

REGULAR SELECTIVE INFORMATION FLOW

for the attention of the National Human Rights Structures

Issue#139

[1 – 31 March 2016]

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Information **selected** by the « Versailles St-Quentin Institutions Publiques » research centre (Versailles St-Quentin-en-Yvelines University, France), under the responsibility of the Directorate of Human Rights (DG I) of the Council of Europe
For any queries please contact: eugen.cibotaru@coe.int

Introduction

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

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

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

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PartOne

GENERAL INFORMATION

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

This information was issued during the period under observation (1 - 31 March 2016) 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)**

F.G. v. SWEDEN (No. 43611/11) — Importance 1 — 23 March 2016 — No violation of Article 2 and Article 3 — Domestic authorities’ proportionate assessment of the risk on the basis of the applicant’s political past — Violation of Articles 2 and 3 — Domestic authorities’ liability in case of expulsion due to risk on the basis of religion

The applicant was a foreigner who converted to Christianity in the country at stake. He asked for asylum on the grounds of his faith (one request for asylum for political reasons had already been dismissed). His request had been refused, because his faith was not a new circumstance, as he was already converted for the first request but refused to have it examined on this ground. His expulsion had been suspended on the basis of Rule 39 of the Rules of this Court.

The Court dismissed the domestic authorities’ request to strike the case out of its list of cases on the ground that the deportation order had expired in June 2015 and was therefore no longer enforceable,

as the applicant had still lost his victim status. Moreover, as the impact of the case went beyond the particular situation of the applicant, the Court therefore found that there were special circumstances regarding respect for human rights, which required the continued examination of the case.

Articles 2 and 3

The applicant would not be at risk in his own country as a result of the general situation so the Court looked for his personal situation. The Court recognised that he was under no threat because of his political activities. Concerning religion, the Court noted that domestic authorities were aware of his conversion and that he might therefore belong to a group of persons who could be at risk upon returning to his country. However, due to the fact that the applicant had declined to invoke the conversion as an asylum ground in his first request, they had not carried out a thorough examination of his conversion.

As domestic authorities had refused to examine his conversion, stating that it was not a new circumstance, they had so far never made an assessment of the risk that the applicant could encounter, as a result of his conversion, upon returning to his country. Hence they are now under an obligation, given the absolute nature of Articles 2 and 3, to make a new assessment.

It followed that there would be a violation of Articles 2 and 3 of the Convention if the applicant was to be returned to his country without a fresh and up-to-date assessment being made by domestic authorities of the consequences of his conversion.

Article 41 (just satisfaction)

The Court held that Sweden was to pay the applicant EUR 33,742 for costs and expenses.

ARMANI DA SILVA V. THE UNITED KINGDOM (No. 5878/08) - Importance 1 - 30 March 2016 - No violation of Article 2 - Domestic authorities' effective investigation into the mistaken shooting of the applicant's cousin by police forces

The case concerned the fatal shooting of the applicant's cousin, who was mistakenly identified by the police as a suicide bomber. More particularly, she complained about the decision not to prosecute any individuals for her cousin's death. She also took issue with the definition of self-defence in domestic law, as the officers who shot her cousin only had to show that they had an honest belief (as opposed to an honest and reasonable belief) that the use of force had been absolutely necessary.

The Court first recalled that, having regard to its fundamental character, Article 2 of the Convention contains a procedural obligation to carry out an effective investigation into alleged breaches of its substantive limb. The Court also reiterated that it is not an obligation of result, but of means, meaning that domestic authorities must take whatever reasonable steps they can to secure the evidence concerning the incident, but that they are not ought to punish those responsible. In this case, the Court observes that independent authorities conducted both instances, and that there was nothing to suggest that those bodies had failed to secure the relevant physical or forensic evidence, or to seek out relevant witnesses or relevant information. The Court therefore had no objection towards domestic jurisdictions' conclusions that there had been insufficient evidence against any individual officer to prosecute in respect of any criminal offence.

Moreover, the Court found that the test for self-defence in domestic law was not significantly different from the standard that it itself applied. It noted that in both instances, the focus was on whether there existed an honest and genuine belief that the use of force was necessary and the reasonableness of that belief was relevant to the determination of whether it was honestly and genuinely held. The Court also took into consideration that the evidential test applied in deciding whether to prosecute, had been the subject of frequent reviews, public consultations and political scrutiny.

Finally, the Court observed that the domestic police service recognised that the applicant's cousin had been killed by error, that they apologised to his family face to face and that they helped to cover their financial needs.

In conclusion, having regard to the proceedings as a whole, the Court found that the domestic authorities had not failed in their obligations under Article 2 of the Convention to conduct an effective investigation into the shooting of the applicant's cousin, which had been capable of leading to the establishment of the facts, a determination of whether the force used had or had not been justified in the circumstances and of identifying and – if appropriate – punishing those responsible.

Accordingly, the Court found that there had been no violation of the procedural aspect of Article 2 of the Convention.

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

ZALYAN AND OTHERS V. ARMENIA (Nos. 36894/04 AND 3521/07) — Importance 2 — 17 March 2016 — No violation of Article 3 — No proof of the alleged torture — Violation of Article 3 — Domestic authorities' liability for a lack of investigation on the alleged torture — Violation of Article 5 § 1, 2 and 3 — Unjustified detention of one of the applicants

The applicants were performing their military service on another territory when they had been accused of murder. They maintained they had been tortured during questioning to make them confess. After one of them had confessed the murder, they had been arrested and charged with this criminal offense. The one who had admitted the murder retracted his confession. During the proceedings the applicants and their lawyers unsuccessfully addressed several complaints to a number of authorities that they had been ill-treated by the investigators, without any effect. They had all been convicted of murder and sentenced to 15 years' imprisonment. One of the applicants' father had appealed and the domestic court of cassation had quashed the judgments and remitted the case for further investigation. The applicants had been released but the prosecutor later decided not to open criminal proceedings concerning the ill-treatment. The applicants had been acquitted.

Article 3 (treatment)

The Court was not convinced that the documents on which domestic authorities relied in support of their claim that the applicants had not been ill-treated during the period in question could be considered sufficiently credible. Nevertheless, the documents produced by the applicants were not sufficient evidence to conclude that there had been a violation of Article 3 as regards the applicants' alleged torture.

Article 3 (investigation)

The Court considered that the applicants had raised an arguable claim of having been subjected to ill-treatment and that the authorities had therefore been under an obligation to carry out an effective investigation into those allegations. Domestic authorities were aware of the complaint but did nothing, as neither the alleged perpetrators nor any witnesses had been questioned and no medical examinations had been ordered. Finally the prosecutor decided not to open criminal proceedings.

The Court concluded that there had been a violation of Article 3 on account of the lack of an effective investigation into the applicants' complaints.

Article 5

The Court noted that, even if domestic authorities claimed that the detention of one of the applicants was a lawful disciplinary measure imposed by the commission of a disciplinary offense, they produced no convincing document. So, the detention had been imposed under a false pretext, and had not been authorised by a court. Thus, there had been a violation of Article 5 § 1. The Court moreover found a violation of Article 5 § 2, on account of the authorities' failure to inform promptly the applicant of the reasons for his deprivation of liberty, and a violation of Article 5 § 3, on account of the fact that he had been brought before a judge only about six days after having been deprived of his liberty. In view of the finding under Article 5 § 3, the Court did not consider it necessary to examine separately the complaint under Article 5 § 4.

Article 41 (just satisfaction)

The Court held that Armenia was to pay the main applicant EUR 20,000 and the other two applicants EUR 15,000 each in respect of non-pecuniary damage.

M.G. v. TURKEY ([IN FRENCH ONLY](#)) — No. 646/10 — Importance 2 — 22 March 2016 — Violation of Article 3 — Domestic authorities' liability for failing to protect a victim of conjugal violence — Violation of Article 14 in conjunction with Article 3 — Illegal discrimination in the protection offered to married wives victims of conjugal violence and those offered to divorced ones

The applicant is a woman who had been victim of domestic violence during her marriage, after which she had divorced.

She had lodged a complaint with the public prosecutor, and had produced several medical reports to back up her claims. Her husband had been charged with injuring his wife. The applicant had been granted protection measures and had divorced. Her husband had continued threatening her so the domestic court had ordered him not to approach her home or to disturb her by communicating with her. 8 years after her first complaint, a foundation attested she was still living under a continual threat.

Article 3

The Court noted there had been delays during the proceeding. As an example, the criminal proceedings had been opened more than five years and six months after the complaint. The Court also observed that domestic authorities had not taken into account the victim's particular state of psychological, physical and financial insecurity and vulnerability.

Moreover, during five years after the divorce, the domestic law did not provide protection measures so the applicant had to hide.

The Court considered that the applicant had been required to live in a situation likely to cause her fear, vulnerability and anxiety, and that, for many years after having applied to the domestic courts, she had been forced to live in fear of her former husband's conduct, which had led to a violation of Article 3 of the Convention.

Article 14 in conjunction with Article 3

The Court reiterated that it had already found that a State's failure, even where unintentional, to protect women against domestic violence breached their right to equal protection under the law. It also explained that violence against women were a form of discrimination. Moreover, as a divorced woman, the applicant had been discriminated with regard to other women, as she had not access to protective measures.

As a consequence, the Court concluded that there had been a violation of Article 14, taken together with Article 3 of the Convention.

Article 41 (just satisfaction)

The Court held that Turkey was to pay the applicant EUR 19,500 in respect of non-pecuniary damage and EUR 4,000 in respect of costs and expenses.

BLOKHIN v. RUSSIA ([No. 47152/06](#)) — Importance 1 — 23 March 2016 — Violation of Article 3 — Injury to dignity due to a limited access to toilets and to healthcare — Violation of Article 5 § 1 — Illegal detention of a disabled minor — Violation of Article 6 § 1 and 3 — Questioning of a minor without legal representation of the presence of his guardian

The applicant suffered from a mental and neurobehavioral disorder. When he was 12 years old, he had been arrested, questioned and accused of extortion by another young boy. He had signed a confession and retracted it later. A district court ordered his placement for 30 days in a temporary detention centre for juveniles. His grandfather, who was his curator, complained that he had been intimidated and then questioned in the absence of his guardian, while he was minor and suffering from a psychological disorder, so that his confession had been obtained under duress. He also complained

that the detention was unlawful and incompatible with his grandson's state of health but had been dismissed. The applicant claimed he did not receive any medical care in the temporary detention centre and that the access to the toilet was limited, so that he had to endure bladder pain and humiliation, given that he suffered from enuresis. After he had been released he had to be taken to hospital.

Article 3

The Court noted that the documents produced by domestic authorities were not dated from the period of the applicant's stay. Moreover, the testimonies were not convincing as they were related to something that happened 6 years earlier. In addition, the fact that documents had been destroyed did not absolve domestic authorities from their obligation to support their factual submissions with appropriate evidence. The Court found it established that about one month before being placed in detention, the applicant had been examined by specialists who had prescribed him medication and regular consultation by a neurologist and psychiatrist, and that immediately after his release he had been hospitalised for three weeks. Domestic authorities had failed to show that during his stay at the centre for 30 days, he had received the medical care required by his condition.

The Court concluded that there had been a violation of the applicant's rights under Article 3 on account of the lack of necessary medical treatment, having regard to his young age and particularly vulnerable situation.

Article 5

The Court considered that the applicant's placement for 30 days in a temporary detention centre had amounted to a deprivation of liberty within the meaning of Article 5 § 1. The Court noted that a 30 days detention could not have any helpful or educational effect, all the more so when it takes place in a centre under a disciplinary regime. Furthermore, the Court underlined that none of the domestic courts examining the detention order had stated that the placement was for educational purposes. Instead, they had referred to "behaviour correction" and the need to prevent the applicant from committing further delinquent acts, neither of which was a valid ground covered by Article 5 § 1 (d). His placement did not fall within the scope of any of the other subparagraphs of Article 5 § 1 either. There had accordingly been a violation of Article 5 § 1.

Article 6

The Court considered that, as the applicant had committed a delinquent act, the proceedings against him had constituted criminal proceedings within the meaning of Article 6, followed by a punishment. The Court noted that domestic courts did not take into consideration the applicant's best interests, as he was minor at that time, all the more since he was vulnerable. Moreover, he did not have any legal representation or contact with his guardian. Nevertheless, that confession statement, made in the absence of a lawyer, had not only been used against him, but it had formed the basis for domestic courts' finding that his actions had contained elements of the criminal offence of extortion. The absence of legal assistance during his questioning had therefore irretrievably affected his defence rights and undermined the fairness of the proceedings as a whole, in violation of Article 6 §§ 1 and 3 (c).

Article 41

The Court held that Russia was to pay the applicant EUR 7,500 in respect of non-pecuniary damage and EUR 1,910 in respect of costs and expenses.

