

REGULAR SELECTIVE INFORMATION FLOW

for the attention of the National Human Rights Structures

Issue #143

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

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Introduction

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

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

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

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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 (1st of July-31st of August 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)**

AYDOĞDU V. TURKEY ([IN FRENCH ONLY](#)) - No. 40448/06 - Importance 2 - 30 August 2016 - Violation of Article 2 - Domestic authorities’ failure to prevent the death of the applicant’s premature baby

The case concerned the applicant’s allegation that the death of their daughter – who had been born prematurely and suffered from a respiratory disorder – had been caused by professional negligence on the part of the staff of the hospital where she had been treated.

The Court first noted that the hospital did not have a neonatal unit, and that it had poorly organised and regulated transfers of more than 300 premature babies every year to another hospital. The Court

thus found that before deciding to transfer the baby, the hospital staff had not taken any steps to ensure that she would receive the treatment that her clinical picture required. In addition, the Court took the view that the authorities responsible for health care must have been aware at the time of the events that there was a real risk to the lives of multiple patients and that they had not taken the steps that could reasonably have been expected to avert that risk. Accordingly, it considered that the applicant's baby had been the victim of negligence and structural deficiencies that had effectively precluded her from receiving appropriate emergency treatment, amounting to a life-endangering denial of medical care. There had been a violation of Article 2 under its substantive head.

With regard to the criminal proceedings, the accused medical staff and the institutions that employed them were governed by public law, by which the prosecution of public officials was subject to prior authorisation by the appropriate administrative authority. This procedure had systematically prompted criticisms and findings of violations by the Court on account of the lack of independence of the investigative bodies and the inability of complainants to participate effectively in investigations. The Court held that there was no cause to depart from those conclusions in the present case. Furthermore, it noted that the experts had never answered the only fundamental questions that could have allowed them to determine whether, leaving aside the coordination problems and the structural deficiencies, the baby's death had been inevitable. It therefore found that there had been a breach of the procedural aspect of Article 2.

Article 41 (Just satisfaction)

The Court held unanimously that Turkey was to pay the applicants jointly EUR 65,000 in respect of non-pecuniary damage and EUR 486 in respect of costs and expenses.

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

JERONVIČS V. LATVIA (No. 44898/10) - Importance 1 - 5 July 2016 - Violation of Article 3 - Domestic authorities' refusal to conduct an effective investigation into the applicant's ill-treatment by agents of the State

The case concerned the domestic authorities' refusal to reopen the criminal proceedings relating to the applicant's ill-treatment, following a unilateral declaration in which they had acknowledged a violation of Article 3 of the Convention.

The Court first recalled that the obligation to carry out an effective investigation into allegations of treatment infringing Article 3 is well established in its case-law. In this case, the Court noted that in its strike-out decision of 2009 it had not expressly indicated whether domestic authorities remained under an obligation to conduct an effective investigation or whether that obligation had been extinguished by the acknowledgment of a breach and the payment of compensation. Therefore, the Court had to light up the implications of the wordings of its previous decision. It explained that those measures were not sufficient having regard to the State's obligation under Article 3 of the Convention to conduct an effective investigation in cases of wilful ill-treatment by agents of the State. Indeed, the Court took the view that the applicant should retain the possibility to exercise "any other available remedies in order to obtain redress". In the absence of an effective investigation, the strike-out decision of 2009 had not extinguished the domestic authorities' continuing obligation to conduct an investigation in compliance with the requirements of the Convention.

Therefore, the Court therefore held that there had been a violation of Article 3 of the Convention under its procedural head.

Article 41 (Just satisfaction)

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

A.M. V. THE NETHERLANDS (No. 29094/09) - Importance 3 - 5 July 2016 – No violation of Article 13 and Article 3 - Domestic authorities' legitimate decision not to set up a second level of appeal

The case concerned the applicant with Afghan nationality who entered the Netherlands in 2003 and applied for asylum fearing the persecution and ill-treatment in Afghanistan because of his former membership in the communist party. He stated that he had been detained and had been tortured in prison before he managed to escape. The domestic authorities rejected the applicant asylum application on the grounds that he had in part misrepresented the facts and had withheld important information. The applicant's appeal was rejected. He could file a further appeal, but did not do so.

Article 13 and 3

The Court noted that a further appeal in asylum cases would not have had an automatic suspensive effect, which was a requirement under Article 13 taken together with Article 3 for a domestic remedy to be considered effective. However, the Court observed that an appeal filed with the Regional Court did have an automatic suspensive effect. Given that, the domestic authorities were not required to set up a second level of appeal.

Accordingly, there had been no violation of Article 13 in conjunction with Article 3.

Article 3

The Court came to the conclusion that the applicant had not demonstrated that he would be exposed to risks of ill-treatment in the event of his removal. The Court noted that there was no indication of any efforts to search for the applicant from any governmental or non-governmental body or any private individual. Moreover, the United Nations High Commissioner for Refugees (UNHCR) did not include persons involved in the former communist regime in their potential risk profiles in respect of Afghanistan.

Finally, the Court did not consider that in Afghanistan there was a general situation of violence to the extent that there would be a real risk of ill-treatment by virtue of an individual being returned there.

ADAM V. SLOVAKIA (No. 68066/12) - Importance 2 - 26 July 2016 - Violation of Article 3 - Inadequate investigation into the applicant's allegation of ill treatment during police custody

The case concerned a Roma's allegation of ill treatment during his questioning during police custody. He also alleged that the investigation into his allegations had been inadequate.

As the Court noted several elements casting doubt on the applicant's submissions of ill treatment, it considered that the requisite level had not been reached for finding inhuman and degrading treatment under Article 3 of the Convention.

Nevertheless, the Court found the applicant's assertions sufficiently credible to give rise to an obligation

on the part of the authorities to investigate them in compliance with the requirements of Article 3 of the Convention. In particular, one of the reasons why his complaint about the alleged beating at the police station had been dismissed was that he had failed to raise that complaint before in his interview with the investigator. Furthermore, the Court found that no steps had apparently been taken with a view to eliminating the inconsistencies in the applicant's allegations. Nor had the authorities taken any measures to question another person alleged by Mr Adam to have been present at the police station

during his questioning or to cross-examine the officers involved. Bearing in mind the sensitive nature of the situation concerning Roma in Slovakia at the time, the Court concluded that the authorities had not done all that could have been reasonably expected of them to investigate the applicant's allegations.

There had therefore been a violation of Article 3.

Article 41 (Just satisfaction)

The Court held that Slovakia was to pay the applicant EUR 1,500 euros in respect of non-pecuniary damage and EUR 3,000 for costs and expenses.

