then examined whether that interference had been proportionate and could be regarded as necessary for achieving those aims. It considered that the question specifically raised in the present case was whether safeguards had been applied in a manner that was practical and effective.

First, the Court considered that the seizures had not been “widespread and indiscriminate”, since the investigators had attempted to restrict their searches to the documents held by those employees working in the field of activity concerned, and that a sufficiently detailed inventory had been handed over to the applicants.

The Court noted, however, that the seizures had concerned numerous documents, including the entirety of certain employees' professional email accounts, and contained correspondence exchanged with lawyers. The Court also noted that the applicant companies had been unable to discuss the appropriateness of the documents being seized, or inspect their content, while the operations were being conducted.

Moreover, the Court found that the applicant's appeal to the liberties and detention judge did not lead to the examination of the lawfulness of the formal context in which the seizures were conducted. In this regard, the Court considered that domestic judge was required to review the proportionality of the measures and to order the restitution of the files when appropriate.

In consequence, the Court concluded that the inspections and seizures carried out in the applicant companies' premises had been disproportionate to the aim pursued, in breach of Article 8.

Article 41 (Just satisfaction)

The Court held that the finding of a violation constituted in itself sufficient just satisfaction in respect of the non-pecuniary damage sustained by the applicant companies, and that France was to pay them EUR 15,000 in respect of costs and expenses.

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

MORICE V. FRANCE (No. 29369/10) – Importance 1 – 23 April 2015 – Violation of Article 6 – Domestic authority's failure to display justice with impartiality – Violation of article 10 – Domestic authorities failure to strike a faire balance between interference with the right of expression of a lawyer and the need to maintain the authority of the judiciary

The case concerned the conviction of a lawyer, on account of remarks reported in the press, for complicity in defamation of the investigating judges who had been removed from the judicial investigation into the death of Judge Bernard Borrel.

The applicant is the lawyer acting for Mrs Borrel, the widow of the French judge Bernard Borrel. He was also the lawyer of the civil parties of the “scientology” case where he obtained the judge’s removal from the investigation (judge M.).

As the “Borrel’s case” was pending, the applicant statement about “the numerous shortcomings... brought to light in the course of judicial investigation” was published in an article in the national newspaper Le Monde, accusing the same judge (judge M.) and another judge (judge L.L.) of conduct which was “completely at odds with the principles of impartiality and fairness”.

Following the criminal complaint against him, the applicant was ultimately found guilty by the Rouen Court of Appeal of complicity of public defamation of a civil servant. He was ordered a fine of 4000 euros and 1000 euros in addition to an award of 7500 euros in damages to each of the judges, to be paid by him jointly with the other two defendants (the publication director of Le Monde and the journalist who had written the article) and an order to publish a notice in Le Monde.

The Cour de cassation dismissed the applicant’s appeal on points of law, finding in particular that the admissible limits to freedom of expression in criticising the action of the judges had been overstepped. The composition of the bench was different from that previously announced to the parties. Judge J.M., who expressed his support for Judge M. in the context of disciplinary proceedings for her handling of the “Scientology” case, was present.

Article 6

The Court examined the case from the perspective of the objective impartiality test, addressing the question whether the applicant’s doubts could be regarded as objectively justified in the circumstances.

First, the language used by Judge J.M. in favour of a fellow judge, Judge M. – the very judge whose complaint had led to the criminal proceedings against the applicant – had been capable of raising doubts in the defendant’s mind as to the impartiality of the “tribunal” hearing his case.

The Court emphasised the very singular context of the case, which concerned a lawyer and a judge who had both been involved at the judicial investigation stage of two particularly high-profile cases: the Borrel case, in the context of which the applicant’s impugned remarks had been made, and the “Scientology” case, which had given rise to the public remarks by J.M. in support of Judge M.

The Court, after pointing out that the applicant had been convicted on the basis of a complaint by Judge M., observed that the judgment of the Court of Appeal had itself expressly established a connection between the applicant’s remarks in the Borrel case and the developments in the Scientology case, concluding that this suggested the existence of personal animosity on the part of Mr Morice towards Judge M.

In addition, as the applicant had not been informed that Judge J.M. would be sitting on the bench, and had had no reason to believe that he would, he had thus had no opportunity to challenge J.M.’s presence or to make any submissions on the issue of impartiality.

The Court held that the applicant’s fears could have been considered objectively justified and that there had been a violation of Article 6 § 1.

Article 10

The Court held that it was not in dispute that the applicant’s conviction had constituted an interference with the exercise of his right to freedom of expression and then turned to the question of whether this interference had been justified.

The Court found that the judgment against the applicant could be regarded as a disproportionate interference with his right to freedom of expression.

Concerning the debate on a matter of public interest, the Court took the view that his remarks, which concerned the functioning of the judiciary and the handling of the Borrel case, fell within the context of a debate on such a matter, as the public had a legitimate interest in being informed about criminal proceedings. In that context the authorities had a particularly narrow margin of appreciation when it came to restricting freedom of expression. The Court nevertheless emphasised that while lawyers had a special position in the administration of justice which made them first-hand witnesses of any

shortcomings, they could not be equated with journalists, not being external witnesses with the task of informing the public, but being directly involved in the defence of a party.

Concerning the factual basis of impugned remarks and the context of the case, the Court took the view that the applicant's remarks were value judgments and as such were not susceptible of proof, but nevertheless had to have a sufficient "factual basis". With regard to the background of the case, the Court took the view that the applicant's remarks could not be reduced to the mere expression of personal animosity on his part towards Judge M. or an antagonistic relationship between the two individuals.

Then, the Court underlined the need to maintain the authority of the judiciary and to ensure relations based on mutual consideration and respect between the different protagonists of the justice system.

Finally, the Court took into account the nature and severity of the sanctions imposed. It reiterated that even a relatively small fine would still have a chilling effect on the exercise of freedom of expression. Imposing a sanction on a lawyer might also have certain repercussions, whether direct (disciplinary proceedings) or indirect (in terms, for example, of their image or the confidence placed on them by the public and their clients).

The Court noted that the sanction imposed on the applicant had been of some significance, and his status as a lawyer had even been relied upon to justify greater severity.

The Court held that there had been a violation of Article 10.

Article 41 (just satisfaction)

The Court held that France was to pay the applicant EUR 4,270 in respect of pecuniary damage, EUR 15,000 in respect of non-pecuniary damage and EUR 14,400 in respect of costs and expenses.