SAKIR V. GREECE (IN FRENCH ONLY) — No. 48475/09 — Importance — 24 March 2016 — Violation of Articles 3 and 13 (with regard to the conditions of detention) — Domestic authorities' liability for the conditions of detention of illegal immigrants — Violation of Article 3 (with regard to the conduct of the investigation) — Unsatisfactory investigations on an irregular immigrant's aggression

The applicant is a foreigner who had been attacked and then taken to the hospital. The prosecutor decided to discontinue the proceedings against the assailants. After he had left the hospital, an expulsion procedure had been opened, as he had no papers. He had lodged an asylum application but had no reply. He had later been released with an order to leave the country within 30 days.

The Court refused to apply Article 2 to this case as it considered the applicant's survival had never been in doubt.

Article 3 and 13 (with regard to the conditions of the detention)

The Court underlined that several reports had already noted that irregular immigrants' conditions of detention were unsatisfactory. Moreover, domestic authorities had not sufficiently taken into account the applicant's state of health.

In the light of these factors, the Court concluded that there had been a violation of Article 3 of the Convention. In addition, after noting that no effective remedy had been available to enable the applicant to complain about the conditions of his detention, the Court held that there had been a violation of Article 13 in this respect.

Article 3 (with regard to the conduct of the investigation)

The Court noted shortcomings with regard to the gathering of evidence, no statement had been taken from the applicant during the ten days he was held in the police station. The police authorities did not even invite him to identify suspects. Moreover, no forensic medical report had been ordered. The Court also noted failings with regard to the questioning of witnesses by the police authorities.

Finally, the Court draw attention to the general context of the case, and to the reports by international NGOs highlighting the phenomenon of racist violence in this area, and serious omissions on the part of the police in investigating those attacks. The Court noted that in the present case the police and judicial authorities had not dealt with the applicant's case in a sufficiently effective manner by failing to make a connection between the assault against him and other similar incidents.

Hence, there had been a violation of Article 3 of the Convention under its procedural aspect.

Article 41 (just satisfaction)

As the applicant had not submitted a claim in respect of pecuniary or non-pecuniary damage, or in respect of costs and expenses, the Court considered that there was no call to award him any sum under those heads.

KORNEYKOVA AND KORNEYKOV V. UKRAINE (No. 56660/12) - Importance 1 - 24 March 2016 - Violations of Article 3 - Degrading treatment of a young mother and her child during her detention

The case concerned the applicants' complaint, a mother and child born, about degrading treatment received during the mother's detention, namely about: her shackling in the maternity hospital; the poor conditions of detention; inadequate medical care for her son; and her placement in a metal cage during the six court hearings on her case, first when she was heavily pregnant and then as a nursing mother.

As concerned the first complaint, the Court noted that several hospital staff had witnessed the applicant having been shackled to a gynaecological examination chair or to her bed. However, the Court found that any risk of the applicant behaving violently or attempting to escape would have been hardly imaginable given her condition and the fact that she was guarded by three security officers at all times. In fact, it was never alleged that she had behaved aggressively towards the hospital staff or the police, or that she had attempted to escape. Accordingly, the Court considered that, in the circumstances, shackling a woman suffering labour pains and immediately after the delivery amounted to inhuman and degrading treatment.

There had therefore been a violation of Article 3 of the Convention in this regard.

As concerned the conditions of detention in which the applicants had been held, the Court noted that they were light and in a good state of repair. However, the statements of several fellow detainees corroborated the applicants' allegations concerning the lack of water, as well as insufficient and poor quality of food. The Court also noted the lack of outdoor walks. It therefore considered that the cumulative effect of a breastfeeding mother's malnutrition, inadequate sanitary and hygiene arrangements for her and her new-born son, as well as insufficient outdoor walks, had to have been of

such an intensity as to induce physical suffering and mental anguish amounting to her and her child's inhuman and degrading treatment, in further violation of Article 3.

As to the alleged lack of medical care for the son during his 6 months in prison, the Court first noted that a new-born is particularly vulnerable. The hospital's doctor stated that it had been impossible to provide any information on the child's health as no requests for medical care for him had been made up until that point. The Court therefore considered it established that the applicant had remained without monitoring by a paediatrician for six months.

There had therefore been a third violation of Article 3.

Finally, concerning the mother's placement in a metal cage during six court hearings, the Court noted that she was at a very advanced stage of pregnancy, or in a nursing mother position, separated from her baby. According to a previous case, the Court recalled that holding a person in a metal cage during a trial constituted in itself an affront to human dignity.

The Court therefore held that there had been a fourth and final violation of Article 3 of the Convention.

Article 41 (Just satisfaction)

The Court held that Ukraine was to pay, in respect of non-pecuniary damage, EUR 12,000 to the mother and EUR 7,000 to her son. It also awarded EUR 3,000 to the mother for costs and expenses.

STOYANOV AND OTHERS V. BULGARIA ([IN FRENCH ONLY](#)) - No. 55388/10 - Importance 3 - 31 March 2016 - Violation of Article 3 - Degrading treatment during a police operation - Violation of Article 6 § 2 - Domestic authorities' guilty declarations towards the applicants

Violation of Article 8 - Violation of the applicants' right to respect for their home - Violation of Article 13 taken in conjunction with Articles 3 and 8 - Domestic law's failure to challenge the lawfulness and necessity of a house search

ALEXEY PETROV V. BULGARIA ([IN FRENCH ONLY](#)) - No. 30336/10 - Importance 2 - 31 March 2016 - No violation of Article 3 - Justified intervention due to the applicant's ex job - Violation of Article 6 § 2 - Domestic authorities' guilty declarations towards the applicant - Violation of Article 8 - Violation of the applicant's right to respect for his home

PETROV AND IVANOVA V. BULGARIA ([IN FRENCH ONLY](#)) - No. 45773/10 - Importance 3 - 31 March 2016 - Violation of Article 3 - Degrading treatment during a police force intervention - Violation of Article 6 § 2 - Domestic authorities' guilty declarations towards the applicants - Violation of Article 13 taken in conjunction with Articles 3 and 8 - Domestic law's failure to challenge the lawfulness and necessity of a house search

These cases concerned a number of media-hyped police operations, raising issues regarding the prohibition of torture and inhuman or degrading treatment and respect for the accused's presumption of innocence.

Article 3

In the case of Stoyanov and Others v. Bulgaria, the Court noted that the applicants had been suspected of belonging to a mafia-type organisation. It found that there had been no justification for leaving one of the applicants handcuffed and naked for almost one hour or for forcing another one to remain seated on the ground outside his apartment block, handcuffed and in his underwear. The Court also found that the police operation had been carried out early in the morning by a team of masked and heavily armed officers, that it had been conducted without the prior authorisation of a judge and that the suspects' family had been severely affected by the events. The Court therefore considered that the two applicants had been subjected to degrading treatment by the security forces.

In the case of Alexey Petrov v. Bulgaria, the Court noted that the aim of the police operation had been to arrest the applicant, who was suspected of belonging to a mafia-type organisation involved in various cases of extortion and racketeering. The Court further noted that the applicant had served in the security forces for many years, among other things in the anti-terrorist intervention team, which meant that he had received firearms and martial arts training. In the light of these factors, the Court considered that the police had not used excessive force and that it had not been demonstrated that the negative emotions aroused in the applicant had exceeded the severity threshold making the treatment in question incompatible with Article 3. There had therefore been no violation of Article 3.

In the case of Petrov and Ivanova v. Bulgaria, given that the circumstances had been similar to those in the first one and that the applicant had been pregnant at the relevant time, the Court considered that she had been subjected to a psychological ordeal which had aroused in her severe feelings of fear, anguish and powerlessness, the negative effects of which amounted to degrading treatment for the purposes of Article 3 and were thus in breach of that provision.

Article 6 § 2

In the first case, the applicants complained about the comments by the domestic government in the media. The Court observed that the Interior Minister's comments had gone beyond mere communication of information on the progress of the criminal investigations and might have given the general public the impression that the two applicants held a special status within the hierarchy of a powerful mafia-type organisation. There had therefore been a violation of Article 6 § 2.

In the second case, the Court considered that the comments by the domestic authorities had reflected a feeling that the applicant was guilty of committing the criminal offences in question even before the courts had decided on the merits of the charges against him. The comments had therefore been in breach of Article 6 § 2.

In the last case, the Court observed that the comments at issue had been made during the two consecutive police operations. It also held that the government's comments directly referring to the applicant had gone beyond mere communication of information on the progress of the criminal investigations. There had therefore been a violation of Article 6 § 2.

Article 8

In the first case, the Court noted that current national legislation had not provided the applicants with sufficient safeguards against arbitrary action before and after the searches. The interference with the applicants' right to respect for their homes had not been provided for by law, which meant that there had been a violation of Article 8.

In the third case, the Court noted that the Interior Ministry's video recording of the operation had contained images of the applicant being arrested. The Court found that that interference had not been covered by any law satisfying the criteria set out in its case-law, but stemmed from a desire to obtain images of police operations that had attracted intensive public and media interest. There had therefore been a violation of Article 8.

Article 13

In the first case, the Court reiterated that when considering the admissibility of the applicants' complaint under Article 3 it had noted that neither the criminal complaint nor the action for damages against the State could be deemed sufficient domestic remedies. It also pointed out that when examining the admissibility of the applicants' complaint under Article 8 it had found that there had been domestic provision enabling them to challenge the lawfulness and necessity of a house search.

There had therefore been a violation of Article 13 taken in conjunction with Articles 3 and 8.

In the second case, the Court reiterated that when considering the admissibility of the applicants' complaint under Article 3 and Article 6 § 2 it had noted that the action for damages against the State could not be deemed a sufficiently effective domestic remedy in the applicants' case. It concluded that the applicants had had no domestic remedy in order to assert their relevant rights. There had therefore been a violation of Article 13, taken in conjunction with Article 3 and Article 6 § 2.

Article 41 (Just satisfaction)

The Court held that Bulgaria was to pay the applicants:

- EUR 30,000 euros jointly to Plamen Stoyanov, Petranka Stoyanova and Plamen Plamenov Stoyanov, and EUR 50,000 jointly to Yordan Stoyanov, Antonia Ivanova, Emilia Stoyanova, Monika Stoyanova and Veselin Stoyanov in respect of non-pecuniary damage, and EUR 5,000 for costs and expenses;
- EUR 6,000 to Alexey Petrov in respect of non-pecuniary damage and EUR 3,703.26 for costs and expenses.
- EUR 5,000 to Anton Petrov and EUR 10,000 to Krasimira Ivanova in respect of non-pecuniary damage.

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

RASUL JAFAROV V. AZERBAIJAN (No. 69981/14) — Importance 1 — 17 March 2016 — Violation of Article 5§1 — Domestic authorities' liability for an unlawful pre-trial detention — Violation of Article 5§4 — Domestic authorities' liability for the lack of adequate judicial review — Violation of Article 18 in conjunction with Article 5 — Domestic authorities' liability for illegal use of pre-trial detention — Violation of Article 34 — Domestic authorities' liability for preventing a lawyer from meeting his client

The applicant was a human rights defender who had been arrested and maintained in pre-trial detention for illegal entrepreneurship, large-scale tax evasion and abuse of power, concerning the financial activities of some NGOs. His appeals against the decision to place him in pre-trial detention during three months had been dismissed. His detention had been extended for another three months. A year later he had been sentenced to six and a half years' imprisonment.

Article 5

The Court considered the charges against the applicant did not reflect a reasonable suspicion that he had committed criminal offences, which can raise concern on the lawfulness of the detention. The Court noted that, as the NGO was not registered, the applicant had conducted financial activities, among which receiving grants, in his individual capacity. However, as regards the money received as grants for specific non-commercial purposes, the relevant donors to the NGO had confirmed that it had been spent as designated. Moreover, domestic authorities had never demonstrated that there was any evidence that the applicant might have used the money for generating profit or for purposes other than those indicated in the grant agreements, or that the purposes indicated in the grant agreements had been both commercial and illegal.

The Court concluded that there had been a violation of Article 5 § 1. In view of that finding the Court considered it unnecessary to examine separately any issues under Article 5 § 3.

Finally, the Court found a violation of Article 5 § 4 on account of the lack of adequate judicial review of the lawfulness of the applicant's detention. It noted in particular that in their decisions the domestic courts had limited themselves to copying the prosecution's submissions and using short and vague formulae for rejecting his complaints about his detention as unsubstantiated.

Article 18 in conjunction with Article 5

The Court considered the arrest of the applicant had been part of a campaign against human rights defenders within this country. Local NGO and their leaders had been constantly accused, in media close to domestic authorities, of being traitors.

The totality of those circumstances indicated that the actual purpose of the measures against the applicant had been to silence and to punish him for his activities in the area of human rights. The Court therefore found that the restriction of his liberty had been imposed for purposes other than bringing him before a competent legal authority on reasonable suspicion of having committed an offence, as prescribed by Article 5 § 1 (c). This conclusion was a sufficient basis for finding a violation of Article 18 in conjunction with Article 5.