J.K. AND OTHER V. SWEDEN (No. 59166/12) - Importance 1 - 23 August 2016 - Violation of Article 3 – Domestic authorities’ failure to provide the applicant with effective protection

The case concerned the applicant and his family with Iraqi nationals who was the target of a murder attempt carried out by al-Qaeda. The applicant and his family has sought asylum by addressing domestic authorities, but the latter rejected and ordered the deportation.

The Court noted that the security situation in Iraq did not impose a general need for international protection for asylum-seekers.

The Court observed that several members of the applicant’s family had been subjected to threats, mainly as a result of applicant’s activities. The Court also found that there was a strong indication that ill-treatment would continue to be at risk from non-State actors in Iraq. The applicant belonged to a group of persons who were systematically targeted because of their relationship with the American armed forces.

The Court found that the Iraqi authorities’ capacity to protect citizens had to be regarded as diminished. Therefore, the Court was not convinced that the Iraqi State would be able to provide the applicant and his family with the effective protection against threats by al-Qaeda or other private groups.

The Court found that substantial grounds had been shown for believing that the applicants would run a real risk of treatment contrary to Article 3 if returned to Iraq.

Accordingly, the Court considered that the implementation of the deportation order in respect of them would entail a violation of Article 3.

Article 41 (Just satisfaction)

The Court held that Sweden was to pay the applicants EUR 10,000 in respect of costs and expenses.

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

A.M. V. FRANCE (IN FRENCH ONLY) - No. 56324/13 - Importance 2 - 13 July 2016 - Violation of Article 5 § 4 - Domestic authorities’ failure to ensure the applicant with an effective judicial remedy to challenge the lawfulness of his detention

The case concerned a complaint about the lack of an effective remedy to contest the lawfulness of a detention order against an alien in France which had led to his deportation from French territory.

The Court first reiterated that anyone who was arrested or detained had the right to have the “lawfulness” of his detention reviewed by a court. In this case, the Court had to examine the effectiveness of the judicial remedy to challenge the administrative detention order against him. The Court noted that administrative courts examining an appeal against an administrative detention order could only verify the competence of the authority which issued the order, its reasons for doing so and the necessity of the administrative detention. On the other hand, those courts had no jurisdiction to review the lawfulness of the measures which had been taken prior to the administrative detention and had led to that detention. In particular, they could not verify the conditions surrounding the applicant’s arrest, and therefore, the lawfulness of the series of decisions leading up to the administrative detention.

The Court therefore found that the applicant had not benefited from an effective remedy for the purposes of Article 5 § 4 of the Convention. There had therefore been a violation of that provision.

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

REICHMAN V. FRANCE ([IN FRENCH ONLY](#)) - No. 50147/11 - Importance 3 - 12 July 2016 – Violation of Article 6 § 1 and 10 - Permitted degree of "exaggeration" and "provocation" in the exercise of journalistic freedom

The case concerned the applicant who was found guilty of public defamation. The Court of Cassation declared the applicant's appeal on points of law inadmissible, on the ground that he had given his lawyer special authorisation to bring proceedings before the court before the court had delivered its judgment.

The Court considered that the authorities had displayed excessive formalism, amounting to a disproportionate interference with the right of access to a court, taking into account the particularly short nature of the deadline for lodging an appeal, namely five clear days.

The Court considered that the contested remarks had been made as part of a debate on matters of general interest and concerned the freedom of the press.

The Court noted that the impossibility of proving the truthfulness of a statement could not imply a failing by the writer or speaker to comply with professional ethics. The Court concluded that the contested statement amounted to a value judgment and not a statement of facts.

Finally, the Court reiterated that a criminal sanction, even a relatively light one, could have a chilling effect on the exercise of freedom of expression.

The Court concluded that the applicant's conviction had amounted to a disproportionate interference with his right to freedom of expression and that there had therefore been a violation of Article 10 of the Convention.

Article 41 (Just satisfaction)

The Court held that France was to pay the applicant EUR 5,000 in respect of non-pecuniary damage and EUR 210 in respect of costs and expenses.

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

[RUBAN V. UKRAINE](#) (No. 8927/11) - Importance 2 - 12 July 2016 - No violation of Article 7- Non intentional gap between the abolition of the death penalty and its replacement with life imprisonment

The case concerned the applicant serving a life sentence for aggravated murder and banditry alleged that he had been sentenced during the three-month gap between the time when the death penalty had been abolished in Ukraine and life imprisonment had not yet been introduced.

The Court reiterated that the criminal law could not be extensively construed to an accused's detriment. The national courts had to apply the law whose provisions were most favourable to the defendant. The Court observed that a three-month gap between the abolition of the death penalty and its replacement with life imprisonment had not been intentional. The Court concluded that at the time the applicant had committed his crime, it had been punishable by the death penalty. However, the domestic authorities had replaced that penalty with a life sentence, and the national courts had therefore applied the more lenient form of punishment in the applicant's case.

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

SIA AKKA/LAA V. LATVIA (No. 562/05) - Importance 2 - 12 July 2016 - No violation of Article 1 of Protocol no. 1 and Article 6 § 1 - No failure of domestic authorities to strike a fair balance between the applicant's right to obtain equitable remuneration from the use of musical work and the demands of the public interest

The case concerned a complaint of a non-profit organisation responsible for managing the copyright of the musical works of a large number of national and international authors about decisions by national courts, which had restricted the exclusive rights of the authors to freely conclude licence agreements for the use of their musical works.

First of all, the Court dismissed the national authorities' argument that only the applicant organisation's individual members could be legitimate victims of a violation of the Convention.

The Court found that the national courts' decisions was based on domestic copyright law.

The Court concluded that the domestic authorities had struck a fair balance between the demand of the public interest and the rights of applicant to obtain equitable remuneration from the use of musical work.

MAMATAS AND OTHERS V. GREECE (IN FRENCH ONLY) (Nos. 63066/14, 64297/14, 66106/14) - Importance 1 - 21 July 2016 – No violation of Article 1 of Protocol no. 1 and Article 14 combined with Article 1 of Protocol no. 1 – Legitimate « collective action clause » to save domestic authorities from the bankruptcy

The case concerned the forcible participation by the 6 320 Greek applicants, who were private individuals holding Greek State bonds, trying to reduce the Greek public debt by exchanging their bonds for other debt instruments of lesser value. After a collective agreement between the institutional investors and the State, their bonds were cancelled and replaced by new securities worth 53.5 % less in terms of nominal value. The aim was to preserve economic stability and national debt restructuring. The applicants complained about interference with their right to respect for their property.

Article 1 of Protocol no. 1 to the Convention

The Court considered that during the financial crisis the domestic authorities could have legitimately taken action to maintain economic stability and restructure the debt in the public interest of the community. The interference pursued a public-interest aim.

The Court noted that the applicants could have exercised their rights as bond-holders and sold their bonds on the market. Indeed, collective action clauses were common practice on the international money markets.

