



REGULAR SELECTIVE INFORMATION FLOW

for the attention of the National Human Rights Structures

Issue#134

[1 – 31 October 2015]

CONTENTS

(click on a title to reach it)

Introduction (p.2)

Index by country (p.3)

PART I - GENERAL INFORMATION (p.4)

§1 - European Court of Human Rights (p.5)

A. Judgments (p.5)

1. *Judgments deemed of particular importance to the NHRs* (p.5)

2. *Other judgments* (p.18)

B. Decisions on admissibility (p.33)

C. Communicated cases (p.33)

§2 - European Committee of Social Rights (p.34)

A. Resolutions & Decisions (p.34)

B. Other information (p.35)

§3 - Recommendations & Resolutions (p.37)

A. Recommendations (p.37)

B. Resolutions (p.38)

§4 - Other information of general importance (p.41)

A. Information from the Committee of Ministers (p.41)

B. Information from the Parliamentary Assembly (p.41)

C. Information from the Commissioner of Human Rights (p.42)

D. Information from the Council of Europe monitoring mechanisms (p.43)

PART II - INFORMATION BY COUNTRY (p.44)

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

For any queries, please contact: eugen.cibotaru@coe.int

Introduction

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

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

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

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

Index by Country

ARMENIA , 15, 40	ITALY , 19, 32, 35, 53
AUSTRIA , 38, 41	LITHUANIA , 9, 14, 35, 56
AZERBAIJAN , 15, 16, 42	MALTA, 30
BELGIUM , 35, 36, 43	MOLDOVA , 19, 20, 57
BOSNIA AND HERZEGOVINA , 12, 44	MONTENEGRO , 58
BULGARIA, 16, 17, 30	POLAND , 20, 35, 59
CROATIA , 8, 18, 32, 36, 45	PORTUGAL, 8, 9, 20
CYPRUS , 18, 36, 46	ROMANIA , 20, 21, 29, 60
CZECH REPUBLIC, 32, 38	RUSSIA , 3, 4, 5, 6, 22, 23, 24, 30, 36, 61
ESTONIA , 38, 47	SAN MARINO , 63
FINLAND , 13, 48	SLOVENIA , 24, 25, 31, 64
FRANCE, 1, 2, 5, 32	SWEDEN , 25
GEORGIA , 49	SWITZERLAND , 13, 65
GERMANY , 18, 50	TURKEY , 10, 11, 12, 26, 27, 66
GREECE , 14, 15, 18, 32, 35, 51	UKRAINE , 7, 24, 28, 31, 68
HUNGARY , 19, 30, 52	UNITED KINGDOM, 6, 7, 10, 11, 27, 35, 37

PartOne

GENERAL INFORMATION

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

This information was issued during the period under observation (1-31 October 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)

L.M. AND OTHERS V. RUSSIA (Nos. 40081/14, 40088/14, AND 40127/14) - Importance 2 - 15 October 2015 - Violation of Article 2 and 3 - Domestic authorities’ failure to listen effectively to the applicants’ well-founded allegation about the risk of their expulsion to Syria - Violation of Article 5 § 4 - Domestic authorities’ failure to guarantee a procedure for judicial review of the lawfulness of the applicant’s detention - Violation of Article 5 § 1 - No indication of a time-limit of the applicants’ detention

The case concerned the dismissal of the applicant’s request for refugee status and asylum. Domestic courts ordered their expulsion to Syria, their country of origin.

Articles 2 and 3

The Court first examined the existence of substantial grounds for believing that the applicants face a real risk of death and/or ill-treatment if they return to Syria. The Court noted that, in addition to the general information on the conflict in Syria, the applicants proved that they lived in places where heavy and indiscriminate fighting had been raging. The Court took into consideration that they had then submitted additional and individualised information about the risks in the event of return in the proceedings aimed at obtaining refugee status. Lastly, the Court did not lose sight of the fact that the arrival of a significant number of asylum seekers from Syria and the need for this group to have international protection could not have been unknown to the relevant authorities.

In the circumstances, the Court finds that the applicants presented the national authorities with substantial grounds for believing that they faced a real risk to their lives and personal security if expelled. The Court was not persuaded that the domestic courts had duly examined the applicants' allegations, as they had avoided engaging in any in-depth discussion about the dangers referred to by the applicants.

Accordingly, if the applicants were expelled to Syria, it would be in breach of Articles 2 and/or 3 of the Convention.

Article 5

The Court had found a violation of Article 5 § 4 in a number of cases against Russia on account of the lack of any provision under national law which could have allowed a claimant to bring proceedings for a judicial review of his detention pending expulsion. As in those cases, the applicants did not have at their disposal a procedure for judicial review of the lawfulness of their detention.

Accordingly, there had been a violation of Article 5 § 4 in respect of all three of them.

As to Article 5 § 1, the Court first noted that the applicants had been residing illegally in Russia before their arrest and had therefore committed an administrative offence potentially punishable by expulsion. The Court was satisfied that their detention pending expulsion was in connection with an offence punishable by expulsion. Nevertheless, the Court noted that they had remained in detention without any indication of a time-limit.

There had accordingly been a violation of Article 5 § 1.

Article 41 (Just satisfaction)

The Court held that Russia was to pay each of the applicants EUR 9,000 in respect of non-pecuniary damage and to the applicants jointly EUR 8,600 in respect of costs and expenses.

[A.L. \(X.W.\) v. RUSSIA](#) (No. 44095/14) - Importance 2 - 29 October 2015 - Violation of Article 2 and 3 - Domestic authorities' failure not to expose the applicant to the risk of death penalty - Violation of Article 3 - Domestic authorities' failure to ensure decent conditions of detention

The case concerned, in particular, the complaint by a man residing in Russia and wanted as a criminal suspect in China that if forcibly returned to China, he would be at risk of being convicted and sentenced to death. The applicant was held in a detention centre for aliens and in an administrative detention cell in a police station.

Articles 2 and 3

The Court first recalled that domestic authorities were bound by an obligation, under Articles 2 and 3, not to extradite an individual to another State where there existed substantial grounds for believing that he would face a real risk of being subjected to the death penalty there. Indeed, even if Russia had

not ratified Protocol No. 6 and Protocol No. 13 to the Convention, the Court noted that it undertook to abolish the death penalty as a condition of its admission into the Council of Europe.

Turning to the circumstances of the present case, the Court noted that the domestic courts did not make an assessment of the risks of being subjected to the death penalty and receiving inhuman treatment if the applicant were deported to China. Their reasoning on that issue was limited to stating, without reliance on any domestic provision, that the exclusion order issued against the applicant did not automatically entail his deportation to China and that the applicant could still leave Russia for another country. As the applicant's passport was seized, there was no evidence that he could enter a third country. It had moreover not been disputed by the parties that there was a substantial risk that if deported to China the applicant might face the death penalty following conviction.

His deportation would therefore be in violation of Articles 2 and 3 of the Convention.

Article 3

It had not been disputed that the applicant had been detained in absolute social isolation, during four months in the detention centre for aliens, without justification. Moreover, the Court observed that applicant had been in complete ignorance as to why and for how long he had been placed in such solitary confinement, which must have increased his distress.

The Court found a further violation of Article 3 on account of the conditions of his detention at the police station, where he had been held for two days, although the facilities had been designed for detention not exceeding three hours.

There had been a violation of Article 3.

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

ALOUACHE V. FRANCE — (IN FRENCH ONLY) — No. 28724/11 — Importance 2 — 6 October 2015 — No violation of Article 5 § 1 or Article 5 § 4 — No evidence of a breach of domestic law regarding discrepancy between notices of appeal

The applicant is a French prisoner who had been placed in pre-trial detention. He decided to appeal against the pre-trial detention order. His lawyer later figured out that the transcribed copy of the notice of appeal was different from the applicant's copy and did not mention any request for immediate examination of the appeal. He also discovered the transcribed copy and the applicant's copy did not match the original version of the prison. The applicant lodged a complaint for forgery but was dismissed.

Article 5 § 1

The Court reaffirmed domestic authorities' ability to interpret and apply domestic law: there was an investigation that took into consideration the applicant's will, as supported by his letter, not only by the form.

The Court found the practical implications of the corrections had been limited, as the hearing had taken place less than 24 hours after the expiry of the time-limit laid down for immediate examination, so that the delay had not entailed an arbitrary deprivation of liberty.

The Court concluded that there had been no violation of Article 5 § 1.

Article 5 § 4

There had only been 14 days between the appeal and the decision, including a request of adjournment from the applicant, which the Court did not consider as an excessive delay.

There had therefore been no violation of Article 5 § 4 of the Convention.

SHER AND OTHERS V. THE UNITED KINGDOM — (No. 5201/11) — Importance 2 — 20 October 2015 — No violation of Article 5 § 4 — Domestic authorities' proportionate conditions of detention in case of suspected terrorism — No violation of Article 8 — Domestic authorities' proportionate delimitation of a search warrant in case of suspected terrorism

The applicants were arrested on suspicion of being involved in the commission, preparation and instigation of acts of terrorism. They had been detained for 13 days during which their homes had been searched and they had taken part to several hearings. They had then been released without charge. They lodged several complaints before domestic courts but were dismissed.

Article 5 § 4

The Court considered the threat of an imminent terrorist attack had justified restrictions on the applicants' rights. In addition, the Court noted that the applicants and their lawyers had been informed of the allegations against them. Moreover, the information that had been withheld had been submitted to a judge.

The Court therefore held that there had been no violation of Article 5 § 4.

Article 8

The Court took the view that the broadness of the search warrant had been justified by the aim of fighting terrorism and the urgency of the situation. Furthermore, the applicants had access to legal remedies and to legal guarantees, so the Court found there had been no violation of Article 8.

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

TURBYLEV V. RUSSIA — No. 4722/09 — Importance 2 — 6 October 2015 — Violation of Article 3 — Domestic authorities' insufficient investigation on the allegation of ill-treatment — Violation of Article 6 § 1 and § 3 (c) — Domestic authorities' liability for using a confession obtained following ill-treatment and in the absence of a lawyer

The applicant asserted that while being kept in custody he was victim of ill-treatment, which drove him to make a statement of "surrender and confession" without the presence of a lawyer. Following this statement he was sentenced to 6 years' imprisonment and the said statement was used as evidence.

Article 3

The Court considered the fact the applicant was injured after his custody and the medical report proved he had suffered ill-treatment by the police. The Court added that the domestic authorities had acknowledged this treatment but had opened a criminal case only three months later.

There had accordingly been a violation of Article 3.

Article 6 §1 and §3 (c)

The Court recalled that the right not to be subjected to torture or to inhuman or degrading treatment or punishment was an absolute right. Therefore, the use in criminal proceedings of evidence obtained in breach of Article 3 rendered the proceedings automatically unfair, even if the admission of such evidence had not been decisive in securing a conviction.