Article 34

After the applicant's condemnation, his lawyer's licence to practice law had been suspended, as well as his right to visit his client in prison. The domestic authorities had not allowed such a meeting although it was clear that the request for it related to the applicant's pending case before the European Court of Human Rights. Given that under the Rules of Court (Rule 36 § 4 (a)) permission to represent an applicant could be granted to a non-advocate, domestic authorities had to ensure that non-advocate representatives were allowed to visit detainees who had lodged an application before the Court under the same conditions as advocates.

The Court pointed out that domestic authorities' failure to comply with their obligations under Article 34, even if the interference had not had a noticeable impact on the exercise of the right of individual petition, had resulted in a violation of Article 34 of the Convention.

Article 41 (just satisfaction)

The Court held that Azerbaijan was to pay the applicant EUR 25,000 in respect of pecuniary and non-pecuniary damage and EUR 7,448 in respect of costs and expenses.

ZHEREBIN V. RUSSIA (No. 51445/09) — Importance 2 — 24 March 2016 — Violation of Article 5 § 3 — Domestic authorities' liability for unjustified pre-trial detention

The applicant is a criminal suspect of a breach of public peace and order. He had been maintained in extended pre-trial detention. Moreover, the trial court ordered that he should remain in custody pending trial. His appeals against the detention orders were rejected.

Article 5§3

The government had recognised that there had been a violation of Article 5§3 and had proposed to pay him a compensation but the Court had refused to strike the application out of its list of cases. The Court considered there were too many complaints against this country on the basis of a violation of Article 5§3. Domestic authorities had justified his detention with the risk that he might abscond or interfere with the administration of justice. However, the Court observed that the authorities had not properly considered any other solution than detention. Moreover, the Court noted that proving there was a risk that the applicant might escape justice rested on the domestic authorities, as the opposite would be contrary to Article 5 of the Convention.

Finally, domestic authorities had not justified the length of the detention even if it was not so long compared with other cases submitted to the Court.

In conclusion, the applicant's pre-trial detention had been extended on grounds which the Court could not regard as sufficient.

There had accordingly been a violation of Article 5 § 3.

Article 46

The Court recalled that this country had already been condemned many times for the same facts but had not improved the length of pre-trial detention, which revealed a major structural problem. The Court advise domestic authorities to raise awareness among judges and prosecutors of the legal limits placed on pre-trial detention by national law and the Convention and of the negative consequences of pre-trial detention on detainees, their families and on society as a whole; and to ensure that decisions on pre-trial detention were taken by more senior judges or by collegiate courts and that judges did not suffer negative consequences for refusing pre-trial detention in accordance with the law.

Article 41 (just satisfaction)

The Court held that Russia was to pay the applicant EUR 1,000 in respect of non-pecuniary damage.

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

ARLEWIN V. SWEDEN (No. 22302/10) — Importance 2 — 1 March 2016 — Violation of Article 6§1 — Domestic authorities' liability for refusing to hear a case concerning a transborder TV program

The applicant had been accused of organised crime during a transborder television program. Domestic courts from the country where the program had been broadcasted, by a foreign company, had declined jurisdiction. The applicant's appeal had been dismissed.

The Court first noted that the EU Audiovisual Media Services Directive and the Brussels I Regulation applied to this case. However it considered that the directive concerned only the right to reply, not defamation proceedings. The Court observed both countries had jurisdiction over the case, as the applicant was domiciled in one and the company was registered in the other. The Court also noted that the content, production and broadcasting of the television program as well as its implications had very strong connections with the applicant's country. Moreover, the alleged harm to the applicant had occurred in his very own country. The Court inferred that domestic authorities had an obligation under Article 6 of the Convention to provide the applicant with an effective right of access to court. In addition, requiring the applicant to take proceedings in the other country courts had not been a reasonable and practical alternative.

In dismissing the applicant's action without an examination of the merits, domestic courts had violated his right of access to court. In the Court's view, the limitations on the applicant's right of access to court had therefore been too far-reaching and could not, in the circumstances of the case, be considered proportionate.

There had, accordingly, been a violation of Article 6 § 1.

Article 41 (just satisfaction)

The Court held that Sweden was to pay the applicant EUR 12,000 euros in respect of non-pecuniary damage and EUR 20,000 for costs and expenses.

GÓMEZ OLMEDA V. SPAIN (No. 61112/12) - Importance 2 - 29 March 2016 - Violation of Article 6 § 1 - Domestic appeal court's failure to ensure the applicant with a fair trial by not conducting a personal examination

The case concerned the applicant's complaint about his conviction on appeal, without being heard in person by the appeal court, of an offence of which he had been acquitted at first instance. He was the webmaster of an Internet forum in which defamatory statements about certain individuals had been published. He was convicted of serious disobedience to public authority and false accusation of a crime.

Firstly, the Court considered that the domestic appeal court had been under an obligation to take the appropriate measures notwithstanding the fact that he had not expressly asked for a hearing. As the Court had found in a previous similar case, a public hearing was necessary where the appeal court was called upon to examine anew facts taken to have been established at first instance and reassess them, going beyond strictly legal considerations. In this case, the appeal court, in finding that he had been aware of the insulting statements published in the online forum, had departed from the conclusions of the first-instance judge.

The Court noted that it had made a full assessment of the question of his guilt after reassessing the case as to both the facts and the law. It would have therefore been necessary for the appeal court to conduct a personal examination of the evidence given by the accused, who denied having committed

the act in question. Moreover, in the Court's view, the failure to hear the applicant in person was moreover aggravated by the fact that in his case the court of last resort had been the first court to convict him of one of the charges against him.

There had accordingly been a violation of Article 6 § 1.

Article 41 (Just satisfaction)

The Court held that Spain was to pay the applicant EUR 6,400 in respect of non pecuniary damage and EUR 3,138.62 in respect of costs and expenses.

GÖKBULUT V. TURKEY (IN FRENCH ONLY) - No. 7459/04 - Importance 2 - 29 March 2016 - Violation of Article 6 § 1 and 3 (c) - Domestic authorities' failure to ensure the applicant the right to receive legal assistance during a police custody - Violation of Article 6 § 1 and 3 (d) - Domestic courts' failure to ensure the examination by the defence of essential witness statements

The case concerned the inability of the applicant, who was convicted of membership of an illegal organisation, to examine or have examined witnesses whose statements were relied on for his conviction. He also complained about the lack of legal assistance when he was held in police custody.

Article 6 § 1 and 3 d)

The Court first noted that the applicant's lawyer had asked for six prosecution witnesses to be called, as they had named the applicant as one of the leaders of an illegal organisation. The request had been denied by domestic courts, which had taken the view that there was no need for them to give testimony in open court because copies of their statements had been admitted in evidence. The Court found that this decision had not been based on any factual, procedural or legal grounds capable of precluding their appearance.

The Court thus concluded that the trial court had not given any serious reason to justify the failure to call the witnesses whilst their statements had been admitted in evidence.

Furthermore, the Court noted that the domestic courts, in finding the applicant guilty, had mainly relied on the statements of those witnesses for the prosecution. The testimony having played a decisive role, the domestic courts should have verified the procedural safeguards and the way in which the statements had been obtained. The Court also took the view that domestic courts had not taken any steps to compensate for the applicant's inability to have the witnesses directly cross-examined at trial. As a result, the Court found that the proceedings had been unfair as a whole and that there had been a violation of Article 6 §§ 1 and 3 (d) of the Convention.

Article 6 § 1 and 3 (c)

As to the applicant's other allegation, the Court reiterated that the absence of a lawyer during investigatory acts constituted a breach of the requirements of Article 6 of the Convention. It found that the applicant had not been able to receive legal assistance while he was held in police custody.

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

Article 41 (Just satisfaction)

As no claim had been made for just satisfaction, the Court found that it did not need to make any award on that basis.

DIMITAR YANAKIEV V. BULGARIA (No. 50346/07) - Importance 3 - 31 March 2016 - Violation of Article 6 § 1 and Violation of Article 1 of Protocol No. 1 - Domestic authorities' failure to ensure the binding of the applicant's judgment for several years

The case concerned the lack of enforcement by a regional governor of a final administrative court judgment in the applicant's favour.

The Court first reiterated that the right to a court under Article 6 § 1 of the Convention would be illusory if a Contracting State's domestic legal system allowed a final, binding judicial decision to remain inoperative to the detriment of one party. While delays in enforcement might be justified in exceptional circumstances, the Court recalled that only periods strictly necessary to enable the authorities to find a satisfactory solution are covered. Turning to the case at hand, the Court observed that according to the relevant domestic procedure, the regional governor had to act in order to ensure that compensation bonds were issued to the applicant in implementation of the judgment. However, the Court noted that the regional governor failed to do so over the period of several years. This delay is sufficient to enable the Court to conclude that in the present case there has been a violation of the applicant's right to have a final judgment in his favour enforced, as guaranteed by Article 6 § 1 of the Convention. There has accordingly been a violation of Article 6 § 1 of the Convention.

Article 41 (Just satisfaction)

The Court held that Bulgaria was to pay the applicant EUR 5,763 in respect of pecuniary damage, EUR 3,600 in respect of non-pecuniary damage and EUR 1,350 in respect of costs and expenses.

SETON V. THE UNITED KINGDOM (No. 55287/10) - Importance 3 - 31 March 2016 - No violation of Article 6 § 1 in conjunction with Article 6 § 3 (d) - Lawful absence of a witness in the applicant's trial

The case concerned the complaint of a criminal convict about the admission of evidence of an absent witness at his trial, who was serving himself a prison sentence for murder.

Based on its previous case law, the Court reiterated the principles to be applied when a witness did not attend a public trial. The Court had to examine whether there was a good reason for the nonattendance of the witness at trial (which could not, in itself, be conclusive of the lack of fairness of a trial); whether the evidence of the absent witness was "sole or decisive"; and whether there were sufficient "counterbalancing factors" permitting a fair and proper assessment of the reliability of the evidence in question. In this case, the Court was not persuaded that all reasonable efforts had been made to secure the attendance of the witness, as he was not compelled to attend.

However, while the recorded evidence of the witness had assisted the prosecution in rebutting the applicant's defence, that evidence could not be described as determinative of the outcome of the case. The Court then examined whether there were sufficient "counterbalancing factors". The Court noted that before admitting the recordings of the telephone conversations as evidence, the domestic court had weighed in the balance their value and significance to the proceedings, their reliability, the difficulty the applicant would have challenging them and the prejudice any such difficulty would cause. Moreover, the jury had been told, in particular, about the witness's previous convictions and had been advised that they could use this information in deciding whether he was likely to have committed the murder and in assessing the credibility of his denials.

Having regard to all those factors, it could not be said that the criminal proceedings as a whole had been rendered unfair by the admission in evidence of the telephone recordings. Accordingly, there had been no violation of Article 6 § 1 in conjunction with Article 6 § 3 (d).

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

K.J. v. POLAND (No. 30813/14) — Importance 2 — 1 March 2016 — Violation of Article 8 — Unjustified refusal to order a child's return to his country based on the mother's unwillingness to live in that country

The applicant was a father who lived in another country, where his daughter had been born and raised for the first two years of her life. The mother took the child to her own country for the holidays and had never returned. The father lodged a request for the return of his child before domestic courts, which dismissed his request.

The Court noted that domestic courts had paid too much attention to the mother's will not to live in the other country. The domestic courts had judged that ordering the return of the child would place her in an intolerable situation according to the Hague Convention. Nevertheless, if separating the child from her mother would have heavy consequences, the domestic courts had not considered the possibility of the mother's return together with the child. Moreover, they had not taken into account part of the conclusions of the psychologists' reports, which stated the child was in good psychological and physical health, was emotionally attached to both parents and perceived both countries on an equal footing. Finally the Court found that the length of the proceedings, which had lasted one year, had been too long.

In conclusion, in the circumstances of the case seen as a whole, the Court considered that domestic authorities had failed to comply with their obligations under Article 8 of the ECHR.

Nevertheless, the Court observed that, as the child had lived with her mother for over three and a half years, there was no basis for this judgment to be interpreted as obliging domestic authorities to take steps to order the child's return to her father's country.

Article 41 (just satisfaction)

The Court held that Poland was to pay the applicant EUR 9,000 in respect of non-pecuniary damage and EUR 6,145 for costs and expenses.

KAHN V. GERMANY (IN FRENCH ONLY) — No. 16313/10 — Importance 2 — 17 March 2016 — No violation of Article 8 — Proportionate decision not to grant additional compensation for the publication of photos in spite of a blanket ban

The applicants are the children of a famous former football player. Two magazines had published photos of them, in spite of a blanket ban on publication ordered by a domestic court. Following the publication, the publisher had been sentenced to pay them a fine. They asked for compensation in addition to the fine but had been dismissed by several domestic courts.

The Court observed the fact that there had been a breach of the applicants' right to respect for their private life had been undisputed. However, the question was whether, from the standpoint of Article 8, the possibility of having fines imposed on the publisher had been a sufficient protection, or whether only an award of financial compensation could afford the necessary protection of their right to respect for their private life. The Court noted that the amount of the fines had been increased each time and that the applicants had not appealed to contest the amount of those fines. Moreover, the proceedings had been quite quick and the domestic courts had noted that the applicants' faces had not been visible so they could not be identified. The Court considered, as the domestic courts did, that the interference with the applicants' right to their own image had not been sufficiently serious to justify additional compensation.