Consequently, the Court considered that the domestic authorities had not imposed exceptional or excessive burden on the balance between the public interest and the protection of the applicants' property rights.

Article 14 combined with Article 1 of Protocol no. 1

The Court firstly noted that sifting through all money markets would have necessitated putting the exchanges on hold, excessively protracting the procedure at a time when the country's financial need had become urgent.

Secondly, the Court noted the difficulty of laying down detailed criteria to differentiate between the bond-holders. Moreover, the Court considered that it would have been unfair to exclude an individual

from the operation while including a company, which had invested a much smaller amount on the ground that the latter was a legal entity or an investor.

Thirdly, the Court took into account the domestic authorities' argument that a simple announcement by the authorities that specific categories of bond-holders were exempted from the exchange operation would have resulted in a mass transfer of bonds into the exempted categories, which would have jeopardised the exchange procedure and might have led to the bankruptcy of the domestic authorities.

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

KULINSKI AND SABEV V. BULGARIA (No. 63849/09) - Importance 2 - 21 July 2016 - Violation of Article 3 of Protocol No. 1 - Domestic authorities' failure to strike a fair balance between the enhance of civil responsibility and prisoners' voting rights

The case concerned the constitutional ban on prisoners' voting rights in Bulgaria.

The Court first recalled the relevant general principles governing the right to vote in parliamentary elections. It reiterated that when disenfranchisement affects a group of people generally, automatically and indiscriminately, solely on the basis that they are serving a prison sentence, irrespective of the length of the sentence and irrespective of the nature or gravity of their offences and their individual circumstances, it is not compatible with Article 3 of Protocol No. 1. In this case, the Court noted that the applicants' deprivation of the right to vote in the elections to the European Parliament and to the Bulgarian Parliament had constituted an interference with their right under Article 3 of Protocol No. 1. It found that it had the legitimate aims of promoting the rule of law and enhancing civic responsibility. The Court came to the conclusion that the restriction was disproportionate to the aims pursued. Indeed, the Court noted that this restriction was imposed on all convicted prisoners serving prison sentences and was not adjusted to the circumstances of the particular case, the gravity of the offence of the conduct of the offender.

The Court took the view that a general, automatic and indiscriminate restriction of the right protected under Article 3 of Protocol No. 1 was not acceptable.

Accordingly, there had been a violation of Article 3 of Protocol No. 1.

Article 41 (Just satisfaction)

The Court considered that the finding of a violation constituted sufficient just satisfaction in the case for any non-pecuniary damage sustained by the applicants. Furthermore, the Court held that Bulgaria was to pay the applicants EUR 2,727 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
BULGARIA	12 July 2016	MARINOVA AND OTHERS (Nos. 33502/07, 30599/10, 8241/11 AND 61863/11) ZDRAVKO STANEV (No. 2) (No. 18312/08)	3	Violation of Art. 10	Applicants' conviction in relation to the complaints they had made against public officials and the substantial sums in fines and damages they had to pay were disproportionate measures and had the effect of stifling the making of complaints against public officials
	21 July 2016	MIRYANA PETROVA (No. 57148/08)	2	Violation of Art. 6 § 1	Domestic courts' decision not to scrutinise the substantive grounds concerning the refusal of the security clearance had the effect of preventing the judicial determination of the merits of the applicant's complaints
		SHAHANOV AND PALFREEMAN (Nos. 35365/12 AND 69125/12)	3	Violation of Art. 10	Unnecessary interference with the applicants' right to freedom of expression on account of the disciplinary punishments imposed on them in response to complaints they had made in relation to prison officers, a measure that had the effect of stifling the making of complaints against public officials
		TOMOV AND NIKOLOVA (No. 50506/09)	3	Violation of Art. 1 of Prot. No. 1	Breach of the principle of legal certainty without any compensation afforded to the applicants for the deprivation of their land
CROATIA	12 July 2016	VRZIC (No. 43777/13)	2	No violation of Art. 8	The sale of the applicants' house in the enforcement proceedings was a consequence of the applicants' failure to meet their contractual obligations to which they had expressly agreed
				No violation of Art. 1 of Prot. No. 1	Applicants' failure to actively participate in the assessment of the value of their house even though they had an opportunity to do so at the hearing held for that purpose

CROATIA (CONTINUED)	30 August 2016	MINDEK (No. 6169/13)	3	Violation of Art. 1 of Prot. No. 1	Domestic courts' decision to proceed with the sale of the applicant's share in his only real estate even after he had already settled the principal debt only in order to cover the costs of enforcement proceedings which amounted to 8% of the price of his real estate was manifestly unreasonable
ESTONIA	30 August 2016	MIHHAILOV (No. 64418/10)	3	Violation of Art. 3 (procedural)	Domestic authorities' failure to carry out an effective investigation into the applicant's allegations of ill-treatment during his arrest
FRANCE	7 July 2016	R.V. (IN FRENCH ONLY) (No. 78514/14)	3	Violation of Art. 3 (substantive)	Real risk of ill-treatment in case of the applicant's extradition to his country of origin
	12 July 2016	A.B. AND OTHERS (IN FRENCH ONLY) (No. 11593/12)	2	Violation of Art. 3	Children subjected to treatment which had exceeded the threshold of seriousness required
				Violation of Art. 5 §§ 1 and 4	Domestic authorities' failure to verify that the family's placement in administrative detention was a measure of last resort for which no alternative was available
				Violation of Art. 8	Domestic authorities' failure to take all the necessary steps to enforce the removal measure as quickly as possible
				Violation of Art. 3 (substantive)	Poor conditions of detention (duration and physical conditions)
12 July 2016	A.M. AND OTHERS (IN FRENCH ONLY) (No. 24587/12)	2	No violation of Art. 5 §§ 1 and 4	No failure of the domestic authorities' to verify that the family's placement in administrative detention was a measure of last resort for which no alternative was available	
			No violation of Art. 8	Proportionate interference with the applicant's right to respect for his family life	

FRANCE (CONTINUED)	12 July 2016	R.C. AND V.C. (IN FRENCH ONLY) (No. 76491/14)	3	Violation of Art. 3 (substantive)	Poor conditions of detention
				No violation of Art. 5 §§ 1 and 4	No failure of the domestic authorities' to verify that the family's placement in administrative detention was a measure of last resort for which no alternative was available
				No violation of Art. 8	Proportionate interference with the applicant's right to respect for his family life
		R.K. AND OTHERS (IN FRENCH ONLY) (No. 68264/14)	3	No violation of Art. 3	No real risk of ill-treatment in case of the applicant's extradition to his country of origin
				Violation of Art. 3 (substantive)	Poor conditions of detention of the child's applicant
				Violation of Art. 5 §§ 1 and 4	Domestic authorities' failure: they had not attempted to verify that the child's applicant's placement in administrative detention was a measure of last resort for which no other, less coercive, alternative was available.
	R.M. (IN FRENCH ONLY) (No. 33201/11)	2	Violation of Art. 8	The administrative detention of nine days' duration is disproportionate	
			No violation of Art. 3	No real risk of ill-treatment in case of the applicant's extradition to his country of origin	
			Violation of Art. 3 (substantive)	Poor conditions of detention of the child's applicant	
	21 July 2016	FOULON AND BOUVET (IN FRENCH ONLY) (Nos. 9063/14 AND 10410/14)	2	No violation of Art. 8	No breach of the 1st applicant's right to respect for their private and family life as a result of the refusal to transcribe his birth certificates
Violation of Art. 8				Breach of the 2 nd , 4th and 5th applicant's right to respect for their private and family life as a result of the refusal to transcribe his birth certificates	