Moreover, the Court noted that the applicant had been deprived of his right of access to a lawyer during his custody and particularly at the time of his confession. The absence of requirement, under domestic law, of access to a lawyer for a statement of surrender and confession had infringed on the applicant's rights of the defence.

The Court concluded that there had been a violation of Article 6 §1 and §3 (c).

Article 41 (Just satisfaction)

The Court held that Russia was to pay the applicant EUR 20,000 euros in respect of non-pecuniary damage and EUR 5,300 in respect of costs and expenses.

KARPYUK AND OTHERS V. UKRAINE — (Nos. 30582/04 AND 32152/04) — Importance 3 — 6 October 2015 — Violation of Article 6 — Domestic authorities' failure to have the witnesses present at the hearings — No violation of Article 6 — Domestic authorities' proportionate decision to remove an applicant from the courtroom and to provide a legal aid lawyer after the failure of the first lawyer — Violation of Article 11 — Domestic authorities' disproportionate decision of long prison sentences for organising an obstructive gathering — No violation of Article 11 — Domestic authorities' proportionate sanction for acts of violence

The seven applicants are opposition activists who had been arrested after taking part in attacks against the police during a demonstration. They had been convicted of the offences of organising and/or actively participating in mass disorder. Their appeals had been dismissed.

Article 6

For some of the applicants, the Court noted that several witnesses, whose testimony had been used for the conviction, had not attended the trial so that the applicants had not been able to confront to them. One of the witnesses had asked the domestic court to be present at the audience but the court had ignored this demand.

Hence there had been a violation of Article 6.

The Court found that the removal of one applicant from the courtroom was due to his behaviour during the audience and had happened after he had been warned several times. In addition, he was still represented by his lawyer at the hearing. Concerning the fact that the domestic court had appointed a legal aid lawyer for one of the applicants, the Court considered it was justified by the fact the lawyer chosen in the first place by the applicant did not show at several hearings.

The Court held that the domestic court's decision in these two cases had been proportionate, thus there had been no violation of Article 6 as regards those two applicants.

Article 11

The Court underlined the fact that the domestic authorities had not proved the applicants' intention to organise a violent event when planning the demonstration. It also noted that the restriction of freedom of assembly was aiming to maintain public safety and was prescribed by the domestic law.

The Court took the view that punishing the applicants for organising an obstructive gathering and inciting violence was justified but the long prison sentences were disproportionate, which meant there had been a violation of Article 11.

Concerning four of the applicants, the Court observed they had been sentenced for acts of violence, not only for incitation, so that there had been no violation of Article 11.

Article 41 (Just satisfaction)

The Court held that Ukraine was to pay EUR 3,000 euros (EUR) to one of the applicants and EUR 4,000 each to two other applicants in respect of non-pecuniary damage.

FAZIA ALI V. THE UNITED KINGDOM — (No. 40378/10) — Importance 3 — 20 October 2015 — No violation of Article 6 § 1 — Domestic authorities' proportionate protection of the right to a fair hearing

The case concerned a homeless mother and her two children who had priority for the allocation of an accommodation. The mother refused the offer of accommodation twice, following which the domestic authorities informed her that she was no longer entitled to accommodation. The mother asked for the review of this decision and after it was confirmed, made several appeals in front of domestic courts. They were all dismissed and she brought the case to the Court.

The Court recalled that she had been entitled to a fair hearing before an independent and impartial tribunal to protect her right to accommodation. The Court observed that the domestic authority did not constitute an independent tribunal but the possibility of appeal in front of a domestic court complied sufficiently with the obligations of independence and impartiality.

The mother's rights had not been violated; hence there had been no violation of Article 6 § 1.

DVORSKI V. CROATIA — (No. 25703/11) — Importance 1 — 20 October 2015 — Violation of Article 6 §1 and §3 (c) — Domestic authorities' failure to ensure a fair trial respecting defence rights

The applicant had been arrested as suspected of multiple murder, armed robbery and arson. His parents hired a lawyer to represent him, who had appeared at the police station while the applicant was being questioned. The domestic authorities had not informed the applicant of the recruitment and presence of this lawyer, and had made him sign a power to another attorney, after which he confessed to the offenses. His confession had been used as evidence during his trial. He had been sentenced to prison and his appeals had been dismissed.

The Court observed that the lawyer had tried to contact the applicant at the police station several times, each time being told to leave the station, without the applicant being informed of the presence of the lawyer. For that reason, even if the applicant had later formally chosen an attorney, that choice had not been an informed one.

The Court pointed out that police officers had an obligation to inform the applicant that a lawyer had been hired by his parents. His confession, which was later used as evidence against him, had thus been obtained without a legal assistance of his own choosing, which had constituted an infringement to the applicant's defence rights.

The Court therefore found there had been a violation of Article 6 §1 and § 3 (c).

Article 41 (just satisfaction)

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

It further held that Croatia was to pay the applicant EUR 6,500 euros in respect of costs and expenses.

VALADA MATOS DAS NEVES V. PORTUGAL (IN FRENCH ONLY) - No. 73798/13 - Importance 1 - 29 October 2015 - Violation of Article 6 § 1 - Domestic authorities' failure to ensure reasonable duration of the applicant's proceedings - Violation of Article 13 - Domestic authorities' failure to provide for an effective remedy in the event of a breach of the right to a judicial decision within a reasonable time

The case concerned the excessive length of domestic proceedings brought by the applicant to challenge the termination of his contract of employment, and the lack of an effective remedy to provide redress on that account.

Article 6 § 1

The Court first observed that the proceedings had lasted almost ten years.

The Court reiterated that the reasonableness of the length of proceedings must be assessed in the circumstances of the case and having regard to its complexity, and to the applicant's and the authorities' conduct. Referring to its case-law concerning the length of proceedings and the special diligence needed in employment disputes, the Court held that the "reasonable time" requirement in Article 6 § 1 of the Convention had not been satisfied.

It therefore found a violation of article 6 § 1.

Article 13

The Court noted that domestic legislation provided for a remedy affording redress in the event of a breach of the right to a judicial decision within a reasonable time and that applicant had not made use of that remedy. To determine whether the remedy in question would have allowed him to obtain redress for his complaint under Article 6 § 1 of the Convention, the Court observed the domestic courts' current practice. It noted that their case law had evolved positively over the past few years and that it now confers a degree of legal certainty on the remedy in question.

However, the Court pointed out that the effectiveness of a remedy was assessed with reference to the date on which the application was lodged. Where a remedy resulted from a change in case-law,

individuals had to be allowed a reasonable time to familiarise themselves with the corresponding decision. It found that the length of this period depends on the circumstances, and in particular the level of publicity given to the decision.

In the present case, the Court noted that the remedy had not acquired the degree of certainty required by the Court at the time of the lodging of the applicant's application. Furthermore, the Court pointed out that it would now be impossible for him to bring an action of this kind because the three-year limitation period had expired.

The Court therefore concluded that there had been a violation of Article 13 of the Convention.

Article 41 (Just satisfaction)

The Court held that Portugal was to pay the applicant EUR 11,830 in respect of non-pecuniary damage.

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

VASILIAUSKAS V. LITHUANIA — (No. 35343/05) — Importance 1 — 20 October 2015 — Violation of Article 7 — Domestic authorities' liability for the retroactive application of a law

The applicant had taken part in the murder of two persons when he was member of the occupying army, in 1953. 51 years later, he had been sentenced to prison for the crime of genocide on the basis of a domestic law entered in force in 2003, which extended genocide qualification to "political groups". His appeals had been dismissed.

The Court reiterated that Article 7 of the Convention prohibits the retroactive application of the criminal law to an accused's disadvantage. The domestic law entered into force in 2003. It was therefore clear that the applicant's conviction had been based upon legal provisions that had not been in force in 1953, and that such provisions had therefore been applied retroactively. Consequently, there would be a violation of Article 7 unless it could be established that the applicant's conviction had been based upon international law as it stood in 1953.

Genocide had been clearly recognised as a crime in the Genocide Convention, which was approved unanimously by the United Nations General Assembly in 1948. But in 1953 international treaty law had not included a "political group" in the definition of genocide, whereas the two persons killed were partisan resistance fighters. The Court considered that the applicant could not have foreseen in 1953 the judicial guidance according to which the intentional destruction of a "distinct" part of a protected group could be interpreted as genocide of the entire protected group.

The Court held that qualifying in the first place the two victims of "political group" was irrelevant, as political groups are not specifically protected by the Genocide Convention. Moreover, the requalification into "representatives of the nation, that is a national group" is still inappropriate, as the domestic court had not explained what the notion "representatives" entailed.

The Court took the view that the conviction of genocide could not reasonably have been foreseen by the applicant at the time of the facts. The applicant's conviction had not therefore been justified under Article 7 § 1 of the Convention.

Hence there had been a violation of Article 7 of the Convention.

Article 41 (just satisfaction)

The Court held that the finding of a violation of Article 7 constituted in itself sufficient just satisfaction for any non-pecuniary damage sustained by the applicant.

It further held that Lithuania was to pay the applicant 10,072 euros (EUR) in respect of pecuniary damages and EUR 2,450 for costs and expenses.

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

BREMNER V. TURKEY ([IN FRENCH ONLY](#)) - No. 37428/06 - Importance 2 - 13 October 2015 - Violation of Article 8 - Domestic courts' failure to strike a fair balance between the applicant's right to respect for his private life and the public interest in the question of religious proselytising

The case concerned the broadcasting of a television documentary in which the applicant was shown as promoting his evangelical Christian beliefs. He alleged that his right to respect for his private life had been doubly breached, first at the time of the filming with a hidden camera and second when the documentary was broadcast with expressions such as "pedlar of religion" or "bigotry".

The Court first held that Article 8 implies positive obligations from Contracting States in order to ensure respect for private life.

As for the balance of interests at stake, the Court took into account four criteria: the contribution to a debate of general interest, the reputation of the person, the subject of the report and the form and the impact of the publication. It observed that the documentary concerned religious proselytising, which was undeniably a matter of general interest. However, it noted that the programme had been critical and that offensive terms had been used, even if it did not amount to hate speech. As regards the method used, the Court found that the use of hidden cameras was an intrusive technique, and that it should be used in compliance with ethical principles and with restraint.

The Court also observed that the applicant had not placed himself in the public arena, which could not have led him to suspect that he might be the subject of public criticism. Furthermore, the Court did not find any general-interest justification for the journalists' decision to broadcast his image without blurring it. In addition, the Court noted that domestic courts did not assess the degree of contribution of the broadcasting of the applicant's image, without blurring it, to a debate in the general interest. It found that the manner in which they had dealt with the case had not afforded the applicant adequate and effective protection of his right to his own image and therefore to respect for his private life.

The Court thus found that there had been a violation of Article 8 of the Convention.