The protection offered to the applicants had been sufficient, hence there had been no violation of Article 8 of the Convention.

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

BILEN AND ÇORUK V. TURKEY ([IN FRENCH ONLY](#)) — No. 14895/05 — Importance 3 — 8 March 2016 — Violation of Article 6 — Lack of hearing during the proceedings — Violation of Article 10 — Domestic authorities' liability for illegal conviction for distributing political party leaflets as regard to freedom of expression

The applicants are two members from a political party who had been arrested while they were collecting funds for the victims of an earthquake and distributing leaflets produced by the party and criticising the government, without any authorisation. They had been sentenced to a fine. Their appealed had been dismissed.

Article 10

The Court noted that at that time, two conflicting domestic laws were in force, one prohibiting the distribution of leaflets without authorisation and one exempting associations and political parties from this obligation. Nevertheless, the Court observed that, because of these conflicting texts, the law under which they had been convicted did not meet the requirements of sufficient precision and foreseeability. Hence the interference with the right to freedom of expression had not been clearly prescribed by law, leading to a violation of Article 10.

Article 6

The Court underlined the fact that the applicants had not had any hearing or possibility to appear in front of the domestic courts. There had thus been a violation of Article 6.

Article 41 (Just satisfaction)

The applicants did not submit a request for just satisfaction within the relevant time-limits.

Accordingly, the Court considered that there was no call to award them any sum under this head.

BÉDAT V. SWITZERLAND ([No. 56925/08](#)) - Importance 1 - 29 March 2016 - No violation of Article 10 - Justified penalty imposed on a journalist for violation of the secrecy of criminal investigations

The case concerned the fining of a journalist for having published documents covered by investigative secrecy in a criminal case.

The Court first agreed that the applicant's conviction had amounted to interference in the exercise of his right to freedom of expression. It found that this interference was prescribed by law, namely the domestic criminal code, and that it had pursued legitimate aims, such as the authority and impartiality of the judiciary, the effectiveness of the criminal investigation and the right of the accused to the presumption of innocence and protection of his private life.

As regards the necessity of the interference in a democratic society, the Grand Chamber observed that the applicant's right to inform the public and the public's right to receive information came up against equally important public and private interests which were protected by the prohibition of disclosing information covered by the secrecy of criminal investigations. The Court noted that the highly negative picture painted of the accused, the titles used and the close-up photograph left no doubt as to the sensationalist approach which the applicant had adopted in his article, highlighting the vacuity of the accused's statements and his contradictions.

It also agreed with domestic courts that the applicant had failed to demonstrate how the fact of publishing the documents in question could have contributed to any public debate on the ongoing investigation. It took the view that this publication had entailed an inherent risk of influencing the course of proceedings in one way or another. Consequently, it justified the adoption by the domestic authorities of such deterrent measures as prohibition of the disclosure of secret information. The

lawfulness of those measures under domestic law and their compatibility with the requirements of the Convention should be capable of being assessed at the time of the adoption of the measures. The Court therefore found that domestic courts had been right to hold that the records of interviews and the accused's correspondence had been discussed in the public sphere, out of context and in a manner liable to influence the decisions taken by the investigating judge and the trial court.

In this case the Court considered that the criminal proceedings brought against the applicant by the cantonal prosecuting authorities had been in conformity with the positive obligation incumbent on Switzerland under Article 8 of the Convention to protect the accused person's private life.

The highly personal nature of the information disclosed by the article had called for the highest level of protection.

As regards the penalty imposed on the journalist, the Court found that fining the applicant for violation of secrecy had not amounted to a disproportionate interference in the exercise of his right to freedom of expression.

There had therefore been no violation of Article 10 of the Convention.

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

NOVRUK AND OTHERS V. RUSSIA (No. 31039/11, 48511/11, 76810/12, 14618/13 AND 13817/14) - Importance 1 - 15 March 2016 - Violation of Article 14 read together with Article 8 - No violation of Article 34 - Discriminatory legislation against HIV-positive foreigners as regards their rights to entry, stay and residence

The case concerned the entry and residence rights of HIV-positive non-Russian nationals.

The Court first held that Article 14 taken in conjunction with Article 8 was applicable in the applicants' case, as all the applicants established their private life in Russia or with Russian nationals.

The Court recalled that people living with HIV are a vulnerable group facing many medical, professional, social, personal and psychological problems, including deeply rooted prejudice even from among highly educated people. The Court took the view that domestic authorities were under an obligation to provide a particularly compelling justification for the difference in treatment of which the applicants alleged that they had been victims. The Court therefore emphasised that, before taking a decision, which curtailed the right to respect for an individual's private and family life, there had to be an individualised judicial assessment of all the relevant facts.

However, the decisions excluding the applicants from entry or residence, aimed at preventing HIV transmission, had been based on an unwarranted generalisation with no basis in fact, namely the assumption that they would engage in unsafe behaviour such as unprotected sexual intercourse or the sharing of contaminated syringes. The applicants, living with their families or partners, had never though been suspected of, or charged with, any such acts.

The applicants had therefore been victims of discrimination on account of their health, in violation of Article 14 taken in conjunction with Article 8.

Article 41 (Just satisfaction)

The Court held that Russia was to pay each applicant 15 000 euros (EUR) in respect of non-pecuniary damage. For costs and expenses, it awarded the first applicant EUR 2 000, the second EUR 4 000, the third EUR 4 320, and the two others EUR 850 each.

GUBERINA V. CROATIA (No. 23682/13) — Importance 2 — 22 March 2016 — Violation of Article 14 — Domestic authorities' failure to take into account a handicapped child's needs concerning tax relief

The applicant was the father of a child who was born with multiple physical and mental disabilities. He bought a house because his flat was not suitable for his son as it was on the third floor without a lift. Then he had submitted a tax exemption request to the tax authorities as a domestic law provided for a possibility of tax exemption for a person who was buying a house in order to solve his or her housing needs, if the buyer or his or her family members did not have another flat or house meeting their need. The tax authorities dismissed his request finding that he did not meet the conditions of the law. The tax authorities did not take into account the fact he had a disabled child. His appeal and complaint had been dismissed.

Article 14 in conjunction with Article 1 of Protocol No. 1

The Court found that the applicant could refer to article 14 even if he was not himself the victim of discrimination based on disability. The Court noted that domestic courts did not take at all into account the applicant's son's disability, or his specific needs. It also observed that the country had adhered to the UN Convention on the Rights of Persons with Disabilities, which implied reasonable accommodation, accessibility and non-discrimination against persons with disabilities.

The fact that domestic courts only took into consideration the fact that the flat was equipped with the necessary infrastructure such as electricity and heating showed they had taken an overly restrictive approach of basic infrastructure requirements.

The Court therefore found that there had been a violation of Article 14 in conjunction with Article 1 of Protocol No. 1.

Article 41 (Just satisfaction)

The Court held that Croatia was to pay the applicant EUR 5,000 in respect of non-pecuniary damage and EUR 11,500 in respect of costs and expenses.

2. Other judgments issues in the period under observation

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

For more detailed information, please refer to the cases.

STATE	DATE	CASE TITLE	IMP.	CONCLUSION	KEY WORDS
ARMENIA	31 March 2016	KAREN POGHOSYAN (No. 62356/09)	2	Violation of Art. 6 § 1	Breach of the principle of legal certainty on account of the quashing of the final judgment in the applicant's favour
				Violation of Art. 1 of Prot. No. 1	Domestic court's failure to examine whether there were sufficient reasons justifying the admission of the out-of-time appeal after a significant lapse of time in order to ensure a fair balance between the public interest and the protection of the applicant's rights
BULGARIA	17 March 2016	DIDOV (No. 27791/09)	3	Violation of Art. 5 § 1	Arbitrary detention of the applicant
				Violation of Art. 5 § 5	Lack of an enforceable right to compensation concerning the applicant's unlawful detention
	17 March 2016	VASILEVA (No. 23796/10)	2	No violation of Art. 8	No failure of the domestic authorities to provide the applicant an effective procedure enabling her to obtain compensation for the medical malpractice to which she alleged to have fallen victim
No violation of Art. 6 § 1				Fairness of proceedings	

BULGARIA (CONTINUED)	31 March 2016	DZHABAROV AND OTHERS (Nos. 6095/11, 74091/11 AND 75583/11)	2	Violation of Art. 5 § 1	Unlawful detention of the applicant
				Violation of Art. 5 § 5	Lack of compensation concerning the applicant's unlawful detention
CROATIA	29 March 2016	PAIC (No. 47082/12)	2	Violation of Art. 6 §§1 and 3 (d)	Unfairness of proceedings on account of the applicant's inability to confront and question the witness given that his statement was the sole evidence on which the applicant's conviction was based
GERMANY	3 March 2016	PRADE (No. 7215/10)	2	No violation of Art. 6 § 1	Fairness of proceedings in spite of the admission of evidence obtained unlawfully (search warrant originally granted on few indications supporting a suspicion of the applicants involvement in copyright piracy) given that the public interest in prosecuting the crime of drugs possession outweighed the applicant's individual interest in respect for his home while sufficient safeguards were taken concerning the evaluation of the admissibility and reliability of the evidence in question

LATVIA	24 March 2016	<u>SHARMA</u> (No. 28026/05)	2	Violation of Art. 1 of Prot. No. 7	Applicant's expulsion based on a decision which had not yet become final thus failing to comply with the procedure set out in the domestic law
				No violation of Art. 5 § 2	No evidence suggesting that the applicant had not been informed promptly of the reasons for his arrest
				Violation of Art. 5 § 4	Lack of a judicial review of the lawfulness of the applicant's detention
	31 March 2016	<u>A, B AND C</u> (No. 30808/11)	2	No violation of Art. 8 (positive obligations)	No evidence suggesting that the domestic authorities had failed to conduct an effective investigation into the applicants' complaints of sexual abuse or to ensure adequate protection of the first and third applicants' private life
				3	Violation of Art. 8
	<u>SANTARE AND LABAZNIKOV</u> (No. 34148/07)				

LITHUANIA	1 March 2016	ARBACIAUSKIENE (No. 2971/08)	3	Violation of Art. 6 § 1	Domestic authorities' failure to enforce speedily the final and binding judgment in the applicant's favour	
				Violation of Art. 13	Lack of an effective remedy in order to secure the enforcement of the applicant's right to acquire a plot of land which had been recognised by a final and binding court judgment	
THE REPUBLIC OF MOLDOVA	8 March 2016	MORARI (No. 65311/09)	3	Violation of Art. 6 § 1	Unfairness of proceedings on account of the applicant's conviction based on evidence obtained as a result of police incitement	
	15 March 2016	CIORAP (No. 5) (No. 7232/07)	3	Violation of Art. 3 (substantive)	Ill-treatment of the applicant during his detention	
				Violation of Art. 3 (procedural)	Ineffective investigation into the applicant's allegations of ill-treatment	
			SAVCA (No. 17963/08)	3	Violation of Art. 3 (substantive)	Poor conditions of detention
					Violation of Art. 5 § 1	Unlawful detention of the applicant
	29 March 2016		OKOLISAN (No. 33200/11)	3	Violation of Art. 3 (substantive)	Poor conditions of detention (overcrowding, high humidity, smoking in the cell, insufficient ventilation)
Violation of Art. 13 taken in conjunction with Art. 3					Lack of an effective domestic remedy in respect of the complaint concerning the applicant's conditions of detention	
NETHERLANDS	15 March 2016	GILLISSEN (No. 39966/09)	2	Violation of Art. 6 § 1	Unfairness of proceedings on account of the domestic court's refusal to hear the applicant's witnesses	

PORTUGAL	22 March 2016	PEREIRA DA SILVA (IN FRENCH ONLY) (No. 77050/11)	3	Violation of Art. 6 § 1	Lack of impartiality
				No violation of Art. 6 § 1	Reasonable length of proceedings
		PINTO COELHO (No. 2) (IN FRENCH ONLY) (No. 48718/11)	2	Violation of Art. 10	Disproportionate interference with the applicant's right to freedom of expression on account of her criminal conviction for non-authorised use of the recording of a public court hearing
	22 March 2016	SOUSA GOUCHA (No. 70434/12)	2	No violation of Art. 8	No failure of the domestic courts to strike a fair balance between the television comedy show's freedom of expression and the applicant's right to have his reputation respected
				No violation of Art. 14 taken in conjunction with Art. 8)	No evidence suggesting that the applicant was discriminated against on the grounds of his sexual orientation
ROMANIA	1 March 2016	MIHU (No. 36903/13)	3	No violation of Art. 2 (substantive)	Absence of sufficient evidence suggesting that the failures identified by the applicant in the hospital's internal organisation played a role in his son's death
				Violation of Art. 2 (procedural)	Domestic authorities' failure to show the requisite diligence in order to conduct a prompt criminal investigation into the death of the applicant's son

