



# REGULAR SELECTIVE INFORMATION FLOW

for the attention of the National Human Rights Structures

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## **Introduction**

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

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

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

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# PartOne

## GENERAL INFORMATION

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

This information was issued during the period under observation (1-30 June 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)**

#### **LAMBERT AND OTHERS V. FRANCE (No. 46043/14) — Importance 1 — 5 June 2015 — No violation of Article 2 — Domestic authorities’ proportionate decision to withdraw an artificial life-sustaining treatment**

The case concerned a patient who is tetraplegic and in a state of complete dependency after road-traffic accident. The highest domestic administrative court pronounced a judgment in which it authorised the withdrawal of the artificial nutrition and hydration of a patient. The applicants are family members of the patient (in particular his parents) who made a stand, in front of several domestic

courts, against the withdrawal of the artificial nutrition and hydration, claiming that the domestic court's decision, as it would lead to death, is contrary to Article 2 of the Convention.

#### Article 2

The Court recalled that Article 2 imposed to the state the negative obligation of refraining from the "intentional" taking of life and also the positive obligation of safeguarding the lives of those within its jurisdiction. As the law did not authorise either euthanasia or assisted suicide, the negative obligation is not concerned.

The Court reiterated that in addressing the question of the withdrawal of medical treatment it had taken into account the following: the existence, in domestic law and practice, of a legislative framework compatible with the requirements of Article 2; whether account had been taken of the applicant's previously expressed wishes and those of the persons close to him, as well as the opinions of other medical personnel; and the possibility to approach the courts in the event of doubts as to the best decision to take in the patient's interests. In this case, the Court considered that the provisions of the law, as interpreted by the highest administrative court, constituted a legal framework which was sufficiently clear, for the purposes of Article 2 of the Convention, to regulate with precision the decisions taken by doctors in situations such as that in the present case. It therefore concluded that the State had put in place a regulatory framework apt to ensure the protection of patients' lives.

The Court reached the conclusion that the present case had been the subject of an in-depth examination in the course of which all points of view could be expressed and that all aspects had been carefully considered, in the light of both a detailed expert medical report and general observations from the highest-ranking medical and ethical bodies.

Finally, the Court concluded that the domestic authorities had complied with their positive obligations flowing from Article 2 of the Convention, in view of the margin of appreciation left to them in the present case.

Therefore, the Court concluded that there would be no violation of Article 2 of the Convention in the event of implementation of the judgment of the domestic court.

#### **ALTUĞ AND OTHERS V. TURKEY ([IN FRENCH ONLY](#)) - No. 32086/07 - Importance 3 - 30 June 2015 - Violation of Article 2 - Domestic courts' failure to deal with the applicant's principal claim and to ensure effectively the implementation of the relevant legislative framework on medical staffs' obligations**

The case concerned the death of the applicants' mother, as the result of a violent allergic reaction to a penicillin-based drug, administered intravenously in a private hospital. They lodged a complaint for manslaughter and negligence against the private medical centre, alleging especially that the medical team had not complied with their legal obligations to question the patient or her relatives on her medical history and possible allergies and to obtain her consent to administration of the drug.

There was no controversy between the parties as to the existence in Turkey of a legislative and statutory framework requiring medical staff in all hospitals, whether private or public, to provide information to patients and to obtain their consent to the treatment envisaged. Therefore, the Court focused on the capacity of the judicial system to verify respect for those obligations by the medical team.

For that purpose, the Court reiterated that Article 2 of the Convention implies the obligation to establish an effective and independent judicial system for establishing the cause of death of an individual who was under the responsibility of health professionals. The Court noted that the applicants had had recourse to two sets of proceedings, one criminal and the other civil, but that those two trials ended with the dismissal of the applicants' compensation claims. The Court underlined that neither of these judicial decisions and none of the reports produced in the framework of the different sets of proceedings had satisfactorily dealt with the applicant's principal claim that the medical team had failed to question the applicant's mother or her relatives about her medical history. Consequently, the Court held that those proceedings had lacked the requisite effectiveness to ensure appropriate implementation of the relevant legislative and statutory framework designed to protect individuals' right to life.

The Court therefore concluded that there was a violation of article 2.

Article 41 (Just satisfaction)

The Court ruled that Turkey should pay the applicants EUR 20,000 in respect of non-pecuniary damages and EUR 1,650 in respect of costs and expenses.

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

**LUTSENKO V. UKRAINE (NO. 2) (No. 29334/11) - Importance 3 - 11 June 2015 - Violation of Article 3 - Domestic authorities' failure to provide the applicant with adequate treatment to his state of health, during pre-trial detention and court hearings**

The case concerned several complaints about the conditions of the pre-trial detention of the former Minister of the Interior. Indeed, he alleged that his cell was too small, poorly ventilated and lacked both hygiene facilities and access to drinking water. Suffering with diabetes, he also insisted on the lack of adequate medical care. Furthermore, he complained about his treatment during court hearing, as he was standing in a metal cage.

Concerning the applicant's pre-trial detentions, the Court first recalled that in order to assess whether a State had ensured compatible conditions of detention with respect for one's human dignity, account has to be taken of the cumulative effects of those conditions and the duration of the detention. The Court observed that the applicant had had less than three-square metres at his personal disposal during the first period of detention, and concluded with a violation of Article 3.

Nevertheless, it did not considered that the other complaints reach the threshold of severity required to characterise the treatment as inhuman or degrading within the meaning of Article 3 of the Convention.

Then, the Court examined the medical treatment provided to the applicant in detention. It observed that his health had received considerable attention from the authorities, as doctors immediately examined him upon his admission to detention, and that it continued on a daily basis. There was accordingly no violation of Article 3 of the Convention.

Concerning the conditions of the applicant's detention on hearing days, the Court reiterated that the principles laid down by Article 3 apply to the conditions of detainees' transportation to and from a courthouse and of their confinement in the courthouse, including a proper catering. In the present case, the Court noted that the applicant had attended 79 hearings before the trial court over a period of eight months, while he suffered from several diseases requiring continuous treatment. It found that he had to spend several hours in a small waiting room at the court without any food and that it must have caused him physical suffering and fatigue. Moreover, the Court reiterated that the issue of holding a person in a metal "cage" during court hearings is incompatible with Article 3 of the Convention if the detainees are accused of nonviolent crimes and if « security risks » were not supported by any specific facts. The Court thus considered that the security arrangements had been excessive and could have reasonably been perceived as humiliating by the applicant and by the public.

There had accordingly been a violation of Article 3.

Article 41 (Just satisfaction)

The applicant did not submit a claim for just satisfaction. Accordingly, the Court did not consider it necessary to make any awards in that respect.

**A.S. V. SWITZERLAND (No. 39350/13) - Importance 2 - 30 June 2015 - No violation of Article 3 - Sufficient possibility for the applicant to receive adequate psychological treatment in his future country - No violation of Article 8 - No failure of domestic authorities to strike a fair balance between the applicant's personal interests in establishing any family life in Switzerland and the public order interests of controlling immigration**

The case concerned a Syrian asylum seeker facing expulsion to Italy, under the EU Dublin regulation. His fingerprints had been registered there before he had entered Switzerland, the country he is currently living in. To argue against this decision, he pointed out his need of his current treatment against post-traumatic stress, and his need to be with his two sisters, who live in Switzerland, because they give him a certain emotional stability.

### Article 3

The Court first examined whether the applicant's return to Italy would put him in a situation of harm which could reach the high threshold set by Article 3 of the Convention. The Court referred to its judgement in the case of *Tarakhel v. Switzerland*, in which it had raised serious doubts as to the capacities of the reception system for asylum seekers in Italy. It paid particular attention to the possibility that asylum seekers might be left without accommodation or might be accommodated in overcrowded facilities without any privacy. Nevertheless, it found that the overall situation in Italy could not in itself act as a bar to all removals of asylum seekers to that country. Furthermore, the Court took the view that there had been no indication that the applicant, if returned to Italy, would not receive appropriate psychological treatment.

Accordingly, the Court found that the implementation of the decision to remove the applicant to Italy would not give rise to a violation of Article 3 of the Convention.

### Article 8

The Court first recalled that aliens who apply for a residence permit have no entitlement to expect that a right of residence will be conferred upon them. It also reaffirmed that the extent of a State's obligations to admit to its territory relatives of persons residing there will vary according to the particular circumstances of the persons involved and the general interest. In this case, the Court observed that there was no indication that the applicant had lived in Switzerland before lodging his asylum request. It could thus not be argued that the tolerance by domestic authorities of his presence in the country for a long period had enabled him to establish and develop strong family ties there. The Court had already found in other cases that relations between parents and adult children or between adult siblings did not constitute family life for the purpose of Article 8 unless the applicants could demonstrate additional elements of dependence. Bearing in mind the margin of appreciation afforded to States in immigration matters, the Court found that a fair balance has been struck between the competing interests at stake, namely the personal interests of the applicant in establishing any family life in Switzerland on the one hand and, on the other, the public order interests of controlling immigration.

In view of the above considerations, the Court found that the implementation of the decision to remove the applicant to Italy would not give rise to a violation of Article 8 of the Convention.

- **Prohibition of slavery and forced labour (art. 4)**

**CHITOS V. GREECE (IN FRENCH ONLY) No. 51637/12 — Importance 2 — 4 June 2015 — Violation of Article 4§2 — Domestic authorities failure to strike a fair balance between protecting individual right and the interests of the community at large**

The case concerned a military medical officer's complaint after he had been forced to pay a fee to the State in order to resign before the end of his period of service. The applicant appealed before a domestic court but was forced to pay the entire amount before the court was able to reach a decision.

### Article 4§2

The applicant alleged that being forced to remain in the armed force or to pay a fee to resign earlier was contrary to article 4§2 of the Convention and prohibition of forced labour.

The Court observed that the obligation for army officers to serve for a specified period after the end of their training was inherent in their mission and that the length of that period was at the sole discretion of the domestic authorities, to secure a return on its investment in the training of army officers and military medical officers. Nevertheless, the applicant was necessarily aware that he would have to



serve for a specified number of years after obtaining his diploma, in exchange for studying free of charge and for the remuneration and social advantages, which he had enjoyed in the armed force.

However the Court underlined that the domestic authorities, by forcing the applicant to a full payment in one step, even if the amount was later reduced by the domestic court, had failed to strike a fair balance between protecting the applicant's individual right and the interests of the community at large and had imposed a disproportionate burden on him at the same time, in breach of Article 4 § 2.

#### Article 41 (just satisfaction)

The Court held that Greece was to pay the applicant EUR 5,000 in respect of non-pecuniary damage and EUR 5,000 in respect of costs and expenses.

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

#### **GRABOWSKI V. POLAND (No. 57722/12) - Importance 2 - 30 June 2015 - Violation of Article 5 §§ 1 and 4 - Domestic authorities' failure to stop the practice of detaining juveniles subject to correctional proceedings without a specific judicial decision**

The case concerned the extension of the applicant's placement in a shelter for juveniles for a period of five months, without a specific court order, pending a decision in correctional proceedings against him. Indeed, the family courts considered that such an order constitutes in itself a basis for extending the placement of a juvenile in a shelter.

The Court first reiterated that Article 5 requires the obligation to conform to the substantive and procedural domestic law, and also that any deprivation of liberty should be in keeping with the purpose of protecting the individual from arbitrariness.

In the present case, the Court noted that even after the expiry of the initial decision ordering the applicant's placement in a shelter for juveniles, he continued to be detained without any specific court order for a period of five months. The Court considered that the practice of not issuing a separate decision to extend placement in a shelter for juveniles once the juvenile's case had been referred for correctional proceedings, had resulted from the lack of precision in the provisions of the Juvenile Act.

Furthermore, the Court considered that this practice was in itself contrary to the principle of legal certainty. In conclusion, the Court found that the applicant's detention was not "lawful" within the meaning of Article 5 § 1 of the Convention.

Furthermore, the Court noted that the decision dismissing the applicant's application for release had not explained the legal basis for his continued detention in the shelter for juveniles, but simply referred to the fact that he had been accused of serious criminal acts. The Court observed that it had not addressed the crucial argument of why the applicant's continued detention in the shelter for juveniles had not been based on a judicial decision.

There had therefore also been a violation of Article 5 § 4.

#### Article 41 (just satisfaction)

The Court held that Poland was to pay the applicant EUR 5,000 in respect of non-pecuniary damage.