Article 41 (Just satisfaction)

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

[R.E. V. THE UNITED KINGDOM](#) (No. 62498/11) - Importance 2 - 27 October 2015 - Violation of Article 8 - Domestic authorities' failure to secure handling, storage and destruction of material obtained through covert surveillance during legal consultations - No violation of Article 8 - Sufficient safeguards against abuse of possible surveillance of consultations between detainees and "appropriate adults"

The case concerned the applicant's complaint about the regime for covert surveillance of consultations between detainees and their lawyers and between vulnerable detainees and "appropriate adults". The applicant's application for judicial review on this matter was dismissed.

Concerning the legal consultations, the Court held that there had been an interference with the applicant's right. It also recalled that the surveillance of a legal consultation constituted an extremely high degree of intrusion into a person's right to respect for his or her private life and correspondence. It considered that it pursued the legitimate aim of the protection of national security and the prevention of disorder and crime.

As to the requirement that any interference must be "in accordance with the law", the Court reiterated that it will only be met when three conditions are satisfied: the impugned measure must have some basis in domestic law; the domestic law must be compatible with the rule of law and accessible to the person concerned; and the person concerned must be able to foresee the consequences of the domestic law for him.

In this case, the Court noted that the surveillance regime had basis in domestic law, and that the impugned legislation was adequately accessible for the purposes of Article 8 of the Convention, as it was available on the Internet.

As to the third requirement, the Court found that domestic provisions had been sufficiently clear in terms of the nature of the offences which could give rise to such measures, the categories of persons liable to be the subject of surveillance and the provisions dealing with duration, renewal and cancellation of surveillance measures.

However, the Court noted that guidelines to ensure that arrangements were in place for the secure handling, storage and destruction of material obtained through covert surveillance were not yet in force at the time of the applicant's detention.

There had therefore been a violation of Article 8 of the Convention concerning the applicant's complaint about the covert surveillance of his legal consultations.

Concerning consultations between detainees and their "appropriate adults", the Court held that there was an interference with the applicant's right. The Court held that, unlike legal consultations, they were not subject to legal privilege and therefore a detainee would not have the same expectation of privacy. The Court was satisfied that the relevant domestic provisions, insofar as they related to the possible surveillance of consultations between detainees and "appropriate adults", were accompanied by "adequate safeguards against abuse", notably as concerned the authorisation, review and record keeping.

Accordingly, the Court held that there had been no violation of Article 8 with regard to this part of the applicant's complaint.

Article 41 (just satisfaction)

The Court held that the United Kingdom was to pay the applicant EUR 1,500 in respect of non-pecuniary damage and EUR 15,000 in respect of costs and expenses.

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

MÜDÜR DUMAN V. TURKEY — (No. 15450/03) — Importance 2 — 6 October 2015 — Violation of Article 10 — Domestic authorities' unjustified conviction of a local politician

The applicant is the local leader of a political party. Members of the party had taken part in a demonstration and had shown support of an illegal organisation. The local office of the party was then searched and illegal documents were found. The applicant denied any knowledge of these documents, but was condemned in his absence for praising and condoning acts punishable by law.

The Court considered that even if the applicant denied any knowledge of the documents, his conviction constituted an interference with the exercise of his right to freedom of expression. The Court noted in particular that the applicant had been prosecuted and convicted merely for keeping material in the party's office, which had been interpreted by the domestic courts as an indication of respect and approval for the illegal organisation and its leader.

The Court took the view that his conviction was a disproportionate interference with his right to freedom of expression, as the sole fact that documents were found in his party's office did not imply any approval of the group's actions.

There had accordingly been a violation of Article 10 of the Convention.

Article 41 (Just satisfaction)

The Court held that Turkey was to pay the applicant EUR 12,500 in respect of non-pecuniary damage and EUR 3,200 in respect of costs and expenses.

BELEK AND VELIOĞLU V. TURKEY — (IN FRENCH ONLY) — No. 44227/04 — Importance 3 — 6 October 2015 — Violation of Article 10 — Domestic authorities' disproportionate infringement of freedom of speech for publishing an article which did not contain any call for violence or hate speech

The applicants are proprietors and editors of a newspaper. The said newspaper published an article containing a statement from activists who were in prison. The domestic authorities sentenced the applicants for this publication. They lodged an appeal but were dismissed.

The Court examined the case in the light of its judgments in the cases of Gözel and Özer v. Turkey (nos. 43453/04 and 31098/05), Belek v. Turkey (nos. 36827/06, 36828/06 and 36829/06) and Bayar and Gürbüz v. Turkey (no. 2) (no. 33037/07).

The Court found that it could not infer from the text that the applicants had called for violence or that they had held a hate speech.

On that account, the Court considered the condemnation constituted a disproportionate infringement to the applicants' freedom of expression, so there had been a violation of Article 10.

Article 41 (just satisfaction)

The Court held that Turkey was to pay EUR 575 to the first applicant and EUR 285 to the second in respect of pecuniary damage, and EUR 1,250 to each of them in respect of non-pecuniary damage.

MEDŽLIS ISLAMSKJE ZAJEDNICE BRČKO AND OTHERS V. BOSNIA AND HERZEGOVINA (No. 17224/11) - Importance 2 - 13 October 2015 - No violation of Article 10 - No failure of domestic authorities to strike a fair balance between an entertainment editor's right to reputation and NGOs' right to report irregularities

The case concerned defamation proceedings brought against four NGOs following the publication of a letter they had written to the highest authorities of their district to complain about the alleged misconduct of an entertainment editor at a public radio station. The applicant NGOs complained that the domestic courts' decisions against them had breached their right to freedom of expression.

The Court first noted that the defamation proceedings against the applicant NGOs had amounted to an interference with their right to freedom of expression. It found that this interference had been "prescribed by domestic law" and that it had pursued the legitimate aim of protecting a radio entertainment editor's reputation. The Court found that this aim had to be weighed against the NGOs' right to report irregularities about the conduct of a public servant.

The Court observed that the defamation claim had resulted from the NGOs' private correspondence with the local authorities and that there was no evidence to suggest that the NGOs had participated in the publication of that correspondence. It noted that domestic courts had found NGOs liable because of the inaccuracy of the factual statements made in their letter. There was nothing in the case-file to indicate that the applicant NGOs had not had the opportunity to prove that their allegations had been true.

The Court therefore found that the national courts had correctly concluded that the NGOs had acted negligently in simply reporting the entertainment director's alleged misconduct without making a

reasonable effort to verify its accuracy. The national courts had therefore struck a fair balance between the competing interests of the entertainment editor and those of the applicant NGOs.

There had therefore been no violation of Article 10.

PERİNÇEK V. SWITZERLAND — (No. 27510/08) — Importance 1 — 15 October 2015 — Violation of Article 10 — Domestic authorities' disproportionate criminal conviction for the denial of the Armenian genocide

The applicant is a politician who had been criminally convicted for denying the Armenian genocide. He had lodged several appeals but had been dismissed.

The Court first noted that the applicant's conviction and punishment had constituted an interference with the exercise of his right to freedom of expression under Article 10. Nevertheless, it accepted that the interference with the applicant's rights had been intended to protect that identity and thus the dignity of present-day Armenians, even if it had not been proven that this interference had been necessary for the "prevention of disorder".

In order to appreciate the issue of "necessary interference in a democratic society", the Court had to strike a balance between two Convention rights, the said right to freedom of expression and the dignity of Armenians, protected under Article 8 of the Convention.

In the Court's opinion, the applicant's statements could not be seen as a call for hatred, violence or intolerance towards the Armenians.

It followed that his statements, which concerned a matter of public interest, were entitled to heightened protection under Article 10, and that the domestic authorities had only had a limited room for manoeuvre ("margin of appreciation") to interfere with them.

The very fact that the applicant had been criminally convicted was significant in that it was one of the most serious forms of interference with the right to freedom of expression.

Based on all of the above factors, the Court concluded that it had not been necessary, in a democratic society, to subject the applicant to a criminal penalty in order to protect the rights of the Armenian community at stake in this case.

There had accordingly been a breach of Article 10 of the Convention.

Article 41 (just satisfaction)

The Court held, by a majority, that the finding of a violation of Article 10 constituted in itself sufficient just satisfaction for any non-pecuniary damage suffered by the applicant. The Court further dismissed, unanimously, the remainder of his claim for just satisfaction.

PENTIKÄINEN V. FINLAND — (No. 11882/10) — Importance 1 — 20 October 2015 — No violation of Article 10 — Domestic authorities' proportionate decision to arrest, without any other sanction, a photographer during a demonstration

The applicant was a photographer who had been arrested during a demonstration during which he was taking photos. As he remained in the place after the police ordered the crowd to disperse, he was arrested. He was convicted for disobeying the police but did not suffer any sanction since the domestic court considered he had contradictory expectations as a journalist.

The Court took the view that even if his detention did not have any link with his status of journalist but only with the fact that he refused to obey the orders given by the police, this detention had constituted an infringement to the applicant's freedom of speech.

Nevertheless this restriction of freedom was proportionate to the police's aim to protect public safety and to prevent disorder and crime. The applicant was not identified as a journalist, was aware of the police order and could report the event before and after his arrest.

The Court thus found that the applicant's conviction had been proportionate to the legitimate aims pursued and that there had been no violation of Article 10.

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

KUDREVIČIUS AND OTHERS V. LITHUANIA — ([No. 37553/05](#)) — Importance 1 — 15 October 2015 — No violation of Article 11 — Domestic authorities' proportionate decision to condemn intentional public disorder

The applicants are farmers who had been convicted for organising demonstrations that had breached public order.

The Court reiterated that the right to freedom of assembly was a fundamental right in a democratic society and, like the right to freedom of expression, one of the foundations of such a society.

The Court noted that these convictions had pursued the legitimate aims of the prevention of disorder and the protection of rights and freedoms of others. Moreover, the demonstrations had been authorised by the domestic authorities, but the applicants had decided to change the location, to pressure the government to accept the farmers' demands, by intentionally blocking highways to cause disorder.

The Court took the view that even though the applicants had neither performed acts of violence nor incited others to engage in such acts, the almost complete obstruction of three major highways to a more significant extent than that caused by the normal exercise of the right of peaceful assembly in a public place might be considered a "reprehensible act".

The Court concluded that, in sentencing the applicants for rioting, in relation to their behaviour during the farmers' demonstrations, the domestic authorities had struck a fair balance between the legitimate aims of the "prevention of disorder" and of the "protection of the rights and freedoms of others" on the one hand, and the requirements of freedom of assembly on the other.

Thus, they had not overstepped their margin of appreciation in such matters and there had been no violation of Article 11.

- **Article 2 of Protocol No. 1**

MEMLIKA V. GREECE — ([IN FRENCH ONLY](#)) — No. 37991/12 — Importance 3 — 6 October 2015 — Violation of Article 2 of Protocol No.1 — Domestic authorities' failure to protect the right to education when balancing general and particular interests

This case is about children who had been expelled from their school after they were wrongly diagnosed with leprosy.