ROMANIA (CONTINUED)	1 March 2016	POPOVICIU (No. 52942/09)	3	Violation of Art. 5 § 1	Unlawful detention of the applicant
				No violation of Art. 2 of Prot. No. 4	Justified interference with the applicant's freedom of movement in order to secure his availability for trial while this preventive measure was submitted to periodic reviews and lifted when deemed no longer necessary
	8 March 2016	RUSU (No. 25721/04)	2	No violation of Art. 10	No failure of the domestic authorities to strike a fair balance between the competing interests as the applicant had failed to act in accordance with the principles governing journalistic ethics, namely, by rectifying any published information which has proven to be erroneous or defamatory
	15 March 2016	RAZVAN LAURETIU CONSTANTINESCU (IN FRENCH ONLY) (No. 59254/13)	3	Violation of Art. 3 (substantive)	Ill-treatment of the applicant at the hands of the police
				Violation of Art. 3 (procedural)	Ineffective investigation into that respect
		HOALGA AND OTHERS (IN FRENCH ONLY) (No. 76672/12)	3	Violation of Art. 3 (substantive)	Disproportionate use of police force
			Violation of Art. 3 (procedural)	Ineffective investigation into that respect	
			Violation of Art. 5 § 1	Unlawful detention of the applicants	

ROMANIA (CONTINUED)	15 March 2016	<u>M.G.C.</u> (No. 61495/11)	2	Violation of Art. 3 (positive obligations)	Domestic authorities' failure to investigate sufficiently the surrounding circumstances was the result of having attached little or no weight at all to the particular vulnerability of young persons and the special psychological factors involved in cases concerning the rape of minors
				Violation of Art. 8 (positive obligations)	Domestic authorities, due to the lack of a consistent domestic practice in the field, fell short of the requirements inherent in the state's positive obligations to apply effectively a criminal-law system and protect the applicant's right to respect for her private life
		REBEGEA (<u>IN FRENCH ONLY</u>) (No. 77444/13)	3	Violation of Art. 3 (substantive)	Poor conditions of detention (overcrowding, lack of hygiene, poor food quality, lack of proper heating)
	22 March 2016	BOSTINA (<u>IN FRENCH ONLY</u>) (No. 612/13)	3	No violation of Art. 8	No failure of the domestic authorities to take all necessary measures in order to assist the applicant in exercising his contact rights in respect of his underage child
		<u>ELENA COJOCARU</u> (No. 74114/12)	2	Violation of Art. 2 (substantive and procedural, positive obligations)	Domestic public hospital's failure to provide adequate emergency treatment for the applicant's relatives and ineffectiveness of the criminal proceedings
		GOMOI (<u>IN FRENCH ONLY</u>) (No. 42720/10)	3	Violation of Art. 3 (substantive)	Poor conditions of detention (poor hygiene, inadequate toilet facilities, poor food quality)

ROMANIA <i>(CONTINUED)</i>	22 March 2016	ULISEI GROSU <i>(IN FRENCH ONLY)</i> (No. 60113/12)	2	Violation of Art. 5 § 1	Arbitrary confinement of the applicant to a psychiatric hospital
RUSSIA	1 March 2016	ANDREY LAVROV <i>(IN FRENCH ONLY)</i> (No. 66252/14)	2	Violation of Art. 34	Domestic authorities' failure to comply with the interim measure given that they replaced the expert and independent medical opinion expected with their own assessment of the applicant's situation
				Violation of Art. 3 (substantive)	Inadequate medical treatment
		GORBUNOV AND GORBACHEV (Nos. 43183/06 AND 27412/07)	3	Violation of Art. 6 §§ 1 and 3 (c)	Unfairness of proceedings on account of the lack of effective legal assistance
				Violation of Art. 3	Real risk of ill- treatment in case of the applicant's removal to his country of origin
	15 March 2016	KHOLMURODOV <i>(IN FRENCH ONLY)</i> (No. 58923/14)	2	Violation of Art. 13 taken together with Art. 3	Lack of an effective domestic remedy that would have duly examined the applicant's complaint concerning the risk of ill-treatment
				Violation of Art. 5 § 1	Unlawful detention pending extradition of the applicant
				Violation of Art. 3 (substantive)	Poor conditions of detention (overcrowding, lack of access to natural light and air)
	22 March 2016	VIDISH (No. 53120/08)	2	Violation of Art. 8	Unlawful restrictions on family visits
				Violation of Art. 8	Monitoring of the Court's correspondence with the applicant
	22 March 2016	BUTRIN (No. 16179/14)	2	Violation of Art. 3 (substantive)	Inadequate conditions of detention given the applicant's disability
Violation of Art. 13				Lack of an effective domestic remedy concerning the applicant's complaints	

RUSSIA (CONTINUED)	22 March 2016	KOLESNIKOVICH (No. 44694/13) LITVINOV (No. 32863/13)	2	Violation of Art. 13 (in both cases)	Lack of an effective remedy that could have been used in order to prevent the alleged violations or their continuation and provide the applicants with adequate and sufficient redress for their complaints under Art. 3
			3	Violation of Art. 3 (substantive) (concerning the first case)	Lack of adequate medical assistance in detention
				No violation of Art. 3 (substantive) (concerning the second case)	No evidence suggesting that the applicant did not receive adequate medical assistance in detention
	29 March 2016	KOCHEROV AND SERGEYEVA (No. 16899/13)	1	Violation of Art. 8	Unjustified restriction of the first applicant's parental authority
SERBIA	1 March 2016	MILENKOVIC (No. 50124/13)	2	Violation of Art. 4 of Prot. No. 7	Double conviction of the applicant for the same offense
SLOVENIA	1 March 2016	PERAK (No. 37903/09)	3	Violation of Art. 6 § 1	Unfairness of proceedings of account of the applicant's inability to participate in the proceedings before the domestic supreme court
TURKEY	22 March 2016	KARS AND OTHERS (IN FRENCH ONLY) (No. 66568/09)	3	Violation of Art. 2 (substantive)	Unnecessary use of force by state agents
				Violation of Art. 3 (substantive)	Unnecessary and excessive use of tear gas
				Violation of Art. 6	Excessive length of criminal proceedings (more than 10 years)

UKRAINE	3 March 2016	KAPUSTYAK (No. 26230/11)	3	No violation of Art. 3 (substantive)	Absence of sufficient evidence suggesting that the applicant had suffered ill-treatment while in the hands of the police following his arrest
				Violation of Art. 3 (procedural)	Domestic authorities' failure to conduct an effective investigation into the applicant's allegations of ill-treatment
				No violation of Art. 6 §§ 1 and 3 (d)	Fairness of proceedings
	17 March 2016	ZAKSHEVSKIY (No. 7193/04)	2	Violation of Art. 3 (substantive)	Poor conditions of detention
				Violation of Art. 5 § 4	Lack of an effective judicial review of the lawfulness of the applicant's pre-trial detention
				Violation of Art. 6 § 3 (c) in conjunction with Art. 6 § 1	Unfairness of proceedings on account of the self-incriminating statements given in the absence of a lawyer at the early stages of the proceedings
THE UNITED KINGDOM	17 March 2016	HAMMERTON (No. 6287/10)	2	No violation of Art. 5 § 1	Lawful detention of the applicant
				Violation of Art. 6 § 1 read in conjunction with Art. 6 § 3 (c)	Lack of legal representation during the applicant's committal hearing
				Violation of Art. 13	Lack of an effective domestic remedy capable of affording adequate redress for the prejudice suffered by the applicant, namely, the absence of legal representation

B. The decision on admissibility

Those decisions are published with a slight delay of two to three weeks on the Court's website. Therefore, the decisions listed below cover the period **from 1 to 31 December 2015**. Those decisions are selected to provide the NHRs with potentially useful information on the reasons of the inadmissibility of certain applications addressed to the Court and/or on the friendly settlements reached.

STATE	DATE	CASE TITLE	ALLEGED VIOLATION	DECISION
FINLAND	8th of December 2015	EKLUND V. FINLAND	Violation of Art. 6§1 of the Convention (the right of the applicant not to incriminate himself has not been respected)	The complaint was manifestly ill-founded (the applicant was not subject to criminal proceedings, which is a required condition to be considered as incriminating oneself)
POLAND	15th of December 2015	WOŻNY V. POLAND	Violation of Art. 1 of Protocol n°1 in conjunction with Art. 6 of the Convention	The complaint was rejected <i>ratione materiae</i> (the alleged violation of the obligations of the States did not amount to a violation of a right guaranteed in the Convention)
SWEDEN	8th of December 2015	PSHENKINA V. SWEDEN	Violation of the Art. 8, 12 and 14 of the Convention (the applicant wasn't allowed to visit her friend in prison in order to marry and therefore complained that it was discriminatory because they were homosexuals)	The application was rejected for non-exhaustion of the domestic remedies.

C. The communicated cases

The European Court of Human Rights publishes on a weekly basis a list of the communicated cases on its website. These are cases concerning individual applications which are pending before the Court. They are communicated by the Court to the respondent State's Government with a statement of facts, the applicant's complaints and the questions put by the Court to the Government concerned. The decision to communicate a case lies with one of the Court's Chamber which is in charge of the case. A **selection** of those cases **covering the period from 1 to 30 January 2016** is proposed below.

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

STATE	DATE OF DECISION TO COMMUNICATE	CASE TITLE	KEY WORDS OF QUESTIONS SUBMITTED TO THE PARTIES
AZERBAIJAN AND HUNGARY	12 January 2016	MAKUCHYAN AND MINASYAN (No. 17247/13)	The applicants complain that the presidential pardon granted to their adversary had the effect of preventing the full enforcement of his sentence.
GERMANY	16 January 2016	SCHOTT (No. 72204/14) WETJEN (No. 68125/14)	According to the applicants, their religious beliefs were the reason of the withdrawal of their parental rights which prevented them from raising their children in compliance with their faith.
POLAND	18 January 2016	PIELECH (No. 51241/15)	The applicants claim that they have been refused to be appointed as foster parents for their granddaughter on the ground of their age
PORTUGAL	22 January 2016	FERNANDES DE OLIVEIRA (No. 78103/14)	The applicant complains that the hospital was negligent in the care of her son as it did not supervise him sufficiently to prevent him from leaving
RUSSIA	7 January 2016	ZAVARZIN (No. 26432/13)	The applicant complains that he is precluded from entering a marriage because of his stateless status, which is discriminatory
	15 January 2016	ALEKSEYEV (No. 26432/13)	The applicants claim that the ban on holding LGBT public assemblies is not in accordance with the law, does not pursue any legitimate aim and is not necessary in a democratic society
SLOVENIA	11 January 2016	KOPRIVNIKAR (No. 67503/13)	The applicant complains about an overall prison sentence of thirty years imposed on him while a provision applicable to his case provided that such a sentence could not exceed twenty years

		<u>RAU</u> (No. 47001/14)	According to the applicants, the domestic courts violated their right to obtain restitution of the property confiscated from their legal predecessor after the Second World War, as the applicable legislation gave them a legitimate expectation to obtain restitution
THE UNITED KINGDOM	11 January 2016	<u>MOOHAN GILLON</u> (No. 22962/15 AND 23345/15)	The applicants complain that they were subject to a “blanket ban” on voting in the independence referendum
	19 January 2016	<u>NDIDI</u> (No. 41215/14)	The applicant claims that owing to some domestic dispositions, he was required to show the existence of “exceptional circumstances”, which imposed a higher burden than that of proportionality
UKRAINE	19 January 2016	<u>ALAKHVERDYAN</u> (No. 12224/09)	According to the applicant, there was no way for him to obtain copies of documents from his case-file with which to support his application to the Court
	11 January 2016	<u>ROMANOVA</u> (No 63961/13)	The applicant claims that her minor son was subjected to psychological pressure and disproportionate emotional distress during a questioning

PartOne

§2 - EUROPEAN COMMITTEE OF SOCIAL RIGHTS

A. Reclamations and Decisions

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

B. Other information

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

PartOne

§3 - RECOMMENDATIONS & RESOLUTIONS

A. Recommendations

AUTHOR	DATE	TEXT NUMBER	SUBJECT MATTER	DECISION
CM	02 March 2016	(2016)1	The implementation of the European Social Charter during the period 2009-2012	CM recommended that governments take account, in an appropriate manner, of all various observations made in the Conclusions XX-3 (2014) of the European Committee of Social Rights and in the report of the Governmental Committee.