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

#### **SCHMID-LAFFER V. SWITZERLAND (IN FRENCH ONLY) No.41269/08 — Importance 2 — 16 June 2015 — No violation of Article 6§1 — Legitimacy of the domestic court's decision**

The case concerned the applicant's conviction and prison sentence for attempted premeditated murder, putting a person's life in danger and bringing false accusations. The police interviewed the applicant twice. The second time, she was arrested and confessed having incited someone else to murder her husband. She contested her condemnation in front of several domestic courts, claiming that she had not been informed of her rights not to incriminate herself and to remain silent.

Based on the principles laid in its previous cases, the Court reiterated that the guarantee of the right to a fair trial meant examining whether the proceedings as a whole had been fair, including the way in which the evidence had been obtained.

The domestic court found that while the confessions she had made while remanded in custody, without having been informed of her right to remain silent, could not be taken into account, the statements she had made while free, could be admitted in evidence. The Court added that the domestic courts had relied on other testimony than her confession in convicting her.

Consequently, the Court found that the proceedings as a whole had not breached Article 6 § 1 of the Convention.

**LEBEDINSCHI V. THE REPUBLIC OF MOLDOVA ([IN FRENCH ONLY](#)) No. 41971/11 — Importance 3 — 16 June 2015 — Violation of Article 6§1 — Domestic authorities' unfair proceedings**

The applicant, who was a police superintendent, suffered from an occupational injury which prevented him from working again. He was granted an indemnity paid to police personnel who are injured in the course of their duties, however he claimed for compensation in respect of his loss of capacity to work, on the basis of an exception provided for in the law.

The domestic court of appeal had dismissed the applicant's claim for the payment of the indemnity for loss of capacity to work, on the ground that the provisions of the law were not applicable to police personnel except for contractual employees. The applicant proved that he was actually a contractual employee and could thus benefit from the exception in the law.

The Court found that the domestic Supreme Court did not look at this argument, only claiming that as a police member he could not demand this compensation. The domestic Supreme Court should thus have given a specific response to that question and it was not possible to know whether it had simply ignored the applicant's argument or whether it intended to dismiss it without giving reasons.

The Court found that the proceedings had not been fair and that there had accordingly been a violation of Article 6 § 1.

Article 41 (just satisfaction)

The Court held that the Republic of Moldova was to pay the applicant EUR 3,200 in respect of non-pecuniary damage and EUR 2,300 for costs and expenses.

**BALTA AND DEMIR V. TURKEY ([IN FRENCH ONLY](#)) - No. 48628/12 - Importance 2 - 23 June 2015 - Violation of Article 6 § 1 taken in conjunction with Article 6 § 3 - Domestic authorities' failure to ensure equity in a case involving the use of anonymous witness testimony**

The case concerned the applicants' conviction for membership of an illegal organisation, on the basis of statements by an anonymous witness whom the applicants were unable to question at any stage of the proceedings.

The Court first recalled that, when examining a complaint under Article 6 § 1 of the Convention, it must essentially determine whether the criminal proceedings, as a whole, were fair. It also reiterated that Article 6 § 3 (d) enshrined the principle that, before an accused could be convicted, all evidence against him must normally be produced in his presence at a public hearing with a view to adversarial argument.

In compliance with the principles laid down in its previous cases, the Court reaffirmed the three criteria to be applied in cases where the problem of equity of the procedure arises in connection with a statement of an absent witness at the hearing.

Firstly, the Court had to verify whether the impossibility for the defence to examine a witness had been justified by a serious reason. The Court then observed that the information in the case file offered no insight into the circumstances in which the witness had been granted anonymity or the authority that had taken that decision. In dismissing the defence's request for the witness to be examined, the Assize Court had merely stated that the witness's identity could not be disclosed. The Court concluded that there had been no good reason for preventing the defence from questioning the witness.

Secondly, the Court had to ascertain whether the testimony of the absent witnesses had been the sole or decisive evidence against the defendant. It noted that even if the domestic courts had taken into account a number of items of evidence, the finding that organic links existed between the applicants and the illegal organisation had been based mainly on the statements of the anonymous witness.

Lastly, the proceedings could be deemed to have been fair overall if there were sufficient counterbalancing factors in place, including measures that permitted a fair and proper assessment of the reliability of that evidence to take place. In the present case, the Court found that the absence of this anonymous witness had denied the trial judges the opportunity to observe his conduct under questioning and to form their own opinions as to his credibility. It also considered that the applicants and their lawyers had not had the opportunity at any stage in the proceedings to question the anonymous witness and to cast doubt on his credibility. In the Court's view, domestic courts did not consider implementing the procedural safeguards provided for by domestic law in order to counterbalance the handicap caused to the defence by the lack of a direct confrontation.

Consequently, the Court found that there had been a violation of Article 6 § 1 taken in conjunction with Article 6 § 3 (d) of the Convention.

#### Article 41 (Just satisfaction)

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

#### **ABDULLA ALI V. THE UNITED KINGDOM (No. 30971/12) - Importance 3 - 30 June 2015 - No violation of Article 6 § 1 – Domestic sufficient safeguards to ensure a fair trial after a virulent press campaign against the applicant**

The case concerned a criminal proceeding against the applicant, who was alleged to have conspired to cause explosions on board transatlantic flights using liquid bombs. After his first conviction on a charge of conspiracy to murder, there had been extensive media coverage, including reporting on material which had never been put before the jury. A retrial was subsequently ordered in respect of the more specific charge of conspiracy to murder by way of detonation of explosive devices on aircraft mid-flight. The applicant complained about the fairness of this retrial, given the impact of the adverse publicity. The retrial judge rejected his argument and he was sentenced to life imprisonment.

The Court first recognized that a virulent press campaign could adversely affect the fairness of a trial by influencing public opinion and, consequently, jurors called upon to decide the guilt of an accused.

In the Court's opinion, it risks having an impact on the impartiality of the court under Article 6 § 1 as well as the presumption of innocence enshrined in Article 6 § 2. In this case, the Court agreed that the material was prejudicial to the applicant. Consequently, it had to examine whether the retrial judge took sufficient steps to ensure fairness in the applicant's retrial. The Court held that even in cases involving jury trials, an appropriate lapse of time between the appearance of any prejudicial commentary in the media and the subsequent criminal proceedings, together with any suitable directions to the jury, would generally suffice to remove any concerns of unfairness.

The Court noted that domestic law provided appropriate guidance, which enabled a judge to ensure the fairness of a trial in the event of adverse publicity. Concretely, the Court observed that the judge considered the applicant's arguments in a careful and detailed judgment and agreed with him on the fact that sufficient time (six months) have passed since the end of the prejudicial reporting and the commencement of the retrial to prevent any unfairness to the trial. Moreover, the Court took the view that the trial judge took care to underline the importance of impartiality during the jury selection and asked questions to elicit any information, which might put the impartiality of any particular jury member in doubt.

The Court concluded that it had not been shown that the adverse publicity had influenced the jury to the point of prejudicing the outcome of the proceedings and rendering the applicant's trial unfair.

Therefore, the Court found that there had been no violation of Article 6 § 1 in the present case.

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

**KHOROSHENKO V. RUSSIA (No. 41418/04) - Importance 1 - 30 June 2015 - Violation of Article 8 - Disproportionate interference with the applicant's private and family life resulting from a low frequency of authorised visits in prison**

The case concerned the complaint of a life prisoner about various restrictions on contacts with his family members, during ten years of his detention in a strict regime in the correctional colony. Indeed, he was allowed to receive no more than one short visit of relatives, every six months, without physical contact. In addition, a prison guard listened to his conversations with the visitors. He alleged that he lost contact with some of his family members, including his son, who was 3 at the time.

The Court first held that there was an interference with the applicant's rights under Article 8, considering the restrictions on the frequency and duration of prison visits.

Then, the Court examined whether this interference was justified. It first observed that the applicant's detention in the special regime correctional colony had a legal basis in domestic law and that the law itself was clear, accessible and sufficiently precise.

With regard to the requirement of being "necessary in a democratic society", the Court noted domestic authorities' observations about the purpose of the restrictions, which was the "restoration of justice, reform and the prevention of new crimes". The Court found that the strict nature of the regime prevented life prisoners from maintaining contact with their families and thus seriously complicated their social reintegration and rehabilitation. It concluded that the interference with the applicant's private and family life resulting from such a low frequency of authorised visits, solely on account of the gravity of a prisoner's sentence was, as such, disproportionate to the aims invoked domestic authorities. They had thus overstepped its margin of appreciation in this field.

Accordingly, there had been a violation of Article 8.

Article 41 (Just satisfaction)

The Court held that Russia was to pay the applicant EUR 6,000 in respect of non-pecuniary damage and EUR 11,675 in respect of costs and expenses.

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

**HLYNSDOTTIR V. ICELAND (No. 54145/10) — Importance 3 — 2 June 2015 — Violation of Article 10 — Domestic authorities' disproportionate decision to hold a journalist liable for defamation.**

The case concerned defamation proceedings against a journalist following publication of an article about a major criminal case in which the defendant was eventually acquitted. The applicant was sentenced to pay him a compensation.

Article 10

The Court agreed that the newspaper's headline and the statement in the article in question contained an insinuation that the defendant in the trial was guilty of the offence of which he was accused. The Court also agreed that the domestic court's reasoning was relevant to the legitimate aim of protecting the rights and reputation of the man suspected of the offence but later acquitted from the charge of importing drugs.

Nevertheless, the Court considered that, even if the public had a legitimate interest in being informed of those criminal proceedings, the reasons relied on by the domestic court had not been sufficient to show that the interference with the applicant's rights had been "necessary in a democratic society".

There had accordingly been a violation of Article 10.

Article 41 (just satisfaction)

The Court held that Iceland was to pay the applicant EUR 450 in respect of pecuniary damage and EUR 4,000 in respect of non-pecuniary damage.

**DELFI AS V. ESTONIA (No. 64569/09) — Importance 1 — 16 June 2015 — No violation of Article 10 — Domestic authorities’ proportionate restriction to freedom of expression.**

The applicant is a public limited company, which owns a news portal run on a commercial basis. Its readers posted offensive comments below an article about a ferry company.

At the request of the lawyers of the owner of the ferry company, the applicant removed the offensive comments about six weeks after their publication. The applicant was yet condemned to a fine by a domestic court for the defamatory comments.

Article 10

In 2013, the Court held, unanimously, that there had been no violation of Article 10 (freedom of expression) of the European Convention. It found that the finding of liability by the domestic courts had been a justified and proportionate restriction on the portal’s right to freedom of expression, in particular, because: the comments were highly offensive; the portal had failed to prevent them from becoming public, profited from their existence, but allowed their authors to remain anonymous; and, the fine imposed by the Estonian courts had not been excessive.

The applicant then asked for the case to be referred to the Grand Chamber.

The Court considered that, as the applicant was a professional publisher running an Internet news portal for an economic purpose, it should have been familiar with the relevant legislation and case-law, could also have sought legal advice and to assess the risks related to its activities. The interference with the applicant’s freedom of expression had been “prescribed by law”.

Finally, the Grand Chamber found that the domestic courts’ finding of liability against the applicant had been a justified and proportionate restriction on the portal’s freedom of expression. Accordingly, there had been no violation of Article 10 of the Convention.

**PERUZZI V. ITALY (IN FRENCH ONLY) - No. 39294/09 - Importance 3 - 30 June 2015 - No violation of Article 10 - No failure of domestic authorities to strike a fair balance between the applicant’s right to freedom of expression and the protection of reputation of others**

The case concerned the applicant’s criminal conviction for having defamed an investigating judge in the context of proceedings regarding the division of an estate in which he had been acting for two clients. The applicant especially alleged that the judge had committed errors wilfully.

The Court first recognised the interference into the applicant’s right to freedom of expression. It noted that domestic law prescribed it and that the applicant’s conviction pursued the legitimate aim of protecting the reputation of others. The Court then examined whether the complaints concerning the judge overstepped the limits of permissible criticism in a democratic society. It found that the criticism according to which the judge was “biased” implied that he had disregarded his ethical obligations as a judge or had even committed a criminal offence. The applicant did not provide any evidence to demonstrate his allegation and sent that accusation to many other judges. In the Court’s view, this had been bound to undermine the judge’s reputation and professional image.

The Court concluded that the applicant’s conviction had not been disproportionate to the legitimate aims pursued and that the reasons given by domestic courts had been relevant and sufficient to justify the measures.

The Court held that there had been no violation of Article 10.

