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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 (1-31 December 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)**

#### **GERASIMENKO AND OTHERS V. RUSSIA (Nos. 5821/10, 65523/12) - Importance 3 - 1 December 2016 - Violation of Article 2 - Shortcomings in the law-enforcement system contributed to police officer's shopping mall shooting spree**

The applicants complained that the domestic authorities had failed in their obligation to safeguard their lives, and that they had been denied a remedy for this failure.

The Court reiterated that States are expected to set high professional standards within their law-enforcement systems. The special ruling issued by the domestic court had identified that history of mental and neurological disorders of a person accepted for police service had not been taken into

account when he had been accepted by the police force and promoted. This person's guilt of the attempted murder of the applicants could not be denied. However, the Court found that the failures of the domestic authorities had contributed to his offences, in particular, because his superiors had repeatedly failed to appropriately assess his personality (despite a history of mental and neurological disorders), and had given him access to ammunition.

Therefore, there had been a violation of Article 2 of the Convention

#### Article 41 (Just satisfaction)

The Court held that Russia was to pay the applicants EUR 12,000 each in respect of non-pecuniary damage. It also held that Russia was to pay the third applicant EUR 2,000 in respect of costs and expenses.

#### **Sarihan v. TURKEY ([In French only](#)) - No. 55907/08 - Importance 2 - 6 December 2016 - No violation of Article 2 - Domestic authorities' sufficient safeguards to prevent danger in a mines area**

The case concerned the explosion of an anti-personnel mine resulting in serious injuries caused to a young shepherd.

The Court first noted that injuries had been caused by the explosion of anti-personnel mine in a military area where the authorities had laid mines. In those circumstances, its task was to determine whether the authorities had taken all necessary measures to prevent a possible threat to the boy's life. The Court observed that, in the present case, the applicant had knowingly entered the mined land despite the warning signs and the barbed wire. Moreover, the Court noted that domestic authorities had warned local residents of the danger and had prohibited access to the land. Therefore, in the Court's view, the applicant had been in a position to understand the risks inherent in entering a prohibited military area.

Accordingly, it held that there had been no violation of article 2.

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

#### **Kanalas v. ROMANIA ([In French only](#)) - No. 20323 - Importance 3 - 6 December 2016 - Violation of Article 3 - Poor conditions of detention - Violation of Article 8 - Domestic authorities' failure to strike a fair balance between public safety and a prisoner's right to attend his mother's funeral**

The case concerned the conditions in which the applicant was imprisoned and the rejection by the prison administration of his request for leave in order to attend his mother's funeral.

#### Article 3

The Court first recalled that the conditions of detention in Romanian prisons, particularly with regard to overcrowding and poor hygiene, constituted a structural problem. Having regard in particular to the fact that the applicant had personal cell space of less than 3 square meters, together with the length of the deprivation of liberty and the lack of appropriate lighting and ventilation, the applicant had experienced detention conditions which were above the threshold of seriousness under Article 3, having been subjected to hardship exceeding the inevitable level of suffering associated with detention.

There had thus been a violation of Article 3.

## Article 8

The Court first held that not allowing the applicant to attend his mother's funeral had constituted an interference with his right to respect for family life. It found that it had been in accordance with domestic law and that it had pursued the legitimate aim, namely to prevent the applicant from using leave to commit offences or to cause a breach of the peace.

The Court then examined whether this measure was necessary in a democratic society. In cases concerning the issue of prison leave for family reasons, it had not attached paramount weight to the offence of which the applicants in question had been convicted. Moreover, the Court found that measures of temporary leave could contribute to the social rehabilitation of prisoners, even where they had been convicted of violent crimes. The Court also noted that the applicant had already been rewarded on numerous occasions for his conduct and that the head of the prison in which he was held had been in favour of granting his request. The Court concluded that the national authorities had not weighed in the balance the various interests at stake, namely the applicant's right to respect for his family life, on the one hand, and public safety, or the prevention of disorder or crime, on the other.

As a result, there had been a violation of Article 8 of the Convention.

## Article 41 (Just satisfaction)

The Court held that Romania was to pay the applicant EUR 15,000 in respect of non-pecuniary damage.

## **PAPOSHVILI V. BELGIUM (No. 41738/10) - Importance 1 - 13 December 2016 - Violation of Article 3 - Unlawful non-examination of the medical situation of a person suffering from serious illnesses who faced deportation - Violation of Article 8 - Unlawful non-examination of the impact of a person's removal on his family life**

The case concerned the applicant's allegation that substantial grounds had been shown for believing that if he had been expelled to Georgia he would have faced a real risk there of inhuman and degrading treatment and of a premature death. His removal would have resulted in his separation from his family.

The Court noted that the applicant had been suffering from a very serious illness and that his condition had been life-threatening. The applicant's condition had become stable as a result of the treatment he was receiving in the domestic authorities. If the treatment being administered to the applicant had been discontinued, his life expectancy, based on the average, would have been less than six months.

The Court concluded that, although the Aliens Office's medical adviser had issued several opinions regarding the applicant's state of health based on the medical certificates provided by the applicant, these had not been examined either by the Aliens Office or by the Aliens Appeals Board from the perspective of Article 3 of the Convention in the course of the proceedings concerning regularisation on medical grounds. Nor had the applicant's medical situation been examined in the context of the proceedings concerning his removal.

Consequently, the Court considered that in the absence of any assessment by the domestic authorities of the risk facing the applicant, in the light of the information concerning his state of health and the existence of appropriate treatment in Georgia, the available information had been insufficient for them to conclude that the applicant, if returned to Georgia, would not have run a real and concrete risk of treatment.

Therefore, there had been a violation of Article 3 of the Convention.

## Article 8

The Court observed that the domestic authorities had not examined the degree to which the applicant had been dependent on his family as a result of the deterioration of his state of health. The Court considered that it had been up to the domestic authorities to conduct an assessment of the impact of removal on the applicant's family life in the light of his state of health; this constituted a procedural obligation with which the domestic authorities had to comply in order to ensure the effectiveness of the right to respect for family life. In the Court's view, the domestic authorities would have been required to examine whether, in the light of the applicant's specific situation at the time of removal, the family could reasonably have been expected to follow him to Georgia or, if not, whether observance of the applicant's right to respect for his family life required that he be granted leave to remain in the domestic authorities for the time he had left to live.

Therefore, there had been a violation of Article 8 of the Convention.

#### Article 41 (Just satisfaction)

The Court held that its conclusion concerning Articles 3 and 8 constituted sufficient just satisfaction in respect of any non-pecuniary damage that the applicant might have sustained. It also held that Belgium was to pay the applicant's family EUR 5,000 in respect of costs and expenses.

#### **SHIOSHVILI AND OTHERS V. RUSSIA (No. 19356/07) - Importance 3 - 20 December 2016 - Violation of Article 3 - Unlawful expulsion of a heavily pregnant woman, accompanied by her four young children - Violation of Article 13 - Domestic authorities' failure to ensure the applicant with effective remedy**

The case concerned the applicants' complaint that their freedom to leave the domestic authorities had been restricted without any justification. They had been collectively expelled without an examination of their individual cases, and in the conditions that had led to physical suffering. They had had no access to an effective remedy, also being subjected to discrimination on the ground of their ethnic origin.

#### Article 3

The domestic authorities showed indifference with the applicants' vulnerable situation, paying attention neither to the needs of the heavily pregnant applicant nor to the needs of young children, whilst delaying their onward journey for almost two weeks.

Therefore, there had been a violation of Article 3 of the Convention.

#### Article 13

The applicants' oral and written complaints to the domestic authorities had never produced any results.

Therefore, there had been a violation of Article 13 of the Convention.

#### Article 41 (Just satisfaction)

The Court held that Russia was to pay the applicants EUR 30,000 in respect of non-pecuniary damage.

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

#### **KOLOMENSKIY V. RUSSIA (IN FRENCH ONLY) (No. 27297/07) - Importance 3 - 13 December 2016 - Violation of Article 3 – Poor conditions of detention - Violation of Article 13 – Absence of the effective domestic remedies in relation to a complaint concerning the conditions of detention -**



**Violation of Article 5 § 1 – Unlawful detention - Violation of Article 5 § 3 – Insufficient grounds for pre-trial detention - Violation of Article 5 § 4 – Unlawful applicant’s personal absence before the appeal body - Violation of Article 6 § 2 – Breached principle of presumption of innocence**

The case concerned the applicant’s allegation that he had been held in poor conditions in prison being denied access to dental care. He complained that his detention had not been lawful, the length of his detention had been unreasonable, and his appeals had been examined in his absence.

Article 3

The domestic authorities had submitted a unilateral declaration acknowledging that the applicant had been detained in conditions that did not correspond to the standards required by Article 3 of the Convention. The domestic authorities were prepared to pay EUR 6,500 in respect of just satisfaction.

Article 13 taken together with Article 3

The Court concluded that the domestic judicial system did not afford effective domestic remedies in relation to a complaint concerning the conditions of detention in prisons.

Therefore, there had been a violation of Article 13 taken together with Article 3 of the Convention.

Article 5 § 1

The Court noted that the supervisory review body had ordered an extension of the applicant’s detention, without indicating the reasons for or the duration of this measure.

Therefore, the Court concluded that there had been a violation of Article 5 § 1 of the Convention.

Article 5 § 3

The Court noted that in ordering an extension of the applicant’s pre-trial detention the domestic courts had referred primarily to the same elements as those initially relied upon and to the seriousness of the charges against him. The Court reiterated that the seriousness of the charge could not, in itself, be a ground for an individual’s detention being extended at a later stage of the proceedings.

Therefore, there had been a violation of Article 5 § 3 of the Convention.

Article 5 § 4

The Court considered that the time elapsed between the lodging the appeals and their examination had not been compatible with the requirement of speedy judicial review.