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

JUNTA RECTORA DEL ERTZAINEN NAZIONAL ELKARTASUNA (ER.N.E.) v. SPAIN (IN FRENCH ONLY) - No.45892/09 – Importance 2 - No violation of Article 11 taken alone and in conjunction with Article 14 - Domestic authorities' justified decision to ban on strike action for law-enforcement agents

The case concerned the inability of the members of a police officers' trade union to exercise the right to strike. The applicant trade union complained of the ban on strike action imposed on its member, which, in its view, discriminated against them compared with other groups that performed similar duties but had the right to strike.

The Court first recalled that paragraph 2 does not exclude any professional category of the scope of Article 11 and that it specifically cites the police among those that can be imposed legitimate restrictions by the State. The Court reiterated that such interference should be limited to the exercise of rights without undermining the essence of the right to organise a meeting.

The Court first noted the existence of interference in this case, but found that it was prescribed by domestic law in order to pursue the legitimate aim of preventing disorder, in view of the specific duties assigned to the police force and the potential consequences of interruption of its activities.

The Court then determined whether this interference was necessary in a democratic society or not. It noted that the limit prescribed by the disputed law did not extend to all public servants, but exclusively to members of the Forces and State Security Corps as guarantors for the maintenance of public security. In the Court's view, the need for "law-enforcement agents" to provide an uninterrupted service and the fact that they were armed distinguished them from other civil servants such as judges or doctors, and justified the restriction of their right to organise a meeting.

The more stringent requirements imposed on them did not exceed what was necessary in a democratic society, in so far as those requirements served to protect the State's general interests and, in particular, to ensure national security, public safety and the prevention of disorder.

Furthermore, the specific nature of the activities in question warranted granting the State a wide margin of appreciation to implement its legislative policy and regulate certain aspects of the trade union's activities in the public interest, without however depriving the union of the core content of its rights under Article 11.

Accordingly, the Court held that there had been no violation of Article 11, taken alone and in conjunction with Article 14 of the Convention.

- **Prohibition of discrimination (Art. 14)**

DANIS AND ASSOCIATION OF ETHNIC TURKS V. ROMANIA ([IN FRENCH ONLY](#)) - No. 16632/09 - Importance 2 - 21 April 2015 - Violation of Article 14 in conjunction with Article 3 of Protocol No. 1 - The interference of a new electoral law into the applicant's right to stand for election

The case concerned the applicant association's inability to meet the requirements for standing in the 2008 parliamentary elections following the entry into force of a new electoral law only seven months before the elections. The new law required national minority organisations not represented in Parliament to be granted charitable status in order to be able to stand for election. The applicants argued that it had been objectively impossible for them to satisfy a condition laid down in the newly enacted law and that this requirement had put them at a disadvantage compared with another association.

The Court first reiterated that the term discrimination means treating differently, without an objective and reasonable justification, persons in similar situations. In the Court's view, a different treatment has no objective and reasonable justification when it does not pursue a legitimate aim or that there is no reasonable relationship of proportionality between the means employed and the aim sought.

The Court noted that the new electoral law introduced a difference of treatment between organisations. Indeed, those already represented in Parliament were automatically entitled to field candidates again, whereas those that were not represented were required to carry out additional formalities to prove that they were representative. It was therefore easier for organisations in the former category to stand for election.

The Court then examined whether this difference of treatment had a legitimate aim. The Court agreed with domestic authorities' argument according to which the new electoral law was intended to ensure the right to effective representation of organisations not yet represented in Parliament and avoid applications that would not be serious.

The Court lastly examined the proportionality of the difference of treatment. The Court noted the date on which the new law came into force and calculated that the applicants had had approximately seven months to put themselves forward for election. The Court noted that in 2004 elections the applicant association had satisfied all the eligibility criteria under domestic law. In the Court's view, the applicant could not be criticised for failing to foresee that seven months before the 2008 elections they would be asked to fulfil a new criterion, namely that of having carried out specific programmes and projects for at least three years in order to qualify for charitable status. The Court considered that by amending electoral legislation seven months before the 2008 parliamentary elections, the authorities had not given the applicants the opportunity to organise their activities in such a way that they could be granted charitable status. It had been objectively impossible for them to obtain that status and thus satisfy the eligibility requirement under the new electoral law.

There had therefore been a violation of Article 14 of the Convention in conjunction with Article 3 of Protocol No. 1 to the Convention.

Article 41 (just satisfaction)

The Court held that the finding of a violation constituted in itself sufficient just satisfaction for the non-pecuniary damage sustained by the applicants.

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
ALBANIA	28 April 2015	DELJORGJI (No. 6858/11)	3	Violation of Art. 5 § 1	Unlawful and arbitrary detention of the applicant
				Violation of Art. 5 § 4	Domestic authorities' failure to promptly examine the lawfulness of the applicant's continued detention
AUSTRIA	2 April 2015	SARKOZI AND MAHRAN (No. 27945/10)	3	No violation of Art. 8	Justified interference with the applicant's family life given the serious and repetitive nature of the criminal offences committed by her which led to her expulsion, while the measure taken had been proportionate given the proximity of the country to which she was expelled, which allowed her family members to visit her frequently, the cultural ties of the applicant with her country of origin and the fact that the exclusion order was limited in time (4 years after the applicant's expulsion)
	16 April 2015	ARPELLINI AND OTHERS (No. 14134/07)	3	No violation of Art. 10	Proportionate interference with the applicants' right to freedom of expression which served a legitimate aim, namely, the protection of the personal and professional reputation of others
AZERBAIJAN	23 April 2015	NAGIYEV (No. 16499/09)	3	Violation of Art. 5 § 1	Unlawful and arbitrary detention of the applicant
CROATIA	2 April 2015	PAVLOVIC AND OTHERS (No. 13274/11)	3	Violation of Art. 6 § 1	Erroneous dismissal of the applicants' request for reimbursement of the cost of proceedings
	2 April 2015	RIBIC (No. 27148/12)	2	Violation of Art. 8 (positive obligations)	Domestic authorities' failure to take the necessary measures in order to facilitate the reunion between the applicant and his son
	2 April 2015	SOLOMUN (No. 679/11)	3	Violation of Art. 6 § 1	Unfairness of proceedings on account of the breach of the principle of legal certainty
				Violation of Art. 1 of Prot. No. 1	Deprivation of the possessions of the applicant due to domestic authorities' decision to quash the final judgment in his favour
9 April 2015	NJEZIC AND STIMAC (No. 29823/13)	2	No violation of Art. 2 (procedural)	No failure of the domestic authorities to conduct an effective and independent investigation into the death of the applicants' family members	
GERMANY	23 April 2015	KHAN (No. 38030/12)	3	No violation of Art. 8	No failure of the domestic authorities to strike a fair balance between the personal interests of the applicant and the preservation of public safety given that her expulsion can be regarded as proportionate to the aims pursued and as necessary in a democratic society
GREECE	2 April 2015	AARABI (IN FRENCH ONLY) (No. 39766/09)	3	No violation of Art. 3 (substantive)	Adequate conditions of detention