HUNGARY	5 July 2016	BANDUR (No. 50130/12)	3	Violation of Art. 3 (substantive)	Poor conditions of detention (lack of personal space, lack of adequate access to outdoor activities)
				No violation of Art. 5 § 1	Lawful detention of the applicant
				Violation of Art. 5 § 3	Domestic authorities' failure to justify the applicant's continued detention
				Violation of Art. 5 § 4	Lack of an effective review of the lawfulness of the applicant's detention given that neither the applicant nor his lawyer had been given access to the criminal file and to the evidence on the basis of which the lawfulness of his detention and his request for release had been examined
	Violation of Art. 13 in conjunction with Art. 3	Lack of an effective domestic remedy that could have been used to prevent the alleged violations or their continuation and provide the applicant with adequate and sufficient redress for his complaints under Art. 3			
30 August 2016	O.M. (No. 9912/15)	2	Violation of Art. 5 § 1	Arbitrary detention of the applicant	
			Violation of Art. 6 § 1	Excessive length of proceedings (9 years and 11 months)	
12 July 2016	HUNGUEST ZRT (No. 66209/10)	3	Violation of Art. 1 of Prot. No. 1	Domestic courts' failure to strike a fair balance between the general interest in securing the plaintiff's rights and the applicant's interest in the peaceful enjoyment of possessions given that the applicant's deposit could not be augmented by any interest while, given the domestic courts' large delay in handling the case, an excessive amount of default interest became due and had to be paid by the applicant	
			GEDRIMAS (No. 21048/12)	2	Violation of Art. 3 (substantive)
LITHUANIA	12 July 2016	GEDRIMAS (No. 21048/12)	2	Violation of Art. 3 (procedural)	Domestic authorities' failure to conduct an effective investigation into the applicant's allegations of police ill-treatment

LITHUANIA (CONTINUED)	12 July 2016	ZEKONIENE (No. 19536/14)	3	No violation of Art. 5 § 1	Justified detention of the applicant based on a reasonable suspicion of her having committed a criminal offence
MALTA	30 August 2016	APAP BOLOGNA (No. 46931/12)	3	Violation of Art. 1 of Prot. No. 1 (concerning both cases)	Compensation awarded to the applicants in compensation of requisitioning of his property was ridiculously low and did not provide sufficient redress
		MONTANARO GAUCI AND OTHERS (No. 31454/12)		Violation of Art. 13 in conjunction with Art. 1 of Prot. No. 1 (concerning the first case)	Domestic authorities' failure to demonstrate that the aggregate of remedies proposed by them in connection with requisition orders constituted effective remedies available to the applicant in theory and in practice at the relevant time
REPUBLIC OF MOLDOVA	5 July 2016	LAZU (No. 46182/08)	2	Violation of Art. 6 § 1	Unfairness of proceedings on account of the applicant's conviction without the re-examination of any witnesses after he had been acquitted by the first-instance court
	30 August 2016	PASCARI (No. 25555/10)	3	Violation of Art. 6 § 1	Unfairness of proceedings on account of the domestic authorities' failure to involve the applicant in the criminal proceedings in which his guilt had been determined
	30 August 2016	TURTURICA AND CASIAN (Nos. 28648/06 AND 18832/07)	2	Violation of Art. 1 of Prot. No. 1 (concerning Russia) No violation of Art. 1 of Prot. No. 1 (concerning Moldova)	No legal basis for interfering with the rights of the applicants guaranteed by Article 1 of Protocol No. 1 Moldovan authorities made efforts to secure the applicants' rights
POLAND	5 July 2016	KURSKI (No. 26115/10)	3	Violation of Art. 10	Accusation that the newspaper had published articles ordered by a sponsor was clearly offensive to the publisher
		ZIEMBINSKI (No. 2) (No. 1799/07)	2	Violation of Art. 10	Domestic courts' failure to give "relevant and sufficient" reasons to justify the applicant's conviction and sentence for insult.
	19 July 2016	DOROTA KANIA (IN FRENCH ONLY) (No. 49132/11)	3	No violation of Art. 10	Failure of the applicant to demonstrate that the conviction on charges of defamation after publishing an article in a national weekly was disproportionate

POLAND <i>(CONTINUED)</i>	19 July 2016	G.N. (No. 2171/14)	3	Violation of Art. 8	Applicant's failure to submit the relevant documents in order to establish the course of the proceedings and the content of the impugned decisions
PORTUGAL	30 August 2016	MEDIPRESS-SOCIEDADE JORNALISTICA, LDA (IN FRENCH ONLY) (No. 55442/12)	2	Violation of Art. 10	Disproportion between the award of damages for impugning the honour and reputation of the former Prime Minister and the interference in the freedom of expression
ROMANIA	12 July 2016	BOBIRNAC (IN FRENCH ONLY) (No. 61715/11)	3	No violation of Art. 6 § 1	Applicant's failure to demonstrate that the wrongful conduct of the domestic courts' refusal to award him compensation for the non-pecuniary damage allegedly sustained by him
	19 July 2016	CALIN AND OTHERS (IN FRENCH ONLY) (Nos. 25057/11, 34739/11 AND 20316/12)	2	Violation of Art. 8	Applicant's inability to establish their affiliation because of the statutory limitation argument advanced by the domestic authorities
				Violation of Art. 8 (custody proceedings)	Excessive length of custody proceedings
				No violation of Art. 8 (return proceedings)	Domestic authorities promptly assisted the applicant in her attempts to have her child returned to her, in so far as the matters were brought to their attention and fell within their jurisdiction
				Violation of Art. 8 (concerning Bulgaria)	Delay to decide on the request for recognition and enforcement of the final national authorities custody judgment
	MIRCEA POP (IN FRENCH ONLY) (No. 43885/13)	3	Violation of Art. 2 (procedural)	Lack of a prompt and diligent investigation into the circumstances of the accident which had led to the death of the applicant's son	

