

REGULAR SELECTIVE INFORMATION FLOW

for the attention of the National Human Rights Structures

Issue# 136

[1 – 31 December 2015]

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(Versailles St-Quentin-en-Yvelines University, France), under the responsibility of the
Directorate of Human Rights (DG I) of the Council of Europe
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Introduction

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

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

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

The preparation of the RSIF has been supported as from 2013 by the "Versailles St-Quentin Institutions Publiques" research centre of the University of Versailles St-Quentin-en-Yvelines (Paris Saclay). 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.

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PartOne

GENERAL INFORMATION

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

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

LOPES DE SOUSA FERNANDES V. PORTUGAL ([IN FRENCH ONLY](#)) - No. 56080/13 – Importance 3 - 15 December 2015 - Violation of Article 2 - Domestic authorities’ failure to prevent the death of a patient following post-operation negligence and to ensure a prompt reaction to contribute to the safety of the users of health service

The case concerned the death of the applicant’s husband following a surgery. The patient, who was suffering from terrible headaches two days after, immediately went back to the emergencies unit, where the doctors on duty diagnosed psychological disorders and prescribed him tranquilisers. His state of health having worsened, he was admitted several days later to another hospital where he died

from the consequences of septicaemia caused by peritonitis and hollow viscera perforation. The applicant complained about the length of the proceedings brought by her at the domestic level and about the fact that she had not been given explanations as to the exact cause of death.

The Court first noted that the Inspector General for Health had ordered an investigation in which several specialists indicated that meningitis was a complication that could exceptionally arise after a nasal polypectomy. It also noted that the members of the Medical Association's infectious diseases panel had expressed some doubt as to the promptness with which the infectious meningitis diagnosis had been established. Based on the Medical Association's infectious diseases panel's view, the Court held that the meningitis could have been diagnosed earlier and that the patient who had undergone a surgical operation carrying such risks should have warranted a medical intervention in conformity with the medical protocol on post-operative supervision. Furthermore, the Court observed the lack of coordination between the different units inside the hospital revealed a deficiency in the public hospital service. In the Court's view, that was sufficient for a finding that the State had failed in its obligation to protect the patient's physical integrity. It thus concluded that there had been a violation of the right to life protected by Article 2 of the Convention.

As regards the procedure, the Court first noted that the length of the proceedings had not met the requirement of promptness, as it had taken two years for the opening of an investigation to be ordered, a further year to appoint an inspector and four years to issue the first final report. Moreover, evidence was not taken from the medical staff until several years after the facts, thus possibly compromising the reliability of the testimony. The Court also noted that the criminal proceedings had lasted for more than six years, that length of time not being justified either by the complexity of the case. The Court observed, lastly, that if meningitis was a complication liable to arise after such an operation, the domestic courts should have established clearly whether the patient had been duly informed of those risks.

The Court concluded that the domestic authorities had not determined with sufficient clarity the circumstances of the patient's death and the possible responsibility of the doctors who had treated him.

There had been a violation of Article 2 under its procedural head.

Article 41 (Just satisfaction)

The Court held that Portugal was to pay the applicant EUR 39,000 in respect of non-pecuniary damage.

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

SCHATSCHASCHWILI V. GERMANY (No. 9154/10) - Importance 1 - 15 December 2015 - Violation of Article 6 §§ 1 and 3 d) - Domestic authorities' failure to give the defence an opportunity to cross-examine prosecution key witnesses

In this case, the applicant, convicted of robbery and extortion, complained that he was denied a fair trial in that neither he nor his lawyer had had the opportunity at any stage of the proceedings to question the only direct witnesses of one of the offenses of which he was accused.

The Court's primary concern was to evaluate the overall fairness of the criminal proceedings. The Court recalled that before an accused could be convicted all evidence against him normally had to be produced in his presence at a public hearing with a view to adversarial argument. The Court had to examine whether there was a good reason for the non-attendance of the witness, whether the

evidence of the absent witness was the sole or decisive basis for the defendant's conviction, and whether there were sufficient counterbalancing factors, including strong procedural safeguards, to compensate for the handicaps caused to the defence.

As to the first step, the Court examined if the domestic courts had had good factual or legal grounds not to secure the witnesses' attendance at the trial. The Court noted that they were relying on medical certificates indicating that they were in an unstable post-traumatic emotional and psychological state. It noted that domestic courts had contacted the witnesses individually, offering them different options in order to testify at the trial, which the witnesses had declined. Therefore, domestic courts had made all reasonable efforts within the existing legal framework to secure the attendance of witnesses.

Concerning the second step, the Court had to determine the weight of the evidence given by the absent witnesses. It observed that the domestic courts considered them to have been key witnesses for the prosecution but that they relied on further available evidence. The Court then examined the strength of the additional incriminating evidence available and noticed that the two witnesses were the only eyewitnesses to the offence in question. Noting that the other evidences available to the courts were either just hearsay evidence or merely circumstantial technical, the Court considered that the evidence of the absent witnesses was determinative of the applicant's conviction.

The Court further determined, in a third step, whether there were sufficient counterbalancing factors to compensate for the handicaps under which the defence laboured as a result of the admission of the decisive evidence of the absent witnesses. It noted that domestic courts approached that evidence with caution and that they examined the credibility of the absent witnesses and the reliability of their statements in a careful manner. The Court noted, however, that the applicant did not have the possibility to put questions to witnesses indirectly, for instance in writing or at the investigation stage. It also pointed out that the prosecution authorities had known that it might not be possible to hear evidence from those witnesses at a subsequent trial and that they did not give the applicant an opportunity to have witnesses questioned at the investigation stage by a lawyer appointed to represent him.

Accordingly, there has been a violation of Article 6 §§ 1 and 3 (d) of the Convention.

Article 41 (Just satisfaction)

The applicant did not make any claims for just satisfaction.

RAIHANI V. BELGIUM — (IN FRENCH ONLY) — No. 12019/08 — Importance 3 — 15 December 2015 — Violation of Article 6§1 — Domestic authorities' failure to determine a proper starting point for the time-limit, depriving the applicant from practical and effective right of access to a court

The applicant is a former prisoner whose contribution to his child's education and maintenance had been increased. He appealed against this decision but was dismissed for being out of time.

The Court noted the notification of the decision that had been made to the applicant while he was in prison which constituted a « force majeure » preventing him from acting in accordance with the normal time-limit. The Court also observed that he had contacted the legal aid bureau to obtain legal assistance as soon as he had realised that a judgment had been delivered against him entailing the withholding of his benefit. The Court thus took the view that the applicant had acted with sufficient diligence and that he could not be reproached for failing to ask for a copy of the decision earlier.

The Court also observed divergences concerning the starting point of the time-limit. Indeed, the different domestic courts had not fixed the starting point of the time limit and its end at the same dates, leading to a lack of clarity that had vitiated the time-limit.

Moreover, the date finally fixed had corresponded to a point at which the applicant would not necessarily have known that there was a judgment to his detriment against which he was entitled to appeal. In those circumstances, the Court found that the application of the rules concerning the time-limit for appeal had not enabled the applicant to realise in due time when the time-limit started to run and when it expired. Consequently, the Court concluded that in declaring inadmissible the applicant's appeal, the domestic courts had not respected the reasonable relationship of proportionality between the aim pursued and the means used, depriving the applicant from a practical and effective right of access to a court before which he could lodge an appeal.

It accordingly found that there had been a violation of Article 6§1 of the Convention.

Article 41 (Just satisfaction)

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

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

BRITO FERRINHO BEXIGA VILLA-NOVA V. PORTUGAL — ([IN FRENCH ONLY](#)) — No. 69436/10 — Importance 2 — 1st December 2015 — Violation of Article 8 — Domestic authorities' disproportionate interference with right to respect for private life when consulting lawyer's bank account

The applicant is a lawyer charged with tax fraud. Her bank statements had been consulted during the proceedings for tax fraud after the lifting of professional confidentiality and bank secrecy had been ordered. The applicant appealed but her appeal had been declared inadmissible.

The Court noted that the consultation of the statements had constituted an interference with the applicant's right to respect for professional confidentiality that is for private life. Nevertheless the Court pointed out that this restriction had had a legal basis and had pursued a legitimate aim.

However the Court observed that the applicant had not been involved in the proceedings and the Lawyer Association had not been consulted concerning the lifting of the professional confidentiality contrary to the domestic law provisions.

Finally, the domestic Supreme Court had refused to examine her appeal as it had considered it inadmissible for she did not have any possibility of appealing against the judgement. The Court found the applicant was deprived from any effective remedy, showing that domestic authorities had failed to strike a fair balance between the demands of the general interest and the requirements of the protection of the applicant's right to respect for her private life.

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

Article 41 (just satisfaction)

The Court held that Portugal was to pay the applicant EUR 3,250 euros in respect of non-pecuniary damage and EUR 463.98 in respect of costs and expenses.

ROMAN ZAKHAROV V. RUSSIA — No. 47143/06 — Importance 1 — 4 December 2015 — Violation of Article 8 — Domestic authorities' liability for imposing by law to mobile network operators the installation of equipment permitting blanket interception of communications

The applicant is the editor in chief of a publishing company who subscribed to the services of several mobile network operators. He complained that mobile network operator had to install equipment permitting blanket interception of communications. He was dismissed as domestic courts found he had not been able to prove that his telephone conversations had been intercepted.