	16 April 2015	PAPASTAVROU (IN FRENCH ONLY) (No. 63054/13)	3	No violation of Art. 3 (substantive)	Adequate medical assistance
ITALY	14 April 2015	CHINNICI (No. 2) (No. 22432/03)	2	Violation of Art. 1 of Prot. No. 1	Domestic authorities' failure to award an adequate expropriation compensation reflecting inflation adjustment
MALTA	2 April 2015	DIMECH (No. 34373/13)	2	No violation of Art. 6 § 1	Fairness of proceedings
MOLDOVA	7 April 2015	VERETCO (No. 679/13)	3	Violation of Art. 3 (substantive)	Lack of adequate medical treatment
				Violation of Art. 5 § 4	Domestic courts' refusal to grant the applicant or his lawyer access to the investigation file, which deprived him of the possibility to challenge properly the reasons for his detention
				Violation of Art. 5 § 5	Lack of an enforceable right to compensation in respect of the violation of the applicant's rights under Article 5
	14 April 2015	BOTEZATU (No. 17899/08)	2	Violation of Art. 6 § 1	Domestic authorities' failure to enforce a final judgment in favour of the applicant for a period of 87 months
				Violation of Art. 1 of Prot. No. 1	Domestic authorities' failure to enforce the final judgment in favour of the applicant, which deprived him of the possibility of using and enjoying the social housing granted to him
	28 April 2015	DOROSEVA (No. 39553/12)	3	Violation of Art. 3 (substantive)	Ill-treatment of the applicant while in police custody
Violation of Art. 3 (procedural)				Lack of an effective investigation in that respect	
28 April 2015	I.P. (No. 33708/12)	3	Violation of Art. 3 (positive obligations, procedural)	Domestic authorities' failure to conduct an effective investigation into the applicant's allegations of rape	
			Violation of Art. 13 in conjunction with Art. 3 and 8 (positive obligations)	Lack of effective remedies concerning the applicant's allegations of rape	
ROMANIA	7 April 2015	ADRIAN RADU (IN FRENCH ONLY) (No. 26089/13)	3	Violation of Art. 3 (substantive)	Poor conditions of detention (overcrowding)
	14 April 2015	TORAN AND SCHYMIK (No. 43873/10)	3	Violation of Art. 3 (substantive)	Poor conditions of detention (overcrowding, poor hygiene)
				No violation of Art. 6 § 1	No failure of the domestic courts to investigate sufficiently the allegations of incitement and to allow the applicants to challenge the authenticity and accuracy of the evidence against them
ROMANIA (CONTINUED)	21 April 2015	CATALINA FILIP (No. 15052/09)	3	Violation of Art. 2 (procedural)	Lack of an effective criminal investigation into the death of the applicant's husband

		<u>TODIREASA</u> (No. 2) (No. 18616/13)	3	Violation of Art. 3 (substantive)	Poor conditions of detention (overcrowding, poor quality food, unacceptable hygiene conditions, inadequate heating)
	28 April 2015	<u>COJAN</u> (No. 54539/12)	3	Violation of Art. 3 (substantive)	Poor conditions of detention (overcrowding)
		<u>FERRARI</u> (No. 1714/10)	3	Violation of Art. 8	Domestic authorities' failure to promptly enforce the return proceedings of the applicant's child
		<u>MATEIUC</u> (<u>IN FRENCH ONLY</u>) (No. 48968/08)	3	No violation of Art. 6 § 1	Fairness of proceedings
RUSSIA	2 April 2015	<u>IREZIYEVY</u> (No. 21135/09)	3	Violation of Art. 2 (substantive)	Applicants' brother 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 applicants' brother
				Violation of Art. 3 (substantive)	Applicants' inability to ascertain the fate of their brother 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' brother 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' brother
	9 April 2015	<u>MURADELI</u> (No. 72780/12)	3	No violation of Art. 8	Justified administrative removal of the applicant given the numerous breaches of immigration rules and other administrative offences
	16 April 2015	<u>KHAMRAKULOV</u> (No. 68894/13)	3	Violation of Art. 3	Real risk of ill-treatment in case of the applicant's extradition to his country of origin
				Violation of Art. 5 § 4	Lack of a prompt judicial review concerning the lawfulness of the applicant's detention pending extradition
		<u>ZAYEV</u> (<u>IN FRENCH ONLY</u>) (No. 36552/05)	3	Violation of Art. 3 (substantive)	Ill-treatment of the applicant while in police custody
				Violation of Art. 3 (procedural)	Lack of an effective investigation in that respect

RUSSIA (CONTINUED)	23 April 2015	<u>KAGIROV</u> (No. 36367/09)	3	No violation of Art. 2 (substantive)	Absence of sufficient evidence suggesting that state agents were implicated in the disappearance or alleged death of the applicant's brother
				Violation of Art. 2 (procedural)	Domestic authorities' failure to carry out an effective criminal investigation into the disappearance of the applicants' brother
				No violation of Art. 3 (substantive)	Domestic authorities' conduct, albeit negligent, did not cause in itself the applicant mental distress in excess of the minimum level of severity necessary in order to give rise to a violation under Article 3
				No violation of Art. 5	Absence of sufficient evidence suggesting that the applicant's brother was arrested by state agents or placed in unacknowledged detention under their control
				No violation of Art. 38	No failure of the domestic authorities to disclose the contents of the investigation file concerning the disappearance of the applicant's brother
		<u>KHAYA AZIYEVA AND OTHERS</u> (No. 30237/10)	3	Violation of Art. 2 (substantive)	Applicants' relative 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 of the applicants' relative
				Violation of Art. 3 (substantive)	Applicants' inability to ascertain the fate of their relative and the manner in which their complaints had been dealt by the domestic authorities caused them mental distress and anguish
				No violation of Art. 3 (substantive)	Applicant's mental distress and anguish on account of his father's disappearance did not exceed the minimum level of severity necessary in order to give rise to a violation under Article 3 given that he was born almost four months after his father's disappearance
				Violation of Art. 5	Unlawful and unacknowledged detention of the applicants' relative by state agents
		<u>MIKHALCHUK</u> (No. 33803/04)	3	Violation of Art. 13 in conjunction with Art. 2	Lack of effective remedies in order to redress the ineffectiveness of the criminal investigation of the disappearance of the applicants' relative
				Violation of Art. 5 § 3	Extension of applicant's pre-trial detention on insufficient grounds for a period of more than 1 year and 2 months while alternative preventive measures were not considered