The Court noted that the measure of exclusion pursued the legitimate aim of protecting other children and teachers from contamination. Nevertheless the Court underlined the fact that domestic authorities had to balance protection of the interests of the community and protection of the children's interests. The delay of 6 months between the first report establishing that the children were not ill and the decision allowing the children to return to school was thus disproportionate.

The Court held that the restriction to children's right to education and access to school constituted a violation of Article 2 of Protocol No.1.

Article 41 (just satisfaction)

The Court held that Greece was to pay the applicants EUR 5,000 in respect of non-pecuniary damage and EUR 2,000 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
ARMENIA	20 October 2015	SAGHATELYAN (No. 7984/06)	3	Violation of Art. 6 § 1	Interference with the applicant's right to access to a court on account of the application of the domestic law which, at the material time, was excluding from judicial review the acts of certain domestic public bodies
AZERBAIJAN	15 October 2015	GAFGAZ MAMMADOV (No. 60259/11)	3	Violation of Art. 11	Unjustified interference with the applicant's right to freedom of assembly on account of the dispersal of the demonstration and the applicant's arrest and conviction
				Violation of Art. 6 §§ 1 and 3	Unfairness of proceedings (lack of adequate time and facilities for the preparation of the applicant's defence, domestic courts' decisions lacked adequate reasoning, lack of effective legal assistance)
				Violation of Art. 5	Arbitrary administrative detention of the applicant (5 days)

AZERBAIJAN (CONTINUED)	22 October 2015	<u>ANNAGI HAJIBEYLI</u> (No. 2204/11)	2	Violation of Art. 3 of Prot. No. 1	Lack of sufficient safeguards in order to prevent the arbitrary decision to refuse the applicant's registration as a candidate in the domestic parliamentary elections	
				Violation of Art. 34	Hindrance to the effective exercise of the applicant's right of individual petition on account of the impossibility of the applicant and his lawyer to have access to the case file for a lengthy period of time without any justification or any compensatory measures	
			<u>KHALIKOVA</u> (No. 42883/11)	3	Violation of Art. 5 § 1	Unlawful and arbitrary detention of the applicant
					Violation of Art. 8	Forced eviction of the applicant from her home by police force without any legal basis
					Violation of Art. 1 of Prot. No. 1	Unlawful expropriation of the applicant's property
	BULGARIA	6 October 2015	СТОЙКОВ (<u>IN FRENCH ONLY</u>) (No. 38152/11)	3	Violation of Art. 3 (substantive)	Ill-treatment amounting to torture of the applicant while at the hands of the police
Violation of Art. 3 (procedural)					Ineffective investigation in that respect	
13 October 2015		RIZA AND OTHERS (<u>IN FRENCH ONLY</u>) (Nos. 48555/10 AND 48377/10)	2	Violation of Art. 3 of Prot. No. 1	Domestic authorities' interference with the applicant's right to stand for election on account of the annulment of the election results	
				Violation of Art. 3 of Prot. No. 1	Domestic authorities' interference with the applicants' right to vote on account of the annulment of their ballot papers	

BULGARIA (CONTINUED)	13 October 2015	<u>UNSPED PAKET SERVISI SAN. VE TIC. A.S.</u> (No. 3503/08)	2	Violation of Art. 1 of Prot. No. 1	Breach of the applicant company's property rights on account of the confiscation of its lorry resulting from the criminal proceedings to which it was not a party while it was not granted the opportunity to challenge effectively the measure taken against it
	20 October 2015	<u>MULINI</u> (No. 2092/08)	3	Violation of Art. 2 (procedural)	Lack of a prompt and effective investigation into the death of the applicants' son
		<u>SIMEONOV (IN FRENCH ONLY)</u> (No. 21980/04)	3	Violation of Art. 3 (substantive)	The poor conditions of detention taken together with the restrictive regime under which the applicant had been placed to serve his life sentence exceeded the threshold of severity required under Art. 3
	No violation of Art. 6 § 3 (c) taken together with Art. 6 § 1	Fairness of proceedings despite the initial lack of legal assistance as the applicant had the opportunity to be represented by a counsel of his choice and was able to present his version of events			
	27 October 2015	<u>KONSTANTIN STEFANOV</u> (No. 35399/05)	2	No violation of Art. 1 of Prot. No. 1	Proportionate interference with the applicant's right to peaceful enjoyment of possessions on account of the fine imposition for having abandoned his duty to represent an accused given that he had been appointed as the defence counsel by a domestic court

CROATIA	8 October 2015	VUJICA (No. 56163/12)	2	Violation of Art. 8	Domestic authorities' failure to properly examine what would be the best interests of the youngest child before reaching the decision that all three of the applicant's children were to live with their father
	13 October 2015	Jovic (No. 45593/13) V.R. (No. 55102/13)	3	Violation of Art. 5 § 4 (in both cases)	Lack of an effective judicial review of the applicants' pre-trial detention
CYPRUS	13 October 2015	VROUNTOU (No. 33631/06)	2	Violation of Art. 14 taken in conjunction with Art. 1 of Prot. No. 1	Discriminatory treatment on account of the difference in treatment between the children of displaced women and the children of displaced men concerning the administration of a refugee card
				Violation of Art. 13	Lack of an effective domestic remedy at the material time which would have allowed the applicant to challenge the discriminatory nature of the refugee card scheme
	27 October 2015	KONI (No. 66048/09)	3	Violation of Art. 6	Unfairness of proceedings
GERMANY	6 October 2015	LECOMTE (No. 80442/12)	3	No violation of Art. 3	The conditions of the applicant's detention did not attain the minimum level of severity in order to give rise to a violation under Art. 3
GREECE	15 October 2015	KARAMBELAS (IN FRENCH ONLY) (No. 50369/14)	2	No violation of Art. 3	Adequate medical assistance
	29 October 2015	KALAMIOTIS AND OTHERS (IN FRENCH ONLY) (No. 53098/13)	2	No violation of Art. 3 (substantive)	Adequate conditions of detention

HUNGARY	13 October 2015	HAASZ AND SZABO (Nos. 11327/14 AND 11613/14)	2	Violation of Art. 2 (substantive and procedural)	Unnecessary use of potentially lethal force and ineffective investigation into that respect
	20 October 2015	BALAZS (No. 15529/12)	2	Violation of Art. 14 read in conjunction with Art. 3	Domestic authorities' failure to conduct an effective investigation into the incident of a racially motivated violence
ITALY	13 October 2015	BARATTA (IN FRENCH ONLY) (No. 28263/09)	2	Violation of Art. 5 § 1	Arbitrary detention of the applicant
		S.H. (IN FRENCH ONLY) (No. 52557/14)	2	Violation of Art. 8	Domestic authorities solely envisaged an irreversible rupture of family ties by declaring the applicant's children adoptable while there had been no abandonment, without making all the necessary efforts in order to preserve the parent-child relationship
	29 October 2015	STORY AND OTHERS (Nos. 56854/13, 57005/13 AND 57043/13)	2	No violation of Art. 3 (substantive)	The conditions of the applicants' detention did not attain the minimum level of severity in order to give rise to a violation under Art. 3
				No violation of Art. 34	No hindrance of the applicants' right of individual petition
MOLDOVA	6 October 2015	N.P. (No. 58455/13)	2	Violation of Art. 8	Domestic authorities' failure to justify sufficiently a serious interference with the applicant's family life such as the withdrawal of her parental authority
				Violation of Art. 8	Domestic authorities' failure to justify the necessity of the restrictions on the applicant's visiting rights

MOLDOVA	20 October 2015	SARA (IN FRENCH ONLY) (No. 45175/08)	3	Violation of Art. 5 § 1	Unlawful pre-trial detention of the applicant
POLAND	6 October 2015	KRASNODEBSKA-KAZIKOWSKA AND ŁUNIEWSKA (No. 26860/11)	2	No violation of Art. 1 of Prot. No. 1	No failure of the domestic authorities to secure to the applicants the effective enjoyment of their rights
		STASIK (No. 21823/12)	3	Violation of Art. 8	Domestic authorities' failure to make adequate and effective efforts in order to enforce the applicant's contact rights with his son
				Violation of Art. 6 § 1	Excessive length of divorce proceedings (over 4 years)
		ZUK (No. 48286/11)	3	Violation of Art. 6 § 1	Domestic authorities' failure to enforce the final judicial decision in the applicant's favour
Violation of Art. 1 of Prot. No. 1	Domestic authorities' prolonged failure to enforce the final judgment in favour of the applicant violated the applicant's right to peaceful enjoyment of possessions as the judgment gave rise to a legitimate expectation				
PORTUGAL	29 October 2015	COMPANHIA AGRICOLA DA APARICA, SA (IN FRENCH ONLY) (No. 12474/12)	3	Violation of Art. 1 of Prot. No. 1	Interference with the applicant's right to peaceful enjoyment of possessions on account of the delays in the assessment and the payment of the compensation for the expropriation
ROMANIA	6 October 2015	CONIAC (No. 4941/07)	3	Violation of Art. 6 § 1	Unfairness of proceedings on account of the omission of the domestic High court to hear the applicant in person or any other evidence in his presence

ROMANIA (CONTINUED)	6 October 2015	MARIUS DRAGOMIR (IN FRENCH ONLY) (No. 21528/09)	2	Violation of Art. 6 § 1	Unfairness of proceedings on account of the applicant's conviction on appeal without evidence being taken directly and despite the fact that he had been acquitted at the first instance on the basis of the same evidence
		MIREA (No. 19314/07)	3	No violation of Art. 6 §§ 1 and 3	Fairness of proceedings
	No violation of Art. 6 § 1			Reasonable length of the criminal proceedings given the complexity of the case (6 years)	
	13 October 2015	MANEA (IN FRENCH ONLY) (No. 77638/12)	3	Violation of Art. 3 (substantive)	Poor conditions of detention (overcrowding, poor hygiene)
				Violation of Art. 3 (procedural)	Ineffective investigation into the applicant's allegations of police ill-treatment
		MICLEA (No. 69582/12)	3	No violation of Art. 3 (substantive)	Absence of sufficient evidence suggesting that the applicant had been subjected to police ill-treatment, largely due to the lack of an effective investigation by the domestic authorities
	27 October 2015	BRANDUSE (No. 2) (No. 39951/08)	3	Violation of Art. 3 (substantive)	Poor conditions of detention (overcrowding, lack of hygiene)
				Violation of Art. 3 of Prot. No. 1	Domestic authorities' interference with the applicant's right to vote as, according to the domestic law at the material time, the disenfranchisement was imposed as a direct consequence of incarceration without an individual assessment of the applicant's concrete situation by the domestic courts