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

**MANOLE AND “ROMANIAN FARMERS DIRECT” V. ROMANIA (IN FRENCH ONLY) No. 46551/06 — Importance 1 — 16 June 2015 — No violation of Article 11 — Domestic authorities’ proper use of their margin of appreciation to regulate unions**

The applicant is a self-employed farmer who wanted to set up a union of self-employed farmers. As the domestic law allowed self-employed workers only to join trade unions but not to set them up, the domestic authorities refused to register this union. The applicant appealed this decision but was dismissed on the same grounds. The applicant alleged that the refusal of the domestic courts to register the farmers' union amounted to an infringement of their right to freedom of association under Article 11.

#### Article 11

The Court took the view that the difference in treatment between employees and self-employed had pursued a legitimate aim, namely to safeguard the economic and social order by maintaining a legal distinction between trade unions and other kinds of associations.

Moreover, it observed that the States should be afforded a wide margin of appreciation as to the manner in which they secured the right of freedom of association to self-employed farmers.

Therefore, the Court found no sufficient grounds to infer that the exclusion of self-employed farmers from the right to form trade unions and thus the refusal to register the applicant union constituted a breach of freedom of expression, as it had not overstepped the national authorities' margin of appreciation in this sphere and had thus not been disproportionate.

The Court held that there had been no violation of Article 11.

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

**SIDABRAS AND OTHERS V. LITHUANIA (No. 50421/08) - Importance 2 - 23 June 2015 - Violation of Article 14, taken in conjunction with Article 8 - Domestic authorities' failure to demonstrate the non-decisive effect of the KGB Act in resolving the applicant's reinstatement to his job**

The case concerned the complaint of three applicants about domestic law that ban former KGB employees from working in certain spheres of the private sector, despite several ECtHR judgments in their favour.

The Court first examined the two first applicants' situation and concluded that there was no violation of Article 14 taken in conjunction with Article 8, on the grounds that they did not demonstrate that they had been discriminated against after the ECtHR judgments in their case. Indeed, it found that the first one remained unemployed because he lacked necessary qualifications and that the second one had never attempted to obtain other private sector jobs.

As to the third applicant, the Court observed that domestic authorities and the telecommunications company in which the applicant had worked had insisted that the reasons for not reinstating him in his former job had been economic, technological and organisational. However, the Supreme Court stated explicitly that "while the KGB Act ... is still in force, the question of reinstating the third applicant to his job may not be resolved favourably". The Court found that domestic authorities did not convincingly demonstrate that the Supreme Court's reference to the KGB Act was not the decisive factor forming the legal basis on which the third applicant's claim for reinstatement was rejected.

Furthermore, the Court reiterated that the application of the KGB Act to the applicant's situation, which excluded him from seeking private sector employment on the basis of his "former KGB officer" status, constituted a disproportionate measure.

Accordingly, the Court held that there was a violation of Article 14, taken in conjunction with Article 8, in this case.

#### Article 41 (Just satisfaction)

The Court held that Lithuania was to pay the third applicant EUR 6,000 in respect of non-pecuniary damage and EUR 2,000 for costs and expenses.

- **Article 1 of Protocol No. 1**

**SARGSYAN V. AZERBAIJAN (No. 40167/06) — 16 June 2015 — Continuing violation of Article 1 of Protocol No. 1 — Domestic authorities' failure to establish a property claims mechanism —**

**Continuing violation of Article 8 — Domestic authorities' unlawful breach of the applicant's private life — Continuing violation of Article 13 — Domestic authorities' failure to provide with an effective remedy to protect the applicant's property right**

The applicant is a refugee who has been forced to flee from his home during a conflict. The state has then lost control over part of its territory. The applicant had since been denied the right to return to his village and to have access to and use his property there, while this territory was in an area remaining under the control of the domestic authorities.

Article 1 of Protocol No.1

In spite of the applicant having given evidence of his property right, the Court accepted the domestic authorities' argument upon which refusing civilians', including the applicant's, access to the village was justified by safety considerations. However, the Court considered that as long as access to the property was not possible, the domestic authorities had a duty to take alternative measures in order to secure property rights to allow the applicant and others in his situation to have their property rights restored and to obtain compensation for the loss of the enjoyment of their rights.

In conclusion, the Court considered that the impossibility for the applicant to have access to his property without the domestic authorities taking any alternative measures in order to restore his property rights or to provide him with compensation had placed an excessive burden on him. There had accordingly been a continuing violation of his rights under Article 1 of Protocol No. 1.

Article 8

The Court found it established that the applicant had lived in the village for the major part of his life until being forced to leave; he thus had had a "home" there, and the place hosted the graves of his relatives. And so, his inability to return to the village had affected his "private life".

The impossibility for him to have access to his home and to his relatives' graves in the village without the domestic authorities taking any measures in order to address his rights or to provide him at least with compensation had placed a disproportionate burden on him. There had accordingly been a continuing violation of Article 8.

Article 13

The domestic authorities had failed to prove that a remedy capable of providing redress to the applicant and offering reasonable prospects of success was available or to create a mechanism which would allow him to have his rights in respect of property and home restored and to obtain compensation for the losses suffered.

In conclusion, the Court found that there had been and continues to be no effective remedy available in respect of the violation of the applicant's rights. There had accordingly been a continuing breach of Article 13.

Article 41 (just satisfaction)

Having regard to the exceptional nature of the case, the Court, by a majority, held that the question of the application of Article 41 (just satisfaction) was not ready for decision. Consequently, it reserved that question and invited both parties to submit within twelve months their observations on this matter and to notify the Court of any agreement they might reach.

**CHIRAGOV AND OTHERS V. ARMENIA (No. 13216/05) — Importance 1 — 16 June 2015**

**Continuing violation of Article 1 of Protocol No. 1 — Domestic authorities' failure to establish a property claims mechanism — Continuing violation of Article 8 — Domestic authorities' unlawful breach of the applicant's private life — Continuing violation of Article 13 — Domestic authorities' failure to provide with an effective remedy to protect the applicant's property right**

The applicants are six refugees who have been forced to flee from their home during a conflict. The applicants had since been denied the right to return to their village and to have access to and use their property there.

Article 1 of Protocol No.1

The Court recognised the possessions of the applicants but emphasised the fact that access to the properties was no longer possible, so that the domestic authorities had a duty to take alternative

measures in order to secure property rights to allow the applicants and others in their situation to have their property rights restored and to obtain compensation for the loss of the enjoyment of their rights.

In conclusion, the Court considered that the impossibility for the applicants to have access to their properties without the domestic authorities taking any alternative measures in order to restore their property rights or to provide them with compensation had placed an excessive burden on them. There had accordingly been a continuing violation of his rights under Article 1 of Protocol No. 1.

#### Article 8

The Court found it established that the applicants had lived in the village for the major part of their life until being forced to leave; they thus had had a “home” there, and their inability to return to the village had affected their “private life”.

The impossibility for them to have access to their homes in the village without the domestic authorities taking any measures in order to address their rights or to provide them at least with compensation had placed a disproportionate burden on them. There had accordingly been a continuing violation of Article 8.

#### Article 13

The domestic authorities had failed to prove that a remedy capable of providing redress to the applicants and offering reasonable prospects of success was available or to create a mechanism which would allow them to have their rights in respect of property and home restored and to obtain compensation for the losses suffered.

In conclusion, the Court found that there had been and continues to be no effective remedy available in respect of the violation of the applicants’ rights. There had accordingly been a continuing breach of Article 13.

#### Article 41 (just satisfaction)

Having regard to the exceptional nature of the case, the Court, by a majority, held that the question of the application of Article 41 (just satisfaction) was not ready for decision. Consequently, it reserved that question for a later date.

### **COUTURON V. FRANCE ([IN FRENCH ONLY](#)) - No. 24756/10 - Importance 2 - 25 June 2015 - No violation of Article 1 of Protocol No. 1 - No failure of domestic authorities to strike a fair balance between the applicant’s right to protection of property and the requirements of the general interest of the community**

The case concerned the applicant’s complaint about the lack of compensation for the fall in the value of his property following the construction of a motorway on the part of his land that had been expropriated. Complaining about the lack of compensation for this inconvenience before domestic courts, the applicant’s request had been dismissed by the national court, finding that he had not sustained special or abnormal damage.

The Court first recognised the fall in market value resulting from the construction of a motorway on the non-expropriated part of the applicant’s property. The Court had to determine whether a fair balance had been struck between the demands of the general interest of the community and the requirements of the protection of the applicant’s right to protection of property. It noted, firstly, that the facts had to be seen in the context of implementation of a regional planning policy. Such a policy, where the community’s general interest was pre-eminent, conferred on the State a margin of appreciation that was greater than when exclusively civil rights were at stake.

Furthermore, based on several similar cases, the Court did not consider that the applicant had to bear an individual and excessive burden. In addition, it took into consideration that domestic courts had duly examined the applicant’s arguments and that their decisions had not been unreasonable or arbitrary.

The Court concluded that domestic authorities had not upset the fair balance that should be struck between the protection of individual rights and the requirements of the general interest, and that there had been no violation of Article 1 of Protocol No. 1.



- **Article 3 of Protocol No. 1**

**TAHIROV V. AZERBAIJAN (No. 31953/11) - Importance 1 - 11 June 2015 - Violation of Article 3 of Protocol No. 1 - Domestic authorities' failure to guarantee the integrity of parliamentary elections**

The case concerned the refusal of the applicant's request for registration for parliamentary elections by the electoral commission, on the grounds that the signatures supporting his candidacy were not authentic. The applicant alleged that he was arbitrarily refused registration.

The Court first recalled that the rights bestowed by Article 3 of Protocol No. 1 are not absolute but that the rights in question should not be curtailed to such an extent as to impair their very essence and deprive them of their effectiveness.

In the present case, the Court had to examine whether the procedure for verifying the compliance with this eligibility condition had been conducted in a manner that provided sufficient safeguards against an arbitrary decision. However, an OSCE report concerning the Parliamentary Elections in the applicant's country expressed concerns about the impartiality and the transparency of Constituency Electoral Commissions. Turning to the present case, the Court noted that two working group experts examined applicant's signature sheets, but that domestic authorities had not provided sufficiently specific information about the qualifications and credentials of those experts.

Moreover, the Court noted that none of the procedural guarantees against the arbitrariness provided for by the Electoral Code, such as the nominee's right to be present during the examination of signature sheets, had been respected. The Court therefore held that the applicant had been deprived of the opportunity to challenge the findings of the working groups, neither during the process, nor during the trial, because domestic courts did not provide proper reasoning in their judgments.

The Court therefore concluded that the conduct of the electoral commissions and courts had revealed a lack of protection of the integrity of the election and that the applicant had not been provided with sufficient safeguards to contest the decision refusing his registration as a candidate. Consequently, there had been a violation of Article 3 of Protocol No. 1.

**Article 41 (Just satisfaction)**

The Court held that Azerbaijan was to pay the applicant EUR 7,500 in respect of non-pecuniary damage and EUR 2,150 in respect of costs and expenses.

## 2. Other judgments issues in the period under observation

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

For more detailed information, please refer to the cases.