RUSSIA	12 July 2016	ALIYEV AND GADZHIYEVA (No. 11059/12)	3	Violation of Art. 2 (substantive)	Applicants' relatives may be presumed dead following their unacknowledged detention by state agents
				Violation of Art. 2 (procedural)	Domestic authorities' failure to take the necessary measures in order to protect the life of the applicants' relatives
				Violation of Art. 5	Unlawful and unacknowledged detention of the applicants' relatives by state agents
	26 July 2016	KOTELNIKOV (No. 45104/05)	2	Violation of Art. 2 (procedural)	Domestic authorities' failure to carry out an effective criminal investigation into the accident in which the applicant had suffered severe injuries
		KRAPIVIN (No. 45142/14)	3	No violation of Art. 8	No failure of the domestic court to reassess the issue of the applicant's contact with his son once the applicant was no longer under psychiatric supervision and that there was no evidence that the existing contact had in any way been harmful to the child
26 July 2016	U.N. (No. 14348/15)	3	Violation of Art. 3	Real risk of ill-treatment in case of the applicant's extradition to his country of origin	
			Violation of Art. 5 § 4	Lack of a judicial review of the lawfulness of the applicant's detention	
SERBIA	12 July 2016	CUPARA (No. 34683/08)	3	No violation of Art. 6 § 1	The national legal system provided the applicant with a mechanism capable of overcoming the inconsistencies complained of
		MUCIBABIC (No. 34661/07)	2	Violation of Art. 2 (procedural)	Domestic authorities' failure to carry out a prompt and effective investigation into the applicant's son's death
SLOVAKIA	5 July 2016	BUKOVCANOVA AND OTHERS (No. 23785/07) KRAHULEC (No. 19294/07) RUDOLFER (No. 38082/07)	3	Violation of Art. 1 of Prot. No. 1	Domestic authorities' failure to strike the requisite fair balance between the general interests of the community and the protection of the applicants' right of property
SPAIN	19 July 2016	FLORES QUIROS (IN FRENCH ONLY) (No. 75183/10)	3	Violation of Art. 6 § 1	Domestic authorities' failure to enforce the judgment in the applicant's favour

TURKEY	5 July 2016	ALI OSMAN OZMEN (IN FRENCH ONLY) (No. 42969/04)	2	No violation of Art. 5 § 1	Justified detention of the applicant based on a reasonable suspicion of him having committed a criminal offence	
				Violation of Art. 5 § 3	Arbitrary placement and maintaining of the applicant, a civilian, in pre-trial detention by a domestic military tribunal given that such jurisdictions do not have the requisite independence and impartiality for such decisions	
				Violation of Art. 5 § 4	Arbitrary review of the lawfulness of the applicant's pre-trial detention by a military tribunal while such jurisdictions do not have the requisite independence and impartiality for such decisions	
			EGITIM VE BILIM EMEKCILERI SENDIKASI AND OTHERS (IN FRENCH ONLY) (No. 20347/07)	2	Violation of Art. 3 (substantive)	Excessive and unjustified use of police force
					Violation of Art. 3 (procedural)	Ineffective investigation in that respect
					Violation of Art. 11	Unnecessary interference with the applicants' right to freedom of assembly on account of the excessive use of police force in order to prevent them from participating in the demonstration
		RAHMI SAHIN (No. 39041/10)	3	Violation of Art. 3 (procedural)	Domestic authorities' failure to conduct an effective investigation into the applicant's allegations of police ill-treatment	
	12 July 2016	KACAN (IN FRENCH ONLY) (No. 58112/09)	3	No violation of Art. 6 § 1	Fairness of proceedings	
	30 August 2016	NASRETTIN ASLAN AND ZEKI ASLAN (IN FRENCH ONLY) (No. 17850/11)	3	No violation of Art. 3 (substantive)	Absence of evidence suggesting that the use of police force had not been necessary or disproportionate	
				Violation of Art. 3 (procedural)	Ineffective investigation in that respect	
TOPTANIS (No. 61170/09)		3	Violation of Art. 2 (procedural)	Domestic authorities' failure to conduct an effective and adequate investigation into the applicant's shooting		
THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA	21 July 2016	PETRESKA (No. 16912/08)	3	Violation of Art. 6 § 1	Excessive length of proceedings (6 years and 9 months)	

UKRAINE	7 July 2016	ZOSYMOV (No. 4322/06)	3	Violation of Art. 8	Unlawful interference with the applicant's right to respect for his home concerning the inspection of his office, car and garage
				Violation of Art. 1 of Prot. No. 1	Applicant's inability to subject the seizure and continued retention of his property to the scrutiny of an independent authority in order to assess their lawfulness and proportionality
				Violation of Art. 13	Lack of an effective domestic remedy concerning his complaints under Art. 8 and Art. 1 of Prot. No. 1

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 April to 31 May 2016**. Those decisions are selected to provide the NHRSS with potentially useful information on the reasons of the inadmissibility of certain applications addressed to the Court and/or on the friendly settlements reached.

STATE	DATE	CASE TITLE	ALLEGED VIOLATION	DECISION
CROATIA	17 May 2016	LUKIC AND OTHERS V. CROATIA	Violation of Art 2 of the Convention (Lack of an effective investigation into the killing of their relative)	The complaint is inadmissible as incompatible <i>ratione temporis</i> (the violation occurred before the entry into force of the Convention)
POLAND	31 May 2016	BUKSA V. POLAND	Violation of articles 2 and 6 of the Convention (Inadequate medical assistance during the applicant's pregnancy and the proceedings were not fair nor impartial)	The complaint is manifestly inadmissible (The State offered legal compensation for the loss, and the proceedings were reasonable)
ROMANIA	25 May	S.C. RED CREDIT SRL V. ROMANIA	Violation of Art. 6 of the Convention (Unfair proceedings)	Rejected as incompatible <i>ratione personae</i>
UNITED KINGDOM	31 May 2016	SYLLOGOS TON ATHINAION V. UK	Violation of Art. 8, 9, 10, and 13 of the Convention, and Art. 1 of Protocol 1 (The refusal by the UK to participate in the mediation with Greece amounted to a violation of its human rights and, indirectly, of the human rights of its members and their ancestors)	Rejected as incompatible <i>ratione materiae</i> and <i>ratione temporis</i>