B. Resolutions

AUTHOR	DATE	TEXT NUMBER	SUBJECT MATTER	DECISION
PACE	04 March 2016	2099	The need to eradicate statelessness of children	PACE Standing Committee underlined that “in some Council of Europe member states parents cannot pass on their nationality to their children, and in others the safeguard is dependent on residence requirements which do not comply with international norms”. Thus, PACE urged member States to work together to promote the prevention and resolution of statelessness and to provide comprehensive protection to ensure that refugee, asylum-seeking and migrant children and the children of refugees, asylum seekers and migrants born on their territories are protected from childhood statelessness, taking into account the best interests of the child and the need to prevent exclusion and discrimination in adulthood.
PACE	04 March 2016	2100	The libraries and museums of Europe in times of change	PACE's Standing Committee said libraries and museums were “a resource for human development and lifelong learning” that could be safe and dynamic meeting places for the local community. Thus, PACE called for more diverse funding for these institutions, including private or business partnerships, as well as a greater use of digital technology.
PACE	04 March 2016	2101	Systematic collection of data on violence against women	PACE called on member states to step up efforts to address the issue of under-reporting of violence by rebuilding trust in the national authorities to whom victims report. Furthermore, PACE drawn attention to good practices in data collection on violence against women and made concrete recommendations and called on Council of Europe member states which have not yet done so to sign

				and/or ratify the Istanbul Convention.
PACE	04 March 2016	2102	Modifications to the Assembly's Rules of Procedure	This report contained proposals regarding in particular: The status of the chairpersons of political groups; The status of the immediate past President of the Assembly; The procedure for examining amendments in plenary sitting; The substitution of committee chairpersons who are ex officio members of certain committees and the bureaux of committees.

PartOne

§4 - OTHER INFORMATION OF GENERAL IMPORTANCE

A. Information from the Committee of Ministers

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

B. Information from the Parliamentary Assembly

■ PACE backed opening up landscape treaty to countries worldwide (04.03.2016)

PACE has given its green light to a plan to open up the ground-breaking European Landscape Convention to countries worldwide. ([Read more](#) - [Adopted opinion](#))

■ The draft revised Convention on Cinematographic Co-production should provide for a monitoring body (04.03.2016)

In its opinion on the draft Council of Europe Convention on Cinematographic Co-production, PACE proposed the setting up of a monitoring body with the necessary functions to achieve better co-ordination of the implementation of the convention, especially through the sharing of best practice and the collection and analysis of data measuring the level of co-production activity. ([Read more](#) - [Adopted opinion](#))

■ PACE committee concerned about recent degradation of the right to freedom of assembly (08.03.2016)

The committee stressed that all member states had to ensure that their legislation, and the manner in which law enforcement forces operate, must be consistent with international human rights standards. The committee was particularly worried about the use of excessive force against peaceful demonstrators, including the systematic and inappropriate use of “less lethal weapons” such as tear gas. ([Read more](#) - [Adopted report](#))

■ Committee on Culture, Science, Education and Media concerned about erosion of intellectual property rights in the digital era (11.03.2016)

Expressing concern about the de facto erosion of intellectual property rights in the digital era, the Committee on Culture, Science, Education and Media recalled that intellectual property rights are human rights protected under Article 1 of the first Protocol to the European Convention on Human Rights. The committee emphasised that authors of creative works must have the right to use the potential of the Internet. ([Read more](#) - [Adopted report](#))

■ Committee on Equality and Non-Discrimination called for renewed commitment in the fight against antisemitism (11.03.2016)

The Committee on Equality and Non-Discrimination urged governments and parliaments to consider the fight against antisemitism as a priority and their responsibility. Thus, the committee called for «strong political condemnation of antisemitism and its manifestations» which are «in contradiction with the fundamental values of the Council of Europe». ([Read more](#) - [Adopted report](#))

■ Committee on Equality and Non-Discrimination: Beyond quotas - time to shift to parity (11.03.2016)

The Committee on Equality and Non-Discrimination expressed that “with a view to increase women’s political representation, PACE’s member, observer and partner for democracy states should consider introducing the principle of parity in the constitution or in electoral legislation”. Furthermore, the committee recommended a combination of positive measures, in particular quotas, together with sanctions for non-compliance and accompanying measures including funding to promote the work of women’s participation and political representation, measures to reconcile political work and family life, as well as training and awareness-raising activities on gender equality. ([Read more](#) - [Adopted report](#))

■ A road-map for preventing the radicalisation of children (15.03.2016)

PACE’s Social Affairs Committee spelled out a series of measures to prevent the radicalisation of children by fighting the root causes. ([Read more](#) - [Adopted report](#))

■ Committee called for withdrawal of ‘discriminatory’ draft text on people with mental health problems (16.03.2016)

A PACE committee called for the withdrawal of a draft Council of Europe legal text on the involuntary placement and treatment of people with mental health problems on the ground that its basic premise is « discriminatory ». ([Read more](#) - [Adopted report](#))

■ PACE President called for intensified co-operation between the Council of Europe and the EU (17.03.2016)

PACE President expressed that « in the face of the challenges ahead, in particular the refugee crisis and the rise of populism, we need Pan-European solidarity and a multilateral response based on the standards of the European Convention on Human Rights. » ([Read more](#))

■ General Rapporteur against Racism and Intolerance: Racist acts recently perpetrated against Roma women cannot be accepted (18.03.2016)

The General Rapporteur against Racism and Intolerance expressed that «in recent days, a number of hateful, racist acts have been perpetrated by football supporters in the streets of European cities against Roma women». Thus, by condemning these acts, the General Rapporteur called on the football federations and clubs concerned to condemn in the strongest terms the behaviour of these supporters. Furthermore, the General Rapporteur called on the authorities to investigate as a matter of urgency and prosecute to the full extent of the law offences committed, and to ensure that any racist motivations are fully taken into account. ([Read more](#))

■ The Committee on Refugees: Call for a stronger European response to the Syrian refugee crisis (22.03.2016)

The Committee on Refugees emphasised that the Syrian refugee crisis is the responsibility « not only of neighbouring states and of Europe but of the international community as a whole ». Thus, the Committee called upon other states, including in the Middle East region, to take a similar approach based on providing financial aid and humanitarian pathways for admission of Syrian refugees. Furthermore, the committee called for the international community to do even more if current efforts are insufficient. It also stressed that Palestinian refugees living in Syria have been particularly badly affected by the conflict and asked for a generous response to the emergency appeal by UNRWA. ([Read more](#) - [Adopted report](#))

■ Protecting migrants from violence (22.03.2016)

In the light of the growing number of acts of violence against migrants in Europe, the Committee on Migration, Refugees and Displaced Persons proposed a package of legislative, victim support and preventive measures, on the ground that these groups should receive special protection from the receiving countries. ([Read more](#) - [Adopted report](#))

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: Publication of a report on Albania (03.03.2016)

The CPT has published the report on its visit to Albania in February 2014, together with the response of the Albanian authorities. The main focus of the visit was to review the action taken by the Albanian authorities to implement recommendations made by the Committee after previous visits, in particular as regards the treatment of detained persons and conditions of detention in police detention facilities and prisons. The Committee also examined the situation of patients who were held in psychiatric institutions on an involuntary basis ([Read more](#) - [Read the report](#)).

■ Plenary meeting (14.03.2016)

The CPT held its 89th plenary meeting from 7 to 11 March 2016 in Strasbourg ([Read more](#)).

■ Publication of a report on Albania (17.03.2016)

The CPT has published the report on its ad hoc visit to Albania from 30 January to 1 February 2011, together with the response of the Albanian authorities ([Read more](#) - [Read the report](#)).

■ GRETA: Committee's 25th meeting (from 07.03.2016 to 11.03.2016)

The GRETA held its 25th meeting from 7 to 11 March 2016 at the Council of Europe in Strasbourg ([Read more](#) - [List of decisions](#)).

■ Committee's 5th General Report: Urgent need to protect children from human trafficking and exploitation (16.03.2016)

In its 5th General Report, GRETA highlights widespread gaps in the identification and protection of victims of trafficking among asylum seekers, refugees and migrants ([Read more](#)).

■ "Fighting human trafficking: the role of local authorities" (24.03.2016)

During the 30th session of the Congress of Local and Regional Authorities, the Chamber of Local Authorities organised a debate on the role of local authorities in combatting trafficking in human beings. "The regional and local structures should play a more active role in the implementation of the legal obligations of the Council of Europe Convention on Action against Trafficking in Human Beings", said the President of GRETA, Nicolas Le Coz, speaking at the debate on 23 March 2016. Mr Le Coz emphasised the importance of local authorities being involved in the prevention of trafficking and the identification and assistance of victims. GRETA's country-by-country reports provide examples of good practice in these respects, as well as models of co-ordination and tools which could be used in other Council of Europe member states.

■ ECRI: International Day for the Elimination of Racial Discrimination: Attacks against refugees, asylum seekers and migrants are unacceptable, say heads of European human rights institutions (21.03.2016)

On the International Day for the Elimination of Racial Discrimination, the heads of Europe's main intergovernmental human rights institutions call for a strong response to xenophobic attacks against migrants, asylum seekers and refugees, and call on governments and state authorities to uphold their international obligations in this regard ([Read more](#)).

States should sanction the use of hate speech, while safeguarding freedom of expression, says Council of Europe anti-racism commission (21.03.2016)

Encouraging speedy reactions by public figures to hate speech, promoting self-regulation of media, raising awareness of the dangerous consequences of hate speech, withdrawing financial and other support from political parties that actively use hate speech and criminalising its most extreme manifestations, while respecting freedom of expression, are among the general policy recommendations issued today by the Council of Europe's anti-racism commission ([Read more](#)).

Discrimination against religious minorities and LGBT on the rise, law enforcement deficient in Georgia, says Anti-Racism Commission of the Council of Europe (01.03.2016)

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

PartTwo

INFORMATION BY COUNTRY

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

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

Armenia

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

CASE	DATE	RESOLUTION	VIOLATION	CONCLUSION
Ashot Harutyunyan Group (No.34334/04)	15 September 2010	CM/ResDH(2016)37	Placing and keeping the applicants in a metal cage during court hearings despite the lack of any real security risk, and denial of adequate medical assistance in a detention facility (Article 3).	To examine the authorities' action plan as well as the possibility of closing the Committee's supervision of the violation concerning placing and keeping the applicants in metal cages.

CASE	DATE	RESOLUTION	CONCLUSION
Piruzyan (No. 33376/07)	26 September 2012	CM/ResDH(2016)37	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]

Austria

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

CASE	DATE	RESOLUTION	CONCLUSION
I.K. (No. 2964/12)	28 june 2013	CM/ResDH(2016)21	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
Mahmudov and Agazade Group (No. 35877/04)	18 March 2009	CM/ResDH(2015)250	Violation of the right to freedom of expression, arbitrary application of the law on defamation.	To follow up the interim resolution adopted at the 1243rd meeting.
Ilgar Mammadov (No. 15172/13)	13 October 2014	CM/ResDH(2015)156	Arrest and pre-trial detention 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 decision adopted at the 1243rd meeting.

CASE	DATE	VIOLATION	CONCLUSION
Insanov (No.16133/08)	14 June 2013	Inhuman and degrading detention conditions (Article 3); unfairness of both the criminal proceedings against the applicant and the civil proceedings concerning his conditions of detention (Article 6).the case was still pending (Article 34).	To follow up the decision adopted at the 1236th meeting.

B. Resolutions, signatures and ratifications

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

C. Other information

■ PACE: President applauded decision to release 148 prisoners in Azerbaijan (17.03.2016)

PACE President expressed that he will continue to work with the Azeri authorities on the issue of detained persons, and he applauded this major initiative which brought about the release of these 148 persons. ([Read more](#))

■ PACE President: release of Intigam Aliyev was a welcome judicial step (28.03.2016)

PACE President expressed that “the release of the human rights lawyer Intigam Aliyev, by the Azeri Supreme Court, is a welcome judicial step”, and specified that this decision is important for the « judiciary in Azerbaijan, which needs to be strengthened and needs to act with genuine independence. » ([Read more](#))

Belgium

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

CASE	DATE	VIOLATION	CONCLUSION
Trabelsi (No.140/10)	16 February 2015	Extradition, in 2013, of the applicant from Belgium to the United States, where he risks an irreducible life sentence (Article 3). Failure to respect the Court's interim measure indicating that Belgium should not extradite the applicant while the case was still pending (Article 34).	To follow up the decision adopted at the 1243rd meeting

B. Resolutions, signatures and ratifications

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

C. Other information

■ CPT: Publication of a report on Belgium (31.03.2016)

The CPT has published the report on its September/October 2013 visit to Belgium, together with the response of the Belgian authorities ([Read more](#) - [Read the report](#)).

Bulgaria

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

CASE	DATE	VIOLATION	CONCLUSION
Neshkov and Others (No.36925/10)	1 June 2015	Poor conditions of detention in prisons and investigative detention facilities and lack of effective remedies for this. Structural problem highlighted by the European Court in the <i>Neshkov and Others</i> pilot. The deadline set by the Court for introducing effective preventive and compensatory remedies expires on 01/12/2016.	To follow up the decision adopted at the 1250th meeting
Kehayov group (No. 41035/98)	18 April 2005	Poor conditions of detention in prisons and investigative detention facilities and lack of effective remedies for this. Structural problem highlighted by the European Court in the <i>Neshkov and Others</i> pilot. The deadline set by the Court for introducing effective preventive and compensatory remedies expires on 01/12/2016.	To follow up the decision adopted at the 1250th meeting

B. Resolutions, signatures and ratifications

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

C. Other information

■ **CPT: Bulgaria (and Luxembourg) have agreed to automatic publication of reports by the Committee (04.03.2016)**

The authorities of Bulgaria and Luxembourg have agreed to the publication of all future reports of the CPT. The same applies to the government responses ([Read more](#)).