RUSSIA (CONTINUED)	30 April 2015	ISLAMOVA (No. 5713/11)	3	Violation of Art. 2 (substantive)	Applicant's sons 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 applicant's sons
				Violation of Art. 3 (substantive)	Applicant's inability to ascertain the fate of her sons 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 sons by state agents
				Violation of Art. 13 in conjunction with Art. 2 and 3	Lack of an effective remedy in order to redress the ineffectiveness of the criminal investigations of the disappearance and death of the applicant's sons
30 April 2015	SHAMARDAKOV (IN FRENCH ONLY) (No. 13810/04)	3	Violation of Art. 3 (procedural)	Domestic authorities' failure to carry out an effective investigation into the applicant's allegations of ill-treatment while in police custody	
			Violation of Art. 3 (substantive)	Ill-treatment of the applicant while in police custody	
			Violation of Art. 6 § 1	Unfairness of proceedings on account of the use of statements obtained under duress	
			Violation of Art. 6 § 1 taken together with Art. 6 § 3 (c)	Unfairness of proceedings on account of the lack of legal assistance afforded to the applicant while in police custody	
SERBIA	7 April 2015	RAGUZ (No. 8182/07)	3	Violation of Art. 6 § 1	Domestic authorities' failure to enforce a final judgment in favour of the applicant (11 years)
				Violation of Art. 1 of Prot. No. 1	Domestic authorities' failure to enforce the final judgment in favour of the applicant deprived him of the possibility to receive the repayment of a debt he had legitimately expected to receive
SLOVAKIA	28 April 2015	MASLAK (No. 15259/11) SABLIJ (No. 78129/11)	3	Violation of Art. 5 § 4 (in both cases)	Lack of a prompt judicial review of the lawfulness of the applicants' detention
				Violation of Art. 5 § 5 (concerning the first applicant)	Lack of an enforceable right to compensation in respect of the excessive length of the proceedings
SWITZERLAND	14 April 2015	TATAR (No. 65692/12)	2	No violation of Art. 2 and 3	No real risk suggesting that the applicant would be submitted to treatment contrary to Article 2 or 3 of the Convention in case of his removal to the country of his origin
THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA	16 April 2015	MITOVI (No. 53565/13)	3	Violation of Art. 8	Domestic authorities' failure to take adequate and effective measures in order to enforce the applicants' right to have contact with the child
				Violation of Art. 13 taken together with Art. 8	Lack of an effective remedy concerning the applicants' complaints under Article 8

TURKEY	14 April 2015	DURRU MAZHAR CEVIK AND ASUMAN MUNIRE CEVIK DAGDELEN (IN FRENCH ONLY) (No. 2705/05)	3	Violation of Art. 1 of Prot. No. 1	Expropriation of the applicants' plots of land without compensation
		LUTFIYE ZENGIN AND OTHERS (IN FRENCH ONLY) (No. 36443/06)	3	Violation of Art. 11	Disproportionate interference with the applicants' right to freedom of assembly and association on account of the police intervention in the peaceful demonstration they took part and the criminal proceedings brought against them
			3	Violation of Art. 5 § 1	Unlawful detention of the applicants (absence of legal basis) while alternative less severe measures provided under domestic law were not considered
	28 April 2015	BASTURK (IN FRENCH ONLY) (No. 49742/09)	3	Violation of Art. 3 (positive obligations, procedural)	Domestic authorities' failure to conduct with diligence the criminal proceedings brought against the perpetrators of the acts of violence against the applicant which were eventually terminated as time-barred
		GALIP DOGRU (IN FRENCH ONLY) (No. 36001/06)	3	Violation of Art. 5 § 3	Unjustified continuation of applicant's detention
			3	Violation of Art. 6 § 1	Excessive length of criminal proceedings (9 years and 10 months)
			3	Violation of Art. 6 § 3 (c) taken together with Art. 6 § 1	Unfairness of proceedings on account of the lack of legal assistance afforded to the applicant while in police custody
	SULTAN DOLEK AND OTHERS (No. 34902/10)	3	Violation of Art. 2 (procedural)	Domestic authorities' failure to conduct an effective investigation into the death of the applicants' relative	
UKRAINE	2 April 2015	KIRPICHENKO (No. 38833/03)	3	No violation of Art. 3 (substantive)	Absence of sufficient evidence suggesting that the applicant had been submitted to ill-treatment while in police custody
			3	Violation of Art. 3 (substantive)	Domestic authorities' failure to provide convincing explanations concerning the origin of the applicant's injuries
			3	Violation of Art. 3 (procedural)	Ineffective investigation into the applicant's allegations of ill-treatment
		ORLOVSKIY (No. 12222/09)	3	Violation of Art. 5 § 1	Unlawful detention of the applicant (absence of legal basis)
			3	Violation of Art. 5 § 3	Excessive length of pre-trial detention (5 years and 2 months)
		3	Violation of Art. 5 § 4	Lack of an effective judicial review of the applicant's continued detention	

UKRAINE (CONTINUED)	16 April 2015	GAL (No. 6759/11)	3	Violation of Art. 5 §§ 1 and 3	Unlawful and arbitrary detention of the applicant while he was not brought before a judge within the time-limit envisaged under domestic law
				Violation of Art. 5 § 1	Unlawful detention of the applicant
				No violation of Art. 5 § 4	Prompt judicial review of the lawfulness of the applicant's detention
	30 April	YAREMENKO (No. 2) (No. 66338/09)	3	Violation of Art. 6 §§ 1 and 3	Unfairness of proceedings on account of the domestic supreme court's failure to respect the applicant's right to a fair trial, right to defence, right to silence and privilege against self-incrimination as the applicant's conviction was based mainly on the use of evidence obtained in violation of the Convention (under duress) as found in the previous judgment
UNITED KINGDOM	7 April 2015	O'DONNELL (No. 16667/10)	3	No violation of Art. 6 § 1	Fairness of proceedings
	21 April 2015	PIPER (No. 44547/10)	3	Violation of Art. 6 § 1	Excessive length of proceedings