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 May to 30 June** 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
AUSTRIA	3 May 2016	P.R. (No. 200/15)	The applicant claims that the University authorities had refused to amend his certificate of graduation of 1997 which he had to submit to potential employers when applying for a job as a lawyer.
CROATIA	31 May 2016	ĆOSIĆ (No. 68879/14)	The applicant claims that he has not been informed about his father's burial place.
	28 June 2016	BUDIMIR (No. 44691/14)	The applicant complains that the Ministry of Interior's decision to revoke his licence of certified motor vehicle supervisor resulted in his dismissal from work thus leaving him unemployed and with no income.
GEORGIA	3 May 2016	ARKANIA (No. 26344/13)	The applicant claims that in breach of the privilege not to incriminate a close relative, he was convicted of the failure to report to the police the crimes committed by his brother.
LITHUANIA	30 May 2016	KAZLAUSKAS (Nos. 13394/13 AND 67441/13)	Both applicants complain about the refusal of their requests to be allowed conjugal visits with their imprisoned spouses.
PORTUGAL	16 June 2016	CARVALHO PINTO DE SOUSA MORAIS (No. 17484/15)	The applicant complains that the domestic court disregarded the importance that sexual life has for her as a woman, whereas she became unable to have sexual relations after a surgery.
THE REPUBLIC OF MOLDOVA	30 May 2016	SOCIETATEA SCRITORILOR ROMÂNI DIN MOLDOVA' ASOCIATIE OBŞTEASCĂ (No. 4470/08)	The applicants complain that the Ministry of Justice's failure to register their association under its original name in a timely manner constituted an interference with their freedom of association.

	28 June 2016	CASAP (No. 50891/08)	The applicant complains about his dismissal from the armed forces for an act that he did not commit, which denied him the chance of honourable future employment.
ROMANIA	3 May 2016	CONVERTITO (No 30547/14)	The applicants complain about the annulment of their bachelor degrees, which according to them is due to administrative errors that do not fall under their responsibility.
RUSSIA	13 June 2016	S.S. (No. 2236/16)	The applicant argues that the authorities deliberately chose to apply the deportation procedure in respect of him in order to circumvent the procedural guarantees available in the extradition procedure.
	28 June 2016	ANDROSYAN (No. 17137/10) NENICH (No. 32802/09)	The applicants complain about the seizure of their passports and contend that they cannot exercise their right to freedom of movement, as they are even unable to buy train tickets.
THE UNITED KINGDOM	10 June 2016	AUSTIN (No. 39714/15)	According to the applicant, the respondent State has failed to protect her from dust and noise pollution from the open-cast coal mining.
TURKEY	9 May 2016	AYDIN (No. 51756/11)	The applicant complains that the domestic authorities' refusal to allow her to bear both her maiden name and her former husband's name after her divorce.

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

B. Resolutions

AUTHOR	DATE	TEXT NUMBER	SUBJECT MATTER	DECISION
CM	6 July 2016	(2016)3	Participatory status for international non-governmental organisations with the Council of Europe	CM decided to adopt the rules for participatory status appended to the resolution which replace the rules established by Resolution Res(2003)8 .

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

■ Parliamentary diplomacy, a key to solving current conflicts and threats in Europe (01.07.2016)

PACE President expressed that “parliamentary diplomacy is a key to solving complex problems such as international terrorism, the refugees and migrants crisis, ‘frozen’ and ‘burning’ conflicts and institutional crisis. Thus, PACE President called for the continuation of the co-operation initiated 21 years ago between PACE and the OSCE PA and praised, in particular, the work of the two assemblies, together with ODIHR and the Venice Commission, to set and implement a useful framework for monitoring elections ([Read more - speech](#)).

■ PACE Rapporteur: national programmes for fighting the radicalisation of young people should be stepped up (21.07.2016)

PACE rapporteur on « Preventing the radicalisation of children and young people by fighting the root causes » called on European governments to develop more effective policies against political and religious radicalisation amongst young or marginalised people with foreign backgrounds ([Read more](#)).

C. Information for the Commissioner for Human Rights

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

D. Information from the monitoring mechanisms

■ CPT: Committee’s July 2016 plenary meeting (11.07.2016)

The CPT held its 90th plenary meeting from 4 to 8 July 2016 in Strasbourg ([Read more](#)).

■ GRETA: Committee’s 26th meeting (11.07.2016)

The GRETA held its 26th meeting from 4 to 8 July 2016 at the Council of Europe in Strasbourg ([Read more](#)).

Statement by GRETA on the occasion of the 3rd World Day against Trafficking in Persons (30.07.2016) ([Read more](#)).

ECRI: Interview with Mr Christian Ahlund, Chair of ECRI, by Sputnik Radio (01.07.2016)
([Listen to the interview](#)).

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.

Austria

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 of the FCNM (05.07.2016)

A delegation of the Advisory Committee on the FCNM visited Austria from 4-8 July 2016 ([Read more](#)).

Belgium

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

■ Resolution on the application of the European Code of Social Security and its Protocol by Belgium, 6 July 2016

CM decided to invite the Government of Belgium to take some measures in order to improve the application of the European Code of Social Security ([Resolution \(2016\)1](#)).

C. Other information

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

Bosnia and Herzegovina

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

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

B. Resolutions, signatures and ratifications

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

C. Other information

■ CPT: Publication of a report on Bosnia and Herzegovina (05.07.2016)

The CPT published the report on its most recent visit to Bosnia and Herzegovina from 29 September to 9 October 2015. The report focuses on the treatment of persons in police custody, the situation in the prisons of both entities and psychiatric facilities in the Sarajevo Canton. It also assesses the extent to which the recommendations made after previous CPT visits in 2011 and 2012 have been implemented ([Read more](#)).

Cyprus

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

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

B. Resolutions, signatures and ratifications

■ Resolution on the application of the European Code of Social Security by Cyprus, 6 July 2016

CM decided to invite the Government of Cyprus to take some measures in order to improve the application of the European Code of Social Security ([Resolution \(2016\)2](#)).

C. Other information

■ GRECO: Cyprus should increase transparency in parliament and define rules for lobbying and gift giving, among other recommendations (27.07.2016)

A new report from the GRECO includes 16 recommendations to improve anti-corruption measures in parliament and for judges and prosecutors ([Read more](#)).

Czech Republic

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

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

B. Resolutions, signatures and ratifications

■ Resolution on the application of the European Code of Social Security by Czech Republic, 6 July 2016

CM decided to invite the Government of Czech Republic to take some measures in order to improve the application of the European Code of Social Security ([Resolution \(2016\)3](#)).

C. Other information

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

Denmark

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

■ Resolution on the application of the European Code of Social Security by Denmark, 6 July 2016

CM decided to invite the Government of Denmark to take some measures in order to improve the application of the European Code of Social Security ([Resolution \(2016\)4](#)).

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

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

B. Resolutions, signatures and ratifications

■ Resolution on the application of the European Code of Social Security by Estonia, 6 July 2016

CM decided to invite the Government of Estonia to take some measures in order to improve the application of the European Code of Social Security ([Resolution \(2016\)5](#)).

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

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

B. Resolutions, signatures and ratifications

■ Resolution on the application of the European Code of Social Security by France, 6 July 2016

CM decided to invite the Government of France to take some measures in order to improve the application of the European Code of Social Security ([Resolution \(2016\)6](#)).