The Court found that the applicant was entitled to claim to be a victim even if he had not proven he was subjected to secret surveillance himself. Indeed, secret surveillance is secret and there was no effective means to obtain proof of interception or to challenge the measures, which justified examining the relevant legislation not from the point of view of a specific instance of surveillance but in the abstract. In this way, secret surveillance without effective remedy constituted an interference with the applicant's right under Article 8.

The Court noted that the said restriction to Article 8 had had legal basis and had pursued the legitimate aims of the protection of national security and public safety, the prevention of crime and the protection of the economic well-being of the country.

The Court observed that domestic law did not provide for adequate and effective guarantees against arbitrariness and the risk of abuse. Indeed, the law did not specify clearly the circumstances in which surveillance measures could be set up, or the duration of the measures. The law did not provide procedures for destroying and storing intercepted data. The Court also noted that domestic courts did not verify whether there is a reasonable suspicion against the person whom interception had been requested and there is no specific content the request must be accompanied by to be valid. Finally there was no control if the interception by an independent supervisor and no effective remedy against those measures, as the persons concerned must be able to submit proof of interception to be admissible.

The Court found that the domestic legal framework did not meet the « quality of law » requirement and was incapable of keeping the interception of communications to what was “necessary in a democratic society”.

There had accordingly been a violation of Article 8 of the Convention.

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 Russia was to pay the applicant EUR 40,000 euros in respect of costs and expenses.

Z. H. and R. H. v. SWITZERLAND (No. 60119/12) - Importance 2 - 8 December 2015 - No violation of Article 8 - No obligation for domestic authorities to recognise the marriage of a 14-years old asylum seeker

The case concerned the asylum applications of two Afghan nationals, who married in a religious ceremony in Iran when the woman had been 14-years old. The domestic authorities expelled the husband, as they did not consider the applicants legally married.

The Court first held that Article 8 of the Convention could not be interpreted as imposing on a Contracting State an obligation to allow an asylum seeker to settle in their country. Moreover, it recalled that in a case which concerns family life as well as immigration, the extent of a State's obligations to admit to its territory relatives of persons residing there will vary according to the particular circumstances of the persons involved and the general interest. Factors to be taken into account in this context are the extent to which family life would effectively be ruptured, the extent of the ties in the Contracting State, whether there are insurmountable obstacles in the way of the family living in the country of origin of the alien concerned and whether there are factors of immigration control.

Nevertheless, the Court held that that Article 8 of the Convention could not be interpreted as imposing an obligation to recognise a marriage, religious or otherwise, contracted by a child. It noted in this connection that Article 12 (right to marry) of the Convention expressly provided for regulation of marriage by national law. Given the importance attached to the protection of children and the fostering of secure family environments, the Court considered that the domestic courts were better placed to address and rule on the issues raised by the applicants' case. Therefore, at the time of the removal of the man to Italy, the national authorities had been justified in considering that the applicants were not married.

The Court therefore found that there had been no violation of Article 8 in this case.

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

CENGİZ AND OTHERS V. TURKEY — ([IN FRENCH ONLY](#)) — Nos. 48226/10 AND 14027/11 — Importance 2 — 1st December 2015 — Violation of Article 10 — Domestic authorities' disproportionate restriction to freedom of expression

The applicants are academics from University who are users of the website Youtube. The access to this website had been blocked during a lengthy period of time as a domestic court found the website contained videos insulting the memory of a former president. The applicants lodged a complaint to have the order of blocking set aside but were dismissed.

The Court noted the blocking order had not directly targeted the applicants but as they had actively used Youtube for professional and academic purposes, the blocking order affected them by preventing them from receiving and imparting information and ideas, which had given them the status of victims.

The Court observed the blocking order constituted an infringement to the applicants' freedom of expression as protected by Article 10 of the Convention. Moreover, the Court observed it had already examined the domestic law under which the blocking order had been imposed. The Court recalled that this law could not allow the blocking of access to an entire website.

The restriction to the freedom had not been proportionate or prescribed by a valid law, thus there had been a violation of Article 10.

Article 41 (Just satisfaction)

The Court held that the finding of a violation constituted in itself sufficient just satisfaction for the non-pecuniary damage suffered by one of the applicants. It rejected the claim for just satisfaction lodged by the two other applicants.

PROMPT V. FRANCE — (IN FRENCH ONLY) — No. 30936/12 — Importance 2 — 3 December 2015 — No violation of Article 10 — Domestic authorities' proportionate restriction to freedom of expression concerning a book on the murder of a four-year-old boy

The applicant is a lawyer who published a book on the murder of a four-year-old boy as he was the attorney of one of the protagonists in this case. In this book he implied that the victim's father had attempted to commit murder and the victim's mother had joined the criminal proceedings as a civil party with another aim than the finding the truth. He was sued and condemned for libel.

The Court recalled that Article 10 of the Convention allows restrictions to liberty of expression if they are prescribed by law and they pursue a legitimate aim. In this case, the Court noted the restriction had a legal basis and pursued the legitimate aim of « protection of the reputation or rights of others ». The Court also observed the domestic court had correctly justified the condemnation for libel as the applicant had lacked caution but had not manifested any personal animosity towards the victim's parents. Moreover, the applicant had not been sentenced to any criminal penalty as he had to pay damages and costs and to publish a judicial announcement for the reprints or new editions of the book.

In addition, the Court underlined that, notwithstanding the fact that the Convention allows a degree of immoderation in expressing views on a matter of general interest, it could not be validly invoked to justify an allegation, based on mere hypothesis, that someone had intended to commit murder.

The Court considered that the domestic courts, in spite of the limited discretion they enjoyed, had been entitled to consider that the interference with the applicant's right to freedom of expression had been necessary in a democratic society for the protection of the reputation or rights of others.

Thus the Court found there had not been any violation of Article 10 of the Convention.

BONO V. FRANCE (IN FRENCH ONLY) - No. 29024/11 - Importance 2 - 15 December 2015 - Violation of Article 10 - Disproportionate sanction imposed on a lawyer for his criticism against judges' procedural decisions in pleadings

The case concerned a disciplinary sanction imposed on a lawyer acting for a suspected terrorist, for remarks made in his pleadings before domestic Courts. Indeed, in his pleadings before that court, the applicant sought the exclusion from the file of statements that had been obtained, according to him, through the use of torture by the Syrian secret services, asserting that the domestic judges had been complicit in that torture.

The Court first held that the disciplinary sanction imposed on the applicant could be regarded as an interference with his right to freedom of expression. The Court found that the interference was prescribed by the rules governing the legal profession and that its aim was to protect the reputation or rights of others and to maintain the authority of the judiciary.

The Court noted that the applicant's remarks were harsh and that they showed some contempt for the investigating judges. The Court observed, however, that the offending remarks did not refer to the judges personally but concerned the manner in which they had carried out the investigation.

Moreover, finding that the domestic courts had excluded the statements obtained in violation of Article 3 of the Convention, the Court took the view that the applicant's pleadings contributed directly to the defence of his client. In addition, the Court noted that the applicant's criticisms, which had a factual basis, did not leave the courtroom because they were contained in his written submissions. They were not therefore capable of damaging the reputation of the judiciary in the minds of the general public.

In view of the foregoing, and considering the negative repercussions of that sanction on a lawyer's professional career and the disproportionate nature of the sanction imposed on the applicant, the Court held that there had been a violation of Article 10 of the Convention.

Article 41 (Just satisfaction)

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

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

MYTILINAIOS AND KOSTAKIS V. GREECE — ([IN FRENCH ONLY](#)) — No. 29389/11 — Importance 2 — 3 December 2015 — Violation of Article 11 — Domestic authorities' failure to strike a fair balance between the conflicting interests

The applicants are winegrowers who had been forced to be part of a cooperative as domestic authorities refused to issue them with a winemaking licence. Their appeal had been dismissed.

The Court noted that the refusal to grant the applicants a winemaking licence forced them to be part of the cooperation which had exclusive rights to produce a certain type of wines, which led to an interference with the applicants' freedom not to join an association. Nevertheless, this restriction was prescribed by law and pursued the legitimate aim of protecting the quality of a unique wine and the revenue of winegrowers in a specific area. The Court observed that law obliged winegrowers to hand their entire production to cooperatives while it could have set up a system of quality control.

The Court found that domestic law had made the most restrictive choice while other means of achieving economic protection existed, causing an infringement to the applicants' negative freedom of association.

The Court thus held there had been a violation of Article 11 of the Convention.

Article 41 (just satisfaction)

The Court held that Greece was to pay the applicants EUR 6,000 euros each in respect of non-pecuniary damage and EUR 2,000 in respect of costs and expenses.

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

[FÁBIÁN V. HUNGARY](#) — (No. 78117/13) — Importance 2 — 15 December 2015 — Violation of Article 14 in conjunction with Article 1 of Protocol No. 1 — Domestic authorities' liability for a discriminating amendment concerning retirement pensions

The applicant is a pensioner who took a post-retirement employment as a civil servant. The domestic law had been amended, forbidding him from earning two incomes paid by the State at the same time. As there was no similar disposition concerning pensioners working in the private sector, the applicant made an appeal to the National Pension Board but was dismissed.

The Court noted that the amendment did not concern all State employments as pensioners working as government ministers or mayors were exempted from this rule, which led to an unjustified discrimination.

The Court also held the discrimination between the private and the public sector had no justification as the domestic authorities said that « State pensions should not be paid to individuals who are employed and therefore do not need a substitute for their salary ».