The Court noted that the regional domestic court had examined the applicant’s appeal, while dismissing his request to attend in person. Furthermore, although the applicant’s lawyers had not been present at the hearing, the regional domestic court had questioned the prosecutor. The Court considered that, in view of the progress in the procedure and the length of the applicant’s detention, his personal attendance before the appeal body was necessary to ensure respect for his right to obtain a review of the lawfulness of his detention “at reasonable intervals”.

Therefore, the Court held that there had been a violation of Article 5 § 4 of the Convention.

Article 6 § 2

The Court observed that the supervisory review body had quashed the judgments convicting the applicant. It noted that after the case had been remitted to the lower courts, the judges had subsequently used the words “convicted person” or “guilty” in referring to him. The Court emphasised that the fact that the applicant had ultimately been found guilty and sentenced to a prison term could not negate his initial right to be presumed innocent until proved guilty according to law.

Therefore, there had been a violation of Article 6 § 2 of the Convention.

Article 41 (Just satisfaction)

The Court held that Russia was to pay the applicant EUR 19,500 in respect of non-pecuniary damage and EUR 3,000 in respect of costs and expenses.

**IGNATOV V. UKRAINE (No. 40583/15) - Importance 2 - 15 December 2016 - Violations of Articles 5 §§ 1, 3 and 4 - Domestic courts' failure to provide the applicant with sufficient grounds for his conviction**

The case concerned criminal proceedings against the applicant, who complained that the domestic courts had failed to uphold the appropriate standards when ordering his pre-trial detention and extending it on multiple occasions.

The Court first observed that in each of the decisions to continue the detention, the courts had relied on the same grounds as those given in the initial decision. The grounds that relied upon were the seriousness of the charges against the applicant, and the consequent risk of him absconding, had not been sufficient to justify pre-trial detention. Therefore, the Court found that domestic authorities had failed to give convincing reasons for holding the applicant in custody prior to his conviction. There had been a violation of Article 5 § 3.

Moreover, domestic courts' failure to give any reasons when ordering the applicant's detention for a prolonged period of time had been incompatible with this principle of protection from arbitrariness. The Court therefore found that the decision had violated Article 5 § 1 of the Convention.

Finally, the Court found that the applicant's requests for release had not been examined by the domestic courts until one year after.

The courts had therefore failed to meet the requirement for a speedy review of requests for release under Article 5 § 4, in violation of the Convention.

Article 41 (Just satisfaction)

The Court held that Ukraine was to pay the applicant EUR 6000 in respect of non-pecuniary damage.

**KHLAIFIA AND OTHERS V. ITALY (No. 16483/12) - Importance 1 - 15 December 2016 - Violation of Article 5 § 1, 2 and 4 - Unlawful holding of irregular migrants on ships in harbour - No violation of Article 3 - Not inhuman or degrading treatment - Violation of Article 13 - Lack of effective remedy**

The case concerned the applicants' allegation that they had not had any possibility of challenging the lawfulness of their deprivation of liberty. They complained of the lack of any communication with the domestic authorities during their confinement. Also, the conditions in which they had been held had amounted to inhuman and degrading treatment.

Article 5

The Court observed that, according to the bilateral agreement between the domestic authorities and Tunisia, the applicants had not been held in an identification and removal centre. The Court noted, however, that the full text of that agreement had not been made public and that it had not therefore been accessible to the applicants, who accordingly could not have foreseen the consequences of its application. Therefore, the Court found that the applicants' detention was devoid of legal basis in the domestic law. The applicants' detention had not been validated by any decision, whether judicial or administrative.

Therefore, the Court concluded that there had been a violation of Article 5 § 1 of the Convention.

In addition, the Court failed to see how the domestic authorities could have informed the applicants of the legal reasons for their deprivation of liberty or have provided them with sufficient information to enable them to challenge the grounds for the measure before a court.

Therefore, the Court concluded that there had been a violation of Article 5 § 2 of the Convention.

The Court concluded that the domestic authorities' legal system had not provided the applicants with a remedy whereby they could have obtained a decision by a court on the lawfulness of their deprivation of liberty.

Therefore, the Court concluded that there had been a violation of Article 5 § 4 of the Convention.

### Article 3

The Court acknowledged that the centre in which the applicants had been held was not suited to stays of several days. Two days after the arrival of the applicants, the centre had been gutted by fire. However, the applicants did not claim that they had been deliberately ill-treated by the authorities in the centre, or that there had been insufficient food or water. The Court noted that the applicants' allegations had not been based on any objective element other than their own testimony. The Court noted that the conditions in which the applicants had been held on the ships did not constitute inhuman or degrading treatment.

Therefore, the Court concluded that there had been no violation of Article 3 of the Convention.

### Article 13

The Court observed that the domestic authorities had not indicated any remedies by which the applicants could have complained about the conditions in which they were held.

Therefore, there had been a violation of Article 13.

### Article 41 (Just satisfaction)

The Court held that Italy was to pay each applicant EUR 2,500 in respect of non-pecuniary damage and EUR 15,000 to the applicants jointly in respect of costs and expenses.

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

### **L.D. AND P.K. v. BULGARIA (IN FRENCH ONLY) (Nos. 7949/11, 45522/13) - Importance 2 - 08 December 2016 - Violation of Article 8 - Unlawful impossibility to claim to be biological father**

The case concerned the applicants' complaint about their inability to challenge the declarations of paternity in respect of children of whom they claim to be biological fathers and to establish their own paternity.

The domestic law did not allow a man claiming to be the biological father of a child whose paternity had already been established by recognition to directly challenge that recognition or to establish his own paternity. Domestic law enabled the public prosecutor's office and the territorial social welfare unit to bring proceedings to challenge paternity, which could lead to a declaration that a recognition of paternity was null and void if it did not correspond to the genetic relationship. A man claiming to be the biological father of a child could certainly report this to the authorities and ask them to bring proceedings but the authorities had no statutory obligation to hear such a claimant or to provide him with grounds for their decision in the event of refusal. In addition, any refusal could not be appealed

against before the courts. In order to decide whether or not to bring a suit, the authorities took into account the child's best interests. The aim of such a suite was only the annulment of the legal parent-child relationship established by recognition. Such proceedings thus appeared to be reserved for exceptional situations concerning compliance with the law or a risk for the child.

In the present case, that remedy did not appear to be applicable, while proceedings for the annulment of recognition had indeed been brought by the public prosecutor following the applicant's complaint. The proceedings had been closed when the public prosecutor decided not to pursue the matter, without providing any grounds for that decision. Article 64 of the Family Code allowed a child's paternity to be recognised before birth, from the time of its conception.

However, that had not always been possible in reality and in any event it was not common practice in the domestic authorities. The possibility of making a declaration of paternity before birth is not possible in the absence of agreement by the mother. The Court found that the domestic legislature gives priority to the legal relationship already established over the possibility of establishing biological paternity with the aims of ensuring the stability of family relationships. In the Court's view, while it was of course reasonable for the domestic authorities to take account of the fact that the child already had an established legal parent-child relationship, particular circumstances of each case or the situation of various protagonists – the child, the mother, the father by law and the putative biological father - should have been taken into consideration.

Consequently, the Court found that, in spite of the broad margin of appreciation enjoyed by the State in such matters, there had been a violation of Article 8 of the Convention.

#### Article 41 (Just satisfaction)

The Court held that Bulgaria was to pay each applicant EUR 6,000 in respect of non-pecuniary damage and in respect of costs and expenses, EUR 2,456 to the first applicant and EUR 2,045 to the second applicant.

#### **EYLEM KAYA V. TURKEY ([IN FRENCH ONLY](#)) - No. 26623/07 - Importance 3 - 13 December 2016 - Violation of Article 8 - Domestic authorities' failure to ensure adequate safeguards in a systematic monitoring of a prisoner's correspondence**

The case concerned the prison authorities' systematic monitoring of a prisoner's correspondence with her lawyer.

The Court first held that the impugned monitoring carried out by the prison authorities amounted to an interference with the applicant's right to respect for her correspondence. It found that the interference was provided by domestic law, which provides this monitoring only for prisoner who had been sentenced for membership of a criminal organisation. It noted that it had had the legitimate aim to avert the commission of offences, to maintain the security of the prison establishment and to prevent communication between members of terrorist or other criminal organisations.

With regard to the proportionality of the interference, the Court noted that the domestic legislation allowed for two forms of monitoring: a physical check, carried out systematically by the prison authorities (as was found in the context of the present case) and a review carried out by the sentence execution judge where the conditions laid down in the domestic law were satisfied. The Court considered that the first type of monitoring was not accompanied by appropriate safeguards ensuring that the confidentiality of the correspondence's content could be maintained, especially since the domestic practice with regard to letters sent by convicted prisoners to their lawyers consisted in the letters being handed over to the prison authorities in an open envelope. It therefore held that, in the absence of appropriate safeguards against abuse in the domestic legislation, the practice consisting in the systematic physical monitoring by the prison authorities of the applicant's correspondence with her lawyer had not been proportionate to the legitimate aim pursued.

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

Article 41 (Just satisfaction)

The Court held that Turkey was to pay the applicant EUR 300 in respect of non-pecuniary damage.

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

**M.P. v. FINLAND (No. 36487/12) - Importance 3 - 15 December 2016 - Violation of Article 10 - Domestic authorities' failure to strike a fair balance between the applicant's freedom of expression and the need to protect a parent against a wrong accusation**

The case concerned the applicant's conviction for defamation for expressing several concerns to a social worker that her daughter might have been sexually abused by her father.

The Court first reiterated that a proper balance had to be struck between the need to protect children against the risk of potentially serious harm and the need to protect a parent against being wrongly suspected of having abused their child. The Court then held that there had been an interference with the applicant's freedom of expression. The context had been a confidential telephone conversation between the applicant and a social worker. Unlike the domestic courts, the Court found that the issue of professional secrecy was relevant to its assessment of whether it had been excessive to convict her of defamation for voicing her concerns about possible child abuse. Although she had only been punished by a fine, the Court was unable to accept that there had been any "pressing social need" to interfere with her freedom of expression by imposing a criminal sanction on her. The Court further found that the reasons relied upon by the domestic courts, namely that she had not had a sufficient factual basis for the allegations against her child's father, did not suffice to show that the interference with the applicant freedom of expression had been "necessary in a democratic society."