C. Other information

■ PACE President after Nice attack: 'We stand by France and the French people' (15.07.2016)

PACE President strongly condemned the attack in Nice on Bastille Day and called on French people to stay strong and not give in to fear. Furthermore, PACE President called on French people to continue to combat terrorism without fear and hate so as to defend European heritage and the universal values ([Read more](#)).

Georgia

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

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

B. Resolutions, signatures and ratifications

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

C. Other information

■ PACE: President commended Georgia's true European aspirations (02.07.2016)

PACE President commended Georgia's European aspirations and commitment to Council of Europe values. In his discussions PACE President focused, in particular, on the forthcoming parliamentary election, by raising the recent reports of violent attacks against political activists. Furthermore, PACE President raised the issue of electoral reform. Finally, PACE President welcomed the commitment made by the Georgia Prime Minister to put in place the necessary conditions for the ratification of the Istanbul Convention in the near future ([Read more - announcement of the official visit](#)).

Germany

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

CASE	DATE	RESOLUTION	CONCLUSION
Althof and Others (No. 5631/05)	27 December 2012	CM/ResDH(2016)177	Examination closed

B. Resolutions, signatures and ratifications

■ Resolution on the application of the European Code of Social Security and its Protocol by Germany, 6 July 2016

CM decided to invite the Government of Germany to take some measures in order to improve the application of the European Code of Social Security ([Resolution \(2016\)7](#)).

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	CONCLUSION
Alvanos and Others (No. 38731/05)	20 June 2008	CM/ResDH(2016)178	Examination closed
Roumeliotis (No. 53361/07)	15 January 2010	CM/ResDH(2016)178	Examination closed
Konstantinos Petropoulos (No. 55484/07)	15 January 2010	CM/ResDH(2016)178	Examination closed
Dimopoulos (No. 34198/07)	28 June 2010	CM/ResDH(2016)178	Examination closed
Dimitras and others (No. 44077/09+)	8 April 2013	CM/ResDH(2016)179	Examination closed
Dimitras and Gilbert (No. 36836/09)	2 October 2014	CM/ResDH(2016)179	Examination closed

B. Resolutions, signatures and ratifications

■ Resolution on the application of the European Code of Social Security by Greece, 6 July 2016

CM decided to invite the Government of Greece to take some measures in order to improve the application of the European Code of Social Security ([Resolution \(2016\)8](#)).

C. Other information

■ CPT: Visit of the Committee in Greece (26.07.2016)

A delegation of the CPT carried out an ad hoc visit to Greece from 19 to 25 July 2016 ([Read more](#)).

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

■ Resolution on the application of the European Code of Social Security by Ireland, 6 July 2016

CM decided to invite the Government of Ireland to take some measures in order to improve the application of the European Code of Social Security ([Resolution \(2016\)9](#)).

C. Other information

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

Italy

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

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

B. Resolutions, signatures and ratifications

■ Resolution on the application of the European Code of Social Security by Italy, 6 July 2016

The Committee of Ministers decided to invite the Government of Italy to take some measures in order to improve the application of the European Code of Social Security ([Resolution \(2016\)10](#)).

■ Resolution on the Confederazione Generale Italiana del Lavoro (CGIL) v. Italy, Complaint No. 91/2013, 6 July 2016.

In its decision on admissibility and the merits in Confederazione Generale Italiana del Lavoro (CGIL) v. Italy, Complaint No. 91/2013, the Committee of Ministers concluded unanimously that there is a violation of Article 11 § 1 of the Charter; by 9 votes to 2, that there is a violation of Article E read in conjunction with Article 11 of the Charter; by 6 votes to 5, that there is a violation of Article 1 § 2 of the Charter on the grounds of the difference in treatment between objecting and non-objecting medical practitioners; unanimously, that there is no violation of Article 1 § 2 of the Charter in relation to the allegation of forced or compulsory labour; unanimously, that there is no violation of Article 2 § 1 of the Charter; unanimously, that there is no violation of Article 3 § 3 of the Charter; by 7 to 4, that there is a violation of Article 26 § 2 of the Charter; unanimously, that no separate issue arises under Article E taken together with Articles 2 § 1, 3 § 3 and 26 § 2 of the Charter ([Resolution \(2016\)3](#)).

C. Other information

■ FCNM: Publication of a the 4th Advisory Committee Opinion (28.07.2016)

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

Latvia

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

CASE	DATE	RESOLUTION	CONCLUSION
A.K. (No. 33011/08)	24 September 2014	CM/ResDH(2016)180	Examination closed

B. Resolutions, signatures and ratifications

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

C. Other information

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

Lithuania

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

CASE	DATE	RESOLUTION	CONCLUSION
Lalas (No. 13109/04)	1 June 2011	CM/ResDh(2016)181	Examination closed

B. Resolutions, signatures and ratifications

■ Resolution on the implementation of the Framework Convention for the Protection of National Minorities by Lithuania, 6 July 2016

The Lithuanian authorities are invited to take measures to improve further the implementation of the Framework Convention, in particular, by adopting without delay and in close consultation with minority representatives a coherent legal framework for the protection of rights of persons belonging to national minorities, notably regarding language rights in line with Articles 10 and 11 of the Framework Convention; by ensuring that minority language schools are adequately prepared and resourced to implement effectively the education reform without negatively affecting the overall quality of education; and finally, by developing and implementing a comprehensive strategy, involving all relevant actors and in close consultation with Roma representatives, to combat the continuing discrimination and social exclusion of Roma in all spheres of public life ([Resolution \(2016\)9](#)).

C. Other information

■ FCNM: Adoption of a Committee of Ministers' resolution on Lithuania (09.07.2016)

([Read the resolution](#)).

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

■ Resolution on the application of the European Code of Social Security by Luxembourg and its Protocol, 6 July 2016

The Committee of Ministers noted with satisfaction the measures taken by the National Health Fund which has abolished the sharing by insured persons in certain medical costs related to maternity and found that law and practice in Luxembourg continue to give full effect to the provisions of the Code and the Protocol ([Resolution \(2016\)11](#)).

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

■ PACE: Monitors, ending Moldova visit, noted 'accelerated' reforms but listed concerns (04.07.2016)

PACE monitors expressed that they expect forthcoming reforms to be implemented in good faith and in line with Council of Europe standards and practices. However, PACE monitors expressed some concerns about implementation of the law, and also about the functioning of the judiciary ([Read more](#)).

■ GRECO: Council of Europe calls on the Republic of Moldova to improve anti-corruption measures in respect of MP's, judges and prosecutors (05.07.2016)

In a published report, the Council of Europe's anti-corruption body GRECO calls on the Republic of Moldova to improve and to ensure the effective implementation of anti-corruption legislation in respect of parliamentarians, judges and prosecutors. GRECO identifies as key problems the inconsistent application of anti-corruption laws and policies, and the weak capacities and lack of independence of the major institutions in charge of fighting corruption ([Read the report](#)).