Therefore the difference in treatment between publicly and privately employed retirees on the one hand, and between various categories of civil servants on the other hand, had not been objectively and reasonably justified. Accordingly, the Court found that there had been a violation of Article 14 in conjunction with Article 1 of Protocol 1.

Article 41 (just satisfaction)

The Court held that Hungary was to pay the applicant EUR 15,000 in respect of non-pecuniary damage EUR 3,000 for 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
ALBANIA	3 December 2015	BICI (No. 5250/07)	3	Violation of Art. 6 § 1	Excessive length of proceedings (11 years and 9 months)
ARMENIA	3 December 2015	AMIRKHANYAN (No. 22343/08)	2	Violation of Art. 6 § 1	Unjustified interference with the final and binding judgment in the applicant's favour which, in the absence of any legal basis, breached the principle of legal certainty
				Violation of Art. 1 of Prot. No. 1	Unlawful interference with the applicant's possessions
CROATIA	1 December 2015	Sos (No. 26211/13)	3	Violation of Art. 5 § 3	Extension of applicant's pre-trial detention on insufficient grounds
GREECE	3 December 2015	KANTARELIS (IN FRENCH ONLY) (No. 6314/12)	3	Violation of Art. 6 § 1	Domestic General Accounting Department's failure to comply with the domestic court's judgment concerning the readjustment of the applicant's pension
				Violation of Art. 1 of Prot. No. 1	Domestic General Accounting Department's failure to calculate within a reasonable time the amount of the applicant's pension according to the domestic court's judgement
HUNGARY	1 December 2015	KAROLY NAGY (No. 56665/09)	2	No violation of Art. 6 § 1	Fairness of proceedings
	15 December 2015	BUDAHAZY (No. 41479/10)	3	No violation of Art. 11	Justified interference with the applicant's right to freedom of expression and assembly as his conduct was out of proportion and caused major traffic paralysis

LITHUANIA	1 December 2015	<u>ZILINSKIENE</u> (No. 57675/09)	3	Violation of Art. 1 of Prot. No. 1	Domestic authorities' failure to strike a fair balance between the demands of the public interest and the applicant's right to the peaceful enjoyment of her possessions
	8 December 2015	<u>MIRONOVAS AND OTHERS</u> (Nos. 40828/12, 29292/12, 69598/12, 40163/13, 66281/13, 70048/13 AND 70065/13)	2	Violation of Art. 3 (substantive)	Poor conditions of detention (overcrowding, lack of basic hygiene, lack of proper heating, lack of access to natural light and fresh air, poor ventilation)
				No violation of Art. 3 (substantive)	Applicants' conditions of detention (although far from adequate) did not reach the threshold of severity required in order to give rise to a violation under Art. 3
NORWAY	17 December 2015	<u>KRISTIANSEN</u> (No. 1176/10)	2	Violation of Art. 6 § 1	Unfairness of proceedings on account of the participation of a juror who lacked impartiality
POLAND	8 December 2015	<u>KALICKI</u> (No. 46797/08)	3	No violation of Art. 2 (procedural)	Effective investigation into the circumstances of the applicant's brother's death
	15 December 2015	<u>MATCZYNSKI</u> (No. 32794/07)	3	No violation of Art. 1 of Prot. No. 1	No failure of the domestic authorities to strike a fair balance between the protection of the applicant's possessions and the requirements of the general interest
		<u>SZAFRANSKI</u> (No. 17249/12)	1	No violation of Art. 3 (substantive)	Adequate conditions of detention
				Violation of Art. 8	Domestic authorities' failure to properly separate the toilet facilities from the rest of the cell in order to ensure a minimum level of privacy

ROMANIA	8 December 2015	<u>CARAGEA</u> (No. 51/06)	2	No violation of Art. 8	No failure of the domestic courts to strike a fair balance between journalists' freedom of expression and the applicant's right to have his reputation respected
	15 December 2015	OFENSIVA TINERILOR (<u>IN FRENCH ONLY</u>) (No. 16732/05)	2	Violation of Art. 3 of Prot. No. 1	The absence of clarity of the domestic election law concerning national minorities and the lack of sufficient guarantees as to the impartiality of the bodies responsible for examining the applicant's application infringed the applicant's rights
		<u>S.C. ANTARES TRANSPORT S.A. AND S.C. TRANSROBY S.R.L.</u> (No. 27227/08)	3	Violation of Art. 1 of Prot. No. 1	Domestic courts' failure to remedy the applicants' situation as the withdrawal of the licences reduced their business and caused them significant losses
		<u>SERBAN MARINESCU</u> (No. 68842/13)	3	Violation of Art. 3 (procedural)	Ineffective investigation into the applicant's allegations of police ill-treatment
RUSSIA	1 December 2015	<u>SAZANOV</u> (No. 24647/05)	3	No violation of Art. 6 § 1	Fairness of proceedings
		<u>TADZHIBAYEV</u> (No. 17724/14)	2	Violation of Art. 3	Real risk of ill-treatment in case of the applicant's extradition to his country of origin

RUSSIA (CONTINUED)	8 December 2015	<u>DUDAYEVA</u> (No. 67437/09) <u>SAGAYEVA AND OTHERS</u> (Nos. 22698/09 AND 31189/11)	3	Violation of Art. 2 (substantive) (in both cases)	Applicants' relatives may be presumed dead following their unacknowledged detention by state agents
				Violation of Art. 2 (procedural) (in both cases)	Domestic authorities' failure to carry out an effective criminal investigation into the disappearance of the applicants' relatives
				Violation of Art. 3 (substantive) (in both cases)	Applicant's inability to ascertain the fate of their relatives and the manner in which their complaints had been dealt by the domestic authorities caused them mental distress and anguish
				Violation of Art. 5 (in both cases)	Unlawful and unacknowledged detention of the applicants' relatives by state agents
				Violation of Art. 13 in conjunction with Art. 2 and 3 (in both cases)	Lack of effective remedies in order to redress the ineffectiveness of the criminal investigation into the disappearance of the applicants' relatives
	15 December 2015	<u>Ivko</u> (No. 30575/08)	3	Violation of Art. 13	Lack of effective domestic remedies concerning the applicant's allegations of inadequate medical care in detention
				Violation of Art. 3 (substantive)	Inadequate medical assistance
		<u>KHALVASH</u> (No. 32917/13)	2	Violation of Art. 13	Lack of effective domestic remedies concerning the applicant's allegations of inadequate medical care in detention
				No violation of Art. 3 (substantive)	Adequate medical assistance

RUSSIA (CONTINUED)	15 December 2015	ROMAN PETROV (No. 37311/08)	3	Violation of Art. 5 § 1	Unlawful detention of the applicant on account of the domestic judicial authorities' failure to specify the period of the applicant's pre- trial detention
				No violation of Art. 5 § 3	Reasonable length of detention (11 months) while no lack of diligence was displayed by the domestic authorities in the conduct of the proceedings
	22 December 2015	LYKOVA (IN FRENCH ONLY) (No. 68736/11)	2	Violation of Art. 5 § 1	Unacknowledged detention of the applicant's son
				Violation of Art. 2 and 3 (procedural)	Domestic authorities' failure to conduct an effective criminal investigation into the circumstances of the applicant's son's death and the allegations of police ill-treatment
				Violation of Art. 3 (substantive)	Severe police ill- treatment amounting to torture of the applicant's son while at the hands of the police
				Violation of Art. 2 (substantive)	Absence of a plausible explanation for the applicant's son's death while at the hands of the police
SERBIA	22 December 2015	STANKOVIC AND TRAJKOVIC (Nos. 37194/08 AND 37260/08)	2	No violation of Art. 6 § 1	Fairness of proceedings
SPAIN	1 December 2015	BLESÁ RODRIGUEZ (No. 61131/12)	3	Violation of Art. 6 § 1	Lack of impartiality
SWITZERLAND	8 December 2015	MADER (IN FRENCH ONLY) (Nos. 6232/09 AND 21261/10)	3	Violation of Art. 5 § 4	Domestic legal requirement to obtain a prior administrative decision before bringing proceedings before the domestic courts deprived the applicant of his right to have his application for release examined promptly

THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA	10 December 2015	ASLLANI (No. 24058/13)	2	Violation of Art. 3 (procedural)	Ineffective investigation into the applicant's allegations of police ill-treatment
				Violation of Art. 3 (substantive)	Ill-treatment of the applicant while in police custody
TURKEY	1 December 2015	SAKINE EPOZDEMIR AND OTHERS (No. 26589/06)	3	No violation of Art. 2 (positive obligations, substantive)	No evidence suggesting that the domestic authorities had been aware or ought to have been aware of the risk to the life of the applicants' relative in order to take pre- emptive steps to protect his life
	15 December 2015	GURBAN (No. 4947/04)	3	Violation of Art. 3 (substantive)	Lack of possibility of review of the life sentence imposed on the applicant
				Violation of Art. 6 § 1	Excessive length of criminal proceedings (6 years and 8 months)
				Violation of Art. 13 in conjunction with Art. 6 § 1	Lack of an effective domestic remedy in that respect
		YAVUZ SELIM (IN FRENCH ONLY) (No. 76476/12)	2	Violation of Art. 5 § 1	Unlawful detention of the applicant given that the disciplinary custodial sanction had been imposed to him by his military superior and not by an independent and impartial domestic court