Croatia

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

CASE	DATE	RESOLUTION	VIOLATION	CONCLUSION
Ajdarić (No.20883/09)	4 June 2012	CM/ResDH(2016)38	Unfair criminal trial (violation of Article 6 § 1).	To adopt a final resolution

CASE	DATE	RESOLUTION	CONCLUSION
Ajdarić (No. 20883/09)	4 June 2012	CM/ResDH(2016)38	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]

Cyprus

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

CASE	DATE	VIOLATION	CONCLUSION
M.A. Group (No.41872/10)	20 October 2013	Unlawful detention of asylum seekers and lack of effective remedies to challenge the lawfulness of detention and / or deportation (Articles 5 § 1 and 5 § 4, Article 13 in conjunction with Articles 2 and 3).	To follow up the decision adopted at the 1250th meeting .

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

B. Resolutions, signatures and ratifications

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

C. Other information

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

Estonia

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

CASE	DATE	RESOLUTION	CONCLUSION
Tunis (No. 429/12)	19 March 2014	CM/ResDH(2016)22	Examination closed
Sergei Mahhov (No. 47446/11)	8 September 2015	CM/ResDH(2016)23	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]

France

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

CASE	DATE	RESOLUTION	CONCLUSION
Renolde (No. 5608/05)	16 January 2009	CM/ResDH(2016)24	Examination closed
G. (No. 27244/09)	23 May 2012	CM/ResDH(2016)24	Examination closed
Raffray Taddei (No. 36435/07)	21 March 2011	CM/ResDH(2016)24	Examination closed
Ketreb (No. 38447/09)	19 October 2012	CM/ResDH(2016)24	Examination closed

B. Resolutions, signatures and ratifications

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

C. Other information

■ ECRI: The Committee expressed concern at the rise of hate speech and violence motivated by racism and intolerance in France (01.03.2016)

The ECRI has published its fifth report on France in which it analyses recent developments and outstanding issues and makes recommendations to the authorities ([Read more](#)).

Georgia

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

CASE	DATE	RESOLUTION	CONCLUSION
Jgarkava (No.7932/03)	24 May 2009	CM/ResDH(2016)25	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]

Greece

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

CASE	DATE	RESOLUTION	VIOLATION	CONCLUSION
Bekir-Ousta and others group (No.35151/05)	20 October 2013	CM/ResDH(2014)84	Refusal of domestic courts to register the applicants' associations (Article 11).	To follow up the Interim Resolution adopted at the 1201st meeting.

CASE	DATE	VIOLATION	CONCLUSION
Beka-Koulocheri Group (No. 38878/03)	6 October 2006	Non-compliance by the authorities with domestic court decisions and lack of an effective remedy	To follow up the decision adopted at the 1250th meeting .

B. Resolutions, signatures and ratifications

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

C. Other information

■ CPT: Publication of a report on Greece (01.03.2016)

The CPT has published today the report on its most recent visit to Greece (14 to 23 April 2015), together with the Greek authorities' response. The ad hoc visit focussed notably on combating police ill-treatment, prison conditions and the treatment of juveniles deprived of their liberty ([Read more - Read the report](#)).

Hungary

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

CASE	DATE	VIOLATION	CONCLUSION
Varga and Others (No.14097/12)	10 June 2015	Inhuman and/or degrading treatment due to overcrowding and poor conditions of detention, lack of effective remedies for this. Structural problem highlighted by the European Court in the pilot judgment <i>Varga and others</i> (Article 3, Article 13 in conjunction with Article 3).	To follow up the decision adopted at the 1250th meeting .
Istvan Gabor Kovacs Group (No. 15707/10)	17 April 2012	Inhuman and/or degrading treatment due to overcrowding and poor conditions of detention, lack of effective remedies for this. Structural problem highlighted by the European Court in the pilot judgment <i>Varga and others</i> (Article 3, Article 13 in conjunction with Article 3).	To follow up the decision adopted at the 1250th meeting .
Gazso (No. 48322/12)	16 October 2015	Excessive length of judicial proceedings and lack of an effective remedy in this respect (Articles 6 § 1 and 13).	To follow up the decision adopted at the 1250th meeting .

Timar Group (No. 36186/97)	9 July 2003	Excessive length of judicial proceedings and lack of an effective remedy in this respect (Articles 6 § 1 and 13).	To follow up the decision adopted at the 1250th meeting .
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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]

Iceland

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

CASE	DATE	RESOLUTION	CONCLUSION
Björk Eidsdóttir (No. 46443/09)	10 October 2012	CM/ResDH(2016)26	Examination closed
Erla Hlynisdóttir (No. 43380/10)	10 October 2012	CM/ResDH(2016)26	Examination closed
Erla Hlynisdóttir No. 2 (No. 54125/10)	21 January 2015	CM/ResDH(2016)26	Examination closed
Erla Hlynisdóttir No. 3 (No. 54145/10)	2 September 2015	CM/ResDH(2016)26	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]

Ireland

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

■ ECRI: The Committee has published conclusions on the implementation of its priority recommendations in respect of Ireland and Liechtenstein (01.03.2016)

The ECRI has published conclusions on the implementation of a number of recommendations made in its country reports on Ireland and Liechtenstein which had been released in 2013 ([Read more](#)).

Italy

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

CASE	DATE	RESOLUTION	CONCLUSION
Roda and Bonfatti (No. 10427/02)	26 March 2007	CM/ResDH(2016)27	Examination closed
Clemeno and Others (No. 19537/03)	6 April 2009	CM/ResDH(2016)27	Examination closed
Bove (No. 30595/02)	30 November 2005	CM/ResDH(2016)27	Examination closed
Torreggiani and Others (No. 43517/09+)	27 May 2013	CM/ResDH(2016)28	Examination closed
Sulejmanovic (No. 22635/03)	6 November 2009	CM/ResDH(2016)28	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]

Kosovo*

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

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

B. Resolutions, signatures and ratifications

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

C. Other information

■ FCNM: United Nations Interim Administration Mission in Kosovo (UNMIK), receipt of the fourth Progress Report (09.03.2016)

On 8 March 2016, the UNMIK (United Nations Interim Administration Mission in Kosovo) presented the fourth Community Rights Assessment Report, issued by the OSCE Mission in Kosovo, as progress report on the implementation of the FCNM ([Read more](#) - [Read the progress report](#)).

* All reference to Kosovo, whether to the territory, institutions or population, in this text shall be understood in full compliance with United Nations Security Council Resolution 1244 (1999) and without prejudice to the status of Kosovo.

Latvia

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

CASE	DATE	RESOLUTION	CONCLUSION
Perry (No. 30273/03)	2 June 2008	CM/ResDH(2016)29	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]

Liechtenstein

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

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

B. Resolutions, signatures and ratifications

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

C. Other information

■ ECRI: The Committee published conclusions on the implementation of its priority recommendations in respect of Ireland and Liechtenstein (01.03.2016)

The ECRI has published conclusions on the implementation of a number of recommendations made in its country reports on Ireland and Liechtenstein which had been released in 2013 ([Read more](#)).

Lithuania

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

CASE	DATE	VIOLATION	CONCLUSION
Paksas (No.34932/04)	6 January 2011	Permanent and irreversible ban from standing for parliamentary elections due the applicant's removal from presidential office following impeachment proceedings (Article 3 of Protocol No. 1).	To follow up the decision adopted at the 1243rd 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]

Luxembourg

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

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

B. Resolutions, signatures and ratifications

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

C. Other information

■ CPT: Luxembourg (and Bulgaria) have agreed to automatic publication of reports by the Committee (04.03.2016)

The authorities of Bulgaria and Luxembourg have agreed to the publication of all future reports of the CPT. The same applies to the government responses ([Read more](#)).

■ ECRI: The Committee prepares report on Luxembourg (15.03.2016)

A delegation of the ECRI visited Luxembourg from 1 to 4 March as the first step in the preparation of a monitoring report. During its visit, ECRI's delegation gathered information on legislation, hate speech, violence, integration policies and LGBT issues ([Read more](#)).

Malta

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

CASE	DATE	RESOLUTION	CONCLUSION
Emanuel and Rita Portelli (No. 55970/13)	20 October 2015	CM/ResDH(2016)30	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]

Republic of Moldova

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

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

B. Resolutions, signatures and ratifications

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

C. Other information

■ FCNM: Visit of the Advisory Committee on the FCNM (14.03.2016)

A delegation of the Advisory Committee on the FCNM visited Chişinău, Comrat (Gagauzia), Taraclia and Bălţi from 14 to 18 March 2016 in the context of the monitoring of the implementation of this convention ([Read more](#)).

Monaco

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

■ ECRI: anti-discrimination provisions need to be strengthened and foreigners better integrated, says the Committee (01.03.2016)

The ECRI has published a new report on Monaco in which it analyses recent developments and outstanding issues and makes recommendations to the authorities ([Read more](#)).

Netherlands

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

CASE	DATE	VIOLATION	CONCLUSION
Jaloud (No. 47708/08)	20 November 2014	Ineffective investigation into the applicant's son's death in Iraq (Article 2).	To follow up the decision adopted at the 1250th meeting .

CASE	DATE	RESOLUTION	CONCLUSION
K. (No. 11804/09)	27 November 2012	CM/ResDH(2016)31	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]

Poland

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

CASE	DATE	VIOLATION	CONCLUSION
Al Nashiri Group (No. 28761/11)	16 February 2015	Violations related to secret rendition operations involving the applicants' detention and ill-treatment in the respondent State and risks of flagrant denial of justice and the death penalty after their transfer to the USA.	To follow up the decision adopted at the 1243rd meeting ; examination of the individual measures.
Kedzior Group (No. 45026/07)	16 January 2013	Lack of review of the lawfulness of admission to social care home and lack of periodic reviews of the continued need to remain in there (Article 5 § 1, Article 5 § 4, Article 6 § 1).	To follow up the decision adopted at the 1250th meeting .

CASE	DATE	RESOLUTION	CONCLUSION
Ladent (No. 11036/03)	18 June 2008	CM/ResDH(2016)32	Examination closed
Piotr Nowak (No. 7337/05)	11 April 2011	CM/ResDH(2016)32	Examination closed
Mamelka (No. 16761/07)	17 July 2012	CM/ResDH(2016)32	Examination closed
Wereda (No. 54727/08)	26 February 2014	CM/ResDH(2016)32	Examination closed
El Kashif (No. 69398/11)	14 April 2014	CM/ResDH(2016)32	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]

Portugal

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

CASE	DATE	RESOLUTION	CONCLUSION
Martins Silva (No. 12959/10)	28 August 2014	CM/ResDH(2016)33	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	VIOLATION	CONCLUSION
Moldovan and Others Group (No. 41138/98)	5 July 2005	CM/ResDH(2016)39	Consequences of racially-motivated violence, in 1993, against villagers of Roma origin ¹ in the locality of Hădăreni (Articles 3, 6, 8, 13, and 14 in conjunction with Articles 6 and 8).	To assess the status of execution of these judgments in the light of the action report presented by the authorities on 7 January 2016.

CASE	DATE	RESOLUTION	CONCLUSION
Moldovan and others (No. 1) (No. 41138/98)	5 July 2005	CM/ResDH(2016)39	Examination closed
Moldovan and others (No. 2) (No. 41138/98)	30 November 2005	CM/ResDH(2016)39	Examination closed
Lacatus and Others (No. 12694/04)	13 February 2013	CM/ResDH(2016)39	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	VIOLATION	CONCLUSION
Aleksyey (No. 4916/07)	11 April 2011	Repeated bans on marches in support of homosexual rights (Article 11; Article 13 in conjunction with Article 11; Article 14 in conjunction with Article 11).	To follow up the decision adopted at the 1250th meeting .
OAO Neftyanaya Kompaniya Yukos (No. 14902/04)	15 December 2014	Violations concerning tax and enforcement proceedings brought against the applicant oil company, leading to its liquidation in 2007 (Article 6, Article 1 of Protocol No. 1)	To follow up the decision adopted at the 1250th meeting .
Georgia (No. 13255/07)	3 July 2014	Arrest, detention and expulsion from the Russian Federation of large numbers of Georgian nationals from October 2006 until the end of January 2007 amounting to an administrative practice (Article 4 of Protocol 4, Articles 5 § 1, 5 § 4 and 3 and Article 13 in conjunction with Articles 3 and 5 § 1, Article 38).	To follow up the decision adopted at the 1250th meeting

CASE	DATE	RESOLUTION	VIOLATION	CONCLUSION
Garabayev Group (No. 38411/02)	30 January 2008	CM/ResDH(2013)200	Different violations related to extradition proceedings, and in particular, the lack of effective protection against abduction and irregular transfer, lack of effective investigations into such allegations (Articles 3, 5, 13 and 34).	To examine the information received from the Russian authorities in response to the decisions adopted at the 1230th and 1236th meeting.
Catan and Others (No. 43370/04)	19 October 2012	CM/ResDH(2015)157	Violation of the right to education of children and parents using Moldovan/Romanian language schools in the Transnistrian region of the Republic of Moldova (violation of Article 2 of Protocol No. 1 by the Russian Federation).	To follow up the Interim Resolution adopted at the 1236th 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].