Netherlands

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

■ Resolution on the application of the European Code of Social Security by Netherlands and its Protocol, 6 July 2016

CM decided to invite the Government of Netherlands to take some measures in order to improve the application of the European Code of Social Security ([Resolution \(2016\)12](#)).

C. Other information

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

Norway

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

■ Resolution on the application of the European Code of Social Security by Norway and its Protocol, 6 July 2016

CM decided to invite the Government of Norway to take some measures in order to improve the application of the European Code of Social Security ([Resolution \(2016\)13](#)).

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

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

B. Resolutions, signatures and ratifications

■ Resolution on the application of the European Code of Social Security and its Protocol by Portugal, 6 July 2016

CM decided to invite the Government of Portugal to take some measures in order to improve the application of the European Code of Social Security ([Resolution \(2016\)14](#)).

C. Other information

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

Romania

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

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

B. Resolutions, signatures and ratifications

■ Resolution on the application of the European Code of Social Security by Romania, 6 July 2016

CM decided to invite the Government of Romania to take some measures in order to improve the application of the European Code of Social Security ([Resolution \(2016\)15](#)).

C. Other information

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

San Marino

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

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

B. Resolutions, signatures and ratifications

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

C. Other information

■ GRECO: Council of Europe calls on San Marino to ratify the Criminal Law Convention on Corruption and to upgrade political financing law (12.07.2016)

The GRECO called for San Marino to ratify the Criminal Law Convention on Corruption to fully implement it, and to improve legislation on political funding ([Read more](#)).

Slovenia

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

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

B. Resolutions, signatures and ratifications

■ Resolution on the application of the European Code of Social Security by Slovenia, 6 July 2016

CM decided to invite the Government of Slovenia to take some measures in order to improve the application of the European Code of Social Security ([Resolution \(2016\)16](#)).

C. Other information

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

Spain

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

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

B. Resolutions, signatures and ratifications

■ Resolution on the application of the European Code of Social Security by Spain, 6 July 2016

CM decided to invite the Government of Spain to take some measures in order to improve the application of the European Code of Social Security ([Resolution \(2016\) 17](#)).

■ Resolution on the implementation of the Framework Convention for the Protection of National Minorities by Spain, 06 July 2016

The Spanish authorities are invited to take measures to improve further the implementation of the Framework Convention, in particular, by continuing to ensure that programmes to promote the full and effective equality of Roma include clear targets and well-defined actions and benefit from adequate, earmarked funding, and ensure that the impact of such programmes is effectively monitored, in consultation with representatives of the Roma; by stepping up efforts to combat all forms of racism and intolerance; and ensure that all alleged cases of hate speech, including those committed on the Internet as well as in the print and audiovisual media, are investigated, prosecuted and sanctioned on the basis of the recent reform of the Criminal Code which includes provisions to better prosecute hate speech and violence; and finally by ensuring that austerity measures taken in the context of the economic crisis, including in the fields of education, housing and health, do not disproportionately impact, directly or indirectly, on Roma ([Resolution \(2016\)10](#)).

Sweden

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

■ Resolution on the application of the European Code of Social Security by Sweden and its Protocol, 6 July 2016

CM decided to invite the Government of Sweden to take some measures in order to improve the application of the European Code of Social Security ([Resolution \(2016\)18](#)).

C. Other information

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

Switzerland

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

CASE	DATE	RESOLUTION	CONCLUSION
Mäder (No. 6232/09+)	8 March 2016	CM/ResDH(2016)182	Examination closed

B. Resolutions, signatures and ratifications

■ Resolution on the on the application of the European Code of Social Security by Switzerland, 06 July 2016

CM decided to invite the Government of Switzerland concerning Part V (Old-age benefit), reform of the old-age insurance scheme, to provide information, in its next report, on the current state of the reform process; concerning Part IX (Invalidity benefit), reduction or refusal of invalidity benefit, Article 68, to specify in its next report, the criteria applied for the imposition of the penalties envisaged in section 7(b) of the Federal Invalidity Insurance Act (LAI) in cases where insured persons have failed to comply with their obligations, particularly to participate actively in the implementation of all measures that may be reasonably required to contribute to the maintenance of their current employment or to rehabilitation for working life or the exercise of a comparable activity; concerning the method of financing invalidity insurance, Article 70(3), to include in its next report data on receipts and expenditures of invalidity insurance and the role of the state contributions in maintaining the financial balance of the scheme; concerning the reform of invalidity insurance to indicate, in its next report, the progress made and the manner in which the legislation gives better effect to the provisions of Part IX of the Code ([Resolution \(2016\)19](#)).

C. Other information

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

Turkey

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

■ Resolution on the application of the European Code of Social Security by Turkey, 6 July 2016

CM decided to invite the Government of Turkey to take some measures in order to improve the application of the European Code of Social Security ([Resolution \(2016\)20](#)).

C. Other information

■ PACE: President's statement on the attempted coup in Turkey (16.07.2016)

PACE President called for respect of democratic institutions and Council of Europe standards in Turkey, following the failed coup attempt ([Read more](#)).

■ Turkey after the attempted coup: ensuring respect for the rule of law and basic right is essential (18.07.2016)

PACE President expressed that “to protect democratic institutions, it is equally important that the relevant legal procedures are carried out in accordance with the rule of law and human rights standards that Turkey has subscribed to as a member of the Council of Europe, in particular the European Convention on Human Rights and the case-law of the Strasbourg Court.” Thus, PACE President expressed that he “stands ready to support the Turkish authorities, on the basis of the principles of democracy, human rights and the rule of law” ([Read more](#)).

■ PACE rapporteur demanded explanations over far-reaching media restrictions in Turkey (29.07.2016)

The PACE General Rapporteur on media freedom of the Council of Europe Parliamentary Assembly warned that sweeping new restrictions on the media in Turkey could « undermine public trust » in its institutions and hand a victory to the instigators of the failed coup d'état ([Read more](#)).

■ Shock and sadness at Gaziantep wedding blast (21.08.2016)

PACE President expressed his shock and sadness at the deaths in Turkey late Saturday evening, at a wedding in Gaziantep, southern Turkey ([Read more](#)).

United Kingdom

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

CASE	DATE	RESOLUTION	CONCLUSION
A.W. (No. 4867/11)	13 October 2015	CM/ResDh(2016)183	Examination closed

B. Resolutions, signatures and ratifications

■ Resolution on the application of the European Code of Social Security by United Kingdom, 6 July 2016

CM decided to invite the Government of United Kingdom to take some measures in order to improve the application of the European Code of Social Security ([Resolution \(2016\)21](#)).

C. Other information

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