B. The decision on admissibility

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

STATE	DATE	CASE TITLE	ALLEGED VIOLATION	DECISION
FINLAND	27 January 2015	Alasippola v. Finland	Article 4 of Protocol No. 7 (violation of the <i>ne bis in idem</i> principle)	Inadmissible for non- exhaustion of domestic remedies
NETHERLANDS	13 January 2015	A.M.E. v. The Netherlands	Article 3 (risk of ill- treatment and bad conditions of living), along with articles 1, 2, 5, 6 and 13	Inadmissible as there are no real risk of severe hardship
ROMANIA	20 January 2015	Metalo Chimica Societate Cooperativă Meșteșugărească v. Romania	Article 6 § 1 (length of civil proceedings)	Inadmissible as incompatible <i>ratione personae</i>
UNITED KINGDOM	6 January 2015	Aswat v. The United Kingdom	Article 3 (his extradition would be in breach of his rights)	Inadmissible as ill-founded. No evidence that the applicant would not receive adequate treatment

C. The communicated cases

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

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

STATE	DATE OF DECISION TO COMMUNICATE	CASE TITLE	KEY WORDS OF QUESTIONS SUBMITTED TO THE PARTIES
AZERBAIJAN	2 February 2015	YUNUSOVA AND YUNUSOV No. 59620/14	The applicant complains that during her detention she was deprived of diabetic food and medicine, her state of health seriously being deteriorated.
CROATIA	9 February 2015	HOTI No. 63311/14	The applicant submits that regularisation of residence in the respondent state discriminates the real aliens whose residence in the state was not erased.
		MATAS No. 40581/12	The applicant complains about an allegedly unlawful restriction of his property rights of a commercial building by the application of measures of preventive protection of cultural heritage.
	16 February 2015	S.M. No. 60561/14	The applicant complains about the lack of an adequate response of the domestic authorities to her allegations that she was pressured to prostitution.
	16 February 2015	POJATINA No. 18568/12	The applicant submits that the domestic law dissuaded health professional from assisting her when giving birth at home.
CZECH REPUBLIC	19 February 2015	NOVOTNÝ No 16314/13	The applicant complains about the impossibility for him to contest his paternity while it has been established he was not the biological father of the child.
FRANCE	3 February 2015	BEN FAIZA No 31446/12	The applicant complains about the surveillance measures as his phone was tabbed and his car equipped with localisation means.

ITALY	17 February 2015	<u>S.P.A.</u> No 41984/04	The applicant complains about the long refund delay of the tax credits by the administration as an alleged current problem in the respondent state.
POLAND	17 February 2015	<u>SKRZEK</u> No. 20026/12	The applicant submits that the member state failed to prevent her husband from setting the house on fire, despite the fact that she had repeatedly informed them of his threats.
ROMANIA	10 February 2015	<u>ANGHEL</u> No. 58087/14	The applicant complains that he has not had been given food which in accordance with his beliefs in spite of a final judgment requesting the prison authorities to provide him with such a diet.
		<u>PĂTRĂUCEANU-IFTIME</u> No. 30777/14	According to the applicant, the refusal to grant her a divorce from her abusive husband compelled her and her children to return to a violent environment.
RUSSIA	2 February 2015	<u>ANANIYEVA AND ANANIYEV</u> No. 47495/11	The applicant complains about the imposition of a fine for letting her minor son regularly stay with other family members.
	9 February 2015	<u>PILCHUK</u> No. 52334/08	The applicant complains that the refusal to grant him parental leave amounted to discrimination on grounds of sex.
SLOVENIA	9 February 2015	<u>ŠTRLEKAR</u> No. 40535/14	The applicant submits that the forensic psychiatry unit where he was placed was aware of his susceptibility to impulsive behaviour and should have put in place certain measures to protect him from harming himself.
TURKEY	18 February 2015	<u>ARPALI</u> No. 66859/12	According to the applicants, the existence of metal pipes in the cells from which inmates can suspend themselves and the availability of laundry ropes eased their relative's suicide.

PartOne

§2 - EUROPEAN COMMITTEE OF SOCIAL RIGHTS

A. Reclamations and Decisions

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

B. Other information

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

PartOne

§3 - RECOMMENDATIONS & RESOLUTIONS

A. Recommendations

AUTHOR	DATE	TEXT NUMBER	SUBJECT MATTER	DECISION
CM	1 April 2015	(2015)5E	Processing of personal data in the context of employment	CM called on employers to avoid making unwarranted and unreasonable interference with the right of respect for private life of employees, by providing a number of ways to ensure the most correctly as possible the personal data of employees, on the collection of personal data by employers, their registration and external communication.
CM	1 April 2015	(2015)6E	Free, transboundary flow of information on the Internet	CM called on member states to promote and protect the free flow of information on the Internet, and to ensure that any blocking of content complies with human rights standards and does not interfere with international Internet traffic.
CM	15 April 2015	(2015)2E	Application of the European Charter for Regional or Minority Languages by Croatia	CM called on Croatian authorities to continue these efforts to promote awareness and tolerance vis-à-vis the minority languages, in all aspects, to take measures to ensure that speakers can use their minority languages in relations with relevant state.

B. Resolutions

AUTHOR	DATE	TEXT NUMBER	SUBJECT MATTER	DECISION
CM	1 April 2015	(2015)1E	Implementation of the Framework Convention for the Protection of National Minorities by Liechtenstein	CM called on the authorities of Liechtenstein to improve further the implementation of the 'Framework Convention', by pursuing an open and comprehensive approach towards integration and by amending the current legislative framework to provide comprehensive protection from all forms of discrimination.
CM	15 April 2015	(2015)2E	Principles concerning human normal immunoglobulin therapies for immunodeficiency and other diseases	CM called on States to take appropriate measures to step up the promotion of certain principles as to adopt a suitable process to ensure adequate supplies for all patients in need