STATE	DATE	CASE TITLE	IMP.	CONCLUSION	KEY WORDS
AUSTRIA	11 June 2015	<a href="#">BECKER</a> (No. 19844/08)	2	Violation of Art. 6	Lack of a public and oral hearing
AZERBAIJAN	18 June 2015	<a href="#">MEHDIYEV</a> (No. 59075/09)	2	Violation of Art. 3 (procedural)	Ineffective investigation into the applicant's allegations of ill-treatment
				No violation of Art. 3 (substantive)	Absence of sufficient evidence suggesting that the applicant had been subjected to ill-treatment by state agents, largely due to the lack of an effective investigation by the domestic authorities
				No violation of Art. 5	Absence of sufficient evidence suggesting the involvement of domestic authorities
				No violation of Art. 10	Absence of sufficient evidence suggesting the involvement of domestic authorities
AZERBAIJAN (CONTINUED)	25 June 2015	<a href="#">ISAYEVA</a> (No. 36229/11)	3	Violation of Art. 5 § 1	Unlawful detention of the applicant (absence of court order)
				Violation of Art. 5 § 3	Unjustified continuation of applicant's pre-trial detention
BELGIUM	2 June 2015	<a href="#">OUABOUR</a> (IN FRENCH ONLY) (No. 26417/10)	2	Violation of Art. 3	Real risk of ill-treatment in case of the applicant's removal to his country of origin
				No violation of Art. 13 in conjunction with Art. 3	Effective domestic remedy
BULGARIA	2 June 2015	<a href="#">NEDYALKOV AND OTHERS</a> (No. 44103/05)	3	Violation of Art. 1 of Prot. No. 1	Excessive length of the restitution proceedings of the applicants' plot (10 years)
	9 June 2015	<a href="#">BRATANOVA</a> (No. 44497/06)	3	Violation of Art. 6 § 1	Domestic authorities' failure to comply with a final judgment

<b>BULGARIA (CONTINUED)</b>	9 June 2015	<a href="#"><u>VELCHEVA</u></a> <b>(No. 35355/08)</b>	3	Violation of Art. 6 § 1	Domestic authorities' failure to respect the applicant's right to a court on account of the prolonged and unjustified failure to enforce the domestic court's judgment
				Violation of Art. 1 of Prot. No. 1	Domestic authorities' prolonged failure to comply with the judgment violated the applicant's right to peaceful enjoyment of possessions as the judgment gave rise to a legitimate expectation of restitution
	16 June 2015	<a href="#"><u>VASIL HRISTOV</u></a> <b>(No. 81260/12)</b>	3	Violation of Art. 3 (positive obligations, procedural)	Domestic authorities' failure to conduct effectively the criminal proceedings concerning the attack against the applicant which were eventually terminated as time-barred

CROATIA	11 June 2015	<a href="#">BANOVIC</a> (No. 44284/10)	2	No violation of Art. 6 § 1	No failure of the domestic authorities to respect the applicant's right to access to court given that she failed to lodge her request within the sufficiently clear and foreseeable statutory limitation period
		<a href="#">B. AND OTHERS</a> (No. 71593/11)	3	Violation of Art. 2 (procedural)	Domestic authorities' failure to carry out an adequate, independent and effective investigation into the circumstances surrounding the killing of the applicants' relative
FINLAND	23 June 2015	<a href="#">NISKASAARI AND OTAVAMEDIA OY</a> (No. 32297/10)	3	Violation of Art. 10	Unnecessary interference with the applicants' right to freedom of expression in a democratic society
GREECE	25 June 2015	<a href="#">LUTANYUK</a> ( <a href="#">IN FRENCH ONLY</a> ) (No. 60362/13)	3	Violation of Art. 3 (substantive)	Poor conditions of detention (overcrowding)
ITALY	16 June 2015	<a href="#">MAZZONI</a> ( <a href="#">IN FRENCH ONLY</a> ) (No. 20485/06)	3	No violation of Art. 6 § 1	No disproportionate interference with the applicant's right to access to court on account of the inadmissibility of his appeal
				No violation of Art. 1 of Prot. No. 1	Justified and proportionate interference with the legitimate aim pursued, namely, the repayment of the applicant's debt
PORTUGAL	4 June 2015	<a href="#">MORENO DIAZ PENA AND OTHERS</a> ( <a href="#">IN FRENCH ONLY</a> ) (No. 44262/10)	3	Violation of Art. 6 § 1	Excessive length of compensation proceedings (26 years and 8 months)
				Violation of Art. 13	Lack of effectiveness of the civil action to establish non-contractual liability in order to challenge the excessive length of proceedings
				Violation of Art. 1 of Prot. No. 1	Domestic authorities' failure to include the delayed interests when fixing the amount of compensation for expropriation

ROMANIA	16 June 2015	<b>CONSTANTIN NISTOR</b> <u>(IN FRENCH ONLY)</u> <b>(No. 35091/12)</b>  <b>GHIROGA</b> <u>(IN FRENCH ONLY)</u> <b>(No. 53168/12)</b>	3	Violation of Art. 3 (substantive) (in both cases)	Poor conditions of detention (overcrowding, lack of hygiene)
	23 June 2015	<b>BUTNARU AND BEJAN-PISER</b> <u>(IN FRENCH ONLY)</u> <b>(No. 8516/07)</b>	3	Violation of Art. 4 of Prot. No. 7	Domestic court's failure to respect the principle of double jeopardy
		<u>CARAIAN</u> <b>(No. 34456/07)</b>	3	Violation of Art. 6 § 2	Domestic courts' statements in respect of the applicant's guilt constituted an infringement of the presumption of innocence
		<b>COSTEL GACIU</b> <b>(No. 39633/10)</b>	3	Violation of Art. 3 (substantive)	Poor conditions of detention (overcrowding, lack of hygiene)
				Violation of Art. 14 in conjunction with Art. 8	Domestic authorities' failure to justify their refusal to allow the applicant conjugal visits
	<b>OPRIS</b> <u>(IN FRENCH ONLY)</u> <b>(No. 15251/07)</b>	3	Violation of Art. 6 § 1	Unfairness of proceedings on account of the applicant's submission to police incitement	
	30 June 2015	<u>SERCE</u> <b>(No. 35049/08)</b>	3	Violation of Art. 3 (substantive)	Poor conditions of detention (overcrowding, lack of hygiene)
	30 June 2015	<b>STAN</b> <u>(IN FRENCH ONLY)</u> <b>(Nos. 24362/11 AND 52339/12)</b>	3	Violation of Art. 6 § 1	Domestic authorities' failure to respect the applicant's right to a court on account of the non-enforcement of the domestic court's final judgment
				Violation of Art. 1 of Prot. No. 1	Absence of legal expropriation procedure which constituted an interference with the applicant's right to property

RUSSIA	11 June 2015	<a href="#">TYCHKO</a> (No. 56097/07)	3	Violation of Art. 3 (substantive)	Poor conditions of detention, of transportation between the remand prison and the courthouse and concerning the conditions of detention in the courthouse
				Violation of Art. 13 in conjunction with Art. 3	Lack of an effective remedy concerning the applicant's complaints under Art. 3
				Violation of Art. 6 § 1	Excessive length of criminal proceedings (8 years and 2 months)
	18 June 2015	<a href="#">FANZIYEVA</a> (No. 41675/08)	2	Violation of Art. 2 (procedural)	Domestic authorities' failure to provide the applicant's daughter with sufficient and reasonable protection in order to safeguard her right to life
				Violation of Art. 2 (substantive, positive obligations)	Domestic authorities' failure to carry out an effective investigation into the circumstances of death of the applicant's daughter
				Violation of Art. 3 (substantive)	Ill-treatment of the applicant's daughter while at the hands of the police
				Violation of Art. 3 (procedural)	Ineffective investigation in that respect
	18 June 2015	<a href="#">YAIKOV</a> (No. 39317/05)	2	Violation of Art. 5 § 1 (e)	Unlawful confinement of the applicant in a psychiatric hospital
				No violation of Art. 6 § 1	Reasonable length of proceedings given the complexity of the case and the conduct of the parties
	25 June 2015	<a href="#">ANATOLIY KUZMIN</a> (No. 28917/05)	3	No violation of Art. 3 (substantive)	The conditions of the applicant's detention, although far from adequate, did not reach the threshold of severity required under Art. 3

RUSSIA (CONTINUED)	25 June 2015	<a href="#">SAYDULKHANOVA</a> (No. 25521/10)	3	No violation of Art. 2 (substantive)	Absence of sufficient evidence suggesting that the applicant's son had been killed by state agents
				Violation of Art. 2 (procedural)	Domestic authorities' failure to carry out an effective criminal investigation into the circumstances of the disappearance of the applicant's son
SERBIA	16 June 2015	<a href="#">RAFAILOVIC AND STEVANOVIC</a> (Nos. 38629/07 AND 23718/08°)	3	Violation of Art. 6 § 1	Domestic authorities' failure to comply with the enforceable judgments in the applicants' favour
				Violation of Art. 1 of Prot. No. 1	Domestic authorities' prolonged failure to comply with the enforceable judgments violated the applicants' right to peaceful enjoyment of possessions as it prevented them from receiving the money they had legitimately expected to receive
SLOVAKIA	2 June 2015	<a href="#">YEGOROV</a> (No. 27112/11)	3	Violation of Art. 5 §§ 1 (c) and 3	Arbitrary and excessively long pre-trial detention of the applicant (more than 11 years)
				Violation of Art. 5 § 4	Lack of a prompt and effective judicial review of the lawfulness of the applicant's detention
	9 June 2015	<a href="#">DRAFT - OVA A.S.</a> (No. 72493/10) <a href="#">PSMA, SPOL. S.R.O.</a> (No. 42533/11) <a href="#">COMPCAR, S.R.O.</a> (No. 25132/13)	3	Violation of Art. 6 (in all cases)	Unjustified interference with the final, binding and enforceable judgments in the applicant companies' favour which breached the principle of legal certainty and that of equality of arms
				Violation of Art. 1 of Prot. No. 1 (concerning the first applicant)	Unjustified interference with the applicant company's possessions on account of the quashing of the final and binding judgment in its favour

<b>SLOVAKIA (CONTINUED)</b>	23 June 2015	<a href="#"><u>KOVAROVA</u></a> <b>(No. 46564/10)</b>	3	Violation of Art. 6 § 1	Domestic authorities' failure to respect the applicant's right to court on account of the exclusion from review of an essential part of the arguments of her complaint before the domestic Constitutional Court
<b>SWEDEN</b>	4 June 2015	<a href="#"><u>J.K. AND OTHERS</u></a> <b>(No. 59166/12)</b>	2	No violation of Art. 3	Absence of sufficient evidence suggesting that the applicants would face a real risk of ill-treatment in case of their removal to their country of origin
<b>SWITZERLAND</b>	2 June 2015	<b>K.M.</b> <b>(IN FRENCH ONLY)</b> <b>(No. 6009/10)</b>	3	No violation of Art. 8	Justified interference with the applicant's family life given the severity of the drug-related offence committed by him which led to his expulsion despite a lengthy period of residence as the applicant had spent most of his life in his country of origin
<b>TURKEY</b>	2 June 2015	<a href="#"><u>KYRIACOU TSIAKKOURMAS AND OTHERS</u></a> <b>(13320/02)</b>	2	Violation of Art. 5 § 4	Lack of a prompt and effective judicial review of the lawfulness of the applicant's detention
				No violation of Art. 5 § 1	Lawful detention of the applicant
				No violation of Art. 3 (substantive)	Absence of sufficient evidence to confirm the applicant's allegations of ill-treatment at the hands of police officers, largely due to the lack of an effective investigation by the domestic authorities
				Violation of Art. 3 (procedural)	Ineffective investigation into the applicant's allegations of ill-treatment
	9 June 2015	<b>OZBENT AND OTHERS</b> <b>(IN FRENCH ONLY)</b> <b>(Nos. 56395/08 AND 58241/08)</b>	2	Violation of Art. 11	Domestic authorities' failure to strike a fair balance between the public order and the applicants' right to demonstrate



<b>TURKEY (CONTINUED)</b>	16 June 2015	<b>DICLE AND SADAK</b> <b>(IN FRENCH ONLY)</b> <b>(No. 48621/07)</b>	2	Violation of Art. 6 § 2	Domestic authorities' failure to respect the principle of the presumption of innocence on account of the wording used in the judgment by the domestic Assize court
				Violation of Art. 3 of Prot. No. 1	Unlawful interference with the applicants' right to stand for election
				No violation of Art. 13	Existence of a domestic remedy
		<b>LEVENT BEKTAS</b> <b>(IN FRENCH ONLY)</b> <b>(No. 70026/10)</b>	3	No violation of Art. 5 § 4	No infringement of the principle of adversarial and that of equality of arms on account of the lack of a hearing
				Violation of Art. 5 § 4	Applicant's inability to obtain notice of the domestic public prosecutor's opinion
	23 June 2015	<b>ERCAN BOZKURT</b> <b>(No. 20620/10)</b>	3	Violation of Art. 6 § 1	Excessive length of compensation proceedings (7 years and 2 months)
		<b>OZCELEBI</b> <b>(IN FRENCH ONLY)</b> <b>(No. 34823/05)</b>	2	Violation of Art. 10	Disproportionate and unjustified interference with the applicant's right to freedom of expression in a democratic society
		<b>SALIN AND KARSIN</b> <b>(IN FRENCH ONLY)</b> <b>(No. 44188/09)</b>	3	Violation of Art. 3 (substantive)	Ill-treatment of the applicants while in police custody
				Violation of Art. 3 (procedural)	Ineffective investigation in that respect
		<b>SELAHATTIN DEMIRTAS (no. 1)</b> <b>(No. 15028/09)</b>	2	No violation of Art. 2 (positive obligations)	Applicant's failure to demonstrate that there was a real and imminent risk of his life and that the domestic authorities were aware of that risk and failed to take the necessary measures to avoid it

UKRAINE	4 June 2015	<a href="#">RUSLAN YAKOVENKO</a> (No. 5425/11)	2	Violation of Art. 5 § 1	Unjustified continuation of applicant's pre-trial detention
				Violation of Art. 2 of Prot. No. 7	Infringement of the applicant's right to appeal given that the realisation of his right would have been at the price of his liberty as the length of his detention would have been extended
	18 June 2015	<a href="#">USHAKOV AND USHAKOVA</a> (No. 10705/12)	3	Violation of Art. 3 (substantive)	Ill-treatment of the applicants at the hands of the police
				Violation of Art. 3 (procedural)	Ineffective investigation in that respect
				Violation of Art. 6 §§ 1 and 3 (c) (concerning the first applicant)	Restriction of the applicant's right to freedom against self-incrimination and to legal assistance

## 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 March 2015**. Those decisions are selected to provide the NHRs with potentially useful information on the reasons of the inadmissibility of certain applications addressed to the Court and/or on the friendly settlements reached.