The domestic authorities had therefore not struck a fair balance between the interests at stake, in violation of Article 10 of the Convention.

Article 41 (just satisfaction)

The Court held that Finland was to pay the applicant EUR 8,001.86 in respect of pecuniary damage, EUR 5,000 in respect of non-pecuniary damage and EUR 6,000 for costs and expenses.

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

**KASPAROV AND OTHERS V. RUSSIA (NO. 2) (No. 51988/07) - Importance 3 - 13 December 2016 - Violation of Article 11 - Arrest during a protest rally discouraged participation in opposition politics - Violation of Article 5 - Unlawful duration of the administrative detention - Violation of Article 6 § 1 - Unfair administrative proceedings**

The case concerned the applicants' complaint about their arrest during the demonstration and ensuing convictions of administrative offences. They alleged that the administrative proceedings brought against them had not been fair, their arrest and detention had been intended as political revenge.

Article 11

Even if the applicants' arrest and administrative detention had complied with domestic law and served the legitimate aim of preventing disorder, the domestic authorities had failed to demonstrate that it had been necessary to take such measures. Moreover, those measures had had the serious potential to deter other opposition supporters and the public at large from attending demonstrations and from participating in open political debate.

Therefore, there had been a violation of Article 11 of the Convention.

#### Article 5

The Court accepted that a large group of protesters walking in a cluster could reasonably have been perceived as a march and that the police therefore had had formal grounds for charging the applicants with an administrative offence. Given the number of protestors and the scale of agitation, it might not have been necessary to escort the applicants to the police station. According to the relevant domestic law, administrative detention should not as a general rule exceed three hours. The domestic authorities did not provide any justification for one of the applicants being detained for 48 hours before being sentenced to five days' administrative detention.

Therefore, there had been a violation of Article 5 of the Convention.

#### Article 6 § 1

The Court noted that, as in a number of other similar applications against the domestic authorities concerning the conduct of administrative proceedings against people charged with breaching the rules for public events or with failing to obey police orders to disperse, the applicants had been given no opportunity at all to give evidence in support of their version of events.

Therefore, there had been a violation of Article 6 of the Convention.

#### Article 41 (Just satisfaction)

The Court held that Russia was to pay each of the applicants EUR 5,000 in respect of non-pecuniary damage and EUR 3,000 for costs and expenses.

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

#### **BÉLÁNÉ NAGY V. HUNGARY (No. 53080/13) - Importance 1 - 13 December 2016 - Violation of Article 1 of Protocol No. 1 – Disproportionate refusal to grant a disability pension**

The case concerned the applicant's complaint about the loss of livelihood, previously secured by the disability pension, despite the fact that her health condition had remained as poor as at the time when the applicant was first diagnosed with disability.

According to Article 1 of Protocol No. 1, the applicant could have a 'legitimate expectation' of receiving the pension so long as disability persisted to the relevant degree. The applicant's pension payments had been stopped as of 2010. In April 2011, the domestic court had indicated that the applicant would once again be eligible for it if the applicant's health were to deteriorate. In December 2011, a re-assessment of the applicant's health had recorded such deterioration. The applicant had paid contributions to the social security scheme. This had meant that the applicant could rely on the promise of the law to be entitled to benefits whenever the disability was assessed at the relevant level. Due to new legislation, the applicant was found ineligible to receive the pension. The Court held that the interference with the applicant's property rights had been in accordance with the law. However, the Court found that the measures used to achieve this aim had not been proportionate. The applicant had been subject to a complete deprivation of disability benefits, rather than a reduction. The legislation's transitional arrangements had not been applicable in the applicant's case due to her belonging to a vulnerable group (disabled persons).

In consequence, the Court concluded that there had been a violation of Article 1 of Protocol No. 1.

#### Article 41 (Just satisfaction)

The Court held that Hungary was to pay the applicant EUR 10,000 in respect of pecuniary damage, EUR 5,000 in respect of non-pecuniary damage and EUR 12,795.05 in respect of costs and expenses.

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

**USPASKICH V. LITHUANIA (No. 14737/08) - Importance 2 - 20 December 2016 - No violation of Article 3 of Protocol No. 1 - No failure of domestic authorities to ensure the electoral rights of a former politician**

The case concerned a complaint brought by a well-known former politician, about his house arrest pending the investigation of a political corruption case. He alleged in particular that his house arrest had prevented him from taking part on equal grounds with other candidates in the parliamentary elections, alleging that the on-going pre-trial investigation against him had been a convenient way to restrict his electoral rights.

The Court first held that what is at stake in the present case is not the applicant's right to win the parliamentary election, but his right to stand freely and effectively for it. The Court then observed whether the applicant could effectively take part in the electoral campaign. It found that when the applicant's political party had named him as a candidate in the parliamentary elections, he had to have been clearly aware that he had been a suspect in criminal proceedings concerning alleged doctoring of his party's accounts, a court order for his arrest and detention having been issued. He could not therefore reasonably have expected to take part in the elections on equal terms with other candidates who were not the object of criminal proceedings. Furthermore, he had been able to challenge his remand in custody/house arrest, as domestic law provides for a system of examination of individual election-related complaints. As to his alleged immunity from prosecution, the Court agreed with the domestic authorities and observed that the applicant had held a number of elected posts and that, each time his immunity had expired or been lifted, he would refuse the post.

In conclusion, the Court found that there had been no irregularities which had restricted his right to stand for election effectively. There had therefore been no violation of Article 3 of Protocol No. 1.

## 1. 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
CZECH REPUBLIC	15/12/2016	<a href="#">Colloredo Mannsfeld</a> (Nos. 15275/11 and 76058/12)	3	Violation of Art. 6 § 1	Respect for the right to a fair hearing requiring that the applicant should have been put on notice of the documentary evidence relied on by the domestic courts and be given the opportunity to comment on it
DENMARK	1/12/2016	<a href="#">Salem</a> (No. 77036/11)	3	No violation of Art. 8	Applicant not pointing to any obstacles for the children to visit him in Lebanon or for the family to maintain contact via the telephone or the internet after his expulsion from Denmark
	13/12/2016	<a href="#">Jensen</a> (No. 8693/11)	2	No violation of Art. 6	Domestic authorities opposing a time-limit period for lodging an interlocutory appeal calculated from the day the applicant was informed during the reading out of the judgment that he was liable for legal costs even if he was informed of the exact amount in a later date
LATVIA	15/12/2016	<a href="#">Vaščenkovs</a> (No. 30795/12)	3	Violation of Art. 5 § 3	Domestic courts' failure to give “relevant and sufficient” reasons to justify the applicant’s continued detention by justifying the time-limit allowed for the applicant’s continued detention by reference to the robbery charge, failing to address “the reasonable suspicion” in that regard, and relying instead on the suspicion of theft
ROMANIA	6/12/2016	Vasilică Mocanu <a href="#">In French only</a> (No. 43545/13)	3	Violation of Art. 3	Applicant’s conditions of detention exceeding the level of suffering related to detention
				Violation of Art. 8	Domestic authorities monitoring the applicant in his cell not provided by domestic law
	13/12/2016	<a href="#">Tiba</a> (No. 36188/09)	2	Violation of Art. 5 § 1	Applicant not deprived of his liberty in accordance with a procedure prescribed by



					domestic law
RUSSIA	1/12/2016	<a href="#">Trapeznikova and Others</a> (No. 45115/09)	3	Violation of Art. 2 (procedural)	Domestic authorities' failure to conduct an effective investigation into Mr Antonov's death
				Violation of Art. 2	Domestic authorities' failure to safeguard Mr Antonov's right to life by not doing all that could reasonably be expected from them to guard against the risk of committing suicide
		<a href="#">Tomina and Others</a> (Nos. 20578/08, 21159/08, 22903/08, 24519/08, 24728/08, 25084/08, 25558/08, 25559/08, 27555/08, 27568/08, 28031/08, 30511/08, 31038/08, 45120/08, 45124/08, 45131/08, 45133/08, 45141/08, 45167/08 and 45173/08)	3	Violation of Art. 1 of Prot. No. 1	Conditions under which the property was recovered from the applicants imposing an individual and excessive burden on them and domestic authorities' failure to strike a fair balance between the demands of the public interest on the one hand and the applicants' right to peaceful enjoyment of their possessions on the other.
TURKEY	13/12/2016	Kutlu and Others <a href="#">In French only</a> (No. 51861/11)	2	Violation of Art. 1 of Prot. No. 1	Domestic authorities' refusal to expropriate the applicants' lands despite the construction of a dam near these lands

## 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 30 September 2016**. 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
BULGARIA	20 September 2016	<a href="#">Coretchi v. Bulgaria</a> (No. 14308/05)	Violation of Art. 5 of the Convention (Unlawful detention), Article 1 of Protocol No. 1 to the Convention (Breach of the applicant's right to the peaceful enjoyment of his possessions) and Article 1 of Protocol No. 7 to the Convention (Irregularity of extradition)	Rejected as incompatible <i>ratione materiae</i> with the provisions of the Convention
CROATIA	13 September 2016	<a href="#">Marčan v. Croatia</a> (No. 67390/10)	Violation of Art. 1 of Protocol No. 1 to the Convention (Failure of the State to remunerate the applicant's legal services)	Rejected as incompatible <i>ratione materiae</i> with the provisions of the Convention
LITHUANIA	6 September 2016	<a href="#">Lazauskai v. Lithuania</a> (No. 4964/11)	Violation of Art. 6 of the Convention (Unjustified obligation to pay tax surcharges), Art. 8 of the Convention (Unjustified search in the apartment of the applicants' mother) and Art. 1 of Protocol No. 1 to the Convention (Breach of the applicants' right to the peaceful enjoyment of their possessions)	Rejected as incompatible <i>ratione materiae</i> with the provisions of the Convention
RUSSIA	13 September 2016	<a href="#">Publishing House PSKOV News v. Russia</a> (No. 12424/04)	Violation of Art. 10 of the Convention (Breach of the freedom of expression)	Rejected as incompatible <i>ratione materiae</i> with the provisions of the Convention
TURKEY	13 September 2016	<a href="#">Akova v. Turkey</a> (No. 33969/15)	Violation of Art. 6 of the Convention (Violation of the right to a fair trial), Art. 6 and Art. 53 of the Convention (Failure of the national bodies to correct alleged electoral fraud)	Rejected as incompatible <i>ratione materiae</i> with the provisions of the Convention