UKRAINE	3 December 2015	KUSHCH (No. 53865/11)	3	Violation of Art. 3 (substantive)	Inadequate medical assistance
				Violation of Art. 3 (substantive)	Unjustified handcuffing of the applicant while in hospital
				No violation of Art. 5 § 1	Lawful detention of the applicant
				Violation of Art. 5 § 1	Unjustified continued pre-trial detention of the applicant
				Violation of Art. 5 § 3	Extension of the applicant's pre-trial detention on insufficient grounds
				Violation of Art. 5 § 4	Lack of a review of the lawfulness of the applicant's continued detention
				Violation of Art. 5 § 5	Lack of an enforceable right to compensation for the breaches of Art. 5 §§ 1, 3 and 4

UKRAINE (CONTINUED)	3 December 2015	<u>YAROSHOVETS AND OTHERS</u> (No. 74820/10, 71/11, 76/11, 83/11 AND 332/11)	2	Violation of Art. 3 (substantive)	Ill-treatment of the applicant while in police custody
				Violation of Art. 3 (procedural)	Ineffective investigation in that respect
				No violation of Art. 3 (substantive)	Adequate medical assistance
				Violation of Art. 3 (substantive)	Poor conditions of transport to and from the domestic court house
				Violation of Art. 5 §§ 1 and 3	Domestic authorities' failure to provide sufficient justification for the applicants' continued detention
				Violation of Art. 5 §§ 1 and 3	Domestic authorities' failure to provide sufficient justification for the applicants' continued detention
				Violation of Art. 5 § 1	Unjustified detention of the applicants
				No violation of Art. 5 § 1	Justified detention of the applicants
				Violation of Art. 5 § 5	Lack of an enforceable right to compensation for the violations of the applicants' rights under Art. 5 §§ 1 and 3
				Violation of Art. 6 § 1	Excessive length of criminal proceedings
	10 December 2015	<u>TIKHONOV</u> (No. 17969/09)	3	Violation of Art. 6 §§ 1 and 3 (c)	Unfairness of proceedings on account of the absence of legal assistance and the use of the applicant's self-incriminating statements against him
	17 December 2015	<u>SOBKO</u> (No. 15102/10)	3	Violation of Art. 6 § 1 taken together with Art. 6 § 3 (c)	Unfairness of proceedings on account of the absence of legal assistance and the use of the applicant's self-incriminating statements against him
				No violation of Art. 6	Applicant's inability to participate in the hearing resulted from his failure to comply with the procedural formalities which had not been excessive or unclear to him

B. The decision on admissibility

These 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 30 September 2015**. They 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
BULGARIA	1 September 2015	Korpachyova-Hofbauer v. Bulgaria	Violation of Article 3 of the Convention	The level of anxiety of the applicant could not be considered as such that it amounted to a breach of the convention
CYPRUS	22 September 2015	Klaedes v. Cyprus	Violation of Article 8, 3, 6 and 13 of the Convention	The applicant did not exhaust all the domestic remedies that were offered to her. Concerning the violation of Article 6, she could not be considered as a victim on behalf of her clients and her application is therefore incompatible as <i>ratione personae</i>
LATVIA	29 September 2015	X and Others v. Latvia	Violation of Articles 6 and 8 of the Convention	The applicant lodged the application out of time
POLAND	15 September 2015	H-L. v. Poland	Violation of Articles 6 and 8 of the Convention	The Court found that the different domestic judgments of the applicant had made a fair balance between the two freedoms of the Convention at stake. The freedom of expression, because of the context, had more importance in the matter over the right to the presumption of innocence of the applicant.
THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA	8 September 2015	Trade Union in the Factory "4th November" v. "The Former Yugoslav Republic of Macedonia"	Violation of Articles 6 and 11	The infringement over the union's right to strike should sometimes be considered as necessary in a democratic society within the meaning of the Convention.

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 October** 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
CROATIA	8 October 2015	ČALUŠIĆ (No. 41988/13)	The applicant argues that the domestic Criminal Court breached his right to the presumption of innocence when extending his pre-trial detention.
CROATIA	20 October 2015	ČAKAREVIC (No. 48921/13)	The applicant complains that her right to peaceful enjoyment of her possession was infringed because the national court ordered her to pay an important amount of money in respect of unemployment benefits she had received even though it was the result of an error.
BULGARIA	8 October 2015	CHERKEZOV (No. 46577/15)	The applicants argue that the enforcement of the demolition order would be in breach of their right to respect for their home.
FINLAND	15 October 2015	VIRTANEN (No. 53251/13)	According to the applicant, he was appointed a legal guardian only after he had decided to move to Northern Finland and to live with his former foster family.
GEORGIA	6 October 2015	ILIAHVILI (No. 22715/07)	The applicant complains that under the disciplinary proceedings, his guilt determined and the sanction imposed lacked the requisite precision, clarity and foreseeability.
REPUBLIC OF MOLDOVA	20 October 2015	BOBEICO AND IOVCEV (Nos 30003/04 AND 40942/14)	The applicants complain being denied access to existing educational institutions in their national language in conformity with their philosophical convictions.

ROMANIA	13 October 2015	S.C. Bg MEDIA S.R.L. (No. 46695/13)	The applicants argue that the domestic court's' decision to order them to pay a large amount of money in non-pecuniary damages following their television program concerning matters of public interest was disproportionate.
ROMANIA	20 October 2015	CSIBI (No. 16632/12)	The applicant complains that the domestic authorities have unlawfully restricted the voicing contained in an expression as long as it concerned a fictitious land which could have been defined historically and ethnographically and not politically.
RUSSIA	19 October	SUPRUNENKO (No. 8630/11)	According to the applicant, the police abused their power by stopping him upon a frivolous and untenable suspicion for terrorists while he had committed no crime.
UKRAINE	29 October 2015	CHUMAK (No. 44529/09)	The applicant complains that the judicial authorities imposed an arbitrary and disproportionate restriction on his right to picket the Regional Administration.

PartOne

§2 - EUROPEAN COMMITTEE OF SOCIAL RIGHTS

A. Reclamations and Decisions

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

B. Other information

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

PartOne

§3 - RECOMMENDATIONS & RESOLUTIONS

A. Recommendations

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

B. Resolutions

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

PartOne

§4 - OTHER INFORMATION OF GENERAL IMPORTANCE

A. Information from the Committee of Ministers

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

B. Information from the Parliamentary Assembly

■ Working towards a quality education for democratic citizenship (03.12.2015)

The Committee on Culture, Science, Education and Media welcomed the development by the Council of Europe of a European Framework of Competences for a culture of democracy and intercultural dialogue. The purpose of this tool is to raise awareness among policy-makers and prompt them to review their education policies and reformulate the objectives of these policies by adjusting school curricula and allocating “the necessary resources to education for democratic citizenship”. ([Read more](#) - [Adopted report](#)).

■ Investing in education had its cost but there was also a risk in not doing so (03.12.2015)

The Committee on Culture, Science, Education and Media called on the member states to enhance their education systems in order to “ensure access to quality education for all and regular class attendance until the end of the study programme”. ([Read more](#) - [Adopted report](#))

■ Foreign fighters in Syria and Iraq: understand the root causes before devising policy responses (08.12.2015)

The Political Affairs Committee has expressed grave concern about the problem of foreign fighters who travel to Syria and Iraq to join “IS” and other violent extremist groups and then commit attacks both against European citizens and against the local population of the countries where they go to join the “jihad”. ([Read more](#) - [Adopted report](#))

■ Stop unjustified attempts to restrict freedom of association (08.12.2015)

PACE Committee called on Azerbaijan to amend its legislation on NGOs in accordance with the recommendations of the Venice Commission and to fully and promptly implement judgments of the European Court of Human Rights. Furthermore, the committee called on Russia to amend its legislation on NGOs in accordance with the Venice Commission’s opinions. Finally, the committee called on all member states to bring their legislation into conformity with international human rights instruments regarding the rights to freedom of association, assembly and expression and to refrain from imposing inappropriate restrictions on NGOs. ([Read more](#) - [Draft resolution](#))

■ Too many human rights defenders were paying a high price for their work (08.12.2015)

PACE Committee has expressed deep concern about increased reprisals against them in certain Council of Europe member states, including Azerbaijan, the Russian Federation and Turkey. It also voiced particular concern about the situation in annexed Crimea and other territories outside states’ control. Condemning acts of intimidation and reprisals against human rights defenders, the committee called on member states to refrain from any physical attacks, arbitrary arrests and judicial or

administrative harassment. Furthermore, the committee urged member states to refrain from adopting laws that impose disproportionate restrictions on human rights defenders' activities and on their access to funding, including foreign funding. Lastly, in a draft recommendation, the committee called on the Committee of Ministers of the Council of Europe to establish a platform for the protection of human rights defenders. ([Read more](#) - [Draft resolution](#))

■ PACE President: "Human rights should not be sacrificed on the altar of the fight against terrorism" (10.12.2015)

PACE president expressed that "on Human Rights Day, political leaders and parliamentarians should take a step back from the political turmoil and look at the world through the prism of human rights". ([Read more](#))

■ COP21: Parliamentarians push for an ambitious Paris agreement on climate change (10.12.2015)

The former Chairperson of the PACE's Sub-Committee on Environment and Energy expressed that "parliaments should focus on what they do best: promote national climate laws and get them recognised in the global agreement; they must hold governments to account on national commitments to combat global warming and press negotiators in a bottom-up manner". ([Read more](#) - [Lord Prescott to attend COP21](#))

■ "The year may be reaching an end but the human rights challenges continue" (14.12.2015)