RUSSIA	6 October 2015	BORIS IVANOV (IN FRENCH ONLY) (No. 12311/06)	3	Violation of Art. 3 (procedural)	Ineffective investigation into the applicant's allegations of ill-treatment by his fellow inmates
				Violation of Art. 3 (substantive)	Domestic authorities' failure to take the adequate measures in order to protect the applicant's physical integrity
		GORSHCHUK (No. 31316/09)	3	Violation of Art. 3 (substantive)	Ill-treatment of the applicant while in police custody
				Violation of Art. 3 (procedural)	Ineffective investigation in that respect
		SERGEYEV (IN FRENCH ONLY) (No. 41090/05)	3	Violation of Art. 3 (substantive)	Poor conditions of detention (overcrowding, lack of natural light, lack of outdoor exercise)
				Violation of Art. 5 § 3	Extension of applicant's pre-trial detention on insufficient grounds for a period of more than 7 months
	8 October 2015	FARTUSHIN (No. 38887/09)	2	Violation of Art. 3 (substantive, procedural)	Ill-treatment of the applicant while in police custody and ineffective investigation into that respect
				Violation of Art. 5	Unrecorded detention of the applicant

RUSSIA (CONTINUED)	8 October 2015	SERGEY DENISOV (No. 21566/13)	3	No violation of Art. 3 (substantive)	Adequate medical assistance
				No violation of Art. 5 § 3	No lack of diligence displayed by the domestic authorities in handling the applicant's case while an alternative preventive measure was considered once the domestic courts held that the detention was no longer necessary
				Violation of Art. 13	Lack of an effective and accessible remedy under domestic law concerning the applicant's complaint of inadequate medical assistance
	15 October 2015	TSELOVALNIK (No. 28333/13)	3	Violation of Art. 3 (substantive)	Lack of adequate medical assistance
				Violation of Art. 13	Lack of an effective and accessible remedy under domestic law concerning the applicant's complaint of inadequate medical assistance
	15 October 2015	ABAKAROVA (No. 16664/07)	2	Violation of Art. 2 (substantive)	Applicant's relatives were killed as a result of the use of artillery and aviation bombs by state agents in a populated area without the prior evacuation of civilians
				Violation of Art. 2 (procedural)	Domestic authorities' failure to conduct an effective investigation into the use of lethal force by state agents
				Violation of Art. 13 in conjunction with Art. 2	Lack of an effective domestic remedy concerning the omissions of the domestic investigating authorities

RUSSIA (CONTINUED)	15 October 2015	BELOZOROV (No. 43611/02)	2	Violation of Art. 5 § 1 (by Ukraine)	Unacknowledged detention and transfer of the applicant to Russia
				Violation of Art. 8 (by Ukraine)	Unlawful and arbitrary search of the applicant's apartment
				Violation of Art. 5 § 3 (by Russia)	Excessive length of pre-trial detention (2 years and 1 month)
				Violation of Art. 5 § 4 (by Russia)	Applicant's inability to attend the hearings, serious delays in examination of his appeal and domestic courts' failure to examine his appeals
	22 October 2015	NABID ABDULLAYEV (No. 8474/14)	3	Violation of Art. 3	Real risk of ill-treatment in case of the applicant's extradition to his country of origin
				Violation of Art. 5 § 4	Excessive length of proceedings concerning the applicant's appeal against the detention order
				No violation of Art. 5 § 4	Lack of a prompt judicial review of the lawfulness of the applicant's detention pending extradition
	6 October 2015	LYUBUSHKIN (No. 6277/06)	3	No violation of Art. 5 § 1	Lawful detention of the applicant
				Violation of Art. 5 § 3	Excessive length of applicant's pre-trial detention (2 years)
				Violation of Art. 5 § 4	Lack of a prompt judicial review of the lawfulness of the applicant's pre-trial detention
S.M. (No. 75863/11)			3	Violation of Art. 3 (procedural)	Ineffective investigation into the applicant's allegations of rape
	TURGUNOV (No. 15590/14)	2	Violation of Art. 3	Real risk of ill-treatment in case of the applicant's extradition to his country of origin	
SLOVENIA	6 October 2015	STIBILJ (Nos. 1446/07 AND 5667/07)	3	Violation of Art. 6 § 1	Excessive length of land consolidation proceedings (more than 21 years)

SLOVENIA (CONTINUED)	8 October 2015	AZDAJIC (No. 71872/12)	3	Violation of Art. 6 § 1	Domestic courts' formalistic approach deprived the applicant of the opportunity to secure a fresh examination of the merits of her case
		KOROSEC (No. 77212/12)	3	Violation of Art. 6 § 1	Breach of the principle of equality of arms on account of the decisive role that had the conclusions of the disability commissions, a state-run social protection body as the applicant did not have the opportunity to challenge its findings by an independent expert
SWEDEN	22 October 2015	JOVANOVIC (No. 10592/12)	2	No violation of Art. 8	No failure of the domestic authorities to take into consideration the child's best interests concerning their decision to place him in compulsory public care
THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA	15 October 2015	MITKOVA (No. 48386/09)	3	Violation of Art. 6 § 1	Excessive length of administrative proceedings (13 years and 11 months)
				Violation of Art. 6 § 1	Lack of an oral hearing
	29 October 2015	HAJRULAHU (No. 37537/07)	2	Violation of Art. 3 (procedural)	Domestic authorities' failure to investigate the applicant's allegations of police ill-treatment
				Violation of Art. 3 (substantive)	Ill-treatment of the applicant while in police custody
				Violation of Art. 6 § 1	Unfairness of proceedings on account of the use of the applicant's confession in the criminal proceedings against him

TURKEY	6 October 2015	KAVAKLIOGLU AND OTHERS (IN FRENCH ONLY) (No. 15397/02)	2	Violation of Art. 2 (substantive, procedural)	Unnecessary use of potentially lethal force and ineffective investigation into that respect
				Violation of Art. 3 (substantive, procedural)	Ill-treatment of the applicants and ineffective investigation into that respect
				Violation of Art. 3 (procedural)	Ineffective investigation into the applicant's allegations of ill-treatment
				No violation of Art. 1 of Prot. No. 1	No evidence granting the possibility to identify and determine the ownership of the personal property claimed by the applicants or to establish any liability
		<u>METIN GULTEKIN AND OTHERS</u> (No. 17081/06)	2	Violation of Art. 2 (positive obligations, substantive)	Domestic military authorities' failure to transfer the applicants' relative to a hospital delayed his access to appropriate medical treatment and caused his death
	13 October 2015	<u>AKKOYUNLU</u> (No. 7505/06)	2	Violation of Art. 3 (positive obligations)	Domestic authorities' failure to provide the applicant with prompt and appropriate medical assistance in order to prevent his loss of sight
	20 October 2015	<u>AFET SUREYYA EREN</u> (No. 36617/07)	3	Violation of Art. 3 (substantive)	Ill-treatment amounting to torture of the applicant while at the hands of the police
Violation of Art. 3 (procedure)				Ineffective investigation and inadequate criminal proceedings into the applicant's allegations of ill-treatment	

TURKEY (CONTINUED)	20 October 2015	DILEK ASLAN (No. 34364/08)	2	No violation of Art. 3 (substantive)	Absence of sufficient evidence suggesting that the applicant had been subjected to police ill-treatment
				Violation of Art. 3 (procedural)	Ineffective investigation into the applicant's allegations of ill-treatment
				No violation of Art. 10	Justified interference with the applicant's right to freedom of expression given that she was not arrested for having distributed leaflets or because of their content but for not having complied with the lawful instructions of the police officers and for having resisted the security forces
	BEHCET SOGUT AND OTHERS (IN FRENCH ONLY) (No. 22931/09)	3	Violation of Art. 2 (procedural)	Ineffective investigation into the death of the applicants' father	
			No violation of Art. 2 (substantive)	Absence of sufficient evidence suggesting that the applicants' father had been subjected to police violence which resulted in his death, largely due to the lack of an effective investigation by the domestic authorities	
	SAKAR AND OTHERS (IN FRENCH ONLY) (No. 38062/08)	2	Violation of Art. 3 (substantive)	Poor conditions of detention (overcrowding)	
	27 October 2015	OZPOLAT AND OTHERS (IN FRENCH ONLY) (No. 23551/10)	3	No violation of Art. 2 (substantive)	Necessary use of lethal force
				Violation of Art. 2 (substantive)	Lack of prompt medical treatment concerning the applicants' relative
				No violation of Art. 2 (procedural)	Independent investigation into the use of lethal force against the applicants' relative
				Violation of Art. 2 (procedural)	Domestic authorities' failure to conduct an effective and independent investigation into the alleged lack of prompt medical treatment concerning the applicants' relative
THE UNITED KINGDOM	27 October 2015	N.J.D.B. (No. 76760/12)	3	No violation of Art. 6 § 1	Domestic authorities' refusal to award legal

					aid to the applicant did not prevent him from effectively pursuing his appeal before the domestic Supreme Court
UKRAINE	22 October 2015	LUNEY (No. 4725/13)	3	Violation of Art. 3 (substantive)	Domestic authorities' prolonged failure to provide the applicant with adequate medical assistance while in detention
				Violation of Art. 3 (procedural)	Ineffective investigation into the applicant's allegations of police ill-treatment
				No violation of Art. 3 (substantive)	Absence of sufficient evidence suggesting that the applicant had been subjected to police ill-treatment, largely due to the lack of an effective investigation by the domestic authorities
				No violation of Art. 34	Absence of sufficient evidence suggesting that the applicant had been subjected to pressure in order to withdraw his application before the Court
	22 October 2015	SAVINOV (No. 5212/13)	3	Violation of Art. 3 (substantive)	Domestic authorities' failure to provide the applicant with adequate medical assistance while in detention
				Violation of Art. 13	Lack of an effective and accessible remedy under domestic law concerning the applicant's complaint of inadequate medical assistance
		SERGEY ANTONOV (No. 40512/13)	2	Violation of Art. 3 (substantive)	Domestic authorities' failure to promptly diagnose the applicant's condition and to provide him with adequate medical assistance while in detention
				Violation of Art. 13	Lack of an effective and accessible remedy under domestic law concerning the applicant's complaint of inadequate medical assistance

UKRAINE (CONTINUED)				Violation of Art. 34	Hindrance of the applicant's right of individual petition
		<u>SOKIL</u> (No. 9414/13)	3	Violation of Art. 3 (substantive)	Domestic authorities' failure to provide the applicant with adequate medical assistance while in detention
	29 October 2015	<u>CHMIL</u> (No. 20806/10)	3	Violation of Art. 3 (substantive)	Ill-treatment of the applicant by police officers
				Violation of Art. 3 (procedural)	Lack of an effective investigation into the applicant's allegations of ill-treatment
		<u>USTIMENKO</u> (No. 32053/13)	3	Violation of Art. 6 § 1	Unfairness of proceedings on account of the reopening of the applicant's case beyond the time-limit for appeal and the quashing of the final judgment in this favour

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 July 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
ROMANIA	9 July 2015	<u>Gherghina v. Romania</u>	Violation of Articles 2 and 5 (Lack of facilitation accommodating the applicant's disability depriving him of the possibility to pursue his studies)	Rejected for non-exhaustion of domestic remedies
	7 July 2015	<u>Dariciuc v. Romania</u>	Violation of Article 8 (Inefficiency of the authorities to enforce the applicant's rights of visit and failed to reunite him with his granddaughter)	Dismissed as manifestly ill-founded (the measures taken by the State were for the best interest of the child)

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 31 August** is proposed below.