### C. The communicated cases

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

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

STATE	DATE OF DECISION TO COMMUNICATE	CASE TITLE	KEY WORDS OF QUESTIONS SUBMITTED TO THE PARTIES
BULGARIA	11 OCTOBER 2016	<a href="#">SAPUNDZHIEV</a> (No. 30460/08)	The applicant complains that he was convicted for having expressed his opinion on a question of clear public interest and for having sought protection from the authorities and support from other concerned citizens.
GEORGIA	19 OCTOBER 2016	<a href="#">MIKELADZE AND OTHERS</a> (No. 54217/16)	The applicants complain that their ill-treatment, the interference with their physical and moral integrity and the absence of an effective investigation into the police abuse was stemmed from the relevant authorities' discriminatory attitudes towards the applicants' religious beliefs.
HUNGARY	18 OCTOBER 2016	<a href="#">LUKÁCS</a> (No. 61924/15)	The applicant complains that domestic law does not make it possible to conclude a full marriage according to his religion as his civil-law wife is a convicted felon.
LITHUANIA	18 OCTOBER 2016	<a href="#">MAROZAITĖ</a> (No. 52524/13)	The applicant contends that, although her grandmother paid for the land, the national authorities and domestic courts concluded that the land purchase agreement had not been finalised and refused to issue her a document confirming her grandmother's property rights to a land.
RUSSIA	4 OCTOBER 2016	<a href="#">GUSHCHIN AND GASKAROV</a> (No. 22581/15) (No. 28251/15)	Both applicants complain of a violation of their rights to freedom of expression and to peaceful assembly and allege that the security measures implemented by the authorities disrupted the demonstration, and were unlawful, arbitrary and unnecessary in a democratic society.

## 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	14 December 2016	<a href="#">(2016)7</a>	On the application of the European Charter for Regional or Minority Languages by the Netherlands	The Netherlands should take account of all the observations and recommendations of the Committee of Experts, for example adopt a structured policy for the implementation of the Charter, take measures to ensure that the on-going changes in the media system do not hamper the offer of programmes in regional or minority languages
CM	14 December 2016	<a href="#">(2016)6</a>	On the application of the European Charter for Regional or Minority Languages by Switzerland	Switzerland should take account of all the observations and recommendations of the Committee of Experts, for example take measures to ensure that mergers of municipalities in Graubünden/Grischun/Grigio-ni do not hamper the use of Romansh, recognise Franco-Provençal as a regional or minority language traditionally used in Switzerland
CM	14 December 2016	<a href="#">(2016)5</a>	On the application of the European Charter for Regional or Minority Languages by Hungary	Hungary should take account of all the observations and recommendations of the Committee of Experts, for example develop a structured long-term policy and plan for education in all minority languages, take measures to encourage speakers of minority languages to use them in their contacts with judicial and administrative authorities

#### B. Resolutions

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

## PartOne

### §4 - OTHER INFORMATION OF GENERAL IMPORTANCE

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

##### ■ Statement by the Committee of Ministers' Chair on the International Day of Persons with Disabilities (02/12/2016)

On the occasion of the International Day of Persons with Disabilities, the Chair of the Committee of Ministers of the Council of Europe, Ioannis Kasoulides, Minister for Foreign Affairs of Cyprus, stressed the importance of raising awareness and mobilising support for promoting the inclusion of persons with disabilities in society. ([Read more](#) – [International Day of Persons with Disabilities](#) – [Disability Strategy](#))

##### ■ 1273bis meeting of the Ministers' Deputies (14/12/2016)

Among others, the Ministers' Deputies held a minute of silence to express their sincere condolences to the families of the victims of the terrorist attacks which took place in Istanbul on 10 December, adopted recommendations on the application of the European Charter for Regional or Minority Languages. ([Read more](#) – [Meeting file](#))

##### ■ Recent terrorist attacks in Europe (20/12/2016)

In a statement, the Chair of the Committee of Ministers of the Council of Europe, Ioannis Kasoulides, Minister for Foreign Affairs of Cyprus, expressed his condolences and said that the Council of Europe will continue to resolutely combat terrorism. ([Read more](#))

#### B. Information from the Parliamentary Assembly

##### ■ Call for strong social dialogue, based on a healthy balance of power and full respect of international standards (01/12/2016)

In a draft resolution adopted today, the Committee on Social Affairs, Health and Sustainable Development of the Parliamentary Assembly of the Council of Europe (PACE) expressed its concern with regard to the “lower significance and changing role of trade unions” which “could further increase currently widening social and economic inequalities”. ([Read more](#) – [Adopted report](#))

##### ■ A positive education empowering children against sexual violence (01/12/2016)

The Parliamentary Assembly of the Council of Europe (PACE) Network of contact parliamentarians to stop sexual violence against children held its 27th and final meeting on 1st December 2016 in Florence. In her opening remarks, Gabriella Battaini-Dragnoni, Deputy Secretary General of the Council of Europe, underlined the pressing need to ensure children know the risks associated with the digital world. ([Read more](#) – [Florence declaration, 1 December 2016](#) – [Child protection in a digital environment: parliamentarians meet in Florence](#))

##### ■ Persons with disabilities: achieving full inclusion requires strong political and financial commitments (02/12/2016)

“Persons with disabilities face discrimination, stigma and violence on a daily basis in Europe. They encounter countless difficulties when trying to access education, including higher education, and

looking for a job. They are more affected by unemployment than the rest of the population and are more at risk of poverty. We cannot yet define our societies and decision-making systems as fully inclusive since they continue to leave aside persons with disabilities most of the time,” said Elena Centemero (Italy, EPP/CD), Chairperson of the Committee on Equality and Non-Discrimination. ([Read more](#))

#### ■ **“We must talk about Afrophobia to prevent it becoming commonplace” (06/12/2016)**

“While some types of ‘neo-racism’ based on supposedly cultural grounds do exist in Europe, traditional racism based on skin colour has never disappeared from our societies”, said Milena Santerini (Italy, SOC), co-ordinator of the PACE No Hate Parliamentary Alliance, at the opening in Paris of a hearing on violence and discrimination on grounds of ethnic origin. ([Read more](#))

#### ■ **Join forces against cyberdiscrimination and online hate (06/12/2016)**

The PACE Committee on Equality and Non-Discrimination today called on Council of Europe member states to take action to combat cyberdiscrimination and online hate through the adoption of effective legislation and awareness-raising and education programmes, as well as greater co-operation on the part of internet intermediaries. ([Read more](#) – [Adopted report](#))

#### ■ **Protecting the rights of parents and children belonging to religious minorities (06/12/2016)**

The PACE Committee on Equality and Non-Discrimination today called on all Council of Europe member states to protect the rights of parents and children belonging to religious minorities by taking practical steps, legislative or otherwise, to “affirm the right to freedom of thought, conscience and religion for all individuals”. ([Read more](#) – [Adopted report](#))

#### ■ **Call to step up the fight against corruption (06/12/2016)**

Michele Nicoletti (Italy, SOC), rapporteur of the PACE Political Affairs Committee on "Corruption as governance regime: a barrier to institutional efficiency and progress", in co-operation with the Action Against Crime Department of the Council of Europe, gathered a number of academic experts and practitioners at the Council of Europe Office in Venice on 2 December, to discuss policy challenges related to the fight against corruption. The workshop on “Corruption and its trends: a policy challenge” was opened by the Deputy Secretary General of the Council of Europe, Gabriella Battaini-Dragnoni. ([Read more](#) – [Workshop on corruption and its trends: a policy challenge](#))

#### ■ **Egypt ready to strengthen cooperation with the Council of Europe (07/12/2016)**

After a three-day visit to Cairo from 5 to 7 December as PACE rapporteur on the political transition in Egypt for the Political Affairs Committee, Jordi Xuclà (Spain, ALDE) declared that he had observed the will of the Egyptian Parliament and government to strengthen cooperation with the Council of Europe. ([Read more](#))

#### ■ **A rapid solution to Gaza's humanitarian crisis to ensuring stability in the Middle East (07/12/2016)**

A rapid solution to Gaza's humanitarian crisis is “essential to ensuring stability in the Middle East”, and Council of Europe member States, Israel and the Palestinian authorities should mobilise all efforts to alleviate the humanitarian plight of the population of the Gaza Strip, said the PACE Migration Committee today. ([Read more](#) – [Adopted report](#))

#### ■ **Concern about the situation of the media and journalists in many European countries (08/12/2016)**

The PACE Committee on Culture, Science, Education and Media today highlighted the large number of cases of threats and attacks against journalists and media outlets reported to the Council of Europe through the Platform it set up in 2015 to promote the protection of journalism and the safety of journalists. ([Read more](#) – [Adopted report](#) - [Platform](#))

#### ■ Internet users, journalists and online media: standards needed (08/12/2016)

The PACE Culture Committee has called on European parliaments to discuss online media and journalism and to adopt general standards for the protection of fundamental freedoms and rights of Internet users, journalists and online media. In the committee's view, the shift in resources from media outlets to Internet service providers and social media is weakening professional media and bringing about "exponential growth in Internet media which do not adhere to professional standards of journalism" ([Read more](#) – [Adopted report](#))

#### ■ Investigative journalism and whistleblowing are weapons against corruption (09/12/2016)

Investigative journalism is a "public asset" and a "key weapon in tackling corruption", said PACE Committee on Culture in a draft resolution adopted unanimously today, on the basis of a report by Gülsün Bilgehan (Turkey, SOC). ([Read more](#) – [Adopted report](#))