PACE President highlighted four issues. Firstly, "the refugee crisis in Europe is not going away and we continue to do too little too late". Secondly, PACE president reiterated her call on the Azerbaijani authorities to release Ilgar Mammadov. As a third point, PACE president expressed concern about the conflict developing over the Constitutional Court in Poland. As a fourth and final point, PACE President expressed deep concerns over the recent decision of the entity of Republika Srpska to suspend cooperation with the state-level law authorities of Bosnia and Herzegovina. ([Read more](#) - [Agenda](#))

■ The need to acknowledge the vulnerability of environmental migrants (15.12.2015)

Adopting unanimously a report, the PACE Committee underlined the need to acknowledge the vulnerability of the groups concerned and to remedy any gaps in their protection status. ([Read more](#) - [Adopted report](#))

■ International co-operation and intelligence sharing to combat migrant smuggling (15.12.2015)

International co-operation and intelligence sharing are essential if the activities of organised criminal groups related to migration are to be combated effectively, according to the PACE Migration Committee. Thus, the committee called on member states to ratify and implement the various UN and Council of Europe conventions against migrant smuggling and money laundering. Furthermore, governments should also develop and effectively apply a full range of investigative and prosecutorial techniques against migrant smugglers. ([Read more](#) - [Adopted report](#))

■ Thierry Mariani: "Migrants must not be equated with terrorists" (16.12.2015)

The Chair of the PACE Committee on Migration expressed that "we need fresh solutions in order to deal with the current migration and refugee crisis and develop a roadmap for future action by our parliaments and institutions, whilst bearing in mind the need to avoid equating migrants with terrorists". ([Read more](#))

■ « Migrants detained for administrative reasons are not criminals » (18.12.2015)

PACE president called for better regulation and monitoring of immigration detention. ([Read more](#))

C. Information for the Commissioner for Human Rights

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

D. Information from the monitoring mechanisms

■ CPT: “Living space per prisoner in prison establishments - CPT standards (15.12.2015)

[Read the standards.](#)

■ MONEYVAL: Terrorist Financing, FATF Report to G20 Leaders - actions taken by the FATF (01.12.2015)

The Financial Action Task Force (FATF) published its report to G20 Leaders on the global implementation of key counter-terrorist financing measures - making it a criminal offence to finance terrorism, and using targeted financial sanctions to freeze the assets of terrorists and their financiers. The report reviewed measures to cut off terrorism-related finance in the jurisdictions which take part in the FATF's global network on anti-money laundering and countering terrorist financing (AML/CFT) ([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.

Albania

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

CASE	DATE	RESOLUTION	VIOLATION	CONCLUSION
Manushaqe Puto and Others (No. 604/07)	17 December 2012	CM/ResDH(2013)115	Non-enforcement of final domestic court and administrative decisions relating to the applicants' right to restitution or compensation (whether pecuniary or in kind) for property nationalised under the communist regime (violation of Articles 6 § 1, 1, of Protocol No. 1 and 13). The Court, in the pilot judgment <i>Manushaqe Puto and Others</i> , requested the setting-up of an effective compensation mechanism before 17 June 2014.	To follow up the decision adopted at the 1230th meeting and to assess the progress achieved in the implementation of the action plan.
Driza Group (No. 33771/02)	2 June 2008	CM/ResDH(2013)115	Non-enforcement of final domestic court and administrative decisions relating to the applicants' right to restitution or compensation (whether pecuniary or in kind) for property nationalised under the communist regime (violation of Articles 6 § 1, 1, of Protocol No. 1 and 13). The Court, in the pilot judgment <i>Manushaqe Puto and Others</i> , requested the setting-up of an effective compensation mechanism before 17 June 2014.	To follow up the decision adopted at the 1230th meeting and to assess the progress achieved in the implementation of the action plan.

B. Resolutions, signatures and ratifications

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

C. Other information

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

Armenia

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

[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: Second evaluation round visit to Armenia (22.12.2015)

A delegation of the GRETA carried out a second evaluation visit to Armenia from 14 to 18 December 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 - GRETA report on Armenia](#)).

Austria

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

CASE	DATE	RESOLUTION	CONCLUSION
Rambauske (No. 45369/07)	28 April 2010	CM/ResDH(2015)222	Examination closed
Almesberger (No. 13471/06)	10 March 2010	CM/ResDH(2015)222	Examination closed
Bachmayer (No. 36650/05)	28 January 2011	CM/ResDH(2015)222	Examination closed
Barthofer (No. 41113/08)	17 April 2012	CM/ResDH(2015)222	Examination closed
Fragner (No. 18283/06)	23 December 2010	CM/ResDH(2015)222	Examination closed
Gierlinger (No. 38032/05)	29 February 2008	CM/ResDH(2015)222	Examination closed
Gürsoy (No. 20597/04)	5 September 2008	CM/ResDH(2015)222	Examination closed
Hall (No. 5455/06)	6 June 2012	CM/ResDH(2015)222	Examination closed
Hauser-Sporn (No. 37301/03)	23 May 2007	CM/ResDH(2015)222	Examination closed
Jancikova (No. 56483/00)	7 July 2005	CM/ResDH(2015)222	Examination closed
Klug (No. 33928/05)	15 April 2009	CM/ResDH(2015)222	Examination closed
Kücher (No. 2834/09)	5 February 2015	CM/ResDH(2015)222	Examination closed
Müller No. 2 (No. 28034/04)	18 December 2008	CM/ResDH(2015)222	Examination closed
Ortner (No. 2884/04)	31 August 2007	CM/ResDH(2015)222	Examination closed
Otto (No. 12702/08)	22 January 2010	CM/ResDH(2015)222	Examination closed
Penias and Ortmaier (No. 35109/06)	18 January 2012	CM/ResDH(2015)222	Examination closed

Pfeifenberger (No. 6379/08)	4 October 2011	CM/ResDH(2015)222	Examination closed
Puchstein (No. 20089/06)	28 April 2010	CM/ResDH(2015)222	Examination closed
Riepl (No. 37040/02)	3 May 2005	CM/ResDH(2015)222	Examination closed
Schneider (No. 25166/05)	31 October 2008	CM/ResDH(2015)222	Examination closed
Schütte (No. 18015/03)	26 October 2007	CM/ResDH(2015)222	Examination closed
Seidl and Others (No. 45322/08)	19 December 2013	CM/ResDH(2015)222	Examination closed
Stechauer (No. 20087/06)	28 April 2010	CM/ResDH(2015)222	Examination closed
Stöttinger (No. 63463/09)	10 July 2014	CM/ResDH(2015)222	Examination closed
Strobel (No. 25929/05)	4 September 2009	CM/ResDH(2015)222	Examination closed
Stempfer (No. 18294/03)	26 October 2007	CM/ResDH(2015)222	Examination closed
Vitzhum (No. 8140/04)	26 October 2007	CM/ResDH(2015)222	Examination closed
Von Pezold (No. 5339/07)	11 April 2011	CM/ResDH(2015)222	Examination closed
VR-BANK STUTTGART EG (No. 28571/06)	20 August 2010	CM/ResDH(2015)222	Examination closed
Wurzer (No. 5335/07)	6 June 2012	CM/ResDH(2015)222	Examination closed

B. Resolutions, signatures and ratifications

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

C. Other information

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

Azerbaijan

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

CASE	DATE	RESOLUTION	VIOLATION	CONCLUSION
Namat Aliiev Group (No. 18705/06)	8 July 2010	No resolution adopted	Various irregularities in the context of the 2005 elections and lack of safeguards against arbitrariness.	To follow up the interim resolution adopted at the 1236th meeting
Mahmudov and Agazade Group (No. 35877/04)	18 March 2009	CM/ResDH(2015)250	Violation of right to freedom of expression, arbitrary application of law.	To follow up the interim resolution adopted at the 1236th meeting
Ilgar Mammadov (No. 15172/13)	13 October 2014	CM/ResDH(2015)156	Imprisonment for reasons other than those permitted by Article 5, namely to punish the applicant for having criticised the government (Article 18 taken in conjunction with Article 5).	To follow up the interim resolution adopted at the 1236th meeting

CASE	DATE	RESOLUTION	CONCLUSION
Mahmudov and Agazade (No. 35877/04)	18 March 2009	CM/ResDH(2015)250	Examination closed
Fatullayev (No. 40984/07)	4 October 2010	CM/ResDH(2015)250	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]

Belgium

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

CASE	DATE	RESOLUTION	VIOLATION	CONCLUSION
Trabelsi (No. 140/10)	16 February 2015	No resolution adopted	Extradition of the applicant to the United States, where he risks an irreducible life sentence (Article 3). Non-respect of interim measure indicated by the Court (Article 34).	To assess the action plan submitted on 20 October 2015.
Dumont Group (No. 49525/99)	28 July 2005	CM/ResDH(2015)245	Excessive length of civil and criminal proceedings (Article 6 § 1) and, in several cases, lack of an effective remedy (Article 13).	To assess the progress achieved and the outstanding questions in this group of cases. To examine the proposal to conclude the Committee's supervision of 17 cases concerned by the positive developments in the area of length of judicial proceedings and domestic remedies