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

STATE	DATE OF DECISION TO COMMUNICATE	CASE TITLE	KEY WORDS OF QUESTIONS SUBMITTED TO THE PARTIES
BULGARIA	24 August 2015	VATASHKI (No. 25933/13)	The applicant complains that the prison authorities removed from the board documents he hung on it.
HUNGARY	25 August 2015	BODOKY (No. 58729/11)	The applicant complains that the withholding the information sought, under the pretext of bank secrecy, infringed his rights in that he could not exercise his role as a investigative journalist to inform the public of a matter of general interest.
MALTA	28 August 2015	FALZON (No. 45791/13)	The applicant complains that the domestic courts had failed to distinguish between facts and value judgments.
RUSSIA	26 August 2015	SILICHEVA (No. 50048/06)	The applicant complains that she was convicted for an act that did not constitute a criminal offence under domestic law.
	27 August 2015	ZHAKIYANOV (No. 34646/06)	The applicant complains that he was unlawfully kept in the strict regime detention facilities for several years without compensation.
	28 August 2015	CHEREPANOV (No. 43614/14)	The applicant complains that his right to leave the state was violated by a ban to run until he paid the judgment debt to a private person.
	28 August 2015	TSERKOV YEVANGELSKIHKH KHRISTIAN-BAPTISTOV AND PANASENKO (No. 70090/10)	The applicants complain that the administrative offence proceedings against them disproportionately restricted their freedom to manifest their religion in teaching.

SLOVENIA	25 August 2015	PECENKO (No. 39485/14)	The applicant complains that the issue of the decision on restitution of the flat he has been occupying has interfered with his possessions as he obtained a final judicial decision upholding his proprietary entitlement.
UKRAINE	24 August 2015	RODZEVILLO (No. 6128/12)	The applicant also complained that the authorities had stolen a letter while in prison because it contained an application form intended for the domestic court.

PartOne

§2 - EUROPEAN COMMITTEE OF SOCIAL RIGHTS

A. Reclamations and Decisions

STATE	COMPLAINANT	TEXT NUMBER	SUBJECT MATTER	DECISION
ITALY	The Unione Italiana del Lavoro U.I.L. Scuola – Sicilia	No.113/2014	The Unione Italiana del Lavoro U.I.L. Scuola – Sicilia alleged that the situation in Italy is in violation of Articles 12 and 25 of the Revised European Social Charter (“the Charter”), as well as both these provisions in conjunction with Article E; And request to order immediate measures in accordance with Rule 36 of the Rules of the Committee adopted on 29 March 2004 at its 201st session and last revised on 9 September 2014 at its 273rd session (“the Rules”).	The complaint is declared admissible as far as it concerns Article 12 of the Charter as well as Article E in conjunction with this provision, and, is declared the remainder of the complaint inadmissible
GREECE	European Federation of Employees in Public Services (EUROFEDOP)	No.115/2015	The EUROFEDOP alleged that the situation in Greece is in violation of Articles 1§2 and 18§4 of the European Social Charter (“the 1961 Charter”);	Admissibility
CROATIA	Matica Hrvatskih Sindikata	No.116/2015	Matica Hrvatskih Sindikata alleged that the situation in Croatia is in violation of Articles 5 and 6 of the European Social Charter (“the 1961 Charter”).	Admissibility
CZECH REPUBLIC	Transgender Europe and ILGA-Europe	No.117/2015	Transgender Europe and ILGA-Europe alleged that the situation in the Czech Republic is in violation of Article 11 in light of the non-discrimination clause of the Preamble to the European Social Charter (“the 1961 Charter”).	Admissibility
FRANCE	Confédération Générale du Travail Force Ouvrière (CGT-FO)	No.118/2015	CGT-FO alleged that the situation in France is in violation of Article 6§2 of the Revised European Social Charter (“the Charter”).	Admissibility

B. Other information

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

PartOne

§3 - RECOMMENDATIONS & RESOLUTIONS

A. Recommendations

AUTHOR	DATE	TEXT NUMBER	SUBJECT MATTER	DECISION
CM	14 October 2015	(2015)7	Pedagogical material for landscape education in primary school	CM recommended that the governments of member States make the document “Landscape teaching activities for primary education” available as a source of inspiration and facilitate its dissemination and translation into other languages as appropriate.
CM	14 October 2015	(2015)8	The implementation of Article 9 of the European Landscape Convention on Transfrontier Landscapes	CM recommended that the States Parties to the European Landscape Convention promote co-operation focusing on transfrontier landscapes by encouraging local and regional authorities to work together to draw up, where appropriate, joint landscape- enhancement programmes for implementation of Article 9 of the European Landscape Convention on transfrontier landscapes. Furthermore, CM called on the Parties concerned to inform the other Parties to the Convention, in the framework of the Council of Europe Information System on the European Landscape

				Convention, of the co-operation programmes drawn up and put in place in order to foster an exchange of experience between the Parties.
--	--	--	--	--

B. Resolutions

AUTHOR	DATE	TEXT NUMBER	SUBJECT MATTER	DECISION
PACE	1 October 2015	2077	Abuse of pretrial detention in States Parties to the European Convention on Human Rights	PACE called on all States parties to the European Convention on Human Rights to implement specific measures aimed at reducing pretrial detention and stamping out its abuse.
PACE	1 October 2015	2078	The progress of the Assembly's monitoring procedure (October 2014-August 2015)	PACE acknowledged the work carried out by the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee) in fulfilling its mandate.
PACE	2 October 2015	2079	Equality and shared parental responsibility : the role of fathers	PACE called on states to "remove from their laws any difference based on marital status between parents who have acknowledged their child". Furthermore, PACE urged greater recourse to family mediation if parents split up, including well-trained mediators, and child-friendly justice.

<p>PACE</p>	<p>2 October 2015</p>	<p>2080</p>	<p>Rethinking the anti-doping strategy</p>	<p>PACE expressed that to be more effective in the fight against doping, various lines of enquiry would be worth exploring, including increased harmonisation of national legislation, improved co-ordination between various State services, increased investigative resources available to police forces responsible for combating doping and enhanced police co-operation, training of specialised magistrates, together with increased co-operation between the authorities and sports organisations and pooling of information.</p>
<p>CM</p>	<p>07 October 2015</p>	<p>(2015)3</p>	<p>Election of members of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) in respect of Belgium, Greece, Italy, Latvia, Lithuania and Poland</p>	<p>CM declared the following candidates elected as members of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, with effect from 20 December 2015, for a term of office which will expire on 19 December 2019: Mr Philippe Mary (in respect of Belgium); Mr Vasileios Karydis (in respect of Greece); Ms Elisabetta Zamparutti (in respect of Italy); Ms Ilvija Pūce (in respect of Latvia); Mr Vytautas Raškauskas (in respect of Lithuania); Ms Marzena Ksel (in respect of Poland).</p>
<p>CM</p>	<p>14 October 2015</p>	<p>(2015)26</p>	<p>The evaluation of the British Overseas Territory of Gibraltar by the Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL)</p>	<p>CM agreed to the request of the United Kingdom that the British Overseas Territory of Gibraltar be evaluated by MONEYVAL and be subject to its procedures without voting rights. Furthermore, CM decided that all operational implications of the adoption and implementation of this resolution shall be resolved in consultations with the Secretariat of the Council of Europe and in full respect of Articles 2 (2) d and 3 (1) of the Statute of MONEYVAL.</p>

PartOne

§4 - OTHER INFORMATION OF GENERAL IMPORTANCE

A. Information from the Committee of Ministers

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

B. Information from the Parliamentary Assembly

■ PACE kicks off 'periodic reviews' of non-monitored states with reports on Andorra, Belgium, Croatia and Cyprus (01.10.2015)

PACE has begun a series of « periodic reviews » which will assess how far the Council of Europe member States are fulfilling their obligation to uphold the Organisation's human rights and democratic standards, beginning with reports on Andorra, Belgium, Croatia and Cyprus. ([Read more](#) - [Resolution: The progress of the Assembly's monitoring procedure \(October 2014-August 2015\)](#) - [Video of the debate](#) - [Cyprus 'globally honouring' its Council of Europe obligations](#) - [Andorra 'honouring its Council of Europe obligations overall'](#) - [Belgium 'honouring its Council of Europe obligations overall'](#) - [Croatia 'globally honouring' its Council of Europe obligations](#))

■ Re-energise democracy at grassroots level (02.10.2015)

The Committee on Culture, Science, Education and Media adopted a report on « Promoting city-to-city co-operation in the field of culture », saying that it was necessary to re-energise democracy at grassroots level. ([Read more](#) - [Adopted report](#))

■ World Day against the Death Penalty: our fight is not only morally but also politically justified, said PACE rapporteur (09.10.2015)

PACE rapporteur expressed that there has been some progress towards the universal abolition of the death penalty. However, there is a need for further improvement, as in Russia or in Belarus. PACE rapporteur said that the fight against the death penalty is not only morally but also politically justified, in that it is about protecting men and women and encouraging a rational policy. ([Read more](#))

■ PACE President presented eight-point blueprint to address migration crisis (18.10.2015)

PACE President presented an eight-point blueprint to address the migration crisis at a pan-European level. ([Read more](#) - [Speech by PACE President](#))

■ PACE President called for solidarity in tackling refugee and migratory crisis (21.10.2015)

PACE President called for solidarity. "Solidarity with refugees who flee war, conflict and poverty. Solidarity with the front-line states, the countries of transit and the destination states. Solidarity with the countries of Europe's neighbourhood which are also struggling as countries of transit and destination. Solidarity within our countries, within our regions, between cities, towns, villages which is why your work in the Congress is so important". ([Read more](#) - [Speech](#) - [mediabox interview](#))

■ It is time to stop treating transgender people as diseased, said PACE rapporteur (23.10.2015)

PACE rapporteur said that outdated classifications of diseases at national and international level should be removed. Furthermore, transgender people's access to medical care should be simple and stigma-free. ([Read more](#))

■ PACE President called for support from sport sector for No Hate Campaign (26.10.2015)

PACE President called on the support from the sport sector for the « No Hate Parliamentary Alliance » launched by the Assembly last January, which brings together parliamentarians in member states who pledge to adopt firm and proactive public positions against racism, hatred and intolerance. Furthermore, PACE president warned against match-fixing as possibly being the greatest threat to the integrity of professional sport at this moment. ([Read more](#) - [Welcome address by PACE President](#))

■ Migrants: PACE President called for more North-South solidarity (28.10.2015)

PACE president called for more solidarity within Europe, including North-South solidarity. Thus, PACE president urged all members of the Nordic Council to take action at national and local levels. Finally, PACE president appealed to the members of the Nordic Council to actively support the idea of making 22 July a European Day for Victims of Hate Crime. ([Read more](#) - [Address by Anne Brasseur](#))

■ PACE President called on all religious authorities to condemn intolerance, discrimination, hatred and violence

The PACE president issued an appeal to all religious authorities to openly and unreservedly condemn intolerance, discrimination, hatred and violence. ([Read more](#) - [Ms Brasseur's speech \(in German\)](#) - [Ms Brasseur's speech \(in French\)](#))

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

■ GRETA: Statement by GRETA on the occasion of the 9th EU Anti-Trafficking Day (16.10.2015)

Ahead of the 9th EU Anti-Trafficking Day (18 October), the GRETA has warned about the increased risk of human trafficking posed by the current refugee crisis and the urgent need to address the particular vulnerability of unaccompanied children: "Governments must act to prevent and combat child trafficking along migration routes". ([Read more](#)).