#### ■ Rapporteur Tineke Strik warns against resuming Dublin transfers to Greece (09/12/2016)

Council of Europe Parliamentary Assembly (PACE) rapporteur Tineke Strik (SOC, the Netherlands) today responded to the European Commission's recommendation that in three months from now, European countries should resume transferring asylum seekers to Greece under the Dublin regulation. ([Read more](#))

#### ■ PACE honours human rights defenders "upholding the light of hope" (09/12/2016)

"This year, Human Rights Day calls on everyone to stand up for someone's rights. I would therefore like to, once again, pay a particular tribute to Nadia Murad, who, after having been kidnapped, kept in slavery and abused by ISIS in northern Iraq, became a human rights activist," Council of Europe Parliamentary Assembly (PACE) President Pedro Agramunt stressed. ([Read more](#) – [Discover the new Vaclav Havel Prize clip](#))

#### ■ UN – Council of Europe: there is a wealth of synergy to be developed (09/12/2016)

Speaking at the end of his visit to New York, PACE President Pedro Agramunt highlighted the important role of parliamentarians in translating international commitments into policies and legislation at national level. "This is especially important when we talk about the numerous challenges the world is currently facing; in particular, migration and the refugee crisis, the building of inclusive, accountable and resilient societies, the prevention of terrorism, violent extremism and radicalisation, as well as the search for solutions to existing conflicts. As value-based organisations, the UN and the Council of Europe must defend our shared knowledge and experience in the field of human rights and democracy," stressed the PACE President. ([Read more](#) – [Announcement of the visit](#))

#### ■ Disgraceful state-sponsored doping must stop immediately, says rapporteur (12/12/2016)

PACE rapporteur Mogens Jensen (Denmark, SOC) responded to the publication of the independent investigative report by Professor Richard H. McLaren to the World Anti-Doping Agency on 9 December, the International Anti-Corruption Day: "The report is a testimony of the current crisis in international sports, and I commend Professor McLaren for his thorough and courageous work. It gives clear evidence of the systematic violation of anti-doping rules by Russian sports organisations and indeed the Russian government". ([Read more](#))

#### ■ Parliamentary Campaign to End Immigration Detention of Children: support of the Swiss Government (13/12/2016)

After the successful implementation of the campaign's first phase, which was also supported by the Swiss Government, the scope of the second phase will be broadened to include activities with the intergovernmental sector, in particular the Council of Europe's Children Rights Division, and support the work of the Ad hoc Committee for the Rights of the Child (CAHENF), which oversees the implementation of the Strategy for the Rights of the Child 2016-2021. ([Read more](#) – [Website of the campaign](#))



#### ■ Securing detainees' access to lawyers (13/12/2016)

The Legal Affairs Committee underlined the importance of the right to the assistance of a defence counsel in criminal cases, as enshrined in the European Human Rights Convention. According to the parliamentarians, "it is crucially important for a detainee to have access to a lawyer from the outset of the detention in order to guarantee that the rights of defence are practical and effective". ([Read more – Adopted report](#))

#### ■ Protecting foreign investments through reliable and neutral dispute resolution mechanisms (13/12/2016)

Adopting a draft resolution based on the report prepared by Pieter Omtzigt (Netherlands, EPP/CD), the parliamentarians considered that replacing ISDS clauses by a permanent, multilateral ICS would be "a reasonable compromise" between the status quo consisting of multiple ISDS mechanisms and the full re-nationalisation of investment protection. The Committee called therefore on the EU "to actively pursue", in their on-going and future negotiations of IIA's, including TTIP, the establishment of an ICS to gradually replace traditional ISDS mechanisms. ([Read more – Adopted report](#))

#### ■ Sub-Committee on External Relations holds meetings at the UN Headquarters in New York (14/12/2016)

"In facing the global challenges of today's world, the United Nations must step up co-operation with regional organisations such as the Council of Europe," said Aleksandra Djurovic, acting Chairperson of the Sub-Committee on External Relations of the Committee on Political Affairs and Democracy, at the end of several meetings in New York. ([Read more](#))

#### ■ Improving the effectiveness of Interpol to ensure respect for human rights (14/12/2016)

"The purpose of my mandate is to assist Interpol in improving the effectiveness of its procedures aimed at ensuring respect for human rights. Improving the prevention of human rights violations serves to strengthen the credibility of Interpol and thus its effectiveness as a tool in the fight against international crime". Bernd Fabritius (Germany, EPP/CD) opened with his words a hearing organised by PACE Committee on Legal Affairs in Paris in the framework of the preparation of his report on "Abusive use of the Interpol system: the need for more stringent legal safeguards". ([Read more](#))

#### ■ Progress of the monitoring procedure (Sep. 2015 – Dec. 2016) and periodic review of six member States (14/12/2016)

The Monitoring Committee has adopted its annual report in which it takes stock of its activities from September 2015 to December 2016. It assesses the progress in the honouring of accession commitments and membership obligations to the Council of Europe made by the nine countries under a monitoring procedure *stricto sensu*, as well as the four countries engaged in a post monitoring dialogue. ([Read more – The progress of the Assembly's monitoring procedure \(September 2015 – December 2016\) and the periodic review](#))

#### ■ Lebanon: more solidarity to deal with an 'unsustainable' refugee crisis (15/12/2016)

"The refugee crisis is becoming unsustainable for Lebanon. Greater solidarity is needed," said the PACE Political Affairs Committee. It added that the international community should step up "as a matter of urgency, its contribution to support and assist the refugees presently in Lebanon". States should, on the one hand, increase their financial support for the humanitarian response on the spot and, on the other hand, increase resettlement possibilities for those refugees who so wished. ([Read more – Adopted report](#))

#### ■ International Migrants' Day (18 December): 'This is not what childhood should be', said Doris Fiala (16/12/2016)

On the occasion of International Migrants' Day, marked every year on 18 December, Doris Fiala (Switzerland, ALDE), General Rapporteur of the Parliamentary Campaign to End Immigration

Detention of Children declared that the past year was a “very difficult year because of the great human suffering of migrants who left their homes in quest of a safe place. Many of the people who have escaped these horrific situations, conflict and chaos are children”. ([Read more](#) – [Parliamentary Campaign to End Immigration Detention of Children](#))

#### ■ **International Migrants’ Day: ‘we need long-sightedness’ (16/12/2016)**

In a declaration the Chair of the Committee on Migration, Refugees and Displaced Persons Sahiba Gafarova said: “I urge all our member States, international organisations and civil society to make further efforts to welcome the current migration influx, to look upon the arrival of optimistic and motivated adults, children and young people in Europe as an asset, and to treat their arrival with humanity and long-sightedness. Migration today is not a crisis or a threat, it is an opportunity for all of us.” ([Read more](#))

#### ■ **Combating intolerance and discrimination by countering hate speech (20/12/2016)**

A seminar on “Combating intolerance and discrimination by countering hate speech: the role of parliaments” was held at the National Assembly of Bosnia and Herzegovina in Sarajevo on 15 December, in the framework of the activities of the PACE No Hate Parliamentary Alliance. Speakers included, in particular, the Speaker of the House of Representatives, the Minister of Human Rights and Refugees, and representatives of the Ombudsman’s Office and civil society. ([Read more](#))

#### ■ **Pedro Agramunt: “Let’s tackle the challenges of 2017 together” (31/12/2016)**

“While writing the last pages of 2016, we look back and see over the last year a long list of challenges to democracy, pluralism, human rights and the rule of law on our continent”, PACE President Pedro Agramunt said. ([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: Italy and Spain, the committee reports critical that safeguards for foreign nationals returned by air not adequate (15.12.2016)**

The CPT published the reports on two return flights it has monitored: one from Rome to Lagos (Nigeria) on 17 December 2015 and the other from Madrid to Bogotá (Colombia) and Santo Domingo (Dominican Republic) on 18 February 2016. The two joint removal operations of foreign nationals by air were co-ordinated by Frontex (now European Border and Coast Guard) and organised by Italy and Spain, with the participation of other countries. The responses of the Italian and Spanish authorities to the reports are also published ([Read more](#)).

#### ■ **GRECO: Outcome of the 74th Plenary Meeting of GRECO (28 November- 2 December 2016), (05.12.2016)**

The GRECO adopted the evaluation reports on the prevention of corruption in respect of parliamentarians, judges and prosecutors in Georgia, Switzerland and the United States of America. It also adopted compliance reports on Azerbaijan, Cyprus, Czech Republic, Denmark, Georgia, Greece, Italy, Norway, Portugal, Slovenia and Turkey.

■ **GRETA: Committee's 27th meeting (02.12.2016)**

The GRETA held its 27th meeting from 28 November to 2 December 2016 at the Council of Europe in Strasbourg ([Read more](#)).

■ **MONEYVAL: Outcome of MONEYVAL's 52nd Plenary Meeting (13.12.2016)**

MONEYVAL held its 52nd plenary meeting in Strasbourg from 6 to 8 December 2016 ([Read more](#)).