CASE	DATE	RESOLUTION	CONCLUSION
Dumont (No. 49525/99)	28 July 2005	CM/ResDH(2015)245	Examination closed
Barbier (No. 24731/03)	20 December 2007	CM/ResDH(2015)245	Examination closed
De Saedeleer (No. 27535/04)	24 October 2007	CM/ResDH(2015)245	Examination closed
De Staerke (No. 51788/99)	28 July 2005	CM/ResDH(2015)245	Examination closed
Denée (No. 31634/03)	4 March 2008	CM/ResDH(2015)245	Examination closed
Heremans (No. 28171/04)	24 July 2008	CM/ResDH(2015)245	Examination closed
Iwankowski and Others (No. 6203/04)	27 February 2008	CM/ResDH(2015)245	Examination closed

Jouan (No. 5950/05)	12 May 2008	CM/ResDH(2015)245	Examination closed
Lenardon (No. 18211/03)	26 January 2007	CM/ResDH(2015)245	Examination closed
Leonardi (No. 35327/05)	3 May 2009	CM/ResDH(2015)245	Examination closed
Leroy (No. 52098/99)	15 October 2005	CM/ResDH(2015)245	Examination closed
Marien (No. 46046/99)	3 February 2006	CM/ResDH(2015)245	Examination closed
Nagler and Nalimmo B.V.B.A (No. 40628/04)	17 October 2007	CM/ResDH(2015)245	Examination closed
Raway and Wera (No. 25864/04)	27 February 2008	CM/ResDH(2015)245	Examination closed
Reyntiens (No. 52112/99)	28 July 2005	CM/ResDH(2015)245	Examination closed
Robyns de Schneidauer (No. 50236/99)	28 July 2005	CM/ResDH(2015)245	Examination closed
Schinckus (No. 29198/05)	1 July 2008	CM/ResDH(2015)245	Examination closed

B. Resolutions, signatures and ratifications

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

C. Other information

■ GRETA: Round-table to support anti-trafficking efforts in Belgium (03.12.2015)

A round-table meeting on the follow-up to be given to GRETA's first report on Belgium took place in Brussels on 3 December 2015 ([Read more](#)).

Bulgaria

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

CASE	DATE	RESOLUTION	CONCLUSION
Popnikolov (No. 30388/02)	11 January 2012	CM/ResDH(2015)223	Examination closed
Basarba (No. 77660/01)	20 April 2011	CM/ResDH(2015)223	Examination closed
Manolov and Racheva- Manolova (No. 54252/00)	11 March 2009	CM/ResDH(2015)224	Examination closed
Haralampiev (No. 29648/03)	24 September 2012	CM/ResDH(2015)252	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]

Croatia

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

CASE	DATE	RESOLUTION	CONCLUSION
Ivanka Appel (No. 63463/13)	21 April 2015	CM/ResDH(2015)225	Examination closed
Ante Beslic (No. 75603/13)	21 April 2015	CM/ResDH(2015)225	Examination closed
Ivan Kusenec (No. 34515/13)	21 April 2015	CM/ResDH(2015)225	Examination closed
Petar Odak (No. 24290/13)	21 April 2015	CM/ResDH(2015)225	Examination closed
Goranka Ruzic (No. 28051/14)	21 April 2015	CM/ResDH(2015)225	Examination closed
Josip Skovrlj (No. 21044/13)	21 April 2015	CM/ResDH(2015)225	Examination closed
Manda Talan (No. 57620/14)	21 April 2015	CM/ResDH(2015)225	Examination closed
Seadeta Zic (No. 39293/14)	21 April 2015	CM/ResDH(2015)225	Examination closed
Hrvatski liječnički Sindikat (No. 36701/09)	27 February 2015	CM/ResDH(2015)226	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]

Czech Republic

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

CASE	DATE	RESOLUTION	CONCLUSION
Kummer (No. 32133/11)	25 June 2014	CM/ResDH(2015)227	Examination closed

B. Resolutions, signatures and ratifications

■ CM: Recommendation on the application of the European Charter for Regional or Minority Languages by the Czech Republic, 1 December 2015

CM recommended that the authorities of the Czech Republic change the legislation concerning the committees for national minorities; intensify efforts to promote awareness and tolerance vis-à-vis all regional or minority languages and the cultures they represent as an integral part of the cultural heritage of the Czech Republic; adopt a structured policy for the protection and promotion of German and Romani, and create favourable conditions for their use in public life; take resolute steps to make available teaching in or of German as a minority language in co-operation with the German speakers; take resolute steps to offer teaching of Romani in mainstream education, in co-operation with the speakers. - [Link to the recommendation](#)

C. Other information

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

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France

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

CASE	DATE	RESOLUTION	VIOLATION	CONCLUSION
M.K. (No. 19522/09)	18 July 2013	No resolution adopted	Violation of the right to respect for private life; collection and retention of fingerprints (Article 8).	To assess the action plan and to request information concerning general measures

CASE	DATE	RESOLUTION	CONCLUSION
Saoud (No. 9375/02)	9 January 2008	CM/ResDH(2015)228	Examination closed

B. Resolutions, signatures and ratifications

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

C. Other information

■ CPT: Visit to France (01.12.2015)

A delegation of the CPT carried out a periodic visit to France from 15 to 27 November 2015. This was the twelfth visit of the Committee to France and was part of the programme of periodic visits for 2015 (...). During the visit, the delegation paid particular attention to the conditions of deprivation of liberty in three remand prisons affected by overcrowding and to the regime of certain categories of convicted prisoners in different establishments, including in a unit holding “radicalised” prisoners ([Read more](#)).

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

■ CPT: Publication of a report (15.12.2015)

The CPT has published a report on its fifth periodic visit to Georgia, which took place from 1 to 11 December 2014, together with the response of the Georgian Government. Both documents have been made public at the request of the Georgian authorities ([Read more](#) - [Link to the report](#)).

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

■ CPT: Visit to Germany (11.12.2015)

A delegation of the CPT carried out a periodic visit to Germany from 25 November to 7 December 2015. This was the CPT's sixth periodic visit to this country. The main objective of the visit was to review the measures taken by the relevant authorities to implement recommendations made by the Committee after its previous visits ([Read more](#)).

Greece

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

CASE	DATE	RESOLUTION	VIOLATION	CONCLUSION
M.S.S. (No. 30696/09)	21 January 2011	No resolution adopted	Conditions of detention of asylum seekers and irregular migrants (Article 3) and lack of an effective remedy to challenge conditions of detention (Articles 3 and 13); living conditions of asylum seekers (Article 3); Ineffective asylum procedure and lack of an effective remedy to challenge the shortcomings of the asylum procedure (Articles 3 and 13).	To follow up the decision adopted at the 1214th meeting
Rahimi Groups (No. 8687/08)	21 January 2011	No resolution adopted	Conditions of detention of asylum seekers and irregular migrants (Article 3) and lack of an effective remedy to challenge conditions of detention (Articles 3 and 13); living conditions of asylum seekers (Article 3); Ineffective asylum procedure and lack of an effective remedy to challenge the shortcomings of the asylum procedure (Articles 3 and 13).	To follow up the decision adopted at the 1214th meeting

CASE	DATE	RESOLUTION	CONCLUSION
Vassilios Athanasiou and 205 Other cases of proceedings before administrative courts (No. 50973/08)	21 March 2011	CM/ResDH(2015)230	Examination closed
Michelioudakis and 82 Other cases concerning the length of criminal proceedings (No. 54447/10)	3 July 2012	CM/ResDH(2015)231	Examination closed
Glykantzi and 57 other applications concerning the length of civil proceedings (No. 40150/09)	30 January 2013	CM/ResDH(2015)231	Examination closed

B. Resolutions, signatures and ratifications

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

C. Other information

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

Hungary

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

CASE	DATE	RESOLUTION	VIOLATION	CONCLUSION
Horvat and Kiss (No. 11146/11)	29 April 2013	No resolution adopted	Discriminatory assignment of the Roma applicants to a special school for children with mental disabilities during their primary education (Article 2 Prot. No. 1 read in conjunction with Article 14).	To assess the measures reported so far and to identify measures still outstanding.

B. Resolutions, signatures and ratifications

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

C. Other information

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

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

CASE	DATE	RESOLUTION	VIOLATION	CONCLUSION
M.C. and Others (No. 5376/11)	3 December 2013	No resolution adopted	Pilot judgment: Legislative intervention which, retrospectively and in a discriminatory manner, deprived the applicants of the annual adjustment of the supplementary component of a compensation allowance paid to them following their accidental contamination with different viruses as a result of blood transfusions or the administration of blood derivatives (violations of Article 6 § 1 and of Article 1 of Protocol No. 1 taken alone or in conjunction with Article 14).	To follow up the decision adopted by the Committee at the last examination of the case . To examine the state of adoption of the general measures
Ceteroni Group (No. 22461/93)	15 November 1996	CM/ResDH(2010)224	Excessive length of proceedings before civil courts (Article 6 § 1	To assess the progress made in the implementation of the general measures. To assess the possibility to close the examination of 178 cases concerning legal separation and divorce proceedings and civil proceedings which had come under the jurisdiction of 27 First Instance Courts (<i>tribunali</i>)