■ MONEYVAL: Evaluation of measures against money laundering and terrorist financing in Gibraltar (19.10.2015)

The Committee of Ministers representing the 47 Council of Europe member states has adopted a Resolution agreeing to a request of the United Kingdom that the British Overseas Territory of Gibraltar be evaluated by the anti-money laundering and counter terrorist financing body MONEYVAL, and be subject to its follow up procedures ([Read more](#)).

■ MONEYVAL: Mutual Evaluation of Andorra 3rd Follow-up Report now available (22.10.2015)

During its 48th Plenary Meeting (Strasbourg, 14–18 September 2015), MONEYVAL recognised that Andorra had taken sufficient action in addressing the deficiencies identified in the 2012 Report on the 4th assessment visit and could be removed from enhanced and regular follow-up procedures under the 4th round ([Read more](#)).

■ MONEYVAL: FATF Working groups and Plenary Meetings / Paris (30.10.2015)

MONEYVAL participated in the Working Groups and the FATF Plenary meeting held under the Korean Presidency, which took place in Paris (21-23 October 2015). ([Read more](#)).

■ FCNM: Conference “Minorities in divided societies” (15.10.2015)

The Advisory Committee on the Framework Convention for the Protection of National Minorities (ACFC) organised a conference to address the issue of 'Minority Rights in Divided Societies'. The event took place within the framework of the Bosnia & Herzegovina Chairmanship of the Council of Europe on 15 October 2015 in Sarajevo ([Read more](#)).

■ ECRI: New reports on combating racism and intolerance: Austria, the Czech Republic and Estonia (13.10.2015)

The ECRI published monitoring reports on Austria, the Czech Republic and Estonia.

Austria: ECRI reports, among the main problems, antipathy towards migrants and online hate speech at worrying levels, despite integration policies and awareness raising ([Link to the report](#)).

The Czech Republic: ECRI expresses serious concern over the lack of progress in eradicating segregation of Roma children in schools and the prevalence of anti-Roma hate speech in political discourse ([Link to the report](#)).

Estonia: Concerns remain, such as higher unemployment in regions which are predominantly Russian-speaking, or the unsatisfactory implementation of the new linguistic policy in the upper secondary school ([Link to the report](#)).

PartTwo

INFORMATION BY COUNTRY

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

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

Armenia

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

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

B. Resolutions, signatures and ratifications

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

C. Other information

■ CPT: Visit to Armenia (20.10.2015)

A delegation of the CPT carried out a periodic visit to Armenia from 5 to 15 October 2015. It was the Committee's fourth periodic visit to this country ([Read more](#)).

Austria

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

CASE	DATE	RESOLUTION	CONCLUSION
Heidi Bernhart (No. 32263/10)	9 December 2014	CM/ResDH(2015)158	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 second evaluation report on Austria (12.10.2015)

The GRETA has published its second evaluation report on Austria. The report assesses progress made over the last four years, following the publication of GRETA's first evaluation report in September 2011, in implementing the Council of Europe's Convention on Action against Trafficking in Human Beings ([Read more](#) - [Link to the report](#)).

Azerbaijan

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

CASE	DATE	RESOLUTION	CONCLUSION
Ilgar Mammadov (No. 15172/13)	13 October 2014	CM/ResDH(2015)156	Examination during the 123rd meeting

B. Resolutions, signatures and ratifications

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

C. Other information

■ PACE President wrote to Azerbaijan's President Aliyev citing 'deepest concerns over human rights situation (16.10.2015)

PACE President has written to President Aliyev expressing her « deepest concerns » over the deterioration of situation in Azerbaijan as regards democracy, human rights and the rule of law. PACE President recalled Azerbaijan's obligations and commitments to the Council of Europe. ([Read more](#))

Belgium

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

CASE	DATE	RESOLUTION	CONCLUSION
Turan Cakir (No. 44256/06)	10 June 2009	CM/ResDH(2015)159	Examination closed

B. Resolutions, signatures and ratifications

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

C. Other information

■ PACE: Belgium 'honouring its Council of Europe obligations overall' (01.10.2015)

According to an evaluation from the PACE, Belgium is honouring its obligation to the Council of Europe overall, and has made efforts to build a political consensus on a more efficient federal entities, but further are necessary « based on cooperation and cohabitation between communities. » ([Read more - Periodic review of Belgium](#))

Bosnia and Herzegovina

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

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

B. Resolutions, signatures and ratifications

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

C. Other information

■ CPT: Visit to Bosnia and Herzegovina (14.10.2015)

A delegation of the CPT recently carried out a periodic visit to Bosnia and Herzegovina from 29 September to 9 October 2015. This was the CPT's seventh visit to this country ([Read more](#)).

Croatia

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

CASE	DATE	RESOLUTION	CONCLUSION
Duro Bibic and Others (No. 74392/12)	13 January 2015	CM/ResDH(2015)160	Examination closed
Ruzica Peric (No. 38878/13)	13 January 2015	CM/ResDH(2015)160	Examination closed
Milivoj Radovanovic (No. 50252/12)	10 March 2015	CM/ResDH(2015)160	Examination closed
Nirvana Repac (No. 12992/13)	13 January 2015	CM/ResDH(2015)160	Examination closed

B. Resolutions, signatures and ratifications

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

C. Other information

■ PACE: Croatia 'globally honouring' its Council of Europe obligations (01.10.2015)

According to an evaluation from the PACE, Croatia can be considered as « globally honouring » its obligations to the Council of Europe, and has carried out comprehensive reforms to create stronger democratic institutions, but « challenges still remain » over post-war justice and reconciliation. ([Read more - Periodic review of the Croatia](#))

Cyprus

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

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

B. Resolutions, signatures and ratifications

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

C. Other information

■ PACE: Cyprus 'globally honouring' its Council of Europe obligations (01.10.2015)

According to an evaluation from the PACE, Cyprus can be considered as « globally honouring » its obligations to the Council of Europe. ([Read more](#))

Estonia

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

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

B. Resolutions, signatures and ratifications

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

C. Other information

■ FCNM: Publication of the 4th Advisory Committee Opinion (21.10.2015)

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

Finland

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

CASE	DATE	RESOLUTION	CONCLUSION
Volker Becker (No. 77096/13)	18 November 2014	CM/ResDH(2015)161	Examination closed

B. Resolutions, signatures and ratifications

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

C. Other information

■ CPT: Publication of the response of the Finnish authorities (06.10.2015)

The CPT has published the response of the Government of Finland to the report on the CPT's most recent visit to Finland, from 22 September to 2 October 2014. The response has been made public at the request of the Finnish authorities ([Read the response](#)).

Georgia

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: co-rapporteurs urged all political forces to find a compromise on election system before the next elections (19.10.2015)

PACE co-rapporteurs urged the ruling majority and opposition to find a mutually acceptable compromise on the electoral system and timing of its implementation before the next elections take place. Thus, co-rapporteurs stressed the importance of a pluralist media environment reflecting the difference views existing in society in the run up to the elections. ([Read more](#) - [PACE monitors to visit Georgia](#))

Germany

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 (01.10.2015)

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

Greece

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

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

B. Resolutions, signatures and ratifications

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

C. Other information

■ PACE: reception and registration of refugees in Kos need more planning and resources at local, national and European levels (20.10.2015)

PACE expressed that “the local authorities themselves have done so little to care for the refugees”. ([Read more - PACE delegation visits refugee and migrant reception facilities on the island of Kos](#))

■ GRECO: Greece urged to secure integrity in parliament and in the judiciary, a new anti-corruption report says (22.10.2015)

A report focusing on parliament, judges and prosecutors by the GRECO calls on Greece to enact rules for MPs on their acceptance of gifts, and on contacts with third parties including lobbyists, among other recommendations. ([Read more - Link to the report](#)).

Hungary

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

CASE	DATE	RESOLUTION	CONCLUSION
Gyula Diosi (No. 58947/11)	16 December 2014	CM/ResDH(2015)162	Examination closed
Jeno Faller (No. 64901/11)	16 December 2014	CM/ResDH(2015)162	Examination closed

B. Resolutions, signatures and ratifications

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

C. Other information

■ CPT: Visit to Hungary to examine detention of foreign nationals (30.10.2015)

A delegation of the CPT carried out an ad hoc visit to Hungary from 21 to 27 October 2015.

The purpose of the visit was to examine the treatment and conditions of detention of foreign nationals deprived of their liberty under aliens' legislation or the recently amended criminal legislation, according to which, *inter alia*, crossing the border fence or damaging it constitute a criminal offence. Attention was also paid to the legal safeguards offered to the detainees concerned (...). In addition, the delegation visited two so-called "transit zones" located at the border with Serbia. ([Read more](#)).