STATE	DATE	CASE TITLE	ALLEGED VIOLATION	DECISION
CROATIA	17 March 2015	<a href="#">Gojević-Zrnić and Mančić v. Croatia</a>	Art. 2 (Ineffective investigation of the applicant's mother's death)	Inadmissible as incompatible <i>ratione temporis</i>
THE NETHERLANDS	3 March 2015	<a href="#">Constancia v. the Netherlands</a>	Art. 5 §1 (The applicant complained that he was detained as a person of unsound mind although he had never been diagnosed as such)	Inadmissible as manifestly ill-founded (no elements proved that the decision taken was excessive considering the crime of extreme violence perpetrated by the criminal)
SERBIA	17 March 2015	<a href="#">Petrović and Gajić v. Serbia</a>	Art. 3 (Tortured while in custody and no investigation), Art. 5 §2 (No reason given to the applicants' arrest), Art. 6 §1 and 13 (No fair trial)	Inadmissible as incompatible <i>ratione temporis</i>
TURKEY	10 March 2015	<a href="#">Canan v. Turkey</a>	Art. 3 (The applicant complained that going to the toilets in handcuffs constituted degrading treatment) and Art. 6 (complain of the manner in which the investigation was conducted)	Inadmissible as manifestly ill-founded (the applicant failed to lay the basis of an arguable complaint)
THE UNITED KINGDOM	31 March 2015	<a href="#">Andreasen v. the United Kingdom and 26 other member States of the European Union</a>	Article 6 §1 (failure to transpose a convention into legislation) and 13 (violation of the disciplinary proceedings)	Inadmissible as manifestly ill-founded (Art. 6 §1) and as incompatible <i>ratione personae</i> (Art. 13)

### C. The communicated cases

The European Court of Human Rights publishes on a weekly basis a list of the communicated cases on its website. These are cases concerning individual applications which are pending before the Court. They are communicated by the Court to the respondent State's Government with a statement of facts, the applicant's complaints and the questions put by the Court to the Government concerned. The decision to communicate a case lies with one of the Court's Chamber which is in charge of the case. A **selection** of those cases **covering the period from 1 to 30 April** 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	21 April 2015	<a href="#">BABAYEV</a> No. 60262/11	The applicants complain that the real reason for their arrest and conviction was their political activity and their active participation in public assemblies organised by the opposition.
CROATIA	17 April 2015	<a href="#">GOŠOVIĆ</a> No. 37006/13	The applicant complains that he has been unable to either evict the protected lessee from, and move into his own flat, or charge the market rent for its lease.
HUNGARY	21 April 2015	<a href="#">BACZÚR</a> No. 8263/15 <a href="#">KOVÁCS</a> No. 8268/15 <a href="#">LENGYEL</a> No. 8271/15	The applicants complain about the significant decrease of the amount which they receive on account of their reduced work capacity.
LATVIA	15 April 2015	<a href="#">KRAUJAS HES</a> No. 55854/10	The applicant company complains that by setting up a micro-reserve and nature park on its land plots, the State effectively prohibited developing of the project
POLAND	23 April 2015	<a href="#">DZIEDZIC</a> No. 20893/13	The applicant complains about unlawful and unjustified deprivation of his liberty due to his continuing detention in a psychiatric hospital
		<a href="#">GUZ</a> No. 965/12	The applicant complains about disciplinary proceedings as in his prospects of promotion were stalled and his salary was reduced.
SERBIA	9 April 2015	<a href="#">S.R.</a> No. 8184/07	The applicants complain that their children were, or may have been, abducted and unlawfully adopted by another family
SLOVENIA	8 April 2015	<a href="#">BENEDIK</a> No. 62357/14	According to the applicant, at the time when the police obtained the data connecting his IP address to his identity, the law regulating access to such data was not clear

## PartOne

# §2 - EUROPEAN COMMITTEE OF SOCIAL RIGHTS

### A. Reclamations and Decisions

AUTHOR	DATE	TEXT NUMBER	SUBJECT MATTER	DECISION
GREECE	05 June 2015	No. 111/2014	The GSEE alleges that the situation in Greece is in breach of Articles 1, 2, 4, 7, 30 and 31 of the 1961 Charter and Article 3§1 of the 1988 Additional Protocol because of the legislation adopted between 2010 and 2014 in response to the economic and financial crisis. <a href="#">(Decision on admissibility)</a>	Admissibility

### B. Other information

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

## PartOne

### §3 - RECOMMENDATIONS & RESOLUTIONS

#### A. Recommendations

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

#### B. Resolutions

AUTHOR	DATE	TEXT NUMBER	SUBJECT MATTER	DECISION
CM	03 June 2015	<a href="#">(2015)7</a>	Amending Article 26 of the Statute	CM decided to fix at 18 the number of the representatives of Turkey in the Parliamentary Assembly and to amend Article 26 of the Statute accordingly.
CM	17 June 2015	<a href="#">(2015)8</a>	Finnish Society of Social Rights v. Finland, <a href="#">Complaint No. 88/2012</a>	CM decided that there was a violation of the Article 12§1 of the European Social Charter, a violation of the Article 12§3 of the European Social Charter and a violation of the Article 13§1 of the European Social Charter.
CM	17 June 2015	<a href="#">(2015)9</a>	Association for the Protection of All Children (APPROACH) Ltd v. Ireland, <a href="#">Complaint No. 93/2013</a>	CM decided that there was a violation of the Article 17§1 of the European Social Charter.
CM	17 June 2015	<a href="#">(2015)10</a>	Association for the Protection of All Children (APPROACH) Ltd v. Slovenia, <a href="#">Complaint No. 95/2013</a>	CM decided that there was a violation of the Article 17§1 of the European Social Charter.
CM	17 June 2015	<a href="#">(2015)11</a>	Association for the Protection of All Children (APPROACH) Ltd v. Czech Republic, <a href="#">Complaint No. 96/2013</a>	CM decided that there was a violation of the Article 17§1 of the European Social Charter.
CM	17 June 2015	<a href="#">(2015)12</a>	Association for the Protection of All Children (APPROACH) Ltd v. Belgium, <a href="#">Complaint No. 98/2013</a>	CM decided that there was a violation of the Article 17§1 of the European Social Charter.
CM	17 June 2015	<a href="#">(2015)13</a>	Federation of Catholic Family Associations in Europe (FAFCE) v. Sweden, <a href="#">Complaint No. 99/2013</a>	CM decided that the Article 11 of the Charter was not applicable and there was no violation of the Article 11 of the European Social Charter.

PACE	23 June 2015	<a href="#">Resolution 2060</a>	Improving the protection of whistle-blowers	<p>PACE stressed the importance of whistle-blowing for promoting good governance, privacy, freedom of speech and the fight against corruption, including in the fields of national security and intelligence. Thus, PACE called on member states to create an appropriate normative, judicial and institutional framework for the protection of whistle-blowers. (<a href="#">Read the Report</a>)</p>
PACE	23 June 2015	<a href="#">Resolution 2061</a>	Evaluation of the partnership for democracy in respect of the Parliament of Morocco	<p>PACE reiterated its call on the Moroccan Parliament “to abolish the death penalty in law, and, pending abolition, to declare a de jure moratorium on executions”. Furthermore, PACE encouraged the authorities to step up the legislative and institutional reforms, to take measures, in close co-operation with the Venice Commission, to improve electoral legislation before the next parliamentary elections in 2016, to ensure that women are duly represented at all levels of power and society, and to respect freedom of religion. PACE will continue to review the implementation of political reforms in Morocco and to offer its assistance to the Moroccan Parliament. (<a href="#">Read the Report</a>)</p>
PACE	24 June 2015	<a href="#">Resolution 2065</a>	Increasing transparency of media ownership	<p>PACE called on member states to review their legislation to ensure transparency of media ownership, so that the public has access to specific information about the “ownership, management and editorial structures of media as well as their financing”. This information must be submitted by media outlets to an independent national media authority. Furthermore, PACE requested the Committee of Ministers to review and further develop Council of Europe standards in this field and to co-operate with the European Platform of Regulatory Authorities (EPRA). (<a href="#">Read the Report</a>)</p>

<p><b>PACE</b></p>	<p>24 June 2015</p>	<p><a href="#">Resolution 2066</a></p>	<p>Media responsibility and ethics in a changing media environment</p>	<p>PACE came out in favour of self-regulation by the media, “a means of reducing influence by the State and other sectors of society over media content”, which can also facilitate out-of-court settlement of disputes over content. Furthermore, PACE called on member states to move towards decriminalising defamation, while combating racist discourse and hate speech. (<a href="#">Read the Report</a>)</p>
<p><b>PACE</b></p>	<p>25 June 2015</p>	<p><a href="#">Resolution 2068</a></p>	<p>Towards a new European Social Model</p>	<p>PACE called on European governments for new socio-economic, educational and fiscal policies, combined with a targeted budget allocation to social protection systems, to safeguard the benefits of the European Social Model to future generations. (<a href="#">Read the Report</a>)</p>



<p>PACE</p>	<p>26 June 2015</p>	<p><a href="#">Resolution 2069</a></p>	<p>Recognising and preventing neo-racism</p>	<p>PACE asked “that the legal framework on hate speech and includes the broadest possible range of grounds of discrimination”. Furthermore, PACE asked that groups which are victims of racism should co-operate with the public authorities for the implementation of policies to counter discrimination. PACE requested the introduction into the rules of procedure of national parliaments and political parties of rules banning racist remarks and hate speech and providing for penalties. Finally, PACE called on internet service providers and social network to adopt guidelines to prevent propagation of racist remarks and hate speech. (<a href="#">Read the Report</a>)</p>
<p>PACE</p>	<p>26 June 2015</p>	<p><a href="#">Resolution 2070</a></p>	<p>Increasing co-operation against cyber-terrorism and other large-scale attacks on the internet</p>	<p>PACE has called on states to do more to deter large-scale cyber-attacks which threaten national security, public safety or economic well-being, urging tighter security for critical services and stronger penalties for those who try to disrupt them. (<a href="#">Read the Report</a>)</p>

## PartOne

### §4 - OTHER INFORMATION OF GENERAL IMPORTANCE

#### A. Information from the Committee of Ministers

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

#### B. Information from the Parliamentary Assembly

##### ■ PACE President condemned attack on Human Rights Prize winner (03.06.2015)

PACE president urged the competent Chechen and Russian authorities to investigate this attack, as well as the arson attack on the Joint Mobile Group's office in December 2014, and to hold the perpetrators as well as the instigators to account. ([read more](#))

##### ■ PACE President: 'United, we can fight corruption', (04.06.2015)

PACE president expressed that the forthcoming adoption of a code of conduct for parliamentarians is a great way to fight against the corruption and also timely given the current evaluation by GRECO, the Council of Europe's anti-corruption body, which deals also with 'Corruption Prevention in Respect of Members of Parliaments.' ([read more](#) - [Announcement of the visit](#) - [Video of Ms Brasseur](#))

##### ■ A twin strategy to tackle doping: warning athletes and cutting off the supply of drugs (04.06.2015)

Officials from the world of sport met in Paris to brief parliamentarians on the latest moves to crack down on doping and warn young athletes about the dangers of performance-enhancing drugs. ([read more](#) - [Draft agenda](#))

##### ■ Improving electoral processes in the Eastern Partnership countries (10.06.2015)

The participants attending the conference on implementation of the right to free elections concluded that the « elections are the expression and cornerstone of democracy and they remain a necessary but not sufficient condition for democracy to thrive ». Thus, they expressed that it is vital to achieve progress in democracy, the rule of law and respect for fundamental freedoms in Europe thanks to the co-operation and consultation between PACE and other Council of Europe bodies, the European Union and the OSCE. ([read more](#) - [Announcement of the conference](#))