CM	15 April 2015	(2015)3E	Principles concerning haemophilia therapies	CM called on States to take appropriate measures and step up the promotion of certain principles as to optimise the organisation of haemophilia care.
CM	15 April 2015	(2015)4E	Establishment of the Enlarged Partial Agreement on Sport (EPAS)	CM decided to amend the Revised Statute of the Enlarged Partial Agreement on Sport (EPAS), set out in the Resolution (2010)11.
CM	15 April 2015	(2015)5E	Status and conditions of service of judges of the European Court of Human Rights and of the Commissioner for Human Rights	CM decided to amend Resolution CM/Res(2009)5 on the status and conditions of service of judges of the European Court of Human Rights and of the Commissioner for Human Rights as amended by Resolution CM/Res(2013)4.
CM	15 April 2015	(2015)4	European Federation of National Organisations working with the Homeless (FEANTSA) v. the Netherlands, Complaint No. 86/2012	CM decided that there was a violation of Article 31§2 of the European Social Charter, a violation of Article 13§1 and 4 of the European Social Charter, a violation of Article 19§4 of the European Social Charter, and a violation of Article 30 of the European Social Charter.
CM	15 April 2015	(2015)5	Conference of European Churches (CEC) v. the Netherlands, Complaint No. 90/2013	CM decided that there was a violation of Article 13§4 and of Article 31§2 of the European Social Charter.
CM	15 April 2015	(2015)6	Association for the Protection of All Children (APPROACH) Ltd. v. France, Complaint No. 92/2013	CM decided that there was a violation of Article 17§1 of the European Social Charter.
CM	15 April 2015	(2015)7	Association for the Protection of All Children (APPROACH) Ltd. v. Italy, Complaint No. 94/2013	CM decided that there was no violation of Article 17§1 of the Revised European Social Charter.
CM	30 April 2015	(2015)6E	Appointment to the post of Deputy Secretary General	CM decided to submit to the Parliamentary Assembly, for appointment to the post of Deputy Secretary General, with effect from 1 September 2015, the candidature of Mrs Gabriella Battaini-Dragnoni (Italy).
PACE	21 April 2015	2045 - 2067	Mass surveillance	PACE expressed that resources that might prevent attacks are diverted to mass surveillance, leaving potentially dangerous persons free to act. Thus, PACE called for the collection and analysis of personal data without consent, a better judicial and parliamentary control of intelligence services, an "intelligence codex" defining mutual obligations that secret services could opt into, and a "credible, effective protection" for whistle-blowers exposing unlawful surveillance.

PACE	21 April 2015	2046	Expenditure of the Parliamentary Assembly for the biennium 2016-2017	PACE expressed that the Council of Europe should have more financial means of fulfilling its role.
PACE	21 April 2015	2047	Humanitarian consequences of the actions of the terrorist group known as "Islamic State"	In the face of the unprecedented humanitarian crisis caused by the actions of the terrorist group known as "Islamic State", PACE has reiterated its appeal to States to show solidarity by increasing the funds allocated to humanitarian organisations in the region.
PACE	22 April 2015	2048	Discrimination against transgender people in Europe	PACE stressed that national and international classifications of diseases should be amended to ensure that transgender people, including children, "are not labelled as mentally ill", and steps should be taken to ensure "stigma-free access to necessary medical treatment". Furthermore, discrimination based on gender identity should be explicitly prohibited in national anti-discrimination legislation and that the human rights situation of transgender people should be included in the mandate of national human rights institutions.
PACE	22 April 2015	2049 - 2068	Social services in Europe: legislation and practice of the removal of children from their families in Council of Europe member States	PACE called upon member states to introduce laws and procedures that put the best interest of the child first in any placement, removal and reunification decisions. It also recommends that removal decisions are based only on court orders, except in urgent cases. Furthermore, families should be provided with the necessary support to avoid unwarranted removal decisions. It is also necessary to avoid severing family ties completely and removing children from parental care at birth.
PACE	23 April 2015	2050	The human tragedy in the Mediterranean: immediate action needed	PACE called on EU governments to strengthen, as a matter of urgency, search and rescue operations at sea, "with increased contributions from all member States" and to adopt effective measures and "coordinate common action at European level in the combat against human traffickers and smugglers". (Read the Report)
PACE	23 April 2015	2051 - 2069	Drones and targeted killings: the need to uphold human rights and international law	PACE called on States to lay down clear procedures for authorising drone strikes, including constant "supervision by a high-level court" and post-strike evaluation by an independent body. PACE also called on Council of Europe governments to undertake a thorough study of the lawfulness of combat drones for targeted killings, and develop guidelines that are in line with international humanitarian and human rights law, including the European Convention on Human Rights.
PACE	23 April 2014	2052	Post-Monitoring dialogue with Monaco	In the light of the progress achieved since 2009 and the efforts made by Monaco to honour its obligations, the Monitoring Committee proposed to the Assembly to end the post-monitoring dialogue with Monaco, while continuing to follow legislative and institutional developments. (Read the Report)

PACE	23 April 2015	2053	The reform of football governance	PACE called on Qatar to respect the basic rights of foreign migrant workers and urged FIFA to encourage this process. It also addressed recommendations for improving transparency and governance to FIFA, UEFA and other sports organisations.
PACE	24 April 2015	2054	Equality and non-discrimination in the access to justice	PACE, through a report, recalled that « equal treatment in access to justice has to become a reality and Council of Europe member states need to remove existing obstacles and ensure that their citizens have equal access to justice, irrespective of their wealth or status ».
PACE	24 April 2015	2055 - 2070	The effectiveness of the European Convention on Human Rights: the Brighton Declaration and beyond	PACE warned that repeated applications on the same issue and on-going serious underlying structural human rights problems in some states were still adding to the challenges facing the Court.

PartOne

§4 - OTHER INFORMATION OF GENERAL IMPORTANCE

A. Information from the Committee of Ministers

■ Didier Reynders: The cradle of our civilisation must not become the grave of those aspiring to be part of it (22.04.2015)

Referring to last serious incidents in the Mediterranean, CM Chairman stressed that the human tragedy represents a real challenge not only for the countries of origin and receiving countries, but also for European organisations such as the Council of Europe. ([Read more](#) - [Report](#) - [Speech](#) - [Video of the address by Didier Reynders](#))

B. Information from the Parliamentary Assembly

■ Safe and high-quality food for a healthier population (07.04.2015)

PACE encouraged food safety and called for a reduction in public health risks, in particular for the most vulnerable population (such as children, pregnant women and sick or allergic persons), by strengthening the benchmarks on food hazards and labelling requirements for processed foods. ([Read more](#))

■ Rapporteur to MEP's: 'Let's work together on human rights' (14.04.2015)

PACE rapporteur called for MEPs' help in encouraging the EU to work more closely with the Council of Europe to uphold human rights. Furthermore, PACE rapporteur called on the European Union to continue to scrutinise its draft legislation to ensure its compatibility with the Charter for Fundamental Rights. ([Read more](#))