Italy

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

CASE	DATE	RESOLUTION	CONCLUSION
Armando Iannelli (No. 24818/03)	12 May 2013	CM/ResDH(2015)155	Examination closed
Ascierto and Buffolino (No. 20619/03+)	5 November 2013	CM/ResDH(2015)155	Examination closed
Bencivenga and Others (No. 15015/03+)	5 November 2013	CM/ResDH(2015)155	Examination closed
Tiziano Bianchi (No. 18477/03)	2 February 2011	CM/ResDH(2015)155	Examination closed
Bonazoo S.R.L. (No. 19876/03+)	7 March 2011	CM/ResDH(2015)155	Examination closed
Bonasia and Pozzi (No. 62156/00)	8 October 2008	CM/ResDH(2015)155	Examination closed
Angelo Caruso (No. 24817/03)	2 April 2013	CM/ResDH(2015)155	Examination closed
Conceria Madera S.R.L. No. 2 (No. 3978/03)	21 December 2010	CM/ResDH(2015)155	Examination closed
Cooperativa "Sannio Verde" S.R.L. (No. 43465/02)	15 November 2012	CM/ResDH(2015)155	Examination closed
Di Brita (No. 32671/03)	14 January 2009	CM/ResDH(2015)155	Examination closed
Fontana (No. 1452/03)	13 February 2009	CM/ResDH(2015)155	Examination closed
Galasso and Others (No. 32740/02+)	26 July 2013	CM/ResDH(2015)155	Examination closed
Ghirotti and Benassi (No. 28104/02+)	6 July 2010	CM/ResDH(2015)155	Examination closed
Giusti (No. 13175/03)	18 January 2012	CM/ResDH(2015)155	Examination closed

Landino (No. 11213/04)	16 June 2010	CM/ResDH(2015)155	Examination closed
Maio (No. 24886/03)	18 June 2008	CM/ResDH(2015)155	Examination closed
Martinetti and Cavazzuti (No. 37947/02+)	20 July 2010	CM/ResDH(2015)155	Examination closed
Marzola Centri Di Fisiokinesiterapia S.A.S (No. 32810/02)	16 June 2010	CM/ResDH(2015)155	Examination closed
Maugeri Silvio (No. 62250/00)	8 October 2008	CM/ResDH(2015)155	Examination closed
Mezzapesa and Plati (No. 37197/03)	24 April 2012	CM/ResDH(2015)155	Examination closed
Pacifico and Others (No. 34389/02+)	15 February 2013	CM/ResDH(2015)155	Examination closed
Parenti (Heir) and Deidda (No. 39567/02)	25 September 2012	CM/ResDH(2015)155	Examination closed
Salvatore and Others (No. 27036/03+)	18 January 2011	CM/ResDH(2015)155	Examination closed
Sanchirico and Lamorte (No. 11013/04+)	16 June 2010	CM/ResDH(2015)155	Examination closed
Strega Alberti Benevento S.P.A (No. 44031/02+)	9 February 2011	CM/ResDH(2015)155	Examination closed
Zullo Ernestina (No. 64897/01)	29 March 2006	CM/ResDH(2015)155	Examination closed
Aragosa (No. 20191/03)	18 March 2008	CM/ResDH(2015)155	Examination closed
Bieffe Rifugi Antiatomici S.R.L. (No. 62354/00)	8 October 2008	CM/ResDH(2015)155	Examination closed
Capone and Centrella (No. 45836/99)	31 March 2008	CM/ResDH(2015)155	Examination closed
Provide S.R.L. (No. 62155/00)	5 October 2007	CM/ResDH(2015)155	Examination closed
Buonfardieci (No. 39933/03)	18 March 2008	CM/ResDH(2015)155	Examination closed

Capriati (No. 41062/05)	26 July 2011	CM/ResDH(2015)155	Examination closed
Piscitelli and Others (No. 20193/03+)	12 January 2011	CM/ResDH(2015)155	Examination closed
Silveri No. 2 (No. 36624/02)	19 January 2011	CM/ResDH(2015)155	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]

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

CM : Resolution on the framework Convention for the Protection of National Minorities – Election of an expert to the list of experts eligible to serve on the Advisory Committee in respect of Lithuania, 07 October 2015

CM declared elected to the list of experts eligible to serve on the Advisory Committee on the Framework Convention for the Protection of National Minorities: Ms Edita Žiobiene, in respect of Lithuania. ([Link to the Resolution](#))

C. Other information

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

Republic of Moldova

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

CASE	DATE	RESOLUTION	CONCLUSION
Roman Stefoglio (No. 22966/13)	16 December 2014	CM/ResDH(2015)163	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]

Montenegro

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

CASE	DATE	RESOLUTION	CONCLUSION
Slavka Lakicevic and 7 Others Applications (No. 17323/07)	30 September 2014	CM/ResDH(2015)164	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 second evaluation report (20.10.2015)

A delegation of the GRETA carried out an evaluation visit to Montenegro from 12 to 15 October 2015. The visit provided an opportunity to assess progress in the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings since the first evaluation by GRETA in 2011 ([Read more](#) - [Link to the report](#)).

Poland

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

CASE	DATE	RESOLUTION	CONCLUSION
Waldemar Nowakowski (No. 55167/11)	22 July 2014	CM/ResDH(2015)165	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]

Romania

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

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

B. Resolutions, signatures and ratifications

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

C. Other information

■ GRETA: Committee's second evaluation round visit to Romania (19.10.2015)

A delegation of the GRETA carried out an evaluation visit to Romania from 12 to 16 October 2015. The visit provided an opportunity to assess progress in the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings (THB) since the first evaluation visit by GRETA in 2011 ([Read more - Link to the report](#)).

Russian Federation

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

CASE	DATE	RESOLUTION	CONCLUSION
Catan and Others (No. 43370/04+)	19 October 2012	CM/ResDH(2015)157	Examination in March 2016
Andrey Petrovich Belikov (No. 26433/06)	15 April 2014	CM/ResDH(2015)166	Examination closed
Demchishin and 4 others applications (No. 58136/09)	10 December 2013	CM/ResDH(2015)166	Examination closed
Maksutov and 3 Others Applications (No. 26694/09+)	19 February 2013	CM/ResDH(2015)166	Examination closed
Tamara Nikolayevna Maslova (No. 17838/07)	15 April 2014	CM/ResDH(2015)166	Examination closed
Igor Lvovich Meshcheryakov (No. 31349/09)	7 October 2014	CM/ResDH(2015)166	Examination closed
Muravskiy (No. 57660/08)	18 June 2013	CM/ResDH(2015)166	Examination closed
Anatoliy Anatolyevich Ostroushko and 11 Other Applications (No. 3666/06+)	9 December 2014	CM/ResDH(2015)166	Examination closed
Rodionov and 5 Other Applications (No. 31192/06+)	18 February 2014	CM/ResDH(2015)166	Examination closed
Sakhnov and Chepichenko (No. 77950/11+)	18 February 2013	CM/ResDH(2015)166	Examination closed
Georgiy Anatolyevich Sokur (No. 33683/11)	26 August 2014	CM/ResDH(2015)166	Examination closed
Dmitriy Valeryevich Yakovlev (No. 11994/09)	17 June 2014	CM/ResDH(2015)166	Examination closed

Zaretskiy and 4 Other Applications (No. 45707/09+)	2 July 2013	CM/ResDH(2015)166	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]

San Marino

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

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

B. Resolutions, signatures and ratifications

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

C. Other information

■ GRECO: Investiture Ceremony of the Captains Regent of San Marino (06.10.2015)

The President of the GRECO, Justice Marin Mrčela, was the Official Speaker during the Investiture Ceremony of Their Excellencies the Captains Regent, Lorella Stefanelli and Nicola Renzi, on 1 October 2015 ([Read more](#)).

Slovenia

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

CASE	DATE	RESOLUTION	CONCLUSION
O.P. (No. 19617/09)	6 January 2015	CM/ResDH(2015)167	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]

Switzerland

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

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

B. Resolutions, signatures and ratifications

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

C. Other information

■ GRETA: Publication of a first evaluation report (14.10.2015)

The GRETA has published its first evaluation report on Switzerland's implementation of the Council of Europe Convention on Action against Trafficking in Human Beings ([Read more - Link to the report](#)).

Turkey

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

CASE	DATE	RESOLUTION	CONCLUSION
Nazir Agcaer (No. 58507/11)	16 September 2014	CM/ResDH(2015)168	Examination closed
Evren Akyüz (No. 53336/10)	16 September 2014	CM/ResDH(2015)168	Examination closed
Mehmet Emin Alisanoglu (No. 58304/10)	16 September 2014	CM/ResDH(2015)168	Examination closed
Baybogan (No. 36405/06)	28 September 2010	CM/ResDH(2015)168	Examination closed
Önder Baydar (No. 33747/11)	16 September 2014	CM/ResDH(2015)168	Examination closed
Hatice Bozkurt (No. 53382/11)	25 November 2014	CM/ResDH(2015)168	Examination closed
Burgaz (No. 41029/05)	28 September 2010	CM/ResDH(2015)168	Examination closed
Ayse Cakal (No. 40931/09)	2 September 2014	CM/ResDH(2015)168	Examination closed
Mehmet Can (No. 55143/11)	16 September 2014	CM/ResDH(2015)168	Examination closed
Metin Dede (No. 49501/11)	16 September 2014	CM/ResDH(2015)168	Examination closed
Musa Deveci (No. 55337/10)	16 September 2014	CM/ResDH(2015)168	Examination closed
Cevdet Genç (No. 48497/12)	2 September 2014	CM/ResDH(2015)168	Examination closed
Deniz Gün (No. 13704/12)	3 June 2014	CM/ResDH(2015)168	Examination closed
Suat Haksever (No. 25414/11)	16 September 2014	CM/ResDH(2015)168	Examination closed
Ismail Kala (No. 1763/09)	16 September 2014	CM/ResDH(2015)168	Examination closed
Ibrahim Kanat (No. 54897/11)	4 November 2014	CM/ResDH(2015)168	Examination closed

Tunç Kaplan (No. 53342/11)	16 September 2014	CM/ResDH(2015)168	Examination closed
Zafer Kaya (No. 40196/09)	16 September 2014	CM/ResDH(2015)168	Examination closed
Ahmet Kaya (No. 58931/11)	16 September 2014	CM/ResDH(2015)168	Examination closed
Tuncay Kiziltas (No. 37341/10)	16 September 2014	CM/ResDH(2015)168	Examination closed
Gökhan Oruç (No. 46264/11)	16 September 2014	CM/ResDH(2015)168	Examination closed
Mesut Pekbalci (No. 54215/10)	16 September 2014	CM/ResDH(2015)168	Examination closed
Tuncer Saginc (No. 48518/11)	4 November 2014	CM/ResDH(2015)168	Examination closed
Sentürk (No. 48668/06)	28 September 2010	CM/ResDH(2015)168	Examination closed
Metin Sevindik (No. 27011/08)	17 February 2015	CM/ResDH(2015)168	Examination closed
Nazmi Tekinisik (No. 28304/11)	16 September 2014	CM/ResDH(2015)168	Examination closed
Murat Temiz (No. 14964/11)	14 October 2014	CM/ResDH(2015)168	Examination closed
Mustafa Timur (No. 31921/09)	17 February 2015	CM/ResDH(2015)168	Examination closed

B. Resolutions, signatures and ratifications

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

C. Other information

■ PACE President condemned bomb attack in Ankara (10.10.2015)

PACE president strongly condemned the terrorist attack near the main railway station in Ankara, before a rally of the Turkish opposition in favour of peace, which left some eighty people dead and many wounded. ([Read more](#))

Ukraine

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

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

B. Resolutions, signatures and ratifications

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

C. Other information

■ PACE: Ukraine local elections 'generally respected the democratic process' (26.10.2015)

International observers said that Ukraine's local elections « generally respected the democratic process, but additional efforts are needed to enhance public confidence ». ([Read more](#) - [Full statement by the international observers](#) - [PACE delegation](#))