##### ■ PACE President called for political discourse that values benefits of migration (11.06.2015)

Pace president called on politicians to break the negative stereotype and destroying the myths about the dangers of migration, and developing a positive political discourse that values the benefits of migration. Furthermore, PACE president called on the international community to show greater solidarity and share responsibility concerning the situation of refugees and asylum seekers. Finally, PACE president recalled that the role to be played by the UN and the Council of Europe is to ensure the fundamental rights and freedoms. ([read more](#))

**■ PACE President: ‘Member states must face their responsibilities towards refugees in need of protection’ (20.06.2015)**

PACE president called on member states to face their responsibilities towards refugees in need of protection, and support the countries which are coping with these refugee flows. Furthermore, PACE president expressed that “safe legal channels to Europe through settlement, relocation or by way of humanitarian visas should be considerably increased”. ([read more](#))

**■ Europe Prize: 60 years of promoting European values (22.06.2015)**

PACE president expressed that “today, more than ever, we must continue to promote European values.” ([read more](#) - [Europe Prize website](#) - [Video of the ceremony](#) - [video of the debate](#) - [Announcement of the ceremony](#))

**■ PACE President: ‘Migration is not a challenge but a phenomenon - it will not go away’ (22.06.2015)**

PACE president called for more solidarity and responsibility when it comes to sharing the burden of refugees. ([read more](#) - [Opening speech by Anne Brasseur](#) - [Press conference of Ms Brasseur](#) - [Opening of the session](#))

**■ Gabriella Battaini-Dragoni re-elected Deputy Secretary General of the Council of Europe (23.06.2015)**

([read more](#) - [Voting results](#) - [Link to the web site of the Deputy Secretary General](#) )

**■ Ban Ki-moon called for mobilisation against violent extremism (23.06.2015)**

In his address to PACE, UN secretary general assured Europe of UN support in combating violent extremism and the rise of antisemitism, anti-muslim attacks and related forms of discrimination. Thus, UN secretary general announced the launch in November of a United Nations action plan to prevent extremism. Furthermore, UN secretary general recommended setting up « legal channels » in Europe, such as resettlement, family reunification and work and study visas, to guarantee safe migration. Finally, regarding the conflict in Ukraine, UN secretary general reiterated his appeal that there should be « all possible efforts to press the parties to fully implement the Minsk Agreements and achieve a political solution. » ([read more](#) - [Video of the Press point](#) - [Video of the address by Ban Ki-moon](#))

**■ Committee advocated freedom of religion “without impediment and without discrimination” (23.06.2015)**

PACE stressed that religious communities should be able to exercise the right to freedom of religion “without impediment and without discrimination” and to practice their faith publicly and freely in accordance with their own rites. ([read more](#))

**■ PACE president expressed concern over move to amend the Constitution of the Kyrgyz Republic (25.06.2015)**

PACE president expressed her concern over draft amendments to the Constitution of the Kyrgyz Republic, which would endanger key democratic principles, notably the separation of powers and the independence of the Judiciary. Therefore, PACE president called upon the Jorgorku Kenesh to follow the joint recommendations of the Venice Commission and OSCE/ODIHR and not to submit these amendments to a referendum as they stand. ([read more](#))

■ **Film ‘The Lake’ won social marketing EACA Care Award 2015 (25.06.2015)**

PACE president announced that the film “The Lake”, which encourages young people to speak up about sexual abuse as part of the Council of Europe ONE-in-FIVE campaign, was the winner of the EACA Care Award for 2015. ([read more](#) - [Link to EACA](#) - [Video 'The Lake'](#) - [One in Five Campaign](#))

■ **‘Alarm’ at high number of Strasbourg Court rulings being ignored (26.06.2015)**

In a draft resolution, PACE’s Legal Affairs Committee urged States to observe their legal obligation to fully and rapidly implement the Court judgments. It also urged the Council of Europe’s ministerial body to “take firmer measures” with dilatory States, including use of the so-called “infringement procedure” foreseen in the European Convention on Human Rights. ([read more](#) - [Full report](#) - [Addendum: state-by-state overview of ten states](#).)

■ **PACE President condemned terrorist attacks in France, Tunisia and Kuwait (26.06.2015)**

PACE president called on the 324 PACE members to raise their voices and “speak out against terrorism, as well as the hate and intolerance that fuels it. ([read more](#))

**C. Information for the Commissioner for Human Rights**

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

**D. Information from the monitoring mechanisms**

■ **GRECO: Publication of its annual report (18.06.2015)**

[Link to the report.](#)

■ **GRETA: 16th meeting of the Committee of the Parties (15.06.2015)**

The 16th meeting of the Committee of the Parties of the Council of Europe Convention on Action against Trafficking in Human Beings was held in Strasbourg on 15 June 2015 ([Read more](#)).

■ **MONEYVAL: Presentation of its Activity Report for 2014 (18.06.2015)**

The Chairman of MONEYVAL presented MONEYVAL’s Activity Report for 2014 to the Committee of Ministers of the Council of Europe at its 1231st meeting. The Committee of Ministers took note of the report and positively received the Chairman’s presentation. The full report will be published in due course ([Read the Chairman's presentation](#)).

■ **ECRI: Publication of conclusions on the implementation of its priority recommendations in respect of Andorra, Croatia, Denmark, Sweden and Ukraine (09.06.2015)**

The ECRI has published conclusions on the implementation of a number of recommendations made in its country reports on Andorra, Croatia, Denmark, Sweden and Ukraine which had been released in 2012 ([Read more](#)).

■ **ECRI: Cooperation between local and equality authorities is crucial for achieving a tolerant and inclusive society (19.06.2015)**

The ECRI has published a study reviewing good practices of effective cooperation between local authorities and national Specialised Bodies combating racism and intolerance ([Read more](#)).

■ **ECRI: Statement on the current humanitarian crisis in the Mediterranean (19.06.2015)**

The ECRI expressed its grave concern at the current humanitarian crisis in the Mediterranean region, which had already cost so many human lives ([Read more](#)).

■ **ECRI: Combating racial discrimination and intolerance in Belgium: round table (24.06.2015)**

In co-operation with the Belgian Inter-federal Centre for Equal Opportunities, ECRI organised a round table in Brussels on 1 July 2015 to discuss the follow-up given to the recommendations contained in its report on Belgium published in 2014 ([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.

# Albania

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

CASE	DATE	RESOLUTION	VIOLATION	DECISION
<a href="#">Manushaqe Puto and Others</a> (No. 604/07)  <a href="#">Driza Group</a> (No. 33771/02)	17 December 2012  2 June 2008	<a href="#">CM/Del/Dec(2015)1230</a>	Non-enforcement of final domestic court and administrative decisions relating to the applicants' right to restitution or compensation (whether pecuniary or in kind) for property nationalised under the communist regime (violation of Articles 6 § 1, 1, of Protocol No. 1 and 13).  The Court, in the pilot judgment <i>Manushaqe Puto and Others</i> , requested the setting-up of an effective compensation mechanism before 17 June 2014.	Follow-up to the decision adopted at the <a href="#">1201st meeting</a> and assessment of the progress achieved in the implementation of the action plan.

## B. Resolutions, signatures and ratifications

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

## C. Other information

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

# Armenia

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

CASE	DATE	RESOLUTION	VIOLATION	DECISION
<a href="#">Virabyan</a> (No. 40094/05)	2 January 2013	<a href="#">CM/Del/Dec(2015)1230</a>	Ill-treatment of the applicant in police custody and failure to carry out an effective investigation, including into allegations that the ill-treatment was politically motivated (violation of Article 3 alone, and of Article 14 in conjunction with Article 3 procedural limb); violation of the presumption of innocence (Article 6(2)).	To assess the updated action plan and to request for further information, in particular on the re-opened investigations and legislative amendments under consideration.

## B. Resolutions, signatures and ratifications

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

## C. Other information

### ■ PACE: Main aims for constitutional reform should be to strengthen political pluralism (15.06.2015)

PACE co-rapporteurs welcomed the intention of the authorities to address some of Armenia's systemic deficiencies via constitutional reform. Moreover, PACE co-rapporteurs called upon the authorities to invite international monitors to observe the upcoming referendum and ensure that proper public consultations and debate would take place in its framework. ([read more](#))

### ■ PACE: Elected Armen Harutyunyan judge of the European Court of Human Rights (23.06.2015)

([read more](#) - [Voting result](#) - [List and curricula vitae of candidates](#) - [How are judges of the European Court of Human Rights elected ?](#))

### ■ Co-rapporteurs urged restraint from all sides in Yerevan protests (25.06.2015)

Co-rapporteurs called on police as well as protesters to show maximum restraint in order to ensure that peaceful protests can take place unhindered. Furthermore, the co-rapporteurs expressed their concern at allegations of the excessive use of force and the purposeful targeting of journalists by the police when breaking up the protests on 22 June. These allegations should be impartially and transparently investigated, they said. ([read more](#))



■ **MONEYVAL: Fifth round on-site evaluation visit to Armenia (17.06.2015)**

A MONEYVAL team of evaluators conducted an on-site visit to Armenia from 24 May to 6 June 2015, which was the first under MONEYVAL's 5th evaluation round ([Read more](#)).

# Azerbaijan

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

CASE	DATE	RESOLUTION	VIOLATION	DECISION
<a href="#">Mahmudov and Agazade Group</a> (No. 35877/04)	2 January 2013	<a href="#">CM/Del/Dec(2015)1230</a>	Violation of right to freedom of expression, arbitrary application of law.	Follow-up to the decision adopted at the <a href="#">1214th meeting</a> .
<a href="#">Namat Aliyev Group</a> (No. 18705/06)	8 July 2010	<a href="#">CM/Del/Dec(2015)1230</a>	Various irregularities in the context of the 2005 elections and lack of safeguards against arbitrariness.	Follow-up to the decision adopted at the <a href="#">1222nd meeting</a> .
<a href="#">Ilgar Mammadov</a> (No. 15172/13)	13 October 2014	<a href="#">CM/Del/Dec(2015)1230</a>	Imprisonment for reasons other than those permitted by Article 5 namely, to punish the applicant for having criticised the government (Article 18 taken in conjunction with Article 5).	Follow-up to the decision adopted at the <a href="#">1222nd meeting</a> .

## B. Resolutions, signatures and ratifications

### ■ PACE: Resolution on the functioning of democratic institutions in Azerbaijan, 23 June 2015

PACE called on the authorities to release all political prisoners, including those who have co-operated with the Parliamentary Assembly. Furthermore, PACE welcomed the reduction of corruption levels in Azerbaijan, especially due to the network of public service halls known as ASAN centres, and recent legal changes to the judiciary. Finally, PACE made a series of recommendations to the authorities of Azerbaijan as part of the Assembly's ongoing monitoring of the country including steps to reinforce democratic "checks and balances" in the system, ensure a fairer electoral framework, and further boost judicial independence. ([Resolution 2062](#) - [Read the report](#))

## C. Other information

### ■ CPT: Visit to Azerbaijan (25.06.2015)

A delegation of the CPT carried out an ad hoc visit to Azerbaijan from 15 to 22 June 2015. The objective of the visit was to examine the situation of sentenced prisoners. To this end, the delegation visited Penitentiary Establishments Nos. 6 and 14, as well as the Correctional Establishment for Juveniles in Baku.

### ■ ECRI: Commission to prepare a report on Azerbaijan (18.06.2015)

A delegation of the ECRI visited Azerbaijan from 1 to 5 June 2015 as the first step in the preparation of a monitoring report. During its visit, ECRI's delegation gathered information on legislation, hate speech, violence, integration policies, LGBT issues and other topics ([Read more](#)).

# Belgium

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

CASE	DATE	RESOLUTION	VIOLATION	DECISION
<a href="#">L. B. Group</a> (No. 22831/08)	2 January 2013	<a href="#">CM/Del/Dec(2015)1230</a>	Structural problem concerning the care of persons with mental health problems like the applicants, who are kept in a prison environment due to, in particular, the lack of capacity to receive them in the external psychiatric system (Articles 3 and 5)	Assessment of the progress achieved and identification of the outstanding questions for the individual and general measures in this group of cases.