## PartTwo

# INFORMATION BY COUNTRY

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

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

# Albania

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

CASE	DATE	RESOLUTION	CONCLUSION
THEODHOSI <a href="#">75175/13</a>	15 December 2015	<a href="#">CM/ResDH(2016)333</a>	Examination closed
HARRI <a href="#">78187/13</a>	17 November 2015	<a href="#">CM/ResDH(2016)333</a>	Examination closed
MARINI <a href="#">3738/02</a>	7 July 2008	<a href="#">CM/ResDH(2016)357</a>	Examination closed

## B. Resolutions, signatures and ratifications

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

## C. Other information

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

# Austria

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

CASE	DATE	RESOLUTION	CONCLUSION
GORIANY <a href="#">31356/04</a>	10 December 2009	<a href="#">CM/ResDH(2016)334</a>	Examination closed
Müller-Hartburg <a href="#">47195/06</a>	19 May 2013	<a href="#">CM/ResDH(2016)334</a>	Examination closed
Andreas SCHNEIDER <a href="#">30012/12</a>	1 March 2016	<a href="#">CM/ResDH(2016)335</a>	Examination closed
Rupert STRASSER <a href="#">34948/12</a>	26 April 2016	<a href="#">CM/ResDH(2016)335</a>	Examination closed
Johann SCHMITZBERGER <a href="#">42571/12</a>	1 March 2016	<a href="#">CM/ResDH(2016)335</a>	Examination closed
Franz WELTE <a href="#">44591/12</a>	29 March 2016	<a href="#">CM/ResDH(2016)335</a>	Examination closed
Luise Klothilde and Rudolf TRAUNMÜLLER <a href="#">72366/12</a>	1 March 2016	<a href="#">CM/ResDH(2016)335</a>	Examination closed

## B. Resolutions, signatures and ratifications

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

## C. Other information

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

# 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

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

## C. Other information

### ■ GRETA: second evaluation visit to Belgium (20.12.2016)

A delegation of the GRETA carried out an evaluation visit to Belgium from 12 to 16 December 2016. The visit provided an opportunity to assess developments in the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings since the first evaluation by GRETA in 2013 ([Read more](#)).

# Bulgaria

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

CASE	DATE	RESOLUTION	CONCLUSION
TONI KOSTADINOV <a href="#">37124/10</a>	27 April 2015	<a href="#">CM/ResDH(2016)336</a>	Examination closed

## B. Resolutions, signatures and ratifications

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

## C. Other information

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



# Cyprus

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

CASE	DATE	RESOLUTION	CONCLUSION
KONI <a href="#">66048/09</a>	27 January 2016	<a href="#">CM/ResDH(2016)337</a>	Examination closed

## B. Resolutions, signatures and ratifications

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

## C. Other information

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

# France

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

CASE	DATE	RESOLUTION	CONCLUSION
CANALI <a href="#">40119/09</a>	25 July 2013	<a href="#">CM/ResDH(2016)338</a>	Examination closed

## B. Resolutions, signatures and ratifications

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

## C. Other information

### ■ PACE - Caribbean Centre of Expressions and Memory of the Slave Trade and Slavery, Guadeloupe, wins 2017 Museum Prize (09/12/2016)

The 2017 Council of Europe Museum Prize has been awarded to Mémorial ACTe (MACTe), Caribbean Centre of Expressions and Memory of the Slave Trade and Slavery, Guadeloupe (France). ([Read more](#) – [Museum Prize website](#) – [Memorial ACTe \(MACTe\)](#))

# Germany

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

CASE	DATE	RESOLUTION	CONCLUSION
Markus THUMM <a href="#">54307/13</a>	19 April 2016	<a href="#">CM/ResDH(2016)339</a>	Examination closed

## B. Resolutions, signatures and ratifications

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

## C. Other information

### ■ PACE - Terrorist attack in Berlin: President expresses Assembly's full solidarity with Germany (20/12/2016)

In a letter addressed to the Speaker of the Bundestag, PACE President condemned the terrorist attack at the Christmas market in Berlin and expressed the Parliamentary Assembly's full solidarity with Germany. ([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

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

## C. Other information

### ■ GRETA: second evaluation visit to Ireland (12.12.2016)

A delegation of the GRETA carried out an evaluation visit to Ireland from 5 to 9 December 2016. The visit provided an opportunity to assess developments in the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings since the first evaluation by GRETA in 2012 ([Read more](#)).

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

CASE	DATE	RESOLUTION	CONCLUSION
DE SANTA <a href="#">25574/94</a>	2 September 1997	<a href="#">CM/ResDH(2016)358</a>	Examination closed
STRACUZZI <a href="#">25583/94</a>	2 September 1997	<a href="#">CM/ResDH(2016)358</a>	Examination closed
LAPALORCIA <a href="#">25586/94</a>	2 september 1997	<a href="#">CM/ResDH(2016)358</a>	Examination closed
PROCACCINI <a href="#">31631/96</a>	30 March 2000	<a href="#">CM/ResDH(2016)358</a>	Examination closed
GALATA AND OTHERS <a href="#">35956/97</a>	27 May 2001	<a href="#">CM/ResDH(2016)358</a>	Examination closed
CIOTTA <a href="#">41804/98</a>	27 May 2001	<a href="#">CM/ResDH(2016)358</a>	Examination closed
ARIVELLA <a href="#">41805/98</a>	27 May 2001	<a href="#">CM/ResDH(2016)358</a>	Examination closed

ALESIANI AND OTHERS <a href="#">41806/98</a>	27 May 2001	<a href="#">CM/ResDH(2016)358</a>	Examination closed
A.B. <a href="#">41809/98</a>	8 May 2000	<a href="#">CM/ResDH(2016)358</a>	Examination closed
MOSCA <a href="#">41810/98</a>	8 May 2000	<a href="#">CM/ResDH(2016)358</a>	Examination closed
COMITINI <a href="#">41811/98</a>	27 May 2001	<a href="#">CM/ResDH(2016)358</a>	Examination closed
PARADISO <a href="#">41816/98</a>	27 May 2001	<a href="#">CM/ResDH(2016)358</a>	Examination closed
CALIRI <a href="#">41817/98</a>	8 May 2002	<a href="#">CM/ResDH(2016)358</a>	Examination closed
CECCHINI <a href="#">44332/98</a>	21 February 2001	<a href="#">CM/ResDH(2016)358</a>	Examination closed
V.P. AND F.D.R. <a href="#">44333/98</a>	12 May 2002	<a href="#">CM/ResDH(2016)358</a>	Examination closed
LATTANZI AND CASCIA <a href="#">44334/98</a>	28 June 2002	<a href="#">CM/ResDH(2016)358</a>	Examination closed
DELLI PAOLI <a href="#">44337/98</a>	9 October 2002	<a href="#">CM/ResDH(2016)358</a>	Examination closed

MIELE <a href="#">44338/98</a>	21 February 2001	<a href="#">CM/ResDH(2016)358</a>	Examination closed
GAUDENZI <a href="#">44340/98</a>	9 October 2002	<a href="#">CM/ResDH(2016)358</a>	Examination closed
CANNONE <a href="#">44341/98</a>	9 October 2002	<a href="#">CM/ResDH(2016)358</a>	Examination closed
GATTUSO <a href="#">44342/98</a>	6 March 2002	<a href="#">CM/ResDH(2016)358</a>	Examination closed
RINAUDO AND OTHERS <a href="#">44345/98</a>	25 January 2002	<a href="#">CM/ResDH(2016)358</a>	Examination closed
VENTURINI <a href="#">44346/98</a>	25 January 2002	<a href="#">CM/ResDH(2016)358</a>	Examination closed
CARAPPELLA <a href="#">44347/98</a>	9 October 2002	<a href="#">CM/ResDH(2016)358</a>	Examination closed
NAZZARO <a href="#">44348/98</a>	9 October 2002	<a href="#">CM/ResDH(2016)358</a>	Examination closed
FRAGNITO <a href="#">44349/98</a>	9 October 2002	<a href="#">CM/ResDH(2016)358</a>	Examination closed
DOMENICO CECERE <a href="#">44350/98</a>	9 October 2002	<a href="#">CM/ResDH(2016)358</a>	Examination closed

PACE AND OTHERS <a href="#">44351/98</a>	9 October 2002	<a href="#">CM/ResDH(2016)358</a>	Examination closed
MASSIMO (No. 2) <a href="#">44352/98</a>	25 January 2002	<a href="#">CM/ResDH(2016)358</a>	Examination closed
FERRARI (No. 2) <a href="#">44525/98</a>	25 January 2002	<a href="#">CM/ResDH(2016)358</a>	Examination closed
SARDO <a href="#">56201/00</a>	19 May 2002	<a href="#">CM/ResDH(2016)358</a>	Examination closed
GINOCCHIO <a href="#">56203/00</a>	19 May 2002	<a href="#">CM/ResDH(2016)358</a>	Examination closed
LIMATOLA <a href="#">56204/00</a>	19 May 2002	<a href="#">CM/ResDH(2016)358</a>	Examination closed
COLONNELLO AND OTHERS <a href="#">56206/00</a>	19 May 2002	<a href="#">CM/ResDH(2016)358</a>	Examination closed
LUGNAN IN BASILE <a href="#">56207/00</a>	19 May 2002	<a href="#">CM/ResDH(2016)358</a>	Examination closed
CONTE AND OTHERS <a href="#">56208/00</a>	19 May 2002	<a href="#">CM/ResDH(2016)358</a>	Examination closed
GIUSEPPE NAPOLITANO <a href="#">56211/00</a>	19 May 2002	<a href="#">CM/ResDH(2016)358</a>	Examination closed



FOLLETTI <a href="#">56212/00</a>	19 May 2002	<a href="#">CM/ResDH(2016)358</a>	Examination closed
PIACENTI <a href="#">56213/00</a>	19 May 2002	<a href="#">CM/ResDH(2016)358</a>	Examination closed
STABILE <a href="#">56218/00</a>	19 May 2002	<a href="#">CM/ResDH(2016)358</a>	Examination closed
PRESEL <a href="#">56219/00</a>	19 May 2002	<a href="#">CM/ResDH(2016)358</a>	Examination closed
DONATO <a href="#">56221/00</a>	19 May 2002	<a href="#">CM/ResDH(2016)358</a>	Examination closed
ALBA D'AMORE <a href="#">56224/00</a>	19 May 2002	<a href="#">CM/ResDH(2016)358</a>	Examination closed
DI PEDE (No. 2) <a href="#">56225/00</a>	19 May 2002	<a href="#">CM/ResDH(2016)358</a>	Examination closed
ABATE AND FERDINANDI <a href="#">56226/00</a>	19 May 2002	<a href="#">CM/ResDH(2016)358</a>	Examination closed

## B. Resolutions, signatures and ratifications

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

## C. Other information

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

# Latvia

## 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: Receipt of the 3rd cycle State Report (07.12.2016)

Latvia submitted its third State Report on 6 December 2016, in English and Latvian, pursuant to Article 25, paragraph 2, of the Framework Convention for the Protection of National Minorities.