■ Mediterranean migrant tragedy: rapporteur calls for a coordinated European response (15.04.2015)

PACE Rapporteur expressed that the human rights of refugees, on the one hand, as well as the fight against unscrupulous traffickers, on the other, should be addressed at a European level as a matter of priority. ([Read more](#))

■ Anne Brasseur: 'We need to put an end to the terrible situation of detained migrant children' (20.04.2015)

PACE called on national parliaments to give visibility to the campaign and help protect migrant children, in compliance with the UN Convention on the Rights of the Child. ([Read more](#) - [Interview with Doris Fiala](#))

■ Strengthening child policies by including children's rights in national constitutions (22.04.2015)

PACE called on member states to update their constitutional and legislative frameworks, review their constitutional provisions in the light of international standards, treat children as "autonomous rights-holders" and develop enforcement mechanisms such as access to judicial remedies and courts. ([Read more](#) - [Adopted Report](#))

■ **New sub-committee to deal with ‘frozen conflicts’ to be created (23.04.2015)**

A new sub-committee to deal with “conflicts between Council of Europe member states” is to be created which will deal with conflicts where active armed conflict is at an end, but no peace treaty has been signed which satisfies all the combatants. ([Read more](#) - [Decision](#))

■ **All democratic forces needed to join hands in combating hatred and intolerance (26.04.2015)**

PACE President called on all democratic forces, including representatives of civil society and religious leaders, to join efforts to prevent the worst thinkable scenario, to anticipate potential threats to the common democratic values and strengthen the efforts to foster mutual respect between cultures and communities. ([Read more](#))

■ **Promoting the integration of Chinese migrants in Europe (27.04.2015)**

PACE, through a report, proposed a set of measures to foster the integration of Chinese communities and recommends increased co-operation between Europe and China, in particular to combat illegal immigration. ([Read more](#) - [Adopted Report](#))

■ **'The Lake' – powerful new video aims to break the silence on sexual abuse (29.04.2015)**

Children facing sexual abuse within their family are being encouraged to “break the silence” and speak out about it in a powerful new short video from the PACE. ([The video](#) - [The EACA Care Awards](#))

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

■ **CPT: 86th plenary meeting of the committee in March (30.04.2015)**

The CPT held its 86th plenary meeting from 3 to 6 March 2015 in Strasbourg.

During this meeting, it adopted the reports on its periodic visits to Ireland (September 2014), Austria (September/October 2014), Finland (September/October 2014) and “the former Yugoslav Republic of Macedonia” (October 2014), and its ad hoc visits to Ukraine (September 2014), the United Kingdom (Gibraltar) (November 2014) and to the Russian Federation (November/December 2014) ([Read more](#)).

■ **GRETA: “Human trafficking: Many European states not doing enough for child victims” (16.04.2015)**

In its Fourth General Report, the GRETA provided an analysis of trends, gaps and best practices identified in GRETA’s 35 country-by-country reports published between 2011 and 2014 as part of the first evaluation round of the Convention on Action against Trafficking in Human Beings ([Link to the report](#)).

■ **Second workshop for judges and prosecutors on the non-punishment provision (28.04.2015)**

The Council of Europe and the OSCE organised for the second time a joint workshop for judges and prosecutors on enhancing the protection of victims of trafficking in human beings. The workshop focused on the implementation of the non-punishment principle enshrined in Article 26 of the Council of Europe Convention on Action against Trafficking in Human Beings, which holds that victims should not be punished for unlawful activities they were forced to commit by their exploiters ([Read more](#)).

■ **MONEYVAL: Outcome of the 47th Plenary Meeting of the committee (21.04.2015)**

MONEYVAL held its 47th plenary meeting in Strasbourg from 14 to 17 April 2015 ([Read 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

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 welcomed Armenia's steady advancement on path of reform (15.04.2015)

PACE President welcomed the steady advancement of Armenia on the path of implementing the commitments and obligations it undertook when joining the Council of Europe, in particular, concerning justice, constitutional reforms, and by combating domestic violence. ([Read more - PACE President on official visit to Armenia](#))

Azerbaijan

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

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

B. Resolutions, signatures and ratifications

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

C. Other information

■ PACE: Azerbaijan monitors expressed concern at entry refusal for NGO trial observer (09.04.2015)

PACE co-rapporteurs expressed their concern following the refusal by the Azerbaijani authorities to allow Human Rights Watch researcher Giorgi Gogia to enter the country in order to perform his trial monitoring work last week. They called on the authorities to do all they can to improve the transparency of the judicial process, including by allowing civil society to monitor court trials. ([Read more](#))

■ PACE: Azerbaijan - monitoring co-rapporteurs said Jafarov sentence 'could be perceived as disproportionate', called for fair appeal (17.04.2015)

PACE co-rapporteurs expressed their concern at the sentence passed on Rasul Jafarov, and they called on the domestic authorities to take the necessary steps to ensure fairness, equality of arms and respect for the presumption of innocence, in compliance with Article 6 of the European Convention on Human Rights. ([Read more](#))

■ Legal Affairs committee appalled by the conviction of a prominent Azeri human rights lawyer (23.04.2015)

PACE condemned the "clear pattern of repression in Azerbaijan against those expressing dissent or criticism of the authorities" and reprisals against those who cooperate with international institutions, including the Council of Europe. PACE urged the authorities to stop the crackdown on civil society.

([Read more](#))

■ GRECO: Publication of the Fourth Round Evaluation report on Azerbaijan (02.04.2015)

The GRECO has published its [Fourth Round Evaluation Report on Azerbaijan](#) dealing with corruption prevention in respect of members of parliament, judges and prosecutors ([Read the report](#)).

■ Publication of a second compliance report (02.04.2015)

([Link to the report](#)).

Bosnia and Herzegovina

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

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

B. Resolutions, signatures and ratifications

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

C. Other information

■ MONEYVAL: The committee issued a revised public statement on Bosnia and Herzegovina (14.04.2015)

At the 47th Plenary, MONEYVAL considered the progress of Bosnia and Herzegovina under the Compliance Enhancing Procedures and decided that, while progress has been made since the last meeting on amendments to the criminalisation of financing of terrorism, overall progress on the Criminal Code and the implementation of by-laws to the preventive law remained insufficient. The 47th Plenary considered it was obliged to follow the decision of the previous plenary to invoke the next Step 4 of the Compliance Enhancing Procedures if overall progress was insufficient by April. Accordingly Step 4 was invoked and a revised public statement has been issued ([Link to the press release](#) - [Link to the public statement](#)).