CASE	DATE	RESOLUTION	CONCLUSION
<a href="#">M. S.</a> (No. 50012/08)	30 April 2012	<a href="#">CM/ResDH(2015)84</a>	Examination closed

## B. Resolutions, signatures and ratifications

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

## C. Other information

### ■ European Social Charter: Belgium accepted further provisions of the Revised European Social Charter (10.06.2015)

In accordance with Part III, Article A, paragraph 2, of the Revised European Social Charter, Belgium accepted the following articles of Part II: Article 26 – The right to dignity at work (paragraph 2); Article 27 – The right of workers with family responsibilities to equal opportunities and equal treatment (paragraph 1 and paragraph 2); Article 28 – The right of workers' representatives to protection in the undertaking and facilities to be accorded to them. ([read more](#))

# Bosnia and Herzegovina

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

CASE	DATE	RESOLUTION	VIOLATION	DECISION
<a href="#">Sejdic and Finci Group</a> (No. 27996/06)	22 December 2009	<a href="#">CM/Del/Dec(2015)1230</a>	Violation of the right to free elections and discrimination against minorities.	To assess the state of play of the execution process after the elections held in October 2014.

## B. Resolutions, signatures and ratifications

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

## C. Other information

### ■ PACE: Minister for Foreign Affairs presented the priorities of Bosnia and Herzegovina's Chairmanship (22.06.2015)

Minister for Foreign Affairs of Bosnia and Herzegovina expressed that his country will continue the work on "the common priorities up in co-ordination with the outgoing Chairmanships of Azerbaijan and Belgium." Among those priorities, he underlined, are the Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), the Council of Europe policy towards neighbouring regions, the Organisation's activities in the sphere of culture, and enhancing the Council of Europe's action with respect to the religious dimension of intercultural dialogue. ([read more - Communication from Igor Crnadak](#))

# Bulgaria

## 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: Rapporteur saw progress, urged on-going reform (05.06.2015)

PACE rapporteur welcomed the adoption of the strategy for the continuation of reforms in the judicial system by broad consensus between political forces, as well as the adoption of the anti-corruption strategy, and the on-going developments related to legislative and institutional changes. Thus, PACE rapporteur encouraged the continuation of these reforms so as to fully comply with Council of Europe recommendations. ([read more](#) - [Post-monitoring rapporteur returns to Bulgaria](#))

# 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

### ■ GRETA: Publication of a first report (04.06.2015)

The Finnish authorities have taken important steps to prevent and combat trafficking in human beings, but a number of challenges remain, according to a report published by the GRETA ([Link to the report](#)).

# Georgia

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

CASE	DATE	RESOLUTION	CONCLUSION
<a href="#">Patman Modebadze</a> (No. 43111/10)	8 April 2014	<a href="#">CM/ResDH(2015)85</a>	Examination closed

## B. Resolutions, signatures and ratifications

### ■ CM: Resolution on the award of the European Diploma for Protected Areas to the Vashlovani Protected Areas (Georgia), 03 June 2015

CM awarded the European Diploma for Protected Areas to the Vashlovani Protected Areas (Georgia) which include five areas: the Vashlovani Strict Nature Reserve, the Vashlovani National Park, the Alazani Riparian Forest Natural Monument, the Takhti-Tepa Natural Monument and the Eagle Canyon Natural Monument; recognises the European significance of these areas which have remarkable landscapes; exceptional geological features; rich and diverse flora and fauna, including rare species; and ecosystems of particular importance for European biodiversity. Furthermore, CM placed the aforesaid areas under the patronage of the Council of Europe until 3 June 2020. [Link to the Resolution](#)

## C. Other information

### ■ FCNM: Advisory Committee - Adoption of the 2nd cycle Opinion on Georgia (18.06.2015)

The Advisory Committee on the FCNM adopted the 2nd cycle Opinion on Georgia on 17 June 2015. This Opinion is restricted for the time being.

# Germany

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

CASE	DATE	RESOLUTION	CONCLUSION
<a href="#">Schwabe and M. G.</a> (No. 8080/08+)	1 March 2012	<a href="#">CM/ResDH(2015)86</a>	Examination closed

## B. Resolutions, signatures and ratifications

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

## C. Other information

### ■ GRETA: Publication of a first report (03.06.2015)

In its first report on Germany, the GRETA calls on the German authorities to improve the proactive identification of victims of trafficking and to ensure that adequate assistance is provided to all victims, including those subjected to labour exploitation ([Link to the report](#)).



# Greece

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

CASE	DATE	RESOLUTION	VIOLATION	DECISION
<a href="#">M. S. S. and Rahimi Groups</a> (No. 30696/09)	21 January 2011	<a href="#">CM/Del/Dec(2015)1230</a>	Conditions of detention of asylum seekers and irregular migrants (Article 3) and lack of an effective remedy to challenge conditions of detention (Articles 3 and 13); living conditions of asylum seekers (Article 3). Ineffective asylum procedure and lack of an effective remedy to challenge the shortcomings of the asylum procedure (Articles 3 and 13).	Assessment of the general measures regarding the establishment of an effective guardianship system for third country unaccompanied minors.
<a href="#">Nisiotis Group</a> (No. 34704/08)	20 June 2011	<a href="#">CM/Del/Dec(2015)1230</a>	Prison overcrowding and other poor conditions in prisons amounting to inhuman and degrading treatment.	Assessment of the general measures taken to decrease overcrowding and improve conditions of detention in prisons, and identification of outstanding issues.

CASE	DATE	RESOLUTION	CONCLUSION
<a href="#">Aikaterini Karamali</a> (No. 33978/10)	17 June 2014	<a href="#">CM/ResDH(2015)87</a>	Examination closed

## B. Resolutions, signatures and ratifications

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

## C. Other information

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

# Hungary

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

CASE	DATE	RESOLUTION	CONCLUSION
<a href="#">Gabor Mako and Laszlo Mako</a> (No. 14779/10)	30 September 2009	<a href="#">CM/ResDH(2015)88</a>	Examination closed
<a href="#">Istvan Nagy and Others</a> (No. 842/10)	30 September 2009	<a href="#">CM/ResDH(2015)88</a>	Examination closed

## B. Resolutions, signatures and ratifications

### ■ PACE: Resolution on the situation in Hungary following the adoption of Assembly Resolution 1941 (2013), 24 June 2015

PACE evaluated a series of new laws in Hungary, including on the status of churches, elections, the Constitutional Court, the judiciary and the media, to see whether they are in line with Council of Europe standards. Furthermore, the parliamentarians welcomed the measures taken so far by the Hungarian authorities and, in particular, welcomed the withdrawal of proposals concerning the death penalty. ([Resolution 2064](#) - [Read the report](#))

## C. Other information

### ■ ECRI: “Despite positive developments, concerns remain, such as racist violence and the openly anti-Roma, antisemitic, homophobic and xenophobic hate speech of a radical right-wing populist party” (09.06.2015)

The ECRI has published its fifth report on Hungary analysing new developments and outstanding issues, and providing recommendations to the authorities ([Read more](#)).

# Latvia

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

CASE	DATE	RESOLUTION	CONCLUSION
<a href="#">X.</a> (No. 27853/09)	26 November 2013	<a href="#">CM/ResDH(2015)89</a>	Examination closed

## B. Resolutions, signatures and ratifications

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

## C. Other information

■ **PACE elected Mārtiņš Mits judge of the European Court of Human Rights in respect of Latvia (23.06.2015)**

([read more](#) - [Voting result](#) - [List and curricula vitae of candidates](#) - [How are judges of the European Court of Human Rights elected ?](#) )

# Lithuania

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

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

## B. Resolutions, signatures and ratifications

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

## C. Other information

### ■ GRETA: Publication of a first report (05.06.2015)

[Link to the report.](#)

# Luxembourg

## 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: PACE elected Georges Ravarani judge of the European Court of Human in respect of Luxembourg (23.06.2015)

([read more](#) - [Voting result](#) - [List and curricula vitae of candidates](#) - [How are judges of the European Court of Human Rights elected?](#) )

# Malta

## 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: Migrants can become an asset to our economies, said Maltese President (22.06.2015)

The president of Malta called for “an effective, comprehensive and holistic migration policy”, pinned on a human rights-based approach. Furthermore, she expressed that “we need to address the root causes of migration, in closer co-operation with countries of origin and transit, in the Mediterranean and in Africa.” ([read more](#) - [Video of the Address by Marie Louise Coleiro Preca](#))

### ■ GRECO: Publication of its Fourth Round evaluation report on Malta (23.06.2015)

The GRECO has published its Fourth Round evaluation Report on Malta. It focuses on the prevention of corruption of members of parliament, judges and prosecutors ([Link to the report](#)).

# Republic of Moldova

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

CASE	DATE	RESOLUTION	VIOLATION	DECISION
<a href="#">Luntre and Others Group (No. 2916/02)</a>	15 September 2004	<a href="#">CM/Del/Dec(2015)1230</a>	Failure or substantial delay in the enforcement of final domestic judicial decisions and lack of effective remedy in this respect; violations of the right to respect for property (Articles 6 § 1 + 13, Article 1 of Protocol No.1).	To take stock of the measures adopted so far and to invite the authorities to provide information on the effective implementation of these measures.

## B. Resolutions, signatures and ratifications

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

## C. Other information

### ■ FCNM: Receipt of the 4th cycle State Report (10.06.2015)

The Republic of Moldova submitted its fourth State Report on 10 June 2015, pursuant to Article 25, paragraph 2, of the Framework Convention for the Protection of National Minorities ([Read more](#)).

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

CASE	DATE	RESOLUTION	CONCLUSION
<a href="#">A. and B.</a> (No. 37571/05)	5 June 2013	<a href="#">CM/ResDH(2015)90</a>	Examination closed

## B. Resolutions, signatures and ratifications

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

## C. Other information

### ■ MONEYVAL: Report on the 4th round assessment visit to Montenegro (23.06.2015)

The report was adopted at MONEYVAL's 47th Plenary Meeting (Strasbourg, 14 – 17 April 2015) ([Link to the report](#)).



# Netherlands

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

CASE	DATE	RESOLUTION	CONCLUSION
<a href="#">Van Der Velden</a> (No. 21203/10)	31 October 2012	<a href="#">CM/ResDH(2015)91</a>	Examination closed

## B. Resolutions, signatures and ratifications

### ■ CM: Resolution on the renewal of the European Diploma for Protected Areas awarded to the National Park Weerribben-Wieden (Netherlands), 3 June 2015

CM decided to renew the European Diploma for Protected Areas awarded to the De Weerribben Nature Reserve and to extend it to the De Wieden Nature Reserve, jointly presented under the name "National Park Weerribben-Wieden", until 3 June 2020, with some conditions. [Link to the Resolution](#)

## C. Other information

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

# Poland

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

CASE	DATE	RESOLUTION	VIOLATION	DECISION
<a href="#">Al Nashiri Group</a> (No.28761/11)	16 February 2015	<a href="#">CM/Del/Dec(2015)1230</a>	Various violations related to secret rendition operations.	Examination of urgent individual measures.
<a href="#">Horych Group</a> (No. 13621/08)	17 July 2012	<a href="#">CM/Del/Dec(2015)1230</a>	Strict imposition of the “dangerous detainee” regime, exceeding the legitimate requirements of security in prison (violation of Article 3).	Assessment of the updated action plan and request for further information (in particular on the legislative amendments under consideration)

CASE	DATE	RESOLUTION	CONCLUSION
<a href="#">Dzieciak</a> (No. 77766/01)	9 March 2009	<a href="#">CM/ResDH(2015)92</a>	Examination closed

## B. Resolutions, signatures and ratifications

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

## C. Other information

■ ECRI: “Despite new measures, nationalism, intolerance and racism are on the rise” says the Committee (09.06.2015)

The ECRI has published its fifth report on Poland, analysing recent developments and outstanding issues, and providing recommendations to the authorities ([Read more](#)).