It is now up to the Advisory Committee to consider it and adopt an opinion intended for the Committee of Ministers ([Read the third State Report](#)).

# Lithuania

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

CASE	DATE	RESOLUTION	CONCLUSION
BUTERLEVIČIŪTĖ <a href="#">42139/08</a>	12 April 2016	<a href="#">CM/ResDH(2016)340</a>	Examination closed
ALBRECHTAS <a href="#">1886/06</a>	19 April 2016	<a href="#">CM/ResDH(2016)341</a>	Examination closed

## B. Resolutions, signatures and ratifications

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

## C. Other information

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

## Malta

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

CASE	DATE	RESOLUTION	CONCLUSION
ABDI MAHAMUD <a href="#">56796/13</a>	3 August 2016	<a href="#">CM/ResDH(2016)342</a>	Examination closed

### B. Resolutions, signatures and ratifications

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

### C. Other information

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

# Netherlands

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

CASE	DATE	RESOLUTION	CONCLUSION
Nico LACROIX <a href="#">47367/09</a>	15 May 2016	<a href="#">CM/ResDH(2016)343</a>	Examination closed
Gustavo Adolfo CALDERON SILVA <a href="#">4784/15</a>	31 May 2016	<a href="#">CM/ResDH(2016)343</a>	Examination closed
Daniel Cornelis CASTELIJNS <a href="#">7599/15</a>	17 May 2016	<a href="#">CM/ResDH(2016)343</a>	Examination closed
Johannes Martinus SMETSERS <a href="#">7603/15</a>	17 May 2015	<a href="#">CM/ResDH(2016)343</a>	Examination closed

## B. Resolutions, signatures and ratifications

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

## C. Other information

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

# Poland

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

CASE	DATE	RESOLUTION	CONCLUSION
Sylwester ZIEMNICKI <a href="#">1828/15</a>	9 February 2016	<a href="#">CM/ResDH(2016)344</a>	Examination closed
Ryszard DZIEDZIC <a href="#">20893/13</a>	2 February 2016	<a href="#">CM/ResDH(2016)344</a>	Examination closed
Michał Daniel PĘCZKOWSKI <a href="#">30018/14</a>	8 March 2016	<a href="#">CM/ResDH(2016)344</a>	Examination closed
Andrzej DUMIŃSKI <a href="#">35653/15</a>	9 February 2016	<a href="#">CM/ResDH(2016)344</a>	Examination closed
Artur WIECZORKOWSKI <a href="#">37539/14</a>	8 March 2016	<a href="#">CM/ResDH(2016)344</a>	Examination closed
Paweł ZAŁĘSKI <a href="#">53674/12</a>	13 October 2015	<a href="#">CM/ResDH(2016)344</a>	Examination closed
Przemysław Wojciech RODZOCH <a href="#">56609/13</a>	22 March 2016	<a href="#">CM/ResDH(2016)344</a>	Examination closed
Tomasz CYBULA <a href="#">58562/13</a>	2 February 2016	<a href="#">CM/ResDH(2016)344</a>	Examination closed

Ryszard SOLIŃSKI <a href="#">59085/14</a>	8 March 2016	<a href="#">CM/ResDH(2016)344</a>	Examination closed
Daniel SKUBIJ <a href="#">61920/14</a>	8 March 2016	<a href="#">CM/ResDH(2016)344</a>	Examination closed
Robert ATAMANIUK <a href="#">70973/14</a>	29 March 2016	<a href="#">CM/ResDH(2016)344</a>	Examination closed
Grzegorz GÓRCZYŃSKI <a href="#">8133/13</a>	9 February 2016	<a href="#">CM/ResDH(2016)344</a>	Examination closed
FUCHS <a href="#">33870/96</a>	11 May 2003	<a href="#">CM/ResDH(2016)359</a>	Examination closed
ANDRZEJCZAK <a href="#">28940/08</a>	22 January 2013	<a href="#">CM/ResDH(2016)359</a>	Examination closed
BARTCZAK <a href="#">15629/02</a>	4 February 2009	<a href="#">CM/ResDH(2016)359</a>	Examination closed
BŁASZCZYK <a href="#">22305/06</a>	8 April 2008	<a href="#">CM/ResDH(2016)359</a>	Examination closed
BOSZKO <a href="#">4054/03</a>	5 March 2007	<a href="#">CM/ResDH(2016)359</a>	Examination closed

CHMIELECKA <a href="#">19171/03</a>	16 March 2009	<a href="#">CM/ResDH(2016)359</a>	Examination closed
GAWLIK <a href="#">26764/08</a>	11 October 2011	<a href="#">CM/ResDH(2016)359</a>	Examination closed
GLOWACKA AND KROLICKA <a href="#">1730/08</a>	7 December 2010	<a href="#">CM/ResDH(2016)359</a>	Examination closed
GRACZYK <a href="#">21246/05</a>	4 February 2009	<a href="#">CM/ResDH(2016)359</a>	Examination closed
HELWIG <a href="#">33550/02</a>	6 April 2009	<a href="#">CM/ResDH(2016)359</a>	Examination closed
KAMECKI AND OTHERS <a href="#">62506/00</a>	9 September 2009	<a href="#">CM/ResDH(2016)359</a>	Examination closed
KANIA LEON AND AGNIESZKA <a href="#">12605/03</a>	21 October 2009	<a href="#">CM/ResDH(2016)359</a>	Examination closed
KITA LIDIA <a href="#">27710/05</a>	22 October 2008	<a href="#">CM/ResDH(2016)359</a>	Examination closed
KLEWINOWSKI <a href="#">43161/04</a>	6 April 2009	<a href="#">CM/ResDH(2016)359</a>	Examination closed
KLIBER <a href="#">11522/03</a>	13 April 2009	<a href="#">CM/ResDH(2016)359</a>	Examination closed



KOSINSKA <a href="#">42797/06</a>	14 March 2011	<a href="#">CM/ResDH(2016)359</a>	Examination closed
KRZEWSKI <a href="#">11700/04</a>	6 April 2009	<a href="#">CM/ResDH(2016)359</a>	Examination closed
OLSZEWSKA <a href="#">13024/05</a>	18 March 2008	<a href="#">CM/ResDH(2016)359</a>	Examination closed
ORLIKOWSCY <a href="#">7153/07</a>	4 January 2012	<a href="#">CM/ResDH(2016)359</a>	Examination closed
PIEKARA <a href="#">77741/01</a>	15 September 2004	<a href="#">CM/ResDH(2016)359</a>	Examination closed
PIÓRO AND ŁUKASIK <a href="#">8362/02</a>	5 June 2009	<a href="#">CM/ResDH(2016)359</a>	Examination closed
PRZEPAŁKOWSKI <a href="#">23759/02</a>	1 December 2007	<a href="#">CM/ResDH(2016)359</a>	Examination closed
PUCHALSKA <a href="#">10392/04</a>	1 March 2010	<a href="#">CM/ResDH(2016)359</a>	Examination closed
SERAFIN AND OTHERS <a href="#">36980/04</a>	21 July 2009	<a href="#">CM/ResDH(2016)359</a>	Examination closed
SERAFIN AND OTHERS No. 2 <a href="#">51123/07</a>	2 March 2009	<a href="#">CM/ResDH(2016)359</a>	Examination closed
SITO <a href="#">19607/03</a>	9 April 2007	<a href="#">CM/ResDH(2016)359</a>	Examination closed
STEVENS <a href="#">13568/02</a>	24 January 2007	<a href="#">CM/ResDH(2016)359</a>	Examination closed

TOMASZEWSKA <a href="#">9399/03</a>	14 July 2009	<a href="#">CM/ResDH(2016)359</a>	Examination closed
URBAŃCZYK <a href="#">33777/96</a>	1st September 2004	<a href="#">CM/ResDH(2016)359</a>	Examination closed
URBAŃSKA <a href="#">12134/02</a>	13 February 2007	<a href="#">CM/ResDH(2016)359</a>	Examination closed
WESOŁOWSKA <a href="#">17949/03</a>	4 June 2008	<a href="#">CM/ResDH(2016)359</a>	Examination closed
WILCZKOWSKA AND OTHERS <a href="#">28983/02</a>	8 April 2008	<a href="#">CM/ResDH(2016)359</a>	Examination closed
WÓJCICKA-SURÓWKA <a href="#">33017/03</a>	27 February 2008	<a href="#">CM/ResDH(2016)359</a>	Examination closed
ZJEDNOCZONE BROWARY WARSZAWSKIE HABERBUSCH I SCHIELE S.A. <a href="#">35965/03</a>	14 December 2010	<a href="#">CM/ResDH(2016)359</a>	Examination closed

## B. Resolutions, signatures and ratifications

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

## C. Other information

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

# “The former Yugoslav Republic of Macedonia”

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

*[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: Skopje - competitive elections, though need for sustainable reforms remains (12/12/2016)

Competitive elections follow cross-party co-operation to end political crisis, though need for sustainable reforms remains, international election observers say in Skopje ([Read more](#) – [Full text of statement](#) – [Press announcement](#))

### ■ CPT: The Committee carries out targeted visit to “the former Yugoslav Republic of Macedonia” (13.12.2016)

A delegation of the CPT carried out an ad hoc visit to “the former Yugoslav Republic of Macedonia” from 6 to 9 December 2016 ([Read more](#)).

### ■ FCNM: Fourth ACFC Opinion on “the former Yugoslav Republic of Macedonia” will be made available in the New Year (21.12.2016)

The Advisory Committee on the FCNM will soon publish its 4th Opinion on "the former Yugoslav Republic of Macedonia".