CASE	DATE	RESOLUTION	CONCLUSION
Andreoletti (No. 29155/95)	15 May 1997	CM/ResDH(2015)246	Examination closed
T.A.M. (No. 37165/97)	18 January 1999	CM/ResDH(2015)246	Examination closed
Bonelli (No. 44457/98)	1 June 2001	CM/ResDH(2015)246	Examination closed
Minici (No. 48403/99)	23 January 2002	CM/ResDH(2015)246	Examination closed
Raffi (No. 26046/94)	13 September 1996	CM/ResDH(2015)246	Examination closed
R.D. (No. 26440/95)	13 September 1996	CM/ResDH(2015)246	Examination closed
A.A.Q. (No. 26829/95)	15 November 1996	CM/ResDH(2015)246	Examination closed
S.D.P. (No. 27962/95)	19 March 1997	CM/ResDH(2015)246	Examination closed
Faieta (No. 29040/95)	18 February 1998	CM/ResDH(2015)246	Examination closed
V.M. (No. 29130/95)	15 May 1997	CM/ResDH(2015)246	Examination closed
Cavadini (No. 29161/95)	15 May 1997	CM/ResDH(2015)246	Examination closed
Foresta (No. 29653/96)	17 September 1997	CM/ResDH(2015)246	Examination closed
Minnai (No. 32280/96)	18 February 1998	CM/ResDH(2015)246	Examination closed
Sgro (No. 33148/96)	22 April 1998	CM/ResDH(2015)246	Examination closed
Laino (No. 33158/96)	18 February 1999	CM/ResDH(2015)246	Examination closed
Manni (No. 34241/96)	10 July 1998	CM/ResDH(2015)246	Examination closed
Pezzini (No. 34278/96)	10 July 1998	CM/ResDH(2015)246	Examination closed
Di Fabio (No. 34851/97)	25 September 1998	CM/ResDH(2015)246	Examination closed
Bazzea Paola (No. 35921/97)	18 January 1999	CM/ResDH(2015)246	Examination closed
Bolignari (No. 37175/97)	19 February 1999	CM/ResDH(2015)246	Examination closed

Bargagli (No. 38109/97)	9 November 1999	CM/ResDH(2015)246	Examination closed
Dalla Pozza (No. 38485/97)	9 June 1999	CM/ResDH(2015)246	Examination closed
Liberatore (No. 44394/98)	27 May 2001	CM/ResDH(2015)246	Examination closed
Tedesco (No. 40593/98)	8 October 1999	CM/ResDH(2015)246	Examination closed
Pittoni (No. 45874/99)	7 February 2001	CM/ResDH(2015)246	Examination closed
Rotiroti (No. 46513/99)	21 February 2001	CM/ResDH(2015)246	Examination closed
G.V. (No. 47786/99)	21 June 2001	CM/ResDH(2015)246	Examination closed
Almanio Antonio Romano (No. 52969/99)	12 May 2002	CM/ResDH(2015)246	Examination closed
A.C. (V) and 148 other cases (No. 27985/95)	19 March 1997	CM/ResDH(2015)247	Examination closed

B. Resolutions, signatures and ratifications

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

C. Other information

■ CPT: The Committee examined treatment of foreign nationals during a removal operation by air from Italy (18.12.2015)

A delegation of the CPT has recently examined the treatment of foreign nationals during a removal operation by air from Italy, coordinated and co-financed by the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (FRONTEX) ([Read more](#)).

Latvia

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

CASE	DATE	RESOLUTION	CONCLUSION
Natalia Alekseeva (No. 73285/12)	10 March 2015	CM/ResDH(2015)232	Examination closed
Aleksandrs Kurganov (No. 11579/05)	20 January 2015	CM/ResDH(2015)232	Examination closed
Nagla (No. 73469/10)	16 October 2013	CM/ResDH(2015)233	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

CASE	DATE	RESOLUTION	VIOLATION	CONCLUSION
Paksas (No. 34932/04)	6 January 2011	No resolution adopted	Permanent and irreversible ban from standing for parliamentary elections due to the applicant's removal from presidential office following impeachment proceedings (violation of Article 3 of Protocol No. 1).	To follow up the decision adopted at the 1222nd meeting

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]

Republic of Moldova

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

CASE	DATE	RESOLUTION	VIOLATION	CONCLUSION
Eremia Group (No. 3564/11)	28 August 2013	No resolution adopted	Authorities' failure to protect women from domestic violence by their (ex-) husbands (Articles 3 + 8); discriminatory attitude of domestic authorities towards the victims as women (Article 14 read with Article 3).	To assess the three action plans received since the Committee's last examination

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

[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: Promoting the protection of the rights of victims of trafficking in human beings: a multi-disciplinary regional workshop in Budva, Montenegro (16.12.2015)

The Council of Europe, in co-operation with the Office for Fight against Trafficking in Human Beings of Montenegro, organised a two-day workshop on enhancing the protection of victims of trafficking in human beings ([Read more](#)).

Poland

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

CASE	DATE	RESOLUTION	VIOLATION	CONCLUSION
Al Nashiri Group (No. 28761/11)	16 February 2015	No resolution adopted	Various violations related to secret rendition operations.	To examine the urgent individual measures and to assess other measures presented in the action plan of 13/08/2015.
Podbielski Group (No. 27916/95)	26 October 2000	CM/ResDH(2007)28	Excessive length of criminal and civil proceedings (Article 6 § 1), and lack of an effective remedy (Article 13).	To examine the authorities' action plan, and the possibility of closing the Committee's supervision of a significant number of old cases concerning the lack of any remedy
Kudla Group (No. 30210/96)	30 October 1998	CM/ResDH(2007)28	Excessive length of criminal and civil proceedings (Article 6 § 1), and lack of an effective remedy (Article 13).	To examine the authorities' action plan, and the possibility of closing the Committee's supervision of a significant number of old cases concerning the lack of any remedy

CASE	DATE	RESOLUTION	CONCLUSION
Baczowski and Others (No. 1543/06)	24 September 2007	CM/ResDH(2015)234	Examination closed
Plonka (No. 20310/02)	30 June 2009	CM/ResDH(2015)235	Examination closed
Mojsiejew (No. 11818/02)	24 June 2009	CM/ResDH(2015)236	Examination closed
Kudla and 204 other cases concerning length of proceedings (No. 30210/96)	26 October 2000	CM/ResDH(2015)248	Examination closed

B. Resolutions, signatures and ratifications

■ CM: Recommendation on the application of the European Charter for Regional or Minority Languages by Poland, 1 December 2015

CM recommended that the Polish authorities strengthen efforts to promote awareness and tolerance in Polish society as a whole vis-à-vis regional or minority languages and the cultures they represent;

make available education in Belarusian, German, Kashub, Lemko and Ukrainian as a medium of instruction at pre-school, primary and secondary levels; provide updated textbooks and other teaching materials for regional or minority language education in accordance with the New Core Curriculum and the basic and further training of a sufficient number of teachers who are able to teach subjects in Belarusian, German, Kashub, Lemko and Ukrainian; take measures to strengthen the offer of broadcasting in all regional or minority languages; reconsider the application of the 20% threshold with regard to the undertakings in Article 10 and create the legal possibility of submitting oral or written applications in the regional or minority languages also in relation to districts and voivodships; establish, in close co-operation with the speakers concerned, a structured policy and take flexible measures facilitating the application of the Charter to the Armenian, Czech, Karaim, Romani, Russian, Slovak, Tatar and Yiddish languages. [Link to the recommendation](#)

C. Other information

■ PACE President concerned by threat to the Rule of Law in Poland (22.12.2015)

PACE president called on her parliamentary colleagues in Poland not to enact, precipitously, legislation relating to the Constitutional Tribunal which may seriously undermine the Rule of Law. ([Read more](#))

Portugal

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

CASE	DATE	RESOLUTION	CONCLUSION
Daniel Filipe Dias Campos (No. 36422/13)	27 January 2015	CM/ResDH(2015)237	Examination closed
Moinhos de Trigo de Setubal S.A. (No. 43460/13)	27 January 2015	CM/ResDH(2015)237	Examination closed
Maria Cidalia Rodrigues De Freitas and others (No. 20186/13)	7 April 2015	CM/ResDH(2015)237	Examination closed
Donaldo Rodrigues (No. 35494/13)	27 January 2015	CM/ResDH(2015)237	Examination closed
Maria Vieira Soares and Others (No. 34710/13)	10 March 2015	CM/ResDH(2015)237	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

CASE	DATE	RESOLUTION	CONCLUSION
Tanase and Others (No. 62954/00)	26 August 2009	CM/ResDH(2015)238	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]

Russian Federation

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

CASE	DATE	RESOLUTION	VIOLATION	CONCLUSION
Gerasimov and Others (No. 29920/05)	1 October 2014	No resolution adopted	Failure or serious delay of the authorities in abiding by final domestic judicial decisions and lack of a remedy in respect of decisions ordering in-kind obligations (Articles 6, 13 and Article 1 of Protocol No. 1). Pilot judgment requiring the setting-up of a remedy and the granting of redress in existing applications.	To examine the setting-up of domestic remedies, in view of the deadline set by the Court (1 October 2015)
Klyakhin Group (No. 46082/99)	6 June 2005	CM/ResDH(2010)35	Various violations of Article 5, mainly arising from detention without court decision; failure to inform applicants about reasons of their arrest; lack of relevant and sufficient reasons for continued detention; problems with judicial review of detention orders; and absence of an effective remedy against these violations (Article 5 §§ 1, 2, 3, 4 and 5).	To be determined