# Romania

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

CASE	DATE	RESOLUTION	VIOLATION	DECISION
<a href="#">Ticu and Gheorghe Predescu</a> (No. 24575/10, 19696/10)	1 January 2014 25 May 2014	<a href="#">CM/Del/Dec(2015)1230</a>	Ill-treatment in prison due to the inadequate management of the applicants' psychiatric pathologies (violations of Article 3). Lack of investigation into allegations of ill-treatment by other prisoners (procedural violation of Article 3 in <i>Ticu</i> case).	Assessment of the information presented by the authorities on 27 March 2015 as regards the individual measures
<a href="#">Moldovan Group</a> (No. 41138/98)	5 July 2005	<a href="#">CM/Del/Dec(2015)1230</a>	Consequences of racially-motivated violence in 1993, against villagers of Roma origin, in particular improper living conditions following the destruction of their homes, and the general discriminatory attitude of the authorities, including their prolonged failure to put an end to the breaches of the applicants' rights (Articles 3, 6, 8, 13, and 14 in conjunction with Articles 6 and 8).	To assess the progress made in the implementation of these judgments in the light of the action plan presented by the authorities on 1 April 2015

CASE	DATE	RESOLUTION	CONCLUSION
<a href="#">Gagiu</a> (No. 63258/00)	24 May 2009	<a href="#">CM/ResDH(2015)93</a>	Examination closed

## B. Resolutions, signatures and ratifications

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

## C. Other information

### ■ PACE rapporteur: justice in Romania is being frustrated by politics (19.06.2015)

PACE rapporteur expressed that "It is a matter of serious concern that the majority in the Romanian parliament is interfering with the separation of powers and preventing judicial authorities from investigating accusations of corruption ». ([read more](#))

# Russian Federation

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

CASE	DATE	RESOLUTION	VIOLATION	DECISION
<a href="#">Alekseyev</a> (No. 4916/07)	11 April 2011	<a href="#">CM/Del/Dec/ 2015)1230</a>	Repeated bans on marches concerning homosexual rights (violation of Article 11; violation of Article 13 in conjunction with Article 11; violation of Article 14 in conjunction with Article 11).	To examine the information provided in response to the Committee's last decision of <a href="#">September 2014</a> .
<a href="#">Garabayev Group</a> (No. 38411/02)	30 January 2008	<a href="#">CM/Del/Dec/ 2015)1230</a>	Different violations related to extradition (Articles 3, 5, 13 and 34). Indications under Article 46, notably to ensure effective protection against abduction and irregular transfer, as well as effective investigations into such allegations.	To examine the information received from the Russian authorities in response to the last decision adopted at the <a href="#">1214th meeting</a> .
<a href="#">Catan and Others</a> (No. 43370/04)	19 October 2012	<a href="#">CM/Del/Dec/ 2015)1230</a>	Violation of the right to education of the applicants, children or parents from Moldovan/Romanian language schools in the Transdniestrian region of the Republic of Moldova (violation of Article 2 of Protocol No. 1 by the Russian Federation).	Follow-up to the interim resolution adopted at the <a href="#">1222nd meeting</a> .
<a href="#">Oao Neftyanaya Kompaniya Yukos</a> (No. 14902/04)	8 March 2012  15 December 2014	<a href="#">CM/Del/Dec/ 2015)1230</a>	Insufficient time for the preparation of its defence of the applicant company (Article 6); unlawful imposition and calculation of penalties in tax-assessment proceedings (Article 1 of Protocol No. 1); unfair proceedings to enforce payment of taxes and penalties imposed (Article 1 of Protocol No.1).	To stress the fast approaching deadline for the drawing-up of an action plan concerning the distribution of the just satisfaction awarded for pecuniary damage and to reiterate the call upon the authorities to respect this deadline.

## B. Resolutions, signatures and ratifications

■ **PACE: Resolution on consideration of the annulment of the previously ratified credentials of the delegation of the Russian Federation (follow-up to paragraph 16 of Resolution 2034(2015)), 24 June 2015**

PACE called on the Russian delegation to reverse its refusal to co-operate with the Assembly and to re-establish dialogue. Furthermore, PACE repeated its call on the Russian authorities to withdraw all its troops from Ukrainian territory, fully implement the Minsk agreements, reverse the illegal annexation of Crimea, and release Nadiia Savchenko and others. ([Resolution 2063](#) - [Read the Report](#))

#### ■ PACE: Resolution on missing persons during the conflict in Ukraine, 25 June 2015

PACE called on the Ukrainian and Russian authorities, as well as the separatist groups controlling the occupied territories of the Donetsk and Luhansk regions, to share information on the fate and the whereabouts of missing persons and to take steps to help the families find and identify the remains of their loved ones. In particular, the parliamentarians proposed that a joint mechanism (working group) dealing with this issue be set up. ([Resolution 2067](#) - [Read the Report](#))

#### C. Other information

#### ■ PACE: Rapporteur 'deeply disappointed' by Moscow Gay Pride refusal (03.06.2015)

PACE Rapporteur expressed that it was « disappointing that authorisation to hold a Gay Pride rally in Moscow was again refused this year, despite a judgment of the European Court of Human Rights in 2010 ». Thus, PACE Rapporteur recalled that the judgment must be implemented. Furthermore, PACE Rapporteur expressed that laws prohibiting so-called 'homosexual propaganda' should be done away with immediately. ([read more](#))

# Serbia

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

CASE	DATE	RESOLUTION	VIOLATION	DECISION
<a href="#">Alisic and Others</a> (No. 60642/08)	16 July 2014	<a href="#">CM/Del/Dec(2015)1230</a>	Violations of the applicants' right to peaceful enjoyment of their property on account of their inability to recover their "old" foreign-currency savings deposited in Bosnian-Herzegovinian branches of banks incorporated in Serbia and Slovenia respectively (violations of Article 1 of Protocol No. 1).	To make assessment of the information provided and identify the outstanding issues bearing in mind the deadline set by the Court (16 July 2015).

## B. Resolutions, signatures and ratifications

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

## C. Other information

### ■ CPT: Visit to Serbia (09.06.2015)

A delegation of the CPT carried out a visit to Serbia from 26 May to 5 June 2015. The visit was conducted within the framework of the CPT's programme of periodic visits for 2015 and was the Committee's fourth periodic visit to Serbia ([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

### ■ FCNM: Publication of the 4th Advisory Committee Opinion (23.06.2015)

The Council of Europe Advisory Committee on the FCNM has published its Fourth Opinion on Spain together with the government comments ([Read more](#)).

# Switzerland

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

CASE	DATE	RESOLUTION	VIOLATION	DECISION
<a href="#">Tarakhel</a> (No. 29217/12)	4 November 2014	<a href="#">CM/Del/Dec/ 2015)1230</a>	Violation of Article 3 in the event of transfer of the applicant family (an asylum-seeking couple with six minor children) from Switzerland to Italy under the "Dublin Regulation" without receiving sufficient assurances from the Italian authorities about its conditions in Italy.	Assessment of the action report and proposal to adopt a final resolution.

CASE	DATE	RESOLUTION	CONCLUSION
<a href="#">Locher and Others</a> (No. 7539/06)	30 October 2013	<a href="#">CM/ResDH(2015)94</a>	Examination closed
<a href="#">A. A.</a> (No. 58802/12)	7 April 2014	<a href="#">CM/ResDH(2015)95</a>	Examination closed

## B. Resolutions, signatures and ratifications

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

## C. Other information

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



# “The former Yugoslav Republic of Macedonia”

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

CASE	DATE	RESOLUTION	VIOLATION	DECISION
<a href="#">El-Masri</a> (No. 39630/09)	13 December 2012	<a href="#">CM/Del/Dec/ 2015/1230</a>	Various violations related to the CIA secret rendition operations.	Follow-up to the decision adopted at the <a href="#">1222nd meeting</a> (March 2015).

## B. Resolutions, signatures and ratifications

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

## C. Other information

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

# Turkey

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

CASE	DATE	RESOLUTION	VIOLATION	DECISION
<a href="#">Incal Group</a> (No. 22678/93) <a href="#">Gözel and Özer Group</a> (No. 43453/04)	9 June 1998	<a href="#">CM/Del/Dec(2015)1230</a>	Violations of the right to freedom of expression.	Taking stock of the measures already taken and identifying the outstanding questions.
<a href="#">Cyprus against Turkey</a> (No. 25781/94)	10 May 2001 12 May 2014	<a href="#">CM/Del/Dec(2015)1230</a>	14 violations in relation to the situation in the northern part of Cyprus.	Continuation of the debate on the missing persons, in accordance with the decision adopted at the <a href="#">1222nd meeting</a> (March 2015).
<a href="#">Varnava and Others</a> (No. 16064/90)	18 September 2009	<a href="#">CM/Del/Dec(2015)1230</a>	Lack of effective investigation on the fate of nine Greek Cypriot who disappeared during the military operations by Turkey in Cyprus in 1974.	Continuation of the debate on the missing persons and on the just satisfaction, in accordance with the decision adopted at the <a href="#">1222nd meeting</a> (March 2015).
<a href="#">Xenides-Arestis Group</a> (No. 46347/99)	22 March 2006	<a href="#">CM/Del/Dec(2015)1230</a>	Continuous denial of access to property in the northern part of Cyprus and consequent loss of control thereof (Article 1 Protocol No. 1). Violation of the right to respect for applicants' home in some cases (Article 8).	Examination of the issue of payment of the just satisfaction, in accordance with the decision adopted at the <a href="#">1222nd meeting</a> (March 2015).

## B. Resolutions, signatures and ratifications

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

## C. Other information

### ■ Elections in Turkey: a wide range of parties, but political pluralism limited by 10 per cent electoral threshold (22.06.2015)

According to PACE, the parliamentary elections of 7 June 2015 in Turkey allowed voters to choose from a wide range of political parties but the 10 per cent threshold to enter parliament limited political pluralism. Thus PACE reiterated its request to the Turkish authorities to lower this threshold substantially in future. Furthermore, parliamentarians expressed their concern over the “high number

of attacks on party offices and serious incidents of physical attacks during the campaign". Therefore, PACE stated that the results of the investigations launched by the authorities "should be made public as soon as possible and perpetrators should be brought before the courts." ([read more](#) - [Report - Video of the debate](#))

**■ PACE: "Turkey's example of dealing with Syrian refugees 'put rest of Europe to shame'" (30.06.2015)**

PACE president highlighted Turkey's "extraordinary welcome" for Syrian refugees and urged other European countries to do more help particularly in financial terms. PACE president suggested that the Council of Europe Development Bank could, on request, provide significant funding to help Turkey and its local authorities. Furthermore, PACE president expressed she would call for a current affairs debate on the refugee situation during the Assembly's coming session in Strasbourg. ([read more](#) - [Announcement of the visit- Progress report](#))

**■ PACE: Post-monitoring rapporteur praised political maturity of the Turkish people (30.06.2015)**

PACE rapporteur urged Turkey to continue its reforms, including revision of the constitution and the process to settle the Kurdish issue, in the context of the post-monitoring dialogue. PACE rapporteur also praised Turkey's outstanding efforts in dealing with over 2 million Syrian refugees. ([read more](#) - [Information note by the rapporteur on her fact-finding visit to Istanbul](#))

**■ CPT: Visit to Turkey (25.06.2015)**

A delegation of the CPT carried out an ad hoc visit to Turkey from 16 to 23 June 2015. The purpose of the visit was to examine the treatment and conditions of detention of foreign nationals detained under aliens legislation as well as the procedures applied to them in the context of their detention pending removal ([Read more](#)).

# Ukraine

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

CASE	DATE	RESOLUTION	VIOLATION	DECISION
<a href="#">Yuriy Nikolayevich Ivanov</a> (No.40450/04)  <a href="#">Zhovner Group</a> (No.56848/00)	15 January 2010   29 September 2004	<a href="#">CM/Del/Dec(2015)1230</a>	Non-enforcement of domestic court decisions against the State or State owned enterprises (Articles 6 § 1 + 1 Protocol No. 1), pilot judgment, deadline expired in July 2011.	To follow up on the last decision adopted at the December 2014 meeting and to take stock of the latest developments concerning the functioning of the domestic remedy introduced
<a href="#">Oleksandr Volkov</a> (No. 21722/11)	27 May 2013	<a href="#">CM/Del/Dec(2015)1230</a>	Unlawful dismissal of the applicant from his post as judge at the Supreme Court (Articles 6 and 8).	To examine the updated action plan received in April 2015 and to stress the need for rapid advances in further reform efforts, in particular as regards the required reform of the Constitution.

## B. Resolutions, signatures and ratifications

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

## C. Other information

### ■ PACE: Solving the problem of missing persons during the conflict in Ukraine through joint efforts of all sides (03.06.2015)

The committee urged Ukraine, the Russian Federation and the separatist groups controlling the occupied territories of Donetsk and Luhansk region to « share information on the fate and whereabouts of missing persons » and to take steps to help families to find and identify the remains of their loved ones. Furthermore, the committee called on Ukrainian authorities to co-ordinate the work of all governmental and non-governmental bodies dealing with this problem. ([read more - Adopted report - Agenda](#) )