# Portugal

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

CASE	DATE	RESOLUTION	CONCLUSION
BRITO FERRINHO BEXIGA VILLA- NOVA <a href="#">69436/10</a>	1 March 2016	<a href="#">CM/ResDH(2016)345</a>	Examination closed
QING <a href="#">69861/11</a>	5 February 2016	<a href="#">CM/ResDH(2016)346</a>	Examination closed
Vitorino DA CONCEIÇÃO JUNQUEIRA <a href="#">13487/13</a>	19 April 2016	<a href="#">CM/ResDH(2016)347</a>	Examination closed
CDP CALÇADO DE PORTUGAL - IMPORTAÇÃO E EXPORTAÇÃO, LDA <a href="#">15278/13</a>	19 April 2016	<a href="#">CM/ResDH(2016)347</a>	Examination closed
Manuel António RODRIGUES FONSECA <a href="#">3357/14</a>	19 April 2016	<a href="#">CM/ResDH(2016)347</a>	Examination closed
Mário Peter LUWISCH and / et Mariagrazia MARINI LUWISCH <a href="#">8322/13</a>	19 April 2016	<a href="#">CM/ResDH(2016)347</a>	Examination closed

**B. Resolutions, signatures and ratifications**

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

**C. Other information**

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

# Romania

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

CASE	DATE	RESOLUTION	CONCLUSION
ASSOCIATION FOR THE DEFENCE OF HUMAN RIGHTS IN ROMANIA – HELSINKI COMMITTEE ON BEHALF OF IONEL GARCEA <a href="#">2959/11</a>	24 June 2015	<a href="#">CM/ResDH(2016)348</a>	Examination closed
TĂTAR <a href="#">67021/01</a>	6 July 2009	<a href="#">CM/ResDH(2016)349</a>	Examination closed
BĂCILĂ <a href="#">19234/04</a>	4 October 2010	<a href="#">CM/ResDH(2016)349</a>	Examination closed
Adrian PASCU AND 15 OTHER APPLICATIONS <a href="#">11188/14</a>	28 April 2016	<a href="#">CM/ResDH(2016)350</a>	Examination closed
Dumitru CHIRIAC AND 6 OTHER APPLICATIONS <a href="#">1439/15</a>	28 April 2016	<a href="#">CM/ResDH(2016)350</a>	Examination closed
Mircea Liviu Laurențiu TILENSCHI <a href="#">26916/06</a>	29 March 2016	<a href="#">CM/ResDH(2016)350</a>	Examination closed
Constantin CHIRILĂ AND 4 OTHER APPLICATIONS <a href="#">53015/13</a>	28 April 2016	<a href="#">CM/ResDH(2016)350</a>	Examination closed
Maria SÂNCRĂIAN AND 4 OTHER APPLICATIONS <a href="#">54582/14</a>	28 April 2016	<a href="#">CM/ResDH(2016)350</a>	Examination closed

Daniel MUNTEANU AND 8 OTHER APPLICATIONS <a href="#">62783/13</a>	28 April 2016	<a href="#">CM/ResDH(2016)350</a>	Examination closed
Antonio CIOFFI and Ioan Daniel STAICU <a href="#">26676/14+</a>	3 March 2016	<a href="#">CM/ResDH(2016)350</a>	Examination closed
Dorel Pavel TEREAN <a href="#">42743/13</a>	29 September 2015	<a href="#">CM/ResDH(2016)350</a>	Examination closed
Cristian-Nicolae CEOARĂ AND 2 OTHER APPLICATIONS <a href="#">69060/13</a>	17 March 2016	<a href="#">CM/ResDH(2016)350</a>	Examination closed
Murat KONCAVAR <a href="#">77049/12</a>	2 February 2016	<a href="#">CM/ResDH(2016)350</a>	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]*

# Russian Federation

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

CASE	DATE	RESOLUTION	CONCLUSION
Aleksandr Sergeevich FEDOTOV <a href="#">20920/13</a>	1 March 2016	<a href="#">CM/ResDH(2016)351</a>	Examination closed
Aleksandr Vladimirovich BELOV <a href="#">45705/13</a>	1 March 2016	<a href="#">CM/ResDH(2016)351</a>	Examination closed
Sergey Yevgenyevich SVIRIN and Vladislav Nikolayevich KULAKOV <a href="#">5257/08+</a>	3 March 2016	<a href="#">CM/ResDH(2016)351</a>	Examination closed
Valentina Ivanovna VEDYAPINA and Nina Petrovna DYAGILEVA <a href="#">19904/06</a>	25 November 2010	<a href="#">CM/ResDH(2016)351</a>	Examination closed

## B. Resolutions, signatures and ratifications

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

## C. Other information

### ■ CPT: Visit of the committee (16.12.2016)

A delegation of the CPT carried out a periodic visit to the Russian Federation from 30 November to 13 December 2016.



# Serbia

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

CASE	DATE	RESOLUTION	CONCLUSION
Milovan JOVANOVIĆ <a href="#">17197/11+</a>	30 June 2015	<a href="#">CM/ResDH(2016)352</a>	Examination closed
Petar ŠIJAN <a href="#">21755/14</a>	2 June 2015	<a href="#">CM/ResDH(2016)352</a>	Examination closed
Miroslav MLADENOVIĆ <a href="#">23404/08</a>	29 September 2015	<a href="#">CM/ResDH(2016)352</a>	Examination closed
Perica ARANĐELOVIĆ AND Ljubiša MARKOVIĆ <a href="#">42903/10+</a>	30 June 2015	<a href="#">CM/ResDH(2016)352</a>	Examination closed
Ljubica RADULOVIĆ SOFRONIĆ <a href="#">53059/10</a>	29 September 2015	<a href="#">CM/ResDH(2016)352</a>	Examination closed

## B. Resolutions, signatures and ratifications

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

## C. Other information

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

# Slovak Republic

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

CASE	DATE	RESOLUTION	CONCLUSION
JUPITER SK S.R.O. <a href="#">11261/14</a>	26 April 2016	<a href="#">CM/ResDH(2016)353</a>	Examination closed
Martin HAVRILIK <a href="#">1854/14</a>	29 March 2016	<a href="#">CM/ResDH(2016)353</a>	Examination closed

## B. Resolutions, signatures and ratifications

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

## C. Other information

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

# Slovenia

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

CASE	DATE	RESOLUTION	CONCLUSION
LUKENDA GROUP <a href="#">23032/02</a>	6 January 2006	<a href="#">CM/ResDH(2016)354</a>	Examination closed

## B. Resolutions, signatures and ratifications

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

## C. Other information

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

# Sweden

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

CASE	DATE	RESOLUTION	CONCLUSION
F.G. <a href="#">43611/11</a>	23 March 2016	<a href="#">CM/ResDH(2016)355</a>	Examination closed

## B. Resolutions, signatures and ratifications

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

## C. Other information

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

# 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

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

## C. Other information

### ■ PACE - President condemns terrorist attack in Istanbul (11/12/2016)

President Pedro Agramunt strongly condemned the terrorist attack near the Besiktas football stadium in Istanbul. Two blasts reportedly killed at least 38 people and wounded many more just hours after the end of a match. ([Read more](#))

### ■ PACE – Turkey: the committee declassifies an information note (14/12/2016)

The PACE Monitoring Committee declassified an information note by the co-rapporteurs, Ingebjørg Godskesen (Norway, CE) and Marianne Mikko (Estonia, SOC) on the post-monitoring dialogue with Turkey, concerning the “Failed coup d’Etat of 15 July 2016 in Turkey: some facts and figures”. ([Read more – Information note on the failed coup in Turkey of 15 July 2016](#))

### ■ PACE – Turkey: ad hoc Sub-Committee proposes continuing dialogue while reopening the monitoring procedure, says Chair Mogens Jensen (15/12/2016)

According to the report, there is no doubt that the declaration of a state of emergency and the granting of extraordinary powers to the government was justified to respond to the armed conspiracy and the brutal coup attempt of 15 July. However, “it is also beyond any doubt that the measures taken by the government, in interpreting too widely these powers, went beyond what is allowed by both the Turkish Constitution and the international law”, the text underlines. ([Read more – Report on the fact-finding visit to Ankara](#))

### ■ PACE President firmly condemns the car bomb attack in Kayseri, Turkey (17/12/2016)

“I was shocked and deeply saddened to hear of the tragic car bomb attack close to the university campus of Kayseri, in central Turkey”, said the PACE President, Pedro Agramunt. ([Read more](#))

### ■ PACE - Pedro Agramunt: “Today’s attack in Turkey targets diplomacy and international cooperation” (19/12/2016)

Reacting to attack on Russian Ambassador in Turkey, Pedro Agramunt, President of the Parliamentary Assembly of the Council of Europe (PACE) strongly condemned “heinous terrorist attack”. ([Read more](#))

### ■ ECRI: Statement by the ECRI on recent events in Turkey (19.12.2016)

ECRI firmly condemns the coup attempt on 15 July 2016 and the series of terrorist attacks in Turkey. It deeply regrets the suffering of the victims of these tragic events, including the latest bomb attacks on 10 and 17 December 2016 ([Read more](#)).

# Ukraine

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

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

## B. Resolutions, signatures and ratifications

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

## C. Other information

### ■ A comprehensive constitutional reform for the successful implementation of the overall reform of Ukraine (14/12/2016)

PACE Monitoring Committee welcomed the ambitious reform programme put in place by the Ukrainian authorities to address the demands made by the Ukrainian population during the so-called “revolution of dignity”, while reiterating the importance of comprehensive constitutional reform for the successful implementation of the overall reform of the country. The committee therefore warmly welcomed the priority given by the authorities and the Verkhovna Rada to the constitutional reform process and the results achieved until now. ([Read more – Adopted report](#))

### ■ CPT: Visit of the Committee (02.12.2016)

A delegation of the CPT carried out an ad hoc visit to Ukraine from 21 to 30 November 2016 ([Read more](#)).

# United Kingdom

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

CASE	DATE	RESOLUTION	CONCLUSION
McDONNELL <a href="#">19563/11</a>	9 December 2014	<a href="#">CM/ResDH(2016)356</a>	Examination closed

## B. Resolutions, signatures and ratifications

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

## C. Other information

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