CASE	DATE	RESOLUTION	CONCLUSION
Gennadiy Nikolayevich Ivanov and 2 other applications (No. 30605/05)	23 September 2014	CM/ResDH(2015)239	Examination closed
Anton Yuryevich Glushchenko and 6 other Applications (No. 32476/07)	27 January 2015	CM/ResDH(2015)239	Examination closed
Goncharenko and 3 others applications (No. 41863/10+)	29 January 2013	CM/ResDH(2015)239	Examination closed
Viktor Nikolayevich Kostousov and 6 Other Applications (No. 42891/05)	23 September 2014	CM/ResDH(2015)239	Examination closed
Sergey Alekseyevich Turishchev (No. 34809/05)	27 January 2015	CM/ResDH(2015)239	Examination closed
Dmitriy Gennadyevich Zhuravlev (No. 3034/07)	27 January 2015	CM/ResDH(2015)239	Examination closed
Bednov (No. 21153/02)	1 September 2006	CM/ResDH(2015)249	Examination closed
Mukharev (No. 22921/05)	3 July 2012	CM/ResDH(2015)249	Examination closed
Petr Ponomarev (No. 35411/05)	10 September 2010	CM/ResDH(2015)249	Examination closed
Pletmentsev (No. 4157/04)	27 September 2013	CM/ResDH(2015)249	Examination closed
Razhev (No. 29448/05)	12 September 2012	CM/ResDH(2015)249	Examination closed
Sergey Chebotarev (No. 61510/09)	7 August 2014	CM/ResDH(2015)249	Examination closed
Sergey Solovoyev (No. 22152/05)	11 February 2013	CM/ResDH(2015)249	Examination closed
Shaposhnikov (No. 8998/05)	29 October 2010	CM/ResDH(2015)249	Examination closed
Shulenkoy (No. 38031/04)	17 September 2010	CM/ResDH(2015)249	Examination closed
Sigarev (No. 53812/10)	30 January 2015	CM/ResDH(2015)249	Examination closed
Stepanov (No. 33872/05)	25 December 2012	CM/ResDH(2015)249	Examination closed

Tarakanov (No. 20403/05)	28 February 2014	CM/ResDH(2015)249	Examination closed
Yevdokimov (No. 17183/05)	17 December 2009	CM/ResDH(2015)249	Examination closed

B. Resolutions, signatures and ratifications

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

C. Other information

■ PACE: Rapporteurs deeply concerned about law that allowed Russia to ignore decisions of the ECHR (18.12.2015)

PACE co-rapporteurs expressed their deep concern about the signing into force by President Putin of the law that would allow the Constitutional Court of Russia to decide not to implement judgments and decisions by, inter alia, the European Court of Human Rights. ([Read more](#))

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

CASE	DATE	RESOLUTION	VIOLATION	CONCLUSION
Zorica Jovanovic (No. 21794/08)	9 September 2013	No resolution adopted	Violation of the applicant's right to respect for her family life on account of the respondent State's continuing failure to provide her with credible information as to the fate of her son, who allegedly died in a maternity ward in 1983; his body has never been transferred to her/she has not been informed where he had allegedly been buried; and his death has never been properly investigated and officially recorded (violation of Article 8).	To reiterate the call on the Serbian authorities to pursue their efforts that the necessary measures are adopted as a matter of priority given that the deadline set by the Court expired on 9 September 2014.

B. Resolutions, signatures and ratifications

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

C. Other information

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

Slovak Republic

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

CASE	DATE	RESOLUTION	CONCLUSION
Peter Duracka (No. 11810/12)	21 April 2015	CM/ResDH(2015)240	Examination closed
Maria Hoferova (No. 75368/13)	21 April 2015	CM/ResDH(2015)240	Examination closed
Stefan Hvizdak (No. 76634/12)	21 April 2015	CM/ResDH(2015)240	Examination closed
Lucia Lohnertova (No. 67527/14)	21 April 2015	CM/ResDH(2015)240	Examination closed
Regina Palsova (No. 45247/11)	21 April 2015	CM/ResDH(2015)240	Examination closed
Jan Sarkocy (No. 62656/13)	21 April 2015	CM/ResDH(2015)240	Examination closed
Jan Sarkocy (No. 65736/13)	21 April 2015	CM/ResDH(2015)240	Examination closed
Emilia Vicanova (No. 63857/14)	21 April 2015	CM/ResDH(2015)240	Examination closed
Vlasta Zuffova (No. 79310/12)	21 April 2015	CM/ResDH(2015)240	Examination closed

B. Resolutions, signatures and ratifications

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

C. Other information

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

“The former Yugoslav Republic of Macedonia”

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

CASE	DATE	RESOLUTION	VIOLATION	CONCLUSION
El-Masri (No. 39630/09)	13 December 2012	No resolution adopted	Various violations related to the CIA secret rendition operations.	To follow up the decision adopted at the 1230th meeting (June 2015).

CASE	DATE	RESOLUTION	CONCLUSION
Nenad Trifunovski (No. 24094/11)	2 June 2015	CM/ResDH(2015)241	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]

Turkey

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

CASE	DATE	RESOLUTION	VIOLATION	CONCLUSION
Varnava and Others (No. 16064/90)	22 March 2006	CM/ResDH(2013)201	Lack of effective investigation into the fate of nine Greek Cypriot who disappeared during the military operations by Turkey in Cyprus in 1974. Continuous denial of access to property in the northern part of Cyprus and consequent loss of control thereof (Article 1 Protocol No. 1). Violation of the right to respect for applicants' home in some cases (Article 8).	To examine the issue of payment of the just satisfaction and the individual measures in the Xenides-Arestis group
Xenides-Arestis Group (No. 46347/99)	23 May 2007	CM/ResDH(2008)99	Lack of effective investigation into the fate of nine Greek Cypriot who disappeared during the military operations by Turkey in Cyprus in 1974. Continuous denial of access to property in the northern part of Cyprus and consequent loss of control thereof (Article 1 Protocol No. 1). Violation of the right to respect for applicants' home in some cases (Article 8).	To examine the issue of payment of the just satisfaction and the individual measures in the Xenides-Arestis group
Bati and Others Group (No. 33097/96)	3 September 2004	No resolution adopted	Lack of an effective investigation into the death of the applicants' next-of-kin; torture or ill-treatment of	To take stock of the measures already taken and to identify the outstanding questions

			applicants; serious shortcomings relating to the criminal and disciplinary proceedings initiated against members of security forces (mainly violation of Articles 2, 3 and 13).	
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CASE	DATE	RESOLUTION	CONCLUSION
Cetin and Others (No. 40153/98+)	13 May 2003	CM/ResDH(2015)242	Examination closed
Özerman and Others (No. 3197/05)	20 January 2009	CM/ResDH(2015)243	Examination closed
Atilgan and Others (No. 14495/11+)	27 January 2015	CM/ResDH(2015)253	Examination closed

B. Resolutions, signatures and ratifications

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

C. Other information

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

Ukraine

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

CASE	DATE	RESOLUTION	VIOLATION	CONCLUSION
Vyerentsov Group (No. 20372/11)	11 July 2013	No resolution adopted	Administrative conviction of the applicant for holding peaceful demonstration despite lack of law regulating the holding of public assemblies (Article 11 + 7); several violations of the right to a fair trial (Article 6 §§ 1 + 3).	To review the situation regarding the general and individual measures.

CASE	DATE	RESOLUTION	CONCLUSION
Valentyna Petrivna Lintsevych (No. 12511/13)	25 November 2014	CM/ResDH(2015)244	Examination closed
Mykola Mykolayovych Ryzhyk (No. 48001/11)	4 November 2014	CM/ResDH(2015)244	Examination closed
Oleksandr Grygorovych Serebryanskyy (No. 44054/13)	3 March 2015	CM/ResDH(2015)244	Examination closed
Kostyantyn Yuriyovych Tymkovych (No. 16702/13)	3 March 2015	CM/ResDH(2015)244	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]

United Kingdom

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

CASE	DATE	RESOLUTION	VIOLATION	CONCLUSION
McKerr Group (No. 28883/95)	4 August 2001	CM/ResDH(2009)44	Group of cases concerning action of the security forces in Northern Ireland in the 1980s and 1990s (Article 2).	To follow up the decision adopted at the 1222nd meeting .
Hirst No.2 Group (No. 74025/01)	6 October 2005	CM/ResDH(2009)160	Blanket ban on voting imposed automatically on the applicants due to their status as convicted offenders detained in prison (violation of Article 3 of Protocol No. 1). Pilot judgment of 23/11/2010, Greens and M.T. (60041/08 and 60054/08, final on 11/04/2011).	To follow up the decision adopted at the 1236th meeting urging the United Kingdom authorities to introduce a Bill to amend the blanket ban on prisoner voting as soon as possible.
Al-Skeini and Others (No. 55721/07)	7 July 2011	No resolution adopted	Insufficiently independent and/or effective investigations into deaths in Iraq when the United Kingdom was an occupying force (procedural violations of Article 2).	To assess the action plan submitted on 05/10/2015 and, in the light of the measures taken, to decide on the proposal to transfer the case to the standard procedure.

CASE	DATE	RESOLUTION	CONCLUSION
Hirst No. 2 (No. 74025/01)	6 October 2005	CM/ResDH(2015)251	Examination closed
Greens and M.T. (No. 60041/08+)	11 April 2011	CM/ResDH(2015)251	Examination closed
Firth and Others (No. 47784/09+)	15 December 2014	CM/ResDH(2015)251	Examination closed

McHugh and Others (No. 51987/08+)	10 February 2015	CM/ResDH(2015)251	Examination closed
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B. Resolutions, signatures and ratifications

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

C. Other information

■ PACE: “We need more of the UK in Europe, during these challenging times, not less” (16.12.2015)

PACE president highlighted the important role that the United Kingdom has always played as a champion of human rights, a model of democracy and generous international donor. ([Read more](#) - [PACE President: high-level bilateral contacts in London](#))