Serbia

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

CASE	DATE	VIOLATION	CONCLUSION
Zorica Jovanovic (No. 21794/08)	9 September 2013	Failure to provide the applicant with credible information as to the fate of her new-born son, who allegedly died in a maternity ward in 1983 (Article 8).	Follow up of the decision adopted at the 1250th meeting .
Alisic and Others (No. 60642/08)	16 July 2014	Inability to recover "old" foreign-currency savings deposited in Bosnian-Herzegovinian branches of banks incorporated in Serbia and Slovenia, respectively (Article 1 of Protocol No. 1).	Follow-up of 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]

Slovak Republic

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

CASE	DATE	VIOLATION	CONCLUSION
Labsi (No. 33809/08)	24 September 2012	Expulsion of the applicant to Algeria where he faced a real risk of ill-treatment (Article 3), and in violation of an interim measure indicated by the European Court under Rule 39 of its Rules, and lack of an effective remedy in this respect (Article 34, Article 13).	Follow up of the decision adopted at the 1250th meeting .

CASE	DATE	RESOLUTION	CONCLUSION
Durdovic and Trancikova (No. 16639/11)	7 January 2015	CM/ResDH(2016)34	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]

Slovenia

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

CASE	DATE	VIOLATION	CONCLUSION
Alisic and Others (No. 60642/08)	16 July 2014	Inability to recover "old" foreign-currency savings deposited in Bosnian-Herzegovinian branches of banks incorporated in Serbia and Slovenia, respectively (Article 1 of Protocol No. 1).	Follow-up of the decision adopted at the September 2015 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]

“The former Yugoslav Republic of Macedonia”

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

CASE	DATE	RESOLUTION	CONCLUSION
Atanasovic and Others (No. 13886/02)	12 April 2006	CM/ResDH(2016)35	Examination closed
Arsov (No. 44208/02)	19 January 2007	CM/ResDH(2016)35	Examination closed
Bocvarska (No. 27865/02)	1 March 2010	CM/ResDH(2016)35	Examination closed
Bogdanska Duma (No. 24660/03)	7 August 2009	CM/ResDH(2016)35	Examination closed
Caminski (No. 1194/04)	24 February 2011	CM/ResDH(2016)35	Examination closed
Cangov (No. 14419/03)	24 February 2011	CM/ResDH(2016)35	Examination closed
Dika (No. 13270/02)	12 November 2007	CM/ResDH(2016)35	Examination closed
Dimitrieva (No. 16328/03)	6 April 2009	CM/ResDH(2016)35	Examination closed
Dimitrievski (No. 26602/02)	6 April 2009	CM/ResDH(2016)35	Examination closed
Dimitrijoski (No. 3129/04)	21 May 2015	CM/ResDH(2016)35	Examination closed
Dreyer (No. 2040/04)	19 July 2011	CM/ResDH(2016)35	Examination closed
Gjozev (No. 14260/03)	19 September 2008	CM/ResDH(2016)35	Examination closed

Goreski and Others (No. 27307/04)	16 October 2014	CM/ResDH(2016)35	Examination closed
Graberska (No. 6924/03)	14 September 2007	CM/ResDH(2016)35	Examination closed
Ilievski (No. 35164/03)	22 July 2010	CM/ResDH(2016)35	Examination closed
Ivanov and Dimitrov (No. 46881/06)	21 Janvier 2011	CM/ResDH(2016)35	Examination closed
Ivanovska (No. 10541/03)	31 March 2008	CM/ResDH(2016)35	Examination closed
Ivanovski and Others (No. 34188/03)	26 February 2010	CM/ResDH(2016)35	Examination closed
Jankulovski (No. 6906/03)	3 October 2008	CM/ResDH(2016)35	Examination closed
Josifov (No. 37812/04)	25 September 2009	CM/ResDH(2016)35	Examination closed
Jovanoski (No. 31731/03)	28 June 2010	CM/ResDH(2016)35	Examination closed
Jovanovski (No. 40233/03)	25 June 2010	CM/ResDH(2016)35	Examination closed
Kalanoski (No. 31391/03)	28 June 2010	CM/ResDH(2016)35	Examination closed
Kamberi (No. 39151/04)	22 January 2010	CM/ResDH(2016)35	Examination closed
Kamilova (No. 34151/03)	8 January 2010	CM/ResDH(2016)35	Examination closed
Kangova (No. 17010/04)	6 July 2009	CM/ResDH(2016)35	Examination closed

Kostovska (No. 44353/02)	15 September 2006	CM/ResDH(2016)35	Examination closed
Lazarevska (No. 22931/03)	10 December 2007	CM/ResDH(2016)35	Examination closed
Lickov (No. 38202/02)	28 December 2006	CM/ResDH(2016)35	Examination closed
Manevski (No. 22742/02)	1 December 2008	CM/ResDH(2016)35	Examination closed
Markoski (No. 22928/03)	12 February 2007	CM/ResDH(2016)35	Examination closed
Mihajloski (No. 44221/02)	31 August 2007	CM/ResDH(2016)35	Examination closed
Mihajlov Ristov and Others (No. 40127/04)	16 October 2014	CM/ResDH(2016)35	Examination closed
Milosevic (No. 15056/02)	20 July 2006	CM/ResDH(2016)35	Examination closed
MTZ Learnica (No. 26124/02)	28 February 2007	CM/ResDH(2016)35	Examination closed
Nankov (No. 26541/02)	2 June 2008	CM/ResDH(2016)35	Examination closed
Nesevski (No. 14438/03)	24 July 2008	CM/ResDH(2016)35	Examination closed
Krsto Nikolov (No. 13904/02)	23 January 2009	CM/ResDH(2016)35	Examination closed
Nikolova (No. 31154/07)	21 August 2015	CM/ResDH(2016)35	Examination closed
Ograzden ad and others (No. 35630/04+)	29 August 2012	CM/ResDH(2016)35	Examination closed

Pakom Slobodan Dooel (No. 33262/03)	21 April 2010	CM/ResDH(2016)35	Examination closed
Parizov (No. 14258/03)	7 May 2008	CM/ResDH(2016)35	Examination closed
Pecevi (No. 21839/03)	16 March 2009	CM/ResDH(2016)35	Examination closed
Popovski (No. 12316/07)	24 March 2014	CM/ResDH(2016)35	Examination closed
Risteska (No. 38183/04)	28 April 2010	CM/ResDH(2016)35	Examination closed
Rizova (No. 41228/02)	6 October 2006	CM/ResDH(2016)35	Examination closed
Sali (No. 14349/03)	5 October 2007	CM/ResDH(2016)35	Examination closed
Sandel (No. 21790/03)	27 August 2010	CM/ResDH(2016)35	Examination closed
Savov and Others (No. 12582/03)	6 April 2009	CM/ResDH(2016)35	Examination closed
Stojanov (No. 34215/02)	31 August 2007	CM/ResDH(2016)35	Examination closed
Stojkovic (No. 14818/02)	2 June 2008	CM/ResDH(2016)35	Examination closed
Stoleski and Siljanoska (No. 17547/04)	5 February 2010	CM/ResDH(2016)35	Examination closed
Trpeski (No. 19290/04)	22 January 2010	CM/ResDH(2016)35	Examination closed
Veljanoska (No. 35640/04)	23 October 2009	CM/ResDH(2016)35	Examination closed
Velova (No. 29029/03)	6 April 2009	CM/ResDH(2016)35	Examination closed

Ziberi (No. 27866/02)	5 October 2007	CM/ResDH(2016)35	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

■ CPT: Publication of a report on “the former Yugoslav Republic of Macedonia” (17.03.2016)

The CPT has published the report on its visit to the former Yugoslav Republic of Macedonia in October 2014 together with the response of the national authorities ([Read more](#) - [Read the report](#)).

Turkey

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

CASE	DATE	RESOLUTION	VIOLATION	CONCLUSION
Cyprus (No. 25781/94)	12 May 2014	CM/ResDH(2007)25	14 violations in relation to the situation in the northern part of Cyprus.	To continue the debate on the cluster of missing persons, in accordance with the decision adopted at the 1243rd meeting (December 2015).
Varnava and Others (No. 16064/90+)	18 September 2009	CM/ResDH(2014)185	Lack of effective investigation into the fate of nine Greek Cypriots who disappeared during the military operations by Turkey in Cyprus in 1974.	To continue the debate on the missing persons and on the issue of payment of the just satisfaction, in accordance with the decisions adopted at the 1230th meeting and 1243rd meeting .
Xenides-Arestis Group (No. 46347/99)	23 May 2007	CM/ResDH(2014)185	Continuous denial of access to property in the northern part of Cyprus (Article 1 Protocol No. 1, Article 8).	To continue the debate on the issue of payment of the just satisfaction.

CASE	DATE	VIOLATION	CONCLUSION
Gülay Cetin (No. 44084/10)	5 June 2013	Inhuman or degrading treatment of a remand prisoner who was diagnosed with cancer (Article 3, Article 14 in conjunction with Article 3).	To transfer the case from enhanced to standard supervision procedure on the basis of the measures taken, in accordance with the decision adopted at the 1250th meeting .
Erdogan and others (No. 19807/92)	13 September 2006	Death of the applicants' next-of-kin as a result of unjustified and excessive force used by members of security forces during military operations. Ineffectiveness of the investigations carried out.	To assess the action plan submitted on 22/01/2016 and to identify outstanding questions, in accordance with the decision adopted at the 1250th meeting .
Kasa Groups (No. 45902/99)	20 August 2008	Death of the applicants' next-of-kin as a result of unjustified and excessive force used by members of security forces during military operations. Ineffectiveness of the investigations carried out.	To assess the action plan submitted on 22/01/2016 and to identify outstanding questions, in accordance with the decision adopted at the 1250th meeting .

Özmen Group (No. 28110/08)	4 March 2013	Inadequacy of measures taken in implementation of the Hague Convention on the Civil Aspects of International Child Abduction (Article 8).	To change the current indicator (urgent individual measures) to “complex problem” and to transfer two similar cases (Ilker Ensar Uyanik (60328/09) and Övüş (42981/04)) from standard to enhanced procedure, in accordance with the decision adopted at the 1250th meeting .
Nedim Sener Group (No. 38270/11)	8 October 2014	Lengthy and unjustified detention on remand of two investigative journalists (Article 5 § 3, Article 10).	To assess the action plan submitted on 03/08/2015 and to identify outstanding questions, in accordance with the decision adopted at the 1250th meeting .

B. Resolutions, signatures and ratifications

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

C. Other information

■ Monitoring Committee expressed serious concern at recent developments in Turkey (09.03.2016)

The Monitoring Committee expressed its serious concern at recent developments in Turkey with respect to restrictions on media freedom and access to pluralistic information, challenges to the decisions of the Constitutional Court and the erosion of the rule of law, as well as the human rights situation of people living in south-east Turkey, who have been subjected to military operations and curfews for several months. The committee called on the Turkish authorities to consider the relaxation of curfews, so that humanitarian considerations were addressed by securing citizens access to water and food, medical care and other basic rights. ([Read more](#))

■ GRECO: Lack of openness in parliamentary process and independence of judiciary are sources of concern (17.03.2016)

The report focuses on corruption prevention in respect of parliamentarians, judges and prosecutors. It includes a large number of recommendations to improve anti-corruption measures in all three groups, in respect of institutional settings and practices as well as with regard to the conduct of the officials concerned ([Read more](#) - [Read the report](#)).

Ukraine

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

CASE	DATE	RESOLUTION	CONCLUSION
Pichkur (No. 10441/06)	7 February 2014	CM/ResDH(2016)36	Examination closed

B. Resolutions, signatures and ratifications

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

C. Other information

■ PACE: Committee called for the immediate release of Nadiya Savchenko and people captured during conflict in Ukraine (22.03.2016)

The Committee on Migration, Refugees and Displaced Persons called for the immediate release of Nadiya Savchenko and other illegally detained Ukrainian prisoners and allow their return to Ukraine. Furthermore, the committee also called on the Ukrainian authorities to settle the issue of medical, legal, financial and social assistance to the people liberated from captivity, in particular civilians. For those people who are still in captivity, the State should provide financial assistance to their families. ([Read more](#) - [Adopted report](#))

United Kingdom

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

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

B. Resolutions, signatures and ratifications

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

C. Other information

■ FCNM: Visit of the Advisory Committee on the FCNM (07.03.2016)

A delegation of the Advisory Committee on the FCNM visited Belfast, Edinburgh, Truro and London from 7-11 March 2016 in the context of the monitoring of the implementation of this convention ([Read more](#)).