Cyprus

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: Publication of a second compliance report (29.04.2015)

[Link to the report.](#)

Czech Republic

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

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

B. Resolutions, signatures and ratifications

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

C. Other information

■ FCNM: Visit of the Advisory Committee (from 13.05.2014 to 17.04.2015)

A delegation of the Advisory Committee on the FCNM has been visiting the Czech Republic from 13 to 17 April 2015 in the context of the monitoring of the implementation of this convention ([Read more](#)).

Estonia

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

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

B. Resolutions, signatures and ratifications

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

C. Other information

■ GRECO: Publication of a compliance report on Estonia (17.04.2015)

[Link to the report.](#)

Finland

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

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

B. Resolutions, signatures and ratifications

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

C. Other information

■ GRECO: Publication of a compliance report on Finland (01.04.2015)

[Link to the report.](#)

Greece

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

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

B. Resolutions, signatures and ratifications

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

C. Other information

■ CPT: Visit of the committee to Greece (28.04.2015)

A delegation of the CPT carried out an ad hoc visit to Greece from 14 to 23 April 2015.

The purpose of the visit was to examine the progress made in implementing the recommendations contained in the report on the CPT's visit of April 2013. To this end, the treatment of persons deprived of their liberty by the police and the practical application of the safeguards surrounding their detention were examined ([Read more](#)).

Iceland

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: Publication of a compliance report on Iceland (01.04.2015)

[Link to the report.](#)

Italy

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

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

B. Resolutions, signatures and ratifications

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

C. Other information

■ FCNM: Visit of the Advisory Committee (16.04.2015)

A delegation of the Advisory Committee on the Framework Convention for the Protection of National Minorities will visit Italy from 29 June to 3 July 2015 in the context of the monitoring of the implementation of this Convention ([Read more](#)).

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

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

B. Resolutions, signatures and ratifications

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

C. Other information

■ CPT: Visit of the committee to Kosovo (28.04.2015)

A delegation of the CPT has recently completed its third visit to Kosovo (from 15 to 22 April 2015). The visit was carried out on the basis of an agreement signed in 2004 between the Council of Europe and the United Nations Interim Administration Mission in Kosovo (UNMIK). The delegation reviewed the measures taken by the relevant authorities following the recommendations made by the Committee after its previous visit (in 2010) ([Read more](#)).

* All reference to Kosovo, whether to the territory, institutions or population, in this text shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.

Latvia

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: Publication of a compliance report on Latvia (14.04.2015)**

[Link to the report.](#)

Liechtenstein

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

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

B. Resolutions, signatures and ratifications

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

C. Other information

■ FCNM: Adoption of Committee of Ministers' resolution (01.04.2015)

[Link to the resolution.](#)

Republic of Moldova

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: Publication of a second compliance report (01.04.2015)

[Link to the report.](#)

Portugal

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

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

B. Resolutions, signatures and ratifications

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

C. Other information

■ GRECO: Publication of a second compliance report (01.04.2015)

[Link to the report.](#)

Romania

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: Publication of a second compliance report (14.04.2015)

[Link to the report.](#)

Slovenia

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

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

B. Resolutions, signatures and ratifications

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

C. Other information

■ GRETA: Round-table to support anti-trafficking efforts in Slovenia (17.04.2015)

A round-table meeting on the follow-up to be given to GRETA's first evaluation report and the Committee of the Parties' recommendation on the implementation of the Convention on Action against Trafficking in Human Beings by Slovenia took place in Ljubljana on 17 April 2015. ([Read more](#))

Spain

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

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

B. Resolutions, signatures and ratifications

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

C. Other information

■ CPT: Publication of a report on Spain (09.04.2015)

The CPT has published the report on its visit to Spain which took place in July 2014 as well as the response of the Spanish authorities.

The purpose of the 2014 visit to Spain was to examine certain aspects of the treatment of irregular migrants intercepted in the enclave of Melilla along the border with Morocco, as well as to assess the implementation of the previous CPT's recommendations in relation to the detention centres for foreigners (CIEs) in Barcelona (Zona Franca) and Madrid (Aluche). ([Read more](#))

Switzerland

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

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

B. Resolutions, signatures and ratifications

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

C. Other information

■ CPT: Visit of the committee to Switzerland (29.04.2015)

A delegation of the CPT carried out a periodic visit to Switzerland from 13 to 24 April 2015. It was the Committee's seventh visit to this country.

The main objective of the visit was to review the measures taken by the Swiss authorities in response to the recommendations made by the Committee after previous visits ([Read more](#)).

“The former Yugoslav Republic of Macedonia”

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

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

B. Resolutions, signatures and ratifications

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

C. Other information

■ CPT: The President of the committee held high-level talks in Skopje (01.04.2015)

The President of the CPT held high-level talks in Skopje with senior government officials of “the former Yugoslav Republic of Macedonia” on 30 and 31 March 2015 to present the findings and recommendations contained in the CPT’s report on the October 2014 periodic visit to the country ([Read more](#)).

■ GRETA: Round-table to support anti-trafficking efforts in “the former Yugoslav Republic of Macedonia” (08.04.2015)

On 8 April 2015 the Anti-Trafficking Secretariat of the Council of Europe, in co-operation with the National Commission for Fight against Trafficking in Human Beings and Illegal Migration, organised a round-table meeting in Skopje for some 25 representatives of relevant governmental bodies and non-governmental organisations ([Read more](#)).

Ukraine

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

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

B. Resolutions, signatures and ratifications

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

C. Other information

■ PACE: Anne Brasseur – “The situation in Ukraine and the migration tragedy, our two main challenges” (20.04.2015)

PACE President recalled that the Council of Europe should play a leading role in building an environment for sustainable peace in Ukraine. The President of the PACE called once again on the Russian authorities to free Nadia Savchenko, member of the Ukrainian PACE delegation, including on humanitarian grounds and in line with the Minsk II agreement. ([Read more](#) - [Opening address by Anne Brasseur](#) - [Video: Press conference by Anne Brasseur](#) - [Video: statement by the President](#).)

■ CPT: Publication of a report on Ukraine (29.04.2015)

The CPT has published the report on its September 2014 ad hoc visit to Correctional Colonies Nos. 25 and 100 in the Kharkiv area of Ukraine. The report also reviews the measures taken to investigate ill-treatment of detained persons by law enforcement officials during the Maidan events in Kyiv, and the situation of persons detained in the context of on-going “anti-terrorism” operations ([Read more](#) - [Read the report](#)).